

**MINUTES  
CITY OF CONCORD PLANNING BOARD  
February 17, 2016**

The regular monthly meeting of the City Planning Board was held on February 17, 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Byron Champlin, (City Council), Matt Hicks, Rich Woodfin, Ian West, John Regan, and Chiara Dolcino (Alternate). Also present were Nancy Larson (City Planner), Heather Shank (Assistant City Planner), Beth Fenstermacher (Senior Planner), and Kate Kindel (Administrative Specialist, *pro-tem*) of the City's Planning Division.

At 7:03 p.m., the meeting was called to order. In order to achieve a quorum, and as the Chair and Vice-Chair were absent, on a motion made by Councilor Champlin, and seconded by Mr. Hicks, Mr. Woodfin was unanimously voted Chair *pro-tem*.

Ms. Dolcino (Alternate) was seated for Ms. Smith-Meyer.

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

**Consideration of requests for Architectural Design Review Approval by the following applicants, for signs, buildings and/or site plans at the noted locations, under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances:**

**1. Signs (Consent Agenda Items)**

Ms. Larson noted that several of the sign applicants were not in agreement with conditions recommended by the Architectural Design Review Committee. The Board agreed to pull items a, c, e, and f from the consent agenda and hold public hearings for those items.

- a. Application by New Hampshire Federal Credit Union, requesting ADR approval to install one (1) new 43.5 sf non-illuminated wall sign at 70 Airport Road in the Industrial (IN) District. MBL: 110/A2/6**

Item was pulled from the consent agenda for discussion.

- b. Application by Dayton Hudson Corporation on behalf of Target Corporate, requesting ADR approval to install one (1) replacement 63.3 sf internally illuminated wall sign at 80 D'Amante Drive in the Gateway Performance (GWP) District. MBL: 111/D2/1**

Item approved as submitted with consent agenda.

- c. Application by GTY MA/NH Leasing, Inc. on behalf of Nouria Energy Corporation, requesting ADR approval to re Application by New Hampshire Federal Credit Union, requesting ADR approval to install one (1) new 43.5 sf non-illuminated wall sign at 70 Airport Road in the Industrial (IN) District. MBL: 110/A2/6**

Item was pulled from the consent agenda for discussion.

- d. Application by Rite Aid Corporation requesting ADR approval to install two (2) new 6.11 sf internally illuminated wall signs, two (2) new 7.94 sf internally illuminated wall signs, and two (2) new 6.26 sf internally illuminated wall signs at 92 South Street in the Neighborhood Commercial (CN) District. *MBL: 22/7/1***

Item approved as submitted with consent agenda.

- e. Application by the City of Concord, on behalf of Granite Investment Advisors, requesting ADR approval to install one (1) new 15 sf internally illuminated awning sign, and one (1) new 5.9 sf internally illuminated wall sign at 6 Eagle Square in the Central Business Performance (CBP) District. *MBL: 45/6/8***

Item was pulled from the consent agenda for discussion.

- f. Application by O'Reilly Auto Enterprises, LLC requesting ADR approval to install one (1) new 99.87 sf internally illuminated wall sign, one (1) new 69.57 sf internally illuminated wall sign, and one (1) new 97 sf internally illuminated free-standing sign at 189 Fisherville Road in the General Commercial (CG) District. *MBL: 204P/73***

Item was pulled from consent agenda for discussion.

**g. Public Hearings – For any item(s) pulled from the Consent Agenda**

The Chair opened the public hearing for sign applications pulled from the consent agenda.

- **(a). Application by New Hampshire Federal Credit Union, requesting ADR approval to install one (1) new 43.5 sf non-illuminated wall sign at 70 Airport Road in the Industrial (IN) District. *MBL: 110/A2/6***

The applicant was represented by Josh Messenger, Advantage Signs. He explained that his client wanted the sign as high as would be permitted to be visible from Airport Road, and disagreed with the recommendation to lower it.

Ms. Shank stated that ADR members viewed the building with Google Street View and found that the entire façade of the building was visible from Old Turnpike Road and that no part of the building was visible from Airport Road. They felt that the sign would be more visible, from those locations where the façade could be viewed, by being lowered adjacent to the white band immediately over the entrance. Mr. Hicks and Ms. Dolcino stated that they had no problem with the location where the applicant wanted the sign.

On a motion made by Mr. Hicks, and seconded by Ms. Dolcino, the Board voted unanimously to approve the sign as submitted.

