

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

9:00 AM

JANUARY 7, 2014

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

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

I. OLD BUSINESS

A. The amended application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demolish 21,022 ± s.f. of existing retail space, add 11,000 ± s.f. footprint of new retail space to the existing retail/restaurant strip building, add a rain garden at the rear of the site, to replace the previously approved porous pavement in the rear of the site with a gravel pad for a garden center, and make related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273, Lot 3 and lies within the Gateway District. (This application was postponed at the December 3, 2013 TAC meeting).

Mr. Desfosses made a motion to postpone this application to the next TAC meeting. Deputy Fire Chief Roediger seconded the motion.

The motion to post to the February 4, 2014 TAC meeting passed unanimously.

Next three applications were read in together for the purpose of postponement:

B. The application of **Carol S. and Joseph G. McGinty, Owners**, and the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners**, for property located at **300 Spinney Road and off Spinney Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Lot 6 on Assessor Map 169 decreasing in area from 30,000 s.f. to 28,363 s.f. and with continuous street frontage on Spinney Road decreasing from 150 ft. to 132.54 ft.
- b. Lot 24 on Assessor Map 170 increasing in area from 181,725 s.f. to 183,362 s.f. with 139.06 ft. of continuous street frontage on Middle Road.

Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage.) (This application was postponed at the December 3, 2013 TAC meeting).

C. The application of the **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Paul G. Sanderson, Trustee, Owners, and Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, for Preliminary and Final Subdivision Approval to subdivide two lots into five lots with a new public right-of-way, with the following: Lot 5 on Assessor Map 167 having 263,937 s.f. (6.06 acres) and Lot 24 on Assessor Map 170 having 183,362 s.f. (4.21 acres), to be consolidated and subdivided into five separate lots ranging in size from 15,500 s.f. (0.36 acre) to 352,414 s.f. (8.09 acres), and all with a minimum of 100 ft. of continuous frontage on the proposed public right-of-way. Said properties are located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage. (This application was postponed at the December 3, 2013 TAC meeting).

D. The application of **Frances T. Sanderson Revocable Trust and Lynn J. Sanderson Revocable Trust, Owners, and Spinney Road Land Holdings, LLC, Applicant**, for property located **off Spinney Road and Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer to install a rain garden of which a portion is within the wetland buffer, with 3,120 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 170 as Lot 24 and lies within the Single Residence B (SRB) District. (This application was postponed at the December 3, 2013 TAC meeting).

Mr. Desfosses made a motion to postpone these applications to the next TAC meeting. Mr. Rice seconded the motion.

The motion to postpone to the February 4, 2014 TAC meeting passed unanimously.

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II. NEW BUSINESS

- A. The application of the **Hill Hanover Group, LLC, Owner and Deer Street Associates, LP, Applicant**, for properties located at **181 Hill Street and 317-339 Hanover Street**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:
- a. Assessor Map 125, Lot 14 decreasing in area from 38,305 s.f. to 16,127 s.f. with no change in street frontage; and
 - b. Assessor Map 138, Lot 62 increasing in area from 20,574 s.f. to 42,752 s.f. with no change in street frontage.

Said properties lie within the Mixed Residential Office (MRO) and Mixed Residential Business (MRB) Districts where the minimum lot area is 7,500 s.f. (This application was referred by the Planning Board at the December 19, 2013 meeting).

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, appeared before the Committee on behalf of the Owner and applicant. He handed out revised plans to the Committee members. Also present was Attorney Dennis Robinson. Mr. Chagnon indicated that this matter was referred to TAC by the Planning Board. They

are moving a lot line from a southerly position so that the new lot line will bisect an existing right of way, and that issue is the reason they are before TAC. He handed out an easement plan.

Mr. Chagnon stated there were questions about the utilities located in the vicinity. The sewer line runs along the right of way and there is a water line in the right of way. They are proposing to place a utility easement in that right-of-way area. He also handed out copies of the easement language for referral to the Legal Department. They propose to put the easement on the right of way to affirm that the City has access to the utilities and can maintain them. They know that the right-of-way was a street at one time but they don't know what happened to it and that is still being researched. In any event, this easement plan would guarantee that the City could maintain the utilities.

Mr. Rice asked if they gave consideration to the gas line that is outside of the proposed utility area. Mr. Chagnon confirmed they would work with the utility company to figure out if they need an easement for that gas line. Mr. Rice said that was fine. Mr. Chagnon confirmed the easement is for the City utilities.

Mr. Taintor asked why they didn't propose a right-of-way easement for the City to plow the area. Mr. Rice confirmed the City does not plow that area. Mr. Taintor asked if this was a common right-of-way just serving the adjacent properties. Mr. Chagnon deferred that question to counsel.

