

MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

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

NOVEMBER 1, 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, Debbie Finnigan, Director of Parking and Transportation; Steve Parkinson, Director of Public Works; Steve Griswold, Deputy Fire Chief and David Young, Deputy Police Chief.

ALSO PRESENT: Lucy Tillman, Chief Planner

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I. PUBLIC HEARINGS

1. The application of **The Hill Unit Owners Association, by Paul Demars, President**, for property located **off Deer Street**, commonly known as "The Hill", wherein site plan approval is requested to add 13± new parking spaces, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 26 and lies within a Central Business B, Historic A and Downtown Overlay Districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Justin Caramagno addressed the Board on behalf of The Hill. He asked to be moved down on the agenda as they were waiting for their engineer to be present.

The Committee voted unanimously to table this matter to follow Item #2.

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2. The application of **Paul J. Holloway, Jr., et al, Owner**, for property located at **500 Route One By-Pass** and **off Cottage Street** wherein site plan approval is requested for the reconfiguration of the lot known as Coast Pontiac Cadillac GMC, creating a new driveway off Cottage Street, blocking off the existing driveway, the relocation of existing parking spaces and the addition of new parking spaces, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 173 as Lots 9 and 11 and lie within a General Residence A District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Charles Griffin appeared on behalf of the applicants, Paul Holloway, Debra Lynn Holloway and Paul Scott Holloway. Also present was Joseph Yegeau, VP of Coast Pontiac, Mike Baillargeon, Project Manager and Paul Connolly of Civil Works.

Attorney Griffin stated that Coast wants to relocate the existing driveway 150' further down Cottage Street because they believe it will improve traffic safety. Secondly, by relocating that driveway, it will allow sufficient maneuvering room inside the existing parking lot and they will take 12 existing customer service parking spaces and relocate them. They will create a new 18 space parking lot to be used for customer vehicles that are being serviced. Third, they will eliminate 6 vehicle display spaces in the northwest corner of the property, to help improve line and sight visibility. They will then add four vehicle display spaces to an existing row of spaces, close off and landscape the existing driveway and put a new row of 9 spaces for display vehicles. There will be a net increase of 7 vehicle display spaces because they are adding 13 and subtracting 6. They also propose to erect some sort of barrier to prevent vehicle traffic entering and exiting the lot from Route One.

Attorney Griffin explained that Cottage Street is not flat and it has a crown in it which causes problems with delivery vans. Delivery vans get stuck and have to call a wrecker. Therefore, they straddle the eastern lane of Cottage which creates a situation where the eastbound lane can be blocked. Deliveries are 2-3 times a week and it takes 1-2 hours each time. What has happened in the past is that traffic on Cottage Street has a blocked view and an ambulance has been blocked on occasion. By relocating the driveway on the vacant lot, it will be possible for the delivery vans to actually enter the lot and unload on site. Also, at the present time, because vehicles do not enter and exit the parking lot, they proceed up Cottage Street to get back up to the traffic circle. With the new driveway, they will be able to go directly back to the By-Pass and get on the traffic circle.

Attorney Griffin indicated that there has been a problem with sight distance and reaction time. Traffic now funnels from Route 33 to Cottage Street and there is an increase in right hand turns as a result. This diminishes reaction time onto Cottage Street and makes for a dangerous situation. The distance from the northwest part of the property to the existing property is approximately 72'. It is proposed to relocate that driveway approximately 150' to the east which will increase the sight line from the driveway to Route One.

The proposal is consistent AASHTO standards (American Association of Safety, Highway and Traffic Officials) which states that driveways should be located as far away from safety signals as possible and that driveways should be regulated with placement of vertical alignment. That is important because the proposed driveway will be regulated with the Armory driveway which will be directly across the street. These guidelines also state that a driveway should be located more than 100' from an intersection which they would now be in compliance with.

Attorney Griffin stated that Coast averages 60 vehicles per day for service. Because 12 spaces will be lost, Coast will take these 12 spaces, put them in the new parking lot and add 6 new spaces. They will be landscaping the lot and along Cottage Street to screen the visibility for the residents. In August they appeared before the Traffic and Safety Committee and received approval for the new driveway with the stipulation that a permanent barrier be placed in the northwest corner where the 6 parking spaces were being removed and those improvements would eliminate unloading or parking of carriers on Cottage Street. They also agreed that there was a Borthwick space that fronts on Cottage Street which could be left open to allow for drainage.

In September they appeared before the Board of Adjustment and received a use variance to allow the driveway and parking lot as this lot is zoned residential. They also received set back variances for the proposed new parking spaces. A stipulation from the Board of Adjustment requested that arborvitae

screening would be moved from Lot #8 to Lot #11 and they also indicated that this Committee would determine what type of barrier would be placed on the northwest portion of the lot. They also stipulated that if the new driveway did not solve the problem of delivery vans getting caught up on the crown, then Coast would have to redesign the driveway at it's expense and also that Cottage Street would no longer be used for loading or unloading vehicles carriers for the dealership.

They believe that this proposal will increase traffic safety and is a win-win situation. They feel that the public will benefit as a hazardous traffic situation will be corrected at no cost to the City, the neighborhood will benefit from less truck traffic and Coast will benefit because it will be creating a more reasonable and safer use of its property.

Paul Connolly, of Civil Works, reviewed some technical items. On the plans, the outline of the interstate car hauler coming into the parcel and backing out and exiting the parcel was to show that this movement could be accomplished within the site. He reviewed the landscaping elements. He pointed out a number of dark American Arborvitae on the easterly side of the proposed driveway which were previously shown to be planted on the abutting property, also owned by Mr. Holloway, on the top of the berm. At the request of the BOA, they moved them west slightly so they are entirely on the property associated with Coast and not subject to the whim of any future owner of that parcel.

Mr. Connolly stated that the sizing of the parking spaces will be added to the plan and they will be at least 9' wide and 19' long.

He went on to explain that the entirety of the site is shown on the plan and the gray and green areas show the extent of the site that will be impacted. It shows a minimal amount of work. Also shown are existing overhead utility lines and they will be put underground during this project.

Mr. Connolly addressed stormwater drainage. He indicated the proposal will not change the disposition of the stormwater runoff in any significant way. Everything from the crown of Cottage Street somehow gets into the subject site, either into the catch basin or sheet flow over the site into Hodgkins Brook by the time a storm event has subsided. The proposed grading tilts the drainage a little more quickly but it does not drain onto abutting properties. This is good as there will be an elimination of puddling on Cottage Street

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 asked Mr. Connolly if he knew where the catch basin went that was shown on the plan?

Mr. Connolly didn't have it mapped. It was his belief that it somehow ended up into Hodgkins Brook but he doesn't know the route.

Mr. Desfosses felt, at the least, they would want an oil and water hood on that basin and that should be a stipulation.

Mr. Desfosses asked what the 10' shoulder on the entrance drive was for?

Mr. Connolly indicated that was to provide the ability to get off the pavement for passenger vehicles in recognition of the fact that the traffic on Cottage Street is fairly voluminous and it allows for eastbound and westbound traffic to continue along. It's presence, along with the 35' radius, assists car haulers to get off Cottage Street without falling off the pavement.

Mr. Desfosses was concerned that it might be an opportunity for them to continue to park there. He further asked what was the plan between the parking lot and the Route One By-Pass to contain cars on the lot?

Mr. Connolly indicated there was no work proposed. Boulders have been placed along the front of the property to contain the vehicles.

Mr. Holden asked if he was aware of the BOA stipulation? They should have something on the plan and he asked what they were proposing?

Joe Yergeau, VP of Coast, addressed the Committee and indicated that at the BOA hearing they agreed to do that to block that front up. There was no discussion regarding what type. He indicated it obviously won't be a fence but maybe some sort of concrete or pipes in the ground.

Mr. Desfosses asked where the shrubs to the west of the driveway were labeled.

Mr. Connolly indicated there was Note 15 that identified them.

Mr. Desfosses asked if it was his opinion that they will not block the sight view for people trying to exit?

Mr. Connolly did not believe they would obstruct the view onto Cottage Street. Yes, it will obstruct the view from the Route One view but their goal was to block visibility from the residents.

Mr. Desfosses asked if there was room to pull them back a little bit, maybe 10' from the curb line, so there is room to put snow.

Mr. Connolly felt it was possible to bring it back a little bit.

Mr. Desfosses was concerned about a lot of people waking across the street from Coakley Road and he asked if there was any type of landing pad on either side of the road?

Mr. Connolly stated there was no sidewalk on the By-Pass . He didn't have an answer to Mr. Desfosses' question.

Mr. Holden asked if there were any further questions? Hearing none, he suggested that a motion be put on the table.

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

Mr. Desfosses made a stipulation that all on site catch basins shall be modified so that they will have an oil/water separator. A second stipulation is that the arborvitaes shown on the west side of the driveway shall be pulled back at least 10' from the curb line.

Mr. Allen requested that they should have both an existing condition and a location plan as part of the submittal for the Planning Board. Also, regarding the storm drainage issue, he wants to see the storm drain listed on the existing conditions plan. As part of their stormwater initiative they want to track the locations of that infrastructure.

Mr. Britz asked what was inside the 50' drainage easement?

Mr. Connolly stated the major element within the easement was Hodgkins Brook and the banks.

Mr. Britz asked how the stormwater flowed?

Mr. Connolly stated that basically everything to the west of the building sheet flows straight into Hodgkins Brook. The drainage that runs between the building and Cottage Street, and the remainder of drainage to the rear of the building, again runs in a sheet flow form, over the site and into Hodgkin Book. He felt that was a good thing whereas the filtering aspect of vegetation adjacent to the banks will filter the runoff prior to it going off.

Mr. Britz asked if they had looked at enhancing the vegetation along the brook?

Mr. Connolly indicated they had not looked at enhancing it. Mr. Connolly asked Mr. Holden to go back and address the existing conditions plan and exactly what their concerns were.

Mr. Holden indicated that if he got any more confused over the plan that was submitted he would recommend that it be tabled. He also didn't understand why, at this point, they were getting plans with handwritten notes on them. As an example, he asked if the signs were proposed or existing?

Mr. Connolly indicated there are no proposed signs.

Mr. Holden indicated that the existing conditions plan would take care of that. He asked what it meant by -11 plants?

Mr. Connolly indicated that was "dash" 11 plants and is quantifying how many are supposed to be there.

Mr. Holden asked if they had a typical for planting the plants?

Mr. Connolly indicated that they do but it's not on the plans.

Mr. Holden stated that the BOA was concerned about blocking of vehicles going out onto the Route One By-Pass. Down at the South Mill Pond they have some 12 x 12 wood single rail barriers and Mr. Holden asked how far they needed that to extend?

Mr. Desfosses requested that it go along the front of the whole parking lot and around the corner.

Mr. Britz further suggested that it go across the bollard and have it meet up with the start of the arborvitae.

Mr. Holden asked why there was a hesitancy that this design will allow for off loading trucks? If it doesn't work, it will be re-engineered?

Attorney Griffin stated that arose from a member of the BOA. They are confident that it will work.

Mr. Holden asked about luminaries and if any new ones were proposed?

Mr. Connolly indicated no new luminaries were proposed.

Mr. Holden requested, for the record, that if there are any new luminaries, they would have to be dark sky lighting. He stated that the record would show that was one of the concerns of the Planning Board.

Mr. Desfosses requested that the entrance drive be striped with a stop bar and probably the first 20-30 feet should have double yellow to keep traffic on one side so cars can freely enter.

Mr. Holden asked if there was any reason to ask the Traffic & Safety Committee to look at "No Parking" signs if this area is theoretically going to be cleared up?

Mr. Parkinson indicated it could go before the Traffic and Safety Committee to consider elimination of on street parking unless there is already an ordinance in place for it.

Mr. Desfosses asked if the applicant owns the house next door?

Mr. Connolly indicated that was correct.

Mr. Desfosses indicated that one of the gravel driveways was going to be removed and the other will not be expanded. He wanted to make the Applicant understand that if he is going to widen the driveway he needs a separate permit from this application.

Mr. Holden indicated that there shall be only one entryway onto this site, to make sure that the other driveway gets eliminated. He also asked Mr. Connolly if the two lots were consolidated at this time?

Mr. Connolly indicated they were in separate titles, one being owned by Mr. Holloway and one being owned by Mr. Holloway and his son and daughter in law.

Mr. Holden assumed the lot with the driveway is being consolidated with the Coast Pontiac lot?

Mr. Yergeau stated that they are agreeable to a consolidation.

Mr. Holden indicated that a stipulation should be that the two lots shall be consolidated into one lot.

Mr. Britz requested that the hooded catch basins shall be pumped out on an annual basis.

Mr. Holden asked about the vehicles that are in the 50' wide drainage easement, which are pre-existing. Are they allowed because they are pre-existing or because the easement allows it?

Mr. Yergeau stated that the building was put up in 1962 and he didn't get there until 1967 and it was being used at that time. They have an engineer's letter regarding the other side somewhere.

The motion to approve with stipulations passed unanimously.

Stipulations from the November 1, 2005 Technical Advisory Committee Meeting:

- 1) That an oil/water hood shall be added to the catch basin;
- 2) That the shrubs to the west of the driveway shall be moved back 10' from the curblineline to allow for snow plowing;
- 3) That an Existing Conditions Site Plan shall be prepared and included as part of the Planning Board packet;
- 4) That no handwritten notes shall be allowed on the Site Plans;
- 5) That the stormwater drain be shown on the Existing Conditions Site Plan;
- 6) That a 12 x 12 single rail wood barrier (similar to fence around South Mill Pond) be erected along the Route One property line and around the corner to the bollard (per stipulation of BOA approval on 9/30/05);
- 7) That if any new illuminaries are proposed, they shall be Dark Sky Friendly;
- 8) That the proposed entrance driveway shall be striped with a stop bar and 30' of double yellow line, and this shall be reviewed and approved by David Desfosses, of DPW, prior to the Planning Board Meeting;
- 9) That this matter shall be referred to the Traffic & Safety Committee to consider the elimination of on-street parking, unless there is already an ordinance in place addressing that issue;
- 10) That the two subject lots shall be consolidated by the recording of a Voluntary Merger, said document to be reviewed and approved by the City Legal Department;
- 11) That the hooded catch basins be pumped out on an annual basis;

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Mr. Allen made a motion to take "The Hill" application off the table and Deputy Fire Chief Griswold seconded the motion. The motion passed unanimously.

The Chair indicated that he had already read the application into the record and he asked if they were ready to proceed?

Due to the absence of Cory Colwell, their engineer from AMES MSC, the applicant requested that the matter be tabled to the next month.

Mr. Parkinson made a motion to table this matter to the next regularly TAC meeting. Mr. Desfosses seconded. The motion to table to the next regularly scheduled TAC meeting passed unanimously. This will be placed on the November 29, 2005 TAC Agenda.

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3. The application of **Lewis A. and Ruth Cicero, Owners, and Changing Places, LLC, Applicant**, for property located **off Falkland Way** wherein site review approval is requested for the creation of 24 new town home units on a proposed 8 lot subdivision, with all of the proposed lots having access off of a proposed extension of Crescent Way extending through to Saratoga Way, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 212 as Lot 123 and lies within a General Residence B District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Dennis Moulton, of AMES MSC, addressed the Board. Also present was Michael Brigham, of Changing Places, LLC and Attorney Bernie Pelech.

Mr. Moulton indicated they had gone before the Planning Board in October for preliminary subdivision approval. They proposed to divide the lot into seven (sic) lots from 10,000 s.f. to 27,000 s.f.. for the purpose of creating housing. The proposal is to utilize each lot for townhouse type units, all to be constructed with an entrance in front and parking to the rear. The driveways will extend off to the proposed new roadway. The proposal for the subdivision is to connect Saratoga and Crescent Way. They would be formalizing the subdivision as it was originally planned as Saratoga was never built out. Part of the proposal and part of the application to the Planning Board and the City Council is the disposition of Falkland Way as half would be converted to this property and used for the construction of the units. The subdivision proposes a 32' wide street, standard city residential street with underground utilities. Laterals will be from the proposed utilities to each unit. They are proposing to maintain the existing single family house on its own lot and there will be an additional 23 units. The proposed lots will be conforming and will be constructed to city standards. The wetland delineation is shown on the plans and there is only one place where they have disturbance in the buffer which is the drainage outlets. The wetland delineation was done in July so the information is very current. The plan set includes a landscape plan, lighting which would be to city standard and a drainage plan. The drainage would have two catch points. One is half way down the road where it meets Crescent, two catch basins would pick up into a drainage manhole which would turn into a treatment swale. The second point is the current location near Saratoga and all drainage from the site will be captured and brought into treatment.

One of the concerns from the Planning Board for this development was trip generations. He looked at trip generations for residential townhouses in various scenarios and determined that 23 units would generate 135 trips per weekday. The peak a.m. hours of 10 trips and the peak p.m. hours of 12 trips. Saturday trips would generate approximately 130 trips, with 10 at peak hours and Sunday trips would generate approximately 111 trips, with 10 at peak hours. The actual trip generations from this development is relatively low and the existing street network should be able to handle that small addition in traffic.

He also generated the calculations for the schools according to the Site Review Regulations and came up with 2.3 students for the elementary schools and junior high and .9 students for the high school.

The TAC Committee was given copies of letters received from Kathy Gallagher of 175 Raleigh Way and Robin McIntosh of 583 Kearsarge Way. Copies of those letters were given to Attorney Pelech.

The Chair inquired if there was anyone wishing to speak to, for or against the application.

Cathy Gallagher, of 175 Raleigh Way, addressed the Committee and indicated that she was substituting for Robin McIntosh. They had no quarrel with the subdivision or the plans but their main concern was with traffic. She indicated it is a 32' standard street connecting to Saratoga which goes down to 28' to Raleigh Way which then goes as narrow as 20' to egress out to Kearsarge Way. Mr. Lewis is a longtime resident and was very instrumental in the street improvements but nothing is slated for Raleigh Way, which is a real bottleneck. They are very concerned about ingress/egress traffic. People cut through a driveway rather than going through Raleigh Way so they are concerned that this

will increase. They just have a general concern about added traffic and the fact that the roadway narrows. They also said they feel with other additions in the neighborhood, another road should go where the old Falkland was proposed, to Kearsarge, rather than dumping onto Saratoga and on to Raleigh. They also have a concern about water pressure which they have been through before.

Mr. Holden asked about the unauthorized driveway and whether that was at an apartment house that was recently constructed off of Saratoga Way?

Ms. Gallagher confirmed that it was a four unit that was constructed on Saratoga. The owner of that property also owns what were originally garages in the original development but have been transformed into storage sheds and they have created that unauthorized right of way where people park along and use as a shortcut. She indicated that Robin McIntosh has informed someone about this. Originally when the apartment was built the gateway was supposed to be gated off but it hasn't happened. People can go from Saratoga to Kearsarge now and then to Ranger.

Mr. Cravens asked if these units were going to be condominiums?

Mr. Moulton stated that they are 2-4 unit townhouses and each will have an association to take care of common needs. So, technically, the answer is yes.

Mr. Cravens asked if they have figured out the size of the water service yet?

Mr. Moulton indicated that the proposed water main is 10".

Mr. Cravens indicated that it shows 10" on the plans but only 6" on the profile. He also confirmed that the actual service was going into each unit and he asked if they had figured out a size for those yet?

Mr. Moulton anticipated they would be ¾".

Mr. Cravens indicated that ¾" was the minimum but he would recommend looking at 1"

Mr. Moulton indicated they can go to 1".

Mr. Cravens asked if they would have an irrigation system?

Mr. Moulton indicated they have none planned except the silcox.

Mr. Cravens requested, if that changes, they would want to have timers timed for 10 pm – 5 am. Also that all loam on the site be at least 6" because it's better for roots and requires less water.

Mr. Allen noticed a 12' drop on some of the retaining walls. He asked for details on that and how they were going to address it?

Mr. Moulton didn't realize they had one that was 12'. He can identify those areas with guardrails.

Mr. Desfosses noticed a few labeling errors. The street is labeled as 24' wide. He asked if there are any sidewalks on Saratoga?

Mr. Moulton was not aware of any.

Ms. Gallagher indicated there was a sidewalk on the east side from the Raleigh intersection to the gate.

Mr. Moulton confirmed that there is a sidewalk along Saratoga Way on southeasterly side of the road.

Mr. Desfosses asked that be added to the plan to determine where new sidewalk should start.

Mr. Holden asked for a detail on how the street will connect with the existing street.

Mr. Moulton felt the Landscaping Plan shows curbs and the connection.

Mr. Holden asked what type of illuminaries they are proposing and whether they had been coordinated with the Community Development Department?

Mr. Moulton indicated they haven't but they are meeting with the Atlantic Heights Group to discuss issues relative to the plan.

Mr. Holden asked that they coordinate with Community Development to make sure that issue is covered. He further indicated that all fixtures should be Dark Sky Friendly. Mr. Holden indicated that they normally don't do two sidewalks and he's not looking for two but with the right of way, why aren't there trees on both sides?

Mr. Moulton felt the amount of space left after the sidewalks are installed wasn't enough for tree to survive.

Mr. Holden asked if a 50' right of way cannot adequately accommodate a sidewalk, the required street and plantings on both side. They ran into this situation on Nathaniel Hawthorn Drive and they did easements. Was that something they could take a look at and possibly propose?

Mr. Moulton felt that certainly was something they could agree to.

Attorney Pelech asked if that would be on the easterly side and if he thought a 10' easement would do it?

Mr. Holden confirmed that would be correct.

Mr. Britz asked about the trees and plants at the back of the site in the wetland buffer area. He asked if they had any plans to cut those trees or if there was any way to protect them?

Mr. Moulton assured them that they were only clearing what's necessary to build the houses.

Mr. Britz asked if there was any way to hold on to the trees as he was concerned that if they were cut down they would try to expand into the wetland buffer area?

Mr. Moulton indicated that the trees would be owned by the individual property owners.

Mr. Holden suggested that they would protect them during construction with a snow fence so they are not impacted?

Mr. Moulton confirmed that they already have a silt fence.

Mr. Parkinson recommended that Mr. Moulton take a look at the roadway cross section. The plan shows 32' of pavement with the curb length on one side but the back of the sidewalk on the other side.

Mr. Holden felt it would be helpful if they could explore or demonstrate more accurately, the driveway coming in from the former Atlantic Heights school. Also the driveway that is servicing the apartment complex that seems to be a note of interest in any number of letters. Obviously, they are not responsible for that but he felt it would be helpful to see those intersections. He was wondering whether there were any concerns about the intersection with the driveway that goes to the old Senior Citizens building.

Mr. Desfosses felt that all topographical features shall be shown on the plans.

Mr. Holden asked that the driveway that goes to the other multi-unit should also be shown on the plan and labeled. His concern is that they are linking the plat from 1919 and it's a good thing to finally come about with the final development of site. However, they need to acknowledge that they have to look at it a little more carefully. Also, the plans should show the connection of the sidewalks to whatever is existing.

Mr. Desfosses asked if they did a traffic study and whether they have any counts?

Mr. Holden indicated all they had received was the IT standards from Mr. Moulton.

Mr. Moulton confirmed they have not done any counts but the trip generations are very low.

Deputy Police Chief Young asked what the standards impact would be?

Mr. Moulton anticipated the number of trips is 12 at peak hours.

Mr. Desfosses felt that was a fairly significant impact and needs to be quantified. He would also like to see a drainage analysis.

Mr. Holden asked if they had concerns with water pressure or sewer?

Mr. Allen indicated there wasn't such a big concern about sewer but the area does have low water flow and he would like to have a chance to talk to the applicants about future work that may be done.

Mr. Holden asked if there were any Federal or State permits that they will be required to get?

Mr. Moulton stated that the site was not sufficient for a site specific permit but they will probably require a Notice of Intent for the stormwater.

Mr. Desfosses indicated that the hydrant needs to be adjusted and is shown in the sidewalk.

Deputy Fire Chief Griswold asked what the distance was between the hydrant and the curb?

Mr. Moulton believes they have one on Saratoga that is around 360'.

Deputy Fire Chief Griswold confirmed that as long as it's within 600' they are okay. He went on to comment that they have chosen not to put sprinklers in the buildings but he wanted to remind them that they have created an automatic sprinkler in residential condos option which may save money for the builder and he would strongly recommend that they look into that.

Mr. Holden asked if there was any disagreement on the 100' buffer or was it fairly well delineated?

Mr. Britz stated that he had gone out and looked at it and it looked accurate to him.

Mr. Holden was impressed with what they were presenting although they would need to work on the details. A question that came up at the Planning Board was the street right of way issue which was not formally resolved, although there is a process in place. If it reverts in ownership to the abutters of record, how would that be taken care of for abutters that are not part of this application?

Attorney Pelech stated that normally, when a street is discontinued, the ownership from the center line reverts to the property owner and he would assume that the tax map would be modified. It would not have to be deeded.

Mr. Holden assumed this matter would be tabled, but he would like to work to determine what the existing status of the right of way is and start the process of a recommendation to the Planning Board and over to the City Council so they do not lose time on that issue. He is uncertain of the best way to proceed and what the city rights are so he would suggest that a meeting be scheduled with Attorney Pelech, the City Attorney and himself.

Mr. Desfosses indicated that the detail shown on Sheet 5 of 7 shows 2 sidewalks and one should be removed from the detail. Also, the detail shows sloped granite curbing, which is subdivision standard, but nowhere else in Atlantic Heights do they use it and it will not match. Third, at some point this will be a city street so it will require independent inspection while it's being built.

Mr. Holden asked what was the advantage to vertical or sloped curbing?

Mr. Cravens felt the slope granite curbing has less chance of jumping over to the lawn so they recommend straight granite curbing.

Mr. Holden indicated that they will recommend that the Board waive the standard to go to the vertical because it will match which is currently at Atlantic Heights.

Ms. Finnigan had some questions about the plans. On Sheet 3 there was a note about installing a fence that appeared incomplete. Also, she wanted to verify that they were providing the minimum 24' behind each garage. The note that the street lighting will conform is misspelled. She had an issue with the note saying "retaining wall by others" and would like to see that worded better.

Mr. Moulton confirmed that the Contractor will submit the proposed retaining wall system for approval.

Mr. Cravens asked about the plantings as a lot of water, sewer and gas lines are going into the buildings. He would like those adjusted as they should stay 5’ away from the underground utilities,

Mr. Holden would like a clean set of plans reflecting the comments from this meeting.

Mr. Parkinson indicated that they typically have a traffic study. He would like to have Mr. Moulton work with Ms. Finnigan to see what they will need.

Mr. Desfosses indicated this street was an extension of Crescent and Saratoga and is where Falkland is supposed to be so they will need a proposal on what the street name will actually be.

Mr. Brigham felt that Crescent makes the most sense.

Mr. Britz asked for a drainage analysis.

Mr. Desfosses made a motion to table this application to the November 29th TAC meeting. Mr. Britz seconded the motion.

The motion to table to November 29, 2005 passed unanimously.

Major items of concern to the Committee are the following:

- 1) That the applicant meet with the City Community Development Department to coordinate lighting;
- 2) That a 10’ sidewalk easement shall be prepared by the Applicant and reviewed and approved by the City Attorney;
- 3) That all topographical features shall be shown on the Site Plans;
- 4) That the applicant shall work with Steve Parkinson and Deb Finnigan, of DPW, to determine what the city shall require for a Traffic Study;
- 5) That there shall be an independent inspector for the proposed roadway as this will eventually be a city street;

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4. The application of **Dennett-Prospect Realty Investments, LLC, Owner**, for property located at **69-73 Prospect Street** wherein site review approval is requested for the renovation of an existing multi-family dwelling on Lot 28 to convert structure from 6 dwelling units to 4 dwelling units and the construction of a two dwelling unit structure on Lot 29, with related paving, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 142 as Lots 28 & 29 and lie within a General Residence A District;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney John Bosen, representing Dennett Prospect Realty Investments, addressed the Committee. Also present was Bob Dennett and Alex Ross. Attorney Bosen indicated that they went before the BOA and received approval for four variances. They also received approval from the HDC. The

current use of the property is a 6 unit apartment building with no parking and it has been so for the past 30 years. The property is in tremendous need of repair. It is a two lot property, lots 28 & 29 on the tax maps, and the other lot was last used as a bakery in the 1960's and has been vacant ever since. The project will include a voluntary merger of the lots and extensive renovations. The 6 unit will be reduced to 4 units and 2 units will go into the bakery building, so the end result will still be 6 units. They will provide for the required 9 parking spaces.

Alex Ross, of Ross Engineering, was present to answer any technical questions the Committee had.

Mr. Cravens asked about the water service and whether it had been looked at to see if it needs to be upgraded.

Mr. Ross indicated that the smaller building was 7/8 outside with no meter and they will upgrade that. They will look into the six unit building. All lines are currently operating and are 1 1/4".

Mr. Cravens asked what type of pipe? Copper or steel?

Mr. Ross stated they were steel on both.

Mr. Cravens indicated they will need to be upgraded to copper. The sizes are not too bad however when lot line goes, there will only be one lot and they only allow one meter per lot unless they are going to have condos and have a meter on both buildings going to the street. That will have to be shown on the plans.

Mr. Holden asked Mr. Ross if they knew which way they planned to go with this?

Mr. Ross felt they would probably go straight to the main house with one meter and then to the carriage house.

Mr. Allen asked about the sewer connections because he assumes those are 50+ years old. He suspects, given the City's efforts to separate sewers, they will need that replaced to eliminate any infiltration getting in, unless they can document and show it is in good repair.

Mr. Ross determined that there was a 4" cast line in good condition and they will indicate that on the plan.

Mr. Allen asked for those TB logs.

Mr. Ross indicated they do not have them on the main house which has a 4" and he didn't think it was necessary.

Mr. Allen requested the TB logs on the house as well.

Ms. Finnigan asked if the parking was acceptable?

Mr. Holden indicated it was, by virtual of the BOA variances.

Mr. Tillman explained that there was no parking for this 6 unit building and they did some sort of scattered parking on the carriage house lot. By going to the BOA and getting variances on the parking requirements that you don't back out onto the street and that you don't park behind one another, they were given approval to arrange parking like this based on the type of street and the history of the parking..

Mr. Holden indicated it was a significantly approved pre-existing non-confirming use.

Deputy Fire Chief Griswold strongly urged them to explore the sprinkler system option.

Mr. Holden confirmed that they will need the plans updated.

Mr. Cravens would like to see more water line info on the plan.

Mr. Holden asked the applicant if knows what Mr. Cravens is looking for?

Mr. Cravens would like them to show the lines going all the way out to the street and make the connections. They can get the information from the Gas Company and DPW for water and sewer.

Mr. Ross indicated that Note 10 on Sheet 2 lists the existing diameter of those lines and they will be updating those.

Mr. Cravens indicated that his plan only goes to Note 9.

Mr. Ross indicated he will add that to the plan.

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.

Mr. Holden felt they had a good discussion of the materials they need.

Mr. Allen confirmed that the utility issues are critical to this. He made a motion to table for new plans that reflect the issues that were discussed.

Mr. Britz seconded the motion.

The motion to table this matter to the November 29, 2005 TAC meeting passed unanimously.

Major items of concern to the Committee are the following:

- 1) That all water pipes shall be upgraded to copper;
- 2) That the water meter shall be shown on the Site Plans;
- 3) That Temporary Bench Mark logs for the sewer shall be provided to DPW for their review and comment;
- 4) That all water lines shall be shown on the Site Plans;
- 5) That the applicant shall schedule a meeting with DPW to discuss concerns so that updated plans can be provided prior to the next TAC meeting.

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5. The application of **Marilyn Rath, Owner, and Portsmouth Fabric Company, Applicant**, for property located at **112 Penhallow Street** wherein site review approval is requested to construct a 679± s.f. second floor addition to the existing one story section of the building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 106 as Lot 20 and lies within Central Business B, Historic A and Downtown Overlay Districts;

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Rummler the architect for the project addressed the Committee. Also present was John Chagnon of Ambit Engineering. Mr. Rummler indicated that the project was fairly straightforward as they are adding a 2nd story to the rear half of the building, providing 705 s.f. of additional space. The existing footprint is 1,430 s.f. with 35' of frontage on Penhallow Street. There is no proposed change to the footprint or lot coverage, no significant change to electric service, sewer, or telephone. Mr. Rummler went through the elevation drawings and indicated they were adding three new windows on the side and the doorway was the only significant site issue.

Mr. Desfosses asked if the brickway walkway was illuminated at night?

Mr. Rummler confirmed there were existing illuminaries on poles. There are two service poles on the front and there are no proposed changes to the lighting. Architecturally, the only significant issue relates to not increasing the roof drainage because they are not changing the footprint area but the plan is to remove the existing gutter and drainage system as it is not currently working properly. Only 2 of 4 downspouts currently work. They will repair and replace the roof. Because they are abutting a party wall with their neighbor they are taking care to make sure there are no adverse drainage or water issues with the abutters. That will be reflected in detail on the building plans. There will be perimeter gutters all around the site.

Mr. Holden asked if the water will be directed on site?

Mr. Rummler indicated it will be directed on site and away from the adjacent party wall.

Mr. Holden asked what was on the adjacent party wall now?

Mr. Rummler stated they would be blocking two double hung windows. They will be adding gutters all along the buildings.

Mr. Holden asked if both properties were built right to the lot line?

Mr. Rummler indicated that Portsmouth Fabric has a 5' alleyway in the back and a 90' courtyard.

Deputy Fire Chief Griswold asked what type of occupancy was in the space with the windows next door?

Mr. Rummler indicated it was residential and it was his understanding that they were rental apartments.

Deputy Fire Chief Griswold asked how that would effect their means of escape if they block the buildings off?

Mr. Rummler confirmed there were actually 3 windows and one goes to a hallway and two go into a bedroom. This was discussed at the HDC meeting and he had not actually been in the building. There was concern about egress for the bedrooms and Roger Clum confirmed that there were two means of egress from the building.

Deputy Fire Chief Griswold asked what the planned use of the addition was?

Mr. Rummler stated it would be an extension of the existing use by Portsmouth Fabric.

Ms. Finnigan asked if the building had been structurally confirmed?

Mr. Rummler confirmed that it had.

Mr. Holden confirmed that what they were seeing had been approved by HDC.

John Chagnon, of Ambit Engineering, addressed the Committee and indicated that he had prepared the site plan which shows a 12" party wall between the lot in question and the abutting property. The only real site change is the door on the northwest side. No changes to utilities are proposed.

Mr. Holden asked if the existing lot line goes through the party wall as it exists on the 1st floor?

Mr. Chagnon stated that it was his understanding of the building that that would be the case and to answer that question in a more expanded format, this was the trader's block and Mr. Sawtell purchased it and subdivided the building. Those lines were created on a plan that was approved by the City in 1978. The interior wall was constructed to separate the front of the building. The walls created in the back almost looks like the first floor addition constructed up against a wall. He believes the foundation is directly under the addition but they would have to verify that with measurements.

Mr. Holden asked if the common wall boundary and wall in the front section went in roughly around 1978?

Mr. Chagnon believes that is what took place in the front section. There was already a wall where it goes back to one story.

Mr. Holden asked if there was any evidence in that wall of any prior fire fenestrations?

Mr. Chagnon indicated there was evidence of a window in the back on the one story part.

The Chair inquired if there was anyone wishing to speak to, for or against the application.

Attorney Sharon Cuddy-Somers appeared on behalf of Judith Tausch, Trustee of the abutting property, who was objecting to the proposal.

Attorney Cuddy Somers stated that when this matter was before the HDC, Joanna Lyons raised the issue that the proposal will block off 3 windows on the second story. At that time she was advised by

the HDC that there was no purview or jurisdiction for them to discuss the impact on her views and they only addressed architectural issues. She believes it is the job of the Planning Board to consider whether urban in-fill projects, such as the one before them, are respectful to abutting properties. In order to do that job, they need to look at some of the Site Review Regulations. She felt that regulation F which indicates that if the site development lacks adequate protection to neighboring properties from objectionable features or nuisances. Also J indicates that if a site development lacks adequate quantities, type or arrangement of landscaping or open space for noise and air pollution buffers. Her concern is that by taking up the entire roof area of the rear of the building and creating a second story, it will block off all light to the abutting property. She feels that creates an objectionable feature and a nuisance to her client's property. Addressing Deputy Fire Chief Griswold's question, there will be one window looking over the courtyard in the back providing access. Otherwise, the other remaining windows will be blocked up. She also has concerns with the drainage of this proposal and whether it is adequate. She would reserve the right to look at the building plans to confirm that they are adequate.

Attorney Somers stated that, most importantly, the party wall exists in the lower portion of the building, following the extent of the entire property and goes up one story. In order for this application to go forward, and prior to approval, it should be required to get consent from her client for construction. She would recommend that if approval was forthcoming, a condition should be required to obtain her client's consent for them to proceed. The party wall and easements are a little outside normal purviews of this Commission but she would be happy to work with the City Attorney to craft some appropriate language.

Mr. Desfosses asked Attorney Somers why consent would be required?

Attorney Somers felt that the boundary line effectively is the party wall on the 1st and 2nd floors in the front portion of the building. The applicant's building consists of 1½ stories. The party wall runs from Penhallow Street to the rear of the building and this proposal is going to have to do with that party wall.

Mr. Desfosses confirmed that the abutters half of the party wall is already constructed.

Attorney Somers stated that the issue is that the party wall is supposed to function along the same principals as an easement. In order to actually use the party wall in a manner that this party contemplates, it will have an effect on the abutter. They will need consent from her client as this was not contemplated when this wall was originally constructed and there was not a second story on the building.

Mr. Holden asked if she was not representing that the view was the damage here but criteria of the Site Review Regulations is where she is looking.

Attorney Somers felt that the criteria speaks to issues of this application, regarding light and ventilation.

Mr. Holden asked if it was not her position that there are no developments that have incorporated party walls within the City?

Attorney Somers responded that, of course there are, but she's not aware of any that are this exact situation where windows will be blocked off.

Mr. Rummler indicated that the first thing he did was to meet with Roger Clum and asked about precedent and guidelines due to concerns about this issue. Per discussions with Mr. Clum, the City Attorney and discussion at the HDC meeting, it was determined that there was precedent with party walls and a second story portion and there are two possibilities. One is the second story existing brick wall aligns right over the centerline of the party wall below and the other is that the property line on the second floor is the exterior face of that wall. He felt if there were questions today, they would have to table it. Also, for clarification, there are windows on the rear and other side of the abutter's building for light and ventilation.

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

Mr. Holden asked Mr. Chagnon if it was his position that the face of the property line as it extends vertically would be on the exterior of the brick they are placing?

Mr. Chagnon disagreed and indicated that was not what the plans showed. It shows a line into the wall as the property wall.

Mr. Holden asked if they placed the brick on that line it does impact the property next door.

Mr. Chagnon felt it was similar to many situations in New Hampshire where stone walls run along boundary lines. People don't have the right to remove the wall as it is shared in common. The plan that created the vision and created the party wall was recorded in the Registry as Document C-7897 and he encouraged the abutters to review the plan and measure the courtyard. He felt that the wall was clearly intended to be a party wall and available for development.

Mr. Holden asked when a stone wall was on a boundary, do they have the right to build on that wall?

Mr. Chagnon indicated that roughly that was his position.

And Mr. Holden confirmed that Attorney Somers position was that if they were going to build on that wall, they needed to treat it like an easement and requires the approval of both parties to the wall.

Attorney Somers indicated that was correct. She encourages this committee to simply indicate that a condition of approval that the consent would be required by her client via easement. She would be happy to work with the City Attorney on the appropriate language.

Mr. Holden asked if they felt it would facilitate this process to have the parties meet and resolve this issue prior to the November 29th TAC meeting?

Mr. Rummler agreed and indicated he would like to talk to the City Attorney.

Mr. Allen also wanted to address the drainage issue and asked Mr. Chagnon to elaborate on where they were connecting gutters into the downspouting and where it discharges.

Gretchen Rath spoke to the downspouts.

Mr. Rummler explained the existing downspouts on the building for Dave Allen. He indicated that some are functional and some are not but they plan to restore them all.

Mr. Allen moved to table this application to the November 29th TAC meeting. Mr. Desfosses seconded the motion.

The motion to table passed unanimously.

Major items of concern to the Committee are the following:

- 1) That the parties meet with the City Attorney and the Planning Director to address the “party wall” issue with a possible easement solution;
- 2) That drainage be better addressed on the Site Plans;

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II. ADJOURNMENT was had at approximately 4:15 p.m.

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