

**CITY OF CONCORD PLANNING BOARD  
July 16, 2014 MEETING**

The regular monthly meeting of the City Planning Board was held on July 16, 2014, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 6:30 p.m.

Present at the meeting were Chair Drypolcher and Members Foss, Hicks, Lavers, Regan, Rosenburger (7:15), Smith-Meyer and Woodfin. City Planner Nancy Larson, Mr. Henninger, 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.

**Determination of Completeness (no public testimony will be taken)**

1. Request by NH Excavation, LLC, for a Major Site Plan Application to construct a 11,800 SF (80' x 125') building for office and industrial/warehouse uses as well as construction of an attached 50' x 70' covered outside work/storage area and associated site improvements at 49-52 Chenell Drive in the IN (Industrial) District. Map/Block/Lot: 111/G 1/66/ (2014-0037)
  - a. Determination of Completeness

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

Ms. Smith-Meyer moved to determine the application complete and set it for a public hearing on August 20, 2014. Ms. Foss seconded the motion. Motion passed unanimously.

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

2. 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 PFP Associates Ltd Partnership, on behalf of RMS Residential Mortgage Services, requesting Architectural Design Review Approval for a new 27.8 sq. ft. internally illuminated wall sign at 22 Bridge Street, Unit 5, within the Opportunity Corridor Performance (OCP) District.  
Map/Block/Lot: 45/A 1/2

Mr. Henninger informed the Board that the sign will face Loudon Road and that the ADRC's recommendation was to approve as submitted.

There were no other comments or discussions.

Mr. Hicks moved to grant Architectural Design Approval for a new 27.8 sq. ft. internally illuminated wall sign at 22 Bridge Street, Unit 5 as submitted by the applicant with the condition that the sign be centered under the gable awning with the option of adding lighting to further highlight the shop front. Ms. Foss seconded the motion. Motion carried unanimously.

- b. Application by PFP Associates Ltd Partnership, on behalf of Center for Advanced Veterinary Care (AVC), requesting Architectural Design Review Approval for a new 6.25 sq. ft. externally illuminated projecting and hanging sign at 22 Bridge Street, Unit 1, within the Opportunity Corridor Performance (OCP) District. Map/Block/Lot: 45/A 1/2/

Mr. Henninger spoke to the application. He stated this is the second sign request by the applicant with the first being approved in February, 2014. This one is for over the entrance which faces Bridge Street. ADRC recommends approval as submitted. The Code Division has issues with the installation of the previously approved sign.

There were no further comments or discussions.

Ms. Foss moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a new 6.25 sq. ft. externally illuminated projecting and hanging sign at 22 Bridge Street, Unit 1 as submitted by the applicant. Mr. Regan seconded the motion. Motion passed unanimously.

- c. Application by Robert Aranosian, on behalf of Peter Jennings, requesting Architectural Design Review Approval for a replacement (sign re-face) 13.5 sq. ft. internally illuminated freestanding sign on an existing pylon, a new 20.2 sq. ft. non-illuminated wall sign, and a new 34.6 sq. ft. non-illuminated wall sign at 249 Sheep Davis Road, within the Gateway Performance (GWP) District. Map/Block/Lot: 111/H 4/11/

Mr. Henninger noted the application is for a new replacement panel in an existing free-standing sign and two affixed signs; one facing Sheep Davis Road and one facing Pembroke Road. ADRC recommends approval as submitted.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement (sign re-face) 13.5 sq. ft. internally illuminated freestanding sign on an existing pylon, a new 20.2 sq. ft. non-illuminated wall sign, and a new 34.6 sq. ft. non-illuminated wall sign at 249 Sheep Davis Road as submitted by the applicant. Ms. Foss seconded the motion. Motion passed unanimously.

- d. Application by Amba Realty, LLC, on behalf of Celeste Oliva, requesting Architectural Design Review Approval for a replacement 24 sq. ft. internally illuminated wall sign at 75 South Main Street, within the Urban Commercial (CU) District. Map/Block/Lot: 34/5/9/

Mr. Henninger stated this is a replacement panel in an existing affixed sign over the front entrance of the building. He also stated there is a small panel going into the affixed sign but it is so small it falls below the threshold for Design Review in that district. ADRC recommends approval as submitted.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement 24 sq. ft. internally illuminated wall sign at 75 South Main Street. Ms. Foss seconded the motion. The motion passed unanimously.

- e. Application by O ICE, LLC, on behalf of Friendly's Ice Cream LLC, requesting Architectural Design Review Approval for a replacement (sign re-face) 52.7 sq. ft. internally illuminated freestanding sign on an existing pylon at 203 North Main Street, within the Urban Commercial (CU) District. Map/Block/Lot: 59/2/4/

Mr. Henninger reported that last month there was an application for Friendly's on Loudon Road and this is an application for the Friendly's on North Main Street. There is an addition of a blue ice cream cone

on this sign application because this sign shape differs from the one on Loudon Road. He also stated the existing reader board with changeable copy will be removed. ADRC recommends approval as submitted.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement (sign re-face) 52.7 sq. ft. internally illuminated freestanding sign on an existing pylon at 203 North Main Street as submitted. Ms. Foss seconded the motion. The motion passed unanimously.

- f. Application by Team Advantage, LLC to make exterior building renovations consisting of a new metal panel showroom façade with flat membrane roof infill abutting existing partial membrane roof over showroom at 158 Manchester Street. Map/Block/Lot: 110/K 1/5/ (2014-0040)

Mr. Henninger stated the site was an existing auto dealership and the project includes replacing the existing metal roofing over the showroom area with a light grade frame and the Kia branding metal panels. The rest of the building will remain the same.

Scott Coruth, Port One Architects, was present to answer questions.

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

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee to make exterior building renovations consisting of a new metal panel showroom façade with flat membrane roof infill abutting existing partial membrane roof over showroom at 158 Manchester Street as submitted. Mr. Hicks seconded the motion. The motion passed unanimously.

### **Design Review Applications (under RSA 676:4 II(b))**

3. Request by Joan Davis, for Design Review of a proposal to subdivide 1 lot into 4 residential lots and disturbance to the wetland buffer at 22 Long Pond Road in the RO (Open Space Residential) District. Map/Block/Lot: 100/1/7/ (2014-0038)

Ms. Hebert stated the applicant was present to give a presentation to the Board. She also stated there are completeness requirements for Design Review applications and requested that the Board determine the application complete.

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

Mark Sargent, Richard D Bartlett and Associates, presented the application. The proposal is to subdivide an existing parcel of land at 22 Long Pond Road, on which there is an existing single family residence, to create three additional residential building lots. Each lot meets or exceeds requirements for usable area.

The applicant would like to request a waiver from Section 26.02(1) of the Subdivision Regulations to permit the overhead utility line serving the existing house on Lot #1 to remain above ground. The new utilities to lots #2, #3 and #4 would be placed underground.

The applicant would like to request a waiver from Sections 12.08(3) & 16.03(4) of the Subdivision Regulations to not provide the topographic information for the portion of the property that would be

placed within the conservation easement. The applicant has included topography from the City's GIS information on the plat to demonstrate that the open space land meets the City's buildable land requirements.

The applicant would like to request a waiver from Sections 12.08(5) & 16.03(6) of the Subdivision Regulations to not identify the natural features (wetlands, steep slopes, bluffs, ravines, rock outcroppings, etc.) and for the portion of the property that would be placed within the conservation easement. The Board has granted this waiver in the past for small frontage lot subdivisions with a condition that a letter be prepared by a wetland scientist, describing the approximate size and location of wetlands within the open space, to ensure that the land meets the City's buildable area requirements for the open space.

The applicant would like to request a waiver from Section 10.06 of the Subdivision Regulations, Determination of Completeness, to allow the Major Subdivision Application to be determined complete and the public hearing to be held at the same meeting (August) rather than setting the public hearing for the subsequent Planning Board meeting in September.

The applicant has requested a CUP to allow for the development of a conventional subdivision on the property. Article 28-5-46 permits the development of conventional subdivisions within the RO District with the condition that a comparable amount of open space be protected by deed or easement as would otherwise be required by the cluster development standards. The property is 44.2 acres; the cluster development standards would require that 60% of the lot area (26.52 acres) be set aside as open space. The applicant is proposing to protect 30 acres located on Lot #4 with a conservation easement. The subdivision will also require a Conditional Use Permit for impacts to the wetland buffer on Lot #4. The proposed driveway and underground utilities cross through a small wetland. The wetland area spans the width of the proposed lot and the wetland crossing is required to provide access to the buildable land on the lot.

Chair Drypolcher expressed concerns for waiver requests to permit overhead utility lines in lieu of underground. Discussion ensued about existing lots and overhead utility lines.

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

James Coles, 21 Long Pond Road, stated that he could not see the resolution on the website so he just wanted an opportunity to see the plans and the presentation. At this time he had no questions or comments regarding the application. Ms. Hebert informed him he could view the files at the Planning office.

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

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

4. Request by NH Department of Corrections, for non-binding review comments for demolition, grading, and stormwater management plans otherwise known as Phase 1, associated with a future phase (Phase 2) to construct a new NH Correctional Facility for Women at 281 North State Street (102-2-13) in the IS (Institutional) and RO (Open Space Residential) Districts. (2014-0035)
  - a. Public Hearing

The Chair opened the public hearing.

William McGonagle, Deputy Commissioner NH Department of Corrections (DOC), was present. He stated that he has a basic site plan to present now and will come before the Board at a later date with fully developed plans. He spoke of the critical issue of timing with the project. He said the reason the project is in two separate presentations is so that they can proceed with the flattening of the plateau where the building are proposed and stabilize the site this fall so that it is prepped for construction in Spring 2015. Failure to start that phase now, mid to late August, would put the project off base. Any delay would affect the opening of the facility which is scheduled for October 2016. Mr. McGonagle introduced Theodore Kupper; Administer NH Bureau of Public Works, Timothy Smith; Project Manager, David Lay; SMRT Architects, Anthony Giglio; Gilbane Construction and Robert Duval; TF Moran. Mr. McGonagle described the goals of the project. He stated DOC has long known the facilities in Goffstown which currently houses the Women's Prison is small and inadequate; this is a chance to bring a new and state-of-the-art women's correctional facility that will, 1) address the requirements to achieve parity with the programs and services provided for male offenders at the male facilities and 2) it will also provide an appropriate normative and gender responsive environment which will allow staff to deal with issues that face female offenders such as trauma, substance use disorders and mental health needs, all the while maintaining DOC's role of protecting the safety of their communities.

Mr. Theodore Kupper, presented the preliminary site plan. He stated the Men's Prison is in the lower portion of the property, the proposed site is northeast and uphill from the Men's Prison. The proposed site for the Women's Prison is approximately a 20 acre site of disturbed area which is bounded by new Perimeter Road and fencing that will connect to what currently exists and creates the outer limits at the Men's Prison. The building pad area is approximately 4 acres of the total area and is located very close to the Men's Prison. The building will be sited at the lower portion of that limited area. The building footprint is approximately 2.5 acres total. On either side of the existing steam plant, the preliminary plan called for the construction of sedimentation ponds and permanent detention ponds however, because of exploration in that area, gas, electric and water lines were discovered. Mr. Kupper stated that Phase 1 is now being proposed without the construction of any sedimentation or detention ponds, they will be included in the construction phase which is scheduled to begin next spring. The center of the site will be initially constructed as a shallow bowl to trap runoff and sediment from the site. He stated by doing this they are able to continue with the bidding process that is currently happening which will keep the project on schedule. They will be able to bid the project, select sub-contractors, get a guaranteed maximum price from Gilbane and complete the building pad portion of the project. He next explained the building pad. The site is a sloped hillside which goes up and away from the Men's Prison, essentially they want to do is cut into the hillside and create a shelf, steepen up the hill behind it and that will become the building pad. The overburden, which varies in depth between 6 and 14 feet, will need to be removed, they will need to blast ledge, remove any large boulders or rocks present in the overburden and crush that product on site and use that material to build the building pad. He stated that they have submitted plans to the City and they received a number of comments from Planning and Engineering. Mr. Kupper responded to written staff comments.

Discussion about landscaping ensued. Mr. Kupper explained the issues with certain landscapes within a prison compound and stated that the DOC and SMRT are working to create an internal environment that is more community than institution by using grass areas, sidewalks and flower plantings.

Ms. Larson expressed concern over revising the plans and reducing Phase I to exclude sedimentation and detention ponds. Mr. Kupper reiterated the extensive electric, gas and water utilities found in the areas slated for the detention pond. They have located most of it and are still trying to figure out what it is and where it goes. He stated that they do not want to rush through and make assumptions that could hinder future construction but instead take that portion of the project and move it into the next phase.

There will be very little construction traffic associated with this project. Hours of operation will be 7am to 5pm weekdays and Saturdays if needed.

Discussion of erosion control ensued. Chair Drypolcher asked that any technical issues be handled in the Planning office as the Board trusts staff to handle that.

Ms. Foss expected to see elevations; current and proposed, at this presentation. Mr. Kupper explained that they do have elevations but tried to keep the presentation brief. The City has copies of the plans.

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

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

### **Conditional Use Permit Applications**

5. Request by PSNH for Conditional Use Permits pursuant to Article 28-4-3(d) and Article 28-3-3(f), to permit Wetland Buffer and Shoreland Buffer impacts and for a Conditional Use Permit pursuant to Article 28-2-4(c) to permit Use K11 in the Table of Uses, Essential Public Utility and Appurtenance(s) in the Residential (RO, RM, and RO) and Non-Residential (CG and UT) Districts. The Conditional Use Permit applications are associated with the re-establishment of the 317 line from the Unitil Manor Road Substation on Route 3 westerly through Penacook to the PSNH Pole mounted equipment on Route 103/127 in Webster. (2014-0027)

Ms. Hebert recommended that the applications be determined complete.

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

The Chair opened the public hearing.

Amy Sanders, CLD, and David Still, PSNH, presented the application. The project requires the following Conditional Use Permits:

- Conditional Use Permit pursuant to Articles 28-4-3(d) to permit wetland buffer impacts associated with the clearing of vegetation within the right-of-way, installation of utility poles within the buffer and temporary land disturbances associated with construction access along the utility corridor.
- Conditional Use Permit pursuant to Article 28-3-3(f) to permit impacts to the 75-foot Shoreland vegetative buffer associated with the clearing of vegetation within the right-of-way, installation of utility poles within the buffer and temporary land disturbances associated with construction access within the Shoreland Protection Overlay District.
- Conditional Use Permit pursuant to Article 28-2-4(c) to permit Use K11 in the Table of Uses, Essential Public Utility and Appurtenance(s) in the Residential (RO, RM, and RO) and Non-Residential (CG and UT) Districts to allow for the re-establishment of the utility line within the existing right-of-way.

Ms. Sanders stated that the proposed use is to reestablish the utility corridor from Mitchell Manor substation, which is north of the DW Highway on Abbott Road to the Davisville tap in Webster. The overall project length is 7.5 miles and the length in Concord is 4.2 miles. The line was originally established in 1917 and was energized into the 80's. The line was de-energized at some point between the 80's and 2010. In 2010, PSNH removed lines and wires. This project will improve service and

reliability of the overall electrical distribution system. The 317 Line will operate at a capacity of 34.5 kV, which is the same capacity as the former 317 Line that was discontinued. PSNH has stated that the project is necessary to improve service and reliability of their overall electrical distribution system. The line will run from Penacook through Hopkinton to Webster. Re-establishing the line will help even out the loads on the overall system. The vegetative maintenance along the right-of-way includes the clearing of trees for the entire 100-foot width of the right-of-way through Concord, but does not include any earthwork or grading. Once the easement is established the vegetative maintenance would occur every 4 to 5 years with mowing and sideline trimming would occur every 10 years. The utility poles will range in length from 45 feet to 55 feet and will primarily be a tangent pole structure. This is a wooden utility pole with a single cross arm. A longer three pole structure (85 feet in length) will be used to cross the Contoocook River. PSNH has also filed a Standard Dredge and Fill Permit with the New Hampshire Department of Environmental Services. In Concord, there are 11 permanent wetland impacts for utility poles and anchor supports located within jurisdictional wetlands and the total area of permanent wetland impact is 119 sq. ft. The project also includes 178,759 sq. ft. of temporary wetland impact along the entire length of the corridor (7.5 miles). These impacts are associated with the construction access and clearing along the right-of-way. Eighteen utility poles are proposed to be installed within a wetland buffer area. In some cases, the poles are required to be within the buffer to avoid locating a pole within the wetland. The wetland buffer impact is mainly associated with the vegetative maintenance and the total area of buffer impact is 293,135 sq. ft. Wetland buffers will also need to be crossed in order to install the utility poles. PSNH will use prefabricated matting to cross the wetland areas and the plans include specifications for erosion control and the restoration of disturbed areas. The Conditional Use Permit for the impacts to the vegetation buffer within the Shoreland Protection Overlay District is needed for vegetative maintenance and tree clearing within the buffers associated with the Rolfe Canal, Contoocook River and Dagody Brook. The total area of impact is 162,000 sq. ft. Mitigation is required for the wetland impacts along the corridor and will be provided by a payment to the NHDES Aquatic Resource Mitigation Fund. The corridor through Concord contains a few areas of sensitive wildlife habitat and archeologically significant areas. These areas have been marked on the plan and PSNH is coordinating work at these locations with New Hampshire Fish and Game, Natural Heritage Bureau and New Hampshire Division of Historical Resources.

Chair Drypolcher asked how wide the clearing was when the line was in operation years ago. Mr. Still replied that there are no plans that would indicate that. But he could estimate about 75 feet. Chair Drypolcher asked why they need 100 feet now. Mr. Still replied that the biggest problems for lines like these are trees and issues with various storms. They are maximizing the separation between this type of line and any vegetation. Chair Drypolcher stated that several e-mails were received by the Board in objection to the 100 foot easement. One in particular, from an abutter, stated that he has a tree farm that may be imposed upon by the 100 foot easement. Chair Drypolcher asked if there was a way to narrow it down at some points to 75 feet to accommodate some of these situations. Mr. Still noted that PSNH has also received feedback from ward meetings, dry contacts from mailings and have spoken to several abutters but they are looking to establish a full 100 foot corridor. He said underground utility service is too pricey, up to 10 times more, and it has a shorter lifespan due to ground water infiltration. More discussion about corridor width ensued. Chair Drypolcher stated he will give copies of emails received to Mr. Still. The e-mails are from Tony Bourque, 7 River Road, and Michael Rade, Weir Rd. Mr. Still indicated that they had been in contact with both parties and are working with them on their issues. Mr. Still stated they are currently in the DES process and are looking for permits in September but nothing will be started prior to permits. They also hope to complete the project this year.

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

Sumner Goldman, 90 Borough Road, Penacook, asked why he would be affected by this at all. Ms. Hebert explained that if the easement runs through neighboring properties all abutters to that property would be noticed by certified mail.

Tim Bauman, Primrose Lane, stated that in his deed an easement dating back to 1917 is noted and his property is subject to that. He acknowledges PSNH's right to this easement. He stated he was unable to attend the public hearings. He stated that one property, 18 Primrose Lane, has the easement running right through their yard adjacent to their house but knows PSNH will work out the best scenario. He asked about adverse effects on wetlands. He stated that there are existing construction aprons in place and he would point them out to PSNH.

Norm Lacey, 85 River Road, stated the easement will probably run through his land for about  $\frac{3}{4}$  of a mile. His concern is that he owns lumber on each side of the corridor which is presently 65-75 feet. He stated a 100 foot corridor would take timber away from his land and would impact him financially. He also stated he has had a problem with people dumping trash in that area and asked if PSNH has plans to add a gate. He reiterated that he feels there is no need to make the easement 100 feet wide.

Tony Bourque, 7 River Road, who also sent an email, spoke. He stated the line goes through his property for about 1000 feet. He stated that he had talked to PSNH about maintaining the 65-70 foot corridor instead because of the impact it would have on his tree farm and finds them to be unrelenting about the 100 foot corridor. His appeal to the Board comes from hoping that PSNH can be more compromising. He stated if the corridor was always maintained at 100 feet it would be one thing but the 65-70 feet was adequate for 100 years. He also stated that PSNH does not file an Intent to Cut form so the property owner must do that and must pay all associated fees and taxes.

Mr. Bowman stated he did some deed research and noted some easements with an 80 foot width.

Mr. Still stated that PSNH is still at DES with the wetland application, and they are scheduled with the Conservation Commission in August. He stated the intention of this project is not to establish any new corridors and he would guess any construction mats, etc. in place they would not be sufficient and they would place new ones on top and remove when done. In regards to timber, the way the easements are typically written, all the trees and timber are the landowners and what happens when a trimming or clearing crew comes through they will try to meet with the individual property owners and ask them what they want to do with the wood. Common requests are to remove the wood or to stack it. He stated they are amenable to putting in gates especially if the corridor will create an access where they may not be one.

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

Ms. Smith-Meyer moved to table the application requesting Conditional Use Permits pursuant to Article 28-4-3(d) and Article 28-3-3(f), to permit Wetland Buffer and Shoreland Buffer impacts and for a Conditional Use Permit pursuant to Article 28-2-4(c) to permit Use K11 in the Table of Uses, Essential Public Utility and Appurtenance(s) in the Residential (RO, RM, and RO) and Non-Residential (CG and UT) Districts until after the Conservation Commission is able to review and supply comments to the Planning Board. Ms. Foss seconded the motion. The motion failed.

The Chair rescinded the closing of the hearing so that public testimony can be heard at the continuation of the public hearing on August 20, at 7:00pm in Council Chambers.

Ms. Smith -Meyer moved to continue, until August 20, 2014, at 7:00 pm in Council Chambers, the application requesting Conditional Use Permits pursuant to Article 28-4-3(d) and Article 28-3-3(f), to permit Wetland Buffer and Shoreland Buffer impacts and for a Conditional Use Permit pursuant to Article 28-2-4(c) to permit Use K11 in the Table of Uses, Essential Public Utility and Appurtenance(s) in the Residential (RO, RM, and RO) and Non-Residential (CG and UT) Districts until after the



Conservation Commission is able to review and supply comments to the Planning Board. Ms. Foss seconded the motion. Motion passed unanimously.

**Subdivisions:**

6. Review for Acceptance and Final Approval of a Minor Subdivision Plan application by Roman Catholic Bishop of Manchester to subdivide #54 Pleasant Street into two lots such that the church (#54 Pleasant Street) and the rectory (#52 Pleasant Street) will be located on separate parcels, in the CVP (Civic Performance) District. Map/Block/Lot: 36/3/14/ (2014-0018)
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

Mr. Henninger recommended that the application be determined complete and the public hearing opened.

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

The Chair opened the public hearing.

Time Bernier, TF Bernier, Inc, presented the application. The property is located on the corner of Pleasant St. and Green St. The application involves the creation of two lots, one for the existing Sacred Heart Church, and the second lot containing the existing Rectory. The purpose of the minor subdivision is to create two lots, each with an existing building and parking, for separate sale.

The applicant has requested a waiver from Section 12.08(3) and Section 15.03(4) of the Subdivision Regulations to not provide topographic information on the subdivision plans.

Mr. Bernier asked that condition #6: "The Sacred Heart Sign on the New Lot to be located at 52 Pleasant will need to be removed prior to the subdivision plat being recorded. The sign structure may remain", be reconsidered. They would like to keep the sign in place until the property sells.

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

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

Ms. Smith-Meyer moved to grant a waiver from Section 12.08(3) and Section 15.03(4) of the Subdivision Regulations to not provide topographic information on the subdivision plans. Mr. Regan seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant final subdivision approval for the "Subdivision Plan prepared for Roman Catholic Bishop of Manchester, A Corporation Sole, Assessors Map 36 Block 3 Lot 14, 52 & 54 Pleasant Street, Green Street & Federal Streets, Concord, New Hampshire" subject to the following precedent conditions to be fulfilled within 2 years and prior to endorsement of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars.

3. Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations.
4. Applicant to submit two checks for recording the plan and legal documents at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
5. 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.
6. The following easement 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) A street right-of-way easement to the City totaling approximately 150 square feet at the northwest corner of Pleasant Street and Green Street.
  - b) An agreement to provide an easement for the common utilities, driveway and storm drainage facilities shared by the lots when the first property is sold.

And subject to the following subsequent condition:

1. The Sacred Heart Sign on the New Lot to be located at 52 Pleasant will need to be removed prior to the property being sold. The sign structure may remain.

Ms. Foss seconded the motion. Motion passed unanimously.

7. Review for Acceptance and Final Approval of a Minor Subdivision Plan application by Liberty Utilities on behalf of Energy North Natural Gas, Inc. for a lot line adjustment between #10 and #14, and between #20 and #14 Broken Bridge Road in the IN (Industrial) and RO (Open Space Residential) Districts. Map/Block/Lot: 109/1/2, 109/1/3, & 109/1/4 (2014-0029)
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

Mr. Henninger recommended that the application be determined complete and the public hearing opened.

Mr. Hicks moved to determine the application complete. Ms. Foss seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Michael Knott, Liberty Utilities, and Matt Routhier, Northpoint Engineering were present. Mr. Routhier presented the application. The application involves the transfer of property from an existing 91 acre lot to two existing lots on Broken Bridge Road owned by Energy North Natural Gas, Inc. No new lots are being created. Liberty Utilities has obtained the Energy North Properties along Broken Bridge Road through the acquisition of the Continental Grid Gas Utilities in the Central New Hampshire Region. The purpose of the minor subdivision is to create a 10.68 acre lot to construct a training facility on the larger lot and to allow for additional development on the expanded 5.33 acre parcel on the end of

Broken Bridge Road (west side). 1.88 acres from parcel 109-1-3 is proposed to be transferred to parcel 109-1-2 to create a development lot of 10.88 acres. 4.66 acres is proposed to be transferred to parcel 109-1-2 to create a development lot of 5.33 acres. A companion site plan to construct a new training facility for Liberty Utilities is under consideration for the expanded Lot 109-1-2 at 10 Broken Bridge Road (see 2014-28).

Mr. Routhier noted that a waiver has been requested from Section 12 of the Subdivision Plan Regulations regarding General Requirements for all drawings including subsection 12.02 All Plans, 12.06 Wetland Delineations and 12.08 Existing Conditions as well as a waiver from Section 15.03 of the Subdivision Regulations not to survey the balance of the Lot 109-1-3 consisting of  $84.5 \pm$  acres.

Revised plans were submitted on June 20, 2014 in response to staff comments. Only minor comments have been provided by City staff on the revised plans. The predecessors to Liberty Utilities have been slowly acquiring the property along the south end of Broken Bridge Road for many years. The terminus of the Tennessee Gas Pipe Line is on the east side of Broken Bridge. The area of Lots 109-1-2 and 109-1-4 has been zoned Industrial (IN) since at least 1977. The applicant is proposing to extend a municipal water line down Broken Bridge Drive to the site. The design of the water line extension is now underway by Northpoint Engineering, LLC. No disturbances to either wetlands or wetland buffers, bluffs or buffers to bluffs, steep slopes or flood hazard areas are proposed. The site was a residential property and the house and outbuildings were demolished in the 1990's. A portion of the wetland buffer on the site was cleared when the area was in residential use. Staff has asked for plantings to be added to this plan to restore the area disturbed area within the wetland buffer. The disturbed buffer area is currently an open grassed field and no improvements or land disturbance is proposed in the wetland buffers. The Shoreland Protection (SP) District Vegetative and Woodland Buffers Setback areas, the Flood Plain along the Soucook River, the Soucook River bluffs and buffers, and existing wetlands and wetland buffers on parcels 109-1-2 and parcel 109-1-3 are not protected by conservation easements or other legal restrictions. The City's Master Plan recommends that conservation easements be provided to protect these resources.

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

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

Ms. Smith-Meyer moved to grant a waiver from Section 12 of the Subdivision Plan Regulations regarding General Requirements for all drawings including subsection 12.02 All Plans, 12.06 Wetland Delineations and 12.08 Existing Conditions. Ms. Foss seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant a waiver from Section 15.03 of the Subdivision Regulations not to survey the balance of the Lot 109-1-3 consisting of  $84.5 \pm$  acres. The applicant has provided all information required for the two development lots – Lot 109-1-2 and 109-1-4. Boundaries, topographic and wetland mapping is provided using published sources and a 1990 subdivision plan. No development is planned in the balance of the  $84.5 \pm$  acre parcel due to the extensive wetlands, bluffs, buffers to bluff, floodplain and Shoreland Protection (SP) vegetative and woodland buffers on this parcel. According to the applicant's analysis, only 23.78 acres, or 28%, consists of buildable land, which is located between the Soucook River bluffs and wetlands and buffers along the Soucook River. The buildable land is not accessible from a street or private drive. Additional area of wetlands is possible within the buildable area identified on the overview plan. Ms. Foss seconded the motion. Motion passed unanimously.

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

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars;
3. Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations.
4. Applicant to submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds;
5. 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.

Mr. Lavers seconded the motion. Motion passed unanimously.

8. Review for Acceptance and Final Approval of a Minor Subdivision Plan application by DMN & DAN, LLC to subdivide one lot into two residential lots at 113 Elm Street in the RN (Neighborhood Residential) and RM (Medium Density Residential) Districts in Penacook. Map/Block/Lot: 15/P 1/ (2014-0036)
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

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

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

The Chair opened the public hearing.

Webster Stout, FWS Land Surveying, presented the application. The applicant requests a subdivision of one residential lot into two single-family residential lots. The parcel of land to be subdivided consists of approximately 3.61 acres and contains an existing residence. The proposed subdivision would create a new lot containing 3.28 acres (Lot 1-1). The lot with the existing residence would be reduced to approximately 0.26 acres (11,150 SF). The subject parcel is located at 113 Elm St. and is split zoned (Neighborhood Residential and Medium Density Residential).

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

Ms. Smith-Meyer moved to grant a waiver to avoid showing wetlands on the entire 3.28 ac. parcel shown as Proposed Lot 1-1. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant a waiver of the Useable Lot Area Rectangle to allow for less than the required area for Lot 1 (current developed with the existing home). A large portion of the rectangle is located within the 50 ft. wetland buffer which is not in compliance with how the Useable Lot Area

Rectangle is defined in the Glossary of the Subdivision Regulations. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to a waiver to allow the above ground utilities for the existing home located on Lot 1 (113 Elm St.) to remain above ground. The utilities for the new lot would be installed underground. Mr. Lavers seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved final approval of a Minor Subdivision Plan application by DMN & DAN, LLC to subdivide one lot into two residential lots at 113 Elm Street in the RN (Neighborhood Residential) and RM (Medium Density Residential) Districts in Penacook with the following conditions:

1. Applicant to submit a second plan sheet suitable for recording purposes;
2. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars;
3. Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request for the wetlands mapping and/or underground utilities, the plan shall be revised accordingly.
4. Applicant to submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds;
5. The following local permits shall be obtained and copies provided to the Planning Division:
  - Sewer Discharge Permit for connecting Lot 1-1 to municipal sewer;
  - Water Connection Permit for connecting Lot 1-1 to the Penacook/Boscawen Water Precinct.
6. Address to the satisfaction of the Engineering Division, review comments received in a Memo from Laura Aibel, PE and Jeffrey Warner, PE dated July 9, 2014 (see attached);
7. Digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Plan Review Regulations.
8. The existing gravel driveway along the east side of Lot 1 (113 Elm St.) trespasses onto Proposed Lot 1-1. The applicant shall remove the gravel driveway along the east side of the existing home and the area shall be loamed and seeded. Additionally, the proposed driveway for Lot 1-1 is to be shifted westerly to satisfy the 40 ft. minimum separation requirement from the existing driveway located immediately to the east at 81 Elm St.;
9. The existing gravel parking area on Lot 1 that provides residential parking for the existing Quonset shed on Proposed Lot 1-1 creates a trespass condition. The existing gravel driveway/parking area within 5 ft. of each side of the adjacent property boundary is to be removed and the area loamed and seeded.
10. Address the following Planning Staff Technical Comments (see below):

**Planning Staff Technical Comments**

1. Should the requested waiver not be granted, plan is to be revised to show the full extent of the wetland(s) on Proposed Lot 1-1;
2. Plan to be revised to indicate that a granite bound will be set at the angle point along the road frontage of Lot 1 (Section 19.04 of the Subdivision Regulations also permits installation of a reinforced

concrete bound). The legend is to be revised to include a symbol and description for “Granite Bound To Be Set”, or reinforced concrete if that is the intent;

3. A note be added to the plan stating that there shall be no additional impacts, including new construction, to the 50 ft. wetland buffer for Lot 1 (113 Elm St.) than what are currently shown on the subdivision plan without first receiving required approvals/permits from the City;
4. Show and label the Reference Line along the Contoocook River for the NHDES Shoreland Protection District and the City of Concord Shoreland Protection District;
5. Please make the following revisions/additions to the plan notes:
  - Note #1 – Add “single-family” after “additional” and before “residential”. Add the new address for Proposed Lot 1-1;
  - Note #9 – Add the date when the topographic survey was performed by the Licensed Land Surveyor;
  - The waterline serving the existing house shall be shown on the plan.
  - Add a new Note #11 to state that Proposed Lot 1-1 is to be served by municipal sewer and water and underground utilities. The sewer permit approval number for Proposed Lot 1-1 is also to be noted; and
  - Add a new Note #13 to state that the complete set of approved plans is on file at the City of Concord, Planning Division. Add the minimum frontage requirements to the Zoning Requirements Notes;
6. Indicate (graphically and by notation) on the existing topography, the location(s) of steep slopes to the rear of Proposed Lot 1-1 that are in excess of 15%;
7. Label and dimension pavement width and right-of-way width for Elm Street;
8. Applicant to receive written confirmation (email is sufficient) from the Assessing Department that the proposed lot numbering is satisfactory;
9. The existing gravel driveway along the east side of Lot 1 (113 Elm St.) trespasses onto Proposed Lot 1-1. Plan is to be revised to note the applicant’s intent to remove the gravel driveway along the east side of the existing home and the area loamed and seeded. Additionally, the proposed driveway for Lot 1-1 is to be shifted westerly to satisfy the 40 ft. minimum separation requirement from the existing driveway located immediately to the east at 81 Elm St.;
10. The existing gravel parking area on Lot 1 that provides residential parking for the existing Quonset shed on Proposed Lot 1-1 creates a trespass condition. Plan to be revised to show that the existing gravel driveway/parking area within 5 ft. of each side of the adjacent property boundary is to be removed and the area loamed and seeded;
11. Prior to the issuance of a building permit for Lot 1-1, Traffic, recreation and school impact fees shall be assessed for any construction on the new vacant lot 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.

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. Prior to issuance of a building permit for Proposed Lot 1-1, the existing gravel driveway along the east side of the existing home on Lot 1 (113 Elm St.) which trespasses onto Proposed Lot 1-1 shall be removed and the area shall be loamed and seeded.
2. The proposed driveway for Lot 1-1 is to be constructed in a location that satisfies the 40 ft. minimum separation requirement from the existing driveway located immediately to the east at 81 Elm St.;
3. The existing gravel parking area on Lot 1 that provides residential parking for the existing Quonset shed on Proposed Lot 1-1 creates a trespass condition. Prior to issuance of a building permit for Lot 1-1, the existing gravel driveway/parking area within 5 ft. of each side of the adjacent property boundary is to be removed and the area loamed and seeded.

Mr. Lavers seconded the motion. Motion passed unanimously.

### Site Plan Review

1. Request for Final Approval of a Major Site Plan and Design Review application by [Liberty Utilities](#) on behalf of Energy North Natural Gas, Inc. to permit construction of a 2-story (1-story with mezzanine) 6,189 sq. ft. training facility at 10 Broken Bridge Road. Also requested is a Conditional Use Permit pursuant to Article 28-3-6(d)(4)(a)(2) of the Zoning Ordinance to allow greater than 2,500 sq. ft. of impervious surface, within the Industrial (IN) District and Aquifer Protection (AP) Overlay District. Map/Block/Lot: 109/1/2/ (2014-0028)
  - a. Public Hearing
  - b. Deliberations and Action on the Application

The Chair opened the public hearing.

Fred Matuszew, CMK Architects, was present to speak to the application. The application involves the construction of a new two-story 6,981 square foot training facility at 10 Broken Bridge Road (Tax Map 109-1-2). The building will contain two classrooms and equipment training areas. Exterior to the building is a fenced leak detection training area and a utility pole training area. The training facility will be used to train both electrical and gas utility employees.

A companion application requesting approval for a minor subdivision plan (lot line adjustment plan) has been submitted to adjust the lot line between Tax Map 109, Lot 1-2 (#10 Broken Bridge Road) and Tax Map 109, Lot 1-3 (#14 Broken Bridge Road) to provide sufficient land area to construct the training facility (see 2014-29).

A Conditional Use Permit has been requested pursuant to Article 28-3-6(d)(4)(a)(2) Conditional Use Permits Required for Certain Uses in the AP District - Community Water Systems Protection Area, to permit a use with more than 2,500 square feet of impervious surface area.

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

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

Ms. Smith-Meyer moved to grant Conditional Use Permit pursuant to Article 28-3-6(d)(4)(a)(2) Conditional Use Permits Required for Certain Uses in the AP District - Community Water Systems Protection Area, to permit a use with more than 2,500 square feet of impervious surface area. The Planning Board shall approve an application for a Conditional Use Permit (CUP) if it finds, based on the information and testimony submitted with respect to the CUP application that:

- a) The use is specifically authorized in this Ordinance as a conditional use;
- b) If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this Ordinance for the particular use;
- c) The use will not materially endanger the public health or safety;
- d) The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- e) The use will not have an adverse effect on highway or pedestrian safety;
- f) The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and
- g) The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Mr. Lavers seconded the motion. Motion passed unanimously.

Mr. Lavers moved to grant Architectural Design Review Approval for the site and building design for a two-story 6,981 square foot Training Facility at 10 Broken Bridge Road (Tax Map 109-1-2) for Liberty Utilities as submitted.

Mr. Hicks moved to grant Conditional Site Plan approval for the site, landscaping and building plans for or a two-story 6,981 square foot Training Facility at 10 Broken Bridge Road (Tax Map 109-1-2), subject to the following precedent conditions to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

1. The applicant shall revise the site plan drawings to address the minor corrections and omissions noted by City staff.
2. Address to the satisfaction of the Engineering Division, all review comments outlined in a review memo from Laura Aibel, PE, Associate Engineer and Jeffrey Warner, PE, Project Manager/Civil Engineer dated July 11, 2014. The timing of fulfillment of conditions shall be as presented in the review memo.
3. Any waiver(s) or Conditional Use Permits granted are to be noted and fully described on the plan including date granted and applicable citations.
4. The following State and federal permits shall be obtained and copies provided to the Planning Division:
  - a. NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
5. Approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.



6. 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.
7. The following easement documents, in a form acceptable to the City Solicitor and City Planner, suitable for recording in the Merrimack County Registry of Deeds, shall be provided to the Planning Division along with recording fees:
  - a) A drainage easement for the existing storm drain line across the northern portion of the property. As an option, this line could be discontinued as part of the improvements required to Broken Bridge Road.
  - b) An easement for flowage rights for discharge from Broken Bridge Road into the private drainage system and discharge into the wetlands to the east of the proposed Training Facility.
8. Prior to the issuance of a Certificate of Occupancy for the proposed training facility at 10 Broken Bridge Road, the applicant shall extend the municipal water system to the northeasterly boundary of parcel 109-1-4 at 20 Broken Bridge Road.
9. Prior to the issuance of a Certificate of Occupancy, the applicant shall improve Broken Bridge Road southerly from the limits of City construction in 2013. Broken Bridge Road shall be reconstructed to the satisfaction of the City Engineer using a combination of reclamation and box widening. A typical section shall be constructed with two 11' wide paved travel lanes, 2' gravel shoulders and swales.
10. Prior to the issuance of any building permits for the site, approvals shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division. No construction activity may commence prior to a preconstruction meeting.
11. Prior to the issuance of any building permits for 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.
12. Prior to issuance of any building permits for the site, traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.
  - a. Transportation Facilities - Training Facility in the amount of \$19,015. Please see attached worksheet.
13. 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.

Mr. Regan seconded the motion. Motion passed unanimously.

#### **REGULAR MEETING**

9. Approval of the minutes of the May 21, 2014 Planning Board meeting.  
Approval of the minutes of the June 18, 2014 Planning Board meeting.

Mr. Lavers moved to accept the minutes of the May 21, 2014 and June 18, 2014 Planning Board Meeting minutes as written. Mr. Hicks seconded. Motion passed unanimously.

10. Any other business which may legally come before the Board – Administrative Approvals
  - a. El Rodeo Patio at 22 Loudon Road
  - b. Hannaford-To-Go grocery pick-up lane at 73 Fort Eddy Road

**INFORMATION**

11. Minutes of the July 8, 2014 Design Review Committee meeting

- Next regular monthly meeting on Wednesday, August 20, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 10:52 pm.

A TRUE RECORD ATTEST:

Nancy Larson  
Clerk