

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, November 28, 2016

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Nathaniel Stout, Vice-Chair
Douglas Barrett
Christine Weeks
George Hansel
Pamela Russell Slack
Chris Cusack

Staff:

Rhett Lamb, Asst. City Manager/Planning
Director
Tara Kessler, Planner
Michele Chalice, Planner

Members Not Present:

Mayor Kendall Lane
Andrew Bohannon
Tammy Adams, Alternate
James Duffy, Alternate

I. Call to order – Roll Call

Chair Spykman called the meeting to order at 6:30 PM and a roll call was taken.

II. Minutes of previous meeting – October 24, 2016

A motion was made by George Hansel to accept the October 24, 2016 minutes. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

IV. Continued Public Hearing

1. SPR-11-16 – 0 & 99 Wyman Road – Site Plan & Conditional Use Permits –

Applicant Prospect-Woodward Home proposes a Continuing Care Retirement Community on 48 acres on Wyman Road in the Rural Zoning District (TMP#s 919-08-003 & 919-09-024). The proposed development consists of three buildings: a 15,910 SF apartment building, a 20,005 SF health care building, and a 71,690 SF community building. A waiver is requested from Development Standard #19: Architecture and Visual Appearance. Conditional use permits are required in association with the Surface Water Protection Ordinance and Hillside Protection Ordinance.

A. Public Hearing

Mr. James Phippard addressed the Board and apologized for not being present at last month's meeting. He stated he had read through the minutes from last month and is aware of the concerns raised. He stated he would like to refer to some of the changes made to the site plan. He stated the Board has two memos from the Traffic Engineer – what has been determined is even if all the traffic that uses the applicant's facility was to use Old Walpole Road the Level of Service (LOS) will remain at LOS A. There is a note added to the plan about delivery – deliveries would happen via the main driveway. There will be signage added directing exiting traffic to use Route 12 as well as directing vendors to use this route. The Villas are now known as Woodside.

There has also been a physical change made to the plan; the applicant has moved the northern most driveway at Wyman Road and shifted it to the north about 50 feet which increases that line

of sight to 300 feet which exceeds the minimum sight distance as recommended for safe operation for this intersection.

Mr. Phippard went on to say they have also added locations for the five transformers; in front of the Health Center, opposite the loading dock, parking lot at the Woodside Apartments and across the roadway. Arborvitae and fencing will be provided as screening for these transformers. Mr. Phippard referred to a pocket on the roof where the HVAC units will be located and would be well screened from the public right of way.

The landscaping plan has also been amended to add the screening for the transformers.

Mr. Phippard went on to say there was a lot of concern expressed about line of sight and pedestrian traffic, especially pedestrian crossing at the main entrances to the building. There is fencing included in the plan which will be located between the parking areas and the street. This will prevent people from walking between the trees and the shrubs to get to the street and would encourage people to walk towards the building and would direct people to use the underground walkway if they wished to access the community building. There will also be another traffic calming measure in the form of a speed table – this would not be the traditional speed table but a much wider table. Emergency personnel did not object to this. This is a permanent solution.

Mr. Phippard then referred to the Memo from the Traffic Engineer; this memo talks about the speed (38 mph – 8 mph over the speed limit) along the straight of way (Route 12) but the speed gets slower as they approach the corner. Mr. Phippard talked about the signage being proposed for this roadway (24 feet paved), 25 mph speed limit (pending Council approval), chevron signs, and turn ahead signs.

Mr. Phippard talked about the two conditional use permits; the applicant has been before the Conservation Commission who conducted a site visit and approved the conditional use applications (precautionary slopes and impact to wetland buffer). Mr. Phippard added the applicant also asked for a waiver to locate parking at the front of the building.

Mr. Phippard referred to language from Section 102-1490 – a conditional use permit (CUP) which shall be granted for allowed uses within the buffer zone when all of the following criteria have been met.

“(a) The proposed use and/or activity cannot be located in a manner to avoid encroachment into the overlay district.

He noted steep slopes have been identified along the westerly portion of the site, some of those areas are at 25% (prohibitive slopes), others at 15% or less as well as wetland areas. On the easterly side of Wyman Road there are some steep slopes and a large wetland area. He indicated some of the wetland areas that have been identified next to the roadway are low functioning wetlands from roadside runoff that don't provide valuable habitat – because of their location next to the roadway. There is a natural pond which is located on the north end of the site. This is a wetland area the applicant has avoided. Same is true with the large flat open field which has peat underneath it - one of the most valuable wetland areas. Chair Spykman asked whether this is connected to Tennent Swamp. Mr. Phippard stated that it is.

Mr. Phippard went on to say that every site they looked at had constraints. He added this was not the original design the applicant provided him; there were 26 cottages and out buildings spread

around the site, as well as a bigger health care building and community building. The site plan before the Board has been custom designed for this site to keep with state and local regulations. He talked about the location of the parking under the building which also required for the applicant to obtain variances.

Mr. Phippard stated the Zoning Board was happy with this project and unanimously approved the nine variances the applicant requested. Some of the variances were as follows: Change the height of the building to be over 36 feet; Lot coverage. He added the most important aspect to keep in mind was that the sensitive areas were being avoided.

(b) Encroachment into the buffer zone has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use. – this item has been addressed.

(c) The nature, design, siting, and scale of the proposed use and the characteristics of the site including but not limited to topography, soils, vegetation, and habitat are such that when taken as a whole, will avoid the potential for adverse impacts to the surface water resource.

Mr. Phippard stated he has discussed this item but wanted to talk about the drainage design. One of the functions of a wetland is that they collect surface water and to some degree they get treated. The large wetland in the rear of the site treat the surface water well but not the ones near the roadside. The applicant's drainage design forces all of the stormwater north of the utility line and east of the hillside and eventually goes into the vegetative area and then into the pond. Because this stormwater is fed into that wetland, under federal regulations the applicant is required to preserve that wetland. The applicant's drainage system does that. The larger collection area where the water eventually ends up in is designed to handle the different design storms; 2-year, 10-year, 25-year and 50-year storm.

Keene does not address the 2-year storms, however, in the federal world a 2-year storm is important for a wetland and all the water is required to be captured and treated. Same is true with the other storm events as well. This controls the size of the stormwater area as well as the outlet design.

Chair Spykman asked whether there are any pumps involved. Mr. Phippard stated it is all managed by gravity. Vice-Chair Stout asked about the nature of the drainage. Mr. Phippard stated it is all surface flow. The Vice-Chair asked what happens if we exceed the 100 year storm. Mr. Phippard stated a portion of this property is in the 100-year floodplain sits at roughly 519.1. During a 500 year flood, the rear portion would get flooded but it won't get anywhere close to the roadway but would overflow into the vegetative area.

Vice-Chair Stout asked what happens on the easterly side during such a storm event. Mr. Phippard referred to the emergency access road they are proposing to construct which leads to Precitech. Blackbrook travels through the property southerly, under Route 12. This would be the primary source of flooding should there be a heavy storm. He added the developed area here could flood in such a storm event. He referred to the westerly side which he said would sustain more than a 100 year flood event.

(d) The buffer zone shall be maintained in a natural state to the maximum extent possible.

Mr. Phippard stated they are doing that; even though portions of the buffer are disturbed they are going to re-vegetate and referred to those areas on the plan. The areas next to the roadways that

are not disturbed will remain vegetated and the slopes next to the road will be re-vegetated when the road work is done.

Mr. Phippard added the permits the applicant would need are the Alteration of Terrain Permit, Wetlands Permit, EPA Notice of Intent and a Stormwater Pollution Prevention Plan, Council approval for the Alteration of Wyman Road and for the construction of the underground walkway and a Memorandum of Understanding from the Army Corp. of Engineers for Historic Preservation Compliance, Conditional Use Permit from the Planning Board, Waiver to park in front of the building – to minimize pavement on the site and to preserve the disturbed area to the minimum. Those parking areas will be screened.

Vice-Chair Stout asked for explanation of the underground parking access. Mr. Phippard stated this parking is for residents and access is through the east side of the building. Residents would drive to the northerly curb cut and access this parking. Resident parking will be assigned.

Mr. Barrett asked how many spaces are available on the west side of the community building parking lot and on the east side of the health care building parking lot.

Mr. Phippard referred to Sheet C-2 which refers to the number of spaces. He stated Woodside has 42 spaces; Courtyard has 30 spaces, 73 spaces under the building, 52 on the east side of Wyman Road and 57 spaces next to the Health Care Center, for a total of 254 spaces.

Mr. Barrett stated the reason he asked this question is because the Board's landscape standards call for landscaping along the public way for a lot that contains more than 50 spaces. Mr. Phippard noted they have exceeded the required screening. Mr. Barrett agreed and asked about berming which is also suggested and asked whether this is something that could be considered in place of fencing. Mr. Phippard stated the concern with berming in this location is trapping water being so close to Wyman Road.

Mr. Barrett referred to the opportunities the residents have for an outdoor recreation and the opportunity to get involved with Miracles in Motion. He asked how residents for instance could access the Miracles in Motion site. Mr. Phippard stated they do want to encourage a relationship between the residents and Miracles in Motion. They can always cross the street mid-block and access this site. The applicant has had a discussion with Miracles in Motion who do not favor uninvited pedestrian access. By eliminating the crosswalk they discourage that type of access to Miracles in Motion. He added this is a therapeutic place and most of their clients are sensitive to noise, strangers etc. Residents can always drive to this facility as long as it is a scheduled arrival.

Ms. Russell-Slack stated she likes this project; she stated that there is a need in the community for elderly housing. Pedestrian access was a concern to others which the applicant has addressed.

This concluded Mr. Phippard's presentation.

Staff comments were next.

Tara Kessler stated she had presented most of the staff report at the October meeting. What she would like to address are the concerns raised at last month's meeting. They include:

Screening for the HVAC Units – the applicant has included the locations for these units and the transformers in the Board’s packet except for one transformer which will be located in front of the healthcare center. None of these would be visible from the public right of way – staff has no concern about what is being proposed.

Truck turning movement onto Old Walpole Road from Wyman Road – Applicant has put a note in the plan that all vendors who come to this site would have to enter and leave using Route 12. In addition, staff is requesting the applicant to petition the City Council to restrict truck traffic to Wyman Road from the intersection of Old Walpole Road.

Comprehensive Access Management – Mr. Hitchcock at the last meeting reviewed the trail network on site but the applicant is proposing to include a 3,500 linear trail network in the eastern side of the road with public parking included. This trail is lined with sugar maples which add another element to pedestrian activity on the site. For the area which crosses Wyman Road, the applicant is offering a combination of signage and a raised intersection which staff feels address pedestrian safety issues raised by the Board.

Ms. Kessler stated they have raised the possibility of a conducting a post-development (18 months) survey to look at pedestrian safety at this location of the site and at the northern most location of the site. The applicant is agreeable to this and hence staff is proposing a condition of approval.

Ms. Kessler, with reference to the conditions stated, condition #2 is removed regarding Submission of Operations Plan as the City’s Emergency Management Director did not feel this was necessary. There is a final condition which has been added regarding post-development review.

Vice-Chair Stout, with reference to post-development review, asked why something like a surety bond is not being considered in this case. Ms. Kessler stated because staff is unsure what those changes might be.

Councilor Hansel asked whether the post occupancy study was necessary – he felt if there is a safety issue the residents will notify the applicant. Mr. Lamb stated part of the reason for asking for this agreement is to have the party creating the need pay to fix the issue. In many circumstances, the city might have to pay to fix something.

Ms. Russell-Slack stated she tends to agree with Councilor Hansel and wasn’t sure how long the City will need to wait to be able to do this study. She felt accidents cannot always be avoided – if there is an alternative safe travel provided with the tunnel access and people choose not to use that, the applicant can’t be held responsible for that. Ms. Kessler stated the post-development study is being proposed to happen between 12-18 months from the issuance of a Certificate of Occupancy. Staff raised the issue of locating a crosswalk which will make people use Wyman Road instead of the underground walkway. It is a requirement of the Comprehensive Management Plan that residents are able to cross a site safely but this site straddles two sides of a roadway and locating an institutional use with a large number of residents in a rural road changes the setting of the road. The post-development study would test that assumption. Ms. Russell-Slack stated having gone in and out of a nursing home, she did not see anyone try to cross Court Street for instance, without using the crosswalk and felt if they are residents she will still assume they would use the underground walkway.

Chair Spykman stated it is not the residents he is concerned about but the visitors to the site. He felt requesting a post-development survey was a good idea to address any issue that might come up.

Dr. Cusack agreed with the Chairman and stated the applicant was generous to agree to a survey. He noted to the 85th percentile speed being over 38 mph which means 15% of cars are going faster than they are supposed to and presumed they would slow down post-development. He did not think there was an issue to require this survey. Dr. Cusack stated he supported this project and complimented the applicant on the work that has gone into it.

Ms. Russell Slack asked Mr. Phippard if the applicant had agreed to this. Mr. Phippard stated it came up during a meeting with staff and the applicant doesn't object to it but don't feel it is needed. He explained these are all local people and this won't change with the construction of this site; locally constructed and locally managed. If there is an unsafe situation with a guest and a complaint is filed, the applicant will take steps to address it. However, if the Board is comfortable with a condition they won't dispute it.

Vice-Chair Stout stated he didn't see a need for a surety bond but didn't see the harm in leaving this condition in.

The Chair asked for public comment next.

Mr. James Griffin of 195 Key Road addressed the Board. Mr. Griffin stated he has a therapy horse that lives at Miracles in Motion and is looking forward to working with residents from this site. He referred to the north and south side of Wyman Road where there is an existing trail. Many people use this trail with their horses to access the Rail Trail. He stated he noticed a barricade at this trail last week and asked that this barrier be removed as this is an only access to the riding trails. He also thanked the applicant for not installing a roundabout for this project.

Karla Hostetler Executive Director of Miracles in Motion stated she appreciated the willingness of Hillside Development to work with them. With reference to the post-development survey, Ms. Hostetler stated Hillside residents are not the only residents in this area but there are 200 people who visit Miracles in Motion and the applicant's project is a major change to the road, the environment and the entire area. She stated they have a good relationship with Hillside Development and hoped any outstanding issues could be resolved and is glad to know there is a mechanism that they could use to address any outstanding issues. She also asked that the vegetation being used is not going to be poisonous to horses.

Ms. Weeks commended the applicant for addressing the concerns. She felt the applicant has met all 19 standards. She stated this is a facility which would relieve people of their concerns of having to maintain a property and protect people's income if there is a need for a resident to enter a nursing home or other assisted living options. Ms. Weeks felt this facility will bring in jobs and would also keep residents in Keene.

Councilor Hansel echoed Ms. Weeks' comments. He felt the applicant has done more than what they are required to meet the Board's standards. He also felt it looks like it is the consensus of the Board to keep the post development study and he is agreeable to this as well.

Chair Spykman stated he understands the value of a continuing care retirement facility. However, his concerns are about the location for this facility and agreed the applicant has done a lot to address the Board's concerns. The Chair went on to say there are reasons the Board had standards and that is because the City has seen a need for these standards. He stated in looking at this application he does not see a need to grant these waivers and conditional use permits. With reference to the parking waiver the applicant was requesting, he felt if the building was not as large as being proposed there could have been options for parking and felt this would be true for the other waivers being requested. The Chairman also referred to the City's Master Plan on page 101 where it calls for integration not separation of all ages and sees this development as placing our elderly populations outside of the center city. With reference to institutional uses on page 118, the master plan calls for such uses to be located downtown or in village neighborhood activity centers. He added this plan doesn't meet the standards outlined in the master plan either even through this is not the basis for the Board's vote. The Board however, is charged with upholding the Master Plan and hence could not see granting the waivers or the conditional use permits.

Vice-Chair Stout felt what the applicant wants to do might not work at a different scale and it has been said how the applicant could not find a suitable site anywhere else in the city.

Ms. Russell-Slack stated her late mother, who was a former Mayor helped write the Master Plan and is someone who was planning on residing at Hillside Development. Ms. Russell-Slack stated she is in favor of this plan and will vote in favor of it.

Ms. Weeks noted the applicant did modify the plan; there were cottages which have been eliminated. The applicant spent five years in working on this plan and this area had the conditions the applicant was looking for.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board approve SPR-11-16, the Surface Water Protection and Hillside Protection Conditional Use Permits, and the Waiver from Development Standard 19, as shown on the plan set entitled "Hillside Village, Wyman Road, Keene, New Hampshire" prepared by SVE Associates on August 19, 2016 and last revised on November 17, 2016, and on the building elevations entitled, "Hillside Village Proposed CCRC, Wyman Road, Keene, NH" prepared by Tsomides Associates on August 12, 2016 with the following conditions:

1. Prior to signature by Planning Board Chair:
 - A. Owner's signature on plan
 - B. Submittal of security for landscaping, sedimentation, erosion control, and "as-built" plans in a form and amount acceptable to the Planning Director and City Engineer.
 - C. The Applicant will procure a license from City Council to construct the underground walkway in the right-of-way.
 - D. Submittal of a petition to City Council restricting truck traffic on the northern end of Wyman Road.
 - E. Submittal by the Applicant of documentation in a form acceptable to the City of easements obtained to lay, re-lay, repair and maintain the private sewer service in perpetuity for the portion of the sewer system shown on Sheet C-8 Cross Country Sewer Plan and Profile crossing the adjacent property owned by Monadnock Economic Development Corporation, TMP# 919-09-026.01.

- F. Submittal by the Applicant of documentation in a form acceptable to the City of easements obtained to construct the emergency access road as shown on Sheet C-9 Emergency Access Plan crossing the adjacent property owned by Monadnock Economic Development Corporation, TMP# 919-09-026.01.
- G. Approval by City Council of a discontinuation of a portion of Wyman Road and the relocation of the road layout as shown on the Wyman Road Improvement Plans, Wyman Road Construction Details, and Wyman Road Cross Sections included in the approved plan set.
- H. The Applicant will obtain a floodplain permit for the proposed development.
- I. Submittal of documentation of grading easements in a form acceptable to the City for the reconstruction of Wyman Road.

2. Where existing stone walls that mark right-of-way boundaries are to be moved, the Applicant will submit documentation as to the ownership of the wall and agreements in a form acceptable to the City to relocate the wall if the owner is other than the Applicant. Where stone walls to be relocated act as right-of-way monumentation, the Applicant will set new monument locations in concurrence with the Public Works Department.

3. Between Twelve and Eighteen months following the issuance of a Certificate of Occupancy, the Applicant will hire an independent consultant to complete an assessment of pedestrian traffic and safety along the area of Wyman Road adjacent to the site. If the Public Works Director determines that the pedestrian volumes and assessed safety conditions warrant changes to the site and/or roadway design, the Applicant will work with the Public Works and Planning Departments to implement agreed upon changes at the expense of the Applicant.”

The motion was seconded by Pamela Russell-Slack.

The Chair thanked staff and the Board for working on this application. He stated at this juncture he will be voting with his fellow Board members.

The motion was unanimously approved.

Board member Weeks left the session.

IV. Public Hearings

1. **SPR-16-14, Modification #3 – 435 Winchester Street – Mint Premium Car Wash – Site Plan** – Applicant Rachel Vogt of Pleasantscapes, LLC proposes to remove an 8’ wide, planted, parking lot island and replace it with a 5’ wide, striped island at grade. The site is .99 acres in size and located in the Industrial Zoning District (TMP# 087-01-002).

A. Board Determination of Completeness.

Planner Michele Chalice recommended to the Board that the Application SPR-16-14 was complete. A motion was made by George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. Public Hearing

Ms. Rachel Vogt representing the applicant stated the applicant is looking to remove an island which was installed during the last modification. She indicated the City is looking for screening but noted she has asked for a modification of this screening and referred to the tree and other

plantings being proposed. With the new plan being proposed the applicant is also locating a fence for additional screening. The vacuums will be screened with this fence as per request of the city. She stated having to maintain landscaping where there is heavy foot traffic is not always a good idea.

Vice-Chair Stout asked where the fence is going to be located. Ms. Vogt stated the fence will be located along the property line along Winchester Street. The fence starts at six feet and goes down to four feet.

Chair Spykman explained the initial modification was done administratively. He explained that the requested modification is a bigger change than what was initially requested. The original request was 15 feet wide which was first reduced to eight feet and now the request is for five feet of painted lines. Vice-Chair Stout noted the locations of the vacuums have however, not changed. Ms. Vogt responded by saying the original request was for the vacuums to be located in the front but the second modification had them relocated in-between the parking spaces. Chair Spykman added the vacuums are going to now be located between the parking spaces; they were initially in a planted parking island which meant the parking spaces needed to be wider and the island had to be shrunk.

Chair Spykman asked for rationale for eliminating the island. Ms. Vogt stated it is also a safety concern for people getting in and out of their cars.

Dr. Cusack noted the first modification was to reduce it from 15 feet to eight feet and asked whether the stripped area being proposed was also going to be eight feet wide. Ms. Vogt stated this area was going to be five feet wide.

Staff comments were next. Ms. Chalice stated the applicant is this application was for 36' long, 6' tall, white fence, to complete a "screen" on the north side of the property to the end of the subject property line. The extent of the property for the car wash is not the same as the property line for the business next door. The original request was to have the fence go all the way to the end of the business but engineering staff felt this would cause sight issues for vehicles pulling out. Ms. Chalice stated a picket fence is easier to maintain as it won't be coated with salt but staff doesn't agree with concrete curbs not being safe as these are used in many sites throughout the city but does agree these islands are difficult to grow plants.

Vice-Chair Stout asked whether there is any provision the painted island will be maintained. Ms. Chalice stated there is no provision within the city. Chair Spykman clarified if it is part of the site plan whether it would then need to be maintained. Ms. Chalice stated it could be referred to if a complaint comes in to the city. However, there is no regular checking that would happen to make sure sites are safe.

Mr. Barrett stated he was concerned when he read in the staff report this site was incrementally getting worse but when he visited the site he was impressed with the plantings that exist. However, felt the work has already been done and questioned if an applicant does the work before Board approval or whether it is done at their own risk. Ms. Chalice agreed the applicant is constructing at their own risk and if a decision is made they might have to reconstruct.

Chair Spykman pointed out the Board's standards would not have permitted these spaces to be located at the front of the site. This required a waiver to allow parking in front as opposed to the

side or the rear of the site. The side lacked space and the rear of the site abuts residential properties and there was concern about the noise from the cleaners would have been disturbing. In permitting these spaces in the front required the applicant to locate plantings not only to act as a screen but to also make it attractive from the street. The Chair stated eliminating the plantings and locating a fence will block the view but it won't make it look very attractive from the street. Vice-Chair Stout stated it has been indicated these plantings might not survive and felt dying plantings won't be aesthetically pleasing. He also felt a curb could be hazardous when someone is moving around trying to vacuum their vehicle.

