

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

2:00 PM

MARCH 5, 2013

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

MEMBERS PRESENT: Rick Taintor, Planning Director; Peter Rice, Deputy Director, Public Works; David Desfosses, Engineering Technician; Jared Sheehan, Engineering Technician; Peter Britz, Environmental Planner; Nick Cracknell, Principal Planner; Carl Roediger, Deputy Fire Chief; Frank Warchol, Captain, Police Department

I. OLD BUSINESS

A. The application of **Cumberland Farms, Inc., Owner**, for property located at **1475 Lafayette Road**, requesting Site Plan Approval to demolish the existing building and gas dispensers and construct a new 4,511 s.f. footprint building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 251 as Lot 124 and lies within the Gateway District. (This application was postponed at the February 5, 2013 TAC meeting.)

This matter was postponed by the applicant.

B. The application of **Wright Avenue, LLC, Owner**, and **Stephen Kelm, Applicant**, for property located on **Wright Avenue and State Street**, requesting Site Plan Approval to demolish the existing building and construct a new 5-story, 9,138 ± s.f. footprint building, with parking and retail on the first level and residential on the upper levels, 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 at the February 5, 2013 TAC meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, was present along with the applicant, Steve Kelm. Mr. Chagnon indicated this property was known as the Rosa Restaurant's parking lot. They propose to construct a 5-story mixed use building with the first floor having two retail shops and 24 parking spots and the second through fifth floors will be 14 dwelling units. The project is next to the Wright Avenue City parking lot which is slated to be redone in conjunction with the bridge reconstruction. They have been working with the City to integrate this site into the new parking lot. Site improvements show a new sidewalk on State Street and along the reconstructed City parking lot, including a bike rack and a

bench. They are adding an additional tree to the State Street landscape to compliment the existing trees on State Street.

The utilities include sewer and drain connections to existing stubs which were left during the reconstruction project. Overhead electric service will be from the south side of State Street. Gas service will come from State Street and roof drains will be connected to a drain that was left for the site as part of the State Street project. The garage level includes an evaporation trench drain and they are putting in a grease trap for any restaurant uses.

Included in the Plan Set is Sheet X-1 showing the improvements showing the most recent design for the adjacent new parking lot as part of the bridge construction.

Mr. Taintor understood that this was to be coordinated with David Desfosses. Mr. Desfosses stated the applicant is working with the City departments to coordinate the joint endeavor with the State. They are still tweaking some of the details so he put them on notice that they are still looking at some grading, relocating one more tree and some very minor details. In general this project in this layout does coordinate with the City efforts.

Deputy Fire Chief Roediger asked about the plaza area of the outside brick, which are hatched on the plan. Mr. Chagnon responded that those are a tip up as the sidewalk is at a grade which is below this grade and that was an accessibility ramp to get up to the grade. There are three different levels. Mr. Desfosses indicated they will take a good look at the grading to see if there is anything they can do to lessen the grades. The large concrete tip down can be flattened dramatically so that it is a mellow incline. Mr. Cracknell asked if they are losing a tree. Mr. Desfosses stated they will probably end up putting the tree in the patio area.

Mr. Taintor asked how much is proposed to be done by the City on Sheet X-1. Mr. Desfosses responded that the current line of demarcation is the property line. All tipdowns are to be done by the City and State. Mr. Taintor confirmed that they are not approving Sheet X-1 at all. Mr. Rice added that the reason for this additional extensive sidewalk is being driven by this project so he will be recommending some participation in the brick work as part of this approval from the applicant.

