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

II. PUBLIC HEARING:

The Chairman advised that SP2019-034 and CU2019-024 (235 Harvard Street) will be postponed to November 7, 2019 at the request of the applicant.

(Continued Items from September 5, 2019)

1. S2019-013
   Property located at 2874 Brown Avenue (Tax Map 683, Lot 10), a subdivision application to subdivide one lot of 17,377 square feet into two lots, with one lot to have 8,501 square feet and the other lot to have 8,804 square feet, both in the R-1B Zone. Eric Mitchell and Associates, Inc. for United Investors, LLC.

Eric Mitchell advised that his office prepared the plans for the applicant. These plans were revised based on input from the last hearing. Also present was Muharem Mahmutovic, representing the owner.

Mr. Mitchell said they were asked to do test pits on the site. They did test pits and found that it is fairly steep. There are wooded areas with trees that are at least 30 years old. There are other areas where there is some fill material. Along the road there is a berm, which was probably put in by the airport when Brown Avenue was widened. Also in there are pieces of pavement that have been broken up, which in one respect it keeps the berm from eroding away. Behind that the lot slopes down quite a bit. It is forested but there are areas with reinforced concrete pipe that were broken up and sitting on top of the ground. Going down to the foot of the hill where it is flat, that area has not been disturbed. That is where they did the test pit because that is where they have the infiltration and detention pond planned.
There is an area in the middle of the lot down in the back where there are some car parts; not just little parts but big car parts that have been there a while and are completely rusted out. He does not know how they got there at the foot of the hill but they are there. The entire site will be re-graded except for along the edges of the property so anything that needs to be taken out to provide footings for the foundation as well as retaining walls will have to come up so any material there that is not natural will be taken out. A lot of the natural soil will come out too so it can be compacted in order to support foundations and footings for the retaining wall. At the bottom of the hill, by the proposed detention pond, a test pit was done with a 12 inch auger because it was difficult to get in there with a backhoe or excavator. He witnessed the pit and it was silty sandy soil so it is fairly compacted. The water table there was at about 21 inches down. Because of that, the soil was mapped originally as a Windsor soil, a very sandy soil. They have raised the elevation of the detention and infiltration pond a bit as well as move it closer to the retaining wall. With the results of that auger test pit log, they have changed the drainage report. They still have provided for detention onsite so there is no increase of runoff running off the site post development than what there is predevelopment.

Mr. Mitchell advised they submitted some elevation views. It is basically a mirror image of the house; one has the garage on one side and the other garage is on the other side. They also provided a detail sheet with the retaining wall stone that is anticipated to go in through there. They also provided some photographs taken from down below looking up at to the site showing the backyards.

With regard to planting trees on the neighbor’s property, Mr. Mitchell said in looking at the site, there are some large trees on the existing neighbor’s property. He had thought the lawns went right up to the fences at the back of the lots, but there are some very large trees that are still there, which will be there. Also provided were architectural renderings showing what the back of the building might look like from down below. There is a basement exposed. There will be a basement elevation, a first floor and a second floor but there are large trees there. One of the photographs showed smaller trees than what was previously proposed. Because the site is terraced, the wall is 7 to 8 feet tall then there will be a backyard. The bottom of the basement will be exposed. In looking at the site from the houses down below, there is still quite a distance. It is not the same as them being right in the backyard. He said there was more large tree growth on the adjacent properties than what he envisioned before.

Alderman Levasseur asked if they met with any of the homeowners. Mr. Mahmutovic said they met with two of the neighbors several times and explained what they plan to do. They also provided them with the same packets provided to the Board. They clarified the issues of the trees and asked them to give their input, which was mostly positive.

Chairman Harrington said he walked the land and what really struck him about this property was the very steep slope. He said he was having a difficult time with this project. He asked what the plan was for building on this land and to actually make this a reality. Mr. Mitchell
agreed the site was steep. The way they proposed the grading is more of a terrace because the first floor of the house and the driveway will be at one elevation but then they will drop down. He thought they would have 10 foot high basements where regular basements would be less so that gives them a 10 foot drop. Chairman Harrington confirmed that the driveway will be at the elevation of Brown Ave. Mr. Mitchell said they would drop down at least 10 feet down to the basement floor in the backyard. The front of the foundation will in essence act as a retaining wall to keep the slope up around Brown Avenue and then as you go to the back of the house it will drop down another 10 feet. Going from behind the top of the retaining wall they have another 7-8 foot drop down to the retaining wall. He agreed that it would be steep but grade-wise it is something that can be constructed, albeit not easily.

The retaining wall footings have to be able to support the wall itself so it doesn’t sink. The retaining walls themselves have some fabric that goes into the slope to put on top of that to keep them from falling forward, which is a help. He believed all the footings and earthwork needed to be done by a certified geotechnical engineer and confirmed that the compaction is correct before the footings for either the wall or the house can be done because it is something that has to be done correctly.

The Chairman asked how much fill would be brought in to fill the two lots. Mr. Mitchell said there will not be a huge amount of import but it also depends on how much material comes out when they cut down trees and take out the stumps. He asked if it could be a condition of approval that the retaining walls, foundations and all of the soil compaction has to be certified by a geotechnical engineer so that they are correct and adequate.

Chairman Harrington asked what the plan was to get into the site. Mr. Mahmutovic said there is one curb cut next to the guardrail. They discussed this with DPW and they put in another curb cut further away from the airport, where the current berm is. By knocking down that berm and doing the land clearing, they can get into the site in that location. They would have two curb cuts; one would be the way in and the other out to do the first step of land clearing. He spoke to the contractors and they didn’t have a big concern of getting onto the site but clearing the land will be a challenge, but not impossible.

Chairman Harrington asked if they would have cranes on Brown Avenue to cut those trees. Mr. Mahmutovic said the equipment would not be on Brown Avenue. Once they clear the sidewalk and remove the berm, any equipment would be on their property and partially on the sidewalk. Nothing will be in the road or blocking Brown Avenue traffic. The Chairman said he would like the calculations of how much fill is coming into the site.

Mr. Leclerc understood they were going to clear by the road. He asked how they are going to get the land cleared. As far as the clearing of the land, Mr. Mitchell said a lot of that would probably be done from up on top and then the trees and whatever will be pulled up. In terms of the actual construction of the site, it will have to be done in steps so the equipment would be up on top of the hill about the same level as Brown Avenue and they will have to use either large excavators with large booms to clear the land down to make the
first step down. That would have to be graded, compacted and firmed up so whether the
walls for the house are poured then or a ramp goes down to the next step down. It is not an
easy site to construct but the equipment used would be perhaps bigger equipment with
longer booms. The site has to be built from the top down to the bottom.

Mr. Leclerc said they are going to have to work from the top down, but they will have to
build from the bottom up. Mr. Mitchell said in going from Brown Avenue down to the rear,
there is actually one retaining wall and the foundation will act as a second retaining wall.

Mr. Leclerc asked who will maintain the retaining wall once it is sold. Mr. Mitchell said there
will be a list of covenants and restrictions between the two neighbors and maintenance
would be by the landowners.

Mr. Hebert asked what the distance was from the edge of the property to the base of the
wall. Ms. Goucher thought it was approximately 15 feet.

Mr. Hebert asked if there was any consideration to planting trees for the neighbors in the
back. With going back to the site since the last meeting and seeing the amount of larger
trees that would be kept on the neighbors’ yards, Mr. Mahmutovic said in speaking with the
two neighbors they agreed not to plant additional trees, just leave the ones on the property
line.

Mr. Hebert said at the last meeting there was a discussion regarding a fence on top of the
wall for line of sight out of windows and looking at the neighbors. Mr. Mahmutovic said
currently on the plans they still have just a 4 foot chain link fence and they could substitute
that with a larger solid fence if that is what the neighbors wanted. In dealing with three
neighbors, it has to be a majority decision as to what kind of fence there would be. He said if
they all agreed on a 6 foot solid fence they would provide that.

Mr. Hebert asked if they had gotten any further information regarding the drainage on the
property heading back towards that wall. Mr. Mitchell said after they did the test hole they
revised their drainage report because of the high water table and they have raised that up so
the bottom of the pond is raised up so they have more infiltration going down to the water
table. The drainage calculations that were resubmitted took into account the water table
and the pond as well as any runoff coming from the site that is coming off quicker because of
the roofs and the lawns that the detention area and any infiltration that it also does should
not have any increase in runoff onto the neighboring properties. The intent of the drainage
report and the design of the swale in the back is so there is no increase in runoff to any of
the neighboring properties.

Mr. Belanger advised that DPW had not had an opportunity to do a thorough review of the
updated drainage report, the plan and the test pit log. He said they were concerned about
the ability of the infiltration area to actually accept all that water that might come down
there given the high water table.
Ms. Trisciani said it looked like they would have to clear cut the property to do everything they want to do. Mr. Mitchell said they found that the back of the adjacent properties have larger trees. He initially thought there was lawn all the way to the fence, but there are larger trees. Ms. Trisciani asked how they will protect the existing trees during construction. She did not see this property being suitable for two homes. Mr. Mitchell said because of the elevation of the water table with the test pit they did, they raised up the pond, which also raised up the berm adjacent to the abutting property. It is about 2 feet higher now than what it was before so the excavation they do will be shallower than what it was before and with the 2 foot increase in elevation next to the lot line, that will actually help protect any of the root systems of the trees that are near there. It is understood there will not be growth on their property where the berm is because the berm has to be built there. As stated before, if there is a need for more ornamental trees in the back, even though it doesn't look like it may be necessary, that is still something the applicant can consider to plant trees with permission on the abutters’ properties to break up the line of sight.

Given the speed of traffic, Chairman Harrington was concerned about the driveways being right on Brown Avenue. Mr. Mahmutovic said in heading toward the airport just past their property and the park, there are 6 residential homes that have smaller driveways than they would have and they have been there for a very long time and they have managed. He said it is the same thing with the park.

Mr. Mitchell understood the Chairman’s concern with the driveway sight distance profiles they have, but at the posted speed limit of 30 mph, there is more than enough distance. He added that there will be traffic calming when the area is cleaned up and people see the houses.

Chairman Harrington confirmed with Mr. Mitchell that finish level of the house is at elevation 158 feet at Brown Avenue. Mr. Mitchell said the slab of the garage is 157 feet and the top of foundation is shown as 158 feet. The bottom of the retaining wall is 137 feet and the proposed top of the wall is 145 feet. The Chairman confirmed that is the area in which they would construct the retaining wall. Mr. Mitchell said it would then be flat to the basement elevation. They would maybe go up about a foot, then there is the basement and then you would go up at least 10 feet to the top of the foundation, which is at 156. The Chairman said they are looking at about a 20 foot differential from the retaining wall up to where the first floor driveway will be and that is only in 68 feet in distance, which is a lot. In order to get to the backyard once things are built and constructed, they have left stairwells and stairways that go to the back that would meet code so people can walk from the front of the house down to the back and then go down the steps to get there. Mr. Mitchell agreed it was steep but they have left provisions between the retaining walls, the foundation and the stairs and steps to get to the back that they think it can be terraced so once it is complete it will be workable.

To backfill all of that, the Chairman asked if the construction vehicles would be coming in off
of Brown Avenue. Mr. Mahmutovic said the first step would be to get the curb cut then once they clear the land they would be working with the fill to get the retaining wall in. Once that is done, the next step would be foundations, then after that would be the massive backfill operation. Everything will be done from the Brown Avenue side. He didn’t think there would be any closure on Brown Avenue except when they tie into the water and sewer.

Mr. Hebert asked if the foundation on the back of the house would be exposed for 9 feet. Mr. Mitchell said the basement elevation will be close to grade but there would be a footing underneath that is at least 4-5 feet down to material that is solid enough to support it. There is no foundation shown on the back of the house, it is actually a walkout basement, but underneath that there is a footing wall to support the foundation along the back, which will then be buried and backfilled.

Ms. Goucher asked if there was a comment from DPW if Brown Ave is under moratorium. Mr. Mitchell did not recall that. They understand the connection of utilities into Brown Avenue will be expensive, especially with traffic control.

Chairman Harrington turned the hearing over to the public.

Nancy Bridgewater, a direct abutter, said if they want to put trees up they need to put them on their own property. She thanked the Chairman for going out to look at the property.

Diane Bridgewater said they have neighbors on either side that are against this. She described the location of the trees. She was concerned about stagnant water in the pond causing a EEE threat. The traffic on Brown Avenue is very dangerous and they don’t want this.

Chairman Harrington brought the hearing back to the Board.

Mr. Long asked if they have identified the trees they are looking to keep. Mr. Mitchell said the trees that are proposed to keep are along the edge of the property. It is on the side lot lines where trees will be left. They will keep whatever they can.

Mr. Mahmutovic said they offered the neighbors that they could trim some of the trees on the property line if they would like.

Mr. Long asked if water will get through the Versa Lok retaining wall. Mr. Mitchell said it can but they have provided an under drain that goes into the fill and water will not put pressure on the wall. The retaining wall will be the same type of stone used at the airport.

Alderman Levasseur asked what the distance was from the curb cut or street to the garage. Mr. Mitchell said the house may be 25 feet back and the garage will be about 30 feet from the right-of-way. The Alderman asked if they were comfortable with only that much depth
to pull in. Mr. Mitchell said they did because the area in front of the garage is at least 20 feet, which is the length of a normal parking spot, and they have a turnaround area where cars can be turned around so they are not backing into Brown Avenue.

The Alderman asked how far down the test pits went. Mr. Mitchell said 54 inches. Currently any water would tend to go to the area on the southerly side. Down where they were, Mr. Mitchell said they didn’t notice any water there. In looking at the plan underneath Lot 10A, to the southerly side of that lot is lower than the rest of the whole site so currently any water that may come down off the site would have a tendency to go to the area on the southerly side of the entire site. Where they have the infiltration pond and retention pond, the water will go back down but any water that might have to go off site could go off-site in the same place it goes now. There does not appear to be any places where they did the test pits that there was ponding or puddling of water and none of the leaves were stained.

Chairman Harrington was concerned that they hadn’t gotten comments from DPW. It was his opinion to keep this hearing open waiting for comments from DPW regarding their runoff calculations.

Mr. Long asked if DPW was okay with the sight distances and Ms. Goucher said they were.

Chairman Harrington kept this hearing open until October 17, 2019. No further notice to abutters.

2. **SP2019-031**

Property located at 327 Silver Street (Tax Map 361, Lot 4), a site-plan application to construct 5 townhouse units and repave a parking area in the RDV Zone. *Silver Street Manchester, LLC, owner.*

Ben Mercury of Silver Street Manchester, LLC said he felt confident that the plan they have in place now is the right plan to go forward with the development on this lot. He spoke to the abutter who raised a few questions last time and he thought they were at the point where they hammered out any of the issues going forward. They have made quite a few changes to the plan. They moved the building 10 feet closer to the north on Silver Street, which has allowed them to open up the parking lot. They squared up the parking lot with the assistance and guidance of Ms. Goucher and Mr. Belanger, which has reduced the total asphalt coverage on the lot. In that process they changed where trash receptacles will be stored, which was one of the issues that the abutter to the south had. In addition, they have been able to keep all the parking on the eastern side of the lot so that will also address head lamp issues that the southern abutter had.

Mr. Mercury advised he had a few conversations with various City Departments outside of the Planning Department. He said Gene Coburn of DPW has been working with them since day one and he asked him what he wanted to see on this plan and he said he didn’t need to see anything. They scoped the previous sewer service. They only caveat Mr. Coburn wanted
was he requested that they reline that service because they will be reutilizing it. He asked Guy Chabot the same thing and he got the impression Mr. Chabot thought this development was so miniscule that he didn’t need to see any details; however, those would be with any application or permit that was pulled when they go to construct. The only person they are waiting for feedback from was Owen Friend-Gray.

Mr. Hebert asked how they resolved the front door issue. Mr. Mercury said they worked with staff and raised the elevation so there will be one 7-3/4 inch step going into the structure so there will be no need for multiple stairs and/or a landing. In addition, they eliminated the walkway so there is no sidewalk it is straight parking lot in front of the façade.

Chairman Harrington said they did a terrific job in addressing the Board’s concerns.

Chairman Harrington turned the hearing over the public.

**Marie Bolster** said she is the southern abutter and compared to the previous site plan, this one was much better. She was concerned about the choice of deciduous trees which can get 40-60 feet, which have a big root system. She thought shrubs or smaller trees closer to the homes would be better. She thought the applicant did a really good job moving the waste storage area.

Mr. Mercury was not opposed to the abutter’s request. Ms. Goucher said staff would work with the applicant regarding the trees.

Chairman Harrington closed this public hearing.

**(New Items)**

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

*Mr. O’Donoghue made a motion, which was seconded by Mr. Leclerc, that the following applications are complete and a public hearing should be conducted: SP2019-032, CU2019-023, SP2019-035, SP2019-036, SP2019-026, SP2019-037, SP2019-038, CU2019-022 and CU2019-025. (Motion Carried)*

3. **SP2019-032**
Property located at 100 Byron Street (Tax Map 435, Lot 9B), a site plan application for a proposed 9,150 SF, 5-story building addition along the north side of the existing Nylon Corporation facility in the RDV Zone. **Fuss & O’Neill for Nylon Corporation of America.**

**CU2019-023**
Property located at 100 Byron Street (Tax Map 435, Lot 9B), a Conditional Use Permit application for a reduction in required on-site parking in the RDV Zone. Fuss & O’Neill for Nylon Corporation of America.

Brian Pratt of Fuss & O’Neill appeared along with Rob Polz with NYCOA. Mr. Pratt advised the site plan is a very small building addition, at just under 2,000 SF. The existing building is five stories and the addition is just a small bump out to accommodate manufacturing equipment. They will be removing older retaining walls. A drain pipe will be relocated. There will be some minor demo of some shed buildings.

Mr. Pratt said the conditional use permit is for a reduction in parking. They are not proposing to add any additional parking, because it is not required. They will do some minor pavement widening to accommodate the 20 foot depth requirement for ADA spaces.

Mr. Pratt said Water Works was interested in what the water need will be for that portion of the building. They will work with them to figure that out. The Fire Department did not have any comments and DPW requested full drainage calculations to confirm that the addition to this building will not have any adverse impact on the drainage infrastructure. They completed a simple drainage analysis so they reviewed what happens. Basically they are replacing some gravel area, replacing some small roofs and removing some retaining walls. They have about a 1,400 SF increase in impervious area but there was already some gravel in that area so doing the drainage analysis it results in a very minor increase of .06 cubic feet per second in a 25 year storm, which is really immeasurable and that flow goes right into the river. There is no salt or sand being added, it is just roof runoff so there is no need to treat or anything like that. They provided a short report with calculations to DPW today and they will work with them to make sure their comments are addressed.

Mr. Pratt advised they are requesting a waiver from developing a full boundary survey and a landscaping plan.

Ms. Sanuth asked what the timeline is for construction. Mr. Polz said sometime next year.

Mr. O’Donoghue asked how many employees they have and Mr. Polz advised they have 60. There are two shifts, 7:00 AM to 7:00 PM and 7:00 PM to 7:00 AM. There are two night shifts and two day shifts, split in 7 days.

Mr. Leclerc asked what will be housed in the addition. Mr. Polz said it was all industrial equipment, tanks and material to make nylon resin. The applicant described the products produced by his company.

Mr. Leclerc asked if the building would be able to sustain the addition. Mr. Pratt said the new building will most likely be completely independent from the other building. They will be connected but structurally they will be independent.
With this addition, Mr. Hebert asked if they planned on doing any infrastructure or anything to the windows and façade on the side facing Queen City Avenue. Mr. Polz said there is no plan for that.

Chairman Harrington turned the hearing over to the public.

Bob Simonds with SMC Management who owns the apartment building at Sundial. The application says the site is 100 Byron Street. The address for the Nylon Corporation is 333 Sundial Ave. Byron Street is a private road. They have granted an easement to the Nylon Corporation for access. They are not sure they have the right to change the use proposed. He was not sure the use is consistent with the easement for that road. The applicant does not meet the parking requirement and never has. He thought the City should hold the applicant to the same requirements that his company was required to. He said the applicant’s building looks atrocious and is in disrepair with many broken and boarded up windows. He would like to see the courtyard area cleaned up. He asked the Board to look at the photograph of the chain link fence. The covering on that fence is falling down. He asked the Board to table this until they have an opportunity to discuss this with the applicant.

Mr. Pratt addressed the concerns of the abutter and advised that 100 Byron Street is the legal address on the tax card. Their mailing address is 333 Sundial Avenue, but when they pulled the data from the City’s website from the tax card that is the address they are supposed to put on there. With regard to the easement, Mr. Pratt said they are happy to revise the construction access to come down off Sundial Avenue and not go through Byron Street. With regard to parking, Mr. Pratt said they don’t have a change of use; they just have a slight expansion of the existing use. They don’t have to provide a traffic letter because they don’t have additional traffic. They have no new employees and the potential for up to 4-6 employees in the future and that doesn’t trigger the City’s Ordinance for traffic studies. Regarding the quantity of parking spaces, he said they have 126 and the most they ever need is less than 50.

Mr. Pratt said they would have been happy to meet Mr. Simonds in advance to discuss this, but they were not contacted. After this meeting, he said they would be happy to reach out to them and work on some of these items. Mr. Pratt said there are cameras on the side of the building facing the river walk. Mr. Polz said they were from the main office building down between the Riverwalk and the warehouse area there are cameras. The Chairman asked if the cameras were tied into the Police Department and Mr. Polz did not believe so. They have, however, viewed the video footage when there have been incidents in the area. The tank and retaining wall will be removed. Mr. Pratt said there is a little cleanup they will be doing in the courtyard. There is an old tank and retaining wall that will be removed. With regard to the question about the façade, Mr. Pratt said there is no intent to clean that up. They have looked at it and it is very expensive. It is possible that they may try to work on that, but financially it is a big effort.

Chairman Harrington asked about the appearance of the old boiler house. Mr. Polz said
they are working with DES on remediation. The long term goal is to remove the tall section of the building.

Chairman Harrington asked why they are requesting a waiver from a boundary survey. Mr. Pratt said they can provide a surveyed foundation plan. He said this is really a site plan revision so they didn’t think they needed to do a full boundary survey.

Chairman asked if they would consider a contribution to the Riverwalk. Mr. Pratt said he hadn’t really looked at the Riverwalk at all. He said there is a fenced Riverwalk all along the outer edge of their property so it is fully connected through their property. It is fenced, it is safe and there are locking gates. Mr. Polz said it is used daily by people in the area. Ms. Trisciani said that section of the River Walk is “rough”. She said it might be nice to help clean up the area and try to make it a little bit nicer.

Mr. Long asked how much of their building was not being used. Mr. Polz said only the tall section of the boiler house is not being used. The expansion is the existing batch reactors are in that area so it makes sense to expand in that area right there.

With this being a gateway into the City of Manchester, Mr. Long asked if there was a reason why, other than expense, why it is metal sheeting instead of brick or something more palatable. Mr. Pratt said standing metal panel is an efficient building material appropriate for industrial buildings. Mr. Long asked what color the addition will be. Mr. Pratt said it will be the same blue.

Mr. Long asked about ventilation and if there were going to be any windows. Mr. Polz said it is not fully designed yet, but there will be ventilation. Mr. Pratt said there may be some ventilation punch throughs probably up through the roof, but no windows are planned.

Mr. Long asked about adding a brick facade and Mr. Pratt advised brick is not appropriate for an industrial building.

Chairman Harrington asked if they could do anything to the front façade to make it look better. Mr. Pratt said they could review with the architect and see what they can come up with.

Alderman Levasseur asked about review by the Heritage Commission. Mr. Golden said this is not under the purview of the Heritage Commission.

Mr. Leclerc appreciated the fact that in the distant future they will be making that one building look better. He thought they should be a good neighbor and clean up that whole side of the building while they’re in there.

Chairman Harrington said he would like the applicant to meet with the abutter.
The Chairman kept this hearing open until November 7, 2019. There will be no additional notice to abutters.

4. **SP2019-034**  
Property located at 235 Harvard Street (Tax Map 267, Lot 15), a change of use site plan application for the conversion of a retail store to outpatient medical services in the R-3 Zone. *Steven Durost for Richard Capers.*

**CU2019-024**  
Property located at 235 Harvard Street (Tax Map 267, Lot 15), a conditional use permit application for a reduction in required on-site parking, where 13 spaces are required and 9 spaces are provided. *Steven Durost for Richard Capers.*

*These items were postponed at the request of the applicant.*

5. **SP2019-035**  
Property located at 99 Manchester Street (Tax Map 116, Lot 8), a site plan application for a change of use from congregate housing to a dormitory with office space on the first floor in the CBD Zone. *Matt and Jody Wilhelm for 99 Manchester St LLC.*

Ms. Trisciani, Ms. Sanuth, Mr. Hebert and Mr. Long recused themselves from this case.

Matt Wilhelm advised he and his wife Jody met while City Year Americorps members and discovered earlier this year that City Year was looking for new office space and they were in a position to be helpful. They identified this property at 99 Manchester Street for a storefront office space for City Year and, on the second and third floors, they went in front of the ZBA and received a variance to create a dormitory unaffiliated with a college or university for housing for Americorps National service members, City Year members and often for other people coming here from around the country to do a year of service for a small stipend.

Roland Martin said the first floor will have minor alterations. It is mostly cosmetic changes with some partition changes to accommodate City Year. There are two entrances toward the west that will be used for egress and access to the apartments above. They are planning on installing three new windows in the masonry wall along the east wall to provide some natural lighting inside the building. The renovation is relatively minor. They are doing some HVAC improvements, the electrical service will stay the same and most of the partitions are staying the same. They are not touching any bathrooms. The two upper floors are basically half the size of the ground level floor and there will basically only be cosmetic changes such as flooring and painting. There is one room on the third floor in which they are planning to install a kitchenette.

The Chairman asked if they are restoring the brick. Mr. Martin said they are looking at
different options for the exterior, whether it is restoring the brick, painting it or changing the color scheme. They are considering the façade right now and some options for that so there will be some improvements out there with the scope to be determined at this point.

Chairman Harrington asked if they could add a street tree. Mr. Wilhelm said he was not opposed to planting a tree.

Alderman Levasseur asked if there was parking. Mr. Martin said there is no parking. Alderman Levasseur confirmed there were two means of egress.

The Alderman confirmed that the building has fire suppression.

Alderman Levasseur asked them to look at the Tsiaras building on Central Street for ideas on what they could do to beautify the building. Mr. Martin said the façade will all be spruced up.

Mr. Leclerc said the brick on the face of the building was gorgeous. He thought they could add some lighting on the brown portion of the building.

Chairman Harrington said the attending for this particular application was Alderman Levasseur, Mr. Leclerc, Vice Chairman O’Donoghue, Mr. Wellington and himself.

Mr. O’Donoghue said he would like to see a rendering of what they are going to do to the building so the Board could get a better idea of what they are going to do. Mr. Wilhelm said they could put something together. Mr. Wilhelm committed to paint, add lighting and plant a street tree. They want it to look as nice as it can and will continue to research other options they can do within their budget.

Alderman Levasseur asked what their timeframe was. Mr. Wilhelm said they are hoping to close on the building at the end of the month.

Chairman Harrington turned the hearing over to the public. No one from the public was present and the Chairman brought the hearing back to the Board.

Chairman Harrington closed this public hearing.

6. **SP2019-036**

Property located at 2 Keller Street (Tax Map 874, Lot 1C), a site plan application to change the use of an existing building from retail to an automobile dealership and warehousing, reconstruct a parking lot, and add site improvements in the B-2 Zone. *Allen and Major Associates, Inc. for 70 Keller Street, LLC.*

**CU2019-026**

Property located at 2 Keller Street (Tax Map 874, Lot 1C), a conditional use permit
application for a reduction in required on-site parking, where 116 spaces are required and 60 spaces are provided in the B-2 Zone. Allen and Major Associates, Inc. for 70 Keller Street, LLC.

Bob Clark of Allen & Major Associates appeared along with Steve Mayer from his office, Bill Jean from Fulcrom and Victoria Masinkovitch, the applicant. This site is the old Toys R Us building at 2 Keller Street. It is a 4.7 acre site. It is a 50,120 gross square foot building with a 38,825 SF footprint. There is a mezzanine inside the existing structure. It is adjacent to Team Nissan. The total onsite existing parking spaces was 269 spaces and they are proposing 317 spaces. They have rotated the parking to better accommodate the use for automobile sales and service.

Mr. Clark said they are before the Board for a conditional use permit and site plan. There are 317 total parking spaces. They have 257 display inventory spaces for the automotive sales, leaving 60 parking spaces proposed whereas the ordinance would require 116 spaces. There is approximately 25,104 SF for warehouse and 25,020 SF for motor vehicle sales. They have seven proposed service bays within the building. He pointed out the access to the building, the location of the ADA spaces, the new connection to the neighboring lot, the added green space next to the parking stalls as well as an island that will accommodate the large sign. They are not changing any of the drainage structures. They are going to resurface pavement onsite. They actually have a reduction in pavement by 15,600 SF and they increased the size of the underground detention pipe from 6 inches to 12 inches. There was an old septic system and they will be tying into City sewer with a 6 inch new sewer gravity line out to a manhole.

Based on the regulations Mr. Clark said there are street trees for the landscape plan. They did a lighting plan and all the lights in the existing facility will be LED. There is a 25 foot pole and everything will be dark sky compliant, cut off fixtures and direct down lights. There will also be renovations to improve the façade of the building. He said they have addressed all comments from City staff to date.

Mr. Leclerc asked if this was Team Nissan also. Mr. Clark said right now the tenant is not named. They could actually have a different tenant coming in or they could also utilize the space for themselves. They are in the process of speaking to a couple different tenants for the use, but it is automotive sales. One of the owners owns it, but they are not going to be branding it for the Team Nissan branding. That gets into franchise type requirements, etc.

Mr. Leclerc asked about the easement. Mr. Clark pointed out the area of the sewer easement over the Team Nissan lot, which his client owns both parcels of land right now. They would have a construction easement as well as a maintenance easement so they could maintain the line.

Mr. Leclerc asked if they needed to park on the grass. Mr. Clark said no. He pointed out the proposed green strips, which allows them to have more inventory spaces on their premises.
Mr. Leclerc asked about the affiliation with Team Nissan. Mr. Clark said right now they have the ability to use this parking lot because of franchise requirements they are not. He explained when you get into franchisees if they are associated with a dealership they might have to do specific renovations to that dealership’s requirements; therefore there is no association in name. It is just mere matter of fact that the applicant owns both parcels of land. He said they could have a completely different dealership come into this structure. Mr. Leclerc asked why they are parking in grass because one of the stipulations for all the dealerships in the area was that no vehicles are supposed to be parked on the grass in front of the buildings, even around the property. The only dealership he has seen down there that complies is Honda who actually poured pads in the grassy area so there is a specific area for a vehicle to be displayed.

Mr. Hebert asked about the different level of lighting in the front and back. Mr. Clark pointed out the display spaces, customer parking and employee parking. He said the lights can be adjusted. Mr. Hebert said he doesn’t want to see another Merchant’s Motors. He would like the ratios to be adjusted to a consistent level. Mr. Clark said they also have wall packs.

Mr. O’Donoghue said the information provided outlines that about half the building is going to be used for a car dealership. He asked what the other half will be used for. Mr. Clark said it will be warehouse space for storage such as antique cars, vehicles or equipment that people want to store over the winter, etc. The storage will all be interior. Mr. O’Donoghue asked if there would be outside storage. Mr. Clark said no, there would not be outside storage.

The Chairman asked if islands and plant material will be irrigated. Mr. Clark said they typically use all natural native vegetative plants. He believed there was a note on the plan that says they need to maintain and keep watered for the first year. They will warranty the plants for the first year but they are not proposing irrigation in this design. He pointed out the street trees as well as the areas that will be loam and seeded. There are 53 proposed shade trees and 5 existing to be saved on the premises.

With the reorientation of the parking, Chairman Harrington asked if they were going to be tearing up the asphalt. Mr. Clark said they are going to mill and overlay the asphalt. Mr. Clark said they are going to reclaim the top layer. Chairman asked if it would be possible to lay irrigation piping under that at that time. Mr. Clark said they could trench through the pavement and put a sleeve in should they need it in the future. The Chairman thought that would be money well spent. Mr. Belanger said it is a requirement to irrigate all plantings unless they are drought tolerant. Mr. Clark said there is a provision for irrigation already on the plans.

Ms. Trisciani asked if they were okay with a provision that they cannot park on the landscaped areas. Mr. Belanger said there is an enforcement action on hold.

Alderman Levasseur stated that this is really an enforcement issue for the other lot.
Chairman Harrington said he thought this was an improvement.

Mr. Belanger said there are some outstanding comments from DPW. One of them was the question of an AoT permit by the State. He asked if that had been sorted out. Mr. Clark said there was an email in the Board’s packets saying they do not need to file an AoT permit. They do not look at milling and overlay as a disturbance. Mr. Belanger said another question they had was a revision of the drainage report, specifically the concern about the culvert sizing. Mr. Clark said that was sent today. Mr. Belanger said he noticed on the lighting plan they showed that the original configuration of light fixtures he assumed to address the spillage onto the highway, which was DPW’s concern. Mr. Clark said there are no lights proposed now along the edge of 293. He pointed out the foot candles. Steve Mayer believed the requirement was a maximum of a 1 foot candle along the highway and that is what they have achieved along that property line.

Mr. Leclerc said a sign is shown one of the elevations. Mr. Clark said they would come in and file for a separate sign package. They were just showing there would be a sign on the façade and they also showed a street monument sign.

Mr. Hebert asked if the storage part of the facility falls under the same criteria of the building. Mr. Belanger said they are two different uses and they are allowed to have two different uses. That use is allowed in this zone.

Chairman Harrington asked how they will handle offloading of vehicles. Car carriers can circulate around the building. Chairman confirmed there will be no offloading of vehicles on Keller Street.

Chairman turned hearing over to the public. No comments and the Chairman brought it back to the Board.

Chairman Harrington closed this public hearing.

7. **SP2019-037**  
Property located at 707 Chestnut Street (Tax Map 25, Lot 1), a change of use site plan application for the conversion of 4,271 SF of Financial and Professional Services offices to Medical Services offices in the R-2/PO Zone. *Cronin, Bisson & Zalinsky, P.C. for Chestnut Office Group, LLC.*

**CU2019-018**  
Property located at 707 Chestnut Street (Tax Map 25, Lot 1), a Conditional Use Permit application for a reduction in required on-site parking in the R-2/PO Zone. *Cronin, Bisson & Zalinsky, P.C. for Chestnut Office Group, LLC.*

Daniel Muller of Cronin Bisson and Zalinsky appeared along with Scott McDonald, the principal of Chestnut Office Group, LLC who recently bought this property at 707 Chestnut Street. The
property has historically been used for an office use and was last before this Board in 1978 when Howe, Riley & Howe occupied the building and did a proposed addition. They are before the Board for site plan review and for a conditional use permit for a reduction in parking. He noted that the notion here is that they are changing the use. In terms of his applicant’s intentions, currently there are tenants in the form of a massage therapist, a physical therapist, a nutritionist and a lifestyle coach. Those tenants are essentially what triggered this. The intention is not to necessarily give up the ability to do other types of professional offices should space become available.

Attorney Muller does not think there has been a change of use here. At the time when the use was lawfully established in 1978 the use category encompassed all professional offices including medical offices. They were not separately distinguished. Once a use is established lawfully by statute and under the City’s Ordinance you cannot subsequently apply later amendments to that use, which is what has essentially occurred here. From their perspective the lawful use would encompass the healthcare because that was permitted back in 1978. The fact that it is Howe, Riley & Howe doesn’t make a bit of difference because land use applications are not specific to people, they are specific to a use and that use goes with the land. Given that, it is their general position there should be no site plan or conditional use permit required. He noted that the 1978 site plan shows the easterly parking off the alleyway. At some point prior to his client’s ownership it was restriped so they are basically in the alleyway. They are willing to restore it to what it was beforehand so it conforms precisely with the site plan that was approved in 1978 and is, from their perspective, vested at this point in time. To the extent that the Board finds there has been a change of use with respect to the site plan no improvements are being proposed for the property. This is simply here because of who is going to be inside. For the office buildings in this zone, this is probably one of the larger lots in the area. A lot of the office lots are a lot smaller. Mr. McDonald could testify that since he has owned it the lot has never been full. He noted that the tenants who are in there these are satellite offices for them. They are only there part time. Much like professional offices they have appointments. It is not like walk in clinic or anything of that nature. As such, they feel the existing parking is sufficient.

Alderman Levasseur asked what the cost is for having to change the use. Attorney Muller said Mr. McDonald had to pay for legal representation and the filing fee. He said the more important thing here is Mr. McDonald wants to preserve what has historically been allowed on this property and if the Board simply made a finding that there was no change of use given the historical vested use of the property they could probably live with that. He said there is no change proposed, and there is no change needed outside of paint and things that you would normally do for any tenant. Basically the additional cost is the application fee. The second thing is the concern is that they don’t want to come back every time there is a change in tenancy.

Mr. O’Donoghue asked why this discussion is even happening here. Mr. Golden said staff’s job is to base their actions off of the current zoning and site plan regulations. There are a couple categories that are allowed in the R-2/PO; one was the former use and one is the current
proposal. The second item of consideration was there have been minor changes to the site; 19 spaces were shown on the original plan and 17 exist currently and a second curb has provided access to that parking lot. Those two items triggered site plan review; one being the change of use the other being a change to a previously approved site plan. Mr. Golden said the Director who concurred with the path moving forward to the Planning Board for this applicant and there was an opportunity for an administrative appeal and they chose the path of a site plan application with waivers, which was his initial recommendation.

In the interest of getting this to a final point, Attorney Muller said they filed the applications but did so essentially under protest because they didn’t believe it was required in the first instance. As far as the changes to the parking, he said it was Mr. McDonald’s understanding that there are the 19 spaces there. Seventeen is a new number as far as he is concerned and they had offered previously if the issue was to revert back to what was shown in terms of the striping on the one side.

Alderman Levasseur asked if this Board has the ability to say this is not a conditional use change. Attorney Muller said when you got a permit for a use back in time, the basic notion here that has been given by staff is that the City by passing subsequent ordinances can essentially chip away at that right. They can take parts of that use away over time. He does not agree that is what the statute allows for zoning (674.19). He didn’t agree it could be done it in terms of a nonconforming use any more than if they were talking about a nonconforming structure that was in the setback. If it was okay at the time it was approved you can’t pass an ordinance down the road and say “Oh by the way, now you have to come back for another approval because we’ve changed the ordinance to essentially make what once was lawful now unlawful.”

Alderman Levasseur asked Mr. Belanger to also respond to his question. Mr. Belanger said the definition of change of use is in the regulations. It says that the way to determine whether or not a change of use has happened is to refer to Article 5.10 of the Zoning Ordinance, and look to the Use Table. He said the table has a bunch of different lines in it and each line is taken up by one type of use. The way the regulations read is, if there is a change from one use to another, like professional office to medical office, that is a change that triggers a change of use site plan review. He did not know all the facts involved in this case, but it was his understanding that is one of the multiple reasons why this is before this Board. The other one was for a physical change to the site. He said the Board has the authority to waive that. It is part of the regulations the Board can waive any of the provisions of the regulations.

Attorney Muller reiterated that they would agree to a condition that they would revert to the original setup and the original number. They believe the original number is there and apparently someone is counting differently. If it is supposed to be 19 he said he has no problem making sure there are 19 per the original site plan.

Chairman Harrington confirmed they want to maintain the second curb cut. Attorney Muller said that has always been there. The Board already approved it back in 1978 and they asked
Chairman Harrington said he went to the site and found having the two curb cuts was confusing because they are so close together. He said if one was in and one was out it would be less confusing.

Ms. Trisciani said the current parking spots encroach on property that doesn’t belong to the building. The Chairman advised that is what Attorney Muller refers to the “improved part of the paper street”. She thought that seemed to be the bigger question. Mr. Golden said staff doesn’t have a problem with the pavement where it is because it is shown on the plan. It is the striped parking which the applicant has already agreed to pull back into his site. As long as it is not striped beyond the property line that is not an issue. He said he got the 17 spaces from the 2018 aerial. The second curb cut also existed at that time, which he does not dispute, but it doesn’t seem to have been approved to provide access to parking spaces. Currently it looks like there was a loss in parking space because of that access from that second curb cut so maneuverability wise and dimensionally for parking spaces that second curb cut shouldn’t be accessed.

Chairman Harrington turned hearing over to the public. There were no comments from the public and the Chairman brought the hearing back to the Board.

Mr. Leclerc asked if they were going to use a dumpster. Attorney Muller said they will be using toters. Mr. McDonald said there is no need for a dumpster there.

With regard to the confusion with the two curb cuts, Attorney Muller said if the Board wanted them to put an entry sign by the first curb cut they wouldn’t have any problem doing that. He said Mr. McDonald would actually prefer to do that.

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

8. **CU2019-022**  
Property located at 20 Blaine Street (Tax Map TPK3, Lots 47, 48, and 49), a conditional use permit application for a reduction in required on-site parking, where 51 spaces are required and 40 spaces are provided in the B-2 Zone. *Roberto Velez for Roger Ballard and Boyd Watkins.*

The applicant was not present.

*Alderman Levasseur made a motion to table this item, which was seconded by Mr. Leclerc. (Motion Carried)*

Chairman Harrington advised this application would be postponed to the public meeting on
November 7, 2019. No further notice to abutters.

9. **CU2019-025**

Property located at 159 Frontage Road (Tax Map 873, Lot 15A), a conditional use permit application for a reduction in required on-site parking for the use of an indoor sports facility, where 120 spaces are required and 90 spaces are provided in the IND Zone. *The Sports Mill.*

Ms. Trisciani recused herself from this application.

Matthew Bouchard appeared along with Justin Soreal representing The Sports Mill as owners. They are looking to convert 15,520 SF of a 40,020 SF warehouse building to construct an indoor training facility for sports including baseball, softball, and strength and conditioning. The space will consist of turf floors, netting for cages and sectional use, a mezzanine for viewing, 2 bathrooms, an area for strength and conditioning, and an office. There are currently 101 spaces on-site, 19 short of what is required. The Sports Mill will be generally open from 3PM-10PM during the weekdays with weekend hours of 8AM-9PM. Peak hours of operation will be from 5PM-8PM during the weekdays and all day on weekends. At expected full use (peak time), the Sports Mill will have expected headcount inside the building at 45-50 between customers and staff. Of this amount, most are children under the age of 16 who are being dropped off for workouts by parents or guardians.

Mr. Leclerc asked if they have begun renovations. Mr. Bouchard said they were given a permit to start construction at their own risk prior to obtaining an approval.

Alderman Levasseur asked if there is overflow parking after 5:00 PM. Mr. Bouchard said they can use the entire facility.

Chairman Harrington turned the hearing over to public. There were no comments and the Chairman brought the hearing back to the Board.

Chairman Harrington closed this public hearing and it will be deliberated at the business meeting this evening.

Chairman Harrington concluded the public hearing board of October 3, 2019 and convened the limited business meeting.

### III. LIMITED BUSINESS MEETING:

*(Current Items)*

1. **CU2019-018**

Property located at 707 Chestnut Street (Tax Map 25, Lot 1), a conditional use permit application for a reduction in required on-site parking in the R-2/PO Zone. *Cronin, Bisson*
Mr. Long made a motion to approve CU2019-018, which was seconded by Alderman Levasseur. (Motion Carried)

**SP2019-037**
Property located at 707 Chestnut Street (Tax Map 25, Lot 1), a change of use site plan application for the conversion of 4,271 SF of Financial and Professional Services offices to Medical Services offices in the R-2/PO Zone. Cronin, Bisson & Zalinsky, P.C. for Chestnut Office Group, LLC.

Mr. Long said there were two waivers.

Mr. Long made a motion to grant the waiver from Appendix C, site plan submission requirement, which was seconded by Alderman Levasseur. (Motion Carried)

Mr. Long made a motion to grant the waiver for the site plan review fee based on square footage, which was seconded by Alderman Levasseur. (Motion Carried) (Opposed: O’Donoghue)

Alderman Levasseur made a motion that an entrance sign be added to the westerly curb cut and that the site plan be compliant with the 1978 site plan, which was seconded by Mr. Hebert. (Motion Carried)

**Conditions of Approval:**

1. The site shall be compliant with the approved 1978 Site plan; and

2. An “entrance” sign shall be placed at the western curb cut on Salmon St.

2. **CU2019-022**
Property located at 20 Blaine Street (Tax Map TPK3, Lots 47, 48, and 49), a conditional use permit application for a reduction in required on-site parking, where 51 spaces are required and 40 spaces are provided in the B-2 Zone. Roberto Velez for Roger Ballard and Boyd Watkins.

   (Tabled)

3. **CU2019-025**
Property located at 159 Frontage Road (Tax Map 873, Lot 15A), a conditional use permit application for a reduction in required on-site parking for the use of an indoor sports facility, where 120 spaces are required and 101 spaces are provided in the IND Zone. The Sports Mill.

Ms. Trisciani recused herself.
Mr. Long made a motion to approve CU2019-025, which was seconded by Mr. Leclerc. (Motion Carried)

(Tabled from March 15, 2018)

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)

IV. **ADMINISTRATIVE MATTERS:**

1. **Review and approval of the Planning Board Minutes of August 1, 2019 and August 15, 2019.**

   Postponed to the next meeting

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

   Alderman Levasseur advised he received an email from Amy Cholmm advising there will be a presentation on urban renewal next week at the retail location “The Bookery”.

   *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: November 21, 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