

MINUTES

SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING

2:00 PM

NOVEMBER 5, 2015

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; Raymond Pezzullo, Assistant City Engineer; David Desfosses, Engineering Technician; Eric Eby, Parking & Transportation Engineer; Carl Roediger, Portsmouth Fire Department

I. OLD BUSINESS

A. The application of **Amba Realty, LLC, Owner**, for property located at **806 Route 1 By-Pass**, requesting Site Plan Approval to expand the first floor of an existing building by 5,150 ± s.f. (footprint and gross floor area) for proposed retail use and add a new second floor with 4,450 ± s.f. (footprint and gross floor area for proposed office use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 161 as Lot 43 and lies within the Business (B) District. (This application was postponed at the September 29, 2015 TAC meeting.)

The Chair read the notice into the record.

Mr. Desfosses made a motion to postpone Site Plan Review to the December 1, 2015 meeting, and Mr. Britz seconded the motion.

The motion to postpone passed unanimously.

B. The application of **Pauline M. Dowd, Owner**, and **Norwich Investments, LLC, Applicant**, for property located at **288 Peverly Hill Road**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into five lots, all with frontage on a private driveway/cul-de-sac, as follows:

1. Proposed Lot 1 having an area of 222,316± sq. ft. (5.10 acres);
2. Proposed Lot 2 having an area of 348,938± sq. ft. (8.01 acres);
3. Proposed Lot 3 having an area of 15,178 ± sq. ft. (0.35 acres);
4. Proposed Lot 4 having an area of 15,046± sq. ft. (0.35 acres); and
5. Proposed Lot 5 having an area of 15,051± sq. ft. (0.35 acres)

Said property is shown on Assessors Map 255 as Lot 8 and is located in the Single Residence A (SRA) District which requires a minimum lot size of 1 acre (43,560 sq. ft.) and 150 ft. of continuous street frontage. (This application was postponed at the September 29, 2015 TAC meeting.)

Chairman Taintor noted that the applicant for the application requested to withdraw and that no action was needed.

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II. NEW BUSINESS

A. The application of **Borthwick Forest, LLC, KS Borthwick, LLC, Atlantic Star Communications, HCA Realty, Inc., and Jackson Gray Condominium Association, Owners**, for property located **off Islington Street and Borthwick Avenue**, requesting Preliminary and Final Subdivision Approval as follows:

1. To consolidate the following four lots:
 - a. Lot 25 as shown on Assessor Map 241 having an area of 22.807 ± acres,
 - b. Lot 26 as shown on Assessor Map 241 having an area of 4.927 ± acres,
 - c. Lot 113 as shown on Assessor Map 233 having an area of 13.815 ± acres,
 - d. Lot 112 as shown on Assessor Map 233 having an area of 0.732 ± acre;

and to re-subdivide the consolidated lot into two new lots and a public right-of-way as follows:

- a. Proposed Lot “25/26” having an area of 25.523 ± acres and 979.37 ± feet of continuous frontage on a proposed street,
- b. Proposed Lot “112/113” having an area of 15.404 ± acres and 981.09 ± feet of continuous frontage on a proposed street,
- c. Proposed City right-of-way having an area of 1.354 ± acres.
2. For a Lot Line Revision, to create a public right-of-way, as follows:
 - a. Lot 2-2 as shown on Assessor Map 240 decreasing in area from 4.978 ± acres to 4.584± acres with 571.58 feet of continuous frontage on Borthwick Avenue,
 - b. Lot 7-4A as shown on Assessor Map 234 decreasing in area from 9.085 ± acres to 8.639 ± acres with 1,127.14 ± feet of continuous frontage on Borthwick Avenue,
 - c. Proposed City right-of-way having an area of 0.840 ± acre.
3. For a Lot Line Revision, to create a public right-of-way, as follows:
 - a. Lot 114 as shown on Assessor Map 233 decreasing in area from .404 ± acres to 0.261 ± acre, with 116.54 feet of continuous frontage on Islington Street,
 - b. Proposed City right-of-way having an area of 0.143 ± acre.