Ms. Chalice felt perhaps the ornamental tree being proposed could be a shade tree to provide a higher level of screening but also not a tree that does not interfere with sight distance for vehicles.

With no further comments, the Chair closed the public hearing.

The Chairman stated he has an issue with the incremental nature of this plan; plants being stepped on would not have been an issue when the area was 15 feet wide, it only started becoming an issue when the site was reduced in size. He noted the Board's standard calls for parking to be located to the side or rear and such parking shall be screened. According to the Board's standard it needs to be located to the rear or side and also be screened. The Board granted a waiver to locate this parking in the front but with a condition there will be plantings – now the request is to eliminate the plantings and locate a fence. The Chairman stated he doesn't quite accept this.

Vice-Chair Stout reminded the Board of the site on Marlboro Street where a structure was constructed contrary to site plan approval and felt this is not the first time something like this has happened. He indicated every time something like this happens, it is an insult to the Board. He felt there are number of situations in the City where Board decisions are being questioned because they are not being enforced and there doesn't seem to be any punitive action for applicants who go against Board decisions. He felt this is not the first time the Board's hands have been tied but stated he will still vote in favor because it is best solution for this site – even though it irks him to do so.

Councilor Hansel stated he agrees with replacing the ornamental tree with a shade tree as this would comply with the standards the Board is trying to uphold.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board approve SPR-16-14 Modification #3, as shown on the plans entitled "Proposed Two Bay Car Wash", TMP 087-01-002 at 435 Winchester Street, Keene, Cheshire County, NH, dated September 14, 2014, last revised November 17, 2016, drawn by prepared by Brickstone Land Use Consultants, LLC at a scale of 1" = 20' with the following conditions:

1. Prior to signature, substitution of a shade tree for the specified ornamental tree in the front planting area to be approved by the Planning Director.
2. Prior to signature by Planning Board Chair, Owner's signature on plan.

The motion was seconded by Pamela Russell-Slack and carried on a 5-1 vote with Chair Spykman voting in opposition.

2. **SPR-821, Modification #3 – 650 Court Street – Site Plan** – Applicant Brickstone Land Use Consultants, LLC on behalf of owner 650 Court St. Condominium Association, LLC proposes a parking lot expansion at the front of the building along Court St. A waiver is requested Development Standing #19: Visual Appearance, Parking. The site is 6.5 acres in size and located in the High Density Zoning District (TMP# 913-17-008).

A. Board Determination of Completeness.

Tara Kessler recommended to the Board that Application SPR-821 was complete. A motion was made by George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. Public Hearing

Mr. David Bergeron of Brickstone Masons addressed the Board. Mr. Bergeron stated this application is for the existing dental clinic at 650 Court Street. The entire property is about 6.5 acres in size; there are two curb cuts for this site. The rear of the site is bordered by Ashuelot River. Mr. Bergeron stated the dental clinic has experienced some growth and need to add more parking. It has also been brought to their attention that the handicap parking spaces are not close enough to the accessible entrance which is in the front (direct ramp with ADA paddles). The handicap spaces are located on either end of the building which makes for a long trip to get to this door. The State has requested that handicap spaces closer to the door be added.

The area behind the building drops off about 40 feet to a lower plateau along the river where there are wetland areas which makes it impossible to expand to the rear. The proposal is to add nine spaces to the northern parking lot, locate ADA spaces closest to the door, relocate five spaces to the front and add landscaping along the front of the site.

Mr. Bergeron went over comments from the staff report: A bicycle rack has been added per request from staff adjacent to the front entrance (rack for four to six bikes).

Screening parking spaces – the northern parking lot is screened very well as well as the spaces at the front (along Court Street). He noted this site is wooded around the back and the side and because of security reasons the applicant does not want to screen the entire front of the property. The applicant's proposal is to screen 100% of the northern parking lot as well as the new parking which will face Court Street.

Mr. Bergeron then went over the waiver criteria (for parking in front of the building):

- a) *That granting the waiver will not be contrary to the spirit and intent of these regulations;*
The applicant is unable to add parking to the rear because of the steep slopes. Chair Spykman asked about the southeast corner. Mr. Bergeron stated they will still be as close to Court Street by locating spaces here than what the applicant is proposing. Chair Spykman stated he is most concerned about the spaces right in front of the site. Mr. Bergeron stated they were forced to locate parking in this location because of ADA requirements. The Chairman asked whether the applicant gave any thought to upgrading the entrances at the end of the building where there are already ADA spaces. Mr. Bergeron stated this would require an extensive ramp system to be constructed. The north side might be a little more accessible but both sides would require the sidewalks to be reconstructed to add in ramps and ADA entrances.
- b) *That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment;*

The applicant has attempted to screen the parking to provide some buffer from Court Street.

c) *That granting the waiver has not been shown to diminish the property values of abutting properties.*

Mr. Bergeron noted the parking lot is not screened at all but that is now going to change. This would improve the overall appearance of the site.

d) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.*

The site drops in the rear and there is no space to locate any parking here. Constructing parking is an expensive project and the applicant would not be constructing this if there wasn't a need for it.

Vice-Chair Stout asked whether any landscaping was considered for the northwestern corner. Mr. Bergeron stated this is something they could look at but wouldn't want to cause any sight distance issue for cars travelling this driveway. Vice-Chair Stout felt this would act as some type of wetland mitigation and make the green island look a little more attractive. He felt at the present time it looks incongruous.

Dr. Cusack asked whether the width of each space could be reduced to eight feet which could add more spaces. Mr. Bergeron stated according to zoning, parking spaces can be reduced to eight feet in commercial settings but because of the size of vehicles these days he would hate to reduce the width of parking spaces.

Mr. Barrett questioned the need for 15 additional spaces and agreed the site visit happened the day before Thanksgiving and this would have been an atypical day. He asked whether Mr. Bergeron has any evidence he could show the Board that this number was necessary. Mr. Bergeron stated he doesn't have any pictures to show the Board; the owner originally asked for 18 but it has been reduced to 15 and they feel this is what they need for their practice. Mr. Bergeron stated he lives in this neighborhood and has seen quite a few vehicles parking at this site. He added they want to also plan for future growth.

Staff comments were next. Ms. Chalice stated according to Code for a site with this square footage requires 66 spaces, this site has 71 spaces and with the requested spaces this number would increase to 86 spaces. Ms. Chalice stated engineering comments were not available when the staff report was drafted; engineering staff is however, asking for spot elevation at the corner of each new parking area and corollary spot elevation along the three foot infiltration areas to assure positive drainage into the LID measures that are being proposed.

Comprehensive Access Management – there are three entrances into the building. Staff agrees the western entrance with the three stairs will be a good location for ADA access. However, on the opposite side there is room for a landing pad and a modified sidewalk. This will prevent having to cross a travel lane. What is being proposed now is physically the closest but requires having to cross a travel lane, which is not staff's first choice.

With reference to parking at the front of the site; the Board's landscape standard specifically talks about a parking lot of more than 50 cars along a public right of way and this specific standard does not talk about a single line of hedge. This standard calls for a berm, 75% of the length and it calls for a mix of shrubs and shades trees. This was suggested to the applicant and they have increased the length of the hedge around the two parking areas. Ms. Chalice stated

staff is not suggesting any landscaping between the building and the parking areas but called the Board's attention to an adjacent site at Sophia's Hearth where a mix of shrubs and perennials go up to the roadway. There have been no traffic accidents at this location and the applicant's site has more space than Sophia's Hearth to accommodate landscaping.

Vice-Chair Stout asked whether the landscaping at Sophia's Hearth already existed at this site. Ms. Chalice answered in the negative and added they were planted after the site opened. Vice-Chair Stout felt the applicant has a more "lawn" oriented appearance and what is being suggested is an overall change in character to the entire property and asked how the applicant can change this to look more like a forested area in an economic manner. He also added the parking lot is lower than the roadway. Ms. Chalice stated the standard doesn't call for a forested area but rather a buffer, a thickened area of shrubs and trees in a "ribbon" like effect to break up the pavement aesthetic.

Vice-Chair Stout asked whether Ms. Chalice was suggesting a specific quantity of shrubs and trees. Ms. Chalice felt the applicant could come up with a landscape suggestion according to the Board's standards which can be approved administratively. Vice-Chair Stout also asked about screening the parking as you head north on Court Street. Ms. Chalice suggested the ribbon like effect would wrap around this area and close in this area as well. Chair Spykman suggested perhaps the applicant could come back with an alternate plan instead of a vote that goes against him.

Chair Spykman asked whether the northwest entrance would work to accommodate the ADA access. Ms. Chalice felt it would but this is a different access than the one the applicant has chosen.

Councilor Hansel stated this is the dental office he uses and often times the lot is full. He also stated he would not want to go down to eight foot side spaces which would not work for him. The Councilor also felt having the ADA spaces in front would be a better option as most of the dental offices are located in the western portion of the site and they would also be more visible. With reference to screening, there is going to be a net gain of screening with this new proposal and asked where staff was envisioning more trees to be located. Ms. Chalice stated the trees would be in the ribbon that is being called for; in the buffer strip which is called for in the regulations. Mr. Lamb stated if there is an interest in this type of landscaping the Board should talk to the applicant to see how willing they are to address some of these concerns.

The Chairman opened the application to public comment.

Mr. Bergeron stated he designed Sophia's Hearth and noted the parking lot is lower than the road and the five to six maple trees are closer to the frontage on the site. With reference to a handicap ramp where the existing ADA spaces exist would have to be a much longer ramp and the cost would be upwards of \$20,000. He stated the applicant would be happy to look at some additional landscaping to screen the spaces they are adding if that is what the Board desired but felt they are improving what already exists.

With no public comment, the Chairman closed the public hearing.

Mr. Barrett stated the waiver from Standard 19 requested by the applicant should not be taken lightly. The existing number of parking spaces exceeds the number of required amount for this

use and did not feel the Board would approve this request if this was a new application. Mr. Barrett agreed the ADA issue was an important one but did not feel this was a reason to grant a waiver particularly because there is another alternative (entrance on the northwest side of the building). He also noted there is a ramp that goes right from the parking area at this location and felt this was a much preferred location as this would not require crossing traffic.

He went on to say it hasn't been demonstrated to him there is a need for 15 additional spaces. Mr. Barrett stated he has a hard time with the spaces right in front and the spaces more to the northwest are more acceptable to him. If eight spaces in the northwest corner were not enough perhaps more could be added to the southeast corner. Mr. Barrett added that he was not trying to stop growth of a business; if more spaces are needed they could be located elsewhere other than right in front of the building. Vice-Chair Stout stated he too wasn't too much in favor of spaces in the front of the building and felt landscaping could effectively mitigate these spaces.

Chair Spykman felt the Board has standards for a reason and they should not be waived automatically nor does he want to be too rigid with his decision. Councilor Hansel noted there is already parking in front of the building and the request is adapting to the use. He felt if the Board wasn't inclined to approve this item tonight the applicant should be given some clear direction. Vice-Chair Stout stated he would be willing to continue this application pending an acceptable landscaping plan. Mr. Lamb stated the Board could approve this application with a condition that calls for landscaping as has been described which would allow staff to work with the applicant. In the absence of that, the Board can continue the item but does not recommend denying this application. Vice-Chair Stout asked whether this item could be continued giving the applicant the option of adding spaces on the southeast corner rather than in the front. Mr. Lamb stated this might be something the Board should check with the applicant before a vote is taken.

Chair Spykman reopened the public hearing to hear from Mr. Bergeron. Mr. Bergeron stated giving them time to discuss this item with staff would be the best option for them. Mr. Lamb asked whether there was any time constraint with this project. Mr. Bergeron stated with the issues that have been raised they are probably looking more at a spring project.

Ms. Russell-Slack extended her appreciation to Mr. Bergeron for agreeing to come back before this Board.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board continue SPR-821, Modification #3 to its January 23, 2017 Planning Board meeting. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

V. Planning Director Reports

1. 2017 Planning Board Schedule

Mr. Lamb noted there is only one Tuesday meeting, which is the December 26, 2017 meeting.

A motion was made by Pamela Russell-Slack that the Planning Board approve the 2017 Planning Board schedule. The motion was seconded by George Hansel and was unanimously approved.

Vice-Chair Stout asked that he be taken off the automatic calendar schedule.

2. Land Use Code Update presentation – December 15, 2016 City Council

Mr. Lamb invited the Board to attend the December 15 City Council meeting where there will be presentation by Town Planning Urban Design Collaborative who is the consultant working on a report regarding the City's land use codes and regulations. The PLD Committee will be taking up this the land use code issue in January.

VI. Upcoming Dates of Interest – December 2016

Planning Board Meeting – TUESDAY, December 27, 6:30 PM

Planning Board Steering Committee – Tuesday, December 13, 5:30 PM

Joint PB/PLD Committee – Monday, December 12, 6:30 PM

Planning Board Site Visits – Wednesday, December 21, 8:00 AM – to be confirmed

Vice-Chair Stout raised the issue about bringing up past items to be discussed – he suggested at the end of the meeting when old business is brought up, if someone wanted to discuss a certain item they bring that up which gives staff the opportunity to include it in next month's agenda.

Mr. Barrett stated if there was an item a Board member wanted to bring up and didn't want to wait an entire month, perhaps it could be brought up at the Steering Committee level to be added to the very next meeting agenda.

Chair Spykman asked about any legalities that surround this suggestion. Mr. Lamb stated if an item is brought up under New Business it is merely brought to be placed on next month's agenda and to have a discussion without proper notice would be in violation of 91-A. Mr. Lamb stated if the Old Business and New Business is going to be addressed the Board needs to be clear of their expectation.

The meeting adjourned at 9:40 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director
Edits, Lee Langella