

**MINUTES OF
SITE REVIEW TECHNICAL ADVISORY COMMITTEE**

2:00 P.M.

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

NOVEMBER 2, 2004

MEMBERS PRESENT: David Holden, Director, Planning Department, Chairman; David Allen, Deputy Public Works Director; John Burke, Director, Parking & Transportation; David Desfosses, Engineering Technician; Steve Griswold, Deputy Chief, Fire Department; and David Young, Deputy Police Chief

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. PRESENTATION

A Stormwater Management Presentation was presented by David Allen, Deputy Director of the Public Works Department.
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II. OLD BUSINESS

1. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, wherein site plan approval is requested to construct a 170' x 150' (irregular) 26,422 ± s.f. 3-story office building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 216 as Lot 1-8B and lies within the Office Research/Mariner's Village district. (This application was tabled at the October 5, 2004 TAC meeting.)

The Chair read the notice into the record.

Mr. Desfosses made a motion to take the application off of the table. Mr. Allen seconded. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

Dennis Moulton, of Millette, Sprague & Colwell, appeared with Matt LaBonte of PCI Architecture. He stated that the property is located at Commerce Way and Portsmouth Boulevard, and is in the Office Research/Mariner's Village district. Currently, it is a 4 ½ acre lot and they received preliminary approval for a Lot Line Relocation in September which will increase the lot size to 5.7 acres. There is a small portion of the lot that is being used by an adjacent property for parking and with the proposed development that parking will go away. They have calculated the effect on the existing lot and they currently have 227 spaces and with the development there will reduce the number of spaces to 169 spaces for the proposed building. They only require 120 so they are in excess of the required number for that lot.

Mr. Moulton indicated that the proposed building is an 80,000 s.f. office building and is an allowed use in that district. There will be two entrances to the site, with one off of Portsmouth Boulevard and one off of Commerce Way. Paved parking on site will accommodate 352 vehicles in this configuration with 8 handicapped accessible. They have provided the required loading zones to the site. The development is in conformance in terms of water, drainage, setbacks, structural height, structural coverage and open space, pending the approval of the Lot Line Relocation. Utilities will be provided off of existing services. Water will come off of Commerce Way, the sewer will be directed to an existing manhole on Portsmouth Boulevard, gas will come off of Portsmouth Boulevard (line was installed for the hotel), they will be replacing the overhead electrical lines and with underground service. Stormwater is collected by a closed drainage system to the rear of the site. The size of the storage area will accommodate a 50 year storm. The water detained is let out further down the site, applied to a level spreader, and then to a treatment swale extending 100' along Portsmouth Boulevard.

Mr. Moulton indicated they have discussed with City Officials the location of the entrance off of Portsmouth Boulevard. They are proposing to realign the hotel entrance with the new office building.

Mr. Holden asked if the hotel was willing to open up their Site Review process to relocate their driveway?

Mr. Moulton was hoping that it could be handled with an amended Site Plan.

Mr. Moulton indicated that traffic is not an issue as it was mitigated at the time of traffic improvements that were done in anticipation of this site.

Mr. Holden asked for a summary of the site drainage.

Mr. Moulton stated that the report they filed showed that the site would be designed for a 50 year storm with a closed drainage system, all catch basins divert water to a series of structures which will be used to slope water under the pavement to the rear of the parking lot and slow the water to the release. They anticipate that the same condition exists across the street, and there is a ledge condition, so they don't expect any exfiltration from the storage and they designed it so that the outlet will allow the water to be collected and be brought back. This will avoid the problem that they have behind Demoulas and K-Mart plaza. The stormwater is stored with an exit pipe that is sized so that the water is released at a slower rate than the water coming in. This has an additional effect, allowing them to provide sufficient treatment for the stormwater, thus providing the requirements of the DES.

Mr. Holden asked if there will be a cleansing of the first flush from the stormwater.

Mr. Moulton indicated that all water in the catch basin will be outfitted with an oil track separator, or "snout", that is a cover for the outlet pipe that separates debris.

Mr. Holden indicated it was his recollection that this was the last lot to be developed in this project?

Mr. Moulton indicated that he believed it was.

Mr. Holden asked how they were handling pedestrian access to the site?

Michael Kane, representing the entity that was proposing the project, wished to clarify a few things. They do not represent the hotel group but they believe they have some passive approval from the hotel to relocate that driveway if it didn't effect anything on their project.

Mr. Holden indicated that they did not have their site plans so a determination could not be made at the present time.

Mr. Kane indicated that this was not the last lot to be developed. The agreement with the City that Brora made was that there were 244,000 s.f. allowed. 24,000 s.f. were originally approved with an additional 220,000 s.f. in conjunction with the purchase of the land and new improvements. 85,000 s.f. is being used for the hotel and this project would be another 80,000 s.f. so that would leave approximately 60,000 s.f..

Mr. Holden didn't disagree with that but he was referring to the original Commerce Way development.

Mr. Kane indicated this was beyond that.

Mr. Holden stated it was his understanding that the last lot that was being developed on Commerce Way would include the development of a sidewalk connecting out. His question was how was that sidewalk being completed?

Mr. Kane indicated it was his understanding that when they made their subsequent arrangement with the City for all of the improvements on Portsmouth Boulevard and the extensive off-site improvements, that contemplated all of the improvements that the City would be looking for.

Mr. Holden disagreed with that and he indicated they had a letter that indicates they are anticipating a sidewalk along Commerce Way.

Mr. Kane indicated that was for the 1998 approval.

Mr. Holden indicated that was correct. They are developing the last lot of a nine lot subdivision that started in approximately 1983.

Mr. Kane indicated they felt the subsequent agreement with the city took into contemplation that lot.

Mr. Holden did not believe it did. He felt it would be best to set this issue aside for the moment as it was not going to be resolved at the meeting, however, it was his understanding that upon the development of the last lot there would be a sidewalk put in from Commerce Way to Woodbury Avenue at the time of the development of the last lot. There is a letter, absent a plan, indicating how that would be done.

Mr. Holden indicated they could move this on with the stipulation that the sidewalk will be constructed so that they could address that at a later time.

Mr. Kane requested that they move it along with the stipulation that they come to an agreement on the issue of the sidewalk.

Mr. Holden suggested that they table the application. Or, if they are willing to put the stipulation on, they could address it and deal with it before going to the Planning Board.

Mr. Holden asked Mr. Moulton if this was the last lot to be developed in the Commerce Way subdivision?

Mr. Moulton indicated it was.

Mr. Holden asked if anyone was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Mr. Desfosses asked for a summary of the drainage calculations for his review.

Mr. Moulton felt the calculations showed it was pretty evident that they would reducing the overall site run-off and they were re-directing the run-off to the west of the site.

Mr. Desfosses stated that the driveway is being moved 30' but that is not shown on the plans.

Mr. Moulton indicated it would basically be moved 30' up Portsmouth Boulevard. They would relocate the parking spaces in front of the new driveway and put them in front of the original driveway.

Mr. Holden suggested that they meet next week to re-convene this public hearing.

Mr. Allen made a motion to reconvene on Tuesday, November 9, 2004 at 2:00 pm. Mr. Desfosses seconded the motion.

Mr. Holden indicated this was to allow staff to meet with the applicant to review outstanding issues, including the driveway and the sidewalk issue.

Mr. Burke stated that they did not show the standard width for Coast Buses to get in and out of the site.

Mr. Desfosses referred to the northern Commerce Way site where they were taking a whole strip of parking spaces away and he asked if they were comfortable that they would be able to meet their parking needs.

Mr. Kane indicated that they were very comfortable that they can provide plenty of parking.

The motion to re-convene the public hearing to Tuesday, November 9, 2004 at 2:00 pm passed unanimously.

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2. The application of **6-16 Congress, LLC, Owner** for property located at **6-16 Congress Street**, wherein site plan approval is requested to construct a 12,465 ± s.f. 4 & 5 story mixed use structure, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 117 as Lots 37, 38 & 39 and lies within a Central Business B and Historic A districts. (This application was tabled at the October 5, 2004 TAC meeting.)

Mr. Holden stepped down from this application and turned the Chair over to David Allen.

The Chair read the notice into the record.

Mr. Desfosses made a motion to take the application off of the table. Deputy Fire Chief Griswold seconded the motion. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, addressed the Board. Also present were Steve McHenry, Architect, and Attorney Paul McEachern. Mr. Chagnon first addressed the previous TAC conditions. It was his hope to work through the list and at the next meeting Mr. Kelm and his contractor would be present to answer any questions.

- 1) That an Easement Plan and License Plan shall be prepared for review and approval by the City Legal Department;

They will be working on this in the near future.

- 2) That it be determined what materials will be used for the streetscape, i.e. what is going to be new granite, what is going to be old granite, where will the new granite go and where will the old granite go;

Mr. Chagnon referred to Sheet C-2. The granite pavers currently along the street will probably be damaged with construction. They shall be re-layed at the completion of the project. They also added a detail bullet indicating they will reset the granite banding. They will install new brick throughout the area. They will take up the old and deliver it to DPW and will re-lay new brick.

Mr. Allen asked that the brick come back to DPW palletized.

- 3) That the issues raised in the letter from Civil Works be addressed;

This was addressed later in their presentation.

- 4) That the egress to the National Block remain open so that they comply with City Codes;

A note was added to Sheet C-1, Demo Plan, indicating that the construction fence will be moved back.

- 5) That a detailed description be provided regarding sewer and a meeting with the Department of Public Works is recommended;

They met with DPW and Sheet C-3 shows the results of that meeting. There is a note that the contractor will remove the existing piping and replace with DPW specifications.

Mr. Allen asked if that would tie into the existing connection?

Mr. Chagnon indicated that it would tie into the existing pipe and hopefully their design phase will tie into the City sewer project.

- 6) That Sidewalk Easements shall be prepared for review and approval by the City Legal Department;

This is pending.

- 7) That the termination of shut-offs be shown on the plans;

This is reflected on Sheet C-1, Demo Plan.

Mr. Allen wanted to make sure this was done to City specifications.

Mr. Chagnon indicated they would add “in accordance with Water Department regulations”.

Mr. Desfosses was fairly sure that the City Water Department would do that work.

- 8) That walkway safety be addressed in the construction area and the Church Street and Congress Street area to protect pedestrians from falling objects;

They will defer this to their next meeting.

- 9) That the roof drains be shown on the plans;

Mr. Chagnon referred to Sheet C-3 where the down spout locations are shown on the plans. They are labeled with a box. There are two on the west side, two on the rear, two on the east side and 2 along Congress Street. In addition, they show a drainage connection of those gutters up to a catch basin and Fleet Street. That should rest concerns about off-site run-off. Mr. Chagnon confirmed that the size and type of the pipe is noted on the plans.

Mr. Desfosses asked what the down spouts were made of?

Mr. McHenry indicated they were made of Copper.

Mr. Desfosses asked how they were protected?

Mr. McHenry confirmed that they were inside a portion of the building. The gutter on the back connects into a subsurface stone bed.

- 10) That details be provided on specifications for brick construction, concrete handicapped ramp, and lighting,

Mr. Chagnon indicated these details are shown on Sheets D-1 and D-2.

Mr. Desfosses asked where the power was coming from for the Light poles.

Mr. Chagnon indicated that the existing cobra that is currently there in the middle of the parking area is believed to be the first hole on Fleet Street in a single run underground and the rest of the lights from the square in front of the Eagle Photo building are in a separate circuit. PSNH intends to tie them all into one circuit.

- 11) That a determination be made for final paver material on Church Street;

Mr. Chagnon indicated these details are shown on Sheets D-1 and D-2.

Mr. Allen disagrees and would request that no pavers be used. They are now using epoxy based materials and asked that the plans be changed.

- 12) That tree species need to be identified;

These are shown on Sheet C-2 and Lucy Tillman will review that plan.

- 13) That electric metering should be shown on the plans;

That Sheet C-3 shows the meter bank as you come into the garage entrance on the left.

- 14) That the sewer service shown on the plan should be 8" rather than 6";

This has been corrected on Sheet C-3.

- 15) That the water utility room should be shown on the detail sheet;

This is shown on the detail sheet.

- 16) That the need for striping changes be referred to Traffic & Safety and a striping plan for Congress Street be submitted as part of the plans;

They have submitted a striping plan and they met with the Traffic and Safety Committee and they approved the plan. It is now shown on Sheet C-2. The change from the first version is that the lanes are 1' wider in two instances and 1½ foot wider in another instance so the lanes are 11 ½, 11 and 11. They shortened the parallel parking spaces and moved the curb back.

Mr. Burke indicated it should show the directional arrows, the type of material for the lane lines and the arrows. He suggested that they get together to discuss that.

- 17) That trip generations be provided for existing development versus proposed development;

Mr. Chagnon indicated that they have submitted those.

- 18) That lighting on Church Street be addressed;

Mr. Chagnon indicated that an additional street light has been added to Sheet C-2. There is another cobra at the intersection of Church and Porter.

Mr. Allen indicated that alleyway still gets pretty dark. He suggested adding a light at the area where the sidewalk is 7' wide. This would be in addition to what was added to the plan.

Mr. Desfosses indicated that a note should be added to the plan indicating that there should be a 5' clearance between the building and the light.

Ms. Tillman asked about the three little squares on the plan between the proposed line and the note that says property line.

Mr. Chagnon indicated that they were the curved top bollards.

Mr. Allen asked if they were being re-used somewhere?

Mr. Chagnon indicated they should probably re-use them at the corner of the new extension.

Ms. Tillman recommended making a note on the demolition plan and also identify them on the plans.

- 19) That bike rack and bench specifications be provided for review and approval by the Planning Board/City Council;

Sheet D-1 shows the bench presentation, which is a city standard bench. The bike rack is not standard so they submitted the catalog cut showing the specifications.

- 20) That the loading zone be widened to 40' on Congress Street;

This was added to Sheet 2.

- 21) That a note be added to the Demolition Site Plans stating that improvements and operation in the public right-of-way require approval from the City Council;

This was added as Note 6 on Sheet 1.

- 22) That the plans show a stand pipe for the automatic sprinkler system for the fire service in the basement and that the stand pipe be in service and available to supply water as each floor progresses during construction;

This was added as Note 7 on Sheet 3.

- 23) That the details for granite curbing should be set in concrete and the brick shall be to city specifications and that the detail show the granite banding insulation and detail on the curbing;

This was added on Sheet C-2.

Mr. Desfosses asked if they were able to get a specification on the bricks?

Mr. Chagnon indicated the brick is city spec.

- 24) That the tree detail reflects the granite curbing that will surround it;

The plans reflect the granite curbing and a cast iron tree grate to protect the tree.

Mr. Allen indicated that the curb was okay but the banding was not okay.

- 25) That the electrical transformer on the side of the building, is on the abutting property, and an Easement will need to be prepared and noted on the plans;

This easement is in the hand of Eric Chinberg and as soon as it is recorded he will provide it to the City.

26) That a note be added to the plan indicating that a sewer discharge permit be obtained;

This is Note 5 on Sheet 3.

Mr. Chagnon hoped that this would answer a lot of their technical questions.

Mr. Allen suggested that Mr. Chagnon address the letter from Civil Works dated October 5, 2004.

Mr. Chagnon went through the items in the letter. The first major category was Construction Related Concerns. The first concern was that the proposed building was very close to the common boundary and that they wanted them to be aware that there were no construction easements over the Porter Street Townhouse properties and they were concerned about issues relative to construction. Mr. Chagnon responded that the building did conform to City setbacks and they would attempt to address their concerns. They have currently had two meetings with the neighbors and they are continuing to work with them.

Mr. Chagnon indicated that the second issue was that the temporary construction fencing was not shown in detail on the plans. There is currently on the plan set, Sheet 2, a detail for the construction fence. This fence came right off of the Hilton Garden Plan that was approved by the City a few months ago.

The third issue is that the landscaped areas shown between the building and the rear property line cannot be accessed without going over the abutting property. Mr. Chagnon indicated they have proposed to allow them to landscape this area. The alternative would be to put in a hard surface or some other surface that would not require maintenance.

The fourth issue was that the hours of construction were not specified on the plans. Mr. Chagnon indicated that those hours are governed by the Portsmouth Zoning Ordinance and they will comply with that.

The fifth issue was that construction deliveries and trash pick up be limited to construction hours which Mr. Chagnon indicated they did not have a problem with.

The sixth issue was that construction lighting be limited to the hours of construction and they shouldn't be allowed to glare on abutting properties. Mr. Chagnon indicated that they agreed with that with the exception that lighting safeguarding the public or the property not be restricted.

The seventh issue was dust control and Mr. Chagnon indicated that they will make every effort to maintain an orderly site and the important thing was that they have agreed to establish a contact person, or point source, for any neighbor with concerns to contact directly.

The eighth issue was relative to noise control and Mr. Chagnon indicated that construction noise is controlled by the Portsmouth Zoning Ordinance.

The ninth issue was regarding blasting. Mr. Chagnon indicated that the construction method they are using will not involve blasting.

Mr. Chagnon indicated that the next major heading was "Site Plan & Design Issues".

The first issue was stormwater runoff. Mr. Chagnon indicated the revised plans show the gutters and connection to the City drainage.

The second issue was that permanent exterior lighting was not addressed. Mr. Chagnon indicated they have now shown the exterior lights on the plans: One light in front and another type on the side and rear.

The third issue was trash pickup. Mr. Chagnon indicated that it would be the same as all downtown residents.

The fourth issue was basement/garage trench drains and the absence of an oil/grit separator vault. Mr. Chagnon stated that the reason there was no connection is because the drain is not connected. It is a sump and there is no need to connect it to the City drain.

The next major heading was Potential Building Impacts.

The first issue was exhaust fume ventilation in the underground parking garage. Mr. Chagnon indicated they were providing power ventilation and it was located on the west facing wall in the SE building corner.

The second issue was a garage door. Mr. Chagnon indicated they were not contemplating a garage door for that entrance.

The third issue was security cameras. Mr. Chagnon indicated they had not contemplated that.

The fourth issue was sewer vent stacks and heating plant exhaust vents. Mr. Chagnon indicated they would comply with the code and regulations.

The fifth issue was the HVAC units. Mr. Chagnon indicated the units are roof mounted below normal site line horizons and the ordinance covers operating sound pressure levels and they will comply with that ordinance.

Mr. Chagnon indicated he would be happy to answer any questions.

The Chair asked if there was anyone from the public who wished to speak to, for or against the application?

Bernard Pelech, who is an abutter at 55 Congress Street, addressed the Committee. He was glad to see the lane width reduction was not allowed as it is dangerous out there already. Mr. Pelech noticed that there are four doors that open onto the City sidewalk which is contrary to every other building on Congress Street. He believed there should be recessed doorways. He felt it was a safety hazard to pedestrians. He indicated the City requires either indemnity or liability policies and easements be granted by the City Council but that is usually for existing problems. He also assumed that the City Council would be approving the new brick sidewalk.

Mr. Allen indicated that was correct.

Paul Connolly, of Civil Works, Inc., spoke on behalf of the Porter Street Town house residents, Mr. & Mrs. Giles, Mr. McGuire, and Mr. Homer. He indicated that the applicants have addressed a number of the issues in his letter but he wanted to review them again.

Construction Related Concerns:

#1 regarding the proximity of the building to the rear property line is an issue that still needs to be dealt with in some manner. They will need to excavate some areas and they have not explained how they will do that. They are very interested in how that will be addressed.

#2 regarding temporary construction fencing. They have not addressed this issue and the proximity of the Porter Street Townhouses. They would like to see a tightly woven solid backing attached to the chain link fence so that they cannot see through it.

#3 regarding landscaping issues. These remain to be unresolved.

Mr. Connolly also indicated they were unsure why a remote controlled garage door wasn't required for security interests of the neighborhood. There is quite a bit of nocturnal activity in downtown Portsmouth.

Mr. Allen asked if the applicant would like to respond to Mr. Connolly.

Mr. Chagnon indicated that the means of entrance for construction was something that the neighbors had a right to be concerned about but he did not believe that should be included as part of Site Plan approval. The applicant has a duty to protect the integrity of the property during construction.

Mr. Chagnon indicated that they never said ledge would not be encountered and it will be encountered. The means and method to remove the ledge is a chemical process and there will be no blasting.

Mr. Chagnon indicated they have no problem adding woven fabric to the construction fencing and will add that to the plans. The door to the garage level should be the right and option of the property owner. If it turns out that there is a problem then they will reconsider putting a door on. Lastly, they would submit that unless the same treatment for sewer stacks was required for the Porter Street Townhouses then Mr. Chagnon did not understand why it should be imposed on them.

Attorney Bernard Pelech spoke on behalf of Mark McGuire, Mr. & Mrs. Giles and Chet Homer, individual owners of the Porter Street Townhouses. His concern was that the response to the letter that was written by Civil Works fails to deal with the issue of the building's proximity to the rear property line. He understood their response to be that they may need temporary easements from the abutting owners and as there are three abutters who are not going to give those easements, he would like to know how they are going to handle that. He feels they should bring the building back from the property line.

Mike McGuire of 16 Porter Street stated that the building was originally 5' back from the property line but in order to fit the required parking spaces in they moved the building back rather than apply for a variance. He was very confused on how they will build and maintain their building without infringing on his property.

Gerald Giles, of 30 Porter Street, indicated he had two issues. One was the subsoil conditions. He felt that before TAC could make a decision on the appropriateness of this site, a soil study should be done to make sure the adjoining properties could be supported. He was concerned about the hours of construction. He felt the Zoning Ordinance was confusing and he would like someone to clarify the hours and he would like those hours noted on the plans. He is concerned about access to the underground parking and he would like to see a door as he feels access should be limited. He would also like to see the ventilation system relocated from the area that abuts the homeowners property to somewhere on Church Street.

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

DISCUSSION AND DECISION

The following issues were identified by the Committee:

- 1) That the four doors on Congress Street be recessed for safety purposes or have the doors swing into the building, if code compliant;
- 2) That a garage door be considered researched so that further information can be provided at the next TAC meeting;
- 3) That a separate plan be prepared for signs and striping;
- 4) There are concerns over the landscaped area in the back of the building and there should either be a written agreement with the Porter Street abutters or it should be hardscaped;
- 5) That temporary arrangements for construction easements with the City need to be addressed, including the impact on abutters;
- 6) That construction hours will be added to the site plan;

Deputy Fire Chief Griswold made a motion to table this matter until the next regularly scheduled TAC meeting on November 30, 2004. Mr. Desfosses seconded. The motion to **table** passed unanimously.

Stipulations From the October 5, 2004 TAC meeting:

- 1) That an Easement Plan and License Plan shall be prepared for review and approval by the City Legal Department;
- 2) That it be determined what materials will be used for the streetscape, i.e. what is going to be new granite, what is going to be old granite, where will the new granite go and where will the old granite go;
- 3) That the issues raised in the letter from Civil Works be addressed;
- 4) That the egress to the National Block remain open so that they comply with City Codes;
- 5) That a detailed description be provided regarding sewer and a meeting with the Department of Public Works is recommended;
- 6) That Sidewalk Easements shall be prepared for review and approval by the City Legal Department;
- 7) That the termination of shut-offs be shown on the plans;
- 8) That walkway safety be addressed in the construction area and the Church Street and Congress Street area to protect pedestrians from falling objects;
- 9) That the roof drains be shown on the plans;
- 10) That details be provided on specifications for brick construction, concrete handicapped ramp, and lighting,
- 11) That a determination be made for final paver material on Church Street;
- 12) That tree species need to be identified;
- 13) That electric metering should be shown on the plans;
- 14) That the sewer service shown on the plan should be 8" rather than 6";
- 15) That the water utility room should be shown on the detail sheet;
- 16) That the need for striping changes be referred to Traffic & Safety and a striping plan for Congress Street be submitted as part of the plans;
- 17) That trip generations be provided for existing development versus proposed development;
- 18) That lighting on Church Street be addressed;
- 19) That bike rack and bench specifications be provided for review and approval by the Planning Board/City Council;

- 20) That the loading zone be widened to 40' on Congress Street;
- 21) That a note be added to the Demolition Site Plans stating that improvements and operation in the public right-of-way require approval from the City Council;
- 22) That the plans show a stand pipe for the automatic sprinkler system for the fire service in the basement and that the stand pipe be in service and available to supply water as each floor progresses during construction;
- 23) That the details for granite curbing should be set in concrete and the brick shall be to city specifications and that the detail show the granite banding insulation and detail on the curbing;
- 24) That the tree detail reflects the granite curbing that will surround it;
- 25) That the electrical transformer on the side of the building, is on the abutting property, and an Easement will need to be prepared and noted on the plans;
- 26) That a note be added to the plan indicating that a sewer discharge permit be obtained;

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III. PUBLIC HEARINGS

A. The application of **Wal-Mart Real Estate Business Trust and Joker’s Realty One, LLC, Owners, Wal-Mart Stores, Inc., Applicant**, for property located at **2460 Lafayette Road**, wherein site plan approval is requested for the expansion of an existing 124,852 ± s.f. Wal-Mart Store to a 190,800 ± s.f. s.f. Wal-Mart Supercenter, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 285 as Lots 16-1 & 2 and lies within a General Business district.

The Chair read the notice into the record.

Mr. Holden reminded the Committee that a previous application has been superseded by this application which is for a larger development project.

SPEAKING TO THE APPLICATION:

Attorney Bernie Pelech addressed the Committee on behalf of Wal-Mart. He indicated that they were before the Committee in September and the application was tabled so that they could have a meeting with NHDOT. Members of the Wal-Mart team were present at that meeting, along with John Burke and David Holden. The reason for the meeting was to determine whether or not any additional traffic studies were needed. The NHDOT requested additional information prior to making a recommendation. A decision is expected within the next couple of weeks. Attorney Pelech felt the meeting had gone well with all parties being “on the same page” and that the money would be better spent on improvements rather than traffic studies.

Attorney Pelech indicated that they have submitted a new application because they have added about 5,000 s.f. to the rear of the building in the loading dock area.

Attorney Pelech referred to the Stipulations from the September 7th meeting.

- 1) That the applicant shall work with the City to finalize an Easement Plan from Constitution Avenue, across the Salema property, and extending the entire length of the water line.

Attorney Pelech reported that they have no problem granting the easement and he has had contact with Mr. Salema's attorney and they are also willing to execute an easement to the City so that the entire water line will be in an easement granted to the City.

- 2) That the abandoned water lines shall be cross-hatched and identified on the Site Plans;

Attorney Pelech indicated that has been done.

- 3) That the water service that runs through Jokers shall be abandoned to City standards;

Attorney Pelech indicated that is now noted on the plans.

- 4) That the irrigation system shall run through the existing water main (only one meter allowed per lot);

Attorney Pelech indicated that change has been made on the plans.

- 5) That a minimum of 6" of loam shall be added to all landscaping;

Attorney Pelech indicated that has been noted on the plans;

- 6) That soil and moisture sensors and rain sensors shall be installed on the irrigation system;

Attorney Pelech indicated that has been noted on the plans.

- 7) That a Site Plan showing the pedestrian area on Route 1 shall be provided;

Attorney Pelech indicated that would be explained further into their presentation.

- 8) That additional striping and signage be added to the parking lot and shall be shown on the Site Plans;

Attorney Pelech indicated that has been noted on the plans.

- 9) That the central access corridor, where the crosswalk is shown, shall be a four-way intersection with four stop bars and four stop signs, all striped in thermal plastic and shown on the Site Plan;

Attorney Pelech indicated that has not been completed.

- 10) That a landscaping plan be reviewed and approved by Lucy Tillman.

Attorney Pelech indicated that has yet to occur.

Attorney Pelech addressed Attorney Giles concerns by narrowing the entranceway and allowing a larger bumper strip of greenspace, hopefully wide enough so that additional greenery can survive in that area.

Attorney Pelech turned the presentation to Mike Waugh, their traffic engineer.

Mr. Waugh, of Surry Engineering Associates, Traffic and Transportation Engineers, Sub-Consultants to Sans Associates for the traffic portion of the project, spoke. As mentioned, they had a meeting with NHDOT and they presented their proposal and they were advised that an additional traffic study was not needed as the trips showed that they had an excess in trips over what was studied in the original plan. They did ask them to do the trip generations in a different manner than they originally did and a

copy has been forwarded to Mr. Burke and Mr. Holden. NHDOT is reviewing all of their documentation at the current time and they felt they would have a recommendation for Doug DePorter by the end of this week. During the meeting, there were a couple of requests for calculating trip methods and also for an additional study at the intersection of Constitution and Banfield to see what the conditions were at that intersection. That study had been submitted to Mr. Burke and NHDOT. They felt it was very typical and they do not have a capacity problem there. However, in the summer when Water Country opens up and creates additional traffic, there does appear to be a restraint at the stop sign. They are willing to contribute their fair share amount to put a separate right turn lane in to alleviate the capacity restraint at the intersection. They were also asked to take a look at the radii at the back entrance of the site on Constitution Avenue. It is shown on their traffic plan that they can increase the radii and are prepared to do that.

Mr. Burke indicated that Coast was not interested in a full bus turnaround. They are doing very well in front of the store so he asked if they could incorporate that in front of the store.

Mr. Waugh indicated they could take care of that and didn't see a problem.

Mr. Burke asked about coming in from Constitution and trying to get past the new expanded part of the building and if they were they handling people coming in with signs and striping?

Mr. Waugh indicated they would be putting up signage in the area as well as some striping.

Mr. Desfosses indicated there was absolutely zero lighting back there, along the driveway.

Mr. Bloeman indicated there were 400 watt lamps.

Mr. Desfosses asked for a photometrics plan.

Mr. Bloeman thought the lights were shown on the site plans.

Mr. Desfosses noticed that the first light is 50' – 60' away from the intersection.

Mr. Bloeman gave the instruction for 0 light spill but they can easily move that light.

Mr. Burke asked if the bus pullout is going away, did it make sense to have the sidewalk go directly up to the building?

Mr. Bloeman indicated they can do that. It would knock out a few parking spaces.

Mr. Burke felt it would work better. A straight line seems to work better.

Mr. Allen asked if there was any further presentation?

Mr. Bloeman indicated he did not have anything further.

Mr. Holden asked if anyone was present from the public, wishing to speak to, for, or against the petition.

Gerald Giles asked where the building was extending to?

Mr. Bloeman indicated they were extending the section where the garden center is, and it is just about the same width.

Mr. Giles asked how close the building would be to his property?

Mr. Holden indicated there was a 30' setback requirement.

Mr. Bloeman pointed out the building and indicated it was 35' – 60' back.

Attorney Pelech confirmed that it conforms to the Zoning Ordinance. He also went on to request that they appear before the Traffic & Safety Committee at their next meeting as they should have their letter from NHDOT. He doesn't believe there are any other concerns that should hold them up.

Mr. Holden indicated he would be more comfortable that the matter be tabled so that the easement plan could be finalized.

Mr. Holden asked if anyone else was present from the public, wishing to speak to, for, or against the petition. Seeing no one rise, the public hearing was closed.

DISCUSSION AND DECISION

Mr. Allen made a motion to table this matter to the next TAC meeting, with stipulations. Mr. Desfosses seconded. The motion to table passed unanimously, with the following stipulations:

- 1) A report from NHDOT is required;
- 2) This matter should be scheduled before the Traffic & Safety Committee (if a Traffic Study is not required);
- 3) The water line should show that the fire service connects around the entire building and is connected to the loop with a valve and also identify how the service is going to work with the pump building (the plan is confusing and the area should be detailed);
- 4) The Easement Plan and language needs to be reviewed by the Legal/Planning Departments;
- 5) The City will meet with Coast to work out a bus loading area in front of the building;
- 6) That one or two new lights will be added to the rear intersection with Constitution Avenue;
- 7) That the conditions from the TAC meeting of September 7, 2004 will be brought forward;

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B. The application of **Henry S. Dutkowski, Owner**, for property located at **806 US Route 1-ByPass**, wherein site plan approval is requested to construct a 2-story 652 ± s.f. addition to the front of the existing building and 250 ± s.f. of additional pavement for parking, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 161 as Lot 43 and lies within a General Business B district.

Tabled to the November 30, 2004 Technical Advisory Committee Meeting.

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C. The application of **Saco Avenue Professional Building, Inc., Owner**, for property located at **125 Brewery Lane**, wherein site plan approval is requested to construct a 4-story, 64' x 240', 15,500 ± s.f., 48-unit residential building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 154 as Lot 2 and lies within a Business district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, addressed the Committee. This project is the final phase of the construction of the former Portsmouth DPW. Currently there are two buildings, labeled as buildings B & C that are office buildings and they propose Building A that will be condominiums. At this meeting they presented the layout plan and begin discussions. There is a city sewer that runs underneath the proposed building site that is a combined sewer. The preliminary plan is to relocate that sewer. This is the second design for this building, with the first design not going forward due to the lack of a variance. They would like to move forward and establish some time frames.

He reviewed the Site Plan Set briefly. Sheet C-1 is the boundary plan, showing the existing boundary and existing easements and technical and legal aspects to the property. Sheet C-2 is Existing Conditions and shows the existing layout with one slight change where building D is labeled Building B. Sheet C-3 is the Demolition Site Plan and he pointed out the extent of the pavement that they will be removing. They would like to keep building B as a staging building during construction and they would bond its removal upon completion of construction. Sheet C-4 is the Layout Plan which shows the location of the proposed building, accessways, parking layout, curbing, dumpster locations and useage calculations (1/3 – 2/3 zoning requirement). Sheet C-5 is a Utility, Grading and Erosion Control Plan showing the drainage concept, awaiting the city's final separation project. Detail Sheets show details for the project. He opened the hearing up for any questions they might have.

Ms. Tillman asked about the parking spaces along Brewery Lane. She indicated that last time they came though, changes were going to be made to those parking spaces in this phase.

Mr. Chagnon clarified which spaces she was referring to and indicated that with the first application, the spaces on the northeast side of the property on Brewery Lane were not allowed to be counted as part of the parking count but were allowed to stay.

Mr. Holden asked if any of these parking spaces were covered by the Court case or is his position that these spaces are legally grand-fathered?

Mr. Chagnon indicated that was correct. At the time of the initial approval, there was a condition that during the second phase the sidewalks would be built along Brewery Lane to connect to the Griffin Property.

Mr. Holden asked if the spaces that back out onto Brewery Lane are legally pre-existing and do not count as part of the parking calculations?

Mr. Chagnon indicated they were not used as part of the parking calculation and he believes that was an agreed to position in the first application.

Attorney Chris Keenan confirmed that they were legal pre-existing. The ones closest to PAC (5) are grand-fathered and have always been there, the ones on the other side of Hometown Windows are not going to be parking spaces and then there are 7 spaces in front of building C which are proposed but are not counted.

Mr. Allen asked about the travel-width for Brewery Lane?

Mr. Chagnon indicated it was 24' and it will line up better with Plaza 800. Their island was designed to line up with the curb that is in place now. Now it is just a wide open sea of pavement so there shouldn't be any traffic issues.

Mr. Burke asked if they needed the Griffin's approval to do that.

Mr. Chagnon thought that they needed Site Plan approval to build the parking space.

Mr. Burke was confused over where the property lines were. He felt the property was subject to a 24' easement, as shown on the boundary plan.

Mr. Desfosses asked if there was a cross easement on Chevrolet Avenue to the Malt House property?

Mr. Chagnon indicated there was not an easement and they do not have the right to cross that.

Mr. Desfosses asked about easements to Pic N Pay?

Mr. Burke indicated these are the questions that came up during the first application. All of the traffic goes through Pic N Pay and what if they don't like it and close off the traffic? There is a possibility of that which brings up the questions of easements.

Attorney Keenan felt it had been used for over 20 years. Once the traffic hits Plaza 800 it is private property.

Mr. Burke felt it should be reviewed by the City Attorney.

Mr. Desfosses asked if it was their intent to keep the new sewer and drainage line on the property of King Weinstein? It is shown half on the Pic N Pay property.

Mr. Chagnon indicated they are referring to the relocation of the sewer and drainage line and what they are showing is the latest plan that they had which was done by Underwood. They do not have a new design. The City has expressed a desire to not ask for an easement on the Griffin Property and only ask for an easement on the Saco Avenue property.

Mr. Desfosses interpreted that to mean it hadn't been resolved yet. He indicated that 98% of his questions were about those issues. He did know that the Underwood study was in error in the back where it was showing the dead-end to the Conservation area and there actually is a drain line there now and it is a 36" pipe that was connected in the early 80's. He also has an issue with the original Conservation easement and it will have to be re-written to accommodate the sewer lines.

Mr. Holden felt it would be a good idea to list the areas where they have concerns so that they can address those items. He was encouraged by this revised plan but felt there was more work to be done and they should table this to the next meeting.

DISCUSSION AND DECISION

Mr. Allen made a motion to table this matter. Mr. Desfosses seconded. The following issues were identified as needing further consideration:

- 1) A crosswalk at the back entrance of Chevrolet Avenue is shown 20' – 30' off of the street and it is unclear why that was done;
- 2) There are interior stairways shown on the layout and it is not clear where they go;
- 3) The loading area by Building C is oversized and it should be reduced;
- 4) The City of Portsmouth normally requires one single handicapped ramp rather than one at each corner (3 shown on the plans);
- 5) There is a 4' sidewalk shown heading towards Plaza 800 that needs to lead somewhere;
- 6) That a meeting should be set up with DPW to address sewerage and drainage issues;
- 7) More information is required about the proposed pond;
- 8) Details are required on the plans on the water feed, keeping in mind that the City only allows one meter per lot;
- 9) Lighting needs to be shown on the plans;
- 10) The sprinkler system needs to be shown on the plans;
- 11) Hydrants need to be added to the plans;
- 12) A revised traffic study should be submitted, including the Bartlett/Islington intersection and the Middle/Cass Street intersection;
- 13) A meeting should be set up with the applicant, the Planning Department and the City Attorney to address the conservation land, easements with Chevrolet and Brewery Lane, as well as parking;
- 14) The sidewalk on Chevrolet Avenue should be the City standard of 5' concrete;
- 15) Concern was expressed over the shortcut through Jewell Court;
- 16) It was felt that the sidewalk should be extended to encompass Building B and a detail should be provided showing the general conditions on both sides of the right-of-way;
- 17) The elevations and slope of the retaining walls should be noted on the plans;
- 18) That the City address their contribution to off site improvements.

Mr. Holden asked if anyone was present from the public, wishing to speak to, for, or against the petition.

Patricia Maritime of 139 Aldrich Road, spoke to the Committee. She was pleased to see the land being used for housing but had concerns about drainage and a manhole that doesn't work. She is also concerned that more development will create more water for her property. She also hopes that the lighting will be regulated. She felt the conservation area was a wonderful thing and she hoped that it will continue to be protected and possibly enhanced.

Mr. Holden indicated that the public hearing would remain open.

The motion to table to the January TAC meeting passed unanimously.

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II. ADJOURNMENT was had at approximately 5:05 p.m.

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