

**CITY OF CONCORD PLANNING BOARD
September 18, 2013 MEETING**

The regular monthly meeting of the City Planning Board was held on September 18, 2013, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Vice Chair Swope and Members Lavers, Regan, Hicks, and Smith-Meyer. City Planner McPherson, Ms. Hebert and Ms. Murray of the City's Planning Division were also present.

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

PUBLIC HEARINGS

Architectural Design Review Applications

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

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

- a. **Application by United Church of Penacook, requesting Design Review Approval for a replacement roof on an existing building at 21 Merrimack Street, Penacook, within the Neighborhood Residential (RN) District. (2013-56)**

Ms. McPherson spoke to the application. The original black shingle roof, which had faded to grey, would be replaced with black architectural asphalt shingle or black metal roof replacement. Ms. McPherson noted the ADRC recommendation to approve either replacement option. She stated Rev. McCann was present for any questions.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval for United Church of Penacook, with the option of using either black architectural shingles or black metal roofing. Mr. Hicks seconded the motion. Motion carried unanimously.

- b. **Application by Upton and Hatfield LLP, requesting Design Review Approval for window replacement at 10 Centre St, within the Civic Performance (CVP) District.**

Ms. Hebert explained that five windows were being replaced at this time and their plan is to replace a few windows each year. The windows are located on the newer addition and not on the historic portion of the building. She explained that the replacement windows were proposed to have grids between the glass, but staff has recommended that a simulated divided light with exterior muntins be used instead.

The ADRC discussed the application but as the applicant wasn't present to answer question, they tabled the application.

David Meeken, Cedar Mill Group, stated that they have recommended the simulated divided light with exterior muntins to their client but it is more expensive than the original plans.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by staff to Upton and Hatfield LLP for window replacement with simulated divided lights with exterior muntins, at 10 Centre St. Mr. Hicks seconded the motion. Motion passed unanimously.

c. Application by Sovereign Bank, requesting Design Review Approval for 3 replacement signs at 161 North State Street, within the Neighborhood Residential (RN) District.

Ms. Hebert spoke to the application. The signs will be the same size and remain in the same locations. The name on the signs will change from "Sovereign Bank" to "Santander".

There was no additional information from the applicant or comments from the members of the audience.

Ms. Smith-Meyer moved to grant Architectural Design Approval for 3 replacement signs at 161 North State Street, as submitted. Mr. Regan SECONDED the motion. Motion carried unanimously.

d. Application by Sovereign Bank, requesting Design Review Approval for 4 replacement signs at 73 West Street, within the Neighborhood Commercial (CN) District.

Ms. Hebert spoke to the application. The signs will be the same size and remain in the same locations. The name on the signs will change from "Sovereign Bank" to "Santander".

There was no additional information from the applicant or comments from the members of the audience.

Ms. Smith-Meyer moved to grant Architectural Design Approval for 3 replacement signs at 73 West Street, as submitted. Mr. Regan SECONDED the motion. Motion carried unanimously.

Subdivision Applications

2. Application by the City of Concord and George and Jacqueline Antoine for property located at 107 Old Turnpike Road, requesting Minor Subdivision approval for a lot line adjustment, with no new lots created. (2013-50)

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

Ms. Smith-Meyer moved to determine the application complete. Mr. Hicks seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Dan Mullen, Bartlett and Associates, stated that this is an effort to address some long standing boundary issues between the City and the Antoinés. The subdivision, or land swap, would create more consistent property lines between the Antoine's commercial and residential uses and the City's landfill and no material changes will occur on either property. The plan also includes a 30 foot wide sewer easement which would be conveyed to the City.

Ms. McPherson noted that the applicant was requesting some waivers to not show certain information on the plan and that staff was supportive of the waivers.

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

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

Ms. Smith-Meyer moved to grant waiver of section 15.03 of the Subdivision Regulations to not show the following on the plans:

15.03(4) – Topography

15.03(6) – Natural Features

15.03(8) – Setbacks

Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to approve the minor subdivision application by the City of Concord and George and Jacqueline Antoine for property located at 107 Old Turnpike Road, with the conditions recommended by staff. Mr. Hicks seconded the motion. Motion carried unanimously.

