

MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

JULY 1, 2008

**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, Deborah Finnigan, Traffic Engineer; Thomas Cravens, Engineering Technician; Peter Britz, Environmental Planner; Steve Griswold, Deputy Fire Chief and Len DiSesa, Deputy Police Chief

ALSO PRESENT: n/a

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I. OLD BUSINESS

A. The application of **150 Greenleaf Avenue Realty Trust, James G. Boyle, Trustee, owner**, for property located at **150 Greenleaf Avenue**, wherein Site Review approval is requested to revise parking and drainage and add a new parking area and a drainage treatment area, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. (This application was postponed at the June 3, 2008 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

Ms. Finigan made a motion to take the application off of the table. Deputy Police Chief DiSesa seconded the motion. The motion to take the application off of the table passed unanimously.

SPEAKING TO THE APPLICATION:

John Kuzinevich, Attorney for Portsmouth Toyota, presented to the Committee. He indicated that since the last time they met they have submitted a revised traffic study that addresses all traffic issues and shows a decrease in traffic flows on week days and weekends. In response to lighting issues, they have come up with recommendations to address the Committee's concerns. They just received Site Plan Sheets A & B which were being handed out at today's meeting. They have, in the area of the front row of lighting, they originally designed it with 750 watt lights and they now have two 750 and one 400 watt light and they are proposing to wire them separately so that the 750 watt lights can be turned off during nighttime usage. In their original submission they had three 750 watt lights. The average value of the lighting is now down to 6.52 which far closer to normal parking lot lighting than what they had originally asked for.

Mr. Holden confirmed that they were able to print the documents so they have them in front of them. He asked if the two lighting plans could be displayed for the public. Attorney Kuzinevich stated that the night time plan shows the average lighting going way down to a 4.69. They started with light values in the 15's and have tried to address the Committee's concerns by severely cutting back. They have proposed a no later than midnight shut off of the two 750's but they are concerned about enforcement procedures. If the Board thought that was too late they might consider 11:00 pm. They don't want a hard and fast time as they sometimes have customers coming in for a late delivery and also during snow plowing season. It is Mr. Boyle's intent to turn the extra lighting off as close to close

of business as possible. Mr. Holden noted that most parking lots are plowed with the lighting they are talking about but he hears the point Attorney Kuzinevich is making.

Attorney Kuzinevich discussed the final issue of drainage. They have had an opportunity to review Dr. Roseen's comments, or lack of comments, on their proposal. Since their last meeting, they tried to address all of Dr. Roseen's issues and most are relatively objective issues and they have agreed to do all of those. The two issues that were raised and left outstanding were issues of the gravel wetland structure and infiltration. They used an impacted soil, which they felt met one of his issues, for a liner and they have not had time to redraw the plans from this morning's feedback but they will be going to an impervious clay liner. Once they go to that, infiltration is no longer a concern as the calculations for infiltration. Attorney Kuzinevich felt that should fully address Dr. Roseen's concerns. They would ask for approval of their design, which was done professionally, subject to Dr. Roseen's confirmation of all issues being addressed.

Mr. Holden asked if they believe they are in a position to successfully complete this with Dr. Roseen? Attorney Kuzinevich felt they were.

Dennis Moulton, PE, of MSC Engineers, addressed the Committee next. He reviewed other items they revised in their revised plans. There was a question about the removal of light poles in the wetlands. He confirmed they could accomplish that and has added a note to the plans. It would be accomplished in the winter months. They would move the existing lines to the last pole necessary for service Mr. Holden confirmed that they will remove the poles and it may require Conditional Use but they can treat that separately from this application. Mr. Moulton agreed with Mr. Holden.

Mr. Moulton stated that the second item was cleared up via notes with regard to the sewer line and the buffer. They coordinated some language with the Legal Department. Mr. Holden confirmed for the Committee that the language was acceptable to the City's Legal Department.

Mr. Moulton went on to discuss Dr. Roseen's letter. They will provide a clay liner to the gravel wetland basis which will keep the new gravel wetland wet which is the purpose and necessary to have it function properly. Regarding infiltration, he is struggling to understand what Dr. Roseen's issue is. He thought it would be improper to design this without taking into account infiltration because infiltration is something that can vary over time. Sometimes, over time they become silted in with run off and end up not infiltrating as much as before and end up having problems. He does not see this as an actual factor in sizing these ponds. He is a little more conservative but that makes him more comfortable stamping the plans. With all respect to Dr. Roseen's opinion, he does not professionally feel it is something he would feel comfortable designing. Mr. Holden assumed he was available to meet with Dr. Roseen? Mr. Moulton indicated he absolutely was. Mr. Moulton confirmed they addressed his comments and most were detail oriented comments. The hydro cad analysis was accurate. He felt they could wrap this up in short order.

The Chairman called for public speakers.

Charles Griffin, of 210 Hillside Drive, was present on behalf of wife, Judy, who owns their home. He felt there are two types of applicants. One type is forth coming and lays his cards on the table and reveals what he wants approved. The second applicant plays his cards close to his vest, discloses as little as possible and compelled with inconsistencies which compel a more disclosure. Attorney Griffin felt that the applicant in this case is of the later and that is why he has voiced his concerns. A good illustration of how this application has gone is well summarized in the Memorandum of June 12th. The first paragraph states that according to the plans prepared by MSC, on site parking for customers, employees and display vehicles has been increased from 345 spaces to 554 spaces. When he first looked at the plans in April, there was a note on the plans that the applicant wanted to have 554 spaces as opposed to the 197 spaces currently on site. Somehow, the applicant managed to pick up 148 spaces between April. A number of existing spaces is important because the question arises on what

Mr. Pernaw based his study? Attorney Griffin felt that unless the Committee knows the answer to that question they cannot accept what Pernaw concluded with any degree of confidence. Attorney Griffin also felt there were a number of discrepancies in Mr. Pernaw's report. Mr. Pernaw indicated he could not determine a reliable trip estimate for the Birchtree Center and the applicant had annitotially reported 6 vehicles parked on the site on a typical Saturday and could not quantify that trips for the Assembly of God, another private tenant and therefore did not include that in it's trip generations. Attorney Griffin felt that was a significant omission because the Assemble of God is a large active church and should have been factored in and was a very serious omission. The report then goes on to conclude that the proposed dealership will generate fewer trips during the pm peak hour and several fewer trips during the Saturday peak period than the previous four uses of the site, with a net reduction in traffic demand. The report also goes on to say there will be no changes in services provided and Attorney Griffin would dispute that also. The objective is to have more cars, to sell more cars and common sense tells you that there will be an increased demand to service those cars. Therefore, he does not believe Perhaw's conclusion is credible. There is the question of whether or not they even used the proper base line in starting their calculations, they omitted two previous tenants in determining pre-existing traffic on the site and he disagrees with their assumption that there will be no new services on this site. Attorney Griffin agreed that Mr. Boyle runs a successful dealership and he does not believe for one minute that he would been seeking this expansion if he truly believed it would create less traffic than when it was an automobile dealership. The Committee must respect the expert reports that are submitted but they must weigh them as well and use their common sense. He urges the Committee not to proceed forward until the applicant has changed his strategy from holding his cards close to his vest to putting his cards on the table.

Michael Donner, Hillside Drive. At the last meeting they were present with David Desfosses who had done a lighting study of two dealerships in Greenland. He thought it was well thought out and very interesting. He took it upon himself to go to the three Greenland dealerships on three separate evenings to view the lighting objectively as a customer. The lighting was more than adequate. He went at 7:00 pm, 8:00 pm and at 8:45 pm. Looking at the current proposed lighting plan for Toyota, he feels it needs some serious adjustment. He doesn't want it to look like Fenway Park at night. He has been present at many meetings regarding improvements to the By-Pass and he wondered if any of those traffic numbers have been looked at by the applicant's traffic study company. He asked if any other TAC members had taken the time to go to the Greenland dealerships in the evening.

Mr. Holden indicated that, although he was not compelled to answer his question, members of the TAC Committee, including himself, had been out to Greenland at night. He asked Mr. Donner if he felt the two Greenland dealerships are operating their lights appropriately? Mr. Donner thought they were, although maybe they were a little too strong but from the road they did not distract him. He could see stickers, dents, etc on the lots. Mr. Donner stated that ever since they took the site walk and looking at the infrastructure created by the City to accommodate surge, he wanted to ask David Allen if there were any plans. Back then there were no plans and nothing could be found showing what actually exists underneath the site. At the last meeting there were written comments from the applicant on bad infrastructure. Mr. Holden confirmed that they have worked out language with the applicant to continue to address those issues. They are working on it and should not be a problem. Mr. Allen also confirmed that they did look for plans and there are none, but, they have the technology to televise the line. DPW is comfortable that they can deal with that. Mr. Holden explained that they have a case pending with the Supreme Court and an agreement with the applicant that they will continue to review this afterwards.

The chairman called for any additional speakers. Seeing none, he kept the public hearing for questions to Dennis Moulton.

Attorney Kuzinevich addressed the traffic. He was amused by Attorney Griffin talking about traffic. Attorney Griffin said it was an error for Mr. Pernaw not to include the Assembly of God but there is no Assembly of God on site and no plans for one. Attorney Griffin also appeared confused by the

methodology of traffic study. It was based on the specific tenant using specific portions of the building. When Mr. Pernaw felt an adjustment needed to be made, he explained why he was making the adjustment. Attorney Kuzinevich was disappointed that he needed to address this. Attorney Griffin was complaining about best antidotal projections for Birchtree and they were the first to tell the Board that they made an error on the number of students and changed that number. They have not tried to project some future expansion in the dealership because they don't know when it will happen. They have improved the traffic situation.

Attorney Kuzinevich next addressed lighting and was happy to hear there is no light spill from the Volkswagen and Mercedes dealerships. It was their lighting designer that did those same sites as well. The Mercedes store has light output of approximately 126,000 lumens and they have the highest with 82,000 lumens and that's for the front display that gets turned down at night. He also noted Greenland has adopted very specific lighting regulations and for auto lots they are subject to general merchandizing areas of 20,000 lumens and a feature display areas have a maximum of 35,000 lumens. Toyotas' average is 6.5 so they are less than 2/3 or 1/5 under the Greenland values. They were trying to address the concerns of this Committee and not the Greenland concerns.

Mr. Holden noted there has been a lot of discussion on the number of parking spaces. There is a total of 554 on site when they are done. Attorney Kuzinevich agreed with that and felt that the discrepancies was between 198 vs. 384 spaces was that a lot of spaces on site were not striped. When he bought the site there were 398 spaces. Mr. Holden asked how many are for vehicle storage and how many for customers? Attorney Kuzinevich was not sure. However, the vast majority, 80%, are vehicle storage. Mr. Holden requested that they be able to provide that information to the Planning Board as this question keeps coming up. Attorney Kuzinevich indicated they would be happy to provide a break down. Mr. Holden asked if each and every car space identified so that everything is included in the 554? Attorney Kuzinevich agreed. Mr. Holden felt that would be helpful for the Planning Board.

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:

Ms. Finnigan referred to Sheet 3 of 10 it says "Sewer Line, See Note 8" and there is no Note 8. Mr. Moulton felt that was probably a carry over note from Sheet 1 and he will correct it.

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

Mr. Allen's first stipulation was the drainage. In Dr. Roseen's letter he noted the issue of volume of run off and he was going to be reviewing the hydro-cad report that MSC provided to him and was going to come back with comments on Wednesday. Mr. Allen's interpretation of his evaluation of the design, it is very close and he felt they could move that forward pending a report back from Dr. Roseen and getting that resolved prior to the Planning Board. The stipulation would be that they have file concurrence between Dr. Roseen and the applicant on the design of the gravel wetland, prior to the Planning Board meeting.

Mr. Allen's second stipulation was regarding lighting. He sees improvements over what was originally proposed and some of the suggestions at last TAC have been incorporated with the multiple heads with alternating the ability to shut off certain fixtures. He is comfortable with what is proposed except he doesn't know normal car dealerships hours are. He would be comfortable with a 10:00 pm shut down as a stipulation. Mr. Holden noted that as TAC would be making a recommendation, the Planning Board would be the ultimate deciding body. He also felt uncomfortable with midnight and would agree that 10:00 pm was probably more appropriate. They could make it a recommendation to the Planning Board that lights would be dimmed at 10:00 pm unless the dealership was open and functioning. Mr. Allen asked if they are open at 10:00 pm? Mr. Boyle indicated they were open until

10:30 last night. Unfortunately, customers tend to come in at the last minute to buy a car at the end of the month. Mr. Holden confirmed they would recommend 10:00 pm and allow it to be discussed at the Planning Board.

Mr. Cravens did not have any stipulations.

Mr. Britz added that he supports Mr. Allen in his recommendation of 10:00 pm and asked to add “to dim to the night study levels, as shown on Plan B”. Mr. Holden agreed that note should be added to the Site Plan.

Mr. Britz felt they are going in the right direction and if they can get Dr. Roseen to agree on the gravel wetland he will be happy.

Deputy Fire Chief Griswold did not have any stipulations.

Deputy Police Chief DiSesa did not have any stipulations.

Ms. Finnigan commented on the traffic report. While she agrees with the information in the report per se, she does not necessarily agree with the conclusion that it will reduce traffic on Greenleaf Avenue. There will be a decrease from what was originally in place. In terms of now and the future, she felt the ITE generation rates would be the correct ones to use. Therefore, she would agree with the information but she does not necessarily agree with the overall conclusion.

Ms. Finnigan stipulated that they remove Note 8 on Sheet C-3.

Mr. Finnigan noted a “Customer Parking Only” sign detail and it says the sign is 8” x 18” which would less than 2” lettering. No one would be able to see that. Attorney Bernard Pelech stated that the problem was that the Zoning Ordinance limits those signs to 1 ½ feet. Mr. Holden stated only if it has a logo on it. Ms. Finnigan stipulated that the sign detail needs to be revised for her approval prior to the Planning Board. Also, the handicapped signs need to be 12 x 18 rather than 9 x 12.

Mr. Holden had some questions for Mr. Moulton. He wanted to make sure notes are on the plans, indicating that grass areas need to be identified so that vehicles will not be parking on them and he asked how they incorporated that in? Mr. Moulton stated there was a Note added to Sheet 3. Mr. Holden asked that that remain a stipulation.

Mr. Holden asked if the pavement areas are clearly identified which are overlay and which may be reclamation as one may trigger a Conditional Use so they must be labeled.

Mr. Holden indicated there shall be a landscaping plan with a note on invasive species and dead trees. There is not an agreement on a landscaping plan but they should communicate to the Planning Board that there will not be any invasive species or dead trees.

Mr. Holden asked them to confirm that the mounting height of the lamp poles are greater than 20’ and the base will be no greater than 1’. Mr. Holden confirmed that the revised detail shows 18’ poles and 2’ bases.

Mr. Holden asked for a full description of how the 554 parking spaces will be utilized to be provided to the Planning Board.

Mr. Holden requested that the poles will be removed within the wetland or the wetland buffer and completed pending necessary approvals before the release of the bond. If they were not able to get the Conditional Use, they would be back for a review. Hypothetically, they have the Conditional Use so in order to get their bond back, the poles would have to be removed.

Mr. Holden stated, based on issues from their last meeting, it is his understanding that they have agreed to add a note to the plan that there will be no use of outdoor public address systems.

Ms. Finnigan stipulated that a Construction Management & Mitigation Plan (CMMP) shall be prepared by the applicant, for approval by the City.

Mr. Holden asked the applicant to address as many of these as they can before the Planning Board. It is most important to work out with Dr. Roseen.

The motion to recommend Site Review approval passed unanimously with the following stipulations:

- 1) That the applicant and Dr. Roseen shall have final concurrence on the design of the gravel wetland, prior to the Planning Board meeting;
- 2) That a note shall be added to the Site Plans that all exterior lights shall be dimmed to the night study levels by 10:00 pm;
- 3) That Note 8 on Sheet C-3 shall be removed from the Site Plans;
- 4) That the sign details shall be revised, for approval by the City Traffic Engineer;
- 5) That all grass areas shall be noted on the Site Plans to avoid the possibility of cars parking on them;
- 6) That all pavement areas shall be clearly marked on the Site Plans as overlay or reclamation areas;
- 7) That the applicant shall communicate to the Planning Board that there will be no invasive species or dead trees on the site;
- 8) That a note shall be added to the Site Plans that light poles shall be no more than 20' from the ground;
- 9) That the applicant shall provide the Planning Board with a full description of how the 554 parking spaces will be utilized;
- 10) That the poles from the wetland and/or wetland buffer shall be removed, with all necessary approvals, prior to the return of the Site Review Bond;
- 11) That a note shall be added to the Site Plans that no outdoor public address system shall be used;
- 12) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the applicant, for review and approval by the City.

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B. The application of **Old Tex Mex, LLC, Owner**, for property located at **3510 and 3518 Lafayette Road**, wherein Site Review approval is requested to construct a 4,275 ± s.f. warehouse building with a 1,400 ± s.f. mezzanine office, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 297 as Lots 7 and 8 and lies within the Single Residence A district. (This application was postponed at the June 3, 2008 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 Police Chief DiSesa seconded the motion. The motion to take the application off of the table passed unanimously.

SPEAKING TO THE APPLICATION:

Dennis Moulton, PE, of MSC Engineers, presented on behalf of the owner. He explained that this was the current Tex Mex site which was the former Mexican restaurant, next to the Wren’s Nest. The plan is to expand the current use of the building and add paved parking. The owner has acquired the adjoining property which includes a small house to be used for commercial purposes. There were

concerns last month and they have agree to all of those. They were requested to replace the sewer line from the house with a 6" PVC. They added a stop sign and stop bar at the back exit.

Mr. Moulton noted that a lighting plan had been added to the plan set. He distributed a hand out showing the lighting plan which will be added to the plan set which consisted of three half size sheets. The first two are revised site plans and the third sheet is the proposed lighting.

The most challenging item was additional stormwater treatment on the site. The site is extremely flat and there is a paved parking lot. The only way they could drain the parking lot would be to look at roof run off. They propose the back portion of the site, they direct to the drainage storage at the edge of the paved parking and tie it into a proposed piping. For the front of the building they would collect and duct into a rain garden which is something they proposed previously and this design is almost the same as what was approved by this committee and the Planning Board. They feel it would be an appropriate method to control run off.

Mr. Allen did not see any of the utilities on the plans. Mr. Moulton indicated he would add those. Mr. Allen felt that typically that is the information that a contractor would want to see.

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:

Ms. Finnigan asked what size trucks will be using the new parking lot? Mr. Brown indicated box vans and UPS trucks are the type that would be using the new parking lot.

Mr. Britz asked about the rain garden. There is a note that they will be installing gutters and downspouts to capture the rain water but he saw a drain line going through the existing building that has not been updated on the rear corner. Mr. Moulton stated that the water in the front of the building will be captured directly into the rain garden and the water in the rear will go in the drain. Mr. Britz asked if the whole existing building will be guttered and brought into it. Mr. Moulton confirmed it would.

Deputy Fire Chief Griswold asked if they intent to sprinkle the new building? Mr. Brown confirmed they would. Deputy Fire Chief Griswold stated that was why they were looking for the utilities.

Mr. Holden asked how comfortable the Committee was passing this along without the utilities shown?

Mr. Allen felt that, given that it was a discussion last month, he is surprised it is not shown today. That was his primary concern with the last set of plans.

Mr. Brown explained that they just don't know where the clay runs out of. They are more than happy to change it. Mr. Holden asked what was precluding him from getting that information? Mr. Moulton didn't realize the importance of having that information on the plan. They certainly can have it done and provided to Allen within a week.

Mr. Holden thought they would probably be having another TAC meeting next Tuesday and he asked if they would be ready to come back at that time? Mr. Moulton stated that was agreeable.

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

Mr. Allen stipulated that all utilities should be shown on the plans and said plans shall be distributed to TAC members prior to the meeting.

Mr. Cravens did not have any comments.

Ms. Finnigan requested a stop bar and stop line at the driveway at Route One. She also requested a Construction Management & Mitigation Plan.

Ms. Finnigan indicated that they need to have a discussion with the State concerning the roadway easement for Route One and advise DPW of the outcome of that conversation as it must be included on the plans.

She requested that tenant parking be signed in some manner, and that all pavement markings and signage shall conform to the latest MUTCD (Manual of Uniform Traffic Control Devices) regulations.

Deputy Police Chief DiSesa asked if equipment was going to be stored in this warehouse? And he also asked if there would be individual alarms? Mr. Brown stated there would not be anything more than a box truck. They are not moving in a company into the warehouse. Deputy Fire Chief DiSesa was all set.

Deputy Fire Chief Griswold asked if they had a knox box? Mr. Brown confirmed that they have one. Deputy Fire Chief Griswold was all set.

Mr. Britz was all set.

Ms. Finnigan made a motion to postpone to next week, July 8, 2008, at 2:00. Mr. Britz seconded the motion.

The motion to postpone to July 8th passed unanimously with the following comments:

- 1) That all utilities shall be added to the Site Plans and said Site Plans shall be distributed to TAC members prior to the July 8th TAC meeting;
- 2) That a stop bar and stop line be added to the Site Plans at the driveway on Route One;
- 3) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the applicant for review and approval by the City;
- 4) That the applicant shall have a discussion with the State concerning the roadway easement on Route One and advise DPW on the outcome of that conversation and it should also be noted on the Site Plans;
- 5) That all tenant parking shall be signed in some manner and all pavement markings and signage shall conform to the latest MUTCD (Manual of Uniform Traffic Control Devices) regulations;

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II NEW BUSINESS

C. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street (as proposed subdivided Lot 1)**, wherein Site Review approval is requested to construct a 25,270 ± s.f. 5-story building, consisting of a 128-key hotel, 7,500 ± s.f. of retail and 2,500 ± s.f. of restaurant, after the demolition of the existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the Central Business B District, the Historic District A and the Downtown Overlay District (DOD);

D. The application of **Parade Office, LLC, Owner**, for property located at **195 Hanover Street (as proposed subdivided Lot 2)**, wherein Site Review approval is requested to construct a 10,850 ± s.f. 5-story building, consisting of 10,000 ± s.f. of retail and 36 dwelling units, after the demolition of the existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the Central Business B District, the Historic District A and the Downtown Overlay District (DOD);

The Chair read the two notices into the record.

SPEAKING TO THE APPLICATION:

Gregg Mikolaities, of Appledore Engineering, presented on behalf of the Applicant. Also present was Patrick Crimmins from Appledore, Jeff Johnston and Josh Anderson from Parade Office, LLC, and Tim Levine from Olympia. They received approval in July of 2007. They are now proposing to subdivide the lot into three lots. They are here today for Lots 1 and 2. They also need to submit Lot 3 which will be submitted shortly. They have submitted a Subdivision Plan from MSC showing the three lots which are all conforming. This is an amended application. They handed out three sheets that summarize what they are discussing today and the revisions they have made.

The first plan is the colored master plan showing the three separate lots. Lot 1 is a 5-story office building, a 128 key hotel, 7,500 sf of first floor retail and 2,500 sf of office space. Lot 2 is a 5 story residential building, 10,000 of retail on the 1st floor and 36 residential units. The footprint for Lot 2 has stayed the same but as the building design has evolved they are able to get an additional 2 units per floor for a total of 8 new units. Lot 3 will be a 4 story office building with underground parking and will be discussed in more detail next month.

On the second plan they have shown what was previously approved in black and their current proposal is in red. They also summarized with notes explaining what the changes are. The biggest change will be the elimination of the parking garage underneath Lots 1 and 2. The parking lot will now stop along the red line, just to the left of the center line of Portwalk Place. Other changes on Lot 1, after more detailed discussions with hotel operators, is a reduced footprint. By eliminating 660 s.f., they pulled in two walls so they are allowed to add 13 head-in valet parking spaces and four more spaces for The Hill parking lot.

On Lot 2, they shifted the residential building forward a couple of feet to obtain more parking spaces. They still provide a 19' wide sidewalks, which was one of the main features of the project. By adding 8 residential units it was their goal to get one space per unit. They obtained an additional 13 spaces. To get spaces in front of the building, they will use a different pattern concrete and traffic calming device which allows them to add two more spaces. Another big change on Portwalk Place is they now have a line of street trees around the perimeter which they were unable to do before because they had a parking lot underneath.

The third sheet shows utilities. They have one domestic water service coming in but with three lots they are proposing three different connections. They now have a separate domestic and fire service. They also have a separate fire and domestic tap coming off of Lot 2. There is a fire hydrant with a tap from Hanover Street which as been moved from one island to another island which eliminates cross easements.

They discussed temporary drainage improvements. They are still showing a temporary drainage connection and they still are talking to PSNH. They expect one stipulation to be that they continue to work with PSNH. Mr. Mikolaities indicated that PSNH is still under the assumption it is all one phase. They want PSNH to understand their new schedule. Parking was also discussed, and on Sheet C-6A they added the parking calculations. This property has 660 parking credits, 206 parking credits will be

used for Lot 1 and 42 parking credits would be used for Lot 2. That leaves a balance of approximately 212 parking credits Lot 3.

Mr. Mikolaities stated that traffic was discussed. They have contacted Robin Bousa of VHB and she will be submitting a Memorandum in approximately one week. She will be stating that the revised sequencing will not affect traffic or her conclusions.

Along with the previous approvals in July of 2007 and January of 2008, a number of stipulations went with those. They have worked through most of those stipulations and without going through them today, he assumes he will sit down with the Department to walk through those stipulations. They had developed a colored matrix which they had been using before. Mr. Holden noted that under the original application they have met most of those. The most significant issue was whether any of them are inappropriate given the subdivision. Mr. Mikolaities felt they all still apply. They will just add a note showing which lot they correspond to. He would like to go through those with the Planning staff before the Planning Board.

Mr. Mikolaities stated that with the exception of what he has talked about, it is the same project that was previously approved.

Mr. Holden suggested that they continue with the public hearing. He called for speakers.

Mr. Holden asked Mr. Mikolaities if the subdivision came about because of problems in the equity market or were they looking at it just to better phase the project? Jeff Johnstons, of Cathartes, stated there were a couple of areas they are trying to accomplish. They hope to create more flexibility on financing from a construction mitigation standpoint and they want to construct a rolling development. It will also be better for staging areas and deliveries. Mr. Holden agreed that Lot 3 could work as a staging area to help the project flow smoothly. Mr. Holden asked, given how the parking credits work, they have a substantial parking credit but he asked if the end result would be that they have sufficient parking credit for this project? Mr. Johnston confirmed that was his understanding. Mr. Holden asked how many spaces will be in the revised parking garage? Mr. Johnston indicated they are still working on that but if it is one level, it would be around 200 spaces and they are still keeping their options open to discuss this with the City.

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 noted that one of the design features was the need for a pump station but it is all gravity now? Mr. Mikolaities confirmed that under the original plan, because of the extent of the parking garage, they needed a pump station but they no longer need that.

Mr. Allen stated that there are a number of stipulations from their previous approval that will not apply so they may want to strike those. Mr. Holden's suggestion was to keep them all in place and address the additional ones. If they are not relevant they can either address those at the Planning Board or as they go through them.

Mr. Allen asked if there will be an emergency generator? Mr. Mikolaities confirmed there would not be one on Lot 1 or 2. Tim Levine confirmed that the emergency generator was for the underground garage.

Mr. Holden was assuming the proposed street will be private? Mr. Mikolaities confirmed that was correct and that it had not changed. It was Mr. Holden's understanding that they have been negotiating

out the working agreement on that so it would be appropriate to keep that in place. Mr. Mikolaities agreed with that.

Mr. Allen asked them to describe how the configuration of the street would work with one half of the street being in each phase of construction. What would the other side of the street look like before Lot 3 is developed. Mr. Mikolaities explained that the intent is along the hotel and the residential building to construct the granite curb and brick sidewalks as well as the landscaping. The proposed lot line goes right down the center of the street allowing for parallel parking as well as a by-pass lane and the construction fence for Lot 3. As part of Lot 3 getting delayed, the day Lot one and Lot two are done and before Lot 3 starts construction, there will a bituminous concrete curb put in and there will also be a paved road. The plan shows cross hatching for the sidewalk. They probably will encourage people to walk on that side of the road. On the revised plans for the Planning Board, they will take off the cross hatch striping and they will need an extra 4' of pavement. They will have a construction fence, the bituminous curb to prevent entry and then a 4' wide sidewalk area and the parking spaces will be striped. That is their intent and it will be a detail for the CMMP. He also added that if construction does not start on Lot 3 when Lot 1 and Lot 2 are done, it is their intent to pave Lot 3.

Deputy Fire Chief DiSesa asked if they will discuss Lot 3 at their Pre-TAC meeting? Mr. Holden confirmed that they will.

Ms. Finnigan noted that the plans show that the Sheraton Hotel will be completed before this project is finished and she's not sure that will be the case. They will need to determine what pavement markings are necessary.

MOTION ON PROPOSED LOT 1 (HOTEL):

Ms. Finnigan made a motion to recommend Site Review approval for proposed Lot 1 with stipulations. Mr. Allen seconded the motion.

Ms. Finnigan stipulated that pavements marking need to be revised on Deer Street to reflect what they are building. That a Construction Management & Mitigation Plan will be required. They will need the revised detail before the Planning Board and also Traffic and Safety as that will be the next Committee they go before. They will need some sort of report on traffic impacts on the revised plan, based on what their impact would be based on what is existing.

Deputy Police Chief DiSesa asked if they have to reiterate all of the previous conditions? Mr. Holden suggested saying that all conditions that are in place from the July 2007 letter shall still apply. Deputy Police Chief DiSesa agreed.

Deputy Fire Chief Griswold was concerned about fire. Because they are all sprinkled with automatic notification, they will now have to have this from each individual lot.

Mr. Britz was all set.

Mr. Cravens was all set.

Mr. Allen confirmed that they addressed the issue with water and the fire service but they still have the sewer service. He indicated they will need an easement for Lot 1 sewer to go across the other lot.

Mr. Holden indicated that approval was with the condition that Preliminary and Final Subdivision approval shall be received from the Planning Board.

Mr. Holden also requested the condition that the HDC shall be allowed to consider any exterior changes.

Ms. Finnigan noted on Sheet C-5 they are showing a pavement delineation plan but she does not see any delineation on Maplewood Avenue or Deer Street. She wasn't sure if that was an oversight. However, based on that plan and previous plans, that should be shown.

Ms. Finnigan noted in the valet parking area it shows 14 spaces but does not define them as non conforming spaces. She requested that they be labeled s such.

Ms. Finnigan asked that they present some sort of marking plan. She is uncomfortable with the 4' wide sidewalk area. There should be some other way to mark that. Mr. Mikolaities will send her a sketch. They will outline the plan so that when they pull up next to it there will be a white line with no curbing, off set by 4'. They are not going to bring the ramps around but rather they will encourage people coming down Deer Street to use the crosswalk.

Ms. Finnigan notes on Sheet C-6A, they have a dark line pointing to proposed stairs but those are not the stairs and that should be corrected.

Ms. Finnigan noted that on the Landscaping Plan they show all trees being the same. That should be revised so they are not all the same.

The motion to recommend Site Review approval for Proposed Lot 1 passed unanimously with the following stipulations:

- 1) That the pavement markings shall be revised on Deer Street to reflect existing conditions;
- 2) That a Construction Management & Mitigation Plan shall be prepared by the applicant, for review and approval by the City;
- 3) That a report on traffic impacts on the revised plan shall be prepared for review and approval by the City Traffic Engineer;
- 4) That the applicant shall receive approval from the Traffic & Safety Committee prior to the Planning Board meeting;
- 5) That all stipulations from the original approval dated July 31, 2007 shall continue to apply;
- 6) That the automatic emergency notification system shall be separated for each individual lot;
- 7) That an easement will be required for the sewer to cross over to another lot;
- 8) That Preliminary and Final Subdivision approval shall be granted by the Planning Board prior to Site Review approval;
- 9) That the Historic District Commission shall be allowed to consider any exterior changes;
- 10) That pavement delineation for Maplewood Avenue and Deer Street shall be added to Sheet C-5;
- 11) That the valet parking spaces shall be labeled on the Site Plans as non-conforming parking spaces;
- 12) That a revised marking plan shall be provided to the City Traffic Engineer, for her review and approval;
- 13) That Sheet C-6A shall be revised to correctly label the proposed stairs;
- 14) That the Landscaping Plan shall reflect a variety of tree species;

MOTION ON PROPOSED LOT 2 (RESIDENTIAL):

Ms. Finnigan made a motion to approve with the stipulations from Proposed Lot 1. Mr. Allen seconded the motion.

The motion to recommend Site Review approval for Proposed Lot 2 passed unanimously with the following stipulations:

- 1) That the pavement markings shall be revised on Deer Street to reflect existing conditions;
- 2) That a Construction Management & Mitigation Plan shall be prepared by the applicant, for review and approval by the City;
- 3) That a report on traffic impacts on the revised plan shall be prepared for review and approval by the City Traffic Engineer;
- 4) That the applicant shall receive approval from the Traffic & Safety Committee prior to the Planning Board meeting;
- 5) That all stipulations from the original approval dated July 31, 2007 shall continue to apply;
- 6) That the automatic emergency notification system shall be separated for each individual lot;
- 7) That an easement will be required for the sewer to cross over to another Lot;
- 8) That Preliminary and Final Subdivision approval shall be granted by the Planning Board prior to Site Review approval;
- 9) That the Historic District Commission shall be allowed to consider any exterior changes;
- 10) That pavement delineation for Maplewood Avenue and Deer Street shall be added to Sheet C-5;
- 11) That the valet parking spaces shall be labeled on the Site Plans as non-conforming parking spaces;
- 12) That a revised marking plan shall be provided to the City Traffic Engineer, for her review and approval;
- 13) That Sheet C-6A shall be revised to correctly label the proposed stairs;
- 14) That the Landscaping Plan shall reflect a variety of tree species;

Mr. Holden confirmed they would see them at the July 17th Planning Board meeting. Also, they would need to get their plans to Deb Finnigan by Thursday morning so that they can be on the July 10th Agenda. Mr. Mikolaties asked for clarification on why they would be going to Traffic & Safety. Mr. Holden clarified that it would be to reaffirm issues that may be affected by the change.

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E. The application of **Kentucky Fried Chicken of Portsmouth, Inc., Owner**, and **Churchill & Banks Company, Inc., Applicant**, for property located at **1840 Woodbury Avenue**, wherein Site Review approval is requested to construct a 1,750 s.f. addition to an existing building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 239 as Lot 8 and lies within the General Business and Single Residence A districts.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech appeared on behalf of the applicant, Churchill & Banks. Also present was Dennis Moulton from MSC Engineers and Richard Baccari from Churchill & Banks. This is the old Kentucky Fried Chicken site which they are planning to renovate, put an addition on the building and do some site improvements such as impervious surface removal and stormwater treatment where none exists today. They have been before the Conservation Commission twice. Once was a joint work session with the Planning Board and once was to obtain a recommendation of approval for a Conditional Use Permit which was ultimately granted by the Planning Board. They are also required to get a variance from the BOA.

Mr. Holden indicated that at the Conditional Use hearing they heard that the building may be demolished. Attorney Pelech confirmed that was not the case. The building is not going to be demolished and it is strictly an addition to the existing building. The two walls where the additional will be constructed will be demolished.

Dennis Moulton, of MSC Engineers, indicated that this is currently the site of Kentucky Fried Chicken fast food restaurant. The current site has two curb cuts onto Woodbury Avenue. Traffic flow is generally in the northern most entrance on the site, with traffic flow around the building and exit from the southern most entrance. The site is surrounded by delineated wetlands. There is only about 600 s.f. of buildable land on the site. They are moving a lot of the existing pavement around the edges of the property to tighten up the site to what they need. The building will be expanded to 4,000 s.f. and parking will be reconfigured. The angled parking to the north will be unchanged. Circulation will be the same one way pattern going around the site. There are 28 spaces and 2 handicapped spaces. Water and sewer will remain unchanged. There is currently overhead electricity from the street and that will be made underground. As a result of going to the Conditional Use hearing, there were a number of stipulations and they have addressed those on the plans.

The stormwater management plan is designed for approximately 2/3 of site to drain towards an infiltration pond. The design should contain a 50 year storm. When they exceed that, there is a spillway down the embankment and into the wetland. The run off from the roof will flow in that direction and sheet flow into the infiltration basin. One of the items that the Planning Board asked them for was more treatment on the south side of the building. There is a steep drop off but they proposed some pervious pavement and they can direct run off from the pavement into trench. The soils seem to be very good. The infiltration rates are the same on both sides of the property. What they are left with as untreated is a small portion in front of the building that will be allowed to run off into the street and catch basins.

Also, as part of the Conditional Use application, 6 parking spots to the rear of the site will be permeable pavers called ECO pavers. That is to reduce the amount of pervious surface on site.

As a result of the Planning Board hearing they were asked to look at their parking needs. If they seem to have an excessive amount of parking, they were asked to reduce the number of parking spaces. They took off 3 impervious spaces and the dumpster space. That also eliminated the 12' pad so they pick up a little more permeable area on site.

Another change that they made was they pulled the building back by 4' to provide a wider sidewalk and to allow tree plantings which gives them a much more appealing look.

At the June 19th Planning Board meeting at their Conditional Use hearing, they agreed to all stipulations and revised the plans accordingly. They are on the agenda for a variance for the rear set back to the residential district. Mr. Holden stated that the Board of Adjustment will consider the variance request prior to the Planning Board meeting.

Mr. Moulton advised the Committee that the applicant has been very receptive to listening to the City Boards and has made positive changes to the site.

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:

Ms. Finnigan asked if it was one way or two way traffic in the front of the building? Mr. Moulton stated he would prefer one way but he can see a problem with that. Ms. Finnigan also asked that they make the island longer to make in and out separate? Mr. Moulton indicated he could provide them with a proposed plan showing that. Mr. Moulton added that in light of recent issues with other entrances, that would probably be appropriate. They have a 40' wide entrance and a 30' wide entrance. Ms. Finnigan felt that 20' wide would be more than sufficient. Mr. Moulton confirmed he would draw something up.

Ms. Finnigan asked to see a picture showing how a truck picking up trash at the dumpster can get around the building and back out.

Ms. Finnigan reviewed the landscaping and asked if all trees are the same? Mr. Moulton stated he will specify them and will not make them all the same. Ms. Finnigan requested a little bit of variety.

Ms. Finnigan asked about a traffic letter. She agrees this is a lesser use but normally they include the LET calculations and site distances getting out of the site. She requested that that traffic engineer should determine whether that is a safe move or not.

Deputy Police Chief DiSesa asked what was going into the site? Mr. Moulton stated it was a phone store. Mr. Holden noted it is 4,000 square feet and normally phone stores are less than that. Is this all going to be one user? Mr. Moulton confirmed it was only one user. Mr. Holden noted that could affect traffic if it was more than one user.

Mr. Cravens stated he would like to see the water lines shown, especially the main. The main follows the old Woodbury Avenue alignment which puts it where the old KTC sign is. He wanted to make sure they aren't putting an addition over it. Also, the sewer line is labeled as 8" CMP? Mr. Moulton stated that is what was indicated but he will take a look at it again and confirm it. Mr. Cravens would also be interested to know if the easement is still good.

Mr. Allen found the plans to be confusing between existing and proposed and what is being removed and what is being used? He would like to see a demolition plan showing what is coming out. He noted an irrigation system is listed in their water conservation notes. He doesn't think this site needs one and they don't have a lot of green space to be irrigated. Is the intent to put in an irrigation system? Mr. Moulton stated the intent of the note is in case one were to be put in they would meet the requirements.

Mr. Baccari confirmed they have not planned one way or the other for an irrigation system. They would leave it up to the Board. Mr. Allen felt that would make more sense. He also noted that they encourage using indigenous species and not irrigating. His comment would be to change the wording to say "require" a Smart controller rather than "encourage".

Ms. Finnigan asked if there were any lighting changes. Mr. Moulton indicated that a lighting plan was provided. Mr. Holden asked if the lights were dark sky friendly? Mr. Moulton confirmed that they were.

Mr. Allen made a motion to postpone this application to the next week, July 8, 2008 at 2:00 pm. Deputy Fire Chief Griswold seconded the motion.

Ms. Finnigan indicated that if she received plans by Wednesday afternoon, she will place them on the Traffic & Safety Committee Agenda for July 10th.

The motion to postpone to July 8, 2008 at 2:00 pm passed unanimously.

Comments from the Committee:

- 1) That the Site Plans be revised to reflect a longer island in front of the site to create a 20' wide entrance and exit onto Woodbury Avenue, for review and approval by the City Traffic Engineer;
- 2) That a detail be added to the Site Plans showing a truck picking up trash at the dumpster and then getting back around the building;
- 3) That the Landscape Plan shall include a variety of tree species;

- 4) That a traffic letter shall be prepared by the applicant’s engineer determining whether the entrance and exit from the site onto Woodbury Avenue are safe;
- 5) That the Site Plans shall show the water lines, including the water main;
- 6) That applicant shall review the sewer line labeled “8”CMP” to determine it’s accuracy;
- 7) That a determination be made on the status of utility easements and that the applicant shall work with the City’s Legal Department to prepare said easements for final approval by the City;
- 8) That a Demolition Plan be added to the Site Plan set;
- 9) That the note on the Site Plan referencing to the irrigation system should be revised to say “require” a Smart Controller, rather than “encourage”;
- 10) That this application will require a favorable recommendation from the Traffic & Safety Committee prior to the Planning Board meeting;

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F. The application of **Minnow Realty Investors, III, LLC, Owner and City of Portsmouth, Applicant**, for property located at **3000 Lafayette Road**, wherein Site Review approval is requested to construct a 13,260 s.f. footprint Fire Station, after the demolition of existing buildings, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 292 as Lot 12 and lies within the General Business and proposed Municipal District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

David Emanuel, P. E., was present with Paul Durant Architects. They are designing on a 2.5 acre site, which is currently an Irving Oil property. They are proposing a fire station with 21 parking spaces with the intention of people entering the site via Ocean Road. Fire and emergency apparatus will exit onto Lafayette Road. They are currently in the process of working with NHDOT regarding the driveways and access to the site as well as emergency controls at the intersection, stormwater and drainage. Depending on how discussions with NHDOT and the City go, they will present different alternatives for stormwater management. Currently their stormwater management plan take all run off from the driveway and wraps it around the site and round the perimeter of the property line to the catch basin on the easterly corner. They have conducted a turning study for the turning radii for the apparatus which they will submit. They have a preliminary landscape design which they will need to work out. Since the Pre TAC meeting, they met with the Water Department foreman and identified both the water line on Ocean Road. They may realign their fire protection water main and domestic water coming straight from Lafayette Road. Those are most of the issues that they are still working on with the City.

Mr. Holden indicated that they are still working on the drainage and they have the work well under way. They will be getting turning templates submitted to Ms. Finnigan. They are working on the hydrants. They might want to discuss the monitoring wells and how they are closing those out. Mr. Emanuel indicated they found 6-7 monitoring wells which they will close per DES specifications.

Ms. Finnigan asked if any discussions with DOT need to be included as part of this project.

Deputy Police Chief DiSesa assumed they will have great communications but he requested a site survey with the Motorola carrier to make sure they can carry a signal and the study will be done at their cost. He wants to make sure they have exceptional communication with the Fire Department. He asked them to contact the Fire Department Communications Supervisor, Gil Emery at 610-7411.

Deputy Fire Chief Griswold did not have any comments.

Mr. Britz assumed that the Landscape Plan will be worked out with Ms. Finnigan and Ms. Tillman.

Mr. Allen requested more detail on drainage and the water configuration.

Mr. Holden felt they have made a lot of progress on the Site Plan and it was exciting seeing the site come together. He asked if they could get a lot of this information addressed if they met in one week? Mr. Emanuel agreed with that.

Ms. Finnigan indicated that they need to go to Traffic & Safety and the next meeting is on July 10th. She will need new drawings by noon tomorrow. Because he talked about one way in each direction but the plans show two lanes, they have to decide what they are going to do.

Mr. Holden requested that the next set of plans should be stamped.

Mr. Britz asked for bicycle racks.

Mr. Holden suggested having a Pre-TAC next Tuesday, at 9:00 a.m. for staff.

Deputy Police Chief DiSesa made a motion to postpone to next Tuesday, July 8, 2008 at 2:00 pm. Ms. Finnigan seconded the motion.

The motion to postpone to Tuesday, July 8, 2008 at 2:00 pm passed unanimously.

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III. ADJOURNMENT was had at approximately 4:15 pm.

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant