

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, NOVEMBER 21, 2016 TIME: 6:00PM

## AGENDA

- 6:00PM – REPORT FROM HOUSING COMMITTEE RE: POLICY

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### PRESENTATIONS

1. Recognition of Peter Torrey
2. Update Re: Deer Street Parking Garage
3. Status Re: Doble Property Acquisition

- V. ACCEPTANCE OF MINUTES – SEPTEMBER 19, 2016 & OCTOBER 3, 2016

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE PURCHASE OF PROPERTY LOCATED AT 850 BANFIELD ROAD

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Hazard Mitigation Planning Grant (***Sample motion – move to accept and approve the New Hampshire Homeland Security and Management Grant for the purposes of updating the City’s Hazard Mitigation Plan, as presented, and further, authorize the City Manager to execute the Agreement***) *The grant requires a 25% match on behalf of the city; which will be met by staff time on plan*
- B. Portsmouth Police Department Grant and Donation:
  - NH Department of Justice Violence Against Women Grant - \$60,000.00
  - Donation from Friends of the South End in support of the Portsmouth Police Explorers - \$700.00***(Sample motion – move to accept and approve the Grant and Donation to the Portsmouth Police Department, as listed)***

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Resolution Authorizing a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000.00) for the Purchase of Property Located at 850 Banfield Road (*An additional \$150,000.00 as approved by the Conservation Commission at the November 10, 2016 meeting and action by the City Council would be taken under the City Manager's Action Items. This is a total of \$550,000.00 for the purchase of the Elliott Property on Banfield Road*) (**Sample motion – move to adopt a Resolution to authorize a Supplemental Appropriation of Four Hundred Dollars (\$400,000.00) for the Purchase of Property located at 850 Banfield Road as recommended by the Conservation Commission**)

## X. CONSENT AGENDA

### **A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to hold the 2017 Walk MS Portsmouth on Saturday, April 8, 2017 from 10:00 a.m. to 2:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)
- B. Letter from Raymond Will, The Salvation Army requesting that the City Council and each Board and Commission and City Committees consider volunteering to stand and ring the kettle bell for an enter single day (**Anticipated action – move to accept the letter and place it on file**)
- C. Letter from Donna Hepp, Seacoast Century Granite State Wheelmen Bicycle Club, requesting permission to hold the 44<sup>th</sup> Annual Seacoast Century on September 24 – 25, 2017 (**Anticipated action – move to refer to the City Manager with power**)
- D. \*Acceptance of Donations to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00
  - Town of Rye - \$5,000.00
- (**Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund**)
- E. Request for Licenses to Install Projecting Signs:
- Northern Tier Real Estate Acquisition & Development, LLC (c/o John Dussi), owner of La Carreta, for property located at 172 Hanover Street
  - Heather Dalton & Catherine Ianchulev, owner of Seaside Allure for property located at 24 Congress Street
- (**Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests**)
- Planning Director's Stipulations:**
- **The licenses shall be approved by the Legal Department as to content and form;**

- **Any removal or relocation of the projecting signs, for any reason, shall be done at no cost to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**

- F. \*Acceptance of Library Donation from Phyllis Eldridge - \$1,000.00 representing the balance of her pledge **(Anticipated action – move to accept and approve the donation, as listed)**
- G. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting to hold the CF Cycle for Life on Saturday, July 15, 2017 **(Anticipated action – move to refer to the City Manager with power)**
- H. Letter from Matthew McFarland, Saint Patrick School, requesting permission to hold its 4<sup>th</sup> Annual 5k Road Race on Saturday, March 18, 2017 at 10:30 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- I. Petition and Underground Utility License for Comcast on Ledgewood Drive **(Anticipated action – move to refer to the City Manager with power)**
- J. Eversource License Agreement for one replacement pole location at the intersection of Barberry Lane and Islington Street **(Anticipated action – move to refer to the City Manager with power)**
- K. Eversource License Agreement to install 55 feet of electrical conduit on Porter Street for new underground service for The Music Hall **(Anticipated action – move to refer to the City Manager with power)**

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Paula Chalfin regarding Union & Middle Streets Intersection **(Sample motion – move to refer to the Parking and Traffic Safety Committee)**

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**City Manager's Items Which Require Action:**

1. Report Back Re: Acquisition of Property at 850 Banfield Road
2. Approval of \$150,000.00 Additional Appropriation from the Conservation Fund Re: Elliott Property at 850 Banfield Road

3. Request for First Reading of Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part 1”)
4. Atlantic Heights Emergency Access
5. Approval of Trust Re: 400<sup>th</sup> Anniversary Celebration
6. Holiday Parking
7. Planning Board Report Re: Request of Northern Utilities, Inc., d/b/a/ Unitil for Easement Across City Land at 1 Franklin Drive
8. Request for First Reading Re: Taxi Ordinance
9. Approval of Petition and Utility License Re: Langdon Street
10. Proposed Public Art Application Re: Cast Sculpture, Jay Smith Memorial Garden, State Street
11. License Request for 2 Bow Street

### **Informational items**

1. Events Listing
2. Report Back Re: Composting
3. Update on Acquisition of Land from the Foundation of Seacoast Health
4. Off-Leash Dog Area at Route 33 Park and Ride Open to Residents

### **B. MAYOR BLALOCK**

1. \*Appointment to Demolition Committee
  - 1 Historic District Commission member – Jonathan Wyckoff
  - 1 Planning Board member – Elizabeth Moreau
  - 1 Portsmouth Historical Society member - TBD
  - Chief Building Inspector or Designee – Robert Marsilia
  - Planning Director or Designee – Nick Cracknell
2. Appointments to be Considered:
  - Reappointment of Robert Marchewka to the Economic Development Commission
  - Appointment of Richard Shea as Regular member to the Historic District Commission
  - Appointment of Martin Ryan as an Alternate member to the Historic District Commission
3. Mayor’s Appointments to Blue Ribbon Committee:
  - Appointment of Paul Dilorio, Jr. to the Sustainable Practices Blue Ribbon Committee
  - Appointment of Matthew Glynn to the Sustainable Practices Blue Ribbon Committee

**C. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 3, 2016 meeting

**D. COUNCILOR PEARSON**

1. Request for Resources to Update and Refresh the City's Cultural Plan

**E. COUNCILOR SPEAR**

1. Proposed Portsmouth Holiday Parking Plan

**F. COUNCILOR DENTON**

1. \*SOAK Up The Rain New Hampshire: <http://soaknh.org/>

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

**KELLI L. BARNABY, MMC, CMC, CNHMC  
CITY CLERK**

*\*Indicates Verbal Report*

**INFORMATION ITEMS**

1. Notification that the minutes of the September 15, 2016 meeting of the Planning Board are now available on the City's website
2. Notification that the minutes of the October 4, 2016 meeting of the Technical Advisory Committee are now available on the City's website
3. Notification that the minutes of the October 5, 2016 and October 12, 2016 meetings of the Historic District Commission now are available on the City's website

*NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.*

## MEMORANDUM

**To:** Mayor Jack Blalock  
Portsmouth City Council  
City Manager John Bohenko

**CC:** Housing Committee members (Councilor Spear, Councilor Dwyer, Commissioner Kennedy, Deputy City Manager Colbert Puff, Planning Director Rick Taintor, Planner Jessa Berna)

**From:** Councilor Perkins, Chair, on behalf of the Housing Committee

**Date:** 11/16/2016

**Re:** **Housing Committee: Final Recommendations**

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Portsmouth is quickly becoming a well-known desirable community. In order to maintain future economic growth, the City must continue to compete to attract a highly talented workforce through its desirable features and reasonable cost of living. Our new Master Plan shows a vision for a community with increased vibrancy, authenticity, sustainability and variety. The Housing Committee was charged with taking initial actions to implement these goals by surveying the entirety of Portsmouth to identify the proper areas for zoning changes. These changes enable market forces to create the kind of Portsmouth the residents have chosen.

The cost of housing in Portsmouth has escalated partially due to forces well outside of the City's control. Households are changing – people are having children later, seeking a carless lifestyle, and seeking to retire somewhere they can maintain mobility. Due to these changes, there is a greater demand for smaller units to accommodate a greater variety of households. While both millennials and baby boomers show a preference for smaller units walking distance from amenities, families with children still show a preference for a suburban home which requires a car. Portsmouth must provide the variety the market is seeking in order to maintain balanced and healthy economic growth. Without changes, the rising housing prices do and will affect a critical asset to Portsmouth's future: its workforce.

Portsmouth's workforce is quickly becoming the critical restraint on its economic vitality, and we must maintain workforce growth to keep pace with our growing employer base. Portsmouth benefits tremendously from attracting a vibrant workforce, as in turn the workforce attracts large, tax-paying employers. Currently, there is a limited supply of units that meet the demand of our workforce (studios, 1-bedroom and 2-bedroom apartments), which has driven prices up on many housing types when households cannot find the type of housing units they are seeking.

Zoning changes are the most efficient way to create some relief to rising prices for Portsmouth's workforce. Zoning changes which allow increased density at appropriate locations incents additional smaller units to meet the specific demand outlined above. These units, sometimes referred to as the "missing middle", include smaller houses, townhouses, and smaller apartments or condominiums, and could include ownership as well as rental units. Higher density mirrors the historical pattern of development we all love about Portsmouth, is more sustainable and creates vitality. These higher-density areas, as selected by the Housing Committee, can be centers of activity in Portsmouth that serve as draws for the existing residents and for new residents, and can be interconnected by transportation planning.

November 16, 2016

Though the Housing Committee has selected three high-priority changes, there are certainly other sites throughout the City that could be identified as appropriate locations for additional housing.

In addition to zoning changes, the other high priority actions the City can take to address rising housing prices are: (i) to reduce the cost of the development process by streamlining the permitting process at the land use boards and (ii) in appropriate cases, work collaboratively with developers to reduce costs by assuming the responsibility of infrastructure improvements in conjunction with some projects.

The Housing Committee recommends the following priority actions to address the housing challenge in the City of Portsmouth:

1. Refer to City staff drafting of the zoning amendments identified on the chart attached as Exhibit A hereto. Once drafted by staff, these zoning changes will come first to the Planning Board for review, and then to City Council for enactment.
2. Adoption by the City Council of the Housing Policy, attached hereto as Exhibit B.

The Committee seeks a City Council vote to affirm the staff pursuing the recommendations in Exhibit A and adopt the policy in Exhibit B.

## 1. Gateway Zoning District (Lafayette Rd, Route 1 Bypass and Outer Market St.)

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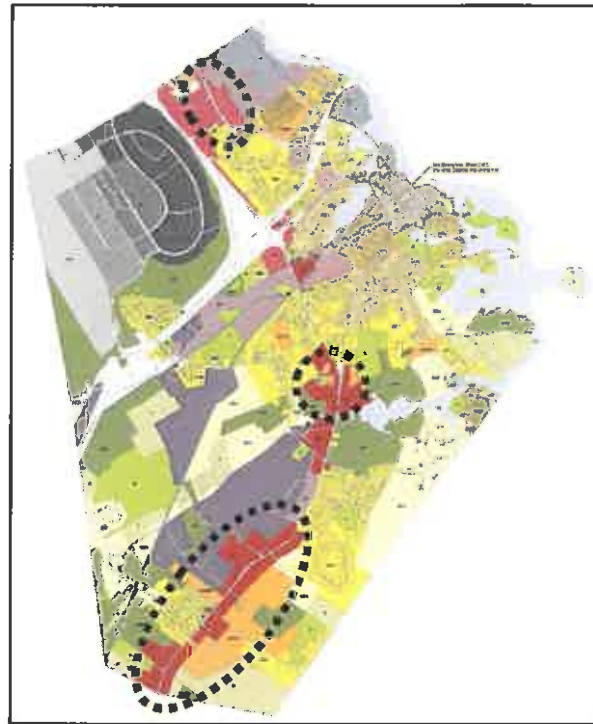
### Locations

The Gateway zoning district consists of the existing zones along much of Lafayette Road and several sites along the Route 1 Bypass, and should include Woodbury Avenue from Market Street to Gosling Road, which is currently zoned General Business.

### Existing Conditions

The Gateway corridors are characterized by auto-dependent commercial development at various scales and on lots of varying depths. These retail strips are interspersed with various forms of residential development, ranging from single-family subdivisions to manufactured housing parks to apartment and condominium developments, but there is little integration of the commercial and residential uses.

The Gateway Planned Development option, created in 2010, was designed to encourage more efficient use of land through higher-density, mixed-use redevelopment of the larger retail parcels, but to date only one project has taken advantage of this option – Southgate Plaza, where a 94-unit residential building is being added to the existing shopping center.



In addition to the residential component added to Southgate Plaza, new stand-alone residential developments are currently being planned for two sites along the corridors. The former medical office at 150 Route 1 Bypass will be replaced by a 30-unit, senior-oriented multifamily building, and a former office building at 3310 Lafayette Road will be converted into a 25-unit development. It is noteworthy that in both cases the proposed residential uses were not permitted by the zoning in effect, and the Zoning Board of Adjustment granted variances to allow the uses. The fact that these applications are a) being proposed and b) receiving approval is evidence of both the demand for residential development and its appropriateness for these areas.

### Development Objectives

In public meetings for the new Master Plan, residents identified the commercial areas alongside existing corridors as places where new housing is desired to transform these areas into more attractive centers of activity. Continuing development or redevelopment of these sites can include the addition of residential uses to existing commercial uses, as is being done at Southgate Plaza, or complete redevelopment of parcels into new residential or mixed-use developments. While a smaller parcel might only be able to support a single-use multifamily development (as is being done in the two projects at 150 Route 1 Bypass and 3510 Lafayette Road), larger sites could include a range of housing choices and commercial uses in a quality human-scaled



environment. These pedestrian-friendly nodes of commercial and residential activity will not only increase the supply of affordable housing, but also make these areas more accessible to the surrounding residential neighborhoods and create attractive destination centers throughout the City.

**Zoning Recommendations**

- Rezone appropriate sections of Woodbury Avenue from General Business to the Gateway district
- Enhance the existing Gateway zoning to encourage redevelopment in the Gateway district to include residential units, through one or more of the following approaches:
  - Allow multifamily, apartment and condominium development as a principal use in the Gateway district, subject to site design standards
  - Further encourage mixed-use development by requiring mixed use for projects of a certain size, allowing residential use by right with standard zoning requirements, and require projects that are proposed not to be mixed use to obtain a conditional use permit.
  - Provide incentive-based density bonuses for workforce housing throughout this district, similar to the Incentive Overlay Districts in the North End and West End (include affordable housing covenants wherever appropriate).
- Adjust parking requirements and account for shared uses.

**Lafayette Road – Wal-Mart / Southgate Plaza**



**2017-2023 CIP/  
FUTURE  
AMENITIES**

- Enhance bicycle and pedestrian travel along entire corridor
- US Route 1 New Sidepath Construction – Phase 1 – Andrew Jarvis to Elwyn (\$1.7 million; FY 20-22)
- US Route 1 Crosswalks and Signals (\$745,000; FY 20)

**Lafayette Road – Lafayette Plaza (Fresh Market)**



**2017-2023 CIP/  
FUTURE  
AMENITIES**

- **Develop connections to recreational areas (new rec. facility at Community Campus, Rail Trail)**
- **Potential future connection to Sagamore Creek land and Urban Forestry Center**

**Outer Woodbury Avenue – Market Basket Plaza**



**2017-2023 CIP/  
FUTURE  
AMENITIES**

- Enhance bicycle and pedestrian travel along Woodbury Avenue
- Gosling Road sidewalks (CDBG)
- Project based infrastructure (sidewalks, street trees, open space/ recreation/ public plazas)

## 2. Mirona Road

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### Location

The Mirona Road site is the area zoned Gateway on both side of Mirona Road, between Lafayette Road and the intersection of Peverly Hill Road and Banfield Road. This site is also just south of Sagamore Creek.

### Existing Conditions

Mirona Road is currently zoned Gateway and like much of the district is characterized by auto-dependent commercial development. Mirona Road has a much different feel than major commercial corridors such as Lafayette Road because of the narrower street and relatively lower traffic volumes.

### Development Objectives

There is an opportunity to create a quality human scale residential development with a mixed-use component that provides a range of housing choices, commercial uses and multi-modal transportation. Redevelopment on the north side of the road could take advantage of access to Sagamore Creek and the adjoining wetlands.



### Zoning Recommendations

- Rezone Mirona Road from Gateway to a new district in order to distinguish its character from the rest of the Gateway district.
- Encourage redevelopment to include multifamily residential use, through one or more of the following approaches:
  - Allow multifamily development as a principal use
  - Further encourage mixed-use development (e.g. require mixed use for projects of a certain size; allow use as-of-right with supplemental standards; require non-mixed use projects to obtain a conditional use permit)
  - Provide incentive-based density bonuses for affordable/workforce housing (similar to the Incentive Overlay Districts in the North End and West End – include affordable housing covenants wherever appropriate)
- Adjust parking requirements and account for shared uses

**Mirona Road**



**2017-2023 CIP/  
FUTURE  
AMENITIES**

- Project based infrastructure (sidewalks, street trees, open space/ recreation/ public plazas)
- Potential future connection to Sagamore Creek land and Urban Forestry Center

### 3. Exit 7 Area (CCC Church to Kearsarge Way)

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#### Location

The Exit 7 area is located on either side of I-95 along the north side of Market Street.

#### Existing Conditions

The area to the east of Exit 7 is currently zoned Single Residence B, but is currently occupied by the CCC Church. Between Kearsarge Way and Exit 7, it is currently zoned General Business, but this area holds several relatively small undeveloped parcels surrounded by paper streets which have not been constructed. Several years ago the property owner obtained approvals to develop a hotel on the site, but those approvals have since expired.

#### Development Objectives

The area along Market Street on either side of Exit 7 offers a lot of potential to create multi-family housing. The current SRB single family residential zoning along this busy corridor is not appropriate along such a busy corridor, nor is the isolated General Business district, largely along undeveloped paper streets.

Allowing for multi-family housing in this area would serve as a transition between Market Street and the surrounding single family residential area. This is also an opportunity to continue to strengthen the bicycle and pedestrian network along Market Street and create more housing options proximate to the downtown.

#### Zoning Recommendations

- Rezone to new higher-density residential
- Allow mixed-use
- Incentivize affordable housing with density bonuses (include affordable housing covenants wherever appropriate)
- Reduce parking requirements given proximity to downtown

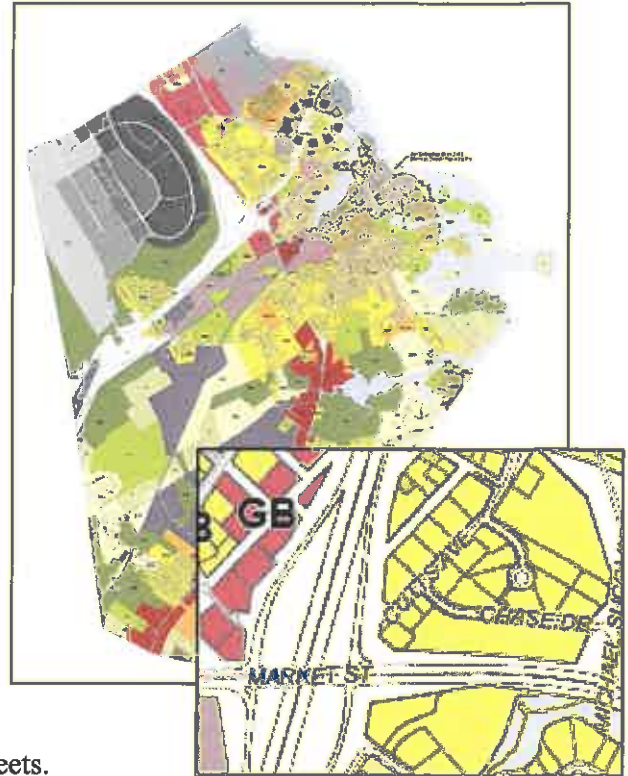


Exhibit A: Housing Committee – Recommended Focus Areas

**Market Street – Exit 7**



**2017-2023 CIP/  
FUTURE  
AMENITIES**

- **Market Street Gateway Plan (\$2.1 million; FY 18)**



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2016-01

WORKFORCE HOUSING POLICY

**WHEREAS**, the goals of the City of Portsmouth, as expressed in its 2025 Master Plan, include encouraging walkable mixed-use development, adapting the housing stock to accommodate changing demographics and accommodating the housing needs of the City's current and future workforce; and

**WHEREAS**, the City Council finds that construction of additional housing is critical to the City's continuing economic and civic vitality by supplying a new generation of workforce, attracting talent and new business, preserving affordability for long term residents to remain in the City, and increasing our resident base to allow for greater variety of participation in our City Boards, Committees, Commissions and Departments; and

**WHEREAS**, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to interpretation of City regulations and ordinances, project approval and review, staff approval of permits and guidance to developers, and other City involvement in the housing process;

**NOW THEREFORE**, the City Council adopts the following policy (the "Workforce Housing Policy" or "this Policy"):

**I. VISION**

Portsmouth will support a housing stock that addresses greater housing supply and variety, including an adequate supply of workforce and moderate-income housing; reflects and enhances the City's historical development patterns; provides a human-scale design <sup>1</sup>that allows for vibrancy of civic life; and allows for optimal investment in and use of public infrastructure.

**II. CORE COMMITMENT**

<sup>1</sup> Human-scale design, in this context, refers to the size and proportions of buildings along a street being tailored to the comfort and usability of people walking nearby.

The City of Portsmouth will promote the design, construction, operation and maintenance of residential development appropriate for a variety of different residents, including the elderly and seniors, families, young professionals, seasonal and service industry workers, and people with disabilities; and will make efforts to ensure that housing costs are affordable to a wide range of income levels.

The City of Portsmouth will approach planning and zoning as an opportunity to expand the housing stock and provide increased variety to address the needs of those who work in Portsmouth and its region.

### **III. KEY PRINCIPLES**

In planning for development and reviewing proposals for new residential developments, the City will apply the following principles:

1. **HOUSING CHOICE AND AFFORDABILITY:** Residential growth in the City should include a range of housing types to address the needs of different household types, lifestyles and income levels.
2. **CHARACTER AND HERITAGE:** New residential development should be sympathetic to the local heritage and character of each area, and should incorporate quality built form and streetscapes, including pedestrian-friendly environments.
3. **HOUSING TARGET AREAS:** The City will identify housing target areas that are suitable for more residential development and will focus studies, detailed zoning changes and development controls to guide future development in each of these areas. Context-sensitive standards which address design will accompany each target area.
4. **INFILL DEVELOPMENT:** Outside housing target areas, the City will promote infill development of residences (and, where appropriate, mixed-uses) within existing neighborhoods by rezoning to promote and allow established and traditional development patterns.

### **IV. FOCUS AREAS**

In keeping with the 2025 Master Plan, this Policy recognizes that different solutions are appropriate for different types of areas and neighborhoods within the City. Therefore, the application of this Policy will vary accordingly by focus area, as follows:

1. **URBAN CORE:** The Urban Core, consisting of the historic Downtown and the North and West Ends, accommodates apartments, condominiums and affordable housing in existing and new mixed-use buildings.
2. **CORRIDORS:** On the City's current major corridors—Lafayette Road/Route 1, Woodbury Avenue/Market Street, and (to a lesser extent) the Route 1 Bypass—provide opportunities to integrate new multifamily residential and mixed-use developments into existing commercial environments and create additional centers of activity.
3. **URBAN NEIGHBORHOODS:** The dense walkable neighborhoods close to the Urban Core provide housing in various sizes and tenancy types. The variety of options helps to preserve neighborhood character, provides affordable housing options, and allows for reduced automobile usage due to proximity to the Downtown and West End. New development in these neighborhoods will consist of small-scale infill and “missing middle” redevelopment.
4. **SUBURBAN NEIGHBORHOODS:** Portsmouth's low-density suburban neighborhoods provide a range of housing stock from luxury to affordable. These neighborhoods are suitable for incremental infill development including accessory dwelling units.

## **V. LAND USE REGULATIONS AND PERMITTING**

To apply Key Principles from this Policy to each focus area and housing target area, the City will consider the following changes to land use regulations and the permitting process:

1. **DENSITY:** The City will incorporate historical land use patterns and human-scale development principles into local land use regulations (Zoning Ordinance, Site Plan Review Regulations, Subdivision Rules and Regulations) and permitting processes, as well as other standards, plans, rules, regulations and programs as appropriate.
2. **PARKING:** The City will review parking requirements in housing target areas and specific neighborhoods, revise land use regulations as appropriate to reduce housing development costs while preventing street congestion, and proactively seek parking infrastructure solutions or shared parking arrangements that can be substituted for individual unit parking requirements.

3. **IMPACT ON AFFORDABILITY:** Recognizing that local land use regulations can have a direct impact on housing development costs, all Boards, Committees, Commissions and Departments should consider the impacts of their actions on housing affordability within legal guidelines, and should coordinate with each other to the extent possible to provide advice consistent with this Policy.
4. **PERMIT STREAMLINING:** Private investment in the City's housing stock should be encouraged and the development process be minimally burdensome on individual property owners to comply with City regulations. Minor site or building changes should not necessarily trigger requirements for review by City Boards or Commissions. All Boards, Committees, Commissions and Departments should review local land use regulations and other requirements so that de minimis changes may be approved administratively.

## **VI. IMPLEMENTATION**

The City views this Workforce/Affordable Housing Policy as integral to everyday planning and decision-making practices and processes. To this end:

1. **APPLICATION:** The Planning Department and other relevant departments, agencies or committees shall incorporate this Policy's principles into the City's Master Plan and other appropriate plans, and manuals, checklists, decision trees, rules, regulations, and programs as appropriate, requesting funds through the annual City Budget or City Council when necessary.
2. **REGULATORY AUDIT:** The Planning Department and Department of Public Works shall review the City's Zoning Ordinance, Site Plan Review Regulations, Subdivision Regulations and permitting processes, to ensure that they effectively implement this Policy.
3. **PROFESSIONAL DEVELOPMENT:** When available, the City shall encourage staff professional development and training on best practices in planning, zoning, and principles through attending conferences, classes, seminars and workshops.
4. **COLLABORATION:** The City shall promote project coordination among City departments and agencies in implementing the Workforce/Affordable Housing Policy in order to better use fiscal resources and produce the best results.
5. **MUNICIPAL INVESTMENT AND PUBLIC INFRASTRUCTURE:** The City should support new workforce housing development in designated areas through provision

of capital improvements and services, and proactively submit projects which support these principles to the annual Capital Improvement Plan process.

6. **ANNUAL REPORTS:** The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy. This policy shall take effect upon passage by the City Council.

## **VII. PERFORMANCE MEASURES**

The Workforce/Affordable Housing Policy should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- Reduction in the affordability gap for rental and ownership units relative to income levels in the housing market area. Reduced applications for variances required to build workforce housing
- Increased density in new residential construction or applications for residential construction
- Reduced processing time for applications/permitting for new housing development

Adopted by the Portsmouth City Council on: \_\_\_\_\_.

\_\_\_\_\_  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk

**ATTACHMENT: MASTER PLAN STRATEGIES**

The following housing strategies related to the theme of Diversity are identified in the Master Plan:

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.4 Identify locations and conditions under which live/work units can be safely and appropriately allowed.
  
- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirements and increased maximum heights.
- 3.2.3 Support the activities of housing agencies in the development of affordable housing.
- 3.2.4 Provide incentives for low- to moderate-income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro-units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed-use redevelopment of suitable Portsmouth Housing Authority properties for long-term viability.

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, SEPTEMBER 19, 2016

PORTSMOUTH, NH  
TIME: 7:00 PM

### **I. CALL TO ORDER (7:00PM)**

Mayor Blalock opened the meeting at 7:00 p.m.

### **II. ROLL CALL**

Members Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins (arrived at 7:10 p.m.), Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

### **IV. PLEDGE OF ALLEGIANCE**

Former City Councilor Harold Whitehouse led the Pledge of Allegiance.

## **PRESENTATION**

### **1. Quarterly Update Re: Wastewater Treatment**

City Engineer Terry Desmarais introduced staff members and representatives from AECOM and Methuen Construction present in the audience. He then gave a brief update on the upcoming Peirce Island Wastewater Treatment Facility upgrade construction schedule. He also discussed the construction costs stating that there is usually a 5% contingency set aside which would be approximately 3.8 million for this project but there is currently only 1.8 million so we will have to fund the rest in future capital budgets. He stated that Peirce Island will be closed to the public beginning September 26, 2016 including the off-leash dog area.

Peter Britz, Environmental Planner, gave a brief presentation on the proposed alternative off-leash dog area at the Park and Ride on Route 33. He stated that there are currently 5 acres of open space and 50 parking spaces and signs will be posted regarding access and waste pick-up requirements. He concluded that there will be a public meeting on the proposal on October 5, 2016 at 4:30 p.m. in Conference Room A.

Councilor Pearson asked where the flaggers will be posted during construction. Engineer Desmarais stated at State and Marcy Streets for the entire duration but they are modifying the entrance of Peirce Island so as not to have to have a flagger there. He continued that there will be an attendant at the gate of Peirce Island and 2 flaggers when the pool is in operation.

City Manager Bohenko stated a safety consultant was hired to review the plans as we are taking safety very seriously.

Councilor Denton asked on behalf of Councilor Cyr if signage will be posted at the Peirce Island site to direct people to the new area. City Manager Bohenko stated yes.

Councilor Denton then asked why the Jones Avenue site is not considered for the off-leash area. Councilor Spear stated that the Sagamore Creek Blue Ribbon Committee and the Conservation Commission were both concerned with the environmental impact.

Finally, Councilor Denton stated there is a fishing hole near the Park and Ride area and wondered if it could be made into a fishing area for kids as part of the future rail trail. City Manager Bohenko stated he will look into it through the Fish and Game Department.

Assistant Mayor Splaine asked if there were any closer off-leash areas to the downtown area such as North Mill pond and the Route 33 site is far away for those who walk from the downtown to Peirce Island. City Manager Bohenko stated he would take this suggestion under advisement.

## **V. ACCEPTANCE OF MINUTES – AUGUST 15, 2016**

**Councilor Spear moved to accept the Minutes of August 15, 2016 City Council meeting. Seconded by Councilor Cyr and voted.**

## **VI. PUBLIC COMMENT SESSION**

Due to the number of people signed up to speak, Mayor Blalock announced that each speaker would be limited to 2 minutes each.

Steve Dunfey – stated he has personally known Jim Splaine for many years and has served with him in the State Legislature and he tells the truth no matter the outcome. He stated he is a straight arrow kind of guy and wants transparency in the City of Portsmouth.

George Dempsey – stated the police got caught in regards to the Geraldine Webber case and thanked Asst. Mayor Splaine for standing up to them.

Dick Bagley – spoke regarding the importance of the public being informed on the Webber case information.

Pat Bagley – spoke regarding transparency in government and feels that there should not have been a non-meeting regarding the Aaron Goodwin settlement.

Jerry Zelin – spoke in support of Jim Splaine stating that he did not violate his Oath of Office as the meeting was illegal and was not a confidential attorney/client meeting.

Ruth Griffin – spoke in support of Jim Splaine stating that he would not knowingly do anything that was not for the good of the City.

Erik Anderson – stated he supports Jim Splaine and his efforts to bring transparency to City government and feels that this needs to be put behind us.

Rick Horowitz – spoke in support of Jim Splaine and his efforts to inform the public.

Clare Kittredge – stated the public should know who knew what when and that this is an effort to punish someone for trying to bring transparency to the government.

Nancy Elwell – spoke in support of Jim Splaine.

Paige Trace – spoke in favor of Jim Splaine and his efforts to bring transparency to the citizens who elected the City Council.



Esther Kennedy – asked the Council to stop holding non-meetings and stated she wished she had the same courage as Jim Splaine.

Zelita Morgan – thanked Jim Splaine for bringing forward what the public should have known all along and looks forward to the discussion as the public trust in the City and Police Department have been damaged.

Paul Mannle – stated he fully supports Jim Splaine and the Attorney General past and present.

David Noard – spoke in support of Jim Splaine and his looking out for the greater good of the City in regards to transparency in the Goodwin situation.

Tim Montminy – stated he does not agree with Jim Splaine’s decision to release information as it short-circuited the process and it was not his right to do so and puts in jeopardy the attorney/client privilege.

Susan Denenberg – stated she supports Jim Splaine as this issue has been going on a long time and people do not want to see Mr. Goodwin rewarded.

Cliff Lazenby – stated that Assistant Mayor Splaine took an oath to serve the City of Portsmouth and therefore would follow the guidelines and rules of the City Council. He stated that changes in democracy require the input of many, not just one rogue individual.

Mark Brighton – stated this is not about Jim Splaine, but about meetings that are held that do not conform to the Attorney General guidelines.

Arthur Clough – stated that the non-meetings held do not meet the criteria for holding non-meetings and feels that the Mayor and City Manager inserted themselves onto the Police Commission. He concluded that there were people on the City Council who knew about the Webber issue as it was happening and did nothing about it.

## **VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

**Councilor Spear moved to pass first reading and schedule a second reading and a public hearing of the proposed Ordinance at the October 3, 2016 City Council meeting, as presented, seconded by Councilor Pearson.**

Councilor Dwyer asked for clarification regarding the definition including “removal of structure from present location” and if it is the appropriate place to include it.

Planning Director Taintor stated it is a fairly common provision in demolition ordinances and in many cases it is the building itself that may be important to the neighborhood.

Councilor Perkins stated that there are 2 separate concepts; older, historic buildings versus smaller, newer buildings and also to expand the existing 30 day comment period.

City Manager Bohenko stated that we have met with advocates and the current document incorporates several changes suggested by the Advocates, including posting of notices on the City's website in addition to the newspaper.

Planning Director Taintor explained the draft revised ordinance provides for additional review, including a public hearing, whenever demolition is proposed for a building that is more than 50 years old. The purpose of this additional review is to allow for a determination as to whether the building has historic, architectural or community value, and for identification of alternatives to demolition. Where no such alternatives are identified or acceptable to the owner, if the applicant agrees, the draft ordinance requires documentation in the form of photographs and measured drawings, and encourages salvage of historic building elements. Please note the change in the proposed Ordinance that allows the applicant to refuse that the house be photographed.

Councilor Perkins asked if there was any discussion of including an existing Board/Commission for the review as opposed to creating another committee.

Planning Director Taintor stated that due to the time limit imposed it would be difficult to schedule with an existing Board and also, they are looking to have a broader expertise of the issues involved.

**Motion passed on an 8-1 vote, Councilor Perkins voted opposed.**

#### **VIII. CONSENT AGENDA**

**Councilor Lown moved to adopt the Consent Agenda as presented. Seconded by Councilor Perkins and voted,**

- A. Letter from Nicole McShane, Big Brothers Big Sisters of New Hampshire requesting permission to close Pleasant Street on Saturday, June 17, 2017 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (*rain date Sunday, June 18, 2017*) (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Amber Day, NH Film Festival requesting permission to close Chestnut Street on Friday, October 14, 2016 for the NH Film Festival red carpet opening night gala (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for License to install Projecting Sign:
  - Dennis Luun owner of The Works Cafe, for property located at 9 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

***Planning Director's Stipulations:***

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

## **IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Ella McGrail, Civic Teen requesting permission to set up a Civic Cider stand in front of the North Church in Market Square on October 2, 2016

**Councilor Spear moved to recommend Vaughan Mall for the Cider Stand, seconded by Councilor Dwyer and voted.**

- B. Memorandum from Police Chief David Mara regarding Downgrade of “Communications Manager” to Communications Supervisor

**Councilor Lown moved to approve as outlined in the memorandum from the Police Department, seconded by Councilor Perkins.**

Councilor Dwyer asked why this needs to be approved by the City Council.

City Manager Bohenko stated that any reclassification of positions are usually addressed during the budget process, but if not, it required Council approval.

Police Chief Mara explained that the individual previously in the position handled a lot of the IT aspect, but now, he is looking to keep that separate and have this be a communications person, not IT.

**Motion passed.**

## **X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Request for First Reading Re: Solid Waste Ordinance

Solid Waste Coordinator Jacob Levenson gave a brief presentation of the proposed ordinance changes. These changes include; Update the maximum weight and volume of acceptable curbside containers from 45 gallons to include up to 100 gallons; so long as any container larger than 45 gallons has a stop bar compatible with the hydraulic tipper and has working wheels. Also, update Business District curbside collection hours (currently listed as 4:30pm-6:00pm) to allow DPW to add a morning pick up for residents and provide future adaptability to alter routes as needed for operational efficiency. The days and hours of collection will be published by the Department of Public Works. Third, update penalties and remedies to better enforce ordinance violations and finally, modernize the definitions classifying waste and how they are handled.

Councilor Cyr stated it is surprising to see how many places do not recycle.

City Manager Bohenko stated that the public space recycling initiative which artists and students designed bins was successful, but that the bins themselves did not hold up well and

will be reconstructed. He stated that the artwork done will be repurposed to help inform the public.

Councilor Dwyer asked if the new ordinance will include home composting, in regards to collection. Mr. Levenson explained that there is nothing included in the ordinance but that there is the option of bringing it to the Dept. of Public Works currently or using the "Mr. Fox" pickup service. He stated we are gauging the public interest currently.

City Manager Bohenko stated it does not have to be a part of the ordinance and explained that when the City obtains the land from the foundation, we will be able to expand the operations.

Councilor Cyr asked why the collection needs to be specified as "business" or "residential" in terms of when they put their trash out as long as it isn't sitting on the street for an extended amount of time.

Mr. Levenson explained that the restaurants want afternoon collection and the volume of residential is smaller so it takes less time to collect it for a morning pickup.

**Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed Ordinance at the October 3, 2016 City Council meeting. Seconded by Councilor Pearson and voted.**

2. 2017 Schedule of City Council Meetings and Work Sessions

**Councilor Spear moved to approve the proposed schedule for City Council Meetings and Work Session for calendar year 2017. Seconded by Councilor Lown and voted.**

3. License Request Completion of Work at 172 Hanover Street

**Councilor Spear moved to authorize the City Manager to negotiate and enter into a license with Carey Riley to facilitate completion of construction activities at 172 Hanover Street. Seconded by Councilor Lown and voted.**

### **Informational items**

1. Events Listing
2. Portsmouth Library Building Anniversary

City Manager Bohenko stated that the Portsmouth Library 10<sup>th</sup> Anniversary was celebrated on Saturday with a Proclamation read by Mayor Blalock. He stated celebrations will be ongoing.

***Mayor Blalock called for a recess and 8:45 p.m. Meeting reconvened at 8:53 p.m.***

### **B. MAYOR BLALOCK**

1. Appointment of City Council members to Joint Budget Committee – Councilors Spear and Cyr

Mayor Blalock appointed Councilors Spear and Cyr to the Joint Budget Committee.

## 2. Council Members Responsibility Re: Non-Meetings & Non Public Sessions

Mayor Blalock asked City Attorney Sullivan to remind everyone of the difference between a non-public meeting versus a non-meeting.

City Attorney Sullivan explained that to go into a non-public meeting a vote is taken specific to statute and if the motion passes, they will hold the non-public meeting and keep the discussion limited to the specific topic. He stated minutes are kept and made public unless a vote is taken to seal the minutes. He stated that votes can be taken in non-public meetings and are reflected in the minutes. He stated that City Councilors are expected to maintain confidentiality. Next, regarding non-meetings, these are specific to statute as well and are for discussion of strategy and negotiations in collective bargaining as well as land acquisition. He stated a non-meeting is called that because it doesn't meet the definition of a meeting because it is not a meeting that an action can be taken. He continued that the City Council is considered a client of the lawyer and therefore, the whole Council needs to make the decision of what might be said outside of the meeting. He stated that the concept would fail if the lawyer has a confidential discussion with 9 Councilors but one breaches the confidence.

**Councilor Denton moved to petition the Superior Court for the removal of Assistant Mayor Splaine pursuant to RSA 421:1-A, seconded by Councilor Pearson.**

Councilor Denton stated it is with a heavy heart that he makes the motion but the attorney/client privilege is the bedrock of democracy. He continued that the judge should make the decision regarding this and not the City Council.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he will not support the motion as he doesn't feel the motive was to betray the citizens of Portsmouth and doesn't rise to the level of removal and hopes that the Assistant Mayor doesn't resign. He stated he feels that this is a good reminder of the responsibilities of the City Council and appreciates the clarification from City Attorney Sullivan.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Lown stated he agrees with Mayor Blalock and also will not support the motion. He stated this is not a debate about the Goodwin case but a request for following the process, rules and Oath of Office taken by the City Council.

Councilor Dwyer stated she agrees with the previous speakers, but also feels that damage has been done to the public when someone insinuates what happens in a meeting and feels that putting something on social media is not transparency and is not the same as honestly talking about it in the public forum. Secondly, she stated there are gray areas in the State law regarding non-meetings and it is easy to make fun of the term non-meeting, but we have to address it that way by the law. Thirdly, she stated we can't go outside of the principles of the law and must respect and understand the law and be careful about procedural rules. She further stated that in the meeting, Attorney Closson was advising and informing the City Council and questions can be asked and answered, but no decisions were being made. She stated that it was insinuated that Councilors were agreeing to something, but they were not and that is where the trust broke down. She stated in her past she taught troubled boys and when they broke the rules, they did not

remove them because of it and didn't go outside of the group to restore trust within the group. She stated we need to restore the trust of the general public and if people who advise and inform the City can't trust the confidentiality of the Council, then no one will work with us.

Assistant Mayor Splaine stated the issue is about the non-meeting process. He then read the Attorney General guidelines. He reiterated the section "everybody except the Council should be excluded from the room and that deliberations may not occur" He stated if we need to consult with Counsel, then just the City Council should be doing so and should ask what they need to know and then go into non-public session. He stated there have been times when the Council meets with the City Attorney and there are no questions to the City Attorney at all and only a back and forth discussion. He stated he would support a motion to invite the Attorney General to advise the City Council on the proper use of non-meetings as he will not continue to condone the misuse of the process. He stated there have been 33 non-meetings since 2014 and some have been legitimately for negotiations, but many were held with legal Counsel but the Attorney didn't speak at all. He stated we need to start following the standards of the Attorney General. He concluded that he didn't do anything wrong and only said the conditions of the agreement of \$150,000 and the resignation acceptance and not what was discussed.

**Motion failed on a 2-6 roll call vote. Councilors Pearson and Denton voted in favor. Councilors Perkins, Dwyer, Lown, Spear, Cyr and Mayor Blalock voted opposed. Assistant Mayor Splaine abstained.**

**Assistant Mayor Splaine moved to have the City Council formally invite the New Hampshire Attorney General Office to meet with the City Council in open session and discuss the proper use of non-meeting and non-public sessions, seconded by Councilor Cyr.**

**Councilor Dwyer moved to amend the motion to include that the City send to the Attorney General the letter disclosure in question that was written by Assistant Mayor Splaine and to also rule on whether it is proper to disclose that information, seconded by Assistant Mayor Splaine. Motion to amend passed on a 5-4 roll call vote. Councilors Dwyer, Lown, Pearson, Cyr and Denton voted in favor. Assistant Mayor Splaine, Councilors Perkins and Spear and Mayor Blalock voted opposed. Main motion as amended passed on a 5-4 roll call vote. Assistant Mayor Splaine, Councilors Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Perkins Lown, Pearson and Spear voted opposed.**

**Councilor Spear moved to censure Assistant Mayor Splaine for breaking the confidentiality of a previous non-meeting of the City Council, seconded by Councilor Denton.**

Councilor Spear stated that the City Council only has impact when it votes, otherwise it is just speeches. He stated we need to make a statement that the actions were unacceptable to us and future councils and a stern memo is not enough. He stated we need closure and shouldn't drag it out, but weigh in officially with a vote.

Discussion ensued regarding censure.

**Councilor Spear amended his motion to read “to censure the actions of Assistant Mayor Splaine for breaking the confidentiality of a previous non-meeting of the City Council, the seconder, Councilor Cyr agreed. Motion passed on an 8-0 roll call vote. Assistant Mayor Splaine abstained.**

3. Resignation – William F. Gladhill from the Planning Board

Mayor Blalock stated he is sad to have to accept the resignation of Mr. Gladhill but wishes him well in his future endeavors. He encouraged everyone to read his thoughtful letter.

