

MANCHESTER PLANNING BOARD
PUBLIC HEARING / LIMITED BUSINESS MEETING MINUTES
January 07, 2016 – 6:00 p.m.
City Hall, Third Floor – Aldermanic Chambers

Board Members Present: Chairman Mike Harrington, Vice Chairman Ray Clement, Eric Kizak, Guy Guerra, Matthew O'Brien, Kevin McCue, Jim Roy, Pierre Boissonneault

Alternates Present: Michael O'Donoghue, Catherine Flinchbaugh, Dan LeClerc

Staff Present: Pamela Goucher, Deputy Director of Planning & Zoning; Jonathan Golden, Senior Planner; Jeff Belanger, Senior Planner; and Jodie Levandowski, Planner, Bill Klubben, Planner

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

II. SPECIAL PUBLIC HEARING:

1. Proposed Amendments to the Manchester Subdivision & Site Plan regulations.

Chairman Harrington called the special public hearing to order and requested any comment from staff.

Mr. Belanger said it was important to note that the purpose of tonight's hearing was for the Planning Board to receive comments from the public on the proposed amendments to the Manchester Subdivision and Site Plan Review regulations. Mr. Belanger stated that he did not want to take up much time with redundant statements that had already been made at prior meetings regarding the regulations, but that a brief background might be useful. He stated that this is the second public hearing that the Board has held on these regulations. The first public hearing occurred on October 15, 2015. Both prior to and after that public hearing, the Board invited comments from the public and the Board received both written and verbal comments from individuals and groups, including the Greater Manchester Chamber of Commerce. Most of the verbal comments came during a public workshop that the Board held on November 18th, which the Board held for the purpose of discussing the written comments with the people who had submitted them. The proposed regulations that are before the Board tonight were substantially revised in ways that addressed many of the comments that were made. Staff has provided to everyone who provided public comments a red lined version of the new draft of the regulations showing all the changes that were made since October 15, 2015. In addition, the revised regulations have been posted on the City's website and at City Hall, and there has also been notice of the availability of the revised draft in the Union Leader.

Mr. Belanger advised that these regulations have not been updated since 2000. The draft that is before the Board tonight is the culmination of a couple of years of work by the Planning Board and planning staff on researching, revising and discussing the regulations.

Mr. Belanger suggested that, procedurally, once everyone from the public who wanted to speak on the regulations had been given the opportunity to do so, the Board may close the public hearing and deliberate either immediately after the hearing or later on during the business meeting.

Chairman Harrington invited members of the public to provide additional comments.

Joe Wichert of Manchester Street advised that he is before this Board relatively often on some development work. As a whole, he didn't think anybody was necessarily opposed to some of the changes and proposals. He said their hope was that the proposed changes would have improved the process, made it flow smoother and maybe give some incentive to do some of the projects that they think as a whole the City needs to have done. He said they don't see those in any of those changes. In looking at what the changes are, he said it is probably a fair statement to say that the changes will lengthen the process and add some expense to the applicants. He made reference to those with wetlands or wetland setbacks on their property having to go to the Conservation Commission or receive a written recommendation before the Planning Board can act on it. He also pointed out that there were changes that were made since the November meeting to increase the thresholds for when a site plan approval would be needed, which he said was great but it still comes down to a similar mechanism, which is there were a few projects that the Board believed were done that maybe caused issue so under the guise of trying to not have that problem occur again the threshold was lowered for everybody and he doesn't necessarily think that was the best way that they ought to move forward.

Mr. Wichert pointed out some items, which he believed were technical errors or that were not addressed.

Back in 2012 when the Chamber of Commerce had their meetings to discuss the changes and came up with a list of eight recommendations, Mr. Wichert thought these changes addressed three of those eight. One was to coordinate the dates in the regulations in regards to when variances expire by statute and in the Ordinance. It has been added to specify the unwritten rules and most of those have been addressed. The last comment was to allow for a certified sites program, which the proposed changes do. He said it still doesn't address the remaining five concerns and he doesn't really think it addresses the initial reasons for why they had this study. As such, in looking at the changes they seem to tilt the table further away from the development community and there is more burden on the applicant than there is currently. They asked that the Board think about that before they vote on the applications.

Attorney John Cronin came forward and advised that he appeared at the last hearing and submitted some materials suggesting some changes to the prior drafts. He referred to the Change of Use section on page 5 in the Definitions and said he believed there was an effort here to make a positive difference with respect to a lot of the buildings in this City that are targets for repurposing and redevelopment. He thought it was important to this community as there are a lot of tired and idle properties that could be improved. To encourage people to work on those and to get them done he thought they need to make the process simpler. This definition goes a long way to do that but there is just one word that makes a very large difference. He referred to the last line that talks about a change of use shall include a change

of 75% or more of the principle uses of the building. He suggested that the word “include” be changed to “mean” to make it more specific so they know that at 75% or more it will trigger that.

Attorney Cronin stated that they can have a building under the current regulations that someone purchases and may not do any exterior improvements to it at all and the building and parking lot stay the same. However if they do change the tenant, even if it is an allowed use under the Zoning Ordinance, they have to go through a change of use process. He was not saying that was a bad idea in total, but it is a cumbersome process. In looking at the requirements, the submittal requirements and the money it takes to prepare those documents and then the time to get through the process, it really is a handicap for those buildings. He thinks they are fortunate in this City to have a very dedicated and talented staff. He suggested in these regulations for existing uses where there are no physical changes to the site that some deference be given to the staff so they can review it internally and make an approval similar to a minor site plan. He said it would certainly go through the litmus test to make sure that it meets things. They can always defer it to the full Board and go to the process if it is something that has further negative impacts on the health, safety and welfare of the community. He asked that the Board have a discussion with staff in their deliberations and see if there is a way that they could delegate some of those powers in the really clear cases to staff to do it quickly and efficiently and the tougher ones can go to the full Board for their consideration.

Chairman Harrington thanked Mr. Wichert and Attorney Cronin for providing additional comments for the Board to consider.

Chairman Harrington closed the special public hearing and advised that it would be deliberated during the business meeting later this evening.

III. REGULAR PUBLIC HEARING:

Chairman Harrington called to order the January 7, 2016 Public Hearing and Business Meeting of the Manchester Planning Board. He advised that all of the Planning Board members were still present from the special public hearing.

With respect to the applications below, 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 accepts the applications and conducts a public hearing. A motion would be in order.

Mr. Roy made a motion to accept the new applications and conduct a public hearing, which was seconded by Chairman Harrington. (Motion Carried)

1. SP-30-2015

Property located at 522 Harvey Road (Tax Map 722, Lot 21), a site plan application to construct a 2,400 SF one-story building for a contractor's yard, with fenced-in outdoor storage for heavy equipment, parking and drainage and associated site improvements within the IND Zone. James M. Lavelle Associates for Roadway Excavators, Inc.

Tim Lavelle of James Lavelle Associates appeared on behalf of Roadway Excavators and Manchester Housing Authority. Mr. Lavelle advised that the property is located at 522 Harvey Road, which is owned by Manchester Housing Authority. The proposal is to build a one story 2,400 SF building for a contractor's yard with offices. He said it is basically a garage for equipment maintenance. There is parking shown in the front, in the rear and a gravel parking area for his equipment when it is on site. This has been approved a couple times before. One of the issues with the property is that there is a large drainage system in the area that has a drainage pond that encroaches on this property and didn't enjoy an easement. That has now been taken care of and an easement plan has been recorded. He explained that was one of the last things that kept this from being developed. They are back before the Board as some of their approvals have lapsed.

Mr. Lavelle advised that nothing has changed on the plans other than the drainage system in the rear that now enjoys an easement to be on the property. The property itself is fairly straightforward. The drainage for it will go into two underground drainage structures in the parking lot and they will be discharged into the outflow of the total drainage system in that area. They met with the Conservation Commission on this several years ago and everybody has been all set with it so they are just here to dot the I's and cross the T's so he can finally move forward with the project.

Mr. Boissonneault asked if all of the issues with DES have been addressed. Mr. Lavelle said they have and they have obtained a Dredge & Fill permit and all State permits are in place.

Chairman Harrington stated that this seems to be pretty straightforward.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this application and the Chairman turned the hearing back over to the Board.

Where they had the approval before, Mr. Roy asked why they didn't come forward and request an extension instead of having to go through this whole process again. Mr. Lavelle said it was just an oversight.

Chairman Harrington advised that the Board had received sufficient information. He closed this public hearing to be deliberated at the next business meeting.

2. SP-32-2015

Property located at 40 Willow Street (Tax Map 734, Lot 3), a site plan application for a change of use to add the use of motorcycle service to the existing storage use within the RDV Zone. The applicant proposes parking improvements in conformance with zoning regulations. CLD Consulting Engineers for Motorcycles of Manchester

Brian Pratt of CLD Consulting Engineers appeared along with Anthony Lockwood of Motorcycles of Manchester. Mr. Pratt said they are proposing a very simple change of use site plan where they just want to reoccupy the site with a use that is slightly different than the previous use.

Mr. Pratt advised that this facility was historically used for United Rentals where they used outdoor storage, indoor storage, repair of equipment inside and everything like that. Motorcycles of Manchester has been leasing the building and using it as storage, which didn't require a change of use. They had the right to do that with a Certificate of Occupancy and they have their signage on the building. What they want to do now is expand it to do their actual service in this facility. What they are doing is putting eight "stations" with work benches set up. The regulations require four parking spaces per bay, which amounts to 32 parking spaces. The only change they are proposing to the site is to add some paint to stripe those 32 required spaces. There are nine spaces up near the front of the building, a couple of handicap spaces right in front of the main entrance as well as 23 spaces in the rear storage area. There are no changes proposed to any of the pavement or landscaping. They are going to add some curb stops so the parking spaces maintain the minimum separation from the building and a couple of handicap signs to make sure they meet ADA requirements. Other than that there is a gravel connection that wasn't really there in the past between the two lots and they will be adding an access easement so there is a formal right to cross.

In looking at sheet C-1 where they show outdoor storage and a gravel area, Mr. Boissonneault asked what they anticipate will be stored there. Mr. Pratt said right now they have fourteen 8'x40' metal shipping containers, which is where they keep the motorcycles. Mr. Boissonneault asked if the containers are stacked up and Mr. Pratt replied that they are side by side.

Mr. Boissonneault asked if there will be any fuel stored on site and Mr. Pratt said there will just be the normal amount of fluids for service.

Mr. McCue noted that they were looking for waivers for the landscape plan as well as the irrigation. Mr. Pratt said originally he didn't think any waivers were required because they weren't making any changes but staff requested that he submit a waiver request to make sure that they met the regulation.

With respect to signage in the front, Mr. McCue believed there were two signs; the old sign for United and the sign for MOM's. He asked if they were going to use both signs. Mr. Lockwood said they refaced the high rise sign. Mr. McCue said there is another sign that says Yamaha on the top and Mr. Lockwood said that is MOM's. Mr. McCue asked if they are going to do something with the landscaping under that. Mr. Lockwood said they started working on both properties with the great weather in December then when it snowed it slowed down a little

bit. The landscape company they use at the dealership right now basically shows up and cuts the grass but he wants a more formal landscape plan moving forward to bring the appearance of the property and what they want to bring to the City and how they do business with the customers. He totally believes that the appearance of the two properties needs to be improved and they are working on that. Mr. McCue said anything helps in that end of town. Mr. Lockwood said in years to come when they eventually own the property they will see some really good things happen there. Mr. McCue confirmed with Mr. Lockwood they are leasing with an option to purchase.

In the service bays, Mr. McCue asked how much more service are they anticipating doing by having nine service bays now. He said he was asking that because he wondered if they would have to put in a waste oil facility and/or putting burners in their shop to heat it. Mr. Lockwood believed the shop is natural gas off the road and there are two furnaces in there. They just don't have them hooked up yet because it's a warehouse. Mr. McCue asked if they are going to burn the waste oil to heat their shop. Mr. Lockwood said "not unless there is a good reason to do so". Mr. McCue said it is cheap heat. Mr. Lockwood said when they own the building they can look into. Right now he said they have what looks like a home oil tank in their service department that gets pumped out. Mr. McCue asked if that is secured with spillage controls on it, which he believed was an EPA requirement. Mr. Pratt said once they hit a certain volume they have to have the spill control and counter measure plan. He believed it was 500 gallons and they may actually be under that.

Mr. McCue asked if the lighting was going to remain pretty much the same. Mr. Lockwood said the lights that are on the property seem to work pretty well and they are going to leave it as is. Mr. McCue asked if there is any spillage into the neighborhood across the street. Mr. Pratt said they didn't do a lighting intensity analysis as part of this because the intent was just to save everything as it was. He added that they are not aware of any complaints.

Mr. Roy asked if there will be a dumpster on site. Mr. Lockwood stated that they would like to. Mr. Roy asked if that will be where the concrete pad is behind the building. Mr. Lockwood said he was not sure where they had it before. Mr. Roy said in looking at the plan there is not a lot of information on it so he is curious where it is going to be. Mr. Pratt said they can think about that and provide an amended plan before the next meeting that shows the dumpster location. Mr. Roy said that was great and asked if the dumpster would be screened. Mr. Pratt said the whole back is kind of screened itself because it is the back of the building. If it does go on that concrete slab it is really screened from most of the side so he asked if there will be a need to add a whole new fence around that. Since it is outside storage he asked what they would be screening it from. Mr. Roy said Brother's Restaurant is right behind it so if a patron looked out the window they would be able to see the dumpster.

Mr. Roy inquired about snow storage. Mr. Pratt said there is plenty of space on the perimeter to push the snow. He said he could add some snow storage notes on the plan. Mr. Roy confirmed with Mr. Pratt that the containers are stored in the back of the property so obviously there won't be any there. Mr. Pratt said the containers are stored in part of the back and the new plan he handed out has some rectangles depicting where the storage containers are located. He also left a five foot corridor behind the edge of pavement so there is plenty of

space. Mr. Roy asked why they didn't put the containers right on the pavement. Mr. Pratt said those containers are actually there and are not proposed. Mr. Lockwood said that they are there to maximize space to the property for people pulling in and out. He said the companies that drop the motorcycles off drive 18-wheelers that are 60 feet long and they need a certain amount of space to swing around.

Mr. Roy asked if right up towards Willow Street by the sign will be a display area. Mr. Lockwood said there is "nothing on that property that is going to be display". Mr. Lockwood stated that service and storage is strictly the intended use of the property.

Mr. Roy said the curb cut out front is pretty significant and in the future when they are doing landscaping they may think about making those curb cuts a little bit shorter.

Ms. Goucher advised that the containers are not yet permitted. They were just brought out recently so if the Board is going to approve the change of use plan then they would be approving the containers that are out there and they would be required to get permits for them. Mr. Lockwood said that was definitely his oversight.

Mr. McCue asked if they own or lease the containers. Mr. Lockwood said they are leased. Mr. McCue asked if there was a term on them and Mr. Lockwood said it is month to month. Mr. McCue asked how much capacity they have in them now as far as inventory. Mr. Lockwood said most all of them are full.

With respect to the access from the other property, Chairman Harrington asked if there is an easement already in place. Mr. Pratt said they are going to get an easement at the request of staff. Chairman Harrington asked when they will have the easement. Mr. Pratt said they just received those comments from staff in the last couple of days so they haven't gotten a chance to start that process yet but they will be contacting the attorneys soon. He asked that it be a condition of approval.

Chairman Harrington asked if he heard correctly that the applicant would be willing to shorten the curb cuts out on Willow Street. Mr. Lockwood said pulling out of their current 98 Willow Street location is extremely dangerous because they can't see around the building and he is dreading the day that they lose a customer or an employee because cars travel past that building at a very high speed all the time. Eventually what he would like to happen is to have that property be the main entrance, which provides more visibility to the customers and employees pulling out. Mr. Pratt said right now they are just leasing it, but they are working on purchasing it at some point. Right now they just need to get their service up and running so when they are ready to do some other site improvements they will come back to the Board with a new plan.

In looking at the plan submitted, Ms. Goucher said she could see where the new service bays are located but asked if the rest of what she sees in there are detailing bays. Mr. Lockwood said there may be a spot mapped for recon. He said they aren't going to be washing bikes or anything there but they were trying to plan where they will wax and polish and that type of

stuff. Right now it is pretty much outside under a tent on their other property because there is no indoor space to do so; which makes it very difficult at this time of year.

Ms. Goucher asked if it was their intent when they leased this building to store motorcycles. She said they originally got their permit for storage. She asked what they were storing in there originally. Mr. Lockwood said before last year, all of their new inventory was fed from their Foxboro location, which has a 100,000 SF warehouse. They have now picked up Yamaha as well so their product line has grown and they have an additional 300 crates in there that they never had before. He added that Polaris continues to create new products that take up a ton of space and they are actually thinking of a 70,000 SF warehouse outside of that location. As such, the inventory he was pulling from the Foxboro store is now outside in Manchester so they have outgrown that space already.

Ms. Goucher asked what they stored in there when they first got their permit for storage. Mr. Lockwood said it was used motorcycles and it is full of used motorcycles right now.

Ms. Goucher asked how they access the service bays. If they are talking about potentially utilizing the curb cut on the United Rentals site and potentially closing the other one up, she asked if it would be better to not have those parking spaces shown up front. She asked if they would be better off putting those dozen or so parking spaces towards the back so when vehicles are coming in and out they are not going to have a potential conflict of those parking spaces. Mr. Lockwood said that change would be if and when they own the property. He said his long term goal is to have the 40 Willow Street as the main entrance to both locations and at that point they will definitely make whatever changes need to happen.

Ms. Goucher asked if they could have a row of parking in the back to alleviate some of the potential congestion if they put the parking at the Willow Street curb cuts. Mr. Pratt said part of the problem is that the whole back area is fenced in so they can't have customers come into a secured storage yard. He said he didn't have a problem if she wanted him to move the two parallel spaces, but he would like to have the presentation that people know that they can park right there and walk right in. There is going to be a service reception waiting area right in that main entrance. It was agreed that Mr. Pratt would move the parallel spaces.

