

**MINUTES**

**SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING**

**2:00 PM**

**AUGUST 5, 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; and Michael Schwartz, Captain, Portsmouth Police Department

.....

**I. OLD BUSINESS**

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 July 1, 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 July 1, 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 July 1, 2014 TAC meeting).

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Christopher Berry and Christian Smith were present. Paul Sanderson was present representing the ownership team. At the last TAC meeting, they narrowed it down to some key issues. They straightened out a lot of the lot lines and it was the general consensus that this layout was appropriate for the site. They have updated all of the plans accordingly. The second item was the basement of the houses for Lots 1 & 2. They agreed both houses would face Middle Road and take access off of Sanderson Drive. They added that notation and have detailed the plans to reflect that.

The next issue of concern of TAC was pertained to drainage. With the sensitivity of the drainage, they were requested to perform a large red mackerel drainage analysis with an outside review by Altus Engineering. They would take any questions they have on that specific issue. One abutter, John Lyons, is present and he had an outside company review their report as well. He will raise his concerns with the TAC Committee. They would prefer that they work to resolve those issues prior to going to the PB.

Lastly, there was a discussion of a re-subdivision plan which he handed out and discussed. In the past, Paul Sanderson had a frontage subdivision across Spinney Road and a multitude of Lot Line Revisions, all on one plan that was recorded. For a number of reasons, the lot line revision on the Spinney Road lots were not properly transferred. They are now proposing a slightly different configuration for both lots along the proposed roadway leading into the new lots. Because the transactions never took place, they would like to republish a re-subdivision plan of the area that would clarify from a title standpoint what took place. They are left with an identical lot line revision from the original layout. They are working on this agreement with both parties.

Mr. Taintor brought TAC up to date regarding the internal discussion regarding the road and stormwater system. They have gone back and forth on management of the system and ownership of the road (private vs. public) and they have decided it should be a public road and the City will need to have an easement over the raingardens and entire stormwater system for maintenance if necessary and they will have to have a flow easement over the large parcel that connects to Fells Road. Also, that Planning, Legal and DPW will develop what they need for the easement language. If they move ahead today a stipulation would be that it is subject to an easement approved by Legal and DPW before the Planning Board meeting.

Mr. Berry believed some of Mr. Lyons concerns also relate to that. The City would have the right but not the obligation to do work but they will need to work out details.

Mr. Britz noted they had mulch on top of the raingarden and they changed it to riverstone but the spec looks awful big. Mr. Berry will take a look and modify it. Typically they will do 1" to 1 ½" for the smaller ones.

Mr. Cracknell asked if they are planning to have an easement on Lot 3 for the driveway on Lot 2 as it appears to cross a wedge of land. Mr. Berry said the area is intended to be a driveway easement as well as a sewer easement. Mr. Cracknell noted on Page 8 it shows the Lot 3 driveway on Lot 2. Mr. Berry indicated they can slide it over. The intent is to include it in the sewer easement but he will double check it.

Mr. Cracknell asked about the houses Lots 1 & 2 facing Middle Road. Mr. Berry noted how they look ambiguous but the porch should be on the back side and he will fix that. The intent is for the porch to look like a front area. Mr. Desfosses felt they should have front walks that connect to the sidewalks.

Mr. Taintor said at one point they were talking about having the house on Lot 2 a little closer to the street so that it fit in better with the Middle Road appearance. Mr. Desfosses added that at the last meeting they talked about Lot 1 facing the subdivision road and Lot 2 could face Middle Road. On the lot that will face Middle Road they can slide the house towards Middle Road with a walkway the same as the house next door. Mr. Berry noted there is a hole in the ground that they don't want to fill so they can't pull forward too much. It would exasperate drainage problems for Mr. Green. The hole is about 1 ½' deep. Mr. Desfosses didn't think they need to keep it as the house will have a foundation. They should get rid of the pond. The amount of volume the hole is holding is extremely insignificant. Mr. Berry was fine with that.

Ms. Walker asked if they should have elevations for the Planning Board. Mr. Taintor stated they were not required for subdivisions.

The Chair opened the public hearing and called for speakers.

John Lyons provided pictures from Mr. Green showing the hole and how bad it gets down there. Mr. Lyons stated that he thinks anybody should be able to do anything they want with their property as long as there is no taking of anybody else's property and that has been his concern from the very beginning. His house is located where the stream is near the outlet and, since the sewer separation, he has been dry although it does overflow frequently. It does not cause flooding like it used to but he gave a recent example. Peter Loughlin has a tree farm behind Mr. Lyons house and on March 24<sup>th</sup> Mr. Loughlin sent an email to Todd Croteau regarding his tree farm and that over the weekend there was considerable flooding. Mr. Lyons provided pictures taken on that date. Mr. Lyons' concern is to make sure this does not get worse than it already is so that he and his neighbors will not have problems in their basements. Mr. Lyons stated that he had GZA look at the Drainage Analysis and he will have a written report at a future date. He wanted to discuss some issues that he only received today from GZA. His big concern is the suggestion that this will be addressed by rain gardens because they need to be properly constructed and maintained. His concern about the drainage plan is two fold. The developer originally had Eric Weinrieb, of Altus Engineering, prepare the drainage study and in those plans he specifically set out maintenance requirements and landscape requirements to properly construct the raingardens. The current engineer does not mirror the same requirements that Mr. Weinrieb included on his plan. Mr. Lyons provided a copy of those plans from Altus. He also indicated that the State requirements set out in Vol. II of the NH Stormwater Manual, describing design considerations and maintenance requirements for the raingardens, mirror what Mr. Weinrieb put in his plans but do not mirror what is in the present plans. Mr. Lyons felt they should be included as it is one thing to say they will address these issues to get through the development phase and a different thing to make sure they are constructed and maintained correctly. These are complicated systems and have to be inspected at least twice annually after any rainfall exceeding 2.5" over a 24 hour period, pre-treatment measures should be inspected at least twice annually, the system should be inspected for

draw down at least once annually, vegetation should be inspected annually and maintained. There are significant obligations for whoever is required to maintain the raingardens. Mr. Lyons assumes at some point there will be a homeowners association and he needs to know there is someone he can bring a claim against if the raingardens are not properly maintained.

Mr. Lyons stated that the other issue is that there has to be a requirement that the size of the structures on the lot and the amount of lot coverage for the driveways comply with the assumptions that are set out in the drainage analysis. Any approval has to have a restriction in it that the homes and driveways have to be built no larger than the assumption that is in the Drainage Analysis.

Mr. Lyons read the following which was prepared by Steve D'Ambrose, of GZA:

- (1) Sub catchment #1 is not labeled on W2 Proposed Watershed Plan.
- (2) Sub catchment #7 is incorrectly labeled sub catchment #1 on W2 Proposed Watershed Plan.
- (3) W2 Proposed Watershed Plan shows breaks in the watershed but does not include proposed grading supporting the breaks. Applicant should provide a plan depicting the grading proposed for each lot.
- (4) The project assumes that roof run off, up to and including the 100 year 24 hour storm event, will be stored and infiltrated; that no roof run off will travel over land to downstream areas. What assurances does the applicant give that the roof collection system will be able to convey the more intense storm events, e.g. 25, 50, 100 year, to the proposed sub surface infiltration system without any overland flow.
- (5) It is unclear what the mean annual high water level is across the site. Applicant should provide the test pit data from the exploratory work performed for each proposed residential infiltration bed. Data should include mean annual high water level, elevation and the elevation of any observed water.
- (6) Were any exploratory test pits performed in the locations proposed for the two raingardens. If so, applicant should provide this data for review. If not, it may be in the reviewing Board's best interest to require this information to insure the proposed raingardens will perform as intended.
- (7) The applicant's post construction hydro cad model for the two proposed raingardens does not seem realistic. According to the applicant's model, stormwater will not pull within the raingarden open volume until the 100 year 24 hour storm event. The applicant's model assumes the stone storage beneath the bio media is readily available at the start of a rain event when in reality storm water will have to travel through the bio media before reaching the stone storage. The bio media is meant to allow for retention of storm water as indicated by the raingarden synonym bio retention area. The retained water is treated as it travels through the bio media. It is likely the raingarden open volume described by the applicant will be flooded by the more intense storms, e.g. 25, 50, 100 year, and the stormwater will over top the raingarden and head overland to the downstream areas. The applicant should revise the post construction hydro cad model to more accurately reflect the expected performance of the raingardens.
- (8) The applicant should provide additional information in support of the Manning's Roughness Coefficient selected in the post construction hydro cad model for reaches 7, 8, 10 and 11. The Roughness Coefficient selected in the pre-construction hydro cad model range from N08 N10, the Roughness Coefficient selected in the post construction model is N0.40 A potentially significant increase given that the model pre and post construction peak flows are within hundreds of a cubic foot per second of each other

Mr. Taintor asked Mr. Lyons about his comments regarding the Stormwater Maintenance Plan not being consistent with the manual and if he had the full plan submitted on June 26<sup>th</sup>. Mr. Lyons was looking at the revised Stormwater Report and not the plan. Mr. Taintor stated that at the beginning of the report they include by reference the Stormwater Manual II and the standards from the website. There is an actual Stormwater System Operation and Maintenance Plan and many of his problems from comparing it with Mr. Weinrieb's plan will be resolved because it deals with all of the required maintenance and they reviewed it very carefully. Mr. Taintor asked if Mr. Lyons had a chance to look at the Berry response to the Underwood report, their 3<sup>rd</sup> party inspectors. Mr. Lyons did not as he just learned of that. He stated that he appreciates all of the work by this Board and the City and their thoroughness. He does not want to stop what is happening but rather just wants to make sure they don't have problems further down the road.

Mr. Berry stated that many of the comments from GZA were also brought up by Underwood Engineers and they have successfully answered many of those questions. He has spoken to Mr. Lyons about trying to meet and iron some of those items out. He stated that Mr. Taintor was correct that the Operations and Maintenance Manual addresses many of the maintenance questions. He was very careful about copying Mr. Weinrieb's plan because he had very specific concerns but it was also a plan that the City had already viewed and vetted, in addition to the fact that they liked the way it looked and the way it laid out.

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**

### Motion on Item A.

Mr. Cracknell made a motion to approve with the standard subdivision stipulations. Mr. Britz seconded the motion.

The motion to recommend Preliminary and Final Subdivision Approval (Lot Line Revision) passed unanimously.

### Motion on Item B.

Mr. Cracknell made a motion to approve with stipulations. Deputy Fire Chief Roediger seconded the motion.

The motion to recommend Preliminary and final Subdivision Approval passed unanimously with the following stipulations:

1. On Lot #1 the house shall be oriented toward the proposed roadway ("Sanderson Drive") and shall be shifted toward the front yard setback along the proposed roadway.
2. On Lot #2:
  - a. The low point along Middle Road shall be filled.
  - b. The house shall be oriented toward Middle Road, shall be shifted to within five feet of the front yard setback of Middle Road, and shall have a Middle Road address.
  - c. A sidewalk connection shall be provided from Middle Road to the front door.

- d. The proposed driveway shall be relocated to avoid requiring an easement on Lot #3.
- 3. The building footprints and driveways shall be consistent with the Site Plans with respect to the drainage analysis.
- 4. The applicant’s engineer shall submit a final resolution letter responding to GZA’s concerns for review prior to the Planning Board meeting.
- 5. The applicant shall provide easements to the City for stormwater system maintenance and flowage on all lots that will receive drainage from the proposed roadway, and such easements shall be reviewed and approved by the City Legal Department and DPW prior to the Planning Board meeting.

Motion on Item C.

Mr. Berry withdrew his application. He clarified that there is no walkway on Lot 1 as it will face the cul-de-sac. Mr. Taintor confirmed that was correct.

.....

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 July 1, 2014 TAC meeting)

The Chair read the notice into the record.

Mr. Taintor advised that the applicant has requested a postponement to the next TAC meeting.

Deputy Fire Chief Roediger made a motion to postpone Site Plan Review to the August TAC meeting. Mr. Desfosses seconded the motion.

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

.....

**II. NEW BUSINESS**

A. The application of **HCA Health Services of NH, Inc., Owner**, for property located at **333 Borthwick Avenue**, requesting Site Plan approval to construct a ground level 50’ x 50’ concrete emergency helicopter helipad in a portion of the emergency room parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 240 as Lot 2-1 and lies within the Office Research (OR) District

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

William Duffy, of HCA, stated this application was to reintroduce the helipad for the hospital. It has created a logistic problem for the hospital and this helipad has been through review to reduce noise and to follow all FAA rules and regulations.

Brian Bennett from McFarland & Johnson Engineers was present.

Mr. Desfosses asked what the difference was between the prior plan approved 2 years ago and this plan. Mr. Duffy responded there was absolutely nothing different.

Brian Bennett, from McFarland Johnson, confirmed this is the same project approved 2 years ago with just a few minor changes, if any. It consists of a 50' x 50' concrete helo pad constructed in what is now a parking area behind the ER room. The parking lot would lose about 20 spaces but they have 752 spaces and only need 562 so they will still have plenty of excess spaces. They will be removing some pavement and putting the concrete pad in so they are also losing pavement. Around the pad there will be grass pavers so it will be pervious surface. Once completed, the disturbed site it will be restored to lawn growth.

Mr. Bennett displayed the routes that the pilots will use. They will go down Borthwith Avenue and there are obstruction lights on the top of the hospital and Liberty Mutual buildings to help guide them. Also a utility pole and two large PSNH lines will have balls to show the path.

Mr. Duffy further explained that they follow Route 16 and they are masked by the highway noise. Coming south they will follow I-95.

Mr. Bennett stated that as part of the project, along the driveway, on the west side of the ER, there are overhead power lines that will go underground.

They have added a couple of notes about construction safety and that all staging by the contractor will be done on the hospital site and not on the City right-of-way.

For the Conditional Use permit, some vegetation management will occur along the back side ditch, and they will remove phragmites. They will follow NHDES standards on how to deal with the phragmites. As part of this project they have received a Special Exception from the BOA and a Conditional Use Permit for work within the wetland buffer.

Mr. Britz asked how they will keep the grass paver area clear of snow. Mr. Bennett stated they will handle this the same way as their regular plowing. The paves are plastic. The plow driver will have to be very careful. Mr. Britz stated they have to be concrete if they are going to plow them.

Mr. Bennett continued. The red obstruction lights will be on 24 hours. Lights not on constantly will be on top of the hospital and the landing pad itself. Mr. Taintor asked if the red lights are required to be on all the time. Mr. Bennett confirmed that they do, especially the transmission tower.

Deputy Fire Chief Roediger asked if they have orange hanging balls as line markers from PSNH. Mr. Bennett confirmed there are three of them on the lead in line.

The rotation beacon is only on during approach and departure for the pilot. On top of the building there is a beacon light pointed up that is turned on during approach.

Deputy Fire Chief Roediger was concerned there was a rotating white light for Pease. Mr. Bennett stated that is only turned on during operation.

Mr. Bennett further explained that when they get notification of an inbound patient, the staff will turn on all of the lights, get the wire protection systems, close down the access route into the parking area. They will have one fire extinguisher cart on site at all times. Deputy Fire Chief Roediger asked if the vehicles parked in the spaces north of the heli pad will either be removed or left in place during operation. Mr. Bennett stated there will be no vehicle motion in the parking lot until the gates go back up.

As part of the operation, they have three gates where the cars come around the hospital which will be closed during operation. The hospital will have an attendant telling cars they cannot come any closer to the helipad. All traffic will cease and the gate will close things off. As those cars are being retained, the access road will be rerouted around the hospital.

The Chair asked if there was anyone wishing to speak to, for or against the application. Seeing no one rise, the Chair closed the public hearing.

**DISCUSSION AND DECISION OF THE COMMITTEE**

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

Mr. Britz asked that they change the detail from plastic to concrete for the pavers (Detail 6 on Sheet 10).

Mr. Desfosses asked what the conditions were from the last approval. Mr. Taintor indicated there were two conditions and notes have been added to the plan to address them.

Mr. Bennett pointed out that the only change from the last meeting was the lay down area, which Mr. Desfosses had requested.

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

1. Detail 6 on Sheet 10 shall be revised from plastic pavers to concrete pavers.

.....

**III. ADJOURNMENT** was had at approximately 3:01 pm.

.....

Respectfully submitted,

Jane M. Shouse  
Acting Secretary