- **(c). Application by GTY MA/NH Leasing, Inc. on behalf of Nouria Energy Corporation, requesting ADR approval to re Application by New Hampshire Federal Credit Union, requesting ADR approval to install one (1) new 43.5 sf non-illuminated wall sign at 70 Airport Road in the Industrial (IN) District. *MBL: 110/A2/6***

Representing the applicant was attorney Richard Uchida, and Project Manager Bob Richard. Mr. Uchida stated that the sign is situated in the Gateway Performance Zoning District. He noted that the applicant does not want to make too many physical changes to the sign in order to retain the grandfathered status; they intend to simply change out panels from the existing sign.

Mr. Uchida noted that Shell is in the process of rebranding and that this sign represents what all the new Shell signs will look like. The applicant feels that the new sign with the white background is “brighter and crisper” than the existing brown and yellow sign. They presented a revised graphic of the sign, which they feel is responsive to the ADR comment that the new sign is “jumbled and confusing.” The revised sign uses similar fonts and aligns text to the left side of the panels. Mr. Uchida also notes that the “Food Mart” panel is a placeholder for a future branding change and that they do not want to relocate this panel as recommended by ADR. Ms. Shank noted that left justifying the text did not help the sign’s legibility and that centering all elements would be closer to the intent of the ADR recommendations. The Board agreed that centering “Food Mart” and “ATM” was better than the left justified version.

Ms. Dolcino made a motion to approve the sign subject to the condition that the words “Food Mart” and “ATM” be centered in their respective panels. Mr. Regan seconded the motion. The Board voted unanimously in favor.

**e. Application by the City of Concord, on behalf of Granite Investment Advisors, requesting ADR approval to install one (1) new 15 sf internally illuminated awning sign, and one (1) new 5.9 sf internally illuminated wall sign at 6 Eagle Square in the Central Business Performance (CBP) District. MBL: 45/6/8**

The applicant was represented by Josh Messenger, of Advantage Signs. The ADR Committee recommended revising sign “B” to extend the black background around the border, consistent with sign “A”. Mr. Messenger noted that the sign was designed that way to distinguish the address, which was necessary to ensure that the square footage of the sign complied with the ordinance.

Mr. Hicks asked for clarification regarding whether the address was considered part of the allowable sign square footage. Ms. Shank stated that the address did not count towards the square footage. Mr. Hicks questioned whether the applicant was manipulating the process to get a larger sign. Mr. Hicks and Ms. Dolcino asked for clarification on the definition of sign area. Ms. Larson noted that the Zoning Administrator signed off on the sign so it does comply with the ordinance. She stated that staff can still get clarification on the definition for the Board. Ms. Larson also noted that an address on a sign is necessary to direct emergency vehicles.

Councilor Champlin and Mr. Woodfin stated their concerns about the process since the sign had already been installed. Mr. Messenger stated that the client was willing to take the risk. Discussion ensued regarding the process and enforcement. Ms. Larson stated that she would follow up with the Zoning Administrator.

Mr. Hicks made a motion to approve the application as submitted; Mr. Regan seconded this, and the Board voted unanimously in favor.

**f. Application by O’Reilly Auto Enterprises, LLC requesting ADR approval to install one (1) new 99.87 sf internally illuminated wall sign, one (1) new 69.57 sf internally illuminated wall sign, and one (1) new 97 sf internally illuminated free-standing sign at 189 Fisherville Road in the General Commercial (CG) District. MBL: 204P/73**

The applicant was represented by Josh Swerling, Bohler Engineering. Mr. Swerling noted that the ADR Committee felt the sign pole was too narrow and the background of the sign should be brown to match the building. He stated that his client did not disagree with the ADR recommendations for a more substantial base, and presented a revised graphic showing a wider pole. He also stated that O’Reilly intended to keep the red background on the sign, as this was consistent with their national brand and logo. Ms. Shank noted that the brown background on the building was proposed in an attempt to provide a façade that was more aesthetically in keeping with the character of the area and that would satisfy ADR members, but that the applicant did not want to change the color scheme on the sign.

Nancy Nylen, 183 Fisherville Road, asked for clarification of the exact location of the new sign. Mr. Swerling indicated the location on the plan.

Councilor Champlin made a motion to approve the sign, as presented with a wider base in the graphic submitted during the hearing. Mr. Regan seconded the motion. The motion passed unanimously.

