

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

2:00 PM

NOVEMBER 5, 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; Juliet Walker, Transportation Planer; Peter Rice, Director, Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Carl Roediger, Deputy Fire Chief;

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I. OLD BUSINESS

A. The application of **Maplewood & Vaughan Holding Company, LLC, Owner**, for property located at **111 Maplewood Avenue**, requesting Site Plan Approval to construct a 4-story 27,000 ± (footprint) mixed use building with commercial use on the 1st floor, 70 residential units on the 2nd – 4th floors and parking spaces on the ground floor level, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD). (This application was postponed at the October 1, 2013 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Tighe & Bond, was present with Nick Sanders of VHB, Jamie Pennington from RJ Finlay, Lisa Destefano of Destefano Architects and Peter Loughlin, Project Attorney.

Mr. Crimmins presented the revisions to their plans to keep their presentation brief. There was some discussion about lighting and the applicant has agreed to feed the lights from their transformer. The plan was revised to show that and also to include a light control cabinet and meter. There is a detail on the detail sheet and is the same cabinet that was used on State Street. The Utility Plan shows the lighting conduit lay out. The notes on all of the detail sheets and Site Plans indicate that the final lighting design must be coordinated with DPW and they also noted that the sidewalks are 7' around the entire perimeter of the site so there is enough clearance around all of the lights.

There were a number of miscellaneous details which he walked through. On Sheet C-7 there were a number of tip down details reflecting grass strips which were removed. Those same details called out for yellow detectable warning panels which were incorrect. The detail is correct but they removed the notes. The street sign detail was revised to show a galvanized steel pole. They revised the notation on the setting bed on the sidewalk detail to call out a 3:1 sand/cement mix per City standard. There was

also a comment on the demolition plan that the demolition limits did not include the sidewalks so those have since been revised to incorporate the entire limit of sidewalk.

At the TAC work session they received comments and they had a good discussion. One discussion was about whether traffic would be one or two way and how parking would be provided on the street. They can provide two 8' wide parallel parking spaces on each side of the street with 10' lanes. Therefore, they can provide for two way traffic with parking on both sides of the street. They also received a comment about extending the brick sidewalk down to where the door to the trash area slides over and they have revised that as well.

There was a comment about making sure the elevations match the Site Plan. They included revised elevations that reflect the trash area.

The two major points of discussion at the work session were the realignment of the road and the car lifts. He provided sketches showing the area of the realignment of the road. They have configured their plan based on the conceptual alignment provided by VHB. They are still showing the area being dedicated to the City right of way of 325 s.f. They would then straighten out the curblin and head into the intersection based on VHB's concept. They would construct a tip down ramp and create a pedestrian connection across the street. There was also a lot of discussion in terms of how that would tie in with the unknown that is happening on the other side of the street, with future developments. At the request of TAC they have provided an interim median island in the middle of the intersection to help delineate the lanes at this wide intersection. They have also provided an area of refuge in the island for pedestrians. They show cobble pavers but will use whatever the City wants. Because of the unknowns with this, they are providing a pedestrian contribution to construct the pedestrian connection in the future.

Mr. Taintor noted that in the previous meeting Mr. Crimmins was talking about constructing the sidewalk on the other side of Maplewood at the intersection down to the left. Mr. Crimmins stated they were contributing funds to that but as they do not know what will be happening in that area they are not proposing to construct a sidewalk. Mr. Rice confirmed that was consistent with his recollection.

Mr. Crimmins also provided a drainage sketch. There are two catch basins at the intersection and they propose to construct drain inlets at the new curblin to tie into the existing catch basins, convert the catch basins to manholes, put covers on them and remove the grates. There was a discussion about what they would do with the hydrant and they initially anticipated that they would try and trench in the existing location of the proposed services but instead they are proposing to tie off the existing service and they pulled the hydrant down to the end of the parking area and are proposing a new connection from that service into the hydrant.

The last handout was a picture of the lifts they are proposing as part of the solution to parking.

Jamie Pennington stated that they briefly talked about using lifts at the last work session. They hired a consultant to start to answer the technical questions. A lot of the answers he is giving them affirms what they initially thought regarding public safety and regulation. They prepared an FAQ because it is not a final lay out but it covered how this was being done in other municipalities. They are regulated similarly to elevators. They are not common and no final installations are known in NH at this time. The other question is how many they will provide and they are projecting 50. They built in a certain amount of contingency space in their parking garage layout and that is more than adequate to

accommodate the lifts. They provided pictures showing what they look like and how they function. They are quite confident they can accommodate the lifts.

Deputy Fire Chief Roediger asked what would happen if a tenant has a vehicle that the lift is not able to handle. Mr. Pennington responded that they have a surface lot, however these lifts handle SUV's and mini vans. They also do not anticipate using all of the available space for lifts. Deputy Fire Chief Roediger noted the exhibit shows speculation on how they are inspected. Mr. Pennington was not aware of any lifts in operation in NH so their consultant will develop recommendations. It is usually like an elevator inspection regiment with monthly maintenance requirements and annual inspections. There is one other project under construction so the State will have to deal with this at some point. Deputy Fire Chief Roediger asked about back up power and whether they have an on-site generator. Mr. Pennington indicated they have not determined whether it is required for code but if so, they will install it on the structure rather than on the site. It is not required for life safety. Deputy Fire Chief Roediger felt if they are going to have a generator on site he would have these tied into the generator. People would want to evacuate in a power outage.

Mr. Rice referred to the realignment picture. He thought the City was going to have a chance to review that approach. This is consistent with what they discussed but he felt they would want to rotate the alignment of the crosswalk towards Maplewood and pull the island towards Maplewood. Also, he mentioned the cobble which was intended to be on the island and not in the walkway.

Mr. Britz asked about the drainage in the garage. The plan says that the snow and ice will drip off the lifts. He asked if they have adequate drainage in the garage for that. Mr. Crimmins stated any snow or ice drip would pitch towards the porous asphalt. There will be very little drainage and the parking lot is sloped towards the porous asphalt.

Mr. Taintor noted that the FAQ sheet says that no foundations are required for the lifts for surface parking but they are showing something with all of the weight in two specific locations. Mr. Pennington noted they are already anticipating having a slab but no additional foundation or footings.

Mr. Rice indicated there has not been a lot of discussion in terms of construction and staging. He wanted them to think about whether they would require staging on City right of way sidewalks and the impact to the roads. This is becoming more and more of an issue and they ask people to anticipate and identify what types of impacts they would be having on City right of ways. Mr. Crimmins noted they are anticipating a CMMP to address those needs. They would hope to develop that earlier rather than later.

Ms. Walker asked if the Memorandum they submitted previously with the fair share contributions on pedestrian improvements still stands in addition to what they are going to contribute for the to-be-constructed portion of Maplewood.

Mr. Pennington added that they expected it to be a potential stipulation. Their cost estimate for the full intersection was within 10% of their estimate which they provided at the last meeting. That gives them hope that their cost estimates are not wildly divergent from each other.

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 approval with stipulations. Deputy Fire Chief Roediger seconded the motion. Stipulations were as follows:

Mr. Rice requested that they work with City staff to adjust the intersection as discussed and incorporate the plan into the Site Plan set.

Mr. Desfosses felt there were still a number of issues that are still outstanding on the plans. Standard City details are still incorrect. Moving forward with projects that significantly effect the right of way should have a separate sheet in the plan set specifically addressing off site work vs. on site work because there are several details on these plans that are in conflict with the City details and they don't call out where they are. The City brick sidewalk section is still incorrect and it does not show the asphalt base underneath the bricks. There is no standard cross section for the widening and they still need to approve specifications for all of the widening work that has to happen, including sidewalks. All City standard details and specifications need to be approved by the City prior to construction starting. There is a conflict on the truncated dome details. The catch basins are both on site and off site. The off site catch basins need to have a catch basin liner installed as a standard City detail. Mr. Desfosses was not sure there was a set of standard DES approved sewer detail sheet but it is not shown on the plan set so that the contractor has the appropriate details to construct the sewer line. The specifications need to be generated for that for approval by DPW. The detail for the pedestal for the electric service for the lighting control cabinet is too faint to read. In addition, that cabinet needs to be located across the street from Green Street so it is accessible to other projects that will be using it. The location and conduit stubs need to be approved by DPW. They need to approve a final Photometric Plan based on what they have so that Tighe & Bond can do the plan showing light spacing and height. There is no lighting conduit detail on the plan set yet and they will need cut sheets for everything in the right of way.

Mr. Taintor summarized Mr. Desfosses' comments to say that they are looking for something that clearly shows what is in the public right of way before it goes to the Planning Board.

Mr. Britz wanted to see an amended Shoreland Permit submittal for approval. Mr. Crimmins reviewed those square footages and it was 6,500 s.f. He will go back and look at that just to confirm their figures. Mr. Britz thought it looked like they lost some lawn area.

Deputy Fire Chief Roediger requested that the maintenance and inspection plan for the lifts be submitted and approved prior to installation.

Mr. Rice requested an agreement to participate in the additional pedestrian improvements.

Ms. Walker noted that they will share anything else they get from RSG with the applicant. The one final thing is to ask them to review the estimates on pedestrian improvements and fair share. Mr. Rice indicated they should go to Parking Traffic & Safety Committee and the next meeting is November 14th with the site walk on November 12th. That would be for the realignment of the intersection. Mr. Desfosses asked about the loading zones which are not shown on the plans. Mr. Crimmins stated they would have to move as they were previously shown. Mr. Desfosses felt the loading zone was in a pretty bad location and should be in the back more centralized for the other businesses. Mr. Rice

indicated he will work with Mr. Crimmins before the Parking, Traffic and Safety Committee Site Walk.

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

Prior to the Planning Board meeting:

1. The applicant shall work with City staff to modify the design for the intersection of Maplewood Avenue and Raynes Avenue submitted to TAC on November 5, 2013, and shall incorporate the modified plan into the Site Plan set.
2. The applicant shall provide a response to the Planning Department regarding the effect of the intersection redesign on the DES Shoreland Permit.
3. The plan set shall include separate plan and detail sheets for off-site work vs. on-site work, in order to avoid confusion and conflicts on the Site Plans.
4. A Photometric Plan shall be added to the plan set.
5. The applicant shall appear before the Parking Traffic & Safety Committee regarding the intersection realignment and the loading zone location.

After Site Plan Approval:

6. An agreement to participate in the additional pedestrian improvements as identified shall be executed prior to the issuance of a building permit.
7. The Maintenance and Inspection Plan for the parking lifts shall be submitted to the Fire Department for approval prior to the installation.

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B. The amended application of **143 Daniel Street, LLC, Owner, and Steven Wilson, Applicant,** for property located at **143 Daniel Street,** requesting Site Plan Approval to demolish the “gymnasium” portion of the existing “Army Navy building” and construct two new connected buildings, with the “Daniel Street building” being a 3-story mixed use building with a footprint of 2,580 ± s.f. and gross floor area of 7,138 ± s.f. (GFA) and the “Chapel Street building” being a 3 ½ floor residential building with a footprint of 4,033 ± s.f. and gross floor area of 14,060 ± s.f., for a total of 15 residential units and 19 lower level parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 105 as Lot 19 and lies within the Central Business B (CBB) District, the Historic District and the Downtown Overlay District (DOD). (This application was last before the October 17, 2013 Planning Board meeting where it was postponed at the request of the applicant.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Jonathan Ring, of Jones & Beach Engineers, was present along with Steve Wilson, the applicant. Mr. Ring indicated this was a proposal to renovate the 1916 Army Navy Building into 6 condominiums, demolish the gym and replace with 4,000 s.f. retail and 5 upper floor condominiums. They will also construct a new building on Chapel Street on the current parking lot which would have four condominiums. There are 19 lower level parking spaces for the residential units. At the TAC Work Session they were asked to consider removing the planters on the upper side on Daniel Street and they feel it is important to leave the landscape there to soften the area. They have the land transfer plat to clarify public and private ownership which is related to the sidewalks. There are three areas to be

conveyed and that will be sent to the City Council shortly for their review. Mr. Ring noted that there is more land being transferred to the City than being transferred to the applicant by the City.

There are two waivers associated with the plan and those are called out in Note 22 on Sheet C-2. They are related to off-site impacts for the traffic impact analysis and stormwater management analysis as they will have more green space than there is today. There was a comment at the Work Session about the Existing Conditions Plan not reflecting what is there today and they added Note 10 on C-1 stating "Existing conditions shown hereon are based on field surveys performed in April 2013." Construction is on-going and they are still working on the DOT portion so they don't think it is reasonable for them to go out and do surveys to update the plans. There is also an easement they are granting with respect to parcel C with the land transfer plan.

They have moved the drainage connection and revised the plan as suggested at the Work Session. The handicapped stairs have been revised so that they now have a ramp.

Steve Wilson clarified that the wheel chair ramp was pointed at the rear of the 1916 building and they were turned 180 degrees to go with the grade. It makes the wheelchair ramp a lot shorter and opens up the alley to Daniel Street without that pediment sticking out. Mr. Ring added that the architects did some changes to the bench locations and the landscaping.

Deputy Fire Chief Roediger asked if the door swing coming off the rear of the Association building where the ramp is was correctly represented and does it impede normal exit out that door. Mr. Wilson felt that was a good point and they will take a look at that. Deputy Fire Chief Roediger also asked if they need the stairs. Mr. Wilson felt there were two solutions. They could just have the ramp or they could also enlarge the landing at the top of the stairs. He indicated they will look at it.

Ms. Walker asked if they are accommodating residential bicycle storage in the parking area. Mr. Wilson stated their intention was to have bicycle storage in the lower level. Any seasonal items or furniture would go in and out that entrance. Ms. Walker felt someone would be more likely to use it if it was more convenient, especially for the retail aspect. Ms. Walker asked them to show four bike racks on the site plan. Mr. Wilson stated that the City added two bike rack locations on Daniel Street as well.

Mr. Taintor stated that since last week's meeting, the actual transfer of the building from the City to 143 Daniel Street, LLC has been completed and it looks like the easement area that was reserved for the City is essentially the same as the area they are proposing to transfer to the City. He wondered if that was even necessary at this point. Mr. Ring thought it would be easier with respect to the staging for the renovation of the brick. Mr. Wilson was unaware of the reserved easements but it might be from the perspective of an insurance company binder and this simplifies it from a legal perspective. Even if that was the case, he would still need to request an easement or ownership interest in the small piece out front from the City Council. He will take a look at that.

Mr. Cracknell wanted to reiterate some ideas they talked about last week regarding the land swap and the landscaped areas at the corner. He thought a set of granite steps wrapping all the way around from one ramp to another would be a more appropriate treatment for the ascent to the upper sidewalk. With the spirit of the building and activating the ground floor by lowering the building is to make this as publically accessible as possible. Landscaping is often used in a sparingly manner because the buildings don't require softening. There are street trees but not a lot of landscaped planters and he felt the granite steps would be more appropriate. He felt the "softening" statement by the applicant was

weak and he felt the granite steps would help make this space more public than private and not bifurcate the private businesses that want the public going in them. Secondly, with respect to the land swap, he felt it was better to move forward with public access easement to the alley going between the two buildings and behind the former Connie Bean and out to Chapel Street. It has been designed to activate pedestrian circulation. To preserve long term viability for public access, it is important to have some sort of easement go into that space. Other cities like Newburyport have at least 8 of these tiny accessways that have easements protecting them from having a gate installed which would block access.

Mr. Rice agrees with access to the alleyways and walkway areas as they add a lot to the feel of the City and it would greatly enhance the area for their businesses. He also agrees with the granite steps, it would feel more like a public space versus a private separate space, especially coming from the bridge.

Mr. Ring stated that the background of their response is that it is a fine line between having the public occupy their site and wanting them to shop there. They also have 15 condominiums. One concern is that kids could be skateboarding in the alley at midnight and how would they police that. If there is a public easement, it is a little more difficult to police. Or, people could stand in the alley smoking cigarettes and the smoke goes up into the windows of the residential units. Regarding the stairs, if they have 100 people sitting out on the stairs, they may be hindering access to the shops.

Mr. Wilson felt there is a down sloping of grade that creates a conflict with the continuous stairs. The riser on the stair needs to be somewhere around 7" and there is some variation with tread width versus riser height. If the sidewalk is sloping parallel to the building it will be difficult to get a uniform step. He felt there is a moderation of both where the planter could remain in the proximity of the wheelchair ramp to hide the slope of the ramp. They could analyze the grade at the edge of the stair to see if there enough variation to become problematic around the corner of the building. Mr. Cracknell stated that was what he was suggesting, that the planters beside the two ramps would remain in place and they would remove the two longer planters that are separated by the stairs at the corner. Mr. Wilson stated for the record that he was not opposed to that but he thought they were talking about having a continuous stair and he will revisit that, even if they have to shorten the stair and extend the planter to make up grade change. He felt there must be some way to have a guarantee of public access to pass and re-pass as a shortcut. He is concerned about people getting out of the bars at 11:00 at night being noisy and only being subject to the jurisdiction of the City.

Deputy Fire Chief Roediger asked about a grease trap. He understands they are not planning on a restaurant at the moment but now would be the time to put a grease trap in. Mr. Wilson stated that the previous set of plans showed one on C-4 but it got removed. They will put that back on the plan.

Mr. Desfosses had requested a few items at the Work Session last week. He had requested that the Plan Set be revised to accurately show the existing conditions and the response was to state the plan was representative of condition in April, which is not acceptable to him. The plans still call out things that are existing or are still proposed, things that are to be installed by the City but haven't been installed yet, and he is not impressed on the clarity of the Site Plans. He also asked for the drain to be re-connected with the lateral stub that was left. He asked for a cross section showing what was going on at the top of the drain pipe. The applicant is showing the planter which may or may not exist in the final set but they are still looking for that cross section so they can determine whether there is any conflict with the drainage run. There are two details for the granite curb and the brick walk which show the same thing in two different ways. The curbing is not labeled and it is shown with a radius for some reason. Mr. Rice indicated that the sewer manhole needs to be complete brick construction. Mr.

Desfosses noted that the clay brick paver should simply be labeled as Morin brick, City standard. He would like them to start cleaning up the plan set so that it is accurate.

Mr. Wilson reiterated that it was always their intention to tie into the tap that the City left in the drain line and it somehow changed on their plan. They have not found the exact location of that drain line coming across the front of the building. Mr. Desfosses confirmed there is a drain manhole on his corner and one connecting to State Street. He can get that information from DPW.

Mr. Desfosses stated that the existing tap is in the NE corner of building not the NW corner as shown. Mr. Desfosses wants to see a full set of details on how they are going to close off the pipe so that it is not compromised underneath the granite stairs or planter, as the case may be.

Mr. Rice asked about the concerns of the applicant regarding the public access, but wondered if a daytime access during certain hours, versus nighttime access, would be acceptable. Mr. Wilson was not interested in having the public interfering with the rights of the residents however he is open to some solution.

Deputy Fire Chief Roediger asked them to contact the Planning Department on Sheet C-4 under the Grading, Drainage and Utility Notes, there has been an update to the radio strength testing. (Note #14). The tests and installation of equipment now need to be completed prior to a Certificate of Occupancy being issued for the building.

Mr. Rice wanted to address the constructability question again. He has said a number of times that the approach towards encumbrances is being revisited and if construction requires impacting City property or staging for extended periods of time there may be some consideration required to make that happen.

Mr. Desfosses requested that the applicant should provide a set of trash and recycling containers for this area, to match the Daniel Street receptacles.

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. Cracknell made a motion to recommend approve with stipulations. Mr. Rice seconded the motion.

Mr. Cracknell proposed that they request that the City's Legal Department draft a public access easement for the use of the public land on Wright Avenue for the stairs and upper sidewalk in exchange for a public access easement in the proposed alley. He felt the public access easement area should include provisions to address any negative behavior as presented by the applicant, i.e., loitering, smoking, and congregating of people to the extent appropriately legally enforceable. Stipulation #2 that the applicant replace the two larger landscaped areas with continuous granite steps between the two handicapped access ramps on the corner of the new building.

Mr. Desfosses requested that they provide trash and recycling containers as shown on the Site Plan previously proposed by the City. That the Site Plan set be cleaned up as previously discussed as part of this meeting showing current conditions and the repair to the drain line where the current roof drain connection exists showing cross sections of the area around the drainline, to be approved by DPW.

That the brick sidewalk on Chapel Street is to be reconstruction from Daniel Street up to the driveway of the adjacent house, or the end of the current sidewalk, to be in accordance with City Standards.

Mr. Desfosses asked if they were proposing a new street light in front of new building. Mr. Ring indicated they were not.

Deputy Fire Chief Roediger requested that they update Note 14 on Sheet C-4 regarding the strength test.

Mr. Desfosses asked where the grease trap is going to go. Mr. Ring showed where it would go on the plan and clarified that it was a possible future grease trap as they are not planning to have a restaurant in the two retail spaces. It will be an internal grease trap. Mr. Desfosses asked where it would be directed because the Chapel Street line is in bad shape. Mr. Ring stated it would be headed towards Daniel Street. Mr. Desfosses confirmed that line turns into Chapel Street. They will have to have an internal discussion on that.

Mr. Taintor requested a catch-all provision that all plans will be reviewed by DPW prior to submission to the Planning Board.

Mr. Rice felt that Mr. Desfosses' point relative to the sewer line is an important one and he will have staff video that portion of line and if it needs to be replaced than participation proportional to the capacity use would be appropriate associated with that line. If the line needs to be rebuilt, a apportionment of that cost be attributed to this new development and should be calculated proportional to the additional flow associated from that space.

Mr. Desfosses wanted to make sure the grease trap goes into the sewerage that goes into the back sewer manhole. There are two sewer services to that building now. One goes out under the Connie Bean steps and he would not recommend any further flow in that direction and they should cease any and all plumbing that is going out into that sewer line because it is very suspect.

Mr. Britz questioned Mr. Cracknell's stipulation about the public access easement. Mr. Taintor stated that he was still uncomfortable with the public access easement. He appreciates what the applicant has said about having a permanent restriction on gating it off which would go a long way towards what the Committee is talking about, but he sees this as a very different type of pedestrian area as it isn't a direct connection to anywhere and it doesn't give a shortcut to anywhere and it is on top of the building and through the structure. He is wondering if something like what he is proposing would get them where they want to get.

Mr. Cracknell felt they should ask the City Legal Department before they determine what a Plan B is. The stipulation could be asked to have two options conditioned on the Legal Department's review. Mr. Britz noted the 8% slope on the walkway and he agrees with the idea of getting people into public spaces but he doesn't think this is an appropriate place for public access. He doesn't feel they should be asking for a public access easement in that location. He felt if they can get people moving through there and it works for the applicant, that's fine, but he doesn't want to limit their ability to control it. It doesn't have open light to it, it's all closed in by buildings and it has a steep slope that could be unsafe. He doesn't know why the public would even want to go in there. Mr. Cracknell indicated there was an entrance door to the proposed alley on the proposed plan. It is really about asking the Legal Department to reasonably address those issues in an agreement because those issues are going to be here regardless of what approach you take. If people are going to loiter or smoke in that space, it's

going to be a problem for the owner no matter what. He felt it was worth asking the Legal Department about whether there is a mechanism that is enforceable without overburdening the City to provide access even if it is limited to a low volume of people to be able to move through that space. Otherwise it could be gated off. He was not clear why it wasn't worth asking the Legal Department rather than just presuming it was impossible.

Mr. Britz stated that he did not say it was impossible but rather he wonders why they want to bring the City into it. If it will be a problem for the owner then why make it a problem for the City as well. He disagrees on the need for the public access as this place doesn't call for it.

Ms. Walker completely agrees with Mr. Cracknell's view to open up accessways but she feels this did not exist previously and it seems like a false application of that principal as it is a new space being created. For all the reasons that Mr. Britz states, it just is not meant to be a public way.

Mr. Rice understood what Ms. Walker was says but believes Mr. Cracknell's proposal is reasonable and this is a discussion will have to be talked about at length outside this meeting, but he felt it was worth having legal review to see what the options are for future. He feels it is worthwhile to go through the exercise. They are not putting the onus on the property owner to do this exercise as they as they are saying they will do it through their Legal Department. He doesn't feel it is an undue burden being placed on them and he sees it as a benefit to the City to educate them about these things. Anything they can do to enhance the fabric of the downtown is critical especially as they increase the density of the buildings around the City. If they eliminate these public spaces and accessways, they will make it more and more private and people will either feel entitled or not. This will make downtown more accessible to people.

Mr. Taintor asked what the wording of the stipulation would be on that basis. Mr. Cracknell felt it would remain the same where the Legal Department would draft a public access easement so they can look at it. Mr. Taintor clarified that they are not going to look at it. They are making a motion now so they will not see this again. They are recommending that the Legal Department draft an access easement and that the Planning Board approve it. Mr. Cracknell suggested having the Legal Department provide a recommendation to the Planning Board on how to protect public access. Mr. Taintor feels these are two separate things and as the applicant has already requested a land transfer between the City and him and it is going to City Council. Mr. Wilson thought it would be cleaner to have land transferred so he wouldn't have to have the cross binding of insurance or give a binder to the City for insurance when he does work on his property. Mr. Taintor felt that this issue was important to this plan and there are a lot of unanswered questions, including the whole issue about easements for the center of the building or whether they want easements or fee transfers, and he doesn't think they are ready to vote. Mr. Cracknell felt they might want to grant an easement out at the corner and maintain the fee. Mr. Rice disagrees and felt there was enough concern to step back and review these items. They usually vote unanimously on these applications and this will allow them to get additional information on the sewer line and some of the unknowns better defined.

Mr. Cracknell withdrew his motion.

Mr. Cracknell made a motion to postpone to the next TAC meeting. Mr. Rice seconded the motion.

The motion to postpone Site Plan Review to the next scheduled TAC meeting passed unanimously.

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C. The amended application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demo 21,022 ± s.f. of existing retail space, add 11,000 ± s.f. footprint of new retail space to the existing retail/restaurant strip building, add a rain garden at the rear of the site, to replace the previously approved porous pavement in the rear of the site with a gravel pad for a garden center, and make related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273, Lot 3 and lies within the Gateway District. (This application was last before the October 17, 2013 Planning Board meeting where it was postponed at the request of the applicant.)

Mr. Taintor indicated that a request for postponement had been received from the applicant.

Mr. Rice made a motion to postpone to the next TAC meeting. Mr. Britz seconded the motion.

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

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(Mr. Cracknell excused himself from the meeting)

II. NEW BUSINESS

Mr. Rice made a motion to read all three applications in together. Mr. Desfosses seconded the motion. The motion passed unanimously.

A. The application of **Carol S. and Joseph G. McGinty, Owners**, and the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners**, for property located at **300 Spinney Road and off Spinney Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 6 on Assessor Map 169 decreasing in area from 30,000 s.f. to 28,363 s.f. and with continuous street frontage on Spinney Road decreasing from 150 ft. to 132.54 ft.
- b. Lot 24 on Assessor Map 170 increasing in area from 181,725 s.f. to 183,362 s.f. with 139.06 ft. of continuous street frontage on Middle Road.

Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.). (This application was referred to TAC by the Planning Board at the October 17, 2013 Planning Board Meeting.)

B. The application of the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners**, and **Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, for Preliminary and Final Subdivision Approval to subdivide two lots into five lots with a new public right-of-way, with the following: Lot 5 on Assessor Map 167 having 263,937 s.f. (6.06 acres) and Lot 24 on Assessor Map 170 having 183,362 s.f. (4.21 acres), to be consolidated and subdivided into five separate lots ranging in size from 15,500 s.f. (0.36 acre) to 352,414 s.f. (8.09 acres), and all with a minimum of 100 ft. of continuous frontage on the proposed public right-of-way. Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous

street frontage. (This application was referred to TAC by the Planning Board at the October 17, 2013 Planning Board Meeting.)

C. The application of **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Owners, and Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer to install a rain garden of which a portion is within the wetland buffer, with 3,120 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 170 as Lot 24 and lies within the Singe Residence B (SRB) District. (This application was referred to TAC by the Planning Board at the October 17, 2013 Planning Board Meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Malcolm McNeill, spoke to the application. Also present was Chris Berry.

Attorney Peter Loughlin was present as an interested party as he is entering into a contract with the developer for a six acre non-buildable lot.

Attorney McNeill stated they have volunteered to appear before TAC. At the work session last week, issues were identified as: finality of the previous Sanderson plan; the facing of houses; there is no final contract with Attorney Loughlin yet; discussion regarding rain gardens on the property; and a general concern and dialogue about the nature of the sidewalk and the extent of the sidewalks. The project manager has had a brief meeting with the Planning Director and Attorney McNeill stated he has had several conversations with Attorney Sanderson about the previous plan, he has had several discussions with City Attorney Sullivan about the homeowner association regarding the rain gardens and a general discussion about how to proceed forward with this project.

The original plan was for five residential lots plus a very large which has been transformed into a 6.3 acre non-buildable lot being conveyed to Attorney Loughlin to be used for his personal conservation and landscaping and tree growing purposes. The five residential lots would be serviced by a public street and sidewalks to be determined by the Committee. There was considerable discussion about the frontage of the two houses on Middle Road. They will present a proposal which shows one house facing and with a driveway on Middle Road and the second house will face the new public roadway. They believe this provides a continuity of the Middle Road neighborhood and represents a balance between the various interests that have been discussed.

If lot #2 fronts on Middle Road with a driveway leading out to Middle Road, there will then be four house lots on the new public street. Sidewalks are required on public streets and the extent of where it goes will be recommended by TAC and determined by the Planning Board.

Regarding drainage, he indicated they have provided a full set of plans to Attorney Lyons, a drainage plan will be reviewed by the City, they have taken on a professional engineer to assist them and they have significant experience with NHDES with issues regarding to drainage. They know the rules and they intend to follow them regarding the water impacts. They are aware that there has been an existing condition in the vicinity of Attorney Lyons house and other houses in that area. The City has made

significant progress on those water problems. The obvious and reasonable concern of the neighborhood is that this project will not grossly affect them and the applicant is committed to that.

With regard to the raingardens, which have been reduced to two, Attorney McNeill had a discussion with Attorney Loughlin and Peter Britz, that they will have a Home Owner's Association document where those raingardens will be maintained and there will be an alternative provision that gives the City either an easement or license to maintain the raingardens in the event that the Home Owner's Association doesn't do it and the Home Owners Association will be billed for the cost. Attorney Sullivan felt that would be a reasonable condition of approval. Attorney Sullivan also indicated that the finalization of the Sanderson project would be a reasonable condition of approval. They would like to move ahead to the next Planning Board meeting however they understand that the plan they are presenting is different than what they have seen before so they expect this matter to be postponed to the next TAC meeting.

Christopher Berry, of Berry Surveyors and Engineers, stated that the differences between the plans that were provided to the Committee and their presentation this afternoon is a direct result of the conversation between Attorney McNeill and the City Attorney regarding the lot line revisions that were part of the previous Sanderson approval which modifies the lot lines and frontage of Lots 1 and 2. As a result, they have skewed the property line between Lots 1 and 2 and it actually helps with their effort regarding the facing of the two houses. It opens up the frontage on Lot 1 to face Sanderson Drive and it will shorten the frontage on Lot 2 and open the frontage on Middle Road so that the structure can face Middle Road. That gives them a compromise with one house facing each direction. The proposed driveway for Lot 1 would come from Sanderson Way and the proposed driveway for Lot 2 from Middle Road would be closest to the 20' easement so they are only disturbing the sidewalk in one continuous manner.

They have corrected Mr. Desfosses technical comments from the work session about the plan set. With respect to the sidewalk within the project, they had proposed sidewalk up to the 2nd driveway and they have discussed potentially removing a small section so that they afford a walkway into the project. This would avoid putting pedestrians in danger as cars turn into the roadway. The termination of the sidewalk would be in the location of the first driveway.

Regarding drainage on site, they are proposing that the internal circle, much of the street run-off from Spinney Road and the proposed entrance impervious surfaces now updated with longer driveways have all been updated in the Drainage Analysis and given to Public Works. They propose the Spinney Road section to discharge to the raingarden for both treatment and peak rate reduction and the center of the cul de sac as well as run-off from Lot 2 would enter the raingarden at the center of the cul de sac, be treated and both are discharged to one common point and then to a large stone lined level spreader that is using the Best Management Practices of the State of NH. This is all outside of the 100' buffer. The application discusses the need for a Conditional Use Permit however they have revised the project so that there is no longer any disturbance within the 100' buffer. At the final discharge point they still have a 100' woodland buffer for additional peak rate reduction as well as additional treatment. The raingarden is designed to handle the capacity of what comes off the new sites.

At the last TAC meeting, they were also providing on Lots 1 & 2 StormTech systems which will capture and infiltrate water. The design will have to change now that the orientation of the houses is changing but the StormTech systems are proposed to take the drainage from the structures and re-infiltrate them through the StormTech system, and back into the ground, so that they do not have the peak rate reduction at the final analysis point. In addition to impervious surfaces provided within the

model and the calculations provided, the Planning Board Chairman suggested an additional point source treatment for roof run off so they have provided two drywall systems for each structure, with a pipe length embedded in crushed stone, which will take the roof run off from the remaining three structures and re-infiltrate that into the ground. That was not included in their drainage analysis so it adds a level of safety to the project as it pertains to peak rate and volumetric increases.

The raingarden designs are taken right out of the Alteration of Terrain Best Management Practices program and are designed specifically for residential and roadway infrastructure use. The planting provided within the raingardens are also from the Best Management Practices. They are not increasing any domestic loads for these structures. The drainage structures will take normal flow which you would see off of general roadway construction as normal.

Mr. Desfosses asked about test pits at the infiltration areas. Mr. Berry stated they did not do any at the house sites. They did three test pits on site in general areas for internal use. They are not on the plans. Mr. Desfosses indicated he would like to see that materials. Mr. Berry stated that the seasonal high water table was determined by a silty hardpan where you have basic sands and silt loams down to a silty hardpan and below that there is a sandy sub-layer. You see redox morphic features within that sandy sub-layer so you can see there is water movement within the sand and obviously what happens is the water moves up and down within that sand and then hits the hardpan and says below the hardpan. The reason they did not calculate any infiltration within the raingarden designs themselves is that the basis of those would be between the sand and the hardpan and therefore at certain times of the year they would have water that would move through that area. They are not keeping a separation between the seasonal high and the bottoms of those structures. Mr. Desfosses asked what the estimated seasonal high water table was for Lot 2. Mr. Berry stated it was 36" so in that instance the StormTech systems were designed to keep 1' of elevation difference between the seasonal high water table and the bottom of the structure, as required by the ATP. Mr. Desfosses asked if they are planning on removing the hardpan. Mr. Berry did not note that in the specification but he indicated that should be done.

