

**CITY OF CONCORD PLANNING BOARD
June 18, 2014 MEETING**

The regular monthly meeting of the City Planning Board was held on June 18, 2014, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 6:30 p.m.

Present at the meeting were Chair Drypolcher and Members Champlin, Foss, Hicks, Kenison, Lavers, Rosenburger, Smith-Meyer and Woodfin. City Planner Nancy Larson, Mr. Henninger, Ms. Hebert and Ms. Murray of the City's Planning Division were also present.

At 7:00 p.m., a quorum was present and the Chair called the meeting to order. Chair Drypolcher seated Alternate Member Kenison for Member Regan.

MASTER PLAN REVIEW

1. Consideration of a draft of the Utility Section (XI) of the Year 2030 Master Plan.

Mr. Henninger presented the draft.

Councilor Champlin moved to set the consideration of a draft of the Utility Section (XI) of the Year 2030 Master Plan for public hearing on July 16, 2014. Ms. Foss seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Architectural Design Review Applications

2. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4 (f), Architectural Design Review, of the City of Concord's Code of Ordinances:

The Chair opened the public hearings for all the sign applications.

- a. **Application by ADN Realty Trust and ABS Realty Trust, on behalf of Fisherville Pharmacy, requesting Architectural Design Review Approval for a new 36 sq. ft. internally illuminated wall sign at 219 Fisherville Road, within the General Commercial (CG) District. (Continued from May 13, 2014)**

Ms. Hebert informed the Board that the ADRC recommended that the sign be centered under the gable awning with the option of adding lighting to further highlight the shop front. Ms. Hebert stated that the applicant had concerns regarding the recommended placement because she felt the sign would indicate that the store is smaller than it is. They will be occupying 3 units and do not want to limit the signage over just the end unit where the entrance is located. Mr. Henninger stated that the ADRC found the design and size of the sign appropriate.

Chair Drypolcher indicated he found it a stretch that the sign would dictate people's impression of the size of the store. Ms. Smith-Meyer agreed with Chair Drypolcher and stated she feels it is more important for the sign to fit in aesthetically. After some discussion, Mr. Woodfin read the ADRC minutes with the ADRC's recommendations.

There were no other comments or discussions.

Ms. Foss moved to grant Architectural Design Approval a new 36 sq. ft. internally illuminated wall sign at 219 Fisherville Road as submitted by the applicant with the condition that the sign be centered under the gable awning with the option of adding lighting to further highlight the shop front. Mr. Lavers seconded the motion. Motion carried unanimously.

b. Application by Wait Langdon, Trustee under The Will of Alice E. Ward, on behalf of Merrimack Center, requesting Architectural Design Review Approval for a replacement (sign re-face) 120 sq. ft. internally illuminated freestanding sign at 89 Fort Eddy Road, within the Gateway Performance (GWP) District.

Mr. Henninger spoke to the application. He stated the intention is to replace the existing panel in the top of the freestanding sign. ADRC recommends approval as submitted.

There were no further comments or discussions.

Mr. Hicks moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement (sign re-face) 120 sq. ft. internally illuminated freestanding sign at 89 Fort Eddy Road as submitted by the applicant. Councilor Champlin seconded the motion. Motion passed unanimously.

c. Application by O ICE, LLC, on behalf of Friendly's Ice Cream, LLC, requesting Architectural Design Review Approval for a replacement (sign re-face) 51.7 sq. ft. internally illuminated freestanding sign on an existing pylon and a replacement 8.4 sq. ft. non-illuminated wall sign at 147 Loudon Road, within the General Commercial (CG) District.

Mr. Henninger noted that there are two signs involved in this application. One is the re-facing of the existing Friendly's sign; the top of it will be white with red lettering. The second sign is located over the door. The lettering will also be red on a white background reading "Creating Memories since 1935". ADRC recommends approval of both signs as submitted.

Jay, Sign Center, was present. He stated the sign on the building has a silver painted architectural band that will not be changing and the lettering on the sign will change from black to red. He also noted that the changeable sign has been removed from the site and will not be replaced.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement (sign re-face) 120 sq. ft. internally illuminated freestanding sign at 89 Fort Eddy Road as submitted by the applicant. Ms. Foss seconded the motion. Motion passed unanimously.

d. Application by 154 Profile, LLC, on behalf of Capital City Tattoo and Supply, requesting Architectural Design Review Approval for a new 4sq. ft. non-illuminated hanging sign on an existing bracket at 8 North Main Street, within the Central Business Performance (CBP) District.

Mr. Henninger stated that the applicant submitted revised plans after discussing the sign design at the ADRC meeting. He stated that the revised application conforms to the recommendations of the ADRC. The sign is 2x2 sign on an existing bracket for a second story business. Councilor Champlin asked what material was being used. Ms. Larson stated the applicant has not yet contracted with a sign company so the material has not yet been chosen.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a new 4sq. ft. non-illuminated hanging sign on an existing bracket at 8 North Main Street. Mr. Lavers seconded the motion. The motion passed unanimously.

- e. Application by Harold E. and Judith A. Ekstrom, on behalf of LARC (Legal Advice and Referral Center), requesting Architectural Design Review Approval for a new 12. 8 sq. ft. replacement sign within an existing non-illuminated freestanding sign framework at 15 Green Street, within the Civic Performance (CVP) District.**

Mr. Henninger reported that the application is to replace an existing sign and panel within a wooden frame. The sign is located at the front of the building at 15 Green Street. Ms. Smith-Meyer asked for clarification of the color of the lettering and sign. Mr. Henninger stated it would be a white panel with black lettering. A representative for the applicant confirmed the color scheme.

Councilor Champlin moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a new 12. 8 sq. ft. replacement sign within an existing non-illuminated freestanding sign framework at 15 Green Street. Ms. Foss seconded the motion. The motion passed unanimously.

Site Plan Review

- 3. Application by W&E Realty, LLC, on behalf of Key Auto Group, requesting Major Site Plan and Design Review Approval, at 94 Manchester Street, to construct three (3) new buildings including a 19,909 square foot collision center, a 2,696 square foot used car sales building, and a 6,638 square foot oil/lube center with service bays. The project also includes parking, vehicle display areas, enclosed towing & vehicle storage for collision center, walkways, stormwater controls, underground utilities and landscaping. Also requested is a Conditional Use Permit (CUP) pursuant to Article 28-4-2 of the Zoning Ordinance, Buffer Requirements for Residential Districts and Article 28-4-2(L)(2) of the Zoning Ordinance, Conditional Use Permits Required for Certain Buffers, to allow for a shifting of the required buffer. (2014-0019).**

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

The Chair opened the public hearing.

Erin Lambert, Nobis Engineering, and Stephen Patterson, General Counsel Key Auto Group, were present representing the applicant. Atty. Patterson gave an overview of the company. He also noted the site, which is the former site of the Kia Dealership, is an 11 acre parcel that is partly in the Highway Commercial District and partly in the Office Park Performance District. They have applied and have been granted a variance from the Zoning Board for extended use in the OFP District. The site will consist of a superstore, a collision center, and a quick lube center. Atty. Patterson stated the site is well suited for their intended purpose. He believes it will be a fine addition to the community and will have minimal impact on the neighbors. Atty. Patterson has meet with neighbors giving them a chance to voice any concerns.

Ms. Lambert explained that the project proposes to construct three new buildings including a 19,909 square foot collision center, a 2,696 square foot used car sales building, and a 6,638 square foot oil/lube

center with service bays. The site will have 128 parking spaces, 7 handicap parking spaces which are dispersed throughout the three businesses, and a bike rack at the collision center. The site is serviced by municipal water and sewer. New underground utility services will be provided to the proposed buildings. The oil quick lube building and collision center will be sprinkled for fire suppression. The drainage design includes four underground infiltration galleries beneath the paved parking and vehicle display areas. The site will not be connected to the municipal storm sewer system and all runoff will be infiltrated onsite, except for a nominal amount at the project entrance which currently drains into the Manchester Street system. Of the allowed 80% lot coverage they are at 33% lot coverage. The three businesses will share one entrance. Landscape islands were added at the suggestion of the ADRC to further define the entrance. Ms. Lambert also mentioned that one abutter had concerns about soundproofing the bay doors. Ms. Lambert said she has reached out to the architect for an answer and will get back to the abutter. The applicant needs to incorporate a 30-foot buffer between the Medium Density Residential District (RM) and the non-residential districts (OFP & CH). There is an existing 40-foot wide utility easement along the western side lot line immediately adjacent to the district line. This easement prohibits the planting of taller trees and shrubs so the applicant is unable to establish the required screening within the buffer area. The applicant has applied for a Conditional Use Permit pursuant to Article 28-4-2(1), Alternative Residential Buffer Arrangement, to relocate the 30-foot buffer to the east of the utility easement.

Ms. Lambert noted that they have been working with NHDES regarding the Alteration of Terrain Permit. Grading of a large area to the rear of the site is proposed for use as a snow storage area. New Hampshire Fish and Game has expressed concerns regarding the additional clearing required for the creation of the snow storage area. The land clearing would remove a stand of large Red Pines that are considered to be part of the Pine Barrens exemplary natural community. The snow would need to be hauled off-site if the snow storage area was eliminated from the plan. Ms. Lambert stated a meeting is scheduled with Fish and Game next week to further discuss this issue. She stated that they would continue to work with City Staff to come to a solution. Their preference is to have on-site snow storage. Either way a snow storage plan will be finalized as required.

Mr. Kenison asked about the traffic study. Ms. Lambert replied that the study results were similar to the Kia site that was studied years ago. She stated that the report indicates no change in traffic patterns on Manchester Street with the proposed development. They are providing dedicated left-hand and right-hand turn lanes which will help with traffic flow. Mr. Kenison asked if the design took into account the proposed improvement to Manchester Street. Ms. Lambert affirmed that they take the dedication of additional right-of-way and the relocation of utility poles into account on the proposed site plans.

Ms. Foss inquired about the system used for oil spills, removal of used oil and containment. Ms. Lambert stated that on the sewer line of the building there is one that comes out of the bay area. She stated that each catch basin has a sump. Atty. Patterson stated they have strict standards for the handling of oils and other hazardous materials.

Ms. Smith-Meyer asked if they changed the extent of the snow storage area. Ms. Lambert noted that they did. She explained that one of the proposals they made when working with NH Fish and Game and Heritage Bureau was to utilize the existing clearing in back of the originally proposed area which results in 12,000 square feet less of area that would need clearing. She stated the current proposal will provide the same amount of area but less impact. Ms. Smith-Meyer asked how they figured out the size of the area need for snow storage. Ms. Lambert replied that there is no scientific formula but they use the amount of impervious area to estimate what is needed. They also looked at the Key Auto Salem property to gauge their need. Ms. Smith-Meyer feels it would be better to propose less of an area. She asked why they couldn't use the area reserved for towed cars as a snow storage area instead. Ms. Lambert explained that because the site is 165,000 square feet they would usually ask for more snow storage area and they whittled it down to 23,000 square feet of snow storage area. She also noted that

the City does not allow areas designated for parking to be counted as snow storage. Ms. Hebert stated that any towing company needs an area to store wrecked vehicles and some do not have enough space. Ms. Lambert also pointed out that a lot of the towing business happens due to snow storms so the need for parking of towed vehicles coincides with the need for snow removal.

Ms. Smith-Meyer suggested doubling up on the evergreen plantings in the buffer. Ms. Hebert replied that the revised landscape plan has not been reviewed yet by staff and stated that a double row of trees was requested and is shown in the packet supplied to the Board. Atty. Patterson also noted that a total of 158 new trees will be added to the site. Ms. Hebert stated that the easement is actually a benefit to the neighbors in terms of a buffer because it provides a little bit more of a separation with an understory shrub area.

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

Mr. Robert Aranosian, local Manchester Street business owner, expressed concern over the proposed wrecker service. He stated this would entail 24-hour towing, storage of large vehicles including tractor trailers, boats, and buses. He feels that there is not enough space for the storage of these vehicles. He stated a fence should be installed as a buffer.

Ms. Lambert replied that the rear of the collision center is surrounded by an 8 foot fence with ground privacy slats and security wire at the top. The area is secured, fully enclosed, as well as screened. She stated this is the storage area for the collision center and the towing business. She affirmed that this is the only area for the storage of damaged vehicles and towed vehicles. Atty. Patterson stated that associated with the collision center are 14 spaces that will probably be used for staging for vehicles waiting to go through the paint booth. Ms. Lambert stated that they are providing 11 more spaces than required. The collision center requires 64 spaces, based on bays, and they are supplying 11 additional spaces. There are also 21 non-striped spaces in the secured area that were not part of the count. Mr. Woodfin asked what size vehicle they were prepared to handle. Atty. Patterson responded that he did not think tractor trailers would be part of their business and said that most of their business is because of relations with Geico and Progressive so it's mostly cars. Atty. Patterson reiterated that he would be surprised if the business involved the towing of a large vehicle such as a tractor trailer. He does not want to mislead the Board and say they have never done that but they certainly did not make provisions for vehicles that large. He stated he could not conclusively say no but he does not think it is a part of their business. Mr. Aranosian stated that if there is a contract with the State or City you have to pull all vehicles called in for towing no matter the size. He stated there is not enough parking or storage to support the towing business. He stated that some vehicles may sit for months in storage. He stated it would be different if they were only towing for themselves but they are contracted with the State and City. Atty. Patterson replied that they are relocating the towing business from Hall St. where they have much less storage space. In response to Mr. Aranosian concerns, Atty. Patterson expressed to the Board that if to his surprise they were engaged in the storage of very large commercial type vehicles, boats or other large vehicles they would only be stored in the rear of the secured area behind the collision center.

Ms. Lambert stated that one request that came out of Design Review was for a split rail fence at the frontage and is included on the revised plans.

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

Chair Drypolcher asked what enforcement would ensue if stored vehicles expanded out of the secured storage area. Ms. Hebert stated it would be a code enforcement issue in violation of the site plan approval.

Ms. Hebert reported that ADRC recommended approval of all three structures and the recommended that a split rail fence be installed at frontage, changing the Collision Center white overhead doors to gray-beige in color, and a suggestion to consider relocating the showroom to the west to make it more prominent.

Ms. Foss moved to grant a Conditional Use Permit pursuant to Article 28-4-2(1), Alternative Residential Buffer Arrangement, to relocate the 30-foot buffer to the east of the utility easement. In accordance with Article 28-9-4(b)(4) of the Zoning Ordinance, the Planning Board shall approve an application for a Conditional Use Permit (CUP) if it finds, based on the information and testimony submitted with respect to the CUP application that:

- a) The use is specifically authorized in this Ordinance as a conditional use;
- b) If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this Ordinance for the particular use;
- c) The use will not materially endanger the public health or safety;
- d) The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- e) The use will not have an adverse effect on highway or pedestrian safety;
- f) The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and
- g) The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Mr. Kenison seconded the motion. Motion carried unanimously.

Councilor Champlin moved to grant Design Review Approval for the site and building designs for the 6,638 sq. ft. oil and lube center, a 19,909 sq. ft. collision center and a 2,696 sq. ft. automobile sales building and associated site improvements, as prepared by Nobis Engineering, Inc. and TW Designs, LLC., with the condition that a post & rail fence be provided along the Manchester Street frontage and the color of the garage bay doors on the north side of the collision center be changed from white to gray-beige.

Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Foss moved to grant Conditional Site Plan Approval for the site plan application for the construction of the 6,638 sq. ft. oil and lube center, a 19,909 sq. ft. collision center and a 2,696 sq. ft. automobile sales building and associated site improvements, as prepared by Nobis Engineering, Inc. and TW Designs, LLC., subject to the following **conditions to be fulfilled prior to issuance of the Certificate of Approval, unless otherwise specified:**

1. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and 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 Engineering and Planning Divisions. The plans shall be revised to address minor corrections and omission noted by staff, including but not limited to the following:
 - a) The plans shall be modified to include the striping of the vehicle display areas;
 - b) The plans shall be revised to include one additional interior landscape island to the easterly side of the vehicle display area in front of the automobile sales building;
 - c) The Landscape Plan shall be modified to identify areas to be loamed and seeded and

maintained as lawn versus the areas that are to be mulched landscape beds;

d) The Landscape Plan shall be revised to relocate several trees to provide a double row of deciduous and evergreen trees within the proposed residential buffer adjacent to the developed area of the site;

e) Lighting details for each of the proposed lighting fixtures need to be added to the Lighting Plan;

f) The Cover Sheet shall be amended to include a reference for the Architectural Elevations in the Sheet Index and the final architectural plans shall be stamped by the architect who prepared the plans; and

g) The following construction details shall be added to the plan: tree and shrub plantings details, loam and seeding specifications, chain link fencing with privacy slats, and the proposed post & rail fence.

2. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), the applicant shall provide to the City Solicitor a financial guarantee for the site stabilization and all improvements within the public right-of-way in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

3. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), the property owner shall provide to the City a letter formally withdrawing the previously conditionally approved Site Plan application for the Kia Automobile dealership, which is set to expire on July 18, 2014.

4. A pre-construction meeting shall be required prior to the start of any construction activities onsite. Prior to the pre-construction meeting seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as "approved for construction." A note to be added to the Site Plan (Sheet C-4) to that effect.

5. No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.

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, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.

a. Transportation Facilities – See attached worksheet

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 Engineer and City Planner.

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. 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 NAVD88.

10. Prior to the issuance of a certificate of approval by the Planning Board or the issuance of any permits for construction activity on site, the applicant shall modify the snow storage area to satisfy the concerns of NHDES and NH Fish and Game. A letter from NH Fish and Game stating the determined final acceptable size will be sent to City Staff.

Mr. Kenison seconded the motion. Motion carried unanimously.

Subdivision Applications

- 4. Application by Tarkka Homes, Inc. on behalf of Michael & Maria Gilbert, requesting a waiver of Section 26.02 of the Subdivision Regulations requiring that all utilities be located underground throughout the subdivision. The applicant requests the waiver to allow a combination of overhead and underground service extension to the home. The subject property is located at 42 Little Pond Road and is shown as Lot 3 on the previously approved and recorded subdivision plan known as "Subdivision Plat prepared for Frances D. Potter", dated September 18, 2012 (MCRD Plan #20109). (2012-0051)**

a. Public Hearing

b. Deliberations and Action on the Application

The Chair opened the public hearing.

Paul Morin, Tarkka Homes, Inc., and Michael Gilbert were present. Mr. Morin stated that the Gilberts recently purchased lot #3 in the subdivision. As part of the original subdivision approval in 2012, the Planning Board granted a waiver to Section 26.02(1) to permit the utilities serving the existing house to remain overhead but required the proposed utilities serving the two new parcels to be placed underground from the existing utility pole on-site.

The subdivision was recorded and the two new building lots were sold. The buyer of lot #1 at 36 Little Pond Road constructed a house and placed the utilities underground in accordance with the Planning Board approval.

The applicant has purchased lot #3 at 42 Little Pond Road and plans to build a new house on the property. After reviewing alternatives for the installation of utilities, they have applied for a waiver request to Section 26.02(1) to permit a portion of the utilities serving the new residence to be located overhead rather than underground. The overhead portion would run alongside the shared common private driveway and the future private drive serving the new home for approximately 340 ft. At that point, the utilities would be placed underground to the home.

A discussion regarding the placement of the utility wires ensued including code requirements and tree removal.

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

Mr. Brian Mokler, 38 Little Pond Road, spoke in support of granting the waiver. He stated that the transfer pole required by code would be ugly it also may take out some trees. He does not want to lose the trees that line the slope down to the edge of the paved driveway. The roots of other trees would be impacted by the trenching. The homeowner's privacy would be compromised because of the removal of the tree screen. The overhead power line is preferable.

