

**MANCHESTER PLANNING BOARD**  
**LIMITED PUBLIC HEARING / BUSINESS MEETING MINUTES**  
**Thursday, June 18, 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](mailto: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

**Alternates Present:** Barry Lussier, Bryce Kaw-uh

**Excused:** Alternate: Chris Wellington

**Staff Present:** Jeffrey Belanger, Senior Planner; Jonathan Golden, Senior Planner; Jodi Nazaka, Senior Planner; Kristin Bixby, Planner

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**I. The Chairman called the meeting to order and introduced Planning Board Members and Planning Staff.**

**II. LIMITED PUBLIC HEARING:**

*(Continued Items)*

**1. SP2020-005**

**Property located at 310 Second Street (Tax Map TPK3, Lot 60), a site-plan application to change the use for a landscape yard with retail sales, in addition to a tree service company, and associated site improvements in the B-2 Zoning District. *Joseph M. Wichert, L.L.S. for James S. McDowell.***

Joe Wichert appeared on behalf of James McDowell, who is the owner of the property. The tenant is Ken Marier of OMS, LLC. They were before the Planning Board last month and they went through some of the items that they had and based on that input, they made some changes to the plan. When they were before the Board last month, there was a concern over the amount of landscaping, the type of equipment storage, delineation of the entryways, the uses and hours as well as lighting.

Mr. Wichert said the main change was to the storage bin that runs parallel to Second Street. In the area just to the right of Second Street, currently there is a 3-4 block high retaining wall with some materials underneath it with a tarp. They are going to pull that area away from the road and relocate it on the southerly side, just east of the four proposed parking spaces. In place of the wall, they will install about 75 LF of a four foot tall white vinyl picket fence and they have shown a landscape area to the front. They are still asking for a waiver on preparing

a landscape plan, but they are trying to designate an area that would be cleaned up and planted and try to make it more appealing than what is there now. Because they relocated the storage bin up against the south wall where they originally had all parking spaces, they had to try to replace some of the parking spaces they lost. As such, in the row of parking north of the building, they have put one new parking stall just north of the handicap access panel and then they put two pull off spaces on the west side of the travel way between Second Street where previously the bin was located. The intent of what they are trying to do is have customer traffic come in, travel to the south, and when they get in front of the proposed building, they can pick up their materials. If they have a truck they would get loaded up. If they were just picking up bags of material, they could pull off to the side or into one of the east/west parking spaces. When they are done, they would exit to the south onto Second Street. The non-paved area behind the proposed building will be for employee parking. The goal is to not have people wandering in the area where loaders and excavators are working. One of the other items that came up was the size of the southerly curb cut. They have called for a 10'x25' landscape strip just south of the travel way to differentiate and discourage people from crossing into the area where equipment will be operating. The landscape use will stay north of that strip and the yard use will stay south of that.

Mr. Wichert said the property south of this site (TPK 3, Lot 61) is the dog park. Their curb cut is within a foot or two of the applicant's lot line as is their fence and they have a wide open swath of asphalt. The only reason he brought that up is because this is an area where the applicant's use, although by the zoning reviewed they were deemed not to be grandfathered for the storage use, that use has been going on for 40 years and they are trying to get the permits for the site plan use. The property to the south of there, which is owned by the City and leased to the dog park, that curb cut and parking would probably be difficult for him to get approved because he didn't believe it would comply with some of the current zoning requirements. He said they haven't complained and they are trying to improve the area, but they can only improve their property so much and the abutting properties are in a similar state.

Mr. Wichert advised that they are seeking waivers from preparing a landscaping plan, from showing land grading and sloping control, and for the surface water drainage.

Mr. Wichert advised that DPW had supported the original request and when they modified it, DPW wanted some time to go through it and they are in support of the request for the land grading, slope control and the drainage plan. One of the comments was they will need to do a stormwater protection plan, which they will do. They worked out the water details with Water Works so they are fine. They have sign-off from the Fire Department. They have shown on each face of the building one wall-pac light. This building will not have a lot of use at night. The main time they will see retail traffic is spring and summer and they close around 6:00-6:30 PM so they are probably not in a situation where they are going to have customer traffic when it is dark. In the winter, the lights will be on so the employees can park their cars when they pick up a truck.

With regard to the number of vehicles that would be in the rear of the building, Mr. Wichert advised it would be anywhere from four to possibly six pieces of equipment. Usually there would be two pieces there for the actual landscaping operation but he is allowing for some crossover so that if there is a piece of equipment that is being shuttled from one job site to the

other and there is a lag, it would be parked out back.

Chairman Leclerc confirmed with Mr. Wichert that the fence could only be four feet tall because the location is considered a front yard. The Chairman asked if it was going to be a picket fence. Mr. Wichert said if it made a difference to the Board he was sure they would go either way. He thought the intent of the picket fence versus the vinyl is it would allow people to see in and it is probably less likely to get tagged. The Chairman asked if they were going to line the fence with shrubbery. Mr. Wichert said the fence is approximately 11 feet off the right-of-way and there is a grass panel from the edge of the sidewalk that is about 3-4 feet. That would allow approximately 12-14 feet of green area. Their thought is the applicant would make a lawn and add some shrubs. He wasn't necessarily looking to do trees but if that is something the Board wanted to see, they could probably work that out with staff.

Chairman Leclerc asked if they would be able to irrigate the area to maintain it. Mr. Wichert said they could look at it. They are going to add a water line to the building so if they had to, they could. He said he would discuss it with the applicant. Mr. Wichert said the intent is it will be like a moving exhibit so from year to year it will probably change a little bit. The Chairman said he went by the site around 4:30 PM and it looked pretty deserted. He referred to a gated fence getting to the Bedford Tree Service area and he inquired if that was the same owner. Mr. Wichert said Mr. McDowell owns the entire property, which is 2.67 acres and what he calls the contractor yard, which in the zoning review was not allowed. That area has been used in that way, shape or form for almost 40 years.

Mr. Wichert said should the site plan application be approved, they will go to the Zoning Board and either appeal the determination that they are not grandfathered or apply for a variance to maintain the existing use. Should this application be approved, he would like to think that within a few months they would have the site fully complying for both zoning and planning issues and barring any changes or subsequent differences, they should be good.

