

**MINUTES**

**SITE REVIEW TECHNICAL ADVISORY COMMITTEE MEETING**

**2:00 PM**

**MAY 31, 2016**

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

**MEMBERS PRESENT:** Juliet Walker, Chairperson, Transportation Planner; Peter Britz, Environmental Planner; Jessa Berna, Planner; David Desfosses, Engineering Technician; Eric Eby, Parking & Transportation Engineer; Ray Pezzullo, Assistant City Engineer; Mr. Roediger, Portsmouth Fire Department; Robert Marsilia, Chief Building Inspector

**MEMBERS ABSENT:** Frank Warchol, Acting Deputy Police Chief

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**I. OLD BUSINESS**

A. The application of **Richard P. Fusegni, Owner**, for property located at **201 Kearsarge Way**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots as follows:

1. Proposed lot #1 having an area of 18,654 ± s.f. (0.4282 acres) and 152' of continuous street frontage on Birch Street;
2. Proposed lot #2 having an area of 18,882 ± s.f. (0.4335 acres) and 106' of continuous street frontage on Kearsarge Way; and
3. Proposed lot #3 having an area of 17,365 ± s.f. (0.3987 acres) and 100' of continuous street frontage on Kearsarge Way.

Said property was shown on Assessors Map 218 as Lot 5 and was located in the Single Residence B (SRB) District where the minimum lot area was 15,000 s.f. and minimum continuous street frontage was 100'. (This application was postponed at the May 3, 2016 TAC meeting.)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION**

John Chagnon of Ambit Engineering who spoke on behalf of the applicant showed the proposed subdivisions on the site plan slide. He said there was an existing structure, which would need to be removed before the subdivision occurred, and he hoped that would be a condition going forward. They attended the April 26<sup>th</sup> TAC workshop. Based on that, they outlined water and sewer lines and services, and some utilities were now shown. The driveway had been moved so it was not in the sewer manhole area. In addition to the waiver request between Lots 1 and 2,

they submitted a waiver request for Lot 3 regarding the lot width, and that waiver request was provided. They provided a drainage analysis and planned to mitigate any runoff from the premises by placing a berm. They would not be increasing the rate of runoff, and the details of the berm were in the packets, he said. The plan included a proposed access easement, and Mr. Fusegni was agreeing to that easement. There would also be easements for existing power lines, and an easement would be needed for conservation in the back that Mr. Fusegni was proposing as part of this application. That was a summary of the project. He said they were looking for approval to go to the Planning Board.

Chairperson Walker asked about the sides of Birch Street, asked about the extent of the paved portion and if it had been confirmed that Birchwood was a city street. Mr. Desfosses answered yes it was. She asked why the edge of the pavement was not aligned to the right-of-way, and if they would want to correct it. Mr. Desfosses said it was constructed that way, and they would not want to correct it.

Mr. Britz asked about an earthen berm and a weir, if it would be maintained in the future and who would do that. Mr. Chagnon said the weir would be to address overflows, and Lots 2 & 3 would be required to maintain that. He added that it would be an allowed use for the conservation easement. Chairperson Walker asked who the conservation easement would go to, and Mr. Chagnon said it would be a restriction against the lots and there would be no third parties. Mr. Pezzullo stated there should be a more formal description of that infrastructure for maintenance. Mr. Chagnon said that can be a condition of approval to move forward. He said they can move the weir to be completely on Lot 2.

Mr. Marsilia asked what the rear lot line for lot 5-3 was. Mr. Chagnon showed that on the slide, but said the conservation easement line would restrict any building there beyond that. The TAC discussed the rear and side lot lines. Mr. Chagnon said he would put a note that it would have a Mangrove Street address. Mr. Roediger said Lot 1 would have a Birch address; Lot 2 would have a Kearsarge Way address, and Lot 3 would be Mangrove, and Mr. Chagnon said yes.

Ms. Berna referenced Sheet C1 and asked about overhead service. Mr. Chagnon said there was an electric line that crossed over Lots 2 and 3, and there was no utility easement at this time. Ms. Berna asked that they clarify there was existing overhead service in the plan.

Chairperson Walker said they would need a waiver for the underground utilities, and Ms. Berna thought it was existing. Mr. Chagnon said there was an existing utility main, but Chairperson Walker said they still might need to apply for another waiver due to the changes.

Mr. Desfosses asked why for Lot 1 they were not tapping onto the 2 inch copper wire main on Birch Street. Mr. Chagnon said they could not get a confirmation on the size. Mr. Desfosses said it was mostly likely 2 inch, and Mr. Chagnon said they would tap that line.

Mr. Desfosses asked if they were going to reuse a line that was copper, and Mr. Chagnon was not sure. Mr. Desfosses asked how they would provide electricity and cable to the houses, and Mr. Chagnon said there was a pole from the frontage and they would tap that. The services

would have to be underground said Mr. Desfosses and Chairperson Walker. Mr. Desfosses said that needed to be coordinated with Public Works to make sure of placement.

Mr. Pezzullo said at the end of the sewer shown on Lot 3, there was a clean out, and he asked about a manhole. Mr. Chagnon said they proposed to terminate with a concrete structure over the clean out. There was a lot of ledge in the area. They would need to raise the structure up because of the ledge, and that was why there was no manhole. The structure would be available for clean out and service. Mr. Pezzullo asked what size the existing sewer was, and Mr. Chagnon thought it was an 8 inch, but he would check on that. Mr. Desfosses said they would deal with the issue of clean out versus manhole as part of a sewer permit that they would have to get.

Regarding the water service going to Mangrove, Mr. Eby asked Mr. Desfosses if they wanted to put that in a different spot. Mr. Desfosses said that would get dealt with as part of the sewer permit.

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

**DISCUSSION AND DECISION OF THE BOARD**

Mr. Desfosses made a motion to recommend approval to the Planning Board with stipulations. The motion was seconded by Mr. Britz.

**STIPULATIONS:**

1. The final water and sewer connection locations, and the termination of the existing sewer main, shall be approved by DPW.
2. The builder will work with the DPW to determine the appropriate location for underground utilities to ensure a minimum of a 5' wide sidewalk.
3. A driveway permit is required and shall be reviewed and approved by DPW.
4. As there will be multiple impacts to the City sidewalks, the applicant needs to be aware that the sidewalk is heavily used, and any required repairs should be resolved within one day per occurrence.
5. That the deeds for the new lots shall include the limits of the Conservation and Drainage Easements, as well as the requirements for maintenance, to be reviewed and approved by DPW, the Legal Department and the Planning Director.

The relocation of the weir would be changed on the plan.

The motion passed unanimously.

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B. The application of **Alden Watson Properties, LLC, Owner**, for property located at **56 Lois Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 25,509 ± s.f. (0.59 acres) and 100.8’ of continuous street frontage on Lois Street; and
2. Proposed lot #2 having an area of 141,338 ± s.f. (3.24 acres) and 20’ of continuous street frontage on Lois Street.

Said property was shown on Assessors Map 232 as Lot 8 and was located in the Single Residence B (SRB) District where the minimum lot area was 15,000 s.f. and minimum continuous street frontage was 100’. (A variance was granted on June 17, 2014 to allow continuous street frontage of 20’ where 100’ was required). (This application was postponed at the May 3, 2016 TAC meeting.)

The Chair read the notice into the record.

Mr. Desfosses made a motion to postpone the application, and it was seconded by Mr. Pezzullo. The motion passed unanimously.

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C. The application of **Alden Properties, LLC, Owner**, for property located at **33 Columbia Street and abutting vacant lot**, requesting Site Plan Approval to construct a two unit 35’ high residential building with a footprint of 1,921 ± s.f. and gross floor area of 4,620 ± s.f. and a detached 3 bay 25’ high garage with a footprint of 952 ± s.f. and gross floor area of 1,904 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property was shown on Assessor Map 145 as Lots 41 and 42 and lies within the General Residence C (GRC) District. (This application was postponed at the May 3, 2016 TAC meeting.)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION**

Colin Dinsmore with Ambit Engineering said that Shawn Peters was also present. Mr. Dinsmore summarized that they have addressed all the items requested. They revised the utility plan to address the waiver being needed for new electric service. They raised the storm sewer pipe. They have eliminated sewer service to the garage. Regarding the water pressure for the sprinkler system, they have completed a flow test and have determined there was adequate pressure. He said they also submitted information about the water pressure. They eliminated the proposed water service to the garage building. Regarding potential existing sewer service to the property, they have been able to inspect the properties to determine that the line did not traverse the property. He summarized the changes on the plans.

On sheet C-2 they changed Note 6 regarding the sprinkler system. On Sheet C-3 changes included a note about sprinkler service. They added notes about conduits. They added a proposed gas service line to the new building, they raised the storm sewer drain and removed the proposed the water/sewer to the garage.

Mr. Roediger asked about the flow data, and Mr. Dinsmore said he had copies of the flow test.

Mr. Pezzullo said with the test results at the corner of State and Columbia there were concerns that there could be restrictions at that line for tapping for fire suppression. There might be a restriction due to flow being the issue. He said the solution would be to replace the pipe with an 8 inch pipe, or modify the site design. Mr. Desfosses said if they could not get enough flow, they might need to wind the driveway temporarily until the pipes were replaced. The problem was not pressure, it was flow. That 4 inch pipe inside would incur build-up over time. The flow test was taken down the street 200 feet. Mr. Desfosses said they should be aware that while they were hopeful it all would work, it was not on the city timetable to replace it according to this project timetable. Mr. Desfosses added they would not know what they had until they tried to build it.

Mr. Desfosses stated they should coordinate with the DPW about the underground utilities.

Mr. Britz stated they should show where snow storage was. He said they should have some trees planted in front of the snow storage area, and stated it would be for screening in the back.

Regarding sprinklers, Mr. Roediger commented that a pump and tank option was compliant, and there would need to be one for each dwelling. The issue was once it was installed, the Fire Department never received any routine testing or maintenance data to show that it was still viable in the future, and what condition it would be in the future. He said they would require an annual inspection to ensure it was still to code, and copies of those reports would need to be provided to the Fire Department.

Ms. Berna asked that they add some green space in the back area, as it was shown as a big sea of pavement. She had the same request for in front between spaces 8 and 10. It would be nice to have some green there. With the spaces 1,2,3,4, she asked why that was brick instead of pavement. Mr. Dinsmore said it was for aesthetics. Ms. Berna expressed concern about the narrow driveway coming in next to the privacy fence and said she would prefer a gap there. She asked if the fence could be lowered from 6 feet to 5 feet. She added they consider there was an extra parking space that could be moved. Chairperson Walker said it was a two-way access way, and there was not good visibility. Mr. Dinsmore said they had the extra space because for a few reasons. There was a small retention pond, and four spaces were deeded currently.

Sean Peters said the spaces on the properties were represented in the same general area. They would amend the condo association documents. Chairperson Walker said parking did not have to be in those specific spaces, just in the general vicinity. She said there was a lot of pavement that was being added, and she reiterated Ms. Berna's comments to break up the space with more green spaces. She commented they should provide a wider access way.

Mr. Peters said he was open to adding some green space. They would look at which trees might have to be taken down to see if they can widen the driveway. Chairperson Walker talked about that being impacted by the construction and those trees might not survive the construction anyway.

Mr. Desfosses said there was a gas meter vent for the furnace for the building next door. It was not appropriate to have a fence that close. Mr. Dinsmore asked if they pulled the fence back to start after the adjacent building, if that would help. The fence would be on the property line. Chairperson Walker said that was something to consider.

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

**DISCUSSION AND DECISION OF THE BOARD**

Mr. Desfosses made a motion to recommend the application to the Planning Board with stipulations:

- 1) The location of fencing near #25 and #33 Columbia Street shall be reviewed and pulled away from the property line as much as feasible. The applicant should also consider lowering the height of the fence to no more than 5’.
- 2) The sidewalk width behind the utility pole shall provide for a minimum of 5’ of clearance.
- 3) For the record, the amount of flow through the water main is not guaranteed by DPW. Therefore, options for the sprinkler system shall be identified and presented to the Planning Board if the flow is determined to be insufficient.
- 4) If the sprinkler system is a pump and tank system there shall be one system for each dwelling unit and annual inspection and maintenance reports shall be provided to the Fire Department.

The motion was seconded by Ms. Berna. The motion passed unanimously.

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D. The application of **Terry Bennett, Owner, and 211 Union Street, LLC, Applicant**, for property located at **211 Union Street**, requesting Site Plan Approval to demolish the existing building and construct an eight unit 32’ high residential building with a footprint of 8,575 ± s.f. and gross floor area of 25,245 ± s.f., including 16 underground parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property was shown on Assessor Map 135 as Lot 70 and lies within the General Residence C (GRC) District. (This application was postponed at the May 3, 2016 TAC meeting.)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION**

Present was Attorney Timothy Phoenix from Hoefle, Phoenix, Gormley & Roberts, Attorney for 211 Union Street, LLC, Jay Pruit, the applicant, Alex Ross, the project engineer and Brenan McNamara, the project architect.

Last month the issue was that a combined public sewer storm water system ran under the building. The city investigated and they met with Mr. Pezzullo, Peter Rice, Chairman Walker and Suzanne Woodland from the Legal Department, and a temporary line would be permitted, via a temporary easement. It would run from Union Street to the back of their property. When the city was ready to work on the area in the future, they would abandon the temporary easement. They also had agreed to make a contribution for use for public sewer issues in the future to be paid upon a certificate of occupancy. He said they were asking to move on to the Planning Board to allow for work on the details of the temporary easement in parallel.

Alex Ross, from Ross Engineering, did the surveying and engineering. He said that at the last TAC meeting there were concerns, and he summarized the revisions based on those concerns:

1. The egress path from the rear to the front of building may not have had good lighting. They have added additional lights, which were shown on Drawing 2 and on the lighting Plan.
2. The street parking, might have had an impact on driveways, and on Sheet 4 added parking stripping was shown to make sure driveways were free and clear.
3. At the request of DPW, they have changed Page 6. They have performed dye testing to determine where the lines travelled to. They thought there would be a lot of tie-ins, but by tracing, they found that was not the case. The lines veered off into the street or elsewhere, but they would confirm that during construction.
4. They met with DPW and found a good path forward, and Mr. Ross passed out plans to show that path forward. They have highlighted in blue the new rerouted line. He said that PK Brown would be doing the work, who was very familiar with DPW personnel.
5. In the package were documents they received regarding approval from the HDC to demolish the building. They performed water tests to prove the water pressure was adequate, and they received a letter from Unitel stating that the main was adequate.

Mr. Roediger asked about gas meters on the left north side of the building. He said it ended up turning out badly when there was an exit door and having to get past a bank of gas meters to get to the street. This ended up taking up an egress path. He asked if there was a stairway from the upper floors. Mr. Ross said he thought it was straight out of the garage area.

Brendan McNamara said it came out of the garage area. He said if you looked at Page 5 of Mr. Ross's plan, there was a space off the building which was a generous space before the start of the egress path, it was maybe 3-4 feet.

Ms. Berna asked if on the driveways they were more of a cone versus traditional skirting, as they were not rounded. Chairperson Walker agreed there were discrepancies on the plan set. Mr. Ross said on the earlier plans they were coming out with rounded driveways, but this other approach seemed more suited. Mr. Desfosses did not agree with that. He said he preferred three feet standard rounded. He added it should be a 3 foot radius at the curb, not the curb stones, but at the edge of the paved area.

Ms. Berna asked if they requested a waiver for having more than one driveway, and Mr. Ross said he did not think so.

Mr. Marsilia asked how they left off on the issue of the LULA, and Mr. McNamara said it was only a three story building, so they felt it was adequate, but if it were later determined to not be adequate, there was no restriction on room for further accommodations.

Mr. Eby asked about a no parking area being stripped, and he suggested they do that as diagonal lines, which was more standard. Mr. Desfosses said they could park motor cycles or scooters in that space, and he suggested they instead put a "Do Not Block Driveway" sign. Chairperson Walker asked if Mr. Eby would be okay with not striping the area, and Mr. Eby said yes as long as they did not block the driveway. Mr. Desfosses clarified there would be no striping. Chairperson Walker said they may revisit in the future if needed when Union Street was ready to get redone.

Mr. Pezzullo summarized the previously documented conditions of approval and said they can consolidate some of the items:

- 1) Regarding the relocation of the sewer pipe, Mr. Pezzullo said the design still needed minor modifications, and the city would work with the engineer on that.
- 2) All laterals being connected to the temporary sewer has been addressed.
- 3) Easement over the new sewer alignment was addressed, Mr. Pezzullo said. They also should have a 20 foot wide easement, but there were some areas where it was not possible.
- 4) The bypass pumping plan, and the next bullet item, regarding protecting the existing sewer can be combined.
- 5) Combined with above bullet.
- 6) Mr. Pezzullo reiterated they wanted sewer design, details and specifications submitted to DPW for review and approval. He said they did not have the manholes and details.
- 7) He said the sequence of construction condition went along with protecting the existing sewer.
- 8) The contribution to the City for the decommissioning of the temporary sewer has been addressed.

Mr. Pezzullo asked if the applicant had any comments on those conditions, and they said no.

Mr. McNamara said they would submit a construction sequence document, but they would mark out the existing line, protect that and demolish to the slab level and then cut and install the new pipe before commencing construction and complete demolition. Mr. Pezzullo said he knew they discussed that, but they wanted it formalized. Mr. Desfosses said it needed to be done before construction would start.

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

## **DISCUSSION AND DECISION OF THE BOARD**

Mr. Desfosses made a motion to recommend that the project move to the Planning Board for approval and Mr. Roediger seconded the motion.

Stipulations:

- 1) The applicant shall meet with Ray Pezzullo and DPW to finalize all sewer issues prior to the Planning Board meeting:
  - a) The developer is to relocate and install the sewer pipe, more or less as shown on the Utility Plan, dated 4/28/2016, for use until a City project is designed and constructed. The design as proposed still needs some minor modifications. City DPW staff will work with Engineer to make the adjustments.
  - b) All laterals that are currently connected to the existing sewer shall be connected to the temporary sewer.
  - c) An easement over the new sewer alignment along the side and rear lot lines for the temporary sewer lines shall be provided to the City. Where possible, a minimum of 20 feet wide shall be provided.
  - d) A bypass pumping plan shall be in place during construction in case of sewer collapse until the building demolition and sewer relocation is complete.
  - e) Efforts to protect the existing sewer including saw cutting the floor slab to avoid crushing the sewers below shall be implemented until new sewer is in place and functioning.
  - f) Construction of sewer shall be in accordance with City of Portsmouth requirements. Sewer design, details, and specifications shall be submitted to DPW for review and approval.
  - g) The methods and sequence of construction for all work for the installation of the new temporary sewer pipes and appurtenances shall be submitted to DPW for review.
  - h) 20K shall be provided to the City for the eventual decommissioning of the temporary sewer and site restoration after the new sewer is constructed. There shall be no certificate of occupancy issued for any unit until the 20K is paid to the City.
- 2) Driveway permits shall be required.
- 3) A waiver to allow two driveways on the property shall be required from the Planning Board.
- 4) All work being done in the City right-of-way shall be reviewed and approved by the City and inspected by the City as it was being done.
- 5) All utility lines shall be underground.
- 6) The applicant shall meet with DPW to design the sidewalk so that a minimum of 5' of clearance is provided, with the final design approved by DPW.
- 7) All utility services shall extend from the front wall so when the plumbing is rerouted it will be available for connection (with the exception of the drainage which shall be routed from the side wall and then to the front).
- 8) The applicant shall review the necessity of the catch basin and discuss same with DPW.
- 9) The driveway width shall be the same width as the garage door, and no wider, and there shall be a 3' radii. All details regarding the right-of-way, including driveway, sidewalk, sign, curbing type and curbing location, shall be reviewed and approved by DPW.
- 10) The striping shall be removed for the on-street parking areas.

11) A Construction Management & Mitigation Plan (CMMP) shall be prepared by the Applicant for review and approval by City Staff.

The vote passed unanimously.

II. NEW BUSINESS

A. The application of **Strawbery Banke, Inc., Owner**, for property located on **Washington Street (aka 14 Hancock Street)**, requesting Amended Site Plan Approval to construct a 49' x 16', 784 s.f. porch over an existing patio attached to the "Tyco Visitor Center" building, a 49' x 16' brick patio, a 33'4" x 10' wood deck and a new brick walkway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. This new structure was to replace a previously approved temporary structure that was removed after the skating season which was used for ticket sales, skate sharpening and a changing area. Said property was 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 notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering, representing Strawbery Banke said that Rodney Rowland the Operations Manager, and Tracy Kozak from JSA Architects were also present. He said they were proposing an amendment to an approved site plan. He said the change was operational. The original approval had temporary structures, and the museum would like to move those functions into the visitor center. There would be a building addition over the patio. The new patio would be porous. There would be grade changes which were shown on the drawings. They did a TAC workshop on May 24<sup>th</sup>, and said they needed to remove a retaining wall and brick walks from the existing sewer and drainage easement that the city has, so they removed those.

They delineated the plantings and landscaping, they put details in for the permeable pavers, and he said the grading plan showed the grading.

Mr. Marsilia asked the architect Tracy Kozak if the size was 16 x 49 for the existing patio, and she answered yes, it was the same size footprint. He asked if it would be enclosed just for the winter season. Ms. Kozak said yes, the glass would go in for the winter and would come out for the summer, and it would be a year round structure. Mr. Marsilia asked if they would have to do a review of the facilities based on the increase of occupied space. Ms. Kozak said it would not be part of the café seating. Mr. Marsilia asked if the original approval was based on the existing facilities.

Rodney Roland, the Director of Facilities said there would be no increase in the occupancy. Mr. Marsilia said they would have to look at the fixture count based on the plumbing table as part of any approval.

Mr. Roediger asked if there would be an extended sprinkler system for that new space, as it would be heated. Ms. Kozak said the sprinkler coverage would extend to the porch.

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

**DISCUSSION AND DECISION OF THE BOARD**

Mr. Roediger made a motion to recommend the application to the Planning Board, and Mr. Desfosses seconded the motion.

The vote passed unanimously.

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B. The application of **St. John’s Church, Owner**, for property located at **105 Chapel Street**, requesting Site Plan Approval to resurface and restripe the parking lot, repair and/or replace retaining walls, gates and stairs, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property was shown on Assessor Map 106 as Lots 60, 61, 62 & 63 and lies within the Civic District, the Historic District and the Downtown Overlay District (DOD).

The Chair read the notice into the record.

Chairperson Walker said when they met with the applicant, they indicated the applicant would need to submit a Request for Administrative Approval for site plan review to the Planning Director, and then the Planning Director could decide if it should be referred again to the TAC.

Mr. Desfosses made a motion to postpone the application indefinitely, and Ms. Berna seconded the motion.

Mr. Pezzullo said there was a lack of engineering on the project. Chairperson Walker said they would request enough plan sets so they could forward the plan sets to other departments. One set would go to DPW and one to inspections.

The motion passed unanimously.

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**III. ADJOURNMENT**

The motion to adjourn was had at 3:30 p.m. by Mr. Desfosses, seconded by Mr. Pezzullo and passed unanimously.

Respectfully submitted,

Marian Steinke  
Acting Secretary for the Technical Advisory Committee