

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

**2:00 PM**

**JUNE 1, 2010**

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

**MEMBERS PRESENT:** Lee Jay Feldman, Principal Planner; Steve Parkinson, Director, Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Peter Britz, Environmental Planner; Steve Griswold, Assistant Fire Chief and Stephen Dubois, Deputy Police Chief

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**I. NEW BUSINESS**

A. The application of **Eugene C. Bergeron, Owner**, for property located at **20 Columbia Street**, requesting Site Plan Approval to pave and stripe a grassed area behind an existing structure and to install a rain garden, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 156 as Lot 22 and lies within the General Residence C (GRC) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

The applicant was represented by Alex Ross, of Ross Engineering and Attorney Bernie Pelech.

Mr. Ross stated that this site has been used as a multi-family building for years. The owner has been doing internal improvements and is now ready for exterior improvements. The back yard is grass and has been used for parking for years and he would now like to pave it. Mr. Ross prepared a Grading Plan showing the new pavement as well as a rain garden to collect all of the stormwater runoff.

At Pre-TAC that morning, the Committee raised a concern that the rain garden should be pushed away from the neighbor's property line. There were a couple of ways to do that. One would be to shrink the 24' wide parking aisle and another would be to move the parking lot a little to the north, which is what they have done. They have maintained the 24' wide aisle and moved the parking lot and rain garden to the north.

Mr. Ross indicated that another concern was the oil structure on site in the driveway. The owner determined there was an oil tank underneath the existing driveway with a little bit of oil in it and they have added notes to the plan that both the oil and the tank will be removed properly.

Mr. Ross handed out a revised plan reflecting those concerns. On Sheet 2, the rain garden has been adjusted to utilize the same square footage but it has been moved away from the property line. The color version shows all of the different surfaces so that it is clear.

Mr. Ross stated that they submitted waiver requests regarding the utilities. It is an existing building and has had the same services for years. The owner has been updating the interior but they are requesting waivers from utility regulations.

Mr. Ross felt this was a simple site with parking lot improvements. A Drainage Study was prepared to show that the rain garden does comply with all of the stormwater regulations for the City. For most of the storms, they will produce a decrease in runoff.

Mr. Desfosses asked if they will move the back fence along the property of Roger Bolton. Mr. Ross confirmed they will. Mr. Desfosses asked if they will be able to grade the asphalt next to the property line without interfering with grades and if it will be at the same elevation as Mr. Bolton's parking lot. Mr. Ross confirmed that was correct.

Mr. Desfosses noted that the colored plan handed out did not show the grass area which they talked about at Pre-TAC in front of the building. Mr. Ross stated he discussed that with the owner. At some point he would like to remove some of that pavement and create a grass area but he is not sure exactly how much he would like to do at this time. Mr. Desfosses was concerned that someone will park there and the City does not want them parking behind the sidewalk in the front of the building. Mr. Ross felt they could consider producing an edging to delineate the sidewalk.

Mr. Britz noted that one of the two storage building that are currently on his site is not shown on the plan. Mr. Ross explained that the owner has been using temporary storage tents to move equipment in and out of the house but they will both be removed.

The Chairman called for public speakers.

Tom Schmitz, of 21-23 Columbia Court, is an abutter to the southeast. He has spoken to Mr. Bergeron several times about this project and believes it is an improvement to the neighborhood. Mr. Schmitz wanted to make sure that the drainage is properly addressed as it is a very confined area and a pitch is important. Also, the 8 parking spaces in the back of Mr. Bergeron's property will all face onto Columbia Court, which is where his property is located. Mr. Bergeron had discussed putting in a fence and Mr. Schmitz felt it would be a good idea for headlights.

Mr. Feldman asked about a 6' vinyl fence on the plans and if that was proposed or existing. Mr. Schmitz indicated that was his fence on his property and it exists now.

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 this matter.

Attorney Pelech filed letters of support with the Chairman.

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Deputy Police Chief Dubois assumed that the drainage from the rear of the Islington Street properties which abut this property drain into the grassy area that they are proposing to pave. He asked if the rain garden would be enough to support all of the drainage. Attorney Pelech explained that when the Islington Street condominiums were built and the addition was put on, Mr. Bergeron's father came and spoke to the BOA. As a result there is a 6" concrete curb placed around the property line because there was a stormwater runoff problem from the Islington Street (former Burotkis) property onto Mr. Bergeron's property. As a result the BOA required the Islington Street condos to install the berm to avoid any further stormwater runoff between the properties.

Mr. Desfosses asked Mr. Ross if he included a sub catch basin drawing in the drainage study. Mr. Ross responded that he did not include a sub-catchment diagram but it could be included. Mr. Desfosses indicated that there are other properties that drain onto this site and he doesn't know if Mr. Ross took that into account. He has no way of seeing that as all the study includes is numbers. Mr. Ross explained that the calculations are based on the general theory that if they had the site with its general surfaces and they made changes to it. There is minimal flow from the north beyond the concrete wall that Attorney Pelech was talking about. Mr. Desfosses stated he was not worried about that side but, rather, was worried about the side to the south. It is his impression that all properties are at the same elevation. Mr. Ross agreed and stated it was all very flat. He indicated he could add some spot elevations and include a watershed diagram to clarify that. Mr. Desfosses felt that if they create a hole and a rain garden, then not only is their water going to go into the rain garden but the abutters water will go into their rain garden as well. His question is does the water from their property go onto Mr. Bergeron's property or does the water from Mr. Bergeron's property go onto their property. He asked where the low spot was. Mr. Ross stated the low spot was at the property line. Mr. Desfosses felt that some of abutter's water will have to go into the rain garden and he asked how he knows they sized the little area correctly. He felt it was going to be completely saturated when they get a storm. He is always wary about putting water into the ground in these areas as it goes right into the ground and into the basements. He asked which foundation was closest to the rain garden. Mr. Ross responded the building on the site was the closest. He asked if Mr. Ross has any idea how much volume they are talking about.

Gene Bergeron, owner, explained that the water that comes onto the top parking lot, which is slightly higher, disappears and does not come onto his property. The berm was well done. During the last two heavy rains that they had, everything was staying up in those neighboring parking lots, as it should.

Mr. Desfosses noted that typically there are different media that go under the rain garden and those are not labeled. The bio-retention media is the same as the soil media and they should be labeled the same thing. Mr. Ross indicated he will clarify that. Mr. Desfosses asked if the 6" was a max for the ponding area so they have an elliptical bowl. Mr. Ross confirmed that was correct. Mr. Desfosses stated they will make the rain garden 2' wider as they are going to move the parking lot over. That will make the rain garden a little bit bigger and they will have a little more volume.

Mr. Desfosses made a motion to recommend approval with stipulations. Deputy Fire Chief Griswold seconded the motion.

Mr. Parkinson was concerned that people will be parking on the sidewalk in front of the building unless something definitive is done. He would either like to see them take the asphalt out or something to delineate the sidewalk area.

Mr. Desfosses stated he would make the following stipulations:

- As discussed at Pre-TAC, the back panel or the south side of the lighting fixture shall be blacked out so that they do not shine towards the houses on Columbia Court.
- The lighting for those bulbs shall be one bulb each and no more than 60 watts or equivalent.
- The pavement in the front of the building shall be removed, per sketch drawn by David Desfosses and provided to the applicant, and grass shall be placed in the area so that parking cannot occur.
- The parking lot in the rear will be relocated as shown on the Site Plan revised June 1, 2010, to provide additional space for the rain garden and additional volume.
- The rain garden detail shall be upgraded.
- The storage tank underneath the driveway shall be removed and filled according to State standards.

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

- 1) The back lighting panel, or the south side of the lighting fixture, shall be blacked out so that the lights do not shine towards the houses on Columbia Court.
- 2) The lighting fixtures shall be one bulb each and no more than 60 watts or equivalent.
- 3) The pavement in the front of the building shall be removed and grass shall be placed in the area so that parking cannot occur (to be approved by DPW prior to Planning Board meeting).
- 4) The rain garden detail shall be revised so that labeling is consistent.
- 5) The storage tank underneath the driveway shall be removed and filled according to State law.

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B. The application of **Lang and Longmeadow Development, LLC, Owner**, for property located at **126 Lang Road**, requesting Amended Site Plan Approval to relocate one of five proposed multi-unit dwelling units on the site, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 291 as Lot 1-1 and lies within the General Residence C (GBC) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

J. Corey Colwell, of MSC Civil Engineers and Land Surveyors, appeared on behalf of Lang and Longmeadow Development along with Ed Huminick, Attorney Bernie Pelech and John Lorden of MSC. A color copy of the site plan was handed out to the Committee along with lighting cut sheets.

Mr. Colwell explained that this proposal is for the construction of 117 residential units, a common club house and an access drive which links between Lang Road and Longmeadow Road, with on site utilities and parking. This is very similar to the proposal which was approved by this Committee and the Planning Board back in October of 2005 (sic)\*. This application qualifies under the amended Site Plan approval process so the plan set before them complies with the old Zoning Ordinance however it complies with the new Site Review Regulations.

Since approved in 2005 (sic), there have been five changes to the site.

1. A water main has been extended down Lang Road to the east, for both fire and domestic, with gate valves stubbing the water main for future connection to the residential dwellings.
2. The retention pond has been excavated.
3. The foundation for the clubhouse has been installed.
4. The removal of the earth roads, wood roads and earth moving activities throughout the site has changed the topography of the site.
5. The edge of wetlands has changed and they have been re-delineated.

Mr. Colwell reiterated that the proposal is very similar to that which was approved in 2005 (sic). The only difference is that the buildings are mirror images from the old drawings and they have been slightly moved. There are now 16 internal parking spaces within each building which eliminates the need for many on-site on grade parking spaces previously proposed. Under the old approval there were 132 parking spaces on-site on-grade outside the buildings. The new proposal is for 100 parking spaces. The site has been re-graded. The same basic drainage design is being utilized which consists of two detention ponds proposed to capture most of the runoff. Detention pond #2, behind Building #2, collects runoff from the area of the center of the proposed cul-de-sac northward and detention pond #1 collects the area from the center of the cul-de-sac southward. Both detention areas are sloped towards the headwalls and the low points where the runoff is captured in an outlet controlled structure. From this structure the run off outlets via a 24" HDPE pipe which carries it to a riprap apron and eventually releases it into the back of the property.

\*Note: the actual date of original Planning Board approval was October 16, 2003.

During Pre-TAC, the Committee had the following questions.

- What was the change in impervious area?. The previously approved plan set proposed 15.7% of the total site as impervious area. The revised plan set proposes 15.6%. It may seem like a small change but that equates to 1,154 s.f. less of impervious area on this plan set.
- Are the types of lights proposed dark sky friendly? The lights which were approved under the previous approval did not meet the requirements but they have handed out new catalog cuts which they intend to use which are dark sky friendly and the lighting plan will be revised accordingly.
- Does the location of Building #5 comply with the previous stipulation of approval that Building #5 be moved 10' to the northeast? Mr. Colwell stated that Building #5 on the revised plans has been moved more than 10' and it significantly increased the amount of trees that can be preserved.

There were several other comments generated this morning, all of which the applicant has agreed to include on the revised plans. Those include:

- Adding the walking trails to the plans
- Slightly relocating the silt fence along Longmeadow Road
- Removing the chain link fence around the site
- Adding a Knox box with a grand master key to each building
- Adding a note regarding the removal of the monitoring wells
- Adding one bike rack for each building
- Removal of Note 3 on Sheet 4 regarding the rollout dumpsters as they are no longer proposing rollout dumpsters. The dumpsters on the plan are now in fixed locations.
- Adding dumpster screening to the detail sheets
- Adding a typical cross section detail for Longmeadow Road specifying 2 ¾" of pavement
- Providing Opticom response for the gates at the entrance drive.

Mr. Colwell felt that these revisions were all minor and they asked for their conditional approval, subject to the changes to the plans.

Mr. Desfosses asked where the gates were located as they were not on the plan. Mr. Colwell pointed out on the Layout Plan at the entrance on Lang Road where it shows a boulevard entrance. Where that narrows down there is an access gate, or at the throat of that boulevard. The same holds true for access to Longmeadow Road. Mr. Desfosses asked that they add the gates to the Layout Plan.

Mr. Desfosses asked if this site will be served by gas. Mr. Colwell confirmed it would be. Mr. Desfosses asked for a memo from the gas company saying they have adequate supply to service the site.

Mr. Desfosses felt the gap between where Longmeadow Road exists today and where their property line is will be an extension of Longmeadow Road. This is not addressed by their lighting plan. He felt

they should add one light at the beginning and one at the end of the islands off of Lang Rd. and off of Longmeadow Road. The City will then look at whether they need to add another City light.

Mr. Desfosses indicated that the City will only plow up to the cul-de-sac and there is no way for them to turn around. They will need an agreement that the owners will take care of that area until the extension is built to Lang Road. Attorney Pelech indicated he will work with the City Attorney's Office on that.

Deputy Fire Chief Griswold stated they are required to provide automatic notification to the Fire Department in the event of an alarm activation. That can be done with a Master Box or any other mechanism they want.

Mr. Britz asked if school buses will come into the site and was the site accessible. Mr. Desfosses indicated it is the same turnaround that is there and it needs to be big enough for a school bus.

Mr. Britz asked if they decided to leave the detention pond the same as it is. Mr. Colwell stated the applicant would prefer to fill it but the type of vegetation leads him to believe it is a jurisdictional wetland and it would require a State permit to fill. It has been there a couple of years and there is established vegetation. Mr. Britz felt it would be worth a consultation with DES as he didn't want it to cause a mosquito hazard for the kids or a nutrient problem for the wetlands around it by filling up with algae and overflowing into the wetlands. He would like to have something done with it and it could even just be improved with landscaping or re-grading.

Mr. Britz noted that they calculated the impacts for the impervious area but he asked if they determined what the buffer impacts would be. Mr. Colwell confirmed there would be none.

Mr. Parkinson referred to the culvert pipe that goes under the entrance at Lang Road where the invert is about 5' below the existing edge of street. He asked for more detail on that pipe and the closeness of edge of pavement. He didn't want it to be a wash out area. Mr. Colwell stated he could provide some topography from the invert up to the edge of pavement.

Mr. Feldman noted the drainage easement between Buildings 4 & 5 and there is there a dumpster enclosure within the easement. He asked if they could relocate that to keep it outside of the easement area. They are also showing a dumpster to the west of Building #5 and another dumpster at the head of the entrance by Building #4. Mr. Colwell explained it was not a permanent structure and they are trying to keep them away from right next to the buildings. It was their feeling it did not interfere with the use of the easement. Mr. Feldman indicated they will need a concrete pad and a fence. Mr. Colwell felt they might be able to come up with a better spot.

Attorney Pelech handed the Chair a copy of an Agreement which was agreed to at the last approval.

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

**DISCUSSION AND DECISION OF THE COMMITTEE:**

Deputy Fire Chief Griswold made a motion to recommend approval with stipulations. Deputy Police Chief Dubois seconded the motion.

Deputy Fire Chief Griswold stipulated that the portable rock crusher only be on site during the construction of the infrastructure of the property. Mr. Desfosses requested a modification by having “for” rather than “during” as they do not want them crushing rock on site and then bringing it off site for other sites. It just needs to be there for the immediate purpose and then it needs to go.

Secondly, Deputy Fire Chief Griswold requested that a Knox box be placed on the property at an acceptable location. They will request a Knox box on each building and a grand master key system. Therefore, they need a Knox box near the entry doorway to each building with a grand master key in each Knox box.

Third, the gates to the property shall include an opticon system to allow the gates to open automatically for emergency personnel. Mr. Desfosses added that the opticon gates should be placed on the forward end of the islands so that the opticon transmitter can be seen. They might want to mount them on the light pole that is being installed.

Fourth, a dumpster screening detail shall be added to the Site Plan.

Fifth, the roadway cross section for Longmeadow extension shall be revised to indicate a 2 ¾” binder.

Sixth, that the silt fence location behind building #5 shall be revised to sit on the setback line.

Seventh, the chain link fence shall be removed from behind building #5 on the Site Plans.

Eighth, a bike rack for each building shall be added to the Site Plans.

Ninth, all lighting shall be dark sky friendly.

Tenth, all stipulations from the October 16, 2003 Planning Board approval are included in this amended approval.

Mr. Desfosses noted that one of the previous stipulations was the restriping of Lafayette Road, between Ocean Road and Heritage Avenue. He was not sure but he thought that has already been done. It was to streamline traffic coming out of Lang Road but he thought some of that was dealt with when the City worked on Lang Road. That was their actual traffic mitigation for this project so he’s not sure they have an actual traffic mitigation now. Mr. Feldman felt they should continue to include that stipulation and it can continue to be investigated to see if that work has been completed or not.

Mr. Desfosses asked Mr. Colwell if the stopping distance for the Lang Road driveway was ever calculated by a traffic engineer. Mr. Colwell did not have any recollection of that being done.

Mr. Desfosses also requested a Construction Management and Mitigation Plan. Also, that the walking trails shown on the original plans and shown on this plan shall be modified accordingly if they interfere with the existing detention ponds.



Mr. Desfosses requested a Memorandum of Understanding regarding plowing for Longmeadow Road Extension.

That the existing detention pond be filled in. Mr. Britz requested that the detention pond should function more as a wetland as it is clear that they do not need it.

Ms. Defosses indicated that if lighting is needed at the end of Longmeadow, DPW will look into it after the on site lighting is installed and working.

That an additional light pole be added in each island, both at the intersection of Lang Road and at the intersection of Longmeadow Road Extension.

That gates be added to the Site Plan and that the opticom transmittal locations be added to the Site Plan.

That the applicant shall obtain a letter from the gas company confirming they can service the site.

Also, if they need to make any improvements underneath City streets, they should notify DPW so that appropriate action can be taken.

Mr. Parkinson requested an additional detail on the culvert pipe at the Lang Road driveway.

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

- 1) The portable rock crusher shall only be on site for the construction of the infrastructure of the property.
- 2) A knox box shall be placed on each building near the entry doorway with a grand master key in each knox box.
- 3) The gates to the property shall include an opticon system to allow the gates to open automatically for emergency personnel. The gates shall be placed on the forward end of the islands where the transmitter can be seen, possibly mounted on the light poles.
- 4) The opticom transmittal locations shall be added to the Site Plan.
- 5) A dumpster screening detail shall be added to the Site Plan.
- 6) The roadway cross section for Longmeadow Road Extension shall be revised to indicate a 2<sup>3</sup>/<sub>4</sub>" binder.
- 7) The silt fence located behind building #5 shall be moved to sit on the setback line.
- 8) A bike rack for each building shall be added to the Site Plan.
- 9) All lighting shall be dark sky friendly.
- 10) A Construction Management Plan (CMP) shall be prepared by the Applicant for review and approval by the City.
- 11) The walking trails shall be modified accordingly if they interfere with the existing detention ponds.
- 12) A Memorandum of Understanding will be required regarding plowing for Longmeadow Road Extension.
- 13) The existing detention pond shall be filled in to make it work as a wetland.

- 14) After on-site lighting is installed, DPW shall conduct a review to determine whether a light is needed at the end of Longmeadow Road Extension.
- 15) An additional light pole shall be added to each island located at the intersection of Lang Road and at the intersection of Longmeadow Road Extension.
- 16) The gates shall be added to the Site Plan.
- 17) The applicant shall obtain a letter from the gas company confirming they can service the site.
- 18) If improvements are necessary underneath City streets, the applicant shall notify DPW so that appropriate action can be taken.
- 19) A detail on the culvert pipe at the Lang Road driveway shall be added to the Site Plan.
- 20) All stipulations from the October 16, 2003 Planning Board approval are included in this amended approval.

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**II. ADJOURNMENT** was had at approximately 2:50 pm.

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Respectfully submitted,

Jane M. Shouse  
Administrative Assistant