Board Members Present: Chairman Mike Harrington, Vice Chairman Michael O’Donoghue, Alderman Joe Kelly Levasseur, Dan Leclerc, Beth Charlebois, June Trisciani, Pat Long

Alternates Present: Robb Curry, Chris Wellington

Excused: Members: Ray Hebert, Melanie Sanuth
Alternate: Barry Lussier

Staff Present: Pamela Goucher, Deputy Director of Planning & Zoning; Jeffrey Belanger, Senior Planner; Jodie Levandowski, Planner II

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

II. LIMITED PUBLIC HEARING:

(Continued Items)

1. SP2019-003
Property located at 55 West North Street (Tax Map 165, Lots 13 & 14), a site-plan application for a 40 vehicle surface parking lot in the R-3 Zone. Keach-Nordstrom Associates, Inc. for Ole Blue Eyes-Manchester, LLC.

CU2019-003
Property located at 55 West North Street (Tax Map 165, Lots 13 & 14), a conditional-use-permit application to allow a surface parking lot as a principle use in the R-3 Zone. Keach-Nordstrom Associates, Inc. for Ole Blue Eyes-Manchester, LLC.

Chairman Harrington advised that SP2019-003 and CU2019-003 have been postponed at the request of the applicant. Abutters will be notified of the new hearing date.

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 approximately 7,654 SF and approximately 7,970 SF in the R-1B Zone. Kevin Sharp for AB Atlantic Group, LLC

Kevin Sharp appeared on behalf of AB Atlantic Group concerning this subdivision. He was not at the last meeting.

In response to the comments dated February 28, 2019, Mr. Sharp said they acknowledge there is an excavation moratorium on Charlotte Street that expires in 2022 and that any
excavation work in that street requires a permit and must conform to DPW requirements. The plan has also been updated to show the horizontal and vertical datum and a copy of the public sewer easement Deed which the applicant intends to include in the Board members’ packet. The sewer easement has been widened to 20 feet in accordance with the Board’s direction and there will be separate service connections for each dwelling.

Chairman Harrington inquired about the variance. Mr. Sharp advised on March 14, 2019 variances were granted for the sewer easement and lot size.

Ms. Levandowski advised that Mr. Sharp provided a letter from Eversource, which she just handed out prior to the hearing.

Mr. Long asked if the variance had anything to do with the septic. Ms. Levandowski advised the applicant went back to the ZBA for several variances; one was to include the area of the easement, which reduced the buildable lot area, so it was technically undersized and they received a variance for that. They also submitted variance on the existing lot not really relevant to the subdivision, but it was to expand the second story of the existing house, which was approved.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application. There were no further comments from the Board.

Chairman Harrington closed this public hearing and it will be taken up at the next business meeting.

Chairman Harrington closed the March 21, 2019 public hearing of the Manchester Planning Board.

III. BUSINESS MEETING:

Chairman Harrington called to order the March 21, 2019 business meeting of the Manchester Planning Board.

(Current Items)

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, Inc. for Dartmouth Hitchcock Clinic

Chairman Harrington advised there was a staff report and the Board took a moment to review the information.
Mr. Belanger advised he had a possible change to one of the conditions. He referred to condition #3. There was a discussion that took place between Planning staff, DPW staff, and the applicant’s engineer regarding the specific wording of the second sentence in that condition. The first sentence is pretty boiler plate and is what occurs in all of the approvals. It is the requirement that all State and Federal approvals be provided prior to the Board’s final approval of the plan set. The second sentence is different and specifically calls out what the New Hampshire Department of Transportation would have to approve prior to final approval given that there is a lot of interaction with NHDOT on this application because of the impacts of traffic on Wellington Road. As it stands now, the sentence says, “This shall include the New Hampshire Department of Transportation’s complete approval of the improvements shown on the plans provided to the Planning Board on March 7, 2019.” He explained that basically means NHDOT would have to approve the physical design of the intersection of Edward J. Roy Drive and Wellington Road. The proposed design change is for an additional left turn lane to be added on the eastbound approach to that intersection on Wellington Road. The applicant’s engineer raised a concern that it might take NHDOT a long time to do that and a long time for the applicant’s engineer to first get those fully designed plans to NHDOT and then have NHDOT come back with a response. As such, in consultation with DPW, Staff decided the concern of NHDOT is not so much the physical design of the exact geometry of that intersection. Their concern is the impact that the second left-turn lane would have on traffic flow throughout Wellington Road, particularly between Wellington and the on and off ramps to the highway. He said NHDOT’s concern would be how that all impacts the traffic on Wellington Road and back up to those on and off ramps.

Mr. Belanger said what Staff came up with as a potential solution is to require that NHDOT approve the traffic study, because the traffic study states there would be a second left-turn lane added, and it shows how that left-turn lane would ameliorate a lot of the traffic problems on Wellington Road. Assuming that NHDOT can sign off on that, basically signing off on the concept of a second left-turn lane and how that would work in practice with traffic flow, that is really what he thought NHDOT is going to be concerned about. As such, his proposed amendment to the condition is that the second sentence would read, “This shall include the New Hampshire Department of Transportation’s complete approval of the traffic-impact evaluation, including amendments, submitted through March 6, 2019.” There would have to be a little cleanup on the next sentence to reflect the fact that it is now a traffic study and it would say, “If the Department of Transportation recommends substantive changes to the traffic-impact evaluation, a new public hearing before the Planning Board shall be required.”

Mr. Long asked for clarification on condition #4. Mr. Belanger said the purpose of condition #4 is simply to say that, so far, the Planning Board has received from the applicant an original traffic-impact report and then three subsequent addenda, much of those documents are now irrelevant, because they presumed only one left lane, but then at the March 7th hearing they proposed a second left-turn lane. All condition #4 says is, “please clean all that up and give us one tidy document that has everything relevant and nothing irrelevant in it.” He said NHDOT has the relevant information, just as Planning Staff and this Board does.
Mr. Belanger advised that NHDOT has a legal right to sign off on any changes. Ms. Goucher advised that the first letter NHDOT submitted was kind of like a checklist and they checked the box “not acceptable.” There were some email exchanges between some personnel at NHDOT and the applicant’s engineer that alluded to the fact that they leave a lot of that area of redesign or reconfiguration at that intersection to the City, but at the same time they are not about to say “okay” if there is any sense that there will be a backup to their ramps on the highway. She said that is really what they are concerned about, and reviewing the data in traffic study should be sufficient for them. As such, they did not feel it was appropriate for this Board to take away what they typically do, which is to say, “If DOT is involved we need to make sure they are satisfied before we go ahead and sign plans.”

Ms. Charlebois asked if, without the full geometric plan, if NHDOT is open to this preliminary approval. Mr. Belanger said they do not know yet.

With regard to Mr. Long’s point of the expeditiousness of this, Chairman Harrington asked if they wouldn’t be able to begin construction without full signoff as it is currently written without the proposed amendment. Mr. Belanger said they will not be able to pull a building permit or begin construction until this Board’s final approval. Ms. Goucher said they can certainly start moving some earth around and prep their site and if it ends up there is a longer time period than one might expect in getting NHDOT’s approval, they can potentially ask for a foundation permit, but then they would be doing things at their own risk. She said the condition Mr. Belanger outlined with this proposal is not any different than staff would typically put on a project that has NHDOT involvement. It was the same thing as Candia Road with the apartments behind Dunkin Donuts and the same thing with Granite Street. There is oversight by NHDOT and staff is always looking for that letter that they have reviewed enough or feel comfortable enough to sign off on it.

Mr. Belanger further responded to Ms. Charlebois’ question by explaining that NHDOT is going to sign off or not sign off on the proposal, regardless of what this Board does, and the applicant won’t be able to construct the changes without NHDOT signoff. He said the question for now is what makes this Board comfortable, what you are getting back from DOT, before they give their final approval.

Mr. Belanger directed the Board’s attention to item 15 on their list. He advised that there was testimony from abutters as to their concerns about the visual impacts of this development. Those concerns seemed to boil down basically to light spillage and noise so there was a discussion about adding trees and maybe shielding some of the lights. This condition says is that the applicant and the abutters would meet onsite prior to the issuance of Certificate of Occupancy to determine what, if any, sight lines are left open after the tree clearing is done for the detention pond. If there are some gaps in the tree cover the applicant represented they would be happy to work with the abutters to provide some evergreen screening. He explained that it is difficult to draft a condition to say where those trees need to go precisely because they don’t know at this point. That is something that has to be figured out on site after the work has been mostly done and the applicant testified to that at the last meeting. The wording in this condition is trying to say basically that the
applicant will work to provide a reasonable number of trees and reasonably shield some of the lighting so it does not spill unnecessarily toward the abutters. Ms. Goucher said this Board has imposed conditions such as this one on other projects. She thought the difference was that on other projects it is usually a lot clearer where the gaps are or where they need to do some filling of trees and it is easy to show on a plan. In this particular case it is really going to be when they get out there and do the clearing they have to. As such, if it is prior to a Certificate of Occupancy, it gives the staff time to meet with them and the applicants and hopefully come to an agreement.

Mr. Long asked what would happen if there wasn’t agreement. Mr. Belanger said there has to be reasonableness on both sides. The Planning staff will be involved and if it is their perception that either side is being overly aggressive or under committing to what they are supposed to commit to then staff can come back to this Board and explain what was happening, and no Certificate of Occupancy would be issued until this Board makes the decision that either there has been too much asked for or too little given or whatever. Ms. Goucher said that would essentially be a compliance hearing if they are not complying with one of the conditions of approval. From the staff perspective, she did not think staff had a concern that Dartmouth Hitchcock will not try to be as good a neighbor as possible. She said they went to the trouble of trying to have neighborhood meetings and reach out and try to listen to people’s concerns. Obviously the abutters on Cutler Lane would prefer not to see any trees taken down or any expansion but given that the Board has to try to balance the right of Dartmouth Hitchcock to expand on their property and also try to do the best they can for offering screening.

Ms. Trisciani believed the shielding for the specified lights almost needs to be ordered when the lights are purchased. She did not believe that could be added after the fact so she asked if they could be added during the order. She thought it made sense to just automatically shield the ones on the street side up front because she doesn’t want there to be a discussion with the neighbors and the applicant afterwards saying “we did all this and now it is too expensive to change.” Ms. Goucher told the Board to keep in mind that with a project such as this that is going to take a while to construct. Mr. Belanger is going to be out there a few times. He will be looking at it from Cutler Lane to see how it looks. He is going to be driving on the site before they are at that “drop dead I need a CO” so staff has the ability to say “guys we were out there and have these concerns”. Staff doesn’t have the ability in this case, like they have in other projects where they actually have them flag trees “do not cut”, but this is a large area they are looking at. Ms. Trisciani said she would like to see the condition say to order the lights on the perimeter shielded already so they become directional and they are not free flooding lights. Chairman Harrington agreed if the lights on the perimeter that abut the backyards are front throwing at least in that section there would be an attempt to minimize that.

Ms. Goucher said they were assuming that evergreens would be the types of trees that would get planted just because of the nature of their being year-round buffering, although if they plant a six- or seven-foot evergreen, it still might take some time before it provides the buffer one hopes to get. She also thought it would mean that, until the deciduous trees
were out and branching and flowering or whatever, you can’t go in the dead of winter and try to figure out where these trees need to go.

Mr. Long said the applicant is a continual user in the City of Manchester so he did not see them really playing hardball because they need to work with staff and ten years from now they will still need to work with staff. Given that, he was comfortable that reasonable accommodations or solutions can be had. He asked if there was something that would make a description better or maybe make the process a little less onerous. Ms. Goucher said staff was comfortable that they can work with this.

Ms. Trisciani was less concerned about the trees discussion and more concerned that they just put in that any of the perimeter lights just need to force the light towards the parking lot and they shield those lights. The reality is it is Dartmouth Hitchcock’s property to build this facility and to do this work, and it is great that they are willing to work with the neighbors on that. Ms. Goucher said they could take that one condition and break it into two and one of them will be emphatic in terms of the applicant shall provide shields to all lighting on the periphery of the parking lot and the other condition can just take into consideration the language about working with the applicant on the trees. Ms. Trisciani and the Chairman were in support of that.

Chairman Harrington said he didn’t feel comfortable that they won’t get a certificate of occupancy if they don’t agree on the amount of trees and shielding. Mr. Belanger said the intent is there has to be a strong element of reasonableness. Absent calling the applicants in and saying that they are out of compliance afterwards and potentially revoking a CO and risking eviction of a medical facility, which he did not think was a road they want to go down, the last point of leverage is the certificate of occupancy. Chairman Harrington did not think they needed to have that kind of leverage with this applicant. If Dartmouth Hitchcock wanted to, they could clear cut their whole land, and to tie their certificate of occupancy to some shielding, which he was sympathetic to the neighbors, but the closest neighbor is 200 feet away. He thought Dartmouth was being a good neighbor just by not cutting the trees to begin with.

After listening to the Board’s concerns, Ms. Goucher said if they did not want to have that condition start out “prior to the issuance of certificate of occupancy,” it could be changed to something to the effect of, “during the summer months the applicant shall meet with...” and there is no specific tying to the certificate of occupancy but it is specifically tied to the time of the year that one is going to have to go out there and take a look at what is going on. If there isn’t an effort by the applicant to meet with the abutters and bring the staff out there from May to September, it is really not going to be something they can do properly. As such, if there are members of the Board that do not want to tie it in, although that is typically what would be done, that would be her suggestion that it be worded in that fashion. If the Board did not want to tie it to the certificate of occupancy and they don’t want to say “in the summer months”, they could say “within one year of the Board’s approval”.

Ms. Trisciani thought the lighting issues will really come in during the winter. Ms. Goucher
thought they could make that a separate condition.

Mr. Long made a motion to approve SP2019-001 per staff recommendation and with the amendment of adding the lighting has a different condition with the current condition in #15 omitting the lighting and with the trees as written prior to Certificate of Occupancy, which was seconded by Ms. Trisciani.

Mr. O’Donoghue advised that he was in approval of this project but was opposed to the conditions that were being set up for the lighting and also for the foliage. He said both parties represented that they would work together. Dartmouth Hitchcock represented they would work with the neighbors.

Chairman Harrington said he was opposed to this motion because he does not see tying this to Certificate of Occupancy as being fair to the applicant. He agreed with Mr. O’Donoghue that the applicant has stated that they will work in good will with the neighbors to do what is necessary to shield the light. The gap here is 200 feet away from the nearest neighbor and Dartmouth Hitchcock has represented that even being 200 feet away they are willing to work with the neighbors to shield them from seeing the detention pond. If this Board really feels that they want staff to go out there and be the mediator for this and potentially neighbors not allowing Dartmouth Hitchcock to open up after they have made a significant investment because of some trees, he was really surprised. He said he cannot be in favor of it the way it is written. He has no problem stating a timeframe. In looking at the lighting plan, there is no spillage of lighting that is anywhere close to the neighbors. The Board is going an extra step beyond by having them shield it into the parking lot. If they are going to start dictating these sorts of things when there are abutters that are a substantial distance away from a reasonable development that is occurring nobody is going to want to build here. Nobody is going to want to take the chance of building here.

Alderman Levasseur wanted the language to stay in there. He did not believe it would be a major issue whatsoever and he thought if there was a problem with it, Dartmouth Hitchcock would have already come out and said they did not want that in there and made an argument for it. He thought Dartmouth Hitchcock believed they are going to handle it.

Alderman Levasseur advised that he was going to abstain from voting on this because he would find himself being hypocritical based on the fact that he voted against Z-1. The fact that Dartmouth Hitchcock came here with a traffic study that included Z-1 put him in a tough situation because there is still a court case pending. In spirit, he doesn’t ever like to not let owners of their own property do what is right with their own property, but they combined the two in one traffic study, and the reason why he didn’t vote for Z-1 was because of their traffic issues. As such, he could not see himself voting for this project when they are both combined in one because it seemed to him if he voted in favor of Dartmouth Hitchcock then he should vote in favor of Z-1 and he does not want to be in the middle of that situation while there is a legal case pending.
Mr. Belanger said there were nine members present so they could all vote. The quorum is five.

Mr. Leclerc asked if it was voted down with condition #15 being amended if it could be brought to vote again with a different amendment. Chairman Harrington said if it turns out there are not enough votes as it is written to support it then he would entertain another motion that may have some alternate language.

Ms. Goucher said they could just take out “prior to the issuance” and leave it as “the applicant shall meet with” and then it is not tied to the certificate of occupancy but the statement is in there that seems to represent the statement that was represented at public hearing and staff tries to work with them. That was the only thing she could see that would kind of bring the parties together that are making a decision on that. Chairman Harrington said he was totally fine with that.

Ms. Charlebois did not want to tie the certificate of occupancy to a goal that is not measurable because it leaves it open to interpretation and could potentially cause further issues down the road.

Mr. Long said he was willing to withdraw his motion if there could be an agreement on how to assure that the outcome will be amenable to both the applicant and the neighborhood.

**Chairman Harrington reminded the Board there was a motion on the floor from Mr. Long that was seconded by Ms. Trisciani. It was a tie vote and the motion failed. (Abstained: Levasseur)**

Ms. Goucher stated that, eliminating the first portion of the sentence and starting with “The applicant shall meet with interested abutters,” agreeing that the lighting had already been separated out, may help. It leaves a condition in, but it doesn’t have any timeframe whatsoever. Or they could do it within a year of the Board’s approval or signing of the final plans.

Mr. Leclerc thought it should be the last line that was taken out instead of the first. He said the timeframe is one thing, but who gets to be the one to decide?

**Mr. Long made a motion to approve SP2019-001 with the 18 conditions, the reasonable minimal numbers for the planting of trees within one year of signing of the plans and keeping the light shields in, which was seconded by Mr. Leclerc. (Motion Carried) (Abstained: Levasseur)**

**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 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. This shall include the New Hampshire Department of Transportation’s complete approval of the Traffic Impact Evaluation submitted by the applicant, with amendments through March 6, 2019. If the Department of Transportation requires substantive amendments to the Traffic Impact Evaluation, a new public hearing before the Planning Board shall be required;

4. The applicant shall submit a complete traffic report that compiles all relevant information into one document prior to final approval;

5. The applicant shall incorporate detailed, engineering drawings for off-site improvements into the plan set submitted for final approval;

6. The plan shall contain the following statement signed by the 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 to maintain the site improvements for the duration of the use”; 

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

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

9. The plan shall be amended to show the approximate locations of signs noting the presence of wetlands, which shall be placed at 50-foot intervals around the edge of wetlands surrounding the infiltration pond on the eastern side of the parking lot. The applicant may purchase the signs from the Manchester Conservation Commission for $1.00, each;

10. The plan shall be amended to show that the lighting to be installed along the perimeter of the northeastern area of the parking lot shall be shielded such that it directs light toward the parking lot and away from neighboring properties;

11. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department;
12. An excavation permit, inspection agreement, and road bond from the Manchester Department of Public Works are required for all work within the public right-of-way. All work shall conform to the City of Manchester Standard Specifications;

13. Prior to applying for a certificate of occupancy, 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;

14. Prior to the issuance of a certificate of occupancy, the applicant shall construct all offsite, public improvements and other traffic improvements shown on the finally approved plan set and described in the “Overall Recommendations” section of the March 6, 2019, Traffic Impact Evaluation. These improvements shall include revising the timing of traffic signals at effected intersections on Wellington Road, clearing vegetation on either side of the entrance to Hitchcock Way, adjusting the pedestrian signals at the intersection of the I-93 southbound ramp, and making physical improvements to the intersection of Wellington Road, Edward J. Roy Drive, and Old Wellington Road;

15. Within one year of final approval, the applicant shall meet with interested abutters from Cutler Lane and with the Planning Staff to determine where the planting of a reasonably minimal number of evergreen trees would help reduce the visual impacts on the neighbors;

16. All material changes to the approved plan shall be reviewed and approved by the Planning Board at a public hearing;

17. The fire impact fee of $0.35 per gross square foot of the approved building addition shall be submitted prior to the issuance of a certificate of occupancy; and

18. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Section 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. **S2019-005**

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

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

   The Chairman advised there were a couple waivers to address.
Mr. Long made a motion to grant the waiver from Section 6.11 for overhead utilities, which was seconded by Mr. Leclerc. (Motion Carried)

Mr. Long made a motion to grant the waiver from Section 5.3(D) to allow a building within 100 feet of the highway, which was seconded by Mr. O’Donoghue.

Chairman Harrington clarified that Mr. Long was in favor of this because he had abutters before to the highway, but the wall was already there, which is why Mr. Long was in favor of supporting this.

(Motion Carried)

Mr. Long made a motion to approve S2019-005 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. The school impact fee of $4,589 per single-family dwelling unit shall be submitted prior to the issuance of a certificate of occupancy;

5. The fire impact fee of $571 per single-family dwelling unit shall be submitted prior to the issuance of a certificate of occupancy;

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

7. All material changes to the approved plan, including changes to signage, shall be reviewed and approved by the Planning Board at a public hearing;

8. 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.”;

9. The plan shall contain a note stating, “All conditions subsequent to approval shall be completed within two years of final approval.”;
10. The plan shall contain a note stating, “An excavation permit from the Manchester Department of Public Works is required for all work within the public right-of-way. All work shall conform to the City of Manchester Standard Specifications.”;

11. 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;

12. 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);

13. 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;

14. 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

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

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

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

Ms. Levandowski advised there was a waiver request for relocating a septic system, which the applicant withdrew.

**Ms. Charlebois made a motion to approve S2019-006 per staff recommendation, which was seconded by Ms. Trisciani. (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. Easement documents for the extension of sanitary sewer over Lot 10A, shall be submitted for review to the Department of Public Works and the Planning and Community Development Department prior to final approval and shall be recorded prior to the issuance of a building permit for a house on Lot 10A;

5. The septic system for the existing dwelling on Lot 10 shall be abandoned prior to submitting plans for final approval and shall be accompanied by a signed and sealed letter from a NH licensed professional surveyor certifying the abandonment of the system. Further, the existing house shall be connected to public sewer prior to submitting plans for final approval;

6. The school impact fee of $4,589 per single-family dwelling unit shall be submitted prior to the issuance of a certificate of occupancy;

7. The fire impact fee of $571 per single-family dwelling unit shall be submitted prior to the issuance of a certificate of occupancy;

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

9. All material changes to the approved plan, including changes to signage, shall be reviewed and approved by the Planning Board at a public hearing;

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

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

12. The plan shall contain a note stating, “An excavation permit from the Manchester Department of Public Works is required for all work within the public right-of-way. All work shall conform to the City of Manchester Standard Specifications.”;

13. 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;
14. 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);

15. 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;

16. Should any condition precedent or subsequent to this approval not be met in the time periods provided for in Subsection 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a; and

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

(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.

5. **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. **S2019-007**
Property located at 289 Tory Road (Tax Map 915, Lot 12A), a subdivision application for the creation of two new lots of ± 14,712 SF (Map 12A) and ± 16,693SF (Map 12A-1) in the R-1B Zone. **S&H Land Service for Shawn M. Moreau.**

2. **S2019-008**
Property located at 1200 South Mammoth Road (Tax Map 797, Lots 7 and 8), a subdivision application for the creation of two new buildable lots of ± 8.1 acres and ± 0.95 acres in the RS and IND Zones. **S&H Land Service for William Socha Development, LLC.**
3. **SP2019-005**  
Property located at 5 Kennard Road (Tax Map 541, Lot 6), an application to change the use of an existing building from retail, antique store to an office in the R-1B Zone. *Robert Wood for 5 Kennard Road, LLC.*

4. **SP2019-006**  
Property located at 2743 Brown Avenue (Tax Map 750, Lots 20A), a site plan application for a proposed 17,391 SF veterinary emergency hospital with the associated site improvements in the IND Zone. *Bedford Design Consultants, Inc. for the Olga Katrycz Estate.* *ConCom required*

5. **SP2019-007**  
Property located at 289 South Mammoth Road (Tax Map 705, Lot 24), a site plan application to change the use of an existing building from repair/warehouse to online auction in the R-1B Zone. *Joseph M. Wichert, LLS Inc. for Denise A. Ryan.*

6. **CU2019-007**  
Property located at 67 Central Street (Tax Map 168, Lot 2), a conditional use permit application to allow four dwelling units on the first floor of a multifamily dwelling, where two were previously approved, in the CBD Zone. *Fuss & O’Neill, Inc. for Christos Tsiaras.*

**SP2019-008**  
Property located at 67 Central Street (Tax Map 168, Lot 2), an application to amend a conditionally approved site plan that allowed the conversion of 10,500 SF of offices to seven multi-family dwelling units by increasing the number of dwelling units to nine in the CBD Zone. *Fuss & O’Neill, Inc. for Christos Tsiaras.*

**IMP2019-001**  
Property located at 67 Central Street (Tax Map 168, Lot 2), an application to reduce impact fees for the conversion of a 10,500 SF office building to nine dwelling units in the CBD Zone. *Fuss & O’Neill, Inc. for Christos Tsiaras.*

*Ms. Charlebois made a motion, which was seconded by Mr. Leclerc, that SP2019-006 be referred to the Manchester Conservation Commission for review and the following applications are complete, do not have regional impact and do not need to be sent to the Conservation Commission for comment: S2019-007, S2019-008, SP2019-005, SP2019-007, CU2019-007, SP2019-008 and IMP2019-001. (Motion Carried)*

IV. **ADMINISTRATIVE MATTERS:**

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

Ms. Charlebois reviewed the Minutes and pointed out 3 minor corrections.
Mr. Leclerc made a motion to accept the Minutes of January 3, 2019 with amendment, which was seconded by Chairman Harrington. (Motion Carried)

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

Master Plan

Ms. Goucher advised the Board of Mayor and Alderman authorized the funding for the Master Plan. Staff is in the process of getting the contract reviewed by the City Solicitor and finalizing some of the scope of services. She was hopeful that the contract would get signed next week. She said they are also including the scenario planning and return on investment portion of it in the Master Plan.

With respect to getting to work on the Master Plan, Mr. Long asked if they were still in the April timeframe. Ms. Goucher said it is still within the 18 months from start to finish. They will start as soon as the contract is signed. There have been some emails going back and forth with the consultant and they are looking at their calendar for times and they will be coming up just to get this thing started. Staff will have a better idea at the next meeting.

Conservation Commission

Ms. Goucher advised the Board of Mayor and Alderman approved funding for the Conservation Commission to do a natural resources inventory. Assuming that portion through the Conservation Commission gets underway, they will be able to take some of that information and utilize it in the Master Plan. It will be a lot more detailed information that wouldn’t necessarily go into a Master Plan, but she was certain it would help in that section on natural resource of the Master Plan.

Chairman Harrington made a motion to adjourn, which was seconded by Mr. Leclerc. (Motion Carried)

ATTEST: _____________________________________________________

Michael Harrington, Chairman
Manchester Planning Board

APPROVED BY THE PLANNING BOARD:  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