CITY OF CONCORD PLANNING BOARD
August 20, 2014 MEETING - draft

The regular monthly meeting of the City Planning Board was held on August 20, 2014, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 6:30 p.m.

Present at the meeting were Chair Drypolcher and Members Foss, Hicks, Lavers, Smith-Meyer, Dolchino and Councilor Champlin (7:45). 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 Dolchino for Member Regan.

Determination of Completeness (no public testimony will be taken)

1. Request by Liberty Utilities on behalf of Energy North Natural Gas, Inc. for a Major Site Plan Application to construct a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter in the IN (Industrial) and Aquifer Protection (APD-5) Districts. The Conditional Use permit is to allow greater than 15% of the total lot area within the AP District as impervious surface at 20 Broken Bridge Road. This will be an unoccupied facility. Map/Block/Lot: 109-1-4 *(2014-0042)*

a. Determination of Completeness

Mr. Henninger recommended that the application be determined complete and set for public hearing.

Ms. Foss moved to determine the application complete and set it for a public hearing on September 17, 2014. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

2. Request by Fournier Foods, LLC on behalf of Jay W. Stewart Realty Holdings, LLC for a Major Site Plan Approval to construct a 5,524 SF poultry processing facility, a 1,558 SF garage/storage building, and a 1,225 SF covered outdoor storage area with parking, drainage, lighting and other associated site improvements at 52 Locke Road in the IN (Industrial), RO (Open Space Residential) Districts and the FH (Flood Hazard) Overlay District. Map/Block/Lot: 121-1-17 *(2014-0041)*

a. Determination of Completeness

Mr. Henninger 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 September 17, 2014. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

3. Request by Joan Davis for a Major Subdivision Approval to subdivide 1 lot into 4 residential lots and a Conditional Use Permit pursuant to Article 28-5-46 of the Zoning Ordinance to allow a standard non-cluster subdivision. A Conditional Use Permit pursuant to Article 28-4-3(c) of the Zoning Ordinance is also required to allow disturbance to the wetland buffer at 22 Long Pond Road in the RO (Open Space Residential) District. **Please note that the applicant is requesting that after voting on Determination**

<u>of Completeness, the Board then opens up the public hearing to consider the request for final approval of the application</u>. Map/Block/Lot: 100-1-7 *(2014-0038)*

a. Determination of Completeness

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

Ms. Foss moved to determine the application complete. Mr. Hicks seconded the motion. Motion passed unanimously.

The applicant has requested a waiver from Section 10.06 of the Subdivision Regulations, Determination of Completeness, to allow the Major Subdivision Application to be determined complete at the public hearing tonight rather than setting the public hearing for the subsequent Planning Board meeting in September. The application was discussed at the July meeting as a Design Review application. The Chair invited Mr. Mark Sargent, Richard Bartlett & Associates, to speak to the request. He stated the reason for the request is that although the project is a major subdivision, it is only one lot over being a minor subdivision. He stated these are all frontage lots and there is no engineering involved with the project itself. Ms. Hebert stated to the Board that a few years ago the fee schedule was changed and a fee for design review was instated. This application because it is a major subdivision would normally be a two month process but the applicant came in last month for a design review as the fee schedule gives an incentive to do this.

Ms. Foss asked if abutters had been noticed about the public hearing. Ms. Larson stated abutters had been noticed regarding the DOC and Public Hearing and the notification requirements have been met.

Ms. Foss moved to grant a waiver from Section 10.06 of the Subdivision Regulations, Determination of Completeness, to allow the Major Subdivision Application to be determined complete at the public hearing tonight rather than setting the public hearing for the subsequent Planning Board meeting in September. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

b. <u>Public Hearing</u>

c. <u>Deliberations and Action on the Application</u>

The Chair opened the public hearing.

Mr. Sargent presented the project. The subdivision is located on 22 Long Pond Road. The property is 44.2 acres; the cluster development standards would require that 60% of the lot area (26.52 acres) be set aside as open space. The applicant has requested a CUP to allow for the development of a conventional subdivision on the property. Article 28-5-46 permits the development of conventional subdivisions within the RO District with the condition that a comparable amount of open space be protected by deed or easement as would otherwise be required by the cluster development standards. The applicant is proposing to protect 30 acres on Lot #4 with a conservation easement. The subdivision will also require a Conditional Use Permit pursuant to Article 28-4-3(d) to permit wetland buffer impacts on Lot #4 for the driveway and underground utilities. The proposed driveway and underground utilities cross through a small wetland. The wetland area spans the width of the proposed lot and the wetland crossing is required to provide access to the buildable land on the lot. There is an existing pond and wetland area on the property. The pond will be completely located within the proposed conservation easement. A 25 ft. wide pedestrian access easement is proposed along the southerly side of Lot #1 to allow public access to the open space. There are no municipal utilities along this section of Long Pond Road. All of the lots will be served by onsite wells and subsurface disposal systems. The proposed residential lots will require New Hampshire Department of Environmental Services (NHDES) Subdivision Approval for the existing and proposed subsurface disposal systems. The proposed driveway and underground utilities serving Lot #4 will require a NHDES Wetland Dredge and Fill Permit and Conditional Use Permit for wetland impacts

(1,100 sq. ft.) and wetland buffer impacts (5,530 sq. ft.). The existing driveway and overhead utilities serving Lot #1 crosses over a portion of Lot #2. The subdivision plan includes a driveway and utility easement across Lot #2 for the benefit of Lot #1. The homes along Long Pond Road are currently set back from the street such that the houses are not clearly visible from the road. It appears that the trees along the frontage of proposed lots #2 & 3 will be removed. The applicant is required to plant or preserve one tree for every 50 feet of road frontage (excluding the driveways) for subdivisions outside of the Urban Growth Boundary. Existing trees (with a minimum caliper of 4 inches) can count toward this requirement, provided the trees are within 10 feet of the right-of-way. The plan needs to be revised to either identify trees that are to be preserved along the frontage or include required tree plantings on the plan. The Conservation Commission reviewed the proposed conservation easement at their meeting on August 13th and recommended approval subject to the Commission's final review and approval of the configuration of the conservation easement as well as the terms of the conservation easement. The Commission also recommended that the wetland delineation be completed within the vicinity of the proposed pedestrian access easement to demonstrate that the open space could be easily accessed without crossing a large wetland complex. If the wetlands are too extensive, the pedestrian access should be relocated. The applicant has also requested the following waivers: Waiver from Section 26.02(1) of the Subdivision Regulations to permit the overhead utility line serving the existing house on Lot #1 to remain above ground. The new utilities to lots #2, #3 and #4 would be placed underground; Waiver from Sections 12.08(3) & 16.03(4) of the Subdivision Regulations to not provide the topographic information for the portion of the property that would be placed within the conservation easement. The applicant has included topography from the City's GIS information on the plat to demonstrate that the open space land meets the City's buildable land requirements; and Waiver from Sections 12.08(5) & 16.03(6) of the Subdivision Regulations to not identify the natural features (wetlands, steep slopes, bluffs, ravines, rock outcroppings, etc.) and for the portion of the property that would be placed within the conservation easement. The Board has granted this waiver in the past for small frontage lot subdivisions with a condition that a letter be prepared by a wetland scientist, describing the approximate size and location of wetlands within the open space, to the ensure that the land meets the City's buildable area requirements for the open space.

Chair Drypolcher expressed concerns about the overhead utilities at Lot 1. He stated it should be consistent throughout the development and stated he is not opposed to the request but questioned the hardship as they are causing the hardship to exist by putting the development there. Mr. Sargent agreed but stated that it would cause a financial hardship to put the utilities underground when they have already existed above ground for 40 years.

The Chair asked if members of the public had any comments or questions on the application.
There being no comments from the members of the public, the Chair closed the public hearing.

Ms. Foss moved to grant a waiver from Section 26.02(1) of the Subdivision Regulations to permit the overhead utility line serving the existing house on Lot #1 to remain above ground. The new utilities to lots #2, #3 and #4 would be placed underground. Ms. Dolchino seconded the motion. Motion passed unanimously.

Ms. Foss moved to grant a waiver from Sections 12.08(3) & 16.03(4) of the Subdivision Regulations to not provide the topographic information for the portion of the property that would be placed within the conservation easement. The applicant has included topography from the City's GIS information on the plat to demonstrate that the open space land meets the City's buildable land requirements. Ms. Dolchino seconded the motion. Motion passed unanimously.

Ms. Dolchino moved to grant a waiver from Sections 12.08(5) & 16.03(6) of the Subdivision Regulations to not identify the natural features (wetlands, steep slopes, bluffs, ravines, rock outcroppings, etc.) and for the portion of the property that would be placed within the conservation easement. The Board has granted this waiver in the past for small frontage lot subdivisions with a condition that a letter be prepared by a

wetland scientist, describing the approximate size and location of wetlands within the open space, to the ensure that the land meets the City's buildable area requirements for the open space. Mr. Hicks seconded the motion. Motion passed unanimously.

Ms. Dolchino moved to grant Conditional Use Permit pursuant to Article 28-5-46 of the Zoning Ordinance; Conditional Use Permit required for the approval of a conventional subdivision within the Open Space Residential District. The subdivision is proposing to conserve more than 60% of the original lot as open space. Mr. Hicks seconded the motion. Motion passed unanimously.

Ms. Dolchino moved to grant Conditional Use Permit pursuant to Article 28-4-3(d) to permit wetland buffer impacts on Lot #4 for the driveway and underground utilities. The proposed driveway and underground utilities cross through a small wetland. The wetland area spans the width of the proposed lot and the wetland crossing is required to provide access to the buildable land on the lot. Ms. Foss seconded the motion. Motion passed unanimously.

Ms. Foss moved to grant conditional final subdivision approval for the "Subdivision Plat of Land of Joan Davis" as submitted by Richard D. Bartlett & Associates, subject to the following precedent conditions to be fulfilled within 2 years and prior to endorsement of the final plans by the Planning Board Chair and Clerk, unless otherwise specified and the following subsequent conditions:

Precedent Conditions:

1. The applicant shall revise the plat drawings to address the Planning Staff Technical Comments (see attached).

2. The applicant shall submit a mylar sheet suitable for recording purposes.

3. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars.

4. Any waivers or Conditional Use Permits granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations and Zoning Ordinance. Should the Board vote to deny the waiver or the Conditional Use Permit request(s), the plan shall be revised accordingly.

5. The applicant shall address to the satisfaction of the City Engineer, review comments received in a Memo from Jeffrey Warner, PE dated August 1, 2014 (see attached).

6. The plan shall be revised to include the required street tree plantings for subdivisions outside of the urban growth boundary, in accordance with Section 28.04(6) of the City of Concord Subdivision Regulations.

7. The Conservation Commission shall review and approve the final configuration of the proposed conservation easement and the terms of the easement.

8. The wetland delineation shall be completed to the satisfaction of the Conservation Commission within the vicinity of the proposed pedestrian access easement, to demonstrate that access can be achieved without crossing a large wetland complex. If the wetland area at the southeast corner of the conservation easement restricts access, the proposed pedestrian access easement shall be relocated on the plan and approved by staff.

DRAFT

9. The applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of $25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.

10. The boundary of the conservation easement shall be marked with, bounds, conservation discs and blazed with paint to the satisfaction of planning staff.

11. 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 a driveway and utility easement across proposed lot 2 for the benefit proposed lot 1; and
b. Conveyance of a conservation easement for the 30 acres of open space land identified on the subdivision plat.

12. The following State and Federal permits shall be obtained and copies provided to the Planning Division:

a. NH Department of Environmental Services, Subsurface Systems Bureau, Subdivision Approval; and
b. NHDES Wetlands Standard Dredge and Fill permit for the proposed driveway and underground utilities across lot #4.

13. Address the Planning Staff Technical Comments (see attached)

Subsequent Conditions:

1. The wetland buffers shall be clearly and permanently marked before, during, and after construction; building permits will not be issued until the buffers are marked.

2. Traffic, recreation and school impact fees shall be assessed for any construction on the new lots contained within this approved 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.

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

PUBLIC HEARINGS

Architectural Design Review Applications

4. 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.

DRAFT

a. Application by The Estate of Jacob S. Ciborowski, on behalf of Salon K, requesting Architectural Design Review Approval for a new 16 sq. ft. internally illuminated affixed sign at 18 Pleasant Street, within the Central Business Performance (CBP) District. Map/Block/Lot: 35/5/9

Mr. Henninger informed the Board that the ADRC's recommendation was to approve as submitted. He stated the background will be opaque. Ms. Smith-Meyer asked about the scale of the drawing. Mr. McIntire responded that it isn't to scale on the drawing and will be smaller on the wall.

There were no other comments or discussions.

Mr. Lavers moved to grant Architectural Design Approval for a new 16 sq. ft. internally illuminated affixed sign at 18 Pleasant Street as submitted by the applicant. Mr. Hicks seconded the motion. Motion carried unanimously.

b. Application by Steeplegate Mall, LLC, on behalf of Spirit Halloween, requesting Architectural Design Review Approval for one new 120 sq. ft. and one new 160 sq. ft. non-illuminated affixed signs at 270 Loudon Road, within the Gateway Performance (GWP) District. Map/Block/Lot: 111D/1/5

Mr. Henninger stated that the signs are temporary, up until November, and are the same design as previous years. The signs will be removed and holes patched upon removal of the signs.

There were no further comments or discussions.

Mr. Hicks moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for one new 120 sq. ft. and one new 160 sq. ft. non-illuminated affixed signs at 270 Loudon Road as submitted by the applicant. Ms. Foss seconded the motion. Motion passed unanimously.

c. Application by LLB Leasing, LLC, on behalf of Stacey Blodgett d.b.a. Globe Wealth Management, requesting Architectural Design Review Approval for one new 4 sq. ft. externally illuminated marquee sign at 2 South State Street, within the Civic Performance (CVP) District. Map/Block/Lot: 36/6/5

Mr. Henninger stated that this is a replacement panel in an existing free-standing sign and that the ground mounted lights shown on the sign plan are existing.

Ms. Foss moved to grant Architectural Design Approval for one new 4 sq. ft. externally illuminated marquee sign at 2 South State Street as submitted by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

Conditional Use Permit Applications

5. Request by PSNH to permit Wetland Buffer and Shoreland Buffer impacts as well as a request to permit the re-establishment of an Essential Public Utility and Appurtenance(s) in the Residential (RO,RM, and RO) and Non-Residential (CG and UT) Districts. The Conditional Use Permit applications are associated with the re-establishment of the 317 line from the Unitil Manor Road Substation on Route 3 westerly through Penacook to the PSNH Pole mounted equipment on Route 103/127 in Webster.

DRAFT

(Public Hearing is continued from the July 16, 2014 Planning Board meeting.) *(2014-0027)*
Postponement requested by PSNH to September 17, 2014

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

Chair Drypolcher announced that PSNH requested a postponement to the September 17, 2014 meeting at 7:00pm at Council Chambers, 37 Green St.

Site Plan Review

6. Request by NH Excavation, LLC, for Major Site Plan Approval to construct an 11,800 SF (80' x 125') building for office and shop/warehouse uses as well as construction of an attached 50' x 70' covered outside work/storage area and associated site improvements at 49-52 Chenell Drive in the IN (Industrial) District. Map/Block/Lot: 111G-1-66 *(2014-0037)*

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

The Chair opened the public hearing.

Jeff Burd, RJB Engineering, was present to present the application. Also present was Alain Sfeir, NH Excavation. The applicant has applied for Major Site Plan approval for the construction of an 11,800 sq. ft. industrial/office/warehouse building at the corner of Henniker Street and Chenell Drive. The first floor of the building is 10,000 sq. ft. with a partial second story office area containing an additional 1,800 sq. ft. The building will include two units for industrial and office flex space with a pedestrian entrance at the front of the building and overhead doors to the rear. The site also includes a 3,500 sq. ft. covered outside storage area. A PSNH utility easement bisects the parcel. The applicant will need to provide a copy of a Joint Use Agreement with PSNH for the proposed improvements within the utility easement that includes parking, lighting, landscaping and fencing. The land along Henniker Street contains parcels within the Industrial District and Office Park Performance Districts and the neighboring parcels have been developed for both light industrial and office uses. The site is currently a vacant land unit within a two unit land condominium. The adjacent land unit has been developed with a small office building and is home to the 3W Design Group. The property is accessed off of an existing shared driveway serving the condominium. There are no new curb cuts proposed as part of this application. The applicant will occupy the southerly two thirds of the building and the covered storage area. The second area will be available for lease. The buildings will be prefabricated metal buildings with a masonry knee wall skirting the entire building. The storage building will also have the masonry wall which will provide screening. The proposed building will be served by municipal water and sewer. The drainage design includes two leaching catch basins and two proposed infiltration basins. All of the runoff will be infiltrated onsite with the exception of a very small amount of flow during the large storm events. All of the increased runoff from the new impervious surfaces will be infiltrated onsite. Nothing will go off site. The soil is deep and sandy. He feels they exceeded the landscaping requirements to compliment the site and to dress it up. There are over 30 trees and shrubs proposed. He noted they went before ADRC in July and August and have addressed all of their concerns. He stated a waiver from Section 15.03(3) of the Site Plan Regulations which requires that site plans be prepared using North American Vertical Datum of 1988 (NAVD 88), to permit the site plan to be prepared using the National Geodetic Vertical Datum of 1929 (NGVD 29) so the vertical datum can match the datum also used for the onsite benchmark. A note has been added to the plan indicating that the as-built survey shall be prepared using the NAVD 88 was requested.

Chair Drypolcher questioned the comment from ADRC about the need for more trees. He asked if this had been addressed in the revised plans. Mr. Burd replied that they had added 12 more trees after the

DRAFT

last meeting with ADRC. Ms. Hebert stated staff has talked with the applicant about changes but have not received revised plans.

Ms. Smith-Meyer asked how many trees are proposed and how many are required. Mr. Burd responded that the number required is 21 and there are over 30 proposed. Ms. Hebert explained that the way the parking is defined determines the required number of trees. Ms. Smith-Meyer asked about street trees. Ms. Hebert replied that this is addressed in one of the recommended conditions of approval (#5 in technical comments) and that she would have to review the revised plans. Ms. Hebert stated the condition is also incorporated in the Design Review approval.

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

Cheryl Tufts, 3W Design, 7 Henniker St., spoke to the Board. She stated she is concerned about customers coming into her remodeling and interior design business and seeing a storage area first thing. She is unclear how this area is going to be constructed and what is being stored there, what will keep it secure and why is that the first visible thing upon driving in the driveway. She stated the topography along Chenell Dr. contains a hill so the storage area could be hidden. Chair Drypolcher asked for clarification as he sees the shared driveway but is not sure how the topography plays a role. Ms. Tufts replied that the property line where the driveway is is right at her building. She said when someone comes in the driveway one would either take a left into the new building or a right into her business. She said the storage area is very visible from the street. Ms. Smith-Meyer asked if the storage area was covered but had exposed sides. Ms. Tufts stated she didn't know and was also asking that question. Ms. Tufts stated there are three piles of dirt located at the back of the lot which obscures the view of Irving Oil and she wants to know if those piles will remain. She stated the piles are on the property line that abuts Irving Oil, which is located on Chenell Drive behind her lot. She also stated there is a chain-link fence that goes from the edge of the driveway, all the way across up to Chenell on Henniker and all the way down Chenell. She asked if that fence was being removed or if it will remain.

Mr. Burd responded to Ms. Tufts concerns. He stated the storage area is on the south side of the building. It will be seen from the driveway but it will not be seen from Chenell Drive. They intended to screen it from where the most traffic was. The storage building will be screened with a six foot masonry block wall. He stated maybe the top of construction equipment or other storage may be seen if anything. He stated the biggest reason for the storage area was to bring equipment out of the weather. Mr. Burd stated the piles are remnant piles from past construction and will be leveled and enhanced and finished off. Some trees will be planted in that area. He agreed that Irving Oil is unsightly but there is no way to preserve the berms which are dirt piles and need to be removed to make the site look good. He stated the fence will remain along the back property line and at the front of Chenell for now. It will be removed from Henniker St to enhance the street appearance.

Chair Drypolcher asked if it were possible to add more trees between the driveway and the storage area. Mr. Burd stated that the storage area is an open style garage type building with a masonry wall along two sides. It will be open in the back so that it can be moved in and out of freely. There is no door but will not be able to see into it from the two sides with the block wall. The roof line is 20 feet high so 14 feet of the two block wall sides will be open. Mr. Burd suggested taking trees from the back and putting them near the driveway and storage area. The trees out back were intended to screen Irving Oil but there is no good way to screen that.

Ms. Smith-Meyer questioned the performance standards or any special restrictions in this area. She stated she can feel the concern of the abutter because it is a covered open storage area. Ms. Hebert explained that the project is in the Industrial District and the 6 foot masonry wall is adequate screening. Ms. Smith-Meyer mentioned security concerns. Mr. Burd stated the applicant is not concerned with

DRAFT

security. Ms. Smith-Meyer suggested doing something to enhance the aesthetics because an effort has been put into enhancing Henniker St. Ms. Hebert replied that Henniker St has been largely developed using normal current standards and site plan review process. She stated that the sites are attractively landscaped and staff has been working with the applicant to enhance his site. Mr. Burd stated he would be happy to relocate the arborvitae proposed in the back to the driveway/storage area to help with screening. Ms. Hebert stated that the site is a sandy undeveloped site and staff has addressed landscaping and has requested that the Henniker St lawn be maintained to dress the front of the site up. Mr. Burd stated that the applicant is concerned with the appearance of the site and is willing to dress it up but it is a contractor business in an industrial district. Another discussion ensued about moving the proposed arborvitae from the back of the site to the driveway area and the overall landscape plan.

Ms. Dolchino stated the back of the storage building is open and asked if the 6 foot walls were a cost over function decision and if the walls could be full to the roof. Mr. Burd stated this was not discussed with the applicant whose preference would probably be to leave all sides open. The roof was his criteria but the wall was added for the screening requirement. Ms. Hebert stated that the proposed storage area is the only area of the site that is permitted for storage. Mr. Hicks asked if other businesses in that district have storage areas that are unroofed and asked what the requirements would be. Ms. Hebert responded that any storage area would need and opaque 6 to 8 foot screening. She stated that there is a note on the plan that states the only area permitted for storage is inside that enclosed area. She also stated that adding the additional landscaping would help buffer the two properties. Ms. Foss asked if there were any utility structures in the easement. Mr. Burd replied that there are utility poles.

Chair Drypolcher asked Ms. Tufts if she was clear on the discussion. She stated she was clear but not happy. She stated an effort was put into Henniker St and it looks phenomenal but there is nothing pleasing on Chenell. She asked why the storage building couldn't be put on the other side. Chair Drypolcher responded that putting some landscaping should block it out. Ms. Tufts replied that there isn't a lot of space between for landscaping.

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

Ms. Smith-Meyer moved to grant a waiver from Section 15.03(3) of the Site Plan Regulations which requires that site plans be prepared using North American Vertical Datum of 1988 (NAVD 88), to permit the site plan to be prepared using the National Geodetic Vertical Datum of 1929 (NGVD 29) datum can match the datum also used for the onsite benchmark. A note has been added to the plan indicating that the as-built survey shall be prepared using the NAVD 88. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer thought it would be appropriate to add concerns to the Design Review approval. She suggested adding "to utilize those numbers to provide a visual screen along the west side facing the drive". Ms. Hebert suggested the following phrasing; "to utilize trees proposed to screen the covered storage area from the adjacent unit".

Ms. Foss asked if it was too late in the process to suggest that they explore the idea of putting the storage at the end of the building. Mr. Burd responded they when the applicant first started looking for a site his biggest concern was not fencing in the whole back area so they had numerous discussions with staff about what outside storage is hence the note on the plans limiting this area to storage. The applicant already feels somewhat restricted in his ability to use this area to its fullest extent. He has already made concessions to meet the zoning ordinances and he is not going to have any equipment out back and feels he exceeded the requirements by providing the screened storage building. Mr. Burd stated he was not sure where he would move the storage building to decrease the visibility from the street. Mr. Burd stated that, in no disrespect to the abutter who has a beautiful building, her building is

DRAFT

the one that is out of character in that neighborhood. At this point, Mr. Burd does not want to change the plan. He stated they have had numerous meetings with staff and ADRC.

Chair Drypolcher asked staff if there was an office performance area near. Ms. Hebert stated it was to the south of the second unit. She pointed out the OFP and IN districts on the map.

Ms. Smith-Meyer stated that what Ms. Foss was asking was to flip-flop the buildings so that the storage area is on Chenell and not on the entry drive. Ms. Burd stated the applicant may want to expand in the future and flipping the building would mean he would cross over his tenants. More discussion ensued about moving the storage area. The applicant would like to keep the plan as presented.

Ms. Smith-Meyer moved to grant Design Review approval for the site and building designs for the 11,800 sq. ft. industrial/office/warehouse building and associated site improvements, as prepared by RJB Engineering, LLC, with the condition that the final building colors be approved by the Planning Staff and the landscape plan shall be revised to provide eleven additional shade trees, five of which shall be located along the Henniker Street frontage and to utilize those numbers to provide a visual screen along the west side facing the drive. Mr. Lavers seconded the motion. Motion passed unanimously.

Mr. Al Sfeir, NH Excavation, asked the Chair if he could address the Board. He stated that if they put trees between the properties they would be in the way. They need to be narrow growing trees. Chair Drypolcher explained that the purpose of the addition to the Design Review approval was to alert staff to work with him to improve screening. Mr. Sfeir stated that is why they have the 6 foot fence. He stated the area is flat and is not on a hill. Chair Drypolcher stated the trees proposed for the back of the lot are narrow. Mr. Sfeir stated he just wants to be able to utilize the site for his business. Ms. Hebert stated there is 30 feet available in the area of discussion for the trees. She also stated the applicant would never be able to use any other area for outside storage. Chair Drypolcher reassured the applicant that there would not be a suggestion to put a tree where it would inhibit his business. Mr. Sfeir said if a tree will solve the problem then he will put the tree. He asked where the issue is that they are trying to address. He stated it's an industrial building in an industrial district and he has met all requirements. Chair Drypolcher responded saying when any building goes in that has a massive effect they would try to break up the view even if it's one or two trees. He also stated the solution has to accommodate the applicant's situation.

Ms. Larson suggested adding a subsequent condition which reads prior to the issuance of the Certificate of Occupancy staff reserves the right to determine whether additional screening is necessary and practical to create that buffer between the storage area and the building next door. The site will be built with a better understanding of much space is actually there and if staff determines that it is just not a practical solution for landscaping everyone understand that there won't be any additional landscaping there. Mr. Hicks recapped stating that when this is all built out if the vegetative screening just does not work then the 6 foot wall would be the only screening. She concurred and stated that the trees should not be required to be shown on the plans now so that they do not become a requirement for the final plan.

Mr. Lavers said he was comfortable withdrawing his second to the motion and revising the motion to have the applicant put a note on the application stating he would put vegetative screening if feasible and if not he has met the requirements. He also stated that if Mr. Burd's offer to bring the arborvitae proposed near the retention pond over to the canopy area works better for the applicant then that could be a solution.

Ms. Smith-Meyer withdrew her original motion and moved to grant Design Review approval for the site and building designs for the 11,800 sq. ft. industrial/office/warehouse building and associated site improvements, as prepared by RJB Engineering, LLC, with the condition that the final building colors

be approved by the Planning Staff and the landscape plan shall be revised to provide eleven additional shade trees, five of which shall be located along the Henniker Street frontage and a note will be added to the "as built" plans that allows Planning Staff to have the discretion, prior to the issuance of a Certificate of Occupancy, to require additional screening along the southwesterly side of the open storage area facing the abutter if practical and appropriate to screen any equipment. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Foss moved to grant final site plan approval for the site and building designs for the 11,800 sq. ft. industrial/office/warehouse building and associated site improvements, as prepared by RJB Engineering, LLC, with the following precedent conditions to be fulfilled within 2 years and prior to endorsement of the final plans by the Planning Board Chair and Clerk, unless otherwise specified and the following subsequent conditions:

Precedent Conditions

1. The applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

2. Any waivers granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver request for vertical datum, the plan shall be revised accordingly.

3. The applicant shall address to the satisfaction of the City Engineer, review comments received in a memo from Laura Aibel, PE and Jeff Warner, PE dated July 9, 2014. (See attached)

4. The plan shall be revised to address any comments the Fire Marshall may have with regards to fire suppression and access to the building.

5. The applicant shall submit a copy of the Joint Use Agreement with PSNH for the proposed site improvements within the PSNH right-of-way.

6. The applicant shall address the Planning Staff Technical Comments. (See attached)

Staff also recommends that the following general and subsequent conditions be placed on the approval:

Subsequent Conditions

1. 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 to that effect.

2. Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.

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, 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. Total estimated fee to be assessed is $17,328. See costs breakdown by use below.

a. General Office (3,600 sq. ft.) ($5,976)
b. Light Industrial (8,200 sq. ft.) ($8,692)
c. Warehousing (3,500 sq. ft.) ($2,660)

4. No certificate of occupancy for any building or use shall be issued until all private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.

5. Prior to the issuance of a certificate of occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

6. Prior to the issuance of a certificate of occupancy, 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 Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

Planning Staff Technical Comments

1. All subsequent conditions included in the Planning Board approval shall be noted on the Site Plan (Sheet 3 of 12).

2. The location of the proposed transformer shall be identified on the Site Plan (Sheet 3 of 12) and if the transformer is located in the front yard area, it shall be screened from view with plantings.

3. Note #11 on the Site Plan (Sheet 3 of 12) shall be updated to include the proposed truck parking spaces in the parking calculation, and the covered outside storage area shall also be included in the required parking calculation.

4. A note shall be added to the Site Plan (Sheet 3 of 12) regarding the proposed method of fire protection. If building is not sprinkled for fire suppression, the entrance to the building may need to be modified to accommodate the required 15' access aisle into the building.

5. Note #8 on the Landscape Plan (Sheet 6 of 9) shall be revised to include the parking area to the rear of the building in the calculation for the required tree plantings. Based on the Planning Staff calculation, the plan needs to be revised to provide 11 additional shade trees to satisfy the City's zoning requirements for tree plantings within parking lots.

6. The Site Plan (Sheet 3 of 12) shall be revised to indicate that a proposed dumpster and enclosure are to be provided.

7. If the Planning Board supports the recommendation to add a paved pedestrian walkway connecting to the public sidewalk on Henniker Street, the Site Plan (Sheet 3 of 12) shall be revised to provide a paved pedestrian walkway connecting to the existing Henniker Street sidewalk.

8. The Erosion Control Plan (Sheet 10 of 12) shall be revised to extend silt fencing along the northern side of the existing driveway between the two proposed construction entrances to keep dirt and debris off of the existing shared driveway.

DRAFT

9. The Landscape Plan (Sheet 6 of 9) shall be revised to clearly define the area that will be maintained as lawn versus the area of the site that will be restored to natural vegetation. The space between the sidewalk along Henniker Street and the parking lot shall be maintained as lawn.

10. The building plans (Sheet 12 of 12) shall be revised to note the colors of the proposed building and materials and shall also note the type and color of the roof to be installed on the plan.

11. The applicant shall submit large format (24" x 36") colored building elevations. Building elevations are to be incorporated into the plan set and added to the sheet index.

Ms. Dolchino seconded the motion. Motion passed unanimously.

7. Request by Jonathan Chorlian on behalf of the Suzanne M. Ellinwood Trust for Minor Site Plan Approval to convert an existing single-family residential dwelling into three (3) residential units at 78 School Street. Also requested is a Conditional Use Permit to construct a second driveway (onto Merrimack Street) in the RN (Neighborhood Residential) District. Map/Block/Lot: 42-4-4 *(2014-0039)* ***Postponement requested by Jonathan Chorlian to September 17, 2014***

a. Determination of Completeness
b. Public Hearing
c. Deliberations and Action on the Application

Chair Drypolcher announced that Jonathan Chorlian requested a postponement to the September 17, 2014 meeting at 7:00pm at Council Chambers, 37 Green St.

Request for Amendments to Previously Approved Plans

8. Request by RJ Moreau Communities LLC for an amendment to a previously approved major subdivision plan for Vintage Estates (Phase 1) that required maintenance of a 200 ft. length of a public street (Sonoma Lane) by RJ Moreau until such time that future development takes place. RJ Moreau requests an amendment to the previously approved subdivision plan that would permit the 200 ft. length of Sonoma Lane to end in a cul-de-sac that would be built to City standards and maintained by the City. *(2011-0007)*

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

The Chair opened the public hearing.

Robert Baskerville, Bedford Design Consultants, spoke to the application. The Planning Board granted Major Subdivision approval to R. J. Moreau Communities, LLC on April 20, 2011, for the creation of Vintage Estates which includes 22 new single-family residential lots and a 77.38 acre parcel reserved for future development. In related actions, the Board also granted approval to one Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, to allow for minor disturbance within the wetland buffer for the construction of the proposed road. The Board also granted waivers to Sections 16.01(4), 16.03(4) and 13.01(8) of the Subdivision Regulations. The applicant requests Planning Board approval of an amendment to the previously approved subdivision plan. The original approval included a condition that the developer would enter into an agreement with the City to maintain a 200 ft. section of Sonoma Lane (southerly of the roundabout) until future developments could take place. Sonoma Lane was approved without a cul-de-sac. The end of the public right-of-way would not be recognizable before leading into a private road. At the time of the original approval, there were plans to eventually extend Sonoma Lane to connect with Bog Road through a proposed Mapped Line of Future Street. The future road would run along the northerly property line of the Vineyards and continue through Tax Map/Block/Lot 103/3/5. Further

investigation of that proposed route has revealed a substantial area of wetlands, making approval and construction of the future road less feasible. Furthermore, drafting an agreement allowing a private party to maintain a short portion of a city street would be difficult and time consuming. Staff encouraged the applicant to request a modification of the original approval. The amendment to the previously approved subdivision plan consists of a cul-de-sac at the end of Sonoma Lane to allow city vehicles to safely turn around without continuing down the private road into the Vineyards. This amendment does not create any new lots and the previously subdivided lots along Sonoma are still afforded the legal amount of road frontage as required by zoning. The private driveway leading into the Vineyards is accessed off of the cul-de-sac.

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

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

Councilor Champlin moved to approve a waiver from Sections 22.02 of the Subdivision Regulations to not construct a sidewalk around the entire cul-de-sac. The applicant is proposing to construct a sidewalk on the east side of the cul-de-sac terminating at the private drive leading into the Vineyards. Mr. Hicks seconded the motion. Motion passed unanimously.

Councilor Champlin moved to approve the modification to the previously approved plans to allow for Sonoma Lane to terminate at a cul-de-sac, subject to the stipulation that all conditions of approval as set forth in the decisions of the Planning Board on April 20, 2011, shall remain in full force and effect. Mr. Lavers seconded the motion. Motion passed unanimously.

Master Plan

9. Public Hearing for adoption of the Utility Section (XI) of the Year 2030 Master Plan. ~~.~~ The full text of the language is on file for public inspection during normal business hours at City Hall, Planning Division.

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

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

Mr. Lavers moved to recommend adoption of the Utility Section (XI) of the Year 2030 Master Plan as written. Ms. Foss seconded the motion. Motion passed unanimously.

REGULAR MEETING

10. Approval of the minutes of the June 16, 2014 Special Planning Board meeting.

Mr. Hicks moved to accept the minutes of the June 16, 2014 Special Planning Board Meeting minutes as written. Councilor Champlin seconded. Motion passed unanimously.

Approval of the minutes of the July 16, 2014 Planning Board meeting.

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

DRAFT

11. The Board will hold an informal workshop to discuss a request to revise the Zoning Ordinance to allow for carports in manufactured housing parks.

TABLED UNTIL THE SEPTEMBER 17 MEETING at 7:00pm in Council Chambers, 37 Green Street.

12. Any other business which may legally come before the Board.

Chair Drypolcher announced that today is Steve Henninger's last meeting as he is retiring from his position of Assistant City Planner after 27 years of service. Chair Drypolcher extended his and the Board's appreciation for Steve's input and wished him Godspeed and good luck.

INFORMATION

13. Minutes of the August 12, 2014 Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, September 17, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 9:16 pm.

A TRUE RECORD ATTEST:

Nancy Larson
Clerk

DRAFT