

**PORTSMOUTH  
TRAFFIC & SAFETY COMMITTEE MEETING  
SPECIAL MEETING**

**8:00 a.m. – Thursday, June 28, 2007**

City Hall – Eileen Dondero Foley Council Chambers

**I. CALL TO ORDER:**

Councilor Ken Smith, Chairman called the meeting to order at approximately 8:05 a.m.

**II. ROLL CALL: Members Present:**

Councilor Ken Smith, Chairman	Ted Gray, Member
Steve Parkinson, P.E. Public Works Director	Jonathan Bailey, Member
Deputy Police Chief Len DiSesa	John Connors, Member
Sarah Fox, Paramedic Fire Dept.	Eric Spear, Member
Deborah Finnigan, P.E., Traffic Engineer	John Howe, Member

**III. OLD BUSINESS:**

(A) **Parade Mall** – TAC Referral (Plans just received attached) - Gregg Milcolaities of Appledore Engineering, Jeff Johnston of Cathartes, Patrick Cummins of Appledore, Alex McEachern, project Attorney and Robin Bousa of VHB. Your endorsement is important to keep this project on schedule; this project has received HDC endorsement. For the record a site walk took place on June 12<sup>th</sup> with this Committee, this is a follow-up to that meeting. There have been numerous meetings with City staff, abutters, traffic engineers, a lot has been accomplished, scheduled for TAC next Tuesday and would like to receive a positive endorsement this morning. MR. Milcolaities addressed some of the comments.

The Chair again stated that he was a business owner and would sit down if there was any objection. There was no objection.

Mr. Milcolaities presented the Committee with plans C-6, C-6A, C-6B, C-6C, C-16 and C-17. Mr. Milcolaities referred to the handicap ramp at the garage exit site issues, corrected the detail shown on Sheet C-6B. Referred to the letter attached to the plans dated June 18, 2007 from Capobianco & Associates, consulting Engineers for underground garage, including a sketch that was incorporated into their plans. Discussion regarding angle when exiting the underground garage and their recommendation was a 60 degree angle.

The alignment of the handicap ramp from boardwalk on private way to Vaughan Mall was questioned and now there is an existing handicap ramp on the Vaughan Mall side of Hanover St. that will be relocated 6ft to connect to the boardwalk/crosswalk. There was also discussion the loss of six parking spaces along Hanover St. to be referred to the Parking

Committee scheduled for July 12th. Discussion with people of the Hill regarding connecting their property with this project, Sheet C-6-A now extended boardwalk all the way from Deer St. along the length of the Hotel and created another cross connection sidewalk for the Hill.

Deer St. shown on 6-A showing striping, three different areas for bicycle racks on site, also in the garage shown on the garage plans.

They have had follow-up with Fire Dept. regarding their purchasing a new ladder, 7 ft. longer than the existing fire truck, the wheel base is about 5 ft shorter for a better turning radius shown on Sheet C-17 showing the new fire truck the City is purchasing. Also Sheet C-16 showing WB-40 trucks being able to get in and out of the driveway, up High St., Garden Way.

Attorney McEachern is working with the City Attorney on details of allowing Police on site.

Regarding trash pick up hours, referred to June 25<sup>th</sup> letter from Waste Management stating pick up of trash outside peak traffic hours between 7:00 and 9:00 a.m. and 4:00 to 7:00 p.m.

Comments regarding analysis with and without the Westin project, queuing on Deer St. and software signalization and turned the meeting over to Robin Bousa.

Debbie Finnigan asked where the garage plans were?

Mr. Milcolaities responded it was on sheet C-6B and have now done 20 scale plans showing those details. Chair responded also in the letter from Capobianco & Associates.

Robin Bousa of VHB submitted memorandums addressing issues raised at past meetings as well as site walk. Ms Bousa addressed each one. Referred to the original traffic study incorporating the improved roadway improvement plan for the Westin Hotel which changed the northern section of Deer St. between Russell and Market to one-way. Findings were basically no change in service operation and recommendations in original traffic study all remain valid.

The second memo referred to special events analysis where the private way would be closed off to traffic. Nothing specific planned at this time it is difficult seeing what it would look like and took worse case scenario showing no changes at any of the intersections and findings and recommendations of original traffic study also remain valid. The applicant is working with the City Manager's Office to come up with a formal agreement for a procedure to use in the event that they do want to close the private way for a special event.

The third memorandum refers to the Parade Mall project being completed before the Westin project completed and associated improvements plan. Again updated the traffic volumes and analysis and again found findings and recommendations in the original study still remain valid. The Westin plan includes a traffic light at that intersection and understands it is an important part of the project. The Applicant is proposing to work with the City to help keep the project moving along and to make a monetary donation for the overall implementation of the signal at that location.

The last memorandum handed out this morning refers to the Westin Hotel raising the issue of their concerns with queuing on Deer St. They received a fourth analysis and memorandum to help address their concerns and they are working with Giles Hamm, Traffic Consultant for Westin in trying to address their issues. There are two big changes that happened with the redevelopment of this site. By relocating the driveway, one-way circulation actually helps reduce the queuing on Deer St. The second situation actually helps improve that situation is that by relocating the driveway, we are taking away and minimizing the number of conflicts that exists there if it remains a four-way condition. People coming out of the garage no longer have to compete with traffic turning in and out of the Parade Mall.

The final comment regarding location of the driveway and the fact it is between Maplewood Ave. and the garage location. Referring to the site plan, stated it is actually located in the best location it could be located, located in the taper area, the taper area for the left turn lanes is the same full width as a common turn lane, an area not delegated to the signal at Maplewood Ave. or to the Westin garage left turn lane. It is adequate space in width for car to queue.

Deputy Chief DiSesa referred to Ms. Bousa's comment "no real impact on traffic flow if the private street is closed in the worst case scenario". Deputy Chief stated that with all the development that is going to be taking place in that location within the next 5-10 years feels this will be the geographic center for downtown and with all retail, hotel and build up, conference center, parking garage, the whole idea of this construction was to increase flow into the City. If that street is closed off, worst case scenario, cars will have to go to Maplewood and there is a light there, you don't anticipate long queuing and backup?

Ms. Bousa responded she agreed and what we have said right along and specifically holds true under this scenario, that as you move forward and the Westin has developed and the Parade Mall has redeveloped, you need to relook at the signal timing on Maplewood Ave. system. It is critical to allocate enough green time on Deer St. to help traffic adequately. There is a lot of room or adjustment in the system and are more than happy to work with them to come up with an optimal timing at this intersection and make it a requirement of this project. More importantly if there is a special event scenario, you may actually want to have a special signal timing that accommodates that sort of traffic.

A special event that entails closing off that street.

Deputy Chief DiSesa is anticipating an MOU where closing off that street is a rare occasion, which is his position as Deputy Police Chief.

The Chair asked, during construction, have you come up with a plan for how construction traffic is going to enter and leave the site and how will that affect some of the neighboring streets?

Ms. Bousa referred this to Gregg Milcolaities who anticipates it will be part of the Planning Board approval need to have an approved construction management plan prior to starting construction, details they

are working on. It will be done in phases, up by the condos will be done first to keep traffic circulation moving down Garden Way and working our way across the site. The details will be worked out with City, Public Works and Traffic, there will be multiple entrances.

The Chair's concern is having streets closed off to allow for big trucks coming in, which effects traffic in the area.

John Howe referred to the 5-10 year construction period and the need for specialized police, you'll need more than traffic signals.

Deputy Chief DiSesa stated there will be outside work detail hired by the Police Department especially if there are safety concerns.

Gregg Milcolaities stated the actual construction period is 18-20 months.

Attorney Somers of Donahue, Tucker & Ciandella, read the following letter into the record.

"Dear Chairman Smith and Members of the Committee:

This firm represents The Hill Condominium Association. We appeared at the June 14, 207 Traffic and Safety meeting and expressed concerns about truck deliveries generally for the project, and in particular those which are made in connection with the Hilton Garden.

Subsequent to the meeting, we spoke with the developer and we were able to reach agreement on many of these issues. Specifically, Parade Mall has agreed to the following items: 1) the truck radius is designed for trucks sized WD-40 or smaller, and such information will be noted on the plan; 2) the Hill Condominium Association has the right of egress over both Garden Way and the private way leading out on to Hanover Street; this fact will be noted on the plan; 3) Garden Way will be used for truck deliveries only to the Hilton Garden, the Hill (Specifically the Blue Mermaid), and the Harbor Hill Condominium, and deliveries to the proposed hotel are to be made only to the loading area in the rear of the hotel, via Garden Way, and as depicted on the site plan; such truck delivery patterns to be noted o the plan; 4) a notation on the plan showing that all other truck deliveries for the project will be made using locations other than Garden Way.

In the event that Traffic and Safety is ready to recommend this project on to the Technical Advisory Committee, then we respectfully request that the above agreed upon items be included as part of the stipulations.

Additionally, and in response to concerns raised concerning truck deliveries made to the Hilton Garden and the Blue Mermaid, the Hill Condominium Association has agreed to allow a portion of their property to be used as a truck loading area solely for the use of trucks servicing the Hilton Garden and the Hill Condominium, specifically, the Blue Mermaid. In turn, Parade Mall has agreed to construct the loading area. Since the loading area will be located on the Hill Condominium property, site plan review and approval for the concept will need to be done by means of a site

plan to be submitted by the Hill Condominium in the near future. It is our intention to have the Hill site plan be reviewed and approved in the same time frame as the Parade Mall site plan. However, our unqualified support of the project is contingent on having the truck delivery question resolved in the manner described above. Therefore, we further request that any recommendations made by Traffic & Safety on this date include a stipulation referencing that approval of the project should be conditioned on obtaining site approval of a truck loading area, and that such site plan will be presented by the Hill Condominium Association, in cooperation with Parade Mall Development, LLC.

We appreciate the efforts of Parade Mall to address the traffic concerns which we raised at the June 14, 2007 meeting and we support the project subject to the requests cited above.

Thank you for your attention to our concerns.”

In essence what has happened since the June 14<sup>th</sup> meeting, we have made great progress working with the developer, both parties tried to reach resolution on many issues, both traffic and non-traffic related and were able to accomplish that to support the HDC plan and to basically move forward. What you have before you is 1. the various agreed items that need to be noted on the plan, although she has not seen the plans, it is her understanding they exist, and many of those things are identified. For clarity in the record would like to see, is the Traffic & Safety ready to move forward today, take Items 1-4 on page 1 of the letter and include them in the stipulations.

Regarding the bump out, at the June 14<sup>th</sup> meeting had discussion with City staff and simultaneously discussion with developer about the bump out concept. The essence of the idea is recognizing that unloading needs to take place for both the Hilton and Blue Mermaid, an idea of taking an area for unloading on their property. The developer agreed to do construction for this and want to have a plan submitted by July 16<sup>th</sup> for TAC on July 31<sup>st</sup>. Also important that the truck delivery issue is a vital one and feels this is a good solution and need to ensure that solution actually takes place. Attorney Somers requests this issue be reflected if this Committee is ready to move forward with recommendation to TAC, referring to Page 2, indicating approval of the project should be conditioned on approval of the area and site plan be presented by the Hill in cooperation with Parade Mall.

Debbie Finnigan would like to know where the other truck deliveries for this project would be using other locations other than Garden Way, where are those other locations?

Attorney Somers stated this is something that needs to be shown on the plan, where they intend to have those other deliveries made.

Debbie Finnigan is looking to the developer to respond to this.

Gregg Milcolaities responded there are now two signs on two spaces on both sides between 6 and 9 a.m. for deliveries and will accommodate WD-40 to back into shown on C-16.

For clarification the Chair reiterated the Hotel is going to go down Garden Way and go to the loading dock, the main office building and retail are going to be serviced from those loading spaces on your private way. The private way is a double lane and wide enough for UPS or Federal Express to pull up.

Ted Gray asked if during construction the private way will be open to service construction vehicles?

Mr. Milcolaities responded we don't have to go down Garden Way for construction

The Chair added that the private way is being built over the parking garage.

John Connors referred to the loading and unloading that deliveries will be from 6-9 a.m. however, will the Police have authority to tell them to move as they are on a private property?

Mr. Milcolaities responded that this is one of the details that are being discussed with the City. The general intent is to have that street open in the morning and reserved for retail and have parallel parking.

Attorney McEachern addressed the issue of police enforcement stating that they have met with the Deputy Police Chief and City Attorney and will be preparing a written proposal of private street agreement setting forth the rights and responsibilities and it is their intent to give Police Department whatever enforcement authority they request.

In responding to Attorney Somers' letter stating they have no objection including the conditions on Page 1 as part of the stipulations. However, can not agree to the conditions on Page 2 requesting as a stipulation that approval of this property is conditioned on the Hill receiving approval for construction of the Garden Way loading zone.

Attorney Somers' key concern is that the truck delivery issue be resolved. Stated that if this Committee is ready to move this forward there needs to be reflected in the stipulation that this truck delivery issue needs to be resolved and stated in the stipulation.

The Chair suggested they come up with wording for this final stipulation and asked the attorneys to work on the wording while the Westin Hotel is being discussed. Attorneys Somers and McEachern left for discussion.

Don Peterson representing HarborCorp LLC developer of the Westin Hotel, Conference Center and Parking Garage. Also here as a partner to the City as the parking garage will be City owned and in support of the abutter and also a concerned abutter, feels it is important to have their concern on record. They applaud the Parade Mall concept for right hand

turns on their circulation into and around their project, applauding what the private way will be doing for pedestrians. Very concerned however, that there is a conflict approaching the private way from Deer St. as it relates to the left hand turn. Have been working with Giles Hamm who will discuss technicality and analysis of their concerns. In general, for the record, that the left hand turn and queues associated with Maplewood Avenue as well as the left hand turn are going to be a conflict at entrance and exit of the parking garage. The VB analysis confirms these concerns. The elimination of the left hand turn off of Deer St. onto the private way would solve the problem.

Mr. Giles Hamm, Traffic Consultant for the Westin agrees with Robin Bousa in terms of their analysis. Explained their real concern is their driveway location and the queues referring to the plan in front of the Committee.

Robin Bousa stated she disagrees with Mr. Hamm. Does not dispute there's not going to be a time when the queues happen on Deer St. To suggest that stacking would occur on a regular basis and would be problematic, does not agree with that. Wants to be on record is the fact of the Westin approval themselves referring to their traffic study 2008 and asked this Committee to approve it and assumed it was acceptable condition for them that shows the average queue during a weekday evening peak hour to be 160 ft from left turn is approx. 120 ft storage available, their left turn lane already exceeds the available storage there. Feels they are misrepresenting the facts.

Giles Hamm stated the issue is they put the driveway there, it is 120 ft from the intersection, it doesn't work.

Debbie Finnigan stated she has issue with the analysis, not 100% sure of which particular timing and phasing they used in coordination, doesn't know if the analysis was done based on the system or based on the individual intersection which does have an impact on how that intersection will run. Still has a lot of questions and will be asked for clarification at TAC. Does not know the impact to our coordinated system and until I know it is going to run appropriately, none of this is addressed. Also what is not addressed is when we asked if the Parade Mall had to be built prior to the Westin being completed or built, the answer she received was based on the fact there was a signal at that location and it works, what never was answered was if the signal is not built there and the project is built there, what happens to the delay which we know is currently bad, how much of an impact is there now at that signal if there no signal at Market and Russell, that analysis which she was looking for was not included in this analysis. What happens in 2010 to the queue, tells me 2020, but what is the increase in the queue?

Also asked what other mitigation would need to occur to make this project work. My question still is Russell and Deer going to work adequately with

this project? Feels they did a good job in doing the amount of work in the time frame they had, but still have a lot of questions.

Robin Bousa stated the purpose of the Deer St. queuing analysis was to look at alternative timing for that particular intersection. Regarding Russell and Market being unsignalized there was a memo submitted to you. We looked at what happens if there is no Westin Hotel.

The chair stated if the Westin Hotel is not built, the possibility for Deer St. becoming a one-way goes away as well.

Robin Bousa stated a lot of the Westin plan, particular from Russell St., the magnitude of improvements happening on Russell St. are a direct result of the Westin using City property to build that project.

Mr. Milcolaities stated we are here as good neighbors, have been in discussions with Parade Mall folks, have expressed this concern from the beginning and the elimination of that left hand turn westbound from Deer St. makes their problem go away. There is no room for a left hand turn there and by eliminating the left hand turn, we are eliminate issues of queuing and feel they don't have a problem at the parking garage.

Jeff Johnston of Cathartes stated on behalf of the developer we are here today to make this project work for everybody.

Attorney McEachern stated that he and Attorney Somers agreed to a stipulation and read it into the record: The stipulation agreed upon is as follows:

“In the event that a site plan presented by the Hill Condominiums Association and which depicts a truck loading area serving the Hilton Garden Inn and the Hill Condominium fails to obtain approval, then Parade Office, LLC shall present an alternative truck loading plan for review by the Traffic & Safety Committee, which shall be a proposal to resolve truck delivery issues which exist on Garden Way.”

Attorney McEachern emphasized again they are committed to working with the Hill to resolve problems.

**MOTION** made by Steve Parkinson to approve this project with stipulations as follows:

1. Steve Parkinson referred to intersection of Market and Russell Streets particularly with a project of this size you have traffic impacts to the City's roadway system, whereby this particular project and the Westin project combined have obligations to that particular intersection under both projects. The City is now taking the position they are going to take on the project of improving that



intersection and installing signalization and then access both parties appropriately based upon what the City feels a fair share cost of their impacts to this situation. The stipulation in that regard is that the developer will negotiate that impact with the City staff and City Manager.

2. In addition there has been a lot of talk about impacts to the roadway system queuing on Deer St. and impact on the Maplewood Ave. corridor system. There again, there is impact from this project on that corridor system and to balance the system, the City is going to need to hire an independent consultant to work with the phasing and timing and the stipulation is that the developer would pay a portion of cost of the retiming, rephasing, whatever needs to be done to improve the flow of traffic attributed to this project.
3. That the developer continues to work with Public Works on the tree installation protection of the trees.

The Chair proposed the following stipulations:

1. That the Police Private Street Enforcement Agreement and Memo of Understanding For Closing Off The Private Street will be completed and approved by the City.
2. That the four items from page 1 of Attorney Somers' letter are included in this approval (see attached letter dated June 28, 2007 and this letter was read in its entirety into the minutes beginning on page 4)
3. In the event that a site plan presented by the Hill Condominiums Association and which depicts a truck loading area serving the Hilton Garden Inn and the Hill Condominium fails to obtain approval, then Parade Office, LLC shall present an alternative truck loading plan for review by the Traffic & Safety Committee, which shall be a proposal to resolve truck delivery issues which exist on Garden Way.
4. The loss of parking spaces on Hanover Street as well as the additional spaces on Deer St. is referred to Parking Committee for approval.

Seconded by Deputy Chief DiSesa. Motion passed.

Steve Parkinson stated that he noticed with the 20 scale plans looking at the tree locations and width of sidewalk, not sure what you are proposing as far as the tree wells and concerned the distance between the trees and the buildings, pedestrian traffic, in some areas there is quite a bit of space and concerned along Maplewood Ave. and along by the Hotel portion on Deer St. is somewhat tight there depending on how you propose to build a tree well.

Mr. Milcolaities responded that tree grades are going in some of those locations that provide the proper width for plowing, the plans have been distributed to Public Works.

Steve Parkinson stated we may also be looking at some type of physical protection of the tree itself and made a stipulation that the developer continue to work with Public Works on the tree installation protection of the trees.

Ted Gray referred to fire hydrants and fire protection within the private way.

Mr. Milcolaities responded they are working out these items and have had meeting with Deputy Chief Griswold and we are preparing hydrant plans showing distances from all hydrants to be presented at Tuesday's TAC meeting., there is a hydrant at the entrance, the exit, a couple of hydrants on Maplewood Ave., added one behind the residential building between the residential building and the Hill parking lot, one on Deer and Russell.

The Chair stated this is a safety issue and will also be reviewed by the Planning Board as well.

#### **IV. ADJOURNMENT**

Respectfully submitted

---

Elaine E. Boucas, Recording Secretary