

**MANCHESTER PLANNING BOARD**  
**PUBLIC HEARING / LIMITED BUSINESS MEETING MINUTES**  
**Thursday, September 01, 2016 – 6:00 p.m.**  
**City Hall, Third Floor – Aldermanic Chambers**

**Board Members Present:** Chairman Mike Harrington, Vice Chairman Ray Clement, Catherine Flinchbaugh, Pierre Boissonneault, Guy Guerra, Kevin McCue, Alderman Joe Kelly Levasseur, Michael O'Donoghue,

**Alternates Present:** Dan LeClerc, Barry Lussier, Ray Hebert

**Absent:** Jim Roy (Member)

**Staff Present:** Jeffrey Belanger, Senior Planner, Jonathan Golden, 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. PUBLIC HEARING:**

Chairman Harrington advised that the Board received a request for an extension of approval for a planned development/lot line adjustment at 675 & 685 Coolidge Avenue, which is PD-06-2015 and S-11-2015. The abutters to the project were properly notified for the hearing; however, there was an issue with notice to the general public. As a result, that has been postponed until the next public hearing on October 6, 2016.

*(Continued From July 21, 2016 and August 18, 2016)*

1. **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***

A request was received to postpone this case until the September 15, 2016 meeting.

*(Continued from August 18, 2016)*

2. **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 with the R-1B zone. *Joseph Wichert, LLS, Inc. for John Giovagnoli Rev. Trust***

Joe Wichert appeared on behalf of the John A. Giovagnoli Revocable Trust. Also present was Dave Giovagnoli and Jeff Lewis of Northpoint Engineering.

Mr. Wichert advised that they were before the Board in July regarding the proposal. The main objective of talking was relative to the 100 foot setback and whether or not the Planning Board would be willing to waive that requirement. Since that time, they made a resubmission, received DPW comments and tried to address most of those. Right now what they are looking for at this time is input concerning the traffic issues.

Mr. Lewis advised that they had a request from Dave Winslow to do some traffic counts. He was particularly concerned about the queuing on Mooresville Road and potentially the need for some turning lanes as you approach Mammoth Road. As such, they have Stephen Pernaw do some traffic counts and prepare a brief report that was submitted. They are in receipt of Dave Winslow's letter dated August 26<sup>th</sup> requesting some additional information. Mr. Lewis said it appears that this subdivision is not going to cause the need for turning lanes; however, it is very close in the future to needing some lanes. Given that, Mr. Winslow has asked for them to reserve an easement for future widening along Mooresville Road. He thought that is where this is probably headed. They didn't have time to respond to Mr. Winslow's most recent letter, but that is what they have been discussing amongst the team to provide that. They need to make sure it is not going to cause any constructability issues with the lots they have fronting on Mooresville Road. They don't think there will be an issue but they need to double check for zoning compliance. It would appear that is where they are headed in the direction of just providing a widening easement for the City to come in at a later date when warranted to put in turning lanes there.

Mr. Lewis said a lot of the other comments that are left they feel they can take care of. There are still some remaining concerns about utility services, particularly on Mammoth Road because it is under moratorium so they want to make sure they are only impacting that as much as needed. They will continue to work with Water Works and the Highway Department to make sure they have everything addressed there. There is some detailing concerning light poles and some sidewalk ramps. He is confident they can work out the issues with Water Works and the Highway Department. They are looking for any final comments from the public or the Board and then they will come back with revised plans.

Mr. Guerra asked where the driveways will be for Lots 3, 3A and 3B. Mr. Wichert referred to note 10 on the plan which specifies where the driveways would be off of. He said Lot 3C has to come off the new road and 3B has to come off of Mooresville. Lots 3 and 3A would come off Mammoth Road.

Chairman Harrington advised that Ray Hebert had arrived.

With regard to the dealings with the State, Chairman Harrington asked if they were all set with that or if there were still ongoing discussions about their future expansion of I-293. Mr. Wichert didn't believe they had any direct discussions with DOT relative to that. He doesn't think it is even in the ten year plan on their published list. He said he would double check that before the next hearing.

Chairman Harrington turned the hearing over to the public. There were no comments from the

public and the Chairman brought the hearing back to the Board.

With regard to the driveway on Lot 3A, Mr. McCue said he didn't see anything on the plan that showed a driveway. Mr. Wichert said they haven't shown the proposed driveways because that is usually a function of building permit. He believes the game plan would have that Lot 3 would probably re-use the existing curb cut so Lot 3A would be the only new curb cut onto Mammoth Road. He thought it would all depend on what type of house and where it is situated.

Mr. Guerra said they changed the way traffic flows at the intersection of Mooresville and Mammoth. It used to be real wide if you were coming north on Mammoth to take a left onto Mooresville. They sort of dedicated a lane there now so there are sort of three lanes now. He said he was nervous about the driveway for Lot 3A there. He was concerned about the proposed driveway off Lot 3B onto Mooresville because it will be difficult for whoever moves in there to get in and out of their driveway. Mr. Wichert asked if it was a line of sight issue or the queueing of the vehicles. Mr. Guerra said it was more of a speed issue of people coming down Mammoth Road.

Alderman Levasseur asked if there were any abutters across the street. Mr. Wichert did not believe they had any public testimony. The Alderman asked about the size of the houses and values being built. Mr. Giovagnoli said they would be starter homes in the \$250,000 range.

Mr. Wichert said they have some engineering details and the easement issue that are outstanding. He asked if that is something they would have to come back for or if they could close the public hearing. The Chairman said they would be unable to close the public hearing as they needed the traffic counts. He said if that is something they could get done before the limited business meeting they could make it a limited public hearing on the 15<sup>th</sup>. Mr. Wichert said they weren't looking at doing more traffic counts because he thought they were going to concede to the lane.

Chairman Harrington asked Mr. Wichert if he was requesting to close the public hearing. Mr. Wichert said if it was possible. There doesn't seem to be a lot of neighbor opposition or Board issues. He said they understand they have some technical stuff to work out and if they need to come back they can.

Mr. McCue asked staff what their rationale was for the traffic count on a development this small as they have already consented to put in the lanes. Mr. Wichert thought the issue was there was a concern about when the counts were taken versus the school. They talked to Mr. Pernaw and he came back and they were so close that the applicant has agreed that they would do the lanes.

Mr. Guerra asked if it was a private or public cul-de-sac going in there. Mr. Wichert said it was a City street. Mr. Guerra asked if there were provisions for a bus stop for kids that may be there or if there would be a need for it. Mr. Wichert believed the decision for where school bus stops are is beyond his level. He didn't know who it was, but he believed it is a moving target based on the population and the number of children. If they were to do a school bus stop he assumed it would still be in the right-of-way like all the other bus stops. Mr. Guerra thought that as well.

Mr. Wichert spoke with Mr. Giovagnoli and they felt it might be a little bit more prudent to keep it open in case something changed. He said they would work with staff and as long as there are no zoning issues with the easement they will come back next month. If there are zoning issues and they have to do other action, they will come back when those are done. Chairman Harrington said the Board appreciated that as well as their patience. He stated he was appreciative of their position on that because he thought it was the right way to go. He said the Board does not want to hold them up, but they do need to get a few more things taken care of and the Board appreciates their compliance with that.

Chairman Harrington advised that this would be held open. If it can be, the Board would be happy to have a limited public hearing at the next meeting on September 15<sup>th</sup>. Mr. Wichert thought they would need until October 6<sup>th</sup>.

*(New Items)*

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

***Mr. Clement made a motion that the below applications were complete and a public hearing should be conducted, which was seconded by Mr. Boissonneault. (Motion Carried)***

3. **S-14-2016**

**Property located at 20 Maynard Avenue (Tax Map 625, Lot 30), an application to subdivide one parcel of 23,199 SF into two parcels of approximately 14,499 SF and 8,700 SF (one new building lot) within the R-1B Zone. *Joseph M. Wichert, LLS, Inc. for Robert and Lucille Beliveau***

Joe Wichert appeared on behalf of Robert & Lucille Beliveau who have owned their property at 20 Maynard for over 55 years. As it is currently configured, the lot has 200 feet of frontage on Maynard Avenue. It is a little bit deeper than the normal City lot. It is 116 feet deep. The property is zoned R-1B so by Ordinance they need 75 feet of frontage and 7,500 SF of land. The proposal is straightforward and basically they are going to create one new building lot to the east side of their property. That lot is going to have 75 feet of frontage, 8,700 SF of lot area and it is going to be a fully complying lot. The only item they have asked for a waiver on is in regards to the overhead utilities. Currently the area is serviced by overhead utilities that are located on the north side of Maynard Avenue and rather than underground, the applicant would prefer to use overhead for the proposed new residence.

Mr. Guerra asked if the sheds were okay where there are and if they were there by permit. Mr. Wichert did not know about the permits and he did not believe they were cited in the zoning review.

Mr. Boissonneault inquired about the location of the utility poles and Mr. Wichert pointed out their locations on the plan.

Chairman Harrington opened the hearing for public comment and invited those in favor of this application to come forward.

**Andrea Tilson** advised that she lives next door at 48 Maynard Avenue. She asked what is going to happen and what the time frame is. She said the new building will actually be closer to her house than the owner so she was concerned in the sense of noise, trees that might end up coming down, etc.

The Chairman said they can ask the applicant for some direction on that. He explained what is before the Board is the subdivision and there may not be a lot of details as to exactly what will be built or what is going to be there. He explained that the application is to just to either or disagree to the subdivision that is being proposed. If the subdivision gets approved then they would apply for a building permit to build a house and that would be at the Building Department level.

Mr. Wichert advised that the Beliveaus plan to sell the property so he cannot answer anything as to what type of house, location or anything along those lines. With regard to the timing, with it being September he could certainly see somebody trying to buy it and try build on it before the frost so it could be the fall of this year or the spring of next year.

In terms of what direction somebody might go to when things start being constructed as far as noise, etc. Mr. Belanger said it is not something that is publicly advertised but certainly staff could make a note to contact Ms. Tilson and let her know when a building permit has been pulled if she has interest. It is not something that is really a public process but it doesn't mean that she isn't fully welcome to review the building documents that are filed with the Building Department. He said staff could try to remember that she is interested and keep her in the loop.

Assuming the Board takes action on this to approve the subdivision; Chairman Harrington said there won't be another public hearing after that for them to build something there. They would be fully within their rights to build a single family home on this location if it met all the criteria for building.

Mr. McCue said it looked like it would have to be a single family home. It wouldn't be a multi-family building because of the zoning and it would have to be put on the lot in a certain way to make sure it meets all the considerations regarding the buffers and proper setbacks.

There were no further comments from the public and the Chairman brought the hearing back to the Board. There were none.

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

Chairman Harrington advised Mr. Clement that he would need a motion to approve the

applications as complete.

***Mr. Clement made a motion, which was seconded by Mr. Boissonneault, that the following applications were complete and ready for a public hearing: S-15-2016, S-16-2016, S-17-2016, S-18-2016, CU-15-2016, CU-16-2016. (Motion Carried)***

4. **S-15-2016**

**Property located at 676 Cohas Ave (Tax Map 829, Lot 9), an application to subdivide one parcel of 40,596 SF into two parcels of approximately 27,348 SF (Lot 9) and 13,248 SF (Lot 9A) within the R-1A Zone. Joseph M. Wichert, LLS, Inc. for Richard & Marilyn Demars Rev. Trust**

Joe Wichert appeared on behalf of the Richard & Marilyn Demars Rev. Trust. Mr. Demars passed away and this is just a way to liquidate the estate. Ms. Demars will probably live in the family homestead for a while longer, but this will make things easier. As it is configured now, the property has almost an acre of land (40,596 SF); it has approximately 128 feet of frontage on Cohas Avenue and about 128 feet on Hermit Road. The road goes straight through and the lot is higher on Hermit than it is on Cohas Avenue.

Currently the existing residence is serviced by onsite septic and municipal water. As part of this proposal they are going to take the Hermit Road frontage and they will subdivide off one new R-1A building lot that will have frontage on Hermit Road. That lot will be 13,248 SF where 12,250 is required. Both the new lot and the house will be serviced by municipal sewer and water. In looking at the plan, when the City installed the sewer line on Hermit Road and on Cohas Avenue, they left stubs for both of these properties. As such, the utility connection for the sewer can be accomplished without any cutting into the road. He thought on Hermit Road they will probably have to go into the pavement to get to the water main and he believed Hermit Road is under moratorium but the applicant is aware of that and the contractor will have to either pay the additional reclamation fee and/or pave a larger area to make sure the patch is satisfactory to DPW.

The only waiver they are asking for is for the overhead utilities on the new lot. The existing lot is obviously already hooked up. On this one the overhead line starts off on the west side, crosses over to the east side and then runs along the east side of the road. He wasn't sure where the connection would go but it was his assumption is that they would probably tie it into the first pole in the frontage; which is on the east side of Hermit Road.

Mr. Boissonneault advised that the water main was barely in the pavement on the east side (Hermit Road) so when they go to DPW they won't be taking out that much roadway.

There were no further questions and the Chairman turned the hearing over to the public. There were no comments from the public. The Chairman brought the hearing back to the Board and they had no further comments.

Chairman Harrington closed this public hearing to be deliberated at the next business meeting.

5. **S-16-2016**

**Property located at 940 Hanover Street (Tax Map 236, Lot 11), an application to subdivide one parcel of 32,118 SF into three lots of 10,201 SF (Lot 11), 9,124 SF (Lot 11A), and 12,790 SF (Lot 11B) in the R-1B District. *Joseph M. Wichert, LLS, Inc. for the Evelyn P. Kantor Revocable Trust***

Joe Wichert advised that back in 2005 they actually tried to develop this property. Prior to 2005 there were two rental houses on the property; one that sat close to the intersection of Ohio and Hanover and the other one sat a little bit further east on Hanover Street. At the time, they obtained approval to create a site plan to build two office buildings with associated parking and all those improvements. Unfortunately, due to the economy that plan never came to fruition, it lapsed and Mr. Kantor has passed. The property is overgrown right now and it is a little unsightly.

Mr. Wichert said the intent is to basically stay with the limits of what the zoning is (R-1B). As part of what they did in 2005, they had to consolidate or merge all of the lots. The lot has 32,118 SF. It has 188 feet of frontage on Ohio Avenue, 201 feet of frontage on Hanover Street and 132 feet of frontage on Rhode Island Avenue. The proposal is to start over and create three R-1B single family building lots. All the lots would comply with the zoning.

The only waiver is in regard to the overhead utility. In this case the overhead utility line is on the north side of Hanover Street and on the east side of Ohio Avenue.

Mr. Wichert stated that they have talked to staff and they were concerned about the location of the driveways. Without knowing the location or size of the houses he said they are a little bit hesitant to lock in to where those are. What they agreed to stipulate is that Lots 11 and 11A would not access Hanover Street. Those lots would come through Ohio Avenue. In looking at Lot 11B there is a substantial grade up to Ohio Avenue, which kind of prohibits any kind of a driveway onto Rhode Island Avenue. As such, that driveway would end up actually coming in off of Hanover Street. He pointed out the paved parking areas for the old residences and that is pretty much where he thought they would want the driveways to come out anyhow. The good news is that because it is going to be a single family residence, it will probably reduce the width of that curb cut. The other curb cut will go away as part of the new driveway coming in on Lot 11A off of Ohio Avenue. He believed in the DPW comments that they stipulated that any of the driveways that got closed on Hanover Street it would be required that curbing be installed to match what exists and they are fine with that.

Mr. Wichert said when they removed the buildings in 2005, because there was going to be a subsequent development, they did not permanently close off those services. As such, there were two services that he believes come off Hanover Street for water and sewer. The intent is that they are going to reuse those where possible to minimize any cutting into Hanover Street.

Mr. Wichert said the way they are proposing they lots, they are all a good size with the smallest one on the corner of Ohio and Hanover being 9,100 SF. Lot 11 is 10,200 SF and Lot 11B is almost 12,800 SF. The only unbuildable area is a band of steep slope, which is over 25%. Even when that is reduced, Lot 11 is close at 7,539 but it does comply with the Zoning Ordinance and then Lot 11B would have 9,300 SF once the non-buildable area is subtracted out.

Mr. Boissonneault asked about the condition of the sidewalk. Mr. Wichert thought that was one of the items DPW also talked to them about. He said it is in good condition and he believed the intent was wherever they close up they will restore or at least put into a condition as it is now.

Mr. Boissonneault asked if there is curbing along the whole way. Mr. Wichert pointed out where there was granite curbing and where there are gaps where the driveways are. Mr. Boissonneault asked if they are going to be closing those up. Mr. Wichert said Lot 11A should have one continuous band of curb and then they will be reducing the other curb cut that is approximately 28-30 feet.

Since the 2005 application, Chairman Harrington asked if it was market conditions that dictated instead of going from offices to residences. Mr. Wichert believed it was a combination of factors. The property has been marketed pretty much continuously since 2006. There was interest in it for other uses when they went in 2005/2006 for the commercial. That was an area where the neighbors were concerned about the uses. His recollection was that when they met back in the day there was talk about no one wanting to see a restaurant or something there so they tried to come up with something that was viable. Unfortunately for the Kantors, he thought it was a nice little plan and that it would work but for some reason the numbers just never came to be.

There were no further questions from the Board and the Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this application. The Chairman brought the hearing back to the Board and they had no further comments.

Chairman Harrington closed this public hearing to be taken up at the next business meeting.

6. **S-17-2016**

**Property located at 74 Moore Street (Tax Map 194, Lot 19), an application to subdivide one parcel of 20,528 SF into two parcels of approximately 13,021 SF (Lot 19) and 7,507 SF (Lot 19A) within the R-2 Zone. *Joseph M. Wichert, LLS, Inc. for R&R Family Rev. Trust of 2002***

Joe Wichert appeared on behalf of the Proulx Family Revocable Trust. Also present was Dennis Proulx, who is Mr. Proulx's son. Mr. Proulx passed away and they are in the process of liquidating the estate.

This is the family homestead and Mr. Proulx owned it for over 60 years. He ran a landscaping business out of the garage where the south lot is. He pointed out the residence, an old pool that was filled in as well as a six stall garage that goes right up to the fence line. Obviously the business is no longer active and they are proposing to subdivide the southerly 7,500 SF and create one new R-2 building lot. As configured the lot has 20,528 SF and 205 feet of frontage on Moore Street. The lot is roughly 100 feet deep. They are going to take the southerly 75 feet of frontage to create the new lot line, which will result in the building and all the asphalt being removed, reclaimed and then a new building would be constructed. He said they were unaware there was a separate water connection into the garage so they are going to work with Water Works to get that identified and the intent would be to reuse that if at all possible.

Mr. Wichert advised that there is already an overhead line that goes into the building so it would be moved and attached to the new building.

Once they are done with the subdivision the house lot would have 13,021 SF. The new building lot would be 7,507 SF. The property is zoned R-2 so it needs 75 feet of frontage and 100 for the lot depth. The lot area is only 6,500 SF so either the math on the lot works or it is oversized by 1,000 SF.

Mr. Hebert asked if this lot was intended to be used for commercial. Mr. Wichert said it would be a residential building lot.

Chairman Harrington asked if they were going to build it themselves or sell the lot. Mr. Proulx advised that he is a builder and he would like to build a two-family dwelling.

Ms. Flinchbaugh asked if the trees in front of the second lot will remain. Mr. Proulx advised that there are three trees in front of the garage and the intent is to leave them there.

Chairman Harrington turned the hearing over to the public. No one came forward in favor of this request and the Chairman invited those opposed to come forward.

**Dave Gionet** of 67 Kimball Street said his property looks at the two backyards of this new development. He was concerned what is in the garage. It used to be a commercial lot so he asked what was in the ground. He said they are built on an ash dump so he is concerned what is underneath that. With regard to the pool that was filled in, he asked if the walls were collapsed. He asked if everything would be cleaned up and what the outcome would be for his property issues after that. He would also like to know which way the building will face.

Mr. Proulx said the garage is “clean, clean, clean” inside. He said his father was a fanatic and there isn’t even a spot of oil so there will be no environmental issues. The garage is cement block so all of that will have to be removed. All of the pavement around the garage will have to be removed and taken off site.

Chairman Harrington asked about the direction of the two-family. Mr. Proulx said the house would face Moore Street. He said if he left the trees in front of where the garage is then the parking would be (looking at the picture) to the right of the garage.

Mr. Boissonneault asked about the style of two-family. Mr. Proulx said he was looking to build a side by side.

Mr. Hebert asked if this was a single driveway. Mr. Proulx said if they are going to keep those trees it will be a tandem driveway (single parking for four cars). It will be on the right side where there is a clearing of the garage.

There were no further comments from the Board. The Chairman closed this public hearing and it will be deliberated at the next business meeting.

7. **S-18-2016**

**Property located at 780 North Commercial and 15 Fletcher Street (Tax Map 276, Lot 5), an application to adjust the common lot line between Tax Map 276-5 and Tax Map TPK6-12 and subsequently subdivide one parcel of approximately 87 acres into three separate lots of approximately 2,533,080 SF (Lot 5) 1,143,369 SF (Lot 5-1), and 98,107 SF (Lot 5-2) in the B-2 Zone and the Amoskeag Millyard Mixed Use Overlay District. *Meridian Land Services, Inc. for Public Service Company of New Hampshire/Eversource***

Mike Hammer, a landscaper with Meridian Land Services, said as part of Eversource's divestiture of its generation, it is seeking to take this parcel that has existed in this state since the 1930's and to separate the current uses. He advised that the purpose of this particular application is to make power generation its own lot. As a part of this application, no one will see any changes on the ground. There isn't any proposed development that is associated with this. Essentially this is an administrative effort to isolate the various uses. One is power generation, one is office and the other one is transmission.

Mr. Hammer referred to the hotel at the Amoskeag rotary and advised that the existing parcel lines actually run into a portion of the hotel lot where there is a leased parcel for parking and it runs across to Fletcher Street. It runs around Fletcher Street and Lot TPK6-12 is a little chunk that is taken out of it. What is significant about Lot TPK6-12, because Eversource is in control of both and really wasn't thinking much about the lot lines, the parking lot was paved across the lot lines. Therefore, as part of this subdivision process they don't want to create a non-conforming situation so part of this application is to adjust the lot lines to capture the entirety of this parking on TPK6-12. He pointed out the current line and said they are going to extend the line out to near the top of the slope, capture the existing fence and then run it over.

Mr. Hammer pointed out the Eddy Street substation, which is a transformer station, and part of the power distribution network. It is related to the power generation but it is separate; it serves many other functions and when Eversource divests its power generation it is keeping its transmission operations. Therefore, it is essential to Eversource to retain this Eddy Street lot. The Eddy Street does not have adequate frontage. At the last ZBA meeting they received a variance to reduce the frontage from the required 100 feet down to 40 feet. They also received a variance for depth because they were supposed to carry the minimum depth across the entire 100 feet and they don't have 100 feet. In addition to that, at this particular location there is a transformer tower that is within 25 feet of the proposed lot lines so they received a variance to have that structure within 25 feet of the lot line. He believed the dimension was 8 feet.

Mr. Hammer pointed out the new proposed lot line. There is 40 feet of frontage on existing Fletcher Street. They had looked briefly at extending Fletcher Street to meet the minimum frontage. Fletcher Street is a public way and the City does not want to maintain any more public way than it has to and it really doesn't make sense to construct a road to standards just to capture 80 more feet.

On the other side of the river is what they call "Energy Park", which is the office park. He pointed

out a rather irregular lot line that runs around and divides the proposed parcels. The reason it has the irregular shape is because part of the operations of the dam and the power generation there is a license that is required from the Federal Energy Regulatory Commission and it addresses many different factors; rights of flowage and cultural significance. For the most part, the lot line follows the FERC licensing line so that when the dam is divested everything that it is obligated to maintain goes along with the dam because the license goes hand in hand with the power generation. One of the cultural features that he indicated is there is an observation deck that is part of the licensing agreement so people can go up and take a look at the falls. He pointed out the lot line that comes down and jogs around the access to that particular deck around the old gate house and then runs on the inside of the existing upper canal wall. That area is the very last vestiges of the very large canal system that supplied Amoskeag factories back when it was running. It has historical significance and since the existing walls are part and parcel with the maintenance of the canal and the canal is a significant part of the FERC license, they have wrapped it all around so it maintains that.

There is very limited parking that is required for this operation and most of the parking is on the other side of the river where the dam is so it was also desirable for Eversource to try and maintain and control all of the parking (pointed to a spot on the plan). Currently they have a surplus of about 100 spaces more than what is required under the current zoning but they would still like to maintain that for any potential use, whatever that happens to be.

As part of the lines being divided this way, Mr. Hammer said there was a point at which the minimum 10 feet parking buffer was exceeded. They only had four feet. He said it was somewhat of an oxymoron because the zoning regulations for AMX has no minimum setback for structures but there is a 10 foot setback for parking. They received a variance so that allowed for that. There is also a minimum setback for retaining walls. That was also granted a variance so the lines could follow the FERC line and it follows the appropriate uses.

As part of this application they are seeking waivers on the two foot contours. There is a massive amount of land out there. Two foot contours is essential in identifying slopes in excess of 25 percent. Mr. Hammer said there is so much land out there that they don't need to identify those particular areas in their opinion to meet their minimum requirements. As such, it would be an exercise of spending money with very little benefit to the Board, this application, and their client.

Mr. Hammer said they are also seeking waivers for the complete depiction of underground utilities. There are a number of utilities out here. There are existing easements that benefit those utilities, which they show on the plan. All the result of the utilities that are underground are pertinent to the existing operations and don't have much relationship from building to building so they are asking for a waiver from exhaustive survey to show that.

In summation, Mr. Hammer said there was a lot of detail and information in the plan sets and the vast majority of it is to satisfy the requirements of the application and not very much of it is very pertinent to what they are discussing this evening.

With regard to the fish ladders, Mr. Clement who asked who would be running those. Mr.

Hammer advised that Amoskeag Fishways is a long term tenant. They are not moving and he believes that fish ladder is part of the FERC license so it goes part and parcel. He said once they subdivide this it will still be Eversource. If Eversource sells it to whomever comes along they are bound by their licensing agreement at the very least with the Federal Regulatory Commission to maintain those things.

Mr. Lussier inquired about the three hatched areas on sheet 1. Mr. Hammer said there was an anomaly inside the assessing maps. The online assessing map actually indicates that this side of the river is a separate parcel and the hatching is just shown to illustrate that. It is actually contained within one Deed and it should be all described as one parcel. The Assessor's Office shows that they are three separate parcels, which is not the case. They have one very large parcel and one little parcel.

Mr. Lussier asked if they have a plan that shows the ultimate goal of the three parcels. Mr. Hammer said that is reflected on sheet #8.

Mr. Hammer advised the river is part and parcel to whoever is on the sides.

Mr. Lussier said he was pretty clear that with the substation lot divided off that gives them access from Fletcher Street. If the larger parcel was to sell it would include the generation station, the dam, the gate house and all of the flowage on both sides of the river and the business park would be separated off as the third piece. He thought their plan could be a lot clearer with a little bit of color or something like that. Mr. Hammer said he was absolutely right and he left that print off his CD.

Chairman Harrington said assuming this got approved typically new boundaries would be pinned. He asked if he had a methodology for that. Mr. Hammer said there are existing monuments along the right-of-way for Everett Turnpike and he pointed out the corner they intend to mark. He said they could go out there but thought it would just be a technical exercise because certainly this is not developable land. They are not running a circumstance where there is likely to be a dispute between future owners. This is all within the Shoreland Protection and he believed that these islands actually mostly disappear under high water. He pointed out the area that is most likely to be confused, especially with its undulating lot lines and the plan is to pin each one of those corners and leave permanent monuments. He believed that was shown on the detail sheet, which is Sheet #9 but if it isn't they should show that.

Mr. Boissonneault asked if they divest the generation portion who would end up in control of the overhead lines. Mr. Hammer said the ones that are pertinent to the power transmission there will be a 100 foot wide easement centered on the existing structures and that will be to the benefit of Eversource. Once it gets on to the generation side Mr. Boissonneault asked if the easement ceases. Mr. Hammer said the easement will run up until the new lot line then it will be on land that they know and for coming out there is an existing easement that runs over Everett Turnpike and connects down to the Notre Dame substation.

Mr. Hammer said essentially the purpose of the easements are so they can maintain their lines.

Mr. Boissonneault confirmed with Mr. Hammer that Eversource would maintain all of those lines. Chairman Harrington turned the hearing over to the public. There were no comments from the public and the Chairman brought the hearing back to the Board.

With regard to the large island, Mr. McCue asked if there was ever a consideration by Eversource to sell that island as an individual entity. Mr. Hammer said he said they haven't discussed that but there would be problems with doing that because there is no frontage. He thought there was longstanding case law that you can't count a river as frontage. In addition to that, it is smack dab in the middle of a Shoreland Protection zone and to do anything out there would be exorbitantly expensive and onerous.

Chairman Harrington said there was sufficient information to close this public hearing, which will be taken up at the next business meeting.

Mr. Hammer clarified that sheet #8 identifies monuments to be set at the corners.

8. **CU-15-2016**

**Property located at 2060 Brown Avenue (Tax Map 651A, Lot 1), an application for a Conditional Use permit for a reduction in the required parking to allow storage for 100 vehicles on the site previously approved for auto parts distribution warehouse with associated office space and call center. The site currently has site plan approval requiring 162 parking spaces where 197 spaces are provided in the Industrial Zoning District. *Steve Clermont for Raymond Spillane, LLC***

Steven Clermont of Quirk Automotive Group appeared on behalf of Raymond Spillane, the owner of the property at 2060 Brown Avenue. He advised that they are seeking a conditional use to utilize some of the existing parking spaces to store vehicles. It would be for new vehicle inventory only for the dealerships on South Willow Street and South Porter Street. Those site modifications will be made only as needed. The intent isn't to flood the lot with vehicles. They have ample parking at their lots now. This would be used in extreme cases only. For instance if they have 15 cruisers they might store five down there and when they move the five that are existing on the lot they will shift the other five back up to South Willow Street. There will be no sales there. The intent isn't to bring any customers down there or to shuttle vehicles back and forth. It will be long term storage, meaning they will be stored there until they need to be brought up to the facility. They have looked at what they have for parking there and they feel comfortable if they were to utilize 100 spaces at this time; obviously their employees would take precedent to any parking needs. At any given time they need the spaces for employee parking the inventory vehicles would be removed to accommodate the employees.

Mr. Clermont advised that he received confirmation from Peter Lennon of Manchester Fire Department who advised that he had no issues with what was going on down there as far as parking the vehicles.

Mr. Guerra confirmed with Mr. Clermont that this is the same property that they came before the Board for last year. Based on the Minutes of last year's meeting, he said he had asked him square up if there was ever going to be any storage of vehicles down at that property and he was

guaranteed that there would not be. Mr. Clermont advised at that time it was not their intent to use it for storage of vehicles. He said they may very well never need these spaces; it was just an option if they got an overflow on the lot, especially during snow removal times or if they have extra inventory. He said if they had a deal with a manufacturer where they had to buy so many vehicles and they ran out of space they would just be stored down there temporarily.

Mr. Guerra said they have 197 spaces down there, 21 of them are going to be eaten up by box trucks, which leaves them with 176. He asked how many employees are in that building right now. Mr. Clermont said there are approximately 106 full-time and part-time employees with staggered shifts and days. Mr. Guerra said after employees that would leave approximately 80 spaces. He stated that they are looking for 100 spaces for cars and they have roughly 80 spaces left. Mr. Clermont said they were looking for "up to 100 spaces". He reiterated that at any given point in time there are probably at the most 60-65 vehicles there. The spots used for the box trucks, the inventory of vehicles that they own, are always parked under the canopy on the side. Again, if the need arose where they have 150 employees working at that building and all of them were full time and all of them were Monday through Friday, they are going to take precedent. They would scale back on what they would store there for vehicles and understand that they are limited as to what is available; not what they need to put there. Mr. Guerra said the coordination of that is going to be difficult. Mr. Clermont said the idea is to keep the lots where their customers go to capacity or as much so. He said they can't lose the momentum of a sale and they need the inventory at the dealerships to keep the customer interested to show them the vehicle. If he told them they had to wait 20-25 minutes for a vehicle to be brought up from Brown Avenue they are not going to sit around and wait. Mr. Guerra said he has a real hard time with this one.

Chairman Harrington said he didn't want to be a hindrance, but at the same time because of the representations that were made before the Board when this application first got approved, from an enforcement issue for the City it would be extremely difficult for them to determine what cars are whose or what and whether they are storage cars or their vehicles or employee's vehicles, etc. As such, if the Board were in favor of allowing storage of vehicles there it would certainly make him feel better if they knew the exact location that they would be in and if there is a vehicle that is in that location that it would be a storage vehicle and if there are storage vehicles outside of that location then it would be clear that there was a violation. Mr. Clermont said he understood. The Chairman inquired if the applicant would be in favor of at least narrowing this a little bit and allowing some sort of logical way to identify what areas they are planning to use for storage of vehicles. Mr. Clermont said they didn't have an intended area; it was just going to be available spaces. Without going into too much detail about their security measures, he said ideally it would be the spots directly adjacent to Brown Avenue along that frontage, leaving the spots against the building empty for customers and then it would be spots on the outside of that section where the Holiday Inn is to the south of the building. Generally from the beginning of that parking to about halfway down the building is where employees park so that would put the storage of vehicles further to the back of the building, which is what they are trying to avoid. That is not ideal, but if that was a condition they would be open to it and the onus would be on them to make sure vandalism, etc. didn't happen. He reiterated that their preference was to utilize the spaces on the front of the building along the Brown Avenue frontage, leaving the spots against the building open for employees.

Chairman Harrington clarified that the vehicles being stored are not being advertised for sale. He understood they are trying to sell them, but they are unregistered. Mr. Clermont said they are unregistered, they are brand new and they would be delivered at their facilities either on South Willow or South Porter and they would be transported down to the site via dealer plates, which would be removed once they were on the site. There would be no car carriers or anything coming in and out of the site. The only identifying factors on the vehicles would be the manufacturers sticker that the Federal regulation requires that they have on the window. There wouldn't be any balloons or hoods up; there would be no advertising as far as that.

With regard to security issues, Mr. Guerra said there are other car dealers in the area that have offsite lots and those lots have big tall fences to help with security and they are in off the beaten path kind of areas. With Brown Avenue becoming one of the main thoroughfares into the airport and Manchester, he said they have a situation in which they are looking to put the vehicles on the outside perimeter that is going to beg people to stop and come and look at them. When they are saying it is not going to be generating people coming down and looking at them, Mr. Guerra said they are not really going to have any control over that. Mr. Clermont said he didn't say that, but there would be nobody there selling or advertising the vehicles. There would be no showing of the vehicles, opening the doors, or letting them take test drives. He told Mr. Guerra that unfortunately he cannot prevent that, could not say that it was not going to happen and he was probably right that it will happen. He said that is one of the reasons why, especially at night; that they would be looking to put the vehicles along the front of the road so hopefully the traffic along the road will help alleviate any problems that might happen with vandalism or theft.

Mr. Clement asked if there was any way that they could put up a sign stating that is not a selling lot and unauthorized are not allowed to go on that lot. Mr. Clermont stated that he was not opposed to that at all. He asked that the Board provide some direction as to size, etc. as to what they were looking for. Mr. Clement thought those details could be discussed with staff.

Chairman Harrington asked if there are any gates that close off the entrance into that area. Mr. Clermont said there was not and a variance was requested from the ZBA, which was granted for relief on screening. The Chairman said that didn't mean they couldn't put some sort of security control at the driveway entrance coming in for non-hours of operation of the parts center. Mr. Clermont didn't know that they would be opposed to that but explained that they do get after hours parts deliveries. Mr. Clermont did not think that would be ideal.

Mr. LeClerc agreed with Mr. Guerra as far as the cars being in the front in that people are going to see them and want to go look at them. He said President Road is a really busy street right now and he can see dealers putting a plate on and flying down there just to get the car so a customer can look at it and it is going to be a mess over there. He thought the highway would probably be the best way. He was concerned about traffic because it is already a cluster with the lights backing stuff up. Mr. Clermont said when the parts warehouse was on Frontage Road their parts trucks never cut through President Road. He said it is actually quicker for the parts trucks leaving the facility now to go via the highway. That is the route they typically take. He said they would

certainly not advise anybody picking up a vehicle to cut through a residential neighborhood; it would create nothing but problems. Mr. LeClerc stated that when Quirk was on Frontage Road there were never any issues with coming down President Road.

With regard to parking the storage cars along the front, Mr. Lussier said the last time he was down there to buy parts that is where he parked. He said it is a very busy place. There are other parts people coming in and out of there from other parts vendors. There are salesmen and other public people parking there. He said there are only 44 spaces that front on Brown Avenue anyway so it seems that they need to get their math a little more straightened out and as to just where the designated area would be. If 100 was a number the Board is not comfortable with, Mr. Clermont asked what number they would be comfortable with and what is the area they would like to see designated. He thought their ultimate goal isn't to flood this with vehicles and have them on display and sell cars out of there. Their ultimate goal is should the need arise they would have an alternative for short term parking until they could get them back up on the lot.

Chairman Harrington said the Board appreciated that and from his personal perspective they could take action to steer them in a certain direction, but when an applicant comes forward with a request for a certain number they think that is their request because they need that for their business. The Board really doesn't want to be in a position of restricting what the needs of their business are. If they need 100 cars for overflow parking located at this location then that is what they need and to the extent that this Board can accommodate them in that, that's what they would like to do. If it turns out that they only need 50 then the Board would have liked for them to ask for that. In terms of where they may decide to have them park, that can be worked out but they really look to the applicant to tell us what they need to be successful. Mr. Clermont said it is a moving target based on several factors. If the Board was comfortable with 75, he said they would work with 75. He explained this is more of the flexibility should the need arise and they need 15 spots for a month that they will have those spots within regulation and not be breaking any rules. If that is the sort of flexibility that they need the Chairman said they could work with that.

Mr. McCue said at the beginning of his presentation Mr. Clermont said right now Quirk has plenty of room on their existing lots to handle overflow. He asked what their business model anticipates two years from now that they are going to need more storage. He asked if it wouldn't be more prudent to go out and start seeking out a large offsite lot to use such as the one Autofair uses on Perimeter Road. He didn't understand why the process didn't go that way because it would give them more flexibility in the future if they wanted to have more cars. Mr. Clermont said the utilization of this lot is something that is existing there is no site modification and it is something they can use if this Board approves it. Mr. McCue asked what if it is turned down. Mr. Clermont said then they won't have the parking spots.

Mr. Boissonneault asked Mr. Clermont to go over the operational way this works. Mr. Clermont said the cars all come by third party carriers. They come to the 1250 South Willow Street Chevrolet/Buick location. They offload in the back of that location, they are all checked in, they get prepped and they get parked in the lot to be put up for sale. Mr. Boissonneault confirmed with Mr. Clermont that there would be no car carriers coming into this location. He said they

would not be set up to accept deliveries there and it would be cumbersome for them to accept deliveries. They already have an operation set up for inventory control at the South Willow Street location.

If there was a designated area on Brown Avenue for the storage vehicles, Mr. Boissonneault confirmed with Mr. Clermont that those vehicles would be shuttled down there one at a time. He asked if they were coming and going all the time. Mr. Clermont said obviously if they have 15 cars that they didn't have room for they would probably throw dealer plates on them and move them 3 or 4 at a time, park them and go back and get 3 or 4 more and they would sit there until the inventory ran out on South Willow.

Based on their last conversation as well as this one, Mr. Guerra said it is kind of a double edged sword. They are asking for two things to happen at the same time. He said if they are bringing in cars because they are growing, the conversation they had last time because the amount of parking spaces that they asked for last time, was because of the growth of the parts and call center that they were putting in down there. He said they wanted to have the space available to use to grow the parts area and to grow the call center eventually. Mr. Clermont agreed. Mr. Guerra said now because of growth they want to use the area for car storage, which kind of defeats the purpose of saving the spaces for employees. They are asking for it to be very fluid so they really don't want to designate a spot to put them, they just want to mix them in here and there and they would like them across the front for security reasons. Mr. Guerra said there is nothing solid about anything, it is all fluid, which in the ideal world would be a wonderful thing but when they are asking the Board to do something they need something hard. For instance, for enforcement purposes knowing how many vehicles they have there.

Mr. Guerra said they have a couple of different things they can work with there. If they are looking for a security issue to keep cars in an area where they will be secure, he reiterated the "big fencing thing". He suggested an area that he pointed to on the plan that they could designate out "X" amount of spots that will be comfortable for them and gate it up so they won't have to worry about the vandals. It won't be inviting for people driving down Brown Avenue. Stick them off to the side, fence it in, it won't be in direct view and they will still have plenty of parking for the "occasional customers" and employees.

Mr. Hebert asked if the footprint of the building is fully utilized. He was curious if there was growth potential inside the facility. Mr. Clermont said it is maxed out. Mr. Hebert confirmed with Mr. Clermont that there are about 108 employees right now; full-time and part-time. Mr. Hebert asked if that is the max amount of employees they anticipate. He asked if the front of the building or the south parking lot was being used for employees. Mr. Clermont said most employees park in the straight lot that goes out toward the back along the side of the building. Most of the employees park in those spaces and it goes about halfway down the lot. A few employees park at the corner of the building where it jots in. About 90% of the time there is nothing parked along those outside spots of Brown Avenue. Nobody uses them. They are underutilized. He said they anticipate growth; that's where they want to go with this. If the spots were needed for employees, they will not put inventory there. Mr. Hebert agreed with Mr. Guerra that they should fence in that south lot. He said they could move the employees to the front of the lot and

move the vehicle storage area to the side lot and secure that area. Mr. Clermont pointed out that the reason the employees park there is because they go in the secured door that has a key pad on it and that is where the time clock is located. Mr. Hebert said there is a walkway on the side of the building to the front parking lot. Mr. Clermont said that sidewalk doesn't exist that goes up to the front of the building; it is a completely landscaped area. That sidewalk goes right into that hatched out area. It is actually hatched out because it is fire lane.

With regard to having a designated area, Mr. Boissonneault said if they get employees parking in between their storage vehicles they are going to get parking lot dings and that sort of thing. He thought it was a little incompatible. He was also concerned about clearing of the lot during snow events. To him, it made more sense to have a designated area for the storage. He thought there was a number that could work there, but he feels strongly about a designated area. Mr. Clermont said he was comfortable with that. He clarified that they would not be parking the vehicles "Willy Nilly", two here, five there; they would be clustered together for that very reason. Mr. Boissonneault said if he could park where there was next to him he would do it. So he thought whether they like it or not they are going to end up mixing them in. He didn't think it was as compatible as if they had a storage area.

Chairman Harrington opened the hearing up for public discussion. No one came forward either in favor of or in opposition to this application and the Chairman brought the hearing back to the Board. There were no further comments from the Board.

Chairman Harrington closed this public hearing to be deliberated at the next business meeting.

9. **CU-16-2016**

**Property located at 200 Perimeter Road (Tax Map 721, Lot 8), an application for a Conditional Use permit for a reduction in the required parking, for an indoor gymnastics studio located-in the Industrial Zone. *Keach-Nordstrom Associates, Inc. for Amber Perimeters Associates, LLC***

Jeff Merritt of Keach-Nordstrom appeared along with Peter Lavigne who is the owner/applicant from Amber Perimeter Properties. They are seeking a conditional use permit relative to the property at 200 Perimeter Road, which is about seven acres in land area. It is located entirely within the industrial zoning district and it is developed. There is a single 67,000 SF building on the site that is primarily used for warehousing and distribution purposes. There are a number of different tenants within it; all who utilize it for warehousing and distribution.

The proposal is to lease approximately 15,700 SF of this building for use as a gymnastics studio. This use would provide gymnastics and related programming for children and young adults. The use is permitted in the base district. They are seeking tonight is a conditional use permit for a reduction in the required onsite parking. Based on the way the code reads, they need 130 total spaces for the gymnastics use plus the warehousing and distribution use. The warehousing and distribution is roughly 51.3 and the gymnastics requires 78.4 so a total of 130 spaces would be

needed. Currently there are 77 parking spaces on site. With this project and their proposal they would add an additional 23 spaces on site, which would leave them with 100 spaces whereas the Ordinance requires 130 spaces, leaving a deficit of 30 spaces.

The basis for the request for a reduction in parking revolves primarily around the dissimilar hours of operation of the tenants. The warehousing tenants operate between 7:00 AM to 4:00 PM Monday through Friday and are closed on Saturday and Sunday. There is one tenant, the Union Leader, who operates the "night shift" from 10:00 PM to 6:00 AM, seven days per week. Those uses and those tenants operate at dissimilar hours than the gymnastics studio would be open from approximately 4:00 PM to 10:00 PM Monday through Friday and 9:00 AM to 8:00 PM on the weekend. Therefore, although they are short 30 parking spaces in the eyes of the Ordinance, the 100 spaces that would be on site would be available for the gymnastic studio to use as they wouldn't be occupied by the other tenants. As the code reads, the gymnastics studio would warrant 78 spaces and they would have 100 so there would be some extra spaces on site that they could use.

Given the dissimilar hours of the operation of the various uses they are quite confident that the gymnastics studio can co-exist with the warehousing and distribution element of the property and there would be enough parking to satisfy everybody's needs.

Mr. McCue asked if the applicant would be willing to state that he would take care of the issue with the dumpster. Mr. Merritt said the dumpster is not on a concrete pad and it is not fenced in according to the Ordinance. The applicant has agreed to move that. There is a pad in the corner of the building that historically was used for a dumpster so there is a possibility of relocating it there and screening it in properly in accordance with the Ordinance.

Chairman Harrington said the tenant mix currently allows potentially for this to work. Would there be changed potentially as the other tenants roll over into other uses or if this is primarily a warehouse type building and it will remain primarily a warehouse type building except for maybe this space that is a little bit more of assembly. Mr. Lavigne said based on the nature of the building and the layout, it is likely that it will continue to be distribution.

Chairman Harrington asked why this particular pocket works so well for a gymnastics studio. Mr. Lavigne said the 15,000 SF is actually made up of about 10,000-11,000 SF of floor space and about 4,000-5,000 SF of what is now office space but will be administrative. As such, the space the way it is now actually lays out pretty well for the gymnastic studio. By combining the office and the gym use makes the most sense for this tenant and that is because in this section of the building there are some wider column widths.

Mr. Boissonneault pointed out that the parcel ID was wrong on the staff report document.

Chairman Harrington opened the hearing up for public discussion. No one came forward either in favor of or in opposition to this application and the Chairman brought the hearing back to the Board. There were no further comments from the Board.

Chairman Harrington closed this public hearing to be deliberated at the next business meeting.

The Board took a five minute break to allow the next applicant to set up.

The Chairman called the Manchester Planning Board meeting of September 1, 2016 back to order.

### III **DESIGN REVIEW:**

#### 1. **SP-19-2016**

**Property located at 33 Central Street (Tax Map 168, Lot 3), 67 Central Street (Tax Map 168, Lot 2), 40 Lake Avenue (Tax Map 168, Lot 13), and 240 Chestnut Street (Tax Map 168, Lot 14), an application for non-binding design review to receive comments from the Planning Board on a proposed hotel with associated parking. *CLD Consulting Engineers, Inc. for A B Ventures, LLC***

Dick Anagnost advised that they were before the Board to provide a sneak peak at the latest exciting development in downtown Manchester. He is pleased to announce that the Anagnost Companies and the Botnick family have aligned to pursue this redevelopment.

Mr. Anagnost advised that the Botnick family currently owns all of the pieces of land except for one that is under contract. They have owned E&R Cleaners for the last 30 years, which has been in downtown Manchester since 1921 and in their Central Street location for 95 years. E&R Laundry is committed to stay downtown in a relocated site to be determined.

Mr. Anagnost advised that partnering with them in this joint development would be CLD Engineering and LK Architecture from Kansas City. Members of the development team present tonight to answer questions are Mr. Anagnost and Alexander Anagnost from Anagnost Companies, Mark Botnick from the Botnick Family Co-Development, Richard Botnick and Jeff Brooks. Also present was Ken Rhodes and Rick Lundborn from CLD.

Mr. Anagnost advised that this was Brownfield site and they have been approved for the cleanups so they will be cleaning up this site in addition to the redevelopment that they are about to unveil.

Alex Anagnost advised that the site runs from Athens Restaurant to the Nixon Law Firm. It has about 270.8 feet of frontage on Central Street. It also runs from the property line of Indian Head Athletics to Chestnut Street. The site offers access to the SNHU Arena across the street. It is also across the street from the function rooms at the Radisson Hotel and Victory Park. It is within walking distance from Market Basket, the Fisher Cat Stadium, the Palace Theater and all the great restaurants on Elm Street, which is the reason they have decided to not locate a full service restaurant inside the hotel. The site offers easy access to the banking, legal and business communities within downtown and the Millyard. It is directly adjacent to transportation on Elm Street and is serviced by all public utilities. The land mass is approximately 1-3/4 acres. The hotel will be six stories and 145 rooms with up to 95,750 SF.

Rick Lundborn of CLD advised that it will be a Residence Inn. He said this has been a pretty fast track project so they have been working with staff to work their way through some of the issues that may arise. They have had a technical meeting with staff in the lead up to this meeting and then in the lead up to their submission of an application as well. They are proposing to demolish the existing E&R building and the Tziarias Building when the project is approved and then construct the hotel as was discussed by Mr. Anagnost and Alex Anagnost. The building will be a 145 key Residence Inn currently as it is proposed. Residence Inn is an extended stay style hotel and it will cater to the business people coming to down as well as folks who want to utilize the SNHU Arena and all the entertainment downtown. It has 97 parking spaces along Lake Avenue that are being proposed. Previously they submitted a layout where the building was facing the SNHU Arena. In working with the architects and development team as well as hearing feedback from the City staff, it was flipped over so that the main entrance walks out onto Central Street and looks out over Veterans Memorial Park. One of the things that the development team was driven to have occur with this was to make a presentation of the front of the building so they also provided the staff a layout where there was a bump-in on the sidewalk facing that. There was some concern about having a public sidewalk on a private property so they went back and developed the layout presented to the Board this evening. This layout has two curbed islands with landscaping in roughly the area where the two curb cuts are. There is only one parallel parking space in between those existing curb cuts on Central Street and they were able to shift that striping to the east and maintain the exact same number of public parking spaces along Central Street on this side while still developing a very well defined drop off area and providing some additional landscaping on the street that is not there today. What they got out of their meeting with staff as well was that due to the schedule it would be wise to not try to have any variances or conditional uses. There was some concern about what would happen with parking in the side setback and it would have ended up needing a variance so they pulled that out and reduced the space count a little bit. When they did that they had an odd dimension left on the parking field and they ended up adding an additional landscaped island in the middle, which will also help steer people coming in on Lake Avenue one way or the other instead of being tempted to just go through if there were empty spaces right there across from the entrance so it actually worked out pretty well for the layout.

Other than that, they are looking at getting all their design in a row as far as this project goes. There is currently an electrical feed right down Litchfield Lane in the ground and there is also a pole run that is feeding the remaining buildings in that area. Obviously, with this project the pole run is right along the back of the proposed hotel and that would have to be submerged and they will end up having to refeed the existing structures that will remain in the area. The sewer main for this part of the City also runs right down the middle of Litchfield Lane so they are respecting the utility easement that follows what used to be the right-of-way for Litchfield Lane and they have no intention of disturbing that sewer line other than to tie in for this building.

One thing they discovered through their research and the field survey was that while there are catch basins in that parking lot, they are not tied to a drainage system; they are tied to the City sewer that runs right down Litchfield Lane. Therefore, as part of this project with the reworking of that parking field, those catch basins will be discontinued in use. The laterals that they are tied

onto will be plugged and the sewer in this area will just be sewer instead of combined so they will be taking their drainage offsite through new drainage infrastructure.

In talking to the City engineering staff, they are also happy that is going to happen and pleased that they are making efforts to green the site up and reduce the impervious. This will actually have a lesser impervious impact to the properties than what is there today so the overall stormwater leaving the property should reduce.

They had originally in their submission thought that because of the developed nature of this part of the City that the traffic impacts would be not negligible but hard to really get their hands wrapped around in any way that would warrant offsite improvements; but the staff has asked that they provide a traffic study and they are currently wrapping up the counts for that. Mr. Konieszca has been working with Kristen Clark of the City on Granite Street as well as other light timing projects within the City. They are very familiar with this area and they had a very lengthy conversation at the technical meeting that they had and the thought was that the data they collect for the City and the trip generations that they provide based on the hotel use will allow for slightly more accurate timing at the lights at the intersection of Chestnut Street, Elm Street and then again over at Granite Street if there is any offsite impacts that this creates in that direction.

Mr. Lundborn said they will be submitting an application September 6<sup>th</sup> for an October hearing.

With regard to the architecturals, Mr. Anagnost stated that the building is 95,000 +/- SF in total in a six story building. It contains an enclosed pool. In addition to the greenspace they will also have a courtyard. In addition to that there will also be a BBQ area. On the site plan staff had requested a clean line break along Lake Avenue to break up the mass of the building as seen from the SNHU Arena so they will be utilizing the same type of fencing that they utilized down on the redevelopment of Market Basket and the black wrought iron look that travels down Elm Street will also travel down Lake Avenue.

For informational purposes, Mr. Anagnost advised that Litchfield Lane has been partially discontinued but they are respecting the utility easements because that is a main electrical line and a main sewer line that runs down so they are keeping all of the appropriate setbacks and Litchfield Lane will continue to be a traveled way on the other side of their parking. They are discussing the possibility of bringing an awning out from the front door to cover customers coming in off of the drop off area on Central Street. The architect is determining now whether that is feasible and whether that is within Marriott's design criteria.

Chairman Harrington inquired if they were familiar with the requirements for materials to be used within the district. He asked that they step the Board through what they are going to be proposing to use for materials, especially on the exterior of the building.

Mr. Anagnost advised that they have communicated to the architects the City's design criteria as well as juggling the Marriott design criteria. As such, a list of actual exterior materials has not been fully developed yet. There has been metal panel discussed, EIFS, some stone highlights and that kind of thing but there has been no firm design. That will probably be decided on in the next

48 hours.

The Chairman confirmed with Mr. Anagnost that there will be no vinyl siding. Mr. Anagnost said they turned over the City's design criteria to their architects, who have designed numerous Residence Inns by Marriott across the country and right now they are weighing both criteria to come up with a list of materials for the exterior.

Mr. Boissonneault confirmed with Mr. Anagnost that the check-in and most of that business would be on the Central Street side. If someone was going to see an event at the SNHU Arena and staying at the hotel, Mr. Boissonneault asked if they would be able to enter into that back entrance. Mr. Anagnost said they would and explained that the primary entrance will be on Central Street and face up to the park with a drop off area and then they will be able to either drive their car around to Litchfield Lane or to Lake Avenue and park. At peak times there will be the potential for valet parking. He referred to what is noted as "rear entrance" on the plan and said that was actually a corridor that leads back through to the main lobby.

With regard to the canopy that was mentioned, Mr. Boissonneault asked if they were thinking something similar to what is on Huse Road. Mr. Anagnost said that is what they had in mind and Mr. Boissonneault said he thought that would look good.

Alderman Levasseur asked if they are going to have to change the existing head in parking on Central Street. Mr. Anagnost said that will remain as is. Mr. Lundborn said the angled parking against Veterans Memorial Park will remain the same. Mr. Anagnost said the only thing that will happen is that the parallel parking side will be re-striped in order to move one space that is currently between two curb cuts further to the west.

The Alderman asked if there is no parking on the right side of that street if you are heading east on Central Street. Mr. Lundborn said it is all parallel and it runs pretty much all the way up the street. It stops in front of the existing E&R right now at the two curb cuts and then it picks up again for another three spaces out in front of the Tsiaras Building. He pointed out the location of the approximately 11 spaces. They are proposing to slide one of the spaces, but the space count will remain the same and they will have no impact to the public parking count. With the 97 spaces out on Lake Avenue Alderman Levasseur asked if they anticipated that will always be taken up by the hotel or if they planned on using those spaces for renting to people who want to go to the SNHU Arena or additional parking for the neighborhood. Mr. Anagnost advised that they will always be taken up by the hotel. He explained that occupancy is never at 100% with the average occupancy usually being around 80% and not all of those people will have a vehicle. Alderman Levasseur asked if they will have a shuttle service to/from the airport. Mr. Anagnost said they will have arrangements to do that.

The Alderman inquired if they heard any concerns from the neighborhood regarding the parking as of yet. Mr. Anagnost said they have not to date. The Alderman said he has been hearing them.

Mr. Guerra advised that this was a great project and he liked what he has seen so far. He thought it would have faced the SNHU Arena. He understands staff's recommendation to face it toward

Central Street and the park and he kind of likes that. He said they have a unique situation where this kind of building actually has two fronts. What he is not crazy about is that the back of the building looks like the back of a building. He said they are real animated on the front of the building and it looks really sharp. He asked if there was any way to get some more "oomph". He just doesn't want it to look like the back of the building facing the SNHU Arena on Lake Avenue. Mr. Anagnost said they would bring that to their attention. He pointed out that there will be a tree buffer as well as a green space and fence that will break up that large expansive building. Mr. Anagnost said they will also be keeping the whole ten foot grass panel with landscaping and Marriott is actually commenting on the fact that they want additional landscaping.

Mr. McCue asked what their plans are for security in the parking field, especially on arena nights when people are desperate for parking. Mr. Anagnost believed those would be the nights when they would have valets on duty. They will also have security cameras and the usual security held in a hotel. Mr. McCue confirmed with Mr. Anagnost that they will not gate the parking lot.

Mr. Clement asked how deliveries would be handled. Mr. Lundborn said for a use like this they don't have a lot of deliveries. They are not going to have a full functioning restaurant. The drop off for the patrons will serve double duty. It is quite long and he believes it can accommodate a little over three car lengths and it is 80 feet before you get to the angles on the islands so it could accommodate larger box trucks. They do not need a dedicated loading dock or anything for this type of a use.

Mr. Clement asked about dumpster provisions. Mr. Lundborn pointed out the location of the dumpster on the plan and stated that it is tucked back up into the building but off the parking area. As far as screening, right now the proposal is for it to be a block wall enclosure and they will get further details from the architects on that.

Mr. Clement asked about the transformer pad. Mr. Lundborn advised that he had a conversation with Mark Collins from Eversource today to get the ball rolling on where to site that. Obviously their real estate is encumbered in more ways than one; both by what they are doing and by what is in the ground right now. Therefore, Mr. Collins is going to look at the green areas. Mr. Lundborn said he himself made recommendation as to where he would like to see it placed. Ultimately it will be up to Eversource where they site it. They will continue to work with Eversource over the next week and get that finalized.

Mr. LeClerc asked if they have any concern about staff parking. Mr. Anagnost said if they have an issue with staff parking they have offsite that that they can relocate staff to. They have already had those conversations and can secure staff parking should it be necessary. He explained that hotels always have three shifts; the third shift having the least number of employees and the second shift having the most number of employees.

Alderman Levasseur asked what the assessed value they have now and the anticipated assessed value when the place is built. Mr. Anagnost said he is in the newspaper quoting in the \$100,000 range for taxes if not higher. He said currently it is a single old building and a large parking lot so he couldn't image that the assessment was very high. He knows that the cost of construction will

run in the \$15,000,000 range.

Chairman Harrington said he loved the fact that it actually faces the park. He thinks that is better than facing the SNHU Arena. He would love to see if they could tie the entrance into the park, even if it is just aesthetic such as cobble stones that go across Central Street that would lead to the park. He said it would be nice if it was raised a little bit to slow traffic down. He said if they could take their canopy concept and then extend it out so people are drawn to that location. The Chairman asked if they had given any consideration to doing more with energy efficiency and perhaps a green roof. If they could, he thought that would be in keeping with what they are trying to do downtown and what City Hall has actually done with their green roof initiative. He threw out parking as there are ways to get it a little bit more. He knows it is expensive and he doesn't think it will be required but asked if they could look into it.

Mr. Botnick said he wasn't going to get too far into the weeds with the technical aspects of the drainage designs as he is still working on the grading, but one of the things that Todd Connors from DPW asked for was some kind of treatment for stormwater as it comes off that parking lot because obviously it goes right in to the combined sewer system and it is not getting any of that treatment that they look for nowadays. Mr. Connors recommended tree box filters, which he is not a huge fan of because the trees tend to die very quickly. They are kind of confined by a concrete ring to keep them in place and control the water going to the roots so they end up having to be replaced all the time and if they are next to a tree that is not in one of those rings the tree that is just planted normally takes off and the tree box filter tree looks kind of sickly in comparison. Landscape architects that he has worked with over the years are not big fans. What they are going to do is utilize a pre-engineered rain garden system where they pre-engineered the soil that goes into this rain garden so it has a very high rate of infiltration in that location but it still gets all the nutrient removals and filtration through that soil media and it can be planted with plants that can take an inundation of water and then when it recedes still be happy with it being relatively dry. Because this is a Brownfield site, or almost a Brownfield site, you can't infiltrate that water directly into the ground. They are going to have to line those systems with a PVC liner or 30 mm liner and then collect that water from an under drain and take it to the City system out in the street. Mr. Anagnost said it will take it out of the sewer, which it currently goes into. The Chairman said that will be a huge benefit. Mr. Anagnost said it is part of the City's initiative to separate sewer and storm water.

Chairman Harrington said he was in Portland, Maine recently where there is a Residence Inn. He said he loves the project and knows that they have parameters, but he thought, while they are designing this building, if they could incorporate some architectural features, if it is not too exorbitant to do, if they could take a look to see what they could do something more in line with the master plan and what the City is trying to accomplish within the arena overlay district. It has to do with lighting, walkability and architectural features. Even though he likes the design, he said it tends to look a bit "cookie cutter" and looks like it belongs perhaps in a suburban location rather than an urban location. He thought they may have an opportunity here to even do something better and he would look forward to seeing that design. Mr. Anagnost said that was the third rendition and they have been dragging Marriott kicking and screaming to get them there.

With regard to the entrance on Lake Avenue, Chairman Harrington asked if there was anything such as an arch that they could do to define that as an entryway and to make it appear more inviting. He said it was just a suggestion and if they could incorporate it that would be great but he thought even the Lake Avenue side could be pulled in a little bit more and defined as an entrance even though it is the entrance to the parking lot.

Mr. Clement asked what they expect to find on the Brownfield site. Mr. Anagnost said between the E&R building and the Tsiras Building there are a couple of abandoned fuel tanks. There are contaminated soils there from tanks that were excavated in years gone by and that has been designated as their "Recovery Area A". Under the sewer and electrical line in Litchfield Lane extending southerly just to the south of the first row of parking that area has been designated as "Recovery Area B". It is under the parking lot. They will be excavating all of the soils in Area A including the tanks. In Area B there will be a partial excavation depending upon how much they can get out from under the sewer line, around the sewer line and the electrical line. Easterly up in the corner towards Lake Avenue that is "Contamination Area C" and they believe there is still a tank in there somewhere. They have not located it yet but if eligible under the ODD Fund it would also be excavated and the soils removed prior to the pavement going back down. Mr. Anagnost clarified that all of them are petroleum based and it is all from heating oil tanks that were there from years gone by. The one they think is still up in the corner is the old Eastern Refrigeration building tank.

Mr. Golden asked if they would be incorporating the decorative light post for both the exterior of the building and the parking lot that is reflected in downtown. Mr. Lundborn said the architecture firm is doing the lighting plan. He believed there are already three of the lampposts he mentioned on Lake Avenue, but he would have to confirm that with a drive-by and some photographs. He imagined on the building they would have to do their corporate thing with whatever their lighting package is, but they did forward them the arena overlay district design guide and strongly urged them to follow it as best they could under the other set of parameters that they have to follow. The lighting could be a spot where they could do that. He said he would check with them as they get going on that but already on the street he believed those lights are in existence. If they are not they will have to recommend to them something, but there is definitely a number of lampposts on Lake Avenue.

Mr. Anagnost thanked the Board for their feedback.

Chairman Harrington advised that the design review process was now closed for SP-19-2016.

The Chairman concluded the September 1, 2016 public hearing of the Manchester Planning Board and convened the limited business meeting.

**IV. LIMITED BUSINESS MEETING:**

*(Current Items)*

1. **CU-15-2016**

**Property located at 2060 Brown Avenue (Tax Map 651A, Lot 1), an application for a Conditional Use permit for a reduction in the required parking, to allow storage for 100 vehicles on the site previously approved for auto part distribution warehouse with associated office space and call center. The site currently has site plan approval requiring 162 parking spaces where 197 spaces are provided in the Industrial Zoning District. *Steve Clermont for Raymond Spillane, LLC***

Mr. Boissonneault thought there was something that they could approve. He wasn't sure of the number but one thing he feels strongly about is that the area should be designated for a couple of reasons; enforcement, snow removal, door dings and all the things he mentioned during the hearing. He believed he could support a number although he is not sure he knows what that number is, but in a designated area.

Mr. O'Donoghue agreed with Mr. Boissonneault and said the location for the storage area needs to be designated. He clearly understands what Mr. Clermont talked about as far as employee parking. He said this is a warehouse so where ever their material handling equipment is normally stored and things like that they would want that for the employees and it should be easy for them to get through all of that. As far as the designation, he could not say where but stated that it needs to be all in one section. He believes it should be striped separately. It should be clear as to where this area so an enforcement officer could find it immediately. Frankly, he said it would also be easier for the employees. With regard to the number, he is not sure what is required and said maybe staff could help. He said it has already been reduced once and now they want to reduce it by close to 100 over that. To him, 100 is not the number but he did not know what the number would be. As far as them using it for that purpose, he doesn't have a problem with that as long as it is a designated area.

Chairman Harrington said Mr. Hebert was pushing them to determine if they were maxed out in the building and Mr. Clermont said they were. Mr. Guerra said they have 176 parking spaces, 106 employees and now they want to put 100 cars there. The Chairman said maybe that is where the number comes from if they decide to do that. If they are full and they are not growing at that location and there won't be any more employees there then it would make sense that the number is that differential or close to it. He said they could also limit it further. They could give them a real small number and make them come back if they require more and then they Board could see how it goes. Mr. Boissonneault agreed with that.

Alderman Levasseur advised that Mr. Clermont opened the door for the Board to identify a number. Ms. Flinchbaugh thought the Board should just come up with the number.

Mr. O'Donoghue stated that he was not inclined to deny it. He thought it was reasonable for the Board to come up with a number. If they use some logic that makes sense then he thinks they should go ahead and come up with a number and then the second piece they should do is definitely say that there needs to be a designated area. He said he would even go to the point to say that it should be striped or colored or something to that effect. Mr. Guerra thought it should be fenced. Chairman Harrington confirmed with Mr. Golden that they got a variance against the

fence so the Board could not impose that.

Mr. Clement said at one time that was Moore Business Forms and they used to have that parking lot filled up all the time. He said they are denying them the use of a parking lot that they bought with a building. If he wants to put cars there, he didn't see how they could deny that. He said they could put anyone else there and they would put all types of cars in there if they are working in there. Mr. Guerra reminded Mr. Clement that they have already asked for 145 employees and he did that for the purpose of putting employees in there. Now he is saying "we're growing and we need a place for cars". Mr. Guerra said the idea is that they were growing and needed the place for the employees too. That means they are doing "double use for the same parking space".

Mr. Clement said those parking areas exist and he cannot see any harm in him parking those cars that they are supposedly not going to sell right there and the Board could have him put up a sign designated that it is not a selling area and people are not allowed to enter.

Mr. Hebert recommended that they max out at 75 and use the south end of the lot so the front lot is not being used as a retail location because that is what it will turn into. If they use the south end perhaps they could recommend that they chain it off so it is a storage facility. He said they have 80 free spaces now so if it gets beyond the employee entrance, southwest of that corner, he thought that was fine.

Mr. Boissonneault said he would like staff to look at it to actually define a logical number of spaces.

Chairman Harrington asked how the Board felt about giving staff a crack at taking what information was just presented to them and crafting a recommendation. The Board was in agreement with that.

Chairman Harrington advised that this will be tabled until the next business meeting on September 15, 2016 to allow staff time to prepare a recommendation.

2. **CU-16-2016**

**Property located at 200 Perimeter Road (Tax Map 721, Lot 8), an application for a Conditional Use permit for a reduction in the required parking, for an indoor gymnastics studio located-in the Industrial Zone. *Keach-Nordstrom Associates, Inc. for Amber Perimeters Associates, LLC***

*Mr. Boissonneault made a motion to approve CU-16-2016 per staff recommendation, which was seconded by Mr. O'Donoghue. (Motion Carried)*

**V. ADMINISTRATIVE MATTERS:**

1. **Review and approval of the Planning Board Minutes of July 21, 2016.**

Mr. McCue reviewed the Minutes and there were no mistakes.

***Mr. Guerra made a motion to accept the Minutes of July 21, 2016 as presented, which was seconded by Mr. Clement. (Motion Carried)***

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

### **Pledge of Allegiance**

Ms. Flinchbaugh wished to address the Pledge of Allegiance issue mostly because she didn't feel that her position was clear at the last meeting. She understands that the Board has already made a decision about it and she certainly respects that decision and she is not asking for the Board to reconsider itself in any way, shape or form but she felt uncomfortable about how she left it. She said her real concern about it was legal in nature so two weeks ago she was aware there were legal issues surrounding the Pledge in government sponsored settings and she wanted some time to think about it because she didn't want the Board to take an action without considering those legal issues. Her understanding is that some people have truly felt religious beliefs that limit their participation in the Pledge and she didn't want to engage in a process where anybody that came before the Board or was watching on television felt even remotely excluded because their religious beliefs indicated that they could not actually do the Pledge themselves. That was where her concern came from and she certainly thinks it was well intentioned and in large part she thinks 99% of the population enjoys exercising in that action. Her concern was solely because the Board is responsible for serving all of Manchester and not just the vast majority of the citizens. She said she didn't realize it was an issue and she wanted to make sure they at least thought about those people in the community that might not feel able to participate given their religious beliefs.

Ms. Flinchbaugh said she got the impression anyway that there was a suggestion that she was not patriotic or that she does not support the Armed Forces because of her hesitation and she was offended by that suggestion. When she was very first introduced to the promises made in the Constitution in grade school she was intrigued and she tried to focus her studies on that throughout middle school, high school, college and law school and she has also dedicated her professional life to standing up for the liberties outlined in the United States Constitution. She was proud to note that the New Hampshire Constitution is often times more protective. She has also represented a number of veterans who have found themselves entangled in the criminal justice system and it has always been her goal to advocate strongly on their behalf to ensure that prosecutors and judges recognize their service and that that is taken into account. She has also tried to do her level best to connect all those veterans who are in need of services with services provided to them and she thinks it is a shame that any veteran doesn't have all the services that they need given their service to the people and the things they have given up to do what she thinks is probably the bravest act that she can think of.

Ms. Flinchbaugh concluded by stating that she was concerned about unintentionally offending anybody that might come before the Board and she just wanted a little more time to think about the legal issues surrounding that and what sort of precedent set at this stage in terms of that issue. She also wanted to clarify, at least from her perspective, that she has no question about her dedication to her role on the Planning Board and her dedication to this country.

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

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

APPROVED BY THE PLANNING BOARD: October 20, 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*