

**MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE**

2:00 P.M.

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

APRIL 6, 2004

MEMBERS PRESENT: David Holden, Director, Planning Department, Chairman
John Burke, Parking and Transportation Engineer;
David Allen, Deputy Public Works Director;
David Young, Deputy Police Chief;
Steve Griswold, Captain, Fire Department;
David Desfosses, Engineering Technician (Engineering)
Alanson Sturgis, Chairman, Conservation Commission

ALSO PRESENT: Lucy Tillman, Planner

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The Chair called the meeting to order at 2:00 pm.

I. PUBLIC HEARINGS

A. The application of **Erie Scientific Company, Inc., owner, and C & L Construction Company, Inc., Applicant**, for property located at **20 Post Road** wherein site plan approval is requested for increasing the size of an existing parking lot and constructing additional water detention areas, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 285 as Lot 9 and lies within an Industrial district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crothers, of C&L Construction, spoke on behalf of the applicant. He indicated that the purpose of the project was to add loading docks to the rear of the building. They are proposing additional pavement in front of the new loading docks which would take away some existing parking spaces. They will be adding additional pavement to the rear of the parking lot and add new parking spaces there. As a result of the additional pavement, they have a detention water area in the southeast corner of the lot.

The Chair called for speakers from the public.

Jerry Giles, a direct abutter, addressed the Committee. He indicated that this was the first time that he had seen the plans however he was concerned with the detention area and whether it would be sufficient in size as it appeared there would be an increase in flow onto his property, Heritage Storage. He also indicated that Roger Dowd had the same concerns.

Bill Gallot, of Roaring Brook Consultants, indicated that due to the additional pavement, there was an increase in runoff. There was originally 5 CSF of flow running off of the site and with the proposed plan they would have 5 CSF of flow running off the site.

Mr. Desfosses asked if this was volume or flow rate.

Mr. Gallot indicated it was flow rate.

Mr. Desfosses asked Mr. Giles if the swale acted as a detention area and whether it overflowed?

Mr. Giles did not recall the swale ever overflowing.

Mr. Desfosses asked if the swale was tied into another detention area on the property?

Mr. Giles indicated it was tied into one behind Pizza Hut and one that runs along his property.

Mr. Desfosses asked where the outfall was for all of the drainage?

Mr. Giles indicated that he was not objecting to the project. It was simply his concern that they have decent drainage. He would like to see an outlet so that the overflow would go out onto Heritage Avenue.

The Chair inquired if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Chairman Holden indicated the issue was how the existing drainage was going to compare with the proposed condition.

Mr. Desfosses indicated that they designed it so that the flow rate does not exceed the present condition, which is the letter of the law. He indicated that this particular area has always been a jumbled mess as far as drainage. There is no real outfall for the swales. It's just infiltration into the ground. The infiltration is pretty good and is probably the best drainage soils in the city. This plan will not make it any better and will probably make it a little worse.

Chairman Holden asked if the existing condition would be exasperated by the development?

Mr. Gallot indicated that their intent was not to increase flow off of the site.

Chairman Holden asked if the problem was with the volume, the flow rate or with both?

Mr. Desfosses stated that the swale that they are dumping their flow into has no outlet. It is an infiltration basin. They are adding volume to a basin that has no outlet. Mr. Desfosses asked how much the volume would increase?

Mr. Gallot indicated that the volume would increase 1200 cubic feet.

Mr. Desfosses asked if they had performed any test pits.

Mr. Gallot indicated that they had not.

Mr. Desfosses indicated that volume is the problem and Mr. Giles owns the basin that the flow runs into.

Mr. Giles felt that the solution was to provide an outlet. He indicated that the lot in front could provide an outlet as there is a natural swale.

Mr. Crothers indicated that the lots were not owned by the same owners.

A motion to approve with a stipulation was made by Mr. Desfosses. Mr. Sturgis seconded. The motion passed unanimously with the following stipulation:

- 1) That the applicant set up a meeting at DPW with the effected parties to attempt to find a solution to the drainage issue;

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B. The application of **Olde Port Development Group, LLC** for property located at **126 State Street** wherein site plan approval is requested to construct a 19' x 22.5' addition to the rear of the existing building and to add 1 ½ stories to an existing section of the building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 107 as Lot 57 and lies within a Central Business district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, spoke on behalf of the applicant. Also present was Steve Kelm. He indicated that they are proposing a 19' x 23' 3-story addition on the Court Street side of the structure and to remove one story and construct a 2 ½ story addition to the middle section of the building. The section in the middle would be sprinkled. The existing use of the property is six apartments and a bar and the intent is to convert it to seven apartments with some commercial space on the State Street side. The owner has updated the electrical service. The water and sewer are existing service that they are extending through the building. There are currently three parking spaces which extend out on the Court Street side and those will be removed but replaced with five parking spaces on the first floor of the 3 ½ story structure. They would access the road via a proposed 10' wide paved accessway which was granted a variance by the BOA on December 16, 2003, subject to the condition that the accessway be heated so that there would not be any issues with snow and ice. That is shown on the plan. In addition, the project received HDC approval in February.

Mr. Allen asked about the sidewalks.

Mr. Chagnon indicated they were proposing flush with the street. He believed there were some plans to do some improvements to that end of Court Street and they could curb it as part of that. There is a step up to the back so curbing would not impact the access into that building. It would depend on what the City has in mind for the project.

Mr. Burke indicated that the project was about 75% designed at this point and they should come by DPW and look at those plans.

The Chair inquired if there was anyone wishing to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses made a motion to approve with stipulations. Mr. Burke seconded.

Chairman Holden indicated that a stipulation would be a demonstration, prior to the issuance of a building permit, that the applicant has worked out the curbing and sidewalks to the satisfaction of DPW.

Chairman Holden asked if they had gone into any detail on the plans about the variance they received?

Mr. Chagnon indicated that he had not but he would be happy to add that to the plan.

Chairman Holden indicated that would be a second stipulation.

Thirdly, Chairman Holden indicated that a stipulation would be that any parking calculation will be worked out with Lucy Tillman and entered on the plan, prior to the issuance of any building permit.

Mr. Holden asked if they could maneuver safely inside the parking garage?

Mr. Chagnon indicated they could.

Mr. Desfosses asked if the garage was ventilated?

Mr. Chagnon indicated that was reviewed before the BOA. There is some ventilation on the first floor.

Mr. Kelm, property owner, stated that part of the HDC design was that they incorporate some vent systems on the Court Street side. They will have a mechanical engineer look at it but the intent is to make the carriage doors part of the ventilation system.

Chairman Holden asked if the HDC was aware that they would be adding ventilation equipment or that the penetrations may change?

Mr. Kelm indicated they did not get into the ventilation.

Chairman Holden indicated that there should be a stipulation that, prior to the issuance of a building permit, that it be reviewed for conformance by the HDC for a Certificate of Appropriateness.

Mr. Burke asked about the site distance from the garage. He was concerned about the pedestrians on the sidewalk.

Mr. Chagnon believed they will have good visibility. The layout inside allows for the vehicles to turn around and head out.

Mr. Burke felt the pedestrians might be in danger as they would only have a split second to react. He asked who would be parking in the spaces?

Mr. Chagnon indicated it would be the tenants.

Mr. Burke requested a stipulation that this matter be referred to Traffic & Safety for review at their April 15, 2004 meeting for a recommendation to the Planning Board.

Mr. Chagnon indicated that the BOA approved the accessway and thought it was fine.

Chairman Holden indicated that the BOA has very good control over dimensional uses but that Traffic & Safety has a very good control over actual issues of safety. Also, they do not have a plan showing the interior of the garage and we would like to review it.

Deputy Chief Griswold asked about the modifications to 126 State Street and suggested that a sprinkler system be installed.

Mr. Kelm indicated that one section was done previously and later, the bigger addition was done. There are two different elevations and the buildings were built at two different times. There is a fire wall between the two buildings. The code does not require a sprinkler system.

Deputy Chief Griswold indicated that if, in the end, it does require sprinklers, that they be installed. Also, that a knox box be installed in a location to be determined after the building is built.

The motion to approve passed unanimously with the following stipulations:

- 1) That the applicant demonstrate that they have worked out curbing and sidewalk issues to the satisfaction of DPW, prior to the issuance of a building permit;
- 2) That the applicant list the variances granted by the Board of Adjustment on the Site Plan;
- 3) That parking calculations be worked out with Lucy Tillman and marked on the Site Plan;
- 4) That the Site Plan be reviewed for conformance with the Historic District Commission for a Certificate of Appropriateness, prior to the issuance of a building permit;
- 5) That this matter be referred to the Traffic & Safety Committee for review at their April 15, 2004 meeting, for a recommendation to the Planning Board;
- 6) That a knox box be installed at a location to be approved by the Fire Department.

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C. The application of **Public Service Company of New Hampshire**, owner, for property located at **400 Gosling Road** wherein site plan approval is requested for the construction of the following: a) a wood fire boiler, b) an air emission control device and ductwork, c) a wood conveyor constructed over the existing coal conveyor extending from Lot 1 over the railroad parcel to Lot 2A, d) a 200'± x 300'± wood chip storage building including all wood chip handing equipment; and, e) relocate fireside wash recycle all with associated paving, utilities, and such other accessory structures as required by this application, along with landscaping, drainage and site improvements. Said property is shown on Assessor Plan 214 as Lots 1 & 2 and lies within a Waterfront Industrial district.

The Chair read the notice into the record.

Richard Despins, Station Manager for Schiller Station, addressed the Committee. He thanked the Committee's patience in getting through this process. He began by reviewing the status of their PUC process and indicated that they received an order from the PUC on February 6th wherein the PUC approved the project however they were concerned with the risk-reward recovery component. They filed a joint Motion for Reconsideration three weeks ago and they are currently scheduled for a hearing on April 15, 2004. They met with the Newington Planning Board on March 1st and again last night, to maintain communications with the Town of Newington. They look forward to their BOA hearing in the future. They have also been in contact with some key abutters, including Commerce Way and the malls. They have agreed to work on the separation of the properties with Commerce Way.

Mr. Despins spoke regarding the visual impact. They have worked with the architectural firm of Lavalley/Brensinger and provided renderings of what the project will look like, including the height of the buildings. The main new facilities are essentially the boiler on the south end of the plant and will be outside to avoid a 18 month shut-down of the existing unit in order to demolish and construct a new unit. This allows them to build the new unit and with a six week shutdown they will be able to do the tie-in. They are adding a coal crusher house. They provided renderings of five future views of the project.

Mr. Despins reviewed the site plan and explained the wood energy process. He reviewed the truck routes and traffic flow on the site. He went on to explain how the process works. The first stop for the truck is on the scales which are unmanned. When the trucks circle around and leave, there are three truck dumps. These literally take the truck and lift it up to about a 63% angle which allows the truck to empty its contents. They will dump from 7:00 a.m. – 9:00 p.m., which coincides with the city noise ordinance. The wood then goes up a conveyer to the wood processing building. The next stop is the wood storage area. He corrected the figures from their handouts wherein the wood storage building will be 300 feet long x 230 feet wide and 70 feet high, with a 1.7 million cubic feet covered storage capacity. From the wood storage, the wood will be transported to the boiler via covered conveyers. The boiler will be located in the south end of the plant. Then the wood ash and residue is collected in a "bag house" for disposal. Lastly, the stack emissions are directed and vented via the boiler stack. They understand that all of these buildings will require variances.

Another area of concern is dust and odor. Mr. Despins pointed out that tree chips have a high moisture content however the wood storage building will still be covered on three sides. The conveyers will be covered and have belt cleaners so that no residue is lost along the way. There are no odor or smell issues other than the smell of fresh cut wood.

Mr. Despins turned the meeting over to Doug Bell, of Cavanaugh, Tocci Associates, to discuss sound issues. They analyzed sound in the area for one continuous week at six monitoring locations. They found that the sound at all of the sites followed a typical pattern. It would elevate during the daytime hours and it would decrease to the lowest levels at night. This means that sound from the project will be below what is already there and will have very little, if any conceivable impact. There is one location (#5, Commerce Way Place) where sound from the project will actually exceed the existing background. A considerable amount of work goes into achieving these sound levels, such as all major machinery will be enclosed, buildings will be insulated, no back-up alarms on truck and quiet hydraulic lifts for dumping trucks.

Tom Gorrill, of Gorrill and Palmer Engineers, spoke next regarding transportation. Mr. Gorrill started by pointing out the primary and secondary sources for wood. As the result of an

extensive study, it was concluded that rail was not a viable solution for this project. Truck delivery is the industry norm. The project will generate approximately 140 trips a day. The boilers at each facility will have 3 truck dumps and realistically they can handle one dump every 15 minutes, or 12 trucks per hour. In a practical sense, it would be more realistic to say they can handle one dump every 25 minutes, so these figures are very conservative. They were careful to make sure that the traffic counts they did were augmented by other traffic that had been approved but not yet on the street system. They did a study of collision history of the area and found that there had been 74 collisions on Woodbury Avenue/Gosling Road during 2000-2003 and 97 collisions on the Spaulding Turnpike on Little Bay Bridges from 1997 to 2001. They included a 2.5% seasonal adjustment, as agreed upon with the City. Mr. Gorrill indicated that there are improvements being planned for the Nimble Hill Road section. The Little Bay Bridge is also an area of congestion and improvements are planned in 10 years. Taking into account the anticipated improvements, they looked at three different transportation options. They looked at utilizing the roadway system as it is today, down Gosling, across Woodbury, into Route 1. They looked at extending Shattuck through Gosling Road. Option three was to dead end Gosling and send traffic only down Shattuck. They did studies to determine the impact for each of the three proposed routes. Based on those three alternatives, they developed what they felt was an appropriate dedication plan for this project at this time which was to use Gosling Road for direct access to the project. They would be willing to work with the city to make an investment in the upgrading of Gosling Road, including traffic signal coordination, repaving costs, installation of a raised center island and installation of safety flashers and signage.

Will Haskell, of Gorrill Palmer, addressed storm water management and erosion and sedimentation control. Mr. Haskell indicated that they had met with members of the Public Works Department and Fire Department to discuss the fire protection design and stormwater design prior to the meeting. Addressing the water utilities, they are extending the fire protection loop up around the wood storage yard. They will have five new hydrant locations. The process building will have a sprinkler system installed, the wood storage building will have risers in the four corners of the building in case of fire. The conveyers are covered in layers for the control of dust and will have fire protection systems. The final design of the fire protection for the boiler has not been completed but basically it will be designed in accordance with all building codes. Mr. Haskell indicated that the new boiler will have a bathroom facility so there will be domestic water. There will be electrical service to the boiler and wood service yard. In summary, their intent is to design and construct all of the fire protection systems in accordance with codes, local and state regulations.

Mr. Haskell discussed stormwater next. The majority of the stormwater runs through PSNH property, before discharging into the Piscataqua River. There are three main discharge points for stormwater. The largest is an existing point, a pipe discharge that goes through the existing site and out to the river. That is 90% - 95% of the stormwater on the site. There is a small area near the scales that points out towards Gosling Road and there will be a very minor increase in impervious area. A vegetative buffer will treat the water before it enters into the brook system at the bottom of the hill, goes under Gosling Road, around behind Gosling Station and into the Piscataqua River. The third discharge point is around the area by the truck dumps, which will be collected in a collection system, discharged into a small detention pond, into a level spreader, into a vegetative buffer, before discharging into the existing brook system at the bottom of the hill. They provided a stormwater maintenance plan and reviewed it with Public Works.

Mr. Haskell touched on erosion and sedimentation control. They will be governed by the State NH DES Site Specific Permit and an EPA NEES Construction Stormwater Permit. The key is to minimize the disturbed area so there is no erosion during the construction process and they will do that by preparing a construction sequence. The key thing on this site is that much of the site has been disturbed before and there is a lot of impervious area so this work should not create much of an impact.

Mr. Despina indicated that that concluded their formal presentation to the Committee.

The Chair indicated they would continue with the public hearing and hold their questions until later. The chair asked if there was anyone wishing to speak to, for or against the application.

Attorney Malcolm McNeill, representing the Commerce Center, an abutter to the property, addressed the Committee. Michael Kane, a principal of Commerce Center, was also present. He indicated that the Commerce Center has an acute interest in what is happening at PSNH. Their area represents an investment of approximately \$40 million, they have made significant upgrades to Portsmouth Boulevard, they are presently processing an application for a hotel, with space available for another office building. Attorney McNeill indicated that a number of the uses being proposed are not permitted so variance relief is required. He commended PSNH for their presentation that evening. The issues are what are people going to see, hear, smell, what dust will be created and what traffic will effect this site. Attorney McNeill reminded the Committee that his client seeks to make a substantial investment in the community and an industrial use in the vicinity of their site is of significant and reasonable interest to them. The PUC process has not been completed yet because PSNH has taken issue with the final result of that case and has requested a review. Attorney McNeill takes issue with the fact that the variance relief should have been obtained first and therefore they should not be going forward with this stage. In the interim, PSNH has spent a good amount of time with Commerce Center and have clarified many issues but there is more to be done. Attorney McNeill referred to Attorney Ciandella's comment about discussing the "separation" of the sites. He is concerned about what type of separation makes sense and those issues should be determined up front. Attorney McNeill referred to the Site Review Regulations criteria stating that the site development will comply with all city regulations and codes and at this stage, this project does not meet that criteria. He felt the site development lacks adequate protection from neighboring properties against fire, noise, explosion, glare, etc. These items cannot be found anywhere on the plans. He believes a more formalized presentation needs to be made on those issues. He would like to know about buffers for noise, dust and site activity. Lastly, Attorney McNeill was concerned about the increased traffic and traffic flow and he felt that best option was to use the Newington roadway. He did not believe all of the alternatives have been considered. This is not a short term operation so he would encourage them to do it right the first time.

Attorney Frank Quinn, of Boynton, Waldron, spoke on behalf of the Malls. He indicated that Attorney Ciandella had met with him to discuss their concerns, the primary one being traffic on Gosling Road. He felt that the primary access should be Shattuck Way and the traffic study done by PSNH did include that as an option. The Malls believe that any impact on Gosling Road will be detrimental to the already heavily burdened area of traffic, especially during November and December. They believe that an industrial roadway should be used. Additionally, they are encouraged that the railway has not been completely dismissed as a potential alternative. In terms of the existing situation, using Gosling Road for the site, they would ask that Committee pay serious consideration to mandating, in addition to the contracts that PSNH will entertain with the truck vendors, that the Planning Board make it a requirement that the deliveries be made at off peak times. In conclusion, the Malls feel that any impact on Gosling Road will impact them. They would encourage the Committee to look into using Shattuck Way.

Attorney Rob Ciandella, representing PSNH as Corporate Land Use Counsel, addressed some of the procedural issues that were raised. Regarding the PUC application, he indicated that the City has a practice of entertaining developments that require State approvals, i.e. wetland permits from the State. The City grants approval with the condition that the applicant get the State approvals that are required. That practice is consistent with State law as well. Regarding BOA, they are not seeking any use variances but are only seeking dimensional variances. This is a use that has existed at the site for over 50 years. They are only changing the process by which they

execute the same use. He believes it is a better process for these operations and details to be critiqued and examined prior to the BOA review.

Attorney Malcolm McNeill spoke in rebuttal, recognizing that there are many occasions where a process is contingent upon a State permit and it is entirely appropriate that projects be conditioned due to items that should be finalized after approval. He did not believe this was the case in this instance. Attorney McNeill felt that the threshold issues of whether they can be at TAC at all are the PUC and BOA issues.

The Chair inquired if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Chairman Holden opened the hearing up for comments and questions. He indicated that the BOA will act prior to the Planning Board review. He suggested that the Committee to through the issues and see where they were at and then structure an action at the end of the discussion.

Deputy Police Chief David Young indicated that they had some concerns about the traffic flow that have already been mentioned and they would like to see the traffic go through Shattuck Way if possible. The time of deliveries is also a concern.

Deputy Fire Chief Steve Griswold indicated that they have met with PSNH and have come to a reasonable solution for implementing fire protection on the site and he will make those stipulations at the appropriate time.

Mr. Allen indicated that they had meetings with the PSNH design team and he is satisfied with the changes they have made. They eliminated a domestic service in the process building. A stipulation will be that they include indicator posts on the valves in the fire protection loop because it can be a grassy area and they can be tough to find when they need them the most. They have provided a drainage plan and will be incorporated as part of their plan. As far as drainage, water and sewerage they are in pretty good shape.

Mr. Burke addressed traffic concerns. One of the items they have been discussing from the outset was that they needed an alternative of the reasonable alternatives. Mr. Burke felt they all agreed to what those might be but the understanding was that those would be evaluated and explored. He didn't understand why Shattuck Way was ruled out.

Mr. Gorrell indicated that they evaluated three alternates. The reason that they recommended Gosling Road was because there was a clear sense, as they move forward, that any more than dedication of a right of way was getting into a process regionally that had not yet been regionally explored. If they put Shattuck through Gosling, some of the traffic from Shattuck may use Gosling, which may be an issue with Portsmouth. Conversely, if all traffic goes on Gosling, that sends everything to Newington, which would be a concern to them. There was concern expressed the previous evening at the Newington Planning Board regarding the use of Shattuck Way. They felt that the right of way needs to be preserved and that is what they have done. That doesn't mean that the connection can't be made in the future, but in the interim, truck traffic

would go on Gosling. They felt this was the best alternative without going beyond a regional process.

Mr. Despina stated that sometime ago they had met with the Rockingham Planning Commission and Tom Morgan, Planning Director for the Town of Newington, had indicated that Shattuck Way was their preferred choice. On March 1st, there was a Planning Board meeting in Newington and when truck traffic was discussed, it was clear that there were some second thoughts and a split among the Planning Board members as to whether or not Shattuck was in their best interest. He also attended a meeting the previous evening and there was a clear indication to him that the proposal by PSNH to utilize Gosling Road and provide a right of way easement for the future completion of Shattuck was an overall good and reasonable compromise to the current situation. He now feels that the Town of Newington is no longer looking at the completion of Shattuck Way at this time. When PSNH realized that there was some question about whether Newington would be supporting Shattuck Way, they felt it was in their best interest to provide the proposal that they have as a means to give the local communities an opportunity to look at the overall impact on traffic and how Shattuck Way would play into it.

Mr. Burke agreed with Mr. Gorrill that the original issue of opening Shattuck Way up to Gosling Road opens up another whole traffic study and evaluation. He would like to have one process they could talk about because it appears that Newington has some concerns but has not ruled it out.

Chairman Holden indicated that they have not heard officially from the Town of Newington.

Mr. Burke asked if Mr. Despina was under the impression that the Town of Newington had completely ruled it out?

Mr. Despina was surprised that Tom Morgan was not present because the Planning Board made a request for him to contact the City of Portsmouth and they referenced this meeting. As a result of the meeting the previous day, it was referenced that a work group should be put together to review the technical aspects to see what should be done and they thought that was a good idea and the Planning Board instructed Tom Morgan to contact their traffic consultant. It was a clear indication to him that the Gosling proposal with the right of way was high on their list.

Chairman Holden suggested that they make a motion to table to a time certain and make a list of what they are specifically looking for. He felt that they needed to hear more from the Town of Newington and one action would be to meet and review traffic betterments on Gosling Road, to include the Town of Newington, NHDOT, RPC and the City of Portsmouth. Also, that they would review the regional issues by Shattuck Way and the final disposition of the rail study.

Mr. Burke indicated an issue would be enforcing the truck routes and he asked how PSNH would handle that.

Mr. Gorrill indicated that would be part of their contractual agreement with PSNH.

Mr. Burke asked about making deliveries during off peak hours.

Mr. Despina indicated that was not a viable option for them other than the 7:00 a.m. to 9:00 p.m. These are small timber operations spread throughout the region. When their trucks are full they need to get them to their user and back so that they can continue with their operation.

Mr. Burke indicated they have worked with PSNH on design issues and, if Gosling went forward as the preferred alternative, it would have to be safer for accommodating trucks. Some things they looked at were adequate shoulder widths, lane widths, turning radii, proper lane capacity.

Mr. Sturgis expressed a concern over the size of the trucks. They make twice as much noise and take up three times as much room. He would never be able to vote for using Gosling Road for 18 wheelers as opposed to a dedicated industrial road.

Chairman Holden asked if the noise study had been provided to the abutters?

Mr. Despina indicated that it had.

Chairman Holden suggested that if an issue arises from the noise study, the abutters should notify PSNH and the Portsmouth Planning Department. A landscaping plan should be submitted for review by the City.

Mr. Despina indicated that they have retained a landscape architect and they will be moving on that process in the next week or so.

Mr. Allen made a motion to table. Mr. Desfosses seconded. Mr. Holden indicated that the motion was being made based on the understanding that there were still outstanding issues under evaluation criteria B, G, & J. Those criteria are:

- B. The site development will not comply with all City Ordinances and Codes;
- G. The site development lacks adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers;
- J. The proposed volume and arrangement of vehicular and pedestrian traffic flow, including but not limited to parking areas, intersections, roads or driveways, and traffic controls will create an unacceptable increase in safety hazards and traffic congestion.

Attorney McNeill was unclear regarding the noise issue. Chairman Holden indicated that they should review the report and let them know whether they agree with the findings of the report because, if they don't, then they may require a peer review of it.

Attorney Quinn indicated that the noise issue was very relevant to the Malls as it validates the ability to use off peak times to make deliveries. If there is no noise issue, that raises a question of the viability of making off peak deliveries.

All parties agreed to get back to the Planning Department within one week.

Attorney Ciandella wanted to confirm that the process that Chairman Holden outlined, when they reconvene on April 27th, that the approval would be conditioned on the BOA action and a final disposition on the part of the Public Utilities Commission.

The motion to table until April 27, 2004 passed unanimously, with the following recommendations:

- 1) That a meeting be scheduled to review traffic impacts on Gosling Way with the Town of Newington, NHDOT, the City of Portsmouth and the Rockingham Planning Commission;
- 2) That a regional meeting be scheduled regarding the future of Shattuck Way and the issue of rail with the same parties;
- 3) That the applicant work with the abutters regarding the adequacy of the noise report;
- 4) That a Landscaping Plan be prepared;

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II. ADJOURNMENT was had at approximately 5:30 p.m.

These minutes were taken and transcribed by Jane M. Shouse, Administrative Assistant in the Planning Department.