

MINUTES

SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING

2:00 PM

NOVEMBER 4, 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; Juliet Walker, Transportation Planner; Nick Cracknell, Principal Planner; Peter Rice, Director, Public Works; David Desfosses, Engineering Technician; Carl Roediger, Deputy Fire Chief; and Michael Schwartz, Captain, Portsmouth Police Department

.....

Mr. Rice made a motion to take PSNH out of order in order to hear the application first so the applicant does not have to wait for the longer applications to be considered first. Mr. Roediger seconded the motion.

The motion to take PSNH out of order passed unanimously.

I. OLD BUSINESS

A. The application of **Harborcorp, LLC, Owner**, for property located on **Russell Street, Deer Street and Maplewood Avenue**, requesting Site Plan Approval for a proposed 5-story mixed use development with a footprint of 63,000 ± s.f. and gross floor area of 327,900 ± s.f., including a hotel/event center with 103,700 s.f. of event center space and 96 hotel rooms, 14 residential condominiums, a 40,000 s.f. retail supermarket, and 540 parking spaces (390 spaces in a garage structure and 150 below-grade spaces serving the retail use); with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 21, Assessor Map 118 as Lot 28 and Assessor Map 124 as Lot 126 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the September 30, 2014 TAC meeting)

The Chair read the notice into the record.

Mr. Taintor has spoken with Mr. Thompson. Since quite a bit of work needs to be done on some of the Plan Sheets, they both felt it was a good idea to focus first on the Site and Signage Plans, as well as the traffic work, and have feedback from TAC. He will follow up with a detailed list of some of the things TAC would like the applicant to respond to at the next meeting.

SPEAKING TO THE APPLICATION:

Chris Thompson, of Harborcorp was present to speak to the application. He stated that they were happy to be back before the TAC. Given the size and complexity of the project, there have been some very helpful comments from City Staff. They will work collaboratively with City Staff, TAC and third party reviewers to accommodate whatever is needed. They hope to close the loop on some of the bigger site items regarding site layout, traffic circulation, etc. Drainage plans will be honed following the resolution of the former mentioned items. The applicant has submitted parking changes. They would like to finalize changes during the month of October, 2014 and will hopefully be back for a final TAC public hearing in December, 2014. They continue to be excited about how the project is progressing and feel the project continues to get better. City Staff have been instrumental in doing the hard work shoulder to shoulder with Harborcorp. The applicant has made significant concessions that will make for a better project such as widening sidewalks to 14'. Carla Goodknight, CJ Architects and Steve Bushee, FST were present to speak to the application.

Ms. Goodknight covered the architectural changes. The corner of Deer Street and Maplewood Avenue is now a one-way entrance. In response to the last HDC and TAC session comments, they have expanded the presence of retail at that corner, as well as the ability of people to walk through the site. The sidewalks have been expanded to 14'. The rest of the building has been reduced significantly from the earlier version.

Mr. Bushey had the full Plan Set in a slide presentation, but began with presenting the Landscape Plan. Key pieces on the updated Plan Set reflect adjustments to the curb line because the City was interested in having a minimum of 14' in width for the sidewalk. They held the curb line across the street on Deer Street and went through the process of assigning lanes and will use bike sharrows or a separate bike lane. Their plan is currently the bike sharrows on Both Deer and Russell Street sections. There will also be parking along the Whole Foods storefront. They show two entrances on Deer Street. The alignment of Russell Street coming into Deer Street has been improved to nearly a 90-degree intersection with crosswalks. On Russell Street, there are entrances and exits to the parking garage and the drop off to the hotel. There is a modest building footprint change at end of Russell Street. Because of how the Maplewood Avenue end of the project has evolved, along with the road improvement features, they have not worked on other aspects of the plan. Regarding utilities and drainage, they are still the same as they have been for several months, but they are happy to provide any additional information around that subject that is needed. The back of the building reflects widening behind the Whole Food stores. They now have several additional feet to widen out hard surfaces. They have pushed the retaining wall structure back to the property line to maximize the service area (a concrete surface along the back side). Service vehicles would be able to come in off of Deer Street or Maplewood Avenue ultimately exiting out to Green Street. There will be service ramps in the back for vendors to get into the foot space. There is a distinction between the access ramps and the loading docks. The Fire Department would like to ensure access between the areas. They can accomplish this with stairs as there will be a 4' grade differential. The details of this will need to be worked out. On the Russell Street side, they have held the curb line in front of the Sheridan Hotel. They have pushed the intersection closer to the existing building and have reduced the landscaped area. He pointed out that the crossover piece between the two buildings will be a fairly exciting piece of structure and architecture.