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

Ms. Smith-Meyer moved to grant a waiver to Section 26.02 of the Subdivision Regulations requiring that all utilities be located underground throughout the subdivision.

Councilor Champlin seconded the motion. Motion passed unanimously.

Determination of Completeness (no public testimony will be taken):

- 5. Application by Liberty Utilities on behalf of Energy North Natural Gas, Inc., requesting Major Site Plan and Design Review Approval to permit construction of a 2-story (1-story with mezzanine) 6,189 sq. ft. training facility at 10 Broken Bridge Road. Also requested is a Conditional Use Permit pursuant to Article 28-3-6(d)(4)(a)(2) of the Zoning Ordinance to allow greater than 2,500 sq. ft. of impervious surface, within the Industrial (IN) District and Aquifer Protection (AP) Overlay District. (2014-0028)**

a. Determination of Completeness

Mr. Henninger recommended that the application be determined complete and the public hearing set for July 16, 2014.

Mr. Hicks moved to determine the application requesting Major Site Plan and Design Review Approval to permit construction of a 2-story (1-story with mezzanine) 6,189 sq. ft. training facility at 10 Broken Bridge Road. Also requested is a Conditional Use Permit pursuant to Article 28-3-6(d)(4)(a)(2) of the Zoning Ordinance to allow greater than 2,500 sq. ft. of impervious surface complete and to set the public hearing on July 16, 2014.

Ms. Foss seconded the motion. Motion passed unanimously.

Request for Amendments to Condition(s) of Previously Approved Site Plan and Subdivision Applications:

- 6. Application by Ashwood Development Companies requesting an amendment to Special Condition #11 of the Planning Board major subdivision approval granted May 31, 2006, which reads; “Prior to the issuance of a Certificate of Occupancy for the 26th unit in the development, a roundabout shall be designed and constructed at the intersection of Manor Road and Abbott Road, including sidewalks within the intersection.” (2005-67)(continued from May 21, 2014) (Request withdrawn June 17, 2014)**

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

- 7. Application by Abbott Farm, LLC, requesting a revision to the previously approved major site plan for “Abbott Village” to replace the tennis court (not constructed) with an in-ground swimming pool and bath house at 24 Callaway Drive, within the Neighborhood Residential (RN) District. (2010-0048)**

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

Mr. Henninger gave an overview of the request. The applicant is proposing to revise the approved site plan to substitute a tennis court for a pool building and pool house. A tennis court was originally shown on the approved plans to be located immediately adjacent to the existing community building. The

footprint of the pool and pool building is smaller than the previously approved (not constructed) tennis court. The pool will be an accessory recreational facility for use by the condominium residents. The existing approved plans contain 79 townhouse units and a single detached residential unit (the historic Abbott House). Eighteen of the townhouses have been completed and the applicant is proposing to start construction on an existing foundation for an eight unit townhouse building in the near future. No other changes to the approved site plan or exterior elevations are proposed but further modifications are expected. Mr. Henninger stated that ADRC recommended that a pedestrian walkway be constructed between the two bathrooms to become the gateway for the outside space and interior pool space along with a gabled dormer with the doorways to the bathrooms opening out to the walkway, and the addition of frosted glass or tinted windows in each bathroom.

Mr. Jason Donnelly was present to discuss the application. He stated that the design has been revised to meet the recommendations of the ADRC.

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

Councilor Champlin moved to grant final conditional site plan approval for revisions to the previously approved site plan for the Abbott Village Condominium to substitute a pool and pool building for a previously approved tennis court subject to the following condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Mr. Kenison seconded the motion. Motion passed unanimously.

Ms. Foss moved to grant Architectural Design Review approval for revisions to the previously approved site plan for the Abbott Village Condominium to substitute a pool and pool building for a previously approved tennis court subject to the following condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the Architectural Elevations shall be revised in manner acceptable to the City Planner to incorporate a pedestrian walkway between the two bathrooms to serve as a gateway between the outside space and interior pool space. The ADRC also recommended a gabled dormer with the doorways to the bathrooms opening out to the walkway as well as the addition of frosted glass or tinted windows in each bathroom.

Councilor Champlin seconded the motion. Motion passed unanimously.

REGULAR MEETING

8. Consideration of amendments to Section 28-7-7, Signs of the City of Concord Zoning Ordinance related to the installation of mechanical scrolling message signs.

Ms. Larson gave an overview. She stated that at the May 21, 2014 Planning Board Meeting the Board requested that staff look at proposing language in Section 28-7-7 that would consider limiting the percentage of a sign that would consist of mechanical scrolling copy and limiting the number of times per day that the message would change. The last version of the Zoning Amendments looked at a four times a day message change allowance and anything more than that would not be permitted. The last draft language also allows mechanical scrolling signs in every district as long as the message does not change more than four times in a twenty-four hour period. The new language presented looks at limiting the percentage of the mechanical scrolling copy to 60 square feet or 30% of the total sign area, whichever is less; allowing mechanical scrolling signs only in a non-residential district; limiting the

number of times per day that the message would change to one time in a twenty-four hour period; and that the copy consist of just alphanumeric characters. The definition section has also been updated to include the changes as well. Ms. Larson stated at the very least staff recommends that the Board recommend adoption of the definitions for clarity sake.

Chair Drypolcher reminded the Board that whatever is decided there are a few options to consider; recommending only portions or modifications of the amendments; vote to have a public hearing to collect more information; or vote to recommend the amendments to City Council as written.

Ms. Smith-Meyer asked if there was a definition for a message board as requested at the May 21, 2014 meeting. Ms. Larson stated that it could be added and could include a distinction between mechanical and manual copy signs.

Mr. Kenison questioned if the modification to the language surrounding the alphanumeric characters limitation would in any way set up a content regulation charge. Ms. Larson responded that the City Solicitor's office has approved the language. Mr. Kenison referred to a discussion about content containment. Mr. Larson responded that this is not regulating the content on the entire sign and that the mechanical scrolling component would be a component of the entire sign so the thought was to limit that mechanical scrolling copy to alphanumeric copy; symbols, numbers and letters.

Ms. Rosenburger asked for clarification surrounding the limit of changes allowed daily. Ms. Larson affirmed that manual message boards can be changed unlimited times and mechanical scrolling signs would be once per day if the proposed amendments are approved.

Councilor Champlin inquired if by allowing scrolling mechanical signs would weaken any future argument against electronic changeable signs. Ms. Danielle Pacik, Deputy City Solicitor, stated that her office has looked at that issue and there is obviously no guarantee that we would not see some sort of challenge but this draft ordinance is written in a way that it can be defended if need be because we are looking at aesthetic and safety issues. She also stated that electronic message centers are distinguished from mechanical scrolling signs in the ordinance.

Ms. Smith-Meyer questioned whether the signs were non-illuminated. Ms. Larson stated they can be internally illuminated.

Chair Drypolcher stated that he is not in favor of recommending approval for mechanical scrolling signs. He said the Board worked hard to get the regulations that are now in place. A discussion ensued about the pros and cons of the amendments.

Mr. Lavers moved to not recommend adoption of the amendments to Section 28-7-7, Signs of the City of Concord Zoning Ordinance related to the installation of mechanical scrolling message signs. Councilor Champlin seconded the motion. Motion carries with a 5-3 vote.

Mr. Kenison motioned to recommend the adoption of proposed Section 1, subsections A and H, and proposed Section 3 (with corrected typos) of the proposed ordinance as a standalone document. Councilor Champlin seconded the motion. Motion passed unanimously.

9. Approval of the minutes of the May 21, 2014 Planning Board meeting.

-Postponed until July 16, 2014 meeting.

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

INFORMATION

11. Minutes of the June 10, 2014 Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, July 16, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 10:00 pm.

A TRUE RECORD ATTEST:

Nancy Larson
Clerk