

**CITY OF CONCORD PLANNING BOARD  
December 17, 2014 MEETING**

The regular monthly meeting of the City Planning Board was held on December 17, 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 Foss, Kenison, Lavers, Regan, Rosenberger (excused at 8:22pm), and Smith-Meyer. City Planner Nancy Larson, Assistant City Planner Heather Shank and Ms. Murray of the City's Planning Division were also present.

The Board moved to enter into a nonpublic session in accordance with RSA 91-A:2, I (b). The motion was duly seconded and passed unanimously.

Following the discussion, the Board moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

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 Hicks.

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

1. 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 BJJ Investments, Inc., on behalf of Papa John's Pizza, requesting Architectural Design Review Approval for one (1) new 40 sq. ft. internally illuminated pylon sign with a separate 18.55 sq. ft. internally illuminated manual copy sign mounted below, at 234 North Main Street, within the Urban Commercial (CU) District. MBLU: 55-5-11**

Ms. Larson stated the application was recommended for approval by the ADRC as submitted with the recommendations that the cool florescent lights proposed in the application is replaced with a lighting that is a warm off-white color and illumination be limited to the actual lettering on sign at night.

Ms. Kathy Champagne, Jutras Signs, was present to speak to the application. Ms. Champagne stated that cool white lighting, as proposed, is standard for internally illuminated signs. She also stated that there currently is a previously approved sign which has the same illumination as the proposed sign and if the proposed lighting changed it would not match the existing sign which is the Papa John's brand. The existing sign was approved through the Code Administration office as it was under the threshold for ADRC or Planning Board approval.

Ms. Foss asked for clarification of the note on the plan which reads '3 rows of 8" on 9" font'. Ms. Champagne explained it means 8 inch font on 9 inch acrylic.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval for one (1) new 40 sq. ft. internally illuminated pylon sign with a separate 18.55 sq. ft. internally illuminated manual copy sign mounted below, at 234 North Main Street as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

**b. Application by Demoulas Supermarkets, Inc., on behalf of John Barous dba Barous' Family Restaurant, requesting Architectural Design Review Approval for one (1) replacement 29.4 sq. ft. internally illuminated affixed wall sign at 94-108 Fort Eddy Road within the Gateway Performance (GWP) District. MBLU: 46A-1-16**

Ms. Larson stated the application was recommended for approval as submitted by ADRC.

There were no other comments or discussions.

Mr. Lavers moved to grant Architectural Design Approval for one (1) replacement 29.4 sq. ft. internally illuminated affixed wall sign at 94-108 Fort Eddy Road as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

**c. Application by RAP Realty, LLC, on behalf of Federated Auto Parts/Fisher Auto Parts, requesting Architectural Design Review Approval for one (1) replacement 66 sq. ft. internally illuminated affixed wall sign, and one (1) new 20 sq. ft. internally illuminated affixed wall sign at 120 Loudon Road, within the General Commercial (CG) District. MBLU: 116-7-4**

Ms. Larson stated the application was recommended for approval by the ADRC as submitted with the recommendations that sign 1 be opaque and that the lettering and logos be the only illuminated element on the sign, to remove approximately 18 inches of white space to the left and right of the "Fisher Auto Parts" logo to reduce the overall sign width and if the applicant chooses the height of the sign may be increased but should maintain a correct proportion of width to height and to remove one of the "Federated Auto Parts" logos, preferably the one on the right.

Mr. Robert Perry, Sousa Signs, was present to speak to the application. He stated that the sign layout is based on the corporate logo and is in keeping with the signs on other properties owned by Federated Auto Parts. He asked that the Planning Board consider approving the application as submitted. He stated that the proposed sign will have an interior coating to reduce and harsh lighting and that a translucent white face is not very bright.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval for one (1) replacement 66 sq. ft. internally illuminated affixed wall sign, and one (1) new 20 sq. ft. internally illuminated affixed wall sign at 120 Loudon Road as submitted by the applicant with the condition to remove approximately 18 inches of white space on sign 1 to the left and right of the "Fisher Auto Parts" logo to reduce the overall sign width and if the applicant chooses the height of the sign may be increased but should maintain a correct proportion of width to height. Sign 2 is approved as submitted. Mr. Kenison seconded the motion. Motion carried unanimously.

- d. Application by Brixmor Capitol SC, LLC, on behalf of Title Boxing Club, requesting Architectural Design Review Approval for two (2) new 28.8 sq. ft. and 37.33 sq. ft. internally illuminated affixed wall signs at 80 Storrs Street, within the Opportunity Corridor Performance (OCP) District. MBLU: 35B-1-1**

Ms. Larson stated the application was recommended for approval as submitted by ADRC with the suggestion that the color of the sign be a white or lighter color so it does not blend into the red brick background.

Mr. Chris Stone, Sienna Signs, was present to speak to the application. He stated the photo was bad quality and the proposed sign color would not blend into the background. It is a normal red plastic used on all their logos. He was not worried about the contrast between the sign and the building.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval for two (2) new 28.8 sq. ft. and 37.33 sq. ft. internally illuminated affixed wall signs at 80 Storrs Street as submitted by the applicant. Mr. Regan seconded the motion. Motion carried unanimously.

- e. Application by Capital Plaza, LLC, on behalf of Citizen's Bank, requesting Architectural Design Review Approval for one (1) new 10 sq. ft. non-illuminated hanging sign with bracket at 57-81 North Main Street, within the Central Business Performance (CBP) District. MBLU: 45-1-12**

Ms. Larson stated the application was recommended for approval as submitted by ADRC.

Ms. Carol Bugbee, Philadelphia Signs, was present to speak to the application. Ms. Bugbee informed the Board that the new sign is being proposed because pedestrians are having trouble seeing the existing window signs.

There were no other comments or discussions.

Mr. Lavers moved to grant Architectural Design Approval for one (1) new 10 sq. ft. non-illuminated hanging sign with bracket at 57-81 North Main Street as submitted by the applicant. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

#### **Tabled or Postponed Applications**

2. **Request by Fournier Foods, LLC, on behalf of Jay W. Stewart Realty Holdings, LLC for a Major Site Plan Approval to construct a 5,524 SF poultry processing facility, a 1,558 SF garage/storage building, and a 1,225 SF covered outdoor storage area with parking, drainage, lighting and other associated site improvements at 52 Locke Road in the IN (Industrial), RO (Open Space Residential) Districts and the FH (Flood Hazard) Overlay District. Map/Block/Lot: 121-1-17 (2014-0041) (Tabled from the November 19, 2014 Planning Board meeting)**
- a. Public Hearing
  - b. Deliberations and Action on the Application

The Board moved to un-table the application. The motion was duly seconded and passed unanimously.

Ms. Foss asked about revisions to the site plan approval which she suggested at the previous meeting. They are as follows:

9. The following notes to be added to the plan:
  - a. The Fat, Oil, and Grease (FOG) Interceptor shall be cleaned and pumped out completely during each cleanout. The interval between Cleanouts shall not exceed every 90 days, unless otherwise agreed upon by the City of Concord, General Services Division, or other appropriate City Department(s).
  - b. The use of Dumpsters for the collection of offal is strictly prohibited from using for the collection of offal. An employee of the facility shall be present during offal pickups to ensure that any spills are cleaned up promptly and that off storage bins are then properly stored.
  - c. A current Operations & Maintenance Manual is on file with the City of Concord Planning Division for public viewing.
10. Applicant to submit a current Operations and Maintenance (O&M) Plan, incorporating the recommendations set forth in the GZA report. The current O&M Plan and any subsequent revisions are to be approved by the City of Concord, General Services Division, or other appropriate City Department(s).

And will be included in the final approval.

Mr. Lavers thanked the city staff for all their work but states he respectfully disagrees with the zoning categorization. He sees a clear distinction between the proposed use that is simply food processing; the delivery of dead animals to be processed and to be picked up which is industrial use versus the use here where there are live animals being delivered to the site and processed. He doesn't understand the latter component which is important for the whole project has been essentially ignored and feels they are getting a free pass on the agricultural component. He stated the site plan regulations talks about harmonious and compatible development in the district.

Ms. Foss stated that the live animals that are not fed on site and she concurs with the Zoning Administrator's decision to categorize this as an industrial use.

Ms. Smith-Meyer moved to recommend to City Council that they release from public servitude, the dedicated portion of Locke Road that remains as a "paper street" across #52 Locke Road. Mr. Kenison seconded the motion. The motion passed 6:1 with Mr. Lavers opposing.

Ms. Smith-Meyer moved to remove the screening requirement for the proposed roof and ground mounted mechanical equipment under Section 26.02 of the Site Plan Regulations. Mr. Regan seconded the motion. The motion passed 6:1 with Mr. Lavers opposing.

Ms. Smith-Meyer moved to grant architectural design review approval for the site and building design for the construction of a 5,524 sq. ft. poultry processing facility, a 1,558 sq. ft. garage/storage building, and a 1,225 sq. ft. covered outdoor storage area with parking, drainage, lighting, landscaping and other associated site improvements as submitted. Mr. Regan seconded the motion. The motion passed 6:1 with Mr. Lavers opposing.

Ms. Smith-Meyer moved to grant final conditional site plan approval for the construction of a 5,524 sq. ft. poultry processing facility, a 1,558 sq. ft. garage/storage building, and a 1,225 sq. ft. covered outdoor storage area with parking, drainage, lighting and other associated site improvements, subject to the following precedent conditions to be fulfilled prior to endorsement of the site plan by the Planning Board Chairman and City Planner, unless otherwise specified:

1. The applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
2. The applicant shall address to the satisfaction of the City Engineer, review comments received in a memo to Laura Aibel, PE from Jeff Warner, PE dated October 7, 2014. (See attached)
3. The City Fire Marshall shall approve in writing (email is sufficient), the proposed location and dimensions of the Fire Lane along the easterly side of the driveway, adjacent to the processing facility and the proposed location of a hydrant at the end of the built portion of Locke Road.
4. The City of Concord and NHDES wastewater permits as well as the NHDES Sewer Connection Permit are to be obtained. Copies of said permits to be forwarded to the Planning Division for filing. A note also to be added to the plan.
5. The following legal document, in a form acceptable to the City Solicitor and Engineering Division, suitable for recording in the Merrimack County Registry of Deeds, shall be provided to the Planning Division along with recording fee(s):
  - a) A revised Access Easement, complete with bearings and distances, across the applicant's property to the City Conservation property to the north, including the right to access the existing cell tower on City property. Plan sheets to be revised as necessary.
6. Plans to be revised to the satisfaction of the Engineering Division to show the installation of a sewer manhole on the applicant's property, immediately adjacent to their front property line (this structure will be used as the delineation between public and private utilities). A similar plan revision to be made for the storm drain line.
7. Planning staff to confirm that the proposed landscape plan complies with the City's landscaping requirements. Any additional landscaping requested by the Board and agreed upon by the applicant, shall be added to the landscape plan.
8. Applicant to submit a current Operations and Maintenance (O&M) Plan, incorporating the recommendations set forth in the GZA report. The current O&M Plan and any subsequent revisions are to be approved by the City of Concord, General Services Division, or other appropriate City Department(s).
9. The following notes to be added to the plan:
  - a. The Fat, Oil, and Grease (FOG) Interceptor shall be cleaned and pumped out completely during each cleanout. The interval between cleanouts shall not exceed every 90 days, unless otherwise agreed upon by the City of Concord, General Services Division, or other appropriate City Department(s).
  - b. The use of dumpsters for the collection of offal is strictly prohibited. An employee of the facility shall be present during offal pickups to ensure that any spills are cleaned up promptly and that offal storage bins are then properly stored.

- c. A current Operations & Maintenance Manual is on file with the City of Concord Planning Division for public viewing.
- d. Any complaints will be addressed in accordance with Article 28-9-8, Enforcement, of the Code of Ordinances. Any violations of the site plan approval shall be immediately resolved by the applicant in a timely manner and to the satisfaction of the Planning Division.
- e. Notes of general and subsequent conditions approved by the Planning Board.

The following general and subsequent conditions are also placed on the approval:

- 1) Pursuant to RSA 231:51, applicant to receive approval from the City Council to release from public servitude, the previously dedicated portion of Locke Road that remains as a “paper street” across the applicant’s parcel. Approval to be secured prior to issuance of any building permits.
- 2) Prior to issuance of any building permits for the site, 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 – General light industrial in the amount of \$7,507. (Please see attached worksheet.)
- 3) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- 4) Prior to commencement of tree clearing activities on the site, the “existing trees to be preserved to meet landscape tree regulations” as noted on Sheet 4 of 14 are to be flagged in the field, protected with silt fencing and inspected by the Planning Division.
- 5) A pre-construction meeting shall be required prior to the start of any construction activities on the site. 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 commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- 7) Prior to issuance of any building permits for the site, the City of Concord and NHDES wastewater permits as well as the NHDES Sewer Connection Permit are to be obtained. Copies of said permits to be forwarded to the Planning Division for filing.
- 8) Prior to the issuance of a certificate of occupancy, the NHDES General State Permit is to be obtained. A copy of said permit to be forwarded to the Planning Division for filing.
- 9) 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. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- 10) 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.

Mr. Regan seconded the motion. The motion passed 6:1 with Mr. Lavers opposing.

3. **Request by Public Service Company of New Hampshire (PSNH) to permit Wetland Buffer and Shoreland Buffer impacts as well as a request to permit the re-establishment of an Essential Public Utility and Appurtenance(s) in the Residential (RO, RM, and RS) and Non-Residential (CG and UT) Districts. The Conditional Use Permit applications are associated with the re-establishment of the 317 line from the Unital Manor Road Substation on Route 3 westerly through Penacook to the PSNH Pole mounted equipment on Route 103/127 in Webster. (Public Hearing is postponed from the October 15, 2014 Planning Board meeting.) (2014-0027)**

- a. **Public Hearing**

- b. **Deliberations and Action on the Application**

Ms. Rosenberger recused herself.

The Chair opened the public hearing.

Vicki Chase and Gene McCarthy, McFarland Johnson, were present to give a summary of the PSNH 317 Line CUP Application Evaluation of December 11, 2014 submitted by McFarland Johnson. In conclusion, the proposed buried 317 line would require additional permitting for wetlands and Section 106 of the Historic Resource Preservation Act. Impacts to archaeological resources, wetlands, and sensitive wildlife habitat would be much greater because of proposed excavation and ground disturbance. Blasting required for bedrock removal would incur short term impacts of vibration and noise, and additional analysis could be required to determine potential effects to residences or to private drinking water wells. Cost information provided estimates the burial would cost \$16,500,000.

David Stills, PSNH, and Brian Pratt, CLD Consulting Engineers, were present.

The Chair read a letter from Mr. Paine into the record. The Chair asked members of the public had any comments or questions on the application.

Mr. Norm Lacey, 85 River Road, spoke. He would like the line buried. He has approximately 48 acres of land and about a half mile of his land will be affected by the 317 Line. He stated the original corridor clearing was not 80 feet; maybe 60 – 65 feet. He stated some of the timber in the corridor will be harvestable in the near future.

Mr. Tony Bourque, 7 River Road, spoke. He owns 31 acres of land and his trees are approximately the same age as the corridor. He stated he has been maintaining the old corridor. He said the corridor is approximately 65 feet. He would like the line buried. He would have liked to have seen a comparison to other projects. He was expecting a more independent study. His easement has been in effect since 1917.

Ms. Jody Berkeley, 140 Peaceful Lane, spoke. She owns 3 acres of land and the easement is on a parcel that she recently purchased. She stated an e-mail from David Still, PSNH, talked about 30 – 50 feet of clearing. She said she has been in residence for 20 years and some poles are still erect but more will be added.

Ms. Paula Miner, 14 River Road, spoke. Her parcel has no recorded easement and feels that PSNH lied by omission about the easement. She does not feel the report from McFarland Johnson was independent since they consulted with PSNH. She stated the 100 foot corridor through her parcel was not maintained. She currently has an easement but would not have signed it if she had known what was coming. Mr. Raymond Miner spoke. He is the trustee of Ms. Miner's trust. He stated the 1917 easement was never recorded. He stated he felt strong-armed by PSNH top sign. He stated the clearing was never 100 feet.

Mr. Ken Norton, 5 Island Road, spoke. He has owned his property for 18 months. He doesn't understand why the corridor needs to be 100 feet.

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

Ms. Smith-Meyer moved to grant a Conditional Use Permit pursuant to Article 28-4-3(d), to allow for impacts to the Wetland buffers associated with the installation of new utility poles along the PSNH 317 Line in Concord, as presented in the application prepared by CLD Consulting Engineers, Inc. with the condition that the clearing of said Right of Way shall not exceed 65 feet. Mr. Regan seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant a Conditional Use Permit pursuant to Article 28-3-3(f), to allow for impacts to the Shoreland vegetative buffers associated with the installation of new utility poles along the PSNH 317 Line in Concord, as presented in the application prepared by CLD Consulting Engineers, Inc. with the condition that the clearing of said Right of Way shall not exceed 65 feet. Mr. Kenison seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant a Conditional Use Permit pursuant to Article 28-2-4(c) to permit Use K11 in the Table of Uses, Essential Public Utility and Appurtenance(s) in the Residential (RO, RM and RS) and Non-Residential (CG and UT) Districts, as presented in the application prepared by CLD Consulting Engineers, Inc. with the condition that the clearing of said Right of Way shall not exceed 65 feet. Mr. Regan seconded the motion. Motion passed unanimously.

The following Conditions (1-12) are applicable to all CUPs approved:

1. The applicant shall revise the drawings to address the following comments:
  - a. The NHDES Wetlands Dredge and Fill Permit and Shoreland Permit numbers shall be noted on the plans.
  - b. The conditions of approval #2 & #3 shall be noted on the plans.
  - c. A note shall be added to the plan regarding the reduced clearing width of the right-of-way from 100 feet to 65 feet from Borough Road to *the National Grid corridor*.
  - d. A note shall be added to the plan to explain that selective vegetative management shall be used to maintain a shrub layer of vegetation within the wetland buffers associated with a vernal pool and Shoreland buffers.



- e. A note shall be added to the plan set to ensure that the construction activities within the vicinity of the public boat launch shall occur during late fall, winter or early spring to avoid impacting the use of the boat launch.
2. The applicant will provide to the City Solicitor a financial guarantee for the purpose of repairing damage that may occur to roadways during the construction process in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.
3. The applicant shall enter into an agreement with the City regarding the reduction of the width of vegetative clearing within the utility right-of-way from 100 feet to 65 feet from Borough Road to *the National Grid corridor*. The agreement shall provide for the clearing of the full 100-foot width of the right-of-way under certain circumstances which would include dead or diseased trees that present a danger to operation or reliability; trees needing to be removed for access around wetland areas or rock outcroppings; and trees that need to be removed to restore service along the line. The agreement shall be approved by the City Solicitor.
4. The following local permits *have been obtained* and copies provided to the Planning Division:
  - a. *License from the Poles and Wires Committee was approved with conditions (see general and subsequent conditions 8 thru 12 below) at their meeting held on September 19, 2014.*
5. The following State permits *have/have not been obtained* and copies provided to the Planning Division:
  - a. NHDES Wetlands Bureau Wetlands Dredge and Fill Permit – *Granted on 9/21/2014. Permit number to be noted on final plan set.*
  - b. NHDES Shoreland Protection Permit. *Unless included in the Dredge and Fill Permit, a Shoreland Permit appears to be outstanding. Permit number is to be noted on final plan set.*
6. *Applicant to work with staff to find an appropriate substitute for the arborvitae proposed to be planted in select locations. Plan is to be revised accordingly.*

The following general and subsequent conditions are also placed on the approval:

7. Prior to commencing any construction activity on the site, the applicant will provide to the City Engineer a work plan for the proposed construction, specifically noting the construction schedule for the staging of equipment, deliveries of matting and when heavy equipment will pass on the roads that are traditionally posted for weight restrictions during the spring. The applicant shall also attend a preconstruction meeting with the City Engineer. No construction activity may commence prior to the preconstruction meeting.
8. *That PSNH shall make an annual report to the Poles and Wires Committee informing it of the progress of its infrastructure as of April 1, 2015, and every April thereafter until the infrastructure subject to this petition is completed, at which time PSNH, shall notify the Committee of its completion of the project.*
9. *That PSNH shall notify all property owners over which their easement passes, and all abutters, prior to tree removal and subsequent construction.*
10. *No cross country tree removal or infrastructure construction shall take place while City roads gaining access are posted for load limits.*
11. *That a pre-construction coordination meeting shall take place between PSNH and the Engineering Services Division.*

12. *That a Notice of Intent to Cut Wood or Timber shall be filed with the City's Assessing Department.*

**Conditional Use Permit Application(s)**

4. **Request by Public Service Company of New Hampshire (PSNH) c/o Laura Games to upgrade components on the existing G146 transmission line to maintain reliability of electrical delivery system. Proposed upgrades will temporarily impact 1,678 sq. ft. (4,010 sq. ft. with wetlands buffer) of one PSS1 wetland with timber matting placed across the wetland during winter work. (2014-0061)**
- a. Determination of Completeness**
  - b. Public Hearing**
  - c. Deliberations and Action on the Application**

Ms. Larson recommended that the application be determined complete and the public hearing opened.

Ms. Smith-Meyer moved to determine the application complete and to open the public. Ms. Foss seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Lee Carbonneau, PSNH, was present. The G146 Line Thermal Upgrading project will upgrade components on the existing transmission line to maintain reliability of PSNH's electrical delivery system. The proposed upgrades will temporarily impact 1,678 of one wetland (4,010 SF of impact including the 50 ft. wetland buffer) with timber matting placed across the wetland. The G146 Transmission Line is an 18-mile, 115kV transmission line originating at the Garvin's Falls Substation in the Town of Bow, crossing through the City of Concord and the Towns of Pembroke and Allenstown, terminating at the Deerfield Substation in the Town of Deerfield. The project is part of PSNH's 10-year plan for southern NH and will improve the safety and reliability of the electric system. All work in Concord will take place within the existing right-of-way (ROW) on land owned by PSNH and will be accessed from Garvins Falls Road.

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

Ms. Smith-Meyer moved to grant a Conditional Use Permit pursuant to Article 28-4-3(d), to allow for 2,332 SF of temporary impact to the 50 ft. wetland buffer with timber matting placed across the wetland as presented in the application prepared by Normandeau Associates, Inc. Mr. Regan seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant a Conditional Use Permit pursuant to Article 28-3-3(e), to allow for mowing of shrubby vegetation within the utility ROW between the end of the access road and Structure 184, within the NHDES 250 ft. Shoreland Protection Overlay District. Ms. Foss seconded the motion. Motion passed unanimously.

The following Conditions are applicable to all CUPs approved:

1. The applicant shall revise the drawings to address the following comments:
  - a. The NHDES Wetlands Dredge and Fill Permit number.

- b. A note shall be added to the plan to explain that selective vegetative management shall be used to maintain a shrub layer of vegetation within the wetland buffers associated with the Shoreland buffer.
  - c. A note shall be added to the plan set as follows: Proposed work in Concord consists of replacing hardware on Pole Structure 184 near the Merrimack River. The work will take place in January or February of 2015 and there will be no earthwork within ¼ mile of the Merrimack River and no stream crossings will take place.
2. The applicant will provide to the City Solicitor a financial guarantee for the purpose of repairing damage that may occur to roadways during the construction process in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.
  3. Applicant to submit to the Planning Division, a written statement from the New Hampshire Fish & Game and from the Natural Heritage Bureau that the respective agency has reviewed the project and agreed that no impacts will occur to the protected resources.
  4. Add a note on the final plan stating that no work shall take place while City roads gaining access are posted for load limits, unless otherwise approved by the City of Concord.
  5. Any CUP granted by the Board is to be fully described on the final plans, including date granted and Article & Section number of the Zoning Ordinance.
  6. Note on the final plan sets, the following general and subsequent condition to be placed on the approval:

Unless determined to not be required by the Engineering Division, prior to commencing any construction activity on the site, the applicant will provide to the City Engineer a work plan for the proposed construction, specifically noting the construction schedule for the staging of equipment, deliveries of matting and when heavy equipment will pass on the roads that are traditionally posted for weight restrictions during the spring. If required by the Engineering Division, the applicant shall also attend a preconstruction meeting with the City Engineer. No construction activity may commence prior to the preconstruction meeting.

Mr. Still asked if PSNH could come back to the Planning Board if the 65 foot clearing posed any problems. The Chair acknowledged that they could return.

### Subdivision Applications

5. **Request by TF Bernier, Inc. on behalf of Strategic Contracting Company, LLC to subdivide one (1) lot into nine (9) residential house lots. Five (5) lots will front on Sanborn Road and four (4) will front on Mountain Road, at 39 Sanborn Road in the RM (Medium Density Residential) District. Map/Block/Lot: 122/3/1 (2014-0055)**

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

The Chair opened the public hearing.

Tim Bernier, TF Bernier, was present. The applicant requests a subdivision of one residential lot into nine residential lots. The parcel of land to be subdivided consists of 22.41 acres and is vacant. The proposed subdivision would create five new lots with access from Sanborn Road and four new lots with access from Mountain Road. Lot areas vary in size from 40,324 SF (Lot 3) to 194,563 SF (Lot 5). Hayward Brook forms the northerly property boundary and is regulated by

the City of Concord's Shoreland Protection Overlay Zoning District but not the State's Shoreland Protection District under RSA 483-B. The subject parcel is zoned RM (Medium Density Residential). Municipal sewer and water is not available in this area so each lot will be served by an individual septic and well. All proposed lots satisfy the minimum dimensional requirements for lot size, buildable area, frontage, setbacks, etc.

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

Ms. Carol Dessault, Sanborn Road, spoke. She stated that Concord is a city in the country and can only remain with proper planning. She asked the Board to consider the long time property owners in that area. She feels there is too much asphalt.

Mr. David Scott, 40 Sanborn Road, spoke. He stated the proposed project is not in keeping with the character of the road. He said the project will diminish his property value.

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

Mr. Lavers moved to grant a Conditional Use Permit pursuant to Article 28-4-3(d), to allow for disturbances to the wetland buffer in four locations. Two buffer disturbances are to install a well on Lots 2 and 4 and the other two disturbances are related to installation of foundation drain pipes on Lots 2 & 4. Ms. Smith-Meyers seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant final conditional subdivision approval to the major subdivision application with the following precedent conditions to be fulfilled within 2 years and prior to endorsement of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:

1. The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final plans and mylars.
2. Applicant to 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.
3. Any conditional use permits 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 the conditional use permit requests, applicant shall comply with said submission requirement(s).
4. A letter shall be submitted to the Planning Division by the Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.
5. Address to the satisfaction of the Engineering Division, review comments received in a Memo from Laura Aibel, PE and Jeffrey Warner, PE dated December 9, 2014 (see attached).
6. Unless not required by the Planning Board, the plans are to be revised to show common private drives as follows:
  - Between Lots 6 & 7 and Lots 8 & 9 along Mountain Road (NH Route 132). (AS PRESENTED IN ORIGINAL PLAN)
  - Between Lots 1 & 2 and Lots 4 & 5 along Sanborn Road, or as otherwise recommended by the Engineering Division or Planning Board. (AS PRESENTED IN REVISED PLANS)

7. Since the applicant's agent indicates in a November 26, 2014 response letter to the Engineering comments dated November 13, that they will not be requesting waivers for missing checklist items, all missing items indicated in the checklist provided to the applicant shall be included in the final revised plan set.
8. 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 Plan Review Regulations.
9. A copy of the NH Department of Transportation (NHDOT) Driveway Permit for the proposed curb cuts along Mountain Road (NH Route 132) shall be submitted to the Planning Division and the number to be noted on the recordable plan sheet(s).
10. Address the following Planning Staff Technical Comments:
  - a) The final Map/Block/Lot numbers for all proposed lots to be approved in writing (email is sufficient) by the City Assessor and said numbers to be added to final plan set.
  - b) Revise the Buildable Area table on Sheet 2 of 4 to include information for Lots 5 thru 9.
  - c) Revise the Buildable Area table on the recordable plan sheets (Sheets 1 & 2 of 4) to note the exact Useable Area proposed for each lot.
  - d) The slopes which comprise the bluff as defined in the Glossary of the Subdivision Regulations shall be shaded and labeled on the topographic sheets and the 50 ft. buffer to bluff to be revised if necessary.
  - e) The 50 ft. buffer to bluff on Lot #4 to be clarified (it's difficult to distinguish the 50 ft. buffer to bluff from the 50 ft. wetland setback).
  - f) Staff suggests making a heavier line weight to depict the rear boundary line of Lots 1 & 5 on Sheets 2 of 4 and 4 of 4.
  - g) The proposed rear property boundary between Lots 1 & 5 to be added to the Topographic Plan (Sheet 4 of 4).
  - h) The existing driveway providing access to the existing home (to be razed) on the parent lot to be shown and proposed disposition to be noted on all applicable plan sheets. Staff notes that if the home is more than 50 years old before the date of application for a demolition permit, it will be subject to a Demolition Delay Permit under Article 26-9 of the City of Concord Code of Ordinances.
  - i) The following notes to be added to the plan:
    - i. That all lots will be served by individual septic and well; and
    - ii. That portions of Lots 1, 5, & 9 lie within the 100-ft. Flood Hazard (FH) Zoning Overlay District (Zone A). No construction is proposed within the FH District.
11. Note on the recordable plan sheets, the following general and subsequent condition:

General and Subsequent Condition recommended to be placed on the approval:

  - a) Prior to the issuance of a building permit for any of the lots, Traffic, Recreation and School Impact Fees shall be assessed for any construction within this approved subdivision. 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, based on the methodology in place at the time the fees are assessed; Table 1, School Facilities Impact Fee; and Table 2, Recreational Facilities Impact Fee; and Table 3, Transportation Facilities Impact Fee.

- i. School Facilities – Single Family Residence.
- ii. Recreational Facilities – Single Family Residence.
- iii. Transportation Facilities – Single Family Residence.

12. Drainage letter be prepared and stamped passage of runoff as per section 23.01 of subdivision regulations.

13. Plans revised to show street trees as per section 28.04 of subdivision regulations.

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

6. **Request by Holden Engineering, on behalf of Paul Morrissette to create two new two-acre lots leaving the balance of the parcel (25.83 acres) vacant at this time. The parcel is located at 283 Oak Hill Road in the RO (Open Space Residential) District. Map/Block/Lot: 120/1/36 (2014-0058) (Determination of Completeness is Postponed from the November 19, 2104 Planning Board meeting.) Applicant requests to table application for a period of up to six months.**

- a. **Determination of Completeness**
- b. **Public Hearing**
- c. **Deliberations and Action on the Application**

#### State of New Hampshire Projects under RSA 674:54

7. **Request by the State of NH Administrative Services to construct a new building to house a biomass (woodchip) boiler; including a 75' smoke stack and a woodchip storage bunker (enclosed within boiler building) at 27-29 Hazen Drive in the IS (Institutional) District. Map/Block/Lot: 114D/1/1 (2014-0062)**

The Board granted the applicant's written request to postpone to the January 21, 2015 Planning Board meeting.

#### **REGULAR MEETING**

8. Approval of the minutes of the October 15, 2014 Planning Board Meeting, the October 29, 2014 Special Planning Board Meeting and the November 19, 2014 Planning Board Meeting.

Mr. Lavers moved to accept the minutes of the October 15, 2014 Planning Board Meeting, the October 29, 2014 Special Planning Board Meeting and the November 19, 2014 Planning Board Meeting as written. Mr. Kenison seconded. Motion passed unanimously.

9. The Board will hold a workshop to discuss a proposed zoning amendment to address the zoning of alternative treatment centers for therapeutic cannabis under RSA 126-X.

Continued to January 21, 2015.

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

**INFORMATION**

11. Minutes of the December 9, 2014 Design Review Committee meeting

- Next regular monthly meeting on Wednesday, January 21, 2015

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 11:49 pm.

A TRUE RECORD ATTEST:

Nancy Larson  
Clerk