

City of Concord Planning Board
January 18, 2017
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The regular monthly meeting of the City Planning Board was held on January 18, 2017, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. **Call to Order**
Chairman Woodfin called the meeting to order at 7:00 pm. Planning staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. **Roll Call**
Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin, Ian West, Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager), David Fox, and John Regan. Vice-Chair Carol Foss arrived at 7:35 p.m.

Absent: 3 – Susanne Smith-Meyer, Alternate Chiara Dolcino and Alternate Frank Kenison.
3. Approval of December 21, 2016 Planning Board Meeting Minutes
On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to accept the minutes of December 21, 2016, as written.
4. Planning Board Chair Overview
Chairman Woodfin noted that the application for Strategic Contracting Company, LLC for a 6-lot cluster subdivision off of Hoit Road was postponed to the February 15, 2017 Planning Board meeting at the request of the applicant.

****Consent Agenda Items****

5. Design Review Applications by Consent – If an applicant, Planning Board member, or audience member wishes to remove an item from the Consent Agenda for discussion, it will be pulled for consideration during the public hearing segment of the agenda. Otherwise, consent items are approved subject to the recommendations of the Design Review Committee as noted below.
 - 5A. Hatbox Theatre, LLC, on behalf of Steeplegate Mall Realty, LLC, requesting ADR approval to install a new externally illuminated wall sign at 270 Loudon Road, Suite 1161, in the Gateway Performance (GWP) District. *MBL:111/D1/5*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application by consent.
 - 5B. E-ZPass, on behalf of Bercar, LLC, requesting ADR approval to install a new wall sign at 54 Regional Drive in the Office Park Performance (OFP) District. *MBL:111/G1/31*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application by consent.
 - 5C. Granite State Baptist Church requesting ADR approval to install a new internally illuminated freestanding sign at 236 Sheep Davis Road in the Industrial (IN) District. *MBL:111/2/6*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application subject to the condition that the font size is reduced and aligned with the website.

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- 5D. Lake Sunapee Bank, on behalf of Flomac Limited Partnership, requesting ADR approval to install a replacement wall sign, and a replacement panel in an existing freestanding sign, at 8 Loudon Road in the Gateway Performance (GWP) District. *MBL: 114/1/1*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application subject to the condition that the current specification for the replacement panel in the freestanding sign be submitted to the Code office.

- 5E. Lake Sunapee Bank, on behalf of PRM Holdings, LLC, requesting ADR approval to install a replacement wall sign at 43 N. Main Street in the Central Business Performance (CBP) District. *MBL: 45/1/6*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application by consent.

- 5F. Revival Kitchen & Bar, on behalf of Associated Enterprises, Inc., requesting ADR approval to install a new projecting sign at 11 Depot Street in the Central Business Performance (CBP) District. *MBL: 45/7/3*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application by consent.

- 5G. Chrysalis Counseling Center, on behalf of State Street Holdings LLC, requesting ADR approval to install a replacement sign between two existing sign posts at 112-114 South State Street in the Urban Transitional (UT) District. *MBL: 24/2/15*

Councilor Champlin commented that he appreciated the sign proposed and felt that it was a very attractive design. On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application by consent.

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

Public Hearings

6. **Design Review Applications** – For sign applications pulled from the consent agenda, and building permit applications for exterior alterations in performance districts.

7. **Site Plan and Subdivision Applications**

- 7A. **Horizons Engineering, Inc., on behalf of the Unitarian Universalist Church of Concord, requesting Minor Site Plan approval for the installation of ground mounted solar array at 274 Pleasant Street in the Institutional (IS) District. *MBL: 96/1/9 (2016-57)***

Attorney Richard Uchida from Hinkley Allen was present representing the applicant along with Oliver Simpson of Norwich Technologies and Will Davis from Horizons Engineering.

An overview of the project was provided by Mr. Davis. A discussion was held regarding shielding the array from street views and neighbors by utilizing various types of plantings. Members expressed concern with the height and species proposed as it may be many years before the trees are mature to provide effective screening. Atty. Uchida stated that the ZBA expressed the same concern and he explained that the plantings being at maturity at the beginning of the project would double the costs. He stated that the

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suggested evergreens would be at maturity within 2-3 years. He added that the array is up the hill above the plantings so the array will be more obscured at a lower perspective.

Mr. Simpson explained that the system was designed based on the annual usage of the church and this will offset the usage over the course of a year.

Ms. Shank noted that the plan shows that seven arborvitae are proposed which should be 6 feet tall when installed; smaller shrubs are also proposed, including 22 rhododendrons, which may take several years to reach the necessary 5-6 feet in height for screening.

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to determine the application complete. Chairman Woodfin opened the public hearing. There being no comments from members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant the waiver** for Section 15.03 of the Site Plan Regulations, based on the fact that the applicant has provided survey data for the front of the property where the work is proposed, and utilizing the criteria of RSA 674:44, III.(e), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out that spirit and intent of the regulations.

On a motion made by Mr. West, and seconded by Mr. Hicks, the Board **granted Minor Site Plan Approval** for installation of a solar array and associated stormwater facilities, subject to the following precedent and subsequent conditions:

- a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Technical Review Comments noted in Section 3 above.
 - (2) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
 - (3) Address attached review comments from the Engineering Division to the satisfaction of the City Engineer.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) 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.

7B. Richard D. Bartlett & Associates, on behalf of GJC Associates, requesting Minor Subdivision approval for a lot line adjustment at 264 Pleasant Street in the Institutional (IS) and Open Space Residential (RO) Districts. MBL: 95/3/1; 95/3/3;96/1/10 (2017-02)

On a motion made by Mr. West, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete. Chairman Woodfin opened the public hearing.

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Dan Mullen of Richard D. Bartlett & Associates was present representing the applicants. He provided an overview of the project explaining that the applicant is proposing to merge 260 and 264 Pleasant Street (Lots 95/3/3 and 93/3/1, respectively), and to annex a portion of 274 Pleasant Street (Lot 96/1/10) to 264 Pleasant Street (Lot 95/3/1). He stated that this process will square off the lot for future development; however, it will eliminate frontage on Langley Parkway for Lot 96/1/10. The lot merger is in progress at this time to make this lot conforming. He reviewed the waiver requests and stated that the reason for the request is a portion of the parcel is mostly undevelopable and is not proposed for future development.

A discussion was held regarding the drainage and existing waterline. Mr. Mullen stated that there was a 33 foot wide easement granted prior to Langley Parkway being built; the waterline is existing. He noted that there are portions of the 33-foot easement that are located outside of the shared access agreement for Langley Parkway. He stated that the Langley Parkway shared access agreement is between Concord Hospital, Concord Orthopaedics, and the City of Concord, and the agreement covers the utilities.

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

On a motion made by Mr. West, and seconded by Mr. Reagan, the Board voted unanimously to **grant the following waivers** from the Subdivision Regulations for the 12.30 acre remainder portion of Lot 96/1/10, utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations:

- a) 12.07 Wetland delineation
- b) 12.08(3) Topography
- c) 12.08(4) Soil types
- d) 12.08(5) Nature features
- e) 12.08(10) Municipal utilities
- f) 12.08(11) Non-municipal utilities

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board **granted Minor Subdivision approval** for the lot line adjustment at 264 and 274 Pleasant Street, subject to the following 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) Address Engineering Review Comments, noted in the Memo from Bryant Anderson, PE, dated January 10, 2017, to the satisfaction of the Engineering Division.
- (2) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- (3) Applicant to file an application for lot merger with the Planning Division to consolidate Lot 96/1/10 with Lot 96/1/9 thus creating a contiguous lot with legal frontage. Lot merger to be recorded at the Registry of Deeds.
- (4) Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning Division.
- (5) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of

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Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.

- (6) The Licensed Land Surveyor Scientist shall sign and seal final plans and mylars.
- (7) Applicant shall 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.
- (8) The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

7C. Webster Stout, on behalf of Michael and Lynn Arsenault, requesting Minor Subdivision approval for a 2-lot subdivision at 193 East Side Drive in the Single Family Residential (RS) and Open Space Residential (RO) Districts. MBL: 114H/1/2 (2017-01)

On a motion made by Mr. West, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete. Chairman Woodfin opened the public hearing.

Web Stout was present representing the applicants and provided an overview of the project. He explained that this is for one new lot and exceeds the minimum requirements.

A discussion was held regarding the fact that it appears that there are two driveway entrances and the additional impervious area. Mr. Stout stated that there is only one driveway. Ms. Shank commented that it appears that there are two as there were vehicles in this area. She stated that it would be helpful for the second driveway to be documented on the plan. Mr. Stout will comply.

Additional discussion ensued as to the limits of clearing and the possible location of the house. Mr. Stout stated that they would prefer not to indicate a limit of clearing as that may pose a constraint to the future property owner in siting the house where they choose. He noted that the applicant may clear the entire lot if they choose in accordance with the regulations. He also stated that if he had to indicate a limit of clearing, he would show the entire lot cleared to maximize the options for the future home owner. Ms. Shank agreed that the home owner could put the house anywhere they wanted in accordance with the regulations; she also stated that it was preferable to remove the condition to indicate the limit of clearing than to show the entire property being cleared.

Mr. Anderson, City Engineer, provided comments relative to the site. He mentioned the catch basins on the property. Mr. Stout questioned the expansion of the easement area and asked Staff to clarify the dimensions requested. Mr. Anderson stated that the existing 20 foot width of the easement could be maintained, but that the length should be extended by 12.5 feet.

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

Ms. Foss arrived at 7:35 p.m. and stated that she would not vote on this project.

Councilor Champlin asked what the process would consist relative to the limit of clearing should the applicant want to develop outside of the area. Ms. Shank stated that minor subdivision applications are not subject to the Landscape Plan requirements, which state that existing natural resources shall be

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protected to the greatest extent possible. She also stated that she is not opposed to striking item 3.8. It was agreed unanimously to strike 3.8 from the Technical Review Comments.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant the following waivers** from the Subdivision Regulations, utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations.

- (1) Section 15.03 to provide existing conditions survey data for only the front of the property, based on the fact that no disturbance is proposed below the bluff; and
- (2) Section 26.02 to allow existing utility lines for the existing house to remain above ground, provided that the lines for the proposed lot are located underground.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board **granted Minor Subdivision approval** for the 2-lot subdivision at 193 East Side Drive, subject to the following 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) Address Engineering Review Comments dated 1/10/17 to the satisfaction of the Engineering Division.
- (2) Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning Division, with the exception of comment 3.8.
- (3) Any waivers granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Subdivision Regulations. Should the Board vote to deny the waiver requests, the applicant shall comply with said requirements.
- (4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (5) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (6) Applicant shall 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.
- (7) The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

7D. T.F. Bernier, Inc., on behalf of Strategic Contracting Company, LLC, requesting Major Subdivision approval for a 6-lot cluster subdivision off Hoit Road in the Medium Density Residential (RM) District. MBL: 122/3/12 (2016-55)

The applicant requested to postpone the application until the February 17, 2017 Planning Board meeting.

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- 7E. Keach-Nordstrom Associates, on behalf of Goodwill Industries of Northern New England requesting Major Site Plan approval to renovate the existing facility and redevelop the existing parking lot at 204 Loudon Road in the General Commercial (CG) District. MBL: 111B/2/6 (2016-60)**

Chairman Woodfin opened the public hearing.

Patrick Colburn and Brent Cole were present from Keach-Nordstrom Associates, along with Michael Sweeney of Winthrop Management Corporation.

Mr. Colburn provided an overview of the former 2015 plan. He explained that based on a recognized need to revitalize the facility, he reviewed changes made to the 2015 plan. He stated that the renovations proposed include the demolition of the 3,000 sf house that is currently attached to the northeast corner of the structure. Façade improvements will be done as well as the addition of a drive-up donation area with a canopy. He added that the existing parking area will be reconfigured and reorganized, which will increase the parking spaces, as well as allow for 2-way traffic flow. This will also reduce impervious areas. He stated that the steel frame structure would be removed, a mansard roof added, and the masonry will be cleaned up. He continued to note other site improvements relative to storm water and the addition of a bioretention area that will be tied into the City's system. He stated that new landscaping is proposed, including a new vegetated buffer along Branch Turnpike, and new site lighting, which will be more conforming. They are also able to provide the 7-foot right-of-way requested by the City along Loudon Road for the construction of a future bus stop and new sidewalk. .

Mr. Colburn noted that at the ADR meeting, it was mentioned that there is a violation on the site as they are exceeding the amount allowed for the storage trailers that contain seasonal items. The additional trailers that are not permitted will be removed prior to request for a certificate of occupancy.

Also mentioned at the ADR meeting were concerns expressed by the abutters at 63 Branch Turnpike. Mr. and Mrs. Matson submitted a letter to the Board expressing concerns regarding lighting in the rear of the building, tree trimming, the area where employees have been smoking, and their desire to continue the use of the gate at the Branch Turnpike entrance. They also requested that the stockade fence previously proposed along their property line be included as part of this application. Mr. Colburn stated that the gate is already up, that applicant will relocate the light and the smoking area, and trim the trees when they begin removal of trees on the west side of the building. They also will revise plans to include the stockade fence.

Mr. Anderson provided comment of the applicant's requests regarding the burial of utilities and adding dry wells to capture runoff from the roof drains. Mr. Colburn noted that all overhead utilities will be buried within the limit of work and they are requesting to not bury the lines all of the way to Branch Turnpike. Mr. Colburn requested that the dry wells not be required as it was an undue burden adding more cost to the small budget. Mr. Anderson suggested that the one new roof drain pipe be replaced with a perforated pipe to allow for infiltration. Mr. Colburn agreed to replace one drain pipe with perforated pipe, and requested a waiver to the site plan regulations to not bury the full extent of the utilities.

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Councilor Champlin asked if reducing curb cuts was discussed with Staff. Mr. Colburn stated that it was discussed as part of the previous major site plan application process for the site, and that the current plans reflect the recommendations made by Staff at that time.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval** for the architectural elevations, site design, landscaping and related site improvements with the recommendation to wrap brick or brick veneer around each corner of the façade to line up with the edge of the mansard.

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to **grant the waiver to Section 25.02(1) of the Site Plan Regulations (SPR)** to not bury the existing non-municipal utilities between Branch Turnpike and the proposed limit of work.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Conditional Major Site Plan approval** subject to the following precedent and subsequent conditions:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) The Traffic Control Plan shall be added to the final plan set.
 - (2) The 6 ft high stockade fence, as specified in the approved 2015 site plan, shall be added along the 61-63 Branch Turnpike property line.
 - (3) The proposed 8” HDPE roof drain pipe between the building and CB2091 shall be replaced with perforated pipe. The construction details and drainage plan shall be updated accordingly.
 - (4) Any waiver granted shall be noted and fully described on the plan including date granted and applicable Section number of the Site Plan Regulations.
 - (5) The applicant shall provide an engineer’s cost estimate for the proposed improvements within the right-of-way in order to calculate the financial guarantee.
 - (6) The final Right-of-Way Easement Plan and Deed shall be submitted for recording with the Merrimack County Registry of Deeds.
 - (7) Address Engineering review comments in the memo dated 1/5/17 to the satisfaction of the Engineering Services Division.
 - (8) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning

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Office to make copies for the pre-construction meeting. A total of seven (7) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.

- (3) At least two weeks in advance of the pre-construction meeting, provide financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- (4) Prior to the issuance of the Certificate of Occupancy, any storage containers beyond the five trailers permitted shall be removed from the property to be brought into compliance with Zoning requirements.
- (5) 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 Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- (6) 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) Amendments to Approved Plans

8A. TF Moran, on behalf of Unitil Energy Systems, requesting an amendment to a previously approved Major Site Plan to relocate poles for the Unitil Broken Ground Substations & ROW at 259-261 Portsmouth Street in the Residential Open Space (RO) District. The Applicant also requests an amendment to a previously approved Conditional Use Permit to impact the wetland buffer. MBL 113/2/19 (2015-15)

Chairman Woodfin opened the public hearing. Nick Golon of T.F. Moran was present along with Jake Dusling representing Unitil requesting to amend the site plan and a CUP for impacts to wetlands buffers. He gave an overview of the existing conditions and locations of current line crossings as well as an overview of prior projects and other revisions. He explained that NHDOT determined that the previously approved location of the overhead lines was in conflict with the location of bridge abutments. The proposed relocation of the aerial line crossings will be further away from the bridge abutments, and will also allow the reduction of pole heights, and there will be fewer poles along 393.

Mr. Golon stated that there is 426 sf of additional wetland buffer impact, 208 sf less permanent wetland impact and 7,600 sf of temporary wetland impact. He noted that the wetland impacts will be processed as an amendment to the previous DES wetland permit. He stated that the wetlands permit amendment has not been filed yet. Mr. Golon stated that he met with the Conservation Commission in November and the Commission did not have any objections.

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

On a motion made by Mr. West, and seconded by Councilor Champlin, the Board voted unanimously to **grant approval** of the modification to the approved Conditional Use Permit to impact an additional 373 sf of wetland buffer. CUP 373 wetland buffer

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to

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grant approval of the modification to the approved Major Site Plan to relocate the aerial electric line with all associated pole structures, guy wires and anchors, as it crosses Interstate 393. As part of this action the Board indicated that all conditions of the original approval shall remain in full force and effect. Additionally, the following conditions shall be fulfilled as specified conditions:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
 - (1) The sheets shall be updated with the reference information for the easement and associated easement plan for crossing Hodges Properties, Inc. land at 241 Loudon Road once recorded.
 - (2) The Professional Engineer shall sign and seal final plans.
 - (3) Submit two set of final plans for sign off by the Planning Board Chair and Clerk.
- (b) Subsequent Conditions – Staff also recommends that the following general and subsequent conditions be placed on the approval:
 - (1) No site work shall commence until the approved site plan is endorsed by the Planning Board Chair and Clerk.
 - (2) Engineering and Planning staff shall inspect and approve final construction prior to use.

8B. Brown Engineering, on behalf of Jeff & Margaret Clattenburg, requesting an amendment to a previously approved Conditional Use Permit to remove stumps within the wetland buffer at 23 Shenandoah Drive in the Residential Open Space (RO) District. MBL 98/2/1 (2016-40)

Neither the applicant nor representative was present. Ms. Fenstermacher provided an overview of the project explaining that this application is relative to a subdivision that the Board granted approval at their August 17 meeting. This CUP is for additional disturbance to remove stumpage remaining from a timber harvest;. The applicants presented to the Conservation Commission, January 11, 2017, and the Commission expressed concern with the amount of disturbance that will be caused by removing the stumps. The Commission determined that removal would cause an unnecessary disturbance to the buffer, and may cause erosion and create pits that would require filling in the wetland buffer. The Commission recommended grinding the stumps in place or cutting flush to the ground, allowing the stumps to decay in place. The Conservation Commission was in support of the CUP amendment with the condition that Planning staff review the proposed restoration plan, and the stumps be ground or cut flush.

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

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to **grant approval of the amendment to the approved Conditional Use Permit** to impact an additional 9,230 sf of wetland buffer with the following conditions:

- (a) The stumps shall be ground in place, or saw cut flush.
- (b) Planning staff shall approve the restoration plan and inspect the final installation of plantings prior to the issuance of the Certificate of Occupancy.

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8C. Bastion Development requesting an amendment to a previously approved Major Subdivision Plan to extend the phasing deadlines for the Oxbow Bluff Development on Abbott Road in the Single Family Residential (RS) District. MBL 202Z/6 (2005-67)

Chairman Woodfin opened the public hearing.

Ms. Desharnais from Bastion Building and Development was present. Ms. Fenstermacher provided the Board with a summary of the project. She explained that the project was originally approved in 2006. One year ago the applicant requested an extension for the construction of the roundabout on Manor Rd. and Abbott Rd. She stated that the applicant has previously met with the Board several times. She provided a timeline of the placement of the base course of pavement, and added that there are some structural issues with the base paving, as discussed in the engineering report. She stated that the pavement and landscaping for phase 1 was to be completed by 11/15/2016, The deadline has passed and the work is not completed.

General discussion was held as the Board reviewed the phases and the conditions of approval. The Board expressed concern with granting another extension. Ms. Desharnais stated that the project will be moving forward by the end of the winter.

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

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to **grant approval** for the amendment to the previously approved Major Subdivision to extend the of timeline of phasing as follows:

- Phase 1 and Phase 2 roadway paving and curbing to be completed and signed off by May 31, 2017
- Landscaping for all Phase 1 and 2 units completed by May 31, 2017 to be installed by May 31, 2017
- Phase 1 and 2 units to be completed and signed off by November 15, 2017
- Phase 3 to be completed and signed off by November 15, 2018

9. Ordinance Amendments

9A. Article 29.2 of the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2(b), Computation of the Amount of Impact Fee – update the variable unit fee for Transportation, Recreation, and School Facilities in accordance with the annual inflationary rate.

Ms. Shank explained that while the Board voted to approve the inflationary increase last month, she is re-introducing the item in light of the need for an update of the methodology that the variable unit fees are based on. She recommended no increase at this time due to the fact that the methodology has not been updated since being adopted in 2001.

On a motion made by Ms. Rosenberger, and seconded by Councilor Champlin, the Board voted unanimously to **not recommend** an adjustment to the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2(b) at this time to allow time due to the need to update methodology.

Other Business

10. Council Referral – Request for discontinuance of a portion of the Broad Cove Drive right-of-way

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Robert Beaulac of Broad Cove Drive requested to discontinue a portion of the right-of-way to remove encroachments of his property from the right-of-way. Mr. Beaulac explained that the house was built in the early 1900's. He recently had a survey done, which showed that a portion of the house and septic were in the right-of-way. The survey indicated that the right-of-way is 66 feet wide in this location. He stated that he would like to remove the front door and steps from the front of his house and relocate them to the side due to safety issues.

With no comments or concerns, on a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to forward the request to council and to recommend the discontinuance of a portion of the right-of way on Broad Cove Rd., as indicated in the plan.

11. Lowes Report – Determination to allow bond to expire for a median on Fort Eddy Road

Ms. Shank explained that a \$60,000 bond was issued to the City in 2007 in conjunction with the construction of the Lowes store at 90 Fort Eddy Road. The bond was to be held for 10 years to cover costs of construction and installation of a median on Fort Eddy Road, if it should be determined that the median was necessary due to traffic impacts from the new store. The surety will be expiring January 31, 2017. Ms. Shank stated that Staff's opinion is that the median is not needed. She stated that Staff recommends allowing the surety to expire.

On a motion made by Ms. Foss, and seconded by Ms. West, the Board voted unanimously to determine that the median is not needed and the surety should be allowed to expire.

12. Town of Pembroke Application – New Hampshire Army National Guard proposal for 96 Sheep Davis Road under RSA 674:54

Ms. Shank stated that this is an opportunity for the Board to comment. The Board had no comments or concerns relative to this item.

Adjournment

With no further business before the Board, Councilor Champlin made a motion to adjourn at 8:45, seconded by Mr. West. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist