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

II. BUSINESS MEETING:

(Current Items)

Chairman Harrington advised that all members would vote tonight.

1. S2019-001
Properties located at 200 Joseph Street Ext. (Tax Map 861, Lot 12) and 220 Joseph Street Ext. (Tax Map 862, Lot 1), a subdivision application for a lot line adjustment between 200 and 220 Joseph Street Ext., in the R-1A Zone. Joseph M. Wichert, LLS for Minnie M. Chung Living Trust and Deborah A. Hubbard.

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

Mr. Long made a motion to grant the waiver for topography, wetlands and buildable areas, which was seconded by Vice Chairman O’Donoghue. (Motion Carried)

Mr. Long made a motion to approve S2019-001 per staff recommendation, which was seconded by Alderman Levasseur. (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. All new boundary monuments are to be set prior to submitting plans for final approval;

4. Any waiver from the Subdivision and Site Plan Review Regulations granted by the Planning Board shall be noted on the plan;

5. An executed copy of the Quiet Title for the western half of the former portion of Eugene Street shall be submitted prior to submitting plans for final approval;

6. The plan shall contain a note stating, “All conditions subsequent to approval shall be completed within two years of final approval”;

7. All conditions subsequent to final approval shall be noted on the recorded plan, or the Notice of Decision shall be recorded simultaneously with the plan, pursuant to RSA 676:3;

8. 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);

9. 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;

10. 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

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

2. S2019-003

Property located at 60 Revere Avenue (Tax Map 358, Lot 17), a subdivision application for the creation of three new buildable lots of 7,501 SF, 7,504 SF and 6,333 SF, in the R1-B Zone. Norris Viviers for the Heirs of Martin F. & Bertha L. Milne.

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

The Chairman advised there was a waiver request.

Mr. Long made a motion to grant the waiver for underground utilities, which was
seconded by Mr. Leclerc.  (Motion Carried)

Mr. Long made a motion to approve S2019-003 per staff recommendation, which was seconded by Alderman Levasseur.  (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. Prior to submitting plans for final approval, a note shall be added to the plan regarding the required increased setbacks and house orientation for new Lots 17A and 17B, per the ZBA variances;

4. Prior to submitting plans for final approval, permits shall be secured, and work inspected, for the removal of the existing garage and a portion of the existing walkway, and for the construction of a new driveway for the existing residence;

5. All new boundary monuments are to be set prior to submitting plans for final approval;

6. Any waiver from the Subdivision and Site Plan Review Regulations granted by the Planning Board shall be noted on the recorded plan;

7. Tax Map lot designations shall be confirmed with the Office of Assessors prior to submitting plans for final approval;

8. For both Lot 17A and Lot 17B, the school impact fee of $4,589 per dwelling unit and the fire impact fee of $571 per dwelling unit shall be submitted, prior to the issuance of a certificate of occupancy;

9. The plan shall contain a note stating, “All conditions subsequent to approval shall be completed within two years of final approval”;

10. All conditions subsequent to final approval shall be noted on the recorded plan, or the Notice of Decision shall be recorded simultaneously with the plan, pursuant to RSA 676:3;

11. 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);
12. 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;

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 this approval, pursuant to RSA 676:4-a; and

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

3. **CU2019-004**  
Property located at 955 Auburn Street (Tax Map 380, Lot 6A:6C), a conditional use application to reduce the required on-site parking from 1,125 to 1,089 in the C-2 Zone.  
*CLD, Fuss & O’Neil for Elliot Hospital.*

**PDSP2019-001**  
Property located at 955 Auburn Street (Tax Map 380, Lot 6A:6C), a site plan application to amend a previously approved site plan (SP-23-2018), to expand the existing emergency department by approximately 20,100 SF in the C-2 Zone.  
*CLD, Fuss & O’Neil for Elliot Hospital.*

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

_Vice Chairman O’Donoghue made a motion to approve CU2019-004, which was seconded by Ms. Sanuth. (Motion Carried)_

_Mr. Long made a motion to grant the waiver from Appendix C, Section B, which was seconded by Alderman Levasseur. (Motion Carried)_

Chairman Harrington advised this was a planned development and must be consistent with the rules and regulations. He thought it seemed to be consistent with the rules and regulations.

_Mr. Long made a motion that this was consistent as a planned development, which was seconded by Alderman Levasseur. (Motion Carried)_

Mr. Long confirmed with the Chairman the approval was for all four phases.

_Mr. Long made a motion to approve PDSP2019-001 per staff recommendation, which was seconded by Ms. Sanuth. (Motion Carried)_

_Conditions of Approval:_
1. Planning Board approval recognizes the site plan as having 4 Phases: the parking deck, the Cancer Center addition, the Emergency Room addition, and the future parking lot near the main hospital entrance;

2. The architectural elevations and perspective drawings of the parking structure, Cancer Center addition, and the Emergency Room addition shall be included as part of the plan set and printed to scale on 22-by-34-inch sheets;

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

4. The applicant shall obtain all necessary State and Federal approvals, as applicable, prior to submitting plans to satisfy the requirements for final approval;

5. Prior to the construction of Phase 2 and the construction of Phase 3, a preconstruction meeting with city staff shall be held;

6. Prior to submitting plans for a building permit, the applicant must submit a plumbing plan and fire suppression plan for the Cancer Center addition (Phase 2) and the Emergency Room addition (Phase 3) for review and approval by Manchester Water Works;

7. Prior to a Certificate of Occupancy for Phase 1 and Phase 3, the Highway Department shall provide verification to the Planning staff that all off-site improvements/modifications have been constructed per the approved plans;

8. Prior to a Certificate of Occupancy for the parking deck (Phase 1), a Fire Impact Fee of $4,725 shall be paid;

9. Prior to a Certificate of Occupancy for the Cancer Center addition (Phase 2), a Fire Impact Fee of $8,015 shall be paid;

10. Prior to a Certificate of Occupancy for the Emergency Room addition (Phase 3), a Fire Impact Fee of $7,031 shall be paid;

11. All mechanical equipment located on rooftops shall be screened appropriately;

12. All material changes to the approved plan, including any changes to signage and site lighting, shall be reviewed by the Planning Board at a business meeting;

13. 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 to satisfy the requirements for final approval;
14. The plan shall contain the following statement signed by the property owner: “It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree that the site improvements shall be maintained for the duration of the use”;

15. Recognizing that the site will be developed in 4 phases, no Certificate of Occupancy shall be authorized until all required improvements within that phase 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;

16. Prior to a Certificate of Occupancy for each phase, a signed and sealed letter from a NH licensed professional engineer shall be submitted to the planning staff certifying that the site improvements have been constructed in accordance with the approved plans; and

17. 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.

4. **SP2019-004**
   
   Property located at 40 Lake Avenue (Tax Map 168, Lots 3, 13, and 14), an application to amend a conditionally approved site plan for an approximately 82,000-square-foot hotel with 98 parking spaces to allow Lot 3 to remain separate and merge only Lots 13 and 14. *Fuss & O’Neill for Botnick 5 Ventures, Inc.*

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

Alderman Levesseur asked if it was part of the recommendations that the lots will be merged at some point. Mr. Belanger advised their plan is to merge it at some point. He said a cross access easement is required under condition 11, which requires them to record it and it will become effective if the lots ever become in uncommon ownership. That covers any issues if the lots do not become merged. He did not know that they are required to become merged. Alderman Levesseur thought on the record they said they were going to merge it after whatever remediation was done. He does not want them selling the separate lots somewhere else because they will be able to do that if it is not merged with them. Mr. Belanger advised that the requirement is that they merge Lot 13 and Lot 14. There is no requirement that they merge Lot 3, which is the one with the contamination on it. Alderman Levasseur advised he wanted a condition stating that Lot 3 would be merged along with the other two once remediation was complete.

Mr. Belanger said his understanding of the environmental contamination is that it is VOC’s in the soil but they are constructing the building with adequate protections to avoid any kind of toxins coming into the building, either airborne or otherwise, and they are working closely with DES on that. The contamination is on the lot that would be the parking lot. There
would be no building over top of where they are still doing remediation.

Mr. Leclerc asked if they would be allowed to just cover it up. Mr. Belanger said DES is closely monitoring this and they are working together on that, but he did not know if they would be able to cover it up.

Mr. Long said his understanding that Lot 3 in pertinent to this development for parking. If they get all the approvals and in a year from now they decide to sell that property or they decide to get out of the lease and the property is sold, he asked if they would have to come back before this Board because they would be losing all that parking. Vice Chairman O’Donoghue asked if they were to do that then would lose this Boards’ approval of the project because it has required parking of a certain amount and Lot 3 fulfills that. Mr. Belanger did not think so and explained that there is no required parking in the CBD, which is where this is. They are providing as part of their plan and they represented that it is going to be used in concert with the hotel. If someone were to buy the lot separately there will be a cross access easement imposed upon there so if there is uncommon ownership the parking lot would still be burdened with the requirement that it be used as parking for the hotel. Chairman Harrington said it would also have a land lease to the hotel so even though it could be sold, it would be sold encumbered with a lease and based upon whatever revenue they are getting for the parking. He said there is a condition that the parking is only for the hotel. They can’t rent spaces to the arena or anything else. Mr. Belanger said the Zoning Board of Adjustment also placed a condition on the variance that they got that it only be used as parking for the hotel. Therefore, both Boards did that.

Mr. Long asked if that allowed them to not conform with the 1,000 foot buffer around the arena district. Alderman Levasseur said it would not if they put a condition in that they have to merge the lots, which they did say they were going to do. He reiterated that he wanted to make that a condition. He said this was approved and has been going on for at least two years. He wanted to give them good faith and believe that shovel is going to get in the ground in March but at the same time he wants to protect the City on this issue. He said that parking lot is worth a lot of money. It is going to be made into a parking lot. It is separate and distinct from the other two lots. If nothing ever happens on the other two lots, they now have permission to put a parking lot in there. Mr. Belanger said four variances were granted by the ZBA on this most recently and one of them was in regard to Mr. Long’s question concerning the 1,000 foot buffer from the arena. There was a condition placed on these variances that the lots shall only be used as parking for the hotel.

Mr. Long made a motion to approve SP2019-004 per staff recommendation including the addition of a condition stating that Lot 3 would be merged along with the other two once remediation was complete, which was seconded by Alderman Levasseur. (Motion Carried)

Conditions of Approval:

Mr. Long made a motion to approve SP2019-004 per staff recommendation including the addition of a condition stating that Lot 3 would be merged along with the other two once remediation was complete, which was seconded by Alderman Levasseur. (Motion Carried)
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 staff, prior to submitting plans for final approval;

3. The applicant shall obtain all necessary State and Federal approvals, as applicable, prior to final approval;

4. The plan shall contain the following statement signed by the owner or developer, “It is hereby agreed that, as the owner or developer of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use”;

5. The plan shall contain a note stating, “No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Subsection 4.14 of the Manchester Subdivision and Site Plan Review Regulations”;

6. The plan shall contain a note stating, “All conditions subsequent to approval shall be completed within two years of final approval”;

7. The plan shall contain a note stating, “All rooftop equipment shall be screened from view in accordance with the Arena District Urban Design Guidelines”;

8. The landscape plan shall be amended to show ornamental grasses between the transformer and Chestnut Street;

9. Prior to final approval, the applicant shall merge lots 3, 13, and 14. The applicant shall provide either a quiet-title judgment or proof of title insurance for the discontinued area of Litchfield Lane shown on the plans. The applicant shall also provide evidence establishing that the three lots are in common ownership. If the two corporations that currently own the lots will remain the owners at the time of the lot merger, the applicant shall record at the Hillsborough County Registry of Deeds the articles of merger filed with the State of New Hampshire that merged the two corporations and shall provide the Planning staff with a copy of the recorded documents;

10. Prior to final approval, the applicant shall secure any necessary approval from the Board of Mayor and Aldermen to adjust parking in the Central Street or Lake Avenue right-of-way, as depicted on the plans;
11. Prior to final approval, the applicant shall provide a copy of an easement to allow the Athens Restaurant access to its site on lot 4. The easement area shall be depicted on the plan and the easement shall be recorded within 30 days of final approval;

12. Any material change to the approved plan shall be reviewed and approved by the Planning Board at a subsequent meeting;

13. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department;

14. Prior to the start of construction, the applicant shall include the Planning Department, the Department of Public Works, and any other relevant City agency, in a pre-construction meeting to coordinate issues of public safety;

15. Prior to the issuance of a certificate of occupancy, a signed and sealed letter from a New Hampshire licensed professional engineer shall be submitted to the planning staff certifying that the site improvements have been constructed in accordance with the approved plans;

16. The applicant shall conduct a post-development analysis of the surrounding intersections 6 months after the issuance of a certificate of occupancy and shall adjust signal timings as needed, in coordination with the Department of Public Works;

17. 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

18. The fire impact fee of 53 cents per gross square foot shall be submitted prior to the issuance of a certificate of occupancy.

(Tabled Item)

5. SP-01-2018
Property located at 55 Edward J. Roy Drive (Tax Map 645, Lot 34B), a site plan application to construct a retail motor fuel outlet with eight fuel dispensers / 16 fuel pumps and a 6,500 SF building, including two fast food restaurants and convenience store with onsite parking, loading, landscaping, and lighting in the B-1 Zone. MHF Design Consultants, Inc. and Z-1 Express for Victory Distributors, Inc.

Remain on table.

6. Review of new applications for Regional Impact and comment by the Manchester
Conservation Commission.

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

1. **S2019-005**
   Property located at 173 Maplehurst Ave (Tax Map 521, Lot 10), a subdivision application for the creation of two new buildable lots of ± 7,017 SF (Map 521, Lot 10) and ± 7,064 SF (Map 521, Lot 10A) in the R-1B Zone. *Joseph M. Wichert, LLS Inc. for 39 Bremer Street, LLC.*

2. **S2019-006**
   Property located at 4397 Brown Ave (Tax Map 713, Lot 10), a subdivision application for the creation of two new buildable lots of ± 7,654 SF (Map 713, Lot 10) and ± 7,970 SF (Map 713, Lot 10A) in the R-1B Zone. *Kevin Sharp for AB Atlantic Group, LLC*

3. **CU-35-2017 (Extension Request)**
   Property located at 677 Hooksett Road (Tax Map 217, Lots 1 & 21), an application for an extension request for a previously approved conditional use permit to allow a reduction in required on-site parking for the expansion of a restaurant in the B-2 Zone. *Alexandra Griburas Babis for Villaggio Ristorante.*

4. **CU2019-006**
   Property located at 334 Union Street (Tax Map 68, Lot 41A), a conditional use permit application to allow for a ±1,400 SF barber shop and beauty supply store in the R-3 Zone. *Fernando Hilarion Trust.*

*Ms. Charlebois 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: S2019-005, S2019-006, CU-35-2017 and CU2019-006. (Motion Carried)*

### III. ADMINISTRATIVE MATTERS:

1. **Review and approval of the Planning Board Minutes of January 3 and January 17, 2019.**

   Approval of the Planning Board Minutes was tabled to the next meeting.

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

   Alderman Levasseur advised they were breaking ground on the hotel on Bedford Street on Tuesday, February 26th at 1:00 PM.
Alderman Levasseur advised he spoke to Mr. Flotz, who is building the parking garage on Commercial Street and he is eight months ahead of schedule.

Ms. Charlebois made a motion to adjourn, which was seconded by Ms. Sanuth. (Motion Carried)

ATTEST: _____________________________________________________

   Michael Harrington, Chairman
   Manchester Planning Board

APPROVED BY THE PLANNING BOARD:  April 18, 2019  With Amendment

Without Amendment