I. OLD BUSINESS

A. The application of Tanner Bridge Development, LLC, Owner, for property located at 40 Bridge Street, requesting Site Plan approval to demolish the existing building and construct a three-story, 5,590 s.f. mixed-use building with 10 below grade parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 52 and lies within Character District 4 (CD4), Downtown Overlay District (DOD), Mixed Residential Office (MRO) District and Historic District. (This application was postponed at the August 4, 2015 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Taintor stated that there is a letter was at the seat of all TAC members from Attorney Robert Ciandella, who represents an abutter to this property.

John Chagnon, Ambit Engineering was present to speak to the application. He stated that he was just handed a copy of the letter from Donahue, Tucker and Ciandella representing the abutter. Joe Miletti, of Ambit Engineering, and Jeremiah Johnson and Steve McHenry, of McHenry Architects, were also present. Mr. Chagnon stated that there was a good discussion about site improvements at the last meeting. The previous subdivision approval required a portion (at 29 Tanner Street) of the building to be removed and that has been done. They have revised the electrical layout since the last meeting and easements will be obtained. The proposal went to the BOA on September 22, 2015 and they have obtained a variance for parking space depth (18’ instead of 19’). They do not require relief for the 22’ aisle width. A variance was granted for the width of the ramp at the door (10’) expanding out to 18’ as it reaches the parking level. The BOA talked about the relief and possibility of conflicting maneuvers with cars exiting and entering the site. They have agreed to provide signalization. This will provide notice to people of when the garage door opens so that exiting and entering vehicles will know of their presence. Mr. Miletti will hand out a view of the signs. There is a low volume of trips generated so
the frequency of conflicting traffic will be low. Also at the TAC meeting, the submittal process was discussed. There was some question about whether the applicant had to file for a CUP (Character Based Zoning) or Site Review because regulations had changed. It has been determined that a Site Review process was the correct process to proceed with. The Plan Set was missing the offsite Utility Sheets, however, they have added that sheet and it depicts the utility improvements and the proposed utility corridor line. The have added lighting to the Plan Set on Sheet C2.

Mr. Eby stated that the Parking and Traffic Safety Committee approved the parking changes on Bridge Street in 2012 and they are currently in the ordinances so no further changes are needed.

Mr. Taintor clarified that lighting was added to Sheet C2.

Mr. Miletti stated that there is lighting on the building, all around the building. It is cited with a note as well as a symbol. The symbol is shown as a square on the Plan Set. The note is on Sheet C3.

Mr. Taintor stated that he sees 7 fixtures on one side of the building and 12 on another.

Mr. Miletti stated that the number of lighting fixtures is noted on each side of the building. The detail will be in the architectural drawings when they are completed.

Mr. Taintor asked that the applicant include them on the Site Plan. He inquired as to the type of lighting. He asked whether there was any spillover onto adjacent property and whether it will meet dark-sky compliant standards.

Mr. Miletti stated that the type hasn’t been specified yet, but they would meet dark-sky compliant standards.

Mr. Taintor asked whether the lights for the garage sign were LED. It should be added to the Plan Set.

Mr. Miletti stated that it would be added.

Mr. Taintor inquired as to whether the signs were interior or exterior to the building and whether there were signs facing cars coming into the garage and exiting the garage.

Mr. Johnson stated that the signs would be hanging above cars at the top and bottom of the ramp on the inside; nothing would be on the exterior. Any wording or configuration can be accommodated. The door would open and if someone happened to be coming in at the same time, they would know. He pointed out though, that the nuances of it haven’t been figured out.

Mr. Chagnon stated that the intent was that when the garage door was triggered either from the inside or outside, there would be a light that goes on that would alert drivers to the fact that a car is coming. He stated that the right-of-way will be given to incoming cars.

Mr. Taintor stated that a stipulation will include the review and approval of the lighting system. He clarified that the sign would not be prominently visible from the outside of the building.

Ms. Walker felt that some additional signage was needed as someone coming into the garage would not know until the garage door opens that there is an oncoming car trying to get out. Also, alerting pedestrians with something audible is needed.
Mr. Eby stated that the car on the outside will not have any warning until the garage door goes up that another car is oncoming.

Mr. Chagnon stated that the garage door will be tripped by a vehicle crossing at a certain point for exiting vehicles. As far as coming in to the garage, people will use their garage door opener. That would signal people in the garage that a car is entering.

Ms. Walker stated that this element needs additional consideration. Something audible to warn drivers would be something to consider. They will also look at lighting restrictions for this area.

Mr. Chagnon stated it is a similar situation to a driveway on State Street.

Mr. Eby stated that there is nothing to warn pedestrian traffic. In a driveway situation, like that to which Mr. Chagnon is referring, people can at least see the car coming out of the driveway.

Mr. Chagnon stated that they can add something audible (on the outside) to the garage door opening.

Deputy Chief Roediger inquired about the ventilation system for the garage and where the inlets and exhausts will be going. This is critical to the success of the system.

Mr. Johnson stated that there has not been much consideration given to this.

Mr. Chagnon stated that there are updated drawings. There are a couple of elevation changes to comply with Character Based Zoning.

Mr. Taintor clarified that this was in addition to the drawings they have in front of them today.

Mr. Chagnon stated that this was correct. Sheet C3 contains the only changes (revised spot elevation at the door and the drainage invert out to the connection. They added Note 10 about the electrical service coming from Islington Street down Tanner).

Mr. Desfosses stated that he was not clear about the electrical service coming in from Islington Street. He inquired if the applicant was planning to repave Tanner. It is not shown on the Plan Set.

Mr. Chagnon stated that this was correct. The planner met with Rick St. Cyr and this was the way they decided together that it would be best to enter. They can add detail and would be happy to work with the City on it.

Deputy Fire Chief Roediger inquired about whether the power would be underground from Islington Street to Tanner Street.

Mr. Chagnon stated that this was correct.

Mr. Desfosses found it hard to believe that instead of running power 200’ down the street to where the power supply is at Hanover Street, the applicant was going to go over 2 blocks, go across Islington Street and down Tanner Street through someone’s backyard, put a transformer in a backyard and go into the building. A better plan would be to come up Bridge Street, put an underground run to the transformer and go into the building with 1,000 amp service.
Mr. Miletti stated that there was no way to get 3-phase power from Bridge Street to Hanover Street the way the Mr. Desfosses described.

Mr. Desfosses asked whether Mr. Miletti was saying that there was no 3-phase power at Hanover Street. He stated that in the future, if running underground power down City Streets, it would be best to have DPW present. A meeting, including DPW, will have to be set up.

Mr. Chagnon confirmed that a meeting including DPW would be set up.

Mr. Taintor stated that they will need a letter from Eversource approving the location of the transformer.

Mr. Taintor wondered where the bike rack is on the Plan.

Ms. Walker stated that it is on Sheet C2.

Mr. Taintor asked how many bike racks there were going to be.

Mr. Chagnon stated that there would be 6 bike racks. They would be 3’ apart.

Mr. Taintor stated that from one rack to the end (pad), it will be 21’ total. There is less than 10’. There is only room for 1 or 2 bike racks and with the way it is currently laid out, the bike would extend half way into the sidewalk area.

Mr. Miletti stated that it is open all around the bike rack.

Mr. Chagnon stated that if a rack is turned 90 degrees, one could be installed.

Mr. Taintor stated that even with this design, only one bike would fit into the rack, one could not be put on the other side. The rack is designed to fit two bikes.

Mr. Chagnon stated that this was correct.

Ms. Walker asked that the applicant show the rack to scale and what they are able to accommodate.

Mr. Chagnon inquired about whom the bike racks were for.

Ms. Walker asked Mr. Chagnon to tell TAC who the bike racks were for.

Mr. Chagnon stated that they could be for the use of the public. There could be bike racks in the basement for the residents.

Ms. Walker stated that it would be nice to accommodate more than one bike rack.

Mr. Taintor inquired about what was being done for parking control.

Mr. Chagnon stated that there is a kiosk now.
Mr. Taintor stated that there are no parking meters or poles to attach bikes to.

Mr. Desfosses stated that there are 2 poles. They just don’t show on the Plans.

Deputy Fire Chief Roediger inquired about whether the Life Safety Review had been done to allow for a single means of egress from the upper floors.

Mr. Chagnon stated that there has been a Life Safety Review and one egress was allowed.

Mr. Taintor inquired about the change in the slope that Mr. Chagnon had mentioned earlier.

Mr. Chagnon stated that on Sheet C5, the only change was the elevation of the connection of the drain. There was an invert elevation different in one place in the drawing than the profile. They dropped the drain down in elevation. It was an off the page elevation at the manhole that was different in 2 places.

The Chairman opened up the public hearing and asked if there was anyone wishing to speak to, for or against the application.

Robert Ciandella, Attorney with Donahue, Tucker and Ciandella was present representing Crystal Brook Farm Realty, owner, 44 Bridge Street (property adjacent to the site), and the D’Adamo Institute for the Advancement of Natural Therapies (44 Bridge Street). The substance of their concern is described in detail in a letter they provided. The D’Adamo Institute operates a natural health care facility out of an 1870’s woodframe building on a stone foundation. Patients come from all over the world to seek help from the Institute. Patients and treatments are particularly sensitive to noise, dust and vibration. The service the Institute provides depends on a stable electric and water service. They believe the installation of the underground parking threatens the structural integrity of the building. The building is 2’ from the property line. They are requesting that DPW and City Engineers scrutinize whether underground blasting can occur without compromising the structural integrity of the building. Should blasting go forward, they ask that the protocol of the City for blasting be observed. They felt that this application requires a very robust Construction Management and Mitigation Plan. The D’Adamo Institute operates from 9:00am-6:00pm. The blasting should be offset to the extent possible during those times. There is also concern about drainage problems with regard to the basement at the Institute where supplies are stored.

Mr. Chagnon stated that the applicant has been made aware of the concerns and is willing to work with the neighbors to ensure that their business continues to thrive during this time. They will do a pre-blast survey (and this can be made a condition). Blasting protocols (if blasting does in fact occur) will be followed. As far as timing, they can talk about this in the Construction Mitigation and Management Plan, but weekend work is typically not allowed. They are willing to work with the neighbors to ensure there are no impacts to their property.

Mr. Cracknell inquired about where the pre-blast survey is going to be conducted. If it is to be the property represented by Attorney Ciandella, he would want to do the same on the Buckminster building. It is a much larger structure and residents are concerned about the blasting. He suggested that the plan be amended to include both abutting properties.

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.
DISCUSSION AND DECISION OF THE COMMITTEE

Ms. Walker posed a question about parking. The parking manager is talking about single space meters in some locations. The site is constrained in providing bike parking. She would be willing to work with the applicant to accomplish this. She would like to add some on-street bike parking in conjunction with single-space meters, but she doesn’t want to hold up the application process. She suggested a conversation with the parking manager.

Mr. Desfosses stated that DPW needs 5’ clear during the winter time. That is the only concern he has. The discussion with the parking manager is part of the approval process.

Mr. Cracknell inquired as to whether the loading zone was approved by someone in the City.

Mr. Taintor confirmed that it was approved by the City.

Mr. Cracknell stated that it seems it is not needed and that it seems like a waste of revenue.

Mr. Eby stated that it was approved 3 years ago and is in the ordinance now.

Mr. Chagnon stated that it was for a turning radius.

Mr. Taintor inquired as to why the loading zone was for turning.

Mr. Chagnon stated that is was for fire trucks.

Mr. Cracknell stated that he was talking about the one on Bridge Street.

Mr. Taintor inquired again why this was a turning radius.

Mr. Chagnon stated that it was the decision of the predecessor for Deputy Fire Chief Roediger. The Fire Department needs to make the right turn. He thought it was for turning right from Islington Street onto Bridge Street.

Mr. Desfosses stated that it makes sense to approve it as a loading zone. There are no loading zones in the area. If a loading zone is not needed, it can become a parking area.

Mr. Desfosses made a motion to grant Site Plan Approval with stipulations as noted. Ms. Walker seconded the motion.

The motion passed unanimously with the following stipulations:

1. Revisions to be made to the plan set prior to Planning Board action:
   a. The City’s Parking Manager and Transportation Staff shall determine whether the existing multi-space kiosk should be replaced with single-space meters with bike attachment points. If so, these shall be added to the plan and installed by the applicant.
   b. The plan shall be amended to show interior bike racks if proposed.
   c. The exterior bike racks shown on the plan shall be revised to represent real dimensions and capacity.
   d. Details for lighting fixtures shall be added to the Site Plan.
e. The plan shall include an audible warning for pedestrians at the garage driveway, with adjustable volumes to minimize noise at night.
f. The applicant shall submit a letter from Eversource approving the location and configuration of the transformer.

2. Revisions to be made following Planning Board action:
   a. The final details on the method of supplying electricity to the building shall be approved by the Department of Public Works.
   b. The final details on the Fairpoint/Comcast service to the building shall be approved by the Department of Public Works.
   c. The final details for water, sanitary sewer and stormwater utilities shall be approved by the Department of Public Works as part of the permit process for each utility.
   d. The Planning Board should determine whether it is appropriate to install street lights in this area. If so, the final locations and type of lighting shall be approved by the Department of Public Works.
   e. Sign types and locations for parking warning signs shall be approved by the City.

3. Construction management
   a. The Construction Mitigation and Management Plan shall address blasting and vibration monitoring for the historic structures close to the site.
   b. Utility work to be done by the City shall be done on the City’s timeline, which is uncertain because funding is not guaranteed. If the project needs the utilities earlier than the City’s timeline, the developer will pay the cost.

B. The application of One Way Realty, LLC, Owner, and 406 Highway 1 ByPass, LLC, Applicant, for property located at 406 Route 1 By-Pass, requesting Site Plan Approval to demolish the existing building and construct a new 3-story building (brewery, pub and office) with a footprint of 5,857 ± s.f. and gross floor area of 20,033 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Industrial (I) District. (This application was postponed at the September 1, 2015 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Chagnon was present to speak to the application. Joe Miletti, of Ambit Engineering and John Tuttle, of TW Design, were also present. At the September 1, 2015 TAC meeting, there were comments from TAC. The TAC has a set of revised plans before them today. The applicant has met with staff regarding zoning and application requirements. They submitted a CUP with this application for Gateway Planned Development. They feel they meet the design standards. They have moved the ADA spaces to the northeast side of the building as requested. That has freed up space to install bike racks. They relocated the dumpster to the northeast corner of the lot. This provides better access to the site. They contacted the railroad about removal of the encroachments on railroad land. The railroad at first, wanted them to buy the parcel, but the applicant declined. It has been transferred from the realty department to the engineering department. They don’t anticipate any problems with the transfer and planting the paved area to grass. There was a question about deed information on the Existing Conditions Plan. There was an agreement prior to the current deed. It was subject to restrictions. The
agreement is not on file so it is not recorded. He has been in touch with counsel for the current residents. It is his understanding that counsel was not able to find anything regarding the prior agreement. They hope to come to an agreement with the current owner. They added a sampling manhole in order to sample the effluent at the request of the DPW. They’ve revised the flow calculations. They are in discussion with the DPW and Health Department about a dumpster and pad. They removed one of the silos so there was no conflict with an overhead wire. They revised the Landscape Plan that they will hand out today. It matches up with what the TAC has in front of them today. They’ve shown a pedestrian access that would connect to the abutting property. They’ve been in touch with the abutter regarding access. They will be meeting with the abutter’s engineer.

Mr. Eby stated that there are 3 handicap parking spaces, but there is no access isle for the handicap space where the bike rack is.

Mr. Chagnon stated that they would load directly onto the sidewalk and it is flush with the parking.

Mr. Eby pointed out a tip down ramp next to another parking space. It looks like the tip down ramp leads into the driver’s door.

Mr. Chagnon stated that the driver and the pedestrian would look out for each other. That is a tip down for better access to the parking lot.

Mr. Eby inquired as to whether it leads into the parking space or the parking lot.

Mr. Chagnon stated that it leads into the parking lot.

Mr. Taintor asked about the line in front of the curb.

Mr. Desfosses stated that it is the 24’ mark for the isle.

Mr. Taintor raised the question about pedestrian access. The applicant has moved the dumpster and put in a pedestrian path that goes from the parking lot to the future parcel, but it is in the middle of the parking lot. There is no provision for pedestrians in the parking plan. There is a gravel strip on the abutting property and a 1’ wide landscaping strip, which is partially on the neighboring property. It seems better to have pedestrians cross from the main property, crossing on a raised area and going up along the property line to the back corner. This plan is not perfect, but it seems better. One of the design criteria of the Gateway Planned Development is to have good pedestrian access through a parking lot, but that does not happen with this plan. There must be better pedestrian access through the parking lot, particularly if it is a restaurant.

Ms. Walker inquired about the status of a traffic assessment.

Mr. Eby stated that the project will need a NH DOT driveway permit.

Mr. Chagnon stated that he met with James Hewitt on site and he doesn’t see an issue with trip generation because it is a “right-in/right-out” only. They will have to apply for a permit, though. They will be talking to the abutting engineer. They need to discuss restricting the curb cut.

Ms. Walker stated that the TAC will need to see a traffic generation report.
Mr. Eby stated that it was submitted previously so no modification is needed. Everything is in order.

Mr. Taintor inquired about the landscaping along the upper side of the site. He stated that trees are planted in a 2-3’ planting strip. He wondered whether this would be enough for a tree, or Arborvitae. There isn’t any real landscaping.

Mr. Desfosses stated that it was really not wide enough for a tree.

Mr. Taintor stated that parking spaces end up being 16’ deep.

Mr. Desfosses stated that as far as pedestrians walking through the site, it is such a small scale and it is 80’ from the front door to any parking space. It seems like a smaller parking lot inside of a larger parking lot.

Mr. Taintor stated that there are competing things in the application.

Mr. Cracknell inquired as to whether a space could be reserved for a raised sidewalk when the development on the other side moves forward.

Mr. Chagnon stated that given that the abutting landowner is trying to sell their property, they probably would not agree to burden it, but he will ask the question anyway. They could move everything over. They would lose 3 spaces, but by doing this, they could keep it on their own property.

Mr. Cracknell stated that it could be put on the applicant’s property.

Mr. Chagnon asked whether the landscaping would then go on their side of the sidewalk.

Mr. Cracknell confirmed that it would.

Ms. Walker stated that it might make sense to keep it as a landscaped strip right now.

Mr. Desfosses stated that a blanket access easement could be put on the site.

Mr. Chagnon stated that on the Demolition Plan, they are removing the pavement on their property, but they are not touching the pavement on the abutting site.

Mr. Cracknell stated that Mr. Chagnon has sold him on the idea of not having the landscaping but rather having folks able to park in the 11 spaces. If there is a sidewalk behind a 3’ landscaped island, it won’t be there more than one season with cars using it as a curb stop and people walking on it. The other side can be dealt with when the time comes to deal with it.

Ms. Walker stated that there is no way to access the site by bike right now unless one trespasses. They are trying to plan for the future. In a way, this is a reason to have landscaping right now, but she does not have a strong feeling about it.

Mr. Taintor stated that at this point, it is either landscaping or all sidewalks. No one is a proponent of having landscaping and sidewalk. Landscaping may be more important from an environmental perspective.
Mr. Cracknell stated that if it is limited to all landscaping now, there will be no way to force a sidewalk when something goes in on the other side 2 years from now.

Mr. Desfosses reiterated that the parking lot is small enough that a sidewalk really is not needed.

Mr. Cracknell stated that he would not agree that it is small, it is in what is a sea of asphalt today, but he hopes that kind of development is never built again.

Ms. Walker stated that it is at the point where a design for a future use is in order. Bike racks are required so they have to have them. Perhaps the Planning Board needs to resolve this.

Mr. Cracknell stated that the site is accessible by bike without trespassing, otherwise one would never get to the brewery, and one can certainly drive in to it.

Ms. Walker stated that there is restricted access on the Route 1 Bypass. It is cars only. She stated that the TAC is looking at this and attempting to design for a future condition. If the development on the other side is delayed, she posed the question whether the TAC would rather have a sidewalk to nowhere for the time being, or the nice landscaped buffer. They have to have the bike racks to comply with zoning.

Mr. Pezzullo presented his concerns about utilities. Currently, they are being served by private water and sewer service. This property may be redeveloped. It is only one private property now, but it may get redeveloped/subdivided and it is uncertain what the rights will be. He wondered if the property would have rights through easements. In the future, the water main sewer service will get revised. He wondered where the water and sewer service will be when it gets revised.

Mr. Desfosses stated that there may be cost implications for the City depending on what happens at the site next door.

Mr. Chagnon stated that the owner would have prescriptive rights, but the developer couldn’t just stick a cork in the pipe.

Mr. Desfosses stated that there could be a cost involved and it might fall on the City.

Mr. Pezzullo wants to ensure that this doesn’t happen. If approval is recommended, it will be dependent on another property for water and sewer.

Mr. Taintor wondered why the City would have to pay. He stated that a stipulation to this effect would need to be on it such as the City will have no liability resulting from the development of the adjacent property.

Mr. Desfosses stated that the City shall not be liable to provide service to the lot in the case of removal by other parties. If service is revoked, this lot is responsible for providing service to the other lot.

Mr. Chagnon inquired as to whether that was a civil matter.

Mr. Desfosses stated that it could be, but this type of situation happens all the time and the City is left holding the bag.
Mr. Chagnon stated that a right cannot be stipulated away. The utilities have been there for a while and they’ve been used by the lot. There are some rights in the utilities. Any future applicant should be put on notice that there are private utilities and redevelopment may require participation of the current applicant.

Mr. Pezzullo stated that the only thing beyond what Mr. Chagnon is saying is that the City should not be held responsible to bear the financial burden.

Ms. Walker wanted to go back to the occupancy load and inquired about whether that had been figured out yet.

Mr. Tuttle stated that there was an error and a typo in his calculations; 3,195s.f. is what is proposed for the seating area of the restaurant divided by 15 occupants/s.f. (which is code) yields 213, not 217 occupants (as the current calculations state). The occupant load count was over by 4. It is a typo. The brewery is currently 7,930s.f. with an occupant load of 100. That would make 80 occupants for the brewery. There will be no more than 4 workers at a time. They doubled this to 8 employees.

Ms. Walker clarified that the applicant is stating that there will be a maximum of 8 employee and 213 customers for the restaurant.

Ms. Walker inquired if, from a zoning compliance standpoint, Mr. Taintor was comfortable with the calculation.

Mr. Tuttle stated that the calculation is based on state code requirements. It allows for the applicant to go to the building inspector and ask for relief.

Deputy Fire Chief Roediger stated that the applicant added all of the assembly spaces on all 3 floors realizing that 213 has to be split amongst all three floors and a bit on the roof.

Ms. Walker stated that she misspoke; the occupancy load in that district is just for occupants and not for the parking. Anything over 250 occupants would require a special exemption.

Mr. Taintor stated that the occupancy load is for the patrons, not the employees.

Ms. Walker stated that in the zoning ordinance, it just says occupancy. It is not clarified. A good case is made that they meet the requirement for the occupancy load.

Mr. Desfosses stated that Detail T on Sheet D4 shows concrete encasement for the water crossing. He stated that generally this is a bad idea. Regarding detail D1 on Sheet C2 with a typical painted cross section, the drawing should always specify a “mixed design”. Otherwise, it will end up as highway pavement. There are about 9 different pavement types and if details are not specified, the applicant may end up with one that won’t last long.

Mr. Eby stated that the parking spaces in the front are shown differently on 3 different sheets. He asked for clarification for the design and to make them all consistent.

Mr. Chagnon stated that the design on Sheet C3 is not correct.
Mr. Taintor stated that Sheet L1 is not correct either. They should all match up to Sheet C2.

Mr. Chagnon stated that it will be corrected.

Deputy Fire Chief Roediger wondered if the rest of the domestic usage will be sufficient for the water usage.

Mr. Chagnon stated that pub usage is added on Sheet C4.

Mr. Desfosses stated that he did not see a sewer manhole detail on the Plan Set. He asked for verification on that and that it is appropriate.

Mr. Chagnon stated that the manhole will be appropriate for the grab test location for the discharge.

Mr. Pezzullo stated that a grab sampler or automatic sampler would suffice.

Mr. Chagnon confirmed that a standard invert shelf would be fine. They will add an easement for access.

Mr. Taintor stated that the applicant has 2 different landscape plans with the same revision date on them. It is a bit of a conflict. He asked that the applicant ensure that when a new plan is submitted, the new revision date will be on it.

Mr. Britz stated that both landscape plans show Burning bush. This plant is an invasive species in New Hampshire. He asked the applicant to use an alternative. He has alternative choices if the applicant is interested.

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 stated that he would rather see landscaping on the site knowing what good it will do now, as opposed to a sidewalk to nowhere not knowing what good it will do.

Mr. Desfosses made a motion to grant Site Plan Approval with the stipulations as noted. Deputy Fire Chief Roediger seconded the motion.

The motion passed unanimously with the following stipulations:

1. Revisions to be made to the plan set prior to Planning Board action:
   a. A note shall be added to the Sheet C2 (to be recorded) stating that:
      - The property is being approved using private utilities, and the City shall not be liable to pay for, provide or maintain these private utilities.
      - If a utility service to the property is revoked by a private party, the owner shall be responsible for the cost of creating alternative access to the municipal water and sewer systems.
b. A landscaped strip shall be provided along the northwest property line with an overriding easement to allow for future sidewalk use in connection with the development of the adjoining site. The landscape strip shall be a full 7-8 feet in width, requiring the loss of 3 parking spaces.

c. Sheets C3 and L1 shall be revised to be consistent with Sheet C2 regarding the tipdown along the accessible parking space.

d. On Sheet L1, the Burning Bush, which is an invasive species in New Hampshire, shall be replaced with an acceptable species.

e. Sheet L1 shall include the latest revision date.

f. On the Site Lighting Layout (unnumbered sheet following L2 in the plan set), all exterior lighting shall be specified as dark sky compliant, and details for the fixtures shall be provided.

g. A detail shall be provided for the sewer manhole.

h. On Sheet D1, detail D, an appropriate mix design shall be specified.

i. On Sheet D4, detail T shall be removed, because concrete encasement of a sewer line crossing a water line is not allowed.

2. Revisions to be made following Planning Board action:

   a. The applicant shall TV the sewer line to the main to verify that the sewer is acceptable for re-use. The video inspection shall be delivered to the Department of Public Works for review and approval.

   b. The project requires an industrial discharge permit issued by the Department of Public Works, and shall be subject to the requirements of the permit which may involve surcharge or testing requirements.

   c. The project requires additional permits for utilities to be issued by the Department of Public Works, which may take precedence over these plans for water and sewer.

C. The application of Amba Realty, LLC, Owner, for property located at 806 Route 1 By-Pass, requesting Site Plan Approval to expand the first floor of an existing building by 5,150 ± s.f. (footprint and gross floor area) for proposed retail use and add a new second floor with 4,450 ± s.f. (footprint and gross floor area for proposed office use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 161 as Lot 43 and lies within the Business (B) District. (This application was postponed at the September 1, 2015 TAC meeting.)

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE COMMITTEE

Deputy Fire Chief Roediger made a motion to postpone consideration of Site Plan Approval to the November 3, 2015 TAC meeting. Mr. Desfosses seconded the motion.

The motion passed unanimously.

D. The application of Pauline M. Dowd, Owner, and Norwich Investments, LLC, Applicant, for property located at 288 Peverly Hill Road, requesting Preliminary and Final Subdivision Approval to subdivide one lot into five lots, all with frontage on a private driveway/cul-de-sac, as follows:
1. Proposed Lot 1 having an area of 222,316+ sq. ft. (5.10 acres);
2. Proposed Lot 2 having an area of 348,938+ sq. ft. (8.01 acres);
3. Proposed Lot 3 having an area of 15,178 + sq. ft. (0.35 acres);
4. Proposed Lot 4 having an area of 15,046+ sq. ft. (0.35 acres); and
5. Proposed Lot 5 having an area of 15,051+ sq. ft. (0.35 acres)
Said property is shown on Assessors Map 255 as Lot 8 and is located in the Single Residence A (SRA) District which requires a minimum lot size of 1 acre (43,560 sq. ft.) and 150 ft. of continuous street frontage. (This application was postponed at the September 1, 2015 TAC meeting.)

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Desfosses made a motion to postpone consideration of Preliminary and Final Subdivision Approval to the November 3, 2015 TAC meeting. Deputy Fire Chief Roediger seconded the motion.

The motion passed unanimously.

E. The application of Hillcrest at Portsmouth, LLC, Owner, for property located at 3201 Lafayette Road, requesting Site Plan approval to replace up to 80 manufactured homes over the next 10 years, to create a 20’ x 20’ yard waste compost site, and to create 5 new pad sites for future homes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 7 and lies within the Gateway (G) District, Garden Apartment/Mobile Home (GA/MH) District and Rural (R) Districts. (This application was postponed at the September 1, 2015 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bernie Pelech, Attorney, was present to speak to the application. Corey Colwell, MSC Civil Engineers, and Glen Gidley, Principal of Hillcrest, were also present. Attorney Pelech stated that the applicant appeared before the TAC in July, August and September of 2015. At the September meeting, the only outstanding issue was the filtration. They delivered the infiltration study to the DPW after the July meeting. He has attempted to contact the City Engineer on numerous occasions and he has not returned any of 5 calls. With no response from the City Engineer, he worked with Mr. Taintor to try to set up a meeting with the City Engineer to no avail. He tried to set up a meeting with Mr. Desfosses who referred him back to the City Engineer. Two months have passed and there has been no meeting. There is no word from DPW with regard to infiltration. He is very frustrated at this point. He was told by Mr. Taintor that the City Engineer has determined that the Underwood Study was not acceptable, or was inconclusive. He has not seen anything in writing, however. They have a situation where the number of vacant lots at Hillcrest continues to grow (between 20 and 25). They cannot do anything until the Site Plan is approved. They would like to get it approved to move forward to the Planning Board. They are amendable to making it a stipulation that the 2013 conditions be met. The previous owners have posted a bond. Underwood says the conditions have been met, but the City says they have not been met. The applicant does not know where the reality lies. Mr. Gidley is now being contacted by his lender. He has purchased modular homes to put on the vacant lots, but he cannot move forward and it has become a critical situation. There have been some allegations that Mr. Gidley has done other things such as
Mr. Gidley was present to speak to the application. They have tried to do everything with regard to infiltration. He hand delivered the reports prepared by Underwood Engineers on behalf of the former owner. The former owner was required to submit a study and an action plan to the Planning Board. An MOU was issued relative to the subdivision with requirements for infiltration. The former owner retained a first class engineering firm to perform the study. The recommendations were implemented and a subsequent study was done. The City has had the study for more than 2 months. The Underwood report states that the conditions were met. The City may have a different opinion on this, and he understands that. Yet, they cannot get a concrete answer from the City. They need to hear back from the City, or at least the former owner does. Underwood stated that there is no reason they would not stand behind their study. His understanding is that the City is holding $43,000.00 in cash that the former owner put up. They would be more than happy with the stipulation that the requirement of the subdivision be met. They have an agreement with the former owner that they would be required to comply. The whole sewer system was videoed. There have been repairs to the sewer line, laterals have been replaced and manholes have been realigned. Infiltration has been reduced on the site by 50%. There may be flaws in the study, they would like to hear them if so. The amount of work that has been done, along with the money being held from the former owner and the subdivision compliance, should be enough to move the process along to the Planning Board. It has been a long, expensive, arduous process and the consideration of the TAC would be appreciated.

Mr. Pezzullo stated that there are some concerns with the report.

Mr. Taintor stated that last month, Mr. Pezullo stated that he had concerns about using theoretical numbers in the report rather than actual numbers.

Mr. Pezzullo stated that Mr. Taintor was correct. The report was not representative of the actual situation out at Hillcrest. He has had some feedback from the City Engineer on the application, but he does not know what his comments are. The prior site approval does not really apply to this application. If the previous owner met the conditions, there may be some conditions on top of the previous conditions that would be expected to be fulfilled by this applicant.

Mr. Taintor stated that he understands the frustration. Part of the problem is that the current owner’s baseline is an unknown because it is an unknown where the previous owner stands in terms of conditions.

Mr. Gidley stated that he can shed some light on one of the comments from Mr. Pezzullo. The idea that there were conceptual numbers, not hard and fast numbers, may come from the fact that there were 2 studies done for infiltration. That study was based on an assumed consumption of water usage (in gallons/day) in the homes, rather than using water meter readings. The study done after improvements to the sewer system was based on the assumption of 125/day usage in the units. The reason why this number was used is that there were no meter readings available when Underwood conducted the study and the number is the guideline from the state for site loading for a manufactured home. When the engineers reviewed this, they felt the assumed numbers would not be a problem (as it was following a state guideline). The real is issue is whether or not the former owner met the conditions that the City
was asking for. He doesn’t think they should get bogged down in 125 gallons/day because it is the guideline of the state. It was acceptable to the City at the time of approval.

Mr. Taintor stated that he understands that it was not metered at the time, but he asked for clarification from Mr. Gidley as to whether it was subsequently metered.

Mr. Gidley stated that it was not.

Mr. Desfosses stated that it was actually metered at the time. There wasn’t the full on effort to go through the records and find every invoice for every unit for every month. That kind of work didn’t happen. The data was quickly assembled and so it is very limited data.

Mr. Taintor stated that there are two things at issue. One issue is what has been the change before and after improvements. Actual infiltration is not provided, which can be obtained only through actual numbers.

Mr. Gidley stated that monitoring was conducted for two years, and is still ongoing. They have a solid year of data. He contacted the Water Department to get a number on how much water is going through all units out there. He was told that this was not easy and was a cumbersome process. There is not one meter for the entire area.

Mr. Desfosses stated that the TAC agrees with Mr. Gidley that the former owner is responsible for a certain benchmark and that permit should be closed out. If the conditions have been met, the bond should be returned. If the conditions have not been met, that should be dealt first with the former owner. There must be further documentation based on water at the site to sort out the water infiltration on site and whether it is acceptable or not. A site permit should not be held up by this process. The issue is whether or not an individual sewer permit can be issued. The approval would then be shifted to a sewer permit and this process could move forward while the sewer permit is pending.

Mr. Gidley stated that they would be happy to agree to a stipulation that every time a unit is replaced, they will replace the sewer lateral on each site. Some of the issues (infiltration) were at the lateral. They want to solve any infiltration issues with the site. They have tried in the two years they have been there to solve any infiltration issues.

Mr. Taintor wanted clarification on what was being requested. The Site Plan application showed no site costs and no site development area. Mr. Gidley is paying the basic application fee. He didn’t assume any site or development costs. He wondered what he is actually requesting Site Plan Approval for at this stage. It is a bit confusing.

Mr. Gidley stated that they identified 80 manufactured homes to be replaced over the course of 20 years. Through the process, they were asked by the Planning Department to show a long-term plan depicting the increase in impervious surface. They identified the homes to be replaced. The reality is that they won’t be replacing 80 units. They will replace 5-10 units/year. They do not know when someone will move or sell and they can replace a unit. Right now, they have 25 vacant sites. They would like to fill those vacant sites. As far as the fee schedule goes, they need some guidance as to what to submit to the City for a fee. They are not proposing any new roads or homes, just replacement of existing homes.
Mr. Taintor stated that it seems that there is a Site Plan Review and a CUP approval. The third part of the issue is the zoning ordinance. The park was approved under the mobile home ordinance. The park has evolved to being more of a manufactured housing park.

Mr. Gidley stated that it was never really a mobile home park. The park was put in place just prior (1-2 years) to the mobile home ordinance (in 1955 or 1956) being enacted. They’ve deduced that 3 different Site Plans have been approved at the site.

Mr. Taintor stated that they are working on the zoning ordinance and what Mr. Gidley wants to do could be done.

Mr. Gidley stated that all he wants to do is replace homes.

Mr. Taintor stated that this would not actually be a problem. However, what Mr. Gidley wants to do is replace homes with bigger homes. Replacing homes with the same size home in the same footprint is not much of a problem.

Mr. Gidley stated that the industry has evolved quite a bit since the early installation of this site. There are manufacturers that don’t even produce single-wide’s anymore.

Mr. Taintor stated that they are trying to write an ordinance that will allow Mr. Gidley to do what he wants to do.

Mr. Gidley stated that they appreciate all the efforts of the City.

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 grant Site Plan Approval with stipulations as noted. Deputy Fire Chief Roediger seconded.

Mr. Taintor asked Mr. Desfosses what the conditions would be.

Mr. Desfosses stated that the hydrants need to be tested annually and working at all times. There have been other things discussed at other meetings.

Ms. Walker asked if the applicant had submitted any revised plans that depict the consolidated landscaping.

Attorney Pelech stated that they have.

Mr. Britz stated that the site plan shows the maximum buildout of the site with the biggest homes they possibly can build, but they say that is not what they want to do. Almost every site has buffer enhancements and a raingarden, and there are larger enhanced wetland areas. The Conservation Commission has approved the 5 homes, not all homes. They have not approved the Site Plan to move forward. They have proposed enhancements for each site, but in concept the Conservation Commission is supportive of what they want to do, but not beyond the 5 homes. It is an unknown as to what homes
they are going to replace and when, and Mr. Gidley know the answer to that either. He wondered about a site master plan (naming improvements to be made over a certain time period).

Mr. Taintor stated that until they change the zoning ordinance, they still have to come back for every installation (CUP application).

Ms. Walker stated that she is fine supporting the motion. However, she doesn’t know which Plan Set she would be supporting. The last time they saw a revised set was July, 2015.

Attorney Pelech stated that they provided a revised set at the last meeting. They did this because it was the decision of the Conservation Commission, with the exception of one member, that more and smaller raingardens would be better than one or two larger raingardens. They then revised the plans and submitted them.

Mr. Taintor stated that the last plan in the files was dated July 30th, 2015. This was for the August, 2015 TAC meeting.

Mr. Gidley stated that the most recent Plan Set that they are working from is dated July 20, 2015 with a revision date of July 31, 2015 for the raingardens.

Mr. Taintor stated that they have this plan (although it was submitted on 7/30 but dated 7/31).

Ms. Walker inquired about a maintenance program.

Mr. Gidley stated that they tried to make it as clear as possible that they would be responsible for maintenance of the raingardens and they have submitted this with the plans.

Mr. Britz stated that they are still uncertain what will be built and when.

Mr. Gidley stated that MSC Civil Engineers is putting together a plan that identifies each raingarden and each enhancement as it relates to the buffer. They will also have a number for improvements. They can develop a spreadsheet. Phasing will not be an issue. A lot of these sites are currently occupied so he would not have an opportunity to go in and make improvements until that home is replaced.

Mr. Taintor stated that there is no zoning ordinance that would allow this type of use yet. Planning Board approval must to be tied to the zoning. It is a very unusual situation.

Mr. Gidley stated that they were hoping to have that ordinance by now, but they don’t so they were urged to submit the Site Plan. He understands that the ordinance is the key to the project.

Mr. Taintor stated that they are working on the ordinance. It is close, but it is a struggle.

Mr. Colwell offered to clarify the previous stipulations. He has a record of each from the last TAC meeting. There were 5 stipulations.

1. The applicant shall create smaller raingardens, not larger
2. The applicant shall create more pocket parks.
Mr. Colwell stated that they created an additional pocket park so now there are 3 separate pocket parks.

3. The applicant shall address the management of invasive species

Mr. Colwell stated that they submitted a report on how they would manage this at the Sept 1st TAC meeting.

4. The applicant shall have hydrant testing conducted

All currently passed the flow test, additional testing may be needed in the future.

5. The sewer infiltration issue shall be addressed.

Mr. Colwell stated that the applicant has addressed the first 4 stipulations, but the 5th stipulation is the one in question.

Mr. Gidley added that they received an agreement from the City for the maintenance of the private hydrants on the property. They signed it and sent it back. He inquired if the Fire Department has received it.
Deputy Fire Chief Roediger stated that this does not come from the Fire Department, maybe the water department, but he was glad to hear that it is in place.

Mr. Taintor stated that they needed to add a stipulation about the amended zoning ordinance.

Ms. Walker stated that something also needed to be added regarding the sewer infiltration issue.

Mr. Pezzullo stated that comments regarding that will be forthcoming from the City Engineer and he would like approval to be contingent upon the developer addressing those comments. The resolution of those issues should be coordinated with the Legal Department. There is too much infiltration on site to be approved. The site may still need additional work for the sewer. The issues need to be addressed.

Mr. Taintor stated that they do not know what the issues are (from the City Engineer).

Mr. Cracknell wondered whether it made sense that prior to approval by the Planning Board, those issues be addressed in a conclusive fashion.

Mr. Pezzullo stated that if actual numbers were used, it would show infiltration to be 4X as much so using actual numbers makes a big difference.

Mr. Taintor wondered whether it was possible to have a more definitive answer on that prior to the Planning Board meeting. It would be helpful to know what to ask of the developer.

Mr. Desfosses stated that it is more likely that Planning Board approval would be conditional.

Mr. Taintor stated that he can go along with the Planning Board approval being conditional contingent upon something; we just need to know what that “something” is.

Mr. Pezzullo stated that we may not know until those other issues have been resolved.
Mr. Taintor stated that in all good faith, he cannot move the application forward with the vagaries.

Suzanne Woodland, Deputy City Attorney, was present to speak to the application. She stated that she spoke with Terry Desmarais, City Engineer, today and he anticipates that he will be able to provide definitive information to the owner in the next few days that provides specificity on what is deficient. Work was done to improve the sewer line, but there is still too much infiltration in the current system. He will issue more specificity in terms of next steps and recommendations prior to the meeting of the Planning Board. There are some monies from the prior owner (bond) to secure the work, but it may not be sufficient to make the needed improvements. The current owner may need to make a commitment in terms of making further improvements. Ultimately, the excess infiltration needs to come out of the system. The Legal Department will need to meet with the former and current owner.

Mr. Taintor stated that the stipulations on the prior approval state that additional improvements can be requested from the prior owner. He clarified that what Attorney Woodland was saying was that those improvements may be requested, but the bond may still be insufficient to cover the improvements.

Attorney Woodland stated that the bond may be insufficient to cover all the improvements that need to be made, but that will need to be worked out between the former and the current owner as to how to pay for the improvements. There may need to be a continued commitment by the current owner that the infiltration issues will be resolved.

Mr. Taintor asked whether a recommendation (stipulation) could be included to the Planning Board that the applicant will be responsible for any costs for eliminating excess infiltration beyond what is covered by the prior subdivision approval.

Attorney Woodland stated that Mr. Taintor was correct and they will have more detail in the next few days.

Mr. Taintor stated that he was comfortable with this.

Mr. Taintor stated that he would like to add one more stipulation that they define the extent of site costs and site development for the purpose of revising the Site Plan application fee.

The TAC stated that they were comfortable with what they have heard so far.

Mr. Desfosses made a motion to grant Site Plan Approval with stipulations. Deputy Chief Roediger seconded the motion.

The motion passed unanimously with the following stipulations:

1. **Zoning compliance:**
   a. The site plan approval shall be subject to a future Zoning Ordinance amendment to be adopted by the City Council to allow manufactured housing, including standards as to separation of structures, coverage, etc. Should elements of the site plan not comply with the zoning amendment that is ultimately adopted, the plan shall be amended to comply.

2. **Revisions to be made to the plan set prior to Planning Board action:**
a. A plan for maintenance of the individual rain gardens shall be provided for review and approval by the Environmental Planner.

b. The new pocket park shall be added to the site plan.

c. A report shall be provided regarding management of invasive species.

3. Revisions to be made following Planning Board action:
   a. The applicant shall define the extent of site development areas and costs for the purpose of revising the Site Plan application fee.
   b. The applicant will be responsible for any costs for eliminating excess infiltration and inflow beyond what is covered by the prior subdivision approval.
   c. Fire hydrants are to be tested yearly to ensure that all are working at all times.
   d. The owner shall address any remaining sewer infiltration and inflow issues that have not been completely addressed by the prior owner under the subdivision approval.

Mr. Cracknell left at this point in the meeting.

The application of Dilorenzo Lafayette Ledgewood Real Estate, LLC, Owner, and Tuscan Brands, LLC, Applicant, for property located at 581 Lafayette Road, requesting Site Plan approval to renovate an existing 14,366 s.f. building with two additions to the front (one 8’ x 10’ addition and one 8’ x 36’ addition), one addition to the rear (10’ x 80’ addition), and two outdoor seating areas (one 1,277 s.f. area in the front and one 1,261 s.f. seating area to the side), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 229 as Lot 8B and lies within the Gateway (G) District. (This application was postponed at the September 1, 2015 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, was present to speak to the application. Colin Dinsmore, also Ambit Engineering, was present as well. Erika DeRoche, Prellwitz, Chilinski Associates and Joe Brenner, Vice President for Operations for Tuscan Brands and Joe Faro, President, Tuscan Brands were also present. The applicant was present at the August 4th, 2015 TAC meeting. On Sheet C3, the Site Layout Plan, they did a revision to a one-way directional flow off Ledgewood Drive. They redesigned circulation to the west of the building. They also redesigned the parking row so the handicap spaces are directly adjacent to the sidewalk. They relocated the bike racks in the front of the structure in the middle. He hoped that this was a suitable location for the racks. On September, 22, 2015 the BOA granted the variances as listed on the plan. They are shown on Sheet C2. It allows parking in the front as well as to have parking spaces with less than the required lengths. They added a Lighting Plan to the Plan Set. They introduced infiltration techniques. They introduced porous paving in the patio area on the Ledgewood Drive side. There is a fire pit, lounge area and bocce ball courts to the south. They’ve added a fence along the rear boundary line. Stormwater has been updated to reflect the pervious surfaces.

Ms. DeRoche provided an overview of the building and what the proposed plans encompassed. The current structure is a multi-plex cinema. They plan to reuse this. It is approximately a 15,660s.f footprint. They have proposed a 17,000s.f. up scale restaurant and market. Once they make use of the existing structure, they will replace the mezzanine with 1600s.f. It will be used for storage. There will
be a Tuscan kitchen and a small market (5,000s.f) with a double height space. The roof will be popped up above the market and will create a vibrant place above the market. The rest of it will be 18’ high. They will add decorative parapets. This will create a street presence. They will use applied limestone at the base. They will have doors and windows in the dining area. A large commercial kitchen will serve both the market and restaurant. The additions proposed include a vestibule as well as walk-in coolers.

Mr. Schwartz inquired about the outdoor seating and whether there will be a fence around the area.

Ms. DeRoche stated that there will be a fence. This is not shown on the current drawings.

Mr. Schwartz inquired about the Bocce court area being fenced in.

Ms. DeRoche stated that there will be fencing in this area also. They will be certain to show the fencing on the drawings.

Deputy Chief Roediger stated that the water services will come in just to the right of the market vestibule near the area marked “carts”. The sprinkler room is on the opposite rear side. He inquired as to whether the applicant plans to run the water line under the building.

Mr. Dinsmore stated that the plan is to run the water line under the building slab.

Mr. Desfosses asked the applicant to consider putting in a pedestrian connection to the sidewalk in front between the two handicapped spaces. He is uncertain that the alternate sidewalk connection that is shown to the right of the building (on the street side) will add any value. He would rather see landscaping in this area.

Ms. Walker stated that she concurred with Mr. Desfosses.

Mr. Desfosses stated that regarding utilities, the plans show two different sewer connections. He prefers that the applicant use the existing manhole. When running a smaller sewer into a much larger one, the crowns should always be matched. The sewer should be 8”. The applicant could run 8” across the back, and coming out of the building, go from 6-8” off the back. A building of this size should have a sizable sewer.

Ms. Walker stated that the bike racks are behind an island. From the drawings, it looks like people will have to get off their bikes and walk over an island. There may be a better location for bike racks so as not to interfere with pedestrians.

Ms. DeRoche stated that she understood what Ms. Walker was describing and agreed. They will slide the racks (10’) closer to the door so they will be adjacent to the entrance. They also talked about connecting to the existing sidewalk on state land so cyclists can use the sidewalk.

Ms. Walker stated that the sidewalk, according to state law, is not usable for bikes. Bikes should enter using vehicular ways. The bikes racks should be visible, but it is better to have them on the outskirts of access. They should not be arriving via sidewalks.

Ms. DeRoche stated that they would like to study that. They can move the bike racks in a direction so as to cause less pedestrian conflict.
Mr. Desfosses stated that a lot of drainpipe is being reused on site. It is labeled as CMP (corrugated metal pipe). In an urban environment, this type of piping lasts 20 years and the site is more than 20 years old. Much of that piping could be rotten. He recommended slip lining or replacing the pipe. In any case, he wouldn’t recommend putting a new parking lot on top of it. In addition, the specification for pavement mix design is not there. When giving asphalt specifications to contractors, the mix should be specified. Otherwise, the applicant may end up with a less than desirable product.

Mr. Pezzullo asked whether the applicant has had a discussion with the NH DOT on encroachment of the right-of-way.

Mr. Chagnon stated that he has had a discussion with Bob Talon and James Hewitt. Lafayette Road is a class 4 highway so the state would maintain ownership. The state would be responsible for the rights and would give them the right to park, or to have a park. He is uncertain about the turnover of improvements in front of Ledgewood Drive and whether they were turned over as a class 4 or 5 road.

Ms. Walker stated that clarification is needed for an MOU with the State for maintenance. The City does a lot of landscape maintenance on Class 5 road sections. The state would likely want a similar agreement. Even a landscaped island in the middle of the road is the responsibility of the City.

Mr. Chagnon stated that he was referring specifically to the fee/agreement.

Mr. Chagnon stated that as far as traffic goes, Jim Hewitt has no problem with the traffic volumes given that it is right-in/right-out along the entrances. There will need to be a driveway permit application even though the driveway is already there. They have spoken with CLD Engineers. A full traffic study is something they can talk about. Some trip generation numbers have been done. The state is not going to require a traffic study.

Ms. Walker stated that the state is not going to require a traffic study because there is not going to be much impact to their roads, but there will be impact to City roads.

Mr. Eby stated that he would like to see a traffic study done.

Mr. Chagnon stated that the BOA talked about this subject in regards to traffic prior to granting the variances. One of the items brought up was a lack of a right turn lane coming out of Ledgewood Drive. There will be a dedicated right turn lane in this area. Lane improvements will probably be the only infrastructure improvement needed (or that is feasible) as a result of the study. Signal improvements may need to be made.

Mr. Eby stated that the City has a study in progress at Andrew Jarvis (High School). There is a signal consideration here too. This project will impact that and we want to know how it will be impacted.

Ms. Walker stated that bike access also needs to be taken into consideration. A traffic study is warranted.

Mr. Chagnon stated that they are amenable to that stipulation.

Mr. Taintor inquired about when the traffic study would be conducted.
Mr. Chagnon stated that the traffic study would be conducted as soon as he can get the engineer to do the work. The Planning Board meeting is in 3 weeks, but that probably is not enough time for the engineer to do counts.

Ms. Walker stated that she is not comfortable approving to move forward without the traffic study and typically the TAC wants to review the traffic study as a group.

Mr. Chagnon inquired whether the Andrew Jarvis study being conducted was taking the Ledgewood Drive area into consideration.

Mr. Eby stated that it was not taking that into consideration. It is assuming a future condition though.

Mr. Chagnon asked whether conducting the study from Andrew Jarvis to the Bypass intersection would be sufficient.

Mr. Eby stated that the next road up, to Greenleaf Road and Lafayette Road would be sufficient because road realignment is a consideration there.

Mr. Chagnon clarified whether Mr. Eby was saying that improvements on Greenleaf Road were being considered too.

Mr. Eby stated that this was correct.

Mr. Pezzullo asked that a detail on the by-pass structure (Sheet C5) be provided.

Mr. Dinsmore stated that they could add that.

Mr. Pezzullo stated that on Sheet C5, there are still some alternate sewer manholes showing. He provided another comment on the additional catch basins. His recommendation is to consider taking them offline at the main trunk so as to have better sediment control.

Mr. Eby inquired about the proposed route to the dumpster from the building.

Mr. Dinsmore stated that they will likely go out the loading dock area at the southeast corner of the building and come around to the dumpster.

Mr. Taintor inquired about why the dumpster was tilted away from the building. He asked that this be straightened out so that it is not pointing at the other building.

Mr. Pezzullo stated that another comment he had was to avoid putting it over the drainage pipe.

Mr. Johnson stated that the dumpster was moved off the drainage line. They will rotate it and keep it in the same location (off the drainage pipe).

Mr. Taintor stated that on the Lighting Plan, there is a note somewhere, he assumes, that the applicant will comply with the full-cut off fixture. He asked the applicant to document that there is compliance. They are currently at 22.5°. The zoning ordinance allows 20’ above grade. He inquired as to whether they could be reduced down to 20’.
Mr. Dinsmore stated that they were submitted with the original plans and they will reduce them to 20’.

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. Taintor asked the Committee whether they would like to go forward with, or without, a traffic study.

Ms. Walker stated that she felt they needed the traffic study.

Mr. Taintor wondered whether the road realignment was part of the plan.

Mr. Eby wasn’t certain if it was needed. He would like to see the traffic study first and then make a judgement.

Mr. Desfosses stated that the approval could be contingent on the approval by Mr. Eby of the traffic study.

Ms. Walker stated that this may not happen prior to the next Planning Board meeting.

Mr. Taintor stated that the recommendation to the Planning Board would be that approval be contingent on approval of the traffic study (and any improvements needed as a result of the study).

Mr. Desfosses stated that this round of improvements was dramatically better. The Site Plan will work great.

Mr. Desfosses made a motion to recommend a waiver for the driveway. Deputy Fire Chief Roediger seconded the motion.

The motion passed unanimously.

Mr. Desfosses made a motion to grant Site Plan Approval with stipulations as noted. Deputy Fire Chief Roediger seconded the motion.

The motion passed unanimously with the following stipulations.

1. Revisions to be made to the plan set prior to Planning Board action:
   
   **Sheet C3 – Site Layout Plan:**
   
   a. Add a pedestrian connection to the sidewalk in the State right-of-way in front of the property, and delete the “Alternate Sidewalk Connection” (replace with landscaping).
   b. Add fencing around the outdoor dining and bocce areas.
   c. Change the orientation of the dumpster to be parallel to the property line.
   d. Review the location of the bike racks to be appropriate for bicycle access.

   **Sheet C4 – Utility Plan:**
   
   e. The sewer should connect to the existing manhole; remove Alternate #1 from the plan.
   f. The aged CMP drain pipes should be replaced or slip lined.
   g. Specify a pavement mix design.
Sheet C5 – Grading, Drainage and Erosion Control Plan:
  h. Provide a detail for the proposed drain bypass structures.
  i. Address miscellaneous drafting issues related to utilities identified during the TAC hearing.

Sheet LP1 – Lighting Plan:
  j. Reduce the height of the luminaires to 20 feet
  k. Add a note stating that the fixtures will be dark sky compliant.

2. Revisions to be made following Planning Board action:
   a. The applicant shall prepare a traffic study covering Lafayette Road from the Route 1 Bypass to Greenleaf Avenue for review and approval by the Traffic Engineer. Any improvements identified in the study shall be completed by the applicant as part of the project.
   b. The applicant shall have the drainage pipes reviewed and televised if necessary.
   c. Final sewer and utility permits are to be approved through Department of Public Works.

Deputy Chief Roediger and Michael Schwartz left at this point in the meeting.

Mr. Taintor determined that there was still a quorum present and the meeting would continue.

II. NEW BUSINESS

The application of Eport Properties 1, LLC, and The National Society of Colonial Dames, Owners, and Aland Realty Group, Applicant, for property located at 173-175 Market Street and 165 Ceres Street, requesting Amended Site Plan approval to construct a 5-story, 3,616 ± s.f. (footprint) addition to an existing building which will include three new dwelling units, office and commercial space and 6 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 118, as Lots 3, 4 & 5, and lies within Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Chris Erickson, 173-175 Market Street, was present to speak to the application. They are present with an amendment to the current Site Plan. The footprint of the building has been reduced. Some of the elements of the building have been cut back. There will be a bike rack and plantings in front of the commercial entrance on Ceres Street. They are installing a pole where the utilities are transitioning underground. They will remove 2 additional utility poles (this is different from the previous plan). They are removing the overhead utility wires in between the poles. They are installing a dumpster enclosure. For Ceres Street, they recently surveyed the property to find the best pathway to get the electrical and the fire line running underground. In summary, they are putting a vast majority of the overhead lines underground.

Jeff Clifford, Altus Engineering, was present to speak to the application. Previously, there was a question about the parking. They now have a proper parking isle next to the ADA space. There is enough space next to it to unload.
Mr. Taintor clarified that the revised plan will delete some of the wall.

Mr. Clifford stated that what Mr. Taintor is talking about has always been on the architectural, he just needs to figure out a way to depict it more clearly on the Site Plan drawings.

Mr. Erickson stated that there was a question about the bike rack. There is about 40” (from the curb to the pad) of walkway between the curb and the rack.

Mr. Taintor posed the questions that when there is a bike on it, how much room would be there. The landscaping plan has the bike rack against the building. He thought that might be better.

Mr. Clifford stated that it was up against the building because it used to be a residential entryway. Currently, it is a commercial use, there is a storefront window and it has a very low profile so the bike rack against the building is not a good option anymore.

Mr. Desfosses inquired about whether something could be mounted to the edge of the building.

Mr. Clifford stated that they explored that and it didn’t work. The commercial windows make that unworkable.

Mr. Desfosses asked about mounting the bike rack on the Ceres Street side.

Ms. Walker stated that the applicant could look into wall mounted bike racks (on the Ceres Street side) if the intent is not to block the storefront.

Mr. Clifford stated that they really don’t have a wall to mount it on.

Mr. Desfosses inquired if they would meet the criteria if they installed the bike rack on Market Street on City sidewalk.

Mr. Walker stated that it would meet the criteria, although Ceres Street is missing bike racks so they would like to see some there.

Mr. Taintor inquired as to whether the architectural drawings were included.

Mr. Clifford stated that they were not.

Mr. Taintor stated that it has to be part of the Site Plan application.

Mr. Clifford stated that they would get the drawings to TAC.

Mr. Desfosses inquired about the sewer changes that were requested last week.

Mr. Clifford stated that they haven’t had time to make those changes yet.

Ms. Walker recommended considering wall mounted bike racks on Ceres Street. In this location, they may not encumber the sidewalks as much as in the other locations.

Mr. Eby stated that he would like to keep the bike rack close to the main entrance.
Mr. Taintor stated that the revised utility plans are needed this week to go to the DPW so they have the chance to review and approve them prior to the Planning Board meeting. In addition, on Sheet C2, the wall will be removed and Sheet G1 shall have a note to “See Site Notes 12 and 13”. On Sheet 4A, the applicant should show the internal transformer and they will need to get a letter from Eversource agreeing to the location of the transformer. The applicant shall also install the cleanout to a full manhole. They will reconfigure the drainline and move the gas service. They will address the size of the conduit.

Ms. Walker stated that she needed to leave at 6:00pm so if they want a quorum, they need to move this application along. She feels like they have had this discussion before at work session. She inquired if they have a list of things discussed at work session.

Mr. Desfosses stated that they do have the list.

Mr. Taintor stated that the discussion has been had before, but things hadn’t been resolved.

Mr. Desfosses stated that he would like 5’ between the buildings (at least).

Mr. Taintor said that the applicant couldn’t get that right now. The existing separation is 5’ and he cannot move the retaining wall or buildings.

Mr. Clifford stated that the worst case is the existing condition, which is the light pole.

Mr. Taintor stated that this is the problem, the light pole and it should be fixed.

Mr. Desfosses stated that they can get by the existing condition. The problem is that when buildings are in such close proximity, at times the building gets damaged when DPW tries to get between the pole and the building. The sidewalk there has to be plowed so the building must be robust enough to take an impact from a sidewalk tractor.

Mr. Clifford stated that it will be robust enough to take a hit.

Mr. Desfosses wanted to ensure that it was in the record that the building must be robust enough to be able to bear a hit from a sidewalk tractor because of the proximity of the telephone pole to the building. The developer has been put on notice.

Mr. Taintor stated in order to move it forward, the revised plans need to be submitted by the end of this week in order to in turn be submitted to the Planning Board.

Mr. Desfosses stated that the applicant needs to show the low voltage lines that go from light pole to light pole. The conduit must be moved before the pole can be installed.

Barbara Ward was present to speak to the application. She works at the Moffat Ladd House and lives at 16 Nixon Park in Portsmouth. She stated that there was some question about the bike rack. The parking spaces are close to the bike rack. She wondered if they could come to another arrangement where the bike rack is on the part of Ceres street that is a street and not a private way. She does not want to encourage bike traffic across a private parking lot. People are also going back and forth with trays to the Oar House deck.
Ms. Walker inquired about where to put the rack. She asked if Ms. Ward was requesting that it be put offsite.

Ms. Ward stated that it would be better for them if the bike rack could be located closer to the public end of Ceres Street.

Mr. Desfosses stated that this was offsite.

Ms. Ward stated that closer to the public right-of-way would be better. Perhaps the rack does not have to be put on the building. It has been pointed out that there is a need for the bike rack for people that work at the Oar House so perhaps it could be a mutually agreed upon location could be hashed out.

Mr. Clifford stated that they will look at this.

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 grant the Amended Site Plan Approval with stipulations as noted. Mr. Britz seconded the motion.

The motion passed unanimously with the following stipulations.

1. Revisions to be made to the plan set prior to Planning Board action:
   a. The plan shall show two sewer laterals with backflow prevention (one for the lower floor, and another for the upper floors) attached to the main outside the building. There shall be no connection to the sewer main within the building.
   b. The plan shall show a location for a grease trap on the applicant’s property.
   c. The plan shall include an acknowledgement that the utility pole on the Market Street sidewalk is too close to the corner of the new building to guarantee that the building will not be impacted by sidewalk plows. The applicant shall design the building to be robust enough to withstand a minor impact from a plow.
   d. The applicant shall install an audible warning for exiting the parking garage

2. Revisions to be made following Planning Board action:
   a. A written easement shall be provided to the City for the sewer line through the building.
   b. A legal agreement shall be provided indemnifying the City in case of a break in the sewer line passing through the building.
   c. The bike rack shall be provided by the applicant at a location to be determined by the City.

Mr. Clifford asked for clarification on the laterals to be attached on the outside of the building. He also asked for clarification on the grease trap.

Mr. Desfosses stated that for a possible restaurant in the future, the potential location of the trap is to be labeled on the plans.
III. ADJOURNMENT was had at approximately 6:07 pm, was seconded and passed unanimously.

Respectfully submitted,

Toni McLellan
Acting Secretary for the Technical Advisory Committee