Attorney Dennis Robinson, representing G. L. Rogers, stated they are still looking at what happened with the right-of-way. Registry records and City records show that at some point this section of Hill Street was a public right-of-way that was discontinued. If it was discontinued, that does not preclude use of property by abutters for access. There doesn't appear to be any recorded document that grants a common right-of-way amongst the various owners and the neighborhood to use that street, nor would there be in the case of a discontinued right-of-way. Mr. Taintor asked about the properties that are going to be fronting on the expanded lot, 138-162, where the only way to get to them is over the right of way, and asked if verification will be provided confirming that they have the right to use that prior to the Planning Board meeting. Attorney Robinson believed he would be able to. He felt that because it is a discontinued street, each of the lots will continue to be able to use the right-of-way and, if not, at the time of conveyance it would be fairly easy to establish a joint right-of-way access.

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.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Rice made a motion to recommend Preliminary and Final Subdivision approval, as presented, with the Mr. Taintor's recommended stipulations. Mr. Britz seconded the motion.

The motion to recommend Preliminary and Final Subdivision approval, with the following stipulations, passed unanimously:

1. A utility easement shall be prepared by the applicant for review and approval by the Planning Department and Legal Department, and acceptance by the City Council.
2. Final subdivision approval shall be subject to the granting of variances which are currently pending before the Board of Adjustment.
3. Verification shall be provided that the dwellings on Map 138, Lot 62 shall have legal access to the right-of-way.

Attorney Robinson asked if the last stipulation would be done through City Council. Mr. Taintor agreed they should provide it to the City Legal and Planning Department.

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B. The application of **Strawbery Banke, Inc., Owner**, for property located off **Washington Street**, requesting Site Plan Approval to construct a 12,500 s.f. seasonal ice skating rink with an 8' x 10' transformer, a 25' x 10' rink chiller and a 25' x 60' concession pavilion, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 104 as Lot 7 and lies within the Mixed Residential Office (MRO) District and the Historic District.

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, spoke on behalf of Strawberry Banke. Also present was Lawrence Yerdon, President and CEO of Strawberry Banke, Rodney Rowland, Operations Manager, Stephanie Seacort, Marketing Director; Jeff Keefe, Project Coordinator; and Eric Reuter, Acoustics Consultant from Reuter Associates.

Mr. Chagnon stated their proposal is to create a seasonal ice skating rink in the center of the property. There will be a skate rental building and a ticket building, and a deck providing access to the rink. The east side will have the equipment needed to produce the ice and the chiller lines. A temporary chiller will be brought in to insure that the ice is consistent through the winter temperature swings and will be located to the north of the proposed rink. It will be a temporary installation, surrounded by a sound wall barrier that will be removed off season. All of this is intended to be seasonal only and everything will be removed for nine months of the year. To service the chiller, they will tap an existing electric utility line on Marcy Street and run an underground conduit out to a new transformer. The only other utility would be a temporary tap to a fire hydrant which is located at the corner of Atkinson Street & Puddle Lane. That hydrant will be tapped for water on a temporary basis. There are notes on the plan about working with DPW to assure the hydrant is winterized once it is shut down so that it doesn't freeze.

Mr. Chagnon indicated they have submitted a multitude of materials with their application which consisted of a detailed explanation of everything that is required with a TAC submittal, they added all abutters to the initial set of plans, local approvals have been granted, including a variance by the BOA in June of 2013 and HDC will also be required. There is no change in the waste water peak flow. This is counter to the whole operations so no changes are anticipated. Bathroom facilities exist now to the west of the proposed rink. They do not anticipate any issues with traffic. A trip generation analysis was provided which looked at the existing weekday peak hour of operation. Museums typically have a peak hour between 10:00 am – 2:00 m so their report shows that numbers are higher at different times of the day but the adjacent traffic is peaking in the pm peak hour. Currently with the museum in operation they estimate 37 peak hour trips from the facility based on the ITE land use code for an ice rink and they anticipate the weekday pm peak hour during operation would be 32 peak hour trips. Therefore, it results in the same number of traffic trips generated by the two operations. They do not see that the use of the facility as an ice rink will cause a burden to the adjacent roadway network. They also provided a vehicle turning plan, showing the turning radius going from the existing parking lot to

an overflow parking which will be made available but is not expected to be needed. Vehicles can safely get in and out of the overflow parking area if necessary.

Mr. Chagnon stated that the ice rink will generate some noise and they have a copy of the noise study. An update was provided today. There is the noise generated by the chiller which is required to keep the ice cold. In order to mitigate that noise, they plan to put a sound barrier around the chiller which they originally planned to be a 12' high barrier but their acoustical consultant is recommending that they extend it to 13 ½' due to the night time level of noise which they did not account for in their original study, and which is less than the daytime. By extending the barrier by 1.5' they will be able to meet the ordinance requirements for sound attenuation for nighttime also. There will be noise generated by people using the rink and ambient music will be played to enhance the experience and feel of the rink, and those are accounted for in the noise study.

Some of the proposal includes some grading, they are adding some catch basins to handle the pockets of the site that will be created by making a large flat ice surface. They have worked with PSNH on the electrical design and there is a full set of electrical design drawings in the application. Also included is a lighting diagram and cut sheets. The lighting plan will meet the ZO requirements regarding light spills at the property lines. The existing dumpster on Washington Street will be utilized for solid waste disposal. The bathroom facilities will be available for the patrons. There is currently landscaping along the Hancock Street edge of the existing parking lot. They have a note on the drawing to supplement that to create a barrier to headlights. They show snow storage in many areas. They have included a draft schedule of events for review.

Mr. Chagnon indicated, from a site plan perspective, it was a fairly simple application, there was not a lot of new infrastructure, it is a seasonal use for the benefit of the community and hopefully they have submitted a complete application which they can move along to the next step in the process.

Mr. Cracknell asked if a detail was provided for the landscape screen on Hancock Street. Mr. Chagnon confirmed there was no detail, just a note on C-2 that specifies that it be in-filled. There are a number of bushes already in that area. Mr. Cracknell felt it looked pretty thin to him in the fall and, with the parking lot behind the thin landscape strip that is there now, it will be very important to look at the material, density and height of what they are going to plant. A fence was suggested at the TAC Work Session, rather than the landscaping. He understands that Strawberry Banke may not want to have a fence there as they have come back with a landscape proposal, but he questions how effective landscaping will be in blocking headlight glare in the winter. Mr. Chagnon responded that Strawberry Banke would prefer the landscaping rather than a fence and they will come back with more information. Mr. Cracknell felt they would need a 42" year round hedge to provide sufficient screening. Mr. Chagnon agreed they could propose something and provide a detail.

Ms. Walker asked for an explanation on circulation. They mentioned that the reserve parking area is just a back up and primary parking will be the existing lot on Hancock. She saw that they provided turning movements but she is looking for clarification on what the circulation will be and more clarification on how people will be directed to that reserve area. Mr. Chagnon did not see any change in circulation with what is happening now. People enter from Hancock Street and circulate through the parking lot.

Rodney Rowland explained that during the summer season, they use the same operation. People enter from Hancock Street. At time of high use, staff stands at the entrance directing people to the nearest spots. If they felt it was necessary to use the reserve lot, they would have greeters at the entrance

directing them. That is how they have done it during the summers and it should work very well for this operation as well. Mr. Taintor asked if they plan to have the greeters at the entrance all of the time when the rink is open. Mr. Rowland stated they would not because there would not always be that kind of traffic. They usually know when it will be very busy due to a special event. In the summer it is typically when they have school buses or when they have Prescott Park in operation or some special event. When another event near them is happening, their parking lot is affected. However, in the wintertime he just doesn't see that happening very often.

Mr. Rice asked how he envisions the reserved parking being maintained in the winter relative to snow removal. Mr. Rowland stated they have a service they use for their entire site and this will be part of their responsibility. Over the years they have kept an area clear for tenants. It is very easy to plow and they would continue to plow it as they have been doing with show storage areas around the sides.

Mr. Rice stated that the City has an informal agreement with Strawberry Banke regarding the usage of their parking lot during snow bans and challenging times for surrounding residents. He asked if they would continue to stand by that informal agreement. Mr. Rowland did not anticipate that agreement changing.

Ms. Walker followed up on the reserve parking. She understands that they do not anticipate using the reserved parking very often but when it is being used to capacity will there be a pedestrian walkway when there is heavy snow from the parking lot directly to the ice rink. Mr. Rowland indicated the shortest route would be to bring people down Puddle Lane to the rink operations. There is also a small strip of land between the parking lot edge and their fence which is a 4-5' strip, and it may be possible to create a pedestrian way along there.

Mr. Cracknell felt that the place to put it would be from the reserve parking lot directly into the two buildings that they are proposing to put on the platform rather than bringing people all the way back across. It probably makes sense on Puddle Lane to have a small connector to the proposed raised platform to the rink. Mr. Cracknell also noted that they have one way traffic coming in from Hancock Street and one way back. He felt it would be helpful on the vehicle circulation plan to show the one way traffic pattern so that the Planning Board can see how traffic comes in off Hancock Street and how it circulates through the existing parking lot. Mr. Rowland indicated it is striped that way now and they have arrows painted. Mr. Cracknell felt it was a minor change to the plan but he felt it would help.

Mr. Rice indicated he would like to see directional signs installed in the wintertime as the snow obscures the painting on the pavement. Maybe they could have a sign with a flip cover for the reserved parking. Mr. Rowland stated they have A-frame signs they can use for that.

Mr. Taintor acknowledged that they have the required number of handicapped spaces provided however he was concerned they have the large van spaces as far away from the facility as could be, which does not meet the ADA requirements. It seems if they are required to provide five spaces they should all be close to the facility. Mr. Rowland explained that the plans shows how they are used during their regular season but they had talked at their last meeting about locating all of them at the end on a seasonal basis for the ice rink operation. Mr. Taintor asked about the placement of their handicapped spaces in the summer. Mr. Rowland confirmed that their summer parking conforms to ADA requirements. The reason they split the handicapped spaces is because their lot is used by so many people, including a lot of people who go across the street to Prescott Park, that they felt it would nice to have places at both ends of the parking lot.

Mr. Taintor stated that there is a lot of concern about vehicles and traffic in the winter, which is a different situation than it is in the summer. He asked Mr. Rowland to talk more about why they can't access the reserve parking using their driveway from Marcy Street. Mr. Rowland stated that the entrance from Marcy Street was the entrance to the Mombo Restaurant. He felt it could be feasible but all City signage direct people to the entrance on Hancock Street and it makes sense to greet them at the common entrance. Ms. Walker added that the Wayfinding Plan is directing people to the Hancock entrance as well. If they were to have a secondary entrance they would have to think about how to let people know there are two entrances.

Mr. Cracknell thought it wouldn't be problematic if that entrance was open for users of the skating rink. Some people are going to know that is an auxiliary entrance on Marcy Street. If they weren't adverse to opening it, he felt it made it a lot easier to leave the site. Mr. Rowland confirmed they keep it open for plowing anyway. He would not want to encourage people to use it but it would be there.

Mr. Taintor stated that the Committee has asked for a detail of the chiller enclosure. Mr. Rowland indicated they are in process with the HDC but he can confirm that it will look like a Portsmouth style fence, which is a solid board varying width fence with a decorative cap on the top. On the inside of the chiller area they will have all of the sound dampening material that is required. Mr. Taintor asked that they have that on their Site Plans.

Mr. Taintor stated that another item that came up at the work session was to make sure that all of the utilities that are shown on the existing plan are as-built and he asked if those have been verified or updated. Mr. Chagnon confirmed they have updated their plans. The big difference between the two plans is that a water line was added and a hydrant was added.

Mr. Rice asked if the traffic study included pedestrian pattern changes as a lot of people will walk to this facility. There are a number of sidewalks that are extremely narrow and the sidewalk tractors don't fit. The sections of Marcy Street are first tier areas that the City gets to quickly for plowing but there are also some sections that are not first tier and, depending on available staff and the type of snowstorm, they are not plowed as soon. He asked if they have looked at what they will need for accommodations for pedestrians in the area. Mr. Chagnon stated that the Traffic Trip Generation report only looked at vehicles. He was not sure how to measure the pedestrians. He felt the Hancock Street Entrance was not getting plowed as quickly as other streets primarily due to its low volume of trip traffic. To the extent that the sidewalks are not clear, he did not believe there were a lot of pedestrian conflicts during the short time after the storm. He felt that common sense would indicate that it would not be an issue because of the low volume of traffic on those streets. Mr. Rice explained, for the general public, in terms of priorities relative to snow removal on sidewalks, they start with safe routes to school as first priority, the downtown heavily pedestrian traffic areas, as well as the high volume areas such as Junkins Avenue, South Street. Then as staff and time allows they work their way out to the second tier and Marcy Street is part of that. The section from Hancock to Pleasant is challenging because there is no place to store snow and the sidewalks are very narrow and right up against buildings, so those areas don't get addressed immediately. If there is additional drive as a result of more pedestrians, there could be an impact as to expectation to get these areas cleared more quickly. He would look to Strawberry Banke to offset that. If they have people coming in, they could assist with getting a safe route for pedestrians to get off the street if that does appear to be a challenge. Mr. Chagnon noted that Mr. Rice mentioned that Marcy Street is higher on the list so it is quite possible that pedestrians could be directed to an entrance off Marcy Street in the post-storm and earlier snow removal stage. Mr. Rice would also encourage for internal pedestrian circulation to make sure as

you come down Atkinson, they have the means of getting around the ice rink or if they are coming off of Puddle or Washington, that there is a means to get people in and they would be shedding some of the pedestrian traffic.

Mr. Desfosses asked about the photometric plan. Mr. Chagnon stated it was in the earlier plan set. Mr. Taintor asked him to make sure he submits the entire plan set for his next submission. Mr. Chagnon stated there were two plans. One was the ice skating showing more of an ambient light for public skating events and for the occasional hockey events the lights will be brought up so there is more light. Mr. Desfosses asked about the adjacent parking areas. Mr. Chagnon stated that right now in the existing parking lot it shows a pole with an overhead line out to Hancock Street with two flood lights which provides light to the lot. Mr. Chagnon did not believe they were on all night long and thought they might be on a timer. They are asking for a waiver for putting lighting in the reserve parking area. Mr. Chagnon confirmed that the lighting in the existing lot are on all night and they are square box flood lights. He believes they are owned by PSNH. Captain Schwartz stated that those lights have served the police well over the years from a law enforcement perspective and they prefer this lighting.

Ms. Walker referred to the Trip Generation Memo. She thought it would be helpful to get some clarity. They mention the museum and she assumes they are using the IT museum and not the actual museum uses. Mr. Chagnon confirmed that the 65,526 is the Strawberry Banke museum in the summertime. Ms. Walker did not see any mention of employees with the proposed rink. Mr. Chagnon responded that there would be employees but the trip generation calculation for ice rink is just a square foot generation. For clarify, Ms. Walker asked that they point out on page one that there will be employees. She understands that they are doing the trip generation analysis based on IT but she felt they needed to provide more clarification on existing operations and proposed use, even though what they are using for trip generation numbers are from the Land Use Code. In addition to that, she felt their final sentence states no expected increase in the number peak hour trips is deceptive because their statements for the existing museum are really seasonal during non-winter operations. They need to clarify because they are comparing two different seasons. Mr. Desfosses also agreed, because their overall use over the entire calendar year is going to go up. Ms. Walker wanted it to be clear in the memo that what they are comparing is actually two different seasons, they are actually adding traffic and there is potential for additional trips generated for this neighborhood than would normally be generated in this season.

Mr. Taintor felt that both points are good. The first point, comparing the rink to the museum, the analysis assumes that there is nothing else happening during the winter and he assumes some people are working and the ice rink doesn't replace everything else that happens. There is an existing use and another use will be added to it, even though the existing use is a very low intensity use in the winter. The second point, in terms of seasonal use, is interesting if they are comparing peak traffic in the summer with peak traffic in the winter. It is important to state the existing situation on a Saturday in January with the proposed situation on a Saturday in January. He would also like to take it a little bit further since the skating rink that this is based on is based on one skating rink in California, maybe they could find something closer to home. Mr. Desfosses believed there was a similar ice rink in Durham. Mr. Taintor recognized there is only one ice rink and one museum in the IT tables so maybe they shouldn't use ITE as it just may not be the appropriate way to do it at this point. Ms. Walker did not think it was appropriate to have the museum number in there at all.

Ms. Walker felt they should identify the existing uses during the season that this rink will be operating and maybe they should look at some traffic count data on some of the side streets or abutting streets, if available. They should come up with some more creative comparisons for this use.

Mr. Desfosses asked Eric Reuter if he looked at the impacts to the residences on site and what the decibel rating would be at the closest residences. Mr. Reuter responded that he did not look at the residences located on Strawberry Banke. Mr. Desfosses was curious whether he knew what the impact would be and if the enclosure would be designed more for people living much closer to it. Mr. Reuter stated the sound level would be much lower within the property line as it gets louder as it extends from the property line. The exception of that would be if the elevation of the residences was above ground level. But, it was not part of the study.

Mr. Rice asked if he looked at cumulative noise as well as background noise, i.e., the chiller plus the music plus the skaters plus the cars running. Mr. Reuter indicated that no one of those noises is a constant source. For example the chiller will cycle depending on ambient temperature conditions, the sound of the crowd was a highest expected level, and the music will be somewhat variable. It would require a statistical analysis. There would be a worse case when everything is at peak but that is an unlikely condition to happen all of the time. Mr. Desfosses asked how the rink operator knows when to calibrate the music or public address system so that they do not exceed the allowed level. Mr. Reuter has assumed an average level of music over the ice and he used 65 dba and that could be regulated electronically so that the sound system is not capable of generating a sound level higher than that.

The Chair opened the public hearing and called for public speakers.

Beth Margeson, spoke on behalf of an abutter group, who will also be speaking individually. She had submitted a letter to the Committee previous to the meeting and provided an overview of their concerns.

- Noise, they are asking that an independent analysis be performed.
- Machines, they are asking for spec sheets on all equipment, in particular, the chiller, transformer, skate sharpener and zamboni.
- Crowds, noise levels should be based on groups ranging from 50-250 people
- Lighting, they are asking that the City independently verify that lighting meets the Zoning Ordinance. They are requesting full cut off lighting and the reflective surface needs to be taken into account.
- Traffic, they are requesting an independent traffic impact analysis as traffic and hours of operation will differ from summer activities. The conditions of the roads are completely different in summer vs. winter.
- Parking, they feel there is inadequate parking for the once a month ice shows.
- Enforcement, they are asking the City to monitor noise, light and traffic impacts to make sure they stay within regulations.
- Alcohol, is a great concern to the neighbors. They would need a professional 24 hour on-site security program.
- Fire Department, they asked how this project affects plans for dealing with emergencies in the area.
- She also noted that the BOA variance has been appealed to the Courts.