The application also proposes to relocate and dedicate to the City as public rights-of-way two separate 60-foot rights-of-way across land owned by the Boston & Maine Railroad, which in conjunction with the above subdivision and lot line revisions will result in a new City street between Borthwick Avenue and Islington Street with a total length of 1,830 ± lf and a total right-of-way area of 2.642 ± acres. Said properties are located in the Office Research (OR) District which requires a minimum lot size of 3 acres and 300’ of continuous street frontage and Lot 114 as shown on Assessor Map 233 is in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100’ of continuous street frontage.

The Chair read the notice into the record.

Mr. Desfosses made a motion to postpone the Subdivision application to the December 1, 2015 meeting, and Mr. Britz seconded the motion.

The motion to postpone passed unanimously.

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B. The application of **HCA Realty, Inc., Owner**, for property located **off Borthwick Avenue**, and **Jackson Gray Condominium Association**, for property located at **330 Borthwick Avenue**,, requesting Site Plan Approval for the reconfiguration of an existing parking area and construction of a roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 234 as Lot 7-4-A and Assessor Map 240 as Lot 2-2 and lie within the Office Research (OR) District.

The Chair read the notice into the record.

Mr. Desfosses made a motion to postpone the Site Review application to the December 1, 2015 meeting, and Mr. Britz seconded the motion.

The motion to postpone passed unanimously.

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C. The application of **955 Sagamore Realty Trust, Owner**, for property located at **955 Sagamore Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 63,100 ± s.f. (1.45 acres) and 141.82' of continuous street frontage on Sagamore Avenue and 171.49' of continuous frontage on Sagamore Grove; and
2. Proposed lot #2 having an area of 24,000 ± s.f. (.5510 acres) and 123.13' of continuous street frontage on Sagamore Grove.

Said property is shown on Assessors Map 201 as Lot 1 and is located in the Waterfront Business (WB) district which requires a minimum lot size of 20,000 s.f. and 100' of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. Peter Weeks on behalf of the applicant and Mr. John Chagnon of Ambit Engineering were present to speak to the application. Mr. Chagnon passed out the revised plans to the Committee.

Mr. Weeks pointed out that in the notice, the Preliminary Subdivision approval from the Planning Board noted that Lot 2 was 24,000 s.f. and that Chairman Taintor had read 24,500± s.f., so he wanted to ensure that the 24,000 s.f. became part of the record. Mr. Weeks stated that there was a prior concern from the Committee about whether or not Sagamore Grove went to Sagamore Avenue and asked whether the Committee members wished to discuss it, and Chairman Taintor declined, saying it was okay. Mr. Weeks stated that the Department of Public Works (DPW) Director had indicated the desire to have the 6" water line from Sagamore Avenue going to the proposed Lot 2 on Sagamore Grove Road and moving the hydrant to allow for the new water line. He noted that there were also

some changes shown on the plan that included moving the road a few places to allow it to be in the easement area that the City had attained.

Mr. Weeks stated that his applicant requested that, at the discretion of the DPW, the existing water line going into Sagamore Grove Road be sufficient for a single-family home and that they be allowed to tap into it. If it was not sufficient, then the 6" water line would be constructed.

Chairman Taintor verified that Mr. Weeks meant that the DPW could determine that they would be okay with keeping the existing line versus adding the 6" line, and Mr. Weeks agreed. Chairman Taintor also noted that the Subdivision Regulators allowed the DPW to administratively make a change in utilizes.

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.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Britz asked whether the shed to be removed was on a foundation. Mr. Weeks replied that it was on blocks and falling down. Mr. Britz thought it might need a Conditional Use Permit (CUP) but that it depended on the blocks, and he asked Mr. Weeks to keep him apprised of the situation.

Chairman Taintor asked whether the plan still showed the DES subject approval pending, and Mr. Chagnon agreed, saying they expected approval in a few days.

Mr. Desfosses noted that on Sheet D2, Detail G, Pavement section, the course should be 9 millimeter pavement and not 12-1/2 millimeter. He also noted his previous comment that, due to the placement of the water main down the street, the residents would need access to get back and forth to Sagamore Avenue during construction and that the City would provide access across Lots 1 and 2, which wouldn't be a problem as long as the project provided the other access. Mr. Chagnon said he thought the site provided the opportunity to direct people through, and Mr. Desfosses replied that there could be two owners by the time that happened, so they needed concurrence for both.

Mr. Weeks asked Mr. Desfosses whether he would contact Eversource, and Mr. Desfosses said that he would if it was determined that Option A was viable and that he would locate it a few feet back.

Mr. Pezzullo stated that the final restoration of the roadway might be more extensive than the trench patch, especially in the areas where the removal of the existing septic system took place, so the road might have to be rebuilt, and he felt it could be an issue. He said he wasn't sure how much of the road would get destroyed, so the limits of that restoration may have to be determined to see how much was disturbed during construction. Chairman Taintor stated that the limits of restoration would be determined by the DPW based on disturbance during construction and removal of the septic systems.

Mr. Chagnon stated that they added the locations of those chambers to the drawings and mentioned the detail in Drawing D2. Mr. Pezzullo noted that it almost looked like a full restoration of the road but said he just wanted to be clear about the limits of restoration.

Mr. Desfosses made a motion to recommend Subdivision Approval subject to the following stipulations. Deputy Chief Roediger seconded the motion.

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

- (1) The owner shall rehabilitate the Sagamore Grove pavement after construction is complete, with the limits to be determined by DPW based on the amount of disturbance during removal of the septic system tanks and construction of the water main.
- (2) The Sagamore Grove roadway shall be widened, following either Option A or Option B as shown on the plans (including recording of an easement if Option B is selected), before an occupancy permit is issued for the new house.
- (3) The water line shall be provided as shown on the plans unless a suitable alternative is determined by the City Engineer.
- (4) Access for the residents of Sagamore Grove shall be maintained at all times.

It was noted that the millimeter change was just a note.

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D. The application of **John L. Ahlgren and Bessie Palmisciano, Owners**, for property located on **Langdon Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into four lots with the following:

- a. Proposed Lot 1 consisting of 5,022 s.f. and 63.35' of street frontage.
- b. Proposed Lot 2 consisting of 5,301 s.f. and 68.50' of street frontage.
- c. Proposed Lot 3 consisting of 4,965 s.f. and 43.23' of street frontage.
- d. Proposed Lot 4 consisting of 7,920 s.f. and 40.94' of street frontage.

Said lot is shown on Assessor Map 138 as Lot 48 and lies within the Mixed Residential Business (MRB) where a minimum of 7,500' of lot area and 100' of street frontage is required and also within the Office Research (OR) District where a minimum of 3 acres of lot area and 300' of street frontage is required.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. John Chagnon of Ambit Engineering representing the builders and the owners was present to speak to the application. He stated that the application was previously before the Committee 2-3 years ago and approved, and that the project had waited to proceed with the construction, so they were back. He passed out the final petition of approval from the Planning Board so that the Committee could refer to it to ascertain what might be appropriate, given the passage of time.

Mr. Chagnon stated that the project was located in an undeveloped lot adjacent to the railroad and on a narrow street. He said the proposal was to subdivide the lot into four lots, three of which would have direct access and frontage on Langdon Street. The fourth lot would be deeded to the City. Mr.

Chagnon stated that the intention was to allow the City to create a connection between the dead ends of Langdon and Brewster Streets for improved access and maintenance. He said that the lots were undersized but in keeping with the neighborhood lots. Mr. Chagnon noted that a variance was granted for the size of the lot and an easement was granted to the City for utility work on the railroad side of the corridor to allow drainage to be connected. He said they needed to update the plans to reflect that the plan had been recorded. The Existing Conditions Plan showed that it was a vacant lot, and a Site Plan of Development at the time showed two structures, with a third structure to be built at such time that the Brewster Streets improvements were in place. He also noted that a complete landscape plan would be part of it.

Chairman Taintor stated that the one thing that was left undetermined after the work session was the variance status. He said he talked to the City Attorney who told him that, since there was no building permit, variances had to be reapplied for. Chairman Taintor said it would not delay the Committee's action but it would delay the Planning Board action. Mr. Chagnon asked whether they would have to go for preliminary approval from the Planning Board and then return for final approval, and Chairman Taintor agreed.

Ms. Walker noted that she was unclear, based on Mr. Chagnon's comments, as to whether or not they anticipated carrying forward the conditions. Mr. Chagnon replied that the stipulation under Conditions Precedent #1 was fine. He said that Conditions Precedent #2 had been done, so there would be no stipulation moving forward, and that #3 and #4 were appropriate. They wanted to review the Conditions Prior to the Building Permit and noted that they had no problem with #5, putting in a grading plan to ensure that runoff did not travel to the east to the properties in the back. For #6, they understood that the DPW was committed to performing the design on the Langdon Street improvements in the winter and putting it out to bid in the spring. He said they wanted to have that condition either go away or get the City to make a commitment. Mr. Chagnon said the developer was ahead of the curve a few years ago and thought it would be nice if the City did not include that condition. Mr. Chagnon stated that #7 was fine because the developer was willing to wait until the spring for construction, and that #8 would stay as a condition.

Chairman Taintor verified that Mr. Chagnon wanted to delete Conditions Precedent #2 because it was completed and wanted to discuss #6, and Mr. Chagnon agreed.

Mr. Cracknell brought up differences between the Site and Subdivision Plans versus the Landscape Plan and said he hoped that the conceptual Landscape Plan was binding because the sidewalks going up Langdon Street crossed the driveway, but they did not in the Subdivision Plan. He asked that the conflicts between the two drawings be clarified. He asked whether there were changes on the Site Plan itself, and Mr. Chagnon said there were not.

Mr. Cracknell asked whether the project received a variance for Lot 3, where the proposed footprint was shown, outside of the building envelope. He also noted that there was a 6-ft picket fence 5-6 feet off the rear lot line as an existing condition with an inference that it would remain, yet the conceptual landscape plan showed an existing 8-ft wooden screen panel fence remaining that was on the neighbor's property, which meant that there was a 5-ft or 6-ft gap, so he was confused about the rear lot line and what would actually be there when the project got built.

Mr. Chagnon replied that the layout of houses was specific and was a part of the variance request and relief the first time. For Lot 1, they requested a 5-ft setback, and some of it was justified by the walkway not being on the property line. For Lot 3, they asked and received a variance to go 5 feet from the property line, and the justification was that they were conveying that Lot 4 to the City. Mr. Chagnon stated that the fence was not subject to discussion. He concluded that there was a condition of the variance approval that any fence along Dennett Street would not exceed 42" in height and would be open. He said it didn't sound like the fence Mr. Cracknell mentioned, so he would have to look into it. Mr. Cracknell told him it was on Sheet C3 of the landscape plan and further discussed the issue. Mr. Chagnon stated that they could fix the landscape plan. Mr. Cracknell asked what they would do with the 5-6 feet of land behind the picket fence and whether it should be shown as a 6-ft picket fence instead of the 8-ft one. Mr. Chagnon said he felt that the developer would put the new fence on the property line but suspected that there had been give-and-take with the neighbors. He said he would wait for public input. Mr. Cracknell said he thought an 8-ft fence was excessive. He asked about the aprons, and Mr. Chagnon said they were just a style issue with the architect of carrying the landscape out between the apron and the driveway. Chairman Taintor noted that it was being done in other areas, but that particular area was discrete. Mr. Desfosses noted that it was a City sidewalk and would be asphalt aprons per the City's standard.

Mr. Eby noted that the brick patio was on Sheet C2 but not on the landscape plan. Mr. Chagnon said that he would note it. Mr. Pezzullo asked Mr. Chagnon whether he would show utilities on the plans to service the lots, and Mr. Chagnon replied that he would not because the street would be designed as part of the City street upgrades and the design was in process.

Chairman Taintor commented on Stipulation #6, saying that they should either wait for the City to do the project or build it to the design that the City had come up with. Mr. Pezzullo noted that they still needed a comment regarding that issue, and Chairman Taintor agreed, saying that Mr. Chagnon was looking for a relaxation of that. Mr. Desfosses noted that the project had not been bid on, and Mr. Pezzullo emphasized that they still had to cover that condition. He asked whether the DPW felt that the condition should remain as it was, and Mr. Desfosses agreed. Chairman Taintor noted that it would be a re-approval of something that was approved two years before and had lapsed.

The Chair asked if there was anyone else wishing to speak to, for or against the application.

Ms. Shelly Tamas of 98 Brewster Street stated that her concern was that some of those conditions were put in place due to flooding issues, and she wanted to make sure that construction did not happen prior to those improvements.

Mr. Desfosses noted that the construction would start in four weeks.

Seeing no one else rise, Chairman Taintor closed the public comment.

DISCUSSION AND DECISION OF THE COMMITTEE

Mr. Desfosses made a motion to recommend Site Plan Approval, and Mr. Cracknell seconded the motion.

Chairman Taintor stated that the Committee had Mr. Cracknell’s comments and that it would be good to make sure that the Landscape Plan and/or Site Plan were revised to be consistent with one another and include the fact that the sidewalk design followed the City standard, that the fence location and size were resolved, that the removal of a portion of the brick patio, if proposed, would be noted, and that the removal of the existing fence or other action should be clarified. He also thought that the issues brought up in Drawings C1 and C2 should be clarified and that it should be noted that the recommendation was subject to re-approval of the variances from the previous agreement.

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

- (1) Inconsistencies among the plan sheets – in particular, the Subdivision Site Plan (Sheet C2) and the Landscape Plan (Sheet LA-1.0) – shall be resolved, including (a) the location and height of the existing fence at the rear property line, (b) whether the existing fence is proposed to remain, and (c) whether the portion of the brick patio at the rear of Lot 2 is proposed to remain or be removed.
- (2) The sidewalk design shall follow the City standard which includes asphalt aprons.
- (3) The approval of the site plan is dependent upon re-approval of the variances by the Zoning Board of Adjustment.

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E. The application of **Wayne Semprini, Owner**, for property located at **1 Fairview Drive**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- a. Proposed lot #1 having an area of 15,388 ± s.f. (0.3533 acres) and 79.97’ of continuous street frontage on Fairview Drive; and
- b. Proposed lot #2 having an area of 14,052 ± s.f. (0.3226) and 134’ of continuous street frontage on Woodbury Avenue and 57’ of continuous street frontage on Fairview Drive.

Said property is shown on Assessor Map 219 as Lot 26 and is located in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100’ of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mr. John Chagnon of Ambit Engineering on behalf of the applicant was present to speak to the application. He stated that it was a minor subdivision of the existing lot on 1 Fairview Drive and that one lot would be divided into two conforming lots with frontage on Woodbury Avenue and Fairview Drive. He noted that it was almost large enough to support five lot sizes. The lot size requirements were 15,000 s.f. for a total lot size of 29,440 s.f., and he said they would ask for a slight variance for two lot sizes, which would be heard later that month. Mr. Chagnon stated that there was a large buildable envelope on Lot 1 that could be built upon. He noted the prior TAC workshop discussion about future projects in the neighborhood, including the possibility of running some sewer drains across the Lot 1 southerly portion. He stated that the City requested that the applicant consider the grant of a 20-ft utility easement across the southerly portion of Lot 2 parallel to the southerly property line. He said it was acceptable to the applicant, provided that the City incur all legal costs and allow the applicant to tie into utilities, and that they also work on replacing the existing screening along

Woodbury Avenue after construction so that it didn't create a wide open corridor view. He added that he thought the City would look into another sewer line.

Mr. Pezzullo said he believed there were other houses or lots tied into the other sewer line and that they had discussed getting an easement for it. He thought there was more than one connection to it and said it was close to the house and property line, so he wasn't sure what the recommendation would be. Mr. Desfosses said that the easement did not have to be consistent and advised Mr. Pezzullo to talk to the City Attorney about it. He thought it would probably be a blanket easement saying that the City had the right to use and maintain it. He said that the easement across Lot 2 should be more specific because construction had to occur that would include new sewer and drainage lines.

Mr. Chagnon stated that 20 feet was acceptable to the applicant. Chairman Taintor asked whether the proposed driveway would be on Fairview Drive even though the legal frontage was on Woodbury Avenue, and Mr. Chagnon replied that it would. Mr. Desfosses asked whether there was an issue with the house numbering on that street, and Chairman Taintor said it shouldn't be a problem.

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

Mr. Fred Lewis of 1238 Maplewood Avenue stated that his backyard abutted the property. He said he was previously unaware of the concern about sewer line and that his primary concern was the devaluation of his property. He was also concerned about not knowing whether or not the structures would fit in with the 1940 atmosphere of the neighborhood and also not knowing the amount of paving that would take place. He asked whether the trees that bordered the property line in his back yard would be removed and whether or not he would have an opportunity to address the concerns that did not relate to the TAC meeting. He asked whether an entry to Woodbury Avenue would change the zoning. Chairman Taintor replied that it would not the zoning. As far as the subdivision of the lot, he said that the Committee had no control over its review. Ms. Walker noted that the concerns were valid and thought the Committee could address some of the non-building concerns.

Mr. Ryan Akers of 999 Woodbury Avenue stated that he was a direct abutter of the proposed subdivision and that he would speak against the application at the November 17 Board of Adjustment meeting. It concerned him as a resident that the committee would review and possibly approve the subdivision prior to the BOA review and approval of the variance. He also noted that there was no public form to allow the public to express concerns. He felt that the intent for the subdivision was based on financial gain, and he was concerned that Bluebird Holdings would drag the project out over several years at the expense of all the neighbors.

Chairman Taintor emphasized that the Committee only made recommendations based on the technical aspects of applications and that if a variance was granted, it would go to the Planning Board.

Ms. Gena Patch of 16 Fairview Drive stated that she was concerned about the new driveway, the road and the poor visibility and said she had come close to hitting other cars in that spot. She thought it might be better if the driveway was located on Woodbury Avenue.

Ms. Susan Lewis of 1238 Maplewood Avenue stated that they hooked into the applicant's sewer line. Mr. Desfosses told her that the easement would give her the right to maintain that.

Mr. John Heath of 955 Woodbury Avenue stated that he was a direct abutter and agreed that the driveway situation was a difficult one because the corner was dangerous and putting in two driveways seemed to be an issue with the neighbors. He also noted that the lots were an odd shape and didn't know how houses could be situated on them. Chairman Taintor asked him whether his driveway was on Fairview Drive, and Mr. Heath said it was not.

No one else rose to speak, so Chairman Taintor closed the public hearing.

DISCUSSION AND DECISION OF THE COMMITTEE

Ms. Walker brought up the issue with the driveway access and said that she preferred to see the driveway off of Fairview Drive due to the access issues. She thought there were valid reasons to consider the site line concerns and wondered whether the Committee could evaluate the appropriate location for the driveway through a stipulation. Mr. Eby said that the problem would be the inside of the curve and the vegetation and thought it could be trimmed back. He said the no parking issue could be brought to the Parking and Traffic Safety Committee. He also noted that the City Council could approve that there be no parking on the street. Ms. Walker said she was concerned that, by approving the application, the Committee would create that condition that could prove to be a challenge. Chairman Taintor said the Committee could recommend that it be referred to the Parking and Traffic Safety Committee before the Planning Board meeting. Mr. Eby agreed that they could make the recommendation to bring it forward to the Parking and Traffic Safety Committee at another time if it was still a concern. Ms. Walker felt it wasn't appropriate to approve a condition that will aggravate the condition and then sending it to the Traffic Safety Committee at a future date. Mr. Eby noted that they would be looking at the same plans that do not show a driveway and nothing to review at this time. Ms. Walker said they would have to get a driveway permit and that would be an opportunity to have Parking Traffic and Safety review it.

Chairman Taintor said that the plan showed the gravel driveway behind 955 Woodbury Avenue was about 35 feet from the corner of the lot and the existing driveway at One Fairview Drive was less than 30 feet from the corner, and he asked whether the driveway would be placed in the middle of the narrow frontage. Mr. Eby felt that would be a good starting point. Mr. Pezzullo noted that the tree line came out beyond the property line and could be part of the site line issues that could be addressed when the driveway was put in. Mr. Desfosses said that part of this road was currently under design and that the DPW had hired someone to design Maplewood Avenue and look at all of the issues on Fairview Drive. He said they could revisit the no parking and it certainly may be appropriate to not have any parking in this corner. As far as voting on the application for the two lots, he said he would be willing to recommend it for approval. Chairman Taintor asked whether the sewer drainage project was imminent, and Mr. Desfosses said it was.

Mr. Desfosses made a motion to recommend Site Plan Approval subject to the following stipulations. Ms. Walker seconded the motion.

- (1) The driveways for both Lots 1 and 2 shall be off Fairview Drive.
- (2) The easements for the sewer lines and proposed drain lines shall be granted and approved by the City Attorney.
- (3) The utility connections for Lot 2 (and Lot 1, if reconstructed) shall be approved by the City Engineer.

(4) Lot 2 shall have a Fairview Drive address.

Ms. Walker stated that perhaps the Committee could send a comment to the Planning Board that they discussed the driveway access and that it could be taken care of through the driveway permit process, and also, if necessary, for the Parking and Traffic Safety Committee for additional measures, if needed. Ms. Walker felt this could be more of a comment than a stipulation.

Chairman Taintor said there would be another stipulation that approval would be subject to the granting of the variance.

Mr. Britz stated that he would not support the application because he felt that it shouldn't be voted on before the BOA acted on it.

Deputy Fire Chief Roediger also questioned this matter going forward without the proper variances in place. Ms. Walker agreed that he had a point and there may be some issues that come up at the ZBA meeting that they will want to consider at TAC. Mr. Britz does not want to lead the ZBA into any decision by providing a positive recommendation.

Mr. Taintor said it was possible to make a motion to postpone to the next meeting if that is what members want to do. However, they are in the middle of a vote.

Mr. Taintor called for a vote on the motion to grant a non-binding recommendation, subject to the ZBA granting the variance. If they do not get their variance then there is no project and it stays as a single lot.

The motion to recommend approval, with the following stipulations passed with a 6 – 2 vote (Mr. Britz and Deputy Fire Chief Roediger voted against):

- (1) The driveways for both Lots 1 and 2 shall be off Fairview Drive.
- (2) The easements for the sewer lines and proposed drain lines shall be granted and approved by the City Attorney.
- (3) The utility connections for Lot 2 (and Lot 1, if reconstructed) shall be approved by the City Engineer.
- (4) Lot 2 shall have a Fairview Drive address.
- (5) Final Subdivision Approval shall not be granted until the Zoning Board of Adjustment has granted the required variance for lot area.

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III. ADJOURNMENT was had at 3:40 p.m. and was seconded and passed unanimously.

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Respectfully submitted,

Joann Breault
Acting Secretary for the Technical Advisory Committee