

## MINUTES

### SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING

2:00 PM

FEBRUARY 2, 2016

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

**MEMBERS PRESENT:** Rick Taintor, Chairman, Planning Director; Peter Britz, Environmental Planner; Juliet Walker, Transportation Planner; Nick Cracknell, Principal Planner; Raymond Pezzullo, Assistant City Engineer; David Desfosses, Engineering Technician; Eric Eby, Parking & Transportation Engineer; Carl Roediger, Portsmouth Fire Department; Frank Warchol, Acting Deputy Police Chief

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#### I. OLD BUSINESS

A. 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  $\pm$  s.f. (footprint and gross floor area) for proposed retail use and add a new second floor with 4,450  $\pm$  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 January 5, 2016 TAC meeting.)

The Chair read the notice into record for the purpose of postponement. Mr. Desfosses moved to postpone this item to the TAC meeting of March 1, 2016, and Mr. Britz seconded.

The motion to postpone Site Plan Approval until the March 1<sup>st</sup> TAC meeting passed unanimously.

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E. The application of the **City of Portsmouth, Owner**, and **Prescott Park Arts Festival, Applicant**, for property located on **Marcy Street (Prescott Park)**, requesting Site Plan Approval to demolish the existing stage and sound booth and replace them with a new 3,145 s.f. stage with a deck and a 45' high canopy, and a new 8' x 8' sound booth, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 104 as Lots 1, 3-2 and 3-5 and lies within the Municipal (M) District and the Historic District. (This application was postponed at the January 5, 2016 TAC meeting.)

The Chair read the notice into record for the purpose of postponement. Mr. Cracknell moved to postpone this item to the TAC meeting of March 1, 2016, and Mr. Desfosses seconded.

The motion to **postpone** Site Plan Approval until the March 1<sup>st</sup> TAC meeting passed unanimously.

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B. The application of **Borthwick Forest, LLC, KS Borthwick, LLC, Atlantic Star Communications, HCA Realty, Inc., and Jackson Gray Condominium Association, Owners**, for property located **off Islington Street and Borthwick Avenue**, requesting Preliminary and Final Subdivision Approval as follows:

1. To consolidate the following four lots:
  - a. Lot 25 as shown on Assessor Map 241 having an area of 22.807 ± acres,
  - b. Lot 26 as shown on Assessor Map 241 having an area of 4.927 ± acres,
  - c. Lot 113 as shown on Assessor Map 233 having an area of 13.815 ± acres,
  - d. Lot 112 as shown on Assessor Map 233 having an area of 0.732 ± acre;and to re-subdivide the consolidated lot into two new lots and a public right-of-way as follows:
  - a. Proposed Lot “25/26” having an area of 25.523 ± acres and 979.37 ± feet of continuous frontage on a proposed street,
  - b. Proposed Lot “112/113” having an area of 15.404 ± acres and 981.09 ± feet of continuous frontage on a proposed street,
  - c. Proposed City right-of-way having an area of 1.354 ± acres.
2. For a Lot Line Revision, to create a public right-of-way, as follows:
  - a. Lot 2-2 as shown on Assessor Map 240 decreasing in area from 4.978 ± acres to 4.584± acres with 571.58 feet of continuous frontage on Borthwick Avenue,
  - b. Lot 7-4A as shown on Assessor Map 234 decreasing in area from 9.085 ± acres to 8.639 ± acres with 1,127.14 ± feet of continuous frontage on Borthwick Avenue,
  - c. Proposed City right-of-way having an area of 0.840 ± acre.
3. For a Lot Line Revision, to create a public right-of-way, as follows:
  - a. Lot 114 as shown on Assessor Map 233 decreasing in area from .404 ± acres to 0.261 ± acre, with 116.54 feet of continuous frontage on Islington Street,
  - b. Proposed City right-of-way having an area of 0.143 ± acre.

The application also proposes to relocate and dedicate to the City as public rights-of-way two separate 60-foot rights-of-way across land owned by the Boston & Maine Railroad, which in conjunction with the above subdivision and lot line revisions will result in a new City street between Borthwick Avenue and Islington Street with a total length of 1,830 ± lf and a total right-of-way area of 2.642 ± acres. Said properties are located in the Office Research (OR) District which requires a minimum lot size of 3 acres and 300’ of continuous street frontage and Lot 114 as shown on Assessor Map 233 is in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100’ of continuous street frontage. (This application was postponed at the January 5, 2016 TAC meeting.)

C. The application of **HCA Realty, Inc., Owner**, for property located **off Borthwick Avenue**, and **Jackson Gray Condominium Association**, for property located at **330 Borthwick Avenue**, requesting Site Plan Approval for the reconfiguration of an existing parking area and construction of a roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 234 as Lot 7-4-A and Assessor Map 240 as Lot 2-2 and lie within the Office Research (OR) District. (This application was postponed at the January 5, 2016 TAC meeting.)

The Chair read the two notices into the record together, and indicated they would be voted on separately.

**SPEAKING TO THE APPLICATION:**

Attorney Sharon Somers, with the firm of Donahue, Tucker & Ciandella was present to represent the applicant. Also present were Jason Plourd, and Patrick Crimmins of Tighe & Bond, and Neil, who was handing out revised plans.

Ms. Somers said they wanted to accomplish three goals at the TAC: (1) provide the TAC with requested materials; (2) talk about any outstanding issues that remained from the January TAC meeting; and (3) seek approval from the TAC so that they can proceed onto the Planning Board.

She said the TAC had requested a traffic study, a study of easements and a bridge rendering. They have completed the traffic study and believed that issue was resolved. She said that the easement study was still in the works, but did not believe that status would impede the application from moving from the TAC onto the Planning Board. Regarding the bridge renderings that were submitted as part of the January 19<sup>th</sup> packet.

Any other outstanding issues that remained from the January TAC meeting mostly had to do with the sewer, she said, and Mr. Crimmins had worked with City staff to address those issues, and he would be addressing that during his presentation. She said that they had completed the roadway design modifications. Lastly, she asked that after the presentation from Mr. Crimmins regarding the sewer issues, that the TAC make a favorable recommendation so they could move forward to the Planning Board.

Patrick Crimmins with Tighe & Bond said that the plans handed out were regarding the sewer issues that they had addressed by working with the Department of Public Works. The issues were largely regarding the roadway layout, drainage and the sewer.

The roadway layout and design details were also handed out at the meeting. This latest set of plans incorporated the comments they had received from the City regarding the multi-use path and crosswalks. He said they have provided striping and signage and have revised the intersection design along Borthwick Avenue. They have worked through the major issues presented by City staff and this plan provided the detail of that.

On the southern side of the bridge, Mr. Crimmins said they have come up with an alternative drainage design that provided separate public storm water storage and treatment. He added that they would require Alteration of Terrain approval, and that upon approval from the TAC, they would be submitting an Alteration of Terrain application to NHDES.

Mr. Crimmins said there were two parts regarding the sewer issues. The first was regarding the existing sewer main. He said they coordinated with DPW to resolve the issues and would provide a new sewer pipe under the road. They would also provide an empty sleeve so that would be available for the City to use if they needed it in the future. Secondly, regarding the gravity sewer design, the City had expressed concerns about the shallow ledge within the vicinity of the retaining wall. In

working with DPW, Mr. Crimmins said they came up with a public pump station and it would be gravity fed from future developments. They would also provide a manhole at the intersection of Islington Street and the proposed roadway. He described the details of the flow. He stated that they would continue to work with DPW for future planning. He referred to Note 29 on the Plan that stated "The final design should be reviewed and approved by DPW and by NHDES prior to the execution of a Site Review Agreement."

Mr. Roediger asked about power source for the generator. Mr. Crimmins said they would work with DPW on that.

Mr. Desfosses asked why they showed a crosswalk at the intersection of Borthwick Avenue and the new road. Ms. Walker said it was to accommodate a future connection there. Also, people would be coming off of the multi-use path, but she said they could add that in in the future if the corner lot were to be developed, but at a minimum, they should accommodate the bicycles coming down that way, since there was no sidewalk further down.

Mr. Desfosses said they may want to put crosswalks where the Jackson Gray and hospital intersection was since there was a lot of activity in that area.

Mr. Desfosses said the drainage shown regarding the Jackson Gray parking lot on the left side of the building should be upgraded. He also said the Jackson Gray plans needed to show an easement on the Existing Features Plans.

Mr. Desfosses commented about drainage coming off the new road, at the same intersection, Borthwick Avenue and the new road, which showed a proposed 15 inch closed drainage connection that would tie into the culvert and would go across the Jackson Gray driveway. This was on Sheet C-5A. He asked that they align that so they all line up and maybe extending the culvert. He suggested they look at the general drainage in that area and clean it up.

Mr. Desfosses suggested they move drain manholes to station 1200 to avoid back pitch flows.

Mr. Desfosses suggested they relocate the gate valve for the new water main back about 20 feet from where it was shown. In case the water main would need to be replaced, it would then be in a good spot.

Mr. Desfosses commented the Jackson Gray plan showed they were going to remove lights and asked if there would be a photometric plan. He asked if the lights would be reused or if they were past their life expectancy. He also suggested they look at the paving section that appeared very thin in the parking area to possibly beef that up.

Mr. Desfosses stated that the truncated domes should be shown as cast iron because that was what the City now uses.

Mr. Desfosses said they should use 60 inch deep light pole bases instead of 48 inch.

Mr. Desfosses said they should look at the other culvert too, the 24 inch RCP across the southern most driveway. He also suggested they look at that alignment and make sure the head walls were in good shape.

Mr. Desfosses said that near the new detention pond behind the Jackson Gray they were showing trees. He asked if they were going to over blast that, and if that was to accommodate the trees. Mr. Crimmins said yes. Mr. Desfosses asked if they were to provide at least four feet of soil there. Again, Mr. Crimmins said yes.

Mr. Britz asked for clarification on the location and if they would be providing four feet of soil on such a steep slope. He referred to Sheet C-3 of the Jackson Grey plan. Mr. Crimmins said they would look at the grading and at moving the trees around as well to get them out of the slope.

Ms. Walker requested they provide the mockups of the bridge, saying that they did not match the current site plans, and that for Planning Board review they would want to make sure they matched. Regarding the crosswalk location at the driveway to the hospital there should be a sidewalk connection to the Jackson Gray property as well. She said that the design of the multi-use path as it transitioned to Borthwick should be more of a fan versus a stub of a sidewalk. They also should have a bike crossing parallel to the crosswalk,

Mr. Eby said the R10-15A signs should only be used at signalized intersections and should not be used where they were shown.

Ms. Walker said she noticed the way the rail crossing was designed, the driveway entrance cannot be accessed from one side of the driveway, and this was shown on Sheet C-4B. She commented they should have the driveway access not be cut and blocked by the median. She said they prefer to move the driveway to the outside of the right of way and asked if they needed a full median there. They must provide access to the parking area.

Mr. Pezzullo said they had taken a preliminary look at the Islington Street corridor for a sewer line, and at the intersection of Islington Street and the proposed road, they were going to be a bit lower than the six feet that they indicated for that manhole. Potentially they could be down another 15 feet at that point, if they were to accommodate Islington Street by gravity sewer. He said they would have to look at that and the location of the pump station, and that the location may not be appropriate for that, because they would have a very deep sewer from that point down to the proposed location.

Mr. Roediger asked Mr. Eby at what level of traffic volume would they need road control in the way of a three-way stop or a traffic signal on Borthwick Avenue and / or Islington Street. Mr. Eby responded that on the traffic study there was no need determined for now, but if there was future development, they would need to analyze that.

Mr. Cracknell stated it would be good to see on the Site Plan what the extent was of the tall chain link fence. He asked what the length and height requirements were for that, and what code was driving those dimensions. He asked how could they minimize the fence, and to consider making it black instead of galvanized.

Chairman Taintor suggested maybe they could get rid of it all together, and Mr. Cracknell agreed that would be preferable.

Mr. Crimmins said the fence was related to the safety based on the bridge design and that it was his understanding that it may be required. However, as CMA got into this, if they were to get approval, they could sit with City staff and work through the bridge design details. He also clarified that it was only on the rendering right now, and not on the proposed roadway.

Mr. Cracknell reiterated that it would be better to have a lower profile.

Mr. Cracknell said in looking at the grading plan, that it might be difficult for big equipment to access the area for maintenance. He asked if the City was responsible for maintaining the area. Chairman Taintor answered that the City was responsible, and that the City would need easements to access the area. Chairman Taintor asked DPW about accessing the area. Mr. Pezzullo said the plans showed the contours and they can usually get the equipment down there. Chairman Taintor asked what type of equipment would be used for maintaining that, considering there were some right angled turns. Mr. Pezzullo said a backhoe would be used sometimes.

Mr. Desfosses said they could put an excavator in there as needed; to do yearly maintenance, they would put a brush hog side-mounted to a tractor, and every 5- 8 years they would do pond maintenance with an excavator.

Mr. Pezzullo said the applicant would need to follow up on providing easements to the City for the maintenance areas.

Chairman Taintor said easements would need to be shown on the Jackson Gray Plan, the Roadway Plan and the Subdivision Plan. He said they also needed to show easements for the storm water structures and for access for maintenance. Mr. Pezzullo said there might be some future easements potentially needed, depending on the construction of the wall for maintenance and access.

Chairman Taintor said since the bridge has not been designed yet, they would come back to TAC for further review in the future.

Chairman Taintor mentioned that peer review of the easements would need to be completed. Also the lot that was at the corner of Islington Street and the proposed road was 7,804 sf and would need to be shown as a non-buildable lot on the subdivision plan.

Chairman Taintor asked for clarification about where the road came out. He asked if the proposed right of way between the rail trail right of way and Islington Street went to the lot line for the abutting lot. Mr. Crimmins said yes, for Lot 114. Chairman Taintor asked if they were proposing a right of way that had no reserve strip. Mr. Crimmins said there was no reserve strip.

Ms. Walker asked if the existing house on the corner already had a permit for demolition. Mr. Crimmins responded that it did not.

Ms. Walker asked for clarification on the demolition process.

Mr. Desfosses asked about power and cable risers going up the pole on the side of Islington Street, and if that had been requested. Mr. Crimmins said not that he recalled. Mr. Desfosses said they need to determine where power was going to come from – whether that needed to be a special pole or if the one there was okay.

Chairman Taintor requested confirmation from Mr. Crimmins that they were not presenting alternative plans, but that the force sewer main was intended to replace the previous gravity main. Mr. Crimmins said that was correct.

**The Chair opened the public hearing and called for speakers.**

Ralph Dibernardo of 1374 Islington Street, said that the yellow house they had discussed was posted for public demolition. Regarding the process of the application, he suggested that all construction design features be complete before the street was opened for use, including lighting, bike paths, sidewalks, etc. He asked that the TAC consider future traffic, as this would be the new shortest route to the hospital, and he said that any traffic would come long before any development. He requested that construction of the road and any development be done from the Borthwick Avenue end so as to limit the construction from the residential end. Since the street would be heavily used prior to any development, he asked that they give consideration to signaling and turning lanes, and he said sidewalks would also be appreciated.

Mr. Dibernardo asked if the road could be relocated so as to not be coming out too close to an existing driveway. Chairman Taintor said that had been addressed.

Mr. Dibernardo asked if some of the property was still in Current Use, and if so, when would it come out of Current Use with respect to the development. He inquired as to where he would take that question. Chairman Taintor suggested the Assessor's Office.

Mr. Eby stated they have made assumptions based on the traffic study and have determined that the projected volumes of traffic are not at the point where a traffic signal or turning lane would be needed at this time. There would be further traffic analysis completed when development went forward.

Chairman Taintor said in the case of future development, the applicant would have to come back to the TAC for site plan review. The TAC would revisit all the same issues.

Mr. Dibernardo thanked the TAC for their work.

Ms. Summers said traffic issues have been adequately and thoroughly studied, she anticipated they would have further studies performed, and she said she did not believe there would be a need for Traffic & Safety to be involved at this time.

Paul Mannle of 1490 Islington Street mentioned that the demolition permit they had spoken about earlier, was for the old WBBX radio station building and not for the yellow house. Speaking about the application, Mr. Mannle asked the TAC not to recommend this application, saying that it violated the Master Plan in two sections. It would increase traffic on Islington Street. Without knowing what

would go in the subdivision, they would create permanent cut-throughs of Essex, Spinney and Aldrich. If this road was to be inevitable, he would ask the TAC to add stipulations that the property and the lots immediately get reappraised and reassessed at an Office Research designation with access roads. This would increase tax revenue.

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.

## **DISCUSSION AND DECISION OF THE COMMITTEE**

Ms. Walker said that since they did not have enough details regarding the bridge, a postponement of this application would be appropriate.

Chairman Taintor stated that the bridge design would have to come back to the TAC. He added there was uncertainty regarding the unknown areas along the edge for maintenance. So TAC would have to determine what it would mean to pass this on to the Planning Board without that information. One possibility could be a recommendation from the TAC for preliminary subdivision approval, and that final subdivision approval would require working out the final details.

The Chair reiterated there were two applications that the TAC needed to take action on. The first issue was the subdivision plan and the second issue would be the amendment to the Jackson Gray Site Plan.

Chairman Taintor said there were three possibilities. One was to postpone both applications completely. The second was to recommend to the Planning Board preliminary subdivision approval including any appropriate stipulations and conditions, and to postpone the Site Plan approval. The third was to recommend preliminary and final subdivision approval and the Site Plan amendment with a number of stipulations, with the understanding that a number of issues would have to come back to the TAC.

Ms. Walker voiced concern about getting bridge details at a later date. She did not see the benefit of splitting the issues into separate discussions, and stated it would be preferable to consider them together.

Ms. Walker made a motion to postpone both applications, and Mr. Desfosses seconded the motion.

Ms. Walker said they needed the bridge details, the design of the exterior and the fence. She voiced the importance of providing lighting on the road, even though it was not needed now, but to at least provide connections for the future.

Mr. Pezzullo said he was concerned about the pump station as shown. The City Engineer has not had a chance to review this. That location may not be appropriate given the depth, and that would be an additional length of sewer that would be very deep, and that would not be desirable. The area needed for a pump station regarding security would need to be looked at a little more. Without further review, it was not feasible to move this along right now. He would need further discussions along with the



applicant. Sewer Force Main and Pump Station Details should be added to the stipulations list, along with the bridge design details, he said.

Chairman Taintor asked DPW if his comments about the process of the bridge design coming back to the TAC were accurate.

Mr. Desfosses said he was not sure as the bridge design as a structure would be more of an engineering task.

Chairman Taintor asked if DPW's concerns about maintenance and access of the bridge had been addressed completely at this time.

Mr. Desfosses would like to look at the access and maintenance details again, however, requesting a complete bridge design would not be warranted at this time.

Mr. Desfosses said they would need to contact utilities to determine if providing service to the road would impact other city streets. Sometimes they hear requirements for new poles or new gas lines after the fact, and they might not be included in the plan sets in advance. Since this was going to be a main connector for utilities as well, that would need to be looked at closely. He said they would need to set up a meeting with the utility companies to make sure limitations and impacts were understood. He suggested they look at turning lanes.

Chairman Taintor asked if it should go to the Parking and Traffic Safety Committee.

Ms. Walker said since it was a new road it would make sense to go to Parking and Traffic Safety, and she was happy to add that to the motion.

Mr. Roediger said that the suggestion that "construction of the road and any development construction be accessed from the Borthwick Avenue end to the maximum extent possible", be captured on the Construction Management Plan for the entire project.

Mr. Desfosses said he would like to give Mr. Crimmins direction on the pump station. Typically the pump station would need to be on public land, so there would need to be a parcel for that. Also, DPW would require a driveway so the City could do maintenance. He said they would need to discuss this with the city engineer.

Chairman Taintor asked if the pump station could be on an easement. Mr. Desfosses said it was typically on a City-owned parcel. Chairman Taintor asked if a right of way could be extended out to include a pump station. Mr. Desfosses said possibly, but that might be a question for the City attorney.

**The motion to postpone Preliminary and Final Subdivision approval until the March 1, 2016 TAC meeting passed unanimously.**

Chairman Taintor requested a motion on the Site Plan Amendment for the Jackson Gray property.

Mr. Desfosses made a motion to postpone the application, as there were a lot of comments he would like them to address. Ms. Walker seconded the motion.

**The motion to postpone Site Plan approval until the March 1, 2016 TAC meeting passed unanimously.**

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D. The application of **New England Glory, LLC, Owner**, for property located at **525 Maplewood Avenue**, requesting a variance from the Board of Adjustment to create two lots where one currently exists. This matter was referred to the Technical Advisory Committee by the Board of Adjustment at their September 15, 2015 meeting for a recommendation on the variance request based on the number and location of dwelling units proposed for each lot, a plan for access and circulation proposed for both lots, and a rendering of the proposed building. Said property was shown on Assessor map 209 as Lot 85 and lies within the General Residence A (GRA) District. (This application was postponed at the January 5, 2016 TAC meeting.)

The Chair read the notice into record.

Chairman Taintor said this was unusual for the TAC as it was a referral from the Board of Adjustment for the three items as listed. He said they were not looking at site plan issues at this point. If this variance were to be granted by the Zoning Board, then a subdivision plan and site plans for two separate lots would come back to the TAC. They did not have to look at utilities at this point.

**SPEAKING TO THE APPLICATION:**

Eric Weinrieb with Altus engineering spoke on behalf of New England Glory, LLC, and Gary and Cindy Dodds. Also present was Attorney Bernard Pelech.

He said they were seeking to get input on the design layout. The application was heard at the BOA on September 15<sup>th</sup>, and they presented at the TAC in November. They were proposing four units in the new building with frontage on Maplewood Avenue and access. There were six units in the existing mansion and another four units in the existing carriage house. He said they were providing additional clarification on the site access and circulation. Any changes to the mansion or carriage house would be covered under a separate site plan review application.

They were proposing a new driveway west of the existing retaining wall, which was displayed on the detailed site plan slide. They provided information on how to get utilities to the lot. The Cutts Mansion, he stated, was on a utilities easement corridor for gas, telecommunications, sewer and water. He said there would be a need for an easement that went across the Cutts Mansion property. He displayed a detailed plan that included a driveway up to the site and a set of steps leading from parking level to the back of the site. He displayed plans of the interior layout of the building shown and elevations. He said they worked hard to address previous TAC comments, including the elevations blending into the site, and addressing how to get people from the driveway to the building

Mr. Cracknell commented that the retaining walls created an area of big exposure, and he suggested that the applicant take another try at this to achieve a more minimalist approach to the retaining wall.

He suggested they use a more natural stone material, and to be more sensitive to how that wall would read from Maplewood Avenue. The retaining wall along the front of the house needed another finish, and he recommended a fieldstone face.

Mr. Weinrieb said they might terrace the area.

Chairman Taintor said their elevations should show the walls they would be creating, as well as the structure. He said they were showing a house on a flat piece of land, but they should show the vertical elements.

Chairman Taintor said what was being presented to the TAC, was what was to be presented to the Zoning Board. This would become part of the record and cannot change unless they went back to the Zoning Board. That would be part of what the TAC would recommend. It needed to be clear that what they were presenting was what they were proposing to do, and not just one way of implementing the design.

Mr. Weinrieb said that would take control away from the TAC and the Planning Board. Chairman Taintor said this was an unusual situation, and the Zoning board asked the TAC to comment on the elevation.

Ms. Walker commented that she was not sure they would be held to those elevations.

Chairman Taintor said things presented to the Zoning Board essentially were the record.

Attorney Pelech said with the TAC's approval, they would go to the Zoning Board, and if Zoning did not accept the eight foot wall, they could recommend an alternate such as terracing, and they would have to come back to the TAC anyway for the Site Plan Review.

Mr. Cracknell said he had suggestions, and that what had been presented on the retaining walls needed improvement. On the positive side, when he looked at the proposed building and elevation, he said he appreciated the efforts to embrace a traditional building design. On the negative side, it was almost 100 feet of building mass, with a flat façade. He said it began to resemble a 1970's garden apartment style building. He felt they have lost a bit of elegance and charm of what they were trying to build. He would suggest they consider having some design changes that did not impact the number of units, because it would be more consistent and respectful to the property. He also had some egress issues, and that they needed two means of egress from each unit and he did not see that on the plans. He did not see a way to get off of the deck. He had some basic sketches out of a pattern book that he presented to Mr. Weinrieb.

Ms. Walker asked where the access to property across the street was. Mr. Weinrieb said all the access was off the ramp.

Mr. Britz asked about drainage.

Mr. Weinrieb said there was no curb at this point, and he was hoping to do storm water management.

Mr. Britz emphasized that none of the runoff should go into the street, and Mr. Weinrieb confirmed that it would not.

Chairman Taintor asked about ADA requirements for both proposed properties in terms of access from the street to the buildings and in terms of parking spaces. Mr. Weinrieb said there were no ADA requirements on it since there were only four units. Chairman Taintor asked for confirmation that there was no requirement to get up the driveway, and he asked about requirements for the other lot. Mr. Weinrieb confirmed that was correct regarding the driveway, and said they would get information regarding the, other lot. They were providing one ADA parking space, Space No. 10, but he did not know if the spaces were ADA accessible.

Chairman Taintor commented on circulation, saying it appeared on the plan there are areas designated as LCA-1 – LCA-4 that he recalled were created as part of a condominium plan. He asked for clarification that they wanted to eliminate those common areas and move them to parking spaces numbered 11-16. Mr. Weinrieb answered yes, they would move them west so that they can be accessed, because the aisle was not large enough to get a vehicle into the spaces, which were appropriately sized. Chairman Taintor asked if they would be keeping a 24 foot space there so that when they backed out of space 16, they would have enough space to get a car out. Mr. Weinrieb answered it would depend on the size of the vehicle.

Chairman Taintor asked if they were creating an 18 foot aisle between parking Space 1 and the proposed edge of the widened pavement, and Mr. Weinrieb confirmed that was correct. Chairman Taintor asked if that would need a variance, for having less than a 24 foot aisle, referring to Sheet C1. Ms. Walker said if it was considered to be a maneuvering aisle, then it would need to be 24 feet. Mr. Weinrieb said they were improving an existing condition, as it was less than that now. Chairman Taintor asked if the TAC can approve a site plan that did not meet zoning. Attorney Pelech said that they would need to come back for Site Plan approval.

Chairman Taintor said that according to the legal notice, “A plan for access and circulation proposed for both lots”, was what was referred to the TAC. Attorney Pelech said they never appeared before the ZBA regarding the other lot. Chairman Taintor said they would have to be, because they were making it more non-conforming regarding the density, and they would be asking for a variance. Attorney Pelech said that the number of units would remain the same. Chairman Taintor felt the purpose of the variance request was to get more units on a smaller lot, and he added that was why the application was referred to the TAC.

Ms. Walker said both of the lots had non-conforming situations, the request was access and circulation for both lots, and that it was fine for the TAC to raise concerns and refer it to the Zoning Board. Chairman Taintor said then the TAC would recommend that the Zoning Board grant a variance for the circulation.

Attorney Pelech said they applied for one variance to create a lot by subdivision which would have 3,755 s.f. of lot area per dwelling unit.

Chairman Taintor said that was the Cutts Mansion lot, not the new lot, and that it was the Cutts Mansion lot that they were asking for a variance for, as the new lot already conformed. He said they

needed to focus on the Cutts Mansion lot, the remnant lot that would be created after they created the new lot. He said that the way he had read it was that the TAC would be looking at access and circulation for both lots. Ms. Walker agreed with that.

Mr. Weinrieb said they were reducing the impact on an area that currently existed. Mr. Cracknell said when any changes were made to an existing non-conforming situation like parking, BOA approval would be needed on that, which could be in the form of a variance.

Ms. Walker said the second lot also needed a special exception for four units. That may have been a change to the zoning that they possibly did not catch.

Mr. Cracknell said he would encourage them to consider improving the parking situation further than they have. They currently had an 18 foot driveway from Stall No 1, over the Parking Space No. 11 and to perhaps make that a little wider.

Mr. Weinrieb said they considered that, but with the small amount of traffic and only a few spaces, they determined it would be very rare to have conflict there, and he said if there was a conflict, that they would all be neighbors, and they would wait. They thought that to add the extra six feet of pavement did not make good environmental sense.

Chairman Taintor said the Ordinance stated they would need to bring their parking into compliance when doing alterations or expansions and so they would need a variance.

Mr. Eby asked if the parking spaces were assigned to the residents. Mr. Weinrieb answered yes.

Mr. Cracknell said they would need to assume it was a driveway aisle in the absence of a minimum standard, even if they felt it was inappropriate in that location, and he did not recall the TAC differentiating driveways from driveway aisles.

Mr. Weinrieb said they originally came in with a 24 foot wide driveway to service the four units and the TAC said that was too wide, so that was no different from servicing the area up above. Mr. Cracknell said there would need to be authorization for that.

Chairman Taintor said the TAC needed to make a recommendation regarding access and circulation, and they would need to recommend that a variance be granted by Zoning. Otherwise, when the Applicant came back for Site Plan Review, the TAC would have to deny the application because of not having the variance. He said that it was only fair to the Applicant that the TAC should point out what potential problems could arise if that were to happen.

Mr. Cracknell suggested that the TAC recommend that both be 18 feet. Mr. Desfosses said it would have to be 20 feet, because it accessed a City street and vehicles would be coming in to it faster, and since it also was in proximity to a guard rail, 18 feet was not a good idea.

Chairman Taintor asked about the snow storage areas, and presumed cars would not be parked there at that time, that the cars would leave, so that the snow could be cleared.

Mr. Weinrieb said plowing may happen at night and plows could come back to clean up later in the day after people left for work.

Ms. Walker asked if the TAC had concerns about the site lines. Mr. Eby said the sight lines were adequate.

Mr. Britz asked where cleared snow would go. Mr. Weinrieb answered that it would be along the edges of the driveway.

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 discussion.

### **DISCUSSION AND DECISION OF THE COMMITTEE**

Mr. Cracknell made a motion to recommend the submitted plan with stipulations back to the Board of Adjustment. Mr. Desfosses seconded the motion.

Chairman Taintor stated they would conversationally break this down into three requested items, and they would come back to discussing the number and location of dwelling units.

Regarding the access and circulation for both lots, Mr. Cracknell suggested that any stipulations associated with the prior Site Plan carry forward with this project, with the exception of the parking.

Chairman Taintor said no, they would come back to that with the Site Plan approval, but to maybe highlight that there were other issues from the prior site plan approval that should be mentioned, especially with respect to the safety of the bridge.

Mr. Desfosses said the bridge issue should be part of this motion.

Mr. Roediger said there was a letter on file from JSA that gave a structural rating, and that it would probably be beneficial to have that included as part of this overall package so that plan was memorialized.

Mr. Roediger was handed a letter, dated January 24, 2012, at the meeting that was based on the bridge review done in 2012 by JSA and read portions. It mentioned that the bridge was not capable of holding heavy truck loads, and it talked about some upgrades that were felt to be fairly easy to do to bring the bridge into compliance. If there was a question of circulation, this would be an impediment to circulation for truck access, he said.

Cindy Dodds, the co-applicant said they wanted that fixed as well and they had Novel Ironworks and the contractor set for the springtime to fix that area. She said they had the plans on file from JSA and the contractors lined up and it was their intent to have that fixed before they do anything else on any part of that property.

With respect to the rendering, Mr. Cracknell recommend that the rear retaining wall be terraced if possible, and if not possible, that a Shea block wall with a rusticated stone look be used, rather than

just a concrete wall. He recommended the front retaining wall be faced with a natural stone. He added that the elevations shown of the façade be revised to reflect the massing and scale as more of a fore court building rather than the flat face as proposed on the elevation submitted.

Chairman Taintor asked about the parking spaces

Mr. Cracknell said that the ground floor they acknowledge would be used for subsurface parking and that there would be four units in the building in approximately a 50 x 80 footprint as shown. Obviously the deck was excluded, and if added he didn't have a problem if they can resolve the façade issues of the 78 foot long completely flat surface.

Mr. Desfosses asked if it would be better if all the stone walls on the property matched. He said there were already substantial walls on the property.

Mr. Cracknell agreed and suggested a natural stone veneer wall on that 8 foot concrete wall, but they would have to pour back there. All stone walls would be more appropriate if they were all the same, and he would amend it to reflect that.

Regarding the number and location of units, Mr. Cracknell recommended they support the overall density of the project.

Ms. Walker said that this was not originally before the BOA for a Special Exception for those four units. So, obviously there were other criteria that the Board needed to consider when they were reviewing it for special exception criteria, but the TAC was asked to review this for the parking and access and circulation.

Chairman Taintor said he would need to craft a letter to the ZBA, so that if this was an affirmative vote, it would specify that the TAC would be supporting the number and location of dwelling units, recognizing the caveat that they did not look at the Special Exception criteria.

**The TAC voted unanimously to report as follows:**

- (1) Number and location of dwelling units proposed for each lot: TAC does not have an objection to the number and location of dwelling units as presented, with the caveat that the Committee did not look at the criteria for the special exception that is now required for construction of 4 dwelling units on a lot (per an amendment to the Zoning Ordinance adopted by the City Council on November 17, 2014).
- (2) Access and circulation for both lots: TAC recommends the access plan as presented, including any additional variances for driveway and access widths and any further variances that may be needed to achieve that plan. This recommendation incorporates the JSA report dated 1/24/2012 regarding the structure of the bridge and improvements that are required prior to the addition of any dwelling units and the implementation of this project.
- (3) Rendering of the proposed building: TAC recommends as follows:

- (a) The building façade should be revised to a forecourt design to break up the massing of the structure;
- (b) The rear retaining wall should be terraced if possible and should be faced with stone to match the design of the walls at the Cutts Mansion; and
- (c) The front retaining wall should be faced with natural stone.

Please note the following:

- (1) The TAC recommendations are based on the plan set submitted to the Planning Department on January 13, 2016, with a last revision date of 01/15/16.
- (2) The TAC review was limited to the three issues referred to it by the Zoning Board of Adjustment.
- (3) If the requested variance and special exception are granted, the applicant will need to apply to the Planning Board for subdivision approval to create the new building lot, and for site plan approval for both lots. This report to the ZBA should not be construed as preliminary approval of either application, as additional issues will be considered at that time.

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## **II. NEW BUSINESS**

A. The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Site Plan Approval for the partial demolition of two existing retail buildings, the construction of a proposed 4-story, 94-unit residential building with a footprint of 28,700 ± s.f. and gross floor area of 112,550 ± s.f., the construction of a 1-story 2,000 ± s.f. restaurant and a 1-story 5,920 ± s.f. retail building, and reconfiguration of the existing parking area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway (G) District.

The Chair read the notice into record.

### **SPEAKING TO THE APPLICATION:**

Patrick Crimmins of Tighe and Bond was present to speak and stated that Dave Snell from PCA, the architect, Steve Parnar, the Traffic Engineer for the project and Doug Richardson from Waterstone Retail were also present.

Mr. Crimmins stated they were seeking recommendation for approval to the Planning Board for the next phase of Southgate Plaza. The latest phase of the project would be developed under the Gateway Planned Development Flexible Overlay District. He displayed a view of the existing condition of the Plaza. They were proposing a four-story, 94 unit residential apartment building in the back corner of the site along Constitutional Avenue. In August they had a TAC work session and based on comments received then, they made modifications to the plan. He showed that the parking would now be in the



rear of the building, and that there would be a portion of a building that would be demolished to allow for assigned residential parking.

They were also proposing a 6,000 s.f. commercial pad and a 2,000 s.f. restaurant pad near the main entry to the site adjacent to a proposed open space area that would be a turf surface for the plaza to host events. The plan included 751 parking spaces, even though 615 was required as a minimum, and 144 parking spaces would be designated for the residential area. There were other small parking areas throughout the site, and they would be seeking a waiver from the Planning Board for a parking buffer.

Mr. Crimmins said that a portion of an existing retail building would be torn down. Site improvements would include drainage. They had an approved Alteration of Terrain permit that they would need to amend. They would need new utility services and a new booster pump system. They have coordinated in the past with the DPW and the Fire Department when Petco was being set up, but the current fire suppression flow was not adequate for the proposed site, so they would set up a booster pump system, which would now be housed in the building.

He said they would use dark sky friendly lighting fixtures for the parking areas, there was a photometric plan they had submitted, and they would also be including landscaping. He reiterated they were constructing this under the Gateway Planned Development. They have provided connections for pedestrians throughout the plaza, and would widen existing sidewalks to eight feet. They would provide a new sidewalk along Constitution Avenue, which would include a bus shelter. They were providing 114 bicycle facilities throughout the site and storage units up along Big Lots which would be an amenity for the apartment buildings. There would be 30 bicycle storage spaces distributed throughout the site.

He said there were currently four driveways for the site. They were proposing to maintain four for the site, but they were proposing to relocate one, which would result in an improvement on site distance from Water Country. They were proposing to relocate Big Lots loading to the back of the building. He said most trucks would be box trucks dealing with the restaurants and retail, and access for the bigger trucks for Big Lots was shown on the plan as well, and they would have available property they owned for which Water Country had an easement. To address storm water, they would be tying into existing system pads, and they would relocate some of those too.

For the building they would displace a large rain garden, and to do so, they would be putting that infiltration underground, putting an infiltration unit in the parking area, and they would seek amended Alteration of Terrain permit approval because they were changing that Best Management Practice.

For utilities they would tap into existing services for the residential and commercial buildings, but the sewer main that ran along the drive for the cinema and Big Lots would need to be relocated to the Water Country Drive and be tied into the sewer in the street.

He showed the landscaping design areas and said that Mr. Snell would present the building design features.

David Snell, the project Architect, said they reduced the building from a six story to a four story building height and reduced the unit count. There was no longer parking under the building. He said

there were units on the ground floor with walk out terraces, and he pointed out the amenity space on the displayed plan. They attempted to provide a nice pedestrian experience, and a nice place to live. He showed some aerial views and renderings, showing the parking and how the residents could walk to the retail center. He also showed views from grade. The glassy area on the ground floor was the amenity space. The inspiration for the materials was taken from the white birch tree, were very durable and were low maintenance. Some of the units had balconies. There was a storage component, and there was a need to screen the side of Big Lots and to provide bicycle storage, so they came up with a solution of retrofitting storage containers to meet those needs. There would be individual storage units within, and they provided a nice aesthetic from the exterior. The building was going to be LEED certifiable, and they were able to get to the thresholds with relative ease. The buildings would have a very tight envelope, low flow fixtures for water; native landscape plants, and efficient air conditioning. He said it would be a very sustainable building project.

Chairman Taintor said they had reached the end of the working day and suggested they reconvene on Tuesday, February 9<sup>th</sup> at 2:00.

Mr. Roediger wanted to make sure there was an understating that the pump system for the plaza and this project were separate and distinct items now that the pump was to be part of the building. He said there was a July 1<sup>st</sup> date for the pump to be in the building, but he was not sure of the timeframe for this. He wanted it to be very clear that the two items were on two different time schedules, even though they were part of the same building.

Chairman Taintor said site plan regulations required the TAC to refer projects that had dwelling units to the School Department; so he requested they provide a schedule of units by size, number of bedrooms and estimates of school enrollment generation, and that they do that as quickly as possible.

Mr. Desfosses said he thought it was a bad idea to close off the heading of the parking lot. He emphasized that it was a horrible idea to force all the traffic in front of the retail areas, and he strongly stated that he did not support that approach.

Mr. Desfosses added that in hearing from the Water Department, that if the residential portion went through, the City would require they replace a water main on Constitution Avenue and upsize it to support the pump system that would need to go in, and that would have to be a 12 inch main from the water tank to the back driveway of Water Country.

He did not like a dead end behind the residential building and said it would create chaos, it would always be full, and there would not be a way to get out of there.

He said trash was not shown anywhere near the residential building, so they would need to identify that. The City did not currently maintain sidewalks anywhere near that area, so they would need to identify who would be maintaining that sidewalk, and that he said it would not be the City of Portsmouth at this point in time, as this was very far away from their current routes. Those were the major concerns he had.

Ms. Walker said they should have a future conversation about the sidewalk maintenance.

Mr. Pezzullo said there were a couple of other dead ends that would cause traffic flow issues.

Ms. Snell said the residential parking spaces were assigned and that would help alleviate problems with traffic flows into those dead-ends.

Mr. Britz made a motion to postpone this hearing to a special reconvened meeting on Tuesday, February 9, 2016 at 2:00 pm. Mr. Desfosses seconded the motion.

The motion to **postpone** this hearing to a special reconvened TAC meeting on Tuesday, February 9, 2016 at 2:00 pm passed unanimously.

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B. The application of **Scott Mitchell, Owner**, for property located at **2839 Lafayette Road and abutting vacant lot**, requesting Site Plan Approval for the demolition of two existing buildings and the construction of a proposed 70' x 46' bank building with drive-thru, with a footprint of 3,038 ± s.f. and gross floor area of 3,838 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 286 as Lots 178 & 19 and lie within the Gateway (G) District.

Mr. Britz made a motion to postpone this hearing to a special reconvened meeting on Tuesday, February 9, 2016 at 2:00 pm. Mr. Desfosses seconded the motion.

The motion to **postpone** this hearing to a special reconvened TAC meeting on Tuesday, February 9, 2016 at 2:00 pm passed unanimously.

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**III. ADJOURNMENT**

The motion to adjourn was had at 4:35 p.m.

Respectfully submitted,

Marian Steimke  
Acting Secretary for the Technical Advisory Committee