In the area on the southerly side of the building where the other curb cut is on Willow Street that was storage for United Rental, Ms. Goucher asked what they were going to put there. Mr. Lockwood said during different times of the season customer snowmobile trailers take up a lot of space. He explained that customers bring their snowmobiles in a trailer and instead of unloading them and leaving them outside they just unhook their trailer and his staff pulls them out with a fork truck and perform the work they need to do and put them back in the trailer. That way they stay safe and are not exposed to whoever may jump the fence or the weather, etc. He said the customer's snowmobiles range in value from \$13,000-\$18,000 now. He said the size of the property definitely gets its use depending on the time of season and what they have going on.

With respect to the containers, Mr. Lockwood said they need the space for the tractor trailers to put in but the other challenge was the company dropping them off needed 140 feet to offload them.

Chairman Harrington opened up the hearing for public comment. No one came forward either in favor of or in opposition to this application and the Chairman brought the hearing back to the Board.

Chairman Harrington advised that the Board had received sufficient information. He closed this public hearing, which will be taken up at the next business meeting.

3. SP-35-2015

Property located at 253 Abby Road (Tax Map 510, Lot 6), an application to add 100 parking spaces to an existing parking lot of 219 spaces at a manufacturing facility within the IND Zone. All 100 parking spaces are to be constructed in the Town of Londonderry, although the existing parking spaces, frontage, and building are in the City of Manchester. T.F. Moran, Inc. for JIJ Properties, LLC

Tucker McCarthy, an engineer with T.F. Moran, appeared on behalf of JIJ Properties. They are also representing James and Harriet Anagnos, who are the owners of the property in Londonderry that the parking lot is primarily on. The existing facility has a need for additional parking. This project proposes the addition of 100 parking spaces. The main facility is located on 253 Abby Road, which is Map 510, Lot 6 and it ties into the existing site.

Chairman Harrington asked if they have been before the Londonderry Board yet. Mr. McCarthy said they have not as it is still being reviewed. In speaking with the Planning staff in Londonderry, Mr. Belanger said it was their expectation that this would go before the Londonderry Planning Board for a public hearing in the February-March timeframe. He believed the Board would want to have one copy of the final plans signed by both Londonderry and this Board on the same sheet so the approval would become final once both municipalities issue conditional approval and all conditions from both municipalities are met. Mr. McCarthy said it would mostly likely be that he would have the approval from Londonderry and have them sign the plans and then pass them along to Manchester. If there are any changes that Londonderry requests he can coordinate that with staff and let them know to make sure they are okay with any changes that have been made to the plans.

Mr. Kizak advised that the packet indicated that there is some question of the ownership of the lot in Londonderry not being the same as JIJ Properties. He inquired about cross access easements and what was driving the need for the additional parking. With respect to the cross easement, Mr. McCarthy said the understanding is that this property will be sold to JIJ Properties. They are just waiting for all of the approvals to be in place. They would prefer not to provide a cross access easement. This parking lot is not going to be built unless this property is sold to JIJ Properties because that is the only person who has any use for this. He would prefer to add a note to the plan that says that the property will be sold before any construction starts.

Mr. McCarthy advised that he did not know what was driving the need for the additional parking. Bob Roy, project manager and representative for the owner, advised that the long term tenant has signed a 15 year extension and they have increased their manufacturing processes and have added a third shift.

Mr. Boissonneault asked if they would require easements even if they own both properties as they are still separate and distinct properties. Mr. Belanger said the easements would extinguish once the two properties become jointly owned. However, he thought a note on the plan stating that the Londonderry parcel is meant to serve the Manchester parcel for parking would cover that issue. He said an easement would not survive a co-ownership of those lots. Mr. McCarthy apologized and said that has already been changed and it will be on the revised plan. Ms. Goucher said if the application didn't involve two municipalities staff would probably just suggest that they merge the lots.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application and the Chairman turned the hearing back over to the Board.

Mr. Belanger confirmed with Mr. McCarthy that the storage containers on the property will either be removed or permitted. Mr. McCarthy had spoken to the property owner about that and said that the owner apologized as he was not aware that he needed a permit for that and would submit a building permit for those to remain on the property.

Chairman Harrington advised that the Board had received sufficient information to close the public hearing, which will be deliberated at the next business meeting.

4. SP-36-2015

Property located at Sundial Avenue (Tax Map 435, Lot 9A), a site-plan application to construct a 48-unit, four-story apartment building with associated site improvements within the RDV Zone. T.F. Moran, Inc. for SMC Sundial, LP

Chris Rice of T.F. Moran appeared along with Bob Duval also of T.F. Moran and Bob Simonds of SMC Management. The subject property is located at 21 Sundial Avenue on Tax Map 435, Lot 9A. It is approximately a 1.3 acre parcel. On the property right now there is a parking lot that has 82 existing parking spaces, which he believed used to be overflow parking for some uses across the street at the former Hesser College. They are proposing to construct a four story, 48-unit, multi-family apartment building with subgrade parking. They are proposing basically 20 two-bedroom units, 20 one-bedroom units and about eight studio apartments. He advised that 72 parking spaces are required and they are providing 74, which includes 29 in the underground garage. The site will be serviced by municipal sewer and water and Eversource for electric power. Per his meeting with Manchester Water Works, he advised that they will be installing a new water line the full length of Kennedy Street because the existing water line is actually a two inch line slipped through an existing six inch line and then hook up all the services and then discontinue the existing line.

Mr. Rice advised that they received some variances from the ZBA on November 12th. One variance was to allow 48 units where they were permitted to have 29. They were also granted a variance to construct a retaining wall over four feet in height within ten feet of the property line along the edge of the property line that borders Velcro. He pointed out the existing edge of pavement that is pretty much right on where the existing edge of pavement is today but they had to get the variance to do the grade change and retaining wall that would be required in that area. They received a third variance to not provide a ten foot landscape buffer in that same area because the existing parking lot does not have that ten feet and they are proposing the proposed parking lot to be in the same location.

As part of the site plan, Mr. Rice advised that they are proposing two easements to benefit the abutters. He showed one along the property line on the east, which is a ten foot easement for the existing pavement that encroaches over the property line as well as to provide for some snow storage for their abutter. There is also a small shed that encroaches slightly over the property line in the corner and they are also providing an easement for that. He has spoken with Mr. Belanger and advised that, should they receive conditional approval, they would obviously have the necessary easement documents drawn up, reviewed by staff and then have them executed.

Mr. Rice said they were requesting a waiver to allow a loading space of 12 feet in width by 30 feet in length where a 50 foot length is typically required. He said deliveries will not be too frequent and they anticipate most of them being with box truck sized vehicles.

As part of the application Mr. Rice submitted a stormwater drainage analysis to the Planning staff. That report basically showed that they have no increase in stormwater runoff in the peak storms for the 10 and the 25 year storms. They also submitted a traffic report as part of the application that shows that they believe they have no negative impact as a result of this project. Basically their project is going to generate less than one new trip every two minutes during the peak hour; however, there is an overall reduction in the volume on Sundial Avenue given the change of uses that occurred for the former Hesser College. He explained that just for the Hesser change the number of peak hour trips in the morning on Sundial Avenue has reduced by 105 and for the PM peak it is reduced by 189 so where they are adding about 48 trips, there is still a net reduction of approximately 140.

Mr. Rice advised that they received comments from staff recently and they have gone through most of them. They received comments from the Fire Department and he has spoken to Peter Lennon about that and he believes they can address his remaining comments. One was adding a new hydrant and a post indicator valve and the other was to show an alternate truck turning movement. He has shown him the movement on his plan showing that they can get the fire truck in and out of the site. The second one is really more a point of clarification but he will provide the necessary information to Mr. Lennon.

Another comment was that there were a couple light poles that are 12 feet in height and because of the limited activity buffer in that area they are required to have them at 10 feet or less. He advised Mr. Belanger that he would have the lighting plan revised to meet that requirement.

Mr. Rice said there is also an existing easement that was written a long time ago and is really general in nature that basically gives the City flowage rights for stormwater off of Dubisz Street to essentially go from Dubisz Street down to Sundial Avenue. He has reviewed this with Mr. Belanger and Dave Winslow of DPW and he feels that they have a way to handle that comment and they will address it.

The only other comments were to provide an elevation of the sign, which he would be happy to show the Board what they are proposing for the monument sign. The sign face itself is roughly 4'x8' on a roughly 3 foot stone base at the bottom. They intend for the stone base at the bottom of the sign to match the proposed retaining wall that sits out in the front of the building. The cornice at the top of the sign is intended to match the proposed cornice of the proposed building.

Mr. Rice said it was recently brought to his attention in a meeting with Mr. Belanger and Mr. Winslow that this parcel lies within a Master Plan for a multi-use path that would eventually go from this area all the way down to Londonderry and they were requested to provide a 15 foot easement if possible between their location and Velcro. Mr. Rice advised that he has spoken to his client about it and they are still evaluating it to make sure they can make everything work. Assuming they can get conditional approval, Mr. Rice said his client is willing to provide that easement, they just want to have the ability to work with staff and DPW on the final layout because they want to make sure nothing they are proposing is going to impact any fire truck movements, delivery movements or have any negative impacts on them and the constructability of the site. He showed a rough sketch of what that request looked like.

Mr. Rice showed an elevation for the building and said they feel it is a nice looking facility that should lend itself well to the surrounding area.

Mr. Kizak asked how the alternation to the entryway for the easement would affect the underground stormwater detention system. Mr. Rice didn't believe it would. He said it is under the pavement so he might have to shift it a little bit but if they are able to make this change work he will definitely take a look to make sure the stormwater still functions as it needs to.

Mr. Kizak inquired about the price point they are looking at for these apartments. It was Mr. Rice's understanding that they are looking at roughly \$1,000 for the studio to the one bedrooms and probably somewhere in the neighborhood of \$1,500-\$1,700 for the two bedroom units.

Mr. Clement asked where the mechanical equipment will be located. Mr. Rice said there is a mechanical room in the underground parking garage. The condensers for the air conditioning units will be on the roof and will be screened as required.

Mr. Clement asked if they will have a dumpster. Mr. Rice said there will be a dumpster in the underground garage.

Mr. Roy asked if it is a forced main for the sewer. Mr. Rice said it is a forced main to get up to Kennedy and then gravity. Mr. Roy asked if they will have to do any improvements to the sewer and Mr. Rice said not that he knows of at this time.

Mr. Roy asked if the gas pipe is sufficient. Mr. Rice said they showed a gas pipe initially but the client has decided not to provide gas service to the building. They will use electric heat.

Mr. Roy asked what the fuel for the generator will be. Mr. Rice wasn't sure and said he had to work that out.

With respect to the multi-use path, Mr. Roy asked what it is connecting other than Dubisz to Sundial. Mr. Rice deferred to staff as that request was just presented to him this week. Mr. Roy said it didn't make any sense to him because the rail trail is not only on the east side of Elm Street but on the east side of Calef Road at the end of Baker Street so you would have to cross Calef Road, Elm Street and then Brown Avenue where you would have to take a left on Brown Avenue to get to Dubisz. He thought that was kind of convoluted for someone on a bicycle. He said he was telling Mr. Rice this so when those conversations happen he can address it. What made sense to him, which would get the applicant right out of the loop, is right off of Mitchell Street on the east side of South Beech Street where the trail is. If they started there they could take Mitchell Street and cross Calef Road to West Mitchell. Brown Avenue ends there so they wouldn't have to worry about crossing Brown Avenue or Elm Street. It goes right down into the hollow right down to Dunbar and they could access the trail down there, which is where the other trail is.

Architecturally, Chairman Harrington said this looked eerily similar to another project that is under construction right now. He asked if any thought was given to making the appearance a little less "boxy" or perhaps adding some architectural features like a tower to at least define the main entry better than it is. He said it almost looks like what was approved for Riverwalk. He added that perhaps they could pitch the roof a little bit to give it some character. Mr. Rice thought the pitched roof might throw him into a building height issue because they are right at the limit of what is considered a four story versus a five story building. He said he could check with the client and architect to see if there were any features they could add. He believed this was the second rendering of this. He thought the first one was not what everybody had envisioned so this was the second pass so he thinks that they had already taken the intent to beef it up and make it look nicer architecturally, but he would see if there are any modifications that they can make.

Regarding the balconies, the Chairman said that was an accommodation that they made for Riverwalk to make it more efficient for them and the Board felt at that time that it was a good accommodation for that developer to move forward with that project so he eliminated outdoor balconies. As somebody who has rented an apartment in the past and the idea of having some outdoor space associated with your apartment is a nice thing to have and it would certainly make it much more marketable. He asked if there was any thought given to that versus the proposed Juliet balconies, which are basically just windows that open up. Mr. Rice believed there was and advised that he would let Mr. Simond speak to that.

Bob Simond of SMC Management advised that their experience that when they provide full balconies they tend to be a storage area more than an outdoor space for the tenants with and they see things like couches and hibachi's, which represent a significant risk to the building. What they have tried to do on a lot of their projects is move towards a slider with a Juliet balcony so the tenant has that outdoor sense. It is a full size slider door and it allows them to open it up and get to that space without actually providing a storage area. The Chairman asked if there is onsite storage. Mr. Simond said there are storage spaces, but it is not for each unit.

With respect to the architectural detail of the building, the Chairman asked about defining the front entry or perhaps creating a clock tower to blend in with the millyard and their building next door. Mr. Simond said they had David White add the entry canopy at the center of the building. He said they talked about the tower idea and it is a little bit unique in that the main entrance is up through the parking lot, not the Sundial Avenue side, so it is a little different of an approach to the tenants and most of the tenants approach through the parking garage itself at the end of the building. They believe this actually compliments the Sundial structure itself, which is very clean and crisp lines.

Mr. Kizak asked if there is any proposed lighting on the face of the building. Mr. Simond said not at this time other than a couple of sconces at the entry doors to light up the entries themselves.

Mr. Clement asked what the façade will look like. Mr. Rice said it will be a brick appearance for the majority of the building with some highlights of vertical and horizontal siding. Up at the roofline there is an overhang with bracketed cobbles. On the actual roof itself the parapet will extend up above the roofline to hide the mechanical units.

Ms. Goucher asked what exactly the "brick like" material was. Mr. Rice said they are either going to use a thin brick application because they can't build a building of this size with real brick. As such, it will either be a thin brick that is typically applied to a metal panel and then grouted in or use the Nichiha product that is available. They are in the process of trying that Nichiha panel right now on a project that is under construction. They are trying to figure out which product will work better. Ms. Goucher confirmed with Mr. Rice that it will possibly be the same material that they are using at Riverwalk currently.

Regarding his explanation as to why they would rather not have balconies, Ms. Goucher asked if they could put something in the Lease Agreement that would prohibit tenants from putting things out on balconies. As their site is fairly small she said they don't really have room to put a common area for people to go out and do something. She didn't see any barbeque areas or gazebos or anything like that so she wondered what the opportunities are for the residents in this building for outside activity within the property. On the property across the street, Mr. Simond said there is a community room that has a full fitness center. There is currently a restaurant that is being built across the street. Ms. Goucher confirmed those things were all inside and there is nothing as far as exterior in the summer.

Ms. Goucher advised the Board that the applicant submitted a traffic memo regarding this property and they were just below the threshold for a required traffic study but as the Board was aware, they had approved incrementally some additional units on the back of Sundial Avenue as well as these 48 units. She believed the traffic engineer for the City just asked that they look at the traffic trip generation at that intersection one year after occupancy to see if there is some modification of the signal that needs to occur. She thought the last time that intersection was really looked at was back when River's Edge was actually constructed and the signals were added at that point. As such, should the Board go in the direction of approving this project, she thought staff would recommend that there be a condition that triggers something to look at the operational activity at that intersection and if there is some ability to modify the timing. Mr. Simond thought that was a great idea and said they could have T.F. Moran do some traffic counts a year after this is up and running. He was a little concerned about a future commitment to modify the signalization of that area because he thinks it might be a pretty global discussion, but they are more than happy to sit down and try to figure out what works for everybody. Ms. Goucher thought it might have more to do with synchronization than anything else.

Mr. Guerra said he had a hard time with the Juliet balconies and he thought real balconies would be a better idea.

Mr. Boissonneault asked if they had thought about some sort of crosswalk. Mr. Rice said the plans currently show a sidewalk going out from the lower level out to Sundial Avenue and a crosswalk going across, however, per a recent meeting with DPW this week they asked that he remove the crosswalk because they don't want to encourage crossing in that area. Mr. Belanger said one of the issues from DPW's perspective was that there was no tip down on the other side at the Sundial Center for somebody who requires a wheelchair. He advised that Mr. Rice offered to create one but he thought DPW was still concerned about how there is really no receiving sidewalk on the other side.

With regard to the balcony issue, Mr. Simond said they really want to be sensitive to what the City would like as well as their tenants. He suggested that David White talk to staff as well as his marketing people and if there is some ability to do that, perhaps they will add balconies on the Sundial Avenue side of it so the public sees it as an opportunity and then leave the Juliet balconies on the remaining portion. He thought that might provide the articulation and appearance that the Board was looking for. Chairman Harrington thanked Mr. Simon for offering that.

Chairman Harrington turned the hearing over to the public and invited those in favor to come forward.

Joe Dubisz of 28 Grey Rock Road in Bedford advised that he is a partner with his brother, Ed Dubisz, of Frank's Front End, which is an abutter. He is also speaking on behalf of his brother because he lives down at 5 Dubisz Street and his oldest brother, Frank Dubisz, Jr. lives at 46 Kennedy. He believes this project is a really good idea. He explained that the parking lot they are proposing to build on has basically been unused for quite a long time. They have had issues with people coming up and parking, homeless people living on the edge of the parking

lot as well as graffiti artists tagging their building. They have also had a couple of thefts where people park their trucks down below and take things from their property. Overall, he believes this will be a real asset and he would love to see this go through.

