

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

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

**2:00 PM**

**March 5, 2024**

**MINUTES**

**MEMBERS PRESENT:**

Peter Stith, Chairperson, Planning Manager; David Desfosses, Construction Technician Supervisor; Patrick Howe, Deputy Fire Chief; Shanti Wolph, Chief Building Inspector; Zachary Cronin, Assistant City Engineer; Mike Maloney, Deputy Police Chief, Vincent Hayes; Land Use Compliance Agent/Associate Planner

**MEMBERS ABSENT:**

Peter Britz, Director of Planning & Sustainability; Eric Eby, Parking and Transportation Engineer

**ADDITIONAL  
STAFF PRESENT:**

Stefanie Casella, Planner II; Kate Homet, Associate Environmental Planner

[4:29] The meeting began at 2:00 p.m.

**I. APPROVAL OF MINUTES**

- A. Approval of minutes from the February 6, 2024 Site Plan Review Technical Advisory Committee Meeting.

[4:50] D. Desfosses made a motion to approve the minutes as presented. Z. Cronin seconded the motion. The motion passed unanimously.

**II. OLD BUSINESS**

The request of **Atlas Commons LLC (Owner)**, for property located on **581 Lafayette Road** requesting Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. (LU-23-189)

**SPEAKING TO THE APPLICATION**

[5:35] John Chagnon (Ambit Engineering), Mark McNabb (developer), Marie Bodi (McNabb Properties) and Terrence Parker (Terra Firma Landscape Architecture) came to present this application. Mr. Chagnon started by addressing the staff comments published on March 1, 2024:

1. Provide a list of previous comments and responses.

*The previous Response to Comments letters have been uploaded to the online application.*

2. Support column shown on the sidewalk on Sheet C4 Level 1 Parking Plan.

*Plan revised and sidewalk relocated.*

3. SDR 35 pipe material not appropriate for non-buried applications.

*Plan Sheet C4 revised indicates Schedule 40 pipe type.*

4. Provide details on pipe hangers and cleanouts.

*See detail BB on Sheet D6 for pipe shelf proposal.*

5. Verify bollards will protect sewer.

*See detail on pipe shelf proposal.*

6. Provide sewer profile.

*The final sewer pipe design is interior to the basement and will be detailed for the Building Permit application. The parking spaces have been pulled a foot away from the wall to allow a concrete shelf that will support the sewer pipe. We submit for the meeting a profile with elevations and references to the floor elevation.*

7. All piping leaving pump station must be gasketed pipe. No glued joints.

*Detail Y Sheet D6. Detail Y on Sheet D6 has been revised.*

8. Catch basins should not be used as in-line stormwater structures. Install drain manholes and connect catch basins to the drain manholes.

*Design alternative layout attached showing the addition of 3 (three) Drain Manholes. Also, a catch basin Submission Letter – 581 Lafayette Road 2 3/5/2024 has been relocated and a trench drain at the garage ramp entrance has been added.*

9. Show how vehicles in the angled parking spaces of basement level parking will exit.

*Turning movement will be to pull forward to the building jog and then turn to the left, then back up and pull out.*

10. Handicap spaces require signs, so possibly reverse tandem spaces to place HP space against wall with sign. *Completed.* But this doesn't appear possible with space 55 on the first floor. *Building alignment has been adjusted to allow this change at that location.*

11. Delivery truck turning plan Sheet T2 appears to be different than current building plan, columns for overhang could be in the way.

*Turning Movement Plan updated. The vehicle was shifted to align with the final building.*

12. Doors for enclosed bike parking should be sliders, rather than hinged, for easier access.

*Sliders are shown; confirming fire rating in the final building design.*

13. Are vertical bike racks attached to a wall?

*Yes. No detail provided. See Detail on Landscape Plan L3.*

14. A landscape license with adequate insurance will be required for maintenance on City property.

*Agreed – area noted on Easement Plan DRAFT.*

15. Provide recordable easement plan. Easement Plan DRAFT provided in plan set.

*Final easement documents and recordable plans to be provided after Planning Board approval.*

16. Include green building statement.

*Updated Green Building Statement included.*

17. In addition to the modification of the community space, one will be required for the setback from Lafayette Rd. as the addition on the side is closer than 70 feet (Section 10.5B22.40).

*The centerline of Lafayette Road is more than 90 feet from the lot property line (see attached exhibit). We will request a Waiver from the Ordinance provision for the Planning Board.*

[26:31] P. Howe asked for an update on the fire hydrant addition. Mr. Chagnon responded that it had not yet been added to the plans and would make it into the updated plan set and could be added as a condition of approval.

## **PUBLIC HEARING**

[27:01] Chairman Stith opened the public hearing, no one spoke. The hearing was closed.

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

[27:45] Z. Cronin mentioned that he was satisfied with the response about the sewer info.

[27:58] P. Stith commented on the upcoming public realm improvements and noted that they still needed to be finalized with the City Manager and the School, with agreements to have the trail on the inside of the existing fence.

Mr. Chagnon noted that the existing fence along what will be the public realm improvement area is currently approximately 10-15' inside the property line so the proposed trail could be aligned with this inside of the property boundary along the field. He mentioned that they also would be submitted a sidewalk detail soon for Ledgewood Drive.

[30:28] D. Desfosses made a motion to recommend approval to the Planning Board with the following conditions:

### **To be satisfied prior to submission to the Planning Board submission:**

1. *The public realm improvements must be reviewed and approved by all relevant parties.*
2. *All updates as discussed during the 3/5/2024 TAC meeting will be made to final set of plans, including:*
  - a. *A complete list of previous staff comments and responses.*
  - b. *Please provide a complete list of changes that were made to the plan set between the dates of 2/6/2024 and 3/5/2024.*
  - c. *Place labels on the shelf pipe profile and on Sheet C5 that indicate the size of the pipe (8").*
  - d. *Final sewer pipe design to be reviewed and approved by DPW.*
  - e. *The 4" PVC pipe coming from the manhole for the vent should be changed to a gasketed pipe as it will be underground, this should be changed from the Scheduled 40 to an SDR 35.*
  - f. *A sidewalk detail will be included for Ledgewood Drive.*
  - g. *Fire hydrant to be added to the final set of plans with proposed location reviewed and approved by Fire Dept.*

h. *Sliders for bicycle parking must have fire rating confirmed in the final building design.*

**To be satisfied subsequent to Planning Board approval:**

1. *Landscape license with adequate insurance for maintenance on City property.*

[31:00] Z. Cronin seconded the motion. The motion passed unanimously.

**III. NEW BUSINESS**

A. The request of **Jewell Court Properties LLC (Owner)**, for property located on **33 Jewell Court, Suite 1** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 205 parking spaces where 242 are required. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and Historic District. (LU-23-205)

[32:00] Chairman Stith introduced this item.

**SPEAKING TO THE APPLICATION**

[32:34] Chris Mulligan (Bosen & Associates) and Ms. Kaiser (applicant/business owner) came to present this application following a work session that had been done at a previous TAC meeting. Mr. Mulligan gave a brief rundown of their request for a conditional use permit for parking and the reasoning behind that request. This includes the ability of the business owner to provide less parking than is required for the change of use on site. They have submitted a parking demand analysis as requested previously during a work session and came to present the results of that analysis.

[33:47] Mr. Mulligan acknowledged receipt of comments from staff on the application and proceeded to address them:

1. *May require external grease trap.*

The applicant is aware of this and will work with their builder on that. It is not relevant for the current parking CUP.

2. *The old site plan shows 4 parking easements, how do these impact parking?*

One of the easements involves a shared parking agreement.

3. *Are the CVS spaces included in the 205 spaces? Does this lot have deeded access to those spaces, otherwise they cannot be counted since they are on another parcel.*

Yes, there are 14 spaces deed in an easement to the condo association. Mr. Chinburg, head of the residential units in the Condo Association has given his approval.

[36:36] Chairman Stith mentioned that they would like to see the easement deed included in the parking CUP application to the Planning Board as well as a letter from Mr. Chinburg. He also inquired about how the valet/shuttle service would work for the applicant's business.

Ms. Kaiser responded that any valet and/or shuttle vendors would be booked directly through her business and she would be the face person working with the two preferred companies, this would limit the need for clients to require parking spaces and would work by shuttling clients from around town to the event space.

[37:45] Chairman Stith mentioned that while the City's Transportation Engineer, Eric Eby, could not make this meeting, he had found the demand analysis acceptable.

## **PUBLIC HEARING**

[38:24] Chairman Stith opened the public hearing.

[38:38] Ken Bridge, of 127 Cass Street, came to ask a few questions of the application. Specifically, he wanted to know where the 202 parking spaces would be located. Ms. Kaiser responded that they would not be using 202 spaces, the clients would be shuttled into the event space via a limousine/valet company. Mr. Bridge noted that he currently has issues with business owners and clients parking on Albany and Cass Street, which is taking space from residents.

[41:10] Chairman Stith closed the public hearing.

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

[41:37] D. Desfosses made a motion to find the parking demand analysis **acceptable** and requested the following items be included in the final application to the Planning Board:

- 1. Please provide documentation that authorizes the use of any off-site parking including easements and deeded parking spaces.*
- 2. Please provide the letter of support from Eric Chinburg.*

Z. Cronin seconded the motion. The motion passed unanimously.

- B.** The request of **RIGZ Enterprises LLC (Owner)**, for property located at **822 Rt 1 Bypass** requesting Site Plan review approval to demolish the existing building and construct a new commercial building as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 160 Lot 29 and lies within the Business (B) District. (LU-23-209)

[42:10] Chairman Stith introduced this item.

## **SPEAKING TO THE APPLICATION**

[42:51] Alex Ross (Ross Engineering) came to present this application on behalf of the applicant. They had previously come before the committee for a work session and had gone before the Board of Adjustment for a variance related to parking in the front of the lot. All changes since have been updated on the newest plans. Mr. Ross then went on to address comments received from staff:

1. *ADA Parking stall and aisle must have a maximum slope of 2.0% in all directions. Drawing shows 3%. (See Section 502.4 of ADA Code). Only one space is required under the ADA minimums, more can of course be provided as long as they meet minimum standards.*

The pavement can be raised up where the handicap aisle exists, they will discuss this with Eric Eby.

2. *ADA stall and aisle may not meet the width requirements for allowance of at least 1 Van space (8' wide unloading area). (See Section 502 of ADA Code). One van accessible ADA space is required.*

They will go with one 11' wide handicap space to ensure it fits. They will work with Eric Eby on this.

3. *Perpendicular curb ramps require a top landing that is the same width of the curb ramp and a minimum of 36" deep. It appears that the top landing (between the top of the ramp and the building) is only around 1'. (See Section 406.4 of ADA Code).*

This will be adjusted.

4. *ADA requires a "flat" (slope 2.0% max) at entrance door to building. This area must be the full width of the door and 18" beyond latch side at 60" Deep. The drawing appears to have a portion of the curb ramp within this clearance area of the door. (See section 404.2.3 of ADA Code).*

This will be adjusted.

5. *The perpendicular curb ramp running slope is already at its maximum slope with insufficient room for a top landing. It encroaches the clearance area of the building entrance. It is recommended to relocate the parking stalls and curb ramp to allow for a Parallel Curb Ramp.*

This will be adjusted and likely relocated.

6. *The design of the Perpendicular ADA Curb Ramp is borderline at 8.33% slope. Recommend 7.5% to allow for construction tolerances.*

They will decrease the slope.

7. *The back of sidewalk along the building front is at elevation 31.50' and the front of sidewalk at curb is also 31.50'. There should be a minimum of 1.0% and maximum 2.0% cross slope.*

The plan is to have the sidewalk be the same elevation as the foot of the building.

8. *Include all ADA parking sign details.*

They will add this.

9. *Exit sign to bypass must meet MUTCD standards.*

They will ensure this happens.

10. *Show all parking space dimensions.*

These will be added.

11. *Show turning radius for dumpsters.*

This will be rotated 90 degrees and the turning radius will be shown.

12. *Separate fire and domestic water services all the way to the water main on Dennett St.*

They will work with DPW to ensure that this is correct.

13. *Install all utilities from Dennett coming up Burkitt Street (water, sewer, gas, etc.) in Burkitt Street.*

New utilities are proposed for the grassed area in the right of way instead of in the street.

14. *Third-party oversight of all work within public right of way. And all work regarding the drainage.*

They will add verbiage about this.

15. *Underground electric will require easement from neighboring property.*

They will get a blanket easement from Eversource for this.

16. *Better define access easement for #806 Route 1 Bypass.*



If you are coming off of the bypass, you currently must drive through 826 U.S. Route 1 Bypass to get to the site. They will work with the City's Legal Department on addressing this.

*17. Remove old light poles and sign tower.*

They are okay with removing this.

*18. Green space along bypass is in DOT right of way and outside of property bounds. Move onto property unless permitted through DOT.*

They have been in discussions with Jim Hewitt and Roger Appleton and have submitted a Driveway Permit Application through NHDOT to figure out what they would like there.

*19. Repave driveway aprons to the bypass. Both aprons are in dire need of resurfacing and the limit of work should be shown in line with the highway side of the proposed island.*

This will be added to the plan.

*20. Grading and drainage plan show different slopes than Detail A. Confirm correct slopes.*

This will be cleaned up.

*21. Grading arrows in Detail A are in conflicting directions. Ramp arrows point downhill and parking lot arrows point uphill.*

This will be cleaned up.

*22. Catch basins should not be in-line structures in the stormwater main. Install drain manholes for stormwater transmission with catch basins connected to them. This change will alter the grading and drainage plan.*

They will work more on this issue and get input from DPW. The existing drainage goes under the existing building on site. They are still reviewing options for rerouting off site drainage and getting it to Dennett Street.

*23. Use jellyfish filter for catch basins on property, not for entire stormwater main.*

All the new basins shown in blue on the plan will have a cover, any new catch basin installations will have jellyfish structures either built in or attached. With the proposed plan, the grading will have to change so they will look further into how they apply jellyfish filters to the new catch basins.

*24. Stormwater main is 10' deep and shown extremely close to building. Any future excavation to repair or maintain that stormwater main will undermine the foundations of*

*the building. Stormwater main must be at least 10 feet from building in any direction to stay out of the area of influence.*

It is possible that there are different options to fix this.

25. *Stormwater main will need an easement across property as this pipe services multiple properties and the route 1 bypass.*

Yes, they are aware of this and will work with the City's legal Department to ensure they have the correct paperwork for that.

26. *Provide invert in elevation for DMH2.*

This will be adjusted.

27. *Provide slope and size of existing sewer.*

This will be adjusted.

28. *Proposed SMHI is too shallow.*

This will be adjusted.

29. *Sewer note states outlet for SMHI is not proposed to be altered but the proposed SMHI invert out elevation is 3" higher than the existing SMHI invert out.*

This will be adjusted.

30. *Proposed 12% slope for sewer service to SMHI too steep.*

This will be adjusted.

31. *Provide photometric plan to verify this elevated site will not shine light on neighborhood at nearby lower elevation. Show house side shields if necessary to prevent this light intrusion.*

An updated lighting plan had been passed out at the meeting and they intend to submit it with their next updated plan set.

32. *Please provide proof of permission from the State for any improvements in the ROW (landscaping, etc.)*

They are working on this and it should be ready soon.

33. *Address access between adjacent parcel to public ROW.*

This has been addressed.

*34. Confirm open space is all on the subject property and meets the minimum requirement.*

It does and a note will be added to the plans to make this clear.

*35. Explain requested waivers.*

One for drainage and one for traffic. The drainage waiver is due to their belief that the site is making major improvements to the stormwater and therefore does not need to meet the requirements. The planned decrease in impervious surfaces, addition of drainage easements, installation of new catch basins and planned jellyfish filtration should positively impact the drainage on site.

For traffic, their traffic volume comparison shows a decrease in traffic. They can discuss this waiver request more with Eric Eby.

During the discussion on staff comments, it was noted that the drain line should be placed in front of the building and not behind and that the dumpsters should be at a different angle for easier lifting by a trash truck.

[1:07:02] V. Hayes asked about the sign tower and whether it was existing or proposed. Mr. Ross noted that it was existing.

P. Howe asked about the construction type of the building. It was answered that it would be a wood construction. A discussion continued about the requirements for the building construction and how far the dumpsters must be placed from the building edge.

[1:08:09] Z. Cronin asked if the applicant planned to have any cars drive behind the proposed building. Mr. Ross responded that it would only be for maintenance such as plumbing access. There would be crushed stone and a fence back there with a gate on each side. There will also be no lights. The fence will be a black chain link fence that has been worked out with the neighbors.

[1:09:07] P. Howe noted that if there were to be gates for access to the rear of the building, they would need to have Knox exterior grade padlocks in place. S. Wolph requested that this gate and associated fence be shown on the updated site plans when available.

## **PUBLIC HEARING**

[1:10:14] Chairman Stith opened the public hearing.

[1:10:23] David Platt of 475 Dennett Street noted that he was a direct abutter to this project and that when the gas tanks on this site had previously been removed, the vibrations from the excavation work had caused his chimney to crack. He ultimately wanted to know who would be responsible during the demolition period. D. Desfosses responded that the contractor should have insurance to deal with issues such as vibration impacts and that the abutter should clearly document pre and post construction damage or impacts and do a preconstruction walk with the

contractor prior to the commencement of work. He also noted that this project should have a CMMP meeting with a requirement for vibration monitoring and video inspection pre and post construction.

[1:12:17] S. Wolph asked if the applicant anticipated any blasting or hammering to get the foundation in for the new building. Mr. Ross responded that he did not currently know.

[1:14:10] Matt Landry, an abutter, came to speak via Zoom. His major concerns included Burkitt Street ending at the site despite common traffic through it, snow plowing on site, the steep slope of Burkitt, potential of drainage, trash and dirt running down Burkitt and influencing pedestrian safety, concern with light and noise pollution, the dumpsters sitting on a steep incline, and he would like to see the greenspace extend across the Penguin lot to cut off the access and serve as a pedestrian buffer.

Mr. Ross addressed some of these comments, noting that Burkitt ends at the property line technically, but the owner wants access to continue as it has in the past. He also noted that they would also like a solid landscaped area between the Penguin site and the current site. Additionally, they feel they have addressed many of the trash, lighting and noise concerns by improving the existing site with this proposal. D. Desfosses noted that he would talk with the DPW director and have internal discussions about extending that back fence line to the edge of Burkitt to better contain trash.

[1:20:27] Mr. Ross noted that it would be helpful to have a discussion on the waivers requested and whether or not the drainage waiver request was deemed acceptable. D. Desfosses responded that as long as they had enough data to support that the stormwater was being cleansed, with information on just how much stormwater was entering the drains, the methodology behind calculations, and how it was being cleaned, then it should be fine. A full-fledged drainage study would not be needed if they can provide all that documentation.

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

[1:21:43] D. Desfosses made a motion to postpone this application until the April meeting. Z. Cronin seconded the motion. The motion passed unanimously.

## **IV. ADJOURNMENT**

[1:22:15] Z. Cronin made a motion to adjourn the meeting. D. Desfosses seconded the motion.

The meeting adjourned at 3:18 p.m.

Respectfully submitted,

Kate E. Homet  
Secretary for the Technical Advisory Committee