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## **Amesbury Planning Board**

**January 11, 2016**

**City Hall Auditorium**

**62 Friend Street**

**Meeting called to order: 7:15 PM**

**Present: Lorri Krebs, Lars Johannessen, Robert Laplante, David Frick, Scott Mandeville, Ted Semesnyi, Karen Solstad.**

**Absent: None**

**Also Present: Nipun Jain, City Planner; Paul Bibaud, Recording Secretary**

### **Beginning of the year elections for Chair and Vice Chair:**

**Scott Mandeville nominated David Frick for Chair. Motion was seconded by Robert Laplante. AIF. David Frick remains Chair for 2016.**

**Lars Johannessen nominates Ted Semesnyi for vice chair, seconded by Scott Mandeville. Vote was AIF. Ted Semesnyi is elected Vice Chair for 2016.**

**MINUTES: December 14, 2015 Robert Laplante makes motion to approve minutes as presented, seconded by Scott Mandeville. AIF.**

### **SIGN APPLICATIONS:**

#### **Stillwells Ice Cream – Arielle Wolfe and Steven Renaud**

**105 Main Street**

**Nipun Jain:** The design review, as part of our regulations, reviewed the sign. The committee found a couple of things that need to be corrected. The area requirements that pertain to the store front: it is a multi store property, so the total store signage area is less than what the applicant had used for the area calculations. Based on the provisions of the sign bylaw, there were some comments from the subcommittee on the design itself. We spoke to the applicant and advised them to come to our DRC meeting this Thursday to discuss some of our suggestions and recommendations. Hopefully they will look at these suggestions and incorporate them into the final design. This item is being requested to be continued to Jan. 25.

**Motion to continue this item to Jan. 25 by Lars Johannessen. Seconding the motion was Scott Mandeville. AIF.**

### **CONTINUED PUBLIC HEARINGS:**

#### **24 Pond View, 0 Summit Avenue - Village At Baileys Pond**

**CONTINUED TO FEB. 8 MEETING.**

**Motion made by Robert Laplante to continue this hearing to J 25 and seconded by Lars Johannessen. AIF.**

#### **29 AND 37 South Hunt Road - ARC Technologies**

**Site Plan Review, Applicant: ARC technologies**

**Representative: W.C. Cammett Engineering**

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**Nipun Jain:** At the last meeting, PLB had received a memo from Stantec concerning some of the outstanding issues pertaining to landscape plans, lighting plan, and the applicant has since then updated both those items and other minor issues that were identified during the public hearing process. So the application is completed, complying with the requirements of your sight plan review. At this time, the only outstanding item is the lot consolidation plan or the A+R plan that is required prior to the site plan actually being built. So staff recommends that the project be approved with the standard conditions that you have for approval of site plans, and to have one special condition which requires that the A+R approval not required plan be submitted to PLB prior to endorsement of your final plan set.

**Motion of “so moved” by Lars Johannessen and seconded by Robert Laplante. AIF.**

**103-107 Macy Street - Amesbury Chevrolet  
Site Plan Review, Amesbury Chevrolet  
Representative: W.C. Cammett Engineering**

**CONTINUED TO 2-8-15 meeting.**

**Motion was made by Lars Johannessen to continue this hearing to 2-8-16, and was seconded by Ted Semesnyei. AIF.**

**Motion by Scott Mandeville to take the items on the agenda out of order, and take 241 +243 Main Street / Cumberland Farms ahead of the public hearing for 77 Elm Street. Motion was seconded by Robert Laplante. AIF.**

**ADMINISTRATIVE:**

**241 & 243 Main Street - Cumberland Farms  
Request for Close Out and Release of the Performance Bond.  
Representative: Attorney John Smolak**

**John Smolak:** One of the outstanding items with respect to the PLB site plan decision was a request for the PLB to issue a letter to the Building Inspector with respect to all improvements have been completed as per plans, and the second item is for PLB to release of the existing performance bonds, perhaps partially release those bonds. I had submitted a letter to PLB on Dec. 7 with supporting materials confirming that substantially all the work has been completed including landscape improvements and the like. One of the last remaining items was the remaining landscaping still needs to proceed through one growing season. So we submitted to PLB as part of the materials a projected cost for landscaping maintenance and for replanting should that ever be required. So that is one of the board items the PLB may request a separate cash bond.

**Nipun Jain:** The applicants proposing that PLB hold a cash bond as opposed to the performance bond that they have.

**John Smolak:** There are four bonds currently being held: one performance for site work which is \$337,522.00. There is a second performance bond held for erosion sedimentation control which is \$225,144.00. There is also two cash bonds, one for erosion control of \$9950.00 and one temporary construction cash bond of \$20,000.00.

Those are the amounts as reported to me by Cumberland Farms.

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**David Frick:** And you're saying that what is left is shrubs, etc. making it through a year growing season.

**Nipun Jain:** Here is the staff review of the project: PLB consultant has reviewed the project through completion. They made the final report, saying that the project has been built as per your approved plans. The last item was the fence along the cemetery and that has been built per the PLB approved plan. Part of the landscaping on the site was planted

in early 2015, so it has still not technically gone through one growing season, per se.

We count a 12 month period for one growing season. Then there is the landscaping along the fence which was installed in late fall. That is the status of when landscaping was planted and what time frame it has gone through. The one item that is outstanding that was on the project list, and I discussed this with Dominic and I hope he remembers, was the shielding along the canopy. There was discussion and I believe in your request in your close out, you are requesting a waiver from that requirement. Is that right, John?

We had requested screening to hide the gas canisters. I have not seen photographic support to show that that is the case, which I had asked for, because the whole purpose of that screening was to avoid looking at the gas canisters. So not having seen those, per se, I cannot make a recommendation one way or another. Otherwise, the building, site, other improvements have been completed as per approved site plans.

**David Frick:** It seems to me it doesn't make sense to be holding over a half million dollars at this point. We need something for the recent plantings and until we get the evidence, something for the shielding based on how we see it.

**Scott Mandeville:** Do you have the value of the plantings and shrubberies that are in question/

**John Smolak:** I have correspondence that was submitted in the materials from our project engineer, which provided for a total of \$5,853.00.

**Scott Mandeville:** It makes sense maybe to, since we have some plantings that are in question, and some of that growth does have to do with erosion, does it make sense to maybe hold \$5853 that Mr. Smolak mentioned, and the \$9950 for erosion, and release the rest?

**Nipun Jain:** So what would that total be that you are proposing?

**Scott Mandeville:** \$15,803, to be confirmed by Mr. Smolak.

**Nipun Jain:** So there are four bonds that Mr. Smolak outlined. One of them is a \$20K bond. So if the PLB is amicable, we could release everything and not have to do anything with that, and that would be in lieu of any and all outstanding items, at this point. That keeps the books clean, and everything else is released, if acceptable to John.

**John Smolak:** In terms of landscaping and in terms of the fire system and the parapet, the construction drawings that we have suggest that the fire suppression system is no higher than flush with the parapet. If you are higher up, driving down Route 110, you may see some of the fire suppression. What we're suggesting is that possibly if you wanted us to paint the fire suppression system from the top, we'd be willing to do that so it matches the color of the canopy and parapet.

**Nipun Jain:** I think there are good options that you can propose, I just can't sign off on that as an outstanding issue. I'd rather have a couple of members of the PLB at least opine on what some of those acceptable solutions would be. I do understand what Dominic was saying about how it is not as apparent as it was in the existing conditions prior to new store being built, where the parapet was much lower v. now the parapet is

much higher. But I don't have anything to look at in terms of either design or options or photographs that would help me guide the PLB on if the proposed solutions would work or not.

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**John Smolak:** So you're looking for photographs that there is very little that you see of the canisters from some of the vantage points, which was what the original issue was for the PLB and why that condition was put in place.

**David Frick:** So the idea is to release the first three bonds of \$337

K and change, the \$228 and change, and the \$9950, but hold the \$20,000 for all these outstanding items?

**John Smolak:** Sure. I guess there are only a couple items left outstanding. So the landscaping bond would be held until this fall or early winter. Also, that \$20K is a cash bond, which will work better for all.

**Motion was made by Scott Mandeville to release the three bonds of \$327,522, \$225,144 and \$9950 and hold the \$20K cash bond until the completion of this years growing season and satisfying all the other requirements of the board. Motion was seconded by Lars Johannessen. AIF.**

**John Smolak:** One last issue is if the PLB is going to vote to issue a letter to the building inspector?

**Nipun Jain:** The purpose of the letter is for him to know that the PLB is satisfied, that all its conditions have been met. We can lay out in the letter that PLB is holding out \$20K.

So it can say once the PLB approves and recommends that is: the project has been built as per your decision and as per the plans that you approved and that PLB has released monies except for \$20K for this purpose.

**Motion was made by Ted Semesnyi Planning Staff to write a letter to the Building Inspector, laying out our actions for tonight. Motion was seconded by Scott Mandeville.**

**David Frick:** Maybe add a little language in their "except for the ones that we outlined in the action tonight, all conditions of approval have been met, and that we released the three bonds, etc., AIF.

**36 Haverhill Road - Amesbury Heights – Acknowledgment from PLB that applicant has satisfied requirements under building permit section of the decision.**

**Representative: Sean McReynolds**

**Sean McReynolds, with Amesbury Heights LLC or Corcoran-Jennison Associates:**

We've been working diligently getting the project under construction. The stage we're at tonight is to request a letter to the building inspector acknowledging that we've fulfilled the requirements under the section prior to making a building permit. Of all the items listed in that particular section of the decision, we have completed that, and we're here tonight to get a formal motion to acknowledge that we've completed those tasks.

**Nipun Jain:** Sean and his contractors are looking to file application for a building permit to start building at the site. The PLB already allowed the construction work to start. Stantec has been doing the observations on behalf of PLB. At this time, they are working on the access driveway that leads from Haverhill Road to the top of the site where the actual foundations and buildings will go. We've had meetings with the applicant's team to further outline what are some of the requirements that would have to be met, as far as getting a building permit. Part of the building permit is foundations only, and part of it is building over the foundations. Based on the meeting with the tech group, which includes police, fire, building dept. and engineering. The consensus was that if they are looking to put in foundations at this time, given the site grading plan and other improvements, and the desire to put only some of the foundations which are on the slope side of the site, it may be ok and reasonable to allow the foundations. But as far as the building

framework itself and structure, they want to insure that there is adequate access for public safety officials, as of when the superstructure starts. We had advised Sean to go ahead and talk to the fire dept. and get confirmation that they find the access adequate, and they would be amenable to construction work starting beyond the foundation, before we acknowledge that we can actually move forward with the building permit stage. That was one of the most important aspects. There were other requirements in your decision that had to be met. Based on what we have seen, we have received the marketing plan, we have not seen the final engineering details for the retaining walls.

**Sean McReynolds:** That is in the prior section, we are following up on that.

**Nipun Jain:** The way the decision is structured is, you finish the first half, then you go to the second, and the third. If there are outstanding conditions in the first half, then they carry forward to the second, etc. so I think the retaining wall is a sour issue for PLB in other projects, where things have not happened at that stage, and it has resulted in site plan modifications. So in this case, I think it would be important for PLB to have the retaining wall designed for the access roadway, because that is the most critical location, given it is so close to the abutting property line. Reviewing the marketing plan that you have, there is a requirement in the conditions of the PLB that there be a local preference clause. I didn't see that...for affordable units outlined in the marketing plan. So if you need any language that you'd like to include in the marketing plan, we'd be happy to provide. But that is something that needs to be included in the marketing plan. Did you also submit the affordable units plan in a color version?

**Sean McReynolds:** They are in the building plans that we submitted.

**Nipun Jain:** The only other thing that we did not review was the clubhouse design, because we looked at the footprint, but the building elevations had not been prepared by the architect, Mr. White, at the time of approval. So that is one building in your old site plan that the PLB would have to sign off on that.

**Sean McReynolds:** That footprint hasn't changed since June, when we submitted elevations and floor plans. So in the latest package is just more of the technical plans and specs, the MEP drawings and structural drawings of the clubhouse. So if you have any additional comments, I hope not, because we've gotten pretty far along on the clubhouse.

**Nipun Jain:** I don't believe the subcommittee reviewed the clubhouse plans. As far as the final review and sign off on the clubhouse, that I can recommend the subcommittee to do in the next week or so when they meet. So that is my list of issues or status of what the conditions of the PLB decision requires.

**David Frick:** Which of these then are still outstanding?

**Nipun Jain:** I'll start from the top again: I have not yet received a sign off from the fire dept. saying that the project is ready for building permits. It might be ready for foundation permits. I have not seen final detail engineering drawings for structural purposes on the retaining walls. The marketing plan for the affordable piece, we've received it and it has been signed off by DFCD. It is missing one clause. We can provide that language and the applicant should be fine with that, as he has indicated. The plans for the affordable units have been provided, so that is ok. The clubhouse final drawings have been provided, as far as sign off from the PLB, I just need a recommendation from the subcommittee on that on that one building, which we can have before Jan. 25. The most critical one if the fire dept. access to the site to be able to do the building.

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**Sean McReynolds:** FYI: we have a meeting scheduled with the fire dept. on this Wednesday to go over the access plan. But I guess that is a separate issue from this decision, is what I'm saying. The fire dept. has stipulated their conditions as a safety issue separate from this decision.

**Nipun Jain:** Yes, and if the PLB wants to send this letter to the building inspector saying "as far as the status of the project as it stands today, is in substantial compliance with the decision, except for these things. Then at least you would have noted that the project, per se, is moving on track, but there are some of these outstanding issues, so be mindful that you should request formal sign off from the fire dept. and receive the structural drawings, because if there is any modification based on structural drawings to the location of the driveway, or to the utilities, or sidewalk, then that would require approval from the PLB. So if nothing changes on the plan itself, then it is ok to move forward. Everything is in compliance, just that this is where the things stand. So you can recommend to the building inspector that, if a building permit is applied for and requested, it may be issued, provided these matters have been taken care of.

**Motion was made by Scott Mandeville to instruct staff to write a letter to the building inspector. Motion was seconded by Lars Johannessen. AIF.**

**BILL PAYMENTS:**

**Stantec Invoice #989519- Hatters Point -Site Plan- Compliance Review \$973.25  
Review fee balance after payment of this invoice: \$22,922.93**

**Stantec Invoice #985731 Hatters Point Compliance Review \$3,275.01  
Review fee balance after payment of this invoice: \$23,984.99**

**Stantec Invoice #989515 - Amesbury Heights - Compliance Review \$808.00  
Review fee balance after payment of Invoice : \$6,362.19**

**Stantec Invoice #986262 Amesbury Heights Compliance Review \$2,572.25  
Review fee after payment of invoice: \$7,170.19**

**Stantec Invoice #989523 19 Evans Place Compliance Review \$691.25  
Review fee balance after payment of invoice: \$2,159.17**

**Stantec Invoice # 986255 19 Evans Place Compliance Review \$2,778.50  
Review Fee balance after invoice is paid: \$2,850.42**

**Stantec Invoice #985732 47 ½ - 57 Kimball Road – Compliance Review \$751.75  
Review Fee balance after payment of this invoice: \$1,534.75**

**Stantec Invoice #985735 ARC Technologies - Compliance Review \$2,149.00  
Review fee balance after payment of this invoice: \$2,351.22**

**Stantec Invoice #989526 Amesbury Chevrolet - Site Plan Review \$1,050.00  
Review Fee balance after payment of this invoice: \$2,470.00**

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**David Frick:** We have several Stantec bills to address. I guess I'm asking PLB to approve my working with City Planner and his offices as appropriate, and to move ahead on these payments.

**So Moved by Karen Solstad, and seconded by Lars Johannessen.**

**Robert Laplant is all in favor except for the Hatters Point issues, which he recuses himself from. Otherwise, all voted in favor.**

**NEW PUBLIC HEARINGS:**

**77 Elm Street - David Martin - Site Plan Review and two Special Permits - TBD**

**Nipun Jain:** The applicant's representative asked if it was possible to have this hearing start at 8 PM due to late arrival. The representative is flying in and is on their way.

**Nipun Jain:** David Martin, Martin Development LLC has submitted a site plan review Special Permit Request for Renovation within 20,000 square foot existing building for retail and office use in an IC district. 6132 square foot parking lot in CBD district. The plan will also improve street and rear service alley, also known as Fruit Place at Map 53 Lot 38 and Map 40 Lot 139A at 77 Elm Street.

**Nick Cracknell, 13 Picard Street, representing Dave Martin.** On our team of consultants working on the project, I have with me Brian Couture from Horsley-Witten who prepared the engineering plans, grading plans, parking improvement plans on Fruit Place and the drainage report, all of which have been reviewed by Stantec or are currently being reviewed by the peer reviewer. I also have with me Jeff Dierk from Vanasse and Associates who prepared the traffic impact study that was also submitted and being reviewed by Stantec as well. Brian will give an overview of the engineering. We're here tonight for the site plan review. We did a pre-application meeting with PLB back in Oct. (maybe late Sept). In Dec. when we pushed this off to the Jan. meeting, we did a dry run with the main points of the project. David wants to convert 77 Elm Street into three levels of office use. That is the preferred use currently being pursued by Mr. Martin. We asked in our application for the PLB for a special permit as well for not only the office use in the central industrial zoning district, of which the building is located. So unlike the mills downtown, which are zoned industrial, so a special permit is required in order to have retail, restaurant, or office uses in the building. The previous owner had permits to have two floors of retail and one floor of office, and also had obtained a variance for the parking that was required for those uses, but neglected to record, as I understand it, that variance, so that variance is no longer valid. So we have to apply for that variance to be able to utilize the municipal parking deck or even some of the parking at the transportation center. If a determination is made that that parking is unavailable under the existing ordinance. We spoke about that briefly at the last meeting. I don't believe we have approached the zoning compliance officer and back to Nipun to inquire whether any of that can work, but it was our understanding from prior conversations with Nipun that the transportation center, albeit public parking, is not owned by the city, therefore it is not technically municipal, therefore it may not qualify a property owner to use the existing exemption in the ordinance. Any properties within 300 feet of a municipal parking lot can use the municipal parking lot to meet their off street parking requirements. This property is about 350 feet as the crow flies from the parking deck from the parking deck on Water Street, so it was not able to be used when I worked with the prior owner 3-4 years ago to get the variance in order

to put retail on the second floor. Since the variance was never recorded, we'll have to start all over again for a variance. We're looking for three floors of office, and potentially retail on the ground floor. We've also asked the PLB to at least consider under the special permit that we use a portion of the ground floor for a restaurant, should we be fortunate enough to get one. Obviously, parking demands would increase with a restaurant use. We know that. We'd need to come back through this process and create parking, have a new public hearing should we be successful, etc. We know we have to come back here and revise this site plan, should we get a restaurant on the ground floor. But we are asking for three floors of office or retail on that ground floor and two floors of office, with very similar parking requirements for both of those scenarios. The site is unique. It struggles because of location. Traffic speeds are high here. Turning movements are more challenging. The main component of the site plan review is the parking, making sure the design is appropriate for that location, given the uniquenesses of Fruit Place, the width of the street, the location, the grades, and all the abutting properties that are on that tight little street. We have an 18000square foot lot with a 21000 square foot building. We have a 9000 square foot former residential lot that would house the parking facility. Currently there are six off street parking on the property behind the building that meet the dimensional controls of the town's parking requirements. We're proposing to add 19 spaces to that lot at the end of Fruit Place, for a total of 25 spaces dedicated to the building. We did choose to remove various components of the building, add ons from the original historic structure in the gap between 77 Elm Street and the abutting historic mill structure. There is now a much larger courtyard between the buildings and our preference was not to park any cars. Obviously it would be challenging to get in and out of that space, anyway. But the idea is hopefully that a restaurant would be interested and could offer some outdoor dining possibilities down the road. So with that, I will hand it over to Brian Couture from Horsley-Witten who will briefly summarize the engineering related sheets in your plan set, the upper parking proposal and how that parking level integrates with the rear of the site, as well as talk about some of the other grading and utility issues on the property. Brian will finish up and then Jeff will give an overview of the traffic impact study.

**Brian Couture from Horsley-Witten, registered landscape architect and professional engineer:** We're working on the site design and engineering for this project, with six spaces on the lower level, what we're calling the access driveway between Clark Street and Fruit Place. We'll improve that to allow for vehicular access, creating a through way. There will be four parking spaces on the lower level, that would be perpendicular, and one handicap spot that would provide access to the door off of Clark Street. Also we have one parallel parking space off on the western side of the road. As you work further up into the site, we have one additional handicap parking space. It is located a little further into the site because we're trying to provide handicap accessibility for the proposed new entrance plaza and build an entrance that would be off the access drive at the rear of the property. The former residential site would then become a 19 space parking lot, perpendicular lots meeting all the requirements of traditional parking but also be lighted and landscaped as well, with access from Fruit Place coming into it or if you are coming up on Clark through the access drive. The lower level would have a landscaped plaza, currently a paved court yard. This is in between the two existing buildings. The intention is to improve that area, create a landscape amenity and then remove most of the impervious cover from that area. It's important to mention that we'll be reducing the impervious cover on the existing site. We're providing additional landscaping and green space, which is currently paved. This is not only for storm water management, but also for aesthetic improvement as well. We are

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within the 100 foot wetland buffer, just below a corner of the building, due to the Back River runs under a culvert, that runs under the building. The buffer would just extend 100 feet, just touching that corner. So the only work would be work to the building. There are no plans for work in that area. The sidewalk was just recently improved. Everything is outside of jurisdiction, but because of this corner, we have filed with ConCom. We submitted an NOI and are scheduled to meet with ConCom on the Feb. 1<sup>st</sup> hearing to present the package and drainage calculations as well. From a drainage standpoint, there is not much we can do for existing impervious cover or the improvements within the access drive on the parcel for the old mill building. But as I mentioned, to meet the storm water policy, we're proposing to reduce the impervious cover. Obviously, we'd need to deal with the storm water increase from taking the residential home down and putting in the parking, so what we're proposing is bio-retention, or rain gardens, or bio-swailes. Those would pre-treat the first inch of runoff prior to any discharge. That would be for the first one inch. Then for any of the larger rain events, we'd detain the water in underground chambers, then be metered out over the course of time. We looked into infiltration, but due to the soils on the site, from a hydrological group standpoint, it is Soil C, which is a very poorly draining soil. Not a lot of infiltration capacity or capability there. That's why we proposed the detention system. We did 5 test bits on site, using a local engineering firm, and those test bits indicated the types of soils we have, but also looked at the depth to water, so we would meet those requirements. There will be one bio-retention on the southern side, and one in the northeast corner. As a large group, we walked the site and discussed this, so all are aware of changes being proposed. We also propose to improve the turning radius here for the connection from the rear access drive onto Fruit Place, and also as part of the proposed improvement to the parking lot, we are going to widen Fruit Place by a couple feet to improve turning radius and improve accessibility. That covers all of the storm management. I will now turn it over for traffic.

**Jeff Dierk, Vanasse and Associates, traffic study engineer:** We prepared a full traffic study for the project, which is part of the application before you. I'll summarize the findings of that study. One thing I do want to mention are the types of uses that we're thinking about for the project site and the application has been structured. When we assessed the impacts of the project, we looked at the various components that we were thinking about for the property and we arrived at the mix that would result in the highest traffic generation, which basically was a mix of office space on the upper floors, then on the lower floor, looking at the site plan, the mizing walls that were put in there for retail space in one portion, then the second portion of the first floor space could be retail or restaurant. What resulted in the highest traffic generation from our standpoint in assessing impact was office for upper floors, then on the bottom floor, retail in one space, then in the larger space, a restaurant. So that is what we analyzed into the traffic study.

The area is very walkable, with sidewalks on both sides of Elm Street. We also have sidewalks on Market Street. The sidewalk along Clark Street is discontinuous, so you have it along the project frontage, then as you head up towards Market Street, it is actually on the other side of the street. There are crosswalks that allow for crossings from Railroad Street over to the project site, and along Elm Street, so there is connectivity that happens. We also have access to the Amesbury River Walk which ends just off of Railroad Street. That gives us good connectivity for pedestrian and bicycle standpoint. In assessing traffic impacts, those are opportunities to us. Our proposed plans for the project include ways to link into those amenities that we have in the area. We did look at motor vehicle crash history in the area. Looking at the last 5-7 years of data, there have been no crash trends in this area, and all crashes that we evaluated, the crash rate is below the state average. So there is no crash history or safety issues in the design of the intersection or

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the way they are operating. Based on the volume of traffic, the number of crashes is below the state average. In terms of volume of traffic to be generated by the project, we look at the highest combination of uses that result in the largest traffic volumes in the project. So given a mix of office, small amount of retail, and restaurant use on the site, we are projecting that during peak hours that, based on what you have out there today in traffic volumes, we would add about 60 additional peak hour trips. So we'd add about 1 vehicle per minutes during peak hours. So that would be between 7:30 and 8:30 AM and between 5-6 PM. On Saturday, one hour would be impacted from 11 AM to 12 PM.

Looking at this, we assign a letter grade to the various time frames: A being the best and F being the worst. We want intersections operating at a D grade or better. That is the limit of acceptable traffic operations at locations. If we see that the project degrades operating conditions below a D we typically want to look at what measures we might be able to do to improve conditions to get back up to a D. The intersections around the project site are all operating at a D or better. In general, they are a C or better. We did note that, whether the project happens or not, because of the way Clark Street functions today in a one-way pattern from Market towards Elm Street, there is a big concentration of left hand turning vehicles. As we look at the peak periods, we see that in the morning and the evening, you have about 200 vehicles that come up and want to make a left hand turn on Elm Street, because Elm Street at those times of day has about 1000 vehicles (500 going in either direction). It's difficult to make a left hand turn. So that approach is operating at or over its design capacity, so that would be an E or an F. That results in some vehicle cueing on Clark Street. So we look at before and after the project, it stays at that E or F. Then we look at what the increase in cueing happens after the project. We showed the increase in cueing on Clark Street went up about one vehicle. So it wasn't a significant increase in cueing. We do recommend, though, that the city, due to the recent change to one way traffic on Clark Street, it results in a couple things. It results in a concentration of traffic at the intersection, but also results in higher travel speeds. With the discontinuous sidewalk and narrowness of Clark Street, we'd like to keep the speeds down low while allowing traffic to better circulate in the area, we suggested to the city that looking at converting Clark Street back to two way, that would be a good thing. It benefits the site, it will also benefit circulation as well as reducing cueing. We proposed that option be continued to be pursued.

**Nipun Jain:** Since this is the first hearing, you might want to outline the process as far as discussion on the project. Abutters might be looking to make comments, etc. Just outline how you will be proceeding after the presentation.

**David Frick:** We as a board, projects like this, most of us aren't engineers or architects, and the way it works because of that is, a developer like this gives us money to pay for what we call a peer review. So we hire an engineer, in this case it is a company called STANTEC, who will look at all of our guidelines for this type of a development and they will take a look at the package we get from the developer, and see how it matches up and how does it answer the questions. They look at storm water, traffic, and all the other things to be our guide on our side to see that this is meeting the guidelines that have been set out for this type of project. So they originally wanted this to be in December, but because we had a new board starting, we asked if they could delay this public hearing until this year, which they have done. But what we allowed them to do, to move this ahead, is that they in advance gave us money to cover the contract with STANTEC, and they have started that process, but we don't have their report yet. So the next thing that will happen is that they will take their report and deliver it to us and to the developer and his team. Then they will respond to the questions or comments or questions that STANTEC

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might have. They will respond with a written report to STANTEC and probably have some discussions as well, in the City Planners office, the developer's team, and in meetings like this here tonight. By the next meeting or next month, we'll have another meeting which will be a lot more information. So next meeting, we'll have the response from STANTEC as well as the developer's response back to that. We'll move forward from there, and probably take a lot more questions from the board. At this point, STANTEC will catch a lot more things than we would, and look at what they asked about and how they responded. But we are concerned about the issues from the public.

**Richard and Camille Sandler, and attorney Ellen Grossman here as well,**

**79 Elm Street: Camille:** We are thrilled to see that building being renovated. We are direct neighbors. Our main concern is the aspect of retail again being allowed on that first floor. We went down that road with Mill 77. That was a nightmare. I even went to see Gary Bergeron, who owns Mill 77, which is now located on Route 110. I asked him, what was the main reason why you didn't stay? He said parking. He said even though he personally made an arrangement with the gas station for parking beyond his building but close by, people did not use it. That's why we're here. Guess whose parking lot they pull into? Ours. During that time, we were under a lot of construction, with lots of heavy equipment in and out. It is our liability if anything happens to anyone. We tried signs, many signs...it does not deter people. They come in and out. We have delivery trucks coming in and out for my husband's business located there along with customers. We have parking for these customers. So it is a grave concern of ours for retail to go back into that first floor. We've seen it, lived it, and it will happen again. Many times we had to call the police to have vehicles moved. Sometimes things got belligerent. Office space, people normally have designated areas. If told to park on Fruit Place, they will park on Fruit Place. If clients are coming for an appointment, they know where to park. Retail is not like that. They see a sign, they stop, get out of the car, and want to go in. It is the nature of the business. Unfortunately, there is no attached parking to that area. But in regard to the parking on Fruit Place, I think there is some concern about the traffic on Fruit Place, which is a residential street. The way we're hearing it is, if there is to be parking on that side, they will be coming down Fruit Place and down to Clark. I think it will increase traffic on Fruit Place. You come in at certain hours, you park, and you leave. Retail is in and out, in and out all day. Our parking for our home is off of Fruit Place, but our business faces Elm.

**Richard Sandler:** I looked at the plans in the clerk's office. It is a site plan that shows the utility poles being removed on Fruit Place. Currently, the electricity, the cable, and telephone go to my building on those poles. If they remove the pole closest to my building, it carries the transformers that feed my building. Nowhere on that plan does it show any utility transformers going back to my building. It shows one transformer servicing their building on the corner of Clark Street and Fruit Place, and it shows a line that says "underground electric" but there is no detail to it. I have no reason to want my utilities underground and I'm not going to pay any expense to install or maintain an underground system. I prefer they stay overhead the way they currently exist. Also a concern I have, on the plan for Fruit Place, the revised plan that shows the parking spaces for the parking lot, they're showing a means of snow removal and they're not showing any snow removal means for the parking areas that are on Fruit Place now. Thirdly, in the way the plan shows now, it doesn't appear as though there will be any access on the Elm Street side of the building, except for that court yard. It doesn't show any loading areas into that building. So somewhere, somehow, they either have to block that 16 foot passage of Fruit Place,

or they're going to have to park somewhere on Elm Street for loading and unloading. But it doesn't show that. So I'd like to see a more defined plan. Thank you.

**Joe Boad, 45 Market Street:** The reason why we had it one way was because of numerous accidents in the snow and ice, of people trying to go up the hill. I think your traffic study doesn't show how many times the police were called and the fire dept. Just in my short time living there, at least 15-20 times police and fire had to come. Its not only tractor trailers going up, it is also residents trying to get up. Another issue is that it is a safety issue as well. Going up the hill trying to take a right hand turn, the street is not designed to take a right hand turn. There is a utility pole right on the corner. It was suggested why don't you just move the utility pole? If you did that, you'd have people driving over our lawn in front of our condo association, which we've already had done numerous times. Last year, some idiot drove his car right up onto our wall, and we had a couple accidents into our wall. We just paid \$50,000 to have our Clark Street wall repaired. You have the danger of going right, the danger of up the hill, you have cars parking across the street and people that live there, so you cannot make that turn safely going up the hill. Secondly, you're transportation building is pretty new there. So now you have different traffic issues now due to that new building. Your traffic study probably doesn't account for the number of people walking up and down the hill, does it?

**Jeff Dierk:** Yes we do keep track of pedestrians) So where are people supposed to walk when they walk down the hill to the transportation area? There's no safe place. The street is narrow both ways. So if you have all these people going down the hill to go take a bus, you make that two way again, the street is way too narrow and not safe to walk. I live right there, and I can tell you how many people go up and down the street. The traffic study, you count the number of cars... that was done after it was made one way. I don't know how you're keeping track of how many cars there are, unless someone is counting, watching the video. It's a danger going up the street due to the ice and snow, cars getting stuck. Roger (Ebacher) lives on the corner of Market and Clark, has photos of tractor trailers hitting his house, etc. I believe Clark should remain one way.

**Roger Ebacher, 41 Market Street:** My family has lived in this home since 1950. I've seen it all. Tractor trailers get stuck in the middle of the hill, cars lined up all the way down behind it, they all have to back down the street, in winter. This is constant. I approached the possibility of putting a sign down there, prohibiting street use by tractor trailers. The town told me it would have to go to the state, and they don't want to.

**David Frick:** Well, they also have a business on the street that requires delivery.

**Nipun Jain:** I just want to clarify to the general public: since one issue has been clarified, the study takes into account what the current conditions are. So there is no proposal to change the traffic pattern. If any changes are to be made, they would have to be made by another body.

**Chuck Alamo, 10 Fruit Place property owner:** I've owned this property for about 28 years. Fruit Place in its own right is an extremely narrow street, even without a snow load. When you reach the end of the Fruit Place to the area that the city has nothing to do with, when you reach that area, it is totally blind. The terrain is totally forbidding of seeing anyone coming from the opposite direction. I've seen multiple accidents, people coming down Fruit Place trying to take the corner to go out to Clark Street. You cannot see a vehicle coming in the opposite direction. The terrain does not allow it. So that aspect I felt had to be mentioned. The other aspect that they mentioned was that they wanted to put in a parking lot with lighting. Good. What are the parameters for the lighting. Fruit Place is all residential. Are you going to have lights beaming in the neighborhood all night long? What are the hours of operation for the lighting? That has to be

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taken into account too, because people live there, some bedrooms might be right on the street. Those lights coming into their windows I think would irritate those residents.

**Nick Cracknell:** I'm not going to offer any definitive answers, but just some feedback for some of the folks that raised comments per my notes.

Obviously things change if Clark Street becomes two way in terms of the impact on the folks that live on Fruit Place. We get that and understand and respect the fact that the PLB nor us have control over whether Clark Street becomes a one or two way street. One of the things we are willing to consider is to maybe fixing the disconnectedness of the sidewalk between Market Street and 77 Elm Street. We will look at the prospect of bringing the sidewalk down the south side of Clark Street, then a crosswalk over to 77 Elm St. rear where the sidewalk ends. The main point I was making was not about one way or two way but for a sidewalk for pedestrians. We're willing to consider is looking at the cost and benefits of connecting the two existing sidewalks. If it is not feasible, or the street is too narrow, or people don't want it, we're willing not to do it. Regarding the utility pole on Fruit Place, we're going to go back and take another look at it and see if we can retain it. If we can keep it where it is, we have no interest in moving it. The snow removal, we will look at moving the retaining wall on Griff Dalton's property on Market Street down Fruit Place extension, to see if we can widen out a little more space down the side of that 2 way private street, conveying Fruit Place extension to the city as a 2 way street to get to the bottom of Fruit Place. Loading areas: we are going to look at whether we can provide a loading area along the Fruit Place extension at the back of the building next to the main entrance. It'll be tricky to do that, since it is a private way, not a public way. Regarding lighting: we're proposing dark sky lighting with cut off luminaires on that parking lot. So there should be no spill over lighting or glare from any of the existing residences on Fruit Place. Those were the main comments that I had on my list, and this is my quick response. We'll go back and look at all 7 of those and whatever else I've missed, in the next couple of weeks. We'd like to come back as quickly as we can, knowing that STANTEC is either near finished.

**Nipun Jain:** I had a brief discussion with the engineer for the project, Brian Couture today to discuss what the initial findings of the tech group, which comprises the various department heads, was on the project. It is sort of summarized in the e-mail that Brian sent back to me to confirm our discussion. I believe Brian indicated that they would be looking at those comments as well as they take into consideration any comments from STANTEC. The next steps, as I outlined to Brian was, as soon as we get the comments back from STANTEC we would have a technical workshop where we would sit down with the applicant's team and STANTEC to make sure that the comments are clearly understood and the drawings are revised to meet the engineering standards, which based on the schedule, we could probably do it in 2-3 weeks, but I find it highly unlikely for us to get back to the PLB with further revisions to the plan set. We can get the comments from STANTEC to you at the Jan. 25 meeting. I don't think the plans can be turned around to address those comments and to have them back to you by tomorrow, because that is the deadline of the PLB. So the earliest that this project can get back to the board is Feb. 8 at this time, provided the comments can be addressed by the applicant in a timely manner. We will be scheduling a DRC meeting to discuss the building design, because there were some comments and initial findings on the building design itself with the team's architect, having to work out with the subcommittee if they can do this at this Thursday's subcommittee meeting or any other special day for the applicant that will work for them as well. Those are the two primary channels which we would be working with on the applicant's team.

**David Frick:** So you're suggesting we continue this to the Feb. 8 meeting?

**Nipun Jain:** That would be the earliest meeting to have any substantial discussion on the issues, comments from city, staff and your consultants.

**David Frick:** Also, I will be absent for the Jan. 25 meeting.

**Ted Semesnyei:** I'd like Jeff Dierks to return to the podium for a question. Did you explore the various site lines, specifically the Fruit Street, then the private extension?

**Jeff Dierks:** We did. That was one of the things we looked at. What we've recommended as far as the Fruit Place extension, given the fact that there is a dog leg there, that there be traffic controls like stop signs, so traffic doesn't free flow around that corner. It also slows the traffic down. On Clark Street, one of the things we'd recommend is that as you are coming out of Fruit Place extension and you are looking to your right, towards Market Street, we did find that the building on the corner posed a sight distance restriction. We recommend is that an edge line be striped out on Clark Street, so that the vehicle coming out of Fruit Place is able to nose out without being in the travel way, look to the right to where they have a clear sight line, then be able to make that turn.

**Lars Johannessen:** Jeff, has there ever been any allowance for using mirrors?

**Jeff Dierks:** The answer is yes, but when you can fix it, it is better to fix it. But you can do that. We typically recommend it for residential driveways, things like that. If the mirror is broken and you rely on it, then we have a problem.

**Nipun Jain:** And if it is not installed on public asset, there is no control. There are several aspects that we will be discussing with police, and make sure that any public safety improvements that are made are acceptable to them, and can be enforced.

**Karen Solstad:** Because of the tight space that we're talking about, and the Fruit Street issues and making this more of a passageway, I would love to be able to walk the site and look at it. Can we have a site visit or permission to walk the back of it?

**Nipun Jain:** It may be easier, given the weather conditions, that people just choose a day and go there, as long as the applicant gives us a letter saying that PLB members are allowed on the site.

**Nick Cracknell:** The site is pretty much open to the public right now, so you can certainly look at both Fruit Place and Fruit Place extension.

**Ted Semesnyei:** Jeff, one more question. Obviously you've seen a lot and studied a lot of neighborhoods and intersections. This seems to be a fairly unique sort of set of circumstances. Is this relatively unique from what you've seen, and is it something you've worked with in the past?

**Jeff Dierk:** It really has to do with the work you are doing on the site. In this circumstance, you can't always come up with ideal street widths. It really comes down to type of use on the site. What we're trying to do with this project is, it is not that intensive of a use as far as traffic being generating, so roadway widths we recommended in terms of improvement areas are to make sure they can accommodate the turning requirements for safety. But we are not suggesting Fruit Place or the extension be expanded to a point that they become thoroughfares. So it will accommodate traffic, but at slow speeds.

**Ted Semesnyei:** One aspect that makes things even trickier is the slope. Have you ever come up with thoughts or solutions about that or tried anything?

**Jeff Dierk:** It really comes down to the maintenance of the street. Street grades don't exceed standards that would be considered unacceptable. We looked into that. What you normally do in such conditions, you deal with replacing of pavement. The pavement surface does create some conditions at times, especially if it is well worn, that are conducive to icing and make them more

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difficult to maintain. So you'd look at creating a surface that is different from what is there today. That and maintenance.

**Motion was made by Robert Laplante to continue this hearing to the Feb. 8 meeting. Motion was seconded by Scott Mandeville. AIF.**

**David Frick:** Nipun and I were chatting. Maybe put together a work shop being put together about setting up what we are going to have, maybe not the whole board, but if a couple people wanted to join Nipun and I. We want to come up with a schedule on how we conduct our hearings, the standards we put forth to have people when they are going to present their plans and what they have to meet before we even set up the meetings. Standards and sets of conditions of approval that we only have to worry about the stuff that is special beyond that, and probably we'll come up with more ideas. The more planning we can do, it will make all our jobs easier, and will also make the meetings quicker by not having to deal with so many things here. If anybody is willing to join, let me know. (Ted and Lorri expressed interest).

**Nipun Jain:** We'd like to have a working group to discuss possible solutions and options for various challenges the PLB has in terms of organizing, making sure the meeting is efficient yet comprehensive. Then come back in a month with a full board to discuss what we have found and what is the best way to proceed. This way, everybody can participate. Meetings can be day or night.

This discussion about improving meeting times went on for about 20+ minutes, hitting on many topics that board members want to pursue.

**Motion to close the meeting was made by Robert Laplante. Motion was seconded by Lars Johannessen. AIF.**

**Meeting was adjourned at 9:39 PM.**