

**MINUTES OF
SITE REVIEW TECHNICAL ADVISORY COMMITTEE**

2:00 P.M.

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

OCTOBER 5, 2004

MEMBERS PRESENT: David Holden, Director, Planning Department, Chairman; David Allen, Deputy Public Works Director; John Burke, Director, Parking & Transportation; Thomas Cravens, Engineering Technician; David Desfosses, Engineering Technician; Steve Griswold, Captain, Fire Department; and David Young, Deputy Police Chief

ALSO PRESENT: n/a

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

A. The application of **Henry S. Dutkowski, Owner**, for property located at **806 US Route 1-ByPass**, wherein site plan approval is requested to construct a 2-story 652 ± s.f. addition to the front of the existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 161 as Lot 43 and lies within a General Business B district. (This application was tabled at the Technical Advisory Committee meeting of September 7, 2004)

A motion was made and seconded to take this application off of the table. The motion passed unanimously.

Mr. Holden advised the Committee that revised plans are being submitted so he recommended that the application be tabled to a time indefinite so that they can restart the chain and notify abutters of when the application will be rescheduled.

A motion was to table to a time indefinite. The motion was seconded. The motion passed unanimously.
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B. The application of **Wal-Mart Real Estate Business Trust and Joker's Realty One, LLC, Owners, Wal-Mart Stores, Inc., Applicant**, for property located at **2460 Lafayette Road**, wherein site plan approval is requested for the expansion of an existing 124,852 ± s.f. Wal-Mart Store to a 185,685 ± s.f. s.f. Wal-Mart Supercenter, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 285 as Lots 16-1 & 2 and lies within a General Business district. (This application was tabled at the Technical Advisory Committee meeting of September 7, 2004)

A motion was made and seconded to take this application off of the table. The motion passed unanimously.

Mr. Holden advised the Committee that revised plans are being submitted so he recommended that the application be tabled to a time indefinite so that they can restart the chain and notify abutters of when the application will be rescheduled.

A motion was to table to a time indefinite. The motion was seconded. The motion passed unanimously.

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II. PUBLIC HEARINGS

1. The application of **Engel Family Trust, Owner, and API of New Hampshire, Applicant**, for property located at **50 Campus Drive**, wherein site plan approval is requested to construct a 108.4' x 111', 12,032 ± s.f. 1-story addition to an existing structure, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 267 as Lot 23 and lies within an Industrial district.

John Chagnon, of Ambit Engineering, was representing the Engel Family Trust and API of New Hampshire. He indicated that this project is the Phase II of an addition to an existing building at 50 Campus Drive. In 1999/2000 they received approval from the Planning Board. The applicant was just moving his business to Portsmouth at the time and he is pleased to report that business is good and he is ready to add to his facility. This consists of adding an addition and attaching it to the existing building in the rear and extending some pavement along the side to create 6 additional parking spaces, which is the requirement of the Zoning Ordinance. They will move the dumpster out to the back and pave a ramp loading area. There will be wall mounted lights. A drainage analysis was provided and the net result is no impact to the surrounding properties.

Chairman Holden asked Mr. Chagnon to explain the wetlands.

Mr. Chagnon indicated that the wetland was shown on the previously submitted plan and it has been included in the application package along with a copy of the subdivision plan that was signed by the Planning Board on November 9, 1999 and recorded in the Registry of Deeds as D-29697. The property was subdivided out of a larger lot that fronted on West Road. At that time Campus Drive was not constructed. After Campus Drive was constructed and approved by the City, is created some frontage that allowed the owner of the property to subdivision the lot that is before them in the back. As part of that process in 1999, the wetlands were delineated on the site and the vicinity of the site. There are wetlands along the back and the side. The Wetlands Protection District was in effect at the time but the Department worked with the applicant's consultant and it was determined and noted on the approved subdivision plan that the edge of jurisdictional wetland is not part of the Wetland Inland Protection District.

Chairman Holden asked if the wetlands were flagged recently? It was his understanding that it was flagged recently and a Conditional Use may be appropriate.

Mr. Chagnon indicated that they were notified by Mr. Britz that it was his opinion that it requires a setback. They have not done a delineation.

Chairman Holden asked if a Conditional Use was appropriate, would this conform to the 100' setback?

Mr. Chagnon indicated that it would not.

Chairman Holden asked if they had been advised that it had been flagged and that there was a concern?

Mr. Chagnon indicated that Mr. Britz told them he had concerns about the wetland buffer and it was the same concern expressed by staff.

Chairman Holden indicated that the concern was even more pronounced now. He assumed that they would like to go forward with this plan and then table it to determine whether they need a Conditional Use or not. It was their understanding that they went out with an independent to look at it and they believe it does and they are awaiting a response from Mr. Chagnon. Mr. Britz and the soil consultant are concerned that it may be ½ acre or more and may not have been when it was originally subdivided but it is a thriving wetland now. Therefore, they need to determine whether they need a Conditional Use and go through that process first.

Mr. Chagnon indicated that Mr. , who did the original delineation and letter back in 1999, and which was accepted by the City, did meet with Mr. Britz on the site and the determination that was made was that this was a wetland that was part of the drainage system. It is a wetland and he believes it is shown on the City map as a scrub shrub wetland rather than a man made wetland and part of the drainage system and why it was exempt from the protection.

Chairman Holden asked if he had anything from the City saying that?

Mr. Chagnon referred to the 1999 letter.

Chairman Holden indicated that they are dealing with the existing condition in 2004 and did they have anything from West regarding the current wet area?

Mr. Chagnon indicated that they did not at this time.

Chairman Holden indicated that Mr. Britz felt it may be jurisdictional and if so, they will need to go through the Conditional Use process. He would suggest continuing with the plan review and table ir pending resolution of the Conditional Use.

Attorney Pelech felt that this was a plan that the Board could review and just withhold final approval until the Conditional Use is worked out. There is no need for them to come back again. He would like to sit down with the City Attorney to discuss vesting to see if they can now apply the wetland ordinance to this property when they didn't before and hopefully get some information from Mark West, and, if necessary, appear before the Conservation Commission.

Chairman Holden was concerned that the approval could be used as leverage at the Conservation Commission for the Conditional Use.

Attorney Pelech assured them that that would not happen.

Mr. Desfosses indicated that the dumpster area should be contiguous to the pavement. Secondly, he didn't see any stormwater treatment for the parking.

Mr. Chagnon indicated that the runoff is directed to the rear of the site. The swale runs along the property line. The site is designed to run all the way down the property line to the swale. The side swale is not a part of the protected wetlands. This is a man made drainage swale. Mr. Britz indicated that was not in question and the Conditional Use applies to the side lot line only.

Deputy Griswold asked if these would be separate buildings with a firewall or is the central wall going to be knocked down?

Don LeLeave, Operation Manager for API, indicated that the central wall is being knocked down and it will be one building. It is currently sprinkled with a master box and the new additional will also be sprinkled.

Deputy Griswold asked that the plans reflect that and also show the sprinkler feed.

Mr. Cravens asked about the irrigation value box out front and indicated that they will need a back flow ventilator on the back of the building.

Mr. Burke asked if sidewalks were going to be constructed on Campus Drive?

Mr. Allen also felt they would be advisable given the activity at the Youth Center and the Community Campus.

Mr. Burke asked if they could be re-worked into the plans for both sides of the street.

Mr. Chagnon said they could put them on their side.

Attorney Pelech indicated that this was an issue at the original approval and it was decided by the Planning Board that they were not required and it would be the responsibility of the Community Campus. An industrial business does not generate any need for a sidewalk. They do not believe there is a lot of pedestrian movement on that side of the street.

Mr. Burke indicated that the City has been pretty consistent in requiring sidewalks.

Mr. Chagnon did not believe there were any sidewalks on either side of the street until you get to the turn around at Community Campus.

Chairman Holden felt this was the time to fill in the missing gaps along the City right-of-way. Other industrial areas have been required to construct sidewalks. Sidewalks are a requirement that the Planning Board can require and the applicant can request the Planning Board to exempt them from that requirement.

Mr. Burke felt they should try to get sidewalks on both sides.

Attorney Pelech disagreed because other projects have come before this Board that generate a lot more pedestrian traffic but have not been required to put in sidewalks, i.e. Water Country. And he also asked why the Community Campus didn't have to put in the sidewalk rather than an industrial use.

Chairman Holden indicated, for the record, that they do have sidewalks at Water Country leading into the site and they have attempted to make it as safe as possible. They have also made large contributions to off site improvements. The Seacoast Foundation is a significant generator of pedestrians, also Mass Transit, and there are children out in the area.

Mr. Desfosses indicated that the Community Campus sidewalk was on the other side of the street.

Mr. Burke indicated that they always got into the "either/or" discussion and he felt that sidewalks should be on both sides of the street.

Mr. Holden asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Mr. Burke moved to approve with stipulations. Mr. Desfosses seconded.

Stipulations were as follows:

- 1) That this approval shall not be presented to the Conservation Commission as grounds to grant a Conditional Use Permit;
- 2) That the water supply to the automatic sprinkler system shall be shown on the Site Plans;
- 3) That the irrigation system shall be isolated with a backflow preventer, commensurate with the degree of hazard, installed according to water division standards;
- 4) That the dumpster pad shall be attached to the pavement;
- 5) That sidewalks shall be required along the frontage of the property;
- 6) That snow storage shall be labeled on the Site Plans;
- 7) That the need for Conditional Use shall be determined between the Planning Department and the Applicant;

The motion to recommend approval passed unanimously>

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2. The application of **6-16 Congress, LLC, Owner** for property located at **6-16 Congress Street**, wherein site plan approval is requested to construct a 12,465 ± s.f. 4 & 5 story mixed use structure, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lots 37, 38 & 39 and lies within a Central Business B and Historic A districts.

For the record, David Holden stepped down and David Allen chaired the hearing.

Heinz Sauk-Schubert, Project Manager from McHenry Architecture, presented for the owner. He indicated that the lot size is 14,395 s.f. and the building footprint is 12,395 s.f.. The total building is 68,800 s.f. distributed in 4 and 5 story portions. He introduced John Chagnon of Ambit Engineering.

John Chagnon shared some renderings that were used at the HDC hearing with the Board. He pointed out the Demolition Plan (C-1) and noted that the project will be very visible to the city. They are attempting to impact the city and the public as little as possible. They are attempting to create a sidewalk and at the beginning of the project jersey barriers would be placed along Congress Street with a construction fence behind them. They propose openings in the fence on the right side and the northwest side so that the gates can be opened up and trucks can pass through. When the foundations are in, a crane would be parked at the location and deliveries would then go in the back along the fenced area. There will be an off site staging area. They are proposing to remove the materials currently on the streetscape, including parking meters.

The landscaping plan (C-2) shows the conditions that you would be seeing when the project was completed. The first floor shows the accessways to the lower access levels and the plan shows the proposed landscaping along the streetscape. They will have trees in front of the building until the sidewalk becomes too narrow to plant. They will be adding new period streetlights along the sidewalk. The front of the building follows the property line. Along Church Street the building is set back to provide for a minimum of a 5' sidewalk. Currently there is a very narrow sidewalk. The building jogs out but is set back from the rear property line.

The Graded Site Plan (C-3) shows the sewer and water connections. The current sewer runs down a considerable length of the sidewalk but it is a rather old pipe. They would have the sewer come out and enter into the manhole. The plans shows all utilities.

The Detail Sheet provides details on various items and shows the basement level which consists of 25 parking spaces. They have received a variance for the width of the accessway into the parking area.

Mr. Chagnon passed out a plan showing Congress Street. The plan showed the current curb line and they found that the spot in front of 40-48 is not at the design width. When they put in the proposed spaces in the proper widths, their traffic engineers came up with a plan to shift the lanes on Congress Street and restripe it. They will discuss that with John Burke at the appropriate time.

They have provided additional information regarding trip generations. There are notes on the drawings regarding square footage and parking assignments however they do not have a completed note regarding unmet parking. They will work that out with Lucy Tillman.

Deputy Chief David Young asked about the impact on traffic during construction and asked if they plan to have anything blocked off during that time?

Mr. Chagnon referred to a note on the plans, requesting that the City close Church Street during the day for some periods of time and for some 24 hour periods when they are excavating and building on that corner. They will be working with the City on that.

John Burke indicated they would need to get a license agreement outside of this process. He indicated that this matter would go before the Traffic & Safety Committee and he had concerns about narrowing the Congress Street lanes. This was a big concern for Mr. Burke and angle parking is not desirable. Another concern of Mr. Burke was that the City loading zone minimum is 45'. He suggested combining the next parking space with the loading zone to total 45'.

Mr. Chagnon indicated that loading zones were not required in this zone.

Mr. Allen indicated that they might want to look at where they have the tip downs for the sidewalk and he felt they might be better off putting them on the angled slope where a truck would come in and they could unload right on the angled piece.

Mr. Chagnon indicated the problem would be they would have to take the curbcut out further as there was a sewer manhole right there.

Mr. Allen indicated that they might not want the manhole there and it may need to be moved.

Mr. Cravens asked about the fire and domestic water service in the building. The basement level parking area has a corner that doesn't appear to be utilized for anything.

Mr. Chagnon indicated it was where the mechanical would be and the water meter and fire service.

Mr. Allen asked where they were pulling up and resetting curbing?

Mr. Chagnon indicated they want to keep the streetline in place during much of the construction phase. They will cut the curb for a temporary tipdown and remove all of the curb and then soft cut along the back of the fence and do all of the construction. The grade of the new curb will match the slope that is there now. They will probably do a nice match with the old that's left or they could replace it.

Mr. Allen asked about on Church Street?

Mr. Chagnon indicated they did not plan to take out the curb on Church.

Mr. Desfosses stated that it's probably going to fall in.

Mr. Chagnon stated their fence line was in the pavement so they will have to replace the sidewalk.

Mr. Burke asked if they will be maintaining Church Street for pedestrians throughout the project? Also are they doing something to protect pedestrians from flying objects. Mr. Burke also indicated the bike racks and benches that were being removed would have to be replaced to City standards.

Attorney Bernard Pelech spoke on behalf of Gerald and Judith Giles, Chuck Homer, and Mark McGuire who are property owners at the Porter Street townhouses which abuts this site to the rear. They are not speaking for or against the project at this time but have great concerns regarding how the project can be built. There are no easement air rights or anything upon his client's property to give the developer any rights to the rear of the property. He doesn't understand how they can build to the property line without having something. They are showing a landscape area that they won't have access to. Their concerns are primarily about the construction methods, construction hours and how the building is going to be built during the process. Paul Connolly of Civil Works Inc., who has been retained by his clients, has completed a list of concerns regarding potential building impacts and site plan design issues. They have not had any meetings with the developer however one has been scheduled.

Paul Connolly, of Civil Works, Inc. introduced himself as a civil engineer and land surveyor who was retained by the Porter Street Townhouse residents. Their comments and concerns were categorized into three categories: Construction Related Concerns, Site Plan and Design Issues and Potential Building Impacts and a comprehensive letter was handed out the Board and entered into the record. Mr. Connolly went through the individual concerns:

Construction Related Concerns:

- 1) They are concerned about the rear wall of the proposed building being so close to the property line. There are construction issues that need to be addressed;
- 2) They would like more details about the temporary construction fence as there are no details or specifications on the plan.
- 3) There was no way for them to access their rear landscaping;
- 4) The hours of construction were not specified.
- 5) Delivery of materials is a concern;
- 6) Construction lighting has not been addressed on the plans;
- 7) They have not addressed dust control;

- 8) There is no reference to noise generation and control;
- 9) Possible blasting is a concern and they would like to see pre-blasting surveys

Site Plan & Design Issues:

- 1) The plans do not describe stormwater runoff on the plans;
- 2) There is no exterior lighting on the plans;
- 3) They have not addressed trash pickup during construction;
- 4) They would like to know where the basement/garage trench drains are pumped to. They do not see an oil/grit separator vault provided.

Potential Building Impacts:

- 1) They are concerns about the venting of vehicle exhaust fumes from the underground parking garage;
- 2) They would like to know if the garage will have a controlled access for security and safety.
- 3) They would like to know if there are any security camera on the alleyways being created.
- 4) They do not see sewer vent stakes and heating plant exhaust vents addressed.
- 5) The plans do not indicate where the HVAC units will be placed.

Mr. Connolly indicated that they would like to see these concerns addressed before going any further.

Mr. Allen indicated that hours of construction are an ordinance based issue and a change in those hours would have to be approved by the City Council. The hours are 7:00 a.m. – 6:00 p.m.

Mark McNabb, owner of 10 Pleasant Street on one side of the project and National Block/Oriental Rugs on the other side of the project. He had not had an opportunity to review the plans and he was present to speak in favor of the project but did have a few concerns. He is concerned about the drainage between the National Block and this project as there is only 4 ½ ' between the two buildings. He also needs to maintain an access way on that side of his building to be up to code so he needs to make sure that is maintained. He would also prefer to have brick rather than concrete on the accessway. He felt that they would raise havoc with the cooling tower and he will end up having to replace it. He indicated that he gets sewerage in his basement at National Block. He is anxiously awaiting the city upgrade, however, for the record he wanted the city to know about his sewerage issue. If the City is not going to update the sewerage system, he would be very concerned about drainage with this project. He agrees that the curbing should be replaced to the end of the block. He would prefer to close off Church Street as it would help them complete this project quicker. He would like to see re-grade heights on the plans. Mr. McNabb indicated that overall he is in favor of the project.

Mr. Allen asked Mr. Chagan if he would like to address some of the comments:

Mr. Chagnon indicated that the applicant is aware that this is a construction project, not unlike the Porter Street Townhouse project. They will work within the hours as stated in the Zoning Ordinance. They have a meeting set up with the folks from Porter Street Townhouses later in the week. The rear walls have been moved back from the rear property line and they plan to make an offer to the abutters to take care of the landscaping as they will be the ones enjoying it and they would then be able to control it. They will be addressing lighting and will be more specific. The stormwater runoff will drain out the northwest corner, into a gully, down a ramp that provided access to the parking lot, into a catch basin. They will capture the roof runoff and are determining the best way to attach that to the storm drain system. The trash pick up is the same as all of downtown. There will be a place allocated inside the building for trash pickup. There is a detail showing trench drains. There are no outlet drains. Mr. Chagnon stated that the building plans have gone through HDC in a public forum and were discussed. At this time there is no plan for any structured entrance to stop traffic from entering the parking area. The HVC units are already designed and included on the drawings. They will be working with Mr. McNabb on the drainage issue.

Mr. Sauk-Schubert stated that they will be following the hours of operation that are in the Zoning Ordinance and that will be included in the contractor specifications. They have scheduled a meeting with the Porter Street Townhouse residents, however, they would have preferred to have their letter prior to today's hearing.

Gerald Giles stated, for the record, that the Porter Street Townhouse Association will not speak on this project as it is controlled by the developer. Therefore, the residents are acting individually. The upcoming meeting is with the residents and not with the Townhouse Association.

Mr. Holden asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Mr. Desfosses made a motion to table the application. Deputy Police Chief Young seconded.

The Committee went on to specify the issues that they felt needed to be resolved prior to the next meeting:

- 1) That an Easement Plan and License Plan shall be prepared for review and approval by the City Legal Department;
- 2) That it be determined what materials will be used for the streetscape, i.e. what is going to be new granite, what is going to be old granite, where will the new granite go and where will the old granite go;
- 3) That the issues raised in the letter from Civil Works be addressed;
- 4) That the egress to the National Block remain open so that they comply with City Codes;
- 5) That a detailed description be provided regarding sewer and a meeting with the Department of Public Works is recommended;
- 6) That Sidewalk Easements shall be prepared for review and approval by the City Legal Department;
- 7) That the termination of shut-offs be shown on the plans;
- 8) That walkway safety be addressed in the construction area and the Church Street and Congress Street area to protect pedestrians from falling objects;
- 9) That the roof drains be shown on the plans;
- 10) That details be provided on specifications for brick construction, concrete handicapped ramp, and lighting,
- 11) That a determination be made for final paver material on Church Street;
- 12) That tree species need to be identified;
- 13) That electric metering should be shown on the plans;
- 14) That the sewer service shown on the plan should be 8' rather than 6";
- 15) That the water utility room should be shown on the detail sheet;
- 16) That the need for striping changes be referred to Traffic & Safety and a striping plan for Congress Street be submitted as part of the plans;
- 17) That trip generations be provided for existing development versus proposed development;
- 18) That lighting on Church Street be addressed;
- 19) That bike rack and bench specifications be provided for review and approval by the City;
- 20) That the loading zone be widened to 40' on Congress Street;
- 21) That a note be added to the Demolition Site Plans stating that improvements and operation in the public right-of-way require approval from the City Council;

- 22) That the plans show a stand pipe for the automatic sprinkler system for the fire service in the basement and that the stand pipe be in service and available to supply water as each floor progresses during construction;
- 23) That the details for granite curbing should be set in concrete and the brick shall be to city specifications and that the detail show the granite banding insulation and detail on the curbing;
- 24) That the tree detail reflects the granite curbing that will surround it;
- 25) That the electrical transformer on the side of the building, is on the abutting property, and an Easement will need to be prepared and noted on the plans;
- 26) That a note be added to the plan indicating that a sewer discharge permit be obtained;

This matter will also be scheduled to appear before the Traffic & Safety Committee this month.

A Discharge Permit will be needed at some point.

The motion to table until the next regularly scheduled meeting of November 2, 2004, passed unanimously.

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3. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, wherein site plan approval is requested to construct a 170' x 150' (irregular) 26,422 ± s.f. 3-story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8B and lies within the Office Research/Mariner's Village district.

Mr. Holden indicated that the applicant had submitted a request to table this matter.

A motion was made to table this matter. The motion was seconded. The motion passed unanimously.

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II. ADJOURNMENT was had at approximately 4:00 p.m.

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