

**SITE PLAN REVIEW TECHNICAL ADVISORY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

2:00 PM

October 4, 2022

MINUTES

MEMBERS PRESENT:

Peter Stith, Chairperson, Principal Planner; David Desfosses, Construction Technician Supervisor; Patrick Howe, Deputy Fire Chief; Shanti Wolph, Chief Building Inspector; Peter Britz, Environmental Planner; Nicholas Cracknell, Principal Planner; Zachary Cronin, Assistant City Engineer, Eric Eby, Parking and Transportation Engineer

MEMBERS ABSENT:

None

**ADDITIONAL STAFF
PRESENT:**

Stefanie Casella, Planner 1; Beverly M. Zendt, Planning Director; Kate Homet, Associate Environmental Planner

* Please note that the recording timestamps appear in brackets []

I. APPROVAL OF MINUTES

- A.** Approval of minutes from the September 6, 2022 Site Plan Review Technical Advisory Committee Meeting.

The September 6, 2022, minutes were approved as presented.

[2:20] Motion: Mr. Britz, Seconded: Mr. Desfosses.

II. OLD BUSINESS

- A. REQUEST TO POSTPONE** The application of **Banfield Realty, LLC, (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. (LU-20-259)

REQUEST TO POSTPONE

[2:25] The committee postponed consideration to the November Site Plan Review Technical Advisory Committee meeting.

[2:45] Petitions B and C were addressed together. Chairman Stith read both into the record.

- B.** The request of **Port Harbor Land, LLC (Owner and Applicant)**, for property located at **2 Russell Street** requesting Lot Line Revision Approval to adjust the boundary lines on three lots to create one lot with 18,237 square feet (0.418 acres) of lot area, one lot with 52,651 square feet (1.209 acres) of lot area, and one lot with 19,141 square feet (0.429 acres) of lot area. Said properties are located on Assessor Map 118 Lot 28, Map 124 Lot 12, and Map 125 Lot 21 and lie within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

SPEAKING TO THE APPLICATION

[5:06] Neil Hansen and Patrick Crimmins from Tighe and Bond were present on behalf of the applicant. Mr. Hansen reviewed their responses to the staff comments.

- 1) Open curb cut to 15' for alley turning onto Maplewood
 - a. Mr. Hansen agreed to do so and stated that this would make it a much better condition for traffic.
- 2) Decorative paving pattern should be flipped to indicate pedestrian travel along side of buildings.
 - a. Mr. Hansen stated that they do not have an issue doing this, they had originally intended to provide better visibility for cars coming out of the garage but will flip the pattern.
- 3) Increase traffic calming behind buildings.
 - a. Mr. Hansen lumped this comment in with comment #9 and agreed to put in a few speed bumps, one behind Building #1 for pedestrians exiting from between the two buildings and another speed bump just after the exit of the parking garage.
- 4) Please use tree grates on Maplewood instead of planters
 - a. Mr. Hansen mentioned that they received this comment last month and did not clearly identify it on the current plan. They intend to use tree gates and will make it clear on future plans.
- 5) Raise area between crosswalks at Deer Street and Portwalk Place. Use pavers and granite between crosswalks. Add advance warning signage and RRFB flashing beacon.
 - a. Mr. Hansen noted that there are some construction issues that would occur with the construction of a raised sidewalk in this location. Those issues include an existing gas main that is located close to the curb line which would conflict with a catch basin that would have to be installed in that location. Additionally, the ramp down from the raised sidewalk would be too steep as it flows onto Portwalk Place and the pavers would end right at the right of way line on Portwalk.

- b. Mr. Hansen mentioned that they would prefer a single crosswalk on the Burger Bar side of Portwalk.
 - c. A future site walk was agreed to better understand the future potential crosswalk configuration.
- 6) Parking spot closest to crossing at Portwalk Place will need to be removed due to close proximity to crossing. Must maintain at least 20' clearance from crosswalk.
 - a. Mr. Hansen said this was agreeable and they will remove the parking spot.
- 7) Is Limo parking spot on Russell desired for use by project?
 - a. Mr. Hansen clarified that the Sheraton Hotel uses this limo spot and wishes it to remain for their continued and future use.
- 8) Turning templates still needed for turns from Maplewood onto Deer, and Deer onto Russell.
 - a. Mr. Hansen ran these turning templates and handed out the printed versions of them for tractor trailers.
 - b. Mr. Hansen discussed that the first turning template, from Maplewood Avenue onto Deer Street, has an existing and proposed condition that are virtually the same or little to no impact, but they can shift the curb if need be.
 - c. Mr. Hansen discussed the second turning template, from Deer Street onto Russell Street, and mentioned that this proposed condition will be more impacted compared to the existing condition. Mr. Hansen is proposing that the curb line be adjusted to widen the outbound traffic lane from Deer onto Russell. This curb reduction would maintain the proposed parking on the street.
 - d. The turning templates will be further reviewed by DPW.
 - e. Mr. Hansen agreed to provide the same turning template locations but fire trucks.
- 9) Traffic calming measures such as speed bumps or tables should be put in walkway/driveway along back of buildings.
 - a. Mr. Hansen noted that comment #9 was already discussed alongside comment #3.
- 10) Corner of building one is in City sewer easement. Realign sewer main into Maplewood under the train tracks or move building footprint. The applicant is responsible for these changes. The City timeframe for the project is uncertain at this time.
 - a. Mr. Hansen mentioned that the timeline for Building 1 will be the last of the three buildings to be built, which could be three years out.
 - b. Mr. Hansen is proposing that since they are already doing a fair share of the drainage that they should only be priced out for a fair share of the sewer work as well. Mr. Crimmins noted that they did not think it made sense to open the railroad tracks twice.
 - c. They are willing to show the sewer line being rerouted in the plans.
- 11) The corner radius at the Maplewood entrance to the rear driveway should be enlarged to provide easier access for the fire truck.
 - a. Mr. Hansen noted that this ties into the first one which is 15' and they agree to do this.
- 12) A fence and buffer should be provided along the railroad tracks.
 - a. Mr. Hansen discussed how the initial thought from Tighe & Bond was that there would be a fence there. They are fine with doing a fence along the tracks if it does not impact their HDC approval.

- b. [25:30] Mr. Cracknell mentioned that an administrative approval from the HDC might be a hurdle they would need to overcome to choose a fence but if the HDC does not approve of a fence in that location than the City would not require one there.
- 13) Prior to construction, the applicant must coordinate with CSX to relocate the train signage.
 - a. Mr. Hansen noted that they agreed with this coordination.

[26:18] Ms. Casella asked that the applicants put comment #13 as a note on the plan for construction.

[26:42] Ms. Zendt confirmed with the Committee, specifically Mr. Cracknell, Mr. Desfosses and Mr. Eby, that they wanted a site walk with the applicant.

PUBLIC HEARING

[27:08] Chairman Stith opened the public comment portion.

[27:19] Elizabeth Bratter of 159 McDonough Street spoke.

- Ms. Bratter had submitted a letter with comments on the proposal to the Committee.
- Mr. Bratter had concerns with the proposed gravel swale that were originally in the plans, but a fire road has since taken its place. She was concerned about the lack of the gravel swale creating a potential drainage issue along where the railroad track is located.
- Ms. Bratter would prefer to see one crosswalk between Portwalk and the proposed development. She agreed with the developer and mentioned that there really should not be a crosswalk there but it should be moved as far away from the Maplewood intersection as possible and that it should be a bright white striped design for easy visibility at night.
- Ms. Bratter also expressed a similar concern for the pedestrian walkway needing bright white striping.
- Ms. Bratter believed the pedestrian walkway should be along the railroad side of the back road. This path does not necessarily need a fence but it could be more aesthetic to have pricker bushes or raspberry bushes along the railroad there.
- Ms. Bratter was concerned with the lighting plan and the potential brightness of the proposed 227 lumen bulbs.
- Ms. Bratter was concerned with the lack of green space on the roof.
- Ms. Bratter was unable to locate the community easement plan.

[33:24] Chairman Stith closed the public comment portion of the application hearing.

DISCUSSION AND DECISION OF THE BOARD

[33:42] Mr. Cracknell mentioned how he would like to have a site walk. He mentioned how nobody would like a repeat of the condition of Hanover Street and would still like to consider the raised crosswalk. Mr. Cracknell also noted that staff should review the turning templates and the addition of the fire truck turning templates. Mr. Cracknell added that there needs to be further

discussion on the sewer line issue. He also encouraged the applicant to at least spec a fence into the plans with consultation from CSX as they go forward with fence conversations and the fence conversation will be further discussed during the upcoming site visit.

[38:20] The Committee voted to continue to the November TAC meeting. The vote was unanimous.

Motion: Mr. Cracknell, Second: Mr. Desfosses.

- C. The request of **Port Harbor Land, LLC (Owner and Applicant)**, for property located at **2 Russell Street** requesting Site Plan Approval for the construction of 84 residential units, commercial space, and parking in three buildings with associated community space, paving, utilizes, landscaping, and other site improvements including three proposed land transfers to allow for the realignment of the Russell Street & Deer Street intersection and for the City's future construction of a roundabout at Russell Street and Market Street (Land transfer area 1 is proposed from Map 119 Lot 4 to the City of Portsmouth. Land transfer areas 2 and 3 are from Map 119 Lot 1-1C to the City of Portsmouth); Conditional Use Permit Approval to provide 334 parking spaces on separate lots where 341 spaces are required as permitted under Section 10.1112.62 of the Zoning Ordinance; and Conditional Use Permit Approval to allow a 40,000 square foot building footprint within the CD5 as permitted under 10.5A43.43 of the Zoning Ordinance. Said properties are located on Assessor Map 118 Lot 28, Map 124 Lot 12, Map 125 Lot 21, Map 119 Lot 4, and Map 119 Lot 1-1C and lie within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. (LU-22-111)

SPEAKING TO THE APPLICATION

See Petition B.

PUBLIC HEARING

See Petition B.

DISCUSSION AND DECISION OF THE BOARD

- D. The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)

DISCUSSION AND DECISION OF THE BOARD

[2:35] The Committee postponed consideration to the November TAC meeting.

- E. The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)

DISCUSSION AND DECISION OF THE BOARD

[2:35] The Committee postponed consideration to the November TAC meeting.

- F. The request of **Randi and Jeff Collins (Owners and Applicants)**, for property located at **77 Meredith Way** requesting Preliminary and Final Subdivision Approval to subdivide one (1) existing lot with 22,463 square feet of lot area and 31.7 feet of street frontage into two (2) lots with associated 73.3 foot road extension as follows: Proposed Lot 1 with 11,198 square feet of lot area with 73.79 feet of street frontage, and Proposed Lot 2 with 11,265 square feet of lot area and 31.61 feet of street frontage. Said property is located on Assessor Map 162 Lots 16 and lies within the General Residence A (GRA) District. (LU-22-61)

SPEAKING TO THE APPLICATION

[40:02] Chris Mulligan (Bosen & Associates), Jeff Collins (Property Owner), Brenda Kolbow (TF Moran), and Jack McTigue (TF Moran) presented this application. Mr. Mulligan noted that Ms. Kolbow responded to previous TAC comments, and they were relatively self-explanatory changes that they would not need to go through. The most recent comments they received were very minor:

1. There is no drainage pipe leaving structure POI-3 on sheet C-04 and there should not be one.
 - a. Mr. Mulligan cited that this was not an issue, and they would remove it.
2. Add note that easement turnaround area will be Heavy Duty Pavement shown on detail on sheet C-07.
 - a. Mr. Mulligan cited that this was not an issue, and they will add the note.

[43:35] Mr. Mulligan made note that the easements are all on Sheet S3 and that he had spoken with Assistant City Attorney McCourt and the acceptance of the easements will be put on the City Council agenda once the Planning Board approves the subdivision. The turnaround easement will be from the Collins' to the City, the other will be from the City to the applicants or it may be a license.

PUBLIC HEARING

[45:14] Chairman Stith opened the public comment portion. No one spoke. He closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[45:39] Mr. Cracknell asked the applicant that the condition be considered that the proposed principal structures as shown on Sheet C-3 should be in substantial compliance with that plan.

[46:31] Mr. Desfosses asked Mr. McTigue why the rain garden detail on Sheet C-8 did not show riser pipes for both rain gardens as previously discussed.

(46:57) Mr. McTigue responded to the comment saying that they have an orifice in the basin so that it can overflow. If a rise pipe was added it would bypass the soil and would negate the cleaning.

[47:09] Mr. Desfosses agreed with this statement and added that the applicant would not have any orifice but should just have a dome grate one foot off the bottom so that it can infiltrate, especially during the wintertime as well and will not overflow.

[47:28] Mr. Desfosses also noted that the outlet shown in the details should not be there for either rain garden. There should be no outlet pipe, just crushed stone to provide storage for up to a one-inch rainfall event.

[51:40] Mr. Cracknell noted that his objective was to make sure that the proposed structures stay in alignment with the rest of the houses on the street.

[52:41] *The Committee voted to recommend approval to the Planning Board at the October meeting with the following stipulations and with a resubmission due by Friday 10/7:*

1. POI-3 of Sheet C-04 will be corrected and amended to DPW satisfaction.
2. A note will be added to sheet C-07 detailing easement turnaround area will be constructed with Heavy Duty Pavement.
3. Applicant will add an Easement Plan to the plan set (indicated as S3)
4. Prior to recordation the proposed easements in which the City is a party will be approved by the City Council.
5. A note to sheet C-03 will be added to the plans stating that the proposed principal structures will be located in substantial compliance with siting depicted in the plan set.
6. Raingarden detail shall reflect direction provided by Public Works at the 10-4-2022 Technical Advisory Committee meeting and be updated and resubmitted for approval by Public Works prior to consideration by the Planning Board.
7. All runoff from the structures is to be directed towards the appropriate rain gardens.
8. A letter detailing plan changes and updates will be submitted with the plan resubmission.

A motion was made by Mr. Cracknell and seconded by Mr. Desfosses. The vote was unanimous.

- G. REQUEST TO POSTPONE** The request of **Tom Balon and EightKPH, LLC (Owner and Applicant)**, for property located at **161 Deer Street** requesting Site Plan Review approval for the construction of a four (4) story building to include a penthouse, commercial space, 19 dwelling units, and associated site improvements. Said property is shown on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5), Downtown Overlay, North End Incentive, and Historic Districts. (LU-22-173)
REQUEST TO POSTPONE

DISCUSSION AND DECISION OF THE BOARD

[38:59] The Committee postponed consideration to the November TAC meeting.

III. NEW BUSINESS

- A.** The application of **Richard Fusegni (Owner)**, for property located at **201 Kearsarge Way** requesting Preliminary and Final Subdivision approval to subdivide a lot with an area of 52,253 s.f. and 205' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 17,125 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 17,406 s.f. and 100.2' of continuous street frontage; and Proposed Lot 3 with an area of 17,723 s.f. and 82.84' of continuous street frontage. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. (LU-22-150)

SPEAKING TO THE APPLICATION

[58:10] Chris Mulligan and John Chagnon (Ambit Engineering) presented this application and handed out a print out of an updated site plan in response to the comments received the day prior.

[58:37] Mr. Chagnon discussed how the proposed project was one that had previously come before the City in the past and had received TAC and PB approval previously and the approvals had been left to expire. The existing house on the site would be razed to make room for the proposed three houses. There would also be utility upgrades and a partial upgrade to the paving and turnaround on Birch Street. Currently, there exists an access and utility easement near the Birch and Kearsarge intersection that is dedicated to the City but the fee is owned by the applicant.

[1:01:09] Mr. Chagnon responded to the most recent TAC comments:

1. Please address the change in lot area from the original approval to the new request.
 - a. Mr. Chagnon mentioned that the lot orders in the rear along Oak Street, which is a paper street, had their fees returned to the abutting property owners after twenty years without the paper street's development and therefor the fee is vested in the current lot.

2. Please contact the Assessing Department for preliminary Map Lot and Block numbers and addresses.
 - a. Mr. Chagnon brought up that this plan was showing the Map Lot and Block numbers from the previous application and approval that were assigned prior. They will follow up on this with the assessor and verify this information.
3. Please provide an easement plan and table with unique identifiers.
 - a. Mr. Chagnon mentioned that the conservation plan that was shown on the previous plan had bearings and distances right on the line and they appear in this plan. They have clarified this conservation area in a table as well that shows the easement bearings and distances.
 - b. [1:03:10] Mr. Britz asked the applicant whether there was any City role attached to the conservation easement.
 - c. [1:03:21] Mr. Chagnon responded that the owner's father had put in a deed restriction on future development to preserve the landscape and natural landscape in the back of the property. This was more of an easement owned by the property owner.
 - d. [1:03:54] Mr. Cracknell mentioned that someone other than the property owner usually has control of or owns the easement.
 - e. [1:04:06] Mr. Mulligan suggested that they could either grant or sell the protected land to a group like the Conservation Commission or put it into the deed as a restrictive covenant or deed restriction.
4. No new water main. Use existing 2".
 - a. Mr. Chagnon has revised the utility plan to reconnect a new service all the way to the main and they have added a note in the plans that mentions upsizing to a 2" waterline for entire run to the flushing hydrant. In the past, there was previous exploration into Birch Street and there was found to be existing 2" piping but there is still likely a transition into 1" pipe at some location.
5. No excavation in City Street. Kearsarge Way is under moratorium. Utilities will need to be reconfigured.
 - a. Mr. Chagnon responded that there will only be a slight impact from excavation and that will be at the intersection to set the required manhole for the new sewer main. The saw cut line will be bowed out and will require a repaving of part of Birch Street which they will perform. There is an existing water service that goes to the existing house proposed to be removed and it is a 3/4" pipe that they will upgrade to a 1" pipe.
 - b. [1:08:33] Mr. Wolph asked Mr. Chagnon and Mr. Mulligan if they name the City as the enforcement authority on the restrictive covenant, would the City be responsible for enforcement or the landowners?
 - c. Mr. Mulligan replied that if they were not going to grant the easement to the City then it may fall to the neighboring landowners to use their ability for enforcement.
 - d. [1:09:09] Mr. Cracknell stated that the City, if anything, would want something that is in perpetuity that is reasonably enforceable by somebody but not in the responsibility of the City as it is quite small.
 - e. [1:10:00] Mr. Cracknell further clarified that the restrictive covenant should be put into all three deeds and then all three future property owners could come together to make any decisions on the conservation area.

- f. [1:11:02] Ms. Zendt mentioned that a recent method that was used in a similar situation used a declaration of covenants due to not being able to create an easement.
- g. [1:11:25] Mr. Mulligan stated that they could also bury into the covenants that the City would maintain enforcement should it choose to exercise it.
- 6. [1:11:52] Mr. Desfosses added in an addition comment about the conduit line stating that the conduit running from the pole that is behind the sidewalk that is going down the right of way needs to be at least eight feet behind the sewer manhole to avoid unwanted disturbance or damage to the conduit.
 - a. Mr. Chagnon responded that they would do that.

PUBLIC HEARING

[1:12:52] Chairman Stith opened the public comment portion.

[1:13:19] Laurel Sanborn, a neighbor, asked if the lot had been cleared yet. She mentioned that the lot is a very large, wooded area and expressed concern for a potential loss of woody vegetation.

Mr. Chagnon responded that all the trees in the backyard of the current lot are what the owner wants to preserve with the restrictive covenant previously discussed. He also mentioned that the City owns a conservation piece that goes down towards Market Street and that wooded area would remain conserved. He speculated that likely everything from ten to fifteen feet from where the new houses will be built will be cleared.

[1:15:35] Walter Stasiuk, a neighbor, and Laurel Sanborn's husband, spoke about how he lives near the Spinnaker recreation center, and he was concerned about the turkeys that live and mate in the wetlands behind the proposed property. He was also concerned that the trees separating the recreation center from the neighborhood behind it will be removed.

[1:16:44] Mr. Cracknell reassured Mr. Stasiuk that the trees were only being cleared within the front half of the proposed property and the back half of the property, that faces towards the recreation center, will remain wooded.

[1:18:06] Matthew Doherty, the property owner of the lot (181 Kearsarge) across the street from this proposed development, questioned where Birch Street will be placed. He believed that the current street shows it cutting into the applicant's lot. He also expressed concern for a tree near Birch Street that may have to come down for the replacement of Birch Street.

[1:19:47] Mr. Chagnon responded to these concerns by walking the abutter through the existing conditions plan and then explaining in the proposed plans how the applicant plans to put Birch Street back in the same place except for a corner where there is currently a gravel lot for parking where the applicant is proposing to define this space as a driveway for the abutter. The tree of concern is adjacent to the existing gravel parking area and will not be taken down for the construction of the street and driveway.

[1:21:39] Chairman Stith closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[1:21:41] Mr. Cracknell asked if Birch Street is currently located on the applicant's property and if so, if the City is getting an easement. To which Mr. Desfosses responded that yes, it is in the applicant's property and the City already has an easement for it.

[1:22:15] Mr. Howe reiterated that all the proposed houses should have a Birch Street address whereas the notes on the plan only show two out of three houses having the Birch Street address. The abutter, Mr. Doherty, should also have a new Birch Street address after the street is redone.

[1:22:24] Mr. Chagnon responded saying that there was a note on the plan, note #11, that the street addresses shall match the driveway locations.

[1:24:24] Mr. Desfosses asked Mr. Chagnon to confirm that the existing access to the utility easement shown as RCRD5981/2020 is to the City of Portsmouth which was confirmed.

[1:24:50] Ms. Zendt clarified that there was still one additional easement needed which would be the plow truck turnaround.

[1:25:18] Mr. Cronin requested that the applicant add a note to plans that states they will have as little impact on the road (Kearsarge Way) as possible when removing the sidewalk and installing tip-downs.

[1:26:30] Ms. Zendt asked for clarification on the Map Lot and Block numbers and if they were the correctly assigned.

[1:26:33] Mr. Chagnon responded that they will send the updated plans to the Assessors Department again for verification.

The Committee voted to recommend approval to the Planning Board at the October meeting with the following stipulations:

1. Applicant will confirm with Assessing Department that previously assigned addresses and Map and Lot numbers are still valid.
2. A declarative covenant or some other mechanism shall be developed and recorded to preserve areas noted for conservation on proposed lots.
3. Water service will use existing 2" water main
4. Utility plan will be updated to depict the conduit feeding electric and communications will be no closer than 8 feet from the existing manhole and will be reviewed by DPW.
5. A letter detailing plan changes and updates will be submitted with the plan resubmission.

[1:29:51] A motion was made by Mr. Howe and seconded by Mr. Desfosses. The vote was unanimous.

Resubmission due by Friday 10/7

- B.** The request of **Seaport Realty LLC (Owner)**, for property located at **85 Daniel Street** requesting Site Plan Approval to add a two-story rear addition and convert the existing structure into a four-unit building consisting 2 apartments and 2 live/work units with associated stormwater, utility and site improvements. Said property is shown on Assessor Map 107 as Lot 8 and lies within the Character District 4 (CD4) and Historic Districts. (LU-22-75)

SPEAKING TO THE APPLICATION

[1:30:50] Chris Mulligan, Nate Cheney, Richard Desjardins, and Mark Gianniny spoke to this application. Mr. Mulligan gave a brief overview of the application proposal and mentioned how the prior owner had received HDC approval to create additions and put in dormers. They are looking to do the same as well as changing the internal layout of the building. Mr. Mulligan stated that they had received more TAC comments the day before the meeting, and he addressed them here:

1. It appears a Parking-CUP is needed to support the plans proposed.
 - a. [1:33:09] Mr. Mulligan stated that they are proposing four residential units, with two first floor units that had living spaces less than five hundred square feet and they had home offices attached, meaning they would only need one parking space per unit. Mr. Mulligan met with City staff and is of the opinion that in order to induce the applicant to put commercial-themed uses on the first floor, even though it is not in the downtown overlay district, the planning department would likely not require a parking calculation to be based on the entire footprint of the ground floor units but rather just the portion of the units that are dedicated to residential use. This would create sufficient parking for the entire parking for the residential unit with four spaces.
2. Correct coverage percentages.
 - a. Mr. Mulligan responded that this will be corrected in the updated plans.
3. Utility pole blocks proposed parking space next to garage.
 - a. Mr. Mulligan responded to this that they had met with Eversource to discuss moving the pole. They have determined that they can either move the pole to the corner of the lot or relocate it underground.

[1:36:05] Mr. Eby inquired about the existing AC unit coming from the abutters window and whether that will be resolved so as not to stick into the proposed parking space.

[1:36:08] Mr. Mulligan responded that they would have to work with their abutting neighbor to relocate the AC unit higher up or have them remove it.

[1:36:23] Mr. Desfosses mentioned that he had two utility-related comments. These comments include the proposed sewer lateral coming off the building and into Custom House Court. The proposed plan shows relocation of the sewer lateral without stating that the system on that needs to be capped. DPW would prefer that they reuse the sewer lateral and use fittings to go around

the new addition to minimize the risk of a hole in the City's new sewer main. This work would have to be witnessed and approved by the Sewer Department. The second note concerns domestic water. The current ¾" water line entering the structure now will need to be updated to a 1" minimum line. They will have to cut and cap the existing one at the main and the new one will have to be installed in the same spot as the old line. This upsizing of the water line will be a note in the plan. A secondary service line for fire will need to be depicted in updated plans as well.

[1:39:16] Mr. Britz asked if the applicants do not need a parking conditional use approval, how will they ensure that the office space on the first floors will continue to look commercial and continue to stay with the same feel as the downtown commercial space there.

[1:39:35] Mr. Mulligan responded that they were considering deed restrictions to solve this issue or a condition of approval put into the plan that would get recorded.

[1:40:10] Mr. Britz responded that the deed restriction is a condition that they would have to get before Planning Board to ensure that the square footage would remain under five hundred square feet in both first-floor residences.

[1:40:53] Mr. Howe reminded the applicants that in their previous TAC session they had discussed the need to meet the requirements for a single exit. Mr. Howe did not see anything addressing those earlier comments and concerns.

[1:41:24] Mr. Gianniny responded that they are allowed a single means of egress for a three-story building and the number of units they have. They could not find anything in the International Building Code that would prevent them from having a basement egress off of the stairwell.

[1:41:43] Mr. Howe responded that a single exit cannot serve more than half below the level of exit discharge which this proposal would do.

[1:42:43] Mr. Gianniny mentioned that they will have to go back and look at the different options for a second means of egress.

PUBLIC HEARING

[1:44:02] Chairman Stith opened the public hearing portion. No one spoke. He closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

The Committee made a motion to continue the application to the November TAC meeting. The vote was unanimous.

[1:46:25] The motion was made by Mr. Desfosses and seconded by Mr. Cronin.

IV. OTHER BUSINESS

V. ADJOURNMENT

The meeting adjourned at 3:46 p.m.

[1:46:42] Motion made Mr. Cronin, seconded by Mr. Desfosses.

Respectfully submitted,

Kate E. Homet
Secretary for the Technical Advisory Committee