

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 18, 2018 TIME: 6:30PM

AGENDA

- 6:30PM – WORK SESSION REGARDING 2018 PARTIAL UPDATE OF PROPERTY VALUES

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

RECOGNITION OF STATE CHAMPIONS FOR PORTSMOUTH HIGH SCHOOL

1. Girls Lacrosse Team
2. Boys Baseball Team

- V. ACCEPTANCE OF MINUTES – JUNE 4, 2018

- VI. PUBLIC COMMENT SESSION

- VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
 - Amendments to Article 4, Section 10.440 Table of Uses;
 - Amendment to the Character-Based Zoning Building Placement Section 10.5A42;
 - Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;
 - Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);
 - Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
 - Amendment to Article 15 Definitions Section 10.1530

(Sample motion – move to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to the request of Clipper Traders, LLC for property located at 105 Bartlett Street)

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
- Amendments to Character-Based Zoning Development Standards Section 10.5A41;
 - Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
 - Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
 - Amendment to Character-Based Zoning Incentive Overlay Districts Section 10.5A46
(Sample motion – moved to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to incorporating building, façade, and community space types allowed in the Gateway Neighborhood Mixed Use Districts into the Character-Based Zoning Districts and to clarify application of said types)

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign from Joe Kelley, owner of Cup of Joes Coffee Bar for property located at 31 Market Street **(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)**

Planning Director's Stipulations:

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

- B. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the 2018 Jingle Bell Run/Walk for Arthritis **(Anticipated action – move to refer to the City Manager with power)**

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence **(Sample motion – move to accept and place on file)**
- B. Letter from James Beal regarding Clipper Trader proposal of rezoning of 105 Bartlett Street

- C. Letter from Elizabeth Bratter regarding Request for a sound level impact simulation of homes affected by the proposed rezoning of 105 Bartlett Street
- D. Letter from Suzanne and Robert Ford regarding Request by New England Marine & Industrial (NEMI) to extend Gateway Zoning District

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. 299 Vaughan Street Temporary Construction License
- 2. Letter from Pease Development Authority Re: Request for Approval and Acceptance of Maintenance of North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement
- 3. Water Line Easement Re: 1850 Woodbury Avenue
- 4. Request for First Reading Re: Parking Omnibus

City Manager's Informational Items:

- 1. Events Listing
- 2. Report Back Re: Bicycle Friendly and Walkable Community Designations
- 3. Dondero School Nature Playground
- 4. News Release Re: National Homeownership Month
- 5. Report Back Re: Recovery of Costs of Public Records

B. MAYOR BLALOCK

- 1. Appointment to be Considered:
 - John Formella as a Regular Member to the Zoning Board of Adjustment
 - Chase Hagaman as an Alternate Member to the Zoning Board of Adjustment
- 2. Appointment to be Voted:
 - Michael Griffin to the Trees & Greenery Committee

C. COUNCILOR ROBERTS

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 7, 2018 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the June 7, 2018 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR DWYER

- 1. *McIntyre Project Update

E. COUNCILOR DENTON

1. *Renewable Energy Credits (*Motion for a FY20 budget document presented to the City Council to contain cost estimates to purchase Renewable Energy Credits (RECs) under the upcoming electricity contract*)

F. COUNCILOR PERKINS

1. *Legislative Committee – Housing Policy referral

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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


** Indicates verbal report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 14, 2018

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on June 18, 2018 City Council Agenda

Work Session:

6:30 p.m.

1. **2018 Partial Update of Property Values.** On Monday evening, City Assessor Rosann Maurice-Lentz, will give an update to the City Council concerning the 2018 Partial Update of property values throughout the City. The City Assessor will explain the differences between a partial update vs. a statistical revaluation, benefits to updating property values on an annual basis, services to be performed by the City and the City Contractor and a timeline.

