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

II. The Chairman called for a motion to temporarily adjourn the meeting for consultation with legal counsel, pursuant to RSA 91-A:2.

III. PUBLIC HEARING:

1. **S2019-013 (Continued from September 5, 2019)**

   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.*

   Mr. Mitchell advised they were before the Board a month ago and since that time they addressed the concerns DPW with regard to the plans and design. They received a letter stating that all of their comments were addressed and they had no further comments on the plan.

   At this time, Mr. Mitchell believed they have met the Zoning Ordinance as well as the Subdivision Regulations. It is a tough site to build but the owner recognized that and knows he has to be particularly careful in the way he develops the site, how he gets access to it and how he deals with the slopes that are out there to construct it. They think in the end once it is constructed it will be a viable subdivision.

   Mr. Lussier asked if there were any physical changes on the plan since the Board last saw it such as tree planting, fencing, etc. Mr. Mitchell said there was openness on the back of the property, which would be helped out if they were to plant some additional trees to break up
the slope. Since then, the applicant met with one of the abutters and there are actually some trees that are existing and growing there that provide some line of sight changes so it isn’t direct that that needs to be done. However, he believed there was some additional work in grading that has been talked about doing on that neighbor’s property but with the work they are going to be doing down with the infiltration trench, they will plant whatever trees they can but there is not a plan at this point to put them on the neighbor’s property. If that is something that they requested they could, but there are more trees down there than what was originally thought when they suggested they could do that. It still could be done if they wanted some ornamental trees planted on the back of their property but after meeting with them he was not sure that was something that was really required or necessary from them to do that.

Ms. Goucher asked if they had crafted a draft of how the easement would work. Mr. Mitchell said that has not been drawn up. It will be an easement and the nature of it is more like an agreement between homeowners. This is not a condominium, but it is similar that they realize the wall is there for the benefit of both properties and one cannot alter that without the consent of the other and they need to be left in place so it will protect each other and any cost associated with doing any improvements in the future would have to be shared by the landowners. He said they could have one drafted up as a condition of approval. Ms. Goucher said, typically when there are easements, staff asks to see the draft.

With regard to the retaining wall, Chairman Harrington asked if they are having that structurally certified or if a structural engineer was involved. Mr. Mitchell said the owner understands he will have to have licensed professionals do the design of the walls as well as the geotechnical work to make sure that the support underneath them is adequate.

Chairman Harrington turned the hearing over to the public.

**Paul Paras**, an abutter to this project, said he originally heard that the wall would be four feet high and now they are talking eight feet. He said he was offered to have his backyard raised by six inches so in his mind if they are offering all this up, they know the drainage is a big problem. He said they dug holes in the back and he gave them permission to drill one on his property and they didn’t go down very far before they couldn’t hold that auger still because it is hardened clay, which has been there for ages. He doesn’t see how they will be able to build the wall, fill in the lot and be level with Brown Avenue so they can get out of the site. If a drainage problem crops up after building, he asked who he would go to.

**Meryl Paras** asked if anybody could tell her where the “pond” is going to be that the gentlemen have talked about. She said no matter where it is, they don’t want it. She was concerned about bugs, especially mosquitos and gnats.

There were no further comments from the public and the Chairman brought the hearing back to the Board.
With regard to the pond, Mr. Mitchell said they call it a pond but it is actually a detention swale. It is not a pond with standing water. It is actually a long swale where water sits and then infiltrates into the ground. That swale is at the foot of the retaining wall and it is about 10-12 feet off of the lot line with the abutter. It is located on the property they are subdividing. The wall was always proposed to be eight feet high, however; the four foot wall they had was stepped up in between the two lots and it is still there, but the main wall was always proposed at eight feet high. One thing they have done from the original design is the backyard of the neighboring properties was fairly flat going into the back of their yard and they have raised up their berm a couple of feet higher.

Mr. Mitchell said the drainage report has been reviewed by DPW and it is now satisfactory to them.

Chairman Harrington asked staff if there are any problems after building, what would be the recourse for the abutter. Ms. Goucher said the easement would be between the two parties who own the two new lots. She said any problems after building would become a civil matter between property owners.

Ms. Goucher said part of the deliberation that the Board has to take on this matter is the suitability of the land for development. That is one of the criteria in the regulations. If the Board feels they have done what they need to do to demonstrate that this land is suitable for development, then the Board is basically stating that all of the engineering and all the work they are representing are adequate and they are satisfied.

Mr. Leclerc asked if they have seen any type of spring or brook going through the property. Mr. Mitchell said in the area they have the proposed the swale, it is dry. He said they have not seen a spring but if there is one in that area, it would be on the southerly side or possibly right off the site on the City of Manchester property. Mr. Mitchell said the neighbors properties do flood but what they have shown with their design, which has been reviewed by DPW, is that their development is not going to create an additional problem out there. Based on the design, he believes this will be adequate.

It was the consensus of the Board no further engineering was necessary.

Chairman Harrington closed this public hearing and said it will be deliberated at the next business meeting on November 21, 2019.

2. **SP2019-032 (Continued from October 3, 2019)**
   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 Inc. 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 Inc. for Nylon Corporation of America.*

At the request of the applicant, these applications were postponed to December 5, 2019.

3. **CU2019-022 (Continued from October 3, 2019)**

*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.*

Hector Velez appeared along with Pastor Roberto Velez and Walter Rodriquez, a member of the church.

Mr. Hector Velez said they are looking for a reduction in parking spaces where 51 are required and they have 40 on site. The Church is currently located at 40 Massabesic Street where they are leasing approximately 1,500 SF. They were there for 20 years and have outgrown that space. Pastor Velez was a member of the church for 20 years and took over being the pastor about nine years ago.

Mr. Velez said they met with the folks at the Raphael Club at 20 Blaine Street. They had space there for many years that was not being used. After they came to an agreement in April, they approached the City to try to do their due diligence related to the project. They were under the impression they wouldn’t need a variance and the project as presented back in June would “fly” with no problems at all. They received a notice in August related to the parking requirements. They met with Planning staff as well as the owners at Mike’s Fish, which is across the street, with regard to parking. They also spoke to Speedy Lube and they couldn’t provide them with written permission to actually park on their lot because a few years ago, when the Raphael Club came before this Board, they already signed a document that the Raphael Club could use their parking.

Mr. Velez advised that the Church would be open Tuesdays and Thursdays, 7:00-9:00 PM. They expect it would be 6:30-9:30 PM for parking. On Sundays it would be from 9:00AM-12:00 PM. He advised Speedy Lube is closed on Sundays and Mike’s Fish opens at noon so they do not see any issue with parking in their lot. The Church has up to 40 members, including the children.

In conversations with Planning staff, Mr. Velez said it was agreed to merge the three parking lots into one.

Chairman Harrington asked if this was a lease. Mr. Velez said it is three, four-year leases for twelve years.

Chairman Harrington asked if they looked at street parking. Mr. Velez said they did and the
way it is now, on-street parking on Blaine Street is used by the Raphael Club so their issue was to look at the parking lot on the property as well as Speedy Lube and Mike’s Fish. They went to the foam company and the production manager didn’t have a problem with them using that lot because they close at 5:00 PM; however, it is a multi-million dollar company and they had to go to the powers to be and it would take many months, but they are pursuing that.

Mr. Belanger said the parking spaces on the Raphael lot are kind of worn down. He asked if they were willing to restripe those to make sure they are compliant with zoning. Mr. Velez said they would do that.

In the lot behind the building, Mr. Belanger said there was a dumpster and a trailer that are taking up some parking spaces. He asked if those would be moved so the spaces would be available. Mr. Velez said he would go back and talk to the members of the Raphael Club because it was not their intent to use any of that parking in the back. Mr. Belanger advised that the total number of spaces that they were offering was 40 and it included some of those spaces that are obstructed by the dumpster and the trailer, so if those are going to remain there, they would need to adjust that number.

With regard to the striping, the Chairman asked if they were going to pay for the striping. Mr. Velez advised when the Church took over, it became their responsibility to take over all the renovations at their own cost. The church has no problem in restriping the lot at their own expense.

Chairman Harrington turned the hearing over to the public.

Gerard Chaput advised he was the owner of Speedy Lube as well as the property he rents out to Fish Mike Aquatics. When the Raphael Club came in many years ago, there wasn’t enough parking and they asked him if he would sign a paper that they could use his parking lots at night after hours and he agreed to that. He said now they are taking the exact same parking spots that the Raphael Club didn’t have enough of and are now giving them to somebody else. He asked what happens to the Raphael Club’s spaces, which they didn’t have enough to start with before. He said they are giving two people the same spots that there is not enough of, which will cause a problem. It is a short dead-end street and parking becomes a real nightmare, especially if the Raphael Club has their corned beef dinners, etc. In the past, the old timers who used to run the club were very good about getting somebody out there to make sure the parking was under control. Today it is a different group that is in charge of the club and there is no communication; they just pretty much do whatever they like. He said they are parking in his lots whenever they want and they have to tell them that they can’t park there. Although the people from the church are probably really nice people, he was looking at it that today they have 40 members so maybe it’s not a big deal but he doesn’t know what ten years from now is going to bring.

There were no further comments from the public and the Chairman brought the hearing
Mr. Velez said Mr. Chaput had a valid point. When they spoke with the members of the Raphael Club, they were concerned about the 2-3 large events they hold. Mr. Velez said the church has sister churches so if an event falls on one of the days the church is open, they have the ability to go to one of their sister churches for that time period. They also agreed that any members of the church would have a placard on the windshield so the Raphael Club could identify who was parking in the lot.

Chairman Harrington asked how many people drive to their church. Mr. Velez said they have a 15 passenger van and a 12 passenger van. Most of the people ride in the van and they would basically have about 8 cars parking. The Chairman confirmed with Mr. Velez that the vans are parked there overnight. Mr. Velez said they are only there about six hours per week.

Chairman Harrington asked if they have had discussions with the owner about doing a better job making sure cars don’t park “wherever whenever”. Mr. Velez said they would be happy to meet with Mr. Chaput or his daughter who manages the property to address how they can better police the location with the Raphael Club and hold them accountable.

Mr. Leclerc asked if they had an agreement with the Raphael Club or the owner to remove snow if it encumbers some of the parking spaces. Mr. Velez said in their lease, snow removal is up to the Raphael Club. He said they could have a conversation with the Raphael Club regarding how they could be better stewards and neighbors. Mr. Leclerc said if this gets approved, those spaces need to be available all the time.

In looking at the build-out plan for the building, Ms. Trisciani asked what they are anticipating for growth. She noted they have seating in their hall for 120. She was concerned about what is going to happen as the congregation grows because that will require more parking. Mr. Velez said when they met with the person who prepared the plan, they simply said to fit whatever he thought could fit in there based on what the code was and that is how that number came about. If it would grow to 120 they would want to look at moving out to a larger location. Ms. Trisciani thought there was future growth that needs to be considered in this plan. She imagined if they have the opportunity to grow they are going to want to grow and she thought the parking situation needed to be looked at as more than 40 people. Mr. Velez said they are hoping with the conversation they have had with the foam company to use their parking lot on Second Street, that will address the issue; however, that is not something that is going to happen now. Ms. Trisciani asked how many more spaces that would give them. Mr. Velez said that would give them at least 30 more spaces. Mr. Belanger said the total demand of 51 parking spaces was based on plans submitted that included the 120 seats in the church. In other words, the total of 51 spaces accounts for the total capacity of the church space.

Alderman Levasseur asked how many seats they could remove from their plan to make it
comply. Mr. Belanger said it is one space for four seats. Ms. Goucher told the Alderman to keep in mind that it is very hard for staff to police an increase in seats and generally anytime they look at a facility such as this, they are looking at what the codes will allow for seating capacity so it is not unusual that they would go at it from that perspective. Mr. Velez said they currently only have 70 chairs.

Mr. Lussier asked about parking on Blaine Street. Mr. Velez said they agreed that no members of the church would park in the little cul-de-sac in front. The Raphael Club only parks in the front of the building.

Chairman Harrington asked if the Raphael Club designated areas for the church. Mr. Velez said it would be in the parking lot itself. He said they have a gentleman’s agreement with the Raphael Club that they wouldn’t park on the street or the cul-de-sac and they would keep their members, with placards on the dashboard, in the parking lot.

Mr. Belanger said most of Blaine Street on either side is a curb cut opening. There are very generous curb cuts for all the lots so there is not a lot of room for parking. There appears to be room for about seven cars on the opposite side of the street from the Raphael Club plus maybe another three in front of the fish store, but it is not well defined.

Ms. Trisiciani asked if that could be legitimately striped and have the building owner cover the cost for striping that as that might help solve some of the parking issues that are going on. Mr. Belanger didn’t know if they could demand that for the opposite side of the street but he said he could talk to DPW about that.

Chairman Harrington closed this public hearing and said it would be deliberated at the next business meeting on November 21st.

4. **SP2019-034 (Postponed from October 3, 2019)**
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.*

Chairman Harrington advised that Mr. Hebert left the meeting.

Steven Durost advised that he was the owner and executive director of Create, the Center for Expressive Arts and Education at 141 Union Street, which is in the castle. They do art based therapy and mental health counseling. They bought the building 11 years ago and they have been using it for art therapy and mental health counseling since then. The
building across Harvard Street (Candy Kingdom) is going to be up for sale as Mr. Capers is retiring. They would like to expand into that building, converting the second floor into seven office spaces they could use as a masters level clinician training space and use the first floor as a waiting room. They are before the Board for an approval for a change of use from retail to medical use and, with that, there is a parking shift that goes from a nine space requirement to a thirteen space requirement. There are currently ten spaces.

Chairman Harrington asked if the existing parking would be sufficient. With seven rooms, Mr. Durost said they would have seven clients and seven clinicians. Right now the parking spaces are slanted and they go out into the street and over the sidewalk so they want to put them back as parallel spaces.

Mr. Long asked where clients would park. Mr. Durost said they would park on the street.

Ms. Goucher confirmed with Mr. Durost that they would continue the same services at the castle. She asked how the parking has been working out there. Mr. Durost said they have 12 spaces there and sometimes they will have an equal amount of clinicians. Generally their busiest time is 3:00-7:00 PM because it is after school. They are not open on the weekends.

Alderman Levasseur asked if they have 10 clients if they are bringing 10 cars or is it more of a drop off situation. Mr. Durost said the parents wait for the children.

Mr. Long asked if they have had any parking issues at the castle. Mr. Durost said their clients sometimes wonder where they are going to park because they have to walk a little distance. He always reminds them it is closer to the castle door than it is to the inner door of Walmart from any place you park in a Walmart parking lot.

Ms. Trisciani asked if they have had any issues with losing spots with snow removal or things like that. Mr. Durost said he has a truck and he plows what he needs. Ms. Trisciani said there aren’t as many options at Candy Kingdom so they may want to research some other options such as offsite removal.

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

Chairman Harrington closed this public hearing and said it would be deliberated at the next business meeting.

(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. Long, that the following applications are complete and available for a public hearing: SP-26-2018, S2019-017, S2019-018, SP2019-015, SP2019-033, CU2019-027, SP2019-038, PD2019-002 and CU2019-028. (Motion Carried)

5. **SP-26-2018**
Properties located at 260 & 264 Manchester Street (Tax Map 83, Lots 4, 5 and 2), a request for a 60-day extension of conditional approval granted by the Planning Board on October 18, 2018. The approval was to reconfigure the parking lot on Lots 4 & 5, create an easement for a portion of Londonderry Lane and discontinue another portion of Londonderry Lane to be merged with Lots 4 & 5, in the R-3 Zone. **Joseph M. Wichert, LLS, for AOP Realty, LLC.**

Joe Wichert said in 2018 where the Phaneuf Funeral Home is they did a site plan and got site plan approval, received a variance and got a road discontinuance. They were trying to wrap everything up and during one of the approval conditions was a lot merge and when the title companies reviewed it they were advised they could not merge the way they had proposed to merge the property so they had to do some reconfiguring of the lot lines. They did that, which necessitated a trip back to the ZBA in October. They are seeking a 60 day extension to allow them to get all their paperwork in order. Realistically he hopes to have it done in a couple weeks. There are no changes other than those mentioned.

