

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

**2:00 PM**

**DECEMBER 2, 2008**

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

**MEMBERS PRESENT:** David Holden, Director, Planning Department, Chairman; Peter Rice, City Engineer/Water & Sewer Divisions; David Desfosses, Engineering Technician; Thomas Cravens, Engineering Technician; Deborah Finnigan, Traffic Engineer; Steve Miller, Chairman, Conservation Commission; 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. The application of **7 Islington, LLC, Owner**, for property located at **40 Bridge Street**, wherein Site Review approval is requested to construct a 5,472 ± s.f., four story, ten unit retail/residential building, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 126 as Lot 52 and lies within the Central Business B (CBB) district, Downtown Overlay District (DOD) and Historic District A. (This application was postponed from the November 4, 2008 Technical Advisory Committee Meeting)

The Chair read the notice into the record.

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

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, represented the applicant. Also present were Steve McHenry, architect, and John Greenlaw, project manager. This application was postponed last month. Mr. Chagnon reviewed the plan set and discussed how he addressed last month's concerns.

On Sheet C-1 he added information on underground utilities for gas and telephone information.

On Sheet C-2 they took the Committee's recommendation and they relocated the loading zone to the southeast. They added Note 9 which talks about the property as allowed under the Portsmouth Ordinance to be considered as rules applying to one zone even though it is slightly bifurcated by another zone. They clarified the parking calculation and they labeled the building as a proposed 4 story building with partial basement. They also made the properties lines clearer.

On Sheet C-3, they provided some additional information on details for the sewer and drainage connections to the existing pipes in the street. They added the lighting and lighting schedule. They added a note about milling and repaving the street after construction. They are showing that the walkways on site will be heated, with a note to that effect. They show the grease trap and indicate that it should be plumbed for future use. They added Note 8 about dark sky friendly lighting.

That completed the changes to the plan set. He turned the presentation over to Steve McHenry who had an exhibit showing additional information on the drainage and roof system.

Mr. McHenry handed out two items as a result of what they heard at the morning's pre-TAC meeting. One attempts to mitigate some of the stormwater run off from the building. They show areas of green grid roofing which will help to mitigate some of the storm surge from roof off. They are showing it on the roof plan and it also includes some technical information on the sheet about the system as well as a cut sheet showing installation. The green grid system is essentially a series of polypropylene trays with low growth plantings placed on top of a membrane roof. They are indicating the areas where it is planned to be included. The second piece of information handed out was a clearer copy of the cut sheets on the lighting. There are only two lighting types. The exit lights on the back and side of the building area night sky compliant down lights for exterior use. The other is a soffit recessed light that is not exposed on the street side.

Mr. Holden indicated that Drawing A1 that they submitted today is actually a part of the Site Plan as it details the Green Grid System and parking. Mr. McHenry agreed with that.

Mr. Holden asked to review the 17 concerns from last month in an attempt to eliminate those that have been taken care of.

- 1) That all variances shall be included on the Lot Line Revision Plan that is included as part of the plan set;

Mr. Chagnon confirmed that the Lot Line Relocation Plan is the second sheet in the Plan Set. It was revised to show the parking that was presented to the BOA.

- 2) That the gas service for 44 Bridge Street shall be labeled as "existing" so that it does not get Dig Safe for any reason;

Mr. Chagnon confirmed that is shown on the Utility Plan.

- 3) That the cap to the existing gas and water services shall be shown capped at the main;

Mr. Chagnon confirmed that has been done on the Utility Plan.

- 4) That either the 6" PCV or the slope for the sewer lateral shall be corrected;

Mr. Chagnon indicated that was done on Sheet C-3.

- 5) That the domestic service will require it's own tap in the street;

Mr. Chagnon explained that they extended the fire and domestic to the main.

- 6) That the 8" ductile iron water main shall be tapped off;

Mr. Chagnon indicated that they show the taps coming off the 8" main.

- 7) That the sidewalk shall be repaired where the guy wire is at pole NETT3 and shall continue to 44 Bridge Street;

Mr. Chagnon indicated that they show limited sidewalk reconstruction just south of NETT3 and the gas service that was put in for 44 Bridge is on the south side of the building so it didn't go too far beyond the property line.

- 8) That a detail shall be added to the site plans for the connection for the sewer showing the proper alignment going into the sewer line;

Mr. Chagnon confirmed that those details were added to Sheet C-3.

- 9) That a detail shall be added to the plans for either an inserted T or some other approved method of connecting the roof drain to the drainpipe;

Mr. Chagnon indicated that detail was added to Sheet C-3.

Mr. Rice confirmed that the sewer service connection detail needs to be modified as it shows a core and inserted T on a VC pipe. What they need is a section of pipe taken out, connected with current codes to a PVC Y or T as the core and VC just won't work. Mr. Holden confirmed that #8 is outstanding and they will get that recorded.

- 10) That the road shall be milled and paved, starting at the crosswalk at Islington Street and continuing to the front of 44 Bridge Street;

Mr. Desfosses confirmed that was taken care of.

- 11) That a detail shall be added for the lights on the front of the building and they should be anti glare, dark sky friendly;

This was completed.

- 12) That it is strongly recommended that the Knox box shall be installed on the exterior of the building, next to the front door;

Mr. Chagnon stated that they revised Note 6 on C-3 to say the Knox Box shall be located on an exterior wall near the front door.

- 13) That the fire alarm conduit and connection shall be shown on the plans;

Mr. Chagnon stated this is shown on the south side coming off NETT3.

- 14) That a traffic report for 40 Bridge Street shall be prepared and provided to Deborah Finnigan, City Traffic Engineer, for her review;

Mr. Holden noted that a traffic report has been filed and assumes that Ms. Finnigan will have comments later in the hearing.

- 15) That the applicant may wish to reconsider the location of the loading berth;

The loading berth was relocated.

- 16) That the applicant shall meet with representatives of DPW to discuss the drainage problems on Bridge Street to determine whether the applicant shall be responsible to contribute to the solution to this issue;

This was done.

- 17) That the applicant shall meet with representatives of DPW to discuss the placement of a grease trap on the site;

The grease trap is on the plans. Mr. Holden confirmed this is done.

Mr. Holden confirmed that concerns #8 and #14 are outstanding.

Mr. Rice noted that the grease trap is noted to be plumbed to a connection that isn't shown as being plumbed to the sewer line. He asked if that was going to be an internal connection? Mr. Chagnon responded that was something that came up at Pre-TAC and they will show the grease trap connection to the main.

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:**

Deputy Police Chief DiSesa made a motion to approve. Mr. Craven seconded the motion.

Deputy Police Chief DiSesa apologized for not bringing this up last month but he made a stipulation that the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost shall also be the responsibility of the applicant. This should be coordinated with Gil Emery, Supervisor, 610-7411.

Mr. Rice addressed the connection to the sewer line. He stipulated that they modify the detail to show it cutting out a section with a "T" and alternative approach, rather than the core. Mr. Chagnon asked if he wants a "T" or a "Y"? Mr. Rice felt a "T" would be fine.

Mr. Holden stipulated that the issue of whether the sidewalk should be brick or concrete shall be reviewed and approved by the Planning Board.

Mr. Holden indicated that the only other concern that he has is with the traffic report which they received on the 19<sup>th</sup>. He asked if there were any comments or issues from that.

Ms. Finnigan had some concerns. Understanding that this project has met the Site Review regulations for parking, she asked where are the residents going to park? There currently is a parking problem in that area and most tenants will have two cars with no place to park them. For the record, she felt this was a problem and it will continue to be a problem down Islington Street. The traffic letter needs to be much more specific. In the first paragraph it states "various ITE land use codes" and as she does not know specifically what they used so she has no idea where the four trips per 1,000 s.f. came from. If, in the future, there is going to be a restaurant, how does that impact this information as well as the parking information and does they need to change? Ms. Tillman confirmed they would have to pay the difference from what would be considered baseline once the initial impact is assessed. The change in demand would be the unmet parking need at that time. Ms. Finnigan was having a problem as she does not know where the retail ITE numbers came from and she also asked for actual square footage and things like that in the table. She is not sure where the 50% distribution came from. She felt it was okay to approve it but that information needs to be given to her prior to the Planning Board before she will approve it.

Hypothetically, Mr. Holden asked if that information concerns her, what would she do then? Ms. Finnigan did not know. It would probably have to be a lot more trips to cause a problem in that area, however, if they are going to put something on the record, she would like it to be correct. Also, she would still really like an answer to where the residents going to park. Mr. Desfosses agreed with Ms. Finnigan. He really felt that there is a serious parking issue in that area. He understands that the

applicant is following the letter of the law but perhaps this needs to be looked at as there are residents that live there now that don't have a place to park and they will be adding a lot of new people into the area and they will not have a place to park either. This development is not that far from the parking lot so it is feasible that someone would walk 2 ½ blocks to the parking garage to park. There are other applications coming forward that are not as close where that is not feasible. He would also like to know where these people are going to park.

Mr. Desfosses noted that the loading zone was intended to be the first spot on Bridge Street so the current plans shows one parking space uphill of the loading zone. Those need to be reversed so that the loading zone is the top space on the street, and about 40' back from the intersection.

Mr. Holden was hearing from the Committee that there are two Site Review criteria that are an issue, being (j) and (n). The third possibility is whether they have sufficient information in terms of the traffic.

Ms. Finnigan needs to know what the actual land use code is because she does back check the information. She is not going to look through 800 codes to figure out what was picked. Also, what impact will a restaurant have to the traffic in that area. She does not know if they can do that now or if they would need to come back and change that at a later date. Mr. Holden asked her to rephrase that as a question so that Mr. Chagnon can address it. Mr. Holden confirmed they are reviewing this in terms of the allowed uses and a restaurant is an allowed use so they do have the right to see the restaurant in the traffic study as it would change some of the assumptions. All residential, all retail, all retail, all restaurant, all generate different amounts.

Mr. Desfosses asked what was granted at the BOA as far as parking and traffic? Ms. Tillman confirmed that they never went to BOA, just the HDC. They did not need any relief from the BOA. They did a Lot Line Relocation for Tanner Street. Mr. Holden added that at one time this proposal may have required that but in its present form, it does not.

Mr. Chagnon confirmed that the questioning of the traffic codes was a good point. The retail space ITE codes can be inserted into the letter. The distribution of trips came from counts of the adjacent network and the adjacent network currently functions at that distribution. Looking at the cars on Bridge Street, half are at the Islington Intersection and the other half are at the Hanover intersection, and they can include that information on the existing counts on Islington Street to clarify that question. The square footage can be added on the retail as it is 4,928 but they will clarify that a little more. Getting back to the restaurant use, they are proposing retail and 10 residential units. If TAC and the Planning Board want to make a stipulation that a change of use to a restaurant requires them to come back to this Board might be one way to look at it. To speculate about the use when they have not proposed a restaurant isn't fair to the applicant. Mr. Holden did not agree with that. This lot is significantly under utilized compared to where it is going to be. This Committee has the obligation to determine what the no build impact is, the existing condition and what it is 5, 10 or more years out under its development scenarios, which include a restaurant. Now is the time to actually address that and that is what they are looking for when they requested the traffic info. They have a motion to approve which would probably carry with the exception of the traffic but he was not quite sure how to proceed. Mr. Chagnon asked how much of the building would they use for restaurant use? Mr. Holden stated that the irony is that the following application is taking two whole buildings. Mr. Chagnon felt that the additional trips would determine whether there is a traffic impact. He asked where would you go to mitigate traffic. Mr. Chagnon felt if it wasn't proposed then it wouldn't be mitigated at this time. Mr. Holden felt this was their one bite at this building and they need to get it right. He quoted Site Review Criteria (n) "The site development will result in an unacceptable burden on municipal solid waste disposal facilities, police services or other municipal services". He felt it was a fair question to ask where they are parking and what the level of service at the intersection would be.

Mr. Desfosses pointed out that if a restaurant were included, it would be a significant higher burden to their solid waste operation. This facility, as planned, does not have a dumpster so it will be curbside pick up. There is a big difference between retail and a restaurant.

Mr. Rice pointed out that the capacity use surcharge for water and sewer, depending on the scenario, may be different than the calculated sewer loads on the plan. That's an additional approval process beyond TAC. Just because this is shown at TAC, it does not mean it is an approved number.

Ms. Finnigan needs them to specifically state what ITE land use codes they are using. They specifically need to show existing and proposed with retail and a reasonable amount of restaurant space. They need to show where the numbers are coming from and it should be attached to the traffic report. It has .3 trips per vehicle and she does not know if that is 100% correct or not. She needs further and better clarification of this document, not necessarily of the same magnitude that they have seen on Islington but it needs to be approved prior to the Planning Board and she needs 4 business days to approve it. Mr. Desfosses concurs with Ms. Finnigan. He felt the traffic needs to be looked at and something needs to be done on the parking.

Mr. Holden was hearing from Ms. Finnigan that she wants confirmation on the ITE figures. Ms. Finnigan added she also needs the trip distribution attached to the report. She needs back up data to go along with the numbers. Mr. Desfosses indicated he wants some idea of where the parking will be for residents. He understands there is an unmet parking need clause in the regulations and he feels that is appropriate for businesses but he is not sure it is appropriate for residential. Mr. Holden confirmed that Mr. Desfosses was asking for, subject to (n) and subject to (j), where the parking is expected to be found. At least then they have some information in front of them.

Mr. Chagnon indicated that information came from a traffic study that wasn't officially submitted for 51 Islington Street. They will follow up with the data.

Deputy Fire Chief Griswold stated he was very concerned about the parking issues in that area and would make a motion to postpone to the next regularly scheduled meeting. Mr. Desfosses seconded the motion.

Mr. Holden asked the committee members to list out their concerns to be addressed at the next meeting.

Ms. Finnigan requested on Note 7, Sheet C-1, that "Saturday work is only allowed with the authorization of the Building inspector" should be stricken and addressed in the CMMP. Typically, the City does not allow weekend work.

Note 10 on Sheet C-1, should read "That the CMMP shall be prepared for review and approval by the City prior to the issuance of a building permit".

For clarification, Note 9 says the contractor shall protect existing foundation. Ms. Finnigan asked if there is a pre-inspection involved? Mr. Holden asked if they are blasting? Mr. Chagnon responded that they are probably not blasting. Mr. Holden confirmed that blasting is coordinated in accordance with City regulations with DPW. Mr. Chagnon agreed they have that as Note 6 on C-2.

Ms. Finnigan's understanding of the meters is that the DPW will remove the parking meters and the contractor will remove the poles. Not that the contract will remove the meter so that needs to be changed.

Ms. Holden confirmed, for the record, that the blasting condition has been covered.

On Sheet C-2 there should be a “No parking here to corner” sign at the beginning of the parking stalls on Bridge Street, going towards Islington Street. Mr. Chagnon indicated that is going to be a loading zone. Ms. Finnigan confirmed they still need to have a no parking sign. Mr. Desfosses confirmed it should be a single post with “Loading Zone. No Parking Here to Corner” sign.

Mr. Holden asked if they need to go before Traffic & Safety as they are putting in a loading berth? Ms. Finnigan confirmed that they do for the new loading berth. They do not have to go for the sign as it is not an ordinance change. She can put them on the agenda for next Thursday. Mr. Rice asked if they would go to the Parking Committee as well? Ms. Finnigan confirmed they would.

Ms. Finnigan asked if any trucks need to go on site or can they load safely from the street. Mr. Chagnon indicated, like any downtown retail, they feel there is adequate loading from the street. Ms. Finnigan confirmed they will have police on site if they have to stop pedestrians if they are loading over the sidewalk? She noted that this entire site was closed off without any gates so she is trying to determine whether trucks need to get on site or are they going to load over the side, which are two completely different questions. Ms. Tillman felt there may be some confusion as Mr. Chagnon was talking about during operation and Ms. Finnigan was talking about during construction. She asked for a detail on the plan and that needs to be a stipulation.

Ms. Finnigan also requested a stipulation that a Construction Management and Mitigation Plan be prepared for review and approval by the city, prior to the issuance of the building permit.

Deputy Fire Chief Griswold made a motion to postpone to next regularly scheduled TAC meeting. Mr. Desfosses seconded the motion, adding a request for a report back from the Parking Committee and the Traffic & Safety Committee. Mr. Holden stated that the next TAC meeting is scheduled for December 20<sup>th</sup> and everything should be delivered to the Planning Department by December 15<sup>th</sup>.

The motion to postpone to the December 20, 2008 TAC meeting passed unanimously. Concerns of the Board are as follows:

- 1) That the detail on the Site Plan for the connection for the sewer line shall be revised to show it cutting out a section with a “T” and alternative approach, rather than the core;
- 2) That the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost shall also be the responsibility of the applicant;
- 3) That the issue of whether the sidewalk should be brick or concrete shall be reviewed and approved by the Planning Board;
- 4) That the Traffic Report needs to be revised to include the ITE Land Use Code used, that trip distribution should be attached to the report, and the report should include back up data, a restaurant use, square footage and any other information that the City Traffic Engineer requests;
- 5) That the loading zone should be moved to the top space on Bridge Street, and about 40’ back from the intersection;
- 6) That Note & on Sheet C-1, should be revised to strike “Saturday work is only allowed with the authorization of the Building Inspector” and should be addressed in the CMMP;
- 7) That the note regarding parking meter removal should be revised to state that DPW will remove the parking meters and the contractor will remove the poles;
- 8) On Sheet C-2 a “Loading Zone, No Parking Here to Corner” sign should be added at the beginning of the parking stalls on Bridge Street, going towards Islington Street;
- 9) That the applicant shall appear before the Parking Committee and the Traffic & Safety Committee, and the TAC members shall received a report back prior to the next TAC meeting;

- 10) That a detail shall be added to the Site Plans showing how trucks will unload on site during construction;
- 11) That a Construction Management and Mitigation Plan shall be prepared for review and approval by the City, prior to the issuance of the building permit;

Mr. Holden requested that Mr. McHenry have some elevations for review at the Planning Board meeting.

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**II. NEW BUSINESS**

B. The application of **LBJ Properties, LLC, Owner** for properties located at **22 and 26 Market Square** and **First State Investors 5200, LLC (Bank of America), Owner** for property located off **Daniel Street**, wherein Site Review approval is requested to construct an open rear egress stair and to combine utilities as a result of lot consolidation, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 107 as Lots 0030, 0030-0001, and 0027 and lie within the Central Business B (CBB) district, Downtown Overlay District (DOD) and Historic District A.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, presented on behalf of the applicants. Also present were Steve McHenry, Fred Schultz, Project Manager. Mr. Chagnon reviewed the plan set.

He explained that the project consists of the redevelopment of 22 & 26 Market Square into a restaurant and commercial office. The buildings are existing and it is an interior renovation with one egress stair added to the east side. The cover sheet shows the location of the proposal and the members of the development team.

Sheet C-1 is the Easement and Boundary Plan of Land which shows the two properties with bearings and distances. 22 and 26 Market Square are currently two divided lots. They were subdivided some time ago and now the applicant wishes to combine them back into one lot.

The second sheet is the Layout Plan which shows the general location of the properties adjacent to Market Square on Pleasant Street. There is a site detail on the bottom that shows the proposed egress stair and step which is the major part of the exterior changes.

Note 4 on the Layout Plan details the parking calculations. There will be a parking impact fee based on 106 unmet parking spaces. Existing signage and lighting as noted in Notes 8 and 9 will be reused.

Sheet C-2 is the Utility and Grading Plan. He handed out a revised version of that plan. The major propose of the revised plan was to show the minor grading associated with the stairway and to show the proposed water service connection. The Plan has a revised date of 12/02/08. They are showing two options for water service connection. Option A, the preferred option, is a 2" domestic and 4" fire to come in from Pleasant Street to the middle of the front of 26 Market Square. Option B is a 2" domestic and 4" fire that comes down an alleyway and enters the building about 8' from the front right hand corner. They looked at the rights that the property owner of 26 Market Square may have in the alley and they handed out a copy of an easement deed which detailed that. Paragraph #2 on the deed states that "The Portsmouth Trust Company (grantee) in exchange therefore will have access over this alleyway for repairs, improvements, reconstruction, demolition and deliveries to the Portsmouth Trust Company building immediately to the north of this alleyway." Mr. Chagnon indicated they are

seeking a legal opinion on whether the placement of a waterline falls under improvements under this section. In the meantime, they are showing two proposals and they can discuss that further in the presentation. They prefer Option A.

Sheet SR-1 shows the calculations of the building square footages. It is a restaurant so the parking calculations are based on the square footage.

The last sheet was submitted in the small size format and provides more detail about the egress stairs and shows the side drawings of the existing building.

Mr. Chagnon stated that was the proposal before them. They did speak with the City at Pre-TAC and he looked for some information relative to sewers and where they went and he has some maps that he handed out. One is a map prepared by the City which deals with the water line on 28 Penhallow Street in 1989, prepared by TVC. There are two other plans showing the approval for 10 Penhallow Street and the sewer is shown running out of the building going south. He believed that answered their question about where the sewer goes for 10 Penhallow. Mr. Holden asked Mr. Chagnon if it was his position that it does not go under any existing building? Mr. Chagnon responded no. They wondered if 10 Penhallow and this site were connected in some way. From the best he can tell, 10 Penhallow exits and goes south. He found some plans that dealt with the old Courthouse site but none of them showed any utilities. They believe that the sewer as shown on the Utility Plan shows two sewer connections. One goes south from 26 Market Square and it is his understanding that that line has been tested with a camera and what they propose is they will also do their best to provide a plan showing where that line goes. That is so noted on the Utility Plan that he handed out. The second sewer to 22 Market Square goes to the east. That is reflected in a deed as shown on the Civilworks Easement and Boundary Survey Plan, it talks about sewer use reservation and RCRD 1504/251. That deed talks about the ability of the building to maintain the use of the sewer that "goes to the east across other land of the Grantor". Mr. Holden asked, when they are all said and done, are they sure or they are not sure? Mr. Chagnon stated the sewer line needs to be located. Mr. Holden thought they had resolved that. Mr. Chagnon confirmed there had been some work done to look at the sewer line but he does not know the results of that work.

Mr. Rice asked if there is one sewer line that goes to the parking lot to Penhallow and another that goes under all of the buildings down to State Street, the first route, which is not under buildings, is the preferred. His big concern is that no matter how well a grease trap is operated, grease gets out and blocks the sewer lines. They need resolution on this issue. Mr. Desfosses would prefer to go down the alley. Mr. Chagnon felt it was the issue of the easement and a lot hinges on how the easement is worded. Mr. Holden asked in terms of the sewer, what is the best way to nail that down? Mr. Chagnon stated he understood that the project manager has been working with DPW to work that out. He doesn't know if there have been favorable results from the camera work. Mr. Rice understood that the camera results were mixed. They could only go a certain distance as they couldn't get past a bend in the line. There was not a transponder which is a way to trace it out and is probably the next best thing to do. Now that there appears to be another option, he would recommend a transponder on both lines and dye testing would be appropriate. Mr. Holden asked if the project manager was working for the applicant or the tenant? Mr. Chagnon confirmed he is working for both.

Fred Schultz, Project Manager, stated that they have contacted the testing company and it will be done at 8:00 a.m. tomorrow.

Ms. Tillman noted that the Plan shows the waterline easement and a PSNH easement and she asked if that interferes with the stairs in the back of the building? Mr. Chagnon confirmed they met with PSNH and they do not have any issue with the stair. Ms. Tillman asked if it went into their easement area? Mr. Chagnon confirmed it does not. There are a lot of lines on the plan but he pointed out the PSNH easement and the work is on the side of it. Even though they are not in their easement, they made sure they didn't have issue with the stairway being adjacent to the transformer.

Mr. Holden noted on the plan they received today it says 4" sewer and "exact location unknown. Map to be provided". Is that they are doing tomorrow a.m.? He asked when they will have that information? Mr. Chagnon indicated that the work is being done tomorrow. Mr. Rice felt the City should be present to oversee the work.

Mr. Holden asked if everyone would be available next Tuesday to reconvene this hearing? Mr. Rice was not familiar with his schedule and Dave Allen is on vacation this week so he could not commit.

Mr. Chagnon stated that they would be available to take the information from tomorrow and put it on the plan and he assumes there will be a video that could be reviewed also. Mr. Rice felt it would be appropriate for one of their crew to watch the video while it is being done. It would be appropriate if Carl Snieder or John Adams would be available to sit in on it.

Mr. Holden asked what it would do to the applicant's schedule if they postponed to the December 20<sup>th</sup> TAC meeting? He added that the City has been trying to get this information for a fair amount of time. Mr. Chagnon confirmed that would not give them enough time to meet their opening. Mr. Rice felt there are significant issues that need to be addressed regarding the utilities. It is an old system and there is a lot of weird piping in the ground. Mr. Holden felt that in a week they will know whether they can go forward or not. It would also be useful to figure out which option they are using. Mr. Desfosses stated that Option A would require rebuilding the entire brick area and possibly having public input. They would much, much prefer option B just for the good of the general public, the area, the work load and the cost. That is the way they want them to go. When you start tearing apart work that is 35 years old, it is going to spread. You can't fix one little spot. All of the brick has to match and it is a significant venture. They don't even make the bricks that they used in that area so they would have to start hunting all over New England to match the bricks. He thought a water line is an improvement until someone tells him otherwise.

Mr. Holden confirmed that they need to know what the easement allows and doesn't allow. They will know within a week whether they have a big problem with the sewer or if this is a viable approach. He would like to reschedule this next week to review.

Mr. Desfosses asked if the transformer on the outside is big enough or do they need to upgrade? Mr. Chagnon confirmed it is big enough as they are using an 800 amp service. Mr. Schultz indicated that if they go with Option B, they would like to do the work on the weekend and he asked if that was a possibility. Mr. Desfosses responded that it would depend on the time of year but it could possibly be done. It would be up to the Director of Public Works or if it is private property it would be up to the Building Inspector.

Mr. Rice asked that Note 9 on Sheet C-2, should read that a waiver from an external grease trap shall be requested rather than interior grease trap will be provided as that waiver request has not been submitted for review and approval by the City.

Ms. Tillman asked if anything is changed on the transformer pad? Mr. Chagnon confirmed nothing was changing.

Mr. Desfosses asked if they would be asking for municipal trash pick up as there is no dumpster on the plan? Mr. Chagnon believed they will have a more frequent trash pick up which will be private. Ms. Tillman remembered that was discussed at the Liquor Committee Meeting and it was agreed there would be an accelerated trash removal. Mr. Holden asked them to coordinate with the tenant and add a note on the plan regarding trash removal. Silke Psula should approve that as well.

Mr. Chagnon asked about the capacity use surcharge and if they need to apply for that separately? Mr. Rice explained that they need to provide documentation for approval before the service will be

connected. Mr. Chagnon asked if they are credited for the existing flow? Mr. Rice confirmed they have allowed for a deduct if they show the last year worth of bills and that amount can be deducted. After a number of years if it has not been used, it is treated as a new service. Mr. Rice indicated he will get that information for Mr. Chagnon. Mr. Chagnon asked how that dove tailed into State sewer discharge? Mr. Rice asked if they will have over a 5,000 gallon tank? Mr. Chagnon confirmed it will be 6,600. Mr. Rice explained it works on the same theory but he should speak to Steve Roberts at the State. He assumes they will do a wastewater discharge permit for his signature, however, that is on a separate track and will not hold this up.

Mr. Chagnon asked if there might be a capacity issue at the plant? Mr. Rice confirmed there won't be a capacity issue at the treatment system. It is mainly the service that is the issue at this point.

Mr. Desfosses asked if there were any exterior lighting changes? Mr. McHenry stated they are doing some painting, some decoration of the existing window and no new lighting on the outside of the building. There is the question of the existing sign and how they are going to use it which he is unclear on right now. Mr. Desfosses asked about the historic plaques on building? Mr. McHenry confirmed they will be staying put. Mr. Desfosses asked about the flagpole on the back? Mr. McHenry confirmed that stays there. He does not know what they will be flying on the pole. Mr. Holden indicated that a flag could be viewed as a sign so it may want to indicate that any use of the flagpole could be interpreted as a sign.

Deputy Fire Chief Griswold requested his standard knox box and automatic notification. They will have to figure out a private provider for the automatic notification at this point because there is a moratorium on master boxes. They will have to go with a private company. As long as it is approved as an acceptable method he is fine with it.

Deputy Police Chief DiSesa made a stipulation that the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost shall also be the responsibility of the applicant. This should be coordinated with Gil Emery, Supervisor, 610-7411.

Ms. Finnigan asked if there was parking for this site in the back or is that private parking? Mr. Chagnon confirmed that is private parking. Ms. Finnigan asked what will be generated for traffic compared with what is there now? Mr. Chagnon stated they have not done figures yet. That would be an interesting question given the fact that there isn't destination parking. It is like the background of downtown Portsmouth where people go to the garage, they walk around and find a place to eat. If she wants something, they will provide it. Ms. Finnigan indicated that she wants to know if it impacts the intersection which is already bad. Mr. Chagnon felt there were no trip ends as there is no parking there so he felt they were talking about taking traffic off the network that's already there. Ms. Finnigan did not necessarily agree with that. He needs to show her that. She can't assume it is just back ground information as every time they do that it adds a little more to the traffic and eventually the intersection fails and it is always the last person who takes care of it. If there is some way to make it better or not make it better, she needs to know that. Mr. Chagnon asked if she is looking for a traffic study or just trip generations? Ms. Finnigan confirmed she is only looking for trip generations.

Mr. Holden asked if they could all meet in one week? Ms. Finnigan asked why they need to meet in one week rather than in one month. Mr. Chagnon stated they need to get into the street and figure out where the water and sewer line is going. They would rather do that now rather in January. They need that to know if it is going forward. Then, the associated construction that comes behind it has a certain lead time. They can't open a restaurant with an Irish theme before March 17<sup>th</sup>. Mr. Holden stated that this application has had difficulty coordinating issues.

Mr. Desfosses made a motion to reconvene in one week, on December 9, 2008 at 2:00 pm. Deputy Fire Chief Griswold seconded the motion.

The motion to postpone and reconvene to December 9, 2008, passed unanimously.

Concerns of the committee are as follows:

- 1) That the placement of the new sewer line needs to be resolved;
- 2) That Note 9 on Sheet C-2, should read that a waiver from an external grease trap shall be requested rather than an interior grease trap will be provided as that waiver request has not yet been submitted for review and approval by the City.
- 3) That the design team shall coordinate with the tenant and add a note on the Site Plans regarding trash removal, to be reviewed by Silke Psula, of DPW;
- 4) That a note shall be added to the Site Plans indicating that any use of the flagpole could be interpreted as a sign;
- 5) That a Knox box and automatic notification of emergency assistance (via private company) shall be added to the Site Plans;
- 6) That the applicant shall be responsible to perform a radio-strength test with a Motorola Service Shop to ensure sufficient signal strength within any structure included in the project to support adequate radio coverage for emergency personnel. The expense for the test shall be the responsibility of the applicant, whether or not the test indicates that amplifiers are necessary to ensure this communication. If the test indicates that amplifiers are required, that cost shall also be the responsibility of the applicant. This should be coordinated with Gil Emery, Supervisor, 610-7411.
- 7) That a Trip Generations Report shall be prepared for review and approval by Deborah Finnigan, City Traffic Engineer, and provided to the TAC members for their review;

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**III. ADJOURNMENT** was had at approximately 3:22 pm.

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Respectfully submitted,

Jane M. Shouse  
Administrative Assistant