

**SITE PLAN REVIEW TECHNICAL ADVISORY COMMITTEE  
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**2:00 PM**

**April 2, 2024**

**MINUTES**

**MEMBERS PRESENT:**

Peter Stith, Chairperson, Planning Manager; David Desfosses, Construction Technician Supervisor; Patrick Howe, Deputy Fire Chief; Shanti Wolph, Chief Building Inspector; Peter Britz, Director of Planning & Sustainability; Zachary Cronin, Assistant City Engineer, Eric Eby, Parking and Transportation Engineer; Mike Maloney; Deputy Police Chief

**MEMBERS ABSENT:**

Vincent Hayes; Land Use Compliance Agent/Associate Planner

**ADDITIONAL  
STAFF PRESENT:**

Stefanie Casella, Planner II; Kate Homet, Associate Environmental Planner

The meeting began at 2:00 p.m.

**I. APPROVAL OF MINUTES**

- A.** Approval of minutes from the March 5, 2024 Site Plan Review Technical Advisory Committee Meeting.

[0:31] E. Eby made a motion to approve the minutes as presented. D. Desfosses seconded the motion. The motion passed unanimously.

**II. OLD BUSINESS**

- A.** The request of **RIGZ Enterprises LLC (Owner)**, for property located at **822 Rt 1 Bypass** requesting Site Plan review approval to demolish the existing building and construct a new commercial building as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 160 Lot 29 and lies within the Business (B) District. (LU-23-209)

[0:39] Chairman Stith introduced this item.

## **SPEAKING TO THE APPLICATION**

[1:04] Alex Ross of Ross Engineering came to present this application along with the property owner, Rich Rigazio, and the contractor Dave. Mr. Ross went through and addressed the staff comments received by the applicants.

1. *Proposed utilities must be installed in Burkitt Street, not in grass strip.*

The gas line in the gas strip will be moved.

2. *Change 6" fire service into a 6" main with flushing hydrant at the end. Connect fire services and domestic services to the new 6" main. Connect 2" service for adjacent property to the 6" main, cut and cap all old services for both properties as necessary at water main on Dennett.*

This will be updated.

3. *Third party oversight of work in City right of way may be required.*

MAC construction will be doing all work and the applicant does not feel the additional expense is necessary for a third party oversight as MAC will be working closely with the City.

4. *Burkitt Street will need to be milled & overlaid after the conclusion of the utility work.*

They would like to know if it is possible to waive the hookup fees for this project and they will discuss this with DPW offline. Notes can be added to the plan about this.

5. *Move dumpsters about 10' further toward the back of building for sight distance. Do not cover manholes with dumpsters.*

They will do this.

6. *Show outline of roof overhanging the front sidewalk.*

The drip edge is located at the outer edge of the sidewalk. This will be clarified on the plans.

7. *Move light pole LP1 closer to building, away from the stormwater main, and out of DOT right of way.*

This will get moved back onto the property.

8. *Move light pole 2 closer to parking lot entrance and Route 1 Bypass.*

This will be moved up to be closer to the entrance.

9. *Add a light pole to west entrance of parking lot out of DOT right of way.*

This will be added to the lighting plan.

*10. Drain manholes must have inverts.*

This will be added to the plans.

*11. Please include in stormwater management operations and maintenance manual that an annual report will be submitted to the City of Portsmouth Department of Public Works.*

That has been updated and uploaded.

*12. The plans show landscaping in the DOT roadway, please provide permission or documentation from DOT for work to be completed.*

They met with NHDOT yesterday and NHDOT asked for the island in the ROW to be concrete.

*13. Site plan amendment needed for 806 Rt 1 bypass property to show new drain line.*

This will be amended and recorded before it expires in June.

*14. Utility plans need to be updated to show utilities in pavement area of Burkitt St.*

This has been updated.

[9:55] D. Desfosses noted that there are multiple offsite properties that have connected drainage to this lot and easements or something similar needs to be memorialized. Mr. Ross mentioned that they had initially talked about these issues and were planning to have a drainage easement, an easement to allow drivers to pass through Burkitt on the property, and for the existing City drain and sewer infrastructure. They will talk more with staff about potential hookup fees.

[11:55] E. Eby mentioned that the snow storage area shows plantings in the same space and that the applicants should ensure that the plantings can handle snow being piled on them.

[12:21] S. Casella asked if an easement plan would be needed to which D. Desfosses responded that it would be.

A discussion continued about NHDOT's wishes for the islands and driveway.

## **PUBLIC HEARING**

[13:45] Chairman Stith opened the public hearing. No one spoke. The hearing was closed.

## **DISCUSSION AND DECISION OF THE BOARD**

[14:18] E. Eby asked how Light Pole #1 would be moved. Mr. Ross responded that it would be moved into the parking area where they currently have room to place it.

[15:158] P. Britz mentioned that the easement plan will have to be reviewed before the Planning Board meeting.

[14:04] D. Desfosses noted that Eversource was still having issues trying to figure out how to power the proposed building, but staff could work with them on that issue with the design. He made a motion to recommend approval of the application to the Planning Board with the following stipulations:

1. *All permanent drainage to be installed will need drainage easements from the lots connected.*
2. *Meet with DPW to determine hookup fees.*
3. *Provide an easement plan.*
4. *Proposed utilities must be installed in Burkitt Street, not in grass strip.*
5. *Change 6" fire service into a 6" main with flushing hydrant at the end. Connect fire services and domestic services to the new 6" main. Connect 2" service for adjacent property to the 6" main, cut and cap all old services for both properties as necessary at water main on Dennett.*
6. *Need for third party oversight of work in City right of way to be determined by Department of Public Works.*
7. *Burkitt Street shall be milled & overlaid after the conclusion of utility work.*
8. *Dumpsters must be moved 10' further toward the back of building for sight distance. No manholes shall be covered by the dumpsters.*
9. *Outline of the roof overhanging the front sidewalk must be shown on plans.*
10. *The light pole, LP1, shall be moved closer to the building, away from the stormwater main, and out of DOT right of way.*
11. *The light pole 2 must be moved closer to the parking lot entrance and the Route 1 Bypass.*
12. *A light pole shall be added to the west entrance of the parking lot out of the NHDOT right of way.*
13. *All drain manholes must have inverts.*

14. *The Stormwater Management Operations and Maintenance Manual shall include language detailing that an annual report on maintenance operations shall be submitted to the City of Portsmouth Department of Public Works.*
15. *Please provide documentation from NHDOT for work to be completed in the NHDOT right of way.*
16. *Site plan amendment needed for 806 Rt 1 bypass property to show new drain line.*
17. *Utility plans need to be updated to show utilities in pavement area of Burkitt St.*

[16:57] Z. Cronin seconded the motion. The motion passed unanimously.

### **III. NEW BUSINESS**

- A.** The request of **ZJBV Properties LLC (Owner)**, For property located at **180 Islington Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 0 parking spaces where 9 are required. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic district. (LU-24-27)

[17:22] Chairman Stith introduced this application.

### **SPEAKING TO THE APPLICATION**

[17:55] Chris Mulligan of Bosen and Associates came to present this application along with Zeke Blumenfeld, the potential occupant, and Eric Weinrieb of Altus Engineering. Mr. Mulligan stated that they are trying to get approval to use the space as a retail establishment for 1100 s.f. for the sale of antiques. The building on this property was originally built in 1840 and tax records and building records show a history of mainly residential uses with a recent history of commercial use. There is currently an apartment on the second floor and a tattoo parlor on the first floor. According to parking requirements, this project needs nine parking spaces, Mr. Weinrieb provided a parking analysis to demonstrate that this need is already met.

Mr. Mulligan proceeded to address staff comments.

1. *Existing sewer lateral is likely collapsed based on the depression in the parking area. Video inspection of the line will be necessary to confirm it is ok as is. Replace sewer lateral if necessary.*

This is not relevant to the CUP but they do note that it is a concern that the owner has been made aware of.

2. *Updated use may require a handicapped parking space.*

They feel as though they are not required to provide this, there is currently no handicap access to the building.

3. *Parking may not block the sidewalk. This condition is to run with the approval.*

They agree with this, there is currently no clear delineation between the sidewalk and the street.

4. *Final CUP request should be for 3 existing non-conforming spaces where 9 conforming spaces are required.*

They do not agree. They will submit for zero spaces so that they do not need any variances.

5. *Plans need to be updated to show designated parking areas, dimensions, and vehicle designations.*

This can be updated by Altus in their demand analysis.

[27:22] S. Wolph asked if they would remove all vehicle-size parking spaces with this application and how the resident upstairs would park. Mr. Mulligan responded that there currently existed no parking spaces. S. Wolph noted that the tenants of this building would have to park offsite and that just because it is historical, does not mean that it does not need to comply with ADA entrances. As renovations and reconfigurations happen to older buildings, those projects are held to certain ADA standards which need to be met, especially within the interior of the space. If they can include an accessible parking stall, that would be ideal. A discussion continued with the applicants, E. Eby, S. Wolph and P. Britz about the potential for accessible spaces that may not be necessarily fully compliant and what the applicants could ask the Planning Board for in terms of number of parking spaces.

## **PUBLIC HEARING**

[37:29] Chairman Stith opened the public hearing. No one spoke. The hearing was closed.

## **DISCUSSION AND DECISION OF THE BOARD**

[37:56] Chairman Stith noted that the main question to figure out is whether or not a handicap space is required.

[38:17] P. Britz noted that the Planning Board needs TAC to review it and proposed a motion to have the application move forward for the Board's review, stating that the Committee will support only two or zero spaces. The motion was made with the following conditions for approval:

1. *Applicant shall submit an updated parking demand analysis that must include current and proposed dimensions of parking area on site and vehicle designations.*

2. *Proposed plans shall not have any parking blocking the sidewalk.*
3. *Front area should be striped for scooter and motorcycle parking.*

[38:57] Z. Cronin seconded the motion. The motion passed unanimously.

- B.** The request of **635 Sagamore Development LLC (Owner)**, For property located at **635 Sagamore Avenue** requesting Site Plan approval for the removal of the existing structures and construction of 4 single-family dwellings on one lot with associated site improvements. Said property is located on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-24-34)

[39:43] Chairman Stith introduced this application.

### **SPEAKING TO THE APPLICATION**

[40:49] Joe Coronati of Jones and Beach Engineering and Michael Garrepy (developer) came to present this application. They mentioned that they had previously come before TAC for this project and after feedback, made changes to the driveway, curb cuts, sight distances, etc. and had met with staff. This new proposal has the driveway on the northern side of the parcel but still proposed the same four-unit development for a condo association with a private driveway and associated turnaround. The current plans include propane tanks as the existing natural gas lines in the area would need to be moved up the road to be able to move it into this site. If gas lines were to enter the site, the best location for the applicants would be under the sidewalk that runs from Tidewatch to the current site and behind a utility pole so that it does not need to cross the street. If that is not achievable, they will stick with the proposed propane tanks. Additionally, they need help deciding where to place the water main lines if it can be tapped in the proposed driveway. Z. Cronin noted that the Sagamore project with Severino in that area will require them to tap into the main within the right of way prior to City work being started in that area.

[47:24] P. Howe asked if there were any plans for sprinkler lines. Mr. Coronati responded that they had not planned to install a sprinkler system and instead opted for a fire truck turnaround. P. Howe noted that the current turnaround did not appear to be compliant with the current 2018 IFC regulations and would need to be designed as compliant or a sprinkler system would need to be installed. Mr. Coronati stated that they would have this decision before the next TAC meeting.

[50:05] Mr. Coronati acknowledged the staff comments and how most comments revolved around drainage. He began to address these comments by starting with addressing the soil type, which is hydrologic soil group B according to their soil scientist, which they can increase to a C-type soil, but they believe a B-soil is a more conservative design. There is currently a variation of soils on this site including ledge and sand. They agreed to combine the hydrographs and they could change the outfall for bioretention pond #1 as requested. Additionally, the applicant has reached out and met with members of the Tidewatch community to discuss potential issues and they will continue to work with them. A third-party review of the stormwater analysis will be performed at the request and the hiring of the Tidewatch community.

[55:27] Mr. Coronati asked if working with the third party engineer that Tidewatch hired would be considered a third party for the City as well. P. Britz responded that the City would want their own contract to come up with a third-party engineer.

[56:07] Mr. Coronati proceeded to address the stormwater analysis generated for the application and the staff comments related to stormwater and the landscaping proposed.

[1:00:07] Mr. Coronati asked if the City would be signing condominium site plans. P. Britz responded that they need to see the plans to review the limited common area and the overall layout so that it does not create an illegal subdivision.

[1:00:51] S. Wolph asked the applicants if they anticipate needing to blast the site. Mr. Coronati responded yes, there is ledge all over the property. A discussion continued about blasting vs. hammering.

[1:02:35] Z. Cronin asked if the applicants had been in touch with the Tidewatch community about a possible culvert to prevent directing water straight into their sidewalk. Mr. Garrepy responded that they had discussed drainage and plan to leave it up to the engineers, especially the third-party engineer hired by Tidewatch, to help them find a solution. He continued to discuss the stormwater and that a portion of the stormwater will be directed towards the back of the lot into Tidewatch. Additionally, a sidewalk is proposed at the front of the property, and it needs review and approval by DPW, especially with the newly relocated driveway.

[1:07:24] P. Britz noted that the applicants mentioned using gas or propane on site and he suggested they use neither and instead consider more sustainable technologies such as air-source heat pumps.

## **PUBLIC HEARING**

[1:08:04] Chairman Stith opened the public hearing.

[1:08:32] Tim McNamara, an abutter residing at 579 Sagamore Avenue (Tidewatch). Mr. McNamara noted concerns about the size of the proposed project and the associated risks such as drainage, wetland health, and flooded basements in neighboring Tidewatch homes. He wanted to know who would maintain and address the stormwater manual, he expressed concerns for traffic and sight lines, and the existing tree cut lines which could be at risk with new development. Additionally, he felt that the truck turning plan was a failure because a landscaping truck with a trailer would not be able to maneuver within its bounds. Lastly, he noted that the Board of Adjustment did not approve of walk out basements and the proposed units appear larger than what was approved.

[1:16:33] Mary Pontrello, owner at 579 Sagamore Unit 5, came to express her concern. Ms. Pontrello raised issue with the current existing and expensive drainage issues within this neighborhood and her own association, Tidewatch. Ms. Pontrello wanted to know whether or not the applicants had done ledge borings to understand how deep the proposed buildings can go.



She noted that the topsoil above the ledge currently allows for sheet flow stormwater and create sheets of ice in the winter. She noted that she does not support the current drainage plans and has concerns about ledge blasting and the drainage ditch currently in Tidewatch. She believes the applicants should return to the Board of Adjustment due to a perceived flawed comparison of buildings and units between Tidewatch.

[1:23:55] Jerry Stowe, owner of 579 Sagamore Avenue Unit 22, came to express his concerns about the proposed drainage into Tidewatch and traffic sight lines. He also thought they could lower the grade of the hill and/or possibly lower the speed limit of Sagamore Avenue. He disagreed with the Board of Adjustment decision to deny a rehearing.

[1:26:30] Suzan Harding, owner of 594 Sagamore, came to speak to her concerns about traffic, drainage and blasting. In particular, she is concerned about leaving her own personal driveway with the traffic increase on Sagamore, and she is concerned for the physical and mental well-being of her neighbors if they must endure blasting.

[1:28:56] Linda Brown, owner of 650 and 698 Sagamore Avenue, came to express her concerns about traffic, cyclists on Sagamore Avenue, and pedestrian safety.

[1:31:29] Jean Roalsvig, owner of 579 Sagamore Avenue Unit 94, came to express her concerns. She listed concerns about drainage, impacts from climate change, such as increased precipitation, pedestrian safety and the removal of trees which would reduce the amount of moisture absorbed in the soil in the area.

[1:32:55] Peter Wissel, owner of 579 Sagamore Avenue Unit 75, expressed concern for the proposed fire truck turnaround plan and mentioned that if parking is allowed in the proposed private driveway, that could impact sight lines and driveway safety.

[1:38:34] Rod Burdette, owner of 579 Sagamore Avenue Unit 46, expressed his concern for the proposed basements, the need for blasting and drilling, and he advocated for a more in-depth assessment of ledge on the site.

[1:39:40] Chairman Stith closed the public hearing.

## **DISCUSSION AND DECISION OF THE BOARD**

[1:39:59] Chairman Stith clarified that the Zoning Board of Adjustment approval was conditioned that the design and location of the dwellings may change as a result of this process. P. Britz also clarified that the Tidewatch development was a Planned Unit Development (PUD) which is a different type of development compared to what is being proposed as a condo association. When they went to the Board of Adjustment for relief they received relief from specific zoning requirements in that zone.

[1:41:06] P. Britz followed up with a comment that in addition to having a third-party engineer, the City would also like to hire a third-party wetland scientist to review the wetland delineations

[1:41:31] P. Howe noted that if the buildings do not have fire suppression systems, a 20' wide fire department access road would require signage for no parking on either side. He has noticed in areas similar that over time, these areas turn into parking spaces and the community has no idea that they are for emergency access, so signage is needed. Mr. Coronati mentioned that they do have a no parking sign at the turnaround, and they will investigate widening the driveway and will add signage to the fire lane. P. Howe noted that all these regulations will be in the IFC to reference.

[1:43:00] Mr. Garrepy noted that in the packet there was a memo from their traffic engineer that looks at trips per day and has a traffic analysis. They feel good about the proposed location of the driveway and their traffic engineer hypothesized that the trips per day will be less than the current trips due to the proposed change to residential from commercial. E. Eby added that the speed data provided within this analysis shows consistency with the data that the City has been collecting in this area. He feels confident in the provided analysis but notes that it still does not meet minimum sight distance requirements, but it also needs to be tied into the final City designs to get a better determination.

[1:45:38] P. Britz made a motion to postpone this application until next month's meeting. Z. Cronin seconded the motion. The motion passed unanimously.

- C. The request of **15 Middle Street Real Estate Holding CO LLC (Owner)**, For property located at **15 Middle Street** requesting Site Plan approval for the addition of 3 residential units in an existing commercial building. Said property is located on Assessor Map 126 Lot 12 and lies within the Character District 4 (CD4), Downtown Overlay, and Historic Districts. (LU-24-35)

[1:47:05] Chairman Stith introduced this application.

### **SPEAKING TO THE APPLICATION**

[] Alex Ross of Ross Engineering and Derek Durbin of Durbin Law Offices came to present this application. Mr. Ross immediately address the staff comments as follows:

1. *Please provide information about sustainable practices on the interior of the building.*

This has now been submitted from the architect that lists all the sustainable practices inside the building.

2. *Please provide the development agreement (from J. Walker) for planning board application.*

This will be included in the application to the Planning Board.

3. *Please provide waiver requests for site review agreement and associated surety.*

Those have been submitted.

[1:49:23] P. Howe asked for clarification on how the lack of parking and impacts to traffic had been handled. Mr. Ross responded that they had originally done a traffic study to include offsite parking and have a valet service, but the plans had since changed and now no parking is required due to the current configuration and number of residential units. P. Stith stated that they do require parking but as they are in the Downtown Overlay District, they receive a 4-space credit and with three units, they would need 3.9 spaces or four, rounded up, which is covered by their credit.

## **PUBLIC HEARING**

[1:52:17] Chairman Stith opened the public hearing. No one spoke. The public hearing was closed.

## **DISCUSSION AND DECISION OF THE BOARD**

[1:52:28] D. Desfosses made a motion to move the application onto the Planning Board with the following conditions:

1. *Information on sustainable/green practices used for interior construction will be provided.*
2. *The development agreement from Juliet Walker will be provided.*
3. *Waiver requests for site review agreement and associated surety will be provided.*

P. Britz seconded the motion. The motion passed unanimously.

## **IV. ADJOURNMENT**

The meeting adjourned at 3:53 p.m.

Respectfully submitted,

Kate E. Homet  
Secretary for the Technical Advisory Committee