

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

2:00 PM

DECEMBER 3, 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 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 ½ story mixed-use building with a footprint of 4,033 ± s.f. and gross floor area of 14,060 ± s.f., and the “Chapel Street building” being a 2 ½ story residential building with a footprint of 2,580 ± s.f. and gross floor area of 7,138 ± 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 postponed at the November 5, 2013 TAC Meeting).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Jonathan Ring, of Jones & Beach, was present with Steve Wilson, the property owner. Mr. Ring stated they issued a response letter to the comments raised at the November 5th TAC meeting. They believe they have addressed almost all of the comments. One open issue is the hardscape stairs on the corner of Daniel Street and the Wright lot. They had discussed the difference between hardscape stairs and softscape planting beds and they believe they have come up with a compromise which was shown on C-2. The location he was talking about was corner that currently has a set of stairs and the planting bed along the two edges. The compromise was to extend the stairs to the bump-in for the doorway at that corner and similarly on the other side to extend the stairs further down and reduce the length of the landscape bed on either side. Those are reflected on the HDC plans for next week. There also may be some conversation about the easement through the site. Otherwise Mr. Ring believed they have addressed everything else.

Ms. Walker did not believe the plan in their packet was the most recent version. Mr. Ring believes the November 19th plans are the most recent. Ms. Walker wanted to make sure the Committee was clear and comfortable with what they are proposing. Mr. Taintor understood that neither of the alternatives

that are shown on the plans they provided are what they are currently talking about. They are now talking about pulling the planters back a few feet on either side of the corner entrance to match the end of the bump-out. Mr. Ring confirmed that was correct.

Steve Wilson, owner, wanted to clarify that 3.2A showed the 3 sets of stairs going into the building; 3.2B shows a continuous stair; and 3.2C shows what Mr. Ring discussed, a broadening of the stair on the corner. The intent was to provide as much unrestricted access to that upper sidewalk into the stores. The HDC had one preference and this Board had another preference. Therefore, they have submitted those three plans to the HDC, having discussed it with the Planner and come to a meeting of the minds. This doesn't preclude the HDC from objecting to it but it broadens that corner stair and accomplishes the access to the upper sidewalk and deals with the natural sloping of the sidewalk in the front. Mr. Taintor stated that the Committee has not seen 3.2C. Mr. Ring distributed one copy of the plan for the Committee to pass around and review. Mr. Wilson felt this plan would satisfy TAC, HDC and the building inspector.

Mr. Cracknell asked the applicant to speak to the access. Mr. Wilson stated they had a discussion at the last meeting regarding the public access to the alleyway being created between Chapel Street and Daniel Street to separate the three buildings. A suggestion was to provide some ownership to the City for that alleyway which created a lot of problems with the administration. The alleyway is intended to separate the entrance from the commercial spaces from the entrance to the residential space. Since then he has been working with Mr. Cracknell and Peter Loughlin to come up with a compromise that still gives them ownership and the responsibility of maintaining the alleyway with a restrictive covenant with the City to leave the alleyway open for pedestrian access. If that becomes a problem with respect to loitering or vandalism, they would have the responsibility to come back to the Planning Board to describe and justify why they would need to block that alleyway off.

Mr. Taintor asked what the specific proposal is at this point. Mr. Wilson had a draft of that proposal. They would record the covenant so that it would encumber future owners of the property at the Registry of Deeds and also so that if they found a reason to block the alleyway off, they would have to reapply for site review to address the issue of putting up gates and bars either during some or all times of the day and night.

Mr. Taintor asked if this is something the owner is going to propose as part of his submission to the Planning Board. Mr. Wilson confirmed that he will submit that to the Planning Board in final draft, having the input of Mr. Cracknell. Mr. Taintor stated he would like to look at it prior to submitting it to the Planning Board.

Mr. Taintor had some minor questions about the plan. On C-1, Existing Conditions Plan, there are six items shown as proposed by the City or new by others. He asked what the status of those was. Mr. Desfosses confirmed those are all existing and the word "proposed" should come off. Mr. Taintor asked if the black dots representing recycling are proposed rather than existing. Mr. Wilson confirmed that layer should be frozen on this plan and they are proposed. They will install them and they have a detail on D-2. Mr. Taintor referred to C-2, on the bike rack where it is 2' from the wall, which is the minimum, but as they have plenty of space he requested that they move it 1' - 2' further from the wall which would make it more useable. Mr. Wilson stated he intended to turn it and he will pull it out. On C-3, Mr. Taintor asked about the grease trap being tied into the sewer manhole in Chapel Street and the Existing Conditions Plan does not show where the sewer connection is on Chapel. He's sure they have had a discussion with DPW on that but it is not shown on the plans. Mr. Desfosses indicated that was one of his comments. On C-4, Mr. Taintor was having trouble with some lines which he realized were

basement contours that are shown crossing the alleyway and going through the building. Mr. Ring confirmed those should be removed.

Mr. Britz referred to the trench drain at the bottom of the ramp to the garage. He asked if it goes into the drain line or if it is an evaporative trench. Mr. Ring confirmed it ties into the drain line and into the City drain line at the Wright lot. Mr. Rice confirmed that is consistent with DPW interpretation.

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. Desfosses made a motion to recommend approval with stipulations. Mr. Britz seconded the motion.