Jane Kilcoyne, 67 Gate Street. She lives behind the Stoodley Tavern fence. The sound is muffled somewhat in the summer by the trees. During summertime events at Strawberry Banke they have to sit in the front of the house or go out because the noise in the back of the house is intolerable, but these are not every night. Therefore, noise is a serious concern of hers. Safety is a concern because

everyone walks in the street and everyone parks on Gate Street or wherever they can squeeze a car in. This ultimately causes a problem for people who require parking to work downtown and the residents who live in the area. She also asked them to consider the alcohol issues.

Mary Krempel, 111 Gate Street. Ms. Krempel stated that Gate Street is elevated and they have a clear view of the rink area and parking lot from their house. She is a supporter of the museum and she accepts the noise and inconvenience in the summer. She thinks an outdoor community ice skating rink is a great idea but this rink, as proposed, does not belong at Strawberry Banke. The Banke is a historic museum and that is why she is one of 16 abutters challenging the BOA variance. The BOA did not have any of the information that is being presented today. If this rink is built, TAC's recommendations can make it more appropriate for the neighborhood. She reiterated all of Ms. Margeson's concerns: Public safety, extended hours of operation, the lights and noise, pedestrian traffic, alcohol, hockey players, access for fire engines, a bonfire in the middle of the rink, the taxpayers burden on infrastructure, police, fire, and ambulance services, adequate parking, and the responsibility for security. She asked them to protect the abutting neighbors.

Bob Shouse, 555 Dennett Street. Mr. Shouse was born and raised in the neighborhood and used to deliver newspapers to every house in Strawberry Banke. An ice rink is a great idea but the big issue is the quality of life. The direct abutters, as well as people who live several streets away, are speaking about their concerns and Strawberry Banke has the burden to not disturb their neighbors and to consider what this does to their quality of life. A smaller, more humble project, would fit better into the area. Not to mention they are discussing technical issues due to the questionable granting of a variance which will be decided on Friday. There will be more lighting and they are taking a residential museum and illuminating it so that it becomes a commercial district instead of a rural district. Parking in the winter is aggravated by snow storage and plowing. Pedestrians will walk from afar to avoid parking fees and that will create a potential hazard. Mr. Shouse felt that this project is creating a nuisance during the quiet winter months as opposed to the "good" nuisance that is created in the summer months. Noise is a big issue as sound travels and you can only muffle it to a certain degree. He felt they should simplify the project by getting rid of the zamboni and the alcohol as that begins to turn it into a carnival rather than a museum.

Nancy Tomb, lives at 138 Gate Street and has her office at 58 Washington Street. Her two major concerns are noise and, in particular, the music. The thought of having a canned, repetitive music playing constantly outside her house, is a concern. She doesn't see the necessity for it. She sees safety issues also. She walks to work and it is very narrow and dark and there are no sidewalks or only partial sidewalks. There is no parking for her clients who come to the office between her heaviest hours of 4:00 – 8:00 pm so they walk down Washington Street. She has grave concerns about the project.

Dan Corcoran, 168 Marcy Street. He stated that in the Portsmouth South End, winter is the time they enjoy the sounds of silence. They are a close neighborhood. Strawberry Banke wanted to introduce a Currier and Ives type skating rink however they have taken it well past that idea. They are introducing noises from 9 am -9 pm, 7 days a week for 3 months. The compressor would have to run anytime during a 24 hour period. The zamboni would be running after the rink closed at night. Sound amplification system not necessary and are inconsiderate. He felt they are asking too much of the neighbors.

Gloria Guyette, 7 Hancock Street. She shares similar concerns with the abutters. She wanted to share an event from the past. 15 years ago Strawberry Banke had an event and they made concessions for the

abutters. One was that the parking lot would not have any lighting whatsoever. They agreed to put lighting in the parking lot but shielded from the neighbors. They then erected a 45' pole where a light was placed and it is still the only light in that parking lot. That was not what the abutters asked for but they were told it was temporary until they could evaluate the situation. Secondly, at the request of the abutters, Strawberry Banke agreed to secure the parking lot after hours by restricting entry at the driveway. The lot would be left open for city plows and neighborhood parking. That arrangement lasted for about 4-5 weeks. Third, a fence, rather than the shrubs, was to be erected along Hancock Street up to the driveway to avoid cars from parking along the street. She requested that they please secure the parking lot again. They also need to look at night lighting on the property during and after hours of operation for security because the property is so dark at night.

Joe Galli, 209 Marcy Street. He thanked Strawberry Banke for holding 4 meetings with the neighbors and Planning Department staff for being so helpful. Strawberry Banke has been granted 2 variances for an ice skating rink in a densely populated residential neighborhood and they now have a responsibility to mitigate the impacts on the neighborhood. He is not one of the 16 who filed the BOA appeal. His first concern was amplified music, combined with the chiller, transformer and sound generated by skaters. He asked them to restrict amplified music to only special events. His second concern was the hours of operation which he found disturbing. Other skating rinks he researched do not operate for the same extended hours. He would like to see them restrict the hours to 5 days a week and no more than 10 hours a day. He felt this project was too large for the south end neighborhood.

Larry Yerdon, of 372 Court Street, and CEO of Strawberry Banke. Mr. Yerdon stated they have made every effort to be a good neighbor. He wanted to clarify two items that have been mentioned. The alcohol issue seems to keep coming up. He explained there is not a bar at the Bankes but there is a café that serves beer and wine. They have another tenant, the restaurant Mombo, who has a bar and he has not seen any incidents of people being drunk. They have never had any incidents at Strawberry Banke because they know how to manage events and they have professionals on staff. He also heard some people stated that they would be charging for parking but he clarified that all parking will be free for the skating rink.

Eric Reuter, the project sound consultant, wanted to clarify some things. He calculated the cumulative total with the four sources of sound addressed in the study, the maximum would be right at 55 decibels. (transformer, chiller, children and the amplified music) There was mention of amplified voice, which is not part of the proposed amplification system. He double checked the level of music that he assumed in his calculation and it was between 60 - 65 dba, which is the approximate level of a person speaking at 3-4'.

Jeff Keefe, Co-Chair of the Puddle Dock Planning Committee. Mr. Keefe stated that he appreciated the concerns of the neighbors. He wanted to highlight some items from some of the concerns he heard. With the overall scope of the project, they heard concern that what they initially intended was a small scale rink. The only difference that has evolved through the details is they will be adding the lighting. They have gone to great lengths to provide information to determine that the lighting will not spill over the property lines. He also heard that some abutters are saying there is not enough lighting on Puddle Dock and others say any more lighting would affect the character of the neighborhood. They heard comments about rowdiness on the ice which they will be able to control. They will have rink guards which will be medically capable of handling small emergencies. This rink is not the size of the Boston Garden. It is about 2/3 the size of a traditional ice rink. Regarding the music, Mr. Keefe felt tht they were on the same page as the abutters and it is the last thing they would want to impose on their neighbors. They will always have control of the music and they will adjust it accordingly. They also

have the capability to turn it off. They are planning to have music based on the programs they are having on the ice, maybe 3-4 hours per day, with most of it being on Friday and Saturday nights. He felt they have gone to great lengths to limit the noise of the chiller. The chiller itself will be used very minimally. They have no plans to have a PA system except possibly for a special Saturday event. Regarding parking, traffic and safety issues, he stated that his business has been located on the corner of Marcy & Hancock for 7 years, and his clients and employers park on the streets and they have never had an issue. There has been a lot of volunteer work bringing this project to this point and he thinks they can bring this project to the community and it will be a significant asset and he was sure they can do it in a way so that it will have minimal impacts on the neighbors.

Mary Krempel, second time speaker. She referred to the four nights per week that they will be playing planning pond hockey, and that the crack sounds of a hockey stick hitting the puck should be included in the sound study.

David Krempel, 111 Gate Street. Mr. Krempel spoke about the noise impact study. He told them Strawberry Banke that he was disappointed there was no study of the noise of people playing hockey. He believes they compared the sound of children playing at a playground and it was equivalent to the sound of a babbling brook. Men playing hockey do not sound like a babbling brook. When there are games at Leary Field he can hear the sounds from his house. He asked the Committee to help control sound.

Barbara MacLeod, a volunteer on Strawberry Banke Planning Committee, confirmed that pond hockey will be available to anyone who wants to play. There will not be a beer drinking, men's league playing every night. It will be pick up hockey at every level.

David Krempel, second time speaker. He did not suggest there were men's leagues. He believes from 7 – 9pm on weeknights it will primarily be men and although they won't be rowdy, they will be noisy.

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

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Rice asked for a point of clarification in terms of timing. He asked where they were at with the Planning Board and whether the applicant was on a critical time line. Given that there is a legal challenge to the BOA decision, will they be coming back afterwards if there are changes.

Mr. Taintor was unsure about the Court timeline but he presumed it will not happen right away and they should take whatever time they need to get more information if needed. Mr. Taintor added that there has been no representation as to the applicant's time frame.

Ms. Walker made a motion to postpone this application to allow the applicant to provide more information to the Committee. Mr. Cracknell seconded the motion.

Mr. Cracknell enumerated the following discussion points:

1. In respect to the traffic, they need the applicant to consider opening the gate on Puddle Lane so that there is access to Marcy Street to improve vehicular circulation as well as pedestrian access into the site, and potentially for fire access in the event of an emergency.

2. The applicant should add notes to the Hancock Street parking lot to show the circulation pattern on the Existing Conditions Plan.
3. There should be an update of the Traffic Impact Report. In addition to the ITE numbers, they should look for a more local example (i.e., Durham) and most importantly look at the seasonal impacts versus the year-round with the museum in the summer.
4. There should be a screen detail added for the location, density, height and planting material for the Hancock Street parking lot and there should be a re-evaluation of the use of a 36" or 42" fence in lieu of a landscape buffer.
5. A full lighting analysis should be completed, making sure that foot candles and the Zoning Ordinance requirements are met for the proposed lighting on the rink and any of the associated buildings. Fixtures must be dark sky compliant.
6. The existing and proposed parking lots should be evaluated based on the public discussion and comments.
7. A detail on the noise with the barrier should be completed. The applicant should have the Noise Impact Study fully updated, based on public discussion and comments, and to include all noise generating equipment.
8. TAC recommends an independent third party review of the noise analysis, to confirm that it is within the requirements of the existing Zoning Ordinance and Site Plan Regulations.
9. As a footnote to the above items, staff should consider measures and methods to improve enforcement over time (i.e., monitoring plan). A temporary trial use with a one year review may be a consideration for the hours of operation and/or the hours of amplified music, in addition to potentially reducing the length of the hours of both activities.

Ms. Walker added:

10. Referencing the Circulation Plan for the parking lot, it would be helpful to understand when the reserve parking area is used and how the traffic will circulate. In addition to the turning movements, it would be helpful to add arrows showing directional flow.
11. A comparison of daytime and nighttime noise summaries should be included in the Noise Impact Study to confirm they are in compliance with the Zoning Ordinance.
12. A summary should be prepared, explaining the levels of staffing and what their responsibilities would be, to help with safety issue concerns and how overall use will be monitored.

Peter Rice added, for public information, the limitations of a Technical Advisory Committee. They are reviewing technical specification, making technical recommendation, and trying not to make subjective judgments on what they like or don't like in a neighborhood. Mr. Rice also lives a few blocks away from Strawberry Banke and his children walk in the area so he is very much aware of the pros and cons of this activity. However, his task as a committee member is to be as unbiased as possible and review the technical merits presented to them. The challenges relative to noise are often subjective. They have a concrete measure with which to comply with and he would recommend that they get a commitment from Strawberry Banke to do a post-construction evaluation during a typical day to confirm that the noise is within the specifications. The difficulty is that you will get ambient noise that will spike due to a back-firing car, or a non typical event like sirens, or something that can happen that is really not the intent of the rules and how they are designed. It is important for the general public to understand that the role of the Technical Advisory Committee is to evaluate the technical aspects of this project and make recommendations based on that information. The other more subjective things are for the Planning Board and for the public to present to the Planning Board. They are very cognizant of the challenges and concerns that the public has, however, the Committee's job is really to try and stay as technical as possible so that they do not impart their personal views. He just wanted to

make sure that everyone understood that and when they talk about noise levels and ambient noise levels they need to talk about specific criteria that they measure.

Ms. Walker added:

- 13. Due to abutter concerns, the applicant should consider the feasibility of limiting the hours of operation to possibly five days per week and less than 12 hours per day.

Ms. Taintor added:

- 14. The applicant should consider reconfiguring the proposed schedule and possibly changing the hours of some functions to make them earlier in the day to allay some concerns about late night noise.
- 15. The parking was devised to meet the zoning requirements in terms of the capacity of the rink, but the issue was raised by several people about sufficient parking on the special event nights. Questions were raised about what type of parking demands there will be and about buses, and they may want to talk about the worse case scenario for those three or four nights during the season when they do have special events and how parking would be handled.

Mr. Chagnon asked permission to ask a procedural question. He asked if they would be voting on the completeness of the application. Mr. Taintor confirmed that would be a Planning Board decision. Mr. Chagnon asked about the Waiver Request on lighting. Mr. Taintor confirmed that would be voted on by TAC but as they are postponing they will not vote on the waiver today, especially because concerns have been raised today about the lighting.

Mr. Cracknell mentioned that one of the issues was to address the lighting on Hancock Street and the existing lighting with the 30' – 40' light pole. He felt it was worth discussing whether the Committee felt it was appropriate for lighting to be on the reserve parking lot.

Mr. Desfosses felt if they expect people to use a parking lot they should have some comfort level of lighting. Maybe not the same standard as a normal parking lot but it should not be completely dark.

Mr. Taintor added:

- 16. Part of understanding the need for lighting in the reserve parking lot would be a study of the existing lighting levels in that area, along with an assessment of the 30' – 40' high light pole on Hancock Street.
- 17. Mr. Desfosses felt it would be helpful for the applicant to take a light meter out to that general area so they know what the existing conditions are prior to the next meeting.

The motion to postpone the Site Plan application to the next TAC meeting passed unanimously.

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III. ADJOURNMENT was had at approximately 11:18 pm.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary