

**CITY OF CONCORD PLANNING BOARD
February 20, 2013 MEETING**

The regular monthly meeting of the City Planning Board was held on February 20, 2013, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher and Members Kenison, Regan, Lavers, Hicks, Smith Meyer, Swope, Foss, and Dolcino. City Planner McPherson, Mr. Henninger, Ms. Hebert, and Ms. Muir 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.

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.

- Application by the Ninety Nine Restaurant requesting Architectural Design Review approval of three replacement affixed signs located at 60-6 D'Amante Drive, within the Gateway Performance (GWP) District.**

Mr. Henninger stated that this proposal is for the replacement of three affixed signs. He stated that the Architectural Design Review Committee (ADRC) recommended approval as submitted.

Mr. Don Reed, from Barlo Signs, was present to respond to questions from the Planning Board.

Mr. Swope moved to grant Architectural Design Review approval for the three replacement affixed sign as submitted by the applicant. Mr. Hicks seconded the motion. Motion carried unanimously.

- Application by Lilise requesting Architectural Design Review approval of a new affixed sign located at 113 Storrs Street, within the Central Business Performance (CBP) District.**

Mr. Henninger reported that the applicant is expanding their current store area and are requesting a new additional sign. He stated that the ADRC recommended approval as submitted.

Mr. Greg Lessard was present to respond to questions from the Planning Board.

Mr. Swope moved to grant Architectural Design Review approval of the new affixed sign as submitted by the applicant. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **Application by Havenwood Heritage Heights Retirement Community requesting Architectural Design Review approval of changes to a building façade, a new covered entry, and accessibility improvements, located at 149 East Side Drive, within the Medium Density Residential (RM) District.**

Ms. Dolcino recused herself from the hearing regarding the Havenwood Heritage Heights Retirement Community application.

Mr. Henninger explained that the application involves exterior modifications to the Barrows Building on the Heritage Heights Campus at 149 East Side Drive. He stated that an existing covered porch is being enclosed with screening, two windows are being relocated and one window is being removed, an existing secondary entrance is being provided with a new canopy, and cosmetic changes are being made to two other entrance canopies. Mr. Henninger reported that the ADRC recommended approval as submitted.

Mr. Swope moved to grant Architectural Design Review approval for proposed changes to the Barrows Building as submitted by the applicant. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Conditional Use Permit Application

2. **Application by Cellco Partnership d/b/a Verizon Wireless, for property located at 150 North State Street, requesting a Conditional Use Permit with Architectural Design Review approval to Article 28-5-23(e) Telecommunication Equipment of the Concord Zoning Ordinance, for the installation of 12 panel antennas on the existing Concord Fire Department tower. (2013-0007)**

Mr. Henninger stated that the application is complete and ready for public hearing.

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and ready for public hearing. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Henninger explained that Verizon Wireless applied for a Conditional Use Permit pursuant to Article 28-5-23(b) of the Zoning Ordinance, to install new equipment on an existing lattice tower at the City's Fire Department headquarters at 150 North State Street. He reported that the previous tenant on this tower vacated its space at the end of 2012, and that Verizon Wireless is proposing to occupy the top location on the existing lattice tower, with the same number, but larger, antennas and additional equipment to be installed at the top of the tower. Mr. Henninger reported that the applicant has advised that they are installing the antennas at the same height (117 feet) and manner as the previous tenant.

Mr. Henninger said the ADRC reviewed the proposed installation and recommended approval of the application as submitted.

Mr. Tom Hildreth, of McLane Law Firm, was present on behalf of the applicant. He explained that the new antennas will provide for better coverage and explained the new equipment is a back-up power generator.

Mr. Swope moved to grant a Conditional Use Permit, pursuant to Article 28-5-23(b) of the Zoning Ordinance, to allow the installation and alteration of wireless telecommunication equipment on an existing lattice tower as requested by the applicant at 150 Pleasant Street, subject to the following conditions:

1. The twelve proposed wireless telecommunications antennas and accessory junction boxes shall be installed at a centerline height of 117 feet, as shown on the submitted plans and shall be grey in color to match the existing tower.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair and issuance of any building permits for construction activity on the site, the applicant shall provide a financial guarantee for the removal or demolition and disposal of the antennas pursuant to Article 28—23(i) of the City of Concord Zoning Ordinance. The financial guarantee shall be in an amount as approved by the City Engineer and in a form acceptable to the City Solicitor. The term of the guarantee shall extend one year past the period of validity of the permit.
3. In accordance with Article 28-5-23 of the Zoning Ordinance, the Conditional Use Permit shall be valid for a period of three years from the date of the vote of the Board. The permit may be renewed pursuant to Article 28-5-23(b).

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

Site Plan Review

- 3. Application by Concord-Merrimack County SPCA, for property located at 254 Clinton Street, requesting Site Plan approval and Architectural Design Review approval for the construction of a new SPCA animal shelter, with associated parking, stormwater management, lighting, landscaping, and site improvements. (2013-0009)**

Mr. Henninger stated that the application is complete and ready to be set for public hearing on March 20, 2013.

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and set the application for public hearing on March 20, 2013. Motion carried unanimously.

Amendments to the Zoning Ordinance

- 4. Consideration of proposed amendments to Article 28-4, *Development Design Standards*, which would add a new development type, Continuing Care Retirement Community, and**

design and performance standards; and corollary amendments to Section 28-2-4(j) *Table of Principle Uses*, Section 28-9-4(f) *Decisions by the Planning Board, Architectural Design Review* and Section 28-7-2(e)(A) *Table of Off-Street Parking Requirements, Principal Uses, Residential*.

The Chair stated that this hearing is open and was continued from last month. He noted that Planning staff is waiting for additional information from the Code Administration division and continued the hearing to the March 20, 2013 meeting.

REGULAR MEETING

[The Chair requested that the Board discuss item #5 at the end of the meeting and then moved on to Item #6 on the agenda.]

5. Council Referral – McKenna’s Purchase / Northern Pass

The Chair stated that the Planning Board received a referral from City Council regarding a letter from the McKenna’s Purchase Northern Pass Committee. The Chair opened the public hearing.

Ms. Hebert stated that the Conservation Commission also received a referral from City Council, and that the Commission would be submitting a response to City Council.

Ms. Foss asked whether there were any wetlands in the area. Ms. Hebert responded there were none.

Mr. Scott Smith, a resident of McKenna’s Purchase and Chair of the McKenna’s Purchase Northern Pass Committee, was present. He submitted four new photos to the Planning Board. Mr. Smith explained that McKenna’s Purchase was built after the utility lines were installed. It is his understanding that there are now three lines with the tallest line furthest from the McKenna’s Purchase property and that with the proposal there will still be three lines, but the tallest will be 30 feet taller and located closest to McKenna’s Purchase. Mr. Smith stated that there are a number of factors that concern the residents of McKenna’s Purchase regarding the Northern Pass being built where proposed, including the eyesore factor, health concerns regarding the high voltage and the loss of trees as a buffer. Mr. Smith would like to see the power lines for the Northern Pass elsewhere and know of other areas that have the power lines underlined. He asked whether the City of Concord can require the lines be buried underground. Mr. Smith explained that the land was recently surveyed and the right-of-way is very close to some units.

Ms. Foss asked whether the red poles in the photos that were submitted delineate the right-of-way. Mr. Smith responded that they do. Ms. McPherson stated that she had looked at the original site plan for McKenna’s Purchase and that the buildings were originally proposed very close to the right-of-way.

Mr. Paul Susca, a resident of McKenna’s Purchase was present. He stated that the City has made an effort to maintain the buffer between the residential area and the commercial area. He explained

that a line of trees were planted within the right-of-way when the big box stores were built. Mr. Susca said that the preferred route of the Northern Pass was through Broken Ground, but that the City recommended that the preferred route be moved to the existing right-of-way and now McKenna's Purchase was the new route. He said that he would like the City to take a closer look at this. Mr. Susca said that over a year ago when Mr. Baia, the Deputy City Manager, made a presentation to the City Council, he isn't sure that the City really knew what the Northern Pass project would entail. Mr. Susca provided a copy of Mr. Baia's letter to the Planning Board.

The Chair stated that in looking at the aerial photo it appears that the proposed utility lines go north through Broken Ground.

Ms. Foss said that she thought that the airport was an issue which is why the project was originally proposed to be rerouted through Broken Ground. Mr. Swope said that he didn't think that the FAA had an issue with the original route. Ms. McPherson stated that it was preferred to keep the lines within the existing right-of-way, but until they knew that the FAA didn't have an issue with the route, they looked at alternative routes, including through Broken Ground. Because the FAA was OK with it, she thought the preferred route is again the existing right-of-way.

Mr. Henninger stated that if the proposed power lines were to go through Broken Ground there would need to be new right-of-way agreements which would include the Broken Ground area, the Josiah Bartlett area, and the Chichester corridor, while everywhere else the lines are proposed there is already right-of-way agreements.

Mr. Swope explained that the City Council has no authority over the Northern Pass project; the Council could comment on the project. He stated that this is a changing issue and the City Council may want to revisit the proposed project. Mr. Susca stated that according to Mr. Baia's letter the City may have regulatory authority, as the Northern Pass project would need to apply for a Conditional Use Permit because of the height of the power lines.

Mr. Gene Rudolph, a resident of McKenna's Purchase was present. He stated that the entire project is being set up to use right-of-way agreements that were approved in the 1950s and at that time the technology was very basic. Mr. Rudolph stated that there is more than three times the amount of voltage traveling the power lines now than in the 1950s.

Mr. Swope explained that we will have a problem with power in the future and that we are completely dependent on natural gas and that the Northern Pass would help to alleviate that dependence. He stated that this is a commercial project not a government project. The Chair stated that we would not benefit from the electricity produced by the project. Ms. McPherson asked how electricity would change the dependence on natural gas or oil since most people don't heat their homes with electricity.

The Chair stated that the Conservation Commission feels that using the existing rights-of-way will have less of an impact to trees. Ms. McPherson stated that the Conservation Commission would be submitting two letters to the City Council – one would be regarding the preference of using the

existing right-of-way and the second letter would state their general opposition to the Northern Pass project.

Mr. Swope suggested that it would be difficult to make a recommendation to the City Council without seeing maps of the preferred and alternate routes.

Ms. McPherson stated that there were things that Planning Board could comment on regarding this project, such as the potential visual impact and the need for buffers or screening the lines where they are planned especially close to residential areas. The Board could certainly recommend that the City Council ask that the lines be placed underground where they are so close to residential uses.

Ms. Smith Meyer stated that this project will have a huge impact to the neighborhood and thinks that the City should look at it again. Ms. McPherson and Ms. Hebert stated that they had read that Concord would have the most visual impact of the entire project.

Ms. Foss said that the Planning Board and the City needs to look at the total impact of the project in the entire City, and not just this one neighborhood. Mr. Swope asked if there were any other neighborhoods that would be impacted by the project. Ms. Hebert responded that the Farmwood, Alton Woods, and Turtle Pond developments would all be affected.

Ms. McPherson said that based on the discussion, she would draft a memo from the Planning Board to the City Council.

6. Consideration of proposed amendments to Chapter 4, Design Standards, which would add a new section on Open Space Residential Development Design Standards and corollary amendments to renumber the Site Plan Regulations as necessary.

Ms. McPherson stated that the Planning staff put together a summary table of the changes to the amendments since the last time the Planning Board reviewed the proposed amendments. Ms. McPherson reviewed the proposed amendments beginning with the Density Standards section and the Planning Board commented as follows:

1. Net Acreage Calculations Section regarding the 15 percent slope – maybe increase the the percentage of slope from 15 percent to 20 or 25 percent and take out all such slopes, rather than half of the 15% slopes. Planning staff will research what other towns and cities do in this regard.
2. Density Bonuses Section – it was suggested that this could be capped at a certain percentage, although it was noted that all are capped by the septic requirements.
3. Dimensional Standards Section – The Planning staff tried to combine all the tables to make it easier. There was discussion of adding acreage amounts in addition to the square footage to make it easier for the general public. A note could be added at the end of the table noting that 43,560 square feet equals one acre.

4. Open Space Standards Section – it was asked why a ten percent limit was placed on the outdoor recreational playing fields and no limits were placed on the other permitted uses. There was a lot of discussion regarding the parking requirements for recreation, the intensity of the use, and that the purpose of OSRD is to provide natural open space more than organized recreational fields.
5. Review and Approval Process Section – Both the Site Plan and Subdivision Regulations have to be met. The Planning Division pulled the design standards out of the Zoning Ordinance and put them into the Site Plan Regulations, which will help put this more under the purview of the Planning Board.
6. Fee in Lieu Section – The Planning Board the ability to approve or deny the fee in lieu, which would be better on a case-by-case basis. There would be an appraisal of the actual OSRD land, instead of a generic per acre fee across the City. It was suggested that this section be reworded to signify that this is an option for the Planning Board and not the applicant and that the Planning Board has the authority to approve or deny the application.

Ms. McPherson stated that the Planning staff would incorporate the revisions and come back to the Planning Board. She reminded the Board that these changes are in the Zoning Ordinance and ultimately must be approved by the City Council.

7. Consideration of proposed amendments to Chapter 4, Design Standards, which would add a new section on Open Space Residential Development Design Standards and corollary amendments to renumber the Site Plan Regulations as necessary.

Ms. McPherson stated that these amendments do not have to go to City Council, but will need a Planning Board public hearing. Ms. McPherson reviewed the proposed amendments and the Planning Board commented as follows:

1. Site Analysis Plan Section – this is a new section and a way for the Planning Board to have a better sense of the cultural, historical, and natural resources that are on a site. It could also result in better developments. This section could be referred to as natural features instead of natural resources. Suggestions were made to include and/or specify town pounds, springs, streams, neighborhood/adjacent land uses, protected land, location of structures, stone culverts, significant glacial errata/big boulders, and exemplary natural communities. The Planning staff will also review the 15 percent slope requirement and the requirement for preserving 75 percent of the overall tract. The need for someone qualified to produce the site analysis plan was discussed and the Planning staff will reference the various ways that this information can be gathered, including the requirement of having a landscape architect. There was also discussion as to whether these requirements are currently in the Site Plan or the Subdivision Regulations. The Planning staff will cross reference the amendments in both the Subdivision Regulations and the Site Plan Regulations, or remove them from the Subdivision Regulations and have it solely in the Site Plan Regulations.

2. Parking Requirements are listed as (4) and should be (5). It was also suggested that the sections regarding parking should be listed sequentially.
3. Open Space Ownership and Management Section – The Board discussed whether easements would be required for the open space if there was not a high conservation value, which is something that the Conservation Commission wanted to have addressed as they don't want to be responsible for a lot of small, noncontiguous open space parcels.
4. Fee in Lieu of open space – it was discussed as to what would happen if a fee in lieu of open space was collected and the subdivision plan collapses. Sometimes in these cases, there is no entity to return the funds to, but if there is still an entity, then the fee already paid should be taken into consideration for a new plan for the subdivision. Planning staff will work on clarifying this section.
5. Management Plan – Planning staff noted that the section on Baseline Document was unfinished in this draft and would be complete for the March meeting.
6. Phasing – this also needs to be cross referenced to the Subdivision Regulations.

Ms. McPherson stated that the Planning staff would incorporate the revisions and come back to the Planning Board in March.

8. Certification of Mapped Lines of Future Streets

Mr. Henninger explained that the Planning Board held public hearings on December 19, 2012, on three proposals to create mapped lines of future streets and three proposals to eliminate sections of previously adopted mapped lines of future streets. He reported that the City Council held public hearings of the proposed amendments on February 11, 2013, and that the Council approved five resolutions authorizing the Planning Board to certify two new Mapped Lines of Future Streets and to certify the elimination of three existing Mapped Lines of Future Streets. The Council tabled the resolution establishing a Mapped Lines of Future Streets for a new street from Storrs and Theatre Street southerly to Langdon Avenue, in order to allow Planning staff to meet with a property owner, Mr. Cohen, in an attempt to address his concerns regarding any potential impacts of the proposed mapped lines on his property near Gas Street. The five approvals include the following:

1. Establishment of Mapped Lines of a Future Street for an extension of Whitney Road southerly of Sewalls Falls Road.
2. Establishment of Mapped Lines of a Future Street for an extension of Old Suncook Road southerly from Manchester Street to Garvins Falls Road and an extension of Integra Drive westerly to the proposed extension of Old Suncook Road.

3. Elimination of existing remnants of Mapped Lines of Future Streets located between Old Turnpike Road, Manchester Street, Airport Road, and Terrill Park Drive.
4. Elimination of existing remnants of Mapped Lines of Future Streets located between Christian Avenue, Ormond Street, and East Side Drive.
5. Elimination of Mapped Lines of Future Streets for the extension of Brookside Drive and Bow Street.

Mr. Swope moved to certify the five revisions to the Mapped Lines of Future Streets, listed above, as authorized by City Council and direct the Planning Board Chair, the Planning Board Clerk, and the City Engineer to sign the five maps and record copies of said maps with the City Clerk and the City Engineer. Ms. Foss seconded the motion. Motion carried unanimously.

9. Consideration of the Minutes of the January 16, 2013, Planning Board meeting.

The Board generally agreed that the Minutes of the January 16, 2013, Planning Board meeting will be voted on at next month's Planning Board meeting.

[The Chair returned to Item # 5 – Election – Annual Organization Meeting]

5. Annual Organization Meeting

a. Election of Chair for 2013

The Chair turned the meeting over to the Vice Chair to accept nominations for Planning Board Chair. The Vice Chair opened the floor to accept nominations. Ms. Foss nominated Mr. Drypolcher, who stated he was interested in continuing in the role of Chair. Hearing no other nominations, the Vice Chair closed the floor and requested a vote. The Planning Board voted unanimously for Mr. Drypolcher to be Chair of the Planning Board. The Vice Chair turned the meeting back over to the Chair.

b. Election of Vice Chair for 2013

The Chair opened the floor to accept nominations for the Vice Chair of the Planning Board. Ms. Smith Meyer nominated Mr. Swope, who stated he was interested in continuing in the role of Vice Chair. Hearing no other nominations, the Chair closed the floor and requested a vote. The Planning Board voted unanimously for Mr. Swope to be Vice Chair of the Planning Board.

c. Designation of two representatives to the Central New Hampshire Regional Planning Commission (CNHRPC)

The Chair asked whether Mr. Hicks and Ms. Foss wanted to continue as Planning Board designees to the Central New Hampshire Regional Planning Commission. They both answered in the affirmative.

d. Designation of a representative to the Heritage Commission

The Chair stated that currently there was no Planning Board representative to the Heritage Commission. Mr. Regan stated that he was interested.

- The Chair reminded the Planning Board that the next regular monthly meeting will be held on Wednesday, March 20, 2013, at 7:00 p.m., in City Council Chambers.

There was no further business to come before the Planning Board, and the meeting adjourned at 9:12 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson
Clerk

djm