

**CITY OF CONCORD PLANNING BOARD**  
**June 17, 2015 MEETING**

The regular monthly meeting of the City Planning Board was held on June 17, 2015, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher, Members Champlin, Foss, Hicks, Kenison, Lavers, Smith-Meyer, and Woodfin. City Planner Larson, Ms. Shank, Ms. Fenstermacher and Ms. Murray of the City's Planning Division were also present. Alternate Member Kenison was seated for Member Regan.

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

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

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

- 1. 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:**
  - a. Public Hearings**
  - b. Deliberations and Action on the Applications**
    - a. Application by Harold E and Judith A Ekstrom requesting Architectural Design Review Approval for one (1) new 9 sq. ft. non-illuminated freestanding directory sign, at 17-19 Green Street, within the Civic Performance (CVP) District. Map/Block/Lot: 44-3-34 Tabled from the May 20, 2015 Planning Board Meeting and the May 12, 2015 ADRC Meeting.**

Mr. Harold Ekstrom was present to speak to the application. Mr. Ekstrom stated he returned to the ADR Committee meeting. The sign will be freestanding with two tenant panels which will each be 18x36 inches.

Ms. Smith-Meyer moved to grant Architectural Design Approval for one (1) new 9 sq. ft. non-illuminated freestanding directory sign, at 17-19 Green Street, within the Civic Performance (CVP) District, Map/Block/Lot: 44-3-34, as submitted. Mr. Foss seconded the motion. The motion passed unanimously.

- b. Application by The Laurie J Sanborn Revocable Trust and Laurie Sanborn, Trustee, on behalf of United Gourmet Foods, LLC, requesting Architectural Design Review Approval for one (1) new 14.4 sq. ft. affixed externally illuminated awning sign, one (1) new 15.2 sq. ft. affixed externally illuminated awning sign, and one (1) new 10.2 sq. ft. affixed externally illuminated awning sign at 27 South Main Street (former Gibson's Bookstore) in the Central Business Performance (CBP) District. Map/Block/Lot: 35-1-1**

Ms. Larson stated the ADRC recommended approval as submitted with the recommendation to adjust the size of both logos for better fit. Mr. Gary Dimartino was present to speak to the application. Ms. Smith-Meyer noted the spacing may look crowded because of the perspective in the graphic; she thinks the sign is fine. Mr. Dimartino stated that Concord Awning will space the logo to be symmetrical.

Ms. Smith-Meyer moved to grant Architectural Design Approval for one (1) new 14.4 sq. ft. affixed externally illuminated awning sign, one (1) new 15.2 sq. ft. affixed externally illuminated awning sign, and one (1) new 10.2 sq. ft. affixed externally illuminated awning sign at 27 South Main Street (former Gibson's Bookstore) in

the Central Business Performance (CBP) District, Map/Block/Lot: 35-1-1, as submitted. Ms. Foss seconded the motion. The motion passed unanimously.

- c. Application by Siena Investment, LLC, on behalf of Aspen Dental, requesting Architectural Design Review Approval for one (1) new 32.77 sq. ft. affixed internally illuminated wall sign, one (1) new 41.67 sq. ft. affixed internally illuminated wall sign and two (2) new 12 sq. ft. tenant panels (one panel to be installed back-to-back on each side of freestanding sign) to be installed on a freestanding internally illuminated sign at 273 Loudon Road (across from D'Amante Drive), Unit 1, in the Gateway Performance (GWP) District. Map/Block/Lot: 111E-1-1**

Mr. Chris Stone, C&S Signs and Mr. Mike D'Amante were present to speak to the application. There were no questions.

Mr. Hicks moved to grant Architectural Design Approval for one (1) new 32.77 sq. ft. affixed internally illuminated wall sign, one (1) new 41.67 sq. ft. affixed internally illuminated wall sign and two (2) new 12 sq. ft. tenant panels (one panel to be installed back-to-back on each side of freestanding sign) to be installed on a freestanding internally illuminated sign at 273 Loudon Road, Unit 1, in the Gateway Performance (GWP) District, Map/Block/Lot: 111E-1-1, as submitted. Mr. Lavers seconded the motion. The motion passed unanimously.

- d. Application by Capital Hotel Company V, LLC c/o Foxfire Property Management Inc., on behalf of Fairfield Inn and Suites Marriott, requesting Architectural Design Review Approval for one (1) replacement 87.5 sq. ft. monument sign on an existing "pole" and one (1) replacement 92.06 sq. ft. affixed wall sign with LED channel letters to be installed on the porte cochère, at 4 Gulf Street, within the Gateway Performance (GWP) District. Map/Block/Lot: 27-1-2**

Ms. Larson noted the ADR Committee recommended as submitted with the recommendation that the words "Inn & Suites" be slightly more separated from the word "Fairfield" on the monument sign. The applicant was not present. There were no questions.

