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

II. PUBLIC HEARING:

(Continued Item)

1. SP2019-001

Property located at 100 Hitchcock Way (Tax Map 645, Lot 35), a site-plan application to add approximately 91,640 SF to an existing 121,447 SF medical center and add 444 parking spaces, with associated site improvements, in the C-2 Zone and Lake Massabesic Protection Overlay District. *Fuss and O’Neill for Dartmouth Hitchcock Clinic.*

Brian Pratt from Fuss & O’Neill appeared along with Richard Pizzi of Lavallee Brensinger. Mr. Pratt advised they were before the Board a month ago and there were a few outstanding issues.

Mr. Pratt said they were asked to come up with a sketch regarding the abutters that live on Cutler Drive. They had said that they were going to lose some of the wooded buffer between the existing facility and the back of their homes. They were asked to overlay the plan onto an aerial photograph. It shows that they still have approximately 225 feet of undisturbed buffer from where they are cutting the trees to the trees in the abutters’ backyard and then to the actual parking lot they have about 500 feet.

Mr. Pratt said as part of that meeting they also discussed the status of some of their permits. Since the meeting they received comments from DES regarding the Alteration of Terrain permit. There were only five comments and they were all very minor. They have addressed those concerns and have been coordinating with DES on getting that permit issued. They are just waiting on one legal document that they have to get to them. The purpose of that legal document is for the snow storage. He said they show that the snow will be plowed to the perimeter of the parking lot so it will just be plowed down the drive aisles and it will be...
stacked beyond the curbing. The snow will then melt and flow through the existing woods. DES requested that they put a restriction on the woods that they won’t be cut or if they do get cut that they will provide alternate means of snow storage and treatment. The reason for that is due to the sand and salt that gets picked up and they want to make sure they are treating the stormwater for all the snow melt. In one area they extended the swale so the snow melt will flow down to the stormwater infiltration basin. In another area they added a small swale at the toe of the slope that will come through a small culvert under the proposed fitness trail and then they have a small level spreader which again allows the stormwater to flow through the woods. Mr. Pratt said they have to get a legal document for that buffer so as soon as they send that to them the permit will be issued.

Mr. Pratt said the most significant concern was the traffic study and how the impacts of this facility affected the street network in the local area. They have worked very closely with DPW and Planning. They had two meetings with them after the last hearing where they brainstormed and came up with some ideas and they are proposing to do a significant offsite improvement that Dartmouth-Hitchcock will pay for. He explained they will be adding a second left hand turn lane on Wellington Road turning eastbound into Edward J. Roy Drive. That will cut the signal time in half because two cars can wait side by side and when the light turns green double the capacity can get in. That will reduce the amount of green time needed for this phase, which allows more green time for the other phases. With this improvement the volume to capacity ratio comes down to .86 and that is in the 2030 year assuming that their facility gets built and assuming that the other parcel gets developed. If the other parcel doesn’t get developed the capacity ratios are much better. This is a really significant offsite improvement that Dartmouth-Hitchcock is paying the majority of. They are not seeking any reimbursements or any contributions from the City except that the City has an overlay project planned for Wellington Road so they are going to coordinate with the City. He explained that Dartmouth will come in and do the improvements and then the City will come in and do the final top coat so it will be a nice final clean intersection. To accomplish it, they reduced the proposed lane widths to eleven feet. They have a two foot shoulder on the opposite side of the road and they are going to remove the majority of the median and replace it with pavement and striping as you approach Edward J. Roy Drive. They are going to reduce the lane widths on the opposite side as well so they are all eleven foot lanes and with that they have two foot shoulders on either side. On Edward J. Roy Drive they will do the same thing; remove the median which will allow them to provide two receiving left turn lanes. They also have to make some improvements on the opposite side of the road and that includes the same thing; basically removing the median and replacing it with a striped median that allows them to line up the through lanes heading westbound and the left turn lane onto Old Wellington Road. There are some minor signal head improvements where they have to basically add one signal head and convert another. He reiterated that they worked closely with DPW and Planning staff and in working together they developed this plan. They just received a letter from DPW indicating they reviewed the plan and agree the improvements will significantly increase the capacity and will address their concerns. They have been keeping DOT up to date as well, as they have coordinated with the City. He said DOT just received the plans yesterday so he did not have a letter from
them. He did, however, have an email from them acknowledging the change. Because this is a City intersection they generally defer to the City to approve the geometric design changes so he fully expects DOT to be on board with this change. This change shortens the queues coming eastbound so it prevents the possibility of traffic backing up to the off-ramp so it really helps the functionality of this.

Chairman Harrington asked Mr. Pratt to discuss the changes they made for the calculations of square footage as they relate to density as well as the seasonal adjustments they made. Mr. Pratt said in the original traffic study they prepared they used just a ratio to calculate the trip generation they anticipated this facility would generate. In reality this facility is split; half of it is an ambulatory surgery center and the other half is a medical office building. The medical office building is going to have a much higher trip generation than the surgery center so they took a closer look at that and got some actual values from their other ambulatory surgery center up in Lebanon and they adjusted those slightly so it brought the trip generation down a little bit.

With regard to the seasonal adjustment factor Mr. Pratt explained that based on the time the counts are taken you have to adjust it to inflate those values to the busiest time of year. They used a seasonal adjustment factor that was slightly off from the recommended value so they adjusted that, which updated the background growth rate factor but it did not increase their trip generation. The effect of that was their proposed trip generation remained the same but the background growth actually went higher so it actually had their facility have less of an overall impact. It raised the volumes of the intersection slightly but it lowered their percentage of that.

Chairman Harrington advised that Robb Curry and Melanie Sanuth had joined the meeting during the presentation.

With respect to the added left lane, Mr. Long asked about emergency vehicle apparatus. Mr. Pratt said a full WB67 tractor trailer can make the turn and all of the City’s emergency vehicles are smaller than that so they can all make the turns with no problem.

Mr. Long asked about the DES restrictions. Mr. Pratt said it would be a recorded deed at the Registry of Deeds so it will be a recorded restriction. He said if you cut the trees then you do not really get the treatment so it just makes sure the snow storage remains protected. They do have the ability to change that by amending their permit so it is a legal restriction they have to follow.

Mr. Long asked if they need DOT approval. Mr. Pratt said they do and they are working with them and have sent them copies of the amendments and have been in contact with them. DOT sent an email regarding the geometric improvements they are making that generally they will defer to the City. They are reviewing the study as a whole and they are happy to have a condition of approval that they address DOT’s concerns satisfactorily.
With regard to the reconstruction of Wellington Road, Mr. Long confirmed with Mr. Pratt that Dartmouth is doing everything except the overlay. Mr. Pratt reiterated Dartmouth will do the signal work, remove the islands, obliterate all the existing striping and add new striping, the signal head adjustments and signage. The only thing that will remain will be the City to come in and mill off an inch and a half, replace the inch and a half and then they will do the final striping and then they will cut in the loops. He explained that when you mill the signal protector loops get destroyed so they have to be replaced, which they were already planning to do. He believed they had that slated for August 2019, but it is kind of lower on their priority list because they knew there were some projects coming in that had some improvements in this area so they have some flexibility that if they need to push it to next spring they can. Mr. Pratt said they are not opening until the summer of 2020. Mr. Long confirmed with Mr. Pratt that would coincide with their timeframe. Mr. Pratt said they would have a conditional approval that offsite improvements need to be completed before the facility can open.

Alderman Levasseur asked how far out they were taking the island going into Edward J. Roy Drive. Mr. Pratt said the whole island will be removed. The Alderman asked what the purpose was of the center island. Mr. Pratt said it was generally just to separate traffic from each other. He said they have many examples of where you don’t have to have islands anymore. It is a common practice to do multiple left turn lanes and not have a center median like that. When taking the island out, Alderman Levasseur asked what that was going to give them. Mr. Pratt said it will give them four lanes. He said luckily it all fits within the existing curb lines. Alderman Levasseur asked about the medians going down Wellington Road. Mr. Pratt said they were going to pull it back to basically where they intended to remove it before to remove the bottleneck. Alderman Levasseur asked if there was anything that stops you from going further down because he did not think that was going to be long enough. Mr. Pratt said they could. He explained that they designed this for the 2030 worst case scenario that their facility is fully built out and the other projects in the area are fully built out. This gives them plenty of capacity for two cars to stack 400 feet, which is a significant length. If something happens and those do start to back up even further what you do is then give more green time so you just adjust the timing on the signal. They were planning a 120 second phase length but they are going to bump that down to 100 seconds, which reduces the delays. As such, if something does happen and there is some reason that this backs up a little bit further they will just give an additional five seconds to that phase and that will take care of it.

Alderman Levasseur asked in which direction another light would be necessary. Mr. Pratt said heading eastbound they are going to convert one to a left because if you have two lanes you need to have two left signal heads and they are going to add another signal head for the through lanes so there will be four total. He said they worked close with Kristen Clarke and Todd Connors on what they are doing and they are in agreement. DOT will also review it and if they have other changes they will work with them and do what it takes to get DOT and everybody to sign off.
Mr. Hebert asked what the green time is for a complete cycle. Mr. Pratt said 100 seconds is proposed. After a certain time of night he asked if it will go on a magnetic timer. Mr. Pratt said it usually goes to free operation so it will adjust based on the cars that pull up to the signal.

Mr. Curry asked if they were planning on doing signage further up on Wellington Road. Mr. Pratt said there will be typical metal signs, nothing electronic, but they will be providing a plan that shows that. They are still working out the final details on exactly what the sign will look like with the State and DPW. He said if you are getting off the highway and starting to drive down Wellington you will see the sign with plenty of time to understand if you’re going straight you need to get into the right lane. Right now there is that bottleneck which kind of forces everyone down to one and then it widens back out and that really causes more problems than it helps because it bottlenecks people but what happens is there are so many cars waiting to take a left onto Edward J. Roy Drive that the backup comes back to the bottleneck and then it causes havoc so this whole improvement will correct that whole issue.

Alderman Levasseur said Mr. Pratt stated their mitigation plan and the plan itself includes other projects that are anticipated going there. He asked if there was one project plus theirs or more than one that the Board hasn’t heard of yet. Mr. Pratt said their plan included their project and also included a potential project that is on the tabled agenda. Alderman Levasseur said the letter from Ms. Clarke said “City staff has met with the applicant twice since the public hearing, discussed updated traffic calculations and projections as well as additional offsite improvements to mitigate traffic impacts generated by the project.” It did not say “projects” so he asked if when she read their mitigation plan and generally came out in favor of it if was in anticipation of not only the hospital expanding. He said Mr. Pratt said “including the hospital expanding and the potential of a gas station going in”. Mr. Pratt said if the gas station doesn’t go in then the intersection will function significantly better with less delays.

Alderman Levasseur said he was having a real hard time wrapping his head around this. He didn’t know why they included the other project. It seemed to him that if that one doesn’t go in, this one seems to be for the two hours from 7:00-8:00 and getting out are going to be what they were fearful of with a gas station there. The gas station would be all day and the hospital will be just a couple hours in the morning and a couple hours in the afternoon where there will be congestion. To the Alderman, with the combination of both, it just didn’t logically seem that it was going to be the same so if they had just said it as their own project what would be the difference in the numerics?

With regard to why they included the gas station, Mr. Pratt explained that it was common practice to include any other potential known projects in the area so they can plan ahead for the future. If something goes in there it will have some traffic generation. They don’t want to just upgrade the intersection for their project knowing that there may be that project or some other projects in the area. He said they had a scoping meeting with the City and the staff asked them to include their trip generations in their analysis.
Ms. Goucher advised that, with any project that any traffic engineer is involved in, the first thing that gets discussed at a scoping meeting with the applicant and their engineer is what other projects are known in the immediate area that may have an impact on how this area is viewed. So, not only was this one included, the potential for the townhouses on the other side of Wellington, because they knew that had been rezoned, was also included. That is what every traffic engineer will ask as the first question. That is what Kristen Clarke would be requiring a traffic engineer to look at. Even if the gas station doesn’t go on that site, something will go on that site eventually, and they will probably have to revisit the traffic to see if it is adequate. That is just the way you have to do it when you are planning for ten or twenty years out.

Alderman Levasseur asked when they gave the Board their analysis if they used the traffic studies that were given by the other project and incorporated that. Mr. Pratt said he did. Alderman Levasseur asked how many cars they anticipate going in just for the hospital. Mr. Pratt said approximately 175 in the AM peak taking that left turn. Alderman Levasseur asked what they included for a number for the gas station. Mr. Pratt said 85. The Alderman confirmed with Mr. Pratt that is what they are anticipating going in between the hours of 7:00-8:00. He also confirmed that Kristen Clarke knew that when she gave this approval.

Mr. Belanger said Section 9.1 of the Board’s Subdivision and Site Plan Review Regulations discusses how traffic scoping meetings go and what is required for those meetings and what is required for traffic studies. One of the requirements is that developments in the area that have been approved or are under review get included in the traffic study.

It was Chairman Harrington’s opinion that this intersection has been very heavily studied and there are traffic reports that have recent data that has been before the Board so he did not think an independent study was warranted. He said he wasn’t getting much support from the Board anyway on that, which he thought was the right thing. That is how they ended up where they are today with the applicant doing their own study and then coming back to the Board with the mitigation. He said if the applicant was coming back before the Board tonight with no change to this intersection it would be a very different story but the fact that they have taken the step and plan to make the changes and invest the amount of money and effort that they have done to improve this intersection he thought it was the right thing to do and he applauded them for doing it.

Mr. Hebert asked when they met with staff and DPW if they suggested putting crosswalks on all four or just leaving the same two. Mr. Hebert confirmed with Mr. Pratt that the two shown on the drawing are the only two that will remain.

Mr. Hebert was concerned because there is a lot of residential in the neighborhood up there and he didn’t think individuals would cross the street but he would venture to believe that there is going to be a lot of traffic on that side street. For safety reasons he asked why they would not want to put a crosswalk on those two corners. Mr. Pratt said if there are no
sidewalks you don’t want to encourage people to walk where they have no safe path to walk. If they do crosswalks they are supposed to be ADA compliant so you need to have an ADA route. They really don’t want to encourage people to walk in areas where there are no sidewalks. Mr. Hebert confirmed with Mr. Pratt both crosswalks will have signal buttons. Mr. Pratt said they do now and they will remain.

Chairman Harrington asked if there were any electric vehicle charging stations in the parking area. Mr. Pizzi said there was a discussion of possibly putting some in. They have the location where they might put the infrastructure in, but they haven’t made the final decision yet.

Chairman Harrington asked if there were any bike racks or a place to put a bike in the case somebody bikes up that way. Mr. Pratt said there are some existing bike racks at the main entrance. Mr. Pizzi said they have space to put a rack in another location as well.

Mr. Leclerc thanked Mr. Pratt for doing the superimposing on there as it was a big help.

Chairman Harrington turned the hearing over to the public.

Andy Shaka of 66 Cutler Lane said he was at the meeting last month and he talked about how wonderful the neighborhood was and how he didn’t want it to be spoiled and being scared. Over the last few weeks he tried to educate himself about this project. He wanted to point out some facts he thought he uncovered in the plans. He communicated with Alderman Stewart back in January and he was kind enough to send him all the plans, which he was thankful for. He was also very thankful for Brian Pratt who has been responsive to both him and Alderman Stewart. Within the submittal package he noted that “The existing parking onsite is approximately 625 spaces. After the expansion there will be approximately 1,069 parking spaces onsite where 893 are required by zoning.” He asked why they had the additional 176 spaces. He thought that was a lot of spaces that seemingly aren’t really necessary. As a homeowner his fear was this project was going to come very close to his property. He asked if the parking lot could be slightly smaller. With regard to the stormwater management, he understood there are other alternatives that may not all be cost effective but there are things called dry wells that could go under the asphalt. Rather than these big swales that tend to be devoid of any character there could be a rain garden. The swales could have more vegetation and be more pleasing to the eye. He asked how tall the proposed lighting was. He suggested that the lights be no more than 12 feet high to minimize the impact of all this light on residences in the area. He wondered if bollard lighting could be utilized closer to residences at a much lower light to minimize the line of sight towards them. He asked if all the lights along the perimeter towards the homes could go off at night. He noted on a website that those lights are dimmable to ten percent of their brightness so perhaps in conjunction with shutting a number of them off many could be dimmed very low to reduce the impact on the abutters. Light pollution was a major concern because the residences of Cutler Lane will look out back and see those lights. With regard to landscaping, he did not think he saw anything outside of the proposed parking lot to address
residents and abutters and the fact that a lot of trees are coming down. He asked that it be considered to have a significant evergreen buffer built in maybe around the entire parking lot but certainly adjacent to all of the abutters where the visual impact will be felt and will be realized.

Robert Kinsella of Cutler Lane thanked Mr. Pratt and Mr. Pizzi who were very generous with their time and they appeared to be very concerned about their concerns about the project. He echoed what Mr. Shaka said because they have decided that Dartmouth Hitchcock has good intentions and they really want to provide a facility that will provide needed services to the community and they respect and support that effort. They are very concerned about a little slice of Manchester that they have in their neighborhood that they really cherish and they would like to preserve it to the extent they are able to do that. He said the suggestions Mr. Shaka made were not really significant structural changes to the overall project. It seemed in the context of a project that is going to cost tens of millions of dollars that it was really eminently doable economically, particularly since they heard tonight that there is a lot of additional money that is going to be spent to solve a traffic problem on Wellington Road and they think that in the interest of being good corporate citizens and being concerned about neighbors going forward that their suggestions are very reasonable and very doable. They hope the Planning Board will consider them seriously and work with them to accomplish them.

Dave Coviello of 46 Cutler Lane said he was at the Hitchcock Clinic yesterday and he noticed that the parking situation there was not that bad considering it was 3:30-4:00 in the afternoon. He said the east side of the facility was closed because there was a water problem somewhere in the building and the elevators were not working so the east side is not being used. That made him think about the parking situation and what was mentioned about the number of parking spaces. He thought what they were looking at was a parking solution for Easter Sunday. He really doesn’t think they need that many. If they could reduce the size of the parking, that would reduce the footprint, which may reduce the size of the pond, would be very helpful. The buffer of the trees was minimal and he thought that would help. He said being abutters they were given certified letters. He asked if the public knows about the hundreds of homes that are off Edward J. Roy Drive and if they were notified about this. He thought the facility was wonderful but thought it could be a little bit smaller.

Brett Allard of Bernstein Shur appeared on behalf of Z1 Express and Jack Nassar who is under an option contract to purchase 55 Edward J. Roy Drive. That appeal is pending. From a planning perspective, his client obviously has an interest in what is going on here and at some point it was his understanding that the applicants were considering a second egress onto Leda Avenue. He didn’t know the extent to which those considerations were made or what the feasibility of it was but based on the comments they have heard, both in his client’s proceedings and these proceedings given the tightness of the intersection at Wellington Road, they proposed that the Board consider exploring or having the applicants further
explore the possibility of constructing a second egress back of the north side of the property for emergency vehicles with a gate or something along those lines.

There were no further comments and the Chairman invited Mr. Pratt to address the concerns of the public.

With regard to why they have so much parking, Mr. Pratt explained when the facility was first developed in 1998 the parking regulations were quite a bit different than what they are now. The parking lot is designed for today’s standards, which is five spaces per thousand square feet so the parking lot as designed meets that industry standard for a medical office. There may be a little bit of extra parking but you don’t want to design a parking lot that is at your proposed capacity because then somebody would have to drive around. You want to have a little bit extra capacity so there is available parking and people can park close and get to the facility.

There were questions asked if they could put the stormwater management under the parking lot instead of in the large infiltration basins and the answer to that is no. They have to have separation between the seasonal high water table for treatment of stormwater. They do not have that separation. They did test pits in the proposed parking lot and they do not have that so they wouldn’t be able to provide treatment of stormwater. These are lower areas and infiltration is probably the most efficient method of treatment so this is the most logical design for the stormwater treatment. They wouldn’t have oversized the pond. They designed it adequately so it can handle a 50 year storm and in an emergency situation it would be able to handle a 100 year storm knowing that climate change and we have bigger storms. It is sized just for those large storm events. It is not just oversized. It is sized appropriately.

Chairman Harrington asked Mr. Pratt to explain what a rain garden is. Mr. Pratt said a rain garden is a bio retention area that is basically an inverted landscaped island so instead of having a raised garden where you have your landscaping up, it is inverted and you can direct water to that and you use either plantings or grass. Those are used to filter. They are generally used for small areas. If they did that, they would have to have a number of rain gardens and it is really not an efficient method for a large parking lot like this. Where they have the space and they have the separation of seasonable high water table his preferred treatment method is always infiltration. Bio retention relies on more maintenance where infiltration is low maintenance. This is the best management practice. Mr. Pratt said permeable pavement was brought up, but it is more expensive and in these cold climates sometimes they don’t last, they can clog. They are just a lot of maintenance and it is an added expense. Where they have the land here to put an infiltration basin that makes the most sense.

Mr. Pratt said the buffer was discussed at great length. The City of Manchester has a ten foot parking lot setback for property lines. Sometimes where you have residential abutting commercial uses there is a fifty foot limited activity buffer. They have a minimum of 225
feet. It is going to be a significant buffer. They totally understand Mr. Shaka’s concern, but it is a significant buffer. It is going to remain. They have 225 feet from the closest point of the detention basin. There will be no noise associated with this. This is just a grassed infiltration basin. There is a significant wooded buffer between the abutters’ properties and that tree line, which again no noise will be generated there. There will be woods on the opposite side that will remain. From the house to the parking lot it is five hundred feet and the City minimum is ten feet. It is a unique situation that in Manchester you have a significant wooded area behind your house. They are going to remain with that. They have given them their business cards and they are willing to meet them out there during construction towards the end and review that if some strategically placed evergreens would help fill some gaps they are willing to do that but to just blankly show a bunch of evergreens on the plan doesn’t make sense because they don’t know the placement of the existing forest.

There was a question about the height of the light poles and Mr. Pratt said they are 22 feet, which is a pretty standard height especially for large parking lots. There was a question if they could use 12 foot poles and Mr. Pratt said they would need four times the amount of poles because the 12 foot light doesn’t spread nearly as far as the 22 so it is really not a realistic request to change to a 12 foot. He wasn’t really sure what “bollard lighting” was. They need to provide a safe well-lit parking lot. They can’t have dark spots in there because things can happen. They need to have it for security. They will be dimming the parking lot lighting after hours so that will address some concerns.

With regard to noise, Mr. Pratt said this isn’t an overly burdensome noisy site. The only noise associated is going to be regular passenger vehicles. They are regular business hours for the most part so they are done by 6:00 PM and occasionally employees may stay later or a couple patients might be there a little bit longer but this whole parking lot is going to clear out after 6:00-6:30 so there really isn’t going to be any noise. The loading area is nowhere near the abutters’ side. That is the only place where you might have some trucks with some noise, but that will be completely screened by the building so he wouldn’t expect any issue with noise.

Mr. Pratt said they noticed all properties that directly abut the facility. There are a number of condo associations that abut and they were notified as well. Everybody that was legally required to receive notice did. They also had a neighborhood meeting where they sent out notices to not only direct abutters but a significant spread so they made this project well known in advance. They had a significant number of abutters show up and they had an open forum for discussion so the whole neighborhood should be aware.

Mr. Pratt said there were a couple questions relating to a secondary egress. There was a question if they could have an access off of Leda Lane. Mr. Pratt said it is a narrow road in a residential neighborhood so they can’t funnel and divert a significant amount of traffic down that road. They had not considered a secondary egress because they do have two. They have an egress from Hitchcock and then they also have a secondary gated access drive for
emergency vehicles so they did not consider any secondary emergency access through Leda.

Chairman Harrington asked to what degree they might dim the lights to. Mr. Pratt believed that half of the lights just turn off entirely to create about a fifty percent dimming. He added that there will be very little traffic or parking in the back parking lot. The cleaning people and anybody after hours will park in the front, which is further away from the abutters.

Mr. Pratt said it was mentioned that one of the east parking lots being closed and it is not. It is functioning. They weren’t sure what that was about.

Chairman Harrington asked for clarification about the second means of egress. He said what one person stated was not to have through traffic through there but maybe for emergency only so if they considered putting a second means of egress gated out to Leda Lane. Mr. Pratt said they have not considered that because they have two. They have the main entrance of Hitchcock Way and then back in the late 90’s they built the gated secondary access so they had not considered that. They coordinated with the Fire Department and they had no comments and did not bring up the request for a secondary egress or anything. The Chairman thought the point was having a second means of egress that empties, even if it is just for emergency purposes, out to a street that isn’t Edward J. Roy Drive. Mr. Pratt said they hadn’t considered it. It is not an extraordinary distance. The grades are relatively close. They understand that there is a concern if there is an accident down the road, but the pavement is really wide, especially with removing the medians. Mr. Pizzi said with the second means of egress it was important that people realize this is not an acute care hospital, it’s not a 24 hour facility; it is an outpatient facility. Everything that is done there is not emergent; it can be canceled or delayed. The Chairman said that was probably why Fire didn’t require it to empty into a street.

With regard to the lighting, Mr. Hebert inquired if around the exterior of the property they had given any thought to putting shields on the back side of the fixtures or using forward throw fixtures. Mr. Pratt said they were not proposed to be shielded because of the separation. Mr. Hebert said that is something that could be added if it becomes a nuisance.

Mr. Hebert said with the dimming and the lighting controls they could actually set up those poles to dim the rest of the poles down as long as they had one foot candles for safety and security.

When they say a 22 foot pole, Mr. Hebert asked if that is a 20 foot pole with a two foot base. Mr. Pratt said it was mounting height of 22 feet. Mr. Pratt said there are some of them in the parking area so he thought it was a 30 inch base. Ms. Goucher said staff requires if they are in the landscaping that they be on a base that is no taller than six inches so the ones on the periphery are probably on the shorter bases. If there is a pole actually in the parking lot itself then they are going to be on a two foot or 30 inch base. Mr. Pratt said the mounting height is called out at 22 feet so the pole just gets shorter. It always stays at 22 feet; it
doesn’t go up to 24 feet if it is on a 2 foot base. Ms. Goucher said it was all LED lighting so she asked if a shield on the back of that type of lighting really worked. Mr. Hebert said you can get LED lighting called “forward throw” so that they take the inside of the fixture prism and it throws the light down. Mr. Pratt reiterated that they would be happy to meet with the abutters towards the end of construction and work on any adjustments that can be made if necessary.

The Chairman said with the presentation this evening there is sufficient information to close this public hearing and it will be taken up at the next business meeting.

Given the light agenda this evening, Mr. Pratt asked if the Board would consider deliberating this application this evening as all of the Board’s concerns had been addressed. It was the consensus of the Board to take this up in two weeks at the business meeting to allow staff to do their job.

(New Items)

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

Vice Chairman O’Donoghue made a motion, which was seconded by Mr. Leclerc, that the following applications are complete and available for a public hearing: S2019-005, CU-35-2017 and CU2019-006. (Motion Carried)

Chairman Harrington advised there was an item that Vice Chairman O’Donoghue did not read into the record but they will take it up tonight, however, they need a separate motion before they hear the application.

2. **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*

Joe Wichert appeared on behalf of 39 Bremer Street, LLC along with Pierre Peloquin, one of the managing members of it.

Mr. Wichert advised the LLC purchased 173 Maplehurst Avenue, which is Lot 10 on Tax Map 521, from the City of Manchester. Currently on the property there is a large rundown house that sits on the northeast corner. As the property is configured it has 150 feet of frontage but it is less than 100 feet in depth. The easterly abutter is interstate 93. On the south end of the property it is 94-1/2 feet and on the north end it is 93-1/4 feet. Because of that they had to go before the Zoning Board of Adjustment and they were granted variances to create...
two lots with inadequate lot area and depth. The subject property is zoned R-1B, which requires 7,500 SF. Lot 10 is proposed as 7,017 SF and Lot 10A is 7,064 SF. Both lots will have 75 feet of frontage, which is complying in the R-1B district. As part of this application they would remove the existing residence and the paved driveway and build two complying single family residences within the building envelope.

Mr. Wichert advised they are requesting two waivers as part of this application. They are requesting a waiver from Section 6.11, which is to use above ground utilities. Currently there is an overhead utility line on the east side of Maplehurst, the same side of the property, and they requested that the Planning Board allow the applicant to use above ground wires as opposed to underground to go from the poles on their side of the street into the houses. The second waiver they are requesting is a bit more unique in the sense that waiver is for Section 5.03(D). The subdivision regulations of the City require that there be no houses within 100 feet of a highway. As the lots themselves are less than 100 feet they can’t comply with that. He noted that the proposed houses will be further away from the highway than what currently exists. He thought one of the reasons for that regulation was to not have a new development trip up the need for a new sound wall. He referred to the plan and pointed out an existing sound wall that is off the right-of-way so he thought that eliminated any need or issue to do that. He explained this is just a repurposing of a dilapidated property and they believe the proposal is more fitting with the surrounding neighborhood and the single family residences that would be built would be more in character with the neighborhood and more valuable and hopefully improve the eyesore that is there. He said Mr. Peloquin has done many properties and developments over the years and they looked at this house and made the determination that this house was not viable to salvage, which is why they are moving forward with it. He said, as they mentioned to the Zoning Board of Adjustment, actually in the listing paperwork from the City, one of the items in there mentioned they would entertain offers to develop it subject to a variance for two single family residences if the building was to be demolished. As Mr. Peloquin has a long history with the City he didn’t make his office contingent upon that approval, they just went forward with it and they actually own the property outright.

Chairman Harrington turned the hearing over to the public. There were no comments from the public and the Chairman brought the hearing back to the Board. There were no further comments from the Board and the Chairman closed this public hearing, which will be deliberated at the next business meeting.

3. **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**

Chairman Harrington advised that Vice Chairman O’Donoghue did not read this item into the record because an action needed to be taken first for the waiver request. Ms. Goucher advised the action would be to hear this application even though they need to go to the
Zoning Board for a zoning violation.

**Alderman Levasseur made a motion to hear the presentation, which was seconded by Vice Chairman O’Donoghue. (Motion Carried)**

**Vice Chairman O’Donoghue made a motion, which was seconded by Mr. Leclerc, that S2019-006 is complete and available for a hearing. (Motion Carried)**

Mike Hammer of Meridian Land Services appeared on behalf of AB Atlantic Group. He advised that Mr. Sharp and his colleague Andy Berube acquired this piece of property late last year. It is a very old subdivision with a lot of small lots. This actually consists of three lots from that original 1925 subdivision. The house as existing dates from that era. He is looking to keep the house and make some improvements to it and subdivide the back portion off (the portion that has frontage on Charlotte Street) for a single family dwelling. They have been to the ZBA once to obtain a variance for having the minimum width across the entire loss for the corner lot, which was granted. Subsequent to that they had to go back for two reasons; the first part, which was not relevant to the application, was for a pre-existing nonconforming dwelling. It is a cape that he is looking to add onto the second floor and turn it into a colonial so that increases the nonconformity inside the front setback. The other item is a request to reduce the minimum lot area for the proposed Lot 713-10A. He explained that these lots are a little peculiar in that the sewer is in the back and it is not on Brown Avenue or Charlotte Street. There is an existing public sewer easement in the back that they plan to tie into for the purpose of this subdivision. Under the zoning and development regulations in the City you can’t count easement area towards your minimum lot size so that is the other item they are looking for ZBA. If the sewer were where it would ordinarily be expected to be within the right-of-way they wouldn’t be seeking any kind of relief and the sewer being installed in the back was done to benefit all of the existing dwellings so they wouldn’t take on a tremendous amount of expense in order to realize their projects. It would seem unreasonable at this point for them to have to face that where they have sewer in the back to extend sewer down the road just to bring it to their house. That is the nature of that particular application. Initially that wasn’t part of the application for ZBA. They were trying to do a six foot private easement in the back because there is enough land area for them to put a little kink in the lot line so both meet their minimum area; however, after comments from DPW and working with staff it was identified that 20 feet is the absolute minimum, which makes it very difficult for them to realize this subdivision and put that easement in.

Mr. Hammer advised that they were requesting a waiver in their application for the depiction of the septic system. They contacted the Board of Health and DES and no one has any record of its location. It is entirely possible that it is an old dry well that goes all the way back to the time that the house was constructed in the early 1900’s. They are tying into public sewer so they are asking to not have to go through the extra steps to identify where it is in order for them to then abandon it and tie into the sewer. He said DPW had a comment requesting documentation that was indeed a public sewer. They received the comments last
Thursday and he was unable to act on that until earlier this week. They have the Deed document, which they will provide to Mr. Coviello. He had a comment about the 20 foot minimum on the easement, which they have done. He believed that addressed the mainstay of DPW comments. The rest were little technicality items that they can address in an appropriate fashion.

Mr. Hebert asked where the water came in. Mr. Hammer said they have water to the existing dwelling coming off Brown Avenue. They don’t have a set location. They are contemplating. They don’t know what they are going to build there yet, but water would have to come in off of Charlotte Street. There is currently a moratorium on the street. If he has to bring in water and he has to do a full width of patch then that is the way it is and the applicant would have to bear that burden.

Mr. Hebert asked about utilities for power. Mr. Hammer said everything was pole mounted and he pointed out the locations of the poles. There is gas in the street. If he was to do gas it would probably be done at the same time he did his water connection as it would be foolish to open up the street twice.

Mr. Hebert asked if there was no sewage on Charlotte Street. Mr. Hammer pointed out the location and also pointed out the location of a sewer manhole. It is a public sewer so that is owned by the City or maintained by the City and the house ties in at this location. He thought the purpose of that particular manhole was intended to service something there at some point in time in the future, which he said was conjecture but why else put a structure right there. They could have dead ended it or put a clean out. He thought, at least at the time, it was the intention that sewer would be brought to those locations by virtue of this particular public easement. Coupling that with the excavation moratorium he did not think it would be prudent to make a mess of all that beautiful work the City did a year ago. Mr. Hebert said they would have to add another pole.

Ms. Levandowski confirmed with Mr. Hebert that he was referring to underground. She said that Mr. Wichert always requests a waiver to do underground utilities; however, it is not technically required by regulation. Underground utilities are required when there is a new road put in. She thought Mr. Wichert submits that waiver to cover all his bases; it is not technically required, so they are not technically required to go underground for their electric. Mr. Hebert said they will have to put a pole on the other side of the street or absorb the cost. Ms. Levandowski said it might be something for them to consider as they will already be cutting into the road for water so it might make sense for them to do underground utilities while they already have it open.

Chairman Harrington asked about the “non-location of the septic system” that supposedly exists. He was concerned if it was on the lot that they plan to either build or sell if they allow that waiver and allow them not to have to identify it then potentially they go to start digging in the ground and he will find a septic system there that a new owner would then have to deal with. Mr. Hammer said that was true. He advised they have a contingency that is a
little pricey so he was requested to ask the Board for relief in that regard. He advised it was Mr. Sharp’s intention to build that other lot so it will be his problem. He is not interested in flipping it.

With regard to the septic, Ms. Goucher said the concern staff has is once a plan is put on record, even though his client represented that he was going to build the house, it could be turned around the next day and sold. The other part is that they have to get the existing house tied up to sewer before a plan can be signed because, as a result of this subdivision, they have decreased the area. The lot as it stands today pre-subdivision is already undersized for septic by the standards. Mr. Hammer understood that they would have to go through State subdivision approval as well, which they are not seeking, they want to tie in. Ms. Goucher said the tie in would have to be made before the subdivision can be recorded. Mr. Hammer said that was fine and if they wanted to make that a condition of approval they were fine with that.

Alderman Levasseur confirmed with Mr. Hammer that nobody lived in the property. The Alderman asked how they couldn’t know where the septic is. Mr. Hammer said there are a lot of people who don’t know where their septic systems are. If no one was living there the Alderman thought that made a little more sense. Mr. Hammer believed it was a rental up until about a year or two ago. The couple that owned it, the gentleman passed away and the woman divested it to AB Atlantic, Sharp and Berube. He said he spoke to her and she did a “shrug of her shoulders”. The Alderman asked because he was sure the guys that cleaned it out would know where it was. If it was indeed as he suspected, Mr. Hammer said it dates back to “19 whatever” and those old dry well systems needed very little maintenance and it may not have needed to be cleaned in a long time.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application.

Mr. Hebert confirmed with Ms. Goucher that if the Zoning Board approves it he would have to provide sewer to the first house prior to doing any construction whatsoever for the second house.

Chairman Harrington advised this application would be held open until March 21st. No further notice to abutters.

4. **CU-35-2017**
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**

Alexandra Griburas Babis requested an extension of their previously approved conditional use permit for the parking reduction. It was approved in February of last year and it took
them until two weeks ago to get a lease from their landlord. They are ready and they have been ready for three years and everything has been out of their hands and they are hoping this is the last step.

Chairman Harrington asked if there was any particular reason for two years versus a short period. Ms. Babis said when Ms. Levandowski reached out and said they needed to request an extension they had not seen the lease yet. It took the owner a long time to get the lease to them as he was elderly and not in a rush. She advised they have requested two years just to be safe, but at this point one year would be more than sufficient.

Chairman Harrington asked if this request was part of the extension with the striping and then the dumpsters being enclosed. Ms. Babis said that is another thing that is out of their hands. The owner said he was going to do it but just the same as it took a year to get the lease, that was part of the two years that she did forget when she spoke earlier. The Chairman confirmed with Ms. Babis that the owner is not in a rush. She hoped to have it done in the next few months but honestly they were hoping that last year as well. The owner said that they have to wait until it is warmer for the paving and that he will be on that. She explained that he works very closely with Joe Wichert who is on him more so that helps things move along.

Ms. Goucher said there hasn’t been any enforcement against this property because of the understanding there were some steps to be taken. She said it is up to the Board if they are taking an action how they want to incorporate the condition that was originally put in. She said if they aren’t ready until winter of next year to open their restaurant it would be a shame if the landlord has still not done the dumpsters and striping. She said a citation could be issued but they don’t like to do that when there is ongoing progress on something but it would certainly be beneficial to get those violations, which is a representation of the parking and how it will work with the striping as well as the dumpster enclosures, done before next winter creeps in. She said the Board may want to think about that with their approval if they are leaning toward granting that in the business meeting tonight.

Mr. Leclerc asked if that would be imposed against the landlord. Ms. Goucher explained the issue here is that obviously Ms. Babis is representing herself and the business. The landlord is responsible for certain things but, as Ms. Babis stated, she is anxious to get everything taken care of, and if the landlord doesn’t complete it, she thought there were ways to prod the landlord, but staff would rather him just take care of it the way it has been represented. It got paved without benefit of permit and the dumpsters got moved around so they really need to get this squared away. Mr. Leclerc said he would agree if it would light a fire under this gentleman to impose a fine or something to make him move a little faster for the applicant’s sake. Ms. Goucher said in the notice of decision that originally went out on this there were conditions about this so it is up to the Board if they were inclined to grant her a longer period for the extension it doesn’t necessarily mean they have to grant the completion of the pavement, striping and dumpster enclosures for that long of a time period.
Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this request and the Chairman brought the hearing back to the Board. There were no further comments from the Board.

Chairman Harrington closed this public hearing and advised it will be taken up later this evening during the limited business meeting.

5. **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**

Valentina Sanchez appeared along with her brother Domingo Sanchez. Mr. Sanchez does not speak English so she was there to translate. She said Mr. Sanchez would like a beauty supply and barber shop at 334 Union Street. This space is 1,400 SF and she believed she believed it was a clothing store before.

Mr. Long said there has been a lot of graffiti on that side and he asked if there was something they could do to either wash it off or paint it. Ms. Sanchez advised Mr. Sanchez said he could clean that up.

Ms. Sanuth asked if they plan to have any signage identifying the store. Ms. Sanchez believed that was in the information provided. Mr. Sanchez has already chosen the name “Delilah Beauty Supply”. When Mr. Sanchez went to see the store, she said there were no signs there. Ms. Goucher advised the applicant that he would be required to get a permit for the sign.

Ms. Goucher asked about the hours of the store and the barber shop. Ms. Sanchez advised both sides would be 9:00 AM to 7:00 PM, Monday through Saturday.

Mr. Curry advised that area tends to have a lot of loitering. He asked if he planned to put a contingency so people don’t hang outside the storefront. Ms. Sanchez advised Mr. Sanchez will have rules not allowing people to hang around after they have completed their business at the location.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this request and the Chairman brought the hearing back to the Board.

Mr. Hebert asked if there were two other stores in that location. Ms. Sanchez advised there was a convenience store and then the space her brother would like to use has two sides with two entrances. One will be the beauty supply, which is 1,050 SF and the barber shop will be 350 SF. Mr. Hebert confirmed that Mr. Sanchez was taking the rest of the first floor. He
asked if the building had a sprinkler system. Ms. Sanchez advised they were not sure. Ms. Goucher advised she not sure that the square footage rises to the level of requiring it. She said they did not get any comments from Fire. Ms. Levandowski advised that the Fire Department commented “no comment” on the application. Ms. Goucher said it may be in there and the applicant just didn’t realize it.

There were no further comments from the Board.

Chairman Harrington closed the public hearing. The application will be taken up later this evening during the limited business meeting.

III. LIMITED BUSINESS MEETING

Chairman Harrington called to order the March 7, 2019 limited business meeting of the Manchester Planning Board.

(Current Items)

1. **CU-35-2017**

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**

Chairman Harrington inquired how the Board felt about two years versus one and the idea of getting the landlord to at least do the striping and the dumpsters.

Mr. Leclerc thought that was a real good idea on Ms. Goucher’s part. He said he didn’t necessarily mind two years, but not for that part of the condition. He thought about perhaps keeping that to six months. It seemed something like that could be done in that time frame because once it is started it is probably a week of work if that. Ms. Goucher suggested putting a date certain. Mr. Leclerc agreed and thought September 1st would be a fair date.

*Mr. Leclerc made a motion to grant a two year extension subject to the condition that the striping and dumpster enclosures must be completed by October 1, 2019, and a certificate of occupancy will not be issued until such conditions have been completed, which was seconded by Mr. Long.*

Mr. Hebert asked if there could be a caveat that the applicant not use the parking in the back until the work gets done. Ms. Goucher did not know how they could control that. If you go there any Friday or Saturday there is parking there. It is taking place now.

Ms. Goucher said normally they do not get into who is doing what. She referred to Crossfit
where there was site work to be done. They didn’t specify who had to do it. They just expected it to be done prior to a CO being issued. As such, it really isn’t any different; they are just hoping in this case the landlord is agreeing to do it so it doesn’t fall on the restauranteur. The applicant’s request is to expand a restaurant because she needs more parking so the Board granted the conditional use for reduced parking, so long as things were done. That was how the original granting was done. Ms. Trisciani thought they were muddying the waters by saying who is actually going to do the work because in reality that doesn’t matter to the Board who is doing the work. What matters to the Board is this work needs to be done to meet a requirement to expand this business.

Ms. Levandowski said the Board granted the approval for the reduction in parking under the representation that the back lot was striped. Ms. Goucher said that plan was part of the original application.

Chairman Harrington said he was not going to support Mr. Leclerc’s motion only because he was just going to let the applicant have her time. He said he wouldn’t want to impose a date on the landlord to perform. She is out there performing, he is not. Let them work it out. If it takes two years to work it out and she has had to contract her business for a period of time, what she has asked this Board for is a two year extension. He understands that the Board would like the landlord to perform quicker and he was sure she would as well, but this gives her time, leeway, flexibility and negotiating and then if it gets done it gets done quicker. If it doesn’t then it might take the entire two years, but then she has to either decide not to expand until the landlord does this or do it herself to get the occupancy. He said he was sympathetic to her as well but he is willing to give her the time.

Alderman Levasseur inquired if they were just extending what they already voted on and what they voted on was that this had to be done so they won’t have to add in a stipulation that it has to be done by September 1st because that is between them. If it is in the lease already and the landlord is not doing the job then the applicant has a remedy and that is to force him to do it by going to court or suing him for breach because she couldn’t get her place open and all the loss of business. There are a lot of remedies that she has so he agreed to just extend it the way it is and let them work it out and if she doesn’t get those things done then she can’t get a CO and if she doesn’t get a CO she has wasted her time so she knows that going forward.

Mr. Long thought a date certain is a little bit of a motivator. Alderman Levasseur said they have a motivation already to get open and make money. Chairman Harrington said one would think the landlord would be motivated to let her expand and get the rent on the extra space that is sitting there vacant.

*Mr. Leclerc rescinded his motion, which was seconded by Mr. Long.*

*Mr. Hebert made a motion to grant the two year extension with the existing conditions as they were written, which was seconded by Alderman Levasseur. (Motion Carried)*
2. **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. 

*M. Long made a motion to approve CU2019-006, which was seconded by Alderman Levasseur. (Motion Carried)*

*(Tabled Item)*

4. **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.

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**IV. ADMINISTRATIVE MATTERS:**

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

Ms. Sanuth reviewed the Minutes of January 17, 2019. Ms. Hamilton volunteered to review the Minutes of January 3rd for the next meeting.

*Mr. Leclerc made a motion to accept the Minutes of January 17, 2019 as amended, which was seconded by Mr. Hebert. (Motion Carried)*

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

*Master Plan*

Mr. Hebert inquired about the status of the Master Plan. Ms. Goucher advised that they had selected a consultant and they are trying to pin down the final scope of services. There were a few revisions and they have been going back and forth with them. She expected that Director LaFreniere will be going to the next meeting of the Board of Mayor & Aldermen to secure funds.

Mr. Hebert asked what would be the timeframe of that committee getting together. Ms.
Goucher thought right after they got something signed they would be speaking with the consultant and try to look at that. She said the consultant prefers to call it a “think tank” as opposed to a steering committee.

No other business items were brought forward.

Mr. Hebert 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

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