

**PORTSMOUTH
TRAFFIC & SAFETY COMMITTEE MEETING
8:00 a.m. – Thursday, April 26 2007
City Hall – Eileen Dondero Foley Council Chambers**

I. CALL TO ORDER:

Steve Parkinson, Vice Chairman called the meeting to order at approximately 8:10a.m.

II. ROLL CALL: Members Present:

Councilor Ken Smith, Chairman	Ted Gray, Member
Steve Parkinson, P.E. Public Works Director	John Connors, Member
Deputy Police Chief Len DiSesa	John Howe, Member
Asst. Fire Chief Steve Achilles	Deborah Finnigan, P.E., Traffic Engineer

III. ACCEPTANCE OF THE MINUTES:

IT WAS VOTED on a Motion made by Ted Gray to accept the minutes of the April 12, 2007 meeting. Seconded by John Connors. Motion passed.

IV. NEW BUSINESS:

(A) **South Street** – Request for Signage and Crosswalk at Playground – (Resident letter attached with signatures) – Carol Shore of 91 South St., both she and her husband would like to see the traffic slowing down, supports keeping the existing crosswalk and suggested if an additional crosswalk is put in, place it in front of 77 South St. which is directly across from the far corner of the Park, signage placed far enough in advance indicating children are playing and crossing, Provided the Committee information on crosswalk effectiveness.

Hilary Oneil 97 South St. has two children 8 and 5, whose issue is to have better visibility of crosswalks and something that would slow traffic when entering this area running from corner of So. School and South Sts. over to Johnson Court and South St. children are skateboarding down Johnson Court. This area is of most concern and to try to have the cars stop when children are in the crosswalk. She proposed to have the second crosswalk in front of 77 South St. and place signage “pedestrian crossing”. There are more than 21 children using this park.

Guthrie Swartz 33 Johnson Court spoke on behalf of the neighborhood children. Feels this park is an accident waiting to happen and feels appropriate signage and crosswalks would help.

John Connors referred to the on-site and saw a problem with the crosswalk at South School onto South. It was the consensus of the Committee that it would be a better idea to move the crosswalk west of Johnson Court at the opening in the playground on the far corner, more of a half way point between the rise at the intersection farther down towards Marcy. Did not see a need for two crosswalks. We want to try to keep the children from using the crosswalk by South School because of the visibility problem. Also better signage at both ends.

Mrs. Shore would prefer the crosswalk to be in front of 77 South St. and not at her home at 91 South St., like it on the other side.

MOTION made by Ken Smith to place the crosswalk to the westerly side so it comes up to 91 South St. Seconded by Ted Gray.

Amendment to the Motion, remove existing crosswalk, place a new crosswalk across from Johnson Court and have the City's Traffic Engineer come up with a layout for the appropriate signage for the crosswalk at the playground with a report back next month. Agreed to by Ted Gray. Motion passed with Amendment.

Ken Smith explained what the Committee is trying to make sure it's a safety issue coming out all the way, not having the children to continue straight, it makes sense to put the crosswalk where it actually will be utilized. You'll be getting a safer crosswalk for the kids and we will remove the one at the turn that is unsafe.

Ted Gray suggested putting a sign "Motorists yield to pedestrians in crosswalk"? Debbie Finnigan responded it depends whether you want to sign it for the park or the crosswalk.

Steve Parkinson asked what kind of signage is appropriate for a crosswalk as well as a playground?

Debbie Finnigan responded paint "Yield to Pedestrians".

Asst. Fire Chief Achilles asked if one could be put one for the season showing the crosswalk is there.

An advance sign as well as the pedestrian crossing sign at the crosswalk itself

Debbie Finnigan would like the opportunity to research more signage and see if there is anything else more appropriate and come back with a proposal as to sign location and language.

Amendment to the Motion is Debbie Finnigan will research more signage to see if there is anything else more appropriate and come back next month with a proposal for sign location and language. Motion passed with Amendment.

Steve Parkinson turned the meeting over to the Chair Ken Smith.

- (B) **Court Street - Parking Lot Next to Fire Station** (letter dated February 20, 2007 and accident data from Police Department attached) – Deputy Chief DiSesa reported this area of the parking lot had no accidents. When this first came in Deputy Chief DiSesa misinterpreted thinking the area the area looked at was the exit of the parking lot next to the fire station on Court St. and researched that intersection and there were two accidents in the last six years at this intersection, neither one was a result of the parking lot.

MOTION made by Steve Parkinson to place this letter on file. Seconded by Ted Gray. Motion passed.

- (C) **Middle Street** - Request for right turn on red – Debbie Finnigan received a request to remove the "right turn on red" signs at Middle and Miller. In particular the one at Middle St. coming inbound towards town and then Middle St. coming from Miller at Middle. After looking at this location, the one at Middle St. need to stay because of the site distance is not adequate. The one on Middle St. next to the parking lot actually has adequate site distance. We can leave it as it is until construction of intersection next year or remove this one sign.

MOTION made by Steve Parkinson to accept this letter and place on file. Seconded by Ted Gray. Motion passed.

Steve Parkinson explained that this intersection has been redesigned and waiting for funding and at this time is not comfortable removing any of “right on reds” because of the current configuration of the intersection.

- (D) **Chauncey Street** – (email attached) – Debbie Finnigan received an e-mail from City staff concerning issue of people parking on both sides of the street and City trucks having trouble traversing in the area and requested this Committee to look at removing parking on one side of the street.

MOTION made by Steve Parkinson to post appropriate “no parking here to corner” sign on Chauncey Street at intersection of Union. Seconded by John Connors. Motion passed.

- (E) **Middle Road – Truck Traffic – Request for Signage** – (Resident letter attached) – Debbie Finnigan stated there is no signage to guide people on Rte.33 from intersection coming off 3 North to get them to the truck stop. This request needs to be forwarded to the State Traffic Dept. as we cannot put up signs and will ask that they look at this.

MOTION made by Ted Gray to refer this to the appropriate state agency for action. Seconded by Asst Fire Chief Achilles. Motion passed.

III. OLD BUSINESS:

- (A) **Westin Conference Center/Parking Facility** - Traffic Impact & Access Study – Attorney Malcolm McNeil representing the applicant. A site walk of this property was taken, further information regarding traffic impacts in the sense of parking spaces being modified and other issues raised by Debbie Finnigan which will be addressed this morning. Their goal regarding further processing of this application is we are scheduled for TAC as well as the Planning Board meeting for May 17th and hopeful of receiving your favorable recommendation regarding traffic. The roadway modifications included in this design have a history both in terms of design emanating from the Walker Plan that has been included both in the Memorandum Of Understanding (MOU) and the Joint Development Agreement executed and voted for by the City Council. A brief history of how we have reached this point, is a brief collaboration exercise between the City and consultants. We are responsive to concerns that have been raised, by the same token the plans that have been utilized here represent constructive and active thinking on part of the City and applicant.

Mr. Giles Hamm presented the Committee a handout summarizing the existing on-street parking in the areas and also illustrate the removal of on-street parking as required and necessitated by the Walker Plan. Existing parking spaces on Russell/Deer Sts is 69, 47 on Deer St. and 22 on Russell St. As a result of this Plan 46 parking spaces will be removed to accommodate the traffic. After looking at Deer St. again there is no room to add additional spaces.

Doug McDonald, Attorney represents the resident at 62 Deer St. Feels it is important that this Committee consider the litigation before moving forward as the litigation has to do with a proposed driveway to be located at 62 Deer St. This driveway was requested in 2004, the City denied the request, the decision was appealed to Superior Court, heard in January 2007 and decision was in favor

of his client and directed the City to allow the driveway. The City in turn appealed this to the Supreme Court and the Court will hear this case. Attorney McDonald believes it is premature and inappropriate to approve a plan that, if constructed, will adversely effect his client's right and will make locating a driveway at 62 Deer St. impossible and his right for a driveway will be eliminated forever. Feels this is an important consideration with respect to the reconfiguration proposal and hopes that this Committee consider it as such. Attorney McNeil represents the City's position.

Attorney McDonald's firm represents 976 Realty Trust and has before the Technical Advisory Committee (TAC) which has concerns with respect to the proposed plan, the basis of the proposal which is the 2005 traffic study report. The report is outdated and doesn't consider new developments that are going to occur around the site such as the Parade Mall and Herald Building which will further complicate traffic in this area. These projects are not considered in the 2005 traffic study. Another concern the parties share is the parking situation. 46 spaces in and around this area will be eliminated. 35 spaces on Deer St. south of Russell St. intersection, 8 spaces north and 11 on Russell St. for a total of 54 spaces represented, however, as 46 and that may be true. There is concern that the proposal based on the 2 year old report is insufficient for purposes of basing considerations.

City Attorney Bob Sullivan commented that the facts outlined by Attorney McDonald are adequate, the status of the case. As of today it is likely or possible that there will be a single car driveway located as shown. Feels this factor as well as everything relating to traffic and parking is something this Committee and Planning Board need to consider. Attorney Sullivan suggested delaying the construction of the 1000 seat conference center, a 700 car parking garage, a 200 room hotel for a single parking space in a project lot may be an extreme example of the tail wagging the dog. Feels frankly that the Superior Court has ordered that that parking space go in and we have not yet overturned it on appeal and will diligently attempt to do so, thinks an intelligent way for the Committee and the Planning Board to approach the situation is to operate as though that parking space was in place, if this suggests to you some changes in the parking or traffic plan, then you should make those changes otherwise leave them as they are. Urges the Committee to rely on both Debbie Finnigan and Steve Parkinson who are involved in the law suit, know more than he does

Carol Johnson 401 the Hill her residence as well as her office and asked if the parking from Russell to Market St. is going to be maintained on Deer St. The Chair responded not at this time. They are proposing at this time is to remove the spaces down to High on both sides of Deer St. Ms. Johnson stated this will be a severe impact to herself and a number of the members of the Hill. Their businesses are not ones where people go into the parking garage, park, go down the street, come in to see us and then leave. They have been there a number of years, their parking investment in the area is they have the ability and accessibility of people being able to park and come in and out. This project would take 4 or 5 spaces directly in front of her building and 2 or 3 directly across which is where a major portion of the people coming in and out of our building utilize on a regular basis. Whatever this Committee can do to relook at this, perhaps make Deer St. one-way from Russell. Preservation of parking is essential to us, not only now but going forward with development of

Parade Mall, etc. there will be more impact. What makes Portsmouth Portsmouth is the ability of people being able to come and go and conduct business without having to go into big parking garages. As the Hill is developing in working with the Parade Mall in making the walkway around our buildings more inviting and friendly to pedestrians and help move pedestrian traffic from the Westin through our property to the Hilton and downtown are working together to try and make the walkway between the Hill and Parade Mall larger, more inviting and any crosswalk coming across and hooking into that would be something they would support. Want to be put on record they are looking to try to direct traffic through their property along that boundary and would support the crosswalk.

Giles Hamm commented that the traffic study was updated, it is not 2 years old. In terms of other developments, the Parade Mall development needs to stand on its own and conduct their own study. The 42 parking spaces on street are a result of the Walker Plan development with the City on the table for quite a while. While there is a loss of 42 on street spaces there is a public parking garage with 332 spaces. Every effort was made to see if on-street parking could be added, there just is no room to do that. Construction vehicles will be parking off site.

Debbie Finnigan asked, for further explanation to the Committee, what is typically the engineering standard of including projects within a study. Mr. Hamm responded standard is when we call the City and say what developments are before boards, we look at sites or past projects that were approved, this is the standard in all states.

Malcolm McNeil commented that Ocean Properties will look for every fish it can find including red herrings to try and stop this project. 976 has been found it had no standing to challenge land use matters relating to this project. Regarding comments on Mr. Pru who is not here nor is his attorney, that matter is a completely separate litigation. Regarding the update of traffic study, the study has been very closely reviewed by your people, the only comment made by Ocean Properties is the review is old. As has been stated here today, the study is up to date. This project is well before you in terms of various stages of completion, other projects coming to Portsmouth in other parts of the City need to be dealt on their merit. We need to be able to go forward with our project based on reliable information that is before you now. When the next project comes along they will have to look at this project. At this stage we believe what is being proposed is consistent with reasonable planning and consistent with recommendations of your consultants.

Karen Logan owner of a business on the Hill for 13 years. As a business and property owner in Portsmouth encourages the Committee to be very mindful of the balance between residential, commercial and big development, seems like it is all about big development right now. She is in support of the Conference Center and growth of Portsmouth, but seems like on-street parking which is so valuable to both residents and small businesses is a concern as it is being taken away so quickly. Requests that the balance between small businesses and big businesses be kept.

Attorney McDonald followed up briefly stating he believes it is this Committee's responsibility to look at traffic & safety issues as a whole. Understands the 2005

study had projections through 2008-09. His position is that it is this Committee's responsibility to look at things in view of how the City will look and perhaps other projects have come along and should be incorporated into the plan for downtown. The proposal with respect to parking and streetscape is inadequate and is this Committee's responsibility to look at this. Disagrees with Attorney McNeil's comments on Ocean Properties, believes they have every right to come in and comment on this, believes their comments are important and issues are well taken and should be considered by this Committee.

Justin has two small businesses on Deer and High St. and a taxpayer, stated while this project is large and that the City wants this convention center and as a member of the Hill, have no major problem with this proposal, there are many many small businesses that would be enormously adversely effected if you were to remove all the parking on lower Deer St. Small businesses make up the backbone of the economy of this City and would be a real shame to accommodate what is convenient for the developer and would ask this Committee to go very slowly and take into consideration what is good for the entire community, the entire employment picture, not just this one development. Yes, there will be a garage that will address some of the parking needs but there is absolutely no alternative that is satisfactory as far as on street parking for purchasing an item at a retail shop, dropping off something to an insurance agent, etc. these businesses will suffer greatly and asks this Committee to remember that this one proposal is not the only consideration here, need to take a look at everything and make sure there is a balance approach. There are ways to incorporate in this design a way to save the parking on lower Deer St. and encourages to make this a paramount concern.

The Chair commented the public is always welcome to speak at the Planning Board, and will have another chance with the Planning Board when they get to site review, this is not the only place to get a chance to speak.

MOTION made for discussion purposes by Steve Parkinson to approve the plan as submitted with stipulations. Seconded by John Connors.

Deputy Chief DiSesa stated he is on the Parking Committee and this was discussed at the last meeting and would like to address the four parking spaces that have been eliminated at the northeast and southeast corner of Russell and Deer Sts. With the new reconfiguration a crosswalk will probably eliminate the southeast space, but has a real problem with eliminating the other spaces on both sides of the street. The feeling is that the width of the road does not change as you go further into Market and traffic will have to adhere to the width of the road with parked cars as you head to Market with the spaces you have left. It is a real problem eliminating those other parking spots, the ones that the business owners have addressed and believe he represents the Parking Committee's feelings as well.

The Chair stated it has not formally been before the Parking Committee as yet, just a discussion. To eliminate these spaces will formerly have to go before the Parking Committee.

Debbie Finnigan stated she understood why you wanted these parking spaces eliminated, but from an engineering standpoint why some need to be eliminated. By statute you need at least 20 ft. on either side of crosswalks and will eliminate

another spot on both sides of the street for safety reasons so that people can be seen while waiting to cross. On the far side of the intersection away from crosswalk there is a left turn pocket and through lane, in order to get the through lane to match back up on the other side of street, there needs to be the opportunity to get them safely across by angling in which is why the elimination of the other spots are there. The problem you want to avoid is similar if driving down Deer and cross over Maplewood, there is a bad jog you need to do now in order to avoid those parking spaces, is what you need to do here to avoid having an accident there. On the other side there probably are spaces that can be salvaged.

Because of engineering reasons why this plan is the way it is shown. Doesn't mean we can't look at something else.

The Chair stated that the Walker plan never had a chance to be reviewed and looked at and we now have the chance to. The Chair stated he is adamantly opposed to any parking spaces lost from Russell down to Market. The other spaces we are looking at are very low utilized. With the reconfiguration of the parking garage, etc. absolutely it is understood those have to go just the way the project is. A lot of the spaces along Russell St. are utilized by the hotel. However, the businesses along the Hill as well as the shops along Deer St., those few spaces are well utilized. The Walker Plan never had a chance to get scrutinized and are now scrutinizing it and will create a hardship for the businesses along there. Would like to do at this point is break the plan into parts Before discussing this the Chair asked the Committee is there any other area that you'd like discussed especially being mindful of the exit coming from the access road behind the hotel onto Maplewood and the exit coming out from underneath the other part of the garage and are you satisfied with what there idea of having the double gate, etc. They both stay down if a train is coming.

Debbie Finnigan asked if the truck turns and movements throughout the area were done for us to see.

Giles Hamm responded there is a truck template that was prepared.

Debbie Finnigan asked if he had looked at removing the left turn pockets east of the intersection completely and seeing how this impacts traffic at intersection of Maplewood.

Mr. Hamm responded left turn from Deer to Russell is over 300 vehicles per hour.

Debbie Finnigan stated the way to show why that is needed is to eliminate it and determine how long the cue will be up that street and impacts Middle and Deer.

The statement now is should we eliminate that left turn onto Russell and in order to make this determination people need this information to make an informed decision.

Mr. Hamm responded that he did not have that information.

Ted Gray referred to a question about trucks coming from Russell entering behind the proposed hotel and will the entire trailer be off the road while the driver is waiting to go in?

The Chair responded at the last meeting when he asked that question the answer was the tractor trailer would be able to get on the access road so it if off Russell St. push a button so the camera can say ok come in.

Mr. Hamm responded it will be completely off Russell St.

John Connors agreed with Deputy Chief DiSesa and the Chair regarding the width of the road. Has a hard time with elimination of 8 spaces for the crosswalk and we should look into what we can do to protect the spaces that are there.

Steve Parkinson referred to the parking summary plan submitted by Mr. Hamm referring to the northerly side of Deer St. easterly of Russell sees two spaces remaining on the bigger plan and one space remaining on the smaller plan. There is a discrepancy. Also questioned the space on the opposite side of the street if that is a space as well.

Mr. Hamm responded one space and stated they are trying to save every space they can.

Dennis Moulton responded it was one of the coordination issues from the first go around with the plan, there were a number of items that were coordination items, one of those items when the traffic engineer reviewed our alignment for that transition we bring that back one more space in terms of safety. There is a revision of the plans.

The Chair stated for the record he is a business owner at 33 Deer St. This is an advisory board back to the City Council and asked if no one had a problem with him sitting there, he would remain.

Asst. Fire Chief Achilles stated we are a Traffic & Safety Committee looking at the merits of how well this is laid out and focus on traffic & safety. Looks at this and say is this plan as presented safe and does it make traffic flow, does it make sure, from emergency vehicles perspective, does it cue a lot of traffic with access and egress issues, do we back up other intersections? Lining up at intersections makes sense as it is a safer intersection. When you sharpen an intersection crosswalks need sight distances, don't want cars running into other cars so as it stands agrees with Russell St. squaring up to Deer St. and agrees people will come into the site from Maplewood and take left turn and would not want to see cue traffic trying to take a left on Russell trying to take a left onto Russell trying to get into the garage and also cuing back to intersection for access and egress into the City which is Maplewood, don't want to see cue traffic here. We are a Traffic & Safety Committee looking at is this safe and does it flow as presented.

Deputy Chief DiSesa agrees with Asst. Chief Achilles. If eliminating those spots is the only way to ensure safety of traffic movement, is something he wants to clarify before going back to the Parking Committee and vote. Please clarify the turn signal issue. 300 cars turning left is a huge volume to eliminate the left turn lane but not a huge enough volume to insert traffic signal?

Giles Hamm responded that is true.

Ted Gray stated this Committee has the responsibility among other things to take care of what goes on within the City taking the entire City, its residents and businesses into consideration. Feels we need some sort of a compromise between the ability of vehicles to maneuver and also for people to be able to park on street and utilize the businesses in any area of the City. Would like to see the left turn lane from Deer onto Russell eliminated. The same situation occurs now at the Sheraton Hotel, has since it opened, never been a problem with queuing or problem making a left turn lane into its parking lot to my knowledge. Would like

to see the eight spaces on lower Deer St. retained, 7 or 6 whatever we can do for the reasons that we have heard this morning. These people depend on those spaces who work there for a living. Realize you are trying to do something for the hotel people but we have the entire City to consider.

Steve Parkinson commented on Attorney McDonald's comments on the age of the traffic study. This is not untypical of a project of this size that takes a number of years to get through the process, it is a work in progress and have no issues with the traffic study that has been submitted and the work that has been done to date. Most important aspects of that what are the current conditions or the build year conditions and out year conditions and what is going to happen to our roadway system and this information is there. Does not agree that the traffic study is not what it should be. Agrees with Deputy Chief Achilles that this is the Traffic and Safety Committee and we need to focus on is the traffic safety aspects of this and not so much on the elimination of spaces and we are talking about 8 of the 46 and thinks there are things that can be tweaked, but more under the prevue of the Parking Committee and maybe ultimately the City Council. This Committee and the Parking Committee are advisory to the Council. As far as how many spaces are eliminated, which spaces eliminated needs to be left to the Parking Committee. The proposals made for left turn pockets, signalized intersection at Market St., various aspects from a traffic standpoint meets what the conditions are and are going to be in the future. Does not like the thought of eliminating these parking spaces, there may be a couple of things through site review or TAC process and Parking Committee that can be looked at. One thing in looking at the mid block between Russell and Market is a fire hydrant. Are we better off locating that hydrant creating two additional spaces there and eliminating and putting the hydrant up where we need to eliminate spaces, is this a possibility? There is another hydrant on Russell St. that is taking up two spaces, we are eliminating parking on the other side, should we relocate the hydrant to the other side of the street, thus allowing more 2-hour parking. The majority of the 4-hour parking spaces are not used. Our Parking Enforcement Officers have been monitoring them, the 2-hour meters are used all the time. A recommendation to the Parking Committee is to look at these options and what can be done to preserve 2-hour spaces in the vicinity of High and Deer Sts. These issues need to go to Parking and TAC.

John Howe stated he has not heard a response to the suggestion of making a section of Deer St. one-way and wondered if this is being considered?

Debbie Finnigan responded it has not been considered to date and no analysis has been done to determine what this would do and would be up to the Committee whether or not you would like this looked at.

Steve Parkinson stated any time you introduce a one-way street it increases travel distances and congestion onto other streets and intersections.

The Chair stated that although he agrees that the decisions made here are for traffic safety and parking should be taken up with Parking. The decision made by this Committee on how left hand turn lane is done completely has relevance to how spaces are taken care of. Yes, we look at this again at the Parking Committee but keep in mind the decision made here will affect that. There is a

motion on the table to approve as presented and have not heard another motion to amend that to do away with left hand turn and try to save those spaces.

Ted Gray made the amendment to the Motion that the left hand lane from Deer to Russell be eliminated and as many of the eight (8) spaces in question on lower Deer St. be saved. Steve Parkinson as maker of the Motion cannot accept that.

Asst. Chief Achilles stated he liked the idea and the Fire Department be supportive of the fire hydrant moving if this comes up at other boards and the consideration for this Committee is that it would add net parking spaces that we lost and sure they can be located a safe distance to still provide the appropriate fire protection and gain a couple more spaces or net spaces that we have lost. The Fire Dept. would be supportive of gaining those spots.

The Chair asked if it was looked at to be able to do a curb cut or push the spaces in along Deer St. where there is now a grass strip so that we could maintain the width and be able to maintain those spaces?

Giles Hamm responded it would just be too tight, the standard sidewalk is 5ft minimum.

Steve Parkinson stated the only problem is down the front of those buildings you have steps that take up a good portion of that area, such that you'd have steps within the 5 of 6 ft that you would want for the sidewalk.

Debbie Finnigan has concerns about trying to keep all those spaces. If you keep the crosswalk, two spaces are going to be eliminated just due to that. Feels this is a safer side of the intersection based on this plan and not doing any elimination of any lanes, talking about what has been presented. If somebody trying to cross the street on that side coming from the hotel crossing over to what is going to be the Parade Mall and someone sitting in the left turn lane and standing in front of that car and someone goes through on that through lane, may not see that person crossing the street and this to me is a safety concern. Based on the proposed plan the proposed sidewalk is on the safer side of the intersection. You need a minimum of 20 ft. from the crosswalk.

Steve Parkinson stated this Plan has to go to the Parking Committee and TAC and ultimately to the Planning Board.

The Chair asked for a roll call. John Howe, Fire Chief Achilles, John Connors, Deputy Chief DiSesa, Steve Parkinson approved. Ted Gray and Ken Smith opposed. Motion passed.

The Committee took a 5 minute break.

- (B) Woodbury Ave/Durgin Lane** – Christmas Tree Shop/Bed, Bath & Beyond – Attorney Malcolm McNeil representing Christmas Tree Shop/Bed Bath & Beyond stated that at the last meeting the issue was what off-sight improvements are required by this project, what will the cost be and who will pay for those costs and under what circumstances should there be an acceptance of concept of the off-site improvements as driven by this particular applicant as related to generalized plans of improvements along Woodbury Ave. That has resulted in

various discussions with City officials primarily Steve Parkinson to come up with an agreement that has been used on other projects in the City. This agreement would provide monetary payment by the applicant as opposed to the applicant performing the work. The City would accomplish the improvements that are reasonably related to the project. This agreement would provide some discretion to the City in terms of where to spend its funds. As a result, the applicant made the monetary proposal to the City which related to improvements it felt it had a responsibility for. The response from the City suggested that the amount of money being proposed was short. In discussion with the applicant yesterday after receiving the City's final proposal, the applicant has agreed to the City's proposal. Attorney McNeil understands that the City proposes to make significant improvements along Woodbury Ave. of which some of the areas previously discussed relate to this project and will be a part of the work. These improvements are likely to occur in the spring of 2008. They request that in exchange for the \$250,000 payment the applicant is making that:

1. Regardless of when the City completes the improvements there will not be a delay in issuance of the building permit or CO. They wish to have the funds actually spent in the market area they all recognize as affected by this project. What Atty. McNeil has done to try and assist that, and can be subject to further discussion with the City, is to indicate the areas that have been generally recognized as some improvements needed to be made.
2. Controllers, cabinet units.
3. Preemption devices for Fire Dept.
4. Proposing some off-site directional signs that are clearly more priority to Christmas Tree Shops than to the City but are matters of discussions that assisted in getting them to a number in this case.
5. They have proposed, based on Deputy Chief's comments, improvements on Durgin Lane what they feel are appropriate.
6. The Public Works recommended a pavement overly from the site to Gosling Road, in their view they are not convinced it is necessary.
7. The right turn lane on Woodbury Ave. into Durgin Lane, it is their understanding that the City is more likely than not to do a more extensive right turn lane that the applicant would be able to do.

What Atty. McNeil is basically asking for is approval of the plan, subject to the applicant making the \$250,000 payment at a time to be determined by Planning Dept. either at the time of building permit or something relating to this time period, and the City define more fully the areas of improvement just so that he can say to his clients this is in fact going to result in a benefit to the project.

Steve Parkinson stated the improvements the City is looking at include signage and off-site directional signage to get people to this area in the most convenient manner. There is a whole list of projects, the right turn lane being one of them, we are looking at with the developer and have had negotiations back and forth on what we felt was a fair contribution from them and have settled on this amount of contribution.

MOTION made by Steve Parkinson to approve the project as submitted with the stipulation that the developer and the City successfully work out an agreement for their contribution for traffic impacts off-site. Seconded by Ted Gray.
Motion passed.

The Chair referred to truck traffic on Woodbury Ave. and signage on Rte.95 and were they thinking of directional signage along Rte.16?

Steve Parkinson responded that there has been contact with the State DOT dealing with signage issues not only on the Spaulding but also on the By-pass and they are getting back to us on what they can do more to effectively sign the Spaulding, 95 and By-pass to keep trucks and tourists going to these please and direct them to exit 1 or exit for Brady Drive.

Atty. McNeil stated they will stay in contact with the City and assist when they can as it is important to them.

Steve Parkinson stated these signs are not specific to Christmas Tree Shop or Bed Bath & Beyond, they are malls, shopping center type directional signs.

IV. ADJOURNMENT

Respectfully submitted

Elaine E. Boucas, Recording Secretary