

MINUTES OF MEETING  
SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

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

FEBRUARY 28, 2006

**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, Traffic Engineer; Steve Griswold, Deputy Fire Chief; and Sgt. Frank Warchol, Police Department.

**ALSO PRESENT:** Lucy Tillman, Chief Planner

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**I. PUBLIC HEARINGS**

1. The application of **Nash Family Investment Properties, Owner, and Smuttynose Brewing Company, Applicant**, for property located at **225 Heritage Avenue**, wherein site plan approval is requested to construct a one-story 16'4" x 43'8" building addition, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 284 as Lot 1 and lies within an Industrial district. (This application was tabled from the January 31, 2006 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

Mr. Desfosses made a motion to take the application off of the table. Ms. Finnigan seconded the motion.

**SPEAKING TO THE APPLICATION:**

John Chagnon reviewed concerns from the last meeting. They appeared before the BOA in February and received approval for their 19' one way travel aisle on the north side where 24' is required and off street parking on the west side in the rear next to residential property. There was a condition that the owner place the building number prominently on the building.

Outside storage was a problem and it is now noted on the plans that the items stored outside will be removed. Drainage was a concern. They added information about the outlet on the north side. This crosses onto the property to a culvert and continues northerly along Heritage Avenue. TAC asked them to appear before the Traffic & Safety Committee and they did that on February 9th. The Traffic & Safety Committee asked them to consider making the existing divider island smaller and they will remove a section and reconstruct the curb. One tree will be removed and Mr. Parkinson assured them that he would file the appropriate paperwork to remove the tree. They prepared a new Existing Conditions Plan, they noted Dark Sky Friendly lighting and provided some cut sheets of the fixtures for review. They also submitted their waste water application and that is under review. The initial review by the Planning Department indicated that the silo may require BOA approval but further review indicated that it was allowed so it is back on the plans. Those are all of the changes since the last set of plans.

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

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Ms. Finnigan stated that at the on-site, Attorney Pelech indicated that he would apply for the removal of the tree, not Steve Parkinson. Also, Mr. Parkinson had requested “do not enter” signs rather than “Exit Only” sign so she requested that they change that on the plans.

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

Ms. Finnigan requested that a stipulation be that the applicant was responsible for the tree removal. Also that the “Exit Only” signs shall be replaced with “Do Not Enter” signs on both sides of the drive.

Mr. Desfosses indicated he had back yard concerns. He would like to see a large pond area in the back directed towards the swale on the other side. He was unsure whether the pavement needed to be removed between the pond and the swale or shimming could be done? One way or another it needs to get drained out, and he needs a cross section detail on that. He also noted that the detail for the painted cross section shown for the work in the street is an old detail and it needs to be updated.

Mr. Chagnon indicated that they showed a note regarding the temporary fix to the paving area to the back is because the landlord is scheduled to re-pave the whole lot and the applicant is only responsible for a portion of the paving. Therefore, at the time that the landlord repaves, they will also re-grade it. From the loading zone the grading is such that it will direct the water to the northern swale.

Mr. Desfosses indicated that the parking lot seems to have sunk. He indicated that they need to show it on the plan. He asked when they plan to pave the parking lot?

Peter Eggleston, owner of Smuttynose Brewing, indicated it would be done sometime in the spring.

Mr. Holden felt they should have a Site Plan that showed it being corrected and they would Bond for those improvements to make sure the land owner does it to everyone’s satisfaction?

Mr. Chagnon indicated that the applicant would have to pay for the bond.

Mr. Holden was receptive to other suggestions.

Mr. Chagnon-asked if they could have some mechanism in place prior to the Planning Board meeting for the owner to bond that work.

Mr. Holden understood that it may not be the tenant’s responsibility but they have a problem and the City needs to make sure it gets done. They need to have the site plan show what needs to be done and they will work out a way to make sure it is properly funded or secured.

Mr. Allen asked about the swale because last time it was ponded and the drainage did not appear to be functioning. They added an invert but how do they know it will work?

Mr. Chagnon indicated they dug up the invert on the southerly side of the pipe as it was blocked with debris. There is blockage on the other side also. The landlord also owns property to the north so they will work with him to clear the blockage.

Mr. Allen felt this was a similar situation to the paving. They need a note to clarify what the fix is.

Mr. Holden felt that the site plan should show the cure and they will work on assigning responsibility with the landowner.

Mr. Eggleston agreed to that.

Deputy Fire Chief Griwold asked for sprinklers to cover all phases of the building. Also, he requested a Knox Box on the building. He explained that was a key safe attached to the building that only the Fire Department has access to.

Peter Eggleston, owner of Smuttynose Brewing and applicant, indicated that there is currently not a knox box on the building.

Mr. Holden indicated that if the Motion passes, the Department will work with the applicant to assign some responsibilities on Site Plan issues but it would go before the Planning Board on their March 16<sup>th</sup> meeting.

The motion to approve passed with stipulations.

1. That the applicant is responsible for the tree removal;
2. That the "Exit Only" signs be replaced with "Do Not Enter" signs on both sides of the drive;
3. That the back parking lot shall be reshaped, regraded and repaved and pavement cross section details shall be added to the Site Plans;
4. That the inverts need to be repaired with Site Plan details explaining how to fix the problem;
5. That a sprinkler system shall be installed to cover 100% of the building;
6. That a Knox Box shall be installed and attached to the building;
7. That the Planning Department shall work with the applicant to assign responsibilities on Site Plan issues, with particular attention to pavement and drainage concerns, prior to the Planning Board meeting on March 16, 2006.

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2. The application of **Martingale Wharf, LLC, Owner**, for property located at **99 Bow Street**, wherein site plan approval is requested to construct a 6/7 story 80' x 45' addition to the left side of an existing building and a 6 story 36' x 56' addition to the right side of an existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 106 as Lot 54 and lies within the Central Business A District, Historic A District and Downtown Overlay District. (This application was tabled from the January 31, 2006 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

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

**SPEAKING TO THE APPLICATION:**

Malcolm McNeill, Esq., appeared along with Butch Ricci, Eric Weinrieb, and Shannon Alther of TMS Architects. He indicated this was their second time before TAC, they have gone before the HDC where they received design approval and a Request to Reconsider has been denied. A letter from DES was received on the Shoreline Protection Act and they acknowledge their need to work with the State on this issue. However, those are State related issues and they would like to proceed to the Planning Board as quickly as possible.

Eric Weinrieb, of Altus Engineering, indicated that they have met with Traffic & Safety and have relocated the proposed crosswalk, providing more site distance, which was Traffic & Safety's major concern. There was a discussion about the raised island and Traffic & Safety referred the issue back to TAC and felt it could go either way. There are positive and negative points. The positive side deals with a green area within the downtown area and public access to the Riverwalk and the down side is there would be potential for snow plow issues. Mr. Weinrieb indicated they have worked on other items as well. The existing striping on Bow Street will be restriped. They provided limits of milling on site. They will provide concrete barriers between traffic and a pedestrian walk way. They extended out striping for a smoother transition to the permanent sidewalk on Bow Street.

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.

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Ms. Finnigan asked Mr. Weinrieb to define the temporary striping on the Construction Plan.

Mr. Weinrieb indicated the striping will be taped.

Mr. Finnigan asked that they put that on the plan. Also the parking stalls need to be ground out so they don't look like parking stalls and people will park in them. She also felt there needs to be a discussion between the contractor and the City on the location of the gate.

Mr. Holden asked Mr. Weinrieb to elaborate on how they will be bringing the utilities on site and what issues may arise.

Mr. Weinrieb indicated that the water service will be provided from an existing water line to the site and Shannon Alther will speak to what will be needed for water supply issues. Sanitary will have to be pumped up from the basement. They will have to pump up from the basement and they will have a grease trap in the basement. It is their understanding that the grease trap will be internal and will be handled at the time of the building permit. They may or may not have to increase the size of the force main and may have to go into the street a little bit further than anticipated. He will have Mr. Alther speak to the electric standpoint.

Shannon Alther, of TMJ Architects, spoke next. He indicated they have had conversations with the electric company. They originally planned to put the transformer on the outside but they are limited on available space. The electrical engineer has had discussions with the utility company and what they would like to do is take primary power from the pole across the street, go underground and connect to a dry tech transformer. There is a bit of a size issue that they need to deal with and air circulation.

Mr. Desfosses felt they would have to, at some point, request a license from the City Council to run the wire under the street.

Mr. Alther was not sure what would be required.

Mr. Desfosses asked if they would still need the utility poles outside?

Mr. Alther stated that was something they were still working on.

Mr. Desfosses asked when they would they see all of those details?

Mr. Alther stated they need to verify everything with the utility company which in turn would determine whether the pole needs to be relocated.

Mr. Desfosses asked about the telephone and cable company?

Mr. Alther indicated they were not as far along with those companies but they felt they would deal with the electrical first.

Mr. Desfosses asked if they would put everything in concrete under the street?

Mr. Alther confirmed that they were.

Mr. Weinrieb indicated that the utility pole in front of the building would have to be relocated due to the new sidewalk. Everything is on that pole but it will only be a short relocation.

Mr. Desfosses asked if the problem was that there was not enough primary on the pole?

Mr. Weinrieb understood that it was too busy to have another drop of that size. There would not be any structures accepted in the public right of way. If the transformer goes bad, they will be able to remove it. He believes this is similar to 100 Market Street.

Mr. Holden felt that was an interesting comparison because there was a lengthy licensing process at 100 Market Street. He asked why not remove the pole?

Mr. Wienreib stated that the City looked at putting all of Bow Street underground but it was cost prohibitive. Now they will just do it for their site.

Mr. Holden applauded the applicant for getting everything on private property but the utility connections remain a major issue for this area.

Mr. Desfosses felt the bigger question was finding out how this will work ASAP so that plans can be finalized before the Planning Board.

Mr. Weinrieb did not believe this was any different than any other property.

Mr. Holden stated that at 100 Market Street, the cabinet is actually under the sidewalk and required a city license.

Mr. Weinrieb used that as an example of being underground only.

Mr. Desfosses stated that primary requires a license and secondary does not. He reiterated that it is important to finalize the plan to determine what needs to go to the City Council.

Mr. Holden asked if it would be helpful to get everyone in one room regarding the utilities to help understand the issues. He asked if water and sewer were also a problem?

Mr. Allen confirmed they definitely needed to know if the primary was going to be underground so they can make sure they don't hit it.

Mr. Desfosses stated they need the final plans from the utility companies so they can put everything on the Site Plans. Then they can approve it and they will go forward on a separate track to the City Council. It's important to have that.

Mr. Weinrieb asked if it was necessary to hold up the rest of the project?

Mr. Desfosses indicated that they needed to know what the game plan was before going on to the Planning Board.

Mr. Holden stated if there was no primary power then they don't have the building. He assumes this area did not require much power and they patched on. Now they are developing beyond what it was originally designed for and the infrastructure needs to be brought up.

Mr. Allen felt in addition to that, they may possibly be going out to the force main for sewer.

Mr. Weinrieb indicated that the mechanical engineer said the site may need to be upgraded.

Mr. Allen stated that this is a very congested utility corridor and it is important that any new line has to be identified. It also looks like their edge of project area doesn't extend far enough to cover the utility cuts and that needs to be squared up on both ends.

Deputy Fire Chief Griswold indicated that ADA compliant buildings with an elevator for evacuation need to have a separate service for that. He was not sure how it would relate to the transformer for this building but they might want to explore it.

Mr. Holden indicated that one of the conditions was that a meeting be scheduled with Deb Finnigan, Steve Parkinson, DPW and the applicant to address traffic and pedestrian impacts. He asked if that had been done.

Ms. Finnigan did not believe so as she still has concerns about traffic. Also, she has a concern about the crosswalk location and ADA curb ramps on both sides.

Mr. Holden asked if it was normal practice to have a crosswalk at places other than an intersection?

Ms. Finnigan indicated that they are sometime done at mid-section.

Mr. Holden asked how do they determine whether this is a good improvement or not?

Ms. Finnigan indicated they need to determine how many people will be accessing the building.

Mr. Desfosses asked for the results of the loading zone study that he asked for?

Mr. Weinrieb stated that the nearest loading zone is at 100 Market Street.

Mr. Desfosses felt there was a need for a loading zone.

Mr. Weinrieb thought they could remove the crosswalk from the plan if there is a concern about safety.

Mr. Holden suggested eliminating it and then the City would make them put it in if appropriate.

Mr. Holden summarized that they narrowed the differences down but they need to get a better handle on utilities and they still need a meeting with Deb Finnigan, Steve Parkinson and Dave Holden to get a better handle on the traffic issues.

Ms. Finnigan asked them to mark the double centerline on the plan to make sure it gets done.

Sgt. Warchol asked about the concrete deck to the wood deck and if there was only one entrance and exit?

Mr. Alther indicated there are a couple of places on the first level that allows people to go on to the wood deck. If the Riverwalk goes through then there will be a 2<sup>nd</sup> set of steps.

Sgt. Warchol asked if there would be two exits in an emergency?

Mr. Weinrieb confirmed that there would be.

Deputy Fire Chief Griswold indicated that he got a call from someone regarding the sprinkler design and he was wondering whether the water flow would be adequate? He felt that might be something else to bring up.

Mr. Cravens indicated that there was a gate valve on the 4" line on Chapel Street that ties into the 6" line and there is a question about whether it is operational. He will have his people check that out to determine whether there is a problem with it or not. The water line on Bow Street is a 6" cast iron with no lining and is one of the older lines in Portsmouth. They might have to talk about the possibility of upgrading Chapel Street although they do get a relatively good flow on Daniel Street.

Mr. Holden suggested tabling the matter but scheduling a meeting for all utilities, including water and sewer. He asked Mr. Weinrieb to coordinate with PSNH and Verizon and Ms. Tillman will set up a meeting next week. Also, they will try to do traffic and parking at the same meeting. They need to have an idea of where people are going to go.

Mr. Holden stated that Pier II was a completely different application but they are running into some of the same issues. He would like to see how does this differs from that in terms of waiting for Federal and State approvals. For instance, there was a question of where the highest tide line was.

Attorney McNeill did not see the direct analogies between the two projects. He will report back on that.

Mr. Britz stated that they both require a shoreline waiver. He asked Attorney McNeill to address how that is done.

Attorney McNeill indicated that the waiver related to whether there is a diminution in non conforming over what exists there presently. In this particular case, they will take a different tack. There is a process for what is called a municipal exemption which considers this a historical development of the area and intensity of development along the shoreline. They are considering both of those alternatives.

Mr. Holden assumes if they could bring this meeting together, it would be the intent to have all of this together so Staff could review it so that it could be presented at the next meeting. If there is a Council license, that could be a condition of approval.

Mr. Holden felt this was a very interesting area of the city and this is a good project that needs to be carefully managed.

Attorney McNeill appreciated the legitimacy of the issues brought forward.

Mr. Allen made a motion to table to the next regularly scheduled TAC meeting on April 4, 2006. Ms. Finnigan seconded the motion.

The motion passed unanimously.

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3. The Portsmouth Planning Board, acting pursuant to NH RSA 12-G:13 and Chapter 400 of the Pease Development Authority Site Review Regulations, will review and make a recommendation to the Board of Directors of the Pease Development Authority regarding the following: The application of **Lonza Biologics, Inc., Applicant**, for property located at **101 International Drive**, wherein site plan approval is requested for the construction of a 3-story, 285,000 ± s.f. addition to an existing building, and temporary construction facilities, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 305 as Lots 1, 2 and 6 and lies within the Airport Business Commercial District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Greg Mikolaities, of Appledore Engineering, appeared on behalf of Lonza. They handed out a color Site Plan. He indicated that Lonza had anticipated construction in 2005 but that did not happen. They hope to now start construction in April of 2006 and it will be a three year process. Currently there are 500 employees and this would add 300 to 400 employees and is a \$175 million investment by Lonza to New Hampshire and the Seacoast.



He clarified that yesterday they revised the building footprint to 97,500 s.f. and also the total square footage is now 299,000 rather than 285,000.

Mr. Mikolaities stated that this is a 17 acre parcel that was originally 10 acres and was consolidated with the parcel to the right with a parking garage to the left and the site now equals 17 acres. The parking deck was built for 400 cars, so there is more than adequate space on site. This is the third expansion for Lonza as part of their Master Plan from 10 years ago. The detention pond was designed for this expansion so it does not have to be modified and the same holds for the parking deck. There is a water loop around the site that moves through the addition. They will simply take it outside and around the new expansion. There will be a new access road however the curb cut already exists and they have granite curb and concrete sidewalks. They will be supplementing the landscaping and dressing it up around the front entrance and will be upgrading the parking lot. They have their State Site Specific permit.

Mr. Mikolaities indicated that Lonza has an agreement with the PDA to construct a gravel parking lot for the next three years to use for the construction site and they have a temporary State permit for that. In 2004 TAC requested that they put some specific notes on the plans about restoration of the property. Steve Pernaw updated the traffic study, and they have updated the Site Plans.

Mr. Mikolaities displayed an architectural rendering of the building. The Architects are trying to break up the elevations a little, which accounts for the change in square footage.

Mr. Holden indicated that their application states 285,000 s.f. so they have increased it to 299,000 s.f.?

Mr. Mikolaities confirmed it was 285,000 as of yesterday but the architects have been working very hard on the building and revised the footprint to increase the square footage to 299,000.

Mr. Allen asked him to run through the drainage. At the last expansion, there was a fair amount of silt and run off that got into the drainage swale that runs along Goosebay. He's not so sure that the drainage system they are tying into is in the same condition as when they originally master-planned it.

Mr. Mikolaities indicated that the base siltation was not a design problem but it was a construction problem. They re-designed the detention pond and it is substantially oversized. They knew that at some point they would increase the parking garage so they oversized the pond and the outlet structure. They will be controlling the flow so that any off site problem will have the same water going to that swale and they are currently in discussions about making a contribution to that swale.

Mr. Allen asked if they would be preparing a SWIFF?

Mr. Britz asked where does the outlet flow to at the construction staging area?

Mr. Mikolaities stated that a temporary sedimentation detention pond outlets into the City wetlands. The wetlands were looked at and they have a 100' setback and 25' setback on the wetlands, which is shown on C-8 in the Site Plans.

Mr. Britz saw the detention basin but did not see the outlet.

Mr. Mikolaities indicated that it says Construct Temporary Outlet Structure and it is going to the east and there is a 100' treatment swale.

Mr. Desfosses asked if it eventually goes into the swale that's having the problem.

Mr. Mikolaities confirmed that it did.

Mr. Desfosses stated that it was a volume problem and that nothing has been done to the swale over all of the years.

Marie Stowell, of the PDA, indicated if there were some issues downstream then they were construction issues.

Mr. Desfosses stated that Lonza was a wonderful company and they do a great job however the temporary staging area goes to the swale, along with expansion #1, expansion #2 and now expansion #3 goes to the swale so he feels that it is time to fix the swale.

Mr. Mikolaities suggested that they schedule a meeting to walk the site and talk about the swale.

Mr. Holden was going to follow up on Mr. Mikolaities' comment that their firm wasn't responsible for it by asking what were they doing differently with the construction team this time around?

Mr. Mikolaities indicated that they can put as many notes on the plans as they want and get as many State Permits and they can have someone standing right there but if the contractor isn't paying attention then they just aren't paying attention. They are doing their best of to rectify it.

Mr. Holden asked if they should table this application so that they can bring the Construction firm in and talk to them or did he think meeting with the City would be a better solution?

Mr. Mikolaities indicated they don't even have a construction firm yet.

Mr. Allen felt that working with the Hodgkins Brook group which is involved in funding and working with DES would help find an appropriate solution to this.

Mr. Mikolaities indicated that he was not disagreeing with them and there were plenty of things that they could do. First he would like them to collectively go out and discuss it and then have a pre-construction meeting with the contractor.

Mr. Holden indicated that it did, however, bother him when he said that there wasn't anything they could do about it.

Mr. Mikolaities stated that when the City has contractors working for the City they do the same thing. That is the reality of it – they can write notes all day long but they can't guarantee that the work will be done whether there are notes on the plan or not.

Mr. Holden confirmed that the bond would not be returned unless it was cleared up.

Mr. Mikolaities indicated it was his understanding that this was cleared up. He thought it was all rectified and cleared up two years ago. So, they will have to go out and look at it.

Mr. Holden asked about Goosebay Drive after the construction? Do they have a plan to have it restored?

Mr. Mikolaities indicated there was a note on the plan saying that after construction it will be reconstructed.

Mr. Holden asked if it states that it will be reconstructed at the end of this phase?

Mr. Mikolaities stated that it does say it will be constructed after this phase.

Mr. Desfosses asked why the sidewalk doesn't go all the way back in the rear.

Maria Stowell, of the PDA, indicated that the sidewalk will be extended along their frontage.

Mr. Desfosses asked if there will be another site on the side to develop?

Ms. Stowell stated that they hope another site will be developed to bring the sidewalk all the way around.

Mr. Desfosses stated that the sidewalk is shown on the right side of the street and felt it should all be on the same side.

Ms. Stowell stated that their plan is to fill in the gaps as they are developed.

Mr. Desfosses asked Lonza to put in a new sidewalk along Goosebay but not all the way down to parking garage,

Mr. Allen asked Mr. Mikolaities to go over water demand and sewer loads from the project.

Mr. Mikolaities stated that he didn't have that information.

Ms. Finnigan asked if truck traffic was included in the analysis?

Mr. Mikolaities stated that they did not include trucks in their analysis. They did a study typical for Pease and they did not look at trucks.

Ms. Finnigan asked for clarification on how the Tables were done in the Traffic analysis. There was a note at the bottom stating that two thirds of employees will arrive during off peak periods however based on her math she felt it was closer to half. She asked what the peak hour traffic actually is?

Mr. Mikolaities indicated it was based on 12 hour shifts. Steve Pernaw got an update from Lonza on their employees and he will have him check his math.

Ms. Finnigan indicated she was trying to figure out trip generations. She was not clear on how it was done and she needed clarification.

Mr. Mikolaities indicated he would talk to Mr. Pernaw about it.

Mr. Holden asked what would happen to the lay down area for three years?

Mr. Mikolaities stated it would be a work in progress with 200 – 400 construction workers.

Mr. Holden asked what would happen to it after 3 years.

Mr. Mikolaities stated they will loam and seed it, all temporary structures will be removed and it will be restored.

Mr. Holden indicated they would need a clear note that the lay down area will be restored to its original condition.

Mr. Desfosses asked if they would be using the stipulations from the previous 2004 approval?

Mr. Holden felt this was a new application but they could incorporate them in if they are still valid.

Mr. Mikolaities read the stipulations from the September 7, 2004 approval:

- 1) That a semi permanent barrier shall be installed between the end of the parking lot and Corporate Drive (so called “flat iron” paved);

Their concern was that people would cut across the grass walk to get on Corporate Drive so that are showing “Construct Jersey Barriers”;

- 2) That the application shall include both lots for application purposes;

That was done on the plans.

- 3) That the flat iron site shall be returned to it’s pre-existing condition, or better, at the conclusion of the project;

They agreed to that and there is a not on the plan.

- 4) That all fire alarms shall terminate at the single control panel;

They agreed to that.

- 5) That the applicant shall work with DPW in updating the sewer discharge permit to reflect the new construction;

- 6) That Goosebay Drive shall be rebuilt from the existing rear entrance to the corner at Goosebay Drive, at the conclusion of construction;

- 7) That DPW will continue to look at Goosebay Drive and make a recommendation prior to the Planning Board meeting;

- 8) That the site shall be built to Best Management Practices on the flat iron piece and a report will be prepared by David Allen with any other concerns prior to the Planning Board meeting;

- 9) That a warrant analysis shall be completed on the intersection of Corporate Drive and International Drive;

- 10) That hay bales shall be placed along the swale area in the temporary parking area during construction;

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

#### **DISCUSSION AND DECISION OF THE COMMITTEE:**

Mr. Desfosses made a motion to recommend approval with stipulations. Deputy Fire Chief Griswold seconded the motion.

1. All stipulations from the previous approval received on March 15, 2001 shall remain in full force and effect;
2. That the sidewalk shall extend along the entire rear frontage of the property (Goosebay Drive);

- 3. That a meeting shall be held between the Planning Department, the Department of Public Works and the applicant to discover the facts of said rear treatment swale and what can be done to remedy the situation;
- 4. That this Committee recommends to the Planning Board that the bonding for this project be structured so as to insure the contractors compliance with the erosion control practices shown on the Site Plans and the Stormwater Management Master Plan;
- 5. That the applicant prepare an outline for review by David Allen relative to the waste water and water issues, which shall be provided to the Planning Board prior to the March 16, 2006 meeting;
- 6. That clarification on trip generations and the traffic study be provided to Deb Finnigan prior to the Planning Board Meeting on March 16, 2006; and
- 7. That an appropriate contribution be made as per the requirements of the PDA with regards to the TIF program.

*Stipulations from the Planning Board Approval dated September 23, 2004:*

*From the Technical Advisory Committee Meeting on September 7, 2004:*

- 10) *That a semi permanent barrier shall be installed between the end of the parking lot and Corporate Drive (so called "flat iron" paved);*
- 11) *That the application shall include both lots for application purposes;*
- 12) *That the flat iron site shall be returned to it's pre-existing condition, or better, at the conclusion of the project;*
- 13) *That all fire alarms shall terminate at the single control panel;*
- 14) *That the applicant shall work with DPW in updating the sewer discharge permit to reflect the new construction;*
- 15) *That Goosebay Drive shall be rebuilt from the existing rear entrance to the corner at Goosebay Drive, at the conclusion of construction;*
- 16) *That DPW will continue to look at Goosebay Drive and make a recommendation prior to the Planning Board meeting;*
- 17) *That the site shall be built to Best Management Practices on the flat iron piece and a report will be prepared by David Allen with any other concerns prior to the Planning Board meeting;*
- 18) *That a warrant analysis shall be completed on the intersection of Corporate Drive and International Drive;*

*From the Planning Board Meeting of September 23, 2004:*

- 10) *That hay bales shall be placed along the swale area in the temporary parking area during construction;*

The motion passed unanimously.

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4. The application of **Thomas J. Flatley, Owner, and Home Depot, Applicant**, for property located at 500 Spaulding Turnpike wherein site plan approval is requested to construct a 1-story 117,193 ± s.f. proposed Home Depot retail store, a 1-story 28,000 ± s.f. garden center and a 19,200 ± s.f. building pad, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 238 as Lot 20 and lies within a General Business District.

The Chair read the notice into the record.

### **SPEAKING TO THE APPLICATION:**

Malcolm McNeill, Esq., representing Home Depot, was present along with Greg Mikolaities and Derek Wyse, from Appledore Engineering, Jim Gove, of Gove Environmental, Art Scarneo, of GPI who prepared a Traffic Report, and Ian McCarthy, of McCarthy Kerekes Architects. Attorney McNeill showed the existing plan of 18.8 acres which has been in and out of the GB zone for many years. In 1985 it opened at the Omni Mall which lasted for one year. The Flatley Company purchased property in 1987 and reconfigured the interior as the Portsmouth Office Center. Liberty Mutual then rented a good portion of building in 1993. The City re-zoned the property to OR but in 2003 Liberty Mutual left the site. In the fall of 2004, the City rezoned the site back to GB. Attorney McNeill indicated they did an extensive review with the Planning Board and the Conservation Commission of its past history.

The previous Omni Mall building was a non-conforming building, as it related to existing zoning. That building consisted of 185,000 s.f. and 920 parking spaces. A lot of the site was consumed by buildings and impervious surfaces.

Attorney McNeill indicated that the proposed Home Depot use was for a 117,193 s.f. building and a Garden Center, which is partially enclosed and a retail out parcel of 19,200 s.f. They are before TAC for Site Review. There are no DES wetland permits required. They appeared before the Conservation Commission relative to buffers and received a recommendation of approval with conditions. They shall sweep the parking lot 5 times per week, they included a hazardous spill plan, and the garden center drains would go directly to the sanitary sewer system. This is ideally suited for the proposed use. All buildings and impervious surfaces are being reduced by 1/2%. The building footprints are being reduced by 20,637 s.f.. The impact to the buffers are being reduced by 16,000 s.f. In terms of their development of the site, Jim Gove made a presentation related to wetland impacts. Downstream defenders with regard to drainage treatment are being added. The building itself differs from the current Home Depot and the new plan differs from the standard Home Depot also. Access will continue to be primarily off of Brady Drive.

Greg Mikolaities, of Appledore Engineering, addressed the Committee. He indicated there are power lines through the site restricting the lay out of the buildings. They tried to increase the buffers as much as possible. He pointed out truck traffic on the lot. He showed a water development plan, showing sheet flows and drainage. They are proposing a whole series of catch basins, curbing and regrading. They will take all water from the parking lot, treating it in stormwater quality, they are decreasing impervious, taking roof water off the building and putting it into a separate system. An Infiltration/detention system with a 5' pipe, wrapped in stone, will infiltrate as much as they can. It will then go into the culvert, across Brady Drive, towards the wetland. They are treating the entire paved surface.

They passed out a color plan showing utilities. They will maintain a 12" utility line. They will install a new domestic service from Brady Drive into Home Depot, to the pad. The sanitary sewer system will be new. There were discussions with the Conservation Commission regarding the drains in the garden center. That will be plumbed back into the building. A geotech study was done and 24 borings were done. There is high ledge and rock to deal with during construction. They are trying to follow existing contours, adding landscaping where appropriate and controlling the treatment of the stormwater.

Jim Gove, of Gove Environmental Services indicated that the wetlands that were of concern in the buffer are in the northern portion and drain through a small culvert to the forested wetland that run along the edge. There is a ditch along the pad and the wetland goes out into a larger wetland. One wetland is actually marsh now. Pavement is being removed from the buffer. There have been changes

to the drainage. They took a look at the whole test area and found it was only a 1.7% reduction in the catchment area so they do not believe the wetlands will be drained far down from the site.

Mr. Gove indicated that some of the concerns that the Conservation Commission had about sweeping and drainage had already been incorporated into the plan. Also brought up was concern about salt applications and drainage to Hodgkins Brook. He suggested using brine and that was incorporated into the discussion. DOT is using it on highways. It is somewhat temperature sensitive but thought to be a good idea. He had an alternative suggestion to be used instead of brine and he handed out some literature on "Magic Salt". They checked into this product and it is being utilized more and more in NH. Keene did a pilot program with it last year and they used ½ the amount of salt and saved a great deal of money. It is more environmentally friendly, they utilize less material, 30- 50% less, and it has a very good record as it can be utilized in 35 degrees F. In lower temperatures, salt doesn't work. He would like to propose that they use either the brine or this product as an alternative.

Art Scarneo, of GPI, indicated that they conducted an extensive traffic and impact access study. He gave a quick overview of the study. The study area was based on discussions with DPW, it was consistent with NH guidelines as well as State Engineering Practice. It was broken down into three components: Existing conditions, a future no build and a build condition. They went out and counted in January of 2006 and collected both vehicle speeds and accident data from the State, they identified any roadway improvements in the area. There is a proposal from NHDOT for a re-coordination of the intersections along Woodbury. Their traffic counts from January will be below average and will be adjusted to an average month condition. Weekday counts are approximately 18% lower than an average and Saturdays are about 15% lower. The site previously housed an office component and they looked at the impacts if that was to be reoccupied vs. the rezone. When this started and they were initially retained, the building still existed so under a no build condition they assumed that would be reoccupied. When they go into the future build condition, it doesn't matter as they are analyzing what their impacts are on the road and not what a background development would be. They also left the existing Home Depot occupied and did not take the traffic away from that site and they gave a worst case scenario. They also included a 1.5% background growth rate for Portsmouth. For the future build condition they were able to count what they were proposing on building. They did a count in 2003 of this existing facility because in the early '90's, when Home Depot was new to the area, they had their own comparison information. Since that time, a lot more stores have opened and the true generation has been reduced. They found that the rates for the Home Depot had decreased substantially. They counted in 2003 and 2006 and used the higher of the two generation rates to apply to this new building. They have a very strong correlation of what they anticipate this store to generate. Regarding the distribution, they looked at a "quarter count" coming into the area. Because the applicant is already on the road, it is just going to change the way that they get to and from the site. They will now use the Spaulding Turnpike or Arthur Brady Drive to access the facility. They will make recommendations for changes at the intersection of Brady Drive and Woodbury Avenue, striping, lighting and timing changes at that location as well as at the intersection of Market Street and Woodbury Avenue. They feel they improved the operation substantially where they take a failing condition on a Saturday during a peak hour and bring it to a level service D.

Mr. Holden suggested continuing with the public hearing and then go into questions.

Attorney McNeill stated that they are scheduled to appear before the Planning Board on March 16<sup>th</sup> relative to Conditional Use. He recognizes that the Committee hasn't seen the traffic study and this has to go to Traffic & Safety. They would like to continue to appear before the Planning Board on March 16<sup>th</sup> for the Conditional Use and to deal with the plan recognizing the traffic component.

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

Eric Weinrieb, of Altus Engineering, spoke on behalf of Portsmouth Ford. They would like to review the plans as they impact their project. He is not in opposition of the project but because it is a large

development he would like to review the plans for any adverse impact. He would like to look at the plans and traffic study and he hasn't seen any documents yet.

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

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Ms. Finnigan asked for clarification on the change in the access.

Mr. Mikolaities indicated there are currently two curbcuts on Brady Drive and he pointed out the new curbcut location. That is different from the existing curbcut and the change is shown on the plans.

Ms. Finnigan asked if the islands are painted or raised on Brady Drive?

Mr. Mikolaities stated the island was raised by the main entrance. There is landscaping on both sides of the entrance and they are working with PSNH for future pole installations. The islands on Brady Drive are striped.

Ms. Finnigan asked about access to the site and whether the island will have a cut through for crosswalks?

Mr. Mikolaities confirmed that it will.

Ms. Finnigan asked about the egress to the parking lot and asked if they could move the crosswalk closer to the roadway and put the crosswalk on the other side. Also, there is a sign that isn't labeled and she asked what that was for?

Mr. Mikolaities confirmed he would get back to her on the sign.

Mr. Allen asked if there was the potential for a restaurant on the retail pad?

Attorney McNeill confirmed that there was.

Mr. Allen indicated that a 1,000 gallon external grease trap and sewer system would be required.

Mr. Holden indicated that every application says that they will not be having a restaurant but then they end up having a restaurant and they get into a mess.

Attorney McNeill felt that would be reasonable if it is used as a restaurant and they will have the system installed at that time.

Mr. Allen asked them to at least show a space for the tank.

Mr. Cravens addressed the water system. The new water system work has to be done in accordance with City standards. The City Foreman told them he has cut off both 12" services that enter this property for the demo work. They would like that to remain cut off until all demo work is done. After all of the existing fire and domestic service has been cut, capped, and witnessed they will then



reconnect and it will have to be treated as a new water main going in, along with the new domestic service going in. He asked if there was an irrigation system?

Mr. Mikolaities confirmed that there was and it is on the plan.

Mr. Cravens asked them to make sure that is set up to irrigate between 10:00 pm and 5:00 am with a rain sensor.

Mr. Desfosses noted that the garden center drains into the sewer system. He asked if it has a roof?

Mr. Mikolaities stated there was a long discussion at the Conservation Commission about that. They talked to Rick Hopley, Building Inspector, who spoke to Peter Rice at the Sewer Department.

Mr. Britz thought there was a partial roof on the building.

Mr. Mikolaities said there was some roof on the front and side.

Mr. Britz confirmed it was a condition of the Conservation Commission.

Attorney McNeill indicated that the Conservation Commission, despite the fact that the garden center was not within their jurisdiction, had a lot of discussion about garden products. They expressed concern about spillage so they went to City officials to tie into the system.

Mr. Allen indicated he would like to have DPW review it as it is not in the purview of Mr. Hopley.

Mr. Cravens asked about the back of the building with the service coming and to the water meter and then going out to the pad. Their two notes on the plans are pointing at the wrong lines and they should be switched so that the contractor doesn't get confused.

Ms. Finnigan asked if they are going to propose any signage at Brady Drive and Woodbury?

Mr. Mikolaities indicated there was an existing sign that will be retrofitted.

Ms. Finnigan would like a detail on that.

Mr. Holden reminded them that the sign would have to be permitted.

Ms. Finnigan asked if they were expecting any trucks from the Spaulding Turnpike.

Mr. Mikolaities replied that they will be coming both ways.

Ms. Finnigan asked why the stop bar was so far back then. Her other concern was trucks coming out will have to use the employee parking. Is there enough room to maneuver?

Mr. Mikolaities will show turning movements.

Deputy Fire Chief Griswold stated that he knows Home Depot has issues with a Knox Box but he needs a Knox Box with the appropriate alarms, etc. and that will have to be installed.

Ian McCarthy, of McCarthy Architects, indicated that the whole group will have a meeting with the Fire Department to review those details.

Mr. Holden felt they have covered a lot of ground for the site and they can narrow their focus. He is puzzled on the traffic and that's probably because he has not had a change to read the traffic report yet. He asked what was the theory behind the existing condition when this place was closed?

Mr. Scarneo stated that it shows what the impact could be. It was an office and it could have been reoccupied and would have had impact on adjacent streets.

Mr. Holden asked if the January data assumes the mall building was fully occupied?

Mr. Scarneo stated that the January data was just a count and would be a "no build" network.

Mr. Holden asked if that building would be fully occupied as an office? He asked what the difference would be between office and retail uses.

Mr. Scarneo explained if you were taking the office component it would be substantially higher than Home Depot on weekdays but Home Depot would be substantially higher on weekends.

Mr. Holden said they would be dramatically different. He felt they needed to really get a handle on traffic and the site needs to be developed in the manner that it was intended, being retail, but they also need to get a handle on the retail traffic impact. He asked if they could have a meeting of the participants from DPW and Planning to fine-tune it. He felt others were avoiding the question that on the existing conditions plan, it shows land off of the Spaulding Turnpike land owned by Home Depot. What other traffic circulation patterns are there that they need to look at. From Durgin to Woodbury appears to serve a very good function. He needs to be convinced that they don't need that or at least identify what issues that are the same or different from this development.

Deputy Fire Chief Griswold indicated that there is an ordinance that requires the automatic notification of emergency forces if they have a sprinkler system so they will be required to have a Master Box.

Mr. Desfosses noticed on the site plan, and he hasn't seen it in a home center like this before, is the access way to the principal parking area goes right through the front door. There seems to be a lot of traffic coming in and out of the different areas and they are all accessed right through that area. Typically they access through the back of the lot. It is not what he would do and it should probably be explored.

Mr. Holden asked that a meeting be scheduled to review all issues in the next week or so. Also Wal Mart was the last big project to go through this process and they acknowledged that the City Master Plan has a design review component and he was assuming that they would work together on an appropriate design review that may arise from this with a favorable recommendation to the Planning Board.

Attorney McNeill did not believe that was the purview of the Planning Board to review home design outside of the HDC. They have come up with a desirable design that they are willing to discuss.

Mr. Holden felt that was fair enough and they will decide where the discussion may lead.

Ms. Finnigan was also concerned that they are taking into account traffic of 2007 that no longer exists.

Attorney McNeill stated that they anticipated that and they will discuss that with her.

Mr. Cravens noted that on the Landscape Plan Note 7 states that 4” loam and seed will be used but he would like to see that changed to 6” loam and seed as it requires less watering and is more efficient.

Mr. Allen made a motion to table this matter. Ms. Desfosses seconded the motion.

A meeting will be scheduled before the next TAC meeting.

The motion to table to the next regularly scheduled TAC meeting passed unanimously.

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A five minute recess was taken.

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**II. NEW BUSINESS**

- 1. City Council Referral: Letter from Stephanie Krenn, Chair, Atlantic Heights Neighborhood Association, regarding “Big Picture Planning” for Development of Atlantic Heights.
- 2. Planning Board Referral: Property located off Falkland Way (Assessor Plan 212 as Lot 123) for review of traffic conditions. (This is not a public hearing)

These two items were consolidated for hearing purposes.

Mr. Holden stated the department had communicated with the applicant and they have arranged to have the AMES MSC Traffic Engineer available for this session. The TAC members have received a draft Memorandum and should use AMES MSC representatives as experts to confirm whether or not the issues and findings are appropriate so that TAC can make a recommendation. Recommendations will be made through a Memorandum to the City Council in response to their referral and to the Planning Board in response to their request for additional information.

AMES MSC prepared a Memorandum, which had been provided to the TAC members. Dennis Moulton, P. E., of AMES MSC, introduced himself and turned the presentation over to John Theriault to speak regards to the traffic analysis that he completed.

John Theriault of AMES MSC, introduced himself as a Traffic Engineer. He did an additional analysis on the project. In November, they looked at the intersection of Raleigh and Saratoga Ways, which is expected to be the main entrance to the site. He also looked at Raleigh Way and Kearsarge Way and Raleigh Way and Crescent Way. They did traffic counts on two days. He reviewed his traffic study and referred TAC to the Report. Figures 1 and 2 are for weekday peak hours between 7:30 am and 8:30 am and 5:00 pm and 6:00 pm.

Their earlier study showed that during morning peak hour there were 10 vehicle trips and evening peak hour increased to 12 vehicle trips. Figures 3 and 4 show how the traffic was distributed between the two exits. He reviewed the build out conditions for the site at peak hours and took the traffic volumes from Tables 1,2, 5 & 6 and ran a level of service analysis. The tables summarized the delay experienced at those intersections. Every intersection operated at level of service A. Mr. Theriault indicated that based on these levels of service, this project will not have a significant impact on the operation of the traffic on Raleigh Way. He indicated that they are talking about tenths of seconds that would be added to the delays.

Mr. Holden asked, in Mr. Theriault's expert opinion, did he feel that the improvements that the Technical Advisory Committee is recommending are appropriate for the level of development? Mr. Theriault agreed with that statement.

Mr. Holden asked if Mr. Theriault agreed that within Atlantic Heights they have one site for 23 residential units, which is before the Planning Board with two applications - one is for Site Plan Review and the other is for final Subdivision approval? Mr. Moulton agreed with that statement.

Mr. Holden advised the Technical Advisory Committee that there are no other applications pending before the City, including any from Avanti Developemnt or the Housing Partnership. This is the only application of any significance that is presently pending.

He asked Mr. Moulton if he agreed that the application from Raymond A. Ramsey for a proposed hotel is located at the intersection of Kearsarge Way and Market Street and is outside of the Atlantic Heights neighborhood? Mr. Moulton agreed with that statement.

Mr. Holden asked Mr. Theriault if the site owned by Cicero and Ruth Lewis is the only site that poses any traffic impact to Raleigh Way? Mr. Theriault agreed with that statement.

Mr. Holden asked if there would be no rational nexis that exists to connect this project to any other street? Mr. Moulton agreed with that statement.

Mr. Holden stated that in May of 2000, Wilbur Smith Associates completed a plan for the Community Development Department which was entitled "Atlantic Heights Streetscape Improvement Plan" and he believed the Department of Public Works worked with them on the plan. Mr. Allen, Deputy DPW Director, confirmed that they did.

Mr. Holden then stated that that plan also identified parking, traffic circulation, pedestrian safety and the visual quality of neighborhood streetscape. The City is looking at these issues in a neighborhood wide approach. Mr. Allen confirmed that was correct.

Mr. Holden stated that in the past 4 years, \$1.5 million dollars had been expended by the City on street improvements in Atlantic Height. Another \$750,000 is being expended on street improvements to Crescent Way and that the Community Development Block Grant Program is recommending the expenditure of \$50,000 for FY '07 for preliminary design plans for Raleigh Way. Mr. Allen confirmed that was correct.

Mr. Holden indicated that based on the this information, there were a series of six recommendations that he asked TAC to consider as part of their formal report back to the Planning Board and the City Council.

**Recommendations:** Neighborhood streetscape improvement projects should continue to be identified and scheduled as part of the Council's annual CIP. To ensure coordination with this neighborhood, the following actions are recommended:

Mr. Desfosses read the following recommendations:

1. TAC recommends that the Planning Board should endorse the draft Community Development Block Grant budget, which allocated \$50,000 towards the preliminary design of the Raleigh Way street improvements;
2. As part of the Preliminary Design Project for Raleigh Way, the neighborhood should be involved in an analysis intended to determine the most appropriate traffic circulation patterns as suggested in the 2000 Wilber Smith Report.
3. TAC recommends that the Planning Board should include in the FY'08 CIP funding for an update of the Wilbur Smith Associates' Improvement Plan.
4. Current Zoning requirements are appropriate. These limit the number of dwelling units per lot, require a larger minimum lot size and require a larger minimum density than is found in this area.
5. Components of the updated study should evaluate, in particular, one way or two way traffic circulation, evaluation of parking supply and locations, traffic speeds, upgrading of sidewalks and other right-of-way improvements.

Mr. Holden indicated that Deborah Finnigan, the City Traffic Engineer, also looked at the study and asked for her comments.

Ms. Finnigan indicated that the components of the study were to have either one way or two way circulation of the streets and how that impacts the neighborhood, having more parking or slightly less parking, the speeds on the roadways, upgrading the sidewalks. It also talked about the speeds in the neighborhood and that the speed on Raleigh Way is 22 to 23 mph and on Kearsarge the speed is 28 mph. Raleigh Way is a narrow street so it has a slightly lower speed with Kearsarge being a slightly wider street with a little bit faster speed. It also talked about how much parking there is in the neighborhood, on street and off street.

Mr. Holden asked, based on the revised study, which looked at the other intersections in this neighborhood, and that shows even with this project the level of service would remain A. That TAC should reaffirm its favorable recommendation concerning the Cicero Lewis site to the Planning Board.

Mr. Allen made a motion to endorse the recommendations. Mr. Desfosses seconded the motion.

Mr. Holden stated, if this motion passes, it will form the basis for a report back to the City Council and the Planning Board, which would then reaffirm the Committee's stance towards the present application and show to the City Council steps that can be taken to resolve larger traffic issues. The City is addressing those issues and there is a process that can be followed to bring improvements forward.

The motion to endorse the recommendations passed unanimously.

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**II. ADJOURNMENT** was had at approximately 4:30 p.m.  
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These minutes were taken and transcribed by Jane M. Shouse, Administrative Assistant in the Planning Department.