



49

September 17, 2014

Page 1 of 15

**CITY OF CONCORD PLANNING BOARD  
September 17, 2014 MEETING**

The regular monthly meeting of the City Planning Board was held on September 17, 2014, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 6:30 p.m.

Present at the meeting were Chair Drypolcher and Members Hicks, Lavers, Smith-Meyer, Woodfin and Councilor Champlin (7:45). City Planner Nancy Larson and Ms. Murray of the City's Planning Division were also present.

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

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

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

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

- a. Application by the Single Tree Acquisition, LLC, on behalf of Granite State Pharmacy, requesting Architectural Design Review Approval for a new 22.25 sq. ft. non illuminated wall mounted sign at 5 Clinton Street (MBLU: 22/7/2), within the Neighborhood Commercial (CN) District.

Ms. Larson stated the application was recommended for approval as submitted by ADRC.

There were no other comments or discussions.

Councilor Champlin moved to grant Architectural Design Approval for a new 22.25 sq. ft. non illuminated wall mounted sign at 5 Clinton Street as submitted by the applicant. Mr. Hicks seconded the motion. Motion carried unanimously.

- b. Application by 31 South Main Acquisition, LLC, on behalf of Reliable Insurance Solutions, LLC, requesting Architectural Design Review Approval for one new 5.4 sq. ft. non-illuminated wall mounted sign at 9 Hills Av L-5 (MBLU: 35/1/10), within the Central Business Performance (CBP) District.

Ms. Larson stated the application was recommended for approval as submitted by ADRC.

There were no other comments or discussions.

Mr. Hicks moved to grant Architectural Design Approval for a new 5.4 sq. ft. non-illuminated wall mounted sign at 9 Hills Av L-5 as submitted by the applicant. Councilor Champlin seconded the motion. Motion carried unanimously.

- c. Application by Emin Halilovic, on behalf of Nina's Pantry, requesting Architectural Design Review Approval for one new 10 sq. ft. non illuminated hanging sign on an existing bracket at 80 North Main Street (MBLU: 45/1/12), within the Central Business Performance (CBP) District.

Ms. Larson stated the application was recommended for approval as submitted by ADRC.

There were no other comments or discussions.

Councilor Champlin moved to grant Architectural Design Approval for a new 10 sq. ft. non illuminated hanging sign on an existing bracket at 80 North Main Street as submitted by the applicant. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

- d. Application by Bindery Redevelopment, LLC, on behalf of Bittware, requesting Architectural Design Review Approval for one new 5.25 sq. ft. non illuminated wall mounted sign at 45 South Main Street (MBLU: 34/4/5), within the Central Business Performance (CBP) District.

Ms. Larson stated the application was recommended for approval as submitted by ADRC. Chair Drypolcher and Ms. Smith-Meyer expressed concern that the sign will give the appearance of an entrance for customers and not just employees as intended. Discussion regarding compliance ensued.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval for a new 5.25 sq. ft. non illuminated wall mounted sign at 45 South Main Street as submitted by the applicant. Mr. Hicks seconded the motion. Motion carried unanimously.

- e. Application by Siena Investments, LLC, on behalf of Capri Real Estate Holdings, LLC, City of Concord, State of New Hampshire, and Everett L. and Patricia A. Foster, for Architectural Design Review approval of the landscape plan. The site plan to construct a 22,596 square foot retail building and a 4,950 square foot restaurant, including parking, landscaping, drainage, and lighting between Loudon Road and Old Loudon Road opposite the Steeplegate Mall was conditionally approved by the Planning Board on February 19, 2014. The simultaneous Architectural Design Review approval of the application did not include the landscape plan and site plan, the elevations of the restaurant building, nor any tenant signage. The parcels are located in the GWP (Gateway Performance) District. Map/Block/Lot: 111C-2-1, 111E-1, Lots 12, 14, 15, 17, & 18 (2013-0069)

Matt Peterson and Mike D'Amante were present to speak to the application. Mr. Peterson presented to the Committee. He stated the project received ADRC approval for the building in February but the landscape design was still in process of being finalized because of sight distance concerns on Old Loudon Road brought up by the Engineering staff. Mr. Peterson stated it has taken 6 months to finalize some easements associated with the Steeplegate Mall across the street. He stated the revised landscaping plan has not changed much but it addresses Planning Staff concerns brought up in April which includes additional trees and screenings, a buffer on the dead end road, and modifications to the building and landscaping to ensure sight distances. Mr. Peterson stated there are 70 proposed new trees on the site, and 15 new trees in the buffer. They will be back at a later date for the restaurant and signage on the buildings. Councilor Champlin asked if the trees were all native. Mr. Peterson responded that they have met all the requirements of standard trees and shrubs that staff recommends and there are no invasive species. Ms. Smith-Meyer questioned the island being concrete. Mr. D'Amante responded that staff had requested that the island not be planted because of sight issues but he is willing to add plantings.

There were no other comments or discussions.

Ms. Smith-Meyer moved to grant Architectural Design Approval of the landscape plan between Loudon Road and Old Loudon Road opposite the Steeplegate Mall as submitted by the applicant with the condition that perennials or low-laying shrubs that will not impede or obstruct sight distances be planted

at the island. The plantings will be approved by Planning staff. Councilor Champlin seconded the motion. Motion carried unanimously.

### **Waiver Request**

2. Application by Siena Investments, LLC, on behalf of Capri Real Estate Holdings, LLC, City of Concord, State of New Hampshire, and Everett L. and Patricia A. Foster, for a waiver from Section 27.08 of the Site Plan Regulations to allow removal of trees and site grading activities for a previously approved site plan to commence prior to satisfying all conditions of approval. The parcels are located in the GWP (Gateway Performance) District. Map/Block/Lot: 111C-2-1, 111E-1, Lots 12, 14, 15, 17, & 18 (2013-0069)

The Chair opened the public hearing.

Mike D'Amante was present to speak to the request. He stated the request would allow early access for some clearing on the property. The reason they are asking for the waiver at this time is that conditional approval was granted in March and some of the conditions were difficult to accomplish, this is an atypical project dealing with city, state and private land, building a road to city specs and requirements. The intersection at the mall and Old Loudon Road caused many problems. He also stated there is a 12 inch high pressure gas line that runs up Loudon Road and out to Laconia to feed Laconia with natural gas. It took Keyspan until midsummer to get back with the actual depth of the line and the required coverage. After receiving this information, the final leg to the light could then be designed. Once finalized, it dramatically changed a lot of things on the site. He stated City Council granted a waiver for missed notice period due to the special circumstances and nature of the project.

Chair Drypolcher stated that the Board is not fond of granting certain waivers and the granting of this particular waiver could create problems in coming years with other developers asking for waivers.

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

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

Councilor Champlin asked Mr. D'Amante to specify the hardship necessitating the waiver. Mr. D'Amante replied that the contractors, with winter approaching, need to get the foundations in as every day counts. Councilor Champlin asked why it is important to get the foundations in now instead of spring. Mr. D'Amante explained that they have commitments to tenants for late spring/early summer openings. They would also like to get the road finished in the spring. Without the gas line issue they would have been in the ground already.

Ms. Smith-Meyer moved to grant a waiver from Section 27.08 of the Site Plan Regulations to allow removal of trees and site grading activities for a previously approved site plan to commence prior to satisfying all conditions of approval for the application by Siena Investments, LLC, on behalf of Capri Real Estate Holdings, LLC, City of Concord, State of New Hampshire, and Everett L. and Patricia A. Foster. Mr. Lavers seconded the motion. Motion passed unanimously.

### **Conditional Use Permit Applications**

3. Request by PSNH to permit Wetland Buffer and Shoreland Buffer impacts as well as a request to permit the re-establishment of an Essential Public Utility and Appurtenance(s) in the Residential (RO, RM, and RO) and Non-Residential (CG and UT) Districts. The Conditional Use Permit applications are

associated with the re-establishment of the 317 line from the Unital Manor Road Substation on Route 3 westerly through Penacook to the PSNH Pole mounted equipment on Route 103/127 in Webster. **(Public Hearing is continued from the July 16, 2014 Planning Board meeting.) (2014-0027)**  
**Postponed from August 20, 2014.**

- a. Public Hearing
- b. Deliberations and Action on the Application

The Chair opened the public hearing.

David Still, PSNH and Amy Sanders, CLD were present to speak to the application. Mr. Still stated that this project has been before the Board before and they had presented to Conservation Commission for their comments as was requested by the Planning Board. Mr. Still gave a brief overview of the project. The easements for the line are from 1917 and the line was maintained until the late 1980's at which time the line was left up but de-energized and maintenance was discontinued. Due to low growth in different areas of PSNH's system, due to voltage regulation throughout the system, and due to an intent to create as many connection points as possible and ways to back feed different parts of the system both in to and out of Concord, it now makes sense to reinstall the line. Back in 2009/2010 the line is still visible in aerial photographs so from the 80's until 2009/2010 the vegetation management had stopped but the line was physically still there. There were issues with wire being stolen from the line which caused another portion of the line to sag and make contact with the existing street distribution. To eliminate the potential safety issues associated with that line in the condition it was in at that time, a project to go back in to remove the poles and wires to prohibit any more incidents. A notification was sent to abutters at that time alerting them to that project and the intent to come back in 2014 with the new project.

Mr. Still gave an overview of the Conservation Commission meeting. PSNH would utilize selective vegetative management to maintain a shrub layer of vegetation within the wetland buffers associated with vernal pools and Shoreland buffers. The vegetation in these areas would not be removed to ground level.

The construction activities within the vicinity of the public boat launch would occur during the late fall, winter or early spring months to avoid impacting the use of the boat launch.

The right-of-way clearing width would be reduced to 80 feet from Borough Road to Weir Road. The City would also enter into an agreement with PSNH outlining the circumstances when the right-of-way would be cleared to the full 100-foot width which would include dead or diseased trees that present a danger to operation or reliability; trees needing to be removed for access around wetland areas or rock outcroppings; and trees that need to be removed to restore service along the line.

Chair Drypolcher asked about the pole height. Mr. Still stated the utility poles will range in length from 45 feet to 55 feet and will primarily be a tangent pole structure. This is a wooden utility pole with a single cross arm. A longer three pole structure (85 feet in length) will be used to cross the Contoocook River.

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

Mr. Tony Bourque, 7 River Road, Penacook, spoke. The easement passes through 1000 feet through his property which is a tree farm. His tree farm is one of the oldest in the state and one of the last totally intact 19<sup>th</sup> century farms in the city. The line starts in the wooded area and goes right through the fields that abut River Road. He stated he has many concerns. His main concern initially was that the original buffer area was approximately 70 feet wide and he has kept that area mowed/maintained for several years by himself and previous owners. He said the trees at the side of the easement are nearly as old as the line. He said he negotiated a little with PSNH and came up with an agreement stating they are willing to maintain an easement of 80 feet in the area of Borough Road to River Road. Mr. Bourque has



read the agreement and he stated it allows them to come back anytime to use the entire 100 feet. He stated his trees are not ready for harvest and the 100 foot easement would encroach on those trees. He said for that reason he has asked the Planning Board to have this line buried. He stated he recommends a buried line for several reasons. First, a buried line would be less intrusive, the lay of the land would remain more primitive. Second, the line would be safer if buried in that if a line came down there would be no worries about fire. And third, there would be a lot less visual pollution. He stated the replacement poles are going to be 75 feet in height and feels this will be very visually intrusive. He stated Northeast Utilities, parent company of PSNH, claims, on their website, that they care for the environment and have installed transmission lines underground before. Mr. Bourque feels that for the safety of the people in Concord and for the way it would look the City would be much better off in requesting the line be buried. Mr. Bourque stated PSNH is talking about narrowing the corridor between Borough Road and River Road but he thinks it would also be advantageous to bury the line beneath the Contoocook River and the Rolfe Canal because it is very visual through there.

Mr. Norm Lacoy, Blackwater Road area, spoke. He has taken measurements of the existing corridor that went through and it measures approximately 70 feet in width. He agrees with Mr. Bourque's about burying the line. He has lumber which may be affected. He owns 50 acres and the line runs a half mile through his property. Burying the line would have less impact.

Mr. Still replied that there are a few problems with burying the lines for the magnitude of a project like this. The biggest impediment is cost. The cost of burying the line is about 6 to 8 times higher than for normal overhead construction. Bottom line is the cost has to be prudent and appropriate. In this case the line was visible, up until 4 years ago, for over 90 years. All property owners were aware of the easement when they gained these properties. The reliability on an underground line is different. Quite a bit is also cleared when burying lines. Buried lines fail in different ways and are less reliable in terms of a lifespan especially when going through wet areas. He stated that the easements required for the corridor in 1917 did not allow for underground; they were specific to the placement of overhead poles and wires so new easements would be required for the entirety of the project. Due to the cost, the reliability factor, the fact that the impact, which was in place for over 90 years, is essentially being duplicated, and overhead is currently allowed with the easements this is what they wish to proceed with.

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

Mr. Lavers moved to table the application until the City Solicitor's office can respond regarding the sense and scope of the existing easements and any limitations or rights to burying power/transmission lines. Mr. Hicks seconded the motion. Motion passed unanimously.

#### Site Plan Review

4. Request by Jonathan Chorlian on behalf of the Suzanne M. Ellinwood Trust for Minor Site Plan Approval to convert an existing single-family residential dwelling into three (3) residential units at 78 School Street. Also requested is a Conditional Use Permit to construct a second driveway (onto Merrimack Street) in the RN (Neighborhood Residential) District. Map/Block/Lot: 42-4-4 (2014-0039)  
**Postponed from August 20, 2014.**
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

Ms. Larson recommended that the Board declare this application to be complete and the public hearing opened.

Councilor Champlin moved to determine the application complete. Mr. Hicks seconded the motion. The motion passed unanimously.

The Chair opened the public hearing.

Jonathan Chorlian was present to speak to the application. The minor site plan approval is to convert an existing single-family residential home into three residential units. The existing two-story single-family home located at 78 School Street was constructed circa 1850. The parcel has additional road frontage along Summit Street and Merrimack Street. A driveway and two car garage off of Summit Street currently provide access and parking for the parcel. The garage is proposed to be replaced by a new six-car garage with back-to-back spaces (two back-to-back garage spaces per unit). The garage would have two bay doors, one facing Summit Street and one facing Merrimack Street. The existing driveway is proposed to extend through to Merrimack Street generally creating a one-way circulation pattern from Summit Street to Merrimack Street. The parking scheme of the garage is such that vehicles parked at the Summit Street end of the garage would back out onto Summit Street and vehicles parked at the Merrimack Street end of the garage would pull forward and exit onto Merrimack Street. An existing in-ground pool between the garage and Merrimack Street would be removed to accommodate the new driveway onto Merrimack Street. Mr. Chorlian intends to return to the Board in the future to request a condominium conversion for the three units.

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

Leslie Thomas, 76 School St., stated that as a neighbor she supports the condo conversion. She is in favor of the project.

Mr. Peter Ellingwood, 325 Pleasant St., is one of the trustees that owns the property. He stated the project is terrific for the neighborhood and is a very good use for the property and neighborhood.

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

Ms. Larson stated there are 3 waivers being requested now and there are more that staff has not reviewed yet but those can be approved by the Planning Board Clerk.

Ms. Smith-Meyer moved to grant a waiver from Sections 12 & 15 of the Site Plan Regulations regarding the type of information and level of detail required to accompany a site plan application specifically the requirement that a plan be prepared by a licensed land surveyor [Section 12.03(1)]. Councilor Champlin seconded the motion. The motion passed unanimously.

Ms. Smith-Meyer moved to grant a waiver from Sections 12 & 15 of the Site Plan Regulations regarding the type of information and level of detail required to accompany a site plan application specifically that architectural elevations for all four sides of the building are provided [Section 15.01 (8)] for the house. Mr. Hicks seconded the motion. The motion passed unanimously.

Ms. Smith-Meyer moved to grant a waiver from Sections 12 & 15 of the Site Plan Regulations regarding the type of information and level of detail required to accompany a site plan application specifically requirements on scales [Section 12.02, 12.05, 15.02]. Mr. Hicks seconded the motion. The motion passed unanimously.

Ms. Smith-Meyer moved to grant a conditional use permit pursuant to Article 28-7-8(b) of the Zoning Ordinance, one driveway is permitted for lots with up to 100 ft. of lot frontage and one additional driveway is permitted for each additional 150 ft. of lot frontage. Mr. Lavers seconded the motion. The motion passed unanimously.

Ms. Smith-Meyer moved to grant Conditional Minor Site Plan approval for Jonathan Chorlian on behalf of the Suzanne M. Ellinwood Trust to convert an existing single-family residential dwelling into three (3) residential units at 78 School Street, subject to the following precedent conditions to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

**Precedent Conditions**

1. Address to the satisfaction of the Engineering Services Division, all forthcoming review comments. The final engineered site plan shall be acceptable to Engineering and stamped by a PE licensed in NH.
2. Variances are to be noted and described on the final site plan.
3. A revised set of floor plans detailing water and sewer service to each of the three units shall be submitted to Planning. The plans will need to be deemed acceptable by the City for both policy and practice to ensure adequate service can be provided for the three units and access to the utilities is acceptable to the City.
4. Any waiver(s) granted is 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 any requested waivers, the plan shall be revised accordingly.
5. Unless waived by the Board, digital information for location of buildings, parking and other paved areas as well as property lines with bearings and distances 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.
6. Prior to the issuance of a building permit, Traffic, recreation and school impact fees shall be assessed for the two additional dwelling units. 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, Zoning Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-2 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. All assessed fees will be based on a Multi-unit/apartment (other than townhouses or duplexes). A credit will be issued for the existing single family house.
7. The applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

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

**Subsequent Conditions**

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. Prior to the pre-construction meeting, seven copies of the final approved site plan shall

be provided to the Planning Division for endorsement by the City Engineer as "approved for construction."

3. Prior to the issuance of a Certificate of Occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

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

6. Request by NH Charitable Foundation for Minor Site Plan Approval to expand their existing parking lot by adding eight (8) parking spaces for compact cars at 37 Pleasant Street in the Civic Performance (CVP) District. Also requested are Conditional Use Permits pursuant to 28-7-8(c)(1) and 28-7-11(f) of the Zoning Ordinance to allow less than 100 ft. of separation between driveways; to allow less than 125 ft. between the proposed driveway and a street intersection and; to exceed the number of driveways allowed based on amount of street frontage, are also requested. Map/Block/Lot: 36-7-1 & 36-7-8 (2014-0043)

- a. Determination of Completeness
- b. Public Hearing
- c. Deliberations and Action on the Application

Ms. Larson recommended that the Board declare this application to be complete and the public hearing opened.

Mr. Lavers moved to determine the application complete. Mr. Hicks seconded the motion. The motion passed unanimously.

The Chair opened the public hearing.

Nicole Duquette, TF Moran, and Paul Cole, Foxfire Management were present to speak to the application. The application proposes to expand an existing parking lot for NH Charitable Foundation by adding eight (8) parking spaces for compact vehicles. The application is classified as a minor site plan due to the proposal to construct more than five (5) but less than twenty-five (25) parking spaces and less than ten thousand (10,000) sq. ft. of impervious surface associated with a non-residential use.

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

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

Councilor Champlin moved to grant Conditional Use Permit pursuant to Section 28-7-8(c)(1) and 28-7-11(f) of the Zoning Ordinance to permit three (3) driveways on a lot with approximately 294.14 ft. of frontage (along Chesley Street), whereas 450 ft. of frontage is required for three (3) driveways. The Code Division has consistently required that the frontage be contiguous along the same roadway in order to satisfy the frontage requirement. Chair Drypolcher seconded the motion. The motion failed.

Conditional Use Permit pursuant to Section 28-7-8(c)(1) and 28-7-11(f) of the Zoning Ordinance to permit a driveway to be constructed approximately 27 ft. (please ignore general reference to 34 ft. in applicant's narrative) from a street intersection (Wall Street), whereas 125 ft. is required. Moot point due to failed CUP above.

Conditional Use Permit pursuant to Section 28-7-8(c)(1) and 28-7-11(f) of the Zoning Ordinance to permit the proposed driveway to the new lot to be constructed approximately 35 ft. from an existing driveway (on the adjacent lot also owned by NH Charitable Foundation), whereas 100 ft. is required. Moot point due to failed CUP above.



Ms. Duquette asked Chair Drypolcher if it was possible to continue the hearing so they can possibly submit a new plan to see if it is economically feasible to construct just 4 or 5 spaces with two curb cuts.

Mr. Hicks moved to re-open the public hearing for request by NH Charitable Foundation for Minor Site Plan Approval to expand their existing parking lot by adding eight (8) parking spaces for compact cars at 37 Pleasant Street. Mr. Lavers seconded the motion. The motion passed unanimously.

The hearing is continued to October 15, 2014 at 7:00 pm in Council Chambers, 37 Green St.

7. Request by Liberty Utilities on behalf of Energy North Natural Gas, Inc. for a Major Site Plan Application to construct a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter in the IN (Industrial) and Aquifer Protection (APD-5) Districts. The Conditional Use permit is to allow greater than 15% of the total lot area within the AP District as impervious surface at 20 Broken Bridge Road. This will be an unoccupied facility. Map/Block/Lot: 109-1-4 (2014-0042)

- a. Public Hearing
- b. Deliberations and Action on the Application

The Chair opened the public hearing.

William Clark, Liberty Utilities, Kevin Baum and John Maynard were present to speak to the application. The application involves the construction of a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter. A Conditional Use Permit has been requested pursuant to Article 28-3-6(d)(4)(a)(2) Conditional Use Permits Required for Certain Uses in the AP District - Community Water Systems Protection Area, to permit a use with more than 2,500 square feet of impervious surface area and greater than 15% lot coverage within the AP Overlay District.

Mr. Maynard stated about 20 trucks will be coming in per day. The area will be fenced, gated and entry will be controlled by card or access number. The driveways are designed for one-way traffic. The facility is unmanned and is designed to shut down automatically or remotely if any problem develops. The control center is in Londonderry, NH at the Liberty Utility Command Center. The facility will have gas and flame detection systems. Natural gas is lighter than air so any leakage will ascend. Any leakage would dissipate quickly. The canopies are flat bottomed so no gas pockets can become trapped in the underside.

Mr. Maynard stated initially there will be 6 compressors and possibly 2 more in the future and 6 dispensers with possibly two more in the future. All hard structure will be built initially so future equipment can just be dropped in. The canopies are white with blue columns and will have underlighting.

A waiver request has been submitted by the applicant to not connect to municipal sanitary sewer system as required in Section 24.02 Municipal Sanitary Sewers, of the Site Plan Review Regulations. The waiver of the Planning Board's regulations is necessary even though the ZBA granted a variance to allow the building to be serviced by on-site septic rather than municipal sewer.

As a condition of the site plan approval for the adjacent training facility, Liberty Utilities is extending a municipal water line down Broken Bridge Road to their site. Liberty Utilities proposes to continue the water line beyond the training facility to their CNG site. Water service is not being provided to this unmanned site, however, a fire hydrant is being proposed on the west side of Broken Bridge Road in

front of the CNG lot for fire protection purposes. Plans for the waterline extension were submitted on August 1, 2014 and are under review by the City.

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

Ms. Stephanie Mills, 139 Mountain Road, spoke. She owns a business on Pembroke Street in Pembroke. She is concerned with the mercaptan odors that will escape into the atmosphere.

As per discussions with the Fire Department, extraneous "Mercaptan" odors from natural gas fueling stations have been an issue at some other locations. The applicant notes that "[T]he gas being compressed at this facility already has been treated with an odorant...No additional odorant will be added and the proposed facility will not have any stored odorant (such as mercaptan). A very small quantity of natural gas can escape when hose couplings are disconnected, but by design, this quantity is very small and would be dispersed quickly, long before any odor should be detectable at any of the surrounding homes or businesses...Any reported odors will be quickly investigated and the problem corrected as part of the Liberty Utilities' emergency maintenance procedures."

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

Mr. Lavers moved to grant a Waiver from Section 24.02 of the Site Plan Regulations to not connect to the municipal sanitary sewer system. Mr. Hicks seconded the motion. The motion passed unanimously.

Councilor Champlin moved to grant a Conditional Use Permit is requested pursuant to Article 28-3-6(d)(4)(a)(2) of the Zoning Ordinance. Mr. Hicks seconded the motion. The motion passed unanimously.

Mr. Hicks moved to grant Architectural Design Review Approval for the site and building design and signage for the construction a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter as submitted. Councilor Champlin seconded the motion. The motion passed unanimously.

Councilor Champlin moved to grant **Conditional Site Plan approval** for the construction of a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter, including paving, drainage and landscaping and architectural elevations, **subject to the following precedent conditions to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:**

**Precedent Conditions**

1. The conditionally approved lot line adjustment plan creating the reconfigured lot shall be recorded in the Merrimack County Registry of Deeds. Said recording number is to be added to the Plan References on Sheet 3.
2. Any waiver(s) or Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable citations.
3. The following State and Federal permit(s) shall be obtained and copies provided to the Planning Division:
  - a. NH Department of Environmental Services, NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17).
4. The applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

5. Satisfactory resolution of review comments from the Engineering Services Division dated August 13, 2014.
6. Prior to the issuance of a building permit, 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.
7. Prior to issuance of any building permits for the site, traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.
  - a. Transportation Facilities – Compressed Natural Gas (CNG) fueling facility in the amount of \$19,625. (Please see attached worksheet.)
8. The applicant shall address the Planning Staff Technical Comments. (See attached)

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

**Subsequent Conditions**

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. Prior to the pre-construction meeting, seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as “approved for construction.”
3. Prior to the issuance of a Certificate of Occupancy for the proposed compressed natural gas facility at 20 Broken Bridge Road, the municipal water system shall be extended to within 300’ of all proposed fueling stations and a fire hydrant and water shut-off are to be installed at the terminus of the water line; hydrant location to be approved by the City Fire Marshall.
4. Prior to the issuance of a Certificate of Occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
5. Applicant to receive Architectural Design Review approval for all proposed signage as applicable. If necessary, the applicant shall return to the Planning Board for additional approval of proposed signage.

Planning Staff Technical Comments

1. Recorded lot line adjustment (LLA) plan is to be incorporated into the plan set and added to the Sheet Index. The existing conditions plan should accurately reflect the recorded lot line adjustment plan rather than the lot configuration prior to the LLA.
2. As per discussions with the Fire Department, extraneous "Mercaptan" odors from natural gas fueling stations have been an issue at some other locations. Please add a note to all applicable plan sheets as to how this issue will be addressed.
3. Please make the following revisions to Sheet 2:
  - a) Note 11 – remove "(minor subdivision)";
  - b) Note 12 – Add the Article and Section number of the Zoning Ordinance from which ZBA relief was granted;
  - c) Note 13 – Replace "Code" with "Zoning" to read "Zoning Administrator";
  - d) Note 15 – Add Permit Number for the Alteration of Terrain Permit;
  - e) Note 15 – The note incorrectly states that no signs are proposed other than traffic control signs. The Architectural elevations for the vehicle fill canopy (sheet number A-1) indicates a proposed canopy sign on the south, east, and west elevations. Please revise Note 15 to reflect this intent (provided that the Zoning Administrator confirms that the proposed signage is permitted).
4. Please make the following revisions to Sheets 4 & 5 (please note that some of these comments may be moot once these sheets are replaced with the recorded lot line adjustment plan):
  - a) Label the solid line that runs roughly parallel with the RO Zoning District line;
  - b) Add Match Line(s);
  - c) Add a leader or move the label for the "50' wetland setback" where it overlaps the dashed line representing the reconfigured lot boundary for M/B/L 109-1-4.
5. Applicant to submit written confirmation from the Zoning Administrator that the proposed 25 ft. side yard setback depicted on Sheet 6 along the discontinued portion of Broken Bridge Road is correct. If not correct, all applicable plan sheets are to be revised accordingly.
6. Sheet 7 – Note the method(s) intended to preserve existing trees pursuant to Section 27.05 of the Site Plan Regulations.
7. Please make the following revisions to Sheet 8:
  - a) Show and note the right-of-way width as well as existing pavement width for Broken Bridge Road;
  - b) Show and note all proposed pole mounted lighting;
  - c) Detail sheet 17 shows 3 styles of gates, however none of the gates shown on Sheet 8 specify style. Please revise to specify gate style proposed for each location (i.e. "E4", "E7", etc.);
  - d) Label proposed sign type along southeasterly side of entrance drive to vehicle fill stations, just west of trailer fill stations;
  - e) Please indicate proposed disposition of 2 existing gates shown opposite one another, at southerly entrance drive to vehicle fill stations;
  - f) Please label the two solid lines running approximately parallel to one another opposite the existing private drive, within the right-of-way for Broken Bridge Road;
  - g) Please clearly label existing pavement and right-of-way widths for Broken Bridge Road;
  - h) Please remove proposed hammerhead from Sheet 8 and all other plan sheets as all off-site improvements are associated with the conditionally approved training facility for Liberty Utilities on the adjacent lot to the north and are in the midst of the design process;
  - i) Label proposed fire hydrant and water shut-off. Final location of both to be approved by the City Fire Marshall;



- j) Gate styles and locations to be fully functional under winter conditions and be approved by the City Fire Marshall. Any revisions required by the Fire Marshall shall be reflected on all applicable plan sheets;
  - k) What is 50 ft. dimension shown just below proposed hammerhead? Please clarify on plan;
  - l) Expand Note 2, 8<sup>th</sup> bullet, to clarify how the number of parking and stacking spaces required for the use(s) were calculated (it is the understanding of Staff that the vehicle fill stations are considered "Retail", whereas the trailer fill stations are considered "Bulk Fuel Storage for Distribution", requiring different parking calculations. The number and dimension of all parking and stacking spaces to be compliant with the Zoning Ordinance and site plan regulations, as applicable;
  - m) Please label the existing access drive as paved;
  - n) Please add the following note: "Any reported odors will be quickly investigated and the problem corrected as part of the Liberty Utilities' emergency maintenance procedures."
  - o) Staff questions if the 15 ft. deep area proposed for snow storage located between the edge of the by-pass lane and the perimeter fence provides sufficient depth for the intended purpose.
8. Please make the following revisions to Sheet 9:
- a) The snow storage area shown within the proposed landscaped island between the entrance and exit driveway serving the vehicle fill stations is not indicated on the site plan. This area is proposed to be landscaped with trees and Staff is concerned that the trees will be damaged if also approved for snow storage. Unless the Planning Board advises otherwise, Sheet 9 is to be revised to remove "snow storage" from the proposed landscaped island;
  - b) The proposed Grading Plan for the two areas labeled on the Landscape & Erosion Control plan (Sheet 12) as 3 ft. high berms appears to create berms that will measure less than 3 ft. in height. Please revise or clarify so the two plans are consistent with one another;
  - c) Note area along the southerly side of the site as proposed snow storage to be consistent with the site plan and grading plan sheets;
  - d) What happens to proposed 241 contour elevation at exit driveway for trailer fill stations; it appears to "dead-end" at driveway. Please also review/clarify how proposed 241 contour is designed to tie into bottom of 3 ft. high berm.
9. Sheet 10 – Please clarify location of proposed water line extension within the right-of-way of Broken Bridge Road. The connection to the proposed hydrant is clear, however, how the proposed line will tie into the existing water line north of the entrance to the CNG facility needs to be clarified. Location of proposed water line and hydrant shall match that shown on the off-site improvement plans being prepared by others.
10. Please make the following revisions to Sheet 11:
- a) Light Fixture Tags: L-T1 thru T8, LC-1 thru C-3, and L-E1 & L-E2 do not appear to provide full cut-off as required under Section 29.01 of the Site Plan Regulations. Please add cut-sheets/manufacture specifications to demonstrate full cut-off or replace with compliant fixtures;
  - b) Remove Note 4 in its entirety and replace with the calculated uniformity ratio (while Section 29.05 of the Site Plan Regulations permits lighting levels under canopies to have a maximum illumination of twenty (20) foot candles, the proposed lighting plan proposes significantly less than twenty foot candles. As such, Note 4 as currently written does not appear to accurately reflect the proposed lighting plan).
11. Please make the following revisions to Sheet 12:
- a) Show and note all proposed pole mounted lighting;
  - b) Revise note for height of proposed landscape berms if necessary (please see comment 7b above). Additionally, it appears that there may be a ½ ft. closed contour proposed around the base of the most northerly landscaped berm that does not appear on the grading plan; please clarify intent;

- c) Pursuant to Section 27.05 of the Site Plan Regulations, note and show method(s) to be used for preserving existing trees with a caliper over 6 inches (eg, silt fencing or orange construction fencing);
  - d) Reference(s) to landscape requirements under the Subdivision Regulations appears to be in error and should be removed from the plan in order to avoid confusion. Staff notes that the Subdivision Regulations do not apply and the proposed site plan does not trigger perimeter or interior plantings normally required under Article 28-7-10 of the Zoning Ordinance due to the number of proposed parking spaces. While not required, Staff encourages the applicant to follow through with the proposed landscape plan;
12. Sheet 19 – Please expand note 1 to state that construction of the off-site improvements, including extension of the water line, installation of a hydrant and construction of a hammerhead at the terminus of Broken Bridge Road is associated with the proposed training facility for Liberty Utilities conditionally approved by the Planning Board on July 16, 2014.
13. Please make the following revisions to Sheet A-1:
- a) Please add a detail for the proposed canopy signs that shows proposed dimensions and size;
  - b) Add a note stating that all signage is to comply with the Zoning Ordinance.

Mr. Lavers seconded the motion. Motion passed unanimously.

8. Request by Fournier Foods, LLC on behalf of Jay W. Stewart Realty Holdings, LLC for a Major Site Plan Approval to construct a 5,524 SF poultry processing facility, a 1,558 SF garage/storage building, and a 1,225 SF covered outdoor storage area with parking, drainage, lighting and other associated site improvements at 52 Locke Road in the IN (Industrial), RO (Open Space Residential) Districts and the FH (Flood Hazard) Overlay District. Map/Block/Lot: 121-1-17 (2014-0041)
- a. Public Hearing
  - b. Deliberations and Action on the Application

Mr. Hicks moved to postpone the request by Fournier Foods, LLC on behalf of Jay W. Stewart Realty Holdings, LLC for a Major Site Plan Approval to construct a 5,524 SF poultry processing facility, a 1,558 SF garage/storage building, and a 1,225 SF covered outdoor storage area with parking, drainage, lighting and other associated site improvements at 52 Locke Road until October 1, 2014 at a location to be determined. Councilor Champlin seconded the motion. Motion passed unanimously.

### Conceptual Plan Review

9. Request by Mark Sargent, Richard D. Bartlett & Associates, LLC, on behalf of Private Reserve, LLC to create two new lots, one encompassing the existing home and an additional single family lot just over 40,000 square feet in area. The remaining lot area will remain vacant at this time but may be further developed at a future date. The parcel is located at 84 Bog Road in the RO (Open Space Residential) and the RM (Medium Density Residential) Districts. Map/Block/Lot: 103-3-5 (2014-0046)
- a. Non-Binding Discussion of Plan

Pursuant to Section 7 of the Subdivision Regulations, the applicant requests a Preliminary Consultation with the Planning Board, primarily to discuss the requirement to extend municipal water and sanitary sewer to the proposed conceptual subdivision of one lot into three residential lots at 84 Bog Road. The parcel of land consists of approximately 25.69 acres and has a total frontage of 921 ft. along Bog Road. The parcel contains an existing residence. The parcel is roughly divided in half between the RO (Open Space Residential) District and the RM (Medium Density Residential) District. The developed portions

of the conceptual three lot subdivision would lie (in the immediate future) within the RM District. The proposed subdivision would create one new single-family residential lot containing approximately 40,215 sq. ft. (0.92 ac.) in area in accordance with the RM District for lots without municipal sewer. A second lot (containing the existing residence) would be reduced to approximately 45,277 sq. ft. (1.04 ac.) in area. The remainder lot would contain approximately 23.73 acres, with roughly 425 ft. of frontage along Bog Road and has the potential to be further subdivided in the future. With respect to extension of municipal utilities, it is important to note that the total tract of land (25.69 ac.) also lies within the Urban Growth Boundary.

The Board stated they would be in favor to grant the waiver to the extension requirement for both municipal water and sewer for the proposed 3-lot subdivision. The Board also noted the dynamics of the Board may be different at the time of application so this is non-binding.

The Board did not discuss the classification of the subdivision as a Minor or Major subdivision.

### REGULAR MEETING

10. Approval of the minutes of the August 20, 2014 Planning Board meeting.

Councilor Champlin moved to accept the minutes of the August 20, 2014 Planning Board Meeting as written. Mr. Hicks seconded. Motion passed unanimously.

11. The Board will hold an informal workshop to discuss a request to revise the Zoning Ordinance to allow for carports in manufactured housing parks.

Ms. Smith-Meyer moved to postpone the workshop to discuss a request to revise the Zoning Ordinance to allow for carports in manufactured housing parks until the October 15, 2014 meeting at 7:00pm in Council Chambers, 37 Green Street. Mr. Woodfin seconded the motion. Motion passed unanimously.

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

### INFORMATION

13. Minutes of the August 12, 2014 Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, October 15, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 11:27 pm.

A TRUE RECORD ATTEST:

Nancy Larson  
Clerk

