

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

2:00 P.M.

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

MAY 3, 2005

MEMBERS PRESENT: David Holden, Director, Planning Department, Chairman; David Allen, Deputy Public Works Director; Peter Britz, Environmental Planner; David Desfosses, Engineering Technician; Tom Cravens, Engineering Technician, Steve Griswold, Deputy Fire Chief and Detective Janet Champlin, Police Department.

ALSO PRESENT: Lucy Tillman, Planner

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I. PUBLIC HEARINGS

1. 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 190,800 ± 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 April 5, 2005 TAC meeting.)

The Chair read the notice into the record.

Mr. Desfosses made a motion to take the application off of the table. Mr. Allen seconded. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech spoke on behalf of Wal-Mart. He indicated that they have appeared before the Committee on several occasions. At the last meeting there were a few outstanding items to be taken care of. They have submitted a final set of revised plans. They have continued to have discussions with NHDOT and Mr. Holden, Mr. Ham and Mr. Hayner. Everything that has been required of the applicant has been provided. Water easements are in the possession of the City Attorney. Previous minutes reflected a sewer easement but that was probably a typo and should be a water easement.

Attorney Pelech addressed traffic issues. He indicated that a driveway permit from NHDOT will be forthcoming per a discussion today with Doug DePorter. Regarding off site traffic improvements, the applicant has made an offer to contribute \$500,000 to be used as the City sees fit for roadway improvements at primarily the Constitution Avenue Route One intersection (major) and the Heritage Avenue Route One intersection (minor). Also, it was agreed early on that they have not categorized the \$500,000 as an impact fee but rather a contribution. That seems to be of some concern to Attorney Somers but they have not gone through to calculate an impact fee. He did not believe it was necessary to go through those calculations.

They are proposing to make the contribution to the City, the City will manage this project and as soon as they have approvals, the City will start working on the improvements. The balance of those funds

may be used by the City however they choose at the two intersections. It has yet to be decided which concept plan will be used. The State of NH has also set aside \$360,000 for this project.

Attorney Pelech indicated that they are looking for a favorable recommendation so they can move on to the Planning Board. They also appeared before the Traffic & Safety Committee and received unanimous approval.

The Chair asked if there was anyone present to speak to, for or against the application.

Attorney Sharon Somers, representing the interest of Lafayette Plaza LLC, addressed the Committee. She submitted a letter dated April 29th that is part of the record. She wanted to make a couple of points regarding comments made by Attorney Pelech. She indicated it is very clear that the \$500,000 is being presented as a voluntary contribution. That is how everyone is categorizing it. Her concern is that she feels it is incumbent on the City to determine what portion of that sum is to be devoted strictly to off site improvements. It is the City's responsibility to make that determination and analysis on the record. She believes the City needs to indicate, given the absence of any correspondence or indication from DOT, how that will be addressed. Mr. Holden had previously indicated he would like to know what DOT thinks the procedure would be. There is nothing in the file and she also spoke to Doug DePorter who indicated that they have not reviewed and/or approved either conceptual plan. Until DOT moves they do not know when or how those funds will be utilized. She feels it should be stated clearly for the record. Also, she understands this is a voluntary contribution on the part of Wal-Mart and she wants a confirmation from the City that, given this voluntary nature, other property owners along Route One would be held to the same level of review and process and the only requirement for contributions for other property owners would be if there were designated off site improvements.

She felt it appears that if or when these funds are used, this will be a City managed project. She would like to see TAC and the Planning Board address what the process will be for abutters to have some input.

Holden asked about Land/Vest and asked if she felt it was appropriate.

Attorney Somers felt that Land/Vest was still the law and it governs the review of any site review application for any Planning Board, in making a determination of what off site improvements may be required and then authorizing the Planning Board, as it so chooses, to require that a payment be made provided there is a rational connection between the amount that is going to be claimed and the off site improvement.

Holden asked if Land/Vest was an exaction case.

Attorney Somers indicated it was a requirement for an off site improvement and she thought it may have been characterized but she did not believe that was relevant.

Mr. Holden indicated he was only bringing it up because she did. He asked her if she felt it applied in this case as an exaction case?

Attorney Somers indicated she was not saying this was an exaction case because what is being characterized here today is a contribution. It is relevant today because it is incumbent upon the Technical Advisory Committee and the Planning Board to go through the analysis for determining what off site improvements might be required.

Mr. Holden felt that they have been told that there are off site improvements that will arise from this application that applies to Heritage Avenue.

Attorney Somers indicated that she was waiting for an answer. If that is what TAC is indicating on the record as being the extent of the off site improvements then she is happy to hear that. She would also like to hear it stated on the record what the amounts are and what they will be used for.

Mr. Holden stated for the record that he failed to see the relevancy of the Land/Vest but he felt the other question might be appropriate and he looked to Attorney Pelech to respond.

Attorney Pelech indicated that it should be noted that the City is in the position of never having had to use its impact fee ordinance. The TAC, Planning Board and Planning Department have been able to agree with every applicant for off site contributions. In this case the contribution exceeds what the impact fee would be. He will ask Giles Ham to give an estimate of the Heritage Avenue improvements. They did talk figures with John Burke in meetings with the City and they were identified as something that were needed and it was agreed that they would pay the entire cost from the \$500,000. He feels it is a valid approach by the City and if they were to go through the calculations to determine an impact fee it would certainly not approach \$500,000 and he did not believe that was necessary. He felt what was being done here is the past practice of this Board and it certainly puts the City in the position that the impact of the Wal-Mart expansion is going to be more than off set by the contribution for improvements that will be made. As to the timeline, hopefully, some improvements can begin immediately after the approvals are granted. Wal-Mart's position is that they are willing to pay more than their fair share. What they do not want is to be held up while NHDOT decides what they want to do. He turned it over to Mr. Ham.

Giles Ham, of Vanesse Associates, indicated he has talked to Mr. Deporter several times and as recently as this morning. A plan still needs to be presented for Heritage Avenue that shows the right-turn southbound lane. The improvements to Heritage Avenue were estimated to be around \$300,000. The City can advance improvements at Heritage Avenue and advance the design in much more detail as well as relocate the property (the red brick building) with the proposed money. He also indicated that there is a lot that can be done immediately.

Mr. Holden asked, in regards to this project, if any potential impact that results from increased traffic is addressed by these improvements to Heritage as well as contributions that were presented relative to the right-of-way plans to the State?

Mr. Ham indicated that Saturday mid day is critical. The Wal-Mart proposal added about 1% impact to the corridor. The contribution well exceeds any impact to the traffic.

Mr. Holden understood from their meetings with the State, the applicant and John Burke, one of the City's principal concerns was to get traffic off the secondary roads and back on to Route One and this was one of the ways of improving the traffic flow on Route One.

Mr. Ham agreed and stated that the rational, during summer, a lot of traffic from Water Country goes out the back way. With signalization at Constitution, that will minimize the back road traffic. It will overall improve things.

Mr. Holden asked what the approximate value of the right of way plans to city?

Mr. Ham indicated that they provided a survey along the corridor, two alternative conceptual plans along Route One, plans for improvements at Heritage Avenue, all of which are not included in the \$500,000.

Mr. Holden confirmed that their total contribution would be \$500,000 plus the cost of all of the plans they have prepared. Mr. Holden indicated that the City had some concerns with the driveway with Constitution and the direct driveway was being addressed.

Mr. Ham indicated there were comments by Burke about truck access and improving the access which was done.

Mr. Holden stated that the City did receive a communication from Mr. DePorter. He asked if Mr. Ham was aware his email today?

Mr. Ham indicated he had not seen it.

Ham read the into the record:

“The Vannasse and Associates, Inc. concept plan (dated 2/3/05) relocating the brick building, provides the best alignment and would prevent impacts to the existing cemetery. This concept would be my preferred solution to fit a five lane section at the Constitution Avenue intersection. The concept crowding the brick building provided tolerable geometrics however from a maintenance perspective did not allow sufficient room for our winter plowing and snow storage.”

Mr. Ham indicated when they went though those conceptions, that intersection was very tight. The brick building is 5-7' from the roadway so the alternative would be to relocate the building.

Mr. Holden asked if he concurred with his opinion that that is a general preference being provided to a certain particular plan?

Mr. Ham concurred with that assessment.

The Chair asked if there was anyone else present to speak to, for or against the application. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Holden felt that the applicant had provided the City with the conditions that the City was looking for and he reviewed them briefly. They started out with 50 conditions and ended up with 8. Of the remaining conditions, Attorney Pelech will set up a meeting with the NHDOT for the parties. They now effectively have a response from that. Also, based on conversations, the City will be the custodian of the monies being provided to be utilized for improvements along the Route One corridor, in particular between Heritage and Constitutions Avenue intersections. The City would be managing the projects as they proceed, in conjunction with NHDOT and in particular Division 6.

Mr. Holden asked Mr. Allen, Deputy Director of Public Works, if the City was comfortable with managing the project?

Mr. Allen confirmed that the City was comfortable with that.

A more formal letter is expected from NHDOT accepting this project but in conversations with Mr. DePorter, he is prepared to issue any approvals that are required.

An annotated set of site plans are to be filed with the Planning Department and the Department will work with the engineers to make sure they are current.

That water line (sewer sic) easement has been submitted to the City Attorney who will continue his review however the applicant has met their obligation.

This application has appeared before the Traffic & Safety Committee.

The easement deeds and plans have been provided and are being reviewed.

The level spreader detail was requested by David Desfosses as a concern early on in the process.

Mr. Desfosses indicated that the details on the plans seem to be adequate.

The last condition was that a letter from NHDOT indicating that no further traffic studies were required be provided to John Burke. Mr. Holden felt the issuance of approvals by the Division will suffice on that.

Mr. Holden felt that the Technical Advisory Committee had completed it's review of this project.

Mr. Allen made a motion to approve with stipulations. Mr. Cravens seconded.

Stipulations:

- 1) That the Landscape Plan be reviewed and approved by the Planning Department;
- 2) That the level spreader be up and running for a two year period and the Department of Public Works shall do an inspection prior to the release of the Site Review Bond;
- 3) That a letter from NHDOT is required, indicating that no further traffic study is required and that all approvals have been issued;
- 4) That the sewer line easement be prepared by the applicant and reviewed and approved by the City Attorney;

Mr. Holden asked Attorney Pelech about the posting of the \$500,000. In his communication that the Planning Board condition its approval of the Wal-Mart expansion from payment of \$500,000 prior to or at the time of the issuance of the building permit or in the alternative the posting of an irrevocable letter of credit or bond for \$500,000. Mr. Holden asked Attorney Pelech to explain what he was proposing by that.

Attorney Pelech stated that they would prefer to post the irrevocable letter of credit or bond. He introduced Attorney Joan Fortin to discuss that.

Joan Fortin, of Bernstein, Shur, Sawyer & Nelson, of Portland, Maine, who are legal council for Wal-Mart, addressed the Committee. It was her understanding that it was Wal-Mart's position on the Letter of Credit or Bond that a key condition would be that they don't want to put the money forward but not be able to open their doors because we are waiting for NHDOT to begin improvements. They will post the letter of credit or the bond upon receipt of the latest approval. They don't want a condition from the Planning Board holding up the Certificate of Occupancy prior to the road improvements being completed.

Mr. Holden suggested that a \$500,000 security be required to secure necessary highway improvements per the agreement of the applicant and the City of Portsmouth, in accordance with the City Attorney and the City Manager for the purposes that the City controls the fund for improvements on Route One, that the funds be used for the particular area between Constitution and Heritage Avenue, and it is not a

condition upon the issuance of a building permit. The project will be coordinated with the NHDOT and the City of Portsmouth.

Mr. Desfosses suggested making sure that State funding can be used for roadways off of Route One or connection roads as they approach Route One and as they apply to this project.

Ms. Tillman indicated it should be a formal agreement between the City Manger, City Attorney and Planning Board, using the model used for PSNH for Gosling Road improvements.

Mr. Holden felt that would be very appropriate in this case as the same type of details needed to be worked out.

- 5) That a formal Management Agreement be reviewed and approved by the City Manager, the City Attorney and the Planning Department prior to the issuance of a building permit (using the PSNH Agreement for improvements to Gosling Road as a model);

Mr. Holden requested that representatives of DPW be present at the Planning Board meeting.

The motion to recommend approval passed unanimously.

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2. The application of **150 Greenleaf Avenue Realty Trust, James G. Boyle, Trustee**, for property located at **150 Greenleaf Avenue**, wherein amended site plan approval is requested for new lighting fixtures on existing light poles, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 243 as Lots 67 and lies within a General Business district. (This application was tabled at the April 5, 2005 TAC meeting.)

The Chair read the notice into the record.

Deputy Fire Chief Griswold made a motion to take the application off of the table. Detective Champlin seconded. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Attorney Pelech requested that this matter be tabled as they are waiting for a report from their lighting engineer at Millette, Sprague & Colwell. They are not prepared to go forward at this point in time.

Mr. Holden indicated that as there were abutters present to speak he opened the public hearing and called for speakers.

Linwood Arsenault, of 233 Hillside Drive, indicated that the glow and glare was discussed last month at the TAC meeting. He distributed a copy of a map of the subject property showing the locations of their lights. He pointed out the lights that he felt were problems for his property. The pictures were taken since the last TAC meeting.

Phillip Gerari, of 237 Hillside Drive, indicated that his concern is during winter where, sitting in the back room of his house, he can actually read the newspaper without any lights on. That's how bright

they are. He felt they should be facing into the property rather than out from the property. It's like it is always daytime in his house because it is so bright.

Christopher Ring, of 236 Hillside Drive, indicated that the lights are also very bright at his house. He has light beams right over his head as he sleeps at night. They have all notified the proper people, Jason Page, and were told that they were adjusted but everything is just the same. They have been to several BOA meetings. It has become a large problem for the neighborhood.

William Mortimer, of 235 Hillside Drive, indicated that he was present to support his neighbors. He suggested to Mr. Boyle that he contact the neighbors directly to solve this problem much easier.

Attorney Pelech indicated that PSNH would go out and adjust the lights as many times as necessary to fix the problem. The photos that were submitted will be helpful.

He further indicated that they will have revised plans at the next meeting and hopefully will have fixed the offending lights.

Mr. Holden indicated that they will go forward at the next TAC meeting on May 31st.

Ms. Tillman asked about the poles that run along Hillside Avenue and whether those poles are on PSNH property or on Mr. Boyle's property?

Attorney Pelech stated they are on Mr. Boyle's property. The reason that they are PSNH poles is because it goes back to the Voc-Tech school. Mr. Boyle rents the poles from PSNH.

Deputy Fire Chief Griswold made a motion to table. Mr. Cravens seconded. The motion passed unanimously.

Stipulations from the April 5, 2005 TAC Meeting:

- 1) That a report on the sewer easement be provided at the May 3, 2005 TAC meeting;
- 2) That a Site Plan showing the existing conditions be provided prior to the next TAC meeting;
- 3) That a status report on the Electrical Permit be provided at the May 3, 2005 TAC meeting;

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3. The application of **Saco Avenue Professional Building, Inc., Owner**, for property located at **125 Brewery Lane**, wherein site plan approval is requested to construct a 4-story, 64' x 240', 15,500 ± s.f., 48-unit residential building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 154 as Lot 2 and lies within a Business district.

The Chair read the notice into the record.

Mr. Desfosses made a motion to take the application off of the table. Mr. Cravens seconded. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, was present with Attorney Chris Keenan, Dirk Grotenhuis, of Kimball Chase, the traffic engineer and King Weinstein, the applicant. At the January 4th TAC meeting, issues were brought up and Mr. Chagnon went through the revised plans with the Committee.

On Sheet C-1, they made minor corrections to the easement language and cleaned it up.

On Sheet C-2, they added Note 5. The City, by Tom Richter at PDW, indicated that the City has 4 monitoring wells on the property, so the applicant will grant the City an easement so they can monitor those wells. They also updated the plans to show some pipes that were not shown on the original survey.

On Sheet C-3, no changes were.

Sheet C-4 now includes a landscape design.

On Sheet C-5 they added Note 6. They met with the Fire Department and have added the location of the hydrant. Also there is a dry sprinkler standpipe connection that is shown incorrectly on the plan (it should go out to the stone wall).

It also indicated that the owner is responsible for maintenance of the hydrant and an annual maintenance report will be submitted to the City.

Sheet C-6 was added to the plans, showing grading and erosion control on the site.

Sheet C-7 was added to the plans, which is a Photometric Plan. They also provided a cut sheet for the lighting.

On the Detail Sheet they made minor corrections.

Mr. Chagnon indicated that those were the changes since the last time they appeared before the Committee. Mr. Chagnon indicated they have met with the City, trying to come up with a workable solution to the connection of this property to the City sewer system and at the same time there are on going efforts of the City to upgrade the sewer system. Mr. Chagnon handed out a plan and letter to the Committee. The plan shows a separation plan that would start at the existing PSNH siren pole, pipes would be brought to the northwest and northeast around the site, following the edge of the site to what could be called the extension of Brewery Lane, then northeast connecting to the City's sewer which crosses Brewery Lane to the Schultz property. They are proposing a cooperation between the applicant and the City. Their proposal outlines an agreement framework. It identified what the applicant would do and what the City would do. (See letter submitted by John Chagnon, in Planning Department file).

The applicant would:

- Pay for the final design of the proposed sewer separation by contracting with Underwood Engineers (or other consultant acceptable to both parties)

- Will contract for and administer the construction of the sewer improvements as designed by the consultant, paying the amount of the total as agreed by the parties.
- Assist the City as requested in the preparation of SRF applications
- Grant an easement to the City for the relocated sewer and drainage and the extensions thereof to connect to the other sewer crossing the property (work to connect to the other sewer to be done by the City at a future date).

The City would:

- Shall apply for and receive State Revolving Fund loan assistance and a 30% grant for the project
- Deduct the value of the grant as well as the easements granted by the applicant from the applicant's share of the project costs
- Waive the requirement that project site improvements in the future easement area be constructed until such time as the City does the construction
- Obtain all necessary approval and permission from abutting land owners for temporary or permanent impacts
- Pay the City's share of the construction costs.

A cost estimate was also provided. That concluded Mr. Chagnons presentation.

Mr. Allen commented that while there are elements that move forward in a good direction, there are elements that they take exception to. They have only seen this proposal today and the concept plan only yesterday so they are not prepared to make comments on it at this time. Improvements seem to be made.

Mr. Holden agreed that there was not enough information to take any action and asked if a work session would be helpful.

Mr. Allen felt that would absolutely be a good idea. He felt they will need some follow up with applicant.

Mr. Chagnon was ready, willing and able to sit down with them before the next TAC meeting. Mr. Chagnon also indicated it was his understanding from yesterday's meeting that the City is looking for a traffic review.

Dirk Grotenhuis, traffic consultant, of Kimball Chase, was hired to do traffic engineering. He did a traffic impact analysis in November of 2003. They met with John Burke and some comments came out of TAC. They provided a revision in January of 2004. The comments included that they wanted to broaden the scope of the study area to include the Cass and Middle Street intersections. They then supplemented the existing report with those counts, generating an AM and PM count. They went through another review with John Burke regarding comments he had. In February of 2005, the project went from 60 units to 48 units. The request was made to update and revise the study to incorporate the reduction in units. There is a study dated February 2005, reviewed by John Burke, which was provided to the Committee members for their review. The change from the 60 to 48 units resulted in a decrease in the peak hour volumes that went from 51 down to 44.

Mr. Grotenhuis gave a summary of where the report is now. Everything is updated to 2005. They are looking at 29 vehicles entering the site at PM peak and 15 exiting the site at a PM peak. The

background routes were increased by 2% per year. The Bartlett/Islington signalized intersection was studied. Their counts look at a little over 2,000 vehicles per hour rate. The build-out of this site shows the level of this intersection going from a level C to an increase of 23 trips exiting out towards that intersection leaving it the same level of service. Looking at the growth to 2015, the level of service decreases to a level E and eventually a level F, due to back ground growth. They were asked to look at impacts and improvements to be done as part of the project and they reviewed those with Mr. Burke. They looked at the Bartlett Street and immediate improvements to that intersection with the relocation of a power pole, restriping and some re-curbng. There was additional work that could be done to the signals at this intersection as well as the Cabot/Islington intersection. They are seeing about a 1.5 to 2% increase in volume per hour generated by this site. This is with all site traffic going out to Islington Street, however there other ways to access the site. All of this information is included in the February 2005 analysis.

Mr. Allen felt they should get the traffic concerns out first. They will need to reconvene the public hearing at a later date. Mr. Holden suggested having a discussion.

Darrell Ford, of McGuire Group, along with Royd Benjamin, are currently under contract to provide services to the City in the absence of a City traffic engineer.

Mr. Ford indicated that most items in his report are minor items that need to be clarified. A couple of the items were important. He felt that the timing of lights at the Bartlett intersection would be very useful and they should know what the current timing is. The second item is the total trip generation that impacts the Islington Street corridor, especially the Bartlett Street intersection. Applicant has included trips from this phase but has not included trips from Phase I. The first approval, when the 2 front buildings were developed, were to be included in future traffic studies.

Mr. Holden asked what he meant by no analysis for Albany Street.?

Mr. Ford indicated that he did not know what it meant because there is no analysis there. He felt that street comes out in very close proximity to the Bartlett Street intersection and he felt it would be important to know what is happening there.

Mr. Holden asked exactly what an increased traffic delay of only 5.6 seconds meant to the corridor?

Mr. Ford stated that by itself it doesn't mean a huge amount but the problem is the incremental impacts for every development along the corridor. It will eventually have a significant impact. It is a small number but it is important to mitigate all of the small numbers together.

Mr. Holden asked if the traffic signals should be inter-connected?

Mr. Desfosses felt the Bartlett/Cabot signal was too old to be interconnected.

Mr. Ford was not prepared to comment on that. He felt it was probably right at the limit.

Mr. Desfosses asked Mr. Ford if he reviewed the plans?

Mr. Ford indicated he looked at them, along with the traffic report, but he did not review them carefully.

Mr. Desfosses asked about cross walk provisions and he would like to see that included in their review. He also heard something about moving a pole at Bartlett Street and he asked if anyone had contacted PSNH to see if it was possible? Mr. Desfosses felt that probably would have already been done if it was possible.

Mr. Ford felt that was a question for applicant.

Mr. Holden asked Mr. Chagnon about the contour lines as there seems like a fair amount of topographical change on the site. Can they get some elevations or something to see how that would look, especially going into the parking facility.

Mr. Chagnon indicated they could look at the architect materials. Looking at the building there will be a retaining wall.

Mr. Holden felt that should be included in their on going presentation. He also is not getting a good sense of layout of the structures on the site. What are plusses and minuses?

Mr. Chagnon indicated the courtyard would be in the shade all of the time if it was switched around.

Mr. Holden would like more detail on how that area would look.

Mr. Desfosses asked about the elevation of pond?

Mr. Chagnon indicated it is meant to be a decorative item. They can show more grades on it. It will be a decorative landscape line pool.

Mr. Desfosses asked if the Chevrolet Avenue site distance analysis was done?

Mr. Chagnon indicated that it was not but they could. He was not sure that was an issue.

Mr. Desfosses was not sure either but would like to see it. Also, at the main entrance to the front he would like a site distance analysis. He did not see any details on the bridges on site.

Mr. Chagnon referred to the retaining wall at the edge of the parking area and indicated that they are taking advantage of the site topography. In order to have a parking level under the building, the parking level is basically at grade and the first floor is 10' above that. As the retaining wall along the edge of the parking area travels along, the entrance to the parking level will be cut out of that. Over that is the sidewalk that goes around the building and will expand over the cutout to the parking garage. There may be some architectural detailing to make it more attractive.

Mr. Desfosses asked for details on rail lights and how this works?

Mr. Chagnon believed that was architectural elements but he will get that for them.

Mr. Desfosses noticed on the lighting plan that they were not planning to light the gazebo area. He will need some detail on the lighting plan.

Mr. Chagnon indicated it was his understanding that the gazebo is not lit but they will get some lighting on it.

Mr. Desfosses asked about the sidewalk on Chevrolet and Brewery Lane and indicated they should be City standard sidewalks.

Mr. Allen noticed they were showing concrete curbing on the detail but it should be granite curbing.

Mr. Chagnon showed concrete because the strip between the sidewalk and the edge of pavement is a grass strip. They weren't sure granite curbing was necessary on the edge of the sidewalk but they would put it on the street.

Mr. Allen was more concerned about the street and he definitely wants granite on the street.

Mr. Chagnon stated that the sidewalk curb detail was to apply more to the Plaza 800 walkway where it wasn't a City street.

Mr. Allen was concerned about what it will look like if they change it half way. However, the City is more concerned with Chevrolet.

Mr. Desfosses asked what the purpose of the Plaza 800 walkway was?

Mr. Chagnon indicated that they were asked by this Board to look at pedestrian access. It appears people use this and they were asked to connect their sidewalk to Plaza 800 and this seemed like the logical place.

Mr. Allen noticed that on one plan they show the removal of asphalt but on the grading plan it looks like they are just carrying through the existing contours along driveway. In general, his comment is that they need more spot elevations and need it better defined as to what is being done there.

Mr. Desfosses asked if they had done any type of analysis on the main entrance and the parking spaces on the lefthand side? He wasn't sure it was the standard for parking spaces at the intersection at Brewery Lane (parallel parking spaces).

Mr. Chagnon indicated they might have to move a space or two.

Deputy Fire Chief Griswold indicated that he only saw one water line. He asked if that was a sprinkler line and where was the domestic service?

Mr. Chagnon stated that he met with Tom Cravens to discuss the best way to make the connection so it doesn't show on the plans yet.

Mr. Britz asked about the pond and whether they count that as open space?

Mr. Chagnon stated that they constructed the pond so it would be open space.

Mr. Britz asked if they were using a circulation pump?

Mr. Chagnon felt they would need the architect to answer questions on that.

Mr. Holden stated that under the Phase I review in 2000, one condition was that Note 1 on Sheet C-2 stated that the disposition of the 5 parking spaces on Brewery lane remain unresolved for the purpose of Phase II and need to be considered during Phase II. He asked what their formal proposal was on that issue?

Christopher Keenan, Attorney for the applicant, indicated that regarding the five parking spaces, the question came up on how dangerous they would or would not be. His office has used two of those spaces since July of 2000 and none of the spaces have ever had a problem. They would like to retain all five. Hometown Windows has no entrance at the back of the building so it is important for them to have some parking in the front.

Mr. Holden indicated the spaces were not depicted on Phase I.

Mr. Keenan confirmed that they tabled the issue.

Mr. Holden indicated that he needed justification of whether they are legal or non-conforming. It can't be resolved now but they will have to have that addressed.

Mr. Allen asked where the electrical and cable connections are coming in?

Mr. Chagnon indicated they are not shown yet. They would probably come from Jewell Court. There are some lines that were dropped in the first phase. There are two transformers to the east of Building C and they would probably come from that location.

Mr. Allen asked about the poles south of building A and what they are feeding?

Mr. Chagnon stated the PSNH siren pole has a feed. The siren pole will be relocated so that it is not right next to a condo window. When that was put in at DPW PSNH did not get an easement. When the applicant wants it moved, PSNH will come in and move it. It will be relocated onto the site at a later date.

Mr. Britz asked if they will have underground utilities?

Mr. Chagnon confirmed the underground utilities would be coming in from a connection at Jewell Court.

Mr. Holden confirmed that all utilities were being brought on site underground. He asked what was going to happen where the building is being demolished.

Mr. Chagnon stated it turns into parking and green space but they would like to use it for a staging area during construction. They will do a bond to cover this through the conclusion of the project.

Mr. Holden reminded them that the building must be posted for 30 days for demolition. He confirmed that they have no plans for any further development at this time?

Mr. Chagnon confirmed that they did not.

Mr. Holden also wanted to confirm that there won't be any utilities hooked up to the building.

Mr. Chagnon indicated that there are utilities there currently and it is compatible for a use similar to what the City's use had been.

Mr. Allen asked if the building was handicapped accessible?

Mr. Chagnon indicated they could enter through the lower level parking areas.

Mr. Desfosses asked about handicapped signage outside somewhere, such as visitor parking or open parking?

Mr. Chagnon indicated that was a good point. He said they may want to consider an at grade entrance to the elevator area into the parking entrance.

Mr. Desfosses would also like a note added to the plans that temporary sidewalks shall be removed and replaced with city standard sidewalks, with appropriate grades. He asked about any grading scheme on Brewery Lane, in front of the building?

Mr. Chagnon indicated that was not done. He believes the northeast comes around to a catch basin but he will look into that.

Mr. Desfosses noticed they were showing a crosswalk to the gazebo from Plaza 800. He was not real comfortable where the crosswalk is. He felt it may be better further down the street or to move it right into the middle of intersection. Currently, pedestrians coming around corner are not going to see what's coming.

Mr. Chagnon didn't have a problem moving it down but it wouldn't go anywhere. They can work on it.

Mr. Desfosses was concerned about public access and felt the crosswalk should be lined up to the liquor store crosswalk. He had the same problem at Brewery Lane where it meets Plaza 800. He would like to see that parallel to the sidewalk. Mr. Desfosses suggested that they arrange for an on-site review.

Mr. Desfosses made a motion to table. Mr. Allen seconded. Mr. Holden indicated they will schedule a meeting to review the sewer issue and they will schedule on site with Dave Allen, David Desfosses and the traffic consultants.

Mr. Holden also indicated that this should go before Traffic & Safety. Mr. Parkinson will be coordinating that and he suggested that Mr. Chagnon check with him to get on the agenda. This is an attempt to keep them on target to address issues.

The motion to table passed unanimously.

Conditions from the May 3, 2005 Technical Advisory Committee Meeting:

- 1) That an on-site inspection be coordinated between the applicant, the traffic consultants, the Department of Public Works and the Planning Department;
- 2) That a work session be scheduled between the applicant, and the Department of Public Works to discuss the relocation of the sewer lines;
- 3) That the five parking spaces on Brewery Lane which were “tabled” in Phase I shall be addressed to determine whether they are legal or non-conforming;
- 4) That a note be added to the Site Plans that all temporary sidewalks be removed and replaced with City standard sidewalks with appropriate grades;
- 5) That this matter be scheduled before the Traffic & Safety Committee at an appropriate time;

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4. The application of **Robert Bossie Revocable Trust, Robert Bossie, Trustee, Owner**, for property located at **625 Islington Street**, wherein site plan approval is requested to convert an existing building to 6 apartments and 3,200 ± s.f. of retail space with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 164 as Lot 6 and lies within a General Business B district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech appeared on behalf of the applicant. He indicated that Alex Ross, the Site Engineer, could not be present. They are proposing to reconfigure the parking area on the site. There will be no exterior changes to the site except the reconfiguration of the parking area, the handicapped entrance and a dumpster enclosure in the rear. At the present time there are four residential units on the second floor and retail space on the first floor and a warehouse in the rear. . They are proposing to change the warehouse into two levels and have six residential units on the second floor and up to four retail units on the first floor. They are trying to create some green space. The site is currently 95% impervious. It is not currently in compliance with green space requirements. The applicant is proposing to gut the entire building. No changes are anticipated to the utilities or the stormwater drainage. He was present for comments on the site plan and indicated they will be back next month with revised plans.

The Chair asked if there was anyone else present to speak to, for or against the application. There being none, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Detective Champlin asked about impact on traffic?

Attorney Pelech indicated they are not changing the use very much. The Bartlett Street intersection is probably a problem but traffic will be the same.

Detective Champlin asked if a traffic study was done? There have been a lot of issues with Islington Street recently.

Attorney Pelech indicated that no traffic study is needed as they are not expanding the building and not really changing the uses.

Detective Champlin felt, from a police standpoint and from fielding phone calls from residents, it would be useful.

Deputy Fire Chief Griswold was concerned about the sprinkling of the building and also the traffic impact as the traffic currently backs up at the intersection.

Mr. Holden asked about an elevator?

Attorney Pelech indicated there was no elevator as the code doesn't require one.

Mr. Holden assumed that if the code requires one, they would put one in.

Mr. Britz was curious about the loading dock.

Attorney Pelech indicated that it was a loading area as that was all that is required by the Zoning Ordinance.

Mr. Holden asked for a turning radius.

Attorney Pelech indicated he would provide one. This would be for a single unit truck

Mr. Allen didn't feel that the parking layout worked. A number of spaces are impossible to get in and out of and it was horribly laid out. The water service is very inadequate and they would have to deal with the Chief for separate fire service. If they were tearing up the sidewalk to put in new utilities, they would want a new sidewalk. They are currently relocating the sewer in that area and they will have to deal with that.

Attorney Pelech asked if preliminary designs were available?

Mr. Allen indicated they did have preliminary designs. He felt they might want to look at coming out the back of the building. They could contact Peter Rice for a copy of the plans.

Mr. Desfosses asked about underground utilities. He confirmed that concrete sidewalk would be acceptable. He noticed that steps were sticking out in the right of way and they can either adjust them or get a license for them. They will have to go to Traffic & Safety but that is premature at this point. He felt some sort of trip analysis should be done.

Attorney Pelech will get trip generations but if they want a full traffic study they will have to sit down and discuss it.

Mr. Desfosses felt they had over-simplified the plans. This site is very inadequate for retail space.

Attorney Pelech indicated that the parking does comply with ordinance except the 19' aisle that they got a variance for.

Mr. Holden stated that this was one of worse site plans he has ever seen. The driveway is already dangerous and yet they are going to put more uses in.

Mr. Desfosses pointed out that there was no on street parking available for the retail businesses.

Mr. Holden repeated that this was one of worse site plans he has seen. Some other points are that the plans don't show across the street or the distance to an intersection.

Royd Benjamin, Traffic Consultant with Maguire Group, confirmed it was a pretty small site. There probably would not be a huge difference in trip generations but they should see the numbers. It will not show anything new about Islington Street. Mr. Benjamin confirmed that they are currently under contract with the City to combine all of the accident data on Islington Street and evaluate and identify the cause of the problems on Islington Street. This driveway is one of many problems. Going in the site is more of a problem than going out of the site.

Mr. Holden asked Mr. Benjamin to comment on the site plan.

Mr. Benjamin felt it was a lot to cram into the site and the odd parking spaces in the middle of the parking lot would invite other people to use them. It may meet the Zoning Ordinance for the number of spaces but the lay out is very poor.

Mr. Desfosses thought they should look at any opportunity to share a driveway with next door. Also, the parking calculations show 8 parking spaces for retail and 9 parking spaces for apartments. He wondered how many would be used for people who work at the retail?

Mr. Holden felt a shared driveway might be appropriate.

Mr. Benjamin did not believe there was a driveway to share with.

Mr. Desfosses felt with more details on the site plan they could review a possible way to share with Tiny Tots.

Mr. Desfosses asked why there were two overhead power supplies?

Attorney Pelech indicated he would find out.

Mr. Holden asked Attorney Pelech why they shouldn't deny the site plan?

Attorney Pelech felt they should give the applicant an opportunity to come back and respond to their comments.

Mr. Holden asked Attorney Pelech if he felt this plan was ready to come before this Committee.

Attorney Pelech felt that it was but he was not the engineer and they would have to ask Mr. Ross that question.

Mr. Desfosses made a motion to table to allow them to come back with revised plans. Detective Champlin seconded the motion.

Mr. Holden stated for the record that he was willing to deny the application.

The motion to table passed unanimously.

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II. ADJOURNMENT was had at approximately 4:10 p.m.

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