

**MANCHESTER PLANNING BOARD  
LIMITED PUBLIC HEARING / BUSINESS MEETING MINUTES  
March 17, 2016 – 6:00 p.m.  
City Hall, Third Floor – Aldermanic Chambers**

**Board Members Present:** Chairman Mike Harrington, Guy Guerra, Kevin McCue, Jim Roy, Alderman Joe Kelly Levasseur, Matthew O'Brien, Pierre Boissonneault, Eric Kizak

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

**Excused:** Members: Ray Clement, Jim Roy

**Staff Present:** Pamela Goucher, Deputy Director Planning & Zoning, Jeff Belanger, Senior Planner, Jonathan Golden, Senior Planner, Jodie Levandowski, Planner II

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

**II. LIMITED PUBLIC HEARING:**

(Continued From March 3, 2016)

**1. SP-33-2015**

**Property located at 795 Grove Street (Tax Map 129, Lot 1), a site plan application for a proposed communications head-end building of approximately 496 SF, associated parking, utilities, and landscaping within the RDV Zone on a leased portion of Tax Map 129, Lot 1. McLane Middleton, Professional Association for Verizon Wireless**

In follow up to the previous meeting, Chris Swiniarski, an attorney for Verizon Wireless, advised that they had a request from the Board to make modifications to their original proposal. Those modifications were made and the plan was submitted to staff. The modifications included modifying the driveway entrance such that it would be smaller and would not involve having a utility pole either in the middle of it or removal/relocation of that pole. The second was to eliminate curbing shown in their driveway area. In speaking with Mr. Golden, he advised that it was determined that his Department would recommend limited curbing at the apron of the entrance. As such, on sheet Z-4 and Z-4A of the revised plans, they have shown both and they are happy to do either. One is with no curbing at all and one is with curbing at the apron. The additional requirements of the Board were to clarify the building material, which is shown on sheet Z-6. With regard to the fencing, there was a request initially that they do chain link with slats and then there was a subsequent request from the Planning Department to remove the slats for visibility purposes and the plan shows the ultimate request. Attorney Swiniarski said if they decide that they want slats he does not have a problem with that.

Ms. Goucher advised that staff is not a huge fan of slats in chain link fences as they have a tendency to get pulled and they start to look rather unsightly. A black vinyl chain link fence is a much more attractive look than a regular chain link fence with slats. It doesn't give the screening but she is not sure that the screening is all that necessary given what is behind the fence; a small building and a little bit of pavement. If the Board doesn't concur with staff's recommendation and wants to have them maintain slats in a fence, it is their decision but it is her opinion in that neighborhood the black vinyl would look a lot better with a little bit of landscaping than the slats. She advised that Mr. Golden has also worked with them with some tree material in terms of a street tree instead of the arborvitae along the street and at the intersection.

Mr. Golden said there was an arborvitae at the end of the fenced area that got switched to a street tree as well as the Board's recommendation for one of the arborvitae along the street to be changed to a street tree. The species has yet to be determined but that is a minor detail that could be added to the plan for the final plan set. Part of the recommendation was to shift the initially proposed arborvitae predominantly to the west side of the site. That number shown on this plan was just reduced down and the street trees replaced four arborvitae. As such, the total plan count actually went down instead of going up.

Mr. Boissonneault asked if they were proposing vertical granite. Attorney Swiniarski said they are not going to do granite. He thought that was a little bit excessive here. If the Board absolutely requires it he said they will. Ms. Goucher said that is generally required by the Highway Department in the right-of-way. Attorney Swiniarski said if it must be granite, they would do granite. Ms. Goucher said staff would confer with Highway and let them know.

Mr. Kizak said he had no issue going with the vinyl fence as it is less likely to be spray painted than slats are so he is good with that. He thanked the applicant for the updates to the landscaping. He thought it looked good. When it comes to the final set of plans, he said they should make sure that the elevations reflect the landscaping that is on the plan set.

Chairman Harrington opened the hearing up for public comment. 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.

There were no additional comments from the Board. The Chairman advised that the applicant had done what the Board asked them to do and has worked with staff to get those items taken care of and staff seems pretty confident that they have received everything they need from the applicant.

Ms. Goucher advised if the Board is satisfied with the work they have done, staff would be happy to pass out a staff recommendation during the business meeting portion.

Mr. McCue asked if this was the one the Board was questioning whether or not it should be a subdivision. The Chairman said the Board brought that up as kind of a "heads up" to the

ownership of the land. Attorney Swiniarski said the owner is very much a proponent of subdividing this.

Attorney Swiniarski was curious about the timeline to get the ultimate approval to move forward. The Chairman said they are prepared to close the public hearing and staff is prepared to make a recommendation to the Board tonight at the business meeting following this hearing. Assuming the Board is comfortable with everything they have brought forward and staff presents their recommendations then the Board should be able to make a decision for them tonight.

Chairman Harrington closed this public hearing.

Chairman Harrington closed the limited public hearing of March 17, 2016 of the Manchester Planning Board and he called to order the business meeting.

### III. BUSINESS MEETING:

Mr. Belanger advised that there had been a request by a representative from the Candia Road project to move consideration of that project further down the agenda. They would prefer to have some other representatives from the law firm in the audience and they had not arrived yet. Chairman Harrington clarified with Mr. Belanger that the applicant was aware that they are not able to give any additional comment. Mr. Belanger believed they were just hoping to hear the deliberation. The Chairman didn't see an issue with that and moved it down the agenda.

Mr. Belanger advised that he provided the Board with some information concerning 53 Mammoth Road (SP-08-2015/PD-05-2015, CU-04-2015, CU-05-2015) that he would be happy to discuss, but first a motion would be in order to remove the item from the table.

***Mr. Kizak made a motion, which was seconded by Mr. McCue, to remove SP-08-2015/PD-05-2015, CU-04-2015 and CU-05-2015 from the table. (Motion Carried)***

(Tabled Items)

#### 1. **SP-08-2015/PD-03-2015**

**Property located at 53 Mammoth Road (Tax Map 716, Lot 1B), an application to construct a two-story community building with approximately 4,100 SF adjacent to an existing church, with associated site improvements. Joseph M. Wichert, LLS, and Rokeh Consulting, LLC for Faith Baptist Church (owner)**

#### 2. **CU-04-2015**

**Property located at 53 Mammoth Road (Tax Map 716, Lot 1B), an application for a Conditional Use Permit for a church use in the R-1B Zoning District. Joseph M. Wichert, LLS, and Rokeh Consulting, LLC for Faith Baptist Church (owner)**

### **3. CU-05-2015**

**Property located at 53 Mammoth Road (Tax Map 716, Lot 1B), an application for a Conditional Use Permit for a reduction in parking from 87 parking spaces required to 80 spaces proposed. Joseph M. Wichert, LLS, and Rokeh Consulting, LLC for Faith Baptist Church (owner)**

Mr. Belanger advised that he printed four different packets of information for the Board. Since the March 3<sup>rd</sup> meeting when the Board expressed some disappointment in the revisions that had been made up to that point to make the two buildings relate together, Mr. Belanger advised that staff spoke with the applicant and some of their representatives to try to bring the buildings more in line with one another.

Mr. Belanger walked the Board through the information that was distributed to the Board. There were two conditional use permit staff reports, which were the same as they were back in May. They hadn't changed at all because the conditional use issues on this were never really the Board's concern.

With respect to the staff report for SP-08-2015 and PD-03-2015, Mr. Belanger pointed out a highlighted section that says "for March 17, 2016 business meeting" and that lays out the three issues that the Board felt were still outstanding that needed to be worked on by the applicant and staff. Basically the main issue is the first one, the architecture of the proposed building for conformity with the requirements of a planned development. He referred to the other packet of information that was just provided to staff the day before and it contained a letter from Joe Wichert, their surveyor, as well as a letter from Geo Barns, the architectural firm that proposed the design for the proposed second building. The third sheet in that packet is a perspective drawing of the two buildings side by side; the currently existing church as well as the proposed gathering hall.

With respect to things that have changed since the last meeting, Mr. Belanger advised that the pitch of the roof has been reduced to more closely match the existing church. The windows that run along the top of the overhang above the French doors have been changed to double hung windows in order to more closely match the double hung windows on the church. The mullions from all of the windows have been removed to more closely match the church. A change that staff worked out with them two days ago was changing the siding from vertical to horizontal to kind of match the horizontal appearance of the masonry on the Church. There has also been some gable vents added, which matches the gable vents on the church. The applicant removed the gooseneck lighting over the French doors that used to exist on the proposed building to more closely match the lack of lighting over the doors on the church. In addition, the applicant has been working with a color palate to more closely match the color palate between the two buildings.

Mr. Belanger advised that the second item was the storage of trash. This was an issue in particular for Board member Jim Roy, as a former member of the Fire Department, was concerned about the flammability of the totes being stored inside the building. The Fire Department has confirmed that they are okay with the storage of totes inside the building so

long as it is just two. In Mr. Wichert's letter he said they would be fine with some kind of condition to that effect.

The third item was the sprinkling of the proposed building, which was the issue of the size of the assembly space in the proposed building and how at 300 or greater people in that assembly there is a fire code requirement that there be sprinkling in the building. As such, the applicant is of the opinion that it is really more of a building permit related issue for building safety and that would be addressed at the building permit process rather than a planning process. He said the applicant has represented that their intent is to reduce the assembly space within the building so there would be less than 300 people able to congregate there because the finances of sprinkling that building are just beyond what their budget is.

Mr. Belanger advised that in the staff report there is a recommendation from staff and the first part of that is a recitation of the three criteria for the planned development standards and whether or not the Board feels they meet those is up to them.

Since this application has been on for quite some time Chairman Harrington asked if the Board was to take an action on it if it would be only those people that were here at that time that could vote. Mr. Belanger said the standard is usually that if a Board member has been able to make themselves familiar with the material by reviewing files or the Minutes or things like that and if they feel that they are well apprised of the application then they can vote on it even if they were not physically in attendance at the meeting. That is up to each individual Board member and if they don't feel that they have made themselves familiar enough then they may not want to vote.

Mr. O'Brien advised if the Board is going to take an action tonight that he would have to recuse himself as he is an abutter.

It was the consensus of the Board members that they were in a position to vote should the Board decide to take an action tonight.

Mr. Belanger recommended that the Chairman designate which alternate would be voting if in fact alternates are going to vote. Ms. Goucher said there are only five full Board members because Mr. O'Brien recused himself. She advised that alternate Mr. O'Donoghue was present for the hearing. Ms. Flinchbaugh said while she feels pretty familiar with the situation she would abstain from voting on this application. Mr. LeClerc said he would abstain from voting as well. Alderman Levasseur advised that he would be voting.

Chairman Harrington asked how the Board felt in terms of these changes that the applicant has made and whether they feel the criteria has been met.

In looking over the information, Mr. Boissonneault thought the applicant had made the effort to match the elements. He said obviously the function matched and it looked like everything else was in order so he was comfortable with the way it was presented.

Mr. Kizak agreed with Mr. Boissonneault. He thought they came a long way to address the concerns of the Board across the spectrum with a number of different points so he is good.

Chairman Harrington felt the same way. He thought they made enough changes to make it related architecturally so he is comfortable with what they have done.

**Mr. Boissonneault made a motion to approve CU-04-2015 and CU-05-2015, which was seconded by Mr. Kizak. (Motion Carried)**

**Mr. Boissonneault made a motion to approve PD-03-2015, which was seconded by Mr. Guerra. (Motion Carried) (Opposed: McCue)**

**Mr. Boissonneault made a motion to approve SP-08-2015 per staff recommendation, which was seconded by Mr. Guerra. (Motion Carried) (Opposed: McCue)**

*(Note: Originally the PD was listed as PD-05-2015 erroneously and it was brought to the attention of the Board and corrected to read PD-03-2015.)*

Conditions of Approval:

1. The applicant shall obtain final sign-off from all City reviewing agencies, including the Planning staff, prior to submitting plans for signature;
2. The two sheds depicted on the existing-conditions plan shall be removed prior to submitting plans for signature;
3. A statement signed by the owner shall be added to the plan stating: "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
4. The plans submitted for final approval shall bear the stamp of all licensed professionals whose work appears on the plans;
5. The elevation and perspective drawings submitted on March 16, 2016, shall be included with the plan set submitted for signature;
6. Per a requirement of the Manchester Fire Department, no more than two trash totes may be stored inside either building. If trash is to be stored outside, the location and proper screening shall be depicted on the final plan;
7. Approval of this plan shall be valid for one year from the date of approval, during which time a building permit shall be secured; and

8. A certificate of occupancy shall not be authorized until all site improvements have been completed, unless addressed by meeting the requirements of Section 6.4(J) of the site plan regulations.

**4. S-28-2014**

**Property located at 388 Elgin Avenue (Tax Map 556, Lot 105) and at Tax Map 283, Lot 49, Tax Map 556, Lot 37 and Tax Map 556, Lot 106, an application for consolidation and subdivision to create 31 buildable single family residential lots with public improvements and proposed easements. *Northpoint Engineering, LLC for Marshall-Davis Investments, LLC***

Ms. Goucher advised that there was no reason to bring this application off the table.

(Current Items)

**6. SP-33-2015**

**Property located at 795 Grove Street (Tax Map 129, Lot 1), a site plan application for a proposed communications head-end building of approximately 496 SF, associated parking, utilities, and landscaping within the RDV Zone on a leased portion of Tax Map 129, Lot 1. *McLane Middleton, Professional Association for Verizon Wireless***

Ms. Goucher advised that there were waivers.

***Mr. Kizak made a motion to grant the waiver for existing and proposed contours in intervals of two feet, which was seconded by Mr. O'Brien. (Motion Carried)***

Ms. Goucher advised that there were ten members sitting and only nine could vote. Ms. Goucher advised that there were three alternates and Alderman Levasseur was an ex-officio so it had to be either Mr. LeClerc or Ms. Flinchbaugh that voted. The Chairman advised that Ms. Flinchbaugh would be voting. He confirmed with Ms. Flinchbaugh that she voted on the last item.

***Mr. Kizak made a motion to grant the waiver for a landscaping plan, which was seconded by Mr. Guerra. (Motion Carried)***

***Mr. Guerra made a motion to grant the waiver for a utility plan as it relates to the design, which was seconded by Mr. O'Brien. (Motion Carried)***

***Mr. Guerra made a motion to grant the waiver of providing a traffic analysis for an unmanned facility, which was seconded by Mr. O'Brien. (Motion Carried)***

The Chairman advised that the Board would take a few moments to review the recommendation prepared by staff.

Mr. O'Brien asked if the Board had to clarify that the curb would be granite. The Chairman advised that they were waiting for Highway to make that determination. Ms. Goucher said

that was correct. She said staff is satisfied that condition #2 addressed that. If Highway is not going to require granite curbing then staff won't expect it of the applicant but if they say it is a requirement because it is in the right-of-way, which is what they typically do, then they will have to show it on the plan for that portion of the apron of the driveway. The Chairman confirmed with Mr. O'Brien that he was comfortable with that.

Alderman Levasseur asked if staff had advised the Highway Department of a preference that the Board had because he would prefer granite. Ms. Goucher advised that the Highway Department will generally require granite curbing when there is curbing in the street. Occasionally if there is some bituminous or no curbing they may accept something less than granite. This may be a scenario where they are not overly concerned because there is not a lot of traffic in and out; it is basically an unmanned location that someone is going to come to once in a while to check on. They may be agreeable to bituminous in this case. Chairman Harrington advised the Alderman that he thought they should leave it up to the Highway Department and the Alderman agreed.

Chairman Harrington advised that it was in the application about there being barbed wire at the top of the fence. He said there was a discussion about that and it was ultimately eliminated. He asked if they should make it a point of the condition. Ms. Goucher said the Board could add it if they like. She said the applicant removed it from the plans and staff would be looking to make sure that it wasn't shown on the plans but if the Board felt comfortable adding another condition, that is up to the Board. Chairman Harrington did not think it was necessary if the applicant has done that. He said it was the consensus of the Board that they didn't want to see barbed wire at the top of the chain link fence. He confirmed with staff that they were comfortable because it has already been shown on the new plan. Ms. Goucher confirmed that they had changed it to the black chain link fence with no slats and no barbed wire.

Chairman Harrington advised that Mr. LeClerc would sit out from voting on this application.

***Mr. Boissonneault made a motion to relax the rules to allow the applicant to come forward, which was seconded by Mr. Kizak. (Motion Carried – unanimous)***

Attorney Swiniarski advised that he did not have a lease hold interest in this property nor does his client. There is a Purchase and Sale Agreement to acquire a fee interest of this property. As such, he could not provide a copy of the Lease, but said he could provide a copy of the Purchase and Sale Agreement.

With there being a Purchase and Sale Agreement Ms. Goucher asked if it was a subdivision. Attorney Swiniarski explained that it was proposed as a "purchase of a perpetual easement" of a fee interest for subdivision. There is never going to be a lease. Mr. Boissonneault clarified that there is no lease to be renewed.

If that is the way it was acquired, Ms. Goucher asked why there wasn't a subdivision actually done on the property just to keep it clean. She said when they presented the project initially

they said the owner was going to be developing the remaining portion of the lot. Staff expressed concern for the owner that he may end up with some issues if it was not subdivided because he would essentially be creating a planned development where buildings and uses must relate to one another. Attorney Swiniarski advised that it was a purchase of a perpetual easement, which means it will never have to be renewed. It is a one-time fee paid once and never again. Ms. Goucher asked if there was a reason why they didn't move forward with just a straightforward subdivision if they essentially have the perpetual easement. Attorney Swiniarski said State law explicitly does not require subdivision and does not consider it a subdivision if it is an easement. He said if the Board, as they discussed, wants a subdivision they will do it but it is not a subdivision, which is why specifically they did an easement.

Mr. Belanger said at this point the proposal was to have a perpetual easement rather than a subdivision, which may change in the future, but at this point that's what it is. He asked if they could just change the wording of condition #3 to make it a review of the easement rather than a review of the lease terms. Attorney Swiniarski said it would have to be a review of the Purchase and Sale Agreement for the easement because it is not executed until all permits are in place. Ms. Goucher said they could provide a draft of the easement and the Attorney agreed to provide that as well as a copy of the Purchase and Sale Agreement should they desire.

Ms. Goucher said she was pressing the point because Attorney Swiniarski indicated that this owner is interested in coming forward soon with a development. She hopes he/she understands the issue that they might have without having actually split this piece off as a true subdivision. She said she understood what Attorney Swiniarski was saying because it is not actually subdivided on a separate piece of land, but they may have some issues down the road. Attorney Swiniarski said they may seek the subdivision approval if that is the case and he is amenable to doing that.

Chairman Harrington advised that the Board will make sure that the language is changed so the recommendation will be that they will provide a copy of the Purchase and Sale Agreement and a draft of the perpetual easement to staff as part of the condition for them to review.

***Mr. Kizak made a motion to reinstate the rules, which was seconded by Mr. O'Brien. (Motion Carried - unanimous)***

***Mr. Guerra made a motion to approve SP-33-2015 per staff recommendation with modification to condition #3 as discussed, which was seconded by Mr. Harrington. (Motion Carried - unanimous)***

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and seven paper copies of the plan sets shall be submitted for final approval;

2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to signing of the site plan;
3. The purchase and sale agreement of the perpetual easement shall be provided to staff for review, and shall be executed and recorded by the applicant prior to signing the site plan;
4. The landscape plan shall be reviewed and approved by staff prior to signing of the plan set;
5. The note on the plan stating, "Plans are for zoning only and not intended for construction" shall be removed;
6. All material changes to the approved plan, including any changes to building materials, shall be reviewed and approved by the Planning Board at a public hearing;
7. A statement signed by the owner or developer shall be added to the plan stating, "It is hereby agreed that, as the owner or developer of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
8. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a; and
9. A certificate of occupancy shall not be authorized until all site improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations.

**7. SP-03-2016**

**Property located at 235 Myrtle Street (Tax Map 24, Lot 22), a site plan application for a proposed entrance canopy for the Mt. Carmel Nursing Home, of approximately 935 SF, with a newly proposed horseshoe drive, landscaping, and associated site improvements. The proposal will add one additional curb cut and relocate one existing curb cut on Myrtle Street within the C-1 Zone. *Nobis Engineering, Inc. for Mount Carmel Rehabilitation and Nursing Center***

The Chairman advised that there was a staff recommendation and the Board members took a few moments to review it.

***Mr. Kizak made a motion to approve PD-03-2016 per staff recommendation, which was seconded by Mr. O'Brien.***

Discussion:

Mr. McCue asked if Public Works made comment on how narrow Myrtle Street is with parking on both sides of the street. He said when he drove by there this evening there were cars parked on both sides of the street and some of them were parked up over the curbing onto the grass. Ms. Goucher inquired if he was asking if there should be a change to the parking on the street because that is something that would go through the BMA Committee. He said it is so narrow that a car can't go through there very easily and he was concerned about an ambulance or fire truck being able to get through there. Mr. Golden advised that Highway did not have any comments on the situation on Myrtle Street.

There was no further discussion and the Board proceeded to vote.

***(Motion Carried)***

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and seven paper copies of the plan sets shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to signing of the site plan;
3. All material changes to the approved plan, including any changes to building materials or signage as represented at hearing, shall be reviewed and approved by the Planning Board at a public hearing;
4. A statement signed by the owner shall be added to the plan stating, "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
5. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a; and
6. A certificate of occupancy shall not be authorized until all site improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations.

**5. S-06-2015**

**Property located at 855 Candia Road (Tax Map 478, Lot 8), an application to subdivide one lot of approximately 10.9 acres into two lots of approximately 1 and 9.9 acres, with a Dunkin' Donuts to remain on the smaller lot and a 105-unit, multifamily development to be constructed on the larger lot. *TFMoran, Inc. for Candia Realty, LLC***

The Chairman confirmed that the Board members had reviewed the recommendation prepared by staff.

Chairman Harrington advised that Ms. Flinchbaugh had recused herself. As such, Mr. LeClerc will vote on this application.

***Mr. McCue made a motion to approve S-06-2015 per staff recommendation, which was seconded by Mr. O'Donoghue. (Motion Carried) (Opposed: Ald. Levasseur, LeClerc)***

**Conditions of Approval:**

1. The applicant shall obtain final approval from all reviewing agencies, including the Planning Department, prior to submitting plans for signing and recording;
2. All new property corners are to be set prior to submitting plans for signing and recording;
3. The proposed declaration of easements, covenants, and conditions shall be edited per staff's comments and recorded prior to signing of the plans;
4. Any material change to the plans shall be reviewed by the Planning Board at a public hearing;
5. The new private street shall be named and approved by the Fire Department and addresses for the new buildings shall be secured from the Highway Department and shown on the plan;
6. The school impact fee of \$1,169 per dwelling unit shall be submitted prior to the issuance of a certificate of occupancy; and
7. The fire impact fee of \$146 per dwelling unit shall be submitted prior to the issuance of a certificate of occupancy; and
8. The surveyor shall provide a digital file in AutoCAD.DWG format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88), along with two mylar plans and four paper prints. The surveyor shall provide the Planning Department with the recorded plan number within 30 days of signature.

**SP-13-2015**

**Property located at 855 Candia Road (Tax Map 478, Lot 8, an amendment to a previously approved site plan to modify the parking lot of a Dunkin' Donuts. *TFMoran, Inc. for Candia Realty, LLC***

***Mr. McCue made a motion to approve SP-13-2015 per staff recommendation, which was seconded by Mr. Guerra. (Motion Carried) (Opposed: Ald. Levasseur, LeClerc)***

**Conditions of Approval:**

1. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to signing of the site plan;
2. Any material changes to the approved plan shall be reviewed and approved by the Planning Board at a public hearing;
3. The proposed declaration of easements, covenants, and conditions shall be edited per staff's comments and recorded prior to signing of the plans;
4. The plan set submitted for final approval shall be tailored to the Dunkin' Donuts site, proposed lot 8, and shall be submitted as a plan set separate from the set for the apartment site, proposed lot 8-1;
5. A statement signed by the owner shall be added to the plan stating, "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
6. The applicant shall obtain any/all State approvals prior to submitting plans for signature;
7. The plans submitted for final approval shall bear the stamp of all licensed professionals whose work appears on the plans;
8. Approval of this plan shall be valid for two years from the date of approval, during which time a building permit shall be secured; and
9. A certificate of occupancy shall not be authorized until all site improvements have been completed, unless addressed by the provision of adequate financial guarantee, as approved by City staff.

**SP-12-2015/PD-04-2015**

**Property located at Candia Road (Tax Map 478, Lot 8-1), a site plan and planned development application for a 105-unit, multifamily development comprised of three residential buildings and a clubhouse, with associated site improvements on the newly created lot of 9.9 acres. *TFMoran, Inc. for Candia Realty, LLC***

Mr. McCue commended staff for doing an excellent job on all of the recommendations relating to 855 Candia Road.

***Mr. McCue made a motion to approve PD-04-2015 as it meets the qualifications for a planned development, which was seconded by Mr. Kizak. (Motion Carried) (Opposed: Ald. Levasseur, LeClerc)***

***Mr. McCue made a motion to approve SP-12-2015 per staff recommendation, which was seconded by Mr. O'Donoghue.***

Comment:

Mr. O'Brien said although he personally does not want to see a light going in there, he thinks that the applicant has done their duties in showing that the improvements to East Industrial Park Drive will actually improve this area. He thinks that is something that is personally helping his decision to approve this.

***(Motion Carried) (Opposed: Ald. Levasseur, LeClerc)***

Conditions of Approval:

1. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to signing of the site plan;
2. Any material changes to the approved plan, including building elevations, shall be reviewed and approved by the Planning Board at a public hearing;
3. The proposed declaration of easements, covenants, and conditions shall be edited per staff's comments and recorded prior to signing of the plans;
4. The applicant shall be responsible for installing a new traffic signal at the entrance to the site and coordinate the signalization along the impacted corridor of Candia Road to the satisfaction of the City Highway Department;
5. The applicant shall be responsible for improving the intersection of Candia Road and East Industrial Road, per the conceptual design plans reviewed by the Highway Department, with construction to the satisfaction of the Highway Department, prior to the issuance of a Certificate of Occupancy;
6. The applicant shall be responsible for installing the pedestrian activated crossings at the intersection of the site driveway and provide any modifications to the pedestrian activated crossings at the intersection of East Industrial Drive, to the satisfaction of the Highway Department;

7. The applicant shall paint "Do Not Block Intersection," per the standards of the Highway Division, at the intersection of Candia Road and Elton Avenue, and shall paint crosswalks as depicted on the conceptual design plans reviewed by the Highway Department;
  8. The applicant shall construct a sidewalk that is consistent with the blue-line edits to the site plan made by the Manchester School District and the Manchester Transit Authority, which would result in a sidewalk along the entirety of the eastern side of the private drive aisle up to the first parking area for the apartments and a portion of the western side of the private drive aisle;
  9. Curbing for the raised concrete island at the entrance to the site from Candia Road shall be vertical granite;
  10. A statement signed by the owner shall be added to the plan stating, "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
  11. The applicant shall obtain all state approvals, including final approval from the State DOT on the plans for traffic mitigation, prior to submitting plans for signature;
  12. The plans submitted for final approval shall bear the stamp of all licensed professionals whose work appears on the plans;
  13. Approval of this plan shall be valid for two years from the date of approval, during which time a building permit shall be secured; and
  14. A certificate of occupancy shall not be authorized until all on-site and off-site improvements have been completed, unless addressed by the provision of adequate financial guarantee, as approved by City staff.
- 6. Review of new applications for regional impact and comment by the Manchester Conservation Commission.**

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

Ms. Goucher asked that the Board consider potentially dividing the April meetings up so that the business meeting would also be a public hearing.

Ms. Goucher advised that staff was working through a few details on a couple of applications and as a result she did not think they would have a hard time splitting up the applications if the Board was to determine that they would take two public hearings in April. She said there are a few extra steps that some of these applicants need to take and she thought it would work out without some

people getting annoyed if they weren't heard at the first meeting in April because she is not sure that they would be ready for it.

The Chairman asked if that would overwhelm the business meeting agenda. Ms. Goucher thought they would try to balance it out so there were more applications on the first meeting and fewer on the second meeting so there would still be time to deliberate on some later in the night if the Board was inclined to do that. The Chairman asked if they would be able to have the second public hearing in April be televised as well. Ms. Goucher thought MCTV would be willing to do that as they have done it in the past. The Chairman thought it would be important for that meeting to be aired. It was the consensus of the Board to allow staff to move a few applications to the limited public hearing.

1. S-02-2016

Property located at 336 & 312 Mystic Street (Tax Map 696, Lots 7 and 8), an application to subdivide two parcels of 26,069 and 21,887 SF into four lots (two new building lots with frontage on Slade Avenue and Rose Avenue) within the R-1B Zone. *Joseph M. Wichert, LLS, Inc. for Lacombe Trust.*

2. S-03-2016

Property located at 1514 & 1474 Wellington Road (Tax Map 860, Lots 13X and 13Z), an application to subdivide two parcels of 4.18 and 2.75 acres into twelve new lots ranging from 13,585 SF to 69,419 SF within the R-1A Zone and within the Lake Massabesic Protection Overlay District. *Joseph M. Wichert, LLS, Inc. for Gerard Therrien Revocable Trust and Manon Therrien Revocable Trust.*

3. SP-02-2016

Property located at 1477 South Willow Street (Tax Map 875, Lots 17 & 18), a site plan application for a proposed building expansion of approximately 2,800 SF for service drive-up lanes, vehicular circulation and parking modifications, as well as additional site improvements, within the B-2 Zone. *CLD Consulting Engineers for AutoFair Realty, LP.*

4. S-04-2016

Property located at 75 Riverdale Avenue (Tax Map 681, Lot 7), an application to subdivide an existing lot of 36,077 SF into two single family lots of 24,393 SF and 11,684 SF within the R-1B Zone. *Berry Surveying & Engineering for Steven & Melissa Gendron*

5. SP-06-2016/PD-03-2016

Property located at 707 Huse Road (Tax Map 666, Lot 6), a site plan/planned development application for the proposed conversion of the former Lowe's building into approximately 48,900 SF of cinema use and 53,160 SF of retail use, with a new 6,000 SF freestanding restaurant and associated parking/site improvements within the B-2 Zone. *TF Moran, Inc. for Hera Development*

6. SP-07-2016

Property located at 217 Hall Street (Tax Map 355, Lot 13), a site-plan application for a change of use from food processing to a domestic laundry and cleaning service, with associated site improvements. *Bedford Design Consultants, Inc. for David Baughman.*

7. SP-08-2016/PD-02-2016

Property located at 2108 River Road (Tax Map 557, Lot 5), a site-plan application for the demolition of 55 parking spaces, the construction of 104 new parking spaces, and the construction of 6 tennis courts, with associated site improvements. *T.F. Moran, Inc. for The Derryfield School.*

Mr. Belanger advised that he notified the applicant that because they have wetlands on their property that they would be subject to the new rule under the newly adopted subdivision and site plan regulations that whenever there is any wetland on the property or when the property is within 100 feet approximately of a river that the Board would refer the matter to the Conservation Commission for comment. This meets those two criteria. It has one small wetland on the northwestern part of the property and it also is within 100 feet of the Merrimack River. He told the applicant if they wanted to try and avoid going to the Conservation Commission, which the Board might be receptive to given the small nature of the wetland and that the application is for the construction of about 55 additional parking spaces and six tennis courts that would be pretty far away from both the river and the wetland that the Board might be receptive to the waivers. Mr. Belanger passed out to the Board members the waiver request submitted by the applicant, which would need to be acted on this evening if the Board were inclined to grant the waiver.

The Chairman asked for the Board's opinion for the applicant (Derryfield School) to not go before the Conservation Commission.

From what he can discern from the information, Mr. Boissonneault said it seemed like the wetland was very minor and very far away so it was his inclination that the waiver should be granted.

Mr. Guerra agreed as it is a significant distance between the proposition they are working on and where the very small wetlands are. It is also a significant distance from the river. As such, he advised that he would be in favor of granting the waiver as well.

***Mr. Guerra made a motion, which was seconded by Mr. O'Brien, to grant the waiver that the applicant does not have to appear before the Conservation Commission. (Motion Carried) (Alternate Voting: LeClerc)***

8. SP-09-2016

Properties located at 211, 219, 225, & 233 Tarrytown Road (Tax Map 172 Lot 10) a site plan application for the construction of additional parking spaces and site improvements to the Manchester Housing Authority site known as 'Benoit Apartments' within the R-3 Zone. *TFMoran Inc. for Manchester Housing Authority.*

9. SP-10-2016

Property located at 1649 Candia Road (Tax Map 822, Lot 1), a site-plan application to demolish approximately 27,000 SF of building area, construct approximately 16,250 SF of building area, reconfigure onsite parking, and construct other onsite improvements. *Keach-Nordstrom Associates, Inc. for AEC Realty of New Hampshire, LLC.*

10. SP-11-2016/PD-01-2016

Property located at Beech Street (Tax Map 361, Lot 16), an application for a residential planned development and site plan to construct 10 units, consisting of 4 duplex units (in two buildings) and 6 townhouse units (in one building) within the RDV Zone. *Joseph M. Wichert, LLS, Inc. for Steven A, Belair and Sandra Kinney.*

11. CU-06-2016

Property located at 217 Hall Street (Tax Map 355, Lot 13), an application for a Conditional Use permit for a domestic laundry and cleaning service in the R-3 Zone. *Bedford Design Consultants, Inc. for David Baughman.*

12. CU-08-2016

Property located at 51 Kimball Street (Tax Map 194, Lot 10), an application for a Conditional Use permit to reduce the required parking on site within the R-2 Zone. *Antonia Roxo for EGC Realty, LLC.*

13. CU-09-2016

Property located at 1649 Candia Road (Tax Map 822, Lot 1), an application for a Conditional Use permit to reduce the parking from 121 spaces required to 62 spaces provided. *Keach-Nordstrom Associates, Inc. for AEC Realty of New Hampshire, LLC.*

***Ms. Flinchbaugh made a motion that the follows applications are complete and do not require comment from the Manchester Conservation Commission: S-02-2016, S-03-2016, SP-02-2016, S-04-2016, SP-06-2016, PD-03-2016, SP-07-2016, SP-08-2016, PD-02-2016, SP-09-2016, SP-10-2016, SP-11-2016, PD-01-2016, CU-06-2016, CU-08-2016 and CU-09-2016.***

Ms. Goucher advised that Wellington Road and Candia Road do have wetlands and are actually in the Lake Massabesic Protection Overlay District. She asked that it be recognized that those projects need to be sent to the Conservation Commission.

***Ms. Flinchbaugh amended her motion to reflect that S-03-2016 and SP-10-2016 require comment from the Manchester Conservation Commission.***

Chairman Harrington asked if The Derryfield School reached the threshold for regional impact. Ms. Goucher suggested that it probably doesn't as it is a recreational facility for the middle school and it is on the farthest end of the property from Hooksett. She wasn't sure how much they would gain by determining that it had regional impact. If the Board felt they wanted to

send it through that route they certainly could. She mentioned that when they have had building additions they have certainly done that. Mr. Belanger advised that the new regulations required that there must be something in writing regarding traffic for every application that comes in; either a traffic letter, a full traffic report or something in writing just stating that there is no traffic impact as a result of this application. The applicant submitted a letter stating that they do not anticipate any appreciable difference in traffic as a result of this.

Mr. Belanger advised that they are adding an additional large bus parking space. He thought the point of this was for traveling teams from other schools to come and play there. Mr. Kizak didn't see that they were adding student population based upon this proposed work. He didn't see how it will really impact Hooksett at all. Mr. Boissonneault agreed with Mr. Kizak in that it is really just making their site work better. The Chairman agreed as well.

***Chairman Harrington advised that Ms. Flinchbaugh had made a motion as well as an amendment to her motion, which was seconded by Mr. Boissonneault. (Motion Carried)***

#### **IV. ADMINISTRATIVE MATTERS:**

##### **1. Review and approval of the Planning Board Minutes of December 17, 2015, January 21, 2016 and March 3, 2016.**

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

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

Dairy Queen – 715 Second Street  
SP-24-2014

Mr. McCue was there recently and noticed a couple of things on the site. He advised that the food pickup line goes around the back of the building off of Second Street and the cars exit towards the south. There is also an inbound lane that comes in from Second Street that goes along the south edge of the building and they seem to converge on each other at that point. There is a yield sign on the food pickup lane but there is no sign on the converge lane from the Second Street side. He thought the Board asked that they put a stop sign there because it is a blind corner and if someone runs that yield sign there could be a bad accident there on site. Ms. Goucher confirmed that he was talking about coming out of the drive-thru pickup lane.

Mr. McCue said the second thing is they make a left hand turn to go back out to Second Street and there was supposed to be some type of a turn curb there to force them to go right. There is an arrow telling them they have to go right only, but he did not believe there was a curb there. As such, a lot of people are turning left and going back on Second Street heading north instead of going behind the site over to the street and then going up to the traffic light and making a left.

Mr. Golden advised that he did the site inspection and said the owner put the yield sign at the pickup window on the back side of the building. He didn't believe it was on the plan but the owner did that on his own freewill because he saw the potential for conflict. The egress from the site to Second Street is a right turn only. There is a multiple tactile surface that pork chop because trucks needed to come into that entrance so you can't turn left. It is striped to go right only, but it wasn't meant to be curbed.

Mr. McCue thought the yield sign should actually be a stop sign. He thought perhaps there should be a yield sign going into the parking lot.

Lastly, Mr. McCue advised that he did not see a bike rack. Mr. Golden asked if it was over by the patio. Mr. McCue said he did not see it there.

Ms. Goucher advised that Mr. Golden could give the owner of the Dairy Queen a call to ask about the bike rack and how often he has observed people taking left turns out and perhaps he would look at another way to modify that curb cut. Ms. Goucher thought people would want to be coming out onto Harvell to Second Street because it is so much better to come out to that intersection.

Mr. Boissonneault asked if there was a sign on the other side that says no left turn. Mr. McCue confirmed that there was a sign there.

On a positive note, Mr. McCue said they did a really nice job with the landscaping around the building and on Harvell Street.

Mr. Golden advised that the owner actually had concerns about cars coming off of Second Street and cutting through the lot to Harvell. Mr. McCue said that's another problem because they are trying to beat the light. Mr. Golden advised that the owner actually mentioned speed bumps and Mr. McCue thought that might help to slow vehicles down.

Chairman Harrington thanked Mr. McCue for visiting the site and making those observations.

Subaru – 764 & 800 Second Street  
SP-28-2015/SP-29-2015

Mr. Guerra asked for an update on Subaru since they were last before the Board. Ms. Goucher advised that the Board did not offer to refund the money and the Board accepted their withdrawal. Director Lafreniere and Deputy Director Landry are in the process of determining the appropriate enforcement regarding citations, etc.

Ira Toyota – 33 Auto Center Road  
SP-01-2013

Mr. Guerra asked if someone could take a look at Ira Toyota. Ms. Goucher said it is an observation in general about car dealerships and it is an issue that the Planning Board has brought to her attention, which she brought to the Director.

875 Elm Street  
SP-37-2015

Ms. Goucher advised that the people from 875 Elm Street have kept her in the loop and have been providing her with sort of renderings, copies of which were provided to the Board. She explained that they are looking to create some patios in the back area for restaurants. At the time they came to the Board they indicated that they were probably going to be doing that but they weren't sure how it was going to work. There was a rendering of the up lighting on the buildings. They are also trying to relocate where their dumpster was shown on the original plan to the Manchester Street side. If they go that route they may be going to the BMA asking for some action to remove a portion of the pavement. What they would like to do is put some large totes inside a screened area and then a couple of times a week have the trash collector come and be able to open the gates and remove it. She didn't believe anything that they were doing rose to the level of coming back to the Planning Board.

Hoitt's Furniture – 267 Wilson Street  
SP-34-2015

Ms. Goucher advised that staff does not have plans signed on this because they have not met the conditions. She explained that the Board had granted a conditional use permit for parking to go from 111 spaces down to 38 spaces with a condition that they provide a document tied into the parking so that the separate parking lot would be available for the tenants. They came back with a document saying if they sell it they don't have to honor it, which the staff did not accept because the point is to have it there for the use.

Budget Gas – 445 South Willow Street  
SP-14-2014/SP-09-2015

Ms. Goucher advised that staff does not have signed plans. The engineer told her that he could not provide plans showing the grades until they do some backfilling on the site. Staff advised them that, other than some filling in of some of the underground wires, permits would not be issued until staff receives a plan that they can sign. She reminded the Board that they authorized staff to take care of it but that was three meetings ago and they still don't have signed plans.

Mr. Boissonneault asked why they were grading. Ms. Goucher said the site plans that were submitted originally to the Board never showed any site work being done so there was no topography information essentially on the plans so when they dug it all up without benefit of

permit, staff advised them that they needed to know what grades they are going to be when it goes back. Normally the engineer determines the grade and shows it on the plan and they build it to those grades. This engineer has said that he can't give staff the plan with the grades because he is waiting to see how they grade it. There is also an issue with the curb cut.

Ashley Furniture – 5 Driving Park Road  
SP-12-2014

Chairman Harrington asked for an update. Ms. Goucher said according to City Solicitor Chiesa, it is going to court in April. She reminded the Board that this was regarding the light pole bases where the owner originally agreed to lower them per the approved plan and then decided he did not want to honor the letter that he provided to the Board. Instead he took it to court.

**Mr. Guerra made a motion to adjourn, which was seconded by Alderman Levasseur. (Motion Carried)**

ATTEST: \_\_\_\_\_  
Michael Harrington, Chairman  
Manchester Planning Board

APPROVED BY THE PLANNING BOARD: May 19, 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.