

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

6:30 P.M.

JANUARY 21, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; David Allen, Deputy City Manager; Robert Marsilia, Building Inspector; William Gladhill; Colby Gamester; Dexter Legg.

MEMBERS EXCUSED: Jay Leduc

ALSO PRESENT: Rick Taintor, Planning Director; Jessa Berna, Associate Planner

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Chairman Ricci welcomed and thanked the two new Board members, City Councilor Rebecca Perkins and Dexter Legg.

I. ELECTION OF OFFICERS

Mr. Taintor requested nominations for the positions of Chairman and Vice Chairman.

Mr. Gladhill nominated John Ricci for the position of Chairman, saying he brought a high level of professionalism, wisdom and leadership. Mr. Gladhill added that Mr. Ricci has maintained a wonderful balance between local traditions and moving the City forward into the 21st Century. The election of John Ricci for the position of Chairman of the Planning Board passed unanimously.

Mr. Allen nominated Elizabeth Moreau for the position of Vice Chairman. Mr. Allen added that Ms. Moreau has brought a lot of wisdom and experience, and that she had done a great job filling in for Chairman Ricci when he has had to step down. Mr. Gamester seconded this nomination. The election of Elizabeth Moreau for the position of Vice Chairman of the Planning Board passed unanimously.

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II. CAPITAL IMPROVEMENT PLAN (CIP)

A. Presentation and adoption of FY 2017–2022 Capital Improvement Plan

City Manager Bohenko presented the introduction for the proposed six-year CIP for Fiscal Year 2017-2022. He said the procedure was changed this year in order to facilitate greater citizen input. He summarized the process of developing the plan. In the fall of 2015, a Memorandum was sent to all Department Heads, including the schools and the Pease Development Authority, asking for them to

submit their capital improvement needs for the next six years. In September, in order to educate the public, the staff presented CIP 101. The presentation was well attended and many questions were asked of the staff. In November, they held a public input session on the CIP during the Planning Board meeting. Finally, in December the Planning Board Subcommittee held a public session to review citizens' capital improvement requests. The series of these three meetings was added to the process this year in order to involve the citizens at a higher level.

City Manager Bohenko added that the CIP layout has changed for this year. He said that each element sheet contained a priority level, which ward the project was in, and a list of evaluations used to evaluate the project. He said that six new appendices were added to the book itself: (1) A list of citizens' requests; (2) State projects to be done within the City limits; (3) A list of all studies used in the development of the Plan; (4) An index used by Public Works; (5) Conditional sidewalk assessments; (6) Maps of each of the City's five wards.

City Manager Bohenko said that after the three new meetings, the Planning Board Subcommittee (consisting of John Ricci, Beth Moreau, and Colby Gamester) met with the City Manager and various Department Heads to review the requests. Department Heads submitted requests totaling \$2.3 million that would have affected the FY'17 budget. The Board developed this CIP with a goal of targeting a stable amount of City property tax revenues to capital projects.

The City used a policy to tie in capital expenditures from the general fund to a percentage of the City's overall budget. Specifically, he said, the City's goal was to allocate up to 2% of the prior year's general fund budget for capital projects.

The FY'16 general fund was \$101 million, and therefore the capital expenditure target for FY'17 would be approximately \$2 million. After reviewing the submitted capital improvement requests, the CIP Subcommittee reduced these requests by \$312,400, and recommended an appropriation of \$2 million. This level was recommended so that the City could continue to meet its obligations to maintain its infrastructure and continue with the quality of life that residents have come to expect. He noted that projects that were bonded required a separate vote of City Council.

He said the total CIP scheduled for FY'17 would be \$95,126,000, funded by a variety of sources, including the general fund, bonding, enterprise funds, state and federal grants, parking revenues, and other sources.

He turned the floor over to staff and Department Heads to present the details of the CIP, and he asked that after hearing the presentations, that the Planning Board vote to recommend that this CIP be forwarded to the City Council for their review. The City Council would be reviewing this document in a work session on Monday, February 8, 2016 at 6:30 p.m. The public hearing for this before the City Council would be on February 16, 2016 at 7:00 p.m. Finally, he said, that the adoption of the CIP would be scheduled for March 7, 2016. The City Manager recognized that Cliff Lazenby from the Neighborhood Association was present at the meeting, and stated that Mr. Lazenby worked closely with them and the staff to try to implement some of the changes that were designed to help residents understand the CIP more effectively. Mr. Bohenko wanted to thank the staff that worked to implement those changes.

The following staff presented a powerpoint presentation of the details for the CIP:

1. Steve Achilles, Chief, Fire Department;
2. Kelli Barnaby, City Clerk;
3. David Mara, Interim Chief of Police;
4. Steve Bartlett, School Department;
5. David Moore, Assistant City Manager for Special Projects;
6. Rick Taintor, Director of Planning Department;
7. Peter Rice, Director of Public Works;
8. Alan Brady, I.T. Department;
9. Brian Goetz, Deputy Director of Public Works;
10. Terry Demarais, City Engineer.

City Manager Bohenko reiterated that the City Council would hold a public hearing on Tuesday, February 16th at 7:00, and that a work session with the City Council would be held on Monday, February 8th at 6:30 p.m. He said that the hope would be to adopt the CIP by March 7, 2016. He clarified that adoption of the CIP would not necessarily mean that the funds would be made available for this year.

Chairman Ricci asked if there were any questions.

Mr. Gladhill asked for clarification regarding the funding for cemetery rehabilitation. He said that in previous years there was no state or federal funding, but now he saw that there was funding, and he asked where the money came from.

Mr. Bohenko answered that he believed that it was general fund money. He said that citizens had come forward to say that the cemeteries had been neglected, and that some work was required. The City Council then made a commitment to provide money every year for those improvements.

Mr. Gladhill commented that it looked like there was also some state and federal funding money in there as well.

Mr. Moore said that as general fund dollars were set aside, they had the ability to match and track investments. For example, they had recently received a \$5,000 grant from a private foundation.

Mr. Gladhill asked for clarification on the connection with Chestnut Street, and if the design would provide for it to be wide like a sidewalk, or if it would match the existing roadway.

Mr. Bohenko said it would be more of a sidewalk.

Mr. Gladhill asked about the documents for the City Clerk and if those would be done in-house or sent away.

Mr. Bohenko said the archival of documents would be done by an outside company. He said that the City had records that went back to the 1700's and that they were still utilized.

Mr. Legg asked about the stump dump being projected for FY'21 and why that couldn't be done sooner.

Mr. Bohenko said they had received some in-kind services to have that area leveled out, and that the City was at a point where they might talk to other stakeholders and those that the City may want to partner with. They were looking at either doing topsoil and top seeding or going with a turf field. If an opportunity were to arise sooner, they could move it up.

Mr. Bohenko wanted to thank the staff and the Neighborhood Association for all their hard work. He said there had been a lot of excellent changes and that he would like to have the entire Plan available online.

Chairman Ricci thanked City Manager Bohenko and the staff and complemented them on the format and the presentation.

Mr. Gladhill made a motion that the Planning Board adopt the FY'17 – FY'22 Capital Improvement Plan and send a recommendation to the City Council. Mr. Marsilia seconded the motion. The motion passed unanimously.

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III. APPROVAL OF MINUTES

- 1. Approval of Minutes from the December 17, 2015 Planning Board Meeting;

Vice Chairman Moreau moved to approve the minutes from the December 17, 2015 Planning Board Meeting, and it was seconded by Mr. Marsilia. The motion passed unanimously.

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IV. 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. The application of the **City of Portsmouth, Owner, and Rick Meyerkopf and Robin Lurie Meyerkopf, Applicants**, for property located at **53 Whidden Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal buffer to replace an existing gravel walkway with a pervious paver walkway, with 1,131 ± s.f. of temporary impact and 378± s.f. of permanent impact to the tidal buffer. Said property is shown on Assessor Map 102 as Lot 66 and lies within the General Residence B (GRB) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Robin Lurie Meyerkopf was present to speak to the application. She presented a brief overview and a photo of the proposed project area. She said they had bought the house a little over a year ago. The area was a gravel walkway, it was in bad shape, difficult to shovel, and it was on City owned property. She showed the pin where the property line was. She said she had spoken to folks at the DPW and she had spoken to Peter Britz, City Environmental Planner. They had previously done a patio in her back yard, and she would implement a similar system to what they had done for that project.

Chairman Ricci asked if there were any questions.

Mr. Allen asked if the area that was surveyed could have been potentially mismarked.

Ms. Lurie Meyerkopf said it had just been resurveyed a couple of weeks ago.

Mr. Allen asked for clarification on the actual property line as it may have been mismarked.

Ms. Lurie Meyerkopf said it may have been mismarked.

Mr. Taintor clarified that the survey showed something different than the City tax map showed.

Ms. Lurie Meyerkopf asked what she could do to address the issue.

Mr. Allen said the City could mark this up and make it a condition to make the plans consistent.

Chairman Ricci opened the floor for public hearing.

Greg Mahanna spoke, and he said he was the owner of the property next door to 53 Whidden Street. Mr. Mahanna said he had the survey that was done for the recent purchase of his home and felt that would help the City, because the drawing as presented at the meeting was not quite correct. He agreed that improving the walkway would be good, but that he had two concerns. From the corner pin of the property line, there was about 15 feet of opening between his house and the opening and then there was 25 feet of fence. His only access to his property was across this piece of gravel. He said he needed to be able to have access to his property it was his 25 feet of property where the fence existed. He was concerned about his ingress and egress.

Chairman Ricci asked Mr. Mahanna for clarification, that if the ingress and egress were not impeded, would he then be agreeable to this improvement.

Mr. Mahanna answered yes. Then he asked how the City would protect themselves in the case when a homeowner maintained a piece of property for 20 years and one day the land could be taken over by that homeowner. He said he was concerned they could take the land by adverse possession.

Chairman Ricci said they would address that issue.

Jennifer Richards of Whidden Street was available to speak. She said this had always been public access to the pond. It was called the grassy knoll. She did not want to lose the ability of going to the

pond with a group of people, but she had no problem with the improvement being proposed. She said she was part of the Friends of South End and they monitored the water. She wanted to make sure that run-off did not enter into the pond, and she added that the quality of the pond water was quite good.

Ms. Moreau, in addressing the concern about adverse possession of property, said that since the City would be a party to this application, it would prevent any adverse possession of the property in question.

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau made a motion to approve the application with the stipulation that the improvements were done so that no increase of height of the walkway occurred, and so that it did not prevent ingress or egress from any abutting property. Mr. Allen seconded the motion. Mr. Gamester said to add a stipulation that the Applicant work with the City staff to correct the mismarked survey plan.

The motion to approve the request for a Conditional Use Permit to replace an existing gravel walkway with a pervious paver walkway passed unanimously with the following stipulations:

- 1) That the improvements are done so that there is no increase in height of the walkway.
- 2) That the applicant shall not prevent ingress or egress by any abutting property.
- 3) The applicant shall work with City Staff to revise the shaded sidewalk area on the site plan.

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B. The application of the **City of Portsmouth, Owner**, for property located at **50 Andrew Jarvis Drive**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to replace 15 light poles on the Portsmouth High School athletic fields, with 180 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 229 as Lot 3 and lies within the Municipal (M) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Dan Hartrey, Facilities Project Manager for the Public Works Department was present on behalf of the School Department. He said they proposed to replace the existing tower lighting at the high school athletic field complex with 21 new lights, 15 of which would be in the wetlands buffer. He said that the existing lights had reached the end of their life cycle. They have proposed significant measures to protect the wetlands buffer and would like to begin the work when school gets out.

Chairman Ricci asked if there were any questions.

Mr. Allen noted that some of the lights near the football field were not numbered.

Mr. Hartrey said they would be replacing the lights on the football field, but they were not in the wetland buffer.

Mr. Allen asked for clarification on those in the buffer circles, and if that was because they were small wetlands that were non-jurisdictional.

Mr. Hartrey said that was his understanding.

Chairman Ricci asked what type of light fixtures would there be.

Mr. Hartrey said they would plan to use Musco lighting, and LEDs were not considered because the upfront cost would be prohibitive. He said the maximum size would 42 inches in diameter. They based the 180 sf of impact on them all being that size, but some would be smaller.

Mr. Marsilia asked if they planned to reuse the existing feet.

Mr. Hartrey said they would have to add one conduit, but that most of it was good.

Mr. Marsilia asked if they would be doing excavation in the buffer.

Mr. Hartrey answered yes.

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau made a motion to grant the application for the Conditional Use Permit as presented. Mr. Gladhill seconded the motion.

The motion to approve the Conditional Use Permit to replace 15 light poles on the Portsmouth High School athletic fields passed unanimously.

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C. The application of **Two International Construction, Inc., Applicant**, for property located at **100 International Drive**, requesting Site Plan Approval for an 80 space expansion of the northwest parking lot, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 306 as Lot 2 and lies within the Pease Industrial (I) District.

The Chair read the notice into the record. He stated that the Planning Board was advisory to the Pease Development Authority (PDA).

SPEAKING TO THE APPLICATION

Shaw,n Tobey, a civil engineer with Hoyle, Tanner & Associates spoke. He indicated that also in attendance with him was Michael Mates, of the Pease Development Authority.

He showed a map of the existing site, which was 13.82 acres, and said that it contained an existing three story multi-tenant office building of about 110,000 sf and 379 parking spaces. He said they projected an increased demand for parking. They worked with the owner as well as with the Pease Development Authority (PDA) to calculate and determine that 80 new parking spaces would be required, based on projected hiring. With the 80 new spaces the total for the site would be 459. This would meet the PDA regulations for an office building of that size. The new parking would be on the northwest side of the building and would be accessible from two directions. He said the sidewalk and crosswalk on International Drive would be improved. They would construct a new bike rack. Storm water would be collected and directed to a new micro pool retention pond on the southern portion of the new parking area and would treat storm water and control run-off. An infiltration swale surrounding the parking would be installed. Due to previous construction, they had to go to DES to get an Alteration of Terrain Permit. They have submitted that and were waiting for final approval. New landscaping for the site was shown on the site plan. They would have new lighting, as shown on the Lighting Plan. They submitted the plans for review through the PDA, they have presented to the TAC, and all their comments have been addressed and inserted into this final set of plans.

Chairman Ricci asked if there were any questions.

Mr. Marsilia asked where the calculations for the increased requirements for accessible parking were.

Mr. Tobey said nine spaces were required, and it should be shown on Sheet C4, but the calculation was not shown.

Mr. Allen asked if they were putting a tip-down into an existing crosswalk, and if there was a tip-down across the street.

Mr. Tobey said yes they were, and the existing sidewalk in that area was cracked, so there would be new concrete there.

Mr. Legg asked when the hiring was complete if this would bring the building to its maximum occupancy.

Mr. Tobey said yes.

Vice Chairman Moreau said on page 8 there was an error showing standard drain “tench” detail, but that it should be trench.

Mr. Tobey said he would correct that.

Mr. Marsilia asked where they would be putting a stabilized entrance for use during construction, and where did that show on the plan,

Mr. Tobey referred to Sheet C-5 of the Plan Set to show where the trucks would come in.

Vice Chairman Moreau commented that they were using a silt fence, but that the Board preferred they use a silt sock. She asked if they would consider changing that.

Mr. Tobey said he would change that.

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau made a motion to recommend Site Plan Approval for the application based on the comments regarding the change of fencing. Mr. Gamester seconded the motion, which passed unanimously with the following stipulation:

- 1) That silt sock shall be substituted for silt fence on the Site Plans.

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V. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters has been deemed to be legislative 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. The request of Stewgood, LLC, Owner, to restore the lots at 268 and 276 Dennett Street to their pre-merger status, pursuant to NH RSA 674:39-aa.

The Chair read the request into the record.

Mr. Taintor said this was the second time that the City Council has referred one of these types of requests to the Planning Board. At this time, he said, there was a temporary law that would expire at the end of this year that allowed property owners who had their lots previously merged to have their lots restored provided that no property owner in the change of title had voluntarily requested the merger. In this case, the owner's attorney had represented that the lots have never been voluntarily merged. There were two single family residences on the lots, there were two addresses and two utility bills, so the owner was requesting they be restored to their premerger status. Under the statute, Mr. Taintor said, the City Council may restore them as long as they have never been voluntarily merged. He said that the Council has asked for a report back from the Planning Board.

Vice Chairman Moreau asked for verification as to whether each of the houses were on the pre-merged lots.

Mr. Taintor said yes, and that it was important to note that the restoration must be along the original line.

Vice Chairman Moreau made a motion to recommend to the City Council that these lots be restored. Mr. Allen seconded the motion, which passed unanimously.

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B. The request of Tanner Bridge Development, LLC, Owner, for property located at 40 Bridge Street, for three licenses from the City, as follows: (1) to allow building footings 18” into the City’s right of way; (2) to construct a new electrical bank within Bridge Street from the intersection of Hanover Street to the site; and (3) a temporary license to use the full width of the sidewalk and parking along the frontage of the property for a staging area during construction.

The Chair read the request into the record.

Mr. Taintor said this was a project that the Board had granted Site Plan approval, for the second or third time. A few things came up subsequent to those approvals. The developer identified the need to put footings underneath the City sidewalk. Also there was a proposal to change the way electricity was supplied to the building. There has been recent correspondence between the developer and DPW regarding the actual location of the electrical lines.

Mr. Taintor said his recommendation would be to vote to recommend approval of the licenses subject to DPW approval of the final design of the electrical bank.

Vice Chairman Moreau made a motion to recommend to the City Council to grant these three licenses.

Mr. Allen seconded the motion but added a stipulation that the appropriate fees for parking were to be paid by the developer during the encumbrance and construction.

The motion passed unanimously.

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VI. OTHER BUSINESS

A. West End Zoning: Presentation of proposed revisions to Article 5A – Character Districts, including amendments to the Zoning Map and conforming amendments to other sections of the Zoning Ordinance.

The Chair read the notice into record.

Mr. Taintor said they had a package of zoning changes which were complex. He said that he gave an overview to the City Council on January 11th of the changes. He said at the kickoff meeting for the Portsmouth Listens study circles, Nick Cracknell had given a more detailed version of that overview which could be viewed on YouTube. He said he would give another presentation in February to the

Planning Board on this. Mr. Taintor asked if there were any preliminary questions that he could address.

Mr. Taintor also asked that the Planning Board schedule a public hearing on these proposed amendments for the February Planning Board meeting.

Vice Chairman Moreau said it seemed that the geographic area they were zoning was actually smaller than what they looked at originally, and she asked if that was true.

Mr. Taintor said yes, and that it had been a complicated process, and recalled they had brought forth a proposed rezoning of the Frank Jones property. Another proposal came forward from the major property owner, and they went through that gateway zoning process. Since they were anticipating opposition from the property owner, they did not include that. Also, the GRC zoning seemed more appropriate.

Ms. Berna said it seemed easier to keep a GRC in that area. She said also, there was a stretch of MRB in the neighborhood, much of which was residential. One of the proposed amendments was to rezone the area from MRB to GRC, as that is what is primarily there right now.

Vice Chairman Moreau asked about the OR.

Ms. Berna said that was staying the same.

Vice Chairman Moreau made a motion to schedule a public hearing at next month's Planning Board meeting. Mr. Gladhill seconded the motion. The motion passed unanimously.

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B. Master Plan Update

Mr. Taintor said that in the packets there were two items: One was an outline from their consultants on the structure of the Master Plan; and the other was the draft themes, goals and actions that have come out of the public participation process and the investigations that the consultants have done.

He said the structure of this plan would be different than that of the current Master Plan. There would be a section dedicated to the five themes of diversity, connectedness, vibrancy, resilience and authenticity. Section 2 was organized to look at different areas of the City, divided into five areas: the Downtown, the West End, the major corridors coming into the City, the neighborhoods and the parks and open spaces. He said these may be re-sorted going forward. This would be a highly illustrated plan, and would be very accessible.

Mr. Taintor said he would be interested in preliminary comments and reactions.

Mr. Legg asked about the process.

Mr. Taintor gave a summary from the past couple of years. He said they had brought in a group of consultants who updated the detailed information relating to housing and economic development.

Consultants helped them update existing conditions for Land Use, Transportation, Public Facilities, Environment, Open Space, etc. He said that report was in a draft form, and that they would be doing final edits on it. They had Portsmouth Listens come in and do some visioning for the future of the City. Portsmouth Listens presented a report in June of 2015, and that was the major citizen participation input that NBBJ started with.

He said they did more workshops in the fall, two focusing on the neighborhoods and one on the commercial corridors. The traditional Master Plan was organized around seven or eight chapters, like land use, etc., that had not spoken to what the people were interested in. He said they came up with the five themes to go across the traditional categories. In the end, he said, they must go back to what the State mandates for the City. It is important to speak to what the people are interested in, but then it is important to come back to re-sort it and present it to meet their statutory responsibilities. He said they would come forward with a draft Master Plan in February, and have a Planning Board Work Session on March 31st.

Mr. Taintor suggested they ask questions any time they had them, and that he would welcome receiving suggestions in advance.

Mr. Allen said that on the existing Master Plan they had action items, and he asked if that type of element was going to be included, for instance, metrics.

Mr. Taintor said yes, to the extent of what they can do metrics for.

Chairman Ricci asked if there were updated zoning ordinances as well.

Mr. Taintor said that the zoning map was in two parts, and that the character districts were a whole second map.

Mr. Gladhill suggested that the Board consider putting the preference for silt socks versus silt fences into the ordinances, and he asked if that would be the easiest way.

Chairman Ricci said there were other options as well, so it would be best to leave it for now.

Mr. Legg suggested that it would be helpful for the workshops to describe the interactions of the priorities. That may become evident from the metrics, but he would like to understand the dynamics of how that would be implemented.

Mr. Taintor said the priorities were not in order now but they would be.

Councilor Perkins said she liked the look of it and that it was dynamic and would appeal to younger people as well as those not so young. She suggested they not get too many things on the table and to keep the action items in that similar broad band of ideas. She added that this goal 1.1.2 allowed for more administrative review by the staff and was a move in the right direction.

Mr. Taintor said one of the considerations was not to have more than what you can hold in one hand.

Mr. Taintor said that in addition to the major West End zoning, they were also preparing a number of individual zoning changes. They had not yet been able to bring them forward. He planned to have another set of zoning changes at the next meeting. He mentioned the notice about the workshop that was to be sponsored by PS 21. They brought in a consultant who would be doing a discussion about affordable housing.

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III. ADJOURNMENT

A motion to adjourn at 8:15 was made and seconded and passed unanimously.

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Respectfully Submitted,

Marian Steimke
Acting Secretary for the Planning Board

These minutes were approved at the February 18, 2016 Planning Board Meeting.