

MANCHESTER PLANNING BOARD
PUBLIC HEARING / LIMITED BUSINESS MEETING MINUTES
Thursday, June 4, 2020 – 6:00 PM

Due to the emergency orders issued by the Governor and on the guidance of public health officials, there will be no physical location in which to attend the meeting. You will be able to view and hear the meeting on Manchester Public TV, either on Channel 22 or on MPTV's website. You will be able to offer public comment on the application by calling 603-792-6737 or by emailing planningboard@manchesternh.gov. You may also attend the meeting through our webinar software by sending an email to the aforementioned address on the day of the meeting and requesting an invitation to participate. The phone line and email will be monitored by staff up to, and during, the public hearing.

Members Present: Chairman Dan Leclerc, Vice Chairman June Trisciani, Alderman Pat Long, John St. Pierre, Andy Boyle, Robb Curry, Mike Harrington

Alternates Present: Barry Lussier

Excused: Alternates: Chris Wellington, Bryce Kaw-uh

Staff Present: Pamela Goucher, Deputy Director of Planning & Zoning; Jeffrey Belanger, Senior Planner; Jonathan Golden, Senior Planner; Jodi Nazaka, Senior Planner; Kristin Bixby, Planner

I. The Chairman calls the meeting to order and introduces Planning Board Members and Planning Staff.

II. PUBLIC HEARING:

Chairman Leclerc advised that SP2019-046 was postponed to an undetermined date. Abutters will be re-notified.

(New Items)

With respect to the following applications, appropriate materials have been submitted to invoke the jurisdiction of the Board. Although additional information may be required prior to final consideration, it is the recommendation of the Staff that the Planning Board determine the applications complete and conduct a public hearing. A motion would be in order.

Ms. Trisciani made a motion, which was seconded by Alderman Long, that the following applications are complete and ready to be heard at the public hearing: S-11-2016 Amendment, S2020-008, SP2020-008, SP2020-009, CU2020-006, PDSP2020-003. The following case is not included in this evening's agenda; it has been postponed at the request of the applicant: SP2019-046.

Rollcall vote in favor: Boyle, Harrington, Curry, Lussier, St. Pierre, Leclerc. (Motion Carried)

1. S-11-2016 Amendment

Property located at 116 Scenic Drive (Tax Map 216, Lots 2U, 2T, 2W and 2S), an application to amend the previous conditions of approval, for the removal of fencing around an existing infiltration basin in an R1-A Zoning District. *Fuss & O'Neill for Stable Homes at Manning Hill and Deams Buell.*

Brian Pratt of Fuss & O'Neill said this was a pretty simple application. A number of years ago they designed and had approved a 25 lot subdivision off of River Road. A lot of the homes are getting built now and about half of them are occupied. The purpose of this application is just a minor amendment to remove some fencing that was built around an infiltration basin. The owner of 116 Scenic Drive is the primary applicant to have it removed but Stabile Homes, who is the current majority owner of the association, is technically the applicant as well because they still have primary control and they signed the application.

Mr. Pratt referred to the plan and pointed out the location of the fence. He explained the purpose of it was because he interpreted the City Ordinance back then that all infiltration detention basins needed to be surrounded by a fence. He never really agreed with that personally. It is a good idea for some detention basins; ones that are going to stay wet all the time and those close to roads that are a hazard with people walking by. This specific basin is an infiltration basin and was designed to drain quickly and witnessing its functionality he said there is almost never any water in it. He showed a photo showing the bottom of the infiltration basin and said it is clear that it never really stays wet; there are no cattails or standing water. He showed a photo of the forebay where the bulk of the water comes in through a pipe and then a rip rap swale. The forebay is there to collect any sediment and then the water spills out. He said it doesn't look like a detention facility at all; there is almost never any water in it. During a very large storm event there will be a few inches of water in there but it is really functioning well and draining almost immediately. There is no wetlands vegetation or anything that would indicate it stays wet. It is also located at the top of a very steep hill so there is really no chance of anybody hiking up there to hang out. On the upslope side on 116 Scenic there is a retaining wall that is the backyard and patio for that house. There really are barriers to prevent people from getting in there. It is not a danger. There is no danger of somebody slipping in it and being submerged. He said they are requesting to remove the requirement of the fence.

Given that it is an association, the Chairman inquired if they would have to get together to discuss that. Mr. Pratt explained that Stabile is the primary owner of the association right now as they own over 50 percent and are in agreement with it. There was an email support in the Board's packets from Deams Buell who owns 116 Scenic, an email from the abutting owner at 138 Scenic, Stabile owns Lots 2S, 2X and 2W so all of the owners of those lots have indicated approval and the homeowners association, by virtue of signing the application as the majority condo owner, they are all in agreement to remove it.

With regard to the steepness of the property which is fine going up, Chairman Leclerc asked about a kid running down the hill and tumbling into someone's property or possibly getting hurt that way without a fence to stop them or a rolling ball, etc. Mr. Pratt said it was a 3 to 1 slope. It is not to the point where you are required to have a fence there but kids shouldn't be playing in the detention basin to begin with, but there is a berm. He said the maintenance has been a burden. They are responsible for mowing the back of it so these homeowners have had some trouble getting down to the back to maintain everything so if that fence is gone it will really help them.

Chairman Leclerc asked if some fence was taken down already. Mr. Pratt said some of the fence was taken down (pointed out on plan) but he did not think the owner knew there was a requirement there. That was kind of what triggered this whole process. They've tried to work

together to have it removed and then they came to the conclusion they needed to come before the Planning Board to make that call.

Mr. Lussier thought it was a great idea as the homeowners want to maintain it, keep it looking good and functioning properly.

Ms. Trisciani was concerned with Mr. Pratt's statements "kids shouldn't be playing in the detention basin" and "no one is going to say oh I'm going to climb up there". She thought those were two really bad examples to be used because there is a risk that people could get into that area and while they say "it rarely has water in it", there is a time it could have water in it. She would like to think that as these homes are being sold that the homeowners have a clear understanding of what they are signing up for. As far as maintenance, she said it seemed logical that maybe an opening or a gate that opens and closes could be added to allow for maintenance. She felt in the original plan this was discussed. There was an ordinance in place to have fencing around this detention pond. She asked if there would be a problem to add gates to the fence that the homeowner could get through to maintain it. Mr. Pratt said having gates was a possibility but it is not the preferred alternative. He said the homeowner at 116 Scenic has some home security cameras monitoring all four sides of the house so there are some cameras that monitor that area. If somebody goes in there then they are trespassing. Ms. Trisciani said by the time a child is in there and potentially drowns because there is standing water that camera is of no value.

Alderman Long confirmed with Mr. Pratt that the homeowners association approved the removal of the fence. Once that is all set up and the developer is out of it and they decided to remove the fence, Alderman Long asked if that would still have to come to Planning or could they just do it within the homeowners association. Mr. Pratt said the fence is shown on the approved plan so based on that the fence has to be there.

The Alderman confirmed with Mr. Pratt the reasons for this request were no safety risk, ease of maintenance and aesthetics. The Alderman also confirmed there were security monitors and motion detectors in the area of the pond.

Mr. Curry agreed with Ms. Trisciani on the children aspect. He asked if the fence goes to a sewer or anything that supports drainage or if it was just a natural basin. Mr. Pratt said there is an emergency overflow outlet structure. He explained that the pond is designed such that it infiltrates everything that flows to it. In an emergency situation there is an overflow pipe that flows down to an outlet structure then down to a drain manhole and then down to the drainage system in River Road. He asked if that one allows the City to have an easement to that basin. Mr. Pratt said the way that the Ordinance reads is that the easements for developments now are managed by the association. That is why there is a homeowners association. This easement benefits the homeowners association. The City also has underlying rights that they can go in there and do emergency repairs, but the primary responsibility is to the homeowners association. Mr. Curry said the basin might work as well as it does not just because of the fence but because that fence also keeps not only kids out, but debris, paper and trash out by catching some of that before it clogs the basin. Mr. Pratt said it is a really large flat basin so it would take a lot to clog that up. There is not a lot of flow going to it and it does drain fast. If it was neglected for years and let leaves and trash build up then it could impact it, but they have a regular maintenance routine where they have to come out twice a year and mow it

down and remove debris. Mr. Pratt did not think it would have a lot of impact if the fence was removed.

Mr. Pratt said had he been designing this in any other town he would not have put a fence around it. The only reason the fence is around this is because it was his understanding that the Ordinance read that way. He couldn't recall specific conversations about it being requested or required but it may have. In looking at it, in his professional opinion it is really not warranted. He has been out there during really large rain storms and it doesn't even accumulate. It just gets soggy for a few hours then it drains right out. He said it looks like a lawn. If it was getting sustained water and the water was building up then you would see a difference in the grass.

Chairman Leclerc asked to comment on Mr. Pratt's statement regarding the requirement of the fence. Ms. Goucher said the subject has come up a number of times in the past with subdivisions with drainage basins, infiltration basins and the like. The regulations say the Board may require the installation of additional facilities. They can be loamed and seeded and they could be conveyed to the City. They could also be required to have fencing if the Board so desires. It was her recollection that back when this project went through the Board, it was the desire of the majority of the Board members to have the fence around the detention basin; hence the fence was installed. She thought they had required similar fences at Twin Brook down in the south end of the City. It has been fairly common by the Boards in the past few years to be asking to have fences for that added protection. She understands what Brian is saying and this is not a retention pond, so it is not generally going to have several inches of water in it.

If the fence is removed all the way around this basin, Ms. Goucher asked if the other parcels could start expanding their yards into this area and change the grade of the detention basin. That would potentially affect the integrity of the engineering of that basin. Deams Buell said that whole basin is covered by an easement that is granted to the homeowners association that said all the homeowners need to comply with the original design of the basin so there is nothing that specifically says they can't do anything to alter the basin or the function of it in their Deed so there would be nothing done to change that. The boulder wall was put in by Stable Homes and his home is right on top of that basin. That wall is right along the easement line so they are unable to do anything beyond the wall. At the time they bought the home there was no fence on this pond and they inquired if there was going to be a fence and were told that no decisions were made on the fencing and that whatever would be installed would be architecturally pleasing. They went through the first 4-5 months of having their home built and then suddenly the fence went up along the inside along the retaining wall where they have now replaced it and put in a boardwalk. The four foot chain link fence is not architecturally pleasing. It was very upsetting to have that show up as the fence that would go in there so as the homeowner they tried to negotiate with Stable to put a different fence in and they were told that because that was what was in the original plan that is what they had to stay with. It is a very distracting feature of the house and does not contribute to the safety of the pond in any way in their opinion, which is why they would like the fencing requirement removed.

Chairman Leclerc said it almost sounded like they were misinformed by the people involved because in order to build the subdivision, a fence was required there. He said if Mr. Buell was

misinformed that was not really the fault of the Board. Mr. Buell said the fence was in the plans in 2016. In 2018 he was told no decisions had been made about the fence when in fact it was in the plans in 2016 so that was not true and then he was told that the fencing would be architecturally pleasing and it had already been slated to be a four foot chain link fence so that was not true. As a buyer he was upset that happened to himself, but he was also a little concerned as a member of the community that four foot high chain link fence would just be universally accepted for this new development. It was interpreted at the time that the Board wanted a retention pond and, therefore, it should be fenced. He read it differently that they need to go to the standard specifications, which just says access needs to be limited and it could be limited to a pond by vegetation of a fence were the two examples and then the 1,000 pages or so from the State of New Hampshire only makes one reference to a fence being required on these ponds. It says that if it is a standing water pond and there are children present then you may want to consider fencing. There is no requirement in the New Hampshire requirements and he thought they were still complying with the standard specifications. There is a substantial hill and berm, there are woods to either side and there is fencing on the house side to limit access so they are trying to meet that requirement to limit access to this pond but it is a very inaccessible dry pond, which is why they thought it was reasonable to come before the Board with this application and request that it be taken down off his private property. It is not with City interest or anything like that and it is not on the public right-of-way at all.

Chairman Leclerc told Mr. Buell he pretty much agreed with everything he said. He thought Mr. Pratt did a nice job designing everything and making it the way it is supposed to be but the project was built with an agreement to put a fence there so that's why it is what it is.

Ms. Trisciani agreed with the sentiments of the Chairman and she felt badly that maybe the developer misrepresented or maybe Mr. Buell misunderstood that the fence was going to be there. She said she was familiar with that area and it is very easy for people to get in and out. It would be easy for kids just playing around and small children wandering up and accessing this area. She asked why Stabile wasn't meeting with the homeowners to come up with a fence that would be more pleasing and appealing to the folks that are buying up there. Mr. Pratt said he did not know the answer to that question. Ms. Trisciani thought that would probably be the best solution. She strongly believed the Board prior to her being on it had a reason for requiring the fence.

Mr. Buell believed it was a misunderstanding of that regulation. He said the American Society of Civil Engineers actually says that since universal fencing was not a good idea because often it will attract people to the ponds so their advice was to use fencing very carefully because it could be as much of a negative if somebody climbs the fence, breaks their leg and falls in. Ms. Trisciani said the bottom line is the subdivision was approved with this as a requirement and he said in his statement that he spoke to Stabile and they never talked to you guys about what should be there. She thought a first action should be speak to the builder and find out what you guys could do that would be aesthetically pleasing to everyone involved. An aesthetic fence was the offer and it got rejected. They said that is what the City of Manchester approved and the City of Manchester would not allow them to change from four foot high chain link fence. That was the answer and now that doesn't seem to be the answer.

Ms. Trisciani asked staff if there was any reason why Stabile Company could not come back to the Board with an aesthetically pleasing non chain link fence that would serve the same purpose. Ms. Goucher was certain that the typical norm the Board has requested of developers has been the chain link fence. They have asked for it to be black so it does not stand out as much as the aluminum chain link fences you typically see. That said, if there was an aesthetically pleasing fence to the homeowners that was at least the four feet in height that was required she didn't think the chain link style was the issue. The chain link was the condition because that is the least expensive of the fences to go in. If the Board at the time had told Stabile they want to see a decorative fence, her guess is Stabile would have said that was extremely costly and they would prefer to go with the four foot black chain link fence. To Ms. Trisciani's point, Ms. Goucher said if there was a decorative fence that still met the intent of the four foot high fence she didn't think that would be an issue with the Board. When they require a fence, it is to prevent people from going in and obviously if there was another more pleasing fence that did that, she did not think the Board would say that was an issue. She thought it came down to cost.

Alderman Long asked if the basin was on his property. Mr. Buell said half of the basin is his property. He asked Mr. Buell if he said something about the possibility of putting up landscaping border. Alderman Long personally felt when it is inviting makes it more inviting for kids. He said he would be open to sort of landscaping that serves the same purpose.

Mr. Harrington said with his experience on the Board, this issue had come up several times and certainly there were members prior to some of the newer members on the Board that were much more adamant about putting fencing around a discharge basin. The things he wanted to make sure everyone was clear on, one of which is what heard, is that he was concerned that maybe if the fence went down there would be an encroachment, as Ms. Goucher mentioned, of landscaping going into the area, which then might undermine the engineering. Judging from what Mr. Buell said, and he believes what he told the Board was true, that it is very clear in the Deed and in the homeowners association that this is for discharge only and it is not to be encroached upon and there won't be any other additional landscaping going in. He felt comfortable there. The second thing was safety. It always came up in past subdivisions where there was a pond but generally those ponds were holding water and the term he believe Ms. Goucher used earlier, which he thought maybe the Board at the time, might have been thinking at the time when they approved putting a fence around this that there would be more standing water than there currently is. He said what Mr. Pratt indicated in his intro to the Board, the engineering and the design of this is not to hold water. There may be periods of time there would be water in there in a very severe downpour but generally kids are not out in severe downpours. The main function of this is to discharge and then they have the secondary prevention of water, which if it raises to a certain level as Mr. Curry pointed out they have the easement that takes it out and off the property. He said he drives by there every day and in his experience he has never seen any standing water. The two things he had concerns about, which was possibly neighbors or new homeowners coming in and not understanding they can't plant landscaping there. He thought that has been taken care of. The child safety thing he thought, at least in his mind, has been resolved. He is not a big fan of putting fencing around discharge engineering locations like this primarily for what Mr. Lussier said, because they are easier to maintain without it and if it is not a hazard to children he doesn't think it is a safety issue. He thought some common sense could prevail.

Mr. Golden said when this first started with the removal of the fence it became an issue and Stabile contacted him. It had gone on for a little while back and forth of trying to resolve with the homeowner through Stabile. Then it came to the point where it needed to come back to the Board and in doing so, they told Stabile that the City would withhold CO's because since they were still the primary owner of this development and since they were still working within the subdivision improvement agreement for completing this, that it would have to be per plan. As such, depending on how this goes, the fence will have to either be removed or the condition removed for Stabile to get a Certificate of Occupancy on their next home so they are put on hold as well through this.

Mr. Buell referred to the plot plan and pointed out that down along River Road there is a gravel wetland, which is wet. On the west and north boundaries there is fence there, which was the original plan. In the original approval that is what was there, but that fence has been removed and it was removed on an email request to staff. There is no documentation of authorizing it or approving it. There is a stone wall out there; but there was a planned stone wall anyway so it would be very unattractive. He is not arguing that the fence be put back up, but he believed if there is no relief on the fence on a dry pond up off the right-of-way in a private backyard that right along River Road that fence should go back up to be consistent. He doesn't want that to happen, but he wanted to put it in the context of what was originally approved, what was down there and now the fence is gone. He asked if they could take that fence down, why they couldn't take the fence down around a dry pond. There is much less hazard, not on a right-of-way and not wet.

Chairman Leclerc asked why there was no fence around that. Mr. Golden advised there was a request that came in. He couldn't recall the timing of it but he believed they put it before DPW as well and there was no objection to it. He said they came to staff suggesting that they would build a wall along that entire frontage, which he didn't believe was on the original plans, but that wall replaced the fence in that section. Chairman Leclerc asked if that was prior to this whole application being approved. Mr. Golden believed it was during construction so he thought it was afterwards.

Mr. Buell said it was during construction when they submitted a request in lieu of the fence to do a fairly tall thick masonry stone wall. The original plan had a stone wall and in certain places it was one foot high. It was not a replacement for the fence. It was going to be part of the plan and it was allowed, which he thought was a good decision.

Ms. Goucher said it sounded like it was quite some time ago in this project and she did not recall that being the case, but Mr. Golden and Mr. Pratt seem to remember that occurring. She asked how tall the wall is around this basin. Mr. Pratt said it is 2-3 feet. He believed they drew a sketch up for it and he was trying to find that. Mr. Buell said he measured it and it was 2-3 feet in most places but there is a spot where it is one foot. There is a nice grassy edge up to it.

Ms. Goucher asked if the other detention basins have fencing around them. Mr. Pratt said they do. Ms. Goucher asked if there has been any concern by the adjacent homeowners that have the easements on their property about those fences. Mr. Pratt said none that he was aware of. Ms. Goucher asked if any of the other detention basins are owned by Stabile. Mr. Pratt wasn't sure but believed some of them might still be owned by Stabile. Mr. Buell said

people were very upset about this being chain link fence. He said he was affected the most but none of them were aware they were going to end up with four foot high chain link fence. While he cannot speak for all the homeowners he does not have a vote behind him but he knows them well and he has talked to them and people in general are not happy that they have these fences.

Chairman Leclerc reiterated that it sounded like Mr. Buell was miscommunicated to so, unfortunately, this Board has no say on that. They are just trying to figure out whether or not all the other fences are there and they should be and why that stone wall is not the same as the rest.

Ms. Goucher said a few people that submitted requests to be invited to speak. She didn't know if those other homeowners were there to speak in favor or not about this request. It may be that some of those people who speak could address some of the comments that have come up in the last ten minutes or so.

Chairman Leclerc turned the hearing over to the public. He provided the telephone number and email address to use should anyone from the public wished to comment.

Gregory Uliasz advised that he and his wife own Lot 2T, which is 132 Scenic Drive. They are immediately next door to Mr. Buell and they have lived there for almost a year. He advised he is an attorney and had some factual and legal arguments concerning this. The first issue that comes up is the amount of water that is ever in this area. In all the time that he has lived there if there is water in there, which is a very rare occurrence, it usually happens in late fall and the spring if it were to accumulate after a significant melting and it is gone the next morning. That is about maybe a couple inches deep. The second issue, in looking at the plan before the Board, all of the properties surrounding this are all privately owned either by Stabile or by private homeowners. None of that has access to the public. Both this fence and the fence at every other location has gates. He has two gates on his; one on each side. There is the opening where Mr. Buell's property is and each and every pond has gates and access points. The retention pond near the street has a wall that is below four feet so the issue about safety is that it does not enclose locked contained area. It is an area that is easily accessible by children or adults if they want to; but this is not near a public access road, someone would have to trespass on someone's property in order to get to it and then they would have to climb a steep hill to get there from Lot 2X or go 200 feet across his backyard to get to it from the street. The reality is that the area is virtually never wet and that the area has access so if you are going to be consistent and say there should be no access and there is a safety issue here then there should have been a four foot barrier down by the street and there should be no gates or if the gates are there they should be locked because children can simply go in there at any time by just opening the gate and go in. The issue with regard to someone's comment about drowning; the risk of drowning in that area is about the same risk as a child running up your driveway and drowning in a puddle on your driveway. If someone runs 200 feet down his back side of his house and runs into that pond and would fall and go flat down, it is no different than the risk that somebody runs in your front yards and drowns in a puddle there. The reality is this is not an area that is wet. It is not an area that retains water. It is not designed to be that so the fact that something could happen, a lot of things could happen, but there has to be some reality to the risk that is assessed here. Someone mentioned this is a condominium association; he said it needs to be perfectly clear that this is not a condominium

association. There is no common area here. It is a homeowners association. All of this property is privately held with an easement and there will eventually be a long term maintenance agreement between the City and the homeowners association as to the care and maintenance of this, which may or may not include the fence depending upon what the decision is here. He and his wife own both sides of the drainage area. They own more than 35 feet to the area that slopes down and they own 200 feet on the other side of it. There is no vegetation there. There isn't going to be any landscaping planted there. It is very steep on the back side and on his side it is sloped down. They have dogs and they're in the yard. There is no vegetation down there. His point was if they are going to apply the rules; you have to apply them consistently. There has to actually be some realistic risk that you are trying to prevent so if you are going to have non-protected areas and access areas and you say "we are going to keep the fence up because it's not safe", he said you have to be realistic about that. You have to be the consistent application of these rules throughout. He wasn't there when the rules were passed. He didn't know anything then, but the point is that the fence really serves very little purpose at this point other than to be an obstruction particularly for himself as he has a very large piece of property on the other side of that fence on the downhill slope and it is extremely difficult for them to take care of that with that fence there.

Ms. Bixby advised a couple of voicemails had been received and she played them into the record as follows:

- Hi. My name is Rich Pakula of 89 Scenic Drive. This is regarding the Planning Board action scheduled for tonight and the file number is S-11-2016 Amendment. The question I have is I guess I'd like to understand what the purpose of the fence was when it was initially erected and secondarily what has changed since that took place and finally will the homeowners assume all the liability for personal injury should that fence be taken down. Thank you.
- Yeah hi. This is Rich Pakula again from 89 Scenic Drive. I have a question regarding the application in front of the Board right now. It is S-11-2016. The question I have is more of a concern actually. We have several ponds here in the subdivision and my concern is that I don't want to set a precedent for the other fences to be removed if you go ahead and approve this one. That is a concern I have. Secondly, I just want to mention this is the first I've heard about this application. I know they talked about the homeowners approved it but, again, that was kind of done in private if you would with Stabile owning fifty percent of the property. There was never a homeowners meeting on this subject. Thank you.

There was no further public comment and the Chairman invited Mr. Pratt to address the concerns of the abutter. He asked if the association is responsible for any personal liability that may occur in the area. Mr. Pratt said he did not know that answer. He thought they probably would be, just knowing the easement is owned by them.

Mr. Buell said this is his private property. My homeowners insurance is what would cover that property so if there is overlapping liability he guessed technically somebody could go after the association, but he imagined they would come to him first if there was a problem there.

Ms. Bixby advised an additional voicemail had come in and she played it into the record as follows:

- My name is Tom & Sheila Dionisio who live across the street from Mr. Buell in the Manning Hill Development. We were, in fact, the first house in. I just wanted to call and say that I am supportive everything Greg said 100 percent and in the three years we have lived here we have never seen water in that pond much more than a puddle at most. Regarding the stone wall on the road, my recollection is that stone wall a sufficient barrier to the pond and was not necessary to put a fence behind it, which would have been aesthetically not particularly appealing. The stone wall is fairly stout. I haven't measured it but it is probably 3-4 feet and it would be very difficult to fall over. Thank you. I support the application to remove the fence.

Mr. Pratt put up a picture and the Chairman asked if it was the stone wall everyone was referring to at the intersection of Scenic Drive and River Road. Mr. Pratt said it was the stone wall that was constructed in lieu of a chain link fence. He pointed out where the chain link fence ties into the stone wall. He looked back through his emails and was able to see that they reached out to staff who then forwarded it on to DPW. DPW reviewed it and had no concern with it. At that point, they determined that this was an adequate barrier to prevent people from going into the pond and it was approved administratively. Chairman Leclerc confirmed with Mr. Pratt they are only looking to remove this one particular fence.

Chairman Leclerc brought the hearing back to the Board.

Mr. Curry pointed out that the stone wall they showed on River Road may not necessarily to prevent people from walking over that wall because obviously somebody could walk over it. He thought that was strong and is not only part of that curb cut, it also stops drunk drivers from going into there. That wall is more or less for traffic control that stops cars from going into the pond, not necessarily people. He said everyone saying that they haven't seen anything in the last three to four years, with it being a 10 year basin it means that this is for a storm that can happen within 10 years. It means if we have a really bad storm, which New England does have within that 10 year period this basin is made so that it will make sure the drainage is drained properly, not only just off the property but to filter throughout for that neighborhood. Mr. Pratt said it is designed for groundwater recharge so the purpose of it is that in a fairly large storm, in a quarter inch of rain it is not going to see any accumulation in that infiltration basin. If there was 2-3 inches of rain then the water spreads out over the large surface area and in those situations there may be a couple inches of water. If they get a 50-100 year storm, which is a hurricane, just absolute chaos Mother's Day floods, then there will be a foot or two of water in that, but it will drain out within a day. He has seen it. They have been out there and inspected it. They did erosion inspections throughout construction and everything they have seen correlates with what Mr. Buell and the abutters said, that there is almost never water. He said you can see evidence. If this was consistently wet you would see evidence that it was wet, but you can see that the grass looks exactly the same throughout so that is further proof this really never gets wet. He agreed with the statement that one of the abutters mentioned that there is no difference between somebody falling down in a puddle in your front yard or in the gutter lying in the street versus water here. His professional opinion was he does not think this fence is necessary and he would not put a fence on this pond if he designed it in any other city or town. The only reason it is there is because the interpretation

of the Ordinance and he did not remember if it was specifically requested or not because it was five years ago. He agreed with Mr. Buell and the abutters that are in favor of removing it.

Mr. Curry asked if they were to amend the fence removal could they place liability on the engineering firm. Mr. Pratt said he stamped the plans and the liability comes automatically by the virtue of him stamping plans.

Ms. Goucher advised if someone was to have an accident in this general area and it was determined that it might not have occurred if the fence had been up and Mr. Pratt knows well enough, he has been an engineer for a long time, anyone that is looking to find fault is certainly going to go back to whoever stamped the plan. If the Board was to make the changes they would certainly require a new plan that shows the removal of the fence as part of the amendment, if the Board goes in that direction because right now the plan shows the fence but if the Board chooses to remove that condition then they would ask the engineer to provide an amended plan that has no fence there. Mr. Pratt said as part of this application he submitted an amended plan that had the area highlighted and there is a note that says "removed fence around infiltration pond" so those plans would be finalized and provided for the file.

Chairman Leclerc believed they had sufficient information to close this public hearing.

Roll call vote in favor: Boyle, Harrington, Curry, Long, Lussier, St. Pierre, Trisciani, Leclerc

Mr. Pratt requested that this be deliberated this evening. Chairman Leclerc said if it is amenable they would look at it.

For the record, Mr. Pratt advised that Stabile was not involved in the design and planning of this project. They bought an approved plan set. His firm did the design for the previous landowners and they sold the approved plans to Stabile. There was some mention of Stabile being involved in the design and planning of the fencing and they were not. That was more of the previous owner and himself about the type of fencing.

2. **S2020-008**

Property located at 1394 Belmont Street (Tax Map 912, Lot 30), a subdivision application of Tax Map 912, Lot 30 for the creation of one new buildable lot of 9,379 SF in an R1-B Zoning District. *Sandford Surveying & Engineering, Inc. for Miriam S. Sargent.*

Robert Kilner from Sandford Surveying & Engineering appeared on behalf of Miriam Sargent (owner) and her daughter, Miriam Simmons who has power of attorney of her affairs. They are proposing to subdivide Tax Map 912, Lot 30 into two building lots. One that will have the existing house on it and one additional lot. It has frontage on Belmont Street. This section of Belmont Street is north of Webster Street and south of Fisk Street, which runs between Belmont and Hall Streets. The Sargents have owned the property since 1966. This was part of an Amoskeag Manufacturing lot, number 3909, back in the 1930's when it was laid out originally. The existing parcel consists of 18,609 SF with 150.14 feet of frontage on Belmont Street. The lot depth varies from 121 feet on the north and 126.6 feet on the south

end by Lot 29-B. It is in the R-1B zone that requires a minimum 75,000 SF area and a minimum frontage of 75 feet and max coverage of 50 percent. The front setback is 20 feet, the side setbacks are 10 feet and the rear is 30 feet. The existing single family house and detached garage are proposed to be contained on a new lot 30, which will consist of 9,230 SF. They are not proposing any changes to the buildings, driveways, sidewalks or anything like that.

Mr. Kilner referred to the topographic plan and advised Lot 30A will be the new buildable lot. It will contain 9,379 SF and it will have 75 feet of frontage. The lot slopes to the south. It runs between 8-12 percent in slopes. All utilities for the existing house and the proposed lot will come from Belmont Street where there is existing sewer and water and above ground utilities running on the opposite of Belmont Street from this parcel. There is no curbing or anything on this lot along its frontage and there are no sidewalks on either side of the street on this section of Belmont Street.

Mr. Kilner said there is a proposed easement for overhead utilities. There are two overhead lines going into the existing house at 1394. The one coming in the right side, the most northerly overhead utility, is the actual power. The second one that will need an easement is for communications; telephone and cable. They designed a small triangle of 115 SF for an easement. Anything that happens on the lot will require permits and have to meet the regulations of the City.

Mr. Kilner advised there is a waiver request on the overhead utilities.

Chairman Leclerc asked about DPW requesting more information regarding erosion control if deemed necessary during construction, a plan stamped by an LLS as well as additional construction details. Mr. Kilner said he had not seen any comments on this particular project. Ms. Goucher advised if staff receives comments they are forwarded immediately to the engineers. Mr. Kilner said if it was sent by email he may have gotten it and doesn't know. The Chairman advised that may delay things further if they don't have a reply.

Mr. Kilner said they have no idea what is going to be built, what type of house, if a house. He asked if that could just be a note on a plan that says that will be required at time of building that way they will know what the proposal is. Mr. Golden said he could understand Mr. Friend-Gray's comment regarding the 12 percent slope, but as Mr. Kilner noted, this is just a subdivision. This isn't a special R-2 lot with architectural design or elevation considerations so he thought a condition on a plan that depending on what is put in here further details should be submitted with building plans. Ms. Goucher said there should be a condition in conjunction with any building permit that is filed.

Mr. Golden advised Mr. Friend-Gray also stated that the original submission didn't have Mr. Kilner's licensed land surveyor stamp on it and staff would certainly check for that prior to signing the plans. Mr. Kilner said he had the whole packet ready to submit and the issues forbade him from getting it in.

Chairman Leclerc turned the hearing over to the public. Ms. Bixby advised no comments had been received. Chairman Leclerc brought the hearing back to the Board.

Chairman Leclerc asked about granite curbing. Ms. Goucher advised there is curbing across the street and curbing as you get closer to Fisk Street and curbing as you get closer to Webster, but there is not currently any curbing in front of the existing house or lot.

The Chairman advised he thought sufficient information had been received to close this application.

Rollcall vote in favor of closing: Lussier, Harrington, Curry, Long, St. Pierre, Trisciani, Leclerc. (Boyle – offline)

The Chairman advised this application will be deliberated at the next business meeting.

3. **SP2020-008**

Property located at Dunbar Street and Sundial Avenue (Tax Map 435, Lot 1B), a site-plan application for the construction of a 160-unit, multifamily building with associated site improvements in the RDV Zoning District. Hayner/Swanson, Inc. for Brady Sullivan Properties, Inc. and Velcro USA, Inc.

Attorney John Cronin appeared on behalf of the applicant. He congratulated Chairman Leclerc on his appointment to be chairman and he thought everyone would agree he had some big shoes to fill there. Also present was Tom Zayjak of Hayner/Swanson, the project engineer, traffic engineer Jeffrey Dirk and Chris Lewis, the architect for the applicant.

Attorney Cronin advised this particular site is located down behind the Sundial Center and its primary access is off of Queen City Avenue. The area has recently been changed in character somewhat with the new construction of Bluebird, Rivers Edge Elliot addition many years ago, the Residences at Sundial Center is a relatively new apartment structure that sits on the east side of the avenue heading down the path. As you get behind the Sundial Center there is a parcel of land that is a little over 4 acres in size on the east side of Dunbar Street and it is a large open parcel. It is surrounded by the Velcro plant, Nylon Company of America and the Sundial Center. To the south is a neighborhood of residences that has been established for many years. The site was initially contemplated as perhaps the expansion of the Velcro facilities. It is owned by Velcro. When they determined it wasn't an immediate need for expansion the applicant and Velcro got together and looked at it to see what the development potential was for this particular site. With the advent and development of apartments there, which has been well received by the market, and increasing demand for upper end apartments they thought it would be a good spot for residential development to carry the character and theme of the Millyard further south along the river. The building that is proposed here will have a mill style theme that will extend into one building and have 160 units.

Attorney Cronin advised they had a visit to the Zoning Board of Adjustment and there were a number of variances granted to allow this to come to the Planning Board. One related to density and number of units. It was a square footage variance, which is noted on the staff report. The building itself with living area is five stories but some of the parking will be located underground in a podium style construction so there has been some discussion as to whether or not it is five or six stories, but there is one podium garage and then five levels of living area above it. The actual structure itself will also have parking associated with it in the open lot as shown on the plan. When this was originally looked at there was some thought

that the land that would be on the west side of Dunbar was also included with the parcel but they learned in doing the diligence work that is a separate parcel with a separate tax and map lot and will not be part of this transaction. When this property was first being considered early on there was a scoping meeting that was conducted and the ward alderman as well as others, all the department heads including Building and Planning attended a meeting that was hosted by DPW to see what the feedback was for this particular site. Thanks to the input from those folks and the City it meant a lot in trying to shape this plan to get it to a very manageable level where you will note for a project of this size there is a limited number of waivers; one regarding the size of some loading docks, another based on the size of the plan sheets and potentially a third with respect to tree caliper. This is in the RDV zone, which is a flexible zone designed to encourage multiple uses. They believe this is a good fit for this particular area. It is consistent with what has been going on there and consistent with what is going on in Manchester. These will be market rate apartments. They will not be low income, workforce or subsidized and the plan is to get this building constructed and occupied as quickly as possible.

Tom Zajak, a civil engineer with Hayner/Swanson, appeared on behalf of Brady Sullivan properties on the property that was referenced. They are proposing a five story, 160 unit multi-family residential building. The project will be known as The Edge Apartments. The proposed building is to be oriented in a north-south direction and measures about 570 feet in length and about 73 feet in depth. There will be five levels of living with a basement level garage. The garage level is at grade along the westerly and southerly elevations to provide open access to the site parking area. From Dunbar Street you will see six stories. One of the key aspects of the design and the grading of this site and building was the need for what is known as grade plane calculations as outlined in the building code. Essentially they meet certain criteria where the garage level of the building is considered a basement rather than a first story so they will be providing those calculations and the support data to call this a five story building both to the zoning office and Building Department as part of the building permit so for now they are saying a five story building. The buildings will be mostly two bedrooms with a mix of one and three bedroom market rate units. There will be 283 parking spaces provided. They have 103 parking spaces on the garage floor level and 180 spots on site, which equates to about 1.77 spaces per unit where 1.5 spaces is the minimum required in the RDV zone. Entrances to the garage level are both along the westerly or front of the building and the southerly or side of the building. ADA accessible parking areas are provided both at the front entrance and inside the garage. The building and site are situated to match the site topography. The site drains generally in a westerly direction toward the river. In studying the grade for the building and the site they wanted to match that so grade is going to climb along the north and south side of the buildings so that the rear east side of the property is actually up at the first floor level. The westerly side will be exposed on that garage floor level. Access to the site is provided via two new driveways off of Dunbar Street; one towards the northerly part of Dunbar Street and one further towards the south.

Mr. Zajak advised associated site improvements include new sidewalks, curbing, retaining walls, a fenced in dog walk area, bike racks, sight lighting, landscaping, utilities and stormwater management. The site will be serviced by public sewer, water by Manchester Water Works, underground gas, electric and telecommunications facilities. The gas, electric and telecommunications will be extended off of Sundial Avenue. The sewer for the property will be extended via a gravity line to tie into the existing interceptor stub in Dunbar Street.

Regarding water service to the project, they are still coordinating with Manchester Water Works with regard to providing water for this site. There is an existing 8-inch water main that ends and terminates where their property starts on Dunbar Street. They are working with staff with regard to a couple possible options they have with regard to providing service. Currently they need to extend the water main up to their site so right now their plans contemplate extending a water main mostly within the shoulder of Dunbar Street to minimize the amount of Dunbar Street that gets ripped up and then it cuts into their site to service their building. As outlined in the staff comments, they have two options for fire flows. Manchester Water Works is requesting an offsite water main improvement back along Dunbar Street cross country along the former public right-of-way to Westland Avenue and across the railroad tracks with a new 12-inch main that would provide the necessary fire flows for this building. Another option would be to extend the 8-inch main from that location on Dunbar Street into the site and provide the necessary fire protection using a pump or booster systems. He said they Board would most likely see comments from Guy Chabot of DPW in their packets and they are working with him ongoing on that effort.

With regard to high end site finishes and amenities being provided as part of this project, Mr. Zajak said they have granite curbing not only onsite but all along the frontage of their property and mostly concrete sidewalks in the interior of the site and along the building. There are a number of existing boulders that line the frontage of this site and they are seeking to keep those boulders along their frontage to enhance the frontage and sense of arrival. Some of the boulders are also being used in conjunction with the sign at their main entrance. There is a fenced dog walk area located in the southerly portion of the site. Brady Sullivan has seen interest from many of the residents on previous projects for such an amenity. There is a bike rack located just to the south of the building.

As can be seen from the plans, Mr. Zajak said there are a significant number of plantings proposed throughout the site including along Sundial Avenue and Dunbar Street as well as within the interior of the site and along the building foundation. The landscape calculations conform to the regulations with regard to the internal landscape areas and number of shade trees provided. As mentioned in the staff report, he has spoken with the applicant and they are amenable to revising the plans to spec a minimum of 3-inch caliper trees as required by the regulations, so they will not be requesting a waiver for that item.

With regard to site lighting, Mr. Zajak said a detailed photometric plan was submitted in coordination with the project. There is a mix of light poles within the parking lot area as well as wall packs along the building. Typical LED lighting will be used, the poles will be mounted 20 feet tall and the wall packs will be mounted 15 feet along the building. He was told they are full cut-off fixtures conforming to the photometric regulations.

Regarding buffers, Mr. Zajak advised there is an existing wetland on the site located on the southerly part. What happens is there is a large drainage area and drainage swale that run along the Velcro property in both the southerly and westerly direction and that drainage is then conveyed underneath the railroad in a culvert that opens up for a short stretch before going into another existing culvert under Dunbar Street and out into the Merrimack River. That wetland area has been flagged on their plans along with the associated 25 foot buffer shown on the plan. They are fully staying out of that buffer so there are no buffer impacts or wetland impacts in that location associated with the project. They also flagged the edge of the

Merrimack River and the top of bank where wetlands are along just to the west of Dunbar Street along that Velcro owned piece that was mentioned. They don't have any new expansions into that buffer zone. A portion of that buffer extends into the existing street along Dunbar Street but they are not proposing any expansion or further intrusion into that buffer. The existing buffer and trees to remain range in a location from their nearest residential abutter. It is about 80 feet in this location along Dunbar Street and about 90 feet in the back location. Again, much of the existing vegetation is fairly thick and well grown in and those will well exceed the required landscape in limited use residential buffers required by the code. There is a 250 foot shoreland protection that shows up on their site plan that is associated with the Merrimack River. It essentially encapsulates the entire site so they are applying for a DES shoreland protection permit for this project as well as an AoT permit. Those permit applications have been filed.

Mr. Zajak advised that snow storage is to be handled similar to other types of multi-family projects such as this. The snow from the general parking areas will be cascaded along the curb lines and as need in the larger parking areas it will be stockpiled in a designated area in the southerly portion of the site. There are some other gaps throughout the landscape area and the green spaces associated with the project that could also be used as supplemental storage areas if needed. They felt the southern area of the site was a good spot for snow storage. It is in a very remote portion of the site. There are no safety or sight distance issues created by that. They have a small swale and yard drain in that location so the snowmelt would drain back into their stormwater system and not into the adjacent wetland area. Storing snow in that area would really have minimal impact to the numerous plantings that they have throughout the site. They would be happy to add a note if snow storage is exceeded on the site it will be taken off site and furthermore that no snow storage will occur within the public right-of-way as was requested in one of the DPW comments.

With regard to trash, Mr. Zajak said it will be similar to most Brady Sullivan facilities. There is a singular trash compactor about 12x32 in dimension located just south of the building that will have an enclosure fence. They have some landscaping around that to provide some screening. It will be emptied 1-2 times per week as needed and the residents are responsible for getting their trash down in that location.

Mr. Zajak advised they will be providing 4 loading spaces as required by code. Two of the spaces are located near the front entrance and two of the spaces are located more in the rear loading area of the site near the southerly entrance to the garage. They are seeking a site plan waiver for loading space dimensions. He said 12x50 space dimensions are required by code and they are seeking a waiver to use 12x25 dimension spaces. They feel the 12x50 spaces as required by code are more typical for tractor trailer sized vehicles, which Brady Sullivan does not see at these types of facilities and they have a wealth of experience developing such projects. What there is a need for is loading spaces and about the size he provided (12x25) so they are just as wide but not as deep as the required spaces and this would accommodate either moving vans, a U-Haul or box truck type vehicles, but also the numerous delivery vans that would be able to use those locations; specifically the two spaces in the front of the site as there is an interior mailroom collection area just inside that front door location. The two spaces near the south are located near a stairwell and elevator, which will help the residents if needed.

Mr. Zajak said based on their initial meetings with Planning and DPW staff, which was extremely helpful for the project, pedestrian connectivity was a major focus of the project design. He referred to the plan and advised they have a large amount of sidewalks located inside the site. There is a concrete sidewalk that spans the entire front or westerly elevation of the building as well as a sidewalk in the rear easterly side of the building that connects through. This will provide a nice little internal loop for the residents of the site to get out and walk around. A second key element of this pedestrian connectivity is this site abuts the southerly terminus of the Heritage Trail, which is located at the corner of Sundial Avenue and Dunbar Street. As such, they have provided a new crosswalk connection at that location as well as new curbing and sidewalks along the site's entire frontage, which was about 1,300 feet. That provides connectivity for their tenants to get onto the trail and get across Dunbar Street in a safe manner. It also provides connectivity up Sundial Avenue for those businesses and residences that are further north and east on Sundial Avenue. Another key element is they are extending a sidewalk all the way along Dunbar Street to the south to make a connection for the existing neighbors to their south. They think that will really provide some good connectivity in this area and make some connections along Dunbar Street and Sundial Avenue that certainly did not previously exist.

Mr. Zajak advised that stormwater management is always a key area for any project but especially for a project that is developing on an undeveloped site such as this. They are adding about 2.75 acres of new impervious area. This includes the building rooftop as well as the parking areas. Their stormwater design intent was to use subsurface stormwater practices to take advantage of very favorable soil conditions on the site in order to promote infiltration and recharge. Being directly adjacent to the river the greater focus was on a qualitative treatment rather than peak flows. They are proposing two large subsurface infiltration systems under the parking areas, which he pointed out on the plan. The northerly basin known as stormwater management A is sized to completely store and infiltrate up to the 50 year storm event, which is a sizeable storm. Stormwater management B is similar to the south and is sized to completely store and infiltrate up to the 25 year storm so these two subsurface systems are handling the vast majority of stormwater runoff that is generated from their development. There are overflow connections being proposed into the existing Dunbar Street drainage system. Dunbar Street contains curbing and an enclosed drainage system that conveys water to the south where it connects into that culvert he previously mentioned and then discharges into the Merrimack River very quickly. This has yielded a slight increase in peak flows leaving the site, which is mainly due to two reasons; first it is an undeveloped site with very good soils so there is very minimal runoff leaving the site as it exists today. Secondly, they have added a large amount of sidewalks along their frontage, which are located within the right-of-way and pitch back into the road. This added impervious area drains directly in the roadways and is captured in the existing Dunbar Street drainage system. He advised the runoff does sheet flow. They have a grass strip located between the curbing and the sidewalk so he believes in many smaller storm events, due to the sheet flow and good soils, that runoff will not reach Dunbar Street. In summary, they think that this slight increase while measurable is negligible and will not cause downstream impacts given that the site is directly adjacent to the Merrimack River.

Mr. Zajak advised they attended the May 6th Conversation Commission meeting to review this project with the commission. They received generally favorable reactions to the project. The Commission had one comment, which was to add wetland posts and placards along the buffer

area to the wetlands to the south, which they were amenable to doing and will be reflected in the final plans.

Mr. Zayak said there were two waivers requests submitted in a letter dated April 29, 2020. The first waiver is to allow the use of a 24"x36" sheet size where 22"x34" is required. Based on the unique dimensions of the property, the sheet laid out very nicely for a 20 scale plan in two sheets divided in half. They thought this was best as it would allow more clear and concise plans and shouldn't result in any more paper for staff to file. The second waiver was for the loading space dimension, which was discussed earlier.

In summary, Mr. Zayak said they received the majority of staff comments last week. Mr. Belanger summarized those very well in the staff report. They thought the majority of those review comments were minor or technical items and he was confident they could address those to the satisfaction of staff.

Chris Lewis, architect for the project, advised they were looking at a view from the Merrimack River, the southwest corner of the property looking towards the east. The building sits parallel to the river's edge, which is reminiscent of mill style buildings in Manchester. The center portion of the building is primarily brick. As the building grows from the center to the north and to the south the fenestration is symmetrical and the regular punched openings create a pattern along the façade. As the brick steps away there is a transition to newer materials. There is an introduction of metal and hardy panels with color that a more modern look to the building as it goes to the north and to the south. The colored material and surface articulation, which he referred to the vertical elements that are punched out from the main façade, create a rhythm along the façade and break up the size of the building visually and create visual interest along the façade. The idea is that it respects the past mill elegance and also looks toward the future.

Mr. Lewis showed the lower level or basement level and advised you enter in from the west side, which faces the river and that side has the entrance to the office space as well as the amenity space and three separate main entrances along the building that have elevators and stairs to create a convenient opportunity for the tenants to enter the building from any spot along the parking area.

Mr. Lewis showed a couple photographs of recent projects they have completed and demonstrates the level of finishes and the quality that they produce. Some other amenities they provide on each of these projects are a movie room, a dog washing station, a community room, an internet café and a fitness room. He showed an overall typical floorplan of the building. It is a center loaded corridor with apartments off both sides. He pointed out the three elevators that bring the residents up into each of those floorplans. The break down is 32 units per floor for a total of 160. There are 30 three bedroom units, 137 two bedroom units and 9 one bedroom units. Finishes that will be seen in this property are hardwood floors, stylish kitchen cabinets, stainless steel appliances and granite countertops.

Jeffrey Dirk, a partner with Vanesse & Associates, the traffic engineers for the project. Consistent with the other team members, he said they had an opportunity to have a scoping meeting with the City as well to scope out the parameters of the traffic study that included the Planning Department as well as DPW and the City's traffic engineer. The study was prepared

in consultation with the City as well as the Southern New Hampshire Planning Commission and the New Hampshire Department of Transportation and it complies with New Hampshire Department of Transportation standards for preparing a traffic impact study. Most of the focus of the discussions they had with the City, and can be seen in the comments of both the staff report, centers around the primary access to this area, which is the Queen City Avenue intersection with Sundial Avenue. They continue to work with the City traffic engineer on improvements of that intersection. That is an active dialogue. They have been working on some modeling of that intersection with the traffic engineer to look at various improvement alternatives. The crux of the issue is dealing with the queueing that exists on the north leg of Sundial Avenue as it approaches Queen City Avenue. They kind of tweaked the traffic signal timing to maximize or optimize its performance so now they are dealing with really managing the queueing.

Mr. Dirk advised the project was not shown to result in a significant increase in motorist delays or vehicle queueing outside of the Queen City Avenue intersection so as you get away from the site, Sundial, Dunbar, Riverdale, the project is not expected to increase motorist delays along those roads. Dunbar and Riverdale both accommodate relatively low traffic volumes so there is somewhere on the order of about 1,000 vehicles per day. Peak hour traffic volumes are somewhere around 100 peak hour trips, actually a little less than that, so the low volume roadways are more conducive to the residential environment that exists along those sections of roadway. As you get closer to Queen City Avenue and the commercial uses when the new residential building gets built there traffic volumes obviously increase. All movements of the project site driveway operate with limited delay. Level of service is A, which is indicative of less than 10 seconds of delay and there is no residual vehicle queueing within the project site itself. Importantly, with respect to the locations of the driveway and some of the things that Mr. Zajak had mentioned relative to the landscaping and things that will take place proximate to the driveways, the key thing for them is to make sure they have proper line of sight to make sure motorists exiting the project can see someone that is approaching them along Dunbar Street. It is the same thing if you are driving along Dunbar Street and coming to the project site you want to make sure you can see a vehicle that pulls out of the site. Their analysis and looking at Mr. Zajak's site plan indicates that the sight lines far exceed what is required for not only the posted speed limit but in excess of the posted speed limit.

Mr. Dirk showed the location of the project site in relation to the transportation infrastructure. The study area they were asked to evaluate is a part of the traffic impact study consisted of three intersections; the Queen City Avenue intersection with Sundial Avenue, the transition from Sundial Avenue to Dunbar Street, which is critical in that they wanted to make sure the crossing Mr. Zayak mentioned to get to the Heritage Trail along the river, they wanted to look at volume and speed at that transition to make sure they were looking at that connection is properly located to function in a safe manner. Finally, to the south of the site the West Mitchell Street intersection with Riverdale as well was looked at recognizing that serves as a potential cut through to get to Brown Avenue so they wanted to make sure they looked at the dynamics of what is happening with the traffic flow there and how it relates to traffic volumes and flows through the neighborhood area as well.

Mr. Dirk advised that all of the traffic volumes and the data that was collected as a part of the project he called "pre-covid conditions" so they gathered the traffic volumes prior to the

March 26th executive order to stay at home so everything was collected pre-covid or early March. All of the volumes were adjusted/increased by 21 percent to reflect peak month conditions. To the extent that there is any variation of early March traffic volumes that may have been related to some people staying at home the 21 percent adjustment factor would account for some minor variations to traffic patterns.

Mr. Dirk showed a slide of existing conditions relative to lane use, lane widths and then also the pedestrian facilities that exist in the area. He also showed a slide of what the predicted traffic volumes that will result from the project at 160 residential units on this site. The next slide showed how the traffic will use the roadway network. About 95 percent of the trips will be leaving the site and oriented to Queen City Avenue and going through that intersection and 60 percent of it will travel to the west, 30 percent to the east and 5 percent will continue northerly on Sundial Avenue. A lesser percent of the traffic will be heading to the south towards West Mitchell Street and that is about 5 percent. That is pretty consistent with what they see about the traffic patterns in the area. In looking at the existing residential building that was constructed close to Queen City Avenue, that is the general traffic patterns that you see from that building as well so it about 95 percent or so of that traffic really wants to get out to Queen City Avenue and disperse itself.

After they completed the estimated traffic and assigned it onto the roadway network then they look at what the impacts are resulting from the addition of the traffic from the project to the four intersections they evaluated. The horizon years they looked at for the project were basically 2020 existing conditions and then for the future conditions they basically were looking at four future conditions. The first is the year 2021, which was considered the opening year condition of the project and they looked at 2021 conditions with and without the project in place and then they looked at a 10 year projection from the opening year, which would be the year 2031 with and without the project. The Queen City Avenue at Sundial Avenue signalized intersection one of the important things one or more movements at the intersection are operating at or over capacity. Primarily this is more focused during the evening time period and it is more pronounced in terms of delays and queueing during the evening time period. When they are in a condition where delays are excessive and approach maybe operating over capacity what they do is look at what is the impact on vehicle queueing so if they are over capacity and they add more traffic to an approach that is over capacity and there is existing queueing there what they want to do is see how much further does the queue extend beyond what conditions look like without the project. Their conclusion was that after they added the project's traffic and without any mitigation the vehicle queue in particular on the Sundial Avenue approach, because that is what will have the most pronounced impact, they are showing that would increase by about 3 vehicles over what is out there today. Working with the City traffic engineer, what has been identified is there are some opportunities to improve the way the signal currently operates to be able to process more traffic through the intersection and reduce some of the queueing to some extent. They provided some modeling to the traffic engineer for her to look at to see what that impact would be and they've gone back and forth on that. The issue with an optimal timing plan is they've maximized the optimal performance of the signal so now they need to deal with the queueing. At the Riverdale Avenue/West Mitchell Street intersection generally there are no delays there today and it will continue that way. About 5 percent of their traffic is expected to be oriented in that direction and in looking at the volumes of traffic they are predicting that 5 percent equates to about 3 additional vehicles during the peak hour so that is 1 additional

vehicle every 20 minutes. That can be processed by that intersection without any increase in delays. The same thing with the driveways to the project site. They operate with very limited delay, less than 10 seconds delay and there is no residual queueing back into the project site.

As a result of all of this analysis, Mr. Dirk said they developed some recommendations as part of the traffic impact study. The first set of recommendations deal with things specifically related to the design at the project site all of which Mr. Zajak has incorporated into the project itself while dealing with driveway width to make sure it is sufficient for two-way traffic and the turning maneuver requirements not only for the moving vans but also for Manchester Fire Department to make sure they can get their vehicles in and out of the driveways. Those dimensions are all part of the site plan. With regard to stop sign control exiting the site, he advised any signs within the site need to be compliant with the Manual on Uniform Traffic Control Devices that way they are uniform and consistent with what any roadway or street within the City itself. Important with respect to the sight lines, the current sight lines exceed what is required for the measured speed of traffic along Dunbar Street, which is on the order of 25-30 mph. Vehicles are generally slowing down going into the curb and accelerating as they come out of the curve. Given where the project is located close to the curve itself no one is driving in excess of 30 mph as they exist from the curve either. Sight lines far exceed what is required for 30 mph but as they develop any landscaping and signature signing they want to make sure that the sight triangle stay clear. Wheelchair ramps will be ADA compliant and those are indicated in the site plan. Any piles of snow that may exist along the frontage that may restrict sight lines should be promptly removed.

With regard to offsite recommendations, Mr. Dirk said the first is at the Queen City Avenue intersection with Sundial where there are 3 approaches. As Sundial Avenue approaches Queen City Avenue the way it is currently striped today there is a left turn only lane and then a through right turn lane. The way the traffic signal operates is you have to phase basically for Queen City Avenue then you have a separate phase for each of the Sundial Avenue approaches so it is what is known as split phasing so the north side of Sundial goes on a separate phase as the south side of Sundial Avenue. It is not efficient in terms of that type of an operation but what it does do from the standpoint of trying to improve the way the signal operates they are proposing to take the through right turn lane and allow all movements to be made from that lane. What would happen is you would have a left turn lane and then the through right would be become a left through right because the predominant movement. What they are doing with this lane use configuration is allowing essentially a second left turn movement to be made so there can be two left turn movements going at the same time. That has an improvement in both reducing some delays and shortening the queueing. That is the first improvement. The second is developing an optimal traffic signal timing phasing plan. Making this lane use reassignment and then couple that with optimizing the timing and phasing of the traffic signal is a second leg of what the improvements are proposed at the intersection. What they have been working with the City traffic engineer on is looking at the way the signal operates and the timing in particular. It has a very long cycling so it takes a long time. On the Sundial Avenue approach and you come up to the stop line and it turns red just as you get there, it takes a long time for that signal to come back around and give you an opportunity to be able to exit and proceed through the intersection. As such, one of the things they have been working on is a plan that would actually shorten that cycle length so you can actually have more cycles per hour and if you have more cycles per hour you can move more traffic per hour. The adjustment of the timing they are proposing to do it prior to the issuance

of a certificate of occupancy because they know there are existing issues with the way that signal operates and then they would do it again six months after the issuance of the certificate of occupancy. The reason for that is they would adjust it prior to occupancy so they free up some capacity at the intersection to allow for the building to get leased up and then six months after allows them to get some leasing up of the building and then look at what the actual traffic patterns and demands are at the intersection as they change as the project is occupied and then adjust the timing to match actual patterns. One of the things that happened after the traffic study was submitted was dealing with the Queen City Avenue bridge project. It is very likely that is going to occur as the building is under construction and getting leased up depending on how long that takes. So this issue of the retiming of the traffic signal or when it takes place one of the things they want to make sure of is obviously coordinated with the bridge project so there may be an interim timing plan that they would implement to reflect the conditions that exist with any detours or land use restrictions when the bridge work is taking place and then they would go back and make these adjustments after the bridge work is complete and they do have some leasing up of the project so they are reflecting conditions that would exist after the bridge is constructed. The final thing relative to this intersection is the queueing. The queues from the traffic signal back up through some modeling that they've done with the City traffic engineer somewhere around 400-500 feet from the traffic signal along the Sundial Avenue approach which gets you pretty much to the western most driveway of the residential building that is there. The current storage length that exists at the signal is about 70 feet so initially they looked at doing some restriping of the approach to Queen City Avenue to be able to more than double the queue of storage length that is there so they could probably go from 70 to 150-200 feet just through restriping but that obviously doesn't store the 500 feet of queue that has been modeled for the intersection. That would include the queue with some of the retiming and this lane use change they described. The City traffic engineer has asked that they look at what are the opportunities to potentially do some minor widening of Sundial Avenue to be able to extend the queue closer to the 500 feet distance of queue storage so they can sort out the traffic before it gets to the intersection and have the signal more efficiently process that. That is a to do item on his.

With regard to the Heritage Trail connection, Mr. Dirk said they worked in consultation with Mr. Zajak and the City to develop this connection. He said Mr. Zajak had shown where the crosswalk is going to go. An important part of that design is high visibility pavement markings and pedestrian crossing warning signs. That is something that will be an integral part of that design to make sure that they've got those markings and the signs in advance of the crossing so there is visibility, advance warning and that the visibility is sufficient for low lighting conditions as well.

Mr. Dirk said they do not have direct access to public transportation services but that doesn't they can't encourage residents to use the services as they may become available. They have agreed to do and implement some things as part of the management piece of the project. They will have a transportation coordinator who will be responsible for making sure residents are informed of what opportunities are available for use of alternative modes of transportation. Work at home work spaces, which is something that is generally common areas within the building that can be used to support telecommuting. A pedestrian connection will be constructed; sidewalks along Dunbar and Sundial and then the connection to the Heritage Trail are all things they are embracing as part of the project. Bicycle parking, both interior and exterior, is important for encouraging people to use bikes. It is generally a small thing but

not to be overlooked is a central mail kiosk. What they are trying to do is make sure that residents don't need to leave the site to the extent that they can keep them on site and not have to go to the post office.

Attorney Cronin said in the zoning process when they went to seek out the variances, one of the criteria that is required to get a variance is demonstrate that if the project is approved and constructed there will be no diminution in value of surrounding properties. That is not relevant or at play in the Planning Board analysis but they wanted to note for the record that the ZBA did make such a finding. He said they request William Wydecker, the operating principal of KW Metropolitan to review the plans and the site and to render his opinion based on 37 years of experience. He did so and that letter was forwarded to Mr. Belanger today and he concluded that based on his review that if this project is approved and constructed it will not diminish the value of surrounding properties.

Attorney Cronin advised something that came up at their scoping meeting was due to the nature of the site now where it is vacant there are two issues that are popular at this site; one is some drag racing on Dunbar Street and at the head of the existing trail where it ends there tends to be congregations there that are not desired. It seemed to be the opinion of some that this development will create activity, visibility and should chill some of that activity if not all of it on Dunbar Street and at the head of the trail.

Chairman Leclerc understood their waiver request for paper size because he didn't recall seeing 364 equalling 1 foot of this nearly 2 football fields size building. He asked why they would have the building be so long instead of having 2 buildings. Mr. Lewis said the economics of building 1 building versus 2 and it just tended to work better on the site for them. The idea that it fits in as another large building on the river's edge was an appealing approach for them.

When looking at the river facing west, Chairman Leclerc asked why they don't have balconies on the units. Attorney Cronin said this comes up Juliet balconies versus full balconies. There has been another project in the city close to the ballfield where that was an item of discussion. He said when you put balconies, especially in a building of this size and scale people tend to put different things on balconies. Some people use it as an ancillary storage area, some people have different tastes as to what should be out on decks whether it is porch furniture or gas grills and it can really hamper the appearance of the site. The Juliet balconies provide an opportunity to provide more window, air and light to the units and that is the preferred option that the applicant seeks to develop.

Mr. Belanger thanked Mr. Dirk for a thorough traffic report and explanation. He advised Mr. Dirk and Kristen Clarke from the City have been going back and forth a fair amount and as recently as yesterday she submitted some comments back. One of those comments was to address the queueing on Sundial Avenue as it approaches the intersection of Queen City Avenue. He said Mr. Dirk has a little bit of work to do to figure out how he wants to, or if he needs to, expand Sundial Avenue to accommodate the additional lanes of queueing. Mr. Belanger asked if that was something at this point he could commit to doing if it turns out that they need to do that or if it was something they may need to come back and update the Board on at a later meeting. Mr. Dirk said he would need to defer to the client as to whether they would commit to doing that now. He said they would want to understand what the cost

implications need to be on that and he will leave it to the client. He said Sundial Avenue is sufficiently wide for about a couple hundred feet to where you get to the first driveway of the residential building so restriping can take place to get two lanes down to there. That is roughly about 200 feet so they need to more than double that distance to get to the 500 feet. Right after that driveway the road pinches down and it gets closer so they are roughly 30 feet between Queen City Avenue and that first driveway so you can do a restriping and get 3 lanes in there; one outbound and two inbound to Queen City. After that is where they really need to look at how much widening would need to take place. He didn't think it was substantial. It is a small box widening that would need to take place to get additional queue lanes beyond that. In looking at the second driveway to the residential building that is about the area where the lanes would end so you would have 2 lanes from Queen City all the way just about down to where that driveway is. It is really just the distance between those 2 driveways that they need to figure out how much widening needs to take place to accomplish a 3 lane section in that area.

Mr. Belanger asked about the capacity of the intersection of Sundial Avenue and Queen City Avenue. He said Kristen brought up the volume to capacity ratio, which is just basically how much traffic the intersection can handle and if it gets about a certain ratio (.85) then it starts to be considered maybe it can't quite handle the amount. He asked how much volume that intersection is handling now and how much more it would need to handle with this project.

Mr. Dirk said the value to capacity ratio is a measurement of the theoretical volume of the intersection. The capacity is the theoretical volume the intersection could actually process and then the volume is how much does it actually process in relation to that capacity. What the City traffic engineer is saying is that if you are at 85 percent capacity then obviously there is more to accommodate additional traffic demands. This intersection, even with the retiming that they are talking about, is probably at 1 meaning that it is at its design capacity. That's what they can achieve with some retiming and it might actually be over 1 and the reason it is over 1 is what you see in terms of the queueing itself. If you get stuck at the back of that queue the fact that you can't get through the intersection on 1 light cycle means that it is operating over its design capacity. The existing is they are well over 1. They can mitigate with the retiming to get themselves closer to 1 during the evening peak and they can be less than 1 during the morning peak hour, meaning there is some residual capacity. The important thing in looking at those time periods is that the dynamics of a residential project is their traffic is leaving in the morning so there is capacity during the morning period to get their traffic out of Sundial onto Queen City Avenue because they are not over capacity. The evening time period is when they are over capacity and that is primarily a result of the fact there is a large volume of traffic leaving some of these industrial and commercial uses that are there on Sundial and they are all trying to get up to Queen City Avenue and leave. They generally have the shifts so when you have a large volume of traffic trying to leave all at the same time in those shifts, the signal can't process all of the traffic that is there so you have a condition that even with the improvements you are still going to be at or slightly over capacity. During that time period of their traffic is entering so it is not adding to the back of that queue and that is why even with the improvements they probably can erase the increase of 3 vehicles in queue that will result from the project because most of their traffic is exiting during that time period. You're not going to get rid of it all. The only way that you would be able to get an 80 percent of capacity is to physically widen all of the approaches to the intersection to add more traffic lanes. What you see at the intersection is you are basically built out. There is not too much more room to be able add additional turn lanes so they are

trying to manage the queueing and optimize the signal recognizing that they have constraints in this area. The use that is proposed for the site being residential, because of that dynamic and the traffic flow it is mostly exiting in the morning and coming back in the evening. It does to some extent compliment the traffic flows at the Queen City Avenue intersection because it is opposite what the peaks are actually occurring at that intersection where the peak traffic flow on Sundial is actually in the evening and is trying to get onto Queen City Avenue and they are opposite that. The same couldn't be said to putting in an industrial or commercial use on this site.

Mr. Belanger asked where EPD is recommending adding a second catch basin. Mr. Zajak said they have a site that is a mix of woods and grass but it is undeveloped, good soil so there is little water coming off of it now. On the southerly portion of the site they have some catch basins located right at the right-of-way to pick up as much water as they can. He thought the driveway apron will drain into Dunbar Street, which is a crown road with catch basins and a closed drainage system that conveys water down into the culvert to the Merrimack River. He referred to the northerly site entrance and advised their entire parking lot and landscape area drains into the interior of the site where there are a number of catch basins that convey water into an underground stormwater system. Based on the existing grades of Dunbar Street they have a high point so there is about 30 feet of the driveway throat and the apron that drains back into Dunbar Street. They would be more than willing to follow up with DPW and try to work with them on maximizing the amount of drainage that they are capturing and getting into their system. They are capturing and treating the vast majority of their stormwater runoff from their site. There is not a lot they can do with all the new sidewalk that is proposed along Sundial and Dunbar Street, but they will work with DPW to further minimize the amount of water coming off the site.

Mr. Lussier liked that the ground stormwater management is so much more attractive on these sites. He would like to see a detail on what they have for grease, oil and trash management before it gets into the system and what they have for access for maintenance of the underground system. Mr. Zajak said the system they are proposing are the Storm Tech prefabricated chambers and a bed of crushed stone. They are very popular, especially on sites like this where they have limited surface area and they have good soils to support the subsurface chambers underneath the parking lot. Storm Tech is a product by ADS. They have very detailed design and construction recommendations as regards to the dimensions, the orientation, access risers, inspection ports and what is known as the isolator row or pretreatment row. They have incorporated a number of those recommendations into their design. He knew DPW had a handful of suggestions to continue to maximize these systems and make them as efficient as they can be in terms of removing pollutants. They have a number of deep sump catch basins located throughout the site. Those are always the first line of defense with regard to stormwater treatment and the removal of the initial debris and suspended solids. The stormwater then runs into what is known as the isolator row, the first row of this multi-row chambered system and that isolator row is set up with additional fabric and essentially captures the first flush. It is a proven "pretreatment method" that is recognized by both municipalities and DES. Essentially it acts as a forebay or another type of pretreatment surface practice that you would see and really that removes a lot of the further sediment and debris before the stormwater runoff then filters into the rest of the subsurface system and infiltrates through the ground and the formal treatment occurs as water runoff moves vertically through the naturally sandy soils.

Mr. Lussier said he was more concerned about some of the initial flush trash collection and removal and the oil and grease and how that prevents it from even getting into the system and how much maintenance it usually requires. In terms of the maintenance, Mr. Zajak said it is recommended that it occur semi-annually and that would include vacuuming out any sediment or debris that has accumulated within the isolator row as well as inspecting the rest of the system to ensure it is fully draining. There are recommendations related to fully drain within 72 hours of a storm event that way it is fully emptied. With regard to floatables, oil and grease, sometimes that is trapped in the catch basin sumps but truthfully they don't have any specific pretreatment practice that is geared to those measures as it relates to this site. Practices that would target floatables, oils or grease would be considered more in an industrial loading area or an area where there would be heavier truck traffic and those would be either hoods in the catch basins or a baffled pretreatment system before it gets into these chambers.

Ms. Trisciani asked how out the balconies extend. Mr. Lewis said the bump outs stick out 2 feet from the building façade and it follows the footprint of the building so it will be seen from the ground through the height of the building. It is essentially the silver and brick vertical strips and then the end pieces.

Ms. Trisciani asked what the reasoning was for adding the roof structure over the middle entryway. Mr. Lewis felt like the brick sort helped draw your eye to that location but he felt having another structure on that part of the building would help signify the entrance as well as sort emphasize it and break it down a little bit because they have two building height elevations that you see and then that kind of reaches out over to help create some additional interest. Ms. Trisciani asked if it was a solid roof. Mr. Lewis said they would plan it to be an open grate so it creates some shadow line along the face of the building. Ms. Trisciani asked if it would be open enough to let some light into those apartments because they are kind of taking away a lot of natural light from four of those units. Mr. Lewis said the idea would be that light would pass through and you would see some kind of pattern on the building.

With regard to the Juliet balconies, Ms. Trisciani said she understood that people get concerned about what is on them. She thought they could fairly easily have some rules and guidelines. Apartment buildings all over the world have balconies and she thought they could control that a little bit. She asked if they had considered even just adding the top two floors or adding something there. With the river view having an actual functioning balcony could increase that rent a little bit. She asked if they would consider making some change and at least help that stand out a little bit. Mr. Lewis said they tossed that around a lot and he knew there were complications that come along with it architecturally from a waterproofing standpoint, but he thought there are some areas such as the end units that they could look at and possibly add some additional ones along the top two stories.

Alderman Long confirmed with Attorney Cronin that there wouldn't be a waiver request for tree caliper as they would go along with the three inch caliper.

Alderman Long said it seemed that there were still some traffic and DES conversations that need to happen. He said he was also "flagged" with the balcony. He referred to Wall Street tower whose balconies look great. He was happy they would look at something. He thought that would break it up and bring better market to it.

Alderman Long asked for clarification on the number of one bedroom units. Mr. Lewis said there were 3. Alderman Long asked what the rent would be on those units. Mr. Lewis thought it would depend on timing and how the market is.

Alderman Long asked if they were okay with a condition about snow removal per their conversation with DPW if it gets to a certain height. Mr. Lewis said they were.

Mr. St. Pierre agreed with the fact that every unit should have an exterior balcony so people could actually have a place to go out and get a breath of fresh air from their own unit and not actually be forced to walk down a hallway, go down an elevator and go outside to get a breath of fresh air.

With regard to the aesthetic of the building, Mr. St. Pierre thought it would look a lot better if it was just the red brick and maybe the gray brick but all the colors seem like there is too much going on.

Mr. Harrington asked if they did any environmental testing of that land. Mr. Zajak said test pits were done for the stormwater management design so they were somewhat limited there and he believed a Phase I environmental assessment was done by Brady Sullivan. He didn't believe any further testing has been done that he was aware of.

Mr. Harrington asked what was on that land previously. Mr. Zajak was not aware of the genesis other than it was held by Velcro for a future expansion. In looking back through the various plans and aerial photographs it looked like portions of the site were disturbed when both the roadways were built (Dunbar and portions of Sundial) as well as when the sewer interceptor was constructed, which generally follows the Dunbar Street orientation.

Mr. Harrington advised he appreciated Mr. Zajak's comments about the test pits and understand that was a limited scope. He had some concerns with the land itself and what might be under there. With this being such a large project he thought understanding what is in that soil might be pretty important in knowing what is there.

Mr. Harrington asked where the mechanical equipment would be located. Mr. Lewis said there will be split systems for the apartments so they will be in the apartments and the condensers will be on the roof in the middle around the hallways. They will also have some package units on the roof that will also be along the corridor line for fresh air of common spaces as required by code. He thought because of the depth of the building you won't be able to see them. Mr. Harrington asked if that would be lower than the height restriction and Mr. Lewis advised it would.

Mr. Harrington asked if the developer knows that there is school and fire impact fees and he is not requesting a waiver. Attorney Cronin said not at this time.

Mr. Harrington asked if there was any consideration regarding fencing along the railroad track side. He was thinking about any children that may be out in the back may wander that way. Mr. Zajak said even though it looked nice and flat on the 2D plan, there is quite a bit of grade change back there. The railroad tracks slope down towards their common property line and

they have their sidewalk back there along with some retaining walls to help them match grades along the property lines. They did not consider fencing in that location. He said they could take a look at it but he thought the grading back there and the walls, there will be some fencing as it relates to some of those walls will discourage activity in that direction both on their property and then there is a steep wooded slope heading back up to the railroad tracks on their side of the line.

Mr. Harrington asked if the developer gave any consideration for charging stations for electric cars. Mr. Lewis said they talked a lot about it. It is something they definitely want to start incorporating into their properties it just hasn't happened quite yet. This project doesn't show any at this point but he was sure as time progresses it will become something they would be willing to incorporate. For marketability and to the future, Mr. Harrington said this property is going to be here for a while so it may be a smart thing to do.

Mr. Harrington referred to the sketch of the proposed bike rack and asked if there could be a more 1940's plain bike rack. He thought something architecturally would be really nice for a project like this. He knew it was a bike rack but didn't think it had to be that institutional. He said he would consider having storage in the basement somewhere for bikes to be locked up.

Mr. Harrington asked for clarification on the front loading with rollup doors. Mr. Zajak said there are two overhead door locations for vehicles to enter the garage level parking; one is on the front or westerly side adjacent to the northerly driveway and then one is located along the short southerly end of the building and those provide egress and an exit from the underground for the garage level of parking area. With regard to loading, Mr. Zajak said they have an oversized parking space (12x25) loading and van delivery space. One is located adjacent to the middle central door location and then another is tucked in the back near (pointed out location). Mr. Harrington asked that those be a little bit more clearly marked. Even with the entrance going into the parking garage along the front of the building it is just kind of an open mouth right there. He thought they should have something indicating that there would be cars coming and going out of that mouth. Mr. Zajak said that was a fair point.

When they start digging Chairman Leclerc asked if they have to submit samples to make sure there isn't the land that would be detrimental. Attorney Cronin it is not specifically required by law unless there is a warning on the site or it is depicted. He explained the DES a database that would identify sites that are of concern and that is usually something that gets picked up in the Phase I and if there is some warning on the DES I stop that may lead to a requirement for DES to do additional action. He said Brady Sullivan has probably excelled, not only in New Hampshire and in New England, but on the eastern seaboard for mill renovations. They are used to dealing with old buildings that have a lot of different issues and they are super sensitive to environmental issues. Typically environmental is not required by the DES; it is mandated by anyone who is either lending or making capital contributions to a site like this. The costs are expensive and they are done as part of the pre-construction activities.

Mr. Curry asked about the impact to Elm Street because with that many units in that area there will be an impact to Elm Street. He asked if they have considered doing any green work on the roof that would also work with drainage and things like that as well as beautification. He advised he liked the balcony idea. He asked how visual it is from 293. Work has been done in that area and they want to make sure that view is one that is very welcoming to the

City as it is a gate point area to the City. He thought the colors on the façade were a little confusing.

Mr. Lewis said they could look at the color of the building as well as adding some balconies. It is visible from 293 off exit 4; in the summer time not as much in the winter it is. The trees are pretty dense along the river on that side. As far as the roof, he said they have never considered or looked at doing any kind of a green roof. They are always looking to do solar when they can and it is all a function of the programs that the State might have in place at any given time.

With respect to potential impacts on Elm Street, Mr. Dirk said in looking at the volume of traffic that they assigned in that direction, and it all ended up at Elm Street, it is roughly about 20 trips during the peak hour distributed among the 4 approaches assuming it all ended up at that intersection, which he was sure the majority of it would be. In terms of the peak hour impacts, that is what they would be predicting at that intersection that would be on the order of about 20 trips over the course of an hour.

Chairman Leclerc said he agreed with Mr. Curry and Mr. St. Pierre as far as the coloring pattern. He thought the brick along with the metal panels would look pretty sharp.

Alderman Long asked if the windows are operable. Mr. Lewis said the windows are all operable and he thought maybe that is a little bit of a misconception on the Juliet balconies. It is still a sliding glass door that is 6 feet wide and 7 feet tall that opens with a railing on the outside of it so there is plenty of fresh air that will be available to the units. It is just a matter of not being able to step outside.

Chairman Leclerc turned the hearing over to the public and provided the telephone number and email address should the public wish to make comments.

Ms. Bixby advised one voicemail had come in and she played it into the record as follows:

- Hi. This is Alderman Shaw from Ward 9. I am calling in support of the Dunbar Street/Sundial Avenue project. However, I have reservations from many of my residents in regards to traffic and what the traffic mitigation will be. Since the new apartments that came in on Sundial Avenue, the residents of Dunbar Street and the Riverdale area have stated traffic has increased and there is a large amount of speeding, etc. so I want to make sure that there is a thorough plan in place for the traffic and that is part of the project that has to be completed. Thank you very much.

Ms. Bixby advised some emails were received and read them into the record as follows:

- Norm Chase – 172 Dunbar Street

This must not happen. Too much traffic flow. Could be as much as 300 more vehicles. Currently the road has a 30 mph speed limit. I see heavy traffic at higher speeds all the time. I would prefer to see a 20 mph limit on the street with speed bumps in place. If the 160 units gets passed can a gate be placed. I do not want this to increase going up and down Dunbar Street.

- Norm Chase – 172 Dunbar Street

How will you keep Dunbar Street traffic low?

- John Flebotte – 148 Dunbar Street

How will snow removal be handled on the property? Will residents be required to vacate the lot to facilitate snow removal? Dunbar Street just south of the proposed development gets extremely narrow and at times is difficult for two vehicles to pass by each other. What is the feasibility of making both sides of Dunbar Street no parking along that stretch to avoid an accident with the additional traffic impact?

Chairman Leclerc asked if they will be requiring residents to move their vehicles in order to manipulate the snow. Mr. Lewis said there will be an onsite property manager and typically what they will do is, depending on when the snow event occurs, they will move cars inside the parking lot so it wouldn't be as if they would close down the whole parking lot. They would essentially move cars to one side to clear the snow and then they would move to the other side and clear that side.

Chairman Leclerc asked if Dunbar Street has street parking. Mr. Dirk said the road is roughly 24 feet. There may be sections where it gets maybe down to 22 feet. It is certainly more than 20 feet but even at that dimension if you have a car occasionally parked on the street to go around that car you will need to cross over the center line. It works today because the volumes are relatively low but it is not to say you don't encounter someone in the other direction occasionally. The volumes are low and the street width is generally sufficient to accommodate occasional on street parking but if people park opposite each other the road can get narrow. It is a matter as to the City as to whether they want to post it as no parking. It certainly works okay the way that it is now. From what they've seen there is not a preponderance of head on collisions. It is not posted "no parking" and people occasionally on street.

Mr. Belanger advised Dunbar Street going southbound is posted as no parking on the right side. On the northbound it is not. This is in the residential neighborhood south of the project. If there is concern from the residents about speeding or going too fast on that street, narrowing roads down with parked cars is a pretty good way to slow people down.

Chairman Leclerc inquired if any further public comments had come in. Ms. Bixby advised nothing else was received.

Chairman Leclerc brought the hearing back to the Board.

Attorney Cronin advised the feedback had been very helpful and given them some things to ponder and some work to do. He thought they had a checklist established of the things they need to address before they return.

Rollcall vote in favor of closing this public hearing: Boyle. (Opposed: Harrington, Curry, Long, Lussier, St. Pierre, Trisciani, Leclerc)

Mr. Belanger advised another voicemail had been received. Under normal circumstances they

might have closed the public comment by this point, but given the remote nature of this meeting he asked the Chairman if he would consider hearing an additional voicemail.

Ms. Bixby played the voicemail into the record as follows:

- My name is Roger Maillot. I would like to discuss the issues about the development they are proposing on Sundial Avenue and Dunbar Street. I live on Dunbar Street. We do have a no parking on the north side of the street. The south end does have parking. It is basically a one horse road but other than that there are issues with the speed limit on the street, the parking (inaudible) expecting to have with the additional 160 units you know developed on Dunbar Street. I would like to know what they were going to do with the additional traffic if they all decide to switch. They are all concerned about what's going to happen on Sundial Avenue or Queen City but not Dunbar Street or West Mitchell. Thank you very much.

Ms. Goucher advised the next regular public hearing would be on July 16th if they decide to keep it open.

Ms. Goucher reminded the Board they kept an item open at the last meeting to the business meeting in two weeks so they already have an item coming before them in two weeks.

Mr. Zajak said they could make it happen, but it would be a tight window for him.

Ms. Goucher was not sure that DPW would be able to respond in that short timeframe.

Chairman Leclerc held this public hearing open until July 16, 2020. Anymore emails or voicemails that come in will be forwarded to the Board. No further notice to abutters.

4. **SP2020-009**

Property located at 170 Baker Street (Tax Map 734, Lot 1), a site-plan application to raze the two existing commercial buildings and construct a new 5,430 SF drive-thru bank with two drive-thru lanes and a separate ATM/Dropbox area in the RDV and B-2 Zoning Districts. *Nobis Group for Bangor Savings Bank.*

David Latulippe of Bangor Savings Bank. Also on the phone were Chris Nadeau from Nobis and Jonathan Halle from Warren Architects.

Mr. Latulippe advised that Bangor Savings Bank is the in process of renovating its storefront in downtown Manchester right on Elm Street. This will be their second location and they are very excited about it. The improvements are going to be pretty dramatic. This site is a highly visible intersection and buildings that have been there for a very long time. All the buildings on the property will be removed. Right now there is really no landscaping at all on the property. Along Queen City Avenue they are using that parcel of land for car storage for the automotive uses within the buildings. All of that will be removed as well. They are proposing about a 5,400 SF branch location of really nice architecture with brick and clapboard and a shingled roof. They put a lot of effort on hiding the cars behind the building so the building becomes the forefront so they circulate around the building. The drive-thru is on the far end of the building and not very visible from the intersection so they are

highlighting the building there. There will be landscaping the entire area between Baker Street and Queen City Avenue. It will get regraded and be landscaped with a nice lawn and trees and will be much more enjoyable to look at. They will be utilizing all of the utilities that are currently on the site. There are some environmental issues that will be resolved during the redevelopment, which will be really good for the neighborhood as well. The billboard that can be seen as you come up Elm Street will be removed and not be re-introduced into the project.

With regard to traffic and access, Mr. Latulippe said Baker Street is an extension. He said it looked like it was bisected years ago to make way for Queen City Avenue and truncates right at the beginning of the site. That will be the main flow of access where Baker Street connects onto South Willow Street. With the advent of mobile banking, banks don't generate nearly the traffic they used to so the traffic study came out with little to no impact at all on the intersection.

Mr. Latulippe said they are excited and believe this is an overall dramatic improvement. They will be screening all the utilities within the back corner of the building and shielded. Everything else is going to be the peak roof with a lot of windows and nice architectural features. They are excited to be expanding into Manchester. They received minor comments from Water Works. They are not looking for any waivers at this time.

Chairman Leclerc said as much as he will miss the dilapidated building and cluster of cars parked along the road, he thought this will be a really nice improvement of the property.

Ms. Trisciani asked for further details regarding the landscaping plan. Mr. Latulippe said starting on Queen City Avenue between Baker Street they will be regrading that to provide a lawn esplanade and that allows them to connect the sidewalk over to Queen City Avenue and then put mature street trees around the perimeter of the entire site. Inside the lot there will be a lot of landscaping close to the building at different heights to improve that. There is very little site lighting. They really only need it for security reasons so it will be right around the perimeter and wall packs. They are not open after 5:00. It is just drive-thru traffic so it will be for security reasons. Typically the streetlamps are 16-18 feet high and they are all cut off fixtures. Bangor Savings is going to be the owner/operator of the site. They have a really good maintenance program for all their landscaping so they keep it in really nice condition. They will put a bike close to where the handicap parking spaces are.

Ms. Trisciani said there are some great local artist who could create a really cool bike rack for them. She said she was thrilled that they were getting rid of the billboards and she was sure everybody feels the same way. Just cleaning up this area is going to be huge.

Ms. Trisciani asked what they are proposing for signage in the area. Mr. Latulippe said there will be some building signs and one monument or pylon sign. It will not be over signed.

Ms. Nazaka asked if they had received copies of comments from DPW and EPD. Mr. Nadeau advised he had not received those. The only comments they have seen were from Manchester Water Works.

Ms. Nazaka requested that he touch upon traffic. Mr. Nadeau advised he hadn't heard

anything back from his traffic engineer. He thought maybe the conversation was regarding the intersection of Baker Street and Willow Street and whether or not they should provide a right turn lane and a left turn lane off of Baker Street because people might get trapped turning left off of Baker Street for a longer time so it might be a good idea to split those two lanes.

Mr. Latulippe said they asked that question when it came up for the traffic report. There is plenty of right-of-way to do the striping. Right now that section of Baker Street is a public street and it is in pretty rough condition so they will talk to either DPW to improve that and resurface that section of Baker Street at Bangor Savings cost.

Ms. Nazaka pulled up the email between the City traffic engineer and Steve Pernaw on May 20th and she commented, "Your traffic memo suggests potentially adding an additional lane out of Baker Street to reduce delay. Without an understanding of what the delay is we are not able to make a decision on the necessity of that." Ms. Nazaka advised there were also a few recommendations in the traffic report that were not shown on the site plan. Mr. Latulippe said they would follow the lead of the two traffic engineers on the lane configuration and will make sure their comments are addressed.

Chairman Leclerc asked if Ms. Nazaka thought in the long run these things might need to be addressed where they have to leave this open or if she thought it was something that could be taken care of before the next business meeting. Ms. Nazaka said the other part of the City engineer's email said "Given that it is not possible to do accurate counts right now I have attached traffic counts for this intersection from 2018 as well as 2018 Synchro files that were created as part of a proposed project across the street at Maverick Gas Station to help facilitate the analysis to allow everyone to make better decisions." She said it sounded like there needs to be some tweaking of the traffic report and some numbers. Chairman Leclerc said it is a tough intersection to get out before traffic being on Baker Street so he could see where it might raise some concerns.

Mr. Curry said coming north up Willow Street and making a left turn into Baker Street is going to be fairly tough. He asked if they had considered to talk to Mom's to possibly add another entrance.

Chairman Leclerc turned the hearing over to the public and provided the email address and telephone number.

Ms. Bixby advised a telephone message was received and she played it into the record as follows:

- Hi. This is Alderman Barbara Shaw from Ward 9. I am calling in support of the project at 170 Baker Street. I am 100 percent in favor of it and I think it would be an asset to our neighborhood and I am looking forward to the finished product and the plans as they move forward. Thank you.

Ms. Bixby advised no other comments were received and Chairman Leclerc brought the hearing back to the Board.

Chairman Leclerc said there were a lot of unanswered questions not only with traffic but also with DPW.

Ms. Nazaka said it seemed DPW's comments are relatively minor with the exception of traffic, but traffic is obviously something that needs to be worked out.

Ms. Bixby advised another voicemail had been received from Alderman Shaw just extending her support for the project at 170 Baker Street.

Mr. Harrington said the Rail Trail backs up along that property line. If they hadn't already talked with Amy Chhom, who is redeveloping along with Elizabeth Hitchcock. The Hitchcocks are the ones that founded Dyn. They bought a mill on Willow Street and it has really helped that rail trail. They have been looking for partners to work with them to clean that rail trail up and improve connectivity; walking, biking and other sources of connectivity along that trail and to open up into the City. They are a fairly wealthy group and having a partnership with them on collaborating and working to improve that Rail Trail and get rid of the bad element that is there is only going to enhance their property and also allow better connectivity as Mr. Curry talked about for people who utilize that corridor. If Bangor Savings Bank would make a donation to the Rail Trail program they are trying to expand that throughout the City and it is a worthwhile cause.

With regard to the Rail Trail, Mr. Latulippe said they were looking for the right contacts but with the Covid situation it was hard to get in touch with people at City Hall and have these better discussions. He said Bangor Savings was all in on that Rail Trail. He just developed for them their new corporate center on the waterfront in Bangor. They connected to the waterfront trail. They even put in a large bike storage facility right on that basement level so a lot of people are taking their bikes to and from work. They can store their bike there. There is a shower and all that. Bangor Savings is going to be a very strong partner on that rail trail and if they could improve that slope and landscape it they would be very much in favor of that. Whatever improves connectivity to the community as well as their property they are going to be a very good steward to that.

With regard to the traffic, Mr. Latulippe thought they could solve that. He has permitted several of these bank sites on busy intersections and the benefit of the bank is the bank itself opens at 8:00 AM and closes at 4:00 or 5:00 PM. The drive-thru opens a little earlier. The bank business is typically on non-peak morning and afternoon time so when you really start analyzing the flow, it works fairly easily and they have had similar situations. He was confident they could work with staff and the two traffic engineers to resolve that fairly easily. He requested that the public hearing be closed and they do their best to get this resolved by the next business meeting.

Ms. Goucher agreed that some of the issues seem to be a lot less complex than the previous application so if the Board is inclined to keep it open, this may be one that is appropriate in two weeks when they have a limited public hearing before the business meeting.

Chairman Leclerc polled the Board on whether or not to close the public hearing. In favor of keeping the hearing open: Boyle, Harrington, Curry, Trisciani. In favor of closing the public hearing: Long, Lussier, St. Pierre, Leclerc.

The Board was split so the Chairman decided to keep the public hearing open until June 18, 2020. No further notification to abutters.

5. **CU2020-006**

Property located at 909 E. Industrial Drive (Tax Map 727, Lot 23A), a conditional use permit application to allow bulk fuel storage for distribution within the IND Zoning District. *Greenman-Pedersen, Inc. for Campeau Family Investments.*

PDSP2020-003

Property located at 909 E. Industrial Drive (Tax Map 727, Lot 23A), a site-plan and planned development application to add an overhead canopy and above ground propane fuel storage tanks in the IND Zoning District. *Greenman-Pedersen, Inc. for Campeau Family Investments.*

Nicole Duquette of Greenman-Pedersen appeared along with John Rymes and Brian Whitworth from Rymes Energy Holdings and also Heather Monticup from Greenman-Pedersen, the traffic consultant on this project.

Ms. Duquette said on the eastern corner of the Candia Road/East Industrial Park intersection. It is within the industrial zone and it is surrounded by industrial use properties. Right now the property consists of an unattended self-serve commercial truck fleet fueling facility with three fueling dispensers, underground storage tanks. There is also a cellular data tower that is within its own site easement and has access easements and utility easements. This use for the existing fueling facility was granted by variance in 2000. The site is accessed by two drives along East Industrial Park Drive. They are one way in and one way out. They are proposing a new bulk fuel storage facility. One area will be for home heating oil storage and dispensing. That will be to the south of the existing fueling area, which will remain. This will consist of two underground 30,000 gallon fuel oil storage tanks and an overhead canopy above the fueling facility. The second fueling area will consist of two above ground propane bulk fuel storage tanks; both will be 30,000 gallons and will be 50 feet high, which is to the top of the vent not the top of the tank so they are consistent with the regulations of the district. Both the canopies and the tanks will be painted white. The existing canopy is white. No signage will be put on the canopies or the storage tanks.

Ms. Duquette advised this was designed to capture any rainfall that went onto areas with fuel dispensing. That is captured currently with deep sump catch basins and an oil/water separator tank toward the back of the property. This outlets into a stormwater basin and it is slowly released out and eventually goes into the wetlands to the east of the property. The existing drainage will stay to service the existing fueling area with the exception of the canopy. This canopy area will go into the new drainage system. This drainage system will capture all of the drainage from the new bulk fuel storage areas and will include deep sump catch basins with oil/water separator hoods and first defense units, which is a hydro dynamic oil/water separator unit. From there the water goes into a closed pipe underground storage system and it will slowly release to the same basin that the existing site is going to. They have matched pre and post flow rates in both the small storms and the large storms. They got the DPW and EPD comments this week and they have been in touch with both Mr. Gray and Mr. Lundsted regarding the comments and they feel they can sufficiently answer them. Most of the EPD

comments were “cross the T’s, dot the I’s” with the exception of two comments; one was regarding the spill containment grooves. They are proposing spill containment grooves along the new oil storage concrete pad but the existing pad does not have it. Based on Mr. Lundsted’s recommendation, they are proposing to saw cut square grooves into the existing concrete pad. The other comment was about snow storage and they proposed snow storage along the exterior of the property where they were proposing trees. As such, they can revise that to have the snow storage along the area that doesn’t have trees both along the back curve and the northerly curve on the site. Regarding snow water melt, the area to the east is contained within the storm water basin. The area to the north they can grade so it will melt back on the pavement.

Ms. Duquette advised this site does not have a restroom facility. It has a portable restroom on site. Therefore, there is no need for a sewer connection on this site. They were proposing a water service connection only for the purpose of irrigation as they don’t need domestic water on this site. Since one of Mr. Gray’s comments was that there was a moratorium on East Industrial Park Drive they handed in a waiver, which DPW supports, to eliminate the requirement on this property for irrigation. With that, she has been in conversation with both Ms. Nazaka and Mr. Golden regarding the trees and since they aren’t proposing irrigation they would like to switch some of the trees to more drought resistant salt tolerant species. The trees along the back and part of the front that they specified as red maples will be switched out to either honey locust or black tupelo, which they have already used on the site and the evergreens they proposed along the oil storage area will be switched from canaan firs to white spruces just to make sure they have a chance without the irrigation system.

Ms. Duquette advised the lighting on this site is very simple; there is one pole over by the aboveground storage tanks that will be 20.5 feet high and there will be recessed lighting underneath the canopy. All the lights will be dark sky approved and no lighting will trespass past the site.

For this application they are requesting a conditional use permit to allow bulk fuel storage for distribution within the industrial district. This is in accordance with Section 12.05 of the Zoning Ordinance. There is a use that is very similar to this use, which is wholesale storage and distribution, which is allowed in the industrial district; the only difference is they are dealing with fuel distribution for wholesale rather than dry storage items. They feel the bulk fuel storage use is very consistent and compatible with the uses around this site. Because they don’t need a big industrial building it allows them to keep a lot of the site green. The property is at the intersection of Candia Road and East Industrial Park Drive so it is really the entrance into the industrial park area and they are able to keep that first leg of property with existing vegetation so they will have that buffer from the industrial zone. The Ordinance allows 75 percent lot coverage and they are proposing a little over 38 percent lot coverage with this so most of the property will remain green. The other waiver they are requesting is for curbing. A lot of the properties around this site have the bituminous curbing so they are requesting to do similar to their neighbors to have the bituminous curbing along the property where they need it for drainage to make sure the stormwater is collected on their site. They feel this is consistent with the neighborhood and hope the Board will agree.

Ms. Duguette advised they submitted a trip generation letter with this application. It is their understanding they did not have any comments from the City traffic engineer and, therefore,

Heather Monticup will not be doing a full presentation but she will be available to answer questions concerning traffic.

With regard to the curbing, Chairman Leclerc said there are a lot of trucks in and out of there and it seemed like concrete would be a little more aggressive in maintaining the integrity of it. Bituminous seems to break down more than concrete with oil and gas products. He asked if there was a huge discrepancy in cost. Ms. Duquette said there is a difference in cost between the precast concrete and bituminous concrete. The Regulations do say granite so there is a definite change between bituminous concrete and granite curbing. Mr. John Rymes said they have always used the pavement curbing and he thought if the Board looked at the history of this property it has had very similar trucks in and out and the bituminous curbing that has been there for many years is still completely intact. He didn't believe there have been any problems and there is quite a bit of savings in going with bituminous curbing. Mr. Rymes couldn't think of any other location where they have actually had a problem with that.

Mr. Lussier asked for an explanation on the transport maneuvers for the propane and bobtail fill. Mr. Rymes said it is all one way traffic so the transports will come in to the far right entrance, come up through, cross where the brown area is to get on top of the tanks. Much like a gas station would do or just like the tanks that go to the diesel refilling site and then offload into those tanks. Likewise, the propane would go on the backside of that and make the turn then they offload using a pump into those tanks. The bobtails are the smaller trucks would be in the area depicted for the loading where they are really just repackaging her to go from the larger trucks to the smaller trucks. He thought it was important to note that the reason they are building this facility is to cut down on trucking back and forth from Concord and Hudson to get to the Manchester area market. They are bringing it in from the same places but instead of driving past here from Newington, New Hampshire or Portsmouth, New Hampshire they are stopping here and repackaging so it is the same truck that would be normally going by just stopping here, offloading and then repackaging to a smaller truck.

Mr. Boyle asked currently how many gallons this property store above and below ground. Ms. Duquette said right now there is 15,000 split tank of regular and super and 15,000 diesel so a total of 30,000. Mr. Boyle confirmed with Ms. Duquette they are looking to add an additional 120,000 above and below. Mr. Boyle asked if this would be considered their largest site holding propane and petroleum products. Mr. Rymes said it would be considered one of their smaller facilities. Because of the cost of trucking and the availability of drivers and everything else, they have really changed over the last couple of years and considered this what they would do for their "cookie cutter" facility. They are building a very similar facility to this in Pittsfield, New Hampshire as well as Sanford, Maine. They have changed drastically in the last few years from building really large facilities to trying to spread out smaller facilities throughout the footprint of the area they cover in order to cut down on trucking.

As a crow flies, Mr. Boyle asked how far is the closest residential neighborhood. In reviewing Google Earth, Ms. Duquette said there was a residential neighborhood further up on both areas on Candia Road.

Mr. Boyle asked if this was the only petroleum storage facility in and around this industrial park. Ms. Duquette believed it was. Mr. Whitworth said it was the only one and Pepsi has

some large storage tanks that they use to refill, but of this size it is for sure. There is one right around the corner that stores heating oil that City Fuel uses. It is probably about a half mile from there, but it is not within the industrial park. They came to the City about two years ago to identify where in the City they could locate a storage facility and it has taken them this long to actually identify a site that would be ideal for this. He took his hat off to the City planners and the economic development people for helping them find this site because they had been looking for so long.

Chairman Leclerc turned the hearing over to the public and provided the telephone number and email address should they wish to comment.

Ms. Bixby advised that no voicemails or emails had been received.

Chairman Leclerc polled the Board if they were in favor of closing this hearing. Boyle, Harrington, Curry, Long, Lussier, St. Pierre, Trisciani, Leclerc

Chairman Leclerc closed this public hearing and it will be deliberated at the limited business meeting this evening.

6. **SP2019-046**
Property located at 333 March Avenue (Tax Map 438, Lot 2), a site plan application for the addition of a 12,960 SF freestanding fleet maintenance garage building, new site access, reconfigured parking, and associated site improvements in the IND Zoning District. Holden Engineering & Surveying, Inc. for RLR Investments, Inc.

Chairman Leclerc advised this application has been postponed at the request of the applicant. Abutters will be re-notified.

Chairman Leclerc closed the public hearing of Thursday, June 4, 2020 of the Manchester Planning Board and convened the limited business meeting.

III. LIMITED BUSINESS MEETING:

1. **CU2020-006**
Property located at 909 E. Industrial Drive (Tax Map 727, Lot 23A), a conditional use permit application to allow bulk fuel storage for distribution within the IND Zoning District. Greenman-Pedersen, Inc for Campeau Family Investments.

Alderman Long made a motion to approve CU2020-006, which was seconded by Mr. Boyle.

Rollcall vote in favor of approving CU2020-006: Boyle, Harrington, Curry, Lussier, St. Pierre, Trisciani, Leclerc (Motion Carried)

- PDSP2020-003**
Property located at 909 E. Industrial Drive (Tax Map 727, Lot 23A), a site-plan and planned development application to add an overhead canopy and above ground propane fuel storage tanks in the IND Zoning District. Greenman-Pedersen, Inc for Campeau Family Investments.

Alderman Long made a motion to grant the waiver from Section 8.3(B)(8) to not install an irrigation system, which was seconded by Mr. Curry.

Rollcall vote in favor of granting waiver: Boyle, Harrington, Curry, Lussier, St. Pierre, Trisciani, Leclerc (Motion Carried)

Alderman Long made a motion to grant the waiver from Section 8.3(B)(3) to allow bituminous concrete berms instead of granite curbing, which was seconded by Mr. Lussier.

Rollcall vote in favor of granting waiver: Long, Curry, Lussier, St. Pierre, Trisciani, Leclerc (Against: Boyle, Harrington, Trisciani) (Motion Carried)

Chairman Leclerc advised that there was a staff recommendation and the Board took a few moments to review that information.

Mr. Long made a motion that the application complies with the policies, purposes and criteria of Section 5.12 of the Zoning Ordinance for a planned development and to approve PDSP2020-003 per staff recommendations, which was seconded by Mr. Lussier.

Rollcall vote in favor of approving PDSP2020-003: Boyle, Harrington, Curry, Lussier, St. Pierre, Trisciani, Leclerc (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which all conditions precedent to final approval shall be completed, and plans shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning and Community Development Department, prior to submitting plans for final approval;
3. The fire impact fee of \$0.05 per gross square foot shall be submitted prior to the issuance of a certificate of occupancy;
4. The plan shall contain the following statement signed by the owner "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use;"
5. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Section 4.14 of the Manchester Subdivision and Site Plan Review Regulations."
6. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval."
7. All material changes to the approved plan, including building elevations and adjustments to signage, shall be reviewed and approved by the Planning Board at a subsequent meeting
8. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning

and Community Development Department;

9. Prior to applying for a certificate of occupancy, a signed and sealed letter from an NH licensed professional engineer shall be submitted to the planning staff certifying that the site improvements have been constructed in accordance with the approved plans
10. An excavation permit from the Manchester Department of Public Works is required for all work within the public right-of-way. All work shall conform to the City of Manchester Standard Specifications; and
11. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Section 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a;

IV. ADMINISTRATIVE MATTERS:

1. **Review and approval of the Planning Board Minutes of March 5, 2020 and April 30, 2020.**

Ms. Trisciani made a motion to approve the Minutes of March 5, 2020 with very minor corrections, which was seconded by Alderman Long.

Rollcall vote in favor of approving the Minutes of March 5, 2020: Boyle, Harrington, Curry, Lussier, St. Pierre, Trisciani, Leclerc (Motion Carried)

2. **Any other business items from the Planning Staff or Board Members.**

With regard to the Derryfield application, Mr. Belanger said the Planning Board received a letter from the attorney representing Mr. Frink, who was the abutter who sued the Planning Board, which was the reason for the remand. She submitted a letter stating there were some inaccuracies brought into the record after the period of public comment so she was not able to address them. He advised that the bylaws state that once the public hearing is closed, testimonial or documentary evidence cannot be entered into the record. Mr. Belanger said the Board's standard practice would be to not allow this sort of thing into the record; however, they do have the option in their bylaws as well by a unanimous vote they could suspend any of their rules. As such, if this was something they thought would be worthwhile to hear, they could suspend their rules and allow this letter into the record and review it prior to their next upcoming meeting on June 18th.

Alderman Long made a motion to accept the communication.

Ms. Trisciani stated that she was concerned about setting a precedent.

Chairman Leclerc agreed, saying that, if one lawyer says that she wants to add information to the record, the other lawyers would say that they want to respond to that, and it would continue to go back and forth.

Ms. Trisciani stated that she was confident that they had received adequate information on the

application.

Chairman Leclerc offered to poll the Board, but said that it needed to be a unanimous decision for the letter to come in. He stated that the comments from the Board already made it clear that it would not be unanimous.

Staff advised that an official vote would be preferable.

Mr. Boyle clarified that a “no” vote would be to deny admittance of the letter. Chairman Leclerc said that was correct.

(No: Boyle, Lussier, St. Pierre, Trisciani, Harrington, Curry, Leclerc)
(Yes: Long)

Mr. Harrington made a motion to adjourn, which was seconded by Mr. Long.

Rollcall in favor of adjourning. (Boyle, Harrington, Curry, Lussier, St. Pierre, Trisciani, Leclerc) (Motion Carried)

ATTEST: _____
Dan Leclerc, Chairman
Manchester Planning Board

APPROVED BY THE PLANNING BOARD: July 16, 2020

With Amendment
 Without Amendment

**The above minutes are a summary of the meeting and are not intended to be verbatim.
Audiotapes are available in the Planning and Community Development office for a limited time.**

Transcription by Lori Moone, Planning & Community Development