

MINUTES

SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING

2:00 PM

MAY 5, 2015

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

MEMBERS PRESENT: Rick Taintor, Chairman, Planning Director; Peter Britz, Environmental Planner; Juliet Walker, Transportation Planner; Nick Cracknell, Principal Planner; Peter Rice, Director, Public Works; Raymond Pezzullo, Assistant City Engineer; David Desfosses, Engineering Technician; Eric Eby, Parking & Transportation Engineer; Carl Roediger, Portsmouth Fire Department; and Michael Schwartz, Portsmouth Police Department

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Mr. Taintor asked for a motion to take Item A New Business out of order for the purposes of postponement.

Mr. Rice made a motion to take item A New Business out of order for the purposes of postponement. Mr. Britz seconded the motion.

The motion to take Item A New Business out of order for the purposes of postponement passed unanimously.

I. OLD BUSINESS

A. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for property located at **215 Commerce Way**, requesting Site Plan Approval for a proposed 4-story office building with a footprint of 28,125 ± s.f. and gross floor area of 112,500 ± s.f., and 640 parking spaces serving the proposed building and an adjacent existing office building (including a parking deck with 161 spaces below grade), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 216 as Lot 1-8A and Lot 1-8B and lie within the Office Research (OR) District. (This application was postponed at the March 31, 2015 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins with Tighe and Bond was present to speak to the application. Also present was Rob Ciandella, Project Attorney, and Jason Plourde, Traffic Engineer, with Tighe and Bond. The latest Site Plan package submitted depicts the phasing of the project. Phase 1 is a 63,000s.f. building. Phase 2 is a 49,000 s.f. building. Nothing has changed regarding the design itself. Some numbers in the Site Data

Block have been updated to show the phasing of the project. Although they plan to phase the project, they do hope to find tenants that will allow the project to be completed all at once. There were a number of comments made to the applicant in December of 2014 including the request for a Traffic Analysis. Both site layouts meet dimensional and parking requirements. Phase 1 provides 44% open space. Phase 2 provides 40% open space. In phase 1, the satellite parking lot in the back has been removed to reduce pavement on the site. This will allow the applicant to remove the underground detention system and stormwater treatment unit previously proposed. This will be replaced by a gravel wetland for stormwater management, which the applicant feels will be a much better stormwater management system. In phase 2, the ledge, which is high, will be removed. In this phase, the upper level parking will be constructed above the lower level parking. At the request of TAC, the applicant has removed the S-Curve driveways. With respect to the parking deck, the Fire Department had inquired as to whether the structure would be able to support a fire vehicle. There is a letter from a project structural engineer included in the packet the applicant handed out this evening, which stated that the parking deck would in fact be able to support a fire vehicle. Mr. Crimmins provided further detail about the Grading and Drainage Plan. He reiterated that there will be no underground detention system and stormwater treatment unit as previously proposed. A gravel wetland (part of Phase 1) will replace this system. The lower level parking will be funneled to the gravel wetland. In phase 1, there will be 3 tree filter boxes in the parking lot to collect and treat stormwater runoff. This will eventually move out towards the road. The applicant analyzed the entire water system. The site will have peak flows reduced. These flows will meet the pre-existing condition for flow rate. With respect to volume, infiltration on site due to bedrock is challenging. The applicant obtained a waiver from the state for infiltration due to this factor. There will be an increase of an inch of runoff in volume during a 50-year event, although this is assuming there would be no pipe outflow, which there is. Therefore, the applicant feels that there will be minimal impact to the wetland because of this project.

With regard to the Utilities Plan, all utilities will be constructed in Phase 1. In phase 2, service connections would be provided. The applicant had previously shown the sewer system connecting into Portsmouth Boulevard. This has been routed out to Commerce Way as requested by TAC. All utilities have been routed to Commerce Way. Details Sheets have been updated to reflect the latest drainage design changes. The applicant had previously requested a waiver with regard to landscaping, there is also a second waiver requested for 3 driveways. The applicant is proposing 2 new driveway entrances along Portsmouth Boulevard. The purpose of the driveways is to allow for large vehicles, such as fire trucks, to navigate through the site easily. Regulations require, when 100,000 s.f. of office space is exceeded, a second loading space of 12' X 40'. Portsmouth Boulevard is a 25 mph street and the driveways are exactly 280' apart, which will meet the minimum requirement for turning radius.

With regard to the Landscaping Plan, there is an elaborate landscape design as part of the roadway package. The applicant has requested a waiver for street trees along Commerce Way. There were some abutter concerns regarding landscaping and lighting. Those concerns include headlights shining into homes. There has been further landscaping added to block views from the residential area. There were also abutter concerns about several fixtures. The fixture of concern, which is not a full cut-off fixture, is being removed and replaced with a full cut-off fixture. There is another fixture of concern and that is also being removed. There is a fixture on a public utility pole. The applicant will defer to the DPW for guidance on this fixture.

Regarding offsite improvements, in November 2014, TAC requested that a (655' linear) sidewalk be installed along the front of the site from driveway to driveway. The applicant had shown this in the plans for the December 2014 meeting. At the December 2014 meeting, the request changed and what is requested now would involve 1300' linear feet of sidewalk. Instead, the applicant is proposing a contribution to the City to reconstruct the sidewalks. They are also repaving Portsmouth Boulevard which is a significant contribution. Attorney Rob Ciandella was present to speak to the request for pedestrian and signal upgrades. Intersection improvements were required by the City. Mr. Ciandella stated that this project does not necessitate intersection improvements according to RSA 674-21-5. One part of this Statute allows the City to adopt an impact fee ordinance. The other path allows for improvements that are necessitated by the development (RSA 674-21-5J). The absence of an impact fee ordinance, given the maturity of this development, does not allow the City to require intersection improvements. This is a marginal addition to an existing office park. The last development to the park cannot be required to make infrastructure improvements for the entire office park. The hallmark of the statute in terms of exaction is proportionality. The intersection improvements would be an improvement for office park incumbents as well as the entire corridor. In conclusion, this development does not necessitate the intersection improvements required by the City. There are other ways for the City to obtain the desired results.

Mr. Taintor asked for clarification on what improvements Mr. Ciandella was speaking to.

Mr. Ciandella stated that the improvements he was speaking to is the optimization of the signals at the intersections at Commerce Way and Market Street, as well as both traffic and pedestrian signals with camera detection, and reconstruction of the tip-down ramps. While he felt that these are important infrastructure improvements, it is a question of proportion and equal shares to be paid by all that will benefit. He agrees that a portion of the cost of these improvements would/should be borne by this developer.

Jason Plourde with Tighe and Bond was present to speak to the Traffic Study. The purpose of the Study was to determine the impact of the project on traffic and the functionality of lanes and turns. Mr. Plourde stated that in the morning, there will be approximately 387 cars turning left from Portsmouth Boulevard onto Commerce Way and 291 vehicles that will continue straight onto Portsmouth Boulevard. In the afternoon, coming out of Commerce Way, there is a 2-lane approach and an exclusive left turn lane and a shared through right. The cars that are turning left in the morning are now turning right to head towards Market Street. In the afternoon, the 291 vehicles that went into the site in the morning are now coming out of the site. He stated that there is a good balance of cars coming into, and out of, the site, morning and afternoon. They wanted to determine if they could improve multi-modal mobility, pedestrian access and safety. Another purpose of the traffic study was to Project Traffic Volumes out to opening year. The applicant coordinated with Eric Eby of DPW. The original development, approved in 1999, was for 244,000 s.f. of office space. In 2005, the hotel replaced 19,000 s.f. of office space and put in an 108 room hotel. There is still 224,600 s.f. of office space remaining. They developed two future scenarios, one at opening year (2016) and one at opening year plus ten years (2026) which would be at the full 224,600 s.f. of space. The worst lane group for operations would be at a service level "C". The applicant felt this was very good, in not dropping to an "E" or an "F". The result of the study was that traffic impacts would be negligible. He concluded by stating that the intersections have the traffic control and geometry to be able to support this type of project.

Mr. Taintor asked for questions and comments on the Site Plan.

Mr. Roediger asked for clarification on the Phase 1 hydrant relocation.

Mr. Crimmins showed the location of the relocated hydrant on the slide presentation.

Mr. Roediger inquired about the chances of coming off Portsmouth Boulevard with a yard hydrant. He asked that the utility designers ensure the water entrance on Phase 1 is large enough to handle the full phase build out.

Ms. Walker inquired about the driveway waiver and whether, without one of those driveways, fire access to the site would be feasible.

Mr. Crimmins stated that they would still be able gain access, but there would be a problem in exiting the site. They would have to reconfigure the parking lot. In addition, the second driveway provides a secondary egress to the lower parking area.

Ms. Walker inquired about, other than fire vehicles, the frequency other large vehicles would need to access the site.

Mr. Crimmins stated that he is uncertain about this.

Ms. Walker stated that regarding parking lot configuration, it is the intent of the site plan regulation that the applicant provide the pedestrian connection at the northern most part of the site to enable people to get out of the travel way. It would be helpful for the applicant to provide that at other places as well.

Mr. Crimmins stated that they are restricted with the isle widths.

Mr. Eby inquired about the striped area and whether there was anything to prevent cars from pulling forward.

Mr. Crimmins stated that they will add curb stops to prevent this from happening.

Mr. Rice stated that to phase the project and build a deck after a functioning parking lot is in place, will cause displacements during construction.

Mr. Crimmins stated that they have not finalized the details of this yet, but accommodating these displacements would be a requirement of the Construction Management Plan for Phase 1. There would be about 140 parking spots on the lower level that would be displaced. He felt they could make up that parking during construction. Right now, the parking requirement is exceeded (by 100 spaces) so there should not be a problem with finding that extra space in the area.

Mr. Taintor stated that they need a variance to take away parking during Phase 2 due to the fact that the Phase 1 building will be occupied. There would be no problem if going into Phase 2, the other building was not occupied.

Mr. Rice pointed out that the bulk of the site is the same owner so to say that it is not fair to put a disproportionate amount of responsibility (cost) for infrastructure improvements on the last developer to build at the site does not represent the situation correctly. It is really the completion of an ongoing project.

Mr. Eby stated that the parking deck is going to be supported by columns. He felt that the columns are going to be a prime target for vehicles (to hit) as they turn into the spaces. Generally, these spaces should be wider.

Mr. Crimmins stated that he would work with the parking deck designer and that Mr. Eby's concern would be addressed.

Mr. Eby stated that 7-8 spaces may be lost in this widening.

Mr. Desfosses stated that the parking layout has been maximized. The spaces are so small, there is no extra space. The spaces are the minimum allowed by zoning. There is no accommodation for larger vehicles onsite such as a pickup truck or an SUV. It will be very difficult to get into and out of the spots without hitting another car or to get out of a vehicle without stepping onto a landscaped area.

Mr. Rice stated that the inclusion of the gravel wetland replaced additional parking spaces. He inquired as to how many spaces.

Mr. Crimmins stated that the total parking lost due to the gravel wetland was 30 spaces.

Mr. Taintor asked for clarification on the amount of parking stating that Mr. Crimmins had indicated a there was a surplus of parking.

Mr. Crimmins stated that there is a surplus throughout Commerce Park, but not on this site. He described (using slides), in more detail, parking at the site.

Mr. Pezulla inquired about parking spaces stating that Mr. Crimmins stated there are 160 spaces that might be displaced in Phase 2. He inquired if this was just for the construction area.

Mr. Crimmins stated that this was the amount of space determined to be necessary to construct the parking deck. He stated that they would detail this out further.

Mr. Pezulla asked about the drainage analysis. There seems to be a discrepancy on the written analysis. The areas described in the report do not match the areas in the plan showing post-development drainage.

Mr. Crimmins stated that he would review this more closely and will clarify this detail.

Mr. Pezulla stated that there are 2 areas labeled "Post 2".

Mr. Crimmins will correct this.

Mr. Pezulla stated that on Sheet C3A, there is a 60' contour line in the middle. He inquired if this was intended to be the break line for the water flow going in both directions.

Mr. Crimmins stated that the intention is that this is the highpoint and the breakpoint for all drainage, but he will have this clarified and will have the contours fixed.

Mr. Pezulla does not see any dimensions for the gravel wetland.

Mr. Crimmins stated that he will see to it that there is further detail on this.

Mr. Pezulla asked that the rim elevation be checked for PCB15 near the eastern entrance on Portsmouth Boulevard. The elevation seems a little low.

Mr. Pezulla inquired if the responsible party for the Maintenance of Stormwater facilities is listed.

Mr. Crimmins stated that it is.

Mr. Desfosses stated, for the record, that the reason for the offsite improvements was due to the fact that Portsmouth Boulevard was not constructed to City standards (which follow NH DOT standards). There was too much settling after construction for the standards to have been followed. The City has already reconstructed the road. The sidewalk is in the same condition. This is why the City asked for these improvements.

Mr. Taintor noted that the building is shown as 55' high. The applicant is raising the grade 10' above the existing grade, so it will be 65' above existing grade. He is concerned about the height in general because of the concern over building heights in the City. The architectural drawings say they are at a 1:20 scale, but they are really closer to 1:27. This makes it hard to make measurements on the plans. He stated that the plans should be provided at the actual scale. When you look at the proposed east elevation at Phase 1 and Phase 2, those are reversed. This should be corrected. Also, the ground elevation shown is not accurate because it starts sloping down considerably in the middle of the building. This is important because building height is measured by average and the height by average grade plane around the building. The grade for the Phase 2 building drops (from right to left) down 6-8' from the elevated grade. The City will need a detailed height analysis done. On Sheet A4 the proposed wall sections 2 and 3 have parapets that exceed 2 feet. When this occurs, the parapet must be included in the building height. Therefore, there is the possibility of going above the 60' height limit for the height of the building. Regarding the Lighting Plan, it is faded out. Mr. Taintor asked that the applicant ensure that the Plans are printed well.

Mr. Crimmins stated they will be printed in color next time.

Mr. Taintor stated that on the Landscape Plan, there are only 5 trees between the parking spaces and the street. There is no berm or hedging that will shield headlights. There should be some screening there.

Mr. Desfosses stated that there is a large amount of asphalt on site and not much landscaping.

Mr. Taintor stated that on Sheet C3B, there is a missing contour at the west corner of the building near the driveway to Commerce Way.

Mr. Eby inquired about how trucks will gain access to the trash compactor to service it.

Mr. Crimmins stated that they can pull head in, but they will take a closer look at this.

Mr. Taintor stated that the traffic study talks about previous approvals. He would like to go back and review previous office space approvals. He also stated that Commerce Way is not currently a city maintained roadway (as the Plans state), but the intention is for this to become a City maintained roadway. However, for now, this should be corrected on the plans. He confirmed with Mr. Crimmins that the vacant lot to the north is the Sprague Lot.

Ms. Walker inquired if the Committee knows what the applicant is referring to when referencing previous approvals.

Mr. Taintor stated that there was a subdivision document but there has not been a Site Plan document.

Mr. Britz doesn't see any planting plan for the gravel wetland. They will need to know what plants will be installed.

Mr. Crimmins stated that they will include that as part of the detail.

Mr. Britz stated that he doesn't think there are enough plantings to meet the Site Plan Review requirements in the parking area. It would be nice to have more plantings but if the applicant does not plant more, they will need a waiver.

Ms. Walker stated that the applicant doesn't meet the objectives of the pedestrian connection through the parking lot itself (not just on the edge of the site).

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

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Britz made a motion to postpone consideration of Site Plan Approval to the June 2, 2015 TAC meeting. Mr. Desfosses seconded the motion.

The motion to postpone consideration of Site Plan Approval to the June 2nd, 2015 TAC meeting passed unanimously.

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II. NEW BUSINESS

A. The application of **Loyal Order of Moose, Lodge 444, Owner, and Chinburg Development, LLC, Applicant**, for property located at **1163 Sagamore Avenue**, requesting Site Plan Approval for the demolition of existing building and the construction of 11 single family dwellings and a private roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District.

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Rice made a motion to postpone consideration of Site Plan Approval to the June 2nd, 2015 TAC meeting. Mr. Britz seconded the motion.

The motion to postpone consideration of Site Plan Approval until the June 2nd, 2015 TAC meeting passed unanimously.

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III. ADJOURNMENT was had at approximately 3:17pm, was seconded and passed unanimously.

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Respectfully submitted,

Toni McLellan
Acting Secretary for the Technical Advisory Committee