Chairman Harrington said this was pretty straightforward.

The Chairman turned the hearing over to the 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 during the business meeting later this evening.

6. **S2019-017**
Properties located at 85 and 95 Omega Street (Tax Map 774, Lots 3 and 4), a subdivision application to adjust the common lot line by annexing 3,965 SF from Lot 3 to Lot 4 resulting in one lot of 13,378 SF (Lot 3) and one lot of 20,049 SF (Lot 4) in the R-1-B Zone. **Allen & Major Associates for Michael and Donna Howe.**

Jim Smith, a land surveyor with Allen & Major Associates, advised that the family owns both lots. The father has since passed and they are looking to sell off Map 774, Lot 3. They did a survey and found the existing line went through the shed so their desire is to adjust the lot line to keep the shed on their property and sell off Lot 3. They are doing an exchange of 3,533 SF.
Chairman Harrington said this was pretty straightforward. There were no questions from the Board and the Chairman turned the hearing over to the public. There were no comments from the public and the Chairman brought the hearing back to the Board.

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

7. **S2019-018**

Property located at 227 Lakeview Lane (Tax Map 860, Lots 6 and 6A), a subdivision application to adjust the common lot line by annexing 6,008 SF from Lot 6 to Lot 6A resulting in one lot of 26,176 SF (Lot 6) and one of 28,032 SF (Lot 6A) in the R1-A Zone. *Joseph M. Wichert, LLS, for Ryan & Kathryn N. Leach.*

Joe Wichert appeared on behalf of Ryan and Kathryn Leach who own the residence at 227 Lakeview Lane, which is Lot 6 on Tax Map 860. They also own the vacant lot directly to the south, Lot 6A. He said his office did a couple of applications on this property. In 2009, they did a lot line adjustment on property further to the south, at 161 Lakeview Lane. In 2017, they subdivided this property to the existing lot line and now in 2019, they would like to move that lot line 30 feet to the north. The Leaches currently live at 227 Lakeview Lane. They are in the process of moving out. They have a buyer for the property and their hope is to be able to move back to the area in a few years and this is the lot they would retain for themselves in order to build a new house on it. They have looked at it and they would like to add 30 feet additional to it so basically it would take 6,008 SF, which is noted at parcel A, from Lot 6 and annex that onto Lot 6A. They are going to start with two lots. They will end up with two lots. All the lots are complying. They haven’t asked for any waiver requests.

Chairman Harrington asked about water and sewer. Mr. Wichert said there was an old septic system on 227 Lakeview Lane but when they redid the sewer line in that part of town, they hooked in so 227 has municipal sewer. They have an onsite well, which is to the front. The new lot will be with the same conditions they had back in 2017, which will be municipal sewer and an onsite well.

Chairman Harrington asked if they had sufficient radius for the well. Mr. Wichert said because 227 isn’t on septic, it is not an issue for them.

Alderman Levasseur confirmed with Mr. Wichert that there is already a buyer for this house and they are aware of this change.

Mr. Wichert said they are trying to have a closing so he asked if the Board would deliberate this tonight.

Mr. Wichert said the intent for the Leaches is to have the plan signed and recorded and then they would sell the reconfigured Lot 6 to the new buyer.
Given the time sensitivity of this, Chairman Harrington said they should be able to deliberate it this evening.

Chairman Harrington turned the hearing over to the public. There were no comments and the Chairman turned the hearing back to the Board. There were no further questions and the Chairman closed this public hearing.

8. **SP2019-015**

Property located at 32 Main Street (Tax Map 629, Lot 16), a site plan application for a proposed 6-unit residential condominium with the associated site improvements in the B-2 Zone. Alan Yeaton for 32 North Main Street Property Management, LLC.

Alan Yeaton appeared on behalf of 32 North Main Street Property Management who proposes to develop this property at Granite Square. The uniqueness of this site caused a little concern because it is surrounded by three streets so they had three front yards. In the process of developing a scheme for this site they went back to the Zoning Board and got a variance for setbacks, number of units and those kinds of things, which was approved last spring. The former use of this particular property was a pawn shop and before that it was a drycleaner. Subject to Mr. Jodoin assuming the role as the developer they removed the existing building and cleaned up the site. They have a clean bill of health at the present time from NHDES. The proposed use is to develop three 3 bedroom and three 2 bedroom townhouse type apartments with garages under, with rear decks that extend into the backyard and the hillside. This property is unique in the fact that it is level with Main Street primarily but to go to Tremont Street in the back there is a grade from 16 to 22 feet above the parking lot to the rear. As such they decided they would build into that banking and then up one floor with the garages in the lower level and with living spaces on the first floor with an extended deck in the backyard, which they received variances for. The third floor is 2-3 bedrooms with bathrooms.

Mr. Long asked about lighting. Mr. Yeaton said each of the unit entrances has a covered entrance that will house a light fixture. On the back there is an exterior shielded light to illuminate the deck in the evenings. Other than that, there are no other site lights in terms of parking lot lights, etc. There are streetlights in that area.

Chairman Harrington asked if the units would be sold individually or if they would be rental apartments. Robert Jodoin advised it was his plan to rent them for now and perhaps sell them in the future.

Chairman Harrington advised the plan shows a proposed dumpster. He asked if there will be a dumpster. Mr. Jodoin said that was the plan right now. Chairman Harrington said this would be a big improvement from what is there now and from what has been there in the past.

Mr. Leclerc asked about landscaping. Mr. Yeaton advised they hired a landscape architect
who came up with a plan for adding trees and shrubs on the site. They tried to save what they could but most of the trees on the Tremont Street side are misshapen and will be removed and replaced. He thought they could save some of the trees on the Douglas Street side that go up against the Cashin Center. They will trim those up and make them look better than they do now.

Mr. Leclerc confirmed with Mr. Yeaton that the property goes up to the chain link fence. Mr. Yeaton thought it would behoove them to improve the landscaping to the edge of pavement. There is sidewalk on Douglas Street and Main Street but it is just edge of pavement on Tremont Street. Mr. Yeaton advised they will leave the retaining wall in place and the new foundations are actually in front of that. They will be filling up that retaining wall. They are not going to remove it because they felt it would destabilize that banking too much. Mr. Leclerc said that was probably a good call.

Mr. Leclerc asked about the width of the driveway. Mr. Yeaton said the entrance is 24 feet wide but they are using maneuvering space. He wanted to add some landscaping in front of each entrance so they moved the parking and maneuvering per the suggestion of DPW to those lines on the plan now.

Mr. Leclerc advised DPW commented on replacement of the existing sewer. Mr. Yeaton submitted to DPW and copied Jonathan Golden at the Planning Department with some revised plans last Friday. They added a couple of notes. They also added the sewer detail because they couldn’t determine from any plans exactly what existed in the street. He hoped when they rebuilt that intersection they may have improved that, but he did not think so. Mr. Golden advised that DPW’s comments were that the existing sewer connection appears to be from before 1975 and, therefore cannot be reused. A new sewer connection shall be installed into the main. Details shall be provided on the plans for the new location. That was as of October 28th. Mr. Golden advised the amended plans have not been reviewed again by DPW. Ms. Goucher said they are waiting on the second review from DPW.

Mr. O’Donoghue asked if the utilities would be underground for the building itself. Mr. Yeaton said they would. There is a telephone pole near the automotive station next door. They will be underground from there to the corner of the building. Currently they have gas from the street. They will be having natural gas to the corner of the building. Water would come through and the project will be sprinkled. They show a new sewer line going out to the street from the building right now past one of the drainage manholes. In terms of storm drainage they discovered that onsite they had a recharge system so they will reuse that and connect to the street system from the recharge system that goes across the front of the parking lot.

Chairman Harrington asked about irrigation. Mr. Yeaton said they are not proposing irrigation. The Chairman asked what the plan is to keep the plantings alive. Mr. Yeaton said he hadn’t compared the usage of water as it was done by the landscape architect. He would
certainly consider it if it becomes a problem and they would probably do it after consultation with the landscape architect as to what her recommendation would be and that information would be relayed to the Planning Department. Ms. Goucher advised it is a requirement unless a waiver is requested and the Board waives that requirement. Mr. Yeaton advised he did not ask for a waiver. The Chairman thought the best thing would be to have irrigation so the trees don’t die. Mr. Yeaton said he understood.

Ms. Trisciani asked if there was any parking on front of the garages. Mr. Yeaton said there are spaces on the left and right ends of the site and there is parking under the building in the lower level. In the three bedroom units they have two car garages and the one bedroom units have a one car garage. Ms. Trisciani confirmed with Mr. Yeaton that parking is only in the garages and if they have visitors it is just those four spots on the surface. Mr. Yeaton said there are 4 additional spaces outside the building onsite, two at the north end and two at the south end.

Ms. Goucher asked if there is curbing along the front of the property. Mr. Yeaton said there is curbing on the street and they would turn that curbing into the site until it reached the property line but there is no curbing inside. Ms. Goucher said even though they are not showing parking along the front, without any curbing along that area, she was concerned cars would start inching their way over the pavement to parallel park there. Mr. Yeaton said it is a management position that has to be taken. If it is a condo association they will have to live with the rules. Ms. Goucher was concerned that the landscaping would disappear. Mr. Yeaton said he was hoping they would not have to put curbing on the site because none exists there now. They are using the edge of pavement that exists there now so to put curbing in there they would definitely have to cut it up and start over again. They were hoping to re-use some of the existing pavement.

Mr. Leclerc asked about the existing sign. Mr. Jodoin said they are going to take the sign out. Mr. Yeaton did not believe they planned on having any signage on the property.

Chairman Harrington turned the hearing over to the 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 next business meeting.

9. **SP2019-033**

Property located at 9 Willow Street (Tax Map 360, Lot 1), a site plan application to construct an addition to an existing convenience store, add automobile sales to the lot, and reconstruct a parking lot in the RDV Zone. *T.F. Moran, Inc. for Tanveer Akhtier.*

Chairman Harrington advised this will require variances from the Zoning Board of Adjustment. As such, the applicant has requested a waiver to be able to present this application to the Planning Board prior to obtaining the variances.
Attorney John Cronin of Cronin, Bisson & Zalinsky appeared on behalf of the applicant. Also present was Nick Golon of TFMoran, the project engineer who has been working on this particular site since 2018 when he first appeared before the Board for a conceptual hearing. Mr. Akhtier is the owner of that particular site. Approximately ten years ago he acquired the convenience store and gas station. About five years ago he acquired the real estate that is related to that particular business.

Attorney Cronin advised this particular site has been used as a gas station for many years, at least going back to 1960, prior to the adoption of zoning, so that site as it exists has special protections as a prior nonconforming use. They understand the history that Mr. Akhtier came before the Planning Board for a conceptual to show an expansion of this particular convenience store with a drive-thru going back to 2018. That was positively received, at least in the view of Mr. Golon and Mr. Akhtier and they proceeded to go to the ZBA to get the necessary variances at that particular time. The variances that were issued were from Article 8.04 to permit lot coverage of 89.5 where 85 is allowed; Article 10.06(A) to permit seven stacking spaces for a drive-thru restaurant, which is no longer necessary because there is no drive-thru in this particular plan; Article 10.07(G) to permit no perimeter landscaping around the parking area where ten feet of landscaping is required; Article 10.08(A) to permit a driveway closer than 20 feet from an intersecting street lot with two driveways having widths of 45.9 feet and 36 feet where 24 feet is allowed. This new redesign plan should satisfy that because they have installed the curbs and sidewalks to narrow those curb cuts as a safety measure and in working with DPW they came up with a solution to that. Article 10.09(A) to permit parking spaces within ten feet of the property line and with two drive aisles with less than the required width in the RDV zoning district.

Attorney Cronin said this site needs some work and it would be nice to dress it up for not only Mr. Akhtier and his customers but for the neighborhood. The Attorney said it has been in that particular condition for as long as he could remember. Mr. Akhtier’s first order of business when he acquired this particular real estate was to satisfy the Federal regulations with regard to underground storage tanks. He did that at a cost of about $250,000. Although it didn’t result in the sale of any additional gas, he needed to be compliant. Now that he has that behind him he would like to make an investment to make this particular site both better for him, better for the community and better for the neighbors. They have submitted the plan before the Board tonight with the expectation that they can rely on the variances that were granted because the burdens of this plan are far less than what was in place on the plan in which the variances were granted. In addition, this site already has a significant amount of pavement. There is parking up against the eastern side of the building as it is. It is already an existing use, a prior nonconforming use, but an existing use for which they don’t believe any variance is required. He said the staff report said the applicant concedes that variances may be required. He said he was not conceding that this evening. He said he would concede that he may have to go back to the ZBA or go to court, but he thought this was a perfect case to challenge a situation where you already have variances for a gas station and a convenience store, one that has been long existing before the
variance and most importantly one that undisputedly makes a better situation than it currently exists. There were a lot of things that were done and are proposed to be done with the work of Mr. Golon and Mr. Akhtier at significant expense. He is looking at about $500,000 to comply with this including the requirements for granite curbing.

Attorney Cronin said his concern is, going back to the Powers case that involved a townhouse project on Massabesic Street. They went to the ZBA around 2005 for a townhouse project. They were required to get some variances, which they did receive. They went to the Planning Board who did not like the structural composition. There were three separate buildings, which the owner wanted to do to increase the number of end units and the Planning Board preferred that they put the buildings together. The applicant said if that is what the Board wanted they were willing to do it. He thought he could do it and then proceed to get the plan approved to build. Once he went through that work and engineering expense he said it looked good for the Planning Board but all the variances they received, the time and money they spent were no good anymore because the design of the building had changed and he would have to go back to the ZBA. During that period of time, starting in 2005 to 2007 the value of the footprints of those buildings went from about $35,000 to $5,000 and to a point where there was no customer for it. They came to this Board a number of times requesting extensions, which the Board graciously granted on most occasions. There was one time they had enough and said no so they went to the Superior Court said it was fair to get an extension for this project. He was happy to report that construction is underway now. He said he did not want that situation here. They are looking at a situation that is drastically different from what was presented when the variances were granted. In fact, this is less burdensome for what those variances were granted. The only thing he could think arguably that may be required that wasn’t granted in the first trip to the ZBA is the parking along the east side of the building where the Ordinance requires you have spaces at least four feet away from the building. He would still argue it is a prior nonconforming use but they may have to go to the ZBA.

Attorney Cronin would like the Board to listen to this case tonight and if the Board would like to condition it that they have to go to the ZBA they would either do that or make a decision to appeal it on that basis, but they thought the Board could look at it, consider all of the merits of the Planning Regulations that apply and make an informed decision to conditionally approve this plan. In this particular case, they asked the Board to consider granting the waiver so they may go forward and make a full presentation.

Mr. Long made a motion to grant the waiver to allow them to make their presentation, which was seconded by Alderman Levasseur.

Ms. Trisciani was concerned that there were the open items for zoning and she thought any discussion this Board has now could potentially be prejudicing what the ZBA decides to do about this and then they have put themselves in a position where now they are creating precedence. She thought the ZBA should hear this and decide if the plan is even valid before this Board has any discussion on it.
Mr. Long said there wouldn’t be any decision tonight and this Board is not bottlenecking the ZBA and this Board’s decision would be dependent on all the variances being approved. Ms. Trisciani said this Board’s discussion would feed into their decision. Mr. Long said it is the ZBA’s purview and he was not concerned about that.

Chairman Harrington said the Board members were all there voluntarily so he was very cognizant of their time. He said he would love to see this property improved and to see something other than what has been going on there for years. He thought Mr. Akhtier had good intentions to have a very viable project; however, he would hate for this Board to spend time hearing this presentation and discussing this only to have significant changes come before them with the ZBA that reverses whatever they may discussion tonight. He was also concerned about the prejudicial nature of it because it is not the way the regulations are written.

Given that, he said he would personally not be in favor of hearing this tonight until they know that the applicant really has an application before the Board that he can present that will be a fairly accurate representation of what he can build there.

Alderman Levasseur asked if the abutters had been notified and Mr. Belanger said they were. The Alderman didn’t think there would be any prejudice to them at all because if they wanted to be at the meeting then they would be there so if anything was decided tonight it would be okay. He didn’t think it would take too long to hear it as it is less than what was there before and it is not going to have a drive-thru anymore, which he was always concerned about. It looked to him like it was a lot easier of a project and it looked great so he would hate to delay it.

There was no other discussion and the Board proceeded to vote on the waiver request.

(Motion Carried)

Nick Golon, a licensed engineer and senior project manager with TFMoran, said this is essentially a sea of pavement with an open curb cut entirely along Union Street with some limited closure along Willow Street although there is also a very large curb cut to the southwest and northwest as well as an additional one at the southwest corner to accommodate a crosswalk. They are proposing an 800 SF addition for the convenience store. One of the things Mr. Akhtier struggles with is the internal layout of the store as there is not enough space to effectively lay out his coolers or otherwise. In that they were told with their prior application that they drive-thru was too intense of a use they looked at what else could be provided on this site and Mr. Akhtier’s fall back plan was motor vehicle sales so there would be a 250 SF addition to the building that would be dedicated to that use. The display for the motor vehicles is primarily located behind the building. The overall area is 2,600 SF but they have shown the ability to park nine vehicles for sales. The pavement line is consistent with the ZBA’s previous approval. One thing they have added at
the suggestion of DPW is curb stops at the front of each of the vehicles. Curb stops are also located along the parking spaces on the east side of the building. He said these parking spaces exist there now and they will restripe them and provide the curb stops and they will also provide an ADA space in compliance with the necessary Federal standards.

Mr. Golon advised on Friday he walked the site with Owen Friend-Gray of DPW. He thought that would be the best way to review any of the outstanding concerns and they made some significant changes to the plan. The first was along the east side, which is Union Street; there is now a sidewalk with a raised vertical granite curb where previously this was an open curb cut. That then extends across a now narrow driveway width which mirrors that of Willow Street at 43 feet wide and that will accommodate the use of both pumps and also a bypass lane on either side. There will be raised vertical granite curbing with a sidewalk all the way to the existing crosswalk. He said they had originally proposed to leave the existing pavement that was located at the intersection of Union and Willow Streets and that will now be turned to grass and be irrigated.

Mr. Golon said there is not a lot of light on the site and they are proposing two new LED pole mounted fixtures to light the parking lot as well as wall packs to provide the appropriate levels of light within the parking areas. He showed the landscaping provided at the perimeter and said one of the issues they had with their prior application was they were putting so much on the site they didn’t have room for landscaping so they proposed to put it in the right-of-way. They have now downscaled so they have the opportunity to provide all the landscaping within their own property consistent with the regulations.

Relative to utilities, Mr. Golon advised that sewer and water will continue in the capacities that they do to serve the use. He said the dumpster enclosure was located at the northwest corner and will be appropriately screened and there is appropriate access to it from the building. One of the things they have been able to improve on from the last plan is snow storage. Previously there was none and now there is a paved area behind the building where snow can be stockpiled. There is also the potential to do that along the front. Being that is no longer pavement, it is now grass that will provide a little bit of opportunity for infiltration, which will mean less runoff into the City streets. One of the improvements that was agreed upon in the field with DPW is they are going to install two new catch basins. They will be deep sumps and will have grease and oil traps on them and they will be located at the northwest corner of the site such that they can tie into the existing drainage infrastructure in Willow Street. Mr. Golon said the reality is they will have some display vehicles out there so it makes sense to provide those additional provisions.

Between the items that he spoke of and the closed up curbed cuts, Mr. Golon believed they have addressed the comments of DPW. There was some email correspondence with DPW and he advised they have correctly adjusted the site plan to meet their expectations and that final review will be forthcoming.

Mr. Golon said they were concerned about traffic and queueing last time and there is no
longer a drive-thru. The stacking spaces for the fuel pumps exists as they do today so there is no impediment there. They believe they have created a much less intense use but also a very attractive use for a corner of the City that could use some sprucing up.

Attorney Cronin advised he had letters of support from Judy Jean who articulated that the business is soundly managed and is in need of a makeover to improve its visibility and appeal in the location. She respectfully asked the Planning Board to grant the request. With the Planning Board approval the permission will allow needed improvements that will contribute to the successful business efforts in the community of one of its members and will be a benefit to the local residents and customer.

Attorney Cronin said there was a similar letter of support from Edward Dupuis who said the building was in need of improvements and it would improve the surrounding area. Mr. Golon said that was a great point because one thing he didn’t really touch on was what they are doing to the existing building. He said it is a complete renovation of the exterior. They are getting rid of the Brooklyn look that it is now and having the opportunity to replace that with more of a New England type feel with more open glass architectural block so they are currently working with Peter Flynn from Flynn Construction. One of the waivers attached to their application was to provide the building elevation. Their request is such that they would come back to the Board for that to be approved. They are just asking to do it after they know they have a site plan. There is a considerable cost for Mr. Akhtier to engage an architect and his builder as this will be a design build project. They are just asking for a delay of that approval.

Mr. Lussier asked what the treatment was in the car sales area. Mr. Golon said the different coloration is only to denote the area that could be display space. That is identified in the application as 2,600 SF of potential pavement that can be used for vehicle display. They have shown an arrangement of how nine cars would potentially work in that area. Mr. Lussier asked if they were over the 30 percent green space. Mr. Golon said they have fewer than 25 parking spaces so the green space calculation does not apply.

Mr. Lussier asked how many cars would be for sale at any one time. As currently proposed, Mr. Golon said they showed nine. It appeared one was out on a test drive so that would be a potential tenth. Their request would be ten cars on display. Mr. Lussier asked if they would be willing to put that on the record and Mr. Golon said they would.

With regard to the elevation waiver, Ms. Trisciani assumed they would end up leaving this open so the Board would expect that should they get the waivers requested from zoning then they would then have a set of elevations for this Board to look at. Mr. Golon said that was correct.

Ms. Goucher asked how the cars would get into the display area. Mr. Golon said there is an existing vertical granite curb on the street side and it will have wheel stops interior such that cars will not project into the right-of-way or landscaping. There is the ability to bring the
vehicles in and line them up through that location. That is one of the reasons that space is there and denoted as display because it also provides the ability for maneuvering space such that they can locate the vehicles without obstructing the parking that is proposed.

If they are only having ten spaces, Ms. Goucher asked if they could put more landscaping at the end where it gets narrow. Mr. Golon said some additional landscaping could go there.

In looking at the handout, Mr. Belanger said the trees they are showing to be planted tend to be columnar, pillar oaks, cone maples, which would not provide any shade. He didn’t know they would comply with the regulation that requires deciduous shade trees for parking areas. He asked if they would be flexible. Mr. Golon said they could certainly be flexible on the tree selection. He believed they all came of the City list. He said they just need to be mindful of sight lines.

Mr. Belanger advised that staff would recommend keeping this open in part because they do not have comments yet from Zoning, DPW or Planning on the plans that were most recently submitted this past Friday depicting the new layout.

With regard to the location DPW would like the crosswalk to go, Chairman Harrington asked how they would tie that in for handicap accessibility and tipping the curbing up there. Mr. Golon said there is already an existing curb cut there where that dips down to provide access. What is out there now is just a sea of pavement. They are going to cut out that pavement and rebuild it and then remove the existing pavement in an area he pointed out. He said you could think of it as more of a rebuilt sidewalk in that location versus a new sidewalk. The existing vertical granite in that location is in great shape and can be reused so they will be able to pour right up against it.

Where the crosswalk goes across all the way, Chairman Harrington asked if the little island in the middle is handicap accessible or does the crosswalk just jet a little bit in front of that. Ms. Trisciani said the crosswalk goes around that island and it is pretty funky. The Chairman said it looked odd. Mr. Golon said the thought process was to maintain the existing pedestrian movements so that is what they were consistent with.

Chairman Harrington asked if there were any changes to signage. In coordination with re-facing the building they would also provide a re-faced pylon sign but the square footage of the sign would not change.

Chairman Harrington asked if there was any signage proposed for the automotive sales and Mr. Golon said nothing was proposed.

Chairman Harrington asked about flow for refueling. Mr. Golon said it would be very similar to how it takes place today. Deliveries are typically done during the night so it doesn’t obscure parking and/or turning movement in the site.
The Chairman asked if car carriers would be offloading vehicles. Mr. Golon said it would be individual used cars that would be brought in.

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

Attorney Cronin advised that the purpose of the waiver was to allow the Planning Board to evaluate this plan. He said it was their thinking that if the Planning Board were to look at this and were satisfied that they would conditionally approve it and advise them to get whatever relief they need from the ZBA before any plan set would get signed. He said that was the whole purpose of doing it. The same with the elevations. If this plan isn’t approved, or at least conditionally approved, he doesn’t want Mr. Akhtier to have to go spend a lot of money with a contractor and architect to draw plans that are never going to get built. Those were the reasons for the two waivers. From a planning perspective, as long as they meet the regulations and satisfy it what the Board does doesn’t bind or set any precedent to the ZBA. They are going to have to meet with Mr. Landry and explain that they think this is a prior nonconforming use and they don’t need certain things anymore because they have changed the plan and try to work it out with him. They recognize that a plan wouldn’t get signed until they had the relief that was required by the ZBA or some judge said that they don’t need it.

Chairman Harrington explained that the Planning Board has an opportunity to either close a public hearing with all the information or, as they have done in the past, where they closed the public hearing with the condition that they get their variances and if they don’t then they have to come back before this Board. Ms. Trisciani did not think that was a reasonable request. She was concerned that she hasn’t seen what this is going to look like.

Mr. Golon reiterated that they were asking to provide an elevation at a later date as a condition of approval. That provides Mr. Akhtier the opportunity to obtain his builder and hire his architect because he knows he has a conditionally approved site plan and subject to that and then they would come back to the Board with that elevation to show them the beautiful architectural that will become Maverick Gas Station. He wanted to make sure that component of it was understood because it seemed like the Board was waffling in different directions.

Chairman Harrington kept this hearing open until December 19, 2019. No further notice to abutters.

Mr. Golon advised they expect to be able to work everything through staff between now and then and hopefully have the opportunity to move forward.
10. **CU2019-027**  
Property located at 555 Union Street (Tax Map 20, Lot 28), a conditional-use-permit application for a parking reduction in the C-1 Zone. *Fuss & O’Neill, Inc. for the Boys & Girls Club of Manchester, Inc.*

**SP2019-038**  
Property located at 555 Union Street (Tax Map 20, Lot 28), a site-plan application to construct an approximately 4,700-square-foot addition to the Boys and Girls Club in the C-1 Zone. *Fuss & O’Neill, Inc. for the Boys & Girls Club of Manchester, Inc.*

Brian Pratt of Fuss & O’Neill appeared along with Diane Fitzpatrick, CEO of the Boys & Girls Club and Ken Neil, COO of the Boys & Girls Club.

Mr. Pratt said this is a site plan application and a conditional use application for expansions to the Manchester Boys & Girls Club located at 555 Union Street.

Ms. Fitzpatrick advised that currently they serve of 500 children per day. What they are trying to do is meet the needs of the community. At this time they can only serve the kindergarten population in the morning so they would like to be able to serve those siblings in the afternoon. This addition will allow them to reconfigure their program space. An additional 50 kindergarteners would be in this new space as well as kind of decompress the overcrowding they are having right now. Their programs are in great demand at this time. They are affordable. They are meeting the population that needs them the most. About 75 percent of their kids are on free or reduced lunch so this is really a program that is meeting the needs of the community. When you have families that can’t afford child center fees, their fees are so incredibly low so the ability to serve kindergarten in the afternoons will really help families in the community. She does not see them acquiring more families using the club, but the Boys & Girls Club meeting the needs of the siblings that currently come to the facility.

Ms. Fitzpatrick said they provide meals. They have a morning program that opens up at 6:15 AM and they provide busing to the schools. At 2:30 PM they pick up the children and they provide snacks, meals, homework help and “you name it we do it”.

Ms. Fitzpatrick said this addition will allow them to continue to tackle the need for their families. They have a waiting list and it is really difficult to tell a family they don’t have space for their child. They are really excited about this project and the name of the campaign is called “More Kids and Creating Brighter Futures” and that is what they are hoping to do.

Mr. Pratt said they have a large basketball court that they use for multi-purposes. The building addition will take about half of that and they will reconfigure the rest of the remaining court to pick up some additional usable space. They will move the basketball court. They will do some four-square and two-square and really give the kids a nice outdoor
space. The addition is about 4,700 SF and inside there is a multi-purpose space, some classrooms, some storage and bathrooms. One wall will be all sliding doors so during nice days they can have some indoor/outdoor space. The fence line will stay in the same location but they will adjust the gates because currently the gate goes where the building is going to go. They will regrade and rebuild the area because of the topography of it to tie in to make the stormwater work.

Mr. Pratt showed renderings of the exterior of the building, the existing conditions plan, the demolition plan and the outline of the new building showing the outdoor revised play area.

Mr. Pratt referred to the grading plan and said they have a couple infiltrating catch basins on the site that take the flow from the roof drains and from some of the yard. They are going to basically keep the drainage patterns nearly identical. There is only a slight increase in impervious area but they are redirecting more of the onsite flow to the two infiltrating catch basins so the actually runoff coming off the site coming into the City system will be reduced.

Mr. Pratt said water, electric and cable will all be run through the existing facility. They will probably have to run a new gas line to the facility. There is gas already on the site and gas out on Walnut Street so one of those two will have the gas connection. He showed where sewer comes into the existing building and they will tie into the same sewer line so utility impacts will be really minor.

Mr. Pratt said one of the concerns that came up when they had a pre-application meeting with staff was the traffic patterns in the area, particularly with the pickup in the evening peak hour. Between 4:30-6:30 PM when parents come to pick up the kids they used to have issues where people would double park and kind of block the road so they have actually hired a parking attendant that works between those hours and it has been a significant help. With the parking attendant out there telling people where to park and educating the parents where they should park and the procedures has made a significant impact. They have worked very closely with Dan Healy, the owner of the funeral home across the street, to share parking so when there are no funeral events the club can use the parking lot over there. They do own a 16 space parking lot right across that they use for staff and parent pick up and then there are 13 spaces that are partially in Concord Street that was approved as part of the 2008 addition.

Mr. Pratt advised they received a DPW review letter requesting that they review crosswalks in the area. They did a crosswalk study and they are potentially going to add three crosswalks. They did a study to see if there were warrants. Basically if there are 20 pedestrians per hour using a street crossing then that warrants a crosswalk. They did the study and it turned out that both of these crossings warrant a crossing and the north side of the Walnut and Concord is also warranted. They sent that information to DPW early that morning. Mr. Pratt said they would work closely with DPW and Planning staff to determine if they agree or if they have any other suggestions.
Mr. Pratt advised they have three waiver requests. The first is to not provide a landscaping plan. They worked with staff and reviewed the landscaping requirements and there really are not a lot of changes that they are making onsite. There is one tree they have to take down and they will replace that in the island and that is shown on the site plan so they are requesting a waiver not to create a separate plan for that. The other waiver is a boundary. There was a boundary completed with the site plan in 2008. There are no changes to the boundary. They are comfortable with the boundary location. They have done some survey to locate the existing building and the existing boundary. They are asking for a waiver to not have to spend the money to create a brand new boundary plan to go with this. They are asking to use the old boundary that is associated. They will have to provide a certified foundation plan as part of this so there will be assurances that they are complying with the setbacks with the new building addition.

Mr. Pratt said they were before the Zoning Board last month where they received three variances. One was for the use. This use in this zone is technically nonconforming but they have received variances in the past. Because they are expanding it they needed a variance for the expansion of the existing nonconforming. They are over the floor area ratio but they received that variance. When they submitted they realized the existing signage was already slightly over what is allowed because there are some logos up on the canopy around the main entrance that is the hands that is their logo so those are considered signs. When it was constructed they must not have realized that was actually a sign where it more of a banner. They received a variance for that as well.

With respect to the peak hour of pickup, Mr. Long confirmed with Mr. Pratt that he believed they addressed any changes that may happen from the current to this use. Mr. Pratt said the primary use is going to be kindergarteners so a lot of them are going to be siblings to kids that already use the facility. They did a traffic letter that there current functionality and what the effect would be and they do not think it will have any adverse impact. It equates to about one more car every 2-3 minutes and the parking attendant should be able to handle that.

Mr. Pratt said the good news is that the funeral home owner across the way actually purchased two properties over there that they are going to tear down and turn into parking and circulation so they are going to have much more parking for their use. They are reconfiguring their circulation on the site so they don’t have to come out on Concord Street anymore so they will be able to come in and out on other streets. The biggest conflict was really when there was a funeral event during that pickup time. With those couple of changes they think everything will work well.

Mr. Long asked what their waiting list is. Mr. Neil said typically they have 100 youngsters on a waiting list by the time September starts. Primarily right now their age group at the waiting list, the only age they limit participation is grades 1-3, which they call their Kids Club members. Grades 1 and 2 will be relocated to the addition along with kindergarteners so it will be a K-2 space, which will allow them to serve kindergarten siblings primarily but any
kindergartener. They have had a great demand for after school care for kindergarten youngsters because of the full day kindergarten in Manchester and hopefully some of the first graders that have typically been on their waiting list can be accommodated. It will relieve the congestion in the main building by moving the first and second graders out there. The interior is a small gymnasium, a recreation room and a quiet space so it will be a standalone center within a center so they are trying to keep their youngest age group member separated from the rest of the members of the building. That is the intent of the addition. That is the multi-purpose space that will be a gym appropriate for that age group. He said the parking has really been addressed with the parking attendant. Dan Healey has written a letter of support for this. The funeral home’s additional parking lots are going to be entrance still of Concord Street but all of his parking when he has a wake will exit off onto Walnut Street and onto Amherst Street.

Mr. Wellington said this was a great project and they do great work there so it is exciting to see that this is happening. They have done a great job on all their renovations in the past. With regard to the crosswalks he asked what the cost would be for that. Mr. Pratt said the tip downs already exist so there is really nothing structural. It is just going out and painting. Mr. Wellington thought it was something DPW could probably handle. Mr. Pratt said if DPW wanted to volunteer that they would be happy to accept that. Ms. Fitzpatrick said they had to understand that Central High School is right there as well so this traffic has been going there for many years. Mr. Wellington said it doesn’t seem like it is from this project, it is pre-existing, so those crosswalks probably should have been there already. Ms. Fitzpatrick said she was very excited for the crosswalks because they have quite a few high school students walking right across there both morning and afternoons so that will help. Mr. Wellington thanked Ms. Fitzpatrick for all the work that she does.

Chairman Harrington asked about the timeframe. Ms. Fitzpatrick said they are very close to their fundraising goal and they are working right now to start construction in the spring. Ideally they would like to have it completed by September. Their capital campaign is 5.8 million and they have about $300,000 left to accomplish and she feels very strongly they will get there. The Chairman confirmed with Ms. Fitzpatrick that people can find that on their website. Mr. Neil advised this is not a 5.8 million dollar addition. This was a two phase capital campaign. They successfully completed a major renovation to their summer day camp facility located at Camp Foster in Bedford, which was a 3.5 million dollar addition. Mr. Pratt said they just finish Camp Foster late this summer and it looks amazing. Ms. Fitzpatrick said that serve their Manchester children as well.

With regard to the wall that faces Walnut Street, Mr. Belanger said the materials have changed a little bit. It was brick initially and now they are looking at two tone block with the banner. He asked if they had given any thought to any other way to spruce that up a little or if that was their proposal. Mr. Pratt said that was the proposal at this point. It is efficient. They really don’t want to add windows in that area because they don’t want people walking by and being able to see the little kids in there so they really want to keep that as a solid wall. They think the two tone adds some depth, which was just added per the suggestion of
Planning and the banners give it some additional depth up there. Ms. Fitzpatrick said the buses park there so they are really not going to see the wall; they are going to see the Boys & Girls Club buses. Mr. Belanger said they have a nice awning that they are putting on the side there and he asked if they thought of perhaps wrapping that around to add some visual interest. Ms. Fitzpatrick said they have a budget. If it was just for design purposes, it is on Walnut Street where their buses park so she thought that would be a little frivolous to find funding to do an awning. Mr. Pratt said it is also right at the setback; there is only about a foot from the setback to that wall so they really couldn’t have anything extending into that setback. Ms. Fitzpatrick said they hope to have those banners really reflect children, design, art and things like that.

Chairman Harrington asked if lighting was proposed on that wall. Mr. Pratt said there is sidewalk site lighting. He said they could add a couple wall packs on that side.

Chairman Harrington asked about security cameras or things like that. Ms. Fitzpatrick said they currently have a security system and they will be adding more security onto this portion of the building. The Chairman asked if the perimeter is covered. Mr. Neil said that was one of the best things they did when they did their addition in 2008-2010. There are over 40 interior and exterior cameras onsite and they are going to extend that to this addition as well. Chairman Harrington asked if those were postage with signage and Mr. Neil said it is posted on the fence that it is 24/7 surveillance.

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

Chairman Harrington said this looked like an exciting project.

The Chairman closed this public hearing and it will be deliberated at the next business meeting.

11. **PD2019-002**

Property located at 605 Old Wellington Road (Tax Map 645A, Lot 6), a planned development application to allow a single unit apartment above a detached garage on a residential lot in the R-SM Zone. *Granite Engineering, LLC for 605 Old Wellington Road Development, LLC.*

Jeff Merritt of Granite Engineering appeared along with Pierre & Julie Bouchard, the owners and applicants from 605 Old Wellington Road Development, LLC. They have a planned development application for the property located at 605 Wellington Road. This is Lot 6 on Tax Map 645A and this is a 1.6 acre piece of land. It has frontage on three different roads. To the northeast is Karatzas Road and then Old Wellington Road to the northwest and then Eastern Avenue to the southwest. The piece is located entirely within the RSM zoning district. There is a house out there today and then there is a separate structure, which is a detached garage with an apartment above it. In the backyard there is an in-ground pool.
Access to the property is only off of Old Wellington Road. There is a single curb cut and driveway from Old Wellington Road.

Mr. Merritt said in August of this year, the property was sold and was purchased by the applicant. While going through that process they became aware that the apartment above the garage was not permitted by the prior owner. Since purchasing the property they have taken some steps to try to get to this point where they could attempt to legalize that structure. Since that apartment is located within a structure that is detached from the house, it ends up being two principal structures on a single lot. When you have two or more principal structures on a lot, it triggers a planned development. They are seeking approval tonight to have a two-unit planned development, which would allow the existing apartment to remain on the property. The legalization of the apartment would require retroactive building permits and inspections so that would happen.

Mr. Merritt advised there are two other modifications that are proposed on the plans. One is relative to the detached garage and the apartment, which would create a second means of egress from the second floor apartment to the ground level. He said on the southwest side of that garage there is deck and the proposal would be to have a winding staircase to provide a second means of egress in that location. The other change noted on the plan is actually relative to the house. To the south or west of the house the prior owner had built a very large deck and that deck was not supposed to be over the front setback line to Old Wellington Road but it is. As such, part of this project would bring that into compliance so this would help legalize some past zoning issues that were not created by the applicant.

Mr. Merritt said there are three criteria in Article 5 of the Zoning Ordinance that must be demonstrated for the planned development to be approved. They submitted a letter dated October 7, 2019 to the Board that includes a narrative relative to those criteria and photographs were also included. The first criteria is that the principal and any accessory structures and uses of the planned development shall relate in character and purpose to the planned development. He said this is an instance where it is all residential. Both structures are very similar in character and style so they think they meet that criteria. The second criteria is that a residential planned development shall not exceed the dwelling unit density of a standard subdivision, which would be allowed under subdivision control. This property is in the RSM zoning district, which has a minimum lot requirement of 10,000 SF and 75 feet of roadway frontage. It is a fairly small lot that is required in this district. They have nearly seven times the required land area and over 700 feet of direct roadway frontage where 75 would be required so it is fairly trivial that this property could support more than two units. The last criteria is that a planned development, residential or non-residential shall be appropriate to the surrounding neighborhood in terms of character, scale, density and shall not detract from the surrounding neighborhood. The surrounding neighborhood is residential. On the other side of Old Wellington Road to the northwest is single family homes and behind their property to the south or east is a lot of multi-family structures so they are in a district that has other residential buildings in it. As such they believe this is appropriate and it already exists so it is part of that neighborhood today.
Mr. Merritt said they are working with the applicant on master planning for this property. This was their first step relative to the property to bring it into compliance with zoning and to get the apartment legal. They anticipate coming back to the Board with a subdivision application and then subsequent applications for site plans. They are looking at eventually doing some townhouses out there.

Chairman Harrington asked what the intent was for the house and apartment. Mr. Blanchard said he and his wife purchased the property for consideration for development. Part of that is to essentially carve the existing house and garage that has the apartment unit off into its own space and it will be retained as a rental property.

Ms. Sanuth asked about the parking situation with the accessory dwelling unit and the three garage bays. Mr. Blanchard said two of the garage units would be assigned to the house and one to the apartment. The apartment is about 1,000 SF and the house is about 2,800 SF.

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

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

12. **CU2019-028**
Property located at 201 Wilson Street (Tax Map 355, Lot 29), a conditional use permit application for a Domestic Laundry and Cleaning Service to replace a retail use on the first floor, in the R-3 Zone. *Steven Cotran for OGP, LLC.*

Steven Cotran of OGP, LLC said he obtained this building a few months ago and he is looking to put a laundromat in unit 201 where there used to be a botanica store so he is seeking a conditional use permit for the change of use. There are laundry machines in the apartments, which he doesn’t like, so he would rather put a laundromat on the first floor.

Chairman Harrington asked if the water line that comes into the building now is sufficient. Mr. Cotran said he received an email this afternoon and he is willing to have it tested to make sure it can support the water needs. He asked that an approval be granted subject to that verification.

Chairman Harrington asked if the laundromat would be open to the public or if it was for the tenants only. Mr. Cotran advised it would be open to the public. He explained that as the tenants turn over, he will discontinue the washer/dryer units because they leak and make a mess so it is better to have them just on the first floor.

Ms. Goucher asked how many apartments there were. Mr. Cotran said there are a total of ten units in the building; three commercial units on the first floor and seven apartments.
Mr. Long inquired about the hours of operation. Mr. Cotran said he was thinking about 7:00 AM to 11:00 PM or something like that.

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

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

Chairman Harrington closed the Manchester Planning Board Public Hearing of November 7, 2019.

IV. LIMITED BUSINESS MEETING:

Chairman Harrington called to order the Manchester Planning Board limited business meeting to order.

The Chairman advised agenda item #two would be deliberated first.

2. **CU2019-028**

   Property located at 201 Wilson Street (Tax Map 355, Lot 29), a conditional use permit application for a Domestic Laundry and Cleaning Service to replace a retail use on the first floor, in the R-3 Zone. *Steven Cotran for OGP, LLC.*

   *Mr. Long made a motion to approve CU2019-028 with the condition that Water Works determines that the water line is sufficient, which was seconded by Alderman Levasseur. (Motion Carried)*

1. **SP-26-2018**

   Properties located at 260 & 264 Manchester Street (Tax Map 83, Lots 4, 5 and 2), a request for a 60-day extension of conditional approval granted by the Planning Board on October 18, 2018. The approval was to reconfigure the parking lot on Lots 4 & 5, create an easement for a portion of Londonderry Lane and discontinue another portion of Londonderry Lane to be merged with Lots 4 & 5, in the R-3 Zone. *Joseph M. Wichert, LLS, INC. for AOP Realty, LLC.*

   *Alderman Levasseur made a motion to approve SP-26-2018, which was seconded by Mr. Long. (Motion Carried)*

3. **S2019-018**

   Property located at 227 Lakeview Lane (Tax Map 860, Lots 6 and 6A), a subdivision application to adjust the common lot line by annexing 6,008 SF from Lot 6 to Lot 6A resulting in one lot of 26,176 SF (Lot 6) and one of 28,032 SF (Lot 6A) in the R1-A Zone. *Joseph M. Wichert, LLS, for Ryan & Kathryn N. Leach.*
Chairman Harrington advised there was a staff recommendation and the Board took a moment to review that information.

Mr. Belanger advised the Board may wish to add a condition regarding impact fees. Ms. Goucher advised it is a new house so it needs to comply with the fees. She said the condition should be imposing a school impact fee of $4,589 as well as a fire impact fee of $571.

Alderman Long made a motion to approve S2019-018 with the condition that a school impact fee of $4,589 and a fire impact fee of $571 be paid, which was seconded by Mr. Long. (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. All material changes to the approved plan, shall be reviewed and approved by the Planning Board at a public hearing;

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

6. The plan shall contain a note stating, “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”;

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

8. 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;
9. 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);

10. 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;

11. 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

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

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

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

4. **SP-01-2018 (Tabled from March 15, 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.

V. **ADMINISTRATIVE MATTERS:**

1. **Review and approval of the Planning Board Minutes of July 18, 2019, September 5, 2019, September 19, 2019, October 3, 2019 and October 17, 2019.**

Review and approval of the Minutes was tabled to November 21, 2019.

2. **Update of the Master Plan.**

Ms. Goucher advised that the consultants are progressing with the work. Staff has weekly conference calls with the consultants. This morning the consultants wanted clarification on the avenue of how they were going to proceed with the outline and the actual first draft they are currently working on. Staff gave them feedback. They spoke about the manner in
which the final product will appear. She said TPUDC has done several master plans for several communities over many years and Burlington, Vermont is one of those communities that has a pretty cool looking master plan as they laid it out like it was a magazine. The conversation with the consultants today was about the final product and whether or not the Burlington model will cost more money. They are working through those little details and are continuing to communicate with one of the subcontractors regarding the HUD portion of the project – the housing analysis, narratives and things like that which have to be done for the comprehensive plan that was also incorporated in the Master Plan contract.

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

Mr. Long inquired about holding limited business meetings to get simple cases “off the plate”. Ms. Goucher said that was a Board decision. If the Board wants to have staff have some recommendations available if they are non-controversial during the public hearing portion, they could have something available for the Board to act on if that is their desire. She said staff typically doesn’t put out a recommendation before the public hearing because it almost appears as if it is a foregone conclusion and they haven’t listened what the public has to say. She said she understood Mr. Long’s point and if that is the pleasure of the Board, staff can start looking at some of those more minor applications. The Chairman indicated that he thought it may be placing another burden on the staff.

*Alderman Elect Long 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:  January 2, 2020  ☑ 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*