Ms. Foss moved to grant Architectural Design Approval for one (1) replacement 87.5 sq. ft. monument sign on an existing "pole" and one (1) replacement 92.06 sq. ft. affixed wall sign with LED channel letters to be installed on the porte cochère, at 4 Gulf Street, within the Gateway Performance (GWP) District, Map/Block/Lot: 27-1-2, as submitted with the condition that the words "Inn & Suites" be slightly more separated from the word "Fairfield" on the monument sign. Ms. Smith-Meyer seconded the motion. The motion passed unanimously.

- e. Application by Merrimack County Savings Bank requesting Architectural Design Review Approval for one (1) refurbished 42.5 sq. ft. freestanding internally illuminated clock with temperature display at 89 North Main Street in the Central Business Performance (CBP) District. Map/Block/Lot: 45-3-5**

Ms. Larson stated the ADRC recommended approval as submitted with recommendation that the column reflect the existing column on bank façade to match molding detail.

Mr. Thomas Cimikoski, MCSB, and Peter Poanessa, Keene Sign Worx, were present to speak to the application. Mr. Poanessa stated the face of the clock will get a more classical design. Mr. Cimikoski stated he reached out to Ed Roberge to see how that design fits with downtown upgrades. The clock is 27 years old and weathered. The post is small which will be expanded by 4 inches to make it more proportioned. The cement base is weathered and will be wrapped with 4 inch granite which will blend with facade columns on bank.

Ms. Smith-Meyer moved to grant Architectural Design Approval for one (1) refurbished 42.5 sq. ft. freestanding internally illuminated clock with temperature display at 89 North Main Street in the Central Business Performance (CBP) District, Map/Block/Lot: 45-3-5, as submitted with condition that the column reflects the

existing column on bank façade to match molding detail. Mr. Lavers seconded the motion. The motion passed unanimously.

2. **Application by Siena Investment, LLC, requesting Architectural Design Review (ADR) Approval related to a previously approved Major Site Plan application. The ADR application requests minor modifications to the previously approved building elevations including, but not limited to, installation of awning(s) at 273 Loudon Road (across from D'Amante Drive) in the Gateway Performance (GWP) District. Map/Block/Lot: 111E-1-1 (2013-0069)**
  - 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.

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

The Chair opened the public hearing.

Mr. Mike D'Amante was present to speak to the application. Mr. D'Amante presented plans which compare the initial design and the revised design. He noted the changes are due to the tenant's request and the building now has more tenants than originally planned for so the building is broken up more to accommodate that. Windows have also been added.

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

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

Mr. Lavers moved to grant Architectural Design Review (ADR) Approval related to a previously approved Major Site Plan application. The ADR application requests minor modifications to the previously approved building elevations including, but not limited to, installation of awning(s) at 273 Loudon Road (across from D'Amante Drive) in the Gateway Performance (GWP) District, Map/Block/Lot: 111E-1-1, as submitted. Ms. Smith-Meyer seconded the motion. The motion passed unanimously.

### **Site Plan Applications**

3. **Application by TF Moran on behalf of Unitil and Eversource (f.k.a. PSNH) requesting Major Site Plan approval at Portsmouth Street for the construction of a new distribution substation which will be supplied by a proposed transmission substation within the Open Space Residential (RO) District. A Conditional Use Permit (CUP) to construct Essential Public Utilities & Appurtenances within the Open Space Residential (RO) as well as a CUP for disturbances to wetland buffers is also requested. Map/Block/Lot: 113/2/9, 113/2/10, 113/2/19, 111C/1/13, & 111C/1/9. (2015-0015)**
  - a. **Public Hearing**
  - b. **Deliberations and Action on the Application**

The Chair opened the public hearing.

Nick Golon, TF Moran, Jake Dusling, Unitil and Atty. Tim Britton, Cleveland, Waters and Bass were present to speak to the application. Atty. Britton gave a brief overview of the project. He stated the site plan is part of a proposed land transaction between the City of Concord and Unitil. He said this project represents the culmination of a two year dialogue with the City and particularly the Conservation Commission and Planning

Division about the preferred location for these needed facilities. Atty. Britton stated Unitil owns property (M/B/L: 113/2/11) adjacent to the proposed site which they acquired in 2008 as part of another land swap transaction. The Unitil property is subject to a Conservation Easement in the favor of the City and the Conservation Easement contains specific reserve rights in favor of Unitil for the development of substation and transmission lines facilities on the property. Unitil worked with the Conservation Commission who asked that they explore the Portsmouth Street property instead as a possible site. Unitil conducted feasibility analyses of the Portsmouth Street property and determined it would be feasible to develop it for the substation and transmission lines facilities, then reviewed additional conceptual concepts with the Conservation Commission. On January 14, 2015, the Conservation Commission voted to recommend to City Council to approve a land transaction whereby the City would convey the Portsmouth Street property to Unitil in exchange for Unitil's release of certain reserved rights that are set forth in the Conservation Easement. On February 9, 2015, the City Council approved the consent resolution authorizing the City Manager to approve the change of property rights between the City and Unitil. On April 8, 2015, the Conservation Commission approved the development plan set forth in this site plan application. On May 20, 2015, the Planning Board granted minor subdivision approval for the lot line adjustment to create this site.

Mr. Dusling gave an overview of the reasons for the project. He stated Unitil has two supplies into the Concord area which serves the greater Concord area, Epsom and neighboring towns. Unitil does long range system planning annually; back in the early 2000's they identified the future capacity deficiency of the two supplies into the area which lead to the discussions with the City for the first initial land swap. In 2012, Unitil identified the firm need date of 2017 for expanding and started discussions with City Staff and Conservation Commission at that time.

Mr. Golon presented the site plan. He reiterated the work done with the Conservation Commission and other regional agencies. Mr. Golon went through the site design. The access point is at an existing paved road which runs north through the property up to the City's water tower. There is a system of existing trails throughout the site which are used recreationally and for logging. The placement of the substations took several factors into consideration including, must work electrically, angles of lines must not be excessive. A gravel access road leading to the substations will come off of the existing paved road. The proposed gravel drive meets fire code requirements and has a turn radius to allow for construction, maintenance and emergency vehicle access. Mr. Golon pointed out the locations of the transmission substation and the distribution substation. The high voltage lines require a clearing of 50 feet off the lines. The exiting lines of the distribution substation follow the gravel drive when possible to minimize impacts and areas of clearing. The lines will follow the gravel drive, then the logging road and will then cross 393. The poles crossing 393 will be 70-80 feet tall which is required for over the highway. The remainder of poles on the site are 50 feet or shorter with the majority being less than 40 feet tall.

Mr. Dusling commented on the ADRC's recommendation regarding the siding, trim, doors, fencing and any equipment be painted a dark color such as forest green and to color any concrete bases the darkest pigment available saying the industry standard is a light gray. The lighter color will not absorb heat like a darker color and will make any points of corrosion or rust more visible. Mr. Golon also mentioned that 95% of the concrete will be below ground and about an 8 inch reveal will be seen and will probably not be seen outside of the substation yard. The applicant requests that the industry standard gray color be approved throughout the site.

Mr. Golon spoke about the wetlands areas and the site walks with Conservation Commission, Fish and Game and National Heritage Bureau and the high value placed on the aquatic wetland areas because of the species found there versus the forested wetlands. The design came from working with environmental scientists and resource agencies to find the area for building that would create the least impact. He stated there is minimal impact to the wetland areas to the north of the proposed site.

Mr. Golon spoke of sight lines and the need to mitigate the appearance to the public to the extent that they can. The project is sited as far back from adjacent homes as possible, the buffer between the proposed site and

residences will be maintained, there is an existing row of a variety of trees on 393 which will remain. He stated any red pine that are affected by infestation and lost should be filled in by the healthy crop of remaining trees.

Mr. Golon spoke about lighting. He stated lighting for the site is governed by the National Electric Safety Code. All lighting will be LED dark sky compliant, installed at elevations no higher than 20 feet, and will be maintained in the on position for safety and security reasons. Mr. Golon spoke about sound stating that transformers will generate a certain amount of sound but they will be using the ultra-low noise model which is the quietest model available. The noise level will be similar to a residential refrigerator. Mr. Golon stated there will be two open filtration basins for stormwater management. Their Alteration of Terrain permit is pending. Comments from Kim Tuttle will be addressed and incorporated into the plan set. A Stormwater Pollution Prevention Plan, an NOI through EPA and FAA Flight Path permits have been applied for.

Conversation ensued regarding impacts to the trail system, logging access, lighting, and wetland impacts ensued. Mr. Dusling stated motion detection lights could be installed at the distribution station.

Mr. Golon responded to Mr. Dean Wilber's letter dated May 5, 2015. Mr. Golon stated Mr. Wilber's first item regarded archeological findings and Mr. Golon stated Monadnock Archeological was hired to perform an archeological sensitivity assessment. The report was filed with the Division of NH Division of Historical Resources and NHDHS responded that they agreed with the findings that there would be no impact. Mr. Wilber's next concern was regarding the handling of 1/3 of the electrical load in Concord, and the potential inadequacy of the grid. Mr. Dusling responded that the two existing supply points are relatively reaching their capacity so a third one will be installed and the load will be split evenly among all three. Mr. Wilber's third concern was regarding the trails. Mr. Golon stated adjustments were made to the site plan per the City Forester's request.

The Chair asked if any members of the public had any comments or questions. 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 Use #K11 in the table of uses to construct Essential Public Utilities & Appurtenances within the Open Space Residential (RO) District. Ms. Foss seconded the motion. Motion carried unanimously.

Mr. Lavers moved to grant a Conditional Use Permit pursuant to Section 28-4-3(d) for disturbances to wetland buffers. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

Mr. Lavers moved to grant Architectural Design Review Approval for the proposed site plan with no conditions. Mr. Woodfin seconded the motion. Motion carried unanimously.

Mr. Lavers moved to grant Conditional Major Site Plan Approval for the for the construction of a new distribution substation which will be supplied by a proposed transmission substation within the Open Space Residential (RO) District at Portsmouth Street, Map/Block/Lot: 113/2/9, 113/2/10, 113/2/19, 111C/1/13, & 111C/1/9, subject to the following precedent and general conditions to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

- (a) **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 Professional Engineer and Certified Wetland Scientist shall sign and seal final plans.
  - (2) 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.
  - (3) Satisfaction of any forthcoming review comments from the Engineering Division.
  - (4) Applicant to submit three complete sets of plans for endorsement by the Planning Board Chairman and Clerk.

- (5) Final language for all easement documents and deeds reviewed and approved by the office of the City Solicitor to be submitted for recording at the Registry of Deeds. Submission of a Trail Agreement as agreed upon by Unitil and the City of Concord.
  - (6) Revise all applicable plan sheets to more clearly show the small gravel parking area at the entrance from Portsmouth Street proposed to be expanded by Unitil to allow for trail users. The current layout and notes shown on Sheet 6 (C1.2) is quite subtle and difficult to discern between existing vs proposed.
  - (7) Fire Department to approve final configuration of access to and from the substation compounds; plan shall be adjusted as necessary.
  - (8) Address the Planning Staff Technical Comments (see below).
  - (9) Specific recommendations regarding the height of the reinforced concrete pipe at the driveway culvert and erosion control fabric type to be addressed on the plan to the satisfaction of NH Fish and Game.
  - (10) Should final State and Federal permits require substantive revisions to the plan, those revisions shall be approved by the Planning Board.
  - (11) A copy of the mitigation plan approved by the NH Department of Environmental Services, Wetlands Bureau shall be submitted to the Planning Division for filing.
- (b) **Subsequent Conditions** – to be fulfilled as follows:
- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Seven copies of the final approved plan set endorsed by the Planning Board Chair and Clerk shall be provided by the applicant at the pre-construction meeting.
  - (3) Prior to each substation going into operation, 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.
  - (4) Prior to each substation going into operation, 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.
- (c) **Planning Staff Technical Comments**
- (1) Please add all outstanding Permit/Approval Numbers, Approved Dates, and Expiration Dates to the Cover Sheet.
  - (2) A note to be added to the plan stating that “Prior to each substation going into operation, Planning Staff reserves the right to work with Unitil to provide supplemental screening to address concerns with visibility of the substations from I-393 as determined to be appropriate by both parties.”
  - (3) Article 28-4-3(b) Wetland Buffers and Setbacks of the Zoning Ordinance states: “Where wetland buffer disturbance is allowed pursuant to a State or federal permit or a conditional use permit, re-vegetation of the disturbed area with native species is required.” The Planning staff is reviewing the proposed seed mix to determine if it satisfies the Ordinance requirement.
  - (4) Pursuant to an email received from Kim Tuttle, Certified Wildlife Biologist, NH Fish and Game, dated June 11, 2015 to Nick Golon, a note to be added to the plan stating that “All construction personnel must be made aware of the potential presence and protected status of Eastern Hognose

Snake. NH Fish and Game recommends that the Eastern Hognose Flyer be distributed to all contractors.”

- (5) Add a note to the plan stating that lights be equipped with motion sensors for distribution substation only.

Mr. Woodfin seconded the motion. The motion passed unanimously.

4. **Application by RNL Properties requesting Major Site Plan approval for the construction of a townhouse style multifamily independent residential living facility with four 4-unit residential buildings and one clubhouse building for persons 55 years of age and older at 61 Borough Road (existing multi-family home known as "Four Winds" to remain), within the Medium Density Residential (RM) District. A Conditional Use Permit (CUP) is required for the proposed disturbance of 990 sf of wetland buffer for vegetation removal and grading for one of the proposed buildings as well as the installation of an overflow drainage pipe. Map/Block/Lot: 192P/38 (2015-0018) Applicant requests to table application until the July 15, 2015 Planning Board meeting.**

Ms. Larson notified the Board of the applicant's request to postpone the public hearing.

Mr. Hicks moved to table the application by RNL Properties requesting Major Site Plan approval for the construction of a townhouse style multifamily independent residential living facility with four 4-unit residential buildings and one clubhouse building for persons 55 years of age and older at 61 Borough Road (existing multi-family home known as "Four Winds" to remain), within the Medium Density Residential (RM) District. A Conditional Use Permit (CUP) is required for the proposed disturbance of 990 sf of wetland buffer for vegetation removal and grading for one of the proposed buildings as well as the installation of an overflow drainage pipe, Map/Block/Lot: 192P/38 until the Planning Board Meeting on July 15, 2015 at 7:00 pm in Council Chambers. Mr. Woodfin seconded the motion. Motion carried unanimously.

5. **Application by Rumble Real Estate, LLC requesting Minor Site Plan approval to construct 6,900 sq. ft. of driveway to provide access to two new overhead doors to be installed on the south wall (rear) of the building for a wholesale storage and distribution facility. Additional improvements include a dumpster enclosure, parking for 4 trailers and stormwater infiltration practices at 162 Pembroke Road, within the Industrial (IN) District. Map/Block/Lot: 111G/1/8 (2015-0021)**
  - a. **Determination of Completeness**
  - b. **Public Hearing**
  - c. **Deliberations and Action on the Application**

Ms. Fenstermacher notified the Board of the applicant's request to table the public hearing.

Ms. Foss moved to table the application by Rumble Real Estate, LLC requesting Minor Site Plan approval to construct 6,900 sq. ft. of driveway to provide access to two new overhead doors to be installed on the south wall (rear) of the building for a wholesale storage and distribution facility. Additional improvements include a dumpster enclosure, parking for 4 trailers and stormwater infiltration practices at 162 Pembroke Road, within the Industrial (IN) District, Map/Block/Lot: 111G/1/8, until the Planning Board Meeting on July 15, 2015 at 7:00 pm in Council Chambers. Mr. Lavers seconded the motion. Motion carried unanimously.

6. **Application by David Jaquith on behalf of Tom Roy and Tracey Gosselin, requesting Major Site Plan approval for construction of three (3) proposed one-bedroom apartment units above an existing garage, and two (2) existing one-bedroom apartment units not previously approved by the**

**Planning Board, at 59 South Main Street, within the Central Business Performance (CBP)  
District. Map/Block/Lot: 34/5/3 (2015-0013)**

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

The Chair opened the public hearing.

Mr. David Jaquith and Mr. Tom Roy were present to speak to the application. Proposed is the construction of three one-bedroom apartment units above an existing garage (filling in the upper volume of the garage), and two existing one-bedroom apartment units not previously approved by the Planning Board.

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

Mr. Lavers moved to grant a waiver to Section 12 – General Requirements for All Drawings. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant a waiver to Section 15 – Application Requirements for Minor Site Plans. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant a waiver to Section 16 – Application Requirements for Major Site Plans. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant Architectural Design Review approval for the proposed exterior building modifications associated with construction of three (3) one-bedroom apartment units above an existing garage (filling in the upper volume of the garage) with the recommendation proposed by ADR that new windows match the existing as best they can. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant Conditional Major Site Plan approval for the change-of-use for construction of three (3) one-bedroom apartment units above an existing garage (filling in the upper volume of the garage), and two (2) existing one-bedroom apartment units not previously approved by the Planning Board, at 59 South Main Street, within the Central Business Performance (CBP) District, subject to the following precedent conditions:

- (a) Precedent Conditions – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - (1) Architect to revise the floor plans to add locations of exterior doors including the overhead door for the garage, existing and proposed windows for each apartment, and re-label the levels so they more clearly associate with the street level.
  - (2) Architect to revise the architectural elevations to show/note proposed dimensions and materials of windows to be installed and overhead door to be modified.
  - (3) Final plan set (floor plans and elevations to be combined into a single plan set) to be stamped by an Architect licensed in NH and to include a Planning Board signature block for endorsement by the Planning Board Chairman and Clerk.
- (b) Subsequent Conditions – Staff also recommends that the following general and subsequent condition(s) be placed on the approval:
  - (1) Prior to issuance of the first Certificate of Occupancy, the drainage issue caused by the malfunctioning roof drain (that drains onto the parking lot at Beijing Tokyo Restaurant) shall be corrected to the satisfaction of the City Engineer.
  - (2) Prior to the issuance of a building permit for each of the units, Recreational Impact Fees shall be collected. Please note that pursuant to Article 29.2-1-2(f)(3) of the Public Capital

Facilities Impact Fees Ordinance, an applicant may request from the Planning Board Clerk a waiver of the transportation facilities impact fees and the school facilities impact fees for the development of market-rate housing from a permitted residential or nonresidential use, as set forth in Article 28-2-4(j), Table of Principal Uses, within existing buildings in the Central Business Performance (CBP) District. Before a waiver can be considered, the applicant will need to present to the Clerk, documentation verifying that the units (existing and proposed) qualify as market rate housing (this occurs apart from the Planning Board approval process).

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 2, Recreational Facilities Impact Fee. Below calculation is based on a Multi-unit/apartment (other than townhouses or duplexes) type of development listed in Table 2 of Chapter 29.2 – Public Capital Facilities Impact Fees Ordinance.

- a. Recreational Facilities – \$664.46 per new apartment unit and each unit not previously approved by the Planning Board.

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

### **Subdivision Plan Applications**

7. **Application by Merrimack Valley School District (MVSD) and Gail Groves requesting a Lot Line Adjustment to annex 4,602 square feet of land to an existing 0.35 acre residential lot at 101 Community Drive, from the 1.02 acre administrative offices of MVSD at 105 Community Drive. Both properties are within the Neighborhood Residential (RN) District. Map/Block/Lot: 1424P/55 and 1431P/46 (2015-22)**

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

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

Mr. Lavers moved to determine the application complete and to open the public hearing. Councilor Champlin seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Mr. Dan Mullen, Richard Bartlett & Associates, was present. The applicants request a lot line adjustment between 101 and 105 Community Drive within the RN Neighborhood Residential District. Approximately 4,602 square feet is proposed to be annexed from 105 Community Drive, which is the administrative office of MVSD, to 101 Community Drive, a single family home.

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

Mr. Lavers moved grant final approval Application by Merrimack Valley School District (MVSD) and Gail Groves requesting a Lot Line Adjustment to annex 4,602 square feet of land to an existing 0.35 acre residential lot at 101 Community Drive, from the 1.02 acre administrative offices of MVSD at 105 Community Drive., 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 shall sign and seal final plans and mylar.
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.

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

8. **Application 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) Applicant requests to table application for a period of up to an additional six months.**

Ms. Larson notified the Board of the applicant's request to table the application for a period of up to six months.

Ms. Foss moved to table the application 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 for a period of up to six months. Mr. Woodfin seconded the motion. Motion carried unanimously.

9. **Application by Bedford Design on behalf of R.J. Moreau Communities LLC requesting a modification to Standard Condition #2 regarding submission of a financial guarantee for public improvements for previously approved Vintage Estates – Phase I, a 22-lot residential subdivision to be constructed off of Emily Way and Kyle Road, within the Single-Family Residential (RS), Open Space Residential (RO), and Medium Density Residential (RM) Districts. Map/Block/Lot: 193P/54 (2011-0007)**

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

The Chair opened the public hearing.

Mr. Reggie Moreau was present to speak to the application. He stated the reason for this application is to ask for a delay in the timing of the road bond with respect to the recording of the mylar. Mr. Moreau stated the project is at the cleanup stage and agreements are being finalized.

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

Mr. Bill Kiernan, President of the condo association, spoke. He stated that the attorneys are working out an agreement with Mr. Moreau about use of the private roads.

Ms. Laura Aibel, Associate Engineer, City of Concord, spoke. Ms. Aibel requested that the Board postpone a decision on the request since the Engineering Division just heard about the request for a change in the condition yesterday. They have not had a chance to discuss it and there are some direct impacts to the way the roads are built and funded and secured. Ms. Aibel requested that the Board postpone until next month to give her time to discuss with the City Engineer.

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

Ms. Foss moved to table the application by Bedford Design on behalf of R.J. Moreau Communities LLC requesting a modification to Standard Condition #2 regarding submission of a financial guarantee for public improvements for previously approved Vintage Estates – Phase I, a 22-lot residential subdivision to be

constructed off of Emily Way and Kyle Road, until the Planning Board Meeting on July 15, 2015 at 7:00 pm in Council Chambers. Mr. Lavers seconded the motion. Motion carried unanimously.

- 10. Application by Calamar Enterprises Inc. requesting a full waiver of School and Recreation Facilities Impact Fees and a partial waiver of Transportation Facilities Impact Fees for a recent Major Site Plan approval for the construction of a 140 unit elderly (over 62 years old) 3 story housing development proposed for 23 Triangle Park Drive within the GWP (Gateway Performance) and the OFP (Office Performance) Districts. Map/Block/Lot: 111H/4/21, 111H/4/22, & 111B/1/16 (2015-0001) Applicant requests to postpone waiver requests to the July 15, 2015 Planning Board meeting.**

Ms. Larson notified the Board of the applicant's request to postpone the public hearing.

Ms. Foss moved to table the application by Calamar Enterprises Inc. requesting a full waiver of School and Recreation Facilities Impact Fees and a partial waiver of Transportation Facilities Impact Fees for a recent Major Site Plan approval for the construction of a 140 unit elderly (over 62 years old) 3 story housing development proposed for 23 Triangle Park Drive until the Planning Board Meeting on July 15, 2015 at 7:00 pm in Council Chambers. Councilor Champlin seconded the motion. Motion carried unanimously.

- 11. Public Hearing on the results of Traffic Monitoring Study related to previous Major Site Plan approval to construct a new 2,598 s.f. Burger King restaurant and a new 13,225 s.f. CVS Pharmacy at 155 and 157 Loudon Road and outstanding off-site improvements to East Side Drive placed as a condition of the approval, within the General Commercial (CG) and the High Density Residential (RH) Districts. Map/Block/Lot: 114/3/10 (2009-04)**

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

The Chair opened the public hearing.

Ms. Larson stated that the third and final review of traffic monitoring study put together by the City Traffic Engineer has been completed. A condition of approval was a three year monitoring study of the turning movements without the construction of the center radius concrete median down East Side Drive stretching from Loudon Road to East Side Drive beyond the entrance intersection of the site. According to the report, there are a lot of issues with people making illegal left hand turn movements that have resulted in crashes over the last three years. In summary, the City has a deposit of \$15,000.00 from the developer for the installation of the median. Ms. Larson noted that all striping has been completed. She stated that because of the above concerns related to the illegal left turn from East Side Drive, Engineering Services recommends that the Board consider the installation of the raised median at this driveway location per the concept option provided by the applicant during the site plan approval process.

The Chair read Ms. Hanson's email into the record.

*Patty,*

*Thank you for taking the time to speak to me today. Please forward this to all board members.*

*In regards to item #11 on tonight's Planning Board agenda:*

*Public Hearing on the results of Traffic Monitoring Study related to previous Major Site Plan approval to construct a new 2,598 s.f. Burger King restaurant and a new 13,225 s.f. CVS Pharmacy at 155 and 157*

*Loudon Road and outstanding off-site improvements to East Side Drive placed as a condition of the approval, within the General Commercial (CG) and the High Density Residential (RH) Districts.  
Map/Block/Lot: 114/3/10 (2009-04)*

*I reviewed the attached sketch of the proposed changes – adding a raised median on East Side Drive.*

*Please read my thoughts regarding this proposed change:*

*I live in and own the residence of 9 E Side Dr. This is the white ranch directly behind CVS, on the corner of Burns Ave.*

*Since the opening of CVS, I have seen the traffic patterns change due to this construction.*

*I have seen numerous cars turning left into the exit of CVS (as stated in the traffic monitoring summary report).*

*I have seen numerous accidents as well, both from cars turning into CVS on E Side Dr illegally, as well as cars turning left out of CVS onto E Side Dr. They get the clearance from the car in the first lane, but not the second. I have also seen accidents from cars pulling out of CVS and Red Apple at the same time and colliding. The note about there being no accidents reported from May2014-May2015 surprise me, as I am sure I've seen some in the last year.*

*One issue I have directly affects me and my property.*

*Because cars are not able to turn left into CVS from E Side Dr, they will continue on and turn onto Burns Ave. The first driveway they see is mine. My driveway has become a turnaround for numerous cars, so that they can enter CVS from the other direction of E Side Dr. This is already a big concern of mine.*

*Looking at the sketch of the proposed changes, I see that the median blocks the two exits from CVS but not the entrance from E Side Dr.*

*I absolutely can see many cars coming from Loudon Rd and turning around the median to pull into this entrance to CVS, whether legal or not.*

*It also means that no one can turn left out of CVS onto E Side Dr. Both lanes would have to be right turn only.*

*I can also see cars coming out of Red Apple and going around the median to take a left (which isn't as bad, only having to cross one lane).*

*If a median is put in place, it should cover ALL of the exits/entrances to CVS coming from the Loudon Rd direction. I am more concerned that if a median is put on the road, that ALL traffic will now use my driveway as their turnaround. There are times I have to wait to pull into MY own driveway because someone wants to turn around. Other than me posting a "no turning" sign, **What can be done to rectify this??***

*Is there a way to enter CVS and Burger King from Loudon Rd only? Perhaps a center turn lane?*

*In my opinion, the E Side Dr entrance/exits should be closed/removed entirely OR completely blocked by a median.*

*Personally, my recommendation would be that those be closed/removed. Cars can still access the drive through from the Loudon Rd entrance. This would prevent accidents like we've already seen. This would also resolve the issue of my driveway being their turnaround as well, unless the city wanted to purchase my property and make a Burns ave entrance to CVS / Burger King.*

*On a positive note, I do like that E Side Dr already has markings on the road to support this, instead of needing to take 4 ft from the sidewalk (my house had it's 8 foot setback taken already).*

*I am not sure what the best resolution would be. Obviously something needs to change. But it seems by fixing one problem, we're just creating different ones.*

*I hope to be at the meeting tonight, but I am working, so the schedule may not make this feasible.*

*Please feel free to reach out to me if needed.*

*Thank you for your time and attention to this matter.*

*Janis Hansen  
Owner, 9 E Side Dr, Concord  
[geogal95@comcast.net](mailto:geogal95@comcast.net)  
603-340-3451*

Ms. Laura Aibel, Associate City Engineer, noted she has seen people make a U-turn to turn into the lot. She stated the thought is to shift the median northward to eliminate the possibility of U-turns. Ms. Aibel stated they have to be careful as to how much room there is to put the median in. She stated it is important to get something in that will work and be safe.

Ms. Smith-Meyer asked why the median has to go all the way to the intersection. Ms. Aibel replied that it's just traditionally built that way at the start of an intersection.

Mr. Hicks stated the Board talked about all of this at length years ago and stated that they totally predicted this situation happening. Mr. Hicks suggested that Engineering figure out the best way to remedy the situation.

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

Mr. Kenison stated that the email from Ms. Hansen highlights the problem that will never go away because as the median is built; Burns Avenue will be the turnaround point for people who want to come back in. Mr. Kenison suggested getting rid of that entrance/exit altogether. Ms. Aibel replied that right turns out towards Loudon Road won't impact Burns Avenue at all. Mr. Kenison concurred but stated the problem is that the median can only go so far because Burns Avenue cannot be blocked off and people coming from the north and turning left onto East Side Drive are the ones cutting into the CVS parking lot; meaning that U-turns will still be made and the same problem will still exist.

Mr. Hicks moved to table the Public Hearing on the results of Traffic Monitoring Study related to previous Major Site Plan approval to construct a new 2,598 s.f. Burger King restaurant and a new 13,225 s.f. CVS Pharmacy at 155 and 157 Loudon Road and outstanding off-site improvements to East Side Drive placed as a condition of the approval, until the City Engineering Division has reviewed and revised a plan to rectify the situation for all parties involved. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

## **REGULAR MEETING**

### **12. Approval of the minutes of the May 20, 2015 Planning Board Meeting.**

Councilor Champlin moved to approve the May 20, 2015 meeting minutes as written. Mr. Lavers seconded the motion. Motion carried unanimously.

**13. Any other business which may legally come before the Board.**

- TPAC Pedestrian Master Plan project – flyers – Ms. Shank notified the Board of the workshop on Saturday, June 20, 2015 in Penacook.

**INFORMATION**

- Minutes of the May 12, 2015 Design Review Committee meeting
- Next regular monthly meeting on Wednesday, July 15, 2015

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 9:30 pm.

A TRUE RECORD ATTEST:

Nancy Larson  
City Planner