

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:30 pm

DECEMBER 19, 2019

MINUTES

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Jeffrey Kisiel; Jody Record; John P. Bohenko, City Manager; Rebecca Perkins, City Council Representative; Ray Pezzullo, Assistant City Engineer; and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director;

MEMBERS ABSENT: Jay Leduc, Corey Clark, Alternate; Jillian Harris, Planner I

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I. CAPITAL IMPROVEMENT PLAN

A. Presentation and adoption of FY 2021-2026 Capital Improvement Plan.

Deputy City Manager Nancy Colbert-Puff introduced the presentation. Each Department submits their capital needs for the next 6 years and citizens can submit proposals via the City web site. The projects are sorted by priority level and the funding sources that will be used. In the past projects with more than one fund would be displayed on multiple element sheets. There is a new section this year for combined fund projects to make funding clearer. Last year City Council approved funding for 1.8 million. The City's policy is to allocate 2% of the prior year's budget. FY 2020 is 118.6 million and the target is 2.37 million. The CIP Advisory Committee felt that a gradual increase was prudent, and the request is for 2.016 million. That is 1.7% of the FY 2021 budget. It is important to note that other appropriations will contribute. Bonded projects required a separate vote from the City Council. Projects identified for the out years don't have funding for FY 2021. Chairman Legg noted that the key metrics to pay attention to was that the CIP is 2% of the budget and the debt load is no more than 10% of the overall budget. Director of Finance Judie Belanger commented that this policy was put into place many years ago. It is well below the state required debt load.

The City Department heads reviewed their project requests. The detailed requests can be viewed on the City's web site.

Fire Chief Todd Germain reviewed the equipment upgrades they have requested including the replacement of an ambulance vehicle, a fire truck, protective clothing and equipment. Fire Chief Todd Germain also reviewed the training facility request.

Police Captain Darrin Sargent reviewed the new facility request and the land acquisition if the is approved and there is no City land. Police Captain Darrin Sargent also reviewed requests for the interior repairs and improvements and IT infrastructure repairs.

Business Administrator Steve Bartlett reviewed the high school improvements and elementary school upgrades requests.

Director of Finance Judie Belanger reviewed requests for a future document retention room because the current one is at capacity. There was also a funding request to repair historical documents on an annual basis.

Business Administrator Steve Bartlett reviewed a request for new library furniture.

Planning Director Juliet Walker reviewed a request for land acquisition to supplement land purchases for various municipal opportunities as well as ongoing initiatives for the Vaughn Worth Bridge.

Director of Public Works Peter Rice reviewed the request for existing recreation fields improvements and additional funding for 3 new fields off Community Campus Dr. There were also requests for the upgrade to the outdoor pool at Pierce Island, playground renovations, city parks improvements, continuing funds for the tree program, Prescott Park Master Plan implementation, and emergency response software. There are upgrades needed at the Spinnaker Point Fitness Center and the City will need to decide how to address this. The DPW site transfer station has been identified for an upgrade. There are requests for grandstand and bleacher upgrades, historic cemetery improvements, and retaining wall maintenance. There are citywide facility maintenance requests and partnerships to bury utilities in the City.

Planning Director Juliet Walker reviewed requests for improvements related to a new driveway around the rear of residential apartments to enable access for the Fire Department to Court St.

Director of Public Works Peter Rice reviewed the request for upgrades to the Hanover Garage, upgrading the flex space at the Foundry Garage, and adding more electric charging stations.

Deputy City Manager Nancy Colbert Puff reviewed the IT requests. There were requests to replace computers and servers and various requests for software and hardware. There are requests to replace and upgrade financial software, and electronic records management.

Fire Chief Todd Germain reviewed a request for audio visual training software.

Police Captain Darrin Sargent reviewed a request for updating the records management system.

Director of Public Works Peter Rice reviewed requests for transportation management including funds for partnerships for free public parking on private lots, meter maintenance, and parking division meter upgrades.

Planning Director Juliet Walker reviewed the request for the rail trail. The State acquired the abandoned rail and they are working on implementation. The initial phase will be funded through State and Federal funding. City funds have been identified as well. There were other requests for open space planning stewardship and management, and the bike and pedestrian plan implementation. There are requests for a side path construction on US Route 1 and crosswalks and signals improvements in key points on Route 1. There were other requests for traffic calming, complete streets, and a shared path along the frontage of the Urban Forestry Center to Harding Rd.

Director of Public Works Peter Rice reviewed requests for a sidewalk connection from Perkins Cove to the Sagamore Bridge, the ongoing sidewalk program funding, traffic signal maintenance, and intersection improvements.

Planning Director Juliet Walker reviewed requests for the additional funding needed for the Cate St. connector project.

Director of Public Works Peter Rice reviewed requests for South St. improvements for traffic calming, the roadway improvement program, culverts and sidewalk upgrades on Junkins Ave., improvements to drainage on Pinehurst Rd. area, and improvements to the roadway and curbing on Madison St.,

Deputy Director of Public Works Brian Goetz reviewed the water improvements proposed with the Enterprise Funds. They include the annual water line replacement program, well improvements, reservoir management, long term maintenance of reservoir, test wells and permitting replacement of the well, water transmission main replacement, and painting the booster tank.

City Engineer Terry Desmarais reviewed the sewer requests. They included the annual sewer line replacement program, Pease Wastewater Treatment Facility program to minimize and reduce discharge over time, wastewater pumping station improvements, and Woodbury Ave. sewer separation. The combined funding sheets include the Islington St. project and Fleet St. project.

Director of Public Works Peter Rice reviewed requests for initial design work for the Maplewood Ave. Bridge replacement, citywide storm water improvements, and Willard Ave. water and sewer improvements.

Chairman Legg noted that the cost increase for the new recreation fields have almost doubled. It is assumed that is happening across the board. Chairman Legg questioned if the projections for the out years include inflation factors. Director of Public Works Peter Rice responded that last year's actual increase has outstripped projections. Chairman Legg commented that it would be good to call out inflation factors to give people a sense of the calculations.

Mr. Kisiel questioned if the 11 million for the Police Department included the land acquisition or if that was all construction cost. Ms. Walker responded that they were two separate line items. The land is blank because it is an unknown cost.

Mr. Gamester questioned if the Spinnaker Point partnership continued would the City need to make the upgrades. Director of Public Works Peter Rice responded that would be a discussion they would need to have.

Mr. Gamester questioned why they were bonding so much of the Hanover Garage project. Director of Public Works Peter Rice responded that they anticipate the cost of the project to be 6 million based on the design that was updated a few years ago. Every year the project is put off it breaks down the life of garage. This project cannot be done a little at a time. Mr. Gamester questioned how they determined to bond a project. Director of Finance Judie Belanger responded that the project has to be outside the capital outlay. They have to be able spend that money all at once.

Mr. Gamester moved to **accept** the document and forward it to the City Council with a recommendation for adoption, seconded by Vice Chairman Moreau. The motion passed unanimously.

II. APPROVAL OF MINUTES

A. Approval of Minutes from the November 21, 2019 Planning Board Meeting

Vice Chairman Moreau moved to approve the minutes from the November 21, 2019 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

III. DETERMINATION OF COMPLETENESS

1. SUBDIVISION REVIEW

- A. The application of **Donald Lowell Stickney, III, and The Alice F. Wentworth Revocable Trust of 2002, Owners**, for property located at **213 & 215 Jones Avenue** requesting Preliminary and Final Subdivision approval.

Mr. Gamester moved to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration, seconded by Ms. Record. The motion passed unanimously.

- B. The application of **Borthwick Forest, LLC, Owner** for property located on **Islington Street** requesting Amended Subdivision approval.

Mr. Gamester moved to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration, seconded by Ms. Record. The motion passed unanimously.

IV. PUBLIC HEARINGS – OLD BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A. **POSTPONED** The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road**, requesting a Wetland Conditional Use Permit to impact 4,013 square feet of inland wetland and 21,089 square feet of wetland buffer to construct 22 single family homes. Impacts include installation of three forty-two foot wide culverts for a road crossing through a wetland and wetland buffer impacts for road construction and stormwater management. Said property is shown on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District. **POSTPONED**

Vice Chairman Moreau questioned if this would be indefinite. Ms. Walker responded that they can specify until they come back for site review and subdivision.

Vice Chairman Moreau moved to **postpone** this item until the next regularly scheduled Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

V. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. **POSTPONED** The application of **James and Mallory Parkington, Owners**, for property located at **592 Dennett Street** requesting a Conditional Use Permit according to Section 10.814 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit with 672 s.f. +/- of gross floor area in the second story of a newly constructed attached garage. Said property is shown on Assessor Map 161, Lot 18 and lies within the General Residence A (GRA) District.

POSTPONED

Vice Chairman Moreau moved to **postpone** this item until the next regularly scheduled Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

B. The application of **Donald Lowell Stickney, III, and The Alice F. Wentworth Revocable Trust of 2002, Owners**, for property located at **213 & 215 Jones Avenue** requesting Preliminary and Final Subdivision approval (Lot Line Revision) between two lots as follows: Lot 70 on Assessor Map 222 decreasing in area from 131,506 s.f. to 98,858 s.f. with 480 ft. +/- of continuous street frontage on Jones Avenue; and Lot 69 on Assessor Map 222 increasing in area from 29,880 s.f. to 62,528 s.f. with 238 ft. +/- of continuous street frontage on Jones Avenue. Said properties are shown on Assessor Map 222, Lots 69 & 70 and lie within the Single Residence B (SRB) District.

SPEAKING TO THE APPLICATION

Charles Adams with Ambit Engineering spoke to the application. There is a missing utility pole on the old lot line from the plan. It feeds Lot 69 overhead and underground to Lot 70. There currently are no cross easements, but they will be added.

Vice Chairman Moreau questioned why there was a jog in the line because the City wants them to be perpendicular to the street. Mr. Adams responded that the configuration was the applicant's request. The owner of Lot 69 has been notified. The owner of Lot 70 is looking to add some additional space to add a garage.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau commented that the subdivision regulations note there should be straight lines and questioned what the hardship would be to approve something that is not straight. Ms. Walker responded that they just need an explanation from applicant.

Mr. Gamester moved to **grant** Preliminary and Final Subdivision approval, seconded by Ms. Record with the following stipulations:

- 1) The location of electric poles and electric utility easements shall be added to the plan set for recording.
- 2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 3) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 4) The final plat shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.

The motion passed by a 6-1 vote. Vice Chairman Moreau opposed.

- C. The application of **Foundry Place, LLC, Owner**, for property located at **165 Deer Street (“Lot 3”)**, requesting a second 1-year extension of the Site Plan Review approval for a 5-story mixed use building including a hotel, restaurant, and parking garage that was originally granted on February 15, 2018, granted a 1-year extension on November 15, 2018, and which will expire on February 15, 2020. Said property is shown on Assessor Map 125, Lot 17 and lies within the Character District 5 (CD5) District.

Mr. Kisiel recused himself.

SPEAKING TO THE APPLICATION

Gregg Mikolaities from August Consulting spoke to the application. The Board approved a 1-year extension for 165 Deer St. on February 2019. The project was fully designed, and the price came in over budget. The footprint has been reduced, the guest rooms will increase by 16, and the 5th floor restaurant and deck were eliminated. This project went through extensive review and a peer review for traffic. These changes will reduce am peak trips by 8 and pm peak trips by 2. The plan is to start work in the Spring.

Vice Chairman Moreau clarified that there were no substantial changes from the last approval. Mr. Mikolaities confirmed that was correct. The only changes are what was reviewed in the presentation.

Chairman Legg questioned if there would be a café on the first floor. Mr. Mikolaities confirmed there would still be a café on the first floor with outdoor seating.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

The Board found that the applicant has shown good cause and that no changes have occurred since the approval was granted that would materially affect the items listed above.

Vice Chairman Moreau moved to **approve** a second 1-year extension of the Site Plan Review approval as amended to expire on February 15, 2021, seconded by Ms. Record. The motion passed unanimously.

Chairman Legg commented that he was reluctant to give a second extension, but the applicant stated they were ready to go and will break ground in the spring or summer. It would be a shame to see a third extension request.

D. The application of **Borthwick Forest, LLC, Owner** for property located on **Islington Street** requesting Amended Subdivision approval to subdivide the previously approved lot with an area of 41.56 acres to two lots; proposed lot 1 with an area of 5.32 acres and the remainder of Tax Map 241, Lot 25 with an area of 38.24 acres. The previously approved road lot consists of 0.727 acres and is proposed to be private. Said property is shown on Assessor Map 241, Lot 25 and lies within the Office Research (OR) District.

SPEAKING TO THE APPLICATION

Patrick Crimmins from Tighe and Bond spoke to the application. The project was approved by the Planning Board in 2017. At that time all the lots were merged as one. This application is to subdivide and create a separate lot for the medical building parcel. The rest would be an undeveloped site. The road was anticipated to be a public road at the time, but now it will be a private road due to the complexities of the easements on the site. There will be a private lot for the road with public easements.

Vice Chairman Moreau questioned if they were changing the medical building and making it bigger. Mr. Crimmins responded that they were not changing anything with the building. The only change is subdividing the lots.

Mr. Pezzullo pointed out an acreage typo. Mr. Crimmins confirmed that would be updated.

Vice Chairman Moreau questioned if the intention was to sell the separate lots. Mr. Crimmins responded that they would still be commonly owned.

Chairman Legg questioned if the project would be responsible for the construction of the public access easement. Mr. Crimmins confirmed that was correct.

PUBLIC HEARING

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** Amended Subdivision approval, seconded by Mr. Gamester with the following stipulations:

- 1) Lot numbers as determined by the Assessor shall be added to the final plat.
- 2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 3) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 4) The final plat shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

VI. PUBLIC HEARINGS - ZONING

- A. Request from James G. Nocas, Jr. on behalf of St. Nicholas Greek Orthodox Church that the church's property located on Ledgewood Drive be re-zoned from Single Residence B (SRB) to Gateway Neighborhood Mixed Use Corridor (G1). Said property is shown on Assessor Map 229, Lot 6A.

Attorney James Nocas, Priest Robert Archon and Parish Councilor Arthur Kyricous were present to speak to the application. Mr. Nocas commented that St. Nicholas has owned the lot since 1983. The church is on Andrew Jarvis Drive. The lot has been empty, and the application is to develop it into apartments. The character of the neighborhood is gateway zoning. The lot is to the west is currently a dental office. It is zoned SRB and they were granted a variance in 1975 to be used for retail. Tuscan Kitchen is adjacent to the lot and there are the Ledgewood Apartments in the area as well. The only lots that are SRB and used for single family homes are the two abutters. This should be rezoned to Gateway 1 to match Ledgewood Drive. It fits the neighborhood use.

PUBLIC HEARING

Christopher Chase of 34 Artwill Ave. commented that he understood that there is more commercial use in the area, but it has been that way for 40 years. This is not a new line or zone. The Planning Board denied an abutter for putting in an in-law apartment at that property. That set a precedent that it should remain SRB.

Butch Ricci of 36 Artwill Ave. opposed the application. It was originally zoned SRB and consideration should be given to that. This would be constructed in the backyard. This would add too much density to an area that does not need it.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one else rise, the Chair closed the public hearing.

DISCUSSION AND DECISION

Chairman Legg commented that Staff has suggested including an abutting property to the zoning request. Ms. Walker clarified that the Staff Memo is addressing the potential for an isolated parcel. If the Planning Board saw merit to rezoning this property, then the recommendation is to not consider it in isolation. Otherwise it would isolate the parcel along Lafayette Rd. Staff did an analysis of the requirements in each district to show a side by side comparison. In the G1 zone the property would have capacity for 16-24 dwelling units an SRB zone is for a single-family property. There would be

changes in setbacks for a mixed-use zoning district. It would encourage higher density of development to increase use. If the Board decides the Planning Department recommendation to consider both lots has merit, then they should re-notice it to the neighborhood.

Vice Chairman Moreau commented that she was against changing the zoning. It would be isolated even with adding the other one. It would be creeping commercial use into a pocket neighborhood. It is not an appropriate change. Traffic there is already a problem. Adding density would create more issues.

City Council Representative Perkins commented that there was merit in the application. There is extensive multifamily housing in the area. This could be worth more consideration.

City Council Representative Perkins moved to amend zoning to include the additional lot and renotice, seconded by Ms. Record.

Chairman Legg agreed with City Council Representative Perkins. Chairman Legg asked the Planning Department to evaluate more zoning options that are not as dense as G1 to see if there is another option.

Ms. Record agreed with Chairman Legg. It has potential to add housing.

Mr. Gamester questioned if they should consider other zones and consider Andrew Jarvis Dr. as a block. It should not be limited to only that property. Ms. Walker responded that they have not had any indication from Andrew Jarvis Dr. that residents have interest in changing the zoning.

Ms. Walker commented that they can postpone if they want the Planning Department to report back with more information. Vice Chairman Moreau questioned if Staff could reach out to the surrounding neighborhood to get feedback. It would be important to be upfront and take time to have people in the neighborhood know what is being considered. Chairman Legg commented that it would not be a notice just information gathering.

City Council Representative Perkins withdrew her motion. Ms. Record withdrew her second.

City Council Representative Perkins moved to **postpone** this request until the next regularly scheduled Planning Board meeting, seconded by Ms. Record. The motion passed unanimously.

VII. DESIGN REVIEW

- A. The request of **Dagny Taggart, LLC, Owner**, for property located on **Daniel Street** (aka 60 Penhallow Street) for the construction of a 4-story commercial building with community space and associated site improvements. Said property is shown on Assessor Map 107, Lot 27 and lies within the Character District 4 (CD4) District.

Vice Chairman Moreau moved to **accept** the request and scheduled a public hearing for the January 16, 2020 Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

VIII. ADJOURNMENT

Chairman Legg noted that this would be City Council Representative Perkins' last meeting. Chairman Legg noted that they will miss her valuable contributions to the Board and the City.

Vice Chairman Moreau moved to adjourn the meeting at 8:43 pm, seconded by City Council Representative Perkins. The motion passed unanimously.