

**City of Concord Planning Board**  
**May 18, 2016**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on May 18, 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chairman Richard Woodfin, Councilor Byron Champlin, Matthew Hicks, Ian West, and Teresa Rosenberger (Ex-Officio for City Manager). Also present were Nancy Larson (City Planner), Heather Shank (Assistant City Planner), Beth Fenstermacher (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist of the City's Planning Division). Absent: Secretary Carol Foss, Susanne Smith-Meyer, John Regan, Chiara Dolcino, and Frank Kenison (alternate).

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

**Applications to be Postponed**

Application by Jonathan Chorlian, on behalf of the Roman Catholic Bishop of Manchester, requesting a Minor Subdivision approval to subdivide one lot into two and approval of a Comprehensive Development Plan, in conjunction with a project to convert an existing church into a ten (10) unit residential condominium at 54 Pleasant Street in the Civic Performance (CVP) District. Map/Block/Lot: 36/3/14 (2016-28). **The applicant has requested to postpone the public hearing until the June 15<sup>th</sup>, 2016 Planning Board meeting.**

Chairman Woodfin announced the applicant's request to postpone this application to the June 15, 2016 meeting at 7 PM in City Council Chambers.

The Board voted unanimously to postpone this public hearing until June 15, 2016, on a motion made by Mr. Champlin, and seconded by Ms. Rosenberger.

**PUBLIC HEARINGS**

**Determination of Completeness**

- 1. Application by Timothy Aguilar, on behalf of Granite State Baptist Church, requesting Major Site Plan approval to redevelop an existing one-story garage into a two-story place of assembly with a parking lot at 236 Sheep Davis Road in the RO (Open Space Residential) and Industrial (IN) Districts. Map/Block/Lot: 111/2/6 (2016-14) (*Determination of Completeness postponed from the April 20, 2016 Planning Board meeting.*)**

The Board voted unanimously to determine the application complete and set the public hearing for June 15, 2016, on a motion made by Ms. Rosenberger, and seconded by Mr. Champlin.

- 2. Application by Jonathan Chorlian, on behalf of the Roman Catholic Bishop of Manchester, requesting a Major Site Plan approval to convert the former Sacred Heart Church into ten (10) residential units and to construct a parking lot and two (2) detached garage structures. Also requested is a Major Subdivision approval for the condominium conversion of the ten (10) residential units at 54 Pleasant Street in the Civic Performance (CVP) District. Map/Block/Lot: 36/3/14 (2016-30 / 2016-29)**

The Board voted unanimously to determine the application complete and set the public hearing for June 15, 2016, on a motion made by Mr. West, and seconded by Mr. Hicks.

3. **Application by Nobis Engineering on behalf of Concord Christian Academy requesting a Major Site Plan approval for the construction of a 38,565 sf building addition and expanded parking at 37 Regional Drive in the Office Park Performance District (OFP). In addition, the Applicant is requesting a Conditional Use Permit for Shared Parking Arrangements. Map/Block/Lot: 110/1/21 (2016-27)**

The Board voted unanimously to determine the application complete and set the public hearing for June 15, 2016, on a motion made by Mr. Hicks, and seconded by Ms. Rosenberger.

#### **Architectural Design Review Applications**

Consideration of requests for Architectural Design Review Approval by the following applicants, 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:

#### 4. **Signs (Consent Agenda Items)**

The Chair asked if members of the public had any comments or questions. There were no comments from the audience.

- a. **Application by Stratham Tire on behalf of Lionel R. Labonte Revocable Trust of 2011 requesting ADR approval to relocate one (1) existing 42 sf internally illuminated sign to the top of an existing steel sign post structure at 92 Manchester Street in the Central Business Performance (CBP). District *MBL: 110/D3/9***  
With no comments, this consent item was approved as submitted.
- b. **Application by Nouria Energy Corporation, on behalf of GTY MA/NH Leasing, Inc., requesting ADR approval to install one (1) 192 sf internally illuminated freestanding replacement sign; and two (2) new 7.8 sf canopy signs at 24 Loudon Road in the Gateway Performance (GWP) District. *MBL: 114/2/1***  
This item was pulled from the consent calendar.
- c. **Application by Wild Orchid Enterprises on behalf of Wait Langdon Trustee and The Will of Alice Ward, requesting ADR approval to install one (1) replacement 24 sf wall sign at 89 Fort Eddy Road in Gateway Performance (GWP) District. *MBL: 46/A1/9***  
This item was pulled from the consent calendar.
- d. **Application by Contractors Risk Management, Inc. requesting ADR approval to install one (1) 16 sf non-illuminated replacement panel in an existing freestanding sign at 33 Stickney Ave in the Opportunity Corridor Performance (OCP) District. *MBL: 56/2/9***  
With no comments, this consent item was approved as submitted.
- e. **Application by Cumberland Farms, Inc. requesting ADR approval for the following internally illuminated replacement signs: one (1) 23.71 sf affixed sign consisting of channel letters; one (1) 28 sf freestanding sign; and two (2) 3.6 sf freestanding**

**directional signs at 196 N. Main Street in the Urban Commercial (CU) District.  
MBL:46/4/3 (2016-31)**

With no comments, this consent item was approved as submitted.

Consent Agenda items a, d, and e were unanimously approved as submitted; on a motion made by Mr. Hicks, and seconded by Mr. West. Items b, and c, Nouria Energy and Wild Orchid, were pulled from the Consent Agenda.

**f. Public Hearings** – For any item(s) pulled from the Consent Agenda

**Application by Nouria Energy Corporation, on behalf of GTY MA/NH Leasing, Inc., requesting ADR approval to install one (1) 192 sf internally illuminated freestanding replacement sign; and two (2) new 7.8 sf canopy signs at 24 Loudon Road in the Gateway Performance (GWP) District. MBL: 114/2/1**

Richard Uchida of Hinckley Allen Law offices was present representing the Applicant. He stated that he would like to address the recommendations for the free standing sign. He explained that the existing sign will be replaced with a new free standing sign remaining at the same height; however, smaller in sign area. He noted that they have met with ADR and there was a recommendation for the text proposed should be the same size as well lined up. Mr. Uchida stated that this recommendation will be met.

In addition, a recommendation was made that the “Car Wash” and Food Mart” panels should be grouped together rather than separated. Mr. Uchida explained that the Applicant would prefer to not group these two items. He stated that the “Food Mart” will be rebranded this summer and change; the “Car Wash” is less important to the business and is not a business priority.

The Board voted unanimously to grant the approval for Nouria Energy Corporation as submitted based on the revisions dated May 17, 2016, on a motion made by Mr. Champlin, and seconded by Ms. Rosenberger.

**Will Application by Wild Orchid Enterprises on behalf of Wait Langdon Trustee and The of Alice Ward, requesting ADR approval to install one (1) replacement 24 sf wall sign at 89 Fort Eddy Road in Gateway Performance (GWP) District. MBL: 46/A1/9**

The applicant was represented by Abbey Dow of Advantage Signs and Wild Orchid manager Katelyn LeBlanc. Ms. Dow stated that the Applicant was unaware that a permit was required and the sign has been installed.

Ms. Shank stated that no one representing the Applicant was at the ADR meeting. She then read the ADR recommendations as follows:

- Sign should be more legible by outlining the title in black or by using a darker color, or by removing the black accents in the background.

Ms. LeBlanc stated that graphic for Wild Orchid is a franchise and they would prefer to not change the design as recommended by the ADR. She noted that there are 30-40 Wild Orchid stores.

Additional discussion was held regarding the panel sign by the street. Ms. Dow stated that the panel sign has not been completed. Ms. Shank stated that the panel sign was approved last month with conditions and the sign has been corrected per the recommendations. Ms. Dow explained that the graphics for both signs are similar.

Comments were noted that it is the responsibility of the applicant to know the regulations of the community.

The Board voted unanimously to grant the approval for Wild Orchid as submitted, on a motion made by Mr. Champlin, and seconded by Ms. Rosenberger.

**\*\*End of Consent Agenda\*\***

### **Conditional Use Permit Applications**

**5. Application by T.F. Bernier on behalf of All State Builders requesting a CUP to impact 3,530 sf of wetland buffer for the construction of a driveway to a single family residence at 7 Deer Track Lane in the Residential Open Space (RO) District. Map/Block/Lot: 98/2/34 (2016-26)**

The Board voted unanimously to determine the application complete and open the public hearing on a motion made by Mr. Hicks, and seconded by Mr. West.

Tim Bernier of TF Bernier, provided an overview of the project. He explained that the applicant is proposing to construct a single family residence on a 2.43 acre lot created under a subdivision application approved by the Planning Board in June 1995. He stated that the lot was designed without any wetland buffers and there is no way to proceed without impacting the wetlands. He explained that the lot has been resurveyed and remapped; it has municipal water, and there are underground utilities already serving the site. Mr. Bernier explained that there is a hilltop/ridge on the property and the proposed location is on the widest part of the lot. He noted other options and configurations; however, there would still be wetland impacts.

A revised plan was presented reflecting driveway grading revisions based on recommendations from the Conservation Commission to pitch the driveway to direct runoff away from the wetlands towards the existing catch basin. Mr. Bernier explained that there is a slight increase to the buffer impacts to 3,708 sq. ft. due to the revised grading.

Abutter Pete Jennings expressed concern with the proposed direction of the drainage and felt that construction may cause the water to go into his basement. He requested further explanation of the impacts of this proposal.

Mr. Bernier explained that they are proposing to stay as far away from the wetland as possible. He added that there will be no wetland impacts; the impacts are only to the buffer. He stated that the driveway will shed away from the wetland and run through a closed drainage system then into a detention pond. He added that increased impervious surface will be offset by directing runoff off-site into the closed drainage system.

Mr. Woodfin asked about the overall grading plan for the project. Mr. Bernier replied that there is much grading required for the driveway and house. He noted that changing the grading was discussed at length by the Conservation Commission and the end result to address their concerns

is that there will be more cut moving the house further back into the hill. He added that the driveway needs to be under 10% grade. Mr. Woodfin asked how far into the buffer it is at the deepest point. Mr. Bernier replied that the deepest point is off the corner of the driveway, approximately 20', and it is temporary impact; it will be re-vegetated and there is no pavement. Mr. West asked for clarification on the temporary impacts. Mr. Bernier replied that the disturbance is temporary to change the grade for the driveway, and then will be seeded for re-vegetation; temporarily impacting the buffer. He noted that the existing curb cut is in the buffer.

With no further comments, the Board voted unanimously to grant the **Conditional Use Permit** in accordance with Section 28-4-3-(d) (ZO) to allow disturbance of the wetland buffer for construction of a driveway, on a motion made by Mr. Champlin, seconded by Mr. Hicks, subject to the following conditions:

**Precedent Conditions** – to be fulfilled within two years and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address to the satisfaction of the Engineering Division, review comments from Jeff Warner, P.E. dated May 3, 2016.
- (2) Address Technical Review Comments, noted in Section 3 above to the satisfaction of the Planning Division.
- (3) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final plans.

**Subsequent Conditions** – to be fulfilled as specified:

- (1) Prior to issuance of any building permits, the 50 ft. wetland buffer shall be field located by the Licensed Land Surveyor and marked with Planning Division issued signs indicating "Protected Wetland Buffer. Do Not Disturb." The signs shall be installed approximately every 50 ft. (maximum) to clearly mark the protected boundary.
- (2) The Applicant shall deliver to Planning, three (3) plan sets for endorsement by the Planning Board Chairman & Clerk.
- (3) Traffic, recreation and school impact fees shall be assessed for construction of the new home. 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. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities; Table 2, Recreational Facilities; and Table 3, Transportation Facilities.

### **Subdivision Plan Applications**

6. **Application by Jonathan Chorlian, on behalf of the Roman Catholic Bishop of Manchester, requesting a Minor Subdivision approval to subdivide one lot into two and approval of a Comprehensive Development Plan, in conjunction with a project to convert an existing church into a ten (10) unit residential condominium at 54 Pleasant Street in the Civic Performance (CVP) District. Map/Block/Lot: 36/3/14 (2016-28)** The applicant has requested

to postpone the determination of completeness and the public hearing until the June 15, 2016 Planning Board meeting.

Postponed to June 15, 2016

**7. Application by T. F. Bernier, on behalf of Robert J. and Melinda A. Harrison, requesting Major Subdivision Plan approval to create a 4-lot subdivision at 44 Carter Hill Road in the RO (Open Space Residential) Districts. Also requested is a CUP to allow conventional development where a cluster development would otherwise be required. Map/Block/Lot: 51/Z5 (2016-17)**

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

Mr. Woodfin noted that this application was declared complete at the April 20, 2016 Planning Board meeting and he opened the public hearing.

Tim Bernier of TF Bernier was present along with the Applicants, Robert J. and Melinda A. Harrison. Mr. Bernier explained the Applicant is requesting a Major Subdivision approval to create a 4-lot subdivision at 44 Carter Hill. The road is in the Open Space Residential (RO) and Penacook Lake Watershed Protection (WS) Districts; minimum lot size is 4 acres.

Mr. Bernier explained that an existing house will remain on one lot, with three new building lots created. The applicant is also requesting a Conditional Use Permit (CUP) for a conventional development layout, where a cluster development would otherwise be required, and a CUP for disturbance of a wetland buffer.

Mr. Bernier stated that he met with the Conservation Commission who felt that this is was the most appropriate way to develop the property. He stated that they are creating 60% open space, 13.5 acres of open space; however, it is not contiguous due to the driveway. This land is old farm land with stone walls and enclosed fields. He stated that a cluster development would change the overall characteristics of the area. He added that 11.4 acres are buildable; more than what is required per the regulations.

Mr. Bernier stated an application has been submitted to NHDES with no reply to date. He explained that there is one wetlands impact for the driveway crossing. He noted the culvert and the drainage pattern. He explained that there is 1,440 sq. ft. of wetlands impacts with buffers on each side. There are 3,164 sq. ft. of buffer impacts at that crossing. He added that this is the narrowest point. In addition, he noted that State subdivision approval has been obtained for the one lot of 4.05 acres; State subdivision approval is not required for lots over 5 acres.

Mr. Bernier addressed the grade of Carter Hill Rd. Per request, driveway profiles have been provided to make sure that the driveways did work and would not impact the buffer more than 10%.

Mr. Bernier stated that the Conservation Commission is negotiating with Haller Trust regarding a conservation easement. He stated that the Commission requested that a path be made to access the property. Ms. Shank noted that the easement is still private property and that it would be up to the property owner whether they wanted a path. An abutter has expressed concern relative to the proximity of the proposed residence to their home, and the clearing of the existing vegetation.

Additional discussion ensued regarding limiting the clearing and the need for some assurance relative to the existing trees being maintained. Mr. Bernier stated that most lots are in fields; one lot is forested. He noted that there are many trees along the road that are not being disturbed. Ms. Shank recommended revising the plan to indicate the limit of clearing at the limit of grading as a condition of approval. Mr. Harrison suggested 50' from the property line.

Ms. Larson suggested that, given the willingness of the property owners to commit to the limits of clearing so as to provide the requested buffer for the abutter, a graphic on the plan and a note to show the 50' being preserved as a "No Cut Zone", stopping at the conservation easement. Mr. Bernier stated that would limit the property owner more, and that he wants to make sure that there is room to allow for possible agriculture use in the future.

Further discussion was held regarding changing the boundary of the easement to accommodate the buffer. Ms. Fenstermacher stated that the Conservation Commission expressed concern with long skinny easements for monitoring, and that the easements usually allow clearing of trees as well as agriculture. Changing the boundary of the easement would not protect the trees, nor limit an agricultural use. Mr. Woodfin asked if there could be a note added to the plan to show this space as a no cut area. Ms. Fenstermacher stated that monitoring the trees in perpetuity under an easement puts more undue enforcement responsibility on the Commission. She stated that an easement may not be the best strategy for protecting the trees.

Ms. Shank stated that she is concerned with setting a precedent to not allow a property owner to cut their own trees because the neighbor does not want it. Ms. Shank also stated that the Conservation Commission would probably not be in support of this solution, and would prefer to leave it as they agreed upon with the applicant.

Mr. Harrison stated that the prospective owner would probably want the privacy as well and would probably leave the trees.

Ms. Shank stated that since the applicant is uncomfortable revising the limit of clearing, her recommendation would be to strike that condition and leave the easement as it is.

Mr. Woodfin stated that it appears that the intent is to leave it as is if possible. With no further comments the public hearing is closed.

Ms. Shank stated that all information requested has been provided and staff supports the waivers.

On a motion made by Mr. Champlin, and seconded by Ms. Rosenberger, the Board voted unanimously to grant the following waivers from the Subdivision Regulations, in accordance with the criteria of RSA 674:36, II.(n), which states that strict conformity would pose an unnecessary hardship to the applicant, and a waiver would not be contrary to the spirit and intent of the regulations:

- a) 12.08(22) and 15.03(1) requiring the location of existing buildings, driveways, wells, etc. on abutting properties;
- b) 12.03(4) requiring construction plans to be signed and sealed by a NH Licensed Engineer;
- c) 16.04(2) requiring a Roadway Plan;
- d) 16.04(3) requiring Grading and Drainage Plans;
- e) 16.04(5) requiring an Erosion Control Plan;
- f) 16.04(6) requiring the location of non-municipal utilities;

- g) 23.07 requiring a Stormwater Management Plan; and
- h) 16.04(7) requiring a Landscape Plan stamped by a NH licensed Landscape Architect.
- i) 26.02(1) requiring underground utilities for the existing house, subject to the condition that underground utilities are provided for lots 2, 3, and 4.

### **Conditional Use Permits**

- a) Pursuant to Section 28-5-46 of the Zoning Ordinance to allow a conventional subdivision layout where a cluster development is otherwise required.

Ms. Rosenberger made a motion, second by Mr. West, to grant the waiver pursuant to Section 28-5-46 to allow a conventional subdivision layout where a cluster development is otherwise required.

- b) Pursuant to Section 28-4-3(d) of the Zoning Ordinance to allow disturbance of a wetland buffer for construction of a driveway. Motion carried unanimously.

Mr. West made a motion, second by Mr. Hicks, to grant the waiver Pursuant to Section 28-4-3(d) of the Zoning Ordinance to allow disturbance of a wetland buffer for the construction of a driveway. The motion carried unanimously.

### **Major Subdivision Approval**

Mr. West made a motion, second by Mr. Champlin, to approve the major subdivision for a 4-lot subdivision at 44 Carter Hill Road, subject to the following precedent and subsequent conditions:

**(a) Precedent Conditions** – to be fulfilled within 1 year and prior to endorsement of the final plans by the Planning Board Chair and Clerk:

- (1) Add a note to the plan stating that underground utilities shall be provided for lots 2, 3, and 4; and that in the event existing poles are across the street, utilities shall be routed under the pavement.
- (2) The Licensed Land Surveyor shall sign and seal final plans and mylar.
- (3) A conservation easement and deed for the open space shall be submitted for review, in a form acceptable to the City Solicitor, Conservation Commission, and City Surveyor, and suitable for recording in the Merrimack County Registry of Deeds.
- (4) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (5) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny any waiver request, the applicant shall comply with said submission requirement.

**(b) Subsequent Conditions** – to be fulfilled as specified:



- (1) The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.
- (2) The Applicant shall deliver to Planning, one (1) paper copy of the plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

### **Site Plan Applications**

**8. Application by Chris Nadeau, on behalf of Hodges Development Corp., requesting Major Site Plan approval and three Conditional Use Permits to construct three new structures, along with related parking, landscaping, and lighting improvements at 192-196 Loudon Road in the General Commercial (GC) District. Also requested is Architectural Design Review Approval for the proposed development. Map/Block/Lot: 117D/2/9 & 117D/2/10 (2016-20)**

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

Ms. Shank stated that the Applicant has been working with various departments to come to an agreement on the layout with regard to cross access with adjacent properties, and access for emergency vehicles. The revised layout plan represents the results of that agreement. While the Applicant has not had an opportunity to revise the entire plan set with regard to the revised layout, Staff is confident that outstanding items can be addressed through conditions of approval.

Mr. Woodfin noted that the application was accepted as complete at the Board's April 20, 2016 meeting.

Alan Johnson of Hodges Company was present along with Jeff Benevides from Amaral Associates, Chris Nadeau of Nobis Engineering, and Philip Hastings from Cleveland, Waters, and Bass, P.A.

An overview of the project was given by Mr. Johnson. He explained there are two parcels for this project, located at 192 Loudon Road. He noted that the lot coverage is currently over 90%. They have been working with City officials and produced a design for all parties; met with ADR and ZBA, and will return as the project continues and tenants are added. He explained that they have one confirmed tenant at this time, Dairy Queen-Grill and Chill. Conceptual uses were noted for the site for a sit down restaurant with a bank or retail use with a multi-lane drive thru.

Mr. Johnson stated that they are proposing to decrease the number of driveways and will propose one center pull in egress and access. The intent is to improve the lot coverage to 70%. There will be a travel lane inter connection between the two properties. Other connection points are noted on the plan.

Chris Nadeau provided an overview of the parking. He stated that they are proposing 160 spaces for the parking for all three tenants. He stated that DQ will have two turn around areas and a pedestrian way. There is a patio proposed for the front space of DQ. Mr. Nadeau explained that the Storm water is an infiltrated system designed for a 10 year storm and a significant reduction to Loudon Road. A variance has been granted for signage for three signs. As far as landscaping, Mr. Nadeau explained that the rear of the property abuts a residential area and they are proposing

to repair the existing stockade fence and supplement an additional 6' fence to cover to the back property line as well as adding trees per the ordinances.

Mr. Benevides provided a brief overview of the architectural design and exterior of the proposed DQ building. He stated that the building is proposed to be 2,600 sq. ft. wood building noting the proposed colors and be tan, blue, with red accents.

A brief discussion was held regarding the proposed on site lighting. Mr. Nadeau explained that they will be presenting a lighting plan. All lights will be LED; similar to the existing Burger King lighting. Ms. Shank stated that ADR was ok with lighting proposed for the DQ.

Ms. Shank stated that the Applicant attended the May 10, 2016 ADR meeting where the Committee recommended approval of the designs for the Dairy Queen, and the site design for the entire property, with the understanding that the applicant will return to the ADR and Planning Board for review and approval of the remaining buildings.

Mr. Champlin asked what will be occurring on the other lots in the interim. Mr. Johnson replied that the existing pavement will be removed and landscaping protection will be added and try to keep as much vegetation as possible, make the site as attractive as possible, and eliminate any potential of run off.

### **Public Comment**

Abutter Linda and Donald Matson, 61 & 63 Branch Turnpike Road, were present and expressed concern with the transfer of lighting from the drive-thru road into the residential area. They requested that there be a buffer added such as fencing similar to the existing 4 ft. chain link fence; however, make it higher due to the late night operations of the drive-thru. In addition, Mr. Matson noted that this will be an improvement of the existing structures.

Abutter Chad Duford, 59 Branch Turnpike Road, commented that he supports the proposal. He Asked about the proposed fence and explained that he has an existing fence on his property. Mr. Duford expressed concern with the demolition and requested notification of when construction will begin. He asked what the time line is proposed. He also reiterated concerns relative to the lighting. Mr. Woodfin noted that for a prior application Mr. Duford had commented about cutting through the area. Mr. Duford stated that the property is currently desolate and there have been some problems; however, he does not believe that there will be as much concern with the area being developed.

Mr. Johnson explained that currently there is some fencing on the abutter's lots. He stated that their intention is to add a stockade fence to the entire back area to prevent flow thru traffic and provide a buffer and privacy. He noted that there will be trees added as well that will also help as a buffer. He added that they will provide advance notice to the abutters regarding the demolition schedule. In addition, he stated that they are hoping to open before winter.

Mr. Champlin stated that he does not recall the types of trees required; he preferred shade trees. Mr. Nadeau stated that the regulation require a 60/40 split of evergreens and deciduous trees. He stated that they are required to add 20 trees. He stated that evergreens typically create problems. He added that the fence will help and they will also look into using an 8 ft. stockade fence. Ms. Shank stated that the Applicant is required to meet the ordinances and should they not provide a stockade fence there is a shrub requirement. She suggested that the fence be wrapped around the

residential property. Ms. Shank stated that the Board can add a condition of approval to add additional fencing for buffering. Discussion ensued. Ms. Shank stated that she would be interested in abutter's comments and concerns. It was stated that the neighbors may want to cut through to Dairy Queen.

In addition, Ms. Shank asked about the lighting of the drive aisle and suggested that the light poles be shorter to help sensitivity to the neighbors. Mr. Nadeau stated that there will be lighting in that area and he will check into lower light poles.

Mr. Champlin suggested that the Applicant contact community schools to add artwork or murals on the fencing to prevent tagging.

With no further comments, Mr. Woodfin closed the public hearing.

Ms. Shank stated that there are some outstanding comments due to the revised plan; however, these items can be addressed when the revised plan is provided.

### **Waivers**

Ms. Shank stated that the waiver request for Section 15.03(4) of the Site Plan Regulations to not provide soil tests was withdrawn.

Mr. Champlin made a motion, second by Mr. West, to grant the waiver from the Subdivision Regulations subject to the conditions as noted, and in accordance with the criteria of RSA 674:36, II.(n), which states that strict conformity would pose an unnecessary hardship to the applicant, and a waiver would not be contrary to the spirit and intent of the regulations:

- a) Section 16.03 of the Site Plan Regulations to not provide architectural plans and elevations for the proposed bank and proposed restaurant since there are no tenants for those buildings at this time, subject to the condition that required plans and elevations be submitted for ADR and Planning Board review and approval prior to receiving building permits for those uses.

Motion passed unanimously.

### **Conditional Use Permit**

Mr. Hicks made a motion, second by Mr. West, to grant the Conditional Use Permits pursuant to Section 28-7-11(a) of the Zoning Ordinance to allow off-site parking and stacking spaces; and Section 28-7-11(f) to allow less than the required 200 feet between driveways, and to allow two driveways where frontage is only sufficient for one driveway.

Motion passed unanimously.

### **Major Site Plan**

On a motion made by Mr. Champlin, and seconded by Mr. West, the Board voted unanimously to grant Major Site Plan approval, for demolition of two existing buildings and construction of three new buildings, along with parking, landscaping, lighting, and related site improvements at 192 Loudon Road, in accordance with the revised layout plan submitted on May 3, 2016, subject to the following precedent and subsequent conditions:

- a) **Precedent Conditions** – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Provide an easement and deed for the ROW in a form acceptable to the City Solicitor and City Surveyor for review. Update the survey plat with the required information for recording of the easement, or provide a separate plat with the easement information.
  - (2) Address Technical Review Comments noted in Section 6 above.
  - (3) Address to the satisfaction of the City Engineer, the attached review comments from Jeffrey Warner, P.E., dated 4/8/16.
- b) **Subsequent Conditions** – to be fulfilled as specified:
- (1) After obtaining final sign off on the plans from the Clerk and Chair of the Planning Board, and prior to commencement of construction activities, three (3) copies of the signed plan set shall be returned to the Planning office and seven (7) copies shall be provided by the Applicant at the pre-construction meeting.
  - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Seven copies of the signed plan set shall be provided by the Applicant at the pre-construction meeting.
  - (4) 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 Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
  - (5) Prior to the issuance of a Certificate of Occupancy, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.
  - (6) 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, 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.

9. Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, by amending Section 28-4-6, Manufactured Housing Parks and Subdivisions and the Glossary. The purpose of the amendments is to reduce the minimum building setbacks for carports within manufactured housing parks and to insert a new definition for “Carport.”

Ms. Larson explained that this item has gone through many iterations with staff. The amendment was referred to the Board by Council and was addressed at last month’s meeting. She stated that this solution is recommended to allow carports within manufacturing housing parks to have a minimum 5 ft. setback, as noted in the documentation. She stated that due to the nature of manufactured housing lots there is not much space for carports. She stated that the petitioner, Dana Rood, is in favor of the proposal.

Mr. Woodfin opened the public hearing for the amendment. With no comment, the public hearing was closed.

On a motion made by Mr. Champlin, and seconded by Ms. Rosenberger, the Board voted unanimously to recommend the proposed amendment to the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, by amending Section 28-4-6, Manufactured Housing Parks and Subdivisions and the Glossary.

10. Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3(a), The Zoning Base District Map, by converting portions of a parcel currently zoned Single Family Residential (RS) District and Industrial (IN) District to a Highway Commercial (CH) District for property located at 175 Manchester Street (Concord Nissan).

Ms. Larson explained that Concord Nissan has withdrawn the request to convert the Industrial (IN) District portion of the parcel to the Highway Commercial (CH) District. Plans and graphics were reviewed. The commercial line is being relocated to the North and will meet up with the adjacent property at 239 Airport Rd. The Single Family Residential (RS) District will be changed to Highway Commercial (CH) District.

Erin Lambert with Nobis Engineering provided a supplemental section to the Board for review, relative to Section 28-10-2, requirements of initiation of an amendment and to show the existing district and the proposed change to the district.

Mr. Woodfin opened the public hearing for the amendment. With no comment, the public hearing was closed.

On a motion made by Ms. Rosenberger, and seconded by Mr. West, the Board voted unanimously to recommend the proposed amendment to Section 28-10-2 to City Council.

11. Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-9, Administration and Enforcement, by amending Section 28-9-4(f), Architectural Design Review, to require Planning Board approval at a public meeting instead of a public hearing.

Ms. Shank explained that this amendment to the zoning ordinance is requested because ADR applications are currently required to be approved at a public hearing. Since ADR applications

can now be done by a Consent Agenda, the change will allow the approval as part of a public meeting instead. The City will soon be using a new electronic format for the Planning Board Agenda, and the change will facilitate that.

Mr. Woodfin opened the public hearing for the amendment. With no comment, the public hearing was closed.

On a motion made by Mr. Champlin, and seconded by Mr. West, the Board voted unanimously to advance the proposed amendment to City Council.

### **Proposed Subdivision and Site Plan Regulation Amendments**

12. Amend Sections 10.02(4), 14.01, 14.02, 15.01, 15.02(2), and 16.02(2) of the Subdivision Regulations to reduce the number of full sized paper copies of plan sets required from eight (8) to five (5) for Major Subdivisions, and require a digital copy for all submissions.

Ms. Shank explained the distribution of the number of plans needed by the City departments.

On a motion made by Mr. West, and seconded by Mr. Hicks, the Board voted unanimously to approve the amendment, as proposed.

13. Amend Sections 14.01, 14.02, 15.01, 15.02(2), and 16.02(2) of the Site Plan Regulations to reduce the number of full sized paper copies of plan sets required from eight (8) to five (5) for Major Site Plans, and require a digital copy for all submissions.

On a motion made by Mr. Hicks, and seconded by Mr. Champlin, the Board voted unanimously to approve the amendment, as proposed.

### **REGULAR MEETING**

#### **14. City Council Referrals – Tax Deeded Properties**

- 101 Washington Street (Penacook)
- 8 Coral Street

Ms. Larson explained that these properties have been taken for non-payment of taxes and before they are placed on the market for sale, City Council is soliciting comments from the Planning Board and Conservation Commission. Ms. Fenstermacher stated that these properties were discussed with the Conservation Commission members who were not interested in taking on management of the lots due to the size and location.

On a motion made by Ms. Rosenberger, and seconded by Mr. Hicks, the Board voted unanimously for Council to approve the vestige of 101 Washington Street (Penacook) and 8 Coral Street, as proposed.

- 15. Approval of the minutes of the April 20, 2016 Planning Board Meeting.**  
On a motion made by Mr. Champlin, and seconded by Mr. Hicks, the Board voted unanimously to accept the minutes of April 20, 2016, as written.
- 16. Any other business which may legally come before the Board.**

**INFORMATION**

- 17. Minutes of the May 10, 2016 Design Review Committee meeting.**
- 18. Next regular monthly meeting on Wednesday, June 15, 2016.**

With no further business before the Board, Mr. Hicks made a motion to adjourn at 9:05; seconded by Mr. West. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver  
Administrative Specialist