

**CITY OF CONCORD PLANNING BOARD
May 15, 2013 MEETING**

The regular monthly meeting of the City Planning Board was held on May 15, 2013, in City Council Chambers, in the Municipal Complex, 37 Green Street at 7:00 PM.

Present at the meeting were Chair Drypolcher and Members Swope, Lavers, Regan, Smith-Meyer and Dolcino. City Planner McPherson, Mr. Henninger and Ms. Parmele of the City's Planning Division were also present.

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

PUBLIC HEARINGS

Architectural Design Review Applications

1. Applications by the following for Design Review Approval for signs, buildings and/or site plans at the noted locations, under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances:
 - **Application by Associated Enterprises, Inc. requesting Design Review Approval for the replacement of 49 windows at 58-68 North Main Street, within the Central Business Performance (CBP) District. (2013-0027)**

Ms. McPherson said the applicant proposed to replace 49 windows, and explained that this had gone to the Design Review Committee because the buildings involved were in the CBP District. She said the windows were very tall, with an arch on top, and said the applicant had done a very good job getting cost estimates for different types and shapes of windows. She said keeping something similar to the original arched top was prohibitively expensive because there were so many windows involved and they would have to be custom made because of the size. She said the ADR Committee thought the windows were fine, but suggested including some trim to extend the line of the sash into the arched top, instead of putting a plain panel there. She said the applicant was willing to do this.

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

Mr. Lavers moved to grant Design Review approval for the replacement of 49 windows at 58-68 North Main Street, within the Central Business Performance (CBP) District, with the conditions from the Design Review Committee.

- Trim will be added to create a shadow line in the arch, in order to mimic the sight line of the sash and bring it up into the arch;
- The color of the sash and the infill panel for the vinyl window are to be the same color;

- Exterior muntins will be used on the windows facing North Main Street and all of the muntin patterns are to match the existing building to maintain the distinction between the two buildings;
- The infill of the four windows on the back of the building are to be done with plywood covered with a dark colored vinyl as shown in the application. The infill also needs to be set back where an operable sash would normally be set to create a shadow line.

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

- **Application by Jeffrey Hathaway/Orange Leaf Frozen Yogurt requesting Design Review Approval for the installation of new ventilation louvers in existing blocked windows on the south side of 70 North Main Street, within the Central Business Performance (CBP) District. (2013-0028)**
- **Application by Kristina & Jeff Hathaway/Orange Leaf Frozen Yogurt requesting Design Review Approval for a new affixed sign and a new hanging sign at 70 North Main Street, within the Central Business Performance (CBP) District.**

The Chair said the louver application and sign application would be discussed together.

Mr. Henninger said the applicant proposed to install ventilation louvers in an existing blocked up window in order to support mechanical equipment in the building. He said the ADR Committee had recommended approval of the application.

Mr. Henninger also said the ADR Committee had recommended approval of the proposed fixed sign and hanging sign.

There were no questions or comments from members of the public. The Chair closed the public hearing for both agenda items.

Mr. Swope moved to grant Design Review approval for the installation of new ventilation louvers in existing blocked windows on the south side of 70 North Main Street, within the Central Business Performance (CBP) District. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

The Chair opened the public hearing for all of the remaining sign applications.

- **Application by NRFC Concord Holdings, LLC/Banfield Pet Hospital requesting Design Review Approval for a replacement affixed sign at 299 Loudon Road, within the Gateway Performance (GWP) District.**

Mr. Henninger said the application was for a replacement of a small, secondary affixed sign. He said the ADR Committee had recommended approval of the application as submitted.

There were no comments from the applicant or members of the public.

Mr. Swope moved to grant Design Review approval for a replacement affixed sign at 299 Loudon Road, within the Gateway Performance (GWP) District. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

- **Application by The Masiello Group requesting Design Review Approval for a replacement awning sign at 4 Park Street, within the Central Business Performance (CBP) District.**

Mr. Henninger said the applicant had requested approval for an awning and two affixed signs on it, one that would face Main Street and the other that would face Park Street. He said the existing frame and replacement material would be used for the awning. He said the ADR Committee had recommended approval of the application as submitted.

John Greenwood of the Masiello Group was present but did not comment. There were no public comments.

Ms. Smith-Meyer moved to grant Design Review approval for a replacement awning sign at 4 Park Street, within the Central Business Performance (CBP) District. Mr. Lavers seconded the motion. Motion passed unanimously.

- **Application by Harold Ekstrom requesting Design Review Approval for two new signs on two existing blocked windows at 12 North State Street, within the Central Business Performance (CBP) District.**

Mr. Henninger said the property involved was Peter's Images, and said the applicant proposed to install a placard (an enlarged photo of a particular hair style) in an existing window opening that was currently closed, above head height level. He said the ADR Committee had recommended approval of the application as submitted.

The Chair noted that there had been discussion by the ADR Committee about whether what was proposed was actually a sign. Mr. Henninger said the Code Administrator said it was a sign, based on the definition of a sign. Mr. Henninger said there was discussion by the ADR Committee that because of this, if the sign were changed out from time to time as the applicant proposed to do, these changes would have to come back for approval.

There was discussion by the Planning Board on the issue of what constituted a sign, and how this had been addressed with some previous applications. Ms. Dolcino asked that the Board get a legal opinion on this, so they would have a better understanding for future applications. The Chair asked Planning staff to get this legal opinion, and Ms. McPherson said she would speak with City Solicitor Jim Kennedy. It was noted that getting the legal opinion was not part of the approval.

Mr. Swope said he thought what the applicant proposed was a sign, and said if it wasn't, this would open a Pandora's box regarding Main Street, so that people would want to hang up anything they wanted and not call it a sign.

Mr. Swope moved to grant Design Review approval for two new signs on two existing blocked windows at 12 North State Street, within the Central Business Performance (CBP) District. Mr. Lavers seconded the motion. Motion passed unanimously.

- **Application by O'Reilly Auto Parts/VIP Tires & Service requesting Design Review Approval for a replacement face panel of an existing affixed sign and a replacement panel in an existing freestanding sign at 162 Manchester Street, within the Highway Commercial (CH) District.**

Mr. Henninger said two replacement panels were proposed, one for the freestanding sign and one for the existing box sign. He said the ADR Committee had recommended approval of both of them.

Mr. Swope moved to grant Design Review approval for a replacement face panel of an existing affixed sign and a replacement panel in an existing freestanding sign at 162 Manchester Street, within the Highway Commercial (CH) District. Mr. Regan seconded the motion. Motion passed unanimously.

- **Application by the Paper Store requesting Design Review Approval for a replacement affixed sign at 56 Fort Eddy Road, within the Gateway Performance (GWP) District.**

Tim Sullivan of Barlo Signs was present. Mr. Henninger said the ADR Committee recommended approval of the replacement proposed for the affixed sign.

Mr. Swope moved to grant Design Review approval for a replacement affixed sign at 56 Fort Eddy Road, within the Gateway Performance (GWP) District. Ms. Smith-Meyer seconded the motion and it PASSED unanimously.

Subdivision Applications

2. **Application by WBIN Media, Inc. & the City of Concord, for property located at 4 Church Street, the former Walker School, requesting Minor Subdivision Approval for the subdivision of a portion of land to become Bouton Street right-of-way and the annexation of a portion of the North State Street right-of-way to the Walker School property. (2013-19)**

Ms. McPherson recommended that the application be determined complete and the hearing opened. The Chair opened the public hearing.

Attorney Uchida represented WBIN, and explained that a property exchange was proposed between the city and the Walker School property. He explained that surveying and title research done for the transfer of the Walker School property from the School District to WBIN Media had uncovered that a strip of land, ranging from 25-feet wide to 35-feet wide along North State Street that had been fenced and incorporated with the Walker School property for years was not owned by the School District. He noted that this portion of North State Street was part of a grand boulevard idea the city once had. He said the research also discovered that some of the city's improvements relative to Bouton Street were located on the Walker School property.

He said the proposed subdivision and property exchange would provide the Walker School property with acreage that would be used as part of the site plan. He said the exchange would also allow the City to own all of the Bouton Street improvements within a newly defined right-of-way. He said there would also be an opportunity there for a bus pull out, so the bus stop currently at Sovereign Bank could possibly be moved to this more visible area. He said an area was being reserved for that possible relocation.

Attorney Uchida said the City Council had seen the proposal to exchange the parcels, and was deferring to the Planning Board to hold a hearing on this.

There were no questions or comments from the public or the Board. The Chair closed the public hearing.

Mr. Swope moved to grant final subdivision approval for the Minor Subdivision application of WBIN Media, Inc., and the City of Concord as prepared by Richard D. Bartlett and Associates, LLC, plan entitled "Re-subdivision Plat prepared for WBIN Media, Inc.," subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address any minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.

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

3. **Application by Scott and Samantha Daniels & Douglas Hicks, for property located at 134 Mountain Road and 95 Shaker Road, requesting Minor Subdivision Approval for a lot line adjustment, creating no new lots. (2013-21)**

Mr. Henninger recommended that the Planning Board declare the application complete and open the public hearing.

Mr. Swope MOVED to open the public hearing. Mr. Laver seconded the motion. Motion passed unanimously.

Daniel Mullen of Richard D. Bartlett Associates Surveyors said the Douglas W. Hicks 2000 Trust proposed to transfer 0.05 acres of its existing 50.9 acre parcel on Mountain Road and Shaker Road to Scott and Samantha Daniels, who lived at 131 Shaker Road. He said the Daniels were in the process of improving their lot, which was part of a previous subdivision. He said getting the 2000 sf of Hicks property would make their lot more compliant, and also said none of the other lots would be affected.

There were no comments from the public and no questions from the applicant or members of the Planning Board. The Chair closed the public hearing.

Mr. Henninger recommended approval of the application with one condition, per the staff report.

Mr. Swope moved to grant final subdivision approval with the following condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Subdivision Regulations.

Mr. Lavers seconded the motion. Motion passed unanimously.

4. **Application by LJJ Realty, LLC & Steven Rattee, for property located at 339 & 320 Mountain Road, requesting Minor Subdivision Approval for a two lot subdivision at 339 Mountain Road and an annexation of property from 339 Mountain Road to 320 Mountain Road. (2013-22)**

Ms. McPherson said staff recommended that the application be determined complete.

Mr. Swope moved that the application is complete. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Tim Bernier of T. F. Bernier, Inc. represented the applicants. He said the purpose of this application was to adjust a lot line between the LJJ Realty property at 339 Mountain Road and the Rattee property at 321 Mountain Road, and to annex 14.22 acres in the back that was

cultivated fields from the LJJ Realty property to the Rattee property, which also had cultivated fields.

Mr. Bernier said a two acre lot would be subdivided off for the existing church on the property at 339 Mountain Road, and explained that a significant portion of the church building and pavement area there would be removed. He said the existing house, garage and barn would remain on a 10 acre parcel. He explained that the minor subdivision application was the first step in a conservation subdivision proposal for a remaining 10 acre parcel, as well as a site plan application to reconfigure the church property.

The Chair asked if members of the public had any questions or comments on what was proposed. Hearing none, he closed the public hearing.

It was noted that two waivers had been requested, and that planning staff had recommended that both be granted.

Mr. Swope moved to grant a waiver to Sections 12.07, 12.08(3), 12.08(5), 12.08(19) and 12.08(23) of the City of Concord Subdivision Regulations, to not provide wetlands, topography, existing features, wetland buffers and tabulations of the areas of wetlands, impervious surface and steep slopes on the Rattee property. There is no new construction proposed on the property and detailed information has been provided for the portion of land to be annexed to the Rattee parcel. Mr. Lavers seconded the motion. Motion passed unanimously.

Mr. Swope moved to grant a waiver to Sections 15.03(3), 15.03(5) and 15.03(6) of the City of Concord Subdivision Regulations, to not include the following information for the Rattee property on the plan: tabulations of the lot area and buildable lot area in square feet, the type and location of monuments along the boundary of the property and the location of wetlands, wetland buffers, bluffs, ravines, buffers to bluffs and steep slopes greater than 15% and greater than 25%. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair noted that planning staff had recommended final subdivision approval, with 5 conditions.

Mr. Swope moved to grant final subdivision approval for the Minor Subdivision application of LJJ Realty, LLC and Steven Rattee as prepared by the T.F. Bernier, Inc. plan entitled "Subdivision & Annexation Plan Land of Steven Rattee & LJJ Realty, Inc.", subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address any minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall complete the demolition of the church building and pavement as shown on the Demolition Plan prepared by T.F. Bernier, Inc. with a date of April 2013.

3. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services Subdivision Approval
 - b. NH Department of Transportation Driveway Permit
5. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. Agreement to convey a well easement for the benefit of new lot #1

Mr. Lavers seconded the motion. Motion passed unanimously.

Site Plan Review Applications

5. **Application by Havenwood-Heritage Heights, for property located at 149 East Side Drive, requesting Site Plan Approval, Design Review Approval, a Conditional Use Permit pursuant to Section 28-4-4(d), Disturbance to Bluffs and Buffers to Bluffs, and a Conditional Use Permit pursuant to Section 28-2-4(j) and 28-8-2(c), Modification of an Existing Residential Social Service Center, of the Zoning Ordinance, for the redevelopment of the north end of the property, including the demolition of 65 residential dwelling units, construction of 34 new residential dwelling units, construction of a new private road, driveways, sidewalks, stormwater management, lighting, landscaping, and related site improvements. (2013-0008)**

Ms. Dolcino recused herself for this application.

The Chair noted that the public hearing was continued from the April 17th meeting.

Attorney Richard Uchida said based on the input received from the Planning Board as part of the April public hearing, the design team had worked on reducing the impervious area of the roadways and sidewalks, and had created some sidewalks with landscaping panels where possible. He said they had also looked at the community gathering areas in the plan, and said staying within the cul-de-sac model, they had enhanced the gathering areas as planning staff

had suggested. He noted that there was a meeting with staff at the end of April, and said the current plan was the result. He said the design team thought this plan improved the development, and said they hoped the Planning Board agreed.

Erin Lambert of Nobis Engineering said the plan had been revised to reduce unnecessary sidewalks, which she said would reduce the amount of impervious area and would also provide the opportunity for more planting. She noted on the plan those sidewalks that were removed, including the 6-ft sidewalks on the east side of the main access drive. She also said that for the sidewalk on the west side of the road, a green strip was added between the roadway and the sidewalk. She said they also looked at where they could pull the sidewalk away from the street, and noted areas where this was done, which left more room for trees.

Ms. Lambert explained that the looped drive between buildings #7 and #8 has been removed and there was now a common driveway for them. She also said the oval-shaped drive was removed between buildings #1, #2 and #3, and said buildings #2 and #3 now shared a common driveway. She said the sidewalks in the back were also reduced, noting that the sidewalks going to rear doors of the units would be reduced to 4 ft. She said the sidewalks still included in the design were purposeful and necessary for the operation of Havenwood.

Ms. Lambert said the revised plan also included 32 additional trees, most of which were along the main access drive. She said some of these additional trees would be adjacent to the buildings, and said there would be a tree for every house. She said there would be a total of 313 trees at the north end of the campus.

She provided details on how the cul-de-sac design had been adjusted to enhance the cul-de-sacs as gathering spaces, by reducing some of the impervious pavement and increasing the lawn area. She also said Heritage Heights had a great number of gathering spaces, and she provided details on them. She spoke about the importance of pedestrian connectivity on the campus, which connected people with these various gathering areas.

Ms. Smith-Meyer asked for details on the landscaping proposed for the cul-de-sacs on the west side. Ms. Lambert said there would be plantings there, but no trees. She also said there would be a one ft wide gravel strip to control stormwater. She said the plants would be salt tolerant, noting that it would be a snow storage area too.

There was discussion that the width of the main road of the campus now was 24 ft, with Ms. Lambert stating that the perimeter road in the back might be narrower. She also said the width of the cul-de-sacs was reduced as tightly as possible. Ms. Smith-Meyer said a narrower road slowed people down, and spoke further on this. Mr. Pizzi said a concern was connecting the new road to the existing 24 ft road. Ms. Lambert said the road would be curbed, and there would be a lot of sidewalks, and said it was therefore felt that a 24 ft road for two way travel was the narrowest they wanted to go. She said side roads were reduced to 22 ft where

possible. Ms. Smith-Meyer said it would be nicer to have less pavement and make the campus even more walkable. She said right now, the campus didn't seem to have a lot of traffic.

Richard Pizzi, architect with Lavallee Brensinger Architects, noted concern previously expressed by Planning Board members about the design of the detached parking garage that was proposed along East Side Drive. He showed a graphic that demonstrated how the building would look in relation to the surrounding buildings, and said he thought the character of the area would remain the way it was today. He said he thought the concern for some Planning Board members was how the parking garage looked as an elevation, but said the massing of the building was no different than the buildings already there or proposed, with the exception of two single units. He said most people wouldn't see the building straight on and instead would see it on an angle while driving by. He also noted that the 30 ft buffer requirement meant the existing trees along the frontage would be maintained.

Mr. Lavers said it was evident that the design team had listened to the Planning Board, and had spent a considerable amount of time addressing their concerns. He thanked them and said they now had a better project.

The Chair asked if members of the public had any questions. He then closed the public hearing.

The Chair said he echoed Mr. Lavers' comments, and said the effort put in was well worth it in terms of the revised design. He said he appreciated it that the design team had listened to the Planning Board and came back with improvements.

Ms. McPherson recommended making motions again on the waivers and CUP permits that had been granted at the last meeting, in order to have a complete approval package tonight.

Ms. Smith-Meyer asked if there was anything different in the staff recommendations from last month. Ms. McPherson noted that she had added a condition about restoring the buffer to the CUP permit, which was requested by the Board at the last meeting.

Mr. Lavers moved to grant a Waiver to Section 19.03 of the Site Plan Regulations to permit the construction of a residential driveway serving more than eight units with a width of 22 feet where 24 feet is required. Mr. Regan seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant a Waiver to Section 19.09 of the Site Plan Regulations to permit the construction of cul-de-sacs with an outside pavement diameter of 80 feet and a center island diameter of 36 feet at the terminus of a residential common private driveway. Ms. Smith-Meyer seconded the motion. Motion PASSED unanimously.

Mr. Lavers moved to grant a Conditional Use Permit (CUP) pursuant to Section 28-4-4(d) of the Zoning Ordinance, to allow for disturbance to the buffer to bluff along the Merrimack River for the removal of existing pavement and for the construction of a retaining wall and grading

associated with the construction of a 6-foot wide paved walkway along the edge of the buffer to the bluff within the vicinity of buildings #15 & 18. The disturbed area shall be restored. Mr. Regan seconded the motion. Motion passed unanimously.

Mr. Regan moved to grant Conditional Use Permit (CUP) pursuant to Section 28-2-4(j) and 28-8-2(c) of the Zoning Ordinance, for the modification of an existing Residential Social Service Center in the Medium Residential (RM) District. The majority of the site is located in this district and a CUP is required when alterations occur. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant Design Review Approval for the site plan, architectural building elevations, landscape plan and lighting plan for the redevelopment of the Heritage Heights north campus, as prepared by Nobis Engineering and Lavallee Brensinger Architects. Mr. Regan seconded the motion. Motion passed unanimously.

It was noted that condition #2 for the Conditional Site Plan Approval concerning the drainage system was a bit out of the ordinary.

Mr. Lavers moved to grant Conditional Site Plan Approval for the for the redevelopment of the Heritage Heights north campus, as prepared by Nobis Engineering and Lavallee Brensinger Architects, subject to the following 12 conditions recommended by staff:

- 1) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, approvals of construction drawings and specifications for all private improvements shall be obtained from the City Planner and plans shall be revised to address minor omissions and corrections noted by staff.
- 2) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the drainage system in the vicinity of DMH 9111 shall be investigated to the satisfaction of the City Engineer including possible video inspection of the system. The plans shall be amended to include any necessary changes to ensure the drainage system is working to satisfaction of the City Engineer.
- 3) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, a note shall be added to the landscape plan to indicate that additional plantings shall be provided along the north side property line within the 30-foot buffer, to provide an effective year-round screen between the campus and the residential property to the north. The type, quantity and placement of plantings shall be approved by the City Planner after clearing has been completed.

- 4) Prior to the issuance of a certificate of approval by the Planning Board Chair and issuance of any building permits for construction activity on the site, the following State permits shall be obtained and copies provided to the Planning Division:
 - a) NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
 - b) NH Department of Environmental Services Water Quality and Sewer Discharge Permits
- 5) A pre-construction meeting shall be required prior to the start 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.”
- 6) Prior to the issuance of a certificate of approval by the Planning Board Chair and issuance of any building permits for construction activity on the site, the applicant will provide to the City Solicitor a financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Planner and City Engineer, and in a form acceptable to the City Solicitor.
- 7) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 8) Prior to the issuance of a certificate of approval, 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.
- 9) Prior to the issuance of a certificate of approval by the Planning Board Chair and issuance of any building permits for construction activity on the site, the applicant shall obtain approval of private utility plans from Unitil, Fairpoint and Liberty Utilities.
- 10) Prior to the issuance of a certificate of approval, the applicant shall file a voluntary merger application with the City to merge parcel 114H/1/13 with parcel 114G/1/1.
- 11) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
- 12) 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.

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

6. Application by Concord-Merrimack County SPCA, for property located at 254 Clinton Street, requesting Site Plan Approval and Design Review Approval for the construction of a new SPCA animal shelter, with associated parking, stormwater management, lighting, landscaping, and site improvements. (2013-0009)

The Chair opened the public hearing.

Heather Faria, Executive Director of the Concord-Merrimack County SPCA and Brian Vincent of Nobis Engineering came before the Planning Board. Mr. Vincent explained that the current SPCA in Pennacook was inadequate, and said the organization was looking to move on to a new facility on Clinton Street in Concord. He noted that the project that came before the Planning Board in 2008 was somewhat larger.

He said the current project was granted a special exception by the ZBA to allow the kennel use, and also said an area variance was received in regard to the lot coverage (22% was approved where 10% is allowed) in the RO district.

Mr. Vincent said the new shelter would continue to accept dogs, cats, etc. He said an 8,000 sf building was proposed, and noted that the existing yellow house on the property would be relocated. He said there would be a well and onsite septic system, and also said the project involved the installation of a cistern for fire protection. He said there would be a mostly closed drainage system, with runoff going to a detention basin and a treatment system out toward Silk Farm Road.

He said the site would be landscaped per city requirements, and said site clearing near the pond on the site would be minimized. He said landscape shrubs adjacent to the proposed parking area had been added to the plan to shield abutting properties on Silk Farm Road from headlights.

Mr. Vincent provided details on the parking that was proposed, which was more spaces than the minimum required, and said this was driven by the needs of the SPCA. He said there were 10 staff members there every day, as well as 10 volunteers, and also said there were frequent educational programs, fundraising events, and pet clinics/open houses that required sufficient parking. He said larger events every 4-6 weeks had historically drawn 50-100 people. He said there were 15-20 visitors on a typical day.

Mr. Vincent said the facility could handle 26 dogs, and also handled cats, etc. He noted that the building would be soundproof, and also said outdoor play areas would be policed to make sure barking dogs didn't stay out. He said dog walkers would use leashes, and would also have waste bags with them for pickup.

There was discussion about the revised landscape plan. Mr. Henninger said it was desirable to have more shade trees immediately adjacent to the east side of the parking area, as was indicated in the plan. Ms. Smith-Meyer provided suggestions for locations of trees along the access road. She also said the landscape plan should show the two trees that were shown in the building elevation facing Clinton Street. She suggested that there should be two in front, and one around the corner.

Mr. Lavers asked about the current number of parking spaces at the facility in Pennacook. Ms. Faria said officially there were less than 10 spaces, and said staff and visitors currently parked all over the place. She said the SPCA didn't want a situation like this for the parking on Clinton Street, which would be a more visible location.

The Chair asked if members of the public had any comments. He then closed the public hearing.

Mr. Henninger said there was a waiver request to allow a very minor increase in the amount of runoff, which was solely because of the inability of water to infiltrate on the site because of ledge and a high water table. Ms. McPherson said this issue also related to the parking that was proposed, which is beyond what is required, and suggested that the Board look at the whole picture.

There was discussion about the reason for the amount of parking proposed. The Chair asked Engineering Department staff Laura Aibel about the infiltration issue. Ms. Aibel said the Department had requested that the applicant consider taking out the proposed parking spaces adjacent to the detention area in order to increase the amount of green space, and said while this wouldn't result in a significant decrease in runoff, sometimes the Engineering Department looked for whatever they could get. There was discussion about possibly providing gravel for overflow parking in some area instead of pavement. There was also discussion about including some compact parking spaces, and providing a grassed area for some parking. Ms. Aibel said she would like the applicant to look at these things, noting the importance to the city of low impact development strategies and best management practices for stormwater.

The Chair noted that there was also the issue of maintenance of these alternative parking areas, including snowplowing and re-seeding of grassed areas, and Ms. Aibel agreed.

Attorney Ari Pollock noted that he was part of the project team. He said this development proposal was an opportunity to move the SPCA organization forward, on a more professional site as compared to the current site. He said the idea was to be a self-contained site, and not to impact neighbors and surrounding roadways. He said they wanted to be able to provide parking for events that would be held throughout the year, and noted that they hoped to increase the frequency of events, including adoption clinics. He said the new facility would provide a platform for the SPCA as a community resource. He noted that currently, visitors sometimes had to be turned away because the neighbors complained. Mr. Pollock also noted the ledge on the property and the impact it would have on infiltration regardless of the parking surface.

The Chair noted the idea of including some compact spaces to reduce the amount of impervious surface, and Mr. Vincent said the applicant wouldn't be opposed to doing this for a portion of the parking area.

Ms. Smith-Meyer suggested alternative locations for some of the parking so some of the parking in front could be eliminated, and also suggested some compact spaces.

The Chair said if something could be worked out with staff regarding this issue, it would be greatly appreciated. He suggested that it would not be necessary to put off voting on the waiver request pending further discussion with staff.

Mr. Vincent spoke about the shallow bedrock on the site, which meant stormwater couldn't infiltrate. He noted that there wouldn't be an increase in peak flow with the project, although there would be the increase in volume. He said if the amount of impervious surface was reduced, the resulting infiltration increase would be insignificant. He said with some compact spaces, the amount of runoff wouldn't be substantially different.

Ms. Smith-Meyer said there were some ways to compromise. Ms. McPherson said some incremental changes could be made in order to slightly decrease the amount of runoff. She noted that a waiver would still be needed, and said the applicants should provide the best possible situation in order to get the waiver.

Ms. Smith-Meyer said in light of the soil conditions and ledge on the site, as well as snow plowing that would be done, it would be a waste of money to plant a hedge of rhododendrons adjacent to the parking area. She recommended using something more sustainable to screen abutting properties from headlights.

There was discussion about the stone wall issue, and it was noted that the applicant would minimize removal of the wall, and would replace any sections of the stone wall that were disturbed, other than those in the driveway area and drainage outfall area.

The Chair restated that the waiver request would still be needed, and said the Planning Board could grant the approval with a condition that the applicant would sit down with staff to work to minimize the increase in runoff volume.

Attorney Pollock said the applicant would commit to doing that.

There was discussion about the proposed conditions of approval. Ms. McPherson suggested adding a condition under #2d concerning reducing runoff, that to the maximum extent practicable, the applicant should try to reduce runoff from the site. Ms. Aibel suggested including a condition about compact parking spaces. The Board did not want to be that specific about how the amount of runoff was reduced.

Ms. Smith-Meyer moved to Grant a waiver to Section 22.08(3) of the Site Plan Review Regulations to allow an increase of up to 0.1 acre feet of increased runoff for the 10 year storm event. Mr. Lavers seconded the motion. Motion passed unanimously.

Mr. Swope moved to Grant Design Review Approval for the site, building plans and proposed free-standing sign for The Concord – Merrimack County SPCA for a new animal shelter to be constructed at 94 Silk Farm Road. Mr. Lavers seconded the motion. Motion passed unanimously.

Mr. Swope moved to Grant conditional site plan approval for the site and building plans for The Concord – Merrimack County SPCA for a new animal shelter to be constructed at 94 Silk Farm Road, 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, the following State and Federal permits shall be obtained and copies provided to the Planning Division:
 - a) Driveway Permit from NH Department of Transportation to remove the existing driveway on Clinton Street.
- 2) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, approvals of construction drawings and specifications for all public and private improvements shall be obtained from the City Planner. Revisions to the plans shall include the following:
 - a) The site plan shall be revised to expand the protection of existing vegetation along Silk Farm Road between the street edge and the drainage retention basin.
 - b) The site plan shall be revised to limit the extent of the stone wall removal along Silk Farm Road to only that necessary to construct the drainage outfall and new driveway.
 - c) A visual screen 3 ½ - 4 feet in height, adequate to screen cars and headlights from the abutting residential properties along Silk Farm Road, shall be provided along the east side of the main parking lot.
 - d) Runoff will be reduced to the greatest extent possible by decreasing impervious surface.
 - e) 3 trees will be planted on the south and southeast side per the elevation shown.
 - f) A more sustainable hedge will be substituted in place of rhododendron adjacent to the parking lot.
- 3) Prior to the issuance of a certificate of approval, 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.

- 4) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the applicant shall obtain approval of private utility plans from Unitol and Fairpoint Communications.
- 5) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the applicant will provide to the City Solicitor a financial guarantee for site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- 6) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 7) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
- 8) 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.
- 9) Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation

Mr. Lavers seconded the motion. Motion passed unanimously.

7. **Application by Concord Hospital, for property located at 250 Pleasant Street, requesting Site Plan Approval, Design Review Approval, and a Conditional Use Permit pursuant to Section 28-4-1(f)(3), Maximum Height of Buildings or Structures, of the Zoning Ordinance, for the construction of a new 5,583 square foot Central Utility Plant to replace the existing plant, including the reconfiguration of associated utilities, and for the construction of a third deck on the existing F Lot parking garage. (2013-18)**

Mr. Henninger recommended declaring the application complete, and scheduling the public hearing for the June 19, 2013 Planning Board meeting.

Mr. Lavers moved that the Planning Board determine this application to be complete and schedule the public hearing for June 19, 2013. Mr. Regan seconded the motion. Motion passed unanimously.

8. **Application by WBIN Media, Inc./Concord School District, for property located at 4 Church Street, requesting Site Plan Approval, Design Review Approval, a CUP pursuant to Section 28-7-11(d), Additional Compact Automobile Spaces, a CUP pursuant to Section 28-7-11(f), Driveway Separation Alternatives, and two CUPs pursuant to Section 28-5-23(e), Wireless Telecommunication Equipment, of the Zoning Ordinance, for the redevelopment of the Walker School property, including additional parking, landscaping, lighting and related site improvements. (20013-0020)**

Ms. McPherson said that staff recommends determining the application complete.

Mr. Swope moved that the Planning Board determine this application to be complete and schedule the public hearing for June 19, 2013. Mr. Lavers seconded the motion. Motion passed unanimously.

9. **Application by LJJ Realty, Inc., for property located at 339 Mountain Road, requesting Major Subdivision Approval, Design Review Approval, and a Conditional Use Permit pursuant to Section 28-4-3(a), Disturbance to a Wetland Buffer, for a five lot cluster subdivision. (2013-23)**

Ms. McPherson said that staff recommends determining the application complete.

Mr. Swope moved that the Planning Board determine this application to be complete and schedule the public hearing for June 19, 2013. Mr. Lavers seconded the motion. Motion passed unanimously.

10. **Application by Sandy's Pet Food Supply Center/Concord School District, for property located at 139 Old Turnpike Road, requesting Site Plan Approval, Design Review Approval and a Conditional Use Permit pursuant to Section 28-7-11(f), Driveway Separation Alternatives, of the Zoning Ordinance, for the construction of a 7,000 square foot commercial building, with associated parking, loading, stormwater management, lighting, landscaping, and related site improvements. (2013-25)**

Mr. Henninger said that staff recommends determining the application complete.

Mr. Swope moved that the Planning Board determine this application to be complete and schedule the public hearing for June 19, 2013. Mr. Lavers seconded the motion. Motion passed unanimously.

11. **Application by Swenson Granite Company, LLC, for property located at 369-371 N. State Street, requesting Site Plan Approval, Design Review Approval, and a Conditional Use Permit pursuant to Section 28-4-3(d), Disturbance of Wetland Buffers, of the Zoning Ordinance, for the construction of a new 32,175 square foot manufacturing building at the top of the existing granite quarry, and associated parking, grading and site work. (2013-26)**

Mr. Henninger said that staff recommends determining the application complete.

Mr. Swope moved that the Planning Board determine this application to be complete and schedule the public hearing for June 19, 2013. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

The Chair turned the meeting over to Mr. Swope at 8:50 pm, and left the meeting.

Amendments to the Zoning Ordinance

12. **Consideration of proposed amendments to Article 28-4, Development Design Standards, which would add a new development type, Continuing Care Retirement Community, and design and performance standards; and corollary amendments to Section 28-2-4(j), Table of Principal Uses, Section 28-9-4(f), Decisions by the Planning Board, Architectural Design Review, and Section 28-7-2(e)(A), Table of Off-Street Parking Requirements, Principal Uses, Residential.**

Ms. McPherson said the Planning Board was considering these proposed changes to the Zoning Ordinance, but noted that she had also provided in the packets some preliminary wording on CCRD design standards for the Site Plan regulations.

Acting Chair Swope opened the public hearing on the amendments proposed to the Zoning Ordinance. He asked Ms. McPherson to go through the proposed CCRC Ordinance section by section, and solicited questions and comments from Board members.

Ms. Dolcino spoke about the definition of Continuing Care Retirement Community RSA 420-D:1. She said she knew this law, and said it was more about the fact that an entrance fee/deposit was required, and not about the continuing services such a community provided. She spoke in detail on this. The Board and Ms. McPherson discussed this and decided to remove the reference to the provision of continuing care in the definition. The Board agreed that this provision, which is something important to the vision of how CCRCs develop in the City, is taken care of in other sections of the proposed Ordinance.

The Board reviewed the other proposed provisions. Mr. Lavers got confirmation that siting requirements for facilities would be addressed in the Site Plan regulations. Ms. McPherson said

this was an important design issue so should be addressed by the Planning Board, as opposed to being something that could be waived by the ZBA.

Ms. McPherson noted that the parking requirements for assisted living would be cut in half, and explained the rationale for this. She said this was reflected in (5)a.

There was discussion that (d) Allowed uses (1) Principle Uses should say "A CCRC shall contain continuing care facilities, including: a. independent living dwelling units and at least one of the following solely for the use and benefit of the residents of the independent living dwelling units."

Mr. Lavers moved to approve the proposed amendments to Article 28-4, Development Design Standards, which would add a new development type, Continuing Care Retirement Community, and design and performance standards; and corollary amendments to Section 28-2-4(j), Table of Principal Uses, Section 28-9-4(f), Decisions by the Planning Board, Architectural Design Review, and Section 28-7-2(e)(A), Table of Off-Street Parking Requirements, Principal Uses, Residential. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Ms. McPherson spoke briefly about CCRC Design Standards proposed for the Site Plan Regulations. The Board would address these at a future meeting.

13. Proposed amendments to Section 28-4-7, Cluster Development, which would add exemptions to the cluster development requirement in the Open Space Residential (RO) Zoning District, density standards and other performance standards; and corollary amendments to Section 28-5-46, Single Family Dwellings in a Standard (Non-Cluster) Subdivision and Section 28-3-5, Penacook Lake Watershed Protection (WS) District.

Ms. McPherson said the biggest change this time around was an update of the Open Space Residential Development Worksheet to reflect the changes previously requested to the ordinance. She noted that the Board had said 2b should say "Total acreage of land containing slopes > 20% (excluding bluffs)", when this provision had previously indicated that slopes greater than 15%, and half the acreage of land would be considered in the calculation of density.

The Chair asked if there were any further comments. Ms. Dolcino noted her continuing objection to the permitted uses of open space, reflecting her concern that more playing fields should be allowed on the open space.

Ms. Smith-Meyer moved to approve the Proposed amendments to Section 28-4-7, Cluster Development, which would add exemptions to the cluster development requirement in the Open Space Residential (RO) Zoning District, density standards and other performance standards; and corollary amendments to Section 28-5-46, Single Family Dwellings in a Standard

(Non-Cluster) Subdivision and Section 28-3-5, Penacook Lake Watershed Protection (WS) District. Mr. Lavers seconded the motion. Motion passed unanimously.

Amendments to the Site Plan Regulations

14. Proposed amendments to Chapter 4, Design Standards, which would add a new Section on Open Space Residential Development Design Standards; and corollary amendments to renumber the Site Plan Regulations as necessary.

Ms. McPherson noted that the Planning Board had decided to take some things out of the Zoning Ordinance concerning Open Space Residential Development and put them in the Site Plan regulations because they thought this made more sense. She said this meant that instead of an applicant having to get a variance concerning something like contiguous open space, this would be something the Planning Board could address through the Site Plan Regulations. She said this made more sense, because it was something that would be impacted by the way an open space development was laid out, and could be considered as part of the whole design review process.

She noted that there previously hadn't been a section for Open Space Residential Development in the Site Plan Regulations. She said all of the things that would normally be covered under site plan review had been pulled out of the Zoning Ordinance and put into this new section.

The Chair opened the public hearing.

Ms. McPherson said the proposed provisions in Open Space Residential Development had been well fleshed out, and she reviewed them. Among other things, she noted that the idea of a site analysis plan was introduced. She said this tied in with the whole purpose of open space development, which was to protect open space, and said it could help in discussion with an applicant about laying out a development on a site. She said this wasn't an onerous requirement because it would contain things a surveyor would pick out about a site anyway. It was noted that the Board had discussed this at length. Ms. McPherson also noted the waiver language concerning doing a site analysis plan: "The site analysis plan requirement may be waived by the Planning Board if the applicant preserves a minimum of 75% of the overall tract."

Ms. Dolcino asked if the language in (1) Open Space "...preservation of the original land forms and existing vegetation shall be maximized" would prohibit using land for agricultural purposes. Ms. McPherson said this was something that would be discretionary for the Planning Board, so tree clearing for agricultural purposes could be done if this was appropriate. She said the intention of this wording was that a site should not be clear-cut in order to put in houses, and so instead the houses could be tucked up against the forest.

There was discussion about whether the wording should be revised. The Board agreed that the language “preservation of the original landform and significant natural feature should be maximized” would address the concerns raised, since there was a section below that defined natural features, to which the Board decided to add “working farmland.”

Ms. Smith-Meyer moved to approve as presented and amended the proposed amendments to Chapter 4, Design Standards, which would add a new Section on Open Space Residential Development Design Standards; and corollary amendments to renumber the Site Plan Regulations as necessary. Ms. Dolcino seconded the motion. Motion passed unanimously.

REGULAR MEETING

15. Minutes of the April 17, 2013 Planning Board meeting.

Mr. Lavers moved to approve the April 17, 2013 Minutes. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

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

INFORMATION

17. Minutes of the May 7, 2013, Architectural Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, June 19, 2013. *** Note: Meeting may be held in the Second Floor Conference Room, City Hall.

The Chair adjourned the meeting at **9:30 pm.**