

MINUTES OF MEETING
SITE REVIEW TECHNICAL ADVISORY COMMITTEE

2:00 P.M.

JUNE 3, 2008

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

MEMBERS PRESENT: David Holden, Director, Planning Department, Chairman; David Allen, Deputy Director of Public Works, Deborah Finnigan, Traffic Engineer; Thomas Cravens, Engineering Technician; David Desfosses, Engineering Technician; Peter Britz, Environmental Planner; Steve Griswold, Deputy Fire Chief and Len DiSesa, Deputy Police Chief

ALSO PRESENT: Lucy Tillman, Chief Planner

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I. OLD BUSINESS

A. A compliance hearing shall be held to determine whether **Portsmouth Casey Home, Owner, and Heyland Development, Applicant**, for property located at **1950 Lafayette Road**, has complied with their Site Review Approval granted on November 17, 2005 and amended on March 16, 2006 to construct a 2 ½ story office building, with a 3,280 ± s.f. footprint and a 1 story 6,000 ± s.f. function hall, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 267 as Lot 7 and lies within an Office Research district; (This application was referred to TAC by the Planning Board at their April 17, 2008 meeting for review and a report back for their June 19, 2008 meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Holden gave a brief overview. The issue before them arose with a condition of Site Review that there should be no exiting of traffic out onto Route one. There has been traffic exiting and the Planning Board determined there was an issue in terms of compliance. They asked the Traffic and Safety Committee look at this and Deb Finnigan will give an overview of that meeting and the idea was then that TAC would review it and make a recommendation to the Planning Board. A staff meeting proposed that one solution would have been the artificial tire removal strips, or “teeth” but Traffic and Safety had an issue with that. Mr. Holden felt that all options were on the table.

Ms. Finnigan indicated that the Traffic and Safety Committee meeting was held on May 8th and they voted down the option of using the “teeth”. City Attorney Sullivan explained that the Planning Board found that cars were exiting on to Route One and they weren’t supposed to. She was asked by Steve Parkinson to come up with four solutions to be presented to the Committee. The first solution was to narrow up the entrance, which would force them to take a right turn at the first building and they would be unable to circulate around the first building; the second solution was to narrow the driveway by pushing it all to one side, the third solution was to narrow both sides of the driveway, leaving the middle and the fourth solution was to narrow the entrance, forcing traffic to the right at the first building, and allowing circulation within the parking lot. The motion back from Traffic and Safety was to table it and forward it to TAC for review.

Mr. Holden asked the applicants to give their view of the current status. He understands they are willing to do anything this Committee comes up with. Eric Heyland, of Heyland Development, stated they reviewed the options that Ms. Finnigan laid out and they like these options better than the spikes as they are less obtrusive. The Option D sketch is the one they would prefer and feel is more appropriate with circulation around the building and they would lose one parking space. They have plenty of parking so that would not be a problem. Mr. Holden indicated that most of the Committee has not seen the options so he suggested they should postpone any action to next Tuesday at 2:00 to reconvene into a brief work session and then convene as TAC to make a recommendation which could go to Traffic and Safety.

Mr. Allen made that motion and Ms. Finnigan seconded the motion. Ms. Finnigan indicated she will send a PDF of the four options for TAC members. Mr. Holden explained to the applicants that next week they come together for a brief work session to work out the details on the alternatives, select one and that will be their recommendation to Traffic and Safety. If they concur they will send it back to the Planning Board on June 19th. Ms. Finnigan confirmed the next Traffic and Safety Committee is on June 12th.

The motion passed unanimously.

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B. The application of **150 Greenleaf Avenue Realty Trust, James G. Boyle, Trustee, owner**, for property located at **150 Greenleaf Avenue**, wherein Site Review approval is requested to revise parking and drainage and add a new parking area and a drainage treatment area, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 243 as Lot 67 and lies within the General Business district. (This application was postponed at the April 29, 2008 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

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

SPEAKING TO THE APPLICATION:

Attorney John Kuzinevich, representing Jim Boyle and Portsmouth Toyota, brought the Committee up to speed on a number of issues and where they think they are on some of the major issues. He also indicated he would be asking the Committee for another expedited meeting for a final review in about three weeks from now. His Traffic Consulting Engineer, Steve Pernaw, just got traffic information to the City and he apologized that it was late. It is an extensive report however the conclusion of his study is that peak hour traffic on weekdays is less than prior uses, there is a slight increase on Saturday peak traffic. They are asking him to review that as they felt there are a few areas of information that Mr. Pernaw missed. An example is the Birchtree School, a school for autistic children which had a faculty ratio of 4 teachers to one student but he used parking calculations for a normal school. He also was not informed that the Southern NH School conducted Saturday morning classes. Also, one of the small tenants was a delivery service with small trucks running in and out all day. They will provide him with additional factual information and within ten days he will provide a supplemental report to the City that is actually going to say there is a material increase on traffic flow. The bottom line at this point is they don't have any significant increase in traffic because of the site development.

Mr. Holden tried to understand that the information that they have is incomplete and it was delivered yesterday. They want some sort of action that is favorable to his client without that information? Attorney Kuzinevich stated they were not asking for that. They were asking for an expedited meeting three weeks from today. Mr. Holden stated, with all due respect, if they met three weeks from now

they wouldn't be before the Planning Board until the following month anyway. Attorney Kuzinevich acknowledged that Mr. Holden was correct so they could wait until the next TAC meeting. Mr. Holden stated he was prepared to convene this meeting earlier than that if the information was available but it sounds like they can't get anything for ten days. Attorney Kuzinevich stated they would get that faster to conform to the Department's schedule. He continued on with all of the issues.

The second item that Attorney Kuzinevich wanted to discuss was the gravel wetlands and the calculations and Dr. Roseen's review. There has been some confusion because Dr. Roseen has been both in a reviewing capacity, providing comments without detail, and he is now proposing to be in an engineering capacity. They don't want to have to be re-engineering it. Dr. Roseen met with Dennis Moulton for a significant amount of time and made three discrete recommendations to Mr. Moulton. Mr. Moulton has indicated that he will need two weeks to do that. They area planning to have Dr. Roseen's comments incorporated into their plan, provide a copy to Roseen to confirm those were in fact his suggestions and comments and hopefully not have to start engineering from the ground up. He anticipates that would take about 2 weeks for them to prepare the plan. They are uncomfortable with Dr. Roseen being both designer and functioning as reviewer for the City. That is why they will have Mr. Moulton redo the plans and then looking very narrowly for Dr. Roseen's comments.

Mr. Holden asked for clarification. It was his understanding that Dr. Roseen was an independent consultant that all parties agreed to. Attorney Kuzinevich just referred to him as the City's consultant and he does not believe that is the case. The applicant is paying the bill and they agreed to the use of him. Attorney Kuzinevich agreed that Dr. Roseen is the independent reviewer. They are concerned that he is functioning both as reviewer and designer simultaneously. Mr. Holden indicated he would be willing to get another independent if that is what they are asking. Attorney Kuzinevich stated what they are asking is for Mr. Moulton to incorporate into his design all of Dr. Roseen's comments. Mr. Holden sensed some hesitancy in the way he was approaching the relationship with Dr. Roseen. Mr. Holden wanted to make sure he could remove any sense of impropriety he might have. Attorney Kuzinevich stated his hesitancy is they don't want Dr. Roseen engineering a new system. They want him making his comments, which they believe he already has, and that his review is to confirm that is what he told them to do. Mr. Holden asked if they have any issue with him being the independent consultant for their team and the City. Attorney Kuzinevich stated that they have no issue with that, provided he limits himself to a review as opposed to engineer.

Attorney Kuzinevich explained that Mr. Moulton delivered a revised plan that addresses some of the technical issues. Landscaping is not quite ready. That doesn't mean they are not going to do landscaping but they feel that is a matter for Planning Board. They are closer to the Supreme Court as to the area of what the site will look like in pavement so they don't want to spin their wheels doing that. They are also looking for feedback on the lighting issue. At the risk of sounding like a broken record, Mr. Holden indicated that normally TAC does make a recommendation on the landscape plan. He understands their concerns and he felt they could accommodate it but he wanted the minutes to reflect that this is most unusual and they will find that the Planning Board is a good designer of landscaping. Attorney Kuzinevich appreciates the comment and indicated it was a a unique site.

Dennis Moulton, of MSC Engineers, was the next speaker. He briefly went thought the changes based on comments from the last TAC meeting.

First, there is a comment regarding the detail for the handicapped ramp that there was not enough space. This ramp has been removed and Sheet 3 was modified. The remaining handicapped ram is approximately 9 feet from the edge of the glass wall, allowing ample maneuvering area.

The second item was customer parking signs. They added signs on Sheet 3 and a simple detail on Sheet 9.

The third item was regarding underground utilities. They added a note to Sheet 3 indicating that the underground utilities will include fire alarm, telephone and cable.

The other comments they addressed came out of the site walk. The extent of the existing wetland was reviewed by Jim Gove. He went out and looked at them and confirmed the wetlands are as delineated and he saw no additional areas to be flagged.

Current pavement within wetland buffer. They added a note to Sheet 3 specifying pavement overlay only within the 100' wetland buffer and no reclaiming.

On Sheet 4, they added a note regarding potential improvement to existing culverts and man made ditches so as to improve drainage flow and work with the City to come up with a solution or plan for that. The issue of concern is downstream effects.

The removal of the chain link fence. A note was added to the Demolition Plan. The method of removal in the buffer would be to excavate the footings of the fence post.

Vehicles parking on the grass. They added a note on Sheet C-3 that there would be no parking of vehicles off pavement on the site.

Attorney Kuzinevich discussed the gravel wetland and their meeting with Dr. Roseen. Mr. Moulton stated it was a very productive meeting. Dr. Roseen had some very good input about their design and he is confident he can make the changes to improve the functionality and suitability of the gravel wetland for the area.

Mr. Moulton indicated that lighting levels will probably be discussed later today. He looks forward to hearing Mr. Desfosses' findings on lighting.

Mr. Moulton indicated they added a dumpster screen detail on Sheet C-3 and C-10 of the detail sheet. Sheet C-10 also has a detail regards to proposed pavement, using filter fabric under the proposed pavement and reclaimed existing paved areas.

The next item was the gravel wetland design, using existing soils. Dr. Roseen went over the soil test pits that they did, and his opinion was that the soil was suitable to this design so they are confident the design will meet with his approval.

The water lines to the hydrant are identified. They identified water lines on site based on information that they already had and based on City records.

The irrigation timing was added to a note regarding water conservation practices. On the Landscape Plan, Sheet 7, they have indicated that the irrigation times will be between 10:00 pm and 5:00 am and that the loam will be 6 inches in depth.

The last item was the review of the Landscape Plan by Lucy Tillman and Attorney Kuzinevich addressed that.

Mr. Moulton felt that covered the outstanding items. Mr. Holden asked if those 17 comments in Andrew Nowacki's letter to the City follows up the City's letter of action on the last TAC meeting on April 29th? Mr. Moulton indicated they were based on the notes that he was taking at the meeting. He asked if he should address specifically the four site review criteria items that were addressed in the City's letter?

Mr. Holden had a couple of items. He noted that the plans that they will be submitting in the future, will the poles in wetlands be removed or not? Mr. Moulton indicated they are not proposing to remove

the poles in the wetland. Mr. Holden indicated that when the City met with his client, he indicated they were going to be removed, even if they are cutting them off at the base. Mr. Moulton stated he thought of removal as pulling them out which would require a wetland permit. Even cutting them off at the base would involve some disturbance of the wetlands by dragging the poles out of the wetland. Mr. Desfosses suggested cutting it in pieces and carrying it out. They could climb the pole, like they used to do. Mr. Moulton envisioned machinery or materials in the wetland which would be a wetland issue. Mr. Desfosses did not think they should leave wires that don't do anything on poles in wetland areas. Mr. Moulton stated they were certainly willing to work with the City towards their removal. Mr. Holden suggested that they tell the City definitively what it would take to remove them. Mr. Moulton indicated he would contact PSNH and find out what their procedure would be to do that. Mr. Holden felt the alternative would be to confer with his client however the city was expecting them to be removed. Attorney Kuzinevich stated that Mr. Boyle thought they were going to be removed by cutting them off with no wetland disturbance. There would be no super heavy equipment going in there. They will clarify that next time. Mr. Holden pointed out that Ms. Tillman suggested having it done in the winter. Attorney Kuzinevich thought that might be an option they will pursue.

Mr. Moulton addressed the four site review criteria that were outstanding. It was his position on e & i that he strongly disagreed that they don't meet that criteria. He felt their design has been shown to provide adequate stormwater detention such as it does not pose a danger to joint properties and it also does not cause an unacceptability of flooding that could cause a loss in light. They do not endanger public safety. This is based on the plan that was delivered at the last meeting. There may be some question of whether or not the design provides the treatment envisioned by Dr. Roseen but he takes great offense that their plan does not mitigate the flow volumes.

Regarding site review criteria g, the Landscaping Plan, Attorney Kuzinevich addressed that.

Regarding site review criteria j, that is on going from Steve Parnow, who will be preparing a supplemental report.

The Chair asked if there was anyone wishing to speak to, for or against the application.

Attorney Charles Griffin, of 210 Hillside Drive, spoke representing his wife, Judy, who is trustee of their home. He first commented on the May 31st letter from Attorney Kuzinevich to Suzanne Woodland. He gathers they are somewhat toned down regarding Dr. Roseen's conclusions than they were in that letter. At the bottom of the first page, Attorney Kuzinevich says "they will object to any delay or postponement to have additional engineering review as the City has had ample opportunity for input". The second item, which is just rather a collateral issue but in his opinion tends to characterize the applicant very well, talks about how the City does not have an easement for the sewer and says "should there be a breach we will ask for the immediate removal of the line and Mr. Boyle will not be consenting to repairs". Attorney Griffin stated this was from an individual who indicates he is a good neighbor and citizen. As far as the delay issue is concerned, Attorney Griffin encouraged the Committee to take their time in evaluating this proposal because it not only impacts the applicant but it impacts those who are abutters. He reminded them that they sit in quasi judicial capacity and as such they have the obligation and responsibility to give whatever weight they deem appropriate on the various issues, whether they come from the applicant or the reviews or the City. As long as their decision as it complies with the Site Review criteria is based on some reasonable analysis of data and evidence before them, then that decision would seem to him to be lawful. He talked about the Parnow traffic memorandum. They seem to begin by saying the estimated 375 vehicle trips on a typical day, excluding Sundays, submitted by MSC was low and that using the "K" factor from ITE resulted in approximately 618 vehicle trips but then they appear to conclude that the standard ITE methodology utilized by both them and MSC is representative to adding a new dealership to the site rather than adding more display vehicles to an existing dealership. Attorney Griffin was not sure he agreed with that conclusion as he thinks that adding more display vehicles is to generate more sales and attract more customers, which results obviously in more traffic. He thinks his conclusion is consistent with

the statement reflected in the April 29th minutes where Attorney Kuzinevich states “comparing what existed in the past to what is proposed is like comparing apples to oranges”. He refers to the whole renovation that will be more of an economic force with more jobs and says “it still looks like a temporary dealership versus the changes that will be made to the building when the showroom is much larger when the site is developed”. That scenario to him sounds a lot more like creating a new dealership than simply adding vehicles to an existing dealership. Again, this is a statement that comes from the applicant. In light of that, he would think the daily trip estimate of approximately 618 vehicles trips is what they should be looking at and the Pernaw conclusion that the project simply involves adding more display vehicles to an existing dealership misses the mark and understates the situation. He thinks Pernaw is saying that there is not an IT model that fits this situation. Therefore, the members of TAC are called upon, based upon their 25 years of capacity and based upon their collective experience and knowledge, to exercise their good judgment based on their knowledge and facts before them as to what they think the traffic impact will be and if this proposal is a reasonable one.

Attorney Griffin spoke on April 29th about the representation that Attorney Pelech made to the BOA in October, 2005, that a 60 day supply of vehicles are roughly 220 cars for a viable dealership. Attorney Pelech rebutted his comments by saying that figure of new vehicles did not met all of the vehicles and the excerpts from the minutes doesn't make that distinction. Attorney Griffin has had the occasion twice to count the vehicles parking outside on the lot, once in early May which counted 475 vehicles consisting of new vehicles, used vehicles, and vehicles on the site looking to have been repairs and waiting to be picked up by the customers. Yesterday morning he counted the vehicles again, strictly on the outside and there were 228 vehicles. The issue is economic viability and the applicant is claiming that the figured from 2005 are no longer accurate. It seems to him that the applicant should be willing to somehow document that fact. Basically they have a proposed transition for a temporary dealership to a much larger showroom and developed site, which means a significant traffic impact as well as other impacts that they have addressed on drainage and other factors. He again would say to them, in their quasi judicial role, they are not required to grant the applicant the maximum amount of development he seeks but rather to allow a reasonable amount of development and they would determine that based upon a way to balance the site with the criteria. Attorney Griffin felt they have the authority to make a reasonable decision and their function is to weigh the material and determine how much weight they will give to the data.

The Chair asked if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, the Chair closed the public hearing for the purpose of this session.

DISCUSSION AND DECISION OF THE COMMITTEE:

Mr. Holden asked to get to the issue of site lighting on the table. Attorney Kuzinevich stated that they proposed a lighting plan and they understood that the Committee had looked at it closely. They need some feedback.

Mr. Holden asked Mr. Desfosses to comment on the lighting plan

Mr. Desfosses stated that after reviewing this plan last month, he borrowed a foot candle meter from the town of Greenland's engineer and he went out to two dealerships at 9:30 pm. Both dealerships were in Greenland and were chosen because of their close proximity to each other. They were the Volkswagen dealership on the corner of Ocean Road and Route 33 and the Mercedes Benz dealership on Route 33 at the intersection Portsmouth Ave. He took quite a few samples with the light meter as he wanted to see for himself to see what light levels actually look like so he could quantify it. He went to the VW dealership first and they have a nice dealership. He took many readings along the parking lot and the display area and those readings were an average of 5 foot candles. Directly underneath the lights, holding the light meter 3' from the ground, he got a reading of 26 foot candles. He walked around the lot, he looked at some cars and could read all labels and could see scratches on used cars.

Mr. Desfosses felt that seemed to be an appropriate light level. He then over to the Mercedes dealership, across the street, and using the meter 3' off the ground, in the display area, he found the light level which Greenland has had problems with, most levels were in excess 25 foot candles in some spots and an average of around 20 and directly under the lights is was around 50 foot candles of light. The proposal they are looking at now uses a light bulb that he has never seen on a plan after sitting on this Committee for eight years. It is a 82,000 lumen lightbulb. He was a little taken aback by it. To compound the issue, the applicant is using 20 foot light bulbs which, in most cases, is preferable by this Board because it helps with Dark Sky Friendly lights to eliminate glow. This leads to basically giant bright spots on the photometric plan with light levels being 56, 59, 40 foot candles and the plan has an average foot candle rate of 15.42 with the average to minimum ratio of 154 and the maximum to minimum ratio of being almost 600. Mr. Desfosses stated that he finds this unacceptable both because of the general amount of light and because it is close to two residential neighborhoods, although they haven't had a project like this that has outdoor sales. They have done several large projects in the last several years and most of them do not have outdoor sales but most are using much smaller bulbs. After reviewing plans for Home Depot, Wal-Mart and the Christmas Tree Shoppe, all of those plans call for an average of 1 to 1 ½ three foot candles rather than 16. They are also not using 82,000 lumen bulbs, but are using bulbs that are less than half of that. He really feels that the Lighting Plan that was submitted is so over the top that he could never recommend it. He recommends, and it is his opinion, that in the developed area of the lot, the paved area excluding building, receive no more than 5 foot candle average based on his experience at the VW dealership, that there should be 0 foot candles at property lines, that the maximum to average foot candles ratio should be no more than 6 to 1, and possibly that light levels could be reduced to 2, 2 ½ foot candles at night by turning off half of the lights at closing time. The lights should be dark sky friendly. His only question was at last month's meeting, Attorney Griffin spoke in testimony regarding the BOA and 16' poles. He doesn't know if they should be asking for 16' poles to exasperate the bright spots and he is not sure it is the appropriate choice. He felt that 20' pole would be the appropriate choice in this case. However, they have a BOA action and he doesn't know how to act on that.

Suzanne Woodland, Assistant City Attorney, confirmed that TAC is not restricted by the BOA decision regarding the height of light poles and the Applicant is not bound to it either.

Mr. Desfosses then recommended that the lights have an approximate 20' mounting height, with a base no higher than 12" above the grade.

Mr. Holden indicated that he talked about dimming the lights and he asked if there were other ways to dim the lights other than turning them half off? Mr. Desfosses was not knowledgeable enough on the type of lights that these are to tell him that. He felt someone needs to tell them that. Mr. Holden was aware of the information that the applicant provided that other communities require a dimming of lights after hours. Mr. Desfosses therefore felt it was technically feasible but he does not know how to go about doing it. He felt it should be done either at closing time or no later than 10:00 pm would be reasonable.

Deputy Police Chief DiSesa felt that seemed adequate. His concern is that they have some lighting for their pass throughs. He wants to have some light for their officers to see the entire lot.

Attorney Pelech indicated that he had provided information to the City Attorney. The City's current Site Review Regulations have no standards on lighting other than saying the lighting cannot spill over the property line. He found through extensive research is that many communities that have actual foot candle or lumen standards in their ordinances allow enhanced lighting levels with three types of businesses: Automobile outdoor display areas, convenience stores with a canopy and ATM machines for security reasons so that the police department can do their job. In reviewing those ordinances, the range of foot candles allowed in those three types of areas was a range of 15 to 30 foot candles. They specifically allow enhanced foot candles above and beyond the standard Christmas Tree/Wal-Mart parking lot. He doesn't know why no one did readings of existing auto dealerships in the City

however because of their lack of light at the present time they have been the subject of vandalism on numerous occasions and they would like to prevent that in the future. There are industry standards and there is a society of luminary engineers who put forth these standards and hopefully in the new ordinance there will be some actual foot candle standards to be used on future projects. Hopefully the City will get a meter also. They are talking about an ordinance that doesn't have any lighting regulations except they can't go over the property line. Attorney Pelech indicated that they are willing to work with the City but he is not sure if they are willing to work with the City to the extent that David has indicated because when they get down to levels that low and reduce it by half at night, they are back into the same situation they are in now. Mr. Holden asked if they took their maximums and doubled them it would be the same as taking the maximums and reducing them. It seemed to him that they are both working with factors so it seems like there is ample room for discussion.

Attorney Pelech did not disagree with Mr. Holden but he commented that he thought the last plan they submitted reduced the average foot candles from 15 to 11. Mr. Desfosses indicated they have received an emergency request for lighting and he reviewed that plan with Suzanne Woodland. The difference between that plan and this plan is that some light poles had been removed therefore decreasing the average for the whole site. The lights and light bulbs were exactly the same. They say reduce, he says take off for the sake of emergency lighting plan and at some point ask for them back in. Mr. Desfosses indicated that height and the light bulb strength is not the amount of light. The lot should be well lit and be used at night because the business is not open at night. The light bulbs at the current mounting height are ridiculous. Attorney Pelech felt there was no way Mr. Desfosses could make a statement to say that the "amount of light" because he could not define that term. They are not even using the correct terminology. That the amount of light is the same, when one plan shows an average of 11 foot candles and the other shows 15. The amount of light is not even a term that is used by those engineers. Mr. Holden noted that in that plan, most of the extensive lighting levels are still at the property lines and they have vehicles that will be highly reflective under that with windshields that will create a fair amount of glare with a light bulb that no one has had any experience with. Mr. Holden felt there was a lot of room to talk about. Attorney Pelech confirmed they certainly are willing to talk.

Attorney Kuzinevich stated this was just for clarification in terms of the measurements. He believed it is the same lighting consultant that they are using and for clarification he wants to make sure they are talking the same language. Mr. Holden thought they may want to review the site plans for Greenland and make their interpretation based on the same information.

Suzanne Woodland, Assistant City Attorney clarified for the record, both dealerships in Greenland used the same lighting consultant that was used for this case. He has a range of abilities in terms of meeting individual community concerns. She also clarified that the lighting ordinance standards from other communities, were provided by Attorney Pelech to staff, including DD. The Legal Department did not have an opportunity to do their own search of lighting standards in other communities. She understands what she heard is the Planning Board has been approving average 1 to 2, maybe up to 3 foot candles for parking lots and what Mr. Desfosses recommended is higher than what they are approving lately.

Mr. Holden stated, based on what he heard, they have traffic information that needs to be supplemented and reviewed. Attorney Griffin may have conducted an initial review and he is ahead of us. They have a site plan that can be provided to us that uses some of the observations of the independent consultant but they won't see that for a minimum of 10 days. He notes that the submission deadline for the July 17th Planning Board meeting, with a July 1st TAC, is June 16th. He asked if the applicant can have a completed and revised application by June 16th? Attorney Kuzinevich confirmed that they could. Mr. Holden then assumed no one would have any concerns if they postponed this to the July 1st TAC meeting, which would allow staff to meet and discuss the lighting plan. Mr. Holden felt they would want to get the site plan in early so that the consultant could review it and it would be appropriate for that to be its own meeting. In the long run, they have addressed many of the other issues but he hesitates to commit Ms. Finnigan to anything and that will probably be

the next thing as they haven't really done much with traffic. He asked for a motion to postpone to the July 1st TAC with all materials to be submitted prior to or on June 16th.

Before making a motion, Mr. Britz wanted to state for the record that the City disagrees with a note on the Site Utility Plan, which takes about the 100' buffer and they refer to "man made ditches" and the City does not agree they are man made and they are subject to an on going litigation. He asked that the note be remove from the plans. Also, there is another note about a dam as Note 8. Mr. Desfosses stated that the purpose of a dam is to impound water and there is no water to impound. Mr. Britz asked them to remove any reference to a dam as there is no berm to create a dam. Mr. Britz also referred to the note about there is no easement for the public sewer line. The City contents it is a public sewer line and disagrees. Mr. Holden stated it means they are taking no position on the easement.

Attorney Kuzinevich explained regarding the easement that they tried on these issues at least to note this agreement between the applicant and the City and he noted on the dam they have restricted that to saying the measure of heights was 4 feet and it does impede or restrict the water. Mr. Holden indicated that they can do this the easy way or the hard way. The Committee is asking them to make the changes. If they choose not to make the change, then to put that clearly out there so that they are not doing this work snipping. It really isn't accomplishing anything. If there is an agreement to work in principal together, then let's make that happen. If there isn't, then lets get this over with. It gets tiresome to keep coming back to items that they believe they have an agreement on and then they find out they don't. They don't have the materials to review yet they are asking us to expedite the process. Attorney Kuzinevich indicated that hopefully everything will get cleared up. He doesn't believe this is the proper forum for the issue of the easement and its implications. Mr. Holden stated he did not use the word easement. He said it was a public sewer. He asked Attorney Kuzinevich if it was a public sewer or a private sewer? Attorney Kuzinevich indicated they think it is a sewer and they are not sure if it is public or private and there is no easement for it. Mr. Holden reiterated that he has said nothing about an easement. Their position is that they don't know whether it is public or private. Mr. Holden asked if he was correct? Attorney Kuzinevich stated they are not sure right now and they are not prepared to take a position when there is a line that does not have proper easements that constitute a public sewer but they are not trying to get into that issue with the Committee. Mr. Holden asked why was it mentioned in his letter of May 31, 2008 that they would not allow anyone to go on site to correct the problem? It seems like he is trying to have it both ways and he doesn't understand Attorney Kuzinevich's position on it. Attorney Kuzinevich stated they are trying to work with this Board on areas of jurisdiction. Mr. Holden asked if the sewer line was on their property? Attorney Kuzinevich stated the sewer line was on their property. Mr. Holden asked if he would concede that it might be public? Attorney Kuzinevich stated it might be. Mr. Holden continued that if it is, they have an interest in making it functioning. Attorney Kuzinevich added that they have an interest in keeping it functioning. Mr. Holden again reminded him that he had not mentioned the word easement. They have offered to work on a public sewer but it seems like the applicant throws roadblocks in front of the City. Mr. Holden acknowledged that this wasn't getting them anywhere so he asked Attorney Kuzinevich to have the last word and he will look forward to working with them at the next meeting. Attorney Kuzinevich thanked Mr. Holden.

Mr. Allen made a motion to postpone this application to the July 1st TAC meeting. Mr. Desfosses seconded the motion.

The motion to postpone to the July 1st TAC meeting passed unanimously.

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II NEW BUSINESS

C. The application of **Portsmouth Housing Authority, Owner**, for property located at **175 Greenleaf Avenue**, wherein Site Review approval is requested for renovations at Wamesit Place

apartments, including building alterations, resurfacing pavement and drainage improvements, with related utilities, lighting, landscaping, and associated site improvements. Said property is shown on Assessor Plan 243 as Lot 3 and lies within the Garden Apartment/Mobile Home district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Dave Gates, of CLD Consulting Engineers, appeared on behalf of the Portsmouth Housing Authority. With him was Nathan Allison, Sr. Project Engineer from their York Maine office. Wamesit Place is approximately 36 years old and accommodates 100 apartments for low and moderate income tenants. The project has suffered in recent years in deferred maintenance. The purpose of this program is to bring the project back to its original condition. Wamesit Place is on a site of 8 acres and the site also includes Holiday Drive which is the principal means of access to Wamesit Place as well as a City community center. They are retaining all existing buildings with the addition of 5% of the units to be handicapped accessible. Two apartments in Building #5 and three apartments will be created in Buildings 1 & 2 including construction of a one story addition at each of the three locations. The additions will include a handicapped bedroom, bathroom and laundry. They will retain all existing parking areas and walkways, the addition of handicapped accessible units will require some modifications minor in nature of the walkways. With respect to Building #5, a new entrance will be created since the existing entrances all involve stairs. The other three units in Building #1 and #2, the existing apartment entrances will be maintained. With respect to the apartments which are electrically heated, a natural gas system will be installed by the gas company with services to each building and each apartment will receive a hot water system. Details on the gas distribution system on site are yet to be worked out but they recognized that the site has ledge on it so they will have to come up with suitable locations that do not involve blasting. There is no change in water or sewer. The stormwater system is drained by overlay (?) flow to grass swales. A portion of the site is served with underground drainage systems. They have called for the replacement of any catch basins that drain parking lots with new catch basins with hoods and/or snouts. The theory is that the hydrocarbon products would be retained in the catch basins. No changes in the discharge of stormwater from the site. There is no portion of the site that is within any 100' buffer. The current proposal is to improve the paving of both parking areas and the walkways by a process the Housing Authority used at other locations where the existing pavement was ground up in place and new pavement was constructed on top of it. That allows them to retain the existing relationships with the grading of the site. In the last 36 years, changes have been made in the ordinance on site parking. They currently require 1 ½ parking spaces per dwelling unit, which forces them to use a portion of the west side of Holiday Drive for 13 unmarked parking spaces.

Mr. Holden asked if they chose to add the additional parking because they thought they needed to conform to existing regulations? Mr. Gates felt they had to conform to the regulations. He doesn't think the parking is needed. They are not adding any units. He confirmed that Holiday Drive is not a City Street and it is part of their parcel. Mr. Holden indicated he was bringing it up because if it was a City Street, it would be an ordinance. If it's not, and it's part of their parcel, then it's probably not an issue. Mr. Gates noted that they show an easement to the City for the sewer.

Mr. Gates explained that, included in the plans, are three drawings by Reno Engineering and Light Design.

The Chair asked if there was anyone else wishing to speak to, for or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE COMMITTEE:

Ms. Desfosses made a motion to approve with stipulations. Ms. Finnigan seconded the motion.

Mr. Allen referenced the storm drain system where they are doing replacements. He felt an issue that can happen with grinding or doing the replacement is a lot of debris gets into the line. They really need to call out and come up with a protection system when the grinding is being done. Mr. Gates pointed out that they added a note on the plans that if they are beyond repair or rehabilitation, they will have them replaced with pipes of the same size and inverts. They will take every precaution. They are also solving some local drainage problems around the entrances to the apartments with some short culverts under the walkways but still preserving the grassy soil approach. Mr. Holden indicated that they appreciate their minimal invasive approach to this project.

Ms. Finnigan requested a Construction Management and Mitigation Plan. She will provide them with a sample. Mr. Gates confirmed that North Branch Construction has been hired.

Ms. Finnigan requested that the handicapped spaces shown on the Site Review Plan need a way to get on the sidewalk. They all need to have ramps on Sheet 4. She also needs to have the handicapped spaces appropriately signed.

Ms. Finnigan requested a stop sign and stop bar on the end of Holiday Drive as well as the other driveway.

Mr. Holden asked if they needed to have the parking spaces on Holiday Drive delineated so they know if there are any conflicts? Ms. Finnigan agreed that they should. Mr. Gates indicated that they don't want to stripe them. Ms. Finnigan confirmed that the overflow on Holiday Drive does not need to be striped. Mr. Holden asked if they actually need that parking? Mr. Gates felt they probably didn't but he didn't want any issues with the Zoning Ordinance. Mr. Holden felt if they are rehabilitating a project there is no real change so they don't have to revise parking. Mr. Britz stated he would be supportive of removing the on street parking. Mr. Holden confirmed they will look into making a determination of whether they need the on street parking or not.

Ms. Tillman indicated that if it turns out there is parking on Holiday Drive she wants to make sure they are far enough away from the Community Center that there is not line of site problem. Mr. Gates suggested that they could put "No parking" signs up. Ms. Finnigan felt that would work.

Mr. Allen noted on the sediment and erosion control they talk about installing devices shown on the plan. They may want to indicate those areas will have sediment devices installed on them. Mr. Gates indicated he did not touch upon the SWPP that the contractor will prepare. Mr. Allen felt that would probably address his concern. He confirmed they will be required to file a SWPP.

Mr. Craves thought it looked like they located building #1 over the water line and possibly the sewer service. He asked if this was built on a slab? Mr. Gates confirmed it was on a slab. Mr. Craves wanted to make sure they protect those lines and that they don't get damaged. Mr. Gates stated it was their intention to have the building over the lines but there will probably be a change in type of pipe. Mr. Craves stipulated that they make arrangements to protect the water and sewer services on building #1 and #2 when they install the foundation.

Mr. Desfosses asked what criteria was Reno Engineering given to prepare the lighting plan? There are several areas that are very dark and, not being totally familiar with the site, he asked about the playground area and the back road to back shed. He is trying to understand why things were chosen the way they were. In residential settings, this is appropriate as long as it is lit well enough for safety. Mr. Gates stated that the lighting engineer is working for the program manager. He would question whether the back yards need to be lit. The principal concern is getting from the parking lot to the entrances. If there is a dark back yard, so be it. Mr. Desfosses believed the end unit is one of the new units and the road going down to the shed is very dark. If the playground is open at night it might be a problem. Mr. Gates indicated the shed was to store maintenance equipment and there would be no

reason for anyone to go down that path at night and he was not sure what the disposition of the last unit will be but the homemade handicapped parts will be removed and on building #5 the principal access will be changed from the front to the back of the apartment. Mr. Desfosses felt it was more or less a decision of the Housing Authority and what their practices are. The front accessway is being shown as all zeros. He was just curious what criteria were they given and are there lights on the front doors that aren't on the plan? Mr. Holden suggested that Mr. Gates review the issues that Mr. Desfosses has raised, make a proposal and review it with Mr. Desfosses and the Planning Staff. They will make that a condition of recommendation.

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

- 1) That the applicant shall prepare a Construction Management & Mitigation Plan (CMMP) for review and approval by the City;
- 2) That ramps shall be added to all handicapped parking spaces;
- 3) That a stop sign and stop bar shall be added at the end of Holiday Drive and the second driveway;
- 4) That City Staff shall make a determination of whether on street parking on Holiday Drive is required;
- 5) That should parking be allowed on Holiday Drive, that "No Parking" signs shall be added to avoid any problem with site distance from the Community Center;
- 6) That they make arrangements to protect the water and sewer services on building #1 and #2 when they install the foundation.
- 7) That the applicant shall review the lighting issues expressed by Mr. Desfosses, prepare a proposal and review it with Mr. Desfosses and Planning Staff;

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D. The application of **Old Tex Mex, LLC, Owner**, for property located at **3510 and 3518 Lafayette Road**, wherein Site Review approval is requested to construct a 4,275 ± s.f. warehouse building with a 1,400 ± s.f. mezzanine office, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 297 as Lots 7 and 8 and lies within the Single Residence A district

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mike Brown, co-owner of both properties, addressed the Committee. He indicated they would like to merge the two lots together. Some issues are that they obviously have two water, two sewer and two electrical connections. They would like to keep that as one. It is their understanding from talking to the electrician is that a second drop would have to go in for the main building on 3510 and they also have the existing house that has a drop so they will need to decide what the best approach is to that. They would like to leave the house as is. They would like to leave both sewer lines and have the sewer for the new warehouse go through the house.

Andrew Nowacki, of MSC Engineers displayed an existing conditions plan and pointed out what the site looks like now. There is a small house on one of the lots that is being rented now. The proposed project would blend the two lots into one and they would eliminate the driveway and curbcut next to the house. He then displayed the proposed plan. They would still access the site the same way and access the house from the back parking lot.

Mr. Brown confirmed they have two water lines coming onto the site. They understand only one is allowed so they would take it off 3510, go through the building, underground, to the house. But there would still be two sewers. The sprinkler system would be in the new warehouse. They are trying to

determine whether they would have to bring in another line to make it sufficient for the sprinkler system. Mr. Cravens indicated they can have as many fire sprinkler lines as they want. Mr. Brown confirmed there would only be one water meter coming into the building.

Mr. Allen agreed that was the appropriate way to deal with the water. The issue he has on the sewer is they are in a situation to reduce flow to the wastewater treatment plant. The old house probably has an old clay service and he would like to see a new sewer service. He doesn't know what size it is but for a commercial service he would assume they would want to have a 6" service and it is probably undersized. It should be replaced with a new PCV service.

Mr. Brown stated that they currently have two lights off the back and they are trying to keep it dim. They have letters from the abutting neighbors from the north and south and from the Wren's Nest saying they don't have any problems.

Mr. Holden felt that given the size of their lot they will require more data because lighting is a concern. Mr. Brown confirmed they will add lighting to the site.

Mr. Allen had an issue on their pervious area calculation. They show a 4200 s.f. building and it looks like ballpark about 5,000 s.f. of parking in the back but they are showing proposed additional impervious of only 54. Mr. Nowacki explained that there was about 1,000 s.f. that needs to be added to that so the real number is 6561. They are re-vegetating the whole area where the house drive way was as well as a portion of the existing parking lot.

Mr. Britz thought it looked like they are on top of the wetland. He is nervous about how they are treating stormwater. It will stress that wetland. He doesn't see a treatment swale. Mr. Nowacki explained the purpose of that swale was because of grading the parking lot so it will be a small swale where water would be directed and channeled into the swale. That will capture all of the parking lot run off and they are also proposing to place a gutter on the existing roof and tie that into the existing drain. The new construction will go to the treatment swale which is graded and is a very gentle slope. It's not as large as the pond would be but given the site constraints treatment was a priority. The new treatment to the pervious areas reduced the flow that leaves the site to Lafayette Road to the neighboring abutters. There is a small increase to the wetland but it will have to go through a closed drainage system so they are reducing the flow to two of the three. Mr. Holden felt they are basically saying some areas are currently untreated and when they are done there may still be some untreated area. Perhaps they could do a little more. Mr. Britz stated he will look at the drainage a little closer. Mr. Holden explained the idea is to get treatment where they don't have it. The wetland is a mitigation site.

Mr. Holden felt they have a substantial addition coming in. He asked Ms. Finnigan if she needed anything? She asked what the building is being used for? Mr. Brown stated the addition is more warehouse for a small construction companies with no outside storage. There are four units with two mezzanines. It would have windows on the front and would be aesthetically pleasing. Ms. Finnigan asked if there is access to the units from inside the existing building? Mr. Brown stated they would have their own access. There would be no storage, but rather it would be a place to put their ladders in there or something along those lines. Ms. Finnigan asked if the access to the back is wide enough? Mr. Brown confirmed they don't have tenants for that yet and anything other than residential would need BOA approval anyways. Ms. Finnigan asked if tenant parking will be signed? Mr. Brown indicated they will have three spots assigned to the house and they will assign one spot for each tenant. Ms. Finnigan stated there needs to be a stop sign or stop bar.

Ms. Finnigan mentioned they will need to do a CMMP and they can contact her for more details.

Mr. Desfosses made a motion to postpone to the next regularly scheduled TAC meeting on July 1st. Mr. Allen seconded the motion.

The motion to postpone to the next regularly scheduled TAC meeting on July 1st passed unanimously.

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III. ADJOURNMENT was had at approximately 3:50 pm.

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant