



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

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MANCHESTER PLANNING BOARD

LIMITED PUBLIC HEARING / BUSINESS MEETING MINUTES

Thursday, September 15, 2016 – 6:00 p.m.
City Hall, Third Floor – Aldermanic Chambers

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

Alternate Present: Dan LeClerc, Barry Lussier

Absent: Jim Roy (Member), Raymond Hebert (Alternate)

Excused: Pierre Boissonneault (Member)

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

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

II. **LIMITED PUBLIC HEARING:**

(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*

Charles Sullivan advised that he is one of three owners of the LLC that owns the property. Also present was their consulting engineer, Brian Pratt of CLD Consulting Engineers. He said they have been busy since they last met. They met with a number of abutters and made alterations to the plans in several respects. They have been pursuing State permits and easements as required by the various agencies involved.

Brian Pratt of CLD Consulting Engineers said last time they went through the project pretty thoroughly and there were a few remaining issues that they were asked to look into.

Mr. Pratt referred to Sheet C5 of the plan set, which is a plan that they added since the last time they were before the Board. He pointed out a sidewalk connection that comes out from the proposed road. Originally it kind of came out straight. There is trail connection there so originally they were just going to maintain that. What they did is kind of turned it to line up with the existing curb line of Elm Street, which will address some of the concerns that some of the abutters had with people driving off the end of the street. Now that it is off to the side it doesn't really look like an extension of the road and definitely looks more like a sidewalk.

Another thing they were asked to think about was pedestrian access from this point down to the school. As such, they looked at it from Bennington down to the school. There are existing sidewalks that end at Bennington and the owners have agreed to construct a City standard sidewalk in that area. They submitted that to the DPW and they just received comments back an hour ago so they haven't had an opportunity to address those. Basically they just want some minor tweaks to the plan. They want them to change the alignment a little better, which will require resetting all the curbing on that side where originally they were keeping most of the curb. Mr. Sullivan added that this new sidewalk is in the right-of-way and doesn't cut into people's existing lawns. Mr. Pratt said there is an existing retaining wall along the first abutter's property so they will pull the curb line into the street a little bit that way they don't have to disturb their retaining wall. They will work closely with DPW to address all of their concerns. There will be detectable warning added and they will be resetting the curb to make it more of a straight shot instead of following the existing curb line that bumps in and out.

Mr. Pratt stated that drainage was another concern. They received comments from DPW at the last meeting and didn't have a chance to review them. They contacted Mr. Winslow and straightened out the confusion so they didn't have to make any changes to the drainage to address his concerns on that.

Mr. Pratt said Chestnut Street was another area of concern. He said the plan was to have a sidewalk that comes from the end of the cul-de-sac to Madeline Road. As it exists today there is an existing curb cut right there and a gravelly/reclaimed asphalt driveway area. They were originally going to maintain the curb cut. There are no sidewalks on the other side where Chestnut Street so they asked them to close off that curb cut. Now there is going to be a straight granite curb, which should alleviate some of the abutters' concerns about pedestrians walking out into the street. By closing that off it will encourage people to stay on the sidewalk and then they can turn and head down towards the school.

Mr. Pratt said they met with both abutters on either side of the right-of-way. They have been working with them since the beginning. They had some pre-meetings before they submitted to the Board. He has a letter from their surveyor who confirmed that this is a City

right-of-way. He believes the City staff has also contacted the City surveyor and City Solicitor and he thought they had something in writing that they were unable to share with him because of client/attorney confidentiality, but he believed that has been shared with the Board. He thought they were going to ask the Board if they wanted to make it public. It is his understanding that the letter said this is a City right-of-way and City utilities and a City sidewalk is allowed to be installed there. When they met with the abutters yesterday their attorney was present and they didn't push that issue at all so he thinks they understand that it is a City right-of-way. The meeting yesterday was to figure out how to install some mitigating features. They agreed to install a row of shrubs that comes up and along the back property line and then into the cul-de-sac as well.

Other changes include some drainage related issues. They are really concerned with the stormwater and groundwater in this area. Mr. Pratt said they have always planned to berm as well as swale along the property line to prevent the stormwater from running down the hill into their property. They added an underdrain as well to help with some groundwater issues, which will connect into a catch basin, which will help the groundwater from spilling because the land is sloped. There is a toe of slope right in one of the abutter's backyard so they will put another underdrain, which will wrap around and tie into an underdrain that runs down next to the sidewalk and will tie into the catch basin. Staff and DPW have not had a chance to review these plans yet because he just go them to them, but he thinks the abutters were very pleased with this.

Mr. Sullivan said the other aspect of this plan that evolved yesterday was the suggestion for a three-way stop at the intersection of Chestnut and Madeline. Neighbors complained about speeding cars coming down Madeline and the hazard to pedestrians coming out of the right-of-way. That turns out to be a separate process that has to go through the Aldermen. If the neighbors agree then he said they will contact the Alderman for this area and initiate the process for that along with the suggested stop at Bennington and Elm Street.

Mr. Pratt said they need to lower a pipe that outlets onto the YDC property on River Road. They have been in contact with the State regarding this and received preliminary approval yesterday afternoon that they are willing to work with them and grant the easement. As such, that process has been started and they made an offer to them today via email and he believes that will be worked out in the next month or so.

Mr. Pratt received a review letter from Mr. Winslow of DPW today. The first one was about the waste water connection permit. He said it has been submitted to them for review, which they are reviewing, and they got them the fee. With regard to the YDC easement, he noted that it needs to be obtained and Mr. Pratt said they have been in talks with the State. They submitted some street names that were rejected by the E-911 so they are working right now on coming up with some new street names and they will work directly with DPW on that. They had a question about guardrail, which they need to tweak. Mr. Winslow had a question about some underdrains up in the Chestnut Street right-of-way. Mr. Pratt said their proposed plan for the new underdrains should address that concern. With regard to the Elm Street sidewalk they had some concerns with the alignment so he thinks they will

end up shifting that curb line a little bit into Elm Street to narrow it a little bit more. He said they will work directly with Dave Winslow and Todd Connors on that.

Mr. Pratt said they attempted to propose some mitigation measures based on some of the abutters' concerns about traffic driving into the street. They proposed a split rail fence with some reflectors and DPW requested that they remove that because it would be a plowing obstruction. Therefore, the intent of the plan is to just maintain three bright red diamond shaped signs that are reflective. Based on Mr. Winslow's comment, he just wants to make sure those are maintained or replaced, with Mr. Pratt said they are willing to do. He thinks, again, if there is additional signage proposed that would be for the Board of Mayor and Aldermen and the Traffic & Safety Committee.

Mr. McCue asked what the cost for the new sidewalk on Elm Street will be. Mr. Pratt said probably now that they are relocating the curb, it will be \$15,000-\$16,000. Mr. McCue asked if they spoke with the abutters on the east side of where the sidewalk is going and if they had any thoughts on them placing it there and how they are going to do it. Mr. Pratt said they have not. He believed it was the abutters that lived there that were concerned and wanted some improvements in that area. Based on comments from DPW, this is what they were providing. As it is proposed right now it will probably shift a little further in. Mr. McCue confirmed with Mr. Pratt that they have not spoken to either one of the abutters that live there. Mr. Sullivan advised that at least one of the abutters was present this evening.

Chairman Harrington said a suggestion that came up had to do with traffic flow and there was a suggestion about placing a stop sign at the end of Elm Street. Mr. Pratt advised that they talked to Kristen Clark and staff provided some information on that. He said any signage that gets added to City streets has to go through the ward Alderman so they are willing to work with the abutters if it is something that they really want. He said the process is you submit it to the ward Alderman, they submit it to the Board of Mayor and Alderman then it goes to the Traffic & Safety Committee and then they run an analysis to see if there is a warrant for it. It is his understanding based on speaking with traffic engineers is that a lot of times these are not warranted but if there is enough support from the abutters sometimes they can add it anyway even if there isn't a warrant. He said they are willing to work with the abutters to either initiate that process or just support that process; he just doesn't want to hold up this process because it might be three or four months until that actually gets addressed. Where they are not actually adding any vehicular traffic to this area they are willing to support it and work with them but it is not really their issue. Chairman Harrington understood and said that it is out of this Board's hands anyway; it is really a decision at the Board of Mayor and Aldermen level.

Chairman Harrington opened the hearing for public comment.

Jack Walsh of 2565 Elm Street, which is on the corner of Elm and Bennington and is also the first house north of the Webster School, said a little over three weeks ago he was working at home and he looked out his office window and he saw a woman who said she was from an engineering firm and she was taking measurements of the curbing alongside his house. He

went out and asked her what was going on and she said she was taking measurements for a sidewalk, which is consistent with what was discussed this evening except she was under the impression that this would be a sidewalk that would cut into his property and two other neighbors further north on the street. He said she pointed out that there was a marker that said that the City had the right to come in almost 15 or more feet into their properties, which was inconsistent with what Mr. Pratt said tonight about extending the curbing so it would be out a little further. He wants it to be clear that there would be no intention of taking landscaping, which includes trees, roots, irrigation and in his case, he has a paved driveway and a brick walkway.

Mr. Walsh asked if anyone had taken an observation or what the north end of Elm Street looks like in the afternoons during school pickup. There are cars double and triple parked there, making turns and availing themselves of the driveways on the street to turn around. As such, he likes the idea of narrowing it to create a sidewalk that would be on what is now the street itself; but it may exacerbate a problem about the turnaround that parents make. He thinks there needs to be some sort of control about how parents bring cars in and out as well as the safety of the children if they are walking on the sidewalk out there and these cars are turning.

Ms. Goucher said Mr. Golden was going to show Mr. Walsh the plan. She said it may be confusing in that their property line is actually several feet back from the edge of pavement so while it may appear that the sidewalk will be on their property, it would actually be in the right-of-way. There may be some consideration that has to be given to an irrigation system that might project into that area. She said it is clear that the proposed sidewalk is in the right-of-way, but many people assume that all of their lawn right up to the edge of a street is their property.

Mr. Walsh said he understands the property line and he is concerned about the 15-20 feet that the City has the right to claim and the 27 years he has lived there as he has put a lot of work and money into that area.

To clarify, Ms. Goucher thought it was fair to say that they would be looking to make sure that they restore the area that Mr. Walsh has considered his property even though it is actually City property. That is generally what happens if there is a sidewalk installed in the front of properties.

Mr. Walsh said a little logic might prevail on this whole thing because he understands the need for a sidewalk for the children going to Webster School although they don't know at this point how many children there will be. A couple of things that have come to his mind is that first of all if there are going to be children going to school they would be middle school and high school children who would be transported by bus from somewhere within this proposed development. He knows there is a rule about proximity to the school but asked if the handful of grammar school children be taken by that bus and dropped right at the school. Secondly, he said there is an existing sidewalk from the Chestnut Street exit from the property that comes right out onto a sidewalk that comes down Madeline right onto Bay

Street so there is no need for constructing a new sidewalk.

Colleen Ives of 2605 Elm Street, which is the very last house on the right on the dead end, thought Mr. Walsh represented the three houses pretty well at the dead end. She is also very concerned, and technically understands that that property is owned by the City and there is a right-of-way, however, they not only have a retaining wall but they have other hardscaping as well as a telephone pole, irrigation and trees that have been there for probably 20 years that would have to be taken down in order to create a sidewalk into the property. As such, she would like to be part of a conversation with the engineers about that. Her other point is that this is a new design having the walkway come closer to their property and exiting onto Elm Street. She is concerned about drainage as there is a catch basin right at the edge of their property so she is not sure how either an exit from that walkway or even a sidewalk would impact that. She was concerned about snow plowing in the winter as they push all of the snow all the way down Elm Street and in a big winter they could have ten to fifteen feet of snow. She doesn't know how that will be maintained by the City and if the sidewalk would even be used in the winter. With regard to traffic, unfortunately for the family that wants to develop the property, it is an existing problem. Cars triple and quadruple park. It is like they've abandoned their cars like there was a catastrophe to go in and get their children and it is day in and day out so she is not sure how creating sidewalks makes it a safer place because really the danger exists in the road and will exist whether or not this property gets developed or not.

Regarding both the sidewalk location and the issue brought up regarding people parking for the school, Ms. Goucher understood that the Highway Department has received some calls about whether there is a better way to circulate around the school and on some of those streets. The process would be the same if neighbors wanted to petition their alderman to look at changing street configuration or signage. It may be that there is an ongoing issue that was there before this development was even proposed but it sounds like maybe some of the neighbors look at this as an opportunity to raise some of the existing concerns they have regarding traffic. She encouraged them to talk to their ward Alderman and see if there is something as a group the neighbors might want to look at or ask the Alderman to ask the Highway Department to look at what might make things better.

With regard to the sidewalk, Ms. Goucher said the project engineer and the staff just got a letter around 3:30 today from the Highway Department. The letter indicates that they are aware of drainage issues, catch basins, poles and everything else in front of these houses and Highway is not opposed to actually pushing it out even further into the existing paved area of the ROW. As such, she thinks it is still one of those things that both the engineer for the developer as well as the DPW are trying to figure out what might make the most sense and cause the least amount of disruption for all concerned. She thinks the developer and engineer have both expressed a willingness to make sure they talk to the abutters about it and work towards getting an approval from the Highway Department in regard to what they are looking for.

Jeanne Trott of 2565 Elm Street was somewhat confused because during the presentation she believed Mr. Sullivan said and Mr. Pratt reinforced that the curbing would be pushed out to narrow the street but yet the plan they saw looks like the curb is pretty much in the same place and the sidewalk is going to go inward and then that would indeed impact the front lawns of their home and as well as everybody else. She was concerned about the impact on her property. In this case she thought a sidewalk could be more perilous because they are throwing children into the mix of the car mania. She hoped if the decision is made to put the sidewalk in no matter how the abutters feel that the original discussion that she heard tonight that the curb be pushed out to narrow the road and hopefully discourage people from using it as a U-turn would be given greater consideration than taking the curb and pushing the sidewalk in.

Mr. Clement agreed with the abutters. He doesn't see what benefit the City would get at all by widening the street up to that area. He said the property above it has been sold. He said maybe they could extend the sidewalk to connect with the ones that are already in existence there.

Mr. McCue asked Mr. Pratt if DPW told him how far they would be able to extend it into the street from the existing curb that is there now. Mr. McCue said he was up there today walking through the area and the abutters have a good point because the way the curbs are set now, if you had to cut into them you would have to pull them out, redesign that whole area and then put them all back once they put the sidewalk in. That is why he asked what the cost might be because the cost seemed prohibitive for the benefit gained. Mr. Pratt said they didn't originally have a sidewalk. The sidewalk was added per the request of DPW. Mr. McCue said he was there at about 2:30 and cars were just starting to line up in that box at the end of Elm Street in a very haphazard fashion. Most times that would be an enforcement issue where the police should come down and basically boot them out of there and he doesn't know why that doesn't occur, but that is something the law enforcement people should take care of. There were a lot of cars parked along those folks' front exposure. He didn't know if they were parents, teachers or workers at the school but they were already taking up all that space along the east side of the street. The west side didn't have anything over there because of all the construction equipment (pipes, dirt, etc.) so you couldn't park over there. Mr. Pratt said Mr. Winslow just said a straighter alignment of the sidewalk is needed. Mr. Pratt said when they designed this, they held the existing curb line and they were just installing the sidewalk because they just repaved this whole section. They haven't paved the top coat so he hopes they can wait and do the top coat until the spring. There will be a saw cut line if they move the curb in. Mr. Pratt said Mr. Winslow didn't say anything specific. Mr. Pratt said they are open to the idea of moving the curb line further into Elm Street to accomplish this.

Mr. Pratt said they used the reference plan survey, the survey that they used for the stormwater and sewer upgrade project that they just did. They didn't do any real survey so they don't have exact spot grade locations everywhere. That is why one of his colleagues was out there taking measurements of curb height and width of the driveway, so some of the stuff was added just based on quick measurements as opposed to a real survey. He

thinks Mr. Winslow is asking them to do a real survey so they have really accurate data. He said he drove by there and if they installed the sidewalk right at the back of the existing curb it would cut into the grass that is within the right-of-way. He pointed out that the right-of-way width is 15 feet. Mr. McCue asked what the width of the street is at that point. Mr. Pratt said it is about 60 feet and the right-of-way is 100 feet.

Mr. McCue advised the Chairman that they should really get an answer from Highway as to why they have to do this. He wanted to get some more input as to how they can make this work better for everybody involved. Mr. Pratt reiterated that they are willing to work with DPW but they don't want to keep delaying this Planning Board process. He asked if they could do it as a condition of approval that says they will work with staff and DPW. Mr. McCue said they have a bunch of abutters who have done a nice job keeping their houses up and making them look really nice and now they are telling them that they are going to have to chop their lawn or driveways up to accommodate this. As an owner in Manchester himself, Mr. McCue said he wouldn't want the City to come in and do that to his property. Mr. Pratt said it is not going to be the City; it will be their contractor. Mr. McCue said he understood that. He said he understands the issues of right-of-ways, but he asked if it is really necessary here. Mr. Pratt said now that he thinks about it, it probably is. If they are having pedestrians walk down from Glen Brook and they are dumping them out into the middle of the street with all of these cars, he thinks it is better for them to have a sidewalk to walk on. Mr. McCue didn't disagree that a sidewalk was a good idea, but he said there has to be a better design than what they are talking about here, which is why more information from DPW would help.

Chairman Harrington asked if there are "No parking" signs along that side of the street or in that area. Mr. Pratt did not recall that there were. The Chairman asked if there was a possibility of those being added. Mr. Pratt said they wouldn't be opposed to it.

Mr. McCue asked if the BMA would have to set the parameters regarding whether it be no parking or that type of thing or if it would be something that DPW would just do on their own. He also asked about pushing the sidewalk into the street as opposed to using the right-of-way.

Chairman Harrington asked Ms. Goucher about street signs and Ms. Goucher said it was something for the BMA. She said it sounds like a lot of issues that the abutters are raising are things that would be best addressed by getting their Alderman on board for perhaps establishing where there should be "No parking" signs, perhaps between certain hours, or stop signs that others have asked about. Those concerns are typically addressed by the Public Traffic & Safety Committee of the Board of Mayor and Aldermen. If there are multiple concerns and requests, they could be bundled in one request that goes to the ward Alderman and then gets put on the BMA agenda. Usually the committee asks DPW to do warrant studies.

Ms. Goucher did not believe the BMA has to weigh in on sidewalks as long as they are in the right-of-way. She said there have been a number of sidewalks that have been imposed by

this Board on other subdivisions to provide continuity between sidewalks that might exist already along part of that road so she doesn't believe the BMA has to weigh in on that matter since it will be paid for by the developer.

For clarity, Chairman Harrington said this was obviously a recommendation by DPW and the Board doesn't necessarily have to go along with it if they decided they didn't want to have a sidewalk in that location. Ms. Goucher said she would be cautious about answering that because DPW made it fairly clear that they didn't want to place the children directly into the paved area of the street. Usually from the Planning Board's perspective as well as through the Master Plan, walkability is encouraged. In fact, in the Street Plans with sidewalks, there are Key streets as well as staging locations within 1/3 of a mile radius around schools where they are always looking to encourage the addition of sidewalks. She said it is up to the Board, but DPW is saying do not place the children into the street; put them onto a sidewalk. If the connection that the developer is trying to provide for an outlet from his development wasn't constructed, there would be cut-throughs that would occur. She understands what the abutters are saying, but she also said it sounds as if DPW is more than willing to allow them to push the sidewalk further out into the ROW. She said when there is a dead end and no one needs to be driving down that end other than the half dozen residents that live past Bennington, there is really no need for 50-60 feet of actual pavement in the right-of-way. She thought Mr. Pratt could work with Mr. Winslow to push it out even further so these peoples' lawns are not disturbed.

Mr. LeClerc asked if they pushed the curb out towards Elm Street and it didn't line up with the sidewalk on the other side of Bennington if that would matter seeing it is a dead end way. Mr. Pratt said they could do an angled crosswalk or maybe just change the angle right at the end so it is kind of pointing toward it. He thought there were ways to accomplish that. Mr. Pratt thought they would probably hold that corner at the crosswalk and change the angle to just make a straight shot, but if they want to narrow it up even more they could per wrap around and have a mid-crosswalk and wrap it up in or something or an angled crosswalk. He said they would meet with Mr. Winslow on site and measure some stuff off and draw some stuff on the ground and figure out the best way to do it. Mr. Sullivan stated that they would do that along with the owners.

There were no further comments from the Board.

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

The Chairman concluded the September 15, 2016 limited public hearing of the Manchester Planning Board.

III. BUSINESS MEETING:

Chairman Harrington called to order the September 15, 2016 business meeting of the Manchester Planning Board.

Chairman Harrington advised that everybody would be voting tonight.

1. **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

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

The Chairman advised that the applicant submitted a waiver for underground utilities that needed to be taken up.

Mr. Clement made a motion to grant the waiver request for overhead utilities as it is in line with the rest of the properties in that area, which was seconded by Mr. O'Donoghue. (Motion Carried) (Opposed: Guerra)

Mr. McCue made a motion to approve S-14-2016 per staff recommendation, which was seconded by Mr. Guerra. (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
2. The applicant shall obtain final approval from all reviewing agencies, including the Planning staff, prior to submitting plans for signing and recording the subdivision plan;
3. All new boundary monuments are to be set prior to submitting plans for signing and recording;
4. A new street address for Lot 30A shall be secured from the Highway Department and shall be depicted on the plan along the parcel frontage, prior to final approval;
5. The school impact fee of \$2,733 per single family unit shall be paid prior to the CO for the new single family dwelling unit;
6. Fill shall not be placed within 20' of the rear lot line of Lot 30A unless alternate measures to avoid drainage issues on Lots 36 and 37 at 1021 and 1031 Cilley Road are proposed,

subject to review and approval of Planning Staff;

7. If the Planning Board grants a waiver from the Subdivision and Site Plan Review Regulations, Note 8 on the final plan shall be revised to add the date of approval of such waiver;
 8. All material changes to the approved plan shall be reviewed and approved by the Planning Board at a public hearing;
 9. The surveyor shall provide to the Highway Department a digital file in AutoCAD.DWG format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88) prior to signing the plans;
 10. To submit plans for final approval, the applicant shall submit one mylar for recording, one set of mylars to remain on file with the Planning Department, and four complete paper sets;
 11. The surveyor shall provide the HCRD recorded plan number to the Planning Department within 30 days of final approval; and,
 12. Should any condition precedent or subsequent to this approval not be met in the time periods provided in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a.
2. **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

Chairman Harrington advised that there was a waiver on this for underground utilities.

Mr. O'Donoghue made a motion, which was seconded by Chairman Harrington, to grant the waiver for underground utilities based on the way things are being served right now and there is an existing building there. (Motion Carried)

Mr. Clement made a motion to approve S-15-2016 per staff recommendation, which was seconded by Mr. Guerra. (Motion Carried)

Conditions of Approval:

1. The street addresses shall be shown on the plan, along the parcel frontages, prior to submitting plans for signing and recording;
2. The applicant shall obtain final approval from all reviewing agencies, including the Planning Department, prior to submitting plans for signing and recording the subdivision plan;

3. The applicant shall provide planning staff with proof of sewer connection for the existing house on Lot 9 and abandonment of the septic system prior to signing and recording the subdivision plan;
4. All survey monuments and property bounds shall be installed prior to signing and recording the subdivision plan;
5. A School Impact Fee of \$2,733 for a single family dwelling unit shall be paid prior to the issuance of a Certificate of Occupancy for the new house on Lot 9A; and
6. The surveyor shall provide a digital file in AutoCAD.DWG format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88), along with two mylar plans and four paper prints. The surveyor shall also provide the staff with the recorded plan number within 30 days of final approval.

3. **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*

Chairman Harrington advised that there was a staff recommendation as well as a waiver request for underground utilities.

In this particular case, Mr. O'Donoghue recommended that the waiver request be denied because there are three brand new properties and is a much larger type of activity than the others. Mr. McCue agreed and stated that this is more than in-fill lot; it is a major project going in on two streets.

Mr. Guerra said usually when he has a hard time with these is when the pole is on the same side of the street. If it is going to cross a street like they saw on Hermit Road, he doesn't have a problem waiving them as you don't want somebody "busting up the street" in order to run the lines. He thinks this is a perfect application to get this to start somewhere. The Chairman understood and felt that the Board has been pretty consistent with that. The other situation is that the utility would probably just put a pole right across the street to then go down from so in certain situations it doesn't make sense for the Board to require it.

Mr. O'Donoghue made a motion to deny the waiver for underground utilities, which was seconded by Mr. McCue. (Motion Carried)

Mr. McCue agreed with condition #8 that restricted that the driveway be on Ohio Avenue.

Mr. McCue made a motion to approve S-16-2016 per staff recommendation, which was seconded by Mr. Clement.

Chairman Harrington requested that staff clarify condition #11. Ms. Goucher said she almost thinks the reverse occurs and they should probably have them put a note on the plan stating "By action of the Planning Board not granting the waiver, utilities need to be underground".

Mr. McCue revised his motion, which was seconded by Mr. Clement, to approve S-16-2016 per staff recommendation with the revision of condition #11 to reflect that note 8 on the recorded plan shall note that the waiver for underground utilities was denied. (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
2. The applicant shall obtain final approval from all reviewing agencies, including Planning staff, prior to submitting plans for signing and recording the subdivision plan;
3. All new boundary monuments shall be set prior to submitting plans for signing and recording;
4. Street addresses for all lots shall be secured from the Highway Department and shall be depicted on the plan along the parcel frontage prior to final approval;
5. The school impact fee of \$2,733 per single family unit shall be paid prior to the CO for the new single family dwelling units;
6. The existing water and sewer service connections shall be shown on the subdivision plan and used for the proposed homes on Hanover Street. If the services are not to be used, then they shall be permanently discontinued and new service connections shall be installed;
7. Building plans submitted for permit shall show the driveway locations, proposed elevations, and shall be reviewed by planning staff prior to permit issuance;
8. The driveway for proposed Lot 236/11A shall be restricted to Ohio Avenue;
9. The sidewalk along the Hanover Street frontage shall be rebuilt and unused driveway openings shall be closed. The work shall conform to City Standard Specifications and be inspected and approved by DPW. The contractor shall pull required City Department permits. In addition, certificates of occupancy for Lots 11A and 11B shall not be issued prior to DPW inspection and acceptance of the completed construction of the sidewalk;
10. Any changes to existing parking spaces along Hanover Street to accommodate the driveway opening shall require approval by the Board of Mayor and Aldermen;

11. Note 8 on the recorded plan shall be revised to note that the request for waiver was denied;
12. All material changes to the approved plan shall be reviewed and approved by the Planning Board at a public hearing;
13. The surveyor shall provide to the Highway Department a digital file in AutoCAD.DWG format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88) prior to signing the plans;
14. To submit plans for final approval, the applicant shall submit one mylar for recording, one set of mylars to remain on file with the Planning Department, and four complete paper sets;
15. The surveyor shall provide the HCRD recorded plan number to the Planning Department within 30 days of final approval; and,
16. Should any condition precedent or subsequent to this approval not be met in the time periods provided in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a.

4. **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

Chairman Harrington advised that there was a staff recommendation as well as request for a waiver on overhead utilities.

Mr. McCue thought this would be a situation where the waiver could be approved because it is an infill.

Mr. McCue made a motion to grant the waiver for underground utilities, which was seconded by Mr. O'Donoghue. (Motion Carried)

Mr. O'Donoghue made a motion to approved S-17-2016 per staff recommendation, which was seconded by Mr. Clement. (Motion Carried)

Conditions of Approval:

1. The street addresses shall be shown on the plan, along the parcel frontages, prior to submitting plans for signing and recording;
2. Per the request of Manchester Water Works, the locations of existing water services shall be shown on the plan, prior to submitting plans for signing and recording;

3. The applicant shall obtain final approval from all reviewing agencies, including the Planning Department, prior to submitting plans for signing and recording the subdivision plan;
 4. All survey monuments and property bounds shall be installed prior to signing and recording the subdivision plan;
 5. The building on Lot 19A shall be constructed with compliant parking located to the north of the new structure and with one driveway from Moore Street. The existing pavement currently encroaching onto Lot 19 shall be removed prior to signing and recording the subdivision plan;
 6. The building permit application shall show the proposed dwelling unit(s), the driveway and the parking, and shall be reviewed by the planning staff prior to the issuance of a building permit;
 7. If a two-family structure is constructed on Lot 19A, the building shall be built as a side-by-side townhouse style unit, facing Moore Street;
 8. A School Impact Fee, consistent with the type of units constructed, shall be paid prior to the issuance of a Certificate of Occupancy;
 9. The existing street trees along Moore Street are to remain. If it is determined that construction of the new residential structure cannot occur without the removal of the street trees, two new street trees with a minimum of 3" caliper shall be planted prior to receiving a Certificate of Occupancy. A note regarding this condition shall be added to the plans prior to signing and recording; and
 10. The surveyor shall provide a digital file in AutoCAD.DWG format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88), along with two mylar plans and four paper prints. The surveyor shall also provide the staff with the recorded plan number.
5. **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*

The Chairman advised that there was a staff recommendation as well as several waiver requests.

Mr. Clement made a motion to grant the waiver for delineation and mapping of wetlands, which was seconded by Chairman Harrington. (Motion Carried)

Mr. Clement made a motion to grant the waiver for partial depiction of subsurface utilities, which was seconded by Ms. Flinchbaugh. (Motion Carried)

Mr. Clement made a motion to grant the waiver for organization of notes on the plan, which was seconded by Mr. Lussier. (Motion Carried)

With regard to the fourth waiver request, Mr. Clement wasn't sure why they didn't want the depicting of the existing contours at two foot intervals. Ms. Goucher said it was because there were millions of square feet to survey. The Chairman said there was a discussion about that at the public hearing.

Mr. Clement made a motion to grant the waiver for depiction of existing contours at two foot intervals, which was seconded by Ms. Flinchbaugh. (Motion Carried)

Mr. McCue made a motion to approve S-18-2016 per staff recommendation, which was seconded by Mr. LeClerc. (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning Department, prior to submitting plans for final approval;
3. Boundary monuments are to be set prior to submitting plans for final approval;
4. If the Planning Board grants the requested waivers from the Subdivision and Site Plan Review Regulations, the recorded plan shall contain a note to memorialize the waivers, including the section number, description, and date of approval;
5. Prior to final approval, the applicant shall provide to the Highway Department a digital file in AutoCAD, .dwg format with boundary lines and horizontal and vertical features based on N.H. State Plane Coordinate System (NAD83/92-NGVD 88);
6. To submit plans for final approval, the applicant shall submit one set of mylars for recording, one complete set of mylars to remain on file with the Planning Department, and four complete paper sets;
7. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a; and

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

6. **PD-04-2016**

Property located at 8 Goffstown Road (Tax Map 775, Lot 8), an application to construct a planned development with a private street and 7 single-family homes on one parcel of 8.24 acres, with 9,820 square feet of permanent wetland impacts and associated site improvements. *Keach-Nordstrom Associates, Inc. for Michael D. Tancreti, Trustee & DE Desharnais, Trustee MTEA Realty Trust*

Chairman Harrington advised that there was a staff recommendation.

Mr. Belanger clarified that there were three separate items to review; the waiver request, the planned development criteria and the staff recommendations.

Ms. Flinchbaugh asked if there was a good rationale for them not wanting to put the sidewalk in. Mr. Guerra said it doesn't connect to anything as there are no other sidewalks on Goffstown Road.

Ms. Flinchbaugh confirmed with Ms. Goucher that there is one lot with seven houses.

Mr. Clement made a motion to grant the waiver for pedestrian walks and curbing, which was seconded by Mr. McCue. (Motion Carried)

Chairman Harrington advised that Alderman Levasseur had joined the meeting and that everyone would still be voting on the remaining items on the agenda.

Mr. McCue made a motion that the application meets the criteria of a planned development, which was seconded by Mr. Clement.

Discussion:

Chairman Harrington had a concern, which was brought up by Alderman Hirschmann as well, about the ranch style homes versus the two-story homes. He thinks they did a nice job in trying to incorporate the design and features to make it consistent.

With all due respect to Alderman Hirschmann, Mr. McCue said there is only one other house in that whole area and to have the applicant be expected to match that one house is a little bit unreasonable. He thought the applicant did a nice job mixing the lots with the ranch style and the two-story dwellings and he thought it was a very acceptable presentation of what a planned development should be.

Mr. O'Donoghue agreed with Mr. McCue's comments and added that as people get older they don't want multiple stories in a home and a single story home is much more adaptable and effective for people. As such, he has no problems whatsoever with ranch style homes

especially when they have gone through the effort they have to make them fit into the area.

Mr. Guerra's only concern was the note on there about the school buses using the private street. He asked if that opens up the City to any sort of liabilities. Mr. Clement said that street in the morning and afternoon is a nightmare having one continual run of traffic so he would prefer to see the bus pull into the development. Mr. Guerra didn't disagree. His concern with any liability issues for the City. Mr. Belanger said there are City buses using other private streets in the City and this wouldn't be the only one of its kind doing this. He said the City Engineer, Manchester Transit Authority, the School District as well as the Planning Staff met onsite and discussed it. The School District and MTA were okay with it and they are probably more familiar with the liability issues that arise with school bus traffic.

Mr. Guerra confirmed with Mr. Belanger that the applicant agreed to bring the street up to City standards. Mr. Belanger said the issue there was the amount of gravel base; it was 6 inches and they brought it up to 9 inches.

Mr. Belanger added that the grading on that street was pretty flat, which is something the School District took into consideration in terms of any kind of icing that could occur there.

(Motion Carried)

Chairman Harrington made a motion to approve PD-04-2016 per staff recommendation, which was seconded by Mr. Clement. (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and seven paper copies of the plan sets shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to signing of the site plan;
3. The applicant shall obtain all necessary State approvals prior to final approval;
4. The applicant shall provide the City, prior to final approval, with a copy of a joint-use agreement signed by the property owner and Eversource that permits the property owner to work within Eversource's easement area during construction and to maintain a trail and a sewer line within the easement area. Within 30 days of final approval, the agreement shall be recorded at the Hillsborough County Registry of Deeds, and the book and page number shall be provided to Planning staff within that time;
5. The applicant shall provide the City, prior to final approval, with a copy of an easement reserving access to the water main and copper service lines, subject to approval by the Water Works Department. The easement shall be recorded at the Hillsborough County Registry of Deeds within 30 days of final approval, and the book and page number shall

be provided to Planning staff within that time;

6. A note shall be added to the plan stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations;"
 7. A note shall be added to the plan stating, "School busses shall have the right to use Bentley Way to pick up students who attend school in the City of Manchester;"
 8. The architectural elevations are part of the approved plans and shall be included with the plan set;
 9. The Declaration of Condominium, as reviewed by the Planning Department, shall be recorded at the Hillsborough County Registry of Deeds within 30 days of final approval, and the book and page number shall be provided to Planning staff within that time;
 10. Prior to issuance of the first certificate of occupancy, a licensed engineer shall provide a letter certifying that the road and other infrastructure have been completed in accordance with the plan;
 11. Prior to the issuance of the first certificate of occupancy on the property, the applicant shall install signs noting the presence of wetlands every 50 feet along the edge of the wetlands. The signs shall be provided by the Manchester Conservation Commission for purchase by the developer, if such signs are available. Otherwise, the applicant shall provide signs to that effect;
 12. All material changes to the approved plan, including changes to signage, shall be reviewed and approved by the Planning Board at a public hearing; and
 13. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke its approval, pursuant to RSA 676:4-a.
7. **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

Mr. Golden advised that there were two options for the demarcated storage spaces in the packet; one provided by staff and one provided by the applicant. He advised that the

applicant was present and if the Board chose, he could speak to those plans.

Mr. Lussier confirmed with Ms. Goucher that the applicant has reduced the request to 81 spaces and has designated the areas in pink as their proposal. He questioned why they were still proposing a revised setup that would actually have 96 spaces.

On the staff's alternative, Ms. Goucher thought it was a matter of the Board deciding which way they wanted to go. She understands the Board asked specifically for staff to provide some guidance and a plan. She advised that it was staff's opinion that the 47 spaces in the back area that they are noting as primary, seem to be the area that would have the least impact on their employees. They are further away from Brown Avenue because the Board seemed to have some concern about cars being stored too close to Brown Avenue in the original discussion.

Ms. Goucher said one of the issues staff had with the applicant's proposal on the south of the building is breaking the spaces up in an area that does not have a natural demarcation. Staff was looking at it in terms of enforcement. All the spaces in the back could easily be determined if they are storage vehicles. In the front of the building, it is not as if that long line of parking spaces has a break with a landscaped island to determine that everything on the east side or the west side are storage vehicle. As such, what the staff thought was if the Board is inclined to give them more spaces, they would rather see the storage spaces in an area that can be categorized. She said that it doesn't mean that employees can't park there; that would be an owner-operation matter, in her opinion.

In looking at the applicant's proposal, Ms. Goucher said the clusters on the southeasterly side where there are two rows of parking spaces across from one another, the reason they did not include them in their recommendation to the Board was because that was the area the Board seemed to have issues with at the hearing. There are not a lot of other areas left because in the back of the building they park their box trucks and there are loading docks. As a result, it is either the spaces along Brown Avenue or the spaces on the south side of the building to consider. There is a reason why staff said "primary" and "secondary" because they are not sure what the Board is comfortable with in terms of granting them for number of spaces. They were looking at it from the perspective of trying to make sure that it would be clear, if there were concerns or questions, about where the cars could be parked.

Mr. Lussier said they did not seem to want to park in that area that is in that little ell section that is on the northeast side; he counted 13 spaces in there. If they took that out of the staff recommendation proposal they would be down to 83 versus the 81 that they asked for.

Mr. Guerra said the reason why the Board didn't want them along Brown Avenue was not because it was too close to Brown Avenue; it was because they were able to be seen from Brown Avenue. In staff's particular situation where they are putting them up in the northeast corner, he thought that just enhanced that even more. He suggested that they take all of them and put them all in the south and designate that one spot. He said the line gets smaller from a visual on Brown Avenue looking down the line rather than seeing the

noses of all these cars up against Brown Avenue. If they end up doing it in the northeast and also with what the applicant put in there, they are begging people to come in off Brown Avenue and start looking around and that kind of thing.

From driving by there on a number of occasions this week, Mr. Guerra said most of the employees were parked along the Brown Avenue area. Very few were parked down towards the side. To keep everything in one area, he thought putting everything down in the south would probably be the smarter thing if they were going to allow them to do it at all. He said "that kind of defeats what they originally proposed a year ago, but such be life". He thought down in the south area would probably make more sense and be less of a visual impact from Brown Avenue.

Ms. Goucher confirmed that he was talking about the two rows on the south side of the building, adding up to 88 spaces. Mr. Guerra said "fine" or all the way up to the east of the grayed out area on the plan. Ms. Goucher believed that was the general area where employees walk in. Ms. Goucher confirmed with Mr. Guerra that he was saying minus the six spaces that are on the other side of the hatched area by the entrance as well as the full row in the front (south). Mr. Guerra said it would also make it a little easier for them when it comes to snow storage to be able to move cars around instead of jockeying them from three or four different locations around the lot. It will make it a little easier to back one out, plow it out, and move it back in again.

Mr. Guerra clarified that he would like to see them completely on the south side in one location.

Ms. Flinchbaugh agreed with Mr. Guerra.

Aside from specifics on a map, Chairman Harrington stated he would like to get some dialogue on whether or not the Board thinks this is an appropriate use and whether they even want to grant this request.

Mr. Guerra said he made his point at the last meeting in that it goes against everything they told the Board they were going to do the first time. The amount of parking they asked for at that time was based on growth and the Board was told that they were not going to have vehicle storage on this lot, which was a big question he had because of the amount of paving they were putting in there for the limited number of employees. They said they wanted the spaces for the employees due to growth. Now they are looking to store vehicles there because of growth, which would take spaces away from employees that they want to put there because of growth. From an enforcement point of view, when they talk about it being on an as needed basis, he said "either you are going to do it or you're not going to do it" and based on what he is seeing they are going to do it.

Chairman Harrington said they could do one thing or the other. He asked if they could still park employee cars but they couldn't store cars in an area that they are designated as non-storage area. Ms. Goucher said she would look at it that way because they were always

asking for the ability to park up to a certain number and even if this Board grants them up to 82 spaces, they may from time to time have 15-20 and there may be times that there are 70-80 and then it may go back down. They represented that is the case. By that same token, the parking lot was created for employees as the primary use with the storage being a secondary use that they are asking the Board to allow by virtue of reducing the required number. Their request is to reduce the required number of spaces for the business that is there so that they can have up to "X" number for storage. If this Board decides that they are going to grant their request, it needs to be very specific in what they are granting the reduction from because there are 197 spaces on site.

Mr. Guerra said they have roughly 100 employees from what they heard from testimony last time.

Mr. Klubben advised that the required number of spaces for employees is 162 so they already have some surplus. If they take it down from the 162 that is required minus 82, they would be saying it is basically okay for them to only have 80 spaces for their employees. Mr. Guerra said they have 90 employees right now before the growth. Ms. Goucher advised that they have shifts.

Back to where this started, Ms. Goucher thought they could still allow employee parking in the spaces that they allow for storage. She said storage is the use that is triggering the CU in the first place. If they only use 20 spaces or just one row, it doesn't mean that the others have to be vacant if an employee comes along. That becomes an operational issue for them.

Ms. Goucher reminded the Board that Mr. Clermont (of Quirk) wanted an opportunity to address the Board because he would obviously like approval for the plan as he proposed.

From Mr. O'Donoghue's perspective and feeling, they are able to use the parking as they see fit so he does not have a problem with them using it for the storage of vehicles. He reiterated that whatever number they come up with, which he thought the 80 was probably in the right range, in his opinion is that they need to be in a segregated area that is clearly defined. He also felt it should be all together. He is not comfortable with splitting it up into different areas. It also needs to be a designated number.

Mr. O'Donoghue stated that business changes, needs change and things change with timing so he thought they need the ability to adjust to that change in time.

Chairman Harrington asked if they were talking about a physical delineation of the parking spaces, such as having the striping a different color or signs or if it was just a delineation on the palm and then the enforcement officer has to take the map and look at where vehicles were parked. Mr. Golden said the intent was not to change striping. It was purely signage. Chairman Harrington confirmed with Mr. Golden that his idea of delineation would be a sign from one point to another, assuming they could group it all in one location.

Ms. Goucher said if they picked the areas that Mr. Guerra mentioned on the south side of

the building, she could see a total of four signs; one on either end closest to the building and one on either end across from the building saying "storage of vehicles allowed from here" with an arrow.

Mr. LeClerc agreed with Mr. Guerra about using the south side of the building for that delineation area.

The Chairman asked for the Board's input on whether or not they would like to allow the applicant to address the Board.

Mr. McCue thought the Board had received enough information to make a decision. He agreed with what Mr. Guerra said and that Mr. O'Donoghue expressed his feelings almost identical that the applicant has the right to use the parking, but the Board had the right because they are asking for a conditional use to define what that parking will be and where it will be. He thought the compromise of 81 or 82 spaces in a designated area is a good compromise for both parties.

To the contrary, Ms. Flinchbaugh said the applicant was present so she did not have a problem giving him a few minutes to speak. She agreed that the Board had talked about it pretty thoroughly but he made the effort to come so she wouldn't be opposed to hearing him speak, but she understood it needed to be unanimous.

Chairman Harrington said that is why he offered it up to the Board because he didn't have an issue with the applicant coming to speak as well since he made the effort to come and he stayed. He didn't know how much more he would be able to put light on.

Mr. McCue said if the applicant hadn't sent a letter then he would agree, but he sent a nice letter stating that he would do whatever the Board would like even though he preferred to designate those areas around the complex.

Mr. Clement agreed with Ms. Flinchbaugh to allow the applicant to address the Board as he made the effort to be present.

Chairman Harrington cautioned the Board that they don't want to do this haphazardly. They have had public hearings on this and the applicant has already spoken before the Board once and the public hearing was closed.

Chairman Harrington polled the Board and there was not a unanimous vote to allow the applicant to speak at this point.

Mr. Klubben said they figured out there were 82 spaces on the south side so if they allowed them to use those it would be 162 down to 80. Ms. Goucher said that should be part of the motion regarding the Conditional Use Permit and then there are four suggested conditions with it.

Motion to reduce from 162 spaces down to 80 spaces for the existing business operation and 82 spaces for car storage along the side of the building and per staff recommendation.

Chairman Harrington made a motion to approve CU-15-2016, which was seconded by Mr. O'Donoghue, allowing 82 vehicle storage spaces resulting in the reduction of the 162 required parking spaces down to 80 required parking spaces, as per staff recommendation. (Motion Carried)

Conditions of Approval:

1. The modified site plan showing storage vehicle locations shall be submitted and considered an amendment to the previously approved site plan and shall be added to the plan set on file;
 2. Information regarding the specific language of any on-site signage shall be in conformance with the standards set forth in the Zoning Ordinance, shall be reviewed and approved by staff, and shall be included on the plan;
 3. A note shall be added to the plan stating that no storage vehicles are to be parked outside of the demarcated areas; and
 4. Any changes to the conditions of Planning Board approval shall be brought back to the Board at a Public Hearing.
8. **Review of new applications for regional impact and comment by the Manchester Conservation Commission.**

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

1. S-13-2016
Property located at 795 Grove Street (Tax Map 129, Lot 1), an application to subdivide one parcel of approximately 21,638 SF into two parcels of approximately 18,084 SF (for the parent lot) and 3,554 SF (for new Lot 1A) within the RDV Zone. *Tyler P. Haynes, McLane Middleton for Cellco Partnership d/b/a Verizon Wireless and Grove Street City Storage, LLC.*
2. S-19-2016
Property located at Cohas Avenue (Tax Map 823, Lot 9), a subdivision application to subdivide one parcel of 30.926 acres into 28 new single-family lots, new public streets, and associated site improvements within the R-1A Zone. *Keach Nordstrom Associates, Inc. for Sterling Home in Manchester, LLC.*

3. S-20-2016
Property located at 214 Groveland Avenue (Tax Map 492, Lot 2), a subdivision application to consolidate one parcel with a discontinued Way, separate deeded parcels, and adjust the common lot line between Lot 2 and new Lot 2A with approximately 1,260 SF added to Lot 2 within the R-1A Zone and Lake Massabesic Protection Overlay District. *Joseph M. Wichert, LLS, Inc. for Thomas R. Cifelli.*

4. S-21-2016
Property located at 1852 Lake Shore Road (Tax Map 485, Lot 13), a subdivision application to subdivide one parcel of approximately 86,981 SF into two lots of approximately 21,539 SF (Lot 13) and 65,442 SF (Lot 13A) within the R-1A Zone and the Lake Massabesic Protection Overlay District. *Joseph M. Wichert, LLS, Inc. for LeClerc Family Rev. Tr. Of 2000.*

Mr. Klubben advised that this application was already going to the Conservation Commission for review.

5. S-22-2016
Properties located at Bedford Street (Tax Map 900, Lots 7, 7A & 9), a subdivision application to consolidate existing Lots 9, 7 and 7A with a portion of discontinued North Bedford Street and simultaneously subdivide into two new lots of approximately 41,609 SF (newly configured Lot 9) and 22,491 SF (newly configured Lot 7) in the AMX Overlay District. *CLD Consulting Engineers for Bedford Lot Venture, LLC.*

6. SP-19-2016
Properties located at 67 Central Street (Tax Map 168, Lots 2, 3, 13, and 14), a site-plan application to construct a 95,750 SF hotel with 96 parking spaces and associated site improvements in the Central Business District and the Arena Overlay District. AB Ventures, LLC for E&R Laundry and Dry Clean, Inc., BOTCO NH, and Christos G. Tsiaras.

7. SP-20-2016
Property located at 269 Hanover Street (Tax Map 83, Lot 24), a site plan application for a proposed 22 space parking lot within the R-3 Zone. *CLD Consulting Engineers for 2DC, LLC.*

8. SP-21-2016
Properties located at Bedford Street (Tax Map 900, Lots 7 and 9), a site plan application to construct a 6-story, 63,157 SF hotel, with ground floor retail and a parking deck, located in the existing Bedford Street parking lot at the corner of Spring and Commercial Streets, within the AMX Overlay District. *CLD Consulting Engineers for Bedford Lot Venture, LLC.*

9. SP-22-2016
Property located at 1234 River Road (Tax Map 420, Lot 1C), a site-plan application to change the use of an approximately 17,000 SF building from a women's correctional

institution to a religious institution in the R-1A District. *Lubavitch of New Hampshire for the State of New Hampshire.*

Ms. Goucher stated that this application, along with the associated CU, may not make it to the hearing. They are in the process of wrapping up the completeness review and there seems to be a lot of information that has not been provided in order for the staff to determine a zoning review or completeness.

10. CU-17-2016

Property located at 470 Pine Street (Tax Map 7, Lot 1), a Conditional Use Permit application to reduce the required parking by 36 spaces for a church within the C-1 Zone. *Tom DeBlois for Tokena Corp.*

11. CU-18-2016

Property located at 269 Hanover Street (Tax Map 83, Lot 24), a Conditional Use Permit application to allow for a commercial surface parking lot use within the R-3 Zone. *CLD Consulting Engineers for 2DC, LLC.*

12. CU-20-2016

Property located at 470 Pine Street (Tax Map 7, Lot 1), a Conditional Use Permit application to allow commercial child day care use within the C-1 Zone. *Tom DeBlois for Tokena Corp.*

13. CU-21-2016

Property located at 1234 River Road (Tax Map 420, Lot 1C), a Conditional Use Permit application to reduce the required parking for a religious institution in the R-1A District. *Lubavitch of New Hampshire for the State of New Hampshire.*

Ms. Flinchbaugh made a motion, which was seconded by Mr. LeClerc, that the following applications do not have regional impact and do not require comment from the Manchester Conservation Commission: S-13-2016, S-19-2016, S-20-2016, S-21-2016, S-22-2016, SP-19-2016, SP-20-2016, SP-21-2016, SP-22-2016, CU-17-2016, CU-18-2016, CU-20-2016 and CU-21-2016. (Motion Carried)

IV. ADMINISTRATIVE MATTERS:

Chairman Harrington advised that the administrative matters would be taken out of order.

2. Update of impact fee study.

Mr. Klubben advised that his cover memo is the first of the three principal reports for the impact fee study. They have the three draft reports. The first one is the review of the Impact Fee Ordinance where the consultant reviewed the existing Ordinance and came up with several suggested and recommended changes to update it and bring it more in conformance with the statute and more into conformance with the modern approach to

impact fee ordinances.

Mr. Klubben advised that the Ordinance was first adopted in 1995 with both the fire and school impact fee. The school impact fees were updated in 2004 so he said they were way overdue for an update on the schedule. He said probably the most interesting thing about the first report is part "B" where the consultant has gone through and analyzed the fiscal implications of the current limits they have on the fire impact fee. Right now it is limited to two areas of the City, around 20 percent of the area of the City, and it is only applied to residential. As such, if the consultant took a look at what has been built in the City since 1995, he has noted in his report that about 31% of the residential development in the City has fallen in those two area. Those two areas are the northwest corner Hackett Hill and out in the southeast corner of the City, which was largely greenfield in 1995 and there has been a lot of development. None of the commercial anywhere in the City has had to pay the fire impact fee.

The consultant's essential bottom line is that the City has missed 2.1-2.8 million dollars in potential impact fees because of the way the City has limited the application of the impact fee. They have collected \$295,000, which equates to about a tenth of what was available for collection. He said he understands why it was limited the way it was limited and the consultant discusses where those limitation come from in his report.

Mr. Klubben advised that he would like to do a brief presentation at the meeting on October 20th meeting to introduce the Board to all three reports. At that time, they would also give an introduction to the revised Fire Department impact fee analysis and basis for assessment and another report on the School impact fee.

1. Review and approval of the Planning Board Minutes of August 18, 2016.

Mr. McCue pointed out two typographical errors.

Mr. McCue made a motion to approve the Minutes of August 18, 2016 with amendment, which was seconded by Mr. Clement. (Motion Carried)

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

388 Elgin Avenue (S-28-2014)

Mr. Belanger advised that staff received a complaint regarding the trucking that is occurring for the Elgin Avenue subdivision. The complaint is that the trucks are coming in without covers on their loads and sand is blowing onto other people's lots and also that there is no traffic control flagger stationed at the end of the intersection of Elgin Avenue. He reminded the Board that they granted a conditional approval for this project on June 16th and two of the conditions involved what he talked about. There was a condition that there had to be a traffic control flagger at the site from 2:30-5:30 PM on weekdays until the trucking of fill has been completed. The other condition was that the applicant had to insure that all trucks

entering the site were properly covered to prevent dirt from escaping. Staff has not had an opportunity to go out there to verify this, but they wanted to let the Board know about this complaint. He advised the Board that it is up to them as to how they wished to proceed. Mr. Belanger advised that he had already sent an email to the developer, the property owner and their agent/engineer advising that he had received the complaint. He has not yet heard back from them. With the Board having these conditions of approval, he said they have the authority if they wanted to hold a compliance hearing where it would be a public hearing and there would be an opportunity for the public to speak.

Mr. Clement suggested that a member of the Planning staff go down there and see what is happening before taking any action. Mr. Belanger agreed to go to the site and report his findings back to the Board.

Mr. LeClerc made a motion to adjourn, which was seconded by Ms. Flinchbaugh. (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