

NOTICE

CITY OF CONCORD
PLANNING BOARD

The City Planning Board will meet in the City Council Chambers in the City Hall Annex on Green Street on Wednesday, August 17, 2005, at 7:00 PM to consider and act upon matters set forth in the attached agenda, made part hereof, and for such other business as may legally come before the Board.

Any person or persons who feel they may be unable to participate in this program because of the limitations of a physical or emotional handicap are asked to contact the City Planning Division at 225-8515 at least 72 hours prior to the event. All reasonable efforts will be made to assure your access to the program.

CITY PLANNING BOARD



Douglas G. Woodward
Clerk

Posted at City Hall, City Library
and Police Headquarters on
August 12, 2005, in compliance
with Ch. 482 Laws of 1969.

CITY OF CONCORD, NEW HAMPSHIRE
PLANNING BOARD

AGENDA

Regular Meeting
August 17, 2005


The PUBLIC HEARING portion of the meeting will be held in the City Council Chambers Building in the Municipal Complex on Green Street at 7:00 PM.

CALL TO ORDER

Determination of a quorum, review of attendance, and seating of Alternate Members as necessary.

APPLICATIONS

Major Subdivisions

- 
1. Application by the Sandra E. Ellison Heirs for approval of a subdivision of property on Little Pond Road.
 - a. Public Hearing
 - b. Deliberations and Action on Application

Site Plans

2. Application by the City of Concord, on behalf of East Coast Hangars LLC, for approval of a site plan of property off Regional Drive at the Concord Airport.
 - a. Public Hearing
 - b. Deliberations and Action on Application
 - c. Deliberations and Action on Architectural Design Review
3. Application by John J. Redden, Smokestack Realty LLC for approval of a site plan of property at 8 McGuire Street.
 - a. Determination of Completeness [Withdrawn by applicant]
4. Application by Two Home Avenue LLC, Duprey Company, LLC, and PM Carter Properties LLC for approval of a site plan of property at 2 Home Avenue and 62 Hall Street.
 - a. Determination of Completeness

- f. Application by **Sally Silver and the State of New Hampshire** for final approval of a resubdivision and subdivision of property at **26 Warner Road**.

CITY COUNCIL REFERRAL

3. Consideration of communication from McCaffrey & Moffett, PLLC, on behalf of Philip and Stephanie Bates, who would like to purchase a strip of City-owned land adjacent to property they own on **Lake Street**.
4. Consideration of a communication from Ari Pollack, Gallagher, Callahan & Gartrell, requesting City Council approval of a **release of easement rights**, the construction of a **sewer line extension** across City land and an executed **easement deed** conveying to the City a permanent right to construct, operate and maintain a portion of the approved **Northwest Bypass**, all relating to a subdivision application of **Cherry Hill Homes, Inc.**

OLD BUSINESS

5. Status Report on the Master Planning Process.

INFORMATION

Determination of Completeness

Mr. Woodward explained this application for a Conditional Use Permit under terms of Section 28-7-11(c), Shared Parking Arrangements, of the Concord Zoning Ordinance, to allow off-site parking at 58 South Main Street on the premises of Capital Paint and Wallpaper, Inc. He explained that Executive Wellness is a health and fitness center that occupies 4,000 square feet of the basement of the 10,000 square-foot, multi-tenant retail center at 75-77 South Main Street. The fitness center was established without the benefit of permits in a basement space that was designed and approved as ancillary storage for the commercial space on the first floor.

He explained that no drafts of a recordable legal instrument have been received at this time, nor has an official acknowledgement been received from the owners of Capital Paint and Wallpaper that they are a party to the representations in this application.

Mr. Gross moved and Mr. Blanchette seconded that this application be determined to be incomplete due to lack of any official communication from Capital Paint and Wallpaper, Inc. that it is a party to this application. Motion carried.

Major Subdivisions

- 
1. Application by the **Sandra E. Ellison Heirs** for approval of a subdivision of property on **Little Pond Road**.

Public Hearing

(Mr. Merrill recused himself and left the table.)

Ms. Seifried explained this proposal to subdivide an existing 13.09 acre parcel into sixteen new single-family residential lots with an 898-foot cul-de-sac off Little Pond Road. She reported the applicants had also requested a Conditional Use Permit for the disturbance to a wetland buffer for the purpose of drainage to a detention pond. She explained that the applicant proposed to construct a sewer line extension from Auburn Street across City land along the right-of-way of the proposed northerly leg of the Northwest Bypass. A sewer easement to Little Pond Road will also be provided, allowing for the future connection of the Pond Place Lane subdivision to City sewer. The applicant will construct an eight-inch water line from Little Pond Road to the existing water line along the proposed Northwest Bypass. The water and sewer easement will include a pedestrian easement to allow for resident access to the Northwest Bypass right-of-way, initially for trail use and ultimately for a connecting sidewalk. A lot for the proposed Northwest Bypass along the easterly edge of the property is proposed to be conveyed to the City and will need to be merged with abutting City land to the north along Auburn Street.

She reported that a 100-foot wooded buffer easement between the proposed Northwest Bypass and the buildable area has been provided at the request of City staff to help preserve a buffer between the proposed homes and the future road.

Ms. Seifried explained that the City Council had received a related communication from the applicant's agents requesting City Council approval of a release of easement rights for a street over the premises, the construction of a sewer line extension across City land and an executed easement deed conveying to the City a permanent right to construct, operate and maintain a portion of the approved Northwest Bypass.

Mr. McGonagle asked if the Conservation Commission had reviewed the requested Conditional Use Permit and Mr. Pollock responded that the Commission had not reviewed it yet.

Mr. Gross had questions relative to the right-of-way easement the City was being asked to release. Mr. Woodward responded that there was a time years ago that developers would develop a plan for streets on their property and then record an easement deed to the City without the City's knowledge. This apparently was one of those situations.

Ms. Seifried also reported that the Board had received a letter from Attorney Geoffrey Ransom, on behalf of Dave and Becky Cawley, abutters to the project, requesting that the Board deny approval of the subdivision until their issues are fully resolved. The letter indicated that their greatest concern was with the potential change in the hydrological function of the site being developed as it may have a direct effect on their property and their neighborhood. The letter also expressed the Cawley's concern about the prospect of blasting, and further indicated that until the City has determined that it should legally release the two roadway easements deeded to the City in 1942, the proposal was premature for approval.

Lynn Zebrowski, from Keach Nordstrom, was present on behalf of the applicant and responded to the question of blasting. She noted that the design of the road had been changed in order to relieve any blasting issues they might have had. There should be limited blasting in that area as a result of the current design. She also noted that blasting contractors always provide pre-blasting surveys.

Anthony Schnell, 25 Little Pond Road, noted that there are sight issues coming in and out of the Pond Place development and saw it as a neighborhood safety issue.

Ms. Zebrowski responded that this subdivision did not warrant a traffic study but they had hired a traffic engineer to conduct a traffic generation report and sight distance study and found both to be excellent.

There was no one else wishing to speak for or against this application and the Vice Chair declared the hearing closed at 7:30 PM.

Deliberations and Action on Application

Mr. McGonagle moved to table action on this application until such time as comments have been received from the City's Engineering Division and the applicant has had time to address these comments. He further moved to table action on the application for a Conditional Use Permit regarding the disturbance to the wetland buffer until the applicant has met with the Conservation Commission and the Commission has

forwarded its recommendations regarding the application. Ms. Foss seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Gross then moved to table action on a recommendation to the City Council relative to extension of sanitary sewer service over City property to the development and for authorization to release easement rights. Mr. Blanchette seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Site Plans

2. Application by the City of Concord, on behalf of East Coast Hangars LLC, for approval of a site plan of property off Regional Drive at the Concord Airport.

Public Hearing

Mr. Gross indicated that he had seen this application as Chair of the Airport Advisory Committee but had formed no opinion as to whether it should be approved. He reported he would recuse himself if members of the Planning Board felt he should. There was no one who indicated Mr. Gross should recuse himself and he remained seated.

Mr. Pollock explained this proposal to construct a 12,474-square-foot building containing ten T-hangars on a land lease area located east of Regional Drive, at the northerly end of the discontinued runway 21. He reported that twelve parking spaces are required for this proposal. The applicant expected that cars would be parked inside the hangar while the planes are in use. Two outside parking spaces would then be required and they have not been shown on the plans. He also reported that a 24-foot wide, two-lane travel aisle is to be provided between the limits of the National Guard lease area and the proposed hangar building.

