

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, DECEMBER 4, 2017 TIME: 5:45 PM

## AGENDA

- 5:45PM – PUBLIC DIALOGUE REGARDING MCINTYRE PROJECT
- 6:30PM – CITY COUNCIL PHOTOGRAPH
- 6:45PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – SCHOOL DISTRICT’S NON-SUPERVISORY CAFETERIA PERSONNEL – AFSCME LOCAL 1386

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

### PRESENTATION

- 1. Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization – David Moore, Assistant City Manager

### V. ACCEPTANCE OF MINUTES – OCTOBER 16, 2017 & NOVEMBER 9, 2017

### VI. PUBLIC DIALOGUE SUMMARY

### VII. ORDINANCES AND/OR RESOLUTIONS

- A. Second reading Re: Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards (*Postponed from November 20, 2017 City Council meeting*)
- B. Second reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations (*Postponed from November 20, 2017 City Council meeting*)
- C. Second reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code (*Postponed from November 20, 2017 City Council meeting*)

- D. Third and final reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code
- E. Third and final reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Moose License Plate Conservation Grant - \$9,966.00 (***Sample motion – move to accept and approve the grant award, as presented***)

## IX. CONSENT AGENDA

### ***(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)***

- A. Letter from Matthew McFarland, Saint Patrick Academy requesting permission to hold the 5<sup>th</sup> annual 5k Road Race on Saturday, March 17, 2018 at 10:30 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Donald Allison, Eastern States 20 Mile requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 25, 2018 (***Anticipated action – move to refer to the City Manager with power***)
- C. \*Acceptance of Fire Department Donation – Elizabeth Kler - \$25.00 (***Anticipated action – move to accept and approve the donation to the Portsmouth Fire Department, as presented***)

## X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (*See E-mail Correspondence*)

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

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

- 1. Request to Establish a Public Hearing Re: Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-eight Dollars and Forty-three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements

2. Request to Establish a Public Hearing Re: Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects
3. Request to Establish a Public Hearing Re: Supplemental Appropriation for the School Department Collective Bargaining Agreements
4. Report Back from Planning Board Re: Request for Restoration of Involuntarily Merged Lots at 737 Woodbury Avenue

**City Manager's Informational Items:**

1. Events Listing
2. Peirce Island Wastewater Treatment Facility Upgrade Construction Update
3. Arts Reinvestment Agreement Metrics
4. Guiding Principles for Code Adoption in Portsmouth

**B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Appointment of Mary Lou McElwain (current alternate) as a Regular member to the Parking & Traffic Safety Committee
  - Appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee
  - Reappointment of Jody Record to the Planning Board
2. \*Appointments to be Voted:
  - Appointment of Adrienne Harrison (current alternate) as Regular member to the Conservation Commission
  - Appointment of Nathalie Morison as an Alternate member to the Conservation Commission
  - Reappointment of Jim Lee to the Zoning Board of Adjustment
  - Appointment of Peter McDonell (current alternate) as a Regular Member to the Zoning Board of Adjustment
3. Budget Schedule FY19
4. \*McIntyre Project Next Steps

**C. ASSISTANT MAYOR SPLAINE**

1. \*"Of Flags and Tools"

**D. COUNCILOR PERKINS**

1. \*Adoption of Final Report and Vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization

**E. COUNCILOR DENTON**

1. \*Volkswagen Settlement

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. Notification that the minutes of the October 19, 2017 meetings of the Planning Board are now available on the City's website



# Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization

A City of Portsmouth Blue Ribbon Committee

## Final Report and Recommendations

Civic Open Space



Parking for  
the Public



Architectural  
Character Reflective  
of Portsmouth



Active Building Uses



Abutter  
Opportunities



Councilor Rebecca Perkins, Chair  
Councilor Nancy Pearson  
Vince Lombardi (HDC Member)  
Dexter Legg (Planning Board Member)  
Everett Eaton (EDC Member)  
Barbara DeStefano (Downtown Resident)  
Jay McSharry (Downtown Business)  
Assistant City Manager David Moore, Ex-officio Member

November 29, 2017

## Introduction

Portsmouth has experienced incredible success in its development as a walkable and attractive downtown. This successful urban fabric is an amenity to the City and attracts quality private development to the City. The Vaughan-Worth-Bridge Committee was convened in order to address how this success can be extended and replicated in the study area, and fully realize the City's investment in the new Foundry Place parking garage.

The Vision presented in this report embodies the 2016 Master Plan's ethos – Authentic, Resilient, Vibrant, and Connected. The Vision is to transform the surface parking at the Bridge Street and Worth Lot as well as the Vaughan Mall to extend the vibrant downtown fabric emanating from Market Square into new and renewed public spaces to create more opportunity for Portsmouth's civic life to grow and express itself. This Vision is about creating appealing places for residents to access the downtown and expanding opportunities for all to participate in the cultural life of the City. In this way, the Vision should be seen as an investment in the future social fabric of the City. This Vision for this area - so drastically-altered as a result of urban renewal policies centered around the car – represents a return to design that focuses on people and social connections.



*Figure 1 The study area currently lies within the City's traditional downtown Core, is adjacent to the North End development and redevelopment and on the edge of the residential neighborhood and beginning of the Islington Street Corridor.*

The Vision also promotes a much needed, inviting and useful connection between the downtown Core, the new development in the City's North End, the beginning of the Islington Street Corridor and the West End, and the Foundry Place parking garage, while protecting the majority of the parking needs determined to be necessary for the uses in the study area.



*Figure 2- This figure depicts the strong urban fabric around Market Square and the Committee's vision for extending it to the rights-of-way and City-owned parcels within the study area*

This Vision is aspirational and represents the first step needed to advance significant changes contemplated for the study area. Following the adoption of the Vision by the City Council, additional work is needed to gradually implement the Vision. Such work may include greater understanding of the City needs for the future and significant public input and discussion into initial design work. Creating a long-term vision allows the City to lead in promoting good urban design and encourages private investment in the vicinity consistent with the City's vision.





Figure 3- This existing conditions plan shows existing uses abutting to the Bridge Street Lot, Vaughan Mall, and Worth Lot, including current door openings onto the street level (red arrows). A larger depiction of this plan is included in Appendix I.

# Recommended Vision for the Vaughan-Worth-Bridge Study Area

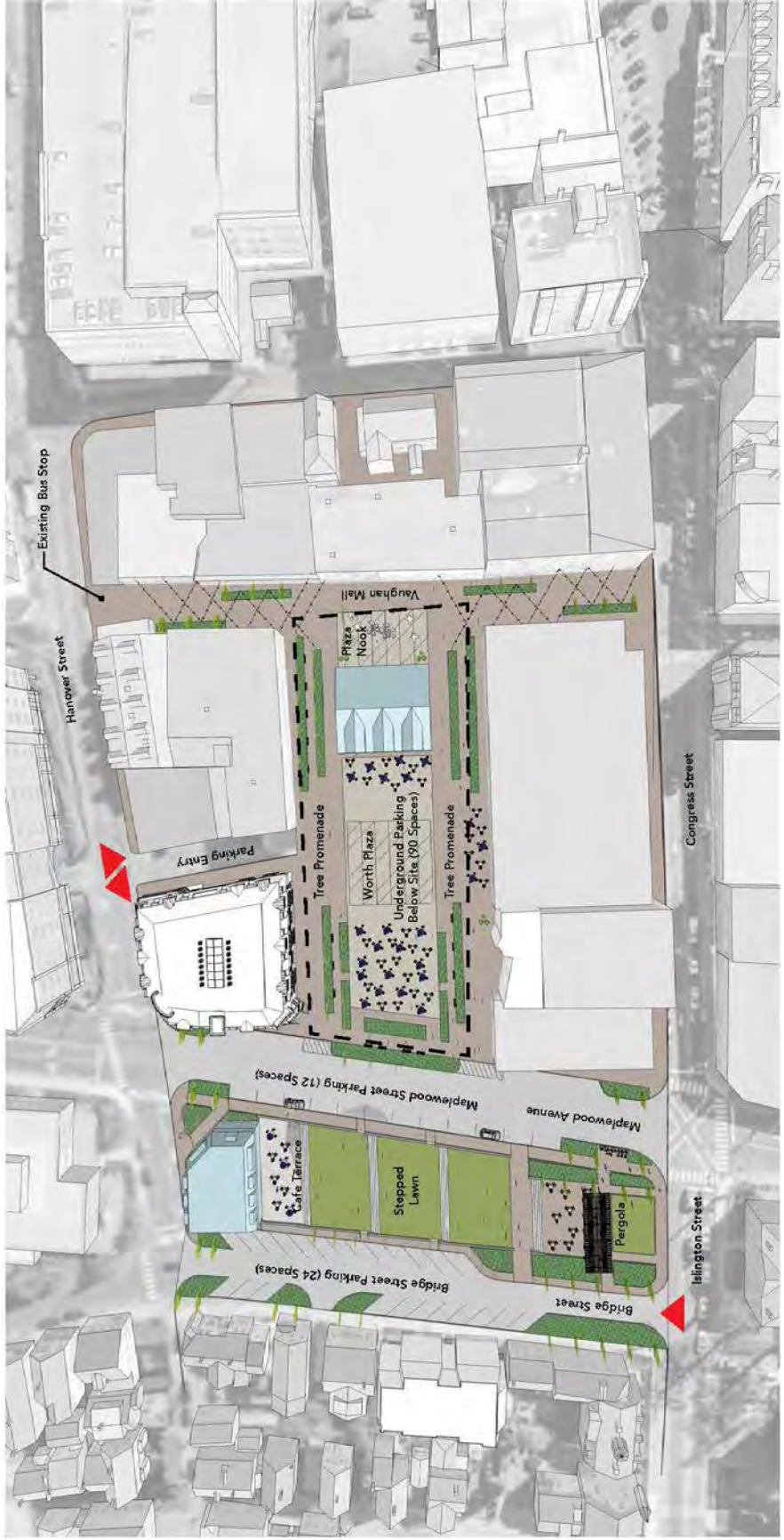


Figure 4- This is the overall Vision for the study area portion that focuses on the Bridge Street Lot, Worth Lot, and Vaughan Mall. The Vision aims to create several distinct but connected spaces for the community as well as extend the urban fabric into this area.

## **Recommendation to City Council and Potential Next Steps**

The Committee recommends the City Council adopt this report and its vision for the Study Area. Adoption of this Vision by the City Council will stimulate critical steps and thinking toward its realization. These and related recommendations are listed below:

1. The adoption of the Vision will be a policy statement of the City Council about the eventual use these valuable city-owned assets.
2. This Vision will serve as a baseline for additional public involvement that will result in refinements and enhancements as implementation work moves forward.
3. The Committee recommends the City Manager include an element sheet based on this Vision in the next Capital Improvement Plan (for feasibility, additional design, or other steps).
4. The Committee recommends the City Manager invite and cooperate with community-led (or City-led) initiatives to illustrate the concepts of the proposed future uses through demonstration projects similar to the 2017 Vaughan Mall Green project. This interim activity might include introducing food truck activity in the Worth Lot or park-like uses at Bridge Street Lot.
5. An adopted vision will stimulate new and innovative thinking about ways to implement this Vision potentially with partners.
6. An adopted vision will foster greater discussion and even more excitement about the opportunities for “programming” including the opportunity for outdoor performance spaces; food trucks, festivals and markets; space for civic engagement and free expression; and outdoor dining emanating from building fronts.
7. An adopted vision will inform abutting property owners and businesses about the direction the City is interested in moving and inform considerations of investments in abutting properties.

## **Process and Background**

The Blue Ribbon Committee for the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization was appointed by Mayor Blalock in April 2017. The Committee’s charge was to develop options for future use of City-owned property in these areas and report back to the City Council with strategic recommendations as to how the City can best use its property in service to the community. In its work, the Committee was to address land use, urban design, public infrastructure, and timing.

The study area included the City-owned parcels known as the Bridge Street Lot, Worth Lot, and the Vaughan Mall, as well as the public rights-of way between the future Foundry Place Garage and the Islington Street and Maplewood Avenue Intersection.

The Committee membership included Councilor Rebecca Perkins Kwoka, Chair; Councilor Nancy Pearson; Vince Lombardi (HDC Appointee and Commission Chair); Dexter Legg (Planning Board Appointee and Board Chair) Everett Eaton (EDC Member and Commission

Chair) Barbara DeStefano (Downtown Resident) Jay McSharry (Downtown Business) and Ex-officio Member (Appointed by the City Manager) Assistant City Manager David Moore.

In addition to a general listening session for the public and the listening session for direct abutters and business owners. Over 60 web comments and survey forms were submitted in total. Drawings were also submitted to the Committee along with comments from members of the public at Committee meetings.

### **Principles to Guide the Vision**

At the beginning of its process the Committee concentrated on developing a series of principles that would guide its work. Key information about the project area, which was used to craft the principles include:

1. The City's *Portsmouth 2025 Master Plan* (Authentic, Resilient, Vibrant, and Connected)
2. Historical information about the area as presented in the March 27, 2017 presentation to City Council.
3. The new, under construction and planned private developments on parcels within or abutting the project area
4. The City's new Foundry Place Parking Garage; the 2012 Nelson Nygard Parking Demand and Supply Report; 2011 Parking Principles as well as the traffic circulation model under development
5. The Bicycle & Pedestrian Plan, Complete Streets Policy, Islington Street Corridor Study; the Vaughan Mall Green Demonstration Project by PS21; and the RFP for the Maplewood Avenue Complete Streets Project

The following principles define the goals for the Committee's work. These principles have been distilled to serve as a summary of the key concepts derived from information and values expressed in the materials from above as well as Committee discussions, listening sessions with the public and abutters, and work with City staff. In addition to guiding the Committee's work, these principles should also be applied prospectively as the City works to implement the Vision in the future.

- a. Reflect Master Plan priorities and recognize the value of urban placemaking and design.
- b. Create high functioning civic space which are inviting to the Portsmouth community and enables variable programming/uses of the spaces.
- c. Promote connections within and between the study area and its surrounding neighborhoods and wayfinding to transportation and cultural destinations.

### **A Vision for the City's Use**

The Committee's work was assisted by Halvorson Design Partnership a landscape architecture and urban design firm and its architecture subconsultant Touloukian Touloukian Architects. In several meeting and workshops with the Committee, City staff and the consulting team worked to translate the principles into working drawings of an

overall Vision for the area. These concepts and progress drawings were presented at several Committee meetings and were refined and adjusted to reflect public and Committee input.

The Vision is presented in the next several pages through a series of images and captions illustrating key concepts and elements.

Additional views and materials of encompassing the Vision are presented in Appendix I of this report. The Committee meeting video from November 21, 2017 is a good resource for a more detailed and narrative presentation of the Vision. The video can be viewed by accessing this link via the City's YouTube channel:  
<https://www.youtube.com/watch?v=9Hp6YA9aT4c>.

In summary, the Vision for the study area is to transform the surface parking at the Bridge Street Lot and Worth Lot as well as the Vaughan Mall to extend the vibrant downtown fabric emanating from Market Square into new and renewed public spaces to create more opportunity for Portsmouth's civic life to grow and express itself in new and varied ways. The vision also promotes a much needed, inviting and useful connection and transition between the downtown Core, the new development in the City's North End, the beginning of the Islington Street and Corridor and the West End, and the Foundry Garage.



# Proposed conceptual design site plan with design character precedent images

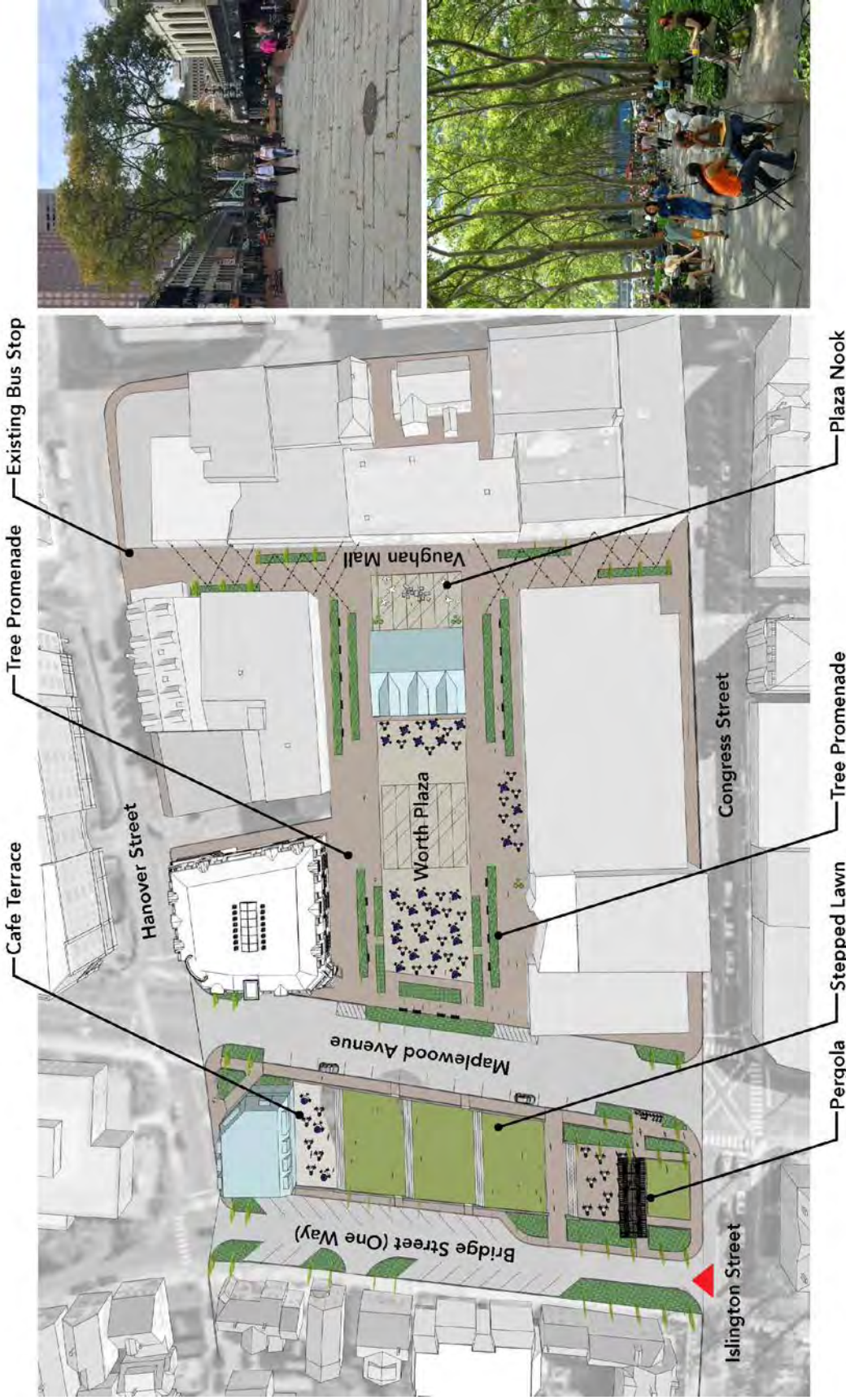


Figure 5 The Vision for VWB is to create unique, complimentary open space opportunities within the three site areas to be both flexible and adaptable to support uses and programming not currently found in Portsmouth. Bridge Lot Open Space is conceived of as a more verdant open space with trees over a lawn whereas Worth Lot and Vaughan Mall are envisioned as paved plazas of varying scales framed by deciduous canopy trees (see precedent images).



## Proposed conceptual design aerial plan with proposed pergola shade structure and civic buildings

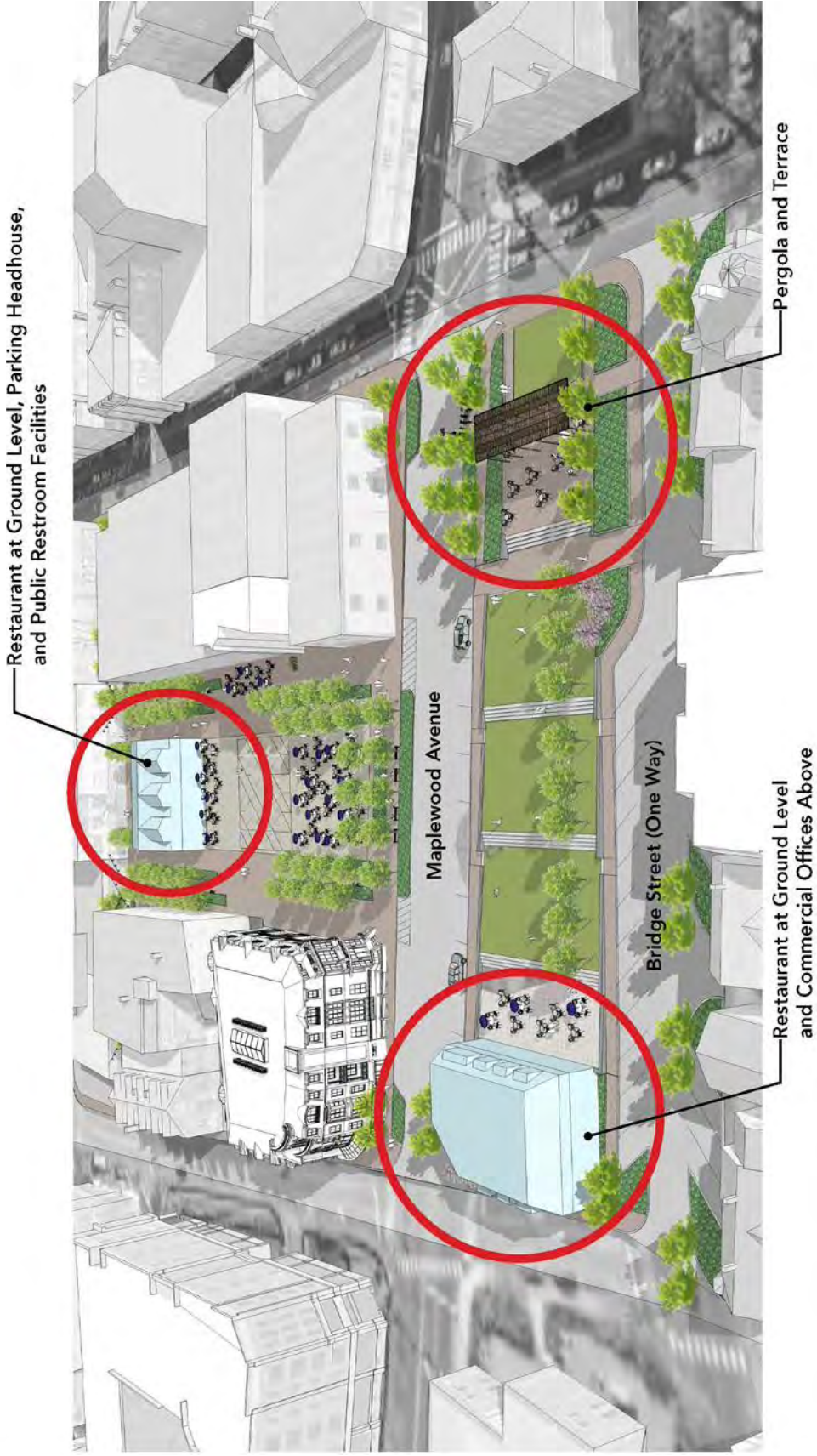


Figure 6 The Vision includes integrating civic building types located to optimally activate and engage the civic open space on Bridge & Worth Lots and Vaughan Mall. The open air pergola is an invitation to the Bridge Lot Open space and is set back from Islington Street in deference to the architecture of the Academy (Discover Portsmouth) building. The Civic Buildings provide ground floor restaurant opportunities and public amenity program to activate and energize the open spaces year round.

# Design precedents of proposed civic buildings and pergola shade structure



Precedents for Building at Hanover and Maplewood



Precedents for Building at Vaughan Mall



Precedents for Pergola Terrace



Figure 6 The precedent images convey the varying character and roles that each building and structure can play within each site through contemporary architectural expressions which are forward looking while reflective of scale and materials appropriate to Portsmouth.



# Proposed conceptual design aerial plan with site features and civic use precedent images

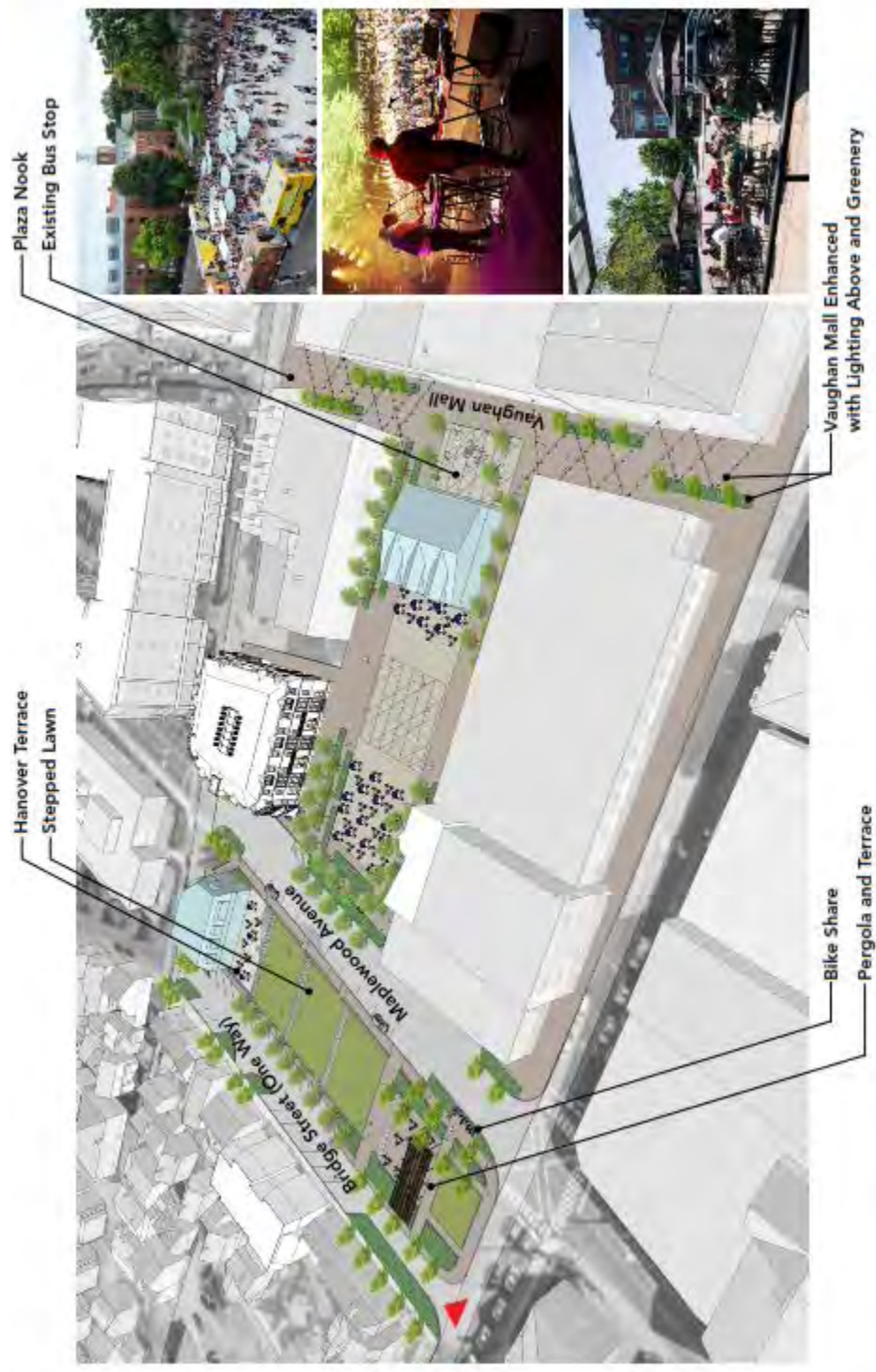


Figure 7 New attractive open spaces become a new destination in downtown and a "civic canvas" to which the public is invited and existing abutting businesses can engage with café tables and chairs that expand their business opportunities and bring life and activity throughout the day.

## Civic movement and activity

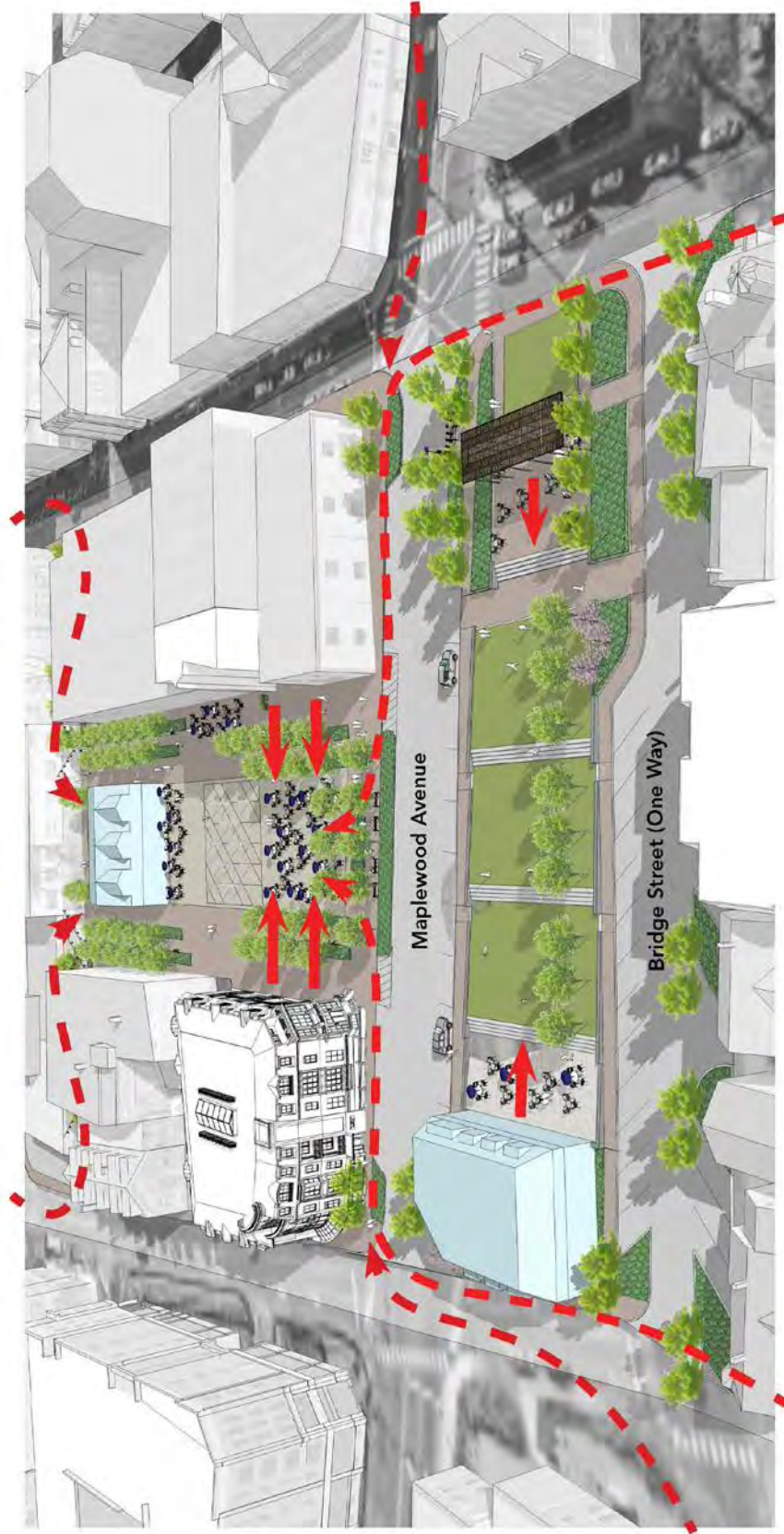


Figure 8 The collective presence of the Vaughan, Worth Bridge Open Spaces will create a new identity on Maplewood Avenue, a gateway between downtown and the new North end development as well as connecting existing neighborhoods to the south and east. New developments proposed on Congress Street and Maplewood Ave create a new presence on Worth Lot plaza. The open space and structures on Bridge Lot will provide a transition and an intuitive movement to the Foundry Place parking garage.



# Bridge and Worth parking accommodations

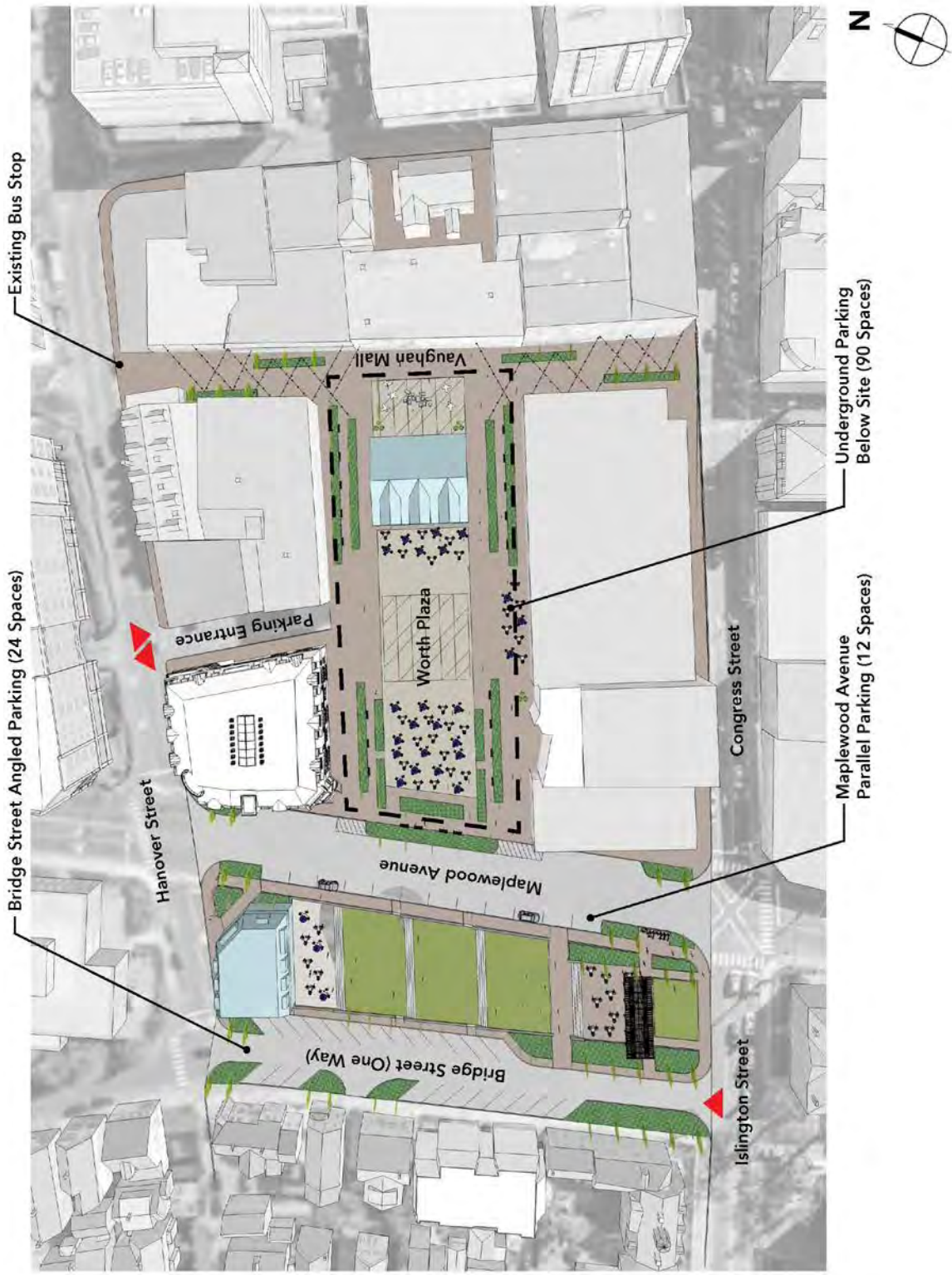


Figure 9 The vision provides parking accommodations for local businesses in the context of a larger Portsmouth parking plan. The plan envisions underground parking beneath the Worth lot open space to and from Hanover Street, on-street parallel parking on Maplewood Avenue and angled parking on Bridge Street for a total of 126 spaces.

The following important ideas are intended to provide additional insight about key components of the Vision.

### *Connection and a New Vaughan Mall*

The Committee identified the need to create a connection between the new development in the North End, the Foundry Place Garage, the Islington Street Corridor, and the downtown Core. In addition, the Committee saw tremendous value in connecting the emerging “Vaughan Mall Spine” pedestrian corridor linking the African Burying Ground with Portwalk Place to the new civic anchor illustrated in the Vision. The widely-held goal of revitalizing Vaughan Mall is front in center in this Vision and its importance grows with the build-out of other elements of the “Vaughan Mall Spine”, including the streetscape improvements in front of The Music Hall to be completed in June 2018 and related pedestrian connector to State Street.

### *Quality Urban Design*

The enthusiastic support for - and reactions to - initiatives like the Bike and Pedestrian Plan, complete streets concepts and demonstration projects like the PS 21 Vaughan Mall Green and the tactical urbanism street lab on Islington Street, has made continued pursuit of purposeful and functional urban design that complements the life of Portsmouth an imperative for every undertaking in the public realm.

Successful streets and places accessible through a variety of modes of transportation will create value both in terms of increased commercial activity and growth in the tax base but also in invaluable and incalculable benefits to the social and cultural life of the City. This is achieved through designing for a vibrant street life where people linger casually and visit with one another and where points of interest are intuitive and inviting to move between. It is also achieved through the creation of other places (large and small, formal and informal, greenspace or hardscape, covered and uncovered); where groups can meet for public expression or to observe an occasion; where audiences can attend musical, dramatic or spoken word events; or where pop-up markets, stalls or food trucks can be staged. In addition, the Committee recognized that it is the community that will eventually lead and develop the most successful uses for the spaces. The Vision is intended to create opportunity for this activity in a variety of forms.

### *Open Space*

As the development patterns of the North End emerge and preparations are made for new construction, the value of City-controlled open space and its role in balancing development with livability and the life of the City has come into sharper focus. When it comes to the Bridge Street Lot and Worth Lot the value of these assets in achieving a counter balance to the development activity in this area is apparent.

### Use of Buildings:

The Committee discussed at length the role of the structures to frame and activate public spaces. A variety of uses adjacent to open space plazas and park-like amenities are critical to ensuring success of these spaces. The opportunity for the City to control what happens on Worth Lot and Bridge Lot means the City can choose the extent of building development and its use and character. While the introduction of buildings presents an the opportunity for building the tax base and other revenues, the primary driver for their inclusion is for the opportunity to complement the existing built environment, frame the open spaces, and provide space for uses (both public or private) that will complement the outdoor civic spaces they abut year-round.

In addition, these structures present opportunities to introduce new architectural innovation and materials that will complement the existing built environment in these areas.

### **Strategic Issues**

The study area is large and the possibilities and excitement related to potential future uses are many and complex and often tied in with other City priorities and needs. As a result, the Committee identified the following strategic issues.

### Parking

Together, the Bridge Street lot and Worth Lot and adjacent on-street parking on Bridge Street are major contributors to the supply of parking in this part of the City. While a new vision for the surface parking lots is compelling for many reasons, the concerns about the City's parking supply as a whole is a critical issue. As a result, the Committee recognized the following:

1. The value proposition of the Bridge and Worth lots as high quality civic spaces that prioritize park and civic uses over surface parking is critical to the vibrancy of the City in the future.
2. The Committee recognized that evolution in public transportation options and technological development of "self-driving" vehicles are certain, however their impacts on Portsmouth's parking and transportation landscape are not. Future implementation of the Vision should be mindful of and be reassessed as more is known about these variables, which will impact land uses.
3. When it comes to addressing parking supply in the vicinity of the Worth and Bridge lots, the emphasis should be on providing supply for abutting uses over requiring these assets to provide supply for the City as a whole. As a result, this Vision proposes maintaining 70% of the existing supply of spaces.
4. A new 600-space parking garage will be open in the fall of 2018 and many other strategies for addressing parking demand are being evaluated. The City Council has authorized a new study of parking supply and demand that will inform the future parking policy decisions; provide guidance on phasing strategies for this Vision; and provide additional information that may warrant revisiting this Vision in light of the City's needs.



### Phased Implementation

The Vision calls for a transformation of surface lots into exciting new places anchored with new architecture, place making, and sense of openness. Portions of the Vision, such as the creation of walkable and inviting street edges throughout the study area from the new Foundry Place parking garage and along Bridge, Deer, Hanover Streets and Maplewood Avenue, are a long way toward realization through investments, which are part of in-progress private developments as well as the complete streets project currently in design for Maplewood Avenue.

Other portions of the vision (reuse of the Bridge Street and Worth Lot surface parking and Vaughan Mall renovation) do not have any specific time frame for implementation.

The extent of the transformation and investment required in discussion, planning, and designing this work will necessitate strategic phasing, which was not addressed in detail by the Committee. However, several factors were identified as key phasing considerations, including the overall parking strategy and needs at the time of implementation; construction sequencing strategies that make sense for the Vision as well as the timing of adjacent redevelopments at key parcels abutting the City property; and capacity to finance certain elements needing public financing.

### Financing

While the majority of the transformation is called to take place on City property, the City is not necessarily required to finance it. The value of property and the opportunities to attract investment are significant. In addition to being critical frames for the new civic and park uses, the buildings and structures proposed for the sites will be critical to activating them. Also, the mixed-use structures proposed for Bridge and Worth lots are opportunities to generate significant revenues, which can be used in support of the public amenities. This can be done through ground leases and request for proposal instruments. In addition to being critical to the success of the Vision and the spaces, the buildings will also add to the City's tax base.

Potential sources of revenues to support the implementation of the Vision and development and maintenance of the public spaces include:

1. Revenues from ground leases or other agreements;
2. Tax revenues generated from building uses;
3. Parking revenues;
4. Payments for permitted uses such as sidewalk cafes and/or;
5. Payments for event uses.

## **Conclusion**

The transformation of the study area and, in particular, the large City-owned parcels at Bridge and Worth Lots holds tremendous potential for the vibrancy of the City. Adding to the options for civic life to flourish and reinvigorating places that can also contribute to the authenticity of Portsmouth is exciting and important work. This Vision is a starting point for realizing the potential of the study area and additional work is needed in order to prepare for implementation, the timing of which must be considered alongside other important City priorities. Strategic thinking, ongoing evaluation of the City's needs, and phased implementation will be necessary to translate the Vision into action and great results for the Portsmouth community.

# **Appendix I**

**Presentation of the Proposed Vision for the  
Vaughan-Worth-Bridge Revitalization**

**to the Blue Ribbon Committee on  
November 21, 2017**



VAUGHAN, WORTH, BRIDGE STRATEGIC PLANNING COMMITTEE  
CONCEPTUAL DESIGN VISION

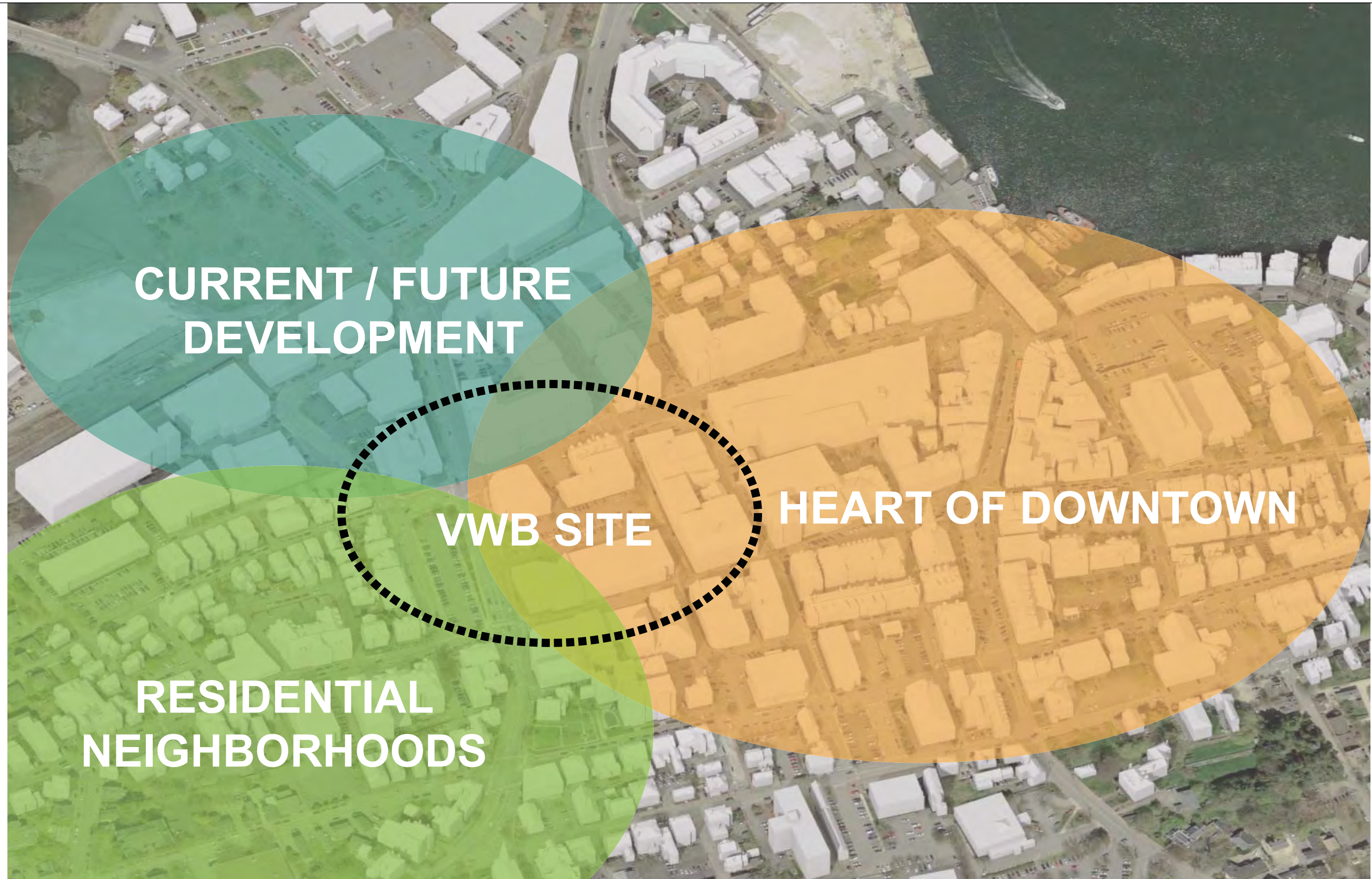
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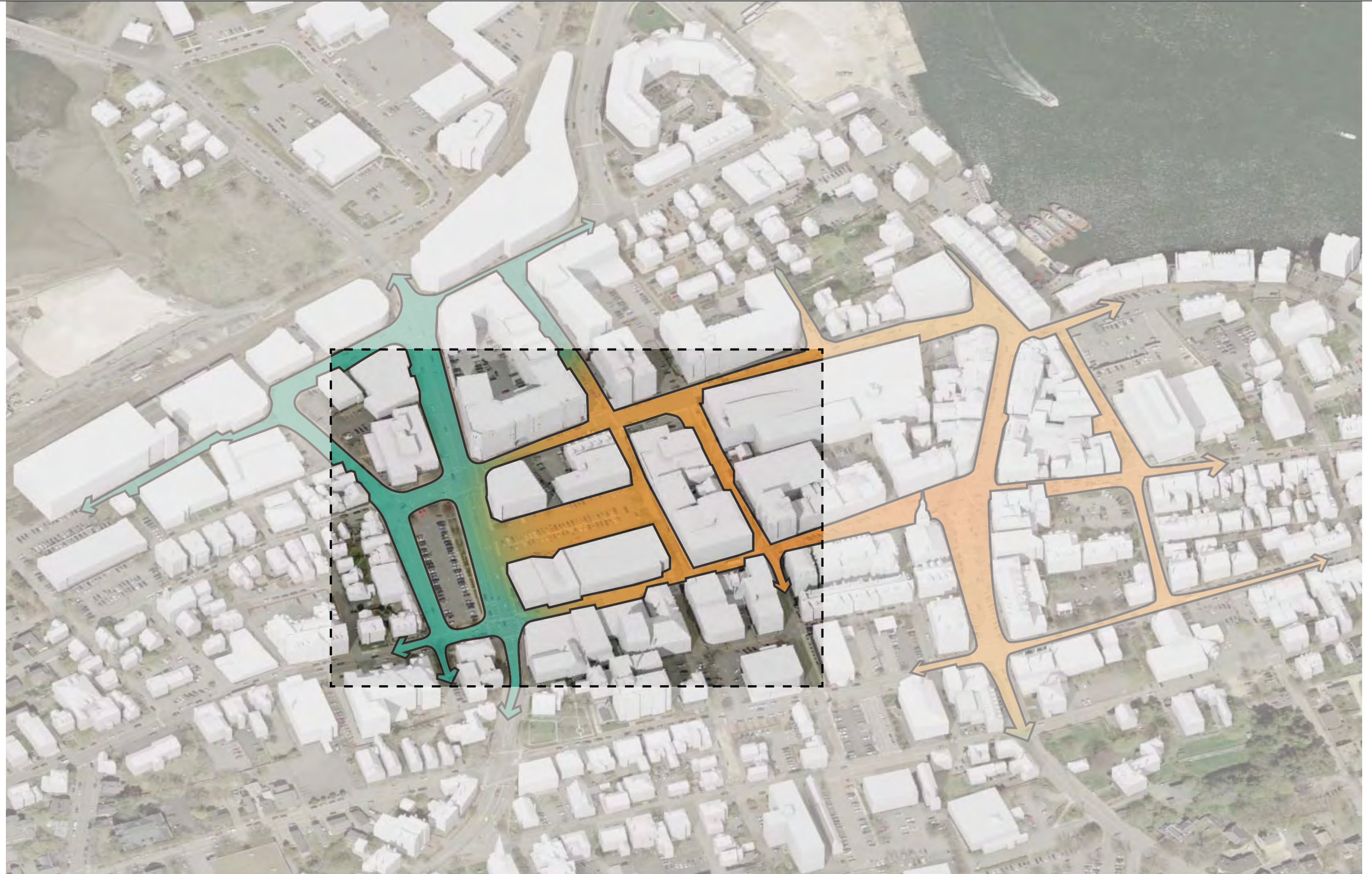












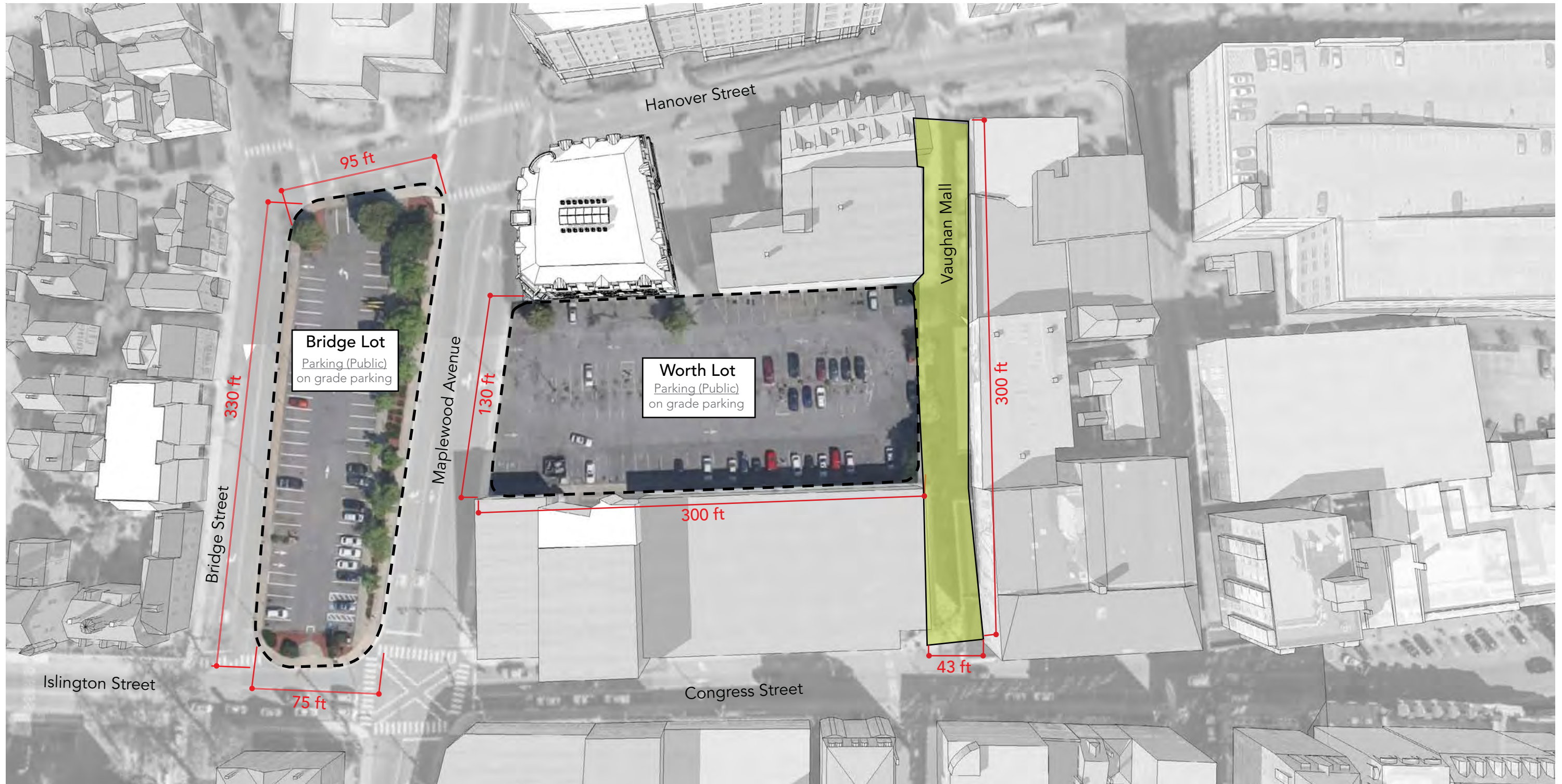














## FIVE POINTS FOR DISCUSSION

Civic Open Space



Parking for the Public



Architectural Character Reflective of Portsmouth



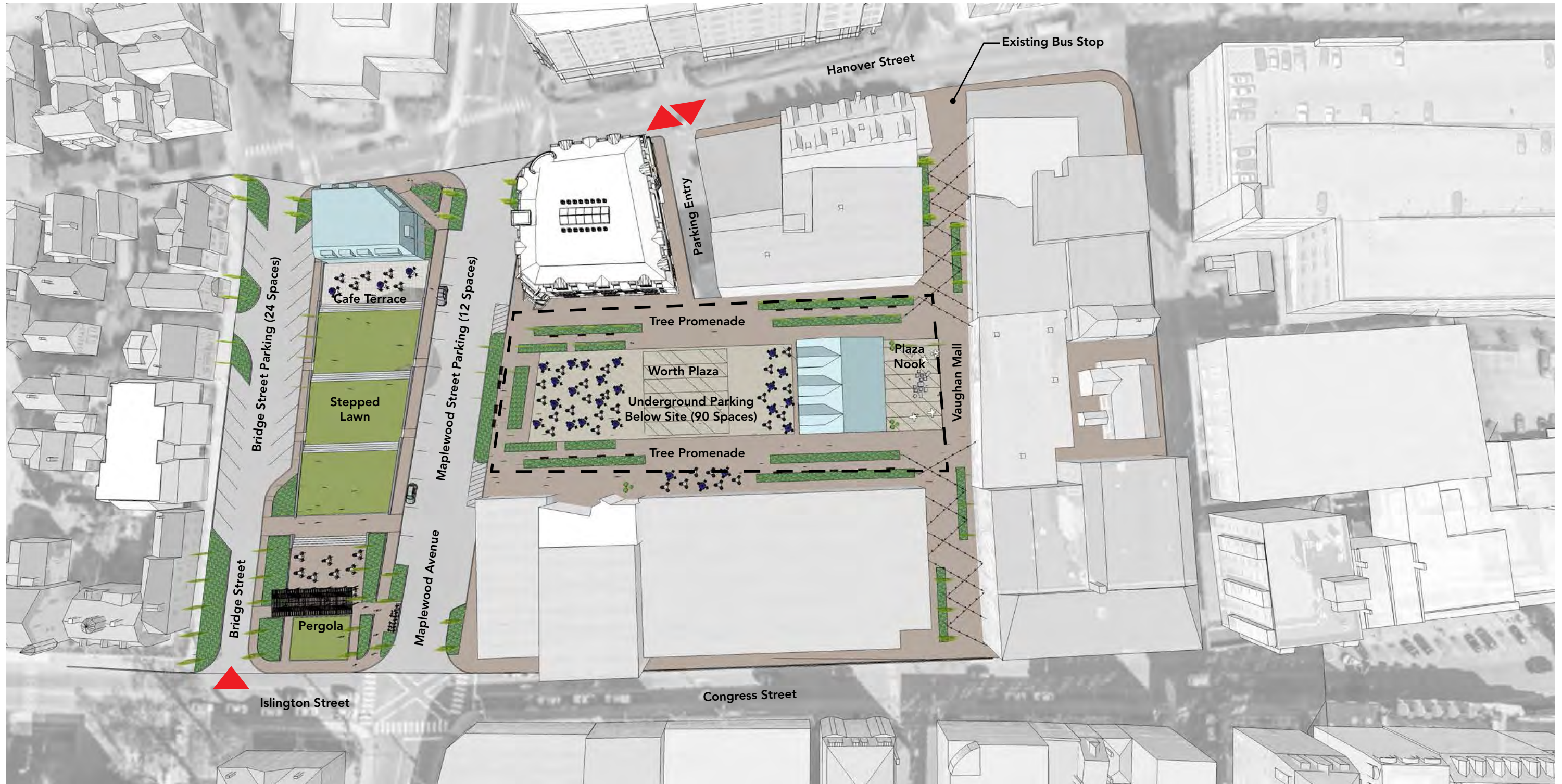
Active Building Uses



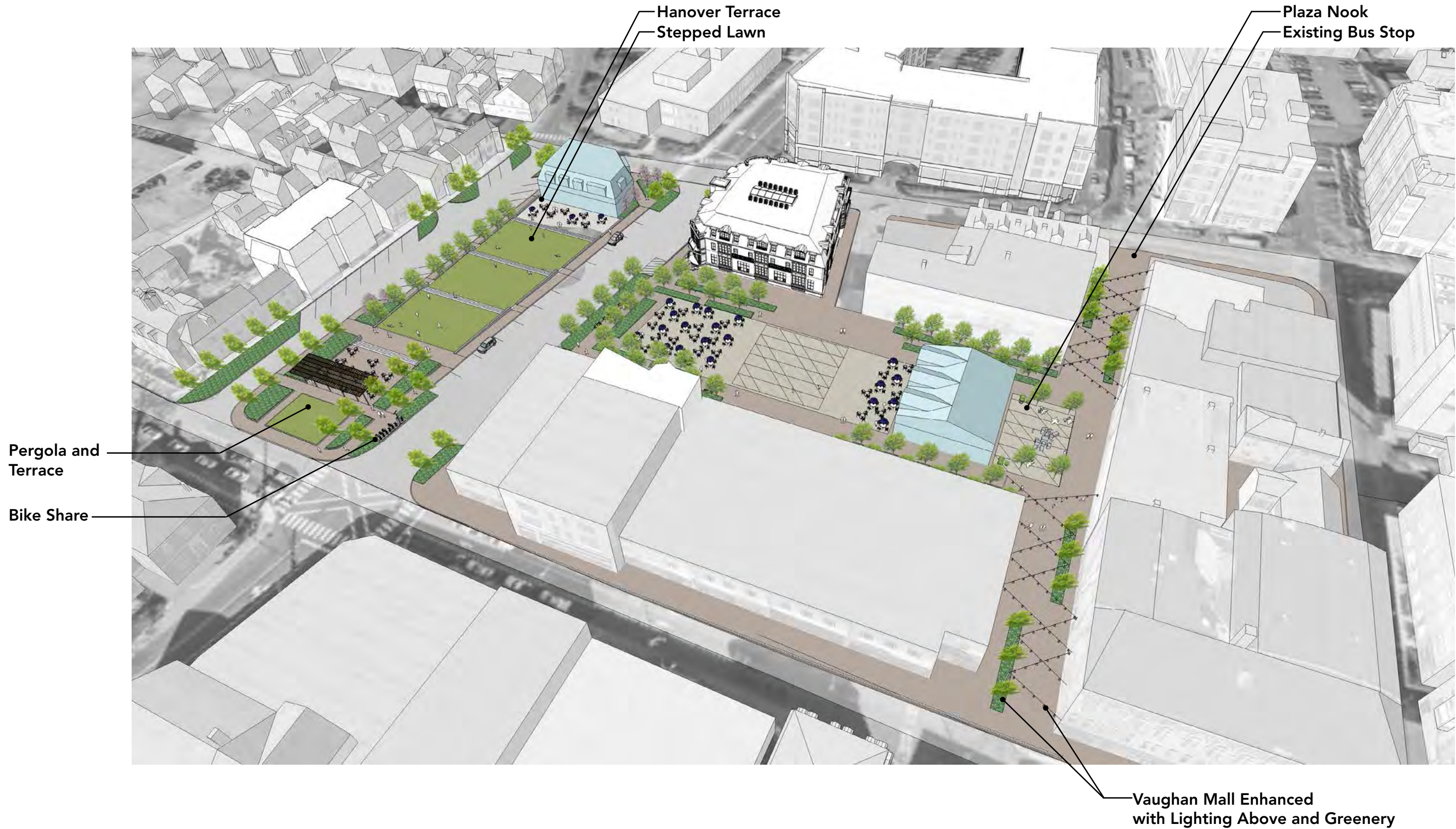
Abutter Opportunities













Restaurant at Ground Level, Parking Headhouse,  
and Public Restroom Facilities



Restaurant at Ground Level  
and Commercial Offices Above









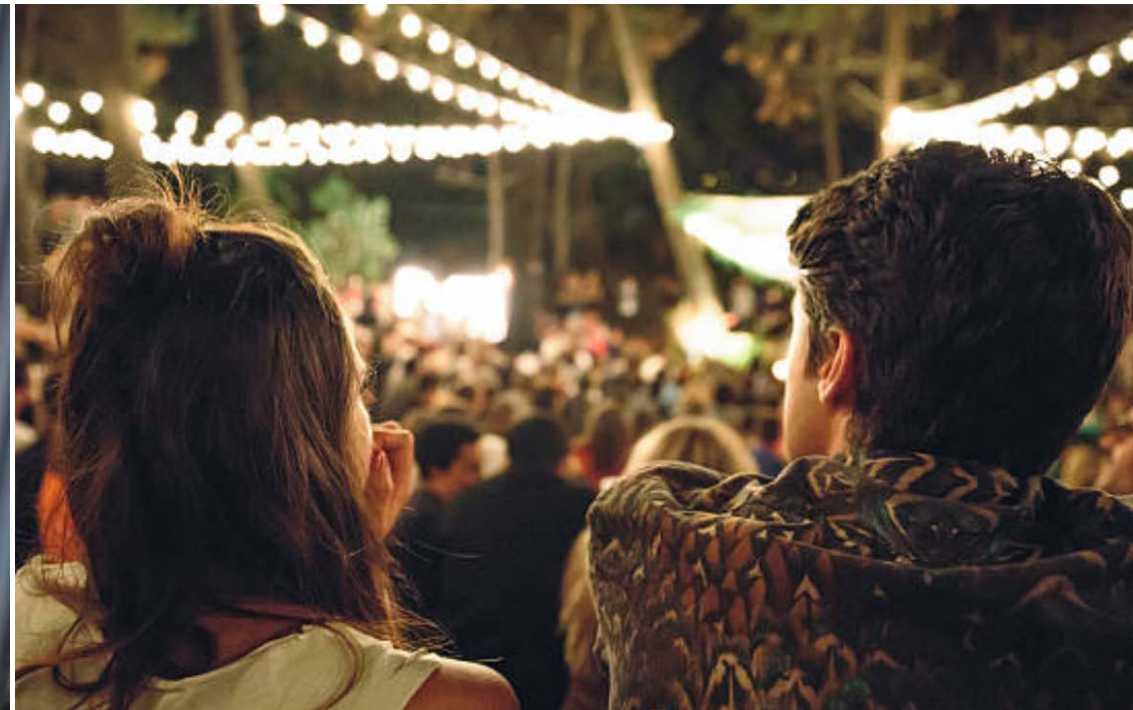
FOOD TRUCKS/CARTS



OUTDOOR ENTERTAINMENT



OUTDOOR SEATING FOR CAFES















PLAZA NOOK LOOKING WEST





PLAZA NOOK LOOKING SOUTH

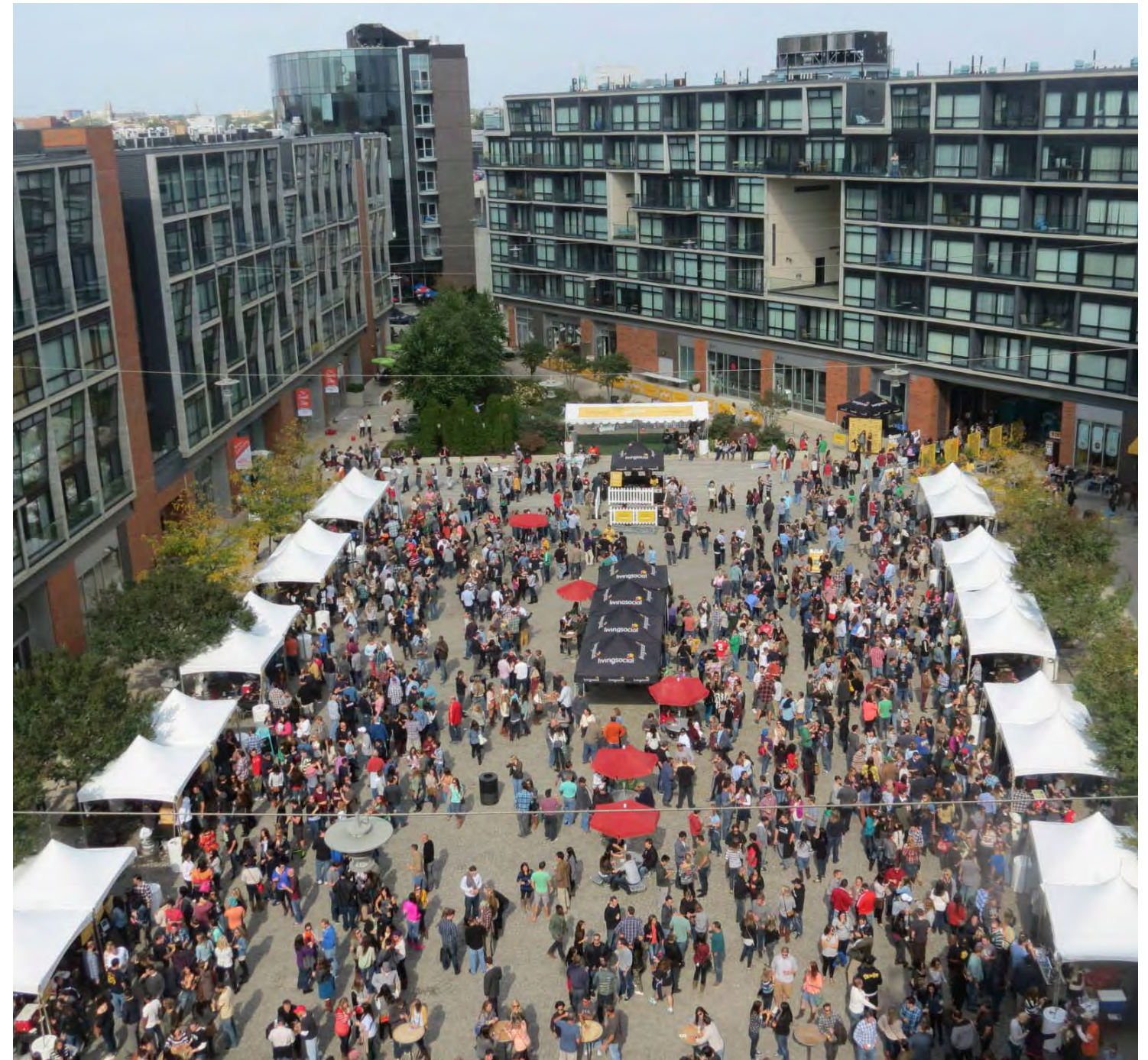
















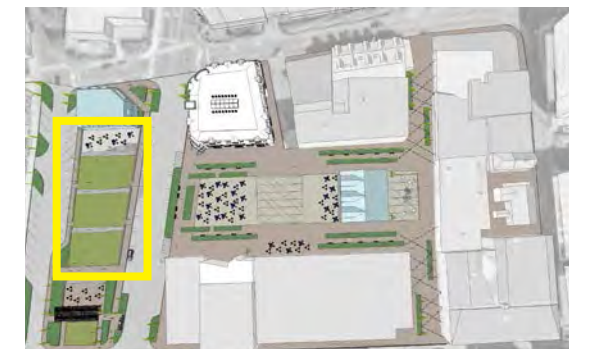




STEPPED LAWN PRECEDENT



CAFE TERRACE PRECEDENT























TRADITIONAL MATERIALS



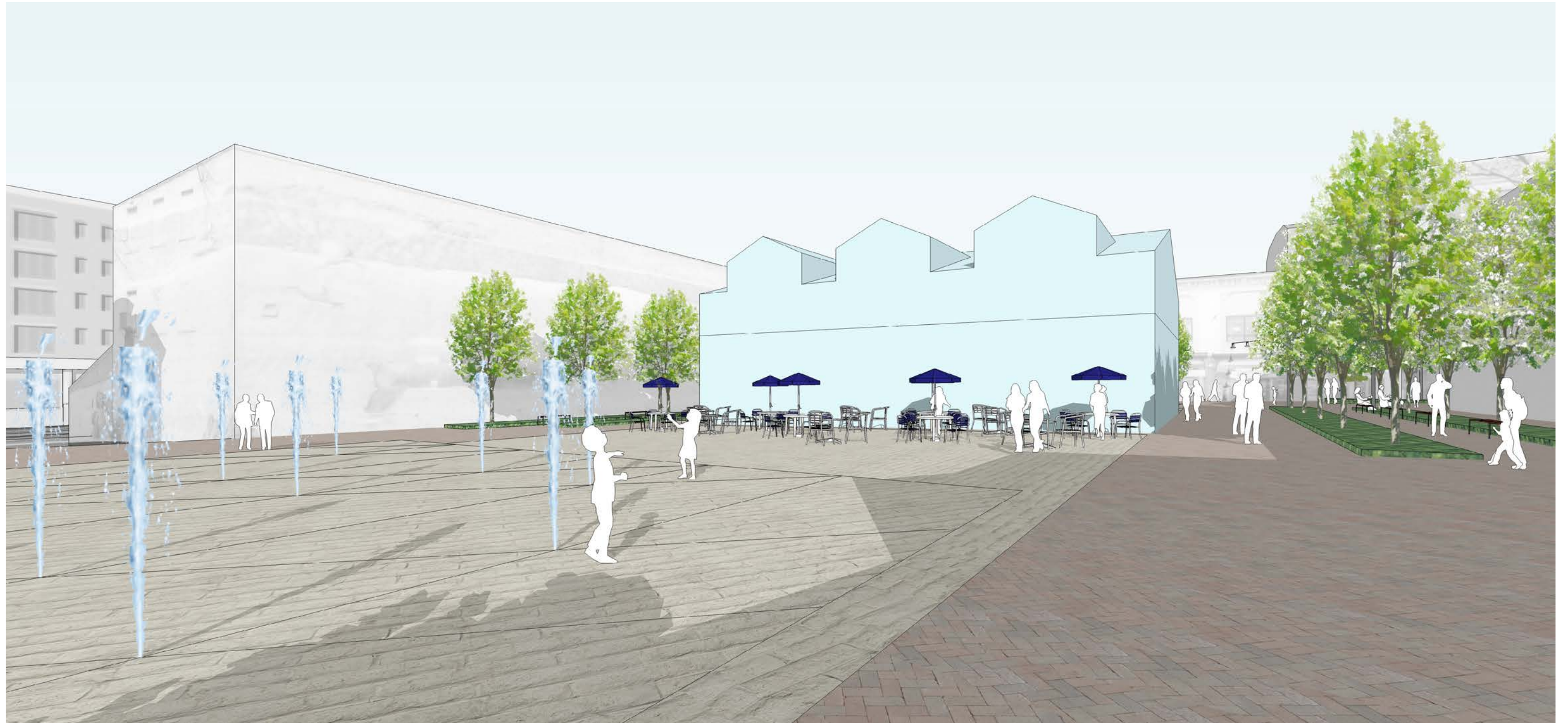
CONTEXTUAL FENESTRATIONS



SCALE AND PROPORTION OF MASSING











TRANSPARENCY BETWEEN INSIDE AND OUTSIDE



FLEXIBILITY OF USE



BRIGHT AND AIRY



TWO-STORY MIXED USE ARCHITECTURE







VISIBILITY AND TRANSPARENCY



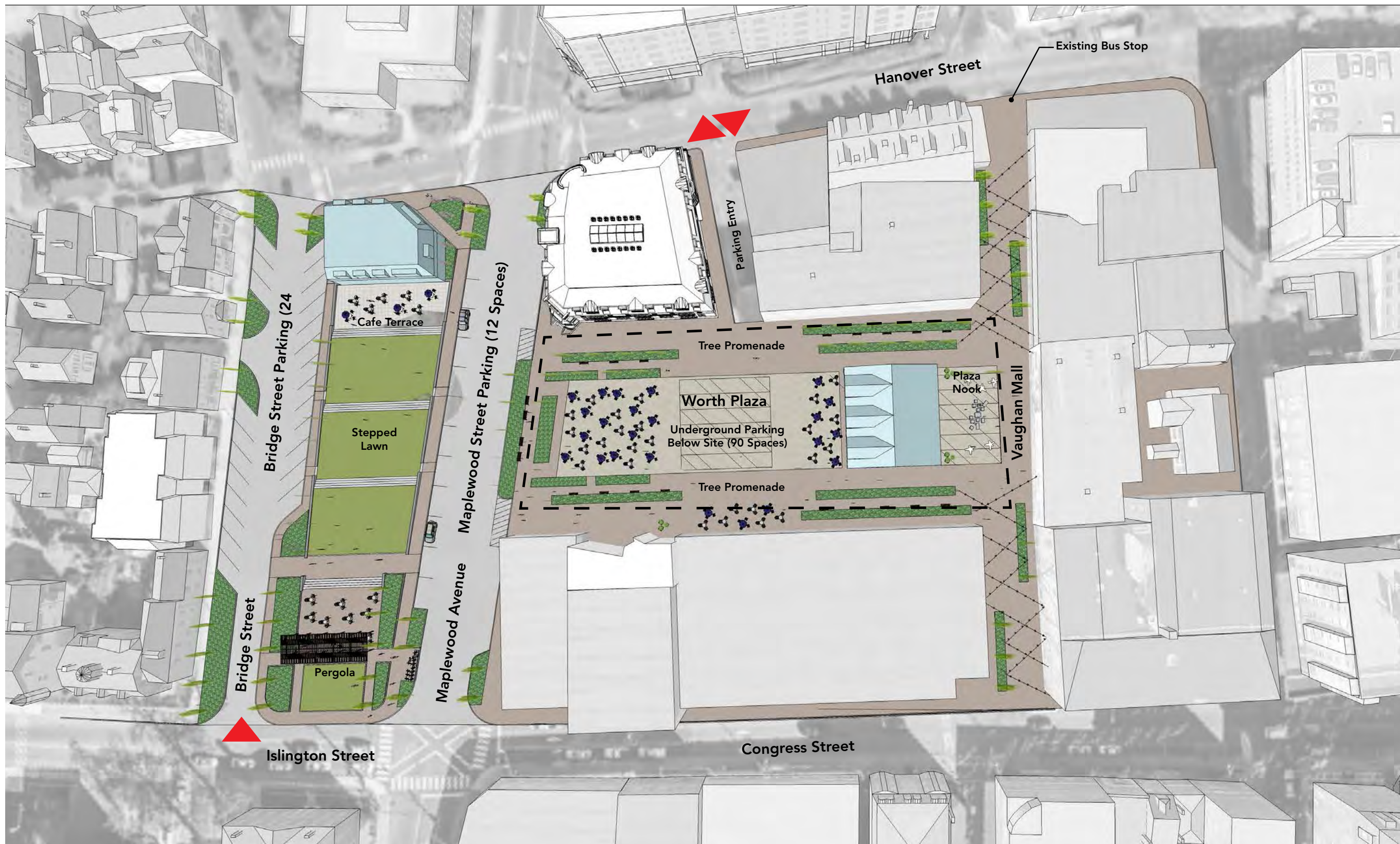
WARM, NATURAL MATERIALS



SAFETY AND LIGHTING









## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 16, 2017

PORTSMOUTH, NH  
TIME: 5:45PM

### Public Dialogue Session – Table A

Assistant Mayor Splaine, Councilors Dwyer, Cyr and Denton were seated at the table.

The members of the public were asked to introduce themselves and state the topic which they were interested in discussing.

Erik Anderson spoke on the Fire Department Contracts and said they're important because salaries make up over 80% of the City's budget. He also said that no one knows what happens during the discussions held in Non Public Sessions. He also addressed the Offshore Wind Resolution and said the City Council made a decision on one single form of renewable energy.

Councilor Denton said the Resolution is asking the Task Force to be enacted to look at wind power.

Councilor Cyr said that the one Task Force could share the information with others.

Councilor Dwyer explained the collective bargaining process and the difference between the unions. She said broad perimeters are provided to the unions. She informed Mr. Anderson that the City Council's only ability is to vote the contract up or down.

Mr. Anderson said the City Council is responsible for funding the contract.

Cliff Lazenby asked about the assistant levels for tax exemptions.

Councilor Dwyer explained that they are set by the City Council every year.

Assistant Mayor Splaine said the information is accessible through the Assessor's Office.

Paul Sorli said that everyone is in agreement with the food code. He also addressed dogs on decks which he has allowed for the past 5 years.

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Councilors Perkins, Lown, Pearson and Spear were seated for the next portion of Public Dialogue.

Erik Anderson spoke on the matter of Fire Contracts and that it is hard to understand. He said the contracts are not transparent and costs keep escalating.



Councilor Spear said some unions have made concessions and gave up raises one year during the recession. He said we try to keep the contracts to three years or less. He feels that the process should be longer before voting on the contracts.

Councilor Lown said we can't revisit the contracts after they have been approved. He said the only process we have is the retroactivity benefits for increases.

Mr. Anderson spoke against the City Council adopting the Offshore Wind Resolution.

Cliff Lazenby asked about the adjustment for income levels and assets for elderly exemptions. Finance Director Belanger explained in February we increase assets and income level for the exemptions. She also indicated with the revaluation the City Council voted to look at the exempt amounts once again.

Mike Somers said he would like the City Council to make the amendments he put forth for the Health Code Ordinance.

Councilor Spear said he had concerns with dogs being allowed on decks.

Hugo, from Martingale said you have dogs on decks but they cannot go through the restaurants.

Councilor Spear would like to hear more from the City Staff on outside service.

Paul Sorli said the Work Session regarding the Health Code held with City Staff was mainly about the appeal process for the ordinance.

Councilor Lown said the existing process will not slow anything down.

Mr. Sorli outlined the process and said he feels that there should be an appeals process outside of the City Staff.

Attorney John Flagg said the appeals process is you do what the Health Officer tells you to. He suggested that a City Councilor sit on the appeals board.

### **Public Dialogue Session – Table B**

Councilors Lown, Spear, Pearson and Perkins were seated at the table.

Councilor Pearson opened the floor for discussion:



Mike DeLaCruz – discussed the proposed zoning amendment regarding parking requirements stating that his issue is regarding the all-encompassing requirements to accommodate all vehicle sizes. He continued that in the Historic District Commission the lots are not suitable for the required sized maneuvering lanes and also that most cars are now more compact and should now be considered the majority. He stated that this would help alleviate many of the parking issues. He gave the City of Boston as an example of another historic city which does not require maneuvering lanes. He stated he owns the Franklin block building at Congress/Fleet Street which he is trying to redevelop, but is being required to have a parking lot the same as a grocery store which is unnecessary and not doable in the Historic District.

Councilor Pearson stated she would bring this point up during Council discussion of the ordinance.

Pat Bagley – asked about the presentation being given regarding the revaluation process and if someone is being brought in to look at the methodology, how broad will it be, just commercial or residential as well.

Councilor Lown stated that will be debated at the meeting as to whether to spot check the numbers on just the commercial or both, but the commercial is more questionable than the residential.

Ms. Bagley stated she feels that the whole revaluation should be reviewed.

Esther Kennedy – discussed the Public Dialogue sessions stating that if they are going to be held, they should be held at a consistent time. She stated that people were unaware that they were starting at 5:45 p.m. instead of at 6:00 p.m. as had been done previously.

Councilor Pearson explained that there is a non-public session at 6:30 p.m. so they had to hold the 45 minutes session prior to that beginning.

Ms. Kennedy stated that the non-public should be held prior to the public dialogue session for consistency. Next, she discussed her concern with the zoning ordinances that are up for first reading and that they are being referred to a public hearing and second reading prior to receiving any input from Portsmouth Listens who are currently holding discussion sessions regarding zoning.

Councilor Perkins stated that she has been working with Portsmouth Listens for a year and asked them to start the process earlier but they weren't able to but explained that the issue has had extensive public input at the Planning Board level. She stated that Portsmouth Listens is also discussing other issues such as housing.

Councilor Pearson stated that there is still plenty of time for public input before the final Council vote.



Rick Becksted – stated he is a part of Portsmouth Listens and they were surprised that the Council was already acting. He stated that they would like them to wait until the report has been presented because otherwise they don't know why they are doing it.

Discussion ensued regarding the upcoming schedule for the ordinance process with the Portsmouth Listens report being issued on November 13<sup>th</sup> and the second reading and public hearings scheduled for November 20<sup>th</sup>.

Greg Mahanna – representing the Pheasant Lane Home Owners Association – asked why the Pheasant Lane neighborhood did not receive abutter's notices when the Gateway zoning change was proposed. He stated that the St. James property which abuts his neighborhood is currently under agreement for a condominium project, but if it were to fall through for some reason, it would be able to do something entirely different.

Councilor Spear stated that no abutters notice is required unless it is a variance.

Planning Director Juliet Walker explained that if it is 100 properties or less, it is not required.

Mr. Mahanna stated he would like to see the Gateway District moved further south on Lafayette Road and leave the St. James property as a Single Family B zone. He stated there isn't another single family parcel until Ocean Road. He stated the current project hasn't gone to the Technical Advisory Committee (TAC) yet and if something changes there could be a 200 unit apartment building put on the property which would add to the already bad traffic problem.

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At 6:10 p.m., Assistant Mayor Splaine, Councilors Dwyer, Cyr and Denton transferred from Table A to Table B.

Councilor Dwyer recapped the discussion at Table A stating they talked about the Food Code, collective bargaining, Off-shore wind power and Asset limits for exemptions.

Mr. Becksted reiterated the concerns regarding the Portsmouth Listens process stating they would like to see the 2<sup>nd</sup> reading held off.

Councilor Dwyer stated that the process has been on track for a year and has nothing to do with the Portsmouth Listens process. She stated that if anything needs to be amended, there is a process to do so.

Ms. Kennedy stated that the question is whether the Council is invested in the Portsmouth Listens process or not and if so, they should wait for their report.

Discussion again ensued regarding the upcoming schedule for the ordinance process with the Portsmouth Listens report being issued on November 13<sup>th</sup> and the second reading and public hearings scheduled for November 20<sup>th</sup>.



Ms. Bagley stated that we are trying to get more young people involved and if they are being involved with Portsmouth Listens then we want them to feel like their input is important and vital.

Discussion ensued regarding the history of Portsmouth Listens since its formation in 2005.

Mayor Blalock stated that the first reading is being held tonight (10/16) and second reading would normally be the next meeting which would be 11/20, but it could be deferred to the first meeting in December and still be able to meet the deadline to finish by end of 2017.

Councilor Dwyer is concerned that this may be a tactic to kill the ordinance and feels that progress has been made.

Next, Mr. DeLaCruz restated his concern regarding the parking requirements in the Historic District.

Councilor Dwyer stated that is a situation that would be handled by a variance usually.

Mr. DeLaCruz stated that there is a tremendous burden to prove hardship to get a variance.

Assistant Mayor Splaine suggested Mr. DeLaCruz submit his concerns in a letter to the City Council.

Ms. Kennedy reiterated her request to have the Public Dialogue sessions be held at a consistent time.

At 6:30 p.m., Mayor Blalock closed the session.

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### CITY COUNCIL NON PUBLIC SESSION

City Council Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton.

**Assistant Mayor Splaine moved to enter into Non Public Session in accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with respect to Collective Bargaining – Firefighters Association of Portsmouth, New Hampshire Local #1313 and the Portsmouth Professional Fire Officers Association. Seconded by Councilor Dwyer. On a unanimous roll call vote 9-0, motion passed.**



City Staff Present: Tom Closson, Negotiator; Dianna Fogarty, Human Resource Director, Steve Achilles, Fire Chief

Fire Commissioners: Richard Gamester and Jennifer Mosher-Matthes

Negotiator Closson explained the Firefighters Association of Portsmouth, NH Local #1313 and the Portsmouth Professional Fire Officers Association contracts.

Discussion followed regarding the terms of the contract.

At 6:50 p.m., Mayor Blalock closed the Non Public Session.

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## **CITY COUNCIL MEETING**

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

Mayor Blalock called the meeting to order at 7:15 p.m.

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

Mayor Blalock asked everyone to join in a moment of silent prayer in memory of Nancy Elwell who recently passed away.

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

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

## **PRESENTATION**

1. Revaluation Process, Stephen Hamilton, Director of the Municipal and Property Division of the NH Department of Revenue Administration (DRA)

Mr. Hamilton outlined the statute on the reappraisal of property. He said the process is streamlined and he examined the results and method used. He spoke to the administrative roles for the monitoring of the appraisal and a report to the governing body. He also addressed the mass appraisal process.



Assistant Mayor Splaine asked what kind of mandate did we under take for the appraisal. Mr. Hamilton said the process must occur every five years. He said communities that wait the five years may see more changes. He said you look at market values and adjust equalized values. He said the department does not mandate the reappraisal and are there because of the contract property change in value differently the assessor does not create values that create a minor of the values they are seeing. He said if there are physical changes that are required unless there is a proportional changes. He said the market value lands between 90% - 110% they would petition the Board of Tax and Land Appeals to require a reappraisal.

Councilor Dwyer would like to hear factors that go into commercial values. Mr. Hamilton said people look at buying commercial property differently from residential. He said factors are different and commercial is more complicated and the assessor can only value the building value versus the business value. He said you look at market rents, market investors and market building values. He said there is not a way to determine the business from the building value. Mr. Hamilton also stated that furniture and fixtures are not part of the commercial value.

Councilor Perkins asked how many factors the assessors are looking at when placing values on properties.

Mr. Hamilton indicated there are micro and macro items and you look at floors differently in the commercial properties. He stated a factor is how much are they willing to pay for rent, another factor is vacancy rate and the remaining factor is the risk.

Councilor Cyr said residents in the City are not comfortable with the shift between commercial and residential.

Mr. Hamilton stated that the increase in Rockingham County is consistent with the trends in the City. He said you have accurate results if you are in the percentage the DRA is looking for.

Councilor Dwyer asked if part of the process is to see how other communities come into play.

Mr. Hamilton stated market value is looked at in the market area.

## **VI. PUBLIC DIALOGUE SUMMARY**

Mayor Blalock said all the City Council met with each table and met with residents to discuss various items.



Assistant Mayor Splaine indicated at Table A they heard about elderly exemption, food code, negotiations, contracts and wind power. He said he liked being able to alternate between tables because it allows you to hear from the room. He also indicated people would like to have the public dialogue be for one hour and that it be held at a set time of 6:00 p.m.

Councilor Perkins said Table B heard about the gateway mixed use zoning changes and Portsmouth Listens dialogues.

Councilor Pearson said there were discussions on parking as it relates to the zoning ordinance amendment that is on for first reading.

Councilor Denton said we had a Non Public Session for which there was a set time for which made us change the timing for the Public Dialogue Session.

Councilor Dwyer said the City Council role in collective bargaining is a mystery to residents and we should add the process to the website along with the roles of the Commissions.

## **VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS**

- A. First reading regarding Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards

**Councilor Spear moved to pass first reading and schedule a public hearing and second reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the November 20, 2017 City Council meeting. Seconded by Councilor Pearson.**

Councilor Spear said he supports the changes and will offer some changes at the next meeting. He spoke regarding compact cars and smaller traffic lanes.

Councilor Denton said at second reading he would like an incentive for electric charging stations.

Councilor Dwyer said all ordinances should have a preamble and an explanation of what we are trying to do.

Acting City Manager Colbert Puff said we can provide examples in the ordinance. She said the changes can't be too substantial to effect the notice for the public hearing and second reading.



Planning Director Walker said she can provide more detail and we can look at parking. She said there are a list of changes for second reading that she would be providing with clarification.

**Motion passed.**

- B. First reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations

**Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the December 4, 2017 City Council meeting. Seconded by Councilor Denton.**

Assistant Mayor Splaine said that the public hearing should take place on December 4<sup>th</sup>. He said a 14 day delay makes sense because of the Portsmouth Listens process. He said he would like to see an expansive public hearing if examples are provided by Portsmouth Listens. He said we could provide them at the public hearing and second reading.

Councilor Denton said he likes the idea of waiting for Portsmouth Listens. He said keep the presentation on November 20<sup>th</sup> before the public hearing.

Councilor Perkins said that she does not agree with pushing out the public hearing until December. She has been outreaching to Portsmouth Listens and we have welcomed resident input on the changes. She said that Portsmouth Listens report out is for November 13<sup>th</sup> and reported that the Planning Board has spent 6 months on this ordinance. She urged the City Council to move forward with the November 20<sup>th</sup> public hearing.

Councilor Dwyer said she does not see a reason not to move forward on November 20<sup>th</sup>. She said that this is a small part of the big issue to the whole situation.

**Councilor Perkins moved to amend the motion to pass first reading and schedule a public hearing and second reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the November 20, 2017 City Council meeting. Seconded by Councilor Spear.**

**On a roll call vote 7-2, motion to amend passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Denton voted opposed.**

Councilor Pearson said she supports Councilor Perkins timeline and the right timing for this ordinance.



**On a unanimous roll call 9-0, main motion passed as amended.**

- C. First reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also include local amendments to the 2014 National Electrical Code

**Councilor Lown moved to pass first reading and authorize the Acting City Manager to bring back Building, Plumbing, Mechanical and Electrical Code updates to the City Council for a public hearing and second reading at the November 20, 2017 City Council meeting. Seconded by Councilor Spear.**

Councilor Dwyer asked if there will be a meeting to explain the code. Acting City Manager Colbert Puff announced that the meeting will be held on October 31, 2017 in the morning.

Councilor Perkins asked if we could adopt a later version of the code other than the 2015.

Assistant City Attorney Ferrini said we must adopt the State codes as they are designed. She said she can provide status on a bill which is in Committee presently and is a more present code that could be adopted in 2018.

Councilor Dwyer said there should be a principle around the codes. She said we need such a statement and a broader set of appeals process of amendment. She said we need that before we move forward with the codes. She indicated she would have this matter under her name until we have done something like that.

Acting City Manager Colbert Puff said we have time until the November 20, 2017 meeting and she could adopt draft principles.

Councilor Dwyer said she feels we need to have a work session in conjunction with draft principles.

Acting City Manager Colbert Puff said the codes have not kept pace with State codes. She said a set of principles to guide the code could be done.

**Motion passed.**



- D. First reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code

**Councilor Spear moved to pass first reading and to authorize the Acting City Manager to bring back for public hearing and second reading the updates to the Fire Department and Prevention Regulation at the November 20, 2017 City Council meeting. Seconded by Councilor Perkins and voted.**

- E. Second reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language (*Postponed from September 5, 2017 City Council Meeting*)

**Councilor Spear moved to accept all the amendments to the Food Licensing and Regulations Ordinance that is contained in the City Council packet and to postpone second reading until the November 20, 2017 City Council meeting. Seconded by Councilor Pearson.**

Acting City Manager Nancy Colbert Puff said that an informational meeting was held and asked Health Officer McNamara to come forward and present the findings of the meeting.

Health Officer McNamara advised the City Council that an informational meeting was held with the restaurants to review the code and 18 restaurants were represented at the meeting.

Assistant City Attorney Ferrini informed the City Council that the food code is a 600 page document. She said we are adopting the definitions and two source documents.

Mayor Blalock said Mike Somers of NH Lodging & Restaurant Association is present and has made some suggestions to the ordinance.

The City Council discussed changes in ownership and changes in Trusts. Assistant City Attorney Ferrini said that Trust ownership is not addressed in the ordinance.

Acting City Manager Colbert Puff said that the City has not had time to address the changes in the document from Mr. Somers. She said we would like to review the changes in more depth. She indicated many things go beyond the Trust and we feel that is outside the ordinance proposed.

Assistant Mayor Splaine said he is confused and that staff would like to review the changes brought forward with Mr. Somers. He would like to know the time frame for the staff to review and said the staff should meet with Mr. Somers and the managers of local restaurants.



Mayor Blalock said we are being asked to accept the amendments, would it be more appropriate to further amend the ordinance at third reading by a two-thirds vote to suspend the rules.

Councilor Dwyer said we have the amendments and pointed out where the staff should look further. She feels we are on the same page with the spirit of the ordinance.

Councilor Lown said he is in favor of all amendments from Mr. Somers.

Health Officer McNamara spoke to the issue of rules and regulations to add to the food definitions. She said we have existing mobile trucks and what we are speaking to our guidelines that don't have the same requirements we have removed the rules and regulations and changed it to guidelines. She also addressed appeals for administrative hearings we have done research on self-reporting municipalities and many follow the same. She indicated that she works with establishments to work through any issues and there are different ways to appeal.

Acting City Manager Colbert Puff indicated that to a certain degree their answers are vague because we are in the midst of a law suit.

Councilor Spear spoke to the change of ownership. He supports the controlling interest amendments. He said our job is to make sure people get safe food.

Councilor Lown said that the City would like some more time to respond to the letter from Mr. Somers. Acting City Manager Colbert Puff said yes. Councilor Lown said the appeal process is in the document but does not see a way to make the process easier.

Health Officer McNamara said the quantifications don't meet the needs of the technical people she feels that may not be able to make food code decisions. She does not feel that we can follow the decisions a board can make.

Mayor Blalock said he should recuse himself because he is a restaurant owner.

Councilor Lown said we could pass this and as part of the motion we would look at amendments at the next meeting.

**Councilor Lown moved to accept all the amendments to the Food Licensing and Regulations Ordinance and as set forth in the ordinance contained in the City Council packet and to postpone second reading until the November 20, 2017 City Council meeting. Seconded by Councilor Spear and voted.**

Councilor Spear asked what is the City's position of dogs on outdoor decks. Health Officer McNamara said dogs are not allowed on decks in New Hampshire. She said to allow that it would require a variance to the food code ordinance.



Councilor Denton asked if there is a way to do that without seeking a variance. Health Officer McNamara said there is not.

Councilor Spear said waiver is a better word than variance. Health Officer McNamara said variance is in the food code.

Mayor Blalock said the amendments are from the informational meeting with the restaurants. He said we need to move on and get to something we can pass. He said it is important to pass the food code ordinance as soon as possible.

Health Officer McNamara said if you have an outdoor area that needs to be protected from weather and insects.

Councilor Spear said we need to get the appeals process right.

Assistant Mayor Splaine asked what will happen between now and November 20, 2017. Acting City Manager Colbert Puff said she would meet with the NH Lodging & Restaurant Association and go through the ordinance to make things much cleaner and create a draft list of principles.

**Motion passed.**

At 9:10 p.m., Mayor Blalock called for a brief recess. At 9:20 p.m., Mayor Blalock called the meeting back to order.

**VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donations Re: USS New Hampshire
- Sean Mahoney - \$500.00
  - Piscataqua Savings Bank - \$500.00
  - The Propeller Club of the United States Port of Portsmouth - \$500.00
  - Teledne Instruments - \$500.00
  - Renee and Dan Plummer - \$500.00

**Councilor Lown moved move to accept and approve the donations for the USS New Hampshire, as presented. Seconded by Councilor Cyr and voted.**

Stephanie Seacord thanked the City for being the Host Committee for the USS New Hampshire and that it is there anniversary on October 25, 2017 honoring the 132 crew members and their families.



- B. Acceptance of Police Department Grant
- A grant in the amount of \$9,225.00 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training

**Assistant Mayor Splaine moved to accept and approve the grant to the Portsmouth Police Department, as presented. Seconded by Councilor Perkins and voted.**

**Assistant Mayor Splaine moved to suspend the rules to take up Item X. B. – Letter from Attorney Kevin Baum Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane. Seconded by Councilor Denton.**

- X.B. Letter from Attorney Kevin Baum Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane

Councilor Dwyer said that this should be referred to the Planning Board.

**Councilor Spear moved to refer to the Planning Board. Seconded by Councilor Dwyer.**

Councilor Spear said that the gateway changes he supports as well as the letter for possible next steps.

Councilor Dwyer said the public is misunderstanding what we are doing with the density ordinance. She asked the Planning Board to add to that list other potential places.

Assistant Mayor Splaine said he visited Farm Lane a couple weeks ago and it has become a connector between Woodbury Avenue and we should receive input from the Planning Board.

**Motion passed.**

## **IX. CONSENT AGENDA**

**Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Perkins.**

- A. Letter from Emily Christian , National Multiple Sclerosis Society, requesting permission to hold the 2018 Walk MS Portsmouth on Saturday, April 14, 2018 from 10:00 a.m. to 2:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)



- B. Letter from Major DonnaMarie Reed, The Salvation Army, requesting permission to place the Red Kettle in the center of Market Square from November 13<sup>th</sup> through December 23<sup>rd</sup> (***Anticipated action – move to refer to the City Manager with power***)
- C. Acceptance of Donation Re: Plaque in Memory of Roger Chapdelaine
  - In honor of Roger Chapdelaine – Men’s Doubles Tennis Commissioner (***Anticipated action – move to accept the donation for a plaque in memory of Roger Chapdelaine, as presented***)
- D. Letter from Lynn Raeburn requesting that the lots be restored to their premerger status and that zoning and tax maps be updated to identify premerger boundaries of said parcels (***Anticipated action – move to refer to the Planning Board for report back***)

Councilor Pearson reported at the recent Ward 5 meeting residents came forward with opposition to all events taking place in the Ward 5 area due to the many impacts on the neighborhoods. Discussion took place as to whether we as a City want to put parameters for event requests.

Mayor Blalock said we should look at other locations for walks.

**Motion passed.**

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

- C. Letter from Mike Somers, NH Lodging & Restaurant Association Re: the 2009 FDA Food Code with proposed amendments

**Councilor Spear moved to accept and place letter on file. Seconded by Councilor Perkins and voted.**

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

##### **A. ACTING CITY MANAGER**

- 1. Commercial Revaluation – Request for Peer Review

Acting City Manager Colbert Puff informed the City Council that we have solicited a proposal from David Cornell, MAI, CAE an experienced appraisal consultant who is qualified to perform a review of the revaluation. She indicated that his fee is \$8,875.00 for an evaluation of the commercial revaluation work, and the same price for the same review of the residential revaluation, for a total of \$17,750.00. She stated that the work could be completed by November 13<sup>th</sup>. She reported after consulting with the DRA



regarding the scope of work such a review should involve, we recommend that scope be focused on reviewing the revaluation methodology and conclusions on a broad basis – in other words, a spot “sampling” is not a typical approach to reviewing mass appraisal. In addition, if City Council is interested in pursuing this review, we recommend it be performed for the entire revaluation, and not a single component, to ensure equal treatment and to obtain a complete picture of the entire process.

Councilor Dwyer said we do not need to do residential but there is no harm in doing residential as well. She said after receiving the results Mr. Hamilton should come back and speak to the two reviews.

**Councilor Dwyer moved to direct the Acting City Manager to conduct a review of the revaluation and to bring back the review to Council sometime in November. Seconded by Councilor Spear.**

Councilor Lown said we do not need to look at a residential review.

Assessor Lentz said you would look at the total process and in order to see if the revaluation was done correctly you want to look at both.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he supports both reviews.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said maybe we want to do both.

Councilor Denton said he supports both. He asked what happens if a discrepancy is found.

Acting City Manager Colbert Puff said we would need to look at things for next year as we need to set the tax rate for this year.

Councilor Spear said he supports the motion but would like us to think about improving the commercial revaluations.

Councilor Lown said the residential taxpayers have a remedy to apply for an abatement. He would not support the motion and feels the commercial properties are the main issue rather than residential.

Councilor Dwyer said the most important thing is to understand the factors and issues for the commercial evaluations. She would like to hear from the Acting City Manager if there was a difference what it means. Acting City Manager Colbert Puff said it means it would be adjusted in the next year.



Assessor Lentz stated you would need to go through the entire revaluation again.

Assistant Mayor Splaine asked about the total cost for the revaluation was how much? Assessor Lentz said \$90,000.00 for commercial and \$85,000.00 for the residential. She said we are limited because there are not that many appraisers. She stated the DRA could provide more names but Dave Cornell is the tops at appraisals. Assistant Mayor Splaine said he would support all the commercial and residential should be reviewed. He asked if the work would be completed by November 13<sup>th</sup>. Assessor Lentz said Mr. Cornell did not indicate whether he would not be able to complete the work by November 13<sup>th</sup>.

Councilor Pearson said we need to do both. She said the City went the way of Rockingham County with the assessments. She stated she would like us to think about form based zoning when we need more residential rather than commercial properties.

Councilor Cyr said he is in favor of doing both reviews.

**Motion passed with Councilor Lown voting opposed.**

Councilor Denton thanked Acting City Manager Colbert Puff for the work on the swap shop which is a report under her Informational Items.

Assistant Mayor Splaine asked for the City Attorney to report on the homestead exemption. City Attorney Sullivan explained a homestead exemption would take some value off the home and provide a tax benefit. He said however, New Hampshire is not a Home Rule State.

**Councilor Spear moved to request the Economic Development Commission to report back on ways to increase commercial values. Seconded by Assistant Mayor Splaine.**

Councilor Cyr said the Economic Development Commission is reviewing its goals for the upcoming year. He said we have concerns that rents are too high.

**Motion passed.**

**Councilor Spear moved to request the Planning Board to look at ways to reconsider off-street parking in the downtown overlay district with consideration for smaller cars and smaller maneuvering lanes. Seconded by Assistant Mayor Splaine.**

Councilor Dwyer said it amends what we looked at tonight. She said we are doing a hearing on downtown parking and revising ideas that are not in the ordinance. She feels it fits in the package that is in the ordinance.

**Motion passed with Councilor Dwyer voting opposed.**



**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Cyrus Beer as an Alternate to the Historic District Commission'
  - Reappointment of Dana Levenson to the Economic Development Commission

The City Council considered the appointment of Cyrus Beer as an Alternate to the Historic District Commission and reappointment of Dana Levenson to the Economic Development Commission that will be voted upon at the November 20, 2017 City Council meeting.

2. Appointments to be Voted:
  - Appointment of Amrishi Chicooree to the Cable Television and Communication Commission
  - Appointment of Thaddeus Jankowski as an Alternate to the Conservation Commission
  - Appointment of Martin Ryan to the Historic District Commission as a Regular Member
  - Reappointment of Shaula Balomenos Levenson to the Library Board of Trustees

**Assistant Mayor Splaine moved to appoint Amrishi Chicooree to the Cable Television and Communication Commission until April 1, 2019; appoint Thaddeus Jankowski as an alternate to the Conservation Commission until April 1, 2018; appoint Martin Ryan to the Historic District Commission until June 1, 2019 and reappoint Shaula Balomenos Levenson to the Library Board of Trustees until October 1, 2020. Seconded by Councilor Cyr.**

Councilor Pearson said Martin Ryan will make a great commissioner to the Historic District Commission.

**Motion passed.**

**C. ASSISTANT MAYOR SPLAINE**

1. Exploring the concept of allowing artists and others who have a studio, gallery, workplace, or storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards



*It would be my intention to request good Acting City Manager Nancy Colbert Puff, City Attorney Bob Sullivan, and the Fire Department to report back at the Monday, November 20, 2017 City Council meeting on the practicality of such a living arrangement, and limitations or restrictions that may be required*

Assistant Mayor Splaine would like to request the motion to explore the concept of allowing artists and others who have a studio, gallery, workplace, or storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards. He said he feels that this idea has value and this could be part of an affordable housing program.

Councilor Dwyer said we worked on this a couple of years ago and we put changes into the zoning ordinance.

No action required.

Assistant Mayor Splaine requested Acting City Manager Nancy Colbert Puff, City Attorney Bob Sullivan, and the Fire Department to report back at the Monday, November 20, 2017 City Council meeting on the practicality of such a living arrangement, and limitations or restrictions that may be required.

**D. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the October 5, 2017 meeting

**Councilor Pearson moved to accept and approve the action sheet and minutes of the October 5, 2017 Parking & Traffic Safety meeting. Seconded by Councilor Dwyer and voted.**

**E. COUNCILOR SPEAR**

1. Follow-up on Parking Work Session

Councilor Spear advised the City Council that the Work Session held regarding Parking a few months ago, the recommendation of items for implementation will be brought forward at the November 20, 2017 City Council meeting.



## **F. COUNCILOR DENTON**

### 1. Prescott Park Agreements

Councilor Denton said his comments are regarding the lack of agreements with Prescott Park. He said agreements were to come back before the City Council in August or September and the last time we spoke with Assistant City Manager Moore indicated in August things would be coming forward by now to move forward. He spoke to the logistics that would need to be confirmed for the various events for next year and without an agreement those things are not moving forward. He stated he would like the City Council to review the agreement.

Councilor Dwyer explained the process was to work for a long term agreement in January 2018. She said we wanted to work on a schedule in August or September so they would have that schedule in March or April which was always the time table. She said we never approved things on an annual agreement, we are trying to get to a long term agreement. She said we have been waiting for the Festival to provide financials and we have been waiting a year and have not received them. Councilor Dwyer indicated that they meet every week on Tuesday and if Ben Anderson had any concerns he would have brought the matters forward.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said that Councilor Denton is undermining some of the hard work done in this matter with the Committee. He said we all want a long term agreement with the Park and all for other issues there is a year to year agreement for 2018.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said the long term agreement will be brought forward when the agreement is done. She further stated this has nothing to do with this City Council.

Acting City Manager Colbert Puff said the City Manager will negotiate the agreement when the long term agreement is ready.

Councilor Denton asked if the City Council would see any changes that would not be applied for this season.

Councilor Pearson said the longer term agreement would be between the Park and those organizations that work on the agreement.

Councilor Denton asked if changes the Committee is working on is the current year to year agreement or the long term agreement.

Councilor Dwyer said the recommendations are for this year's schedule. She said the idea of the plan was to not make things so rigid.



**Councilor Denton moved to have the current policy for this coming year be voted on at the November 20<sup>th</sup> City Council meeting. Seconded by Assistant Mayor Splaine.**

Councilor Pearson recommended that the President of the Festival and the City Manager continue to work on the negotiations of the agreement.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he supports the Prescott Park Arts Festival in its current state. He said he does not want to muddy up the current process and does not want to see this become political.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

*Councilor Denton withdrew his motion and Assistant Mayor Splaine his second to the motion.*

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

**At 10:35 p.m., Councilor Dwyer moved to adjourn. Seconded by Councilor Perkins and voted.**

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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



## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: THURSDAY, NOVEMBER 9, 2017

PORTSMOUTH, NH  
TIME: 6:00 PM

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

Mayor Blalock called the meeting to order at 6:00 p.m.

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer, Lown, Cyr and Denton

Absent: Councilors Perkins, Pearson and Spear

### **III. INVOCATION**

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

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

Assistant Mayor Splaine led in the Pledge of Allegiance to the flag.

### **V. CANVASS OF THE VOTE OF THE NOVEMBER 7, 2017 MUNICIPAL ELECTION**

City Clerk Barnaby provided the City Council with copies of the November 7, 2017 Municipal Election results and requested the City Council accept the results as presented.

The following positions were elected:

#### **City Council 2 year term**

Mayor Jack Blalock  
Assistant Mayor Cliff Lazenby  
Councilor Doug Roberts  
Councilor Nancy Pearson  
Councilor Josh Denton  
Councilor Chris Dwyer  
Councilor Rebecca Perkins Kwoka  
Councilor Ned Raynolds  
Councilor Rick Becksted



**School Board 4 year term**

Nancy Novelline Clayburgh  
Kristin Jeffrey  
Tara Kennedy  
Jeffrey G. Landry  
Brian French

**Fire Commission 4 year term**

Dickie Gamester  
Jennifer J. Mosher-Matthes

**Police Commission 4 year term**

Jim Splaine  
Joe Onosko

**Ward Moderators 2 year term**

Petra Pantelakos-Barstow – Ward 1  
Susan Denenberg – Ward 2  
Joan L. Hamblet – Ward 3  
Gerald W.R. Ward – Ward 4  
Brian Wazlaw – Ward 5

**Ward Clerks 2 year term**

Christy F. Barstow – Ward 1  
William Tucker – Ward 2  
Catherine Cosgrove – Ward 3  
Sharon Nichols – Ward 4  
Donald Margeson – Ward 5

**Ward Selectmen 2 year term**

Janet M Phelps, Nancy Brown, and Stephen T. Pesci – Ward 1  
Diane Stradling, Leslie McCarthy, and William McClure – Ward 2  
Elizabeth Cross, Jo Ann Paradis, and William St. Laurent – Ward 3  
Sarah LaChance, Bernice E. Brody, and Jeffrey A. Brody – Ward 4  
Marsha Robinson, Mary Lou McElwain and Kimberly Meuse – Ward 5

**Registrar of Voters 2 year term**

Penny Reynolds – Ward 1  
Candace Thayer – Ward 2  
Angelynne Hinson – Ward 3  
Marcia Main – Ward 4  
Alan Gordon – Ward 5

**Registrar of Voters At Large 2 year term**

Barbara Ward



## **Charter Questions**

### **Question 1: - Campaign Contributions/Expenditures**

Yes 4,114  
No 508

### **Question 2: - Financial Disclosure**

Yes 3,759  
No 821

## **City-Wide Statistics**

Registered Voters	17,935
New Registered Voters	192
Total Registered Voters	18,127
Ballots Cast	5,050
Percentage Voted	27.9%

**Assistant Mayor Splaine moved to approve and accept the November 7, 2017 Municipal Election Results as presented by City Clerk Barnaby. Seconded by Councilor Lown and voted.**

Assistant Mayor Splaine requested a listing of each candidate's totals by individual wards and that the listing be placed on the website.

City Clerk Barnaby said that she has a list prepared and will send it out to the City Council as well as have it posted on the website for the public to review.

## **VI. ADJOURNMENT**

At 6:05 p.m., Mayor Blalock closed the meeting.



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





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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** OFF-STREET PARKING ZONING AMENDMENTS  
**DATE:** 11/29/2017

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**Recommended City Council Actions**

*Vote to adopt the proposed amendments to the first reading as described in the memorandum from Juliet Walker, Planning Director, dated November 29, 2017.*

*Vote to pass second reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations as amended.*

*Vote to suspend the rules to schedule third reading for December 4, 2017.*

*Vote to pass third reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.*

**Description**

On October 16, 2017, the City Council voted to pass 1st reading of the proposed amendments to Articles 8, 11, and 15 regarding off-street parking regulations. On November 20, 2017, the City Council held a public hearing and voted to postpone second reading to the December 4, 2017 City Council meeting in order to have Planning Department staff recommend additional revisions to the amendments.

**Revisions between First Reading and November 20, 2017 public hearing, summarized below and detailed in the attached documents:**

- In Section 10.1115 Change the residential parking ratio for the Downtown Overlay District to 1.3 spaces/unit
- In Section 10.1112.311 reduce parking requirement for dwellings over 750 sq. ft. to 1.3/unit and delete separate requirement for units over 1,200 sq. ft.
- In Section 10.1112.312 add a requirement for additional visitor spaces
- In Section 10.1112.321 #9.10-9.50 change eating and drinking places requirement to 1 per 100 sq. ft.
- In Section 10.1112.52 add provision to allow Planning Board (by conditional use permit) to grant a reduction in the required minimum parking spaces
- In Section 10.1114.20 reduce maneuvering aisle width to 22 feet in parking garages and for aisles serving fewer than 7 spaces
- In Section 10.1114.32 insert exemption for one and two-family dwellings for design of off-street parking areas



**Recommended additional amendments for December 4, 2017 Second Reading summarized below and detailed in the attached documents:**

- Insert new section 10.1111.10 (Purpose) and renumber the existing sections 10.1111.10 and 10.1111.20 accordingly.
- In Section 10.814.80 and 10.815.60 insert language to give flexibility to Planning Board to require more parking spaces for Accessory Dwelling Units if necessary.



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

A. Amend Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, as follows:

- (1) Insert new section 10.1111.10 and add new language as follows and renumber the existing sections 10.1111.10 and 10.1111.20 accordingly:

The purposes of Section 10.1110 are to manage parking supply to serve development needs without compromising community character or contributing to increased housing development costs. These purposes will be achieved by calibrating off-street parking requirements to demands, promoting shared parking arrangements for complementary uses, and providing for flexibility in the administration of off-street parking standards.

- (2) Delete existing Section 10.1112 – Number of Required Parking Spaces and insert in its place proposed Section 10.1112 as set forth the document titled “Proposed Revisions to the Zoning Ordinance, Article 11, Section 10.1112 – Number of Required Parking Spaces” dated November 13, 2017.
- (3) Delete existing Section 10.1114 – Design of Off-Street Parking Facilities, and insert in its place proposed Section 10.1114 as set forth the document titled “Proposed Revisions to the Zoning Ordinance, Article 11, Section 10.1114 – Design of Off-Street Parking Facilities” dated November 13, 2017.
- (4) In Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District, amend the table in subsection 10.1115.21, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Use	Required Parking Spaces
Residential use ( <del>dwelling</del> )	1.53 space per dwelling unit
Hotel or motel	0.75 space per guest room, <b>plus 1 space per 25 sf of conference or banquet facilities</b>
Other nonresidential use	No requirement



(5) Insert a new Section 10.1116 – Bicycle Parking as set forth the document titled “Proposed Addition to the Zoning Ordinance, Article 11, Section 10.1116 – Bicycle Parking” dated September 8, 2017.

B. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows:

(1) In the definition of “townhouse”, delete the words “single-family” so that the definition reads as follows:

**Townhouse**

A dwelling unit in a group of three or more attached units, foundation to roof, open space on at least two sides, separated by a fire-rated wall.

(2) Insert the following new definitions:

**Driveway**

The area between the travelled portion of a street or road and a parking area used by motor vehicles for access to and from the parking area. A driveway does not include any maneuvering aisle or other circulation area within the interior of a parking area. Except for lots containing fewer than 7 off-street parking spaces, a driveway has no abutting parking spaces.

**Maneuvering aisle**

A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.

**Maximum occupancy**

The occupant load of a building or portion thereof as determined in accordance with the Building Code.

C. Amend Article 8 – Supplemental Use Standards by deleting the separate off-street parking requirements for accessory dwelling units and garden cottages, as follows:

(1) In Section 10.814 – Accessory Dwelling Units, delete paragraph 10.814.34.

(2) Amend Section 10.814.80 as follows (additions to existing language **bolded**; remaining language unchanged from existing):

In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, **including requiring additional off-street parking spaces**, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.



(3) In Section 10.815 – Garden Cottages, delete paragraph 10.815.34.

(4) Amend Section 10.815.60 as follows (additions to existing language **bolded**; remaining language unchanged from existing):

In granting a conditional use permit for a garden cottage, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, **including requiring additional off-street parking spaces**, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.40.

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 Revisions to the Zoning Ordinance,  
Article 11, Section 10.1112 – Number of Required Parking Spaces  
Revised November 13, 2017

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10.1112 Number of Required Parking Spaces

**10.1112.10 General Requirements and Interpretation**

- 10.1112.11 The number of required off-street parking spaces shall be based on the uses on the lot, as specified in Section 10.1112.30.
- 10.1112.12 For any permitted use not covered by Section 10.1112.30, the Code Official shall determine the closest similar use listed in that table and require off-street parking accordingly.
- 10.1112.13 Specially designated parking spaces for the physically disabled shall be provided in compliance with the Building Code (see International Building Code, Section 1106).

**10.1112.20 Calculation of Number of Required Spaces**

- 10.1112.21 The number of required off-street parking spaces shall be the sum of the requirements for the various individual uses on a lot computed separately, except that a development designed as a shopping center shall comply with the specific requirements of Section 10.1112.30 for said use.
- 10.1112.22 Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number.

**10.1112.30 Off-Street Parking Requirements**

**10.1112.31 *Parking Requirements for Residential Uses***

10.1112.311 The required minimum number of off-street parking spaces for uses 1.10 through 1.90, including dwelling units in mixed-use developments, shall be based on the gross floor area of each dwelling unit, as follows:

<b>Dwelling Unit Floor Area</b>	<b>Required Parking Spaces</b>
Less than 500 sq. ft.	0.5 spaces per unit
500-750 sq. ft.	1.0 space per unit
<del>Over 750-1,200 sq. ft.</del>	<del>1.53 spaces per unit</del>
<del>Over 1,200 sq. ft.</del>	<del>2.0 spaces per unit</del>

10.1112.312 In addition to the off-street parking spaces provided in accordance with Sec. 10.1112.311, any dwelling or group of dwellings on a lot containing



more than 4 dwelling units shall provide one visitor parking space for every 5 dwelling units or portion thereof.

**10.1112.32 Parking Requirements for Nonresidential Uses**

10.1112.321 The required minimum number of off-street parking spaces for uses other than 1.10 through 1.90 shall be based on the following table.

**Table of Minimum Off-Street Parking Requirements for Nonresidential Uses**

Use No.	Use	Requirement
<b>2. Institutional Residence or Care Facilities</b>		
2.10-2.20	Assisted living facility or Residential care facility	0.5 per bed or resident
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>		
3.10	Place of assembly	0.4 per seat (fixed seating), or 1 per 4 persons maximum occupancy of assembly area, or Parking demand analysis
3.20	School	Parking demand analysis
3.30	Historic preservation building	No requirement
3.40	Museum	Parking demand analysis
3.50	Performance facility	0.4 per seat (fixed seating), or Parking demand analysis
3.60	Cemetery	No requirement
3.70	Club, fraternal or service organization	Greater of: - 1 per 4 persons maximum occupancy - 1 per 200 sf GFA
3.80	Municipally operated park and related activities	No requirement
<b>4. Recreational Uses</b>		
4.10	Religious, sectarian or private non-profit recreational use	Parking demand analysis
4.20	Cinema or similar indoor amusement use with no live performance	0.4 per seat, or Parking demand analysis
4.30	Indoor recreation use, such as bowling alley or arcade	1 per 4 persons maximum occupancy
4.40	Health club, yoga studio, martial arts school, or similar use	1 per 250 sf GFA



Use No.	Use	Requirement
4.50	Outdoor recreation use	Parking demand analysis
4.60	Amusement park, water park or theme park	NA – Prohibited Use
<b>5. Office Uses, Non-Medical</b>		
5.10-5.30	Professional, business and financial services	1 per 350 sf GFA
5.40	Social service campus	Apply standards for component uses
5.50	Media studio	1 per 1,000 sf GFA
5.60	Publishing facility or similar electronic production operation	1 per 1,000 sf GFA
5.70	Call Center	1 per 250 sf GFA
<b>6. Medical Services and Health Care</b>		
6.10	Hospital	Parking demand analysis
6.20	Medical offices and clinics (outpatient only)	1 per 250 sf GFA
6.30	Clinics with inpatient care	Greater of: - 2 per bed - 1 per 250 sf GFA
6.40	Ambulatory surgical center	1 per 250 sf GFA
6.50	Substance abuse treatment facility	Parking demand analysis
6.60	Psychiatric hospital for the criminally insane	NA – Prohibited Use
<b>7. Services, Other Than Health Care</b>		
7.11	Family day care facility	4 spaces (including 2 for the single-family dwelling)
7.12	Group day care facility including private preschool and kindergarten	0.5 per client or student based on licensed enrollment capacity
7.20-7.40	Personal services, Consumer services, and Trade, craft and general services	1 per 400 sf GFA
7.50-7.60	Veterinary care and Laundry and dry cleaning establishments	1 per 500 sf GFA
7.70	Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	1 per 25 sf of floor area for public occupancy
<b>8. Retail Trade</b>		
8.10-8.90	All retail trade uses	1 per 300 sf GFA



Use No.	Use	Requirement
<b>9. Eating and Drinking Places</b>		
9.10-9.50	All eating and drinking places	1 per <del>75</del> <u>100</u> sf GFA
<b>10. Lodging Establishments</b>		
10.10-10.20	Boarding house or Bed and breakfast	2 + 1 per room for rent
10.30-10.40	Inn, hotel or motel	1.25 per guest room + 1 per 100 sf of lounge or restaurant area + 1 per 25 sf of conference or banquet facilities
10.50-10.60	Conference hotel or Conference center	Parking demand analysis
<b>11. Motor Vehicle-Related Uses</b>		
11.10, 11.30	Sales, renting or leasing of vehicles, marine craft, power equipment, etc.	1 per 600 sf GFA + 1 per 2000 sf outside display or storage area
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400 sf GFA
11.40	Impound lot (principal or accessory use)	No requirement
11.50	Truck fueling facility	4 spaces
11.60	Truck terminal	1 per 2000 sf GFA + 3 per loading dock
<b>12. Marine Craft Related Uses</b>		
12.11	Non-commercial boat landings, boat docks, boathouses, etc.	No requirement
12.12	Fishing boat landing 1	4 spaces
12.13	Fishing boat landing 2	Parking demand analysis
12.20-12.40	Marina, repair of commercial marine craft and marine-related structures, or landside support facility for commercial passenger vessel	Parking demand analysis
<b>13. Wholesale Trade, Warehousing and Distribution</b>		
13.10	Wholesale use	1 per 2000 sf GFA
13.20	Wholesale sales devoted to, and in the same establishment as, a permitted retail use	1 per 2000 sf area devoted to wholesale
13.30	Wholesale lumber yards, lumber and contractor sales	No requirement



Use No.	Use	Requirement
13.40	Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use	1 per 2000 sf GFA
<b>14. Industrial Uses</b>		
14.10-14.20	Light industry or Research and development	1 per 500 sf GFA
14.30-14.50	Food processing, Electronics manufacturing, General manufacturing	1 per 1000 sf GFA
14.60	Biological or chemical laboratory	1 per 500 sf GFA
14.70	Recycling facility or recycling plant	No requirement
14.80	High hazard use, including other uses listed in this section but not including uses described in 14.90	Parking demand analysis
14.90	Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	NA – Prohibited Use
<b>15. Transportation and Utilities</b>		
15.10	Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building	No requirement
15.20	Helipad or helipad	No requirement
<b>16. Wireless Telecommunications Facilities</b>		
16.10-16.40	All wireless telecommunications facilities	No requirement
<b>17. Agricultural Uses</b>		
17.10-17.20	All agricultural use	No requirement
<b>18. Temporary Uses</b>		
18.10	Construction trailer	No requirement
18.20	Temporary structure	No requirement



Use No.	Use	Requirement
18.30	Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes	2 spaces (single-family dwelling)
18.40	Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	No requirement
<b>19. Accessory Uses</b>		
19.10	Accessory use to a permitted principal use (not otherwise specified in this section), but not including any outdoor storage	No requirement
19.20	Home occupation	No minimum requirement ( <u>maximum</u> 1 space for the home occupation)
19.30	Concessions and services located within the principal building	No requirement
19.40	Drive-through facility, as accessory use to a permitted principal use	No requirement
<b>20. Accessory Storage</b>		
20.10 – 20.60	All accessory storage uses	No requirement

10.1112.322 Where the table lists a general use category without the subcategories, the parking ratio shall apply to all subcategories within that category (for example, the parking ratio shown for use number 2.10 applies to uses 2.11 and 2.22).

10.1112.323 Where the table indicates that the minimum required number of off-street parking spaces shall be based on a parking demand analysis, the applicant shall submit such analysis for review by the Planning Board through the Site Plan Review process. Where the table indicates that a parking demand analysis is an alternative to a specified ratio, the applicant may submit such analysis to justify a ratio different from that listed in the table. In either case, the Planning Board may approve the number of parking spaces proposed by the analysis, or may approve a greater or lesser minimum number of parking spaces based on its review.

10.1112.324 Where the minimum number of off-street parking spaces is based on maximum occupancy, the applicant shall submit a code analysis showing the occupant load for the proposed use determined in accordance with the Building Code.



**10.1112.40 Reserve Parking Area**

When Section 10.1112.30 requires the provision of 20 or more off-street parking spaces, the Planning Board may approve the construction of fewer off-street parking spaces than required, subject to the following:

- 10.1112.41 A “Reserve Parking Area” shall be designated that is sufficient to accommodate the difference between the number of spaces required and the lesser number actually provided.
- 10.1112.42 The site plan shall clearly delineate the Reserve Parking Area and shall demonstrate that it is sufficient to accommodate the additional parking spaces in accordance with the requirements of this Section.
- 10.1112.43 The Reserve Parking Area shall be landscaped with grass, ground covers and/or other plant materials, but shall not be counted toward any minimum open space requirement.
- 10.1112.44 The Reserve Parking Area shall not be used as snow storage area and shall not contain any structure or mechanical equipment.

**10.1112.50 Maximum and Minimum Number of Parking Spaces**

10.1112.51 The number of off-street parking spaces for any building or use shall not exceed the following amounts:

Minimum Number of Spaces Required by Section 10.1112.30	Maximum Number of Spaces Allowed
0-20	No maximum
21 or more	120 percent of minimum

10.1112.52 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum required by Section 10.1112.30 or to exceed the maximum ~~permitted~~ number of off-street parking spaces allowed by 10.1112.51. The application for the conditional use permit shall include a parking demand analysis demonstrating that the amount of off-street parking spaces provided is sufficient for the proposed use. ~~the need for additional parking~~. In granting a conditional use permit, the Planning Board may accept, deny or modify the findings of the parking demand analysis.

a) In addition to a parking demand analysis, requests to provide less than the minimum required by Section 10.1112.30 shall include permanent measures to reduce parking demand, including but not limited to provision of rideshare services servicing the property, proximity to public transit, and shared parking on a separate lot subject to the requirements of Section 10.1112.62.

**10.1112.60 Shared Parking**

**10.1112.61 Methodology**

Developments that contain a mix of uses on the same parcel shall reduce the number of off-street parking spaces in accordance with the following methodology:

- (1) Determine the minimum number of off-street parking spaces for each land use within the development in accordance with Sections 10.1112.10 through 10.1112.50.
- (2) Multiply the minimum parking requirement for each land use by the corresponding parking occupancy rates for each of the five time periods set forth in Columns (B) through (F) of the Parking Occupancy Rates table below.

**Parking Occupancy Rates**

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight– 6:00 AM)
	(B) Daytime (8:00 AM– 5:00 PM)	(C) Evening (6:00 PM– Midnight)	(D) Daytime (8:00 AM– 5:00 PM)	(E) Evening (6:00 PM– Midnight)	
Residential	60%	100%	80%	100%	100%
Office/ Industrial	100%	20%	10%	5%	5%
Retail/Service	60%	90%	100%	70%	5%
Hotel/Motel	70%	100%	75%	100%	100%
Restaurant	70%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Conference/ Convention	100%	100%	100%	100%	5%
Place of Worship*	10%	5%	100%	50%	5%
Other Institutional	100%	20%	10%	10%	5%

\* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.

- (3) Add the resulting shared parking requirements for each time period to determine the minimum parking requirement for that period.

The required minimum number of parking spaces for the development shall be the highest of the five time-period totals.



***10.1112.62 Shared Parking on Separate Lots***

The Planning Board may grant a conditional use permit to allow a reduction in the number of required off-street parking spaces for uses on separate lots, whether in common or separate ownership, subject to the following:

- (1) The shared parking requirement may be determined using the methodology in Section 10.1112.61, or by another method approved or required by the Planning Board.
- (2) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

Proposed Revisions to the Zoning Ordinance,  
Article 11, Section 10.1114 – Design of Off-Street Parking Facilities  
revised November 13, 2017

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10.1114 Design of Off-Street Parking Facilities

**10.1114.10 Applicability**

The provisions of this Section 10.1114 shall apply to all off-street parking facilities, whether in parking structures or surface lots, and whether or not the parking spaces are required or in excess of the requirements for a use, except as specifically exempted herein.

**10.1114.20 Stall Layout**

10.1114.21 Parking spaces and maneuvering aisles shall be laid out in compliance with the minimum dimensions set forth in the Table of Off-Street Parking Dimensions.

**Table of Off-Street Parking Dimensions**

A	B	C	D	
			1-way traffic	2-way traffic
Angle of Parking (degrees)	Width of Parking Space	Depth of Parking Space	Width of Maneuvering Aisle *	
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24'

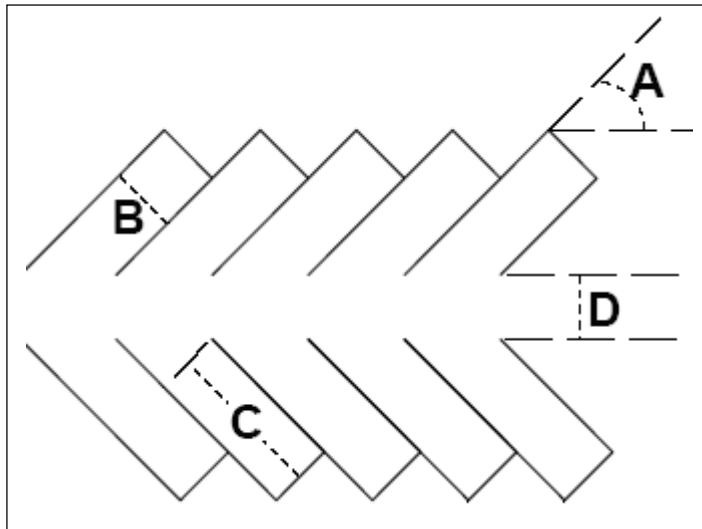
\* The minimum width of a maneuvering aisle shall be 22 feet for (a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or (c) an aisle in a parking structure for 1-way traffic with 90-degree parking.

~~\* The required minimum widths of maneuvering aisles does not apply to an aisle providing access to fewer than 7 parking spaces.~~

~~\*\*For a parking structure with 90 degree parking, the minimum width of a two-way maneuvering aisle shall be 22 feet.~~



### Key to Table of Off-Street Parking Dimensions



- 10.1114.22 Parking areas shall include parking spaces for the physically disabled in compliance with the Building Code and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).
- 10.1114.23 Parking spaces located within four feet of an abutting structure, sidewalk, or public street shall be designed with suitable bumper stops.
- 10.1114.24 Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing maximum occupancy of the project; minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.
- 10.1114.25 Except for one-family and two-family dwellings, all off-street parking spaces shall be marked and maintained to provide delineation between parking stalls and aisles.

### 10.1114.30 Vehicular Circulation

- 10.1114.31 Access to and egress from all parking areas shall be only via driveways which meet the standards for “General Accessway and Driveway Design” in the Site Plan Review Regulations.

10.1114.32 Except for one-family and two-family dwellings, Aall off-street parking areas shall be designed so that:

- (a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and

- (b) Vehicles can enter and leave the parking area without backing into or from a public street or way.

10.1114.33 Notwithstanding the previous provision, tandem parking spaces may be provided for required off-street parking spaces serving dwelling units in residential and mixed-use developments, subject to the following requirements:

- (a) Tandem spaces shall be assigned to the same dwelling unit.
- (b) Tandem parking shall not be used to provide guest parking.
- (c) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 38 feet in length.

#### **10.1114.40 Pedestrian Circulation**

Except for one-family and two-family dwellings, all off-street parking areas shall incorporate the following provisions for pedestrian circulation:

- 10.1114.41 A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting adjacent streets, accessways, sidewalks and parking areas to the entrances of all structures.
- 10.1114.42 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.
- 10.1114.43 Continuous off-street vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on site.



Proposed Addition to the Zoning Ordinance,  
Article 11, Section 10.1116 – Bicycle Parking  
September 8, 2017

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10.1116 Bicycle Parking

**10.1116.10 Number of Bicycle Parking Spaces Required**

10.1116.11 Off-street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:

Multifamily dwellings	1 bicycle space for each 5 dwelling units or portion thereof
Elementary, middle and high schools	1 bicycle space for each 4 students
All other uses, except as exempted in Section 10.1116.14	1 bicycle space for each 10 automobile parking spaces or fraction thereof required by Section 10.1112.30 or Section 10.1115.21, as applicable

10.1116.12 When the Planning Board approves the construction of fewer off-street parking spaces than would normally be required under Section 10.1112.30 or Section 10.1115.21 (for example, when a Reserve Parking Area is provided under Section 10.1112.40), or when Board of Adjustment grants a variance from the required number of off-street parking spaces, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required without such reduction or variance.

10.1116.13 In addition to the number of bicycle parking spaces required under Section 10.1116.11 and 10.1116.12, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.

10.1116.14 The following uses are exempt from providing bicycle parking spaces:

Use No.	Use
1.10	Single-family dwelling
1.20	Accessory dwelling unit
1.25	Garden cottage
1.30	Two-family dwelling
2.10	Assisted living facility
2.20	Residential care facility
7.10	Day care
7.70	Undertaking establishment
11.10-11.60	Motor vehicle related uses
12.10-12.40	Marine craft related uses

Use No.	Use
13.10-13.40	Wholesale trade, warehousing and distribution
14.70	Recycling facility or recycling plant
14.80	High hazard use
17.10-17.20	Agricultural uses
19.10-19.40	Accessory uses

10.1116.15 Bicycle parking spaces shall be designed in accordance with standards set forth in the Site Plan Review Regulations.





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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** GATEWAY MIXED USE DISTRICT ZONING AMENDMENTS  
**DATE:** 11/29/17

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**Recommended City Council Actions**

*Vote to adopt the proposed amendments to the first reading as described in the memorandum from Juliet Walker, Planning Director, dated November 29, 2017.*

*Vote to pass second reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts as amended.*

*Vote to suspend the rules to schedule third reading for December 4, 2017.*

*Vote to pass third reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts as amended.*

**Description**

On October 16, 2017, the City Council voted to pass 1st reading of the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts. On November 20, 2017, the City Council held a public hearing and voted to postpone second reading to the December 4, 2017 City Council meeting in order to have Planning Department staff recommend additional revisions to the amendments.

**Revisions between First Reading and November 20, 2017 public hearing, summarized below and detailed in the attached documents:**

- 1) Section 10.5B11: Expanded purpose statement to reiterate the goals of the City's recently adopted Master Plan.
- 2) Added clarification throughout to requirements for building setbacks to distinguish required distances from lot lines, internal separation between buildings, and no-build buffers on the perimeter of development sites.
- 3) Section 10.5B22.30: Added new section to distinguish building setback requirements for buildings with or without a common wall and building separation when on the same lot.
- 4) Section 10.5B22.40: Added special setback requirements for Lafayette Rd / Route 1 Bypass, which is consistent with current requirements. The Planning Department understands that the state is planning for a constant right-of-way width for Lafayette Rd and Route 1 Bypass and has been securing easements as from abutting properties. Therefore, this requirement is consistent with the state's plans for this ROW.

- 5) Section 10.5B25.10: Inserted a maximum building length requirement for residential and mixed use building types, this is consistent with the current dimensional requirements provided in Section 10.522.
- 6) Sections 10.5B33.20 and 10.5B34: Created general standards for front lot line occupation. Eliminated the front lot line buildout requirement for each building type.
- 7) Section 10.5B34: Added minimum side building setback requirements to all building types to support clarifications noted above.
- 8) 10.5B41.70: Simplified and clarified requirements for access standards for the interior of a block.
- 9) 10.5B41.100: Added new requirement to distinguish interior building setbacks to lot lines from setbacks on the perimeter of the site.
- 10) 10.5B43: Created new section for conditional use permit review and approval process that includes the conditional use permit criteria/findings (moved from 10.5B41).
- 11) 10.5B52.10: Modified the requirement for a front addition on a pre-existing building to be less restrictive in order to encourage redevelopment.
- 12) 10.5B52.30: Modified the requirement for side additions to pre-existing building to limit building length for residential and mixed use buildings.
- 13) 10.5B74.30: Expanded which standards can be modified by the Planning Board in granting a conditional use permit for a density bonus incentive.
- 14) 10.5B83.20: Clarified that development sites that include multiple lots shall not be subject to the requirements of 10.1113.10 requiring off-street parking spaces to be located on the same lot as the principal use. Off-street parking spaces shall be located within the same development site for the principal use they are intended to serve.
- 15) 10.5A60: Added front building setback to the definition of front lot line buildout.

**Recommended additional amendments for December 4, 2017 Second Reading summarized below and detailed in the attached documents:**

- 1) Revisions throughout proposed Article 5B to distinguish streets (public roads) and private roads or accessways.
- 2) 10.5B41.20 Revised definition of site area.
- 3) 10.5B41.10 Added language regarding standards for development sites superseding lot area requirements for building types as applicable.
- 4) 10.5B41.30 Clarified definition of site width.
- 5) 10.5B41.80 Increased requirements for community space coverage in G2 Districts to support neighborhood center development.
- 6) 10.5B42 Added maximum building coverage for development sites.
- 7) 10.5B71.10 Increased density incentive for mixed use and general residential to incentivize more neighborhood-type development.
- 8) 10.5B73.10 Revised workforce housing requirement for density bonus incentives to require 20% rental or sale units.
- 9) 10.5B73.20 Added requirement that on-site public realm improvements provided to meet the density bonus incentives shall not be counted toward the minimum community space coverage requirement.
- 9) 10.5B101.30 Added requirement for community spaces in G2 Districts to be designed to support development of neighborhood centers.
- 10) Article 15 Definitions Amended definitions for building coverage to include Development Sites and inserted a new definition for open space coverage.



## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

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

- A. Add new Article 5B – Gateway Mixed Use Districts as set forth in the document titled “Proposed Zoning Amendments Article 5B Gateway Mixed Use Districts” dated November 29, 2017.
- B. Amend Article 5A – Character-Based Zoning as follows:
  - (1) Add the following Façade Types to Figure 105A43.10: Dooryard, Terrace, Gallery, and Arcade as set forth in the document titled “Proposed Zoning Amendments Figure 10.5A43.10 Façade Types” dated September 19, 2017.
  - (2) In all BUILDING FORM – PRINCIPAL BUILDING tables in Figure 10.5A41.10A strike the following text “~~Maximum finished floor surface of ground floor above sidewalk grade~~” and replace with “**Ground Floor Elevation (Max.)**.”
  - (3) Add the following Community Space Types to Figure 10.5A45.10: Recreation Field or Court, Common or Green, Community Garden, Outdoor Dining Café, and Courtyard as set forth in the document title “Proposed Zoning Amendments Figure 10.5A45.10 Community Space Types” dated September 19, 2017.
  - (4) Add the following new building types to Figure 10.5A43.60: Cottage, Paired House, Gateway Townhouse, Mixed Use Building, Small Flex Space/Fabrication Building, and Community Building as set forth in the document titled “Proposed Zoning Amendments Figure 10,5A43.60 Building Types” dated September 19, 2017.
  - (5) Amend the Definitions in Section 10.5A60 as set forth in the document titled “Proposed Zoning Amendments Section 10.5A60” dated November 13, 2017.
- C. Delete Section 10.730 Gateway Planned Development.
- D. Amend Article 4 Zoning Districts and Use Regulations, as follows:
  - (1) Delete Gateway (GW) under Business Districts from Section 10.410 Establishment and Purpose of Districts, make the following change “Mixed Residential **Use** Districts”, and add the following:

Gateway Corridor	G1	The purpose of this district is to facilitate a broad range of housing types together with compatible commercial, fabrication, and civic uses in a high-quality pedestrian environment with moderate to high density.
Gateway Center	G2	This district is intended to facilitate a broad range of residential and mixed use development at a pedestrian scale and moderate density providing commercial uses that benefit residents of the district and surrounding neighborhoods along major corridors.

- (2) Add G1 and G2 to Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts as set forth in the document titled “Proposed Zoning Amendments Section 10.440 Table of Uses” dated September 19, 2017.
- (3) Under Section 10.410 District Location and Boundaries, replace current GW, GB, I, and SRB where appropriate with new G1 and G2 zoning districts on the Portsmouth Zoning Map as set forth in documents titled “Gateway Mixed Use Districts” dated November 13, 2017.

E. Amend Article 5 -- Dimensional and Intensity Standards as follows:

- (1) In Section Table 10.531 Table of Dimensional Standards strike the column headed “Gate” and Note 3.
- (2) In Section 10.533 strike the following text “~~except as permitted under Section 40.730.~~”

F. Amend Article 15 – Definitions insert the following text (additions to existing language **bolded**; remaining language unchanged from existing):

**Building Coverage**

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

**Open Space Coverage**

**The aggregate horizontal area or percentage (depending on context) of a lot or Development Site covered by open space.**

**Coverage**

See building **and open space** coverage.

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

## Article 5B Gateway Mixed Use Districts

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### Section 10.5B10 General

#### 10.5B11 Purpose

10.5B11.10 The purpose of Article 5B is to implement and encourage development that supports the goals of the City's Master Plan and Housing Policy to encourage walkable mixed-use development and continued economic vitality - continued economic vitality by creating a diversity of housing and mix of businesses in the City's primary gateway areas, ensure that new development complements and enhances its surroundings, provide housing stock that is suited for changing demographics, and accommodate the housing needs of the City's current and future workforce.

10.5B11.20 The standards set forth herein are intended to:

- a) Promote development that is consistent with the goals of the Master Plan to create vibrant, authentic, diverse, connected and resilient neighborhoods;
- b) Encourage high quality housing for a variety of household types and income ranges.
- c) Guide the physical character of development by providing a menu of building and site development types that are based on established community design principles;
- d) Create quality places by allowing for whole site development with meaningful public spaces and neighborhood centers.

#### 10.5B12 Applicability

10.5B12.10 Article 5B shall apply to the Gateway Mixed Use Corridor (G1) and Gateway Mixed Use Center (G2) (collectively referred to as Gateway Mixed Use Districts) as shown on the City of Portsmouth Zoning Map.

10.5B12.11 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except in compliance with all standards and requirements for these districts.

#### 10.5B13 Relationship to Other Provisions of the Zoning Ordinance

10.5A13.10 The provisions of Article 5B shall take precedence over all other provisions of the Zoning Ordinance that conflict with Article 5B.

10.5A13.20 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5B, or that are not in conflict with Article 5B,



shall apply to lots, buildings and uses in the Gateway Mixed Use Districts.

10.5B14 Relationship to Other Regulations, Codes and Ordinances

10.5B14.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5B.

10.5B14.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5B.

10.5B14.30 The provisions of Article 5B do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

10.5B15 Figures and Tables

10.5B15.10 The standards and definitions included in the figures and tables in this Article are an integral part of Article 5B.

10.5B15.20 The diagrams, photographs and illustrations contained in the figures in this Article are provided only to provide reference to certain regulating elements and indicate general character within the various districts and shall have regulatory force and effect only to that extent.

10.5B16 Allowed Uses

Buildings, structures, and land within the Gateway Mixed Use Districts shall comply with the use regulations set forth in Section 10.440, Table of Uses. The Planning Board shall be the Conditional Use Permit Granting Authority for all uses requiring a Conditional Use Permit in the Gateway Mixed Use Districts.

10.5B17 Definitions

Terms used throughout Article 5B may be defined in the figures, Section 10.5A60, Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5B, Article 5A, Article 15, other sections of the Zoning Ordinance, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence unless the context clearly indicates otherwise.

Section 10.5B20 General Standards for All Buildings and Development

10.5B21 Building Setback Encroachments

Determination of building setbacks from lot lines shall not include the exceptions specified in Section 10.515 and 10.516 as well as the following:

10.5B21.20 Chimneys and flues may encroach up to four (4) feet, provided that at least two (2) feet is maintained from the vertical plane of any lot line.

10.5B21.30 Unenclosed fire escapes or emergency egress stairways may encroach up to four (4) feet into a required side or rear building setback from lot lines, provided that at least two (2) feet is maintained from the vertical plane of any lot line.

10.5B21.40 Certain Building Façade Types as permitted in 10.5B60.

10.5B22 Building Height, Setback and Stepback

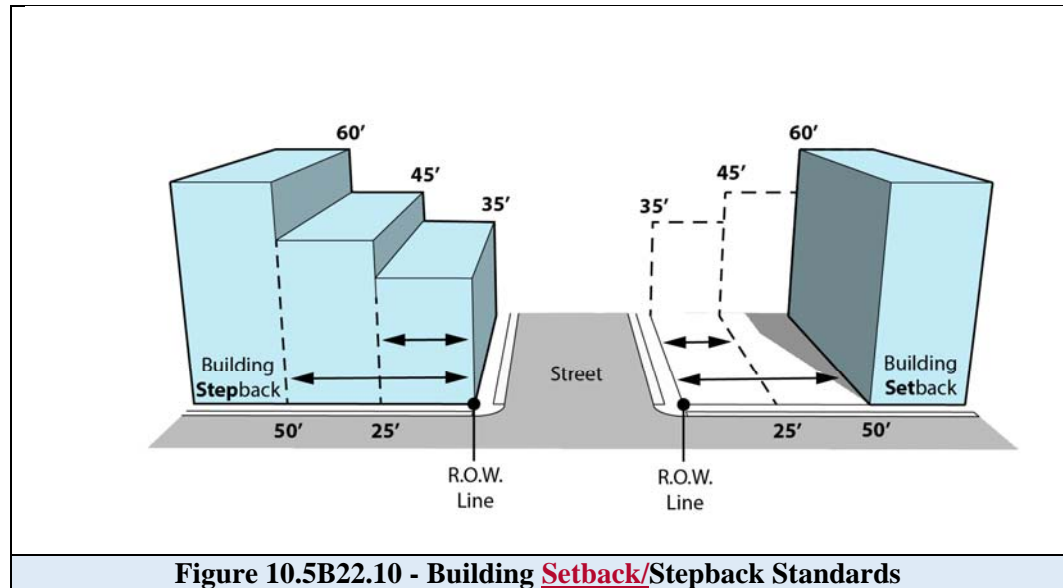
10.5B22.10 Building Height Exceptions: Roof decks, roof gardens, and related structures and appurtenances shall not be counted in the building height limits. All other building height exceptions shall comply with Section 10.517.

10.5B22.20 Building Stepback and Street Enclosure:

Buildings taller than 35 feet that front on streets with right-of-way widths of 60' or less shall be required to be set back or stepped ~~backed~~ from the right-of-way line in accordance with Figure 10.5B22.10. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive shadowing on narrower streets in the district.

Distance from street right-of-way line	Maximum building height
0' to 24'	35'
25' to 49'	45'
50' or more	60'





**Figure 10.5B22.10 - Building Setback/Stepback Standards**

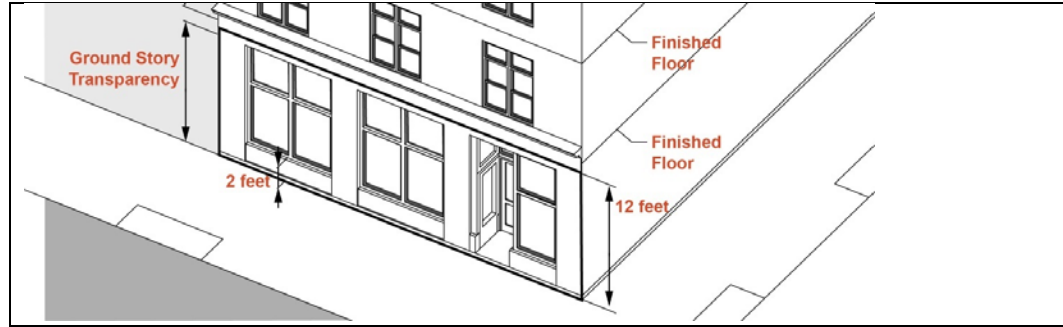
10.5B22.30 Building Setbacks and Separation: Front, side, and rear building setbacks from lot lines are specified by Building Type. Where buildings are located on the same lot and not attached by a common wall, the minimum separation between buildings shall be 10 feet unless otherwise specified in this Section.

10.5B22.40 Special Setback Requirements on Lafayette Road: For all lots and Development Sites with frontage on Lafayette Road buildings shall be setback a minimum of 70 feet and a maximum of 90 feet from the centerline of the road. For all lots and Development Sites with frontage on the Route 1 Bypass buildings shall be setback a minimum of 30 feet and a maximum of 50 feet from the sideline of the road.

### 10.5B23 Façade Composition Standards

10.5B23.10 Façade Glazing: For Building Types with specific Façade Glazing requirements as defined in Section 10.5B34, the following general standards shall apply:

- (a) Facades shall have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a facade, measured for each story independently.
- (b) Façade glazing of a ground story facade is measured between two (2) feet and twelve (12) feet above the abutting sidewalk.
- (c) Façade glazing requirements are only applicable to facades facing a front ~~street~~-lot line.

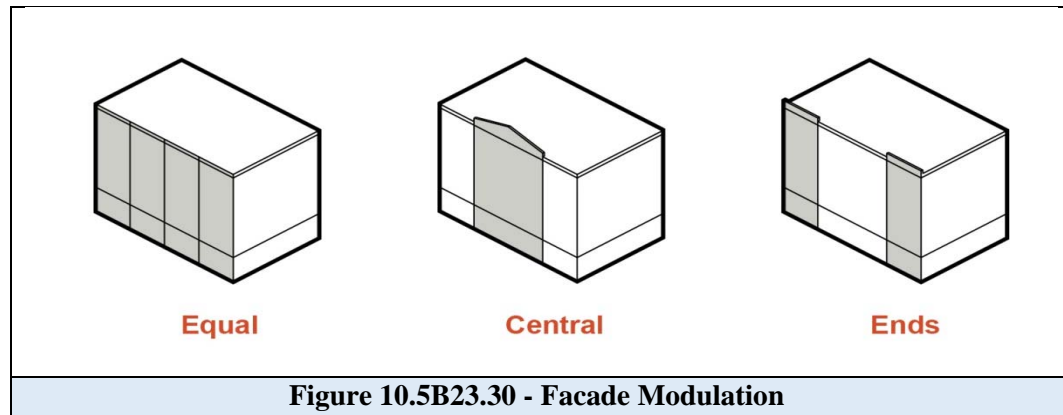


**Figure 10.5B23.10 - Ground Floor Façade Glazing**

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10.5B23.20 Facade Modulation

(a) Building facades shall be vertically articulated with architectural bays between six (6) feet and fifty (50) feet in width to create an equal, central, and/or ends focused composition as illustrated in Figure 10.5B23.30.



**Figure 10.5B23.30 - Facade Modulation**

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(b) Buildings greater than one hundred (100) feet in width shall be designed to read as a series of smaller buildings with varied architectural design and facade glazing patterns or include a change in vertical plane of the facade of at least four (4) feet (in depth or projection) for at least one (1) bay in width for every one hundred (100) feet of total facade width. This change in plane applies to the entire height of the façade.

10.5B23.30 Horizontal Articulation and Massing Elements: Building facades shall be horizontally articulated with a clearly defined base, middle, and top.

10.5B23.40 Pedestrian Access: Where pedestrian access is required for specific Building Types, entrances shall be located on the street-facing facade of a building, provide both ingress and egress, and be operable and accessible. This requirement does not exclude the building from providing pedestrian access to the side or rear of the building.



## 10.5B24 Roof Types and Design

10.5B24.10 Roof Shapes and Rooflines: The shape and proportion of the roof shall be visually compatible with the architectural style of the building and with those of neighboring buildings. Pitched Roofs shall have a minimum slope as follows:

- (a) Shed: 2:12 minimum
- (b) Hip: 3:12 minimum
- (c) Gable: 6:12 minimum to 12:12 maximum.
- (d) Gambrel: 6:12 minimum to 30:12 maximum.

10.5B24.20 Flat Roofs: Buildings with Flat Roofs shall be capped by an articulated parapet wall design that acts as a structural expression of the building façade and its materials, visible from all sides of the building.

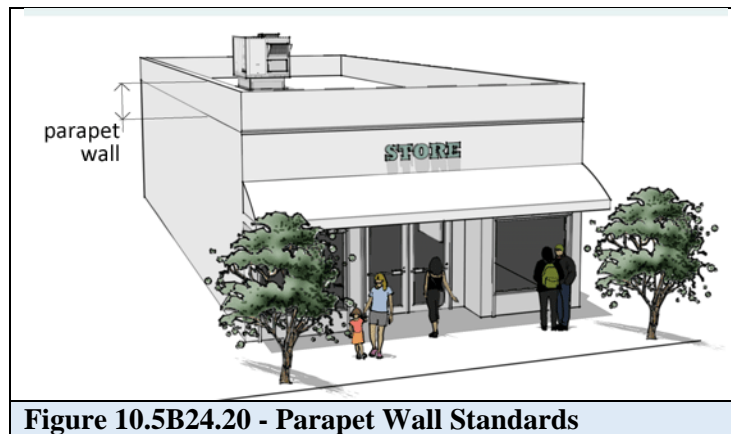


Figure 10.5B24.20 - Parapet Wall Standards

## 10.5B25 Building Length and Number of Dwelling Units

10.5B25.10 The maximum building length for residential and mixed use building types shall be no more than 200 linear feet.

10.5B25.20 Unless otherwise specified in Section 10.5B34, no more than 24 dwelling units per building shall be allowed without a conditional use permit from the Planning Board as provided in Section 10.5B72.

## Section 10.5B30 Building Types and Standards

### 10.5B31 General

10.5B31.10 All new buildings in the Gateway Mixed Use Districts shall be Building Types specified in this Section and defined in Section 10.5A43.60.

1           10.5B32 Building Lots  
2

3           10.5B32.10 Lot Dimensions: Building lot requirements designate the range of lot  
4 sizes that a given Building Type as identified in this Section can be built  
5 on. If a lot is smaller than the minimum required for a certain Building  
6 Type, a different Building Type must be selected.  
7

8           10.5B32.20 Number of Buildings: No more than one principal Building Type is  
9 allowed on a lot except where otherwise specified in Section 10.5B40.  
10

11          10.5B32.30 Special Frontage Requirement: Lots with both frontage on and driveway  
12 access from Lafayette Road, Woodbury Ave, or Market Street must have a  
13 minimum of 100 feet of street frontage.  
14

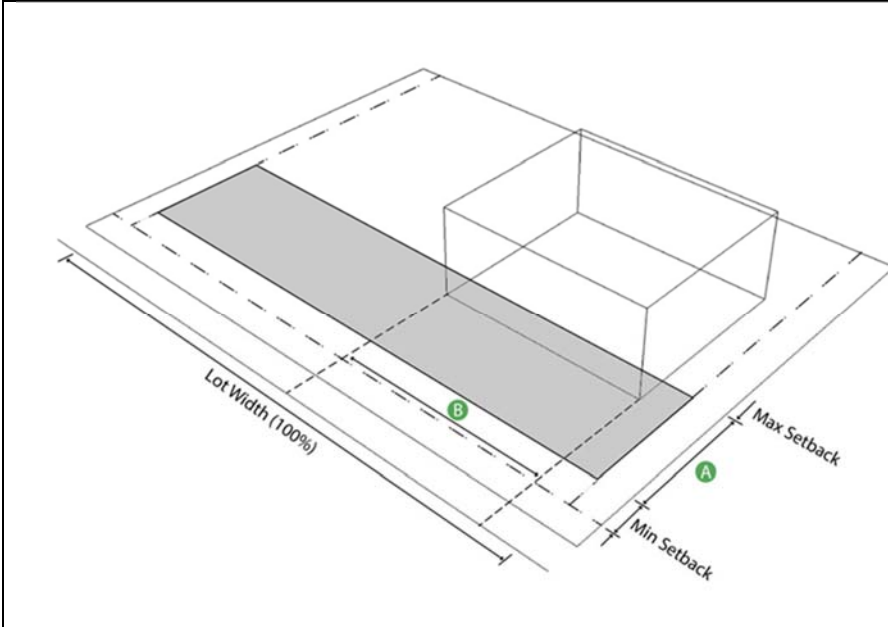
15           10.5B33 Building Placement and Orientation  
16

17          10.5B33.10 Building Placement: All buildings and structures must be located  
18 outside of any required -front, side, or rear building setbacks from lot  
19 lines except as otherwise permitted by this Ordinance. The facade of a  
20 principal building must be built at or in front of any required maximum  
21 front building setback from the lot line for each story of a building.  
22

23          10.5B33.20 Front Lot Line Build Out: All buildings must have a front lot line  
24 build out of at least 50% for residential and community buildings, and  
25 75% for commercial and mixed use buildings. ~~unless otherwise specified in~~  
26 ~~Section 10.5B34.~~  
27



**Figure 10.5B33.21 – Front Building Setback and Front Lot Line Setback and Build Out**



A: Minimum and Maximum Building Front Setback from lot lines; B: Front Lot Line Build Out is the width of the front façade of the building or buildings as a percentage of the total Lot Width Percentage.

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10.5B33.30 Facade Orientation: The primary facade of a principal building must be built parallel to a front lot line or to the tangent of a curved front lot line. On a corner lot, the façade may be retracted at a 45-degree angle between the curb radius to allow for community space and for safe sight distance at the corner. All other requirements pertaining to corner visibility in Section 10.516.30 shall apply.

1  
2

## 10.5B34 Building Type Standards

### 10.5B34.10 Cottage

#### 1.1 LOT STANDARDS

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B.A. Lot Depth (Min.)</del>	<del>NR</del>
<del>C.B. Street Frontage (Min.)*</del>	<del>30 ft.</del>
<del>D.C. Front Building Setback from Lot Line (Min./Max.)</del>	<del>5 ft./20 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>80%</del>
<del>F.D. Side Building sSetback from Lot Line (Min.)</del>	<del>5 ft.</del>
<del>E.G. Rear Building sSetback from Lot Line (Min.)</del>	<del>10 ft.</del>
<del>F.H. Open Space Coverage (Min.)</del>	<del>20%</del>

#### 1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	1,400 GFA; 2 Bedrooms

#### 1.3 DESIGN STANDARDS

A. Building Height (Max.)	1.5 Stories/-20 ft.
B. Street Facing Façade Height (Min.)	10 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	1,000 SF
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	Gable, Hip
K. Façade Types	Dooryard, Stoop, Step, Porch

#### 1.4 ADDITIONAL STANDARDS

A. Only allowed in a Pocket Neighborhood Development (see Section 10.5B41)
--

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**10.5B34.20 Paired House**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>AB. Lot Depth (Min.)</del>	<del>NR</del>
<del>CB. Street Frontage (Min.)</del>	<del>50 ft.</del>
<del>DC. Front Building setback from Lot Line (Min./Max.)</del>	<del>10 ft./30 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>60%</del>
<del>DF. Side Building setback from Lot Line (Min.)</del>	<del>10 ft.</del>
<del>EG. Rear Building setback from Lot Line (Min.)</del>	<del>20 ft.</del>
<del>FH. Open Space Coverage (Min.)</del>	<del>20%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	3
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories/ 35 ft
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	Gable, Hip, Gambrel
K. Façade Types	Dooryard, Stoop, Step, Porch

**1.4 ADDITIONAL STANDARDS**

A. Only allowed in a Pocket Neighborhood Development (see Section 10.5B41)
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**10.5B34.30 Gateway Townhouse**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B.A. Lot Depth (Min.)</del>	50 ft.
<del>C.B. Street Frontage (Min.)</del>	20 ft.
<del>D.C. Front Building <sup>s</sup>Setback from Lot Line (Min./Max.)</del>	5 ft./15 ft.
<del>E. Front Lot Line Buildout (Min.)</del>	80%
<del>D.F. Side Building <sup>s</sup>Setback from Lot Line (Min.)</del>	<del>NR</del> 10 ft.
<del>E.G. Rear Building <sup>s</sup>Setback from Lot Line (Min.)</del>	15 ft.
<del>F.H. Open Space Coverage (Min.)</del>	20%

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories/ 35 ft
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	Required Every 4th Unit; See Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floors
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
L. Façade Types	Door Yard, Stoop, Recessed Entry, Step, Porch

**1.4 ADDITIONAL STANDARDS**

A. A maximum of 8 units can be attached by a common wall before a separation of 20 feet or more is required.
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**10.5B34.40 Apartment Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B.A. Lot Depth (Min.)</del>	<del>NR</del>
<del>C.B. Street Frontage (Min.)</del>	<del>50 ft.</del>
<del>D.C. Front Building Ssetback from Lot Line (Min./Max.)</del>	<del>10 ft./30 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>70%</del>
<del>D.F. Side Building sSetback from Lot Line (Min.)</del>	<del>15 ft.</del>
<del>E.G. Rear Building Ssetback from Lot Line (Min.)</del>	<del>20 ft.</del>
<del>F.H. Open Space Coverage (Min.)</del>	<del>20%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Min./Max.)	4/24
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height ( <del>Min./Max.</del> )	4 stories/50 ft.
B. Street Facing Façade Height (Min.)	24 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	50 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Dooryard, Step, Porch

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**1010.5B34.50 Live/Work Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B.A. Lot Depth (Min.)</del>	<del>NR</del>
<del>C.B. Street Frontage (Min.)</del>	<del>20 ft.</del>
<del>D.C. Front Building <sup>s</sup>Setback from Lot Line (Min./Max.)</del>	<del>0 ft./15 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>80%</del>
<del>D.F. Side Building <sup>s</sup>Setback from Lot Line (Min.)</del>	<del>0-ft-10 ft.</del>
<del>E.G. Rear Building <sup>s</sup>Setback from Lot Line (Min.)</del>	<del>20 ft.</del>
<del>F.H. Open Space Coverage (Min.)</del>	<del>15%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories/ 35 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Min./Max.)	0”/24”
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Recessed Entry, Porch, Shopfront, Terrace

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**10.5B34.60 Small Commercial Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B. Lot Depth (Min.)</del>	<del>NR</del>
<del>C. Street Frontage (Min.)</del>	<del>50 ft.</del>
<del>D. Front Building sSetback from Lot Line (Min./Max.)</del>	<del>0 ft./2 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>70%</del>
<del>F. Side Building sSetback from Lot Line (Min.)</del>	<del>0/10 ft.</del>
<del>G. Rear Building sSetback from Lot Line (Min.)</del>	<del>15 ft.</del>
<del>H. Open Space Coverage (Min.)</del>	<del>10%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	3 Stories/ 40 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	10,000 SF
F. Façade Modulation Length (Max.)	50 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

**1.4 ADDITIONAL STANDARDS**

<del>A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.</del>
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**10.5B34.70 Large Commercial Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B. Lot Depth (Min.)</del>	<del>NR</del>
<del>C. Street Frontage (Min.)</del>	<del>100 ft.</del>
<del>D. Front Building Setback from Lot Line (Min./Max.)</del>	<del>0 ft./50 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>50%</del>
<del>D. Side Building Setback from Lot Line (Min.)</del>	<del>0/150 ft.</del>
<del>E. Rear Building Setback from Lot Line (Min.)</del>	<del>15 ft.</del>
<del>F. Open Space Coverage (Min.)</del>	<del>10%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	4 Stories/ 50 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	40,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

**1.4 ADDITIONAL STANDARDS**

<del>A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.</del>	
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**10.5B34.80 Mixed Use Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>AB. Lot Depth (Min.)</del>	<del>NR</del>
<del>CB. Street Frontage (Min.)</del>	<del>50 ft.</del>
<del>DC. Front Building sSetback from Lot Line (Min./Max.)</del>	<del>0 ft./50 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>50%</del>
<del>DF. Side Building sSetback from Lot Line (Min./Max.)</del>	<del>0 ft./15 ft.</del>
<del>EG. Rear Building sSetback from Lot Line (Min.)</del>	<del>20 ft.</del>
<del>FH. Open Space Coverage (Min.)</del>	<del>20%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	24
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Min./Max.)	4 stories /50 ft
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	60%
E. Building Footprint (Max.)	20,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

**1.4 ADDITIONAL STANDARDS**

~~A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building separation setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property~~

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**10.5B34.90 Flex Space/Fabrication Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B.A. Lot Depth (Min.)</del>	<del>NR</del>
<del>C.B. Street Frontage (Min.)</del>	<del>50 ft.</del>
<del>D.C. Front Building Setback from Lot Line (Min./Max.)</del>	<del>0 ft./30 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>50%</del>
<del>D.F. Side Building Setback from Lot Line (Min./Max.)</del>	<del>0 ft if common wall; 20 ft. no common wall</del>
<del>E.G. Rear Building Setback from Lot Line (Min.)</del>	<del>20 ft.</del>
<del>F.H. Open Space Coverage (Min.)</del>	<del>10%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Min./Max.)	2.5 Stories/40 ft.
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	20,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Recessed Entry, Officefront, Shopfront, Terrace

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**10.5B34.100 Community Building**

**1.1 LOT STANDARDS**

<del>A. Lot Area (Min.)</del>	<del>NR</del>
<del>B.A. Lot Depth (Min.)</del>	<del>NR</del>
<del>C.B. Street Frontage (Min.)</del>	<del>50 ft.</del>
<del>D.C. Front Building sSetback from Lot Line (Min./Max.)</del>	<del>10 ft./40 ft.</del>
<del>E. Front Lot Line Buildout (Min.)</del>	<del>50%</del>
<del>D.F. Side Building sSetback from Lot Line (Min.)</del>	<del>15 ft.</del>
<del>E.G. Rear Building sSetback from Lot Line (Min.)</del>	<del>20 ft.</del>
<del>F.H. Open Space Coverage (Min.)</del>	<del>20%</del>

**1.2 BUILDING AND LOT USE**

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

**1.3 DESIGN STANDARDS**

A. Building Height (Max.)	3 Stories/45 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Min./Max.)	2 ft/6 ft.
D. Building Coverage (Max.)	NR
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	30% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Forecourt, Stoop, Recessed Entry, Step, Porch, Terrace, Gallery, Arcade

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# Section 10.5B40 Development Site Standards

## 10.5B41 General

- 10.5B41.10 Allowed by Conditional Use Permit approval from the Planning Board, a Development Site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development and including more than one principal building or Building Type. ~~A development that includes individual principal building on a single lot is subject to the requirements of Section 10.5B34. Unless otherwise specified by this Ordinance, Development Site standards as provided in this Section supersede lot dimensional standards for individual Building Types provided in Section 10.5B34 including lot depth, street frontage, building coverage, and open space coverage. Where no equivalent Development Site standard is provided, the Building Type standards shall apply.~~
- 10.5B41.20 Site Area: Development Site area is the cumulative area of all contiguous lots that the site is composed of. ~~Development Site area does not include existing or proposed right of way, whether dedicated or not dedicated to public use.~~
- 10.5B41.30 Site Width: Development Site width is the cumulative width of all contiguous lots that the site is composed of and measured along the front lot line between the side lots of the development site.
- 10.5B41.40 Site Depth: Development Site depth is the distance between the front and rear property lines measured along a line midway between the outside edge of all contiguous lots.

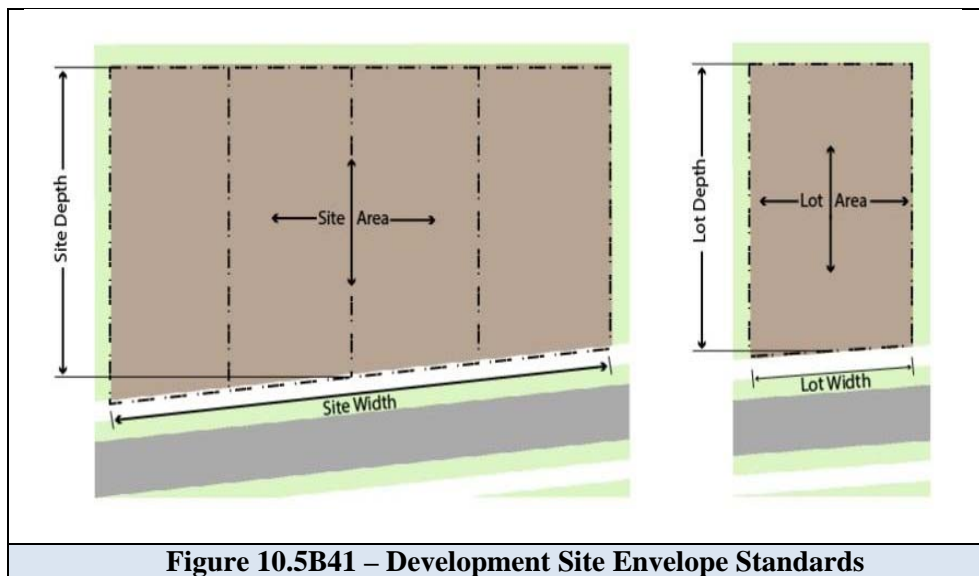


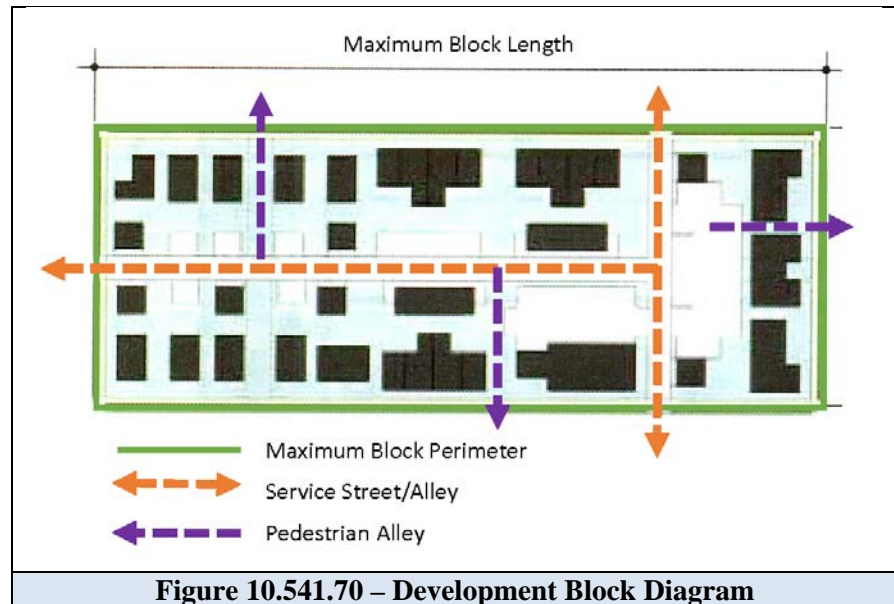
Figure 10.5B41 – Development Site Envelope Standards



1 10.5B41.50 Permitted Building Types: A Development Site may include a combination  
 2 of Building Types as permitted in Section 10.5B43 that are assembled on  
 3 an individual lot or group of contiguous lots for the purpose of a single  
 4 development.

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 6 10.5B41.60 Perimeter Buffer: The perimeter buffer requirements apply to the outside  
 7 boundary of the Development Site where the site abuts adjoining properties  
 8 that are not part of the Development Site, but not along the primary street  
 9 frontage. In addition to the minimum perimeter buffer required, the  
 10 Planning Board may require landscaping, fencing, or an increase in the  
 11 building setback from lot lines where adjacent land uses may be  
 12 incompatible. Perimeter buffer requirements supersede parking setback  
 13 requirements and -building setbacks from lot lines requirements for  
 14 individual Building Types.

15  
 16 10.5B41.70 Development Block Standards: These standards establish maximum block  
 17 length along public streets or private streets/accessways within a  
 18 Development Site as a method to ensure that access and walkability are  
 19 integrated into the placement of buildings, community spaces, and site  
 20 utility areas. Generally, blocks are laid out in order to orient buildings to  
 21 the street and public realm while concentrating utility elements such as  
 22 electrical service, parking, and refuse collection to the center of blocks, at  
 23 the rear of the buildings.



**Figure 10.541.70 – Development Block Diagram**

- 26  
 27  
 28 1) Size and Dimension: Each Development Site has a standard for the  
 29 maximum Block Length and Block Perimeter under Section 10.5B42  
 30 and illustrated in Figure 10.5B41.70 above.  
 31

2) Access and Service: Where shared parking areas or community spaces are located within the interior of the block, a vehicular and/or pedestrian accessway shall be provided every 200 linear feet along a block face. ~~Access to the interior utility area of a block will be made by a paved service street of 20 feet with a 4-foot sidewalk on one side. A service road/alley shall be located no less than 50 feet from any intersecting street at the corner of a block. A pedestrian alley is required every 100 linear feet along a block face between intersecting streets where shared parking areas or community space is located within the interior of the block.~~

10.5B41.80 Open Space and Community Space Coverage:

- 1) Unless otherwise specified in this Ordinance, Community Space Coverage shall be counted toward the minimum required Open Space Coverage for the Development Site.
- 2) In the G1 District, ~~t~~The minimum Community Space Coverage shall be equal to 10% of the total site area of the Development Site, ~~and shall be counted toward the minimum Open Space Coverage for the Development Site.~~
- 3) In the G2 District, the minimum Community Space Coverage shall be equal to 20% of the total site area of the Development Site.

10.5B41.90 Public Street Frontage: All Development Sites must have a minimum of 50 feet of frontage on a Public Street providing access to internal ~~streets~~ accessways located within the Development Sites. All Development Sites with direct access to Lafayette Road must have a minimum of 100 feet of frontage along the corridor.

10.5B41.100 Building Setbacks for Interior Lot Lines: Where a Development Site includes a more than one Building Type, the minimum building setback to interior lot lines shall be 0 feet.

~~10.5B41.100 Conditional Use Permit Criteria: Prior to granting a conditional use permit for Development Sites in the Gateway Mixed Use Districts according to the requirements of this Article, the Planning Board shall make the following findings:~~

- ~~1) The development project is consistent with the Portsmouth Master Plan.~~
- ~~2) The development project has been designed to allow uses that are appropriate for its context and consistent with City's planning goals and objectives for the area.~~
- ~~3) The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.~~
- ~~4) The project is consistent with the purpose and intent set forth in Section 10.5B11.~~



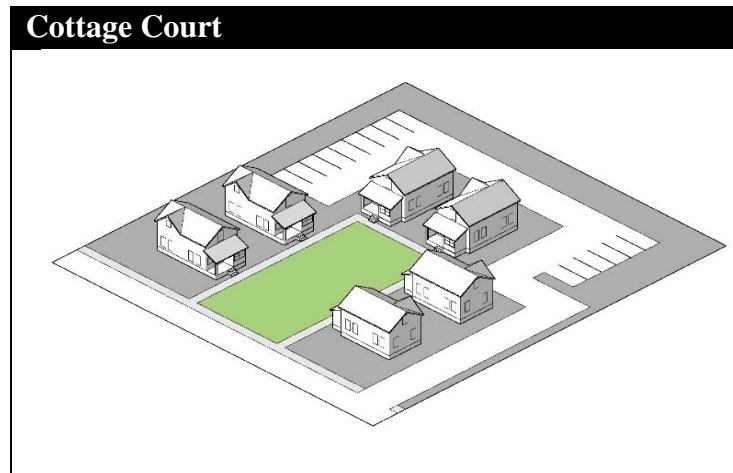
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## 10.5B42 Development Site Standards

### 10.5B42.10 Pocket Neighborhood Development

A Pocket Neighborhood is a cohesive cluster of homes gathered around a variety of common open space amenities. In the Gateway Mixed Use Districts, the following Pocket Neighborhood Development Sites are permitted:

- (a) Cottage Court: This Pocket Neighborhood consists of multiple small, detached single family dwellings, arranged around a courtyard. The shared courtyard takes the place of private yard space and becomes an important community-enhancing element of this Development Site. The Cottage Court is appropriately scaled to fit within or nearby medium-density neighborhoods. The Pocket Neighborhood enables appropriately scaled, well-designed, higher density developments important for providing a broad choice of housing types in a walkable environment. Cottage Courts consist of Cottages, Paired Houses, and Community Building Types meeting the design standards in Table 10.5B34 and the density thresholds in Section 10.5B70.



- (b) Cohousing/Housing Cooperative: Cohousing is a community of private dwellings clustered around shared building and community spaces. Each attached or single family dwelling has traditional residential amenities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces. Other shared spaces include community garden plots, recreational fields, and shared work spaces. Cohousing Developments consists of Cottages, Paired Houses, and Community Building Types meeting the design standards in Table 10.5B33 and the density thresholds in Section 10.5B70.

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**1.1 DEVELOPMENT STANDARDS**

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Minimum)	75 ft.
C. Site Depth (Minimum)	100 ft.
D. Perimeter Buffer (Min.)	NR
E. Development Block Dimensions (Max.)	Block Length 300 ft.; Block Perimeter 1,200 linear ft.
<del>F.</del> <b>F. Building Coverage (Max.)</b>	<b>50%</b>
<del>F.</del> <b>G. Open Space Coverage (Min.)</b>	20%
<del>F.</del> <b>H. Community Space Types</b>	Greenway, Courtyard, Park, Pocket Park, Playground, Recreation Field or Court, Community Garden, Common or Green

**1.2 PERMITTED BUILDING TYPES**

A. Cottages, Paired Houses, Community Buildings
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**1.3 ADDITIONAL STANDARDS**

A. Maximum Cottage Unit Size	1,400 GFA and 2 bedrooms
B. Maximum Cohousing Unit Size	1,800 GFA and 3 bedrooms
C. Courtyard Design (Minimum)	3,000 GFA 40 ft. Width
D. Courtyard Area Per DU (Minimum)	600 SF
E. Buildings shall be centered on a common courtyard in groups of 16 or less	
F. Cottage Courts and Cohousing Developments may include a community garden, common house, co-work space, and other common access site amenities.	
G. For Cottage Court Development Blocks, the cottages will face a central courtyard in the interior areas of the block, and a service <del>street</del> <b>road</b> will provide access to parking areas and building lots along the perimeter of the block.	



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### 10.5B42.20 Mixed Use Development



A development project containing multiple residential, nonresidential, and mixed-use Building Types. Mixed Use Developments may include a combination of horizontally and vertically mixed buildings and uses on site subject to all applicable Building Type standards in Section 10.5B30.

#### 1.1 DEVELOPMENT STANDARDS

A. Site Area (Minimum)	20,000 S.F.
B. Site Width (Min.)	100 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	75 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Development Block Dimensions (Max.)	Block Length 800 ft.; Block Perimeter 2,200 linear ft.
<b>FG. Building Coverage (Max.)</b>	<b>70%</b>
<b>GF. Open Space Coverage (Min.)</b>	<b>20%</b>
<b>HG. Community Space Types</b>	<b>All</b>

#### 1.2 PERMITTED BUILDING TYPES

A. Apartment Building, Gateway Townhouse, Live/Work Building, Small Commercial Building, Large Commercial Building, Mixed-Use Building, Small Flex Space/Fabrication Building, Community Building
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### 10.5B42.30 General Residential Development



A development project containing one or more residential Building Types in accordance with allowed Building Types and design standards in Section 10.5B34.

#### 1.1 DEVELOPMENT STANDARDS

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Min.)	75 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	75 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Development Block Dimensions (Max.)	Block Length 500 ft.; Block Perimeter 1,500 linear ft.
<b>F. Building Coverage (Max.)</b>	<b>50%</b>
<del>F</del> G. Open Space Coverage (Min.)	20%
H. Community Space Types	Greenway, Park, Pocket Park, Playground, Recreation Field or Court, Common or Green, Community Garden, Common Yard, Square, Plaza

#### 1.2 PERMITTED BUILDING TYPES

A. Apartment Building, Gateway Townhouse, Live/Work Building, Community Building
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**10.5B42.40 General Commercial Development**



A development project containing one or more commercial Building Types in accordance with allowed Building Types and design standards in Section 10.5B34.

**1.1 DEVELOPMENT STANDARDS**

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Min.)	75 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	100 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
<u>E. Building Coverage (Max.)</u>	<u>70%</u>
<del>F.</del> Open Space Coverage (Min.)	10%
<u>G.F.</u> Community Space Types	Park, Pedestrian Alley, Wide Pedestrian Sidewalk, Common or Green, Outdoor Dining Café, Greenway, Square, Plaza, Courtyard

**1.2 PERMITTED BUILDING TYPES**

A. Small Commercial Building, Large Commercial Building, Small Flex Space/Fabrication Building
--

**10.5B43 Review and Approval Process**

10.5B443.109 Conditional Use Permit Criteria: Prior to granting a conditional use permit for Development Sites in the Gateway Mixed Use Districts according to the requirements of this Article, the Planning Board shall make the following findings.

- 1) The development project is consistent with the Portsmouth Master Plan.

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- 2) The development project has been designed to allow uses that are appropriate for its context and consistent with City’s planning goals and objectives for the area.
- 3) The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.
- 4) The project is consistent with the purpose and intent set forth in Section 10.5B11.



Section 10.5B50 Pre-Existing Buildings and Lots

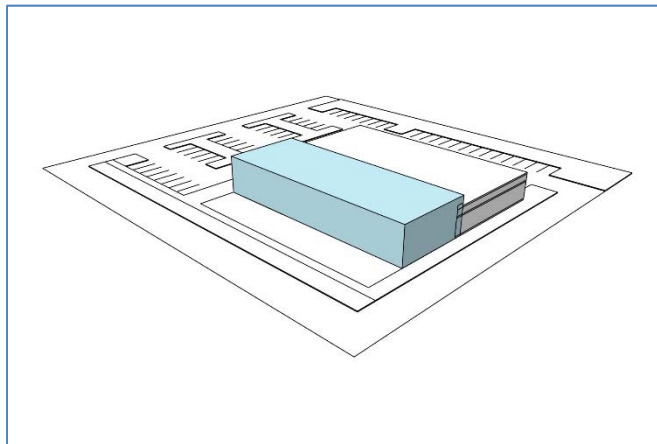
10.5B51 Purpose

The purpose of this section is to establish standards for the continued utilization of existing buildings in Gateway Mixed Use Districts constructed prior to the effective date of Article 10.5B. Where the provisions of this section conflict with Article 3 - Non-Conforming Lots, Buildings, Uses and Structures, this section shall apply.

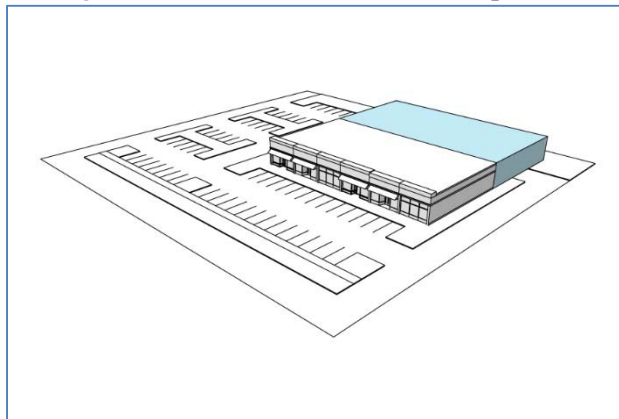
10.5B52 Non-Conforming Building Additions and Retrofits

A building in the Gateway Mixed Use Districts that existed prior to the effective date of Article 5B may be expanded or altered without complying with all of the standards of Section 10.5B34, but shall comply with the following minimum standards for the allowed Building Type as defined in 10.5A36.60 that is most similar to the existing building:

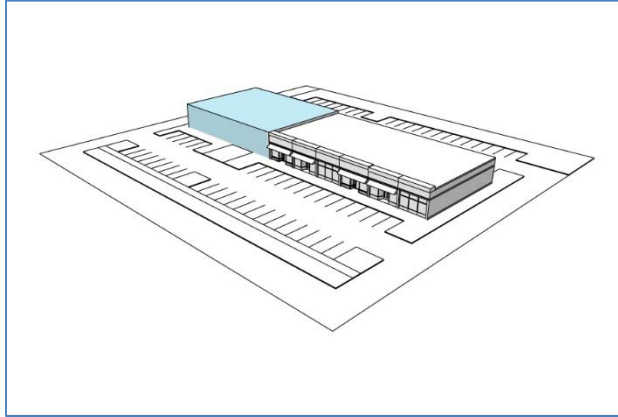
10.5B52.10 Front Addition: Any addition to the front of the building is allowed up to the shall comply with the minimum and maximum front building setback from the lot line for the specified Building Type.



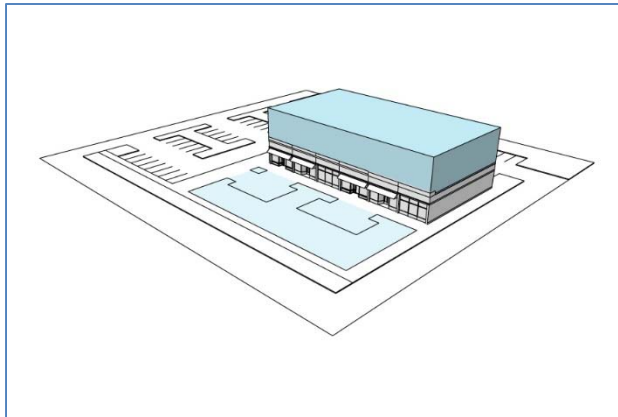
10.5B52.20 Rear Addition: Rear additions are allowed up to the minimum rear building setback from the lot line for the specified Building Type.



1           10.5B52.30 Side Addition: Side additions are allowed up to the minimum side  
 2           building setback from the lot line and to a maximum length of 200 feet  
 3           for residential and mixed use Building Types and consistent with the not  
 4           exceeding the maximum façade modulation length for the specified  
 5           Building Type.



6  
 7           10.5B52.40 Story Addition: Story additions are allowed up to the maximum story and  
 8           building height for the specified Building Type.



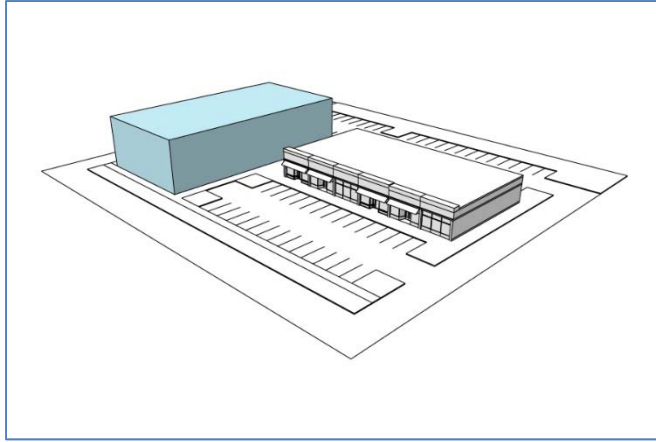
9  
 10           10.5B54.10 Residential Density: Maximum Density is 1 Dwelling Unit Per 2,000 Gross  
 11           Floor Area of the existing building being converted or expanded for  
 12           residential use.

13  
 14           **10.5B53 New Buildings**

15  
 16           New building(s) that are constructed on a lot or Development Site that includes one or  
 17           more non-conforming buildings that existed prior to the effective date of Article 5B,  
 18           shall comply with the standards for Development Sites as required by Section 10.5B40  
 19           except as follows:

20  
 21           10.5B52.10 If the minimum Front Lot Line Buildout has not been met, new buildings  
 22           must be placed within the minimum and maximum front building ~~setback~~  
 23           setback from the lot line.





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Section 10.5B60 Building Façade Types

10.5B61 General

At least one (1) façade type as defined in Section 105A43.10 is required for each principal Building Type.

10.5B62 Permitted Building Façade Types by Building Type

10.5B62.10 Building Façade Types

FAÇADE TYPES	BUILDING TYPES							
	A. Cottage	B. Paired House	C. Apartment Building	D. Gateway Townhouse	E. Live/Work Building	F. Large and Small Commercial Building	G. Mixed-Use Building	H. Flex Space/ Fabrication Building
A. Door Yard	P	P	P	P	P			P
B. Forecourt			P			P	P	
C. Stoop	P	P		P				
D. Recessed Entry			P	P	P	P	P	P
E. Step	P	P	P	P				
F. Porch	P	P	P	P	P	P	P	
G. Officefront						P	P	P
H. Shopfront					P	P	P	P
I. Terrace					P	P	P	P
J. Gallery						P	P	
K. Arcade						P	P	

**P** Permitted



Section 10.5B70 Density Thresholds and Bonuses

10.5B71 Residential Density

10.5B71.10 New development or redevelopment that consists of one principal residential or mixed residential building according to the standards for Building Type in Section 10.5B34 on a single lot shall comply with the following density requirements for the maximum number of dwelling units per acre.

Dwelling Units Per Acre

Building Type	Gateway Corridor (G1)		Gateway Center (G2)	
	P	CU	P	CU
Cottage	NR	NR	NR	NR
Paired House	NR	NR	NR	NR
Apartment Building	16	24	16	24
Gateway Townhouse	16	24	16	24
Live-Work/Building	16	24	16	24
Mixed-Use Building	16	24	16	24

P = Permitted

CU = Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72

10.5B71.10 New development or redevelopment that is constructed according to the standards for a Development Site in Section 10.5B43 shall comply with the density requirement for the maximum number of dwelling units per acre for all of the buildings in the development.

Dwelling Units Per Acre

Development Sites	Gateway Corridor (G1)		Gateway Center (G2)	
	P	CU	P	CU
Pocket Neighborhood*	16	20	12	16
Mixed Use Development	20	<del>306</del>	20	<del>306</del>
General Residential Development	20	<del>306</del>	20	<del>306</del>

P = Permitted

CU = Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72

## 10.5B72 Density Bonus Incentives

A conditional use permit may be granted by the Planning Board for increased housing density or for increased building height and footprint as described in this section. Such conditional use permit shall be contingent upon satisfying the requirements of Section 10.5B73.

10.5B72.10 Dwelling Units Per Building: The Planning Board may, by conditional use permit, allow up to a maximum of 36 dwelling units per building.

10.5B72.20 Dwelling Units per Acre: The Planning Board may, by conditional use permit, allow higher density up to the maximum established in Section 10.5B71.

10.5B72.40 Height and Building Footprint: The Planning Board may, by conditional use permit, allow an increase in the maximum building height by one (1) story or 10' and an increase in the maximum building footprint and square footage by 20 percent.

## 10.5B73 Bonus Incentive Requirements

In order to be eligible one of the bonus incentives outlined in section 10.5B72, a development shall include Workforce Housing according to the requirements of 10.5B73.10. In order to be eligible for multiple bonus incentives outlined in Section 10.5B72a development shall also provide Public Realm Improvements according to the requirements of 10.5B73.20. Required documentation for these improvements must be submitted with the application as outlined in Section 10.5B74.

10.5B73.10 Workforce Housing Requirement: At least ~~3~~20% of the dwelling units ~~within a building in the development~~, but no less than three units, shall be **workforce housing units** for sale or rent complying with the following criteria:-

- 1) ~~For sale~~ ~~Such~~ units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. ~~The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or~~
- 2) ~~At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for r~~Rental units (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). ~~Such units~~ shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is greater.
- 3) ~~The~~ workforce housing units shall be distributed throughout the building wherever dwelling units are located.

10.5B73.20 Public Realm Improvements: All public realm improvements used for a density bonus shall be recommended in plans adopted by the City of



1 Portsmouth including but not limited to the Master Plan, Bicycle and  
2 Pedestrian Plan, and Capital Improvement Program. Eligible improvements  
3 include the following:  
4

5 (a) Design and construction of an off-road trail or path that is at least equal  
6 to the linear public street frontage of the site and expands the  
7 Portsmouth Bicycle and Pedestrian Network consistent with the  
8 Portsmouth Bicycle and Pedestrian Plan. The trail or path shall be  
9 located on or adjacent to the project’s building lot or Development  
10 Site, except as provided in (c) below.  
11

12 (b) Design and construction of a public park or athletic facility that is  
13 designed for active or passive recreation equal to at least 20% of the  
14 project’s gross floor area that is located on or adjacent to the project’s  
15 building lot or Development Site, except as provided in (de) below.  
16

17 (c) On-site public realm improvements provided for the purpose of  
18 satisfying the requirements of this section shall not be counted toward  
19 the required minimum Community Space Coverage.  
20

21 (ed) The Planning Board may allow a proposed public realm improvement  
22 to be located on a different lot than the development it if finds that  
23 all of the following criteria will be met:

- 24 (i) An appropriate public realm improvement cannot feasibly be  
25 provided on the same lot as the development.
- 26 (ii) The proposed public realm improvement is within the same Zoning  
27 District as the development.  
28

## 29 10.5B74 Approval of Density Bonus Incentives

30  
31 10.5B.74.10 Required Information: In order to be eligible for bonus incentives as  
32 described in 10.5B72, the following submissions must be included with an  
33 application for a Conditional Use Permit:  
34

35 (1) Workforce Housing:

- 36 a) A description of the workforce housing units, identifying quantity,  
37 location, and type;
- 38 b) Documentation that the proposed units qualify as workforce  
39 housing units as defined by this Ordinance;
- 40 c) Proposed covenant or other legally binding documents that provide  
41 enforceable restrictions as to price and occupancy to ensure long-  
42 term availability and affordability of the units.

43 (2) Public Realm Improvements:

- 44 a) A written description of the intended site development or  
45 District improvements, the relevant City plan, the public benefit  
46 provided, provision for design, construction, management and  
47 maintenance if required, and plans showing the location and type,  
48 size and extent of each of the eligible improvements.

- b) A specific time frame for the completion of all required on-site and off-site improvements shall be incorporated as a condition of approval of the Planning Board.
  - c) A list of all permits and approvals required in connection with any proposed public realm improvements with the application. These approvals shall be obtained prior to approval of the development, unless authorized by the Planning Board.
- (3) Any requests by the applicant for the Planning Board to modify specific standards and requirements set forth in this Section 10.5B70 as allowed under Section 10.5B74.30 and a detailed justification for the requested modification.

10.5B74.20 Planning Board Findings: Prior to granting a conditional use permit for density bonus incentives under this section, the Board shall make the following findings:

10.5B74.21 The proposed project (and any conditions of approval) satisfies the requirements in Section 10.5B73;

10.5B74.22 The proposed project is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B74.30 Modification of Standards: In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in Section [10.5B20](#), [10.5B30](#), [10.5B40](#) and 10.5B70 provided that the Planning Board finds such modification will promote design flexibility and overall project quality, or that such modification is required for the development to provide a proposed workforce housing component, and that such modification is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B74.31 In considering a request for a modification of the standards and requirements, the Planning Board may request that the applicant provide additional documentation and information from the applicant demonstrating that the requirements of this Ordinance are prohibitive to the successful completion of the project as proposed. Such information shall include, but not be limited to, project cost factors related to land acquisition, improvements for roads, utilities & drainage, insurance, labor, building materials, and profit to identify a total gross cost of the project and per unit gross costs.

## Section 10.5B80 Parking and Loading Requirements and Standards

### 10.5B81 General

10.5B81.10 Except as otherwise provided in this Section, all buildings, structures, uses, and development sites in the Gateway Mixed Use Districts shall comply with the off-street parking and loading requirements set forth in Section 10.1110 and Section 10.1120.



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### 10.5B82 Number of Required Spaces

10.5B82.10 Uses in the Gateway Mixed Use Districts shall provide off-street parking in accordance with Section 10.1112, except as follows:

- a) For developments located on a public transit route with year-round, 5-days-per-week, fixed-route service and where at least 50% of the building(s) are within ¼ mile of a transit stop, the minimum off-street parking required for motor vehicles shall be reduced by 20% of the total required for all uses.

### 10.5B83 Location of Motor Vehicle Parking Facilities

10.5B83.10 Required off-street parking spaces shall not be located between a principal building and a street or within any required perimeter buffer area.

10.5B83.20 Development Sites that include multiple lots shall not be subject to the requirements of 10.1113.10 requiring off-street parking spaces to be located on the same lot as the principal use. Off-street parking spaces shall be located within the same Development Site for the principal use they are intended to serve.

### Section 10.5B90 Pedestrian Access and Circulation

10.5B81 Pedestrian walkways shall provide connections through the lot/site to the public street right-of-way, and between the lot/site and adjacent land uses.

10.5B82 At least one 8-foot wide pedestrian walkway shall be provided throughout the lot/site, connecting adjacent streets, accessways, sidewalks and off-street parking areas to the entrances of all principal buildings.

10.5B83 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping, or other means.

10.5B84 A lot/site with more than one principal building or off-street parking area shall include an internal pedestrian network that provides logical and direct routes for pedestrians throughout site.

10.5B85 Parking lots shall include internal walkways spaced not more than 150 feet apart. Where possible, these walkways shall be aligned to connect with major building entries or other destinations.

Section 10.5B100 Community Space

10.5B101 General Requirements

10.5B101.10 Community Spaces meeting one or more of the types described in Figure 10.5A45.10 must be provided according to the standards for Development Sites as described in Section 10.5B40.

10.5B101.20 A community space that is provided on-site and otherwise qualifies as open space as defined by this Ordinance shall count towards the open space coverage requirement for the development.

10.5B101.30 In the G2 Districts, Community Spaces shall be designed to support new mixed use centers, provide convenient access to residents, and support neighborhood events and activities.

10.5B103 Permitted Community Spaces by Development Site Type

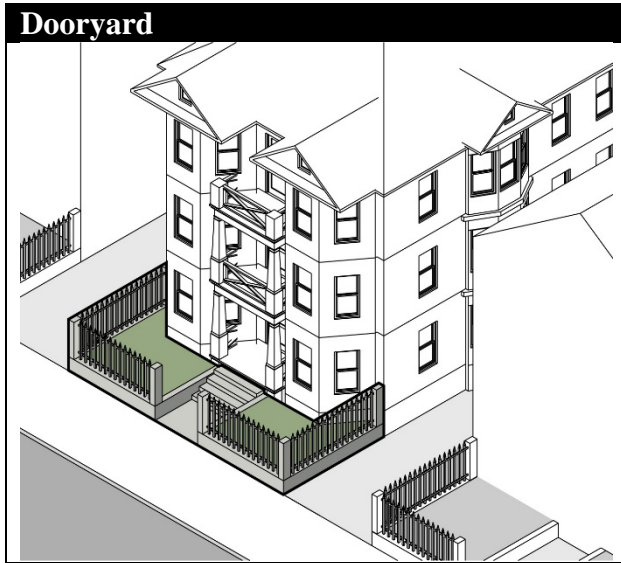
Only Community Space Types that are listed as *permitted* shall count toward the required community space coverage requirement specified for the Development Site.

COMMUNITY SPACE TYPES	DEVELOPMENT SITES			
	Mixed Use Development	Pocket Neighborhood	General Residential Development	General Commercial Development
Park	P	P	P	P
Greenway	P	P	P	P
Pedestrian Alley	P		P	P
Wide Pedestrian Sidewalk	P		P	P
Pocket Park	P	P	P	P
Playground	P	P	P	
Recreation Field	P	P	P	
Common or Green	P	P	P	P
Community Garden	P	P	P	
Outdoor Dining Cafe	P			P
Square	P		P	P
Plaza	P		P	P
Courtyard	P	P	P	P

P = Permitted

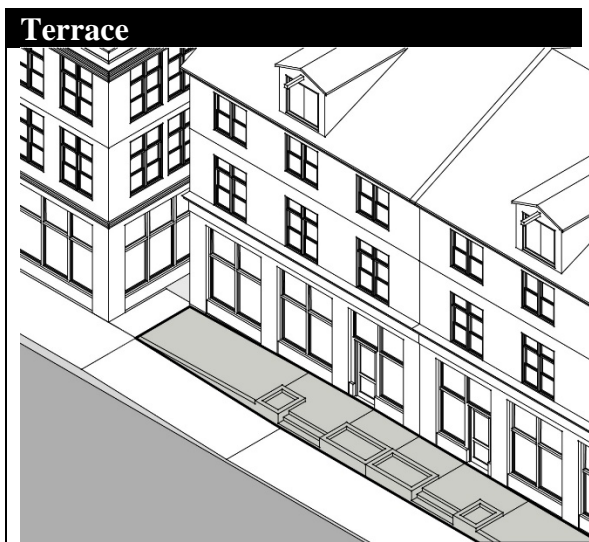


Proposed Amendments to Zoning Ordinance  
Figure 10.5A43.10  
September 19, 2017



Private Frontage where the Building Facade is aligned close to the Street Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private dooryard containing the principal entrance in the front yard. The dooryard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground-floor residential use.

**Permitted districts:** G1, G2



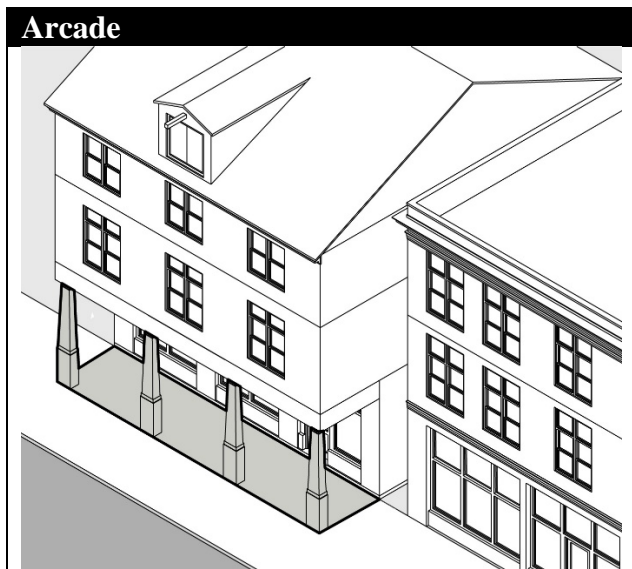
A Private Frontage where the Building Facade is at or near the Street Line with an elevated terrace that may encroach into the front yard setback providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along a Street Line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type is required to be used in conjunction with other Frontage types to define individual or shared entries facing the street.

**Permitted districts:** G1, G2



A Private Frontage where the building facade is set back from the Street Line with an attached one or two story cantilevered shed or a lightweight colonnade that is built to the Street Line. This type is intended for buildings with ground floor commercial, hospitality or retail uses. This frontage type is required to be used in conjunction with other types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2



A Private Frontage where only the ground floor level of the building facade is set back from the Street Line. The Building facade for the upper floors is at the Street Line and is supported by a colonnade with habitable space above. This frontage type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other frontage types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2



Proposed Amendments to Zoning Ordinance  
Figure 10.5A43.60  
September 19, 2017

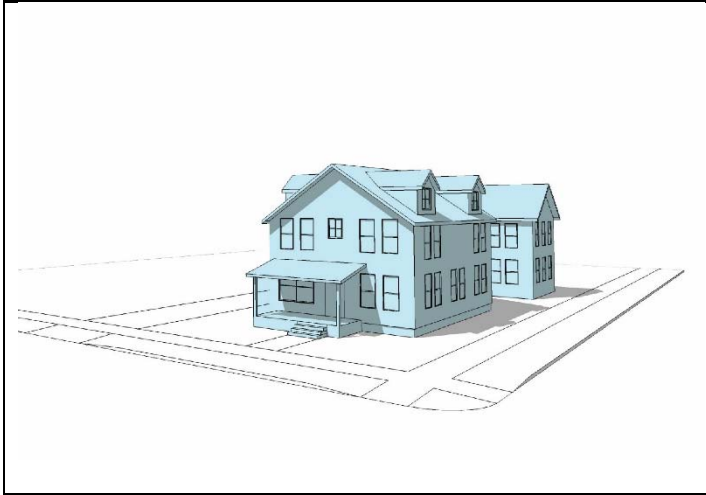
**Cottage**



A small detached single family dwelling with narrow massing.

**Permitted districts:** G1, G2

**Paired House**



A residential building type with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front lot line. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

**Permitted districts:** G1, G2

**Gateway Townhouse**



These small footprint attached single family residential buildings have narrow massing and may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space.

**Permitted districts:** G1, G2

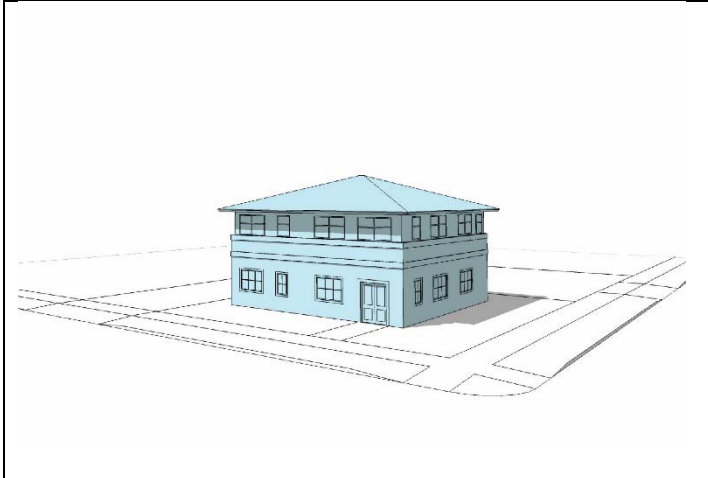
**Mixed Use Building**



A variable footprint building type that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at the scale that compliments the historic character of the neighborhood.

**Permitted districts:** G1, G2

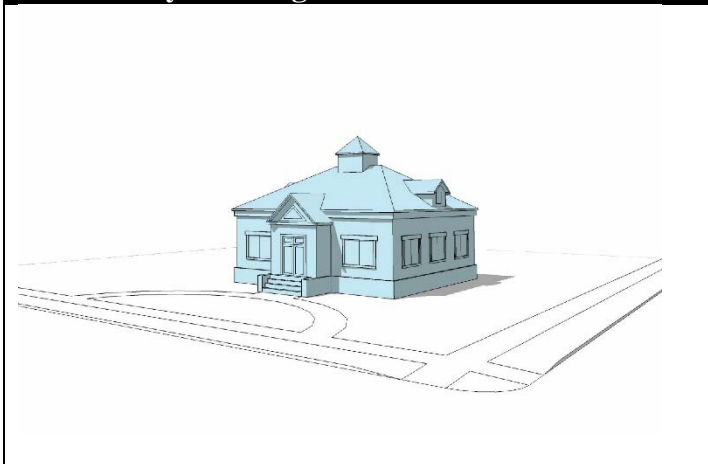
**Flex Space/Fabrication Building**



A building located and designed to accommodate a small footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

**Permitted districts:** G1, G2

**Community Building**



A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for a residential and mixed use developments.

**Permitted districts:** G1, G2

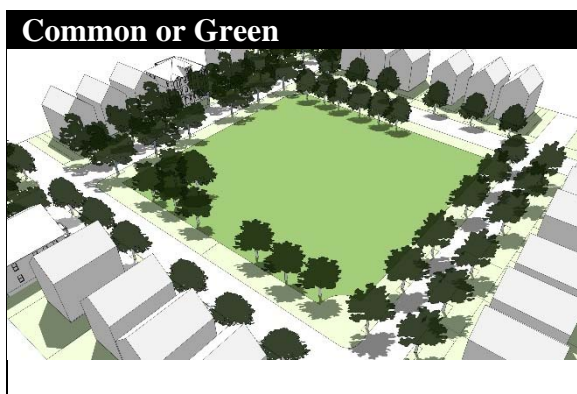


Proposed Amendments to Zoning Ordinance  
Figure 10.5A45.10  
September 19, 2017



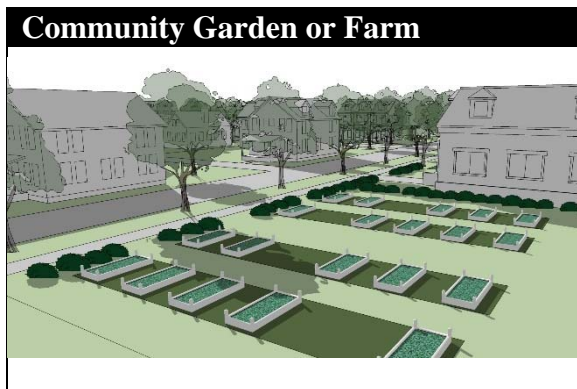
A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, artificial turf, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting events.

**Permitted districts:** G1, G2



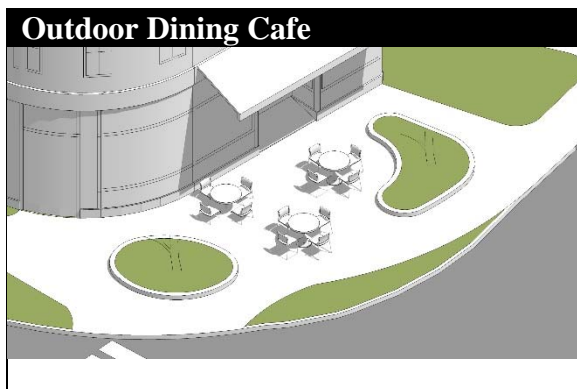
A civic space type for active and passive recreation and gathering purposes. A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees.

**Permitted districts:** G1, G2



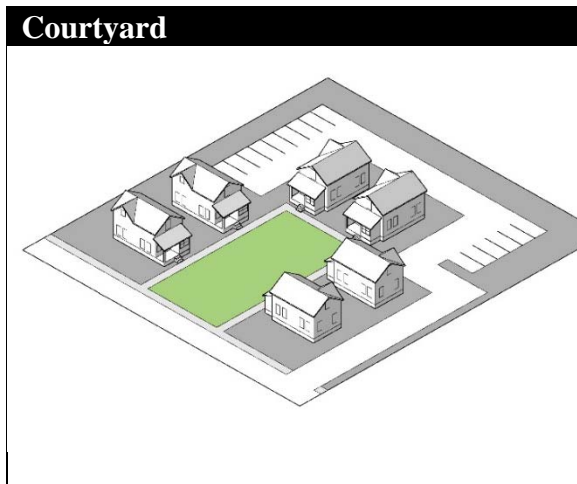
A civic space type designed as individual garden plots available to residents for urban agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood park, or pocket park.

**Permitted districts:** G1, G2



Outdoor dining cafes are permitted as an ancillary activity of any restaurant, pub, or other food and drink establishment. The operator of the outdoor dining cafe may be granted a permission from the City for locations on side and on the public sidewalk.

**Permitted districts:** G1, G2



A courtyard or court is an enclosed area, often surrounded by a building or complex, that is open to the sky.

**Permitted districts:** G1, G2



Proposed Amendments to Zoning Ordinance  
Section 10.5A60  
November 13, 2017

## Section 10.5A60 Definitions

This Section provides definitions for certain terms in Article 5A and Article 5B that are not otherwise defined in Article 5A, Article 5B, or Article 15:

### Block

The aggregate of private lots, service streets/rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

### Building Stepback

The step-like recession in the profile of a building from the street right-of-way line to control the enclosure of the street and allow light to reach the Public Realm. Where height limitation require, buildings must be setback or setbacked from the street right-of-way line a specified distance for every added height interval.

### Community space

As applicable to Article 5B, Aan area that is privately-owned and oriented and accessible to the public, or as applicable to Article 5A, an area dedicated for public use with permanent deeded access to the City of Portsmouth. Such areas must~~and~~ conforming~~ing~~ to the types shown in Figure 10.5A45.10.

### Development Site

Any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

### Development Site Area

The cumulative area of all contiguous lots that the site is composed of. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

### Front lot line buildout

The portion of the width of the required **front yard** or front building setback that is occupied by a **building**.

### Public realm

Includes exterior open spaces and linkages that are physically and/or visually accessible to the general public, during all business hours, or the majority of the day for residential buildings, regardless of ownership.

Use	G1	G2
<b>1. Residential and Mixed Uses</b>		
1.10 Single family dwelling	P	P
1.20 Accessory dwelling unit		
1.21 Attached	CU	CU
1.22 Detached	N	N
1.25 Garden Cottage	N	N
1.30 Two-family dwelling	P	P
1.40 Townhouse	P	P
1.50 Multifamily dwelling		
1.51 3 or 4 dwelling units	P	P
1.52 5 to 8 dwelling units	P	P
1.53 More than 8 dwelling units	P	P
1.60 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5		
1.61 To 2 dwelling units	N	N
1.62 To 3 or 4 dwelling units	N	N
1.63 To 5 to 8 dwelling units	N	N
1.64 To more than 8 dwelling units	N	N
1.70 Live/work unit	P	P
1.80 Manufactured housing park	N	N
1.90 Planned unit development (PUD)		
1.91 Open space PUD	N	N
1.92 Residential density incentive PUD	N	N
<b>2. Institutional Residence or Care Facilities</b>		
2.10 Assisted living facility		
2.11 Assisted living center	S	S
2.12 Assisted living home	S	S
2.20 Residential care facility		
2.21 5 or fewer residents	S	S
2.22 More than 5 residents	S	S
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>		
3.10 Place of assembly		
3.11 Religious	S	S
3.12 Other nonprofit	S	S
3.20 School		
3.21 Primary or secondary	S	S
3.30 Post-secondary	S	S
3.30 Historic preservation building	P	P
3.40 Museum	S	S
3.50 Performance facility		
3.51 Indoor performance facility		
3.511 Occupancy up to 500 persons	S	S
3.512 Occupancy more than 500	N	N
3.52 Outdoor performance facility		
3.521 Occupancy up to 500 persons	S	S
3.522 Occupancy more than 500	N	N
3.60 Cemetery	N	N
3.70 Club, fraternal or service organization	S	S
3.80 Municipally operated park and related activities	P	P
<b>4. Recreational Uses</b>		
4.10 Religious, sectarian or private non-profit recreational use	S	S
4.20 Cinema or similar indoor amusement use with no live performance	S	S
4.30 Indoor recreation use, such as bowling alley or arcade	S	S
4.40 Health club, yoga studio, martial arts school, or similar use		
4.41 Up to 2,000 sq. ft. GFA	P	P
4.42 More than 2,000 sq. ft. GFA	S	S
4.50 Outdoor recreation use	P	P
4.60 Amusement park, water park or theme park	N	N
<b>5. Office Uses, Non-Medical</b>		
5.10 Professional office	P	P
5.20 Business office (incl. real estate office)	P	P
5.30 Financial institution		
5.31 Financial services office	P	P
5.32 Retail bank	P	P
5.40 Social service campus		
5.41 Nonresidential	N	N
5.42 Residential	N	N

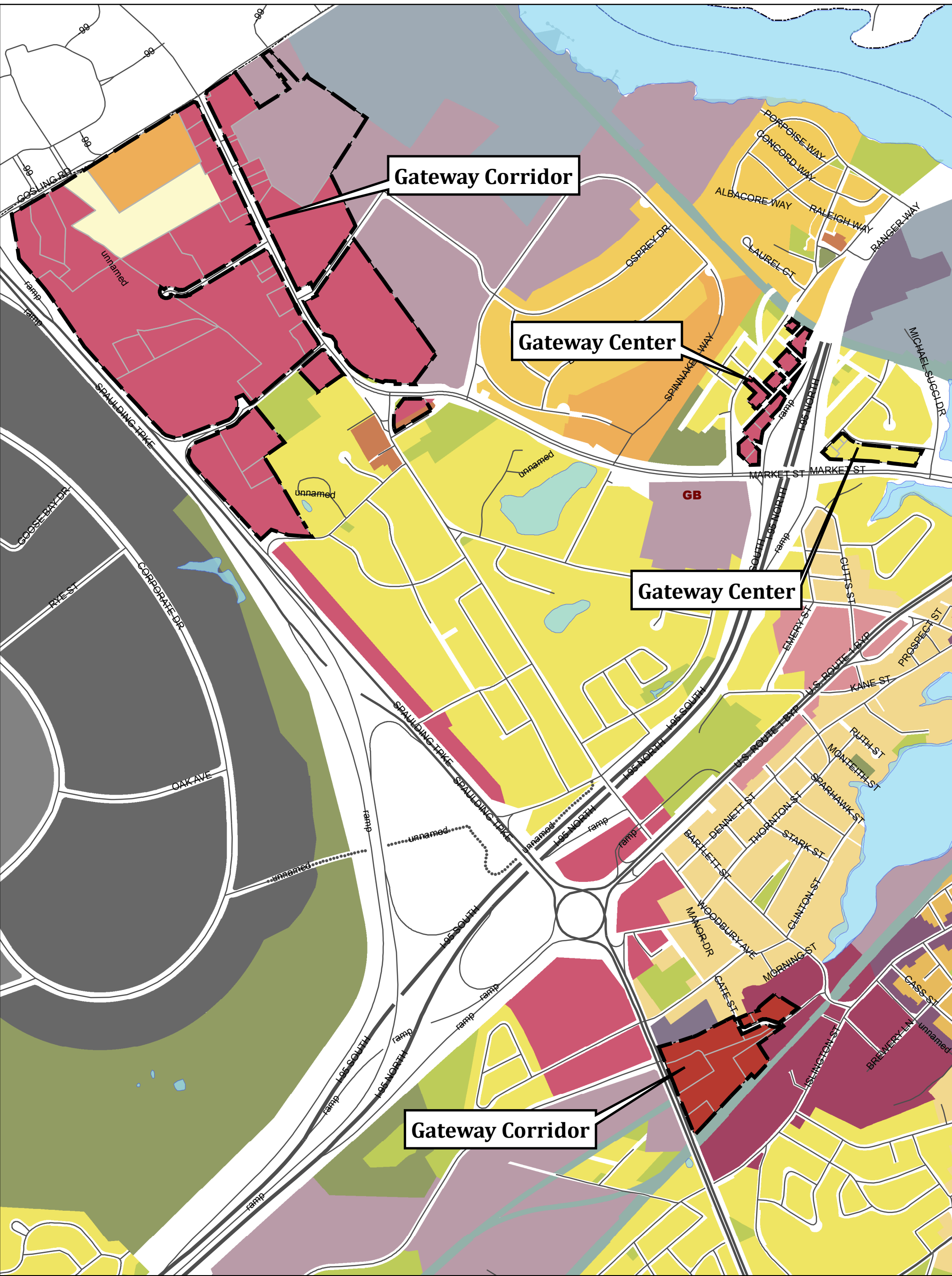


Use	G1	G2
5.50 Media studio		
5.51 Excluding any transmitting antenna tower	S	S
5.52 Including accessory transmitting antenna tower	N	N
5.60 Publishing facility or similar electronic production operation	P	P
5.70 Call Center	N	N
<b>6. Medical Services and Health Care</b>		
6.10 Hospital	N	N
6.20 Medical offices and clinics (outpatient only)	P	P
6.30 Clinics with inpatient care	S	N
6.40 Ambulatory surgical center	S	N
6.50 Substance abuse treatment facility	N	N
6.60 Psychiatric hospital for the criminally insane	N	N
<b>7. Services, Other Than Health Care</b>		
7.10 Day Care		
7.11 Family day care facility	P	P
7.12 Group day care facility including private preschool and kindergarten	S	S
7.20 Personal services	P	S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	P	S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	P	S
7.50 Veterinary Care	S	S
7.60 Laundry and dry cleaning establishments		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	P	P
7.62 Self-service laundry for use by the general public	P	S
7.63 Dry cleaning establishment with on-site cleaning facilities.	N	N
7.70 Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	S	S
<b>8. Retail Trade</b>		
8.10 Convenience goods		
8.11 Convenience goods 1		
8.111 Hours of operation between 6:00 AM and 11:00 PM	P	P
8.112 24 hours per day operation	S	N
8.12 Convenience goods 2		
8.121 Hours of operation between 6:00 AM and 11:00 PM	P	P
8.122 24 hours per day operation	S	N
8.30 Retail sales conducted within a building		
8.31 Not marine-related	P	P
8.32 Marine-related	P	P
8.40 Shopping center	P	P
8.50 Retail sales, large format	N	N
8.60 Fish market	P	P
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	P	P
8.90 Sexually oriented business	N	N
<b>9. Eating and Drinking Places</b>		
9.10 Nightclub or bar		
9.11 Occupant load less than 250	P	S
9.12 Occupant load from 250 to 500	S	S
9.13 Occupant load greater than 500	N	N
9.20 Restaurant, take-out only	P	P
9.30 Restaurant, fast food	P	P
9.40 Restaurant, place of public assembly or function room		
9.41 Occupant load less than 50	P	P
9.42 Occupant load from 50 to 250	P	S
9.43 Occupant load from 250 to 500	S	S
9.44 Occupant load greater than 500	N	N
9.50 Permanently moored vessel used as restaurant or bar , with occupant load less than 250	N	N
<b>10. Lodging Establishments</b>		
10.10 Boarding house	S	N
10.20 Bed and breakfast		
10.21 Bed and Breakfast 1	S	S
10.22 Bed and Breakfast 2	S	S
10.30 Inn	S	S
10.40 Hotel or motel		
10.41 Up to 125 rooms	S	S
10.42 126 to 250 rooms	S	S
10.42 251 to 500 rooms	S	N
10.43 More than 500 rooms	S	N
10.50 Conference hotel	S	N
10.60 Conference center	S	N

Use	G1	G2
<b>11. Motor Vehicle-Related Uses</b>		
11.10 Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (e.g., lawnmowers), including accessory repair services	S	N
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	S	N
11.30 Sales, rental, leasing, distribution, and repair of trucks over 10,000 lb gross vehicle weight (GVW), recreational vehicles, marine craft or manufactured housing, and related equipment	S	N
11.40 Impound lot (principal or accessory use)	N	N
11.50 Truck fueling facility	N	N
11.60 Truck terminal	N	N
<b>12. Marine Craft Related Uses</b>		
12.10 Boat landings, boat docks, boathouses and associated marine uses		
12.11 Non-commercial	P	P
12.12 Fishing boat landing 1	N	N
12.13 Fishing boat landing 2	N	N
12.20 Marina		
12.21 With no repair, servicing or fueling facilities	N	N
12.22 With repair, servicing or fueling facilities	N	N
12.30 Repair of commercial marine craft and marine-related structures	N	N
12.40 Landside support facility for commercial passenger vessel	N	N
<b>13. Wholesale Trade, Warehousing and Distribution</b>		
13.10 Wholesale use		
13.11 Not marine-dependent	N	N
13.12 Marine-dependent	N	N
13.20 Wholesale sales devoted to, and in the same establishment as, a permitted retail use		
13.21 Occupying up to 20% of gross floor area of establishment	S	N
13.22 Occupying 21% to 40% of gross floor area of establishment	N	N
13.30 Wholesale lumber yards, lumber and contractor sales		
13.31 Not marine-dependent	N	N
13.32 Marine-dependent	N	N
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use		
13.41 Not marine-dependent	N	N
13.42 Marine-dependent	N	N
<b>14. Industrial Uses</b>		
14.10 Light industry		
14.11 Not marine-dependent	S	S
14.12 Marine-dependent	N	N
14.20 Research and development		
14.21 Not marine-dependent	S	N
14.22 Marine-dependent	N	N
14.30 Food processing		
14.31 Not including seafood processing	S	N
14.32 Including seafood processing	N	N
14.40 Electronics manufacturing	S	N
14.50 General manufacturing		
14.51 Not marine-dependent	S	S
14.52 Marine-dependent	N	N
14.60 Biological or chemical laboratory		
14.61 Not marine-dependent	N	N
14.62 Marine-dependent	N	N
14.70 Recycling facility or recycling plant	N	N
14.80 High hazard use, including other uses listed in this section but not including uses described in 14.90	N	N
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N
<b>15. Transportation and Utilities</b>		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building		
15.11 Essential to service the area in which it is located	S	S



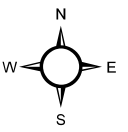
Use	G1	G2
15.12 Providing community-wide or regional service	N	N
15.20 Heliport or helipad		
15.21 Helipad, as an accessory use to a permitted hospital use	N	N
15.22 Heliport	N	N
<b>16. Wireless Telecommunications Facilities</b>		
16.10 Satellite dish receiver 42 inches or less in diameter:		
16.11 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	P	P
16.12 Ground-mounted, complying with all yard requirements for the district	P	P
16.20 Satellite dish receiver more than 42 inches in diameter:		
16.21 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	S	S
16.22 Ground-mounted, complying with all yard requirements for the district	S	S
16.30 Whip antenna not more than 30 feet in height	S	S
16.40 Other wireless telecommunications facility not included above	N	N
<b>17. Agricultural Uses</b>		
17.10 Farm, not including the keeping of farm animals	N	N
17.20 Keeping of farm animals	N	N
<b>18. Temporary Uses</b>		
18.10 Construction trailer	P	P
18.20 Temporary structure		
18.21 Up to 30 days	P	P
18.22 31 to 90 days	S	S
18.23 91 to 180 days	N	N
18.24 More than 180 days	N	N
18.30 Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling		
18.31 Up to 180 days	P	P
18.32 More than 180 days	S	S
18.40 Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	S	N
<b>19. Accessory Uses</b>		
19.10 Accessory use to a permitted principal use, but not including any outdoor storage	P	P
19.20 Home occupation		
19.21 Home occupation 1	P	P
19.22 Home occupation 2	P	P
19.30 Concessions and services located within the principal building	P	P
19.40 Drive-through facility, as accessory use to a permitted principal use	CU	N
<b>20. Accessory Storage</b>		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P
20.20 Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels.	P	P
20.30 Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:		
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P
20.40 Outdoor storage of lobster traps, lobster buoys and associated rope	P	P
20.50 Outdoor storage of raw or partially finished material		
20.51 Not marine-dependent	N	N
20.52 Marine-dependent	N	N
20.60 Outdoor storage of machinery, equipment and vehicles		
20.61 Not marine-dependent	N	N
20.62 Marine-dependent (other than allowed by 20.30 or 20.40 above)	N	N



# Gateway Mixed Use Zoning Districts

## Legend

- ▭ Proposed Gateway Districts
- Current Districts
- GW - Gateway
- GB - General Business
- SRA - Single Residence A
- SRB - Single Residence B
- GA/MH - Garden Apt./Mobile Home Park
- OR - Office Research
- M - Municipal

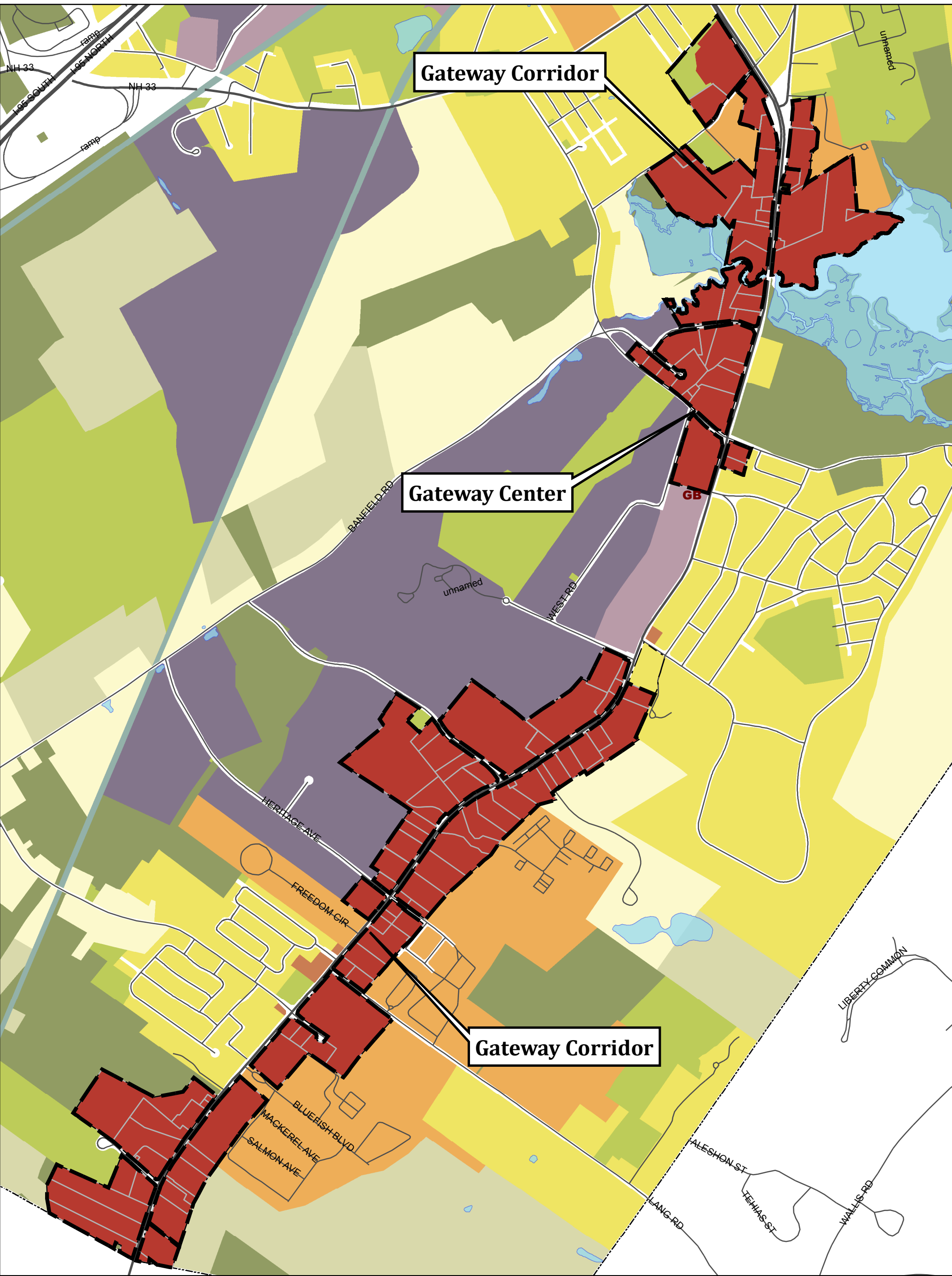


0 500 1,000 2,000 Feet

1 inch = 833.3 feet

Map created by Portsmouth Planning Department  
November 13, 2017





# Gateway Mixed Use Zoning Districts

## Legend

- ▭ Proposed Gateway Districts
- ▭ Current Districts
- ▭ SRB - Single Residence B
- ▭ GA/MH - Garden Apt./Mobile Home Park
- ▭ OR - Office Research
- ▭ M - Municipal
- ▭ GW - Gateway
- ▭ GB - General Business
- ▭ SRA - Single Residence A

0 650 1,300 2,600 Feet

1 inch = 1,125 feet

Map created by Portsmouth Planning Department  
November 13, 2017



# Portsmouth Fire Department

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## Administration

**To:** City Manager John Bohenko

**From:** Fire Chief Steven Achilles

**Date:** 11/28/2017

**Re:** Revision to Chapter 5 Section 605 of Proposed Ordinance

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In review of the City Council discussion and vote at their November 20, 2017 meeting to bring back Chapter 5 for second reading, the department administration is recommending the city council amend sections 605.11.1.2.2 Hip roof layouts (at line 522) and 605.11.1.2.3 Single-ridge roofs (at line 534) to add the following sentence:

***Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.***

We believe this language will provide an opportunity to grant modifications for individual cases where there are practical difficulties involved in carrying out the provisions of the code. Section 104.8 is contained in the 2015 edition of the International Fire Code and ensures that such modification does not lessen health, life, and fire safety requirements. This would allow for the acceptance of proposals that meet the intent of the code requirements.

I am prepared to provide a presentation, including visual aids, at the December 4, 2017 City Council Meeting that outlines our approach and intent to this section of the fire code, as well as clarifying comments from the public.

Please advise and thank you for your consideration.

*Department Memorandum*



# Report on Solar Requirements

Chapter 5, Article 9, Section 605

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DECEMBER 4, 2017 CITY COUNCIL MEETING



**CALIFORNIA DEPARTMENT of FORESTRY  
and FIRE PROTECTION  
OFFICE OF THE STATE FIRE MARSHAL**



**SOLAR PHOTOVOLTAIC  
INSTALLATION GUIDELINE**

**(In partnership with interested local fire officials, building officials,  
and industry representatives)**

April 22, 2008





## 2.0 Access, Pathways and Smoke Ventilation

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Access and spacing requirements should be observed to:

- Ensure access to roof
- Provide pathways to specific areas of the roof
- Provide for smoke ventilation opportunities area
- Provide emergency egress from roof



## 2.1 Residential Systems

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### Access / Pathways

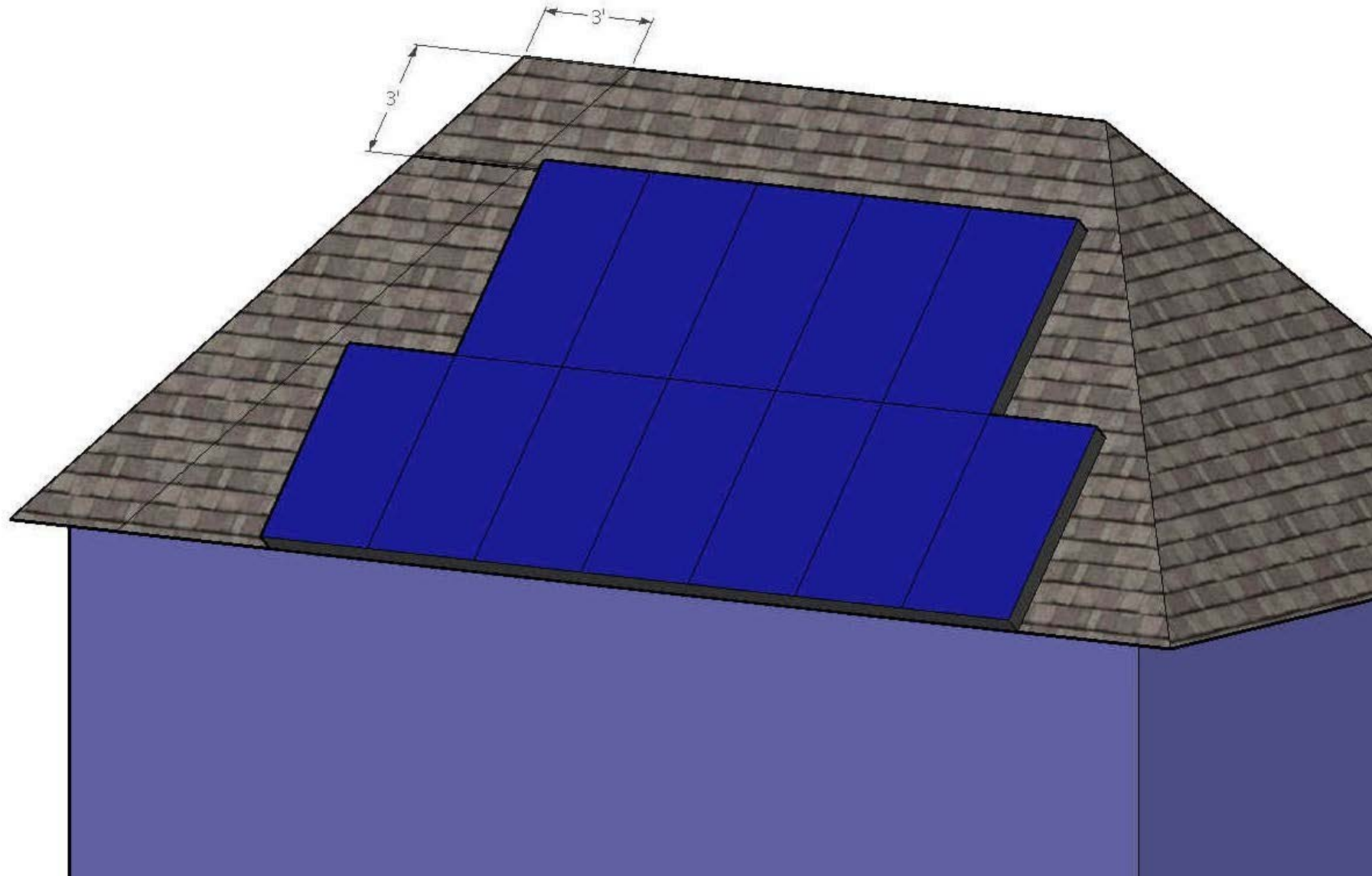
- Three foot (3') wide, clear access, structurally sound

### Smoke Ventilation

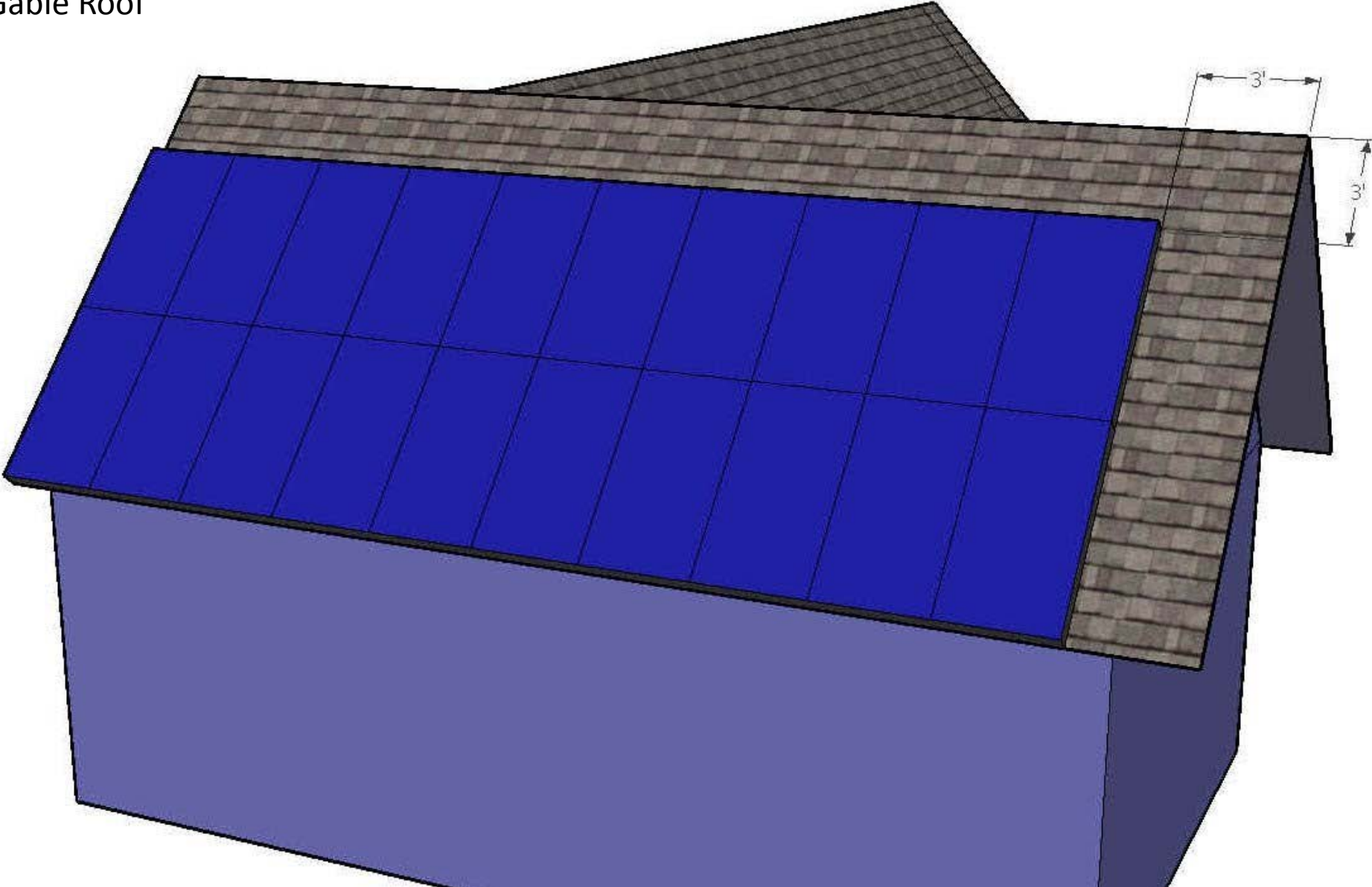
- No higher than three feet (3') below ridge



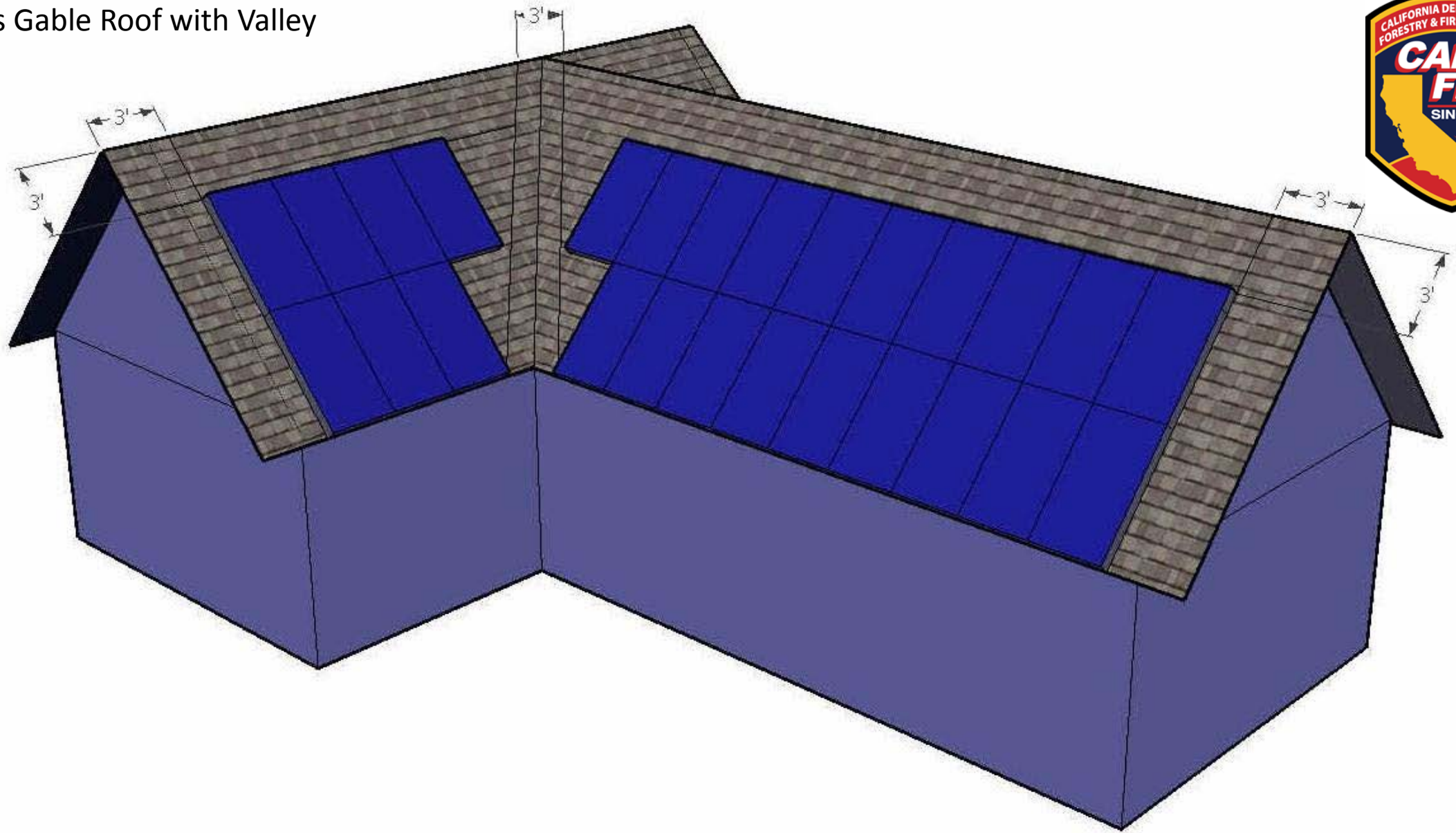
# Full Hip Roof



Cross Gable Roof

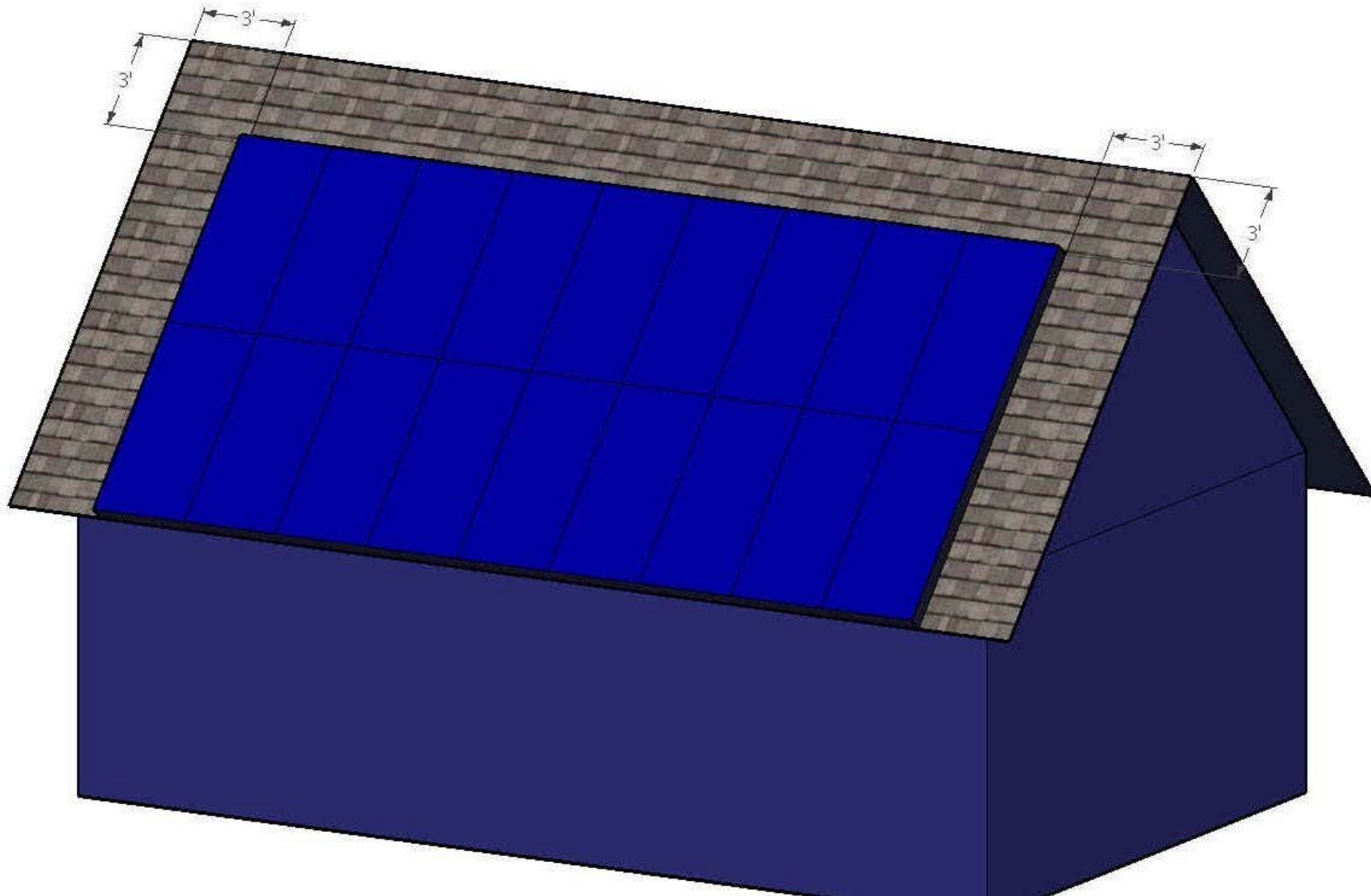


# Cross Gable Roof with Valley





Full Gable





# Local Jurisdiction Exceptions

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Proximity and type of adjacent exposures

Alternative access opportunities

Ground level access to roof in question

Adequate ventilation opportunities beneath solar arrays

Adequate ventilation opportunities afforded by module set back from other rooftop equipment (i.e. near HVAC equipment)

Automatic ventilation device

New technology, methods, or other innovations that ensure adequate fire access, pathways and ventilation opportunities

# Firefighting Tactics

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Vertical ventilation is the process of creating an overhead opening as high up and as close to the seat of the fire as possible. This allows the heat, smoke, and combustion products to travel up and out of the structure—much like a chimney—following the path of least resistance (lower pressure).





# Firefighting Tactics

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Horizontal ventilation is the process of creating an opening on the fire floor to allow heat, smoke, and combustion products to travel horizontally out of the building without affecting or, at least, minimizing the effect, to the uninvolved areas of the structure.





Raleigh Way – June 3, 2006



Suzanne Drive – September 5, 2007





Beechstone – June 2, 2010



Lincoln Avenue – November 1, 2011





Islington Street - May 12, 2015





# Codes and Standards

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# Codes and Standards

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**National Fire Protection Association (NFPA) 1, Fire Code**, advances fire and life safety for the public and first responders as well as property protection by providing a comprehensive, integrated approach to fire code regulation and hazard management.

The **International Fire Code** is a model code that regulates minimum fire safety requirements in new and existing buildings, facilities, storage and processes



# NFPA 1 ( 2012 and 2015)

---

Section 11.12 of NFPA 1 provides safety requirements for building-mounted PV installations with a focus on two areas: marking (11.12.2.1) and access (11.12.2.2). Section 11.12.3 provides general safety requirements for clearance and security for personnel who might be in the proximity of ground-mounted PV installations.

*Safe access to roofs is necessary for firefighter operations, such as ventilation. NFPA 1 addresses the need to provide safe access points and pathways through and around the PV arrays so that fire fighter operations are not interrupted and can be conducted in a safe manner.*

# International Fire Code (2012 and 2015)

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Section 605.11 provides installation, marking, access, and pathway requirements for Solar photovoltaic power systems.

*The IFC provisions are intended to provide for reasonably safe roof access, egress, pathways to areas of the roof, and ventilation points for firefighters. These are consistent with recommendations of the 2008 Cal Fire Report.*

# Fire Department Approach to Solar Provisions

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Review of 2008 Cal Fire Report

Review of 2011 *Understanding the Cal Fire Solar PV Installation Guideline Report* by B. Brooks, PE

Evaluation of current consensus and adopted codes / standards

Discussions with Solar Industry representatives

Public meeting on Fire Code / Ordinance Update

Meeting with Renewable Energy Committee in September



# Response to Stakeholders' Concerns

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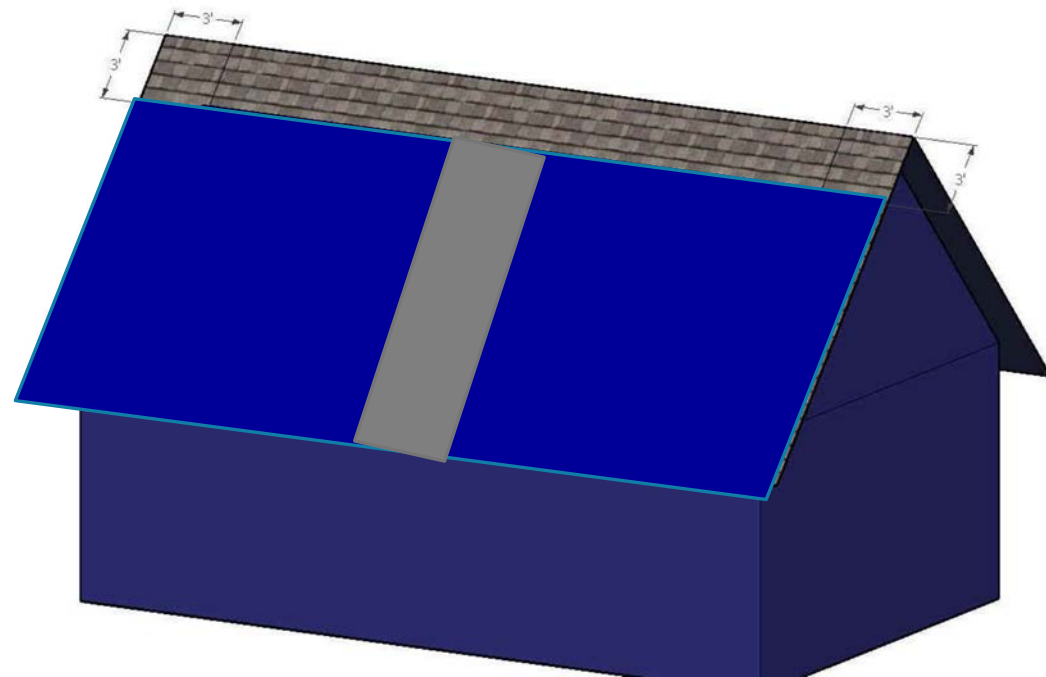
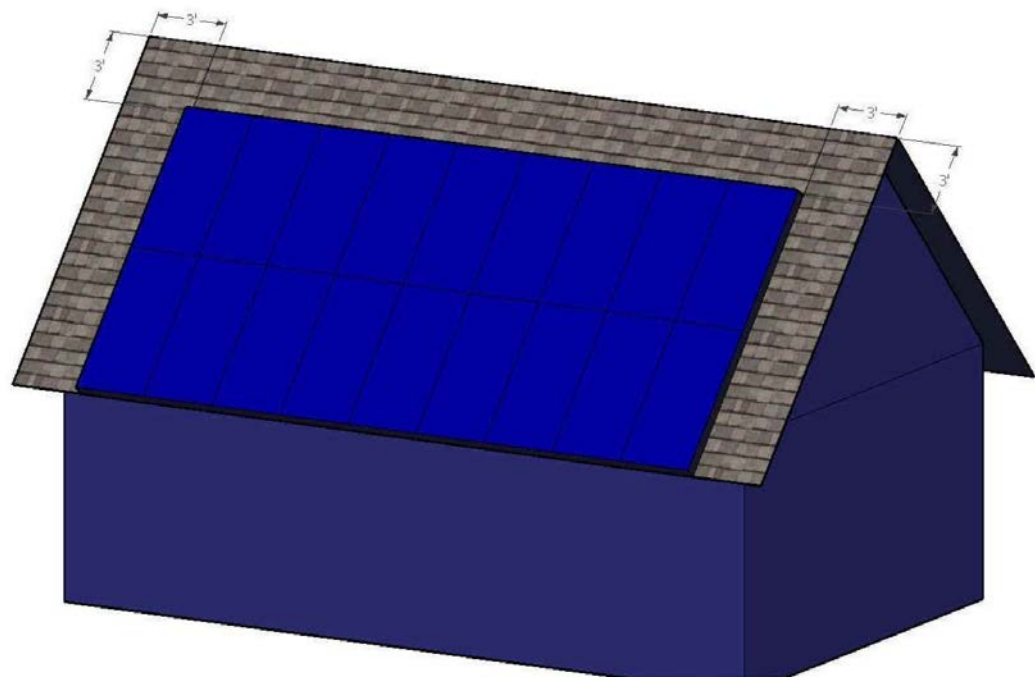
Three foot (3') at ridge (ventilation)

Three and a half foot (3.5') middle third of roof, eave to the ridge (access and egress)

Residential sprinkler option

This compromise is consistent with current fire department operations , Cal Fire Report, and intent of current fire codes.

This compromise also increases available roof to solar PV arrays over requirements of both NFPA 1 and the IFC as written.



# Proposed Amendment

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*Add additional exception to both 605.11.1.2.2 Hip Roof layouts and 605.11.1.2.3 Single-ridge Roofs:*

Exceptions:

1. Access pathway requirement may be waived when the structure is protected by a code compliant automatic sprinkler system.
2. **Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.**

## *104.8 Modifications (2015 IFC)*

- Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.



# Questions?

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**CHAPTER 5**

**FIRE DEPARTMENT AND PREVENTION REGULATIONS**

Article I	Fire Department	5.101 - 5.104
Article II	Reserved for future use	5.201
Article III	Reserved for future use	5.301
Article IV	<del>Petroleum and its Products</del> <b>Reserved for future use</b>	5.401 - 5.409
Article V	Municipal Fire Alarm and Communication Systems	5.501 - 5.504
Article VI	Fire Department Emergency Medical Services Costs	5.601
Article VII	Blasting	5.701
Article VIII	Alarm Systems <b>Monitored by the City</b>	5.801 - 5.806
Article IX	<del>International Fire Code / 2006 Edition</del> <b>Adopted Fire Codes</b>	Sec. F-100.0

That Chapter 5 – FIRE DEPARTMENT AND PREVENTION REGULATIONS of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE I: FIRE DEPARTMENT**

**Section 5.101: PERSONNEL**

The Fire Department shall consist of ~~the a~~ **Fire Chief, permanent firemen, call firemen and such substitutes as may be provided. Of the permanent firemen, three shall be chosen as first, second and third** Deputy Chiefs, fire officers, firefighters, and administrative personnel as recommended by the fire chief and approved by the Board of Fire Commissioners. ~~respectively, two as Captains, and two as Lieutenants, and shall devote their full time to such offices.~~

**Section 5.102: ~~APPARATUS TO BE KEPT IN CITY AID OUTSIDE CITY~~**

~~No engine, horn, wagon or hook and ladder truck or other piece of fire apparatus shall be taken to a fire out of the City, without permission of the Fire Chief, or in his absence the officer in charge, nor shall any of the apparatus of the Fire Department be taken from the City, except in case of fire, without permission from the Board of Fire Commissioners. (Amended 8/15/88; former Sections 5.102 and 5.103 deleted 10/22/12)~~

The Fire Chief is authorized to allow department apparatus, vehicles, and/or personnel to provide aid outside the City, in or out of state, for the purposes of extinguishing a fire, rendering other emergency assistance, or performing any detail as requested.





45 **ARTICLE IV: PETROLEUM AND ITS PRODUCTS, Burn Permits (Amended 4/1/96)**

46

47 **Section 5:401: LICENSE**

48

49 ~~No person shall store or handle any gasoline or similar fluids within the City without first obtaining~~  
50 ~~a license from the City License Officer for the purpose and without said license having been~~  
51 ~~endorsed by the Fire Chief and Building Inspector.~~

52

53

54 **Section 5:402: FEE**

55

56 ~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended~~  
57 ~~3/18/2002)~~

58

59

60 **Section 5:403: LIMITATIONS**

61

62 ~~For the purpose of preventing excessive fire hazards, no license, other than a renewal of an existing~~  
63 ~~license, for the storage of more than 300 gallons of crude petroleum or any of the products thereof~~  
64 ~~within the district described in Section 5:404 hereof, shall be granted unless such storage is to be~~  
65 ~~in underground tanks.~~

66

67

68 **Section 5:404: STORAGE DISTRICT**

69

70 ~~Section 5:403 of this ordinance shall apply to the area bounded as follows:~~

71

72 ~~Commencing at the Piscataqua River opposite the easterly end of Court Street; and running~~  
73 ~~westerly to said easterly end of Court Street; thence westerly through Court Street to Middle Street;~~  
74 ~~thence northeasterly through Middle Street to Islington Street; thence westerly through Islington~~  
75 ~~Street to the westerly boundary of said land of the Morley Company to the Boston and Maine~~  
76 ~~Railroad tracks; thence easterly along said tracks to a point opposite the westerly end of the North~~  
77 ~~Mill Pond; thence northerly to the westerly end of the North Mill Pond; thence following the~~  
78 ~~northerly boundary of the North Mill Pond to the Piscataqua River; thence by the Piscataqua River~~  
79 ~~to the point of beginning.~~

80

81

82 **Section 5:405: DUTIES OF THE PETROLEUM INSPECTOR**

83

84 ~~The duties of the Petroleum Inspector shall be those prescribed for the duties of such officers in~~  
85 ~~Chapter 339 of the N.H. RSA.~~

86

87

88 **Section 5:406: FEE OF INSPECTOR**

89

90 ~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended~~  
91 ~~3/18/2002)~~

92

93

94 **Section 5:407: ANNUAL REPORT**

95

96 ~~Said inspector shall annually as early as practical in January, but not later than the second~~  
97 ~~Thursday, report in writing to the City Council all inspections made by him during the preceding~~  
98 ~~year.~~

99

100

101 **Section 5:408: PENALTY**

102

103 ~~If any person shall violate any of the provisions of Sections 5:401 or 5:403 of this Chapter, he shall~~  
104 ~~be fined not less than \$1.00 nor more than \$100.00 for each day the violation shall continue.~~

105

106

107 **Section 5:409: BURNING PERMITS**

108

109 ~~All burning permits shall be issued by the Fire Department; the licensing process and fees required~~  
110 ~~are governed by New Hampshire State Law, currently designated as RSA 244. (Adopted 4/1/96)~~

111

112

113 ~~ARTICLE V: MUNICIPAL FIRE ALARM AND COMMUNICATION SYSTEMS~~

114

115

116 ~~Section 5.501: RESPONSIBILITY~~

117

118 ~~The Chief of the Fire Department or his designee shall be responsible for the proper installation,~~  
119 ~~maintenance and supervision of the municipal fire alarm and communication systems.~~

120 ~~(Adopted 1/26/87)~~

121

122

123 ~~Section 5.502: POLE AND DUCT SYSTEMS~~

124

125 ~~It shall be the responsibility of the Chief of the Fire Department or his designee to coordinate with~~  
126 ~~the Public Utilities for the supply and spacing of poles or ducts for municipal use.~~

127 ~~(Adopted 1/26/87)~~

128

129

130 ~~Section 5.503: LOCATION OF FIRE ALARM BOXES AND SIGNALS~~

131

132 ~~The Chief of the Fire Department or his designee shall located fire alarm call boxes, and other~~  
133 ~~signaling devices as public interest may require. However, permanent removal of fire alarm boxes~~  
134 ~~shall only be at the direction of the City Council. (Adopted 1/26/87)~~

135

136

137 ~~Section 5.504: PENALTY FOR INJURE OR POSTING~~

138

139 ~~If any person shall willfully injure, or attempt to injure; or post any paper or placard; paint or~~  
140 ~~deface any pole, fire alarm box, signal pole, pedestal, manhole, pull box, gong, wire or other~~  
141 ~~component of the Municipal Signal Systems, shall be fined \$100 plus the costs of repair or~~  
142 ~~replacement. (Adopted 1/26/87)~~

143

144



145 **ARTICLE VI: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

146

147 **Section 5.601: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

148

149 The rates to be charged for Emergency Medical Services shall be established and adjusted as  
150 necessary by the City Manager with approval of the Board of Fire Commissioners. Where  
151 applicable, the rates shall be equal to or less than the usual and customary rates, which are charged  
152 for those services by private service providers in the geographic area. The rates shall be established  
153 pursuant to the following terms and conditions:

154

155 A. Medicare patients shall be charged the current Medicare allowable rate for any Medicare  
156 covered service, and Medicare patients are to be responsible for co-pays and deductibles.

157

158 B. The rates may include a fee for mileage traveled by municipal vehicles.

159

160 C. The rates may include a fee for special services provided by the Fire Department such as  
161 extrication of individuals from motor vehicles or similar services.

162

163 D. The rates may include a fee for non-emergency transfer of patients from one location to  
164 another location.

165

166 E. The rates may contain a provision allowing for a reduction or waiver of the established  
167 rates in the case of need or other good cause shown by the recipient of the service.

168

169 (Article VI deleted in its entirety and replaced 6/1/98)

170

171 **ARTICLE VII: BLASTING**

172  
173 **Section 5:701 BLASTING PERMIT REQUIRED**

174  
175 No person shall perform or cause to be performed any blasting within the City limits unless a  
176 Blasting Permit is obtained from the City Engineer. This permit shall not be issued until the  
177 following terms and conditions have been satisfied by the applicant:  
178

- 179 A. All abutters within five hundred (500) feet of the area where the blasting will occur shall  
180 receive notice by certified mail two full business days (excluding Saturday, Sunday and  
181 holidays) in advance of the blasting. The term “abutter” shall be defined in the manner  
182 used for the notification of zoning abutters. (Amended 9/17/2001)  
183
- 184 B. That the City Engineer’s office as well as the Building Inspector shall receive the same  
185 notice, also sent by certified mail, at least two full business days (excluding Saturday,  
186 Sunday and holidays) in advance of the blasting.  
187
- 188 C. The name and address of the blasting company be provided.  
189
- 190 D. The name of a company representative be provided and the twenty-four (24) hour telephone  
191 number of the representative; such representative being a person who is capable of  
192 responding to claims and issues arising from the blasting performed.  
193
- 194 E. A pre-blast survey shall be completed by the blasting company for an area within five  
195 hundred (500) feet of the proposed blasting. (Amended 9/17/2001)  
196
- 197 F. Any reports, measurements or video tapes made in connection with this pre-blast survey  
198 or with the subsequent blasting shall be made available upon request to all abutters within  
199 five hundred (500) feet of the area. (Amended 9/17/2001)  
200
- 201 G. That the cost of such a pre-blast survey shall be borne by the blasting company.  
202
- 203 H. The Use and Transport License of the hauler shall be designated.  
204
- 205 I. The route of removing blasting material shall be designated.  
206
- 207 J. The location of the blasting shall be designated.  
208
- 209 K. The blasting shall take place within the hours of 8:00 A.M. to 5:00 P.M. Monday through  
210 Friday.  
211
- 212 L. An Insurance Certificate shall be posted with the City Engineer in an amount and type  
213 deemed appropriate by the City Engineer and the City Attorney. (Amended 9/20/93)  
214
- 215 M. The Public Works Director is hereby authorized to promulgate blasting rules consistent  
216 with the intent of this ordinance, such rules shall become effective on acceptance by the  
217 City Council. (Item M. adopted 9/17/2001)  
218  
219

220 **ARTICLE VIII: ALARM SYSTEMS ~~MONITORED BY THE CITY~~**

221  
222 **Section 5.801: DEFINITIONS**

223 For the purpose of this Article, the following definitions shall be applicable:

224  
225  
226 Alarm System: Any assembly of equipment and/or devices which, with or without human  
227 involvement, is reasonably calculated to notify either police or fire officials and  
228 lead them to believe that there is a situation requiring their urgent attention.

229  
230 Unfounded Emergency Call: Any response by police or fire officials to the activation of an alarm  
231 system, when no objective indication of a situation requiring their urgent  
232 attention is found by the responding police or fire offices; false alarm.

233  
234  
235 **Section 5.802: SERVICE FEE**

236  
237 The owner of any premises served by an alarm system shall be obligated to pay a service fee to  
238 the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number  
239 of such calls permitted by this Article. This service fee shall be in such amounts as ~~shall be~~  
240 ~~determined by the adoption of fees by budget resolution or the City Council in accordance with~~  
241 ~~Chapter 1, Article XVI of the Ordinances of the City of Portsmouth. may be determined on an~~  
242 ~~annual basis by the City during its budget process.~~ The service fee may be graduated to increase  
243 based upon an increasing number of unfounded emergency calls. (Amended 1/25/88; amended  
244 04/16/2012)

245  
246  
247 **Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS ~~[Amended~~**  
248 ~~04/16/2012]~~

249  
250 The owner of any premises served by an alarm system shall be permitted the following number of  
251 unfounded emergency calls prior to the imposition of a service fee:

- 252  
253 A. Unfounded Emergency Calls to Police Department  
254 Five calls per calendar year (Amended 1/25/88)
- 255  
256 B. Unfounded Emergency Calls to Fire Department  
257 ~~Two~~ Four calls per six calendar month period (January to June inclusive or July to  
258 December inclusive)

259  
260  
261 ~~**Section 5.804: ALARM SYSTEMS MONITORED BY THE CITY**~~

262  
263 ~~Any person, firm, or corporation maintaining an alarm system located wholly or in part on City~~  
264 ~~premises shall be subject to the following provisions:~~

- 265  
266 ~~A. Such alarm systems shall be maintained in strict conformance to any operating standards~~  
267 ~~that may be from time to time promulgated by the Department Head with jurisdiction over~~  
268 ~~the premises in which the alarm system is located.~~



270 ~~B. — A service charge shall be paid to the City department which monitors any alarm system.~~  
271 ~~The rates to be charged for these alarm systems shall be established and adjusted as~~  
272 ~~necessary by the City Manager with the approval of the Police Commission or Fire~~  
273 ~~Commission, in the event the system is monitored by either department. This fee shall be~~  
274 ~~payable in advance and no part thereof may be refunded or transferred.~~

275  
276 ~~(Amended title of Ordinance & Section 5.804 and replaced Item B in its entirety 5/3/99)~~  
277

278  
279 ~~**Section 5.805: — PROHIBITIONS**~~

280  
281 ~~Direct Dialers: — The use of so-called direct dialer tape alarm systems, which automatically~~  
282 ~~engage available telephone lines, is prohibited within the City of Portsmouth~~

283  
284  
285 ~~**Section 5.806: — PENALTY**~~

286  
287 ~~Any person, firm or corporation who violates any provision of Section 5.805 of this Ordinance~~  
288 ~~shall be subject to a fine of not more than \$100.00 upon conviction.~~

289  
290

291 CITY ORDINANCE - CHAPTER 5

292  
293 ARTICLE IX: ~~INTERNATIONAL FIRE CODE, 2006~~  
294 ~~(Adopted 10/19/2009)~~  
295 ADOPTED FIRE CODES  
296

297  
298 The City of Portsmouth formally adopts the “New Hampshire Fire Code”. This  
299 includes the N.H. Code of Administrative Rules, Chapter Saf-C 6000 and is defined in NH  
300 RSA 153:VI-a as the adoption by reference of the Life Safety Code 2015 Edition and the  
301 Uniform Fire Code NFPA1, 2009 Edition, as published by the National Fire Protection  
302 Association and as amended by the State Board of Fire Control.  
303

304 The City of Portsmouth adopts the International Fire Code, ~~2006~~ 2015 Edition (IFC) and  
305 the provisions of any other national code, model code or standard referred to in the IFC as  
306 published by the International Code Council, is hereby adopted as Chapter 5, Article IX, of the  
307 ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments,  
308 additions and deletions:  
309

310 SECTION 101 GENERAL

311  
312 *Insert in blank space:*  
313

314 **101.1 Title:** “the City of Portsmouth, New Hampshire”  
315

316 SECTION 102 APPLICABILITY

317  
318 *Add new subsections to read as follows:*  
319

320 ~~102.6.1~~ **102.7.3 Specific electrical code reference.** Wherever this Code references the  
321 *International Electric Code* the reader shall substitute that reference with the *National Electric*  
322 *Code*, NFPA 70 as adopted by the State of New Hampshire.  
323

324 ~~102.6.2~~ **102.7.4 Specific gas code reference.** Wherever this Code references the *International Fuel*  
325 *Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.  
326

327 *Change section title to read as follows:*  
328

329 SECTION 103 BUREAU OF FIRE PREVENTION

330  
331 *Change subsection to read as follows:*  
332

333 **103.1 General.** The Bureau of Fire Prevention and Control is hereby created within the City of  
334 Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire  
335 Chief, ~~the Fire Marshal~~, or any duly authorized representative, to enforce the provisions of this  
336 Code. The designated enforcement officer of this Code shall be referred to as the fire code official.  
337

338 *Add new sentence to end of subsection to read as follows:*  
339

340 **103.3 Deputies.** “Deputy officials shall include but not be limited to: the Deputy Fire Chief, Fire  
341 ~~Inspector, Prevention/Safety Officer, Fire Marshal~~, all Fire Officers, Chief Building Inspector,  
342 Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works  
343 Director or City Engineer.”  
344

## SECTION 105 PERMITS

*Change subsections to read as follows:*

~~**105.1.1 Permits required.** All permits required by this Code, or any other ordinance or state law shall be obtained through the Building Inspection Department or Fire Prevention Bureau. Issued permits shall be kept on the premise designated therein at all times and shall be subject to inspection by the fire code official.~~

**105.1.1 Permits required.** All permits required by this Code for the installation, modification, or maintenance of fire alarm or fire sprinkler systems shall be obtained prior to the initiation of any work being performed. Issued permits shall be kept on the premises designated therein at all times and shall be subject to inspection by the fire code official.

~~**105.2 Application.** Application for permits shall be made to the Building Inspection Department or Fire Prevention Bureau on the appropriate form provided. Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.~~

**105.2 Application.** Application for permits shall be made using the City's on-line permitting system located at <https://portsmouthnh.viewpointcloud.com/> Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.

**105.3** All fees for permits and applications shall be determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth.

*Change subsections to read as follows:*

**105.2.3 Time limitation of application.** An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit has been issued, except that the fire code official shall grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

*Change subsections to read as follows:*

**105.3.1 Expiration.** An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing work

**105.3.2 Extensions.** The fire code official shall grant one (1) extension of time not exceeding twelve (12) months, if there is reasonable cause and only when requested in writing prior to the expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

**105.4.1 Submittals.** Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared and stamped by a licensed professional engineer acceptable to the fire code official.

**105.4.6 Retention of construction documents.** The fire code official shall mark-up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes. The permit holder is responsible for complying with the comments as shown on the official permit



403 construction documents kept by the fire code official. Upon project completion, a complete set of  
404 “as built” construction documents will be provided to the fire code official in an approved  
405 electronic format.

406  
407 **105.6 Required operational permits.** Permits shall be required by the fire code official in  
408 accordance with Sections ~~105.6.1 through 105.6.3.~~ 105.6.32 and 105.6.36.

409 *Delete subsections 105.6.1 through 105.6.31 without substitution.*

410  
411  
412 **~~105.6.1~~ 105.6.32 Open Burning.** The City of Portsmouth Fire Department shall issue open  
413 burning permits under the requirements of ~~City Ordinance Chapter 5,~~ Section ~~5:409.~~ 307.

414  
415 *Delete subsections 105.6.31 through 105.6.35 without substitution.*

416 **~~105.6.2~~ 105.6.36 Places of Public Assembly.** The City of Portsmouth Fire Department shall issue  
417 places of public assembly permits under the requirements of State RSA 155:17 and 155:18.

418  
419 *Delete subsections 105.6.37 through 105.6.48 without substitution.*

420  
421 **~~105.6.3 Pyrotechnic special effects material or performances.~~** ~~The City of Portsmouth Fire~~  
422 ~~Department shall issue permits for the outdoor display of 1.3G fireworks. Refer to Section 3308~~  
423 ~~(as amended) of this Code and State RSA 160-B for further requirements of outdoor fireworks~~  
424 ~~displays. Pursuant to State RSA 153:5, the State Fire Code, Part Saf C 6018 and Part Saf C 6019,~~  
425 ~~any person engaged in the discharge of proximate audience pyrotechnic displays shall be licensed~~  
426 ~~and obtain a permit from the State Fire Marshal.~~

427  
428 *Delete subsections 105.6.4 through 105.6.46 without substitution.*

429  
430 *Change subsections to read as follows:*

431  
432 **105.7 Required fire system construction permits.** Permits shall be required by the fire code  
433 official in accordance with Sections 105.7.1 through ~~105.7.3~~ 105.7.17.

434  
435 **105.7.1 Automatic fire-extinguishing systems including fire pumps.** Applications for fixed fire-  
436 extinguishing systems may be obtained from the ~~fire prevention bureau or the city~~ building  
437 inspection department.

438  
439 **~~105.7.2~~ 105.7.6 Fire alarm and detection systems and related equipment.** Applications for fire  
440 alarm systems may be obtained from the ~~fire prevention bureau or the city~~ building inspection  
441 department.

442  
443 **~~105.7.3~~ 105.7.17 Standpipe systems.** Applications for standpipe systems may be obtained from  
444 ~~the fire prevention bureau or~~ the city building inspection department.

445  
446 *Delete subsections 105.7.4 through 105.7.13 without substitution.*

## 447 448 449 SECTION 108 BOARD OF APPEALS

450  
451 *Add sentence to end of subsection to read as follows:*

452  
453 **108.1 Board of appeals established.** Refer to Appendix A of this Code and Chapter 12 of the  
454 Portsmouth City Ordinances (International Building Code) for the establishment of the Board of  
455 Appeals.

## 456 457 458 SECTION 109 VIOLATIONS

460  
461 *Change subsection to read as follows:*

462  
463 **109.3 109.4 Violations penalties.** Any person who shall violate a provision of this Code or shall  
464 fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a  
465 building or structure in violation of an approved plan or directive of the code official, or of a permit  
466 or certificate issued under the provisions of this Code, shall be subject to the penalty provisions  
467 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.  
468 Reference New Hampshire RSA's 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty  
469 provisions.

470  
471  
472 **SECTION 307 OPEN BURNING**

473  
474 *Change subsections to read as follows:*

475  
476 **307.1 General** All open burning shall conform to all applicable State Laws (RSA 227-L) and  
477 Administrative Rules of the NH Department of Resources and Economic Development, Division  
478 of Forests and Lands and any other Federal, State, Local laws or ordinances which are applicable.

479  
480 **307.1.1 Prohibited Open Burning.** Due to narrow roadways, restricted access to rear yards, and  
481 the proximity of structures, open burning is prohibited in the “South End” of the City. This area  
482 is defined as south of State Street, east of Pleasant Street, east of Junkins Avenue, and north of  
483 South Street. Also included is the area along Marcy Street to New Castle Avenue.

484  
485 **307.2 Permit required.** Open burning shall be allowed after obtaining a permit from the Fire  
486 Department. ~~and paying the appropriate fee as set forth by the City of Portsmouth, NH.~~

487  
488 *Delete subsection 307.4 through 307.5 without substitution.*

489  
490  
491 **SECTION 503 FIRE APPARATUS ACCESS ROADS**

492  
493 *Add new subsection to read as follows:*

494  
495 **503.7 Fire Lanes.** Fire lanes shall be maintained in areas so posted. All fire lanes shall conform  
496 to City Ordinance, Chapter 7, *Vehicles, Traffic & Parking*, Article XV, *Emergency Lanes*.

497  
498  
499 **SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS**

500  
501 *Change subsection to read as follows:*

502  
503 **605.11 Solar photovoltaic power systems.** Solar photovoltaic power systems shall be installed  
504 in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code*, and  
505 NFPA 70.

506  
507 **605.11.1.2 Solar photovoltaic systems for Group R-3 buildings.**

508  
509 *Delete Exception without substitution.*

510  
511 *Change subsection to read as follows:*

512  
513 **605.11.1.2.2 Hip roof layouts.** Panels and modules installed on Group R-3 buildings with hip  
514 roof layouts shall be located in a manner that provides a 3.5-foot-wide (1067 mm) clear access

515 pathway from the eave to the ridge on each roof slope where panels and modules are located.  
516 The access pathway shall be at a location acceptable to the fire code official.

517  
518 *Delete Exception and replace with the following:*

519  
520 **Exception:** Access pathway requirement may be waived when structure protected by a code  
521 compliant automatic sprinkler system

522  
523 *Change subsection to read as follows:*

524  
525 **605.11.1.2.3 Single-ridge roofs.** Panels and modules installed on Group R-3 buildings with a  
526 single ridge shall be located in a manner that provides one, 3.5-foot-wide (1067 mm) access  
527 pathway from the eave to the ridge on each roof slope where panels and modules are located.  
528 The access pathway shall be at a location acceptable to the fire code official.

529  
530 *Delete Exception and replace with the following:*

531  
532 **Exception:** Access pathway requirement may be waived when structure protected by a code  
533 compliant automatic sprinkler system

534  
535 *Edit subsection as follows:*

536  
537 **605.11.1.2.4 Roofs with hips and valleys.**

538  
539 *Delete Exception without substitution.*

540  
541

## 542 SECTION 609 COMMERCIAL KITCHEN HOODS

543  
544 *Change subsection to read as follows:*

545  
546 **[M]609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the  
547 *International Mechanical Code* and NFPA 96, *Ventilation Control and Fire Protection of*  
548 *Commercial Cooking Operations.*

549  
550

## 551 SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

552  
553

554 *Change subsection to read as follows with exception remaining unchanged:*

555  
556 ~~**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures~~  
557 ~~shall be provided in the locations described in this section and as required by NFPA 101.~~

558  
559 *Change subsection to read as follows:*

560  
561 **903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for fire areas containing  
562 Group A-1 occupancies and intervening floors of the building where one of the following  
563 conditions exists:

- 564
- 565 1. The fire area exceeds 10,000 square feet (928 m<sup>2</sup>).
  - 566 2. The fire area has an occupant load of 300 or more.
  - 567 3. The fire area is located on a floor other than a level of exit discharge serving such
  - 568 occupancies.



- 569 4. The fire area contains a multi-theater complex.

570  
571 *Change subsection to read as follows:*

572  
573 **903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided for all Group A-2  
574 occupancies and intervening floors of the building.

575  
576 *Change subsection to read as follows:*

577  
578 **903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings  
579 containing a Group M occupancy where one of the following conditions exist:

- 580  
581 1. A Group M fire area exceeds 5,000 square feet (464 m<sup>2</sup>).  
582 2. A Group M fire area is located more than three stories above grade plane.  
583 3. The combined area of all Group M fire areas on all floors, including any mezzanines,  
584 exceeds 10,000 square feet (928 m<sup>2</sup>).  
585 4. A Group M occupancy used for the display and sale of upholstered furniture or  
586 mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).  
587

588 *Change subsection to read as follows:*

589  
590 **903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings  
591 containing a Group S-1 occupancy where one of the following conditions exists:

- 592  
593 1. A Group S-1 fire area exceeds 10,000 square feet (928 m<sup>2</sup>).  
594 2. A Group S-1 fire area is located more than three stories above or any number of stories  
595 below grade plane.  
596 3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines,  
597 exceeds 20,000 square feet (1856 m<sup>2</sup>).  
598 4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire  
599 area exceeds 5,000 square feet (232 m<sup>2</sup>).  
600 5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses  
601 exceeds 2,500 square feet (232 m<sup>2</sup>).  
602

603 *Add new item 4 to subsection:*

604  
605 **903.2.6 Group M.**

606  
607 ~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered~~  
608 ~~furniture.~~

609  
610 *Change subsection to read as follows, with exceptions remaining unchanged:*

611  
612 **903.4.1 Signals Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different  
613 and shall be automatically transmitted to an approved central station, remote supervising station,  
614 ~~auxiliary fire alarm system~~ or proprietary supervising station as defined in NFPA 72 or, when  
615 approved by the building or fire official shall sound an audible and visual signal at a constantly  
616 attended location.  
617

618  
619  
620  
621  
622 **SECTION 905 STANDPIPE SYSTEMS**

623  
624 *Add new subsection to read as follows:*  
625

626 **905.12 Threads.** Threads provided for fire department connections to standpipe systems shall be  
627 compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for  
628 2-1/2” diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2” or 1-  
629 3/4” diameter hose shall be Iron Pipe thread.

630  
631

## SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

632

633  
634 *Add new sentence to end of first paragraph in subsection.*

635

636 ~~**907.2 Where required --- new buildings and structures.** “A manual, automatic or combination~~  
637 ~~manual and automatic fire alarm system shall also be provided in accordance with NFPA 101.”~~

638

639 *Edit subsection as follows:*

640

### **907.2.1 Group A.**

642

643 *Delete Exception without substitution.*

644

645 *Change subsection to read as follows with Exception remaining unchanged:*

646

647 **907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more.**  
648 Activation of the fire alarm in Group A occupancies with an *occupant load* of 300 or more shall  
649 initiate a signal using an emergency voice/alarm communications system in accordance with  
650 Section 907.5.2.2.

651

652 *Edit subsection as follows:*

653

### **907.2.2 Group B.**

655

656 *Delete Exception without substitution.*

657

658 *Edit subsection as follows:*

659

### **907.2.3 Group E.**

661

662 *Delete Exception 3 and 4 without substitution.*

663

664 *Edit subsection as follows:*

665

### **907.2.4 Group F.**

667

668 *Delete Exception without substitution.*

669

670 *Edit subsection as follows:*

671

### ~~**907.2.6. Group I.**~~

673

674 ~~*Delete Exception without substitution.*~~

675

676 *Edit subsection as follows:*

677

### **907.2.6.1 Group I-1.**

679

680 *Delete Exception 1 without substitution.*

681

682 *Edit subsection as follows:*

683

684 **907.2.6.2 Group I-2.**

685  
686 *Delete Exceptions 1 and 2 without substitution.*

687  
688 *Edit subsection as follows:*

689 **907.2.6.3.3 ~~Smoke detectors. Automatic smoke detection system.~~**

690  
691 *Delete Exceptions 2 and 3 without substitution.*

692  
693  
694 *Edit subsection as follows:*

695 **907.2.7 Group M.**

696  
697  
698 *Delete Exceptions 1 and 2 without substitution.*

699  
700 *Edit subsection as follows:*

701  
702 **907.2.8.1 Manual fire alarm system.**

703  
704 *Delete Exception 2 without substitution.*

705  
706 *Change Add new subsection to read as follows. ~~with exception remaining unchanged:~~*

707  
708 **907.2.8.2.1 Automatic fire alarm system.** System smoke detectors shall be installed in all  
709 common spaces and in means of egress components such as exit access corridors, exit enclosure  
710 stairs and basements, and shall be installed to provide coverage based on the manufacturers listing  
711 for the device.

712  
713 *Change subsection to read as follows:*

714  
715 ~~**907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and maintained  
716 in all Group R-2 occupancies where any dwelling unit is located three or more stories above the  
717 lowest level of exit discharge; or where any dwelling unit is located more than one story below the  
718 highest level of exit discharge of exits serving the dwelling unit; or when said building contain  
719 more than 11 dwelling units.~~

720  
721 *Change subsection to read as follows:*

722  
723 **907.2.9.1 Manual fire alarm system.**

724  
725 **3.** The building contains more than 11 dwelling units or sleeping units.

726  
727 **Exceptions:**

- 728  
729 1. *This exception remains unchanged.*  
730  
731 2. *Delete this exception without substitution.*  
732  
733 3. *This exception remains unchanged.*

734  
735  
736 *Add new Change subsection to read as follows:*

737  
738 **907.2.9.1.3 Smoke detector coverage.** System smoke detectors shall be installed in all common  
739 spaces and in means of egress components such as exit access corridors, exit enclosure stairs and  
740 basements and shall be installed to provide coverage based on the manufacturers listing for the  
741 device.



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794  
795  
796  
797  
798  
799

*Add new item 4 to end of subsection:*

**907.2.10.1.1 907.2.11.1 Group R-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with guest room smoke detectors.

*Add new item 4 to end of subsection:*

**907.2.10.1.2 907.2.11.2 Groups R-2, R-3, R-4, and I-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke detectors. In some Group R-2 or R-3 occupancies, as determined by the fire official, additional single-or multiple-station smoke detectors may be required in the basement, interconnected with a dwelling unit(s) detector(s).

*Add new subsection to read as follows:*

**907.2.10.1.4 907.2.11.2.1 Groups E, I-2 and I-4.** Single-or multiple-station smoke detectors shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Section 202.

**Exception:** Single-or multiple-station smoke detectors shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

*Add new subsection to read as follows:*

~~**907.2.10.3.1 Smoke detector circuits.** Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.~~

*Add new subsection to read as follows:*

~~**907.3.2.3.1 Smoke detector circuits.** Where interconnected smoke detectors are provided they shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.~~

*Change subsection to read as follows with exceptions remaining unchanged:*

~~**907.15 Monitoring.** Fire alarm systems required by this chapter or the *International Building Code* shall be monitored by an approved supervising station or by an Auxiliary Fire Alarm System in accordance with NFPA 72.~~

**SECTION 915 CARBON MONOXIDE DETECTION**

800 *Change subsection to read as follows:*

801  
802 **915.1 General.** Carbon monoxide detection shall be installed in new buildings in accordance  
803 with Section 915.1.1 through 915.6 and Saf-C 6015. Carbon monoxide detection shall be  
804 installed in existing buildings in accordance with Section 1103.9 and Saf-C 6015.

## 805 **CHAPTER 10 MEANS OF EGRESS**

806  
807  
808 *Delete all sections within this chapter and replace with the following subsections:*

### 809 **SECTION 1001 ADMINISTRATION**

810  
811  
812 *Change subsections to read as follows:*

813  
814 **1001.1 General.** ~~The provisions of the *Life Safety Code, NFPA 101*, shall govern the minimum~~  
815 ~~means of egress requirements in all new and existing buildings and structures.~~ Buildings or  
816 portions thereof shall be provided with a means of egress system as required by this chapter and  
817 Saf-C 6000. The provisions of this chapter and Saf-C 6000 shall control the design, construction,  
818 and arrangement of means of egress components required to provide an approved means of egress  
819 from structures and portions thereof. Sections 1003 through 1029 shall apply to new construction.  
820 Section 1030 shall apply to existing buildings.

821  
822 ~~**Exception:** The provisions of [B] Section 1007, *Accessible Means of Egress* as written in~~  
823 ~~this code, shall apply to new construction.~~

824  
825 **1001.2 Minimum requirements.** It shall be unlawful to alter a building or structure in a manner  
826 that will reduce the number of exits or the capacity of the means of egress to less than required by  
827 the code referenced in Section 1001.1.

### 828 829 **SECTION ~~2301~~ 3201 GENERAL**

830  
831  
832 ~~**2301.1 3201.1 Scope.** Delete in item 4, the reference to NFPA 230 and replace with NFPA 1.~~

### 833 834 **SECTION ~~1410~~ 3310 ACCESS FOR FIREFIGHTING**

835  
836  
837 *Change subsection to read as follows:*

838  
839 ~~**1410.1 3310.1 Site access and hydrant operation.**~~ When roads are created or extended during  
840 the construction of new developments and subdivisions, adequate site access for emergency  
841 vehicles shall be maintained at all times during construction. The fire department will be the  
842 determining agency when evaluating the adequacy of site access. As construction progresses,  
843 water hydrants required by the site plan shall be installed, activated, tested and maintained with  
844 adequate hydrant access as determined by the fire department. The City of Portsmouth reserves  
845 the right to “call” the site bond at any time during construction, when the owner refuses to provide  
846 adequate site access and water supply, as deemed necessary by the fire department, for the  
847 protection of life and property.

### 848 849 **SECTION ~~2308~~ RACK STORAGE**

850  
851  
852 ~~**2308.4 Column protection.** Delete the reference to NFPA 230 and replace with~~  
853 ~~*NFPA 1.*~~

### 854 855 **SECTION 2310 SPECIALTY STORAGE**

858 ~~2310.1 General. Delete the reference to NFPA 230 and replace with NFPA 1.~~

859

860

861

862

## SECTION 2501 GENERAL

863 ~~2501.1 Scope. Delete the reference to NFPA 230 and replace with NFPA 1.~~

864

865

866

## SECTION 3301 5601 GENERAL

867

868 *Amend subsection as follows:*

869

870 ~~3301.1.3 5601.1.3 Fireworks. Delete exception 4 with remainder of subsection unchanged.~~

871

872 *Change subsection to read as follows:*

873

874 ~~3301.2.4.1 5601.2.4.1 Blasting.~~ Blasting operations are regulated in Chapter 5, Article VII,  
875 Section 5:701 of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting  
876 regulations and the permitting process.

877

878

879

## SECTION 3308 5608 FIREWORKS DISPLAYS

880

881 *Add sentences to end of subsections to read as follows:*

882

883 ~~3308.1 5608.1 General.~~ The display, sale and discharge of 1.4G fireworks is prohibited within  
884 the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the  
885 requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

886

887 **3308.2.1 Outdoor displays.** Application for fireworks displays shall be made in writing at least  
888 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current  
889 version of the State of NH approved form. The discharge of fireworks shall be lawful under the  
890 terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any  
891 approval be extended beyond the dates set out therein.

892

893 ~~*Delete following subsection without substitution:*~~

894

895 ~~**3308.11 Retail display and sale.**~~

896

897

898

## SECTION 3404 STORAGE

899

900 ~~**3404.3.3.9 Idle combustible pallets.** Delete the reference to NFPA 230 and replace with NFPA~~  
901 ~~**1.**~~

902

903

904

905

906

## CHAPTER 45 80 REFERENCED STANDARDS

907

908 *Insert the following Codes and Standards:*

909

910 **New Hampshire State Building Code**

911 Department of Safety

912 33 Hazen Drive ~~Drive~~

913 Concord, NH 03305



914 (603) 271-3294  
915 [bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

916  
917 **New Hampshire Architectural Barrier Free Design Code**  
918 Governor's Commission on Disability  
919 ~~57 Regional Drive~~ 121 South Fruit Street, Suite 101  
920 Concord, NH 03301-~~8518~~  
921 (603) 271-2773  
922 1-800-852-3405 (NH)  
923 <https://www.nh.gov/disability/abcommittee.html>

924  
925 **New Hampshire Energy Code**  
926 Public Utilities Commission  
927 21 South Fruit Street, Suite 10  
928 Concord, NH 03301-2429  
929 (603) 271-2431  
930 [www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm) [www.puc.state.nh.us/EnergyCodes/energypg.htm](http://www.puc.state.nh.us/EnergyCodes/energypg.htm)  
931 [puc@puc.nh.gov](mailto:puc@puc.nh.gov)

932  
933 **New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**  
934 NH Labor Department  
935 Boiler & Elevator Division  
936 PO Box 2076  
937 Concord, NH 03302-2076  
938 (603) 271-~~6294~~ 2584  
939 [www.labor.state.nh.us/boilers.asp](http://www.labor.state.nh.us/boilers.asp) [www.nh.gov/labor/inspection/boilers-elevators.htm](http://www.nh.gov/labor/inspection/boilers-elevators.htm)

940  
941 *Amend in the NFPA Section the following referenced Standards:*

942  
943 *Change 13-02 to ~~13-07~~ 13-13 Design & Installation of Sprinkler Systems*  
944  
945 *Change 13D-02 to ~~13D-07~~ 13D-13 Design & Installation of Sprinkler Systems in 1 & 2 Family*  
946 *Dwellings*  
947  
948 *Change 13R-02 to ~~13R-07~~ 13R-13 Design & Installation of Sprinkler Systems in*  
949 *Residential Occupancies 4 Stories in Height or Less*  
950  
951 *Change 30-03 to ~~30-08~~ 30-12 Flammable and Combustible Liquids Code*  
952  
953 *Change 30A-03 to ~~30A-08~~ 30A-15 Code for Motor Fuel-dispensing Facilities and Repair*  
954 *Garages*  
955  
956 *Change 30B-02 to ~~30B-07~~ 30B-15 Manufacture and Storage of Aerosol Products*  
957  
958 *Change 31-01 to ~~31-06~~ 31-11 Installation of Oil-Burning Equipment*  
959  
960 *Change 58-04 to ~~58-08~~ 58-14 Liquefied Petroleum Gas Code*  
961  
962 *Change 72-02 to ~~72-07~~ 72-13 National Fire Alarm Code*  
963  
964 *Change 211-03 to ~~211-06~~ 211-13 Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*  
965 *Appliances*  
966  
967 *Change 230-03 to ~~01-06~~ 01-09 Uniform Fire Code*  
968  
969 *Change 409-01 to ~~409-04~~ 409-11 Aircraft Hangers*  
970 *~~70-08~~*

971 *Insert in the NFPA Section the following referenced Codes and Standards:*  
972  
973 ~~54-09~~ **54-15** National Fuel Gas Code  
974  
975 ~~70-08~~ **70-14** National Electric Code  
976  
977 ~~96-08~~ **96-14** Ventilation Control and Fire Protection of Commercial Cooking Operations  
978  
979  
980

## APPENDIX A - BOARD OF APPEALS

981  
982  
983 *Appendix A is adopted as part of this ordinance subject to the following amendments:*  
984

985 *Delete all subsections and replace with the following subsection to read as follows:*  
986

### SECTION A101 GENERAL

987  
988  
989 **A101.1 Scope.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended, (City  
990 Building Code), for the establishment of the Board of Appeals.  
991

## APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

992  
993  
994  
995 *Appendix B is adopted as part of this ordinance without amendments.*  
996

## APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION

997  
998  
999  
1000 *Appendix C is not adopted as part of this ordinance. New water hydrant locations are regulated*  
1001 *through the City Planning / Site Development process.*  
1002

## APPENDIX D - FIRE APPARATUS ACCESS ROADS

1003  
1004  
1005  
1006 *Appendix D is not adopted as part of this ordinance.*  
1007

## APPENDIX E – HAZARD CATEGORIES

1008  
1009  
1010  
1011 *Appendix E is adopted as part of this ordinance without amendments.*  
1012

## APPENDIX F – HAZARD RANKING

1013  
1014  
1015  
1016 *Appendix F is adopted as part of this ordinance without amendments.*  
1017

## APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

1018  
1019  
1020  
1021 *Appendix G is adopted as part of this ordinance without amendments.*  
1022

1023  
1024 The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in  
1025 accordance with this amendment.  
1026

1027 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.  
1028

1029  
1030  
1031  
1032  
1033  
1034  
1035  
1036  
1037  
1038  
1039

This ordinance shall take effect as of January 1, 2018.

APPROVED:

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

ADOPTED BY COUNCIL:

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



1 **CITY ORDINANCE - CHAPTER 12**  
2 **Part I**

3  
4 **INTERNATIONAL BUILDING CODE, 2006**  
5 **(Adopted 10/19/2009)**  
6

7 That Chapter 12, Part I – INTERNATIONAL BUILDING CODE of the Ordinances of  
8 the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**;  
9 additions to existing language **bolded**; remaining language unchanged from existing):  
10

11  
12 The International Building Code ~~2009 (IBC), 2006 Edition~~ as published by the International Code  
13 Council, Inc., and provisions of national codes model codes or standards referred to within the IBC  
14 unless specifically excluded by this Chapter- is hereby adopted as **Chapter 12, Part I** of the  
15 Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments,  
16 additions and deletions:  
17

18 **SECTION 101 GENERAL**  
19

20 *Insert in blank space:*

21  
22 **101.1 Title.** “the City of Portsmouth, New Hampshire”  
23

24 *Change subsections to read as follows:*  
25

26 ~~**101.4.1 Gas.** **101.4.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall~~  
27 ~~apply to the installation of electrical systems including alterations, repairs, replacement,~~  
28 ~~equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references~~  
29 ~~the International Electric Code the reader shall substitute that reference with the National Electric~~  
30 ~~Code, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not~~  
31 ~~adopted Article 80, Administration and Enforcement, of NFPA 70.~~  
32

33 ~~**101.4.2 Gas.**~~ The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the  
34 installation of gas piping from the point of delivery to gas appliances and related accessories as  
35 covered in this Code. These requirements apply to gas piping systems extending from the point of  
36 delivery to the inlet connections of the appliances and the installation and operation of residential  
37 and commercial gas appliances and related accessories. Wherever this Code references the  
38 International Fuel Gas Code the reader shall substitute that reference with the National Fuel Gas  
39 Code, NFPA 54 as listed in Chapter 35.  
40

41 *Edit subsection as follows:*  
42

43 **101.4.34 Plumbing.**  
44

45 *Delete the last sentence in the subsection:*  
46

47 ~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage~~  
48 ~~disposal systems.~~  
49

50 *Change subsection to read as follows:*  
51

52 **101.4.45 Property maintenance.** The City of Portsmouth does not adopt the International  
53 Property Maintenance Code and any reference to it in this Code shall not direct the reader to its  
54 contents or requirements.  
55  
56

57 **SECTION 105 PERMITS**

58  
59 *Add the following text to end of subsection:*

60  
61 **105.1 Required.** “New construction and *general renovation* work requires the issuance of a  
62 building permit. *General renovation* is defined as work which changes the overall size of a  
63 building or portions thereof or which involves the creation of rooms or spaces, which did not  
64 previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems  
65 is also considered general renovation. Types of work, which may be so classified, are:

- 66 1. Additions of any size.
- 67 2. Enlarging existing structures, rooms or spaces.
- 68 3. Creating new rooms or spaces within a structure.
- 69 4. Structural changes or structural repairs.
- 70 5. Dormers.
- 71 6. Renovations to kitchens and bathrooms.
- 72 7. Demolition of all or part of a structure.
- 73 8. Changing exits or any components of the means of egress in any way.
- 74 9. New structures including sheds, gazebos, pools (above and below ground),  
75 decks, garages, carports, tents, awnings, etc.
- 76 10. Above or below grade flammable and combustible liquid tank removal or  
77 installation **shall require separate mechanical and gas permitting-**
- 78 11. Changes in Use or Occupancy.
- 79 12. Electrical work.
- 80 13. Plumbing or mechanical work.
- 81 14. Fire sprinkler or fire alarm systems

82  
83  
84 Licensed trade persons shall secure permits for electrical, ~~and~~ plumbing **and fuel gas** work when  
85 required under New Hampshire law.”

86  
87 *Delete the following subsections without substitution:*

- 88
- 89 ~~105.1.1 Annual permits.~~
- 90 ~~105.1.2 Annual permit records.~~

91  
92 *Change subsections to read as follows:*

93  
94 **105.2 Work exempt from permits.** Exemptions from permit requirements of this Code shall not  
95 be deemed to grant authorization for any work to be done in any manner in violation of the  
96 provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required  
97 for the following:

98  
99 **Building:**

- 100
- 101 2. ~~1-~~Ordinary repairs as defined in Section 105.2.2 provided such repairs do not exceed
- 102 \$3,000 in construction value.
- 103 3. **Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.**
- 104 ~~2-~~4.Fences not over ~~68 six~~8 feet high or not in the Historic District.
- 105 ~~3-~~5.Sidewalks, driveways or patios constructed on grade with earth products.
- 106 ~~4-~~6.Prefabricated (including air inflated) swimming pools, accessory to a Group R-3
- 107 occupancy which are less than 18 inches deep, **do not exceed 5,000 gallons** and are
- 108 entirely above grade.
- 109 ~~5-~~7.Swings and other playground equipment accessory to dwellings and which are erected
- 110 or assembled from a kit.



- 111 6.8. Moveable cases and counters (typical in retail occupancies).  
112 7.9. Cabinets, countertops and similar finish work when total construction value does not  
113 exceed \$3,000 **including labor and materials**.  
114 10. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also  
115 Section 105.2.2, Exception 1.) **Roof coverings shall be applied in accordance with the**  
116 **applicable provisions of the IBC, Section 1507, Requirements for Roof Ceoverings and**  
117 **Chapter 15. Reroofing shall be compliant with the requirements of the IBC, Section**  
118 **1510.**  
119 11. All roofing and re-roofing within the Historic District requires prior approval and  
120 permitting even if the cost is less than \$3,000.00.

121  
122 **Electrical:**

123  
124 **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the  
125 connection of approved portable electrical equipment to approved permanently installed  
126 receptacles in single family dwellings, or in facilities employing full time maintenance  
127 personnel, provided the work is performed or supervised by a licensed electrician employed  
128 by the facility owner. (See NH RSA 319-C)

129  
130 **Radio and television transmitting stations:** *No change to printed code text.*

131  
132 **Temporary testing systems:** *No change to printed code text.*

133  
134 **Gas:**

- 135  
136 1. Portable heating appliances for 1 & 2 family occupancies.  
137 2. *No change to printed code text.*

138  
139 **Mechanical:**

- 140  
141 1. Portable heating appliances for 1 & 2 family occupancies.  
142 2. through 7. *No changes to printed code text.*

143  
144 **Plumbing:** *No change to printed code text.*

145  
146 **105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs  
147 to structures. *Ordinary repairs* are defined as work which is associated with the *normal*  
148 *maintenance* of a property and which affects only the surface or finish characteristics of a structure.  
149 Types of work, which may be so classified, are:

- 150  
151 1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not  
152 apply.)  
153 2. Replacing or repairing flooring or carpeting **in-kind**.  
154 3. Replacing or repairing interior trim.  
155 4. Replacing or repairing cabinets **in kind**.  
156 5. Replacing or repairing countertops **in-kind**.  
157 6. ~~Replacing or repairing windows and doors (no headers involved).~~  
158 7. ~~Replacing or repairing siding.~~  
159 ~~68. Reroofing no matter what the cost. (\$3,000 exception does not apply and roof~~  
160 ~~covering shall be applied in accordance with the applicable provisions of the IBC, Chapter 15.~~  
161 ~~Note – This provision does not apply to structures located in the Historic District.→~~  
162  
163 ~~9. Bathroom renovation (number & location of fixtures & room size not changed).~~  
164 710. Repointing masonry.

165  
166  
167  
168  
169  
170  
171  
172

- ~~11. Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
- 812. Replacing in kind or repairing components of fire protection systems.

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in *general renovations* to structures, then all such items will be included in the construction cost and a permit is required.

173  
174 Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist,  
175 rafter or bearing support, or the removal or change of any required means of egress, or  
176 rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do  
177 not include additions to, alterations of, replacement or relocation of any fire protection system,  
178 water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring  
179 or mechanical equipment or other work affecting public health or general safety.

180  
181 **Exceptions:** (i.e. permit is required.)

182  
183 1. Repairs or renovations made to the exterior facade of structures in the Historic District  
184 shall require a building permit application review by the Planning Department. When it is  
185 determined that Historic District Commission approval is required, then a building permit  
186 shall also be required. This shall include reroofing that changes the roof material.

187  
188 2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).  
189 (i.e., a permit is required when repair value is more than \$3,000 *including materials and*  
190 *labor. Homeowner/property owner labor value to be included*)

191  
192 *Delete subsection without substitution:*

193  
194 ~~**105.2.3 Public service agencies.**~~

195  
196 *Add new sentence to end of subsection:*

197  
198 **105.3.1 Action on application.** “Permits shall not be issued when there is found to be outstanding,  
199 non-inspected permit(s) already issued against a given property or when there are known non-  
200 conformances on the property. Only when said permit(s) is (are) closed out and/or the non-  
201 conformances corrected, shall a new permit be issued.”

202  
203 *Change subsection to read as follows:*

204  
205 **105.3.2 Time limitation of application.** An application for a permit shall be deemed to have been  
206 abandoned one year after the date of filing, unless such application has been diligently prosecuted  
207 or a permit has been issued, except that the building official may grant one (1) extension of time  
208 not exceeding twelve (12) months if there is reasonable cause and only when requested in writing  
209 prior to the application expiration date.

210  
211 *Add new subsection to read as follows:*

212  
213 **105.3.3 By whom application is made.** Application for a permit shall be made by the owner-~~or~~  
214 ~~lessee~~ of the building or structure, or by the authorized agent of either, or by the authorized  
215 contractor, registered design professional, employed by the owner, in connection with the proposed  
216 work. The full names and addresses of the owner, ~~lessee~~, applicant and of the responsible officers,  
217 if the owner ~~or lessee~~ is a corporate body it shall be stated on the application. When the applicant  
218 is not the owner, it is assumed by the City that the owner is aware of the proposed work being  
219 applied for and that the applicant takes full responsibility for the information represented.

220



221 *Change subsection to read as follows:*

222

223 **105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not  
224 commenced within one year after issuance of the permit, or if the authorized work is suspended or  
225 abandoned for a period of one year after the time of commencing the work. The building official  
226 may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause  
227 and only when requested in writing prior to the permit expiration date. Said extension will only be  
228 authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a  
229 permit to be considered active, periodic inspections must be requested and work progress  
230 documented by inspections. Work elements shall be items associated with the building permit  
231 scope of work.

232

233 *Add new subsection to read as follows:*

234

235 **105.5.1 Minimum progress required to keep permit active.** After an extension has been granted  
236 under Section 105.5, work shall begin ~~and~~ within the next twelve (12) month period ~~and~~, shall  
237 ~~have progressed~~ progress such that a full foundation has been constructed and inspected ~~in that~~  
238 ~~same twelve (12) months~~. If the scope of work does not include a foundation, then within the same  
239 (first) twelve month period, framing shall be complete and inspected to a weather tight condition.  
240 When work involves a foundation, framing to a weather tight condition shall be complete and  
241 inspected within the next (second) twelve (12) month period. If the scope of work does not involve  
242 either a foundation or weather tight framing, work progress shall be at a final inspection stage  
243 within twenty-four (24) months from the date of granting the permit extension under Section 105.5.  
244 Failure to achieve these milestones, shall cause the permit to become invalid.

245

246 *Change subsection to read as follows:*

247

248 **105.7 Placement of permit.** The building permit field copy shall be posted in a window or other  
249 suitable location on site, such that said permit is visible from the primary city street. Where such  
250 posting is impracticable the building permit field copy shall be available on site for public viewing  
251 upon request. The building permit field copy may be removed once the certificate of occupancy  
252 has been issued or upon expiration of the building permit.

253

254 *Delete the following section without substitution:*

255

## 256 ~~SECTION 106 FLOOR AND ROOF DESIGN LOADS~~

257

## 258 ~~SECTION 107 SUBMITTAL CONSTRUCTION DOCUMENTS~~

259

260 *Add new sentences to end of subsection:*

261

262 **~~107.2.2106.1.1.1~~ Fire protection system shop drawings.** “Plans, specifications, flow calculations  
263 and drawings for the installation of fire protection systems shall be submitted to the Inspection  
264 Department, along with an application for said work. The Inspection Department will coordinate  
265 with the Fire and ~~Water~~ Public Works Departments in the review of the design material submitted.  
266 Permits shall be issued for fire protection systems which have been approved by the Fire and ~~Water~~  
267 ~~Public Works~~ Department officials. Shop drawings shall contain all information required by the  
268 referenced standards in the IBC, Chapter 9.”

269

270 *Change subsection to read as follows:*

271

272 **107.3.1 Approval of construction documents.** The building official shall review and approve all  
273 submitted documents. The permit holder is responsible for complying with the comments and

274 notes added during the permit review process. Approved plans and documents shall be maintained  
275 as part of the official permit construction documents.

276  
277 ~~**106.3.1 Approval of construction documents.** The building official shall mark up one (1) set of~~  
278 ~~plans with the necessary comments. This set shall become the official permit plan set. It is the~~  
279 ~~responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.~~  
280 ~~The permit holder is responsible for complying with the comments as shown on the official permit~~  
281 ~~construction documents kept by the building official.~~

282  
283  
284

285 *Add new sentence to end of subsection:*

286

287 **107106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as  
288 the permit application is approved by the City Planning Department and all necessary bonds are  
289 posted.”

290

291 *Add new subsection to read as follows:*

292

293 **107106.3.56 Outside Plan Review Services.** When a project is determined by the building official  
294 to be of a scope which exceeds available staff time or expertise, the option to utilize a third party  
295 plan review agency shall be exercised. The building official shall determine the scope of review,  
296 the agency or qualified firm to conduct the review; and shall direct the permit applicant to submit  
297 all plans, specifications and required calculations to the selected agency or firm.

298

299 The design professional of record shall work directly with the third party plan review agency or  
300 firm to resolve all code deficiencies or omissions on the design documents. The outside plan  
301 review agency or firm shall copy all correspondence relevant to the plan review process to the  
302 building official. When the plan review process is complete the outside review agency or firm shall  
303 certify in writing to the building official that, to the best of their knowledge and belief, the project  
304 design documents conform to the adopted construction codes. One set of agency approved design  
305 documents shall be forwarded to the building official. The building official, on a case by case  
306 basis, may require additional drawing/specification sets or partial sets. All required copies shall be  
307 provided to the building official at no charge.

308

309 The contractual agreement for the third party review service shall be between the permit applicant  
310 and the outside plan review agency or firm. The permit applicant shall pay all fees associated with  
311 the third party plan review process directly to the outside plan review agency or firm. The  
312 applicable building permit fee(s), paid by the permit applicant to the City of Portsmouth, shall be  
313 adjusted based on the fee schedule **as determined by the adoption of fees by budget resolution of**  
314 **the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of the Ordinances  
315 of the City of Portsmouth, NH. For the purposes of this section, the applicable building permit  
316 shall mean any building, electric, plumbing, mechanical or fire protection system permit issued  
317 against the design documents that have been reviewed by the outside plan review agency or firm.

318

## 319 **SECTION 108107 TEMPORARY STRUCTURES**

320

321 *Change subsection to read as follows:*

322

323 **107.1 General.** Pursuant to the approval by the City's Planning Department, the building official  
324 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations  
325 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited  
326 as to time of service, but shall not be permitted for more than 180 days. The building official is  
327 authorized to grant one (1), 180 day extension for demonstrated cause.

328



329 **SECTION 109108 FEES**

330  
331 *Change subsection to read as follows:*

332  
333 **109108.2 Schedule of permit fees.** Fees shall be determined in accordance with Chapter 1, Article  
334 XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

335  
336 **Flat Rate Permits are:** Siding,- buried-tank removal or installation, sheds, replacement  
337 windows, temporary structures, **pad mounted generators**, fences (in Historic District),  
338 change-in-use/occupancy with no construction.

339  
340 *Change subsection to read as follows:*

341  
342 **109108.4 Work commencing before permit issuance.** Any person who is found to have  
343 demolished, constructed, altered, removed, or changed the use of a building or structure without  
344 the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon  
345 issuance of said permit(s), be assessed a fee **as determined by the adoption of fees by budget**  
346 **resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of  
347 the Ordinances of the City of Portsmouth, NH.

348  
349 *Change subsection to read as follows:*

350  
351 **109108.6 Refunds.** The building official shall authorize the refunding of fees as follows:

- 352  
353 1. The full amount of any fee paid hereunder which was erroneously paid or collected.  
354  
355 2. Not more than 50% of the permit fee paid when no work has been done under a permit  
356 issued in accordance with this Code.  
357  
358 3. Not more than 50% of the plan review fee paid when an application for a permit for  
359 which a plan review fee has been paid, is withdrawn or canceled before any plan review  
360 effort has been expended.

361  
362 The building official shall only authorize a fee refund when a written request is filed by the original  
363 permittee not later than one year after the date of fee payment. Refunds shall not be issued on  
364 permits that have expired under the conditions of Section 105.5.

365  
366 *Add new subsection to read as follows:*

367  
368 **109108.7 City construction projects.** Fees shall not be assessed for work associated with projects  
369 undertaken by the City of Portsmouth. These projects may also include contract work done by  
370 private contracting firms hired directly by the City. This exemption shall not apply to projects done  
371 by the State Department of Public Works, Pease Development Authority, State Port Authority or  
372 the Portsmouth Housing Authority.  
373

374 **SECTION 110109 INSPECTIONS**

375  
376 *Add new sentence to end of subsection:*

377  
378 **110109.5 Inspection requests.** “The permit holder shall allow a minimum of two work days (48  
379 hours) from the time the building official is notified to the time the inspection is scheduled.”

380  
381 *Add new subsection to read as follows:*

382  
383 **110109.7 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance  
384 with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be  
385 noted on the building official's report. The permit holder shall be responsible for correcting the  
386 item(s) and for notifying the building official to reinspect said deficiencies. If when called to  
387 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the  
388 first reinspection, the originally deficient work has not been corrected, there will be a reinspection  
389 fee assessed as determined **by the adoption of fees by budget resolution of the City Council** in  
390 accordance with Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection  
391 Office before a third inspection will be made. For each subsequent reinspection of the same  
392 deficiency or deficiencies, a like procedure and fee shall be assessed.

393  
394 During any inspection, the building official may find new item(s), not previously discovered, to  
395 be nonconforming. These item(s) will be noted on the building official's report, and will require  
396 reinspections. Reinspection fees will not be assessed for items newly found or for their first  
397 reinspection. However, said fees shall be assessed for these items if a third inspection is required.  
398 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be  
399 just cause to revoke the permit under which the work was being done. Furthermore, no future  
400 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until  
401 all outstanding fees are paid.

402  
403 **SECTION 111110 CERTIFICATE OF OCCUPANCY**

404  
405 *Add new sentences to beginning of subsection:*

406  
407 **111110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon  
408 request, for work associated with a valid building permit and under the criteria ~~set forth~~ set forth in  
409 Sections 111110.2 and 111110.3 of this code. Certificates are not required for work outlined in  
410 Section 105.2.”

411  
412 *Edit subsection as follows:*

413  
414 **111110.2 Certificate issued.**

415  
416 *Add new item 13 to read as follows:*

- 417  
418 13. The city zoning map and lot numbers associated with the street address.

419  
420 *Add new subsection to read as follows:*

421  
422 **111110.5 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined  
423 **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1,  
424 Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate  
425 of Use and Occupancy when the following condition exists: When, during the final inspection  
426 phase, the building official is required to make a third inspection on a nonconforming item or  
427 items; then this third inspection, and any subsequent inspections for the same item(s) will cause

428 the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and  
429 will be paid prior to the building official making said inspections. This procedure shall apply to  
430 building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific  
431 procedure for implementing this subsection is outlined in Section 109.7 of these amendments.

### 432 SECTION 114113 VIOLATIONS

434 Change subsection to read as follows:

436 ~~Change subsection to read as follows:~~

437  
438 **114113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail  
441 to comply with any of the requirements thereof or who shall erect, construct, alter or repair a  
442 building or structure in violation of an approved plan or directive of the building official, or of a  
443 permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions  
444 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.  
445 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

### 450 SECTION 115114 STOP WORK ORDER

452 ~~Change subsection to read as follows:~~

454 **114**

456 Change subsection to read as follows:

457  
458 **115.3 Unlawful continuance.** Any person who shall continue any work in or about the structure  
459 after having been served with a stop work order, except such work as that person is directed to  
460 perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section  
461 1143.4 of these amendments.

462 ~~Delete the Entire Setion 421 LIVE/WORK UNITS without substitution.~~

464 ~~Add new section to read as follows:~~

### 466 SECTION 421 LIVE/WORK UNITS

468  
469 ~~**421.1 General.** A live/work unit is a dwelling unit or sleeping unit in which a significant portion  
470 of the space includes a nonresidential use that is operated by the tenant and shall comply with  
471 Sections 421.1 through 421.8.~~

472  
473 ~~**Exception:** Dwelling or sleeping units that include an office that is less than 10 percent of  
474 the area of the dwelling unit shall not be classified as a live/work unit.~~

475  
476 ~~**421.1.1 Limitations.** The following shall apply to all live/work areas:~~

- 477  
478 ~~1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m2);~~  
479  
480 ~~2. The nonresidential area is permitted to be a maximum 50 percent of the area of each  
481 live/work unit;~~



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- ~~3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and~~
- ~~4. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.~~

~~**421.2 Occupancies.** Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit when the live/work unit is in compliance with Section 421. High hazard and storage occupancies shall not be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.~~

~~**421.3 Means of egress.** Except as modified by this section, the provisions for Group R-2 occupancies in Chapter 10 shall apply to the entire live/work unit.~~

~~**421.3.1 Egress capacity.** The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.~~

~~**421.3.2 Sliding doors.** Where doors in a means of egress are of the horizontal-sliding type, the force to slide the door to its fully open position shall not exceed 50 pounds (220 N) with a perpendicular force against the door of 50 pounds (220 N).~~

~~**421.3.3 Spiral stairways.** Spiral stairways that conform to the requirements of Section 1009.8 shall be permitted.~~

~~**421.3.4 Locks.** Egress doors shall be permitted to be locked in accordance with Exception 4 of Section 1008.1.8.3.~~

~~**421.4 Vertical openings.** Floor openings between floor levels of a live/work unit are permitted without enclosure.~~

~~**421.5 Fire protection.** The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.7.~~

~~**421.6 Structural.** Floor loading for the areas within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.~~

~~**421.7 Accessibility.** Accessibility shall be designed in accordance with Chapter 11.~~

~~**421.8 Ventilation.** The applicable requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.~~

## SECTION 502 DEFINITIONS

*Add new sentence to end of definition:*

**GRADE PLANE.** “Grade points shall be taken at 5 foot intervals around the building perimeter.”

## SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

*General note pertaining to Table 503:*

535  
536 **Table 503** as published in this Code has been *replaced* with **Table 503** as published by the State  
537 of New Hampshire Building Code Review Board. Said new Table 503 is a modified version of the  
538 former BOCA Table 503, ~~1999 Edition~~2009. ~~(Copy attached to these amendments.)~~  
539

540  
541 *Section 506 amendments by the State of New Hampshire Building Code Review Board:*  
542

## 543 SECTION 506 AREA MODIFICATIONS

544  
545 *Change subsection ~~subsection~~ to read as follows:*  
546

547 **506.1 General.** The provisions of this section shall modify the area limitations of the amended  
548 Table 503 as herein specified.  
549

550 ~~*Delete the following subsection without substitution:*~~  
551

552 ~~**506.1.1 Basements.**~~  
553

554  
555  
556  
557  
558  
559 ~~1.~~

560  
561 ~~*Change subsection to read as follows:*~~  
562

563 **506.2 Frontage increase.** Where a building or structure has more than 25 percent of the building  
564 perimeter fronting on a street or other unoccupied space, the area limitations specified in Table  
565 503 shall be increased 2 percent for each 1 percent of such excess frontage. The unoccupied space  
566 shall be on the same lot or dedicated for public use, shall not be less than 30 ~~feet~~ (9144 mm) in  
567 width and shall have access from a street or posted fire lane not less than 18 feet (5486 mm) in  
568 width.  
569

570 ~~*Delete the following subsections without substitution:*~~  
571

572 ~~**506.2.1 Width limits.**~~

573 ~~**506.2.2 Open space limits.**~~  
574

575 *Change subsection to read as follows:*  
576

577 **506.3 Automatic sprinkler system increase.** Where a building is equipped throughout with an  
578 automatic sprinkler system installed in accordance with Section 903.3.1.1, the area limitations  
579 specified in Table 503 shall be increased 200 percent for one- and two-story buildings and 100  
580 percent for buildings more than two stories in height.  
581

582 **Exceptions:**  
583

- 584 1. The automatic sprinkler system increase shall not apply buildings with an occupancy  
585 of Group H-1.
- 586 2. The automatic sprinkler system increase shall not apply to any fire area with an  
587 occupancy of Group H-2 or H-3.  
588

589 *Change subsection to read as follows:*

590

591 **506.4 Multistory buildings.** The area limitations for buildings two stories in height shall be the  
592 same as the area limitations provided in Table 503 for one story buildings. In buildings over two  
593 stories in height, the area limitations of Table 503 for one story buildings shall be reduced as  
594 specified in Table 506.4.

595

596 **Table 506.4 Reduction of Area Limitations**

597

No. of Stories	Types of Construction		
	1A	1B	All Others
1	None	None	None
2	None	None	None
3	None	5%	20%
4	None	10%	20%
5	None	15%	30%
6	None	20%	40%
7	None	25%	50%
8	None	30%	60%
9	None	35%	70%
10	None	40%	80%

598

599

*End of State of New Hampshire Building Code Review Board amendments*

600

601

## SECTION 507 UNLIMITED AREA BUILDINGS

602

603 *Change subsection to read as follows:*

604

605 **507.3 Sprinklered, one story.** The area of a one-story, Group A-4, B, F, M or S building, of Type  
606 I or II construction, shall not be limited when the building is equipped throughout with an  
607 automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined  
608 by public ways or yards not less than 60 feet (18,288 mm) in width.

609

### **Exceptions:**

610

611

*Exceptions 1 and 2 remain unchanged.*

612

613 *Edit first sentence in subsection ~~Change exception 3 to read~~ as follows:*

614

615

616 **507.3.1 Mixed occupancy buildings with Group A-1 and A-2. ~~occupancies~~**

617

618 ~~3. Delete: “of other than Type V” and Replace with: “of Type I and II”. ~~construction shall be~~~~  
619 ~~permitted, provided:~~

620

621

~~*Exceptions 3.1, 3.2 and 3.3 remain unchanged.*~~

622

623 *Change subsection to read as follows:*

624

625 **507.4 Two story buildings.** The area of a two story, Group B, F, M or S building, of Type I or II  
626 construction, shall not be limited when the building is equipped throughout with an automatic  
627 sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public  
628 ways or yards not less than 60 feet (18,288 mm) in width.



629  
630 **SECTION 508 MIXED USE AND OCCUPANCY**  
631

632 *Add new exception to*

633 *Delete the following subsection without substitution:*

634 ~~**506.7.7 Group A-3 buildings of Types III and IV construction.**~~

635  
636  
637 ~~**508.3 Mixed occupancies.**~~

638  
639 ~~**Exception 3.** Uses within live/work units, complying with Section 421 of these~~  
640 ~~amendments, are not considered separate occupancies.~~

641  
642 *Add new exception to subsection:*

643  
644 ~~**508.3.1.3 Separation.**~~

645  
646 ~~**Exception 2.** Group I-1, R-1, R-2 and R-3 dwelling units and sleeping units shall be~~  
647 ~~separated from other dwelling or sleeping units and from accessory occupancies contiguous~~  
648 ~~to them in accordance with the requirements of Section 421.~~

649  
650 **SECTION 706705 FIRE WALLS**

651  
652 *Change subsection to read as follows:*

653  
654 **706705.1.1 Party walls.** Any wall located on a property line between adjacent buildings which is  
655 used or adapted for joint service between the two buildings, shall be constructed as a fire wall in  
656 accordance with Section 706705 and shall create separate buildings.

657  
658 *Exception to remain unchanged.*

659  
660 *Edit subsection as follows:*

661  
662 **706**

663  
664 ~~*Edit subsection as follows:*~~

665  
666 ~~**705.8 Openings.**~~

667  
668 ~~*Delete Exception 1 without substitution:*~~

669  
670 ~~1. 1. Openings are not permitted in party walls constructed in accordance with Section~~  
671 ~~706.1705.1.~~

672  
673 ~~*Edit Exception 2 as follows:*~~

674  
675 ~~2. Openings shall not be limited to 156 square feet where both buildings are equipped~~  
676 ~~throughout with and automatic sprinkler system installed in accordance with Section~~  
677 ~~903.3.1.1 and the wall is not a party wall.~~

678  
679 **SECTION 715 OPENING PROTECTIVES**

680  
681 *Add new sentences to end of subsection. Exceptions remain unchanged:*

682

683 **715.4.87 Door closing.** “The building or fire official shall approve the type of closing device to be  
684 used and when magnetic hold-open devices shall be required based on the occupancy  
685 classification, door use and location within the building. In Group E Occupancies and in Group B  
686 educational occupancies, magnetic hold-open devices shall be installed on all fire doors leading  
687 into enclosed exit stairs.”

688

689

## SECTION 901 GENERAL

690

691 *Add new sentence to end of subsection:*

692

693 **[F] 901.4 Threads.** “Hand line hose threads for 2-1/2” diameter hose shall be National Standard  
694 thread. Hand line hose threads for 1-1/2” or 1-3/4” diameter hose shall be Iron Pipe thread.”

695

696

## SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

697

698 *Change subsection to read as follows, with exception remaining unchanged:*

699

700 **[F] 903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures  
701 shall be provided in the locations described in Sections 903.2.1 through 903.2.12 ~~this section~~ or as  
702 required by NFPA 101 as listed in Chapter 35.

703

704 ~~Add new item 4 to subsection:~~

705

706 ~~**[F] 903.2.6 Group M.**~~

707

708 ~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered~~  
709 ~~furniture.~~

710

711 *Change subsection to read as follows, with exceptions remaining unchanged:*

712

713 **[F] 903.4.1 Monitoring Signals.** Alarm, supervisory and trouble signals shall be distinctly  
714 different and shall be automatically transmitted to an approved central station, remote supervising  
715 station, ~~auxiliary fire alarm system,~~ or proprietary supervising station as defined in NFPA 72 or,  
716 when approved by the building or fire official, shall sound an audible and visual signal at a  
717 constantly attended location.

718

719

## SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

720

721 *Add new sentence to end of first paragraph in subsection.*

722

723 **[F] 907.2 Where required.** “A manual, automatic or combination manual and automatic fire alarm  
724 system shall also be provided in accordance with NFPA 101 as listed in Chapter 35.”

725

726 *Edit subsections as follows:*

727

728

729 ~~Edit subsection as follows:~~

730

731 **[F] 907.2.1 Group A.**

732

733 *Delete Exception without substitution.*

734

735 ~~Edit subsection as follows:~~

736

737 **[F] 907.2.2 Group B.**  
738  
739 *Delete Exception without substitution.*  
740  
741 *Edit subsection as follows:*  
742  
743 **[F] 907.2.3 Group E.**  
744  
745 *Delete Exception 3 without substitution.*  
746  
747 *Edit subsection as follows:*  
748  
749 **[F] 907.2.4 Group F.**  
750  
751 *Delete Exception without substitution.*  
752  
753 *Edit subsection as follows:*  
754  
755 ~~**[F] 907.2.6. Group I.**~~  
756  
757 ~~*Delete Exception without substitution.*~~  
758  
759 *Edit subsection as follows:*  
760  
761 **[F] 907.2.6.1 Group I-1.**  
762  
763 *Delete Exception 1 without substitution.*  
764  
765 *Edit subsection as follows:*  
766  
767 **[F] 907.2.6.2 Group I-2.**  
768  
769 *Delete Exceptions 1 and 2 without substitution.*  
770  
771 *Edit subsection as follows:*  
772  
773 ~~**[F] 907.2.6.3.3 Smoke detectors.**~~  
774  
775 ~~*Delete Exceptions 2 and 3 without substitution.*~~  
776  
777 *Edit subsection as follows:*  
778  
779 **[F] 907.2.7 Group M.**  
780  
781 *Delete Exceptions 1 and 2 without substitution.*  
782 *Edit subsection as follows:*  
783  
784 **[F] 907.2.8.1 Manual fire alarm system.**  
785  
786 *Delete Exception 2 without substitution.*  
787  
788 *Change subsection to read as follows with exception remaining unchanged:*  
789



790 [F] **907.2.8.2 Automatic fire alarm system.** System smoke detectors shall be installed in all  
791 common spaces and in means of egress components such as exit access corridors, exit enclosure  
792 stairs and basements and shall be installed to provide coverage based on the manufacturers listing  
793 for the ~~devices~~~~device~~.

794

795 *Change subsection to read as follows:*

796

797 [F] **907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and  
798 maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories  
799 above the lowest level of exit discharge; or where any dwelling unit is located more than one story  
800 below the highest level of exit discharge of exits serving the dwelling unit; or when said building  
801 contain more than 11 dwelling units.

802

803 **Exceptions:**

804

805 1. A fire alarm system is not required in buildings not more than two stories in height  
806 where all dwelling units or sleeping units and contiguous attic and crawl spaces are  
807 separated from each other and public or common areas by at least 1-hour fire partitions  
808 and each dwelling unit or sleeping unit has an exit directly to a public way, egress court  
809 or yard~~This exception remains unchanged.~~

810

811 A fire alarm system is not required in buildings that do not have interior corridors serving  
812 dwelling units and are protected by an approved automatic sprinkler system installed in  
813 accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a  
814 means of egress door opening directly to an exterior exit access that leads directly to the  
815 exits or are served by open-ended corridors designed in accordance with Section 1026.6,  
816 Exception 4.2. ~~Delete this exception without substitution.~~

817

818 ~~3. This exception remains unchanged.~~

819

820 2. *Add new*

821

822 *Change subsection to read as follows:*

823

824 [F] **907.2.9.1 Smoke detector coverage.** System smoke detectors shall be installed in all common  
825 spaces and in means of egress components such as exit access corridors, exit enclosure stairs and  
826 basements and shall be installed to provide coverage based on the manufacturers listing for the  
827 device.

828

829 *Add new item 4 to end of subsection:*

830

831 [F] **907.2.1110.1.1 Group R-1.**

832

833 4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor  
834 level, including basements, when the building is not equipped with an automatic fire alarm  
835 system, ~~single-and-~~ ~~Single or~~ multiple-station smoke ~~alarms~~~~detectors~~ in common areas  
836 shall be interconnected but shall not be interconnected with guest room smoke  
837 ~~alarms~~~~detectors~~.

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895

*Add new item 4 to end of subsection:*

**[F] 907.2.1110.1.2 Groups R-2, R-3, R-4, and I-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-~~and~~ multiple-station smoke ~~alarms~~~~detectors~~ in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke ~~alarms~~~~detectors~~. In some Group R-2 or R-3 occupancies, as determined by the building official, additional single-~~and~~ multiple-station smoke ~~alarms~~~~detectors~~ may be required in the basement, interconnected with a dwelling unit(s) ~~alarm~~~~detector~~(s).

*Add new subsection to read as follows:*

**[F] 907.2.1110.1.4.1 Smoke alarm circuits.** Smoke alarms in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke alarms in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke alarms shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke alarms are wired.

*Add new subsection to read as follows:*

**[F] 907.2.11.5 Groups E, I-2 and I-4.** Single-~~and~~ multiple-station smoke ~~alarms~~~~detectors~~ shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Sections 305.2, 308.3.1, 308.5 and 308.5.2 respectively.

**Exception:** Single-~~and~~ multiple-station smoke ~~alarms~~~~detectors~~ shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all ~~common areas~~ and sleeping rooms.

*Add new ~~sections~~subsection to read as follows:*

**SECTION 916 FIRE SERVICE BUILDING ACCESS**

**[F] 916.1 General.** Where required by Chapter 9, IBC Sections ~~916.2 through 916.XX~~, key storage access boxes shall be installed at buildings in the required quantities, and in the required locations as specified ~~at locations approved by the fire code official. Access boxes shall be~~ ~~XXXXXX~~

**[F] 916.2 Buildings requiring access boxes.** ~~XXXXXXXXXXXXXXXXXX~~

**[F] 916.3 Access box make.** ~~XXXXXXXXXXXXXXXXXX~~

~~**[F] 907.2.10.3.1 Smoke detector circuits.** Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke~~

896 ~~detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly~~  
897 ~~labeled as to which circuit the smoke detectors are wired.~~

898

899 *Change subsection to read as follows with exceptions remaining unchanged:*

900

901 ~~[F] 907.14 Monitoring. Fire alarm systems required by this chapter or the International Fire Code~~  
902 ~~shall be monitored by an approved supervising station or by a Auxiliary Fire Alarm System in~~  
903 ~~accordance with NFPA 72.~~

904

## 905 SECTION 1001 ADMINISTRATION

906

907 *Add new sentences to end of subsection:*

908

909 **1001.1 General.** “The building official shall utilize the exit criteria and building fire safety system  
910 provisions of the Life Safety Code, NFPA 101, as adopted by the New Hampshire State Fire  
911 Marshal’s office, when evaluating the adequacy of means of egress in new or existing buildings.  
912 When there are conflicts between this Code and NFPA 101, the building and fire officials shall  
913 make the final exit and fire safety system criteria determination.”

914

915

916

917

918

919

920

921

## 922 SECTION 1003 GENERAL MEANS OF EGRESS

923

924 *Change Exception 1 in subsection to read as follows:*

925

### 926 **1003.5 Elevation change.**

927

928 **Exception 1:** A single step with a maximum riser height of 7 inches (178 mm) is permitted  
929 for buildings of any occupancy at exterior means of egress doors which are not required to  
930 be accessible by Chapter 11 of the IBC.

931

## 932 ~~SECTION 1005 EGRESS WIDTH~~

933

934 *Table 1005.1 Cautionary Note:*

935

936 ~~The design professional should consult the capacity factor provisions of the Life Safety Code,~~  
937 ~~NFPA 101, Table 7.3.3.1 in the 2003 & 2006 editions, for more restrictive factors that supersede~~  
938 ~~the Table 1005.1 factors of this code.~~

939

## 940 ~~SECTION 1007 ACCESSIBLE MEANS OF EGRESS~~

941

942 *Change and Add exceptions to read as follows with Section text remaining unchanged:*

943

### 944 **1007.4 Elevators.**

945

#### 946 **Exceptions:**

947

948 1. ~~Elevators are not required to be accessed from an area of refuge or horizontal exit in~~  
949 ~~open parking structures.~~



950 ~~2. Elevators are not required to be accessed from an area of refuge or horizontal exit in~~  
951 ~~buildings and facilities equipped throughout by an automatic sprinkler system installed~~  
952 ~~in accordance with Section 903.3.1.1 or 903.3.1.2.~~

## 953 SECTION 1011 EXIT SIGNS

954 *Change subsection to read as follows with exception remaining unchanged:*

955  
956 **1011.2 Illumination.** Exit signs shall be internally illuminated with the primary power source from  
957 the building electric system. Exit signs shall also be provided with a battery backup power source  
958 or from the building emergency power supply system if so equipped. Self-illuminated (nuclear)  
959 exit signs are not an approved source of illumination.

960  
961 *Change subsection to read as follows:*

962  
963 **1011.5 Externally illuminated exit signs.** When approved by the **buildingcode** official, externally  
964 illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

## 965 SECTION ~~1029~~1026 EMERGENCY ESCAPE AND RESCUE

966  
967 *Change exception 1 in subsection to read as follows:*

### 968 ~~1029~~1026.1 General.

969  
970 **Exception 1:** In buildings equipped throughout with an approved automatic sprinkler system in  
971 accordance with Section 903.3.1.1 or 903.3.1.2.

972 ~~Add new exception to read as follows:~~

### 973 ~~1026.2.1 Minimum dimensions.~~

974  
975 ~~**Exception:** Double hung, tilt clean style windows shall be acceptable when their size and~~  
976 ~~operation satisfy the criteria stipulated in Sections 1026.2, 1026.3, 1026.4, 1026.5 and this~~  
977 ~~Section. The minimum net clear opening area and net clear opening height shall be~~  
978 ~~computed with both upper and lower sashes removed. Said sash removal shall not require~~  
979 ~~any tools and shall not constitute special knowledge.~~

980  
981 *Add new subsection to read as follows:*

982  
983 ~~**1026.6 Access through garage.** The basement emergency escape route is allowed to be through~~  
984 ~~an attached garage via a side hinged swinging door complying with Section 1008.1.1 or door and~~  
985 ~~stair combination, provided this route is not the only door or stair out of the basement. There shall~~  
986 ~~also be a side hinged swinging door complying with Section 1008.1.1 from the garage to the exit~~  
987 ~~discharge in accordance with Section 10271024.~~

## 988 SECTION 1109 OTHER FEATURES AND FACILITIES

989  
990 *Add new subsection to read as follows:*

991  
992 **1109.5.3 Occupancies with limited occupants.** In any occupancy classification with a design  
993 occupant load of less than 50 persons, a single point of use water cooler may be substituted for the  
994 required drinking fountain. The access approach clearances at the cooler shall be maintained based  
995 on the dimensions stipulated in ICC/ANSI A117.1.

1003 SECTION 1208 INTERIOR SPACE DIMENSIONS

1004  
1005 *Add new exception 4 to subsection to read as follows:*

1006  
1007 **1208.2 Minimum ceiling heights.**

1008  
1009 **Exception 4:** Within dwelling units ~~the~~The minimum ceiling height above  
1010 ~~lavatories~~lavatories and water closets shall be 6 foot 8 inches (6'-8"), as measured vertically  
1011 from the ceiling to the floor at the operating handle end of the fixture. The minimum ceiling  
1012 height above bathtubs and shower stalls shall be 6 foot 8 inches (6'-8"), as measured  
1013 vertically from the ceiling to the floor or tub bottom at the operating handle end of the  
1014 fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls adjacent  
1015 to the operating handles.

1016  
1017 SECTION 1612 FLOOD LOADS

1018  
1019 *Insert in two blank spaces:*

1020  
1021 **1612.3 Establishment of flood hazard areas.** ~~the~~The City of Portsmouth, New Hampshire";  
1022 *and*  
1023 "Sep 30, 2002"

1024  
1025  
1026  
1027  
1028  
1029 SECTION 1704 SPECIAL INSPECTIONS

1030  
1031  
1032 *Change subsections*~~Add new subsection~~ *to read as follows:*

1033  
1034 **1704.3.4 Cold-formed steel**~~15 Installation of~~ **trusses.** Special inspections shall be required for  
1035 all ~~wood or~~ light gauge metal roof or floor truss installations. The special inspection shall verify  
1036 and document the proper installation of all required bracing, both temporary and permanent, and  
1037 any special connection details required by either the design professional or the truss manufacturer.

1038  
1039 **1704.6.2 Metal-plate-connected wood trusses.** Special inspections shall be required for all  
1040 metal-plated-wood roof or floor truss installations. The special inspection shall verify and  
1041 document the proper installation of all required bracing, both temporary and permanent, and any  
1042 special connection details required by either the design professional or the truss manufacturer.

1043  
1044 *Add new subsections to read as follows:*

1045  
1046 **1704.17 Fire-resistant penetrations and joints.** In buildings of four or more stories above grade  
1047 plane, special inspections for through-penetrations, membrane penetration firestops, fire-resistant  
1048 joint systems, and perimeter fire barrier systems that are tested and listed in accordance with  
1049 Sections 713.3.1.2, 713.4.1.1.2, 714.3 and 714.4 shall be in accordance with Section 1704.17.1 or  
1050 1704.17.2.

1051  
1052 **1704.17.1 Penetration firestops.** Inspections of penetration firestop systems that are  
1053 tested and listed in accordance with Sections 713.3.1.2 and 713.4.1.1.2 shall be conducted  
1054 by an approved inspection agency in accordance with ASTM E 2174.

1055  
1056 **1704.17.2 Fire-resistant joint systems.** Inspection of fire-resistant joint systems that are  
1057 tested and listed in accordance with Sections 714.3 and 714.4 shall be conducted by an  
1058 approved inspection agency in accordance with ASTM E 2393.

1059  
1060 **SECTION 1809 SHALLOW ~~1805 FOOTINGS AND~~ FOUNDATIONS**

1061  
1062 *Amend Item 1 ~~Add new sentence to end~~ of subsection to read as follows:*

1063  
1064 **1809.5 ~~1805.2.1~~ Frost protection.** “1. Extending to ~~Frost line depth for Portsmouth shall be~~ 4 feet  
1065 (1219 mm),) as measured to the bottom of the footing from the adjoining finish grade.”-

1066  
1067 **SECTION 2701 GENERAL**

1068  
1069 *Change subsection to read as follows:*

1070  
1071 **2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in  
1072 buildings and structures covered by this Code. Electrical components, equipment and systems shall  
1073 be designed and constructed in accordance with the provisions of the *National Electric Code*,  
1074 NFPA 70. The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle.  
1075 The edition that is State adopted at the time of a new electrical **design or** installation shall govern  
1076 the requirements of that installation.

1077  
1078 *Add new sections to read as follows:*

1079  
1080 **SECTION 2703 INSPECTIONS AND TESTS**

1081  
1082 **2703.1 Concealing work.** Work in connection with an electric system for which a permit is  
1083 required, shall not be covered or concealed until such work has been inspected and permission to  
1084 conceal such work has been given by the building official. It shall be the responsibility of the  
1085 electric permit holder to contact the building official for said inspections. Furthermore, the permit  
1086 holder shall allow a minimum of two work days (48 hours) from the time the building official is  
1087 notified to the time the inspection is performed.

1088  
1089 **2703.2 Service Inspection.** All service equipment shall be installed, grounded and bonded before  
1090 a request is made for a service inspection. It shall be the responsibility of the permit holder to  
1091 contact the building official for said inspection. The same inspection notification time allowance  
1092 is required as in Section 2703.1. After satisfactory completing said inspection, the building official  
1093 shall issue written notification to the local electric utility to allow for meter installation and power  
1094 connection. It shall be the responsibility of the permit holder to contact the local electric utility for  
1095 scheduling this power connection.

1096  
1097 **2703.3 Final inspection and tests.** After all work is complete, all systems have been supplied  
1098 power and all systems have been tested by the installer, a request for final inspection shall be made  
1099 by the permit holder. The same inspection notification time allowance is required as in Section  
1100 2703.1. Copies of all test results shall be provided to the building official at this time. The building  
1101 official shall inspect the work and cause tests to be made of the operation of the entire system to  
1102 insure compliance with all requirements.

1103  
1104 **2703.4 Records.** Records of all inspections shall be kept by the respective building official. Said  
1105 records shall list date of inspections, observed nonconformances, corrective actions required and  
1106 the building official’s initials. Follow-up inspections shall be required to confirm the completed  
1107 corrective actions. All inspection records shall be maintained by the building officials and be



1108 available for public access. The owner shall provide for special inspections in accordance with  
1109 Section 1704.

1110

## 1111 SECTION 2704 QUALIFICATIONS OF ELECTRICIANS

1112

1113 **2704.1 General.** All persons performing electrical work in the City of Portsmouth shall be  
1114 licensed in accordance with the provisions of RSA 319-C of the State of New Hampshire; except  
1115 owners of detached single family homes, who reside in said home, may do electrical work without  
1116 a license. All electrical work requires an electrical permit unless exempt by Section 105.2.

1117

1118 **2704.2 Responsibilities of electricians.** When an electrical installation is required to be performed  
1119 by a licensed New Hampshire Electrician, the permit for said work shall be obtained by the Master  
1120 Electrician responsible for the work. Said electrician or company, shall be responsible for all  
1121 work done under said permit.

1122

## 1123 SECTION 2705 APPENDIX K

1124

1125 **2705.1 General.** Refer to Appendix K for additional administrative provisions for enforcement  
1126 of the National Electric Code, NFPA 70.

1127

## 1128 SECTION [M] 2801 GENERAL

1129

1130 *Change subsection to read as follows:*

1131

1132 **[M] 2801.1 Scope.** Mechanical appliances, equipment and systems shall be designed, constructed,  
1133 installed and maintained in accordance with the *International Mechanical Code*; the *National Fuel*  
1134 *Gas Code*, NFPA 54 and *Installation of Oil-Burning Equipment*, NFPA 31. Refer to Chapter 15,  
1135 Part II of the City Ordinances (Mechanical Code), for required qualifications of persons installing  
1136 fuel gas piping.

1137

## 1138 SECTION [P] 2901 GENERAL

1139

1140 *Change subsection to read as follows:*

1141

1142 **[P] 2901.1 Scope.** The design and installation of building plumbing systems shall conform to  
1143 Chapter 15, Part I of the City Ordinances (Plumbing Code) and Chapter 29 of this Code. The  
1144 design and installation of building sewer and building water supply piping (city side of water  
1145 meters) shall conform to the requirements of the Public Works Department, Water/Sewer Division.  
1146 Private sewage disposal systems shall conform to the requirements of the State of New Hampshire  
1147 Water Supply and Pollution Control Subsurface Waste Disposal Division.

1148

## 1149 SECTION [P] 2902 MINIMUM PLUMBING FACILITIES

1150

1151 *Change exception 2 in subsection to read as follows:*

1152

1153 **[P] 2902.2 Separate facilities.**

1154

1155 **Exception 2:** In other than mercantile occupancies, separate facilities shall not be required  
1156 in structures or tenant spaces with a total occupant load, including both employees and  
1157 customers of 24 or less. ~~See Section [P] 2902.4.4 of these amendments for mercantile~~  
1158 ~~occupancy fixture requirements.~~

1159

1160 *Add new sentences to end of subsection:*

1161

1162 **[P] 2902.3 Require public toilet facilities.** “Plumbing features and facilities shall also comply  
1163 with the accessibility requirements of Section 1109.”

1164  
1165  
1166 *Change subsection to read as follows:*

1167  
1168 ~~**[P] 2902.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with  
1169 public toilet facilities in structures and tenant spaces intended for public utilization. The accessible  
1170 route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces.  
1171 Public toilet facilities shall be available to the public at all times the building or tenant space is  
1172 open for business. Employees shall be provided with toilet facilities in all occupancies. Employee  
1173 toilet facilities shall be either separate or combined with public facilities. The minimum number  
1174 of plumbing fixtures shall be calculated by [P] Table 2902.1, Section [P] 2902.2 and Section [P]  
1175 2902.4.4. Plumbing fixtures shall also comply with the accessibility requirements of Chapter 11.~~

1176  
1177 ~~**[P] 2902.4.4 Group M occupancies.** A minimum of one public single-occupant toilet room shall  
1178 be provided in~~

1179 *Add new subsection to read as follows:*

1180  
1181 ~~**[P] 2902.5 Renovations to existing buildings.** or tenant spaces when the total occupant load is  
1182 more than 24 persons but less than 50 persons. A minimum of two public single-occupant toilet  
1183 rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons  
1184 or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point  
1185 where the provisions of [P] Table 2902.1 would require more than two fixtures.~~

1186  
1187 **Exception:** Where an existing toilet room or rooms is (are) present and renovations are being  
1188 undertaken, the existing toilet room(s) shall not be removed even if said removal will cause the  
1189 new occupancy to have less fixtures than what is required under this code for new installation ~~the~~  
1190 ~~occupant load is 24 persons or less.~~ In a case where there are more toilet rooms existing than what  
1191 are required under this code, toilet rooms in excess of the minimum required may be removed but  
1192 at least one shall remain.

1193  
1194 **SECTION 3001 GENERAL**

1195  
1196 *Add new sentence to end of subsection:*

1197  
1198 ~~**3001.1 Scope.** Wherever the provisions of this chapter refer to the *building official* for purposes  
1199 of permitting, tests and inspections, certificates of compliance, and maintenance and accidents;  
1200 said official shall be the State Elevator Inspector as appointed by the New Hampshire Department  
1201 of Labor, Boiler and Elevator Division. Refer to Chapter 35 for the referenced elevator law.~~

1202  
1203 **[F] SECTION 3003 EMERGENCY OPERATIONS**

1204  
1205 *Add new subsection to read as follows:*

1206  
1207 **[F] 3003.2.13 Elevator recall key.** Where required by ASME A17.1, all new elevators shall be  
1208 equipped with a Yale #3502 fire service elevator recall key.

1209  
1210 **SECTION 3107 SIGNS**

1211  
1212 *Add new subsection to read as follows*

1213

1214 **3107.2 Zoning ordinance.** The City's *Zoning Ordinance, Chapter 10* of the City's Ordinances,  
1215 regulates ~~all thingstemporary signs. , permanent signs, sign size, letter size and sign illumination.~~  
1216 Refer to ~~thatthis~~ document for ~~all signthese~~ criteria.

1217  
1218  
1219  
1220  
1221

## SECTION 3304 SITE WORK

1222  
1223  
1224

*Add new subsection to read as follows:*

1225  
1226 **3304.2 Site access and hydrant operation.** When roads are created or extended during the  
1227 construction of new developments and subdivisions, adequate site access for emergency vehicles  
1228 shall be maintained at all times during construction. The fire department will be the determining  
1229 agency when evaluating the adequacy of site access. As construction progresses, water hydrants  
1230 required by the site plan shall be installed, activated, tested and maintained with adequate hydrant  
1231 access as determined by the fire department. The City of Portsmouth reserves the right to “call”  
1232 the site bond at any time during construction, when the owner refuses to provide adequate access,  
1233 as deemed necessary by the fire department, for the protection of life and property.

1234  
1235  
1236

## SECTION 3306 PROTECTION OF PEDESTRIANS

1237  
1238

*Add new subsection to read as follows:*

1239 **3306.10 Hazardous excavations.** All open excavations left unattended, when deemed a hazard by  
1240 the building official, shall be guarded or fenced in accordance with the criteria in Sections 1013.2.  
1241 and 1013.3. The hazard judgment shall be based on public accessibility to the excavation, time  
1242 period left open, falling hazard, and the pooling of surface or ground water at the bottom of the  
1243 excavation. All appeals to the building official’s order shall be made in writing and will follow the  
1244 appeals process in Section ~~113H2~~.

1245  
1246  
1247

### *General note pertaining to Chapter 34:*

1248 The State of New Hampshire Building Code Review Board has adopted the 2009 Edition of the  
1249 International Existing Building Code (IEBC) as published by the International Code Council. All  
1250 IBC Chapter 34 code users shall utilize the technical provisions of the IEBC in lieu of the  
1251 provisions of Chapter 34 of the IBC. The following amendments to chapter 35 of the IBC apply.

1252  
1253  
1254

## SECTION 3401 GENERAL

1255  
1256

*Change subsection to read as follows:*

1257 **3401.3 Compliance with other codes.** Alterations, repairs, additions and changes in occupancy  
1258 to existing structures shall comply with the provisions for alterations, repairs, additions and  
1259 changes in occupancy in the *International Fire Code, National Fuel Gas Code (NFPA 54),*  
1260 *International Plumbing Code, International Mechanical Code, International Residential Code and*  
1261 *the National Electric Code (NFPA 70).*

1262  
1263  
1264

## SECTION ~~3409~~3407 HISTORIC BUILDINGS

1265  
1266

*Change subsection to read as follows:*



1267  
1268 ~~Change subsection to read as follows:~~

1269  
1270 **34093407.1 Historic buildings.** The provisions of this Code relating to the construction, repair,  
1271 alteration, enlargement, restoration and movement of buildings or structures shall not be  
1272 mandatory for historic buildings or structures classified or qualify for classification on the *National*  
1273 *Register of Historic Places* as listed by the National Park Services, Interagency Resources  
1274 Division; when such buildings are judged by the building official to be safe and in the interest of  
1275 public health, safety and welfare regarding any proposed construction, repair, alteration,  
1276 enlargement, restoration and relocation. All such approvals shall be based on the applicant's  
1277 complete submission of professional architectural and engineering plans and specifications bearing  
1278 the professional seal of the ~~designer of record~~designers.

1279  
1280 *Add new subsection to read as follows:*

1281  
1282 **34093407.3 Historic District.** The City of Portsmouth has delineated a special Zoning Overlay  
1283 Historic District, which regulates all work done to the exterior facade of structures within said  
1284 district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance for  
1285 specific details.

1286  
1287 **SECTION 34113409.0 ACCESSIBILITY FOR EXISTING BUILDINGS**

1288  
1289 ~~Change subsection to read as follows:~~

1290  
1291

1292 *Change subsection to read as follows:*

1293  
1294 **34113409.9 Historic buildings.** These provisions shall apply to buildings and facilities designated  
1295 as historic structures as defined in Section 34093407.1 of these Code amendments, that undergo  
1296 alterations or a change in occupancy, unless technically infeasible. Where compliance with the  
1297 requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy  
1298 the historic significance of the building or facility, as determined by the authority having  
1299 jurisdiction, the alternative requirements of Section 3409.9.1 through 3409.9.4 for that element  
1300 shall be permitted.

1301  
1302 ~~EB~~ **SECTION 34123410 COMPLIANCE ALTERNATIVES**

1303  
1304 *Insert in blank space:*

1305  
1306 **34123410.2 Applicability.** "the effective date of the adoption of this Code"

1307  
1308 **CHAPTER 35 REFERENCED STANDARDS**

1309  
1310 *Insert the following Codes and Standards:*

1311  
1312 **New Hampshire State Building Code**

1313 Department of Safety

1314 33 Hazen Drive Drive

1315 Concord, NH 03305

1316 (603) 271-3294

1317 [bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

1318  
1319 **New Hampshire Architectural Barrier Free Design Code**

1320 Governor's Commission on Disability  
1321 ~~57 Regional Drive~~ 121 South Fruit Street, Suite 101  
1322 Concord, NH 03301-8518  
1323 (603) 271-2773  
1324 1-800-852-3405 (NH)  
1325 <http://www.nh.gov/disability/abcommittee.html>

1326  
1327 **New Hampshire Energy Code**  
1328 Public Utilities Commission  
1329 21 South Fruit Street, Suite 10  
1330 Concord, NH 03301-2429  
1331 (603) 271-2431  
1332 ~~[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)~~ [www.puc.state.nh.gov/EnergyCodes/energyypg.htm](http://www.puc.state.nh.gov/EnergyCodes/energyypg.htm)  
1333 [puc@puc.nh.gov](mailto:puc@puc.nh.gov)

1334  
1335 **New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**  
1336 NH Labor Department  
1337 Boiler & Elevator Division  
1338 PO Box 2076  
1339 Concord, NH 03302-2076  
1340 (603) 271-6294  
1341 ~~[www.labor.state.nh.us/boilers.asp](http://www.labor.state.nh.us/boilers.asp)~~ [www.nh.gov/labor/inspection/boilers-elevators.htm](http://www.nh.gov/labor/inspection/boilers-elevators.htm)

1342  
1343 *Insert in the NFPA section the following referenced Codes and Standards:*

1344  
1345 ~~31-06~~ ~~Installation of Oil Burning Equipment~~ ~~2801.1~~  
1346  
1347 **54-09** National Fuel Gas Code 101.4.12, 2801.1, 3401.3  
1348  
1349 **70-1108** National Electric Code *Referenced Sections remain unchanged.*  
1350  
1351 ~~101-09.4.1, 2701.1~~  
1352  
1353 ~~101-03~~ Life Safety Code (Or as Adopted by the ~~SFMFMO~~) 903.2, 907.2, 1003.2,  
1354 1008.5.2  
1355  
1356

1357 ~~211-06~~ ~~Chimneys, Fireplaces,~~ ~~2111, 2113~~  
1358 ~~Vents, and Solid~~  
1359 ~~Fuel-Burning Appliances~~  
1360

1361 *Amend in the NFPA section the following referenced Standards:*

1362 *Change ~~13-0702~~ to ~~13-1307~~ Design & Installation of Sprinkler Systems*

1363  
1364 *Change ~~13D-0702~~ to ~~13D-1307~~ Design & Installation of Sprinkler Systems in 1 & 2*  
1365 *Family Dwellings*

1366  
1367 *Change ~~13R-0702~~ to ~~13R-1307~~ Design & Installation of Sprinkler Systems in*  
1368 *Residential Occupancies 4 Stories in Height or Less*

1369  
1370 *Change ~~72-0702~~ to ~~72-1307~~ National Fire Alarm Code*

1371  
1372 *Change ~~409-01~~ to ~~409-04~~ Aircraft Hangers ~~412.2.6, 412.4.5~~*  
1373  
1374

#### 1375 **APPENDIX A - EMPLOYEE QUALIFICATIONS**

1376  
1377 *Appendix A is not adopted as part of this ordinance. Refer to the City of Portsmouth Human*  
1378 *Resource Department employee job descriptions for employee qualifications.*

#### 1379 **APPENDIX B - BOARD OF APPEALS**

1380  
1381 *Appendix B is adopted as part of this ordinance subject to the following amendments:*

#### 1382 **SECTION B 101 GENERAL**

1383  
1384  
1385 *Change subsection to read as follows:*

1386  
1387 **B101.2.2 Qualifications.** The board of appeals shall consist of five individuals, one from each of  
1388 the following professions or disciplines:

- 1389
- 1390 1. Registered design professional that is a registered architect.
  - 1391 2. Registered design professional that is a registered civil or structural engineer.
  - 1392 3. Registered design professional that is a registered mechanical engineer; or a  
1393 licensed master plumber with at least ten years experience in building plumbing and/or  
1394 HVAC systems.
  - 1395 4. Registered design professional that is a registered electrical engineer; or a  
1396 licensed master electrician with at least ten years experience in building electrical  
1397 systems.
  - 1398 5. A building contractor with at least ten years experience in construction.
- 1399

1400  
1401 *Delete the following subsection without substitution:*

1402  
1403 **~~B101.2.7 Compensation of members.~~**

#### 1404 **APPENDIX C - AGRICULTURAL BUILDINGS**

1405  
1406 *Appendix C is adopted as part of this ordinance without amendments.*

#### 1407 **APPENDIX D THROUGH APPENDIX JK**

1408  
1409 *Appendix D through K are not adopted as part of this ordinance.*



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**APPENDIX K – ADMINISTRATIVE PROVISIONS**

*Appendix K is adopted as part of this ordinance without amendments.*

**~~ADOPTED—XX Xxx 2013~~**

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 take effect as of January 1, 2018.

APPROVED:

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

ADOPTED BY COUNCIL:

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



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**CITY ORDINANCE - CHAPTER 12**  
**Part II**

**INTERNATIONAL RESIDENTIAL CODE, 2006**  
**(Adopted 10/19/2009)**

1454 That Chapter 12, Part II – INTERNATIONAL RESIDENTIAL CODE of the Ordinances  
1455 of the City of Portsmouth be amended which shall read as follows (deletions from existing  
1456 language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from  
1457 existing):

1458  
1459 The International Residential Code, ~~2009~~2006 Edition (**IRC**) as published by the  
1460 International Code Council, Inc. is hereby adopted as **Chapter 12, Part II** of the Ordinances of  
1461 the City of Portsmouth, New Hampshire subject to the following amendments, additions and  
1462 deletions:

1463  
1464  
1465 **SECTION R101 ~~TITLE, SCOPE AND ADMINISTRATION~~PURPOSE**

1466  
1467 *Insert in blank space:*

1468  
1469 **R101.1 Title.** “the City of Portsmouth, New Hampshire”

1470  
1471 **SECTION R102 APPLICABILITY**

1472  
1473 *Add new subsections to read as follows:*

1474  
1475 **R102.4.1 Electrical.** The provisions of the *National Electric Code*, NFPA 70 shall apply to the  
1476 installation of electrical systems including alterations, repairs, replacement, equipment,  
1477 appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the  
1478 *International Electric Code* the reader shall substitute that reference with the *National Electric*  
1479 *Code*, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not  
1480 adopted Article 80, Administration and Enforcement, of NFPA 70.

1481  
1482 **R102.4.2 Gas.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the  
1483 installation of gas piping from the point of delivery to gas appliances and related accessories as  
1484 covered in this Code. These requirements apply to gas piping systems extending from the point of  
1485 delivery to the inlet connections of the appliances and the installation and operation of residential  
1486 gas appliances and related accessories. Wherever this Code references the *International Fuel Gas*  
1487 *Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

1488  
1489 **R101.4.3 Plumbing.** The City of Portsmouth does not adopt the *International Sewage Disposal*  
1490 *Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

1491  
1492 **R102.4.4 Property maintenance.** The City of Portsmouth does not adopt the *International*  
1493 *Property Maintenance Code* and any reference to it in this Code shall not direct the reader to its  
1494 contents or requirements.



1496 **SECTION R105 PERMITS**

1497 *Add the following text to end of subsection:*

1499 **R105.1 Required.** “New construction and *general renovation* work requires the issuance of a  
1500 building permit. *General renovation* is defined as work which changes the overall size of a  
1501 building or portions thereof or which involves the creation of rooms or spaces, which did not  
1502 previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems  
1503 is also considered general renovation. Types of work, which may be so classified, are:”

- 1504 1. Additions of any size.
- 1505 2. Enlarging existing structures, rooms or spaces.
- 1506 3. Creating new rooms or spaces within a structure.
- 1507 4. Structural changes or repairs.
- 1508 5. Dormers.
- 1509 6. Demolition of all or part of a structure.
- 1510 7. Changing exits or exit components in any way.
- 1511 8. New structures including sheds, gazebos, pools (above and below ground),
- 1512 decks, garages, carports, tents, awnings, etc.
- 1513 9. Above or below grade flammable and combustible liquid tank removal or
- 1514 installation **shall require separate mechanical and gas permitting-**
- 1515 10. Changes--in--Use or Occupancy.
- 1516 11. Electrical work.
- 1517 12. Plumbing or mechanical work.
- 1518 13. Fire sprinkler systems
- 1519 14. Fire alarm systems.

1520 “~~NH licensed~~**Licensed** trade persons shall secure permits for electrical, ~~and~~ plumbing and gas  
1521 piping work when required under New Hampshire law.”

1522 *Change subsections to read as follows:*

1523 **R105.2 Work exempt from permits.** Exemption from permit requirements of this Code shall not  
1524 be deemed to grant authorization for any work to be done in any manner in violation of the  
1525 provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required  
1526 for the following:

1527 **Building:**

- 1528 1. Ordinary repairs as defined in Section R105.2.2 provided such repairs do not exceed
- 1529 \$3,000 in construction value **including materials and labor.**
- 1530 2. Fences not over 6 feet high or not in the Historic District.
- 1531 3. Sidewalks, driveways or patios constructed on grade.
- 1532 4. Prefabricated (including air inflated) swimming pools which are less than 18 inches
- 1533 deep and are entirely above grade.
- 1534 5. Swings and other playground equipment.
- 1535 6. Cabinets, countertops and similar finish work when total construction value does not
- 1536 exceed \$3,000.
- 1537 7. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also
- 1538 Section R105.2.2, Exception 1.) **Re-roofing and Roof coverings shall be applied in**
- 1539 **accordance with IRC, Chapter 9. ]**
- 1540
- 1541
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1549

8. All roofing and re-roofing within the Historic District requires prior approval and permitting even if the cost is less than \$3,000.00.

1550 **Electrical:**

1551  
1552 A permit is not required for minor repair work, including the replacement of lamps or the  
1553 connection of portable electrical equipment to permanent receptacles. Contact the electrical  
1554 inspector for specific questions concerning the need for a permit.  
1555

1556 **Gas, Mechanical, Plumbing:**

1557  
1558 ~~A permit is not required for minor repair work, including the replacement of fixtures. Refer~~  
1559 ~~to the City Plumbing and Mechanical Codes for details on permits and inspections. Contact~~  
1560 ~~the plumbing/mechanical inspector for specific questions concerning the need for a permit.~~  
1561

1562 **R105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs  
1563 to structures. *Ordinary repairs* are defined as work which is associated with the *normal*  
1564 *maintenance* of a property and which affects only the surface or finish characteristics of a structure.  
1565 Types of work, which may be so classified, are:

- 1566
- 1567 1. Painting and wallpapering. no matter what the cost. (\$3,000 exception ~~2 below~~  
1568 does not apply.)
  - 1569 2. Replacing or repairing flooring or carpeting *in-kind*.
  - 1570 3. Replacing or repairing interior trim.
  - 1571 4. Replacing or repairing cabinets *in-kind*.
  - 1572 5. Replacing or repairing countertops *in-kind*.
  - 1573 6. ~~Replacing or repairing windows and doors (no headers involved).~~
  - 1574 7. ~~Replacing or repairing siding.~~
  - 1575 8. Reroofing no matter what the cost. (\$3,000 exception ~~2 below~~ does not  
1576 apply.) (Note: This provision does not apply if ~~Unless~~ the structure is located within the Historic  
1577 District)→
  - 1578 9. ~~Bathroom renovation (number & location of fixtures & room size not changed).~~
  - 1579 10. Repointing masonry unless located in the Historic District.
  - 1580 11. ~~Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
  - 1581 12. Replacing in kind or repairing components of fire protection systems.
- 1582

1583 In general, for a work element to be considered a repair or replacement, the item, which is being  
1584 repaired, must already exist. The above items are intended to represent individual replacement or  
1585 repair work. When one or more of the above items are included in *general renovations* to  
1586 structures, then all such items will be included in the construction cost.  
1587

1588 Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist,  
1589 rafter or bearing support, or the removal or change of any required means of egress, or  
1590 rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do  
1591 not include additions to, alterations of, replacement or relocation of any fire protection system,  
1592 water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring  
1593 or mechanical equipment or other work affecting public health or general safety.  
1594

1595 **Exceptions:** (i.e. permit is required.)

- 1596
- 1597 1. Repairs or renovations made to the exterior facade of structures in the Historic District  
1598 shall require a building permit application review by the Planning Department. When it is  
1599 determined that Historic District Commission approval is required, then a building permit  
1600 shall also be required. This shall include reroofing that changes the roof material.  
1601



1602  
1603  
1604

2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).  
*(i.e., a permit is required when repair value is more than \$3,000)*

1605 *Delete subsection without substitution:*

1606

1607 **~~R105.2.3 Public service agencies.~~**

1608

1609 *Add new sentence to end of subsection:*

1610

1611 **R105.3.1 Action on application.** “Permits shall not be issued when there is found to be  
1612 outstanding, non-inspected permit(s) already issued against a given property or when there are  
1613 known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the  
1614 non-conformances corrected, shall a new permit be issued.”

1615

1616

1617

1618 *Change subsection to read as follows:*

1619

1620 **R105.3.2 Time limitation of application.** An application for a permit shall be deemed to have  
1621 been abandoned one year after the date of filing, unless such application has been diligently  
1622 prosecuted or a permit has been issued, except that the building official may grant one (1) extension  
1623 of time not exceeding twelve (12) months if there is reasonable cause and only when requested in  
1624 writing prior to the application expiration date.

1625

1626 *Add new subsection to read as follows:*

1627

1628 **R105.3.3 By whom application is made.** Application for a permit shall be made by the owner or  
1629 ~~lessee of the building or structure or bby~~ by the authorized agent, ~~of either,~~ or by the authorized  
1630 contractor, registered design professional, employed by the owner, in connection with the proposed  
1631 work. The full names and addresses of the owner, ~~lessee,~~ applicant and of the responsible officers,  
1632 if the owner or lessee is a corporate body shall be stated on the application. When the applicant is  
1633 not the owner, it is assumed by the City that the owner is aware of the proposed work being applied  
1634 for and that the applicant takes full responsibility for the information represented.

1635

1636 *Change subsection to read as follows:*

1637

1638 **R105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not  
1639 commenced within one year after issuance of the permit, or if the authorized work is suspended or  
1640 abandoned for a period of one year after the time of commencing the work. The building official  
1641 may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause  
1642 and only when requested in writing prior to the permit expiration date. Said extension will only be  
1643 authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a  
1644 permit to be considered active, periodic inspections must be requested and work progress  
1645 documented by inspections, within any twelve month period. Work elements shall be items  
1646 associated with the building permit scope of work.

1647

1648 *Add new subsection to read as follows:*

1649

1650 **R105.5.1 Minimum progress required to keep permit active.** After an extension has been  
1651 granted under Section R105.5, work shall begin and within the next twelve (12) month period shall  
1652 progress such that a full foundation has been constructed and inspected. If the scope of work does  
1653 not include a foundation, then within the same (first) twelve month period, framing shall be  
1654 complete to a weather tight condition and inspected. When work involves a foundation, framing  
1655 to a weather tight condition shall be complete and inspected within the next (second) twelve (12)  
1656 month period. If the scope of work does not involve either a foundation or weather tight framing,

1657 work progress shall be at a final inspection stage within twenty-four (24) months from the date of  
1658 granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause  
1659 the permit to become invalid.

1660  
1661 *Change subsection to read as follows:*

1662  
1663 **R105.7 Placement of permit.** The building permit ~~field copy (card)~~ shall be posted in a window  
1664 or other suitable location on site, such that said permit is visible from the primary city street **which**  
1665 **the permit is issued to.** Where such posting is impracticable the building permit ~~field copy~~ shall be  
1666 available on site for public viewing upon request. The building permit ~~field copy~~ may be removed  
1667 once the certificate of occupancy has been issued or upon expiration of the building permit.

1668  
1669  
1670  
1671 *Add new subsection to read as follows:*

1672  
1673 **R105.9 Qualifications of persons doing trade work.** Electrical, plumbing and mechanical work  
1674 is allowed to be done by resident homeowners engaged in said trade work and conducted within  
1675 the **single-family** dwelling in which they reside. Gas piping shall be done by a ~~licensee~~**licensed**  
1676 plumber or another *qualified person or agency*, individual, firm, corporation or company that  
1677 either in person or through a representative, is engaged in and is responsible for (a) the installation  
1678 or replacement of gas piping or (b) the connection, installation, repair or servicing of gas  
1679 equipment; and who is experienced in such work and is familiar with all the precautions required.  
1680 For plumbing work refer to State RSA 329-A:13 and for electrical work refer to State RSA 319-  
1681 C. All trade work require city permits.

## 1682 SECTION R106 CONSTRUCTION DOCUMENTS

1683  
1684  
1685 *Change subsection to read as follows:*

1686  
1687 **R106.3.1 Approval of construction documents.** The building official shall **review and approve**  
1688 **all submitted documents** ~~mark up one (1) set of plans with the necessary comments. This set shall~~  
1689 ~~become the official permit plan set. It is the responsibility of the permit holder to transfer these~~  
1690 ~~comments to whatever medium he/she wishes.~~ The permit holder is responsible for complying  
1691 with the comments **as shown on the** and notes added during the permit review process as part of  
1692 **the** official permit construction documents.

1693  
1694 *Add new sentence to end of subsection:*

1695  
1696 **R106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as the  
1697 permit application is approved by the City Planning Department and all necessary bonds are  
1698 posted.”

## 1700 SECTION R107 TEMPORARY STRUCTURES

1701  
1702 *Change subsection to read as follows:*

1703  
1704 **R107.1 General.** Pursuant to the approval by the City's Planning Department, the building official  
1705 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations  
1706 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited  
1707 as to time of service, but shall not be permitted for more than 180 days. The building official is  
1708 authorized to grant one (1), 180 day extension for demonstrated cause.





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**SECTION R108 FEES**

*Change subsection to read as follows:*

**R108.2 Schedule of permit fees.** Fees shall be determined **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1, Article XVI, of the Ordinances of the City of Portsmouth, NH.

**Flat rate type permits are:** Siding, buried tank removal or installation, sheds, **pad mounted generators**, replacement windows, temporary structures, fences (in Historic District), change-in-use/occupancy with no construction.

*Change subsection to read as follows:*

**R108.5 Refunds.** The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review effort has been expended.

The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of Section 105.5.

*Change subsection ~~Add new subsections~~ to read as follows:*

**R108.6 Work commencing before permit issuance.** Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change-in-use permit shall, upon issuance of said permit(s), be assessed a fee as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

*Add new subsection to read as follows:*

**R108.7R108.6 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

~~R108.7 Work commencing before permit issuance. Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.~~

## SECTION R109 INSPECTIONS

*Add new sentence to end of subsection:*

**R109.3 Inspection requests.** “Furthermore, the permit holder(s) shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is scheduled.”

*Add new subsection to read as follows:*

**R109.5 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the building official's report. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed as determined ~~by the adoption of fees by budget resolution of the City Council~~ in accordance with Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

## SECTION R110 CERTIFICATE OF OCCUPANCY

*Add new sentence to beginning of subsection:*

**R110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon request, for work associated with a valid building permit and under the criteria ~~set forth~~ set forth in Sections R110.3 and R110.4 of this code.”

*Edit subsection as follows:*

**R110.3 Certificate issued.**

*Add new item to read as follows:*

10. The City zoning map and lot numbers associated with the street address.



1814 *Add new subsection to read as follows:*

1815  
1816 **R110.6 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined  
1817 **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1,  
1818 Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate  
1819 of Use and Occupancy when the following condition exists: When, during the final inspection  
1820 phase, the building official is required to make a third inspection on a nonconforming item or  
1821 items; then this third inspection, and any subsequent inspections for the same item(s) will cause  
1822 the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and  
1823 will be paid prior to the building official making said inspections. This procedure shall apply to  
1824 building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific  
1825 procedure for implementing this subsection is outlined in Section R109.5 of this Code.

1826

1827

## SECTION R113 VIOLATIONS

1828

1829 *Change subsection to read as follows:*

1830

1831 **R113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail  
1832 to comply with any of the requirements thereof or who shall erect, construct, alter or repair a  
1833 building or structure in violation of an approved plan or directive of the building official, or of a  
1834 permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions  
1835 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.  
1836 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

1837

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## SECTION R114 STOP WORK ORDER

1842

1843

1844 *Change subsection to read as follows:*

1845

1846 **R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure  
1847 after having been served with a stop work order, except such work as that person is directed to  
1848 perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section  
1849 R113.4 of these amendments.

1850

1851

## SECTION R301 DESIGN CRITERIA

1852

1853 *Insert in blank spaces in Table R301.2(1):*

1854

1855 **Ground snow load:** 50 pounds per square foot (PSF)

1856

1857 **Wind speed:** 100 miles per hour (MPH)

1858

1859 **Seismic Design Category:** C

1860

1861 **Weathering:** Severe

1862

1863 **Frost Line Depth:** 4 feet to bottom of footing.

1864

1865 **Termite:** Slight to Moderate

1866  
1867 **Winter Design Temp.:** (-)3 degree days  
1868  
1869 **Ice Barrier Underlayment Required:** Yes  
1870  
1871 **Flood Hazard:** Current Flood Insurance Study, Sep. 2002  
1872  
1873 **Air Freezing Index:** 1000  
1874  
1875 **Mean Annual Temperature:** 47 degrees F  
1876

1877 **SECTION R302 FIRE-RESISTANT CONSTRUCTION**~~R305 CEILING HEIGHTS~~

1878  
1879 *Amend*~~Change~~ *Exception 14* in subsection to read as follows:

1880  
1881 **R302.3 Two-family dwellings.**

1882  
1883 **Exception 1:** A fire-resistance rating of ½ hour shall be permitted in two-family dwellings  
1884 protected throughout with an automatic fire sprinkler system in accordance with Section 2904,  
1885 NFPA 13R or NFPA 13D as listed in Chapter 44.~~R305.1 Minimum height.~~

1886  
1887 ~~**Exception 4:** Bathrooms and kitchens sink areas shall have a minimum ceiling height of 6~~  
1888 ~~feet 8 inches (6' 8") at the front clearance area for fixtures as shown in Figure R307.1. The~~  
1889 ~~ceiling height above fixtures shall be such that the fixture is capable of being used for its~~  
1890 ~~intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum~~  
1891 ~~ceiling height of 6 feet 8 inches (6' 8") above a minimum area 30 inches by 30 inches at~~  
1892 ~~the showerhead.~~

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1900 **SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS**

1901 **R310.1 Emergency escape and rescue required.**

1902 All Emergency Escape and Rescue openings on new construction shall meet the requirements  
1903 outlined in IRC, Section R310. However, Emergency Escape and Rescue openings for structures  
1904 located within the Historic District will be reviewed on a case by case basis. Change of occupancy  
1905 shall be considered new construction.

1906  
1907  
1908  
1909 *Add new exception 2*~~exceptions~~ *to read as follows:*

1910  
1911 ~~**Exception 2**~~~~Exception 2:~~ Double hung, tilt clean style windows shall be an acceptable  
1912 element in an emergency means of escape route, when their size and operation satisfy the  
1913 criteria stipulated in Sections R310.1.1, R 310.1.2, R310.1.3 and R310.1.4. The minimum  
1914 net clear opening area and net clear opening height shall be computed with both upper and  
1915 lower sashes removed. Sash removal shall not constitute special knowledge and shall not  
1916 require use of any tools.

1917  
1918 ~~**Exception 3:**~~ Emergency escape and rescue openings are not required when the entire  
1919 structure is protected throughout with an automatic fire suppression system conforming to  
1920 Section 2904~~NFPA 13~~, NFPA 13R or NFPA 13D as listed in Chapter 44~~43~~.

1921  
1922 *Add new subsections to read as follows:*

1923  
1924 ~~**R310.6 Access through garage.** The basement emergency escape route is allowed to be through~~  
1925 ~~an attached garage via a door complying with Section R311.4.2 or door and stair combination,~~  
1926 ~~provided this route is not the only door or stair out of the basement. There shall also be a door~~  
1927 ~~complying with Section R311.4.2 from the garage directly to a public way, or to a yard or court~~  
1928 ~~that opens to a public way.~~



1929  
1930 **R310.7 Renovations to existing finished basements areas.** When existing basements areas are  
1931 being remodeled for uses other than sleeping rooms and when such basements do not have an  
1932 emergency escape and rescue opening or route as required by Sections R310.1, R310.2, R310.3 or  
1933 R310.6; smoke and carbon monoxide alarms detectors shall be installed in accordance with Section  
1934 ~~R314R313.2.1 and R315313.5 of these amendments.~~

1935  
1936  
1937 **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

1938  
1939 *Change subsection to read as follows:*

1940  
1941 **R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses  
1942 shall be designed and installed in accordance with Section P2904 or NFPA 13R as listed in Chapter  
1943 44.

1944  
1945 *Add new subsection to read as follows:*

1946  
1947 **R313.1.2 Fire sprinkler system alarm monitoring.** Townhouse fire sprinkler systems shall be  
1948 monitored for water flow, supervisory and trouble conditions and shall automatically transmit  
1949 signals to an approved central station, remote supervising station or proprietary supervising station  
1950 as defined in NFPA 72 and shall sound an audible and visual signal on the building exterior in a  
1951 publicly ~~visable~~visible location.

1952  
1953 **Exception.** When approved by the fire official, townhouse fire sprinkler systems shall sound an  
1954 audible and visual signal on the building exterior in a publicly ~~visable~~visible location and not  
1955 require off site monitoring.

1956  
1957 *Delete subsection without substitution:*

1958  
1959 ~~**R313.2 One and two family dwellings automatic fire systems.**~~

1960  
1961 **SECTION R314 SMOKE ALARMS**

1962  
1963 *Add new sentence to end of subsection:*

1964  
1965 **R314.4 Power source.** “Smoke alarms shall be supplied by a branch circuit that also supplies  
1966 lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the  
1967 electric panel. The branch overcurrent protective device supplying the smoke alarms shall be  
1968 clearly ~~labeled~~—labeled “Smoke Alarms” in a manner that distinguishes it from other overcurrent  
1969 protective devices.”

1970  
1971 **SECTION R315 CARBON MONOXIDE ALARMS**

1972  
1973 *Change section to read as follows:*

1974  
1975 **~~SECTION R313 ALARMS~~**

1976  
1977 ~~*Add new sentence to end of subsection:*~~

1979 ~~**R313.3 Power source.** “Smoke detectors shall not be the only load on a branch circuit and shall~~  
1980 ~~be wired to a branch circuit consisting of lighting loads serving habitable spaces. Smoke detector~~  
1981 ~~circuit(s) shall be clearly labeled in the electric panel.”~~

1982  
1983 *Add new subsections to read as follows:*

1984  
1985 ~~**R313.R315.2 Where required**~~~~**4 Carbon monoxide alarms in new construction.** In new~~  
1986 ~~construction, dwelling units within which fuel-fired appliances are installed or which have attached~~  
1987 ~~garages, shall be provided with carbon monoxide alarms installed outside each separate sleeping~~  
1988 ~~area in the immediate vicinity of the bedroom(s), and in each room(s) as the fuel-fire appliance(s)~~  
1989 ~~is (are) located.~~

1990  
1991 ~~—— **Exception:** Rooms containing kitchen appliances or cloths dryers.~~

1992  
1993  
1994  
1995  
1996  
1997 ~~**R313.5 Carbon monoxide alarms in existing dwellings.** In existing dwellings within which fuel-~~  
1998 ~~fired appliances are present or which have attached garages and where alterations, repairs or~~  
1999 ~~additions that require a building permit are being undertaken or when additional sleeping rooms~~  
2000 ~~are being created; carbon monoxide alarms shall be installed in locations as required in Section~~  
2001 ~~R315.1 for new construction.~~ The exceptions of Section ~~R314.4R313.2.1~~ shall also apply to  
2002 retrofitting interconnected hard-wired carbon monoxide alarms.

2003  
2004 *Add new subsection to read as follows:*

2005  
2006 ~~**R315.4R313.6 Alarm requirements.** Single station carbon monoxide alarms shall be listed as~~  
2007 ~~complying with UL 2034-08 and shall be installed in accordance with this code and the~~  
2008 ~~manufacturer’s installation instructions.~~

2009  
2010 ~~**R313.6.1 Power source and alarm types.** Single-station carbon monoxide alarms shall be hard~~  
2011 ~~wired to the building’s electric system in the same ~~manor~~manner as required in Section~~  
2012 ~~R314.4R313.3 for smoke ~~alarms~~detectors.~~ Carbon monoxide alarm devices may be individually  
2013 powered or may be interconnected between devices when the device listing allows for  
2014 interconnection. Carbon monoxide alarm devices may be combination devices such that they serve  
2015 both the buildings smoke ~~alarm~~detection and carbon monoxide ~~alarm~~detection requirements.  
2016 When combination units are used, they shall be interconnected and shall be capable of sounding  
2017 different alarm signals for either a smoke or a carbon monoxide condition.

2018  
2019 **SECTION R501 GENERAL**~~**R317 DWELLING UNIT SEPARATION**~~

2020  
2021 *Add new subsections*~~*subsections*~~ *to read as follows:*

2022  
2023 ~~**R501.3 Fire protection of floors.** Floor assemblies, not required elsewhere in this code to be fire-~~  
2024 ~~resistance rated, shall be provided with a minimum of 1/2-inch (12.7 mm) gypsum wallboard~~  
2025 ~~membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of~~  
2026 ~~the floor framing members.~~

2027 **Exceptions:**

2028 1. Floor assemblies located directly over a space protected by an automatic sprinkler  
2029 system in accordance with Section P2904, NFPA 13D or NFPA 13R.

2030 2. Floor assemblies located directly over a crawl space not intended for storage or fuel-  
2031 fired appliances.

2032 3. Portions of floor assemblies can be unprotected when complying with the following:

2033 3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet per story

2034 3.2. Fire blocking in accordance with Section R302.11.1 shall be installed along the  
2035 perimeter of the unprotected portion to separate the unprotected portion from the remainder  
2036 of the floor assembly.

2037 4. Wood floor assemblies using dimension lumber or structural composite lumber equal to  
2038 or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other  
2039 approved floor assemblies demonstrating equivalent fire performance.

2040 ~~**R317.2.5 Dwelling unit separation with sprinkler protection.** When a townhouse is protected  
2041 with a suppression system conforming to NFPA 13 or NFPA 13R as listed in Chapter 43, dwelling  
2042 unit separation walls shall be a minimum 1-hour fire resistance-rated assembly, constructed  
2043 continuous per Section R317.2.1. The wall parapet requirements of Sections R317.2.2 and  
2044 R317.2.3 and the structural independence requirement of Section R317.2.4 shall not be required.  
2045 The dwelling unit separation wall shall be constructed in conformance with its listing as tested in  
2046 accordance with ASTM E 119.~~

2047 ~~**R317.2.5.1 Allowed utility systems within dwelling unit separation walls.** Plumbing,  
2048 mechanical, fire protection and electrical systems shall be allowed in the dwelling unit separation  
2049 wall except as prohibited in Section R317.2.5.2. Penetrations of the dwelling unit separation wall  
2050 by these systems shall be in accordance with Section R317.3.~~

2051 ~~**R317.2.5.2 Prohibited utility systems within dwelling unit separation walls.** Clothes dryer  
2052 vents, chimneys and flue gas vents shall not be installed in dwelling unit separation walls. Fire  
2053 dampers shall not be installed in clothes dryer vents, chimneys or flue gas vents.~~

2054 ~~**R317.3.3 Fire damper listing.** Fire dampers used as a method to maintain the rating of a fire-  
2055 resistance-rated assembly shall comply with the requirements of Underwriters Laboratory  
2056 Standard, *UL 555, Fire Dampers* and shall be installed based on the fire damper listing. Fire  
2057 dampers shall have a minimum fire protection rating of 1-hour.~~

2058 ~~**R317.3.4 Alarm monitoring.** Water flow, supervisory and trouble signals shall be distinctly  
2059 different and shall be automatically transmitted to an approved central station, remote supervising  
2060 station, auxiliary fire alarm system, or proprietary supervising station as defined in NFPA 72 or,  
2061 when approved by the fire official, shall sound an audible and visual signal on the building exterior  
2062 in a publicly visible location.~~

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2069  
2070 *Add new section to read as follows:*

2071  
2072 **SECTION R325 TOWNHOUSE FIRE SPRINKLER SYSTEMS**

2073  
2074 ~~**R325.1 Where required.** When a townhouse structure contains four (4) or more dwelling units,  
2075 the structure shall be protected with an automatic fire sprinkler system designed in accordance  
2076 with NFPA 13 or NFPA 13R.~~



2078 ~~**R325.2 Alarm monitoring.** Sprinkler systems shall be monitored by a fire alarm system~~  
2079 ~~complying with Section R317.3.4 of these amendments.~~

2080  
2081 ~~**R325.3 Separation walls and mechanical penetrations.** Townhouse unit separation walls,~~  
2082 ~~parapets, mechanical system penetrations and fire dampers shall have minimum construction~~  
2083 ~~features as stipulated in Sections R317.2.5, R317.2.5.1 R317.2.5.2 and R317.3.3 of these~~  
2084 ~~amendments.~~

## SECTION R1001 MASONRY FIREPLACES

2085  
2086  
2087 *Add new sentence to end of subsection:*

2088  
2089  
2090 **R1001.1 General.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*  
2091 *Appliances*, NFPA 211, is also allowed by this code to be used for the design and installation of  
2092 masonry fireplaces.”

## SECTION R1003 MASONRY CHIMNEYS

2093  
2094  
2095  
2096 *Add new sentence to end of subsection:*

2097  
2098 **R1003.1 Definitions.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*  
2099 *Appliances*, NFPA 211 is also allowed by this code to be used for the design and installation of  
2100 masonry chimneys.”

2101

2102 **CHAPTER 11 ENERGY EFFICIENCY**

2103  
2104 *Change Table N1101.2 to read as follows:*

2105  
2106 ~~New Hampshire. Zone 6 for entire State.~~

2107  
2108 **SECTION M1201 GENERAL**

2109 *Add new subsection to read as follows:*

2110  
2111  
2112 **M1201.3 Additional codes and standards.** In addition to the requirements of Chapters ~~1243~~  
2113 through ~~2423~~ of this Code; the design, installation, maintenance, alteration and inspection of new  
2114 mechanical systems and new gas delivery systems shall also be in accordance with the  
2115 *International Mechanical Code* (IMC) as adopted and amended by the City of Portsmouth. The  
2116 Portsmouth Mechanical Code is found in Chapter 15, Part 2 of the City Ordinances. When there  
2117 is a conflict between this code and the IMC in the design or installation of mechanical systems,  
2118 the requirements of the IMC shall take precedence.

2119  
2120  
2121  
2122  
2123  
2124 *Delete entire chapter and replace with the following:*

2125 **CHAPTER 24 FUEL GAS**

2126  
2127  
2128 *Change subsection to read as follows:*

2129  
2130 **G2401.1 Application.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to  
2131 the installation of new gas piping and gas appliances. These requirements apply to gas piping  
2132 systems extending from the point of delivery to the inlet connections of the appliances and the  
2133 installation and operation of residential gas appliances and related accessories.

2134  
2135 **SECTION P2501 GENERAL**

2136  
2137 *Add new subsection to read as follows:*

2138  
2139 **P2501.3 Additional codes and standards.** In addition to the requirements of Chapters 25 through  
2140 32 of this Code; the design, installation, maintenance, alteration and inspection of new plumbing  
2141 systems and fixtures shall also be in accordance with the *International Plumbing Code* (IPC) as  
2142 adopted and amended by the City of Portsmouth. The Portsmouth Plumbing Code is found in  
2143 Chapter 15, Part 1 of the City Ordinances. When there is a conflict between this Code and the IPC  
2144 in the design or installation of plumbing systems, the requirements of the IPC shall take  
2145 precedence.

2146 **SECTION ~~E3401E3301~~ GENERAL**

2147  
2148 *Add new sentence to end of subsection:*

2149  
2150 **~~E3401E3301.1~~ Applicability.** “The State of New Hampshire adopts new editions of NFPA 70 on  
2151 a three year cycle. The edition that is State adopted at the time of a new electrical installation shall  
2152 govern the requirements of that installation.”

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CHAPTER 35 REFERENCED STANDARDS

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*Insert the following Codes and Standards:*

**New Hampshire State Building Code**

Department of Safety  
33 Hazen Drive Drive  
Concord, NH 03305  
(603) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

**New Hampshire Architectural Barrier Free Design Code**

Governor’s Commission on Disability  
~~57 Regional Drive~~ 121 South Fruit Street, Suite 101  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)  
<http://www.nh.gov/disability/abcommittee.html>

**New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
[www.puc.nh.gov/EnergyCodes/energyypg.htm](http://www.puc.nh.gov/EnergyCodes/energyypg.htm) ~~index.htm~~  
puc@puc.nh.gov

**New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**

NH Labor Department  
Boiler & Elevator Division  
PO Box 2076  
Concord, NH 03302-2076  
(603) 271-6294  
~~www.labor.state.nh.us/boilers.asp~~ [www.nh.gov/labor/inspection/boilers-elevators.htm](http://www.nh.gov/labor/inspection/boilers-elevators.htm)

*Insert in the NFPA section the following referenced Codes and Standards:*

**13D-1307** Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings **R302.3,**  
**R310.1**

**13R-1307** Design & Installation of Sprinkler Systems in  
Residential Occupancies 4 Stories in Height or Less **R310.1, R313.1.1R317.2.5,**  
~~**R325.1**~~

**54-1209** National Fuel Gas Code **R102.4.2, G2501.1**

**211-1306** Chimneys, Fireplaces,  
Vents, and Solid **R1001.1, R1003.1**  
Fuel-Burning Appliances

2213 Amend in the NFPA section the following referenced Standards:

2214

2215 ~~Change: 13-02 to 13-07 Design & Installation of Sprinkler Systems R310.1, R317.1, R317.2.5,~~  
2216 ~~R325.1~~

2217

2218 Change: 70-0805 to 70-1108 National Electric Code R102R101.4.1,  
2219 E3401E3301.1

2220

2221 Change: 72-0702 to 72-1307 National Fire Alarm Code R313.1, R317.3.4, R325.2

2222

2223

2224 **APPENDIX A THROUGH APPENDIX F**

2225 Appendix A through Appendix F are not adopted as part of this ordinance.

2226

2227 **APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS**

2228 Appendix G is adopted as part of this ordinance without amendments.

2229

2230 **APPENDIX H THROUGH APPENDIX L**

2231 Appendix H through Appendix L are not adopted as part of this ordinance.

2232

2233 **APPENDIX M – HOME DAY CARE, – R-3 OCCUPANCY**

2234

2235 Appendix M is adopted as part of this ordinance as amended below:

2236

2237 Edit subsection as follows:

2238

2239 **AM103.1.1 Exits access prohibited.**

2240

2241 Add new exception 2 to read as follows:

2242

2243 **Exception 2:** Exit access passing through an attached garage complying with Section R310.6 of  
2244 these code amendments.

2245

2246 Change subsection to read as follows with exception remaining unchanged:

2247

2248 **AM103.1.2 Basements.** If the basement of a dwelling is to be used in the day-care operation, two  
2249 exits are required from the basement regardless of the occupant load. One of the exits may pass  
2250 through the dwelling and the other must lead directly to the exterior of the dwelling or lead though  
2251 an attached garage that complies with Section R310.6 of these code amendments. Stairs leading  
2252 from the basement are not required to be enclosed.

2253

2254 **APPENDIX N - VENTING METHODS**

2255 **APPENDIX O - GRAY WATER RECYCLING SYSTEMS**

2256 Appendix N and Appendix O are adopted as part of this ordinance without amendments.

2257

2258 **APPENDIX P – SIZING OF WATER PIPING SYSTEM–SPRINKLING**

2259 Appendix P is not adopted as part of this ordinance.

2260

2261 **APPENDIX Q – INTERNATIONAL RESIDENTIAL CODE ELECTRICAL**  
2262 **PROVISIONS / NATIONAL ELECTRIC CODE CROSS REFERENCE**

2263 Appendix Q is adopted as part of this ordinance without amendments.

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~~ADOPTED XX XXX 20XX~~

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 take effect as of January 1, 2018.

APPROVED:

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

ADOPTED BY COUNCIL:

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



1  
2  
3 **CITY ORDINANCE - CHAPTER 15**

4 **Part I**

5  
6 **INTERNATIONAL PLUMBING CODE, 2006**

7 ~~(Adopted 10/19/2009)~~

8  
9 That Chapter 15, Part I – INTERNATIONAL PLUMBING CODE of the Ordinances of  
10 the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~;  
11 additions to existing language **bolded**; remaining language unchanged from existing):  
12

13 ~~The City of Portsmouth adopts the State Building Code, which adopts by reference t~~The  
14 International Plumbing Code, ~~2006-2009~~ Edition (IPC) as published by the International Code  
15 Council, Inc. is hereby adopted as **Chapter 15, Part I**, of the Ordinances of the City of Portsmouth,  
16 New Hampshire subject to the following amendments, additions and deletions. ~~Chapter 15, Part~~  
17 ~~I, also adopts in its entirety, the latest edition of the State Plumbing Code as published by the State~~  
18 ~~Plumbing Licensing Board under authority of RSA 329 A:15. When there are conflicts between~~  
19 ~~the amendments herein and the State Plumbing Code, the Portsmouth Amendments shall take~~  
20 ~~precedence.~~  
21

22 **SECTION 101 GENERAL**

23  
24 *Insert in blank space:*

25  
26 **101.1 Title.** “the City of Portsmouth, New Hampshire.”  
27

28 *Edit subsection as follows:*

29  
30 **101.2 Scope.** *Delete* the second sentence in its entirety. In the last sentence *delete* reference to the  
31 “~~International Fuel Gas Code~~” and *replace* text with the “National Fuel Gas Code, NFPA 54”.  
32

33 *Add new subsection to read as follows:*

34  
35 **101.5 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.  
36 Appendices B, C, D, E and F are adopted.  
37

38 **SECTION 102 APPLICABILITY**

39  
40 *Add new subsections to read as follows:*

41  
42 **102.8.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall apply to the  
43 installation of electrical systems including alterations, repairs, replacement, equipment,  
44 appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the  
45 International Electric Code the reader shall substitute that reference with the National Electric  
46 Code, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and*

47 *Enforcement, of NFPA 70 is not adopted by the City of Portsmouth. Refer to Chapter 12 of the*  
48 *city ordinances (Building Code) for the electric code administration process.*  
49

50 **102.8.2 Gas.** The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the  
51 installation of fuel gas piping from the point of delivery (meter) to the gas appliances, equipment,  
52 or related accessories as covered in this Code. Wherever this Code references the International  
53 **Fuel** Gas Code the reader shall substitute that reference with the National Fuel Gas Code, NFPA  
54 54.

55  
56 **102.8.3 Property maintenance.** The City of Portsmouth does not adopt the International Property  
57 Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or  
58 requirements.

59  
60 **102.8.4 Sewage disposal.** The City of Portsmouth does not adopt the International Sewage  
61 Disposal Code and any reference to it in this Code shall not direct the reader to its contents or  
62 requirements. Private sewage disposal systems shall meet the requirements of **City Ordinances,**  
63 State Law **and,** RSA 485-A:29-44.

## 64 SECTION 103 DEPARTMENT OF BUILDING SAFETY

65  
66  
67 *Change subsection to read as follows:*

68  
69 **103.1 General.** The ~~Department of Building Safety is created and the~~ Inspection Department's  
70 executive official ~~thereof shall be known as~~ is the Chief Building Inspector. There shall be a  
71 Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief  
72 Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be  
73 referred to as the *code official*.

## 74 SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

75  
76  
77 *Edit subsection as follows:*

78  
79 ~~**104.2 Rule-making Authority.** Add the word "written" in front of the word "rules" in the first~~  
80 ~~sentence.~~

## 81 SECTION 106 PERMITS

82  
83  
84 *Change subsection to read as follows:*

85  
86 **106.3 Plumbing permits.** Plumbing permits shall be issued on the form provided by the  
87 Building Inspection Department. A separate permit application is not required.

88  
89 *Add new subsection to read as follows:*

90  
91 **106.3.1.12 Food establishment documentation.** All new and renovated food establishments  
92 shall submit plumbing designs as required in Section 106.3.1.

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*Delete the following subsection without substitution:*

~~**106.4 By whom application is made.**~~

*Change subsection to read as follows:*

**106.5 Permit issuance.** The construction documents and other data filled by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall be done in accordance with the submitted construction documents presented at the time of permit issuance.

Plumbing permits shall only be issued to current New Hampshire Master Plumbers; resident owners of single family homes for work in said home and in which the owner currently resides; and to persons engaged in the installation and servicing of water softeners or swimming pools. ~~(Reference State RSA 329-A:13).~~ All permits shall be obtained in person by the qualified person taking responsibility for the work. Plumbing permits shall not be transferable. All work shall be done in accordance with the submitted construction documents.

The code official shall have the authority to issue a permit for the construction of part of a plumbing system before the entire construction documents for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own risk without assurance that the permit for the entire plumbing system will be granted.

*Delete the following subsection without substitution:*

~~**106.5.1 Approved construction documents.**~~

*Change subsection to read as follows:*

**106.5.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any local laws or ordinances governing the construction work. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections. Work elements shall be items associated with the plumbing permit scope of work.

*Delete the following subsection without substitution:*

~~**106.5.4 Extensions.**~~



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*Add new subsection to read as follows:*

**106.5.97 Outstanding permits.** Any person or company with outstanding or expired permits, for work that has been completed and not inspected, may be denied issuance of new permits, until all prior work has passed all required inspections.

*Delete the following subsection without substitution:*

~~**106.5.6 Retention of construction documents.**~~

*Change subsections to read as follows:*

**106.6.1 Work commencing before permit issuance.** Any person who commences any work on plumbing systems, equipment, pipes, or fixtures without first obtaining the required permit(s) shall, upon issuance of said permit(s), be assessed a fee **as determined by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording,~~ of the Ordinances of the City of Portsmouth, NH.

**106.6.2 Fee schedule.** Fees shall be determined **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording,~~ of the Ordinances of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued. No work will be inspected unless all fees are paid in full. See Section 107.1.2.4 for reinspection fees.

**106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refund of any fee paid, except upon written request filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of Section 106.5.3.

*Add new subsection to read as follows:*

**106.6.4 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done

184 by the State Department of Public Works, Pease Development Authority, State Port Authority or  
185 the Portsmouth Housing Authority.  
186  
187  
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189  
190

## 191 SECTION 107 INSPECTIONS AND TESTING

192  
193 *Add sentence to end of subsection to read as follows:*  
194

195 **107.21 Required inspections and testing.** “The permit holder shall allow a minimum of two  
196 work days (48 hours) from the time the inspector is notified to the time the inspection is scheduled  
197 and shall be present during the required inspections.”  
198

199 *Add new subsection to read as follows:*  
200

201 **107.2.5.4 Reinspection fees.** If, upon being called for any inspection, and the work is not in  
202 compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies  
203 shall be noted on the code official’s report. The permit holder shall be responsible for correcting  
204 the item(s) and for notifying the code official to reinspect said deficiencies. If when called to  
205 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the  
206 first reinspection, the work in question has not been corrected, there will be a reinspection fee  
207 assessed **as determined by the adoption of fees by budget resolution of the City Council, in**  
208 **accordance with Chapter 1, Article XVI** ~~or similar wording~~, which must be paid at the Inspection  
209 Office before a third inspection will be made. For each subsequent reinspection of the same  
210 deficiency or deficiencies, a like procedure and fee shall be assessed.  
211

212 During any inspection, the code official may find new item(s), not previously discovered, to be  
213 nonconforming. These item(s) will be noted on the code official’s report, and will require  
214 reinspections. Reinspection fees will not be assessed for items newly found or for their first  
215 reinspection. However, said fees shall be assessed for these items if a third inspection is required.  
216 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be  
217 just cause to revoke the permit under which the work was being done. Furthermore, no future  
218 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until  
219 all outstanding fees are paid.  
220  
221  
222

## 223 SECTION 108 VIOLATIONS

224  
225 *Change subsection to read as follows:*  
226

227 **108.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to  
228 comply with any of the requirements thereof or who shall erect, construct, alter or repair a building  
229 or structure in violation of an approved plan or directive of the building official, or of a permit or

230 certificate issued under the provisions of this Code, shall be subject to the penalty provisions  
231 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.  
232 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.  
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**SECTION 109 MEANS OF APPEAL**

*Delete entire Section 109 and substitute with the following:*

**109.1 Application for appeals.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended (City Building Code), for the procedure to follow when an appeal from the provisions of this Code is being requested and for the membership and qualifications of the Board of Appeals.

**SECTION 202 GENERAL DEFINITIONS**

*Change the following definitions to read as follows:*

**Hot Water:** Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

**Tempered Water:** Water having a temperature range between 85 degrees F (29 degrees C) and 110 degrees F (43.3 degrees C).

*Amend Section 202 by adding the following definition:*

**Food service establishment:** Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

**SECTION 305 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS**

*Change subsection to read as follows:*

**305.6 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

*Change subsection to read as follows:*

**305.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches(1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches(1219 mm) cannot be attained.

280 **SECTION 312 TESTS AND INSPECTIONS**

281  
282 *Change subsection to read as follows:*

283  
284 **312.1 Required tests.** The permit holder shall make the applicable tests prescribed in Sections  
285 312.2, 312.3, through 312.9 to determine compliance with the provisions of this code. The permit  
286 holder shall give reasonable advance notice (2 work days) to the code official when the plumbing  
287 work is ready for tests. The equipment, material, power and labor necessary for the inspection and  
288 test shall be furnished by the permit holder and the permit holder shall be responsible for  
289 determining that the work will withstand the test pressure prescribed in the following tests. All  
290 plumbing system piping shall be tested with either water or air.

291  
292 *Edit subsection as follows:*

293  
294 **312.5 Water supply system test.** *Delete* the words: “~~or, for piping systems other than plastic~~” in  
295 the first sentence.

296  
297 **SECTION 403 MINIMUM PLUMBING FACILITIES**

298  
299 *Change exception 2 in subsection to read as follows:*

300  
301 **403.2 Separate facilities.**

302  
303 **Exception 2:** In other than mercantile occupancies, separate facilities shall not be required in  
304 structures or tenant spaces with a total occupant load, including both employees and customers, of  
305 24 or less. See Section 403.4.4 of these amendments for mercantile occupancy fixture  
306 requirements.

307  
308 *Change subsection to read as follows:*

309  
310 ~~**403.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with  
311 public toilet facilities in structures and tenant spaces intended for public utilization. The accessible  
312 route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces.  
313 Public toilet facilities shall be available to the public at all times the building or tenant space is  
314 open for business. Employees shall be provided with toilet facilities in all occupancies. Employee  
315 toilet facilities shall be either separate or combined with public facilities. The minimum number  
316 of plumbing fixtures shall be calculated by Table 403.1, Section 403.2 and Section 403.4.4.  
317 Plumbing fixtures shall also comply with the accessibility requirements of Section 404.1.~~

319 *Add new subsection to read as follows:*

320

321 **403.34.54.4 Group M occupancies.** A minimum of one public single occupant toilet room shall  
322 be provided in buildings or tenant spaces when the total occupant load is more than 24 persons but  
323 less than 50 persons. A minimum of two public single occupant toilet rooms shall be provided in  
324 buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing  
325 fixtures shall be provided when the occupant load reaches a point where the provisions of Table  
326 403.1 would require more than two fixtures.

327

328 **Exception:** Where an existing toilet room is present and renovations are being undertaken,  
329 the existing toilet room shall not be removed even if the occupant load is 24 persons or  
330 less. In a case where there are more toilet rooms existing than what are required under this  
331 code, toilet rooms in excess of the minimum required may be removed but at least one shall  
332 remain.

333

## 334 SECTION 404 ACCESSIBLE PLUMBING FACILITIES

335

336 *Change subsection to read as follows:*

337

338 **404.1 Where required.** Accessible plumbing facilities and fixtures shall be provided in  
339 accordance with the International Building Code and State of New Hampshire Architectural  
340 Barrier Free Design Standards. ~~as listed in Chapter 13.~~

341

## 342 SECTION 405 INSTALLATION OF FIXTURES

343

344 *Add new subsections to read as follows:*

345

346 **405.3.3 Bathtubs and showers.** The clear space in front of a bathtub or shower shall be a minimum  
347 of 30-inches wide and 24-inches deep.

348

349 **405.3.4 Ceiling height above fixtures.** Bathrooms and kitchens sink areas shall have a minimum  
350 ceiling height of 6 feet 8 inches (6'-8") at the front clearance areas for fixtures as shown in Figure  
351 405.3.1. The ceiling height above fixtures shall be such that the fixture is capable of being used  
352 for its intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum  
353 ceiling height of 6 feet 8 inches (6'-8") above a minimum area 30 inches by 30 inches at the  
354 showerhead.

355

356 **Exception:** Showers complying with the Exception in Section 417.4 shall have a minimum  
357 ceiling height of 6'-8" above an area 25 inches by 30 inches at the showerhead

358



359 **SECTION 410 DRINKING FOUNTAINS**

360  
361 *Add new subsection to read as follows:*

362  
363 ~~**410.1.1 Occupancies with limited occupants.** In any occupancy classification with a design~~  
364 ~~occupant load of less than 50 persons, a single point of use water cooler may be substituted for the~~  
365 ~~required drinking fountain. Refer to Chapter 11 of the Building Code for required drinking fountain~~  
366 ~~accessibility features.~~

367  
368 **SECTION 418 SINKS**

369 *Add new subsections to read as follows:*

370  
371  
372 **418.4 Service/utility sinks or curbed mop base.** Use groups requiring service sinks are found in  
373 Table 403.1. Service sink faucet spouts which accommodate a hose connection shall require  
374 backflow protection as required in Section 608.2. Food service establishments shall have a  
375 service/utility sink or curbed mop base installed on the main food preparation floor level and on  
376 any floor level where food is prepared and where dish or pot washing takes place. This sink shall  
377 be placed close to the kitchen area or as approved by the Health Department.

378  
379 **418.5 Pre-rinse sink.** All food service establishment kitchens shall have a pre-rinse sink adjacent  
380 to the automatic dishwasher. The pre-rinse sink shall be adjacent to the 3 compartment pot sink in  
381 kitchens allowed to omit the dishwasher. The pre-rinse sink shall drain to the grease interceptor.

382  
383 **SECTION 419 URINALS**

384  
385 *Change subsection to read as follows:*

386  
387 **419.1 Approval.** Urinals shall conform to ANSI Z124.9, ASME A112.19.2M, CSA B45.1, or  
388 CSA B45.5. Urinals shall conform to the water consumption requirements of Section 604.4.  
389 Water supplied urinals shall conform to the hydraulic performance requirements of ASME  
390 A112.19.6, CSA B45.1 or CSA B45.5. If a no-water urinal is installed, a water supply line shall  
391 be sized and installed as if a water supplied urinal were being installed. Said supply line shall be  
392 properly capped and may be buried within the building construction at the urinal location.

393  
394 **SECTION 501 GENERAL**

395  
396 *Change subsections to read as follows:*

397  
398 **501.2 Water heater as space heater.** Where combination potable water heating and space heating  
399 systems require water for space heating, a master thermostatic mixing valve complying with ASSE  
400 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a  
401 temperature of 130 degrees F (54 degrees C) maximum. The potability of the water shall be  
402 maintained throughout the system.

403  
404 **501.6 Water temperature control in piping from tankless heaters.** The temperature of water  
405 from tankless heaters shall be a maximum of 130 degrees F (54 degrees C) when intended for

406 domestic uses. When a tempering device is used to limit the maximum water distribution system  
407 temperature it shall conform to ASSE 1017. This provision shall not supersede the requirement  
408 for protective shower valves in accordance with Section 424.3.

409 *Add new subsection to read as follows:*

410  
411  
412 **501.9 Minimum water heater temperatures.** Tank type water heaters and indirect fired hot water  
413 storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and  
414 shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the  
415 maximum hot water temperature to faucets as required by this code.

416  
417  
418 **SECTION 603 WATER SERVICE**

419  
420 *Change subsection to read as follows:*

421  
422 **603.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the  
423 structure in quantities and at the pressures required in this code. The minimum diameter of water  
424 service pipe shall be 1 inch.

425  
426 **SECTION 605 MATERIALS, JOINTS AND CONNECTIONS**

427  
428 *Amend Table 605.3 as follows:*

429  
430 **Table 605.3 Water service pipe.** *Delete all materials except type K copper for all pipe up to and*  
431 *including 3 inches (3") in diameter **and** cement lined ductile iron for pipe over 3 inches (3") in*  
432 *diameter.*

433  
434 *Edit subsection as follows:*

435  
436 **605.22.2 Solvent cementing.** *Delete the word “~~purple~~” in the second sentence.*

437  
438 **SECTION 607 HOT WATER SUPPLY SYSTEMS**

439  
440 *Add new subsection to read as follows:*

441  
442 **607.1.1 Child care and Group E water temperatures.** Water for hand washing sinks in child  
443 care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F  
444 (49 degrees C).

445  
446 *Change subsection to read as follows:*

447  
448 **607.2 Hot water supply temperature maintenance.** Where the developed length of hot water  
449 piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15.24 m), the  
450 hot water supply system shall be provided with a method of maintaining the temperature in  
451 accordance with the International Energy Code.

452  
453  
454 **SECTION 608 PROTECTION OF POTABLE WATER SUPPLY**  
455

456 *Change subsection to read as follows:*  
457

458 **608.14 Portsmouth Water Department backflow prevention criteria.** Backflow prevention at  
459 the water meter shall be accordance with Section 608.14.1 through 608.14.5, and Section 608.16.5.  
460

461 *Delete the following subsection without substitution:*  
462

463 ~~**608.14.1 Outdoor enclosures for backflow prevention.**~~  
464

465 *Add new subsections to read as follows:*  
466

467 **608.14.1 Multiple tenant spaces.** All buildings that have more than three tenants or tenant spaces  
468 being served by one water service shall have two backflow preventers installed in parallel for  
469 uninterrupted service. When the building or tenant space does not have a known tenant, the water  
470 service to that building or tenant space shall have a reduced pressure zone backflow preventer  
471 installed on the building side of the water meter.  
472

473 **608.14.1.2 Dual check valve assemblies.** All new residential water services of less than or equal  
474 to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly  
475 conforming to ASSE 1024 listed in Chapter 13. Said assembly shall be installed on the water  
476 distribution side of the water meter, without a water meter bypass feature. Thermal expansion of  
477 water shall be addressed per Section 607.3.2.  
478

479 **608.14.2.1.3 Existing water service.** When replacing or upgrading an existing water distribution  
480 piping system, a dual check valve backflow prevention assembly shall be installed on the water  
481 distribution side of the water meter, without a water meter bypass feature. Thermal expansion of  
482 water shall be addressed per Section 607.3.2  
483

484 **608.14.1.43 Double check-valve assemblies.** All new residential water services greater than 1  
485 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City  
486 of Portsmouth ~~*Cross-Connection Control and Backflow Prevention Ordinance*~~ listed in Chapter  
487 163.  
488

489 **608.14.1.54. Bypass lines.** Bypass lines around required backflow preventers shall be protected  
490 with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth  
491 ~~*Cross-Connection Control and Backflow Prevention Ordinance*~~ listed in Chapter 163 for additional  
492 backflow prevention requirements  
493

494 **608.14.1.65. Auxiliary wells or water supplies.** Whenever an auxiliary well or water supply  
495 serves property that also has a domestic water service, the domestic water service shall have a  
496 reduced pressure principle backflow preventer installed on the water distribution side of the water



497 meter in accordance with the City of Portsmouth ~~Cross-Connection Control and Backflow~~  
498 ~~Prevention Ordinance~~ listed in Chapter 163.

499  
500 *Change subsection to read as follows:*

501  
502 **608.16.5 Connection to lawn irrigation systems.** The potable water supply to lawn irrigation  
503 systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced  
504 pressure principle backflow preventer. Where chemicals are introduced into the system, the  
505 potable water supply shall be protected against backflow by a reduced pressure principle backflow  
506 preventer.

507  
508 *Edit subsections as follows:*

509  
510 **608.16.8 Portable cleaning equipment.** *Delete reference to Section 608.13.7 and insert reference*  
511 *to Section 608.13.5.*

512  
513 **608.16.9 Dental pump equipment.** *Delete reference to Section 608.13.6.*

514  
515 **SECTION 701 GENERAL**

516  
517 *Change subsection to read as follows:*

518  
519 **701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises  
520 having drainage piping shall be connected to a public sewer where available or an approved private  
521 disposal system. A building is considered available to a public sewer when said building is within  
522 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan  
523 shall document its location on the lot. Subsurface systems shall meet the requirements of  
524 RSA 485-A:29-44.

525  
526 **SECTION 705 JOINTS**

527  
528 *Edit subsections as follows:*

529  
530 **705.8.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

531  
532 **705.14.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

533  
534  
535 **SECTION 905 VENT CONNECTIONS AND GRADES**

536  
537 *Change subsection to read as follows:*

538  
539 **905.6 Vent for future fixtures.** Within an habitable or occupiable space at the lowest level of a  
540 structure where plumbing fixtures are not installed, there shall be made available an accessible  
541 vent connection, not less than 2” inch diameter, which is properly connected to the vent system  
542 to provide for future venting.

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## SECTION 909 WET VENTING

*Amend Table 909.3 as follows:*

**Table 909.3 Wet Vent Sizing.** *Delete* 1-1/2 inch Wet Vent Pipe Size and 1 Drainage Fixture Unit Load from table.

553 **SECTION 917 AIR ADMITTANCE VALVES**

554  
555 *Change subsection to read as follows:*

556  
557 **917.3 Where permitted.** Air admittance valves are not a substitute for a conventional venting  
558 system. Air admittance valves shall only be used when structural conditions prevent conventional  
559 venting of fixtures. Use of air admittance valves shall be pre-approved by the code official on a  
560 case-by-case basis. When approved, individual branch and circuit vents shall be permitted to  
561 terminate with a connection to an individual or branch type air admittance valve. Stack vents and  
562 vent stacks shall be permitted to terminate to stack type air admittance valves. Individual and  
563 branch type air admittance valves shall vent only fixtures that are on the same floor level and  
564 connect to a horizontal branch drain. The horizontal branch drain having individual and branch  
565 type air admittance valves shall conform to Section 917.3.1 or 917.3.2. Stack type air admittance  
566 valves shall conform to Section 917.3.3.

567  
568 **SECTION 1003 INTERCEPTORS AND SEPARATORS**

569  
570 *Change subsection to read as follows:*

571  
572 **1003.2 Approval.** All interceptors and separators shall be of the type and capacity approved by  
573 the City Engineer. Each interceptor and each separator shall be designed and installed in  
574 accordance with the manufacturer’s instructions and the requirements of this section based on the  
575 anticipated conditions of use. When exceptions are granted under the conditions of Section 1003.3,  
576 the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste  
577 exempted from treatment by the City Engineer, shall not be discharged into separators or  
578 interceptors.

579  
580 *Change subsection to read as follows:*

581  
582 **1003.3 Food service grease interceptors required.** New and remodeled food service  
583 establishments shall install a 1000 gallon in-ground grease interceptor located outside the building  
584 envelope in addition to all required grease interceptors at fixtures inside the building. The grease  
585 interceptor shall receive drainage from fixtures and equipment with grease laden waste as stated  
586 in Section 1003.3.1.

587  
588 **Exception 1:** When adequate in-ground space is not available outside on the lot, ~~an~~  
589 ~~automatic~~-grease ~~interceptor approved by the City Engineer and removal unit (AGRU)~~  
590 ~~sized-sized in accordance with section 1003.3.4 for the load~~ shall be installed inside.

591  
592 **Exception 2:** When the Health Officer and City Engineer do not feel the type of food  
593 service establishment warrants such protection.

594  
595 **Exception 3:** If the drain line connecting a grease laden fixture(s) to the in-ground  
596 interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with  
597 a grease removal device ~~or an AGRU~~ as listed in Section 1003.3.4 ~~or 1003.3.5~~.

598

599 *Add sentence to end of subsection to read as follows:*

600

601 **1003.4 Oil separators required.** “The City Engineer shall approve all oil separator designs.”

602

603 *Change subsection to read as follows:*

604

605 **1003.10 Access and maintenance of interceptors and separators.** All interceptors and  
606 separators shall be located to provide easy access for cleaning and inspection. Interceptors shall  
607 not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned  
608 and repaired regularly as needed by the building owner at their expense. The building owner shall  
609 be responsible for the proper removal and disposal by appropriate means of the captured materials  
610 and shall maintain records of the dates and means of disposal. Said records shall be subject to  
611 periodic review by the City Engineer, City Health Officer or Code Official. Only licensed waste  
612 disposal companies shall perform removal and disposal operations of the collected materials.

613

### 614 **CHAPTER 153 REFERENCED STANDARDS**

615

616 *Insert the following referenced codes and regulations:*

617

#### 618 **New Hampshire State Building Code**

619 Department of Safety

620 33 Hazen Drive Drive

621 Concord, NH 03305

622 (603) 271-3294

623 [bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

624

#### 625 **New Hampshire Architectural Barrier Free Design Code**

626 Governor’s Commission on Disability

627 ~~57 Regional Drive~~ 121 South Fruit Street, Suite 101

628 Concord, NH 03301-8518

629 (603) 271-2773

630 1-800-852-3405 (NH)

631 <https://www.nh.gov/disability/abcommittee.html>

632

#### 633 **New Hampshire Energy Code**

634 Public Utilities Commission

635 ~~57 Regional Drive~~ 21 South Fruit Street, Suite 101

636 Concord, NH 03301-2429

637 (603) 271-2431

638 [www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm) [www.puc.state.nh.us/EnergyCodes/energypg.htm](http://www.puc.state.nh.us/EnergyCodes/energypg.htm)

639 [puc@puc.nh.gov](mailto:puc@puc.nh.gov)

640



641 ~~Cross-Connection Control and City of Portsmouth~~ **Backflow Prevention Ordinance,**  
642 **Chapter 16** 608.14  
643 City of Portsmouth New Hampshire 608.16.5  
644 Department of Public Works, Water Division  
645 680 Peverly Hill Road  
646 Portsmouth, NH 03801  
647 (603) 766-1413

648  
649 *Add in the NFPA section the following referenced Standards:*

650  
651 **54-09** National Fuel Gas Code 101.2, 102.8.2

652  
653 *Amend in the NFPA section the following referenced Standards:*

654  
655 *Change 70-02 to 70-08* National Electric Code 102.8.1, 502.1,  
656 504.3, 1113.1.3

657  
658 **APPENDIX A – PLUMBING PERMIT FEE SCHEDULE**

659 *Appendix A is not adopted as part of this ordinance.*

660  
661 **APPENDIX B – RATES OF RAINFALL FOR VARIOUS CITIES**

662 *Appendix B is adopted as part of this ordinance without amendments.*

663  
664 **APPENDIX C – GRAY WATER RECYCLING SYSTEMS**

665 *Appendix C is adopted as part of this ordinance without amendments.*

666  
667 **APPENDIX D – DEGREE DAY DESIGN TEMPERATURES**

668 *Appendix D is adopted as part of this ordinance without amendments.*

669  
670 **APPENDIX E – SIZING OF WATER PIPING SYSTEM**

671 *Appendix E is adopted as part of this ordinance without amendments.*

672  
673 **APPENDIX F – STRUCTURAL SAFETY**

674 *Appendix F is adopted as part of this ordinance without amendments*

675  
676 **APPENDIX G – VACUUM DRAINAGE SYSTEM**

677 *Appendix G is not adopted as part of this ordinance.*

678  
679  
680  
681 **~~ADOPTED: 20 Oct 2009~~**

682  
683 The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in  
684 accordance with this amendment.

685  
686 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

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This ordinance shall take effect as of January 1, 2018.

APPROVED:

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

ADOPTED BY COUNCIL:

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

~~CITY ORDINANCE -~~

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**CHAPTER 15**

~~CITY ORDINANCE CHAPTER 15~~

**Part II**

**INTERNATIONAL MECHANICAL CODE,  
~~-(Adopted 10/20/2006) 2009~~**

That Chapter 15, Part II – INTERNATIONAL MECHANICAL CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

The City of Portsmouth adopts the State Building Code, which adopts by reference The International Mechanical Code, 2009~~6~~ Edition (IMC) as published by International Code Council is hereby adopted as **Chapter 15, Part II**, of the Ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions. ~~Chapter 15, Part I, also adopts in its entirety, the latest edition of the State Plumbing Code as published by the State Plumbing Licensing Board under authority of RSA 329 A:15. When there are conflicts between the amendments herein and the State Plumbing Code, the Portsmouth Amendments shall take precedence.~~

**SECTION 101 GENERAL**

*Insert in blank space:*

**101.1 Title.** “the City of Portsmouth, New Hampshire”

*Edit subsection as follows:*

**101.2 Scope.** Delete the reference, “~~International Fuel Gas Code~~” and replace with the reference, “*National Fuel Gas Code, NFPA 54.*”

**SECTION 102 APPLICABILITY**

*Add new subsections to read as follows:*

**102.8.1 Electrical code.** The provisions of the *National Electric Code, NFPA 70* shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Where ever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code, NFPA 70* as adopted by the State of New Hampshire. Article 80, *Administration and Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. Refer to Chapter 12 of the city ordinances (Building Code) for the electric code administration process.

747 **102.8.2 Gas code.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the  
748 installation of gas piping from the point of delivery (meter) to gas appliances and related  
749 accessories as covered in this code. Wherever this Code references the *International Fuel Gas*  
750 *Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54. ~~Refer~~  
751 ~~to Chapter 16 of these amendments for modifications to NFPA 54.~~

752  
753 **102.8.3 Liquefied petroleum gas code.** The provisions of the *Liquefied Petroleum (LP) Gas*  
754 *Code*, NFPA 58, shall apply to the installation of propane containers and the first- and second stage  
755 pressure regulators.

756  
757 **102.8.4 Commercial cooking.** The requirements of NFPA 96, the *Standard for Ventilation*  
758 *Control and Fire Protection of Commercial Cooking Operations*, *Chapter 10: Fire-Extinguishing*  
759 *Systems*, *Chapter 11: Procedures for the Use and Maintenance of Equipment* and *Chapter 14: Solid*  
760 *Fuel Cooking Operations* shall apply ~~to all hoods, ducts and~~ to Type I hoods ~~fire suppression~~  
761 ~~systems~~ in occupancies with commercial food preparation services.

## 762 763 SECTION 103 DEPARTMENT OF BUILDING SAFETY

764  
765 *Change subsection to read as follows:*

766  
767 **103.1 General.** The ~~Department of Building Safety is created and the Inspection Department's~~  
768 executive official ~~thereof shall be known as is~~ the Chief Building Inspector. There shall be a  
769 Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief  
770 Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be  
771 referred to as the *code official*.

## 772 773 SECTION 106 PERMITS

774  
775 *Change subsection to read as follows:*

776  
777 **106.3 Mechanical permits.** Mechanical permits shall be issued on the form provided by the  
778 Building Inspection Department. A separate permit application is not required.

779  
780 *Change subsection to read as follows:*

781  
782 **106.4 Permit issuance.** The construction documents and other data filled by an applicant for a  
783 permit shall be reviewed by the code official. If the code official finds that the proposed work  
784 conforms to the requirements of this code and all laws and ordinances applicable thereto, and the  
785 fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall  
786 be done in accordance with the submitted construction documents presented at the time of permit  
787 issuance.

788  
789 Mechanical permits shall only be issued to resident owners of single family homes for work in  
790 said home in which the owner currently resides, and to businesses engaged in the installation of  
791 any heating, cooling, air-conditioning or domestic water heating systems. All permits shall be



792 obtained in person by the *qualified person or agency* taking responsibility for the work.  
793 Mechanical permits shall not be transferable.

794  
795 For gas piping work and the installation and repair of all gas fired equipment, a *qualified person*  
796 shall be any person who conforms to the SAFE-C-8000 *Licensing of Fuel Gas Fitters* rules, as  
797 regulated by The State of New Hampshire Division of Fire Safety.

798  
799 The code official shall have the authority to issue a permit for the construction of part of a  
800 mechanical system before the entire construction documents for the whole system have been  
801 submitted, provided adequate information and detailed statements have been filed complying with  
802 all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own  
803 risk without assurance that the permit for the entire mechanical system will be granted.  
804

805 *Delete the following subsection without substitution:*

806

807 **~~106.4.1 Approved construction documents.~~**

808

809 *Change subsection to read as follows:*

810

811 **106.4.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized  
812 work is not commenced within one year after issuance of the permit, or if the authorized work is  
813 suspended or abandoned for a period of one year after the time of commencing the work. The  
814 building official may grant one (1), extension of time not exceeding twelve (12) months if there is  
815 reasonable cause and only when requested in writing prior to the permit expiration date. Said  
816 extension will only be authorized when it does not conflict with any local laws or ordinances  
817 governing the construction work. For a permit to be considered active, periodic inspections must  
818 be requested and work progress documented by inspections. Work elements shall be items  
819 associated with the mechanical permit scope of work.

820

821 *Delete the following subsection without substitution:*

822

823 **~~106.4.4 Extensions.~~**

824

825 *Add new subsection to read as follows:*

826

827 **106.4.97 Outstanding permits.** Any person or company with outstanding or expired permits, for  
828 work that has been completed and not inspected, may be denied issuance of new permits, until all  
829 prior work has passed all required inspections.

830

831 *Change subsections to read as follows:*

832

833 **106.5.1 Commencing work before permit issuance.** Any person who commences any work on  
834 mechanical equipment, systems, pipes, ducts or fixtures without first obtaining the required  
835 permit(s) shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1,  
836 Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

837

838 **106.5.2 Fee schedule.** Fees shall be determined **by the adoption of fees by budget resolution of**  
839 **the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of the Ordinances  
840 of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued.  
841 No work will be inspected unless all fees are paid in full. See Section 107.6 for reinspection fees.

842

843 *Edit subsection as follows:*

844

845 **106.5.3 Fee refunds:**

846

847 *Insert in blank spaces: 2. “50%”; 3. “50%”*

848

849 *In last paragraph substitute “one year” in place of “180 days”.*

850

851 *Add sentence to end of last paragraph:*

852

853 “Refunds shall not be issued on permits that have expired under the conditions of Section 106.4.3.”

854

855 *Add new subsection to read as follows:*

856

857 **106.5.4 City construction projects.** Fees shall not be assessed for work associated with projects  
858 undertaken by the City of Portsmouth. These projects may also include contract work done by  
859 private contracting firms hired directly by the City. This exemption shall not apply to projects done  
860 by the State Department of Public Works, Pease Development Authority, State Port Authority or  
861 the Portsmouth Housing Authority.

862

863 **SECTION 107 INSPECTIONS AND TESTING**

864

865

866 *Add new subsection to read as follows:*

867

868 **107.3.45 Reinspection fees:** If, upon being called for any inspection, and the work is not in  
869 compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies  
870 shall be noted on the code official’s report. The permit holder shall be responsible for correcting  
871 the item(s) and for notifying the code official to reinspect said deficiencies. If when called to  
872 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the  
873 first reinspection, the work in question has not been corrected, there will be a reinspection fee  
874 assessed **by the adoption of fees by budget resolution of the City Council** in accordance with  
875 Chapter 1, Article XVI, ~~or similar wording,~~ which must be paid at the Inspection Office before a  
876 third inspection will be made. For each subsequent reinspection of the same deficiency or  
877 deficiencies, a like procedure and fee shall be assessed.

878

879 During any inspection, the code official may find new item(s), not previously discovered, to be  
880 nonconforming. These item(s) will be noted on the code official’s report, and will require  
881 reinspections. Reinspection fees will not be assessed for items newly found or for their first  
882 reinspection. However, said fees shall be assessed for these items if a third inspection is required.  
883 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be  
884 just cause to revoke the permit under which the work was being done. Furthermore, no future  
885 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until  
886 all outstanding fees are paid.

887

888

889 *Add sentence to end of subsection:*

890

891 **107.43 Approval.** “Said notice shall be the completed permit inspection log form.”

892

893

894

## SECTION 108.0 VIOLATIONS

895

896 *Change subsection to read as follows:*

897

898 **108.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to  
899 comply with any of the requirements thereof or who shall erect, construct, alter or repair a building  
900 or structure in violation of an approved plan or directive of the building official, or of a permit or  
901 certificate issued under the provisions of this Code, shall be subject to the penalty provisions  
902 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.  
903 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

904

905 **108.5 Stop work orders:** *Insert in the first blank: "\$100.00"; Insert in the second blank:*  
906 *"\$1000.00".*

907

908

909

## SECTION 109 MEANS OF APPEAL

910

911 *Delete the entire section and substitute with the following:*

912

913 **109.1 Application for appeal.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as  
914 amended (City Building Code), for the procedure to follow when an appeal from the provisions of  
915 this Code is being requested and for the membership and qualifications of the Board of Appeals.

916

917

918

## SECTION 202 GENERAL DEFINITIONS

919

920 *Add new definition to subsection:*

921

922 **Food service establishment.** Any fixed or mobile restaurant, temporary food service  
923 establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop,  
924 soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment,  
925 catering kitchen, commissary and any other eating or drinking establishment where food or  
926 beverages are prepared or served; whether private, public, profit or non-profit.

927

928

## SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

929

930 *Add new subsection to read as follows:*

931

932 **303.9 Equipment noise.** Refer to the City of *Portsmouth Zoning Ordinance*, for the limitations of  
933 excessive noise from mechanical equipment operations. Noise from mechanical equipment shall  
934 not exceed the levels so stated.



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## SECTION 501 GENERAL

*Add new subsection to read as follows:*

**501.5 Mechanical equipment and terminations in the Historic District.** Mechanical equipment and equipment terminations shall comply with the *City of Portsmouth Zoning Ordinance* with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

## ~~SECTION 506 COMMERCIAL KITCHEN HOOD VENTILATION SYSTEM DUCTS AND EXHAUST EQUIPMENT~~

*Change subsection to read as follows:*

~~**506.1 General.** The requirements of NFPA 96, the Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations shall apply to all hoods, ducts, make-up air and suppression systems in commercial food service establishments. The provisions of NFPA 96 governing hoods shall mean a Type I hood as defined in this code.~~

*Change subsection to read as follows:*

~~**506.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this code:~~

### ~~Chapter 10 Fire Extinguishing Equipment~~

*Add new subsections to read as follows:*

#### ~~10.9.3 Initial System Tests.~~

~~**10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as required by the City of Portsmouth Range Hood Test Report Form. The suppression test shall use a substitute nonflammable gas in place of the UL 300 suppression agent.~~

~~**10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in Section 10.9.3.1 shall be performed.~~

### ~~Chapter 11 Procedures for the Use and Maintenance of Equipment~~

*Add new sentence to end of subsection:*

#### ~~11.6 Cleaning of Exhaust Systems.~~

~~**11.6.2\*** "The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure A.11.6.2 shall become mandatory requirements of this Section."~~

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~~End of NFPA 96 amendments.~~

~~*Delete the following subsections without substitution:*~~

~~**506.3 through 506.3.12.3 Ducts serving Type I hoods.**~~

989  
990 **SECTION 507 COMMERCIAL KITCHEN HOODS**  
991

992 *Add exception 4 in subsection to read as follows:*  
993

994 Exception 4. Cooking equipment that has been listed in accordance with ANSI/UL 197 or an  
995 equivalent standard for reduced emissions shall not be required to be provided with an exhaust  
996 system. Spaces in which such systems are located shall be considered to be kitchens and shall be  
997 ventilated in accordance with table 403.3. For the purposes of determining the floor area required  
998 to be ventilated, each individual appliance shall be considered as occupying not less than 100  
999 square feet.(9,3m<sup>2</sup>).

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1002  
1003 *Add new subsection to read as follows:*  
1004

1005 **507.2.3.1 Cooking appliances for accessory uses.** All free standing domestic ranges used for  
1006 cooking demonstrations/classes, employee break rooms, or similar “mini” kitchens, shall have  
1007 Type II range hoods complying with Sections 507.5 and 507.7.2. Range hood vent terminations  
1008 shall comply with Section 506.4.1. Ranges used for such accessory purposes shall not be used to  
1009 prepare food sold to the general public.  
1010

1011 ~~*Delete the following section without substitution:*~~  
1012

1013 **SECTION 509 FIRE SUPPRESSION SYSTEMS**  
1014

1015 *Add subsection to read as follows:*  
1016

1017 **509.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this code:  
1018  
1019  
1020  
1021  
1022

1023 **Chapter 10 Fire-Extinguishing Equipment**  
1024

1025 *Add new subsections to read as follows:*  
1026

1027 **10.9.3 Initial System Tests.**  
1028

1029 **10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as  
1030 required by the *City of Portsmouth Range Hood Test Report Form*. The suppression test shall use  
1031 a substitute non-flammable gas in place of the UL 300 suppression agent.  
1032

1033 **10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in  
1034 Section 10.9.3.1 shall be performed.

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**Chapter 11 Procedures for the Use and  
Maintenance of Equipment**

*Add new sentence to end of subsection:*

**11.6 Cleaning of Exhaust Systems.**

**11.6.2\*** “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure A.11.6.2 shall become mandatory requirements of this Section.”

*End of NFPA 96 Amendments.*

~~**508 COMMERCIAL KITCHEN MAKEUP AIR**~~



1054 **CHAPTER 8 CHIMNEYS AND VENTS**

1055

1056 **SECTION 801 GENERAL**

1057

1058 *Change subsections to read as follows:*

1059

1060 **801.1 Scope.** This chapter shall govern the installation, maintenance, repair and approval of  
1061 factory-built chimneys, chimney liners, vents and connectors. This chapter shall also govern the  
1062 utilization of masonry chimneys. Gas-fired appliances shall be regulated in accordance with the  
1063 *National Fuel Gas Code, NFPA 54.*

1064

1065 **801.3 Masonry chimneys.** Masonry chimneys shall be constructed in accordance with the  
1066 *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and*  
1067 *Solid Fuel-Burning Appliances.*

1068

1069 **SECTION 902 MASONRY FIREPLACES**

1070

1071 *Change subsection to read as follows:*

1072

1073 **902.1 General.** Masonry fireplaces shall be constructed in accordance with the *International*  
1074 *Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-*  
1075 *Burning Appliances.*

1076 **CHAPTER 15 REFERENCED STANDARDS**

1077

1078 *Insert the following Codes and Regulations:*

1079

1080 **New Hampshire State Building Code**

1081 Department of Safety  
1082 33 Hazen Drive Drive  
1083 Concord, NH 03305  
1084 (603) 271-3294  
1085 [bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

1086

1087 **Guidelines Manual for Two (2) PSIG Gas Systems.** 1601.2 (NFPA 54, 5.5.1)

1088 Unutil Corporation.  
1089 PO Box 508  
1090 325 West Road, Portsmouth, NH 03802-0508,  
1091 1-800-552-3047

1092

1093 **New Hampshire Energy Code**

1094 Public Utilities Commission  
1095 21 South Fruit Street, Suite 10  
1096 Concord, NH 03301-2429  
1097 (603) 271-2431  
1098 [www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm) [www.puc.state.nh.us/EnergyCodes/energyypg.htm](http://www.puc.state.nh.us/EnergyCodes/energyypg.htm)  
1099 [puc@puc.nh.gov](mailto:puc@puc.nh.gov)

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*Add in the NFPA section the following referenced Standards:*

- 54-09** National Fuel Gas Code 101.2, 102.8.2, 801.1, 1601.1, 1601.2
- 70-05** National Electric Code 102.8.1
- 96-1108** Ventilation Control and Fire Protection of Commercial Cooking Operations 102.8.4, ~~506.1~~

*Amend in the NFPA section the following referenced Standards:*

- Change 31-~~0601~~ to 31-1106* Standard for Installation of Oil Burning Equipment
- Change 58-~~0401~~ to 58-1404* Liquefied Petroleum Gas Code
- Change 211-~~0 to 03 to~~ 211-1306* Standards for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliance

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 take effect as of January 1, 2018.

APPROVED:

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

ADOPTED BY COUNCIL:

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

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*Add a new Chapter 15 Part III to read as follows:*

**CHAPTER 156,  
PART III  
FUEL GAS INSTALLATIONS**

**SECTION ~~1601-1001~~ GENERAL**

That Chapter 15, Part III – FUEL GAS INSTALLATION of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**10601.1 Scope.** This chapter shall govern the installation, modification and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories. All such installations shall be regulated by the *National Fuel Gas Code*, NFPA 54 subject to the following additions, amendments and deletions.

**10601.2 Amendments to the National Fuel Gas Code.** The following text refers to the *National Fuel Gas Code*, NFPA 54 listed in Chapter 15.

**Section 5.5 Piping System Operating Pressure Limitations.**

*Add new subsection to read as follows:*

**5.5.1.1 Two pound gas systems.** Two pound gas delivery systems shall be designed and installed as outlined in the *Guidelines Manual for 2 psig Gas Systems* listed in Chapter 15.

**Section 5.6 Acceptable Piping Materials and Joining Methods.**

~~5.6.2.2 Steel and wrought iron. Black steel pipe complying with ANSI/ASME B36.10 or ASTM A 53 shall be used for all gas delivery systems after the point of delivery.~~

*Delete the following subsections without substitution:*

~~**5.6.2.3 Copper and Brass**~~

~~**5.6.2.4 Threaded Copper, Brass, and Aluminum**~~

~~**5.6.2.5 Aluminum Alloy**~~

~~**5.6.2.6 Aluminum Installation**~~

~~**5.6.3 Metallic Tubing**~~

~~**5.6.3.1 Steel**~~

~~**5.6.3.2 Copper and Brass**~~

~~**5.6.3.3 Aluminum**~~

1186 *Change subsection to read as follows:*

1187

1188 **5.6.3.4 Corrugated Stainless Steel. Corrugated Stainless Steel Tubing must be installed in**  
1189 **accordance with the manufacturers' installation instructions for specific construction types.**  
1190 **A third party inspection may be required pursuant to Chapter 17, Section 1704 of the**  
1191 **International Building Code.**

1192

1193

## Section 7.2 Installation of Piping.

1194

1195 *Add new subsections to read as follows:*

1196

1197 **7.2.8.1 Exterior Meter Connections.** CSST shall not be connected to an exterior meter. The  
1198 tubing shall terminate at the foundation wall with a termination fitting, and the gas meter shall be  
1199 rigidly connected with steel piping to the building structure.

1200

1201 **7.2.8.2 Fireplace Log Installations.** CSST shall terminate with a termination fitting at the  
1202 entrance to the masonry fire box. The workmanship shall be performed and completed in such a  
1203 manner so that the termination will not be exposed to any mechanical damage.

1204

1205 **7.2.8.3 Fixed Appliance Connection Using CSST.** CSST may be directly connected to a fixed  
1206 appliance when all the following conditions are met:

- 1207 • The tubing is securely attached to the building structure or other means of solid support.
- 1208 • Tubing shall not run exposed for a distance greater than or equal to 30 inches without being  
1209 physically attached to the building structure or other means of solid support.
- 1210 • CSST terminates with a proper fitting and gas cock.

1211

1212 **7.2.8.4 CSST Used as an Appliance Connection.** CSST shall not be used as a flexible appliance  
1213 connector downstream of the appliance shutoff device.

1214

- 1215 • **Testing Requirements for CSST Systems.** When CSST piping systems are installed in new  
1216 construction or remodeling, the system shall be tested before any piping is covered as part of the  
1217 inspections prescribed in Chapter 8.1. Before placing appliances and equipment in operation a  
1218 second pressure test as prescribed in Chapter 8.1 shall be completed and inspected.

1219

1220 **7.2.8.6 CSST Piping Installed on Roofs.** CSST shall be installed for roof top equipment only  
1221 when it is supported by one of the following methods:

- 1222 • The CSST tubing is installed within a metal or plastic conduit that is securely attached by  
1223 an appropriate method every six feet to the roof structure. Where the piping system requires  
1224 a tee to be installed within the line, the sleeve shall terminate no more than 12 inches from  
1225 the tee on both main and branch line runs.
- 1226 • For CSST tubing having sizes of 1½ inch and two inches and having a UV stabilized jacket,  
1227 all the following requirements shall be satisfied:
  - 1228 • The CSST shall be supported on blocks which are spaced not more than 48 inches  
1229 apart.



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- The blocks shall be constructed of materials appropriate for outdoor conditions and shall be securely attached by an appropriate method to the roof structure, and
- The method used to attach the CSST to the block shall not damage the plastic coating.
- The maximum length of tubing not supported by any method listed shall not exceed 30-inches when connected to a gas fired roof top unit or similar gas equipment.

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**Section 12.9 Through the wall vent termination.**

*Add new subsection to read as follows:*

**12.9.6** Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

*End of NFPA 54 Amendments.*

**APPENDIX A – COMBUSTION AIR OPENINGS AND CHIMNEY CONNECTOR PASS-THROUGH**

*Appendix A is adopted as part of this ordinance.*

**APPENDIX B – RECOMMENDED PERMIT FEE SCHEDULE**

*Appendix B is not adopted as part of this ordinance.*

~~**ADOPTED 20 ADOPTED 20 Oct 2009**~~

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 take effect as of January 1, 2018.

APPROVED:

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

ADOPTED BY COUNCIL:

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

1 CITY ORDINANCE – CHAPTER 15

2 PART IVH

3 NATIONAL ELECTRICAL CODE, ~~2014~~2017

4  
5 That Chapter 15, Part IV – NATIONAL ELCTRICAL CODE of the Ordinances of the  
6 City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~;  
7 additions to existing language **bolded**; remaining language unchanged from existing):  
8

9 PART IV

10 NATIONAL ELECTRICAL CODE ~~2014~~ 2017

11  
12 The City of Portsmouth adopts the State Building Code, which adopts by reference The National  
13 Electrical Code, ~~2014-2017~~(NEC), ~~is hereby adopted~~ as Chapter 15, Part ~~HHIV~~, of the ordinances  
14 of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and  
15 deletions:

16  
17 *Change subsection to read:*  
18

19 **210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

20 Ground-fault circuit-interrupter protection for personnel shall be provided as required in  
21 210.8(A) through (E). The ground- fault circuit interrupter shall be installed in a readily  
22 accessible location.  
23

24 For the purposes of this section, when determining distance from receptacles the distance shall  
25 be measured as the shortest path the cord of an appliance connected to the receptacle would  
26 follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door,  
27 doorway, or window.  
28

29 (A) **Dwelling Units.** All 125-volt, ~~and 240 volts~~ single-phase, 15-thru ~~20~~ 50 ampere  
30 receptacles installed in the locations specified in 210.8(A)( 1) through (10) shall have  
31 ground-fault circuit interrupter protection for personnel.

32 1) Bathrooms

33 (2) Garages, and also accessory buildings that have a floor located at or below grade level not  
34 intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

35 (3) Outdoors  
36

37 **Exception to (3):** Receptacles that are not readily accessible and are supplied by a branch  
38 circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment  
39 shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

40 (4) Crawl spaces — at or below grade level.

41 (5) Unfinished portions or areas of the basement not intended as habitable rooms.

42

43 **Exception to (5):** A receptacle supplying only a permanently installed fire alarm or burglar  
44 alarm system shall not be required to have ground fault circuit-interrupter protection.

45 Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm  
46 systems.

47 Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the  
48 requirements of 210.52(G).

49 (6) Kitchens — where the receptacles are installed to serve the countertop surfaces.

50 (7) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the  
51 bowl of the sink.

52 (8) Boathouses

53 (9) Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside  
54 edge of the bathtub or shower stall.

55 (10) Laundry areas

56 **B) All Area Including Dwelling Unit Other Than Dwelling Units.** All single-phase  
57 receptacles rated 150 volts to ground or less, 50 amperes or less and three phase receptacles rated  
58 150 volts to ground or less, 100 amperes or less installed in the following locations shall have  
59 ground-fault circuit-interrupter protection for personnel.

60 (1) Bathrooms

61 (2) Kitchens

62 (3) Rooftops

63 *Exception: Receptacles on rooftops shall not be required to be readily accessible other than from*  
64 *the rooftop.*

65 (4) Outdoors

66 *Exception No. 1 to (3) and (4): Receptacles that are not readily accessible and are supplied by a*  
67 *branch circuit dedicated to electric snow melting, deicing, or pipeline and vessel heating*  
68 *equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

69 *Exception No. 2 to (4): In industrial establishments only, where the conditions of maintenance*  
70 *and supervision ensure that only qualified personnel are involved, an assured equipment*  
71 *grounding conductor program as specified in 590.6(B)(3) shall be permitted for only those*  
72 *receptacle outlets used to supply equipment that would create a greater hazard if power is*  
73 *interrupted or having a design that is not compatible with GFCI protection.*



74 (5) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the  
75 bowl of the sink.

76 *Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where*  
77 *removal of power would introduce a greater hazard shall be permitted to be installed without*  
78 *GFCI protection.*

79 *Exception No. 2 to (5): For receptacles located in patient bed locations of general care*  
80 *(Category 2) or critical care (Category 1) spaces of health care facilities other than those*  
81 *covered under 210.8(B)(1), GFCI protection shall not be required.*

82 (6) Indoor wet locations.

83 (7) Locker rooms with associated showering facilities.

84 (8) Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms.

85 (9) Crawl spaces — at or below grade level.

86 (10) Unfinished portions or areas of the basement not intended as habitable rooms.

87 **(C) Boat Hoists.** GFCI protection shall be provided for outlets not exceeding 240 volts that  
88 supply boat hoists installed in dwelling unit locations.

89 **(D) Kitchen Dishwasher Branch Circuit.** GFCI protection shall be provided for outlets that  
90 supply dishwashers installed in dwelling unit locations.

91 **(E) Kitchen Microwaves, Range Hood Branch Circuits.** GFCI protection shall be provided for  
92 outlets, or hard wired microwaves and range hood in dwelling unit locations.

93 **(F) Kitchen Refrigerator Branch Circuits.** GFCI protection shall be provided for outlets that  
94 supply refrigerators installed in dwelling unit location.

95 **(G) Kitchen Garbage Disposal, and Trash Compactors Branch Circuits.** GFCI protection shall be  
96 provided for outlets that supply garbage disposals and trash compactors installed in dwelling  
97 units.

98 **(H) Kitchen Electric Ranges Branch Circuits.** GFCI protection shall be provided for all electric  
99 ranges 120 volts thru 240 volts 50 amps and less in dwelling units.

100 **(I) Electric Dryers in Bathrooms, Basements and Laundry Room Rooms.** GFCI protection shall  
101 be provided for circuits for 120 volt thru 240 volts 50 amps or less that supply electric dryers in  
102 dwelling units.

103 **~~(J)~~ (E) Crawl Space Lighting Outlets.** GFCI protection shall be provided for lighting outlets  
104 not exceeding 120 volts installed in crawl space.

105

106

107 *Change subsection to read as follows:*

108 **Part VI. Service Equipment — Disconnecting Means.**

109

110 **230.70 General.** Means shall be provided to disconnect all conductors in a building or other  
111 structure from the service entrance conductors.

112 **(A) Location.** The service disconnecting means shall be installed in accordance with  
113 230.70(A)(1), (A)(2), and (A)(3) except for one and two family dwellings, the disconnecting  
114 means shall be located on the outside of the dwelling in a readily accessible location nearest  
115 point of the conductors entering the building or structure.

116 **(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily  
117 accessible location either outside of a building or structure or inside nearest the point of entrance  
118 of the service conductors.

119 **(2) Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

120 **(3) Remote Control.** Where a remote control device(s) is used to actuate the service  
121 disconnecting means, the service disconnecting means shall be located in accordance with  
122 230.70(A)(1).

123 **(B) Marking.** Each service disconnect shall be permanently marked to identify it as a service  
124 disconnect.

125 **(C) Suitable for Use.** Each service disconnecting means shall be suitable for the prevailing  
126 conditions. Service equipment installed in hazardous (classified) locations shall comply with the  
127 requirements of Articles 500 through 501

128

129 *Change subsection to read as follows:*

130 **Part II. Installation**

131 **334.10 Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be  
132 used in the following, except as prohibited in 334.12:

133 (1) One- and two-family dwellings and their attached or detached garages, and their storage  
134 buildings.

135 ~~(2) Multi-family dwellings permitted to be of Types III, IV, and V construction.~~

136 ~~(3) Other structures permitted to be of Types III, IV, and V construction. Cables shall be~~  
137 ~~concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at~~  
138 ~~least a 15-minute finish rating as identified~~

139 ~~In listings of fire-rated assemblies.~~

140 ~~Informational Note No. 1: Types of building construction and occupancy classifications are~~  
141 ~~defined in NFPA 220–2015, Standard~~

142 ~~on Types of Building Construction, or the applicable building code, or both.~~

143 ~~Informational Note No. 2: See Informative Annex E for determination of building types [NFPA~~  
144 ~~220, Table 3-1].~~

145 ~~(4) Cable trays in structures permitted to be Types III, IV, or V where the cables are identified~~  
146 ~~for the use.~~

147 ~~Informational Note: See 310.15(A)(3) for temperature limitation of conductors.~~

148 ~~(5) Types I and II construction where installed within raceways permitted to be installed in~~  
149 ~~Types I and II construction.~~

150 **(A) Type NM.** Type NM cable shall be permitted as follows:

- 151 (1) For both exposed and concealed work in normally dry locations **in one and two family**  
152 **dwelling. except as prohibited in 334.10(3)**  
153 (2) To be installed or fished in air voids in masonry block or tile walls.  
154

155 **334.12 Uses Not Permitted.**

156 **(A) Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be permitted as  
157 follows:

- 158 (1) In any dwelling or structure not specifically permitted in 334.10(1), ~~(2), (3), and (5)~~  
159 (2) Exposed in a dropped or suspended ceiling in other than one- and two-family ~~and multifamily~~  
160 ~~dwelling~~  
161 (3) As service-entrance cable.  
162 ~~(4) In commercial garages having hazardous (classified) locations as defined in 511.3~~  
163 ~~(5) In theaters and similar locations, except where permitted in 518.4(B)~~  
164 ~~(6) In motion picture studios~~  
165 ~~(7) In storage battery rooms~~  
166 ~~(8) In hoist ways or on elevators or escalators~~  
167 ~~(9) Embedded in poured cement, concrete, or aggregate~~  
168 ~~(10) In hazardous (classified) locations, except where specifically permitted by other articles in~~  
169 ~~this Code~~

170 **(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following  
171 conditions or in the following locations:

- 172 ~~(1) Where exposed to corrosive fumes or vapors~~  
173 ~~(2) Where embedded in masonry, concrete, adobe, fill, or plaster~~  
174 ~~(3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe, or similar~~  
175 ~~finish~~  
176 ~~(4) In wet or damp locations.~~  
177

178 **334.15 Exposed Work in one and two family dwelling.**

179 In exposed work, except as provided in 300.11(A), cable shall be installed as specified in  
180 334.15(A) through (C).

181 **(A) To Follow Surface.** Cable shall closely follow the surface of the building finish or of  
182 running boards.

183 **(B) Protection from Physical Damage.** Cable shall be protected from physical damage where  
184 necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule  
185 80 PVC conduit, Type RTRC marked with the suffix - XW, or other approved means. Where  
186 passing through a floor, the cable shall be enclosed in rigid m conduit, Type RTRC marked with  
187 the suffix -XW, or other approved means extending at least 150 mm (6 in.) above the floor.  
188 Type NMC cable installed in shallow chases or grooves in masonry, concrete, or adobe shall be  
189 protected in accordance with the requirements in 300.4(F) and covered with plaster, adobe, or  
190 similar finish.  
191

192 **(C) In Unfinished Basements and Crawl Spaces in one and two family dwellings.** Where  
193 cable is run at angles with joists in unfinished basements and crawl spaces, it shall be permissible  
194 to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower  
195 edges of the joists. Smaller cables shall be run either through bored holes in joists or on running  
196 boards. Nonmetallic sheathed cable installed on the wall of an unfinished basement shall be

197 permitted to be installed in a listed conduit or tubing or shall be protected in accordance with  
198 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the  
199 point the cable enters the raceway. The sheath of the nonmetallic-sheathed cable shall extend  
200 through the conduit or tubing and into the outlet or device box not less than 6 mm (1/4 in.). The  
201 cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or  
202 tubing. Metal with the provisions of 250.86 and 250.148.

203 **334.17 Through or Parallel to Framing Members.** Types NM, NMC, or NMS cable shall be  
204 protected in accordance with 300.4 where installed through or parallel to framing members.  
205 Grommets used as required in 300.4(B) (1) shall remain in place and be listed for the purpose of  
206 cable protection.

207 **334.23 In Accessible Attics in one and two family dwellings.**

208 The installation of cable in accessible attics or roof spaces shall also comply with 320.23.  
209

210 *Change subsection to read as follows:*

## 211 **Part II. Installation**

### 212 **338.10 Uses Permitted.**

213 **(A) Service-Entrance Conductors for one and two family dwellings.** Service-entrance cable  
214 shall be permitted to be used as service-entrance conductors and shall be installed in accordance  
215 with 230.6, 230.7, and Parts II, III, and IV of Article 230.

#### 216 **(B) Branch Circuits or Feeders.**

217 **(1) Grounded Conductor Insulated.** Type SE service-entrance cables shall be permitted in  
218 wiring systems where all of the circuit conductors of the cable are of the thermoset or  
219 thermoplastic type.

220 **2) Use of Uninsulated Conductor.** Type SE service-entrance cable shall be permitted for use  
221 where the insulated conductors are used for circuit wiring and the uninsulated conductor is used  
222 only for equipment grounding purposes.

223 **(3) Temperature Limitations.** Type SE service-entrance cable used to supply appliances shall  
224 not be subject to conductor temperatures in excess of the temperature specified for the type of  
225 insulation involved.

#### 226 **(4) Installation Methods for Branch Circuits and Feeders.**

227 (a) **Interior Installations.** In addition to the provisions of this article, Type SE service-entrance  
228 cable used for interior wiring shall comply with the installation requirements of Part II of Article  
229 334, excluding 334.80.

230 For Type SE cable with ungrounded conductor sizes 10 AWG and smaller, where installed in  
231 thermal insulation, the ampacity shall be in accordance with 60°C (140°F) conductor temperature  
232 rating. The maximum conductor temperature rating shall be permitted to be used for ampacity  
233 adjustment and correction purposes, if the final derated ampacity does not exceed that for a 60°C  
234 (140°F) rated conductor.

235

236 *Change subsection to read as follows:*



237 **338.12 Uses Not Permitted.**

238 **(A) Service-Entrance Cable.** Service-entrance cable (SE) shall not be used under the following  
239 conditions or in the following locations, other than one and two family dwellings.

240 (1) Where subject to physical damage unless protected in accordance with 230.50(B).

241 (2) Underground with or without a raceway.

242 (3) For exterior branch circuits and feeder wiring unless the installation complies with the  
243 provisions of Part I of Article 225 and is supported in accordance with 334.30 or is used as  
244 messenger-supported wiring as permitted in Part II of Article 396.

245

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

248

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

250

251 This ordinance shall take effect as of January 1, 2018.

252

253

254

APPROVED:

255

256

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

257

258

ADOPTED BY COUNCIL:

259

260

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

261

262

1  
2 ORDINANCE #

3  
4 THE CITY OF PORTSMOUTH ORDAINS:

5  
6 That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be  
7 stricken in its entirety and replaced with the following:

8  
9 **CHAPTER 4**

10 **ARTICLE I FOOD LICENSING AND REGULATIONS**

11 **Section 4.101 Adoption of the FDA 2009 Food Code**

12  
13 That a certain document, three copies of which are on file in the office of the City  
14 Clerk of the City of Portsmouth, New Hampshire being marked and designated as the  
15 Food Code, 2009 Recommendations of the United States Public Health Service/Food  
16 and Drug Administration and Annexes "FDA Food Code" as published by the U.S.  
17 Department of Health and Human Services, Public Health Services, Food and Drug  
18 Administration be, and is hereby adopted, subject to the following amendments,  
19 additions and deletions.<sup>1</sup>

20  
21 If specific provisions of the FDA Food Code are not referenced below, the text  
22 remains as written.

23  
24  
25 **Section 4.102: Amendments, Additions and Deletions to Food Code**

26  
27 *Change subsection to read as follows:*

28 **1-201.10 Statement of Application and Listing of Terms.**

29  
30 "Temporary food establishment" means a food establishment that operates for a  
31 period of no more than 3 consecutive days in conjunction with a single event or  
32 celebration.

33  
34  
35 *Add sentence at the end of paragraph to read as follows:*

36 **1-201.10 Food Establishment.**

37  
38 (2) (B) These facilities must be in compliance with Portsmouth Health  
39 Department's Guidelines.

40  
41  
42  

---

<sup>1</sup> For a copy of the FDA Food Code, 2009 go to  
<https://www.fda.gov/food/guidanceregulation/retalifoodprotection/foodcode/ucm2019396.htm.foodcode2009>

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*Delete following subsections:*

**1-201.10 Food Establishment.**

(3) (e) – (g) *Delete*

*Change subsection to read as follows:*

**3-301.11 Preventing Contamination from Hands.**

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) *Delete*

*Delete following subsection in its entirety:*

**3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.**

*Delete following subsection:*

**3-306.12 Condiments Protection.**

(B) *Delete*

*Delete following subsection:*

**3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.**

(D) *Delete*

*Delete following subsection:*

**4.204.14 (A) (B) Vending Machines, Vending Stage Closure.**

*Delete following subsection:*

**4-204.19 Can Openers on Vending Machines.**

*Delete following subsection:*

**4-204.111 Vending Machines, Automatic Shutoff.**

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*Add new subsection to read as follows:*

**4-301.16 Food Prep Sink.**

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

*Delete following subsections:*

**4-301.12 Manual Warewashing, Sink Compartment Requirements.**

(C)(5) *Delete*

(C)(6) *Delete*

(D) *Delete*

*Add new subsection to read as follows:*

**4-302.12 Food Temperature Measuring Devices.**

(A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

*Add new subsection to read as follows:*

**4-302.13 Temperature Measuring Devices, Manual Warewashing.**

(B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.

*Change subsection to read as follows:*

**4-501.16 Warewashing Sinks, Use Limitation.**

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, and drawing potable water, wash produce, or thaw foods.



134 *Delete following subsections:*  
135 **4-603.16 Rinsing Procedures.**

- 136  
137 (C) *Delete*  
138 (D) *Delete*  
139 (E) *Delete*

140  
141  
142 *Change subsection to read as follows:*

143 **5-104.12 Alternative Water Supply.**

144  
145 Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-  
146 103 shall be made available for a mobile facility, for a temporary food  
147 establishment without a permanent water supply, and for a food establishment  
148 with a two hour interruption of its water supply through:

149  
150  
151 *Change subsections to read as follows:*

152 **5-203.11 Handwashing Sinks.**

153 A handwashing sink shall be located within 20 unobstructed feet:

- 154 (A) To allow convenient use by employees in food preparation, food  
155 dispensing, and warewashing areas; and  
156 (B) In toilet rooms.

157  
158  
159 *Change subsection to read as follows:*

160 **5-501.12 Outdoor Enclosure.**

- 161  
162 (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall  
163 be constructed of durable, and cleanable materials with tight-fitting lids,  
164 and in a clean and cleanable manner, that does not attract pests.

165  
166  
167 *Add new subsection to read as follows:*

168 **6-202.15 Outer Openings; Protected.**

- 169  
170 (F) Permanently located outdoor beverage bars shall be fully enclosed during  
171 non-operating hours with a sturdy, permanent structure capable of  
172 withstanding wind, weather, be rodent, bird, insect-proof, and seal out any  
173 and all intentional and unintentional sources of contamination and  
174 adulteration. If adequate protection can be provided by other effective  
175 means a variance may be issued pursuant to 8-103.10 through 8-103.12.

176  
177  
178  
179

180 *Change subsection to read as follows:*

181 **6-303.11 Intensity.**

182

183 The light intensity shall be:

- 184 (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above  
185 the floor, in walk-in refrigeration units and dry food storage areas and in  
186 other areas and rooms during periods of cleaning;

187

188

189 *Change subsection to read as follows:*

190 **6-501.115 Prohibiting Animals.**

191

- 192 (A) Except as specified in (B) and (C) of this section, live animals may not be  
193 allowed on the premises of a food establishment, unless allowed by  
194 variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

195

196

197 *Delete following subsection:*

198 **7-202.12 Conditions of Use.**

199

- 200 (A) (2) *Delete*

201

202

203

204 *Change subsections to read as follows:*

205 **8-101.10 Public Health Protection.**

206

- 207 (B) (1) Whether the facilities or equipment are in good repair and capable  
208 of being maintained in a sanitary condition and used as intended by the  
209 manufacturer;

210

211

212 *Change subsection to read as follows:*

213 **8-103.11 Documentation of Proposed Variance and Justification.**

214

- 215 (C) A HACCP plan if required as specified under 8-201.13(A) that includes the  
216 information specified under 8-201.14 as it is relevant to the variance  
217 requested, and reviewed by a 3rd party acceptable to the Health  
218 Department or Special Process Review if requested.

219

220

221 *Add new subsection to read as follows:*

222 **8-201.11 When Plans Are Required.**

- 223 (D) Change of owner.

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*Delete following subsections:*

**8-201.12 Contents of Plans and Specifications.**

- (B) *Delete*
- (D) *Delete*
- (E) *Delete*

*Add new subsection to read as follows:*

**8-201.14 Contents of a HACCP Plan.**

- (F) Verified by a qualified 3rd party reviewer acceptable to the Health Department if requested.

*Delete following subsection:*

**8-404.11 Ceasing Operations and Reporting.**

- (B) *Delete*

*Delete following subsection:*

**Annex 2009, Annex 1, Sections 8-905.10 through 8-908.20 and replace with the following:**

**Section 8-905.10 FOOD LICENSING BOARD OF APPEALS**

**SECTION 8.905.11 GENERAL PURPOSE AND DUTIES OF THE BOARD OF APPEALS**

In order to hear and decide appeals from the denial, suspension or revocation of a Food License made by the Health Officer or Health Department staff, there shall be created a Food Licensing Board of Appeals. The members of the Board of Appeals shall be appointed by the City Manager for a term of two years from the date of appointment.

**SECTION 8.905.12 LIMITATION OF AUTHORITY**

An appeal shall be based on a claim that the Health Officer or Health Department staff improperly interpreted or applied the 2009 FDA Food Code as adopted in this Chapter. The Board may hear and decide appeals from the denial, suspension or revocation or a Food License but shall have no authority to waive requirements of the 2009 FDA Food Code as adopted in this Chapter.

**SECTION 8.905.13 COMPOSITION AND QUALIFICATIONS OF BOARD MEMEBERS**

**8.905.13.1** The Board of Appeals shall consist of 3 voting members who are not employees of the City. The Board shall consist of three members who have the following qualifications:

266 One member shall be a current or former Health Officer, Health Inspector  
267 or Environmental Health Specialist with knowledge of and experience  
268 applying the FDA Food Code; and

269 One member shall be a current or former doctor or nurse practitioner or  
270 nurse with public health experience; and

271 One member shall have experience as a Restaurant Manager or Food  
272 Service Manager.

273 **8.905.13.2** Alternate members. The City Manager may appoint an alternate for  
274 each Board member with the same qualifications for each position listed above.  
275 The Board Chairperson may call alternative members to hear appeals during the  
276 absence or disqualifications of a member.

277 **8.905.13.3** The Board shall adopt policies and procedures necessary to carry  
278 out its duties and be subject to all conflict of interest and ethics rules of the City  
279 of Portsmouth.

#### 280 **SECTION 8.905.14 TIMING FOR APPEAL**

281 The application for an appeal shall be filed on a form obtained by the Health  
282 Department within ten (10) days after the receipt of a denial, revocation or suspension  
283 of a Food License from the Health Department.

#### 284 **SECTION 8.905.15 PROCEDURE FOR HEARING AND DECISION**

285 **8.905.15.1** The Board shall meet within 15 days of the receipt of an appeal.

286 **8.905.15.2** The appellant, the appellant's representative, the Health Officer and  
287 other City staff or any person whose interests are affected shall be given an  
288 opportunity to be heard.

289 **8.905.15.3** The Board's decision shall be in writing and shall be issued within 5  
290 business days after the hearing.

291 **8.905.15.4** Any decision of the Board may be appealed by the appellant or the  
292 City to the Superior Court.

293  
294 *Add the following as first paragraph of subsection:*

#### 295 **Annex 2009, Annex 7, Model forms Guides and Other Aids.**

296  
297 Model forms are adopted as amended by the Portsmouth Health Department.

298  
299  
300  
301  
302



303 **Section 4.103 Adoption of Specific Parts He-P 2300, as amended:**

304  
305 Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary  
306 Production and Distribution of Food ("He-P 2300") published as of the date this Chapter  
307 is adopted, are hereby adopted subject to the following amendments, additions and  
308 deletions. Any section not referenced is not adopted.

309  
310  
311 *Adopt the following definitions:*

312 **He-P 2301 DEFINITIONS**

- 313  
314 (a) "Acid foods"  
315 (b) "Acidified foods"  
316 (c) "Applicant"  
317 (d) "Bed and breakfast"  
318 (f) "Bulk food"  
319 (g) "Caterer"  
320 (h) "Change of ownership" Change of ownership means any time a controlling  
321 interest in a sole proprietorship, joint venture, partnership, corporation,  
322 limited liability company, or any other kind of entity is transferred to  
323 another sole proprietor, joint venture, partnership, corporation, limited  
324 liability company or any other kind of entity. The transfer of a business  
325 entity to a trust and its controlling interest to a trustee for estate planning  
326 purposes will not be deemed a change of ownership, provided that the  
327 transfer is not made to avoid compliance with this Chapter.  
328 (i) "Continental breakfast"  
329 (k) "Corrective Action Plan (CAP)"  
330 (ab) "Low acid foods"  
331 (av) "Soup kitchen"  
332 (aw) "Time/Temperature Control for Safety (TCS) food"

333  
334 *Adopt and amend the following definitions to read as follows:*

- 335  
336 (n) "Department" means the Portsmouth Health Department.  
337 (ad) "Mobile food unit" means a food service establishment mounted on wheels  
338 or otherwise designed to be immediately moveable.

339  
340  
341 *Adopt the following subsection in its entirety and add new subsection to read as follows:*

342 **He-P 2302.02 Soup Kitchens Exempt from Licensure.**

- 343  
344 (5) Person-in-charge must attend food safety training to be provided by  
345 the Department.  
346  
347  
348

349 *Adopt the following subsection:*  
350 **He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan**  
351 **Requirements.**

352  
353 *Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and*  
354 *(i) as follows:*

355 **He-P 2305.01 Inspections.**

356  
357 (a) For the purpose of determining compliance with this Chapter, the  
358 Department or its inspectors, or special agents designated for that purpose,  
359 shall have full power and authority at all times to enter and inspect every  
360 building, room or other place occupied or used for the production, storage,  
361 sale or distribution of food, and all utensils and appurtenances and records  
362 relating thereto, including shellfish tags, or other records pertaining to food  
363 supplies purchased and distributed by the food establishment. The  
364 applicant or licensee shall admit and allow any department representative  
365 at any time to enter and inspect the following:

366  
367 (c) (1) *Delete*

368  
369 (c) (4) *Delete*

370 (c)(6) Occupation of space after construction, renovations or structural alterations  
371 or a period of closure that exceeds 90 days; or

372  
373 (g) Upon completion of the inspection, the Department shall provide a written  
374 or electronic copy of the inspection report. The inspection report shall  
375 contain:

376  
377 (i) Except for Food Processing Plants, numerical scoring shall be on a 100  
378 point scale, with:

379  
380 (1) A+ with a score of 95-100 with no critical item violations

381 (2) A with a score of 90-100 and one or more critical item violations

382 (3) B+ with a score of 85-89

383 (4) B with a score of 80-84

384 (5) C+ with a score of 75-79

385 (6) C with a score of 70-74

386 (7) F score below 70 is a failing score.

387 (8) Scoring shall be assigned as Priority Items are valued at 5 points,  
388 Priority Foundation items are valued at 3 points and Core items

389 shall be valued as 1 point. The value of the inspection categories  
390 shall be that of the highest point item in that category.  
391

392  
393 *Adopt and amend subsection to read as follows:*

394 **He-P 2308.02 Basic Requirements.**  
395

396 b (2) A residential model sanitizing dish machine and a one compartment sink:  
397

398  
399 *Adopting subsection in its entirety and amend to read as follows:*

400 **He-P 2309.01 Application Requirements.**  
401

402 (a) Apply as "Processors," Class E on the food service permit  
403 application and comply with the License, Application and Terms of  
404 License requirements;  
405

406  
407 **Section 4.104 Temporary Events.**  
408

409 Food preparation and handling practices for food establishments are to be in  
410 compliance with this Chapter. Event Coordinators must submit completed application to  
411 the Department for approval no later than one month prior to the date of the event.  
412

413  
414 **Section 4.105 License.**  
415

416 It shall be unlawful for any person or entity to operate a Food Service  
417 Establishment within the City of Portsmouth without obtaining a valid food service  
418 license issued by the Department. Only a person or entity who complies with the  
419 requirements of this Chapter shall be entitled to receive and retain such a license. A  
420 food service license shall be posted in public view. Licenses are not transferable  
421 between entities or locations. Any change in ownership shall require a new food service  
422 license subject to the provisions of this Chapter.  
423

424  
425 **Section 4.106 Application.**  
426

427 The Health Department may issue a food service license to any Food Service  
428 Establishment upon receipt of a written or electronic application. A food service license  
429 shall be granted upon the express condition that the Food Service Establishment  
430 complies with all the requirements of this Chapter, and the applicant agrees at all times  
431 to conduct their operation and maintain their facilities in accordance with the  
432 requirements of this Chapter and those Guidelines promulgated hereunder. The  
433 application procedure and issuance shall be in keeping with this Chapter and

434 administrative polices of the Department, with the fees approved by City Council  
435 through its budgetary processes.

436  
437

438 **Section 4.107 Term of License.**

439

440 Food service licenses shall be issued upon compliance with all of the provisions  
441 of this Chapter: All annual licenses expire September 30<sup>th</sup>. Seasonal licenses are valid  
442 from April 15 through October 15 of the calendar year. Temporary licenses are valid for  
443 the length of the event.

444

445

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

447

448 This ordinance shall take effect upon passage.

449

450

APPROVED:

451

452

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

453

454

455

456 ADOPTED BY COUNCIL:

457

458

459

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

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RECEIVED

NOV 27 2017

CITY MANAGER  
PORTSMOUTH, NH

## *Clover Run*



# Saint Patrick Academy

EDUCATION FULLY ALIVE

November 22, 2017

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 Academy, located at 125 Austin Street, Portsmouth, NH. The community of St. Patrick Academy would like to host its fifth annual 5k Road Race Saturday, March 17<sup>th</sup>, 2018 at 10:30am and are seeking the City's approval at your next meeting held December 4<sup>th</sup>, 2017.

We would like to start and end the race at the new St. Patrick Academy campus over on Banfield Road. We have already emailed Captain Frank Warchol the specifics to the route.

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,

Matthew A. McFarland, CFA  
The Hope for Tomorrow Foundation

John,

Kelli Barnaby is requesting the route for this race for approval at the city council on Monday. I know that the race itself will be approved as in previous years, but their proposed route is much different.....but I like it. It takes it out of the South End and because it double backs on itself, it would make for easier traffic management.

**Frank S Warchol, Captain of Operations**

Portsmouth NH Police Department

3 Junkins Ave.

Portsmouth NH 03801

(603) 610.7630 [Work]

(603) 817-3381 [Cell]

**From:** McFarland, Jill [mailto:JMcFarland@bottomline.com]

**Sent:** Tuesday, November 21, 2017 6:19 PM

**To:** Frank Warchol <FWarchol@cityofportsmouth.com>

**Subject:** Clover Run - March 17, 2018 - new route proposal

Frank-

Hope this email finds you well. We are starting to plan the 2018 Clover Run, slated for March 17, actual St. Patrick's Day. The Clover Run benefits St. Patrick Academy, which as you likely know, is in the process of transitioning locations from 125 Austin Street to 315 Banfield Road. We are hoping to revise the route so the race can start and finish at the new school rather than in downtown Portsmouth. We think this will help generate traffic to the new location and actually be easier to support on a go forward basis. Our thought is to start and finish the race in the parking lot of the new school, exit school grounds by taking a right onto Banfield Road (towards Peverly Hill Road). At Peverly Hill, runners would take a right and proceed to West Road. The course would wind down West Road for and out and back course. I've provided a screen shot of what we are thinking about and was advised by the City to email you in advance of a meeting to gain your thoughts on whether this could be feasible. We are hoping that the traffic pattern would be fairly light on a Saturday morning in this general area of town and with the streets being much wider than downtown, volunteer support would be easier and if we did have snow banks to content with, it would be easier for everyone involved. Additionally, parking would be much easier. Hoping to hear your thoughts/feedback when you can. Please have a safe and happy Thanksgiving holiday.

Best,

Jill



**Jill McFarland**  
**Paymode-X**  
**603-501-6644 (office)**  
**603-501-9029 (cell)**  
[jmcfarland@bottomline.com](mailto:jmcfarland@bottomline.com)

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The City of Portsmouth, New Hampshire Police Department states that this electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank You.

November 18, 2017

Portsmouth City Council  
1 Junkins Ave  
Portsmouth, NH 03801



Dear Sirs,

Please accept this letter as a request to once again hold the Eastern States 20 Mile Road Race, scheduled for Sunday, March 25, 2018. I have successfully held this race the past 20 years and look forward to doing do again this year. I hope you will grant a permit, as you have done in each of the last 22 years. This will be our 23rd anniversary!

I have worked in concert with the City of Portsmouth Police Department and will contact them again about securing police detail for all intersections that the runners pass through. The race is expected to have a few hundred runners, and since The Traip Academy School is the start, all runners will move through Portsmouth very quickly.

Thank you very much for your cooperation in this matter. I hope to hear from you soon.

Sincerely,



Donald Allison  
Eastern States 20 Mile  
4332 Avalon Dr  
Sharon, MA 02067  
617-835-2378



# The 23rd Annual Eastern States 20 Mile

Sunday, March 25, 2018 11:00 a.m.

*Kittery, Maine to Salisbury, Massachusetts along the spectacular New Hampshire Seacoast  
Seven towns, three states, all in one race—a great New England tradition*

Running the Boston Marathon? The Eastern States is an ideal final training run!

## Also! The 19th Run for the Border Half Marathon

11:00 a.m. Rye, New Hampshire to the Massachusetts border

↓↓↓↓↓↓ Important, need to know information about this event ↓↓↓↓↓↓

- USTAF sanctioned, measured course—Fast finish line results—Multiple aid stations—Age-group prizes
- \$200 bonus for 20-m course records: Casey Moulton (1:45:40, 2009) and Emily Levan (2:01:49, 2005)
- Shuttle buses to both starts from Hampton, NH Casino lot starting at 7:30 a.m. Last bus at 9:00 a.m.
- To buses: Exit #2 Rte 95—Rte 101 East—Right on Rte 1A—Right on Ashworth Ave to parking on “D” St.
- Race start and pre-race gathering at Traip Academy, Kittery (20-mile); Wallis Sands Beach, Rye (half-mar).
- Parking available at both locations (no return buses).
- Bring baggage to start; affix tag from number; pick up at finish.
- Finish line: routes 1A and 286. Frequent post-race shuttle buses to Ashworth hotel and Casino parking.
- Parking at the finish line available only well away from finish on 286, before traffic light.
- Awards at 2:00 (half marathon) and 3:00 (20-mile)

### Entry form (check appropriate boxes and print clearly)

Fee Includes Commemorative Race Shirt and Finisher's Medal

Eastern States 20 Mile \$50 \_\_\_\_\_

Bus (optional) \$5 \_\_\_\_\_

Border Half Marathon \$45 \_\_\_\_\_

Bus (optional) \$5 \_\_\_\_\_

*A race information sheet will be sent via e-mail*

It's quick, easy, and costs less: register on-line at [www.easternstates20mile.com](http://www.easternstates20mile.com)

Name \_\_\_\_\_ Sex M F Age \_\_\_\_\_ Club \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_  
E-mail address (mandatory for race information sheet) \_\_\_\_\_  
Estimated 20-mile time \_\_\_\_\_ Estimated Half Marathon Finish Time \_\_\_\_\_

**Release/Waiver:** I know that running and road racing are potentially hazardous activities. I will not enter and run in the March 25, 2018 Eastern States 20 Mile Race unless I am medically able and properly trained. I agree to abide by all decisions of a race official relative to my ability to safely complete the event. I assume all risks associated with participation in this event including, but not limited to, falls contact with other participants, the effects of the weather, including low temperature and/or precipitation, traffic, and the conditions of the road, all such risks being known and appreciated by me. Having read this waiver and knowing these facts, and in consideration of your accepting my application, I myself and anyone entitled to act on my behalf, waive and release all race organizers, the states of Maine, New Hampshire, and Massachusetts, the Town of Rye and all other municipalities, all volunteers, all sponsors, their representatives and successors from all claims or liabilities of any kind arising out of my participation in this event even though that liability may arise out of negligence or carelessness on the part of the persons named in this waiver. I grant permission to all of the foregoing to use any photographs, motion pictures, recordings, or any other record of this event for any legitimate purpose. I acknowledge that entry fees are non-refundable and non-transferable for any reason.  
Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

*Save time and money!*

*Register online*

[www.easternstates20mile.com](http://www.easternstates20mile.com)

Return with application fee to:

Eastern States 20 Mile, 4332 Avalon Dr. Sharon, MA 02067

E-mail: [don-allison@comcast.net](mailto:don-allison@comcast.net)

Web: [www.easternstates20mile.com](http://www.easternstates20mile.com)

CITY COUNCIL E-MAILS

November 19, 2017 – December 4, 2017 (NOON)

December 4, 2017 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by Robin Husslage ([rhusslage@hotmail.com](mailto:rhusslage@hotmail.com)) on Monday, November 20, 2017 at 15:31:23

-----  
address: 27 Rock Street

comments: This is a huge project that needs community input. Please don't make a decision until allowing the public to know more and offer their thoughtful input.

Respectfully,  
Robin Husslage

includeInRecords: on

Engage: Submit

-----  
Below is the result of your feedback form. It was submitted by Bradford Byrd ([bradford.byrd@gmail.com](mailto:bradford.byrd@gmail.com)) on Monday, November 20, 2017 at 16:53:33

-----  
address: 184 Walker Bungalow

comments: Dear Councilors,

I would like to voice an objection to the fast-track design and remodel process purposed for the federal building. The last few major project that have gone in downtown have not respected the character of the city in terms of blocking the view of the north church, sidewalk width, variability of the facade, sunlight and tree space. We are an extremely desirable city for businesses because of the town's character. Hastily built monoliths designed for quick return on investment are not in the long-term interest of the city. Please let the citizens have an opinion/public forum on what to do with the space.

Thanks,  
Brady Byrd

includeInRecords: on

Engage: Submit

-----  
Below is the result of your feedback form. It was submitted by Gerald Duffy ([gduffy44@gmail.com](mailto:gduffy44@gmail.com)) on Wednesday, November 22, 2017 at 11:34:39

-----  
address: 428 Pleasant St., Unit 3, Portsmouth

comments: Dear Councilors:

This is a follow up to the recent email from my wife, Effie Malley, and I regarding our concerns about the McIntyre site project. I was able to watch the recording of the City Council meeting from Monday and would like to commend the council on its action regarding next steps. The decision to use the coming meeting to discuss process, rather than advancing the choice of partner, seems to us an ideal approach for all involved.

It's reassuring to know we are not rushing forward and there will be adequate time for a full exploration of possibilities for the site.

Thanks also to the many councilors who responded to our earlier email. I can't help but feel optimistic about the future of this important project.

Warm regards,

Gerald Duffy  
Effie Malley

includeInRecords: on

Engage: Submit

---

Below is the result of your feedback form. It was submitted by Erik Anderson ([andy42152@aol.com](mailto:andy42152@aol.com)) on Sunday, November 26, 2017 at 07:01:52

-----  
address: 38 Georges Terrace

comments: Dear Councilors

I feel that at the last city council meeting I did not adequately express my concern or comment to the issue of city union contracts. It only coincided with council action on the fire fighter and officers council action on a 1 year extension.

To the point. For a considerable amount of time annual budgets are greatly influenced by these contracts and it has become an accepted condition and explanation to the public that there is little to be done in contending with escalating fixed costs./ overhead..

I feel that mindset should not be as completely accepted as used and if a problem is identified it has a solution if desired.

It is not well understood how the council directs its collective bargaining representative in the coveted process. What I do believe to be a possible solution is that these contracts should not be as rigid and "locked down" but more pliable to re-visit in particular categories on an annual basis if they factoring the councils ability to hold down annual budget increases.. I believe (but not exactly certain) that health insurance can be a negotiated annual condition that could change with increased employee contribution. I feel that there are a number of specific items individual in each contract that could be have the ability of "in year" adjustment BUT if not incorporated in the contract have no potential to adjust.Many of these contracts are renewed at times that are not in direct alignment to the budget process and such escape the fiscal consequence associated with them.

As said the issue / problem / matter is continually identified and thus has a solution if desired. By no means is this an assault on these contracts but the continual solution falls on the funding source which is the taxable community of residents.

Thank you for your time and any reply if possible Erik Anderson.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Anne Donaldson ([donaldsonanne@aol.com](mailto:donaldsonanne@aol.com)) on Tuesday, November 28, 2017 at 19:17:26

-----  
address: 42 Orchard St.

comments: As a longtime resident of Portsmouth, I am imploring all members of the City Council to confer with all resources, including historians, designers, park planners and others who have a LONG-range view of what we want Portsmouth to look like in years to come.

We need open spaces to see the sky and trees and old Portsmouth, not just another brick wall.

Planning for Market Square and Strawberry Banke took time and thought. Let's take that time and get it right!

includeInRecords: on

Engage: Submit

-----  
Below is the result of your feedback form. It was submitted by Steve Sanger ([steve@oneminutebrands.com](mailto:steve@oneminutebrands.com)) on Thursday, November 30, 2017 at 08:32:44

-----  
address: 52 Mendum Av

comments: My property taxes have gone up 9% in one year and I am trying to figure out how the city can justify that increase. I understand the tax rate is lower and the assessment is higher and do not need an explanation of the process or the formula for establishing the rate. What I don't understand is why I am being asked to pay an 9% increase when it is likely the city budget has increased 1 to 2 %. 9% is an extraordinary increase in one year. Please explain how this is justified or provide me with an opportunity to pay my fair share. Many thanks, Steve Sanger

includeInRecords: on

Engage: Submit

-----  
Below is the result of your feedback form. It was submitted by Bess Mosley ([bessm@comcast.net](mailto:bessm@comcast.net)) on Wednesday, November 29, 2017 at 21:42:34

-----  
address: 302 Springbrook Circle

comments: I watched tonight's presentations (actually, I missed the 1st one but will catch up) by the companies seeking to partner with the city to develop the McIntyre building. Very impressive.

I understand the importance of not delaying the process and of the need to move forward. I appreciate that you have all invested many months getting up to speed on this project. I think it's reasonable to assume that the new councilors have kept abreast of the issues surrounding the redevelopment of the McIntyre building and that it will not take much for them to catch up to you. A delay of a few weeks until the new council is seated seems entirely reasonable. This is the council that will be working with the chosen vendor and I see no reason that the selection should be made at the final meeting of the outgoing council. Please wait until January.

Thank you for all you do.

Bess Mosley

includeInRecords: on

Engage: Submit



**NEW CONTENT ADDED 12/4/2017**

Below is the result of your feedback form. It was submitted by Irvin Stephen Knight ([irvin@zicacque.com](mailto:irvin@zicacque.com)) on Thursday, November 30, 2017 at 11:40:50

-----  
address: New York, NY

comments: Congrats to Mayor Jack Blalock at your re-election victory and to the victorious councillors as well. I am a former Mayor of the Town of Portsmouth in Dominica (1993-96).

Prior to your election, I posted a message requesting assistance for the town ravaged by Hurricane Maria.

There is need for equipment to clear debris, dispose trash and rebuild infrastructure, besides relief for inhabitants. 95% of homes in Dominica lost their roofs or completely destroyed. The economy of the island of 298 sq. miles is wrecked; Portsmouth is part of the devastation.

The request is to assist a sister town, in any way you can. The people of the town of Portsmouth will be thankful.

includeInRecords: on  
Engage: Submit

-----  
Below is the result of your feedback form. It was submitted by jay Mack ([hopsnbaer@yahoo.com](mailto:hopsnbaer@yahoo.com)) on Monday, December 4, 2017 at 09:19:08

-----  
address: 1039 Islington Street Unit 8

comments: I am against a hotel at this location.

includeInRecords: on  
Engage: Submit

-----  
**Below is the result of your feedback form. It was submitted by Penny Reynolds ([preynolds21@comcast.net](mailto:preynolds21@comcast.net)) on Monday, December 4, 2017 at 09:28:09**

-----  
address: 21 Prospect Street

comments: Dear City Councilors,

I am unable to come to the dialog session tonight. Here are my thoughts in regard to the McIntyre Building. I support the mayor and assistant mayor's decision to let the next council choose the partner in developing this site. Five of you will also be on that council and your experience in this process will benefit the 4 incoming councilors. None of the 4 incoming councilors are newbies to Portsmouth and certainly understand the complexities of receiving the building from the GSA. They also understand and heard loudly from us that we want to be heard, that includes choosing the partner.

There has only been one input session to determine what we want for that space. If you happened to be out of town or couldn't attend, then you are out of luck in getting heard. This is going to be a complex project. I know that you've been involved with this for a year but we haven't. Please wait until the new council is seated.

Sincerely,  
Penny Reynolds  
includeInRecords: on

Below is the result of your feedback form. It was submitted by Cindy Hall ([cihall@simon.com](mailto:cihall@simon.com)) on Monday, December 4, 2017 at 10:05:04

-----  
address: 135 Bow Street, Portsmouth, NH

comments: I would like to recommend a LOW IMPACT redevelopment of the MacIntyre Bldg & land. This is an exceedingly rare opportunity in the densely developed urban core. Parking and open green space should be the top priorities, in addition to saving the character of the existing structure. I recommend below grade parking as well as shallow Artist/Vendor stalls facing Bow Street - with +14' sidewalks. Above that level I recommend an open park space (on grade with Daniel Street... from the right-hand side of the MacIntyre Bldg and then leading back to Bow Street. Then they could use the MacIntyre Bldg for a boutique hotel, as that is likely the best re-use of that structure. Developers will make revenues from the hotel and parking. Either could install/manage the park... the same with the vendor stalls. As residents in that neighborhood we are incredibly challenged with a lack of parking. This plan would compliment the surrounding neighborhood and continue to support that section of Bow Street as being a destination for visitors... and begin to link green space as one moves to Prescott Park. As for the elevated aspect of the green-space - that would be visible from Bow, somewhat like the High Line in NYC.

includeInRecords: on  
Engage: Submit

---

Below is the result of your feedback form. It was submitted by Cindy Hall ([cihall@simon.com](mailto:cihall@simon.com)) on Monday, December 4, 2017 at 10:25:40

-----  
address: 135 Bow Street, Portsmouth, NH


comments: One more item, regarding the Development Proposals from last week's meeting. I would suggest that you ask the 3 presenting teams whether they would participate in the redevelopment if the City were to pursue a very low-impact solution for the space - to only include a boutique hotel or office in the MacIntyre Building and parking garage built below grade, or at least significantly stepped back design, with artist/vendor stalls fronting on Bow Street at grade.... and a green-space/park above the garage, on grade with Daniel Street.

includeInRecords: on  
Engage: Submit

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**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** November 30, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on December 4, 2017 City Council Agenda

---

5:45 p.m. - Public Dialogue Re: McIntyre Project

6:30 p.m. - On Monday evening, prior to the non-public session, I have arranged to have a group photograph taken of the City Council Members, City Clerk, City Manager, Deputy City Manager and City Attorney.

6:45 p.m. - Non-Public Session in accordance with RSA 91-A:2,I (a) regarding strategy or negotiations with respect to collective bargaining – School District's Non-Supervisory Cafeteria Personnel – AFSCME Local 1386.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Presentation:***

1. **Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization.** On Monday evening, the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization will present its Final Report and Vision for the study area that includes City-owned parcels known as the Bridge Street Lot, Worth Lot, and the Vaughan Mall, as well as the public rights-of-way between the future Foundry Place Garage and the Islington Street and Maplewood Avenue Intersection. The Blue Ribbon Committee was appointed in April of 2017 and chaired by Councilor Rebecca Perkins Kwoka. The presentation will be led by Assistant City Manager David Moore, Halvorson Design Partnership President and CEO Bob Uhlig and Ted Touloukian of Touloukian Touloukian Architecture. [See attached Report.](#)

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

1. **Acceptance of Moose License Plate Conservation Grant.** The City of Portsmouth has been awarded one of the FY2017/2018 Moose License Plate Conservation Grants in the amount of \$9,966 for the conservation project: “Conservation, Microfilming and Digitization of Seven Portsmouth Historic Financial Documents from 1800-1888.”

*I recommend the City Council move to accept and approve the grant award, as presented.*

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

### **Second Reading of Proposed Ordinances and Resolutions:**

- 1.1 **Second Reading Re: Zoning Ordinance Amendments – Off-Street Parking (Postponed from November 20, 2017 City Council meeting).** On October 16, 2017, the City Council voted to pass first reading of the proposed amendments to Articles 8, 11, and 15 regarding off-street parking regulations. On November 20, 2017, the City Council held a public hearing and voted to postpone second reading to the December 4, 2017 City Council meeting in order to have Planning Department staff recommend additional revisions to the amendments. At the November 20<sup>th</sup> City Council meeting, Councilor Dwyer requested the Planning Department report back regarding required parking for Accessory Dwelling Units.

[Attached is a memorandum](#) from Planning Director Juliet Walker summarizing the revisions between first reading and the November 20, 2017 public hearing and detailed in the [attached documents](#). In addition, the memorandum describes recommended additional amendments for the December 4, 2017 second reading and described in the [attached documents](#).

*The City Council may move the following motions:*

- 1) *Move to adopt the proposed amendments to first reading as described in the memorandum from Planning Director Juliet Walker, dated November 29, 2017.*
- 2) *Move to pass second reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations as amended.*
- 3) *Move to suspend the rules to conduct third and final reading for this evening’s meeting.*
- 4) *Move to pass third and final reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.*

*Action on this matter should take place under Section VII of the Agenda.*



- 1.2 **Second Reading Re: Gateway Mixed Use District Zoning Amendments (Postponed from November 20, 2017 City Council meeting)**. On October 16, 2017, the City Council voted to pass first reading of the proposed amendments to Articles 4, 5A and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts. On November 20, 2017, the Council held a public hearing and voted to postpone second reading to this evening's meeting in order to have the Planning Department staff recommend additional revisions to the amendments.

[Attached is a memorandum](#) from Planning Director Juliet Walker summarizing the revisions between first reading and the November 20, 2017 public hearing and detailed in the [attached documents](#). In addition, the memorandum describes recommended additional amendments for the December 4, 2017 second reading and described in the [attached documents](#).

*The City Council may move the following motions:*

- 1) *Move to adopt the proposed amendments to first reading as described in the memorandum from Planning Director Juliet Walker, dated November 29, 2017.*
- 2) *Move to pass second reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B gateway Mixed Use Zoning Districts as amended.*
- 3) *Move to suspend the rules to conduct third and final reading at this evening's City Council meeting.*
- 4) *Move to pass third and final reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Used Zoning Districts as amended.*

*Action on this matter should take place under Section VII of the Agenda.*

- 1.3 **Second Reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code (Postponed from November 20, 2017 City Council meeting)**. The City Council voted to postpone second reading regarding the [attached](#) aforementioned proposed Ordinance to provide an alternative for a review process to allow more solar panels than originally proposed. Councilor Pearson requested the staff to provide visual aids to allow the City Council to see what the Fire Department is proposing to relative to rooftop solar panels.

[Attached is a memorandum from Fire Chief Steve Achilles](#) regarding the Fire Department administration's recommendation to the City Council to amend

sections 605.11.1.2.2 Hip roof layouts (at line 522) and 605.11.1.2.3 Single-ridge roofs (at line 534) to add the following sentence:

***Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.***

Chapter 5, Fire Department and Prevention Regulations, Articles 1, 4, 5, 7 and 8 have been updated to delete obsolete sections of the ordinance and amended to reflect current operations of the Fire Department. For example, we no longer have call firemen (Article 1), there is no longer a petroleum inspector or petroleum district (Article 4) and the municipal fire alarm system is being retired (Article 5). Our current ordinance (Article 9) adopts the 2006 International Fire Code and the amendment to Article 9 would adopt the 2015 International Fire Code and formally adopt the State Fire Code (Saf-C 6000). The proposed amendments to Article 9 reflect the updates from the 2006 to the 2015 International Fire Code. The amendment also modifies sections of the 2015 International Fire Code to reflect the State's requirements regarding smoke alarms and carbon monoxide detection. Article 9 has also been amended to address our current practices regarding permitting processes, defining "no burn permit" areas in the City, providing additional guidance regarding the installations of sprinkler system and adds a new section on solar panels to give our community clear guidelines regarding this popular source of energy for homeowners and businesses. [See attached.](#)

*City Council may move the following motions:*

- 1) Move to amend the form of the ordinance amending Chapter 5 that went to first reading as set forth in the memorandum from Fire Chief Steven Achilles to the City Manager dated November 28, 2017.*
- 2) Move to suspend the rules to conduct third and final reading at this evening's City Council meeting.*
- 3) Move to pass third and final reading of Chapter 5 as amended.*

*Action on this matter should take place under Section VII of the Agenda.*

## **2. Third and Final Reading of Proposed Ordinances and Resolutions:**

- 2.1 **Third and Final Reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code.** As a result of the November 20, 2017 City Council meeting, I am bringing back for third and final reading the [attached](#) aforementioned proposed Ordinances.

Chapter 12 (International Building Code, 2006 & the International Residential Code, 2006), Chapter 15 (International Plumbing Code, 2006 & International Mechanical Code, 2006 ), and Chapters 12 and 5 (which reference the National Electric Code, and the International Energy Conservation Code), need to be updated to conform with the 2009 adopted state building code, and in addition we recommend adopting the Existing Building Code (also part of the state building code but not reflected in our current ordinances).

As with the existing ordinances, the [attached](#) includes local amendments that are tailored to City. We also propose amending the 2014 Electrical Code to prohibit NM cable (trade name Romex) from commercial installations, to prohibit service entrance cable (SER) in commercial installations and to require GFCI protection for certain residential installations (including, for example, in kitchens, bathrooms, garages and basements), to better protect the public health and safety.

In addition, [see attached memorandums from the Legal Department](#) for Chapters 12 and 15 regarding stylistic, formatting changes and amendment to the effective date for the Ordinance.

Further, the Legal Department has recommended two additional amendments to Chapter 15 – one amendment related to Corrugated Stainless Steel Tubing and another amendment to reflect the 2017, not the 2014 National Electric Code because the State has adopted the 2017 National Electric Code effective January 1, 2017.

*I recommend the City Council move the following motions:*

*1) Move to pass third and final reading for Chapter 12 as amended at the November 20, 2017 City Council meeting.*

*2) Move to pass third and final reading for Chapter 15 as amended at the November 20, 2017 City Council meeting.*

*Action on this matter should take place under Section VII of the Agenda.*

- 2.2 **Third and Final Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City’s Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language.** As a result of the November 20, 2017 City Council meeting, I am bringing back for third and final reading the aforementioned proposed Ordinance.

At the October 16, 2017 City Council meeting, the Council requested that City staff meet with the NH Lodging and Restaurant Association (NHLRA) to discuss proposed amendments to Chapter 4 which were provided to the City Council on October 16, 2017.

On October 9, 2017, City staff met with Mike Sommers from NHLRA, Jonathan Flagg, Esquire, and Hugo Marin. After discussion, the participants agreed in concept to exempt certain transfers to trusts from the definition of change of ownership and to create a Food Licensing Board of Appeals. The City did not agree to revise the provisions of the ordinance regarding dogs on decks, enclosing outdoor bars and Health Department Guidelines.

Attached is a memorandum from the Legal Department summarizing the City's response after meeting with NHLRA and representatives of local restaurants. Also, attached is a redline version of the ordinance which reflects the changes made after the aforementioned meeting.

*I recommend the City Council move to pass third and final reading of the proposed Ordinance as amended at the November 20, 2017 City Council meeting. Action on this matter should take place under Section VII of the Agenda.*

### **Consent Agenda:**

1. **Acceptance of Fire Department Donation.** The Portsmouth Fire Department received a donation from Elizabeth Kler in the amount of \$25.00.

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

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

1. **Request to Establish a Public Hearing Re: Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements.** The Department of Public Works is requesting allocation of \$1,269,148.43 towards improvements of the City's Municipal Complex. In 2014, City Staff completed a facilities evaluation of the Municipal Complex which identified capital needs at the facility. These needs included the façade of the 1962 portion of the City Hall Complex, upgrades to the Complex's electrical service and motor control center as well as a number of other items. The bond premium will be used to supplement the façade project as well as begin the upgrade of the Municipal Complex's electrical service.

The façade project was driven by a structural evaluation that showed the brick façade was at risk of complete failure. Temporary repairs were made to secure the façade to allow the City time to design a permanent facade replacement. The façade project was bid and the project was awarded to Harvey Construction Corporation and work began in the late summer of 2017. As part of the initial work polychlorinated biphenyls (PCBs) were detected in excess of what was anticipated in the caulking around the windows and concrete panels of the façade. Although staff and the public are not at risk of exposure to the PCBs,



removal and disposal of the additional material is required. The removal and disposal of the PCBs resulted in an additional \$755,000 of unanticipated cost.

In addition to the façade project costs, the electrical system at the Municipal Complex suffered breakdowns in July and in October of this year which resulted in extended power outages at the Municipal Complex. These outages highlighted the need to upgrade this system in order to ensure reliable government operations.

The balance of the bond premium will be used to design and start the upgrade of the Municipal Complex's electrical system. Additional funds to upgrade the electrical service are anticipated and will be requested in the FY 19 CIP.

In order to adopt the [attached proposed Resolution](#), a public hearing is required at the December 18<sup>th</sup> City Council meeting.

*Therefore, I am requesting that the City Council authorize the City Manager to bring back for public hearing and adoption at the December 18, 2017 City Council meeting the aforementioned proposed Resolution.*

2. **Request to Establish a Public Hearing Re: Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects.** The City received authorization from the City Council to issue a bond in the amount of \$3.5 Million on March 3, 2014. These funds were requested based on estimated construction costs for the replacement of the Hobbs Hill Water Tank. The project bids received came in under budget and the project is now complete. There is \$585,896.75 remaining in the bond balance.

The City staff would like to reallocate this funding to a water main replacement project as part of an unanticipated Department of Transportation project on Woodbury Avenue in Newington. This will fund the replacement of water main in the limits of the DOT project area that has needed multiple repairs. The lifespan of the new water main will exceed 50 years.

In order to adopt the [attached proposed Resolution](#), a public hearing is required at the December 18<sup>th</sup> City Council meeting.

*Therefore, I am requesting that the City Council authorize the City Manager to bring back for public hearing and adoption at the December 18, 2017 City Council meeting the aforementioned proposed Resolution.*

3. **Request to Establish a Public Hearing Re: Supplemental Appropriation for the School Department Collective Bargaining Agreements.** During the budget process, the City Council approved a contingency of \$100,000 for collective bargaining. During the budget process, it was discussed that in the event the City were to settle contracts in FY 18 that exceeded the amount allocated, the City Council in accordance with the City Charter may approve a supplemental appropriation from the Undesignated Fund balance.

To date, the City has allocated the full \$100,000 to cover the costs of the AFSCME 1386B and the Paraprofessionals' contract. Since these contracts were approved, the City Council has approved the School Custodian contract for a cost of \$20,014.

In addition, I will be bringing forward the School Cafeteria contract for City Council approval on December 18, 2017. The total cost of this contract if approved would be \$7,153.00. Therefore, I would request that the City Council approve a supplemental appropriation of \$27,167 for FY 18. [See attached proposed Resolution.](#) The breakdown is as follows:

The total costs for the remaining contracts that would impact the General Fund are:

School Custodians	\$20,014
School Cafeteria Workers	\$ 4,079
School Cafeteria Managers	\$ 3,074
Total	\$27,167

Before, the City Council can authorize any transfers, a public hearing is required.

*Therefore, I am requesting the City Council move to schedule a public hearing for the December 18, 2017 City Council meeting.*

4. **Report Back from Planning Board Re: Request for Restoration of Involuntarily Merged Lots at 737 Woodbury Avenue.** In a letter submitted on October 11, 2017, Lynn Raeburn requested restoration of two involuntarily merged lots to their premerger status. At the October 16, 2017 City Council meeting, the Council voted to refer this request to the Planning Board.

Attached is a memorandum from Planning Director Juliet Walker reporting back to the City Council; at the Planning's Board's November 16, 2017 meeting, the Board voted to recommend that the City Council restore the involuntarily merged lots to their premerger status as requested. Also, the memorandum describes the description of the lots and the statutory requirements.

*I recommend the City Council move to accept the Planning Board's recommendation that 737 Woodbury Avenue be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as described in deeds recorded at the Rockingham County Registry of Deeds and shown on the Standard Property Survey prepared by Easterly Survey dated 10/4/17.*

## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from December 1, 2017 through December 31, 2018. In addition, this can be found on the City's website.
2. **Peirce Island Wastewater Treatment Facility Upgrade Construction Update (July – October 2017).** I have [attached for your information](#), an update regarding the Peirce Island Wastewater Treatment Facility Upgrade Construction from July to October 2017.
3. **Arts Reinvestment Agreement Metrics.** [Attached for your information is the supporting material](#) for the goals in the Scope of Services for the Arts Reinvestment Agreement that was approved at the September 5, 2017 City Council meeting with the expectation that additional information would be reported back to the City Council about specific objectives and intended benchmarks for each of these goals.
4. **Guiding Principles for Code Adoption in Portsmouth.** At the November 20, 2017 City Council meeting, Councilor Dwyer requested changes to the Draft Guiding Principles for Code Adoption in Portsmouth. For your information, [attached is an amended draft of the document.](#)

**CITY OF PORTSMOUTH  
TWO THOUSAND SEVENTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION #**

**A RESOLUTION APPROPRIATING FROM BOND PREMIUM THE SUM OF ONE MILLION TWO HUNDRED SIXTY-NINE THOUSAND ONE HUNDRED FORTY-EIGHT DOLLARS AND FORTY-THREE CENTS (\$1,269,148.43) TO BE APPLIED TO MUNICIPAL COMPLEX IMPROVEMENTS.**

**RESOLVED:**

**BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

**THAT**, bond premium in the amount of **One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43)** be and hereby is appropriated to be applied to Municipal Complex Improvements, and such sum representing the amount of **One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43)** be appropriated from bond premium the City received from the sale of previously issued General Obligation bonds (after payment of underwriter's discount) that is allocable to the municipal complex improvements.

**THAT**, the expected useful life of the project is determined to be at least 20 years.

**THAT**, this resolution shall take effect upon its passage.

**APPROVED BY:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**

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**SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION**

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.



**CITY OF PORTSMOUTH  
TWO THOUSAND SEVENTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # –**

**A RESOLUTION AUTHORIZING THE APPLICATION OF UNEXPENDED PROCEEDS OF THE BORROWING FOR THE HOBBS HILL LANDING WATER TANK REPLACEMENT PROJECT, IN THE AMOUNT OF \$585,896.75, TO PAY COSTS OF WATER MAIN REPLACEMENT PROJECTS.**

**RESOLVED:**

**THAT**, the sum of **Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75)** is appropriated to pay costs of water main replacement projects, and for the payment of all other costs incidental and related thereto;

**THAT**, to meet this appropriation, the sum of \$585,896.75 is hereby transferred from amounts borrowed to pay costs of the Hobbs Hill Landing Water Tank Replacement Project, which are no longer needed to complete that project, in accordance with the Municipal Finance Act;

**THAT** That the expected useful life of the project to be undertaken with these funds is determined to be at least twenty (20) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, CMM/CNHMC  
CITY CLERK**

**CITY OF PORTSMOUTH  
TWO THOUSAND SEVENTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # -**

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL  
APPROPRIATION FROM UNASSIGNED FUND BALANCE  
FOR NECESSARY EXPENDITURES RELATED TO  
CONTRACTUAL OBLIGATIONS.**

**RESOLVED:**

**BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH,  
NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

**THAT**, the City Council has determined that the sum of up to **Twenty-Seven Thousand One Hundred Sixty-Seven (\$27,167.00) Dollars** is to be appropriated from Unassigned Fund Balance to defray the expenditures related to contractual obligations for the Fiscal Year ending in June 30, 2018.

**THAT**, to meet this appropriation, the City Manager is authorized to transfer these funds from Unassigned Fund Balance.

**APPROVED BY:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, MMC/CNHMC**

**CITY CLERK**

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**SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION**

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.



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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** REQUEST FOR RESTORATION OF INVOLUNTARILY MERGED LOTS  
AT 737 WOODBURY AVE  
**DATE:** 11/29/2017

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In a letter submitted on October 11, 2017, Lynn Raeburn requested restoration of two involuntarily merged lots to their premerger status. At the October 16, 2017 meeting, the City Council voted to refer this request to the Planning Board.

At the November 16, 2017 Planning Board meeting, the Board voted to recommend that the City Council restore the involuntarily merged lots to their premerger status as requested.

Recommended City Council Action

*Vote to recommend to the City Council that 737 Woodbury Ave be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as described in deeds recorded at the Rockingham County Registry of Deeds and shown on the Standard Property Survey prepared by Easterly Survey dated 10/4/17.*

Description

The existing lot is located in the Single Residence B district, which requires a minimum lot area of 15,000 sq. ft. and continuous street frontage of 100'. If City Council grants the request to separate the existing lot into the two original lots, both of the lots will be nonconforming for lot area and the vacant lot will also be nonconforming for street frontage. The lot with the existing residence will be 14,954 sq. ft. with 120' of street frontage and the vacant lot will be 7,472 sq. ft. with 60' of street frontage. Therefore, the vacant lot will require variances for lot area and frontage in order to construct a dwelling.

The owner has provided evidence that the existing lot was previously two lots as described in deeds recorded in the Rockingham County Registry of Deeds and a surveyed plan showing the dimensions of those lots. According to her letter to the City Council, no owner in the chain of title ever voluntarily merged the two lots, and therefore the lots were involuntarily merged by the City. The owner now requests that the Council restore the merged lots to their premerger status as authorized by RSA 674:39-aa.

### Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process, but the City Council has been referring such requests to the Board for its review and report back. As part of the Planning Board review, abutters are noticed and a public hearing is held.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

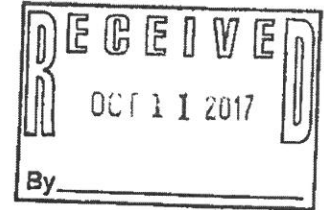
It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that “*The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances*” (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two premerger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.



August 7, 2017  
737 Woodbury Ave.  
Portsmouth NH 0380

City Council  
1 Junkins Ave.  
Portsmouth 03801

Dear Mayor Blalock and council members,  
RE: Restoration of Involuntarily Merged Lots.  
737 Woodbury Ave. Assessors map #0220/0016/0000



Letter is dated August 7 as it was my initial submission to Planning. However, the request remains the same. The lot referred to here was merged by municipal action without consent of owner prior to 9/18/2110. My purchase date was July of 2010, and I can certify that no owner in the chain of title voluntarily merged the original two lots to their current single lot status.

In accordance with RSA 67:39-aa, I wish to have these lots restored to their premerger status and that zoning and tax maps be updated to identify premerger boundaries of said parcels as recorded at Rockingham County Reg of Deeds. AND that the lots be reregistered at that time as separate and under my title of S Lynn Raeburn (owner).

I have had Easterly Survey do the official survey and study of my lot. I enclose their mapped findings and additional background on chain of deeded titles back origin owners.

I do hope this can be processed at this time. If any further data is needed please call me at 6033800456. Thank you for your attention to this urgent request.

Sincerely,

Lynn Raeburn (S.)

A handwritten signature in black ink, appearing to be "Lynn Raeburn (S.)", written over the typed name. The signature is somewhat stylized and loops around the typed name.

CONSTRUCTION DETAIL		Element	Cd.	Ch.	Description
Style	04	Cape Cod			
Model	01	Residential			
Grade	B-				
Stories	1.75				
Occupancy	1				
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Flr 1	08	Average			
Interior Flr 2					
Heat Fuel	03	Gas			
Heat Type	02	Warm Air			
AC Type	03	Central			
Total Bedrooms	04	4 Bedrooms			
Total Bthrms	2				
Total Half Baths	0				
Total Xtra Fixtrs	0				
Total Rooms	8				
Bath Style	1				
Kitchen Style	1				
Kitchen Gr					
WB Fireplaces	1				
Extra Openings	0				
Metal Fireplaces	0				
Extra Openings	0				

CONSTRUCTION DETAIL (CONTINUED)		Element	Cd.	Ch.	Description
		Bsmnt Garage			
<b>MIXED USE</b>					
Code	Description				Percentage
1010	SINGLE FAM MDL-01				100
<b>COST/MARKET VALUATION</b>					
Adj. Base Rate: 110.60					
Replace Cost 244,750					
AYB 1945					
EYB 1975					
AV					
Dep Code					
Remodel Rating					
Year Remodeled					
Dep % 35					
Functional ObsInc					
External ObsInc					
Cost Trend Factor 1					
Status					
% Complete 65					
Overall % Cond					
Apprais Val 159,100					
Dep % Ovr 0					
Dep Ovr Comment					
Misc Imp Ovr 0					
Misc Imp Ovr Comment					
Cost to Cure Ovr 0					
Cost to Cure Ovr Comment					

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)												
Code	Description	Sub	Sub Description	L/B	Units	Unit Price	Yr	Cde	Dp Rt	Cnd	%Cnd	Apr Value
SHDI	SHED FRAME	L	80	12.00	2012	C		A	50	500		
<b>BUILDING SUB-AREA SUMMARY SECTION</b>												
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc.	Value					
BAS	First Floor	1,312	1,312	1,312	110.60	145	103					
FEP	Porch, Enclosed	0	112	78	77.02	8	627					
FGR	Garage, Attached	0	320	128	44.24	14	156					
TQS	Three Quarter Story	651	868	521	66.38	57	621					
UBM	Basement, Unfinished	0	868	174	22.17	15	244					
<b>Ttl. Gross Liv/Lease Area:</b>		1,963	3,480	2,213			244,750					



Property Information Package

Real Estate

# AUCTION



To Settle Estate  
737 Woodbury Avenue • Portsmouth, New Hampshire

**Thursday, June 10th at 6:00 p.m.**

A classic Cape style home (1,876± sq.ft.) built in 1945± that sits on a .517± acre lot in the desirable seaside town of Portsmouth, convenient to town and highways. Features of the home include: 4 bedrooms, 2 bathrooms, a fireplace, municipal water & sewer, central A/C, natural gas heat and a brand new roof.

City Reference: Tax Map 220, Lot 16. Assessed Value: \$357,900

**Previews:** Thursday, May 27th and Thursday, June 3rd from 4:00 to 6:00 p.m., and one hour prior to the auction.

**Terms:** \$10,000 Deposit at the time and place of sale (unsuccessful bidders' deposits to be returned immediately following the sale). A 10% Buyer's Premium will be added to the high bid to become the total purchase price. Balance due at closing within 45 days. Property is being sold subject to all Terms of Sale and approval by the Trustee.

**Directions:** From the Portsmouth Traffic Circle, take the Route 1 Bypass North and get off at your immediate first exit to Woodbury Avenue. Take a left at the top of the ramp onto Woodbury Avenue and continue approximately ¼ mile to property on your right.

Buyer Broker Participation Welcome





Seacoast Region  
**Real Estate Auction**  
**To Settle Estate**  
**737 Woodbury Avenue**  
**Portsmouth, New Hampshire**  
Thursday, June 10th at 6:00 p.m.



**737 WOODBURY AVENUE, PORTSMOUTH, NEW HAMPSHIRE:** A classic Cape style home (1,876± sq.ft.) built in 1945± that sits on a .517± acre lot in the desirable seaside town of Portsmouth, convenient to town and highways. Features of the home include: 4 bedrooms, 2 bathrooms, a fireplace, municipal water & sewer, central A/C, natural gas heat and a brand new roof.

**Electric:** 100-amp, circuit breaker

**City Reference:** Map 220, Lot 16

**Assessed Value:** \$357,900.

**Deed Reference – Rockingham County Registry:** Book 2394, Page 1617

**2009 Tax Rate:** \$17.09 per 1,000 at 91.6% equalization ratio

**2009 Annual Real Estate Taxes:** \$6,116.50

**Note:** Real estate taxes and utilities (if any) will be prorated through the closing date.

**Previews:** Thursday, May 27th and Thursday, June 3rd from 4:00 to 6:00 p.m., and one hour prior to the auction.

**Terms:** \$10,000 Deposit at the time and place of sale (unsuccessful bidders' deposits to be returned immediately following the sale). A 10% Buyer's Premium will be added to the high bid to become the total purchase price. Balance due at closing within 45 days. Property is being sold subject to all Terms of Sale and approval by the Trustee.

**Directions:** : From the Portsmouth Traffic Circle, take the Route 1 Bypass North and get off at your immediate first exit to Woodbury Avenue. Take a left at the top of the ramp onto Woodbury Avenue and continue approximately  $\frac{3}{4}$  mile to property on your right.

Lic.#2089 Auction subject to all Terms of Sale ©2010 Paul McInnis, Inc. (603) 964-1301 Ref.#10PM-48

**DISCLAIMER**

No warranty or representation, express or implied, is made by the Trustee, Paul McInnis, Inc. or any person providing this information to these parties concerning the completeness or accuracy of the information. Each person who accepts these materials assumes full responsibility for investigating, evaluating, and making all other appropriate inquiries regarding this property. By accepting this information, each person releases the Trustee and Paul McInnis, Inc. from any responsibility or liability arising from this information concerning the property.



90

KNOW ALL MEN BY THESE PRESENTS,

1213 275

*Def. &  
Grantee  
11/22/40  
Stamp  
\$1.50*

THAT we, Daniel W. Badger, Ira W. Whidden and Harold M. Smith, all of Portsmouth in the County of Rockingham and State of New Hampshire, Executors of the Will of Horace W. Pearson, late of said Portsmouth, by virtue of a License from the Court of Probate for said County of Rockingham holden at Exeter in said County, on the twenty-third day of January, 1940, authorizing us to sell at public auction or private sale the real estate of said Horace W. Pearson, deceased, hereinafter described, and in consideration of the sum of Twelve Hundred Dollars (\$1200.00), to us in hand before the delivery hereof, paid by Paul J. Kiley and Frances L. Kiley, both of said Portsmouth, the receipt whereof we do hereby acknowledge, have granted, bargained and sold, and by these presents do hereby, in our said capacity, grant, bargain, sell, convey and confirm unto the said Paul J. Kiley and Frances L. Kiley, as joint tenants with the right of survivorship and not as tenants in common, and their assigns the the heirs and assigns of the survivor of them forever, all the right, title, and interest of said Horace W. Pearson at his decease in and to:

A certain lot of land in said Portsmouth bounded and described as follows:- Beginning on the north-easterly side of Woodbury Avenue at the southerly corner of land of Harry Frysalis and running north-easterly by said Frysalis land and land of Edna M. Smith one hundred twenty-five (125) feet to an iron post in the ground; thence turning at right angles and running southeasterly by said Smith land one hundred twenty (120) feet to another iron post in the ground; thence turning at right angles and running southwesterly one hundred twenty-five (125) feet to said Woodbury Avenue; thence turning at right angles and running northwesterly by said Avenue one hundred twenty (120) feet to the point of beginning.

Also, another lot of land in said Portsmouth adjoining the lot above described and bounded and described as follows: Beginning on the northeasterly side of Woodbury Avenue at the southerly corner of land of said Kileys above described and running northeasterly by said Kileys land one hundred twenty-five (125) feet to an iron post in the ground at land of Edna M. Smith; thence turning at right angles and running southeasterly by land of said



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1213 276

- 2 -

Smith sixty (60) feet to an iron post in the ground; thence turning at right angles and running south-westerly by land of said Smith one hundred twenty-five (125) feet to said Avenue; thence turning at right angles and running northwesterly by said Avenue sixty (60) feet to the point of beginning.

Subject to 1940 taxes.

For deed to Horace W. Pearson see Book 607, Page 474.

TO HAVE AND TO HOLD THE SAME, with all the privileges and appurtenances thereto belonging, to them the said Paul J. Kiley and Frances L. Kiley and their assigns and the heirs and assigns of the survivor of them forever. And we do hereby, in our said capacity, covenant with the said Paul J. Kiley and Frances L. Kiley and their assigns, and the heirs and assigns of the survivor of them, that we are duly authorized to make sale of the premises; that in all our proceedings in the sale thereof we have complied with the requirements of the statute in such case provided, and that we will warrant and defend the same to them, the said Paul J. Kiley and Frances L. Kiley and their assigns and the heirs and assigns of the survivor of them against the lawful claims of all persons claiming by, from or under us, in the capacity aforesaid.

IN WITNESS WHEREOF we have hereunto set our hands and seals this *twentieth* day of May in the year of our Lord 1940.

Signed, sealed and delivered in the presence of:

*Chas. H. Pearson*

*Daniel W. Badger*  
*Ira W. Whidden*  
*Harold M. Smith*

Executors.

State of New Hampshire,

Rockingham, ss.

May 20, 1940.

Personally appearing Daniel W. Badger, Ira W. Whidden and Harold M. Smith, Executors of the will of Horace W. Pearson, and acknowledged the foregoing instrument, by them subscribed, to be their voluntary act and deed, before me,

*Chas. H. Pearson*

Justice of the Peace.

Received and recorded June 27, 1:10 P.M., 1951.

106

157

(SHORT FORM)

WARRANTY DEED

ELISABETH M. CONNORS

TO

T. JUSTIN BUCKLEY  
AND  
ALICE F. BUCKLEY

Received

Recorded

Examined

Register

RECEIVED AND RECORDED  
ROCKINGHAM COUNTY  
REGISTRY OF DEEDS  
19

*Edith E. Holland*  
Register

FROM THE OFFICE OF

BROWN & SALTMARSH

MAIL TO

*H H B L S*

M

*9 Buckley*  
*1970/71*  
*to. Connors*  
*Sold to T. Buckley*  
*Kelley - ?*



JUL 30 2 27 PM '81

16008

EXHIBIT A - DEED

BK2394 P1617

## Know all Men by these Presents:

THAT Elisabeth M. Connors, a married woman, of Portsmouth, Rockingham County, State of New Hampshire, for consideration paid, grant to T. Justin Buckley and Alice F. Buckley, husband and wife, both of 737 Woodbury Avenue, Portsmouth, Rockingham County, State of New Hampshire, with warranty covenants to the said T. Justin Buckley and Alice F. Buckley, as joint tenants with rights of survivorship

A certain lot of land with the buildings thereon, situate in Portsmouth, and bounded and described as follows:

Beginning on the northeasterly side of Woodbury Avenue at the southerly corner of land of Harry Frysalis and running northeasterly by said Frysalis land and land of Edna M. Smith one hundred twenty-five (125) feet to an iron post in the ground; thence turning at right angles and running southeasterly by said Smith land one hundred twenty (120) feet to another iron post in the ground; thence turning at right angles and running southwesterly one hundred twenty-five (125) feet to said Woodbury Avenue; thence turning at right angles and running northwesterly by said Avenue one hundred twenty (120) feet to the point of beginning.

Also, another lot of land in said Portsmouth, adjoining the lot above described and bounded and described as follows:

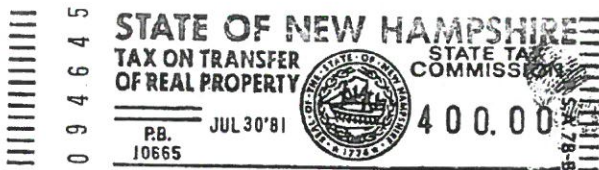
Beginning on the northeasterly side of Woodbury Avenue at the southerly corner of land of said Connors above described and running northeasterly by said Connors land one hundred twenty-five (125) feet to an iron post in the ground at land of Edna M. Smith; thence turning at right angles and running southeasterly by land of said Smith sixty (60) feet to an iron post in the ground; thence turning at right angles and running southwesterly by land of said Smith one hundred twenty-five (125) feet to said Avenue; thence turning at right angles and running northwesterly by said Avenue sixty (60) feet to the point of beginning.

Being the same premises conveyed to Timothy J. Connors and Elisabeth M. Connors by deed of Paul J. Kiley and Frances L. Kiley dated September 21, 1970, and recorded in Rockingham County Registry of Deeds, on September 29, 1970, Book 2036, Page 360.

See also deed of Timothy J. Connors to Elisabeth M. Connors dated May 14, 1971, and recorded in Rockingham County Registry of Deeds, Book 2068, Page 440.



BK2394 P1618



Timothy J. Connors & Elisabeth M. Connors (wife of said grantor, release to said grantee all right of (husband & ~~joint grantor~~) ~~joint~~ homestead and other interests therein.

Witness our hand and seal s this 30<sup>th</sup> day of July, 1981

WITNESS:  
*Maurice J. Murphy, Jr.*  
 (for both)

*Elisabeth M. Connors*  
 ELISABETH M. CONNORS  
*Timothy J. Connors*  
 TIMOTHY J. CONNORS

STATE OF NEW HAMPSHIRE COUNTY OF Rockingham

On this the 30<sup>th</sup> day of July, 1981, before me, Maurice J. Murphy, Jr. the undersigned officer, personally appeared Timothy J. Connors and Elisabeth M. Connors known to me (or satisfactorily proven) to be the person s whose name s are subscribed to the within instrument and acknowledged that t he y executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

*Maurice J. Murphy, Jr.*  
 Justice of the Peace

N/F  
MARISA B. LISTER  
NATHANIEL J. LISTER  
TAX MAP 220 LOT 24  
R.C.R.D. BOOK 5502 PAGE 521

N/F  
PAUL A. CAMPBELL  
KATHRYN AUGER-CAMPBELL  
TAX MAP 220 LOT 23  
R.C.R.D. BOOK 5365 PAGE 398

N/F  
WILLIAM A. SHEA AND VIRGINIA A. SHEA TRUST  
WILLIAM A. SHEA, TRUSTEE  
VIRGINIA A. SHEA, TRUSTEE  
TAX MAP 220 LOT 22  
R.C.R.D. BOOK 4235 PAGE 606

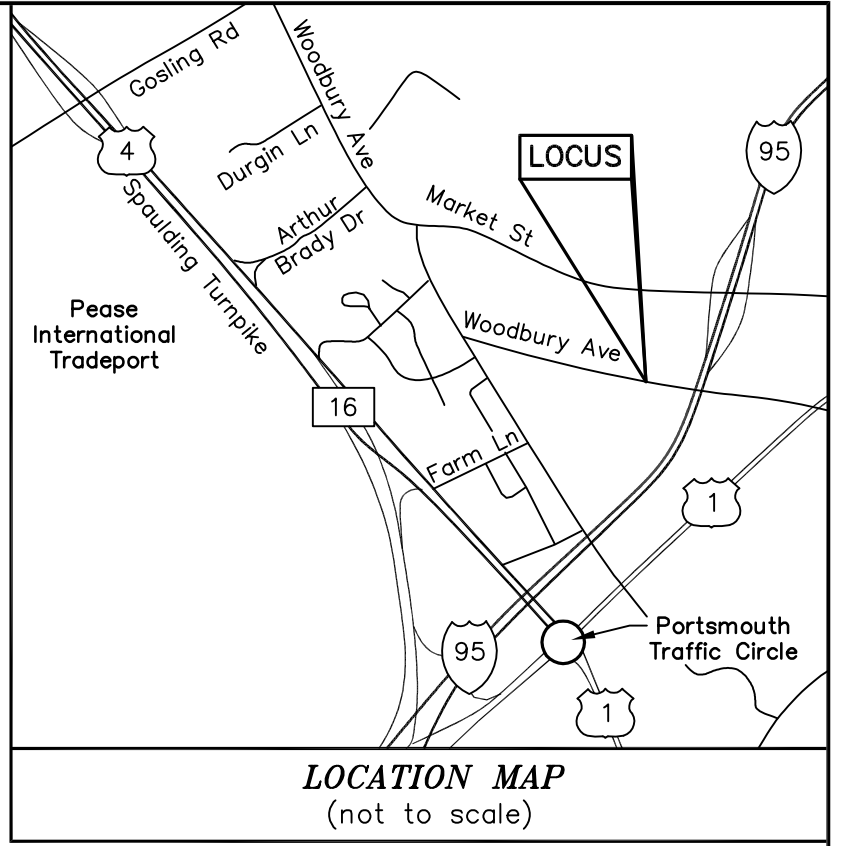
N/F  
DAVID W. PERKINS  
ANNE L. PERKINS  
TAX MAP 220 LOT 15  
R.C.R.D. BOOK 4246 PAGE 144

N/F  
EDWARD A. BALDASSARRE  
JEAN A. BALDASSARRE  
ANNE L. PERKINS  
TAX MAP 220 LOT 17  
R.C.R.D. BOOK 4496 PAGE 1560

PARCEL #1  
R.C.R.D. BOOK 5316 PAGE 1432  
14,954 SQ. FT.

PARCEL #2  
R.C.R.D. BOOK 5316 PAGE 1432  
7,472 SQ. FT.

TAX MAP 220  
LOT 16



**PLAN REFERENCES:**

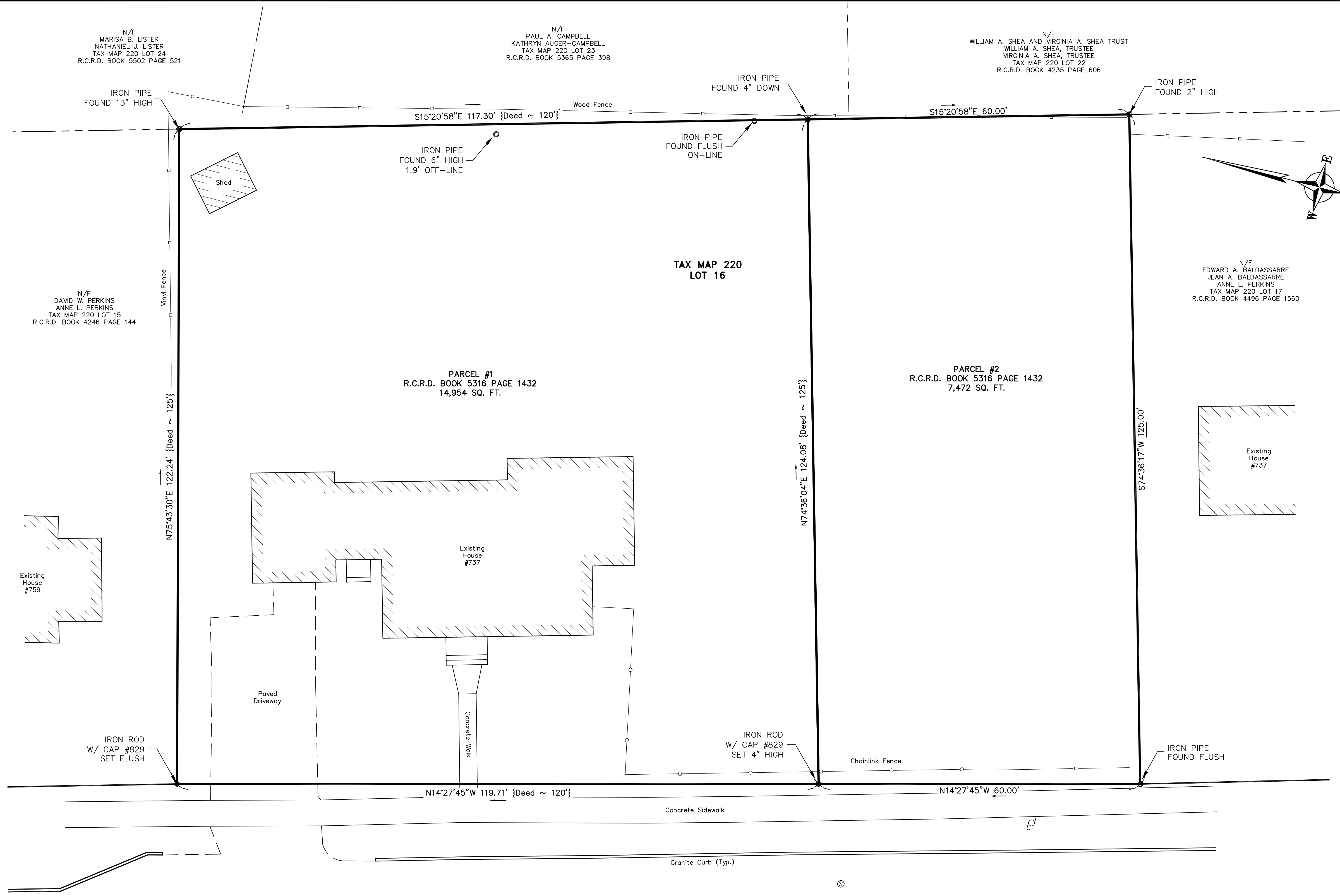
- "LOT LINE RELOCATION PLAN FOR DAVID W. & ANNE L. PERKINS AND ROMAN CATHOLIC BISHOP MANCHESTER, 827 & 759 WOODBURY AVENUE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH", PREPARED BY MILLETTE, SPRAGUE & COLLWELL, INC., DATED NOVEMBER 20, 2003, LAST REVISED 12/23/03 AND RECORDED AT THE R.C.R.D. AS PLAN D-31322.
- "PLAN OF LOTS PLAN"A" WOODBURY HEIGHTS, PORTSMOUTH, NH FOR E.A. RICCI", PREPARED BY JOHN W. DURGIN, DATED NOV. 1960 AND RECORDED AT THE R.D.R.D. AS PLAN 03098.

**PURPOSE OF PLAN:**

THE PURPOSE OF THIS PLAN IS TO RETRACE TWO SEPARATE PARCELS AS DESCRIBED IN R.C.R.D. BOOK 5316 PAGE 1432. SAID PARCELS WERE FURTHER DESCRIBED SEPARATELY IN ORIGIN DEED AT R.C.R.D BOOK 1213 PAGE 275, DATED MAY 20, 1940.

**NOTES:**

- OWNERS OF RECORD:  
TAX MAP 220 LOT 16  
SHEILA LYNN RAEBURN LIVING REVOCABLE TRUST OF 2007  
SHEILA LYNN RAEBURN, TRUSTEE  
R.C.R.D. BOOK 5316 PAGE 1432  
DATED MAY 14, 2012  
  
SEE ALSO  
R.C.R.D. BOOK 1213 PAGE 275  
DATED MAY 20, 1940.
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 102 LOT 16  
PARCEL #1  
14,954 Sq. Ft.  
  
PARCEL #2  
7,472 Sq. Ft.
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

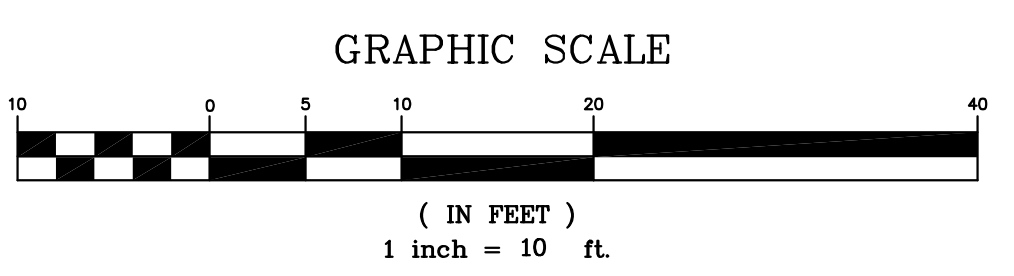


WOODBURY AVENUE

**CERTIFICATION**

"I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown."

Peter L. Agrodnia, L.L.S. #829 Date: \_\_\_\_\_



**STANDARD PROPERTY SURVEY**  
FOR PROPERTY AT  
**737 Woodbury Avenue**  
Portsmouth, Rockingham County, New Hampshire  
OWNED BY  
**Sheila Lynn Raeburn Living Revocable Trust of 2007**  
Sheila Lynn Raeburn, Trustee  
737 Woodbury Avenue, Portsmouth, NH 03801

**SURVEYING, Inc.**  
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-6333 KITTERY, MAINE 03904

North  
W EASTERLY

SCALE: 1" = 10'	PROJECT NO. 17737	DATE: 10/4/17	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
DRAWING No: 17737 Boundary FIELD BOOK No: "Portsmouth #16"				<b>Tax Map 220 Lot 16</b>	

REV.	DATE	STATUS	BY	CHKD	APPD.

## Event Listing by Date

Starting Date: 12/ 1/2017

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
12/ 2/2017 12/ 2/2017	PARADE Brinn Sullivan is the contact for this event. Tel. (603) 610-4433	800 Islington Street to Market Square	City of Portsmouth - Holiday P	/ /
12/10/2017 12/10/2017	RACE Thomas M. Bringle, Director of Development is the contact for this event. Tel. (603) 724-6080 or tbringle@arthritis.org	Little Harbour School	Arthritis Foundation	1/23/2017
12/31/2017 12/31/2017	CELEBRATIC Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth - First Night	8/21/2017
4/14/2018 4/14/2018	ROAD RACE Nick Diana is the contact for this event. This event begins and ends at New Castle Great Island Commons. The start is 9:00 a.m.	Starts and Ends at New Castle Commons	Nick Diana	6/19/2017
4/14/2018 4/14/2018	WALK Emily Christian is the contact for this event.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/16/2017
5/ 6/2018 5/ 6/2018	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/21/2017
5/ 6/2018 5/ 6/2018	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/21/2017
5/27/2018 5/27/2018	FUND Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Portsmouth High School	Education to All Children	11/20/2017
6/ 9/2018 6/ 9/2018	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 Portsm	8/21/2017
6/ 9/2018 6/ 9/2018	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	8/21/2017
6/16/2018 6/16/2018	RACE Kaity Stanton, Special Events Manager is the contact for this event. Raindate: June 17, 2018	Pleasant Street	Big Brothers Big Sisters of NH	9/18/2017
6/23/2018 6/23/2018	ROAD RACE Contact: Stephanie Puls, Development Coordinator, Special Events spulis@komennewengland.org (774)-512-0403 This event begins and ends at Great Bay Community College	Great Bay Community College	Susan G. Komen New Hampshire R	10/ 2/2017

## Event Listing by Date

Starting Date: 12/ 1/2017

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
6/30/2018 6/30/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/ 7/2018 7/ 7/2018	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	8/21/2017
7/14/2018 7/14/2018	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/21/2018 7/21/2018	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	8/21/2017
7/28/2018 7/28/2018	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 Streets Music Se	8/21/2017
8/25/2018 8/25/2018	BIKE TOUR Emily Christian, Logistics Manager is the contact for this event.	Route 1A South	National Multiple Sclerosis So	11/20/2017



# CITY OF PORTSMOUTH PEIRCE ISLAND WASTEWATER TREATMENT FACILITY UPGRADE



CONSTRUCTION UPDATE

JULY - OCT. 2017





The Peirce Island Wastewater Treatment Facility (WWTF) Upgrade Project has just entered the second year of construction. Construction of the upgrade commenced in September 2016, and when completed in three years, this project will improve the quality of treated effluent from the facility that is discharged into the Piscataqua River.

This update covers project activities from July through October 2017. A summary of construction progress is shown through pictures of installed and ongoing work on the next page. Other relevant aspects of the project are presented. Construction work during this period included: Completion of the exterior building envelope for the Headworks Building and continued interior process and HVAC equipment and piping installation; continued concrete placement for the Biological Aerated Filter (BAF) Building; installation of the Electrical Building and electrical switchgear; installation of the standby engine-generator; construction of a temporary sludge pump station inside the gravity thickener enclosure; and installation of site piping, underground electrical and communication ductbanks.

Preparations also continued during this period on the construction of temporary offices, laboratory and locker facilities for the WWTF operations staff located in the

Peirce Island pool parking lot adjacent to the construction office trailers. These temporary facilities are needed to permit the relocation of the WWTF staff to allow the demolition of the existing Administration Building as a key next step in the construction sequence. Work also focused on the transfer of the WWTF control system, the Supervisory Control and Data Acquisition system referred to as SCADA, to the new Headworks Building. On October 18, 2017, the transfer was completed. The SCADA system transfer is a required milestone under the Consent Decree and was completed ahead of schedule.

The City remains committed to making this a successful project and mitigating construction impacts where feasible. Please visit the City's project web page for weekly updates or to submit comments or questions. <https://www.cityofportsmouth.com/publicworks/wastewater/peirce-island-wastewater-facility/peirce-island-wastewater-facility-upgrade-project>

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PROJECT SCHEDULE.....	8
UPCOMING WORK.....	8





### Electrical Facilities

The new precast concrete Electrical Building, which will house the incoming electrical service and switchgear for the entire WWTF, being installed.



### Electrical Facilities

New underground electrical conduits being run between the utility transformer and the site of the new Electrical Building.



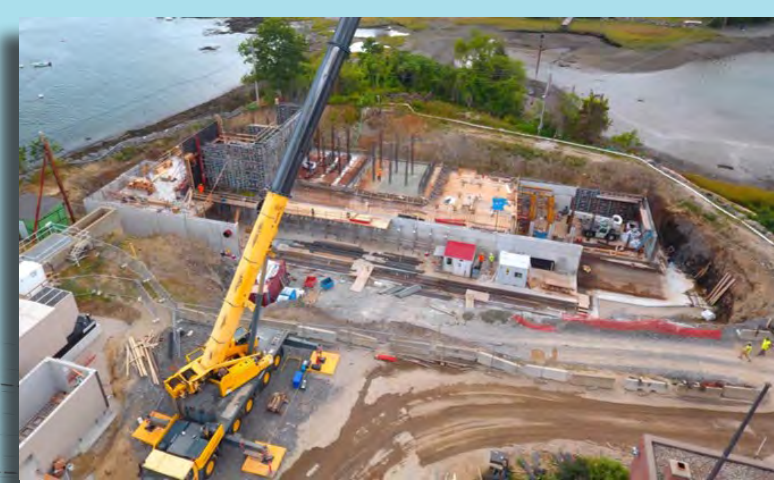
### Stormwater Collection & Treatment

Site stormwater will receive improved levels of treatment through several approaches including this water quality treatment unit.



### Generator

New 1500 kilowatt diesel standby generator, that will provide emergency power to the WWTF, being lowered onto the concrete foundation.



### BAF Building

Aerial view of the BAF, which will provide secondary treatment and nitrogen removal, looking south with Shapleigh Island in the background.



### Headworks Building

Underground electrical & communication ducts being installed at the Headworks Building.



### Yard Piping

New 48 inch diameter ductile iron pipe to convey wastewater between the Headworks Building and the Grit Building.



### Headworks Building

Placing concrete slab for the Odor Control System adjacent to the Headworks Building.



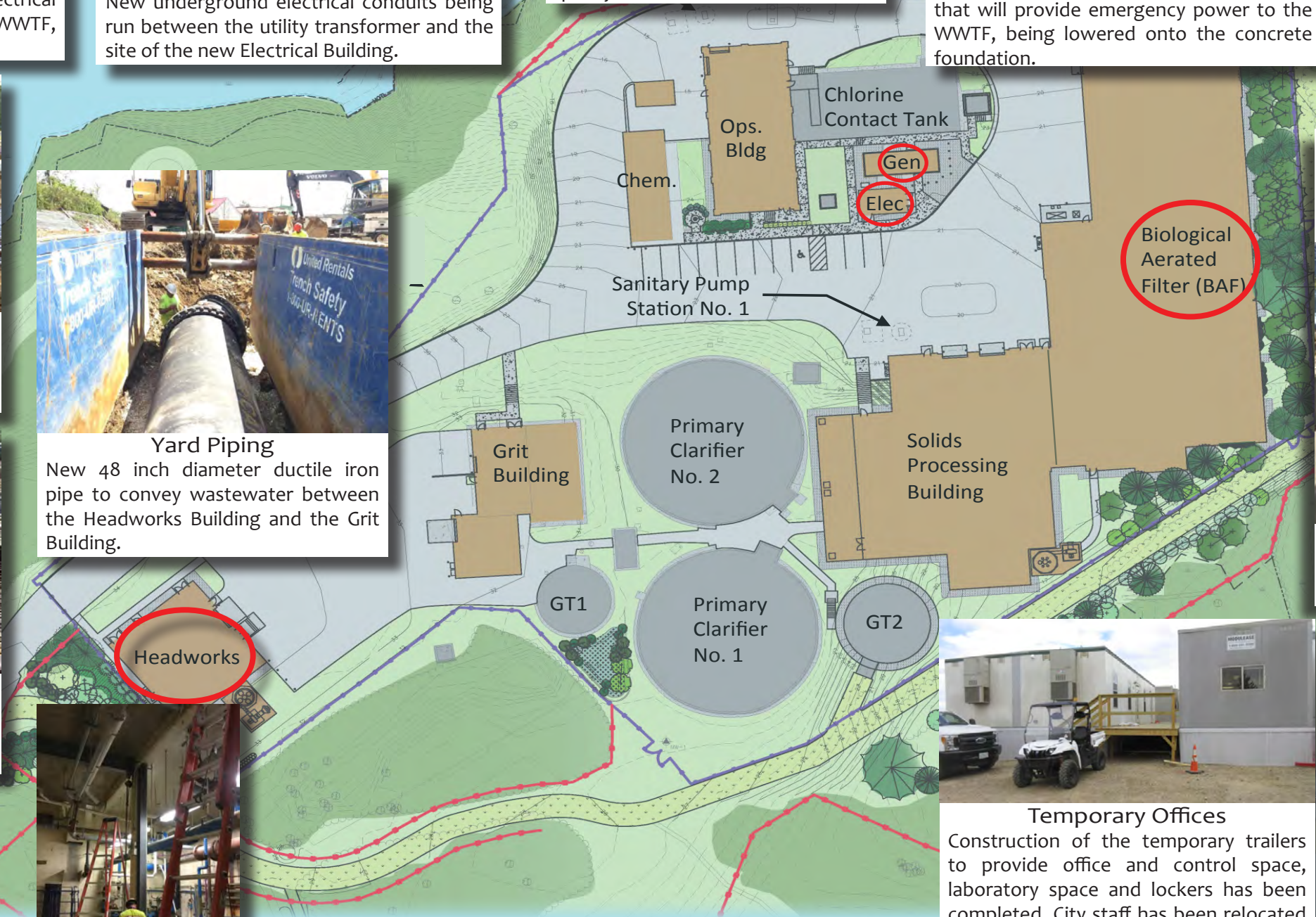
### Headworks Building

Flow Control Gates installed in the channels in the Headworks Building.



### Headworks Building

Interior odor control, heating, and other piping being installed.



### BAF Building

Cell wall reinforcing steel and wall forms are placed with assistance from the 275 ton crane.



### Temporary Offices

Construction of the temporary trailers to provide office and control space, laboratory space and lockers has been completed. City staff has been relocated to the temporary facilities.



### BAF Building

A concrete pumping truck is used to place concrete for a wall section on the south side of the BAF structure.

# CONSTRUCTION SUMMARY JULY - OCT. 2017



# FINANCES & PROJECT COST SUMMARY

During this period, cumulative construction on the WWTF upgrade reached a value of approximately \$31 million. This represents 42% of the current contract value.

In August, Change Order No. 3 was executed for \$93,838.31. The change order included necessary adjustments determined during the course of construction. It addressed a number of items including: miscellaneous water line work, structural steel and reinforcing steel adjustments, HVAC equipment adjustments, miscellaneous metal changes, additional force main valves and a credit for truck route violations.

PROJECT CONSTRUCTION COSTS (MILLIONS)	
Original Contract Value	\$72.786
Change Order 1 – January 2017	\$0.367
Change Order 2 – May 2017	\$0.547
Change Order 3 – August 2017	\$0.093
Contract Value Total	\$73.793

Construction Cost Expended through October 31, 2017 (approximately)	\$31 million
% Expended through October 31, 2017 (based on Contract Value Total)	42%

OVERALL PROJECT CAPITAL BUDGET SUMMARY	
Item	Cost (Millions)
Primary Clarifier Replacement	\$ 1.6
Peirce Island Bridge Improvements	\$ 0.6
WWTF Design Engineering	\$ 5.2
WWTF Construction Engineering	\$ 7.4
WWTF Construction (Current through CO3 – Sewer Funds)*	\$73.4
WWTF Construction Contingencies	\$ 3.4
WWTF Construction Mitigation & Public Art	\$ 0.3
<b>TOTAL</b>	<b>\$91.9</b>
* \$0.4 million for water main improvements, included in the contract, but not paid from sewer funds – total contract dollar value to date is \$73.7 million as shown in the Project Construction Costs table above.	





# PROJECT BUDGET & CONTINGENCY

The ongoing Peirce Island Wastewater Treatment Facility (WWTF) upgrade is the largest capital project the City of Portsmouth has ever undertaken. Unlike other community assets such as schools, fire stations, the Peirce Island pool, and City Hall, the City's wastewater collection and treatment systems are the "invisible" assets of the community as they are generally located underground or in inaccessible areas. A community's wastewater and water treatment plants are typically the most technologically complex facility owned and operated by a community.

Aerial View of Peirce Island WWTF Upgrade Construction



Building an upgraded treatment facility is also technically and logistically challenging. A tremendous number of suppliers of materials and equipment, engineers, and specialty contractors are involved in the myriad of carefully sequenced steps needed to design and construct an upgraded treatment facility. Reconstructing or adding onto an existing treatment facility adds several levels of additional complexity to the construction process since the existing facility needs to remain in operation without interruption. When upgrading a facility that is 50 years old like the Peirce Island WWTF, the potential for unknown conditions regarding the site, piping or structures is significantly increased. Even with the best design and construction planning, cost items will surface during construction, which could not have reasonably been anticipated. Further complicating the logistics of this type of project are the public construction laws which require competitive bidding and loan requirements that require items be made in America. The potential to adjust the scope and cost of the project under construction to accommodate changes resulting from any of these

conditions is an important consideration when developing the budget for a major construction project. An upgrade of an existing treatment facility can be compared to a major renovation or an addition to an older home. Once the foundation is exposed, and the walls opened up, changes in the work scope are often needed based on findings.

When developing the project budget for a major wastewater treatment project, a contingency is used to address the risk of additional cost items during construction. A contingency is a predetermined amount or percentage of a construction contract set aside to be used to fund changes in a project that cannot be anticipated in advance. As the need for changes in the details of the work arise during the course of construction, changes are made to the contract documents to incorporate the necessary revisions in material, equipment, or methodologies. As construction proceeds, the contingency is drawn upon and added to the construction contract value through a change order to the contract. The amount of the contingency that is appropriate varies depending on the specifics of each project.



## PROJECT BUDGET & CONTINGENCY CONTINUED

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A number of professional organizations provide guidance on the methodology and magnitude for establishing the project contingency. For example, The American Institute of Architects (AIA) notes that the contingency amount usually ranges from 5 to 10 percent of the construction contract value unless there are project specific reasons for a larger percentage. When the budget for the Peirce Island WWTF was developed a contingency amount of 5.5 percent of the construction contract value of approximately \$72.8 million was established, which provided a contingency amount of \$4,000,000.

## PUBLIC MEETINGS & COMMENTS

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To foster communication with the public and business owners during the four-year construction period, monthly public meetings have been held since the project started in September 2016. Meetings continue with City staff, the Contractor, and other officials involved in the project. Meetings are held on the third Wednesday of each month at 11:00 a.m. A broadcast of each meeting is available on the City's YouTube channel. Presentations and notes are available on the Wastewater web page under Public Meetings. <https://www.cityofportsmouth.com/publicworks/wastewater/public-meetings>

To file a complaint, or log an issue related to the WWTF upgrade, please complete a Report Form online at the City's project web page. <https://www.cityofportsmouth.com/publicworks/wastewater/peirce-island-wastewater-facility/report-form> There have been 28 reports sent through the website since construction began in September 2016.

CONSTRUCTION UPDATES ARE PREPARED BY THE DEPARTMENT OF PUBLIC WORKS.



# CONSENT DECREE MITIGATION INITIATIVES

The City continues to meet its obligations and deadlines outlined in the Consent Decree, Second Modification. Provided in the table below are mitigation initiatives outlined in the Consent Decree and a brief update on each one.

## CONSENT DECREE MITIGATION INITIATIVES

Consent Decree, Second Modification, No. 09-cv-283-PB, Paragraph 8

<http://www.portsmouthwastewater.com/September2016ConsentDecreeSecondModification.pdf>

- a) Interim Enhanced Primary Treatment: The Chemically Enhanced Primary Treatment (CEPT) Optimization Study Work Plan began in February 2017. The field data collection work was completed in September 2017. The City anticipates the final report will be submitted to EPA in December 2017.
- b) Nitrogen Removal: For a five-year period beginning June 1, 2020, the EPA mandated specific seasonal average total nitrogen effluent concentrations and monthly average total nitrogen effluent concentrations for the Peirce Island WWTF with the upgrade. A summary for this item is not necessary until the new Biological Aerated Filter (BAF) system construction is completed and fully operational.
- c) Stormwater Project: The City is proposing improvements at the recently purchased property behind the Department of Public Works (DPW). The specific improvements are still in development and will be detailed in later reports. The City has conducted interviews of qualified engineers to assist with a Master Plan for the DPW, which will include the stormwater project. Planning and design will commence within the next 90 days. Work in this area will help to improve runoff water quality, which travels to Sagamore Creek.
- d) Sagamore Avenue Sewer Extension Project: Implement a sewer extension project to provide public sewer service to approximately 83 existing parcels adjacent to or near Sagamore Avenue. Construction shall begin no later than June 30, 2020, and shall be substantially completed on or before June 30, 2022. The preliminary design work began in the fall of 2017 with pipe sizing.
- e) Water Quality and Ecosystem Health Project: The City will provide funding to support water quality and ecosystem health efforts related to the Great Bay Estuary. As of September 30, 2017, the City has contributed \$83,798. A full detail of this item can be found with the monthly compliance reports to EPA on the City's web page at <https://www.cityofportsmouth.com/publicworks/wastewater/resources>.



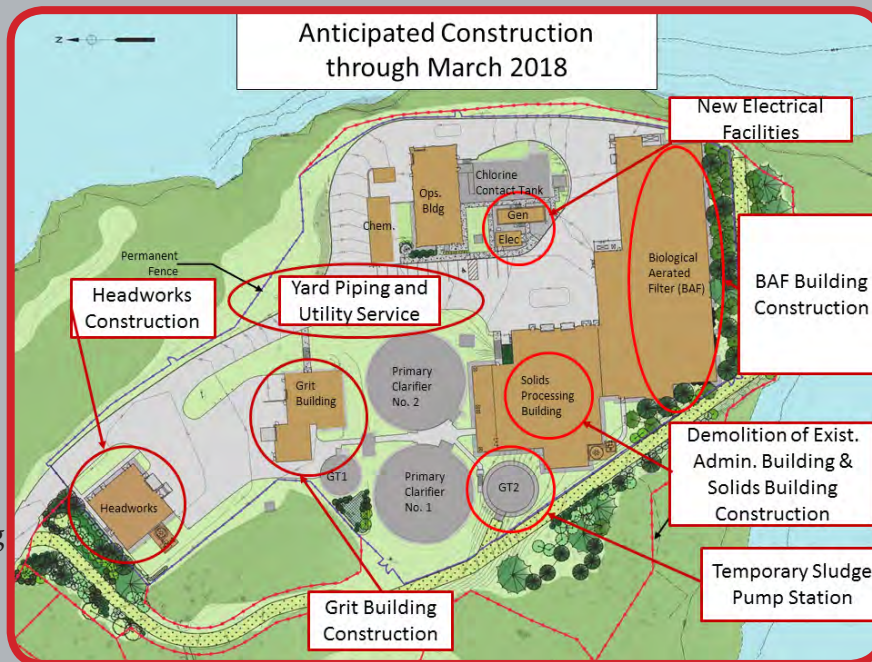
# PROJECT SCHEDULE & UPCOMING WORK

## CONSTRUCTION PROJECT SCHEDULE MILESTONES

MILESTONE	DATE	STATUS
Executed Contract to Construct Upgrades	09/01/2016	08/25/2016
Submit Two Additional Milestones for EPA Review and Approval	12/01/2016	11/29/2016
Additional Milestone 1: Transfer of the existing SCADA system to the new Headworks Building	11/21/2017	10/18/2017
Additional Milestone 2: Start-up & testing of the Secondary Influent Pump Station in the new Solids Building	05/09/2019	On Schedule
BAF Substantial Completion	12/01/2019	On Schedule
Achieve Compliance with NPDES Permit Limits	04/01/2020	On Schedule
Substantial Completion	05/31/2020	On Schedule
Final Completion	08/30/2020	On Schedule

## CONSTRUCTION AREAS OF PLANNED WORK THROUGH MARCH 2018

- Complete Headworks Bldg, including process equipment installation, startup, testing and training, as well as mechanical, electrical, HVAC and plumbing systems, and put the building into service
- Complete utilities and site work (excluding landscaping) around the Headworks Bldg
- Grit Bldg: continue modifications including selective architectural, structural, mechanical and electrical



- Complete generator installation and put it into service
- Complete Electrical Bldg and energize the new electrical switchgear
- BAF Bldg: continue construction and begin piping installation
- Relocate the City's WWTF staff to temporary trailers, demolish the existing Administration Bldg and begin construction of new Solids Bldg

- Complete the construction of the temporary sludge pump station at Gravity Thickener No. 2 and put it into service





## The Arts Reinvestment Agreement Objectives and Benchmarks

The City of Portsmouth has agreed to reinvest approximately 1% of the total parking revenue generated back into programs that will protect and nurture the arts & culture community in the city. Protecting this important economic driver will ensure that Portsmouth continues to be a sought-after destination and that it is committed to supporting the individuals and organizations that make the area an attractive location to visit, live, and work.

Art-Speak will use the funds to continue its mission as outlined in the 2002 City Cultural Plan. The primary areas of focus will be:

1. Advocating for Portsmouth's diverse cultural community
2. Marketing the city as a cultural destination
3. Promoting and managing existing and future public art
4. Consulting with the city on cultural matters including updating of the cultural plan

The following goals and objectives will guide the use of funds and the benchmarks will act as a measurement of success. Each year Art-Speak will submit key initiatives for implementation. For 2018 those programs are:

- **2017-2018 Innovation Project**
  - **Goals:**
    - Raise visibility of shows throughout the city
    - Generate extra income for performing arts organizations
    - Raise general awareness of shows produced by smaller, independent arts organizations
  - **Rationale:** - Innovation is the best way to ensure the cultural sector is keeping up with the times and leveraging the tools available to sustain the cultural community. Each year Art-Speak will undertake one new "Innovation Project" to test new ideas and create systems to assist this sector of the community. The proposed 2017-18 Mobile Ticket Kiosk was inspired by NYC TKTS booths. This idea, created by cultural community members, will help raise the visibility of the City's independently produced shows, and drive audiences to performances with low attendance. Since this kiosk will be mobile it can be relocated to area events and create a presence in different sections of the city.
  - **2018 Target Milestones:**
    - Program launch in Spring of 2018
    - Generate and quantify extra revenues for participating organizations
    - Increase audience attendance by 10% citywide by next Americans for the Arts (AFTA) survey in 2021.
  - **Investment:** Year One: \$20,000 for Mobile Ticket Kiosk
- **StreetCanvas Liaison**
  - **Goals:**

- To increase visual artist work opportunities
    - To promote art in public spaces that leads to discussion, inspiration, and cultural tourism
    - To improve and refine the user experience of the website
    - To build and expand the user base
  - **Rationale** – Public Art addresses two needs identified in the city: #1 it offers an opportunity for visual artists to earn income locally, and #2 reflects the character of the city in an exciting visual way creating spots for photo opportunities and tours. With StreetCanvas, Art-Speak was the catalyst of a self-sustaining system that allows private property owners a channel for advertising opportunities (i.e. “canvases”) for artist work, collects submissions and hires artists. To be successful, this program requires a person dedicated to oversee and implement it. The current Art-Speak Board President spent the better half of 2016 locating available real estate, researching the property owners, explaining the process and facilitating the initial projects. This volunteer effort resulted in 3 new pieces of public art during the first 6 months of 2017. This liaison’s role will sustain program momentum and continue investment in this initiative. By hiring a local community member in this role, StreetCanvas creates yet another employment opportunity.
  - **2018 Target Milestones:**
    - Increase public art job opportunity posts from 8 to 16
    - Increase finished pieces from 3 to 6
  - **Investment:** \$20,000
    - \$15k per year for freelance salary
    - \$5k operating budget
- **Increased Marketing through A Tiny Bit Huge (ATBH) initiative**
  - **Goals:**
    - To increase visibility for the artists, individuals, and organizations that make up the cultural sector of Portsmouth.
    - To raise awareness of the breadth of the Portsmouth’s creative community
    - To highlight Portsmouth’s small, independent and emerging artists.
  - **Rationale** – Through its discussions with cultural community representatives, Art-Speak has learned that the #1 desire is increased audience attendance (i.e. get “butts in the seats”) and increased patrons/art purchases. Implementation of this 2002 Cultural Plan goal for better marketing of the creative sector was delayed by competing Art-Speak priorities until 2016, when the A Tiny Bit Huge campaign was launched. This initiative created a compelling message and system that the community can leverage to raise awareness and to expand sales of local art offerings. This program offers an innovative way to market the City’s arts and culture sector as well as to increase sales for emerging artists and performing and cultural arts venues.
  - **2018 Target Milestones:**
    - Increase Web Traffic from 7,000 yearly visitors to 10,000
    - Increase merchandise sales from \$3,600 yearly to \$6,000
    - Increase new artist profiles from 0.5 per month to 2 per month

- **Investment:**
  - Content production - \$20,000 per year (roughly \$1,600 per month)
- **Educational Blog Writer for posts on art-speak.org**
  - **Goals**
    - To publish information/articles targeted to the arts community
    - To be a resource for accurate information on a variety of community issues and topics
    - To assist creative community members by posting information needed for career success
    - To provide employment opportunity for community creative writer
  - **Rationale** – Communication of accurate information about resources, processes and community issues can sometimes be a challenge in Portsmouth. This effort is aimed at increasing accessibility of accurate, useful information to educate the public on a variety of issues and topics. Examples include helping the community better leverage data from the AFTA survey, find grant opportunities, learn about other community cultural efforts, and engage in local discussions and debates from a positive and factual perspective. Blog posts are the best way to create a library resource that can be searched, targeted, and shared online.
  - **2018 Target Milestones:**
    - Increase blog posts from 0 to 12 a year
    - Create 1-2 instructional videos or animations
    - Increase positive online community engagement (Measured by Hootsuite's Sentiment Meter)
  - **Investment:** \$21,600 per year
- **AFTA Promotion and Public Engagement Staffing**
  - **Goals:**
    - Actively communicate with the community
    - Create a plan to disseminate the AFTA report and leverage the data
    - Execute general office administrative needs
  - **Rationale** – Being a volunteer board, Art-Speak needs help with project implementation and public engagement outside its regular Board meetings. Also, the organization would like a presence at the Art-Speak office during the day to undertake administrative tasks and to meet when with the public and other stakeholders. However, in order to insure that the necessary arts reinvestment funds go directly to projects that meet Cultural Plan goals and benefit the arts community, the Board intends to proceed slowly with hiring staff for the organization. For this reasons, Art-Speak proposes hiring a part-time position beginning in 2018.
  - **2018 Target Milestones:**
    - Develop a position description and hire a PT staff person that includes administrative tasks such as creating meeting agendas and monitoring team tasks
    - Shorten Art-Speak inquiry response rate from 1 week to 2 days
    - Create 2 opportunities to share AFTA information in 2017
    - Hold office hours as needed

- **Investment:** \$15,000 per year - 20 hours a week @ \$15 per hour



## Guiding Principles Related to Code Adoption in Portsmouth

The purpose of codes is to protect public health, safety and general welfare as they relate to the construction, occupancy, and operation of buildings and structures. More specific benefits include increasing life safety, protecting public health, making communities more resilient, allowing for architectural innovation and interest, more environmentally-focused construction, and achieving efficient methods and potential cost savings.

1. **Origination of Codes:** Codes available for adoption by states and municipalities are created following a detailed process of expert review of the subject matter by professionals engaged in the fields of engineering, construction, public health, safety and general welfare. New code versions and revisions should be seen as “state of the art” in terms of advances in protecting the public as well as ensuring clear standards for implementing the newest and most energy-efficient and sustainable technologies, for examples.

2. **Timing of Adoption:** Revising our ordinances to reflect the most recently adopted State of New Hampshire codes will provide clarity about applicable codes and ensure local amendments align with current version of the NH state codes, but may not be the most recent version of National or International codes. As a result, the City Council should pursue prompt revision of our ordinances to reflect adoption of the State of New Hampshire adopted codes. This practice will have the added benefit of more frequent legislative activity surrounding codes underlying their importance and educating the public.

— **Mandate to Enforce:** As the State of New Hampshire adopts codes and municipalities, as a rule, must implement and are charged to enforce the State’s minimum codes upon enactment by the State Legislature.

2.3. **Consideration, Communication and Outreach:** Updating local codes should be the result of careful deliberation and consideration following the input of qualified professionals in consultation with affected parties. Monitoring and constant evaluation of processes for code administration should be ongoing. The City’s process of updating codes should include proactive efforts at outreach to the community of builders, engineers & designers, firms and individuals in the building trades, homeowners, business/restaurant owners and employees, developers, and other constituencies who may interact with the code to be updated.

3.4. **Local Amendments to State-Adopted Codes:** In general, municipalities may only adopt local amendments to state codes if they are more restrictive than provisions in state-adopted codes, not less restrictive. Local amendments may also offer alternative means to meet code compliance, which are equally protective of the public welfare.

4.5. **Processes for Appeal:** Codes, state RSAs, and ordinances include processes for appeals of decisions made during code enforcement activities. Clarity about process for appeals is essential as is a clear understanding of what actions are able to be appealed, and should

| be an independent review. Appeals processes should comply with the legal parameters established as well as be evident in materials and resources developed by the City.

5.6. Guidance Information: As a means of assisting the public's understanding and compliance with various codes, Departments may develop and distribute informational brochures, other explanatory information, and reference documents.

DRAFT



Current alternate  
to E.I.I. 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: Parking and Traffic Safety

Name: Maryon McElwain Telephone: 603 498 3063 (cell)

Could you be contacted at work? YES/NO If so, telephone # N/A

Street address: 259 South St

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): ML259@comcast.net

How long have you been a resident of Portsmouth? 18 years

Occupational background:

retired - R.N.

Please list experience you have in respect to this Board/Commission:

3 years as alternate on Parking and Traffic Safety



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: Would like to be a "regular" member of the committee

Please list any organizations, groups, or other committees you are involved in:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list two character references not related to you or city staff members:  
*(Portsmouth references preferred)*

1) \_\_\_\_\_  
Name, address, telephone number

2) \_\_\_\_\_  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

1. This application is for consideration and does not mean you will necessarily be appointed 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: *[Handwritten Signature]* Date: 11/21/17

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





# 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: Parking and Traffic Safety

Alternate

Initial applicant

NOV 16 2017

Name: Ralph A. DiBernardo Sr Telephone: 603-436-6895

By

Could you be contacted at work? ~~YES~~ NO If so, telephone # Retired

Street address: 1374 Islington St

Mailing address (if different): —

Email address (for clerk's office communication): RLDIB@COMCAST.NET

How long have you been a resident of Portsmouth? 52 years

Occupational background:

30 years with The Portsmouth Fire Dept. retired Deputy Chief.

10 years with The Portsmouth Navy Yard. Joiner Shop Planner.

Please list experience you have in respect to this Board/Commission:

8 years prior service with this board. Served for a period of time as chair between council appointments.

30 years in public safety - 2 year degree in fire protection

OVER

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: Enjoyed my previous years serving the community on this committee. I find that I now have more time in retirement.

Please list any organizations, groups, or other committees you are involved in:

Retired Professional Fire Fighters of N.H

B.P.O.E.

Portsmouth Historic Society

Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) Robert Lister 69 Diamond Dr 603-431-6577  
Name, address, telephone number

2) Ted Gray 808 Sagamore Ave 603-436-7863  
Name, address, telephone number

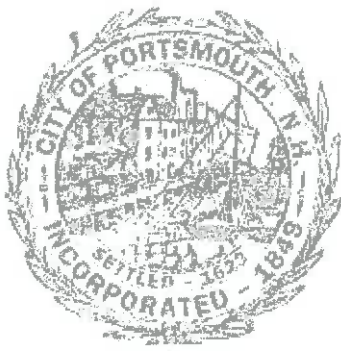
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed 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: Ralph G. DiBernardo Sr Date: 11/16/17

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No     

**Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801**  
6/27/2012



# 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: Planning board

Name: Jody Records Telephone: 603-988-9865

Could you be contacted at work?  YES/NO - If so, telephone # 603-962-1412

Street address: 162 Rockland St

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): WRITENOW31@yahoo.com

How long have you been a resident of Portsmouth? 44 years

Occupational background:

WRITER  
REAL ESTATE AGENT

Would you be able to commit to attending all meetings?  YES/NO

Reasons for wishing to continue serving: ive only been a full time member for about a year (took over someones spot after being an alternate for a year) and feel like Ive just got my feet into it and would like to continue being a part



Please list any organizations, groups, or other committees you are involved in:

of the process  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list two character references not related to you or city staff members:  
*(Portsmouth references preferred)*

- 1) Phyllis Eldridge 50 South Street Portsmouth  
Name, address, telephone number
- 2) Dexter Leary 4 Moebus Terrace Portsmouth  
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: Jody Record Date: 11/2/17

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 12-31-2020  
 Annual Number of Meetings: <sup>2017</sup> Not yet available Number of Meetings Absent: Unknown  
 Date of Original Appointment: 10-17-2016

**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**



# FY 2019 BUDGET SCHEDULE

Draft #2

Revised: November 29, 2017

## September 2017

21 Thursday 7:00 PM Planning Board Meeting - Presentation on CIP Process and Schedule

## October 2017

13 Friday Citizen Submission Deadline for CIP Projects

## November 2017

3 Friday Departments Submission Deadline for CIP Projects

16 Thursday 6:30 PM Planning Board Public Information Meeting on CIP

29 Wednesday 8:30 AM Joint Budget Committee Meeting #1

## December 2017

6 Wednesday 11:00 AM CIP Advisory Committee meets with Departments - *Prioritize Capital Requests*

13 Wednesday 8:00 AM Joint Budget Committee Meeting #2

## January 2018

2 Tuesday 7:00 AM City Council Meeting - New City Council Innauguration

16 Tuesday 7:00 PM City Council Work Session - Establish Budget Guidelines

18 Thursday 7:00 PM Planning Board Meeting - Adoption of the CIP - *CIP Presentation*

23 Tuesday 7:00 PM School Board Public Hearing #1 on the proposed budget

29 Monday 6:30 PM City Council Work Session on CIP - *CIP Presentation*

## February 2018

13 Tuesday 5:30 PM \* Fire Department Public Hearing on the proposed budget

13 Tuesday 7:00 PM School Board Public Hearing #2 on the proposed budget

14 Wednesday 7:00 PM Police Commission Public Hearing on the proposed budget

20 Tuesday 7:00 PM City Council Meeting- Public Hearing on the CIP - *No presentation*  
- See presentation recorded from the January 29th City Council Work Session

## March 2018

5 Monday 7:00 PM City Council - Adoption of the CIP

## April 2018

25 Wednesday Proposed Budget document to be submitted to the City Council

## May 2018

2 Wednesday 6:30 PM City Council Meeting - Public Hearing on Budget

9 Wednesday 6:30 PM City Council Work Session - Public Safety (Police and Fire) Budget Review/Listening Session

10 Thursday 6:30 PM City Council Work Session - School Department Budget Review/Listening Session

14 Monday 6:30 PM City Council Work Session - General Government Departments/Listening Session

16 Wednesday 6:30 PM City Council Work Session - Water and Sewer Departments/Listening Session

23 Wednesday 6:30 PM \*\* City Council Work Session - Budget Review

30 Wednesday 6:30 PM \*\* City Council Work Session - Budget Review Follow Up (if necessary)

## June 2018

4 Monday 7:00 PM City Council Meeting - Adoption of Budget

All Meetings, Work Sessions, and Public Hearings will be held in the Eileen Dondero Foley Council Chambers with the exception of the following:

\* Fire Station 2 (3010 Lafayette Road)

\*\* Conference Room A - City Hall (1 Junkins Ave)

All Meetings, Work Sessions, and Public Hearings will be recorded and televised on Channel 22, as well as available through the City's YouTube Channel and the City Website.