Mr. Taintor stated that the applicant's plan appears to be different than the plan that TAC has in front of them today. The last sheet doesn't match the Site Plan.

Mr. Bushey stated that the architectural firm may have inadvertently used the wrong plan. They'll straighten that out.

Mr. Bushey provided more detail on the Site Plan. It has more detail beyond the color plan. It shows alignment pieces on the Deer Street crossing area that needs adjusting, but this configuration has changed since September due to reconfiguration of a small parking area and building space. He will clean that up in terms of the dimensions. With comments provided to them through the traffic review, they have added shark teeth at their mid-block crosswalks. There are a lot of things happening with the traffic flow. They've added more detail with regard to the café. Coming around the intersection, the finished floor elevation for Whole foods store is 22". They will need stairs to enter Whole Foods and the café, which is not uncommon. The entrance at the Maplewood Avenue retail area will be at grade/street level and there will be condominiums on the upper floors (2-5). On the Russell Street side, there are not many changes. They have widened out sidewalks along the hotel conference area. With regard to the Signage Plan, they have a schedule. Traffic signs are assigned by number on the Plan. They have stop signs, but it was pointed out that they do not have "Do Not Enter" signs at the exit points to the parking garage. They will add these signs. In regards to the flow of traffic from the 11 parking spaces on Maplewood Avenue, in order to get to the below grade parking, one would come down a ramp, which joins with another ramp to Maplewood Avenue. A stop sign and stop bar has been installed at this spot.

Mr. Taintor requested that Mr. Ham speak today specifically to the traffic details related to the Site Plan, not on the broader traffic flow for today.

Giles Ham, Traffic Engineer, Vanasse & Associates, was present to speak to the application. He hopes to wrap up the more technical comments in a week or so. Regarding Site Plan changes; the driveway at Maplewood Avenue is "right in" only (it was previously right in/right out). They've removed the 4' median and have cleaned up this section in terms of bike sharrows. At the recommendation of the City consultant, the Russell/Deer Street intersection will be a three-way stop. The applicant prefers this change also. He wished to talk about a section on Russell Street. He looked at a section 60' back from the Russell/Deer Street intersection. They can accommodate sharrows or bike lanes. If they go with sharrows, there will be a larger plaza area (43') than with bike lanes. On Russell Street, on street parking would be lost if there were bike lanes. They will need TAC direction on this.

Mr. Rice questioned whether the left turn lane was going down Russell Street off of Deer Street or off of Russell Street onto Deer Street. One drawing (Sheet C3.1) is showing them differently.

Mr. Ham stated that there is a travel lane, turn lane, then another travel lane.

Mr. Rice inquired as to whether the turn lane was going into the garage.

Mr. Ham stated that the turn lane goes into the garage.

Mr. Rice inquired about the width of the travel lane coming onto Deer Street.

Mr. Ham stated that it was between 14' and 15'. They can work with those widths a little.

Mr. Taintor stated that some additional information will need to be provided prior to reviewing the complete application. He read from his list of items things that are missing on the Site Plan. They include: lot consolidation plan (to show the merging of the lots), existing features plan (which was not included in this Plan Set, although it was included in previous Plan Sets), detailed parking calculations, Lighting Plan, truck turning templates, building elevations, easements and licenses. In terms of the easements and licenses, he stated that he has questions regarding the curved façade for the Whole Foods Market. It appears that the building overhang sits out over the property line and it appears that there are 7 sets of steps, as well as the café that extend into the public right-of-way

Mr. Bushey stated that Mr. Taintor is correct. He stated that the solid thin line (that cuts through the café) is the right-of-way line.

Mr. Taintor stated that the Convention Center garage entry also has steps that may be in the public right-of-way. The crosswalk coming into the exit lane from the upper garage needs to be moved. How the applicant makes the connection around to Green Street is not satisfactory to him; it does not seem safe. Also, the 60' crosswalk going across Green Street is too wide and needs an interruption. Generally, there are a number of things that say "to be determined" and those will all have to be defined.

Mr. Desfosses shared input. He stated that at the Deer Street lower entrance to the garage, traffic backs up in the morning almost to the middle of the Residence Inn. It appears that the applicant has removed stacking room that is currently there. He wondered whether they need to pull the sidewalk back to get stacking lanes. He also stated that 3 parking spaces were discussed and he wondered whether it would be more appropriate to have at least 5 spaces. However, this would cause conflict with the outside café as shown in the right-of-way. The staircase will interact with the additional parking spaces they would like to have. Potentially moving some bus activity around has also been discussed.

Mr. Desfosses stated that he had comments from the City Engineer, Terry Desmarais, to provide to Mr. Bushey.

Mr. Rice stated that those were based on an older set of drawings and some changes have been made which Terry has yet to see.

Mr. Desfosses stated that they were mostly utility related.

Mr. Taintor inquired with regard to the stacking lanes, if a flex lane that is a travel lane in the morning and a parking lane at other times, had ever been considered.

Mr. Desfosses stated that he has never done that, but would be open to it.

Deputy Chief Roediger stated that with that amount of stacked traffic waiting to turn left onto Deer Street and the cars stacked through two marked, but uncontrolled crosswalks, he doesn't see this area of the project functioning well.

Mr. Desfosses stated that the crosswalk closer to Maplewood Avenue will probably go away. They should maximize the other crosswalk.

Ms. Walker wanted to ensure that clear direction is being given prior to making recommendations. This is a high pedestrian area and people will likely be crossing there whether or not the City provides the appropriate commendations. Consideration needs to be given to whether or not it is safer to provide the commendations.

Deputy Chief Roediger stated that with the change to the west side of the building (addition of the retail and condos), the only way to exit the 11 parking spaces at ground level would be to use the rear access way and go over to Green Street.

Mr. Bushey stated that people would have to drive down the ramp to below grade parking and exit out (as will everyone else) onto Russell Street.

Deputy Chief Roediger inquired as to how they intend to block off the northeast corner (showing hatched area as secondary exit). If he were parked in one of those 11 spots, he would not go down to the garage to exit, he would out the back.

Mr. Bushey stated that there is the potential of installing a gated area. There was talk of those 11 spaces going to residents of the building.

Deputy Chief Roediger inquired as to whether the new 5-story building to the west, level 2 and up, was connected into the Whole Foods building.

Mr. Bushey stated that he would let one of the architects speak to this question.

Travis Netto was present to speak to the application. They have a parking garage that will abut the island and the garage will extend behind the building. The pass through is approximately 25' – 30' tall and about the same, or a little more in width. The upper garage will be over that area and will not be visible to Deer Street. The major circulation element is connected to the roof garden on one level. It will pass through the upper levels. They are basically 2-story cut-outs of the building.

Mr. Cracknell stated that the expansion of the retail space on the corner of Maplewood Avenue and Deer Street is an improvement as is the expansion of the sidewalk widths. It appears the applicant has added an entryway on Russell Street, which is important feature to activate the building. He asked them to reconsider some comments from earlier sessions around expanding the retail space on Maplewood Avenue and Deer Street even further. There is a blank space (60' wide by 25' high) between the retail and Whole Foods. He asked that the applicant reconsider the first 3-4 parking spaces that sit behind a wall with no activity behind the bike racks. He is concerned about a dead zone at the end of Portwalk Place and felt it was important that Whole Foods was well designed. He felt that applicant should consider retaining wall details and any fencing that may sit on the wall and how it will look like from Vaughan Street. He wondered if there was any opportunity to use a large wedge to extend the sidewalk to the other side of the tracks. Regarding the bike lanes and crosswalks, it is worth looking into raised refuge islands or median strips and considering something such as Belgian block in the raised islands. The Landscape Plan is incomplete, but he acknowledged that it is a work in progress. Landscaping or sculptures should be added to the café open space; this area is an opportunity for those things. It could be an interesting and exciting place like Milk Street in Boston (with landscaping and sculptures). The roundabout needs to be shown on the plans. He would like the

applicant to consider solar arrays on the parking garage. A greenhouse on the rooftop garden is an interesting idea to consider. The Lighting Plan should show photometrics and details.

Mr. Taintor stated that the Plan Set shows a compacter and compacter pad for Whole Foods, but not for the hotel, convention area, residential or retail space. They are struggling with projects that get approvals and then come back for a dumpster or the need to move a transformer from where it was shown on the plans. They are dealing with dumpsters all over the downtown. This had been dealt with at Portwalk and the City is unhappy with how it worked out. The City will require a letter from PSNH approving locations of all transformers.

Mr. Bushey stated that the service area is open to the outside around the corner. The area will be open to drive a service vehicle into, which would have the upper floors over it, but at the ground area, it will be used for transformers and other uses such as trash, recycling and compost. It is somewhat buffered by the building itself. They are still working with PSNH on transformers.

Mr. Desfosses inquired about the height of the ceiling.

Mr. Bushey stated that he was uncertain about the ceiling height.

Mr. Rice stated that the limit of pavement in the Deer Street intersection needs to be inclusive of the intersection. It is currently cut off 2/3 of the way through. The pavement detail is really for a residential driveway and needs to be a much stronger design. Snow management is something that will be challenging on the back service road and some thought should be put into this. There is no space reserved for snow removal onsite. Dewatering during construction has not been addressed. He wondered how much water there will be and where it will go. There will be construction dewatering and potentially continuous dewatering. He stated that this was not an insignificant detail. The stormwater permit application, which is separate, along with water and sewer applications must be obtained (through DPW). If they get enough information through the Site Review, the DPW permit process can go easily. With regard to the utilities, there are a number of spots that have potential conflicts. The applicant must look at the profile, the elevation of the drain lines and the electrical, (particularly in the Russell and Green Street area and lower Maplewood Avenue). Depending on how low their footings will go, there is a ledge outcrop below grade in this area. There is a sewer line in Deer Street that is a tunnel. It is not a conventional pipe. If there are seismic issues it could impact it. The City will need documentation that it will not impact the sewer line. Videos before and after would be helpful.

Mr. Taintor stated that tie backs were a mess at Portwalk Place and if the applicant is planning to do that, the City will need to know how they are going to go about doing it.

Mr. Rice stated that impacts on adjacent utilities will need to be known.

Mr. Desfosses stated that the lighting control cabinet will need to be a standard lighting control cabinet in order to take care of all street lighting. This should be located somewhere near Russell Street to take care of the street lights being added to the plan on the Sheraton side. The applicant will need to show the conduit on the Lighting Plan, take off on electrical for the lighting cabinet, as well as provide an electrical plan for PSNH (they will need to sign off on it).

Mr. Rice stated that grease traps are shown for the conference center. He wondered whether these were shared grease traps with the hotel. Restaurants will need to have separate grease traps. They have required applicants to go back in after-the-fact and install 1,000 gallon external traps. Now is the best time to consider this aspect.

Mr. Desfosses stated that the intersection of Russell and Market Streets needs to be discussed. He felt that there should be an interim plan in case things get built or don't get built.

Mr. Taintor stated that they need to have a staff meeting to assemble their comments for the applicants.

Ms. Walker stated that they are not putting things down on paper that they haven't previously communicated. Going forward, they should be tracking the changes in written form so that the Committee can follow what has been revised. They have talked about fair share contribution.

Mr. Rice stated that there are a number of details that need adjustment and they will advise the staff on them.

Mr. Desfosses stated that the water main on Russell Street is shown as not being relocated and under the plaza. This is not a good location and it will need to be relocated. They are blocking off spaces because of hydrants. They usually move hydrants around so they are in key locations and not taking up parking spaces. They will probably want hydrants on both sides of Russell Street. There should be hydrants on the bumpouts as well.

Mr. Taintor stated that there is domestic service to the building. There is a shared service to the residential and retail spaces on the corner. He inquired as to whether this was an issue.

Mr. Rice stated that typically it is not a problem if it is a separate line.

Mr. Taintor inquired as to whether there was an issue with shared retail and residential services.

Mr. Rice stated that it comes down to the property owner and how they (internally) want to divide up the bill.

Mr. Taintor stated that it looks like there are 3 services; one for the corner building, Whole Foods and one for the condos, hotel and conference center.

Mr. Rice stated that they have allowed that. It comes down to ensuring that whoever is getting the bill has the ability to shut off power to their facilities. There should be a header with separate meters to each unit as long as there is separate plumbing to each unit. However, sometimes that is not the case.

Mr. Britz inquired as to who will have access to the landscaped roof deck and whether or not it would be a public space.

Mr. Bushey stated that the intention is that it will be a public space, accessible though the elevator area in the parking area.

Mr. Taintor asked the applicant to discuss how they will deal with buses for the hotel conference center.

Mr. Ham stated that if they had 3 buses coming to a scheduled event, they would hope to use on street parking. It would be a special event occurrence, not a regular occurrence.

Mr. Taintor confirmed that they are thinking that buses would be on street at all times and would not enter and exit the site. He would want to review/reconsider that.

Mr. Desfosses stated that there will be enough buses coming to the site that it would warrant having a staged bus area on either side of Russell Street. COAST is going to want to stop at the site. There will also be a regional transportation stop in the area, and he doesn't know what the five spaces will hold for this particular area of the site. They should become a permanent bus area and perhaps two valet spaces or a loading zone.

Mr. Taintor stated that the staff should get together in the next few days to complete the list of comments for the applicant.

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. Taintor suggested synchronizing the plans for the next submission. There are places where there are contradictions.

Mr. Bushey asked about drainage and what TAC would specifically like to see from the applicant. They will be doing on site detention on their property, but will be introducing a larger area and the entire site will drain towards Russell Street. They will be increasing the amount of water going to the Russell Street system. He thought that perhaps a grade line analysis of the existing site might be in order.

Mr. Desfosses stated that they will need a baseline analysis of what is there now as well as ensuring that all lines are of adequate size for what exists and for any additional areas that would drain to that area. They must have adequate capacity.

Mr. Rice stated that the base line flow leads to dewatering and they may have year round dewatering, which will take a percentage of that capacity.

Mr. Desfosses inquired as to which way will they be directing the drainage; towards Bridge Street or pumped up to Russell Street.

Mr. Bushey stated that he thinks there will probably be a pump situation.

Mr. Desfosses stated that near the railroad tracks, the ground water is variable; it goes up and down with the tide. They will need a study.

Mr. Rice stated that there are ways to estimate that now, but when they get to the construction phase and place the slab just under elevation, they measure it and that is the base line they need to maintain. The pump test should be done while they are actually building.

Ms. Walker inquired as to whether they received the full set of parking elevations to scale as part of the Site Plan.

Mr. Taintor stated that what they want to do now is make comments on the information they have to date, but they will not be able to comment on parking and utilities. In the next iteration, the applicant will include the parking plans with the Plan Set as well as their analysis of parking needs and management.

Mr. Thompson stated that he believed a whole size set was submitted. If it was not, they can deliver the Set first thing tomorrow morning.

Mr. Taintor stated that at one point they received a version of it, and it was separate. He stated that they will provide comments on what they have currently.

Mr. Desfosses made a motion to postpone consideration of Site Plan Approval to the December, 2015 TAC meeting. Mr. Rice seconded the motion.

The motion to postpone consideration of Site Plan Approval to the December, 2015 TAC meeting passed unanimously.

Mr. Taintor stated that they will get comments to the applicant, as detailed as they can, within the next week.

.....
B. The application of **Jane A. Shannon Revocable Trust, Owner, and Brian Shannon, Trustee, Applicant**, for property located at **194 Wibird Street**, requesting Site Plan approval for the construction of a single family dwelling on a vacant lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 148 as Lot 1 and lies within the General Residential A (GRA) District. (This application was postponed at the September 30, 2014 TAC meeting)

The Chair read the notice into the record.

Mr. Taintor mentioned that this application would not normally be required but it was referred to TAC by the Board of Adjustment and will be part of the consideration of the subdivision application.

SPEAKING TO THE APPLICATION:

Attorney Chris Mulligan appeared on behalf of the Shannon family who has owned this property since 1966. The proposal is to perfect a lot line proposal to bring the existing house lot into closer conformance and to create a second house lot which they received a variance for. The Site Plans call

for the installation of four catch basins in the rear of the newly created lot to mitigate the existing articulated drainage issues on the site. The drainage issue has existed for some time and is an issue that is created in large part by the existing neighboring development around the lot. They are going to alleviate a significant amount of ponding and drainage by the installation of four catch basins that will feed into the sewer separation that has just been installed along Wibird St. They believe what they are proposing will go very far towards alleviating the concerns about drainage and low lying wet areas on the immediate site. Mr. Ross circulated additional plans at the meeting.

Alex Ross, of Ross Engineering, referred to the small color handout. Sheet 1 shows the existing conditions. Lot 1 is the existing house lot, Lot 2 is vacant and Lot 3 is a small strip of land 9' wide. This area has had drainage issues in the past, there are no wetlands on site and it is not in the floor zone. The existing drainage system is set up but not adequate to handle it. There are two basins, one in the rear which is not connected to anything and one is hooked up to a 4" pipe that goes out to the City line in the street.

Sheet 2 is the Lot Line Adjustment showing they are enlarging Lot 1 so it would conform to the lot area requirement. Lots 2 & 3 would be combined.

Sheet 3 shows the grading and drainage. They designed a series of catch basins that connect a stone infiltration trench around the north and west boundaries of the property. A 12" line will carry water to the new City catch basin in the street. In the past, storm water and sewer have backed up and they will install a one way valve to prohibit that happening in the future. The City is doing major improvements in Wibird Street so this is the perfect time to solve this drainage issue and tie in the City line correctly.

They were asked to add additional lateral lines which they did and they are now running parallel to Wibird Street, which was recommended by Mr. Rice. They have prepared a detailed drainage study proving that this design will be a major drainage improvement. They postponed last month to allow DPW to review the drainage study. He felt the drainage issue was very simple and he reviewed that with the Committee.

Mr. Ross handed out drain system diagrams and stated that the existing drain system is only a 4" drain line up at elevation 19. There is no storage area, infiltration trench, or one way valve. The proposed improvements include a 12" line, over 2' lower than the current line, the installation of 318' of infiltration trench 4 1/2' deep, and installing 4 catch basins and the one way valve. He also showed one possible location for a house on the new lot.

At a previous TAC meeting in response to abutters' concerns, Mr. Rice stated that if anyone was concerned about the drainage then they should hope that this project is approved because it would improve the situation. This landowner did not create this problem and is trying to fix the neighborhood problem. Most of the time this area is a grass lawn but in large storm events, water does pond for short periods of time. This area has improved with City infrastructure improvements.

Photographs were distributed showing the site after a significant storm from a few weeks ago, showing the rise and fall of ponding as well as other pictures of sites around the City at the same times. Mr. Ross reviewed each of the photos.

This is an excellent opportunity to work with the City to install improvements. Rick Dolce and Underwood Engineering both feel this design will have a positive impact on drainage. In a few weeks, Wibird Street will be repaved and it makes sense to include these stormwater improvements at that time.

Mr. Rice stated he is going to need to have a stormwater permit application which is separate to this application and may require modifications to his proposed design. Of concern is a balance between dewatering the whole neighborhood, lowering the groundwater level, and addressing stormwater run off and ponding. They need to strike the appropriate balance. The check valve should be revisited to make sure it is not creating maintenance issues for the new property owner. He appreciates the photos but does not believe they accurately reflect “apples to apples” conditions. We have had a mini-drought recently and the corresponding photos were on asphalt. He appreciates the illustrative nature of it but he thinks Mr. Ross’s argument stands on its own relative to the improved drainage in the area.

Mr. Taintor asked for clarity. They are doing Site Plan approval of a project as a requirement of the subdivision plan and he asked whether Mr. Ross would have to come back for a revised Subdivision Plan.

Mr. Rice clarified that Mr. Ross must file a Stormwater Permit, a requirement of the Stormwater Ordinance, and DPW will review and approve the permit. He may have to adjust the elevations of the pipes, but would not change the elements.

Mr. Britz noted that the check value and whole system must be in good working order. He heard that the property owner was not maintaining it and that is why the flooding was occurring. Maybe they could put an easement on it so the City could go in and maintain it if they wanted to and how do they address that.

Mr. Desfosses felt it could be a condition of the Stormwater Permit. Mr. Rice also felt they could make a stipulation as part of this approval so that it was documented. The check valve could fail but it may not be necessary given the grade.

Ms. Walker mentioned that the BOA approval required a 19’ setback for the section of the lot line on the north side that is 70’ long. That is included on the Site Plan but they do not clarify that in their Note 2.b. and, as this carried forward, it should clarify that note. There should be a Note 3.C. on the subdivision plan that the 19’ setback was part of the BOA decision.

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

Janet Groat is a direct abutter and lives right next to Shannon property. She thanked TAC for their time and expertise on this application. They assume everyone has good intentions and they are not complaining, just want to raise concerns. Having a way to make sure the drainage system is maintained is of utmost importance to them. They have experienced that the catch basin cover did have to be removed to drain any water and, unless that has changed, it was a cement cover and had to be manually lifted up to drain. Second, they appreciated the 19’ setback the BOA mandated. The only other thing they can add is to mention there is now a very large tree that would be going away with

construction and that tree is probably helping with nature. She distributed pictures of the lot to the members.

Mr. Rice indicated the pictures were not necessary as they are very familiar with the area as part of their sewer study for the work the City is doing on that area.

Ms. Groat appreciated that DPW has put a lot of work into solving this problem, as well as the applicant, but she is trying to show them at times it is much worse. They have seen improvement with the water collection since the City improvements. They still see ducks. The water needs to go somewhere and they want the plan to be adequate for the houses.

Brian Wyatt, (Janet Groat's husband) stated that the recent rain was not that significant and the ground was dry. The current catch basin is not at the low point of the land, although it may have been originally. Wherever it is placed again, it should clearly be at a low point.

Mr. Ross responded that the existing basin cover is concrete and it appears no water will get down but it is surrounded by stone and water does flow into it. The last storm was not a 100 year storm event but was almost 2 ½" of rain which is why they used that to show what happened.

Ms. Walker stated that the current plan shows a proposed house on the plan and her concern is whether that house could be located in a different location. Mr. Ross confirmed that it could be. All main drainage is around the perimeter of the lot. It was recommended they put in some laterals but not in the building footprint. It would still have the same result.

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 made a motion to approve with stipulations. Mr. Desfosses seconded the motion.

Mr. Rice said they will need to apply for a Stormwater Permit which may require additional mitigation efforts.

Mr. Desfosses requested that the utility pole location, that is shown inside the new driveway, is the responsibility of the owner. The applicant needs to apply for and achieve the drainage permit, which may show the same layout of the drains but may modify the elevations of the drains so that the baseline flow to the City system is not impacted, and any modification to the stormwater permit process should be on file at the Planning Department. Driveway permits need to be granted for both the new and existing lots.

Mr. Rice asked about the status of additional site utilities. Mr. Ross said the sewer and water lines have been installed. The drain line and the gas line are pending. Mr. Rice advised him that once the City does their final pavement, he will not be able to get into the road for five years. He should get it done sooner rather than later.

Mr. Taintor requested that they add the 19' setback note to the subdivision plan. He asked if the Stormwater permit requires inspections so that they don't have to add that as a stipulation. Mr. Desfosses confirmed that it does

The motion passed unanimously with the following stipulations:

1. The applicant must apply for and receive a Stormwater Drainage Permit from DPW, which may require additional mitigation efforts. It should show the same layout of the drains but may modify the elevations of the drains so that the baseline flow to the City system is not impacted; and any modification to the approved permit should be on file at the Planning Department.
2. The utility pole location (that is currently shown inside the new driveway) is the responsibility of the owner.
3. Driveway permits need to be granted for both the new and existing lot.
4. A note shall be added to the Lot Line Adjustment & Merger Plan regarding the 19' setback requirement which was a condition of their BOA approval.

.....
II. NEW BUSINESS

A. The application of **Public Service Company of New Hampshire, Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting Site Plan approval to: (1) construct a 10,000 ± s.f., 100' x 100', gravel switch yard with associated equipment and structures, 8' chain-link fence, gravel access way, retaining wall and paved driveway apron and (2) install a 2,250 ± linear foot 115 kV transmission line from the proposed switch yard on Borthwick Avenue to the substation on the Route 1 By-Pass, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Plan 234 as Lots 1, 2, 3, 7-4A, 7-7, and 7-3 and lie within the Office Research (OR) District and Municipal (M) District

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins, of Tighe & Bond, was present with PSNH representatives. He stated this is a transmission project to support the distribution system that provides power to the greater Portsmouth area. Due to on going developments in downtown Portsmouth, a growing demand is expected and this project will meet that demand and improve customer reliability.

This project involves the construction of a tap project, on several parcels owned by the City of Portsmouth, the Portsmouth Hospital and Unitil. They will tap off of the existing transmission lines to the switch yard, including a 10,000 s.f. gravel area including switching equipment with an 8' chain link fence. They will have a driveway constructed off of Borthwick Avenue with a paved apron. When

they tap off the existing lines, it will run down the existing 100' easement across HCA and Unitil parcels to feed into the new substation. This is a new 115KB line. They are not running down the existing corridor completely as 300' to the west they will take a turn and head towards the substation on PSNH land. There are existing easements in the right of way, for sewer and gas, and it is extremely difficult to construct the pole structures to feed the transmission lines. Also abutters had concerns about the high powered lines running along their back yards so they pushed the lines off further so there is a natural buffer. PSNH has confirmed plans to install more lines down Barberry Lane to feed the immediate neighborhood.

The project requires a Conditional Use Permit and they received approval from the Conservation Commission on October 8th with stipulations. They will also require a NHDES wetland permit for 88 s.f. of impact for the retaining wall along the back side of the switch yard where there is a grade change. Also, there are some other structures located in the wetlands.

At the TAC Work Session last week there were comments and he submitted revised plans. DPW requested screening on the City land along Borthwick Avenue. There is a good natural screen already and the hospital has some existing landscaping so they are providing screening along the remaining section. There was a question if they would be able to help provide parking for a future conservation trail that will access out to the pine island conservation area in the back. They incorporated three parking spaces in a gravel area with a gate for protection into the substation yard. When and if a trail is constructed, these parking spaces can be utilized. DPW asked for a concrete sidewalk extension along Borthwick Avenue all the way to the driveway with a tipdown. Lastly, there was a comment about labeling the 34 KB line that is to be removed. They added notations on the plan "line to be removed". There was a question from TAC about whether the Legal Department has confirmed that the existing right of way allows the construction of the switch yard under the existing easement or whether a new easement is required. They have not yet received confirmation yet on that.

Mr. Desfosses asked about the work pads for the towers, near the poles. Mr. Crimmins indicated they are going to be the matting. That is the area of excavation and what the equipment will be on. There are details for the matting on the plan set. That work will all be done during the winter to minimize impact. They are made of wood.

Mr. Desfosses noted that the screening that they asked the applicant to provide is in the right of way. He felt it would be best to pull it back onto the parcel and out of the right of way. Mr. Crimmins thought the direction was to put it in the public right-of-way due to the clearance requirements for the transmission lines. They did provide enough space to add a concrete sidewalk all the way down Borthwick Avenue. It is a juniper tree and the schedule is on lower left corner of Sheet 2-A. It will be 15' at maturity. Mr. Desfosses said it was only 8' off the road and that is not nearly enough room for a sidewalk with a mature tree. Mr. Crimmins stated they will look at shifting the trees for locations to allow a sidewalk to be constructed.

Mr. Rice said he would like a note on the sheet showing the cross country line where there is a sewer that runs perpendicular to the proposed line, because it is made of clay and they need to make sure it is protected and noted on the plans.

Mr. Britz thanked them for the parking area but had a question about the gate. Can someone back out from the parking spaces without hitting the gate. Mr. Crimmins will add a turning template to make sure they can get back out.

Mr. Taintor noted, for the record, the shed should be 100' x 100' (not 10' x 10'). They talked about the possibility of using this corridor as a bicycle/pedestrian path and PSNH has no objection to working with the City on that.

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

Sue Newberry, of Coakley Road, and the back of her property is next to PSNH access. She wondered if they will have any buffer. Mr. Crimmins referred to the Site Plan, pointed out the area and confirmed there will be no removal of existing vegetation. She also asked about any noise. Mr. Crimmins indicated that no noise is anticipated.

John Whiteman, an abutter on Foch Avenue. He asked PSNH to give the distance between the existing right-of-way and the new line shown in red. Also what type of poles will be erected and how high they will be. Mr. Crimmins said the distance varies a little bit but is approximately 80' - 120'. The poles are 60' high. Mr. Whiteman felt 60' was better than the original 70' suggested. It was not very deep into the woods for them but it is better than the original proposal. He asked about a buffer for Foch and Barberry Lane. Also, he is looking for an idea of where the switch yard is in relation to the Northern Utilities location. Mr. Crimmins responded that the buffer is a very heavily wooded area and they probably won't even see the poles. It is dense and should be a natural buffer. They are trying to balance concerns with clearing, cutting and wetland impacts and this was the best location they came up with. Mr. Whiteman said they can now see the traffic on Borthwick Avenue without the leaves on the trees but he is glad to hear they will be 10' less in height than originally proposed. He asked what the switch house was going to look like.

Mr. Crimmins had provided images to TAC. They just built a switch house in Kingston that is very similar to what they are building here.

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

Mr. Desfosses requested that driveway and sidewalk details be approved by DPW and inspected upon construction. That the vegetation along Borthwick Avenue be pushed out of the right-of-way line to provide ample clearance for a sidewalk or pedestrian trail for future use.

Mr. Rice requested that they identify the location of the sewer line crossing for protection during construction. If they are running equipment over the pipe, they could damage the pipe because there is not a lot of bedding on top of it. Mr. Crimmins stated they relocated to avoid this. He showed where they will come out of the right-of-way and will stay away from the pipe. Mr. Rice added that they will

be taking out all of the trees so they will be running equipment back and forth doing that and the potential is that they could run equipment over the line inadvertently. They would probably do timber mats for the skinny equipment.

Mr. Desfosses asked for notes on the plans, “shallow sewer line, protect while crossing”.

Mr. Rice stated they will take a video of the line and if the line appears to be damaged the City will expect replacement.

Mr. Britz requested that a turning template be added to the plan to confirm cars can back out by the gate.

Mr. Rice asked for a note to memorialize the bike path access.

Mr. Britz asked for a stipulation that they confirm whether the existing easement is adequate or whether a new easement needs to be prepared for the construction of the switch station.

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

1. The driveway and sidewalk details shall be approved by DPW and inspected upon construction.
2. The vegetation along Borthwick Avenue shall be moved out of the right-of-way to provide ample clearance for a sidewalk or pedestrian trail for future use.
3. The applicant shall identify the location of the sewer line crossing for protection during construction and a note shall be added to the Site Plan “shallow sewer line, protect while crossing”.
4. Any damage to the sewer line shall be replaced by the applicant.
5. A turning template shall be added to the Site Plan to confirm ample space for cars to back out of the parking spaces by the gate.
6. PSNH has indicated that they have no objection to working with the City on the possibility of using this corridor as a bicycle/pedestrian path in the future.
7. Prior to the issuance of a building permit, the applicant shall confirm whether the existing easement is adequate for the construction of the switch station on City property or whether a new easement needs to be prepared and approved by the City Legal Department.

.....
III. ADJOURNMENT was had at approximately 4:25 pm.
.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary