

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

2:00 PM

August 13, 2013

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

MEMBERS PRESENT: Rick Taintor, Chairman, Planning Director; Peter Britz, Environmental Planner; Nick Cracknell, Principal Planner; Peter Rice, Director, Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Carl Roediger, Deputy Fire Chief.

I. PUBLIC HEARING

A. The application of **LJP Properties, LLC, Owner and Jay Prewitt, Applicant**, for property located at **428 Pleasant Street**, requesting Site Plan Approval to convert a 4 unit building to a 3 unit residential building, demolish rear additions, and construct a new two-story 450 s.f. rear addition, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 102 as Lot 55 and lies within the General Residence B (GRB) District and the Historic District. (This application was postponed at the July 30, 2013 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Brendan McNamara, Architect for the owner and applicant, Jay Prewitt, described the project to the Committee. He explained that the Site Plans and summary prepared by Ross Engineering are self explanatory but he stated the project is a reduction from a 4 unit to a 3 unit building and the demolition of the rear additions which have occurred over time to the original early 1800 structure. Because a portion of the property falls within the 100' buffer zone they filed a Conditional Use Permit and appeared before the Conservation Commission where they received a favorable recommendation to the Planning Board. The stormwater management plan is spelt out very clearly in the Site Plan, along with the utilities and landscaping.

Mr. McNamara displayed the proposed site plan and explained that the rectangle shown directly on Pleasant Street is the original structure and the 450 s.f. addition on the rear which will be built after the existing single story additions are demolished. The proposed addition has a footprint that is less than what is there now and they now have integrated parking and pathway areas with infiltration trenches for containment of stormwater runoff. To facilitate the maneuverability of the cars of the other two properties on Webster Way they have given a 7' turning easement on the rear of the property which is why the three parking spaces have been pushed forward. It ends up being a 25' wide right of way on Webster Way.

The Utility plan shows that they are moving the utility meters to the left hand side of the structure , in consideration of the HDC requirements. The steps and landing at the front door are being flipped to

the other direction as they are bringing cars to the rear of the property and walking down the left hand side.

The Drainage Plan shows the drainage and a rain garden coming off the parking area which is connected to the stormwater runoff system.

The Landscape Plan shows that they are removing an ash tree at the edge of the parking spaces but it is currently a very unhealthy tree. There are essentially hedge-like plantings down the side boundaries of the property. The plan also shows the details of the infiltration trench.

The elevations show the four sides of the building. There is a roof deck on top of the addition but it is all fully recessed. The floor of the roof deck is down by the level of the drip edge of the roof.

Mr. Taintor called for questions for the applicant.

Deputy Fire Chief Roediger asked if the building will be fully sprinkled? Mr. McNamara confirmed that it will be fully sprinkled. Deputy Fire Chief Roediger asked that it be noted on their Utility Plan that they will require a second dedicated water line. Mr. McNamara stated that the plan shows a proposed 1 ½" water service line coming in and to the left there is an upgrade to a 4" water service line that is dedicated to the sprinkler system.

Mr. Taintor pointed out that they have received variances from the BOA for building setbacks and building coverage, approval from the HDC and the Conservation Commission has recommended in favor of the Conditional Use permit. They are currently scheduled for the Planning Board meeting on Thursday, August 15th.

Mr. Britz asked who will maintain the site. Mr. McNamara responded that it is the intention that a Condominium Association will be formed and it will be part of the condominium documents. Mr. Britz wanted to make sure the requirements for the rain garden are part of the condominium documents. He will make a stipulation that the raingarden details and maintenance requirements on the Landscape Plan shall be included in the condominium documents.

Deputy Fire Chief Roediger asked what the current separation between 428 and 420 Pleasant Street was, for a sense of reference. Mr. McNamara stated it was about 3' and they are pretty close. It was his assumption that they will have a rated wall between the two buildings on that side.

Mr. Taintor opened the public hearing and called for public speakers.

Albert Woglom, of 431 Pleasant Street, felt there was inadequate parking according to the off-street parking requirements in the ordinance. There are only three spaces shown and he believes there should be 6 spaces. He is concerned it will impact parking on the street which he and his guests use.

Arthur Clough, of 425 Pleasant Street, provided a hand out to the Committee. He agreed with Mr. Woglom about the parking and he also stated they have not provided for the parking required under State Statute when there is a non-conforming property that is expanded. He also felt that this process that has been misrepresented at a 4-dwelling building time and time again. He says it was not a four dwelling unit and feels that is inaccurate. No one except the Argereows have lived at this house. He felt it was wrong to say that this was a reduction of current use. He believes this was an expansion.

He has concerns about the three parking spaces in the rear that blocks access for fire and emergency services. He opposes this application for safety reasons and for non compliance.

Peter Webster, of 1 Webster Way, was speaking for himself and his wife, as abutting property owners. He was also speaking for Barbara Renner and Richard and Jane Nylander, who are also abutters who could not be present. They originally opposed this project because of the six parking spaces allocated to the plan. Since then, there has been a three car reduction and a compromise on the parking space that originally was with the Argereow property. They are all satisfied with the current plan. They strongly endorse the architectural features of this plan, they strongly endorse the resurrection of this building which has gradually decrepitated over time. Also, regarding the access of fire engines, he has been rescued twice by the City Ambulance on Webster Way and has been manually carried out to Franklin Street because the ambulance could not gain access to Webster Way because of the narrow confines of this space. He felt it was a specious argument to say fire engines cannot get access to this space because they never could get access and they live with that realization.

Arthur Clough, 2nd time speaker, cited Section 10.111.20 of the Zoning Ordinance as the off street parking requirement that he felt had not been met.

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.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Rice made a motion to recommend site plan approval as presented. Mr. Britz seconded the motion with the stipulation that the rain garden maintenance requirements, as shown on the Site Plans, shall be included in the property Condo documents.

Mr. Rice stated that from a technical standpoint the improvements to the site address his areas of concern. He could not speak to law cited and he feels that would be more appropriate for the Planning Board to address.

Deputy Fire Chief Roediger echoed Mr. Rice's comments, especially concerning the legal aspects brought up today. The one thing he would offer is that the proposed change to the property in many ways significantly increases the safety in that area. At the present time, any issue between 428 and 420 Pleasant Street, given the proximity of the buildings is going to directly communicate from one to the other. The code upgrades, in addition to the sprinkling and rated walls and windows on the abutting side, will greatly enhance the safety of the building.

Mr. Britz stated he was supporting the motion because it is a big improvement to the stormwater treatment on the site with the rain garden. It stormwater currently runs directly to the South Mill Pond.

Mr. Taintor had not previously heard the argument for the parking. He asked Mr. Cracknell if he was involved with the BOA on that. Mr. Cracknell remembered it being presented to the BOA and it was his recollection that the applicant presented the Assessor's field card on the property which showed it was a 4 unit property. He went through the building and explicitly noticed 3 if not 4 kitchens and the applicant provided information to the BOA that there were 4 kitchens in the building today. He felt there were more bathrooms in the building than were presented by the abutter today. He did not believe there was any direct evidence beyond testimony about the Assessor's records being wrong.

Mr. Taintor was more interested in the section of the ordinance regarding a use that is non-conforming and that the requirements for off-street parking shall not be altered unless off –street parking is provided for the original building structure or uses and all expansions or intensifications or additions sufficient to satisfy the requirements of this section. He wondered if a determination had been made as to how that applied to a 3 unit structure. Mr. Cracknell did not recall how that was handled but he does remember parking being part of the BOA review process. Mr. Taintor doesn't see where they received a variance for parking. Mr. Cracknell believed it was for alterations to a pre-existing non-conforming structure or use. Mr. Taintor felt a valid issue may have been raised and he felt any approval today should be subject to an interpretation by the City Attorney as to whether this needs another variance or it satisfies the zoning.

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

1. The rain garden maintenance requirements, as shown on Sheet C-2, Landscape Plan, shall be included in the property Condominium documents.
2. This recommendation is subject to confirmation by the City Legal Department that the plan as approved by the Zoning Board of Adjustment complies with the off-street parking standards of the Zoning Ordinance.

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II. ADJOURNMENT was had at approximately 2:30 pm.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary