

**MINUTES OF
RE-CONVENED MEETING OF THE
SITE REVIEW TECHNICAL ADVISORY COMMITTEE**

2:00 P.M.

**CITY COUNCIL CHAMBERS NOVEMBER 30, 2004
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

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

ALSO PRESENT: Lucy Tillman, Planner

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I. OLD BUSINESS

1. 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 the Central Business B district and Historic District A. (This application was tabled at the November 2, 2004 TAC meeting.)

The Chair read the notice into the record.

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

Mr. Holden stepped down and turned the Chair over to Mr. Allen.

Deputy Fire Chief Griswold made a motion to re-open the public hearing. Mr. Cravens seconded. The motion passed unanimously.

SPEAKING TO THE PETITION:

John Chagnon of Ambit Engineering appeared on behalf of the applicant. As they had appeared before the Board previously, he indicated he would begin by addressing the conditions from the November 2nd TAC hearing.

- 1) That the four doors on Congress Street be recessed for safety purposes or have the doors swing into the building, if code compliant;

The new plans reflect that the doors swing in and not onto the sidewalk.

- 2) That a garage door be considered researched so that further information can be provided at the next TAC meeting;

They will be installing a door to gate the access to the parking level and that is noted on the plan.

- 3) That a separate plan be prepared for signs and striping;

Included on Sheet D-2 is a complete striping and signage plan.

- 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;

They have met with the Porter Street residents and have worked out an agreement. This will be addressed later in the meeting.

- 5) That temporary arrangements for construction easements with the City need to be addressed, including the impact on abutters;

They have submitted as part of their package a proposed Easement plan for the sidewalk on Church Street. The City overhang issues between the property lines and the building are being prepared by Attorney Paul McEachern (License Agreement) and will be submitted at a later time.

- 6) That construction hours will be added to the site plan;

A note has been added to Sheet C-2 as Note #7.

Mr. Chagnon addressed some earlier comments. Copies of the PSNH easement were provided to the Committee. That speaks to an earlier comment concerning an easement for electric service. They will be providing service to the building via a transformer on the Porter Street Townhouse lots. They also moved the gas service so that it is brought inside the building and piped over to the inside meters.

Mr. Chagnon then distributed a Memorandum of Understanding that he reviewed with the Committee. He indicated that the applicant was proposing certain things as a result of their meeting with the Porter Street Townhouse abutters. Those items were as follows:

- 1) Hours of Construction Work. 7 am – 6 pm on weekdays. 8:00 am on Saturdays. No work on Sunday unless dictated by the City of Portsmouth.
- 2) Boring testing. Report to be provided to Porter Street residents upon completion, which should be coming right up.
- 3) Full Service Restaurant. It was agreed that there would not be a full service restaurant in the building. A coffee shop or retail bakery would be allowed with the majority of baked goods being prepared off site.
- 4) Garage Door. An overhead garage door will be installed.
- 5) Parking Level Ventilation Grill. This will be moved to a location along Church Street or the east elevation.
- 6) Fence Along the Southwest Property Line. A metal/cast iron fence will be installed.
- 7) Landscaping Along the South Elevation. Landscaping materials that match the existing plantings of Porter Street will be planted and the Porter Street residents have agreed to maintain that area.
- 8) Passage Across Abutters Property Along South Elevation. Specific agreements will be arranged between the parties to allow temporary access.
- 9) Dirt, dust & debris. The applicant will periodically clean/pressure wash the rear of Porter Street Townhouses as necessary.

Mr. Chagnon indicated that they have gone to great lengths to meet with the abutters and attempt to resolve outstanding issues.

Gerald Giles, of 30 Porter Street, indicated that the Porter Street Townhouse residents have since come to agreement on additional issues with the applicant. They met that morning and revised the document. Mr. Giles distributed a document outlining the status of some additional issues. He did indicate that they have agreed to modify the work hours as 7:00 a.m. – 6:00 pm, Monday through Friday, 8:00 a.m. – 4:00 p.m. on Saturday and no work on Sunday. They also agreed that the roof run off would drain into the City drainage system.

The four issues that they have not agreed on are as follows. The first issue is noise. The Porter St. residents would like to limit the decibel level to 55 from 7:00 a.m. to 9:00 p.m. and to 45 from 9:00 pm. to 7:00 a.m. He felt that was consistent with an area with residential abutters.

They disagree with to Mr. Chagnon's representation regarding garage vent drains. Mr. Connolly indicated that the drains should pump to an oil/grit separator and then drain into the City sewer system. There currently is no drainage whatsoever.

They disagree with trash pickup as they are asking that a private trash company to limit their pickup to the hours of 7:00 a.m. to 4:00 pm, Monday through Friday.

Finally, they are still concerned about constructing the building so close to the Townhouse property lines. They feel it should be built further back from the property line so that it can be maintained.

Steve McHenry, of McHenry Architecture, addressed the issue of building so close to the property line. As they have previously indicated, they are using pre-cast brick panels which will be installed by crane. They are making a concerted effort to not go on the abutting property. They have also got a very good understanding that if there is a necessity of going on the site, temporarily, they will give them plenty of notice and they believe they can satisfy their concerns in a spirit of cooperation.

Mr. Giles indicated that he met with Steven Kelm and they went over to Route 236 and saw the pre-cast brick. He felt this helped the issue but doesn't solve it.

Mr. Chagnon addressed the request to have an oil/water separator in the garage. He felt due to the volume of water it is easily handle by a drip drain and evaporation. He feels that design is appropriate. He also had a copy of a proposed Pedestrian Easement and proposed Lighting Easement that he submitted to the Chair.

Deputy Fire Chief Griswold asked about the drains in the parking area. He asked how those drains would handle a sprinkler activation for a car fire?

Mr. Chagnon indicated the surface area of the garage is 8/10 of the entire lot area so he was sure that by the time the fire was put out, the accumulated water would not be at the level to cause damage to any other vehicle. In such an emergency, they would have to pump out the area. The lot is sloped to the middle so it could sit there for awhile.

Mr. Burke asked how the garage door would work?

Mr. Chagnon indicated that they haven't worked out the details but it would be closed at night. It's not public parking and is only parking for tenants.

Mr. Burke was concerned about the door opening right onto the street.

Mr. Chagnon indicated the door was sufficiency back from the road so it does not block the sidewalk. There is at least a car length.

Mr. Allen 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 made a motion to approve with stipulations. Mr. Cravens seconded. This would include all existing stipulations as well as additional stipulations from this meeting's discussion.

The motion to **recommend approval** of the site plan to the Planning Board was unanimously approved with the following **stipulations**:

From the October 5, 2004 TAC meeting:

- 7) That an Easement Plan and License Plan shall be prepared for review and approval by the City Legal Department;
- 8) 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;
- 9) That the issues raised in the letter from Civil Works be addressed;
- 10) That the egress to the National Block remain open so that they comply with City Codes;
- 11) That a detailed description be provided regarding sewer and a meeting with the Department of Public Works is recommended;
- 12) That Sidewalk Easements shall be prepared for review and approval by the City Legal Department;
- 13) That the termination of shut-offs be shown on the plans;
- 14) That walkway safety be addressed in the construction area and the Church Street and Congress Street area to protect pedestrians from falling objects;
- 15) That the roof drains be shown on the plans;
- 16) That details be provided on specifications for brick construction, concrete handicapped ramp, and lighting,
- 17) That a determination be made for final paver material on Church Street;
- 18) That tree species need to be identified;
- 19) That electric metering should be shown on the plans;
- 20) That the sewer service shown on the plan should be 8" rather than 6";
- 21) That the water utility room should be shown on the detail sheet;
- 22) 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;
- 23) That trip generations be provided for existing development versus proposed development;
- 24) That lighting on Church Street be addressed;
- 25) That bike rack and bench specifications be provided for review and approval by the Planning Board/City Council;
- 26) That the loading zone be widened to 40' on Congress Street;
- 27) 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;
- 28) 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;
- 29) 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;
- 30) That the tree detail reflects the granite curbing that will surround it;

- 31) 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;
- 32) That a note be added to the plan indicating that a sewer discharge permit be obtained;

From the November 2, 2004 TAC Meeting:

- 33) That the four doors on Congress Street be recessed for safety purposes or have the doors swing into the building, if code compliant;
- 34) That a garage door be considered researched so that further information can be provided at the next TAC meeting;
- 35) That a separate plan be prepared for signs and striping;
- 36) 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;
- 37) That temporary arrangements for construction easements with the City need to be addressed, including the impact on abutters;
- 38) That construction hours will be added to the site plan;

From the November 30, 2004 TAC Meeting:

- 39) That there be a 5’ clearance between the building and any obstructions to allow for snow plowing;
- 40) That a note be added to the Sign and Striping plan that all proposed pavement markings be ground off, suitable to DPW standards;
- 41) That the stop bar be at least 4’ from the crosswalk;
- 42) That the roof drain be tied into the city drainage system;
- 43) That the hours of construction be modified on the plans to conform to the Zoning Ordinance, stating that Saturday hours are only allowed with the authorization of the Building Inspector;
- 44) That the ventilation grill be moved to the Church Street side and be placed at sidewalk level;
- 45) That the Memorandum of Understanding, dated November 30, 2004, between the Applicant and the owners of Porter Street Townhouse units be signed by all parties;

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2. 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. (This application was tabled at the November 2, 2004 TAC meeting.)

The Chair read the notice into the record.

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

SPEAKING TO THE APPLICATION:

Attorney Bernard Pelech addressed the Committee on behalf of Wal-Mart. He indicated this matter was tabled last month for some minor changes as well as they were awaiting word from NHDOT with

regard to the need for a full traffic study. John Burke, Bill Bloeman, and Mike Waugh, of SEA, have been in contact with NHDOT Planning and they have been advised that NHDOT has signed off on the trip generation studies submitted by Mr. Waugh and that has been forwarded to Mr. DePorter at District 6. Mr. DePorter indicated that he wanted to check with the Design Division of NHDOT prior to issuing any correspondence, signing off on the need for a traffic study. Wal-Mart is committed to contributing to improvements along Constitution Avenue.

Attorney Pelech referred to the plan changes. As Coast wanted to leave their bus pickup area in the front of the building, they have eliminated the bus stop that was shown out front. As a result, they were requested to shift the sidewalk to the north so that it is a straight shot from Lafayette Road. A 4-way stop has been created at the major intersection. The details were submitted by SEA in a separate set of plans showing the crosswalks and the improvements. That detail also showed the widening of the turning radius on Constitution Avenue that was requested. They also have shown additional "loading" areas on the plan to comply with the ordinance. They received a variance from the BOA to allow 12 loading areas on site where 19 are required. This plan shows all 19 and they are happy to have Site Review review the location of those and they can be shifted around as necessary. He believed that took care of all plan changes.

Attorney Pelech indicated that Mr. Desfosses had requested some improved lighting at the intersection. They now show new lights along the accessway out to Constitution. The easement that he dropped off at the City Attorney's Office for the waterline is under review. There is also an easement being signed by Mr. Salema for his property so that the City will have a water line easement for the loop that is being created, connecting the Post Road cul-de-sac with Constitutional Avenue.

Bill Bloeman of SANS Associates, addressed the Committee and indicated that the only other thing that he could think of was they have looped the water line as requested and it is all shown on the plans. The utility plan had a note added to abandon the existing Joker's water service to City standards. Also, the Landscape Plan was changed to include a 6" topsoil, as requested by the TAC comments.

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. Allen asked if they would be having any cooking facilities?

Attorney Pelech indicated there were cooking facilities in the existing structure. There will be two new grease traps.

Mr. Allen asked for a detail and asked if they were 1,000 gallon.

Mr. Bloeman indicated that details were on the plan and he believed they were 1,000 gallon.

Mr. Allen requested that the size be added to the detail.

Mr. Holden asked if they could receive one plan set for each member at the subsequent meeting that addresses when the revisions were made and what the revision date is for each plan. The plans are currently lacking revision dates.

Deputy Fire Chief Griswold made a motion to approve with stipulations. Mr. Cravens seconded.

Mr. Allen requested that the size and type of the two grease traps be noted on the Site Plan.

Mr. Holden requested that a Site Plan set be provided to the all Committee members, complete with revision dates.

Mr. Cravens requested that the note on the Site Utility Plan behind Joker's that reads "Line to be abandon by city (typ)" be revised to read "Line to be abandoned according to City standards".

Mr. Cravens asked for a note for clarification showing where the easement line leaves the property be added. He felt it was a little confusing.

Mr. Cravens asked that the water service be changed to a 4" service, as the City doesn't have the capacity to tap into 3".

Also, Mr. Cravens asked that the irrigation system be changed to come off of the domestic water meter in the building.

Mr. Holden had concerns about the layout of the parking lot. He suspected that when this was done it would probably be the largest parking lot in the City. He wants to make sure they get it right. He thought one parking space could be as far as 600' from the entrance of the building. He felt they could do a better job on the design of it to include open space and safe areas to encourage pedestrian movements in a safer manner. If other TAC members agree, he would like to work with the applicant to massage that.

Mr. Desfosses indicated that had been his position all along. He felt, considering the overall size of the lot, that they needed to spend more time getting the pedestrians to the front door than normal. He would encourage some sort of pedestrian safety and felt it was their responsibility to work that out.

Mr. Holden suggested a condition that the applicant work with the City to revise the parking plan so that they can encourage pedestrian safety as well as a little bit of aesthetics so that this parking area does credit to the facility that it is serving. The parking lot also contributes a far amount of run off and he is not sure if there are other ways to handle the run off so that it isn't a detriment to adjacent properties. He asked if there was a method of handling that?

Mr. Allen suggested that the applicant look at the porous pavements that are now going in and being used that are certainly better environmentally, especially in this gravelly area where they have good sub-surface water movement. He would like to see them do something that breaks up the significant amount of flow that will run off the large parking lot. The City is certainly looking into those types of pavements.

Mr. Desfosses added that a lot of Portsmouth has very poor soil and that this application would apply very well for this type of parking lot area that is a major run off area. A lot of the lot runs across Lafayette area into the White Cedar swamp so it would be very appropriate to look into this.

Mr. Bloeman responded that maintenance on the porous pavement would be a problem. He indicated this type of pavement tends to get pulled up in the wintertime. Also it is slippery when it gets wet. He also indicated that they have reduced the impervious area and increased pervious from what is out there now because Joker's is currently 100% impervious. They have increased the green area along Attorney Giles property line.

Mr. Desfosses would agree with all of that but this is still a new and very appropriate technology. It is the salt that is killing things. Because this area has such a heavy duty gravel base, he felt they should look into it.

Attorney Pelech indicated they would be willing to work with the City on this but this is the first they have heard of it and this is their fourth time before the Committee. First they wanted a side walk in one place and then they wanted it moved to another location and now they are reinventing the wheel and starting from scratch again.

Mr. Holden appreciated Attorney Pelech's frustration but added that they have a major project and they don't do one of this size very often. With the potential traffic impacts resulting from this and the problems they have had in the past with drainage on this site, this seems like a good opportunity to take a very significant watch and make sure they do this right.

Mr. Desfosses felt the City would be very appreciative of anything they could do and he felt this solution on this site would work very well and he felt they should look into it.

John Burke indicated that they have not had any presentation about trip generations. They have received correspondence that has gone back and forth with NHDOT but they need to have this summarized for the Committee.

Mr. Holden suggested re-opening the public hearing. Mr. Allen made a motion to re-open the public hearing. Mr. Burke seconded. The motion passed unanimously.

SPEAKING TO THE APPLICATION:

John Theriault, of Surry Engineering Associates, addressed the Committee. He indicated they did some traffic counts in April and those counts showed, based on a 125,000 s.f. Wal-Mart and a 27,000 accessory building (Joker's), during the weekday peak hours they had about 628 vehicles trips. On Saturday mid-day peak hour there were 945 trips. They are increasing the building size from 125,000 s.f. to 205,000 s.f. They looked at the trip generations for a discount super store and they found that during a weekday peak hour they had 813 vehicle trips and on a Saturday they had 1,011. They send a Memo to NHDOT discussing trip generations and NHDOT requested that they seasonally adjust the figures. When they did that, they came up with 684 during the weekday and 1,029 on weekends. They looked at this and determined that the existing uses are similar with what are proposed for the Super Center. They have recently received a Memo from NHDOT indicated that the Planning Department is in agreement with them that the trip generations from this Wal-Mart will not be significantly greater than the existing Wal-Mart.

Mr. Burke asked if what they were essentially saying was that with this development during the Saturday peak, there will be an increase in two cars to the site?

Mr. Theriault confirmed that if you look at the numbers correctly, during the Saturday peak, which is what this site was originally designed for, they are actually lower than what the site was originally permitted for and designed.

Mr. Burke understood that but he was trying to confirm that on Saturday peak hours, when they knock down the 27,000 s.f. retail and they build the Super Center, there will be 2 more cars going in and out of the lot? And on the weekdays, there would 146 more?

Mr. Theriault confirmed that during the weekdays they would be adding more traffic but on Saturdays they are estimating that it will be about the same.

Mr. Burke indicated that they are taking away 27,000 s.f. of retail and adding 70,000 s.f. of Wal Mart and they are only going to increase the trip generations by 2? That is what people can't figure out. Mr. Burke asked him to explain that in laymen's terms.

Mr. Theriault indicated that a smaller store has a higher trip generation and they generate more traffic per square foot. They will be providing more product to their customers, who are already showing up at the door, so they will spend more on each visit. Instead of spending \$100 on each visit, they will spend \$200 on each visit. They have Joker's and the Pet Store that will be removed. Joker's is a specialty retail store and the trip generation on that was greater than 5 and somewhere around 6 or 7. The smaller stores are generating traffic at a higher rate than the Super Center will. They are doing a similar project in Rochester and they were asked to look at trip generations in Epping and Somersworth where there are Super Centers. They found that the values were very similar to what their team was providing, using standard practices.

Mr. Burke asked if they looked at Joker's individually?

Mr. Theriault indicated they did not – they looked at the site as a whole. His point was that their figures from April do not need to be adjusted and the trip generations are pretty standard throughout the year except Christmastime.

Mr. Burke asked if NHDOT has accepted their proposal of their analysis of trip generations and they have not decided whether an additional traffic study is required beyond that?

Mr. Theriault confirmed that.

Mr. Burke requested a written summary of Mr. Theriault's report for the Committee members. Mr. Burke also believes it was essential to do trip generations just for Joker's. Also, NHDOT has accepted the report but Portsmouth needs to review it.

Mr. Desfosses mentioned trucks and how many more would be coming into the site. He is very interested in the trucks in addition to the passenger trips.

Mr. Burke indicated that Constitution Avenue is a difficult intersection. His concern is focused on that intersection and traffic turning onto Route One. The City needs to establish the increase in traffic.

Mr. Theriault agreed that there is a lot of congestion at Constitution Avenue and they will help out with improvements there by making a contribution. They don't see why they would have to do any more studies.

Mr. Burke just wanted to make sure that everything was submitted to the City as well as NHDOT.

Mr. Allen felt that the Committee is flying blind at they haven't seen any traffic reports. Mr. Burke may have seen some correspondence but the Committee hasn't seen any of it.

Mr. Holden also would like to see the NHDOT report but his biggest concern is, despite the traffic improvements that were done on the last go around, he personally does not drive Route One and he doesn't know if this report will give him a sense of what the impacts are on the adjacent routes?

Mr. Theriault stated that a Super Center typically has five trucks a day.

Mr. Holden indicated that was useful information. His concerns are alternate routes and he wants to know whether NHDOT or their traffic studies have looked at the traffic past the driveways of Wal-Mart?

Mr. Theriault indicated that they did look at Banfield Road and Constitution Avenue, and Mr. Burke has seen that report.

Mr. Burke indicated they have not seen a trip distribution. Mr. Burke felt they were saying that if Constitution isn't signalized and improved, then the traffic will move to the private roads.

Mr. Theriault's asked what the Committee wanted them to do?

Mr. Burke stated that they sent a letter to NHDOT back in December stating that there was a reduction in overall traffic to the street system on both Saturday and weekday. With the development, there would be less traffic on both. These figures seem to go back and forth.

Mr. Theriault reminded Mr. Burke that those figures were as a result of the original scoping meeting where, at the request of NHDOT and the City of Portsmouth, they were asked to look at the existing uses and compare it to the proposed uses and right away he indicated that would show a reduction in traffic.

Mr. Burke was trying to get at the point that until they received the Fax late last week, they did not know that there was a net increase in traffic on the road.

Mr. Theriault felt they have gone full circle in this. When they went to the scoping meeting, there was an increase in traffic. It wasn't a significant increase and was something like 200 during the weekdays and 50-60 during a Saturday. He indicated that the improvements were designed for a Saturday

Mr. Burke indicated the City has an ordinance that says if you have an existing intersection (Constitution) and there is a problem with it and they are going to add traffic to it, then they have to fix it.

Attorney Pelech indicated that both Mr. Burke and Mr. Holden agreed with NHDOT that they would rather see the money spent on fixing Constitutional Avenue than doing another traffic study when it wasn't needed. He felt they all provided a united front. Now, Mr. Burke is saying maybe they should go out and do a traffic study which is completely contrary to what he said at the meeting at NHDOT.

Mr. Holden asked if it was his position that he would take over the responsibility for all of the improvements?

Attorney Pelech indicated that it was not.

Mr. Holden then said that they then had to agree on an amount and that was where this was all headed.

Mr. Theriault thought they were past that.

Mr. Burke confirmed that the issue was that the Committee has not seen any of the correspondence that has gone to and from NHDOT. The City needs to be comfortable with their decision.

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

Attorney Sharon Somers, speaking on behalf of Lafayette Plaza, LLC, expressed her concerns over traffic issues. She is concerned over the fact that NHDOT has not decided one way or the other what they are going to ask of the applicant. There have been some comments that NHDOT is satisfied with the analysis that has been done on trip generations but they have also heard that NHDOT has not made decision regarding an additional traffic study. Secondly, it is not clear to her what the City is asking for. They are asking for additional information regard the traffic on City streets. Thirdly, she would request that no final decisions be made until they have some kind of input from the State, until the City decides on some course of action and until the public has had an opportunity to study the information which was only recently provided to the City.

Mr. Bloeman addressed Ms. Somers by indicating that the letter from NHDOT states that they are satisfied with their numbers. They are awaiting a review/response from the design section but they don't have anything to review.

Mr. Burke understood that NHDOT has agreed with the trip generations but they have not decided whether a traffic study is necessary.

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.

DECISION AND DISCUSSION

Mr. Holden indicated that there was a motion to approve on the table. He asked that they take it off the table. The motion to take it off of the table passed unanimously.

Mr. Holden suggested that they add any additional information that they are looking for. He indicated that one was a letter from Doug DePorter from NHDOT, and a copy of all correspondence from NHDOT.

Mr. Holden also suggested a meeting with the applicant, NHDOT and the City regarding Constitution Avenue and trip generations.

Mr. Holden reminded Attorney Pelech to meet with the City Attorney and Planning Department to review the easement plan and the language so they will keep that outstanding.

Mr. Desfosses asked that the applicant meet with DPW and the Planning Staff to review the suitability of porous pavement on the site and also to review the overall layout for pedestrian safety.

Mr. Burke indicated that they should appear before Traffic & Safety after this has been disposed of by TAC.

Mr. Desfosses made a motion to table with stipulations to the January 4, 2005 TAC meeting. Deputy Fire Chief Young seconded. The motion passed unanimously.

Stipulations from the November 2, 2004 TAC Meeting:

- 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;

Stipulations from the November 30, 2004 TAC Meeting:

- 8) That the size and type of the two grease traps be noted on the Site Plan;
- 9) That a Site Plan set be provided to the all Committee members, complete with revision dates
- 10) That the note on the Site Utility Plan behind Joker’s that reads “Line to be abandon by city (typ)” be revised to read “Line to be abandoned according to City standards”;
- 11) That a note be added where the easement line leaves the property for clarification;
- 12) That the water service be changed to a 4” service;
- 13) That the irrigation system be changed to come off of the domestic water meter in the building;
- 14) That the applicant work with the Planning Department and the DPW to revise the parking plan to address pedestrian safety and aesthetics;
- 15) That porous pavement be used on the parking lot areas to break up the significant amount of flow from the site;
- 16) That a written report be prepared for the Committee regarding trip generations and traffic issues, including all written correspondence with NHDOT;
- 17) That after a response has been received from NHDOT, a meeting shall be scheduled with the NHDOT, the applicant and City personnel to discuss Constitution Avenue and trip generations;
- 18) That the applicant appear before the Traffic & Safety Committee after receiving a recommendation of approval from TAC;
- 46) That an Easement Deed and Easement Plan be prepared for review and approval by the City Legal Department;

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3. 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. (This application was tabled at the November 2, 2004 TAC meeting.)

Mr. Holden indicated that the applicant has asked that this application be tabled until the January TAC meeting.

Mr. Desfosses made a motion to table this matter until the January 4, 2005 TAC meeting. Mr. Cravens seconded.

The motion to table passed unanimously.

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II. PUBLIC HEARINGS

A. The application of the **City of Portsmouth, Owner**, for property located at **22 Deer Street**, wherein site plan approval is requested to construct a 16’ x 23’ addition to an existing building, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 12 and lies within a Municipal district and Historic District A.

SPEAKING TO THE APPLICATION:

Peter Rice, City Engineer for the Water and Sewer Division, presented on behalf of the City of Portsmouth. This project represents an upgrade in their Deer Street pumping station. This upgrade is to improve the pumping capacity of the station, to address regulatory compliance issues and improve the aesthetics of the current building that is in the Historic District of the City. He felt it was a fairly straightforward project. They are proposing an addition to the existing pumping station. They looked at modifying the site plan to eliminate the proposed exit out of Deer Street but for a number of reasons they decided to leave it as it is. They will eliminate the Deer Street exit and make that a solid section of sidewalk.

Mr. Holden asked if utilities were coming on-site underground?

Mr. Rice confirmed that they would be eliminating the overhead transformers and going underground. The existing transformer pole on the Market Street corner of the site feeds the buildings behind where the florist shop is so in order to bury the utilities they had to bury the service of the abutters as well.

Mr. Holden noted that they exhorted a lot of landscaping from adjacent properties and asked how they worked that?

Mr. Rice indicated that the abutters volunteered to do that.

Mr. Desfosses asked what the purpose of the granite curb flush with the sidewalk was?

Mr. Rice had not noticed that and he would change it.

Mr. Desfosses asked if that was a light pole on the corner.

Mr. Rice indicated it was a light pole and was powered off of the building.

Mr. Desfosses asked for that to be noted on the plans. Mr. Desfosses felt that they should stick to the 7’ sidewalk width all around the site, where possible. It would probably only allow for 5’ in front of the building.

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. Allen made a motion to approve with stipulations. Mr. Desfosses seconded.

The stipulations were as follows:

- 1) That the Site Plan be revised to show the elimination of the exit drive onto Deer Street;
- 2) That the sidewalk be adjusted to 7' on the curved section and as close to 5' as possible in front of the building;
- 3) That the underground power source to the City lights be shown on the plans;
- 4) That the sidewalk tip down be shown where the existing crosswalk is located;

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B. The application of **Harold J. Henry, Owner**, for property located at **235-245 Islington Street**, wherein site plan approval is requested to construct a 20' x 38' 3-story free standing building, with a 760 ± s.f. footprint, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 138 as Lot 45 and lies within the Central Business B district and Historic District A.

The Chair read the notice into the record.

SPEAKING TO THE PETITION:

Harold Henry, property owner, addressed the Committee. He is expanding his condominiums from 6 to 7 units with a free standing townhouse, which includes a three car garage. They will be tying into existing utilities from the site. Gas from Langdon Street will remain the same. Water and sewer from the site are connected to Langdon Street. Landscaping is done. They have appeared before the HDC and have received approval from that Board. They will be removing part of the parking lot to install the services and will subsequently repave and stripe. Drainage from the site is managed through a catch basin around the site. This project falls within all requirements of the CBB District, including setbacks, lot coverage, and open space.

Deputy Fire Chief Griswold asked if there were any changes to the existing 6 units or were they only adding a single family dwelling?

Mr. Henry indicated they were not making any changes to the existing building. He has done some facial improvements to the existing building such as painting but that's all.

Mr. Cravens asked what the size of the existing water line was?

Mr. Henry indicated he believed it was 2" and a 4" sewer line.

Mr. Holden stated that under normal situations, all utilities should be brought underground but it appears they are proposing to come off of an off-site pole.

Mr. Henry indicated that on the existing building all power comes from a utility pole on Langdon Street.

Mr. Holden mentioned that the proposed site plan shows a utility pole on Langdon Street with services running to the parking lot next to space #12. He asked if that was going off site or was it back feeding into the existing units?

Mr. Henry indicated that gas line would go right through the parking lot.

Mr. Desfosses stated they were asking about the electric service.

Mr. Henry indicated the electrical service would come off of Langdon Street to the pole next to parking space #12. He talked to PSNH and they indicated they could go underground from the existing pole.

Mr. Holden asked how the Committee felt about that. He felt they should require that all services be underground to bring it up to current regulations and the applicant could request a waiver at the Planning Board level.

Mr. Allen agreed with Mr. Holden and felt this was the time to put all utilities underground.

Mr. Holden indicated that he is doing site work on the site and in order to be in compliance with Site Review Regulations, all utilities need to be underground.

A discussion followed regarding how the power was currently coming into the site and what was required by the Site Review Regulations.

It was recommended that all electrical, cable and telephone service to all units be underground.

Mr. Allen asked that where they are tying the sewer service into the existing manifold leaving the existing building there should be a manhole or a clean out structure there.

Mr. Henry indicated there was a manhole there.

Mr. Allen indicated that should be shown on the plan.

Mr. Desfosses indicated there should be a sewer clean out at the end of the sewer lateral so that it can be fixed if it gets clogged.

David Paolini, working for Mr. Henry, indicated that he was fairly sure that they had clean outs in every one of the sewer units.

Mr. Allen asked about the catch basin that the roof drains ties into.

Mr. Henry indicated that goes out to Langdon Street.

Mr. Allen indicated that should also be shown on the plan, along with size and type of existing pipe.

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 made a motion to approve with stipulations. Mr. Cravens seconded. The motion passed unanimously with the following stipulations:

- 1) That all utilities on site shall be underground;
- 2) That the manhole shall be added to the Site Plan;
- 3) That the catch basin that the roof drains are tied into should be identified with the type and size of the pipe;
- 4) That a \$500 contribution shall be made to the City for brick sidewalks;
- 5) That it be determined whether the existing water feed is adequate for the new water service;

- 6) That a sewer clean out at the end of the sewer lateral shall be shown on the Site Plan;
- 7) That a meeting shall be scheduled with DPW to resolve outstanding issues;

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C. The application of **145 Heritage Avenue Properties, LLC, Owner, and Carlisle Capital Corporation, Applicant**, for property located **off Heritage Avenue**, wherein site plan approval is requested for the construction of two industrial buildings, one building to be 120' x 120' 1-story, 14,400 ± s.f. and one building to be 210' x 140' 1-story, 29,400 ± s.f., with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 284 as Lot 7 and lies within an Industrial district.

Mr. Holden indicated that that the applicant requested that this matter be tabled until the January TAC meeting.

Mr. Desfosses made a motion to table this matter until the January 4, 2005 TAC meeting. Mr. Cravens seconded.

The motion to table passed unanimously.

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III. **ADJOURNMENT** was had at approximately 4:15 p.m.

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