

**MANCHESTER PLANNING BOARD
BUSINESS MEETING MINUTES
Thursday, February 20, 2020 – 6:00 PM
City Hall, Third Floor – Aldermanic Chambers**

Members Present: Chairman Mike Harrington, Vice Chairman Michael O’Donoghue, June Trisciani, Dan Leclerc, Robb Curry, Andy Boyle (not voting)

Excused: Member: Alderman Pat Long
Alternate: Chris Wellington, Barry Lussier

Staff Present: Pamela Goucher, Deputy Director Planning & Zoning; Jonathan Golden, Senior Planner; Jodie Nazaka, Planner

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

II. BUSINESS MEETING:

(Current Items)

1. 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.*

Chairman Harrington asked for the Board’s thoughts on the conditional use permit for the parking.

Ms. Trisciani made a motion to approve CU2019-023, which was seconded by Mr. Curry. (Motion Carried)

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.*

Mr. Leclerc reminded the Chairman he did not attend the public hearing but advised he watched it on television and would be comfortable to vote on this application.

Chairman Harrington advised there were two waivers.

Mr. Leclerc made a motion to grant a waiver from Appendix C (1)B for providing a full property survey, which was seconded by Mr. O’Donoghue. (Motion Carried)

Mr. Leclerc made a motion to grant the waiver from Appendix C (1)E for providing a plan prepared by a professional landscape architect, which was seconded by Ms. Trisciani. (Motion Carried)

The Chairman advised there was a staff recommendation and the Board took a moment to

review that information.

Chairman Harrington said there was some concern raised about timing and having some of these things done.

Mr. Leclerc said it seemed that the two parties were worried about drainage, traffic, parking, etc. and it seemed like Michael was being a good neighbor and was going to address these things. He thought in good faith they were willing to do whatever is necessary to make the building look better and to appease their neighbors.

Ms. Goucher said the applicant was on record at the public hearing, as far as the timeline on some of those items, and that information was provided in the Board's packets. There was some discussion amongst staff as to how far they should or should not go regarding imposing conditions to do some of the things they said they would get to. There is a condition about the striping that they have to take care of per the CO. Staff hoped that based on it being on the public record they will take care of the things they represented they would take care of. Mr. O'Donoghue and Mr. Curry were comfortable with that.

Mr. Curry asked about having an engineer checking out the size of the water pipe. With regard to DPW's comments, Mr. Golden advised DPW was not requiring any upgrade to the 15 inch pipe as it would have negligible effect, but the cover over the 15" pipe would have been sufficient.

Mr. Leclerc made a motion to approve SP2019-032 per staff recommendation, which was seconded by Mr. Curry.

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the planning staff and MWW, prior to submitting plans for final approval;
3. Landscaping to be installed in/around the parking field shall first be reviewed and approved by planning staff and shall be installed prior to the issuance of a Certificate of Occupancy;
4. A note shall be added to the plan requiring construction traffic to utilize the Nylon Corporation of America main gated entrance off of Sundial Avenue;
5. Any new signage, which must comply with the zoning regulations, shall require a sign permit through the Planning and Community Development Department;
6. A Commercial Fire Impact Fee of \$457.50 shall be submitted prior to the issuance of a

Certificate of Occupancy;

7. Prior to the issuance of a Certificate of Occupancy, the property owner shall restripe the parking lot per the plan representations;
 8. Prior to a Certificate of Occupancy, a signed and sealed letter from a licensed engineer stating that the site was built in conformance with the approved plan, shall be submitted to staff;
 9. The plan shall contain the following statement signed by the owner: "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use;"
 10. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed, unless addressed by the provision of a financial guarantee, pursuant to the requirements of Section 4.14 of the Manchester Subdivision and Site Plan Review Regulations."
 11. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department; and
 12. 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.
2. **SP2019-045/PD2019-003**
Property located at 1045 Hanover Street (Tax Map 488, Lot 14), a site plan application for a proposed 4,800 SF retail development with associated site improvements. The new structure will be located on the same lot as the Dunkin' Donuts building in the R-1B Zone. TFMoran, Inc for HSMN LLC.

Chairman Harrington advised there was a waiver request.

Mr. Curry made a motion, which was seconded by Mr. Leclerc, to approve the waiver from Section 8.1(A) and (B) of the Subdivision and Site Plan Review Regulations, which require that buildings be located at the street with parking in the rear. (Motion Carried)

Mr. Curry was concerned about the addition of a convenience store when there is a family owned store across the street. Ms. Goucher said this is different from a lot of other projects because it is a planned development so staff required that they spend some time on the architectural plans, which will be part of the submission. As such, they are a lot more tied into the architectural plan and the facades than they are for the uses other than what has been permitted through variances. She explained the way they went to the Zoning Board, which was definitely not the norm, but it was them trying to cover their bases for potential tenants

down the road. The tenant space could actually be split in two, versus three. As long as they stay within the parking calculations, that the use doesn't trigger more parking and as long as they are not changing the façade significantly, then they could go in without coming back to this Board. If they want to make changes to the building because of a tenant, then they would have to make sure their variances would still be in play or they would have to go back to the ZBA. Or, if they just wanted to make significant enough changes to the building that it bring would just bring them back before this Board. As such, they have some room to try to get a tenant or tenants for that space but there are still some requirements that staff will be reviewing when they bring that material in so it is consistent with their representation. With that architectural standard Mr. Golden said chains, such as Cumberland Farms, might be less likely because they have design standards of their own.

Mr. O'Donoghue made a motion, which was seconded by Mr. Leclerc, that the application complies with the policies, purposes, and criteria of Section 5.12 of the Zoning Ordinance for a Planned Development and that the uses represented at the public hearing are consistent with the surrounding neighborhood. (Motion Carried)

Mr. Leclerc made a motion to approve SP2019-045/PD2019-003 per staff recommendation, which was seconded by Ms. Trisciani. (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed, and plans shall be submitted for final approval;
2. Prior to the signature of final plans, any remaining traffic-related comments from the Department of Public Works shall be addressed;
3. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to submitting plans for final approval;
4. The elevations of the proposed building are considered part of the approved site plan/planned development and are to be included in the plan set submitted for signing;
5. The fire impact fee of \$0.53 per gross square foot shall be submitted before the issuance of a certificate of occupancy
6. The applicant shall obtain all necessary State and Federal approvals, as applicable, before final approval;
7. The plan shall contain the following statement signed by the owner: "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use;"

8. The plan shall contain a note stating, "No certificate of occupancy shall be authorized until all required improvements have been completed unless addressed by the provision of a financial guarantee, pursuant to the requirements of Section 4.14 of the Manchester Subdivision and Site Plan Review Regulations."
 9. The plan shall contain a note stating, "All conditions after approval shall be completed within two years of final approval."
 10. All material changes to the approved plan, including building elevations and adjustments to signage, shall be reviewed and approved by the Planning Board at a subsequent meeting;
 11. To submit plans for final approval, the applicant shall submit seven paper plan sets to the Planning and Community Development Department;
 12. Prior to applying for a certificate of occupancy, a signed and sealed letter from an NH licensed professional engineer shall be submitted to the planning staff certifying that the site improvements have been constructed in accordance with the approved plans;
 13. 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; and
 14. Should any condition precedent or subsequent to this approval not be met in the periods provided for in Section 4.13 of the Manchester Subdivision and Site Plan Review Regulations, the Planning Board shall hold a hearing to revoke this approval, pursuant to RSA 676:4-a.
3. **S2020-001**
Property located at 90 Huse Road (Tax Map 507, Lot 89), an application to subdivide an existing parcel of 35,059 SF into two lots of 17,190 SF and 17,869 SF in the R-1B Zone. Joseph M. Wichert, LLS for Shawn G. Fournier.

Chairman Harrington advised there were two waiver requests.

Mr. Leclerc made a motion to approve the waiver request from the Subdivision and Site Plan Regulations, Section 5.6: Delineation of Wetlands by a Wetland Scientist, which was seconded by Mr. O'Donoghue. (Motion Carried)

Mr. Leclerc made a motion to approve the waiver request from the Subdivision and Site Plan Regulations, Section 6.11 for providing underground utilities, which was seconded by Mr. O'Donoghue. (Motion Carried)

Ms. Trisciani made a motion to approve S2020-001 per staff recommendation, which was seconded by Mr. Curry. (Motion Carried)

Conditions of Approval:

1. Conditional approval of this plan shall be valid for one year, during which time all conditions precedent to final approval shall be completed and plans shall be submitted for final approval;
2. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning Department, prior to submitting plans for final approval;
3. All new boundary monuments are to be set prior to submitting plans for final approval;
4. Any waiver from the Subdivision and Site Plan Review Regulations granted by the Planning Board shall be noted on the plan;
5. A School Impact Fee of \$4,589 and a Fire Impact Fee of \$571 for the new, single family house on new Lot 89A shall be submitted prior to a Certificate of Occupancy;
6. The plan shall contain a note stating, "All conditions subsequent to approval shall be completed within two years of final approval";
7. Wetland delineation placards shall be installed on both parcels, along the edge of wetlands and no greater than 50 feet apart, prior to the issuance of a Certificate of Occupancy;
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.

Property located at 464 Amherst Street (Tax Map 85, Lot 1), an application to subdivide an existing parcel of 16,943 SF into two lots of 9,784 SF and 7,159 SF in the R-2 Zone. S&H Land Services, LLC for Diamond Hill NH Properties, LLC.

Chairman Harrington advised there was a waiver request from the applicant regarding an application checklist.

Mr. Leclerc made a motion to approve the waiver request for the application checklist section B, which was seconded by Mr. O'Donoghue. (Motion Carried)

Mr. Curry made a motion to approve S2020-002 per staff recommendation, which was seconded by Mr. Leclerc. (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 stairs and walkways currently encroaching over the new property line shall be removed prior to submitting plans for final approval;
5. Any waiver from the Subdivision and Site Plan Review Regulations granted by the Planning Board shall be noted on the plan;
6. An School Impact Fee of \$1,104 and a Fire Impact Fee of \$511 for each unit in the proposed duplex on new Lot 1A, shall be submitted prior to a Certificate of Occupancy;
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.

(Tabled from March 15, 2018)

5. **SP-01-2018**

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

Remain on table.

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

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

1. **S2020-003**

Properties located at 271 Bodwell Road, an application to resolve an illegal subdivision and to adjust the common lot line between Tax Map 885, Lot 8 and Tax Map 885, Lot 9 by annexing 5,444 SF from Lot 9 to Lot 8 resulting in one lot of 20,440 SF and one lot of 32,675 SF in the R1-A Zoning District. *Fieldstone Land Consultants for Elie Awad and Cawlin L Clough. (Conservation Commission review required)*

2. **S2020-004**

Property located at 605 Old Wellington Road (Tax Map 645A, Lot 6), an application to subdivide a lot of approximately 1.6 acres into three lots of 20,022 SF, 17,954 SF, and 31,887 SF in the R-SM Zoning District. *Granite Engineering for 605 Old Wellington Development, LLC.*

3. **PDSP2020-001**

Property located at 605 Old Wellington Road (Tax Map 645A, Lot 6-1), an application to construct 5 townhouse units with associated site improvements on a newly subdivided lot totaling 17,954 SF in the R-SM Zoning District. *Granite Engineering for 605 Old Wellington Development, LLC.*

4. PDSP2020-002

Property located at 605 Old Wellington Road (Tax Map 645A, Lot 6-2), an application to construct 8 townhouse units with associated site improvements on a newly subdivided lot totaling 31,887 SF in the R-SM Zoning District. *Granite Engineering for 605 Old Wellington Development, LLC.*

Mr. Curry made a motion that the following application does not have regional impact but requires review by the Conservation Commission: S2020-003. The following applications do not have regional impact nor do they require review by the Conservation Commission: S2020-004, PDSP2020-001, PDSP2020-002. The motion was seconded by Mr. Leclerc. (Motion Carried)

III. ADMINISTRATIVE MATTERS:

1. **Review and approval of the Planning Board Minutes of January 2, 2020, January 16, 2020 and February 6, 2020.**

Tabled to the next meeting.

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

Ms. Nazaka advised that the Planning staff expects that they will have their client draft review copy on Monday, February 24th. That will be the first draft copy they will see during this process and they will get to see the results of Planapalooza and the seven days of intensive planning efforts. Once they receive that copy they will have 30 days to provide comment, review and respond to the consultant. The City staff will be reviewing this as well as the think tank members during that 30 day period. Once the consultant receives any feedback they will take that, which will then go into the creation of the public draft review. They anticipate that will be in mid-April. That document will go live to the whole City; the stakeholders, the Mayor, the Board of Mayor and Aldermen, Planning Board members and the general public. It will also be posted online, the City website and the Master Plan website.

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

875 Elm Street – Red Oak Proposed Signage

Ms. Nazaka handed out a sign package and advised they exceed what they are allowed. They received a variance from the Zoning Board so everything in the package is allowed by variance. A condition of the approval from 2015 was that any new signage comes back before the Board at a business meeting.

Ms. Trisciani did not like the bright red color. Mr. Leclerc said the black that is there looks good and he agreed with Ms. Trisciani that their logo would still pop being white lettering and the big red leaf. Chairman Harrington said even their public parking sign is black with white letters. He didn't understand why they chose to do the sides and top in red on this awning. Ms. Goucher advised Ms. Nazaka would follow up on that.

Arthur Avenue – Court Case

Ms. Goucher said one of the abutters challenged the easement buffer restriction between Coral Avenue and the Derryfield property so that has been remanded back to the Board. There will have to be some follow up and that application, at least that portion of the request will be back to the Board.

Elm Street – Red Oak Court Case

Ms. Goucher said the Superior Court upheld the Zoning Board and Planning Board's decisions. She expects they will see that application come in for signing and that will probably move forward.

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

ATTEST: _____

Michael Harrington, Chairman
Manchester Planning Board

APPROVED BY THE PLANNING BOARD: April 30, 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 Moore, Planning & Community Development