

**MINUTES OF MEETING  
SITE REVIEW TECHNICAL ADVISORY COMMITTEE**

**2:00 P.M.**

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

**JUNE 29, 2004**

**MEMBERS PRESENT:** David Holden, Director, Planning Department, Chairman  
David Allen, Deputy Public Works Director;  
John Burke, Parking & Transportation Director  
Janet Champlin, Portsmouth Police Department;  
Steve Griswold, Deputy Fire Chief;  
David Desfosses, Engineering Technician (Engineering)  
Alanson Sturgis, Chairman, Conservation Commission

**ALSO PRESENT:** Lucy Tillman, Planner

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The Chair called the meeting to order at 2:00 pm.  
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**I. PUBLIC HEARINGS**

A. The application of Bellwood Associates Limited Partnership, Owner, for property located at 2300 Lafayette Road, wherein site plan approval is requested for the construction of a new waterslide, a 27' x 30' pump building, concrete decking, walkways, fencing and associated underground utilities, a 45' expansion of the parking lot #4 and clearing of trees and preparation of gravel surface, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 273 as Lots 5 & 7, and lies within a General Business & Industrial district.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Steve Oles, of Millette, Sprague & Colwell, addressed the Committee. Also present was Dennis Moulton of Millette, Sprague & Colwell as well as Dick Samuels from Water Country. Last year he was before the Board for site improvements and this year they are here to construct a new waterslide and additional parking in the rear of the facility. He reviewed the site plan and where the new improvements would be located. There would be two points of access into the new waterslide. The new pump house would be part of the underground utilities to the waterslide. There would also be a new catch basin that would be put in place in order to take in drainage from the concrete pad. There will be a curtain drain going around the pool to take any splash off from the waterslide. The new fence that is going around the waterslide will be a rough cut board fence, similar to what is currently on site. They are also proposing to have a construction fence during construction. They are also proposing to remove 112' of fence along the water park to have access to the new spot. In the rear they are proposing to expand the parking on the Constitution Avenue side and push it out 45'.

Mr. Holden asked on Sheet 3 of 5, what the name of the road to the northeast was?

Mr. Oles indicated that was West Road.

Mr. Holden indicated further down that road there was a driveway cut and he wanted to know why that was showing?

Mr. Samuels indicated that it wasn't actually there anymore and the boulders are in place. It will be removed from the site plans. It will be banished forever.

Mr. Holden indicated that should be a condition of approval. He also asked about the traffic impact from the expansion.

Mr. Samuels indicated that he hoped to hold their own. Their business has been very flat for the past couple of years and they are hoping that a new attraction will help them. The additional percentage increase of capacity is in the 3-5% range. This is more to show something new to the public. They haven't had a new attraction since the Tiki Treehouse, which is a family attraction, that was constructed in 2000.

Mr. Holden asked how many new parking spaces were being proposed.

Mr. Samuels tried to estimate by the amount of area that they use for the overflow parking and his guess is in the 80 range. There aren't any lines on the spaces so they lose some spaces there. They rarely use their overflow parking but the idea is to have it on a really hot day where they are at maximum capacity. He didn't believe there would be any additional traffic impact.

Mr. Burke indicated that the last time around they did not do a formal traffic study either. As this is the second time around, it would probably be a good time for a more formal traffic study to get an idea of what the current parking levels are, the entrances and exits, the driveways, review their entering and exiting strategies and how they are promoting it. It would be a good idea if they got together to discuss traffic issues and also Traffic & Safety should review it.

Mr. Holden indicated it would be helpful. They run a good operation and their traffic has not backed up onto Lafayette Road so these are all good things but it would be useful and part of traffic & safety to get a sense of how they are going to handle it if there is a problem. Mr. Holden was interested to see how the park would discharge. It appears they have in excess of 2,500 parking spaces?

Mr. Samuels indicated that would be at full capacity and probably a little less because they aren't too tidy as there aren't any lines. It's probably closer to 2,200 to 2,300.

Mr. Allen asked if the 45' was intended to create one row of parking and one two lane alley?

Mr. Samuels stated that they discovered that the best way to park in "Dirt 2, 3 & 4" was not nose into the woods, but actually nose into the space. It's a pedestrian safety issue. Once they fill "Dirt 1", the cars drive all the way to the back and come to "Dirt 2" and park at the front of "Dirt 2", facing the same direction that they came in. Years ago they used to park nose in to the side but that was inefficient and also created some pedestrian-vehicular interface. So now the cars park closest to the park and others park behind them. Therefore, the area they are trying to push out 45' it will just be an additional 4 cars in each row for a total of approximately 80 additional spaces.

Mr. Holden asked about the water consumption increase.

Mr. Samuels indicated that this was the typical recyclable pool, filled with recycled water. It is a small pool.

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

Mr. Holden suggested keeping the public hearing open and table the application until reviewed by Traffic & Safety.

Mr. Samuels indicated that he would like to start putting his footings and electrical conduits in this fall so that he would get a head start in the spring, when they tend to get bogged down in the mud. So, he has some time to work with and would just like to get into the ground before it freezes.

Mr. Allen made the motion to table this matter until the September 7<sup>th</sup> TAC meeting, to enable the applicant to meet with John Burke and appear before the Traffic & Safety Committee, as well as research some zoning issues with the Planning Department. Mr. Desfosses seconded.

The motion passed unanimously.

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B. The application of Eric & Martha Stone, Owners, and Sierra Construction, Applicant, for property located at 1039 Islington Street, wherein site plan approval is requested to construct a three story mixed residential/commercial building, totaling 28,231 ± s.f., consisting of 12 residential units totaling 18,618 ± s.f. and commercial space totaling 9,613 ± s.f., with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 171 as Lot 14, and lies within a Business district.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Attorney Bernard Pelech spoke on behalf of the applicant, Sierra Construction. They have presented numerous versions of this plan and hope that this is the one that meets with everyone's approval.

Michael Sievert, of MJS Engineering, addressed the Committee. He indicated that the proposed plan was for a 28,231 s.f., 3-story mixed use building. The first and second floors are commercial with residential units on both sides. There are a total of 10 townhouses, 9 of which have garages. There are two accessways that go through the first floor levels. They took into consideration all previous comments of the Committee – traffic and parking access. They shifted the driveway to the east of the site and took a look at the parking. They created a center island for a circular flow. There are parking spaces in front of the residential units. Drainage hasn't changed from the original plan. The drainage flows in two different directions, one going to the north and one cuts down to the Route One Bypass. The numbers haven't changed. Site utilities (gas, electric, water) all come in near the entrance area with sewer being in the back. He does not know any of the existing services that are there now. They are proposing fire and domestic for water, a new sewer service and a new gas service. The building will be sprinklered.

Mr. Sievert had a traffic report from Steven Purnoff, who looked at the traffic. They had just recently gotten the letter and had not distributed it to the Committee to review. Mr. Sievert indicated that the report showed that there was no increase in the peak a.m. trips, which will remain around 12-14 but there will be an increase in the peak p.m. trips from 14 to 29, over the previous uses in the building. Mr. Purnoff summarized his report by saying that it was an insignificant increase given the location and the street. He made some recommendations, including site distance, signage and striping. He made a recommendation of possibly moving an abutters sign. He recommended some grading changes, which they have already done. He recommended a wider throat at the entrance (30'), although they already meet the city's requirement.

The Chair asked if there was anyone else present who would like to speak to, for or against the application. Seeing no one rise, the Chair declared the Public Hearing closed.

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Ms. Tillman asked, on the Islington Street side of the property, the plans looked like the building had a bumpout or overhang and did that go over the setback line?

Mr. Sievert indicated that the only overhang was out back, above the garage door. They were going to have overhangs on the front but they were too tight with the setbacks so they are going to change the finish on the building to just clapboards.

Mr. Holden indicated that should be a condition.

Deputy Griswold asked how many residential units there were and how many had garages?

Mr. Sievert indicated that on one end there are 6 units and the corner unit doesn't have a garage. The other end has 4 units with garages and there are 2 units upstairs in the middle section with no garages. People will be parking in front of the garages and there will have to be a sign that says "Parking for This Unit Only" so that people don't block the garage doors.

Mr. Burke asked how would they determine which tenants would get one space vs. two spaces and Officer Champlin asked about visitor parking.

Mr. Sievert indicated that there was no designated visitor parking. The total number of parking spaces meets the requirements. The spaces line up so that there is enough room to park in front of a garage door with an alternate place next to it.

Mr. Burke asked how someone coming into the site for a retail use would know where to park?

Mr. Sievert indicated that they would park in one of the alternate spaces, between the garage door spaces.

Mr. Burke felt there would be a problem with people parking in the wrong spots and possibly blocking garage doors.

Ms. Tillman asked if the parking calculation figure of 45 included any of the garage spaces, because you cannot park one car behind the other.

Mr. Sievert confirmed that they did not count the garage spaces.

Mr. Burke asked how someone walked from a parking space at the far corner to the retail space.

Mr. Sievert indicated they would use the walkway in front of the units. There will be curb strips on alternate spaces.

Mr. Burke indicated that they would be walking directly in front of the garage doors with car bumpers on the other side. He asked what stopped the cars from driving right up to the garage doors so that people couldn't walk through. They can't put curbs because that would prohibit the cars from getting into their garages.

Ms. Tillman asked them to review the square footage for the residential and the non-residential uses.

Mr. Sievert indicated that they did include the garage area in their residential square footage so their figures are well over the 1/3 – 2/3 requirement. That counts the basement as artisan space, first floor retail and 2<sup>nd</sup> floor office.

Attorney Pelech indicated that artisan space will be utilized by an individual either as a rental or condo in the same way that was approved for 871 Islington Street. These would be compatible with residential units, i.e. woodworking shops would not be allowed. There would be no living facilities in the artisan studios.

Mr. Holden asked about the size of the residential units and whether they were all townhouses or was there any mixed use in there.

Mr. Sievert indicated both sides are both all residential. In the middle there are both office and residential over the 1<sup>st</sup> floor open accessways.

Ms. Tillman asked where the access was to the artisan space – through the main lobby of the first floor of the retail space or via an outside accessway?

Mr. Sievert wasn't completely sure but he believed there were 2 accessways out of the building. There would be an elevator and a set of stairs along with a second set of stairs.

Deputy Chief Griswold confirmed that they would need two means of egress from the building, from every floor, plus a sprinkler system.

Mr. Sievert confirmed that there were two means of egress from every level of the building.

Deputy Chief Griswold asked where the nearest hydrant was located?

Mr. Sievert indicated that it wasn't shown on the plan but the nearest hydrant was on Spinney Road.

Mr. Burke wanted to go back to the walkway. What prevented somebody from just driving over it and pulling right up to their door?

Mr. Sievert indicated nothing.

Mr. Burke asked what the value was of the walkway. People will be pulling out of their garages while pedestrians would be walking on the sidewalk. He also wanted to know if they had looked at the site distance as cars are coming over the bridge, left turn stackers turning into the site, how many spaces are they going to have to set off so that cars can get around them, and if there is enough site distance coming over the bridge. All of these items need to be looked at.

Mr. Sievert didn't see those items in Mr. Purnoff's traffic study report.

Attorney Pelech indicated that Mr. Purnoff did look at the site distance overall. There is plenty of pavement to get around stackers and there has never been a problem.

Mr. Burke indicated it might just be necessary to put in a left turn lane and do some re-striping. But, they will need site distances.

Mr. Allen asked if the entire area served by the garage door is garage or is there some living space?

Mr. Sievert confirmed that it was all garage space and no living space on the 1<sup>st</sup> floor. There is a door in the back and a door in the front.

Ms. Tillman was concerned about having a sidewalk in front of garage doors.

Mr. Burke indicated that they do not allow that in public right of ways so he didn't see why they would allow them in this situation.

Mr. Desfosses said they had the issue of cars pulling right up to the garage door which would prohibit people from walking on the walkway.

Mr. Burke indicated that typically they would put curbstops at the end of the parking space but they can't in this situation because then the cars couldn't get into the garages. He has never seen a plan like this.

Mr. Sievert indicated it wasn't necessary to have the walkway there.

Attorney Pelech indicated they could put the crosswalk pavement to the rear of the parking spaces.

Ms. Tillman indicated that the cars would still be driving over it.

Mr. Allen asked what would happen if there was an emergency and a car was blocking a garage? What happens then?

Mr. Burke indicated that he felt they would be chasing cars all day long.

Officer Champlin stated that the police get called in that situation and as it's private property there is nothing they can do.

Mr. Holden indicated this was obviously a difficult site. He asked the Committee if it felt this site plan seemed to work or did we still have problems? It appeared to him that the garages create a problem. Various configurations have been tried on this lot so they need to address whether this plan works. He asked if there are any stops proposed on the northern property line to prevent cars from crossing the property line?

Mr. Sievert indicated that there was nothing proposed.

Mr. Holden asked where the sidewalks were proposed on Islington Street.

Mr. Sievert indicated they were only across the street.

Mr. Holden asked what the purpose of the sidewalk off of Islington Street to the rear or to the front of the residential unit.

Mr. Sievert indicated that was the front door to each unit.

Mr. Holden asked the Committee if they had any concerns with the raised landscaped area and whether it was a good thing or a bad thing and whether the granite pavers in the middle were of any concern.

Deputy Chief Griswold wanted to make certain that the turning radius was adequate for their fire trucks. It would have to handle a 50' ladder truck.

Ms. Tillman asked if the handicapped parking spaces meet ADA requirements for proximity?

Mr. Sievert indicated that they are the nearest space without being in front of a garage door.

Ms. Tillman asked if the snow storage area in front of the dumpster was adequate to handle any amount of snow.

Mr. Sievert indicated it would not hold a lot of storage. They have a triangular area in the back.

Ms. Tillman asked how they would get to it?

Mr. Sievert indicated they wouldn't be able to if cars were parked there. They would have to move the cars to plow.

Ms. Tillman indicated that both snow storage areas were not accessible as they are both behind parking spaces.

Mr. Burke was uncomfortable voting to approve this plan, based on a number of issues. The traffic analysis was not shared with the Committee and they need to look at that. There was a fatal accident at this site not too long ago so there are some serious issues and concerns that need to be addressed. By their own omissions, they are increasing the intensity of the site.

Mr. Holden indicated that the 1/3 – 2/3 was supposed to be a positive addition to the site.

Mr. Desfosses felt that the two uses on a lot this small just doesn't work.

Mr. Holden asked if he felt it was still too intense for the site?

Mr. Desfosses agreed with that statement.

Mr. Sturgis indicated it was "quart in a pint pot."

Mr. Allen was very uncomfortable with the parking layout and the walkway. He didn't think it worked.

Mr. Holden indicated that the safety of the whole layout was not demonstrated.

Mr. Sturgis was concerned with the sidewalk behind the parking spaces. The average pedestrian would walk on it and cars could back out and endanger them.

Mr. Sievert indicated that the committee had previously requested pedestrian access and if they don't like it they will take it out.

Attorney Pelech stated that they originally didn't have it there but there were concerns at previous meetings about vehicles parking too close to the building. So they suggested this and it was suggested that they show it on the plan. They can certainly take it off and add greenspace in its place.

Mr. Tillman indicated that comment was made when the plan had the residential buildings on the north side of the lot and the commercial as a separate building on the other side of the lot and the two uses were not connected. When they were making those comments, it was on a totally different plan.

Officer Champlin concurred with Mr. Burke as there was a recent near fatal accident at that location.

Ms. Tillman indicated that they should double-check the OR zone reflected on the site map. It just needs to be corrected on the plan.

Deputy Chief Griswold made a motion to table this matter to address the issues expressed regarding traffic and the intense use.

Bradley Richards addressed the Committee. He indicated that they have been going around and around on this site and, although he felt they may have some valid points, for the record, they were only asked about a traffic comment by a traffic consultant the last time they met. It was not as if they were asked in February for that. So, they hired Steve Purnoff and he indicated that it wasn't necessary to hire him for a complete traffic study and the traffic study was never a real issue. The issues that they were trying to focus on were how does the building, as a mixed use building(s)

become useable and workable on this site. They have gone around and around, with the help of many, to come up with a plan that would fit this lot. He indicated that he was not going to go back and do this again. He wanted to take their comments and incorporate them into this plan and be able to proceed to the Planning Board level. They are willing to do anything that they ask them to do and, although they haven't come up with all perfect solutions, he would like to take a list of the items that the Committee has concerns with and meet before the Planning Board meeting. They will make sure they have them accomplished prior to the Planning Board meeting.

Mr. Burke stated, on the traffic side, that from the very beginning and at the very first meeting the Committee said there were concerns relative to the bridge. The bridge has a grade and they discussed the driveway and its proximity to the bridge. That is all based on-site distance and speed. That was what they said in the first meeting and he believed that was what they have said ever since. That is his concern. That is high volume road with limited site distance. Another issue that they raised was whether this site was going to become more intense than it previously was, i.e., is there more traffic in the peak hours. By their testimony today, that is going to be more intense. What he would like to be able to see is the study. It's more intense – what is that going to do? What's the site distance? This is no different than what they ask everyone else. With all due respect, Mr. Burke felt they had been consistent.

Mr. Holden believed that Mr. Burke was correct and he also felt they had the right to ask for more information. He believed the issue was whether this plan was workable. Mr. Holden was still uncomfortable with the intensity on the site. He felt the garages add an additional element to this that is difficult to handle. It is also a very marketable item for anyone who has a residence. Obviously, when the required parking is 44 and you only have 45, you are maxing the site out. If they got rid of some additional residential space, it's still going to have the residential right up against the commercial. It's as if everything is focused on the apex and the apex is where they have to get a lot of the public and very few of the public are in the residential side. That creates a problem on the site plan.

Mr. Holden indicated that the Committee had different options. They could either vote the plan up or down. They are advisory to the Planning Board and have certain procedures to follow. They could also table it to a time shorter in the future but he felt they needed to give some guidance on whether the site plan as proposed is still too busy or if they are fine tuning some of the elements.

Attorney Pelech indicated that a lot of the intensity is driven by the requirement that 1/3 must be non-residential use. That amendment to the ordinance probably came directly from Mr. Chinberg, their neighbor. That coupled with the concerns that were raised regarding the use of the old Public Works Department and maybe the Schultz property, brought about this amendment requiring 1/3 non-residential uses. This site would be much better if it was all residential. They have not gone to the Zoning Board to seek a variance to change the residential/commercial requirements. He didn't know what the Department's position might be on that but it might be one way to handle this problem. He asked for feedback from the Department on whether he should file an application for a variance tomorrow, as tomorrow is a filing deadline.

Mr. Holden indicated the issue before them is the Site Plan. He asked what would happen if the retail was extended along one of the legs so that you could actually have parking in front of the retail? He didn't understand why the parking garages were being provided if the site was so tight. But, then again, they are not a design Board either.

Mr. Desfosses asked about a variance.

Mr. Holden indicated that the applicant and the attorney need to decide that, rather than the department. That's a determination that is entirely their decision. The question is whether this is too intense. If it were less intense, it would probably be getting an affirmative vote. Having said that it almost takes away the ability to do a variance.



It was agreed to meet next Tuesday, July 6<sup>th</sup> at 3:30 pm for a work session in the Planning Department Conference and then a special TAC meeting will be scheduled for Tuesday, July 13<sup>th</sup> at 4:00 pm in City Council Chambers.

Deputy Chief Griswold amended his motion to include these two meetings. Mr. Allen seconded.

The motion passed unanimously.

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**II. ADJOURNMENT** was had at approximately 3:30 p.m.

These minutes were taken and transcribed by Jane M. Shouse, Administrative Assistant in the Planning Department.