No one came forward in opposition to this application and the Chairman turned the hearing back over to the Board.

With respect to the applicant offering to put in a crosswalk and a tip down on the other side and the Highway Department saying there is no sidewalk over there; Mr. Roy said he did not think that was the intent of what this was going to accomplish. This was going to allow them to go to that new restaurant that is across the street. If there is a handicapped person living in these new apartments their option is going to be to go up the street in their wheelchair. He thought Highway should take a look at that again and maybe just a tip down that leads into that parking lot would be a good idea. Mr. Belanger said he would be happy to bring that up.

Because the Board recently approved the apartments that are located in the Sundial Center that were dormitories, Chairman Harrington asked if the monument sign will serve as the signage for both projects. Mr. Rice said the signs would be separate and distinct.

Mr. Kizak asked if they had thought of what type of structure the building is going to be such as wood framed, concrete, steel, etc. Mr. Rice said it would be a concrete podium with the parking structure itself will be concrete and structural steel with a two hour barrier and then from there up it will be a wood framed building.

Mr. Boissonneault noted the vertical granite curb at the opening and asked if they would go to sloped granite at some point. Mr. Rice said what the plan shows right now is integral concrete curb along the sidewalk and then Cape Cod berm everywhere. Mr. Boissonneault strongly suggested sloped granite.

Chairman Harrington stated that the Board had received sufficient information to close this public hearing and it will be taken up at the next business meeting.

(The Board took a five minute break.)

5. SP-37-2015

Property located at 875 Elm Street, (Tax Map 201, Lot 36, 36A, 36B & 8), a site plan application for a change of use from commercial to mixed retail and residential. The proposed use of the building shall include storage on the basement level, 16,865 SF of retail on the first floor (includes 3,359 SF of bank space) and 91 residential apartment units on floors 2 through 10 within the CBD Zone. Keach-Nordstrom Associates, Inc. for 875 Elm Street, LLC

Jeff Merritt, an engineer with Keach-Nordstrom Associates, appeared along with the applicant, Bill Binnie of 875 Elm Street, LLC and Gary Thomas of Northpoint Construction Management.

Mr. Binnie, the principal of 875 Elm Street, advised that they have been doing projects in New Hampshire for over 25 years. Some of the projects they have done have been large and iconic such as the Wentworth by the Sea in Rye and Newcastle some 20 years ago. They just completed the Walker School in Concord, which is a major media center for NH1 WBIN and a number of radio stations. They partnered with the City of Laconia to renovate the old police station very successfully and brought commercial activity back into a vacant building that had been empty for ten years. His offices are actually the old City Hall in Portsmouth, which they were involved in redoing and rebuilding. As such, they are very experienced in taking large significant buildings in the middle of city centers in New Hampshire and rebuilding them to a very high standard. Last year they won the New Hampshire Preservation Award for the most successful renovation of an existing building and many of the projects that they have worked on are buildings from 1750 to this building which was built in 1915. This particular building was the first skyscraper in New Hampshire at ten stories. They are just about to complete a five month demolition of the interior of the building. Much of what they are doing will involve very little exterior work. The roof, windows and the exterior of the building will largely stay the same with the exception of less than a handful of new windows and they are putting back the original 1915 door in the front of the building. They are in negotiations with Citizens Bank that should be concluded in the next few weeks where they will remain in the building for many years, which will include their signage as well as their safety deposit boxes down in the basement. They have over 7,000 safety deposit boxes and he has been told that they have over 5,000 customers that use the bank's safes downstairs and they will be staying. The remaining ground floor space they are in conversations to bring national retail tenants back onto Elm Street. Through their relationships they intend to bring national retail tenants back for a whole host of reasons. They intend to bring this building to the highest level and highest standard possible. They have just completed rebuilding the garage structurally as well as painting it and bringing it back up to snuff and they will eventually do an automated teller system for their new tenants.

Mr. Merritt said the Board will find in their packets a two-page change of use site plan that illustrates the property as it exists today with the proposed improvements on it. He really doesn't think the property requires that much introduction as everyone here is familiar with it. It of course has frontage on Elm Street, but it also has frontage on Chestnut, Hanover and Manchester Streets. There are a number of structures on it but the main building is the Elm Street building, which has been used in the past for Citizens Bank's operations and it includes a walk-in bank and subsequent office space as well. The building behind the main building is a parking garage, which is accessed from Hanover Street and Manchester Street and you can actually get to it from Chestnut Street as well. The garage currently has 268 parking spaces in it. East of the garage at the very rear of the property are drive-thru lanes and a bank teller building.

Mr. Merritt advised that the proposal is to simply change the use of the main building, which is the building out by Elm Street. The first floor would be retail space of about 16,865 SF, which would include a walk-in bank of about 3,359 SF. The basement would be used as storage associated with the retail on the first floor. Floors 2 through 10 in this building would be converted to residential units. There will be a total of 91 residential units. The use of the bank

teller building and drive-thru lanes on the east end of the property is not going to change as part of this project.

As mentioned previously the parking garage as it exists today has 268 spaces; currently that garage doesn't have enough handicap parking spaces to meet ADA code, but this project will propose to change that. They are actually going to be adding two additional handicap parking spaces within the parking garage. In doing so they lose one space so at the end of this project there will be 267 spaces in that garage versus 268 today. That is just a code issue that they have to fix. The property is within the Central Business District and because of that there are no parking requirements. Nevertheless, in looking at note 10 on the plans, they have computed the parking allocation for the proposed uses. The parking allocation is just a demonstration of what they would consider the maximum anticipated parking needs of this project. They believe they need about 226 spaces total for all combined uses whereas the garage even after restriping the handicap spaces would have 267 spaces. That leaves a surplus of 41 spaces in the garage. They believe those calculations are conservative. What the calculations do not take into account is that these uses generally do not have a concurrent peak parking demand. Retail and residential have off peak demands so the likelihood of needing all the parking for retail and all the parking for residential at the exact same time and needing those 262 spaces is very unlikely nevertheless it was done just to show the Board that there is ample parking in this facility for these uses.

Mr. Merritt said there are a few other site improvements that are proposed. Along the Elm Street frontage there is an existing transit shelter within the right-of-way and they are proposing to relocate that transit shelter further south. Attorney Uchida's office has been in conversations with the Manchester Transit Authority and it is Mr. Merritt's understanding that they have conceptually okayed that relocation.

The applicant is also proposing a number of new entrances to the building from Elm Street and one from Hanover Street. These are really best illustrated on the photo renderings that were provided to the Board. Along Elm Street near the northwest corner of the main building there is a new entrance proposed in that location. In order to provide access in that location there are going to be steps installed there and there will be a foot and a half encroachment into the public right-of-way. Attorney Uchida's office has been handling the process to try to gain approval to do that and he has submitted a request to the BMA for approval of that encroachment. That is the same entrance that Mr. Binnie mentioned being the original 1915 entrance to the building.

Behind the main building off of the Hanover Street roadway Mr. Merritt advised that they are proposing an enclosed dumpster structure. This is in the same location as the dumpsters have historically been; however, these dumpsters will be screened whereas the one that exists has not been screened in the past.

Mr. Merritt advised that they have requested two waivers as part of this application. Mr. Keach formally requested these waivers in a letter dated December 9, 2015 and they are as follows:

- **Appendix C, Part II (B)2:** This section requires a topographic survey of the property. Mr. Merritt said the Board can see from their proposed changes on the site that it is not necessary with this level or scope of site improvements so they are asking the Board to consider a waiver from that section.
- **Section 7(2), Traffic Impact Study:** In the letter dated December 9, 2015 it estimates and compares the traffic volume under both the former use and the future use, the one that they are proposing this evening. What the report concludes is that based on the future uses the estimated PM peak hour volume will be less than that of the former use of the building. The report calculates the PM peak volume of about 454 trips for the former use whereas the current proposal would yield 275 trips for this use. That is a decrease of 179 trips during the PM peak hour. They did that just to illustrate the decrease in anticipated traffic and they submitted it as a basis for requesting a waiver from the full study. Because there is such an anticipated reduction in peak hour trips they asked that the Board consider granting a waiver from the requirement for a full traffic impact study.

Mr. Merritt went through the renderings that were prepared by Mr. Thomas' office, Northpoint Construction, who did a good job of illustrating the changes to the building.

Mr. McCue thanked Mr. Binnie for investing in the City of Manchester. He advised that when the Master Plan was drawn up a number of years ago they were looking for this type of development in taking an existing building and making it into a mixed use facility. He said Mr. Binnie's confidence and interest in doing this is very commendable. Mr. Binnie said he is a big believer in New Hampshire.

With respect to the apartments, Mr. McCue asked what the sizes of the apartments would be. Mr. Thomas said they are about split right down the middle; about 45 or so one-bedroom units and 45 or so two-bedroom units. The one-bedroom units are hovering anywhere between 600-700 SF and the two-bedroom units are anywhere between 800-1,100 SF. The high rise ten story section has about six units per floor and once you reach the midrise they sort of spread out collectively, anywhere between 20 or so units per floor. Mr. Binnie advised that the price point would be \$1,200-\$1,900 per month. He advised that given the nature of the floor layouts and the way the structure works, there are 34 different shaped apartments.

With regard to the garage being currently used by people such as the Palace Theater after hours, Mr. Boissonneault asked if the property owners have an agreement with them. Mr. Binnie said right now it has been a catch all kind of a parking situation where the bank has let others use it when they're not using it. They intend to regulate it and bring it under some control. There have been a number of challenges in that garage from a crime standpoint in the last five years. As such, they have improved the lighting and will continue to improve the lighting and security issues. They obviously expect there to be 91 of the garage spots being used by tenants. The lower floors, which will be retail, will be given the opportunity to use them and the rest will be open to the public.

Mr. Boissonneault confirmed with Mr. Binnie that there are no written agreements. Mr. Binnie said they are actually in discussions with the Palace Theater about letting them use the spots when they need to, which they are happy to do. He explained that they will accommodate that whenever possible and it will be something that is managed on a case by case basis. He confirmed being aware about the Palace situation and a number of others like that and they will be working on that.

Mr. Boissonneault asked if the fence with the canvas covering on the Manchester Street side of the property will remain. Mr. Binnie said that will come down and that area will be landscaped. He thought the Board would be very pleased with the landscape quality that they will bring.

Mr. Kizak thanked Mr. Binnie for the investment in the City. With respect to the plaza area off of Manchester Street that has really been underutilized for years, he asked if there is any thought for any work within that area. Mr. Binnie said the plaza itself has been a challenge. There were some fountains in there that were used as showers by the homeless. In his viewing of it this summer he saw a lot of challenges and situations. They intend to use a significant percentage of that approximately 6,000 SF area as outdoor space for their tenants. Depending on whether or not there are restaurants, they will open the remainder of the terrace up. They will determine whether or not there is an actual crosswalk onto Manchester Street as they go and depending upon what the tenant demands are. They do not intend it to be the public open space that it was before because it is very tough to manage.

With regard to the area adjacent to Lot 7 on the east side of the alleyway that connects Hanover Street to Manchester Street, Mr. Kizak said he has looked at that property before and he thought that area was right for a food cart. He asked if that was something that was being considered or whether that was going to be landscaped. Mr. Binnie said they had not focused on that but he loved the idea.

Mr. Kizak confirmed with Mr. Binnie that the current plan is to keep the drive-thru bank as it is. Mr. Binnie advised that is under lease to the bank for many years and they have an option on it for another 16 years.

With the current plan, Chairman Harrington inquired if that brings the building to full occupancy or if there are remaining pockets of vacant space that they still aren't sure what they are going to do with. Mr. Binnie expects that floors 3-10 should rent out reasonably quickly. On the ground floor they are moving the bank from Manchester Street to Hanover Street or basically across the lobby. That will happen within a year and it will leave approximately 9,000 SF of the bank space that they're currently using open and available for rental. That space will still be under the control of the bank for another year and they will in turn start looking for tenants once they release them to do that. The Chairman asked about any vacant pockets that they would come back before the Board for another change of use. Mr. Binnie said not that he knows of.

Chairman Harrington said the ten story portion of the building is very pleasing and is a really interesting feature to downtown. He asked if they had any plans to improve the lighting or

perhaps create some sort of interesting architectural feature that would highlight that building and the architecture to it. Mr. Binnie said there is lighting in the fourth or fifth floor now. They are German light bulbs that were put in 30-35 years ago that are no longer made so they are looking at re-doing that with LED lighting. They did that successfully with the Walker project in Concord where they actually did ground lighting and lit the building up. He said they would come back and talk to the Board about those sorts of things as they understand the tenants' needs as they come into the building. He thought the Board would be very pleasantly surprised when they just get all the existing lighting to work. Mr. Thomas advised that they are working on a lot of lighting from the 10th floor, which will highlight a lot of the architectural features that the Chairman mentioned. Mr. Binnie said all of that trim lighting has not worked for years and just getting all of working again is their next challenge. The Chairman said he was glad they were thinking about it.

Chairman Harrington asked if the existing Citizens Bank signage going to remain. Mr. Binnie said it is covered in the lease and they feel very strongly about it. He said there is nothing they can do about it for four years and at the end of that time they will talk to them about that. It is antiquated and there are many things they can do better, but for now the existing Citizens signage will remain and be untouched.

The Chairman asked if they have any plans for future signage at the top of the ten stories where the Citizens sign is now. Mr. Binnie said they could, but they don't have any plans to do that at the moment, but they reserve the right to. What they really want to do is bring really good quality tenants in and making the building dynamic. They completely understand where this building is and where it stands on Elm Street. They don't want this to be the black hole of Elm Street. They want it to be vibrant and dynamic and positive and frankly to look great. When tenants come in and as they talk to and complete their negotiations with Citizens they will have more flexibility to change some of those things and to maybe update them.

Chairman Harrington asked if they ever thought about a roof deck or if they would consider that. Mr. Binnie said he would not. The Chairman thought in this environment it was missing. Mr. Binnie said they are going to use the 6,000 SF back terrace area for an amenity for the people living in the building. This building will have gyms, common rooms and gathering rooms as well as 2,000 SF of exterior patio space for the use of the tenants. However, if they get restaurants in there, which is his objective, he hopes to open that area into more patios and welcome areas that is controlled and managed by the tenants and made more inviting.

Mr. Roy asked about the type of heat in the units. Mr. Binnie said it would be electric heat. Mr. Roy confirmed that there will not be any need for mechanical rooms. Mr. Roy asked if there will be equipment such as chilling towers. Mr. Binnie said there will be small chillers on the roof.

Mr. McCue asked if the architectural design people had looked at possibly doing individual awnings on the windows on Elm Street like they have in Boston. Mr. Binnie said that is actually what they plan to do. He said there will be individual awnings and depending on the tenant there may be some slab sides to go with it and there will obviously be some lighting as well.

Mr. McCue asked if there was a chance that NH1 would be resettling an NH1 South in Manchester. Mr. Binnie said they have talked extensively about putting in a Manchester studio, both for radio and television in there. It is very much on the drawing boards. The Walker project is just 18 months old, but they think they would like to have an on-air studio here. There will certainly be a newsroom whether it is on the main floor or in the basement "for sure" for Manchester reporting. Mr. McCue asked if there were any plans to put something on the street level where they could actually look in and see the broadcast. Mr. Binnie said they have talked about that. He said not unlike what Fox has in Boston, they have talked about that actively and whether they do it with television or radio is related to the programming demands on NH1 and whether they do a morning show. He advised if they do a morning show they would do it here.

Chairman Harrington asked if the windows would be able to be opened up. Mr. Thomas said they will. He said they are not very large in the mid-rise, they are smaller narrow ones, but they are operable.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application and the Chairman turned the hearing back over to the Board.

Mr. Clement asked if they were able to save any of the original details inside the building on the first two floors. Mr. Thomas said the Binnie family actually looked into historically trying to get some sort of historical documentation but from the 1979 renovation most of it was already unfortunately destroyed. They were able to salvage a little bit for one of the apartments with some crown moldings but unfortunately that is about it.

Chairman Harrington said it was a terrific presentation and the Board is looking forward to having Mr. Binnie as a developer in this community.

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

6. CU-25-2015

Property located at 655 Chestnut Street (Tax Map 13, Lot 23), an application for a Conditional Use permit to allow a change of use (through interior layout modifications) from a laundromat, to a convenience store within the R-3 Zone. Rafael Galvez, applicant

Mr. Galvez said this is a multi-family building that he is leasing to use as a convenience store. It has been used as a laundromat. He has cleaned the place and is trying to make it look acceptable. It is a small space, about 700-800 SF, so it will be a simple convenience store that will provide basic items to the neighborhood.

Mr. Boissonneault asked if he will salvage the sign that is there. Mr. Galvez said he is going to get a permit to change the front face.

Mr. Boissonneault asked about the hours of operation. Mr. Galvez said it will be 8:00 AM to 8:00 PM.

Mr. Guerra asked if it is all on street parking there. Mr. Galvez said there is no parking for customers; it is all on the street.

Mr. Kizak asked how he plans to have supplies and stock dropped off and loaded into the store. He asked if there is storage in the basement. Mr. Galvez said there is a basement just for the unit itself and on the back of the building there is a space to back in a truck and unload supplies and products.

Chairman Harrington said this was a very straightforward and that the space has been empty for quite a while so it will be very nice to see something in there.

The Chairman turned the hearing over to the public and invited those in favor of this application to come forward.

Patrick Long of 112 Hollis Street advised that as the alderman in this area he would certainly welcome Mr. Galvez' convenience store. He said keeping that area occupied is always in the best interest of that area. He thanked the Board for what they are doing and he appreciates their service to the City.

No one came forward in opposition to this application and the Chairman brought the hearing back to the Board.

The Chairman closed this public hearing and it will be deliberated tonight during the limited business meeting.

Chairman Harrington closed the public hearing of the Manchester Planning Board of January 7, 2016 and he convened the limited business meeting.

IV. LIMITED BUSINESS MEETING:

1. CU-25-2015

Property located at 655 Chestnut Street (Tax Map 13, Lot 23), an application for a Conditional Use permit to allow a change of use (through interior layout modifications) from a laundromat, to a convenience store within the R-3 Zone. Rafael Galvez, applicant

Mr. Boissonneault said this was a good project and that the laundromat has been closed for a very long time and it is unsightly the way it is now. As such, he is in support of it.

Mr. Kizak agreed completely with Mr. Boissonneault. He didn't see any reason to hold it up. He thought it should be approved with a condition that the signage application come back to staff. The Chairman agreed.

Mr. Boissonneault made a motion to approve CU-25-2015 with the condition that they get a look at the signage, which was seconded by Mr. Guerra. (Motion Carried)

(Voting: All full board members and Mr. O'Donoghue)

2. Board action on revised Subdivision and Site Plan regulations.

With regard to comments brought up earlier, Mr. Roy asked if it would trigger a lot more people going to the Conservation Commission. Mr. Guerra referred to Section 4.5 (B) and said he thought that they softened it a little bit by taking it from a hard line to "approximately 100 feet." Mr. Belanger confirmed that. He noted that one of the things the Conservation Commission and staff took into consideration when drafting these initially regarding 100 foot distance was that there are other instances in State law in which measurements like this are made. For instance in the Comprehensive Shoreline Protection Act there is a 250 foot measurement that has to occur from any named waterbody in that Act such as the Merrimack River, Black Brook, Dorr's Pond, Nutt's Pond and all sorts of waterbodies in the City that are named. If there is going to be any construction or any kind of structure put in anywhere within 250 feet of the reference lines of one of those waterbodies there has to be a measurement made there. That is well over 100 feet in those instances.

Mr. Belanger advised that Section 4.5 (A) states that a wetland or the 25 foot buffer has to be on the property. He said the 100 foot measurement is based off of rivers, streams and lakes, and a lot of those are already going to have to be measured up to 250 feet under the Comprehensive Shoreline Protection Act. Mr. Belanger reminded the Board that the Zoning Ordinance already requires identification of wetlands. If an applicant thinks they might have wetlands on their property they have to be identified. Ms. Goucher advised that there is a statement on the permit application and they have to state that there are no wetlands.

Chairman Harrington said an applicant will have to do a wetland study to determine if they have wetlands on their property. Mr. O'Brien said not only that but off the property as well so it could be excessive in certain cases. Mr. Belanger said those 25 foot buffers already have to be noted under the Zoning Ordinance. This regulation by the Planning Board imposes no greater need to delineate wetlands. Mr. O'Brien asked how you would know there is a wetland over there. He said a lot of these wetlands you can't tell that they're wet because there is just a different type of vegetation and the soil is hydric. He said a property owner would have to hire someone to go on someone else's property to delineate something just in case. He thinks that when you start getting off your own property that is when you start getting dicey on whether you are really responsible for wetlands that aren't on your property, unless they're significant.

Mr. O'Brien agreed that it is important to be aware of your environmental impacts on surrounding areas. He explained that wetlands naturally clean out the runoff for the larger lakes and streams. As such, it is part of their ecological function to clean out that junk. They are a huge contributor of absorbing pollutants.

Mr. O'Brien thought the best solution is "if it is off your property it is not your problem". He said you could play tricks as a surveyor to delineate your property line around those but when you subdivide something like that you own the whole parcel so you then would be delineating the wetlands, which is kind of how you catch that situation. Mr. O'Brien said he understood that you could potentially have a vernal pool right at your property line and instead of a 250

foot buffer you are looking at 25 but sometimes you have to look at it and say which one is better.

Mr. Guerra said he is a fan of responsibility. When it comes to a wetlands situation there has to be some responsibility for your surroundings. He appreciated Mr. O'Brien's comments but didn't quite agree with him. Further, he did not think it was going to be happening every other week. He thinks the situations are few enough where on a case by case basis they can be looked at and that the 25 foot buffer is fine to keep.

Mr. Boissonneault said they are also talking about a site plan and not somebody going to get a permit to put a shed. They are not going to be before the Board. A site plan is a significant change to the property so he tended to go along with Mr. Guerra on this one. He thought a 25 foot setback on a vernal pool is not a lot. Chairman Harrington said it also covers subdivisions. Mr. Boissonneault said those people will come in with site plans. They will be hiring engineers who have the expertise to look at the site and say "I think we might be within that 25 foot setback to a wetland". It is not like the average homeowner who just wants to put a deck on his house and has to go get a permit. That is not going to trigger a site plan. This Board won't see that and it is not going to go to the Conservation Commission.

Chairman Harrington said this is telling them that they may be required, so it will go to the Planning Board first who will review it and make a determination as to whether or not they need to go before the Conservation Commission.

Ms. Goucher said what she heard about this section aside from the issues they have been discussing was timing. One of the things she believes the Conservation Commission is trying to do is shift their meetings so that if the Planning Board gets applications at a business meeting and determines that it needs to go to the Conservation Commission, the commission holds a meeting the Wednesday before the Planning Board public hearing. She noted that, if the Planning Board wanted to better define the time frame, they could. The way this section is written right now, it says, "the Board shall request such comment if the property in question has any of the following" and then there is the A, B, C they were just talking about. The next paragraph says "Unless the Board votes otherwise the Board shall not render a decision on a subdivision, site plan or planned development application until the Board has received comment from the Commission or an application with any of the above-listed characteristics." One of the comments she has heard was if the Commission doesn't have a quorum and doesn't meet it could potentially slow up the approval. She asked if the Board wanted to put a time frame in there. Right now it says unless the Board votes otherwise so the Board could have a meeting and say that they didn't get any comments and they are not waiting. The issue that she has heard is that if the Board doesn't vote otherwise that is where people are saying this process will take longer.

Mr. Belanger reminded the Board that their process cannot take any longer than is allowed by statute unless the applicant waives it. As such, if the Conservation Commission is dragging its feet, the Planning Board is still legally obligated to render their decision within 65 days of taking jurisdiction. The regulations cannot allow the process to take any longer than is allowed by

State law. If the Conservation Commission takes too long then they will be excluded from the process.

Chairman Harrington asked about the threshold that was talked about under "Change of Use" in the Definitions. Mr. Belanger advised that it was proposed by staff to be 75 percent, but it was changed to 50 percent. He also explained to the Board the reason for changing the word "include" to "mean". He advised that Attorney Cronin felt that "include" was too open-ended and Mr. Belanger saw his point. "Include" could mean a number of different things and his point was if it was changed to "mean" then it would be clear that it is 50 percent or higher. He thinks that could be changed now as a scrivener's error because that is what the intent was. They could adopt these tonight and wouldn't have to hold another hearing simply for that change.

Ms. Flinchbaugh said she agreed with Attorney Cronin's point on that as well and that it should be changed to "mean".

If they are not changing the façade of the building or the site plan, Chairman Harrington asked if it could be left up to the discretion of staff so they wouldn't have to come back before the Board.

Mr. Belanger said it has to be enacted into the regulations for staff to be able to do that. There is a provision at 674:43 that allows for staff to review minor site plans. There is also another provision that allows for staff to review minor subdivisions. Staff has typically been opposed to adopting either of those processes for related reasons. For the site plan aspect of it, which is what Attorney Cronin was talking about, an applicant would propose to change a use and staff would potentially make the decision on the application. It wouldn't have to be just limited to that. The Board would define it. It could be "minor site plans", whatever those might be. The concern is that what is minor to someone may not be minor to someone else. State law says "a committee of technically qualified staff" such as DPW, Fire and Planning, rules on the application. The problem with that Mr. Belanger said is that staff doesn't have constituents like the Planning Board and BMA do, so staff might be in a situation where they are having to choose between a landowner or developer who wants to make a change and a property owner next door as an abutter or someone in the neighborhood who doesn't want the change to happen. That abutter may want to have a say at a public hearing in front of their government officials. Staff doesn't feel that it is their role to be making those calls; that's up to the appointed and elected officials who have constituents and can respond to the needs of the community. As such, it is staff's opinion that it is not really a great role for staff to be put into.

Ms. Goucher referred to 60 Rogers Street, which kept coming back for conditional uses and finally this Board gave them a blanket CU to cover a lot of things because they didn't want to have them coming back every time there was a new tenant. She doesn't think staff is opposed to the Board seeing an overview of a project, and allowing for tenants to start renting and staff can move the application along without every tenant change going back to the Board over and over. The initial presentation of what their idea is for the big picture she thought is something the Board should look at. In that scenario, Mr. Belanger said the Board would be seeing it once,

there is a public hearing where abutters, etc. can show up and say that they do or do not like it and the Board will weigh that information and make the decision themselves.

Chairman Harrington said while he is sympathetic to the developer on this issue, if it is already in the regulations that it is a permitted use then it seems awfully redundant. Ms. Goucher said when you reuse a building this is your opportunity to get the site to be improved. Mr. O'Brien didn't think the problem was with the initial change of use when there is a major change in the building. He thought the problem comes from when they have the standpoint of tenants turning over in a building and having to repeatedly come to this Board for a different tenant.

Ms. Goucher said the lawyers will argue that, because all of the proposed uses are allowed by the zoning ordinance, why do they have to come to the Board? Staff usually responds by saying that there are impacts beyond what the zoning ordinance considers that this board can consider. Mr. Belanger said lawyers often focus on the zoning side of things and you can't conflate zoning and planning. They are two completely different things.

Mr. Roy inquired about the easement not being buildable that was mentioned. Mr. Belanger said that was the calculation of buildable lots and how easements have to be deducted from that when you determine buildable area under the zoning ordinance. He said that the planning board couldn't change that if they wanted to because it is a zoning thing.

It was the consensus of the Board to make a decision tonight on the proposed Subdivision and Site Plan Regulations.

Mr. O'Brien inquired if Mr. Wichert provided a list of the typo's he believed existed. Mr. Belanger advised that he hadn't received any of that information. He explained if there are Scrivener's errors that can be changed without going back to the Board.

Mr. O'Brien asked when the regulations would become effective. Mr. Belanger said they would become effective upon filing with the City Clerk, which could happen as early as tomorrow.

Mr. McCue made a motion to approve the new Subdivision and Site Plan Regulations with the changes noted, which was seconded by Mr. Boissonneault.

Ms. Goucher advised that there was a full Board member missing in the form of the Aldermanic representative. Mr. Roy is the Mayor's designee and there is no Aldermanic representative; however, the only person that can vote in the place of the Aldermanic representative is the alternate Aldermanic representative, who is Alderman Pat Long, who left. Unfortunately, Mr. O'Donoghue cannot vote as the alternate because the only alternate that could vote tonight would have been Alderman Long.

Chairman Harrington confirmed with Ms. Goucher that Mr. O'Donoghue, Ms. Flinchbaugh and Mr. LeClerc were unable to vote on this.

(Motion Carried - Unanimous)

The Board thanked staff for all of their hard work on this.

V. ADMINISTRATIVE MATTERS:

1. Review and approval of the Manchester Planning Board Minutes of November 19, 2015, December 3, 2015, and December 17, 2015.

Mr. McCue reviewed the Minutes of November 19, 2015 and requested a minor change.

Mr. Boissonneault made a motion to approve the Minutes of November 19, 2015 with one amendment, which was seconded by Mr. Kizak. (Motion Carried)

Mr. McCue pointed out several items to be corrected.

Mr. O'Brien made a motion to approve the Minutes of December 3, 2015 Minutes with amendment. (Motion Carried)

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

C.A. Hoitt's

Ms. Goucher said at the last meeting when they were reviewing regional impact and completeness for the projects that there was a decision by the Board that the proposed change of use at Hoitt's Furniture Store was not a complete application. They were given until January 4th to get additional information to the staff so they could bring it to the Board's attention so they could determine if they wanted to consider it complete. Mr. Klubben wrote a letter, which is in the Board's packets, to Ken Rhodes on December 23rd and the first two pages is where they stand. The Board took a few minutes to review that information.

Mr. Guerra asked if they were going to do anything with the façade. Mr. Roy said they represented to the BMA that they are going to re-do the outside to make it look like a mill building. Ms. Goucher said that's not what staff understands.

Chairman Harrington asked what the Board's options are at this point.

Mr. Klubben thought the Board should try to decide if they can move forward on this application and do the public hearing. To him the question is if they have enough information before them to make an informed decision. He said that question needs to go a little further. If they were to approve this in a couple of weeks he asked if they would end up with a list of conditions. On the other hand, this is a project that is of considerable importance to the City.

Mr. Klubben referred to the second page and said if there are things there that the Board really wants to emphasize they need to have it would help to direct them to provide that. Ms. Goucher referred to Mr. Rhodes' response to all of those issues so it is not as if Mr. Klubben did not ask for it in his December 23rd letter to the applicant. The applicant has replied with his response as listed under Appendix C. As such, essentially they are asking for waivers from

everything. The Board has the right to grant or not grant any waiver request to its own regulations. If the Board wants to go forward in a couple of weeks and let them tell the Board why they don't think they should have to provide them with that; that is up to the Board. The issue she thinks they have is that she doesn't know if they are going to get any more information. Mr. Roy said they will not unless they are pushed.

Mr. Roy referred to Appendix C which states "The applicant's agent considers all submitted materials under review and once elements are finalized for the record they will professionally endorse as appropriate." He asked what that means. Ms. Goucher said most of the plans have the language ready to be stamped. Even projects that use plan references usually will have some language on there that says that they did not do an onsite survey but they are certifying that the information as shown is taken from a certain plan. Mr. Roy said it looks more like an existing conditions plan and not a site plan or change of use. Ms. Goucher said it is an existing conditions plan because they are not proposing to change anything. Mr. Roy said that was not true because they told the BMA that they are going to change the outside of building, they are going to put on an entrance in the back and they are going to have to have handicap parking somewhere.

Mr. Roy asked if they are going to use the parking lot across the street. Mr. Guerra said they are. Ms. Goucher said in support of their request for a conditional use permit for less parking than required, they said there is parking over there, but they are not showing it.

Mr. Boissonneault thought they should have a parking plan and lighting plan.

Mr. Boissonneault asked for staff's feeling about the traffic study argument. Mr. Guerra said he was reading their argument as "it shouldn't be required because it is old". In support of their request for reduced parking, Ms. Guerra said if they want to state to the Board that they feel a lot of their clients will be using public transportation then maybe that is the rationale for not needing a traffic study. Mr. Boissonneault asked if they could come to the public hearing and represent that. Mr. Clement said that was what they represented in the newspaper.

Ms. Goucher said if they schedule it for a public hearing, then the Board will have an opportunity to ask the applicant specifically and directly the questions they have. The Board can ask them to address why they feel the waivers they have requested are warranted. She advised that the burden is on the applicant.

Mr. Kizak asked if they are planning on changing the elevations for the façade. Ms. Goucher said not in anything that was provided to staff.

Mr. McCue agreed with Mr. Roy in "forcing" them to the hearing and just let them lay it out on the line and see what it is.

Mr. Boissonneault said if the Board is not going to get any more information then he agreed with going to public hearing.

Mr. O'Brien said he would be inclined to move this forward to a public hearing knowing that it is going to be rough and the Board is going to have to be prepared. Mr. Boissonneault said he was sympathetic to what they are trying to do.

Chairman Harrington advised if they decide to go forward with this it would be heard as a special public hearing prior to the next business meeting. Mr. McCue thought it should be heard at the February public hearing which is televised. The Chairman advised that they requested that it get moved up.

Ms. Goucher advised if the Board wants to have this moved to a special public hearing at the beginning of the business meeting in two weeks she would contact Manchester Public Television and suggest that this is of significant importance and it should be televised.

Mr. Boissonneault asked what it would take for the Board to consider this application complete. For him to feel that this is complete, he thought they would need a parking plan.

Mr. Belanger clarified that the only way for this Board to take jurisdiction over an application is if it is ruled complete. As such, if they want to hear this at a public hearing they have to first determine it to be complete. If they want it to be at the mid-January hearing they would have to determine it complete tonight.

Mr. Boissonneault said all items have been addressed by the applicant. Chairman Harrington said that was true because they have asked for waivers on all of them. As such, in the applicant's eye it is complete. Mr. Boissonneault thought they could say it was complete with that logic.

Mr. O'Brien made a motion, which was seconded by Mr. Clement, that the following applications are complete and do not have regional impact: SP-34-2015, CU-24-2015 and CU-03-2016 and will be scheduled for a public hearing on January 21, 2016. (Motion Carried)

Impact Fees

Mr. Klubben advised that staff received three proposals that staff has reviewed and agreed on the best consultant and staff is ready to proceed to the next step. He said when they first discussed this in October staff thought they would get a general analysis of other impact fees done for the same price and they are not going to get that done. Prices have gone up more than he expected. They still hope to get that done at a later date. They also talked in October about a Planning Board Sub-Committee that would take a look at the three proposals before they move further into contract negotiations or if they are willing to let that be done by staff. Mr. Boissonneault thought staff could handle that. Chairman Harrington advised that it was the consensus of the Board that a sub-committee was not necessary and staff could handle that.

Ms. Goucher advised that they have identified a funding source but they still need the BMA to approve it so they can enter into an agreement with the consultant.

Mr. Boissonneault asked what kind of figures they were looking at. Ms. Goucher said just under \$25,000.

Mr. Boissonneault made a motion to support staff's decision to move forward with their recommendation, which was seconded by Mr. O'Brien. (Motion Carried)

Mr. Clement made a motion to adjourn, which was seconded by Mr. LeClerc. (Motion Carried)

ATTEST: _____

Michael Harrington
Chairman, Manchester Planning Board

APPROVED BY THE PLANNING BOARD: March 3, 2016

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.