

**MANCHESTER PLANNING BOARD  
BUSINESS MEETING MINUTES  
June 16, 2016 – 6:00 p.m.  
City Hall, Third Floor – Aldermanic Chambers**

**Board Members Present:** Chairman Mike Harrington, Vice Chairman Ray Clement, Kevin McCue, Alderman Joe Kelly Levasseur, Pierre Boissonneault

**Alternates Present:** Catherine Flinchbaugh, Dan LeClerc

**Excused:** Guy Guerra, Mike O'Donoghue

**Absent:** Jim Roy

**Staff Present:** Leon LaFreniere, Director; Pamela Goucher, Deputy Director Planning & Zoning; Jeff Belanger, Senior Planner; Jodie Levandowski, Planner II; Bill Klubben, Planner II

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

II. **BUSINESS MEETING:**

(Tabled Items)

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* **[Remain on Table]**

***Mr. Clement made a motion to take S-03-2016 off the table, which was seconded by Mr. Boissonneault. (Motion Carried)***

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 lots (ten new building lots on a new street) 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***

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

In going through the plans, Mr. Boissonneault said he thought the existing home was going to be relocated. Mr. Klubben said the plan is that the house at 1514 Wellington will be relocated on the new lot and will be rotated approximately 90 degrees. Condition #14 states that it will be

relocated before they can record the plan because if they record the plan before it is relocated then it would be in violation with zoning. Mr. Boissonneault said one of the plans says "existing building to be removed" and that should be corrected to "be relocated". Mr. Boissonneault asked where that puts the driveway when it is moved. It was Mr. Klubben's understanding that it would be put on the new road.

Ms. Goucher advised the Chairman that the two alternates should probably be voting as there is less than full membership tonight. The Chairman stated that Ms. Flinchbaugh and Mr. LeClerc would be voting.

Mr. McCue stated that Mr. O'Neil, the forestry expert with Manchester Water Works, also looked at the recommendations and plans and was satisfied with the things they were going to get done regarding the conservation as well as the reduced salt use and those types of things.

Mr. Klubben advised that there was a waiver for a reduction in street width to 30 feet where 36 feet is standard.

***Mr. Boissonneault made a motion to grant the waiver for a reduction in street width, which was seconded by Mr. McCue. (Motion Carried)***

***Mr. Boissonneault made a motion, which was seconded by Mr. Clement, to approve S-03-2016 per staff recommendation. (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;
2. The applicant shall obtain final approval from all reviewing agencies prior to submitting plans for signing and recording the subdivision plan;
3. A rectangular box of at least 4.5 inches wide by 2 inches tall shall be located above the title block that shall be reserved for an approval stamp and signature;
4. The plans shall depict the location of a fence around the storm water detention pond;
5. The applicant shall plant one street tree, with a minimum caliper of 3.5 inches, in the frontage of each lot prior to a certificate of occupancy for such lot;
6. A Homeowners' Association comprised of the owners of all lots within this subdivision shall be created for the purpose of maintaining the drainage features on the site and shall be referenced in property deeds;

7. The developer shall enter into a long-term Maintenance Agreement of the detention / infiltration pond and related drainage features, as required by DPW, and such Agreement shall be referenced in the Homeowners Association documents;
8. Prior to final approval of the subdivision, the applicant shall submit for review, a declaration of covenants and restrictions for the Homeowners' Association, which shall be recorded concurrently with the subdivision plan;
9. The declaration of covenants and restrictions for the Homeowners' Association shall include provisions to limit the use of salt for winter maintenance on the lots and to limit the use of lawn chemicals, such as herbicides, pesticides, and fertilizers on the lots;
10. The applicant shall place signs demarcating the location of the wetlands every fifty (50') feet along all wetland boundaries, using signs purchased from the Manchester Conservation Commission;
11. The applicant shall submit executed street dedication documents, as well as sewer, water, and drainage easements, both public and private, to the satisfaction of the Highway Division and the City Solicitor;
12. All new property corner monuments shall be set prior to submitting plans for signing and recording;
13. New street addresses shall be secured from the Highway Department and shown on the plan along the parcel frontage prior to signing and recording the plans;
14. The house on Lot 13X, currently at 1514 Wellington Road, shall be relocated to be in compliance with the Zoning Ordinance prior to signing and recording the subdivision plan;
15. The applicant shall sign a Subdivision Improvement Agreement for lot development and construction of required public improvements, said agreement shall be prepared by the Planning and Community Development staff and be accompanied by a financial surety (as determined by DPW) to guarantee construction of the required improvements, prior to signing and recording the subdivision plan;
16. The school impact fee of \$2,733 per single family dwelling unit shall be paid prior to the CO for each new dwelling unit;
17. The surveyor shall provide to the Highway Department a digital file in AutoCAD.DWG format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88) prior to signing the plans;
18. To submit plans for final approval, the applicant shall submit one set of mylars for recording, one

- set of mylars to remain on file with the Planning Department, and four complete paper sets;
19. The surveyor shall provide the recorded plan number to the Planning Department within 30 days of final approval; and,
  20. Should any condition precedent or subsequent to this approval not be met in the time periods provided 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.

***Mr. McCue made a motion to take S-06-2016, SP-12-2016 and CU-10-2016 off the table, which was seconded by Alderman Levasseur. (Motion Carried)***

**3. S-06-2016**

**Property located at 655 So. Willow Street (Tax Map 437, Lot 2), an application to subdivide one parcel of approximately 648,199 SF into two parcels of approximately 462,995 SF and 185,204 SF within the B-2 Zone. CLD Consulting Engineers for 655 South Willow, LLC**

The Board took a moment to review the staff recommendation.

***Mr. McCue made a motion to approve S-06-2016 per staff recommendation, which was seconded by Mr. Clement. (Motion Carried)***

**Conditions of Approval:**

1. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to submitting plans for final approval;
2. All new property corner monuments are to be set prior to submitting plans for final approval;
3. The new lot number shall be secured from the Assessor and shown on the plan;
4. New street addresses shall be secured from the Highway Department and shown on the plan along the parcel frontage prior to final approval;
5. All material changes to the approved plan, including changes to signage, shall be reviewed and approved by the Planning Board at a public hearing;
6. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations.";
7. Prior to final approval, the applicant shall provide to the Highway Department a digital file in

AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88);

8. To submit plans for final approval, the applicant shall submit one set of mylars for recording, one set of mylars to remain on file with the Planning Department, and four complete paper sets;
9. The applicant shall provide the Planning Department with the recorded plan number within 30 days of final approval;
10. Easement documents allowing City access to private improvements, such as sanitary sewer and storm drains located outside the public right-of-way shall be submitted for review to the Department of Public Works and the Planning and Community Development Department prior to final approval and shall be recorded concurrently with the subdivision plan;
11. The three (3) connector buildings shall be fully removed prior to signing plans;
12. Any change of use to occur on Lot 437/2B following subdivision approval shall be submitted for review by the Planning Board at a public hearing;
13. Should any changes to the conditionally approved subdivision plan occur during the site plan approval stage, a revised subdivision plan shall be submitted to the Planning and Community Development Department for review at a Planning Board Public Hearing;
14. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed; and
15. 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;

**CU-10-2016**

**Property located at 655 So. Willow Street and Faltin Drive (Tax Map 437, Lot 2), an application for a Conditional Use permit to allow an alternate parking layout for a proposed retail development on Lot 2 within the B-2 Zone. *CLD Consulting Engineers for 655 South Willow, LLC***

***Mr. McCue made a motion to approve CU-10-2016, which was seconded by Mr. Clement.***

Mr. Boissonneault asked how much they were reducing. Ms. Levandowski advised that they are not really reducing parking; they are just requesting parking be allowed on that restricted area in the center of the other lot. It is an alternative parking arrangement.

***(Motion Carried)***

**SP-12-2016**

**Property located at 655 So. Willow Street (Tax Map 437, Lot 2), a site-plan application to redevelop the site by demolishing a portion of the existing building and converting the remainder of the 132,760 square foot building into retail spaces with associated site improvements within the B-2 Zone. *CLD Consulting Engineers for 655 South Willow, LLC***

The Board took a few moments to review the staff recommendation.

With regard to the waiver request for the number of deciduous trees, Mr. Boissonneault said they are proposing to go from 129 to 82 and he thought it seemed like there was some room in there to get a little more green. He asked if the Board would consider bumping that number up a bit. Ms. Flinchbaugh agreed and believed that staff had indicated that there were internal parking islands with no trees on them at all, or at least several that didn't have trees, so she thought that there were seeking too much of a reduction. She said if they were seeking a waiver of 10 trees or something like that for a property of that size she wouldn't be that concerned. However, given the size of it and the large nature of the building, she thought it was too significant of a reduction for the Board to grant. Mr. Boissonneault added that they will also be losing the trees in the front so there is an opportunity to gain a little bit more there. He suggested 100 trees as being a reasonable number. The Chairman thought that was reasonable and it meets them halfway. Mr. Clement suggested that the applicant work with staff. Mr. Boissonneault thought they needed to have a number so that staff could advise the applicant that was what the Board had approved. He reiterated that 100 new trees was reasonable and thought they could get them in there without too much heartache.

***After much discussion amongst the Board concerning the number of trees, Mr. Boissonneault made a motion to approve a reduction down to 100 trees versus 82, which was seconded by Alderman Levasseur. (Motion Carried) (Opposed: McCue)***

With regard to the median going northbound to take a left, the Chairman said it was not specific in the recommendations. Ms. Levandowski said the most recent plan already shows it closed.

***Mr. McCue made a motion to approve SP-12-2016 per staff recommendation, which was seconded by Mr. Boissonneault. (Motion Carried)***

**Conditions of Approval:**

1. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to submitting plans for final approval;

2. The applicant shall obtain all necessary State and Federal approvals, as applicable, prior to final approval;
3. The plan shall contain the following statement signed by the [owner or developer], "It is hereby agreed that, as the [owner or developer] of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
4. All material changes to the approved plan, including changes to signage, shall be reviewed and approved by the Planning Board at a public hearing;
5. A copy of the Radiation Assessment (both pre-development and post-development) shall be provided to the Planning staff, along with any confirmatory surveys performed by the NH Department of health and Human Services;
6. The applicant shall revise the plans to note the same marker as currently installed over restricted areas shall be installed at the surface, on top of the valve boxes;
7. The landscaping plan shall be revised to reflect additional landscaping, such as shrubs, be planted along the brook as requested by the Conservation Commission, and further revised to reflect the increase of the entrance boulevard grass panel to a width of 8' with 4 additional trees;
8. As represented by the applicant at the public hearing, the plan shall be revised to add painting on the asphalt stating "Do Not Block" at the intersection of Driving Park Road/ LeClerc Circle/site entrance and a detail shall be added to the plan set;
9. Revisions shall be made to the Traffic Assessment based on DPW and SNHPC comments and the off-site improvement plans, shall be to the satisfactory of Department of Public Works;
10. The signal plan shall be finalized with DPW and with the timing of the recent WalMart signal changes;
11. The location of the sidewalk in Driving Park Road and through Precourt Park to the City Rail Trail shall be coordinated with the City Highway Department and City Parks Department prior to signing of the plans;
12. Light pole base details shall be revised to meet Section 8.7(E) of the Subdivision and Site Plan Regulations;

13. All mechanical equipment shall be fully screened;
14. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and a building permit secured. Seven paper copies of the plan sets shall be submitted for final approval;
15. The plan shall contain a note stating, "No certificate of occupancy shall not be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations"; and
16. 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.

(Current Items)

4. **S-28-2014**  
**Property located at 388 Elgin Avenue (Tax Map 283, Lot 49), (Tax Map 556, Lots 37, 105 and 106), a request to consolidate 3 lots and subdivide them into 32 lots, on which 31 single-family homes would be constructed. A fourth lot is to be used for drainage. *Marshall-Davis Investments, LLC for Steven Musial***

Ms. Flinchbaugh recused herself from this item as her husband works for the law firm that represents the developer.

Mr. Belanger advised that the last public hearing was limited to really just one issue regarding trucking and ancillary issues surrounding trucking. He said some questions came up during that meeting and the applicant's team got back to him with the answers to the Board's questions.

With regard to the hours of trucking, Mr. Belanger advised that Mr. Demers, the developer of the property, sent him an email on June 13<sup>th</sup> in which he said "According to the present owner (Steven Musial) all trucks arriving to the site are showing up during normal hours of their work as they are on the City streets after 7:00 AM and conclude their work around 4:00 or 5:00 PM, or earlier if it is inclement weather.

With regard to the progress of the fill and how far along they are in bringing the total amount of fill to the site, the applicant had their surveyor, Ray Shea of Sandford Surveying, go out and put an estimate on the total number of cubic yards of fill that had been brought to the site thus far, which is 31,000 cubic yards. Based on that, they are 68% complete and need to bring in an additional 25,000 cubic yards.

With regard to whether or not the trucks are actually covered as they come in, Mr. Belanger advised that the email from Mr. Demers said that per the current owner, Mr. Musial, "All trucks arriving to the site have their loads covered. Police have been in the neighborhood in recent months and have conducted safety checks and per a conversation with the truckers and to his knowledge none have been cited for traffic infractions."

Regarding flaggers on the site, Mr. Demers stated "Per my agreement with the Board, I will provide a flagger for the time period we agreed upon when I will be actively trucking material for my road construction phase of the development."

Mr. Belanger advised that the responses to those issues are reflected in the recommendation.

The Board took a few moments to review the staff recommendation.

Mr. LeClerc recalled some of the abutters talking about the anticipated haul route and how they agreed to pay assessment fees for that particular area. He recalled hearing that some of the trucks were coming in via Eve Street and then down Elgin, which is the total opposite end of Coral Avenue, which they have as the anticipated haul route. He said if they are going that way, the assessment fees should be adjusted to incorporate that area as well.

Mr. Belanger said the agreement that was reached between DPW and the applicant included a specific haul route (Coral to Elgin) and it did not include Eve Street. His guess was if any trucks were taking that other route it was hopefully earlier on in the process and he thought everyone was on the same page now. He said there was no harm in adding some language to an existing condition or adding a totally new condition that says the haul route for trucking shall be as agreed upon in the letter between DPW and the applicant. Mr. LeClerc said as long as it is understood between all parties he does not think that is an issue.

Mr. Clement asked if there should be a condition about a fence around the detention pond because it is a manmade pond. Mr. Belanger said coincidentally Glen Forest Drive is up for consideration this evening and one similarity between this project and that project is that they both have these retention ponds. In the Glen Forest application, DPW suggested that there be a fence around it so that is listed as a condition in the staff recommendation. He advised that DPW did not make that recommendation on this project.

Chairman Harrington said it was his understanding that the term "detention pond" is thrown around way too loosely and this is not anything that is to have standing water in it. It is basically a filtration system that allows the runoff to filter through and then ultimately out to the river. It is not meant to be a standing pond and unfortunately the terms can get confusing for people. Mr. Boissonneault said that was exactly what he was going to say. In addition, they just voted on Wellington Road and they also have a basin up there that the Board didn't impose that on them. Mr. Clement said it is not a standing water pond at any particular time but it could be there for 3 or 4 days and that would leave them liable for anything that happens at that pond.

With regard to the facts in the application, Mr. McCue said there is a section regarding fencing around the detention basin and where the attorney makes note that they did not believe it was necessary to have one; however, in the last sentence they stated that they would build a fence if it was required by the Board.

Alderman Levasseur advised that he contacted Kevin Sheppard of DPW concerning the roads and the pot holes and they have gone in and given it a good "once over" and hopefully they will continue with that maintenance. Chairman Harrington thanked the Alderman for his efforts and quick response to the abutters' concerns.

Mr. Belanger advised that there was a waiver for cul-de-sac length. He said this application was filed in 2014 so they were under the prior regulations when the maximum cul-de-sac length was 600 feet. There are two cul-de-sacs here; one is proposed to be 2,001 feet and the other is proposed to be 911 feet.

***Mr. McCue made a motion to grant the waiver for cul-de-sac lengths exceeding 600 feet, which was seconded by Mr. Clement. (Motion Carried)***

***Mr. McCue made a motion to approve S-28-2014 per staff recommendation with an added condition that they put a fence around the detention basin.***

Mr. Boissonneault asked how they would get through the fence to provide for maintenance. Mr. McCue said that was a good question and that is where staff would have to step up to the plate and say they would either have to have a gate or something to have access to it.

Chairman Harrington asked staff if that is something that is typical. Mr. Belanger said it is something they can certainly do if that is the Board's pleasure. Staff asked for specifics concerning height, etc. Ms. Goucher said they have also called out black chain link fence in past projects so it blends in better with the area as opposed to regular chain link. Mr. McCue asked if condition #13 concerning the boulders would go away. Mr. Belanger said from the discussions in prior meetings, it seemed that the intention of those boulders was to prevent any kind of vehicular issues or any issues with building a shed or something too close to it.

Mr. Clement said he would be happy with a four foot black chain link fence. Mr. McCue said Mr. Boissonneault made a good point that the biggest problem with any of these detention ponds when they fence them in is the maintenance and access to them to basically clean them out and keep them reasonably free of debris. He thought Mr. Clement's idea of a four foot fence would be adequate as far as protection from someone using the detention pond or going in there and potentially getting hurt.

Chairman Harrington advised that he was not in favor of putting a fence around this detention pond as he does not believe there is going to be standing water there and he doesn't think it is necessary.

Mr. Clement thought they anticipated there being water sometimes or why would they put it

there. The Chairman explained that there may be some water for a short amount of time, but it is not a pond. Mr. Clement said he wasn't questioning their engineering ability, but he questioned at one time or another it is going to have water in it, which is why they put it there.

Mr. Boissonneault explained that it is there to slow things down. The water will infiltrate; it is designed to recharge ground water and to dissipate the water. It was never meant to be any sort of holding pond whatsoever. As far as debris, there is a berm right behind the forebay designed to catch most of the garbage that gets in there to facilitate cleaning as well and anything on the back side of that is not really going to see a lot of debris. The infiltration should remain pretty much intact for quite some time. He agreed with the Chairman.

As a procedural note, Mr. Belanger advised that there was a motion on the floor for the staff recommendation to be approved with this additional condition. He said the Board could vote yeah or nay on this and if it were to fail with the addition of this new condition; that would not mean that they could not take a vote for the staff recommendation as it stands without the condition.

Mr. McCue said he could withdraw the initial motion.

Mr. LeClerc agreed with Mr. Boissonneault and he does not think water will be in there long enough for anybody to go in there and use it as a wading pool or whatever. He is not positive that the fence is a necessity.

***Mr. McCue withdrew his recommendation for the potential 26<sup>th</sup> condition for the fence and renewed his motion to approve S-28-2014 per staff recommendations, which was seconded by Mr. Boissonneault. (Motion Carried) (Abstained: Flinchbaugh, Levasseur)***

Conditions of Approval:

1. Conditional approval of the subdivision shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for signature;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning Department, prior to final approval;
3. The applicant shall submit a bank check, irrevocable letter of credit, or other financial guarantee, satisfactory to the City, to provide surety for the completion of all public improvements, prior to final approval;
4. Prior to final approval, the applicant shall provide the City of Manchester, by and through its Planning and Community Development Department, with a bank or cashier's check for \$20,000, which shall be the developer's nonrefundable compensation for anticipated damage that trucking of fill will cause to local, public streets as described in a letter sent from the Department of Public Works to Pamela Goucher on April 21, 2016;

5. Prior to final approval, the applicant shall provide the City of Manchester, by and through its Planning and Community Development Department with an irrevocable letter of credit, bond, or other form of financial guarantee acceptable to the City in the amount of \$50,000. The financial guarantee shall be drawn upon to compensate the City for additional repairs for damage to local streets that results in a PCI of 25 after the trucking of all fill to the site has been completed, as described in a letter sent from the Department of Public Works to Pamela Goucher on April 21, 2016;
6. Prior to final approval, the applicant shall provide the City of Manchester, by and through its Planning and Community Development Department, with a bank or cashier's check for \$2,500, which shall be held in escrow and used to contract with AECOM to perform the PCI analysis upon completion of trucking of fill to the site. Should additional funds be necessary for AECOM's contract, the City shall draw funds from the \$50,000 financial guarantee provided by the applicant;
7. The applicant shall submit fully executed street-dedication documents to the satisfaction of the Highway Division and/or the City Solicitor prior to final approval;
8. A subdivision improvement agreement, prepared by the City of Manchester Planning Department, shall be executed that binds the developer, its heirs, and its successors to performance in the timing of the construction of public improvements and dwelling units prior to final approval;
9. The applicant shall submit proposed public and private easements, a railroad crossing easement or agreement, restrictive covenants, declaration of homeowners' association, and other legal documents for review and approval by the City prior to final approval and shall record them concurrently with the subdivision plat. This shall include easement documents allowing the City access to sewer and drainage features located outside the public right-of-way;
10. New street names and lot addresses shall be secured from the Highway Department and shown on the plan along the parcel frontage prior to final approval;
11. All property corners, exclusive of right-of-way monumentation, are to be set prior to final approval;
12. The applicant shall obtain all necessary state and federal permits prior to final approval, excluding a final letter of map amendment by FEMA, which the applicant shall obtain prior to issuance of the first certificate of occupancy;
13. Boulders shall be lined along the northeastern side of the detention basin such that they discourage owners of lots 105 AC and AB from filling or otherwise disturbing the detention basin. These boulders shall be depicted on the plan prior to final approval and shall be

placed prior to the issuance of the first certificate of occupancy;

14. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations;"
15. Upon conditional approval, the applicant shall provide a traffic-control flagger at the site entrance from 2:30 p.m. to 5:30 p.m. on weekdays until the trucking of fill to the site has been completed;
16. Upon conditional approval, the applicant shall ensure that all trucks entering the site shall be properly covered to prevent dirt from escaping;
17. Upon conditional approval, there shall be no trucking of fill to the site between the hours of 5:00 p.m. and 7:00 a.m. and none on weekends;
18. The applicant shall rotate/relocate the existing house on lot 105 such that its façade fronts onto the nearest public street prior to final approval;
19. For final approval, 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;
20. All material changes to the plan shall require approval from the Planning Board at a public hearing;
21. The applicant shall record the subdivision plat, easements, railroad crossing easement, restrictive covenants, and declaration of homeowners' association within 30 days of final approval and shall provide the Planning and Community Development Department with the plan number and book and page numbers of all such documents;
22. Grading plans for each house lot shall be submitted by the applicant and reviewed by planning staff prior to the issuance of building permits for each lot, and such plans shall show the basement slabs of all homes above the base flood elevation;
23. As agreed to by the applicant, all houses shall have fire-suppression systems that conform to Fire Department regulations installed prior to issuance of certificates of occupancy;
24. All street trees depicted on the plan shall be a minimum of 3-inch caliper width at six inches up from the root crown and shall be planted on the lot prior to the issuance of a certificate of occupancy for that lot; and
25. The school impact fee of \$2,733 per single-family-detached dwelling unit shall be submitted

prior to the issuance of the certificate of occupancy for each unit.

5. **S-07-2016**

**Property located at Glen Forest Drive (Tax Map 506A, Lot 5B), an application to subdivide one parcel of approximately 8 acres into 9 residential lots served by a new public street. *Keach-Nordstrom Associates, Inc. for Hampshire Ventures, Inc.***

The Board took a moment to review the staff recommendation.

***Mr. McCue made a motion to approve S-07-2016 per staff recommendation.***

Chairman Harrington commented that the staff had done a good job in crafting the recommendation and capturing what was brought out at the meeting.

***Mr. Clement seconded Mr. McCue's motion to approve. (Motion Carried)***

**Conditions of Approval:**

1. The applicant shall obtain final approval from all reviewing agencies, including the Planning Department, prior to submitting plans for final approval and recording;
2. Prior to submitting plans for final approval, the applicant shall submit a financial guarantee satisfactory to the Planning Staff to provide surety for the completion of all public improvements, such amount to be determined by the Highway Division prior to submitting plans for signing and recording. As part of the financial guarantee, the applicant shall submit \$4,500 for use by the City to repair damage to Lone Pine Drive and Glen Forest Drive that the City and the applicant agree will result from trucking of fill to the site;
3. Prior to final approval, a Subdivision Improvement Agreement shall be executed that binds the developer, its heirs, and successors to performance in the timing of the construction of public improvements;
4. A homeowners' association comprised of the owners of all lots within this subdivision shall be created for the purpose of maintaining the drainage features on the site. Prior to final approval of the subdivision, the applicant shall submit for review a declaration of covenants and restrictions for the homeowners' association, which shall be recorded prior to, or concurrently with, the subdivision plan;
5. The applicant shall submit executed street dedication documents, as well as sewer, water, and utility drainage easements, both public and private, to the satisfaction of the Highway Division and the City Solicitor;
6. A fence shall be installed around the stormwater detention basin and shall be indicated on the plan prior to final approval;

7. Prior to final approval, new street addresses shall be secured from the Highway Department and shown on the plan, along the parcel frontage;
8. Prior to final approval, the surveyor shall provide to the Highway Department a digital file in AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88);
9. Prior to final approval, the applicant shall amend the landscape plan to show vegetative screening along the lot line between the subject parcel and map 506A, lot 24;
10. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations;"
11. The applicant shall obtain all necessary State and Federal approvals, as applicable, prior to final approval;
12. All new property corners, except right-of-way monumentation, are to be set prior to submitting plans for final approval and recording;
13. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed;
14. For the submission of plans for final approval, the applicant shall submit one set of mylars for recording, one set of mylars to remain on file with the Planning Department, and four complete paper sets;
15. Any material change to the plans shall be reviewed by the Planning Board at a public hearing;
16. All trucking to and from the site shall use Bodwell Road and Lone Pine Drive;
17. The applicant shall provide the Planning Department with the recorded plan number, and book-and-page numbers of other recorded documents, within 30 days of final approval;
18. Signs noting the presence of wetlands shall be placed every 50 feet along the wetland boundaries. The signs shall be provided by the Manchester Conservation Commission for purchase by the developer and shall be installed prior to the issuance of a CO for the impacted lot;
19. Grading plans (for house development) shall be submitted by the applicant and reviewed by planning staff prior to the issuance of building permits;

20. The school impact fee of \$2,733 per single-family-detached dwelling unit shall be submitted prior to the issuance of a certificate of occupancy for each dwelling unit;
21. The applicant shall perform a compaction study for the fill brought in for all house lots, and the results shall be provided to the building inspector prior to issuance of certificates of occupancy for each dwelling; and
22. 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.

6. **CU-11-2016**

**Property located at 267 Wilson Street (Tax Map 342, Lot 19), a request for a Conditional Use permit to allow congregate housing (Use Group A.10) within the RDV Zone. *CLD Consulting Engineers for 267 Wilson Street, LLC***

Mr. McCue asked staff if on the Conditional Use requests, should one be done over the other, the parking over the congregate housing or does it matter. Mr. Klubben said in his opinion, the Board should take up the congregate housing CU first and then do the parking because that CU affects the parking to a certain extent. He advised after the two CU's, the Board should pick up the request to continue the effect of the waivers and then finally, the Site Plan.

***Mr. McCue made a motion to approve CU-11-2016 to allow congregate housing.***

Mr. Klubben addressed the Board and said to give some clarification on Mr. McCue's motion, staff has a recommendation that a stipulation be added to the approvals of each of the Conditional Use permits in the Site Plan staff report. He said he just wanted to bring that to the attention of the Board if they were inclined to address that.

Chairman Harrington asked Mr. Klubben where that stipulation was located in the staff report. Mr. Klubben said "all caps, recommendation in the second and third paragraphs". Each starts with "staff recommends that" on the Site Plan recommendations. Mr. Klubben stated staff put all the recommendations in one place.

***Mr. Clement seconded Mr. McCue's motion to approve per staff recommendation. (Motion Carried)***

**CONDITION OF APPROVAL:**

1. The use is to be consistent with the description provided during the public hearing, specifically that clients will be housed for short-term duration and supervised 24 hours per day, seven days per week.

**CU-12-2016**

**Property located at 267 Wilson Street (Tax Map 342, Lot 19 and Tax Map 109, Lot 4), a request for a Conditional Use permit for a reduction of required on-site parking, use of off-site parking, and the use of public and controlled parking within 500' for a 37,000 SF building for Hope for NH Recovery center and other non-profit tenants, and 17 units of multifamily housing, and four units of congregate housing. The applicant proposes a combination of 38 parking spaces on the two parcels where 103 are required within the RDV Zone. *CLD Consulting Engineers for 267 Wilson Street, LLC***

***Mr. McCue made a motion to approve CU-12-2016 to reduce the on-site parking per staff recommendation, which was seconded by Mr. Clement. (Motion Carried)***

Chairman Harrington stated he had one question for staff. He said he knows the Board already voted on the other one, but he asked what would happen if something isn't adhered to. Would they have to come back before the Board? Mr. Klubben said yes. He said staff tried to write it to give them some flexibility but to stay within the general description of what was put before the Board at the public hearing. The Chairman said he just wanted a better understanding of that. He said that was how he interpreted it but just wanted to make sure that was what staff was getting at.

**CONDITION OF APPROVAL:**

1. The multi-family housing shall be as described during the public hearing, specifically that the purpose of the housing is to meet the needs of recovering clients who receive supervision 24 hours per day, seven days per week.

**SP-18-2016**

**Property located at 267 Wilson Street (Tax Map 342, Lot 19 and Tax Map 109, Lot 4), a site plan application to modify SP-34-2015 (which changed the use of 37,000 SF of CA Hoitt's Furniture building to Hope For NH Recovery Center and other non-profit tenants), to allocate portions of the second and third floors for multi-family dwellings and a portion of the fourth floor for congregate housing within the RDV Zone. *CLD Consulting Engineers for 267 Wilson Street, LLC***

Mr. Klubben stated the applicant has submitted a request to continue in full force and affect the waivers that were granted with SP-34-2015. He said he believes that one should be taken up before the Board votes on the Site Plan. Mr. Klubben said there were five specific waivers which are in the packet. They are: the preparation of a landscape plan, a sign and lighting plan, additional utility design, a traffic analysis, and the reduction of the dimension of the loading space. Mr. McCue stated that was in the letter from Rick Dolce.

***Mr. McCue made a motion to maintain the approval of those waivers which was seconded by Mr. Clement. (Motion Carried)***

***Mr. McCue made a motion to approve SP-18-2016.***

Chairman Harrington addressed Ms. Goucher and said his only concern was with the façade of the

building and the way in which the building looked as was discussed at a previous meeting. He said this was presented to the Board by the applicant and that he was making those changes but there was no plan or elevations. Ms. Goucher stated there is a condition regarding building elevations and said Mr. Klubben would like to address that matter with the Board.

Mr. Klubben said it has come to staff's attention that the way condition 4 was drafted, it would probably be interpreted by the CDFA as being an incomplete approval which could be the grounds to disapprove their funding request. If the Board is interested, they could choose to just strike it or they could modify that condition to state: "the building elevations shall be reviewed and approved by staff who will bring the elevation plans to the Board for information purposes." Mr. Klubben said by rephrasing it that way, it would not render the approval tonight as incomplete in the eyes of the CDFA.

The Chairman asked staff if they were comfortable with that wording, assuming the Board were to approve it. He asked staff if that would be putting them on the spot or would they want to have Planning Board participation or are they comfortable with just having staff review and approve. Ms. Goucher said the staff could work with that condition.

***Mr. McCue made a motion to adjust condition number 4 to read "The building elevation plans shall be reviewed and approved by the staff and would be brought to the Planning Board for informational purposes."***

***Mr. LeClerc seconded Mr. McCue's motion to adjust condition number 4. (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 site plan shall contain the following note: "This plan is a modification of the approval of SP-34-2015, CU-24-2015, and CU-03-2016 for Tax Map 342, Lot 19, conditionally approved by the Planning Board on January 21, 2016, said plan receiving final approval and signature on April 22, 2016, and, unless specifically superseded by this revised plan, all prior conditions of approval remain in full force and effect";
3. The applicant shall obtain final approval from all reviewing agencies prior to submitting plans for final approval;
4. ~~The building elevation plans shall be reviewed and approved by the Planning Board at a compliance hearing.~~ The building elevation plans shall be reviewed and approved by the staff and would be brought to the Planning Board for informational purposes;
5. For all exits to be used for access, for all exits required for emergency ingress and egress, and for required pathways to the public way, the applicant shall demonstrate that outside lighting is

- adequate for reasonably secure night-time use;
6. The buildable area of Map 342, Lot 19 shall be added to Note 2 on the site plan;
  7. Per 8.11 of the Subdivision and Site Plan Regulations, the dumpster enclosure shall be on a concrete pad;
  8. Unless relief is requested and granted by the ZBA, the school impact fee of \$1,169 per multi-family unit shall be paid prior to the CO for the new multi-family dwelling units;
  9. All material changes to the approved plan, including changes to signage, shall be reviewed and approved by the Planning Board at a public hearing;
  10. Should the ZBA grant relief to the applicant from the density calculation and / or from the maximum lot coverage, planning staff is authorized to approve the associated minor plan changes administratively for SP-18-2016 and CU-12-2016;
  11. In accordance with the Subdivision and Site Plan Regulations of the City of Manchester and RSA § 676:13, all improvements specified on these site plans shall be constructed, completed, inspected, and approved by the City prior to the issuance of a certificate of occupancy; and
  12. Should any condition precedent or subsequent to this approval not be met in the time periods provided 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.

The Board took a short recess.

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

##### **1. Annual organizational meeting and election of officers of the Planning Board.**

Chairman Harrington said he would continue as Chairman if the Board would like him to continue as Chairman.

***Alderman Levasseur nominated Mike Harrington to continue as the Chairman of the Planning Board which was seconded by Mr. Clement. (Motion Carried)***

There were no other nominations and Chairman Harrington closed the nominations for chairman.

Chairman Harrington requested nominations for Vice Chairman of the Planning Board.

***Mr. Boissonneault nominated Ray Clement, which was seconded by Mr. LeClerc.***

There were no other nominations for vice chairman and the Chairman closed the nominations.

***(Motion Carried)***

**2. 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.

1. S-09-2016

Property located at 401 South Mammoth Road (Tax Map 856 Lot 3), an application to subdivide one parcel of approximately 2.9 acres into 8 single family lots on a new public street within the R-1B zone. *Joseph M. Wichert, LLS, Inc. for John Giovagnoli Rev Trust.*

2. S-10-2016

Property located at 51 Platts Avenue and 162 Holt Avenue (Tax Map 248, Lots 41 and 48), a subdivision application to adjust the lot line between Lots 41 and 48 with approximately 3,595 SF transferring from Lot 41 to Lot 48 within the R-1B Zone. *Joseph M. Wichert, LLS, Inc. for Constance Harvey and Joseph & Debra Malynn.*

3. S-11-2016

Property located on River Road and Union Street (Tax Map 216, Lot 2 & 3), an application to adjust the lot line between Tax Map 216 Lot 2 and Tax Map 216 Lot 3, with a total area of approximately 25.3 acres, and a subsequent subdivision of Lot 2 into 25 single family lots on a new street in the R-1A Zone. *CLD Consulting Engineers for Manning Hill, LLC.*

The Chairman stated that there seems to be some indications of wet areas there. He asked if the Board would like to send this application to the Conservation Commission before coming to the Planning Board. Mr. Boissonneault thought it was significant enough that it affected their subdivision the way they had to subdivide those lots.

4. SP-04-2016

Properties located at 401-419 South Willow Street (Tax Map 300, Lots 16, 7 & 8), a site plan application to redevelop existing commercial property with a new 5,000 SF retail building and associated site improvements within the B-2 Zone. *Shawn Smith for One Wall Street LLC & Brickwater LLC.*

5. PD-04-2016

Property located at 8 Goffstown Road (Tax Map 775, Lot 8), an application to construct a

planned development with a private street and 7 single-family homes on one parcel of 8.24 acres, with 9,820 square feet of permanent wetland impacts and associated site improvements. (The applicant has already appeared before the Conservation Commission for wetland impacts.) *Keach-Nordstrom Associates, Inc. for Michael D. Tancreti, Trustee & DE Desharnais, Trustee MTEA realty Trust.*

Ms. Goucher advised that this property actually borders Goffstown and the Board may want to determine it has regional impact.

To help the Board, Mr. Belanger cited the State Statutes and said the factors in determining that an application has regional impact are as follows:

- Relative size or number of dwelling units as compared with existing stock.
- Proximity to the borders of a neighboring community.
- Transportation networks.
- Anticipated emissions such as light, noise, smoke, odors or particles.
- Proximity to aquifers or surface waters which transcend municipal boundaries.
- Shared facilities such as schools and solid waste disposal facilities.

Mr. Belanger advised that there is a wetland that crosses the municipal boundary although it is not an aquifer per se. There is no water drawn from it. It is obviously on the municipal border. On the Goffstown side there is an industrial use, which is basically a vacant parcel for the most part with a radio tower on it.

Mr. Belanger advised that the list above is not an all-inclusive list, there are “factors such as but not limited to the following” so it is not like they have to hit every one or that is all they can consider, it is just a guideline.

If this Board found there to be regional impact Ms. Goucher advised that they are required to send a certified letter to the town clerk with a copy of the Minutes in which the Board took an action such action and advise them when they would be looking to conduct a hearing on the matter. Mr. Belanger added that they would get status as an abutter so they will be able to comment. Also the regional planning commission would be notified.

***Ms. Flinchbaugh made a motion that the following applications do not have regional impact and do not require comment from the Manchester Conservation Commission: S-09-2016, S-10-2016, and SP-04-2016. The following application has regional impact: PD-04-2016. The following application requires comment from the Manchester Conservation Commission: S-11-2016. The motion was seconded by Chairman Harrington. (Motion Carried)***

3. **Review and approval of the Planning Board Minutes of April 7, 2016, April 21, 2016, May 5, 2016, May 19, 2016 and June 2, 2016.**

*Mr. Boissonneault made a motion to approve the Minutes of April 7, 2016 per Mr. McCue’s*

*changes, which was seconded by Mr. Clement. (Motion Carried)*

*Mr. Boissonneault made a motion to approve the Minutes of April 21, 2016 per the corrections of Mr. McCue, which was seconded by Mr. Clement. (Motion Carried)*

*Mr. Boissonneault made a motion to approve the Minutes of May 5, 2016 per the corrections recommended by Mr. McCue, which was seconded by Alderman Levasseur. (Motion Carried)*

*Mr. Boissonneault made a motion to approve the Minutes of May 19, 2016 per Mr. McCue's changes, which was seconded by Mr. LeClerc. (Motion Carried)*

*Mr. Boissonneault made a motion to approve the Minutes of June 2, 2016 per Mr. McCue's changes, which was seconded by Mr. Clement. (Motion Carried)*

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

Impact Fee Study

Mr. Klubben provided an update concerning the impact fee study that is in full swing. He said the consultant has received the data he needs and staff should be starting to receive reports and substantive analysis by August. He believed they could be ready for a public hearing in the October/November timeframe.

Mr. Klubben said the draft pieces of the report are due by August and they should have a draft final report for in-house review in September. Staff is then looking for final reports and presentations before the Board of Mayor and Aldermen and the Planning Board in the October/November timeframe.

Alderman Levasseur asked if there is a reason he did not include a fee schedule. Mr. Klubben said that is one of the final products of the report. The consultant calls it a "study", but the end deliverable includes a proposed revised schedule of impact fees for the school and fire, which is what they are focusing on right now.

Alderman Levasseur asked how Manchester compares to other cities and towns. Mr. Klubben said it is not part of the study to compare impact fees to other communities. The Alderman thought that should be part of the study. Mr. Klubben said they could certainly get information for surrounding communities that impose impact fees for comparison purposes. That would be done at the point when they receive the schedule of fees from the consultant.

Mr. McCue asked why the police weren't included in this study. Mr. Klubben said essentially the budget limited staff to updating the existing fees. As they are collecting data the consultant will be looking for setting up the data base so if they decide they would like to continue on and look at other fees, like police, they will have the bulk of the data already set up and ready to go.

Director LaFreniere advised that the statutes for impact fees permit the collection of impact fees

for facilities and infrastructure improvements that are necessitated by development so there has to be a nexus to the development. Impact fees cannot be used for operational costs. They couldn't be used to hire policemen or to pay for administrative costs to run a police department. They can only be used for facilities and infrastructure that the cost for which can be directly attributed to the impact of a development. You have to be able to quantify it.

#### Matt O'Brien

Ms. Goucher advised that she just handed out a copy of an email she received from Matt O'Brien advising of his move out of the City. She wanted the Board to see it because he had some nice things to say about the Board. He also asked that it be distributed to the Board of Mayor & Alderman so she forwarded it to the City Clerk to be put on the agenda for an informational item.

#### Quirk

Ms. Goucher advised the Board that when Quirk first came in with their South Porter Street site plan for a proposed car dealership, there were some conditions placed on the approval by the Board. She reminded the Board members that were present at that time that there was a condition that, once a car dealership went into the space, there would be some post occupancy traffic monitoring. The trip generation numbers that were given in the traffic study back when that proposal first came to the Board were "guesstimates" on the engineer's part because it was represented that it was such a large dealership that it was hard to get comparable numbers. Therefore, after a lot of back and forth about how accurate the projection of the traffic from this large dealership would be, a condition was imposed about doing a post-occupancy study both six months after it opened and again after one year. She advised the Board that she had received a memo from CLD for their six month post-occupancy study and they are saying that the numbers are significantly less than what was represented in the initial traffic study and they expect that probably when they do the monitoring at 12 months, it will also be much lower. They are actually 4-5 times lower than what the traffic generation numbers originally projected.

Ms. Goucher advised that CLD was hoping that they wouldn't have to do another follow up at 12 months because the numbers were so low, but she told them they either needed to do the follow up in 12 months or come back to the Board for a public hearing to be released from the condition. She believed they were just going to do another follow-up again at the end of this year.

#### Car Dealerships

Ms. Goucher advised that the Board has had a lot of discussions about some of the area car dealers and whether or not they are adhering to their approved plans. Director LaFreniere had requested that staff compile a list of all the auto dealers in the City that are either under site plan approval or may be in through a variance or a conditional use permit or, in some fashion, have been permitted through the Department. The list is going to be put in a spreadsheet format and she believes it is the Director's intent to have the planners go out and compare the plans that were approved with the field conditions out there.

#### 300 Bedford Street

Mr. Clement asked staff about what they knew about the proposed hotel on Bedford Street. Mr. LaFreniere advised the Board that the project received approval from the Zoning Board of

Adjustment. There was a condition of approval, however, that was proposed by the applicant and adopted by the Board that required that 220 parking spaces be provided to offset both the loss of any existing spaces in the lot as well as to offset some of the demand that would be anticipated from the hotel. They have been working diligently to try and figure out how to meet that condition. He said the developer will be coming before the Board of Mayor and Aldermen with some information on June 28<sup>th</sup> and he expected that they would ask for some actions from the BMA. He said it is still in play and how it moves forward will, in large measure, be dependent on how some of the parking issues in the Millyard can be addressed.

Alderman Levasseur said they want the City to bond and pay for more parking spaces than they originally came in with and it will be up to whether or not the Board wants to go forward to fund a bigger parking garage.

***Ms. Flinchbaugh 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: July 21, 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*