Mr. Kelm responded to Mr. Rice's comments. One issue that came up during the review process was access to the site. Originally they had access off of Wright Avenue but the City indicated they could not use that. That is something that he feels unilaterally strongly about because there is an easement in the deed. Part of his resistance to absorbing any of the brick work, and any other work on the City property, is that the City has taken two curb cuts away from them on the Wright Avenue parking lot. Normally he would be willing to work with the City on some of that work but under these conditions he doesn't think he should have any responsibility towards any of the work on City property. It is his further understanding that the State will be picking up a lot of the tab for that. He also wanted to clarify that the design for the building is 15 residential units and 2 retail units. Mr. Taintor noted that the plan says 14. Mr. Kelm confirmed he would make that correction. Mr. Taintor asked if that meant they will be increasing the building size from 14 to 15. Mr. Kelm confirmed that the building envelop will stay the same and they have the flexibility to have up to 16 units. Mr. Taintor asked what the number of units was that they gave to the BOA. Mr. Kelm thought it was 16. Mr. Cracknell will check on that.

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 approve with stipulations for discussion purposes. Mr. Rice seconded the motion.

Mr. Desfosses requested that the applicant continue to work with the City to fine tune the design shown on Sheet X-1 and that the building will be constructed based on what is mutually agreed to as part of that. Mr. Taintor asked if he felt that would affect anything on C-2 or C-3 or just affect X-1. Mr. Desfosses thought it might affect the foundation work but not any uses. Mr. Taintor felt the stipulation might be to continue to coordinate with DPW on the layout, grading and details on Sheet X-1.

Mr. Rice respectfully disagreed with Mr. Kelm's interpretation and he believed it was appropriate to have a cost sharing arrangement resulting from this additional work. He felt they would work to adjust apportionment and Mr. Desfosses is putting together costs associated with this brick work. Mr. Taintor asked how they would bring that forward to the Planning Board. Mr. Rice thought the best thing was to have Mr. Desfosses put his opinion of cost together with a recommendation. Mr. Taintor suggested the stipulation would be to have a cost sharing with amount to be determined in the next week or so.

Mr. Taintor asked what the scope of items being considered was. Mr. Rice responded that it would translate to a square footage in brick in front of the property. Mr. Desfosses stated that they don't have an actual cost from Archer Western. The previous contractor had the other parking lot that was based on the other configuration and the reason they changed the parking lot mid stream is because of the fire truck needing to access such a tall building. He felt there is a reason why they changed, he felt the new solution is much better for both parties and they should be able to compromise on a value.

Deputy Fire Chief Roediger asked that they put a note on Sheet C-3 with the standard language for radio strength testing. Mr. Taintor will provide the wording in the letter of decision.

Mr. Sheehan requested a note that if during construction they come across any contaminated materials they would have a way of dealing with it according to DES guidelines, as far as stockpiling. Mr. Desfosses suggested that they have an action plan in place. Mr. Taintor suggested that he give some detailed wording after the meeting for that condition. Mr. Chagnon asked if that could be part of the CMMP plan. Mr. Taintor agreed that would make sense.

Mr. Desfosses understood that the plume extends onto the parking lot site so any additional remediation would have to be done by a time certain. The State will be constructing the parking lot sometime between late June and August. The immediate goal is to get the bridge open and then Archer Western will be working in the area of the new bridge to get all of the remaining improvements constructed. If there are additional areas that need treatment then they need to be constructed before the parking lot is rebuilt. Mr. Sheehan confirmed that the plume extends out towards the parking lot, beyond the property boundaries. Mr. Taintor asked what that means in terms of whether the applicant does not come back and implement the project for 2 years. Mr. Desfosses felt that the applicant would then be responsible to any and all damages to City property over the property line. Mr. Taintor asked if there was a time line on when the parking lot is actually going to happen. Mr. Desfosses could not be clear on when the parking lot will be built but Archer Western's intent is to open the bridge in July and then they will be constructing all of the areas around the bridge in July, August and September. There is quite a bit of non-bridge construction that they will have to do. Mr. Taintor asked if it would

be appropriate to say if the contamination is not remediated prior to construction of the parking lot then the applicant is responsible for reconstructing the parking lot. Mr. Rice felt is depended on who was the responsible party for the remediation. He asked Mr. Chagnon to address that issue.

Mr. Chagnon confirmed that a Ground Water Management Permit by the NH DES and is between Exxon USA and NHDES. The agreement is recorded at the Registry at Book 3112 Page 2420 and was done in 1995. He doesn't know if there are issues that have arisen in the course of doing that monitoring but felt the work on site will be shallow excavation. Exxon Corp will be the party responsible for any issues under this Ground Water Management Permit with the State and that responsibility did not transfer to the property owner. The only thing that is supposed to happen is a twice yearly sampling under the agreement and he doesn't know if they report the tests to the City. Mr. Sheehan stated that the Exxon consultant is looking into a chemical injection off the property towards Wright Avenue. Depending on when that was done, it would be intrusive to the construction of the parking lot. Mr. Taintor this was still unresolved so there may not be a stipulation on this.

Mr. Desfosses asked about the monitoring wells they are using. Mr. Sheehan felt they would probably have to replace them if they are impacted. Mr. Britz agreed that if there are monitoring wells on the site they would have to be replaced and Exxon would be responsible. Mr. Desfosses asked if it was okay to put a building on the top of a permit site. Two wells are on City property and one is on the site. They are shown on Sheet C-1. Mr. Sheehan felt they need a plan for contaminated soil because they will probably hit it at some point in relation to construction of the building. Mr. Taintor confirmed that will be part of the CMMP. Mr. Desfosses asked if the two City monitoring wells are in conflict with any of the proposed changes. Mr. Chagnon felt that if they need to be raised to grade then they will probably be in the brick sidewalk. Mr. Desfosses asked for that to be verified. He asked if the monitoring well inside the building has to be capped to State standards. Mr. Sheehan confirmed there is an agreement that goes along with that. Mr. Desfosses stipulated that the monitoring well that is inside the site should be capped to State standards.

Mr. Cracknell added that all dumpsters or tote containers will be located within the building and not outside the building. He asked where the meter bank would be and hoped it would be inside. He also asked about the location of the gas meter. Mr. Chagnon stated that the gas meters would be on the pedestrian side of the building and there will be an electrical room in the basement. Mr. Cracknell asked if the gas meters could be located on the back of the building. Mr. Chagnon noted that the service of off of State Street and he did not believe the gas company would want the meters that inaccessible.

Mr. Desfosses did not believe they have talked about lighting at all and asked if they will have building mounted lighting on this project. Mr. Chagnon confirmed they will. Mr. Desfosses asked if they will have lighting for the pedestrian corridor on the west side of the building and for the concrete apron area behind the building. Mr. Chagnon confirmed the will have light on the west side but non on the apron. Mr. Desfosses felt the apron area should be gated off so that they don't have transient uses going on in a closed in area. Mr. Chagnon agreed. Deputy Fire Chief Roediger felt they should limit how much they will gate that as it is probably the secondary egress from the building but it should be lit. Mr. Taintor requested a lighting plan with their amended site plan because they did not propose any lighting. He confirmed that building mounted lighting is covered by Site Plan regulations. He would stipulation that any proposed lighting plan would have to come back for at least amended administrative approval.

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

1. The applicant shall continue to work with DPW to coordinate the layout, grading, utilities and landscaping with the City.
2. A note shall be added to Sheet C-3 as follows:
 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, too, shall be the responsibility of the applicant. All testing and installations shall be coordinated between the applicant and the police/fire communications supervisor.
3. The applicant shall prepare a Construction Management Mitigation Plan (CMMP) for review and approval by the City Attorney and Planning Department, said plan to include an action plan for the disposal of contaminated materials.
4. The monitoring well within the site shall be capped to State standards.
5. All trash receptacles shall be located within the building.
6. As the site plans do not show any outdoor lighting fixtures any such lighting shall require at the minimum administrative review and approval of an amended site plan.
7. The applicant will be responsible for a portion of the cost of the brick sidewalk on the adjacent City lot in an amount to be determined by the Department of Public Works prior to the Planning Board meeting.

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I. NEW BUSINESS

A. The application of **Corpus Christi Parish, Owner**, for property located at **Middle Road and Peverly Hill Road (Calvary Cemetery)**, requesting Amended Site Plan Approval to install 380' x 12' of new paved driveway and open concrete bins for storage of maintenance materials, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 242 as Lot 5 and lies within the Single Residence A (SRA) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Peter Loughlin was present on behalf of the Corpus Christi Parish, along with Norm Houle and Kate Gordan. They handed out revised plans and photographs to Committee members.

Attorney Loughlin stated that the Committee made several suggestions for plan revisions at the TAC Work Session last week and he reviewed those. One suggestion was to separate the plans to show existing conditions and a plan to show the proposed plan. There was a question raised about surface water drainage from the 12' driveway and Mr. Desfosses suggested that a crushed gravel drain be provided along the outside of the Stokel side of the driveway along the portion of new pavement and it would be 2' deep and 2' wide. The crushed rock would allow the water to run off the driveway into

the ground more quickly. There were questions raised about the visibility of the proposed structure on the property. They submitted 4 photos taken from the cemetery and four photos from Peverly Hill Road, all from different angles. They have adjusted the plans to address these issues. They also tried to address the concerns of Mr. Stokel and the Committee from 2 years ago.

Mr. Taintor asked about the photograph showing the view from the road, #102, and where the car was parked. Attorney Loughlin stated it was in the Stokel’s backyard. Mr. Taintor asked if the hedge area is between the Stokel property and the cemetery. Attorney Loughlin indicated that the dense vegetation in the middle is between the two properties.

Mr. Taintor asked the Committee if this addressed their concerns. Mr. Desfosses believed it did.

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 Site Plan approval. Deputy Fire Chief Roediger seconded the motion.

The motion to recommend Site Plan approval passed unanimously.

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B. The application of **GSM Realty Trust, Owner, and 299 Vaughan Street, LLC, c/o Cathartes Private Investments, and the City of Portsmouth, Applicants**, for property located at **299 Vaughan Street**, requesting Site Plan Approval to demolish two existing buildings and construct a 90 space municipal surface parking lot, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 10 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Gregg Mikolaities, of Appledore Engineering, appeared on behalf of the applicant. Also present was Tim Levine, Patrick Crimmins and Gregg Whalen. Revised plans were distributed to the Committee.

Mr. Mikolaities stated this proposal was a temporary 90 car municipal parking lot. It is very similar to the temporary Portwalk parking lot. It will be a City operated lot and the gates, signs and lights will be relocated from the Portwalk lot. The lot will be remotely operated with credit cards and connected to the Hanover Street parking garage. It is a 38,000 s.f. lot with two buildings which will be demolished. Last week at the TAC Work Session they had a good discussion on the site plan and they made some substantial changes to the plan. He reviewed those changes.

They have added landscaping on Sheet C-2. They have a decorative fence along the front and, as they learned from the Portwalk lot where people were jumping the curb and leaving the site without paying the toll, they planted trees along the front as well as some ground cover. They have 6 designated

spaces along Vaughan Street which will also deter people from leaving without going through the toll. They had a discussion about removing water and sewer services from the existing buildings so they added a note on Sheet C-1 on that. There was striped island at the exit and it was suggested that they take that out for snowplowing. They also took out the raised island and kept it striped. Along the west side of the property there was a portion of existing sidewalk that they were asked not to save and that they should construct a new sidewalk along the frontage, which they have done. There was a long discussion on porous pavement and stormwater run-off so what they have done to slow some of the flow to the Vaughan Street municipal drainage system is to add some porous pavement along the head-in parking. They took another look at that this morning and where before they had about 30% of the flow going to the rear and 70% to the front they have now changed the grading slightly and now have a slope which is about 55% to 45%. Therefore, they have decreased the front to Maplewood by 30% and this is under worst conditions. They have added pedestrian crossing signs to the pedestrian crosswalk and approaches and put note on the plan to coordinate final locations with DPW. They added a bike rack along the 3S Art space corner.

One thing that they didn't do was adding a 4' path from the rear of the property to Green Street. The applicant and at this point of the project, their concern is that it would be a liability. Instead of putting a path they put a 6' chain link fence to discourage people from going that way.

Mr. Mikolaities believed they addressed everything from last week's discussion.

Deputy Fire Chief Roediger indicated he was disappointed to see the fence. Given that in the southern corner of that fence it looks like there is an open area that if somebody wanted to jump the curb from the parking spot to the right most parking spot, and shimmy around the fence and getting out. If they are going to have a fence up it should go all the way across and create a barrier that people can't get through. Mr. Mikolaities agreed with him but the property line is not at the building. They would need an easement and they have not talked to the adjacent owners. There is an existing fence on Green Street with a gate. Deputy Fire Chief Roediger felt they should either really close it off or else they will create a nice little area where someone can tuck behind the building. He questioned how long temporary was going to be and this will be used by a lot of folks heading to the water and heading over to Green Street seems like a more logical walk than having to walk all around Maplewood.

Mr. Taintor pointed out that this is a City parking lot so he is not sure how much liability would be theirs and how much would be the City's. He doesn't want to accept that this is a liability issue without a discussion with the City Attorney.

Tim Levine stated that if it is considered part of the project under the City's liability then the applicant does not has a problem with the path but the concern was from their insurers side. If it was a path then it needed to be lighted and would be a significant exposure. Mr. Taintor felt that anything shown on this plan is part of the City project.

Mr. Britz indicated that last week they talked about the porous pavement and they were going to look at whether it would work on the entire site or a limited part of the site whereas they just put it on the front part of the site. He doesn't see any further data on the plan. Mr. Mikolaities responded that they talked about stormwater treatment. They have discussed what the best treatment is. They think the raingarden will provide the same if not better treatment than the porous pavement. Looking at the cross section, anything below elevation 7.7 going to the rear will be tidal influenced. They can set the raingarden outlet a little higher than the underdrain. The underdrain for the porous pavement would sit in a tidal zone and submerged at some point. Mr. Mikolaities felt that porous pavement was used for

treatment and they are getting treatment by using a State accepted method for treatment. Mr. Britz responded that any water that leaves the site is not going to be treated for nitrogen. If they get infiltration throughout an entire porous pavement parking lot, all the nitrogen treatment will occur and will not count as leaving the site. The raingarden area is a much smaller cross section for infiltration but they would get a huge amount of infiltration with porous pavement and it would not have nitrogen leaving the site. When they go to report to EPA with their new Phase 2 Permit they have to show where they are going to reduce things. The back of the site has to be lower in terms of the tidal elevation and maybe the cross section is a little deeper on the porous pavement but they will have all of that area to store and potentially infiltrate. Unless they are saying that no infiltration will occur underneath the parking lot. Mr. Mikolaities confirmed that it will but it would just be tidal influenced. At high tide the underdrain will provide less treatment.

Mr. Rice asked them to view it in the context of the new MS4 Permit and they can show this is a better alternative with more credit for removal than the porous pavement but currently the MS4, as it is written, gives more credit for infiltration for nitrogen removal. Mr. Britz confirmed that's what he was thinking as well.

Mr. Mikolaities understood what they were saying about the new permit. They have a Pease parking lot with porous pavement where it worked but they would just be missing it on this site. He asked Patrick Crimmins to address the issue.

Patrick Crimmins, of Appledore Engineering, indicated that they are getting the same infiltration with the raingarden. It is designed to collect the run-off with the overflow set at a 10 year storm. All pollutants are going through the first flush and everything is sheeting back to the rain garden but still getting infiltrated. It is getting collected and stored in the raingarden rather than below the pavement. Mr. Britz asked if a ten year storm will be infiltrated in rain garden. Mr. Crimmins confirmed that was correct. Mr. Crimmins explained that is the State requirement. They are supposed to set a 10 year overflow for raingardens. Mr. Rice asked if that State standard has been adjusted based on the new MS4 permit and have they revisited that. The new permit has different interpretations. Mr. Crimmins stated they would have to revisit it. Mr. Britz added it will be a subject of scrutiny on every project going forward now. Mr. Rice wanted to make sure the infiltration is equivalent.

Mr. Britz felt that a design of having a strip of porous pavement that receives run off from an impervious pavement is designed to fail. The maintenance will be very difficult compared to have the lot entirely porous pavement lot as they will send all of the surface contaminants and grit into the strip and it will have more potential to clog. It will become a maintenance issue. Mr. Mikolaities wasn't sure if the City would be salting and sanding the lot. Mr. Britz confirmed there would not be any sand. Mr. Britz doesn't understand why wouldn't do at least half of the lot.

Mr. Mikolaities felt if they are trying to do treatment and infiltration, they are providing treatment and infiltration. Mr. Britz reiterated that he is trying to maximize infiltration. Mr. Mikolaities doesn't understand that because everything is being infiltrated through either a raingarden or porous pavement. Mr. Britz need to understand the numbers better in terms of what is going to leave the site. He wants to know when water is going to leave the site. If they can have water infiltrate in the site, that is what the complete goal should be and he doesn't see why porous pavement wouldn't work on more than a small strip. They are trying to get the biggest benefit because it is a City project.

Mr. Rice suggested that it would be helpful at the Conservation Commission meeting to take the time to go through the educational process because there needs to be a balance with these types of

treatments. They should show they can get the 10 year storm with partial porous pavement and the raingarden vs. doing the entire porous pavement, showing how the systems would work, and make it an opportunity to help them better understand how this works, especially on a short term project.

Mr. Desfosses indicated that they need resolution on the sidewalk material as the City does not construct bituminous sidewalks in the City of Portsmouth. Mr. Rice was concerned about exactly how temporary this was going to be. He suspects this may be a long term temporary and believes they should use materials consisted with what is required by the City. It's in the HDC so it needs to be brick. In theory it could be a permanent sidewalk.

Mr. Desfosses indicated that the 3S Artspeak plan shows that the pole this project is taking their power and communication off of is being relocated. They need to look into that.

Mr. Desfosses does not agree with striped island. It is in the middle of a street and does not need to be there so they should remove it.

Mr. Desfosses asked if it is their intention to put a fence between the 3S Artspace loading area and the parking lot so people can't drive out. Mr. Mikolaities noticed that 3S Artspace have some type of amphitheater. Mr. Desfosses felt it was appropriate to put in a temporary fence and a post and rail would be fine as it would just be to stop people from driving through.

He asked them to note the proposed width of the road so it is clear to the contractor. They should put a note to match the curb height across the street. He thanked them for their efforts on the stormwater systems.

Mr. Britz asked if they have determined whether they need a State wetlands permit? They are in the 100' tidal buffer zone. He doesn't know if this qualified for minimum expedited but it is in the tidal buffer zone. He recommended that they find out as soon as possible and get on the next Conservation Commission agenda.

Mr. Taintor suggested a change on the southwest corner of the site near 3S where the path and the bike racks are. He would like to see a different type of bike rack with more capacity. He would suggest that they straighten out the sidewalk to be more perpendicular to the public sidewalk and then they could get 4 or 5 staples in rather than the wave rack. They are proposing 90 parking spaces and he felt 8-10 bike spaces would be appropriate. They could make that sidewalk from the site to the public sidewalk perpendicular and fit a few more bike parking spaces in next to the 3S Art Space. Mr. Mikolaities felt people would be coming in with bikes on the back of their cars and parking in the lot so he doesn't people using the bike racks. Mr. Taintor responded that this is a City parking lot so it is meant for people to park their bikes and walk downtown. The City is trying to incorporate bike parking in the same way they are incorporating car parking.

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

Doug Pensiaro (sp?) owns the property to the north of the parking lot. Currently the basement of his building tends to be wet. He wondered if the pitch of this would push more water onto his lot. He has not seen any detailed plan and he just wanted to express his concern. He would like to know if there is an opportunity to get the water to flow in the opposite direction or has it already been determined that it will flow to the rain garden to north. Mr. Taintor advised him that the plans show that they are

proposing about 50% to the front and 50% to the back. Mr. Britz confirmed the area in the back will flow to a rain garden and overflow to a pipe in the Mill Pond.

Mr. Rice asked Mr. Pensiaro how the water gets into his basement. Mr. Pensiaro indicated there were window wells and vents and it is an old building with a few cracks where it seems to be coming through. He doesn't think it is coming up through the ground but rather is coming through walls and the joint where the slab is poured and the walls meet. Mr. Rice thought that anything that controls surface water will help improve your situation. Mr. Britz asked him if any tidal floods bring water into the building. Mr. Pensiaro did not see any water from tidal floods.

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

Mr. Taintor reviewed the stipulations they have discussed: The issue of the brick sidewalk was raised and as that is a City policy so unless there was a waiver, it would have to be brick; revise the bike racks; remove the striped island; add a small fence next to the 3S Artspace loading area; add notes on the plans about the width of the road; matching the curb height; show adjustment of the relocated power pole; there was a discussion about the pathway to Green Street and the feeling is that should be opened up subject to discussion with the City Attorney regarding legal liability. Mr. Cracknell added that the stipulation be that the City Attorney review and approve the pedestrian access to a public parking lot as shown on the plan and if the liability issues can be suitably addressed the applicant shall replace the proposed chain link fence with a public access path that is at least 5' in width, comparable to a City sidewalk in width with appropriate lighting and signage on both the rear area of the parking lot and Deer Street; A CMMP; All environmental permits required; and a waiver for the photometrics plan.

Mr. Taintor asked if the lighting fixture cut sheets, which were two different styles, are still Dark Sky Friendly fixtures. Mr. Levine believed they were and he will confirm that.

Mr. Levine referred to the sidewalk discussion and stated that their arrangement with this project was that it would be similar to the previous parking lot that they constructed with the City. On the previous project they put in bituminous pavement for the sidewalk because it was temporary and was approved as such. A brick sidewalk would be a significant change from the deal that they made. Mr. Taintor stated that his recommendation would be to follow the City Ordinances and if between now and the Planning Board meeting further information is revealed they can change it.

Mr. Cracknell asked if it was possible to dry lay the bricks so they can be reused a few years from now. Mr. Rice confirmed that was an option and the City does not typically wet lay the bricks. Mr. Desfosses agreed that they could put them on stone dust.

Mr. Rice asked what the issue was, other than cost. Mr. Levine confirmed that was the concern. A 90 space lot is a very marginal project at the parking rates they are allowed to charge for the City and it would not take much to tip it over the edge and not be able to do the project.

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

1. The sidewalk along Vaughan Street shall be brick.
2. On the southwest corner of the site, next to 3S Artspace, the walkway shall be perpendicular to the public way and the wave-style bike rack shall be replaced with 4 or 5 staple-style racks to provide space for 8 or 10 bicycles.
3. The striped island shall be removed from Vaughan Street.
4. A small fence shall be added next to the 3S Artspace loading area.
5. Notes shall be added to the plans specifying the width of Vaughan Street.
6. The curb height shall match the curb height on the other side of Vaughan Street.
7. The relocated utility pole shall be shown on the plan.
8. If the liability issue raised by the Applicant can be addressed as determined in consultation with the City Attorney, the chain link fence at the rear of the parking lot shall be removed and a pedestrian walkway at least 5 feet in width shall be added between the parking lot and Green Street, with signs at both ends of the walkway and lighting as required for safety.
9. The applicant shall prepare a Construction Management Mitigation Plan (CMMP) for review and approval by the City Attorney and Planning Department, said plan to include an action plan for the disposal of contaminated materials.
10. All required State environmental permits shall be issued prior to the commencement of construction.
11. The applicant shall request a waiver for the requirement to provide a Photometric plan.

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III. ADJOURNMENT was had at approximately 3:20 pm.

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Respectfully submitted,

Jane M. Shouse
Administrative Assistant