

**CITY OF CONCORD PLANNING BOARD
June 19, 2013 MEETING**

The regular monthly meeting of the City Planning Board was held on June 19, 2013, in City Council Chambers, in the Municipal Complex, 37 Green Street at 7:00 PM.

Present at the meeting were Chair Drypolcher and Members Swope, Smith-Meyer, Lavers and Kenison. City Planner McPherson, Mr. Henninger, Ms. Hebert and Ms. Parmele of the City's Planning Division were also present.

At 7:02 pm, a quorum was present and the Chair called the meeting to order.

PUBLIC HEARINGS

Architectural Design Review Applications

1. Applications by the following for Design Review Approval 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:
 - **Application by Burger King requesting Design Review Approval for façade changes, five affixed signs and replacement panels in an existing free standing sign at 21 Hall Street, in the Gateway Performance (GWP) District (2013-33)**

The Chair opened the public hearing. Mr. Henninger first noted that he had been advised that the panels on the free standing sign would not be changed, so there was no need for action on this.

Everett Amaral of Amaral Associates represented the applicant, and said the overall purpose of the changes proposed to the building was to update the exterior, making it similar to the look of the Burger King on Loudon Road. He also said some interior remodeling would be done. He noted that the "handlebar" element that was part of the current architectural design would be removed.

He said at the two entrances and at each drive thru window, there would be accent devices constructed of hardi-plank, which would be painted black and would contain typical Burger King signage. He said most of the building would remain as it currently was. Mr. Henninger noted that the sign on the back of the building would remain unmodified, and said all sides of the building would be repainted.

The Chair determined that there were no members of the public who wished to speak concerning the application, and closed the public hearing.

Mr. Swope moved to grant Design Review approval for façade changes and five affixed signs at the Burger King property at 21 Hall Street, in the Gateway Performance (GWP) District. Ms. Smith Myer seconded the motion. Motion passed unanimously.

- **Application by O'Reilly Auto Parts/VIP Tires & Service requesting Design Review Approval for two affixed signs for the portion of the building facing Integra Drive, for the property located at 162 Manchester Street, within the Highway Commercial (CH) District.**

The Chair opened the public hearing.

Mr. Henninger said that last month, the Planning Board had approved the Architectural Design Review Committee recommended affixed signs and a revision to the free standing sign on Manchester Street. He said the application for two affixed signs facing on Integra Drive came in late, but was reviewed by the ADRC at that same meeting, and the Committee recommended that the Planning Board approve it.

The Chair determined that there were no public comments and closed the public hearing.

Mr. Swope moved to grant Design Review approval for two affixed signs for the portion of the building facing Integra Drive, for the property located at 162 Manchester Street, within the Highway Commercial (CH) District. Mr. Laver seconded the motion. Motion passed unanimously.

- **Application by El Rodeo Mexican Restaurant requesting Design Review Approval for a new freestanding sign and a new affixed sign at 22 Loudon Road, within the Gateway Performance (GWP) District.**

The Chair opened the public hearing.

Mr. Henninger introduced Attorney Steven Venezia of Upton and Hatfield, owner Gilberto Reyes and sign consultant Jesse Leon. He noted that the property involved was the old Outback Steak House.

Attorney Venezia said two signs were proposed, one that was an affixed sign being added to the gable, and the other that would be free standing, and would be placed in the same location where the Outback sign had been located. Mr. Venezia said the façade signs would not be illuminated, but the free standing would be. He also noted that the color of the building behind the signs would be somewhat darker and tannish than the color in the pictures provided to the Planning Board.

Mr. Henninger said the Architectural Design Review Committee had found that the proposed free standing sign was creative.

The Chair determined that there were no members of the public who wished to speak concerning the application, and closed the public hearing.

Mr. Laver moved to grant Design Review approval for a new freestanding sign and a new affixed sign at 22 Loudon Road, within the Gateway Performance (GWP) District. Ms. Smith Meyer seconded the motion. Motion passed unanimously.

- **Application by Furniture Fair requesting Design Review Approval for a replacement affixed sign at 32 Manchester Street, within the Gateway Performance (GWP) District.**

The Chair opened the public hearing.

Mr. Henninger said the applicant was requesting a replacement pane for an existing affixed sign. He said there had previously been a copy shop in the building and also noted that it had been built as an auto dealership. He said the Architectural Design Review Committee had recommended approval of the application as submitted.

The Chair determined that there were no comments from the public, and closed the public hearing.

Mr. Lavers moved to grant Design Review approval for a replacement affixed sign at 32 Manchester Street, within the Gateway Performance (GWP) District. Mr. Swope seconded the motion. Motion passed unanimously.

- **Application by Professional Fire Fighters of New Hampshire requesting Design Review Approval for a replacement freestanding sign at 43 Centre Street, within the Civic Performance (CVP) District.**

The Chair opened the public hearing.

Ashley MacKinnon of the Professional Fire Fighters of New Hampshire spoke briefly on what was proposed. She said the application was pretty straightforward.

The Chair noted that the Architectural Design Review Committee had recommended approval of the application. Noting that there were no members of the public who wished to speak concerning the application, he closed the public hearing.

M. Swope moved to grant Design Review approval for a replacement freestanding sign at 43 Centre Street, within the Civic Performance (CVP) District. Ms. Smith Meyer seconded the motion, Motion passed unanimously.

Subdivision Applications

2. Application by D. McLeod, Inc. for property located at Meadow Street, requesting Minor Subdivision Approval to create one new lot for residential use. (2013-30)

Ms. McPherson said staff recommended that the application should be accepted as complete.

Mr. Kenison moved that the application be accepted as complete. Mr. Lavers seconded the motion. Motion passed unanimously.

Mark Sargeant of Richard D. Bartlett and Associates said the property was located on the west side of South Street, and had frontage on Angela Way, Madison St. and Midland St. He said out of Map 84A, lot 115, the applicant proposed to create a new lot with 2.37 acres for residential use, with the remaining lot containing 20.3 acres. It was noted that both lots have the required frontage on Angela Way and while the frontage of the new lot is on Angela Way, access to the future residence will be off of South Meadow St. Mr. Sargeant reviewed the waiver being requested from Section 15.03, and said the applicant felt that having to do a survey of the entire parcel would not enhance the application.

Ms. Smith Meyer noted some possible future streets that had been mapped. Mr. Sargeant provided details on them, and said they were not relevant to the current application. Ms. Smith Meyer said it was a weird configuration of the proposed lot, and Mr. Sargeant explained the proposed location for a house and driveway. He also noted that the larger property could be developed further in the future, and said the development might or might not include the future streets that had been mapped.

Ms. McPherson said staff recommended that the Planning Board grant the following waivers of the Subdivision Regulations to not show the following information on the final plat:

Section 15.03(2): Dimensions of all property lines

Section 15.03(4): Topography of the entire parcel

Section 15.03(6): Natural features of the entire parcel

Mr. Swope moved to grant the waiver from Section 15.03(2), 15.03(4) and 15.03(6). Ms. Smith Meyer seconded the motion. Motion passed unanimously.

Mr. Swope moved to grant final subdivision approval for the Minor Subdivision application of D. McLeod, Inc. shown on the plan entitled "Subdivision Plat of the Land of D. McLeod, Inc.", to create one new lot for residential use, at the property located on Meadow Street Concord, NH, Map 84A, Block 1, Lot 15, subject to the following three conditions:

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

2. Prior to the final plat being signed by the Planning Board Chair and Clerk, 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 Subdivision Regulations.
3. Traffic, recreation, and school impact fees shall be assessed for any construction on the new lots contained 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; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. School Facilities – Single Family Residence
 - b. Recreational Facilities – Single Family Residence
 - c. Transportation Facilities - Single Family Residence

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

3. Application by RNL Properties, LLC for property located at 61 Borough Road & 78 Primrose Lane requesting Minor Subdivision Approval to annex 0.17 acres from Tax Lot 192/P48 to Tax Lot 192/P38 at 61 Borough Road.

Mr. Henninger said staff recommended that the application should be accepted as complete.

Mr. Swope moved to accept the application as complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

The applicant, Ron Richter and surveyor Art Siciliano came before the Planning Board. Mr. Richter said he had purchased two properties: a property on Borough Road that had about 5 acres and a parcel on Primrose Lane. He said he planned to use a piece of the Primrose Lane parcel to bring underground utilities to the Borough Road parcel for a possible future development there. He noted that there was a good portion of buildable land on that parcel. He said the closest sewer line at present was 425 ft away on Lilac Street, which was economically unfeasible. Mr. Richter said taking the acreage off of the Primrose Lane lot would still leave it as a conforming lot and would not devalue it. He noted that he planned to sell this parcel. He said the subdivision wasn't being done to get driveway access, stating that there was already enough frontage to bring in a driveway to serve the property behind the house and the existing house.

Debbie McLoughlin, 74 Primrose Lane noted that she was an abutter, and said she wanted to be assured that the acreage on Primrose Lane would not be used as an access road to the property behind her.

Mr. Richter said the acreage would not be wide enough for a driveway. The Chair said it was wide enough for a driveway but not wide enough for a city road, but he said the intent with this application was not to do a driveway. He closed the Public Hearing.

Mr. Henninger said there was a small area involved with this application and no new construction. He noted the waivers that the applicant had requested, and recommended that they be granted. He said when development plans were developed, a full survey would be done, including wetland delineation. He said the Primrose Lane property was primarily upland and said while there were wetlands to the side, there were none involved with the subdivision application. He noted that there was a 100 ft electrical utility right of way going through the property, and Mr. Richter provided details on this.

There was discussion by Planning staff on the waivers being requested:

15.02 Final plat requirement

15.03 (4) topography

15.03 (6) natural features

15.03 (11) Municipal sewer

15.03 (12) Septic Systems

15.03 (13) Municipal water supply

15.03 (15) Other utilities

Mr. Swope recommended that the waivers be approved. Ms. Smith Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant final subdivision approval for the “Lot Line Adjustment for Tax Lot 192/P38, 61 Borough Road, RNL Properties, Inc. and Tax Lot 192/P48, 78 Primrose Lane, Ronald P. Richter, Concord, NH, Merrimack County”, prepared by Arthur F. Siciliano, Jr., Land Surveyor. Ms. Smith Meyer seconded the motion. Motion passed unanimously.

4. Application by LJJ Realty, Inc., for property located at 339 Mountain Road, requesting Major Subdivision Approval and a Conditional Use Permit pursuant to Section 28-4-3(a), Disturbance to a Wetland Buffer, for a five lot cluster subdivision. (2013-23)

The Chair opened the public hearing.

Tim Bernier of T. F. Bernier Associates explained that the applicant proposed to take a 10 acre parcel and create a cluster subdivision with 5 lots. He noted that there was an old style farmhouse near the road that would be preserved on one of the lots, and said 3 of the proposed lots would share a common drive at the northerly end of the property. He said there

would be 5.66 acres of open space that was mostly field, and noted that almost all of it was hayfields, some of which had recently been managed as hayfields.

He said the project would cross a ditch line that was created by a farmer at one point to try to drain the agricultural field, and said there would 740 sf of wetland impact. He also said 3200 sf of wetland buffer would be impacted, and said the applicant had applied for a Conditional Use Permit. He noted that NHDES had said that the wetland permit that had been applied for should be approved soon.

Mr. Bernier provided details on the common drive proposed for three of the lots, and explained that NHDOT had denied a request for an additional driveway cut for the new 4th lot. He said the applicant was appealing this decision, so that this lot could have its own driveway. He said if the request was denied, a connection would need to be put in to create a driveway from this lot to the common driveway for the existing house.

He said there was a waiver request to permit a reduction in the required pavement width and to allow a y-shaped turnaround at the terminus of the driveway. He said the driveway was proposed to be constructed with a pavement width of 12 feet with two 1-foot gravel shoulders and a y-shaped turnaround at the end of the driveway. He said this design would mean there would be a reduction in the amount of impervious surface.

Mr. Swope asked what the distance was between the proposed drive for the farmhouse and the proposed drive for the three new lots, and Mr. Bernier said it was a little over 100 ft. The Chair asked if there were existing curb cuts, and Mr. Bernier explained that there were 4 existing driveways. He noted that some photos from the 1960's showed all 4 of them, which was the applicant's basis for requesting reconsideration by NHDOT.

The Chair asked if members of the public had any questions about the application. There was no response, and he closed the public hearing.

Ms. Hebert said staff supported the waiver to allow a reduced pavement width for the common driveway, considering the fact that it would serve only 3 lots. She noted that the design standard for a common driveway was for 2 lots, and also said the turnaround was permitted by the regulations. She said the Conservation Commission had reviewed the application, including the wetland permit and the CUP application, and didn't object to the project as proposed. She said the Commission also recommended that the open space be maintained by a homeowner association instead of conveying a conservation easement to the City. She said this made sense because there was a small amount of land involved. She noted that there would need to be a backup interest from the City to step in if needed.

Mr. Swope moved that the waiver be granted to Table 20-1, Standards for Residential Common Private Drives, to permit a reduction in the required pavement width and y-shaped turnaround at terminus of the driveway. The driveway shall be constructed with a pavement width of 12

feet with two 1-foot gravel shoulders and a y-shaped turnaround at the end of the driveway. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to approve the Conditional Use Permit pursuant to Article 28-4-3(d) of the Zoning Ordinance for impacts to the wetland buffer for the construction of a new driveway serving proposed lot #1. The impacted area includes 3,200 sq. ft. of buffer that is impacted due to the placement of fill and the installation of culvert. This approval is subject to the condition that areas of temporary impact shall be restored with a meadow seed mix to match the existing wetland vegetation. Mr. Laver seconded the motion. Motion passed unanimously.

Mr. Swope moved to grant Design Review Approval for the Major Cluster Subdivision application of LJJ Realty, LLC as prepared by T. F. Bernier, Inc. Ms. Smith Myer seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to grant final Conditional Subdivision Approval for the Major Cluster Subdivision application of LJJ Realty, LLC as prepared by T. F. Bernier, Inc. subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, 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 Regulations.
3. No certificate of occupancy for any building or use shall be issued until the common private driveway has been constructed to the satisfaction of the City Planner and City Engineer and driveway easements have been conveyed to the private parties.
4. Prior to the issuance of a building permit for construction on any of the proposed lots, the wetland buffers shall be clearly and permanently marked and erosion control measures protecting the buffer shall be installed. Please notify the Planning Division for inspection and approval of buffer markers and erosion controls.
5. Traffic, recreation, and school impact fees shall be assessed for the construction of the new houses contained 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; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

- a. School Facilities – Single Family Residence
 - b. Recreational Facilities – Single Family Residence
 - c. Transportation Facilities - Single Family Residence
6. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State permits shall be obtained and copies provided to the Planning Division:
- a. NH Department of Environmental Services, Subsurface Systems Bureau Subdivision Approval
 - b. NH Department of Transportation Driveway Permit
 - c. NH Department of Environmental Services, Wetland Dredge and Fill Permit
7. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
- a. Agreement to Convey a Driveway and Utility Easement for the proposed shared common private driveway
 - b. Maintenance and Operation Agreement for the Driveway and Utilities
 - c. Declaration of Covenants for the permanent protection of the open space
 - d. Documents to create the Homeowner’s Association including provisions for the maintenance and stewardship of the open space
 - e. Agreement to convey well easements for the benefit of proposed lots #2 and #3
 - f. Open space easements to be held by the Homeowner’s Association on proposed lots #1, 2, 4, and 5 and the adjacent parcel (Map 122, Block 1, Lot 10)

Mr. Lavers seconded the motion. Motion passed unanimously.

Conditional Use Permits

- 5. Application by Kara Realty Associates, LLC, for property located at Sheep Davis Road, requesting a Conditional Use Permit for proposed temporary disturbance within the Shoreland Protection (SP) district for the installation of a gas utility line.**

Ms. Hebert recommended that the application be accepted as complete.

Ms. Smith Meyer moved to declare that the application is complete. Mr. Swope seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Jeff Merritt of Keach-Nordstrom Associates came before the Planning Board with Steve Chabot of Kara Realty Associates. He said Liberty Utilities and Continental Paving proposed to extend a gas main from Josiah Bartlett Road to the Continental Paving plant in Pembroke. He said the proposed route of the gas main passed through a 32 acre parcel on the Concord/Loudon/ Pembroke town line, and would run along the northern property boundary (also the Loudon/Concord town line) for approximately 600 feet and then would crosses under the

Soucook River through a directional boring to access Continental Paving's property in Pembroke.

He said part of the route was located within the protected shoreland district for the Soucook River, so a Conditional Use Permit was being requested to allow a temporary impact of 28,089 sf. He said the majority of this impact would be between the 150-250 ft buffer, and said the remaining area would be between the 112.5-150 ft buffer.

Mr. Merritt said all of the impacts would be temporary. He said there would be a temporary access road to bring in the boring equipment, and said there would also be some disturbance from the horizontal boring machine, but said these areas would be restored, including reseeded. He said a NHDES shoreland protection permit was required for the project, and said this permit had been received. He said the project had been introduced to the Loudon Planning Board, and said they were ok with what proposed. He said the applicant also met with the Planner in Pembroke, who had no issues with the project.

The Chair determined that there were no comments from members of the public, and he closed the Public Hearing. He noted that Planning staff had recommended that the CUP be approved with two conditions.

Mr. Swope moved to approve the Conditional Use Permit Application of Kara Realty to allow for proposed impacts within the Shoreland Protection Overlay District as presented in the application prepared by Keach Nordstrom Associates, Inc. subject to the following conditions:

1. 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 plans shall be revised to specify a conservation seed mix be used to restored areas that are temporarily impacted by the installation of the gas main.
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 following State permit shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services Shoreland Permit

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

Site Plan Applications

6. **Application by LJJ Realty, Inc., for property located at 339 Mountain Road, requesting Minor Site Plan approval, and a Conditional Use Permit pursuant to Section 28-7-11(a), Construction of Fewer Parking Spaces, for renovations to a Church, associated parking, driveway access, drainage and landscaping.**

Ms. Hebert recommended that the application be accepted as complete.

Mr. Swope moved to declare the application as complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Tim Bernier of T. F. Bernier explained that the 2.15 acres involved with this application contained the church parcel, and was the remaining acreage of the original parcel without the cluster subdivision acreage. He said the applicant proposed to reconfigure the parking, and noted that much of the existing paved area that had been used for parking would be removed. He said with the site plan and the cluster subdivision taken together, there would still be less impervious surface than what existed now. He said a CUP was being requested to allow 29 parking spaces when 48 spaces were required. He said while an additional 19 spaces could be put behind the building, it wasn't felt that these parking spaces were needed right now. He provided details on the landscaping proposed for the site.

Mr. Bernier said a waiver was requested to allow the existing overhead utilities to remain and not put the utilities underground for the time being.

Ms. Hebert noted that the application hadn't gone to the Architectural Design Review Committee because it was a minor site plan, but said the related cluster subdivision application did go to the ADR Committee.

Ms. Smith Meyer said she would prefer to see the City's planting details used for the landscaping for the site, and she also asked about landscaping for the parking lot. Ms. Hebert said the applicant met the requirement for this. Ms. Smith Meyer said it looked like the landscaping would be 20 ft away from the parking lot so it would take forever to shade that area. She said the landscaping needed to be closer than that.

Mr. Bernier said the landscaping could be moved closer than 20 ft, and suggested that it could be 10 ft from the parking lot. He noted that he was trying to balance the tree placement with snow issues involved with the parking area. There was further discussion, and Mr. Bernier agreed that the landscaping could be placed 8 ft from the parking area. Ms. Hebert suggested that Planning staff could work with the applicant on the species to be planted. She noted that the City's planting details were on its website.

The Chair determined that there were no members of the public who wished to speak, and he closed the public hearing.

Mr. Lavers moved to grant a waiver from Section 25.02(1) of the Site Plan Regulations, which requires existing overhead utilities to be placed underground. Ms. Smith Meyer seconded the motion. Motion passed unanimously.

Mr. Lavers moved to approve the Conditional Use Permit pursuant to Article 28-7-11(b) of the Zoning Ordinance to permit the construction of fewer parking spaces than what is required by

the Zoning Ordinance. The site includes the construction of 29 spaces and provides for the design and layout of an additional 19 spaces that shall be constructed if determined to be necessary by the Code Administrator. Mr. Swope seconded the motion. The motion PASSED unanimously.

Ms. Smith Meyer moved to grant Conditional Site Plan Approval for the site and building plans for LJJ Realty, LLC for the proposed building improvements and related site improvements to the existing church at 339 Mountain Road subject to the following conditions:

- 1) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, approvals of construction drawings and specifications for all public and private improvements shall be obtained from the Planning Division and plans shall be revised to address minor omissions and corrections noted by staff.
- 2) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the companion subdivision to create the 2.15 acre parcel shall be recorded at the Merrimack County Registry of Deeds.
- 3) 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 following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a) NH Department of Transportation Driveway Permit (access to State highway and alterations to the State highway)
- 4) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the applicant will provide to the City Solicitor a financial guarantee for site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- 5) A pre-construction meeting shall be required prior to the start any construction activities onsite. Prior to the pre-construction meeting seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as "approved for construction."
- 6) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 7) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.

- 8) Prior to the issuance of a certificate of approval, 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.
- 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.
- 10) The trees for the parking area will be installed 8 ft from it.
- 11) The tree planting detail provided will be replaced with the current City planting detail.

Mr. Lavers seconded the motion. Motion passed unanimously.

7. Application by Concord Hospital, for property located at 250 Pleasant Street, requesting Site Plan Approval, Design Review Approval, and a Conditional Use Permit pursuant to Section 28-4-1(f)(3), Maximum Height of Buildings or Structures, of the Zoning Ordinance, for the construction of a new 8,301 square foot Central Utility Plant to replace the existing plant, including the reconfiguration of associated utilities, and for the construction of a third deck on the existing F Lot parking garage.

The Chair opened the public hearing.

Dominic Ciavarro, Vice President of Facilities for Concord Hospital explained the project to the Committee. He said two unrelated projects were proposed, one which was the construction of a central plant building to house all of the facility's boilers and chilling equipment. He noted that the steam generating boilers in the existing central utility plant were well beyond their useful life. He said it would be a phased project over a number of years.

He said the second project was the addition of a third level to parking garage F at the north end of the site. He said this garage was built in 2005, and was designed to accommodate the third level. He explained that there were plans for additional buildings on the campus, and in order to do this, some surface parking needed to be taken out of service yet they still needed to meet the parking demand, so this additional parking was needed. He provided details on this.

Chris Nadeau of Nobis Engineering explained that the applicant proposed to construct an 8,301 sf maintenance/equipment building between the main building and the Memorial Building. He said the project included the demolition of a maintenance/equipment building in the central plant area of the property to make way for the new building. He also said the site work would result in the removal of ten parking spaces behind the Memorial Building.

Mr. Nadeau said a Conditional Use Permit was being requested for the new exhaust stack. He said it was initially proposed to be 90 ft in height, but said the applicant was asking for 114 ft in

the event that a new medical office building was built nearby. Mr. Ciavarro provided details on this.

Mr. Nadeau spoke about the third level of parking proposed to be added to parking garage F, which would include 165 parking spaces. He said some disassembly would be done as part of the project but said a large storage area would not be required during construction. He said the lighting poles from the current deck would be installed at the top of the third deck after construction, and said new LED fixtures would be installed.

Duane Cowan, the architect for the project, explained that they proposed to use concrete instead of brick for the upper spandrel of the garage because they hadn't be able to match the brick that was on the lower levels. He also said the small square windows that had been proposed for the top of the tower had been taken out of the design, and said art work would be placed there instead, on the three external faces to the stair tower. He said the art work would be a custom metal piece, and said the three pieces might be the same or might be different. He said it was expected that the art pieces would be down-lit from above. He said the applicant thought this approach was better than the original design that included the brick exterior.

Mr. Ciavarro said this project was expected to take about 20 days.

Mr. Nadeau noted that the applicant was requesting a waiver of 15.03 (4) to allow the application to be submitted with NGVD 1929 Vertical Datum instead of the required NAVD 1988 Vertical Datum.

Mr. Kenison said it had been stated that 10 parking spaces would be lost because of the construction of the new central heating building, and 165 spaces would be added with the third level for parking garage F. He asked what the net gain or loss in parking spaces would be if a new medical office building was built, and Mr. Ciavarro said more parking spaces would probably be added at that time, because the new medical office building would contain more than 34,000 sf. He said putting the third level on parking garage F gave them more flexibility as to when they would move forward on that.

Mr. Kenison spoke about traffic impacts of the hospital campus on surrounding neighborhoods, and asked if the hospital would be trying to address this. Mr. Ciavarro spoke about possible options, which he said had not been decided on yet. He said the new medical office building could perhaps be timed with the north leg of the parkway.

The Chair determined that there were no members of the public who wished to speak, and he closed the Public Hearing.

Mr. Henninger said the conceptual design for the north leg of the parkway had been underway for quite a while, but said everything had been slowed down because of the complete streets project in Penacook. He said hopefully in the fall, there would be discussions between the

neighborhoods and the hospital regarding possible intersections along the parkway. He said Concord Hospital was very much interested in partnering on the design process.

Mr. Henninger said it was recognized that the existing condition survey for Concord Hospital was completed a number of years ago, prior to the adoption of the Site Plan Regulations. He said City staff supported the waiver subject to the requirement that the as-built plans be prepared with NAVD 88 Vertical Datum. He said in other waiver requests where pre-existing topographic surveys were being utilized, the City had required as-built plans to be provided in NAVD 88 datum. *He said staff recommended that this application be the last one by the hospital using the old datum, and also said the applicant needed to provide meets and bounds descriptions of the right-of-way easements for Langley Boulevard, as well as adding wetlands and wetland buffers to the existing condition plans.*

Mr. Swope moved to grant a waiver to Section 15.03 (4) of the Site Plan Review Regulations to allow an existing topographic survey to be submitted in NGVD 29 Datum instead of the required NAVD 88 Datum. The waiver is conditioned that the as-built plan for both facilities shall be submitted in the NAVD 88 Datum, and that the next Site Plan application shall be submitted for the Concord Hospital Campus in a NAVD 88 Datum. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to grant a Conditional Use Permit pursuant to Section 28-4-1(f)(3) for a proposed exhaust stack next to the new central plant building. The stack will be approximately 114' tall and extend 72' above the central plant building.

Ms. McPherson recommended that the Conditional Use Permit be granted for 90 ft instead, and there was discussion.

Mr. Swope moved to grant a Conditional Use Permit pursuant to Section 28-4-1(f)(3) for a proposed exhaust stack next to the new central plant building. The stack will be approximately 90' tall and will extend **72' (48')** ? above the central plant building. Ms. Smith Meyer seconded the motion. The motion PASSED unanimously.

Ms. Smith Meyer moved to grant Design Review Approval for the site, landscaping and building plans for a 8,301 square foot maintenance/equipment building and the addition of another level to parking structure "F" as submitted by Concord Hospital Inc. at 250 Pleasant Street. Mr. Swope seconded the motion. The motion PASSED unanimously.

Ms. Smith Meyer moved to grant Conditional Site Plan Approval for the site, landscaping and building plans for 8,301 square foot maintenance/equipment building and the addition of another level to parking structure "F" as submitted by Concord Hospital Inc. at 250 Pleasant Street, subject to the following conditions:

- 1) 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 15.03 Existing Conditions, of the Site Plan Review Regulations.

- 2) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 3) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
- 4) Prior to the issuance of a certificate of occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations.
- 5) No construction activity may commence prior to the submittal of a traffic control plan for parking garage "F" acceptable to the City Engineer.

Mr. Lavers seconded the motion. Motion passed unanimously.

8. Application by Swenson Granite Company, LLC, for property located at 369-371 N. State Street, requesting Site Plan Approval, Design Review Approval, and a Conditional Use Permit pursuant to Section 28-4-3(d), Disturbance of Wetland Buffers, of the Zoning Ordinance, for the construction of a new 32,175 square foot manufacturing building at the top of the existing granite quarry, and associated parking, grading and site work.

The Chair opened the public hearing.

Jeff Lewis, the engineer for the project appeared before the Planning Board with Scott Herrick of Swenson Granite Company. He said the applicant was looking to construct a new 32,175 sf one-story building on the top of Rattlesnake Hill in an existing 15 acre granite storage yard. He said the building would be used for processing and fabricating granite curbing, etc., using modernized equipment. He said the existing processing building would be taken off line in the future.

He said there was a crushed granite surface under and around where the building would be constructed, and said there was a paved road coming up to this area. He said the intent was to go with what was there, concerning access and parking. He said no paving was proposed around the building, and noted that the crushed granite provided stable material for truck traffic, etc. He said an area on the east side of the new building had been designated for parking, and noted that there would be a small office in the new building, also noting that 10-15 people worked at the quarry. He said there would be a gravel access road that would go around the building, which would be kept away from the forested area. He said landscaping was not proposed because it was not required for the parking area or as perimeter landscaping.

Mr. Lewis said a Conditional Use Permit had been requested in association with the site plan application, concerning approximately 8,000 sf of impact to an existing disturbed wetland buffer in order to allow the creation of the fire lane around the building. He provided details on this, and noted that no disturbance would be created by the new building. He said the applicant believed that granting the CUP was justified because the project would not increase the existing impacts to the buffer.

He said drainage would consist of an underground infiltration system at the north end of the building that would capture roof runoff, and said the project would not increase the amount of runoff. He said the septic system to serve the office area would be located outside of the buffer, but explained that there would be 15,000 sf of impact area in the woods in order to be able to utilize native soils to construct the leachfield.

Mr. Lewis said there would be lights on the building entrances for safety purposes, but said there would be no lighting poles. He said the existing dumpster would be used. He said variances were granted to allow crushed gravel instead of paving for the parking area and the loading area; to allow a manufacturing use, which wasn't permitted in the RO district; and to allow a reduction from 70 to 18 parking spaces.

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

Darren Sweatt said he was a neighbor and supported the project, stating that Swenson's Granite had been great neighbors for 20 years.

The Chair closed the Public Hearing.

Mr. Kenison moved to grant a Conditional Use Permit pursuant to Section 28-4-3(d), Disturbance to Wetland Buffers, to allow the creation of a fire lane around the building within an existing disturbed wetland buffer area. Ms. Smith Meyer seconded the motion. Motion passed unanimously.

There was discussion on the proposed building color, with Ms. Smith Meyer stating that a darker color than the pearl gray color that was proposed would be better because it would make the building look smaller. She noted that the ADR Minutes for the May meeting indicated that an earth tone/darker color had been suggested.

Chair Drypolcher said he was comfortable with the color that was proposed. Mr. Herrick said the building would be set back further on the hill from the current buildings there, so would be less visible than the existing buildings there. Ms. McPherson suggested that the color "desert beige" should be used, and Mr. Herrick said he was fine with that. Ms. Smith Meyer agreed that this color would work.

Mr. Lavers moved to grant Design Review Approval for the site, landscaping and building plans for a 32,175 square foot manufacturing building on the top of Rattlesnake Hill at the existing

Swenson's Granite Quarry as submitted by the applicant, with this approval based on the use of desert beige for the building color. Mr. Kenison seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to grant Conditional Site Plan Approval for the site, landscaping and building plans for a 32,175 square foot manufacturing building on the top of Rattlesnake Hill at the existing Swenson's Granite Quarry, subject to the following conditions:

1. 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 following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a) NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
 - b) NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
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), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
3. A pre-construction meeting shall be required prior to the start of any construction activities onsite. Prior to the pre-construction meeting seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as "approved for construction."
4. 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.
5. No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
6. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.
7. 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 - Manufacturing

Mr. Lavers seconded the motion. Motion passed unanimously.

9. Application by Sandy's Pet Food Supply Center/Concord School District, for property located at 139 Old Turnpike Road, requesting Site Plan Approval, Design Review Approval and a Conditional Use Permit pursuant to Section 28-7-11(f), Driveway Separation Alternatives, of the Zoning Ordinance, for the construction of a 7,000 square foot commercial building, with associated parking, loading, stormwater management, lighting, landscaping, and related site improvements

The Chair opened the public hearing.

Tim Bernier of T. F. Bernier represented applicant Adam Burr-Mecum. He said the property involved was just over 3 acres and was located in the IN and RM zoning districts. He said a variance was granted to allow a retail use in the IN district, and said all of the work that was proposed would take place in the IN portion of the site. He said a variance was granted to allow 20 parking spaces, and noted that the shape of the lot was somewhat difficult to work with because the zoning boundary created some issues.

He said the new building proposed would have two stories with a total square footage of 7,000 sf, and said Mr. Burr-Mecum's existing retail business on Airport Road would relocate there. He said no wall sign was proposed, and said there would be a sign on the street. He said the window trim would be red, and not the green that was shown on the picture provided, based on a recommendation from the ADR Committee. He noted that the ADR Committee had also recommended adding plantings at the base of the sign, and said this had now been included in the plans.

Mr. Bernier said a Conditional Use Permit had been requested to allow some relief concerning the amount of driveway separation. He said the driveway separation of 165 ft on both sides that was proposed was the maximum possible while still providing access to the property. He said the traffic study that was done found that the amount of traffic from the business wouldn't have a noticeable adverse impact on the adjacent signalized intersection at Airport Road and Old Turnpike Road.

He said the first floor would be used for retail pet food sales and said there would also be a grooming area for small dogs. He said the building would contain a walkout basement that would be used for warehousing, and said a portion of this area would hopefully be used by a business that would provide dog training classes.

Mr. Bernier said a waiver was being requested to not have the architectural elevations prepared by a Licensed Architect or Engineer as required by the Site Plan Review Regulations.

He said the structural plans for the building would be prepared by an engineer.

He said there had been some concerns expressed by neighbors about the adequacy of the existing vegetative buffer along the north side of the property. He said very little of the existing vegetation would be disturbed, and said a landscape architect had originally proposed that 3 evergreens should be put in. He said based on the site walk that was done, another evergreen was added to the plan to improve the buffer in order to address the neighbors' concerns. He said more trees could be added, but said this would mean that some cutting would need to be done to make room for the new trees. He explained how the topography of the site helped in terms of buffering the site from nearby properties.

Mr. Bernier provided details on the stormwater management system proposed for the site, which included two rain gardens, a treatment swale, and an infiltration basin. He said it would be determined in the process of getting the building permit whether an additional doorway was needed for fire protection. He said if the doorway was required, a walkway would be put in, but said it would not be put in if it wasn't required in order to maximize the amount of space for the dog walk area. He said a bike rack would be installed for the business.

Dennis Soucy, Russell Street, said he was in favor of the application, and said his only concern was where the dumpster pad would be located. He noted that the nearby credit union had garbage pickup at 4 am and he and his wife could hear this. He said Mr. Burr-Mecum had said he would make sure the garbage wouldn't be picked up at 5 am or before 7 am, and asked if the Board could make sure this was done. The Chair said the noise ordinance might come into play, but said what Mr. Soucy had done in speaking with the applicant was what the Planning Board could suggest. Mr. Soucy said he and some other neighbors had complained about the early trash pickup at nearby businesses, but it was still going on. The Chair said the Planning Board tried to prevail upon an applicant to work things like this out with neighbors. There was further discussion.

The Chair determined that there were no other members of the public who wished to speak, and he closed the public hearing.

Mr. Swope moved to grant a Conditional Use Permit (CUP) pursuant to Article 28-7-11(f), Driveway Separation Alternatives, for the proposed driveway for Sandy's Pet Food Store to have less than the minimum 200' separation from driveways adjacent to the site on Old Turnpike Road. The proposed driveway spacing is optimal for the location and frontage available to the property. Ms. Smith Meyer seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to grant Architectural Design Review Approval for the site and building plans and a new free-standing sign as submitted by the applicant, subject to the condition that the future tenant sign panel will be blacked out until such time as a tenant sign is approved. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to grant a waiver to Section 12.03(4) of the Site Plan Review

Regulations to allow that the architectural elevations will not be prepared by a Licensed Architect or Engineer. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair said he hoped that granting this waiver wasn't setting a precedent.

Ms. Smith Meyers moved to grant Conditional Site Plan Approval for the site and building plans, including the conversion of an existing office building to a high turnover restaurant, for Sandy's Pet Food Store at 139 Old Turnpike Road subject to the following conditions:

- 1) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, approvals of construction drawings and specifications for all public and private improvements shall be obtained from the Planning Division.
- 2) 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, as set forth in the attached Impact Fee Worksheet.
- 3) 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 will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- 4) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 5) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
- 6) Prior to the issuance of a certificate of approval, 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.
- 7) 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.

Mr. Lavers seconded the motion. Motion passed unanimously.

10. Application by WBIN Media, Inc./Concord School District, for property located at 4 Church Street, requesting Site Plan Approval, Design Review Approval, a CUP pursuant to Section 28-7-11(d), Additional Compact Automobile Spaces, a CUP pursuant to Section 28-7-11(f), Driveway Separation Alternatives, and two CUPs pursuant to Section 28-5-23(e), Wireless Telecommunication Equipment, of the Zoning Ordinance, for the redevelopment of the Walker School property, including additional parking, landscaping, lighting and related site improvements.

The Chair opened the public hearing.

Attorney Richard Uchida said WBIN Media was now the formal owner of the Walker School property. He said this project was a rare opportunity to reuse and preserve this prominent building, and noted that a condition of the deed was to preserve the building and its historic flavor. He said the design team had been working on the project with the City and its various boards since December, and said as part of this, they had tried to reach out to neighbors who had concerns.

He noted the 7,405 sq. ft. from the City's right-of-way that had recently been added to the site, which increased the site area to 2.03 acres. He said the property was located in the Institutional Zoning District and was also in the Historic District, so a Certificate of Approval was needed and had been granted by the Heritage Commission. He also spoke briefly about the eight variances that had been granted by the ZBA.

Applicant Bill Binnie spoke next, and first noted that WBIN Media was the only locally owned and managed media business in New England. He said the company proposed to create a media center for the State capital, pointing out that NH was the only State capital in the country that currently didn't have this. He said NH1, a news channel, would be launched next year, and he provided details on this. He also spoke about radio programming that was planned for the new facility. He said there would be about 35 employees working at the building on a regular basis.

He noted that his current office was based in Portsmouth's old city hall, and that he had done the Wentworth by the Sea restoration project, so was aware of the unique challenges of renovating old buildings. He said after many meetings, he had gotten unanimous support for the Walker School project from the Heritage Commission and the Architectural Design Review Committee. He said no significant amendments were being made to the building.

Mr. Binnie said there would be antennas on rooftop areas and on the ground, and said it was realized that this was a sensitive issue. He predicted that over time the antennas would get smaller, and fiber based transmission would do away with the satellite dishes. But he said in the meantime, some subtle berms and landscaping had been include in the site plan to make the ground antennas' appearance as minimal as possible.

He said he was sensitive to the fact that there were two memorial parks on the property, and said both of these areas would be preserved and maintained. He also said the original driveway at the front of the site would be preserved. He said teachers' desks would be used as reporters' desks, and said because creative expression was an important part of the work the company did, musical notes for the two entryways were included in the architectural design. He said they were an expression that WBIN Media among other things was an entertainment company.

He said he had tried to work with people who had issues with the project, noting that some of these issues had been quite challenging. He said part of the challenge was the fact that the Walker School was a functionally obsolete building in need of updating.

Architect Jonathan Halle provided a computer visualization that showed from a 360 degree perspective the elevations of the renovated building as well as site details. He noted the dumpster screening that was proposed, and spoke in some detail on the screening proposed for the satellite dishes on the ground as well as those mounted on the roof. He said the satellites on the roof would be painted the same color as the brick, and also said there would be a 6 ft screen on the roof to hide mechanicals. He provided details on the landscaped berm and retaining wall proposed to help screen the ground mounted satellites. He said only 3-4 ft would be visible within a few years, and also said the satellites would go away over time.

Mr. Halle said the driveway had been identified as an important part of the property, and needed to stay. He said this meant that the parking had ended up on the north end of the property. He provided further details on the parking proposed for the back. He also spoke about the fact that the midblock crosswalk to access the site along North State Street was being removed and the applicant would construct a new sidewalk along the east side of North State Street leading to a new crosswalk at the intersection of Church Street and North State Street. He said there could be future accommodation for a bus stop around the corner.

The Chair noted the Conditional Use Permits being requested for the TV and radio antennas, and the fact that the applicant had asked for some latitude to allow City staff to permit minor changes to the type, quantity, size and placement of the antennas since the technology associated with them was changing rapidly. There was discussion.

Mr. Binnie provided details on the number of antennas proposed and their locations. He said what was being requested now was what they thought they needed, but said they were also asking to be able to work with City officials on this from time to time. He said the antenna sizes were beyond the company's control, but also said what was proposed was a worst case scenario.

Mr. Halle provided details on the musical note designed for the entry ways at the north and south sides of the building. Architectural consultant Liz Hengen emphasized that the notes were see-thru and also were reversible. Mr. Halle said no new lighting was proposed for the front of the site, but said the building itself would be up-lit at night. He said some lighting would be added in back of the building.

Ms. Smith Meyer said it was important to optimize the evergreens in the landscaping around the ground mounted satellite dishes on the street side. Mr. Halle said historically, there probably was not a lot of landscaping there and it was lawn instead. Ms. Smith Meyer said there weren't enough evergreens proposed there to do the job over the next several years, and said more evergreens were needed along the top of the retaining wall. She said there should be a sense initially that there was a heavy evergreen "spine", with deciduous vegetation in front. Ms. Smith Myer also had questions concerning the sidewalk proposed along the east side of North State Street.

Attorney Uchida said a waiver was needed to allow up-lighting of the southern façade of the building using ground mounted lights instead of down-lighting. Regarding the CUPs being requested for the TV and radio antennas, he summarized that the applicant was hoping for some flexibility regarding the size of the antennas, as the technology changed. He said a CUP was also being requested to permit additional compact parking spaces.

He said there was an additional CUP request to permit a driveway separation that was less than what was required by the Zoning Ordinance. He explained that they would like to maintain access from the two existing driveways off of Church Street, which was where the main entrance was to the site. He said the CUP was required because the driveway closest to the North State Street/Church Street intersection was approximately 44 ft from the intersection, so didn't have the required 125 ft separation.

Attorney Uchida noted that the applicant would have to come back to the ADR Committee for signage approval. He also said because it was believed that the elevator location would likely change, the serpentine walkway that had been designed wasn't needed as much, so the applicant would like some flexibility concerning this design as well as concerning the location of the elevator.

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

Attorney Phillip Hastings represented the Concord Insurance Group, which was an abutter, and said two issues concerning the application had been addressed with the applicant. He said he wanted the record to reflect this and that Concord Insurance Group was otherwise in support of the application. He said the sign proposed at the corner of Boutin St and North State St had originally been located so close to the corner that it impeded the sight distance for traffic heading north. He said the applicant had agreed to move it back to a more appropriate location that reflected Concord Insurance Group's interests, and said he believed that the site plan now reflected this.

He said a second issue was a concern that the broadcast transmission from the facility might interfere with the communications at the Concord Insurance Group. He said the applicant had provided assurances that this shouldn't happen, but that if on occasion the equipment got out

of balance and there was interference, the applicant would take steps to minimize and rectify the interference.

Robert Shump said he lived across the street from the Walker School, and had been concerned about the parking lot planned for the back of the building and possible headlight glare coming from it. He said the applicant had agreed to add an extra hedge to try to address this. He said he had also expressed concern about the lighting for the parking lot in the back, and was then told that the lighting was removed and the employee parking was moved to the front. He said this wasn't shown on the plan. He asked how late the parking lot would be illuminated.

Mr. Binnie said they had minimized the lighting in the back parking area as much as possible because of the concerns that had been expressed. He said if any lights were put there, they would have to go by City standards. But he said they were sensitive to the issue. He noted the row of relatively high shrubs that had been put in to knock down glare, and said only 3 light poles were being included in the back, which was the bare minimum to meet the regulations and address safety issues. Ms. Smith Meyer confirmed that a lighting plan had been submitted. Mr. Binnie said the lights would be on no later than 10 pm, and said if they could go out earlier, they would do this.

The Chair closed the Public Hearing.

Ms. Hebert said staff recommended that the Planning Board grant the waiver concerning allowing ground mounted lights for façade.

Mr. Swope moved to grant a waiver to Section 29.04 of the Site Plan Regulations to permit the illumination of the southern façade of the building using ground mounted lights rather than downward directed lights and to permit more than 25% of the façade lighting to be directed upward with the condition that the illumination will not exceed 0.2 foot-candles at the property line. The use of ground mounted lights will preserve the historic integrity of the building and will also highlight the cornice detail. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Hebert said staff recommended approval of the CUP pursuant to Article 28-7-11(d), to permit additional compact parking spaces.

Ms. Smith Meyer moved to grant a Conditional Use Permit (CUP) pursuant to Article 28-7-11(d), to permit additional compact parking spaces. The site includes 26 compact parking spaces, which accounts for 44% of the parking spaces onsite. The zoning allows up to 25% of the spaces to be compact and includes a CUP to permit up to 50% of the spaces to be compact. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Hebert said staff recommended approval of the CUP pursuant to Article 28-7-11(f), to permit the driveway separation to be less than what is required by the zoning ordinance.

Mr. Swope moved to grant approval of the CUP pursuant to Article 28-7-11(f), to permit driveway separation less than what is required by the zoning ordinance. The applicant would like to maintain access from two existing driveways off of Church Street. This is the main entrance to the site and the CUP is required because the driveway closest to the North State Street/Church Street intersection does not have the 125 foot separation that is required by the zoning ordinance. The driveway is approximately 44 feet from the Church Street/North State Street intersection. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Hebert said staff recommended approval of the CUP for the installation of telecommunication equipment pursuant to Article 28-5-23(e), for television antennas.

Ms. Smith Meyer moved to grant approval of the CUP for the installation of telecommunication equipment pursuant to Article 28-5-23(e), for television antennas. The application includes the installation of one building-mounted 6-foot diameter solid antenna and three ground-mounted 18-foot diameter satellite antennas in the southeast corner of the lot. The site plan includes landscaping, berms and a retaining wall to minimize the appearance of the antennas from the street. The building-mounted antenna will be painted to match the color of the building. Mr. Lavers seconded the motion, Motion passed unanimously.

Ms. Hebert said staff recommended approval of the CUP for the installation of telecommunication equipment pursuant to Article 28-5-23(e), for radio antennas.

Mr. Swope noted that the previous motion included requiring that the television antennas had to be a matching color, and wanted to know if this applied to the radio equipment as well.

Attorney Uchida said the ground mounted antenna was supposed to be black, but the building mounted equipment would match the color of building, including the radio antennas as part of this CUP. He said what had been recommended was consistent with their presentation.

Mr. Halle said the small antenna mounted on the mechanical screen would be the same color as the screen. Mr. Swope said that was fine, and should be included in the motion.

Mr. Swope recommended approval of the CUP for the installation of telecommunication equipment pursuant to Article 28-5-23(e), for radio antennas. The application includes the installation of two 6-foot round grid-type antennas on the building, three 12-foot round satellite downlink antennas mounted to the roof of the building, one 3-foot round satellite antenna and six "TV type". Mr. Lavers seconded the motion. Motion passed unanimously.

Mr. Swope moved to grant Architectural Design Review Approval for the site and building plans for WBIN Media, Inc. for the renovation of the Walker School building and related site improvements at 4 Church Street, as prepared by Nobis Engineering, Inc. and Warren Street Architects. This approval does not include signs and brick sign walls. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith Meyer moved to grant conditional site plan approval for the site and building plans for WBIN Media, Inc. for the renovation of the Walker School building and related site improvements at 4 Church Street, as prepared by Nobis Engineering, Inc. and Warren Street Architects, subject to the following conditions:

- 1) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, approvals of construction drawings and specifications for all private and public improvements shall be obtained from the Planning Division and plans shall be revised to address minor omissions and corrections noted by staff.
- 2) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the companion subdivision shall be recorded at the Merrimack County Registry of Deeds.
- 3) 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 will provide to the City Solicitor a financial guarantee for all public improvements on and off site and for the site stabilization in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.
- 4) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Prior to the pre-construction meeting seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as "approved for construction."
- 5) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 6) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
- 7) Prior to the issuance of a certificate of approval and the issuance of any building permits for construction activity on the site, 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.
- 8) Prior to the issuance of a certificate of occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations.
- 9) The evergreen screen will be strengthened to the satisfaction of the City Planner along the area with the retaining wall and berm, by the large antennas.

Mr. Swope seconded the motion. Motion passed unanimously.

REGULAR MEETING

11. Minutes of the May 15, 2013 Planning Board meeting.

Mr. Swope moved to approve the May 15, 2013 Minutes. Mr. Lavers seconded the motion. Motion passed unanimously.

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

INFORMATION

13. Minutes of the June 11, 2013, Architectural Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, July 17, 2013. *** Note: Meeting may be held in the Second Floor Conference Room, City Hall.

The Chair adjourned the meeting at **10:15 pm.**