*\*\*End of Consent Agenda\*\**

**2. Application by Northern New England Tel Ops LLC, on behalf of Fairpoint Communications, requesting Architectural Design Review for installation of a new rooftop cooling unit and ductwork mounted on the rear façade of the building at 12 South Street in the Civic Performance (CVP) District. MBL: 36/1/6**

The agent representing Fairpoint was Dan Morin, JP Morin Contracting Services, Inc. In order to protect delicate servers which route 911 calls, Fairpoint is requesting approval for a 12-ton rooftop cooling unit. Mr. Woodfin asked if it would be visible from the street. Mr. Morin stated that it would not be visible from the street. Mr. Woodfin questioned why the application required ADR approval. Ms. Shank stated that approval was required because the applicant is requesting a building permit for an exterior renovation in a performance district.

Councilor Champlin made a motion to approve as submitted. Mr. Hicks seconded the motion, and the motion passed unanimously.

**Site Plan Applications:**

**3. Application by Esterly, Schneider & Associates Inc., AIA on behalf of O'Reilly Auto Enterprises, LLC requesting Major Site Plan approval and Architectural Design Review approval to construct a 7,385 SF building and related site improvements for the purpose of the retail sale of auto parts at 189 Fisherville Road within the General Commercial (CG) District. Map/Block/Lot: 204P-73 (2015-0030) *Postponed from the November 18, 2015 Planning Board meeting.***

**Ms. Larson reported that there had been an improper notification of the public hearing. The proper certified notices were ultimately sent to the applicants and abutters, though the notices were received less than the mandated ten days before the hearing. The Applicant was informed of the improper notification and advised that abutters could request that the hearing be postponed. The applicant chose to proceed with the hearing rather than postpone until next month. No abutter came forward to request a postponement.**

Representing the applicant was Josh Swerling, Bohler Engineering, on behalf of O'Reilly Auto Parts, LLC. The proposed project is construction of a new 7,385 sf retail building on a currently-vacant lot. There will be parking for 31 vehicles, with full access to utilities. Site lighting still needs a slight revision. Traffic is minimal. Ms. Shank noted that one 2.5 inch caliber shade tree must be replaced on the Dollar General property. The tree was installed on the applicant's property though it was actually a parking lot shade tree requirement for the Dollar General project.

The Chair asked if members of the public had any comments or questions on the application. Nancy Nylen, 183 Fisherville Road, stated that her property is adjacent to the lot. She expressed concerns about illegal

dumping of motor oil and other refuse in the proposed stormwater basin, and requested that the basin be enclosed by a fence. Ms. Shank asked her about possible illegal dumping behind Dollar General, and Ms. Nylen indicated that they leave containers out behind their building.

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

Councilor Champlin made a motion to grant ADR approval as submitted; Mr. Regan seconded this, and the Board voted unanimously in favor.

Mr. Hicks made a motion to grant Major Site Plan approval subject to the following 3 Precedent Conditions, and 8 Subsequent Conditions; Councilor Champlin seconded this, and the Board voted unanimously in favor.

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - (1) Provide documentation of an agreement with Dollar General to replace one (1) shade tree, required in accordance with their previously approved Landscape Plan dated September 2013, last revised 10/31/13.
  - (2) Revise plans to address tree protection in accordance with Comment 3.3 of the 2/17/2016 Planning Division staff report.
  - (3) Address to the satisfaction of the City Engineer, the attached review comments from Laura Aibel, P.E., and Jeff Warner, P.E. dated October 7, 2015.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
  - (1) After obtaining final sign off on the plans from the Clerk and Chair of the Planning board, and prior to commencement of construction activities, three (3) copies of the signed plan set shall be returned to the Planning office and seven (7) copies shall be provided by the applicant at the pre-construction meeting.
  - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (3) Prior to commencement of construction activity, the applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
  - (4) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Seven copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
  - (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 Engineer and City Planner.

- (6) 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. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- (7) 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 and all information shall be converted to a vertical datum of NAVD 88.
- (8) 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, 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.

#### **Subdivision Plan Applications:**

- 4. Application by Holden Engineering, on behalf of Paul Morrisette to create two new two-acre lots leaving the balance of the parcel (25.2 acres) vacant at this time. The parcel is located at 283 Oak Hill Road in the RO (Open Space Residential) District. Map/Block/Lot: 120/1/36 (2014-0058) Tabled from the June 17, 2015 Planning Board meeting.**

**Ms. Larson reported that there had been an improper notification of the public hearing. The proper certified notices were ultimately sent to the applicants and abutters, though the notices were received less than the mandated ten days before the hearing. The Applicant was informed of the improper notification and advised that abutters could request that the hearing be postponed. The applicant chose to proceed with the hearing rather than postpone until next month. No abutter came forward to request a postponement.**

Applicant Paul Morrisette was present. He requests approval for a 3-lot subdivision to include a 2-acre lot for the existing residence; a 2.546 acre lot for a future residence; and a 25.221 acre lot to remain undeveloped. A previous boundary line dispute with the abutting neighbors, the Ayottes, has been resolved.

Mr. Morrisette stated that he does not need the waiver for underground utilities on the existing residence because he already buried them.

Ms. Shank reported that there are several outstanding Subdivision Regulation requirements that must be satisfied. She informed Mr. Morrisette, in particular, that driveway profiles and the location of the existing septic system must be provided.

The Chair asked if members of the public had any comments or questions on the application. Barbara Cameron, an abutter who lives on Oak Hill Road praised Mr. Morrisette's renovations on the existing residence, especially for his incorporation of granite into the façade, and stated that he was preserving the heritage of the community.

Mr. Woodfin read an email into the record from Wayne Petrovek, an abutter on Oak Hill Road, which was submitted on 2/27/2016 in objection to the project:

*“Thanks for the opportunity to respond to Mr. Morrissette’s subdivision application. Please inform the Board that my wife and I have abutted the Concord Loudon line by owning the property on 7401 Oak Hill Road, Loudon over the past 26 years. The area still has the same rural feel to it since we bought our property and we would prefer that it remains as such. Adding 2 residential building lots and a potential third north of such lots on the remaining 20+ acres without specifics of what will be built on these lots is problematic to me and my wife. Thus, in closing, we prefer that his application will not be approved.”*

There being no further comments from the members of the public, **Mr. Woodfin closed the public hearing.**

**Ms. Dolcino made a motion to declare the application complete. Mr. Hicks seconded the motion, and the Board voted unanimously in favor.**

Councilor Champlin moved to **grant the following waiver requests** from the Subdivision Regulations, utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision, or conditions of the land in the subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- Section 22 requiring a sidewalk within the right-of-way, based on the fact that there are no other pedestrian connections in the vicinity.
- Section 23.07 requiring a Stormwater Management Plan, based on the fact that the proposal is a minor subdivision with no proposed roads or other major earthwork proposed at this time.
- Sections 12.08(22) and 15.03(1) requiring the location of septic systems on the abutting Ayotte property, based on the fact that the surveyor was unable to locate the septic system on that property.
- Section 12.08(12) requiring the location of septic systems on the abutting Ayotte property based on the fact that the surveyor was not able to locate the septic system on that property, with the condition that the location of the existing septic system for proposed Lot 36-2 be provided.
- Sections 12.08(5) and 15.03(6) requiring the location of ledge outcroppings, streams and water bodies, wetlands, bluffs and ravines, and steep slopes in excess of fifteen (15%) percent and twenty-five (25%) percent for the proposed 25.2 acre lot, based on the fact that this information would be provided in the event of future subdivision of this lot, subject to the condition that the required information be provided for the two new proposed lots.

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

Ms. Dolcino moved to grant Minor Subdivision approval to subdivide a 29.767 acre lot into 3 lots at 283 Oak Hill Road in the Residential Open Space (RO) District, subject to the following precedent and subsequent conditions to be fulfilled within 2 years and prior to endorsement of the final plans by the Planning Board Chair and Clerk:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
- (1) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal the final recordable mylar and plan set.

- (2) Any waiver granted is to be noted and fully described on the plan including date granted and applicable Section number of the Subdivision Regulations. Should the Board vote to deny the waiver request, the applicant shall comply with said submission requirements.
  - (3) Provide clarification whether delineated wetlands required the 50-foot buffer, and/or remove the buffer where not required.
  - (4) Address Technical Review Comments as noted in Comment 3 of the staff report dated 2/17/16.
    - Revise plans to indicate the following in accordance with Sections 12.08 and 15.03 (SDR), and in accordance with any waivers granted:
      - Existing topography – 12.08(3) & 15.03(4);
      - Location of steep slopes – 12.08(5) & 15.03(6);
      - Dimensions and square footage of existing buildings – 12.08(7);
      - Location of the existing septic system – Section 12.08(12); and
      - Existing trees or the tree line where heavily wooded – Section 12.08(20).
      - Location of buildable land area and tabulations – Section 15.03(3)
    - Indicate the Useable Lot Area Rectangle on the plat per Section 19.05(4), and provide calculations for useable land in accordance with Section 12.08(23) (SDR).
    - Indicate the actual setbacks provided on Lot 36-2, with a note stating that non-conforming setbacks are existing.
    - Provide driveway profiles for Lots 120-1-36 and 36-1, demonstrating that the requirements of Section 20.09 (SDR) are met.
    - The plan indicates wetland buffers of 75 feet in width. Reduce buffers to 50 feet in width, in accordance with Section 28-4-3(a) (2) (ZO).
    - Add a note to the plan stating that utilities for Lots 120-1-36 and 36-1 are to be located underground in accordance with Section 26.02 (SDR).
    - Add a note to the plan stating that the parcels are under current use taxation and subject to a current use lien if sold or developed. Indicate the MCRD book and page number on the plan (1326 /464).
  - (5) Provide copies of required state subdivision approvals.
  - (6) Provide digital information 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.
  - (7) 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.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
- (1) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds. Applicant shall then make four copies of the endorsed plan set to be returned to Planning.
  - (2) Traffic, recreation and school impact fees shall be assessed for any construction on 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; Table 2, Recreational Facilities Impact Fee; and Table 3, Transportation Facilities Impact Fee.

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

**MEETING**

**5. Approval of the minutes of the January 20, 2016 Planning Board Meeting.**

The Board voted unanimously to approve the January 20, 2016 Minutes as written, on a motion made by Mr. Hicks, and seconded by Councilor Champlin.

**6. Appointment to the Architectural Design Review Committee**

This item was continued from the January meeting to give the Board more time to review the candidates, Ms. Margaret Tomas, and Mr. Timothy Thompson. The Board was in agreement that both candidates were experienced and qualified. Mr. Hicks noted that he felt Mr. Thompson would be a great addition to the Planning Board; he suggested holding out for that possibility in the future.

Mr. Hicks made a motion to approve Ms. Tomas to the ADR Committee; Ms. Dolcino seconded it, and the Board voted unanimously in favor.

**7. The Planning Board will consider the following proposed amendments to the Site Plan Regulations:**

**Section 7.08, Consideration of, and Action on, the Application; Section 11.09, Consideration of, and Action on, the Application; and Section 36.21, Exemption from Subsequent Amendments to the Site Plan Review Regulations and Zoning Ordinances. The purpose of the amendments is to change the deadline for expiration of Planning Board approval to one (1) year, and clarify the criteria for vesting rights in accordance with the RSAs.**

**The full text of the proposed amendments is on file for public inspection in the Community Development Department, Planning Division 3<sup>rd</sup> floor, City Hall during regular business hours (8:00 AM – 4:30 PM, Monday thru Friday).**

Ms. Shank explained that there is a need for clarification of the regulations and consistency with the RSAs. The current deadline for expiration of Planning Board Site Plan approval is two years. Ms. Shank stated that Staff feels that a reduction to one year would result in a more efficient and expedient process for both Planning Staff, as well as property owner(s). She noted that a one-year extension may be granted if needed. She also stated that one year is consistent with the deadlines given by other regional New Hampshire municipalities. Mr. Hicks asked why two years had been the norm. Ms. Shank explained that according to former Staff, two years was given in response to the economy at that time.

Ms. Larson asked that Board members who would like to comment on the proposed amendment send their comments to Ms. Shank, and cc: Ms. Larson. Staff intends to set a public hearing on the proposal at the next Planning Board meeting, at which time the Board will be asked to vote.

**8. The Planning Board will consider the following proposed amendments to the Subdivision Regulations:**

**Section 9.08, Consideration of, and Action on, the Application; Section 10.09, Consideration of, and Action on, the Application; and Section 35.22, Exemption from Subsequent Amendments to the Subdivision Regulations and Zoning Ordinances. The purpose of the amendments is to change the deadline for expiration of Planning Board approval to one (1) year, and clarify the criteria for vesting rights in accordance with the RSAs.**

**The full text of the proposed amendments is on file for public inspection in the Community Development Department, Planning Division 3<sup>rd</sup> floor, City Hall during regular business hours (8:00 AM – 4:30 PM, Monday thru Friday).**

Ms. Shank stated that revisions to the Subdivision Regulations were also intended to revise the deadline for expiration of Planning Board approval from two years to one year and clarify the criteria for vesting rights in accordance with the RSAs.

Ms. Larson asked that Board members who would like to comment on the proposed amendment send their comments to Ms. Shank, and cc: Ms. Larson. Staff intends to set a public hearing on the proposal at the next Planning Board meeting, at which time the Board will be asked to vote.

**9. The Planning Board will consider a proposed amendment to Section 28-9-4(d)(2)(d) of the Zoning Ordinance, pertaining to Thresholds for Minor Site Plan review.**

**The amendment proposes to require Minor Site Plan Review for a change of use that results in greater than 200 vehicle trip ends per day or 20 peak hour trips, instead of requiring review for any increase in vehicle trips; and proposes to eliminate the requirement for review for changes of use that result in an increase in parking demand.**

**The full text of the proposed zoning amendments is on file for public inspection in the Community Development Department, Planning Division 3<sup>rd</sup> floor, City Hall during regular business hours (8:00 AM – 4:30 PM, Monday thru Friday).**

Ms. Shank explained the current requirements for Minor Site Plan review, and then presented the proposed changes. Mr. Woodfin pointed out that the changes are intended to make the process easier for property owners not proposing significant site work, which he is in favor of. Councilor Champlin remarked that he felt these changes will help to “streamline” the process.

Ms. Larson asked that Board members who would like to comment on the proposed amendment send their comments to Ms. Shank, and cc: Ms. Larson. Staff intends to set a public hearing on the proposal at the next Planning Board meeting, at which time the Board will be asked to vote.

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

- a. Discussion regarding possible interest in a Planning Board member serving on the Transportation Policy Advisory Committee

Councilor Champlin said that he thought it would be a good idea to have a Planning Board liaison with the Transportation Policy Advisory Committee (TPAC). Staff agreed to send out an email to all the Board members asking if anyone would like to be on the TPAC Committee.

- b. Ms. Larson discussed an abutter notice which the Planning Division had received from the town of Pembroke involving a Change of Use Site Plan for John's Wrecker Service, 107 Sheep Davis Road. Ms. Larson plans to attend the public meeting on February 23, and perhaps testify on behalf of the Board, as she believes that it is imperative that this be addressed now.

In an email which she had sent earlier that afternoon to the Board members, she explicated the concerns of both the General Services Department and the Concord City Planning Division, and which was then discussed at the Board meeting:

Deputy Director of General Services Phil Bilodeau, spoke with the staff and they offered the following comments:

- Expressed general concern for this type of activity in the well head protection zone.
- Proper management of the site will ease the concern.
- Proper storage of vehicles and connecting the building to sanitary sewer are measures that they would encourage.

In addition to the 3 bullet points of concern noted above, questions or comments that the Planning Staff has are as follows:

- According to the project narrative, the subject premise is the former operation facility for Epoch Homes.
- A paved lot encircles the building and an existing gravel lot south of the paved lot (on the south of the building) is labeled as "Trailer/Camper/Recreational Vehicle Storage (dry vehicles) Overflow Parking for Towed Vehicles."
- Does the main building have a floor drain?
- What is the purpose of the "Metal Pit"? Please refer to label on easterly end of proposed 2-story building.
- The area labeled as "Overflow Parking for Wrecker Service Vehicles" is shown on the south side of the proposed 2-story building, within the existing paved area. What measures will be taken to ensure that storage of the vehicles will not result in contamination of the aquifer?
- The existing gravel area proposed for "Trailer/Camper/Recreational Vehicle Storage (dry vehicles) Overflow Parking for Towed Vehicles" is of concern. What measures will be taken to ensure that storage of the vehicles will not result in contamination of the aquifer? Does the label "Dry Vehicles" also apply to motorized recreational vehicles, including off-road vehicles of all types, or just passenger vehicles? Staff has concerns of potential contamination of the aquifer with outside storage of any type of motorized vehicle containing fluids.

Councilor Champlin asked where the floor drain would be located. Ms. Larson said that, if there is a floor drain, she recommends that it be plugged as a condition of approval. Mr. Hicks inquired about the issue of enforcement; will the city of Pembroke be conducting routine inspections? Will they have the ability to shut down operations, in the event of transgression(s)?

Mr. Woodfin said that the bullet points Ms. Larson provided should be sufficient to address potential issues. He confirmed that the City of Concord should make its concerns known to the Town of Pembroke, and thanked Ms. Larson for her efforts. Ms. Larson promised to advise the Board as to the outcome.

As there was no further business before the Board, Mr. Hicks made a motion to adjourn at 9:06 pm; this was seconded by Mr. Regan.

**INFORMATION**

11. Minutes of the February 4, 2016 Design Review Committee meeting.
12. Next regular monthly meeting on Wednesday, March 16, 2016.

A TRUE RECORD ATTEST:

Nancy Larson  
City Planner