The regular monthly meeting of the City Planning Board was held on June 16, 2010 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who arrived at 8:12 PM and was seated), Swope, Dolcino, Foss, Hicks, Meyer, and Shurtleff (City Council representative). Messrs. Woodward and Henninger, Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:00 PM a quorum was present and, inasmuch as the Chair was delayed, the Vice Chair called the meeting to order.

#### **APPLICATIONS**

# **Major Subdivision Application**

1. Application by **Scott Bussiere** for approval of a modification to a previously approved major subdivision so as to convert it to a cluster development on **Julie Drive**, **easterly of Graham Road**. (#2010-24)[ref: #03-37]

## <u>Determination of Completeness</u>

Ms. Hebert explained this proposal to revise a subdivision application which was approved by the Planning Board on August 18, 2004. The original plan involved the subdivision of a 62.66 acre parcel into eight conventional, single family residential lots, located off a proposed cul-de-sac. The proposal also involved a lot line adjustment with the adjacent property to merge a two acre parcel from this lot with the abutting property. The subdivision layout has been revised to comply with the mandatory cluster subdivision standards. The road layout and location of the right-of-way for Julie Drive remain the same. However the subdivision has been modified to include ten residential parcels, and one open space parcel which is proposed to be conveyed to the City.

She reported that the application is complete and ready to set for public hearing at the Planning Board's regular meeting on July 21, 2010.

Mr. Hicks moved and Ms. Foss seconded that the Board determine this application to be complete and set it for public hearing on July 21, 2010. Motion carried.

#### **Minor Site Plans**

2. Application by **Johnny Prescott & Son Oil Company, Inc.** for a site plan of property located at **122 Airport Road**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-2-4(j), <u>Table of Principal Uses</u>, <u>K-8</u>, <u>Bulk Fuel Storage for Distribution</u>, of the Zoning Ordinance. **(#2010-21)** 

### Determination of Completeness

Mr. Henninger explained this proposal for the installation of two above-ground bulk propane storage tanks and a paved parking area of 2,550 square feet within an enclosed chain link fence.

He reported that a Conditional Use Permit had also been requested for the expansion of the proposed Bulk Fuel Storage for Distribution (K.8) use in the Industrial (IN) District.

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

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

## Public Hearing

Mr. Henninger explained this proposal for the installation of two above-ground bulk propane storage tanks and a paved parking area of 2,550 square feet within an enclosed chain link fence.

He reported that the applicant had also requested a Conditional Use Permit for the expansion of the proposed Bulk Fuel Storage for Distribution (K.8) use in the Industrial (IN) District. The site already contains four bulk storage facilities and the propane tanks will be located immediately to the east of the existing bulk storage facilities. The two white propane tanks will not be readily visible from either Terrill Park Drive or Airport Road. There is already a natural gas fuel dispensing facility on site. The addition of the propane storage tanks is not expected to significantly increase traffic to and from the site.

He reported that the proposed storage tanks are located over a drainage infiltration basin. Propane, if spilled, evaporates into the air and will not create any ground water or surface water pollution.

Mr. Henninger reported that the site plan was reviewed by the Design Review Committee which found the plans to be acceptable as submitted. The Committee noted that the proposed propane tanks and fenced area are effectively screened from view from Airport Road and Terrill Park Drive by the existing buildings on site.

Tom Prescott was present as applicant to answer questions from the Board.

There was no one who wished to speak for or against this application and the Vice Chair declared the hearing closed at 7:05 PM.

# <u>Deliberations and Action on Application</u> <u>Deliberations and Action on Architectural Design Review</u>

Ms. Meyer moved that the Planning Board grant a Conditional Use Permit for the installation of two 30,000 gallon bulk propane storage tanks for Johnny Prescott & Son Oil Company, Inc. at 122 Airport Road as allowed for in the City's Zoning Ordinance, Article

28-2-4(j), <u>Table of Principal Uses</u>, K.8. <u>Bulk Fuel Storage for Distribution</u>. Ms. Dolcino seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant Architectural Design Review approval for the proposed revisions to the site plan for Johnny Prescott & Son Oil Company, Inc. at 122 Airport Road as submitted. Ms. Dolcino seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant conditional site plan approval for the proposed revisions to the site plan for Johnny Prescott & Son Oil Company, Inc. at 122 Airport Road subject to the following condition:

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 on-site improvements shall be obtained from the Engineering and Planning Divisions.

Ms. Dolcino seconded. Motion carried.

3. Application by **New Hampshire Community Loan Fund** for a site plan of property located at **7 Wall Street**. (#2010-23)

# <u>Determination of Completeness</u>

Mr. Henninger explained this proposal for the construction of an 800 square foot second floor addition and a substantial reconstruction of the second floor, along with modifications to the exterior of an existing office building at 7 Wall Street.

He reported that the application was complete and ready for public hearing.

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

## Public Hearing

Mr. Henninger explained this proposal for the construction of an 800 square-foot, second floor addition and a substantial reconstruction of the second floor, along with modifications to the exterior of an existing office building at 7 Wall Street. Other than an expansion of an existing covered walkway at the southeast corner of the building and the elimination of three sets of exterior stairways and awnings at the rear of the site, no changes to the site plan are proposed.

He explained that the applicant proposes to add to and reconstruct office space on the second floor, reconstruct the buildings roofs, and improve access to the rear and side of the building. The existing vinyl siding will be replaced with cementitious clapboards and solid PVC trim. Most of the existing windows and the front doors will be retained. New windows and shutters will match the existing windows and shutters.

He reported that this office building abuts two other office buildings which are owned and utilized by the NH Community Loan Fund at 14-16 South State Street and 14 Fayette Street. This property shares a common drive with 14-16 South State Street and utilizes the dumpster at 14 Fayette Street. The applicant is currently leasing 15 parking spaces for employee use at the northeast corner of Wall Street and South Street and six spaces at the United Baptist Church at 39 Fayette Street. This parking serves this property and the two other office buildings at 14-16 South State Street and 14 Fayette Street.

He reported that the applicant received variances from the Zoning Board of Adjustment to permit the expanded use of the 800 square-foot expansion of a general business office (use F-1) established by variance under case # 15-97 where such use is not otherwise permitted; to provide 16 parking spaces when 31 spaces are required; to provide no onsite accessible spaces when two accessible spaces are required; to maintain the existing non-compliant aisle widths, driveway widths and property line setbacks; to maintain the existing non-compliant perimeter landscaping; and to maintain the existing off-site location of the refuse container on the adjacent property under common ownership.

Mr. Henninger reported the Design Review Committee reviewed the site and building plans and recommended approval of the modifications to the building and site subject to the following recommendations.

- 1. The existing roof pitches on the front of the two original houses shall remain. This will create a differential roof height between the two existing wings and the connecting second floor addition linking the two original buildings.
- 2. The new trim shall be wider than the existing trim and reflect the historical width of trim boards found in the neighborhood.

He reported revised plans incorporating the recommendations of the Design Review Committee had been submitted.

He reported that the traffic impact fee due at the time of the issuance of a building permit will be assessed at a rate for a single tenant office use for the net increase in the floor area to be occupied.

The applicant was represented but no testimony was offered.

There was no one who wished to speak for or against this application and the Vice Chair declared the hearing closed at 7:14 PM.

<u>Deliberations and Action on Application</u> <u>Deliberations and Action on Architectural Design Review</u>

Mr. Shurtleff moved that the Planning Board grant Architectural Design Review approval for proposed revisions to the building and site at 7 Wall Street for the NH Community Loan Fund subject to the following conditions:

- 1. The existing roof pitches on the front of the two original houses shall remain. This will create a differential roof height between the two existing wings and the connecting second floor addition linking the two original buildings.
- 2. The new trim shall be wider than the existing trim and reflect the historical width of trim boards found in the neighborhood.

Ms. Foss seconded. Motion carried.

Mr. Shurtleff moved that the Planning Board grant conditional site plan approval for proposed revisions to the building and site at 7 Wall Street for the NH Community Loan Fund subject to the following condition:

- 1. 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 Single Tenant Office

Ms. Meyer seconded. Motion carried.

4. Application by **Painefully Sweet Enterprises** for a site plan of property located at **286 Pleasant Street**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-2-4(j), <u>Table of Principal Uses</u>, <u>M-9</u>, <u>Veterinary Hospital</u>, of the Zoning Ordinance. (#2010-22)

### **Determination of Completeness**

Mr. Henninger explained this proposal for the construction of a 1,442 square foot addition to an existing veterinary hospital on the north side of Pleasant Street for Russell Animal Hospital.

He reported that this application was complete and ready for public hearing.

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

### Public Hearing

Mr. Henninger explained this proposal for the construction of a 1,442 square-foot addition to an existing veterinary hospital on the north side of Pleasant Street for Russell Animal Hospital. The improvements consist of a single story addition at the rear of the building,

the construction of an at-grade handicapped ramp, and the conversion of two existing parking spaces into handicapped parking. A 760 square-foot, single-story storage shed will be demolished.

He reported that the applicant had also requested a Conditional Use Permit for the expansion of the Veterinary Hospital (M.9) use in the Institutional (IS) District. The site has been a veterinary hospital and clinic for many decades. The proposed expansion amounts to a 19.4% increase in floor area for the veterinary use and will consist of a new x-ray room and surgical/dental suite.

He reported that the proposed building addition is largely below grade and not visible from Pleasant Street. The addition and ramp changes will not be readily visible from Pleasant Street or readily visible from the abutting properties.

Mr. Henninger reported that the Design Review Committee had reviewed the site and building plans and found the plans to be acceptable as submitted. The Committee noted that the proposed changes will not be readily apparent from off-site.

He reported that the traffic impact fee due at the time of the issuance of a building permit will be assessed at a rate for Single Tenant Office Use for the proposed addition.

There was no one present on behalf of the applicant.

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

# <u>Deliberations and Action on Application</u> Deliberations and Action on Architectural Design Review

Ms. Meyer moved that the Planning Board grant a Conditional Use Permit for an addition to the Russell Animal Hospital at 286 Pleasant Street for Painefully Sweet Enterprises as allowed for in the City of Concord Zoning Ordinance, Article 28-2-4(j), Table of Principal Uses, M.9. Veterinary Hospital. Ms. Dolcino seconded. Motion carried.

Ms. Meyer moved and Ms. Dolcino seconded that the Planning Board grant Architectural Design Review approval for an addition to the Russell Animal Hospital at 286 Pleasant Street for Painefully Sweet Enterprises as submitted. Motion carried.

Ms. Meyer moved and Ms. Dolcino seconded that the Planning Board grant conditional site plan approval for an addition to the Russell Animal Hospital at 286 Pleasant Street for Painefully Sweet Enterprises subject to the following 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 on-site improvements shall be obtained from the Engineering and Planning Divisions.

- 2. 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 Single Tenant Office

Motion carried.

# Major Site Plan

5. Application by Concord National Little League on behalf of the City of Concord for approval of a site plan of property located on Iron Works Road. Along with this application are requests for a Conditional Use Permits pursuant to Section 28-4-3(d), Conditional Use Permit Required for Certain Disturbance of Wetland Buffers, of the Zoning Ordinance. (#2010-18)

# Public Hearing

Ms. Hebert explained this proposal to construct a new little league baseball field at Russell Martin Park. The Park is primarily used for active recreation and contains a number of athletic fields. There are rectangular sports fields located along the roadway and a softball field to the north of the proposed Little League field. In addition to the ball field, CNLL proposes to build a paved parking area with 65 spaces, a concession stand, bathrooms, and bleachers. The proposal includes the construction of a shallow detention basin to control and treat stormwater from the new ball field and parking area.

She reported that the applicant has also requested a Conditional Use Permit for the approval of impacts to a wetland buffer. There is a large wetland area located along the westerly portion of the property and the proposal involves filling approximately 9,950 square feet of this wetland. Portions of the playing field as well as a small corner of the parking area will be located within the wetland buffer. After construction, the disturbed areas outside of the athletic field will be restored. The majority of the site was previously disturbed and is currently used as a gravel parking area.

She reported that the Planning Board granted approval of the site plan application and conditional use permits on March 19, 2008. The approvals have expired and the applicant has now filed a new application to re-establish the approval.

Ms. Hebert explained that the plans are unchanged from the prior Planning Board submittal with the exception of a request by the applicant to phase the construction of the project and extend the approval over a six-year period.

She reported that the first phase would include the construction of the gravel parking lot; relocation of an existing fire hydrant, shed, and utility box; construction of the detention basin and associated drainage structures and culverts; grading of the playing field to finish elevation (including the wetland impact); installation of underdrains in the playing field; extension of the sewer to the future location of the concession building; and loaming and seeding of the practice field. This work would be completed within two years of the site plan approval.

The second phase would include paving the parking lot; installation of the landscaping; construction of the playing field surface; and installation of the dug-outs, fencing, bleachers, and sidewalks. This work would be completed within four years of the site plan approval.

The third phase would involve construction of the proposed concession building. The design of the concession stand would be approved as a separate Architectural Design Review item at a later date. This work would be completed within six years of the site plan approval.

Ms. Hebert reported that the applicant had discussed the layout of the ball field with the Conservation Commission. The Commission preferred the layout that is presented in the site plan, which places the outfield adjacent to the wetland, but asked if the field could move slightly to the east to further reduce the wetland impacts. There is an area of ledge between the parking lot and the ball field, and the Little League would like to avoid having to blast the ledge and therefore did not shift the ball field any further to the east.

She reported that the proposed plan had also been reviewed by the Recreation Director and the Recreation and Park Advisory Committee, and the City has entered into a lease agreement with the League for their use of the new ball field.

She reported that Russell Martin Park was acquired by the City with Land and Water Conservation Funds, and the proposed ball field will need to comply with LWCF rules and restrictions.

Ms. Dolcino expressed concern about the area designated for practice fields and the gravel parking areas associated with those practice fields. She asked whether staff had looked at safety issues related to that design. Ms. Hebert responded that since these were practice fields, there would be less traffic associated with the gravel parking lot.

Ryan McGonigle, vice president of Concord National Little League, explained that their funding limits the work to be done in the first phase to a gravel parking area only. Paving would be too expensive to do initially. Once the practice fields are constructed, vehicular access will be limited. The gravel parking lot will be an improvement over the current situation where parking is somewhat random. Right now practice space is extremely tight in the Spring and they are trying to remedy that situation.

There was no one who wished to speak for or against this application and the Vice Chair declared the hearing closed at 7:36 PM.

# <u>Deliberations and Action on Application</u> Deliberations and Action on Architectural Design Review

Ms. Meyer moved and Mr. Shurtleff seconded that the Planning Board grant a Conditional Use Permit pursuant to Article 28-4-3(d) of the Zoning Ordinance to allow for the construction of a portion of the ball field and parking area within the wetland buffer. The CUP request represents the minimum impact necessary to construct the new ball field in the location proposed. Motion carried.

Ms. Meyer moved and Mr. Hicks seconded that the Planning Board grant Architectural Design Review approval for the site and landscaping plans for the site plan application of the Concord National Little League at Russell Martin Park. Motion carried.

Ms. Meyer moved that the Planning Board grant conditional site plan approval for the Site Plan application of the Concord National Little League as submitted by Northpoint Engineering, LLC 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 on-site improvements shall be obtained from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
- 2. No certificate of occupancy for any building or use in any phase shall be issued until all improvements for that phase have been substantially completed to the satisfaction of the City Engineer.
- 3. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Permits for construction will not be issued until the buffers are marked.

### **Special Conditions:**

- 1. The site plan approval will be valid for a period of six years, subject to the construction schedule outlined by the Concord National Little League as follows:
  - a. Phase one includes the following: construction of the gravel parking lot; relocation of an existing fire hydrant, shed, and utility box; construction of the detention basin and associated drainage structures and culverts; grading of the playing field to finish elevation (including the wetland impact); installation of underdrains in the playing field; extension of the sewer to the future location of the concession building; and loaming and seeding of the practice field and any other area disturbed by construction (except the gravel parking lot). Phase

one shall be valid for a period of two years commencing from date of Planning Board action.

- b. Phase two includes paving the parking lot, installation of the landscaping, construction of the playing field surface, and the installation of the dug-outs, fencing, bleachers, and sidewalks. Phase two shall be valid for a period of four years commencing from date of Planning Board action, provided that Phase one has commenced within two years of the Planning Board action.
- c. Phase three includes the construction of the proposed concession building. The design of the concession building shall be subject to the Architectural Design Review process prior to the commencement of construction. Phase three approval shall be valid for a six year period provided that phase one and phase two site improvements have been completed within the first four years of the Planning Board action.
- 2. Prior to the issuance of building permits for the installation of the structures outlined in the second phase of construction (fencing, backstops, bleachers, dugout, etc.) the parking lot shall be paved, or a financial guarantee shall be provided for the paving of the parking lot in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.

Mr. Shurtleff seconded. Motion carried.

- 6. 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's Zoning Ordinance:
  - Checkmate Pizza for three affixed signs at 41 Washington Street.
  - Northway Bank for one affixed sign at 66 N. Main Street.
  - Prudential Verani Realty for one affixed sign at 143 N. Main Street.
  - **Sunshine Oriental Restaurant** for one affixed sign and one free standing sign at **121 Loudon Road**.

#### **Public Hearings**

The Vice Chair opened the hearings on all of the above sign applications.

• Checkmate Pizza for three affixed signs at 41 Washington Street.

Mr. Henninger explained that the Board had reviewed this application and tabled action to allow the applicant to revise his submittal. He explained the applicant had submitted revised signage designs with a beige background color that will match the color of the building's siding. He explained that the Design Review Committee had discussed the placement of the signage within the existing structure of the small gable and had agreed

that the panels could be placed as shown provided they add white trim around the panels to simulate an inset sign.

Mr. Henninger reported that the Design Review Committee found the design and the placement of the proposed signage to be appropriate for the location and use, and recommended approval of the revised signage with a beige background and black lettering for the telephone number, and with an applied white border to match the building trim.

Ms. Meyer expressed concern about the telephone number on the sign. Mr. Henninger responded that the telephone number would be an issue of First Amendment rights of the applicant. The telephone number is an element and the Board can comment on the elements but not specific text. Ms. Meyer felt that in this case it was an issue of aesthetics. Mr. Henninger noted they had simplified the element and softened the colors, but the applicant really wanted to keep the telephone number because that is an important part of their business. Ms. Meyer indicated her issue was that the business name is not the predominant feature on the sign.

Ms. Dolcino asked to see the prior submittals and noted that the telephone number has actually increased in size in the current version.

Jaime Roy and Brian Mikol were present as applicants. Mr. Mikol indicated that they are a delivery business and have no seating so it is very important for their telephone number to be on the sign. He explained that has become an industry standard. He noted that they also have a huge on-line business.

Ms. Foss felt the current proposal is a major improvement over prior submittals.

Mr. Shurtleff moved approval as revised and Mr. Hicks seconded. Motion carried, 5-1, with Ms. Meyer voting against.

# • **Northway Bank** for one affixed sign at 66 N. Main Street.

Mr. Henninger explained this proposal for a slightly different approach to illuminated signage. Since the individual letters were intended to be blue, which tends to wash out at night, they propose internally lighted LED lettering with wash lighting against the wall.

He reported that the Design Review Committee discussed the proposed LED lighting and noted that the blue lighting is subdued and that this was not a traditional internally lit sign. The Committee was of the opinion that this lighting style could be acceptable in a downtown location.

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

There was no one present on behalf of the applicant.

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

• Prudential Verani Realty for one affixed sign at 143 N. Main Street.

Mr. Henninger reported that this was a new sign for a new tenant in the existing building. He reported that the Design Review Committee had discussed the proposed placement of the signage on the building, including whether or not this affixed sign should be balanced against the TD BankNorth sign on the north end of the building. The Committee considered placement of the sign further north on the North Main Street façade and the location of existing trees in front of the building and determined that the location proposed is acceptable, noting that other tenants may desire additional signage on this frontage.

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

The applicant was represented but no testimony was offered.

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

• Sunshine Oriental Restaurant for one affixed sign and one free standing sign at 121 Loudon Road.

Mr. Henninger reported that the proposed freestanding sign is a replacement panel and the affixed sign is a new sign. He explained they are re-using the bottom box panel of the existing sign and removing the upper portion of the existing sign.

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

There was no one present on behalf of the applicant.

Ms. Meyer noted that the telephone number is larger than all of the other text and that made the sign very cluttered. She felt that if they eliminated the telephone number, they would have more space for the rest of the text.

Ms. Foss moved approval as submitted and Mr. Shurtleff seconded. Motion carried, 5-1, with Ms. Meyer voting against.

7. Application by **Friendly Ice Cream Corporation**, **on behalf of O Ice LLC** for approval of rooftop screening and for lighting on the gables at **147 Loudon Road**.

## Public Hearing

Mr. Woodward reported that on November 18, 2009, the Planning Board granted Architectural Design approval for the reconstruction of a 4,585 square foot restaurant together with a small outside seating area and modifications to a site plan for Friendly's at 147 Loudon Road. The proposed reconstruction was in reaction to a fire which destroyed the Friendly's restaurant which had occupied the site for many years. The conditions of approval were fulfilled and building permits were drawn. At the time that a Certificate of Occupancy was sought, the inspection revealed that the rooftop HVAC equipment was larger than had been displayed on the plans and referenced to at the Design Review Committee meeting such that it protruded above the screening provided. Also, lighting was added to the east and west facing decorative gables which had been added to the roof in the original plan upon recommendation of the Design Review Committee.

He reported that Friendly's was granted a Temporary Certificate of Occupancy to allow them to open for business, and have now submitted plans for a white vinyl lattice screening to be placed between the rooftop HVAC equipment and the white vinyl fence at the edge of the roof which was originally intended to function as the screening.

He reported that the Design Review Committee considered the proposed additional lattice screening for the HVAC equipment and the gable lighting, and recognized that this is the rear façade of the building and that the primary purpose of the screening is for the benefit of the neighborhood to the north. The Committee noted that there is spacing between the vinyl fence and the lattice screen, and that the vinyl fence is continuous along the roof edge. The materials of both are white vinyl. The Committee found this appropriate.

With regard to the gables, the Committee noted that all other gables and side are uniformly lit, and the two gables in question face east and west toward commercial neighbors. All site and building lighting is on a timer for unified control. The Committee found the lighting of the gables to be acceptable, and voted to recommend both of these design changes as submitted.

Ms. Meyer had questions relative to the appearance of the equipment and its location and the screening method being used.

There was no one present on behalf of the applicant.

There was no one who wished to speak for or against this application and the Vice Chair declared the hearing closed at 8:05 PM.

# Deliberations and Action on Application

Mr. Shurtleff moved approval of the revisions as submitted and Mr. Hicks seconded. Motion carried.

#### **REGULAR MEETING**

#### Minutes

Mr. Shurtleff moved approval of the minutes of the meetings of May 19, 2010, and June 2, 2010, as submitted. Ms. Foss seconded. Motion carried.

#### **New Business**

9. Consideration of a report from the Engineering Division relative to a request for the City of Concord to **release an option** it holds to acquire a portion of the lot occupied by Dunkin Donuts at **117-119 South Main Street**, and to prohibit the erection of any buildings on that portion of the lot. The option relates to the mapped lines of a future extension of Storrs Street as certified by the Planning Board in 1965.

(Mr. Drypolcher arrived at 8:12 PM and was seated.)

Mr. Woodward explained a request from Heidi Barrett-Kitchen of Shaheen & Gordon, P.A., asking the City to release its rights acquired under the Agreement of Gerald A. Berube and Theresa P. Berube, dated May 3, 1965, and recorded at the Merrimack County Registry of Deeds at Book 961, Page 504. The Agreement gave the City the right to acquire for \$1.00 a 38-foot strip of land on the Dunkin Donuts parcel at 117-119 South Main Street. The land was intended to be used for a planned southerly extension of Storrs Street.

The City Council had referred this request to the Engineering Division which had prepared a report. The report was forwarded to the Planning Board for review because the Board, in 1965, had certified the mapped lines of a future street for the southerly extension of Storrs Street for which this Agreement was obtained.

Mr. Woodward explained that the Berube Agreement was the result of a related petition by the Berubes for the discontinuance of Whittredge Avenue, which at that time was a short, dead-end City street, running easterly from South Main Street just north of Kelley Square. The discontinued right-of-way reverted to the Berubes as their land surrounded it. The Agreement with the Berubes contains three clauses: first, that the Berubes waived any rights to damages arising out of the discontinuance of Whittredge Avenue; second, that the Berubes agreed to a future conveyance to the City, for the sum of one dollar, the title to a certain tract of land for the extension of Storrs Street; and third, that the Berubes agreed to refrain from constructing any buildings or other permanent structure on the northerly 38-foot wide portion of their lot, as indicated on a plan entitled, "Mapped Lines of Future Street Extension of Storrs Street".

The plan entitled, "Mapped Lines of Future Extension of Storrs Street", was certified to the Board of Alderman by the City Planning Board by vote passed April 5, 1965. At that time, the southerly terminus of Storrs Street was at Chandler Street, now known as Theatre Street. Subsequent to the certification of the mapped lines of a future street and to the Berube Agreement, Storrs Street was extended southerly to its present intersection with South Main Street opposite Perley Street. The current terminus of Storrs Street is

northerly of the intersection with South Main Street as contemplated in the 1965 mapped future street plan and as memorialized in the Berube Agreement.

In 2004, the City engaged the services of the Cecil Group, Inc., a multi-disciplinary consulting firm tasked with developing a comprehensive plan for the Opportunity Corridor. The final product of that effort, which was endorsed by the City Council in March 2006, outlines an opportunity for the southerly extension of Storrs Street to a preferred intersection at Kelley Square, southerly of the Dunkin Donuts property. The Opportunity Corridor Master Plan also recognizes an intervening action by the City to create a passway beneath the Water Street Bridge for a southerly extension of Storrs Street to Langdon Avenue which runs easterly from South Main Street into the former rail yards. The Opportunity Corridor Master Plan indicates that the connection beneath the Water Street Bridge is a future option that could be pursued at a later time.

In developing the Master Plan 2030, the Planning Board incorporated many of the concepts from the Opportunity Corridor Master Plan but did not include the Kelley Square connection of Storrs Street. Rather Master Plan 2030 incorporated the connection beneath the Water Street Bridge as a key element for redeveloping the southern Opportunity Corridor.

It was noted by the Board, however, that either option identified for a southerly extension of Storrs Street would not require the 38-foot strip of land on the northerly side of the Dunkin Donuts parcel, so that the option to acquire this land could be released as it would not affect the City's ability to execute one of the extension plans.

Ms. Foss moved and Mr. Shurtleff seconded that the Planning Board recommend to the City Council that it release the right of first refusal on a 38-foot wide strip of land obtained in 1965 for a proposed extension of Storrs Street over land of Dunkin Donuts 117-119 South Main Street (Map 28, Block 1, Lot 2). Motion carried.

(Mr. Drypolcher now presided as Chair of the Planning Board.)

10. Request from the Planning Division as to whether the Planning Board would like to have a public hearing with abutter notices sent out, for the consideration of the three proposed new elementary schools, as submitted for review at the Board's July meeting by the **Concord School District**, pursuant to RSA 674:54, Governmental Land Uses.

Mr. Woodward explained that, pursuant to RSA 674:54, the Concord School District has submitted site and architectural plans for the three proposed new elementary schools for the Planning Board's review and comment. While it has been assumed that the Board would have a public hearing on this matter as has traditionally been done for large scale projects for the State, the Planning Division is seeking the Board's guidance as to whether to send abutter notices as opposed to, or in addition to, the newspaper advertisement, which has been the standard for public notice for projects under 674:54. The statute is silent on any type of notice requirement. Where the schools are located within neighborhoods, these reviews would lend themselves to a notification process akin to that provided for a site plan or subdivision application. The Planning Division would,

however, propose to use first class mail as opposed to certified for the notices.

Mr. Swope moved to set the site plans for public hearing in July with notification to the abutters by first class mail. Mr. Shurtleff seconded. Motion carried.

#### **Old Business**

11. Continued review of the **proposed new Subdivision Regulations** focusing on Chapter 4, <u>Design Standards</u>, inclusive of Sections 24-28, and Chapter 5, <u>Administration and Enforcement</u>. Consideration of a date for a special meeting to continue the review process.

The Board continued review of the proposed new Subdivision Regulations and started where review stopped at the Special Meeting on June 2, 2010.

# Section 23.11 Existing Watercourses

Ms. Foss suggested including a provision for adequate buffers along existing watercourses by an appropriate vegetative buffer.

After discussion, Ms. Foss suggested eliminating the middle sentence of this paragraph and adding to the end of the final sentence "including providing adequate vegetative buffers". Members agreed.

## Section 24 Water Supply

Mr. Henninger explained that this section is very similar to the existing provisions. However, he pointed out some significant changes particularly regarding pressure and volume requirements, and spacing of fire hydrants. He reported that the water system consultant had provided some recommendations that he had not yet incorporated into the draft Regulations but that seemed reasonable.

Ms. Foss suggested moving Section 24.03 (5), ISO Standards, to become part of Section 24.03(3) Fire Hydrants. Members agreed.

Mr. Woodward noted that the Planning Board had received a communication from the Penacook-Boscawen Water Precinct reminding the Planning Board that Concord occasionally gets applications for subdivisions along Elm Street, Swett Street, and Chandler Street, which are partially served by the Penacook-Boscawen Water Precinct. He reported that there should be a provision in the Regulations that recognizes the need for cooperation with the Water Precinct.

## Section 25. Sanitary Sewage Disposal

Mr. Henninger reported that this section is essentially unchanged.

## Section 26. Non-Municipal Utilities

Mr. Henninger reported that this section is also essentially unchanged.

## Section 27. Conservation Land, Parks, Open Space, and Sites for Other Public Uses

Mr. Henninger explained most of the elements contained pretty standard language.

Ms. Foss suggested that preservation of existing features should include stone walls. She also indicated that if there is a difference in the definitions of historical features and cultural features, then cultural features should also be included. Mr. Swope felt that "cultural features" would then need to be defined.

Mr. Woodward indicated the Planning Division would explore this suggestion.

Ms. Foss suggested that this might also continue into Section 28. Sections 28.01, 28.02, and 28.04(1) could also invoke cultural features.

Ms. Foss also felt that in Section 28.01 "promotes wildlife habitat" might better be "maintain wildlife habitat". Members agreed to change "promotes wildlife habitat" to "maintains and enhances wildlife habitat".

## Section 28. Landscaping and Erosion Control

Mr. Henninger explained this is a combination and expansion of a couple of sections. It now also includes standards. The biggest change is the requirement for a site stabilization guarantee. He reported that the City in recent years has required bonds to insure stabilization of sites in large developments. This will standardize that requirement.

Ms. Meyer discussed Section 28.04(6), Street Trees. She felt it would be very important that street trees either be in the grass strip between the sidewalk and the traveled way, or within ten feet of the right-of-way. Existing non-invasive trees should not be allowed to be considered as one of the street trees required.

Regarding Section 28.04(8), Vegetation Standards, Ms. Meyer felt that it is very hard to specifically limit plant material to native vegetation and instead should require that vegetation be "predominantly native or non-invasive".

Ms. Foss commented that in Section 28.04(6)(c), "specie" should be "species".

In Section 28.04(6), Ms. Meyer felt the driveway is part of the frontage and should be included as part of the frontage in calculating the number of street trees required.

In Section 28.03, Clearing Restricted, Ms. Foss felt the last sentence could use some clarification. Mr. Henninger responded that this was taken from the State's Alteration of Terrain Permit regulations, and he felt he could find clarification in those regulations that he could provide in this Section.

## Section 29, Fire Protection

Mr. Henninger reported that he is working with the Fire Department regarding fire access gates and will provide updated standards when they are finalized.

## Section 30, Financial Guarantees

Mr. Henninger reported that the biggest change in the requirements for financial guarantees was in the process for acceptance of City streets. He reported that this will become a two-step process allowing occupancy without final paving but with a financial guarantee. The City needed to balance the idea of getting people into their new homes at an appropriate time and getting a good final product. This would allow occupancy before final acceptance of a City street.

## Section 33, Traffic Impacts and Traffic Studies

Mr. Henninger explained that procedures for special investigative studies are still evolving.

#### Section 35, Administration and Enforcement

Mr. Woodward discussed Section 35.18, Compliance with Regulations, and noted that on a rare occasion there is a developer who will want to construct the new street before the plat is recorded rather than provide a financial guarantee for the road. He believes that the option may need to continue to be offered based on the wording of RSA 647:36 III. He reported he would further research the statutes and consult with the City Solicitor for guidance. This same issue affects Section 30.01, <u>Financial Guarantees</u>.

There was a discussion regarding setting a special meeting to finish discussion of the proposed new Subdivision Regulation, along with review of the draft report by Jeffrey H. Taylor & Associates, Inc. on behalf of Concord 2020 relative to its Land Use Regulation Review. Members agreed to a meeting on June 30th at 7:00 PM in the Second Floor Conference Room in City Hall.

There was no further business to come before the Board and the meeting adjourned at 9:35 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward Clerk