He reported that the Design Review Committee had reviewed the site and building plans, found the proposed hangar building to be appropriate for the location, and recommended approval as submitted with the condition that the building be gray in color.

Mr. McGonagle had questions relative to the required parking and the proposed location of the two parking spaces. He also questioned the width of the travel aisle proposed between the hangar building and the fenced limit of the National Guard area.

Frank Lemay, from Milestone Engineering, was present on behalf of the applicants and explained that the lease was approved by the Planning Board last month as a subdivision application but that plan could be revised to move the lease line by two feet if the Planning Board approved the change. He explained this is the optimum size building for these hangars.

Mr. McGonagle asked the opinion of the fire department relative to the 24-foot wide travel way to the west of the hangars. He asked why the fire department is not requiring a full roadway design instead of a passageway design, given the concerns

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. Table 3: Transportation Facilities - Single Family Residence

Mr. Blanchette seconded. Motion carried.

OLD BUSINESS

Item #5. The Board heard a status report on the Master Planning process.

Mr. Woodward confirmed that the Board's workshop on future growth scenarios will be held on September 28, 2005. Concord 2020 is sponsoring a transportation summit on October 13, 14 and 15, 2005 with NH Department of Transportation and surrounding towns to see what would be of mutual benefit to all. Concord 2020 has also arranged for an expert in land use and transportation to speak on September 27, 2005. More information will be forthcoming from Concord 2020.

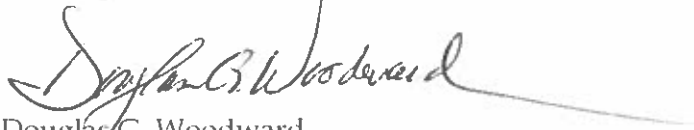
He also reported that he expected that the Master Plan web site should be back up next week.

OTHER BUSINESS

Mr. Woodward informed the Planning Board that US Cellular had filed suit against the City in federal court. They did approach the City Solicitor with a request about what would happen if they lowered the proposed tower by ten feet. They may meet with the City Solicitor and ask for a meeting with the Planning Board.

There was no further business to come before the Board and the meeting adjourned at 10:50 PM.

A TRUE RECORD ATTEST:



Douglas G. Woodward
Clerk

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NOTICE

CITY OF CONCORD
PLANNING BOARD

The City Planning Board will meet in the City Council Chambers in the City Hall Annex on Green Street on Wednesday, September 21, 2005, at 7:00 PM to consider and act upon matters set forth in the attached agenda, made part hereof, and for such other business as may legally come before the Board.

Any person or persons who feel they may be unable to participate in this program because of the limitations of a physical or emotional handicap are asked to contact the City Planning Division at 225-8515 at least 72 hours prior to the event. All reasonable efforts will be made to assure your access to the program.

CITY PLANNING BOARD



Douglas E. Woodward
Clerk

Posted at City Hall, City Library
and Police Headquarters on
September 16, 2005, in compliance
with Ch. 482 Laws of 1969.

CITY OF CONCORD, NEW HAMPSHIRE
PLANNING BOARD

AGENDA

Regular Meeting
September 21, 2005

The PUBLIC HEARING portion of the meeting will be held in the City Council Chambers Building in the Municipal Complex on Green Street at 7:00 PM.

CALL TO ORDER

Determination of a quorum; review of attendance, and seating of Alternate Members as necessary.

APPLICATIONS

Minor Subdivisions

1. Application by **Cherry Hill Homes and Nicholas Horangic** for approval of a resubdivision and subdivision of property at **20 & 26 Emerson Road. (#2005-63)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held

2. Application by **Jonathan A. and Margaret E. Chorlian** for approval of a subdivision by virtue of conversion to condominium of property at **32 Merrimack Street. (#2005-60)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held

3. Application by the **City of Concord** for approval of revisions to a previously approved subdivision by virtue of conversion to condominium of property at **75 Storrs Street. (#2005-62)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held

Major Subdivision

4. Application by **Fred and Estelle Moses** for approval of a subdivision of property on **Old Dover Road, Old Pittsfield Road, and Asby Road. (#2005-61)**
 - a. Determination of Completeness

Site Plans

5. Application by **HT Properties** for approval of a site plan of property at **232 & 234 Loudon Road. (#2005-64)**
 - a. Determination of Completeness
6. Application by **Two Home Avenue LLC, Duprey Company, LLC, and PM Carter Properties LLC** for approval of a site plan of property at **2 Home Avenue and 62 Hall Street. (#2005-54)**
 - a. Public Hearing
 - b. Deliberations and Action on Application
 - c. Deliberations and Action on Architectural Design Review

Architectural Design Review

7. 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 Code of Ordinances.
 - **Baby Bungalow** at 54-56 North Main Street
 - **Citizens Bank** at 20 Fort Eddy Road
 - **Concord Collision Center** at 14 Hall Street
 - **Eastern Mountain Sports** at 68 Fort Eddy Road
 - **Fabulous Looks Boutique** at 86 North Main Street
 - **Fairfield Inn Marriott** at 4 Gulf Street (3 signs)
 - **Genesis Health Care/Harris Hill Center** at 20 Maitland Street (2 signs)
 - **GMAC Mortgage, Stewart Title, Atlantic Property Inspections** at 201 Loudon Road
 - **Gold's Gym** at 62 Hall Street
 - **Gold's Gym** at 2 Home Avenue
 - **Granite Bay Connections** at 54 Old Suncook Road
 - **The Yellow Submarine** at 192 North State Street
 - a. Public Hearing
 - b. Deliberations and Action on Applications

Mapped Lines of Future Streets

- 8. Public hearing relative to amendments to mapped lines of future streets bounded by **Iron Works Road, the Turkey River, Bow Brook and the Bow Town line.**
 - a. Public Hearing
 - b. Deliberations and Action

REGULAR MEETING

Annual Organizational Meeting

A. Appointment of representative to the Heritage Commission

- 1. Consideration of minutes of Planning Board meetings for the following date:

August 17, 2005.

- 2. Further consideration of applications for approval of developments on which public hearings have previously been held:

- a. Application by the **City of Concord**, on behalf of **East Coast Hangars LLC**, for approval of a site plan of property off **Regional Drive** at the **Concord Airport**. (#2005-44)



- b. Application by the **Sandra E. Ellison Heirs** for preliminary approval of a subdivision of property on **Little Pond Road**. (#2005-43)


- c. Application by **Juniper Fells LLC** for preliminary approval of a subdivision of property on **Snow Pond Road, Graham Road and Shaker Road**. (#2005-02)

- d. Application by the **David J. & Edwina Morrill Irrevocable Trust and June R. Brown** for final approval of a subdivision of property at **12 Sanborn Road**. (#2005-20)

- e. Application by **Riverhill Condominiums** for approval of revisions to a previously approved site plan of property at **45-47 Bog Road**. (#2005-53)

CITY COUNCIL REFERRAL

- 3. Consideration of communication from **McCaffrey & Moffett, PLLC**, on behalf of **Philip and Stephanie Bates**, who would like to purchase a strip of City-owned land adjacent to property they own on **Lake Street**.

- 
4. Consideration of a communication from Ari Pollack, Gallagher, Callahan & Gartrell, requesting City Council approval of a **release of easement rights**, the construction of a **sewer line extension** across City land and an executed **easement deed** conveying to the City a permanent right to construct, operate and maintain a portion of the approved **Northwest Bypass**, all relating to a subdivision application of **Cherry Hill Homes, Inc.**
 5. Consideration of communication from Bruce Batten requesting the City of Concord consider implementing ordinances that address **ambient lighting in residential areas.**

OLD BUSINESS

6. Consideration of communication from Brown Engineering relative to conditions of approval for **The Village at Thirty Pines.**
7. Status Report on the Master Planning Process.
 - Reminder of workshop on **September 28, 2005 at 7:00 PM** at Rundlett Middle School

INFORMATION

- Reminder of Special Meeting on **October 5, 2005 at 7:00 PM** in the Second Floor Conference Room at City Hall

Deliberations and Action

Mr. McGonagle moved and Mr. Blanchette seconded that the staff report be forwarded to the City Council with a favorable recommendation from the Board. Motion carried.

REGULAR MEETING

Minutes

Mr. McGonagle moved approval of the minutes of Planning Board's August 17, 2005 meeting as submitted and Mr. Blanchette seconded. Motion carried.

The Board considered applications for approval of developments on which public hearings had previously been held.

- 2.a Application by the **City of Concord**, on behalf of **East Coast Hangars LLC**, for approval of a site plan of property off **Regional Drive** at the **Concord Airport**. (#2005-44)

Mr. Pollock explained this proposal to construct a 12,474-square-foot building containing 10 T-hangars on a land lease area located east of Regional Drive, at the northerly end of the discontinued runway 21. Twelve parking spaces are required and the applicant proposes to have cars parked inside the hangar while the planes are in use. Two outside parking spaces are required and have been shown on the plans. A 22-foot wide, one-lane travel aisle has been provided between the land lease limit of the National Guard lease and the proposed hangar building.

He reported that the Design Review Committee found the proposed hangar building to be appropriate for the location and recommended approval as submitted with the condition that the building be gray in color.

He reported that last month there was discussion regarding vehicular traffic circulating around the proposed hangars. As a result of that discussion, they propose to create a one-way traffic system with cars allowed to drive onto the closed runway to access the hangars.

Mr. Gross asked if the City's General Services Department was aware of this configuration and whether they know that they will have to plow this area in the winter. Mr. Woodward responded that they were aware of the plan and the Fire Department had requested this travel lane.

Mr. Blanchette moved approval under Architectural Design Review subject to the recommendation of the Design Review Committee that the building be gray in color and Mr. McGonagle seconded. Motion carried.

Mr. Gross moved approval of the site plan subject to the following conditions:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

2. The storm drainage analysis report shall be subject to the review and approval by the City Engineer, and the proposed drainage system design shall be modified to his satisfaction.
3. A "one way do not enter" sign shall be placed at the northwesterly corner of the hangar to prevent inadvertent wrong-way traffic movement around a blind corner.
4. A Transportation Impact Fee shall be assessed in accordance with the Public Capital Facilities Impact Fee Ordinance using the Warehouse category as the closest approximate use category.

Mr. Blanchette seconded. Motion carried.

- 2.b Application by the **Sandra E. Ellison Heirs** for preliminary approval of a subdivision of property on **Little Pond Road**. (#2005-43)
and
4. Consideration of a communication from Ari Pollack, Gallagher, Callahan & Gartrell, requesting City Council approval of a **release of easement rights**, the construction of a **sewer line extension** across City land and an executed **easement** deed conveying to the City a permanent right to construct, operate and maintain a portion of the approved **Northwest Bypass**, all relating to a subdivision application of **Cherry Hill Homes, Inc.**

(Mr. Merrill recused himself and left the table.)

Ms. Seifried explained this proposal to subdivide a 13.09 acre parcel into sixteen new single-family residential building lots with an 898-foot long cul-de sac off Little Pond Road. The property has 421 feet of frontage along Little Pond Road. She reported the applicants had also requested a Conditional Use Permit for the disturbance of a wetland buffer.

She reported a detention pond at the southerly tip of the site will require a drainage easement that encroaches part of the wetland buffer. The Conservation Commission has recommended approval of the Conditional Use Permit with the condition that the location of vernal pools be shown on the plan and that the applicant strongly consider moving the drainage swale to the detention pond easterly to reduce impact on the wetland buffer. She reported the applicant had provided a letter from the wetland scientist who had delineated the wetlands and he reported that the wetlands that were delineated on this parcel in the month of December contained no evidence of areas that appeared to have seasonal flooding that would have suggested the possibility of a vernal pool.

Ms. Seifried reported the applicant proposes to construct a sewer line extension from Auburn Street across City land in the area of the proposed Northwest Bypass. The sewer will extend along the new road to Little Pond Road. A sewer easement to Pond Place Lane will also be provided, allowing for the potential to connect the Pond Place subdivision to City sewer in the future. The applicant will be constructing an 8-inch

water line from Little Pond Road to the existing water line along the route of the Northwest Bypass. The water and sewer easement will also be a pedestrian easement to allow for access to the Northwest Bypass right-of-way; initially to be for trail use and ultimately for a connecting sidewalk. She reported that a 100-foot wooded buffer easement between the proposed Northwest Bypass and the buildable area has been provided at the request of City staff to help preserve a buffer between the proposed homes and the future bypass.

She reported that the lot containing Northwest Bypass is proposed for conveyance to the City. This lot for the Northwest Bypass along the eastern edge of the property will need to be merged with the City lot abutting to the north along Auburn Street so that a non-conforming lot will not be created.

Ms. Meyer asked that pedestrian access on the Northwest Bypass easement be formalized and Mr. Woodward responded that the parcel will be deeded to the City so there would be no need for such an action.

Mr. McGonagle mentioned that the Conservation Commission had asked that the applicants strongly consider moving the drainage swale to the detention pond easterly to reduce impact on the wetland buffer. He asked if the applicants had considered that request and what the reaction was. Ms. Seifried responded that they are looking into the question but were concerned that in moving it they would be impacting the wooded buffer area intended to screen the subdivision from the bypass.

Mr. McGonagle brought up the issue of the proposed detention pond and the discussion the City Council had regarding the maintenance and use of such ponds. He explained that the City Council is concerned that detention ponds need to be monitored very closely. He asked if there are any other new technologies or ways of handling runoff that do not require detention ponds. Mr. Woodward responded that the City Engineering staff will be attending a workshop regarding this topic soon.

Mr. Gross moved that the Board grant a Conditional Use Permit for the disturbance to the wetland buffer for the drainage outfall to the detention pond based on the conditions recommended by the Conservation Commission. Ms. Meyer seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. McGonagle moved that the Planning Board recommend to the City Council that an extension to the sanitary sewer system from Auburn Street over city property to the development be approved. Mr. Gross seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Gross moved to recommend that the City Council authorize the execution of the "Release of Easement Rights" that will extinguish the two easements reserved to the City by deed dated June 3, 1942. Ms. Meyer seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Gross moved that the Planning Board recommend that City Council authorize the City Manager to take the necessary steps to accomplish the merger of the lot being donated for the Northwest Bypass with the abutting City lot (96A-1-4) on Auburn

Street. Mr. Blanchette seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Gross moved preliminary approval of the subdivision subject to the following conditions:

1. The applicant shall obtain the following State and federal permits and provide copies to the Planning Division:
 - a. NH Department of Environmental Services Site Specific Permit (RSA 485-A:17)
 - b. NH Department of Environmental Services Water Quality and Sewer Discharge Permits
2. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions.
3. The applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
4. The applicant will provide the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, to the Planning Division:
 - a. Deed of easement for new road right-of way.
 - b. Deed of easement for additional Little Pond Road right-of-way.
 - c. Cross country sewer and water easement.
 - d. Pedestrian/public access easement over cross country sewer and water easement.
 - e. Drainage easement.
 - f. Sewer easement for future connection to Pond Place Lane.
 - g. Easement to protect tree buffer along future Northwest Bypass.
 - h. Deed for conveyance of Northwest Bypass.
5. The applicant shall obtain approval from the City Council for extensions to the sanitary sewer system across municipal property. This approval will stand as the Planning Board's favorable recommendation to the City Council in regard to the utility extension requests.
6. The applicant shall obtain approval for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements. No construction activity may commence prior to the pre-construction conference.
7. No certificate of occupancy for any building or use shall be issued until all public improvements have been completed to the satisfaction of the City Engineer and accepted by the City Council.

8. The applicant shall obtain approval of private utility plans from Unitil, Verizon, and KeySpan Energy.
9. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
10. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
11. 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.
12. 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 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. Table 3: Transportation Facilities - Single Family Residence
13. The following improvements to be constructed or dedicated are deemed to be eligible for credits against the assessed traffic impact fees. The procedures for determining the eligibility and the calculation of the credit 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.
 - a. A 66-foot right-of-way for the Northwest Bypass across the lot to be conveyed to the City of Concord.
14. Street trees shall be required on the basis of two per lot frontage and the final plat shall be revised to reflect this.
15. Prior to the final plat being signed, City Council shall authorize the execution of the "Release of Easement Rights" that will extinguish the two easements reserved to the city by deed dated June 3, 1942. This approval will stand as the Planning Board's favorable recommendation to the City Council in regard request by the applicant to discontinue said easements.

Mr. McGonagle seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

2.c Application by **Juniper Fells LLC** for preliminary approval of a subdivision of property on **Snow Pond Road, Graham Road and Shaker Road.** (#2005-02)

Mr. Gross asked, given the letter the Board received this evening from Attorney Eugene Sullivan representing the applicants, what was the procedural status of this application. Mr. Woodward explained that the public hearing took place in January, and there was a subsequent waiver request that the Planning Board denied, and then denied a request for reconsideration of the same. He reported that this communication appeared to restate the past issues relative to the waiver request and the Board's denial of the waiver; however, the letter contained no specific request for any action by the Board relative to the contents of the letter. He indicated that the matter on the agenda was the consideration of a preliminary approval of the subdivision based on plans and materials submitted by the applicant's engineer and surveyor.

Mr. Gross expressed confusion about the intent of the letter submitted by Attorney Sullivan.

The Vice-Chair asked if the applicant wished the Planning Board to act on this application this evening or if they wished to have the Board table action so that consideration could be given to the communication received this evening by the Board. James Mullaney responded as applicant and indicated that they did want the Board to act on this application this evening and not to table the matter. He stated that the Board has been presented with both a six-lot and an eight-lot subdivision plan. He indicated that his attorney's letter presents new information that they feel would make the eight-lot plan approvable so they would like consideration of both the plans this evening.

Mr. Pollock explained that plans for a six-lot proposal had most recently been submitted and reviewed by the City staff and his report was based on that six-lot plan.

Mr. Pollock reported that the applicant has submitted a plan showing a reduced subdivision proposal to six lots from the eight lots previously submitted, and a reduced cul-de-sac length to conform to the 1,000-foot length required under the Board's Subdivision Regulations. The proposed new road will ascend a hill to the north of Snow Pond Road. After the subdivision of this third phase, the remaining parcel owned by Juniper Fells will be 28.95 acres bounded by Shaker and Snow Pond Roads.

He reported the applicant had previously requested a waiver of the Subdivision Regulations for the additional length of the cul-de-sac, and the Board denied the waiver on February 16, 2005. The Board also voted to table consideration of the application to allow the applicant to re-design and resubmit the plat to reflect the maximum length of 1,000 feet for a cul-de-sac as specified in the Subdivision Regulations. The Board also expressed concerns about the sight lines at the intersection of Snow Pond Road and the proposed cul-de-sac, as well as the proposal for storm water drainage design for the subdivision.

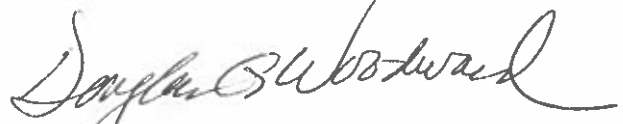
NOTICE

CITY OF CONCORD
PLANNING BOARD

The City Planning Board will meet in the City Council Chambers in the City Hall Annex on Green Street on Wednesday, November 16, 2005, at 7:00 PM to consider and act upon matters set forth in the attached agenda, made part hereof, and for such other business as may legally come before the Board.

Any person or persons who feel they may be unable to participate in this program because of the limitations of a physical or emotional handicap are asked to contact the City Planning Division at 225-8515 at least 72 hours prior to the event. All reasonable efforts will be made to assure your access to the program.

CITY PLANNING BOARD



Douglas G. Woodward
Clerk

Posted at City Hall, City Library
and Police Headquarters on
November 10, 2005, in compliance
with Ch. 482 Laws of 1969.

CITY OF CONCORD, NEW HAMPSHIRE
PLANNING BOARD

AGENDA

Regular Meeting
November 16, 2005

The PUBLIC HEARING portion of the meeting will be held in the City Council Chambers Building in the Municipal Complex on Green Street at 7:00 PM.

CALL TO ORDER

Determination of a quorum; review of attendance, and seating of Alternate Members as necessary.

APPLICATIONS

Minor Subdivision

1. Application by **Concord Area Trust for Community Housing** for approval of a subdivision by virtue of conversion to condominium of property at **14-16 Allison Street. (#2005-75)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held

Major Subdivisions

2. Application by **Bridgestone Builders Inc.** for approval of a cluster subdivision of property on **Hooksett Turnpike. (#2005-36)**
 - a. Determination of Completeness
3. Application by **The Edward J. Sullivan Family Trust** for approval of a cluster subdivision of property at **105 Manor Road. (#2005-67)**
 - a. Determination of Completeness

Minor Site Plans

4. Application by **Steven and Phyllis Malinsky** for approval of a site plan of property at **14 Whitney Road. (#2005-79)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held

5. Application by **TBR LLC** for approval of a site plan of property at **67 South Main Street. (#2005-73)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held

Major Site Plans

6. Application by **Thai Andy and Tran Loan TP** for approval of a site plan of property at **247 Loudon Road. (#2005-77)**
 - a. Determination of Completeness
7. Application by **Merrimack Valley School District** for approval of a site plan of property at **106 Village Street. (#2005-81)**
 - a. Determination of Completeness
8. Application by **NH Federal Credit Union** for approval of a site plan of property at **70 Airport Road. (#2005-80)**
 - a. Determination of Completeness

Conditional Use Permit

9. Application by **Manchester Sand, Gravel & Cement Co.** for renewal of a Conditional Use Permit pursuant to Section 28-5-26, Earth Materials Removal, for property on **Sheep Davis Road. (#2005-70)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held
10. Application by **Meera LLC** for approval of a Conditional Use Permit pursuant to Section 28-6-9(b), Permitted Building Signs, for property at **4 Gulf Street. (#2005-74)**
 - a. Determination of Completeness
 - b. Public Hearing, if determined complete
 - c. Deliberations and Action on Application, if hearing is held
9. Application by **Douglas and Barbara Wade (Acres of Wildlife LLC)** for approval of a Conditional Use Permit pursuant to Section 28-4-3(d), Disturbance of Wetland Buffer, for property at **136 Hoit Road. (#2003-04)**
 - a. Recessed Public Hearing
 - b. Deliberations and Action on Application

Determination of an Impact Fee

12. Request for Review of the Determination of the Transportation Facilities Impact Fee for **Lowe's Home Improvement Center at 90 Fort Eddy Road. (#2004-50)**
- a. Public Hearing
 - b. Deliberations and Action

Architectural Design Review

13. 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 Code of Ordinances.
- **Concord Birth and Wellness Center** at 8D McGuire Street
 - **Dalyn Solutions Inc.** at 14 Chenell Drive (2 signs)
 - **Divine Clothing Co.** at 13 North Main Street
 - **Eastern Mountain Sports** at 68 Fort Eddy Road
 - **Fairfield Inn Marriott** at 4 Gulf Street
 - **Gondwana** at 13 North Main Street
 - **Honda - Time, Date, Temperature** at 257 Sheep Davis Road
 - **W. S. Hunter & Co Fly Fishing Outfitters** at 113 Storrs Street (2 signs)
 - **Little River Oriental Rugs** 10 North Main Street
 - **Specialists in Orthodontics** at 2 Wall Street
 - **Sanborn, Head & Associates** at 20 Foundry Street
 - **The Yellow Submarine** at 192 North State Street
- a. Public Hearing
 - b. Deliberations and Action on Applications

14. Revised building plans related to an application by **R. J. Moreau Communities LLC** at **The Vineyards on Bog Road.**

Master Plan Amendment

15. Public hearing involving revisions to the Generalized Land Use Map and the Land Use Plan for Northwest Concord for land east of Beede Drive in Penacook.
- a. Public Hearing
 - b. Deliberations and Action

REGULAR MEETING

Annual Organizational Meeting

- A. Appointment of representative to the Heritage Commission

1. Consideration of minutes of Planning Board meetings for the following date:

October 19, 2005 and November 2, 2005 (recessed meeting).

2. Further consideration of applications for approval of developments on which public hearings have previously been held:

- a. Application by the **Sandra E. Ellison Heirs** for final approval of a subdivision of property on **Little Pond Road**. (#2005-43)
- b. Application by **HT Properties** for approval of a site plan of property at **232 & 234 Loudon Road**. (#2005-64)
- c. Application by **Juniper Fells LLC** for final approval of a subdivision of property on **Snow Pond Road, Graham Road and Shaker Road**. (#2005-02)

CITY COUNCIL REFERRAL

3. Consideration of communication from McCaffrey & Moffett, PLLC, on behalf of Philip and Stephanie Bates, who would like to purchase a strip of City-owned land adjacent to property they own on **Lake Street**.
4. Consideration of communication from Bruce Batten requesting the City of Concord consider implementing ordinances that address **ambient lighting in residential areas**.
5. Consideration of communication from Hebert & Uchida on behalf of **HT Properties LLC** relative to **re-issuance of a landscaping license** for property at **232 & 234 Loudon Road**.
6. Further consideration of a communication from Ari Pollack, Gallagher, Callahan & Gartrell, requesting City Council approval of a **release of easement rights**, the construction of a **sewer line extension** across City land and an executed **easement deed** conveying to the City a permanent right to construct, operate and maintain a portion of the approved **Northwest Bypass**, all relating to a subdivision application of **Cherry Hill Homes, Inc.**
7. Consideration of a request from John Redden, Manager of **Smokestack Realty LLC** and Carlos and Cheryl Gochez for a change to current zoning for properties at **254 North State Street and 8 McGuire Street** in Concord.
8. Consideration of a communication from **Paul T. Rankin** recommending a concerted effort be undertaken to **identify and map community resources** which can be mobilized to meet various kinds of community needs, beginning with an assessment of strengths or assets.

The regular monthly meeting of the City Planning Board was held on November 16, 2005 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Swope, Blanchette, Foss, Gross, McGonagle, Merrill, and Alternate Member Kenison (who was seated for absent Member Meyer). Messrs. Woodward, Henninger and Pollock, Ms. Seifried and Ms. Osgood of the City Planning Division were also present, as was Mr. Roberge, the City Engineer, and Mr. McGinley, the Fire Marshal.

At 7:07 PM a quorum was present, the Chair called the meeting to order and seated Alternate Member Kenison for Member Meyer who was not expected.

The Chair asked for a status report on applications submitted for action by the Planning Board. The Clerk reported that the agent for one applicant had asked for postponement of his application. Under the Regular Meeting portion of the agenda, the agent for **Robert Nichols** had asked for postponement of consideration of a pre-application design review of his development at 42-52 Shawmut Street.

APPLICATIONS

Minor Subdivision

1. Application by **Concord Area Trust for Community Housing** for approval of a subdivision by virtue of conversion to condominium of property at **14-16 Allison Street. (#2005-75)**

Determination of Completeness

(Mr. Gross recused himself and left the table.)

Mr. Pollock explained this proposal for the conversion of an existing two-family dwelling to condominium ownership. The property is located on the northeast corner of Allison Street and Spruce Street.

Mr. Merrill moved and Ms. Foss seconded that the Board determine this application to be complete and hold a public hearing. Motion carried with Mr. Gross abstaining from discussion and vote.

Public Hearing

George Helwig was present from CATCH to answer questions from the Board.

There was no one wishing to speak for or against this application and the Chair declared the hearing closed at 7:11 PM.

MVSD land as it existed prior to 2002 is included in the Neighborhood Residential (RN) District, and the Beede property is in an Industrial (IN) District. The request is to adjust that boundary to reflect the new boundary of the property lines between Beede and MVSD such that all of the school district land will be located in the RN District and the remainder of the Beede land will stay in the IN District.

He reported that the 1993 Master Plan included all of Beede's land in the Industrial Park land use category, and all of the then-owned property of MVSD was classified in a Public and Private Schools land use category. In the 2001 comprehensive rezoning of the City, the Beede land was included in its entirety in the Industrial District, while the MVSD land was included in the Neighborhood Residential District wherein schools are a permitted use. Schools are not a permitted use in the IN District.

With regard to the Beede property, the current Master Plan, contained the recommendation that if industrial uses are discontinued, the land use plan should be amended to designate either an institutional, or residential, office, or institutional use in these areas.

With the transfer of land to the MVSD and the District's desire to use this area for expansion of support facilities for the two schools, the amendment of the zoning boundary is a reasonable and logical step. The transfer of land clearly signaled Beede's lack of interest in future development of the 8.13 acres for its own purposes.

Mr. Woodward explained that the Planning Board has traditionally considered an amendment to the Master Plan first, and then voted to recommend to the City Council a zoning map boundary change that is consistent with the Master Plan as amended. The 8.13 acres should be shifted from the Industrial Park land use classification to the Public and Private Schools land use category. If the Board adopts such a change in the Master Plan, then the Board can consider a consistent zoning change to include the 8.13 acres in the RN District.

There was no one wishing to speak and the Chair declared the hearing closed at 8:49 PM.

Deliberations and Action

Mr. Swope moved to amend the Master Plan to change the 8.13 acres from the Industrial Park land use classification to the Public and Private Schools land use category, and to recommend to the City Council the adoption of an ordinance amending the Zoning Ordinance which would implement the amendment to the Master Plan in the area of Beede Drive in Penacook, by adjusting the boundary between the Industrial District and the Neighborhood Residential District. Mr. Gross seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Swope moved approval of the minutes of the meeting of November 2, 2005 as presented and Mr. Blanchette seconded. Motion carried.

The Board considered applications for approval of developments on which public hearings have previously been held.

➡ 2.a Application by the **Sandra E. Ellison Heirs** for final approval of a subdivision of property on **Little Pond Road. (#2005-43)**

(Mr. Merrill recused himself and left the table.)

Ms. Seifried explained this proposal to subdivide a 13.09 acre parcel into sixteen new single-family residential building lots. The property has 421 feet of frontage along Little Pond Road. The applicant proposes to construct an 898-foot long cul-de-sac off Little Pond Road. New lots will range in size from 14,567 square feet to 65,607 square feet.

She reported that the Board granted conditional preliminary approval on September 21, 2005, along with a Conditional Use Permit for the disturbance to a wetland buffer pursuant to Section 28-4-3 (d) of the Zoning Ordinance for the purpose of creating a drainage swale to a detention pond.

She reported the applicant proposes to construct a sewer line extension from Auburn Street across City land in the area of the proposed Northwest Bypass. The sewer will extend along the new road (Paige Place) to Little Pond Road. A sewer easement to Pond Place Lane will also be provided to allow for the potential connection of the Pond Place subdivision to City sewer in the future upon the failure of septic systems. The applicant proposes to construct an 8-inch water line from Little Pond Road to the existing water line along the route of the Northwest Bypass.

She reported the applicants propose a new lot for the Northwest Bypass to be conveyed to the City along the easterly edge of the property which will need to be merged with the City lot abutting to the north along Auburn Street so that a non-conforming lot is not established.

She reported that a 100-foot wooded buffer easement between the proposed Northwest Bypass and the buildable area on the adjacent proposed lots has been provided at the request of City Staff in order to help preserve a buffer between the proposed homes and the future bypass. The water and sewer easement at the south end of the cul-de-sac will also be a pedestrian easement to allow for resident access to the Northwest Bypass right-of-way initially for trail use and ultimately for a connecting sidewalk.

She reported that the Planning Board voted on September 21, 2005 to recommend that the City Council grant a request to extend the municipal sewer system from Auburn Street through municipal property on Auburn Street to the land of the petitioner, grant a request to release the City's easement rights across the land of the petitioner, and accept a donation of land for the Northwest Bypass and authorize the City Manager to take the necessary steps to accomplish the merger of this lot with the abutting City lot on Auburn Street

Mr. Woodward explained that the City Council actions upon which the Board made recommendations are prerequisite to the recording of the plat and construction of this subdivision. The Council referred these matters back to the Planning Board together with some additional concerns, for the Board's consideration and recommendations, as follows:

1. Establishing a connection between the proposed cul-de-sac (Paige Place) and Pond Place Lane which is also a cul-de-sac, using the right-of-way reserved when the Pond Place subdivision was constructed.
2. Determining whether the proposed detention pond will present a problem for the future construction of the Northwest Bypass.
3. Consideration of a sidewalk along the Little Pond Road frontage as a place for schoolchildren to wait for the school bus and to be dropped off by the bus.

He reported that at the time Pond Place Lane was approved, rights-of-way were reserved to the east and west sides of Pond Place Lane to connect to adjacent undeveloped land. The westerly right-of-way was developed into a road as part of the subdivision of Earney Mayo on land of Myrna Devold in the Fall of 2002. Lamprey Lane is a cul-de-sac that leads to three lots to the west of Pond Place Lane. The easterly right-of-way is directly opposite Lamprey Lane and leads to the Little Pond Estates subdivision. In the application currently before the Board, this easterly right-of-way is proposed only for the future installation of a sewer main from the Little Pond Estates subdivision. However, it is available to become a street or a pedestrian/bicycle way. The creation of a connecting street between Pond Place Lane and Paige Lane would require a redesign of the Little Pond Estates subdivision to incorporate the easterly end of the connecting street while the creation of a pedestrian/bicycle way could work within the current layout. Either approach would enhance the connectivity between the subdivisions.

Mr. Woodward explained that, while it does not appear that the proposed detention pond will present a problem for the eventual construction of the Northwest Bypass, the one way to ensure that this will be so is to have the detention pond conveyed as part of the lot for the Bypass. Currently, the detention pond is proposed to be an encumbrance on two house lots which are oversized to accommodate the detention pond, as well as wetlands, and a buffer along the Bypass. The lot lines could simply be re-drawn around the pond which could be incorporated into the Bypass lot. This change would require redrafting of the boundaries for Lots #8 and #9 as well as the lot to be conveyed to the City.

He explained that, while the nearest existing sidewalk is on Auburn Street just north of Columbus Avenue, the entire area from Columbus Avenue north to Pond Place Lane is within the Urban Growth Boundary. In addition, both Auburn Street and Little Pond Road are collector streets. Therefore, sidewalks should be constructed along both of these streets, and to that end, the Board should recommend that sidewalk construction in this area be included in the City's Capital Improvement Program. In the case of this subdivision, a sidewalk should be required along the frontage to act in the interim as refuge for children waiting for and being dropped off by school busses, until such time as the City's sidewalk expansion program fills the gap to Columbus Avenue.

Mr. Gross asked what the advantage would be of connecting the two cul-de-sacs. Mr. Woodward responded that the primary benefit would be an alternative circulation, particularly for emergency vehicles.

Mr. Gross asked about the responsibility for maintenance of the proposed detention pond. Mr. Woodward responded he expected that, whether it was deeded in fee to the City or as an easement granted to the City, the responsibility would fall on the City for maintenance because there is no other entity in place. There is no other reason for a homeowners association.

Mr. Gross asked if there are mechanisms in place to ensure that the drainage system is constructed properly. Mr. Roberge responded that there is an inspection process in place that he feels confident will ensure proper inspection of the construction, either by City staff or contracted inspectors.

Mr. McGonagle recommended that in the future the Site Plan Review Regulations should require the kind of easements that are being recommended for this development to provide connectivity. The problem with this site is that if the City requires a road to the end of the development, the City is not in the position of requiring the other end of the road to be built. In this instance, it is important to develop a more useable recreation path. From a planning point of view, it is a prudent thing for the City to require recreation paths to create neighborhoods that are connected. He was in full support of connectivity but the only prudent way to do it is to use a pedestrian connection between the two developments. Eventually the City will want to connect from Auburn Street to this neighborhood so this is a good time to start.

In answer to a question by Mr. Gross, Mr. McGonagle indicated he was talking about a pedestrian/recreation easement connecting this development with the existing Pond Place Lane development.

Mr. Woodward explained the proposed sewer easement could be expanded to allow for pedestrian access to the abutting existing easement as a result of Pond Place Lane development. There is provision in this subdivision for connectivity to the proposed Northwest Bypass over the proposed utility easement from this development.

Ms. Foss asked about the ability for the City in the future to make the pedestrian connection a vehicular connection and Mr. Woodward responded it might be difficult to convert the proposed pedestrian connection to vehicular because of the dogleg which is a little too sharp. That would mean a redesign that could result in losing a house lot. Since the Northwest Bypass is designed as a limited access highway, the only vehicle access would be to the Pond Place Lane development from this development.

Ms. Foss went on record in support of full connectivity between the two developments.

Mr. Gross saw the benefit of sidewalks of any length along Little Pond Road for reasons of safety, given the amount of traffic that uses that road.

There was a discussion about bringing to public hearing the question of pedestrian access between the two developments.

Mr. Gross moved that the Planning Board respond to the City Council as follows:

1. Establishing a pedestrian connection between the proposed new subdivision and Pond Place Lane appears to be an appropriate action, and the Planning Board will hold a public hearing on this issue on December 21, 2005.
2. The Planning Board has concluded that the proposed detention pond does not pose a problem for the future construction of the Northwest Bypass.
3. The Planning Board has concluded that the construction of a sidewalk on the Little Pond Road frontage of this subdivision is appropriate.

Based on the above, the Planning Board recommends the City Council grant approval of Attorney Pollack's requests as originally recommended by the Board.

Mr. Swope seconded.

Mr. Drypolcher spoke to the issue of the sidewalks and asked that the Engineering Division be involved in the design early on to be sure that it is constructed to City specifications and takes future development into consideration so that it will not be necessary to tear it out in the future.

Mr. Swope proposed an amendment to the motion that the sidewalk design be conditioned upon the approval of the City Engineer.

The motion as amended carried with Mr. Merrill abstaining from discussion and vote.

Mr. Swope moved to set a public hearing on the establishment of a sidewalk between Paige Place and Pond Place Lane, and to table final approval of the subdivision. Mr. Gross seconded. Motion carried.

2.c Application by **Juniper Fells LLC** for final approval of a subdivision of property on **Snow Pond Road, Graham Road and Shaker Road.** (#2005-02)

Mr. Woodward explained that the Board had received two letters from Attorney Eugene Sullivan on behalf of the applicant. They appear to be further discussion of the waiver requested of the Planning Board to allow the cul-de-sac to exceed 1,000 feet and on which the Board has previously acted to deny. Staff review has been of a six-lot plan since the waiver requests were denied. Preliminary approval was granted to the six-lot plan but not the eight-lot plan being discussed by Attorney Sullivan. If the Board does wish to revisit the waiver, then the preliminary approval granted to the six-lot subdivision should be rescinded, the application tabled, and a new hearing set on the reconsideration of the waiver. If a waiver is eventually granted, then the eight-lot plat would still need to be revised and resubmitted for a new preliminary plat hearing. The

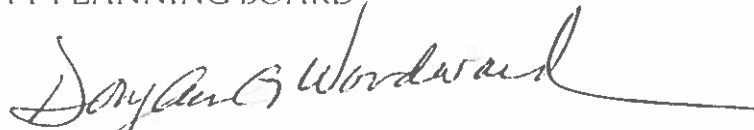
NOTICE

CITY OF CONCORD
PLANNING BOARD

The City Planning Board will meet in the City Council Chambers in the City Hall Annex on Green Street on Wednesday, December 21, 2005, at 7:00 PM to consider and act upon matters set forth in the attached agenda, made part hereof, and for such other business as may legally come before the Board.

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CITY PLANNING BOARD



Douglas G. Woodward
Clerk

Posted at City Hall, City Library
and Police Headquarters on
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with Ch. 482 Laws of 1969.

CITY OF CONCORD, NEW HAMPSHIRE
PLANNING BOARD

AGENDA

Regular Meeting
December 21, 2005


The PUBLIC HEARING portion of the meeting will be held in the City Council Chambers Building in the Municipal Complex on Green Street at 7:00 PM.

CALL TO ORDER

Determination of a quorum; review of attendance, and seating of Alternate Members as necessary.

APPLICATIONS

Major Subdivisions

1. Application by **Bridgestone Builders Inc.** for approval of a cluster subdivision of property on **Hooksett Turnpike.** (#2005-36)
 - a. Determination of Regional Impact
 - b. Public Hearing
 - c. Deliberations and Action on Application
2. Application by **Jeannette M. Cate, Lucille P. Bollinger Trust, Robert & Lucille Bollinger Trustees, and Mark and Carolyn Blasko** for approval of a cluster subdivision of property on **Portsmouth Street and Curtisville Road.** (#2005-10)
 - a. Determination of Completeness
-  3. Application by the **Sandra E. Ellison Heirs** for approval of a subdivision of property on **Little Pond Road,** including the construction of a sidewalk between the proposed new Samuel Drive and the existing Pond Place Lane. (#2005-43)
 - a. Public Hearing
 - b. Deliberations and Action on Application
4. Application by **Juniper Fells LLC** for approval of a cluster subdivision of property on **Snow Pond Road and Shaker Road.** (#2005-83)
 - a. Determination of Completeness
5. Application by **Fred and Estelle Moses** for approval of a subdivision of property on **Old Dover Road.** (#2005-61)
 - a. Determination of Completeness

The regular monthly meeting of the City Planning Board was held on December 21, 2005 in the City Council Chambers at the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Blanchette, Dolcino (who arrived at 7:40 PM), Foss, Gross, McGonagle, and Meyer. Messrs. Woodward, Henninger and Pollock, Ms. Seifried and Ms. Osgood of the City Planning Division were also present, as was Mr. Roberge, the City Engineer, and Mr. McGinley, the City Fire Marshall.

At 7:08 PM a quorum was present and the Chair called the meeting to order.

The Chair asked for a status report on applications submitted for action by the Planning Board. The Clerk reported that the Board had received a request from John Redden, Smokestack Realty, for postponement of his application to the Board's next regular meeting, and a request from Juniper Fells for postponement to the Board's recessed meeting on January 4, 2006.

The Board agreed to both postponements.

APPLICATIONS

Major Subdivision

1. Application by **Bridgestone Builders Inc.** for approval of a cluster subdivision of property on **Hooksett Turnpike.** (#2005-36)

Determination of Regional Impact

Mr. Woodward noted that while this application had not had a determination of regional impact it should have and, therefore, the Town of Bow and CNHRPC had been given notice of this evening's hearing. They had both received sets of plans from the applicant as of today for review. He recommended that the hearing be recessed to allow for comments to be received from both the Central New Hampshire Regional Planning Commission and the Town of Bow.

Public Hearing

Mr. Henninger explained this proposal to subdivide a 60.39 acre parcel on the east side of Hooksett Turnpike into an eleven-unit cluster subdivision. The applicant selected the no lot cluster subdivision option with condominium ownership. He reported that along with this application is an application for a Conditional Use Permit to allow Disturbances to a Wetland Buffer pursuant to Section 28-4-3(d) of the Zoning Ordinance for the construction of a common private drive and drainage improvements. The applicant has also requested a scale waiver to present the plans at a scale of 1"=60' and 1"=100'. He reported that the waiver seemed reasonable given the size of the property.

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3. Application by the **Sandra E. Ellison Heirs** for approval of a subdivision of property on **Little Pond Road**, including the construction of a sidewalk between the proposed new Samuel Drive and the existing Pond Place Lane. (#2005-43)

Public Hearing

Mr. Woodward explained this proposal to subdivide a 13.09 acre parcel into sixteen new single-family residential building lots. The property has 421 feet of frontage along Little Pond Road. The applicant proposes to construct an 898-foot long cul-de sac off Little Pond Road. New lots will range in size from 14,567 to 65,607 square feet.

He explained that the Board granted conditional preliminary approval to this application on September 21, 2005, as well as a Conditional Use Permit for the disturbance to a wetland buffer pursuant to Section 28-4-3 (d) of the Zoning Ordinance for the purpose of creating a drainage swale to a detention pond, subject to standard conditions and a special condition that the City Council authorize the execution of the Release of Easement Rights that will extinguish the two easements reserved to the city by deed dated June 3, 1942.

He reported that the Planning Board, at the September 21, 2005 meeting, voted to recommend that the City Council grant a request to extend the municipal sewer system from Auburn Street through municipal property on Auburn Street to the land of the petitioner, grant a request to release the City's easement rights across land of the petitioner, and accept a donation of land for the Northwest Bypass and authorize the City Manager to take the necessary steps to accomplish the merger of this lot with the abutting City lot on Auburn Street.

The Council, on October 17, 2005, voted to forward this matter back to the Planning Board with some additional concerns for the Board's consideration and recommendations, as follows:

- a. Establishing a connection between the proposed cul-de-sac (Samuel Drive) and Pond Place Lane which is also a cul-de-sac, using the right-of-way reserved when the Pond Place Subdivision was constructed;
- b. Determining whether the proposed detention pond will present a problem for the future construction of the Northwest Bypass; and
- c. Consideration of a sidewalk along the Little Pond Road frontage as a place for schoolchildren to wait for the school bus and to be dropped off by the bus.

The Planning Board, at the November 16, 2005 meeting, then voted to forward the following recommendations to the City Council:

- a. Establishing a pedestrian connection between the proposed new subdivision and Pond Place Lane appears to be an appropriate action, the design of such being subject to the approval of the City Engineer, and the Planning Board will hold a public hearing on this issue on December 21, 2005;

- b. The Planning Board has concluded that the proposed detention pond does not pose a problem for the future construction of the Northwest Bypass.
- c. The Planning Board has concluded that the construction of a sidewalk along the Little Pond Road frontage of this subdivision is appropriate.
- d. The Planning Board recommends that the City Council grant Attorney Pollack's requests as originally recommended by the Board.

The City Council then voted to accept the Board's report and recommendations.

He reported that the applicants have resubmitted plans with a sidewalk shown on Little Pond Road and a plan for a sidewalk between Samuel Drive and Pond Place Lane. The purpose of this public hearing is the matter of establishing a sidewalk connection between the proposed Samuel Drive and Pond Place Lane.

Mr. Woodward explained that at the time that Pond Place Lane was approved, rights-of-way were reserved to the east and west sides of the Pond Place Lane to connect to adjacent undeveloped land. The westerly right-of-way was developed into a road as part of the subdivision of Erney Mayo on land of Myrna Devold in the fall of 2002. Lamprey Lane is a cul-de-sac that leads to three lots to the west of Pond Place Lane. The easterly right-of-way is directly opposite Lamprey Lane and leads to the Little Pond Estates subdivision. In the application currently before the Board, this easterly right-of-way has been proposed only for the future installation of a sewer main from the Little Pond Estates subdivision; however, it is available to become a street, or a pedestrian way. The creation of a pedestrian way could work within the current layout of the subdivision and would enhance the connectivity between the subdivisions.

Mr. McGonagle asked how long ago the two abutting driveways were constructed because they don't appear to comply with current driveway separation regulations. Mr. Woodward responded that the Pond Place subdivision was generally constructed in the mid-80s under prior regulations. The right-of-way existed at that time.

Ari Pollack, attorney representing Cherry Hill Homes, the prospective developer of the property, reported that it was the opinion of the developer that the resolution to this issue should be driven by the current residents of the neighborhood because they have been living with this property for years now and understand the effects of the proposed sidewalk. The applicants will defer to the neighborhood because they provide the best information about what future owners will want when they move into the neighborhood.

Fred Potter, 4 Pond Place Lane, strongly opposed the addition of the sidewalk. He explained that Lamprey Lane received a waiver of street length and the development there is more intensive than they understood could be the case when they purchased their property in 1986. He felt this would be an extremely unsafe sidewalk. There are no sidewalks and no street lights along Pond Place Lane. It is relatively dark. There are only 30 feet between the two abutting driveways. There is also a serious drainage

problem in the neighborhood. This will be a major change to the configuration of this intersection. He was concerned about the grade. There are other areas for a pedestrian way to be located than to come between two residences at an intersection. He felt this is a serious mistake and urged the Planning Board not to approve it.

Mr. McGonagle asked if Mr. Potter's concerns would be tempered if this became an actual street instead of a pedestrian access. Mr. Potter responded that for safety reasons it would be much better but he would personally not be happy with it. Constructing a roadway there would be a bit of a challenge but it would be safer.

Mr. Drypolcher suggested that perhaps a barrier at the end of the pedestrian way would give some warning to users that they were coming to an intersection.

Mr. Gross disclosed for the record that Mr. Potter is a member of a law firm of which he was formerly a member but he would continue with his questions. Mr. Gross then discussed the Master Plan approach to residential development to create a larger sense of community by providing more connectivity between developments. The City is trying to make this a more walkable place, including through woods. Is there any way to reconcile the idea of walkability with the safety concerns Mr. Potter mentioned? Mr. Potter responded that there is access to the Northwest Bypass at the end of Pond Place Lane and he felt that would serve the neighborhood very well. The end of Pond Place Lane is a natural access to the Northwest Bypass. People walk along the Northwest Bypass regularly now and access to it would make much more sense.

Lindley Shutz, 33 Via Tranquilla, explained she had been following with interest the suggestion that both an ingress and an egress be removed from this development. She thinks the recommendation to add a sidewalk along Little Pond Road is a very good idea. She asked the Planning Board to consider asking the developer not to place houses on lots that could be used as access to Pond Place Lane. She reported that Little Pond Road receives all the traffic trying to avoid Fruit Street and Fisherville Road. All the houses along the north side of Little Pond Road are set very close to the road so there is no room to widen Little Pond Road. She is concerned that there is no route out of the proposed development. What would the alternatives be to provide a future outlet from the proposed Samuel Drive if the Northwest Bypass is not going to be developed?

In answer to a question by Mr. McGonagle, Ms. Shutz indicated she is in favor of pedestrian access between the two developments but would like to see some kind of vehicular access between the two developments as well.

Anthony Schinella, 24 Little Pond Road, indicated his family has owned their property since about 1979 and he grew up there. He agreed with previous speakers. He also asked that the Planning Board consider keeping the ability to have vehicular access between the two developments. The sight lines and grades exiting onto Little Pond Road at this intersection will be extremely dangerous. The larger issue still is the number of people who will be exiting onto Little Pond Road, which is already very dangerous. Vehicular access between the two developments will allow an alternative access to Little Pond Road at a safer location. He felt it is a good idea to extend the sidewalk from Auburn Street to Little Pond Road.

Attorney Pollack spoke again and reminded the Board that they continue to believe that the Board should seriously consider the comments made by the neighborhood. He also raised the procedural concern about public hearings held late in the process. The development itself does provide neighborhood connectivity in a number of ways. There is a sidewalk on the frontage of Little Pond Road. This project provides for the donation of a pedestrian corridor to the Northwest Bypass without any consideration as to what goes on along Pond Place Lane. There is already a passway at the bottom of Pond Place Lane to the Northwest Bypass. This process has taken its course and they are under extreme time pressure and ask for a decision on this remaining issue and wrap up consideration of the application.

Mr. McGonagle objected to Mr. Pollack's comments regarding delay and indicated he felt this hearing was a prudent way of alleviating concerns related to the project.

No one else wished to be heard for or against the proposal for construction of a sidewalk between the proposed new Samuel Drive and the existing Pond Place Lane and the Chair declared the hearing closed at 9:11 PM.

Deliberations and Action on Application

Mr. Gross did not see any benefit in connecting the two developments by vehicular access in terms of traffic circulation out to Little Pond Road. The answer is not to create better circulation to Little Pond Road but to create better circulation to somewhere else. It seems that if alternate circulation is to be proposed, it should be the Northwest Bypass right-of-way the City already owns. In terms of the sidewalk, he was happy for the testimony from the abutters this evening. As a result of that testimony, he was not ready to vote for laying out a paved sidewalk as he was the last time.

Mr. McGonagle asked if the traffic study raised any questions about sight lines with the access to Little Pond Road.

Ms. Meyer expressed surprise that anyone would perceive a sidewalk such as this as hazardous and felt there are many ways to mitigate possible concerns. The Planning Board has an obligation to promote this connectivity, especially pedestrian access. She felt this was a perfectly appropriate connection that the community is trying to promote.

Ms. Foss expressed concern about everything that is happening within the proximity of driveways and the intersection with Lamprey Lane.

Mr. Blanchette felt the concept of connectivity is a good one. He felt the pedestrian access would be well used.

Mr. Drypolcher noted Mr. Potter's concerns relative to drainage issues that will result if the sidewalk is constructed.

Ms. Dolcino asked if a sidewalk would be paved or whether the Board could consider recommending something other than pavement. Mr. Drypolcher felt that if the Board wants the sidewalk, then it can discuss options.

Mr. Henninger suggested making a provision that connectivity could be gained by arranging a trail from the southerly end of Pond Place Lane to the Northwest Bypass which is actively used today.

Mr. Drypolcher asked the applicant if they would be willing to consider the alternative suggested by Mr. Henninger. Mr. Pollack responded that they would be willing to try to work that out and asked that the Planning Board grant final approval with the provision that they can return with an alternative plan if they can negotiate it.

Mr. Gross suggested that the applicant and the neighborhood have an incentive to create connection between this development and the Pond Place Lane and the Northwest Bypass.

Mr. Gross moved approval subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a) NH Department of Environmental Services Site Specific Permit (RSA 485-A:17)
 - b) NH Department of Environmental Services Water Quality and Sewer Discharge Permits
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a) Deed of easement for new road right-of-way.
 - b) Deed of easement for additional Little Pond Road right-of-way.
 - c) Cross country sewer and water easement.
 - d) Pedestrian/public access easement over cross country sewer and water easement.
 - e) Drainage easement.

- f) Sewer easement for future connection to Pond Place Lane.
 - g) Easement to protect the buffer along future Northwest Bypass.
 - h) Deed for conveyance of the lot for the Northwest Bypass.
 - i) A "Release of Easement Rights" that will extinguish the two easements reserved to the city by deed dated June 3, 1942.
5. Prior to the final plat being signed by the Planning Board Chair and Clerk, approval shall be obtained from the City Council for extensions to the sanitary sewer system located within the public right of way.
 6. Prior to the final plat being signed by the Planning Board Chair and Clerk, approval shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements. No construction activity may commence prior to the pre-construction conference.
 7. No certificate of occupancy for any building or use shall be issued until all public improvements have been completed to the satisfaction of the City Engineer and accepted by the City Council.
 8. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall obtain approval of private utility plans from Unitil (Concord Electric), Verizon, and Energy North.
 9. Prior to the release of a financial guarantee for any public improvement, an as-built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
 10. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
 11. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. The plat will not be recorded until the buffers are marked.
 12. 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 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. Table 3: Transportation Facilities - Single Family Residence

13. The following improvements to be constructed or dedicated are deemed to be eligible for credits against the assessed traffic impact fees. The procedures for determining the eligibility and the calculation of the credit 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.

- a. A 66-foot right-of-way for the Northwest Bypass across the lot to be conveyed to the City of Concord.

14. Street trees shall be required on the basis of two per lot frontage and the final plat shall be revised to reflect this.

15. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall, in lieu of constructing a sidewalk between Pond Place Lane and Samuel Drive, enter into negotiations with the property owner at the southerly end of Pond Place Lane in order to establish a pedestrian connection between Pond Place Lane and the right-of-way of the Northwest Bypass. If these negotiations fail, then the applicant shall revise the plat to include the design of a sidewalk between the proposed Samuel Drive and Pond Place Lane, provide an easement for the same, and increase the financial guarantee to include the cost of constructing this public improvement. In testimony, the applicant's attorney indicated that the applicant would report back to the Board on the results of the negotiations and the disposition of the sidewalk. Representations made in testimony before the Board are deemed to be included as part of the conditions of approval.

Mr. Blanchette seconded.

Mr. McGonagle asked the Board to offer Mr. Potter the opportunity to comment on the proposed motion. Mr. Potter responded that he felt the Planning Board had captured the essence of his concerns and felt it made sense to make what has been an informal use a more formal arrangement. He agreed with what the Planning Board is trying to construct.

Motion carried.

- 4. Application by **Juniper Fells LLC** for approval of a cluster subdivision of property on **Snow Pond Road and Shaker Road**. (#2005-83)

The Board was reminded that the applicant had requested postponement of action until January 4, 2006 at the Board's recessed meeting.

NEW BUSINESS

8. Consideration of a request by **Concord Hospital** that the Planning Board consider completeness of their upcoming application and conducting a public hearing in January.

Mr. Woodward presented a letter from Concord Hospital requesting that the application they wish to submit this week be scheduled for public hearing in January. He explained that Concord Hospital proposed to add two additional floors to the east wing of their current construction project. In order for the construction to continue uninterrupted with the change, they felt it was essential that design work begin immediately and the materials ordered by mid-January. Given that the prospective application is a modification of an existing approved project and considering that this will not impact the site, traffic conditions or public resources, the Hospital asked that the Planning Board consider both determining completeness and conducting a public hearing for the application at its January 2006 meeting.

The Board noted that, at the time of approval on June 22, 2005, the proposed expansion was presented as a future phase of the currently on-going construction on the east wing; that there were no new measurable impacts to consider in terms of parking and traffic because the new rooms were intended to accommodate existing hospital beds which are now located in rooms designed for two beds; that the Hospital's intent is to accommodate all single bed rooms in accordance with new national healthcare mandates; and that there is no further proposed alteration to the site but only to the building now under construction.

Mr. McGonagle asked whether there would be design constrictions that would make the additional rooms single bed only or whether they would be designed to be expandable. He did not want to buy the argument that there are no traffic impacts unless there is a way to validate that information. Mr. Gross felt it would be appropriate to ask the question at the public hearing.

Mr. Gross moved to grant a waiver to Section 6.02(C) of the Site Plan Review Regulations to allow for the determination of completeness and public hearing to occur at one meeting of the Board. Ms. Meyer seconded. Motion carried.

At 12:01 AM, the hour being late, the Board recessed to January 4, 2006 at 7:00 PM in the Second Floor Conference Room at City Hall.

A TRUE RECORD ATTEST:


Douglas C. Woodward
Clerk

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