Mr. Desfosses asked for a cross section of how the planter wall would be constructed on top of the drain pipe and although they provided a profile it was not exactly what he was looking for. He was looking for a structural cross section showing how to build the planter over a pipe and he was looking for an “engineering type cross section”.

Mr. Desfosses stated that several details needed to be addressed. The detail for a water pipe was labeled HDPE, which is not allowed in the City.

On the brick walk cross section detail, the curb size is shown as 5” and it will either be 6” if it is new or it will match existing. They should contact DPW for instruction.

There should be a note on the plans to abandon the sewer lateral that comes out of the building underneath the front steps.

The applicant is reusing the above ground service for telephone, electric and cable and he advised the Chairman that they should have a discussion on that.

They should show the existing water and sewer connections going into the building on the plans. Some of them are missing.

There should be a note on the plans to restore sidewalks around the building to the satisfaction of DPW in the areas not being reconstructed.

The sidewalks on the development side of Chapel Street should be reconstructed and he did not see a note on the plan to that affect.

There are still some bogus notes about the City and State installing items that need to be corrected.

A drainage lateral leaving from the building to the drainage system should be 6”, not 4”. Two are being shown incorrectly. On the gym building on the Existing Features Plan they are showing them coming out of the building and going laterally over to Daniel Street but they go along the outside edge of the building and tie into the same connection that they are abandoning. That needs to be changed.

They are not showing the drain on Daniel Street correctly. The drainage goes down the Wright Avenue parking lot and it does not go across the intersection.

Mr. Desfosses noted that some of his comments might be minor but in the future people will come back to these plans looking for utility information and they should be correct.

The sewer manhole detail says "Hampton".

Mr. Desfosses stated they had a discussion with Peter Rice about water and sewer upgrades to Chapel Street and their fair share contribution so the Committee needs to talk about that.

Mr. Cracknell requested a stipulation that the proposed restricted covenant be reviewed by the City Legal Department for form and substance prior to final approval by the Planning Board.

Ms. Walker was concerned that if they reoriented the bike rack it would interfere with pedestrian travel lanes. She would like to see a minimum of 2' on each end so as not to conflict with pedestrian movement.

Mr. Taintor requested a Construction Management & Mitigation Plan.

Mr. Rice noted that the Utility drawing shows proposed water for their building on Chapel Street and they know there is an existing service to the old Army Navy building that is not shown but it appears they are looking to serve the 3rd building from the same service. If they want separate meters for the different tenants, there is a separate approval process they have to go through. It requires separate plumbing for each section so they cannot have common plumbing for the area. If they are planning to have separate meters they need to incorporate that into their internal plumbing plan ahead of time. He just wanted to make them aware of that.

Mr. Rice also noted that it has been their representation that they will be staging the construction in a phased manner, keeping everything on site and not encumbrance the City property as part of their construction. He again reiterated that if they do plan to encumber City property, it will require City Council license approval for anything beyond 30 days and it may have additional requirements to be determined by the City Council. He just wanted to be very clear on this and he has stated it a number of time.

Mr. Wilson spoke regarding underground power and stated he would prefer to put the power lead underneath the ground. Mr. Desfosses asked if there will be multiple electric services for this complex. Mr. Wilson anticipates a single service with sub panels. They will use the existing pole that they currently feed from, which is a 400 amp 3 phase power.

Mr. Taintor stated there will be a stipulation to put the electric service underground. Mr. Desfosses noted it would be under the sidewalk and not under the road.

Mr. Rice addressed the water/sewer capacity use surcharge fee. He does not have a number at this time to use and it is hard to say that the applicant will have to wait until they determine what that dollar value is. Mr. Rice doesn't like leaving things open ended but as part of the capacity surcharge calculation, it allows for additional improvements to the collection system beyond the capacity surcharge and they can look to reasonably apportion the cost based on a reasonable percentage use calculation. They will need to nail down the figures for this. This would need to be flagged and that

as part of the capacity surcharge determination an apportionment of costs would be done. Mr. Ring stated that the proposed sanitary sewer and water numbers are shown on Sheet C-4 in Note 11.

Mr. Taintor asked if that needed to be a stipulation, if it is not part of Site Plan approval. Mr. Rice responded that it would only be stating it clearly that the process is going to happen at the time of the capacity surcharge calculation.

Mr. Sheehan requested that the grease trap be pre-approved by Public Works.

Mr. Rice requested that the structural detail around the drainage pipe, that Mr. Desfosses requested, be approved by DPW as well.

Mr. Taintor asked about the connection he was questioning and whether it should be extended out to an existing line in the street. Mr. Desfosses confirmed it should be shown on the plan along with all existing utilities.

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

1. An engineering cross section of how the planter wall would be constructed on top of the drain pipe shall be added to the plans.
2. The pipe identification on the Water System Trench Detail, on Sheet D-1, shall be revised from HDPE to a type appropriate for the water service, to be approved by DPW.
3. On the Brick Walk Detail, on Sheet D-1, the curb size shall either be 6" if new or will match the existing curb size, to be approved by DPW.
4. A note shall be added to the plans to abandon the sewer lateral coming out of the building, underneath the front steps.
5. The all existing water and sewer connections going into the building shall be shown on the plans.
6. Sidewalks surrounding the building shall be restored to the satisfaction of DPW in the areas not being reconstructed.
7. A note shall be added to the plans that the sidewalk on the development side of Chapel Street shall be reconstructed.
8. The drainage lateral shown leaving from the building and the drain shown on Daniel Street are incorrect and need to be revised and approved by DPW.
9. The Sewer Manhole Detail, on Sheet D-1, should be corrected to say "Portsmouth" rather than "Hampton".
10. The proposed restricted covenant shall be reviewed by the City Legal Department for form and substance prior to the Planning Board approval.
11. The bike rack shall be reoriented with a minimum of 2' on each end so as not to conflict with pedestrian movement.
12. That a Construction Management & Mitigation Plan shall be prepared by the applicant,. for review and approval by the City's Legal Department and Planning Department.
13. All electric service will be underground.
14. As part of the capacity use surcharge determination, an apportionment of costs will be done which allows for additional improvements to the collection system beyond the capacity use surcharge.
15. The location and details of the grease trap shall be approved by DPW.

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B. The amended application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demolish 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 postponed at the November 5, 2013 TAC Meeting).

The Chair read the notice into record.

Mr. Taintor confirmed there was a request from the applicant to postpone this application to the next TAC meeting.

Deputy Fire Chief Roediger made a motion to postpone to next TAC meeting. Ms. Walker seconded the motion.

The motion to postpone to the December 30, 2013 TAC meeting passed unanimously.

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Mr. Desfosses made a motion to read the following three applications in together. Deputy Fire Chief Roediger seconded the motion. The motion passed unanimously.

C. 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 postponed at the November 5, 2013 TAC Meeting).

D. 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 postponed at the November 5, 2013 TAC Meeting).

E. 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 postponed at the November 5, 2013 TAC Meeting).

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Chris Berry, of Berry Surveying and Engineering, appeared with the Applicant and their consulting engineer. Mr. Berry stated that at the last TAC meeting they had some minor changes to the plans which mostly had to do with some lot line changes relative to previous applications. That forced them to change Lots 1 and 2 in their plan set and they also faced one of the houses towards Middle Road. Therefore, the lot line between two of their lots has been modified and the sewer line that was to straddle the lot line has also been modified. They have proposed easements for all of the infrastructure that lies within those lots as well as showing the front of Sanderson Drive and the easements that would be required for the raingardens they are proposing.

Mr. Berry stated that Mr. Desfosses asked them to make some construction changes to the plans regarding construction details, which they have done. They had a follow up meeting with him to make sure they have completed them all and hopefully they have done that to his satisfaction. They had also been asked to modify their executive summary of the Drainage Analysis, which they have done, and have submitted to the Committee and Attorney Lyons. Those were the changes they were asked to make to the plans. Mr. Taintor did not have the modified Drainage Analysis and it appeared that it was not submitted to the Committee in their packets. Mr. Berry confirmed they had submitted a set directly to DPW and added that it had not changed since the last TAC meeting except that the Executive Summary states that the flows at peak events have been reduced.

Mr. Berry stated that the only other item that changed was that they flipped one of the houses to face Middle Road and there were some comments about bringing that building closer to Middle Road and confirming where the driveway access comes from (either Middle Road or the proposed Sanderson Drive).

Mr. Cracknell asked Mr. Taintor what they are looking at for a house placement in relation to today's meeting. Mr. Taintor noted that they don't have an updated plan on the house location. Mr. Berry indicated that they don't typically discuss placement of the units because it was their opinion that they could place it anywhere within the building envelop but they are willing to put it anywhere the Committee would like it. Mr. Cracknell felt it made more sense to move the house in alignment with the other homes on Middle Road and have the driveway off of Middle Road so that the driveway doesn't go through the entire back yard to get to the cul-de-sac. Mr. Berry was fine with that. They talked to DPW and they commented that they may want the driveway off of Sanderson Drive. Mr. Cracknell asked Mr. Rice if he was opposed to a driveway on Middle Road versus having it trek through the entire backyard all the way to the cul-de-sac if the house is slid in line with all of the other houses on Middle Road. Mr. Rice stated that his preference would be to have it off the new road as Middle Road is a section that sees high speed and people coming off the bridge or off of the corner. However, he is also very cognizant that Middle Road has a certain feel and look to it. Therefore from

a technical standpoint he has a certain feeling however their Site Review Regulations also look at what the feel of that section of road is and it needs to be consistent. If there was some way to insure the buildings were fronted to Middle Road and still have the back access, he would feel more comfortable knowing it had a feeling of continuity along Middle Road. They would still have their access that they want from the feeling of continuity and community out the back and would still have the feel of what Middle Road looks like. He felt there were ways to do that along the back road by granting an easement to make sure the right-of-way is wider and forcing the building forward. There is a balance here and he understands the desire to have the feel of the street maintained but, at the same time, it is his preference not to have traffic entering onto that busy section of street, if they can minimize it.

Mr. Desfosses agreed with Mr. Rice. He felt it was always a good idea to have the driveway entrance off of a minor street if possible. He doesn't think that having the front of the building on Middle Road has any correlation to having a driveway on the same road. They can have the house fronted on Middle Road and the front walk going up from the new sidewalk, but it doesn't necessarily mean they have to have the driveway come up from the same road. There are many spots in the City where this happens.

Mr. Cracknell felt the plan that is submitted can be done in two ways. The house can be moved up and aligned with Middle Road and the driveway can come in off the cul-de-sac with a 74' driveway. That is the solution without any easements or lot lines because it already has 60' of frontage on the back as shown. That would resolve the issues Mr. Rice presented. Mr. Rice felt the key was to assure the placement of the house. Mr. Cracknell felt that could be done with a stipulation. If they put the house in alignment with all of the other houses, it works. They could build right up to the established front line set-back which has got to be 5' – 8- closer to Middle Road than what is shown on the plan. The other way to do it would be to change the lot line from north/south and have it horizontally with the driveway on Middle Road with no access and no easement except for the sewer pipe down to the cul-de-sac. The house doesn't change in its location, it's just the driveway.

Ms. Walker was concerned that the slanted lot line was unnecessary and could be avoided. She wondered if there was an opportunity to comply with the street frontage requirements and straighten the lot line out so it doesn't have such a slant and is more perpendicular to Middle Road. Mr. Berry responded that they need the slanted line to obtain the street frontage. They have talked to Mr. Taintor about this many times but there are different issues that restrict the placement of the lot line. Ms. Walker made the comments that overall she still has a consistent concern about the back lot shaped like a pork chop and it does not support the intent of their zoning, as it creates an odd lot with another one inside it. She also feels that the alignment of the two lots they were previously discussing is influenced by the whole configuration at the top. She wanted to point out that part of the issue is they are trying to fit a certain number of houses into an area that isn't realistically suitable for that number of houses. She continues to have a concern about creation of a lot that wraps around another lot.

Mr. Cracknell felt that was an excellent point and there was the possibility of lowering that house to be in alignment with all of the other homes on Middle Road, they could remove the back third of the pie shaped lot and incorporate it into the Middle Street lot and narrow up the frontage on the cul-de-sac of the Middle Street lot because it is only going to be adding access, per the comments from DPW, to bring in a driveway. It is not legal frontage as the frontage is on Middle Road. They could create a better side lot that is left on the new road with the cul-de-sac and a better side lot for the house on Middle Road. It's sort of a hybrid between turning the line horizontally and having an easement out to the cul-de-sac, and you only need to reserve 20' for the driveway, and then the rest of it could be absorbed into the cul-de-sac lot and they could pick up 50' at the back and pull it into the other lot.

That would have all of the frontage on Middle Road go with the house that is on Middle Road and it would look better.

Mr. Taintor added to Ms. Walker's comments on the lot configuration by reminding TAC that as part of recommending in favor to the Planning Board, there would be a waiver from the Subdivision Regulations for the lot lines that are at sharp angles to the roadway. There are two in particular, one between Lot 3 and 5, next to the raingarden, and the other between Lot 3 and 4 on the southerly boundary.

Mr. Rice felt that was a point well taken and he struggles between whether this is technically do-able but there is also the non-technical aspect of recommending to the Planning Board and that is the challenge that he is facing. Mr. Taintor's comment about the configuration of the lot is a valid one and it feels like they are stretching this to make it work. To be asked to accept a privately maintained stormwater treatment system in the middle of a public right-of-way is do-able but it is not his preference. The whole aspect of this becoming a public road comes into question in his mind, if they have private structures within it, so maybe they should consider saying this should be a private road. There are a number of things, from a non-technical review, that give him some anxiety and he is concerned about forwarding this to the Planning Board without having some means of incorporating some of those concerns so that they know that technically they have reviewed it but there are other things that come into play.

Mr. Taintor asked them to begin by just focusing on the technical issues and get those out of the way.

Mr. Desfosses has reviewed these plans multiple times and most of his technical questions have been answered.

Mr. Rice had a question about how the sewer line connects in on Middle Road. Mr. Berry stated that was shown on U-100. Mr. Rice just wanted to make sure that was there.

Mr. Rice felt that they have reviewed them from a technical standpoint and technically they conform.

Mr. Taintor felt they should let the public hearing go before discussing a particular vote and the planning aspects.

Mr. Sheehan asked about the sewer service for Lot 1 & 2 and where it ties into the line coming into the easement as he didn't see it shown on the plan. Mr. Berry stated the intent was to tie into the sewer line coming up the boundary line. The stubs were dropped from the plan and should be drawn back in.

Mr. Britz asked about the need for an Alteration of Terrain Permit as they said they have less than 100,000 s.f. and he asked how they calculated that and what was included in the calculation. Mr. Berry responded that it was the roadway and the disturbance on the lot. Mr. Britz totaled the five lots up quickly and he came up with 112,000 s.f. Mr. Berry explained his calculations and indicated he only counts the disturbance on the lot rather than the entire lot as being disturbed. Mr. Britz stated he may take another look at it as it seems like it should be more.

The Chair opened the public hearing and called for public speakers.

John Lyons, of 76 Fells Road. As a brief history, Mr. Lyons stated that the Fells Road and Thaxter Road area, which is at the bottom of the hill where the wetland is, experienced significant flooding up

to the sewer separation which was done in 2008/2009 which dramatically improved the situation. Running along the westerly boundary of his property they gave the City a small easement to connect that stream into the run off system which has also helped and, most times, is able to take care of the water. Frequently that stream fills and one or two times per year the stream will actually overflow. His property and three other properties about the wetlands, the homes on the other side of Fells Road and the horseshoe and down to Thaxter are low and are all affected when the water is high.

He had three concerns.

1. That the Executive Summary to the drainage survey be amended. There is an attempt to do that and the language is “peak rates of run off are reduced at the two year” His questions what the rates are reduced from. The engineer who was previously involved in this project prepared a drainage summary as well and his language was “Post construction peak rates of run off from the site will be lower than the existing conditions.” This proposed language does not say that and only says that it will be reduced. Mr. Lyons asked that any approval contain language that include in the engineer’s opinion that it is going to be lower than existing run off.

2. Maintenance in the middle of the cul-de-sac of that rain garden has been addressed, but the second raingarden will require a provision in the deed to the wrap-around lot that grants access to the Homeowners Association who will be responsible for maintaining the rain garden. Attorney McNeill has represented to the Planning Board that the maintenance of the raingardens isn’t significant but Mr. Lyons would respectfully disagree. He would rely on the Altus Engineering reports that were submitted for the previous application that indicated that the system needs to be inspected twice annually and accumulated sediment should be cleaned as warranted and at least one annually systems should be inspected for draw down time, vegetation should be inspected at least annually. In the prior reports, the plan prepared by Altus also included very specific landscape notes on how the rain gardens would be constructed to make sure they operated correctly as they are obviously critical in preventing additional water coming down that hill. He appreciates that Mr. Berry has shown a revised plan as to the raingardens and has incorporated in full the notes that were on the prior plan around the construction of the raingardens and included the maintenance requirements for homeowners association. He would ask that any approval include that the homeowners association be established and responsible for maintaining the raingardens consistent with those specifications shown on the revised plans.

3. Mr. Lyons was concerned with the fact that the drainage study is based on certain conditions, specifically that there will be 1700 s.f. of driveway area and 2500 s.f. of roof lines. He would ask that those conditions be included in any approval because, of course, if the houses are bigger, if there are additions or if the driveways are bigger, the assumptions that are made in the drainage survey no longer apply. He also asked that any approval specifically indicate that no additional structures can be built on those lots, including a tennis court, a swimming pool, or an addition on their house, as that would change the assumptions based on the ability of those raingardens to eliminate additional water coming down over the hill. The developer and the engineer have suggested that they prefer to not put those assumptions as restrictions in the lots and that there be some mechanism by which the City can review any future homeowner of any of those lots the ability to put any future structures on their lot without City approval. He doesn’t care how it is done, and he doesn’t know if that is practical as far as the City is concerned, but he wants to make sure that there is nothing that is constructed on any of those lots now or anytime in the future once the developer has conveyed those lots to other people, that will effect the assumptions that are in the drainage survey that will result in additional water coming down over the hill.

Donald Green, 277 Middle Road. Mr. Green was concerned about the “invasion” of the raingarden in the wetland buffer. Mr. Taintor clarified that the plan has changed and the raingarden is no longer in the wetland buffer. Mr. Green was happy to hear that. Mr. Green has previously shown the Committee a picture showing all of the flooding four years ago and his lot was flooded almost up to his garage. He asked what steps have been proposed to correct that situation. The direction of the water still goes towards his land. He displayed the photo of the area flooded with him standing in front of his garage. He doesn't care whether the driveways go out to Middle Road but he wants to make sure that none of the house will have access to the private road as well as Middle Road as he does not to have a driveway going on both sides of his house.

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. Britz made a motion to approve for the purposes of discussion only, with stipulations. Mr. Cracknell seconded the motion.

Mr. Taintor asked to first discuss whether the technical issues have been addressed. Mr. Desfosses felt that all technical issues had been addressed except the drainage concerns keep coming up over and over again. People that are living in the areas downhill of this development are the unfortunate recipients of water going down the hill and it is a complex system where they have a large wetland that acts as a bathtub and everything is fine unless they have a big storm event in which case it fills up and it is subject to relieving itself via the City system which may or may not be optimized to receive all of the rain water. The reality is, and the people who live in this area have to understand, that as engineers they can only design for a certain volume of water and after that all bets are off because then the question becomes when do you stop calculating run off flow. That is why they use the systems and the numbers they do to calculate what they think are a reasonable effort toward alleviating stormwater concerns. Mr. Lyons was thoughtful in his questions about the executive summary and one of the things he said was that the peak rate of run off is not going to change according to Chris Berry, the Chief Engineer for this project. Mr. Desfosses pointed out that you need to realize that peak rate of run off and stormwater volume are two different things and there is really no way to decrease volume like there is stormwater run off. The issue of the abutters is more of a volume issue rather than peak run off issue because they live on the edge of the bathtub. He felt that one thing that the Committee should do is have someone evaluate the stormwater adjacent to this wetland area to see if there is a way to optimize the drainage for this area so that relative concerns can be met. He did not know if they are possibly running at 100% of optimum and there is nothing that can be done. Compared to the size of the wetland that everything drains into, it may be that these houses do not have that big of an impact but they may have just enough impact that it is the tipping point. He felt that based on what he has heard from people around these areas of Fells and Thaxter, they are almost at the tipping point three or four times per year. After the houses are built, he asked if that will mean they are at the tipping point five or six times per year. He doesn't know what the balance is but he believes they owe it to the people who live adjacent to this neighborhood that if they are going to load additional development on this property that they should do it responsibly and make sure they have done everything they can to analyze the situation and whether it can be optimized with relative cost. Therefore, his recommendation is to have somebody look at this entire area. Eric Weinrieb did the initial study and he wondered if he would have some ideas to optimize any of this or whether it can even be done. Mr. Desfosses stated that approving a project that doesn't allow anyone to add a wood shed or a screened

in porch or a swimming pool is just bad planning. He couldn't imagine who would want to live in a house that you can't change.

Mr. Rice felt it was really unworkable from their standpoint because the developer will build the houses and then walk away and leave the new property owner responsible for convincing the City that they can add something to their property. He agrees with Mr. Desfosses that it is not good planning and not good policy and he would not be in favor of that approach. What Mr. Desfosses pointed out was the often unintended consequences of development and the abutting properties are the ones taking the brunt of the impact and they are often confronted with a situation where the next door neighbor is suddenly getting flooding in his back yard when they never had it before. In order to address that, he would support Mr. Desfosses to have an independent peer review of the stormwater evaluation and not viewed in an isolated context as it is now but view it in the context of the drainage system that is there. If there are things that the City needs to do to improve the drainage system over the long haul, that is fine, but if this is a tipping point situation, they do not want to approve this lightly and think that it will become a private property issue. Mr. Rice stated that the motion was to approve and they are saying they should add a stipulation for an outside drainage evaluation be done to confirm the run off calculations for the development and downstream impacts. Mr. Taintor asked what he would include in the existing drainage system. Mr. Rice stated the engineer would have to look at the area of influence of that section of drainage. You would start at the discharge and work your way back and it could be lengthy. They have a drainage basin and the drainage basin goes into an area where you eventually get to a point where there is a logical demarcation. In this case, he believes it is the North Mill Pond.

Mr. Britz had a comment about the drainage and the road. The project anticipates the City will accept the street, but they are putting another burden on the property owners with the notion that they are going to be maintaining the rain gardens on their own and that complicates things. When the City maintains a raingarden, they do a good job but they won't be brought into this one until some unknown trigger point. He needs to know what that trigger point is. He felt a raingarden in a City street was a good one but he doesn't think that is where they are starting in this situation. They are starting with a raingarden in a City street that property owners need to maintain without knowing any of the details of what that entails. Maybe it is a great raingarden that is easy to maintain or maybe it is a more complicated one so it is a big unknown from his standpoint and he doesn't know that he wants to tell the Planning Board to accept this as the first one of its kind with this agreement. He's unclear about what it means for the homeowners.

Deputy Fire Chief Roediger noted that when they discuss drainage, they are talking from the cul-de-sac to the north and everything that is coming off that side and going down the hill. As they have seen from the photo, lots 1 and 2 are compromised with a good amount of standing water, depending on the amount of rain or what kind of weather phenomenon is going on. He was concerned about how that gets addressed and where that ties in. Is this extra water that is somehow supposed to get to the raingarden or is it supposed to come to Middle Road to be dealt with. If they were correct in moving the house in Lot 2 closer to Middle Road, it is now in the middle of this standing pond of water. If they use fill or raise the structure, he still wonders where the water goes and obviously the abutting properties will have to deal with it. They talk a lot about the downhill side but his concern is what hasn't even gotten to that side of the cul-de-sac yet.

Mr. Desfosses responded that the reality was that if you were going to build there, you would fill the lot and displace the water and displacing the water would do one of two things and both of them are actually the same thing. If they displace it to the front, it runs down Middle Road 600' – 800' where it

goes into a catch basin that then goes into the same wetland. Or, they can pipe it into the back and it would still go to the same wetland. Either way, all of the area in this entire area goes into the same wetland. Deputy Fire Chief Roediger reiterated that nothing they have heard addresses Lots 1 & 2 and how those lots are drained. Mr. Desfosses understood that.

Ms. Walker still felt the reconfiguration of the lots was unresolved and that they are trying to jam too many lots in an area that is not conducive to that number. She indicated that she would have a hard time approving this without a way to address that issue. She felt this is a technical issue as one responsibility of TAC is to support site development, keeping within the character of the intentions of the Zoning Ordinance and the character of the surrounding neighborhood. As it is right now that is not fulfilled.

Mr. Cracknell felt that Ms. Walker's point about the frontage is a good one. If they look at the rest of the existing homes on Middle Road they are all about the same size so the size of the proposed lots, and not the shape, are consistent with the character of the lots on Middle Road. He felt it was a stretch to say it was a shoehorn situation based on the the character of this neighborhood. These are 1/3 acre lots for a single family house and that is not a high density arrangement. He agrees with her comments about the lot shapes but he did not feel the density was off the mark. Ms. Walker stated that her concern is primarily with the lot shape and particularly the large lot 3 that wraps around another lot.

Mr. Taintor stated that one key stipulation was that the drainage evaluation should look at the entire downstream impacts. Secondly, Mr. Britz raised the issue about the raingarden maintenance. Mr. Britz added that is was a concern and he wondered whether he would actually vote to have this be a City street with a raingarden in it.

Ms. Walker asked if the subject of this being a City street was up for discussion and were they open to a stipulation that it remain a private road. Mr. Rice stated that he hadn't really thought about it at great length and he doesn't like to make a rash decision without being able to reflect on it. If that is something they want to seriously consider they should table the vote to evaluate that. This has been before them a number of times and his preference would be to push it forward. Ms. Walker asked if they could at least have a stipulation that they follow up with a recommendation to the Planning Board with the pros and cons regarding it being private versus public

Mr. Taintor was torn on limiting their recommendations to the technical issues versus thinking about this from a planning point of view. One option would be to move this forward to the Planning Board given that the technical issues are largely addressed except for the question about the off site drainage effects. It could be referred to the Planning Board with a recommendation stating that the technical issues have been addressed, with the one exception, and that the stipulation would be that an independent drainage study would be done, and then they could list out specific issues, including, the question of the street, whether the Planning Board should grant waivers from lot line requirements for Lot 3, and the issues of house orientation. It would then be up to the Planning Board to deal with the policy issues. He felt it sounded like the Committee members just were not comfortable with those issues.

Mr. Britz requested that they add that they recommend an independent drainage review and if there was a concern with the drainage or if it was difficult for the site to meet it, could a private road be smaller in terms of pervious area or does it have to be the same size.

Mr. Desfosses felt they have limited the size of the road but the problem is not the road or the houses, it is that the pot is already 7/8's full. They can literally do nothing that will not exasperate in some minute way the issue at the bottom of the hill. It certainly will happen. If they allow development here, there will be impact at the bottom of the hill. There is no doubt about it. The question is how they can minimize it. The road width has been trimmed and is already at the dead minimum that he would want to see for even a private road. Private or public, a road is either safe or unsafe.

Ms. Walker asked if it would be appropriate to have the 3rd party review happen and have TAC review that analysis as part of their recommendation process before they make a recommendation to the Planning Board. It may be that an outcome of that drainage analysis is something that TAC would want input on as a recommendation to the Planning Board. Mr. Taintor felt it could be done that way or, another option would be that, as DPW would ultimately evaluate the report, to move it on from TAC and require that the independent drainage review be reviewed and satisfactory to DPW. Ms. Walker was concerned about how would TAC deal with their review if it was negative. Mr. Rice felt they would advise the Planning Board that there is an impact as a result of this and they would not recommend approval as designed and would require some mitigation. Mr. Taintor then asked if that would come from TAC or from DPW. Mr. Rice stated that the scope of work needs to be approved by DPW to begin with so that needs to be added to the stipulation. Mr. Britz felt that whether there was any impact could be added to the scope. Mr. Rice agreed it could include additional mitigation recommendations as well if an impact is determined.

Mr. Taintor suggested that they move it on with the recommendation that the technical issues have been adequately addressed with one exception and that they recommend an independent peer review be undertaken for the drainage study, with the scope of the work to be reviewed and approved by DPW, including mitigation options, and to convey the three issues that they discussed: questions about the raingarden and whether it should be a public or private street; the waivers of the Subdivision Regulations regarding the lot lines;

The third issue was the lot layout of Lot 1 & 2, one of which would be facing Middle Road. Mr. Taintor stated that was another item that they note as an issue. Mr. Rice confirmed that they are talking about the proposed reconfiguration so they would have a lot on the front and a driveway easement and frontage on both sides and access from both sides. Mr. Taintor asked if that was a motion they are proposing or something they are raising as an option.

Mr. Cracknell felt that it worked well. Mr. Taintor was concerned because they haven't actually seen it. Ms. Walker also felt that she would rather see it as a recommendation for the Planning Board to consider as a recommendation and not a stipulation. Mr. Cracknell asked if it still needs some language so that it's clear to everyone regarding what they are supposed to be doing. Mr. Taintor felt the issue was to look at alternative lot line configurations for Lots 1 & 2. Mr. Rice didn't feel that everyone had the benefit of seeing what Mr. Cracknell was talking about and they would need to incorporate it into what they are proposing for the subdivision. Mr. Taintor asked Mr. Cracknell if he had some proposed wording. Mr. Cracknell confirmed that he did.

Mr. Cracknell proposed:

1. Lot 2 would be reconfigured to include all of the frontage on Middle Road and at least 20' on the proposed roadway.
2. The proposed house on Lot 2 should be located in alignment with the existing front yard setbacks of the houses within 200' of the proposed lot as permitted in the ordinance.

3. The proposed driveway to Lot 2 shall be located in the rear yard with vehicular access only provided from the proposed roadway.

Mr. Desfosses noted that a lot line change will require that the proposed sewer be relayed out. Once the lot lines are clarified, they will need a final plan review from DPW.

Mr. Taintor asked if there is consensus of the Committee that this is something that they want because they need to defend it if it is. This is something unusual and they haven't been in this situation before. Mr. Rice felt that in concept he likes it but he is hesitant to say "lets go for it" without evaluating it because there are some changes, with the sewer line being a big one. If this is the direction that they want to go, he felt they would have to table this and come back. One question he had was if the vote is to not recommend it to the Planning Board, does it still go forward to the Planning Board. Mr. Taintor confirmed it would go forward to the Planning Board.

Ms. Walker added that with their recommendation they can also point out the areas they have concerns with. That doesn't mean the Planning Board can't approve it if those items get addressed.

Mr. Taintor asked if they have any way to move this forward. Mr. Britz thought they had come fairly close on how to move it forward but the question of whether they move it forward with a positive recommendation or move it forward with serious concerns. He did not believe they have enough in front of them to recommend approval. If the buck stopped here and this was all they had to recommend approval, he would say no. Maybe that is what Mr. Rice is bringing up. They don't feel this is approvable as is but they see a way forward. Looking at all of their concerns, he felt that was a lot to put on the Planning Board although the Planning Board could always send it back to them.

Although there is a motion to move forward on the table, Mr. Rice stated that there are enough things he is not comfortable with without having further evaluation. As Ms. Walker said, it is not necessarily overdeveloping it but it is definitely stretching it to make it work. They will have such long term potential consequences, he would feel better about having the peer view of the stormwater analysis done, the question of the ownership of the road looked at and he would like to see an operation and maintenance life cycle analysis done on the raingardens so that the purchasing property owners know what they are getting into and it is clearly called out in the Homeowner's Association. This will give them an opportunity to look at the alternative configuration that Mr. Cracknell had prepared and then they can go forward with a firmer recommendation, one way or the other. He does not feel comfortable voting "yes" for this and he knows their desire is to go forward in a unified manner but he also wants the time to reflect on some of these things because it is important.

Mr. Taintor listed out the following items: An independent peer review be undertaken for the drainage study, with the scope of the work to be reviewed and approved by DPW, including mitigation options; the Operation and Maintenance Life Cycle Analysis; and the lot line reconfiguration and the impact associated with that.

Mr. Desfosses did not believe with the holidays approaching there was time to do a review on the drainage before next meeting. Mr. Rice felt it would be an effort and he didn't want to put any time constraints on getting this done as that wouldn't be in anyone's interests and it needed to be done right.

Mr. Britz withdrew his motion.

Mr. Rice made a motion to postpone. Mr. Desfosses seconded the motion. Mr. Taintor reiterated the three items that need to be completed. Mr. Rice asked for sample language for what the Homeowner's Association requirement would be.

Deputy Fire Chief Roediger added that he would like to see the drainage study done comprehensively rather than set a date. Mr. Taintor stated that he didn't want to leave the matter open-ended and would rather reschedule to the next TAC meeting and they could always postpone again.

Motion to postpone to the next scheduled TAC meeting passed unanimously. The following items were requested:

- An independent peer review be undertaken for the drainage study, with the scope of the work to be reviewed and approved by DPW, including mitigation options.
- Operation and Maintenance Life Cycle Analysis.
- Lot line reconfiguration and the impact associated with that.
- Sample language for the Homeowner's Association requirement.

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II. NEW BUSINESS

A. The application of **1st Colebrook Bank, Owner**, for property located at **2400 Lafayette Road**, requesting Site Plan Approval to construct a 30' x 40', one-story, 1,200 s.f. addition to an existing bank building and expansion and reconfiguration of the parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273 as Lot 6 and lies within the Gateway (GW) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Eric Weinrieb, of Altus Engineering, was present, representing 1st Colebrook Bank. Also present was John Pratt, Senior Vice President. Mr. Weinrieb stated that this lot was located in front of the Southgate Plaza, on Lafayette Road and they are seeking to expand the existing building. There are no wetlands on site and no variances were required. They are adding a 1,200 s.f. building addition, they are repositioning the drive up window, and providing 16 parking stalls where only 11 are required. Building coverage will be 5.1% where 30% is allowed. Open space requires a minimum of 20% and they will be at 67.4%.

There will be no changes to the water, sewer, or gas services but a little reworking at the entrances. The majority of the work, besides the building addition, will be the reconfiguration of the parking lot. There will be new pavement in the hatched areas on the plan and some currently paved areas will become lawn. There is a 200 s.f. increase in impervious. The water currently runs off the site, across the parking lot. They plan to collect the run off into a depression with a yard drain and a second yard drain, with closed drainage which will run into the catch basin on the Waterstone property.

To improve the stormwater management, they will raise the rims up 6" so they will get a little infiltration in and sediment removal before reaching the closed drainage system. Mr. Weinrieb added

that rain gardens are not necessarily a benefit because ledge is close to the surface and it is not appropriate soil conditions.

They are providing for a bicycle rack in the front of the building.

Mr. Desfosses asked about lighting around the building and what style they will be using. Mr. Weinrieb indicated they are proposing two new light poles with LED lights, directed downward. The poles in the drive-thru/ATM area will remain as well as at the entrance and those are a cobra style. Mr. Desfosses asked if the lights are flat lensed so that they do not share light horizontally. Mr. Weinrieb believed they were not. The lights are existing and they do not propose any changes to them. The new lights in the parking lot will be replaced and they will be dark sky. The new poles are 18'. Mr. Desfosses asked if the historic style post style lantern, which is 18' tall, is dark sky friendly. Mr. Weinrieb stated that the cut sheet says they are night sky friendly. Mr. Rice asked him to add "Dark Sky Compliant" on the plan. Mr. Desfosses did not believe the proposed lights were what they wanted.

Mr. Taintor read from the Zoning Ordinance: "... shall not emit any direct light above a horizontal plane passing through the lowest part of the luminaire." So, the bulb must be below the shade.

Mr. Taintor suggested that they just add a stipulation that all lights on the site comply with Section 10.1144 of the Zoning Ordinance, and that appropriate cut sheets shall be provided.

Mr. Rice was looking for a detail where they raise the profile of the drainage grate 6" to allow for a sediment trap for the additional attenuation of water for the yard drain. Mr. Weinrieb explained that request came up at the TAC Work Session and he has not revised the plans yet.

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


Deputy Fire Chief Roediger made a motion to recommend approval with stipulations previously noted. Mr. Rice seconded the motion.

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

1. All lights on the site shall comply with Section 10.1144 of the Zoning Ordinance, and appropriate cut sheets shall be provided.
2. Revise the detail for the yard drain profile to show the grate 6" above grade to allow for sediment trap and additional attenuation of water.

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III. ADJOURNMENT was had at approximately 3:55 pm.

Respectfully submitted,


 Jane M. Shouse
 Acting Secretary