

SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

**CITY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

APRIL 2, 2002

MEMBERS PRESENT: David M. Holden, Planning Director;
David Allen, Deputy Public Works Director;
John Burke, Parking and Transportation Engineer
Michael Magnant, Deputy Police Chief;
Charlie Jones, Fire Marshal;
Alanson Sturgis, Chairman of the Conservation Commission;
Tom Cravens, Engineering Technician; and,
David Desfosses, Engineering Technician

ALSO PRESENT: Lucy E. Tillman, Planner 1

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I. OLD BUSINESS

A. The application of **Raymond Ramsey**, owner, for property located **off Kearsarge Way** wherein site plan approval is requested for the construction of a 63' x 231' four-story, 100 room hotel with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 218 as Lot 22 and lies within a General Business district. Said property was formerly shown on Assessor Plan 218 as Lots 22, 24, 25, 28, 29, 30, 32, 33, 34, 38 and 39. **(This application was tabled at the Committee's March 5, 2002, meeting to this meeting.)**

The Chair read the notice. Mr. Sturgis moved to take the application off the table. Mr. Desfosses seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Attorney Charles A. Griffin addressed the Committee and stated that he would be reporting back on the progress that has been made since the last meeting. He stated that the Traffic/Safety Committee had recommended approval of the application subject to stipulations; such as, the widening of Kearsarge Way to accommodate separate left and right turn lanes as well as safe turning movements for WD50 trucks with the improvements to be approved by the City Engineer; and, the physical interconnection of the Kearsarge Way and I-95 ramp traffic signals at a cost to the applicant not to exceed the cost of the improvement which is \$100,000. Attorney Griffin commented that requested contribution was, in his opinion, excessive.

Attorney Griffin went on to state that the Traffic/Safety Committee also considered the possibility of a transit pullover. As COAST did not want a stop onsite due to the truck traffic and suggested a stop on the opposite side of Kearsarge Way which would impinge on Conservation land, the Traffic/Safety Committee weighed both sides and recommended that the bus stop area not be a part of this proposal.

John Chagnon of Ambit Engineering addressed some of the other outstanding issues reporting that they had met with Tom Cravens of the Water Department and completed a water model. Water line improvements will include a 10" water line on Mangrove Street.

With regard to signage concerning truck parking, Mr. Chagnon referred to Sheet C-2 and the provision for signage.

Mr. Chagnon went on to state that the Wetlands Board is ready to issue a permit after the development of a planting plan for the detention pond area in order to jump start vegetation and bring the area back to a vegetative state quicker than natural devices would allow. The Wetlands Board also asked for a Conservation Easement in that area. Mr. Chagnon reported that a Conservation Easement has been forwarded to the Conservation Commission and that, if necessary, the Conditional Use Permit obtained from the Planning Board would be modified.

Mr. Chagnon reported that the Site Specific Permit is ready to be issued once a change to the drawings is made adding hoods to the catch basins in the parking lot.

Mr. Chagnon further stated that the utility companies have been notified of the proposal and that to date, they have not had any response back indicating any problems.

With regard to the treatment swale, Mr. Desfosses asked if test pits had been conducted to ensure that the swale is 2' above water table. Mr. Chagnon replied that no test pits had been conducted. Mr. Desfosses asked that such be provided or that under drains be installed to ensure adequate drainage.

Mr. Desfosses then spoke to the gate for the proposed access road stating that the positioning of the gate as indicated is on flat ground allowing for vehicles to drive around it. He suggested that the gate be moved down another 30' or so or that fencing be provided.

Mr. Cravens clarified that his request for a 10" water line was intended to tie into the line at Spinnaker Way.

Getting back to the proposed gravel road, Mr. Desfosses commented that EPA rules now force developers to maintain systems; it being his opinion that it would be a good idea to have the access road.

At this point in the proceedings, the Chair asked if there were any other speakers wishing to speak to, for, or against the application. Seeing none, the Chair, once again, declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses moved to approve with stipulations. Mr. Cravens seconded the motion.

From the Technical Advisory Committee:

1. That an amended Conditional Use Permit be granted by the Planning Board as may be appropriate;
2. That the drainage swale be 2' above the water table; otherwise, under drains shall be installed;
3. That the gate for the gravel access road be moved toward the east; and,
4. That the 10" water main extension going up Mangrove Street tie into the existing 10" line on Spinnaker Way

From the Traffic/Safety Committee:

1. That Kearsarge Way be widened to accommodate separate left and right turn lanes as well as safe turning movements for WD50 trucks with the improvements to be approved by the City Engineer; and,
2. That the Kearsarge Way and I-95 ramp traffic signals be physically interconnected at a cost to the applicant not to exceed the cost of the improvement which is \$100,000

The Chair asked that the results of the water model be made available to the applicant. The Chair referred to a letter written to the Mayor by Kevin LaFond regarding truck idling. The Chair asked Attorney Griffin if the conditions of the Board of Adjustment approval were shown on the site plan with Attorney Griffin responding in the affirmative. Attorney Griffin concurred with the Chair's comment that the site plan indicates signage regarding truck parking. The Chair asked that the applicant consider how he might want to address this issue as the Chair was sure that the applicant did not want to have idling trucks in his parking lot. The Chair asked if that would be appropriate with the response being in the affirmative.

Deputy Police Chief Michael Magnant stated that he voted against the motion at the Traffic/Safety Committee expressing his concern that the turning lane onto I-95 would not be part of this project and not done at the same time. It was his opinion that the City would continue to have traffic problems out there pointing out that there is a failed intersection at the present time and the condition would only get worse.

Mr. Burke asked to speak to the issue. He stated that it was the intent of the Committee (Traffic/Safety) to have the coordination and widening projects done sometime next year. He went on to comment that an existing situation would be made worse with the hotel project coming on board and the question to be answered is how do we leave the corridor no worse off than it is at the present time.

Mr. Burke spoke to the intent of using Federal funds and using the funds from the applicant's contribution to move the project up from 2011 by leveraging that contribution with DOT. The Chair explained that the ten year plan has to show any fiscal constraints within it; that with those constraints changed, that the project could be brought to fruition sooner than 2011.

The Chair called for the question. The motion passed on a 7-1 vote with Deputy Police Chief Magnant voting in the negative.

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B. The application of **Wren’s Nest Motel Corp.**, owner, for property located at **3548 Lafayette Road** wherein site plan approval is requested for the construction of a 180’ x 50’ parking area to accommodate twenty-eight spaces in conjunction with a proposed 60 seat restaurant with a bar area and dance floor within an existing building with associated site improvements. Said property is shown on Assessor Plan 297 as Lot 6 and lies within a Single Residence A district. **(This application was tabled at the Committee’s March 5, 2002, meeting to this meeting.)**

DISCUSSION AND DECISION OF THE COMMITTEE:

The Chair read the notice. Mr. Desfosses moved to take the application off the table. Mr. Allen seconded the motion. The motion passed unanimously.

Mr. Bowmar was present and standing at the podium. To assist the applicant with his presentation, the Chair stated that it was his understanding that Mr. Bowmar had revised plans with him ready for submittal to the Committee; that the ordinance requires Board of Adjustment approval for the aisle widths; that the review by the Traffic/Safety Committee was tabled for an on site on the 16th. The Chair advised Mr. Bowmar to have his engineer available for the on site by Traffic/Safety on the 16th at 8:00 a.m. and at the Traffic/Safety meeting on the 18th at 8:00 a.m.

The Chair continued on to state that by the 18th, everything should be in place; that is, Board of Adjustment approval should be in hand and the review by the Traffic/Safety Committee should be complete so that on the 30th (in the morning) the plans can be reviewed at a pre-TAC meeting with Mr. Bowmar and his engineer.

The Chair then asked the Fire Marshal, Charlie Jones, if he had any comments. Mr. Jones stated that the issue of fire service within 500’ and options had been discussed. He did not feel that the proposal posed a greater threat than presently exists.

The Chair then asked David Defosses, Engineering Technician, for comments. Mr. Desfosses explained that he went on site with Tom Richter, another Engineering Technician. It was Mr. Desfosses’ opinion that the drainage was adequate. He continued on to state that he discussed the issue of driveway width with Mr. Bowmar and advised him to get relief from the Board of Adjustment.

As the Public Hearing had been opened, the Chair asked if there were any speakers. No speakers came forward. Mr. Allen moved to table the application to the April 30th meeting of the Technical Advisory Committee. The motion was seconded and passed unanimously. Mr. Bowmar submitted his revised plans to committee members..

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C. The request of **David Hancock, Trustee of Pheasant Lane Realty Trust**, for property located off **Hoover Drive** wherein an amendment to an approved site plan for a planned unit development is requested to incorporate an amended drainage plan. Said property is shown on Assessor Plan 268 as Lot 97 and lies within a Single Residence B district. **(This application was tabled at the Committee's March 5, 2002, meeting to this meeting.)**

SPEAKING TO THE APPLICATION:

The Chair read the notice. Mr. Desfosses moved to take the application off the table. Mr. Cravens seconded the motion. The motion passed unanimously

The Chair commented that an approved site plan was back before the Committee; that there seems to be a legitimate issue concerning how the site plan would be enacted with regards to the drainage plan; that the City, the applicant and the condo association have met to come up with a way to work out a better site plan that would address each party's needs.

Dennis Moulton of Millette, Sprague & Colwell, site engineers for the project, addressed the Committee. He stated that the site plan approval received some years ago included a detention pond calculated to reduce off site flow. As the project developed, homeowners became concerned about the aesthetics of the pond and associated swale and the engineering firm was asked to look at the drainage structures again to see if they were truly needed or if they were overkill.

Mr. Moulton went on to state that a presentation was made to the Committee several months ago showing the same off site flow. However, the Technical Advisory Committee, at that time, was concerned about the issue of water ponding at the low area of Hoover Drive and Taft Road. He stated he was asked to look at the current situation, the pre-development situation, whether or not the development exacerbated that situation and whether or not the addition or deletion of the drainage facility would have positive or negative affects.

Mr. Moulton continued on by stating that they went through and did a full drainage study which encompassed the developed areas of St. James Church, the VIP store and some of the adjacent areas. In other words, he was asked to look at a much broader scope. Mr. Moulton went on to state that he included a large portion of a wooded area adjacent to the Woodlands development and the used car super store off Lafayette Road. He stated that he took the data from that study and used it to model the drainage from the area.

Mr. Moulton explained that the previous study was done under City regulations and looked only at off site flow rates – the amount of water and how fast it was moving coming off the site. He stated that this study looked at volume of water – how much water collected. The model looked at the low area and how water would be handled during a storm event.

Mr. Moulton went on to state that the study shows the water ponding at an elevation of 43.94' which flows over the crest of the road which has an elevation of 43.76'. The ponding level increased to 44.08' when the Pheasant Lane development was added in. Mr. Moulton then asked

the question – does the development make matters worse and responded “slightly”. He then asked the question – will a detention pond help. He explained that the water from the development into the detention pond also treats the water from the VIP Auto Center. It was his opinion that there would be a ¼” difference in elevation and his conclusion was that the benefit from putting in the detention facility would be very minimal as opposed to cost.

Mr. Moulton stated that he then looked at different scenarios – anything that would help the ponding situation. He stated that unfortunately nothing made much of a difference. It was his feeling that the existing utility pipe could only handle so much water. In other words, the water comes down faster than the 15” pipe is able to withdraw water.

Mr. Moulton went on to state, that it was clear to him, that the detention pond, as designed, would serve the original purpose -- that of mitigating the flow rate -- not the volume and would not solve the problem that occurs down the road. He stated that the question before the Board is whether it would be worth the investment of ten to eleven thousand dollars for the construction of the detention pond for marginal benefit.

Mr. Moulton stated that, at the request of the Board, the contribution of Key Auto Center alone was pulled out with a stormwater difference of almost ½”. Mr. Moulton concluded his presentation by stating that he had submitted a graph showing pavement elevations and pre and post development flows.

Bob Brookhouse, President of the Homeowners’ Association for Pheasant Lane, addressed the Committee and referred to a letter that had been submitted that was signed by all the residents (of Pheasant Lane) asking that the implementation of the drainage plan not take place due to the fact that some two to three hundred trees would have to be taken down.

There being no further speakers, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses stated that it was his understanding that volume wise – not flow rate wise – the detention pond would not make \$10,000 worth of difference. Mr. Moulton responded that such a statement was correct. Mr. Desfosses stated that looking at the studies, it would appear that it might be better to have money from the development for a storm drainage upgrade rather than a detention pond system; that according to the diagram and the study, an 18” inlet pipe would bring the water level during a 10 year storm below the elevation of the roadway.

Mr. Moulton cautioned Mr. Desfosses on the numbers stating that no tail water had been included. Mr. Desfosses spoke to a 24" pipe and asked that Mr. Moulton give him (Mr. Desfosses) some numbers and to run the numbers using the tail water in the system to see what the affect would be to the drainage system to the Woodlands and whether a 24” pipe would or would not be adequate.

Mr. Allen moved to convene the request to a joint work session with the appropriate members of the Technical Advisory Committee and the Planning Board. Mr. Desfosses seconded the motion.

The Chair stated that it was his understanding that the original study did not consider surrounding properties; that the current study is a comprehensive one and takes in adjacent properties; that the improvements made on this project would accommodate to some degree some drainage from adjacent sites, be that volume or flow; that by backing those other projects

out of the question, there appears to be little or any difference (whether the detention pond is put in or not). Mr. Moulton stated that he would agree that if one backs out the other two most recently developed sites, VIP and Key Auto Center, one would not see the big elevations that one sees.

The Chair commented that it is when one adds additional loading, that one sees a change. Mr. Moulton stated that to be fair he would have to state that everything contributes adding that the existing church contributes.

The Chair stated that it was his thinking that there is an agreement between the homeowners and the developer whereby it would be decided how best to utilize the cost of the necessary improvements.

Mr. Desfosses offered the comment that by increasing the size of the pipe, the City could bring the drainage to the point it was when Hoover Drive was originally built. Mr. Holden stated that some contribution toward this might be appropriate. Mr. Allen added that he thought that would be appropriate; that the homeowners would see savings from not having some work done and the City gains something towards downstream drainage improvements.

The Chair asked if the homeowners' association would be interested in participating in the work session with Mr. Brookhouse responding in the affirmative. The Chair asked if the applicant would be interested in participating in the work session with the response being unclear. The Chair stated that he would carry that burden (that is, contacting Mr. Hancock regarding the work session).

