

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

2:00 PM

APRIL 5, 2011

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

MEMBERS PRESENT: Rick Taintor, Chairman, Planning Director; David Allen, Deputy Director of Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Peter Britz, Environmental Planner; Steve Griswold, Assistant Fire Chief, Steve Dubois, Deputy Police Chief; and Jon Frederick, Director of Parking & Transportation

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I. OLD BUSINESS

A. The application of the **City of Portsmouth, Owner, and Verizon Wireless (Cellco Partnership), Applicant**, for property located at **680 Peverly Hill Road**, requesting Site Plan approval to attach antennas and cables to an existing telecommunications tower and install a 12' x 30' equipment shelter and propane tank, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 254 as Lot 8 and lies within the Municipal district; (This application was postponed from the March 1, 2011 TAC Meeting)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Jim Valeriani was present on behalf of Verizon Wireless along with Steve Russell, one of their Real Estate Managers. This application received Site Plan approval two years ago but they never went forward with it. The project is one of their standard installations with a 10' x 30' shelter. Most carriers do not use a shelter but Verizon likes to shelter their equipment as they have more equipment than the other carriers. It is a fenced compound with plenty of room for their shed. There are three other wireless carriers on the tower which is located behind the DPW recycling facility. The tower facility is un-manned and no water or sewer hook-ups are necessary. There is a generator inside the building with a propane tank. They have incorporated the conditions from their prior approval into their plans and there were no conditions at the recent TAC meeting on April 5th.

Mr. Taintor noted that they have a letter from the antenna owner but thought they should also have a letter from the City. Attorney Valeriani explained that was not something they typically do as a sub-tenant to the tower company. Their understanding is that there is a lease in place and they have a sub-lease.

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 Site Plan approval. Mr. Allen seconded the motion.

The motion to recommend Site Plan approval passed unanimously.

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II. OLD BUSINESS - REFERRAL FROM PLANNING BOARD

A. The application of **Bonhomme Richard Realty, LLC, Owner, and Chinburg Builders, Applicant**, for property located on Kearsarge Way, for Final Subdivision Approval to consolidate Lots 118, 119 and 122 as shown on Assessor Map 212, totaling 227,623 s.f. (5.2255 acres), and subdividing the lot into 21 individual lots varying in size from 5,007 s.f. to 14,002 s.f. Said lots lie within the General Residence B (GRB) District. (This application was postponed at the March 8, 2011 TAC Meeting).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, appeared on behalf of the applicant. Eric Chinburg and Dave Lauze, the Project Manager, were also present. Mr. Chagnon noted that the legal notice should probably be corrected going forward as it is now a 20 lot subdivision with 19 lots for single family homes and one lot which will be dedicated to water utility, drainage and buffer purposes.

They have addressed a lot of the concerns at the last TAC meeting on drainage and utilities. The Traffic & Safety Committee has also looked at the project and concurred that the proposed driveway and roadway locations are appropriate. Therefore he did not make a detailed presentation and he asked for questions.

Mr. Desfosses stated he would like to run down the previous stipulations as they move towards approval today.

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 felt that the applicant has done very well working with staff and the plan looks pretty good. He felt there are a few outstanding issues which they discussed this morning at the TAC Work session.

Mr. Desfosses requested a Construction Management & Mitigation Plan.

Mr. Desfosses indicated that they talked about putting a street light at the end of the street but have not been able to speak with PSNH about it yet so he would like a stipulation that the applicant work with DPW and PSNH to create a solution for all parties so that the lighting at the intersection of the new road is acceptable.

Mr. Desfosses stated that the sloped curbing should come around the radius and should be in front of the access driveway to get down to the utility area. Essentially the sloped curb coming around the radius in the new road is part of the standard details for the road that have been developed for the City. They want the curbing extended a little further so that the curb is mountable where the road is.

They talked about a note about the stormwater connection for the houses on the upstream side of the road and how they cannot have open connections in case of a stormwater backflow so that the water cannot get into the basements.

Mr. Desfosses' final item was the outparcel A and the outstanding issue of whether the City should take on Parcel A, if it should be part of a Homeowners Association, whether the City should have an easement over parcel A or whether it should be part of the lots. He recommended that they send it along to the Planning Board for a final decision.

Mr. Taintor stated that the easements that go to the City which are shown on the plan, including the utility easement at the end of the cul-de-sac, the sight line easement across lots #9 and #10, and the drainage and slope easements on lots #17, #18 and #19, should be recorded with the subdivision plan and approved by the Legal Department.

Mr. Allen asked for a note that all lots shall be subject to the capacity surcharge for water and sewer, but the surcharge will not be effective until the building permit is issued.

Mr. Desfosses followed up on some utility items. They have had several discussions that the Water Department is going to do some water work on Kearsarge Way and they will be doing water work off site pending some easements from the Housing Authority, and he wanted to make sure that was all detailed on the plans. Mr. Chagnon indicated it was included in Note 4 on Sheet C-3.

Mr. Desfosses requested a recommendation to the Planning Board that they consider providing some sort of shelter for the children at the end of the road to wait for the bus to pick them up, as they are looking at potentially up to 20 school children living in this subdivision.

As this is planned to be a City street, Mr. Desfosses requested an independent engineer.

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

Conditions Precedent (to be completed prior to final Site Plan Approval):

- 1) The sloped curbing around the radius on the south side of the new road shall be extended across the access driveway to the utility area.
- 2) The applicant shall add a note to the Site Plans that there shall be no open connection between the stormwater drainage system and the houses on the upstream side of the road.
- 3) The applicant shall add a note to the Site Plans that the subdivision shall be subject to a capacity use surcharge for water and sewer.
- 4) The applicant shall work with PSNH and DPW for an acceptable solution regarding the lighting at the intersection of the new road.
- 5) The applicant shall work with the Planning and Legal Departments for a recommendation to the Planning Board as to whether the City should receive a deed or an easement to Parcel A.
- 6) The applicant shall propose a location for a bus shelter for school children, for consideration by the Planning Board.

Conditions Subsequent (to be completed prior to issuance of a building permit):

- 7) All utility easements, sight line easements, and drainage easements shall be approved by the City Legal Department and recorded simultaneously with the subdivision plan.
- 8) The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City.

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III. NEW BUSINESS

A. The application of **Corpus Christi Parish, Owner**, for property located at **Middle Road and Peverly Hill Road (Calvary Cemetery)**, requesting Amended Site Plan approval to create and pave two internal 12' wide roadways (total length of 380'), with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 242 as Lot 5 and lies within the Single Residence A (SRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Landry, of Landry Surveying, appeared, representing Corpus Christi Parish. Kate Gordon was also present. Mr. Landry stated they are proposing to continue with 12' paved driveways in the scheme of the original cemetery layout. There will be approximately 380' of new pavement, 12' wide, and offset 5' from the property line.

This morning at the TAC Work Session they discussed whether any abutter's rights would be encroached upon. Attorney Loughlin is representing them and they will work with the City to protect any abutters rights, should they be infringed upon.

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

Phillip Stokel, of 83 Peverly Hill Road, is a direct abutter to the easterly side of the cemetery. He had several issues. He was interested in the setbacks from the proposed roadway to his lot line. The existing roadway that has already been installed did not use a surveyor and there is some question of whether some of the existing roadway is already his property. His other concern is the existing on-going construction site where the gravel, building materials and trucks are kept as it is right next to his house on Peverly Hill Road. All of the debris from the cemetery ends up on his property and he provided photos of his property which were taken yesterday. He felt a 6' fence should be installed as this area is a staging point for a lot of illegal activity. He has found two safes, broken beer bottles and cars frequently parking and partying. People camp on their property and it is probably because the cemetery supplies water. A few years back two women were abducted and brought out to the cemetery and they eventually escaped and ran to his house. He would like to see a curfew for the closing of the cemetery to the general public. He is also concerned about the setbacks and where the water will go from snow plowing. As a result of all of the water from surrounding streets and properties, the Stokel land is now labeled wetlands. He would like to hear back from the City on his concerns and would like to have an opportunity to speak further on this.

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 felt that a motion for further discussion would be appropriate. Mr. Taintor added that it was discussed at the morning's TAC Work Session whether this could be granted administratively or whether it should go through the Planning Board.

Deputy Police Chief Dubois asked Mr. Stokel if he had any suggestions regarding his concerns. Mr. Stokel felt that a 6' fence around the area would prevent dumping and people entering the cemetery, driving across his property and partying. Deputy Police Chief Dubois asked about the water run off. Mr. Stokel just wants to know where the water will go when they plow the driveways.

Deputy Police Chief Dubois asked Mr. Stokel about his statement that part of the cemetery operation is already on his property. Mr. Stokel confirmed that the end of the roadway that travels towards Peverly Hill Road angles very close to their property. The other issue is that they used to have a 3' high stone wall around the area but people have taken the stones one by one. The only stones left are the ones that are too heavy for people to lift into the trunk of their car. Deputy Police Chief Dubois asked if he has had it surveyed. Mr. Stokel stated it has been surveyed recently by Peter Landry on behalf of the applicant.

Mr. Taintor noted that the plan shows the removal of a section of existing roadway from Mr. Stokel's property and relocation of the roadway away from the property line. It also shows a relocated wire

fence 1' off the property line. Mr. Taintor asked Mr. Landry to describe the fence. Mr. Landry stated it is a metal post with a single wire strand. You can see through it and walk over it.

Deputy Fire Chief Griswold made a motion to approve, for the purpose of discussion. Mr. Britz seconded the motion.

Mr. Britz felt there needed to be clarification about what pavement was to be removed as the abutter doesn't know about it and the applicant would need the permission of Mr. Stokel to remove it. Also, the pictures show that it makes sense to have a fence for screening and for some protection of his property. Mr. Britz asked how the applicant would respond to that. Mr. Landry stated there is currently a very lush group of lilacs there so they do have a vegetative screen. In the wintertime it lacks the leaf cover but in the summertime it's dense. Mr. Britz also felt it was hard to tell where the water would go without a topography plan.

Deputy Police Chief Dubois agreed with Mr. Britz's comments regarding the fence.

Mr. Britz suggested that a fence be proposed from where they are proposing the new road and continuing all the way to Peverly Hill Road.

Mr. Desfosses felt that the abutter has some good points but he is not sure how to deal with them.

Mr. Taintor indicated that if they pass this along to the Planning Board that would give the applicant time to address Mr. Stokel's concerns and design a solution. Therefore, Mr. Taintor suggested a motion to recommend approval to the Planning Board, provided issues of screening, drainage and access to the property for removing pavement be resolved.

Mr. Frederick wondered if these were exclusive issues. One issue is the construction of a new road and another issue is the trash on the abutter's property, which might be better addressed in another manner rather than attached to this application.

Mr. Allen was concerned because one legitimate issue is drainage, which is under their purview and it should be dealt with at their level. He also agreed with Mr. Frederick that there are some issues that are not necessarily caused by this applicant but certainly the drainage is.

Mr. Desfosses felt, at the same time, approving this road, de facto, approves expanding the cemetery. This will probably be the final expansion of the cemetery so they should look at the final imposition of what will be there after the lot is full.

Mr. Allen would like to see this application postponed.

Mr. Britz agreed there are quite a few issues and more discussion is required at TAC.

Mr. Allen made a motion to postpone this matter to the next TAC meeting.. Mr. Desfosses seconded the motion.

Mr. Allen stated that, after looking at the pictures provided by Mr. Stokel, he would like the applicant to address the appropriate maintenance of his construction area and whether he could add some silt fence or controls. Mr. Taintor stated it would be a motion to postpone to address issues of drainage, screening, and legal access to remove the existing pavement and controlling access in general.

The motion to postpone to the May 3, 2011 TAC meeting passed unanimously.

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B. The application of **Portsmouth Ford Lincoln Mercury, Inc., Owner**, for property located at **450 Spaulding Turnpike**, requesting Site Plan approval to demolish an existing one-story building and construct a two-story 4,000 s.f. (footprint) building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 238 as Lot 1A and lies within the General Business (GB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Corey Colwell, of MSC Civil Engineers and Land Surveyors, addressed the Committee. Also present was John Sawyer, owner and applicant. Mr. Colwell stated they propose to remove the existing 4,000 s.f. antiquated structure housing Enterprise Rent A Center and replace it with a new building of the same footprint but the new building will have two floors. The current building is used for vehicle rental and detailing. The new building have the same uses and will be more energy efficient and provide additional needed office space. The new building will be 52' closer to the Spaulding Turnpike to improve parking, vehicular flow, and display areas. They reviewed the plan at the TAC Work Session in great detail and improvements were proposed, including new paved access and parking area to drain the new paved parking area with LID drainage technology. They are improving the drainage situation by reducing the impervious area currently at 92% down to 80%. They are also proposing inlet filters on all catch basins. The Committee felt that additional bio-retention areas, or rain gardens, would help drain the site. Mr. Colwell agreed they can introduce more drainage to the back of the site where the vegetated filtered strips are proposed. They can also eliminate some curbing in the front, diverting flow into rain gardens. There are some limitations with the rain gardens with grading issues but they should be able to work around those.

Mr. Colwell indicated that some other suggestions were the removal of the flag poles along the property lines. There was a suggestion of easement language for truck deliveries and solid waste management. Both items will be handled on the owner's lot next door and they will provide documents with language that will explain those activities.

Mr. Colwell looked into the issue of vehicle display in the front setbacks and he has a memo from Mr. Feldman of the Planning Department stating that use is allowed and they can continue to display vehicles up to the property line. He also reviewed the minutes of the BOA meeting which reinforced that.

Mr. Colwell agreed that they can introduce all of the suggestions into their plans and either work with this Committee a second time or they can move forward to the Planning Board.

Mr. Desfosses asked how they decided which pole to go underground with. Mr. Colwell responded that electricity is brought to the site now from the lot next door to the property line. They are required to have underground utilities on this property but there is no requirement for the electricity that serves the site to go underground.

Mr. Desfosses felt that the pole in the entrance driveway seemed to be a much better choice. Mr. Colwell stated the only reason was because there was water and gas proposed in those areas and they did not want to introduce all of the utilities in the same area. Otherwise they would be very close to the same trench as the gas and water.

Mr. Desfosses brought it up because if the adjoining site ever did an upgrade, they would have to go underground and he asked if they are making sure when they do that they will not have to dig up the electric line. They are not tapping off an electric line off the street but rather they are tapping off an electric line that is on private property. He did not believe it was the best decision.

Mr. Taintor asked if the service comes from Arthur Brady Drive to a utility pole just outside their property line, then through overhead lines. They are actually keeping two overhead lines on their property as well as the underground line. Mr. Taintor wondered if that required a waiver from the Site Review Regulations. Mr. Desfosses felt it required an easement as it is two different properties. Mr. Desfosses had the same questions about the parking lot and whether there are reciprocal easements for that. Mr. Taintor felt they would require easements for the parking spaces, easements for the utility lines and for the waste management and truck deliveries. Mr. Desfosses asked about an access easement so that Portsmouth Ford could use the front driveway off of the exit ramp. Mr. Colwell stated there is no access easement but this site was given the right to access to the off ramp by the State. There is a driveway access permit on file with the State. Mr. Desfosses pointed out that the access is off the property line and they need an easement to cross over the property line.

Mr. Desfosses did not understand why they were keeping it two lots because they start getting into all of the easement issues.

Mr. Desfosses stated that the lighting plan is much more light than the City would ever allow. Mr. Colwell agreed. The lighting plan came from a designer and they would like to significantly reduce the amount of light shown on the plan.

Mr. Colwell indicated they are prepared to draft all easements.

Mr. Desfosses asked if the reason they were lowering the site 24" when they have 18" of ledge was because of visibility. Mr. Colwell stated there is a front retaining wall with a grass strip and it is difficult to maneuver around it. They are lowering it to make the site one level and it will drain better.

Mr. Britz reminded Mr. Colwell that they recommended they look at LID technology to improve the removal of pollutants for water quality. He encouraged him to make sure there is a good plan on how they will be maintained and they should be incorporated into the CMMP.

Mr. Sheehan asked for a note on the plan showing how the well will be decommissioned. Mr. Colwell stated it was on the demolition plan. Mr. Sheehan stated that the State has a standard on how to decommission and he asked for a note on the plans. Mr. Colwell confirmed the well was decommissioned some time ago. It has been capped but not filled in.

Deputy Fire Chief Griswold reminded them to show the sprinkler system and they will also be required to provide automatic notification of emergency services and that can be done through any ADP. Also, they will need a knox box for 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:

Mr. Allen made a motion to postpone to the May 3, 2011 TAC meeting. Mr. Britz seconded the motion.

Mr. Taintor requested that the revised plans address the items they discussed, including the number of easements, access, parking, utilities, solid waste, changes to the lighting plan, removing the flags, drainage and stormwater treatment, knox box and automatic notification for emergency personnel.

Mr. Allen suggested that the application schedule a meeting at DPW to review the revised drainage design prior to the next TAC Work Session. He felt those type of systems are getting more and more complex so it would be good to look at it earlier than the day of the meeting.

The motion to postpone passed unanimously.

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IV. ADJOURNMENT was had at approximately 2:55 pm.

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant