

**CITY OF CONCORD PLANNING BOARD
APRIL 18, 2012 MEETING**

The regular monthly meeting of the City Planning Board was held on April 18, 2012, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher, Members Hicks, Regan, Swope, Foss, and Smith Meyer (who arrived at 7:30 p.m.) and Alternate Dolcino. City Planner McPherson, Mr. Henninger, Ms. Hebert and Ms. Muir of the City's Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:00 p.m., a quorum was present, and Chair Drypolcher called the meeting to order. The Chair seated Ms. Dolcino for Member Lavers.

PUBLIC HEARINGS

Architectural Design Review Applications

1. Application by the following for approval of signs at the following location under the provisions of Section 28-9-4 (f), Architectural Design Review, of the Code of Ordinances:

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

- **Gina Rogers / Trilogy Hair Studio for a new double-sided hanging sign and two new affixed signs at 134 North Main Street**

Ms. Hebert explained that the application was for a new double-sided hanging sign and two new affixed signs at 134 North Main Street. She stated that the Architectural Design Review Committee (ADRC) recommended approval of the signs as submitted.

Mr. Swope moved to grant Architectural Design Review approval for the new double-sided hanging sign and two new affixed signs at 134 North Main Street, as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

- **Hilltop Consignment Gallery for a new double-sided hanging sign and two new affixed signs at 56 North Main Street**

Mr. Hebert explained that the application was for a new double-sided hanging sign and two new affixed signs at 56 North Main Street. She stated that the ADRC recommended approval of the signs as submitted.

Mr. Swope moved to grant Architectural Design Review approval for a new double-sided hanging sign and two new affixed signs at 56 North Main Street, as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

- **Forget and Boucher, LLC for a new affixed sign at 175 Manchester Street**

Mr. Hebert reported that the application was for a new affixed sign at 175 Manchester Street; however, there are discrepancies between the sign application and the previously approved Master Sign Plan. She stated that the ADRC recommended tabling the application to allow the owner to attend the next Architectural Design Review meeting.

Mr. Swope moved to table the application. Ms. Dolcino seconded the motion. Motion carried unanimously.

- **Simon Keeling for a new affixed sign to replace an existing freestanding sign at 95 North State Street**

Ms. Hebert stated that the existing freestanding sign is non-compliant, and the City's Code Administration asked the applicant to relocate and affix the sign to the building. She reported that the ADRC recommended approval as submitted.

Mr. Swope moved to grant Architectural Design Review approval for the new affixed sign to replace the existing freestanding sign at 95 North State Street, as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

- **Unitarian Universalist Church for a revised freestanding sign at 274 Pleasant Street**

Ms. Hebert explained that the application is for a new freestanding sign to replace an existing freestanding sign. She stated that the ADRC recommended approval of the sign as submitted, with a suggestion that landscaping be planted around the lighting fixtures once the up-lighting has been installed. Ms. Hebert explained that the applicant was in agreement with the suggestion.

Mr. Swope moved to grant Architectural Design Review approval for a revised freestanding sign at 274 Pleasant Street, as submitted by the applicant with the condition that landscaping be installed to hide the lighting. Mr. Hicks seconded the motion. Motion carried unanimously.

- **Annette Burgess / Detailed Stained Glass for a new double-sided hanging sign at 24 Pleasant Street**

Ms. Hebert reported that the application is for a new double-sided hanging sign at 24 Pleasant Street. She explained that the business is relocating from South Main Street and plans to use their current sign at the new location. Ms. Hebert stated that the ADRC recommended approval of the sign as submitted.

Mr. Swope moved to grant Architectural Design Review approval for a new double-sided hanging sign at 24 Pleasant Street, as submitted by the applicant. Ms. Foss seconded. Motion carried unanimously.

- **Tsunis Holding, Inc. for four revised affixed signs at the Holiday Inn, 172 North Main Street**

Ms. Hebert reported that the application is for four revised affixed signs at the Holiday Inn, 172 North Main Street. She stated that the signs have been installed. The ADRC recommended approval as submitted, and suggested that the owner apply for an additional sign which would identify the type of business. The owner was amenable to the ADRC's suggestion.

Mr. Swope moved to grant Architectural Design Review approval for the four revised affixed signs at the Holiday Inn, 172 North Main Street, as submitted by the applicant. Mr. Hicks seconded the motion. Motion carried unanimously.

- **David Lund / Express Jewelry Center for a revised affixed sign at 44 North Main Street**

Ms. Hebert explained that the application is for a revised affixed sign at 44 North Main Street. She stated that the ADRC recommended approval with the following recommendations: paint the existing wood background above the entry door a dark color; minimize the size of the phone number; and increase the size of the business name on the sign. The owner was in agreement with the recommendations.

Mr. Swope moved to grant Architectural Design Review approval for a revised affixed sign at 44 North Main Street, with the recommendations to paint the existing background a dark color; minimize the size of the phone number; and increase the size of the business name on the sign. Ms. Dolcino seconded the motion. Motion carried unanimously.

- **Tom Lemieux / The Purple Pit Jazz Club for a new affixed sign located at 3 Pleasant Street Extension**

Ms. Hebert explained that the application is for a new affixed neon sign at 3 Pleasant Street Extension. She reported that the ADRC recommended approval with the following suggestions: remove the back-board and arch "The Purple Pit" letters to match the entryway arching or, if it is not possible to remove the backboard, the board should be arched to match the entryway arching.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the affixed neon sign at 3 Pleasant Street Extension with the backboard removed and the neon sign affixed directly to the brick, with the neon title letters either curved or straight over the arched doorway. Ms. Dolcino seconded the motion. Motion carried unanimously.

Minor Site Plan and Conditional Use Permit Applications

2. Consideration of an application by Sabbow and Co., Inc., for property located at 12 Industrial Park Drive, requesting a Conditional Use Permit pursuant to Section 28-4-3 (d) of the Zoning Ordinance, for disturbance of a wetland buffer for the construction of temporary and permanent bank stabilization and restoration of an existing stormwater sluiceway. (2012-0012)

Ms. Hebert reported that the application is complete and ready for public hearing.

Ms. Dolcino moved and Ms. Foss seconded that the Planning Board determine this application to be complete and to open the hearing. Motion carried unanimously.

The Chair opened the public hearing.

Ms. Hebert explained that the applicant has applied for a Conditional Use Permit pursuant to Article 28-4-3(d) of the Zoning Ordinance for disturbances to a wetland buffer. The proposal includes 3,338 square feet of buffer impact for the construction of temporary and permanent bank stabilization improvements to control erosion adjacent to the wetland and for the restoration of an existing stormwater sluiceway. She stated that the property has been the subject of a New Hampshire Department of Environmental Services (NHDES) complaint and enforcement action for inadequate stormwater treatment and erosion of sediment from the embankment into the adjacent wetland. The owner has received approval from the NHDES for a temporary stabilization plan which has already been constructed.

Ms. Hebert reported that the Conservation Commission reviewed the Conditional Use Permit request at their April 11th meeting and recommended that the buffer area impacted by the proposed stabilization project be re-vegetated with low growing native shrubs and that a low berm be constructed along the edge and outside of the wetland buffer areas that are adjacent to the storage yard to prevent future encroachment.

Peter Scott, from Sabbow & Co, Inc., and Kenneth Boivin, from GZA Geo Environmental, Inc. were present on behalf of the applicant. Mr. Boivin discussed the temporary marking of the buffer, the stormwater system providing its own buffer, and the joining of the two berms together.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to approve the Conditional Use Permit of Sabbow and Co., Inc. to allow for proposed impacts within the wetland buffer as presented in the application prepared by GZA Geo Environmental, Inc. subject to the following conditions:

1. The applicant shall remove all precast concrete products that are currently encroaching into the wetland buffer on parcels 111G/1/3, 111G/1/25, and 111G/1/12, as part of Sabbow's operation.
2. The applicant shall provide a restoration plan and annotate the Site Plan accordingly, for the re-vegetation of the impacted area within the wetland buffer with native shrubs and for native trees and shrub plantings along the proposed vegetated berm. The restoration plan shall be approved by the Planning Division staff prior to implementation.
3. The applicant shall construct a vegetated berm along the perimeter of the wetland buffer areas that are directly adjacent to the storage yards to connect to and extend the existing vegetated berm to the area that includes the restoration and stabilization improvements.
4. The limits of the 50-foot wetland buffer shall be identified with the Concord Conservation Commission's wetland buffer discs to prevent future encroachments. The discs shall be placed approximately every 50 feet along the perimeter of the buffer.

Ms. Dolcino seconded the motion. Motion carried unanimously.

- 3. Consideration of an application by Generation Farm, LLC for property located at 44 Graham Road, requesting a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, for disturbance of a wetland buffer for the construction of a driveway serving a new residential/agricultural use, including the improvement and widening of an existing woods road, and requesting Minor Site Plan approval for the construction of a small parking area and related site improvements. (20120-0016)**

Ms. Hebert reported that the application is complete and ready for public hearing.

Mr. Swope moved and Ms. Dolcino seconded that the Planning Board determine this application to be complete and to open the hearing. Motion carried unanimously.

The Chair opened the public hearing.

Ms. Hebert explained that the application is to establish a new agricultural use at 44 Graham Road, including the construction of a 10,725 square foot multipurpose farm building with space for the processing and storage of agricultural products and a residence for the farm manager/workers. The project also includes the construction of a driveway, small parking area, farm/detention pond, and loading dock. The applicant has also applied for a Conditional Use Permit for impacts to the wetland buffer for the construction of the driveway, as well as grading and clearing associated with the installation of a greenhouse. Ms. Hebert stated that the gravel driveway, approximately 1,000 feet long, has been constructed on the site and the owner has cleared approximately 15 acres of land for

the farm. The land was historically used for agricultural purposes, but the farming stopped in the 1950s and over time, the fields reverted to forest.

Ms. Hebert reported that the applicant received a Wetland Routine Roadway and Railway Maintenance Activities Notification Permit from NHDES for repairs and upgrades to the existing stone culvert for the construction of the driveway. The applicant has filed for an after-the-fact Conditional Use Permit for the buffer impacts related to the driveway construction and the clearing associated with the greenhouse and has submitted an acceptable plan for the restoration of the wetland buffer with a mix of trees and shrubs.

Ms. Hebert explained that the applicant applied for a waiver to Section 19.01 of the Site Plan Regulations to permit a driveway with a maximum grade of 11.2 percent for a distance of approximately 70 feet, where a maximum driveway grade of 10 percent is required by the City of Concord Construction Standards. She stated that the road was constructed in roughly the same location as the existing woods road. The average grade of the driveway between the wetland crossing and the proposed agricultural building is 10.18 percent. The driveway, roadside swale, culverts, and outfalls were designed to control stormwater runoff and prevent erosion along the steeper sections and appear to be functioning properly.

The property owner, Donald Stever, and Engineer Jennifer McCourt were present on behalf of the applicant, as was John Arnold of Orr & Reno.

Mr. Arnold explained that the disturbances to the wetland buffer and the clearing were done by a logger and that the property owner didn't realize that there was an infringement to the buffer. He stated that the owners are experienced organic farmers and will restore the buffers.

Ms. McCourt stated that the owner added culverts when they restored the driveway and that they would be building a berm to mark the buffers and help filtrate the water.

Mr. Stever added that his family is the third to own the land since the 18th century, and that the Stever's have owned the land for the past 30 years. He said he was glad to see new land being used for agricultural purposes in Concord.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant the waiver to Section 19.01 of the Site Plan Regulations to permit a driveway with a maximum grade of 11.2 percent for a distance of 70 feet, where a maximum driveway grade of 10 percent is required by the City of Concord Construction Standards. The waiver request is reasonable because the road was constructed in roughly the same location as an existing woods road, without extensive clearing or cuts and fills being required. Modern erosion control measures, roadside swales, culverts, and outfalls to control stormwater runoff and prevent erosion

have been installed and appear to be functioning properly. The average grade of the driveway between the wetland crossing and the proposed agricultural building is 10.18 percent.

Ms. Foss seconded the motion. Motion carried unanimously.

Mr. Swope moved to approve the Conditional Use Permit pursuant to Article 28-4-3(d) of the Zoning Ordinance to permit impacts to the wetland buffer area at 44 Graham Road, for the construction of a driveway through the wetland buffer and clearing and grading associated with the construction of a greenhouse adjacent to the wetland buffer. This approval is subject to the condition that the restoration plan for the impacted buffer area is implemented per approved plan.

Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Conditional Site Plan approval for the Site Plan Application of Donald W. Stever Revocable Trust, for the construction of Generation Farm as shown on the documents and plans prepared by McCourt Engineering Associates, PLLC, subject to the following standard and special conditions:

Standard Conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for all private and public improvements shall be obtained from the Engineering and Planning Divisions. The applicant shall revise the plans to address minor corrections and omissions as noted by Staff.
2. The limits of the 50-foot wetland buffer shall be identified with the Concord Conservation Commission's wetland buffer discs to prevent future encroachments. The discs shall be placed approximately every 40 feet along the perimeter of the buffer on cedar posts in the vicinity of the impacted area (the final locations to be approved by Planning staff). The 50-foot buffer shall be a "no disturb zone."
3. 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.
 - a. Transportation Facilities - Warehousing – 7,150 sq. ft. (\$5,291)

4. Traffic, recreation, and school impact fees shall be assessed for any 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 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. School Facilities – Single Family Dwelling Unit
 - b. Recreational Facilities – Single Family Dwelling Unit
 - c. Transportation Facilities - Single Family Dwelling Unit

Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Major Site Plan Applications

- 4. Consideration of an application by Flomac Limited Partnership requesting Site Plan approval and Design Review approval for renovations to an existing building, construction of a new restaurant building, associated parking lot improvements, utilities, drainage, landscaping, lighting, and a Master Sign Plan, located at 8 Loudon Road. (2012-0009)**

The Chair opened the public hearing.

Mr. Henninger reported that the application involves the demolition of a portion of the existing retail/office building, the construction of a 6,030 square foot restaurant, and a second phase consisting of a 5,790 square foot addition to the front of the existing retail building. The entire site is to be reconstructed except for a portion of the site between the existing building and 6 Loudon Road to the west. The eastern half of the existing building is being removed and a new east façade constructed. The demolition makes way for the construction of a new free-standing chain restaurant with an open covered seating area on the west side of the building. A 5,074 square foot addition to the front (north side) of the existing building is proposed as Phase 2 of the redevelopment of the site. The applicant proposes to completely reconstruct the parking lot, install new site landscaping, new site drainage, and new site lighting. The existing access to the site by way of a common drive from Loudon Road will remain unchanged.

Mr. Henninger explained that the applicant received variances on December 7, 2011, from the Zoning Board of Adjustment to allow the redevelopment of this site in the Floodway of the Merrimack River. The variances will permit the construction of a new restaurant structure in the floodway where buildings are not permitted; an addition to an existing structure in the F2 floodway where buildings are not permitted; and structural alterations to the existing building that does not conform to the requirements of the district in which it is located.

Mr. Henninger stated that NHDES applications for an Alteration of Terrain and Shoreland Permits have been submitted and are under review by the NHDES.

Mr. Henninger reported that the ADRC reviewed the site and building plans on March 13, 2012, and recommended approval of the building elevations for Buffalo Wild Wings, two affixed signs for Buffalo Wild Wings, and the overall site and landscape plan. The committee recommended changes to the site plan for the loading docks and dumpsters, which the applicant has made. The ADRC reviewed preliminary architectural elevations for the revised facades for the existing building at its meeting on April 10, 2012, and advised the applicant that the concept for the renovations is acceptable. The applicant will resubmit a complete architectural design review package in the near future. Additionally, the Master Sign Plan submitted for this project is not yet ready for ADRC or Planning Board consideration.

Richard Uchida, from Orr & Reno, and Richard Lundborn, from Norway Plains Engineering, were present on behalf of the applicant.

The Planning Board discussed the request for an increase in the number of parking spaces, the possibility of a sidewalk connection to 6 Loudon Road, and the proposed phasing of the project.

Mr. Uchida stated that the redevelopment of this site has been a longtime coming, and some of the major benefits of redeveloping this site include the improved drainage and the increased green space.

Mr. Lundbord explained that they are working with the architect and believe they are about 90 days away from bring the second phase to the Planning Board for approval.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant Architectural Design Review approval for the Buffalo Wild Wings Building, two (2) affixed signs for the Buffalo Wild Wings, and the site and landscape plan as revised. Mr. Hicks seconded the motion. Motion carried unanimously.

Mr. Swope moved to table the Master Sign Plan and the Architectural Design Review for revisions to the existing building to allow the applicant time to complete and finalize both plans for consideration by the Architectural Design Review Committee and the Board. Mr. Hicks seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Conditional Site Plan approval for the demolition of a portion of an existing mixed-use retail building at 8 Loudon Road, renovations and an addition to this building, and a new freestanding restaurant along with site and landscaping improvements, subject to the following standard and special conditions:

Standard Conditions:

- 1) Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following State and Federal permits shall be obtained and copies provided to the Planning Division:
 - a) NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
 - b) NH Department of Environmental Services Water Quality and Sewer Discharge Permits
 - c) NH Department of Environmental Services Shoreland Permit (RSA-483-B)
- 2) Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
- 3) Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain approval of private utility plans from Unitil, Fairpoint Communications and Continental Grid.
- 4) 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 as set forth in the attached Impact Fee Worksheet.
 - a) Transportation Facilities - Retail (5,001 SF to 100,000 SF)
 - b) Transportation Facilities – High-turnover Restaurant

Special Conditions:

- 5) The first phase of the project as shown on the Phase 1 Site Plan shall be valid for a two (2) year period commencing from the date of Planning Board action. The second phase of the project as shown on the Phase 2 site plan shall be valid for a four (4) year period commencing from the date of Planning Board action provided significant construction in Phase 1 has commenced within two (2) years of Planning Board approval.
- 6) Prior to Architectural Design review approval for the Phase 2 building, the applicant shall evaluate the demand for parking and present to the Planning Board the reasons for the extra

ten spaces proposed, or reduce the amount of parking to the minimum parking space requirement.

- 7) Prior to Architectural Design Review approval for the Phase 2 building, the applicant shall look into creating a new sidewalk, split off the existing sidewalk from Loudon Road, to serve both the Phase 2 building and 6 Loudon Road.

Ms. Foss seconded the motion. Motion carried unanimously.

- 5. Consideration of an application by Fellowship Housing Opportunities, for property located at 10 Jackson Street, requesting Major Site Plan approval and Architectural Design Review approval for the conversion of an existing three-unit residential structure to a five-unit residential structure, façade renovations, and the redesign of the parking layout with related paving, landscaping, drainage, and associated site improvements. (20120-0015)**

Ms. McPherson reported that the application is complete and ready to be set for public hearing on May 16, 2012.

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and to set the public hearing for May 16, 2012. Motion carried unanimously.

Minor Subdivision Plan Applications

- 6. Consideration of an application by Desert Brook, LLC requesting a Minor Subdivision approval for the resubdivision of property located at 180 Fisherville Road. (2012-0002)**

Mr. Henninger reported that the application is complete and ready for public hearing.

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and to open the hearing. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Henninger explained that the application for resubdivision is to modify the lot line between two parcels so that the lot line no longer crosses through an existing building at 204 Fisherville Road. The existing auto service/retail building is currently divided by an existing lot line between two parcels. The resubdivision will correct this nonconformity. The auto service building will be located entirely on the expanded parcel, and the mini-warehousing buildings will be located on the other parcel. The resubdivision does not eliminate all zoning non-conformities, but it does make both properties more conforming.

Mr. Henninger reported that a waiver request has been submitted to not show the location of existing electrical services on the site. The plan has been notated that if the property is sold separately, separate provisions for electrical and utility services will be made for 180 Fisherville Road.

If the parcels cease to be in common ownership, separate electrical service can be readily obtained from Fisherville Road.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant a waiver to Section 12.08, Existing Conditions Plan, to not show the location of existing non-municipal utilities on the subdivision plat. The location of the existing underground electrical service lines on the site is not well documented, and providing this information will not materially alter or affect the resubdivision. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant final subdivision approval for the "Re-subdivision Plan - Map 201P, Lot 142 & Map 204P, Lot65, Desert Brook Enterprises, LLC – Concord Merrimack County, New Hampshire," subject to the following standard and special conditions:

Standard Conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a) An agreement to convey an easement for the proposed access easement over Parcel 201P-142 for the benefit of Parcel 204P-65.
 - b) An agreement to convey an easement for a proposed sewer easement over Parcel 201P-1425 for the benefit of Parcel 204P-65.

Special Conditions:

3. If the property ceases to be in common ownership, a separate electrical service shall be provided for Parcel 204P-65 at 180 Fisherville Road. Prior to the final plat being signed by the Planning Board Chair and Clerk, the plat shall bear this notation.

Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- 7. Consideration of an application by Mary Anne Foster Revocable Trust for property located at 109 West Parish Road, requesting Minor Subdivision approval to create a three-lot Cluster Subdivision. (2012-0014)**

Ms. McPherson reported that the application is complete and ready for public hearing.

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and to open the hearing. Motion carried unanimously.

The Chair opened the public hearing.

Ms. McPherson stated that the applicant is proposing to subdivide an existing 29.76 acre parcel, on which there is an existing residential dwelling, into a three-lot cluster subdivision creating common open space land and two additional building lots. The property is located in the Open Space Residential (RO) District at 109 West Parish Road. The new parcels will be 4.0 acres and 1.01 acres in area. The existing house will remain on a 24.74 acre parcel, of which 19.67 acres (66% of the total parcel) will be protected by a Conservation Easement conveyed to the City of Concord.

Ms. McPherson explained that the applicant has applied for and received variances from the Zoning Board of Adjustment: to permit the provision of 6.11 acres (34%) of the open space to be "buildable" where the "buildable" portion of the total required open space would be 7.14 acres (40%); to allow the proposed new lot 2 to only have access to the common open space when the lot should have access **and** be contiguous to said space; and to reduce the required perimeter buffer from 100 ft. to 50 ft. and to waive the front buffer requirement adjacent to the front property line for the proposed new lot 1, where the existing house is located.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Ms. Smith Meyer moved to grant Conditional Final Subdivision approval for the Minor Cluster Subdivision application of the Mary Ann Foster Revocable Trust of 1989, as prepared by J.E. Belanger Land Surveying, PLLC, subject to the following standard conditions:

Standard Conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City Staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services, Water Supply and Pollution Control Division, Subdivision Approval for on-site septic systems.
3. Traffic, recreation, and school impact fees shall be assessed for any construction on the new lots contained within this approved cluster subdivision. 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 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

- a. School Facilities – Single Family Residence
 - b. Recreational Facilities – Single Family Residence
 - c. Transportation Facilities - Single Family Residence
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, shall be provided to the Planning Division:
- a. Agreement to convey a well easement for the benefit of Lot #1
 - b. Conveyance of a Common Open Space Easement Deed to the City of Concord for the 19.67 acre Open Space area as shown on the approved plat.

Mr. Swope seconded the motion. Motion carried unanimously.

8. Consideration of an application by J & S Commercial Condominium for property located at 287 South Main Street, requesting Minor Subdivision approval of a conversion to a condominium to create two land units with convertible and common areas. (2012-0013)

Mr. Henninger reported that the application is complete and ready for public hearing.

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and to open the hearing. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Henninger reported that J & S Leasing General Partners is proposing to create a condominium with two land units on a 9.935 acre property with frontage on South Main Street and along Langdon Avenue, which is a private street. Condominium Land Unit 1 containing 29,116 square feet of land area is located adjacent to Langdon Avenue and contains an 8,000 square foot office building. Land Unit 2, containing 185,488 square feet, is located along the eastern boundary of the property next to the railroad right-of-way. A vacant 1,600 square foot, single-story building and the main site building of 63,500 square feet will be located on Land Unit 2. The remainder of the site will consist of convertible land/common area of 5.009 acres. No new construction is proposed in this application.

Hearing no comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant Conditional Final Subdivision approval for the "Condominium Site Plan – J&S Commercial Condominium – Concord Industrial Park," prepared by T.F. Bernier, Inc. subject to the following standard conditions:

Standard Conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings and condominium documents to address the minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - (a) A utility easement along the Langdon Avenue over the condominium subdivision to bring the existing utility easement to a total of 66' in width where owned by the applicant.
 - b) An agreement to convey Langdon Avenue as a city street over the condominium subdivision to bring the Right-of-Way to a total of 66' in width where owned by the applicant.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Subdivision Regulations.

Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Major Subdivision Applications

- 9. Consideration of an application by Donald W. Cloutier Revocable Trust for property located at 153 Hoit Road, requesting approval of a Major Subdivision Amendment to amend the original single phase approval to a three phase approval for the Glen Ellen Cluster Subdivision. (2008-008)**

Mr. Henninger reported that the application is complete and ready to be set for public hearing on May 16, 2012.

Mr. Swope moved and Ms. Foss seconded that the Planning Board determine this application to be complete and to set the public hearing for May 16, 2012. Motion carried unanimously.

REGULAR MEETING

10. Consideration of a request by Richard Uchida on behalf of Fifteen Integra Drive, LLC to rezone a portion of property at 15 Integra Drive, located off the temporary terminus of Integra Drive, from an Office Park Performance (OFP) District to an Industrial (IN) District.

Ms. McPherson stated that Fifteen Integra Drive, LLC is requesting the rezoning of a portion of the parcel from the OFP District to the IN District. The parcel consists of approximately 55 acres according to the City's GIS, of which approximately 13 acres is zoned IN, a small portion at the rear of the parcel is zoned Open Space Residential (RO) because of its proximity to the Soucook River, and the remainder is zoned OFP. The parcel is divided roughly in half topographically by a bluff separating the upper portion of the parcel located off Integra Drive, from the lower, western portion of the parcel. The upper portion of the parcel is divided by the existing OFP/IN Zoning District line. The zone change requested is for part of the upper portion of the parcel, which is accessed by Integra Drive.

Ms. McPherson explained that the applicant is requesting the zoning change to allow for the development of a 350,000 square foot warehousing operation to be accessed from Integra Drive. The portion of the property currently zoned IN is not large enough to house the proposed facility. The proposed zone change is also consistent with the Garvin Falls Study, adopted by the City Council in 1996, in which both development alternatives show the development of office, manufacturing, transportation and warehouse uses in the area proposed to be rezoned Industrial by this petition. The OFP/IN Zoning District line would still bisect the property, but the new zone line would be clearly defined by the future road and the natural topography of the land. The proposed zoning change would result in all land located to the east of the bluff and the future road, and having frontage on Integra Drive, including the planned extension of Integra Drive, being zoned Industrial. This would allow this land to be developed in the same way as the rest of the land fronting on Integra Drive, which has been developed industrially.

Richard Uchida, from Orr & Reno, was present on behalf of the applicant. He stated that due to the size of the proposed warehouse, necessary office space and parking would be located on the northern portion of the site proposed to be rezoned.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations. The Board generally agreed that the request makes sense topographically and is consistent with the Garvin Falls Study, regardless of the specific industrial use proposed.

Mr. Swope moved to recommend approval of the zoning change for the property on Integra Drive from Office Park Performance (OFP) to Industrial (IN), by extending the IN Zoning District westerly

and southerly to a boundary defined by the potential future road and the top of the bluff. Ms. Foss seconded the motion. Motion carried unanimously.

11. Consideration of the minutes of the Planning Board meeting for March 21, 2012.

Mr. Swope moved to approve the minutes of the Planning Board meeting for February 15, 2012, as written. Mr. Hicks seconded the motion. Motion carried unanimously.

There was no further business to come before the Planning Board, and the meeting adjourned at 7:35 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson
Clerk

djm