



City of Portsmouth
Planning Department
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Memorandum

To: Planning Board

From: Peter Stith, Planning Manager

Peter Britz, Planning & Sustainability Director

Date: December 21, 2023

Re: Recommendations for the December 21, 2023 Planning Board Meeting

I. PRESENTATIONS

- A. Receive a presentation and consider a recommendation to the City Council to adopt the proposed **FY2025- 2030 Capital Improvement Plan**.

Background

The Capital Improvement Plan (CIP) is both a financial and infrastructure planning tool that sets forth a multi-year schedule and financing strategies for accomplishing public capital projects that both maintain safe quality city infrastructure and assist in the achievement of Citywide Goals. Careful development of and adherence to the CIP ensures that needed capital projects are accomplished within the City's financial capability. In combination with the annual City budget, the Capital Improvement Plan has a significant impact on the planned allocation of fiscal resources, and is thus one of the most important documents considered by the City Council.

State/Local Regulatory Context

RSA 674.5: Capital Improvement Program

"674:5 Authorization. – In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years.

...

The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital

improvements program shall be to aid the mayor or selectmen and the budget committee in their consideration of the annual budget."

City Charter

City Charter Section 7.6 - Capital Program:

The Manager shall prepare and submit to the Council a six (6) year capital program at least three (3) months prior to the final date for submission of the budget. The program shall include:

- *A general summary of its content;*
- *A list of all capital improvements proposed during the next six (6) fiscal years;*
- *Cost estimates, methods of financing, recommended time schedules for each improvement; and*
- *Estimating annual operating and maintenance costs.*

The purposes of the CIP is to:

1. Implement needed improvements on a scheduled basis
 - Provides a complete picture of the City's major development needs
 - Coordinates activities of various City departments and agencies
 - Assists in implementing recommendations of the City's Master Plan
2. Forecast future allocation of fiscal resources
 - Establishes fiscal priorities for projects
 - Aids in the proper utilization of funding sources
3. Help plan for future City expenditures
 - Discourages piecemeal improvements and duplication of expenditures
4. Ensure capital project needs are provided within the City's financial capability
 - Informs the taxpayers of anticipated future improvements
 - Helps to schedule major projects to avoid large fluctuations in the tax rate

Plan Development Process

The capital planning process is coordinated by the Finance and Planning Departments under the direction of the City Manager. Capital project requests are initially formulated by City Department Heads and submitted to the Finance Department. Members of the public may also submit project requests, which are reviewed by City Departments and incorporated into the departmental project submissions as appropriate.

CIP projects originate from three sources.

- Capital Improvement Plan from the Prior Fiscal Year
- City Staff

- Citizen Requests

Citizen Requests

This year the City received 95 citizen requests. Of the 95 requests, staff combined duplicative requests to come up with 47 unique project requests. Staff further sorted the requests into those that were CIP eligible (6), requests that were already in existing projects in the CIP (24), and those requests that were better served by other processes (17). At their November 9th meeting, the City Council CIP Subcommittee took some time to review the citizen requests and receive additional public input on those requests. The Subcommittee provided preliminary feedback on citizen requests to be considered in the draft CIP. The Finance Department has incorporated the Subcommittee's recommendations into the revised CIP before the Planning Board. Citizen Requests can be found in Appendix I of the CIP.

Staff Submittals and Updates

Staff works to update the prior year's CIP projects to reflect the current status, project needs and costing. After city departments and residents submit their new requests for capital project, staff works with the City Manager to prioritize them by utilizing the following criteria:

- **Project requirements** – Is the project required to meet legal, compliance, or regulatory requirements?
- **Timing** – How soon does the project need to be implemented to address the needs identified?
- **Strategic alignment** – To what extent is the project aligned with other city projects, policies, processes?
- **Public value** – How much value does the outcome of this project provide to the general public? How much public support is there for implementing this project?
- **Finance planning** – Is the project fundable in the time frame identified, are there available funding sources for this project?

Although the factors above are consistently utilized in the prioritization process, other factors, such as urgent community needs or public health and safety, may also contribute to the final project placement, allowing the process to be nimble and responsive to emerging community needs.

Planning Board Advisory Committee and City Council Adoption

The Planning Board has appointed a three member Advisory Committee to review the projects in the draft CIP. The Advisory Committee met on December 12, 2023 to review the proposed staff CIP projects with staff representatives from each department. The Finance Department has incorporated the Advisory Committee's recommendations into the draft CIP before the Planning Board. The Planning Board should invite additional public comment and vote to recommend the adoption of the document to the City Council. The City Council will review

the proposed CIP, hold a public hearing, and adopt the CIP in accordance with City Charter requirements. Once adopted, the CIP is utilized in the development of the annual budget in accordance with RSA 674.5.

Timeline

- August 17, 2023. Planning Board Presentation regarding CIP Process and Schedule Completed
- August 21, 2023. City Council Presentation regarding CIP Process and Schedule Completed
- September 15, 2023. Deadline for citizen project suggestions to be submitted. These citizen requests will be circulated to the appropriate department for consideration. Completed
- October 6, 2023. City Departments submit CIP project requests (new and updated) to Finance Completed
- November 9, 2023. City Council Subcommittee meets to review Citizens Request Projects Completed
- December 12, 2023. Planning Board CIP Advisory Committee meets with *each department to review and prioritize capital requests* Completed
- **December 21, 2023. Planning Board votes to recommend the CIP to City Council for adoption**
- January City Council Work Session on the CIP (with Presentation) on CIP
- February City Council Public Hearing on CIP
- March City Council votes to adopt CIP

Planning Department Recommendation

1) Receive additional public comment and vote to recommend adoption of the Capital Improvement Plan to the City Council.

II. APPROVAL OF MINUTES

A. Approval of the November 16, 2023 minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision making process that occurred at the November 16, 2023 meeting and vote to approve meeting minutes with edits if needed.

III. DETERMINATION OF COMPLETENESS

SITE PLAN REVIEW

- A. The request of **Pease Development Authority (Owner)**, for property located at **360 Corporate Drive** requesting Construction of a three-story Healthcare Complex with approximately 52,000 GSF. to allow space for up to 10 tenants which include an Ambulatory Surgical Center, Imaging Center and Plastic Surgery Center. The project includes (125) vehicle parking spaces, (2) loading docks as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 315 Lot 5 and lies within the Airport Business Commercial (ABC) District. (LU-23-135)

Planning Department Recommendation

- 1) *Vote to determine that these applications are complete according to the Pease Site Plan Review Regulations, and to accept the application for consideration.*

- B. The request of **Maureen Oakman and Michael A. Valinski (Owners)**, for property located at **1155 Sagamore Ave** requesting Site Plan Review Approval for the demolition of the existing building and construction of a 4-unit residential condominium with the associated paving, stormwater, lighting, utilities and landscaping. Said property is located on Assessor Map 224 Lot 18 and lies within the Mixed Residential Office (MRO) District. (LU-23-178)

Planning Department Recommendation

- 2) *Vote to determine that Item A is complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration.*
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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 request of **Pease Development Authority (Owner)**, for property located at **360 Corporate Drive** requesting Construction of a three-story Healthcare Complex with approximately 52,000 GSF. to allow space for up to 10 tenants which include an Ambulatory Surgical Center, Imaging Center and Plastic Surgery Center. The project includes (125) vehicle parking spaces, (2) loading docks as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is located on Assessor Map 315 Lot 5 and lies within the Airport Business Commercial (ABC) District. (LU-23-135)

Project Background

The applicant is proposing to construct a three-story complex that will provide space for an ambulatory surgical center, imaging and plastic surgery center. The applicant has worked with the PDA to remain outside of the 25 foot wetland buffer, thus the reason for the unique shape of the building and the parking areas.

Project Review, Decisions, and Recommendations

Projects that are in the Industrial, Business/Commercial, Natural Resource Protection Zones will go through the approval process in which municipality it is located for a recommendation back to the PDA Board. This includes site plan, subdivision, variances, special exceptions, and conditional use permits (including wetlands). For wetland conditional use permits, the application is referred to the local planning board. The planning board may refer it to the conservation commission for further review and recommendation before making a final recommendation back to the PDA Board.

All decisions from the City of Portsmouth related to land use applications are recommendations to the PDA Board. After a local land use board makes a recommendation, there is a time from the date of the decision when the applicant or a member of the PDA Board can request a hearing. If a request is not made within the time, the application is deemed approved by the Board. If a hearing is requested, the Board will hold a hearing and has the option to approve as recommended, with conditions or to deny the application. A flow chart that helps visualize the application process can be found [here](#).

Technical Advisory Committee

The applicant was before TAC for at their regularly scheduled meeting of Tuesday, November 7, 2023 meeting and recommended approval with the following conditions to be completed prior to submission to the Planning Board:

- 1) *The sidewalk on International Drive be extended to the neighbor's driveway as previously requested.*
- 2) *Tactile pads be installed at all driveways.*
- 3) *Work with City staff to coordinate the installation of signage along the wetland buffer edge that indicates the area as a 'low' or 'no-mow' area.*
- 4) *Add a note to landscape plan indicating buffer and wetland area "to remain natural and undisturbed".*

All four conditions above have been satisfied in the applicant's submission to the Planning Board.

The recent amendments to RSA 676:3 with regards to adopting findings of fact for a project apply to local planning boards making decisions based on the municipality's regulations. Pease falls exclusively under RSA 12-G and the Pease Land Use Controls, therefore the requirement to vote on and adopt findings of fact do not apply for this application.

Planning Department Recommendation

Site Plan Approval

- 1) *Vote to recommend Site Plan Approval to the PDA Board.*
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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.

- B.** The request of **120-0 Wild Rose Lane LLC (Owner)**, for property located at **60 Pleasant Point Drive** requesting Wetland Conditional Use Permit Approval a Wetland Conditional Use Permit from Section 10.1017.50 of the Zoning Ordinance for the demolition of the existing home and construction of a new dwelling. The project consists of 5,368 sf of impervious surface including a dock, two sets of stairs, a pool, patio, cabana, and a portion of the home, which results in a reduction of 31 sf from the existing conditions. The project includes pervious pavers within the buffer, a long-term storm-water maintenance plan, landscaping plan within the buffer, a bank restoration plan, replacement of the existing lawn with a micro-clover seed mix and the removal of invasive species on site. Said property is located on Assessor Map 207 Lot 13 and lies within the Single Residence B (SRB) District. (LU-23-180)

Project Background

This application is requesting a Wetland Conditional Use Permit for the demolition and redevelopment of a residential home that lies within the City's tidal buffer of the Piscataqua River and the State's shoreland and tidal buffer impact zones. The applicant is proposing to place all new infrastructure outside of the 50' buffer, where impervious surfaces currently exist, except for a set of stairs down to the dock and proposed underground utilities. Within the City's 100' buffer, the applicant is proposing a total of 5,368 sf of impervious surface including the dock, two sets of stairs, a pool, patio, cabana, and a portion of the home, this is a reduction of 31 sf from the existing site. The applicant is proposing the addition of pervious pavers for various patios and walkways within the buffer. This application includes a long-term stormwater maintenance plan, an extensive landscaping plan that will add a variety of new plantings on the property and within the buffer, including a plan to restore vegetation on the eroding bank, the replacement of existing lawn with a micro-clover seed mix and the removal of invasive species on site.



Project Review, Discussion, and Recommendations

The project has been before the Conservation Commission. See below for details.

Conservation Commission

The Conservation Commission, at their regularly scheduled meeting of Wednesday, November 8, 2023, voted to recommend approval to the Planning Board with the following conditions:

- 1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers along the 25' vegetative buffer during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*
- 2. Applicant shall provide monthly invasive management and planting updates to the Planning and Sustainability Department once removal begins and until the end of the restoration process (see Management Calendar for Treatment and Planting). These updates shall be a report summarizing the activities performed, the success rates, any proposed plan changes, and any upcoming activities involving the 25' vegetative buffer on site. If plants have not achieved an 80% success rate or greater after one year, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each subsequent year until an 80% planting success rate has been achieved.*

Staff Analysis

1. The land is reasonably suited to the use activity or alteration.

The existing lot has been used for residential use which already had a significant amount of impervious surface within the buffer. This application proposes to remove all impervious within 50' of the wetland resource while pushing much of the home and associated infrastructure farther back and away from the resource. While there is still impervious within the buffer, the applicant is proposing to restabilize the bank with native vegetation, replace all the grass with an eco-friendly micro clover mix, and there is extensive landscaping to help redirect and infiltrate stormwater on the property to reduce erosion, ponding and impacts to abutting properties.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

The applicant is proposing to build the home and other structures outside of the 50' buffer, which will be an improvement from the existing site. The grading of this site does not allow for a lot of room to build without needing to bring in fill and regrade the site. While this proposal does include a large amount of impervious within the 100' buffer, the applicants are proposing to increase the health of the buffer with new plantings, stormwater control and bank stabilization.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The applicant is proposing to redirect stormwater, revegetate the bank, increase buffer plantings, and replace grass with an eco-friendly micro clover mix. These additions will help mitigate the impacts of proposed impervious within the buffer.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The applicant will be restoring the natural vegetated state of the bank and buffer, which will increase the vegetative state of the buffer compared to the existing site. The applicant has proposed an extensive land management plan which will address buffer health through invasive species removal and native plantings.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

The applicant is proposing a slight reduction to impervious impacts in the buffer

but has implemented a robust landscaping plan which includes an invasive species removal program and revegetation and stabilization of the bank.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The applicant is proposing to restore areas previously disturbed in the vegetative buffer with a revegetation of the bank which will help reduce erosion and stormwater sheet flow.

Planning Department Recommendation

Wetland CUP

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.

2) *Vote to grant the Wetland Conditional Use permit with the following conditions:*

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers along the 25' vegetative buffer during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.

2.2) Applicant shall provide monthly invasive management and planting updates to the Planning and Sustainability Department once removal begins and until the end of the restoration process (see Management Calendar for Treatment and Planting). These updates shall be a report summarizing the activities performed, the success rates, any proposed plan changes, and any upcoming activities involving the 25' vegetative buffer on site. If plants have not achieved an 80% success rate or greater after one year, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each subsequent year until an 80% planting success rate has been achieved.

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.

- C. The request of **Maureen Oakman and Michael A. Valinski (Owners)**, for property located at **1155 Sagamore Ave** requesting Site Plan Review Approval for the demolition of the existing building and construction of a 4-unit residential condominium with the associated paving, stormwater, lighting, utilities and landscaping. Said property is located on Assessor Map 224 Lot 18 and lies within the Mixed Residential Office (MRO) District. (LU-23-178)

Project Background

The project consists of the demolition of the existing structure and construction of a 4-unit multifamily building. The lot is in the Mixed Residential Office (MRO) district where a four-unit multifamily building is permitted by right. The proposal conforms to all zoning requirements in the MRO district.



Project Review Discussion and Recommendations

The application has been before the Technical Advisory Committee. See below for more details.

Technical Advisory Committee

The Technical Advisory Committee, at its regular meeting of Tuesday, November 7, 2023, recommended approval to the Planning Board with the following conditions:

To be completed prior to submission to Planning Board:

- 1) *Provide a more detailed grading plan.*
- 2) *Provide more information on how drainage will be entering the rain garden.*
- 3) *Water lines running under units will be installed in sleeves.*
- 4) *There will be one domestic water line servicing the building. Update line size that will be running down the front appropriately.*
- 5) *Provide drawings/details for the duplex pump system and the alarm system need to be provided and approved.*
- 6) *Provide cross-section of rain garden including soil layers of test pits.*
- 7) *Provide an easement deed detailing the water valve and metering access and leak detection easement.*

To be submitted to the Planning Board:

- 1) *An elevation view of the proposed structures.*
- 2) *A cross-section view of the proposed rain garden.*
- 3) *A green building checklist.*
- 4) *Coordinate with NHDOT on Sagamore Avenue sight lines for the northern section of the site.*
- 5) *Remove Note #31 from the Utility Plan about third party requirements.*

The conditions above have been satisfied with the Planning Board application.

Planning Department Recommendation

Site Plan Approval

1) *Vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.*

(Alt.) Vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended.

2.) *Vote to grant Site Plan Approval with the following conditions:*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *The applicant shall provide an access easement to the City for water valve access and leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*
- 2.3) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.4) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
 - 2.5) *A stormwater inspection and maintenance report shall be completed annually, and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*
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V. CITY COUNCIL REFERRALS

Discussion of the EV Charging amendments will continue in January. The Board should confirm the work session on January 25, 2024, to continue discussion of the amendments.

VI. OTHER BUSINESS

A. Chairman's Updates and Discussion Items

B. Planning Board Rules & Procedures

Discuss the recent draft amendments to the Rules & Procedures.

Planning Department Recommendation

Vote to adopt the Planning Board Rules & Procedures as amended.

C. Board Discussion of Regulatory Amendments and Other Matters

VII. ADJOURNMENT