Votes on Ordinances and/or Resolutions:

1. **First Reading of Proposed Ordinances Amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street.** As a result of the June 4, 2018 City Council meeting, I am bringing back for first reading the **attached two proposed zoning amendments** related to the request of Clipper Traders, LLC for the rezoning of property located at 105 Bartlett Street. As you will recall, the City Council also requested that the presentation of the proposed amendments be simplified as much as possible. As a result of that input, the Planning Department has separated the amendments into two ordinances. The first includes the amendments most applicable to the 105 Bartlett Street property and the second includes proposed “housekeeping” amendments. **Attached is a memorandum from Planning Director Juliet Walker** explaining these proposed amendments and the Planning Board review of this matter.

As you are aware, at the February 20, 2018 City Council meeting, the Council voted to refer a request from Attorney R. Timothy Phoenix, on behalf of Clipper Traders, regarding a petition for re-zoning of 105 Bartlett Street, to the Planning Board for a recommendation.

If the City Council is in agreement with the recommendations, an appropriate separate motion for each Ordinance amendment would be as follows:

A. *Proposed Zoning Ordinance Amendment Part 1.*

Move to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to the request of Clipper Traders, LLC for property located at 105 Bartlett Street:

- *Amendments to Article 4 Section 10.440 Table of Uses;*
- *Amendment to the Character-Based Zoning Building Placement Section 10.5A42;*
- *Amendments to Character-Based Zoning Incentive Overlay Districts Section 10.5A46;*
- *Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);*
- *Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;*
- *Amendment to Article 15 Definitions Section 10.1530.*

B. *Proposed Zoning Ordinance Amendment Part 2.*

Move to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to incorporating building, façade, and community space types allowed in the Gateway Neighborhood Mixed Use Districts into the Character-Based Zoning Districts and to clarify application of said types:

- *Amendments to Character-Based Zoning Development Standards Section 10.5A41;*
- *Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;*
- *Amendments to Character-Based Zoning Community Spaces Section 10.5A45;*
- *Amendment to Character-Based Zoning Incentive Overlay Districts Section 10.5A46.*

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is a request for a projecting sign license (see attached memorandum from Juliet Walker, Planning Director):

➤ Joe Kelley, owner of Cup of Joes Coffee Bar for property located at 31 Market Street

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

City Manager's Items Which Require Action:

1. **299 Vaughan Street Temporary Construction License.** On June 15, 2017, the Planning Board granted site plan review, wetlands conditional use, and subdivision approvals for Vaughan Street Hotel LLC (formerly 299 Vaughan Street LLC) to construct a five-story, 143-room hotel with additional ground-floor retail uses on properties currently occupied by a municipal parking lot and an auto parts business.

The Construction Mitigation and Management Plan (CMMP), signed in April 2018, identified a number of temporary construction licenses for project-related work that will require the encumbrance of the City property along Green Street and Vaughan Street for different periods of time during of the project's construction. These licenses require approval by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy, which was adopted by the City Council on April 16, 2018.

Although the CMMP identifies multiple licenses required for this project, the license request in front of the City Council for this meeting is only for Phase 1 of the construction project.

The License Areas are show on the plan labeled "License Exhibit" and dated June 4, 2018. License Area 1 is shown with green hatch markings and is located behind the development site on the land deeded to the City for the construction of the Community Park along the North Mill Pond. This area will be used for construction staging and laydown of construction materials. The duration of the license for Area 1 is July 1, 2018 to July 1, 2019.

License Area 2 is shown with blue hatch markings and includes the sidewalk and parking area immediately in front of the development site on Vaughan Street as well as two existing parking spaces on the bend in the road on Vaughan Street (labeled 6 and 7 on the plan). This area will be used for construction of site drainage, hotel water connections, and gas

service connection. The duration of the license for Area 2 is August 2, 2018 to September 6, 2018 (37 days).

The total fee for the temporary license was calculated based on the \$0.15 per square foot per day as defined in the City Council policy. The policy also allows the City Manager to waive the license fees for parking in unmetered spaces if the applicant can provide equivalent public parking in the immediate vicinity of the licensed area. The developer is proposing to provide four (4) temporary parking spaces at the 111 Maplewood Ave property, labeled as T6 to T9 on the license plan provided.

Each space is 160 square feet, which calculates to \$24 per space per day. For 4 spaces, 37 days, the total credit is \$3,552. As a result, the license fee has been reduced from \$17,871 to \$14,319.

All of the foregoing has been reviewed by the Planning and Legal Departments and is recommended for approval.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept the temporary construction license regarding 299 Vaughan Street as submitted.

2. **Letter from Pease Development Authority Re: Request for Approval and Acceptance of Maintenance for North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement.** Attached is a letter from the Pease Development Authority regarding a request to the City Council for approval and acceptance in accordance with Section 5.3 of the Municipal Services Agreement (MSA) by adding North Apron Road located off Arboretum Drive. Also, as mentioned in the letter, PDA has provided Public Works Director Peter Rice with a set of North Apron Road as-built drawings to aid in his assessment of the road conditions. Further, I have attached a copy of MSA Section 5.3 – Public Ways for your information.

I recommend the City Council move to approve and accept North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement.

3. **Water Line Easement Re: 1850 Woodbury Avenue.** On April 19, 2018, the Planning Board approved an application from Goodman Family Real Estate Trust, requesting Site Plan Approval for the property located at 1850 Woodbury Avenue to add an Aroma Joe's take-out restaurant with drive-thru service and a walk-up window.

As approved, the Site Plan includes a water line easement to be granted to the City for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a City water main line and its associated infrastructure. Attached are the Easement Plan and Waterline Easement Deed.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move that the City Manager be authorized to negotiate, execute, deliver and record the easement deed regarding 1850 Woodbury Avenue, as presented.

4. **Request for First Reading Re: Parking Omnibus.** Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council at its meeting of June 18, 2018. This year's omnibus changes are detailed on the attached sheets, and address changes to parking meters, on-street parking spaces, and updates to reflect current conditions.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to schedule first reading of the proposed Parking Omnibus Ordinance for the July 7, 2018 City Council meeting, as presented.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the updated Events Listing showing events from this date forward through 2018. In addition, this can be found on the City's website.
2. **Report Back Re: Bicycle Friendly and Walkable Community Designations.** As requested by City Council, attached is a memorandum from Planning Director Juliet Walker regarding bicycle friendly and walkable community designations.

3. **Dondero School Nature Playground.** For over a year, the Dondero School Parent Teacher Association has sponsored a school yard and playground renovation planning effort and implementation of an initial phase is set to begin this summer. The work to date on the Dondero School Nature Playground Master Plan has been the result of close collaboration with the school community (parents, students, teachers and staff), school administration, engineering and design professionals as well as city staff. The Nature Playground Master Plan responds to a national trend in the creation of natural play spaces, along with a commitment to nature-based education and nature play at Dondero. [The Plan is attached](#) and the elements are described below.

To date, the PTA group has secured two-thirds of the estimated \$67,000 needed for the first phase describe above. This includes \$20,000 from the School Department as well as \$24,000 from the PTA's own fundraising. In recognition of the schoolyard's dual role as both a schoolyard and neighborhood playground, I have authorized up to \$25,000 from the City's Capital Improvement Plan for Playgrounds be utilized for as a match for the funds raised by the PTA.

The PTA is preparing to construct a first-phase of the improvements this summer. This work will include demolition of the current play structure and replacement with a multi-functional rope play structure, relocation of existing swings, and installation of earth climbing mounds. To date, the PTA has secured substantial in-kind services and funded engineering and design services for the Master Plan. Other nature play elements in the Plan (for later phases) include climbing logs, planted areas for wildlife habitats and passive exploration, musical play area and stage, additional forest trails and neighborhood linkages, and improvements to the school garden as additional fundraising, volunteers and in-kind donations permit.

4. **News Release Re: National Homeownership Month.** For your information, [attached is a news release](#) announcing that the U.S. Housing and Urban Development (HUD) and the City of Portsmouth recognize June as National Homeownership Month.
5. **Report Back Re: Recovery of Costs of Public Records.** As requested by Councilor Perkins, [attached is a memorandum](#) from Deputy City Attorney Suzanne Woodland regarding recovery of costs of public records.