Mr. Desfosses asked last week and he is asking again, after reviewing the drainage study, was it Mr. Berry's professional opinion that they are not creating any adverse effects to any abutters as a result of any additional flow coming off this site. Mr. Berry indicated that was correct. Mr. Desfosses asked if he was willing to write the City a memo to that effect and stamp it as a P. E. Mr. Berry responded that upon finalizing the design of Lot 1 and 2, they will have the drainage analysis submitted, with stamps from David Berry of his office and they have also had this independently reviewed by Aaron LeChance, who is a sub-consultant for them, who is also willing to stamp it for them. They provided that documentation today to Attorney Lyons for his review as well. But, because they knew the plan would change, they want to finalize the report first. Mr. Desfosses confirmed that, as part of the executive summary, there should be a statement to that effect.

Mr. Desfosses referred to Sheet D-101 and asked if there were any concrete headwalls on the site. Mr. Berry stated there were not as they were providing flared end sections. Mr. Desfosses noted there was a detail for concrete flared end sections on the plans.

Mr. Desfosses stated that catch basins in City streets must come with a catch basin liner. The note is on the plan but pointinb to the wrong place. He also talked about the rubber boot pin for the pipe penetrations but the note is still on the plan about corrugated pipe. Also, the inside of the manhole is to be mortared inside the rubber boat.

The manhole detail needs the same comment about the rubber boat. Also, manholes have to be USA as well (the whole frames and grates and they must be cast iron).

They are showing the snout device for the catch basin and it should say they are using the eliminator system from Clean Stream Technologies as a City standard. They need to clean up the detail.

Mr. Desfosses stated that they do not put reinforced steel in their concrete sidewalks. The detectable warning panel must be Armortile, 2' x 3' feet, brick red, no equal.

Mr. Desfosses asked where the light shown in detail C-9 on Sheet 102 came from. Mr. Berry stated it was from PSNH. Mr. Desfosses stated they will need an internal discussion on whether that light will shine enough light and really do anything. He was looking for a 24' pole with a cobra overhead light on it. This seems small and they would need six of them at this height. Mr. Berry was concerned that some of the abutters would be concerned about a 24' cobrahead. Mr. Desfosses was adamant that a 14' light wasn't going to do anything. Mr. Rice agreed that they should talk about that.

They are showing a curb detail for a monolithic sidewalk but there aren't any on the plan.

Deputy Fire Chief Roediger asked a procedural question about the motion for postponement and whether this was, in essence, a work session. Mr. Taintor confirmed this was a public hearing but they are just going through the concerns of the Committee members for the applicant to address next month.

Mr. Taintor referred to Sheet 8 where they have the sidewalk tip down at the intersection but they need a crosswalk and something on the other side of the intersection. Mr. Desfosses felt the plans were okay as there was no sidewalk there yet.

Mr. Desfosses asked for clarification on what was changing on the plan. Mr. Berry confirmed that they will not have the strip of land, they are widening the right-of-way and that would all be the City street. Otherwise they would have a 2' - 3' even smaller tail which didn't make sense.

Mr. Desfosses asked if there was an ownership issue with the lot directly to the north of the entrance. Typically they do not allow driveways over 24' long and the driveway is really wide because it had a turn around. He asked if there will be an issue closing that driveway off. Mr. Berry indicated he would ask.

Now that they have proposed the additional land transfer with Attorney Loughlin, Mr. Taintor asked if they went back and looked at Lot #3, which is 1.3 acres, to follow more of the wetlands. Mr. Berry just followed the boundary lines that Attorney Loughlin had sent over to him.

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

Donald Green, of 277 Middle Road, lives adjacent to Lot 2. He felt this was a lot of information to absorb and Attorney Lyons has agreed to get together with him to review this. He doesn't believe rain gardens were created to deal with situations like this, as collection devices. People use too many pesticides in residential areas and they are creating a concentration of materials that are toxics and carcinogens. Mr. Green filed a letter with photos with the Committee showing the area flooded 3 years ago. He requested that the City should plan for tomorrow.

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.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Taintor advised the Committee that the applicant would be amenable to a postponement.

Mr. Rice made a motion to postpone to the next TAC meeting. Mr. Desfosses seconded the motion. Mr. Taintor felt that the Committee had given plenty of comments to the applicant to work with.

Attorney McNeill asked if their compromise of which way the houses are facing was acceptable. Mr. Taintor stated that he did not hear any opposition from the Committee. In concept he didn't see it as a big problem but they are waiting to see full plans.

Deputy Fire Chief Roediger was concerned about street addresses for the two houses. Mr. Taintor felt they would solve that at a later date.

Mr. Desfosses had concerns about the driveway coming off of Middle Street. Mr. Taintor also mentioned that the Planning Board names new public roads.


Mr. Desfosses, for the record, asked them to be prepared at the next meeting to explain where the water will go and how it will get dealt with at.

Attorney McNeill asked if they will recommend another Work Session or will they go directly to the next public hearing. Mr. Taintor did not believe a work session would be required. It will be the responsibility of the applicant to work with DPW to make sure all details are worked out.

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

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II. ADJOURNMENT was had at approximately 4:05 pm.
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Respectfully submitted,


Jane M. Shouse
Acting Secretary