

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

2:00 PM

MARCH 4, 2014

**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 Planner; Peter Rice, Director, Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Patrick Howe, Fire Inspector, Fire Department; Michael Schwartz, Captain, Police Department

The Chair called the meeting to order.

Mr. Taintor asked for a motion to read in the following items for the purpose of postponement: Under Old Business, Items A, B, C, D and F. Mr. Rice made a motion, Mr. Desfosses seconded and the motion passed unanimously.

I. OLD BUSINESS

A. 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 February 4, 2014 TAC meeting).

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

The motion to postpone the Amended Site Plan application to the April 1, 2014 TAC meeting passed unanimously.

B. 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 February 4, 2014 TAC meeting).

Mr. Desfosses made a motion to postpone this matter to the next TAC meeting. Mr. Rice seconded the motion.

The motion to postpone the Subdivision application to the April 1, 2014 TAC meeting passed unanimously.

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C. 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 February 4, 2014 TAC meeting).

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

The motion to postpone the Subdivision application to the April 1, 2014 TAC meeting passed unanimously.

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D. 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 Single Residence B (SRB) District. (This application was postponed at the February 4, 2014 TAC meeting).

Mr. Britz made a motion to postpone this matter to the next TAC meeting. Mr. Desfosses seconded the motion.

The motion to postpone the Conditional Use Permit application to the April 1, 2014 TAC meeting passed unanimously.

E. The application of **Strawbery Banke, Inc., Owner**, for property located off **Washington Street**, requesting Site Plan Approval to construct a 12,500 s.f. seasonal ice skating rink with an 8' x 10' transformer, a 25' x 10' rink chiller and a 25' x 60' concession pavilion, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 104 as Lot 7 and lies within the Mixed Residential Office (MRO) District and the Historic District. (This application was postponed at the February 4, 2014 TAC meeting)
The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, addressed the Committee on behalf of the applicant. Also present was Lawrence Yerdon, President & CEO, Rodney Rowland, Operations Manager, Jeff Keefe, Project Coordinator; and Eric Reuter, Acoustics Consultant from Reuter Associates, would be arriving shortly.

Mr. Chagnon indicated that Strawbery Banke is working with local businesses and volunteers to develop a seasonal ice skating rink in Puddle Dock Pond, adjacent to the Tyco Visitors Center. The plan includes a temporary structure to support the activities. The use will occur during the winter season and the rink ice will be kept frozen with a rented chiller, enclosed by an acoustic barrier. A new transformer will be installed to provide power for the rink with underground conduits that will be left in place. Strawbery Banke proposes to use the rink once a month, on average during the rink season, for special events. There is ample parking in the existing paved parking lot plus overflow parking in an adjacent gravel parking lot on Marcy Street as well as additional space in a new gravel parking area shown on the plans. Strawbery Banke will arrange for the installation and removal of the rink and associated decks and walkways on a seasonal basis, the components will be stored out of the way or, if necessary, off site during the off season.

The applicant last met with the Committee on January 9th and they had some concerns which the applicant has addressed. They provided a traffic assessment by TEPP LLC dated February 18th. They looked at ITE data and trip generations expected for the rink and they also looked at a similar facility, the Churchell Rink at Jackson Landing in Durham. He went on a weekend during full operation and actual trip counts were taken to determine a trip generation rate that was higher than the trip generation rate in the ITE manual. After they sized the rink to this rink, the trip generation rate was 65 trips at the peak hour. TEPP reviewed the roadway network adjacent to the proposed rink in February when there were lots of snow banks. He concluded that the trips were 32 and ITE was 65. That is a minor amount of traffic generation and will not overburden the adjacent roadway network. He also noted these trips will be during a time of reduced load in the adjacent roadway network. Additionally, the applicant will open the gate on Puddle Lane off of Marcy Street to access the additional parking area. That will be open and kept clear to provide access to Marcy Street for vehicular traffic during special events which will only be in the daytime. Strawbery Banke will keep that area open during the daytime special events and will also work with the Fire Department for emergency access through that area. No lighting is planned for this area as it will be daytime events only. The pedestrian way will be open at all times out to Marcy Street to allow for better circulation to the rink. They also believe the parking lots as shown are adequately sized for the intended uses.

They provided a cut sheet for some landscaping material, feather weed grass, which is shown on Sheet C-2, to fill-in and buffer the area between the front row of parking and the adjacent residential structures on Hancock Street. The lighting plan shows that at the property line most of the lighting is

directed at the rink and the property lines are significant distances away from the rink. At the property line boundary the illumination levels are 0.0.

TAC asked them to look at the existing illumination in the parking lot. That is included in the lighting plan so those lighting levels are as a result of a study of the existing illumination in the area. Strawberry Banke has confirmed with PSNH that the two flood lights mounted on one pole in the middle of the parking lot are actually City property but they would be willing to rent a different type of light. Strawberry Banke is willing to work with the City but the City would have to generate the work order.

The plans include a chiller enclosure detail on the architectural plan. The enclosure, in order to meet setbacks to the chiller, is a little bigger in this set of plans, so that has been updated. Also included is a noise study and they looked at the regulated noises under the Zoning Ordinance, both daytime and nighttime, and the study concluded that all noise levels are met. They looked at the following noise sources: the transformer, chiller, skate sharpening and music system. The report looks at them individually as well as adds them together and calculates the noise level that would be expected at the property line.

They asked for a monitoring plan. Strawberry Banke submitted that plan and they are giving them information on how they will handle pre and post light and sound monitoring. The plan also talks about a parking program and security so they will not have any impact on the adjacent neighborhood.

As requested, a staffing summary was included, showing the level of staffing attendants at the facility for different operations. Strawberry Banke is very experienced at doing this type of operation. They have many special events on the facility and, when needed, they coordinate with police, fire and other City departments. They do a good job and receive very few complaints.

They provided an updated programming schedule. The programming is 9:00 am – 9:00 pm. Over time, some programs may not be as popular and may not be kept up so the applicants want the ability to be open those hours, which are allowed under the ordinance.

There were questions about special events and how attendance would be limited. Strawberry Banke stated they are going to do that by limiting tickets. There can be a correlation between the event and the impact it will have. They will coordinate with the police and fire departments when they are going to have a special event.

Mr. Chagnon reviewed the plan revisions: On Sheet C-1 they showed the traffic circulation. On Sheet C-2 they made a minor adjustment to the rink from the last submission showing a decrease in the width and distance of the rink. Associated with that were some adjustments to the grading and drainage. The acoustical barrier around the temporary chiller is bigger than the initial submission to account for the recommendations made in the noise study.

One Sheet D-2 the fence at the edge of the ice was changed as they originally proposed placing the light pole as an adjunct to the fence. Now they are proposing to put them outboard of the fence so that the fence will be on its own and the lights will be on their own. Light poles will be inserted into ground anchors, the poles can be removed and a screw top and sod would be replaced for the summer season.

Sheet D-3 is a reduced electrical set. They removed some details and reduced it to one sheet.

The Architectural Plans are complete and there was also a lighting plan as part of the set.

Mr. Taintor questioned the noise study mentioning that special events are exempt from the noise limits. They refer to Section 10.1333. He assume they are referring to the area where it says “occasional outdoor gatherings, street sales, public dancing shows, sporting and entertainment events, provided these are regulated pursuant to this ordinance or by permit or license by the City.” He assumes they would be coming to the City Council for a permit or license for each time or maybe doing it at the beginning of the season for anything that would exceed the sound limits. Mr. Chagnon agreed with Mr. Taintor’s assessment.

Mr. Desfosses assumed there would not be any special events at night and that is why they are not lighting the gravel parking lot. Mr. Chagnon indicated that was correct and in the winter they would probably end before 5:00 pm.

Mr. Rice asked about a provision for getting traffic out of the reserve parking lot other than going onto Hancock Street. Mr. Chagnon responded that Puddle Lane would be opened up and used. Mr. Rice noted that it says “entrance only” on the plans. Mr. Chagnon confirmed that will be the encouraged method. If there was a situation where that was blocked they could reverse the flow. There will be parking attendants at the special events to direct traffic.

Mr. Rice asked if there was any way to route traffic back through the gravel parking lot to the Dunaway Store entrance and back out to Marcy, to minimize the impact on Hancock for special events. Mr. Chagnon agreed that was a good point. The special event parking would have the attendants directing people out. Puddle Lane is not wide enough for 2-way flow but at the end of an event they could direct people to go out Puddle Lane. Mr. Rice asked if there was a means to go through the gravel parking lot as he remembered some bollards on the end. It would be nice to segregate the in and out on the Marcy side of things.

Rodney Rowland believed that the improvements on Marcy Street consist of a curbcut and a cross walk at this point. Mr. Rice was not talking about going across the gravel, but was talking about going through the gravel parking lot being used for the restaurant. They would have a vehicle come in Puddle Lane, go around through and go back out where the Puddle Lane entrance is. Mr. Rowland felt that could be done.

Ms. Walker asked them to explain their decision for not having reserve parking open during general use. Mr. Chagnon stated the issue was lighting and capacity. There is plenty of capacity in the existing lot and to use the lot they really should have it lit. Ms. Walker asked if they end up using the reserve lot on a regular basis, how difficult it would it be to make that change. Mr. Chagnon felt it would be an operational change. Under the Monitoring Plan, someone would monitor parking and they could do that if needed. They would have to revisit lighting for night time use. They are committed to making this work so they would be happy to a stipulation asking them to look at the parking and keep the over flow area open on a more regular basis if needed. Ms. Walker said it sounded like the reasons not to use the reserve parking at this point would be lighting and staffing. Mr. Chagnon did not feel it was staffing but lighting would be an issue.

Mr. Rice stated that the City has an informal agreement with Strawberry Banke relative to the use of the parking area during snow emergencies. This change in use during wintertime brings into question formalizing that agreement. Working with Strawberry Banke is something they value and there is

definitely a benefit to the residents of the area during snow bans. He would like to work to formalize this agreement and the utilization of the reserve parking during snow emergencies may be something they should discuss as part of that. They would probably need to resolve that prior to final approval and make it a stipulation. Mr. Chagnon felt that Strawberry Banke was ready to discuss that with the City and asked that it be worked out before Planning Board approval.

Mr. Desfosses noted that the Lighting Plan in the main parking lot shows a different light from what is there now. He asked if their proposal is to take down the light that the City is paying for and put up their own lights. Mr. Rowland explained that PSNH is willing to make whatever change is determined to be appropriate and would bill the City and, in cooperation, Strawberry Banke could work with the City to pay that bill although they would like to know what the cost was before doing it. Mr. Desfosses felt it might be problematic. Mr. Desfosses asked if they were planning on replacing it with a light at the same height. Mr. Rowland felt it was the City's light and they were asked if they were willing to make it dark sky compatible, which they are. Mr. Rice felt that this would also be part revisiting the historical handling of things. These lights were installed for the benefit of the residents so the City was willing to participate in the installation and maintenance. He felt they may want to step back and look at these informal agreements and formalize them.

Ms. Walker asked if the recommendations included in the noise analysis were done. Eric Reuter, the Noise Consultant, reviewed the recommendations. The chiller enclosure was added to the plan and the music will be regulated by an electronic device that will prevent the music level exceeding a level that would transfer over the property line. The only other source that would have any noise is the skate sharpener and back noise. He did the calculations based on worse case but they can incorporate the vacuum into an enclosure of its own. The numbers in the report assume that has not been done so they are the worse case. Ms. Walker asked if the plans include the chiller enclosure to specs as indicated in the recommendations. Mr. Chagnon stated that the enclosure was built to the proper height, which is shown on the plans, on Sheet C-2. Note 8, it talks about specifications of the sound system and that a limiting system to control sound levels will be included. In addition, the proposed Monitoring Plan that Strawberry Banke has stated that upon installation of each component, Mr. Reuter will come to the site and check on the noise level.

Mr. Rice felt that the additional access off Puddle Lane is a great thing. He looks at pedestrian flow being improved by that but the wood deck that wraps around doesn't connect all the way over to Puddle Lane, and asked if that will that encourage pedestrian traffic. The second access they talked about was from the reserve parking and about making some sort of pathway over to the ticket shed rather than forcing people out to the parking lot and walking around. He thought they should include those items. Mr. Chagnon confirmed that they did not show it but their intent was to show a path from the reserved parking area to the ticket shed. They will add that on the plans. Grading is such that they will be able to step off the walkway and access Puddle Lane. Mr. Rice asked them to note it as pedestrian access.

Mr. Rice brought up screening for the lighting for the Hancock Street residents. They are proposing the feather reed grass and Mr. Rice felt they would be better served with a fence and flowers on either side of it. The residents would be better protected from the lighting. Mr. Chagnon indicated they discussed that at the last meeting but Strawberry Banke is concerned about the area being very narrow and the fence getting damaged by snow plowing. Mr. Taintor asked how much shielding the reed grass will provide during the winter months. Mr. Chagnon was unsure as the specifications came from someone else but they were aware of what they were trying to accomplish. Mr. Taintor remembers them talking about a hedge and asked if there any reason they chose the grasses instead. Mr. Rowland

explained that they picked the grasses for several reasons. They offer excellent screening in the winter months and can hold a snow load and still maintain their form. They don't have to be planted deep, they grow very dense and they will plant them very close together. The other problem with a fence is there are a number of mature trees along that strip and the trees would have to go to put a fence in. They felt the grasses with the trees would be much nicer, easier to maintain and certainly better for plowing on both sides.

Ms. Walker asked about hours of operation and whether they have considered reducing their hours. Mr. Chagnon stated that the operation is new and they are not sure what the population demand will be or what days and times will be most popular. Over time, the unpopular times will be eliminated but it's hard to create a schedule at this time.

Mr. Cracknell asked them to speak to the amplified music and whether the hours have been reduced or changed. Mr. Chagnon stated there are different types of activities and the music will not be on during all activities. Jeff Keefe indicated that the music will not be 12 hours a day, 7 days a week. They are probably looking at around 3-5 hours per day on average. Weekdays would have the least amount of time with music. They are probably looking at music during the community lunch skate 12:00 pm – 1:30 pm and the community skate from 5:00 pm – 6:45 pm. There will be no music on Sunday, Monday, Tuesday and Wednesday nights from 7:00 pm – 9:00 pm. There will likely be music Thursday, Friday and Saturday nights until 9:00 pm and that is assuming all music is meeting the ordinance. Otherwise it will be turned down or shut off. Mr. Cracknell confirmed there would be 3 ¼ hours on Monday, Tuesday and Wednesday; there would be 7 ¾ hours on Thursday and Friday; on Saturday and Sunday they would have 5 – 9:00 pm, probably 2:00 – 3:15 pm, and perhaps 11:00 – 12:00. They are still working on a holiday schedule. The thinking is they might want to keep it open for anyone to use at any time but it would not be music for all 12 hours on a holiday.

The Chair opened the public hearing and called for speakers.

Beth Margeson, of 24 Marcy Street. They had questions of Strawberry Banke. She asked when are daytime special events and how long will they last. They think that the reserve parking area should be open at all times as there are only 87 spaces in the main parking lot and they are further reduced in the winter with snow piles. They felt Strawberry Banke may want to consider using the reserved parking lot for their staff. The plans show an office building near the reserve parking area off Puddle Lane where there isn't one. They were curious if Strawberry Banke would consider using the Atkinson Street entrance off of Court Street to reduce pedestrian and traffic flow. Another issue was the trip generation report which shows twice the average of an average ice rink which will not be disbursed, all going down Hancock St. Regarding the fence, they would like the fence considered, even with the trees. There are fences along the street property lines that DPW has been able to plow effectively. They asked if the lighting analysis actually meets the lighting ordinance. Back to parking, the special events will attract up to 400 people, they think they will be able to have 2.8 people per vehicle and they wanted to know where that figure comes from. They noticed the noise study does not include crowd noise or pond hockey. When the City does an independent verification of the noise study they are asking that measures be included and the spec sheets of the machines should be given to the noise specialist. They asked if the noise generated by the vehicles in the parking lot were included in the noise ordinance. They asked how the results of the monitoring report would be reported and would Strawberry Banke consider spot inspections to make sure everything is being complied with. They all have to live next to this, it will be very noisy and they are all concerned about that. They would like more details on who will be running the rink and more details on the security plan. They would like to propose an alternate schedule, reducing the operation to 5 days, closed Monday and Tuesday, 12:00

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pm – 5:00 pm on Wednesday and Thursday, 12:00 pm to 8:00 pm on Friday; 9:00 am to 8:00 pm on Saturday and 9:00 am to 5:00 pm on Sunday. There are people in the neighborhood who need to go to work and school during the workweek and they need to get to sleep at night.

Kathy Baker, Gates Street. She was concerned about noise and the monitoring and enforcement of the noise ordinance and she was also concerned about safety for pedestrians. She stated that Strawberry Banke routinely exceeds the noise ordinance at their special events. Inside her house with the windows closed it sometimes it sounds like she is in a nightclub. This is relevant because the rink is an on going operation with many of the same characteristics as a special event. She requested that the City set up enforcement and protocol for this rink and that the City spot check the sound limits. She wouldn't even know who to call to report the noise. The other issue she is concerned about is pedestrian safety. The sidewalks in this area are still covered with ice and snow, and not because the City hasn't tried to clean them off, but because there is no place to put the snow. The City needs to put up signs warning that pedestrians are walking in the streets. She also questions the wisdom of serving alcohol with pedestrians in the street.

Nancy Pollard, a member of the Strawberry Banke Board of Directors. Strawberry Banke has gone to great extent to solve all of the problems for everybody. Prior to being on the Strawberry Banke Board of Directors, she was the President of the Friends of the South End Neighborhood Association and because of that people tend to come up to her and voice their opinions on this project. She has unofficially heard from 50-60 people and 75% are coming to her because they want to be sure that someone knows they are in favor of this project. The community has a large portion of people in the south end who think this is a wonderful project not just so that people can skate but they want many people to come and have a new way to enjoy Portsmouth in the wintertime. All sorts of different people will come for this new activity.

Mary Kremple, Gate Street. When she read the traffic study, it said 20' between snow banks. It has not been an easy winter and DPW has done a terrific job with the snow but this winter is an example of why this rink it wrong. She went out with a measuring stick to measure the space between snow banks and at the corner of Hancock and Washington and at the entrance to the rink, there was 17' available. There is not room for two cars, plus the parked cars, to get through on Hancock Street today.

Jacky Lukis, a resident of the south end, in favor of the rink. Her home is ¼ miles from the proposed rink and she is raising 3 children. She believes they would all benefit from the rink as a vibrant, historically appropriate enhancement to the living museum of Strawberry Banke. She values historic preservation and their quality of life in the south end and she believes Strawberry Banke has been very sensitive to the community and the neighborhood surrounding this rink. She believes the rink will be a very healthy, vibrant and positive asset to the community.

Greg Pollock, resident of Little Harbor, in favor of the rink. He feels the rink would be a wonderful addition to the quality of life in Portsmouth. He recognizes the legitimate concerns of the abutters which need to be addressed, however, the City boards should arrive at a solution to satisfy their requirements while keeping in mind the overall greater benefit to the community that the rink would create.

Dan Cochoren, 168 Marcy Street. He felt that a legitimate concern was noise. Inflicting this noise on its neighbors several hours a day, every day of the week, is not necessary. He doesn't want to listen to it every day of the week.

Jane Kilcoyne, Gate Street. She wanted to address two issues. One was hours of operation. Sunday morning she likes to listen to the church bells and she thought this would be the last winter she will hear them without the noise of the cars, people skating and the music. The hours are significant for the abutters. In the Courts decision on the HDC appeal, it said the Planning Board would work to mitigate the damage to the neighbors. That brings her to the alcohol issue. The crowd that comes to see the historic houses in the summer is different from the beer-drinking hockey crowds coming to the skating rink. She wants to know what the security will be like and the impact it will have on the Portsmouth Police Department.

Robin Laurie Myercoff, of Howard Street. She is supporting Strawberry Banke. They have been a good neighbor. She feels they have worked very hard to answer questions and concerns and she would like to see the skating rink in the neighborhood.

Gloria Guyette, 7 Hancock Street. She submitted a letter yesterday asking them to consider that a fence be placed along the parking lot. She felt it was necessary and she did not feel a hedge or plantings would survivor to the wintertime. Secondly, she was concerned about the lighting. She did not see anything in the plan about the night security lighting for Strawberry Banke. She felt some minimal amount of night lighting is essential for that property given it will have an ice rink. She would suggest sensor lights, placed at strategic spots. That would give her a level of confidence at night.

Marya Danihel, of 55 Gates Street. She was extremely concerned about noise levels and the enforcement of the noise ordinance. As Kathy Baker said, there have been many special events that have been just short of deafening. The idea of having events with music up to 7-9 hours a day is horrifying to her as she works at home. Her study overlooks the Strawberry Banke property. She also pointed out that Strawberry Banke intends to open the skating rink during the candlelight stroll which takes place over 6 weekend days in December. With bonfires outside, those will become attractive nights for skating. She asked where will those people park and what will happen to the candlelight stroll event.

Katherine Williams Kane, 337 Pleasant Street, Trustee of Strawberry Banke. She lives one block further away from the rink than many of the speakers opposed to the ice rink. She is in favor of it. This is something that the City has said they would like and she has seen citizenry get behind it. She is very glad this Committee will review noise, traffic and lights and to set standards that will work for the neighbors. She trusts that this Committee will make good decisions.

Larry Yerdon, President of Strawberry Banke and resident of Court Street. He wanted to answer some questions that have come up. Special events will be on Saturday, late morning and early afternoon, with the intention to get people out by the middle of the afternoon. It was mentioned that there are 30-50 cars in the current parking lot. He pointed out that quite a few of those are staff cars that will be parked in other spots. They have issued 34 permits for emergency parking and have been handed out to anyone who has called without any questions. Additional passes can be issued for friends who are visiting. Using Atkinson Street for an exit can be done. They leave that gate open in the wintertime so that it doesn't get snowed shut and they need access for fire trucks and police. They are agreeable to spot inspections. Management will be looking for someone with experience and they already have one or two people who have already inquired about the job. They come with skating and management experience. Security is an on going issue for Strawberry Banke. Mr. Yerdon lives on the property and the person that currently answer security calls, and will be on-site during rink hours, lives on campus. Rodney Rowland manages their rental properties and is always on call as well. They will not be

selling tickets to skater. If they come to stroll and have their skates over their shoulder, they will let them skate but there will not be any extra people skating at stroll. They may put some people in costume to skate and add to the atmosphere. He hopes that answered the public's questions.

David Kremple, 111 Gates Street. He wishes there was not a rink at Strawberry Banke but accepts that there probably will be. They look to TAC as their last resort to make it somewhat appropriate to the neighborhood. His overriding concern is the hours of operation. 9:00 am – 9:00 pm, seven days a week is unfair to the neighbors.

Jeff Keefe, co-chair for Puddle Pond Committee. He addressed the hours of operation. In their initial introduction, they proposed hours of 8:00 am – 10:00 pm. They got some feedback and listened and they narrowed the hours from 9:00 am – 9:00 pm and received a variance for those hours. They have been working on their programming and the rink will not be full of noise the entire time. They will have a variety of activities during those hours. The other side is that there is a certain financial requirement if this is going to be a viable venture for Strawberry Banke. Based on the pro forma they have done, which is extensive, they need the flexibility of these hours.

Beth Margeson, second time speaker. Her reference to the building off of Puddle Lane was just a technical point and they may want to look at the existing plans to make sure they are correct.

Joe Galley, 209 Marcy Street. He was disappointed that after the last hearing Strawberry Banke did not reduce their hours of operation. He would invite anyone to google public skating rinks around the country and they will quickly conclude that Strawberry Banke's proposal would be similar to the top third in the country. If there are less hours of operation, then there would be less noise, parking and security issues. He would respectfully request that the TAC committee restrict the hours and Strawberry Banke could come back next season and ask for expanded hours.

Mike Dater, 29 Pickering Street. He likes to skate and play hockey but he is against this proposal for the rink as it stands now because of the traffic and the noise/hours. The bottom line is that the neighborhood has a right to its tranquility and quietude and this would be detrimental to that. He felt the hours and noise should be curtailed.

Kathy Baker, second time speaker. Regarding the PA system and the music, they used Churchill Rink in Durham as an example but she was there last week and they don't have a PA system or music. She doesn't think it is necessary to have music or a PA for their daily operation. In a residential neighborhood in an open air setting, music isn't appropriate.

Jeff Keefe clarified that they are not planning to have any PA system except possibly during special events.

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

Ms. Walker noted that the issue with the office building shown on the Existing Conditions Plan wasn't resolved. Mr. Taintor asked Mr. Chagnon to speak to that. Mr. Chagnon explained that the base plan was provided to Strawberry Banke from a survey done by Verra & Associates in 2003 and he agreed that the small shed is no longer there. He will take it off the plans.

Mr. Taintor felt that a lot of the points that have been raised have been responded to in various ways. He felt there was a question about parking and the figure of 2.82 persons per car. He asked if that was a figure they backed into or did they have a traffic study that stated that would be a reasonable number to expect at an event. Mr. Chagnon stated that the question came up at the last meeting about special events and how to control parking. The way that Strawberry Banke will control parking at special events is to limit ticket sales and 400 is a starting number. They divided that out by available parking spaces to show 2.82. That is not a magic number but looking at event parking, given the urban location and the possibility that there will be a lot of pedestrians coming to these events, that is a reasonable occupant load per car. There is a monitoring plan and if they sell 400 tickets to an event and it turns out that the occupant load is less than 2.8 and there is an issue with parking, then they would have to adjust ticket sales. That number was just used to look at what 400 tickets meant to the parking. Also not included are other areas where parking is available at Strawberry Banke for employees and staffing that is not shown on the plans.

Ms. Walker asked about the Atkinson Street access that Larry Yerdon said they would be open to and she wanted to clarify that it would be for both pedestrians and cars. Mr. Rowland confirmed it would be for both.

Mr. Rice wanted to make a point of clarification. There are a number of topics brought up by residents that are not the purview of this Committee. The noise aspects are driven by an ordinance and if the activities meet the allowed decibel level, the Committee does not have the ability to restrict that. Mr. Taintor agreed with that comment and mentioned that somebody asked whether the noise of people who are on the skating rink talking would be covered by the noise ordinance and he assumed that would not be covered although they would have to check with the City Attorney. He felt it would only cover the operational noise of the machinery, etc. Mr. Rice also asked if there were specific requirements they can refer to regarding hours of operation and whether they can restrict them. Mr. Taintor stated that it was ultimately up to the Planning Board. The Board of Adjustment has established the outer limits of what is allowed and TAC cannot arbitrarily say that the hours have to be less but if there are issues related to impacts such as noise they can certainly recommend that to the Planning Board and the Planning Board can ultimately make that recommendation. Mr. Rice asks because this is a Technical Advisory Committee and he understands that policy implications often come with the work that they do but he strives to stay within the technical bounds of what they are reviewing and allow the policy makers and the people charged with that to make those decisions. If there is frustration from the audience that the Committee is not coming off strongly one way or the other relative to some of their requests, it is not for lack of caring but it is in terms of keeping with the purview of what the Committee is responsible for. Mr. Taintor added that, while they appreciate those who say they think it is a really good idea or a really bad idea for the community, it is really the impacts and technical issues that are in the TAC's jurisdiction.

Ms. Walker agreed they are a technical committee but they also have to comply with the Zoning Ordinance in their recommendations and to consider the impacts and whether there is a requirement to recommend some sort of mitigation. She felt that was also within their purview.

Mr. Rice wanted to acknowledge some of the deficiencies of his department in making roadways black and sidewalks red. The issues relative to safety and volumes of pedestrian traffic are of significant concern to the Public Works Department and they have enhanced their efforts over the past several years, following the policy guidelines that the City Council has adopted relative to being a pedestrian friendly City. The issue of mitigation relative to this activity is important. If there are additional

impacts related to the ice rink and they start to see more unsafe situations, over and above what is there now, then additional enhanced maintenance related to snow removal, whether done by the rink operators or the City as part of their normal operations, it is something that needs to be monitored to make sure they are providing safe avenues for people. Marcy Street from Pleasant to Strawberry Banke is very challenging given the limited width of the sidewalks and no place to store the snow, and those type of areas take additional time to clear and they acknowledge that. There are many other areas of the City with similar challenges and they will do their best to accommodate the needs of all and keep it safe. They will need to monitor this to see if enhanced maintenance requirements will be necessary.

Ms. Walker asked about the aspects of additional permitting for special events. Mr. Taintor felt the special events that require an exemption from noise standards would require approval from the City Council and street closures would also require approval from the City Council.

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

Mr. Rice requested that the revised traffic flow for the reserved traffic area be available for normal operations and not just special events.

Mr. Rice requested that a fence be installed in lieu of the planted screening.

Ms. Walker asked, with the opening of the reserved parking for special events, would Mr. Rice be agreeable to only open it during daytime hours due to lighting issue, with the understanding that if they required expanded hours they would come back for an amendment to add lighting. Mr. Rice was willing to look at it that way and felt that the first year would be a trial with temporary structures with opportunities to improve.

Mr. Britz stated that the monitoring plan should include provisions for follow up. Some sort of actions section should be added, with regard to the noise, sound and lighting. Mr. Rice suggested that they require a report back to the Planning Department after the first week of operation as it will probably be very active. If there are equipment issues, they would know that first week.

Ms. Walker asked about considering the ability of people to access the reserve parking area via Atkinson Street and whether it should be vehicular as well as pedestrian. The benefit is that it helps to disburse access to the site over three different streets. Mr. Rice felt they should define a traffic flow. Mr. Cracknell didn't feel they would want vehicular access from Atkinson Street into Strawberry Banke. Mr. Rice confirmed that there currently is vehicular access for the residents. Ms. Walker suggested that rather than being a hard and fast condition but it could be a consideration with a recommended circulation plan. Mr. Rice liked the idea of keeping mainly pedestrian access.

Mr. Cracknell wanted to clarify the landscape plan and the screen. He would ask the applicant to consider using a more formal hardy screen than the feathery grass. He would like them to consider using a fence but if a fence doesn't work then something like a hardy evergreen hedge or something that is going to be able to take the snow and provide a year-round screen. With respect to lighting for the parking lot, he felt it would make sense to ask the applicant to consider replacing the existing utility pole with a 25' fixture and consider replacing it with multiple poles to bring it down from its existing height and put on multiple heads that are dark sky compliant. Mr. Cracknell was not sure that was possible but it was the right design solution for security, parking lot lighting and to reduce the off-site glare. This was a consideration and not a requirement.

Mr. Rice indicated he would roll the lighting into formalizing the snow removal agreement because they are both historic in nature and they should better define. Mr. Taintor suggested rather than recommending a specific solution, they could have the applicant work with DPW for acceptable solutions. Mr. Cracknell felt that the removal of the pole and bringing the lights down should be part of that. Mr. Rice felt the issue comes down to whether it becomes a City related project or a Strawberry Banke related project. They need to define the relationship relative to those services and what the benefit is to the City and is a phased approach it appropriate.

Mr. Cracknell felt, in an attempt to balance competing interest between the parties, and for discussin purposes, based on the revised schedule of programming, he would suggest hours of amplified music be restricted to 12 – 7, Sunday – Thursday and holidays, with only Sat & Sun being extended to 9:00.

Mr. Taintor mentioned the pedestrian connection from the reserve lot and Puddle Lane. Also the gate has a note that it will be widened but it is not shown on the plan. They need to show what they plan to do on the plan.

Mr. Taintor added, as a follow up to the pedestrian connection, that they have an entryway that is controlled by the ticket shed so they are no going to want people coming from Puddle Lane. They should make it clear what their pedestrian access route will be.

Ms. Walker stated that by recommending approval, they are not necessarily approving their schedule. She believes there is some ability to vary that schedule, which they would want, and her feeling is that the only opportunity they have to control the entire operation would be considering limiting it to six days per week for operations. She doesn't think that Strawberry Banke's business model is Tac's concern and that their responsibility related to overall impact on the neighborhood. She felt this was a unique area for an outdoor recreation area. Even though it has been approved by the BOA, it has a different impact in its neighborhood setting. She thought they could be closed on Sunday or Monday, but was open to suggestions.

Mr. Rice indicated he would rather leave it to the Planning Board to make policy. He would rather recommend approval with a one year pilot to revisit at the end of next year to fine tune and improve. They may pick a day that doesn't work based on the type of activities that are most beneficial and potentially less disruptive. Ms. Walker stated there was a reason for selecting Sunday because it tends to be a day that people choose to be quieter. Mr. Rice added it was often the only day people have available because they work extremely long hours all week and the only day they get out with their children is Sunday. He did not feel it was their purview. A recommendation to look at limiting hours could be made but he would not agree with specifically stating which hours they are.

Mr. Taintor felt there were two issues. One was generally addressing day and hours of operation and the other is addressing days and hours of amplified music.

Mr. Rice asked if the noise meets the decibel levels, is there isn't an issue. Again, they can recommend limiting the use of amplified music, but he recommended letting the policy makers make that decision. Ms. Walker has less concern about the impact of the music than she does about the overall constant activity. She again would again lean towards recommending to the Planning Board to consider limiting hours of operation. She understands Mr. Rice's point and that they don't have to specify a day.

As part of the motion, Ms. Walker would recommend that the Planning Board consider limiting the hours of operation.

Captain Schwartz asked to clarify whether they are talking about just the hours of operation and not the number of days they are operating. Ms. Walker felt that was a good point and it could be both. Mr. Taintor was comfortable with making a recommendation to the Planning Board to consider both hours and days. Mr. Rice added specifically because the residents have made it clear that there will be an impact.

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

1. The reserve parking area shall be available for normal operations during daytime hours, with the understanding that if expanded hours are required the Site Plan will need to be amended to add lighting.
2. The plans shall be revised to show the widened gate to the reserve parking area.
3. A fence shall be installed in lieu of the ornamental grasses, except that if a fence is determined to be not feasible due to trees and snow plowing then something hardy, such as an evergreen hedge that will handle the snow, will be substituted to provide a year-round screen.
4. The applicant shall provide a circulation plan showing access to the skating rink for pedestrians (and possibly for vehicles) from Atkinson Street.
5. The applicant shall revise the plans to show the pedestrian routes to the skating rink from Puddle Lane and to the reserve parking area.
6. The applicant shall work with the City, DPW, to formalize an agreement regarding snow removal and parking lot lighting, including replacing the existing 25' high flood lights with lower dark sky compliant fixtures, possibly with multiple poles.
7. The applicant shall provide a monitoring report back to the Planning Department after the first week of operation.
8. Consideration should be given to limiting the day and hours of operation.

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F. The application of **The Aphrodite Georgopolous Revocable Trust of 1999, Owner, and Seacoast Trust, LLP, Applicant**, for property located at **1900 Lafayette Road**, requesting Site Plan approval to construct two medical office buildings: (1) a 2-story building with a footprint of 12,150 s.f. and gross floor area of 21,000 s.f. plus a 10' x 60' MRI coach, and a proposed 2,050 s.f. future MRI addition to the building; and (2) a 2-story building with a footprint of 10,000 and gross floor area of 20,000 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 267 as Lot 8 and lies within the Office Research (OR) District. (This application was postponed at the February 4, 2014 TAC meeting)

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

The motion to postpone the Site Plan application to the April 1, 2014 TAC meeting passed unanimously.

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- G. The application of **Ertugrul Yurtseven, Owner**, for property located at **292 Lang Road**, requesting Final Subdivision Approval to subdivide one lot into four lots with the following:
- a. Proposed Lot 4 having 87,153 \pm s.f. (2 acres) and 201.36' \pm of continuous street frontage on Lang Road.
 - b. Proposed Lot 4-1 having 405,342 \pm s.f. (9.31 acres) and 384.05' \pm of continuous street frontage on Lang Road.
 - c. Proposed Lot 4-2 having 177,434 \pm s.f. (4.07 acres) and 100' \pm of continuous street frontage on Lang Road.
 - d. Proposed Lot 4-3 having 140,181 \pm s.f. (3.22 acres) and 310.87' \pm of continuous street frontage on Lang Road.

Said lot is shown on Assessor Plan 287 as Lot 4 and lies within the Single Residence B (SRB) District where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. (This application was referred to TAC by the Planning Board at the January 23, 2014 Planning Board Meeting and postponed at the February 4, 2014 TAC meeting) .)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

The Chair read the notice into the record.

Christopher Berry, Project Manager of Berry Surveying & Engineering, appeared on behalf of the applicant. Also present was Kenneth Berry, the overseeing engineer for this project. Mr. Berry stated this is a three lot subdivision with the rest of the 12 acres around Berry's Brook remaining as an open area. The Planning Board referred them to TAC to discuss grading plans, drainage plans, driveways and driveway easements, to ensure that appropriate actions are being taken in this environmentally sensitive area. They provided an Overview Plan Sheet of the overall construction on the site and grading on the three proposed structures. The Planning Board Chairman requested they look at the use of infiltration basins and systems for the proposed structures and they designed storm tech systems on each lot. They also included general notes concerning non specific construction requirements as houses on the lot are being built out. The proposed entrance to two structures has a shared flare at the beginning of the roadway. Proposed Lot 4-4 will have an easement to the building area and 4-3 and 4-2 will take their access down the center of their lots.

There is a small wetland at the street frontage which they have avoided so that they do not require any wetland fill and the 100' wetland buffer on the other side of the driveways is also being adhered to with the new placement of the driveway. Mr. Brtiz brought up the wetlands on the other side of Lang Road that are part of the Prime Wetlands System. They have had those identified and surveyed. Those are shown on the plans and show the impact within the buffer system for the joint driveway. The total impact for the Prime Wetland buffer for the standard wetland permit is 3,600 s.f.

The major concern for the project was the 15" cross culvert that goes across Lang Road and how it effects stormwater quality on both the north side of Lang Road and Berry's Brook which goes under a large culvert under Lang Road and continues down through the watershed.

They have run profiles and grading on each driveway and the driveway that is closest to the culvert and the 100' wetland buffer as well as slightly within the Prime Wetland buffer has been proposed to be super elevated to a dry swale or a bio-retention swale along the edge and is designed to take the flow from the impervious surface, treat it at the edge, it then travels down to a small rain garden and then discharged to a joint system at the end of each joint driveway to the final discharge point. The second

driveway is designed the same fashion but is super elevated in the opposite direction. The last driveway will not be super elevated in any direction and is proposed to be a standard driveway. Any final discharge from the pavement surface has an ample buffer, un-channelized, between it and the discharge to Berry's Brook. They have provided both the Planning Department and DPW with a Stormwater Analysis which provides for both treatment criteria and P3 criteria within the entire development. They have done that through the bio-retention areas and the storm tech systems that they are proposing on each unit or infiltration systems.

As you continue to move through the plan set they have provided construction details for the stormtech systems themselves with more isolated notes and requirements on each lot. In the event somebody comes in and says they didn't like the style of home, the systems could be broken out into multiple systems or slightly modified to be increased or decreased based on the roofline proposed on the structure. The Chairman also asked for some grading around the effluent disposal systems and asked about the interaction between the well site, the home, the infiltration bed, and the effluent disposal system. Throughout the plan set they show the remaining lots and a proposed construction detail for the rain gardens themselves and construction details for the sediment erosion controls.

Mr. Rice asked if the septic designs have gone to the State yet. He noted there is a TMBL in Berry's brook for bacteria. Mr. Berry was aware of that and, as part of the wetland permit, that TMBL will be addressed through the treatment criteria.

Now that they have put the wetland across the street on the plan, Mr. Britz understood they are filing for a State Wetland Permit, but he also mentioned that they have a placeholder for their Conditional Use Permit with the City. Mr. Berry confirmed that they wanted to get this finalized first and then work on that application.

Mr. Taintor asked what their thoughts were for the open space lot. Mr. Berry stated they do not have an action plan yet. Most likely it would be deeded 1/3 to each owner, unless there was a simple way of incorporating it into the other open space that was involved.

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. Britz had concerns but didn't want to make a motion due to the Conditional Use Permit that will be coming that he will want more information on. He was not sure those concerns were appropriate for TAC. Mr. Taintor asked if something would go to Conditional Use and then have to come back to TAC. Mr. Britz stated that was a concern. He has questions about water quality and how it is getting into the pipe and how the infiltration will work. It's a very complicated plan with lots of tie-ins to wetlands. He is reluctant to make a decision as they need a second look closer at the wetlands.

Ms. Walker asked if the Conditional Use process will address the concerns of Mr. Britz. Mr. Britz felt it would address his concerns. He knows they want to move forward to the Planning Board but they will have to go to the Planning Board with the Conditional Use application anyways so it may be worth postponing this application so that they can go before the Planning Board with both applications at the same time. Mr. Taintor wanted to make sure Mr. Britz was providing enough information to the applicant to answer their questions.

Mr. Britz felt he would need an independent review of the wetlands at the Conservation Commission level. He would need a review of the boundary and the Functions and Values assessment of the wetlands and the impact of this project on those wetlands. That would be typical for an application like this. Mr. Britz noted there are two driveways servicing three houses and that may be fine from a transportation standpoint, but he would like to know if a design would be less impacting to the prime wetland on either side with less pavement. Mr. Britz sees a lot of impact in that buffer, even though it is a fairly limited area. There are driveways, treatment, and all of the vegetation would have to be removed and replaced in the buffer.

Mr. Desfosses stated he was more comfortable with the stormwater issues but less comfortable with the septic as designed. They are designed on the minimum State standards and his question is whether there is a way to design these to give them more cushion. Considering the groundwater is just a little over 2' below the surface, he asked if there is a way to buy more time before the groundwater starts mounting around the septic. In this very sensitive area that is a grave concern to him. The roof water going into the chamber system puts water underground, which may or may not affect the septic, although they are all designed lower in elevation and that may be proper, and putting them in the ground is a good thing to cool them off, but he is concerned about having the septic so close to Berry's Brook and being designed on the bare minimum allowable. Inserting some sort of cushion would go a long way.

Mr. Rice seconded what Mr. Desfosses said. This is driven by concerns by the State where they have a total maximum daily load for bacteria specifically addressing septic systems in the Berry Brook watershed. By approving this, he does not want to create a situation where the City is obligated to provide sewer if these septic systems fail. He understands that septic approval is the State purview, however, sometimes despite all of their efforts, the State is not able to give adequate attention to all applications. He would need some acknowledgement that the City would not be obligated to address sewer for this area, if there are failed septic in the future. He would also want some sort of acknowledgement that septic systems by nature have the potential of failing and if it is determined that the City is in some way culpable for correcting the situation, he does not want to be shelling out money at the taxpayers expense to address something that really is the developers responsibility.

Mr. Britz felt that the proximity of the wells, septic, and driveways are all very close, even though they are all within the regulatory requirement of the State. There is a lot of interaction going on and it's a very complicated plan.

Mr. Rice felt, where there is a Conditional Use Permit needed, it would be worth postponing until that is completed. He also wondered what their schedule was for the submission of septic designs.

Mr. Berry acknowledged this is not a typical situation but they would normally apply when the applicant wants to start construction. A note could be added to the plan that there would be no culpability in extending the sewer line. He asked Mr. Desfosses what he would be looking for regarding the septic systems.

Mr. Desfosses felt they have minimum separation and it is designed for a minimum number of tubes also. He asked if they could spread the system out a little bit and get it a little higher so that there is a factor of safety that they can all feel comfortable with. That would buy them that extra level of comfort to having the septic system so close to a valuable resource.

Mr. Berry referred to comments made by Mr. Britz. They would review those items during the Conditional Use application. If there are specific concerns, he would like to get those from TAC in writing after this meeting so that they can address them as part of their formal package to get a Conditional Use Permit application back to them as fast as possible and allow them to continue on with their permitting process.

Mr. Britz stated his preference would be to postpone until they have a Conditional Use Permit application so the two can work together. He also stated he would get more comments to Mr. Berry in writing and he would have more comments with the Conditional Use Permit.

Mr. Taintor confirmed that the Planning Board granted preliminary subdivision approval in December and referred it to TAC.

Mr. Britz made a motion to postpone to the next TAC meeting. Mr. Britz confirmed that they would need a recommendation from the Conservation Commission to approve the Conditional Use Permit application so that they could go forward together at the Planning Board. Mr. Taintor added that the information that Mr. Britz felt would assist with that should be given to the applicant as soon as possible. Mr. Britz indicated that he would contact Mr. Berry to discuss this but he could not say that additional items would not come up at the Conservation Commission.

Mr. Rice requested that additional conservatism be designed into the septic system due to the sensitive nature of the area and the fact that there is a TMDL on that water body.

Ken Berry stated that not only will they recommend the separation and size buffers, but they are planning on using innovative product and they are making sure they are being vented as a chamber so that they are stressing longevity to the client in the design they have already brought forward.

Ms. Walker seconded the motion.

The motion to postpone this matter to the next regularly scheduled TAC meeting passed unanimously.

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II. NEW BUSINESS

A. The application of **4 Amigos, LLC, Owner**, for property located at **1390 & 1400 Lafayette Road**, requesting Amended Site Plan approval to add a free-standing sign to the Lafayette Road side of the site, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 252 as Lots 7 & 9 and lies within the Gateway District.

SPEAKING TO THE APPLICATION:

The Chair read the notice into the record.

Mr. Taintor advised the Committee that the sign is before the Committee because of a variance granted by the BOA to allow a third free standing sign at a shopping center.

Jim Mitchell, representative of the 4 Amigo, was present with Scott Mitchell and their landscape professional, Ed Fuller. Mr. Mitchell confirmed they received BOA approval for the sign and they are now required to appear before the Planning Board to discuss the location and the revised landscaping

design where the sign will be located. They are proposing to remove one tree, which is a red maple, located at the right in/right out on Lafayette Road. At the TAC Work Session, they were required to provide a fire truck template to make sure it would not be impeded by the right in/right out driveway. Those plans were provided by the engineer showing that movement. They have also increased the planting beds where the Yoken's sign will be located, and a detail is also included on the plan.

Mr. Rice asked what state of restoration the Yoken's sign was in. Mr. Mitchell stated it was currently in two pieces at Portsmouth Sign Company and they have taken some templates on the neon and looked inside it, but it is in very poor shape.

Ms. Walker confirmed that the sign itself has already received approval.

Captain Schwartz asked if the sign hanging below the Yoken's sign for Five Guys and the bank has also been approved. Ms. Walker confirmed that was approved as well. Captain Schwartz asked what the distance was between the bottom of the sign hanging below the historic Yoken's sign and the ground. Mr. Mitchell stated it was about 5' from the ground. Captain Schwartz felt that would be prime height for graffiti. Mr. Sheehan asked if any site distance would be blocked. Mr. Mitchell responded that it was set back far enough so there would be no concern.

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. Sheehan asked if the sign will be illuminated. Mr. Taintor responded that it would be.

Mr. Rice made a motion to recommend approval for the placement of this beautiful historic sign. Ms. Walker added that they will have to go back to the BOA for approval of the revised location. Mr. Rice confirmed that his motion is to approve the location. Mr. Britz seconded the motion.

The motion to recommend amended Site Plan approval passed unanimously.

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III. ADJOURNMENT was had at approximately 4:35 pm.
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Respectfully submitted,

Jane M. Shouse
Acting Secretary