

SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

**CITY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

MARCH 4, 2003

MEMBERS PRESENT: David M. Holden, Planning Director;
John Burke, Parking and Transportation Engineer;
David Allen, Deputy Public Works Director;
Michael Magnant, Deputy Police Chief;
Charlie Jones, Fire Marshal;
Tom Cravens, Engineering Technician (Water);
Alanson Sturgis, Chairman of the Conservation Commission;
and, David Desfosses, Engineering Technician (Engineering)

ALSO PRESENT: Lucy E. Tillman, Planner 1

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At the start of the meeting the Chair asked permission to convene Item B under Old Business in an effort to keep somebody (Mr. Fusegni) a little less onerous (joke). The Chair read the notice into the record.

I. OLD BUSINESS

B. The request of **Ruby Tuesday, Inc.** for property located at **1574 Woodbury Avenue** wherein an amendment to an approved site plan is requested for the construction of a 5,250 s.f. ± building for restaurant use with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 238 as Lot 17 and lies within a General Business district. **(This application was tabled at the Committee's February 4, 2003, meeting to this meeting.)**

Mr. Desfosses moved to take the application off the table. Mr. Sturgis seconded the motion. The motion passed unanimously. Mr. Desfosses moved to re-table the application to the Committee's April 8th meeting in accordance with the request from one of the applicants. Mr. Sturgis seconded the motion. The motion passed unanimously. The Chair stated that he was looking for some indication of a subdivision and that such a request should be shared with Attorney Pelech.

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I. OLD BUSINESS

A. The application of **Sharan Gross** for property located at **201 Cate Street** wherein site plan approval is requested for the construction of a two-story 30' x 46' ± building with a footprint area of 1,476 s.f. ± with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 163 as Lot 32 and lies within a General Residence A district. **(This application was tabled at the Committee's February 4, 2003, meeting to this meeting.)**

The Chair read the notice into the record. Mr. Desfosses moved to take the application off the table. Mr. Sturgis seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Michael Peloso, a Civil Engineer, addressed the Committee on behalf of the applicant. The proposal involves the demolition of an existing building and the construction of a new building with some site improvements. Mr. Peloso explained that the site, for the most part, would remain the same; that the amount of pavement and green space would be approximately the same. The project will include a new water service and a new sewer force main connection to the existing sewer line. The force main will require two sewer easements; one crossing another property owned by the Grosses and a right-of-way through an adjacent parcel owned by the Places.

One handicapped parking spot will be provided. The proposal calls for two (1) bedroom apartments on the second floor and a hair dressing salon on the first floor.

Mr. Peloso went on to offer that Dave Hislop, a land surveyor, has determined that parking can occur within the United States government easement area and referred to note #1 on the plan. The Committee took this opportunity to read note #1

The Chair then asked Mr. Peloso to review the stipulations from a previous meeting: Those stipulations follow:

- That the water service be indicated as Type K copper; (so noted on the site plan)
- That the water main be drawn on the plan; (done)
- That the outside drain be so labeled rather than “basement drain”; (done)
- That the PSNH pole be located in the City’s right-of-way; (so noted on the site plan)
- That a note be put on the plan indicating that all existing vegetation from the edge of the parking lot to the stream shall remain untouched; (Note #17)
- That the gas meters be relocated or that the existing location be approved by the utility company; (Note #23) and
- That the parking calculations be included on the plan. (done)

The Chair then returned to Note #1 and commented that there is no direct mention of the right to park there; however, it does state “...subject, however, to existing easements for public roads and highways ... and reserving to the landowners, their heirs and assigns all such rights, title, interests and privilege as may be used and enjoyed without the interference with or abridgement of the easement and rights acquired by the United States ...” Mr. Peloso stated that he would defer the issue to the land surveyor.

The Chair commented that the Public Hearing had been closed at a previous meeting but inquired if there was anyone present who wished to speak. Seeing no one rise, the Committee continued on.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Allen moved to approve with stipulations. The motion was seconded. The Chair indicated that he had some concerns with the sewer easements. Mr. Allen commented that his only concern was that it be made clear that the 2” force main goes into the sanitary sewer and not to the sewer lateral. Mr. Gross, who was sitting in the audience, informed the Committee that he had talked with Ted Place, owner of an adjacent parcel, who indicated that he had no problem in granting the easement.

Mr. Allen informed Mr. Peloso that a license would be required from the City Council for the placement of the PSNH pole in the City right-of-way. The application to the City Council should be submitted prior to the commencement of any site work. Mr. Burke and Mr. Allen entered into a discussion on the placement of the pole, and it was decided that they should see the application before it goes to the City Council.

Mr. Burke suggested that the City Attorney’s interpretation of note #1 be obtained and also that some legal document be in place to ensure that the City can maintain the Cate Street bridge or repair the bridge within the right-of-way easement that may temporarily affect the proposed parking spaces.

The motion to recommend approval of the site plan passed unanimously with the following stipulations:

1. That the Public Works Department review the proposed location of the PSNH pole;
2. That a note be added to the plan that a license be secured from the City Council for the installation of the proposed PSNH pole prior to the commencement of site work;
3. That concurrence be received from the City Attorney that note #1 indicates that parking is allowed in the easement area;
4. That some legal mechanism be in place that the City can maintain and/or improve the Cate Street bridge within the easement area which may temporarily affect the proposed parking spaces;
5. That a Building Permit not be issued until the sewer easements have been reviewed and approved by the City Attorney as to content and form and recorded in the Rockingham County Registry of Deeds with copies on file in the Planning Department; and,
6. That the site plan shall be recorded in the Rockingham County Registry of Deeds.

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II. PUBLIC HEARINGS

A. The application of **Bellwood Associates Limited Partnership** for property located at **2300 Lafayette Road (Water Country Fun Park)** wherein site plan approval is requested for improvements to certain parking areas with associated site improvements. Said property is shown on Assessor Plan 273 as Lots 5 and 7 and Assessor Plan 267 as Lots 1-23, 1-24, 1-25, 1-26, and 1-27 and lies within General Business and Industrial districts.

The Chair read the notice into the record and asked for speakers.

SPEAKING TO THE APPLICATION:

Steve Oles of Millette, Sprague & Colwell addressed the Committee and spoke to the proposal to add traffic signs and to reconfigure the traffic flow within the park. He also spoke to an area that would have a 12’ wide paved strip for the purpose of controlling dust.

Dick Samuels of Bellwood Associates addressed the Committee and spoke to a proposed drop-off area where people could unload such things as heavy coolers, strollers, and so forth and then turn around and enter the dirt parking area. He spoke to the installation of delineator posts which are represented by black dots on the submitted sketch (Mr. Samuels passed out a blow up of the drop off area and access route to the dirt parking area.)

Mr. Samuels went on to indicate that the handicapped spots had been increased from 20 to 26 and were moved closer to the main entrance. He also spoke to the location of the ticket booth and the relocation of the fire hydrant. The access to and from the drop-off area will be extended (pavement will be extended) and directional arrows will explain the different lanes.

The question was asked as to whether the “Tahiti tree house” was part of this proposal with Mr. Samuels explaining that such was installed last summer. It was suggested that the wording should be changed to indicate “existing” rather than “proposed”.

Mr. Allen expressed his opinion that the drop-off area looked “tight”.

The Chair inquired if permission had been granted to have a “maintenance entrance” out to West Road with Mr. Samuels responded in the negative explaining that a gate had been installed and, furthermore, that he had planted a tree in that area. The Chair asked that any notation of a “maintenance entrance” be removed from the site plan.

The Chair then asked about any connection to the Simchik property with Mr. Samuels indicating that some big stones could block any entrance to the Simchik property (from Water Country). The Chair asked that Lucy Tillman of the Planning Department be so notified when the stones/boulders are in place.

The Chair asked about the “constructed wetland area” with Mr. Samuels explaining that everything on the property slopes that way with the idea being to have a retention/detention area in case of heavy rain. Mr. Desfosses interjected that the area was designed for a purpose and it is working. It was the Chair’s feeling that the area should be labeled differently.

Mr. Burke spoke to the proposed triple access road and wondered how people exiting the parking lot would know not to get into the far right lane. Mr. Samuels replied that there would be “Do Not Enter” signs on both sides of the driveway. Discussion ensued with Mr. Burke expressing his concern as to “so many conflicts at both ends of the road”.

Mr. Burke moved to table the application to the April 8th meeting of the Committee to allow for a review and report back from the Traffic/Safety Committee. The motion was seconded. Furthermore, a work session would be held with the applicant and the Planning Director David Holden, John Burke and Deputy Police Chief David Young prior to the Traffic/Safety Committee meeting.

Mr. Desfosses stated that “as much as it hurts me [him]”, he had to agree with the Chair (laughter) that the “constructed wetland area” should be relabeled to avoid any confusion. Mr. Sturgis stated that he would “put his oar in Lake Desfosses” and suggested that the area in question be labeled as, “constructed storm water treatment area”.

The motion to table passed unanimously with other issues identified by the Committee as follows:

1. That the Existing Conditions plan be updated;
2. That the site plan indicate the placement of boulders in appropriate places;
3. That the site plan indicate the relocation of the fire hydrant, if appropriate;
4. That the site plan indicate the “Constructed Wetland Area” as “Constructed Storm Water Treatment Area; and,
5. That any indication of a “maintenance entrance” out to West Road be eliminated from the site plan.

B. The application of **Portsmouth Toyota** for property located **off Lafayette Road** wherein site plan approval is requested for the creation of a gravel parking area on an existing vacant lot for parking trucks under 33,000 gross vehicle weight with associated site improvements. Said property is shown on Assessor Plan 297 as Lot 2 and lies within General Business and Industrial districts.

The Chair read the notice into the record and made a call for speakers.

SPEAKING TO THE APPLICATION:

Tony Macomber of Port City Truck Sales addressed the Board and stated that approvals had been received in the past to expand the parking area to the south of Portsmouth Toyota. Those approvals have since lapsed. The project involves the parking of commercial areas on a vacant lot for the purpose of selling used vehicles. Mr. Macomber stated that the site would be pretty much the same as was drawn up a while back.

The question was asked if Mr. Macomber was affiliated with Portsmouth Toyota with the response being in the affirmative with Mr. Macomber adding that his offices would be out of there (Portsmouth Toyota). It was anticipated that some 40 late model premium quality trucks would be parked on the lot. Mr. Macomber stated that there would be no trucks older than five years in age.

The Chair commented that the adjacent lot is owned by Jay Edwards; that the lot in question is owned by E V Truck Leasing. The Chair asked if Mr. Macomber could show that he has the right to pass over the property of Jay Edwards. Mr. Macomber replied that the attorneys were drawing up the appropriate paperwork. He went on to state that efforts were underway to tie the easement into a lease somehow; that the lessee of Portsmouth Toyota is trying to purchase the property. The Chair explained that documentation would have to be submitted to the Planning Department in time to allow for review.

Mr. Desfosses stated that he, for one, wanted to make sure that the island went in prior to any cars being parked on the lot. The applicant was also informed that there should not be any trees in the area reserved for the widening of Route 1; that they (the tree line) should be located behind the ditch line.

Discussion then ensued on the type of barrier that should be used to ensure that the vehicles would not enter the vegetative area. Mr. Allen referred to the wood barrier in the City's parking lot behind the JFK building and the guard rail fence installed at the South Playground.

Mr. Cravens indicated that there may be some old water lines on the lot in question and suggested that the applicant's engineer meet with him (Mr. Cravens) prior to the start of any construction.

The Chair asked if there was anyone else present who would like to be heard. Seeing no one rise, the Chair declared the Public Hearing closed.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Sturgis moved to approve with stipulations. Mr. Desfosses seconded the motion. The motion to recommend approval of the site plan to the Planning Board passed unanimously with the following stipulations:

1. That an access easement be submitted to the Planning Department (by noontime on Wednesday, March 12, 2003) for review and approval by the City Attorney as to content and form;
2. That the tree line be amended so that the trees are actually planted outside of the proposed taking;
3. That a note be added to the site plan indicating that the vegetative barrier between the parking lot and the travel way shall be a permanent vegetative barrier;
4. That the site plan indicate the installation of a pressure treated guardrail fence (similar to those installed at the South Playground) to prevent vehicles from encroaching into the vegetated area;
5. That the applicant meet with Tom Cravens of the Water Department to resolve any water related issues with the abandonment of an old water line; and,
6. That a note be added to the site plan that the site shall comply with Article II, Section 10-208(35) and Article V, Section 10-503 of the *Zoning Ordinance*.

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III. ADJOURNMENT was had at approximately 3:05 p.m.

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These minutes were taken and transcribed by Barbara B. Driscoll, Administrative Assistant in the Planning Department.