

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

**2:00 PM**

**MAY 31, 2011**

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

**MEMBERS PRESENT:** Peter Britz, Environmental Planner and Acting Chairman; Dave Allen, Deputy Director of Public Works; David Desfosses, Engineering Technician; Tom Richter, Engineering Technician; Carl Roediger, Fire Inspector; Steve Dubois, Deputy Police Chief; and Jon Frederick, Director of Parking & Transportation

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**I. OLD 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. (This application was postponed from the May 3, 2011 TAC meeting)

Acting Chairman Britz advised the Committee that Attorney Loughlin had submitted a letter requesting that this matter be postponed until the next meeting.

Mr. Allen made a motion to postpone this application to the July 5, 2011 TAC meeting. Fire Inspector Roediger seconded the motion.

The motion to postpone this application to the next regularly scheduled TAC meeting on July 5, 2011 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. (This application was postponed from the May 3, 2011 TAC meeting)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Matt McCormick, of MSC Civil Engineers and Land Surveyors, addressed the Committee. They are seeking approval to demolish an existing one story building and construct a two story building with associated site improvements. The previous letter of decision from the April 5<sup>th</sup> TAC meeting included several concerns. They met twice with DPW to address those.

It was suggested that they add an access easement at both entrances to the site. They determined that there are two existing access easements in place and they are shown on the Existing Features Plan, C-1. A parking easement is also in existence where the parking spaces encroach into the adjacent property, also owned by John Sawyer, and is shown on the Layout Plan, Sheet C-3. They have also prepared an Easement Plan which will be recorded with the City. It was suggested that a utility easement be added where the proposed gas line is shown to connect to the site. The Utility Sheet, C-5, shows where the proposed gas line will connect to the existing gas service. They have talked to Unitel and they will work with them to obtain documentation of their recommendation for the connection. The final easement was a solid waste storage easement. As both properties are owned by Mr. Sawyer, solid waste for both properties is being handled by a dumpster at the dealership. They are showing the location of a proposed dumpster on the plan and added Note 23 which states that it will not be constructed until the sale of either property.

The Committee had concerns about the Lighting Plan and the flagpoles shown on the plans. The flagpoles have been removed and the Lighting Plan has been revised to reduce the amount of poles as well as the amount of spillage across the property lines. They moved the light poles further away from the property line so there is minimal spillage.

The Knox Box and notification for emergency personnel were addressed with notes #22 & 25 on the Utility Plan.

Mr. McCormick stated they made revisions to the site to drastically improve the onsite drainage and stormwater treatment. Currently there is no treatment or attenuation on site. Their original design called for a driveable grass product but it was brought to their attention that the grass may not grow because of vehicle storage on top of the areas. They decided to swap the drivable grass area to a turf stone paver which is a honey comb shaped paver with large gaps in the middle which can be filled with loam and seed or any type of aggregate. At the suggestion of DPW they will fill the gaps with pea stone to allow for infiltration of stormwater. Below the pavers will be 8" of clean sand which will act as a filter and provide treatment. Below the sand will be 18" of crushed stone, which is sized to store the first flush or first ½" of rainfall. There will also be a layer of filter fabric. Within the 18" of crushed stone there will be a 4" perforated underdrain pipe connected to the closed drainage system in the street, which will gather any water that will infiltrate between the stone and the sand layer.

Additionally, they have re-graded the site and the Grading Plan, Sheet C-4, shows how they are sending the majority of parking lot drainage over to the eastern turf stone paver area.

Mr. McCormick felt that the combination of the permeable pavers and the re-grading of the site will be a significant improvement.

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 asked Mr. McCormick if they have spoken to the gas company about service. Mr. McCormick confirmed they spoke to Unitel who advised them it was at the discretion of Unitel to tie into the service line as opposed to the main in the DOT right-of-way.

Mr. Britz asked whether they need stipulations that they get the utility easements before the Planning Board or before bonding the project. Mr. Desfosses confirmed that the easements should be in place before they sign the Site Review Agreement.

Mr. Britz asked about the minimal amount of spillage on the Lighting Plan. Mr. McCormick confirmed that there may be .1 and .3. of spillage. They shifted three poles to the north and the only spillage is in the lighting easement area.

Mr. Allen made a motion to recommend Site Plan Approval. Fire Inspector Roediger seconded the motion.

Mr. Allen requested that they provide something in writing that the gas company is agreeable with the location.

Mr. Allen confirmed that the regulations require no lighting spillage so they need to make adjustments to the plan so that when they get to the Planning Board it does not show any spillage.

The motion to recommend Site Plan Approval passed unanimously with the following stipulations:

- 1) The applicant shall provide a letter from the gas company, confirming that the service location on the Site Plan is acceptable.
- 2) The applicant shall prepare all utility easements for review and approval by the City Legal Department, and the easements shall be recorded prior to the issuance of a building permit.
- 3) The Lighting Plan shall be revised to show zero light spillage over the property line prior to the Planning Board meeting.

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**II. NEW BUSINESS**

A. The application of **The Kane Company RDII, LLC, Applicant**, for property located at **162 Corporate Drive**, requesting amended Site Plan approval for the removal of trees and dense shrubs between Corporate Drive and the building; for mitigation enhancements along Corporate Drive; and to plant 41 trees in the parking lot area, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 313 as Lot 1 and lies within the PDA Business and Commercial District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Patrick Crimmins, of Appledore Engineering, was present along with Michael Kane, of the Kane Company and Marie Stowell and Mike Mates, from the PDA. Mr. Crimmins stated this project is to aesthetically improve the value of the site. The project involves the removal of trees between the building and the road. To mitigate the tree removals they will add 40+ trees to the parking area and surrounding building, add over 500 wetland and buffer enhancement plantings and turn the existing maintained lawn area into a meadow.

Mr. Crimmins explained the history of this site. In 2001 this project was approved as a 4 building campus for Flextronics. Three of those buildings were constructed but none are currently occupied by Flextronics. The first building is occupied by Loftware and Rand Whitney, the second building is occupied by John Hancock and the third building is vacant and has been vacant since 2001 when it was built. The vacant building has had interest from potential tenants but visibility of the building continues to be an issue. It cannot be seen due to dense overgrown shrubs and trees. The applicant retained Appledore and Gove Environmental to improve the site responsibly. In February, Gove went out and did an environmental assessment and that report was included in the Committee's packet. A mitigation proposal was produced. Using that report, Appledore created a preliminary design plan which was presented to the PDA Board in March. After receiving comments from the PDA Board, they had Doucet Survey do a detail survey of the wetland area and inventory all of the trees in that area and at the same time they had Gove Environmental tagging trees to remain and trees to be removed based on health and to achieve their goal to enhance the view. Gove prepared a second assessment, which was also provided to the Committee, and they presented it to the PDA which resulted in approval for them to come before the City to obtain approvals. This project will require Site Plan approval as well as Conditional Use approval.

Mr. Crimmins reviewed the plan set.

Sheet C-1, Detailed Survey by Doucet Survey, picks up all the large trees and shrub lines. It shows that it is an isolated wetland which is surrounded on all four sides by pavement and is a low value functioning wetland.

Sheet C-2, Tree Removal Plan, shows how they intend to remove the trees and shrubs. There will be no disturbance within the wetland. They are proposing to remove 80 trees in that area. It is a low value wetland but there is some function to it including stormwater and some wildlife. For minimal impact they are proposing to add 42 trees to the parking area and along the building as well as over 500 enhancement shrubs. Trees were selected to not only achieve their goal but also to maintain the wetland so it still held its forest wetland function. Also, there is an existing lawn area which they cut every week and that will be turned into a meadow area to improve the buffer between the wetland and the pavement.

In closing, Mr. Crimmins stated that they are trying to approach this responsibly to achieve an aesthetical value but not impact the low function of the wetland. This is not a technical project as there

will be no change to parking or site design. In the spirit of economic development, they are trying to find a way to obtain a tenant for the building.

Mr. Britz asked how they will move 80 trees without any disturbance. Mr. Crimmins stated all vegetation will be hand cut and it would be done during winter conditions when the ground is frozen.

Mr. Allen asked if the schedule would be to do some replacement planting ahead of time, prior to winter. Mr. Crimmins indicated they have not scheduled the work yet. They could do the work outside the wetland before winter.

Mr. Britz would have liked to speak to someone from Gove Environmental. He asked where they got their information that this is a low functioning wetland. Mr. Gove says in his letter that it has a low function but in his Function and Value Assessment he says it has a principal function of wildlife habitat and a principal function for nutrient sediment removal and it is 2 ½ acres. Mr. Crimmins was going by what was in the report. Mr. Gove was unable to attend today but will be available for the Planning Board meeting.

Mr. Britz had concerns and cited sections from the Pease Site Review Regulations that appeared to be contrary to their goal. Under Part 405.01.(c), it says “to the maximum extent practical development shall be located to preserve the natural features of the site and avoid areas of environmental sensitivity.” Part 405.03(a)4(b)(2) states “Structures visible from a public street shall be partially screened with flowering or evergreen shrubs” so there is an intention to screen sites and not to make them more visible, not that visibility isn’t important for rental purposes. Mr. Crimmins stated that they are leaving vegetation there so there will be a partial screening. Part 405.08, Natural Features, which states “To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features”. Mr. Britz raised the point that on the 2001 Site Plan there is a note that states “Do not disturb wetland” and again on the Landscape Plan, “Do not disturb wetland or wooded area” so it appears that it was part of the approval process to keep this area as natural. Their plan looks like a nice restoration plan for an area that may have been destroyed but for an area that was in tact he doesn’t see the need. He felt it will have a long term impact. Mr. Crimmins went back to the 2001 approval where the plan was for the site to be a three building campus and the aesthetic value was not a factor.

Michael Kane stated that they went through several meeting with the PDA and that issue came up in those meetings. They were also concerned that in 2001 they did not do a lot of landscaping around the building, unlike today, and that was part of the quid pro quo they are working with and the installation of those 40 + trees around the property. He stated that a fairly significant portion of the trees that they are planning to remove are dead. They are fully prepared to address a lot of these issues at the Conservation Commission. They feel they have taken a pro-active approach to this. They have spent a lot of time and money looking at this and all of Peter’s Site Review concerns were mentioned by the PDA. They are leaving a number of trees and they feel it will be an overall enhancement. Gove also indicated that getting rid of the invasive species would be a benefit. Part of this project is clearing around the good looking trees to allow them to grow bigger and better.

Mr. Britz felt this will really stress the area and the invasive species will probably come back with more vigor. He asked if they had thought about trying to improve the visibility by trimming the trees and doing a less intensive amount of work in the area and still getting the visibility they are trying to achieve. Mr. Kane responded that his Plan A was to just cut down all the trees and they have continued to work from there. They want to promote bringing in manufacturing jobs, which is the Pease mandate.

Mr. Allen indicated he would like to hear from Maria Stowell to hear the Pease perspective. Mr. Allen appreciates the effort to put something back in and understands the reason for doing it but from this Committee's perspective most of them are more technically based and they don't see any issues with sewer, drainage, or pavement. He asked if, from the PDA's perspective, is this something they would like to have done.

Maria Stowell of the PDA stated that the PDA Board looked at this project and there was considerable discussion. They recognized a need as the building has been vacant for 10 years. It was supposed to be a campus with four buildings. Screening is one thing but this building is really hidden. The ranking that Gove gave this was a lower value and this is one of the lower ranking wetlands on Pease. She felt the proposal was consistent with their regulations. The rules also say they want to develop the area wisely and create jobs and a vacant building is not doing that. She felt it was a balancing act. The PDA Board talked about whether it should be scaled back but felt the Planning Board and the Conservation Commission were best suited to make these decisions.

Mr. Desfosses stated that all of those trees soak up a lot of water and he asked where the wetland empties to and what the overall difference in stormwater flow will be.

Mr. Crimmins did not anticipate an overall impact as they are going to mitigate it by planting 500 shrubs in the area that will soak up the same water. Mr. Desfosses asked if the shrubs will go in the wetland. Mr. Crimmins stated there will be over 200 shrubs going into the wetland. They will be hand planted. He also confirmed that the wetland discharges off site but he doesn't really know the answer to that question. Mr. Desfosses indicated he would like a letter from Mr. Crimmins addressing that issue so if there is some impact they will know what to do.

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. Britz stated that, although he may be in the minority, it is his job to protect the environment and he sees this as a natural area and a well functioning wetland and he does not believe it rises to the level of needing this work.

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

Mr. Allen stated that he appreciates and understands Mr. Britz's point of view however this project shows a considerable effort to put vegetation back in the wetland. He also understands the value of a vacant building and wanting it to be visible and marketable. He stipulated that Mr. Crimmins look at

the drainage to make sure they won't have a negative impact and put that in writing for the Planning Board and the Conservation Commission.

Mr. Desfosses also requested that all trees cut in the wetland area will be cut during the wintertime and all material and trees will also be removed during the wintertime.

The motion to recommend Site Plan approval passed with Mr. Britz voting in the negative, with the following stipulations:

- 1) Appledore Engineering shall review drainage and confirm, in writing, that the proposed mitigation shall not have any negative impact on the area, prior to the Planning Board meeting.
- 2) All trees must be cut and all trees and materials must be removed in the wintertime.

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**III. ADJOURNMENT** was had at approximately 2:42 pm.

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Respectfully submitted,

Jane M. Shouse  
Administrative Assistant