

MINUTES OF MEETING  
SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

JULY 31, 2007

EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE

**MEMBERS PRESENT:** David Holden, Director, Planning Department, Chairman; David Allen, Deputy Director of Public Works, David Desfosses, Engineering Technician; Thomas Cravens, Engineering Technician; Debbie Finnigan, Traffic Engineer; Peter Britz, Environmental Planner; and Deputy Fire Chief Steven Griswold;

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

.....  
**I. OLD BUSINESS**

A. The application of **68 State Street, LLC, Owner**, for properly located at **68 State Street**, wherein Site Review approval is requested to construct a 7,370 ± s.f. 4/5 story mixed use condominium building, after demolition of the existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 105 as Lot 13 and lies within the Central Business B (CBB) District and the Historic District A;

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, was present, along with Attorney Paul McEachern and Jen Ramsey, from Somma Architects. The proposal was to construct a five story building. The 1<sup>st</sup> floor will be retail and the upper floors will be 11 residential units. They propose new brick sidewalk on the State Street side and also in the rear. There will be a paved entrance with pavers at the heated driveway entrance on the Court Street side of the project and landscaping and utilities. The Plan set included Sheet C-1 which shows the Existing Conditions and Demolition of the existing building on the site. Sheet C-2 is Layout and Landscaping with an open space calculation and he handed out a revised open space calculation which was based on an 18' wide driveway of 404 s.f. It also shows the parking layout from Court Street with interior parking on the 1<sup>st</sup> floor. There is an open courtyard on the 2<sup>nd</sup> floor above that parking which is not included in the open space calculation. They show landscaping, trees and shrubs on the Court Street side and also there is a parking calculation that is not yet completed. They are working with the Department but anticipate the 10 spaces will cover the parking need. Sheet C-3 is Utility and Grading and it shows inside the parking area a proposed trench grate which is similar to 16 Congress Street as well as 82 Congress Street. It does not connect to any stormwater sewer system but just evaporates. They also show the grading and show that there is an existing gutter line on Court Street which they are maintaining and from that gutter line, the driveway slopes up. They also have a detail sheet. Mr. Chagnon stated that summed up their presentation.

The Chair asked 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:**

Deputy Fire Chief Griswold noted that the first floor was primarily parking with two small retail spaces at the front of the building.

Mr. Desfosses asked if it was true that they are blocking off several windows of the Rosa's building?

Jennifer Ramsey, of Somma, stated two windows will be obstructed and the owners are agreeable to that. Mr. Holden asked if that will meet the building code? Mr. Ramsey stated the neighboring winders were in a bedroom so they are all set.

Mr. Cravens referred to the note at the top of utility sheet, about the water service to be reused as a fire service. He asked what size the line was coming in? Mr. Chagnon was not sure if he knew the size of the service. If not sufficient it will have to be upgraded. He will change the note on the drawing to be re-written. Mr. Cravens was concerned that if it is a 6" pipe coming in and it was put in around 1900, there is a good chance it is not cement lined and it could be just a 2" pipe on the inside. He highly recommends an entirely new water service from the street. Mr. Chagnon doubts the service is large enough. Mr. Desfosses looked at the service records and the water meter is 5/8" and that's not big enough. Mr. Chagnon agreed to a change to a new fire service to be sized. Mr. Cravens felt it might be better to move it one way or the other. Mr. Holden asked if they are replacing the fire service and the water service? Mr. Cravens confirmed there is a new water service in the back on Court and basically they are going to have a new water service for fire off Court. Mr. Holden asked if it was already stubbed for it on Court Street? Mr. Chagnon indicated that he called the department some time ago regarding utilities and was told that the utilities were installed exactly per the Court Street redevelopment plan and that is what he showed on the plan. He asked again to be certain and he understood, per the engineer at CMA, they are ready to do as-built. Mr. Desfosses indicated that he had a discussion just prior to today's meeting with the field engineer, they never came across the sewer service going out to Court Street so this project has no sewer service. They never found it during construction. However, Mr. Desfosses stated this information had to be verified. Mr. Chagnon indicated they could connect out to State Street. Mr. Desfosses also stated that per his supervisors, there was to be absolutely no excavation on Court Street whatsoever so all utilities being installed will be off of State Street. Mr. Holden asked about electrical? Mr. Chagnon stated that will be a pole mounted transformer which will go overhead and drop down. They will request a waiver from the Planning Board. They are doing what everyone else on the Street has done. Mr. Desfosses indicated there is a telephone pole in front of Rosa's they can come off of. If the Planning Board denies a waiver then they come in under the sidewalk in front of Rosa's. PSNH will have to verify that and if they deny a service off of State Street, Mr. Desfosses indicated that the City will work with them. Mr. Holden suggested seeing what PSNH thinks is best.

Mr. Holden asked Mr. Chagnon to review the prior comments from the July 3<sup>rd</sup> meeting:

1. That a Certificate of Appropriateness from the HDC for the revised plan is required prior to going forward with Site Review;

Jen Ramsey stated that they have been given HDC approval with a request for additional option on the garage doors. They will present options at the next HDC meeting. Mr. Holden confirmed that they have received approval on everything but the garage door.

Mr. Desfosses interjected an observation about the open space that was on the exhibit that was handed out at the meeting. The right side says "Area 19 s.f." but when he looked at the lot lines on the Site Plans, it says that the building has a 0 setback and the building face is on the property line. He asked if there was a lot line relocation that he didn't know about? Mr. Chagnon explained it was an error on their plan. Their plan initially brought it along the building line and subsequent to that it has been squared off. Their plan is not correctly showing that. They will revise their plan and Mr. Desfosses requested for clarity, for construction, if they would label setbacks off the existing buildings so that they can verify that the building is built correctly once the foundations are in. Mr. Chagnon stated they could do that and they will check it in the field. Ms. Tillman asked, as a follow up to that, if that area was counting towards their open space requirement? Mr. Chagnon confirmed it was. Ms. Tillman asked how it could be landscaped, which is a requirement of open space. Mr. Chagnon referred to the front by the sidewalk and the 19' will be grass. Ms. Ramsey confirmed the 19' is an extension of the fenced in area of 449 Court Street so that will be landscaped. Ms. Tillman asked for a detailed plan. Ms. Desfosses asked if they were trying to tell him that they were going to landscape a 2' wide area? Mr. Ramsey confirmed they will grass it. Mr. Desfosses asked if they would provide artificial light as no sunlight will ever see that space. Mr. Holden indicated they were just asking if they can say, with a straight face, that this is land that can be landscaped and is open space. Ms. Ramsey felt it was open space.

2. That BOA approval is required for the 16' accessway to the parking area and is required prior to going forward with Site Review;

Mr. Holden confirmed this has been done. Attorney McEachern met with City Attorney Bob Sullivan, Lucy Tillman and Mr. Holden and it was determined that this section does not apply.

3. That a recalculation of the open space should be noted on the Site Plans;

They will revise the plan to show the open space on the Site Plan.

4. That the water service connection must be a separate tap from the main for the fire service and the domestic service;

The plans need to be revised to show that the water is coming from Court and the fire is coming from State.

5. That as Court Street will be recently paved, if the applicant disrupts Court Street they will be responsible for paving the entire street from Atkinson Street to Marcy Street to City standards;

Mr. Desfosses indicated this can be removed and he will add a new comment at the end.

6. That a contribution towards repaving State Street shall be discussed due to the numerous patches in front of the three individual properties owned by the applicant;

That will remain.

7. That Court Street should show a tipped down area in hatched brick and the change in grading should be better delineated;

Mr. Chagnon stated that there is currently a tipdown at the edge of the sidewalk improvements which were done because there wasn't any anticipation of this project.

They will remove that tip down. They do not own the entire driveway. Mr. Desfosses felt it was up to the applicant but he felt it would look better if the granite was flush all the way around and just use the brick in the back to get the water out. Mr. Chagnon confirmed they will keep the granite flush with the asphalt all the way around. Mr. Chagnon suggested leaving the same condition.

8. For clarity, they should show the sidewalks that are being replaced on Court Street identically to what is on State Street and if they want to show the difference of where there are brick now and where there are bricks later, they should show hatching on Court Street in a faded back color for the bricks that are already there.

Mr. Desfosses confirmed this was done.

9. That the applicant should request a Pre-TAC meeting for the morning of July 31<sup>st</sup>, even if they have not completed BOA and HDC;

Mr. Holden confirmed this was done.

10. That a Construction Management and Mitigation Plan (CMMP) will be required;

This remains.

Ms. Finnigan asked how the drainage inside the parking lot will be handled? Mr. Chagnon stated there was no treatment because it is a closed system. The interior slopes to the drain and holds water until it evaporates. If there is a spill they will clean it up. It is not connected to any system. Mr. Cravens asked if the garage was heated? Mr. Desfosses confirmed it was and asked how the overall volume of the system was sized? It peaked his curiosity because he knows on 16 Congress Street the whole garage is below the sewer line so it made sense. This garage is street grade so he was curious why they would go with this system rather than attach to the sewer line. Mr. Chagnon felt if they were to connect that to the sewer they would have to do oil water separators and they preferred not to have it connected. This has been used on other projects.

Mr. Britz asked if there were any provisions to clean it out? Mr. Chagnon assumed in the course of maintenance they will clean it. Sand from snow will get in there and it will be pretty obvious when it needs maintenance. Mr. Holden assumed that if sand were to accumulate it would no longer function so he felt they should probably have a note on the plan that it will be maintained by the Home Owners Association.

Mr. Desfosses noted that open space has to be under the sky yet the front open space is under a gutter. Mr. Holden hoped they don't need that open space to conform. Mr. Holden felt that the open space for this plan is questionable but they are willing to proceed forward and Attorney McEachern and the City Legal and Planning Departments can figure out whether or not this is acceptable. Obviously this is a very close case and he did not feel that it meets the spirit or intent of the ordinance. Mr. Chagnon felt that looking from the sky they have another 1,000 feet of open space. Mr. Holden interjected that most projects are not designed to meet the open space requirement by 10 feet and especially when it is segregated all over the lot. They will have a meeting later with Legal to better define the definition of open space. Mr. Holden felt that the meaning of open space is landscape-able and open to the sky and he's not so sure this meets that.

Mr. Desfosses made a motion to postpone so that these issues can be worked out. Ms. Finnigan seconded the motion.

Mr. Desfosses referred to Sheet C-1. All notes relating to Court Street being under construction should be removed as Court Street is completed.

Mr. Desfosses indicated that the sewer service shown coming out of the existing building needs to be verified and shown on this sheet. Mr. Desfosses repeated that he called the project engineer and he looked in his field notes and he has no recollection of hooking up sewer off Court Street. That needs to be confirmed one way or the other. Mr. Chagnon felt the as-builts would show that. Mr. Desfosses confirmed they are still working on those.

Mr. Desfosses stated they need resolution on the electric, telephone and cable services. They should arrange a meeting. Mr. Chagnon asked if they wanted to meet with PSNH to discuss the option of dropping down the pole at State and Atkinson, going underneath the sidewalk all the way to the pole. Mr. Desfosses stated there was a pole in front of Rosa Restaurant. Mr. Chagnon agreed they should meet on the site and look at the options. He stated he would be glad to set up that meeting.

Mr. Desfosses stated that now that Court Street is completed there shall be absolutely no excavation of Court Street until a time uncertain. Mr. Chagnon asked that that date be determined sometime in the near future. Mr. Holden felt that seemed fair.

Mr. Desfosses asked about fire flow tests and having the fire service sized. Mr. Cravens indicated that the note for the water service should say that the fire service shall be sized and a new fire service will come in from the Main Street. Also, on the domestic service they will need information for capacity use surcharge flow in gallons per day, gallons per minute and peak flow and at what times.

Mr. Desfosses felt that once they have a meeting with PSNH and they know the full extent of utility cuts they will determine what needs to be repaved and re-sidewalked. Mr. Holden felt they could do that at the meeting with PSNH? Mr. Desfosses felt that they needed to know what was going on before knowing what has be restored.

Mr. Desfosses' final comment was that they need a letter from one of the utilities saying that the gas service is adequate. That will come from State Street.

Mr. Holden assumed that Attorney McEachern would like to meet with them and they will do the open space prior to.

Mr. Holden suggested that this be postponed to the September 4<sup>th</sup> TAC meeting. He also suggests a Pre-TAC to make sure they are addressed.

Mr. Holden confirmed that from the Department's letter dated July 5<sup>th</sup>, comments 1, 2, 8, and 9 are done. That leaves comments 3, 6, 7, and 10 outstanding. Comment 5 is being replaced by a new restriction on having Court Street dug up. Mr. Holden felt that part of the problem is that the City had a major project which is now completed and the applicant submitted an application in the middle of that project. They had a prior approval and now they need to address outstanding issues before they can get this done.

The motion to postpone to the September 4<sup>th</sup> TAC meeting passed unanimously with the following stipulations:

.

**Comments from the July 3, 2007 Technical Advisory Committee Meeting:**

- 1. That a recalculation of the open space should be noted on the Site Plans;
- 2. That a contribution towards repaving State Street shall be discussed due to the numerous patches in front of the three individual properties owned by the applicant;
- 3. That Court Street should show a tipped down area in hatched brick and the change in grading should be better delineated;
- 4. That a Construction Management and Mitigation Plan (CMMP) will be required;

**Comments from the July 31, 2007 Technical Advisory Committee Meeting:**

- 5. That the Site Plan shall be revised to show the correct placement of the building and that the setbacks off of the existing buildings shall be labeled;
- 6. That a note shall be added to the Site Plans stating that the Homeowners Association shall be responsible for the maintenance of the interior garage drain;
- 7. That a meeting shall be held with the City’s Legal Department, Planning Department and Applicant’s Legal counsel to determine whether the open space for this plan meets the spirit and intent of the Zoning Ordinance;
- 8. That all notes on the plan stating that Court Street is under construction should be removed;
- 9. That the sewer service shown coming out of the existing building needs to be verified and shown on the Site Plans;
- 10. That a meeting shall be arranged by the Applicant to meet with PSNH;
- 11. That subsequent to the meeting with PSNH, the City will determine what needs to be repaved and re-sidewalked;
- 12. That absolutely no excavation shall be allowed on Court Street until a time uncertain;
- 13. That a note shall be added to the Site Plans stating that the fire service shall be sized and a new fire service will come in from State Street;
- 14. That information for capacity use surcharge flow in gallons per day, gallons per minute and peak flow and at what times shall be provided to the City for domestic water service;
- 15. That a letter be provided from the utility company confirming that the gas service is adequate;

Mr. Chagnon asked regarding the electric service coming in on Court Street, they would need a waiver on the underground. Mr. Holden indicated that the meeting will help define what is the preferred route. It is more to have everyone exposed to the same information at once.

.....

**II. NEW BUSINESS**

B. The application of **The Hill Unit Owners Association, Owners**, for property located **off Deer Street, commonly known as “The Hill”**, wherein Site Review approval is requested to add a loading area to be used in common with abutting property owned by Parade Office, LLC, and to add 16 on site parking spaces, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 26 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District A;

The Chair read the notice into the record.

Mr. Holden indicated that the Applicant has requested that this be postponed.

Ms. Finnigan made a motion to postpone. Mr. Desfosses seconded the motion.

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

.....

**III. ADJOURNMENT** was had at approximately 2:40 pm.

.....

Respectfully submitted,

Jane M. Shouse  
Administrative Assistant  
Planning Department