Site Plan Review

- 3. Application by Royal Concord Gardens, Castor Housing Associates, LP for property at Christian Avenue, requesting Major Site Plan Approval and Design Review Approval, for renovations to existing buildings, the construction of a new community building and new maintenance/storage building, and site improvements including parking, paving, curbing and landscaping. (2013-39)**

Ms. Hebert recommended declaring the application complete, and scheduling the public hearing for the October 16, 2013 Planning Board meeting.

Mr. Hicks moved that the Planning Board determine the application to be complete and to schedule the public hearing for October 16, 2013. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

4. Application by Public Service Company of New Hampshire for property at the terminus of Farmwood Road, requesting Major Site Plan Approval, Design Review Approval, Conditional Use Permit pursuant to Article 28-2-4(j), Principal Uses Permitted by a Conditional Use Permit, and a Conditional Use Permit pursuant to Article 28-4-3(d), Disturbance of a Wetland Buffer, of the Zoning Ordinance, for the construction of the transmission substation adjacent to an existing distribution substation, including grading, drainage and related site improvements. (2013-45)

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

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

The Chair opened the public hearing.

Nick Golon, TF Moran; Walter Bilynsky and Sandra Gagnon, PSNH were present to discuss the application. Mr. Golon outlined the project including the placement of the new substation yard, additional overhead power lines and related wetlands impacts. Mr. Bilynsky explained that the project is the result of an ISO report indicating growth trends in the region and the need to add power lines to improve reliability and accommodate that anticipated growth. The substation will include connections to the existing transmission lines within the corridor which will help to limit power loss by providing a new connection to this line.

The Chair asked if members of the public had any comments or questions on the application. No one present wished to testify. The Chair closed the public hearing.

Ms. Smith-Meyer moved to grant a Conditional Use Permit (CUP) pursuant to Section 28-2-4 of the Zoning Ordinance, Table of Principal Use K(11), Essential Public Utilities, to allow Public Service Company of New Hampshire (PSNH) to construct and operate the proposed Farmwood electrical switching station and connecting overhead transmission lines, as requested by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Conditional Use Permit (CUP) pursuant to Section 28-4-3(d), Disturbance to a Wetland Buffer, for a disturbance of 32,281 square feet of wetland buffer for the installation of the gravel yard and access road for the construction of the switching station. The CUP request includes an additional 69,432+ square feet of wetland buffer disturbance which will be required to connect the switching station to the Oak Hill Substation, and the existing transmission lines V182, F139 & P145, which cross the site from north to south within the existing 255' wide transmission line right-of-way. Because of the extensive wetland buffer impacts, the CUP shall be subject to the following conditions:

1. Prior to the issuance of a certificate of occupancy or use on the site, the portion of the property located northerly of Farmwood Road and westerly of the existing power line

right-of-way shall be conveyed to the City for conservation purposes as mitigation for the extensive wetland buffer impacts.

2. Prior to the issuance of a certificate of occupancy or use on the site, mitigation measures acceptable to the NH Department of Environmental Services and the Concord Conservation Commission for the wetland impacts associated with the construction of the project shall be provided.

Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Design Review Approval for the site and building plans, as submitted by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Conditional Site Plan Approval for the site and building plans, 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 DES Standard Dredge and Fill Permit (wetland alterations)
 - b) NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
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 and specifications for all public and private improvements shall be obtained from the Planning and Engineering and Divisions.
3. Prior to the completion of construction, 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 13.02(11) Existing Conditions, of the Site Plan Review Regulations.
4. No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
5. Prior to the pre-construction meeting and the issuance of building permits the 50-ft wetland buffers shall be clearly and permanently marked and erosion control measures protecting the buffer shall be installed.
6. Prior to the issuance of a certificate of approval by the Planning Board Chair and the commencement of construction 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.
7. Prior to the completion of construction, as-built drawings shall be provided to the City Engineer in accordance with Section 36.25 of the Site Plan Review Regulations.

Mr. Lavers seconded the motion. Motion carried unanimously.

5. **Application by Bo & Pop Limited Partnership/Tedeschi, for property located at 9 Village Street, Penacook, requesting Minor Site Plan approval and four Conditional Use Permits pursuant to Article 28-7-8(c)(2), Separation of Driveways in Non-Residential Districts, of the Zoning Ordinance, for improvements to the exterior of an existing building, a new fueling canopy and**

the reduction from 8 to 4 fueling stations, new parking spaces and loading areas, changes to site access and circulation, and landscaping.

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

Ms. Smith-Meyers moved to determine the application complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Christopher Rice, TF Moran; Robert McGann, Tedeschi Food Shop; and Biron Bedard, Ransmeier and Spellman, were present to answer questions.

Mr. McGann outlined the project including the driveway reconfiguration, new tree/shrub plantings, and relocation of the canopy which will be closer to the building and allow for more maneuverability. He also discussed the right-out only southern driveway off of Village Street, condition #2 of the Site Plan.

After discussion about traffic flow and the whether a right-out only was necessary, and after Ms. Hebert read Rob Mack's memo outlining his concerns/reasoning for requesting the right-out only, the Board came to the conclusion to strike condition 2 from the approval and allow the access to remain the same, with full access in and out of the site.

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

Ms. Smith-Meyer moved to approve the Conditional Use Permit pursuant to Article 28-7-8 (c)(2) of the Zoning Ordinance, Separation of Driveways in Nonresidential Districts, to permit a driveway separation that is less than 200 feet between the driveways on Village Street. The existing driveway separation is 79 feet and the proposed driveways have been narrowed and reconfigured and the driveway separation will be 101 feet, making the separation more conforming. Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to approve the Conditional Use Permit pursuant to Article 28-7-8 (c)(2) of the Zoning Ordinance, Separation of Driveways in Nonresidential Districts, to permit a driveway separation that is less than 200 feet between the driveways on Borough Road. The existing driveway separation is 65 feet. The driveways will be narrowed and reconfigured so that the driveway separation will be 87 feet, making the separation more conforming. Mr. Regan seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to approve the Conditional Use Permit pursuant to Article 28-7-8 (c)(2) of the Zoning Ordinance, Separation of Driveways in Nonresidential Districts, to permit a driveway separation that is less than 200 feet between the site driveways on Village Street

and the Village Street/Borough Road. Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to approve the Conditional Use Permit pursuant to Article 28-7-8 (c)(2) of the Zoning Ordinance, Separation of Driveways in Nonresidential Districts, to permit a driveway separation that is less than 200 feet between the site driveways on Borough Road and the Village Street/Borough Road intersection. The existing distance from the driveway to the intersection is 107 feet. A mountable concrete island is proposed at this driveway to accommodate delivery trucks. Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to approve the Conditional Use Permit pursuant to Article 28-7-11 (b) of the Zoning Ordinance, Alternative Parking Arrangements, to not construct the proposed parking located at the western end of the site and to leave the area in its current state. The site plan is proposing to provide 79 parking spaces where 96 spaces would be required. The Zoning Board of Adjustment granted a variance to allow for the 89 parking spaces. The site plan shows the location of 89 parking spaces, but the applicant would like to defer the construction of 10 parking spaces in the western portion of the site. If the Code Administrator determines that the additional spaces are needed in the future, the applicant shall construct the additional spaces in accordance with the Site Plan. Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Conditional Site Plan approval for the Minor Site Plan Application of Tedeschi Food Shops, Inc. and Bo & Pop Limited Partnership as prepared by T.F. Moran and Landry Architects 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), approvals of site plan drawings and supporting documents shall be obtained from the Engineering and Planning Divisions.
2. No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.
3. The applicant shall obtain an Excavation Permit from the Engineering Division for the alteration of the existing driveways on Village Street and Borough Road.
4. No construction activity may commence prior to the pre-construction meeting and the payment of inspection fees in an amount approved by the City Engineer.
5. Prior to the completion of construction, 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 13.02(11) of the Site Plan Review Regulations.
6. Prior to the completion of construction, as-built drawings shall be provided to the City Engineer in accordance with Section 36.25 of the Site Plan Review Regulations.
7. The convenience store building shall connect to the municipal sewer system. 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 site plan drawings shall be revised to include

the construction of a municipal sewer line to serve the convenience store and the removal of the existing septic tank.

Mr. Hicks seconded the motion. Motion carried unanimously.

REGULAR MEETING

6. Minutes of the August 21, 2013, Planning Board meeting.

Mr. Lavers moved to accept the minutes of the August 21, 2013 Planning Board Meeting as written. Ms. Smith-Meyer seconded. Motion carried unanimously.

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

INFORMATION

8. Community Rating System – Flood Insurance Program; Memo from Stephen Henninger

9. Minutes of the September 10, 2013, Architectural Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, October 16, 2013.

There was no further business to come before the Planning Board and the Vice Chair adjourned the meeting at 8:09 pm.

A TRUE RECORD ATTEST:

Gloria McPherson
City Planner