MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING

2:00 PM **MAY 4, 2010**

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

MEMBERS PRESENT: Rick Taintor, Director, Planning Department, Chairman; David Allen, Deputy Director, Public Works; Jared Sheehan, Engineering Technician; Peter Britz, Environmental Planner; Steve Griswold, Assistant Fire Chief and Stephen Dubois, Deputy Police Chief

OTHERS PRESENT: Lee Jay Feldman, Principal Planner

I. OLD BUSINESS

A. The application of **150 Greenleaf Avenue Realty Trust, James G. Boyle, Trustee, Owner,** for property located at **150 Greenleaf Avenue** requesting Site Plan Approval to expand an existing car dealership, to include a 26,000 s.f. (footprint) building and approximately 944 additional parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 243 as Lot 67 and lies within the General Business District. (This application was postponed from the March 30, 2010 Technical Advisory Committee Meeting.)

The Chair read the notice into the record.

Mr. Taintor stated that they had just received a letter dated today from Attorney John Kuzinevich, counsel for 150 Greenleaf Avenue Trust and he read the letter into the record. (See letter in Site Review File in Planning Department).

SPEAKING TO THE APPLICATION:

Attorney John Kuzinevich felt his letter was self explanatory. They are in the midst of litigation and they disagree on which version of the Zoning Ordinance applies. He stated that Mr. Taintor had provided a Memorandum indicating that the new Zoning Ordinance applies however the judge felt the applicable Board with binding authority should decide. They interpret that to be the Planning Board and if they feel that the Planning Board is in error, they may appeal to the Zoning Board of Adjustment. Attorney Kuzinevich stated they are asking for a recommendation to the Planning Board, one way or the other, on which Zoning Ordinance should apply. They are mindful that this may result in a denial, although they hope it isn't as they are already fighting enough things in the courts. He would ideally envision this Board sending it to the Planning Board, and depending on the vote, the substance of the Site Plan coming back to TAC for review. They believe the old plan is consistent with the old Zoning Ordinance, with minor refinements, in particular the placement of the second

building and the buffers that are required for automotive use from a residential area, which is new in this version of the ordinance. The prior version only prohibited outdoor storage and perhaps outdoor parking, but they don't have to get into the narrow meanings at this hearing. The new version was changed to prohibit automotive uses within 200' of a residential zone, which means if a building is used for automotive purposes, even thought it is not outdoor parking, it is prohibited. Under the old ordinance they could place the second building where it is on the plan but under the new ordinance they cannot. That changes virtually all of the engineering and substantive review aspects of the plan. They are just asking for a vote one way or the other on the ordinance.

Mr. Taintor asked, for the record, whether they were presenting any additional information on the plan, or information that was requested under prior correspondence? Attorney Kuzinevich confirmed they were not. He stated it was impossible to engineer the plan and prepare it when they can't agree fundamentally on what criteria they are preparing it to meet.

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

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Allen stated that this is a unique situation and he did not believe they have ever been asked to forward a request for this type of opinion to the Planning Board. He asked if the applicant looked for a postponement of a decision because the Committee obviously doesn't have the significant information to approve and in his mind it would result in a denial. Mr. Britz stated that if the applicant had wanted to provide the information and postpone it they could have done that but he did not see where they had made such a request. He did not see how the application could move forward.

Mr. Taintor did not feel this new request was submitted in a timely manner. Mr. Taintor had sent several letters to them, asking if they wanted to postpone and he received no response. Handing the Board this letter today does not give them a chance to even evaluate what the proper approach is. If they were to consider this approach, they would have to postpone consideration until their next TAC meeting and then decide whether to forward it to the Planning Board. He felt it was unreasonable to ask them to make a decision on this request today. He felt they have options open to them. They can, at the applicant's request, postpone consideration of this request to the June TAC; they could vote on it now although he feels it was too quick; or they could vote on the application as it has been submitted with the material before them, which in effect would have the similar effect in that it would bring it to the Planning Board and the Planning Board would decide on that basis which Zoning Ordinance would be applied. Mr. Taintor asked if he had a motion for any of those options.

Deputy Police Chief Dubois felt that, as they had only received the new information at today's meeting, they would need some time to have it reviewed by at least the Legal Department and he felt the best course of action would be to delay it.

Mr. Taintor asked the applicant if they would like to request a postponement of consideration of the item they have requested of them today and the full application until the June TAC meeting.

Attorney Kuzinevich stated that in terms of the supposed lateness of the request, Mr. Taintor has written an extensive memo saying the old statute applies, they have been in court a number of times about this issue, Attorney Sullivan has likewise written it up, so to say that there is no ability to make a decision does not ring true because all they are asking for is a procedural decision to send it up for a binding determination on what the City Attorney and the Planning Director have already determined. He didn't feel there was a good faith consideration there on a predetermined aspect and they are willing to live with a recommendation to the Planning Board that the plans should be denied unless they conform to the new Zoning Ordinance. That is their recommendation, it is not binding on the Planning Board and they get in front of the Board on that issue because they believe that is the wrong position.

Deputy Police Chief Dubois noted that they were on the Agenda for Pre-TAC that morning. Attorney Kuzinevich stated they were not. Mr. Taintor stated that they were. Attorney Kuzinevich stated that they were not told that they were on the schedule for Pre-TAC in all of their correspondence back and forth. Mr. Taintor had asked him if they wanted a postponement and he did not get back to him as they did not want a postponement. This issue has come up at every Pre-TAC that they had attended so far. Deputy Police Chief Dubois indicated that if he had had their letter this morning, he may have had some time to digest it and have some conversations about it. Now he cannot really make a decision as this is the first time he has seen it.

Mr. Allen made a motion to recommend denial of the application that is in front of them for the following reasons:

1. The application for site plan review and approval omits numerous items which are required in order to evaluate compliance with City ordinances and regulations as well as potential impacts of the proposed development. These items are listed in a letter from the Planning Director to the applicant's attorneys dated March 4, 2010; as modified by a letter from the Assistant City Attorney to the applicant's attorney dated March 30, 2010.

2. The application does not include several reports and studies required for review of the application, as listed in a letter from the Planning Director to the applicant's attorneys dated March 19, 2010.

3. The plans included in the application show the following significant zoning issues as noted in a letter from the Planning Director to the applicant's attorneys dated March 22, 2010:

   (a) Vehicle parking, display and storage areas less than 200 feet from a Single Residence B district;

   (b) Vehicle display areas less than 40 feet from the Route 1 Bypass right-of-way;

   (c) Extensive alterations to jurisdictional wetlands and wetland buffer areas without having applied for and been granted a conditional use permit;

   (d) Off-street parking areas, maneuvering areas and traffic aisles less than 100 feet from a Single Residence B district;

(e) More than one freestanding sign.

4. The application and plans do not contain sufficient information to evaluate compliance with the requirements of the zoning ordinance for required open space and required off-street parking spaces, as noted in the March 22 letter from the Planning Director.

5. The proposed site plan contains statements that certain site improvements will be undertaken by the City, without having obtained the City's agreement to provide such improvements, as noted in the March 22 letter from the Planning Director.

Mr. Taintor added that there are presumed to be a number of State and Federal permits required which are referenced in one of the previous letters and those must be provided before approval. He wanted to note that for the record as something that is also missing from the application.

The motion to recommend denial to the Planning Board passed unanimously.

Attorney Kuzinevich asked for clarification. He assumed the action that was just passed was based on the 2010 Zoning Ordinance and the 2010 Site Plan Review Regulations. Mr. Taintor clarified that it was based on the 2010 Zoning Ordinance and, as stated in a letter from the Assistant City Attorney, the Site Review Regulations that were in effect as of 2009.

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## II. NEW BUSINESS

B. The application of **Blue Star Properties, LLC, Owner**, for property located at **233 Vaughan Street**, requesting Site Plan Approval to demolish an existing building and construct a 4-story, 10,905 s.f. (footprint) mixed use building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 14 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, presented on behalf of the applicant. Also present was Carla Goodnight, of C. J. Architects, and Bruce Crawford, also from Ambit Engineering. The proposal is to demolish a one story building that exists at the site and construct a 4-story building with parking underneath. Mr. Chagnon reviewed the plan set with the Committee.

The Cover Sheet lists the project team members, the applicant and owner and has the legend.

Sheet C-1 is the Existing Conditions Plan and shows the boundary of the property, the topography and the features that are there today.
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Sheet C-2 is the Parking Level Plan that shows the lower level of the site which will contain 24 conforming parking spaces.

Sheet C-3 is the Layout and Landscape Plan showing brick sidewalks along Green and Vaughan Streets and other concrete sidewalks to access the site with two entrances on the Vaughan Street side. One entrance goes to the first floor parking area and on Green Street there is an access that goes to the underground garage level parking. The first floor parking level has seven spaces. There is also a deck on the Green Street side. The front entrance is on Vaughan Street with an accessibility ramp also off of Vaughan Street. They are providing an on-site dumpster which meets the setback requirements on the Green Street side and it is also shown as a proposed pad mounted transformer location.

Sheet C-4 is the Utility and Grading Plan. It shows the grading of the site with spot elevations to show how they are blending into the existing streetscape. They are re-using the existing sewer connection on Green Street and adding in a 1,000 gallon grease trap for any potential restaurant use on the Green Street side to a new sewer connection, through a clean out manhole. They are proposing retail at this time but this is the time to put the grease trap in. They are showing water coming off Green Street as a re-use of the existing connections. Electricity is currently served by a utility pole on Green Street. It is an interesting configuration as the PSNH system is underground at Vaughan and fed from a vault around the corner and comes up at the existing pole and turns into an overhead run of 150' to another pole. The project shows the reconfiguration of that. They will bring it underground from the current location on Vaughan Street, they will put a vault in to provide the connection points to reconnect the buildings at 53 Green Street and 255 Vaughan so they would also be fed from that vault. They currently are fed one overhead and one underground but they will be redone to underground services. The sewer loading is shown on this Sheet. They are anticipating sewer loading of 2,151 gallons per day, based on the proposed uses of retail on the 1st floor, office on 2nd and 3rd and residential on the top floor. They are proposing a gas connection from Green Street.

Sheet C-6 is a Foundation Drainage Plan. As the site is close to sea level they have a de-watering plan for the basement level which is going to be below grade.

Sheet L-A is the Lighting Plan. That plan shows the fixtures which are primarily building mounted. There are a few bollard lights on the back sidewalk. They have asked for a waiver of the Site Plan Regulations so that they are not required to provide a Photometric Plan. They feel that is appropriate since the lighting is primarily building mounted and the only other lighting is along the walkway in the back and it is well shielded from the neighbors.

Sheets D-1 thru D-3 are Detail Sheets.

They have included elevation drawings and building dimensions as the final sheets in the set.

Mr. Chagnon indicated that was the end of his presentation and he was available for questions.

Mr. Taintor read their request for a waiver of section 2.4.4.3.j, Outdoor Lighting, to allow submission of proposed lighting data and cut sheets without including a photometric plan.

Mr. Taintor stated they have been through three Pre-TAC reviews of this project. He also noted that they changed the plans to show the removal of the railroad spur in Green Street which is helpful.

Mr. Allen explained that the City has been in the process of cleaning out that sewer line and the crew did some video work and there are sections that are in failure. He has not seen the report on that yet but he feels there will have to be some remediation work. He's not sure if it has to be replaced or just slip lining installed. Mr. Allen will get a copy of that report with the evaluation to Mr. Chagnon when it is completed.

Mr. Allen asked them to be more specific on their note for the water line; the existing service says "cap abandoned" and he asked them to say it will be "abandoned at the main and in accordance with City Water Division Regulations".

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

DISCUSSION AND DECISION OF THE COMMITTEE:

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

Mr. Allen requested that the applicant work with Public Works to evaluate repair needs for the sewer line that it is proposing to tie into, prior to Planning Board approval.

Mr. Britz asked if there was irrigation on the site. Mr. Chagnon stated they were looking at some rain barrels. There is significant landscaping so he imagines there will be some irrigation. Mr. Britz felt it was a nice landscaping plan and he asked about the swamp oak and the cyprus. He has seen them in wetlands and fairly wet areas so he wants to make sure it is spec'd properly so they don't lose those nice trees. That is not a stipulation but Mr. Britz wanted them to look into it. He was not recommending irrigation as it would be nice to use water from the site.

Mr. Desfosses asked for a detail for reclaiming part of Vaughan Street. Mr. Chagnon indicated they had a general pavement detail showing the edge treatment. Mr. Desfosses requested a note on the plan about 4" of pavement, 2 ½" of binder and 1 ½" of top, to be coordinated with Public Works, etc. Mr. Chagnon indicated they can certainly add that. Mr. Desfosses felt that the plans are silent on the specifications on that work so he would request that the applicant add some language.

Mr. Taintor asked Mr. Desfosses if he was okay with the brick sidewalk detail. Mr. Desfosses confirmed they were. The City does not plow that during winter storms.

Mr. Taintor requested that a Construction Management Plan be prepared.

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

1. The applicant shall work with Public Works to evaluate repair needs for the sewer line that it will tie into, prior to Planning Board approval.

2. A detail for reclaiming part of Vaughan Street shall be added to the Site Plans.
3. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.

Mr. Taintor felt this was a good looking building and will be a good addition to the area. Mr. Desfosses also felt it was a good project.

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C. The application of **Robert and Pearl Revocable Trust, Owner, and Stephen Kennedy, Applicant,** for property located at **175 Fleet Street,** requesting Site Plan Approval to construct a 1-story 365 s.f. addition to an existing structure, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 117 as Lot 8 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Stephen Kennedy, co-owner of Gilley's, appeared before the Committee. He stated they hope to expand their building to comply with the health code for refrigeration and by adding a handicapped bathroom. They are adding a 22' x 26' expansion. Their current location does not permit them to meet health requirements for refrigeration and an employee bathroom. On the existing plans they have a 22' x 26' expansion which will accommodate a cooking area, bathroom, office and a grease trap.

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

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Mr. Taintor indicated that as this site was unique and was a very small lot, there were some waivers that need to be granted from the regulations. He asked for a motion to grant the waivers and accept the application as submitted. Mr. Britz stated that in view of the unique characteristics of the property and the minor impacts of the proposed changes relative to existing conditions, he moved that they waive strict compliance with the requirements of the Site Plan Review Regulations regarding Site Plan specifications, and accept the Site Plan as submitted. Deputy Police Chief Dubois seconded the motion. The motion passed unanimously.

Mr. Taintor requested a note on the plans that the truck body will be removed.

Mr. Desfosses requested a note on the plans that the grease removal will be via automated grease removal unit, rather than an underground tank, internal to the kitchen area.

Mr. Taintor requested a Construction Management Plan because, even though this is a very small project, it is a very tight site in a congested area.
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Mr. Britz made a motion to recommend approval with stipulations. Mr. Desfosses seconded the motion.

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

1. A note shall be added to the Site Plans stating that the truck body will be removed from the site.
2. A note shall be added to the Site Plans stating that there will be an automated grease removal unit, rather than an underground tank, internal to the kitchen area.
3. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.

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D. The application of **Madison Commercial Group, LLC, Owner**, for property located at **150 Mirona Road**, requesting Site Plan Approval to construct a 2-story 2,600 s.f. (footprint) garage with open space on the second story, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 253 as Lot 2A and lies within the Gateway District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Eric Weinrieb, of Altus Engineering, appeared on behalf of Madison Commercial Group. Also present was Michelle Bedard with Madison Commercial Group. This site is occupied by Re-Max. It was originally developed as a funeral home and later became a bank. They are proposing to construct a garage/storage building in the rear. The applicant also owns the abutting parcel to the west, which was the former Artisan Outlet. They created a detailed Existing Conditions Plan and mapped the wetlands on the parcel. There are about 3,100 s.f. of wetlands so it is a state jurisdictional wetland but not a local jurisdicational wetland under the Zoning Ordinance. They will be adding 12 new exterior parking spaces to service the existing 72 Mirona Road facility to ease the parking requirement for their retail and restaurant aspects of the property. They lose three exterior spaces to construct the access and they would also be constructing a first floor garage area so they will be able to park some of their service vehicles on the inside. That will help address the problems they have had with theft of snowplows and other equipment on the property over the years.

Mr. Weinrieb discussed some of the benefits of this development. It is in a back area and is a low volume use. They had the opportunity to observe the detention pond in March and witnessed the flooding on a numerous occasions. They have provided stormwater enhancements to the site. They increased the detention basin by about 20% in storage volume so that will help the storage in that area as well as the outlet of the pond that discharges between the two parcels and north of Mirona Road into the Sagamore Creek tidal marsh. They are providing a new detention pond outlet structure with a trash rack and overflow structure to help control some of the flooding issues.

Mr. Weinrieb distributed a handout outlining the Pre-TAC concerns from this morning.
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They initially requested a waiver of Section 7.44 for a Stormwater Erosion Control Plan as they provided an erosion control plan but they did not provide the run off computations. Subsequently, after Pre-TAC, they have added a waiver of Section 2.4.43.v for architectural renderings. They have also enclosed a draft easement deed that allows the access from 72 Mirona Road and 150 Mirona Road. They provided a reduced copy of the January 20, 2009 overall Site Plan for 72 Mirona Road. That provided the parking calculations for the site and the parking calculations for the proposed expansion that was not constructed. They had a variance for parking and they will be making the site less non conforming and they will not be over the percentage requirement for the new Gateway District. The owner had a Phase I Environmental Site Assessment report completed when they were buying the property and he will make that available to the City. There is not, at this time, an active groundwater management plan but it is known that this is an old landfill. The Phase I is required and a liner is required so they will revise the rain garden plan so there is no infiltration associated with that.

Mr. Britz asked if Phase I was complete or in process. Mr. Weinrieb stated it was completed but the copy has not been made available yet.

Mr. Weinrieb stated that they included a narrative on the green building elements. It is not a high use facility and primarily it is a garage so they will be keeping the temperature low and using adequate insulation. He would consider the green elements of this project to be the site work elements, where they are enhancing stormwater quality and they will be providing adequate loam and seed and vegetative buffers.

Previously they did not show any lights on the garage at the overhead doors but now they are providing 3 lights over the three bay doors. That will be added to the Photometric Plan.

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

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses made a motion to recommend approval with stipulations. Deputy Fire Chief Griswold seconded the motion.

Mr. Desfosses requested a Construction Management Plan (CMP).

Mr. Taintor requested the execution of the easement as shown in the package so they are in compliance with zoning.

Mr. Taintor requested submission of the Phase I Environmental Assessment Report and the revised Site Lighting Design Plan.

Mr. Britz asked that as part of the CMMP, there should be some kind of long term maintenance plan for the rain garden. Mr. Weinrieb stated they had that spelled out in the detail. Mr. Britz noted that it doesn't have the type of vegetation specified. Mr. Weinrieb indicated that was on the Landscape Plan. Mr. Britz was satisfied.

Mr. Taintor made a note that they are accepting the requests for waivers for the architectural rendering and the Drainage Report calculations requirements.

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

1. A Construction Management Plan (CMP) shall be prepared by the Applicant and approved by the City, prior to the issuance of a building permit.
2. The Easement Deed shall be executed and recorded at the Registry of Deeds.
3. The Phase I Environmental Assessment Report and the revised Site Lighting Design Plan shall be submitted prior to the Planning Board meeting.

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E. The application of **Sureya M. Ennabe Revocable Living Trust, Owner, and C.N. Brown Company, Applicant,** for property located at **800 Lafayette Road**, requesting Site Plan Approval to demolish an existing building and construct a gas station with a 1-story 2,800 s.f. canopy and a 1-story 2,770 s.f. convenience store, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 244 as Lot 5 and lies within the Gateway District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Attorney Peter Loughlin was present along with Tom Saucier, of Site Design Associates and Kevin Moore of C. N. Brown Company. This project has been on going since 2008 when CN Brown came into the Planning Department with a plan for a car wash and to repave more of the lot. The Department felt it would be better to eliminate the car wash, make the site less intense and to pull up some pavement in the rear by the salt marsh. As a result, CN Brown completely redesigned the site. They received variances for the canopy and relief because they were within 100' of the salt march. After the BOA meeting Mr. Feldman indicated that the Zoning Ordinance was changing and they would need a Conditional Use Permit. They went before the Conservation Commission in December, January and February and received a favorable recommendation. They went to the Planning Board for the Conditional Use Permit and received approval. They went to Pre-TAC 3 months ago and Mr. Taintor advised them they could not have parking between the convenience store and the street and they would need a variance for that as well. They applied for that variance and received approval from the BOA. Attorney Loughlin had thought this would be a fairly simple project but it turned into a very complicated project.

Tom Saucier, of Site Design Associates, stated that he was advised of the Pre-TAC comments from this morning and he addressed those.

1) The elimination of the middle entrance, or one of the entrances, on the plan. They will look at eliminating the middle entrance and they will talk to NHDOT about modifications to their drive to accommodate their traffic. Mr. Saucier indicated that they have a right to use that right of way and historically have used it but they will address the comment.
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2) Sidewalks not lining up on the site. In the middle island there is an existing pedestal sign and the pedestal does not allow the walks to line up. They can sweep them more but they don't think because of the distance between the driveways it is a big deal if they are out of alignment a little bit.

3) There was a question of whether PSNH has an easement to the utility lot on the northerly property line. Mr. Saucier stated they do have an easement across the lot for that power line.

4) Underground utilities were requested from the pole to the building. That is their intent and they will update the utility plan to show that.

5) There was a question about where the catch basins on the site go. Mr. Saucier indicated they are collected together and tied into a small 10" drain line that lies next to the big 30" pipe that comes off Lafayette Road and drains all of that area. He pointed out the outfall. As part of the design of the project, they plan to retrofit and possibly install new catch basins but right now they are just looking at retrofitting them.

Mr. Desfosses asked him to explain where all of the drainage goes and where the outfall is. Mr. Saucier pointed out the two catch basins on the site and he pointed out what direction they drain in. There is a pipe outfall at the end of the State right of way. The outfalls are in the marsh. One is a 10" and one is a 30". Mr. Desfosses asked if those were outfalls for Route One. Mr. Saucier stated that the 30" is for Route One and the 10" is theirs. They dye tested them to determine that. Mr. Desfosses asked if they *carefully* dye tested the outfalls. Mr. Saucier stated they were environmentally friendly. Mr. Desfosses asked why those pipes were not shown on the plan. Mr. Saucier responded that when the surveyor was out there, he did not know whether it was high tide or not so he just didn't know. He shows the inverts in and the inverts out but hadn't tied everything together. Mr. Desfosses requested that they add that information to the plans.

Mr. Desfosses asked if they are using snouts. Mr. Saucier confirmed that they are.

6) There was a question on the sanitary sewer. Mr. Saucier stated they show a line exiting the building and going to the grease trap. There will be another line to take the normal sanitary sewerage that will enter the line after the grease trap. They will add that to the plan. The internal plumbing on the building wasn't done when they were doing these plans.

7) Portland cement sidewalks in lieu of the bituminous in the right of way was requested. Mr. Saucier indicated they will alter the plan accordingly.

8) There was a question about the lighting plan. The ordinance allows 300,000 lumens per acre maximum. Section 10.1143.40 states that they do not count the canopy lights if they are full cut off fixtures. Right now, counting the pole fixtures and the fixtures on the building, they have 107,000 lumens on a .64 acre site so they are well within the ordinance standard.

9) The application narrative and site plans contained conflicting statements as to the light pole heights. Mr. Saucier confirmed they will be going with 20' high pole and they will revise the narrative which states a 25' pole.

10) Fence around the dumpster. Section 18 of their narrative called for an enclosure around the dumpster pad and they just called the dumpster pad out on the plan. The plan will be revised to show the enclosure.

11) There was a question about the oil tanks. Mr. Saucier stated the oil tanks are relatively new and current. Their status is what NHDES calls "Out of Service mode" because the station isn't operating. There is a start up procedure when they are ready to start operating again. They will use the same tanks but new piping from the tanks to the pumps and they will be installed in accordance with all of the latest regulations.

Mr. Taintor referred to the lighting plan and questioned the lighting level around the northwest corner of the building. There is a building mounted fixture and there seems to be a discrepancy in the light levels. Mr. Saucier indicated he would look at that.

(Dave Allen was excused and left the meeting)

Mr. Desfosses indicated that the driveway is fine. He indicated that the sidewalks need to be adjacent to the curb as there is no esplanade on Route One. The sidewalk should be where it is in relation to the pylon sign. That is the appropriate placement of the sidewalk that should now continue across those two islands. The sidewalk next to Sunoco needs to be moved out and they need to provide handicapped access on the Sunoco side of the sidewalk so that they have a continuous sidewalk all the way across.

Mr. Desfosses referred to the south side of the plan where they showed, through cross hatching, that they were filling in the defacto sidewalk that they now have going to Dunkin Donuts (on Sheet C 101). That sidewalk should stay until such time as Dunkin Donuts puts a sidewalk in front of their lot, which they indicated a few years ago that they were willing to do. This is the 3' path from Dunkin Donuts parking lot to their parking lot so that people have a place to walk. That is also where the tractor goes through.

Mr. Desfosses referred to the Utility Plan where the connection to the sewer manhole is located and they have a note that says "Install Y". He asked what that means. Mr. Saucuer responded it was because they have a bend there and they were just going to put a Y in but if they want a cleanout they can do that too. Mr. Desfosses stated if they were not going to put an actual cleanout in, they should just put a bend in instead of a Y. They should show either a cleanout or a bend on the plans..

Mr. Desfosses stated that the PSNH easement should be shown on the plans.

Mr. Desfosses explained that the Portland cement is required because they do not use asphalt sidewalks in the City of Portsmouth.

Mr. Desfosses commented on the photos that were included in their packet, which were very good, and asked why the propane tanks were behind the buildings if they have a gas connection? Mr. Saucier could not answer that and assumed they would be gone with the building. Mr. Desfosses asked if there was a gas connection to the building? Mr. Saucier stated according to the records there was. Mr. Desfosses asked for a letter from the gas company stating that the line is acceptable for re-use.

Mr. Desfosses asked about the 25' poles and felt they were higher than what they usually allow. Mr. Taintor confirmed they are using 20' poles and are going to correct that.

Mr. Taintor recalled at the Conditional Use Permit hearing they were going to get the zoning corrected on the plans. The current zoning should be listed as the Gateway District and there are changes in the requirements.

Mr. Sheehan asked about the locations of the existing tanks. Mr. Saucier stated the tanks are underneath the slab at the end of the canopy. They are two 12,000 gallon tanks. Mr. Sheehan asked about the start up procedure and whether they will dye test the tanks at that point. Mr. Saucier confirmed that they will.

Mr. Desfosses assumed the new sewer connection is going to tie into the new sewer line and tie into the grease trap, rather than the old sewer line. The old sewer line needs to be removed or filled so that it doesn't become a settling problem.

Ms. Sheehan asked what size or material is used for the existing water line. Mr. Saucier did not know off the top of his head but they have a record card on it somewhere. Mr. Taintor requested that they specify that on the plan.

Mr. Desfosses asked if a sprinkler system was going in. Mr. Saucier indicated there is not.

Mr. Taintor stated, for the record, that there are items on the plans that are not under their jurisdiction. One is the signs shown on the building elevations and that will require a separate application. Also, the floor plan shows lots of beer space and action on this site plan would not imply any approval of the interior use of the building.

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

DISCUSSION AND DECISION OF THE COMMITTEE:

Deputy Fire Chief Griswold made a motion to recommend approval with stipulations. Mr. Britz seconded the motion.

Mr. Taintor requested that revised plan show the elimination of one of the curbcuts, presumably the middle one, but just has to be one of them. The sidewalks shall be relocated to be adjacent to the curb and lined up to the extent possible. Mr. Taintor asked if there was any issue in the middle where the sign was. Mr. Desfosses stated that there is no issue with the sidewalks at all. Mr. Taintor asked them to show the PSNH utility easement on the plan, the underground electric service to the building, show the connection to the catch basin and the outfalls, show the second sewer line exiting the building, show concrete sidewalks in place of bituminous, correct the narrative on the lighting plan so that it matches the Site Plan, show a fence around the dumpster with a detail..

Mr. Taintor asked if there was a stipulation regarding the tanks. Mr. Desfosses indicated that the tanks need to be removed but Mr. Saucier answered that.

Mr. Taintor indicated the sidewalk next to the Sunoco lot requires handicapped access and the sidewalk next to Dunkin Donuts should remain. They will need a letter from the gas company confirming that the gas service to the building is suitable for reuse. The plans should show the old sewer line to be removed or filled, they should specify the size and type of the water line, correct the notes on the first page regarding the Zoning District and standards and correct the Photometric Plan

Mr. Desfosses requested that they show a domestic sewer service.

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

1. The Site Plans shall show the elimination of one curbcut.
2. The sidewalks shall be relocated adjacent to the curb and lined up to the extent possible.
3. The PSNH Utility Easement shall be shown on the Site Plans.
4. Utilities shall be underground to the building and shown on the Site Plans..
5. The connection to the catch basin and outfall shall be shown on the Site Plans.
6. The second sewer line exiting the building shall be shown on the Site Plans.
7. Concrete sidewalks shall be used in place of bituminous.
8. The Lighting Plan narrative shall be corrected to match the Site Plan.
9. The Photometric Plan shall be corrected at the rear of the building.
10. A fence shall be added around the dumpster with a detail added to the Site Plans.
11. The sidewalk next to the Sunoco lot requires handicapped access.
12. The sidewalk next to Dunkin Donuts shall remain.
13. A letter from the gas company confirming that the gas service to the building is suitable for reuse shall be filed prior to the Planning Board meeting.
14. The Site Plans shall show the old sewer line being removed or filled.
15. The size and type of the water line shall be identified on the Site Plans.
16. The zoning district shall be corrected on the Site Plans, along with the zoning standards.

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F. The application of **Durgin Square Holdings, LLC, Owner, and Urban Retail Properties, LLC, Applicant,** for property located at **1600 Woodbury Avenue (Durgin Square Plaza)**, requesting Amended Site Plan Approval to upgrade landscaping along Woodbury Avenue and install an irrigation system, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 238 as Lot 16 and lies within the General Business (GB) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Matthew Leahy, of Leahy Landscaping, stated they are working with two spots in front of Sleepy's Mattress and the Vitamin Shoppe. They are still in discussion with the owner of Ruby Tuesdays regarding landscaping along that lot. The plants are of the same varieties which they have used
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throughout the rest of the property, including gingko trees and a variety of woody evergreens and perennials.

The Chair asked if there was anyone wishing to speak to, for or against the application.

Margie Eams spoke on behalf of her parents who live at 1550 Woodbury Avenue. They want to make sure that the drainage and runoff will not affect their property as it sits lower.

Mr. Leahy confirmed there is no drainage as they will not alter the fill or dredge any of the areas. They are putting in new plantings, new loam and new mulch but none of the grades will change. The irrigation systems will run much less often. Their irrigation systems didn't come on until mid-July last year because of the amount of rain they had. It is actually managed by a "rain sensor on steroids" as it has water monitoring, soil moisture sensors throughout the property and you will never see it on during a rain storm. Ms. Eames asked if someone from the City looks at this system. Mr. Desfosses assured her that the City will do inspections. He was confident that the amount of water that is going to be used for watering plants will not change the ground water which is what she is really concerned about.

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 for this matter.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses made a motion to recommend approval with a stipulation that any additional water coming off the municipal system shall be put on a back flow preventer attached inside the building and that they will be required to get a license from the City Council for installation of equipment in the public right of way. Deputy Fire Chief Griswold seconded the motion.

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

1. Any additional connections to the water system for sprinkler use shall be connected to back flow preventers, attached inside the building.
2. A license will be required from City Council for installation of irrigation system components within the City right-of-way.

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G. The application of **David D. and Elizabeth Paquette, Owners,** for property located at **8 Pheasant Lane**, requesting Amended Site Plan Approval to install an above ground swimming pool with wood deck, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 268 as Lot 99-8 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**
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David Paquette appeared and requested approval to install a 24'diameter above ground swimming pole with a wooden deck.

Mr. Taintor advised the Committee that this application would not typically come before them but it was unusual because there was a note added to the previously approved Site Review Plan saying no further development could occur without Planning Board approval.

Mr. Britz requested that in view of the unique characteristics of this property and the minor impacts of the proposed changes relative to the existing conditions, that they waive strict compliance with the requirements of the Site Plan Review Regulations regarding Site Plan specifications, and accept the Site Plan as submitted.

Deputy Fire Chief Griswold seconded the motion.

The motion passed unanimously.

Mr. Britz noted that they are staying out of the wetland buffer and asked if they will have to clear any vegetation to put the swimming pool in. Mr. Paquette stated it is lawn area along with 4 trees that need to be taken down. They are outside the wetland buffer but within the deck footprint.

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

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Desfosses made a motion to recommend approval. Deputy Fire Chief Griswold seconded the motion.

The motion to recommend approval passed unanimously.

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**III. ADJOURNMENT** was had at approximately 3:30 pm.

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant