

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

**2:00 PM**

**FEBRUARY 28, 2012**

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

**MEMBERS PRESENT:** Rick Taintor, Chairman; David Allen, Deputy Director, Public Works; David Desfosses, Engineering Technician; Peter Britz, Environmental Planner; Carl Roediger, Fire Inspector; and Jon Frederick, Director of Parking & Transportation

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**I. OLD BUSINESS**

A. The application of **Michaels Realty Trust, Owner**, for property located at **1390 Lafayette Road** and **ESUM Realty Trust, Owner**, for property located at **1400 Lafayette Road**, and **4 Amigos, LLC, Applicant**, requesting Site Plan Approval to construct an 11,944 s.f. Rite Aid Pharmacy store with a two lane drive through, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 252 as Lots 7 and 9 and lie within the Gateway (GW) District. (This application was postponed at the January 31, 2012 TAC Meeting).

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Frank Monteiro, Project Engineer, from MHF Design Consultants, was present along with Jeff Dirk, of VAI, Traffic Consultant. Mr. Monteiro stated this is a redevelopment of the former Yoken's parcel on Route 1. The first TAC hearing was on January 3<sup>rd</sup>. Their second TAC hearing on January 31<sup>st</sup> was postponed to give them time to set up a meeting with NHDOT to discuss some future signal coordination at the intersection. That meeting was held on February 7<sup>th</sup>.

Mr. Monteiro stated that their plans incorporate comments from prior work sessions on January 3<sup>rd</sup> and February 21st. The main change is that the project now includes the corner parcel where the gas station used to be. The gas station will be demolished and all UST's will be removed and the area will be reserved for a future pad development. Some of the other revisions include modifying some interior pedestrian circulation areas behind the Rite Aid building. They moved some sidewalks and crosswalks where they were previously along some of the internal driveways. They deleted a proposed crosswalk going to the hotel as the hotel will be coming forward for modifications to their parking lot. They will then address an internal pedestrian access between the Rite Aid and the hotel's improvements. They added a raised island on the Peverly Hill Road driveway. Since the gas station parcel is now part of project, the sidewalks are now continuous around the site. The site plan now shows a potential future widening at the corner intersection, which includes the donation of the right of way by the applicant to the City and the DOT to accommodate widening improvements as well as any crosswalk modifications

in the area. The radius has been designed to handle truck turning movements and the future widening was designed based on that turning movement. They added a 225' raised median extension on Route 1 at the request of the committee in front of the right in/right out driveway on Route 1 and that proposal is currently being reviewed by NHDOT as part of the driveway application.

Mr. Monteiro stated that Mr. MacLeod asked them to provide a wider buffer adjacent to the loading zone for the Rite Aid. They increased the width of the buffer to 10' and increased the type of plantings to screen the area from his hotel. Mr. MacLeod requested a four way stop at the internal driveway connection at the front entrance to his hotel. They increased the area of the bike rack area in front of the Rite Aid. With respect to utilities, they changed the gas service to the hotel. It currently runs through the parcel in the rear but they will relocate that to the rear of the site so that it does not interfere with any potential future development. They relocated the gas service for Rite Aid. At the request of the Fire Department, they relocated a hydrant from in front of the building to the back of the building. They made changes to the drainage system. They will upgrade some of the system on the hotel parcel to allow them to extend the drainage system over to gas station corner for future development.

At the last work session on February 21st they had discussions about internal connections to the hotel and the fact that what is shown on the plan may not coincide with what they design in the future because it is currently in a state of flux. They have agreed to remove the internal driveway connections to the hotel and just show the main entrance coming in and the internal driveway connections will come back before this Committee when the hotel comes before for amended Site Plan review.

Mr. Monteiro indicated they will be making a revision to the handicapped signage for the parking on the Rite Aid facility and the Fire Chief has asked them to update the fire truck turning plan that is part of their drawings to reflect their actual fire apparatus.

Mr. Monteiro reminded the Committee that they are requesting a waiver for more than one driveway per lot. They have two lots involved with this project now that the gas station is part of this project so they could argue that they are entitled to two driveways based on the two lots. They are proposing three driveways, which includes the full access driveway off Peverly Hill Road in the back, a right in/right out driveway off Peverly Hill Road protected by a raised median, and a set of driveways, right in/right out, off of Route 1 and they have an access easement to a full access driveway on the hotel parcel. Therefore, they need a waiver for three driveways and they are entitled to have two.

The hotel currently has an access easement over the Yoken's parcel to gain access to Peverly Hill over the full access driveway so they have to respect that. They consider their main driveway the right in/right out off of Route 1 which gives them access to the front door of Rite Aid. The right in/right out driveway is also their main access for delivery vehicles. They need to maintain the ability to bring WB-60 and 70 vehicles into the site. The full access off Peverly Hill also allows them left turns out onto Peverly Hill Road as they have a raised median at the second driveway. They had some discussion about whether the right in/right out driveway to Peverly Hill is appropriate, however, if they deleted the driveway, someone was travelling westbound on Peverly Hill they would have to come in the back entrance of the Rite Aid to get access to the front door.

Mr. Monteiro's last point was that they currently have five driveways and they propose to reduce that number to three. They feel it would be a big benefit to the overall circulation on the parcel.

Jeffrey Dirk, Traffic Engineer from Vanesse & Associates explained that the Traffic Study they prepared for the project looks at the overall Master Plan development although the site plan only focuses on the Rite Aid portion of the development. They have met with NHDOT and they made revisions based on that meeting. The central pieces of their meeting are the extension of the raised median along Route 1 to discourage left turns at the driveway. The other element dealt with the gas station parcel. The site plan reflects the geometry that is required for a large tractor trailer truck to make the turn at that intersection and also reflects what the DOT has requested for a layout at that location so there is sufficient right of way behind the curb line. Not only have they added a sidewalk behind that location but also so that as they plow snow going around the corner there is sufficient area to store any of the snow behind that a little bit further. They also have a small notched out area to show where the traffic signal equipment will be located. Their proposal to the City is that the land area will be dedicated to the DOT at no cost and the DOT would actually come in and make the improvements at that intersection.

Mr. Dirk indicated that another element of the approval which is pending before the NHDOT is the signal timing at the intersection, specifically to see if they could implement an exclusive left turn phase onto Route 1. Their analysis said that until such time as the widening is taken place at the intersection and the corner improvements are made, there is sufficient capacity at the intersection to accommodate an exclusive left turn phase which would reduce queues along Peverly Hill Road. Once the intersection improvements were made, the increase in the crossing distance for pedestrians at that location, because the cross walk needs to get longer, is such that they could not have the left turn phase and they would have to go back to the timing that is out there today. That is because they have to maintain a concurrent pedestrian crossing, meaning pedestrians would need to cross Route 1 at the same time that non-conflicting vehicular movements are happening. The increased time required to get the pedestrian across the intersection once they have widened it says they can't have a left hand turn phase going at the same time. They provided that analysis to the NHDOT and suggested that until such time as they have implemented the widening of the intersection, they could implement the left hand turn phase as part of their signal coordination.

At the TAC Work Session they were asked to look at truck turning movements from Peverly Hill Road northbound onto West Road. They did the analysis and found the reason the median is not extended is because the trucks require that area to complete a turn. The same thing happens with the exiting movement. What that says is if they build a physical impediment, the trucks will not be able to make a left onto West Road or a right turn exiting. What they propose to do it to have that be a serrated concrete island so that it is flush, passenger cars will not feel the need to turn over it but when trucks need the ability to make that turn, they will have the ability to swing wide.

Fire Inspector Roediger asked if Mr. Dirk received the turning radius which the Fire Department provided. Mr. Dirk confirmed that he had.

Mr. Taintor asked if his current comments about the island were on their current plan or would they be updated. Mr. Dirk confirmed it will be revised on a future plan along with the truck turning analysis.

Mr. Taintor wanted to clarify the driveways. They have been talking about this being a four driveway site plan and the fourth driveway is really in the Comfort Inn slot but it appears to me that the exit side is on their lot and the entrance side is on the Comfort Inn lot. It seems to Mr. Taintor that they are still talking about 4 driveways. Mr. Monteiro agreed there is a part of the exit driveway on their property.

Mr. Allen asked about drainage. He noticed they have a future extension of drainage within the right of way by others. Mr. Monteiro stated it was a little confusing. When the road is widened, the point of the analysis was to show that a catch basin could be added when the curb is moved back to connect to the existing drainage system in the road. They talked whether they needed to provide a drainage easement through the property to outlet that basin but you can add a catch basin and extend it to the existing drainage basin in the street. Mr. Allen was asking about that because that intersection floods in the heavy rains and there is an infiltration system on the Market Basket side that works in most situations. He would like to have their design, in the future, pick up an extension coming from across Peverly Hill Road to pick up that other corner. Mr. Monteiro stated they did not look at that. Mr. Allen stated it was exactly opposite the corner of the gas station. Mr. Monteiro said they will look at that.

Mr. Frederick asked, after the intersection improvements, what is the effect on the left hand turning off Peverly Hill Road if the crossing were to take place across Peverly Hill from the gas station to Market Basket and then across Route 1 to the Mobile station. Mr. Dirk indicated that they relocated the crosswalk to the other side of the intersection so that it is not in conflict with the left turn that is there. He would want to look at the traffic volumes at the intersection just to see what the conflict is with that. The crossing would be shorter so that is a good point. He will look at that.

Mr. Taintor was concerned about the routing of the large delivery trucks into the right in/right out access on Route 1, around to the back of Rite Aid and out the shared access drive with Comfort Inn. They talked a while back to try to get that truck traffic in from West Road and the full access on Peverly Hill Road. They said they couldn't make the turn from the driveway as they designed it into the loading area without losing the landscaped island. Mr. Taintor had suggested moving the dumpsters for a straight shot. It appears they designed the site so it prohibits them from being able to do what the City wants to see done. He asked if they looked at that. Mr. Monteiro felt the best way would be to use some turning templates to show them what would need to happen to do that.

Mr. Monteiro stated that the site was laid out to line up with the existing hotel parking lot and he was still unsure what they didn't like about the proposed plan. Mr. Taintor indicated that they are forced to cut off the islands and have the pedestrians crossing truck traffic. Mr. Monteiro felt that no matter where the truck traffic goes they will be crossing pedestrian traffic somewhere. He didn't feel that it made sense to have two aisles run parallel to each other, 10' apart.

Mr. Taintor indicated that they are looking for a very significant waiver from the Site Plan Review Regulations for additional driveways. They have suggested that to eliminate the right in/right out on Peverly Hill Road, it would force people to go 200' more to get to the full access driveway on Peverly Hill Road. It seems if they eliminated the right in/right out on Peverly Hill Road they could come in on the full driveway, have a right turn at the undeveloped area to take them down to the Rite Aid. They will have to dig that area up anyways for future development. Mr. Monteiro stated that their Master Plan for this development shows a building in the back and he felt people would be racing through a parking lot with parking on both sides.

Mr. Taintor's pointed out that they don't know if anything is ever going to get build on that site because there is no market for it now and they don't know when there will be a market for it, and they can always redesign the site when they come in for a site plan amendment. They are going to have to come back to them anyways. Right now they are applying for a single building on a single lot and why plan for something that may never happen. Mr. Taintor felt it was very confusing because they have three separate plans before the City now. They have the Master Plan which is in the DOT permit

application, they have the one building plan which is before them today and it will be very hard to bring something to the Planning Board when they really don't know what is going to happen or when the intersection reconstruction will happen, and they have another plan for the three buildings covering half of the site. Mr. Monteiro stated that the driving force from the beginning has been the Rite Aid development as that is the only tenant that the owner has an agreement with. They are asking the Board to look at that individually but they are also trying to design as best they can for potential future add-ons. There is a lot of uncertainty in the whole project. They started this project some time ago and finally decided to move forward. They would like to move forward with the Rite Aid separately and as long as this is planned properly it should work out fine. He stated they will look at the access again with the developer and see if there are any other suggestions.

Mr. Taintor asked about the easement plan. It seems that the easements are all where Lot 8 benefits Lot 9 or Lot 9 benefiting Lot 8, but there is nothing shown at the intersection. Mr. Taintor felt there should be an area of dedication and on a different plan they should have an easement for the mast arm. Mr. Monteiro indicated that everything with respect to the corner is still hypothetical as nothing is approved by DOT. There is a legal document between developer and Mr. MacLeod that they are working on and which will be recorded. Once DOT approves the alignment of the curbing, then the right of way dedication would be dictated by that alignment. Right now they are proposing an alignment and a dedication but it won't be formalized until DOT accepts it.

Mr. Taintor asked when he thinks approval of this plan will happen. Mr. Dirk hoped it would happen before the next TAC meeting. They may be able to at least get conceptual approval of the design.

Mr. Britz noted in the drainage study it talks about 95% of the site being impervious surface right now however Mr. Britz did not believe it was great open space now but it's certainly not impervious. It doesn't speak to what it is now in reality. Mr. Monteiro responded that the fact that the building was removed is an interim condition. For the Alteration of Terrain Permit with DES they discussed that the site was fully developed previously and it was never put back to any pristine condition. It is more of a narrative. Mr. Britz noted that they take credit for reducing the amount of impervious surface quite a bit more than they actually are reducing it. Mr. Monteiro explained that they did that because the existing drainage system was based on that prior development so that fact that the gas station will now be removed and the pavement will be removed, in his mind, they should not be penalized for removing that from a drainage point of view. From a facility or capacity point of view it was all paved at one time so when they do a drainage analysis for the gas station they will say there were a series of dry wells that didn't work very well and they are making an improvement over that system.

Mr. Britz stated his big concern with the site now is the four driveways. Not from a traffic standpoint, but it's about all of that impervious surface that is really unnecessary. He did not have a suggestion for a design on how to do it better but it does not seem that they need all of those driveways leading to one pharmacy right now. Maybe when the site is further developed those driveways will be more important but from his standpoint he would have a hard time supporting the waivers given the amount of impervious surface that would be necessary.

Mr. Britz appreciated the landscaping in the front and really appreciated the drainage system in the detention, however, there are no landscape features in the parking lot for the Rite Aid at all. He asked if that was intentional. Mr. Monteiro stated it was a design feature of Rite Aid. They added some landscaped islands on the end. This site layout is very unusual for Rite Aid as there is no parking in front of the building. Since all parking is on the sides, they wanted to facilitate access easily without having to jump over islands and snowbanks. Mr. Britz noted there is landscape buffering for the hotel,

nice landscaping at the west and east sides of the site but there is nothing on the Peverly Hill side of the site. Maybe that is intention as they have plans for future development but the parking lot stands out alike a sore thumb because of that. If they need to leave the center island clear then it seems to make sense to put some landscaping along the Peverly Hill side. Mr. Monteiro stated the long term Master Plan continues the 30' grass strip all the way along the perimeter of the project. In the first phase it doesn't look like there is much going on in that area but when they file their application for the next phase they will see the streetscape continue around the corner and up Peverly Hill Road.

Mr. Taintor agreed with Mr. Britz, regarding finishing off the street edge of Peverly Hill Road, even though there is nothing going on in the northwesterly part of the site. They may want to look at adding landscaping too.

Fire Inspector Roediger noted that in order to comply with City Ordinance for sprinkled building, all buildings must have off site monitoring of some fashion, either 3<sup>rd</sup> party independent or the City Master Box. He asked them to make an addition to Note 8 on the Utility Plan about undergrounding the City fire alarm system, if that is the direction that the developer is going to go.

Mr. Allen was a bit perplexed on going forward with piecemeal development where some elements stand alone but others have a ripple event as development comes in. He asked if the corner lot is being shown as two lots for this application and in the future those property lines would disappear. Mr. Monteiro confirmed that in the future that lot line would be merged into the bigger lot. Mr. Allen felt that played into the number of driveways that they have and their request for a waiver. He would not be inclined to vote for that. He felt that this whole proposal creates an awkward proposal for them, to approve something that has so many impacts outside of what they really looking for approval on today.

Mr. Monteiro asked if the site plan showed three buildings on it and they did not build one, how would that effect their approval. Mr. Allen stated that was exactly his point. If this were a fully developed site, they would say that they would have to do the Peverly Hill intersection improvements. With this plan, they won't be able to assess the impact of a site that is partially developed and they won't know what will kick in the necessity to do the intersection. Mr. Monteiro asked if TAC would support more than one driveway because it is a priority to get the Rite Aid approved.

Mr. Desfosses felt that the general feeling is that one Rite Aid does not equate to having 3-4 separate driveways for the site. He supports Mr. Taintor's comment to put in the internal driveway to the West Road driveway as a temporary measure and when they come back they can take another look at putting in that driveway.

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. Mr. Britz seconded the motion. Mr. Allen expressed his concern about how they are moving forward with this and would be willing to sit down with the development team. They still have the outstanding DOT review and he knows a couple of places in the past where they have moved forward with approvals with stipulations based on DOT review and their review came back to late that there were actually improvements constructed that needed to be modified after the fact, in particular, Woodbury Avenue developments. So, he would need something from them to show they were approving the layout. He agrees with Peter on the drainage system and

agrees it is a site improvement but, again, his biggest issue is approving a piece of a larger site with no real commitments to when and how those other improvements would be completed, or what would trigger the other improvements that would be required to fully develop the site.

Mr. Britz stated that his biggest concern is that the impervious surface drains into the Sagamore Creek and those detention basins will work but in heavy storm it will go into the Sagamore Creek. He is assuming when the new developments go in there will be more opportunities for infiltration so they can capture all of the stormwater. The amount of impervious surface for one development seems like a lot and he would like to see the amount of impervious surface reduced in the form of the driveways at least.

Mr. Desfosses stated he would like to see the pedestrian cross walk moved to the southern side of the intersection to see if the left turn phase could be maintained as a future improvement.

Mr. Taintor stated that the previous changes they have identified that need to be changed include removing the changes on the Comfort Inn lot, addressing concerns about landscaping around the perimeter of the Rite Aid parking lot and on Peverly Hill Road if they don't have other things happening that would effect landscaping in those areas, they would really like them to look at how they get the trucks in and a way to get people into the site westbound from Peverly Hill Road without two driveways on Peverly Hill Road.

Mr. Taintor requested a separate easement plan showing what they plan to do in terms of dedication and easements on the gas station lot.

Mr. Taintor asked about the sliver of land shown at the northwest corner of the site. Mr. Monteiro confirmed that belongs to Mr. MacLeod and they do not control that.

The motion to postpone to the next TAC meeting passed unanimously.

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B. The application of **Lynn J. Sanderson & Frances T. Sanderson Revocable Trusts, Paul G. Sanderson, Trustee, Owner**, for property located **off Spinney Road**, requesting Preliminary and Final Subdivision Approval to subdivide two lots into nine lots, including a public right-of-way, with the following: Lot 5 on Assessor Plan 167 having 316,165 s.f. (7.258 acres) and Lot 24 on Assessor Plan 170 having 238,601 s.f. (5.478 acres), to be consolidated and subdivided into nine separate lots, ranging in size from 5,000 s.f. to 329,641 s.f. and all with a minimum of 100' of continuous street frontage on Spinney Road or the new proposed public right-of-way. Said properties lie in a Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100' of continuous street frontage. (This application was referred by the Planning Board at the January 19, 2012 meeting and postponed at the January 31, 2012 TAC meeting.)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Erik Saari, of Altus Engineering, appeared before the Committee, along with Paul Sanderson, Applicant. Mr. Saari stated they have had site plan discussions wit this Committee and the Conservation Commission. Since they were last before TAC they have changed the lot line to increase

Lot 4 and moved the detention pond. They amended the roadway design to be curbed on both sides for the closed drainage system and they added 15' to the right of way being conveyed to City for the sewer main extension to service the three lots on Spinney Road.

Mr. Taintor noted for the record that they have two pieces of correspondence from John Lyons, Jr. and from Donald and Barbara Green. Copies were provided to the Committee members. The letters expressed various concerns relating to stormwater management and potential impacts on abutting properties.

Mr. Taintor was aware that they discussed last week the idea that they are open to and were considering an alternative development concept to use the open space PUD option in the Zoning Ordinance. Mr. Sanderson confirmed that they are agreeable to that and the reason they are here today is to continue procedurally with their standard subdivision application and move towards the OS-PUD. He is trying not to lose where they are in their current application and would like to gain some procedural path forward so they could move to the OS-PUD idea. By moving forward with the PUD configuration they would still have the same number of lots on two different parcels on both sides of Spinney Road and it would enable them to be more flexible with setbacks and roadways and to move things out of the very sensitive area at the top of the hill, behind the stone wall. Today, they have presented a plan that says the standard subdivision would work.

Mr. Taintor advised the TAC members that the PUD procedure is a Conditional Use Permit granted by the Planning Board and one of the criteria that the Planning Board must use in consideration of granting the permit is whether the PUD plan would be better for the City than a conventional plan that could be approved. That is Mr. Sanderson's concern about moving forward with the conventional subdivision to show that it can work and then move to a PUD which would be more appropriate from an environment and public service point of view.

Mr. Allen asked if they are required to have an approved conventional subdivision to go forward. Mr. Taintor indicated they are not. There are two methods for determining the allowable density in a PUD. One is to look at a conventional subdivision and demonstrate that it could be approved. Another is simply a mathematical computation. He thought the concern is that because there is concern in the community about the density, they would like to take the more conservative approach because they would look for a number of waivers with the PUD, which has some particularly strict setback regulations. Mr. Sanderson felt Mr. Taintor explained it correctly and they are looking to go a more conservative route on unit density because if they go the OS-PUD route, they will require substantial waivers for setbacks. They will propose setbacks exactly the same as in the SRB district. It is not intended to be a residential density incentive, but rather it is intended to be an open space PUD.

Mr. Sanderson stated that for them to move forward, they have a three acre parcel next to the City water tower which has not been part of their present plan. He is looking to see where they would go next procedurally. Mr. Taintor jumped ahead to avoid hoops that are not necessary to jump through and he suggested it would be appropriate for Mr. Sanderson to file an application for a Conditional Use Permit for the OS-PUD and include the plans they have developed to date justifying the density they have requested. Then he would suggest that TAC postpone consideration of the conventional subdivision and also vote to recommend that they move it forward to the Planning Board for consideration of the Conditional Use Permit. It would be appropriate now to raise any concerns they may have with the plans before them. Mr. Sanderson agreed that would be appropriate.

Mr. Desfosses expressed his frustration because when he attends a meeting he expects certain things. He has not thoroughly reviewed the plans and he probably has a lot of comments on them and it is unrealistic for him to try and cover everything at this meeting. They only received the abutter letter today and he noticed there is clearly a low spot next to 277 Middle Road and the abutter claims that the applicants should take care of that problem and put it into the stormwater collection system, which doesn't even exist in this section of the City.

Mr. Desfosses was unsure if anyone has checked the site distance from the intersection of the new road from Spinney Road and Middle Road. There are drainage locations down at the bottom of the meadow that he would like to look at in a wet time of the year. He has not done that because he has not known where the proposal was headed until 3 minutes ago.

Mr. Britz indicated that the Conservation Commission has a wetland Conditional Use Permit application before them as well for this subdivision and they have asked for additional information. They have asked them to look at the wetland functions and how they will be impacted and also to look at how the hydrology would affect the wetland and flooding. In terms of this plan, the area where the wetland restoration is proposed, he would like to see more plantings down to the natural grade. It says to put a conservation seed mix in but he would like to see more meaningful plantings for a more functional buffer in that area.

Mr. Roediger asked what would be the difference between the plans regarding Lots #1 - #6. Mr. Sanderson responded that there would be substantial change. The City street would not be there and there would be four areas where houses could be constructed instead of six lots. Very likely it would be four single family units placed on a private road and it would not be a City accepted street. Mr. Taintor asked if they would be pulling the lots back so they don't cross the stoned wall area. Mr. Sanderson stated that was correct.

Mr. Allen noted that in this juggling exercise, they are putting in a City Street but it is not being built to City standards so there would need to be some waivers. Mr. Sanderson stated that in the ordinance it requires that he agree to a condition that it could never be accepted. Mr. Allen was talking about the current plan in front of them. Mr. Sanderson confirmed that it does include a waiver request with regard to width. Mr. Allen appreciated that they have addressed some of the City's concerns regarding curbing and drainage, and he prefers this design to the previous design with some surface runoff, although he is not sure where they are heading with this.

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

Becky McBeth, 243 Middle Road. She wanted to ask how does she keep herself updated on this application. Mr. Taintor stated she could come to City Hall to review the file and request copies, or she could go to Mr. Sanderson. The official record is in the Planning Department at City Hall and revisions are submitted 10 days prior to the TAC meeting. TAC Work Session will be on March 27<sup>th</sup> and the next TAC meeting will be on April 3<sup>rd</sup>.

Jerry Zellin, 70 Kensington Road. Mr. Zellin was unaware of the new option however felt it one of the purposes of this hearing is to make the existing plan a piñata which then makes it easier to move on to a PUD. Mr. Taintor responded that it was the applicant's choice. He does not have to do it but could simply provide a mathematical computation to demonstrate the number of units that he would be eligible for but he has determined that he wants to do it this way, which is a more conservative

approach. Mr. Zellin understood that the PUD would not include any construction in the wetland buffer zone. Mr. Saari confirmed that at this moment, that is the intent, although they have not designed it yet. Mr. Zellin stated that he is part of the Kensington Road neighborhood which has a very high water table. They have flooding basements and are very concerned about any development that may raise that water table either on a permanent or temporary basis. The current plan seems to rely on four assumptions which he thinks are incorrect: First, the buyers of the lots within the wetland buffer zone would not engage in any improvements on their lot other than what the original plans envision. He feels that is unrealistic. Second, the original plans have raingardens and are functional only as long as they are maintained. He was concerned with long term maintenance. The third assumption is that water that runs off through the wetland will drain through an easement across Lyons property and John Lyons has provided evidence that there is no such easement. Lastly, he understands that a representative of the project said to the Conservation Commission during a site walk that there is no water problem on Kensington Road. Mr. Zellin stated that their water problem is not taken into account by any drainage studies, which look at surface water. The water problem on Kensington Road is subsurface water and they think there is an underground stream that runs underneath Kensington Road from the wetland. What they know is that the water table on Kensington Road is very high and currently has an extreme impact on their basements.

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. Allen asked if they could have the applicant address some of the concerns which were brought up by Mr. Zellin.

Mr. Saari stated that it would be an enforcement issue by the City regarding future owners encroaching on the wetland buffer. To counteract that they increased the amount of impervious surface in their drainage calculations beyond what they are showing in their schematic footprints. They added 1,000 s.f. of additional impervious surface in the drainage model to every single lot for future unknown expansions to be proactive. Their Drainage Analysis is done for a 100 year storm, which is tenfold what the standard is. Mr. Saari confirmed that there is no easement. There is a ditch there now that goes to the City drainage system which was constructed as part of the sewer separation. That helped to alleviate a lot if not all of the flooding problems in that vicinity. Mr. Sanderson says the drainage ditch has been there since he was a child. Irregardless, that is where the water goes and is a physical outlet which allows the water to get out. Regarding the maintenance of raingardens, they have discussed this at length. There will to be a homeowners association that will be required to maintain the raingardens. Regarding the comment that was allegedly made on the site walk regarding Kensington Road, he was not there and cannot comment. Mr. Saari indicated he did look at the drainage on Kensington Road and he believes there is a 4" cast iron outlet, right in front of Mr. Zellin's house, goes to the City sewer which is not really sized to handle the sanitary flow and the heavy stormwater flows, especially with all of Kensington going down to that one catch basin. He doesn't know what the City schedule is but he is pretty sure that somewhere on the radar there is a project in the future to separate that and he believes that would solve the drainage problems on Kensington.

Mr. Britz made a motion to postpone this application to the April 3<sup>rd</sup> TAC meeting. Mr. Fredericks seconded the motion.

Mr. Allen assumed it would be their intent to apply for the Conditional Use Permit for the OS-PUD in the interim. Mr. Taintor confirmed they need to present a plan that would be acceptable to the Planning Board. They could submit their application for presentation at the April 3<sup>rd</sup> TAC meeting and then at April 19<sup>th</sup> Planning Board meeting. Mr. Saari asked what detail they would be looking for relative to the PUD. Would they need a full blown application with the Site Plan with all of the units, stormwater, and utilities or just a Conditional Use application. Mr. Taintor stated this is something new so they will have to work out the details prior to the March 19<sup>th</sup> filing deadline.

The motion to postpone passed unanimously.

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**II. NEW BUSINESS**

A. The application of **7 Islington Street, LLC, Owner**, for property located at **40 Bridge Street**, requesting Site Plan Approval to construct a 3/4 story 5,450 s.f. (footprint) mixed use building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 52 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:**

John Chagnon, of Ambit Engineering, appeared before the Committee on behalf of the applicant. He handed out revised plans. Also present was Steve McHenry, project architect. Mr. Chagnon stated this project is the redevelopment of 40 Bridge Street. There is currently a wood frame structure on the property which will be torn down. The proposal is to construct a 4 story building with four units of retail on the first floor, with residential floors above. The plans show proposed sidewalk improvements. There is currently a 60' wide open curb cut that would be closed in to allow for parking spaces to be created along Bridge Street. The proposal shows a loading zone which would take some spaces from the south end of Bridge Street at Islington and turn those into a loading zone. Some sidewalks coming around the south and west side of the building provide access to the rear and that sidewalk will also serve for pedestrian access to the rear of #7 Islington Street which is currently an existing easement of record. The plans show utility connections. There will be one water service for the building, including a fire service and a separate line, and improvements to the electrical overhead system on existing poles, bringing three phase power up Bridge Street and then connecting underground to the building via transformer on the north end of the property. Connecting roof drains as portions of the roof will be green and the overflows will connect via internal gutters to the street drainage system. The site is entirely covered with impervious now so they are not changing that.

Mr. Chagnon made some changes to the plan as a result from comments at the TAC Work Session last week. They were asked about the parking display meter. This plan was approved in 2008 and is essentially a re-approval process since that approval expired. Originally there were parking meters on Bridge Street but those have been removed with a Park and Display system. On the north end of the sidewalk there is a Pay and Display meter which has been installed and is shown on the plan. They will be replacing the sidewalk in that location so hopefully they will be able to brick around it and, if not, they will do whatever is needed to re-support. There is also a 4-hour metered sign which is on the

south end of the frontage and currently exists between two spaces which will shift slightly so the sign will be relocated as part of the application.

On Sheet C-2 they revised notes 4 and 7. Note 4 is the parking calculation note and they added that payment of parking impact fee is required so the required parking under the ordinance is none on the first floor and one space per 1,000 s.f. for the upper floors, totaling 15 spaces, so a parking impact fee would be required. Note 7 is about restaurant use and grease traps which has been revised to say a grease trap for each restaurant, takeout, and food preparation use is required.

On Sheet C-3 they moved the water shutoffs to the back of the sidewalk and there was a question about basement so they included a basement plan showing the partial basement on the north side of the building. It has a trash room, two means of egress to the back, storage for the residential units, a sprinkler room and an electrical room.

They have a color rendering plan from McHenry Architecture.

Mr. Allen noted they are showing the entire development serviced with a 2" domestic and he asked if they were comfortable with that. Mr. Chgnon was comfortable for the retail and residential but might have to be revisited if there was a proposal for a restaurant. Mr. Allen indicated that they have the ability to put a header in and the automatic valves and separate metering for the units, which is somewhat different than what they used to be and has been found to be a favorable change for these type of units. He felt that 2" seemed too small, especially if they have multiple valves and secondly there would need to be an indication of a utility room that had adequate space for those to allow maintenance and access to those meters. Mr. Chagnon stated that is exactly what they would like to do. Hopefully they can do the individual breakout room in the basement. They have a sprinkler room and can expand the size of that and then wire up the remote readers. Mr. Allen would want to review that detail.

Mr. Desfosses felt that if they swapped the sprinkler room for storage room #8 everything would be of sufficient size. The water service would be going through into a common area rather than a private area. That has been a problem on these multi-unit buildings where water services come into a private space and you can't get to them unless the unit holders are home. They would need a room that the Water Department has a key to. Mr. Chagnon thought it was a good idea to switch Room #8 with the sprinkler room,

Mr. Allen had an additional issue with their changed Note 7 on C-2 and it that would need to be changed. He understands that all restaurants will need a grease trap but in this new development the external grease traps are the most effective system of protecting the sewer system so they need to add the word "external" to the greasetrap.

Mr. Allen confirmed that they did camera this section of sewer line and they were only able to get a portion of the way up. The portion in front of the building is made from an old concrete pipe that, over time, turned into pudding. He suspects this sewer line in this section needs to be replaced wherever they are tying in. It can't be slip-lined as it is not round and it just collapses upon contact.

Mr. Frederick stated this will need to be referred to the Parking and Traffic Safety Committee for the approval of the loading zone as well as the No Parking sign. He asked that they coordinate with the Parking Division on the movement of all of the parking meter signs and the meter itself, if necessary. Also, per Note 8 on C-2, the loading zone needs to be cross hatched and will need to be coordinated

with DPW. Mr. Chagnon stated they show a typical loading zone, 7:00 am – 7:00 pm, and there could be parking there after 7:00 pm. Mr. Frederick confirmed that was correct.

Mr. Britz was assuming that this development will increase run off quite a bit. He asked if that was sized adequately. Mr. Chagnon stated that issue came up at the last approval and it was determined that it could handle it. Mr. Desfosses assumed they would be putting a sump pump in the lower basement area and he asked them to show the connection to the roof drain pipe going to the drainage so it doesn't get connected into the City sewer by mistake or onto the sidewalk. Also, he asked that they add a note that they are resetting the curbing. Mr. Chagnon stated they have a note about the reveal, to maintain what is there now. Ms. Desfosses requested a note that all street work needs to be coordinated with DPW. Obviously, they are going to need a detail on how to retrofit the sewer line, the curbing, paving, and striping and it will all need to be coordinated.

Fire Inspector Roediger referred to Sheet C-3, near the southeastern corner of the building, they have a note about Fairpoint/Comcast, and underneath it says fire alarm conduit to connect to the City system. Over to Note 6, it says notification of emergency assistance by a private company. He asked if they are planning on a master box or on ADT. If they go with ADT they don't need the conduit. Mr. Chagnon indicated they were not sure which they would go with so they covered both bases. He will touch base with Frank Ott, of the Fire Department.

Mr. Desfosses was pretty sure they had a discussion about extending the brick sidewalk up to Islington Street. He believes it is appropriate to ask the developer for a development of this size to extend the brickwork all the way up to Islington Street. Mr. Chagnon felt the sidewalk between their property and Islington was in pretty good place. Mr. Desfosses felt it needs to be replaced because of material and not necessarily condition. He would like to look at the upper paving limits. He felt it might be more appropriate to start at the edge of Islington St but they can go out and look at it. It can be a stipulation.

Fire Inspector Roediger noted that with the existing building on the corner of Bridge and Islington, at any time there would be up to 5 cars parked at the back which will now be displaced as this will be closed in. How does this plan account for the fact that not only has parking been changed and 4-6 cars need to go somewhere.

Mr. Frederick indicated that the vehicles now parked in that lot are, in support of that building and they cannot take that into account. Mr. Taintor added that if there is no legal connection between the cars parking on lot 52 and the building on lot 51 they can't take it into consideration. Fire Inspector Roediger asked if that lot line ever changed. Mr. Taintor was unsure when those lots were divided. Mr. Chagnon stated the lot line between the two buildings was moved and the tenants are temporarily parking there with the understanding that this building would be going up in the future. Mr. Desfosses asked what was behind the 7 Islington Street addition that was build on. Mr. Chagnon stated it was the lot line so 7 Islington could not get to the back.

Mr. Taintor had some items that came up at the TAC Work Session. On Sheet C-2, Note 10, it states no more than 9 95-gallon containers per week of trash for the 14 units. It was represented at the Work session that these would be for the individual residential unit owners. It was represented that these would be kept in the individual units but now they will be in the basement trash room. Where does the 9 trash containers per week come from. Mr. Chagnon stated when this was approved in 2008 he had a discussion with the Silka Psuala and she indicated that was the standard at the time. That note needs to be changed as they are proposing a trash room with 95 gallon trash containers which residents have access to along with retail owners which they will access with a key. Those will be brought out to the

curb Monday evenings for trash pick up. He is not sure what the current policy is. Unit owners would not have their own individual trash containers. They would all share the containers collectively. Mr. Desfosses stated the City does not have a truck that can do that. Mr. Chagnon spoke to the people at 6-16 Congress Street and that is what they do but maybe they use a different type of container. Mr. Taintor asked if a restaurant use would use the same trash room. Mr. Desfosses asked who would be responsible for cleaning out the trash room every Monday night. Mr. Chagnon confirmed that the 6-16 Congress restaurant takes care of their own trash privately. However, there is no restaurant proposed for this project and will only be retail units. They would have to file a change of use application and explain how they would deal with those issues. Mr. Taintor noted the parking calculations would also change if there was a restaurant use.

Mr. Britz asked if the room is big enough to hold all of the 95 gallon containers and he thought it might make sense to separate the retail from the residential. Mr. Chagnon understood that the room at 6-16 Congress Street is 6' x 8' and they have a private pick up in the middle of the week also, which is what they would do if they exceeded their allowed trash limit. They would have a management team for a project of this size

Mr. Taintor asked if there is any requirement for a generator, possibly for the elevator. Mr. Chagnon thought that was a good question which he did not know the answer to.

Mr. Taintor noted that the location of the gas meters are on a lawn area. Mr. Chagnon has been in touch with Unitel and they need to know what the gas loads will be, which are unknown at this point. He anticipates getting an indication from them about whether the location is appropriate or if they need to do something to make it appropriate. They hope that they don't have to make it a hardscape. Mr. Taintor asked what happens with the gas meters and whether they line up with the storage room. Mr. Desfosses explained that the metering itself is on the outside of the building so it is not as critical as the water as the gas doesn't freeze. Mr. Chagnon handed out a plan showing the meter layout.

Mr. Frederick wanted to revisit the issue of parking for the residents of 7 Islington Street and whether any part parking calculations would be affected. Mr. Chagnon stated that the relocation of the lot line was done at a time when parking was grandfathered and he also doesn't believe any parking spaces were eliminated.

The chair opened the public hearing and asked if there was anyone wishing to speak to, for or against the application

Bill Brussel, President of 7 Islington Street Condo Association. Mr. Brussel stated that each residential units at 7 Islington Street were sold with a deeded parking space. They have been trying to get in writing from Steve Kelm where those three parking spaces will be. There was a proposal to put parking under the units at 40 Bridge Street but that plan seems to have disappeared. He is not speaking against the building but wants to know where the deeded parking spaces will be located. Mr. Taintor requested that documentation on the deeded parking spaces be delivered to the Planning Department.

Lisa DeSteffano, speaking on behalf of 44 Bridge Street, The D'Adamo Institute and Chris Brooke Realty, LLC. The D'Adamo Institute is a direct abutter and practices naturopathic medicine in a passive environment for patients who come from all over the world and are sometimes critically ill. Their concern is that construction noises will interfere with the tranquility of the practice and effect the positive outcome of their patients. The treatment rooms are right next door to the construction site and their hours are 9:00 am – 6:00 pm, Monday – Friday. They understand that property owners have the

right to develop their property but they are very concerned about people who book out almost a year in advance. Additionally, they have had water issues in their basement which they resolved but now worry about excavation issues during construction. They understand a CMMP would be prepared and asked if they might be able to have a time during the day when they could schedule their most sensitive procedures, where there wouldn't be a lot of construction noise.

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. Frederick made a motion to postpone to the next TAC meeting. Fire Inspector Roediger seconded the motion.

Mr. Desfosses indicated that it seems the residents next door claim to have an interest in this property which hasn't been addressed. Pending review of their deeded parking spaces he does not feel it is appropriate to move forward with this application.

Mr. Chagnon brought to the Chairman's attention that the abutters have not submitted anything into the record indicating that they have any documentation regarding the parking spaces. Mr. Taintor confirmed they represented that they have documentation that they can submit and that raised enough of a concern that the Committee would be remiss if they moved forward at this point. Mr. Taintor also felt there were a number of changes that need to be made to the plans that are of varying levels of significance. Some are simply notes, the extend of brick paving, potential changes to the extent of street paving, questions about changing the basement arrangement with respect to utility rooms, sewer, water, and a number of issues that have been raised, all which justify postponement.

Mr. Chagnon felt it might help to explain to the neighbors that the plan that they have with the parking at the first floor level was denied by the City so there is not chance of resurrecting that plan. Mr. Taintor understood.

The motion to postpone to the April 3, 2012 TAC meeting passed unanimously.

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B. The application of **Liberty Mutual, Owner**, for property located at **225 Borthwick Avenue**, requesting Site Plan Approval for the addition of three back-up generators to be placed on a concrete pad, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 240 as Lot 1 and lies within the Office Research (OR) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Mike Leo, from VHB, presented on behalf of Liberty Mutual. Also present was Bill Taber from VHB, Wil Martin, from RDK Engineers, the Electrical/Mechanical Engineer, and Jeff LaPointe, IT Facilities Manager from Liberty Mutual. Mr. Leo stated this project is an extension of the generators at their site on Borthwick Avenue. They are proposing to add 2 new generators behind the existing building with

the potential to add a third generator at a future point in time. There are currently 3 generators on site. He displayed an aerial photo and pointed out the features of the site. There is a landscaped area between the two buildings where they would like to add, over time, three additional generators and a new concrete fueling pad for delivery trucks for filling the generators which will be powered by diesel. There is a switching station right now that is used to bring power in from the existing three generators. There is also a power feed that comes around the back of the ponds so they would also have to expand switching gear, which are basically above ground cabinets. There is a stonedust driveway that goes around to the existing switching gear. They would be expanding some of the stonedust area so that they could access the new generators and they would be taking down six trees so that when they bring the new generators in on the tractor trailer they will be able to make the turns. A couple of the trees are fairly large in size so Liberty Mutual was hoping to take them down anyways to get them away from the fall zone of the existing generators. There is a section of temporary road they will put in within the buffer setback to get the tractor trailers around and when they are done they will plant with loam and seed. The wetland setback goes through the corner of the back of the third generator. They have filed for a Conditional Use Permit which will be before the Planning Board.

Mr. Britz asked about the timing and frequency of the testing for the generators and how it may affect the neighboring medical office building.

Jeff LaPointe, IT Facilities Manager for Liberty Mutual, explained that they schedule a test once a month for the generators. These generators will be separate so they will run the three existing in tandem and then the other two in tandem, but at separate times. If there comes a time where they can synchronize those, they may run all at the same time. Should there be an emergency situation where they have to use them to run their office building, they will run them all at the same time. The noise is a typical generation noise. They have them in a hole so there is no straight line to the hospital and there is a large distance between Liberty Mutual and the medical building. They have never had any issues before and they are frequently in communication with their neighbors.

Mr. Desfosses asked if they are under the opinion that no sound barrier is necessary and they will not be disrupting the tenants at the Millennium buildings. Mr. LaPointe confirmed that was correct. Mr. Desfosses asked if it was their opinion that they will meet the decimal rating that is required at the property line. Mr. LaPointe believed they will.

Mr. Taintor asked if they had the most current loading bank plan. Mr. Leo stated that the plans they submitted for the TAC Work Session had shown the loading bank coming out of the building, going around the switching gear and all going into the side of the generators. They updated the plan which was submitted for Conditional Use Permit approval so that the single duct bank coming out, around the switching gear and all into the lower end of the generators, will bring the duct bank straight out of the building and up underneath the middle of the generators. Mr. Taintor asked them to update the plans for the Planning Board submission.

Mr. Taintor pointed out that Borthwick is misspelled on the title block of the plans.

Mr. Allen noted that this area is in the well head protection area in the City. He asked them to review the precautions they have planned.

Mr. Taber, of VHB, explained that they will be submitting plans of the project to NHDES, who will do a complete review to make sure that they meet all of the regulations. The tanks themselves will be double-walled. It is a steel tank which is inside a steel dike which is 110% containment. They will

have a sensor in the diked area so if there were to be a release they would have an alarm. Mr. Allen asked if that was integral to the generator itself. Mr. Taber confirmed it was and was commonly referred to as a belly tank. They have the outer dike with the tank inside it, with the floor for the generator and a complete enclosure around the generator itself and the tank. They will maintain a spill kit either inside one of the generator enclosures and the site already has a Spill Prevention Control and Countermeasures Plan (SPCC) for the site and the plan would be updated to include the new tanks. All federal requirements for spill response and spill control would also be met. Mr. Allen asked them to have that information included as part of the plan. A note on the plan indicating that the documentation exists and that they are provided to the City and also kept on site. Mr. Leo confirmed that they can include a note on the plan that an SPCC has been prepared and a copy is available

Mr. Britz asked if the future generator is also being approved or is it simply a truck parking plan at this time. Mr. Leo referred to the detail sheet which shows an alternate layout for future generator. Mr. Taintor assumed they would be coming back for Conditional Use for the third generator for access to get the generator into the site. Mr. Britz then assumed they will put the 2 generators in, restore the roadway and then come back if they needed to put the third generator in. Mr. Leo confirmed that is what they would have to do.

Fire Inspector Roediger referred to Sheet C-3, where they have relocated a hydrant. He assumed that everything is underground and there is nothing to preclude them from getting to the relocated hydrant. Mr. Leo confirmed there are no obstructions for a vehicle. Fire Inspector Roediger mentioned the potential of everything sliding over one space if they put in another concrete pad because the future generator site has been filled with something. He asked if they will have adequate clearance to the hydrant at that point as well. Mr. Leo confirmed they will and the drawing on C-6 shows the third generator and the fueling pad being moved over one slot.

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. Fire Inspector Roediger seconded the motion. Mr. Allen requested a note regarding the SPCC and to add the cut sheets. Also to revise the spelling of Borthwick on the title block.

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

1. A note shall be added to the plan stated that a SPCC has been prepared, a copy has been provided to the Department of Public Works and a copy is available on site.
2. "Borthwich" shall be revised to "Borthwick" in the title blocks on the plan sheets.

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**III. ADJOURNMENT** was had at approximately 4:37 pm.  
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Respectfully submitted,

Jane M. Shouse  
Administrative Assistant