

The regular monthly meeting of the City Planning Board was held on March 21, 2012, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher, Members Smith Meyer, Hicks, Swope, Foss, and Lavers. City Planner McPherson, Mr. Henninger, Ms. Hebert and Ms. Muir of the City's Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

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

PUBLIC HEARINGS

Architectural Design Review Applications

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

- **Steven Thibault / Great Clips for two new affixed signs at 60 D'Amante Drive**

The Chair opened the public hearings for the sign application.

Ms. McPherson stated that the applicant is proposing two new affixed signs on a new retail building. The signs will be located above the entrance on the east corner of the building and above windows on the south corner of the building.

Ms. McPherson reported that the Architectural Design Review Committee (ADRC) discussed the sign application at its meeting on March 13th, found the signs to be appropriate to the building and overall context of the site, and recommended approval as submitted.

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

Ms. Smith Meyer moved to grant Architectural Design Review approval for two new affixed signs at 60 D'Amante Drive as submitted by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

2. Consideration of an application by Two Pillsbury Street Condominium Association for changes to the façade of the penthouse on the roof at 2 Pillsbury Street. (2012-0007)

The Chair stated that the hearing was opened at the February 15th Planning Board meeting and continued.

Mr. Swope recused himself from the hearing.

Ms. Hebert stated that the applicant has submitted a proposal for revisions to the south facing façade of the brick penthouse on the roof of 2 Pillsbury Street. The proposal includes resurfacing the brick wall

with a black rubber membrane roofing material to prevent water from entering the building on the sixth floor. She stated that the roof was replaced in 2006, but NH Public Radio, the top floor tenant, continues to have water damage to their unit. Other measures have been utilized to attempt to correct the problem.

Ms. Hebert reported that the ADRC discussed the application at their February 7th meeting and found the revisions a necessary solution to the water issues at 2 Pillsbury Street, but recommended that the condominium association use a colored rubber membrane material in a shade that complemented the building rather than black. The applicant would like to use a gray rubber membrane.

Mr. Aaron Holt, Property Manager for the Two Pillsbury Street Condominium Association, was present on behalf of the applicant.

Hearing no further comment, the Chair closed the public hearing and the Board began deliberations.

Ms. Foss moved to grant Architectural Design Review approval for the proposed revision to the south facing penthouse façade at 2 Pillsbury Street, with the condition that the applicant use a gray rubber membrane. Ms. Smith Meyer seconded the motion. Motion carried by five of the members, with Mr. Swope abstaining from the vote.

3. Consideration of an application by Wheelabrator Concord Co., LP for the construction of new enclosure walls around the air pollution control equipment located at 11 Whitney Road, Penacook. (2012-0010)

The Chair opened the public hearing.

Mr. Henninger stated that the application involves the enclosure of the lower level of the bag house located between the main building and the discharge stack. The modifications include the enclosure of the lowest level of the bag house with compatible FRP corrugated siding. He stated that the installation will not be visible offsite and is screened by existing buildings, a screen wall, and a sound wall.

Mr. Henninger reported that the ADRC reviewed the application at the March 13th meeting, found the proposed revisions to the building to be appropriate, and recommended approval as submitted.

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

Mr. Swope moved to grant Architectural Design Review approval for the installation of screen walls for the bag house at the Wheelabrator Waste to Energy facility at 11 Whitney Road, as submitted. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Major Site Plan Applications

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

Mr. Henninger stated that the application involves the demolition of a portion of the existing retail/office building and the construction of a 6,030 square foot restaurant. He stated that the application is substantially complete.

Ms. Foss moved to determine the application complete and set it for public hearing on April 18, 2012. Mr. Swope seconded the motion. Motion carried unanimously.

REGULAR MEETING

- 5. Consideration of the minutes of the Planning Board meeting for February 15, 2012.**

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

- 6. Request by LAT Holding Company, LLC and ZED Properties, LLC for an extension of the period of validity of the conditional approval of the Minor Site Plan and Conditional Use Permit for property located at 20 Break O'Day Drive. (2008-062)**

Ms. Hebert stated that the applicant's agent forwarded a request for a one-year extension of the conditional approval of the Major Site Plan and Conditional Use Permit, seeking validity through April 15, 2013. She reviewed the previous actions of the Planning Board in 2009, 2010 and 2011, including the approval of the Major Site Plan, three Conditional Use Permits, two waivers regarding sanitary sewer disposal and water supply, Architectural Design Review approval, new variances from the Zoning Board of Adjustment, as well as the prior one-year extension, which is set to expire on April 20, 2012.

Ms. Hebert reported that the applicants have indicated that the delay in exercising their conditional Site Plan and Conditional Use Permit approvals relate to the economic and lending climates, and that the applicants believe that they will be in a position to proceed with the project once the economy improves.

Ms. Hebert explained that the applicant has not taken any action during the past three years to satisfy the conditions of the Planning Board approval, including obtaining an Alteration of Terrain (AOT) Permit from the NH Division of Environmental Services (NHDES). The applicants have not applied for the AOT Permit and since the Site Plan was approved new standards have been adopted by the NHDES and new Site Plan Regulations have been adopted by the Planning Board. Due to the changes to the permitting

requirements, the recommendation is for the Planning Board to grant a six-month extension, which would provide additional time for the applicant to satisfy the conditions of approval.

Richard Uchida, Attorney from Orr & Reno, was present on behalf of the applicants. He stated that since the original Planning Board approval, the applicants have purchased the property. He explained that the applicants are in accordance with the six-month extension recommended by Planning Division staff.

Mr. Swope moved to grant a waiver of the Site Plan Regulations for a six-month extension for the Site Plan and Conditional Use Permit applications and related waivers and Architectural Design Review actions, subject to the stipulation that all conditions of approval as set forth in the decisions of the Planning Board on April 15, 2009, shall remain in full force and effect.

7. Request by Meisner Brem Corporation for an extension of the period of validity of the conditional approval of the Major Cluster Subdivision known as the Whispering Heights Cluster Subdivision, located on Portsmouth Street and Curtisville Road. (2005-010)

Ms. McPherson stated that in April 2008, the Planning Board granted conditional final approval of the cluster subdivision and a Conditional Use Permit for disturbance to the wetland buffer. She explained that the Conditional Use Permit would likely have to be revised, once the NH Division of Environmental Services (NHDES) completes its review of the Alteration of Terrain (AOT) permit application.

Ms. McPherson reported that the applicants are requesting a one-year extension, which is in keeping with the new Site Plan Review regulations that allow for a total of two 2-year extensions, as this would be the fourth 1-year extension. However, she does not recommend that the Planning Board grant the requested one-year extension at this time, as it would be extending a Conditional Use Permit that would likely need to be modified once the plan changes are finalized through the AOT permit process in the next couple of months. She instead feels that a 65-day extension would allow time for the applicant to obtain the AOT permit and would also allow for the small possibility that there may ultimately be no additional wetland buffer impacts. At the end of this extension period, the applicants would know whether the existing plan and approvals could then be extended for a year, or whether they would have to apply for an amendment to the subdivision plan.

Jeffrey Brem, Engineer with Meisner Brem Corporation, was present. He explained to the Board that the passing of one of the partners, issues pertaining to the Northern Pass, and the economy have combined to create the need for the requested extension. He stated that there may also need to be changes to one of the open space easements.

The Board discussed the requested extension and staff recommendations. Mr. Brem responded that the recommended 65-day extension would provide the applicant with enough time to fulfill the requirements of the AOT permit.

Mr. Swope moved to grant a waiver to the subdivision regulations to allow a 65-day extension of the conditional approvals of the Subdivision Plan and Conditional Use Permit for the Whispering Heights

Cluster Subdivision, subject to the stipulation that all conditions of approval as set forth in the decisions of the Planning Board on April 16, 2008, shall remain in full force and effect. Mr. Lavers seconded the motion. Motion carried unanimously.

INFORMATION

Ms. McPherson explained that dates are being discussed for an upcoming Planning Board and ZBA Joint Training Session with Dave Connell, Legal Counsel from the Local Government Center. She reported that this is an educational opportunity for both the Planning Board and the Zoning Board of Adjustment and will help to clarify the role and purview of each board.

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

A TRUE RECORD ATTEST:

Gloria McPherson
Clerk

djm