

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

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

2:00 PM

October 5, 2021

MINUTES

MEMBERS PRESENT: Peter Britz, Interim Planning Director, Environmental Planner; Peter Stith, Chairperson, Principle Planner; David Desfosses, Construction Technician Supervisor; Patrick Howe, Deputy Fire Chief; Darrin Sargent, Police Captain; Nicholas Cracknell, Principal Planner; Stefanie Casella, Planner 1; Zachary Cronin, Assistant City Engineer

MEMBERS ABSENT:

**ADDITIONAL
STAFF PRESENT:**

I. APPROVAL OF MINUTES

- A.** Approval of minutes from the September 7, 2021 Site Plan Review Technical Advisory Committee Meeting.

Mr. Britz moved to approve the minutes from the September 7, 2021, Site Plan Review Technical Advisory Committee Meeting, seconded by Mr. Cracknell. The motion passed unanimously.

II. OLD BUSINESS

- A. REQUEST TO POSTPONE** The application of **Banfield Realty, LLC, (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. (LU-20-259)

REQUEST TO POSTPONE

DISCUSSION AND DECISION OF THE BOARD

Chairman Peter Stith noted that this would be carried over to the November 2, 2021 Technical Advisory Meeting.

- B. REQUEST TO POSTPONE** The application of **Monarch Village, LLC (Applicant)**, on behalf of **Neveesha Hospitality, LLC (Owner)** for property located at **3548 Lafayette Road** requesting Site Plan Review and a Conditional Use Permit as permitted under 10.5B41.10 of the Zoning Ordinance to allow for the demolition of 6 structures; the redevelopment of 6 existing structures to create 6 units in building 8, 15 units in building 2, 5 units in building 4, 2 units in building 5, 9 units in building 7; the construction of 4 new structures to create 12 units in building 3 with a 4,303 square foot footprint, 24 units in building 6 with a 7,048 square foot footprint, a 250 square foot storage structure and an 825 square foot storage structure; creating a total of seventy-five (75) residential units with 123 parking spaces where 113 spaces are required. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Corridor (G1) District. (LU-21-90)
REQUEST TO POSTPONE

DISCUSSION AND DECISION OF THE BOARD

Chairman Peter Stith noted that this would be carried over to the November 2, 2021 Technical Advisory Meeting.

- C. REQUEST TO POSTPONE** The request of **The Sagamore Group, LLC, (Owner)** for properties located at **1169 Sagamore Avenue and 1171 Sagamore Avenue** requesting Site Plan Review approval for the demolition of 3 existing principal structures (3 single family units) and 3 existing accessory structures to be replaced with 6 single family structures and 2 2 family structures to total 10 living units and 22 parking spaces where 15 is required. Said properties are shown on Assessor Map 224 Lot 14 and Assessor Map 224 Lot 15 and lie within the Mixed Residential Office (MRO) District. (LU-21-167)
REQUEST TO POSTPONE

DISCUSSION AND DECISION OF THE BOARD

Chairman Peter Stith noted that this would be carried over to the November 2, 2021 Technical Advisory Meeting.

III. NEW BUSINESS

- A) The request of **Dagny Taggart, LLC, (Owner)**, for property located at **93 Pleasant Street** requesting a Conditional Use Permit as permitted by section 10.1112.62 of the Zoning Ordinance and according to the requirements of Section 10.1112.14 to allow 18 off-street parking spaces where 29 are required. Said property is shown on Assessor Map

107 Lot 74 and lies within the Historic, Downtown Overlay, and CD4 Districts. (LU-21-183)

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering, Mark McNabb, Tracy Kozak from JSA Architects, Terrence Parker from Terra Firma Designs, and Rebecca Brown from GPI spoke to the applications. Mr. Chagnon commented that the site was on the corner of State St, Pleasant St., and Court St. The parking lot behind the building is accessed by a steep drive off Court St. the proposal is to construct a 2-story addition to the rear of the mansion. There will be 41 studio and 11 one bed units. The proposed addition is in compliance with zoning requirements. The demolition plans show the removal of 2 small previous additions. The proposal is to maintain the existing wall along the Court St. frontage as much as possible. A new break will allow access to a lower-level parking area. The landscape plan shows the lower entrance will be connected to a walkway that will lead to a courtyard on the left side. The parking level will be accessed by a ramp and will have 18 parking spots. The utilities will connect off of Court St. They are working with Eversource and proposing a transformer on the southwest corner of the existing mansion. There is a green building statement in the plan as well as information about the bike racks. There is a report on the parking for the CUP request.

TAC Comments:

- The trench drain in the parking garage is not to be connected to public sewer or drainage in street.
- Bike racks as depicted will leave bikes partially in the travel lane. Need to move or show dimensions showing they will not impede parking areas or travel way.
 - Mr. Chagnon responded that they showed 2 bike racks at the courtyard entrance to the right of the southeast corner of the mansion. They can be relocated away from the sidewalk to satisfy the concern. Mr. Desfosses questioned where the bike racks were inside the building. Mr. Chagnon responded that they were against the wall.
- Provide calculations showing 8” sewer service is necessary.
 - Mr. Chagnon responded that they would provide that.
- Show correct sewer main size on Court Street, it is 8”.
 - Mr. Chagnon responded that would be updated.
- Show connection to storm water system and provide detail of treatment. Provide details on where roof storm water drainage is to be routed.
 - Mr. Chagnon responded that they would submit that.
- Provide estimated maximum water usage (gpm) for domestic water service size.
 - Mr. Chagnon responded that would be provided.
- Conduits from transformer to pole 4/13 will not typically be installed as drawn with arcing conduits. Consult with Eversource on proper conduit placement as this will require a license from the City Council so it is important to depict it properly.
 - Mr. Chagnon responded that they would coordinate with Eversource.

- The existing water main is extremely shallow (2'-2.5' down because of the concerns at the time relative to toppling the wall due to rock removal). So the electrical conduit will need to be installed under the water main with caution. Notify City when work is taking place for inspections
 - Mr. Chagnon responded that note would be added.
- Provide detail on drop cleanout connecting to SMH 5367.
 - Mr. Chagnon confirmed that would be updated.
- Correct detail C.
 - Mr. Chagnon confirmed that would be adjusted.
- Include note to sweep street daily during excavation phase of building.
 - Mr. Chagnon confirmed they would add a note.
- Correct detail E. 42" of cover on a gas service is not Unitil standard. (18-24" is typical)
 - Mr. Chagnon confirmed that would be updated.
- Correct detail G, the binder pavement should be thicker.
 - Mr. Chagnon responded that they went 2 and 2. Mr. Desfosses noted that was very uncommon. Mr. Chagnon questioned if 2.5 and 1.5 would work. Mr. Desfosses confirmed that it would.
- Mill and repave Court Street to City Standards in front of the entire project length.
 - Mr. Chagnon confirmed that a note would be added.
- Consider a different transformer location
 - Mr. Chagnon responded that they were working with Eversource on the location. Mr. McNabb commented that this is the best fit for the transformer because no one wanted it on Pleasant St. and it fits the setbacks. Mr. Cracknell noted that it would be important to have a good screening plan for that.
- Addition of an Audible Pedestrian Signal
 - Mr. Chagnon responded that the plan would be updated.
- CMMP required for project
 - Mr. Chagnon confirmed that a note would be added.

Mr. Desfosses commented that TEC is doing the traffic review and they requested the sight distance for cars coming out of the garage over the wall. Ms. Brown responded that they do have an exhibit in the traffic study in the appendix section. The top figure shows the site distance coming out of the driveway looking in either direction. To the left the sightlines are at least the 156 feet required. The wall will be cut down to 24 inches in that area to meet sight line requirements. To the right there is only 75 feet coming out of the drive. There is adequate sight lines looking to the left. Cars can look left first then inch out 3 feet into the road and to adequately look to the right. Stopping sight distances along the road are adequate in both directions. Cars can see the driveway from either intersection on each side.

Mr. Desfosses commented that the sightline to the left was looking across private property. Ms. Brown agreed that it went slightly onto the private property. They can show what it would be at the edge of the property line. The wall will be cut back so there is visibility over the property.

Ms. Brown commented that this building was is in the downtown overlay district. Parking is not required for office use, but it is required for residential. There is adequate parking available for office use in the area. The residential component requires .5 spaces per unit for residential units under 500 sf and 1 space per unit that is between 500 and 750 sf. This building will have 48 units that are less than 500 sf and 4 units that are less than 750 sf. That would total to 28 spaces required to meet the ordinance. They are required to provide 1 parking space per every 5-dwelling units for visitor parking as well. That would add 11 visitor parking spaces. That brings the total to 39 spaces. Because the building is located downtown there is a reduction of 4 parking spaces allowed by zoning. That brings the total to 35 parking spaces. Because it is located downtown with street parking and garages, they are requesting to not provide the 11 visitor spaces. That would bring the total down to 24 spaces. The plan is to provide 30 bike and scooter spaces in the garage. These units will be marketed to people who want to live downtown. Many prefer to not have vehicle. They are asking for a 25% reduction in parking. Everyone has space for a bike. If granted that would reduce another 4 spaces so the total would be 18 spaces. Ms. Brown consulted ITE parking information to assess the parking demand. Similar residential units located in a dense urban multi use settings had a peak parking demand of .33 spaces per bed. That would be 17 spaces total. There will be 18 spaces in the garage.

Mr. Cracknell requested that they consider modification. There is a long ramp in front of the building and an existing formal entrance on the left-hand side. There should be something more formal even stone pavers in the grass to lead to the other side. Mr. Parker responded that was an auxiliary entrance. Mr. McNabb added that the intent was to de-intensify it so the main entrance was clear.

Mr. Cracknell commented that it may make sense to add pavers between the front door and back door as well. The trees close to the new section will need to be handled with care. Mr. Cracknell questioned if they would be keeping the existing wall or modifying it. Mr. Parker responded that they were keeping the existing wall and putting in stairs. They are only touching the wall to appease sight lines. Mr. Cracknell questioned if they would be repurposing the stone that they would be removing from the entrance. Ms. Kozak responded that they would be putting it around the garage.

Mr. Cracknell commented that screening the utilities will be important. It will be interesting to see how the trees work behind the building. Mr. Parker responded that they were hornbeams and even though it seems narrow there is enough soil volume. They are a native tree and used to not having direct sun.

Mr. Cracknell questioned what the storage area was. Mr. Parker responded that was not on this property. Mr. Cracknell commented that the flagpole may be better located in the green area. It may be worth considering expanding the patio to put the flagpole there. The application should include a fence detail. Mr. Parker agreed and noted that they were trying to carry the sense of the existing wall.

Mr. Cracknell questioned if they could have brick coming out of the driveway across the sidewalk. Mr. Desfosses commented that it should end 12 inches from the road. The applicant

wants a brick driveway. Usually, they are required a certain amount of asphalt, so the DPW is not dealing with loose bricks.

Mr. McNabb responded to comments made in a letter they received from an abutter regarding reduced parking. Parking is a very high cost of development and property taxes. The rent for a 400 sf unit cannot be the same for an 800 sf 2 bedroom unit with private parking and laundry. The micro unit has to be the lowest cost, or the consumer will not want it. The lowest cost is achieved by cutting parking and property taxes in half. The more a unit looks like the 2 bed the higher the cost of the apartment. These units will be attractive to those who do not want a car or cannot have a car. The more parking that has to be provided the less affordable the units become. If this fails, then the property will just go to an office space. The intent is to not change the architecture and layout. The outside will remain the same. No parking will be provided if it becomes an office space. Residential is the only use that requires parking. There have been comments about making the parking street level, but it is not a permitted use.

PUBLIC HEARING

Eric Weinrieb of 9 Middle Rd. spoke with the Temple Committee. They had expressed design concerns to the applicant but did not have a chance to meet with them again before they proceeded with the planning process. One improvement proposed that they liked was relocating the generator. The current sight line goes through 4 legal parking spaces, so the sight line is 30 feet. The driveway needs to be relocated to the center of the property or they use the existing drive. Parking at street level is not allowed but that is what they are proposing because of the grade. The Temple is concerned about having a major construction project adjacent to their property with no plan on how to mitigate and protect their recreation area. No real grading plan has been provided. There is nothing that demonstrates where the water coming off that side of the building is going. The plan is also insinuating working along the stone wall along the Temple's property. Part of it is on common property and they don't have the right to disturb that wall. Mr. Weinrieb commented that he personally supported the idea of micro units but did not like that it would be turned into an office if the applicants did not get the CUP.

Robert Zinman president of the Temple Israel and resident at 579 Sagamore Ave. commented that Mr. Weinrieb voiced most of his concerns. The biggest concern is about the wall between the properties. The wall is approximately 32 inches high. Mr. Zinman was also concerned about what would happen to the property where the playground is and the stability of the wall when the project is complete. Parking was also a concern. Parking on adjacent streets is limited. People will not want to live there without parking on site.

Mitchell Dinan of 278 Court St. live across the street from the project. This is the gateway for the historic district of Portsmouth. The wall has a history to it. It is unclear what the applicant is trying to build and if it will be workforce housing or not. The neighbors are concerned about what is going in. The project needs to outline exactly what it is doing. The building size doesn't fit in the neighborhood. It should be broken down into 2-3 units. This project is required to provide 30 something parking spaces. They are asking to provide only 18, and the tenants won't have a right to parking spaces. They will rent them out to the office. Ultimately, they are asking

for no parking spaces because they will be renting to whoever. That's not fair. If the CUP is granted, then parking should go to the units. Providing bikes and mopeds parking will not eliminate the need for a car. The traffic study is wrong. The sightlines are greatly reduced by the parked cars on the street. The cars count in the traffic study are not correct. Pedestrians have not been accounted for.

Terry Reed of 300 Court St. commented that backing out of the driveway is already busy and complex. The driver has to always be looking and double checking. Adding more residents to this scale in this area will only add to the complexity. It is a catastrophe waiting to happen.

Lee Roberts of 66 State St. lives in a small condo building of 11 owners. That condo's garage is on Court St. Ms. Reed was concerned about the traffic and the parking. A 500 sf apartment could very well have two people in it. This project is concerning to everyone on Court St. because it is unclear what this is going to be. People will want a car to go grocery shopping and run errands. There is a lot of pedestrian traffic on Court St. as well.

Attorney Derek Durbin spoke on behalf Richard and Mary Dumler of 300 Court St. They are abutters to the project. This is a very intense use of a property that borders on a residential area. Regardless of any traffic analysis this will increase demand for on street parking in the south end where a lot of people lack off street parking. People will not park in the nearest public parking lot and walk back. People will want their cars. The office spaces could negate parking for the residents. People are going to drive. That's the reality. The CUP can only be granted for a reduction if the use is adequate and appropriate. That is not this. Portsmouth is a year-round tourist destination. The plan needs to provide more detail. They are not defining how the units will be furnished. This could be a short-term rental or cheap hotel. There needs to be some detail for what the rentals will look like. The City should send this project back to drawing board.

Attorney John Hennicky Jr. spoke on behalf of Mr. and Mrs. Dinan of 278 Court St. They live across from the project. Everything that has been said by previous witnesses are a concern for his clients. The biggest concern is traffic and parking. The report that was given is based on assumptions that haven't been established. There are a lot of questions they need to provide answers to that are not in the written narrative. Mr. McNabb provided good testimony saying that if they don't get the parking, then they will make it office space.

Bill Downey of Bow St. commented that if the City continues to give developers more cutbacks on requirements, then they have to provide infrastructure for parking. Claiming parking garages are nearby is not factually accurate. A lot of people are using street parking instead of paying to park in the garage. This project is an overreach. In order to maintain balance there needs to be a certain level of requirement for the parking.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Cracknell commented that the purpose of these meetings is for the community and neighborhood to express concerns, issues, opportunities, and ask questions about the project. This process is a starting point, not the end point. This project needs a third party to review the traffic. They also need to have a dialog with the neighborhood. The goal should be to avoid inflammatory language between both parties. Mr. Cracknell did not believe that any extortionary language was used. Mr. McNabb was pointing out what the zoning allows and the current marketplace support for financing a project. This is a multifamily mixed-use development. It is proposing 52 units with an office on the front. That is allowed in this district. The project needs zoning relief and a CUP. Micro units are describing the size of the units themselves. Micro housing only speaks to the parking requirements because the size of the unit correlates to the parking. That is documented in national standards. The City does not have a traffic engineer on staff right now, but they will be hiring a third party. If anyone has input on the aesthetic impacts, then they should participate in the Historic District Commission's review. It's important to express opinions early. Abutters are only notified for HDC meetings at the first work session and the first reading. It is the responsibility of the abutter to follow the agendas beyond that and speak to the Planning Department if they have questions. Parking is not required to be assigned to an individual unit. They are not obligated to assign to them to unit owners. There are a lot of reasons why that is the case and one of them is to provide flexibility for the property owner. Unless the parking is assigned, it can be rented to anyone. That may not be the intention of this applicant but that is what is allowed.

Mr. Britz agreed about the traffic review and suggested a storm water review as well.

Mr. Cracknell noted that the change in the traffic pattern with the outdoor dining will need to be evaluated.

Mr. Chagnon clarified that they did not have existing volumes of traffic in their traffic study. Mr. Cracknell requested that they provide baseline traffic counts. Ms. Brown responded that they would look to see if there was any data available from before Covid and if not, they would collect new data.

Mr. Cracknell moved to postpone this application to the November TAC meeting, seconded by Mr. Howe. The motion passed unanimously.

- B) The request of **Dagny Taggart, LLC, (Owner)**, for property located at **93 Pleasant Street** requesting Site Plan Review approval for the redevelopment of the existing 4 story structure and the construction of a new structure totaling 52 living units and 18 parking spaces. Said property is shown on Assessor Map 107 Lot 74 and lies within the Historic, Downtown Overlay, and CD4 Districts. (LU-21-183)

DISCUSSION AND DECISION OF THE BOARD

Mr. Cracknell moved to postpone this application to the November TAC meeting, seconded by Mr. Howe. The motion passed unanimously.

V. ADJOURNMENT

Mr. Cracknell moved to adjourn the meeting at 3:35 p.m., seconded by Mr. Desfosses. The motion passed unanimously.

Respectfully submitted,

Becky Frey
Secretary for the Technical Advisory Committee