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D. The application of **Lafayette Partners of Michigan, LP, owner, and Margaritas Management Group, applicant**, for property located at 775 Lafayette Road wherein site plan approval is requested for the construction of an 1,838 s.f. addition to the existing Margaritas Restaurant with associated site improvements. This request amends the previous request for three additions to the existing restaurant. Said property is shown on Assessor Plan 245 as Lot 1 and lies within a General Business district. **(This application was tabled at the Committee's March 5, 2002, meeting to this meeting.)**

SPEAKING TO THE APPLICATION:

The Chair read the notice. Mr. Desfosses moved to take the application off the table. Mr. Cravens seconded the motion. The motion passed unanimously.

Attorney Bernard W. Pelech addressed the Committee. He stated that when he was previously before the Board, concerns were expressed about the proposed addition extending over an existing sidewalk. Attorney Pelech informed the Committee that the plans had been revised and that the necessary Board of Adjustment approvals had been received for the addition. Attorney Pelech further informed the Committee that John Chagnon, site engineer, and Lisa DeStefano, architect, were present to answer any questions the Committee might have.

John Chagnon of Ambit Engineering addressed the Committee and referred to some of the stipulations from the December meeting. With regard to the grease trap to the rear of the facility, Mr. Chagnon stated that to the best of their knowledge, it is a 500 gallon grease trap; that a note has been added to the plan that it will be replaced with a 1,000 gallon grease trap.

Mr. Chagnon went on to state that the layout of utilities is now shown on the plan adding that the water line comes in between buildings; that the gas line comes in from the back of the structure and the electrical services is from an overhead line. The sewer line comes out from the grease trap and enters a man hole down to the main sewer connection in front of the Lafayette Plaza building.

Mr. Chagnon spoke to note #4 and stated that the existing seating figures should be changed to 230 with the proposed seating to be revised to 265 seats. It is anticipated that the sewer flow will increase by some 1,400 gallons per day as the result of the addition.

The Chair made three calls for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

The Chair stated for the record that now there are sidewalks that connect the facility to the rest of the development. Mr. Chagnon replied that such was not true. It was explained that there is a paved sidewalk in front of the main section of the plaza; that the sidewalk ends at the end of that building; that there is a painted crosswalk/painted area that goes in front of the existing restaurant.

Mr. Chagnon explained the new handicapped accessible parking that would provide a safe access with a ramp up to the new addition. Mr. Chagnon spoke to a cross hatched area from the landing to the main building. The suggestion was made that if 2' was taken off the landscaped island, that a striped corridor could be provided.

Mr. Desfosses questioned the accessibility from the main plaza. The Chair stated that it was his understanding that there was a concrete sidewalk out front and wondered why it had disappeared. He was informed that there is a canopied walkway in front of the structure. Deputy Police Chief Magnant offered that the sidewalk in front of the main plaza slants down and butts up to a tarred walkway and that would be remaining the same; that the previous plan went into the striped area. Mr. Desfosses reiterated his desire to have a corridor from the landing that ties into the sidewalk

at the front of the building again referring to the loss of a couple of feet in the island across the street. Mr. Chagnon responded, "no problem".

Mr. Desfosses then stated that the City is trying to get away from having sewer connections underneath buildings and wondered if it could be relocated out and around the new addition. Mr. Chagnon commented that the existing sewer works even though it is at a pretty shallow pitch. It was Mr. Chagnon's opinion that it would be difficult to add any length to it. Mr. Desfosses commented that 4" is awfully small. Mr. Allen added that normally a 6" line is associated with a restaurant. Mr. Desfosses felt that the pitch could be met with a little bit larger pipe.

Mr. Desfosses moved to approve with stipulations. Mr. Allen seconded the motion.

Ms. Tillman pointed out that the previous existing conditions plan showed shrubs out in front of the building and that the plans before the committee don't show the shrubs. Mr. Chagnon replied laughingly that it's not because somebody removed them in the middle of night; that they were just off the drawing.

Ms. Tillman then spoke to a line going through the deck that was not on the previous existing conditions plan. Mr. Chagnon explained that the line represented the sewer line. Mr. Desfosses commented that the City has no problem with a sewer line under a deck; just under the building.

The Chair asked Mr. Chagnon to give the status and nature of the existing deck. Mr. Chagnon explained that it is a seasonal outdoor deck, fully permitted; that there would be no change in the use; that there were restrictions, when approved, regarding music and outside entertainment. Ms. Tillman asked if there were any speakers with Mr. Chagnon responding, "not that I am aware of". The Chair asked that the stipulations from the Board of Adjustment approval of the deck be included on the plan.

Deputy Police Chief Magnant referred to the 265 figure for increased seating and inquired if the main dining room would be increased by only 35 seats. Mr. Chagnon responded by stating that the main reason for the addition is to move the bathrooms to the front of the facility so that people wouldn't have to walk through the bar to go to the bathrooms. Deputy Chief Magnant stated that he appreciated such an effort; however, it was his interpretation (from the floor plan provided by Lisa DeStefano) that the major part of the addition involved the lounge rather than the bathrooms. He wondered if the change in the lounge would include a change in entertainment.

Lisa DeStefano addressed the Committee and stated that it was not the intent of her client to change anything in the function of the lounge or the dining area. The first concern was the handicapped accessible bathrooms.

Deputy Chief Magnant wondered if the application could go through an internal review with the City's entertainment committee. The Chair commented that the Committee did not have the authority to make such a stipulation; however, such could be a suggestion.

The Chair commented for the record that this is a General Business district; that if the occupancy load should exceed 500, then a Special Exception would be required.

The motion passed unanimously.

Stipulations:

1. That a note be added to the site plan indicating the stipulations associated with the Board of Adjustment approval concerning the use of the deck; and,
2. That an attempt be made to provide a 6" sewer line.

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II. PUBLIC HEARINGS

A. The application of the **Construction and General Laborer's Local Union 976 AFL-CIO**, owner, for property located at **155 West Road** wherein site plan approval is requested for the construction of two 900 s.f. one-story additions (for a total of 1,800 s.f.) to the rear of the existing building with associated site improvements. Said property is shown on Assessor Plan 252 as Lot 2-37 and lies within an Industrial district.

SPEAKING TO THE APPLICATION:

The Chair read the notice. John Chagnon of Ambit Engineering addressed the Committee and informed them that Tom Brewster, Business Manager, was present to answer any questions the Committee might have.

Mr. Chagnon went on to explain that the proposal calls for two 30' x 30' additions to an existing structure coming off the back side. He informed the Committee that a Variance was received from the Board of Adjustment on February 19, 2002, for a 40' rear yard where 50' is required. All utilities will be connected internally.

Mr. Chagnon stated that the curb cuts shown on the plan are existing (in response to a question from John Burke regarding the location of other driveways). Mr. Chagnon went on to indicate that there would be no increase in pavement adding that right now the facility is not striped. With the implementation of the proposal, the facility will be striped. The parking requirements will be met with the striping in place.

The Chair made three calls for speakers. There being no speakers, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses moved to approve with stipulations. Mr. Sturgis seconded the motion. The Chair asked if there would be any additional plantings with the response being in the negative. The Chair asked that the landscaping plan be reviewed with Lucy Tillman of the Planning Department to see if some plantings should be added.

The question was jokingly asked if one side of the addition is for labor and the other side for management. Mr. Brewster replied that one side is for office space. The question was moved. The motion passed unanimously.

Stipulations:

1. That the site plan indicate the sewer lateral out to the street; and,
2. That the landscaping be reviewed with Lucy Tillman of the Planning Department to see if some plantings should be added.

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B. The application of **Jay Gingrich**, owner, for property located at 915 Sagamore Avenue wherein site plan approval is requested for the construction of a 24' x 72' one-story addition to an existing building with associated site improvements. Said property is shown on Assessor Plan 223 as Lot 31 and lies within a Waterfront Business district.

SPEAKING TO THE APPLICATION:

The Chair read the notice. John Chagnon of Ambit Engineering addressed the Committee and stated that Jay Gingrich regretted that he could not be present.

Mr. Chagnon stated that the proposal calls for a 24' x 72' addition to the southerly side of the existing building. He went on to explain that the existing septic system is located within the 100' tidal buffer zone. The intent is to install a new conforming State approved septic system on the northeasterly side of the property that would pump up to a leach field.

Mr. Chagnon spoke to some parking improvements; such as, striping the existing paved area in the front. An ADA handicapped parking stall will be provided. Additional gravel will be placed in the back. The access road will be widened to 24'. Gravel parking spaces will be provided in the rear. An existing propane tank is being moved to the other side of the driveway.

Mr. Chagnon went on to state that the property contains some freshwater wetlands on the westerly side that were delineated by Lenny Lord as being less than 1/2 acre.

Mr. Chagnon informed the Committee that the present use of the structure is Portsmouth Scuba with 1,500 s.f. of retail. A research facility exists on site researching the production of sea urchins. Some storage of lobsters tanks occurs on site. The proposed use would have 2,000 s.f. of retail. The research use will expand as well as warehouse storage.

Mr. Desfosses inquired if a Variance had been received to not pave the back parking lot. Ms. Tillman explained that paving is not required; that a parking lot may have a gravel surface.

Mr. Allen inquired as to the discharge lines going into the creek. Mr. Chagnon responded that the lines are for the lobster tanks and sea urchin hatchery. The intake/discharge line pulls water from the Creek. Mr. Allen wondered if there were any regulatory issues with the NHDES. Mr. Chagnon responded that he was not sure but he did know that the University of New Hampshire was involved with the sea urchin grant and would hope that they had the necessary permits. Mr. Allen stated that he would like to be sure as the State scrutinizes the City's shores very closely.

The question was asked as to how the parking spaces would be designated in the gravel parking area with the suggestion being made that upright wooden posts could be used.

Mr. Desfosses asked that a note be included on the plan to call the Department of Public Works for a silt fence inspection before the start of construction. Also, Mr. Desfosses indicated that the silt fence along the southerly side of the building should be extended a little further to the north making reference to contour 26.

The suggestion was made that a note be added to the plan that the construction debris will be moved away from the tidal buffer zone.

Mr. Burke questioned the sight distance to the existing parking up front and asked if the vehicles currently back out. Mr. Chagnon responded that there is enough room to back out and that it was his opinion that there is no sight distance problem.

Deputy Police Chief Magnant asked if the use of the property right now is for retail sales. Mr. Chagnon responded that there is also the warehousing of lobsters and the agricultural research function. The question was asked if the truck traffic, trucks idling out back, would increase. Mr. Chagnon thought there might be an increase in truck traffic as there will be more lobsters; however, he did not feel that it would be significant.

The Chair made three calls for speakers. There being none, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

The Chair referred to the Waterfront Business district uses and the sale of lobsters for 12 hours per day and inquired if the property was in conformance. Mr. Chagnon responded that the lobsters are wholesaled. It was the Chair's understanding that no fish processing or preparation was done on site. Mr. Chagnon concurred. He did refer to a fish processing permit issued to the former owners, the Yagers, in 1995.

The Chair then returned to the issue of the vehicles backing into the street and stated that such is a non-conforming use; that when one expands a use, everything must be brought into conformance. He stated that he was not sure that the Committee could approve the plan showing vehicles backing into the street. He asked if Mr. Chagnon had considered placing the parking somewhere else.

Mr. Chagnon responded that what with the tidal buffer zone to the south and the wetlands to the west, the parking requirement could not be met unless one put parking where it would not be practicable. He stated that the vehicles back into the right-of-way line but not into the street; that vehicles can maneuver without backing into the street. The Chair inquired as to how the Committee could ensure that would happen. Mr. Chagnon responded with the thought of putting the parking closer to the building.

Mr. Burke suggested that the application be reviewed by the Traffic/Safety Committee as the site is located on a State-owned road within a municipal jurisdiction. It was his thought that alternatives should be shown to make the vehicle movements much, much safer for everybody involved referring to the bridge abutment, increasing traffic volumes, pedestrians and bicyclists. He spoke to a very serious accident that occurred on the bridge a couple of years ago right at this location.

Mr. Sturgis moved to table pending review from the Traffic/Safety Committee. Mr. Desfosses seconded the motion. Mr. Allen concurred stating that it would also allow time for an answer regarding any regulations involving the NHDES. Ms. Tillman suggested that Mr. Chagnon look at re-enforced chambers for parking in the proposed septic system area. Mr. Chagnon agreed

that was a thought and spoke to a retaining wall with surface parking over the septic system. Mr. Chagnon also muttered something about the defoliation of that corner in perpetuity.

The Chair announced for the record the receipt of communications in support of the project from Peter and Frances Pershall.

The motion passed unanimously.

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C. The application of **325 State Street, LLC**, owner, for property located off Porter Street wherein site plan approval is requested for the construction of a four-story building with an 8,926 s.f. ± footprint for the purpose of providing eleven attached condominium units with individual garages on the first floor with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lots 38-2 and 46 (lots to be combined) and lies within the Central Business B and Historic A districts.

SPEAKING TO THE APPLICATION:

The Chair read the notice. Eric Weinrieb of Altus Engineering addressed the Committee and stated that he was representing State Street LLC. He informed the Committee that Eric Chinburg, one of the principals of State Street LLC, was in the audience in case the Committee had any questions for him. Mr. Weinrieb explained that State Street LLC is the owner of five parcels in downtown Portsmouth. The former First National Bank property is shown as Parcel B and the two lots on Porter Street are shown as Parcel A.

Mr. Weinrieb went on to state that the Porter Street condominium proposal has received approval from the Historic District Commission; that HDC approval for Parcel B is in the process. He explained that the plan shows the entire project; however Parcel A is the only proposal before the Committee.

He spoke to a 16,241 s.f. parcel bounded on the south by Porter Street, on the west by Fleet Street, on the east by Church Street and developed properties to the north; such as, the Eagle Photo building, a vacant parking lot, and the Odd Fellows building.

Mr. Weinrieb spoke to the current configuration of the lots in question that being an open area primarily gravel, bituminous, concrete parking areas. The proposal is for 11 attached condo units with improvements to Porter Street. Four on-street parallel parking spaces will be eliminated. Brick sidewalks are proposed along Porter Street. Porter Street would be 16' in width with one-way traffic. Access would be from the rear, off Fleet Street, for the garages on the first floor with vehicles exiting onto Church Street. Mr. Weinrieb also spoke to an intense landscaping plan.

Mr. Weinrieb then stated that there is a 4" water main on Porter Street that would be replaced with a new 4" service that would provide individual water service to each unit. He spoke to a combined sewer and drainage line and stated that a separate sewer line would provide sewer service onto Porter Street from the units.

Mr. Weinrieb then spoke to the stormwater runoff that would enter a closed drainage system running from the back of the property onto Fleet Street. Roof drainage would be tied into the municipal system.

Mr. Weinrieb referred to a model developed by JSA representing both developments. The question was asked how tall the proposed structures would be with Lisa Destefano, architect, responding that the town houses would be 50' in height. Questions were asked about proposed uses on the roof and any outdoor decks. Ms. Destefano explained that there would be cantilevered decks on the back – 3 ½' x 6 or 7'.

The Chair asked for any other speakers. Newell Keenan, President of the McIntosh Condo Association, explained that the McIntosh building overlooks the project. Mr. Keenan commented that the project is fine; that he has followed its progress through the Historic District Commission. However, he did express his concern about the narrowing of Porter Street and spoke to the 10 Pleasant Street project. He spoke to traffic backing up frequently on Church Street, even on a normal day.

Mr. Keenan wondered what would happen to the parking spaces provided in the existing parking lots. He reiterated that he has seen how little it takes to stop traffic on Fleet and Church Streets adding that Porter Street provides a very good pressure relief. Mr. Keenan also expressed his concern about steps for the condo units actually being built on a City sidewalk.

The Chair made a second and third and final call for speakers. Mr. Weinrieb agreed that the area between the Custom House and 10 Pleasant Street was extremely narrow explaining that they would be providing 16' adding with a loading area of 21' which he felt would provide plenty of space for guest vehicles and whatever vehicles needed to be loading and unloading. Mr. Weinrieb stated that all accessways and stairways would be on private property.

The Chair asked Mr. Weinrieb if it was his opinion that the condition of Porter Street would be improved with this project especially due to the elimination of curb cuts. Mr. Weinrieb responded in the affirmative.

Mr. Burke asked that the plans show exactly what is going to happen. He felt that 16' would be good enough but added that Porter Street is a critical component to the traffic downtown. Mr. Burke stated that no parking should be delineated with no parking signs every 50' staggered on both sides of the road.

Mr. Keenan again expressed his concern about the front steps of the proposed condos being on existing sidewalks. The Chair assured Mr. Keenan that the issue would be clarified.

The Chair made a third and final call for speakers. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses expressed his reservations about the width of Porter Street what with people stopping on the side of the road to go into their houses. Mr. Burke stated that 16' is suitable for a one-way width. Mr. Desfosses muttered something to the effect that he didn't want people riding over his sidewalk. Concern was expressed that not everything would be done with the first phase and the question was asked as to what would happen if the second phase was not completed. It was again suggested that a plan be provided showing both sides of the street for review.

Mr. Allen moved to approve with stipulations. Mr. Burke seconded the motion.

Mr. Allen expressed his concern about the proposal to replace the existing 4" line with another 4" line. He spoke to the area in question being a tight area and stated that a 20" water main

would be installed during the summer up to the corner of Congress and Middle Streets. Without looking at a model, it was his feeling that an 8” line would be needed explaining that hydrants would be coming off the line. He asked that the sizing of the water line be looked at with a model with Fire Department input regarding adequate flow in the area. Fire Marshal Jones concurred. Comment was made that the four-story residential building would be fully sprinklered. Comment was also made that service for Phase 2 would be an 8” line in State Street. Mr. Cravens stated that the line in State Street is of 1800 vintage.

The Committee asked that the utility companies sign off on the plans before the Planning Board meeting. Mr. Cravens spoke to the separate water service for the 11 units and noted that the plan does not indicate a service for unit #9.

Mr. Allen questioned whether the green areas would jut out into the right-of-way. Mr. Weinrieb explained that the areas would be vegetative and low maintenance. Mr. Allen asked if the intent was to have the homeowners take care of that area with the response being, after Mr. Weinrieb checked with Mr. Chinburg, that the property owners would maintain that area. The Chair suggested that the applicant coordinate with Lucy Tillman of the Planning Department a meeting/discussion with the City Attorney regarding the use of landscaped areas within a right-of-way.

It was suggested that Mr. Weinrieb review the context of the larger project with the Traffic/Safety Committee but not look for approvals at this time.

Stipulations:

1. That the Traffic/Safety Committee review the plan with a recommendation back to the Planning Board;
2. That the plan show what is actually going to be done on Porter Street, both sides, during Phase 1;
3. That the bond instrument be of a sufficient amount to implement the plan completely in the event that the Phase 11 project never occurs;
4. That the various utility companies sign off on the site plan prior to the Planning Board meeting;
5. That a water service be shown for unit #9;
6. That the use of landscaped areas within the City’s right-of-way be reviewed with Lucy Tillman of the Planning Department and the City Attorney, as appropriate;
7. That the sizing of the water line be reviewed with the Public Works and Fire Departments with a model to ensure adequate flow in the area.

The motion passed unanimously.

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D. The application of **Vincent Colella and Kathleen Dowling**, property owners, and **Vincent Colella**, applicant for property located at 22 and 28 Deer Street wherein site plan approval is requested for the construction of a proposed four-story addition (with a 2,325 s.f. ± footprint) to an existing building located at 28 Deer Street. Said property is shown on Assessor Plan 118 as Lots 13 and 14 (lots to be combined) and lies within the Central Business B and Historic A districts.

SPEAKING TO THE APPLICATION:

John Chagnon of Ambit Engineering addressed the Committee and informed them that the requisite approvals had been received from the Historic District Commission for the four-story addition/new building at 22 Deer Street. Mr. Chagnon explained that there would be no basement, only a slab on grade. He spoke to the upgrade of the sidewalk with the removal of the existing concrete sidewalk to be replaced with a brick sidewalk. Mr. Chagnon stated that a 50/50 match is being proposed with the Economic Development Commission. He further stated that a letter had been sent to the Mayor and Council requesting permission to do the work.

Mr. Chagnon went on to explain that Mr. Colella is working with the Public Works Department regarding additional landscaping improvements to the City's pumping station; such as, granite curbing along the passageway and yews planted along the southerly façade of the pumping station. He spoke to an Adopt-a-Spot type of proposal with landscaping in front of the pumping station along Deer Street.

Mr. Chagnon spoke to an additional catch basin in the back access road out to High Street servicing Bernie Maxam's building. Mr. Chagnon explained that drainage goes down a back shoe down to Market Street; that 28 Deer Street would have a catch basin and a hard connection to drainage in Deer Street. He also spoke to foundation drainage around the building with that drainage connecting to a new catch basin at the bottom of the shoe further reducing runoff that runs across properties.

Mr. Chagnon then spoke to five striped parking spaces in the back. Twenty-six spaces are required. The anticipated sewer flow for the proposed office/retail use is 980 gallons per day.

Mr. Chagnon commented that the open space and building coverage calculations have been based on the lot standing alone. It is anticipated that the two lots will be merged, and Mr. Chagnon submitted a signed letter from Kathleen Dowling (wife of Vincent Colella) indicating that the lots would be merged. Mr. Chagnon commented that the Planning Board had been made aware of the proposed lot line merger and had expressed no objections. Mr. Chagnon explained that the lot merger would allow the joining of the buildings.

Mr. Chagnon informed the Committee that a small addition is being proposed, a one-story accessway entry type area; that final approval has been received from the Historic District Commission; however, the addition was taken off this plan as it needs a Variance from the two-story requirement. He stated that in the future the addition would be reviewed as a minor amendment.

The Chair made three calls for speakers. There being none, the Public Hearing was closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Allen spoke to the proposed 1 ½" water service. Mr. Cravens asked if a restaurant would be an allowed use with Lucy Tillman of the Planning Department replying in the affirmative. Mr.

Cravens then suggested that a mechanical engineer go over the calculations to see if the water service would be sufficient for a possible restaurant use.

Mr. Allen moved to approve with stipulations. Mr. Desfosses seconded the motion. On the issue of the sidewalk, Mr. Chagnon commented that if the response to the 50/50 match is unfavorable, then the proposed sidewalk may be cut back to just replacing what is in front of 22 Deer Street.

The comment was made that should the proposed one-story addition receive the necessary approval from the Board of Adjustment, the addition would not need to come back to the Technical Advisory Committee. It could go forward to the Planning Board as an amended site plan.

An underground electrical service is proposed that would go to the one-story addition.

Stipulations:

1. That the existing 1 ½” water service be looked at by a mechanical engineer to see if the service could accommodate two restaurants; one in each building and that a report be forwarded to Tom Cravens of the Public Works Department;
2. That the sidewalk detail indicate City standard brick;
3. That a note be added to the plan that the drainage pipe underneath the building is installed at the owner’s own “risk and peril”;
4. The a note be added to the site plan concerning a master box connection with the municipal system;
5. That a mark-up be provided showing what sidewalk improvements would be done with a City partnership and what would be done without; said mark-ups to be reviewed by David Desfosses of the Public Works Department;
6. That any sidewalk improvements are subject to City Council approval;
7. That the plantings abutting the City’s pumping station be reviewed by Mark Tanner, arborist with the Public Works Department;
8. That the lots shall be consolidated prior to the issuance of a Building Permit.

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III. ADJOURNMENT

Adjournment was had at approximately 4:30 p.m.

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Respectfully submitted,

Barbara B. Driscoll
Acting Secretary for the Planning Board