**Councilor Cyr moved to accept the resignation of William F. Gladhill from the Planning Board and as Planning Board representative to the Historic District Commission with thanks and appreciation for his service to the City of Portsmouth. Seconded by Councilor Perkins and voted.**

### **C. COUNCILOR PERKINS**

1. Proposed amendment to the Outdoor License Program for Sidewalk Cafes Policy #2012-02  
Approved Locations:
  - *State Street Saloon*
  - *Popovers on the Square*
  - *Ri Ra*
  - *The District*
  - *Birdseye Lounge, LLC*
2. Recruiting Food Trucks (*See ordinance attached*)

Councilor Perkins stated she has no formal request, but has been asked by people about having more outdoor eating locations and food trucks.

She stated that she is looking for direction as to how to bring these forward or to refer to a Board or Commission for a report back.

Mayor Blalock stated that part of the issue with the food trucks was that they were parking in front of businesses that were paying for the real estate they occupied and taking away customers. He stated that regarding the outdoor eating locations, the policy allows for 7 and there are currently only 4, so there are still 3 more licenses available.

City Manager Bohenko stated that these are at the initiation of the restaurant if they want to have the outdoor seating on city sidewalks. He stated regarding food truck locations, the Parking and Traffic Safety Committee would be the appropriate group to refer it to for further discussion.

Councilor Dwyer stated that it is artificial to have a limit on the outdoor seating because the Council approves them anyway. Secondly, regarding food trucks, in other cities there are often locations that the food trucks will congregate which is better for them and the customers.

Councilor Pearson agrees, stating that in Boulder, Colorado they have a food truck park which has seating, activities and music and doesn't compete with downtown businesses.

Councilor Spear suggested planning a special event for a city location and see what the response is. City Manager Bohenko stated that the Red Hook Brewery already does such an event every year.

Councilor Cyr stated that Vaughan Mall currently has 2 - 15 minutes spaces which could be converted to food truck spaces. He feels that the spaces need to be consistent so that the food trucks can make money and establish the business. He also feels that the number of food trucks should not be limited either.

Councilor Perkins suggested food trucks could operate after restaurant kitchens are closed.

City Manager Bohenko stated that the Vendor Committee did a lot of work on our current ordinance so he will have staff review what was done and would also like to include the Chamber of Commerce and businesses in the discussion.

#### **D. COUNCILOR DWYER**

1. Subcommittee Approval for Floor Policy Regarding Short Term Rentals Recommended by the Legislative Subcommittee for City Council Approval for Submission as NHMA Legislative Policies for 2017-2018 Legislative Session

Councilor Dwyer stated that a short time ago the City Council voted to submit 4 policies to the NHMA for the 2017-2018 Legislative Session with one regarding short-term rentals. She further explained that Attorney Ferrini was contacted regarding the short-term rental policy and that it would have a better chance if it excluded "home businesses".

**Councilor Dwyer moved to approve the floor policy on short term rentals and submit same to become a NHMA Legislative Policy for the 2017-2018 Legislative Session by vote of its membership at the NHMA Legislative Policy Conference. Seconded by Councilor Spear and voted.**

#### **E. COUNCILOR DENTON**

1. Veteran's Property Tax Credit

**Councilor Denton moved the City Manager to report back on the Assessor's Office implementing the additional veterans' property tax credit authorized under RSA 72:28b, which went into effect on August 8, 2016, extending the current tax credit amount to all honorably discharged veterans that are not eligible for the current veterans' tax credit or the tax credits for service connected total disability, seconded by Councilor Spear.**

Councilor Denton explained the new law and would like the Assessor to report back.

Councilor Dwyer stated it will be challenging to figure out the impact on the city because of the number of people it may include and nothing is free.

**Motion passed.**



**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

**Councilor Lown moved to adjourn at 10:00 p.m. Seconded by Councilor Spear and passed unanimously.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'V. French', written in a cursive style.

Valerie A. French  
Deputy City Clerk

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 3, 2016

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:25 p.m.

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer (via conference call), Lown, Pearson, Spear, Cyr and Denton

Absent: Councilors Perkins

### **III. INVOCATION**

Mayor Blalock asked everyone to join in a moment of silent prayer.

### **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led in the Pledge of Allegiance to the Flag.

### **PRESENTATION**

#### **1. PS21**

Doug Roberts of PS21 provided a Presentation on smart growth, tactical urbanism, and demonstration projects and spoke to the City adopting a policy for these projects. He said such a policy would make it easier for everyday residents, advocacy organizations, and community groups to spearhead short-term projects alongside the Department of Public Works and other agencies. He addressed the demonstration projects that took place at the White Heron Tea on Islington Street and its success. He spoke to a survey that was conducted where 85% of the individuals felt the City should do more of these types of projects.

Assistant Mayor Splaine asked what the next step would be. City Manager Bohenko said he would work with PS21 on this and sit down with the Planning and Public Works Departments to see how we could accommodate these projects in the City of Portsmouth. He said we would need to establish a policy for the City and a permitting process.

Councilor Cyr said where the policy has been enacted in Burlington he would like to see us reach out to them on how the process works there.

## V. ACCEPTANCE OF MINUTES – SEPTEMBER 6, 2016

Councilor Spear moved to accept and approve the minutes of the September 6, 2016 City Council meeting. Seconded by Councilor Lown. Moved to amend page 2 of the roll call vote in the minutes to reflect a roll call vote 6-1 motion passed. On a roll call 8-0, voted to accept and approve the minutes of the September 6, 2016 City Council meeting, as amended.

## VI. PUBLIC COMMENT SESSION

David LaFevers said he would like to see the parking garage have handicap carts for use. He also spoke to the lack of enforcement of traffic laws by the Police Department.

Harold Whitehouse spoke to the 400<sup>th</sup> Celebration of the City which will take place in 2023. He said he would like to be involved in the planning and spoke to contributing to the Anniversary to get things started.

James Boyle said that the taxpayers are being asked to spend money to stop business on his land. He said the amount is unrealistic and the appraisal the City has is wrong because it is not from an independent appraiser.

Mark Brighton said the City should stop the litigation of Mr. Boyle's property.

## VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 14 – HOUSING CODE BE AMENDED BY DELETING THE EXISTING ARTICLE II: DEMOLITION AND INSERTING IN ITS PLACE A NEW ARTICLE II. THE PURPOSE OF THIS ARTICLE IS TO ENCOURAGE THE PRESERVATION OF BUILDING AND PLACES OF HISTORIC, ARCHITECTURAL AND COMMUNITY VALUE

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

Planning Director Taintor reviewed the proposed ordinance and said the current ordinance is over 35 years old and this ordinance provides another forum on a proposed demolition. He said the ordinance provides for additional review, including a public hearing, whenever demolition is proposed for a building that is more than 50 years old. He reported the purpose of the additional review is to allow for a determination as to whether the building has historic, architectural or community value, and for identification of alternatives to demolition. Planning Director Taintor stated that the draft of the revised ordinance was provided to Portsmouth advocates for review, and the current document incorporates several changes suggested by the Advocates, including posting of notices of the City's website in addition to the newspaper.

With no speakers, Mayor Blalock declared the public hearing closed.

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. Grants:
- 2016 Internet Crimes Against Children Task Force Grant - \$256,037.00
  - Acceptance of the New Hampshire Highway Safety Grants
    - Distracted Driving Patrols \$10,000.00
    - Sobriety Checkpoints \$ 6,758.00
    - DWI Patrols \$ 9,843.00
    - Step Patrols \$ 9,926.40
    - Bicycle/Pedestrian Patrols \$ 6,195.20
  - Acceptance of Bullet Proof Vest Grant - \$11,065.68
  - Opioid Abuse Reduction Initiative Grant - \$59,324.03

**Councilor Lown moved to approve and accept the grants to the Portsmouth Police Department, as presented. Seconded by Councilor Pearson. On a roll call 8-0, motion passed.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 3, Article II, Section 3.2 Solid Waste, Yard Waste and Recycling and an amendment to Chapter 1, Article XIII, Section 1.13 – Municipal Enforcements Procedures

**Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 17, 2016 City Council meeting, as presented. Seconded by Councilor Spear.**

Councilor Denton asked if he could do a ride along with the Public Works Department on the pickup of solid waste.

Assistant Mayor Splaine said that he would like to change the wording referencing mobile home parks and possibly changing it to home parks. He said we need to take away the stigma with mobile home parks. City Manager Bohenko said the change would be made.

**On a roll call vote 8-0, motion passed.**

- B. Second reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

**Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed ordinance at the October 17, 2016 City Council meeting, as presented. Seconded by Councilor Spear.**

Councilor Cyr spoke regarding procedure if the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished is 500 square feet or less, the following procedure shall be followed:

- (2) If a written objection is received by the Inspection Department within thirty days of the date of notice, the Building inspector shall order an additional delay period, not to exceed sixty days from date of receipt of the written objections. However, in no event shall the delay period ordered by the Building inspector exceed ninety days from date of permit.

He said he does not see a point to the waiting period and a need for an additional 60 days. City Manager Bohenko said the additional 60 days is warranted. He said 30 days comes quickly in the City and that 90% of the time after 30 days they are able to demolish the building. Councilor Cyr asked how often the City receives these types of requests. Planning Director Taintor said there tends to be more than you would think. He said the Historic District Commission process provides for a lot of notice. He further stated we may see more as values rise and people start replacing homes.

**On a roll call vote 8-0, motion passed.**

#### **X. CONSENT AGENDA**

- A. Letter from Melissa Walden, American Lung Association requesting permission to hold the Seacoast ride on Sunday, May 7, 2017 at 7:00 a.m. – 3:00 p.m.  
***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Jennifer Goodman, New Hampshire Preservation Alliance expressing support for the adoption of a new demolition ordinance ***(Anticipated action – move to accept and place the letter on file)***

**Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Spear. On a roll call vote 8-0, motion passed.**

#### **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Attorney General Joseph Foster regarding Enabling Authority for Municipal Regulation of Plastic Bag Use

Councilor Denton said he would like the residents that are pursuing this matter to remain patient.

Councilor Lown said the letter was arrogant and felt that the Attorney General should not have signed such a letter. He feels the tone and content of the letter were unnecessary.

**Councilor Spear moved to accept and place the letter on file and further that Councilor Lown said he felt the letter was arrogant and that the tone and content of it was unnecessary. Seconded by Councilor Lown. On a roll call vote 8-0, motion passed.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Establish Public Hearing Re: Funding to Acquire A Portion of Property at 150 Greenleaf Avenue

City Manager Bohenko said that this is in order to proceed forward and establish a public hearing for acquiring a portion of the property at 150 Greenleaf Avenue.

**Councilor Spear moved to establish a public hearing for its October 17, 2016 meeting, to raise and appropriate \$345,000.00 from the Sewer funds net position. Seconded by Councilor Pearson.**

Assistant Mayor Splaine said the more we get into this the more it would cost and he would not support the motion.

City Manager Bohenko said we have tried very hard to bring this to a closure and it has not happened.

Councilor Lown said we should just take the berm area.

**On a roll call 6-2, voted to establish a public hearing for its October 17, 2016 meeting, to raise and appropriate \$345,000.00 from the Sewer funds net position. Assistant Mayor Splaine and Councilor Lown voted opposed.**

2. Request for Acceptance of Harbor Walk Park Pier Project

City Manager Bohenko said that the City is required to accept the project.

**Councilor Spear moved to accept the Harborwalk Park Pier Project, and further, authorize the City Manager issue the Certificate of Final Completion of work. Seconded by Councilor Pearson.**

Councilor Spear said he would like to see some tables and chairs for people to sit in the park. City Manager said he spoke to Public Works Director Rice and tables and chairs will be installed.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said this is a perfect spot for tables and chairs and is pleased to hear that we will be installing them in the park.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson said that this is an excellent addition to the City and that there is always someone in the park enjoying the area.

Assistant Mayor Splaine spoke to the beautiful area and would like people to have access to the area throughout the winter.

**On a roll call vote 8-0, motion passed.**

3. Polling Hours for November 8<sup>th</sup> Presidential General Election

Councilor Denton said he would like to see the polls open at 7:00 a.m. because of the importance of the election.

Councilor Spear said the Legislative Subcommittee should look into this matter. He said he agrees with the use of staff and we need more hours for the polls to be open. He said he supports reducing City functions on Election Day to allow paid staff to fill the roles. He also urged people to vote by absentee if they meet the criteria.

City Clerk Barnaby spoke to the increase of an hour on the end of the day and being open until 8:00 p.m. She also addressed the issues with opening an hour earlier. She further stated that during the Presidential General Election she extends the polling hours to be 8:00 a.m. to 8:00 p.m. from the normal hours of 8:00 a.m. to 7:00 p.m.

**Assistant Mayor Splaine moved to set the polling hours from 8:00 a.m. to 8:00 p.m. for the Presidential General Election on November 8, 2016. Seconded by Councilor Lown. On a roll call vote 7-1, motion passed. Councilor Denton voted opposed.**

City Manager's Informational Items

2. *Report Back Re: Veterans Tax Credit*

City Manager Bohenko reported that we may have another 900 veterans that may take advantage of the exemption and that we need to conduct more research. He said we provide a maximum of \$500.00 and asked that the City Council proceed forward slowly and that changes can be made in the future. He also stated that this would provide another \$.10 to the rate before we start the budget process and that this will not affect the December bill.

Councilor Lown asked which veterans qualify for the exemption. City Manager Bohenko said eligibility requirements for persons receiving the veterans' property tax credit to include all veterans who have been honorably discharged or officers honorably separate from service.

Councilor Denton said he would like to expand the credit.

**B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Appointment of Jody Record to the Planning Board as a Regular Member
  - Appointment of Jeffrey Kisiel to the Planning Board as an Alternate Member
  - Reappointment of Bruce Boley to the Board of Library Trustees
  - Reappointments of Jack Jamison to the Board of Library Trustees

The City Council considered the appointments which will be voted on at the next City Council meeting.

**C. COUNCILOR DENTON**

1. Curbside Composting Pilot Program

**Councilor Denton moved that the City Manager report back with curbside composting pilot program options. The scope of at least one option should be large enough so the savings from tipping fees should pay for the majority of the pilot program's costs if the program is fully utilized by residents. Seconded by Councilor Lown.**

Councilor Denton said the average household could expand their recycling and this would add a composting process. He said the motion is for the City Manager to report back on this matter. He said that Mr. Fox has indicated he would provide a pilot program on this. City Manager Bohenko said we can provide a report back soon and there are pros and cons.

**On a roll call vote 8-0, motion passed.**

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Denton spoke regarding the Eco Club having a booth at Farmers' Market over the weekend. He said he learned that October is National Farm to School Month and next week is National School Lunch Week. He said that on Monday, October 24<sup>th</sup> is National Food Day where nationally many people participate in the apple crunch project which he believes the entire school district is planning on participating. He thanked Kate Mitchell who runs our Farm to School Program for her work on this project.

**XIV. ADJOURNMENT**

**At 8:25 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted. On a roll call vote 8-0, motion passed.**



Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 21, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000.00) for the Purchase of Property Located at 850 Banfield Road. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

LEGAL NOTICE

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Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

FRAG02-00329



**PORTSMOUTH POLICE DEPARTMENT**

**MEMORANDUM**

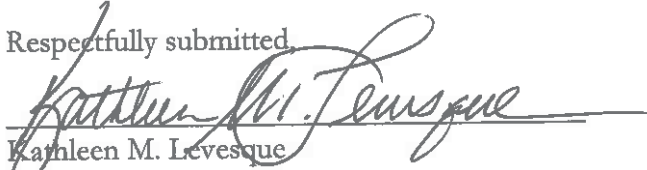
DATE: NOVEMBER 16, 2016  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION  
DAVID J. MARA, CHIEF OF POLICE  
RE: GRANT & DONATION

At the October 25<sup>th</sup>, 2016 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donation:

1. Grant and Donation:
  - a. New Hampshire Department of Justice Violence Against Women Grant ('VAWA') in the amount of \$60,000 (NOTE: The award has been changed to a bi-annual award, so this amount represents 2 years of funding.) The VAWA grant provides funding for the Victim/Witness Advocate position in our court office.
  - b. A donation in the amount of \$700 from "Friends of the South End" in support of the Portsmouth Police Explorers.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

Respectfully submitted,

  
Kathleen M. Levesque  
Office of the Chief

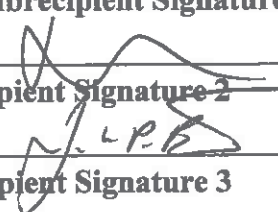
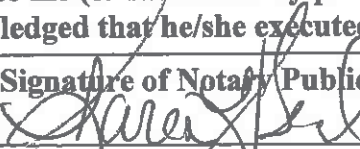
copies: Board of Police Commissioners  
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal  
Business Asst. Tammie Perez

GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby  
Mutually agree as follows:  
GENERAL PROVISIONS

1. Identification and Definitions.

1.1. State Agency Name Department of Justice		1.2. State Agency Address 33 Capitol Street, Concord, NH, 03301	
1.3. Sub-recipient Name: Portsmouth Police Department		1.4. Sub-recipient Address: 3 Junkins Avenue, Portsmouth, NH 03801	
1.5 Subrecipient Phone # 603-610-7416	1.6. Account Number 02-20-20-201510-5017-000574	1.7. Completion Date 12/31/18	1.8. Grant Limitation \$60,000.00 ← 2017-\$30,000 2018-\$30,000
1.9. Grant Officer for State Agency Kathleen B. Carr		1.10. State Agency Telephone Number (603) 271-0110	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 CHIEF OF POLICE	
Subrecipient Signature 2		Name & Title of Subrecipient Signor 2 John P. Scherke City manager	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of <u>Rockingham</u> , on <u>10/12/16</u> , before the undersigned officer, personally appeared the person identified in block 1.12., known to me (or satisfactorily proven) to be the person whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 			
1.13.2. Name & Title of Notary Public or Justice of the Peace <u>Karen A. Senecal Admin. Manager</u>			
1.14. State Agency Signature(s)		1.15. Name & Title of State Agency Signor(s)	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required)			
By:		Assistant Attorney General, On: / /	
1.17. Approval by Governor and Council (if applicable)			
By:		On: / /	

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

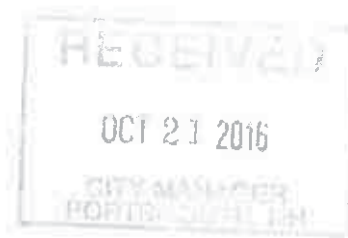
Subrecipient Initials DJM  
Page 1 of 6

Date 10-12-16  
10-11-16

KAREN A. SENECAL  
Notary Public - New Hampshire  
My Commission Expires June 10, 2020



National  
Multiple Sclerosis  
Society  
Greater  
New England  
Chapter



October 18, 2016

Mr. John P. Bohenko  
City Manager  
One Junkins Avenue  
Portsmouth, NH 03801

Dear Mr. Bohenko,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years for the annual Walk MS.

As the weather turns colder, I have begun planning for the 2017 Walk MS Portsmouth. This year's date is set for Saturday, April 8<sup>th</sup> from 10:00am until 2:00pm. I would like to request permission to host the Walk on this day. 500 participants are expected to take part in this annual event. The Walk is 5 miles, with the Start and Finish at the Little Harbour School. We will be using the same route as last year which I have enclosed.

The money raised will be used to advance our support of national research and to support local programming for the nearly 21,000 people within Maine, Massachusetts, Rhode Island, New Hampshire and Vermont who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

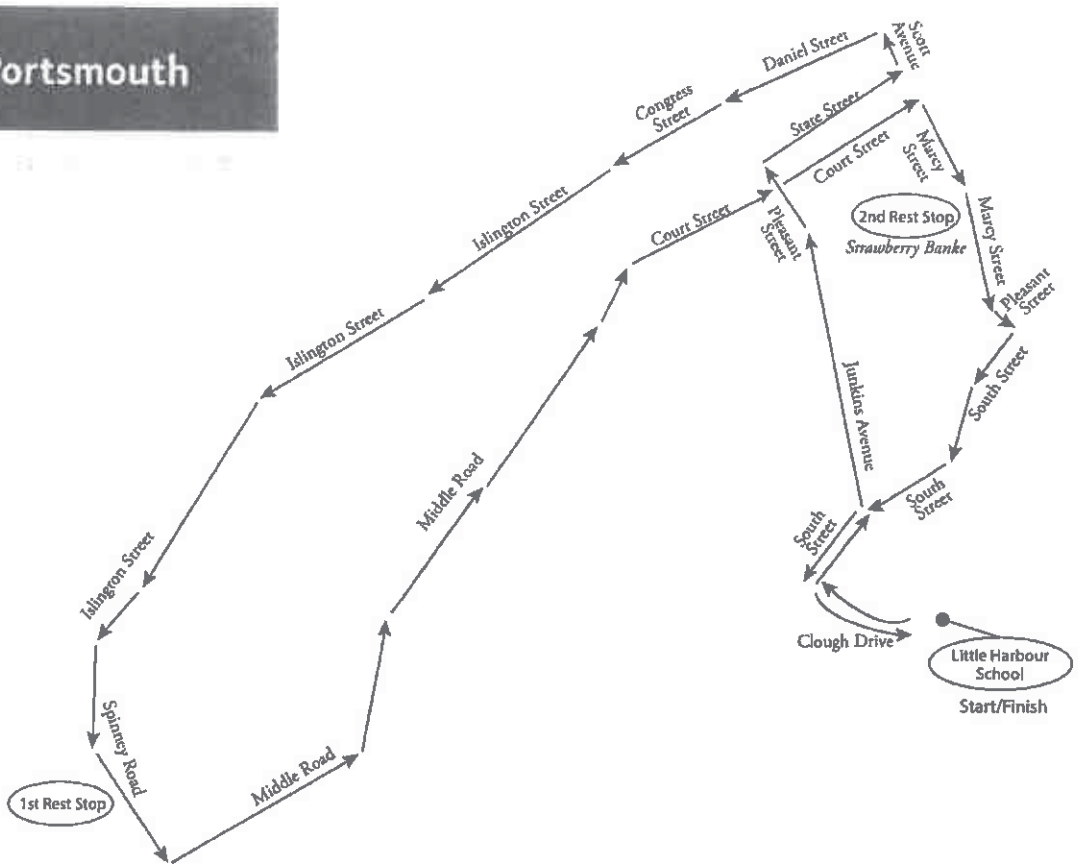
I thank you in advance for your support and please feel free to contact me at 781.693.5154 with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Emily Christian".

Emily Christian  
Development Manager  
[Emily.christian@nmss.org](mailto:Emily.christian@nmss.org)

# Portsmouth

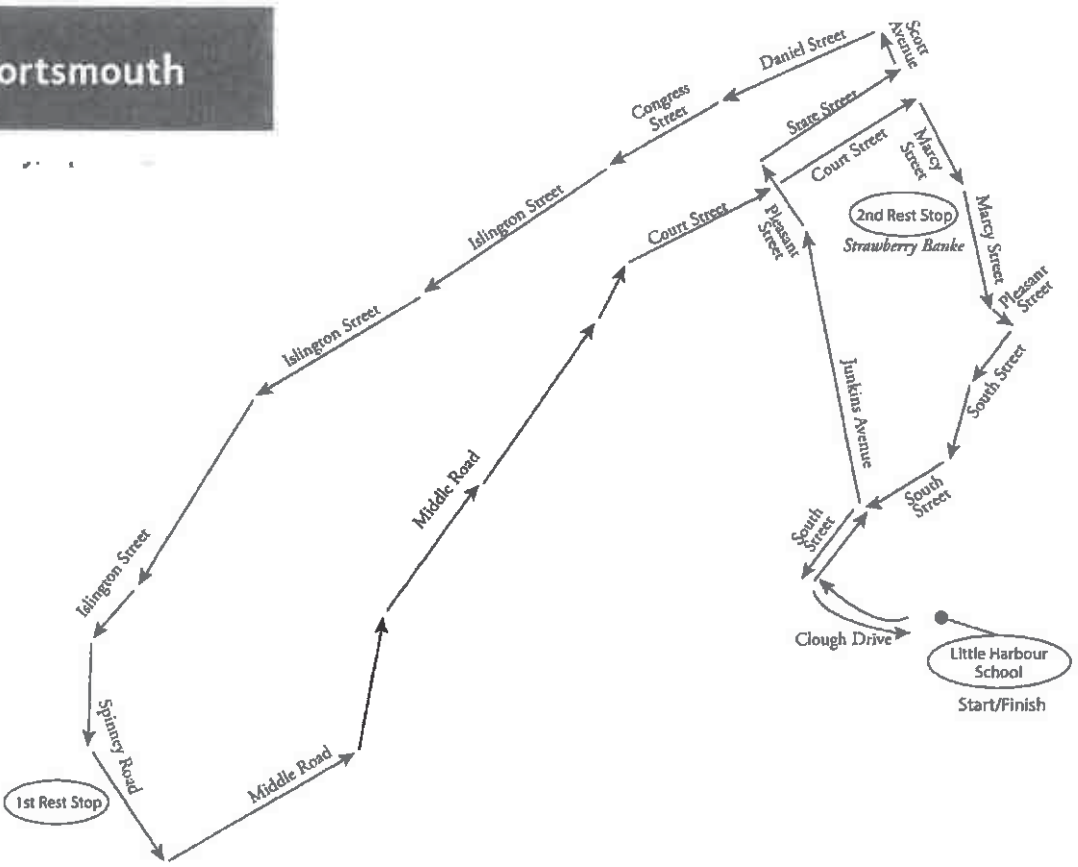


walk  
**MS**

Walk : \_\_\_\_\_  
presented locally by

**Biogen.**

# Portsmouth



walk  
**MS**

Walk : \_\_\_\_\_  
presented locally by

**Biogen.**

### Walk MS Portsmouth

Start/End Point:

Little Harbour School, 50 Clough Drive

- |   |   |
|---|---|
| 1. Portsmouth, N.H. Right onto South Street                           | 13. Left on Middle Road   |
| 2. Left on Junkins Avenue (walk on left side)                         | 14. Left at the fork on Middle Road   |
| 3. Left on Pleasant Street (end of Junkins Avenue)                    | 15. Left on Middle Street (walk on left)  |
| 4. Right on State Street  | 16. Cross over Middle Street at the crosswalk at Miller Street to walk on the right |
| 5. Go Left under Bridge to Scott Avenue (walk on left side of street) | 17. Right on Court Street (at Flaggpole)  |
| 6. Scott Avenue turns into Daniel Street                              | 18. Cross over Pleasant Street (walk on right side of road)                         |
| 7. Daniels Street turns into Congress                                 | 19. Right on Marcy Street   |
| 8. Continue straight on Congress                                      | 20. REST STOP 2 – Strawberry Banke  |
| 9. Congress turns into Islington Street                               | 21. Right on Marcy Street   |
| 10. At the fork go Left onto Spinney Road                             | 22. Left on Pleasant Street   |
| 11. REST STOP 1 – North Church Parish                                 | 23. Quick Right to South Street   |
| 12. Right onto Spinney Road   | 24. Follow South Street to Clough Drive   |
|   | 25. Left onto Clough Drive to Little Harbour School                                 |

### Walk MS Portsmouth

Start/End Point:

Little Harbour School, 50 Clough Drive

- |   |   |
|---|---|
| 1. Portsmouth, N.H. Right onto South Street                           | 13. Left on Middle Road   |
| 2. Left on Junkins Avenue (walk on left side)                         | 14. Left at the fork on Middle Road   |
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| 12. Right onto Spinney Road   | 24. Follow South Street to Clough Drive   |
|   | 25. Left onto Clough Drive to Little Harbour School                                 |

THANK YOU TO OUR PREMIER NATIONAL SPONSOR

PRESENTED LOCALLY BY

















Ameriprise    Blue Cross Blue Shield of VT    Burns & McDonnell    Salem Five  
 Home Healthsmith LLC    Reliant Medical    Norton Insurance  
 NORTRAX/John Deere    DJ Mark Watson    Knight Productions

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PRESENTED LOCALLY BY

















Ameriprise    Blue Cross Blue Shield of VT    Burns & McDonnell    Salem Five  
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# THE SALVATION ARMY

FOUNDED IN 1865 BY WILLIAM AND CATHERINE BOOTH

PORTSMOUTH CITADEL  
15 MIDDLE STREET  
PORTSMOUTH, NH 03801  
TELEPHONE (603) 436-2606  
FAX (603) 436-8426

October 27, 2016

Dear City Council, School Board, and various Boards and Committees,

The Salvation Army will soon be kicking off our Red Kettle effort, and we are finding ourselves in need of great volunteers. The Holiday season is the time of the year when The Salvation Army is most visible to the public and our kettles are our biggest fundraising effort. Our goal for this year is \$95,000.00.

We are asking The City Council and each Board and Commissions and City Committees to consider volunteering in this campaign by sponsoring a kettle location to stand and ring the bell for an entire single day. Each Board or Commission selects a Day Coordinator to contact the Army with details on who in their group is participating as well as selecting an available location and time. Their group can also determine who staffs the kettle from their group and for how long. Typically though, using a team effort, a few volunteers from each Board can divide the day into 1-2 hour shifts of manageable time for each participant.

Any Boards or Commissions that would like to participate should have the selected Day Coordinators call us at (603) 436-2606 or stop by our office at 15 Middle Street Portsmouth NH and pick a day and location that works best for that Board or Commission's members.

Finally, the Salvation Army would like to thank the Council and the many Boards and Commissions in the City for their long history of service to the community and involvement in past kettle campaigns. Need knows no season and the City's volunteers have been on the front line of this fight for decades. We salute you and invite all the Boards and Commissions to be a part of this fun and important event.

Thank you again for considering this great effort.

Raymond Will  
Corps Council Member



181 Leavitt Road  
Belmont, NH 03220

November 11, 2016

Portsmouth Mayor Jack Blalock and City Council  
1 Jenkins Avenue  
Portsmouth, NH 03801

To: Mayor Blalock and Portsmouth City Council

On behalf of the Granite State Wheelmen bicycle club, please accept our thanks for the excellent support provided for the 2016 Seacoast Century Bicycle Ride by your City Manager John Bohenko and his staff, the City Departments involved and the Portsmouth Police Department. It is always a pleasure to work with such a great team.

We have set the date for next year's 44<sup>th</sup> annual Seacoast Century as September 24-25, 2017. We will contact you in the Spring to start the permit process for next year. We don't anticipate proposing any changes to our 2017 routes in Portsmouth.

Our riders couldn't say enough about the beauty of the Seacoast and the communities they pass through on our event. We encourage them to stop and enjoy other activities like the Portsmouth's Maritime Festival which usually shares the date with our Century. Again, our thanks for your support and assistance in making the Seacoast Century a safe and successful event.

Sincerely yours,

Donna L. Hepp  
Seacoast Century Co-Coordinator  
[dhepp3@gmail.com](mailto:dhepp3@gmail.com)  
414-258-3287

cc:John Bohenko, City Manager

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** October 31, 2016  
**RE:** City Council Referral – Projecting Sign  
Address: 172 Hanover Street  
Business Name: La Carreta  
Business Owner: Northern Tier Real Estate Acquisition & Development, LLC (c/o John Dussi)

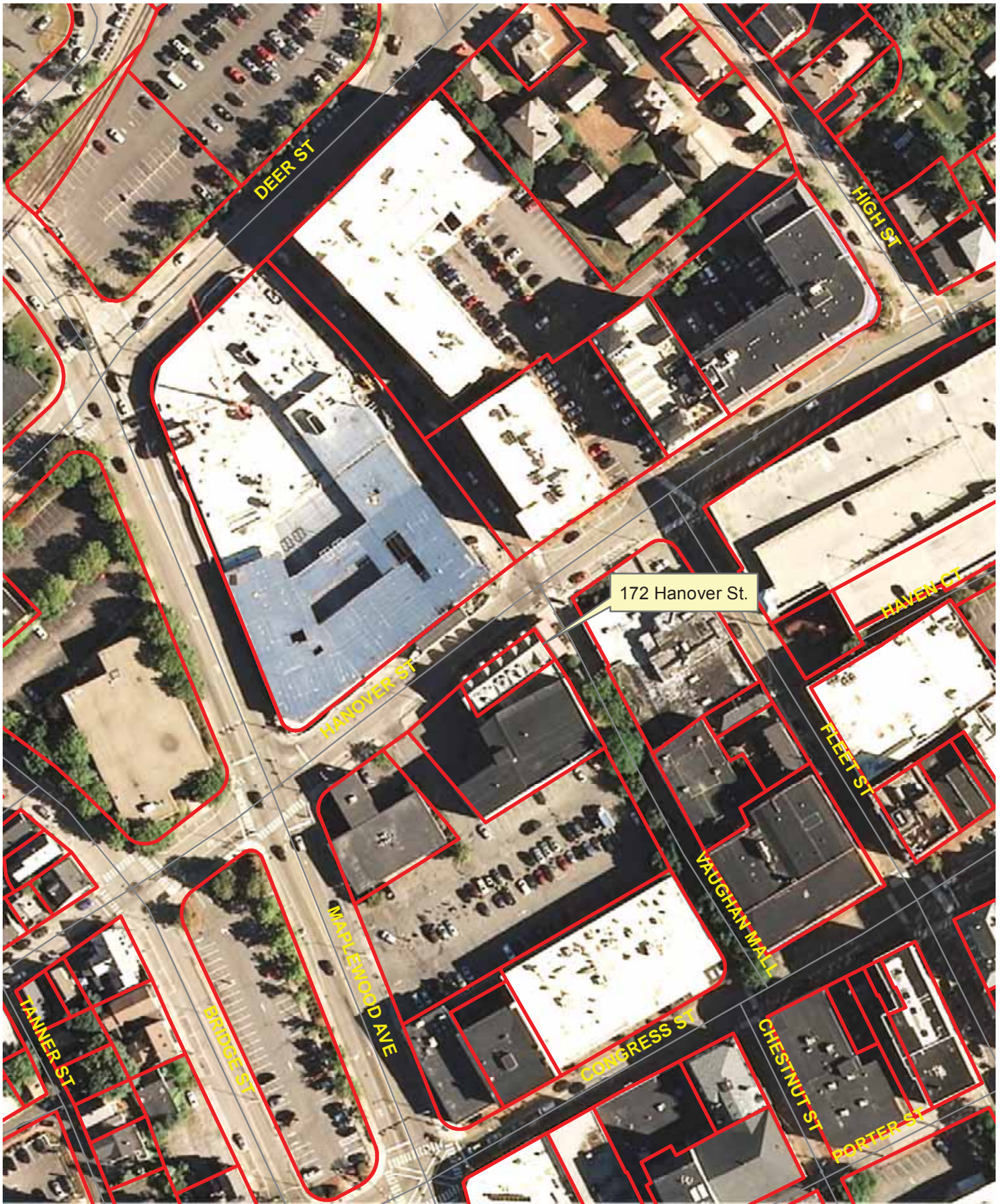
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Permission is being sought to reface a projecting sign on an existing bracket, as follows:

Sign dimensions: 36" x 60"  
Sign area: 15 sq. ft.  
Height from sidewalk to bottom of sign: 10'

The proposed sign does not comply with current zoning requirements, but the application is requesting to reface an existing nonconforming sign, which is permitted. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



172 Hanover St.



# Request for Projecting Sign License 172 Hanover Street



# 3' X 5' TOP ILLUMINATED 2-SIDED SIGN



1/8" DIBOND

Client Name: La Carreta	172 HANOVER ST
Location: Portsmouth, NH	PORTSMOUTH NH
Date: 9/15/16	Revision: Drawn By: Chris Brewer
Notes:	

Spectrum Marketing Companies  
 85 Eddy Road, Manchester NH 03102 603.627.0642  
 www.spectrummarketing.com



LA CARRETA  
**OPENING  
SOON!**

2 HOUR  
PAY  
METER

P  
4



**CITY OF PORTSMOUTH, NH**  
**SIGN PERMIT APPLICATION**

DATE: 26-Sep-16

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801  
 Office Number: (603) 610-7243 (Facsimiles Not Accepted)

Zone Dist.: CD5

Street Address of Sign(s): 172 Hanover Street	Map #:	Sign District: <b>3</b>
Business Name: La Carreta	Phone #:	
Business Owner Name: Theresa/ Yolanda	Phone #: 603-644-043	
Sign Contractor: Print NH	Address: 97 Eddy Rd Manchester NH	Phone #: 603-644-043

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1	1	36	78	19.5	n/a	I/F	Yes	1	1	78	48	26.0	n/a	LED
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5						n/a		5					n/a	
Free- Standing	6								6						
	7								7						
	8								8						
Projecting	9	1	36	60	15.0	10.0	E	Re-Face Only	9	1	36	60	15.0	10.0	E
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

**Existing Signs Total:** 34.5 SF

**New Signs Total:** 41.0 SF

\* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.  
 \*\* Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

**Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:**

*Do not include any existing signs that are being removed.*

Wall Attached:	26.0 SF	Awning:	_____ SF	Roof:	_____ SF	
Spl. Event	_____ SF	Free-Stand.:	_____ SF	Canopy:	_____ SF	
_____ SF	Projecting:	15.0 SF	Parapet:	_____ SF	Temporary:	_____ SF

**TOTAL SIGN AREA:** **41.0** SF (exclude temporary & F.S. signs)

Total # of New Signs: 1 Total # Temp. Signs: \_\_\_\_\_

**Store front dimension is NEEDED for complete review of application:**

Store Front Linear Frontage: 65 Feet - **On Site Plan List Setback dimensions and Location of Signs**

<b>For Office Use:</b>	Allow Area: Factor	2	X	65	Store Front	130 SF TOTAL
Allow FS Hgt. 12	Allow Area: Factor	_____	X	_____		_____ SF TOTAL
<b>Allow. Areas: (ea.)</b>	Wall =	40	Projecting =	12	Roof =	na
	Marquee =	_____	Temp. =	_____	Canopy =	na
Temp. =	Freestd. =	20	Parapet =	na	Awning =	20

**Stipulations / Comments:** . Wall sign is denied because it does not meet the criteria of 10.1271(a)(b) & cannot be internally illuminated in the HD. Projecting sign requires a license from the City Council. Please see "Hanover172c" for revised wall sign application.

Zoning Official:

Code Official: \_\_\_\_\_

Date: 1-Nov-16

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** October 31, 2016  
**RE:** City Council Referral – Projecting Sign  
Address: 24 Congress Street  
Business Name: Seaside Allure  
Business Owner: Heather Dalton & Cathrine Ianchulev

---

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 36" x 24"  
Sign area: 6 sq. ft.  
Height from sidewalk to bottom of sign: >7'

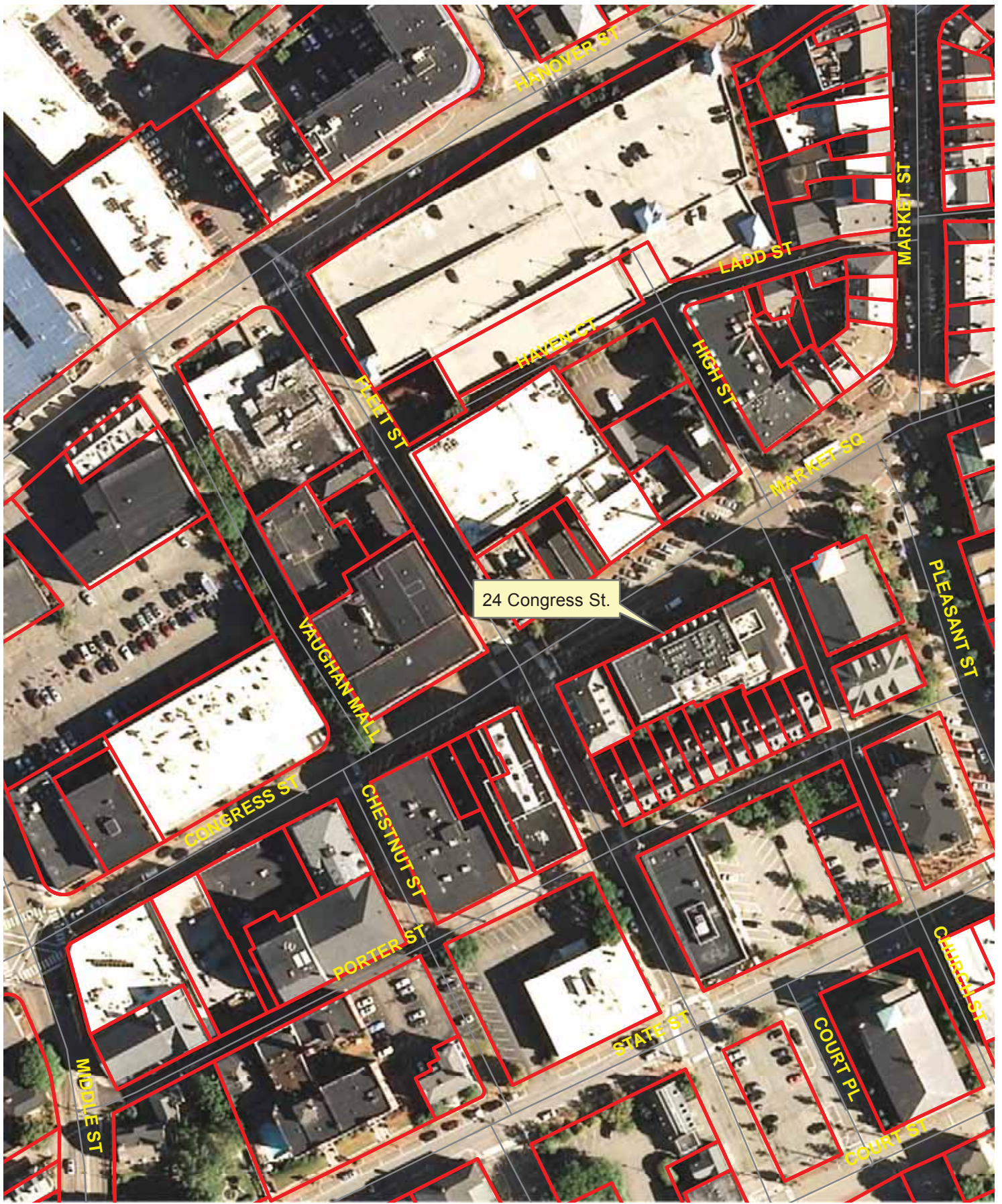
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.









24 Congress St.



# Request for Projecting Sign License 24 Congress Street

**CITY OF PORTSMOUTH, NH**  
**SIGN PERMIT APPLICATION**

DATE: 14-Oct-16

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801

Office Number: (603) 610-7243 **(Facsimiles Not Accepted)**

Zone Dist.: CD5

Street Address of Sign(s): 24 Congress Street Map #: \_\_\_\_\_ Sign District: **3**

Business Name: Seaside Allure Phone 978 500 3648

Business Owner Name: Heather Dalton & Cathrine Ianchulev Phone #: \_\_\_\_\_

Sign Contractor: Jack Sullivan Address: Marblehead, MA Phone 781 856 2483

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1					n/a			1	1	38	26	6.9	n/a	N
	2					n/a			2	1	36	36	9.0	n/a	N
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5					n/a			5					n/a	
Free- Standing	6								6						
	7								7						
	8								8						
Projecting	9								9	1	36	24	6.0	>7	N
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

Existing Signs Total:            SF

New Signs Total: 21.9 SF

\* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.

\*\* Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

**Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:**

*Do not include any existing signs that are being removed.*

Wall Attached:	<u>15.9</u> SF	Awning:	<u>          </u> SF	Roof:	<u>          </u> SF
Spl. Event	<u>          </u> SF	Free-Stand.:	<u>          </u> SF	Canopy:	<u>          </u> SF
Free-Stand.:	<u>          </u> SF	Projecting:	<u>6.0</u> SF	Parapet:	<u>          </u> SF
Projecting:	<u>6.0</u> SF	Marquee:	<u>          </u> SF	Temporary:	<u>          </u> SF

**TOTAL SIGN AREA: 21.9 SF** (exclude temporary & F.S. signs)

Total # of New Signs: 3 Total # Temp. Signs:           

**Store front dimension is NEEDED for complete review of application:**

Store Front Linear Frontage: 22 Feet - **On Site Plan List Setback dimensions and Location of Signs**

<b>For Office Use:</b>	Allow Area: Factor	<u>2</u>	X	<u>22</u>	Store Front	<u>43</u> SF TOTAL
Allow FS Hgt. <u>12</u>	Allow Area: Factor	<u>          </u>	X	<u>          </u>		<u>          </u> SF TOTAL
<b>Allow. Areas: (ea.)</b>	Wall =	<u>40</u>	Projecting =	<u>12</u>	Roof =	<u>na</u>
	Temp.=	<u>          </u>	Freestd.=	<u>20</u>	Parapet =	<u>na</u>
		<u>          </u>	Awning =	<u>20</u>	Canopy =	<u>na</u>

**Stipulations / Comments:** This permit is for projecting sign only. Projecting sign requires license from City Council

Zoning Official: \_\_\_\_\_

Code Official: \_\_\_\_\_

Date: 14-Oct-16



NOV 14 2016

John Bohenko  
City Manager  
Town of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear John,

The Northern New England Chapter of the Cystic Fibrosis Foundation is once again planning the **CF Cycle for Life** for the 2017 summer season. This 30/65/100-mile one-day bicycle tour will travel the coastline and mainland of NH and ME, from Kittery to Wells, with approximately 200 participants pedaling for a cure.

Since its inception fifteen years ago, the CF Cycle for Life has raised over \$1.1 million, helping to continue the battle against cystic fibrosis (CF), a genetic disease for which there is currently no cure. In order to accomplish this goal, I wanted to contact you today to inform you about our ride and ensure that we will have approval.

On Saturday, July 15, 2017, the cyclists will begin the tour at 7:30 a.m. from the Shapleigh Middle School in Kittery, ME. The cyclists will generally travel between 10-25 mph as they travel the route that brings them back to Kittery no later 4:00 p.m.

We will be contacting the town managers and police chiefs along the route to communicate our plans and to receive approval to cycle on the roads. Additionally, we will need to mark the route approximately every ½ mile with painted arrows on the street. We will mark the roads using only WHITE road chalk. These marks are used to confirm cyclists are traveling in the correct direction. We have planned to mark the roads in your town during the week of July 8th. **If you have any questions regarding the ride or if any additional permits are required, please contact me at (800) 757-0203.**

I hope this letter provides the information you will need to review our request and answer your logistical questions about the **CF Cycle for Life**. If you have any questions or concerns, please do not hesitate to contact me at (800) 757-0203.

Sincerely,

Chris Vlangas  
Development Director

Thomas MacLennan  
Event Support Specialist

\_\_\_\_\_  
**John Bohenko City Manager**

\_\_\_\_\_  
Or designee (Please Print Name)

I John Bohenko, am authorized by the City of Portsmouth and grant permission to the Cystic Fibrosis Foundation's 2017 CF Cycle for Life to use town roads and facilities for cyclists on July 15, 2017.

# CLOVER RUN



November 15, 2016

Mayor Jack Blalock &  
City Council Members  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor Blalock and City Council Members,

I am writing today on behalf of St. Patrick School, located at 125 Austin Street, Portsmouth, NH. The community of St. Patrick School would like to host its fourth annual 5k Road Race Saturday March 18<sup>th</sup>, 2017 at 10:30am and are seeking the City's approval at your next meeting held November 21st, 2016. We would like to have the same route we had last year, which started at Peirce Island and ended in front of Strawberry Banke on Marcy Street.

Thank you in advance for your consideration and I look forward to hearing from you soon. I can be reached via email at [mcfarland@rmdavis.com](mailto:mcfarland@rmdavis.com) or by phone at 603.498.5778.

Kind regards,

A handwritten signature in black ink that reads "Matt".

Matthew A. McFarland, CFA  
Advisory Board Member at Saint Patrick School

City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** September 28, 2016  
**SUBJECT:** Petition and Underground Utility License for Comcast on  
Ledgewood Drive

---

I have reviewed the application provided by Comcast for underground conduit on Ledgewood Drive. The single, 3" PVC conduit runs approximately 300 feet from the utility pole located at the corner of Lafayette Road and Ledgewood Drive, down the south side of Ledgewood Drive to Winchester Place Apartments. The conduit is located in the grass behind the sidewalk.

After examining the locations of this installation, I have determined that it poses no impact to existing infrastructure.

Attached is a picture showing the location of the conduit.

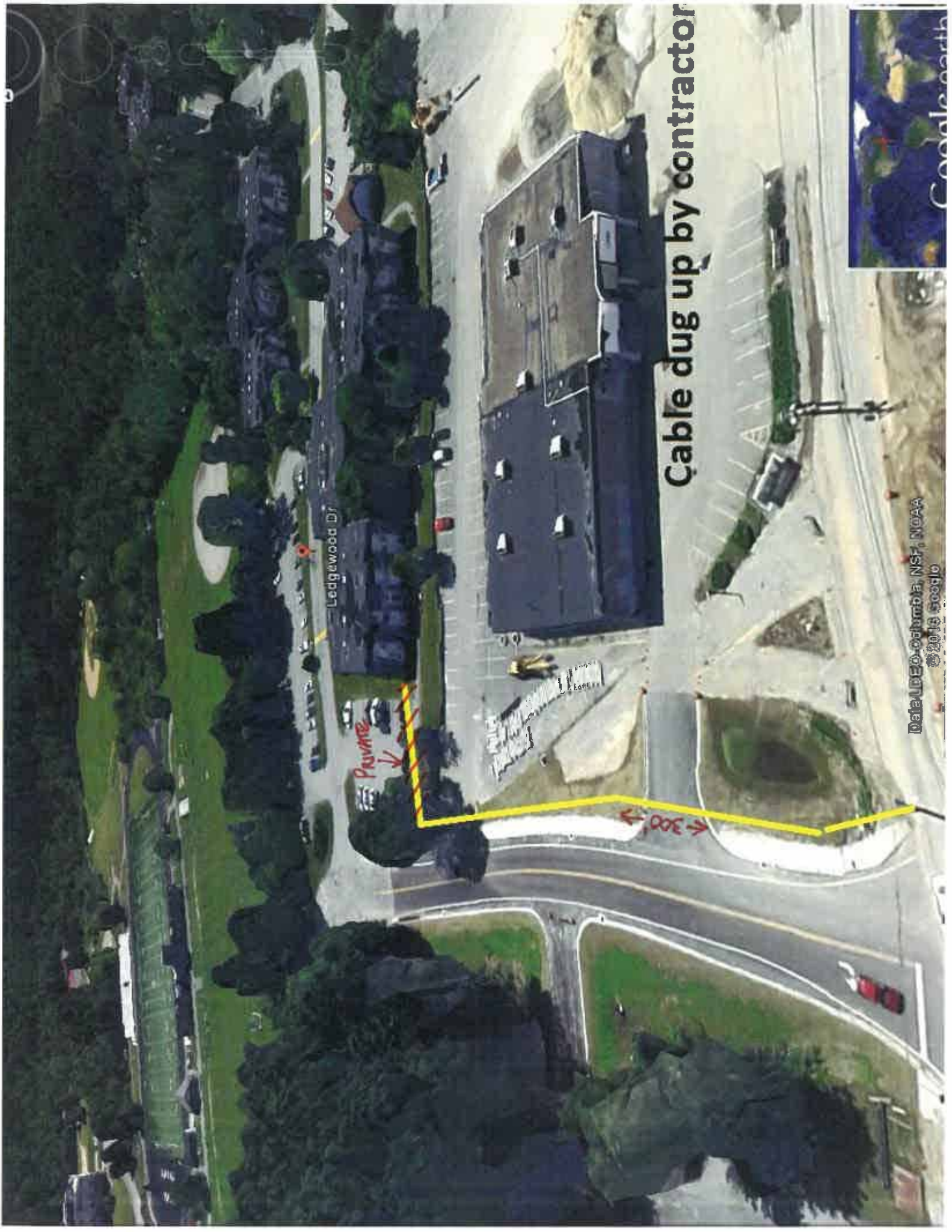
cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk

ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**



Cable dug up by contractor

Ledgewood Dr

Payme

300

Data/DEO-Columbia, NSF, NOAA  
© 2014 Google

Cooler earth



# PETITION AND CONDUIT LICENSE

---

## PETITION

Portsmouth New Hampshire

April 27, 2016

To the City Council of the City of Portsmouth New Hampshire

Comcast of New Hampshire requests a license to install and maintain underground conduits, cables and maintain structures with cables conduits and devices thereon, together with such sustaining strengthening and protecting fixtures as may be necessary along and under the following public way

Ledge wood Dr – one (1), 3" PVC conduit at an approximate depth of twenty four inches 428' from pole # 146/25 to first building to replace damaged cable More particularly shown on the associated plans prepared by Comcast dated April 27 2016 Should it become as issue, Comcast will move the conduit at our expense in the event of any development in the Ledge wood Dr area. Work shall be complete within 60 days of said notice

## ORDERED

This        day of        2016 that Comcast be and hereby is granted a license to install and maintain underground conduits and devices thereon together with such sustaining strengthening and protecting fixtures in the public way covered by said petition. All conduits shall be installed in accordance with the city's Public Works Departments specifications

**City of Portsmouth New Hampshire**

**BY:**

**BY:**

**BY:**

**BY:**

**BY:**

**BY:**

Received and entered in the records of the City of Portsmouth New Hampshire

Book        Page

Date

Attest

City Clerk

City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** September 28, 2016  
**SUBJECT:** Eversource License Agreement 63-0616

---

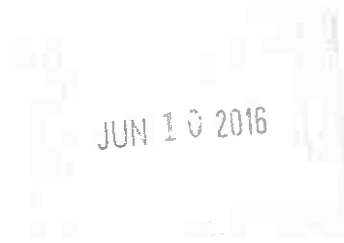
I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0616.

This request is to license one (1) replacement pole located at the intersection of Barberry Lane and Islington Street. Through ongoing efforts to identify and replace deficient utility poles, Eversource has identified this pole as unlicensed.

After examining the location of this installation, I have determined that it poses no impact to existing infrastructure, sight distances, or other City interests. The Public Works Department recommends approval of this license.

Attached is a picture of this pole. Please call with any questions you may have.

cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk



June 7, 2016

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0616 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled “**Portsmouth**” and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service Company of New Hampshire, dba Eversource Energy  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: [lisa-marie.pinkes@nu.com](mailto:lisa-marie.pinkes@nu.com)

Enclosure(s)

# PETITION AND POLE LICENSE

## PETITION

Manchester, New Hampshire

May 31, 2016

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one ( 1) pole(s), 2/59Y located on ~~Bayberry~~ <sup>BANDERBY LANE</sup> in the City of Portsmouth.

Northern New England Telephone Operations LLC  
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,  
dba Eversource Energy

BY: Jane Miller

BY: Lisa-Marie Pinkes  
Lisa-Marie Pinkes, PSNH CO Support/ Licensing

## LICENSE

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

## ORDERED

This 31st day of May, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0616, dated 5/31/2016, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the City of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Town Clerk

# POLE LOCATION PLAN

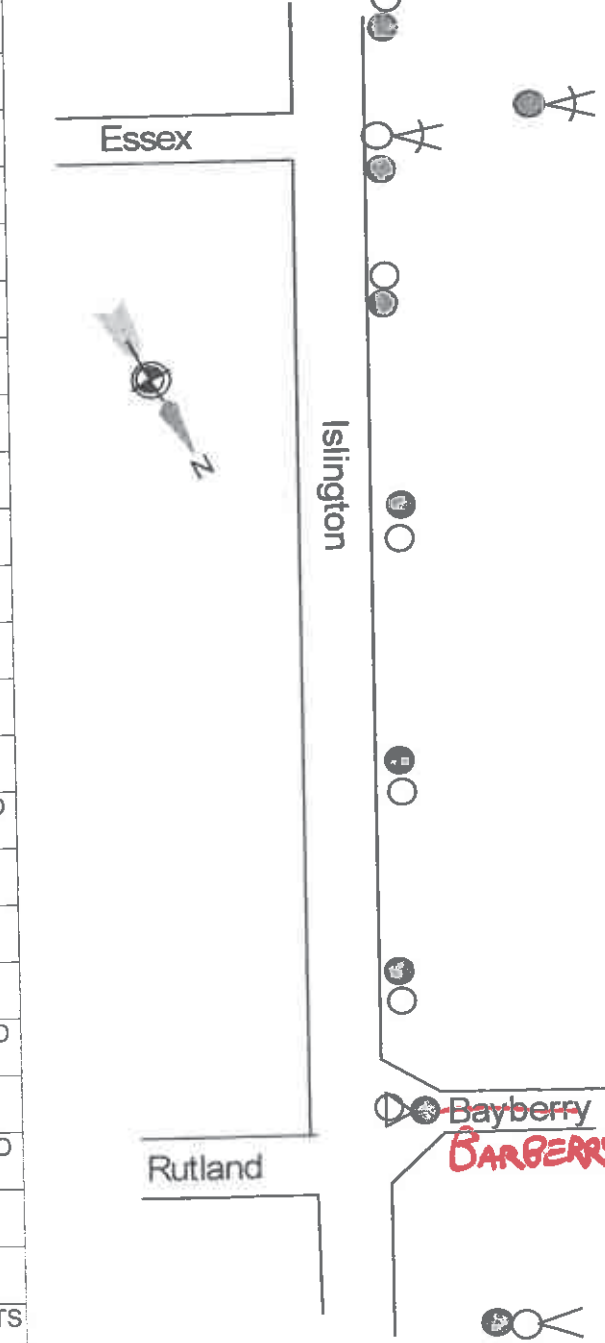
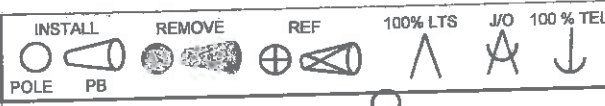
EVERSOURCE and

Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE

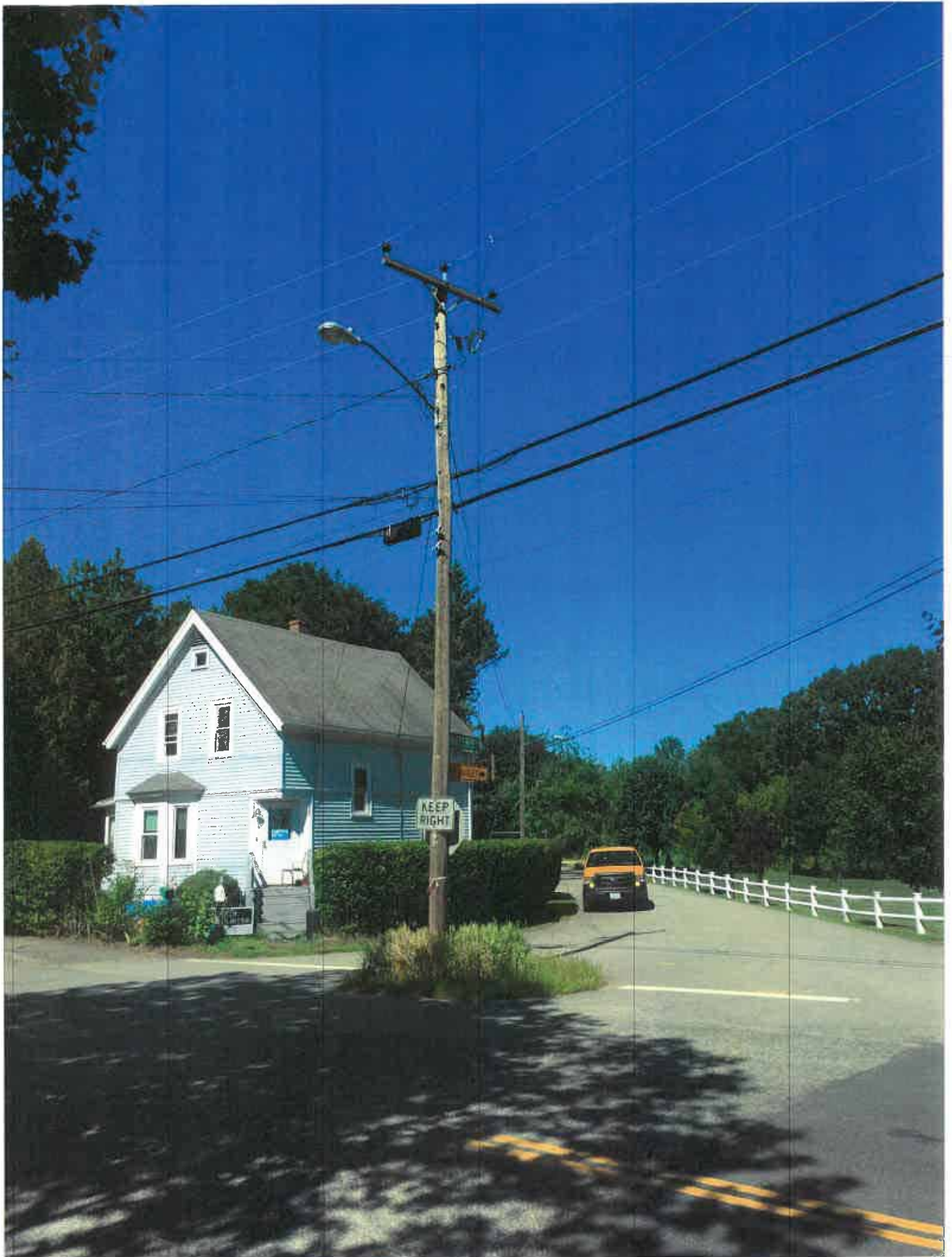
DATE 05/31/2016  
 MUNICIPALITY: Portsmouth  
 STREET / ROAD: Bayberry  
 PSNH OFFICE: Portsmouth  
 PSNH ENGINEER: Nick Kosko  
 TELCO ENGINEER: Joe Considine

LICENSE NO. 63-0616  
 STATE HWY. DIV. NO. 6  
 STATE LICENSE NO. \_\_\_\_\_  
 WORK REQUEST# 2615640  
 WORK FINANCIAL # 9P521016  
 TELCO PROJECT # \_\_\_\_\_

Pole Numbers		Pole Sz-Cl	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
<u>2</u> 65	<u>78</u> 65	50-2 35-4	JO	○	●	⊕	∧	⋈	↓	150		Inst/Rmv JO Pole 43.06418, -70.77948 <i>lic.#1106</i>	M
<u>2</u> 64S	<u>78</u> 64S	30-2	JO	○	●	⊕	∧	⋈	↓			Remove Stub pole	P
<u>2</u> 64	<u>78</u> 64	50-2 40-2	JO	○	●	⊕	∧	⋈	↓	130		Inst/Rvm JO pole and anc 43.06441, -70.77913. <i>lic.#1106</i>	M
<u>2</u> 63	<u>78</u> 63	50-2 40-2	JO	○	●	⊕	∧	⋈	↓	120		Inst/Rmv JO Pole 43.06454, -70.77892 <i>lic.#1106</i>	M
<u>2</u> 62	<u>78</u> 62	35-4 50-2	JO	○	●	⊕	∧	⋈	↓	110		Inst/Rmv JO Pole 43.06479, -70.77854 <i>lic.#1106</i>	M
<u>2</u> 61	<u>78</u> 61	40-2 50-2	JO	○	●	⊕	∧	⋈	↓	88		Inst/Rmv JO Pole 43.06490, -70.77837 <i>lic.#1106</i>	M
<u>2</u> 60	<u>78</u> 60	45-2 50-2	JO	○	●	⊕	∧	⋈	↓	85		Inst/Rmv JO Pole 43.06512, -70.77802 <i>lic.#1106</i>	M
<u>2</u> 59Y	<u>78</u> 59	40-4 50-2	JO	○	●	⊕	∧	⋈	↓	130		Inst/Rmv JO pole 43.06538, -70.7762	M
<u>2</u> 56AA		35-4 40-2	LTS	○	●	⊕	∧	⋈	↓			Inst/Rmv LTS Pole 43.06626, -70.77681	P



**Bayberry**  
**BARBERRY**



ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**

City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** November 16, 2016  
**SUBJECT:** Eversource License Agreement 63-0615

---

I have reviewed the conduit location information provided by Eversource for Petition and Pole License 63-0615 and checked it for accuracy.

This request is to install fifty-five (55) feet of electrical conduit in Porter Street as shown on the attached plan for a new underground service for the Music Hall.

A public works representative was present for this installation to ensure that it was completed in an acceptable fashion to minimize impact to City infrastructure. The Public Works Department recommends approval of this license. Attached is the plan showing the location of the installation.

cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk



MAY 15 2016

May 10, 2016

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0615 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service Company of New Hampshire, dba Eversource Energy  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)

**PETITION AND POLE LICENSE  
PETITION**

Manchester, New Hampshire

May 10, 2016

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License ~~one (1) pole(s)~~, 55 Feet of URD Cable and Conduit on Porter Street in the City of Portsmouth.

4x4"  
A

BAF

**PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY**

BY: *Lisa-Marie Pinkes*  
Lisa-Marie Pinkes, PSNH CO Support / Licensing

**LICENSE**

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This 10th day of May, 2016, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE No. 63-0615, dated 5/9/2016, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

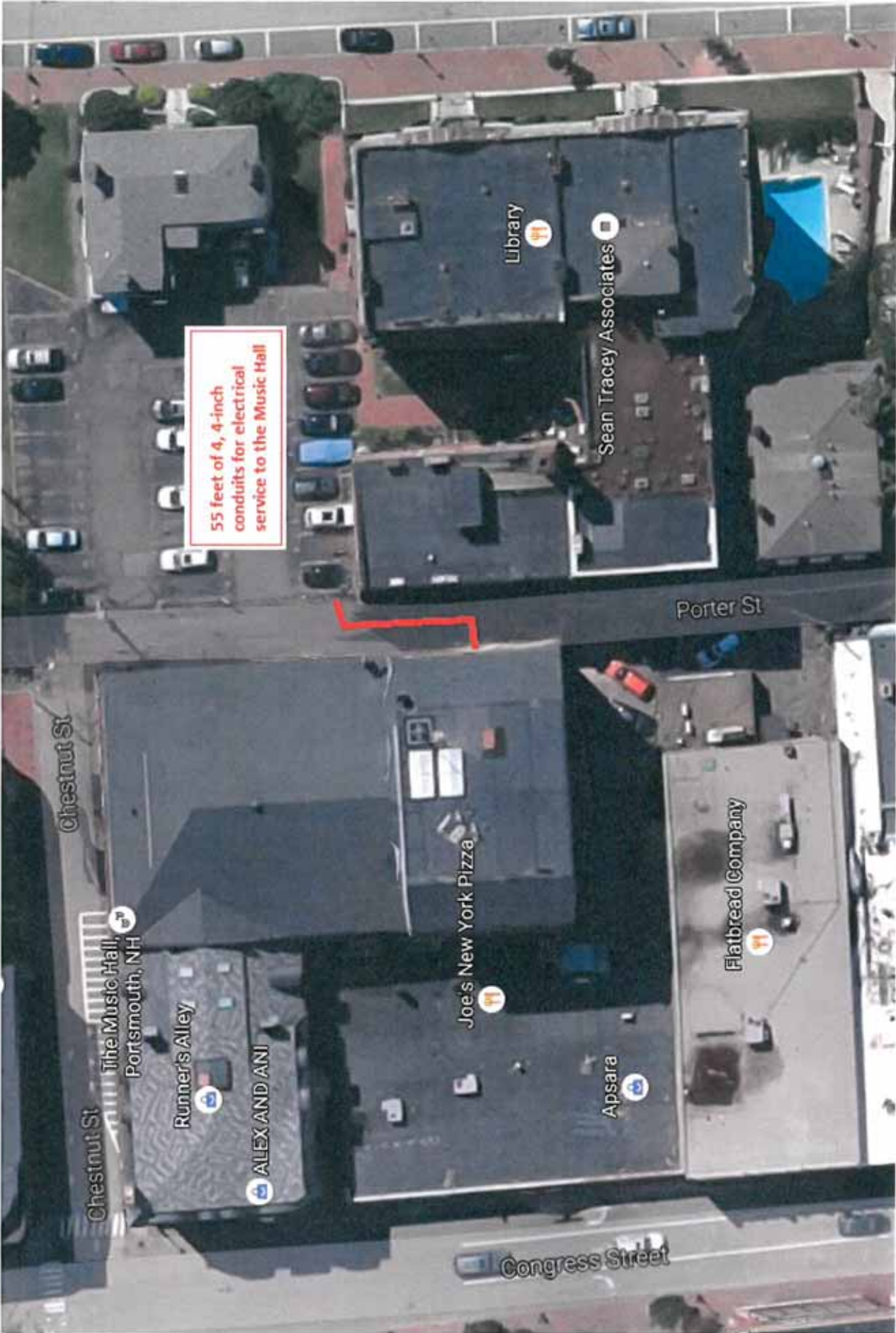
Town Clerk

# POLE LOCATION PLAN

## EVERSOURCE

DATE	<u>05/09/2016</u>	LICENSE NO.	<u>63-0615</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Porter Street</u>	STATE LICENSE NO.	<u></u>
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2614244</u>
PSNH ENGINEER:	<u>Nick Kosko</u>	WORK FINANCIAL #	<u>9P520933</u>
TELCO ENGINEER:	<u></u>	TELCO PROJECT #	<u></u>

---



55 feet of 4, 4-inch conduits for electrical service to the Music Hall

ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**

PAULA ANNE CHALFIN  
496 MIDDLE STREET  
PORTSMOUTH, NEW HAMPSHIRE 03801  
603.334.9885



October 5, 2016

The Honorable Mayor Jack Blalock  
and City Council Members  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Union & Middle Streets Intersection  
Sent via: USPS Certified Mail, #7016 1370 0000 1784 2894, Return Receipt Requested

Dear Mayor Blalock and Council Members;

On August 26, 2016, two vehicles collided at the above-noted intersection and struck my house. Had a pedestrian then been walking in front of my house, they would have been hurt or killed. Had I been sweeping the sidewalk or had I been sitting in my living room, the same would apply to me.

I attach Police Department reports for all collisions from 2000 to date for the above-noted intersection and the two T-format intersections, where Cabot and Madison Streets intersect with Middle Street.

From 2000 to date, there were twenty reportable and three non-reportable collisions for the Union and Middle Streets intersection. For Middle and Madison Streets, there were nine reportable and one non-reportable collision. For Middle and Cabot Streets, there were eighteen reportable and two non-reportable collisions. The frequency of collisions – more than one per year at these three intersections – suggests a problem that needs to be addressed.

To prevent collisions, it would be prudent and reasonable to install a traffic light at the intersection of Middle and Union Streets, *with signage prohibiting a right turn on red*. Further, a parking ban on the west side of Middle Street – from Summer Street to Madison Street – will ensure a clear sight-line for drivers turning onto Middle Street from Madison and Cabot Streets.

The many pedestrians on Middle Street – joggers, tourists, infants in strollers, middle and high school students – need protection. It would be prudent to take steps to ensure driver and pedestrian safety and to prevent property damage.

Very truly yours,

Paula Anne Chalfin

Enclosures



Accident Status Report

From: 01/01/2000 Thru: 09/20/2016

09/20/2016

Location: (ALL)
Street(s): PO > MIDDLE ST
Zones: (ALL)
Weekday(s): (ALL)

Table with columns: ID, Officer, State Rpt/Acc. Date & Time, Location / Street Names, Operator/Passenger details, and Vehicle numbers. Rows include incidents 2-822-AC, 4-528-AC, 4-777-AC, 4-865-AC, 5-385-AC, 15-835-AC, 16-165-AC, 16-197-AC, 17-7695-AC, and 17-25055-AC.

From: 01/01/2000 Thru: 09/20/2016

09/20/2016

Operator>	[REDACTED]	Veh# 1	Injured
Operator>	[REDACTED]	Veh# 2	
Passenger>	[REDACTED]	Veh# 2	
Parked Car/Runaway>	[REDACTED]	Veh# 3	
Witness>	[REDACTED]	Veh#	
Witness>	[REDACTED]	Veh#	

7-25782-AC	<u>Officer</u> 0265	<u>State Rpt/Acc. Date &amp; Time</u> Yes 07/30/2007 1707	<u>Location / Street Names</u> UNION ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2

9-1452-AC	<u>Officer</u> 0360	<u>State Rpt/Acc. Date &amp; Time</u> Yes 01/14/2009 0734	<u>Location / Street Names</u> NABER'S MARKET / MIDDLE ST @ UNION ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2

2-13584-AC	<u>Officer</u> 0429	<u>State Rpt/Acc. Date &amp; Time</u> Yes 05/15/2012 2030	<u>Location / Street Names</u> MIDDLE ST @ UNION ST
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
	Operator>	[REDACTED]	Veh# 1
	Passenger>	[REDACTED]	Veh# 2

.3-7254-AC	<u>Officer</u> 0361	<u>State Rpt/Acc. Date &amp; Time</u> Yes 03/13/2013 1707	<u>Location / Street Names</u> MIDDLE ST @ UNION ST
	Operator>	[REDACTED]	Veh# 1
Parked Car/Runaway>	*** NONE ***		Veh# 2
Parked Car/Runaway>			Veh# 3

.3-19813-AC	<u>Officer</u> 0417	<u>State Rpt/Acc. Date &amp; Time</u> Yes 06/27/2013 1642	<u>Location / Street Names</u> UNION ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2

13-36949-AC	<u>Officer</u> 0377	<u>State Rpt/Acc. Date &amp; Time</u> Yes 11/24/2013 1253	<u>Location / Street Names</u> UNION ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 1

14-1082-AC	<u>Officer</u> 0429	<u>State Rpt/Acc. Date &amp; Time</u> Yes 01/12/2014 1029	<u>Location / Street Names</u> MIDDLE ST @ UNION ST
	Operator>	[REDACTED]	Veh# 1
	Passenger>	[REDACTED]	Veh# 1 Injured
	Operator>	[REDACTED]	Veh# 2

14-9764-AC	<u>Officer</u> 0404	<u>State Rpt/Acc. Date &amp; Time</u> Yes 04/05/2014 1109	<u>Location / Street Names</u> UNION ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2 Injured

15-22236-AC	<u>Officer</u> 0404	<u>State Rpt/Acc. Date &amp; Time</u> Yes 07/30/2015 1247	<u>Location / Street Names</u> MIDDLE ST @ UNION ST
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Accident Status Report

Page: 3

From: 01/01/2000 Thru: 09/20/2016

09/20/2016

Operator> [REDACTED]  
Operator> [REDACTED]

Veh# 1  
Veh# 2

6-26022-AC

Officer                      State Rpt/Acc. Date & Time  
0473                              Yes                      08/26/2016 1443  
Operator> [REDACTED]  
Operator> [REDACTED]

Location / Street Names  
MIDDLE ST @ UNION ST  
Veh# 1  
Veh# 2

# State Reports Required: 20  
# State Reports Not Required: 0

For Date: 11/08/2002 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
2-40075	1220	PROPERTY DAMAGE ACCIDENT	NO REPORT TAKEN
Location/Address:		[PO 3294] 499 MIDDLE ST - 499 MIDDLE ST	
Post:		122	
			Arvd-12:20:00 Clrd-12:24:00

For Date: 05/22/2008 - Thursday

8-17151	1447	PROPERTY DAMAGE ACCIDENT	NO REPORT TAKEN
Location/Address:		496 MIDDLE ST @ 235 UNION ST	
Post:		201	
		Disp-14:53:35	Clrd-14:53:43
Post:		104	
		Disp-14:53:35	Arvd-14:54:08 Clrd-15:12:55

For Date: 06/26/2012 - Tuesday

2-18186	1723	PROPERTY DAMAGE ACCIDENT	NO REPORT TAKEN
Location/Address:		235 UNION ST @ 496 MIDDLE ST	
Post:		205	
		Disp-17:26:08	Arvd-17:31:45 Clrd-17:49:35



From: 01/01/2000 Thru: 09/26/2016

09/26/2016

Location: (ALL)  
Street(s): PO > MIDDLE ST  
Zones: (ALL)  
Weekday(s): (ALL)

Case ID	Officer	State Rpt/Acc. Date & Time	Location / Street Names
-459-AC	0144 Operator> Operator>	Yes 06/29/2002 1549	MADISON ST @ MIDDLE ST Veh# 1 Veh# 2
-765-AC	0228 Operator> Passenger> Operator>	Yes 10/10/2003 1415	NABER'S MARKET / MIDDLE ST @ MADISON ST Veh# 1 Veh# 1 Veh# 2
-747-AC	0298 Operator>	Yes 12/30/2006 1914	MIDDLE ST @ MADISON ST Veh# 1
-3983-AC	0209 Operator> Operator> Passenger> Passenger>	Yes 02/01/2008 1521	MIDDLE ST @ MADISON ST Veh# 1 Veh# 2 Veh# 2 Veh# 2
1-6667-AC	0209 Operator>	Yes 02/27/2008 2111	MIDDLE ST @ MADISON ST Veh# 1
1-15029-AC	0265 Operator> Operator> Witness> Witness>	Yes 05/17/2010 2101	MIDDLE ST @ MADISON ST Veh# 1 Veh# 2 Injured Veh# Veh#
2-20527-AC	0242 Operator> Operator> Passenger> Witness>	Yes 07/13/2012 0857	MIDDLE ST @ MADISON ST Veh# 1 Veh# 2 Veh# 2 Veh#
2-34169-AC	0377 Operator> Passenger> Operator>	Yes 11/17/2012 1602	MIDDLE ST @ MADISON ST Veh# 1 Veh# 1 Veh# 2
3-11661-AC	0419 Operator> Operator> Witness>	Yes 04/19/2013 0846	MIDDLE ST @ MADISON ST Veh# 1 Veh# 2 Injured Veh#

# State Reports Required: 9  
# State Reports Not Required: 0

Print Date: 01/03/2014 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
-203	1252	Radio - PROPERTY DAMAGE ACCIDENT	NO REPORT TAKEN	1	
Call Taker:		0322 - MCGRENAGHAN, KELLY			
Location/Address:		528 MIDDLE ST @ 1 MADISON ST			
Post:		105 KOTSONIS, MICHAEL			
		Disp-12:54:20	Arvd-12:54:24	Clrd-13:01:07	
Vehicle Entered By:		01/03/2014 1254 0322 - MCGRENAGHAN, KELLY			
Vehicle:		RED 2001 HYUN 4D ACCENT	Req: [REDACTED]	VIN: [REDACTED]	
Owner:		[REDACTED]			
Vehicle Entered By:		01/03/2014 1254 0322 - MCGRENAGHAN, KELLY			
Modified By:		01/03/2014 1255 0322 - MCGRENAGHAN, KELLY			
Vehicle:		BLK 2013 SUBA SW OUTBACK	Req: [REDACTED]	VIN: [REDACTED]	
Owner:		[REDACTED]			
Narrative:		01/03/2014 1301 MCGRENAGHAN, KELLY			
		102 saw this accident enroute to rock with the prisoner they have exchanged info			
Narrative:		01/03/2014 1301 MCGRENAGHAN, KELLY			
		clear			



From: 01/01/2000 Thru: 09/26/2016

09/26/2016

Location: (ALL)  
Street(s): PO > MIDDLE ST  
Zones: (ALL)  
Weekday(s): (ALL)

	<u>Officer</u>	<u>State Rpt/Acc. Date &amp; Time</u>	<u>Location / Street Names</u>
-347-AC	0026	Yes 05/01/2000 1414	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
1-467-AC	0204	Yes 06/10/2000 2056	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1 Injured
	Passenger>	[REDACTED]	Veh# 1 Injured
	Operator>	[REDACTED]	Veh# 2 Injured
	Parked Car/Runaway>	[REDACTED]	Veh# 3
	Parked Car/Runaway>	[REDACTED]	Veh# 4
1-574-AC	0052	Yes 07/13/2000 1608	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
-838-AC	0154	Yes 10/28/2001 1135	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
?-54-AC	0304	Yes 01/21/2002 1202	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
?-266-AC	0243	Yes 04/17/2002 1444	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
3-584-AC	0176	Yes 07/28/2003 1210	CABOT ST @ MIDDLE ST
	Bicyclist>	[REDACTED]	Veh# 1 Injured
	Unknown>	[REDACTED]	Veh# 2
3-542-AC	0360	Yes 09/06/2005 1120	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Passenger>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2 Injured
3-9507-AC	0298	Yes 03/21/2008 0824	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Passenger>	[REDACTED]	Veh# 1 Injured
	Operator>	[REDACTED]	Veh# 2
8-23305-AC	0347	Yes 07/03/2008 1850	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Passenger>	[REDACTED]	Veh# 1

Passenger> PAFFORD KEEGAN Veh# 1  
 Passenger> STEWART DESTIN Veh# 1

Case ID	Officer	State Rpt/Acc. Date & Time	Location / Street Names
-2716-AC	0338	Yes 01/24/2009 1456	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Pedestrian>	[REDACTED]	Veh# 2 Injured
	Witness>	[REDACTED]	Veh#
-31317-AC	0204	Yes 09/21/2010 1842	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1 Injured
	Operator>	[REDACTED]	Veh# 2
-12869-AC	0351	Yes 05/08/2012 1133	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
-27711-AC	0345	Yes 09/18/2012 0820	TOBER LAW OFFICES PA / MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
-266-AC	0231	Yes 01/04/2014 0124	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 2
	Parked Car/Runaway>	[REDACTED]	Veh# 1
I-31722-AC	0404	Yes 10/09/2014 1831	MIDDLE ST @ CABOT ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2 Injured
S-7511-AC	0428	Yes 03/15/2016 1743	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
	Passenger>	[REDACTED]	Veh# 2
S-23104-AC	0304	Yes 08/02/2016 2231	CABOT ST @ MIDDLE ST
	Operator>	[REDACTED]	Veh# 1
	Operator>	[REDACTED]	Veh# 2

# State Reports Required: 18  
 # State Reports Not Required: 0

or Date: 10/10/2002 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
-36912	1508	Initiated - PROPERTY DAMAGE ACCIDE	NO REPORT TAKEN	2	
Call Taker: 0279 - HECTOR, SALLY					
Location/Address: 426 MIDDLE ST @ 1 CABOT ST					
Initiated By: 220 - YERARDI, JOHN					
Post: 220 YERARDI, JOHN					
Arvd-15:08:00 Clrd-15:12:00					
Vehicle Entered By: 10/10/2002 1510 0279 - HECTOR, SALLY					
Modified By: - - Not on file					
Vehicle: LBL 1990 CHEV PU Reg: [REDACTED]					
Owner: [REDACTED]					
Vehicle Entered By: 10/10/2002 1512 0279 - HECTOR, SALLY					
Modified By: - - Not on file					
Vehicle: BLU 2001 CHEV PU Reg: [REDACTED]					
Owner: [REDACTED]					
Narrative: 10/10/2002 1512 HECTOR, SALLY					
Modified By: - Not on file					
sh-16 reporting minor damage, vehicles exchanging information.					

or Date: 07/31/2007 - Tuesday


'-25911	1523	911 - PROPERTY DAMAGE ACCIDENT	NO REPORT TAKEN	1	
Call Taker: 0373 - STACY, JESSICA					
Call Closed By: 0264 - RABITOR, DAVID 07/31/2007 1538					
Call Modified By: 0264 - RABITOR, DAVID					
Location/Address: 426 MIDDLE ST @ 1 CABOT ST					
Calling Party: [REDACTED]					
Post: 201 KOTSONIS, MICHAEL					
Disp-15:28:17 Arvd-15:30:13 Clrd-15:37:56					
Dispatched By: 0264 - RABITOR, DAVID					
Arrived By: RABITOR, DAVID					
Cleared By: RABITOR, DAVID					
Vehicle Entered By: 07/31/2007 1534 0264 - RABITOR, DAVID					
Vehicle: SIL 2005 HOND MC VFR800A Reg: [REDACTED] VIN: [REDACTED]					
Owner: [REDACTED]					
Vehicle Entered By: 07/31/2007 1535 0264 - RABITOR, DAVID					
Vehicle: GRY 2006 HOND CP CIVIC LX Reg: [REDACTED] VIN: [REDACTED]					
Owner: [REDACTED]					
Vehicle Entered By: 07/31/2007 1536 0264 - RABITOR, DAVID					
Vehicle: [REDACTED]					
Narrative: 07/31/2007 1525 STACY, JESSICA					
JM- caller reporting a minor accident, vehicle vs. motorcycle at this intersection.					
Narrative: 07/31/2007 1537 RABITOR, DAVID					
no report damage is under \$1000 and the officer is clear					

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** November 17, 2016

**To:** Honorable Mayor Jack Blalock and City Council Members

**From:** John P. Bohenko, City Manager 

**Re:** City Manager's Comments on November 21, 2016 City Council Agenda

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***Work Session:***

6:00 p.m.

1. **Report from Housing Committee on Policy.** The Housing Committee has completed its work and is requesting the City Council consider its recommendation which includes a housing policy and zoning amendments. [Please see attached Housing Committee memorandum and documents.](#)

***Presentation:***

1. **Recognition of Peter Torrey.** On Monday evening, Peter Torrey will be recognized for his years of service as Accountant to the Trustees of the Trust Fund.
2. **Update Re: Deer Street Parking Garage.** David Allen, Parking Garage Project Manager, will update the City Council regarding the Deer Street Parking Garage.
3. **Status Re: Doble Property Acquisition.** Assistant City Manager David Moore will update the City Council regarding the status of the Doble property acquisition.



## ***Items Which Require Action Under Other Sections of the Agenda:***

### **1. Public Hearing on Proposed Resolution.**

- 1.1 **Public Hearing on Proposed Resolution authorizing a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000) for the Purchase of Property located at 850 Banfield Road.** As a result of the October 17, 2016 City Council meeting, under Section VII of the Agenda, is a proposed Resolution authorizing a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000) for the Purchase of Property located at 850 Banfield Road. This appropriation will come from Fund Balance. The total purchase price of the property is \$550,000. The remaining \$150,000 will come from the Conservation Fund which was approved on November 10, 2016 by the Conservation Commission. The request for the \$150,000 additional appropriation is under the City Manager's Action Items.

As you are aware, the City has been in discussions with George Elliott and his attorney, Richard Foley, with regard to settling a dispute related to drainage impacts to the property at 850 Banfield Road ([see attached](#)). The property is located at a low point in a series of drainages originating along Route 1 through the Portsmouth Industrial Parks on Constitution Avenue and Heritage Avenue which outlet through a railroad culvert into the Great Bog. Due to changing development patterns and lack of maintenance by the railroad, the property at 850 Banfield Road has experienced a history of stormwater inundation impacting Mr. Elliott's property. In addition to the storm-water inundation, Mr. Elliott believes his drinking water well was impacted by the change in ground water hydrology.

The lengthy negotiations have included a number of potential solutions including securing a drainage easement, purchasing a portion of the property and purchasing all of the property. The property owner has indicated that he prefers that the City purchase the entire parcel.

In an effort to avoid potential litigation the City has negotiated an agreement with Mr. Elliott to purchase the entire parcel, approximately 7.1 acres, for \$550,000. Please note that 3.3 acres in wetlands will be used to help stormwater management. The remaining 3.8 acres are in uplands and can be subdivided to be sold as possibly two building lots whereby the City could recover a majority of the cost of purchasing this land. This property abuts conservation land the City already owns. The purchase of this property would provide better stormwater management options over the long term and supports conservation efforts.

*I recommend the City Council move to adopt a Resolution to authorize a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000) for the Purchase of Property located at 850 Banfield Road as recommend by the Conservation Commission. Action on this matter should take place under Section IX of the Agenda.*

## ***Acceptance of Grants and Donations:***

1. **Acceptance of Hazard Mitigation Planning Grant.** The City of Portsmouth has received a Hazard Mitigation Planning Grant in the amount of \$10,000 from the New Hampshire Homeland Security and Emergency Management for the purposes of updating the City's Hazard Mitigation Plan. This grant requires a 25% match by the City, which will be complied with by the use of staff time preparing the plan.

*I recommend the City Council move to accept and approve the New Hampshire Homeland Security and Management Grant for the purposes of updating the City's Hazard Mitigation Plan, as presented, and further, authorize the City Manager to execute the Agreement. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Police Department Grant and Donation.** [Attached under Section VIII of the Agenda is a memorandum](#), dated November 16, 2016, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief, regarding the acceptance of a grant and donation. At the October 25, 2016 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donation.

- a. New Hampshire Department of Justice Violence Against Women Grant (VAWA) in the amount of \$60,000 (NOTE: The award has been changed to a bi-annual award, so this amount represents 2 years of funding.) The VAWA grant provides funding for the Victim/Witness Advocate position in our court office.
- b. A donation in the amount of \$700 from "Friends of the South End" in support of the Portsmouth Police Explorers.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

*I recommend the City Council move to accept and approve the grant and donation to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donations to the Coalition Legal Fund.** The City of Portsmouth has received the following donations to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:

- Town of Carroll                      \$1,000.00
- Town of Rye                              \$5,000.00

*I would recommend the City Council move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section X of the Agenda.*

2. **Request for Licenses to Install Projecting Signs.** Attached under Section X of the Agenda are requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Northern Tier Real Estate Acquisition & Development, LLC (c/o John Dussi), owner of La Carreta, for property located at 172 Hanover Street
- Heather Dalton & Cathrine Ianchulev, owner of Seaside Allure for property located at 24 Congress Street

*I recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute these License Agreements for these requests. Action on this item should take place under Section X of the Agenda.*

3. **Acceptance of Library Donation.** The Portsmouth Public Library has received a check in the amount of \$1,000 from Phyllis Eldridge, which represents the balance of her pledge during the library building fundraising campaign many years ago.

*I recommend the City Council move to accept and approve the donation, as listed. Action on this matter should take place under Section X of the Agenda.*

## ***City Manager's Items Which Require Action:***

1. **Report Back Re: Acquisition of Property at 850 Banfield Road.** At its meeting on October 17, 2016, the City Council voted to refer to the Planning Board a proposal to purchase the parcel of land at 850 Banfield Road, containing approximately 7.1 acres. A portion of this parcel is in wetlands and will be retained by the City for stormwater management. The remaining 3.8 acres may be sold to recover a portion of the acquisition cost. [Attached are plans.](#)

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council approve the acquisition of the property at 850 Banfield Road.

*I recommend the City Council move to accept the Planning Board's recommendation that the City Council approve the acquisition of the property at 850 Banfield Road.*

2. **Approval of \$150,000 Additional Appropriation from the Conservation Fund Re: Elliott Property at 850 Banfield Road.** As you are aware, an additional appropriation of \$150,000 will come from the Conservation Fund. At the November 10, 2016 Conservation Commission meeting, the Commission voted as follows:

*To Authorize and approve the expenditure of \$150,000 from the Conservation Fund to acquire the property at 850 Banfield Road and request continued involvement with the City Council in the City's disposition of the property.*

This along with the \$400,000 appropriation from Fund Balance will total \$550,000 for the purchase of the property.

*Therefore, I recommend the City Council approve the additional appropriation of \$150,000 from the Conservation Fund as approved by the Conservation Commission for the purchase of the Elliott property at 850 Banfield Road.*

3. **Request for First Reading of Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part 1”)**. As outlined in [Planning Director Rick Taintor's attached memorandum](#), the Planning Department has been working on a number of proposed amendments to the Zoning Ordinance to address identified issues with the existing Ordinance as well as new priorities emerging in the City.

Although it has been our intention to present a comprehensive “omnibus” including all items in progress, there is a need to move forward with a phased approach, in part because of the urgency of responding to a new state law regarding accessory dwelling units, and also because some of the zoning revisions in progress will require more lengthy review and would unnecessarily hold up implementation of the easier revisions. The first phase of the zoning omnibus is presented in this memorandum and the [attached document](#), and an overview of the next phase is provided at the end of the memo.

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council enact the series of amendments to the Zoning Ordinance set forth in [the attached document](#). These amendments address a variety of issues throughout the Ordinance, ranging from simple housekeeping matters to implementation of the new State mandate regarding accessory dwelling units.

The proposed amendments to Chapter 10 – Zoning Ordinance are presented as seven separate ordinances, as follows:

1. Housekeeping amendments (Articles 2, 3, 11 and 15);
2. Provisions relating to yards and definition of building coverage (Articles 5 and 15);
3. Reductions in maximum building height in the Residential and Mixed Residential zoning districts (Article 5);
4. Provisions relating to accessory dwelling units and garden apartments, to implement a new state statute (Articles 4, 8 and 15);
5. Revisions to the Historic District regulations, including referencing the Historic District Commission’s Design Guidelines, revising and expanding the list of activities exempt from HDC review, and clarifying the requirement for administrative review and approval of exempt activities (Articles 5A and 6);
6. Revisions to the Wetlands Protection provisions, including an expansion of the jurisdictional areas, clarification of an exemption for single and two-family dwellings, and addition of a provision relating to restoration of vegetated buffer strips (Article 10); and
7. Revisions to the sign regulations limiting the type and manner of illumination of signs using direct illumination, such as LED or plasma signs (Article 12).

Detailed information regarding the aforementioned proposed Ordinance amendments are included in the Planning Director’s memorandum. I am requesting that the City Council authorize the City Manager to bring back for first reading at your December 5, 2016 City Council meeting.

In addition as noted in the memorandum, the Planning Department continues to work on additional zoning amendment which we be presented the Planning Board and City Council in 2017. Those proposed amendments are outlined in the Planning Director’s memorandum as well.

*Therefore, I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance amendments at the December 5, 2016 City Council meeting, as presented.*

4. **Atlantic Heights Emergency Access.** As you may be aware, the City of Portsmouth has a license agreement from Eversource for the use of its access road at its Schiller Station property, which abuts the Atlantic Heights neighborhood. Under the agreement, the City has the ability to utilize the road, also known as the “boat road,” in the event of an emergency blocking (currently, the neighborhood’s only roadway exit) or otherwise preventing safe egress from the neighborhood via Kearsarge Way.

At this time, Eversource is preparing to divest itself of certain generation assets in New Hampshire including the Schiller Station on Gosling Road. In preparation for selling its generating capacity, Eversource recently was approved at the Portsmouth Planning Board for a lot line adjustment, which enables the company to sell off a portion of its property. The eventual sale of the land will have the effect of discontinuing the through path of the boat road from Porpoise Way to Gosling Road (a portion of the road is located on the lot to be sold). After discussions regarding this impact, the Planning Board stipulated - and Eversource agreed - to grant a permanent easement in favor of the City for the purpose of creating a new emergency access road out of the Atlantic Heights neighborhood. This easement is a significant improvement over the current license agreement in terms of the permanence of this emergency arrangement. The easement effectively codifies what has been voluntary cooperation from Eversource and runs with the land into the future. [A depiction of the proposed easement area is attached.](#)

It is important to note, the existing License Agreement remains in effect and the road itself is operable for the emergency purpose. The new proposed emergency access route will be shorter and provide an outlet onto Portsmouth Boulevard; in addition, like the Boat Road (which has never been operationalized for an emergency), this will only be used during emergencies requiring an alternative route out of the neighborhood.

At this time, I am recommending the City Council refer this matter, which involves the City's potential acquisition of interest in land (through an easement) to the Planning Board. Following the report back from the Planning Board, this matter will again be in front of the City Council for acceptance of the proposed easement.

I have asked Assistant City Manager David Moore to be in attendance at your meeting to provide additional background information on this issue.

*I recommend the City Council refer this matter to the Planning Board for report back.*

5. **Approval of Trust Re: 400<sup>th</sup> Anniversary Celebration.** As a result of the October 17<sup>th</sup> City Council meeting, the Council voted to authorize the development of a trust for the 400<sup>th</sup> Anniversary Celebration, and further, authorized the City Manager to enter into a partnership agreement with the Portsmouth Historical Society/Discover Portsmouth Center to provide an annual contribution from the City of Portsmouth to the PHS/DPC which will provide a base level of support to create a varied, organized and informed set of activities in which the community can engage to develop a sense of pride for Portsmouth's past and future. I am requesting that City Council approve the Trust document at this evening's meeting. [Attached is the Trust document and a draft agreement for your review.](#)

As you will recall, on Saturday, October 1, 2016 the Portsmouth Historical Society/Discover Portsmouth Center (PHS/DPC) made a presentation to the City Council outlining key goals in creating an ongoing celebration for Portsmouth's 400<sup>th</sup> anniversary.

As Portsmouth approaches its 400<sup>th</sup> anniversary in 2023, PHS/DPC will be the conveners of this celebration, one that will not only encompass a momentous event in 2023 but serve as a layered program throughout each year up to and beyond this milestone.

The development of a trust endorses the formation of this program and partnership between the City and PHS/DPC. With an established trust, a formal connection will be clarified and PHS/DPC can begin their planning in earnest and develop a steering committee to oversee all anniversary activities. Annual funding will provide needed support in creating a varied, organized and informed curriculum in which the community can engage in and have a sense of pride for both our past and our future.

*I recommend the City Council move to approve the Trust for the 400<sup>th</sup> Anniversary Celebration, and authorize the City Manager to bring back a final agreement to be approved at the December 5<sup>th</sup> City Council meeting.*

6. **Holiday Parking.** As the December holidays approach, it is time to consider a Portsmouth tradition – free holiday parking in the downtown. The City Council has not approved three weeks since 2014. Last year, we reduced the number to nine (9) days. This year, we are recommending seven (7) days commencing on Sunday, December 18, 2016 and ending Saturday, December 24, 2016. During this time, parking enforcement officers would check for time-limit violations only and inserts would be placed in all single-space and pay & display parking meters, stating, “Seasons Greetings, 3 Hours Free Parking” or “4 Hours Free Parking,” as appropriate. The loss of revenue for each day for free parking is \$8,000.00. For your information, Councilor Spear has additional information under his name.

*I recommend the City Council move to approve Holiday Free Parking commencing on Sunday, December 18, 2016 and ending Saturday, December 24, 2016.*

7. **Planning Board Report Re: Request of Northern Utilities, Inc., d/b/a Unitil for Easement Across City Land at 1 Franklin Drive.** Northern Utilities, Inc. d/b/a Unitil has requested that the City grant it an easement to lay a new gas line across land owned by the City and used for the New Franklin Elementary School. The proposed route of the gas line has been reviewed and approved by the Department of Public Works and the School Department. [See attached plan.](#)

The City Ordinances require that any acquisition or disposition of municipal real property, including easements, be referred to the Planning Board at least 30 days before final action is taken. In order to expedite this project, the Legal Department requested that the Planning Board review the proposal in advance of the easement’s consideration by the City Council.

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council grant an easement to Northern Utilities, Inc., d/b/a Unitil across property owned by the City at 1 Franklin Drive, Portsmouth.

*I recommend the City Council move to accept the Planning Board's recommendation to grant an easement to Northern Utilities, Inc., d/b/a Unitil across property owned by the City at 1 Franklin Drive, and further, authorize the City Manager to proceed with the execution of the necessary documents.*

8. **Request for First Reading Re: Taxi Ordinance.** In follow up to the Joint Work Session of the Portsmouth City Council and the Transportation Services Commission, a draft ordinance has been prepared for consideration ([see attached](#)). From the work session it appeared there was some consensus on the following items:

1. Maintain a regulatory structure distinctly for taxis, recognizing that there can be no local regulation of transportation network service providers (Uber and Lyft for example) due to state law preemption;
2. Provide for vehicle safety and ease of enforcement;
3. Drivers/Operators should have background checks;
4. No regulation of rates; and
5. Little interest in maintaining a Transportation Services (or Taxi) Commission with administration and enforcement to be managed by City staff and the Police as applicable.

A version of this draft ordinance was reviewed by the Transportation Services Commission last month and comment from taxi owners was solicited. Minor revisions were made after that input.

The item that caused the most comment from taxi owners was a proposed change in the inspection of vehicles. Following discussions with the Police Department and other staff, this ordinance proposes that inspections be done by manufacturer dealers for the vehicle being inspected. Manufacturer dealers receive recall notices and the City staff perceives less of a risk of inspection fraud. There is no requirement that repair work be performed by the dealership. The cost to taxi owners for simply bringing their vehicle to a dealer for final inspection would be less than the increase in the license fee that would be necessary to cover the expense of specially arranged inspections.

*I recommend the City Council move to authorize the City Manager to bring back for first reading on December 5, 2016 the proposed Taxi Ordinance.*

9. **Approval of Petition and Utility License Re: Langdon Street.** For City Council approval is a Petition and Underground Utility License to allow the installation of underground conduit to serve new residential units on Langdon Street. By way of background, there is an existing utility pole on Langdon Street that provides overhead electrical and telecommunication services to neighboring residences. As part of the development approvals for 81 and 91 Langdon Street, service to the new residential units will be underground. In order to make that a crossing by conduit under a street, the City typically requires a license.



The conduit will be installed by the property owner/developer in the first instance, but responsibility for the conduit will be transferred to the utility once service is run. Each utility wanted its own conduit. For additional detail and a sketch of the conduit crossing see the memorandum from Ryan Flynn.

For context, if service for the new residential units were to be run overhead, the license for the existing utility pole would cover that service; this license facilitates the placement of services underground.

*I recommend the City Council move to approve the petition and underground utility license for 81 and 91 Langdon Street.*

10. **Proposed Public Art Application Re: Cast Sculpture, Jay Smith Memorial Garden, State Street.** Attached is a public art application from Kate Crowell for a cast sculpture at the Jay Smith Memorial Garden on State Street. This matter has been reviewed by Art-Speak and is being proposed for approval to the City Council.

*I recommend the City Council move to approve the Cast Public Art Sculpture at the Jay Smith Memorial Garden on State Street.*

11. **License Request for 2 Bow Street.** Two Bow Street LLC, has erected scaffolding and is currently working pursuant to a City issued encumbrance permit to repair and maintain the brick façade at 2 Bow Street. See attached picture. That work will extend beyond the encumbrance permit period in part due to utility coordination; an Eversource pole was guyed to the building. Work is anticipated to be completed by December 16, 2016, but the license will provide the City Manager with the authority to extend the time as necessary given the utility coordination and an HDC approval issue which may require the work to extend longer.

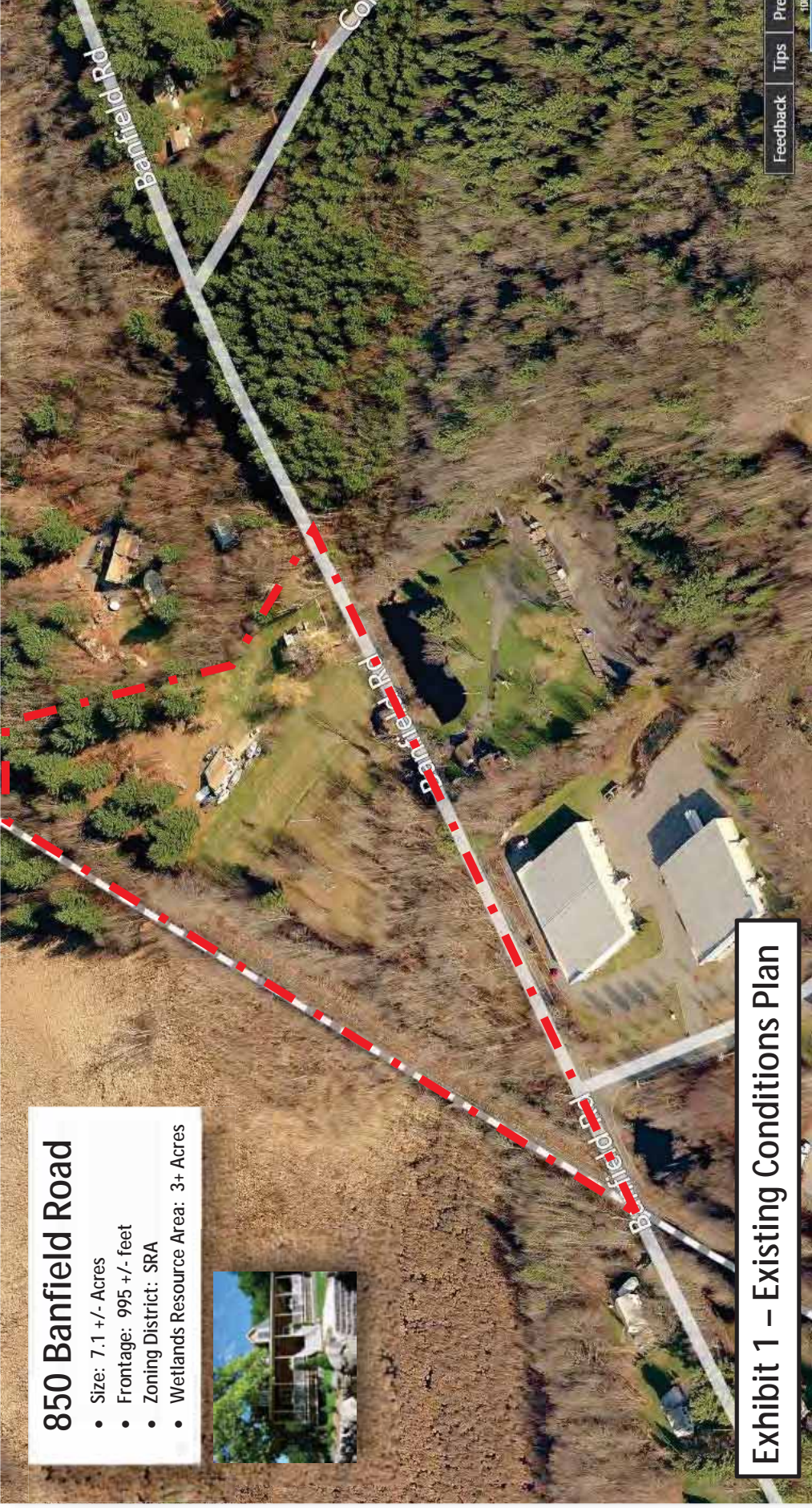
The license would allow Two Bow Street LLC to continue to use, as needed for the masons, two parking spaces along Market Street Extension. If work stops temporarily while approvals or other utility agreements are pending, the scaffolding would remain but the parking spaces would be free for use by the public

City staff has no objection to the grant of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit such as payment for parking spaces when used as well as some of the special adjustments outlined above to balance the owner's needs with the holiday activity in the downtown and possibility of snow.

*I recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Two Bow Street LLC.*

## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 17, 2016. In addition, this can be found on the City's website.
2. **Report Back Re: Composting.** [Attached is a memorandum from Jacob Levenson, Solid Waste Sustainability Coordinator](#), regarding curbside composting for food waste collection options.
3. **Update on Acquisition of Land from the Foundation of Seacoast Health.** As you know, in August, the City Council authorized me to enter into a Purchase and Sales Agreement with the Foundation for Seacoast Health for the acquisition of a portion of its land at 100 Campus Drive. In addition, the Council authorized borrowing for the purchase price of \$1,850,000. Since that time, an Agreement has been entered into for the purchase and work has progressed on the Phase I environmental assessment and title research work. By way of update and for your information, I have [attached a copy of the Purchase and Sales Agreement with the Foundation](#).
4. **Off-Leash Dog Area at Route 33 Park and Ride Open to Residents.** For your information, [attached is a press release](#) announcing the opening of an off-leash dog area at the Route 33 Park and Ride which is open to residents.

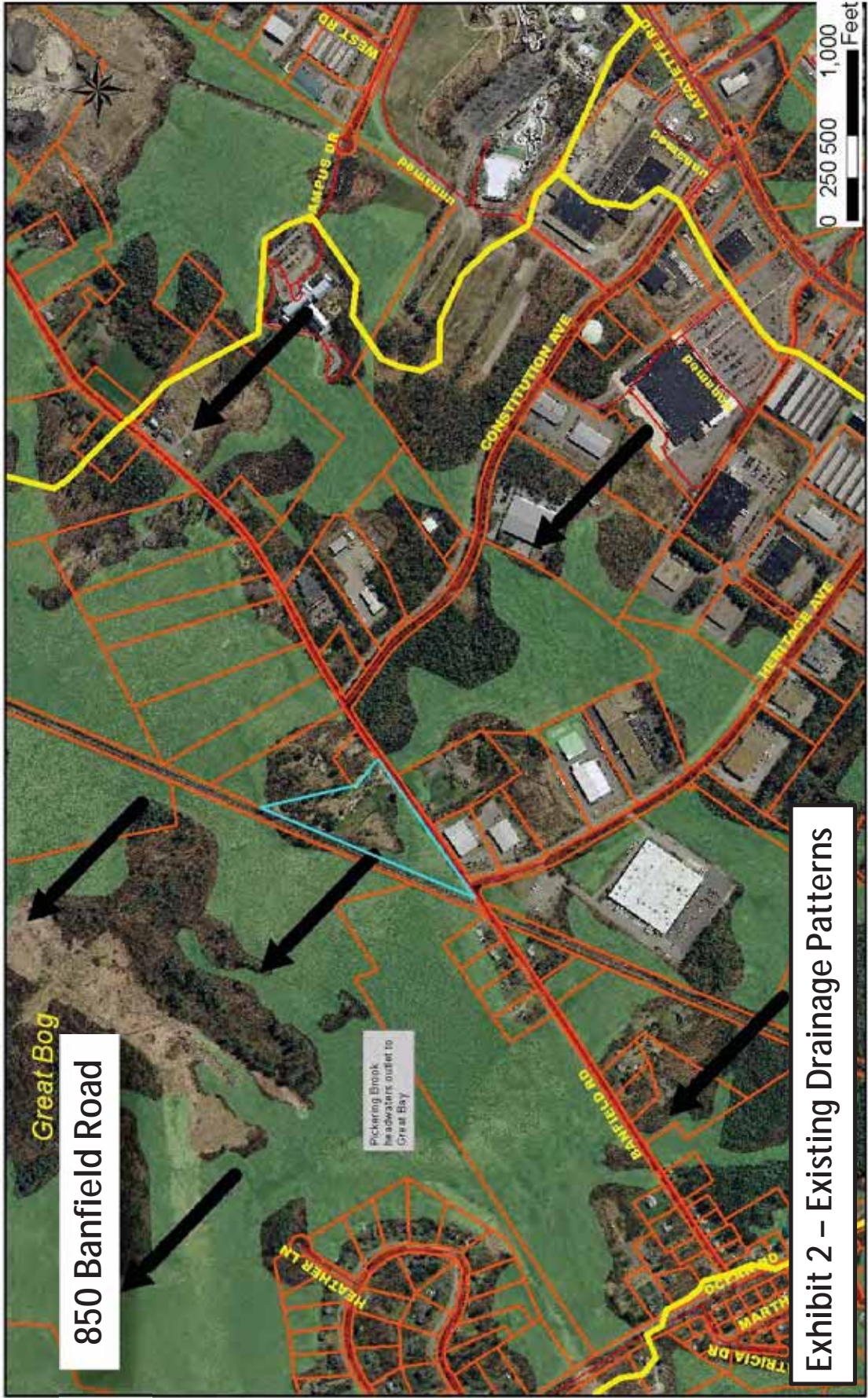


## 850 Banfield Road

- Size: 7.1 +/- Acres
- Frontage: 995 +/- feet
- Zoning District: SRA
- Wetlands Resource Area: 3+ Acres



Exhibit 1 – Existing Conditions Plan



850 Banfield Road

Exhibit 2 – Existing Drainage Patterns

## Potential Subdivision Plan

- Land Use: Two Single Family House Lots & Drainage / Conservation Lot
- Lot Frontage: 150 +/- feet
- Permitting: Subdivision Approval
- City Drainage / Conservation Lot: 3.3A +/-

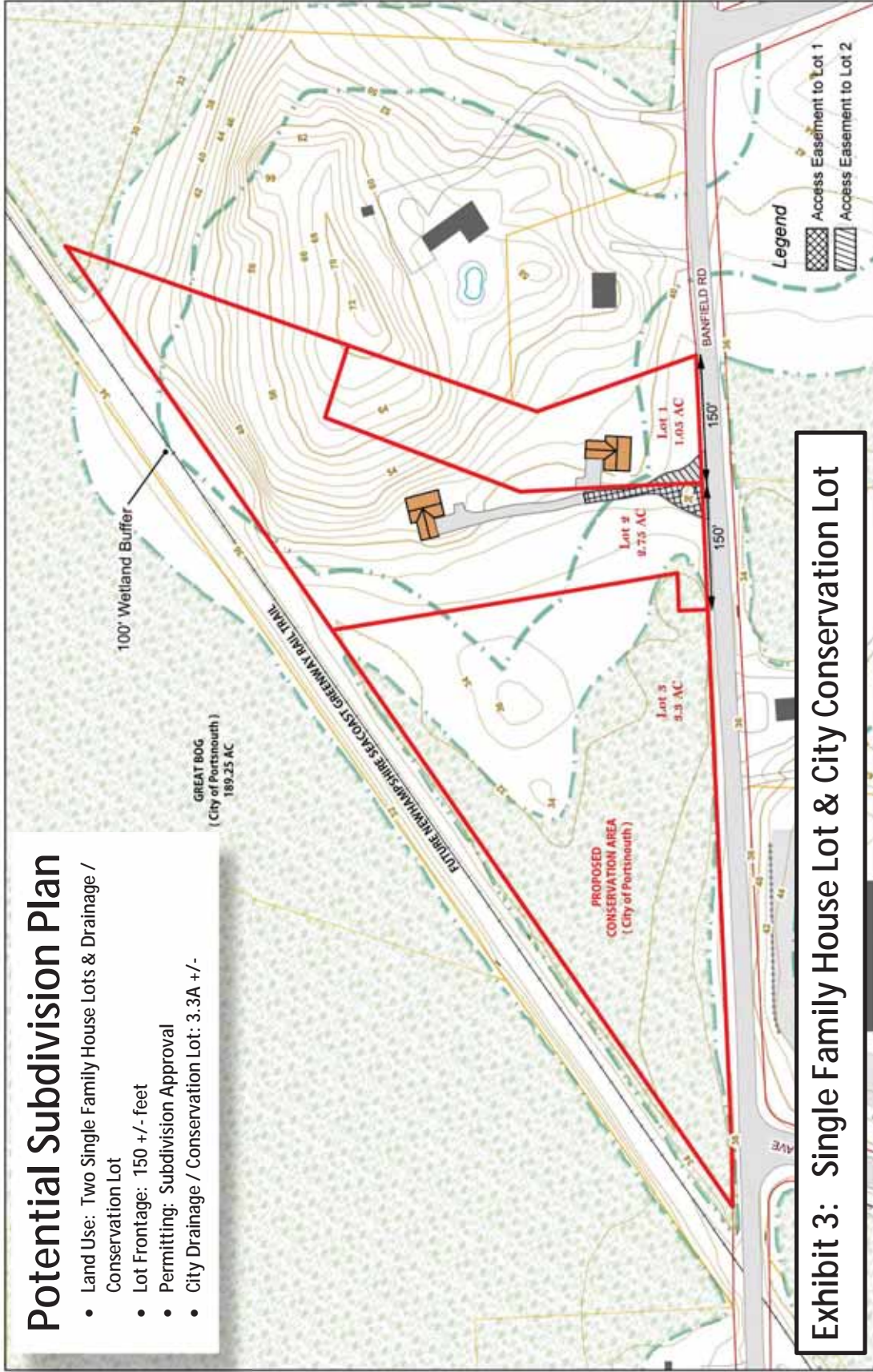


Exhibit 3: Single Family House Lot & City Conservation Lot

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** November 8, 2016  
**RE:** Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part 1”)

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The Planning Department has been working on a number of proposed amendments to the Zoning Ordinance to address identified issues with the existing Ordinance as well as new priorities emerging in the City. Although it has been our intention to present a comprehensive “omnibus” including all items in progress, there is a need to move forward with a phased approach, in part because of the urgency of responding to a new state law regarding accessory dwelling units, and also because some of the zoning revisions in progress will require more lengthy review and would unnecessarily hold up implementation of the easier revisions. The first phase of the zoning omnibus is presented in this memorandum and the attached document, and an overview of the next phase is provided at the end of the memo.

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council enact the series of amendments to the Zoning Ordinance set forth in the attached document. These amendments address a variety of issues throughout the Ordinance, ranging from simple housekeeping matters to implementation of the new State mandate regarding accessory dwelling units.

The proposed amendments are presented as seven separate ordinances, as follows:

1. Housekeeping Amendments (pages 1-3)
  - Article 2 – Administration and Enforcement: Extend the life of variances and special exceptions from 1 year to 2 years, to conform to a change in state law.
  - Article 3 – Nonconforming Lots, Buildings, Structures and Uses: Revise one provision relating to changes to nonconforming buildings and structures, and delete three other provisions, in order to eliminate inconsistencies and clarify the intent.
  - Article 11 – Site Development Standards: Off-Street Parking: Add the Gateway district to two tables of setback requirements for off-street parking areas. (These tables were not updated when the Gateway district was established.)
  - Article 15 – Definitions: Amend the definition of “structure” to exclude fences up to 4 feet in height.
2. Yards (Setbacks) (pages 4-9)
  - Article 5 – Dimensional and Intensity Standards: Revise and clarify several provisions relating to yards, exceptions to yard requirements, and projections into required yards.

- Article 15 – Definitions: Amend the definition of “building coverage” to clarify items that are exempted from the definition.
3. Article 5 – Maximum Building Height in Residential Districts (page 10)
- Reduce maximum allowed building heights in residential districts from 35 feet to 30 feet, and in mixed residential zoning districts from 40 feet to 35 feet, as an initial step in addressing concerns about infill development that is out of scale and character with the surrounding neighborhood. (The Board also considered a proposal to create a new “bulk control plane” standard to regulate bulk, but determined that more work was needed before presenting this to the Council.)
4. Accessory Dwelling Units (pages 11-17)
- Additions to Articles 4 (Table of Uses), 8 (Supplemental Use Standards) and 15 (Definitions) to implement the state law enacted in 2016 (SB 146, codified at RSA 674:71-73), which will take effect on June 1, 2017.

In accordance with the new law, the proposed ordinance allows attached accessory dwelling units (AADUs) in every zoning district where single-family dwellings are permitted. The statute defines “accessory dwelling unit” as a unit that is “within or attached to a single-family dwelling.” The proposed ordinance further states that “attached to” means “sharing a common wall for at least 25 percent of the length of the side of the single-family dwelling.”

The Planning Board recognizes the need for affordable housing in the City, but is also cognizant of the potential impacts of increased density on already congested neighborhoods. Under the state law, communities must permit accessory dwelling units – either by right or by special exception or conditional use permit – without requiring any increase in lot area for the second unit. This mandate does not create a significant issue where the accessory unit is created within the existing dwelling, but could significantly impact neighborhood character and perceived density where the accessory unit is created by building an addition to the existing dwelling.

In addition to attached accessory dwelling units, under the state law communities may, but are not required to, allow detached accessory dwelling units, i.e., units in a separate structure from the primary dwelling unit. If detached units are permitted, they are subject to all local regulations that apply to a single-family dwelling. Among other things, this means that an existing garage or carriage house that is in violation of a zoning provision, such as a setback requirement, could not be converted to a detached accessory dwelling unit.

The Planning Board felt that in many cases converting an existing accessory structure into a small dwelling unit would be more appropriate for a neighborhood than building an addition onto the primary dwelling. In addition, a unit converted from a garage or carriage house might be more likely to be affordable than a unit created by an addition or new construction. Therefore, the staff looked for a way to allow such conversions as an alternative to the detached ADU that would be allowed under the statute.

The approach to this issue included in the proposed ordinance is a separate category of dwelling unit called “garden cottage” (this term is used by many communities in the western U.S. and in Canada and seems more colloquial than other planning-jargon alternatives in use). As set forth in the second part of the

ordinance (beginning on page 14), a garden cottage is a smaller unit created by conversion of an existing accessory unit. By creating a second unit on the lot, the garden cottage makes the lot no longer eligible for an attached or detached ADU.

Under the proposed ordinance, both an accessory dwelling unit and a garden cottage require a conditional use permit from the Planning Board and an annual certificate of use from the Planning Department demonstrating continued compliance with all standards.

If an ordinance implementing the state law is not enacted by June 1, 2017, attached accessory dwelling units will automatically be allowed as of right (i.e., without requiring any approval by a land use board) in all zoning districts throughout the City. Therefore, it is important that the Council adopt the proposed ordinance or an alternative by that date.

5. Article 6 – Historic District Design Guidelines and Exemptions from Review (pages 18-21)  
(proposed by the Historic District Commission)
  - Insert two provisions referencing the Design Guidelines recently developed by the Historic District Commission (and in Article 5A – Character Districts, delete Section 10.5A45 – Interim Architectural Design Guidelines).
  - Revise 15 provisions regarding exemptions from HDC review, and add 3 additional exemptions, to reduce burdens on property owners proposing minor changes.
  - Clarify that exempted activities, while not requiring a public hearing, are subject to administrative review and approval.
  
6. Article 10 – Environmental Protection Standards (pages 22-23)  
(proposed by the Conservation Commission)
  - Expand the jurisdictional areas to include a portion of the Piscataqua River shorefront north of the I-95 bridge.
  - Clarify the existing allowance for a 25 percent expansion of a single- or two-family dwelling.
  - Add a sixth criterion for approval of a conditional use permit, requiring restoration of the vegetated buffer strip to a natural state to the extent feasible.
  
7. Article 12 – Signs (page 24)
  - Add a provision strictly limiting the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs.

The Planning Board voted unanimously to recommend the amendments as presented in the attached document.

#### Future Zoning Ordinance Amendments

As noted at the beginning of this memorandum, the Planning Department continues to work on additional zoning amendments which will be presented to the Planning Board and City Council in 2017. These amendments will include:



- Implementation of a bulk control plane (or similar provision) to better manage infill development, especially in densely developed neighborhoods.
- Revisions to the off-street parking standards (Article 11) to promote shared parking, to calibrate requirements to the needs of specific uses and neighborhoods, and to establish standards for bicycle parking facilities.
- Revisions to the sign regulations (Article 12) to respond to the U.S. Supreme Court decision in *Reed v. Gilbert* (2015), which requires that sign ordinances be content-neutral.
- Revisions to the Table of Uses (Article 4) relating to places of assembly (including churches, theaters, clubs, etc.), in order to comply with the Religious Land Use and Institutionalized Persons Act (RLIUPA) which prohibits regulations from treating religious land use differently from secular uses.
- Revisions to the Table of Uses (Article 4) relating to substance abuse treatment centers, in order to respond responsibly to the growing crisis in opioid and other addictions.
- Revisions to the Table of Uses (Article 4) and Flexible Zoning provisions (Article 7) to add flexibility to the standards for planned unit developments, both to conserve open space (Open Space PUDs) and to promote affordable housing (Residential Density Incentive PUDs).
- Revisions to the Table of Uses (Article 4) regarding assisted living facilities and other residential care facilities, to better accommodate the need for such facilities.
- Revisions to the Table of Uses for the Gateway District (Article 4) and the Gateway Planned Development provisions (Article 7), to strengthen the site design standards and to encourage multifamily residential development.
- Reconsideration of a previous proposal to allow Neighborhood Commercial Uses in specific locations. The Planning Board voted in February 2013 to recommend a Neighborhood Commercial Uses ordinance which the City Council discussed in a work session in April 2013. However, no further action was taken on the proposed ordinance at that time.
- Revisions to the Zoning Map to extend the Gateway District to outer Woodbury Avenue.

In addition, a long-term project is to review established development patterns in the older residential neighborhoods in the City and to adjust the dimensional and intensity standards of the Zoning Ordinance to better reflect these patterns, thereby reducing nonconformities and accommodating natural expansion and infill consistent with neighborhood character. This project was initiated in 2009-2010 and a draft report was presented to the Planning Board in October 2010. However, the Department was unable to complete the work due to other priorities.

City of Portsmouth Zoning Ordinance  
Proposed Amendments

Recommended by Planning Board  
October 20, 2016

PROPOSED HOUSEKEEPING AMENDMENTS  
Recommended by Planning Board – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

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- 
- A. Amend Article 2 – Administration and Enforcement, Section 10.236 – Expiration of Approvals, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Variances and special exceptions shall expire unless a building permit is obtained within a period of ~~one year~~ **two years** from the date granted.

- 
- 
- B. Amend Article 3 – Nonconforming Lots, Buildings, Structures and Uses, Section 10.320 – Nonconforming Buildings and Structures, as follows:

- (1) Amend Section 10.321 as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A lawful nonconforming building or structure may continue **and may be maintained or repaired**, but may not be extended, reconstructed, or enlarged ~~or structurally altered except in conformity with this Ordinance~~ **unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located.**

- (2) Delete Sections 10.322, 10.324 and 10.327.
- (3) Renumber Sections 10.323, 10.325 and 10.326 as Sections 10.322, 10.323 and 10.324.
- 
-

- D. Amend Article 11 – Site Development Standards, Section 10.1113 – Location of Vehicular Use Facilities, by inserting the letters “GW” in two tables, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

10.1113.31 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:

District	Minimum Distance from Residential or Mixed Residential District
B	50 feet
GB, <b>GW</b>	100 feet
I, OR, WI	100 feet

[...]

10.1113.41 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from front lot lines as follows:

District	Minimum Setback from Front Lot Line
B	20 feet
GB, <b>GW</b>	40 feet
I, OR, WI	50 feet

- 
- E. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

Structure (including roof structure)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. Structures include, but are not limited to, buildings, fences **over 4 feet in height**, signs, and swimming pools. (See also: temporary structure.)

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The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

PROPOSED AMENDMENTS TO DIMENSIONAL STANDARDS  
Recommended by Planning Board – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

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A. Amend Article 5 – Dimensional and Intensity Standards, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) In Section 10.515 – Measurement Rules, amend Section 10.515.10 as follows:

10.515.10 ~~Building Coverage and Yards~~

**10.515.11 For a corner lot or through lot, all requirements related to the front yard shall apply to the principal front yard and all secondary front yards.**

**10.515.12** ~~Calculations of building coverage and~~ **Determinations of yards shall not include:**

(a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall;

**(b) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;**

~~(b)~~ **(c) structures (such as decks and patios) less than 18 inches above ground level;**

**10.515.13 Fences not over 4 feet in height shall be exempt from front yard requirements, and fences not over 6 feet in height shall be exempt from side and rear yard requirements.**

**10.515.14** ~~(c) MA~~ mechanical systems (i.e. HVAC, power generators, etc.) that ~~are~~ **is** less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; ~~are~~ **shall be exempt from yard requirements, but shall be** set back at least 10 feet from a property line; and ~~are~~ **shall not be** located closer to the street than the front of the principal structure.

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- (2) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.10 as follows:

10.516.10 Front Yard Exception for Existing Alignments

If existing principal buildings on the same side of the same street, in the same zoning district, and within 200 feet of a lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for **the principal building on** such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. **For the purpose of this provision, buildings on the subject lot shall not be included in the average of existing alignments.**

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- (3) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.30 as follows:

10.516.30 Corner Lot Vision Obstruction

On a corner lot, no structure, accessory structure, landscaping, or screening which obstructs visibility shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by the sidelines of the intersecting street rights-of-way and a straight line joining points along said street sidelines 20 feet from the point of intersection of such sidelines or extensions thereof. This provision shall not apply in ~~the CBA and CBB districts~~ **Character Districts 4-W, 4 and 5.**

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- (4) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.40 as follows:

**10.516.40 Projections Into Required Yards**

The following building elements may project into required yards as indicated:

Projecting Element	Maximum Projection Into Yard
Balconies or bay windows, not exceeding 50% of the building face in total	2 feet
Open and uncovered terraces, decks, steps or stoops less than 4 feet in height	Up to one-half the required yard
Unenclosed porches, steps or stoops more than 4 feet in height	6 feet
Porticos (either enclosed or unenclosed) less than 20 square feet in area	5 feet
Roof eaves or overhangs	2 feet
Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features	4 feet

In the Single Residence, General Residence and Mixed Residential districts, building elements may project into required yards by the amounts indicated in the following table:

	SRA, SRB		GRA		GRB, GRC, MRO, MRB	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Building Elements	Maximum Projection Into Required Yard					
Terraces, decks, steps and stoops that are uncovered and unenclosed and are less than 3 feet in height and less than 100 square feet in area	5'	5'	0'	5'	10'	0'



	SRA, SRB		GRA		GRB, GRC, MRO, MRB	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Building Elements	Maximum Projection Into Required Yard					
Porches, porticos, steps or stoops that are covered and unenclosed and are less than 12 feet in height (to top of roof) and less than 50 square feet in area	5'	5'	0'	5'	5'	0'
Porches and porticos that are covered and enclosed and are less than 12 feet in height (to top of roof) and less than 20 square feet in area	5'	5'	0'	5'	5'	0'

0' = No projection allowed into required yard

- (5) In Section 10.570 – Accessory Buildings, Structures and Uses, amend Sections 10.571 through 10.573 as follows:

10.571 No accessory building, structure or use shall be located in any required front yard, **or closer to a street than the principal building.**

~~10.572 Where the required side yard or rear yard is 10 feet or less, an accessory building or structure shall conform to the yard requirement.~~

~~10.573 Where the required side yard or rear yard is more than 10 feet, an accessory building or structure may be located within the required side yard or rear yard subject to the following standards:~~

~~10.573.10 An accessory building or structure not greater than 10 feet in height and 100 square feet in area shall be set back at least 5 feet from a side or rear lot line.~~

~~10.573.20 An accessory building or structure greater than 10 feet in height or 100 square feet in area shall be set back from the lot line at least 10 feet or 75% of the height of the structure, whichever is greater.~~

**10.572 In a Character, Business or Industrial district, all accessory buildings and structures shall conform to the side yard and rear yard requirements of the applicable zoning district.**

**10.573 In a Residential or Mixed Residential district, an accessory building or structure may be located in a required side yard or rear yard subject to the following:**

**10.573.10 An accessory building or structure not more than 10 feet in height and not more than 100 square feet in area shall be set back at least 5 feet from any lot line.**

**10.572.20 An accessory building or structure more than 10 feet in height or more than 100 square feet in area shall be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less.**

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B. Amend Article 15 – Definitions, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot covered by all buildings and structures on the lot, excluding:

- (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall;
- (b) structures less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;**
- (d) fences; and**
- (e) mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.**

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

**PROPOSED AMENDMENTS TO DIMENSIONAL STANDARDS – BUILDING HEIGHT**  
 Recommended by Planning Board – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

In Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts, amend the maximum structure height standards as follows:

	SRA	SRB	GRA	GRB	GRC	MRO	MRB
Maximum Structure Dimensions							
Structure height	<del>35'</del> <b>30'</b>	<del>35'</del> <b>30'</b>	<del>35'</del> <b>30'</b>	<del>35'</del> <b>30'</b>	<del>35'</del> <sup>3</sup> <b>30'</b>	<del>40'</del> <b>35'</b>	<del>40'</del> <b>35'</b>

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
 Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
 Kelli L. Barnaby, City Clerk

**PROPOSED ZONING AMENDMENTS –  
ACCESSORY DWELLING UNITS AND GARDEN COTTAGES**  
Recommended by Planning Board – October 20, 2016

**ORDINANCE #**

**THE CITY OF PORTSMOUTH ORDAINS**

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

- 1 A. In Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses  
 2 – Residential, Mixed Residential, Business and Industrial Districts, insert new uses  
 3 #1.20 and #1.30 as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4
<b>1.20 Accessory dwelling unit</b>									
<b>1.21 Attached</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>
<b>1.22 Detached</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
<b>1.30 Garden Cottage</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>

Use	GB	GW	B	WB	OR	I	WI	Supplemental Regulations
<b>1.20 Accessory dwelling unit</b>								<b>10.814 (Accessory Dwelling Units)</b>
<b>1.21 Attached</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	
<b>1.22 Detached</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	
<b>1.30 Garden Cottage</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>10.815 (Garden Cottages)</b>

- 4 and renumber existing uses #1.20 through 1.80 accordingly.

5  
6 B. In Article 8 – Supplemental Use Standards, insert the following new Sections 10.814  
7 and 10.815:  
8

9 **10.814 Accessory Dwelling Units**

10  
11 **10.814.10 One, and only one, accessory dwelling unit shall be allowed on**  
12 **any lot containing a single-family dwelling. An accessory**  
13 **dwelling unit shall not be allowed under this Section 10.814 on a**  
14 **lot that contains more than one dwelling unit.**

15  
16 **10.814.20 Except as provided in elsewhere in this Section 10.814, all land**  
17 **use regulations applicable to a single-family dwelling shall also**  
18 **apply to the combination of a principal dwelling unit and an**  
19 **accessory dwelling unit.**

20  
21 **10.814.30 All accessory dwelling units shall comply with the following**  
22 **standards:**

23  
24 **10.814.31 The principal dwelling unit and the accessory**  
25 **dwelling unit shall not be separated in ownership**  
26 **(including by condominium ownership).**

27  
28 **10.814.32 Either the principal dwelling unit or the accessory**  
29 **dwelling unit shall be occupied by the owner of the**  
30 **dwelling. The owner shall provide documentation**  
31 **demonstrating to the satisfaction of the City that one**  
32 **of the units is his or her principal place of residence.**

33  
34 **10.814.33 Neither the principal dwelling nor the accessory**  
35 **dwelling unit shall be used for any business, except**  
36 **that the property owner may have a home occupation**  
37 **use in the unit that he or she occupies as allowed or**  
38 **permitted elsewhere in this Ordinance.**

39  
40 **10.814.34 In addition to the two off-street parking spaces**  
41 **required for the single-family dwelling, one parking**  
42 **space shall be provided for an ADU up to 400 sq. ft.**  
43 **gross floor area, and two parking spaces shall be**  
44 **provided for an ADU larger than 400 sq. ft.**

45  
46 **10.814.40 An attached accessory dwelling unit (AADU) shall comply with**  
47 **the following additional standards:**

48  
49 **10.814.41 An interior door shall be provided between the princi-**  
50 **pal dwelling unit and the accessory dwelling unit.**

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**10.814.42** The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.

**10.814.43** Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall clearly be the principal entrance and the others shall be designed to appear to be secondary.

**10.814.50** A detached accessory dwelling unit (DADU) shall comply with the following additional standards:

**10.814.51** In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district.

**10.814.52** The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.

**10.814.54** The DADU shall be separated from the single-family dwelling by at least 20 feet.

**10.814.60** Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

**10.814.61** Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.

**10.814.62** The site plan provides adequate open space and landscaping that is useful for both the ADU and the primary dwelling.

**10.814.63** The ADU will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.

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**10.814.64** The ADU will not result in excessive noise, traffic or parking congestion.

**10.814.70** A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy requirement. Said certificate shall be renewed annually.

**10.815 Garden Cottages**

An accessory building existing on the effective date of this ordinance may be converted to a garden cottage through a conditional use permit granted by the Planning Board, subject to the following provisions and limitations.

**10.815.10** One garden cottage, and only one, shall be allowed on any lot containing a single-family dwelling.

**10.815.20** Relationship to other provisions of this Ordinance:

**10.815.21** No garden cottage shall be allowed on the same lot as an accessory dwelling unit authorized under this Ordinance.

**10.815.22** The establishment of a garden cottage results in two dwelling units on the property and thus makes the property ineligible to establish an accessory dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of receiving a conditional use permit for a garden cottage, the property owner shall waive all rights under RSA 674:72 and RSA 674:73.

**10.815.23** A garden cottage that complies with the standards of this section is exempt from the residential density standards of the Zoning Ordinance. A second dwelling unit on a lot that does not comply with the standards of this section shall be considered to be either a second primary dwelling or an accessory dwelling unit and shall comply with the applicable standards and provisions of the Ordinance.



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- 10.815.30 Garden cottages shall comply with the following standards:**
- 10.815.31 The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.**
- 10.815.32 A garden cottage shall not be larger than 500 sq. ft. gross floor area.**
- 10.815.33 A garden cottage that is within a required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.**
- 10.815.34 One parking space shall be provided for a garden cottage in addition to the two off-street parking spaces required for the single-family dwelling.**
- 10.815.35 The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.**
- 10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall make the following findings:**
- 10.815.41 Exterior design of the garden cottage is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.**
- 10.815.42 The site plan provides adequate open space and landscaping that is useful for both the garden cottage and the primary dwelling.**
- 10.815.43 The garden cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.**

183 **10.815.44 The garden cottage will not result in excessive noise,**  
184 **traffic or parking congestion.**

185  
186 **10.815.50 A certificate of use issued by the Planning Department is**  
187 **required to verify compliance with the standards of this Section,**  
188 **including the owner-occupancy requirement. Said certificate**  
189 **shall be renewed annually.**

190  
191  
192 C. In Article 15 – Definitions, insert the following new definitions:  
193

194 **Accessory dwelling unit (ADU)**  
195 **A dwelling unit that is constructed on the same lot as a single-family**  
196 **dwelling and complies with the standards for accessory dwelling**  
197 **units set forth in this Ordinance.**

198  
199 **Attached accessory dwelling unit (AADU)**  
200 **An accessory dwelling unit that is constructed within or attached**  
201 **to a single-family dwelling. For the purpose of this definition,**  
202 **“attached” means sharing a common wall for at least 25 percent**  
203 **of the length of the side of the single-family dwelling.**

204  
205 **Detached accessory dwelling unit (DADU)**  
206 **An accessory dwelling unit that is constructed within an**  
207 **accessory building on a lot containing one single-family dwelling.**

208  
209 **Dwelling unit, accessory**  
210 **See accessory dwelling unit.**

211  
212 **Garden cottage**  
213 **A dwelling unit that is constructed through conversion of an**  
214 **accessory building on the same lot as a single-family dwelling and**  
215 **complies with the standards for garden cottages set forth in the**  
216 **Ordinance.**

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

PROPOSED AMENDMENTS TO ARTICLES 5A & 6 –  
HISTORIC DISTRICT DESIGN GUIDELINES AND EXEMPTIONS  
Recommended by Planning Board – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5A – Character Districts, and Article 6 – Overlay Districts, Section 10.630 – Historic District, be amended as follows:

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A. In Article 5A, delete Section 10.5A45 – Architectural Design Guidelines.

---

B. In Article 6, insert a new Section 10.632.30 as follows:

10.632.30 The Design Guidelines adopted by the Commission and approved by the City Council are intended as a tool to help manage change and protect the City's architectural and historical resources. They are used in the review process to encourage the retention and repair of the existing historic fabric and to provide a framework for the review of new construction within the historic context of the surrounding neighborhood.

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C. In Section 10.635.70 – Review Criteria, revise subparagraph (3) as follows (additions to existing **bolded**; remaining language unchanged from existing):

(3) The extent to which a proposed project's exterior design, scale, arrangement, texture, detailing and materials complement or enhance the existing structure and are compatible with surrounding properties **and the Commission's adopted Design Guidelines.**

---

D. In Article 6, Section 10.633.20 – Exemptions from Certificate of Approval, make the following changes (deleted from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.633.20 Exemptions from Certificate of Approval

The following activities shall not require a Certificate from the Commission **but require review and certification by the Code Official:**

[...]

- (3) Maintenance and repair of ~~fire~~ **exterior** walls, chimney repairs, entryway repairs, **or** deck repairs provided these are of the same design and material **(including the use of lime-based mortar for repointing historic brick)**;

[...]

- (5) ~~Roofing or re-roofing of~~ **Replacement roofing on** existing structures provided that **(1)** the roof plane ~~and~~ remains the same **and the** material **remains the same** regardless of color, **or (2) asphalt roofing is replaced with slate, composite-slate, or wood singles**;

[...]

- (7) **Placement or replacement of R**roof-mounted mechanical or electrical equipment and ventilation terminators ~~on a single-family or two-family dwelling~~ where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) does not exceed 27 cubic feet, and (3) does not extend more than 3 feet above the roof plane;

- (8) **Placement or replacement of W**wall-mounted mechanical or electrical equipment and ventilation terminators ~~for a single-family or two-family dwelling~~ where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;

- (9) **Placement or replacement of G**ground-mounted mechanical or electrical equipment **(including a generator)** ~~for a single-family or two-family dwelling~~ where (1) the equipment is located behind the structure and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;

- (10) **Placement or replacement of S**storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;

- (11) Placement or replacement of ~~C~~chimney caps or bishop pots that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;

(12) **Placement or replacement of** ~~G~~gas and electric meters ~~on a single-family or two-family dwelling~~ if mounted on an **exterior** wall, not facing or visible from a public way. **Landscaping or fencing may be as a visual screen;**

(13) Construction, alteration or demolition of any structure or element of a structure that the Code Official documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the Code Official shall immediately ~~notify~~ **provide written notification to** the Commission of ~~his~~ **such** action.

[...]

(16) **Placement of a** ~~T~~temporary toilet, trailer, tent or tensile structures;

[...]

(18) The **placement, removal or** replacement of wood or metal fencing (except for chain-link **which may only be removed**) ~~on a property with a contributing structure~~ provided the replacement fence is in **substantially** the same location with **substantially** the same height, material, and design;

(19) The replacement of exterior lighting ~~on a contributing structure~~ provided the replacement lighting is **substantially** in the same location with **substantially** the same height, material, and design;

[...]

(21) **Placement or replacement of** ~~T~~terraces, walks, driveways, and sidewalks and in-ground swimming pools provided that any such element is substantially at the existing grade plane of the property;

(22) **Placement or replacement of** ~~B~~building accessories and décor, such as: window-mounted portable air conditioning units, play equipment, **residential trash enclosures, snow guards, benches, trellises, non-commercial boat rack storage structures,** window boxes, **raised planters,** mailboxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor.;

(23) New or replacement piers, floats, docks or gangways for single-family and two-family dwellings provided any vertical handrail support systems are constructed with metal, wire, rope or wood.;

- (24) Placement or replacement of wood, brick or granite steps or landings;**
  - (25) Placement or replacement of a commercial solid waste enclosure provided the enclosure: (1) is fully enclosed with the use of gates; (2) is constructed of wood or stone material; and (3) is no greater than 60” in height or 100 sq. ft. in area; or**
  - (26) Placement or replacement of wood or copper gutters and downspouts.**
- 

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

PROPOSED AMENDMENTS TO ARTICLE 10 –  
ENVIRONMENTAL PROTECTION STANDARDS  
Recommended by Planning Board – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Section 10.1013 – Jurisdictional Areas, as follows:

10.1013.40 The tidal wetlands of Sagamore Creek, Little Harbour, North Mill Pond, ~~and~~ South Mill Pond **and part of the Piscataqua River**, defined as follows:

[...]

**(e) Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.**

B. Amend Section 10.1016 – Permitted Uses, as follows:

10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:

[...]

(4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:

(a) The footprint area of the addition or extension, **together with the area of all prior such additions and extensions**, shall not exceed 25 percent of the area of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached



garages, sheds, decks, porches, breezeways, or similar buildings or structures);

[...]

C. Amend Section 10.1017 – Conditional Uses, as follows:

10.1017.50 Criteria for Approval

Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

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

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

PROPOSED AMENDMENTS TO ARTICLES 12 – SIGNS  
Recommended by Planning Board – October 20, 2016

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 12 – Signs, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.1263 – Illumination Standards, insert the following new subsection:

**10.1263.60 A sign using direct illumination shall consist only of letters, numbers and other common typographical characters, all of which shall be in no more than three colors against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the sign.**

B. In Section 10.1290 – Sign Definitions, amend the definition of “changeable sign” as follows:

Changeable sign

A sign or portion thereof with characters, letters or ~~illustrations~~ **symbols** that can be changed, whether electronically or manually without altering the face or surface of the sign. A sign on which the message changes more than once per day shall be regulated as an animated sign. A sign on which the only changes are mechanical or electronic indication of time or temperature is not considered a changeable or animated sign.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



## **CITY OF PORTSMOUTH 400<sup>TH</sup> ANNIVERSARY TRUST**

This Trust Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, **2016** by and between the City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire acting through its City Council and the Trustees of Trust Funds of the City of Portsmouth with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire.

**WHEREAS**, the year 2023 will mark the 400<sup>th</sup> Anniversary of the settlement of the City of Portsmouth, New Hampshire; and

**WHEREAS**, the Portsmouth City Council desires to commemorate the 400<sup>th</sup> Anniversary of the City by the planning and scheduling of appropriate programs and events; and

**WHEREAS**, the Portsmouth City Council desires to create a funding source to allow for the planning, scheduling and performance of those programs and events.

**NOW THEN**, the Portsmouth City Council and the Trustees of Trust Funds of the City of Portsmouth establish this Trust under the following terms and conditions:

1. The Trust created hereby shall be known as the City of Portsmouth 400<sup>th</sup> Anniversary Trust.
2. In accordance with the procedure established herein the Trustees of Trust Funds (Trustees) shall receive, administer, hold and disburse funds from any source in any amount for the purposes for which the Trust is created.
3. The principle amount of the Trust shall be determined from time to time for any necessary purpose by the total return method of accounting.

4. The purpose of the Trust shall be to fund such programs and events as may be approved by the City Council or the City Manager of the City of Portsmouth in accordance with the procedures described herein in commemoration at the 400<sup>th</sup> Anniversary of the City.
5. Annually, as an element of the creation of the municipal budget the City Council shall adopt a budget containing line item expenditures in furtherance of the commemoration of the 400<sup>th</sup> Anniversary of the City Portsmouth in the year 2023.
6. The Trustees shall disburse funds from the Trust without delineation as to principle or income upon the receipt of written certification by the City Manager of the City of Portsmouth to the Trustees that the disbursement being made is consistent with the purposes for which this Trust has been established and authorized in accordance with its terms.
7. The Trustees shall hold all funds of the Trust in such accounts or investments as allowed by the laws of the State of New Hampshire as either cash or cash equivalents so that the funds in the Trust shall be in liquid form available for expenditure in any amount at any time.
8. The funds in the Trust may be invested and reinvested by the Trustees without restriction against the pooling of the assets of the Trust with any other trust funds held by the Trustees of the City for investment purposes, so long as the funds are subject to separate accounting.
9. On the request of the City Manager of the City of Portsmouth the Trustees shall notify the City Manager at any time of the funds available for expenditure.
10. At any time disbursements from the Trust not previously authorized during the annual budget process may be authorized by majority vote of the City Council.
11. The Trust shall expire on December 31, 2025.
12. On expiration of the Trust all funds remaining in the Trust shall be disbursed by vote of the Portsmouth City Council without limitation as to purpose.

**400<sup>TH</sup> ANNIVERSARY TRUST**

\_\_\_\_\_  
Dated

By: \_\_\_\_\_  
Jack Blalock, Mayor

Pursuant to vote of the Portsmouth City  
Council on \_\_\_\_\_, 2016.

**TRUSTEES OF THE TRUST FUNDS**

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Phyllis Eldridge

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Dana Levenson

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Thomas Watson

## Portsmouth400 Agreement

The City of Portsmouth (City), a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire, and Portsmouth Historical Society (PHS), a charitable nonprofit with a principal place of business at 10 Middle Street, Portsmouth, County of Rockingham and State of New Hampshire, enter into this agreement for the purposes contained herein:

**Whereas** The year 2023 will mark the 400<sup>th</sup> Anniversary of the settlement of Portsmouth, New Hampshire and surrounding area;

**Whereas** PHS, founded in 1917, is a tax-exempt 501(c)3 charitable nonprofit devoted to introducing, interpreting and stimulating the study of Portsmouth history;

**Whereas** The City is a municipal corporation, which through the Portsmouth City Council has formally approved a working relationship with PHS to be the convener for the 400<sup>th</sup> Anniversary (Portsmouth400);

**Whereas** PHS seeks financial support from the City and initiation of an annual grant to manage the ongoing Portsmouth400 program from 2017 through 2023;

**Whereas** a Director of Portsmouth400 will be recruited and a Steering Committee of nine members in addition to a chair and co-chair shall be convened to oversee the program.

Now therefore, the City and PHS agree as follows:

### ***A. City Responsibilities: The City Shall:***

- 1. Recognize** and support PHS as the convener of the Portsmouth400 Program.
- 2. Provide** PHS with an initial \$100,000 grant to support the development, management, and execution of the Portsmouth400 Program consistent with PHS's responsibilities listed herein. Going forward, an annual grant shall be paid by the City to PHS in FY19 through FY24 for up to \$100,000, or as we see fit depending on fundraising developments.
- 3. Meet**, through the City Manager or designee, with PHS on a quarterly basis to discuss Portsmouth400.

### ***B. PHS Responsibilities: PHS Shall:***

- 1. Create** Portsmouth400, an inclusive celebration of 400 years on the New Hampshire Seacoast 1623-2023, of both the diverse and living history of Portsmouth before the first European settlers arrived, and our future; layering in programs each year up to and beyond 2023.
- 2. Foster** a shared sense of ownership/stewardship - The 400<sup>th</sup> belongs to everyone in Portsmouth. Encourage everyone to join the dialogue, contribute ideas: "what I want for the 400<sup>th</sup>."

3. **Identify** key themes to spotlight: art, community, history, sustainability, diversity, economic vitality, civic life and volunteerism, accessibility.
4. **Engage** our community about the importance of civic life and our history.
5. **Ensure** we pass the torch to the next generation so they become the stewards of Portsmouth and its history.
6. **Focus** first on Portsmouth while regional and state partnerships and celebrations can be an aspect but are not the focus.
7. **Establish** goals - a city where residents enjoy living, feel involved, have a sense of pride and confidence in the future; deep, vibrant celebration of the culture and heritage of Portsmouth; Portsmouth becomes bold model for sustainable growth and for seamless interplay of arts, humanities, preservation and maritime culture.
8. **Employ** the 400<sup>th</sup> as a deadline to accomplish/highlight many City goals: Master Plan; Prescott Park; City Gateways; Wayfinding & Parking; Bicycle & Walking Paths.
9. **Act** as convener/clearinghouse for all who want to produce activities, demonstrations, lectures, tours, events.
10. **Create** a structure to manage the project using a multi-member representative Steering Committee for oversight, planning, organization, implementation of vision; a PHS staff position – day to day execution; and involvement of City Committees, experts, advisory council of elders, individuals, nonprofits and corporations.
11. **Craft** a funding/marketing plan for alliance of all participants.
12. **Recruit** and employ a Director of Portsmouth400 who shall be:
  - deeply involved in fundraising, accounting, volunteer management, event planning, operations, and marketing in the ongoing Portsmouth400 program (carrying from now through 2023);
  - developing communications strategies and conducting National and International outreach efforts;
  - developing new initiatives to support the strategic direction of the program while managing available budgets;
  - writing website content, social media posts and articles;
  - tracking statistics and making presentations to the Portsmouth City Council, who will be providing PHS the annual grant set forth herein;
  - the point of contact for Portsmouth400, responding to both media and community members pitching ideas to include in the program and want to participate;
  - coordinating activities with City of Portsmouth staff; and
  - acting as liaison to the Portsmouth400 Steering Committee, offering logistical and creative input on the organization of ongoing and developing programs.



13. **Designate** both the Executive Director of PHS and the City Manager as ex officio members of the Portsmouth400 Steering Committee, of which the Mayor and another Mayor-appointed City Councilor will be a member of.
14. **Meet** regularly with City Manager or designee to keep City apprised of progress and provide the City a financial statement on an annual basis including a summary of revenues raised and expenditures.
15. **Provide** City Council with quarterly updates on the program's development, with more frequent presentations as 2023 approaches.

**C. Miscellaneous:**

1. This Agreement may be amended, waived, or discharged only by an instrument in writing signed by the parties hereto.
2. This Agreement shall be deemed to have been entered into in the State of New Hampshire and shall be construed in accordance with the laws of the State of New Hampshire.
3. Either party may terminate this Agreement without cause upon six (6) months written notice to the other party.
4. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties and supersedes all prior agreements and understandings relating hereto.
5. Any notice by a party hereto to the other party to this Agreement shall be provided as follows:

To City of Portsmouth  
 Attn: City Manager  
 City of Portsmouth  
 1 Junkins Ave.  
 Portsmouth, NH 03801

To PHS  
 Attn: Executive Director  
 Portsmouth Historical Society  
 10 Middle St.  
 Portsmouth, NH 03801

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

The City of Portsmouth, New Hampshire

The Portsmouth Historical Society

\_\_\_\_\_  
 John Bohenko, City Manager

\_\_\_\_\_  
 Kathleen Soldati, Executive Director



Tie into existing gas main in Myrtle St

Proposed 4" HDPE gas main installed 3' deep

Tie into existing gas main in Franklin St. Actual tie in point undetermined at this time

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - S - of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced as follows:

**ARTICLE II: TAXIS**

**Section 7.201: PURPOSE**

**It is the intention of this ordinance to provide a structure for the regulation of motor vehicle operators who seek to hold themselves out as operators of a taxi, accepting the special benefits and burdens of that particular designation.**

**Section 7.202: TAXI DEFINED**

**The term "Taxi" shall mean any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger; except that this Ordinance shall not apply to the following:**

- A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;**
- B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse;**
- C. Transportation services that carry seven (7) or more passengers;**
- D. Transportation services operated by the municipality or other entity free-of-charge; and**
- E. Transportation network companies and their operators who are regulated under the laws of the State of New Hampshire.**

**Section 7.203: OPERATOR AND OWNER DEFINED**

- A. The term "Operator" as used in this Ordinance shall mean the person driving or having control or possession of a motor vehicle while it is being used as a Taxi.**
- B. The term "Owner" as used in this Ordinance shall mean the person or business entity having the ownership or leasehold of any vehicle used or licensed to be used as a Taxi.**

**Section 7.204: MEDALLION REQUIRED**

No vehicle shall be operated as a Taxi unless that vehicle has been issued a Medallion and such Medallion has not be suspended or revoked. The word “Medallion” shall mean the permission granted by the City of Portsmouth for a vehicle to be used as a Taxi.

**Section 7.205: TAXI LICENSE REQUIRED**

No person shall operate a motor vehicle as a Taxi within the City of Portsmouth unless such person holds a valid Taxi License issued by the City Clerk and is operating a vehicle with a valid Medallion.

**Section 7.206: TAXI LICENSE REQUIREMENTS**

- A. Any person seeking a Taxi License shall submit an application to City Clerk. Such application shall require the applicant to provide a residential history for the preceding ten (10) years and submit the results of a criminal background check and motor vehicle record history covering each jurisdiction in which the applicant has resided and the 10 year time period. In addition, the applicant shall provide a passport photograph and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Taxi License. The City Clerk has the authority to require the submission of results of criminal background checks and motor vehicle history records from multiple jurisdictions depending on the residency and residential history of the individual applicant.
- B. The City Clerk shall have the authority to issue a Taxi License upon the submission of documentation satisfactory to the City Clerk and Taxi Coordinator that the applicant meets the following criteria:
1. Possesses a valid motor vehicle operator’s license;
  2. Maintains a satisfactory motor vehicle record as defined in Section 7.206 (C);
  3. Has no disqualifying criminal conduct as defined in Section 7.206 (D); and
  4. Has received no more than three (3) violations of this ordinance in the year preceding the application and no more than six (6) total in all preceding years; and
  5. Payment of Taxi License fee.

The City Clerk reserves the right to deny a Taxi License to an unsuitable person.

- C. A motor vehicle record shall be deemed not satisfactory if:

1. The applicant has three or more convictions for moving violations directly related to operation of a vehicle such as but not limited to speed, failure to stop and/or lane violations, in this or any other state, in the three years prior to the date of the application.
  2. The applicant has lost his/her privilege to operate a motor vehicle (license revoked and/or suspended) at any time, in this or any other state, in the three years prior to the date of the application, for any reason related to the operation of a motor vehicle.
- D. Disqualifying criminal conduct is defined as:
1. The applicant has been convicted of a felony or misdemeanor, in this or any other state, in the seven years prior to the date of the application.
  2. The applicant has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen years prior to the date of the application.
- E. By submitting an application, applicant authorizes the City to undertake such investigation as it deems reasonably necessary to verify the applicant's statements and eligibility to hold a Taxi License.
- F. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Taxi License shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.

**Section 7.207: MEDALLION REQUIREMENTS**

- A. Any Owner seeking a Medallion for a vehicle shall submit an application to the City Clerk. Such application shall require the Owner to provide the vehicle identification number, proof of insurance and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Medallion.
- B. The City Clerk shall have the authority to issue a Medallion upon the submission of documentation satisfactory to the City Clerk and Taxi Inspector that the following criteria have been met:
1. Vehicle registration;
  2. Vehicle has the required markings as set forth in Section 7.211 (A) and (B);

3. **Proof that the vehicle passed a state inspection such inspection must have occurred at a manufacturer's dealership for the make of the vehicle to be used as a Taxi (maintenance and repair work can be done at any facility);**
  4. **Proof of adequate personal injury and property damage liability insurance coverage for the term of the Medallion; and**
  5. **Payment of Medallion Application Fee.**
- C. Adequate insurance shall be personal injury coverage of not be less than three hundred thousand dollars (\$300,000) for injury to one person with a total coverage of not less than five hundred thousand dollars (\$500,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence.**
- D. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Medallion shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.**

#### **Section 7.208: TAXI COORDINATOR**

**There shall be a Taxi Coordinator who shall be an officer of the Portsmouth Police Department assigned by the Chief of Police. That officer, in addition to his or her regular duties, shall assist the City Clerk with the implementation of this Ordinance, conduct background investigations and have the enforcement powers set forth in this ordinance.**

#### **Section 7.209: FEES AND TERMS FOR LICENSES AND MEDALLIONS**

- A. All Medallions and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31<sup>st</sup> day of March of the following year.**
- B. All applications for renewals of Medallions or licenses must be filed with the City Clerk no earlier than February 1 and no later than March 1.**
- C. Fees shall be set by the City Council as part of its annual budget adoption process as set forth in Chapter 1, Article XVI.**
- D. Until such time as the fees are set by the City Council under paragraph 7.209 (C), the fees are as follows:**
  - 1. The first time fee for a Medallion shall be one hundred twenty-five dollars (\$125.00) each year or any part of a year commencing on April 1st for each Taxi**

payable in advance on application for the Medallion. The renewal fee shall be one hundred dollars (\$100.00).

2. The fee for a Taxi License shall be sixty-five dollars (\$65.00) per year or any part of a year commencing on April 1st. The renewal fee shall be \$50.00.
  3. The fee for restoration of any Medallion that has been revoked shall be one hundred dollars (\$100.00), except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the Taxi Coordinator within 1 business day of the revocation.
- E. If required insurance coverage terminates, expires or is suspended, Owner shall immediately suspend service until insurance coverage is in place. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Notice shall be mailed to the City Clerk.

#### **Section 7.210: TAXI OPERATOR CONDUCT**

**A Taxi Operator shall:**

- A. Use only a vehicle that has been issued and displays a Medallion;
- B. Display a copy of his/her Taxi License in a conspicuous place within the Taxi where it may be seen by any passenger;
- C. Not laminate, deface or alter the Taxi License;
- D. Not stand or park on any street except at designated Taxi stands or bus stops, except while actually engaging in taking on or discharging passengers;
- E. Not engage in any conduct that endangers the health, welfare or safety of passengers or the public; and
- F. Report in writing to the City Clerk any and all of the following:
  1. Any change of address within thirty (30) days of such change;
  2. Any motor vehicle motor vehicle moving violation within seven (7) days;
  3. Any motor vehicle license suspension or revocation within seven (7) days; and
  4. Any misdemeanor or felony arrest within seven (7) days.

**Any failure to report will result in the imposition of a late fee of \$50.00 and may result in the revocation of the Taxi License and/or the finding of a violation**

**Section 7.211: MEDALLION OWNER REQUIREMENTS**

- A. Each Taxi shall have a roof light attached to the roof of the Taxi with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the Taxi is on duty. There shall be no other lights on a Taxi, except those required by law.**
- B. Each Taxi shall have the Medallion holder's name displayed on the sides thereof in letters not less than three (3) inches in height.**
- C. Each Taxi shall display two license plates furnished by the City of Portsmouth with the word "TAXI" on the plates; such plates shall be attached in a conspicuous place on the front and rear of the motor vehicle operated.**
- D. Provide proof of vehicle inspection renewal to the City Clerk within ten (10) days of the end of the month for which inspection is due. Failure to provide such notice will result in a \$50.00 late fee for the untimely compliance and may result in the revocation of the Medallion and/or the finding of a violation.**
- E. Return to the City any Medallion which has not been renewed within five (5) business days after the expiration of the term set forth in Section 7.209.**

**Section 7.212: TAXI STANDS AND HAILS**

- A. The term "Taxi stand" as used in this Ordinance shall be construed to mean such portion or portions of the public street or highway as shall be designated by the City Council of the City of Portsmouth as a place in which Taxis may stand or park.**
  - 1. No Owner or Operator of any Taxi shall allow or permit a Taxi to remain standing or parked unattended for longer than five (5) minutes at any Taxi stand.**
  - 2. No Operator shall park a Taxi in a double line at a public stand nor shall any Operator park a Taxi in such a manner as to interfere with traffic, either vehicular or pedestrian, at any location.**
  - 3. No more than two (2) Taxis owned by the same person or business entity shall occupy any one Taxi stand at any one time.**
- B. Taxis may accept street hails.**

**Section 7.213: ADDITIONAL OPERATOR AND OWNER REQUIREMENTS**

**All Operators and Owners shall:**

- A. Ensure that fares are posted, published or otherwise available to the passenger before engagement of the fare;**



- B. Provide a written receipt if requested;**
- C. Decline multiple fares unless each passenger consents;**
- D. Prohibit the use of smoking materials of any kind within the Taxi at any time; the Owner of each Taxi shall post a notice in each Taxi, plainly visible to all occupants of the Taxi, reading, “No Smoking”; and**
- E. Maintain the Taxi in a safe, clean and sanitary condition at all times.**

**Section 7.214: ENFORCEMENT**

- A. If the Taxi Coordinator reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Coordinator may order the Owner to have the Taxi re-inspected, at Owner’s cost, at a manufacturer’s dealership as required under section 7.207(B)(3).**
- B. Any Portsmouth Police Department officer may:**
  - 1. Issue a written notice of violation of this Ordinance.**
  - 2. Issue a Defective Equipment notice to the Owner and/or Operator of the Taxi requiring correction of the defect with 24 hours with proof of correction provided to the Police Department to avoid automatic suspension of the Medallion. The Medallion will be immediately surrendered to the City Clerk after 24 hours if proof of correction is not provided to the Police Department.**
  - 3. Suspend immediately an Operator’s Taxi License or an Owner’s Medallion upon a reasonable belief that there is an imminent danger to the health, safety or welfare of passengers or the public.**
- C. Administrative appeals of any notice of violation, defective equipment notice, suspension or revocation shall be made in writing by the Operator or Owner and delivered to the City Attorney within fourteen (14) days of the suspension, revocation or notice of violation. Appeals shall be to the Taxi Coordinator, with notice to the Operator or Owner of the opportunity to be heard and to respond.**
- D. If the Taxi Coordinator determines after notice and response that any violation of state law or this Taxi ordinance has occurred, the Taxi Coordinator may, in addition to the actions set forth in Section 7.214 (A), take one (1) or more of the following actions.**
  - 1. Remove the Medallion from the Taxi in violation until the violation is corrected and proof of correction is provided to the Taxi Coordinator;**
  - 2. Suspend or revoke any Medallion or License;**
  - 3. Refer for prosecution any violation of this Ordinance.**

- E. Any person or entity in violation may be subject to a fine of no more than \$300 upon conviction by the Portsmouth District Court.

#### **Section 7.215 APPEALS**

Written final decisions of the City Clerk and the Taxi Coordinator relative to the issuance, suspension and revocation of licenses, medallions and other actions of enforcement made pursuant to this Ordinance are final. Persons aggrieved of the decisions of the City Clerk and/or Taxi Coordinator shall have all rights and remedies available to them in the courts of the State of New Hampshire.

#### **Section 7.216: RECIPROCITY WITH OTHER MUNICIPALITIES**

Taxis which are licensed in other municipalities may deliver passengers from outside the City to destinations within the City or pick up passengers by prior arrangement in the City for delivery to destinations outside the City.

#### **Section 7.217 TRANSITION PERIOD**

Owners and Operators operating a Taxi upon the effective date of this Ordinance may continue to operate while Taxi License and Medallion applications are pending under this Ordinance and a final decision has been made to approve or deny the Taxi License or Medallion application.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall become effective as of February 1, 2017.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Ryan Flynn, Construction Project Coordinator  
**DATE:** October 12, 2016  
**SUBJECT:** Petition and Underground Utility License for #'s 81 and 91  
Langdon Street

---

I have reviewed the utility plan provided Ambit Engineering on behalf of John L. Ahlgren and Bessie Palmisciano, owners of 81 and 91 Langdon Street, and Chinburg Builders (developer).

This request is to install three (3) conduits in one four (4) foot wide trench from the utility pole marked "NET&T" 80/50", thirty (30) feet across Langdon Street to their property.

After examining the location of this installation, I have determined that it poses no unacceptable impacts to existing City infrastructure. A public works representative will be present for this installation to ensure that crossings of existing City pipes are executed properly. Attached is the plan showing the location of the installation.

cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk

PETITION AND UNDERGROUND UTILITY LICENSE

PETITION

To the City Council of the City of Portsmouth, New Hampshire. Date: 10/13/11

JOHN L. AHLGREN &

BESSIE J. PALMISCIANO, owners of property located at 81 and 91 Langdon Street, at MBLU #0138-0048-0000 and MBLU #0138-0048-0001, (hereinafter "Owner") request a license to install and maintain underground conduit and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License to install and maintain conduit and devices thereon from existing pole marked "NET&T 80/50" (owned by Eversource, see license # \_\_\_\_\_) located on the west side of Langdon Street, between #82 and #94, under right of way on Langdon Street in the City of Portsmouth.

Eversource, Comcast and other utility companies have indicated that upon installation of cable and/or wires, the utility is prepared to be responsible for maintenance of the conduit and its equipment. Owner therefore requests that the license granted be assignable to facilitate that transfer. Each utility company prefers its own conduit and accompanying license.

OWNER

John L. Ahlgren  
JOHN L. AHLGREN

Bessie Palmisciano  
Bessie J. Palmisciano

UTILITY LICENSE

Upon the foregoing petition for the benefit of the public good, it is hereby

ORDERED

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_, that \_\_\_\_\_ (“Licensee”) be granted a license to install and maintain a conduit and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public way covered by this petition.

That the approximate location of the conduit shall be shown on plan marked, “C-3, UTILITY SITE PLAN, PROPOSED SUBDIVISION, CHINBURG BUILDERS, LANGDON STREET, PORTSMOUTH, N.H.”, AMBIT ENGINEERING, INC., PLAN SET SUBMITTAL DATE: 12 AUGUST 2016”, attached and made a part hereof.

This license is assignable without prior written consent to any utility regulated or registered with the New Hampshire Public Utilities Commission. Upon assignment Owner shall provide written notice to the City of Portsmouth’s City Clerk and to the Director of Public Work within 30 days of assignment. All other assignments shall require the prior written consent of the City of Portsmouth, such consent shall not be unreasonably withhold.

All of the conduit, wires, cables and devices shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and license is granted.

Licensee shall be responsible for moving and relocating conduit, wires, cables and devices as may be required by the City of Portsmouth for its public projects.

Licensee and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.

Licensee and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee or any other entity using or occupying property of the city; and

Failure of the Licensee and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

City of Portsmouth, New Hampshire

By: \_\_\_\_\_

As authorized by vote of the City Council on \_\_\_\_\_.

Received and entered in the records of the City of Portsmouth, New Hampshire

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

**Public Art Application:**

Cast sculpture, Jay Smith Memorial Garden, State Street

Primary Contact Person-

Kate Crowell

Address-

PO Box 1011

Portsmouth, NH

03802

Email-

katiejean.crowell@gmail.com

Phone-

603-502-0477

Conflict of Interest-

No conflicts of interest

**PROPOSED ARTWORK-**

Title of Proposed Artwork (s)

Cast Concrete bust, to be installed in existing stone base using steel rods and concrete. (see attached renderings)

No title yet, but will tie in with existing plaque at back of garden

Proposed Artwork would be:

Permanent

Proposed site location:

Jay Smith Memorial Garden, State Street

Participants that will be involved in this project:

The artist will install

Kate Crowell will manage installation

Art-Speak will oversee

Expected sources of funding:

Commissioned by Kate Crowell. Possible future reimbursement by the Jay Smith Memorial Garden Trust, left to the city by Jay Smith.







# 2 Bow Street



Run: 11/17/16  
8:49AM

## Event Listing by Date

Page: 1

Starting Date: 10/17/2016

Ending Date: 8/31/2017

Start End	Type Description	Location	Requestor	Vote Date
10/22/2016 10/22/2016	WALK Contact Susan von Hemert Annual Memorial Bridge Walk walking across Memorial Bridge to Prescott Park	Memorial Bridge Walk to Prescott Park	Seacoast Rotary	3/ 3/2016
10/22/2016 10/22/2016	WALK Mary-Jo Monusky, Executive Director is the contact for this event. This 5K walk begins at 9:00 a.m. to 11:00 a.m.	Start and Finish on Jewell Court	Arts in Reach - RESCHEDULED TO	10/22/2016
10/31/2016 10/31/2016	PARADE	Peirce Island thru downtown to Prescott Park	Portsmouth Halloween Parade	7/11/2016
11/13/2016 11/13/2016	ROAD RACE Jay Diener, Co-race Director is the contact for this event. He can be reached at (603) 758-1177 Runners start at 8:30 a.m.	Portsmouth, New Castle, Rye	Seacoast Half Marathon	4/18/2016
11/24/2016 11/24/2016	ROAD RACE Matt Junkin, Race Director is the contact for this event. This is the Thanksgiving Day Turkey Trot which begins at Peirce Island and ends at Strawberry Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawberry Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015
12/11/2016 12/11/2016	ROAD RACE Thomas M. Bringle is the contact for this event. Tel. 603-724-6080 tbringle@arthritis.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation - Jingle	1/25/2016
12/31/2016 12/31/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 4:00 p.m. to Midnight	Downtown - Various Locations throughout Market Squ	First Night - Pro Portsmouth	9/ 6/2016
1/ 1/2017 1/ 1/2017	RACE Michael Rennebu is the contact for this event. Cell #603-969-9783 Race Start: 11:00 a.m. Registration: 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015
5/ 6/2017 5/ 6/2017	WALK Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	Little Harbour Elementary School	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Pleasant Street - State Street - Market Square	Children's Day - Pro Portsmout	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	Start at Redhook Brewery	American Lung Association	10/ 3/2016

Run: 11/17/16  
8:49AM

## Event Listing by Date

Page: 2

Starting Date: 10/17/2016

Ending Date: 8/31/2017

Start End	Type Description	Location	Requestor	Vote Date
5/13/2017 5/13/2017	RACE Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Strawbery Banke	Susan G. Komen Foundation costrom@vtnhkomen.org	8/15/2016
6/10/2017 6/10/2017	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Ports m	9/ 6/2016
6/10/2017 6/10/2017	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	9/ 6/2016
6/17/2017 6/17/2017	RACE Rain Date of June 18, 2017	Pleasant Street	Big Brothers Big Sisters of Ne	9/19/2016
6/24/2017 6/24/2017	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/ 6/2016
7/ 1/2017 7/ 1/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/ 8/2017 7/ 8/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/15/2017 7/15/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/22/2017 7/22/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2017
7/29/2017 7/29/2017	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: John Bohenko  
City Manager

FROM: Jacob Levenson  
Solid Waste Sustainability Coordinator

DATE: 11/2/16

SUBJECT: Curbside Composting Food Waste Collection Options

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Within the solid waste industry, residential food waste is considered a harder to divert organic material. Landfill diversion of food waste is an emerging service which requires a higher level of segregation compared to other recyclable materials. In our continued effort to preserve resources and reduce pollution, the Department of Public Works (DPW) has been in communication with representatives of Mr. Fox Composting to discuss food waste collection options over the last year and a half. Mr. Fox Composting is a local company already providing curbside food waste collection to a couple hundred Portsmouth residents and many businesses. Mr. Fox Composting charges their customers \$32 per month for weekly curbside collection or \$16 per month for bi-weekly collection; equaling a cost of \$8 per household per collection.

To understand the financial cost implications of a curbside food waste collection program in Portsmouth, we must first define the tip fee (or disposal cost at landfill) savings from diverting food waste out of the landfill. The City currently pays a tip fee of \$62 per ton for solid waste at the landfill. There are 2,000 pounds in one ton, equaling a tip fee of \$0.03 per pound. A recent food waste pilot program in Cambridge MA stated their average amount of organics collected was 6.6 lbs per household per week, while other industry averages state approximately 7 lbs of food waste are produced per household per week. Assuming an average of 7 lbs per household per week and landfill tip fee savings of \$0.03 per lb, Portsmouth could save \$0.21 per household per week by diverting food waste out of the landfill. These savings do not include the operational costs associated with food waste collection.

Three food waste composting program options and the budgetary implications were developed in an effort to determine if a curbside composting pilot program could be cost neutral. Option 3, a scale up of our current food waste drop-off for composting, is our recommended approach to providing food waste collection services with minimal impact to the Solid Waste budget.

### **Option 1: Outsource City Wide Curbside Collection of Food Waste**

The City currently services over 5,250 residential households each week. If all residents participate in a curbside food waste collection program for an entire year, assuming 7 lbs per household per week, we would save approximately \$57,330 in landfill tip fees assuming the best case scenario of full residential participation all fifty two weeks of the year. These savings also assume that every household is currently putting all their food waste in the trash with no at home composting taking place. Mr. Fox has quoted the cost to provide service to 5,250 households at \$1.20 per household per week, a collection cost of \$327,600 over 52 weeks. The City would also need to provide residents with a curbside organics bin for collection and a supply of compostable bag liners, an additional upfront equipment cost of \$196,300. This total cost would be \$523,900 for one year of curbside service. After accounting for savings, the net loss, or additional budget implications, to provide the curbside pilot for all residential households in the best case scenario with 100% residential participation would be **(\$466,570)**.

Option 1 scenario illustrates an average collection cost per pound \$0.27. Our current collection cost per pound for solid waste, recycling and yard waste range from \$0.04 to \$0.07 depending on the material category. Per pound, food waste collection is four times more expensive than our cost per pound to collect recycling.

### **Option 2: DPW City Wide Curbside Collection Food Waste**

Another scenario to provide curbside collection services is for DPW to perform the collection and transportation of food waste to a vendor for processing. Mr. Fox would charge a \$50 per ton tip fee of food waste delivered to his facility, a savings of \$12 per ton compared to the \$62 landfill tip fee. These savings would equal \$0.006 per pound, or \$0.042 per household per week assuming an average of 7 lbs of food waste is produced. These tip fee savings for an entire year would equal approximately \$11,466 assuming the absolute best case scenario of full residential participation from all 5,250 households for all fifty two weeks of the year. These savings also assume that every household is currently putting all their food waste in the trash with no at home composting taking place.

In order for DPW to provide curbside collection of food waste, the City would need to hire additional staff and purchase vehicles to perform the collection. We would need a minimum of two vehicles specifically designed to collect and transport food waste. Based on current refuse truck prices, this upfront cost could exceed \$500,000. Labor, fuel, and transportation costs add up to an additional \$155,000 per year in operational costs. The City would also need to provide residents with a curbside organics bin for collection and a supply of compostable bag liners, an additional upfront equipment cost of \$196,300. This total cost would be \$851,300 in the first year of curbside service. After accounting for savings, the net loss, or additional budget cost, to provide the curbside pilot for all residential households in the best case scenario with 100% residential participation would be **(\$839,834)**.

### **Option 3: Scale Up Current Food Waste Drop-off for Composting**

While this option is not a curbside collection program, it is the only scenario where the savings from tipping fees could pay for the majority of the program's costs. In conjunction with Mr. Fox, DPW incorporated a food waste drop off location at the City's Recycling Center this past summer. The drop off program is currently available for free to all Portsmouth residents who wish to ensure their food waste is composted. Mr. Fox charges the City a fee of \$11 per tote of food waste he collects. Each tote holds between 200 to 300 pounds of food waste. In the best case scenario, a tote with 300 pounds of food waste costs the City \$0.036 per pound to compost while our landfill tip fee savings per pound is \$0.03. After accounting for savings, the net loss, or additional budget cost, to provide food waste drop-off for composting would be (\$2) per full tote of food waste collected.

Even though the food waste drop-off program saves money by reducing the curbside collection costs in options 1 and 2, the drop-off is still not a cost neutral option. The food waste composting drop-off is more expensive per pound than landfilling; however, it provides an option for our residents to sustainably manage this material and preserve our resources. In working with Mr. Fox, the food waste drop off program is the only option that is scalable and available to all Portsmouth residents without a significant increase in the Solid Waste Budget.

**Food Waste Composting Collection Options and  
Additional Budget Costs:**

<b>Option 1</b>	
<b>Outsource Curbside Collection</b>	
Expenditure	\$ (523,900.00)
Revenue	\$ 57,330.00
Net loss	\$ (466,570.00)

<b>Option 2</b>	
<b>DPW Curbside Collection</b>	
Expenditure	\$ (851,300.00)
Revenue	\$ 11,466.00
Net loss	\$ (839,834.00)

<b>Option 3</b>	
<b>Drop-off Collection</b>	
Expenditure	\$ (828.00)
Revenue	\$ 432.00
Net loss	\$ (396.00)

## PURCHASE AND SALE AGREEMENT

The City of Portsmouth a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "City") and the Foundation for Seacoast Health a non-profit IRC 501(c)(3) corporation with a principal place of business at 100 Campus Drive, Suite 1, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "Foundation") hereby enter this Agreement for the sale and purchase of certain real estate under the terms and conditions described herein.

1. **Premises:** This Agreement addresses all of the real estate owned by the Foundation located at the Community Campus, 100 Campus Drive, Portsmouth, Rockingham County and State of New Hampshire as shown on an aerial photograph entitled "Community Campus Land Acquisition" attached hereto as Exhibit A, (the "Premises"). The Premises consists of one lot to be created by the Foundation which lot includes all of Site #1, Site #2, Site #3 and Site #4 as shown on Exhibit A. The Premises being a portion of the real estate acquired by Foundation by deed of John Iafolla Company, Inc. and recorded in the Rockingham County Registry of Deeds at Book 3276, Page 2980.
2. **Purchase Price:** The total purchase price for the Premises shall be One Million Eight Hundred and Fifty Thousand Dollars (\$1,850,000.00).
3. **Payment Terms:**
  - (a) The sum of Twenty-Five Thousand Dollars (\$25,000.00) (the escrowed funds) shall be paid by the City to Attorney John Lyons (hereinafter "Lyons") as agent for the Foundation within forty-eight (48) hours of the completed execution of this Agreement by both parties. Lyons shall hold the funds in an interest bearing account for disbursement in accordance with this Agreement.
  - (b) The remaining sum of One Million Eight Hundred Twenty-Five Thousand Dollars (\$1,825,000.00) plus the escrowed funds shall be paid by the City and Lyons to the Foundation on the recording of a deed conveying the Premises to the City in accordance with the terms and conditions of this Agreement.
  - (c) If, for any reason other than the fault of the City, the transaction contemplated by this Agreement does not occur then any City funds paid to Lyons or the Foundation with accumulated interest shall be returned to the City within seven (7) days of the determination by the City that this agreement will not be implemented.



- (d) In the event of City's default in the purchase of the Premises, then the Foundation shall retain the escrowed funds as complete and reasonable liquidated damages. The parties agree that damages are difficult to ascertain with any reasonable degree of certainty at the time of the execution of this Agreement, and that the escrowed funds have been set at a level to compensate Foundation in the event of the City's default.
4. **Title:** The Foundation shall convey the Premises to the City in fee simple with good and marketable title free and clear of all liens, mortgages, defects and encumbrances.
  5. **Deed:** The Foundation shall convey the Premises to the City by Warranty Deed.
  6. **Risk of Loss:** Until transfer of title the risk of loss or damages to the Premises by fire or otherwise shall remain with the Foundation.
  7. **Taxes and Utilities:** There are no taxes currently paid on the property due to the charitable standing of the Foundation. It is not serviced by utilities.
  8. **Transfer and Recording Fees:** The City shall pay recording fees for the deed to the Premises and the transfer taxes shall be paid as required by State law.
  9. **Inspections:** Prior to the transfer of title to the premises the City shall have complete and unimpeded right to inspect any aspect of the Premises for any purpose deemed appropriate by the City, including but not limited to environmental conditions, programmatic suitability and real estate title. All onsite inspections will be done by inspectors chosen and paid for by the City. If the result of any inspection is unsatisfactory to the City, the City may declare this Agreement null and void by notifying the Foundation in writing within seventy-five (75) days of the completed execution of this Agreement setting forth the reason that the result of such inspection is deemed unsatisfactory. In the event that the City determines the result of an inspection to be unsatisfactory, the Foundation shall have a thirty (30) calendar day period to cure any unsatisfactory inspection result to meet the City's satisfaction or return any money paid by the City with accumulated interest within fourteen (14) days of such notification.

In the event that the City declares Agreement null and void pursuant to the foregoing provision, the City shall provide to the Foundation copies of any and all inspection reports prepared by on behalf of the City as to the premises and the City shall restore the premises to the condition in which it was found prior to the conduct of any inspections.

10. **Financing:** The parties understand that the City must follow appropriate procedural steps necessary under state and local law to secure the purchase money. Accordingly, notwithstanding any other provision in this Agreement, the parties agree that the City shall have any reasonable amount of time to secure said funds as long as the City diligently pursues the acquisition of the funds. In the event that the City has not received the funds by the date seventy-five (75) calendar days after this Agreement is fully executed, then the at the option of the City by notice to the Foundation the period allowed by this Agreement for the City to acquire the funds shall be extended for whatever reasonable period of time will be required. Any further extension of the time allowed by this Agreement for the City to secure the funds shall only be by mutual agreement of the parties. If at any time thereafter the Foundation does not agree to provide the City with further time to secure the funds, then the transaction shall be cancelled and the Foundation may keep the escrowed funds in accordance with item #3 above.
11. **Prior statements:** This Agreement sets forth the entire agreement between the City and the Foundation and there are no other representations, agreements or understandings with respect to the acquisition of the Premises by the City.
12. **Heirs and Assigns:** This agreement shall extend to and be obligatory on the heirs, personal representatives, successors and assigns of the City and the Foundation.
13. **Counterparts:** This Agreement shall be executed in duplicate original, with the City and the Foundation each retaining one original.
14. **Closing Date:** The City and the Foundation shall each exercise the best efforts to bring about a closing of this transaction at which the premises will be conveyed to the City and the purchase money paid to the Foundation no later than seventy-five (75) business days after the completed execution of this Agreement. However, time is not of the essence in this transaction. The City agrees to notify the Foundation no later than sixty (60) days after the completed execution of this Agreement of any inability to finance the purchase of the premises.
15. **Subdivision:** Prior to closing on the conveyance contemplated by this Agreement the Foundation will secure all necessary government approvals to subdivide the property of the Foundation to create the Premises as a single lot which may be conveyed to the City. Such government approvals shall include, but not be limited to subdivision approval by the Portsmouth Planning Board. The City agrees to reimburse the Foundation for a proportionate share of any costs related to the subdivision process including but not limited to survey and engineering costs, which are agreed to in writing by the City prior to the

Foundation incurring those costs taking into account all parties and lots to be affected by the subdivision plan.

16. **Foundation Deliverables at Closing:** On or before the Closing date the Foundation shall deliver to the City in a form satisfactory to the City the following:

- (a) Documentary proof that the conveyance contemplated by this Agreement is approved at the Charitable Trust Unit of the State of New Hampshire, Office of the Attorney General.
- (b) A release of any obligation of the City respecting the Premises as described in a certain Agreement between the Foundation, Portsmouth Health Corp. and the City dated October 2, 1997
- (c) A release of certain easements held by the Foundation over City property adjacent to the Premises or described in item #2 of the October 2, 1997 Agreement.

Dated: 9/26/16

**CITY OF PORTSMOUTH**

By: 

John P. Bohenko, City Manager  
Nancy Colbert Ruff, Deputy City Manager  
Pursuant to vote by the City Council at its meeting of August 15, 2016

Dated: 9/24/16

**THE FOUNDATION FOR SEACOAST HEALTH**

By: 

Print Name: Amy Schwartz  
Title: Chair, Board of Trustees

Dated: 9/26/16

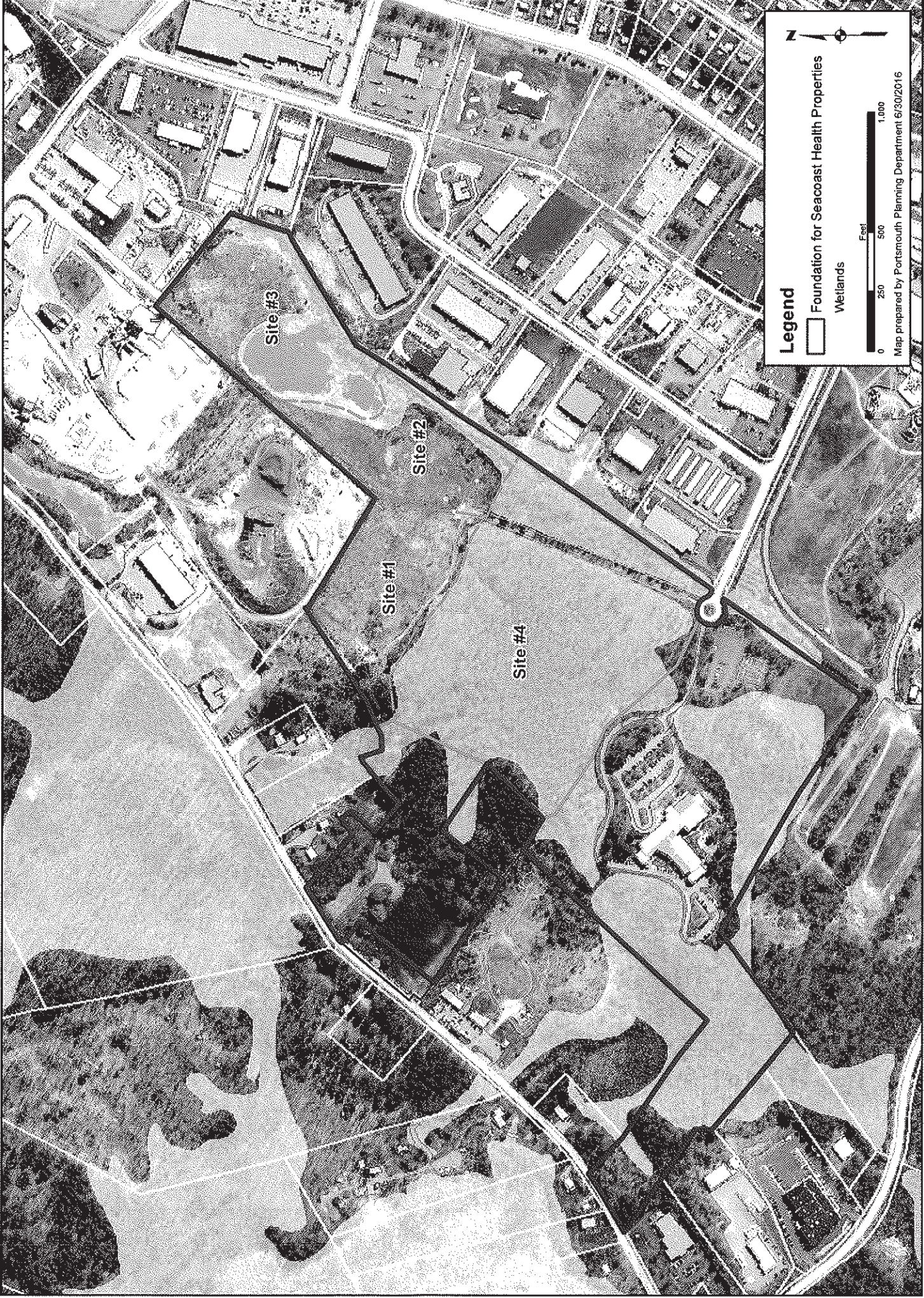
**LYONS LAW OFFICES PA (As to escrow)**

By: 

John E. Lyons, Jr., Esq.

# Community Campus Land Acquisition

Exhibit A



AGREEMENT dated this 2<sup>nd</sup> day of October, 1997, among the FOUNDATION FOR SEACOAST HEALTH and PROJECT HEALTH CORP., both non-profit corporations with a current address of 48 Congress Street, Portsmouth, New Hampshire, and the CITY OF PORTSMOUTH, a municipal corporation, of 1 Junkins Avenue, Portsmouth, New Hampshire (hereinafter "the City"), as follows:

WHEREAS, the Foundation for Seacoast Health is a non-profit IRC 501(c)(3) corporation whose primary purpose is to support and promote health care in the Seacoast area, and

WHEREAS, Project Health Corp. was formed by the Foundation for Seacoast Health, and is a non-profit IRC 501(c)(2) corporation whose primary purpose is to hold title to real estate to be used in connection with the activities of the Foundation for Seacoast Health, and

WHEREAS, both the Foundation for Seacoast Health and Project Health Corp. will hereinafter, jointly and severally, together with any non-profit successors, be referred to hereafter as "the Foundation," and

WHEREAS, the Foundation has an option dated October 30, 1996, and amended April 14, 1997, with the John Iafolla Company, Inc. (hereinafter "Iafolla") to acquire the following two (2) parcels of real estate currently owned by Iafolla: (1) an approximate eight (8) acre parcel of real estate with land and buildings thereon situate on Peverly Hill Road being a portion of Tax Map R 54 Lot 3 and a portion of R66 Lot 4 (hereinafter "the eight (8) acre parcel") and (2) an approximate ninety-four (94) acre parcel of real estate

with buildings thereon and with frontage on West Road extension and Banfield Road being a portion of Tax Map R66 Lot 4 (hereinafter "the ninety-four (94) acre parcel"), and

WHEREAS, the Foundation has an option to acquire a parcel of real estate on Banfield Road consisting of a house with approximately 1.10 acres (Tax Map R66 Lot 5) and an adjacent, approximate 2.42 acre lot of undeveloped land off Banfield Road (Tax Map R66 Lot 6) (both parcels hereinafter referred to as "the Banfield Road parcel"), and

WHEREAS, the Foundation is a charitable corporation as that term is used in RSA 72:23 Real Estate and Personal Property Tax Exemption and RSA 72:23-1 Definition of Charitable, and

WHEREAS, the Foundation and the City have agreed to the terms under which the Foundation will acquire the ninety-four (94) acre parcel and the Banfield Road parcel, the City will acquire the eight (8) acre parcel as a one-time payment in lieu of taxes for the ninety-four (94) acre parcel and the Banfield Road parcel (both as they currently exist and as they may be developed and improved in the future), the Foundation would indemnify and hold harmless the City from certain special education and general assistance (welfare) costs as specifically set forth in this agreement, and the parties would divide the cost of off-site improvements necessitated by the Foundation's development, and certain other matters, all as is set forth hereinafter.

NOW THEREFORE, in consideration of the promises contained herein, the parties agree as follows:

1. The eight (8) acre parcel will be conveyed to the City of Portsmouth by warranty deed (fee simple and marketable title) from John Iafolla Company, Inc., except as may be modified by a letter dated September 18, 1997, from Kenneth L. Chute, Chairman, Foundation for Seacoast Health to John Bohenko attached and incorporated as Exhibit A. The parcel will be conveyed to the City as is, where is at the time of transfer from John Iafolla Company, Inc. to the City of Portsmouth. The parties agree that their obligations are contingent upon the City complying with Article XIV of the City Zoning Ordinance.

2. The City will deed to the Foundation, at the time of the conveyance of the eight (8) acre parcel, an easement over the eight (8) acre parcel, in a location and size (not less than sixty (60) feet in width) mutually acceptable to the parties, for the purpose of the Foundation's vehicular and pedestrian ingress and egress from the ninety-four (94) acre parcel to Peverly Hill Road. It is understood that the Foundation does not have a current intention to immediately use such easement, but the Foundation wants the right to use the easement at any time in the future that the Foundation feels it is appropriate for it to have vehicular and pedestrian access to and egress from Peverly Hill Road. In the event that the Foundation desires to make the easement a public road, it will be necessary to obtain the necessary approvals at that time.

3. The Foundation further agrees that it will indemnify and hold the City harmless from any special education or general assistance (welfare) costs incurred by the City as a result of any residential use of the ninety-four (94) acre parcel or the Banfield

Road parcel, unless such use is established in conformance with the land use regulations of the City of Portsmouth without appeal by any party beyond the municipal land use regulatory authorities.

4. The Foundation and the City agree that the value of the eight (8) acre parcel is in excess of \$1 million. The Foundation and the City also agree that the Foundation is a charitable corporation as that term is used in RSA 72:23 Real and Personal Property Tax Exemption and RSA 72:23-1 Definition of Charitable.

5. The Foundation intends to acquire and use for charitable purposes and non-profit activities the ninety-four (94) acre parcel and the Banfield Road parcel, together with any buildings, fixtures, and personal property associated therewith and as the parcels may be developed and improved in the future (all the same being defined jointly and severally referred to in this agreement as "the Foundation's real estate"). The parties agree that the Foundation's real estate is exempt from liability for taxation by the City pursuant to RSA 72:23, so long as it is owned by the Foundation and used for charitable purposes.

Notwithstanding the foregoing, the Foundation and the City have negotiated for a one time voluntary payment in lieu of taxes from the Foundation in accordance with RSA 72:23-n. The Foundation and the City agree that the value of the conveyance to the City of the eight (8) acre parcel, which has been made possible by the Foundation, together with and subject to the performance of the promises in this agreement, is accepted by the City as a one time payment in lieu of taxes from the Foundation to the City for any taxes



(per RSA 72:23-n) due, now and forever in the future, to the extent permitted by law, for and associated with the Foundation's real estate. This foregoing one time payment in lieu of taxes for the Foundation's real estate will also be considered a payment of any and all other new taxes which might in the future be payable from the Foundation (due to a change in the governmental tax structure) to the extent permitted by law.

Notwithstanding the foregoing, the Foundation will pay currently accepted, usual and customary fees associated with the Foundation's real estate, such as water, sewer, and building permits.

The parties agree that some portion of the Foundation's real estate, in the Foundation's discretion, may be sold to or used by organizations which would not be considered as fully exempt from taxation under RSA 72:23. In that event, only that portion of the Foundation's real estate sold to or used by such non-exempt organizations shall be liable to taxation.

The Foundation agrees to annually give the City Manager the name of the owner of the Foundation's real estate and a list of the organizations that are tenants (together with the tax status of such tenants and the square footage occupied) at the Foundation's real estate.

6. The City and the Foundation would share in the cost of any and all off-site improvements necessitated by the development of the Foundation's real estate, to the extent that the real estate (at the time the off-site improvements are made) is developed for charitable purposes, on the following basis:

- (a) 50:50 division of the off-site improvements in the area of the West Road access (construction of West Road extension, possibility of traffic controls, etc.) with the City's share capped at \$100,000.00 for this area, and
  - (b) 50:50 division of other off-site improvements on Peverly Hill Road with the understanding that the Foundation's 50% share of any traffic controls would be paid only if and when the easement over the Peverly Hill Road parcel is actually used by the Foundation.
7. The Foundation agrees to work in good faith to address any concerns regarding transportation associated with the Foundation's real estate.
8. The Foundation agrees to allow access to certain common areas on the ninety-four (94) acre parcel, where the access is as a result of participation in the programs and activities approved by the Foundation.
9. In addition to the direct benefit to the City of the conveyance of the eight (8) acre parcel, the City also acknowledges benefit to it and its residents from the charitable activities which are intended to be sponsored by the Foundation at the Foundation's real estate, together with other benefits accruing to the City from the activities of the Foundation.
10. The Foundation and the City acknowledge that the benefits and obligations of the parties to one another under this agreement are contingent upon the Foundation, in its sole discretion, exercising its option on the real estate.
11. The Foundation and the City agree to work together to assure that all of the commitments of the parties are accomplished by October 20, 1997, but failure to do so shall not affect the rights of the parties hereunder.

Time is of the essence throughout this agreement.

12. All representations, statements and agreements made between the parties are merged in this agreement, which alone fully and completely expresses their respective obligations.

13. This agreement may not be changed orally, but only by agreement in writing, duly executed by or on behalf of each party against whom enforcement of any waiver, change, modification, consent or discharge is sought.

14. The individuals signing this agreement have full authority on behalf of each party to bind such party to the terms and conditions of this agreement.


Dated as of the day first above written.

1  
WITNESS:



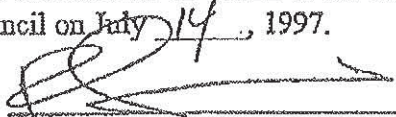
City of Portsmouth

By:



John P. Bohenko, its City Manager  
Duly Authorized by vote of  
Portsmouth City Council on  
July 14, 1997

Personally appeared the above-named John P. Bohenko, City Manager of the City of Portsmouth, and acknowledged that the foregoing agreement was signed by him and, as City Manager, he was duly authorized to take such action on behalf of the City of Portsmouth by vote of the Portsmouth City Council on July 14, 1997.

  
~~Notary Public~~  
Justice of the Peace

WITNESS:

Foundation for Seacoast Health

Paula P. Enos

By:

Kenneth L. Chute  
Kenneth L. Chute, Its Chairman  
Duly Authorized

Paula P. Enos

By:

Project Health Corp.  
Kenneth L. Chute  
Kenneth L. Chute, Its Chairman  
Duly Authorized

State of New Hampshire  
Rockingham, SS.

October 2, 1997

Personally appeared the above-named Kenneth L. Chute, Chairman of the Foundation for Seacoast Health, and acknowledged that the foregoing agreement was signed by him and, as Chairman, he was duly authorized to take such action on behalf of the Foundation for Seacoast Health.

Maryann Torule  
~~Notary Public~~  
Justice of the Peace

State of New Hampshire  
Rockingham, SS.

October 2, 1997

Personally appeared the above-named Kenneth L. Chute, Chairman of Project Health Corp., and acknowledged that the foregoing agreement was signed by him and, as Chairman, he was duly authorized to take such action on behalf of Project Health Corp.

Maryann Torule  
~~Notary Public~~  
Justice of the Peace

## ADDENDUM/AMENDMENT TO PURCHASE AND SALE AGREEMENT

The following is an Addendum/Amendment to the Purchase and Sale Agreement (“Agreement”) dated September 26, 2016 by and between the City of Portsmouth (“City”) and the Foundation for Seacoast Health (“Foundation”), concerning 52.144 acres of land located at the Community Campus, 100 Campus Drive, Portsmouth, New Hampshire (the “Premises”).

### **IT IS AGREED BETWEEN THE FOUNDATION AND CITY AS FOLLOWS:**

1. The parties agree to amend Section 1 of the Agreement such that the Premises is now more clearly described as a 52.144 acre tract of land a set out in a “Lot Line Revision Plan, Campus Drive, Banfield & Peverly Hill Roads, Portsmouth, New Hampshire, Assessor’s Parcels 254-8, 266-4, 266-5, 266-6, for City of Portsmouth, NH & Foundation for Seacoast Health”, prepared by James Verra and Associates, Inc. dated October 24, 2016, a copy of which is attached hereto as Exhibit “A”. Section 1 is further amended such that the Premises will be conveyed to the City by the Foundation through a lot line revision, with the Premises to be merged with other property of the City located at 680 Peverly Hill Road, Portsmouth, NH, and shown on Tax Map 254-8.
2. Paragraph 15 of the Agreement is amended such that it is agreed by and between the parties that as part of the Subdivision Application, the Foundation will convey the Premises to the City through a lot line revision, with the Premises to be merged with other property of the City located at 680 Peverly Hill Road, Portsmouth, NH and shown on Tax Map 254-8. Additionally, that portion of Section 15 that states:

*The City agrees to reimburse the Foundation for a proportionate share of any costs related to the subdivision process including but not limited to survey and engineering costs, which are agreed to in writing by the City prior to the Foundation incurring those costs taking into account all parties and lots to be affect [sic] by the subdivision plan.*

is hereby deleted, and replaced with the following: “[t]he City agrees to pay the Foundation \$7,500.00 toward the costs related to the subdivision process including but not limited to survey and engineering costs.”

**All other terms and conditions of the aforementioned Agreement shall remain unchanged and in full force and effect.**

**CITY OF PORTSMOUTH**

Dated: 11-16-16

By: 

John P. Bohenko, City Manager  
Pursuant to vote of the City Council  
At its meeting of August 15, 2016

**FOUNDATION FOR SEACOAST HEALTH**

Dated: 11/15/16

By: 

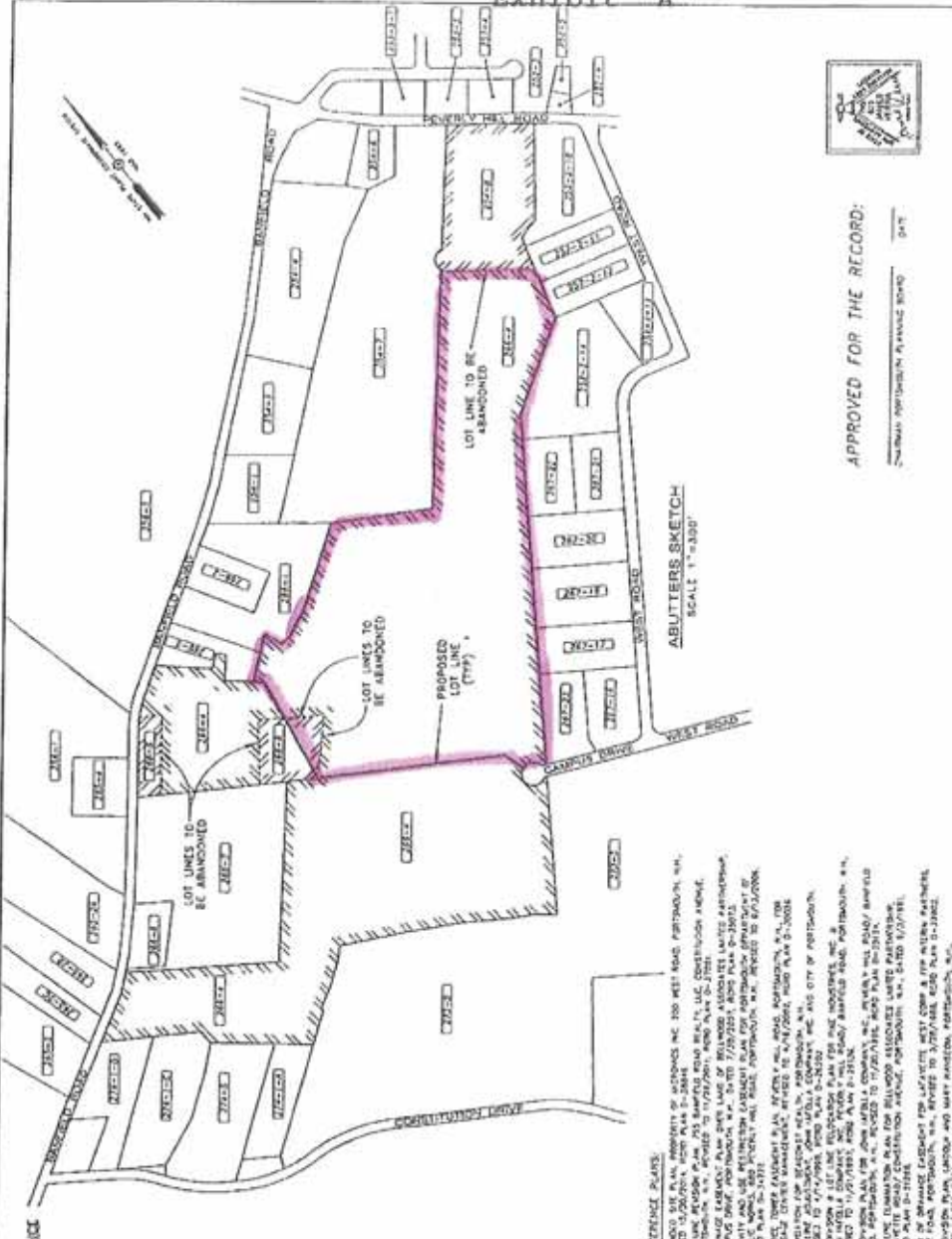
Amy Schwartz, Chair, Board of  
Trustees

**LYONS LAW OFFICES, P.A. (as to escrow)**

Dated: 11/15/16

By: 

John E. Lyons, Jr., Esq.



APPROVED FOR THE RECORD:

DATE: 10/24/2018

LOT LINE REVISION PLAN
CAMPUS DRIVE, BAHFIELD & PEVERLY HILL ROADS
PORTSMOUTH, NEW HAMPSHIRE
ASSESSOR'S PARCELS 254-8, 266-4, 266-5, 266-6
CITY OF PORTSMOUTH, N.H.
FOUNDATION FOR SEACOAST HEALTH
JAMES VERRA and ASSOCIATES, INC.
DATE: 10/24/2018
SCALE: 1" = 300'

DEED REFERENCE

Table with columns: DEED REFERENCE, OWNER OF RECORD. Lists deed numbers and owner names such as 'JAMES VERRA & ASSOCIATES, INC.', 'FOUNDATION FOR SEACOAST HEALTH', and 'CITY OF PORTSMOUTH, N.H.'.

REFERENCES

- 1. APPROVED SITE PLAN, PROPERTY OF SEACOAST HEALTH, INC. 200 WEST ROAD, PORTSMOUTH, NH.
2. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
3. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
4. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
5. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
6. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
7. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
8. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
9. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.
10. DEED 2012/0107, JOHN W. SAMPSON, JR. REALTY, LLC CONSTRUCTION AGREEMENT.

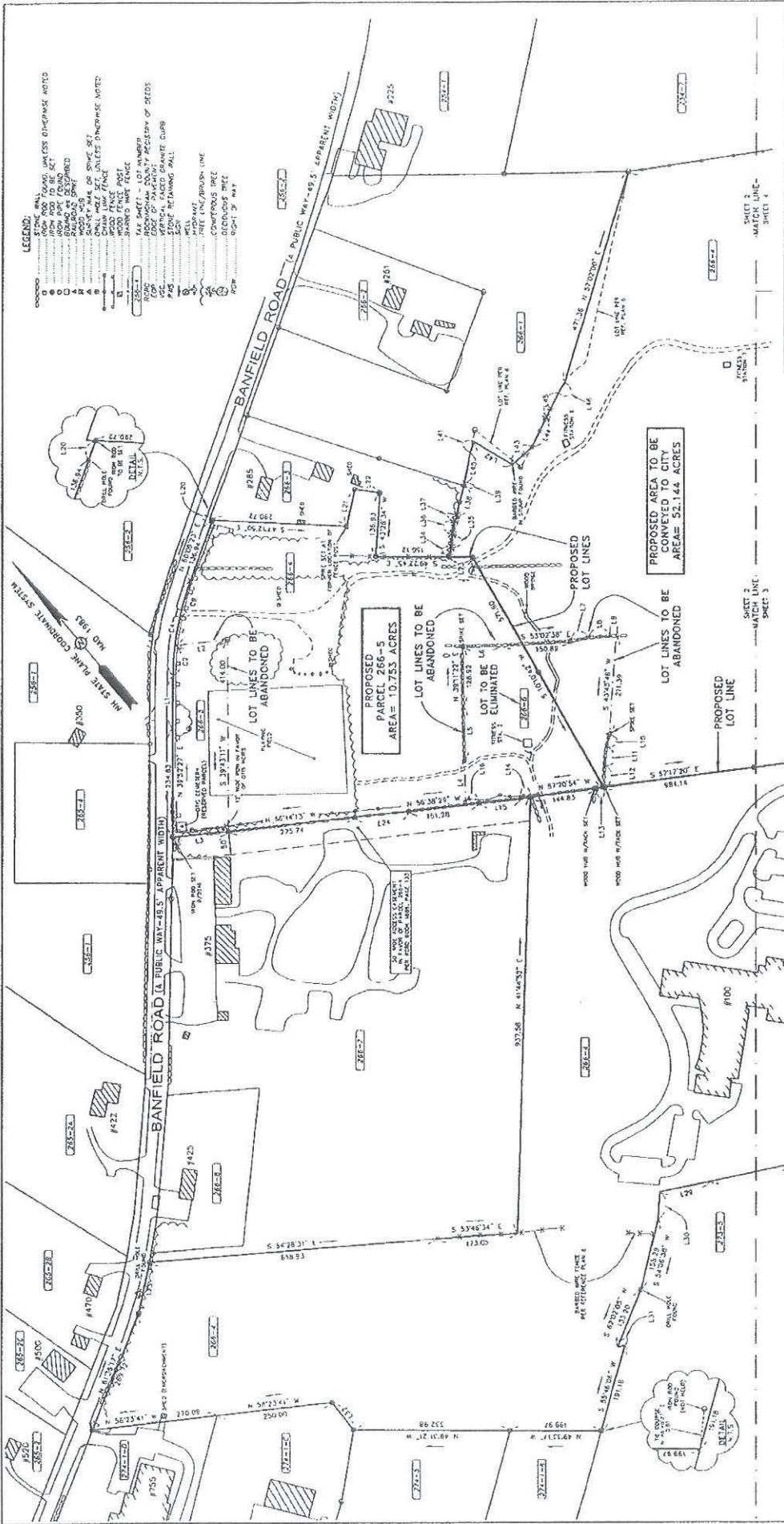
NOTES

- 1. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
2. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
3. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
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5. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
6. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
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8. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
9. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.
10. THE PROPOSED LOT LINE REVISION IS SUBJECT TO THE CITY OF PORTSMOUTH, N.H. APPROVAL.



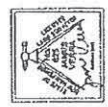
SCALE: 1" = 300'



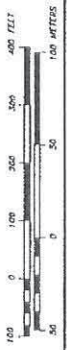


**LOT LINE REVISION PLAN**  
**CAMPUS DRIVE, BANFIELD & PEVERLY HILL ROADS**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**ASSESSOR'S PARCELS 264-8, 266-4, 266-5, 266-6**  
**FOR THE CITY OF PORTSMOUTH, N.H.**  
**& FOUNDATION FOR SEACOAST HEALTH**

JAMES VERRA and ASSOCIATES, INC.  
 14 WILSON AVENUE, SUITE 100  
 PORTSMOUTH, NH 03801-4400  
 TEL: 603-433-2200  
 FAX: 603-433-2201  
 DATE: 10/29/2015  
 JOB NO.: 1508-04  
 SHEET NO.: 2 OF 4



APPROVED FOR THE RECORD:  
 CHARMAN PORTSMOUTH PLANNING BOARD      DATE







**PORTSMOUTH**



**PRESS RELEASE**

**FOR  
IMMEDIATE  
RELEASE**

**November 15, 2016**

## **Off-Leash Dog Area at Route 33 Park and Ride Open to Residents**

PORTSMOUTH, NH – The Department of Public Works has officially opened land off of the Route 33 Park and Ride on Greenland Road (Route 33) to serve as a new off-leash dog park location. This land, which is about five acres and includes walking trails, was developed for the community following the closure of the Peirce Island off-leash dog area. The Peirce Island area will remain closed during the entirety of the Peirce Island Wastewater Treatment facility upgrade project, which is expected to be four years.

In addition to walking trails, the Route 33 location provides ample space and parking for pet owners. The land's proximity to the Hampton Rail Trail and the Great Bog area also has further potential to serve as a walkable and bikeable connector between these public spaces. For more information on off-leash dog areas in Portsmouth, please visit <http://cityofportsmouth.com/maps/OffLeashArea.pdf>.



**CITY OF PORTSMOUTH  
OFF-LEASH DOG AREA**



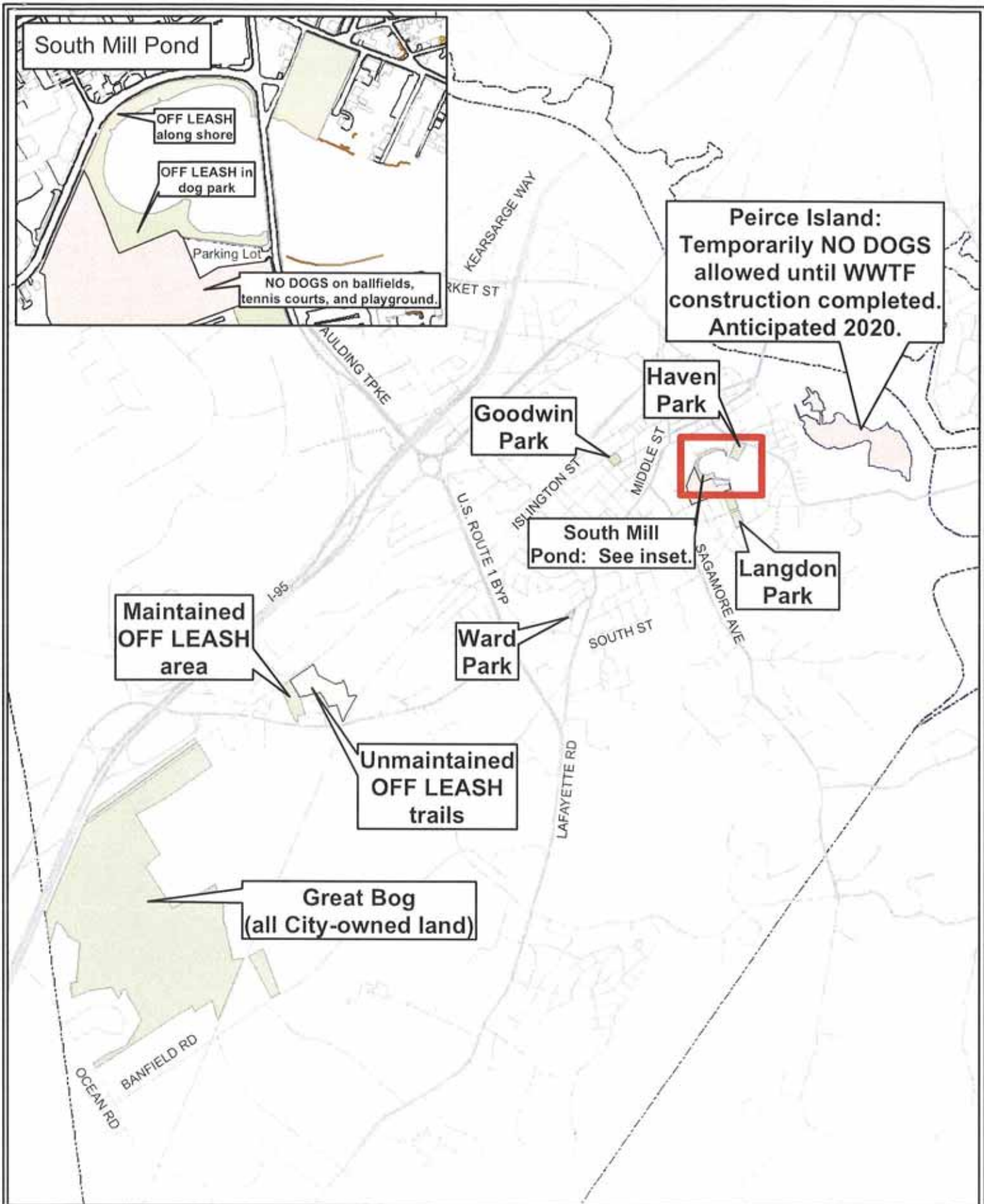
**OPEN DAWN TO DUSK**

1. PLEASE KEEP DOGS OFF PRIVATE PROPERTY
2. PLEASE PICK-UP AFTER YOUR PET
3. DOGS MUST BE UNDER VOICE CONTROL AND OBSERVATION

please clean up  
after your dog

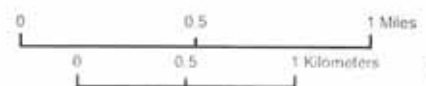


RECYCLING FOR ALL



**Off-Leash Areas  
Portsmouth, New Hampshire**

*Dogs must be under  
voice control and  
observation*





# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume' along with this application

OCT 29 2015

Committee: ECONOMIC DEVELOPMENT

Renewing applicant

Name: ROBERT MARCHEWKA

Telephone: 603-661-4880

Could you be contacted at work?  YES  NO - If so, telephone# SAME

Street address: 327 SAGAMORE AVE

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): BOB@ONECOMMERCIALREALESTATE.COM

How long have you been a resident of Portsmouth? \_\_\_\_\_

Occupational background:

REAL ESTATE BROKER AND CONSULTANT

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: I ENJOY HELPING MY  
COMMUNITY AND ENJOY INTERACTING WITH THE  
CURRENT BOARD MEMBERS AND CITY STAFF

Please list any organizations, groups, or other committees you are involved in:

NH COMMERCIAL BOARD OF REACTORS - 2016 PRESIDENT  
- SEVERAL ASSOCIATED COMMITTEES

Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) NEAL OUELLET, KENSINGTON ST, PORTSMOUTH NH  
Name, address, telephone number 603-319-6600

2) DAVID CHOATE, RYE NH 603-433-7100  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Robert Marchese Date: 10/1/16

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2020

Annual Number of Meetings: 9 2015 Number of Meetings Absent: 0

Date of Original Appointment: 3/5/2010

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



Current alternate looking  
to fill Regular vacancy

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume' along with this application

Committee: HISTORIC DISTRICT COMMISSION ~~Renewing applicant~~

Name: RICHARD M. SHEA Telephone: 603 501 0005 (Home)

Could you be contacted at work?  YES  NO - If so, telephone# 603 380 1364 (cell#)

Street address: 19 HOWARD STREET - PORTSMOUTH NH 03801

Mailing address (if different): NA

Email address (for clerk's office communication): RM SHEA JR @ GMAIL.COM

How long have you been a resident of Portsmouth? 5 YEARS

Occupational background:

- ① LICENSED ARCHITECT - PRIVATE WORK  
(RESIDENTIAL & COMMERCIAL)
- ② FEDERAL ARCHITECT - 30 YEARS

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: PORTSMOUTH IS A  
WONDERFUL PLACE TO LIVE. I WANT TO CONTINUE  
TO HELP PRESERVE & MAINTAIN WHAT PEOPLE LOVE  
ABOUT PORTSMOUTH'S, ARCHITECTURE, AMMENITIES,  
& SENSE OF COMMUNITY. I ALSO WANT TO HELP  
PORTSMOUTH GROW & CHANGE, WHILE OVER  
➡  
PRESERVING IT'S HISTORY.

Please list any organizations, groups, or other committees you are involved in:

CURRENTLY, THE PORTSMOUTH HDC IS IT!  
THIS IS WHERE I CHOSE TO DONATE MY  
TIME.

Please list two character references not related to you or city staff members:

*(Portsmouth references preferred)*

RUTH GRIFFIN - 479 RICHARDS AVE.  
1) PORTSMOUTH NH 603 436 5272  
Name, address, telephone number

KATHY KANE - 337 PLEASANT ST  
2) PORTSMOUTH NH 603 502 2174  
Name, address, telephone number

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Signature:  Date: 11/8/2016

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: \_\_\_\_\_

**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**

Richard Michael Shea  
19 Howard Street  
Portsmouth NH 03801  
[rmsheajr@gmail.com](mailto:rmsheajr@gmail.com)  
cell # 603-380-1364

To whom it may concern: I am interested in continuing my membership on the HDC. I am currently an alternate and would like to become a full time commissioner.

**Education:**

Boston Architectural College – Bachelors of Architecture 1982 – Thesis project – adaptive re-use of an historic brick warehouse into housing for the elderly.  
Winnacunnett High School – Hampton NH – Graduated Class of 1976

**Work Experience:**

United States Post Office 1985 – 2015 – Architectural Project Manager

JSA Architects – Portsmouth NH - 1981 through 1985 - Architectural Designer/Draftsman

**Interests:**

Architecture – Historic Buildings – Carpentry – Antiques – Travel – Cooking – Boating

I am a current Portsmouth HDC member and have served as an alternate for approximately 2 years.

I was a committee member and Chairman of the board for the renovation and restoration of Centennial Hall in the early 2000'S. This is a historic school, located in North Hampton NH, which had fallen into disrepair and into private hands. A nonprofit organization was formed to purchase and renovate this structure. With my help, we received one of their first LCHIP Grants, which helped restore the slate shingle roof, rebuild the bell tower, update wiring and fire alarm systems, along with some interior renovations. This is still a work in Progress.

My wife and I have restored/renovated six 18<sup>th</sup> and 19<sup>th</sup> century homes over the last 30 years in Newburyport Ma, North Hampton NH, and Portsmouth NH. We are both drawn to history – especially preserving it! Some of our first dates 38 years ago were taking classes together at Strawberry Banke learning how to cook over an open Hearth fire, and also the do's and don'ts of Old House restoration. We moved to Portsmouth just 5 years ago to purchase a late 18<sup>th</sup> century condemned home in the South End. We have completed restoring and renovating this house and enjoy living here in our south end neighborhood and in downtown Portsmouth.

I have an interest in giving something back to this community and what better way than being involved with a position on the HDC, helping to maintain what we all love about Portsmouth. Our unique Historic Community.



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.  
Please submit resume' along with this application.*

SEP 28 2016

Committee: Historic District Commission

**Initial applicant**

Name: Martin L. Ryan Telephone: 603-502-8635

Could you be contacted at work? YES/NO If so, telephone # Yes- 207-438-5537

Street address: 221 Woodbury Avenue

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): mlr\_email@yahoo.com

How long have you been a resident of Portsmouth? 20+ years

### Occupational background:

I am a licensed Architect in the State of NH and Massachusetts  
I am currently working for the Portsmouth Naval Shipyard as the  
Architecture Department Head. I have owned my own practice for  
several years in the City of Portsmouth serving several non-profit  
agencies in the region. Prior to my own practice I was employed by  
two different local architectural firms. I have spent the last 25  
years working in the field of architecture.

### Please list experience you have in respect to this Board/Commission:

I have never presented any project to the Portsmouth HDC though I'm  
very familiar with the hearing process and keep current with the  
issues before the board. I have brought business to  
other town's commissions, such as Belmont, MA and Exeter, NH. I was  
a presenter at the Portsmouth HDC Architectural Symposium in 2005  
representing Driver-Ryan Architects.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO YES

Would you be able to commit to attending all meetings? YES/NO Yes

Reasons for wishing to serve: \_\_\_\_\_

I have been a resident and home owner in Portsmouth since 1995. I recognize that the City possess a wide and unique architectural heritage that needs to be properly preserved while the city needs to continue to grow and remain viable. I believe I have the experience, education and judgment necessary to serve on this commission.

Please list any organizations, groups, or other committees you are involved in:

I have served on several Portsmouth Listens Groups, Budget, Master Plan and West end.

I am a member of NCARB

A member of NICET

A former member of the AIA, Baltimore Chapter.

Please list two character references not related to you or city staff members:

1) David Rheaume, 18 McDonough St., Portsmouth 603-498-6654

Name, address, telephone number

2) Eric Weinrieb, 133 Court St., Portsmouth 603-433-2335

Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature: \_\_\_\_\_ Date: 9/26/16

Digitally signed by RYAN.MARTIN.L.1392571589  
DN: c=US, o=U.S. Government, ou=DOD, ou=PKI, ou=USN, cn=RYAN.MARTIN.L.1392571589  
Date: 2016.09.27 10:51:13 -04'00'

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes \_\_\_ No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

**MARTIN L. RYAN**  
Architect

**REGISTRATION**

Licensed Architect, State of New Hampshire, Reg. No. 2808  
Commonwealth of Massachusetts, #30294  
NCARB- #60582

**EDUCATION**

ROGER WILLIAMS UNIVERSITY, Bristol, RI- Bachelor of Architecture  
ANNE ARUNDEL COMMUNITY COLLEGE, Arnold, MD- Associates of Architectural  
Technologies  
HARVARD UNIVERSITY, Cambridge, MA- Continuing Education in Management, Green  
Architecture, and School Design  
MARYLAND INSTITUTE OF ART, Baltimore, MD- Continuing Education in Design Theory  
ANNE ARUNDEL COMMUNITY COLLEGE, Arnold, MD- Continuing Education in  
Computer Aided Design, and 3D Computer Drafting

**EXPERIENCE**

**NAVFAC- Supervisory Architect**

2010 to Present

Currently the Supervisory Architect at the Facilities Engineering Command (NAVFAC), Mid-Atlantic (MILDANT), Public Works Department (PWD) Maine, Facilities Engineering and Acquisition Division (FEAD) Office, at the Portsmouth Naval Shipyard. Promoting directives and policies from the FEAD. Directing and tracking projects as they are introduced to the public works agenda. Providing training for the two newest staff architects. Providing administrative, procedural and technical direction to staff for the execution of In-house designed and A/E executed projects.

Assigning and directing the activities in the architectural division of the Capital Improvements Department. Maintaining customer relations assuring schedule coordination. Monitoring work loads of architectural department and establishing priorities and deadlines. Negotiating with contractors and A/E firms for the award of contracts. Assuring compliance with legal restrictions. Providing architectural support to other departments while managing full workload which included project management of the Helix House Exterior, B153 Exterior Repairs, B79 Interior repairs and The Army Battalion Recruiting Center.

Architect- Serving for 12 months in the Portsmouth Naval Shipyard's Architect Department as a design/ project manager for multiple design and repair projects. Producing detailed architectural designs and engineering for the creation of in-house design packages, as well as design proposals for A/E generated projects. Supporting projects and modifications during their construction phase. Establishing scopes of work and fee estimates, participating in A/E selections and negotiations. Assignments included the MILCON CBQ, B29 Interior Repairs and multiple roof replacements.

Martin L. Ryan  
221 Woodbury Avenue, Portsmouth, NH 03801 p-207-809-25697  
Martin.L.Ryan@Navy.mil

**Driver-Ryan Architects PA**

2004 to 2010

Founder and principal of small office focused on a general practice serving non-profits and charity organizations for the development of their facilities. Building types including school building, church buildings and facilities, homeless shelters and housing prototypes for low income families. Projects include a new facility for Cross Roads House Inc. and Fair Tide Housing. Development of projects for Childlight Montessori School, Malden Jehovah's Witness Kingdom Hall, York Elks Lodge in York, ME, Parish House First Congressional Church of Kittery at Kittery Point and Churches in the Lead, Christian Life Church, Eliot, ME.

**Architectural Consultant**

2002 to 2004

Providing design and constructability development as a project manager for small firms, working on residential projects from multi-family to single family dwellings. Firms include Stephen Holt Architect in Manchester-by-the-Sea, MA. Work included renovations and complete construction of high end and historically significant homes.

Earlier served as a project manager at Peter Quinn Architects in Cambridge, MA for the renovation and adaptive reuse of a 19<sup>th</sup> Century historic church into 7 loft style condominiums. Work as a site superintendent for the construction company of M.C. Andrews Co. in N. Andover, MA, providing services for renovations at Bentley College.

**Seimasko+ Verbridge Inc.**

2000 to 2002

Associate providing project management to lead the commercial design department at the firm. Projects included renovations for the Headquarters for Converse Inc. in N. Andover, MA. Also included were several office and retail projects. Duties also included marketing of the firms work, writing proposals and managing staff.

**Oak Point Associates**

1995 to 2000

Staff Architect/ Designer working closely with project manager through all phases of the design process and building development from preliminary to construction administration. Project included various new construction and renovation projects for government agencies; GSA, The Department of the Navy, US Fish and Wildlife, The State of Maine and New Hampshire's Department of Transportation. Projects also included work for various school districts in the State of Maine producing new buildings and renovations of elementary and high school buildings.

**Maryland Transportation Authority**

1992 to 1995

Architectural Specialist serving on Governor's Oversight Committee for the development of the Maryland's Vehicle Emissions Inspection Program (VEIP). Project engineer reviewing design proposals for compliance with the State's RFP. Duties included reviewing proposed properties, engineering reports, environmental studies and construction/ design submittals. Served as State's representative in the field monitoring construction activities. Also served as staff architect performing office planning studies of MdTA facilities.

**PROFESSIONAL ASSOCIATIONS**

NCARB- National Council of Architectural Registration Boards

NICET- National Institute of Certified Engineering Technicians

Martin L. Ryan  
221 Woodbury Avenue, Portsmouth, NH 03801 p-207-809-25697  
Martin.L.Ryan@Navy.mil





CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.  
Please submit resume' along with this application.

FEB 16 2016

Committee: Sustainable Practices Blue Ribbon Initial applicant  
Committee

Name: Paul DiIorio Jr Telephone: 603-988-5472

Could you be contacted at work? YES/NO If so, telephone # \_\_\_\_\_

Street address: 319-1 Hanover St. Portsmouth NH

Mailing address (if different): 16 Maple St ~~Portsmouth~~ Saugus Mass  
01906

Email address (for clerk's office communication): PCDJR54@YAHOO.COM

How long have you been a resident of Portsmouth? 7 years

Occupational background:  
Chef in Portsmouth for 10 years  
Real Estate assistant 1-month  
Taking classes for Real estate License

Please list experience you have in respect to this Board/Commission:  
As a chef I believe very strongly in  
fresh local food and sustainable fishing.  
As a chef I have had little time to  
do much work as pertains to this board, but  
I strongly believe in keeping our environment  
clean, green energy projects & keep our city  
Clean.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: I am very interested in  
city politics, My goal in life is to be  
a politician and joining this board would  
be a great way to start. I believe strongly  
in what the Sustainable Practices Blue Ribbon  
Committee stands for.

Please list any organizations, groups, or other committees you are involved in:

Knights of Columbus Portsmouth  
Dondero Elementary PTA  
Portsmouth Youth Football Coach


Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) Chris Geloneg 978 504 0428 Portsmouth NH  
Name, address, telephone number

2) Michael Pursley 127 946 7172 2202 White  
Name, address, telephone number  
Cedar b (rd)  
Portsmouth NH

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 2/16/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes  No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

# Paul Dilorio Jr

Portsmouth, NH 03801

pcdjr84@yahoo.com - ~~603-205-2660~~

603-988-5472

Self-motivated and focused with a powerful drive to succeed. Entrepreneurial thinker who works well independently or as part of a team

Authorized to work in the US for any employer

## WORK EXPERIENCE

### Line Cook/Prep Cook

Bubby's Jewish Deli - Portsmouth, NH - November 2015 to January 2016

### Lead Line Chef

The Oar House Restaurant - Portsmouth, NH - May 2015 to November 2015

#### Responsibilities

Garde Manger, rotate and organize products, specials, expediting.

#### Skills Used

Culinary arts, organization, cleanliness, demonstrate leadership skills.

### Line Cook

BRGR Bar - Portsmouth, NH - December 2014 to May 2015

### Prep Cook

McKinnon's butcher shop and market - Portsmouth, NH - October 2013 to November 2014

#### Responsibilities

Prepare food to company specification, stock and rotate deliveries, help order food and other products.

#### Skills Used

Time management, working with a budget, and, customer service.

### Sous Chef

Hagan's Grill - Hampton, NH - March 2013 to October 2013

### Executive Chef

The Dolphin Striker - Portsmouth, NH - July 2012 to December 2012

### Sous Chef

Capri Italian Seaside Bar & Grill - Salisbury, MA - April 2012 to July 2012

### Rounds Cook

Mission Oak Grill - Newburyport, MA - December 2011 to April 2012

### Sous Chef

Hagan's Grill - Hampton, NH - October 2011 to December 2011

### Chef de Cuisine

The Oar House Restaurant - Portsmouth, NH - July 2011 to October 2011

**Sous Chef**

The Oar House Restaurant - May 2009 to July 2011

**Line Cook**

The Rosa Restaurant - Portsmouth, NH - July 2007 to May 2009

**Sous Chef**

The Sports Page - Portsmouth, NH - April 2006 to July 2007

## EDUCATION

**Associates in Liberal Arts**

McIntosh College - Dover, NH

2006

Le Cordon Bleu Ribbon for Atlantic Culinary Academy

## GROUPS

**Knight's of Columbus**

June 2015 to Present

**Dondero school Pta**

2012 to Present

**Portsmouth youth football coach**

2013 to Present

## ADDITIONAL INFORMATION

## Area of Expertise

Kitchen management, hiring supervision and training. Purchasing and inventory management. Budgeting and effective cost management.

## Summary of Experience

- Managed the kitchen of fine dining restaurants, including menu and recipe development, food preparation and presentation.
- Planned and coordinated banquets and private/corporate parties.
- Focused on highest quality ingredients and preparation, impeccable food appearance and exquisite service.
- Keeping food cost at a minimum while providing the best quality food.
- Working with purveyors to make decisions on food to control kitchen cost.
- Staffed and trained kitchen employees to follow kitchen flow, timing standards and daily operations.



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

received

10/27/12

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.  
Please submit resume' along with this application.

Committee: Sustainable Practices and Blue Ribbon Committee

Initial applicant

Name: Matthew Glynn Telephone: 781-831-7022

NO

Could you be contacted at work? YES/NO If so, telephone # \_\_\_\_\_

Street address: 2 Anne Ave Apartment 4 Portsmouth NH, 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): mtglynn@syr.edu

How long have you been a resident of Portsmouth? 5 months

Occupational background:

Currently I am working as an engineering technician at a plastics manufacturing facility, but  
studied as an environmental engineer at Syracuse University.

Please list experience you have in respect to this Board/Commission:

My educational background is in environmental engineering, and I have recent experience with  
the Massachusetts Department of Environmental Protection, specifically in the Bureau of  
Water Resources' Drinking Water Program. I am also staying involved in the Energy  
Conservation Team at my current job to help reduce water and energy consumption.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: \_\_\_\_\_

I am wishing to stay involved in sustainability projects and initiatives while working I am learning a completely new field of study in a manufacturing environment. My interests are in water resources and energy conservation and I was hoping to gain some relevant experience with these fields through this committee.

Please list any organizations, groups, or other committees you are involved in:

None

Please list two character references not related to you or city staff members: (Portsmouth references preferred)

1) Matthew Les, 177 Haverhill Rd Salem, NH 03079 603-362-2370  
Name, address, telephone number

2) Andrew Clancy, 318 Mill St Holliston, MA 01746 508-254-0207  
Name, address, telephone number

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Signature: [Handwritten Signature] Date: 11/3/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No



2 Anne Ave Apartment 4  
Portsmouth NH, 03801

mtglynn@syr.edu

LinkedIn: <https://www.linkedin.com/in/iamthestig>

(781) 831-7022

## Education

Syracuse University  
L.C. Smith College of Engineering and Computer Science  
Bachelor of Science (Environmental Engineering)

May 2015

## Skills

AutoCAD  
-Some experience with drafting tools  
GIS and Remote Sensing  
-ESRI ArcMap  
-ERDAS Imagine  
MS Excel  
-Processing of quantitative data to solve engineering problems  
MS PowerPoint  
-Presentation skills and public speaking  
MS Word  
Automotive technologies  
-Repair and maintenance  
-Some fabrication work including fiberglass  
Water quality modeling  
Laboratory and field testing  
-Long term pump testing  
-Coliform testing  
-BOD and dissolved oxygen testing  
Proficient forestry skills  
-Experience with climbing and felling specimens  
-Knot tying and climbing procedures  
Surveying  
-Experience with total station theodolite and surveying procedures  
Water quality testing and treatment  
Troubleshooting and problem solving with various complex machinery  
Plastics molding and process design  
Safe Drinking Water Act guidelines  
MassDEP drinking water standards

## Achievements

Tau Chapter of Theta Tau Engineering Fraternity 9/2011-current

Marshall of Tau Chapter 12/2012-6/2013  
Social Chair of Tau Chapter 6/2012-12/2012

## Experience

Confitech LLC: Engineering Technician II 4/2016-current

- Operation and of blow molding equipment and optimization of process for quality and process rate
- Set up of new blow molding equipment and process parameters for research and development projects
- Troubleshooting of blow molding equipment to return to production standards
- Modification of welding equipment to ensure products reach final design specifications and to ensure longevity of welding equipment
- Welding Task Force: lead the task force in determining loss of production time for the welding process and diminishing downtime of welding equipment
- Energy conservation team: working collaboratively to find energy conservation solutions throughout the production process and facility operations

Massachusetts Department of Environmental Protection: Intern  
Drinking Water Program

8/2015-1/2016

- Research into the use of drone technology for inspection of above ground water tanks. Analysis of available technologies and services to determine if drone technology is an economically and technologically viable alternative to manned inspections. Collaboration with various departments and agencies to coordinate availability of information and flight demonstrations.
- Determining and cataloging land use around public water supplies using ESRI ArcMap and Public Water System Annual Statistic Reports, as well as determining compliance with DEP regulations.
- Analysis of historical data to determine the effect of pH on removal of radionuclides from drinking water using ion exchange resins.
- Familiarity with some Safe Drinking Water Act regulations, EPA and DEP drinking water guidelines
- Field experience: Accompanied annual watershed inspection of Wachusett Reservoir, Performing long term pump test for irrigation well pump system.

BJ's Wholesale Club: Tire Center Supervisor

2/2016-4/2016

- Oversight of daily operations of tire center and customer satisfaction/ conflict resolution
- Cataloging and updating inventory of sales products and shop supplies
- Scheduling of staff and budgeting of tire center
- Trained new employees on operation procedures and equipment use
- Maintenance and inspection of shop equipment including hydraulic lifts and pneumatic tools
- Worked with corporate managers to introduce new products and services

BJ's Wholesale Club: Tire Technician

7/2015-2/2016

- Sales and installation of automotive tires, as well in depth product knowledge of Michelin, BFGoodrich and Uniroyal products
- Michelin certifications: Basic Automotive Tire Service Training Program, Advanced Tire Pressure Monitoring System Training Program, Advanced Product Knowledge

S.U. L.C.S. College of Engineering Senior Design

1/2014-5/2014

- Worked cooperatively in a team environment to design a green roofing system
- Consulted existing companies of manufacturing and design procedures
- Extensive analysis of thermal efficiency and degradation of roofing designs

Dunkin Donuts: Server/Cashier

6/2012-9/2012

- Sold and prepared food orders for customers
- Ensured proper operation procedures to optimize productivity and reduce serving time
- Maintained a clean and well operating work area to ensure product sales and safe operation

Syracuse University Carrier Dome Concessions

9/2010-1/2012

- Sale and monitoring of alcoholic beverages for University sports events
- Interacting with customers to ensure a positive event experience
- Maintained a clean and well operating work area to ensure product sales and safe operation

Camp Gordon Clark: Summer Camp Counselor

6/2009-8/2012

- Ensured safety and satisfaction of camp participants
- Managed check-in and checkout procedures of campers
- Developed and maintained professional relationships with parents
- Designed appropriate games and activities for campers to construct healthy relationships with other campers and have a fun and enjoyable time at camp

## ACTION ITEMS

### **PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – November 3, 2016

City Hall – Eileen Dondero Foley Council Chambers

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**MEMBERS PRESENT:** Brad Lown, Chairman; John Bohenko, City Manager; Peter Rice, Public Works Director; James Heinz, Deputy Fire Chief; Frank Warchol, Police Captain; Ted Gray, Member; Ronald Cypher, Member; Harold Whitehouse, Member; Mary Lou McElwain, Alternate Member

**ALSO PRESENT:** Eric Eby, Parking and Transportation Engineer  
Joey Giordano, Parking Manager  
Juliet Walker, Assistant Planning Director

**MEMBER ABSENT:** Member; Shari Donnermeyer

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**Action Items requiring an immediate ordinance during the next Council meeting:**  
None

**Temporary Action Items requiring an ordinance during the annual omnibus:**  
None

1. Accepted and placed on file the amended minutes of the Parking and Traffic Safety Committee Meeting held on October 6, 2016.
2. Accepted and placed on file the Financial Report dated November 2016.
3. Public Comment – Four Speakers: Dave Palumbo, Rick Becksted, Kelly Shaw, Bruce Osborn
4. Presentations:
  - A. Water Country traffic study update, by TEC
  - B. Maplewood Avenue corridor improvement project, by GPI
5. (VII.A.) **Action Item:** Meeting House Hill Road, request for one-way traffic flow, by Elaine Boucas – **VOTED** to direct staff to report back.



6. (VII.B.) **Action Item:** Greenleaf Avenue, request for truck restriction between Route 1 Bypass and Lafayette Road, by Linda Forisso-Corbly – **VOTED** to direct staff to report back.
7. (VIII.A.) **Action Item:** 43 Whidden Street, report back on driveway permit application by Greg Mahanna – **VOTED** to approve the driveway permit subject to the City's Planning Department approval.
8. (VIII.B.) **Action Item:** Echo Avenue, report back on neighborhood petition requesting signs to address speeding concerns – **VOTED** to approve staff recommendations.
9. (VIII.C.) **Action Item:** Parking space striping outside of downtown – no action required.
- 10.(VIII.D.) **Action Item:** 15 minute parking spaces, report back on maximizing efficiency of their use – no action required.
- 11.(VIII.E.) **Action Item:** Bow Street and Market Street intersection, report back on request for police officer while Sarah Mildred Long Bridge is closed – no action required.
- 12.Public Comment – Three Speakers: Andrea Amico, Kelly Shaw, Rick Becksted
- 13.Informational –
  - A. Presentation:  
Neighborhood Traffic Calming program update, by Juliet Walker
    1. Elwyn Road sidewalk request
    2. Aldrich Road update
    3. Radar speed signs update
    4. Eliminating center lines on selected roads
- 14.Adjournment – At 9:43 a.m., **voted** to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary to the Committee

## MEETING MINUTES

### **PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – November 3, 2016

City Hall – Eileen Dondero Foley Council Chambers

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#### I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

#### II. ROLL CALL:

##### **Members Present:**

Chairman, Brad Lown  
City Manager, John Bohenko  
Public Works Director, Peter Rice  
Deputy Fire Chief, James Heinz  
Police Captain, Frank Warchol  
Member, Ted Gray  
Member, Ronald Cypher  
Member, Harold Whitehouse  
Alternate Member, Mary Lou McElwain

##### **Staff Advisors Present:**

Parking and Transportation Engineer, Eric Eby  
Parking Manager, Joey Giordano  
Assistant Planning Director, Juliet Walker

##### **Absent:**

Member, Shari Donnermeyer

#### III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse requested amending the October 6, 2016 meeting minutes. He requested the following language be added to page 4, second paragraph: U.S. Route 1 (1 and three-tenths of a mile).

The sentence was amended as follows:

Mr. Whitehouse expressed concern regarding the roadway alteration of U.S. Route 1 (1 and three-tenths of a mile) and asked if federal agencies were contacted.

City Manager Bohenko motioned to accept the amended October 6, 2016 meeting minutes. Harold Whitehouse seconded.

**Motion passed 9-0.**

IV. FINANCIAL REPORT:

City Manager Bohenko motioned to accept the financial report dated November 2016.  
Ron Cypher seconded.

**Motion passed 9-0.**

V. PUBLIC COMMENT:

Dave Palumbo stated that he investigated Mr. Whitehouse's question regarding flags on wheelchairs. He spoke to several handicapped residents at Betty's Dream and discovered that vendors and manufacturers would not service equipment that had been altered. By placing a flag on a wheelchair, it would void the warranty and service agreement. The residents stated that altering the wheelchairs with flags is too risky. Mr. Palumbo thanked Mr. Whitehouse for presenting the issue.

Rick Becksted requested the following questions be addressed:

Q. What is happening with the sidewalks on Islington Street?

A. They will be constructed in Spring 2017.

Q. Why were the sidewalks completed on Gosling Road near the mall when the proposed project completion was scheduled in 2018?

A. The Gosling Road sidewalk project was shown in the City's Capital Improvement Plan as beginning in Fiscal Year 2017. Due to a change in the project scope, the project was able to take advantage of Federal Community Development Block Grant funding for nearly all of the project costs, allowing the project to be completed sooner, rather than having to wait for City general funds which were scheduled for Fiscal Year 2018.

Q. Will bike lanes be installed near the top of the hill on Lafayette Road where the new granite curbs are installed? He stated the street at that point appears too narrow.

A. Yes, they will. The roadway will be restriped to accommodate the new sidewalk and the bike lanes.

Q. Did staff take pictures of parking on Lafayette Road in the evening where the bike path is proposed?

A. Initial parking observations were made during the weekday morning (7-8 am), midday (11 am-1 pm), and evening (7-8 pm) in February 2015 for the entire corridor.

In April 2016, The City did a follow-up parking study focusing on the portion of the corridor from Park Street north. This follow-up study was more detailed and recorded parking usage between 8 am and 7 pm on a Tuesday, Wednesday, Thursday and Saturday. These were physical counts, conducted every 1 hour.

Q. Will the bike lane be restricted to daytime use and allow for evening parking?

A. The bike lane will not be restricted to daytime use. Vehicles will be allowed to park in designated parking spaces, not in the bike lane.

Kelly Shaw asked if City staff coordinated with New Hampshire Department of Transportation (NHDOT) on the Water Country study completed in May 2016. She requested a copy of their comments. Mrs. Shaw also discussed future developments and the traffic impact on Banfield Road.

Bruce Osborn thanked the Police Department for their presence on Echo Avenue. He suggested painting a yellow or white line on the side of the roadway for wheelchair use.

## VI. PRESENTATIONS:

A. Water Country traffic study update, by TEC - Eric Eby introduced Kevin Dandrade, Principal, from TEC. Mr. Dandrade presented findings from the May 25, 2016 Traffic Impact Assessment (TIA) and the supplemental updated TIA dated November 1, 2016.

The PowerPoint presentation, the updated Traffic Impact Assessment dated November 1, 2016, and the New Hampshire Department of Transportation (NHDOT) letter dated August 24, 2016, regarding the agency's review of the TIA are available on the City's website. They are located under Meetings Calendar 2016, November 3, 2016, Parking and Traffic Safety Committee.

The purpose of the original study was to evaluate three community-proposed alternatives for exit routes that Water Country patrons could use to return to the highway. The purpose of the follow-up study was to compare previous intersection volume projections with actual summertime counts conducted by DPW.

The presentation included information on the study area, study process, existing departure patterns, existing conditions with updated data, peak hour traffic comparisons, levels of service and conclusions and recommendations.

Mr. Dandrade presented the study area locations (slide 3). The blue circles indicated the original study area intersections in early March 2016. The early March counts were increased using seasonal adjustment factors to represent summertime conditions. The original May study used 2012 Water Country traffic counts from a previous traffic evaluation. The yellow circles indicated the new summertime counts from data gathered in July and August of 2016.

The peak hour departure data for summer 2016 is illustrated on slide 4. Mr. Dandrade stated the Water Country driveway was counted every weekend between mid-June to Labor Day weekend. On Saturday, July 23, 2016, a peak hourly volume of 777 vehicles exiting Water Country was recorded.

The two-stage study process included:

- Review existing data sources
- Review seasonal adjustments to data
- Analyze redistribution characteristics
- Analyze capacity of nearby intersections
- Offer recommendations for egress

The existing departure patterns were illustrated on slide 6. The 2012 data showed the distribution characteristics as noted on slide 7. The updated August 2016 data showed fewer trips leaving Water Country. The August 2016 data showed the distribution characteristics as noted on slide 8.

The existing conditions with updated data revealed the following:

- Summertime traffic distributes to Constitution Ave more heavily towards Banfield Road.
- Average patrons egress split 66% towards Banfield Road and 34% exit to Route 1 (Saturday).
  - Assumed 70/30 split for analysis purposes.
- Average patrons egress split 59% towards Banfield Road and 41% exit to Route 1 (Weekdays).
- Overall 2016 summer volumes are lower than seasonally adjusted March volumes.

The peak hour traffic comparisons are noted on slide 10. The Banfield Road peak hour traffic comparison from March to summertime are noted on slide 11. Mr. Dandrade stated that the Saturday summertime evening peak hour traffic volume is an increase of fewer than 3 cars per minute over a normal early March weekday evening.

The local residents proposed a potential egress alternative (Alternative A) as illustrated on slide 12. The level of service data for the Banfield Road / Ocean Road intersection was detailed on slide 13, which included the alternative A option.

Mr. Dandrade outlined conclusions and recommendations.

- August 2016 volumes are lower than March volumes projected with seasonal adjustment.
- Redistribution of egress trips anticipated to have marginal improvements at Banfield Road/ Ocean Road, with significant impacts at Route 1 / West Road.
- Exiting patrons may continue to use Constitution Avenue and Heritage Avenue to access Banfield Road.
- Existing exit pattern provides the most options to distribute traffic to area roadways.
- Route 1 / West Road egress will require a significant investment in roadway improvements.
- Egress changes will likely impact Peverly Hill Road and other roadways. Police details are needed to effectively control alternative traffic patterns along West Road.
- **TEC recommends maintaining existing egress patterns and continuing the advancement of the proposed complete street improvements along Banfield Road.**

Mr. Dandrade stated that NHDOT District 6 representatives were present at the May 2016 meeting. He stated NHDOT representatives expressed concern about increased traffic on U.S. Route 1. He also stated NHDOT agreed with the methodology and supported the finding of the study as noted in their letter dated August 24, 2016.

Harold Whitehouse asked about traffic queuing on Peverly Hill Road if it was narrowed due to sidewalks and bicycle paths. Mr. Dandrade stated it was not part of the scope of this study.

B. Maplewood Avenue corridor improvement project, by GPI -

Raymond Pezzullo, Assistant City Engineer, introduced the project. He stated it began as a water main utility project, but was upgraded to a complete street project in accordance with City Council policy. The Maplewood Avenue corridor was highlighted as a high priority in the City's 2014 Bicycle and Pedestrian Master Plan. GPI was hired to develop conceptual and preliminary design plans. Public meetings were held in December 2015 and May 2016. Mr. Pezzullo stated that staff and consultants have walked the entire project site and met with residents to discuss their concerns. He stated there has been significant public input and this input was considered during the development of the project plans. The preliminary design is being finalized. Staff will use the plans to move forward with the final design plans and project construction documents.

Joseph Johnson, Senior Project Manager at GPI, presented to the Committee.

The presentation is available on the City's website under Meetings Calendar 2016, November 3, 2016, Parking and Traffic Safety Committee.

Mr. Johnson stated the need for the project included:

- Primary need: Water main replacement on Maplewood Avenue as recommended in 2013 Water Master Plan
- Identified adjacent areas in need of work
  - Added to overall project
- Full roadway and utility reconstruction where appropriate
- Complete street type design
  - City Council Policy
- Incorporated elements of 2014 Bicycle and Pedestrian Master Plan

The project limits for design begin on Maplewood Avenue starting at Woodbury Avenue and continue east to North Mill Pond. The project limits are just over a mile in length. The focus is complete street and utility improvements. The project also includes the adjacent neighborhood, with utilities concerns that include Fairview Drive, Cutts Street, Central Avenue, and Leslie Drive. Mr. Johnson stated the construction limits and phasing would depend on available funding.

Data collection included speed, traffic volumes, parking patterns, accident history and input from the public. GPI reviewed 48-hour traffic counts in two locations on the corridor. One location was near North Mill Pond on Maplewood Avenue (identified as A on slide 4). The average daily traffic

count was 8,800. The 85<sup>th</sup> percentile speed was 33 mph toward downtown and 35 mph going out of the downtown. The posted speed limit is 25 mph. The second location was near McGee Drive. The average daily traffic count was 2,300. The 85<sup>th</sup> percentile speed toward downtown was 36 mph. It was 37mph going out of town.

He stated the character of the roadway changes as you move out of the downtown. Data was collected on parking (see slide 5). He stated they looked at a typical weekday (Wednesday) and a weekend day (Saturday) to determine parking conditions. The data showed there was very little demand during the peak periods. He stated there were one to two cars parked during the peak periods and the need for on street parking is not present. He stated it is an ideal roadway for bicycle lanes.

Data collection on accident reports provided by Portsmouth Police Department for the project area was available from 2009 to June 2013. There were 31 accidents reported on the corridor. A breakdown is provided on slide 7.

Mr. Johnson provided a public input summary on slide 8. The summary included:

- Vehicles driving too fast
  - Speed humps
- Bicycle accommodation
- Accommodate school children
  - Crosswalks
- Sidewalk Improvements
- Drainage issues
- Pavement conditions in the adjacent neighborhoods
- Neighborhood feel

Mr. Johnson presented the Maplewood Avenue Road design goals on slide 9.

- Safety
  - Traffic calming
  - Accessible sidewalk
  - Grass buffer (where possible)
  - Bicycle accommodation
  - Curbing and drainage
  - Utility coordination - redundant utility poles

Mr. Johnson discussed the proposed sidewalks along Maplewood Avenue as highlighted in red on slide 10. He discussed proposed traffic calming measures as outlined on slide 11. They included: perceived narrowed travel lanes; radar speed signs at two locations, as noted in yellow circles; and intersection geometry improvements at key locations noted in red circles.

Mr. Johnson outlined the Maplewood Avenue typical roadway section as illustrated on slide 12.

Ted Gray asked about the narrowing of road lanes and vehicle parking on both sides of the street. He expressed concern for residential parking. Mr. Johnson stated that the parking

observation showed very little demand in the area. Mr. Gray asked that consideration be given to fewer bike lanes and narrower sidewalks.

Mr. Johnson outlined the concept of intersection improvements at Woodbury Avenue on slide 14, and detailed the intersection improvement at Woodbury Avenue and Maplewood Avenue.

The improvements included:

- Calm travel speeds  
    Realign intersection to 90 degree angle - T type of configuration
- Reduce pavement width and introduce green space (public space to be developed)
- Gateway treatment
- Pedestrian crosswalk and introduction of Rectangular Rapid Flash Beacons (RRFB)
- Bicycle accommodation through buffered bike lanes
- Sidewalk connection on Woodbury Ave from Frank Jones Mansion to Woodlawn Circle
- Retain existing tree in island

He discussed other traffic control measures as shown on slide 15 such as raised intersections. He stated there is a gentle rise into the intersection and a gentle decline out of the intersection. It is a vertical deflection that reinforces slow speeds and encourages yielding to pedestrians. He also noted that a raised intersection would impact emergency response times.

Five intersections were noted for improvements.

Edmond Avenue: calm travel speeds by raised intersection and dynamic striping, pedestrian crosswalk/ refuge, and bicycle accommodation

Central Avenue and Emery Street: calm travel speeds by raised intersection and dynamic striping, pedestrian crosswalks I refuge, bicycle accommodation and sidewalk connections

Cutts Street: calm travel speeds, median island, dynamic striping, pedestrian crosswalk, bicycle accommodation (green paint to enhance visibility), sidewalk connections, radar speed signs and installation of supplemental signs (cross traffic does not stop) below the existing stop signs

NB Bypass Ramps: tighten the intersection geometry by installing a mountable apron for the right turn. The apron would cause vehicles to approach and stop before making a right hand turn. The existing island would remain. Mark a bike lane in green paint to enhance the feature

Dennett Street: calm travel speeds, bike lanes through the intersection, dynamic striping, pedestrian crosswalks and bicycle accommodations



Mr. Johnson stated that the following schedule may need to be revised once bids are submitted. The next steps include:

Define project limits and phasing	Fall 2016
Coordinate temp. const. access with abutters	Fall/Winter 2016
Complete final design	Winter 2016/2017
Advertise for bids	Spring 2017
Receive bids/award contract	Spring 2017
Public pre-construction meeting	Summer 2017
Begin construction	Summer/Fall 2017

Harold Whitehouse asked about using rumble strips at intersections. Mr. Johnson clarified that rumble strips are not used in residential areas due to the noise.

#### VII. NEW BUSINESS:

A. Meeting House Hill Road, request for one-way traffic flow, by Elaine Boucas - Eric Eby stated the Committee conducted a site visit on Tuesday, November 1, 2016. He requested additional time to evaluate the area and report back on a recommendation at a later date.

City Manager Bohenko motioned to direct staff to report back. Harold Whitehouse seconded. **Vote 9-0, to direct staff to report back.**

B. Greenleaf Avenue, request for truck restriction between Route 1 Bypass and Lafayette Road, by Linda Forisso-Corbly - Eric Eby stated that neighborhood residents noticed increased vehicular speeds due to the repaving of Greenleaf Avenue. Mr. Eby requested time to gather data on truck traffic and traffic counts and would report back with a recommendation at a later date. He stated an ordinance amendment would be required to prohibit truck traffic on that section of Greenleaf Avenue.

City Manager Bohenko motioned to direct staff to report back. Public Works Director Rice seconded. **Vote 9-0, to direct staff to report back.**

#### VIII. OLD BUSINESS:

A. 43 Whidden Street, report back on driveway permit application by Greg Mahanna –

City Manager Bohenko motioned to suspend the rules to allow for public comment. Harold Whitehouse seconded. **Vote 9-0, to suspend rules to allow for public comment.**

Attorney Chris Mulligan spoke on behalf of Greg Mahanna. Mr. Mulligan stated he discussed the open space requirements with John Chagnon, Ambit Engineering, who created the site plan. He stated Mr. Chagnon believed the open space requirement would be met if the driveway was

placed in the location specified. Mr. Mulligan asked the Committee to follow the recommendation by DPW staff to grant the driveway permit.

Harold Whitehouse motioned to approve the driveway permit subject to the City's Planning Department approval. Mary Lou McElwain seconded. **Vote 9-0, to approve the driveway permit subject to the City's Planning Department approval.**

B. Echo Avenue, report back on neighborhood petition requesting signs to address speeding concerns – Eric Eby conducted a site visit and spoke to neighbors who signed the petition presented at the October 2016 PTS meeting.

Mr. Eby recommended the following:

- Curve warning signs, chevron signs and speed limit signs should be installed along the roadway near the curve at the intersection with Woodlawn Circle.
- Wheelchair warning signs should be installed at both ends of the roadway as well as near the intersection with Woodlawn Circle.
- Pave the utility patch on Woodland Circle.
- Contact NHDOT officials regarding their willingness to replace the Echo Avenue sign on the Turnpike with a Local Traffic Only sign. This will help to discourage retail users from choosing to travel on Echo Avenue.

Mr. Eby stated that the improvements mentioned during the Maplewood Avenue corridor improvements project would include new sidewalks, crosswalks and crossing treatments that would improve the safety of pedestrians crossing Woodbury Avenue from the Echo Avenue neighborhood.

Mary Lou McElwain supported any action to keep the highway traffic out of the neighborhood.

Ron Cypher motioned to approve staff recommendations. Mary Lou McElwain seconded. **Vote 9-0, to approve staff recommendations.**

Harold Whitehouse asked for the City Attorney's opinion regarding flags on power wheelchairs. He stated that the residents of Betty's Dream may receive federal and/or state funding. City Manager Bohenko stated he would speak to the City Attorney.

C. Parking space striping outside of downtown, report back – Eric Eby recommended to the Committee that requests for parking space striping be addressed on a case-by-case basis. No action required.

D. 15 minute parking spaces, report back on maximizing efficiency of their use – Joey Giordano, Parking Manager, updated the Committee on the new programmable meters currently being tested. The technology would allow 15-minute spaces to be reprogrammed after the 15-minute designation was no longer required. No action required.

E. Bow Street and Market Street intersection, report back on request for police officer while Sarah Mildred Long Bridge is closed – Police Captain Warchol reported that there have not been significant traffic backups that would require traffic management by police officers. He recommended to the Committee that no police detail is needed at this time.

The Committee discussed the traffic pattern and traffic volumes traveling from Bow Street onto Market Street.

IX. PUBLIC COMMENT:

Andrea Amico thanked the Committee for the TEC presentation on Water Country traffic. She requested the presentation and NHDOT response letter be posted to the website. She asked if the intersection at Constitution Avenue and Banfield Road was reviewed. She expressed concern about the traffic volumes on Banfield Road and the impact on families in the neighborhood.

She reiterated her position that traffic from a business on Route 1 should be required to exit on Route 1. She asked about the City's participation in the NHDOT Route 1 Corridor Plan dated November 2011, which addresses Water Country traffic. She also mentioned an October 2016 RTPC meeting. She questioned if City staff participates in these meetings and inquired about the City's position on the topics. Andrea Amico listed future developments proposed for the area and questioned the traffic implications. She asked if the proposed developments had been considered in the traffic impact studies. She supports a traffic light at the West Road and Route 1 intersection.

Kelly Shaw asked if future developments are required to be compliant. She asked how the NHDOT is being notified of new developments or change of use developments. She expressed concern that they are not being notified. She also requested that only right hand turns in and out on Constitution Ave be allowed.

Rick Becksted asked if the new developments and proposed developments were part of the Traffic Impact Assessment (TIA) on Water Country. He expressed support for the permanently mounted traffic calming devices. He expressed interest in learning if they curbed speeding, or if drivers forget about them and continue to speed. Mr. Becksted asked if sidewalk and curbing could be combined and located on one side of the street. He asked about the double yellow line being removed on Aldrich Road.

X. INFORMATIONAL:

A. Neighborhood Traffic Calming program update – Juliet Walker, Assistant Planning Director, presented on Neighborhood Traffic Calming. The presentation is available on the City's website under Meetings Calendar 2016, November 3, 2016, Parking and Traffic Safety Committee.

The intent of the proposed neighborhood traffic calming program is to clarify the process for citizens coming before committees with requests for improvements on their streets. She stated this program is formalizing the existing process and creating a toolbox of responses to the requests.

She stated there are two phases:

- Phase 1 - preliminary assessment
  - Speed monitoring
  - Traffic counts
  - Traffic study
- Phase 2
  - Physical traffic calming measures
    - Short-term | interim - "pilot"
    - Long-term | Capital Improvement Program (CIP)
  - Non-infrastructure traffic calming measures

Juliet Walker briefly discussed the types of traffic calming measures. The next steps are as follows:

- Develop a public request form
- Add guidance / program information on City website

Eric Eby provided updates on the following:

1. Elwyn Road sidewalk request
2. Aldrich Road centerline was removed to allow people to use the full width of the roadway to get around parked cars. Parking is allowed on Aldrich Road.
3. Radar speed signs are traffic calming devices and they collect data.
4. Eliminating center lines on selected roads

XI. ADJOURNMENT – At 9:43 a.m., voted to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary of the Committee



## **Request for Resources to Update and Refresh the City's Cultural Plan.**

### **Assessment:**

It has been almost 15 years since the city has revisited its cultural plan, the document that established Artspeak, the city's cultural commission. Many of the goals in the original plan are still critical today, and several of them are currently addressed through the city's master planning process and blue ribbon committee work. Through a variety of public input sessions, the community has clearly expressed their desire to further protect and preserve arts and culture through land use policies.

The board of ArtSpeak sees this as affirmation of the community's high regard for the arts and culture sector in Portsmouth. Moving forward, ArtSpeak would like to narrow its scope in resource allocation to better serve our cultural community. In order to do that, updated data is needed in assessing the needs and overall health of the arts and cultural community.

### **Scope of work:**

Work with project consultant to-

- Review current cultural plan, written in 2002.

- Review data from various community input sessions regarding current master plan.

- Hold listening session(s) with stakeholders.

- Revise/refresh current plan.

- Design and print updated plan.

Estimated consultant hours: 30 – 40 \$3,500- \$4,000

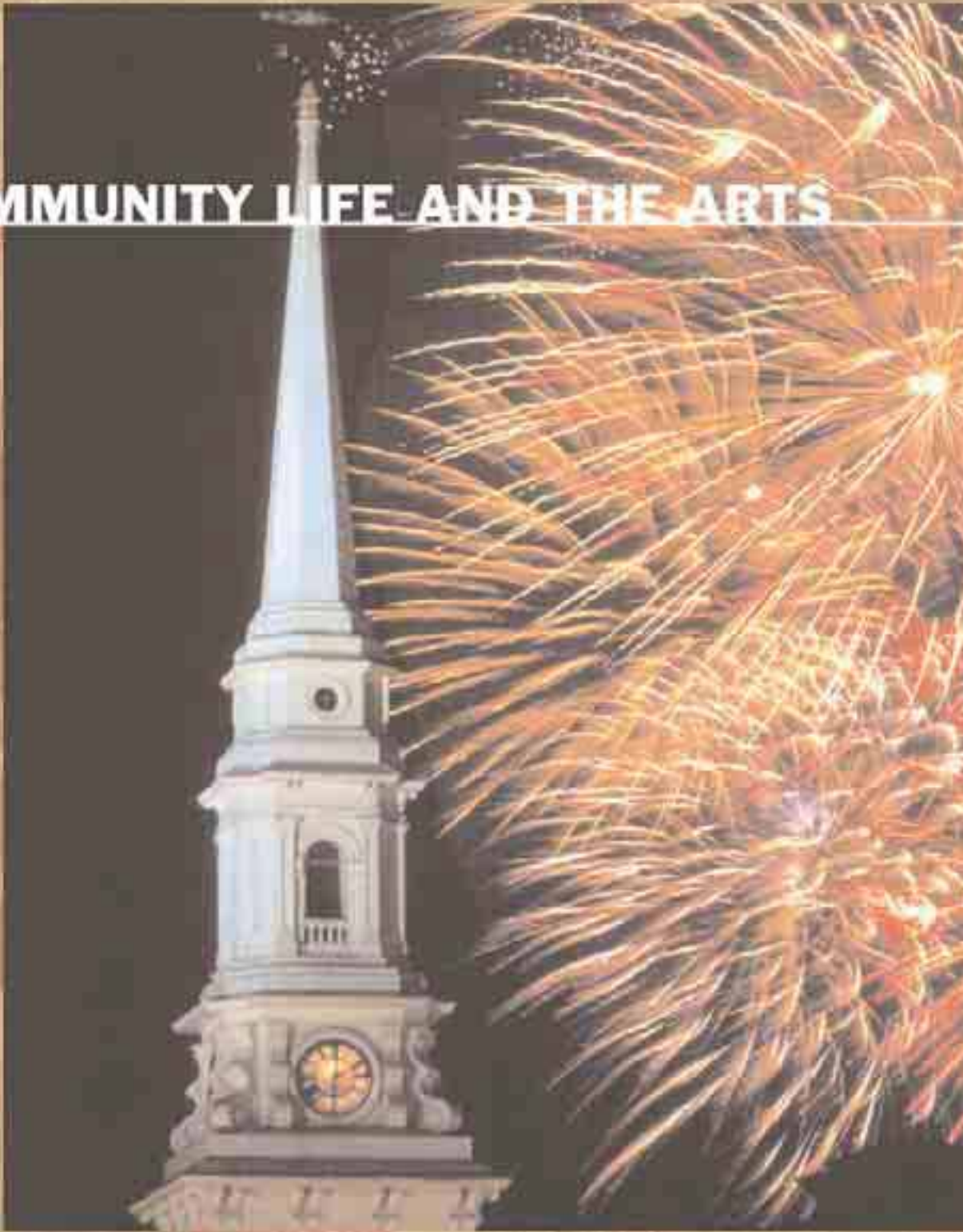
Estimated designer hours: (brochure) 6-9 \$500- \$1,000

Printing costs: \$1,500

Misc. (event related expenses, fees, etc.) \$500

Contingency: \$500

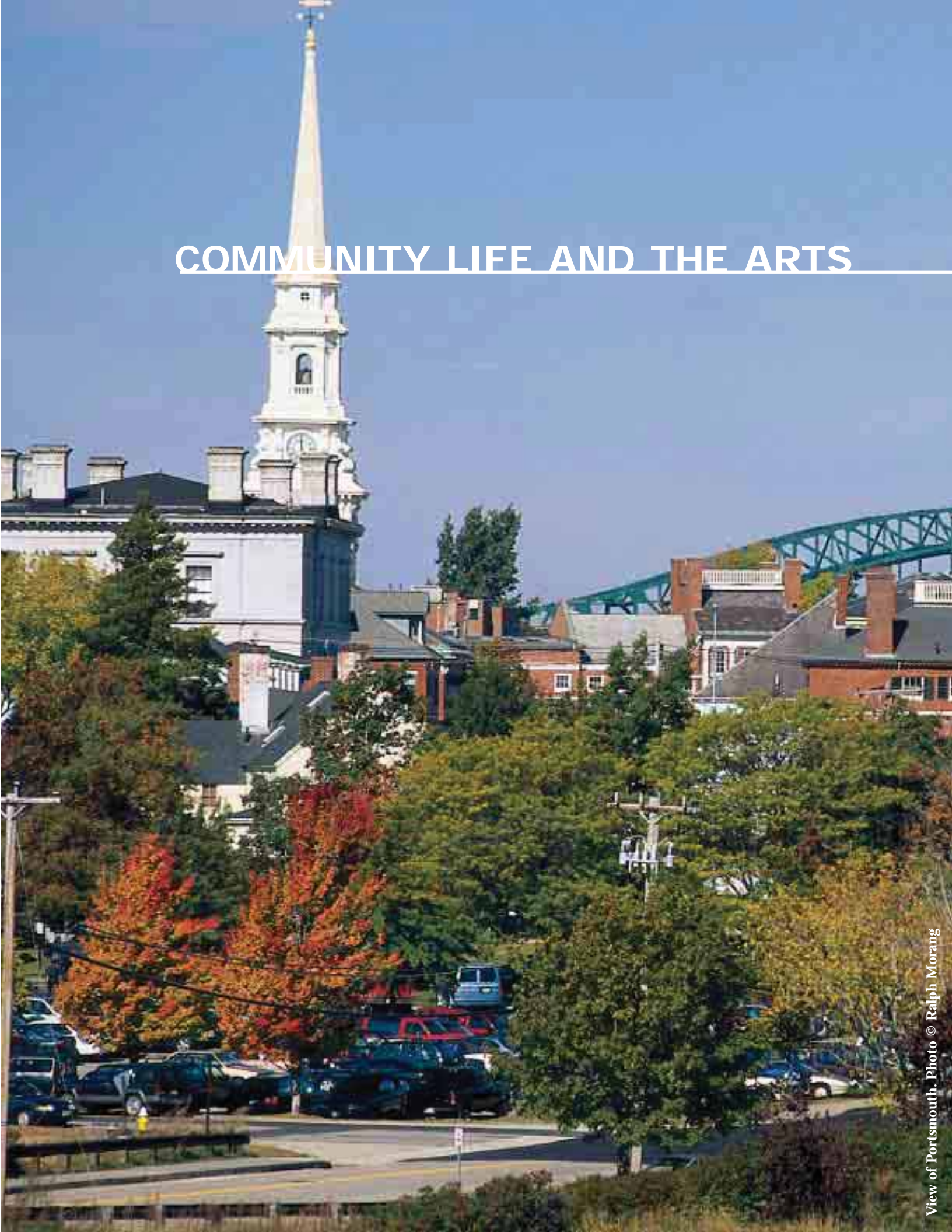
**Estimated Total Cost: \$7,500**



**COMMUNITY LIFE AND THE ARTS**

Portsmouth, New Hampshire  
Cultural Plan

# COMMUNITY LIFE AND THE ARTS





**PORTSMOUTH, NEW HAMPSHIRE  
CULTURAL PLAN**

**A PRODUCT OF THE MAYOR'S BLUE RIBBON  
COMMITTEE ON ARTS AND CULTURE**

**Approved by City Council, December 2001**

**Adopted into the Portsmouth City Master Plan, January 2002**

**Report Published, May 2002**

**Funding provided by Greater Piscataqua Community Foundation**



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Seal of the City of Portsmouth, which hangs in the City Council Chambers, rendered in wrought iron by Peter Happy

# COMMUNITY LIFE AND THE ARTS: PORTSMOUTH'S CULTURAL PLAN

## EXECUTIVE SUMMARY

The Mayor's Blue Ribbon Committee on Arts and Culture was created in the fall of 1999 to develop a cultural plan to be incorporated into the City's master plan. The committee comprises Portsmouth, New Hampshire citizens representing business, cultural, community service, and education sectors. After a full year of focus groups with members of Portsmouth's academic, civic, cultural, and religious organizations, the Blue Ribbon Committee synthesized the major themes from these discussions into the following goals. These goals represent various steps Portsmouth and citizens can take to preserve and grow the city's cultural assets.

### *Preservation*

Identify and preserve buildings and open spaces contributing to the unique character and cultural assets of Portsmouth

### *Space*

Expand and support spaces for cultural activities and events, including affordable space for artists, and venues and space for performances, exhibitions, meetings, storage, rehearsal, and education

### *Youth*

Engage young people in arts and cultural opportunities in all aspects of their life, including educational, recreational, and social settings

### *Business*

Engage businesses with the arts and cultural community

### *Marketing*

Market Portsmouth as a business and cultural destination

### *Agency*

Create an arts and culture agency to act on the City's behalf on all matters related to arts and culture

# INTRODUCTION



John Paul Jones House, home of the Portsmouth Historical Society. Photo © Ralph Morang

# MERGING THE PRESENT WITH THE FUTURE: PRESERVING ARTS AND CULTURE IN PORTSMOUTH

We must insist upon the idea of culture-in-action, of culture growing within us like a new organ, a sort of second breath...the distinction between culture and civilization is an artificial one, providing two words to signify an identical function.

*French theater critic Antonin Artaud (1896-1948)*

During the two years the Mayor's Blue Ribbon Committee on Arts and Culture was involved in discussions on the "arts and culture" communities of Portsmouth, we soon realized just how expansive these definitions could be. The arts are, of course, those examples of paintings and photographs hanging on the walls of many boutiques and restaurants downtown.

The word "culture" can include the popular activities at Prescott Park as well as the more esoteric searches for information at the Portsmouth Athenaeum.

Those examples come easily. But what do we do, then, with our architecture, our old churches, our 250-year old cemeteries? How do we preserve what little waterfront we have? And does not the ancient fishing industry that still thrives in Portsmouth come under the heading of both arts and culture?

It can, and it probably should. As the definitions of arts and culture expanded, the Blue Ribbon Committee recognized that the preservation and, indeed, the nourishment of these communities is an ambitious and extraordinary project. The Committee recognized that the continued success of these endeavors, as well as the preservation of Portsmouth as a seaside town with a personality and ambience all its own, will require an ongoing and energetic marriage of governmental commitment, and civic planning, on a grand scale.

In other words, if Portsmouth wants to remain a small town with its own unique culture, it will have to do so consciously. And someone will be needed to watch over these much needed institutions.

On the wall in Portsmouth City Hall is a painting depicting the city as it looked in the early 19th century (see page 8). In the painting a couple - a man and woman, alone with their small dog - is standing on the bank of the Piscataqua River. There is a basket between them; perhaps they have been collecting the lobsters that were once so plentiful they walked right up out of the river onto the land. The city of Portsmouth is behind them, in the distance, dark and slung low but still familiar. It is 1830.

It is of course impossible to know just what our visitors were thinking. But they were more than likely enamored of exactly the quality that attracted the painter to the scene in the first place: the physical beauty of the area is striking.

This painting in City Hall reminds us of two things.

The existence of this art is a concrete example of artistic and cultural preservation. The only reason a painting survives 170 years after the artist completed his vision is because succeeding generations of people saw to it that the painting was not destroyed.

The second thing we are reminded of is how much the view of Portsmouth has not changed. If our visitors were to find themselves on that same spot on Freeman's Point today they would see a vista altered, certainly, but not dramatically. They would find Portsmouth noisier and busier, of course. They would find three metal mechanical bridges spanning the width of the Piscataqua instead of just one wooden drawbridge. They would find the shores clotted with homes and the traffic would seem, to them, unmanageable.

But after the initial shock, after our visitors had sat themselves down on the edge of the river, they would be perhaps surprised by just how much they recognized. Our visitors would find that a few of those buildings and homes are still in their same spots on the map. They would still find cemeteries, now expanded, in the same

place. And they would find that the roads leading in and out of the City are more or less intact, only now wider and paved.

There would be, in other words, comfort in the fact that Portsmouth remained recognizable almost 200 years later. The churches and shops, the taverns and bookstores, the theaters and parks would all remind our visitors that Portsmouth is still a place where they would feel welcome and not out of place.

Portsmouth has continued to recognize the importance of its cultural and artistic institutions, and that is why so much of the past has endured. And this preservation of

to its size, was ripe for an effort such as this.

In recognition of this need and, yes, duty, Mayor Sirrell empaneled a group of residents to begin the process of understanding what was needed to fulfill this goal.

It is also important to note that this committee, from its beginning, was supported by the Greater Piscataqua Community Foundation.

Sixteen residents began the task in January 2000. Given the full support of Mayor Sirrell, City Manager John Bohenko and the members of the City Council, the Mayor's Blue Ribbon Committee on Arts and Culture

## *The nurturing of culture happens every day in countless and unseen ways in Portsmouth*

space, this indexing of what illustrates life in Portsmouth within the boundaries of its 15 square miles, is just as important, if not more important today, than it was 170 years ago.

The nurturing of culture happens everyday in countless and unseen ways in Portsmouth. A short list of our cultural and artistic institutions, both obvious and obscure, includes: the Poet Laureate program, the Button Factory, the Music Hall, the Colonial mileage marker on Islington Street, the Children's Museum, the Black Heritage Trail, the Portsmouth Public Library, the alarm bell on the Memorial Bridge, the Art Rocks! stage, independent and foreign film festivals, the public gardens in Prescott Park, the North Church steeple, the Fisherman's Cooperative, our horse drawn carriages, candlelight strolls, pocket garden tours, the tugboats and Portsmouth's working port, Strawberry Banke Museum, The Portsmouth Athenaeum, and examples of public art.

As important as these efforts are, Portsmouth Mayor Evelyn Sirrell saw the need for a unified and concerted effort to preserve and nurture both the artistic and cultural elements of this city. A city that is changing, but also one that has limited natural and civic resources, due

convened and almost immediately began the task of meeting with groups and individuals who were involved in all aspects of City life. These organizations included representatives from the local Chamber of Commerce, members of various artistic associations, the directors of historic institutions, and specific demographic groups, such as senior citizens and high school students.

It is a testimony to the vibrant cultural life of Portsmouth that there was no shortage of groups to talk to, or people who were able to offer informed and insightful commentary on the conditions of these communities.

From these extensive focus groups, the Committee began, during monthly and, later, more frequent meetings during a 24-month period, compiling lists of what residents felt the city should do to keep its artistic and cultural communities intact. This report is the result of those surveys and comments.

The Mayor's Blue Ribbon Committee on Arts and Culture, with the financial support of the City, also began the process of quantifying just how important arts and culture are to the City. The Americans for the Arts surveys were handed out to audience members of various

concerts, plays, and other cultural events during the past year. This information will eventually be used to compile what will amount to an economic portrait: how much do the arts contribute to the fiscal health of the City? This information will be a useful tool in aiding the city toward its cultural and preservation goals.

During the time the Committee was engaged in its work, the economy of the nation, region, and state was strong, but, as the group's task was nearing completion, showed signs of faltering. The Committee was also cognizant of the fact that Portsmouth, while seeing the number of artistic and cultural productions and events remain virtually unchanged throughout the two-year existence of the group, experienced an exodus of its artisans and musicians. This exodus was largely due to rising rents and general lack of affordable living spaces.

The Committee was conscious of its duty to reverse the loss of artistic talent, and to maintain the places where artists are able to ply their craft, i.e., working space for rehearsals, gallery space, and studios.

It is in this context that the Committee wishes to formally recognize the continued commitment of both City government and the ongoing efforts of City residents to maintain a cultural life that is exciting, healthy and highly original.

And it is the hope of the Committee, with the following section added to the City's Master Plan as a guide, that the City continues on as a vibrant, diversified City, a City teeming with talent and cultural life; and a place with identifiable neighborhoods, all of which add to the distinct, rich flavor of Portsmouth.

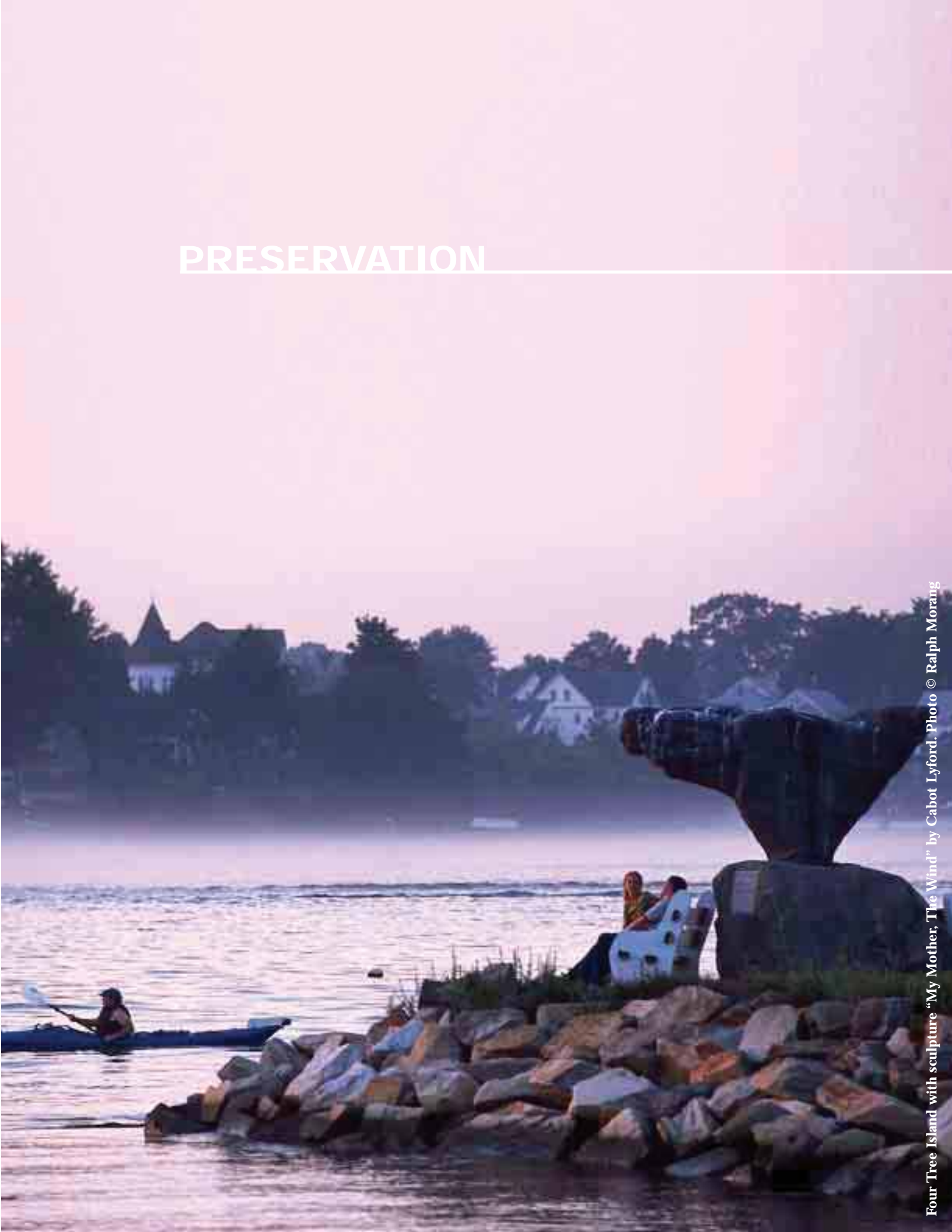
The Mayor's Blue Ribbon Committee on Arts and Culture  
December 2001



View of Portsmouth from Freeman's Point, currently hanging in Portsmouth City Hall.  
painted by John S. Blunt, 1830  
Photo by Jason page

# PRESERVATION

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Four Tree Island with sculpture "My Mother, The Wind" by Cabot Lyford. Photo © Ralph Morang

# IDENTIFY AND PRESERVE BUILDINGS AND OPEN SPACES CONTRIBUTING TO THE UNIQUE CHARACTER AND CULTURAL ASSETS OF PORTSMOUTH

Portsmouth's character and appeal depend, in large part, on the city's architecture and landscape. Past preservation efforts have spawned a tourism industry that includes tours of historic homes and sites on the Portsmouth Black Heritage Trail and the Portsmouth Harbour Trail, walks through local burial grounds, lectures, cruises on Portsmouth Harbor, and the establishment of the 40-acre outdoor history museum, Strawberry Banke.

The need to preserve buildings and open spaces received the most votes in an arts survey of Portsmouth citizens conducted as part of the cultural planning process. And, in the cultural planning focus groups, this goal was consistently the topic of great concern. Much of the concern is on the fate of publicly-owned buildings. Other comments noted the need to improve awareness of the cultural and economic benefits derived from Portsmouth's historic architecture and the preservation of the City's open spaces. Still others believed there was a need to review the City's regulations and policies within the context of arts, promotion, and historic and open space preservation. The interest shown by citizens in historic preservation suggests that there is now an opportunity to broaden the involvement of organizations and residents in decision making regarding city buildings, neighborhoods, streetscape improvements, and regulatory changes.

## *Engage the community in preservation and cultural issues*

- Inventory buildings and open spaces that define the unique character and culture of Portsmouth.
- Leverage funds for preservation or acquisition of buildings and open spaces using grants and other sources, e.g., NH Land and Community Heritage Investment Program, SOS!, Land and Water Conservation Funds (LAWCON), Community Development Block Grants.
- Develop training programs on preservation and make them available to all people involved in local decision making, such as members of local boards and neighborhood groups.
- Publish information about the location of public art and cemeteries.
- Create and promote the use of non-traditional performing spaces.
- Create a task force to identify new spaces for public art - both permanent and temporary - and develop criteria for its creation, funding, and selection.
- Nominate eligible sites for the National Register of Historic Places.
- Explore the designation of a National Park district similar to that of Salem, MA and Lowell, MA.
- Provide opportunities to create neighborhood overlay districts that will preserve community character.

- Inventory and preserve the community's visual/photographic heritage.
- Collaborate with cultural organizations to design standardized signage and to develop a "way-finding" system to locate cultural venues and points of interest in the city. Support with an easy-to-read map.

## *Commit to preserve the City's cultural assets*

- Examine zoning regulations impacting the arts and develop a pro-culture approach to land and building use.
- Hire a municipal preservation planner.
- Provide incentives to developers for allowing public access to property along the waterfront and property with a scenic or culturally significant view.
- Fund and build a Riverwalk along the Piscataqua River behind Bow Street. Link it to the Portsmouth Harbour Trail and Prescott Park.
- Establish a revolving loan fund with program guidelines for owners to preserve their property. Update loan eligibility criteria to reflect evolving historic significance.
- Continue the municipal practice of not taxing nonprofit cultural entities.



SPACE



Piscataqua Faire, a Prescott Park Arts Festival event, at Four Tree Island. Photo © Ralph Morang

# EXPAND AND SUPPORT SPACES FOR CULTURAL ACTIVITIES AND EVENTS, INCLUDING AFFORDABLE SPACE FOR ARTISTS, AND VENUES AND SPACE FOR PERFORMANCES, EXHIBITIONS, MEETINGS, STORAGE, REHEARSAL, AND EDUCATION

The severe shortage of affordable space in Portsmouth is the greatest challenge facing artists and cultural organizations. Focus group participants were concerned about the ability of individual artists and cultural organizations to maintain their places in Portsmouth. Most existing facilities are operating at, or near their capacity, yet the demand for additional activities is growing. The high rental and real estate purchase prices are limiting the growth of cultural entities and, in some cases, resulting in an exodus to more affordable space outside the City. In order for the cultural community to continue to develop and for Portsmouth to maintain the economic vitality derived from this sector of the economy, we need to think creatively about the opportunities available in the community for cultural development and expansion.

We propose learning from and building on existing public-private partnerships that have provided creative space solutions, such as the Player's Ring, Children's Museum, and Ballet New England's use of the Connie Bean Center. The City's arts agency will create an inventory of potentially usable spaces.

## *Create new and support existing partnerships to develop space for cultural uses*

- Using the City's consolidated planning process, create neighborhood arts centers that serve the needs of specific areas of the City, similar to the approach to parks and recreational facilities; an example would be the Rock Street Park facility.
- Provide incentives for the business community, schools, and the nonprofit community (arts and non-arts) to provide meeting, display, performance, and storage spaces to the cultural community and young artists as a donation or at low cost.
- Encourage permanent and temporary cultural activities in natural settings; examples could be an outdoor sculpture park at the Pease Tradeport or an arts center at Creek Farm.

## *Extend public properties for cultural uses*

- Create a centralized cultural arts center in a facility owned by the City; possibilities could be expansion of the Connie Bean Center or re-use of the library.

- Integrate cultural facilities into all new municipal building projects, such as the library, as well as renovations of existing spaces, such as the high school; examples include theatre space and visual arts studio space at the high school that could be used by the public or foundry space at City Yard.
- Enhance and increase the pedestrian-friendly areas in the City.
- Link transportation to cultural facilities, working with COAST and the school department.

## *Provide affordable living and working space for artists*

- Address zoning issues and building codes that are barriers for artists, including limitations on combining living and working space, need for higher density and smaller living spaces, and provision of signage in areas zoned residential.
- Address housing for artists, using appropriate funds and partnerships, including working with Portsmouth Housing Authority to provide subsidies.

# YOUTH



Eric Cagnon rehearsing the Portsmouth High School Band. Photo © Rich Beauchesne

# ENGAGE YOUNG PEOPLE IN ARTS AND CULTURAL OPPORTUNITIES IN ALL ASPECTS OF THEIR LIFE, INCLUDING EDUCATIONAL, RECREATIONAL, AND SOCIAL SETTINGS

Children growing up in Portsmouth deserve the life-long benefits that early and continued exposure to the arts offers, that is, the development of their full creative and expressive potential. They need to know that Portsmouth is "their City" and that the cultural resources of the City belong to them as well as to the adults in the community. To make this vision a reality will take effort on the part of schools, the cultural community, and parents - grounded in a shared belief that the arts are a basic part of every child's education and development. Portsmouth's cultural depth can be tapped in new ways to provide cultural advantages for our youngest citizens.

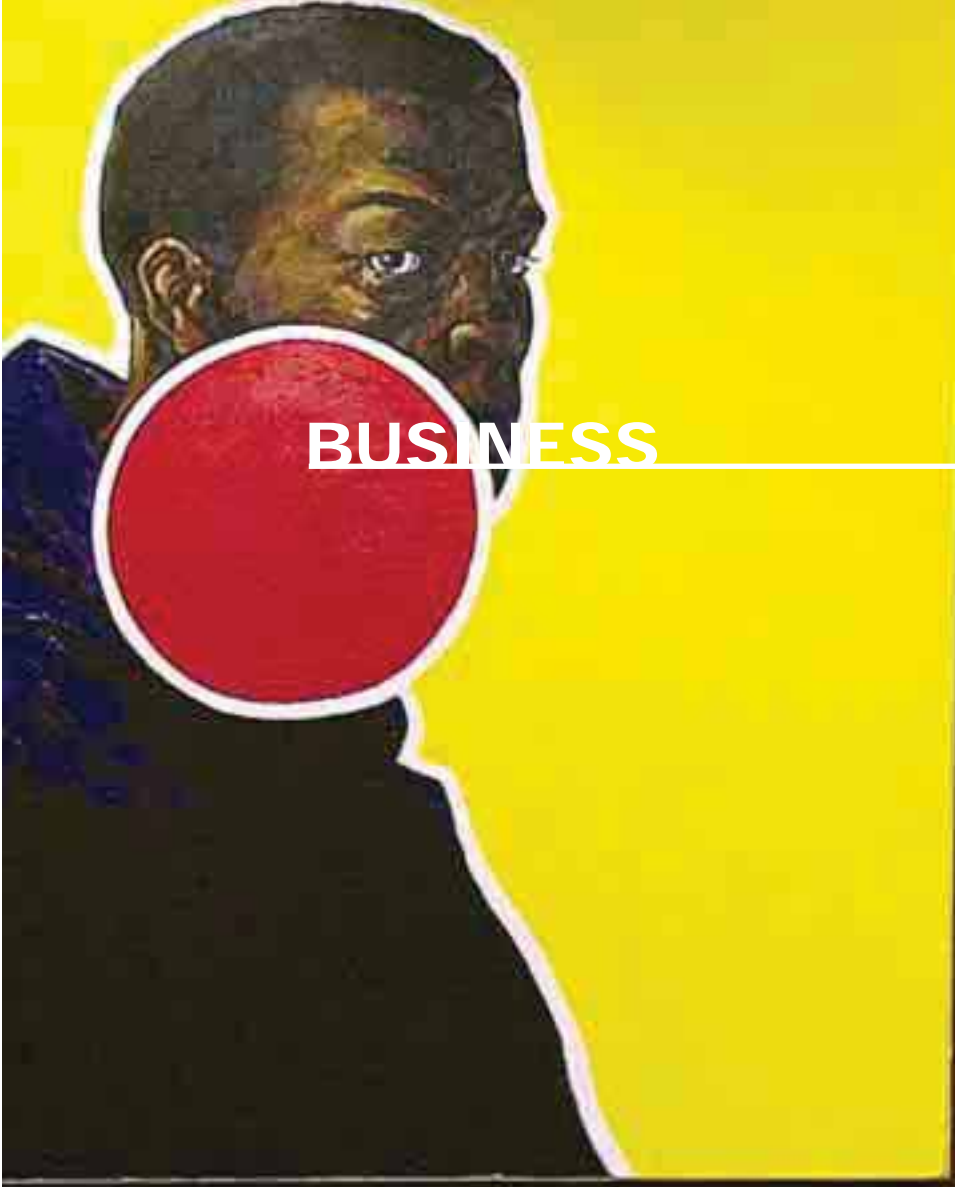
## *Within the schools, provide facilities and programs for students to take an active part in culture*

- Continue to use the statewide arts curriculum learning standards as a guide, creating curriculum activities and materials that focus on Portsmouth's cultural institutions.
- Establish several master/mentor programs where teachers would work in collaboration with the Department of the Arts supporting classroom teachers who integrate arts and culture into other subject areas. Classroom teachers could choose this intensive staff development experience to learn new approaches to teaching.
- Foster relationships among local cultural organizations, schools, and artists. Provide funding to bring cultural activities and artists into the schools as well as to have students visit Portsmouth's cultural organizations.
- Encourage development of long-range plans to ensure that all Portsmouth schools include space for performances as well as for the creation and display of visual art. When undertaking facility design, plan for facility use by the broader community when the schools are not in session.
- Expand cultural offerings within the schools so that each child has a daily opportunity for creative expression.
- Create non-traditional cultural internships that allow high school students to meet graduation requirements while taking advantage of the expertise of cultural organizations and artists in the community.

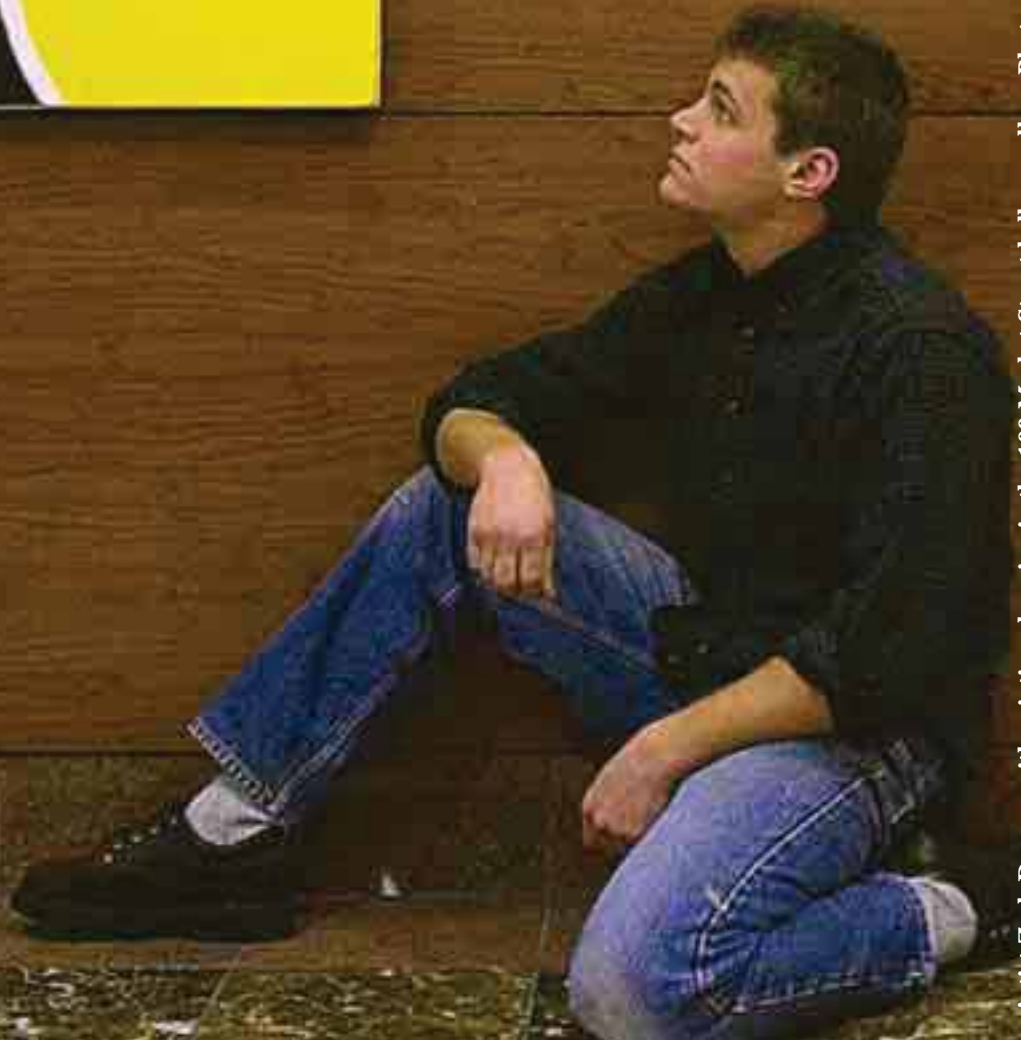
- Underwrite transportation to local cultural venues for students during and after school hours.
- Promote the value of training in the arts for multiple career paths.

## *Outside of the schools, encourage the development of cultural programs and facilities with a focus on youth and families.*

- Expand after-school programs offered at the elementary and secondary schools to include additional cultural programming.
- Encourage cultural organizations to create programs of interest to teens and create center or centers where young people can engage in cultural programming and create visual, performing, and literary arts.
- Through the City's recreation department, offer mixed-age trips to cultural resources outside the community. Subsidize the fees of young people.
- Promote the development of an independent community arts school to expand the professional arts opportunities available to youth (and adults). The school would be modeled after community music schools; an example is the Bell Center in Dover.



**BUSINESS**



Artist Zach Dawson with paintings hanging in the 100 Market Street hallway gallery. Photo © Rich Beauchesne

# ENGAGE BUSINESSES WITH THE ARTS AND CULTURAL COMMUNITY

The Portsmouth business community has long recognized the value of arts and culture in the City through its support of local organizations and sponsorship of cultural events. In fact, many businesses locate in this area precisely because of the cultural opportunities and their attraction to employees. As the Portsmouth economy diversifies, it is important both to continue and to create partnerships among cultural organizations and businesses. Such cross promotion of Portsmouth as a culturally diverse and rich place to work and live will benefit both the business and arts communities.

## *Create opportunities for collaboration between the cultural and the business communities*

- Strengthen the linkage between business organizations and cultural organizations, such as those being developed by the Chamber of Commerce Tourism Committee. Other examples: encourage the Chamber of Commerce to include nonprofit cultural organizations on its committees; develop membership fee structure that is feasible for artists and cultural organizations.
- Create programs that link businesses with individual artists or cultural organizations, such as a cultural resource bank that provides businesses with access to art work and cultural performances for workplaces and conferences, Business After Hours cultural showcases and performances, promoting tickets as employee awards and performance incentives, and a local chapter of Business Volunteers for the Arts to encourage business representatives and employees to volunteer for local cultural organizations.
- Survey businesses and cultural organizations that already have successful partnerships to determine the benefits of partnerships; use them to create models for others.

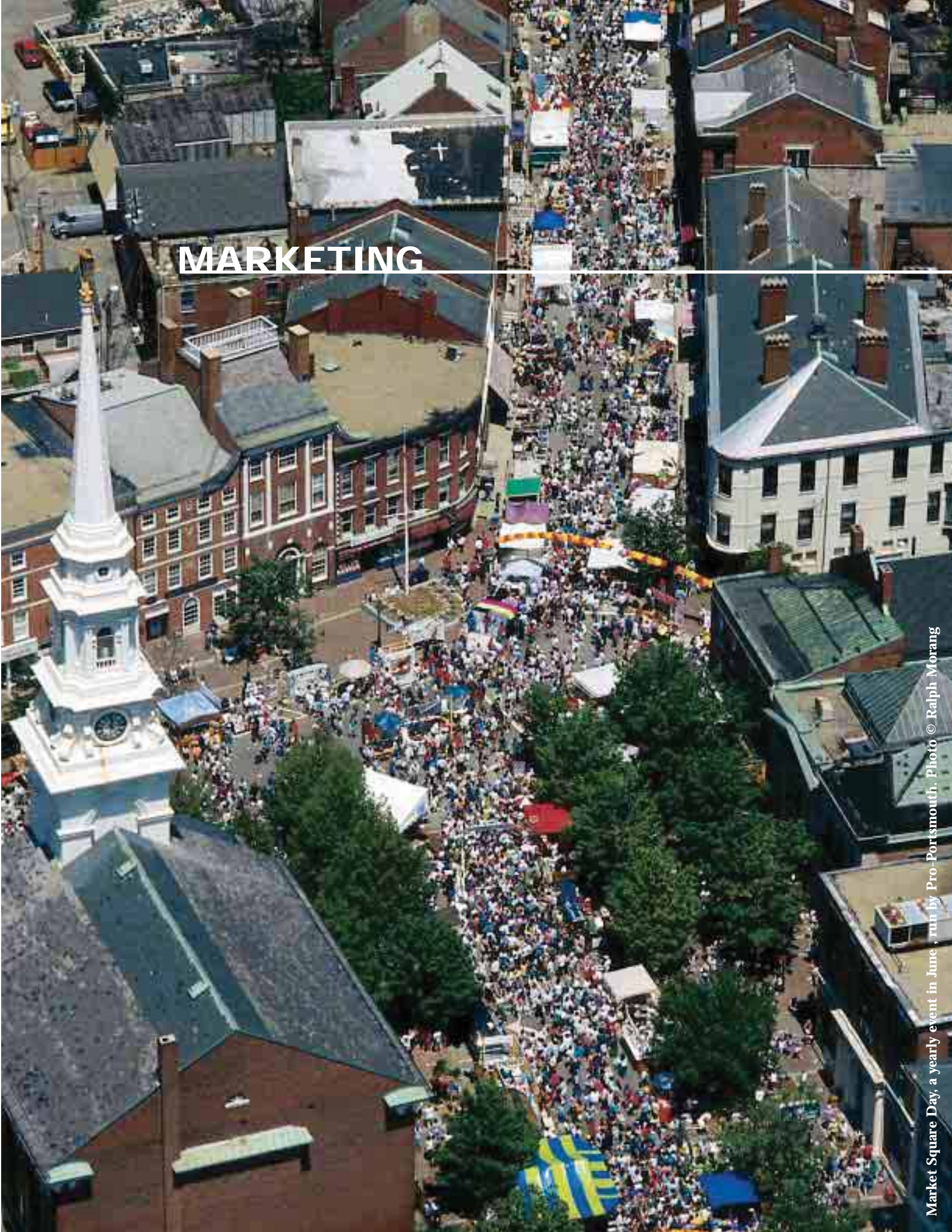
## *Recognize and celebrate successful business/arts partnerships that promote the community*

- Recognize businesses that do an outstanding job supporting cultural programs and performances with annual awards.
- Acknowledge artists and organizations that do an outstanding job of fostering partnerships with the business community with annual awards.
- Show appreciation through an awards program for individuals who serve on the boards of and volunteer for nonprofit cultural organizations.



Learning about Portsmouth's maritime history while cruising the Piscataqua River on "The Heritage" tour boat

# MARKETING



# MARKET PORTSMOUTH AS A BUSINESS AND CULTURAL DESTINATION

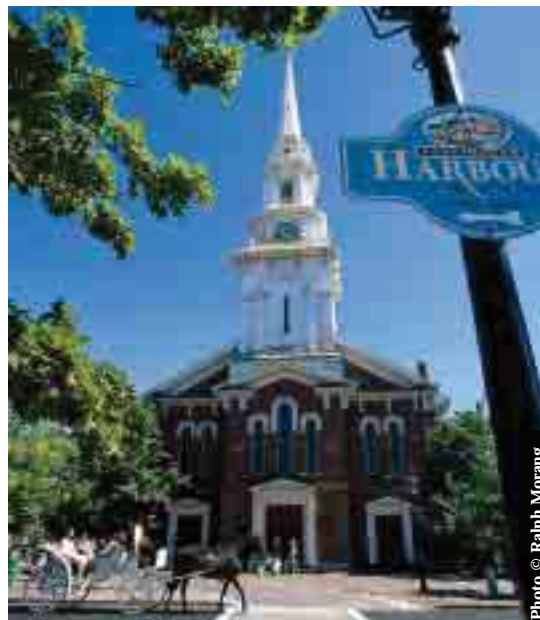
It is easy to take our cultural richness for granted and forget that others may not be aware of the range of cultural opportunities that Portsmouth offers. Remaining a dynamic center of cultural activity requires active promotion of cultural assets, which, in turn, takes commitment of time and money and collaborative effort. Knowledge is the first step toward active engagement.

## *Promote Portsmouth's culture to local and regional citizens and tourists*

- Create a directory and map of cultural attractions accessible to the public in local businesses as well as in galleries, parks, and other public venues. Expand kiosks and distribution racks to disseminate this and other cultural information.
- Coordinate programs, such as artists-in-residence programs in businesses, open studios, and sampler tours to learn about local arts and culture first hand.
- Aggressively promote local business and cultural products through joint advertising.
- Encourage the Chamber of Commerce Tourism Committee to recruit members of the cultural community.
- Coordinate and fully use web-based information about cultural organizations and events.

## *Collect information regarding the cultural community's impact on the economic vitality of Portsmouth; use it to promote Portsmouth and the region*

- Complete the economic impact study through Americans for the Arts and widely circulate the report. Update the report every three to five years and incorporate it into all materials and media used to promote the City's quality of life and economic vitality.
- Create a reference bank of information about the impact of cultural tourism and share it with local and state organizations. Annually update the information. Incorporate information into the City's annual report, master plan, and business recruitment efforts. Sources are the City's Economic Development Department, Department of Resources and Economic Development, Tourism Commission, and Chamber of Commerce.



The Portsmouth Chamber of Commerce  
Harbour Trail



# AGENCY



# CREATE AN ARTS AND CULTURE AGENCY

Portsmouth is a community with an impressive arts and cultural infrastructure. With more than 35 independent cultural organizations, the community needs an entity to represent, coordinate, and advocate for the cultural life of the City. In recognition that Portsmouth is a cultural center for a larger area, the agency would also work with nearby communities to develop a regional cultural plan.

***Establish an arts and culture agency to act on the City's behalf on all matters related to arts and culture. The purpose of the agency will be to:***

- Promote public appreciation, participation, dialogue, and support for the invaluable contribution that arts, culture, and history makes to our City's economic vitality and quality of life.
  - Serve as an advisor to all departments of City government on arts and cultural issues, e.g., work with the City to develop plans for alternative transportation to arts events and venues.
  - Perform a coordination function for local cultural organizations and advocate on their behalf at the local, state, and national level, e.g., development of a master calendar of events, identifying interest in sharing or coordinating various services, such as administrative support.
  - Market and promote Portsmouth as a cultural destination.
  - Create, maintain, and prioritize an inventory of the City's cultural assets for preservation purposes.
  - Create new resources to support local artists and cultural organizations, e.g., develop a percent-for-arts program as a revenue support for public art, promote the work of local artists to residents and tourists, explore ways to develop stable funding such as a United Way for the Arts.
  - Prepare annually a state-of-the-city cultural report for the City Council.
- Implement and periodically update the cultural plan.
  - Convene an annual forum for community dialogue related to arts and culture.
  - Introduce new businesses to expectations of supporting the cultural community.
  - Collaborate with regional and state arts and cultural organizations, e.g., NH Office of Tourism, NH Division of Cultural Resources, NH Humanities Council.

We propose that the agency have independent nonprofit status, receiving financial support from public and private sources. The agency will serve as the City's local arts agency. Staff will support the agency's activities. Suggested Commission composition:

- Up to 13 members who represent such entities as the arts and cultural community, education, businesses, city government, Chamber of Commerce, Pease Development Authority, and community residents,
- All members would have a personal, professional, and/or financial stake in the City,
- At least 50 percent would be City residents,
- Members will serve for no more than two consecutive three-year terms.

# CREDITS



# CREDITS

## Community Life and The Arts: Portsmouth, New Hampshire's Cultural Plan

Approved by the Portsmouth City Council  
December 2001

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Mayor Evelyn Sirrell  
Portsmouth City Council  
City Manager John Bohenko

Greater Piscataqua Community Foundation,  
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### *Focus Group Host Organizations*

Button Factory, Portsmouth Arts and Historical  
Collaborative, E-Brew, Lullabies and Reveilles, New  
Hampshire Theatre Project, Portsmouth Economic  
Development Commission, Living Innovations Home Care,  
Inc, Greater Portsmouth Chamber of Commerce,  
Portsmouth Historic District Commission, Portsmouth  
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The Committee thanks all those who contributed to the Cultural Plan.  
Our sincere apologies to anyone whose name was inadvertently omitted.



Hand Painted Silk Fabric by Lisa Grey  
Photo of North Church by Ralph Morang

## Proposed Portsmouth Holiday Parking Plan

By Councilor Eric Spear  
November 16, 2016

The City of Portsmouth seeks to achieve two objectives when managing on-street parking in the downtown district during the holiday period: to provide available spaces for customers and to promote the downtown experience. Previously, these objectives have been met by requiring customers to move their cars after three hours and through free parking on the street.

The City will transition to a more efficient plan whereby paid on-street parking is enforced and the revenues gained will be directed for the benefit of the downtown businesses through the Greater Portsmouth Chamber of Commerce. In this way, our holiday parking plan will be in alignment with our guiding principles and established best practices in these two ways: 1) available parking is gained through pricing, and b) parking revenue is returned to the immediate benefit of that enforcement zone.

For 2016:

- a) The free holiday parking period will be seven days, December 18 through 24.
- b) The City will grant \$20,000 to the Chamber.

For 2017 and future years:

- a) There will be no free holiday parking.
- b) The City will grant \$80,000 to the Chamber.

The restrictions on the grant are as follows:

- a) The purpose of the grant is to benefit the downtown hospitality community, with primary emphasis on downtown merchants.
- b) Funds can be used for any appropriate purpose as determined by the Chamber with input from its retail membership. Some ideas include: an increased marketing and advertising plan, disbursement of shopping gift cards, support for regional travel shows that promote visitation and shopping in Portsmouth, etc.
- c) Some ideas like a parking voucher program or snow removal might include coordination with the City.
- d) There is no time restriction on the use of the funds.
- e) The downtown is defined as the Central Business District in the zoning map.
- f) The primary benefit is to all downtown merchants including those not in the Chamber.

Reporting and Oversight:

- a) The Chamber will report back to the EDC with the "downtown merchant benefit plan" to obtain approval for disbursement of the funds before their expenditure. The purpose of the EDC is to provide fiduciary oversight. The Chamber, working with the downtown merchants, develops and manages the plan.
- b) The funds will be released upon EDC approval.
- c) The Chamber will provide the EDC with updates as appropriate including a final year-end report describing the outcomes of the plan.
- d) The Chamber will coordinate with the City Manager or his designee for any coordination regarding parking vouchers, cross-marketing, and fund disbursement.
- e) The Council will be copied on all reports and EDC minutes.