

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

2:00 PM

MAY 8, 2012

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

MEMBERS PRESENT: Rick Taintor, Chairman; David Allen, Deputy Director, Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Peter Britz, Environmental Planner; Carl Roediger, Fire Inspector; and Jon Frederick, Director of Parking & Transportation

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I. OLD BUSINESS

A. The application of **Wright Ave, LLC, Owner, and Fresh Local, LLC, John Lanahan, and Michelle Lozuaway, Applicants**, for property located off **Wright Avenue**, requesting Site Plan Approval for the renovation of an existing building for restaurant use with indoor and outdoor seating, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 105 as Lot 18 and lies within the Central Business B (CBB) District and the Historic District. (This application was postponed from the May 1, 2012 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Josh Lanahan, co-applicant, appeared before the Committee with a revised Site Plan. Mr. Lanahan had added the handicapped parking space and a buffer fence for the abutting property owned by Jim Reid. The fence will be identical to the fence surrounding the rest of the property and it will be 8' from the property line. They have 14 parking spaces which are all 9' wide and 19' long. They talked about recycling and trash removal and they will have daily trash pick up rather than the City pick up. The trash will be placed right outside the front door for pick up and it will probably be placed in wheel barrels.

Mr. Frederick asked where parking space #3 was. Mr. Lanahan confirmed they incorrectly numbered the spaces on the site plan. Mr. Frederick stated that the spaces for the disabled must have signs and be labeled. The sign could be on the fence but it must be an acceptable height and they need to make sure they are in compliance with federal guidelines. Mr. Taintor would stipulate that they will need a compliant sign and pavement markings.

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Mr. Sheehan noted that the buffer fence to the left of the building does not go all the way to the building. Mr. Lanahan stated that the fence stops at the sidewalk for access to the meters and the grease trap. Mr. Sheehan confirmed that they would need access to clean the grease trap.

Mr. Taintor asked about the buffer zone. Mr. Lanahan indicated the fence goes across the paved area. There is an existing fence and they are extending it. Mr. Taintor confirmed that the changes to this part of the site include the construction of the fence and pavement markings but no change to the pavement surface.

Mr. Allen asked if there was any lighting for the seating area. Mr. Lanahan stated there was no lighting planned. They had talked about string lighting along the fence line. Mr. Allen asked if this was intended to be nighttime dining. Mr. Lanahan stated they would close at 11:00 pm and that downtown Portsmouth is pretty well lit. Mr. Allen felt it was strange to have a dark, unlit area. Mr. Lanahan responded that they will surround the area with the hanging lighting and it will all be temporary.

Fire Inspector Roediger asked if they were planning on any lighting on the tables. Mr. Lanahan indicated they were not planning any lighting on the tables but if it was pitch dark he would give it some thought. Fire Inspector Roediger was glad to hear they are not planning on using candles. However, late at night, with any type of power failure, there would be no lighting to make sure patrons can leave safely. Fire Inspector Roediger would like to have them consider installing at least one outside light to throw some light on the area.

Michelle Lozuaway, co-applicant, stated that they obviously will do anything they can to make their patrons comfortable and safe. They could do LED lanterns on the tables. The lot is well lit at night with all of the ambient lighting in the area. Ms. Lozuaway indicated that if the City would trust them to light the way for their patrons then it is a non-issue. They do not want someone stumbling around because they can't see and they need to be able to read the menus. Fire Inspector Roediger stated it would be acceptable to him if he had a guarantee that there would be some sort of lighting that is not dependent on commercial power and was not an open flame.

Mr. Taintor understood that they have received approval at the Liquor Staff Meeting subject to Site Plan approval for either one season or one year. If the weather holds, Ms. Lozuaway stated they would like to continue through October. If the land owner has not started construction by next summer, they would like to continue for another year. Mr. Taintor stated that the City would not do it this way again and they would have to come back with a new application and have engineered site plans if they wanted to continue past this year.

Fire Inspector Roediger indicated he did not need anything in writing on the lighting.

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

Jim Reid, of 93 State Street and a direct abutter, addressed the Committee. He was trying hard to be reasonable with this proposal but he had some concerns. He felt that this application was not being given the normal scrutiny of other projects. His family has to live next door and he wants to make sure that his issues are taken care of and he would like to see it in writing. He has had discussions with the applicants about his concerns and he doesn't remember hearing about the 11:00 pm closing time. He also understood that there was going to be a food service truck and he is concerned about their

approach, taking one bite at a time. Mr. Taintor assured Mr. Reid that they cannot have a truck and they would have to start all over again with a new application to have a truck. Mr. Reid asked about the outdoor music. Fire Inspector Roediger stated that was included in the agreement regarding liquor service and there will be no outdoor music.

Mr. Reid stated that his biggest concern is the availability of restrooms as there is an issue of people urinating in the street at night downtown. He has a driveway on Chapel Street so he can attest to that. He was concerned about more people using this property to relieve themselves because if the fence doesn't go to the wall, it creates a small corral and an open area that people will use and it would be problematic for him. Mr. Reid felt that it would be better if they added a gate to close off the fenced area.

Mr. Reid did not like the idea of this application being pushed through as a special project. Mr. Taintor assured Mr. Reid that this application has been subject to the usual scrutiny but the level of improvement to the property is lower. A record is being made of his concerns and the Planning Board will have it for their review and consideration.

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. Desfosses made a motion to recommend approval for a temporary use to last no longer than the calendar year 2012, with the previously mentioned stipulation that they would need a compliant handicapped sign and pavement markings, plus a condition to gate off the area to stop people from going onto the back of the property, although no lock is required on the gate. Mr. Desfosses felt that would still allow access for PSNH and the City and it would address Mr. Reid's concern. Mr. Allen seconded the motion.

Mr. Allen felt this was a somewhat unique situation and as they are not making permanent physical changes he understands why Mr. Taintor has taken a different view of this application. It is more of a use issue. With Portsmouth being the progressive City which it is, the applicant has listened to a lot of the concerns and addressed them and he looks at this as a pilot for this type of operation.

Mr. Taintor noted on the application that it speaks of the existing fencing on the Connie Bean lot. He requested an additional stipulation that the existing fencing between the seating area and the Connie Bean lot shall be repaired.

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

1. The Site Plan approval is for a temporary use and shall last no longer than the calendar year 2012.
2. A handicapped compliant sign and pavement markings shall be added to the handicapped accessible parking space.
3. A gate shall be added to the buffer fence to prohibit people from going onto that back of the property (a lock is not required).
4. The existing fence between the seating area and the Connie Bean Center shall be repaired.

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Mr. Taintor advised the applicants that they need to submit 12 copies of their exhibits for the Planning Board and they should add the handicap parking signs and markings to their revised plan.

Mr. Lanahan advised the Committee that they were going to the HDC tomorrow evening for the fencing. Fire Inspector Roediger reminded them to renumber their parking spaces.

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IV. ADJOURNMENT was had at approximately 2:30 pm.
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Respectfully submitted,

Jane M. Shouse
Administrative Assistant