

MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

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

January 30, 2007

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 Len DiSesa, Deputy Police Chief

ALSO PRESENT: Lucy Tillman, Chief Planner

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I. NEW BUSINESS

A. The application of **Chad & Laura Morin, LLC, Owners**, for property located at **36 Market Street**, wherein Site Review approval is requested to create two additional residential units and to construct miscellaneous additions to include a new third floor addition at the rear of the building, a stair enclosure, a three story elevator and a lobby structure at the rear of the building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lot 29 and lies within the Central Business B District, the Overlay District and the Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Ricci, of Ricci Construction, presented to the Committee on behalf of the applicants. He indicated they are seeking Site Review approval for 36 Market Street for the conversion of two residential units in the rear of the property. Originally this came before the HDC on November 1st and they received unanimous approval. He explained the history of the property. They had an option on the front of the building for four units that did not require Site Review approval. The previous buyer for the back units fell through so they are now doing that portion of the building as well. On November 14, 2006 they installed a new 6" fire service as well as a 1½" domestic service from Market Street. The existing gas service is in the rear and there is adequate service so that they don't have to increase the gas. The sanitary lines come out on the Ladd Street side of the building. The underground electric comes from the rear of the property, from an underground pole, with a stack of meters in the alleyway. There is no proposed utility work in the streets and they will utilize all of the existing utilities.

The Chair asked if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE COMMITTEE:

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

Deputy Fire Chief Griswold felt it was difficult to follow the plans. He was not quite sure what he was looking at. He was trying to identify the entrances to the second floor unit off of Ladd Street. He did not see them identified on the plans. Also, is the 150 s.f. addition just the elevator or it is more than that? Mr. Ricci indicated that the 20' x 30' addition is for the front unit on the 3rd floor. The two units that are in question are the rear units and there are no proposed additions to those units. Access to those two units is off of Ladd Street and currently exists and there is also access in the rear and an elevator in the rear that will access the second and third floor units. Deputy Fire Chief Griswold asked about the limited common areas that say they are hatched and whether they were existing? Mr. Ricci confirmed that on the second floor the limited common areas are existing. Mr. Ricci stated this was a tricky application because it came in piecemeal. The front units didn't require site review approval but once they got over four units, it did require approval.

Mr. Allen asked about the plan that shows the proposed additions, it looks like their addition is up against or beyond the property line where the elevator is shown. On the drawing, it shows it actually encroaching and he asked if there will be any footings requiring any agreements from the abutting property owner? Mr. Ricci did not believe they will. They are working on the building line.

Mr. Holden asked if they will be covering up any windows? Mr. Ricci confirmed they will not.

Mr. Allen asked for clarification regarding the plans. On the front sheet, entitled Permit Site Plan, it shows the addition and then calls the section open space. Mr. Ricci explained that when they originally developed the plan, they showed the open space as part of the 36 Market Street project. Mr. Desfosses stated it was a little court yard. Mr. Holden assumed that open space is open to the sky? Mr. Ricci indicated that was correct and the open space for the lot was 11.1%.

Mr. Allen asked if drainage was going into gutters on the pitched roof? Mr. Ricci confirmed that was correct.

Mr. Holden asked if there was a pitch to the finished roof and if so, which way was it? Mr. Ricci explained that the roof has a slight pitch from front to the rear and a shingled entranceway shown. Mr. Holden wanted to confirm if there was rain, snow or ice on that, it would it fall within the right of way. Mr. Ricci stated it would fall into the courtyard area. Mr. Holden asked if they were putting brick sidewalks in front of the building on Ladd Street? Mr. Ricci stated that no work was proposed on Ladd Street. Mr. Holden asked if they would be requesting a waiver of that? Normally when they do a Site Review project in the HDC they have the sidewalks done in brick. Mr. Desfosses confirmed that has been past practice. Mr. Holden suggested that they defer it but it is an issue that has to be looked at. This would be along the common street frontage along Ladd Street. Mr. Allen agreed that Ladd Street would be good.

Mr. Desfosses thought that the land in the alleyway between this unit and the parking garage was owned by this unit but the plans say it belongs to the heirs of John Swanson. Mr. Ricci indicated that upon closing they will move to quiet title on this. There are four rotating parking spots that have been used for years. Mr. Desfosses assumed that all issues concerning 42 Market Street have been rectified. Mr. Ricci stated they are about 2' below the existing roofline on 42 Market Street. Mr. Desfosses asked if they were putting anything on so that ice doesn't fly off the roof onto Ladd Street, like a safety wheel? Mr. Ricci indicated on the front piece there is an existing ornate snow barrier and they will reinstall the one on the front. Mr. Desfosses asked if there was a gutter all the way around? Mr. Ricci indicated there are gutters all the way around now.

Deputy Police Chief DiSesa asked if there was just one way in from Ladd Street for all residential units? Mr. Ricci indicated they would go in from the courtyard, where there will be a locked gate. Deputy Police Chief DiSesa was confused about whether he was referring to the entrance right off of Ladd Street? Mr. Ricci indicated there were two ways to get to the units. The Ladd Street entrance goes up the stairs and will give you access to the second floor units. If you live on the third floor you

would get in the elevator, go up a flight and you would have access to all third floor units. Deputy Police Chief DiSesa asked if there was another way to get into the building? Mr. Ricci indicated that if you come in the Courtyard off the rear, there is an elevator that goes to the second and third floor. Deputy Police Chief DiSesa asked if that was on the plans? Mr. Ricci pointed out on the plan where the entrance would be. Mr. Allen stated that no door was shown off the courtyard and just windows were shown. Mr. Ricci responded that the door is under an overhang. Mr. Allen suggested showing the door on the plan. Deputy Fire Chief Griswold stated that they don't count elevators for egress so he was trying to confirm how many exits there were. He also asked about sprinklers. Mr. Ricci indicated they would have sprinklers on the second and third floors as well as basement areas.

Mr. Desfosses requested that it be noted that there were ice guards on the roof and that the applicant shall reinstall them, in kind.

Mr. Allen requested that the gutters and downspouts do not discharge onto the sidewalk on Ladd Street. Mr. Desfosses felt there was probably no other way to do it. Mr. Holden requested that if they do go onto the sidewalk, as a condition they will get with DPW prior to the Planning Board meeting for a recommendation. They will need a solution to this issue.

Mr. Holden indicated that this committee recommends brick sidewalks in front of the property on Ladd Street with either money being set aside for when the rest of the street is done or they can request a waiver from the Planning Board or lastly, they can just be installed. Mr. Ricci pointed out that they were not doing any utility work out front. Mr. Holden confirmed that when they were doing projects for Site Review on the streets in the Historic District, they tend to go for brick sidewalks

Mr. Holden asked about encroachments? Mr. Desfosses stated they confirmed he is abutting a party wall so there shouldn't be an encroachment.

Mr. Holden asked if the gutters are over a sidewalk? That would be an encroachment that needs to be looked at. If they are over the right of way they will need to address that.

Deputy Fire Chief Griswold asked that the plans be updated to show actual locations of doors and entrances as it is not clear on the plans. He knows there is a Knox box at the location but if it is going to be 100% sprinkled, it will also need automatic notification of emergency forces. He asked that the plans be updated as he found them confusing.

Ms. Finnigan felt it would be less confusing to have the plans show the second and third floors. Mr. Holden acknowledged that a part of the problem is that a good deal of the project is not subject to site review but they need to know about it in order to review what is proposed. Mr. Ricci indicated they will just show all doorways, elevators and stairs. Mr. Holden also asked for the gates that restrict access to the common area.

Mr. Desfosses asked if the common area was lit? Mr. Ricci stated there would be a small light. It is pretty well lit now. Mr. Holden asked to make sure the light points downward so there is no spillover.

Ms. Tillman asked that the square footage of units #3 - #8 be identified. What is confusing is that Unit #1 & #2 are not there. She asked that they put the identifying square footage on the plans.

Mr. Holden asked about grease traps? Ms. Finnigan asked if there is retail on the bottom? Mr. Ricci indicated there was and the condominium documents would restrict any type of restaurant use. Mr. Holden indicated that their units are on the second and third floors so they are not looking at the first floor. If this were a new building they would be putting in a grease trap. Mr. Holden asked for a condition that there will be no waiver of the City's requirement of a grease trap is implied by this approval and any re-use of the ground floor unit will require the installation of a grease trap. Mr. Allen felt it should go on the plans and noted that residential units don't require grease traps. If it gets

converted, it would need a plumbing permit and would be reviewed at that time. Mr. Holden indicated they would work with the applicant to have a stipulation in place for the Planning Board.

The motion to approve passed unanimously with the following stipulations:

1. That it be noted on the Site Plans that there were ice guards on the roof and that the applicant shall reinstall them, in kind;
2. That the gutters and downspouts shall not discharge onto Ladd Street; otherwise, the applicant shall work with DPW prior to the Planning Board meeting to resolve this issue;
3. That brick sidewalks shall be constructed in front of the property on Ladd Street, by either completing the work or setting aside a sum of money as approved by DPW for future installation by the City. Otherwise, the applicant would be required to receive a waiver from the Planning Board;
4. That if the gutters are over the right of way, an encroachment agreement would be required with the City;
5. That the Site Plans shall be updated to show the location of all door and entrances and separate sheets shall be prepared for the second and third floors;
6. That if the building is 100% sprinklered, automatic notification of emergency forces is required;
7. That exterior lighting in the common area should be pointed downward to avoid spillage;
8. That square footage for Units #3 - #8 shall be added to the Site Plans;
9. That no wavier of the City's requirement for a grease trap is implied by this approval and any re-use of the ground floor unit will require the installation of a grease trap; Final wording of this condition shall be finalized by DPW prior to the Planning Board meeting;

II. OLD BUSINESS

A. The application of **The Home Depot, Owner, and Bed Bath & Beyond/Christmas Tree Shops, Applicant**, for property located at **100 Durgin Lane**, wherein Site Review approval is requested to demolish the existing building and to construct a 113,865 ± s.f. one-story, three-tenant retail plaza, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 239 as Lots 16, 18 & 13-2 and lie within the General Business district. (This application was tabled at the January 2, 2007 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

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

The motion to take the application off of the table passed unanimously.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill appeared for the applicant, along with Wasyl Hnatiw and Dave Camerson of Bed Bath and Beyond and Christmas Tree Shop, Greg Mikolaities of Appledore Engineering and Jim Winn of Greenman Pederman. He indicated this was the second TAC hearing on this proposal. It is the site of the present Home Depot. It is slightly over 26 acres and they are proposing to put in a slightly smaller building to house a Christmas Tree Shop, a Bed Bath and Beyond and a third retail

store. The Conditional Use Permit was granted on November 16, 2006 and at the January TAC they went through a number of outstanding matters that the engineers are attempting to address. They have not appeared before Traffic & Safety but plan to do so in the near future.

Greg Mikolaities, of Appledore Engineering, spoke next. He indicated that the last time they were before TAC was December 5th and the Committee did not issue any formal notes but just tabled it. He referred to his January 17th letter to the Committee where he tried to incorporate the comments that he heard at the last TAC meeting. Mr. Holden encouraged Mr. Mikolaities to go through those items because the reason that the letter of decision did not list them out was because there were quite a number of them.

On their Demolition Plan, Sheet 2, there was some discussion regarding their proposal to seal an area and a portion of the connector road. This will now be full depth reconstruction and Sheet C-14 shows the new limits. He showed a plan that was displayed showing the new building superimposed on the plan.

He indicated that gross square footage has increased slightly as the building plans evolved and the mezzanine increased.

Outside storage area was questioned. They have blocked off areas on the Site Plans for temporary display areas. This would be for a week or two, one or two times per year for special events. They would still meet their parking requirements. They have also shown areas along the sidewalks for seasonal displays.

They reviewed the landscaped islands across from the handicapped spaces. They kept the two handicapped spaces closest to the building and moved the islands to make them more accessible.

They have gained an extra 10 spaces in the southwest parking lot by restriping.

They are showing the Saturn dealership access road in more detail.

Stop bars have been moved closer to the travel lanes and the new access drive.

They talked about a double yellow center line on Durgin Lane which has been included. They added a directional sign back to Route 16. There was a question about people finding the site from the Hampton Inn so they added another sign.

On the Grading and Drainage Plans they did some internal review and they made minor grading changes and silt fences upgrades.

There was discussion about water service to the Hampton Inn during construction. They put in an insertion valve on the other side so they can shut down the water service. Mr. Cravens indicated there are two water lines they have to do that for - fire and domestic. Mr. Mikolaities stated they will look at that.

There was a question on the Landscape Plan regarding site distance at the intersections. They made note of the minimum height of 5' for the trees.

On Detail Sheet C-9, there was a thick cross section from their Geo technical engineer that came in. They have modified the cross section although it's still pretty thick.

The Pavement Plan Sheet C-14 shows the reconstruction limits.

On the Irrigation Plan they took the irrigation off of the sections that are to stay natural and also out of the rain gardens. They have included an Operational Maintenance Plan for sweeping, trash removal, catch basin cleaning and the downstream defender maintenance. There was also a discussion about rain gardens and concern about snow storage from ice and snow. Dave Cameron included a letter that says those areas will not be used for snow storage.

Mr. Mikolaities indicated that those were the comments that they heard last time.

Jim Winn, of Greenman Pederson, next went through the traffic comments from the December 5th meeting.

It was suggested that they provide signing on and off site to direct customers. For off site, they have agreed to work with the City. This project does not have any site frontage off Woodbury or Gosling so signage will have to be in the right of way. They will work this out with the City.

They will provide a traffic maintenance plan for the accessway to the Hampton Inn. The plans will be provided to make sure improvements will be staged so traffic can go in and out at all times during construction.

There was a suggestion to have a center turn lane on Durgin Lane. He handed out an exhibit showing that. The original proposal showed a single center turn lane, for dual use. One big concern they heard, from the City and from their observations from seeing how the traffic flowed, is for the first driveway to Shaw's and people turning left. It is very narrow. They are proposing to keep the island at the intersection but raise the island for an exclusive left turn lane. Looking further down towards the site, they did some widening. They could provide an exclusive left turn lane to Shaw's, as well as traffic into Circuit City. The benefits are beyond what they can improve on Durgin Lane. That will eliminate the gridlock that could back up at the signal.

A right turn lane on Woodbury was mentioned and he showed on the plan where a right turn out lane exists for Circuit City. There is about 75' for the taper and 100' for the right turn lane. The benefit is that as soon as the green light ended, the through traffic could be blocked so that would eliminate that problem.

They were asked to look and see if that right turn lane could be constructed. He contacted NHDOT and they are limited where they can do their work. They would have to take out the grass area and trees and they would have room for a 10' lane with a sidewalk. There is a slight slope up to the Circuit City parking lot. They would have to get grading easements. Developing the right turn lane would entail work outside of the right of way. From their observations out there, they feel that the benefits along Durgin Lane far exceed the benefits from a right hand turn lane on Woodbury.

The next comment was the consideration of pre-emption at the intersection of Durgin Lane and Woodbury. The applicant is willing to work with the City on this to come up with a mitigation package on this.

They were asked if empirical trip generation data was available? They looked at various sources and they did not have empirical data but they did get transaction data for the most recent year period for all stores. They can estimate what the peak hour generation would be for the proposed store. A comparison between that number and what they described as a trip generation in a traffic study would be pretty much in line. Although Christmas Tree would generate higher trips, the other two retail would be a lot lower transactions. That number would suffice so show the 820 Land Use Code.

In their original Traffic Study they were optimistically looking at a 2007 opening date. They were asked to look at 2008 opening conditions. They revised their traffic analysis for 2008 traffic conditions and that is summarized in the back of their memo.

They were asked to provide back up data. They used 1 ½% annual growth rate as part of their traffic study. They had taken the liberty of looking at past traffic studies to come up with that number. They were asked to look into more detail to see if that number was accurate and correct to use. They used the previous traffic studies done for the new Home Depot Site from 2001. A comparison of those numbers from those five years is about 1 – 2% total growth. Therefore, 1 ½% per year is very conservative.

They were asked to provide more detail on their methodology for their trip generation. They were able to determine where the major areas that traffic will come from. On local roadways, there are many different ways to come into the site: The future Home Depot connection, the Saturn Dealership, and Durgin Lane. As far as distributing traffic locally they did travel time runs and based on that, where would certain percentages of what roadway that traffic is going to use.

The next comment was to provide available key storage links. In their traffic analysis they summarized operations in terms of ways and they also presented in terms of queues. In the last column they added the available storage.

They were asked to address conflicting movements between Durgin Lane and B.J.'s driveway. Currently, the left turns operate as lead/lag phases so one left turn is at the beginning of the phase while the other is at the end of the phase. For the two side streets between Durgin Lane and B.J.'s,, that should provide shared lanes including double left turns so those movements are split phases and they get their own green time. Mr. Holden asked what the translation was? Mr. Winn continued that there is not an opposing left turn conflict. It is a good thing as the left lanes don't conflict.

They were asked to obtain a survey for the intersection of Durgin Lane and Woodbury Avenue. They do not have a detailed survey but they did a lot of research and looked at State plans and went on site to see what was necessary to construct that right hand turn lane.

The Chair called for public speakers.

David Palumbo, of 181 Echo Avenue, spoke as a representative of the Frank Jones Neighborhood Association. The Association talked about signage and his concern would be coming off the Spaulding Turnpike, approaching Brady Drive, there is a sign that says Echo Avenue, Right Turn. He was concerned that there should be a sign directing people to the Christmas Tree and Home Depot. Mr. Holden suggested that he bring that up at the Traffic & Safety Committee. It was his recollection that the State worked with the Traffic & Safety Committee on some modification of the signs out there. Mr. Palumbo was also concerned that there will be all types of vehicles going behind the Ford dealer who has access from Brady Drive to Echo Avenue. He will also address that point at the Traffic & Safety Committee.

The Chair asked if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, he closed the public hearing and asked for questions from the Committee.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Holden addressed traffic concerns with Mr. Winn. He realized that they will still get most of this from the Traffic Report but he wanted to give them a sense of what he is looking at. Looking south of the intersection of Durgin Lane and Woodbury Avenue, it brings to mind when BJ's was doing their expansion. It shows a dedicated right, two thru, a dedicated left and two thru lanes. The other side of the intersection shows the same configuration with an additional right of way. He is looking to see if this configuration can exist as it does south of the intersection within the Woodbury Avenue right of way. His assumption is that Woodbury Avenue in this area was configured to allow for this additional option without the taking of the right of way or private property because he does not believe they did

that with the BJ's driveway when it was expanded. Mr. Winn responded that, based on what he found, the right turn lane could be constructed and there would still be the 1 1/2' between the sidewalk and the parking field. He's not sure of the agreement regarding the other equipment and he's not sure if BJ's provide the easements so that the signal equipment could be located out. It is more of a question of where to put the structures and utility poles to keep it far enough off the edge of pavement. Mr. Holden felt he needed to demonstrate that better as he does not remember cutting trees or losing sidewalks on the other side.

Mr. Holden asked about the Durgin Lane improvements. He asked what is the analysis if they extended the island down Durgin Lane so there wasn't the left turn access into the first driveway and what would that do to the efficiency of Durgin Lane at that intersection. He needs to know if there might be other improvements if they didn't try to encourage the turning movement. Mr. Winn indicated that he considered looking at that. One negative was that it would force all left turn traffic into Shaw's and it would affect front door pedestrians.

Mr. Holden assumed one question is when looking at time and sequencing of the lights, the City's dominate interest is to ensure the continuing functioning of the Woodbury corridor even if it is at the expense, to some degree, of the side street and he would need something that would show him that is at it's optimum. He needs something to evaluate.

Ms. Finnigan indicated that she has been talking with Jim on a regular basis. To clarify, although she appreciates the effort that went into the empirical data, she went back and listened to the first TAC meeting and confirmed that was not what she asked for. What she asked for were counts to support what they are doing. She sent Mr. Winn some questions, which she shared with the Committee. She asked if there a way to improve the accidents at Woodbury and Durgin and what might those improvements be? Mr. Winn felt that a lot of those accidents during wet and ice conditions were a result of road conditions itself. He was not sure what can be done to improve that. There may be a geometric or signing solution.

Ms. Finnigan asked him to verify the proposed timing changes in this corridor. Mr. Winn stated they are not proposing phasing changes but rather are looking at timing changes and make it so priority is given to the main line. He mentioned at the last meeting changing the way that the program was in the controller. With that being done, he was comfortable with timing changes being done. It would not necessitate any equipment changes.

Ms. Finnigan asked if there was appropriate site distance provided when you come off Durgin Lane onto the site. Mr. Winn stated that they use 15 mph as a general rule of thumb traffic speed. They felt that was a good number to use at 15 mph. They want to keep the trees up so they can see cars coming down the road.

Deputy Police Chief DiSesa had an issue with the left turn. Right now the access to BJ's is very short. They have inbound cars on Woodbury in the left turn lane turning into BJ's and outbound cars trying to get out. The light has a very short queue. The cars spill out trying to make that left turn and it is problematic. Not all the time but sometimes during the day. The problem is both cars turning left and cars getting stuck in the queuing lane. With Bed, Bath and Beyond coming in, business owners are expecting a big influx of customers. They have cars leaving Durgin Lane, leaving Bed Bath & Beyond and they also have cars turning onto Durgin from Woodbury. If cars are blocking the first left turn into Shaws, that will create a back up into Woodbury. Coupled with other problems at BJ's, this will be a mess of an intersection and the Police are very concerned. Mr. Winn agreed that was a great concern and that is their intent to do with the left turn lane. They will bring that up at Traffic & Safety. They will also talk about putting a three way stop instead of the two way stop at the intersection of Shaws and Circuit City in the parking lot.

Deputy Fire Chief Griswold mentioned that they need to have automatic notification of emergency services and a Knox box on the plans. He sees a lot of traffic that gets off by Brady Ford and goes by new Home Depot site, and takes a left into the parking lot at Rudy Tuesdays and ends up on Durgin Lane. It is very difficult making those left hand turns and they will have long queues in the parking lots with people getting out of Circuit City as well as further down Durgin Lane. Mr. Winn indicated they will look at off site signage. The accessroad is a huge benefit to the whole project. Deputy Fire Chief Griswold added that they are also putting a lot more cars into the Home Depot parking lot. Mr. Winn stated that the intent of that road was always for cross traffic. They assumed that people would cut through. The accessway does not connect with a parking field.

Mr. Mikolaities felt they are taking two sides of the same argument. If people don't know where Christmas Tree is, they are not taking Brady Drive. If they know where they are going they will take the access road.

Attorney McNeill indicated that this development team was also involved in the Home Depot project. They fully contemplated this site for retail purposes. The Home Depot applicant agreed to the accessway. In terms of this development coming forward with a smaller building on the same site used by Home Depot, he suggests that the issue is how to treat incremental traffic attributable to this project. In terms of the discussions that occurred at the last meeting, their traffic engineer has attempted to quantify the numbers. They are talking about a swap in terms of traffic between the existing Home Depot and the Christmas Tree Shop. What they are talking about is the addition of a Bed, Bath & Beyond and an unknown retail user by attempting to use standard qualitative traffic ITE generation numbers for. None of TAC would expect this project is the cure all for the problems along Woodbury Avenue. Nor would this developer say they have no responsibility for its incremental effects on Woodbury Avenue, Durgin Lane and other access ways into the site. They, in good faith, are trying to do a balancing act between the existing conditions, provide for safety but yet do it within that reasonable rational nexus test that relates to what they are actually generating. They look forward to additional discussion at Traffic & Safety meeting, but he wanted to give a contextual component to where they presume they are to reasonably use this appropriately zoned property with a smaller building with improved environmental characteristics and in a prominent site in the City that they need to use the right way. Mr. Holden felt his point was well taken but they need the Traffic Study so that the City can do an evaluation.

Deputy Police Chief Disesa felt they were assuming a lot to transfer from Home Depot to Christmas Tree Shop and they are assuming the same volume and he did not think he could make that same assumption. Attorney McNeill indicated when they initially came in, they did not presume the existing Home Depot was underutilized at all and they also represented they are reducing the size of the building by 10,000 s.f. They have tried to quantify the traffic and the trade is between Home Depot using the whole facility and the Christmas Tree Shop using a portion of the facility. Their task to the City is to prove to them that what they are saying is correct but they are not there yet.

Ms. Finnigan noticed from the first study, they did not include Portsmouth Avenue and Market Street and that corridor needs to be added to the study. Mr. Winn confirmed that would be a total of five intersections with timing changes.

Mr. Desfosses asked about signage. They have alluded to it but he hasn't seen anything. He personally considers all of the different signs that go up on the Spaulding Turnpike, Durgin Lane, Woodbury Avenue, Brady Drive, as all part of traffic mitigation for this project. Until he sees all of that with their proper sizes, he cannot assess this project. Getting people to the site as efficiently as possible is a huge component to the traffic of this project so he needs to see that. Mr. Winn asked if there was there something in mind? The State won't allow a private development sign on the highway. Mr. Desfosses stated it is up to them to propose something as the applicant and he needs something to look at. Mr. Holden felt that Mr. Desfosses was correct but perhaps they could request Ms. Finnigan and Planning to get together and discuss signage. Ms. Finnigan would also like to address some

questions from her review of their studies. She asked if the Committee had a problem with her working directly with Mr. Winn on this. Mr. Winn stated it was fine with him to work one on one.

Mr. Desfosses had not done a full review of the plans but he noticed that the back access road stops dead at the property line so he was assuming that the pavement conditions are in perfect conditions at that point and that is why they stopped at that point. Mr. Mikolaities stated they went to the property line as that is the property they control. Mr. Desfosses was concerned that they do it right. Mr. Mikolaities indicated that they will look at it and see what they can do past the property line.

Mr. Desfosses asked about elevations. Is there going to be anything so that as they are driving down the highway they don't look at loading docks? He was wondering if they would have a fence or screen? Mr. Mikolaities stated there are no screened walls for the loading docks but they took off pavement and added landscaping. Mr. Holden indicated the Planning Board is very interested in elevations and that is their front door so he encouraged them to recognize that that is one of their dominant faces to the public.

Mr. Allen asked whether the third retail space is intended to be a restaurant. He asked that there be a plan that any restaurant would require an external grease trap. Also, the operation maintenance plan should be added to the plan set itself and he would like some sort of reporting mechanism coming back to DPW on the maintenance plan.

Mr. Holden suggested they stake a stab at items that will probably get referred to the Planning Board, for instance the Construction Management Plan, the Driveway Management Plan. In terms of the landscaping, the Master Plan and the Planning Board are trying to get plantings that are native to NH so they are not dealing with a massive need for irrigation. He asked if drainage and stormwater run off were okay? Mr. Allen felt that they have gone above and beyond taking care of some stormwater issues and he would applaud them for that. Mr. Holden noticed there are a couple of extremely hot spots on the lighting plan and asked them to explain why they are there or reduce them. Mr. Mikolaities explained there is a power easement that goes through that. The 12' high poles are in the power easement.

Mr. Holden assumed, due to the large building, they would like a demonstration for public safety to have radio communications inside the building and they should work with the police and fire on that. They found a situation where the construction of a roof interfered with the City's public safety and they would like to address that now. Mr. Mikolaities felt that was a great point and both architects were present and taking notes.

Mr. Holden felt that outside of traffic they are largely there however everyone is awaiting their traffic report.

Mr. Britz had a site maintenance item. Under the power lanes, coming in Durgin Lane from Woodbury, the first parking lot on the right, down the steep bank there is a lot of dumping going on and he would like to see that area cleaned up. It is on the edge of the wetland and he would like them to put a note in their Operation Plan on how to keep that clean. Mr. Mikolaities identified the area on the Site Plan and it was entitled "trash area".

Deputy Fire Chief Griswold clarified the radio situation. The issue they have is that when they are inside large buildings they are unable to communicate with their base station. Some buildings put feeders in the building or put something on the roof to allow for all communications. David Cameron, of Bed Bath and Beyond and Christmas Tree Shop asked to have the names provided to them that they should work with on that issue.

Ms. Finnigan asked that Sheet C-2, Note 5 should include the Digsafe number as it's nice to have it on the plans. When they do the Construction Management Plan, they need to include how work will affect the hotel and Saturn and how access will be provided.

On Sheet C-3, when coming in on the access drive and you are almost at the parking lot, it says sloped granite curb. She asked who was building up to the point where the parking lot began? Mr. Mikolaities stated that Home Depot was bringing it right up to the edge of pavement.

Ms. Finnigan asked if it was one way around the building? Mr. Mikolaities stated that was not the intent but truck traffic would be one way. Ms. Finnigan would rather see it all one way and they will need appropriate signage and pavement markings.

On Sheet C-3, Note 2, she asked them to put "current" in front of MUTCD and when they submit as-builts they can also submit to DPW and contact Jason Wise for the correct electronic format.

She asked about on the Landscape Plan and the bollards on the left side of the building. Why not on the right corner by the sidewalk too? Mr. Mikolaities indicated they were more architectural and not for safety purposes.

Ms. Finnigan asked that the trees proposed on the Landscape plan can be purchased so that they are at least 5' above the ground.

Ms Finnigan indicated that they need to include directional signage on the detail sheet and the striping of handicapped spaces should be solid rather than hollow.

Mr. Holden asked the Committee if they wanted to table this matter to the February 27th TAC meeting? Attorney McNeill stated they would like to appear at Pre-TAC that same day. Traffic seems to be the big issue.

Ms. Finnigan confirmed that the Traffic & Safety meeting is on February 8th at 8:00 a.m. in City Council Chambers.

Mr. Desfosses made a motion to table to the February 27th meeting. Ms. Finnigan seconded the motion.

The motion to table to February 27th passed unanimously with the following stipulations:

1. That the applicant shall prepare a Traffic Study for review by the City Traffic Engineer and the Planning Department;
2. That the applicant shall appear before the Traffic & Safety Committee;
3. That a Knox Box and automatic notification of emergency forces shall be added to the Site Plans;
4. That all signage shall be added as part of the traffic mitigation plan for review and approval by City staff;
5. That the applicant shall explore paving the entire access road, including extending past their property line;
6. That the applicant shall consider a fence or screening around the loading docks;
7. That a note shall be added to the plans that any restaurant use would require an external grease trap;
8. That the Operational Maintenance Plan shall be added to the Site Plan Set and a schedule for a reporting mechanism back to DPW shall be agreed upon;

- 9. That the applicant shall prepare a Construction Management Plan and a Driveway Management Plan, for review and approval by the City Legal Department, Planning Department, City Traffic Engineer and City Manager;
- 10. That the Construction Management Plan shall include how work will effect the Hampton Inn and Saturn Dealership and how access shall be provided;
- 11. That the applicant shall use native plantings to avoid the need for irrigation;
- 12. That the applicant shall work with the City’s Police and Fire Departments to verify that they can communicate with their base station;
- 13. That the applicant shall clean up the area entitled “Trash Area” on the Site Plans and add a note in their Operation Plan on how they will maintain that area;
- 14. That traffic shall be one way around the building and appropriate signage and pavements markings shall be added to the plans;
- 15. That all trees proposed shall be no lower than 5’ above the ground;
- 16. That directional signage shall be added to the detail sheet;
- 17. That the striping of handicapped spaces shall be solid rather than hollow;

.....

B. The application of **Perry and Kristin Silverstein, Owners**, for property located at **10 Commercial Alley, 19-25 Market Street and off Penhallow Street**, wherein Site Review approval is requested to construct a 3-story (plus loft) mixed use 1,400 s.f. addition, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 106 as Lots 9, 10, and 12 and lies within the Central Business B District, the Overlay District and the Historic District A. (This application was tabled at the January 2, 2007 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

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

SPEAKING TO THE APPLICATION:

Mr. Weinrieb, of Altus Engineering, appeared on behalf of Perry Silverstein. He felt they addressed all comments from the January meeting in his letter to the Committee and the revised Site Plans. He reviewed those with them.

- 1) That the status of Commercial Alley be clarified and properly labeled on the Site Plan;

They submitted a letter from Jim Verra’s office on the history of Commercial Alley. They believe it is a public accessway. Mr. Desfosses requested that they label it as such on the plans.

- 2) That Note 12 be broadened to clarify that there are two right of ways;

They changed this to Note 14 and broaden it to include the two right of ways.

- 3) That the applicant shall be required to obtain City Council approval to work in the public right of way during construction;

Mr. Weinrieb confirmed that will be done.

- 4) That the building corner shall be laid out by the surveyor and a certification letter done before construction begins;

This was added to the Site Plans as Note 17. Mr. Allen asked if they will have a foundation rather than a footing underneath? Mr. Weinrieb confirmed that was correct.

- 5) That no trees may be removed from the property without approval from the City's Trees and Greenery Committee;

Note 18 was added to Sheet C-2. Mr. Weinrieb noted that they have one tree that is proposed to be removed and there is a second tree that is close to the construction area that is intended to stay. Mr. Desfosses asked what kind of tree it was? Mr. Weinrieb did not know.

- 6) That the existing bricks shall be re-used and the replacement of any new bricks shall be subject to the approval of DPW and the Planning Department;

Note 14 was added to Sheet C-2 to clarify this.

- 7) That grades shall be added to the Site Plan;

On Sheet C-2 he added existing spot grades and there are no proposed changes to grade.

- 8) That a note be added to the Site Plan that no window will be blocked on abutting properties that may be required for emergency egress;

Note 19 was added.

- 9) That the sewer shall be shown as 6" rather than 4";

The sewer has been changed to 6". Additionally, they swapped the sewer and water, after meeting with Peter Rice.

- 10) That the sizes for the domestic water and fire service should be shown on the plans;

They identified the domestic water as 1 1/2" size and the applicant is only proposing to put fire suppression in the basement. After speaking with Mr. Rice, it was determined that there will need to be a separate service for that because it is a commercial use rather than domestic.

- 11) That the applicant shall work with DPW on where to tie the sewer line into and to determine what shall be required of the applicant;

This is also an open issue. They changed the sewer service to tie into the 8" clay and they are proposing a manhole. That line needs to be videoed to determine the condition of the line. It was their understanding that if the line is not adequate, it needs to be repaired by the City prior to this connection.

- 12) That a lot consolidation shall be finalized prior to the issuance of a building permit;

Note 3 was added to Sheet C-2.

- 13) That the applicant shall provide a detailed calculation for open space for review and approval by Lucy Tillman;

They added an open space calculation on Sheet C-2 and they met the open space requirement.

- 14) That the Fire Department requires automatic notification of emergency forces when a building has an automatic sprinkler system and a Knox box for emergency access;

Note 8 was added to Sheet C-3

- 15) That the curb stops shall be moved from the property line to the right of way on the Site Plans;

The curbstops are now on the property, as suggested by David Desfosses.

- 16) That a detail shall be added to the Site Plans reflecting how the utilities shall be attached to the pole without shortening the sidewalk in any manner;

They also added a detail on Sheet C-5 identifying where they want the drops on the electrical and telecommunications so they are not encumbering the utility pole.

- 17) That the water service coming in from Market Street shall be abandoned in accordance with the Portsmouth Water Division standards;

Note 10 to Sheet C-3 states that the domestic water line coming in from Market Street, via the Paper Patch, will be terminated inside the Paper Patch at the split.

- 18) That all lighting shall be Dark Sky Friendly and shall have shields on them, for review and approval by David Desfosses;

Note 10 on Sheet C-3 states that all lights shall be Dark Sky Friendly with shields and will be approved by David Desfosses.

- 19) That sidewalks on both sides of the street and adjacent curb cuts shall be added to the Site Plans;

This is shown on Sheet C-1 and they changed the view point a little bit to clarify that.

- 20) That "Not For Construction" be removed from the Site Plans;

This has been removed from the plans.

- 21) That a Construction Management Plan shall be prepared by the applicant for review and approval by the City of Portsmouth.

They have previously submitted this with additional comments and they will work with the City to finalize approval of this. He also added that throughout the entire construction period they will be maintaining access through Commercial Alley and it will remain open.

Mr. Weinrieb added that the roof is pitched towards Commercial Alley but they are putting roof gutters in with a down spout so all run off from the building will not discharge into the Alley. It will discharge into Penhallow Street. Mr. Desfosses asked what type of roof it was? Mr. Weinrieb indicated it was pitched with gutters.

Mr. Allen asked about snow brakes? Mr. Weinrieb stated they are proposing snow brakes so there are no slides. He added that while excavating, if it does require any ledge removal, they will follow City requirements.

The Chair called for public speakers.

Barbara McDonald spoke as an abutter across from the proposal. As detailed in a letter to the HDC, she was advised her issues were Site Review issues. She asked if the Alley will remain open to businesses and they answered that question for her. She has a concern about how excavation will effect her building. She has six glass pane windows, full of glass ware. What guarantee will she have that she will not have cracks to her building? She asked about the landscaping plan and which tree is being removed. On the walkway itself, it is impacted tremendously by run off from the buildings. The majority of buildings have drains coming right down on their alley and she doesn't want this to make a bad situation worse. She is concerned about lighting. The Alley is very very dark at night. Shop owners tried to work with the City to install a light but that never happened. This building will block light even further. She spoke to Everett Kern who advised her there was an improvement plan for the walkway and she spoke to him about this proposal and she felt the City's Capital Improvement Plan could be moved up to coincide with this project. Mr. Holden stated that the CIP is under the control of the City Council. Mr. Allen added that there is a project identified in the CIP to re-do Market Street sidewalks and it should also deal with some drainage problems and should probably include Commercial Alley. They are looking at lighting also but the full scope of the project has not been identified. She asked if the City would guarantee liability from this project. Mr. Holden advised her that it is the owner's responsibility to make this go forward with no impact to abutters.

Eric Weinrieb pointed out the tree that is being removed as approved by the Trees and Greenery Committee. He pointed out it is next to the utility pole, is a dangerous situation and the tree being removed will be replaced by another tree. Mr. Weinrieb indicated there is no run off from this property going to Commercial Alley today as it runs from a different direction. Most gutters on Commercial Alley are broken. It is a combined sewer system in that area so the City's improvement project will improve that problem. Mr. Holden asked if their run off is not going to Commercial Alley and is staying on the lot that generates it. Mr. Weinrieb confirmed that was correct. There are some lights on the northern side of Commercial Alley that are non-operable.

Barbara McDonald stated several years ago all lights on the northern side of Commercial Alley were replaced however they just cast a shadow of lighting on the building. The building owners own the lights. Mr. Holden indicated that none of the lights are public lights and they cannot make Mr. Silverstein light the public way but he suggests trying to work on this separately.

Alison Tucker, owner of Gulliver's Travel Books, adjacent to construction. She thanked Mr. Weinrieb for addressing a number of questions she had in her letter. She was also concerned about the lighting

on Commercial Alley. In learning that improvements to Commercial Alley are being made by the City, she would like to see this come about at the same time as this project. Mr. Allen felt that this project would go forward well before the City project goes forward so they cannot tie them together.

The Chair asked if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, he closed the public hearing.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Allen made a motion to approve with stipulations. Deputy Fire Chief Griswold seconded the motion.

Mr. Holden asked that they label Commercial Alley on the Site Plan.

Mr. Holden asked if there was a grease trap on the property. Mr. Weinrieb confirmed there is a grease trap and it is separate from the domestic waste.

Mr. Holden asked if they will be proposing any encroachments into the public right of way? Mr. Weinrieb confirmed that is their intent. He confirmed that the gutters go down the side.

Mr. Holden indicated that the snow brakes should be shown on the plans and asked if the HDC approved them? Mr. Silverstein, the owner, confirmed that was correct. The shingles are pitched to prevent snow slides and this was done specifically by the architect for that reason. Mr. Allen requested a cut sheet be provided for review by DPW. Mr. Holden stated they will not have snow plowing into Commercial Alley. Mr. Silverstein was happy to include snow hooks on this building, similar to the existing building. His architect has confirmed that the shingles and pitched roof will prohibit any snow sliding. Mr. Holden asked that be a condition that DPW reviews that and if they do not approve that, they will be back before this Board. Mr. Silverstein was confident it would be fine and that is why they did not go with a slate roof.

Mr. Holden indicated that light should be dark sky friendly and limited to the property. Mr. Silverstein confirmed they were aimed at 45 degrees and they are on the Site Plans.

Mr. Holden indicated that, as this was an addition in the Central Business District, there should be a contribution on the sidewalks. Mr. Desfosses asked for a contribution from the applicant to go towards the sidewalk for Penhallow Street or Commercial Alley improvements.

Ms. Tillman asked if the dumpster was located 10' from both property lines. Mr. Weinrieb confirmed that it will be at least 10' from the property line. She also asked if the screening around it was part of HDC approval? Mr. Weinrieb confirmed it was and that it was the same fence that was proposed around the edge of the property line. Mr. Silverstein stated they are re-doing the fence between the parking lot and FA Gray and they will build a new fence and use the same materials to box in the dumpster. He will make sure it is 8' solid board. Mr. Weinrieb asked if the dumpster is only 5' does he have to have an 8' fence? Mr. Holden confirmed it was a zoning requirement.

Ms. Finnigan indicated that a Construction Management Plan will be required and will need to be approved by the Planning Department, Ms. Finnigan, the Legal Department and the City Manager. It will need to be signed off by the City Manager as well as the applicant. And, there should be a meeting with the abutters so they can comment on it as well. Mr. Weinrieb stated that, historically, they find that every contractor has their own way of doing things so they will need the contractor to be part of the process also.

Ms. Finnigan asked that the brick walk be shown on the plan. Mr. Weinrieb stated they are already brick walks and they are proposing to just replace the areas that get destroyed. Mr. Desfosses clarified

that he was referring to the other brick walks that the contribution will be used for. This will be worked out between the Planning Department and DPW.

Mr. Desfosses referred to Sheet C-5 and pointed out that the Pole Attached Utility Detail does not show the existing pipe that is already on the side of the existing pole. Mr. Desfosses believed it was for an underground grease trap and it is right where they want to put a conduit pole.

Ms. Tillman asked about the brick work being removed during construction and replaced and what was his intention on that? Mr. Weinrieb stated it was their intent to use the same brick. If they are short brick they will work with the City to bring in more brick that will blend in. Ms. Tillman requested that the stipulation should be that they work with both the Planning Department and DPW to coordinate the replacement brick. Mr. Weinrieb referred them to Note 14 on the plans.

Mr. Holden confirmed that previous conditions #3, #10, #11, #13, #18 and #21 were still outstanding conditions.

The motion to approve passed unanimously with the following stipulations:

Stipulations from the January 2, 2007 Technical Advisory Committee Meeting:

- 1) That the applicant shall be required to obtain City Council approval to work in the public right of way during construction;
- 2) That the sizes for the domestic water and fire service should be shown on the plans;
- 3) That the applicant shall work with DPW on where to tie the sewer line into and to determine what shall be required of the applicant;
- 4) That the applicant shall provide a detailed calculation for open space for review and approval by Lucy Tillman;
- 5) That all lighting shall be Dark Sky Friendly and shall have shields on them, for review and approval by David Desfosses;
- 6) That a Construction Management Plan shall be prepared by the applicant for review and approval by the City of Portsmouth.

Stipulations from the January 30, 2007 Technical Advisory Committee Meeting:

- 7) That Commercial Alley shall be properly labeled on the Site Plans;
- 8) That a cut sheet be prepared for the pitched roof and shingles that are intended to prevent snow and ice sliding onto Commercial Alley, for review and approval by DPW;
- 9) That the applicant shall make a contribution to the City to be used towards improvements to the brick sidewalks on Penhallow or Commercial Alley, in an amount to be determined by DPW;
10. That the brick sidewalks that the applicant's contribution will be used for shall be shown on the Site Plans (to be worked out with DPW);
11. That the dumpster shall be located at least 10' from the property lines and shall be screened with a 8' solid board fence, per zoning requirements;
12. That the Pole Attached Utility Detail on Sheet C-5 should show the existing pipe that is on the pole;
13. That the applicant shall work with DPW and the Planning Department to coordinate the replacement brick used on site.

Ms. McDonald asked if the brick wall in Commercial Alley that people sit on would remain? Mr. Weinrieb confirmed that it would. She also stated she would like the original brick design to remain.

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A Five Minute Break Was Taken.

Deputy Police Chief Len DiSesa left the meeting.

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C. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, wherein Site Review approval is requested to construct a 25,666 ± s.f. 3-story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8B and lies within the Office Research/ Mariner’s Village district. (This application was tabled at the December 5, 2006 Technical Advisory Committee Meeting)

The chair opened up both public hearings but indicated they will address them separately.

The Chair read the notice into the record.

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

The motion to take the application off of the table passed unanimously.

D. The application of **Tain Properties, LLC, Owner**, for property located at **215 Commerce Way**, wherein amended Site Review approval is requested to re-stripe an existing parking area and add a paved aisle to the abutting parcel, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8A and lies within an Office Research/ Mariner’s Village district. (This application was tabled at the December 5, 2006 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

Ms. Finnigan made a motion to take the application off of the table. Deputy Fire Chief Griswold seconded the motion.

The motion to take the application off of the table passed unanimously.

SPEAKING TO THE APPLICATION:

Brad Mezquite of Appledore Engineering, indicated they have two parcels, with 235 Commerce Way being the undeveloped parcel. The site plans had been revised since they last saw this to address some of the TAC comments and to create better circulation and drainage. The biggest change is the location of the building. They have pulled it back off the road which allowed for the entrance to the office building on Portsmouth Boulevard to be off set from the hotel. The building has been reduced in size and they have taken out 25 parking spaces on the site and eliminated some retaining wall. They have redesigned the site with Dark Sky Friendly lighting with cut sheets. They re-worked the entire drainage system for the site.

Mr. Mezquite reviewed the stipulations for 235 Commerce Way.

- 1) That the sidewalk detail be approved as to content and form by DPW and that will be refined further by the Agreement with the City;

That was added to the Site Plans.

- 2) That the applicant meet with the Legal Department and the Planning Department to complete a proposal for constructing the sidewalks along the length of Commerce Way in two phases, detailing how contributions or funds shall be set aside for this process;

This was addressed later in his presentation.

- 3) That the meeting with the City also include any outstanding issues that may be brought to the City's attention, such as street ownership and the undergrounding of utilities;

This was addressed later in his presentation.

- 4) That the proposed alignment of the driveways of this site and the hotel site across the street shall be reviewed by the Traffic & Safety Committee and a report shall be provided to the Committee;

They moved the entrance. They had a meeting with David Desfosses and Deborah Finnigan and all agreed this was a much better location. Mr. Holden noted it was not aligned. Mr. Mezquite confirmed it was specifically not aligned now.

- 5) That the City will work with the applicant on the issue of drainage from snow melting on the site;

Previously, all drainage came down to the east along Portsmouth Boulevard. They performed a site walk to get a feel for the drainage and realized that if they were going to send that type of volume in that direction with no defined channel, they would end up flooding the intersection. They kept the existing drainage patterns with the rest of the parking lot retained in an underground detention system. They reduced the amount of stormwater further down Portsmouth Boulevard into an existing treatment swale. They diverted everything to the detention pond and then outlet as it does today, along Commerce Way into the big wetland.

- 6) That the applicant shall prepare an updated drainage report;

This was addressed with #5 above.

- 7) That the islands be increased in size to allow for increased landscaping;

The islands are wider and the parking spaces line up and there is now more landscaping. The islands were 6' before and now they are 9'.

- 8) That testing should be done on all proposed underground detention areas; and

This is no longer pertinent.

9) That all underground stormwater piping systems should be connected in the detention areas;

This no longer applies.

Ms. Tillman asked if the increased island width runs down the property line? Mr. Mezquite confirmed that all of the islands throughout the site are significantly bigger than they were before.

Mr. Holden agreed that all stipulations except #2 and #3 have been addressed. He suggested that since drainage was such an issue they should spend some time going over his system.

Mr. Mezquite displayed a plan showing where the water currently goes today and pointed out how different areas go in different directions. He then displayed their proposed plan. They have proposed a small rain garden to help treat run off. Run off from Portsmouth Boulevard will run to a treatment swale. The green area, which is the majority of the site, will go to an underground detention system. Based on previous ledge borings, they will get the system in and it will create a horseshoe pattern. That will create a volume that will retain the stormwater which will then discharge from the water quality unit down into the proposed drainage system that exists over on 215 Commerce Way. From 215 Commerce Way down to the wetland down Commerce Way it is the same path that the stormwater takes today.

Mr. Holden asked why should 215 handle the water for 235? Mr. Mezquite indicated that it already does. The ground is sloped in that direction. He confirmed they will have to have cross easements. Mr. Britz asked what is the volume of stormwater at the receiving wetland? Mr. Mezquite stated that they did an analysis about that wetland and the watershed extends up from Market Street. Mr. Britz noticed that they indicated the impervious surface was 85%. How do they get that in a grassy area?

Joe Persechino, of Appledore Engineering, indicated that the area that goes to the existing drainage system on Commerce Way was modeled as a grassed and wooded area. In post condition they take the majority of the impervious area in a post condition and balance those total flows going to that system, utilizing the underground. Mr. Britz asked where the pre and post to the wetland were? Mr. Mezquite stated that they looked at the volumes to see what the wetland impact would be. They made the assumption that there was zero detention on any of the sites out there.

Mr. Allen asked about the maintenance on the structures? Mr. Mezquite stated it was equivalent to the same time the parking lots will be done. They will do flushing and cleaning. Mr. Allen assumed they would need a vacuum truck. Mr. Mezquite indicated they would use the type of system that uses a jetting system which is better than the vacuum trucks.

Mr. Desfosses asked if the pipes are water tight? Mr. Mezquite confirmed that they were and at the corners they can pop them out so they can have access to them. Mr. Britz asked about an easement for the downstream defender. Mr. Mezquite confirmed that the downstream defender was on this site.

Mr. Holden asked about water services? Mr. Cravens indicated that the City will do the taps for the water service going in. He asked if there is going to be irrigation on the lot? Mr. Holden stated they would like to work with them so they don't have it. Mr. Mezquite indicated that their landscape architect assumes there will not be any irrigation. Mr. Cravens requested a stipulation if there is going to be an irrigation system .

Ms. Tillman noted that 215 Commerce Way is in the office research district. Looking at the zoning map, 235 Commerce Way is a split lot. The portion along Portsmouth Boulevard is in the Office

Research/Marinas Village overlay. The remainder is in the Office Research District. The notes on the Site Plan should be corrected to show that.

Ms. Finnigan suggested this be sent back to the Traffic & Safety Committee to look at the different driveway.

Deputy Fire Chief Griswold didn't see a note on automatic notification of emergency services.

Mr. Britz asked about the maintenance on the downstream defender system. Mr. Allen suggested that it be the same maintenance Plan as the other system. They need to set up a reporting mechanism so they can keep track of it. Mr. Mezquite stated they would submit copies of the cleaning bills as part of the maintenance report.

Mr. Britz also had a concern about the analysis on the wetland on Commerce Way. They are sending a lot of water into the wetland. They will make it worse and he asked how will they deal with that? Mr. Mezquite felt that the swirl chambers or downstream defender will do their best work on the small frequent storms. They did up to 25-50 year storm and they are not designed to do any more than that. Mr. Britz was concerned about sending all that water into a wetland that is already challenged. Mr. Holden asked if they determined this was not a regulated wetland? Mr. Britz confirmed it is a jurisdictional wetland and it is the big one by K-Mart. There was no Conditional use because there wasn't anything in it. Mr. Holden asked if the frequency was going to be the same. He understood that there was a volume and a time element. Mr. Mezquite indicated there were two different things they discussed. The rate of run off which is gallons per minute and you balance that with what is going off site. The next step deals with volume, to see how it would impact that particular upper part of the watershed. They looked at it as a worst case scenario. They are just a small portion of that large 100 acre watershed area.

The Chair asked if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Allen made a motion to approve Site Review for 235 Commerce Way, with stipulations. Mr. Cravens seconded the motion.

Mr. Holden felt that Stipulations #2 and #3 need to be resolved before this application moves on. Mr. Mesquite asked if it could be a condition that the Commerce Way Agreements with the City be approved prior to the issuance of a building permit and that any plan of that roadway would have to come back to this Board so they could break that part out? Mr. Holden stated they have had this as a condition for almost two years that could have been done as part of the Planning Board. It hasn't happened so they are now going to have it happen here. Mr. Mesquite asked to confirm that there was a proposal with the City Attorney that was done a year ago? Mr. Holden did not believe that was accurate. Mr. Holden added that it was also because of all of the stories that they were holding jurisdiction of this. Before this application goes to the Planning Board, this condition will have to be addressed.

Mr. Desfosses asked the applicant what they had found out about lighting and curbing, subsequent to their last conversation. Mr. Mesquite stated that curbing is shown on the plan and regarding the lighting, they have poles on their site that are coming down the side going in both directions. Mr. Desfosses asked why would they do that when they have streetlights. Mr. Mesquite stated that the poles on the opposite side of the road are not architectural poles and the lights do not light the opposite side of the road. Mr. Desfosses stated that the issue of street lights was still under review.

Mr. Desfosses asked that in addition to conditions #2 and #3, Commerce Way will need to be re-paved at the same.

Mr. Cravens referred to the detail on Sheet C-8 where the fire hydrant shows an 8" gate valve and 8" lateral feed to the hydrant and that should be 6". Also, on the planting of native species they prefer to use the Xeriscaping method.

Mr. Holden stated this was not a condition yet but he wanted to understand for sure that this lot is the last of the original lots that was created when Commerce Way was proposed. He needs verification back on whether this is part of the original Commerce Way development for traffic calculations and he needs to determine how this relates to this.

Mr. Allen asked that the maintenance plan be included on the Site Plan and they will work with the applicant on the frequency of reporting to the City.

Mr. Holden requested approval of the Planning Department and City Attorney on all cross easements.

Mr. Britz referred to the drainage to the wetlands that is an existing outfall. He would like a condition having them take a photo log of the existing condition and when doing maintenance on the downstream defender, they should update the photos. Mr. Allen felt that was a good idea to have that report as part of the drainage report. Mr. Britz wants to make sure the erosion doesn't change. He would like to make sure the water quality doesn't get degraded. Mr. Mezquite stated that the pipe feeds other properties other than their site. Mr. Allen would just like to see the condition. Mr. Desfosses believed that when that area was built, that area became a detention pond for all of Commerce Way and that was specifically how it was set up and that's just how things were done back then.

Deputy Fire Chief Griswold asked for a knox box and a master box. He also addressed difficulties they are having with communications and they need to verify that communications are not effected inside their building. They should contact Gil Emery from the City Dispatch Office.

Ms. Finnigan asked that a Construction Management Plan be approved prior to construction and it will need to be signed by the Applicant and the City Manager.

Ms. Finnigan also requested that they appear before the Traffic & Safety Committee and their next meeting is on February 8th.

Mr. Desfosses made a motion to table to the February 27, 2007 TAC meeting. Ms. Finnigan seconded the motion.

The motion to table to the February 27, 2007 TAC meeting, with the following stipulations, passed unanimously

- 1.) That the applicant meet with the Legal Department and the Planning Department to complete a proposal for constructing the sidewalks along the length of Commerce Way in two phases, detailing how contributions or funds shall be set aside for this process;
- 2.) That the applicant shall also be responsible for re-paving Commerce Way in conjunction with Stipulation #1 above;
- 3.) That the meeting with the City also include any outstanding issues that may be brought to the City's attention, such as street ownership and the undergrounding of utilities;
- 4.) That the issue of street lights will remain under review of David Desfosses of DPW;

- 5.) That on Sheet C-8 where the fire hydrant shows an 8" gate valve and 8" lateral feed to the hydrant, should be changed to 6";
- 6.) That the Xeriscaping method shall be used for the planting of native species;
- 7.) That the Operation and Maintenance Plan be included on the Site Plans and the Applicant shall work with DPW to determine the frequency of future reporting to the City;
- 8.) That the Applicant shall make a photo log of the existing outfall and updated photos shall be incorporated as part of their Operation and Maintenance Plan to the City;
- 9.) That a Knox Box and Master Box shall be added to the Site Plans;
- 10) That the Applicant shall work with the City Dispatch Office to verify that the Police and Fire Departments can communicate with their base station;
- 11) That a Construction Management Plan shall be prepared by the Applicant for review and approval by the City Legal Department, Planning Department, City Traffic Engineer and City Manager;
- 12) That the proposed alignment of the driveways of this site and the hotel site across the street shall be reviewed by the Traffic & Safety Committee and a report shall be provided to the Committee;

DISCUSSION ON 215 COMMERCE WAY:

Mr. Holden stated they still need the access easements for both properties so that condition is still outstanding. Mr. Mezquite mentioned they are decreased in number but still need some.

Mr. Holden asked about the catch basins. Mr. Mezquite indicated that they all remain in the parking lot. Mr. Holden noted they still haven't prepared a separate plan showing this lot.

Mr. Holden indicated they still have the Commerce Way sidewalks condition.

Mr. Holden asked about the landscaping plan and the islands. Mr. Mezquite pointed out the areas they were talking about and he will come in and meet with Lucy to finalize that.

Mr. Mezquite was a little confused about the stipulation regarding sidewalks being ADA compliant. The new sidewalk along the face of the building is ADA compliant with handicapped ramps and stalls.

Mr. Mezquite confirmed that the stop sign and stop bar had been added to the second driveway on the supplemental plan that they provided today.

Mr. Holden reviewed the existing conditions and agreed that #1, #3, and #4 were still outstanding.

Ms. Tillman felt there might be some confusion regarding the two lots being on two separate plans. Mr. Holden confirmed that 215 and 235 Commerce Way need to be on separate plans and the title blocks need to reflect which property they are for.

Mr. Cravens made a motion to approve. Deputy Fire Chief Griswold seconded the motion.

Mr. Allen made a motion to table this application to the February 27, 2007 TAC meeting. Deputy Fire Chief Griswold seconded the motion.

Motion to table to the February 27, 2007 TAC meeting passed unanimously with the following stipulations:

- 1) That the applicant shall prepare Access Easements for both properties, to be approved for content and form by the City Attorney;
- 2) That all existing catch basins shall be reviewed and any that can be retrofitted with snorkel hoods shall be provided;
- 3) That the applicant shall meet with the Legal Department and the Planning Department to complete a proposal for constructing the sidewalks along the length of Commerce Way in two phases, detailing with how contributions or funds shall be set aside for this process;
- 4) That the applicant shall also be responsible for re-paving Commerce Way in conjunction with Stipulation #1 above;
- 5) That the Landscape Plan be reviewed and approved by Lucy Tillman of the Planning Department;

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

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant
Planning Department