

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

**2:00 PM**

**OCTOBER 5, 2010**

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

**MEMBERS PRESENT:** Rick Taintor, Chairman, Planning Director; David Allen, Deputy Director of Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Peter Britz, Environmental Planner; Steve Griswold, Assistant Fire Chief, Deputy Police Chief  
Steve Dubois

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**I. OLD BUSINESS**

A. The application of **Regeneration Park, LLC, Owner**, for property located at **3612 Lafayette Road**, requesting Amended Site Plan Approval to include restaurant use in the building resulting in revised parking configuration, addition of a grease trap and the addition of two exterior doors, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 297 as Lot 3 and lies within the Gateway District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Shannon Alther, of TMS Architects, appeared on behalf of the applicant, and gave an overview of their project. They recently received Site Plan approval and the owner has decided to create a restaurant component at the front of the building. They need to increase the parking load and add a grease trap. They had reduced the existing paved area of the project by 19,000 s.f. with their original approval; however, after adjusting for the added parking spaces and some movement around the site they are down to removing 16,900 s.f. and returning to green space. They revised their dumpster locations, added in a bike rack component in terms of a specific style, and the grease trap will be on the east side next to the restaurant. They intend to go through the building and tie back into the original sewer line. A complication they are working through is the sprinkler system in the restaurant section. The amount of pressure from the 8" main from the street is not adequate so they will look at alternatives to provide the necessary pressure. Site lighting is the same as last time. Tree locations were added to the Landscape Plan per the Conservation Commission. Eric Weinrieb, of Altus Engineering, was also present.

Mr. Taintor asked if they had a location they were looking at for the well tanks. Mr. Alther confirmed they put it in the same location as the solar hot water system which is outside the mechanical room. The existing water line into the building is within 10' – 15' of that area so it seemed like the logical space.

Mr. Taintor asked what they would do about a well. Mr. Alther indicated they have a sprinkler engineer on board to look at that. They had a second test yesterday so they have more information. They want the well to be outside of the wetland buffer on the back side of the building and they could find a location on the grass areas they have created. Mr. Taintor asked if they expect to have that determined by the time they go to Planning Board. Mr. Alther stated they have a meeting next week with the engineer so they will at least have an update for the Planning Board. Mr. Taintor stated that depending on the scope of what they are looking at it might require an administrative amendment of approval, depending on the staff point of view.

Mr. Brtiz noted the Site Plan states they will “loam and seed typical” in the rear of the lot where they are removing pavement but they are actually doing a conservation plant mix, which was discussed at the Conservation Commission. Mr. Alther confirmed they have a conservation mix which is at the bottom of the table, listing out the specific species. Mr. Britz did not believe the note was correct because “loam and seed typical” is usually just the standard detail. He will make a stipulation that they remove the note as they have a landscape plan.

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:**

Mr. Desfosses made a motion to recommend approval with the stipulation removing the note regarding “loam and seed typical”. Deputy Fire Chief Griswold seconded the motion.

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

1. That the note on Sheet C-1 stating “install 6” loam and seed, typical” shall be removed and the Landscape Plan shall be used for this back area.

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Mr. Allen arrived.

**II. NEW BUSINESS**

A. The application of **Middle Street Townhouse Condominium Association, Owner, and Christopher and Alison Pyott, Applicants**, for property located at **774 Middle Street, Unit 4**, requesting Site Plan Approval for the construction of a 384 s.f. 2-story addition, 42 s.f. porch and 85 s.f. deck to an existing residence, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 153 as Lot 9 and lies within the General Residence A (GRA) District and the Historic District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, appeared on behalf of the owners. He reviewed the plan set. The first sheet was Existing Conditions. The unit they are working on is the rear unit which is a 2-story wood frame structure. They propose to add an addition to the back of the building. The second sheet shows the proposed addition. Mr. Chagnon pointed out the wetland on the adjacent lot, which is more than 10,000 s.f. and subject to a 100' buffer zone. They are trying to address water quality as a result of the increased roof area. They have designed a rain garden, sized to handle both the pavement runoff and roof runoff. As a result of a discussion in the TAC Work Session, they would like to amend the plan to only deal with the pavement runoff and discharge roof runoff around the rain garden as that is a much cleaner runoff. That will allow them to decrease the size of the rain garden to fit better within the topography of the site. Mr. Chagnon noted that the plan shows the proposed erosion control silt fence and the last sheet shows the general construction sequencing, construction notes, rain garden planting list, bio-retention detail, riprap graduation table and retaining wall detail. Also submitted was a wetland sketch, stamped by the wetland scientist who did the wetland delineation, Patrick D. Seekamp.

Plans have been submitted to the HDC and to the Planning Board for a Conditional Use Permit. They hope to receive approval from TAC and appear before the Planning Board this month so that they can commence construction before winter sets in.

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 Site Plan Approval. Mr. Desfosses seconded the motion.

Mr. Desfosses stipulated that the applicant meet with DPW and Mr. Britz to review the final rain garden and run off design.

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

1. That the applicant shall meet with DPW and Peter Britz to review and approve the final rain garden and run off design.

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Mr. Taintor stated he would read in the next two applications together as they are adjacent properties with the same applicant.

B. The application of **Tain Properties, LLC, Owner**, for property located at **195 Commerce Way**, requesting Site Plan Approval for parking lot improvements with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 216 as Lot 1-8 and lies within the Office Research (OR) District.

C. The application of **Tain Properties, LLC, Owner**, for property located at **215 Commerce Way**, requesting Site Plan Approval for parking lot improvements with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 216 as Lot 1-8A and lies within the Office Research (OR) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Patrick Crimmins, of Appledore Engineering, addressed the Board on behalf of Tain Properties, LLC. He explained this was a parking lot improvement project for two adjacent lots. Last year they appeared for approvals for 215 and 235 Commerce Way and as part of those approvals the south parking lot at 215 Commerce Way had already been approved which included new sidewalks, retaining walls, reconfigured parking and consolidated entrance. This application is consistent with that previous approval and entails realigning the parking for both 195 and 215 and consolidating the entrances off Commerce Way to improve access. Improvements include new paving, new granite curbing, new sidewalks, ADA ramps and spaces near building entrances, enhanced landscaping, dumpster pads with enclosures and a new retaining wall between 215 and 235, which was previously approved. For stormwater improvements, as with 215 and 235 approvals, they will retrofit the existing catch basins with oil separator hoods. The project results in an overall reduction in the pervious area on site. The project results in a net loss of 21 spaces on 215 Commerce Way and a net increase of 9 spaces on 195 Commerce Way. The proposed project results in an increase in open space on 195 by 5,748 s.f. and on 215 by 12,924 s.f.

Mr. Crimmins indicated there were several staff comments they had received, as follows.

They were asked to show the existing wall packs on the buildings. Those have been added to the Site Plan and labeled. They have also added a note that site lighting needs to be reviewed and approved by DPW prior to the start of construction.

There was a stop bar and double yellow line missing in the 195 north parking lot which has been added.

For retro-fitting the catch basins with oil separator hoods, they were requested to install snouts rather than eliminator hoods which have been revised in the detail sheets. Also they will need to inspect those catch basins to determine the method they will retrofit the basins with the hoods. Notes have been added to the Grading Plan, C-3, and Details, C-7 stating that the engineer and property manager shall inspect the catch basins and pipe to determine how to retrofit the CB and to have the methods approved by DPW prior to construction.

Mr. Desfosses stated he will ask for dark sky friendly lighting and he felt some parking spaces are tight and they might want to consider 5' radius rather than 3' radius on the islands so that they are easier to get in and out of.

Mr. Taintor indicated they will want to see the cross easements because of the parking spaces which require backing onto the adjacent lot and they would like to see that before the Planning Board meeting.

Mr. Desfosses asked if there is currently any irrigation or were they planning to put any in. Mr. Crimmins said there was no irrigation at the present time and he was unsure what the owner's intent was. He could confirm that prior to the Planning Board. Mr. Desfosses will stipulate that if they put irrigation in, they will require Smart sensors and back flow preventers, with the details to be worked out with DPW.

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:**

**Vote on 195 Commerce Way:**

Mr. Desfosses made a motion to recommend approval with stipulations. Mr. Britz seconded the motion.

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

1. All site lighting shall be dark sky friendly.
2. If an irrigation system is installed, Smart sensors and back flow preventers shall be required, and details shall to be worked out with DPW.
3. Cross easements for cars backing out onto the adjacent lot shall be provided to the Planning Department prior to the Planning Board meeting.

**Vote on 215 Commerce Way:**

Mr. Desfosses made a motion to recommend approval with stipulations. Mr. Britz seconded the motion.

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

1. All lighting shall be dark sky friendly.
  2. If an irrigation system is installed, Smart sensors and back flow preventers shall be required, and details shall to be worked out with DPW.
  3. Cross Easements for cars backing out onto the adjacent lot shall be provided to the Planning Department prior to the Planning Board meeting.
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D. The application of **Sarnia Properties, Inc., Owner**, for property located at **933 Route One By-Pass**, requesting Site Plan Approval for parking lot improvements with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 142 as Lot 37 and lies within the Business (B) District.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

John Chagnon, of Ambit Engineering, was present along with James Kenny, principal of Sarnia Properties. The application was to add parking to 933 Route One By-Pass. The proposal is to change some of the warehouse use to an indoor recreational use. There would be party rooms and inflatable bouncy pads which work well with the high ceilings. They are providing parking for this use as well as the current office use, per the Zoning Ordinance. Part of the new parking area will be porous paving and the entire parking field will be restriped to improve traffic flow.

Mr. Chagnon stated that the details show the thicknesses and sub materials that will be used for the porous paving. They are introducing a retaining wall on the south side of the parking lot where there is a grade change. There is an overhead power line so there is an easement with PSNH. There is an existing use easement with PSNH for the existing parking lot and they have met with PSNH and everyone is on board with expanding that use.

They will show the existing gas line on the proposed site plan. The property has recently been converted from propane tanks to a natural gas connection. They understand that DPW has concern with the 3 parking spots to the left of the driveway and they will work on that to address the concern. There are existing wall packs on the side of the building which they will review and see if additional lighting should be included. It must be building mounted due to the power lines. They are also looking to provide a barrier at the east end of the parking area due to a significant change in grade. They will add a locus map, put the test pit on the plan and show the dumpster location.

Deputy Fire Chief Griswold stated that the Fire Department has always shown this property as 4 Cutts Street and he was wondering where they got the address of 933 Route One By-Pass. Mr. Taintor indicated that the Planning Department and the Assessing Office use the 933 Route One By-Pass address.

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. Mr. Britz seconded the motion.

Mr. Desfosses felt they need to see this again before the Planning Board meeting to review the parking layout, make sure the gas line is shown on the plan, and lighting. Mr. Allen stated that parking was of

the most concern to him. The other items are minor. Mr. Desfosses was also concerned with the lighting lay out. He wants to make sure the pathway is very well lit and safe for children.

Mr. Taintor suggested a stipulation to have them come back to DPW for a review of those issues.

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

1. The applicant shall add the gas line, the locus map, the dumpster location, the test pit info and the barrier and confirm with DPW the revised parking and lighting issues.

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E. The application of **Richard and Linda Harding, Owners**, for property located at **1808 Islington Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots with the following: Proposed Lot 1 having 64,951 ± s.f. (1.4911 acres) and 140’ of continuous street frontage on Islington Street and Proposed Lot 2 having 17,400 ± s.f. (0.3994 acres) and 100’ s.f. of continuous street frontage on Islington Street. Said property is shown on Assessor Plan 241 as Lot 15 and lies within a Single Residence B (SRB) District. This application was referred by the Planning Board to the Technical Advisory Committee to review runoff, drainage and traffic.

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION:**

Jeffrey Clifford, of Altus Engineering, presented on behalf of Mr. & Mrs. Harding. The property is located at the corner of Islington Street and Plains Avenue and consists of 1.89 acres. The City of Portsmouth owns the land between the house and Plains Avenue.

They propose to subdivide the lot to create a 17,400 s.f. lot for a single family home. This meets all requirements for the SRB district. Mr. Clifford also indicated that this is a modification of two previous subdivision attempts. They recognized that they need to get sewer to the proposed lot and be cognizant of drainage issues in the area.

They recently appeared before the Planning Board and the City Council to obtain a series of easements between the City and the applicant, which are shown on the plans. The easements include a sewer easement which would service Lot 2 with a force main to go through a sewer being built by the applicant. This would be 255’ of gravity sewer from the manhole on Pearson Street to in front of the farmhouse. The farmhouse and apartment would be tied into the sewer and the associated septic systems would be abandoned. They have also offered to bring the force main to the abutters so they can abandon their septic system. Because they would have to cross City land to get to the gravity sewer to service it, there would be an easement with the City. Drainage comes from the Plains ball field to a very undersized drain that goes out towards the wetland in the back which doesn’t work well. The City has wanted an easement across the Harding land to address that. Therefore, the Hardings will be granting an easement to the City to maintain that drainage and help with the flow of water across Plains Avenue.

Mr. Clifford stated that sight distance and traffic safety were concerns brought up by abutters at the Planning Board meeting. Mr. Clifford took pictures in both directions from the center point of proposed Lot 2 and included those in the Committee's packet. They demonstrated that there is over 500' sight distance in each direction. As this is a 30 mph road, under AASHTO requirements, they only need 200'. Also, due to the improvements recently completed on Plains Avenue, they no longer have as much traffic turning and the new traffic light and curbing all help to make this a much safer intersection.

Mr. Clifford explained the sewer service is 250' of gravity sewer. By eliminating 2 existing septic systems, they will remove a lot of water being discharged into the ground area. They provided spot elevations throughout the area which demonstrated that the general direction of flow is towards the man made swale that goes towards the wetland. It also demonstrates that the abutter's driveway is higher than Lot 2 but the lawn behind the abutter's house is slightly lower. To take away any potential for impact of water from their site, they are proposing a grass swale be extended along the edge of the property line to make sure any water from Lot 2 is discharged to the man made drainage swale and would not go onto the abutter's property.

To accommodate the proposed drainage swale, there would be an additional easement to Lot 1 from Lot 2, which will go to a different owner at some point.

To thoroughly address the drainage issue, they did a drainage study and they asked the City to provide GIS mapping to show the graded area associated with the drainage. The drainage area to the wetland is to the north of the site and that wetland is a dominant feature of this watershed. The watershed goes all the way to the intersection, then comes down around Plains Avenue, along Pearson and through the condominium project. There is a control point six lots away from their lot. That would control the water level if the wetland is ever at high water. It then drops 8' to another wetland. The hydrology of the big wetland does not have anything to do with smaller wetland. They entered the numbers for the size of that watershed which was 21.9 acres, they introduced the existing conditions for both a 10 and 50 year storm event and introduced what 3,000 s.f. would do on their site and demonstrated, as predicted by Chairman Ricci, that there would be no change in the amount of run off coming out of the area. He took another approach which was because they are taking septic loading out of the watershed, looking at a total water balance over a year of over 207,000 gallons per day discharged to the watershed from those septic systems, there would be less coming out of the watershed by bringing in the sewer. There would be even less if the abutter's house tied in also. Comparing that to what 48" of rain would be on 3,000 s.f. of impervious, that would be an increase in runoff but a reduction in the overall water balance over the course of the year.

Also at the Planning Board meeting it was alleged that the sewer would need a pump station because the area they would tie into is higher than where the sewer was going to go. However, the sewer can go against the grade and it has enough depth to allow gravity sewer to go to Pearson Street, so there is no basis for that concern. They are bringing 2 force mains over because of a low spot on the back of the Harding property which would only have 1' of cover so they decided to do a force main pump. They believe the abutters already have a pump for their septic system and they could tie in if they want to.



There were comments about water in the basement of the Harding property. He explained that there is a 6' drop from the driveway to below the barn. It is not a great design and the problem is exacerbated by the water that comes off Plains Avenue and goes down the Harding driveway. It is not a situation that would continue over to Lot 2 but it tells him that there are good soils as it drains over time. They are just dealing with a very flat area.

Mr. Clifford also wanted to address photographs provided by the abutters' attorney that showed ponding in the back yard but they still show the top of the grass. He sees water moving slowing across the lawn to the rear and he would not refer to it as flooding as the abutter did. He would refer to it as drainage.

Mrs. Harding wrote a letter to the opposing attorney which points out, among other things, that the apartment in barn is on the tax card for the lot.

Mr. Britz noted that the wetland delineation was done in July of 2006. Before they file a Conditional Use Permit he felt it would be a good idea to have that wetland delineation confirmed because it will probably be over five years before they build the house and they like to have them more frequent than that. Conditions could have changed. He would recommend to the Planning Board that the subdivision plan have a condition that a Conditional Use Permit, if necessary, be required upon construction of the house and force main and drainage swale.

Mr. Allen assumed they would propose serving water for Lot 2 from Islington Street. Mr. Clifford confirmed that was correct.

Mr. Taintor noted there are six easements shown on the easement plan. Four have already been reviewed and approved by the City Council. An additional drainage easement from Lot 2 to Lot 1 would be between the two lots and the sewer easement being offered to the Patersons is just something they will have to work out. Therefore, one stipulation would be that the fifth easement (drainage from Islington Street to Lot 1) would have to be recorded as part of this subdivision. Mr. Desfosses felt the sixth easement (sewer) to the abutters could also be done at this time.

Mr. Taintor asked for clarification if the footings of the proposed house would be at existing grade, more or less. Mr. Clifford added that the footings themselves would have to have a frost wall.

Mr. Taintor indicated that another item would be that prior to the recording of the subdivision they would need the shed removed.

The Chair opened up the public hearing and called for speakers:

Attorney John Lyons spoke on behalf of Tom Paterson who is in opposition to the proposed subdivision. He stated they had a petition signed by 27 people in opposition. There was a question of whether Mr. Sherburne's signature was genuine. Mr. Paterson was instructed by Mr. Sherburne to write his name on the petition. Attorney Lyons confirmed that Mr. Sherburne was in opposition to this proposal and that he had been before the Planning Board a few years ago to add a house lot across the street which was denied because of driveway access and proximity to the intersection with Plains Avenue.

Attorney Lyons addressed the drainage easement across the existing lot to the wetlands in the back. He was not sure if the implication was that it was some sort of benefit to the City in exchange for allowing this subdivision. The drainage easement has been approved by the City as part of the request for the parking and drainage easement across the City's lot in front of the existing farm house. He did not believe the two had much to do with one another. He felt one of the main issues of the abutters on Pearson Street and his client was the traffic issue. There used to be a light that allowed access from Plains Avenue to Middle Road which has been removed. Mr. Paterson indicated it is extremely difficult to pull out of his driveway and there have been several occasions where there have been near accidents. There is no sight distance. They are proposing another house lot between Mr. Paterson's property and the farmhouse. With the new traffic configuration, not only is it difficult to pull out onto Islington Street but when people are using Sons of Italy and the ballfield it becomes extremely difficult and dangerous.

Attorney Lyons stated they also wanted to talk about the drainage. Mr. Paterson has lived in this area his whole life. The farmhouse was his grandparents home. The water has always and will continue to run across what is Lot 2 and the other side of the farmhouse. A swale on Lot 2 will not matter and the drainage will go across Mr. Paterson's lot. It will be a taking of his property. Mr. Couture, who was also present, has a significant downgrade to his driveway into his garage, sheeting water down Islington Street. Mrs. Harding testified that the improvements on Islington Street have increased the amount of water than crosses Lot 2 and to the back area which ultimately drains to Lot 1. They have also heard that it will be a benefit to Mr. Paterson because he might have the ability to tie into the sewer. Attorney Lyons felt having his lawn covered with water is no benefit and will seriously impact Mr. Paterson's lot. Whatever any study shows, Lot 2 is the area where the drainage comes across. Raising the level of that lot, covering it with a driveway and putting a house on that lot will seriously impact Mr. Paterson's property.

Attorney Lyons would not have brought it up with this Board but since Mr. Clifford talked about the apartment in the farmhouse, he believes as it currently exists it is illegal. He has the permits which specifically indicate that whoever is renting the apartment must be the same individual who is operating the boat shop. That is not the same person now. Their position is that occupancy of that apartment at this time is illegal.

Mr. Taintor stated he has also looked at those files and his reading is very different from Attorney Lyons. He felt that the apartment and the boat shop cannot be rented separately. Was Attorney Lyons saying that the boat shop was being rented by somebody who was different than the person living in the apartment? Attorney Lyons indicated that was correct.

Tom Paterson stated that the paperwork reads that the apartment has to be rented by the person renting the barn and the barn is rented by the boat shop and the apartment is sublet to someone else and it has been for 6 years.

Mr. Taintor was confused about the statement that eliminating the connection from Plains Avenue to Middle Road has actually increased traffic on Middle Street. He would have assumed there was significant traffic from Middle Road to Plains to Islington and vice versa. Attorney Lyons explained that previously the people heading towards town would use the street light at the corner of Plains and

Middle Road where they could take a left. Now they have to use the intersection at Pearson and Islington Street. Mr. Taintor asked if he was suggesting that the changes to the intersection have made it more dangerous. Attorney Lyons was saying it has made Mr. Paterson's situation more dangerous and now they want to create another lot and add another driveway. The intersection has exacerbated the safety issue at Mr. Paterson's driveway.

Mr. Britz asked Attorney Lyons if he said that Mr. Paterson's yard was flooded. Attorney Lyons responded that what he was saying was that the drainage would come across Islington Street and across Lot 2.

Mr. Paterson said that whether it is his driveway bleeding water off Islington Street to his back yard or whether it is Lot 2, all of the abutters have the same problem of how Islington Street is banked towards them and it all drains towards them. Mr. Britz asked if they have any problem with the septic system with the flooding. Mr. Paterson stated he replaced his system 10 years ago when he bought his house because the system was so old. His basement is always wet.

Joe Couture, of 1722 Islington Street, wanted to voice his concerns about drainage. He is two lots down from Mr. Harding. He is probably the lowest point from Mr. Harding and Mr. Paterson so it all runs off to his property. He travels for 2-3 days at a time and he worries about coming back to problems. Mr. Taintor asked where Mr. Couture felt the flooding was coming from. Mr. Couture said it all runs downhill so it runs from Mr. Paterson's yard to his back yard.

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.

#### **DISCUSSION AND DECISION OF THE COMMITTEE:**

Mr. Allen made a motion to recommend approval with stipulations. Mr. Britz seconded the motion.

Mr. Desfosses felt there were two points that are at odds. Attorney Lyons spoke of traffic and Mr. Desfosses could see his point that conditions have changed for the people that live in that area and everyone is familiar with how that intersection used to work. The amount of traffic is relatively the same but he agrees that traffic is probably moving faster than it used to because when Mr. Couture and Mr. Paterson are trying to get out of their driveway the traffic has not just turned off of Plains Avenue but is now coming all the way from Route 33 and is coming at full speed. Other than the ball field traffic, which is forced to go to that intersection, people that are going down Middle Road will take a left and another left at the traffic light and still go down Middle Road. He also felt that the people who will head downtown via Islington Street will take the right and go the other way. Again, he does not feel there is more traffic but does feel it is at full speed now. When someone lives on a collector road they have to be able to deal with that. Getting out of a driveway can be problematic. He felt that Mr. Clifford has shown that there is adequate sight distance based on the regulations, there is not that much traffic coming out of Plains Avenue anymore, and the traffic that is coming out of Plains Avenue is slower so even though it is 160' down the road, it is going slower than the main body of traffic coming off the traffic light. Therefore, that does not really concern him. He felt the ultimate solution was when they exit their driveway they should be facing head out so they will have the maximum visibility.

No matter where someone may live on Islington Street, it is a busy road and people have to deal with that condition.

As far as the drainage, Mr. Desfosses felt there is a need for some additional drainage improvements not shown on this plan. He would like to ask the applicant if he would be willing to extend the proposed grass swale all the way out to Islington Street to capture that water at the street before it gets to the Harding house and the Paterson house. The swale should also be low enough so that if a sidewalk goes in the City can put a catch basin in and have an outlet on the back side. He is recommending that the swale shown on the plan get extended all the way to the right-of-way so that as the water goes down the edge of the road, even if it does get dammed up by a front lawn or future condition, it has a place to go and it can be safely conveyed all the way back to the wetland. Mr. Desfosses stated he will make the recommendation that the City receive a 15' easement off the property line so the swale gets constructed all the way out to Islington Street as part of building the house and that the swale gets conveyed and built all the way down to the existing ditch in the back. That would allow that water to have a safe conveyance of flow from Islington Street, which seems to be causing most of the problem, all the way out back.

Mr. Desfosses also recommends that the force main is built all the way to the property line for Mr. Paterson so that in the future, if they want to tie into the City, they do not have to dig across Lot #2.

As long as those two conditions are met, Mr. Desfosses did not have a problem with this application.

Mr. Clifford stated for the record that they would be willing to provide the 15' easement.

Mr. Allen concurred with a lot of what Mr. Desfosses said. Mr. Allen felt that the Plains Avenue intersection, turning right downtown, is probably as safe now as it ever was. There is an area further down Islington Street with houses and driveways where people actually back out and he was wondering if it would be appropriate to have a condition that that when a building permit is filed with the City that the driveway include either a hammerhead or some element for a turnaround so that the property owner will have an opportunity to head out. His concern would be backing out in this area, but he did not believe it was any less safe than 40 other properties along this area.

Mr. Britz mentioned the stipulations regarding the wetlands and conditional use permit on the subdivision. He would stipulate that the Subdivision Plan shall have a note that says if a house is constructed then a conditional use permit would be applied for if required. Mr. Britz indicated it would be the same condition for the force main and the swale. The wetland is a very narrow strip reaching up from the wetland through a drainage swale so it may not be there any more.

Mr. Desfosses also requested a condition about the structure not being built below grade. One of the points in the drainage study is that because all the structures will be on City sewer, all of the water currently going into the ground water will be pulled out. His condition will be that the structure will not be built substantially below grade so that no sump pump will be required, basically eliminating water being generated and pulled out of the ground water to be added to the service water. The basement level shall be above grade and there will be no crawl space. Footings will have to be made and cross walls have to be created. They can mound the grade up if they want. They would also like to see a final swale design at DPW before constructed.

Mr. Allen requested that the sewer work be coordinated with the City’s Sewer Division prior to installation.

For the record, Mr. Desfosses clarified that the swale needs to be constructed from Islington Street all the way down to the ditch line where flag 89 is shown on the plan. Essentially it is going to be built across Lot #2 and portions of Lot #1.

Mr. Clifford also agrees with the driveway turnaround requirement, for the record.

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

1. The applicant shall grant to the City a 15-foot easement along the length of the easterly property line of Lot 2, extending from Islington Street to Lot 1; and a 15-foot easement continuing across Lot 1 to the approved drainage easement on Lot 1.
2. The applicant shall construct a drainage swale within the easements on Lot 1 and Lot 2, from Islington Street to the existing drainage ditch on Lot 1. The design of the swale shall be subject to approval by the Department of Public Works.
3. The applicant shall grant to the abutting property (Map 241, Lot 14) a sewer easement across Lot 1 and Lot 2, and shall construct a sewer force main from Plains Avenue across Lot 1 and Lot 2 to the easterly lot line of Lot 2.
4. The Subdivision Plan shall include notes as follows:
  - a. Any house constructed on Lot 2 shall not be built substantially below existing grade, and shall have no basement below existing grade.
  - b. The drainage swale, sewer force mains and any structure on Lot 2 shall be reviewed with respect to location within a wetland buffer, and any necessary conditional use permit shall be obtained prior to construction.
  - c. An application for a building permit for a dwelling on Lot 2 shall include a driveway turnaround element so that vehicles will not have to back from the driveway onto Islington Street.
5. All easements shall be reviewed and approved by the City Legal Department and shall be recorded with the Subdivision Plan.
6. All sewer work shall be coordinated with the City’s Sewer Division prior to installation.

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**III. ADJOURNMENT** was had at approximately 3:30 pm.

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Respectfully submitted,

Jane M. Shouse  
Administrative Assistant