Chairman Leclerc asked what would happen if they don't get the approval or a variance. Mr. Wichert said their position is they have been using it that way for 40+ years, they thought they had a grandfathered use, the zoning review came back that it wasn't, which is why once they get this issue resolved, they will talk to Mr. McDowell's attorneys and they will decide whether they go for an appeal of the determination or whether they go for a variance to maintain what has always been there for 40 years.

Chairman Leclerc said there was a few blocked off areas with different material in each bay, probably 9-10 different items on the property and he thought that was pretty much what they were going to stick with. Mr. Wichert said the applicant does not envision being a nursery or anything like that. There is a possibility that, in the spring, he may have a few trays of flowers or plants like that, but he will not have a greenhouse.

Ms. Trisciani said they have the traffic flow coming off of Second Street one way going around the front of the building and then there are angled spaces, which were also called out in the staff report. She asked if those should be angled differently or the traffic flow reversed to go around the building. She thought it seemed like a weird turning angle to get in and out. Mr. Wichert said the intent of those four spots is for employee parking. When they converted

to the one way traffic he didn't know that was going to get called out as a zoning violation because the south traffic pattern is for customers. If an employee wants to get into the yard area they would head south and turn left as opposed to turning right onto Second Street so in his mind the spots were angled properly for the direction of travel. They had a discussion with the zoning review officer and there is enough space where they can make those head-in spots and, therefore, they won't be considered noncomplying. With regard to the three spaces that are closest to the relocated tent garage, Mr. Wichert said they will either move the tent garage either 10 feet away or they will call for concrete bumpers so that is not a violation.

Ms. Trisciani said in her mind this is really not a retail location, which meant it will require zoning to do anything there. Mr. Wichert said because they are in the B-2 zone, retail is allowed by right and all he will need is a change-of-use-site plan. However, the contractor yard, which has been used historically for 40 years is not allowed by right, which is why they are getting called out for a variance or an appeal for the back. Mr. Golden confirmed that was correct.

Ms. Trisciani inquired if there is any kind of enclosure around the dumpster. Mr. Wichert said they had it stuck between the two bins, but if they need an enclosure he was sure they could put one in. Ms. Trisciani said her concern is they are across from a City park, next to the dog park and there are property owners in this area who have been trying to make this area better and build it up for years. She has huge concerns that all of a sudden they are just kind of dropping this in there. She knows it is a disaster today but they have an opportunity to make it a better spot and she feels like they are trying to squeeze a round peg in a square hole here and make something that is not really improving the area. Mr. Wichert said right now the way they have it set up is the proposed dumpster area is in the furthest back corner from the street and it is shielded on the west by the relocated bin and on the north the storage bin. The only way you would probably see that through the four foot fence is if you are sitting in the dog park looking through the fence at this property. You would see the back of the dumpster. Ms. Trisciani thought that was maybe something to take into consideration when people are using the dog park they are not staring into the dumpster area.

Ms. Trisciani asked if they would have salt storage on site in the winter as part of the plowing business. If so, she asked if there were any shoreland issues there due to proximity to the river. Mr. Wichert said once they get confirmation that they are on the right track with Planning they have an application for the Shoreland Bureau. Whatever they do is going to have shoreland approval. Mr. Golden said any condition of potential approval on this will have the shoreland permit as one of those conditions. If there is salt storage, he advised Mr. Wichert to make sure that is on the plan for the shoreland permit.

Ms. Trisciani asked what the building will look like. Mr. Wichert said originally it was going to be a modest trailer, which they can't do so it will be a stick built 14'x24' "glorified shed". There will be a window and door, a roofline and they could do vinyl siding. They were not looking to make it ornate or anything special in that regard. Ms. Trisciani said ultimately the Board would like to see what they will be putting up there. Mr. Wichert said they would provide staff with a mockup of the building.

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

and email address to provide comments.

Ms. Nazaka advised that nothing had come in for this application through the email or phone line.

Ms. Trisciani said until this has gone to zoning she wasn't sure why this Board even had it. There seemed to be a lot of things happening so she asked for clarification on what they are deciding on.

Mr. Wichert advised the zoning application, in their opinion, is irrelevant to this application. The zoning relief they would be getting would be for the back use that really isn't necessarily what they have presented to the Planning Board. The change of use site plan is the ability to allow them to add a retail component from what they thought was a contractor's yard, which has now sort of morphed into this change of use site plan would legalize the use for the landscape business in this front section and in that section by Zoning Ordinance is allowed so they don't need zoning relief for that. They need zoning relief to maintain the storage area out back, but not for what they are asking for site plan approval on.

Chairman Leclerc understood the confusion because allowing that back part to stay open and keep working obviously has nothing to do with this application, but it is staying open. He asked what gives them permission to do that. Ms. Trisciani said it might be two properties, but it is one business. Mr. Wichert said the Board can do whatever they choose to do. They could choose not to take an action on it, they could take an action and approve it or they could take an action and deny it. In his mind, when they were going through this whole process they had these grandfathered uses for the storage areas and now they have sort of lost them so now they are going forward. Mr. Wichert believed they tried to comply with the items for this portion of the site plan and he believed it complied with the site plan regulations. If the Planning Board made a determination to say they were going to approve the site plan and they wanted to somehow make it contingent upon or subject to, that wouldn't be their preference but certainly that is their prerogative. If it comes down to it, if they do nothing this use has been existing for 40 years. The best he can tell they have never had a complaint. There has never been a cease and desist. There has never been any kind of enforcement action that they are aware of. If nothing, it is going to continue to more or less do what it is now. The hope was if they could get it permitted and improved. It isn't going to go from whatever to beautiful, but at least they are making an incremental improvement and hopefully that incremental improvement would over time lead to some other improvements that they could go to. Ms. Trisciani said it sounded like they are now taking a position to keep using it even though it is technically not permitted and not legally allowed to use it this way whether the Board approves it or not. She asked what will happen if the zoning does not allow them to continue the use of the back lot.

With regard to the uses that are happening in the back, Mr. Golden said right now it is going to be up to permitting and zoning compliance to address them. Through this process the owner of the property has said he is going to approach the Zoning Board of Adjustment to seek either relief or to appeal the decision. He thought that was a positive at least in making it valid in the eyes of the City, but right now this plan and this use is before the Board.

Chairman Leclerc said he understood Ms. Trisciani's concern. He asked staff if it was okay to close this or if it should remain tabled until zoning has decided what they are going to do or until they get a variance. Mr. Golden said it was the Board's prerogative.

Mr. Wichert said they are not trying to make it more difficult. The perspective from the owner was if they don't get approved for this then maybe they will go in a different direction on the zoning. He said they are just trying to get the ducks in a row so they can take them incrementally and sequentially.

Ms. Trisciani said she is all for improving this lot but there are property owners that have been working really hard to improve this section and this area of the City. She said she thought that was great but she was felt like this Board was like the cart before the horse because there are some big things that may change what he wants to do on this property.

Mr. Wichert did not feel that was necessarily correct and advised what the applicant wants to do currently is to allow the landscaping use in the front. Based on the zoning review answer they received in May, they now have an unknown zoning violation on the rear. Whether they go to the ZBA and appeal this determination, whether they go to the ZBA and receive a variance, whether they go to the ZBA get denied and appeal that, he didn't think that necessarily changes what happens because they are looking at the two things separately and pretty much the only thing that happens out back for the use is it is an area where they store some logs. If they get a load of logs they leave them there until they need them then they go back and pick them up maybe 2-3 times per week. It is not a high intensity use.

Chairman Leclerc said if for some reason it got denied and they lose the appeal perhaps they can just expand the business that is there now. Mr. Wichert said that was certainly a possibility.

The Chairman confirmed with Ms. Nazaka that no public comments had been received.

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

2. **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 appeared on behalf of Bangor Savings Bank along with Chris Nadeau from Nobis and Jonathan Halle from Warren Street Architects.

Mr. Latulippe advised last month they were real close to closing the public hearing but there were a few unanswered questions regarding traffic. It was more of a clarification question. The two engineers talked the following morning and within 5-6 minutes it was all resolved. There was just some confusion regarding an extra right and left turn on Baker Street and it ended up being the difference of an 11 second delay either way so it was a non-issue for

Bangor Savings. The engineers agreed it would be more simple to just have a single exit out of Baker Street and a single entrance in. They received staff comments that they reviewed with DPW. They received a letter a few days ago from Mr. Friend-Gray from DPW saying all their questions and concerns had been addressed. He said they found out through this planning process that when the Baker Street ROW was conveyed to the property owner, the City reserved easement rights for utilities. A small corner of their building jutted out into that area so when they talked to DPW and City staff, the only group that had concerns was Water Works because there is a pretty old large line running on Baker Street and they did not want that interrupted. They went back and forth with them and the MWW standard is 10 feet away from the line and, to be safe, they agreed to be 12 feet away from that line. They chatted with Alderman Barbara Shaw and they will work with her to reduce the easement from 50 feet to 42 feet, which will allow the building to be outside the easement area. This afternoon Water Works said that was fine and they were pleased with the change. Other than that nothing else has changed on the plan. They added the snow storage area that wasn't shown before per staff comment.

Chairman Leclerc said the Board was in total agreement that this corner definitely needs some work and this will be a thousand percent better than what is there now.

Chairman Leclerc turned the hearing over to the public and provided the email address and telephone number for anyone wanting to comment.

Ms. Nazaka advised there was no new public comment on this application and the Chairman Chairman brought the hearing back to the Board.

Chairman Leclerc advised the Board had received enough information to close this public hearing and it will be deliberated at this evening's business meeting.

Chairman Leclerc closed the June 18, 2020 limited public hearing of the Manchester Planning Board and convened the business meeting.

### **III. BUSINESS MEETING:**

#### **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.***

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

Mr. Kaw-uh recused himself as he was not in attendance at the public hearing and was not able to review the Minutes.

Alderman Long made a motion to approve the S-11-2016 Amendment per staff recommendation, which was seconded by Mr. Lussier.

Ms. Trisciani said one of her concerns on this application was that there were other areas in this development that are fenced in. She said it felt like they were putting the Board in the middle of a dispute between a contractor who has approvals to do things a certain way and a homeowner that wasn't happy about it and since they couldn't sit down and have a conversation and make it work, they came to this Board. She felt like they were setting a precedent here where they say "okay great, you guys can take down this fence" then what happens when the next homeowner doesn't like the fence that is by their property. It felt this was something they should be able to resolve without this Board and come to a deliberation of a better fence or what's going to work or maybe they decide they want to come back to the Board and look at removing them for the whole development.

Mr. Leclerc said he understood and it was a very good point. He said they were not asking for any other fences to come down, but he understood setting a precedent because they do see a lot of that stuff and fences are a lot of times part of the approval process. He didn't agree that they should all come down and part of this being an association it seemed like that was something that should be taken up within the association. The fence never should have been taken down before getting permission.

Alderman Long understood Ms. Trisciani's concerns but he was willing to take them one at a time. He was of the opinion that it made sense to him to remove the fence, which is why he was looking to approve it.

Ms. Trisciani said it felt like the contractor didn't want to deal with it so he just threw it in the Planning Board's lap to take care of it.

Mr. Lussier thought this was a fairly unique situation and the Board needs to look at these detention basins a little closer. This particular one they are using the land under that as part of the minimum lot size to do the subdivision and what happens is somebody physically owns this detention area. There are two landowners that own it. One landowner can't even get to the rest of his property if the fence is up and can't maintain the other piece of property that he owns. These guys clearly understand what their obligations are and what comes with it if the fence comes down. He thought the Board needed to look at these things a little closer in the subdivision that a lot of the ones that they have done recently are set aside, they are commonly owned by the association and it is the association's obligation to maintain. These two particular homeowners are very unique because they own it and it is their responsibility to maintain their property on each side of it. He thought this will probably be the best functioning, best maintained detention basin in the City and it has to be maintained in order to function properly. He did not think there was a concern with this. He did not think they were going to get a bunch of them back.

Chairman Leclerc reminded the Board there was a motion on the floor.

Chairman Leclerc advised the Board that additional public comment had been received, but he would not take them as the public hearing was closed.

***Rollcall vote to approve: Boyle, St. Pierre, Long, Leclerc, Curry (Opposed: Trisciani)***

*(Recused: Kaw-uh)*

*(Motion Carried)*

Conditions of Approval:

1. All other previous conditions of approval from S-11-2016 shall remain in effect;
2. Prior to the issuance of any further Certificates of Occupancy to the developer, the amended plan sheets shall be signed for final approval and added to the original approved plan set;
3. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning Department, prior to submitting plans for final approval;
4. Any further material changes to the approved subdivision plan shall be reviewed and approved by the Planning Board at a public hearing;
5. Amended paper copies and .pdf formatted plans shall be submitted to Planning & Community Development for signing and City records; and
6. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 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.

**S2020-008**

2. **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.**

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

The Chairman advised there was a waiver for overhead utilities.

***Ms. Trisciani made a motion to approve the waiver from Section 6.11 of the Subdivision and Site Plan Regulations for Underground Utilities, which was seconded by Mr. Lussier.***

***Rollcall vote to grant waiver: Boyle, St. Pierre, Trisciani, Long, Curry, Leclerc  
(Recused: Kaw-uh)***

Alderman Long made a motion to approve S2020-008 per staff recommendation, which was seconded by Mr. Lussier.

***Rollcall vote to grant waiver: Boyle, St. Pierre, Trisciani, Long, Curry, Leclerc***

***(Recused: Kaw-uh)***

Conditions of Approval:

1. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning Department, prior to submitting plans for final approval;
2. All new boundary monuments are to be set prior to submitting plans for final approval;
3. Granite curbing shall be installed along the frontage of proposed Lot 30A prior to a Certificate of Occupancy for any house constructed on the lot;
4. A note shall be added to the plan stating that, prior to the issuance of a building permit for any house proposed on Lot 30A, a grading plan for the single family dwelling shall be reviewed by staff;
5. A note shall be added to the plan stating that, prior to the issuance of a building permit for any house proposed on Lot 30A, trees proposed for clearing on Lot 30A shall be reviewed by planning staff;
6. To submit plans for final approval, the applicant shall submit one set of mylars for recording, one complete set of mylars to remain on file with the Planning Department, and four complete paper sets;
7. Prior to final approval, the applicant shall provide to the Highway Department a digital file in AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88);
8. Any waiver from the Subdivision and Site Plan Review Regulations granted by the Planning Board shall be noted on the plan;
9. A School Impact Fee of \$4,589 and a Fire Impact Fee of \$571 for a single family detached dwelling shall be submitted prior to a Certificate of Occupancy for a house on Lot 30A;
10. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval";
11. All conditions subsequent to final approval shall be noted on the recorded plan, or the Notice of Decision shall be recorded simultaneously with the plan, pursuant to RSA 676:3;
12. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
13. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 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; and

14. The applicant shall provide the Planning Department with the recorded plan number within 30 days of final approval.

3. **S2019-004**

**Property located at 2108 River Road (Tax Map 557, Lot 5), a remand of an application to subdivide one lot of approximately 87 acres into 1 lot of approximately 71 acres and 17 additional, buildable lots that would be accessed from a new extension of Arthur Avenue in the R-1A Zoning District. *Joseph M. Wichert, L.L.S. for C and D Realty Trust.***

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

Given that the current proposal is for a residential development that represents a change of circumstance for this property, Ms. Trisciani made a motion to eliminate the condition of a buffer that was previously imposed by the Planning Board in 1998 with the intent of shielding neighbors from school activities, which was seconded by Mr. Lussier.

Mr. Kaw-uh was unclear on how a proposed future development represents a significant enough change in the current circumstances for the lot. He said 5, 10, 15, 20 years ago the neighborhood was still there, the trees were there and the school was there. He asked how the plan for a different type of intensive development represents a significant enough change in the current circumstances before the Board.

Ms. Trisciani said her feeling on this was there was one thing if they were going to have ballfields, school activities, lots of people and things going on, which she believed was the original intent of the buffer in 1998 is they should be shielded. Her feeling now is they are looking at a residential development that is going into a location that is perfectly zoned for a residential development that doesn't necessarily require that amount of a buffer between properties. Mr. Leclerc thought there was still some buffer in some of the areas.

Mr. Lussier said the area there was always residential. They agreed to buffer them from school activity but this is a zoned residential area and for somebody adjacent to an area that is zoned residential really can't expect to be buffered from other residential development.

Mr. Boyle asked for clarification on what the motion was. Ms. Trisciani said it was to eliminate the condition of the buffer that was approved in 1998.

***Rollcall vote to approve the removal of the buffer condition: Trisciani, Lussier, Long, Leclerc (Opposed: Boyle, Kaw-uh, St. Pierre, Curry)***

Mr. Belanger advised a tie vote meant there was no majority either way so it would remain as is until they could get a majority one way or the other.

***Mr. Lussier made a motion to table voting on the removal of the condition for a buffer,***

*which was seconded by Mr. Kaw-uh.*

*Rollcall vote to table: Lussier, Boyle, St. Pierre, Long, Curry, Trisciani, Leclerc (Motion Carried)*

*Alderman Long made a motion to table S2019-004, which was seconded by Mr. Curry.*

*Rollcall vote to table: Lussier, Boyle, St. Pierre, Long, Curry, Trisciani, Leclerc (Motion Carried)*

Chairman Leclerc tabled this to the next business meeting on July 16, 2020.

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.**

Chairman Leclerc advised that the applicant has made some amendments and he thought this project is going to be really nice.

*Alderman Long made a motion to approve SP2020-009 per staff recommendation, which was seconded by Mr. Boyle.*

*Rollcall vote to approve: Long, Boyle, Lussier, Kaw-uh, St. Pierre, Curry, Trisciani, Leclerc (Motion Carried)*

Conditions of Approval:

1. The property is currently made up of three separate parcels that must be merged prior to the final signature of the site plan. A copy of the merger documents shall be filed for recording in the Hillsborough County Registry of Deeds, and a copy shall be sent to the City Assessor;
2. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed, and plans shall be submitted for final approval;
3. The applicant shall obtain sign-off from all City reviewing agencies on official letterhead, prior to submitting plans for final approval and signature;
4. Prior to the final approval and signature of the site plan, easement documents shall be amended and submitted for review and approval to the Department of Public Works, Manchester Water Works, Planning and Community Development Department, and the City Solicitor. Such easement shall be recorded at the Hillsborough County Registry of Deeds;
5. The fire impact fee of \$0.20 per gross square foot shall be submitted before the issuance of a certificate of occupancy
6. The applicant shall obtain all necessary State and Federal approvals, as applicable, before

final approval;

7. 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;"
  8. 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."
  9. The plan shall contain a note stating, "All conditions after approval shall be completed within two years of final approval."
  10. All material changes to the approved plan, including building elevations and changes to signage, shall be reviewed and approved by the Planning Board at a subsequent meeting;
  11. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department;
  12. Prior to applying for a certificate of occupancy, a signed and sealed letter from a 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;
  13. 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
  14. 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.
5. **CU-01-2018**  
**Property located at 55 Edward J. Roy Drive (Tax Map 645, Lot 34B), a remand of a conditional-use-permit application to allow the use of an automotive service station in the B-1 Zoning District. *Greenman-Pedersen, Inc. for Z-1 Express and Shop n' Save, Mass***

*Alderman Long made a motion to deny CU-01-2018, which was seconded by Mr. Boyle.*

Alderman Long said in the standards of review one of them is that the use will not materially endanger public health or safety. He said they didn't quite get the pedestrian crosswalk answer at the public hearing and he believes it will be a safety hazard to residents, pedestrians and people on bikes, etc. In addition, he was not convinced this use is compatible with the neighborhood.

Mr. Boyle agreed with Alderman Long's concern about safety.

Ms. Trisciani said they talked about doing the crosswalk in certain areas and Public Works signed off on it. She wondered what would make that safer in the Alderman's mind. Alderman Long said at the hearing they were still in discussions.

Mr. Belanger pointed out that in the staff report there was a discussion regarding the crosswalk and the applicant has agreed to DPW's request to construct a sidewalk along the entire Edward J. Roy Drive frontage of the property so that it would go from Wellington Road up to the apartments, north of the site, so the entire frontage would get a new sidewalk/crosswalk.

Alderman Long said he was still not convinced it was safe.

The Chairman said they also talked a little about "X'ing" off part of the front of the site to allow traffic to turn, which he thought would help with safety as well. He said it was similar to Dunkin' Donuts on Willow Street where they "X'd" off an area so cars can enter and exit somewhat safely. He said DPW was kind of against it because they were worried about maintenance, but he thought the applicant would be considerate enough to maintain it. Ms. Trisciani said they could always add that as a condition. He thought doing both sides of the street would be difficult but it would be good if they did that on the applicant's side of the street.

Mr. Lussier said unfortunately these are not easy decisions, but he went back to the 70's when this whole area was going to be a commercial development. There wasn't going to be any residences up there at all. This has already been to court and sent back to the Board. It is zoned for commercial development. The applicant has taken many suggestions and came back with several concessions and revisions to the application. He thought it was something they needed to consider seriously rather than get caught up in this go-around.

Chairman Leclerc reminded the Board there was a motion to deny on the table.

***Rollcall vote to deny CU-01-2018: Long, Boyle (Opposed: Lussier, Kaw-uh, St. Pierre, Trisciani, Curry, Leclerc) (Motion Failed)***

***Mr. Lussier made a motion to approve CU-01-2018, which was seconded by Mr. St. Pierre.***

***Rollcall vote to approve CU-01-2018: Lussier, St. Pierre, Kaw-uh, Trisciani, Curry, Leclerc (Opposed: Boyle, Long) (Motion Carried)***

### **S2020-006**

**Property located at 55 Edward J. Roy Drive (Tax Map 645, Lot 34B), a subdivision application to subdivide one lot of approximately 7.4 acres into two lots of approximately 3.9 and 3.4 acres in the B-1 Zone. MHF Design Consultants, Inc. and Z-1 Express for Victory Distributors, Inc.**

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

***Mr. Lussier made a motion to approve S2020-006 per staff recommendation, which was seconded by Ms. Trisciani.***

***Rollcall vote to approve S2020-006: Lussier, Trisciani, Kaw-uh, St. Pierre, Curry, Leclerc (Opposed: Boyle, Long) (Motion Carried)***

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time 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 Department, prior to submitting plans for final approval;
3. The applicant shall obtain all necessary State and Federal approvals, as applicable, prior to final approval;
4. All new boundary monuments are to be set prior to submitting plans for final approval;
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 Subsection 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. Prior to final approval, the applicant shall submit a draft of a cross-access easement that allows users of either proposed lot 34B or proposed lot 34B-1 to feely access both lots. The easement shall be recorded simultaneously with the subdivision plan;
8. Prior to final approval, the applicant shall provide to the Highway Department a digital file in AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88);
9. All conditions subsequent to final approval shall be noted on the recorded plan, or the notice of decision shall be recorded simultaneously with the plan, pursuant to RSA 676:3;
10. To submit plans for final approval, the applicant shall submit one set of Mylars for recording, one complete set of Mylars to remain on file with the Planning Department, and four complete paper sets;
11. The applicant shall provide the Planning Department with the recorded plan number within 30 days of final approval; and
12. Should any condition precedent or subsequent to this approval not be met in the time

periods provided for in Subsection 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.

**SP-01-2018**

**Property located at 55 Edward J. Roy Drive (Tax Map 645, Lot 34B), a site-plan application to construct a retail motor fuel outlet with six fuel dispensers /12 fuel pumps and a 6,500 SF building, including two fast-food restaurants and convenience store with onsite parking, loading, landscaping, and lighting in the B-1 Zoning District. *Greenman-Pedersen, Inc. for Z-1 Express and Shop n' Save, Mass.***

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

Mr. Belanger advised the Board that there are a couple of waiver requests on this application.

Alderman Long confirmed with Mr. Belanger there are 6 fuel dispensers with 12 fueling positions.

Ms. Trisciani said she would like to see a condition that a note be added to the plan that the hours of operation would be 4:00 AM to 11:00 PM, which is what they represented. The Chairman said that was also recorded in the Minutes.

Chairman Leclerc said should this application get approved, he would like to see a “no blocking zone” in front of their driveway to allow folks to come out and turn left. He thought it was back far enough so hopefully the stacking will never get that far but he would like to give people a chance to get in and out of there safely.

The Chairman read the first waiver request into the record as follows: The applicant requests a waiver for the driveway, which is proposed to be 53.6 feet in width at the property line. The Manchester Zoning Ordinance limits the width of driveways for automotive service stations to 36 feet. Article 10.08(D) has been interpreted to allow the Planning Board to waive that limitation however when the site is subject to Planning Board review. Accordingly, the applicant requests that the Board waive the 36 foot limitation and allow a 53.6 foot driveway.

Mr. Lussier believed that was for the transports to get in and out.

***Mr. Lussier made a motion to grant the waiver for the driveway width from 36 feet to 53.6 feet, which was seconded by Ms. Trisciani.***

***Rollcall vote to grant waiver for driveway width: Lussier, Trisciani, Kaw-uh, St. Pierre, Curry, Leclerc (Opposed: Boyle, Long) (Motion Carried)***

The Chairman read the second waiver request into the record as follows: The applicant also requests a waiver from Section 8.4 of the Subdivision and Site Plan Review Regulations, which requires that the rate and total volume of runoff from the site will not exceed the rate prior to construction and that groundwater infiltration shall be at least equal to the level prior

to construction. The applicant's reasoning for the waiver is that they must follow State rules on capturing petroleum runoff onsite in a way that prevents onsite infiltration. The amount of runoff will be quite small they predict and Humphrey Brook is capable of handling it. DPW is willing to support the waiver request.

***Mr. Lussier made a motion to grant the waiver from Section 8.4 of the Subdivision Regulations, which was seconded by Ms. Trisciani.***

***Rollcall vote to grant waiver for driveway width: Lussier, Trisciani, Kaw-uh, St. Pierre, Leclerc (Opposed: Boyle, Long, Curry) (Motion Carried)***

Chairman Leclerc said he voted against this project originally but, with a better plan, he thought they had crossed all the "Ts" and dotted all the "Is". He thought they would do their best to make it safe. Working with Dartmouth Hitchcock recently to improve the streets and make things easier was worth considering with this application.

***Mr. Lussier made a motion to approve SP-01-2018 per staff recommendation and with the wording to be corrected to state 6 dispensers and 12 pumps, and the hours of operation to be noted on the site plan as 4:00 AM to 11:00 PM and with the outbound lane to be marked "Do Not Block" in front of the first easterly driveway on Edward J. Roy Drive. The motion was seconded by Ms. Trisciani.***

***Rollcall vote to approve SP-01-2018: Lussier, Kaw-uh, St. Pierre, Curry, Leclerc (Opposed: Boyle, Long) (Motion Carried)***

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time 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. Prior to final approval, the comments of the City's traffic engineer shall be addressed, including revising the signal-timing plans for intersections and amending the off-site improvement plans to show an earlier tapering of the proposed two northbound lanes on Edward J. Roy Drive;
4. Prior to final approval, the comments of the Department of Public Works shall be addressed, including curbing, snow storage, and sidewalk width;
5. Prior to final approval, the applicant shall amend the plan to show the construction of a sidewalk along the frontage of proposed Lots 34B and 34B-1 on Edward J. Roy Drive. The sidewalk shall be shown to connect to the sidewalk on Wellington Road. The plan shall also note the installation of pedestrian-signal upgrades to the existing traffic signal

- and improvements to accessibility ramps at the Wellington Road intersection. All construction shall conform to the Standard Specifications of the Department of Public Works. The work on the pedestrian signal and ADA ramps shall occur in coordination with the ongoing work done by Dartmouth Hitchcock for its nearby construction. The remaining sidewalk work shall occur prior to a certificate of occupancy;
6. The applicant shall obtain all necessary State and Federal approvals, as applicable, prior to final approval;
  7. The plan shall contain the following statement signed by the owner or developer, "It is hereby agreed that, as the owner or developer 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;"
  8. 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.";
  9. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval";
  10. The plan shall contain a note stating, "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;"
  11. Prior to final approval, a note shall be added to the plan stating that the hours of operation shall begin no earlier than 4:00 a.m. and end no later than 11:00 p.m. each day;
  12. Prior to final approval, the plan shall be amended to show the words "Do Not Block" painted on Edward J. Roy Drive in front of the site driveway, such that it allows adequate space for residents of Carlton Place to turn left out of their driveway and access a southbound lane. The location, material, and sizing of the lettering shall conform to the Standard Specifications of the Manchester Department of Public Works. The applicant shall be responsible for the initial application of the lettering, which shall be complete prior to the issuance of a certificate of occupancy;
  13. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department;
  14. Prior to applying for a certificate of occupancy, a signed and sealed letter from a 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;
  15. All material changes to the approved plan shall be reviewed and approved by the

Planning Board at a subsequent meeting;

16. 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; and
  17. The fire impact fee of \$0.53 per gross square foot of the newly constructed 6,500-square-foot building shall be submitted to the Planning and Community Development Department prior to the issuance of a certificate of occupancy.
6. **Review of new applications for Regional Impact and comment by the Manchester Conservation Commission.**

The staff has received and reviewed the applications listed below. The Planning Board should determine if any of the applications are likely to have impacts beyond the boundaries of Manchester, requiring regional review pursuant to RSA 36:54, 55, 56 & 57, or warrant comment by the Manchester Conservation Commission.

**1. S2020-009**

Property located at 644 Grove Street (Tax Map 126, Lot 38), an application to subdivide an existing parcel of 10,035 SF into two lots of 5,017 SF and 5,018 SF in the R-2 Zoning District. *Joseph M. Wichert, LLS for The RHK Street Bell Properties, LLC.*

**2. S2020-010**

Property located at 376 Harvard Street (Tax Map 348, Lot 25), an application to subdivide an existing parcel of 13,311 SF into two lots of 5,164 SF and 8,147 SF in the R-3 Zoning District. *Joseph M. Wichert, LLS for The Hargis Family Trust.*

**3. S2020-012**

Properties located at 675 Coolidge Avenue (Tax Map 838, Lot 1), 685 Coolidge Avenue (Tax Map TPK6, Lot 5) and Tax Map 838, Lot 47, an application to adjust the lot line between TPK6-5 and 838-47, granting approximately 3 acres to TPK6-5, and to eliminate the lot line between Lots 838-1 and TPK6-5 in the R-1B Zoning District. *Keach-Nordstrom Associates, Inc. for Coolidge Avenue Estates, LLC.*

**4. PDSP2020-005**

Properties located at 675 Coolidge Avenue (Tax Map 838, Lot 1), 685 Coolidge Avenue (Tax Map TPK6, Lot 5), and Tax Map 838, Lot 47, a site-plan and planned development application to construct 9 new dwelling units, a private drive, and associated site improvements, in the R-1B Zoning District. *Keach-Nordstrom Associates, Inc. for Coolidge Avenue Estates, LLC.*

**5. S-19-2016 Amendment**

Property located at 10 Rapids Lane (Tax Map 823, Lot 9-15), a request for relief of a condition of the previously approved Twin Brook subdivision regarding the location of the house in an R1-A Zoning District. *Keach-Nordstrom Associates for Manny Sousa.*

- 6. SP2020-010**  
Property located at 51 High Street (Tax Map 7, Lot 14-A), an application to change the use of a 2,693 SF building from office to congregate housing in the C-1 Zoning District. *Andrew H. Sullivan, Esq. for Paul & Suzanne Dilulio.*
- 7. CU2020-007**  
Property located at 51 High Street (Tax Map 7, Lot 14-A), an application for a reduction in required on-site parking from 9 spaces required to 4 provided for the use of congregate housing in the C-1 Zoning District. *Andrew H. Sullivan, Esq. for Paul & Suzanne Dilulio.*
- 8. SP2020-011**  
Property located at 738 Hooksett Road (Tax Map 566, Lot 10), an application to construct a new 5,046 SF freestanding ConvenientMD Urgent Care facility along with associated site improvements in the B-2 Zoning District. *Hinckley, Allen, and Snyder, LLP, and Bohler Engineering for ConvenientMD. (Conservation Commission Review Completed)*
- 9. SP2020-012**  
Property located at 456 Union Street (Tax Map 73, Lot 30), an application to change the use of an existing 21,344 SF building from a private school to congregate housing with support services, including outreach and recovery, in the R-3 Zoning District. *VHB for 1269 Café Ministries. (Zoning Board Review required)*
- 10. CU2020-009**  
Property located at 456 Union Street (Tax Map 73, Lot 30), an application for a reduction in required on-site parking from 42 spaces required to 12 provided for the use of congregate housing and support services in the R-3 Zoning District. *VHB for 1269 Café Ministries.*
- 11. SP2020-013**  
Property located at 220 Londonderry Turnpike (Tax Map 870, Lots 51, 51A, and 51B), an application for the renovation of an existing 15,345 SF building and associated site improvements for an equipment rental storage yard in a B-2/LMPOD Overlay Zoning District. *Keach-Nordstrom Associates for ATS Equipment, Inc. (Conservation Commission Review Required and Zoning Board review Required)*
- 12. CU2020-008**  
Property located at 220 Londonderry Turnpike (Tax Map 870, Lots 51, 51A, and 51B), an application for a reduction in required on-site parking in the B-2/LMPOD Overlay Zoning District. *Keach-Nordstrom Associates for ATS Equipment, Inc.*
- 13. SP2020-014**  
Property located at 180-200 Woodbury Street (Tax Map 332A, Lot 2), an application to add up to 15 additional units to an existing apartment building with 108 units by renovating common interior space in the B-2 Zoning District. *Fuss and O'Neil for*

*Carisbrook NH Associates, LLP.*

**14. SP2020-016**

Properties located at 372-374 Merrimack Street (Tax Map 127, Lot 31) and 380-382 Merrimack Street (Tax Map 127, Lot 32), a site-plan application to reconstruct a demolished, 6-unit, residential structure, with associated site improvements in the R-2 Zoning District. Joseph M. Wichert, LLS, Inc. for Lot 31: *374 Merrimack Street BL, LLC and Lot 32: 380-382 Merrimack Street, LLC*

*Ms. Trisciani made a motion, which was seconded by Chairman Leclerc, that the following applications do not have regional impact or require review by the Manchester Conservation Commission: S2020-009, S2020-010, S2020-012 (Requires Conservation Commission Review), PDSP2020-005 (Requires Conservation Commission Review), S-19-2016 Amendment, SP2020-010, CU2020-007, SP2020-011 (Conservation review was completed), SP2020-012 (Requires Zoning Board review), CU2020-009, SP2020-013 (Requires Conservation Commission Review and Zoning Board review), CU2020-008, SP2020-014 and SP2020-0196.*

*Rollcall vote to accept motion: Trisciani, Leclerc, Boyle, Kaw-uh, St. Pierre, Long, Lussier, Curry, Leclerc (Motion Carried)*

**IV. ADMINISTRATIVE MATTERS:**

- 1. Review and approval of the Planning Board Minutes of April 30, 2020 and May 21, 2020.**

Mr. Curry advised he would review the Minutes of April 30, 2020 and May 21, 2020 for the next meeting.

Review and approval of the Minutes was tabled to the next meeting.

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

785 Goffs Falls Road (SP2019-018)

Ms. Nazaka advised correspondence was received on behalf of the Common Man Roadside Convenience. They are asking approval of the Board to relocate the freestanding sign. The sign would be shifted slightly to the north and in order to accommodate this new location there would need to be a change in the landscaping plan. They would be removing one tree and replacing it with another one. They would also be removing a tree from the Goffs Falls Road area and they propose to add that to the South Willow Streetscape. The concern staff has with this is the mature trees that currently exist along South Willow Street have been there for quite some time and they are a decent size so that tree would be removed.

Chairman Leclerc said the reason the Board approved their sign to be a little higher was due to the trees. Ms. Trisciani said if they went back to the original sign they wouldn't be in this situation. Ms. Nazaka said that was true regarding the tree removal, however, the reason for

this relocation is the underground oil tanks were installed and now the approved location would be too close to the foundation of those tanks and there is the possibility of disruption. Ms. Nazaka advised she drove by the site last week and it appeared like there was a foundation already poured. Mr. Kaw-uh believed they indicated that in the document he read the reason they are claiming they are asking for a site change for the sign is because they had already done the installation of that foundation and to dig up more soil near it could impact the integrity of that foundation.

Mr. Lussier said he felt a little deceived on this presentation. He thought this was just a change to the sign itself and they were supposed to use the existing sign. When they came in, he was under the assumption they were going to use the existing base to simply put a little different orientation of the sign on it and make them a little higher. It wasn't clear to him that it involved a whole new foundation, removing trees, etc. He thought they were getting a little carried away.

Ms. Trisciani agreed and said she was not in favor of the taller sign because she wanted to keep the District with the signage they had. She felt like this was all of a sudden "Oh this is great, now we are going to cut these big beautiful mature trees that have been here forever" after they did the large sign, which her impression was to save the trees and use the original structure that was there. Mr. Leclerc said it might not have been the original structure but at least go with the location that they wanted to begin with.

Ms. Trisciani asked if they did not know the fuel lines or fuel tanks were in this area to begin with. Mr. Leclerc said everything there is new so he didn't know why they wouldn't know the location of the tanks.

Mr. Kaw-uh said if they didn't recognize this was going to be an issue, that is their own problem, but the impression that it gives is that this was almost an intentional delay or they will get one approval first and then the next and that didn't sit well with him.

Chairman Leclerc said the Board approved the last one not necessarily because they wanted to, but just to help them out a little. Personally he does not want to see a tree cut down that has been there a while.

Mr. Trisciani said they should go back to the sign that fit on the smaller foundation, leave the trees as they are and move on. The Chairman said he was leaning that way. Ms. Trisciani said she still felt that the smaller sign was more appropriate in that district. She said this was very frustrating because the sign person they worked with should have understood the foundation that would be required for that sign and she felt overall it was misrepresented. The Chairman said the Board agreed to what they asked for and in his opinion that is what he would like to stick to.

Mr. Boyle said Ms. Trisciani was right that South Willow Street needs as much green as they can get.

*The Chairman polled the Board to see who was in favor of keeping the original approval: Leclerc, Trisciani, Boyle, Kaw-uh, Lussier, Curry, St. Pierre, Long.*

Ms. Nazaka confirmed with Mr. Belanger that the applicant could file for a site plan amendment. He thought the applicant might welcome the opportunity to address the perception of the Board.

Mr. Kaw-uh appreciated the potential for safety concerns with this. He didn't see much detail in the filing regarding the exact risk level or the threat. On the one hand he saw it as a mistake in scheduling on their part has potentially caused the plan that the Board approved to no longer be safe but maybe the original plan would still be safe and he wasn't sure that the frontage on South Willow Street would necessarily need to pay for the scheduling of the company involved.

Chairman Leclerc said if the applicant would like to come before the Board again they have the right to do so.

#### Update on the Master Plan

Ms. Nazaka advised the Board that Planning staff was still pressing along and working on the client draft review. Obviously given the current situation with Covid-19 and social distancing, it stopped their process slightly in the beginning months but they are plugging away and they hope in July or August the Board will have a public draft review in their hands.

With the Master Plan coming up, Mr. Curry asked the Board and Chairman to consider a subcommittee about the signage and how they want to look at going forward with signage in the City overall with regard to sizes in different areas.

Mr. Curry also thought something this Board should look at is how they deal with the fencing situation around ponds. One of the things the engineer brought up that was reiterated was that those ponds were something that are going to have in different subdivisions and there are going to be different requirements for them so he thought having a subcommittee look at how they design those ponds and which ones are going to require fences and which ones aren't going to require fences and what kind of fences.

Chairman Leclerc said that was definitely worth discussing.

With regard to signage and the ponds to a lesser extent, Mr. Belanger said the Master Plan is going to be kind of a first step in looking at all of these things. The ponds and fencing would be more directly addressed by the Subdivision and Site Plan Regulations. That would be the way they enact any new requirements about ponds into law. Typically that has been done through working groups. That was done all the way leading up to the enactment of the new regulations which happened in 2016.

With regard to signage, Mr. Belanger said there is a significant amount about signage in the Master Plan. Ms. Nazaka said there is a pretty extensive section about Wayfinding in signage in the Master Plan. She thought what Mr. Curry referred to was about business signage. Mr. Curry said the Master Plan is not going to come to the public until July. This Board is still going to have several businesses that open before then and they are going to have to answer

the question of them wanting to not abide by the signage and at some point they are going to have to stand their ground and say “No, this is what the regulations are or this is what it isn’t” so at some point the Board needs to decide where they are going to draw that line at.

Ms. Nazaka said when it comes to commercial signage, the Master Plan doesn’t directly address that; however, a recommendation of the Master Plan will likely be to re-evaluate the City Zoning Ordinance and part of the City Zoning Ordinance does handle commercial signage. Obviously consistency throughout the City is something they would like to see so, although not directly related to the Master Plan update, it would likely be a recommendation that comes out of that update. Mr. Curry recommended the Board make a decision on that now to make that part of the Master Plan when it comes out.

Mr. Lussier said signage is zoning and the Master Plan itself is more of a guideline of what they would like to see. Certainly that South Willow Street area could be looked at as nobody can seem to conform to that so if it is something nobody can conform to maybe they need to relook at that and see if it is something that can be adjusted to make it more palatable to everybody. The detention basins and infiltration basins are very strictly regulated. He didn’t know that they would have much impact on that. They simply need to be more aware of how the engineer is presenting these things in the plans and understand what their function is and if they are really owned and maintained by the association or if they are on private property like they ran into at Manning Hill. The drainage regulations are very specific and the Board had to give them a waiver on Edward J. Roy Drive because what they’re proposing is to capture more of the drainage and treat it, which is more appropriate in the situation that they are in with the gas station. It is a tricky subject that is very much regulated by others and he thought this Board just needed to be a little more aware of how it is being presented on the plans.

Mr. Curry said he would be interested in chairing a subcommittee and the Chairman said he would be willing to help.

***Mr. Lussier made a motion to adjourn, which was seconded by Mr. Curry.***

***Rollcall vote to adjourn the meeting: Lussier, Curry, Boyle, Kaw-uh, St. Pierre, Trisciani, Long, 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 Moore, Planning & Community Development*