

**MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING**

2:00 PM

DECEMBER 9, 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; David Desfosses, Engineering Technician; Deborah Finnigan, Traffic Engineer; Steve Miller, Chairman, Conservation Commission; Steve Griswold, Deputy Fire Chief and Len DiSesa, Deputy Police Chief;

ALSO PRESENT: Lucy Tillman, Chief Planner

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I. OLD BUSINESS

A. The application of **LBJ Properties, LLC, Owner** for properties located at **22 and 26 Market Square** and **First State Investors 5200, LLC (Bank of America), Owner** for property located off **Daniel Street**, wherein Site Review approval is requested to construct an open rear egress stair and to combine utilities as a result of lot consolidation, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 107 as Lots 0030, 0030-0001, and 0027 and lie within the Central Business B (CBB) district, Downtown Overlay District (DOD) and Historic District A. (This application was postponed from the December 2, 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:

John Chagnon handed out a revised Utility and Grading Plan (C-2) to the Committee members.

John Chagnon thanked the Committee for meeting today. He went through his revised plans to address their concerns from last week.

- 1) That the placement of the new sewer line needs to be resolved;

Mr. Chagnon stated that they have located, with transponders, two sewer services that currently exist for 22 and 26. The sewer for #22 exits the building on the west side, takes a couple of turns, then goes north and connects with the sewer line and a manhole on the north side of the Daniel Street/Pleasant Street intersection. #26 has a number of sewer exits on the south side of the building which travel south, meeting up at a chimney behind the bank building and heading out to State Street behind the 10 Penhallow Building and to the east of the Bank of America building.

- 2) That Note 9 on Sheet C-2, should read that a waiver from an external grease trap shall be requested rather than an interior grease trap will be provided as that waiver request has not yet been submitted for review and approval by the City.

That note is now Note 6 on Sheet C-2, as they needed to make some room for some other notes. That note has been revised to say "A waiver from an external grease shall be requested."; Mr. Holden agreed that condition could be eliminated but it will be up to the Sewer Division on whether the request has been granted;

- 3) That the design team shall coordinate with the tenant and add a note on the Site Plans regarding trash removal, to be reviewed by Silke Psula, of DPW;

They added Note 9 on Sheet C-2. Mr. Chagnon discussed solid waste management with Ms. Psula and the note says that "Prior to the issuance of a building permit a solid waste management plan shall be submitted to Silke Psula, of DPW, for review and approval. She outlined the various requirements that the City has and they have no problem creating a plan that tells her how they will deal with solid waste in accordance with the City's requirements;

- 4) That a note shall be added to the Site Plans indicating that any use of the flagpole could be interpreted as a sign;

Note 10 was added on Sheet C-1 that states "Any use of the flagpole could be interpreted as a sign";

- 5) That a Knox box and automatic notification of emergency assistance (via private company) shall be added to the Site Plans;

Note 7 was added to Sheet C-2 to address that. Deputy Fire Chief Griswold acknowledged this was satisfied.

- 6) That the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost shall also be the responsibility of the applicant. This should be coordinated with Gil Emery, Supervisor, 610-7411.

Note 8 on Sheet C-2 was added to address this requirement.

- 7) That a Trip Generations Report shall be prepared for review and approval by Deborah Finnigan, City Traffic Engineer, and provided to the TAC members for their review;

A trip generation report was submitted last Friday and hopefully Ms. Finnigan has had a chance to review it. The report talks about trip generation at the peak hour and compares it to what was there before. It uses a conservative estimate of 30% of the trips being pass by or dual purpose trips. ITE says up to 43% on average of the trips generated by this type of restaurant would be pass by so they were conservative in their estimates.

Mr. Holden felt it was useful to have this information as it was a commercial use going to a commercial use and he appreciated the report.

Ms. Tillman referred to Note 1 on Sheet C-2 which talks about proposed office and she asked if that is where the apartment is? She needs to collect the figures for a breakdown by floor for the parking

calculations to be attached to this plan. Ms. Tillman indicated that the City needs a Change in Use application to be filed. Steve McHenry, architect, indicated that he understood what Ms. Tillman was requesting. Mr. Holden asked if the existing residential condominium had been purchased? Mr. McHenry confirmed that the entire two buildings are owned by LBJ Properties.

Mr. Holden asked to address utilities.

Mr. Desfosses stated that last week they spent a significant amount of time chasing down utilities and with quite a bit of help from the applicant they now have a pretty good idea where things go. They had an internal meeting with staff this morning and they have the following comments.

First, before getting into actual utilities, all areas in brick areas should have a note on the plan that the brick shall be hand removed for reuse since they will be unable to get matching brick for any area that gets disturbed. The contractor needs to be aware of that up front.

Mr. Desfosses stated that they made the determination that they will use the sewer that comes out the front of 22 Market Square and abandoning the sewer that comes out the back alley. The 22 Market Square building will need a sewer manhole installed in front of the ramp and steps to facilitate cleaning as they are worried that the 4" line may be prone to clogging because it is slightly smaller than a typical restaurant line. Hopefully with the installation of the manhole, the two weird bends in the sewer lateral can be eliminated. The sewer services that go out the side of the alleyway of 26 Market Square will be cut and abandoned but they need to remain intact because of the roof leader coming out of Tax Map 107-28. Those lines shall be dug down immediately outside the curb line to keep out of the brick area and the brick sidewalk on the side of the building and will be cut and capped more or less where the gas line is shown but wherever is reasonable to get at it. In addition, the water services shown are correct. They need to show valves and would like them in the vicinity of the curb line of Pleasant Street so that they are in a street and not in the alleyway. Mr. Desfosses stated that in speaking with the man he worked with last week, he indicated there would be new electric service for the buildings? Mr. Chagnon confirmed that would be coming from the transformer in the back. Mr. Desfosses asked if they were going to be upgraded? Frederick Shultz, Project Manager, stated that they are underground going into the building and the services inside the building are being upgraded to a 800 amp service. Mr. Desfosses requested a note on the plan that it will be a new electric service.

Mr. Desfosses indicated that the other mysterious issue is the clean out behind 22 Market Square and they believe the clean out goes to building 107-28 and they need to make sure they have viable access to clean that out so that cleanout needs to be available in case the cleanout plug up. Otherwise the roof drains for that building could clog and that is based on information that was given back to them by the applicant. A stipulation will be that that clean out needs to be either moved or there needs to be a viable way to get in there because it is going to be underneath the new steps.

Mr. Desfosses noted that the Typical Water Trench Detail shows 3" of asphalt and City standard is 4".

Mr. Desfosses had two questions for Mr. Chagnon: Do they have resolution from the gas station that two gas services will be adequate to run the restaurant? Mr. Chagnon confirmed that the loads have been sent to the gas company but they haven't responded yet. Mr. Desfosses stated that if gas services need work they will require an amended plan to show that and hopefully it won't be in the brick area but, if so, they will have to show a hatched out area for brick repair as well if they can't sleeve the line.

Mr. Desfosses last question was do they have resolution on the improvement language in the easement? Mr. Chagnon had a letter from Chris Mulligan from Bosen & Springer which said:

"At your request, we have reviewed the rights and interested of LBJ Properties holds as a result of a certain Duplicate Alleyway Agreement Deed recorded at the Rockingham County Registry of Deeds at Book 2249, Page 1740. Please be advised that it is our opinion that the installation of sprinkler lines

along the alleyway in connection with the contemplated construction and renovation of 22-26 Market Square falls within the scope of the rights contemplated in the above instrument, which provides for such access for "repairs, improvements, (and) reconstruction." Mr. Chagnon submitted the letter to Chairman Holden.

Mr. Allen noted that the letter refers specifically to sprinkler lines but they have domestic service and work on the sewer lines so he asked if those are sufficiently covered in that agreement? Mr. Chagnon felt the attorney did not add water line to his letter and that was just an oversight on his part, not recognizing that there are two lines. Mr. Chagnon did not believe they could preclude them from capping an existing pipe.

Mr. Desfosses' last comment was the other 1 ½" steel water line they show abandoned in accordance with DPW instructions. They will be asking him to cut and cap on the main at the core, at the ATM door. They will need to show a brick repair there as well.

Mr. Allen was confused on condo/apartment. They will be assessed capacity use and surcharge and he asked if the figures on Sheet C-2 are accurate for that purpose? Mr. Chagnon indicated that at the last meeting Peter Rice said he would look up the water figures for them. He would suggest including just add one bedroom apartment and they would still be over 5,000 gallons per day. Mr. Allen indicated that the past use surcharge is separate from what he is talking about. The 5,000 gallons is the waste water discharge permit for the State but there is also a capacity use surcharge for water and sewer. Mr. Chagnon was assuming they would be charged just for the increase. Mr. Allen confirmed that was correct. Mr. Chagnon thought they would add 150 and they will look at the existing records.

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

Mr. Holden confirmed that concerns from the letter dated December 4th are all addressed or have been added to the plans so they no longer need to look at them.

Mr. Holden was assuming there will be a race to get a building permit so he asked the Committee members to please make their stipulations as specific as possible.

Mr. Allen indicated that Mr. Desfosses' comments should be used for stipulations.

Mr. Desfosses confirmed that the sewer coming out of 22 Market Square will be the active sewer for the project. There will be a sewer manhole installed in front of 22 Market Square with a new sewer lateral going into the building so that there are no bends and turns to go into the manhole. The purpose of the manhole is to clean the line in case they have a grease problem with the restaurant. The two existing water services shall be cut and capped at the corporation. The sewer going out the back alley shall be cut immediately outside the curb line and capped, understanding there are still some active lines in the area and they would not want to prohibit those from being used. That the roof cleanout from 107-28 needs a viable way to clean out the roof drain and as it is in the stair area the architect needs to look at that and make sure there is an accessible route to clean that out with equipment. Mr. Desfosses felt they would need at least 18" above the clean out to actually get in if there was a problem. That the detail be upgraded to show 4" of hot top. That everywhere there is disturbance, the contractor will hand remove the bricks, save them and reinstall them as there are no brick available that would match. The water shutoffs shall be shown somewhere along the curb line on Pleasant Street for the two water services that will be installed, in accordance with Water Division specifications.

Mr. Holden asked, when this is all done, the gas, water and sewer will all be coming into 22? Mr. Desfosses stated that was incorrect as they have two gas services. Mr. Holden asked, if these are consolidated, will that be a problem with the water service? Mr. Allen confirmed there will be one meter for this project. Mr. Desfosses asked if the new electric service is shown on the plan? Mr. Allen stated that was being abandoned. The service out front, going into 22 will be abandoned. Mr. Holden

asked if the plan shows the utilities correctly? Mr. Allen felt the plans should show the terminations they talked about. Mr. Holden asked Mr. Chagnon if he could have a revised plan for Mr. Desfosses and Mr. Allen to look at for submission on Friday to Planning Board. Mr. Desfosses asked them to add a note that review and approval of brick repairs are subject to DPW.

Mr. Holden requested a Construction Management and Mitigation Plan prior to the building permit being issued. Ms. Finnigan requested that the calculations associated with this document should be attached for the Planning Board and for the record.

Mr. Holden asked about the easement. He asked if they have the need for an easement area for the utilities? Mr. Chagnon believed the alleyway agreement covers that. They went to Mr. Mulligan and his opinion letter states it is within the scope of the easement. Mr. Holden added a condition that the City Attorney review the proposed use of the alleyway for utilities as to content and form whether the intent of the letter is met. He asked Mr. Chagnon to provide a copy of the deed.

Mr. Desfosses asked if there are cable and telephone service to this building now and where do they come in? Mr. McHenry confirmed they come off the back of the building and are overhead. Mr. Holden felt they should be underground. Mr. Desfosses felt they should be if it is viable. Mr. Holden made a stipulation that they be placed underground and they can request a waiver from the Planning Board. Mr. Desfosses indicated he will take a look at it as he cannot make a recommendation until he looks at it. Mr. Allen felt that the regulations say it should be underground so he agrees they should put it on as a regulation and if they want to request a waiver from the Planning Board they can do that.

Mr. Chagnon did not know if this use intensifies the telephone. The water and sewer is changed by the restaurant but he doesn't believe there is any change to the building for telephone. Mr. Holden stated that when they come in for Site Review they can look at everything and all utilities are supposed to be underground. If they can do it, he would suggest that they do it as in the long run that's where they are all going but if they can't, they understand.

Mr. Desfosses added, for clarity, that the brick needs to be manually removed, saved and reinstalled.

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

- 1) That there will be a sewer manhole installed in front of 22 Market Square with a new sewer lateral going into the building so that there are no bends and turns to go into the manhole. The purpose of the manhole is to clean the line in case they have a grease problem with the restaurant;
- 2) That the two existing water services shall be cut and capped at the corporation;
- 3) That the sewer going out the back alley shall be cut immediately outside the curb line and capped, understanding there are still some active lines in the area and they would not want to prohibit those from being used;
- 4) That the roof cleanout from Map 107 Lot 28 needs a viable way to clean out the roof drain with equipment as it is in the stair area;
- 5) That the Typical Pipe Trench detail shall be upgraded to show 4" of hot top;
- 6) That everywhere there is disturbance of a brick area, the contractor shall hand remove the bricks, save them and reinstall them as there are no bricks available that would match;
- 7) That all brick repairs are subject to review and approval by DPW;
- 8) That the water shutoffs shall be shown along the curb line on Pleasant Street for the two water services that will be installed, in accordance with Water Division specifications.
- 9) That all utility terminations shall be shown on the Site Plans;
- 10) That a Construction Management & Mitigation Plan (CMMP) shall be prepared by the applicant, for review and approval by the City, prior to the issuance of a building permit;
- 11) That the Traffic Letter from Jeffrey Dirk, of Vanasse & Associates, dated December 4, 2008, shall include the backup calculations for the Planning Board and for the record;

- 12) That the City Attorney shall review the proposed use of the alleyway for utilities as to content and form to determine whether the intent of the letter is met;
- 13) That all utilities shall be underground;

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II. ADJOURNMENT was had at approximately 2:40 pm.

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant