

MINUTES

SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING

2:00 PM

JULY 1, 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; Carl Roediger, Deputy Fire Chief; Michael Newport and Michael Schwartz, Captain, Portsmouth Police Department

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**I. OLD BUSINESS**

The Chair read the first three items in together and they will be voted on separately.

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

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

Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.) (This application was postponed at the June 3, 2014 TAC meeting).

B. The application of the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners**, and **Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, for Preliminary and Final Subdivision Approval to subdivide two lots into five lots with a new public right-of-way, with the following: Lot 5 on Assessor Map 167 having 263,937 s.f. (6.06 acres) and Lot 24 on Assessor Map 170 having 183,362 s.f. (4.21 acres), to be consolidated and subdivided into five separate lots ranging in size from 15,500 s.f. (0.36 acre) to 352,414 s.f. (8.09 acres), and all with a minimum of 100 ft. of continuous frontage on the proposed public right-of-way. Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage. (This application was postponed at the June 3, 2014 TAC meeting).

C. The application of **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Owners**, and **Spinney Road Land Holdings, LLC, Applicant**, for property located

**off Spinney Road and Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer to install a rain garden of which a portion is within the wetland buffer, with 3,120 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 170 as Lot 24 and lies within the Singe Residence B (SRB) District. (This application was postponed at the June 3, 2014 TAC meeting).

The Chair read the notices into the record.

**SPEAKING TO THE APPLICATION:**

Christopher Berry, of Berry Surveying, appeared before the Committee. Also with him were Attorney Jon Springer; David Sanderson, land owner; David Smith, Applicant; and Christian Smith, consultant. At the last TAC there were four outstanding issues, one being major. First was the drainage analysis. They originally worked with a small scope but were asked to widen that scope to the lower end of the property. The other issues were that one of the lots was oddly shaped, the house placement for two lots and the stormwater treatment.

They met with DPW to determine the final scope of the drainage analysis. Their original report showed that peak areas of run-off were not being increased. At some point in the time an area was choked up to release some downstream pressure so they conducted their macro drainage analysis. They walked the site and found that much of the neighborhood drains to the lower portion of the lot. Water hits the area and runs to the wetlands very quickly. That is what generates the downstream impacts that they see today. Mr. Berry addressed what overall impact this project has on that system. They reduced the culvert device and built their proposed model behind that. They reduced the run-off rate at the wetlands line but they had to develop on each lot to mitigate the volumetric increase. The infiltration system at the rear of Lot 2 captures the run-off from the front roofline on lot 5 and all roof run-off on Lot 4. The raingardens added more management. They analyzed multiple areas on the site, the last area showing how the drainage affects the low area (Mr. Green's property) and Middle Road. As it hits Middle Road it goes through a sewer system. They are not increasing either run-off or volumetric rate. They provided breakdowns of their study. Through all mitigation factors they reduced the peak rate of run-off at even extreme storm events, with the exception of a 2 year event, and reduced peak elevation at every storm event (2-10, 25-50 and 100 storm event). TAC indicated that Underwood Engineers was to review the drainage report. The report was provided and their comments appeared to be very minor. They would like some input from DPW to review one of the points.

They had discussions about the layout of lots 2 & 3 and they put together a revised layout which eliminates the problem, and requires a driveway easement to cross one of the lots.

Another comment from the last TAC was the placement of houses on Middle Street. They are fine with facing the houses to Middle Road and to have the driveways off of the new road.

There was a comment from TAC regarding the maintenance of the raingardens and who was to maintain those. They propose that it is the responsibility of the homeowners to maintain both raingardens and if done inappropriately, City may go in and do maintenance and collect a maintenance fee.

The Committee members did not have a chance to review Underwood's report.

Mr. Rice was still struggling with having a raingarden in a public space maintained by private property owners. That would be unique and the implementation of that could be problematic. The first buyer may be well intended but with new owners coming and going it could get neglected and then the City would have to come in.

Mr. Taintor followed up by adding he was not sure they have received the proposed language and that the Legal Department has not reviewed it. Going beyond that, he believes the stormwater is coming off a proposed City Street onto private property, the City owns that stormwater so they are responsible for the stormwater and outfall coming from the street.

Attorney John Springer noted they have looked at that. They are happy to do that as a private road if the City prefers. The issue of the maintenance of the rain gardens is a point well taken but he is not sure the City would have a problem if it was put in a deed. They would have the homeowners association responsible for the road and drainage. They could do a Homeowners Declaration.

Mr. Taintor was thinking beyond the maintenance of the raingarden. He was thinking about the stormwater system and, if not maintained, someone on the other side of the property might have a reasonable grievance against the City. He was not sure if the private road proposal would take care of it. Mr. Rice agreed and he would like to look into that.

Mr. Taintor stated that Mr. Berry mentioned that the dwellings could be moved on Middle Road and he asked how that would affect subsurface systems. Mr. Berry felt this reminded him of the Lang Road project. They don't know what will be built but they made large assumptions. Some further details will be required prior to the applicant starting construction. They feel some of this may be inappropriate at this time as it is all on assumption. They would defer to the model they did on Lang Road and they will design each plan individually as the houses are built.

Mr. Desfosses felt the applicant made great strides but he has a laundry list of things to be looked at before approval.

Mr. Berry stated they are not proposing that the raingardens will infiltrate water into the ground. They will clarify that with Underwood.

Mr. Berry indicated they are looking for guidance on the other issues so that they can finalize their plans.

Mr. Taintor stated with the placement of the houses. Deputy Fire Chief Roediger was concerned about the address for 911. Mr. Desfosses was concerned about cars coming onto Middle Road. Mr. Taintor would like the houses as close to Middle Road to keep the continuity of the neighborhood.

Mr. Rice felt the 911 address would be resolved by the actual address of the house. Mr. Taintor's idea was that one house would have a Middle Road address. Mr. Rice understands his point but from a safety perspective he would like the driveway exiting on the new road.

Mr. Taintor referred to Lot 2 on the revised pan, where they have pulled the rear lot line off tangent of cul-de-sac with a driveway easement to get to the lot. It's still a strange lot configuration but easier to explain. The lot with frontage on Middle Road allows the house to be closer to Middle Road and just the opposite with the lot next to it.

Mr. Berry stated that the lot with the raingarden will be a separate lot or part of the remaining large lot.

Mr. Desfosses felt that the continuity is very important, especially next to the Green's. He felt it is already lost at the next house which is on Spinney Road and then you have the church. It makes sense to put a lot next to Green's on Middle Road and have the next lot on the new road.

Deputy Fire Chief Roediger didn't like the house placement on Lot 1 & 2 because of the sewer. Mr. Rice felt the sewer is in the logical place and he is comfortable with it. Mr. Taintor felt that when you reduce the lot depth, it restrains the lot and is not ideal. Mr. Cracknell felt it fit and could be done.

They applicant needs to determine how to maintain public vs private water and they should work with the City Attorney about the private road.

Mr. Britz felt the maintenance annual report should have a sign off or statement about 3 times a year sweeping and catch basin cleaning. They will have to hire a private contractor to do sweeping and catch basin cleaning if the road goes private. Mr. Desfosses did not have an issue with that but he didn't think it should be a private road. Mr. Rice stated that this is why they need to think about it a little. The new EPA stormwater information may have something about private roads and public run off.

Attorney Springer understood that the prior subdivision approval talked about a strip of land between the new Sanderson drive and Spinney Road. As part of the prior approval, the location of the driveway to the cul-de-sac was a little southerly. The proposal was to take a tiny triangular shaped piece of land and give him a smaller pie shaped piece in trade. This plan shifts the road northerly to land of Carol McGinty so they don't need to do the land switch with land of Mr. Cavaretta. They will have to ask for the prior subdivision approval to be amended. It doesn't impact anything of substance. Mr. Taintor stated that transfer was determined to have taken place per the Assessor. There has been a dispute with the property owner.

David Sanderson indicated that the City Assessor assessed tax on the small piece, based on a Danville case. Until the City can determine where they want the conveyance to be, they can't finalize it. They need guidance on where the road should be.

Mr. Berry believed that Mr. Sanderson was intending to say whether or not the land should be transferred to Mr. Cavaretta or just made part of the infrastructure transferred to the City. It doesn't matter to them and it is not a requirement of this land plan that the land swap happens.

Mr. Taintor felt that the road should be moved as far away from the intersection of Middle Road. Mr. Desfosses felt it was extraneous and should be transferred to the property owner. Mr. Taintor questioned how they would do that.

Mr. Berry indicated they would file a new plan showing all revisions of the prior approval. Mr. Taintor agreed that sounded good.

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 postpone to the next TAC meeting. Mr. Britz seconded the motion. The applicant needs to make changes to address the drainage report.

Mr. Berry also indicated that there are some technical items that Mr. Rice and Mr. Desfosses need to address with Underwood so they will continue to work with them.

The motion to postpone to the August 5, 2014 Technical Advisory Committee meeting passed unanimously.

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D. 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 June 3, 2014 TAC meeting)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Peter Weeks appeared on behalf of the applicant, Seacoast Trust. He corrected that it may not be two medical office buildings as described in the Legal Notice. Unfortunately they did not receive the 3<sup>rd</sup> party drainage study back until late Monday afternoon. Even though they paid for the study, Altus did not send them a copy or to MSC. They also provided them with how the project would be phased. They made a copy of the phasing plan showing how it would be built. The building on Lafayette Road would be built first and the service road and required number of parking spaces. They also provided a synopsis of the changes that had been done to the plans.

The other outstanding issue is the service road.

Mr. Taintor pointed out that the legal description comes from their application so Mr. Weeks should correct that.

Their engineer was not present.

Mr. Weeks was asking them to concur with the phasing plan and advise where they stand on the service road.

Mr. Taintor reviewed the Phasing Plan and stated it doesn't show what will happen in the Phase 2 area before it is built. Mr. Weeks confirmed it will be landscaped and seeded.

Deputy Fire Chief Roediger noted that this plan still shows a right turn out onto Lafayette Road, heading south. Mr. Rice stated they have worked out an agreement that there will be right out only. Deputy Fire Chief Roediger noted that all abutting lots are only allowed access from the service road. He asked why this lot gets a right out onto Lafayette Road. Mr. Rice explained that the Service Road is very important to getting people out of this space and it needs to be reviewed in conjunction with

drainage review and how it interfaces with the road. They are not at a point where they can discuss it but Deputy Fire Chief Roediger's point is well taken. Deputy Fire Chief Roediger added that even through it may say "right turn only" they know full well that people will enter.

Mr. Taintor indicated that the Phasing Plan is the only plan showing right out only. Mr. Weeks stated that several month ago they submitted a plan showing a left and right hand turn access. They have since been led to believe that there would be no problem with a right turn only driveway onto Lafayette Road. Deputy Fire Chief Roediger had a concern with this. Mr. Weeks stated that if they could not have a left or right hand turn out they would have stopped the project but that is not what they have been led to believe.

Mr. Rice stated they have had an initial review of the drainage reports but issues still need to addressed and it is not appropriate to discuss it now.

Mr. Taintor felt a meeting in two weeks would be appropriate.

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. Rice made a motion to postpone this application to the next TAC meeting on August 5<sup>th</sup>. Mr. Cracknell seconded the motion.

The motion to postpone Site Plan Review to the August 5<sup>th</sup> TAC meeting passed unanimously.

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E. The application of **402 State St. LLC, Owner, and Blue Water Construction, Applicant**, for property located at **402 State Street**, requesting Site Plan Approval to convert a 3-story mixed-use (office-residential) building into 3 dwelling units, demolish existing building components with a total footprint of 689 s.f., and construct additions with a total footprint of 196 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 116 as Lot 12 and lies within Character District 4-L (CD4-L), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the June 3, 2014 TAC meeting)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Richard Lundborn, civil engineer from Norway Plains Associates, addressed the Committee, representing the applicants. Attorney John Weaver and the applicants were also present. Plans were distributed today showing the turning movements as there was concern from the Committee that not all cars would be able to exit from the parking spaces.

The proposal is to demolish the rear additions and create additional parking in the rear. There is a hedge row in front of the building and Sheet C-103 shows that. Where they are demolishing the additions in the rear, they have proposed a paver patio, a fence along the property line and a row of

arborvitae as well as additional landscaping. Sheet C-500 addresses the turning movements for the parking stalls. They planned them to back in and drive out. The ASHTO Manual shows a large vehicle making these movements. They also provided two compact parking spaces and his Outback fits in those spaces.

There was also concern about utilities. Rather than go through and disturb the paver sidewalk he felt it made more sense to come in under the paved driveway for the new fire water line. They are requesting a new water service with three meters (one for each unit). Typically they would propose that they tap off of the fire line with a water shutoff outside the building that runs inside so that they can shut the domestic line off independently. Currently the domestic is coming into the building at the other end of the structure. The sewer will remain as is.

They are just cleaning up the grading as it is fairly flat in the rear. Drainage will follow the current path which is from State Street, through the parcel, across the next paved area to the street adjacent. As they are opening up an additional small amount of green space there should be a reduction in overall stormwater from the property.

Mr. Desfosses pointed out that the City does not use an anchor T on a fire service as it would require cutting open the City main. The Water Department will make the taps and will provide the water service up to the property line. It will require the existing water service to be shut off in the middle of the road which will require another curb opening for pavement repair and that should be shown.

The City does not allow fire and domestic services to be combined and they need to run two lines in from the same trench. The fire line should be sized as 6" is ridiculous for this size building. Also, they would never use 90's on water, they would use 45's and they will look different than what is shown on the plan.

Mr. Rice asked that he have his client revisit the fire service as it is very excessive. Deputy Chief Roediger stated that Portwalk has a 6" service.

Mr. Taintor asked about the sewer line. Mr. Rice stated they will need to trace it with a transponder to accurately locate the line. It is not an inconsequential issue. There are potential changes to the sewer in that area and they need to know where their sewer line goes. Mr. Lundborn should contact John Adams from the Sewer Department to coordinate the work.

Mr. Cracknell stated that they have gone to the HDC proposing to take the back stairs off the landing on the side of the house. Now they are proposing to remove the raised landing. He cautioned them about the need to remove it because their turning templates indicate it could stay and the HDC may not want that removed. He just wanted to throw it out that they are now proposing to remove three portions of the building, instead of two, and the turning templates support leaving the landing and the stairs on the side of the structure but the HDC may not want it removed.

Mr. Taintor felt Mr. Cracknell was right about the stairs but the landing blocks the curve. Mr. Cracknell felt if they are taking about a couple of inches and the HDC wants to keep that element on the building because it is character defining then they should probably live with it. Mr. Lundborn indicated they will take a look at it as no one had a strong feeling about the landing staying or going.

Mr. Taintor asked if they will have a plan to look at before they come back as they have been asked to change the sewer location and change the water line and there should be a stipulation that if the HDC

does not approve the removal of the stairs and landing then they would have to come back for additional site review.

Mr. Taintor did not think they could approve a site plan with everything in flux. Mr. Cracknell pointed out that what they are calling the “new addition” is 100 years old and the HDC may not approve the demolition.

Mr. Desfosses made many changes on the site plan and he gave a copy to Mr. Lundborn, and those changes will need to be reviewed by him prior to the Planning Board meeting.

Ms. Walker asked the Committee if there was any objection to waiving the GIS State Plains requirement. Mr. Desfosses did not see a problem as this was an existing building.

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 approve with stipulations. Mr. Cracknell seconded the motion. The motion to recommend Site Plan approval, along with the requested waivers, passed unanimously with the following stipulations:

1. The final Utility Plan shall be approved by DPW prior to the Planning Board meeting.
2. If the HDC does not approve demolition of the newer rear addition and/or the landing and stairs on the side of the structure, the application may be amended and go forward to the Planning Board without further TAC review.
3. Final approval is subject to BOA approval.

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**II. NEW BUSINESS**

A. The application of **The City of Portsmouth, Applicant**, for property located at **175 International Drive** (Hobbs Hill), to construct a 600,000 gallon, 140 ± foot tall, composite elevated water storage tank, with a 60 ± foot diameter steel tank and 30 ± foot diameter concrete pedestal to replace an existing multi-leg water tank, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 313 as Lot 15 and lies within the Airport Business and Commercial District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Patrick Crimmins, of Tighe & Bond, was present with Terry Desmarias, City Engineer. They are present regarding the water tank on Pease. As part of Water System Master Plan, the old tank is 400,000 gallons and accessed by a driveway which includes a cell tower. Their job was to identify issues with the tanks and they recommended that this tank be replaced with a new tank. This was approved by the PDA Board at their June meeting. The new tank will be the same height as the existing tank and will be 600,000 gallons. It will be the same style and color as the Spinney Road tank. It will be placed 112’ north of the existing tank.



The old tank will be demolished after the construction of the new tank. They will have a 150' by 150' laydown area for construction but are trying to minimize cutting for the project. There is a 12" diameter main running down driveway that taps into the main on International Drive. The existing tank area will be landscaped. Once the tank can be demolished they are looking at larger maple and evergreen trees for screening.

Mr. Desfosses referred to the tree area between the tower and the tank where there are a lot of pine trees and he was concerned that that they would become unprotected and they would fall over from the wind. He felt they should probably be taken down. Second, they are not showing cutting and capping the existing water line to the tank.

Mr. Desfosses stated that the electric line going through the woods should be marked as being removed entirely. He asked if there was a reason why they are showing a new transformer. Mr. Crimmins confirmed it was based on their coordination with PSNH.

Mr. Rice added that if they are cutting into the existing water line they should be aware that it is most likely asbestos.

Mr. Desfosses noted the hydrant may be attached to the water line coming from the tank to the water main and they may need to cut and cap it behind the hydrant just to make sure the hydrant is still active. That can be determined by the contractor.

Mr. Rice thought that the new pole location could be right on top of the water line going to the hydrant. Mr. Crimmins confirmed that no new poles are proposed.

Mr. Desfosses asked about the antennas. Mr. Crimmins responded that they are working on the details and coordinating with Gil Emery and Mike Merrill and the NHDOT for the requirements for the antennas that are currently on the tank and need to be relocated. They are not sure if they will be on the new tank or on the cell tower. Mr. Rice assumed that police & fire will be on the City tank as they would not have to pay rent. Mr. Crimmins thought there were provisions for the cell tower to take those with no rent but they are working that out.

Mr. Desfosses asked if the communications would be put in aerially or underground. Mr. Crimmins stated the service would be underground. It would go the entire length of the access road with the water main and will be shown on a revised plan.

Mr. Desfosses asked if the intent was to pave the access road and how they were going to deal with water coming down the hill. Mr. Crimmins confirmed the road will be paved and right now the road is crowned so it is pitching towards the vegetated areas.

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. Rice made a motion to recommend Site Plan Approval with stipulations. Deputy Fire Chief Roediger seconded the motion. The motion passed unanimously with the following stipulations:

1. The unprotected row of pine trees between the tower and the tank shall be removed.
2. The electric line going through the woods should be marked as being removed entirely.
3. The water line from the existing tank to the water main shall be cut and capped, either at the main or behind the hydrant, depending on how the hydrant is connected to the main.

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**III. ADJOURNMENT** was had at approximately 3:40 pm.  
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Respectfully submitted,

Jane M. Shouse  
Acting Secretary