

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 6, 2018 TIME: 6:15PM

- 6:15PM – WORK SESSION REGARDING 2018 PROPERTY VALUATION UPDATE – CITY ASSESSOR ROSANN LENTZ

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES – JULY 9, 2018
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. **First Reading of Ordinance**

First reading of Ordinance amending Chapter 7, Article IV, Section 7:402 regarding the Foundry Place Garage Designation (***Proposed motion – move to pass first reading and schedule second reading and a public hearing at the August 20, 2018 City Council meeting, as presented***)

B. **Public Hearing – 105 Bartlett Street – Part 1.A. – (Continued from the July 9, 2018 City Council meeting)**

PART 1.A. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET: (PROPOSED CHARACTER DISTRICT 4-W)

- 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
- 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

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motions – (1) move to close the public hearing on Part 1A of re-zoning of 105 Bartlett Street; (2) move to incorporate the Planning Department staff’s suggested revisions into the Part 1A; (3) move to pass second reading of the proposed amendments Part 1A, as amended and schedule third and final reading for August 20, 2018 City Council meeting)*

**C. Public Hearing – 105 Bartlett Street – Part 1.B. - (Continued from the July 9, 2018 City Council meeting)**

PART 1.B. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (PROPOSED CHARACTER DISTRICT 4-L2)

- 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 A PORTION OF TAX MAP 164 LOT 4 OR AND TRANSPORTATION CORRIDOR (TC) TO CD4-L2; AND
- 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 A PORTION OF TAX MAP 164 LOT 4

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motions – (1) move to close the public hearing on Part 1B of re-zoning of 105 Bartlett Street; (2) move to incorporate the Planning Department staff’s suggested revisions into the Part 1B; (3) move to pass second reading of the proposed amendments Part 1B, as amended and schedule third and final reading for August 20, 2018 City Council meeting)*

**D. Public Hearing – 105 Bartlett Street – Part II - (Continued from the July 9, 2018 City Council meeting)**

PART II. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (HOUSEKEEPING)

- 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
  - PRESENTATION
  - CITY COUNCIL QUESTIONS
  - PUBLIC HEARING SPEAKERS
  - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motions – (1) move to close the public hearing on Part 2 of re-zoning of 105 Bartlett Street; (2) move to incorporate the Planning Department staff’s suggested revisions into the Part 2; (3) move to pass second reading of the proposed amendments Part 2, as amended and schedule third and final reading for August 20, 2018 City Council meeting)*

E. **Public Hearing – Parking Omnibus**

ORDINANCE AMENDING CHAPTER 7 – PARKING OMNIBUS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motion – move to pass second reading and schedule third and final reading at the August 20, 2018 City Council meeting)*

F. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE ACQUISITION OF ONE FIRE APPARATUS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motion – move to adopt the Resolution, as presented)*

G. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR COSTS RELATED TO FISCAL YEAR 2019 SCHOOL FACILITIES IMPROVEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motion – move to adopt the Resolution, as presented)*

H. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO EIGHT MILLION NINE HUNDRED THOUSAND DOLLARS (\$8,900,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motion – move to adopt the Resolution, as presented)*

I. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000.00) RELATED TO WATER LINE REPLACEMENTS AND WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motion – move to adopt the Resolution, as presented)*

J. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) FOR COSTS RELATED TO CONSENT DECREE MITIGATION, STREET RECONSTRUCTION, AND ANNUAL SEWER LINE REPLACEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

*(Proposed motion – move to adopt the Resolution, as presented)*

## VIII. APPROVAL OF GRANTS/DONATIONS

### A. Acceptance of Police Department Grant and Donations:

- Acceptance of Grant from the NH Department of Safety regarding opioid-related drug use and trafficking - \$35,000.00
- Acceptance of Donation from Donahue, Tucker & Ciandella, PLLC in support of the Portsmouth Police Explorer Cadets - \$300.00
- Acceptance of Donation from the Wentworth-Coolidge Commission, Inc. in support of the Portsmouth Police Explorer Cadets - \$100.00

*(Proposed motion – move to approve and accept the grant and donations to the Portsmouth Police Department)*

## IX. CONSENT AGENDA

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

- A. Request for License to Install Projecting Sign from Seth Bordonaro, owner of Vieux Port for property located at 85 Daniel 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. Request for License to Install Projecting Sign from Namrata Idnani, owner of Raleigh for property located at 67 State 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***

- C. Request for License to Install Projecting Sign from Cynthia Ross, owner of Gelato Fiasco for property located at 142 State Street, Unit 150 (***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***

- D. Request for License to Install Projecting Sign from Eric Goodwin, owner of Lure for property located at 100 Market Street, Unit 102 (***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***

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

- A. Email Correspondence (***Proposed motion – move to accept and place on file***)
- B. Letter from Tim Sylvester regarding spending funds and high real estate taxes (***Proposed motion – move to accept and place the letter on file***)
- C. Letter from Antje Bourdages & Barbara Massar, Pro Portsmouth, Inc., requesting the City of Portsmouth provide \$3,000.00 in funding to be the official sponsor of the fireworks for First Night
- D. Letter from Stephen Pamboukes requesting the temporary, partial closure of a portion of Vaughan Street for the East Community Motorcycle Show between 11:00 a.m. to 10:00 p.m. on Saturday, September 22, 2018

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

### **A. CITY MANAGER**

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

1. Approval of AIDS Response Seacoast Lease
2. Request to Approve Fundraising Re: Clough Field Irrigation
3. Naming of Library Lobby in Memory of Mary Ann List
4. Request for First Reading of Boarding House Ordinance
5. Workforce Housing Covenant
6. Request for First Reading Re: Exemption for Solar Energy Systems

#### **City Manager's Informational Items:**

1. Events Listing
2. Campus Drive Recreation Fields
3. News Release Re: FY 19 Public Facility and Accessibility Improvements Grant Program
4. Memorandum from City Attorney Robert Sullivan Re: Planning Board Residency Issues Raised by Mark Brighton
5. Memorandum from Deputy City Manager Nancy Colbert Puff Re: McIntyre Update

### **B. MAYOR BLALOCK**

1. FY20 Budget
2. Resignation of Ronald Cypher from the Parking, Traffic & Safety Committee
3. Appointments to be Considered:
  - Ralph DiBernardo appointment as a Regular member to the Parking, Traffic & Safety Committee
  - Stephen T. Pesci appointment as Alternate member to the Parking, Traffic & Safety Committee

- Mary Lou McElwain reappointment to the Parking, Traffic & Safety Committee
- Harold Whitehouse reappointment to the Parking, Traffic & Safety Committee
- J. Stephen McCarthy reappointment to the Building Code Board of Appeals

## XII. MISCELLANEOUS/UNFINISHED BUSINESS

### A. Legislative Subcommittee Report

- Summary of Legislative Subcommittee's recommendations to the City Council regarding NHMA's Final Policy recommendations for Legislative Policy Conference (***Proposed motions – (1) move to accept all the NHMA Legislative Policy Recommendations as written, except General Administration and Governance Action Policy Recommendation #4; (2) move to support General Administration and Governance Action Policy Recommendation #4 if it is amended to only include Construction Drawings, not Building Plans, as exempt records under RSA 91-A***)

## XIII. ADJOURNMENT

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

\* Indicates verbal report



## PUBLIC DIALOGUE

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 9, 2018

PORTSMOUTH, NH  
TIME: 6:15PM

### Public Dialogue Session

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Raynolds and Becksted

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Martha Caverly expressed concern that there has not been any impact studies done on traffic for Islington Street.

Planning Director Walker said that Islington Street corridor included traffic analysis to look at the corridor now and what is expected in the future. She said that a further analysis would be done when a development is in front of the City. She stated that the Cate Street project would involve a traffic study. Ms. Caverly said she would like an individual study. Planning Director Walker said when the project comes before the Planning Board they can ask for additional studies. City Manager Bohenko said the City would approve the study.

Zelita Morgan asked how the 105 Bartlett Street project aligns with the environmental protection. Planning Director Walker said the zoning ordinance applies broadly throughout the City. We have Site Review regulations.

Councilor Raynolds asked Planning Director Walker to describe the wetlands buffer. Planning Director Walker explained that 25 feet is a no building zone. Said she there are additional protections for 100 feet. Ms. Morgan asked about Conditional Use Permits and how many have been granted in the last 5 years. Planning Director Walker said in general the Conservation Commission does not easily approve further disturbances to the wetland areas. She further stated no buildings would happen in the 50 foot buffer for 105 Bartlett Street.

Martha Caverly asked about regulations of noise. Planning Director Walker said that is in the zoning ordinance and the Planning Board made some adjustments on the kind of uses in the area.

Councilor Dwyer asked what the Planning Board expects to require for the 105 Bartlett Street project. Planning Director Walker said buffers to absorb noise of outdoor uses. She said they could limit hours of operations and control what happens.

Zelita Morgan asked what process is used for public input by Planning Board. Planning Director Walker spoke to the public input process. City Manager Bohenko said that is a question the Planning Board will process the information and use it in their decision process and the Planning Board pays attention to the input.

Assistant Mayor Lazenby said the public input and neighborhood input has been substantial and has had major weight.

Alan Schmidt said there would be a 200 foot wall for the building with a height of 65 feet in front of his home. Planning Director Walker said the model was requested at the Planning Board and it is a potential build out. Mr. Schmidt said before the zoning changes there should be an assessment done on the property values.

Mayor Blalock said we have a public hearing to weigh the zoning. He said the request will be weighing all factors. He said the public hearing will hear everything this evening.

City Manager Bohenko said that there will be three readings with the public hearing this evening. He stated the City Council may leave the public hearing open until the next meeting. Also, if the public hearing is left open, second reading would not take place this evening. City Manager Bohenko said once third reading is done then the developer would start the land use process and that is when a lot of the studies would be required.

Councilor Becksted asked if we could do an impact study on property values. Planning Director Walker said the City Council could do whatever they decide.

Councilor Roberts said he would see the way the plan evolves.

City Manager Bohenko said at the Planning Board many of these items can be done, such as impacts on traffic and environment.

Paige Trace asked Planning Director Walker if the development for 105 Bartlett Street is spot zoning.

Councilor Dwyer said the parcel has always been the discussion if OR was the right zoning next to residential. She said OR buildings is not what you want to see.

Mr. Schmidt said yes it is a 3 acre building.

Ms. Trace said there needs to be adjustments.

Planning Director Walker spoke to the process for which zoning can be changed. Ms. Trace asked if it is spot zoning. Planning Director Walker said no it is not spot zoning. Councilor Reynolds said don't use that term, it is a very specific definition.

Patricia Bagley would like to know the point of the public right-to-know request. Councilor Roberts said he asked for the information. It is the time spent on the request. He said nothing will change the policy.

City Manager Bohenko said it is the time the staff is spending on their hourly rate. He said the attorney spends time or hires in another attorney. Ms. Bagley asked why the Trustees of the Trust Fund Capital Reserve Funds Report was not on the website. City Manager Bohenko said a great deal of information is on the website. Councilor Dwyer said they are available annually.

Bonny Sennett said the people in the Feaster Building are having issues with residents that are drinking too much or using drugs. She said no one knows the truth of what is happening. She said the building that the Portsmouth Housing Authority is proposing for work force housing is too close to children. She said children should not be in an environment with drug users and alcoholics.

At 7:00 p.m., Mayor Blalock closed the Public Dialogue Session.

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## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 4, 2018

PORTSMOUTH, NH  
TIME: 6:15 PM

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

Mayor Blalock called the meeting to order at 7:05 p.m.

### **II. ROLL CALL**

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted

### **III. INVOCATION**

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

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

Councilor Becksted led in the Pledge of Allegiance to the Flag.

### **V. ACCEPTANCE OF MINUTES – JUNE 18, 2018**

**Councilor Dwyer moved to accept and approve the minutes of the June 18, 2018 City Council meeting. Seconded by Councilor Pearson and voted.**

### **VI. PUBLIC DIALOGUE SUMMARY**

Assistant Mayor Lazenby reported that the topics of the discussion were 105 Bartlett Street Rezoning, Zoning Change/Condition Use Permit, Right-to-Know – Report Trustees of the Trust Fund Capital Reserve Report and the Portsmouth Housing Authority – Feaster Apartments. The speakers were Martha Caverly, Zelita Morgan, Alan Schmidt, Paige Trace, Patricia Bagley and Bonny Sennett.

## VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000.00) FOR COSTS RELATED TO THE CONSTRUCTION OF MULTI-PURPOSE RECREATION FIELDS

- **PRESENTATION**

Mayor Blalock read the legal notice and asked for Recreation Director Wilson to speak on this project.

Recreation Director Wilson said the bonding is up to \$3,400,000.00 for the multi-purpose recreational fields. He said that additional fields are much needed and spoke to the 3 fields that are being proposed for the 50+ acres. He addressed the future layout and phases that will include multi-use fields. He said this will have one big field in front and two smaller fields in the back. He urged the City Council to support the Resolution and adopt it this evening.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer asked when the bids go out for the synthetic fields would it include alternate bids. City Manager Bohenko said yes it will. He said the project was brought to the Recreation Board and then back to the City Council at your request.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock declared the public hearing open and called for speakers.

Kory Sirmaian said he is here to tell the City Council that the Recreation Board unanimously supports this much needed recreation resource.

Jackie Cali-Pitts said she does not feel the fields should be done in phases, but should be done all at once. She stated that parking needs to be close to the fields and it is an essential part of the project.

Richard Blalock said there is a need for more fields in the City. He said he supports the bonding authorization.

Tom Kozikowski spoke as a resident, and said these are much needed fields and that this is a great project for the City. He said currently there are not enough fields in the City and they are all being used at all times.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Dwyer asked what the total cost of the project would be. Recreation Director Wilson said to do the entire project it will cost \$10,000,000.00.

Councilor Reynolds spoke to the phases and asked if we will come back in 2-5 years to request more fields. City Manager Bohenko said that this is a stand-alone project and an engineer would design the entire project. He said we are paying premium prices for construction projects. He said that this project lends itself to a phase approach.

Councilor Becksted said it has been over 40 years since we have added to the fields in the City. He said he would like to see the City Council see this project through.

**Councilor Denton moved to adopt the Resolution, as presented. Seconded by Councilor Reynolds.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said the number of fields have not changed in 40 years plus. He said getting started with the \$5,000,000.00 is important and he would like to see a philanthropist leave their mark with naming the field.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

**On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.**

Councilor Becksted advised the City Council he would be recusing himself from this matter and stepped down from the Dias.

- B. PART 1.A. – ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET: (PROPOSED CHARACTER DISTRICT 4-W)
- 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); 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

- **PRESENTATION**

Planning Director Walker said 105 Bartlett Street consists of a number of lots with most zoned CD4W. She said it is extended from Bartlett Street to Langdon Street and most of the property is owned by the railroad. She spoke to the current zoned CD4W West End transportation uses and must be transportation related with the rest of the site being OR. She spoke to the zoning along Islington Street. She stated for anything to happen on the property owned by the railroad it is unlikely it will change. She said street access will require a long driveway or a street to be built. Planning Director Walker said there is a sewer line and an easement and new buildings in 20 feet of the line. She said there is also a 50 foot wetland buffer from the edge of the mill pond. She addressed the 45 foot maximum height restrictions along Bartlett Street with a chance for an additional 10 feet or 55 feet. She spoke to the incentive for the overlay district for the west end would be extended to allow for additional density. Planning Director Walker advised the City Council that the project would have a multi-use path. She said in other areas along Islington Street are 40 feet of additional foot print. She said GRC allows an additional 8 feet if you build a multi-use path with interior parking. She said all of this is very preliminary at this time. She spoke to the existing heights in the neighborhood, the original request was to rezone the entire parcel and extend the overlay district across. She stated the Planning Board made amendments and a public hearing was held.

She said Part 1A is the building having a block length over 200 feet extension. She spoke regarding the developer could go up to a bonus of 30,000 feet and explained the three different height areas which are 45 feet, 40 feet and 35 feet. She stated it is to start with more density development and the density is the height area that would increase 10 feet indoor performances facilities.

Part 1 A Amendments:

- Limitations of Indoor Performance Facilities
- Regulations for outdoor cafes
- Preservation of public view corridors along the North Mill Pond

Incentive Overlay Standards

- Reduce minimum ground story height to 9'
- Remove residential parking incentive
- Clarify requirements for North Mill pond multi-use path
- Revise definition of building block length

- **CITY COUNCIL QUESTIONS**

Councilor Roberts said everything he has seen is 12 feet. Planning Director Walker said this is to apply to all CD-4 the 9 feet is to provide ground floor parking. Councilor Roberts said there is no requirement for retail on first floor. Planning Director Walker said correct. She said CD4W is a mixed use. She said CDL2 is mixed residential. Currently there are no requirements for a liner building in the incentive residential and the parking requirement has been removed and a redefine building block length.

**PART 1.B. – ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE PETITION FOR RE-ZONING OF 105 BARTLETT STREET (PROPOSED CHARACTER DISTRICT 4-L2)**

- AMENDMENTS TO THE CHARACTER-BASED ZONING INCENTIVE OVERLY DISTRICT SECTIN 10.5A46;
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21A) TO CHANGE A PORTION OF TAX MAP 164 LOT 4 OR AND TRANSPORTATION CORRIDOR (TC) TO CD4-L2; AND
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21B) TO EXTEND THE WEST END OVERLAY DISTRICT AND ALL NEW BUILDING HEIGHT STANDARDS FOR A PORTION OF TAX MAP 164 LOT 4

Existing	Proposed	
• Front Yard	70'	10' to 15'
• Side Yard	50'	0' to 20' (15' along railroad tracks)
• Rear Yard	50"	5' (15' along railroad tracks)
• Height	45' within 200' of the North Mill Pond 60' if 200' or more from the North Mill Pond	30' to 55' (with density incentives)

**PART II. – ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (HOUSEKEEPING)**

- AMENDMENTS TO CHARACTER-BASED ZONING DEVELOPMENT STANDARDS SECTION 10.5A41;
- AMENDMENTS TO CHARACTER-BASED ZONING BULLDDING 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

**• PRESENTATION**

Planning Director Walker spoke to Part 1B – CD4-L2 the maximum is 80 feet with density bonus length to 100 feet. She said the height area requirement is 20 feet or 2 stories and 30 feet. She spoke to what is currently allowed for lot dimensions. She said this is only applicable to new lot buildings. She spoke to the building location, size density (applicable to any NEW buildings)

## **Development Approval Process**

### Zoning Amendment

- Planning Board Recommendation to City Council
- 3 Readings at City Council

### Subdivision Approval

- Technical Advisor Committee review
- Planning Board public hearing review

### Site Plan Review Approval

- Technical Advisory Committee review
- Planning Board public hearing
- May also involve third party

### Conditional Use Permit (Wetlands)

- Conservation Commission Review
- Planning Board public hearing

## **Scope of Planning Board Review**

### Zoning Amendment

- Consistency with Master Plan
- Consistency with General Purpose and intent of Zoning Ordinance

### Subdivision Approval

- Properly dispersed development
- Protection of natural drainage systems and flood areas
- Location and design of streets, open spaces
- Compliance with engineering standards
- Traffic circulation and parking
- Provisions for public safety

### Site Plan Review Approval

- Safe and orderly site development
- Sustainable design, ecological integrity
- Protection of natural resource systems, water quality
- Stormwater management
- Protect abutters from hazards, unsightliness, nuisances
- Adequacy of infrastructure
- Traffic and circulation
- Historic and cultural character

Planning Director Walker spoke to the public comments received to date (in brief):

- Height and mass of buildings
- Preservation of open space and views
- Limit to residential uses only
- Environmental concerns – flooding, soil contamination
- Traffic impacts
- Neighborhood access to Multi-Use Path

The developer Doug Pinciario spoke to the time line for the project. He addressed the Purchase and Sales Agreement to purchase the land. He spoke to the two public hearings held at the Planning Board level with Site Review and now the public hearing this evening on the Council level. He said they are here to listen and move the team efforts to get to third reading of the zoning change.

Councilor Dwyer asked if Planning Director Walker would present some amendments this evening. Planning Director Walker said her recommendations would be to come back with more amendments before second reading. She said one suggestion is to revise the height to lower it and extend the CD4-L2 use for rail road and utility line as the boundary. She also said looking at controls residential uses and change from CD4-L2 to CD-4W. Councilor Dwyer asked if the Planning Board considered lessening the foot prints and building blocks limits to a smaller block length. Planning Director Walker said initially it was to be a longer building, the shared corridors were in response to that as well.

Councilor Denton said he reached out to the City Manager and Planning Director Walker on mandating testing of the area. Planning Director Walker said the testing is likely to happen.



Councilor Pearson would like the 3D model updated.

Mayor Blalock said he would ask the City Council to keep the public hearing open to the August 6<sup>th</sup> City Council meeting.

Mayor Blalock opened the public hearing.

- **PUBLIC HEARING SPEAKERS**

Elizabeth Bratter said the rezoning request will affect all of her properties. She spoke to putting the residential area together with the Ricci property. She would like to see the split changed. She said as a City Council you decide what is best for the City and neighborhoods. She spoke to the 3D model from Clipper Traders not looking exact. Ms. Bratter said CD4W is high in density and structure. She said that the developer could potentially put up 120 condominiums. She said that the rail road will increase the number of trains which will affect the neighborhoods. She requested the City to do a noise study and asked to create zoning lines to protect this area of the City.

Liza Hewitt spoke to the coal waste on the property and its harmful effects on the environment. She spoke to the zoning changes that will effect several hundred residential sites. She expressed the need for remediating harmful waste and asked if the City could say that this land is safe to live, work and play on.

Jane Begala, Planning Board member, spoke regarding the zoning and that balance should be considered. She addressed the density that this will add in the future to the area. She said she does not agree with the rezoning request and she was the only Planning Board member to vote opposed. She said many people came and spoke out against the project at the Planning Board. Ms. Begala said she is pleased that a 3D model has been created but feels we need to slow down the process. She said is this really the best use for the residents and that zoning a part of the land to NRP will keep with our own Master Plan. She stated NMP is considered part of the urban core. She spoke from the Master Plan which states we should make sure development enhances the area. She said we need to maintain public access and this project does not. Ms. Begala said the scale of the project is a concern and that the North Mill Pond will have the greatest impact and is highly vulnerable.

Jonathan Sandberg said he is an abutter and supports the project. He said the neighborhood wants to encourage more development, housing and density. He said it is not a pleasant area and there is a great deal of trash and debris. He spoke to the terrible problem with housing. He said the City has been working for years to develop the bike path and this project is the only way the path would happen. Mr. Sandberg said the neighborhood needs private developers to purchase the property.

Melissa Doer thanked the City Council for considering extending the public hearing. She spoke to the lasting impact that the neighborhood might have. She said there are significant concerns regarding environmental risks to the land. She asked how a decision can be made by the Council without assessing the health risk and having a study completed on the land. She said the North Mill Pond is a valuable resource and needs to be treated with great care. Ms. Doer said the City needs to identify and protect waterfront views keeping in mind what the property looks like. She also addressed density concerns of the area with the rezoning. She stated that homeowners will lose privacy with the change in height. She urged the Council to lower the height to 35 feet including all bonus incentives.

Ms. Schmidt said she would like know what effect the zoning change would have on the values for properties. She stated the developer is going to create a 200 foot long building next to her property. She said that this is a neighborhood of 2 to 2 ½ story buildings. She said the CD4W does not fit the neighborhood. She expressed concern on traffic impact and that she would like to see a comprehensive study on items on the land.

Tom Heany said his concern is with scale of the project and the major impact to the McDonough Street neighborhood. He expressed concern with access to the mill pond and the throughway to Islington Street and this development will cut off McDonough Street from the North Mill Pond. He said the City needs assurances from the rail road.

- **CITY COUNCIL QUESTIONS**

Assistant Mayor Lazenby asked if we would see potential amendments from the Planning Director and changes to 1A and 1B.

City Attorney Sullivan said all that has happened is to have a public hearing on 1A and the City Council could move to continue the public hearing and all remaining items until August 6, 2018 City Council meeting.

**Assistant Mayor Lazenby moved to continue the Public Hearing and all remaining items until the August 6, 2018 City Council meeting. Seconded by Councilor Pearson and voted.**

City Attorney Sullivan said amendments need to happen at second reading.

Councilor Dwyer said she would like to make suggestions.

At 8:55 p.m. Mayor Blalock declared a brief recess. At 9:05 p.m., Mayor Blalock called the meeting back to order.

Mayor Blalock announced that the public hearing of the rezoning is extended to the August 6, 2018 City Council meeting.

D. First reading of Ordinance amending Chapter 7 – Parking Omnibus

**Councilor Perkins moved to pass first reading and schedule a public hearing and second reading at the August 6, 2018 City Council meeting. Seconded by Roberts and voted.**

Councilor Denton said he would like to see some changes at second reading. He said we are creating a new electric vehicle charging station. He stated a first requirement is highly visible signage. He addressed his recommended changes which would allow the Fee Committee to charge a fee for vehicles parking in the spots.

Councilor Roberts said time expiring on meters requires a vehicle to move 500 feet, in Boston it must be moved to the next block. He would like that addressed at the next meeting.

Mayor Blalock passed the gavel to Assistant Mayor Blalock.

**Mayor Blalock moved to suspend the rules in order to take up Item XI. B.3. – Portsmouth Conference. Seconded by Councilor Pearson and voted.**

XI. B.3. Portsmouth Conference

Renee Plummer spoke to the Portsmouth Conference. She said we need to bring something positive to the State of New Hampshire. She said the conference is a start and will be held on October 18<sup>th</sup> – 19<sup>th</sup> at the Wentworth by the Sea. She said she is here to raise money and be part of this. She advised the City Council that the subject of the conference is Climate Change.

City Manager Bohenko said this has an economic development flare and would like to provide \$2,500.00 from UDAG to the conference and part of it would be having City Council attend the conference and to sponsor the program.

**Councilor Reynolds moved to contribute \$2,500.00 from UDAG Funds for the Portsmouth Conference. Seconded by Councilor Dwyer and voted. Assistant Mayor Lazenby abstained from the vote.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

**Mayor Blalock moved to suspend the rules in order to take up Miscellaneous/Unfinished Business to discuss possible amendments to be brought forward at the August 6, 2018 City Council meeting regarding 105 Bartlett Street Re-Zoning. Seconded by Councilor Denton and voted.**

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Mayor Blalock noted that Councilor Becksted stepped down from the dais as he is recusing himself from this matter.

Councilor Dwyer spoke to the potential redrawing of the boundary line for CD4-L2 and not understanding how it would follow the rail road tracks and asked Planning Director Walker to point that out for the Council. Planning Director Walker said the thought to extend the boarder CD4-L2 between the rail road tracks and the utility area and to have a different height requirement in that area. Councilor Dwyer said 30 feet sounds high but what is really aggravating the scale is footprint and block area, she said especially in CD4. She said it would not create a super block. She also said regarding the buffer along the water, the proposed path would be different distances and is there value in creating a protection zone that demarcates the area along the water and help the Council to visualize what the buildings would be like with the properties. She further stated density is not the issue but the super block idea is. She stated hazardous mitigation connects in our zoning for doing the environmental studies. She said there should be a fence around the rail road tracks and wouldn't that be required. Planning Director Walker said the rail road would not be building the fence and may not be a specific requirement. If there are possibilities to allow access and what that would look like in a zoning amendment.

Assistant Mayor Lazenby would like the amendments to be made available ahead of time for the access area. City Manager Bohenko said the amendment would be attached to the current version and

part of his comments. He said there would be language to insert in for the amendments to be made.

Councilor Roberts is interested in the options for CD 4 L1 & 2. He said the height is not particularly an issue but 15,000 square feet would be a lot. He said the natural resource area is an option to review.

Councilor Reynolds said he is supportive of Councilor Dwyer's suggestions on changing the line the most problematic was the very close proximity of the residents that live north of McDonough Street between Dover and Cabot Streets. He said it significantly reduces the value in the project and there are significant public and fiscal benefit in the project in creating new property on the tax rolls and getting the through greenway path. He said another aspect is possibly reducing the lower end from L1 to L2 on Maplewood Avenue the very large building that exists and then the rail road track and then there are no residents in that proximity. He further stated he would be in support of some increased height in that particular area. He said the housing that will be created would be expensive housing. He said this is the place for density for work force housing units.

Councilor Perkins said she would like to think about the restrictions on outdoor café now. She said access to the waterfront and places on the waterfront are limited and would like to see this as a permitted use. She said having another neighborhood meeting could be helpful and changing this is responsive to the neighborhoods.

Councilor Roberts said we are rezoning from the Great Rhythm down and you could take B1, B3 and B4 and flip it. He said we are setting the precedent for impressive development a long ways. He said this rezoning is 1,500 feet and would be easy to create a large number of units in that space. He said we are not just dealing from the Great Rhythm outward is seems likely for changes to that section of road to be made in the future.

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll - \$2,000.00

**Assistant Mayor Lazenby moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Perkins and voted.**

## IX. CONSENT AGENDA

- A. Request for License to Install Projecting Sign from Sabrina Velandry, owner of Sloop for property located at 92 Pleasant Street (Unit 1A) (***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. Request for License to Install Projecting Sign from Paul Barry, owner of One Day in July for property located at 10 Market Square (***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***
- C. Letter from Holly Tennent and Jylie Nevejans, Bottomline Technologies, requesting permission to hold a 5K Road Race on Sunday, September 23, 2018 at 10:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

**Councilor Pearson moved to adopt the Consent Agenda. Seconded by Councilor Perkins and voted.**

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

- A. Email Correspondence

**Councilor Reynolds moved to accept and place on file. Seconded by Councilor Roberts and voted.**

- B. Letter from Elizabeth Bratter Re: 105 Bartlett Rezoning

**Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Reynolds and voted.**

- C. Letter from James Penfold requesting permission to hold the Electric Vehicle Show in Portsmouth on Sunday, September 9, 2018 from Noon – 4:00 p.m. the City Hall lower parking lots

**Councilor Reynolds moved to refer to the City Manager with power. Seconded by Councilor Denton and voted.**

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

1. Portsmouth Historical Society – Proposed Extension of Lease for Discover Portsmouth Center (10-30 Middle Street)

City Manager Bohenko said that this is an extension of the lease for Discover Portsmouth Center.

Assistant City Manager Moore said this item was referred on June 4, 2018 to the Planning Board for a report back. He said that this is a significant lease extension and the Planning Board unanimously supported the recommendation to enter into a new lease for a 50 year term. He said the reality is for specific basic care for the building. He spoke to the City's preservation easement and to maintain the building for the exterior and interior. Assistant City Manager Moore said the staff has worked with the Portsmouth Historical Society since 2008 and we want to secure other financial support and further improve the building.

City Manager Bohenko said because of the 20 year preservation easements we did not have many interests. He said it is our hope that Portsmouth Historical Society with Discover Portsmouth would continue that with restrictions on inside and outside. He said we really could not do much other than what is being done now.

**Councilor Becksted moved to authorize the City Manager to enter into the 50-year lease with the Portsmouth Historical Society for the property at 10-30 Middle Street, as presented, and further, authorize the City Manager to execute the Lease. Seconded by Councilor Reynolds.**

Councilor Becksted said one concern is the windowsills are in need of some repair and maintenance.

Dan Hoefle, Portsmouth Historical Society said they have put \$1.2 - \$1.3 million into the building and we hope to start getting more financial stability. He stated he would look at the sills tomorrow and see what is needed.

Councilor Dwyer said the Discover Center is spectacular and would like us to work harder on making explicit what the value is. She said we are charging but not appropriately to Discover Center and we need to make that more explicit and recommended an addendum.

City Manager recommended an annual report on what upgrades have been done. He would like to make that an amendment to the agreement that Portsmouth Historical Society and Discover Portsmouth would make an annual report to the City Council on improvements to the building.

The City Council agreed to the recommended amendment which was added to the motion.

Councilor Reynolds would like quantified measures on the costs for the improvements.

**Motion passed as follows:**

**Councilor Becksted moved to authorize the City Manager to enter into the 50-year lease with the Portsmouth Historical Society for the property at 10-30 Middle Street, as presented, and further, authorize the City Manager to execute the Lease and request that an annual report be provided to the City Council from the Portsmouth Historical Society or Discover Portsmouth Center regarding improvements to the building. Seconded by Councilor Reynolds and voted.**

2. Request for Public Hearing's Re: Various Bonding Resolutions

City Manager Bohenko said he would like to bring back the public hearing and vote on the Resolutions at the August 6, 2018 City Council meeting. He said each one will be advertised separately.

**Assistant Mayor Lazenby moved to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the August 6, 2018 City Council meeting. Seconded by Councilor Pearson.**

Councilor Roberts said he would like to know if we will have a design on the Market Street project. City Manager Bohenko said there will be a presentation at the August 6, 2018 City Council meeting on each item separately.

**Motion passed.**

3. Polling Hours for September 11, 2018 State Primary Election

**Councilor Dwyer moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on September 11, 2018. Seconded by Assistant Mayor Lazenby and voted.**

Councilor Denton requested that City Staff develop a plan to extend the polling hours for the general election in November.

City Clerk Barnaby spoke in support of the polling hours remaining 8:00 a.m. to 7:00 p.m. due to the lack of election officials to serve extended hours. She provided information relative to a survey she conducted today of 12 communities with a number of larger communities having extend polling hours who also have larger staffs to assist at the polls. She spoke to her efforts on recruiting more workers but served to be unsuccessful. She also addressed the opportunity for voters that work outside of the community having the ability to vote by absentee ballot.

Councilor Dwyer said she feels more recruiting needs to be done along with education for individuals on these positions are not volunteer positions but are paid. She said she would support expanding the polling hours and has wanted to see this done for some time.

City Manager Bohenko said he would like the opportunity to work with City Clerk Barnaby on this matter and look at increasing the pay scales for the election officials.

**Motion passed.**

4. Lease Re: AIDS Response Seacoast

City Manager Bohenko spoke to relocating the office space to the further point of the building for privacy. He spoke to upgrades that have been made to that section of the building and will be continued to be made. He said that this is a new five-year term that we charge to recover our electricity costs. He recommended approval by the City Council.

**Councilor Pearson moved that this Lease Agreement be brought forward to the City Council for a vote at the August 6, 2018 City Council meeting. Seconded by Councilor Roberts and voted.**

5. City's Parking Lot Lease/Maintenance Agreement with the Portsmouth Housing Authority

City Manager Bohenko said that the City and Portsmouth Housing Authority would like to enter into an Agreement to formalize the right of the public and Fire Department to continue to park in designated spaces in the Lot and for the PHA to receive the net parking revenue generated from the public's use of the parking spaces in the Lot.

**Assistant Mayor Lazenby moved to authorize the City Manager to negotiate and enter into the Agreement with the Portsmouth Housing Authority as presented to allow the public and the Fire Department to park in designated parking spaces in the Court Street Parking Lot and for the net parking revenue generated from public parking to be paid to the PHA. Seconded by Councilor Dwyer.**

Councilor Becksted asked how long of a term would this be. Mayor Blalock said indefinite, the lease would be year to year and next year may be for a longer term. Councilor Becksted said we maintain the lot and recover our costs. City Manager Bohenko said that is correct.

**Motion passed.**

6. Osprey Landing Water Tank Property

City Manager Bohenko said the water tank has been decommissioned and the property is no longer needed for the water system, as other storage tanks have replaced the need for this one.

**Councilor Raynolds moved to refer the matter to the Planning Board for report back. Seconded by Councilor Dwyer and voted.**

7. Disposal of 1986 Rescue Truck

**Councilor Raynolds moved to authorize the City Manager to dispose of surplus vehicle using GovDeals. Seconded by Councilor Perkins and voted.**

City Manager Bohenko reviewed his informational items with the City Council.

Councilor Becksted inquired about monthly leases for the Foundry Garage for residents versus non-residents. City Manager Bohenko said the Fee Committee would look into the fees for residents versus non-residents.



Parking Manager Fletcher spoke to information regarding the parking passes being placed on the website and notices have been posted. City Manager Bohenko said we might want to take out an advertisement. He said we would get one month rent in advance for the first full month rent.

City Manager Bohenko said that the Legislative Subcommittee has information on the right-to-know law. He said we keep track of the bills. Councilor Dwyer said the bills never go anywhere. She said she has mixed feelings about having the department take time to document these requests and not further it with small requests. City Manager Bohenko said staff has a policy when in doubt, give it out. Councilor Becksted asked what the process would be to request an item. City Manager Bohenko explained the process followed for making right-to-know requests. He said people can come in to the City Manager's office and have the department pull the file and speak with the staff. He said we are very responsive.

## **B. MAYOR BLALOCK**

1. Appointment to be Voted:
  - John Formella as a Regular Member to the Zoning Board of Adjustment
  - Chase Hagaman as an Alternate Member to the Zoning Board of Adjustment

**Councilor Perkins moved to appoint John Formella as a regular member and Chase Hagaman as an alternate to the Zoning Board of Adjustment. Seconded by Assistant Mayor Lazenby and voted.**

2. Resignation of Thaddeus (Ted) Jankowksi from the Conservation Commission

**Councilor Raynolds moved to accept the resignation from Thaddeus (Ted) Jankowski from the Conservation Commission with regret. Seconded by Councilor Roberts and voted.**

## **C. COUNCILOR DWYER**

1. McIntyre Update

Councilor Dwyer said there is no news on the McIntyre and we are in a time when the National Park Services is looking at the urban design. She said they're trying to make the site as close as what it is. She said we are not going to do the public input process again as we have done that process. She said the Post Office is an issue we are working on. She said we are working with the Post Office and if they feel they cannot be disrupted we would help them find a site downtown.

Councilor Becksted asked what deadlines we are facing to make sure it does not go to market.

Deputy City Manager Colbert Puff said the GSA is on line with us and nothing has changed as far as they feel. She said the deadline of July 9<sup>th</sup> was to submit an application in time for next spring. She stated in the last three weeks we are running into the summer time schedule that has had to accommodate schedules. She said the Historic District Commission has two meetings this month. Deputy City Manager Colbert Puff said we will continue to provide regular updates.

**XIII. ADJOURNMENT**

**At 10:30 p.m., Councilor Becksted moved to adjourn. Seconded by Assistant Mayor Lazenby 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

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IV, Off Street Parking Areas of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED:**

**L. Foundry Place Off-Street Parking Area**

**The Municipal Parking Garage located at 100 Foundry Place shall be known as the Foundry Place Parking Garage. The area within the garage shall be designated for off-street parking and shall be striped for that purpose to include parking spaces for handicapped access and electric vehicle charging stations. Fees for parking in the Foundry Place Parking Garage to be determined in accordance with Chapter 1, Article XVI, or as may be adopted by vote of the City Council.**

**Any vehicle remaining in the garage after seven (7) days will be subject to towing or immobilization at the owner's expense. Fees to be determined in accordance with Chapter 1, Article XVI.**

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 upon its passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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

**Planning Department Recommended Revisions to July 9, 2018 versions of  
Parts 1A, 1B, and 2 of the 105 Bartlett Street Re-Zoning**

Proposed insertions are **bolded**, deletions are ~~stricken~~.

A) Amendment to Proposed Part 1B

Amend the Character Districts and Civic Districts Map (10.5A21A) to change the proposed Character District designation from CD4-L2 to CD4-L1 as shown on map titled "Proposed Amendments to Character Districts and Civic Districts Map (10.5A21A) and Building Height Standards Map (10.5A21B)" dated 7/27/2018.

B) Amendments to Parts 1A and 1B

Amend the Character Districts and Civic Districts Map (10.5A21A) to change the portion of the property located between Cabot and Salem Streets and bound by the railroad tracks and the North Mill Pond shoreline and the portion of the property located between Dover and Salem Streets and bound by the railroad tracks and a line parallel to and 10' northwest of the City sewer line from CD4-W to CD4-L1 as shown on map titled "Proposed Amendments to Character Districts and Civic Districts Map (10.5A21A) and Building Height Standards Map (10.5A21B)" dated 7/27/2018.

C) Amendment to Part 1B *(NOTE: This revision should be made in conjunction with the proposed revision B and is not a stand-alone revision as proposed.)*

Amend Building Height Standards Map (10.5A21B) to reduce the maximum building height for buildings located between Salem and Cabot Streets in the revised CD4-L1 Districts to 1-Story / 20 feet as shown on map titled "Proposed Amendments to Character Districts and Civic Districts Map (10.5A21A) and Building Height Standards Map (10.5A21B)" dated 7/27/2018.

D) Amendment to Part 1B *(NOTE: This revision should be made in conjunction with the proposed revisions A and B and is not a stand-alone revision as proposed.)*

Amend the Table in Section 10.5A46.10 Incentives to Development Standards by modifying proposed footnotes 1 and 2 (allowing for a maximum building footprint of 3,500 and a maximum building block length of 100') to apply to both the CD4-L1 and CD4-L2 districts. The revised text would read as follows:

<sup>1</sup> *Except for CD4-L1 or L2 where the maximum building footprint shall be 3,500 SF.*

<sup>2</sup> *Except for CD4-L1 or L2 where the maximum building block length shall be 100 feet.*

E) Amendment to Part 1B

Amend Section 10.5A42 to add a view corridor requirement at Cornwall Street. The revised section would read as follows:

*All new buildings or structures located within 400' of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street, Cabot Street, **Cornwall Street** and Langdon Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.*

F) Amendment to Part 1B

Amend the Table in Section 10.5A46.10 Incentives to Development Standards by modifying proposed footnote 1 to require 30' minimum separation between individual buildings in CD4-L1/L2 if the building footprint is greater than 2,500 sq. ft. In addition, where the separation between buildings is 30' or more, allow surface parking to be located between buildings and not to be setback 20' from the façade of the building.

<sup>1</sup> *Except for CD4-L1 or L2 where the maximum building footprint shall be 3,500 SF. **Where the building footprint exceeds 2,500 SF, individual building blocks shall be separated by open space, community space, or surface parking areas of at least 30 feet in width. Parking areas located between buildings are not required to be set back from the building façade.***

G) Amendment to Part 1A

Amend the Table in Section 10.5A46.10 Incentives to Development Standards by adding a footnote to the maximum building footprint allowance for the West End Overlay District to limit the maximum building footprint to 20,000 SF within 200 feet of the North Mill Pond for properties in the CD4-W District. Proposed language would read as follows:

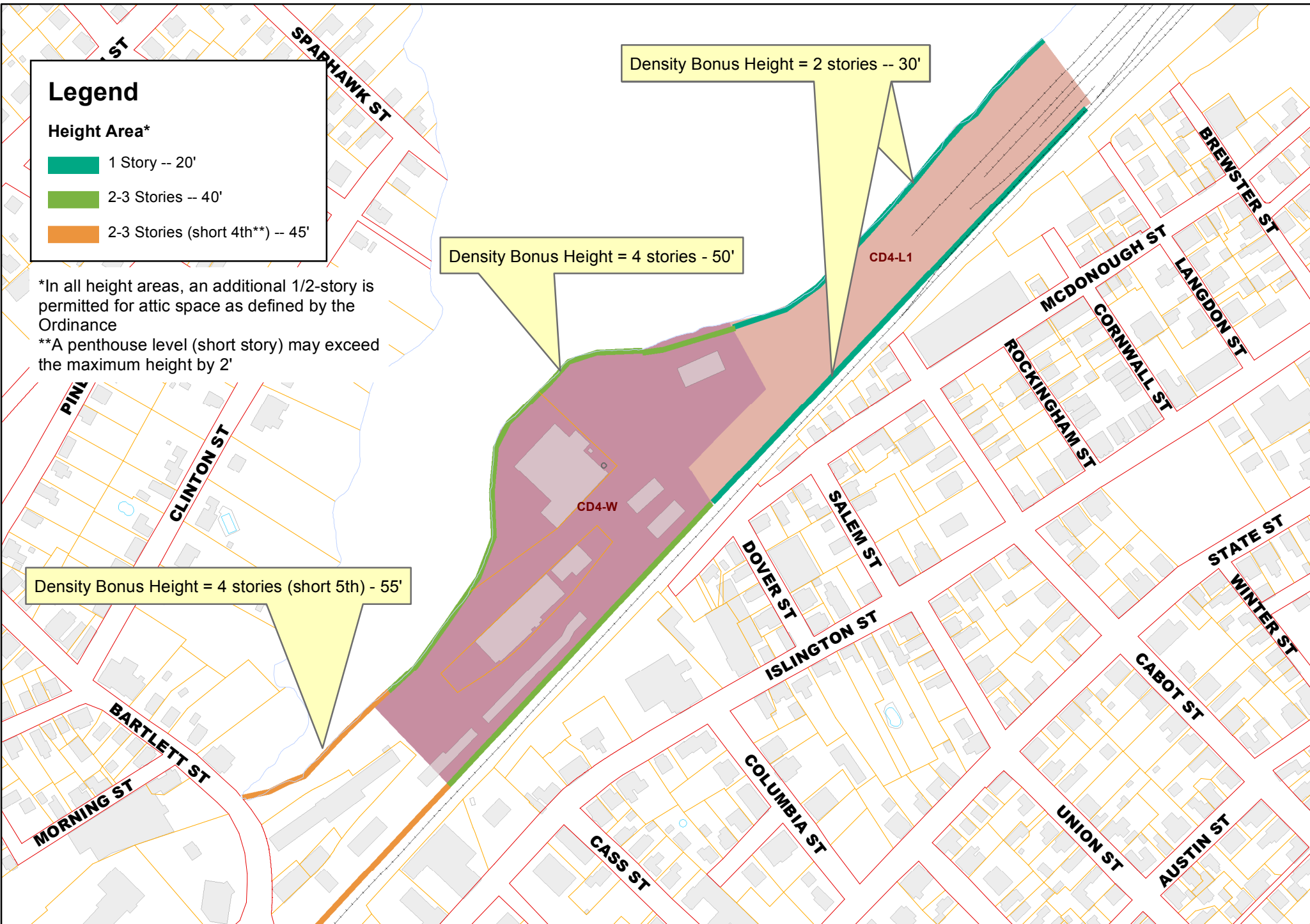
<sup>#</sup> ***For properties located within 200 feet of the North Mill Pond in the CD4-W District, the maximum building footprint shall be 20,000 sq. ft.***

H) Amendments to Parts 1A and 2

Amend the Table in Section 10.5A46.10 Incentives to Development Standards by modifying the proposed ground story parking provision with required liner building to apply to both public and private streets. Remove requirement for the liner building to be designed as a shopfront for commercial space. This amendment was previously included in Part 2, recommend moving to Part 1A. Proposed language would read as follows:

Ground story parking	Permitted with a liner building <sup>5</sup>	Permitted with a liner building <sup>5</sup>
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<sup>5</sup> If ground floor parking is proposed, at least 50% of the ground story facing a public street shall include a liner building ~~designed as a shopfront for commercial space.~~



Proposed Amendments to Character Districts and Civic Districts Map (10.5A21A) and Building Height Standards Map (10.5A21B)

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 4 Zoning Districts and Use Regulations – Section 10.440 Table of Uses – Residential, Mixed Residential, Business, and Industrial Districts, as follows:

(1) Change Use #3.512 Indoor performance facility with occupancy less than 500 to be allowed by Special Exception (S) in the Business (B) and Character 4W (CD4-W) Districts.

(2) Under use category 19 (Accessory Uses) Insert new use #19.50 as follows:

“19.50 Outdoor dining or drinking area, as accessory to a permitted principal use” as permitted (P) in CD5, CD4, GB, G1, and G2 and allowed by conditional use permit (CUP) in CD4-L2, B, and CD4-W. In all other districts this use would be prohibited.

B. Amend Article 5A Character Based Zoning – Section 10.5A42 Building Placement by inserting a new section as follows:

10.5A42.40 North Mill Pond Public View Corridors

All new buildings or structures located within 400’ of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street and Cabot Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.

C. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf
Minimum lot area	No Change	2,000 sf



DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft <sup>3,+</sup>	Plus 1 story up to 10 ft <sup>1,2</sup>
Minimum ground story height	<b>No Change</b>	<b>9 feet</b>
Minimum off-street parking	<b>No Change</b> Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: <del>1 space per dwelling unit</del> <del>0.5 space per micro-unit</del> Non-residential: 25% reduction from underlying standard

<sup>1</sup> In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as ~~listed~~**required** in Figures 10.5A41.10A-D (Development Standards) **and** as community space; even if less than 15 feet in width.

<sup>2</sup> For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

D. Amend Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall ~~include~~ **provide** community space ~~consisting of~~ **equal to 20% of the lot area that includes** a continuous public greenway at least 20 feet in width **with a multi-use path and** that is parallel to **and located within 50 feet of** the waterfront ~~for the entire length of the rear or side lot line~~. **Trail connections to abutting streets and sidewalks shall be provided and there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board.** The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

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

(1) In the definition of building block length revised as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Measured along a street-~~or~~, public way, **or public greenway**, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

F. Amend Map 10.5A21A Character Districts and Civic Districts as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1A Zoning Map 10.5A21A Character Districts and Civic Districts” revised 6-26-18.

G. Amend Map 10.5A21B Building Height Standards as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1A Zoning Map 10.5A21B Building Height Standards” revised 6-26-18

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

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>																		
3.10 Place of assembly																		
3.11 Religious	S	S	S	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.12 Other nonprofit	N	N	N	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.20 School																		
3.21 Primary or secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	P	N	N	N	
3.30 Post-secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	N	P	P	N	
3.30 Historic preservation building	S	S	S	S	S	P	P	P	P	P	P	P	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.40 Museum	N	N	N	N	N	P	P	N	P	P	S	S	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.50 Performance facility																		
3.51 Indoor performance facility																		
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	P	P	S	S	<b>PS</b>	N	N	N	N	10.592 (location) 10.860 (hours of operation)
3.512 Occupancy more than 500	N	N	N	N	N	N	N	N	S	P	N	N	N	N	N	N	N	
3.52 Outdoor performance facility																		
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	10.592 (location) 10.822 (yards) 10.860 (hours of operation)
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	

P = Permitted    S = Special Exception    CU = Conditional Use Permit    N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
19.40 Drive-through facility, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	N	CU	N	N	10.835 (accessory drive-through uses)
<u>19.50 Outdoor dining or drinking area, as accessory to a permitted principal use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<b>20. Accessory Storage</b>																		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

## 10.5A42 Building Placement

### 10.5A42.10 Yards

10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).

10.5A42.12 Yards may be increased above the maximum permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.

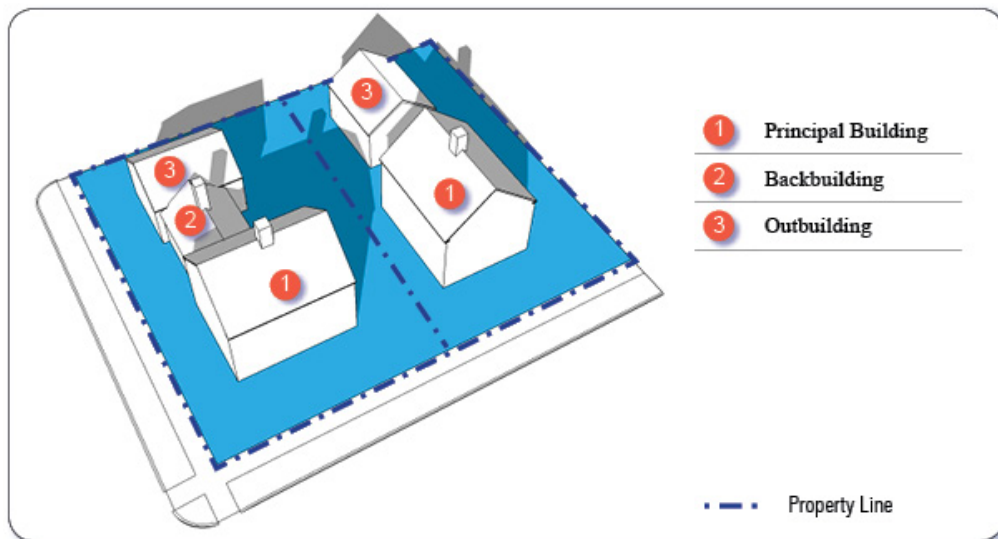
### 10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

### 10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

**FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING**



### 10.5A42.40 North Mill Pond Public View Corridors

All new buildings or structures located within 400' of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street and Cabot Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.

## 10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

### 10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft <sup>1</sup>	Plus 1 story up to 10 ft <sup>1,2</sup>
<u>Minimum ground story height</u>	<u>No Change</u>	<u>9 feet</u>
Minimum off-street parking	<u>No Change</u> <del>Residential:</del> <del>1 space per dwelling unit</del> <del>0.5 space per micro-unit</del>	<del>Residential:</del> <del>1 space per dwelling unit</del> <del>0.5 space per micro-unit</del> Non-residential: 25% reduction from underlying standard

<sup>1</sup> In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as ~~listed required~~ in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

<sup>2</sup> For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

### 10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall ~~include~~ provide community space ~~consisting of equal to 20% of the lot area that includes~~ a continuous public greenway at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront ~~for the entire length of the rear or side lot line.~~ Trail

connections to abutting street(s) and sidewalks shall be provided and  
There shall be no buildings between the waterfront and the greenway  
unless otherwise approved by the Planning Board. The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

10.5A46.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

(1) Community space option – All of the following criteria shall be met:

- (a) The community space shall be a community space type that is permitted within the applicable Character district.
- (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 15 feet.
- (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
- (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
- (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
- (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
  - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
  - (ii) The proposed community space is within the same Incentive Overlay District as the development.
  - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.

(2) Workforce housing option – One or more of the following criteria shall be met:

- (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). 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

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel. Each portion of a building separated either horizontally or vertically from other portions by a fire wall shall be considered as a separate structure. (See also: structure.)

Building block length

Measured along a street ~~or~~, public way, or public greenway, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

Building Code

The International Building Code and/or the International Residential Code, as applicable to the particular structure type.

International Building Code (IBC)

The International Building Code, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part I, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

International Residential Code (IRC)

The International Residential Code, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part II, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

Building coverage

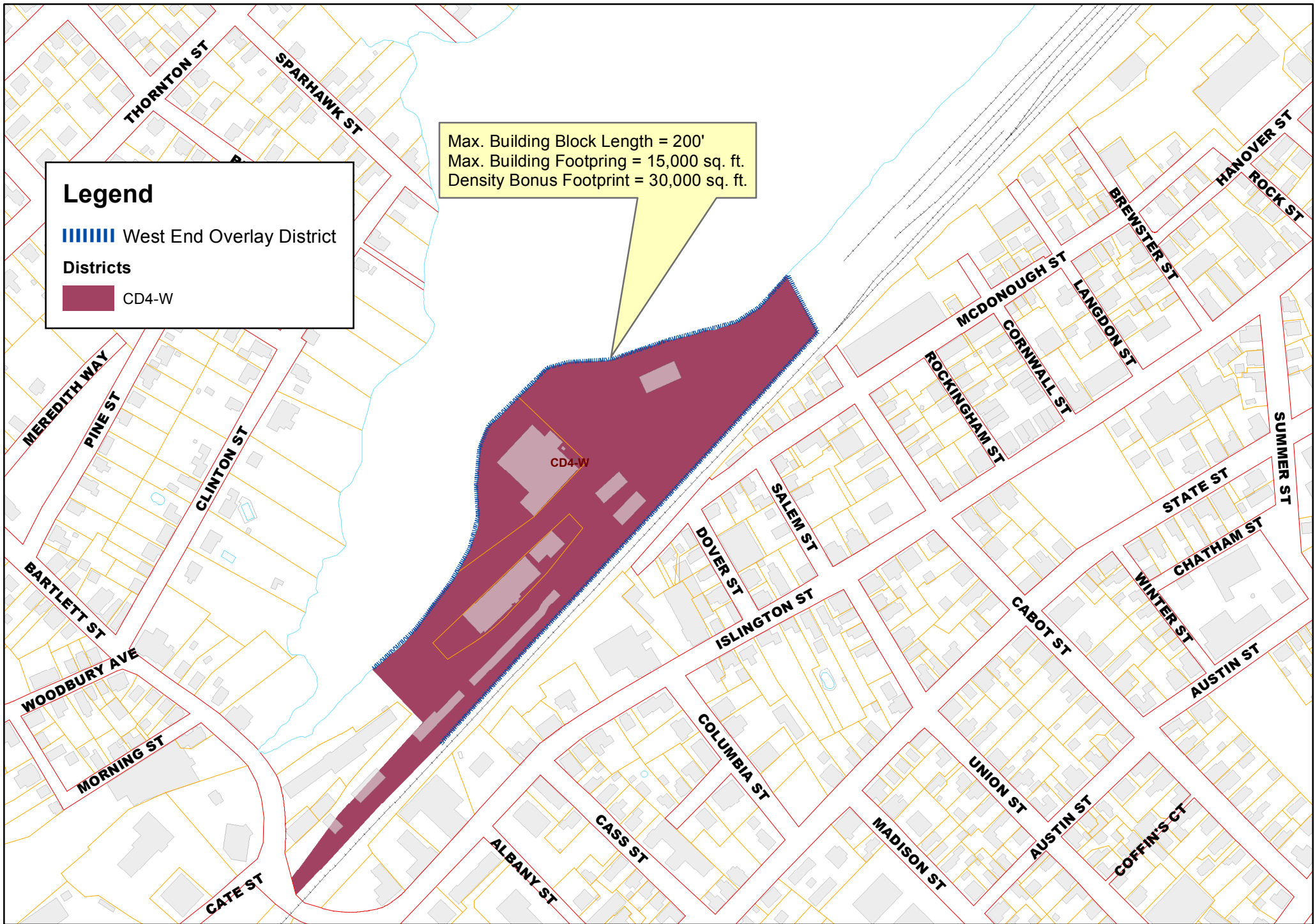
The aggregate horizontal area or percentage (depending on context) of a lot or development site covered by all buildings and structures on the lot, excluding

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

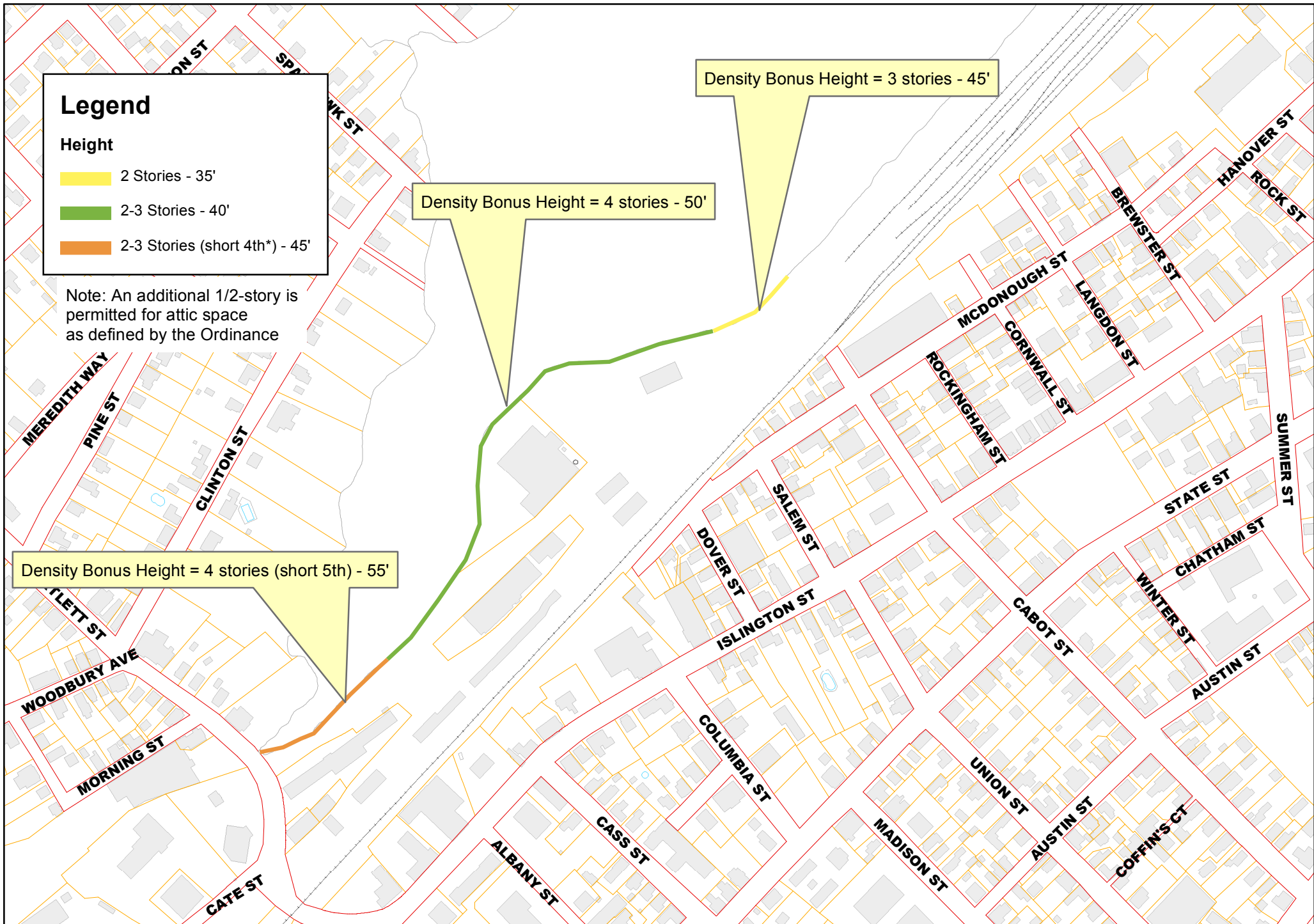
Building footprint

The total area at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.





**Proposed Amendment for 105 Bartlett Street Part 1A**  
**Zoning Map 10.5A21A Character Districts and Civic Districts**



**Proposed Amendment for 105 Bartlett Street Part 1A  
Zoning Map 10.5A21B Building Height Standards**

Proposed 105 Bartlett St Zoning Amendments Part 1B

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

- A. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf <sup>1</sup>
<b>Maximum building block length</b>	<b>No Change</b>	<b>No Change<sup>2</sup></b>
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft <sup>3,4</sup>	Plus 1 story up to 10 ft <sup>3,4,2</sup>
Minimum ground story height	No Change	9 feet
Minimum off-street parking	No Change	Non-residential: 25% reduction from underlying standard

<sup>1</sup> Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

<sup>2</sup> Except for CD4-L2 where the maximum building block length shall be 100 feet.

<sup>3,4</sup> In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

<sup>4</sup> For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

- B. Amend Map 10.5A21A Character Districts and Civic Districts as set forth in document titled "Proposed Amendment for 105 Bartlett St Part 1B Zoning Map 10.5A21A Character Districts and Civic Districts" revised 6-26-18.
- C. Amend Map 10.5A21B Building Height Standards as set forth in document titled "Proposed Amendment for 105 Bartlett St Part 1B Zoning Map 10.5A21B Building Height Standards" revised 6-26-18

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

## 10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified **development** standards may be modified as set forth in Section 10.5A46.10 below, if the **development** provides **community space** or **workforce housing** in accordance with Section 10.5A46.20, as applicable:

### 10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum <b>building coverage</b>	No Change	80%
Maximum <b>building footprint</b>	30,000 sf	30,000 sf <sup>1</sup>
<b>Maximum building block length</b>	<u>No Change</u>	<u>No Change<sup>2</sup></u>
Minimum <b>lot area</b>	No Change	2,000 sf
Minimum <b>lot area per dwelling unit</b>	No Change	No minimum
Maximum <b>building height</b>	Plus 1 <b>story</b> up to 10 ft <sup>43</sup>	Plus 1 <b>story</b> up to 10 ft <sup>3,44,2</sup>
Minimum <b>ground story height</b>	No Change	9 feet
Minimum <b>off-street parking</b>	No Change	Non-residential: 25% reduction from underlying standard

<sup>1</sup> Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

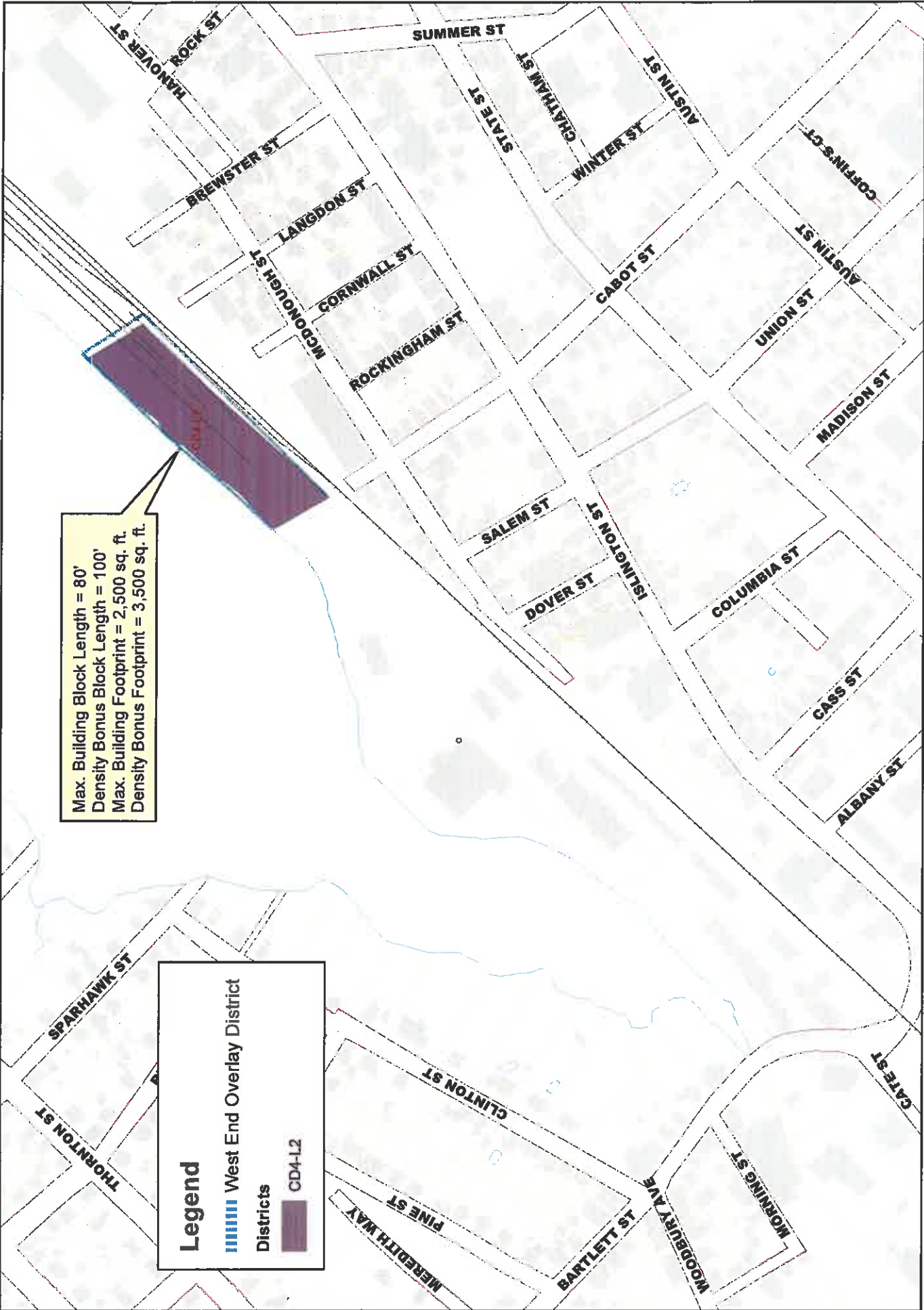
<sup>2</sup> Except for CD4-L2 where the maximum building block length shall be 100 feet.

<sup>43</sup> In order to receive the **building height** incentive, the **sidewalk** width in front of any **façade** shall be at least 10 feet plus two feet for each story of **building height** above three stories. Any property area needed to comply with this requirement shall count as **open space** as required in Figures 10.5A41.10A-D (Development Standards) and as **community space**; even if less than 15 feet in width.

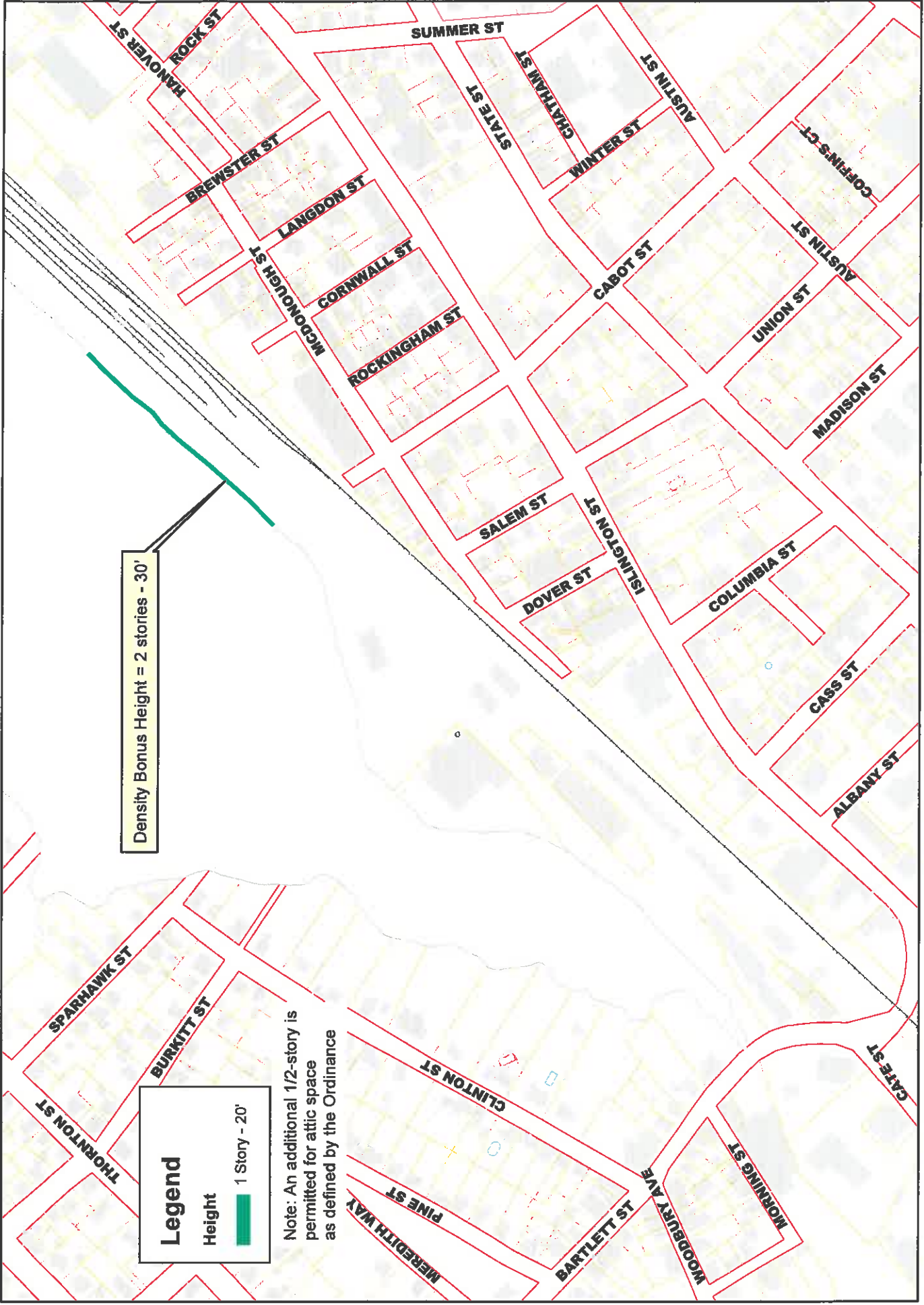
<sup>42</sup> For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum **building height** provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

### 10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a **lot** located **adjacent** to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the **development** shall provide **community space** equal to 20% of the lot area that includes a continuous public **greenway** at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront. Trail connections to



**Proposed Amendment for 105 Bartlett Street Part 1B**  
**Zoning Map 10.5A21A Character Districts and Civic Districts**



Density Bonus Height = 2 stories - 30'

**Legend**  
 Height  
 1 Story - 20'

Note: An additional 1/2-story is permitted for attic space as defined by the Ordinance

**Proposed Amendment for 105 Bartlett Street Part 1B  
 Zoning Map 10.5A21B Building Height Standards**

Proposed Zoning Amendments Part 2

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 5A Character-Based Zoning – Figure 10.5A41.10A Development Standards, as follows:

(1) Amend the table of building and facade types for Character District 4 – Limited (CD4-L1/CD4-L2) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

**BUILDING TYPES**

See Figure 10.5A43.60 for building type definitions	
House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>permitted*</b>
<b>Gateway Townhouse</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted**</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

\*Not permitted in the Downtown Overlay District

\*\*Residential uses are not permitted on the ground floor in the Downtown Overlay District

**FAÇADE TYPES**

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted



Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted
<b>Dooryard</b>	<b>permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>not permitted</b>
<b>Arcade</b>	<b>not permitted</b>

\*Not permitted in the Downtown Overlay District

- (3) Amend the table of building and facade types for Character District 4 – West End (CD4-W) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

#### BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>not permitted</b>
<b>Gateway Townhouse</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted*</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

\*Residential uses are not permitted on the ground floor

#### FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<b>Dooryard</b>	<b>permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>permitted</b>

<b>Arcade</b>	<b>permitted</b>
---------------	------------------

- (4) Amend the table of building and facade types for Character District 4 (CD4) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

**BUILDING TYPES**

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	permitted
Large commercial building	permitted
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>not permitted</b>
<b>Gateway Townhouses</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted**</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

\*Not permitted in the Downtown Overlay District

\*\*Residential uses are not permitted on the ground floor in the Downtown Overlay District

**FAÇADE TYPES**

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<b>Dooryard</b>	<b>permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>permitted</b>
<b>Arcade</b>	<b>permitted</b>

- (5) Amend the table of building and facade types for Character District 5 (CD5) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

## BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>not permitted</b>
<b>Gateway Townhouse</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted*</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

\*Residential uses are not permitted on the ground floor in the Downtown Overlay District

## FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<b>Dooryard</b>	<b>not permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>permitted</b>
<b>Arcade</b>	<b>permitted</b>

B. Amend Article 5A Character-Based Zoning – Figure 10.5A43.10 Façade Types, as follows:

(1) In the definition of Dooryard, add the following under permitted districts:

CD4-L1, CD4-L2, CD4-W, CD4. This façade type is not permitted in the Downtown Overlay District.

(2) In the definition of Terrace, add CD4-W to permitted districts.

(3) In the definition of Gallery, add CD4-W to permitted districts.

(4) In the definition of Arcade, add CD4-W, CD4, and CD5 to permitted districts.

C. Amend Article 5A Character-Based Zoning – Figure 10.5A43.60 Building Types, as follows:

(1) Amend the definition of Duplex as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A residential building with two vertically-separated units with separate entrances. The building may have yards/**setbacks** on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

(2) Amend the definition of Rowhouse as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal ~~front yard~~ **yard/setback along the front of the lot or development site**.

(3) Amend the definition of Apartment Building as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for residential use** that has the appearance of a multifamily dwelling, with yards/**setbacks** on all sides.

(4) Amend the definition of Small Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for non-residential use** with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site ~~front yard~~, and that is no more than 3 stories in height.

(5) Amend the definition of Large Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building with a shopfront or officefront façade type and minimal or no **yard/setback along the front of the lot or development site** ~~front yard~~, and that is 4 or more stories in height.

- (6) Amend the definition of Paired House as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A ~~residential~~ building **designed for residential use** type with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the **front of the lot or development site** ~~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, **CD4-L1, CD4-L2**

**This building type is not permitted in the Downtown Overlay District.**

- (7) In the definition of Mixed Use Building, add CD4, CD4-W, and CD5.
- (8) In the definition of Flex Space / Fabrication Building, add CD4-W.
- (9) In the definition of Community Building, delete G1, G2 under permitted districts and add All Districts.

D. Amend Article 5A Character-Based Zoning – Figure 10.5A45.10 Community Spaces, as follows:

- (1) Add Permitted Districts: All Districts to the definitions of all community space types except Outdoor Dining Café.
- (2) Amend the definition of Wide Pedestrian Sidewalk by inserting “a minimum of 10’ in width unless otherwise defined by the Ordinance” after sidewalk in the first sentence.
- (3) Amend the definition of Outdoor Dining Café as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):  
~~An Outdoor dining cafes community space are~~ is permitted as an ancillary activity of a ~~any restaurant, pub, or other~~ food and drink establishment **where the principal use is otherwise allowed in the district**. ~~The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk.~~ **The area must provide deeded public access to qualify as Community Space in the Character Districts.**
- (4) Amend Permitted Districts for Outdoor Dining Café to include CD4-L2, CD4, CD4-W, CD-5.
- (5) Amend the definition of Courtyard by inserting “a landscaped park” after “enclosed”.

E. Amend the Table in Section 10.5A46.10 Incentives to Development Standards by inserting the following

Ground story parking	Permitted with a liner building <sup>5</sup>	Permitted with a liner building <sup>5</sup>
----------------------	--	--

<sup>5</sup> If ground floor parking is proposed, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront for commercial space.

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.

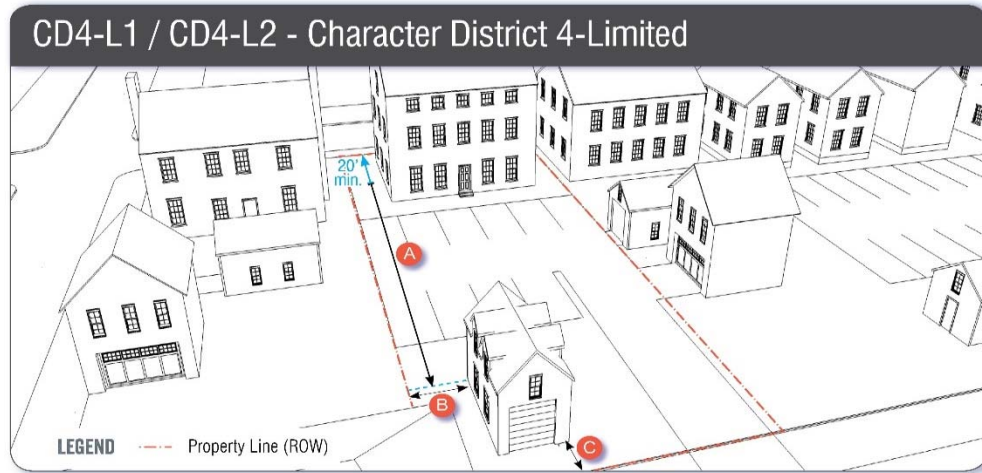
APPROVED:

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

ADOPTED BY COUNCIL:

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

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	3 ft	B
Minimum rear yard	3 ft	C

**BUILDING TYPES**

See Figure 10.5A43.60 for building type definitions

House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>permitted*</u>
<u>Gateway Townhouse</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted**</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

\*Not permitted in the Downtown Overlay District  
 \*\*Residential uses are not permitted on the ground floor in the Downtown Overlay District

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

See Figure 10.5A43.10 for façade type definitions  
 Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted
Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>not permitted</u>
<u>Arcade</u>	<u>not permitted</u>

\*Not permitted in the Downtown Overlay District

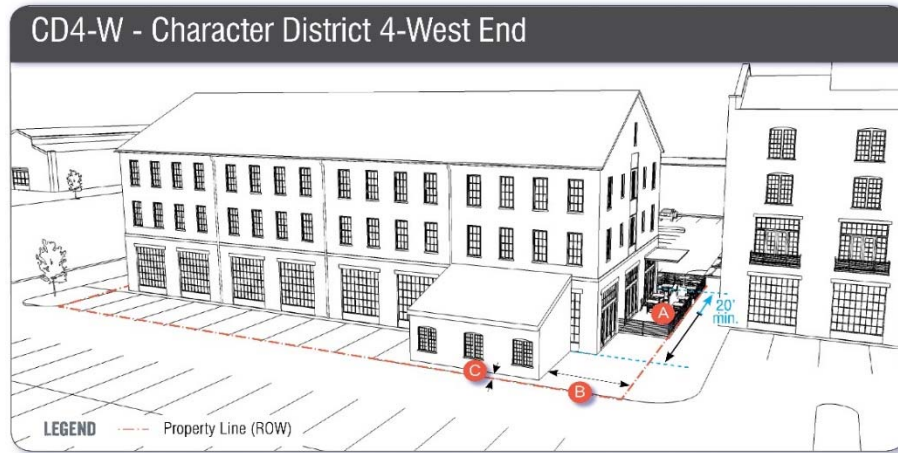
**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—WEST END (CD4-W)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	<b>A</b>
Minimum side yard	0 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**BUILDING TYPES**

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

\*Residential uses are not permitted on the ground floor

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

See Figure 10.5A43.10 for façade type definitions  
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

**PARKING**

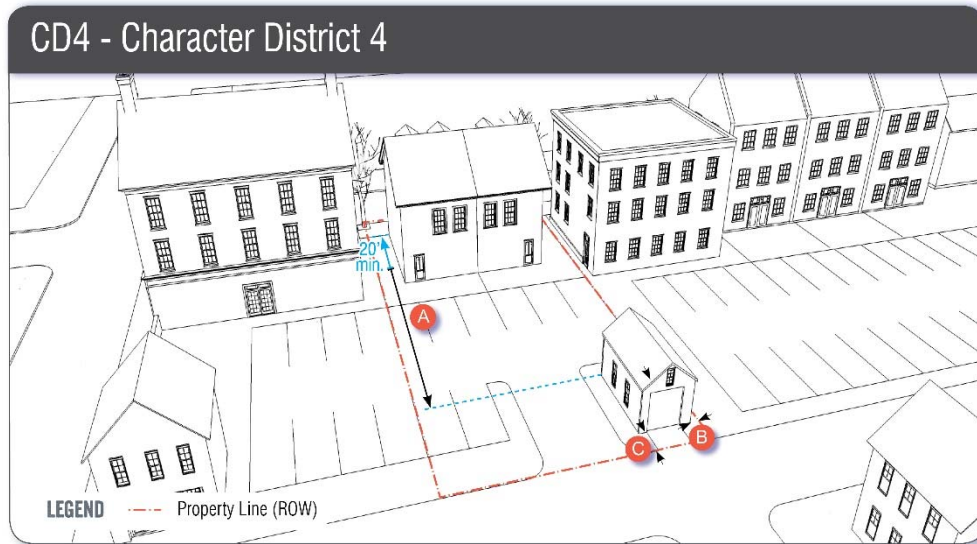
See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45



**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

**BUILDING TYPES**

See Figure 10.5A43.60 for building type definitions		
House	not permitted	
Duplex	not permitted	
Rowhouse	permitted*	
Apartment building	permitted*	
Live/work building	permitted**	
Small commercial building	permitted	
Large commercial building	permitted	
<u>Cottage</u>	<u>not permitted</u>	
<u>Paired House</u>	<u>not permitted</u>	
<u>Gateway Townhouses</u>	<u>not permitted</u>	
<u>Mixed-Use Building</u>	<u>permitted**</u>	
<u>Flex Space Building</u>	<u>permitted</u>	
<u>Community Building</u>	<u>permitted</u>	

\*Not permitted in the Downtown Overlay District  
 \*\*Residential uses are not permitted on the ground floor in the Downtown Overlay District

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440
---------------------------------

**FAÇADE TYPES**

See Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

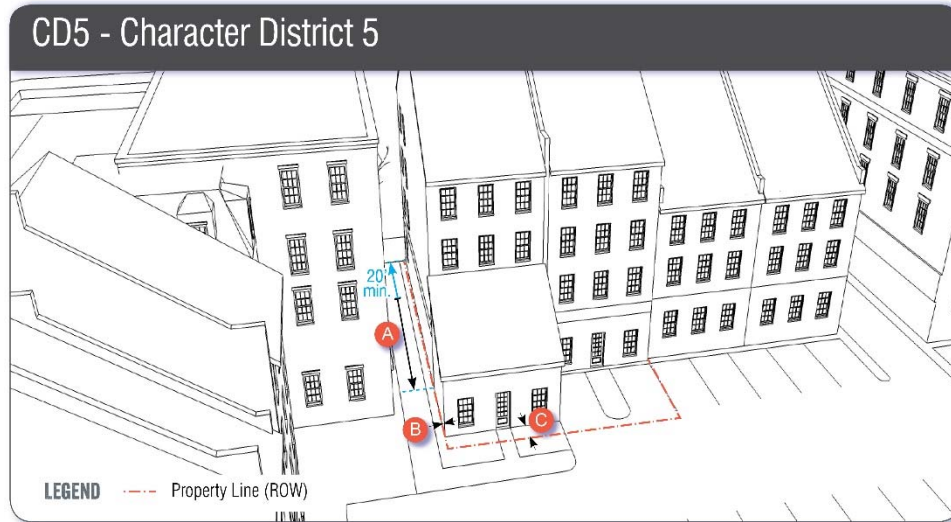
**PARKING**

See Section 10.5A44.30
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**COMMUNITY SPACE**

See Section 10.5A45
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**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 5 (CD5)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	<b>A</b>
Minimum side yard	0 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**BUILDING TYPES**

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>permitted</u>

\*Residential uses are not permitted on the ground floor in the Downtown Overlay District

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

See Figure 10.5A43.10 for façade type definitions  
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>not permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

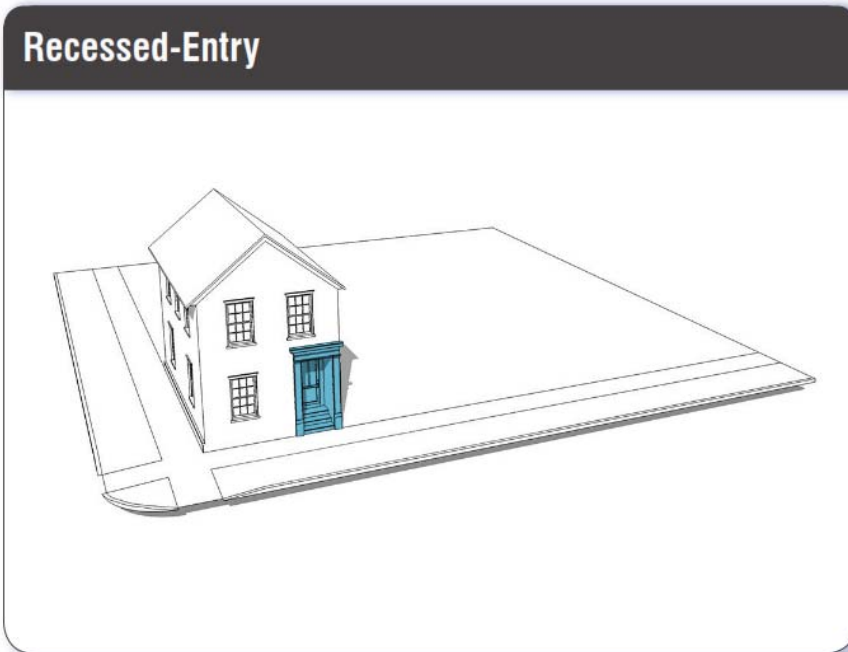
**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45

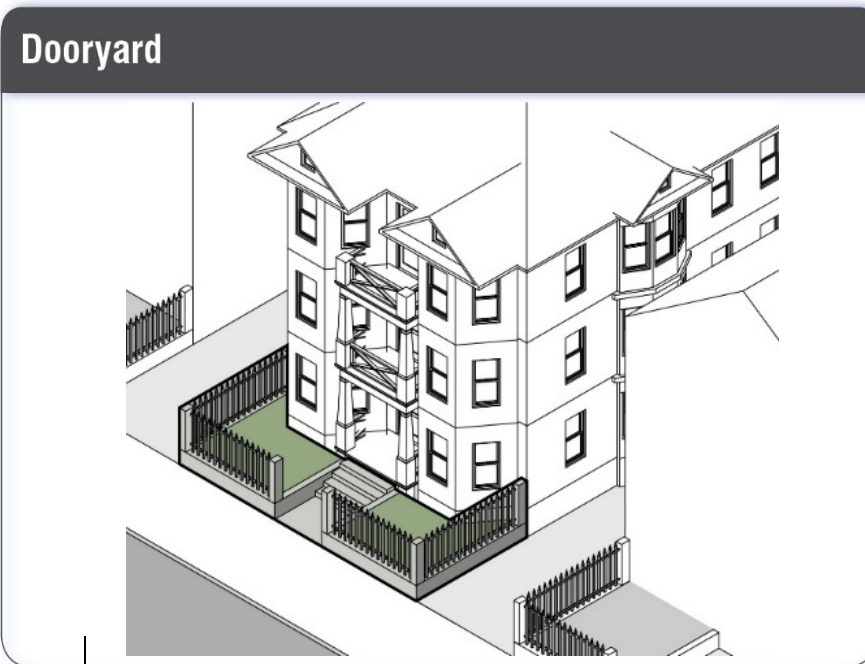
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



The façade is aligned close to the front lot line and the primary building entrance is recessed within the façade.

This type is conventional for residential use.

**Permitted districts:**  
CD4-L1, CD4-L2, CD4,  
CD4-W, CD5, G1, G2



The building facade is aligned close to the street line, and the frontage 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 yard containing the principal entrance. The yard 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,  
CD4-L1, CD4-L2, CD4-W,  
CD4.

This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

### Terrace



Building facade is at or near the street line with an elevated terrace that may encroach into the front yard or 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 facade types to define individual or shared entries facing the street.

**Permitted districts:** G1, G2, CD4-W

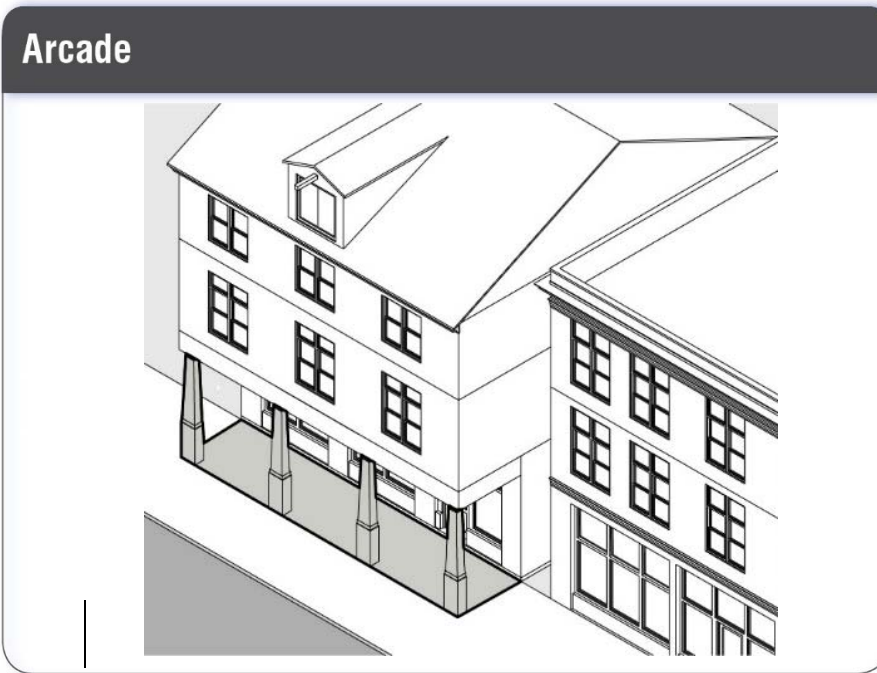
### Gallery



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 facade 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, CD4-W

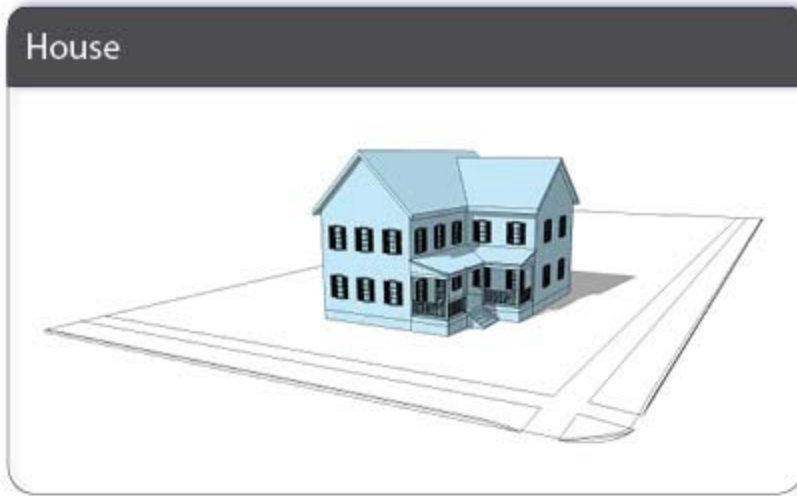
**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**



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 façade type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other facade types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2, CD4-W, CD4, CD5

FIGURE 10.5A43.60 BUILDING TYPES

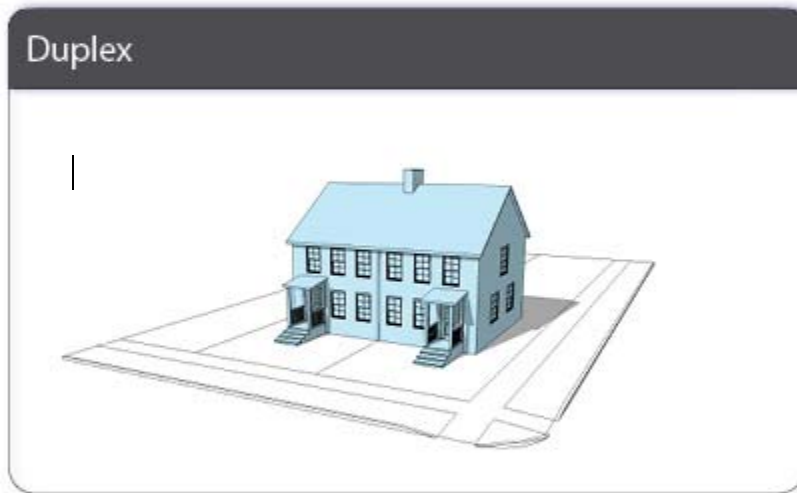


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

**Permitted districts:**

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A residential building with two vertically-separated units with separate entrances. The building may have yards/setbacks on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

**Permitted districts:**

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard yard/setback along the front of the lot or development site.

**Permitted districts:**

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

### Apartment Building



A building designed for residential use that has the appearance of a multifamily dwelling, with yards/setbacks on all sides.

**Permitted districts:**

CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

This building type is not permitted in the Downtown Overlay District.

### Live / Work Building



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

**Permitted districts:**

CD5, CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

Residential uses are not permitted on the ground floor in the Downtown Overlay District.

### Small Commercial Building



A building designed for non-residential use with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is no more than 3 stories in height.

**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**

**Large Commercial Building**



A building with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is 4 or more stories in height.

**Permitted districts:**  
CD5, CD4, CD4-W, G1, G2

**Cottage**



A small detached single family dwelling with narrow massing.

**Permitted districts:** G1, G2

**Paired House**



A ~~residential~~ building designed for residential use~~type~~ with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front of the lot or development site~~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, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**

### 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

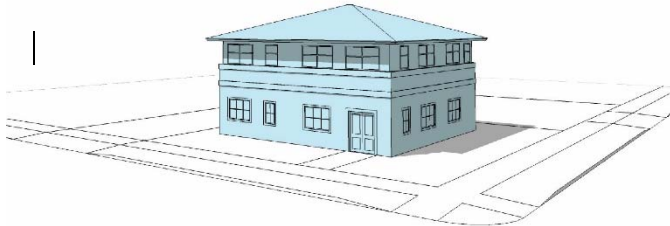
### Mixed Use Building



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, CD4, CD4-W, CD5

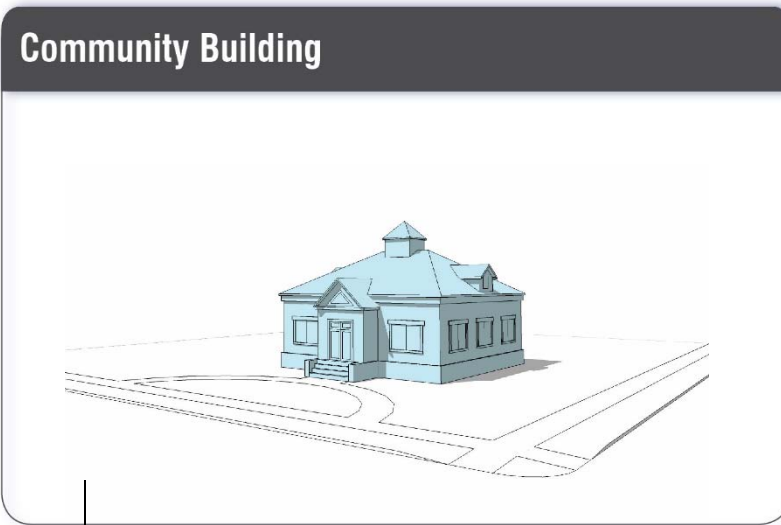
### Flex Space / Fabrication Building



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, CD-4W

**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**



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.

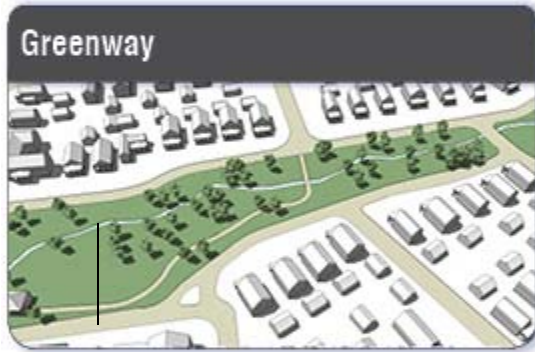
**Permitted districts:** ~~G1~~,  
G2 All Districts

**FIGURE 10.5A45.10 COMMUNITY SPACES**



An area of natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. A park may consist of grassy areas, trees and other natural or planted landscape features, and may also contain walking paths and trails, monuments, fountains, playground equipment, benches, picnic tables and similar amenities.

**Permitted Districts: All Districts**



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

**Permitted Districts: All Districts**



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts. The minimum width shall be 15 feet.

**Permitted Districts: All Districts**



A wide pedestrian sidewalk (a minimum of 10' in width unless otherwise defined by the Ordinance) located between the building façade and the public right of way. Wide pedestrian sidewalks provide space between the façade and the curblines for comfortable pedestrian movement, street trees and street furniture.

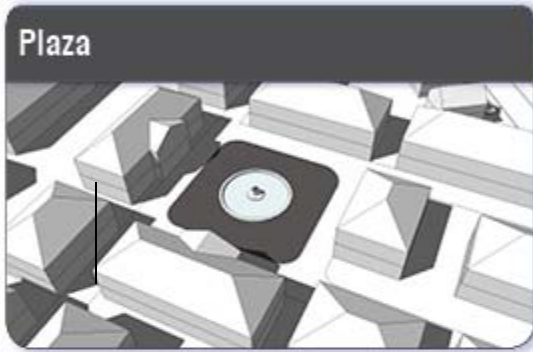
**Permitted Districts: All Districts**

**FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)**



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, ground cover and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

**Permitted Districts: All Districts**



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.

**Permitted Districts: All Districts**



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. The minimum size shall be 500 sq. ft.

**Permitted Districts: All Districts**



A community space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. The minimum size shall be 500 sq. ft.

**Permitted Districts: All Districts**

**FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)**

**Recreation Field or Court**



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~~ All Districts

**Common or Green**



A space 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~~ All Districts

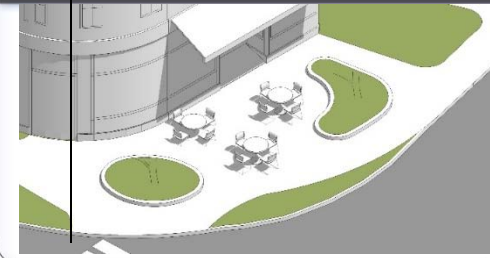
**Community Garden or Farm**



A space 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~~ All Districts

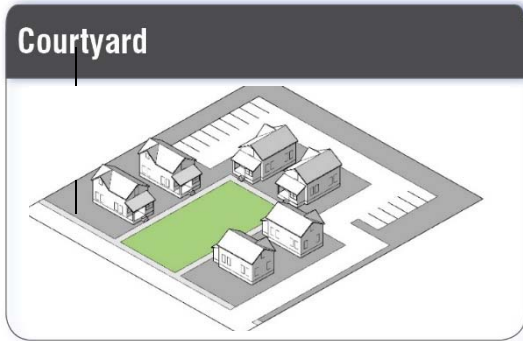
**Outdoor Dining Cafe**



~~An Outdoor dining cafes community space are-is~~ permitted as an ancillary activity of ~~any restaurant, pub, or other~~ food and drink establishment where the principal use is otherwise allowed in the district. The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk. The area must provide deeded public access to qualify as Community Space in the Character Districts.

**Permitted districts:** G1, G2, CD4-L2, CD4, CD4-W, CD-5.

**FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)**



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

**Permitted districts:** ~~G1, G2~~ All Districts

## 10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

### 10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf <sup>1</sup>
Maximum building block length	No Change	No Change <sup>2</sup>
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft <sup>3</sup>	Plus 1 story up to 10 ft <sup>3,4</sup>
Minimum ground story height	No Change	9 feet
<u>Ground story parking</u>	<u>Permitted with a liner building<sup>5</sup></u>	<u>Permitted with a liner building<sup>5</sup></u>
Minimum off-street parking		Non-residential: 25% reduction from underlying standard

<sup>1</sup> Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

<sup>2</sup> Except for CD4-L2 where the maximum building block length shall be 100 feet.

<sup>3</sup> In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

<sup>4</sup> For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

<sup>5</sup> If ground floor parking is proposed in the CD4-W, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront ~~shopfront~~ for commercial space.

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 6, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Parking & Traffic Safety Omnibus Ordinance.

Amending Chapter 7, Article I – Parking Meters, Section 7.105: Parking

Amending Chapter 7, Article I – Parking Meters, Section 7.106: Unlawful Extension

Amending Chapter 7, Article III – Traffic Ordinance, Section 7.326: Limited Parking – Fifteen Minutes

Amending Chapter 7, Article III – Traffic Ordinance, Section 7.330: No Parking

Amending Chapter 7, Article III – Traffic Ordinance, Section 7.346: No Through Traffic

Amending Chapter 7, Article IV – Off Street Parking Areas, Section 7.402: Areas Established, Designated, and Described

Amending Chapter 7, Article IVA – Bus Stops, and Taxicab Stands, Section 7.A.5405: School Bus Loading/Unloading Zone

Amending Chapter 7, Article IVA – Bus Stops, and Taxicab Stands, Section 7A.406: Horse Drawn Carriages

Amending Chapter 7, Article X – Towing, Section 7.10001: Tow Zones

Amending Chapter 7, Article X – Towing, Section 7.1004: Towing or Immobilization Of Motor Vehicles For Non-Payment Of Parking Fines

Amending Chapter 7, Article XVIII – Electric Vehicles, Section 7.1801: Use of Electric Vehicle Charging Station Parking Spaces

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



**LEGAL NOTICE**

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Amending Chapter 7, Article IV – Off Street Parking Areas, Section 7.402: Areas Established, Designated, and Described

Amending Chapter 7, Article IVA – Bus Stops, and Taxicab Stands, Section 7.A.5405: School Bus Loading/Unloading Zone

Amending Chapter 7, Article IVA – Bus Stops, and Taxicab Stands, Section 7A.406: Horse Drawn Carriages

Amending Chapter 7, Article X – Towing, Section 7.10001: Tow Zones

Amending Chapter 7, Article X – Towing, Section 7.1004: Towing or Immobilization Of Motor Vehicles For Non-Payment Of Parking Fines

Amending Chapter 7, Article XVIII – Electric Vehicles, Section 7.1801: Use of Electric Vehicle Charging Station Parking Spaces

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KELLY L. BARNABY, MMC/CMC/CNHMC  
CITY CLERK

1 **K. Amend:** Chapter 7, Article XVIII – ELECTRIC VEHICLE CHARGING STATIONS AND  
2 ELECTRIC VEHICLE PARKING SPACES REGULATIONS, Section 7.1801 – 7.1804

3 **ARTICLE XVIII: ELECTRIC VEHICLE CHARGING STATION AND ELECTRIC VEHICLE**  
4 **PARKING SPACES REGULATIONS**

5 **Section 7.1801: DEFINITION**

6 “Electric Vehicle” shall mean a vehicle which uses one or more electric motors for propulsion.

7 “Electric Vehicle Charging Station” shall mean infrastructure that supplies electric energy for recharging  
8 Electric Vehicles.

9 “Electric Vehicle Charging Station Parking Space” shall mean parking spaces adjacent to Electric Vehicle  
10 Charging Stations that are signed as designated for the exclusive use of Actively Charging Electric  
11 Vehicles.

12 **Section 7.1802 LOCATION OF ELECTRIC CHARGING STATIONS AND ELECTRIC CHARGING**  
13 **STATION PARKING SPACES**

14 Electric Vehicle Charging Stations will be located in the High Hanover Parking Garage, the Foundry  
15 Parking Garage and the City Hall Lower Lot. Signage for Electric Vehicle Charging stations will be highly  
16 visible in color and use similar markings as No Parking, No Standing, and Loading Zone signage.

17  
18 **Section 7.1803 USE OF ELECTRIC CHARGING STATIONS AND ELECTRIC CHARGING STATION**  
19 **PARKING SPACES**

20 A person with an Electric Vehicle may use an Electric Vehicle Charging Stations. ~~when the Electric Vehicle~~  
21 ~~is actively charging for a period of time not to exceed 4 hours while parked in an Electric Vehicle~~  
22 ~~Charging Station Parking Space.~~ The cost of electricity will be a component of the parking fees charged  
23 and those components may change to reflect priorities and programs that encourage Electric Vehicle  
24 adoption. These parking fees associated with charging will be paid using mobile device technology.  
25 These parking fees shall be established by City’s Fee Committee. No Electric Vehicle that is not actively  
26 charging will remain at an Electric Vehicle Charging Station Parking Space for more than thirty minutes.

27  
28 **Section 7.1804 PENALTY**

29 Any person who violates the provisions of Article XVIII shall be guilty of a violation and subject to a fine  
30 of \$25. The Chief of Police or the Department of Public Works shall be authorized to remove, cause to be  
31 removed, or to be towed to a garage, any vehicle found in violation of the above named Article, said  
32 towing and removing to be at the owner’s expense.

33  
34 NOTE: (NOT PART OF ORDINANCE): This ordinance as presented for first reading has been redrafted  
35 from the form which was reviewed by the City Council June 18, 2018 to eliminate perceived ambiguities.  
36 It is not a change in substance.

37  
38 h/jferrini/parkingandtraffic/2018omnibus/final/articlexviii (compare – denton amds)

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

*[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]*

---

**A. Amend:** Chapter 7, Article I – PARKING METERS, Section 7.105: Parking

**Section 7.105: PARKING:**

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device including mobile phone applications, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, including meter devices defined in Section 7.101. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or when said parking meter displays a signal showing such illegal parking. **A vehicle shall also be considered as unlawfully parking if said vehicle fails to move at least 500 feet from the original parking space after the legal parking limit has expired.** It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.
- 

**B. Amend:** Chapter 7, Article I – PARKING METERS, Section 7.106: Unlawful Extension

**Section 7.106: UNLAWFUL EXTENSION**

It shall be unlawful for any person to deposit or cause to be deposited in a parking

meter ~~one or more twenty five (\$.25) cent coins and/or~~ **any additional combination payment** for the purpose of extending the parking time beyond the maximum time fixed by the Ordinances of the City of Portsmouth

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**C. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking – Fifteen Minutes

**Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:**

A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:

- 5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblineline of High Street, and running 20 feet in an easterly direction.**

---

**D. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330: No Parking

**Section 7.330: NO PARKING:**

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

- ~~3. Alumni Drive~~ **Andrew Jarvis Drive:** southerly side.

35. Dennett Street:

- a. northerly side, ~~from Maplewood Avenue to Myrtle Avenue beginning at the westerly pavement edge of Hunters Hill Avenue and running 60 feet in a westerly direction.~~
- b. both sides from Myrtle to Maplewood Avenue.

67. Langdon Street:

- a. easterly side from McDonough Street to Islington Street.
- b. entire westerly side, north of McDonough Street.**

77. Mechanic Street:

- a. southerly side, from Marcy Street to the Peirce Island Bridge
- b. northerly side of Marcy Street to the Peirce Island bridge between the hours of 11 P.M. to 6 A.M.
- c. westerly side, from Peirce Island Road to ~~a point 86 feet north of~~ Gates Street.

- d. easterly side, beginning at the extension of the northerly curbline of Gates Street and running a distance of 27 feet in a northerly direction.
- e. westerly side, between Gardner Street and Hunking Street.

104. Raynes Avenue, southerly side, beginning at a point 192 feet east of the easterly curbline of Maplewood Avenue and running easterly to the end of Raynes Avenue.

126. Thaxter Road, both northerly and southerly sides, beginning at the easterly curbline of Islington Street and running easterly for a distance of 60 feet.

127. Vaughan Street:

- a. northerly side of Vaughan Street, beginning 303 feet west of the easterly curbline of Green Street, running 20 feet in a westerly direction. ~~from the northwest corner of the building at 299 Vaughan Street easterly 20 feet.~~
- b. southerly side of Vaughan Street, beginning 345 feet west of the extension of the easterly curbline of Green Street, running westerly to the end of Vaughn Street.
- c. northerly side of Vaughan Street, beginning 150 feet east of the easterly curbline of Maplewood Avenue, running 44 feet in an easterly direction along the curve of Vaughan Street.

129. Washington Street:

- a. westerly side, from State Street to a point ~~300~~ 340 feet south of the intersection of Court Street.

B. No Parking - School Zones

Parking shall be prohibited within the following areas:

- ~~1. Austin Street: both northerly and southerly sides beginning at the intersection of Winter Street and proceeding in a general easterly direction a distance of approximately 176 feet, between the hours of 7:00 a.m. — 4:00 p.m. on days when school is in session.~~

**E. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.346: No Through Traffic

**Section 7.346: NO THROUGH TRAFFIC:**

No person shall operate any vehicle on the following streets or ways unless that vehicle has a point of origin or a point of destination on that street or way, except that emergency vehicles may operate in emergency situations during the necessary performance of public duties:

- ~~1. Austin Street, between Winter Street and Summer Street, during the hours of 7:30 a.m. to 3:30 p.m. when school is in session;~~

---

**F. Amend:** Chapter 7, Article IV – OFF STREET PARKING AREAS, Section 7.402: Areas Established, Designated, and Described

**Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED:**

A. Bridge Street Off-Street Parking Area

The following area, to be known as the Bridge Street Off-Street Parking Area, is hereby established for the off-street parking of motor vehicles. Said area is more particularly bounded and described as follows:

Beginning at a point at the intersection of ~~the new~~ Maplewood Avenue, ~~so-called,~~ and Islington Street, thence running in a generally northerly direction along said Maplewood Avenue to the intersection of Hanover Street; thence turning at a right angle and running in a westerly direction along said Hanover Street to Bridge Street; thence turning at a right angle and running in a generally southerly direction along said Bridge Street to the intersection of Islington Street; thence turning at a right angle and running in a generally easterly direction along said Islington Street to point of beginning.

All of said area in the Bridge Street Off-Street Parking Lot is designated as a parking meter zone. All off-street area within the Bridge Street Off-Street Parking Lot is hereby designated as a ~~two~~**four**-hour parking zone ~~except as follows:~~

- ~~1. All spaces located anywhere in the lot westerly of the 15th space on the Bridge Street side of the lot, counted from Islington Street which shall be designated and marked "four hour maximum parking limit."~~

---

**G. Amend:** Chapter 7, Article IVA – BUS STOPS; **AND TAXICAB STANDS & HORSE DRAWN CARRIAGES**, Section 7A.405: School Bus Loading/Unloading Zone

~~Section 7A.405: SCHOOL BUS LOADING/UNLOADING ZONE:~~

- ~~A. Marey Street: In front of Children's Museum from 9:30 a.m. to 1:00 p.m. Monday through Friday only.~~

---

**H. Amend:** Chapter 7, Article IVA – BUS STOPS; **AND TAXICAB STANDS & HORSE DRAWN CARRIAGES**, Section 7A.406: Horse Drawn Carriages

**~~Section 7A.406: HORSE DRAWN CARRIAGES~~**

~~There is hereby established an area comprised of two parking spaces on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked "Reserved for Horse and Carriage", Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other penalty provided by law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.~~

---

**I. Amend:** Chapter 7, Article X – TOWING, Section 7.1001: Tow Zones

**Section 7.1001: TOW ZONES**

- A. The following areas are designated as tow zones:
1. ~~Alumni~~ **Andrew Jarvis** Drive (southerly side)
- 

**J. Amend:** Chapter 7, Article X – TOWING, Section 7.1004: Towing Or Immobilization Of Motor Vehicles For Non-Payment Of Parking Fines

**Section 7.1004: TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES**

3. ILLEGALLY PARKED: The term "illegally parked" as used in this particular section and all other sections concerning PARKING in the Ordinances of the City of Portsmouth shall mean:  
  
Any motor vehicle which is parked beyond the time limit for which money has been deposited in the metered space occupied by that particular motor vehicle, any vehicle parked beyond the time limit permitted in a restricted time free parking area, any vehicle parked beyond the time permitted at a restricted time-metered parking space, any vehicle parked in a designated no-parking zone, and any vehicle although legally parked, which on that particular date and time, has accumulated five or more unpaid parking violations or which has accumulated unpaid parking violations in an amount in excess of ~~\$75~~ **one hundred twenty-five dollars (\$125.00)** on any or all vehicles at any time registered to the owner of said vehicle as shown on the records maintained by the Parking Clerk.
4. NOTICE: At any time subsequent to the accumulation of unpaid parking fines in excess of one hundred twenty-five dollars (\$125.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.

6. TOW OR IMMOBILIZATION LIST: The Parking Clerk shall maintain a list of vehicles which are subject to being towed and held in storage or immobilized by a mechanical device pending final resolution of unpaid parking violations. Contained on this list shall be all motor vehicles for which the notice specified in Article **D 4** above was provided. Motor Vehicles shall not be placed on the said list in the event that the Parking Clerk, after hearing, orders otherwise, or in the event that the fine is paid in full for all of the violations contained in the notice mailed.
7. TOWING/STORAGE OR IMMOBILIZATION: Upon the determination that any vehicle which is listed on the Tow or Immobilization List pursuant to Article **F 6** above is parked on any public way or in any municipal parking lot, the car may be immobilized or may be towed and stored.
8. RELEASE OF TOWED OR IMMOBILIZED VEHICLES; REMOVAL FROM LIST: Motor Vehicles may be removed from the Tow or Immobilization List, released from storage after towing or may have immobilization devices removed in the following manner:
  - (1) By order of the Parking Clerk after hearing;
  - (2) By payment in full of all parking fines attributable, arising out of the violations contained in the notice issued pursuant to Article **D 4** above;
  - (3) By posting a cash bond with the Parking Clerk in any amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice issued pursuant to Article **D 4** above to allow a judicial determination of the violations pursuant to State law;

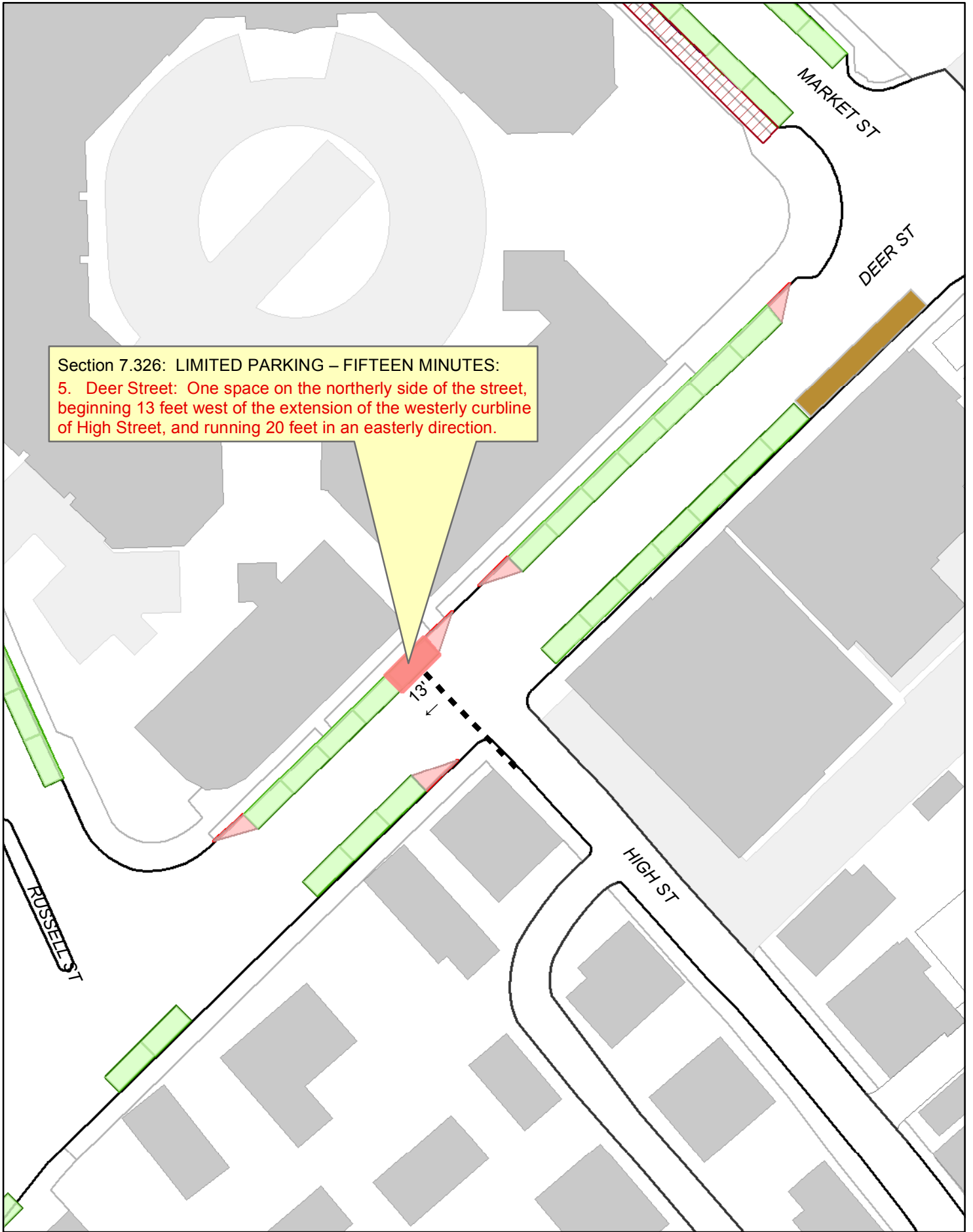
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**K. Amend:** Chapter 7, Article XVIII – ELECTRIC VEHICLES, Section 7.1801: Use of Electric Vehicle Charging Station Parking Spaces

**Section 7.1801: USE OF ELECTRIC VEHICLE CHARGING STATION PARKING SPACES**

**Electric Vehicle (EV) Charging Stations are located in the High Hanover Parking Garage and the City Hall Lower Lot. There are two parking spaces adjacent to each EV Charging Station that are reserved for the exclusive use of Electric Vehicles. Electric Vehicles shall be actively charging while occupying these EV Charging Station Parking Spaces. Any Electric Vehicle occupying an EV Charging Station Parking Space that is not actively charging, or charging for more than 4 hours, shall be considered as illegally parking. Any vehicle other than an Electric Vehicle parking in these EV Charging Station Parking Spaces shall be considered as illegally parking. Electric Vehicles are subject to all rules, regulations and fees of the associated parking area in which the EV Charging Stations and Parking Spaces are located.**

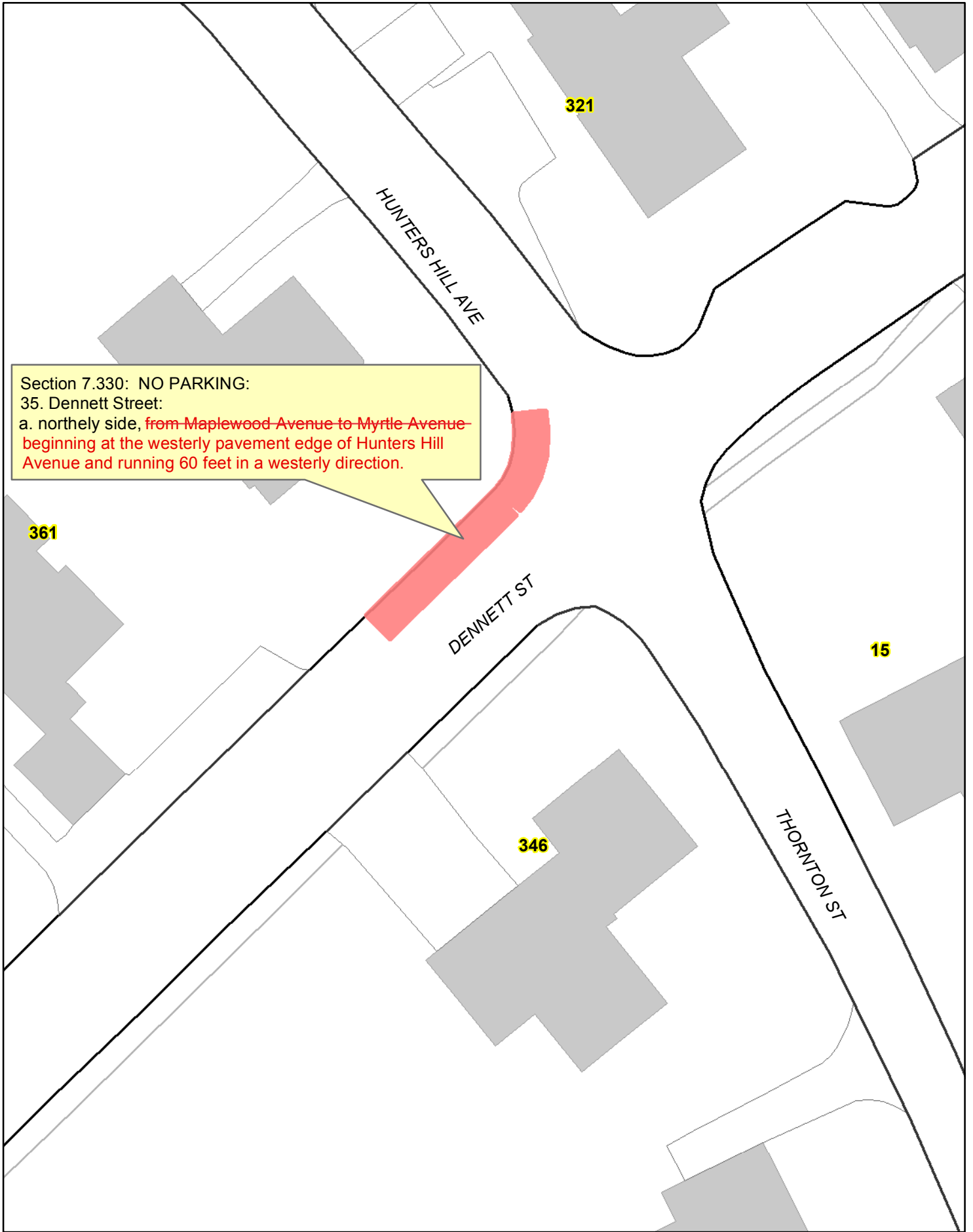




Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:  
5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curbline of High Street, and running 20 feet in an easterly direction.

**Limited Parking 15 minutes  
Portsmouth, New Hampshire**

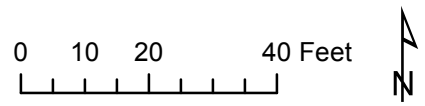


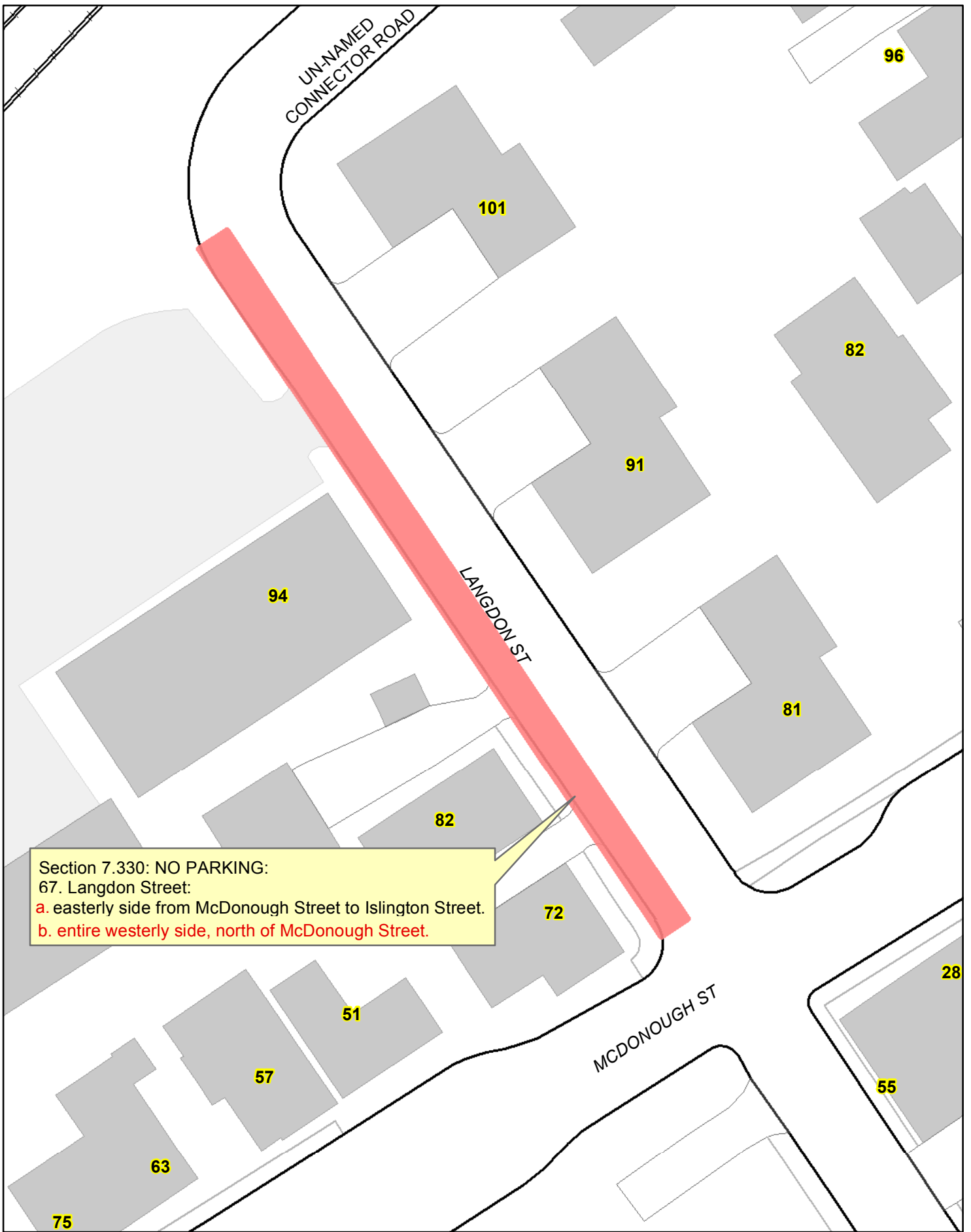


Section 7.330: NO PARKING:  
35. Dennett Street:  
a. northely side, from Maplewood Avenue to Myrtle Avenue-  
beginning at the westerly pavement edge of Hunters Hill  
Avenue and running 60 feet in a westerly direction.

**Dennett Street No Parking  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018\_05\_14

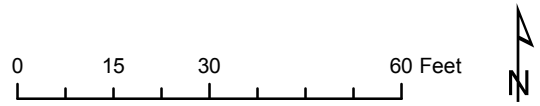


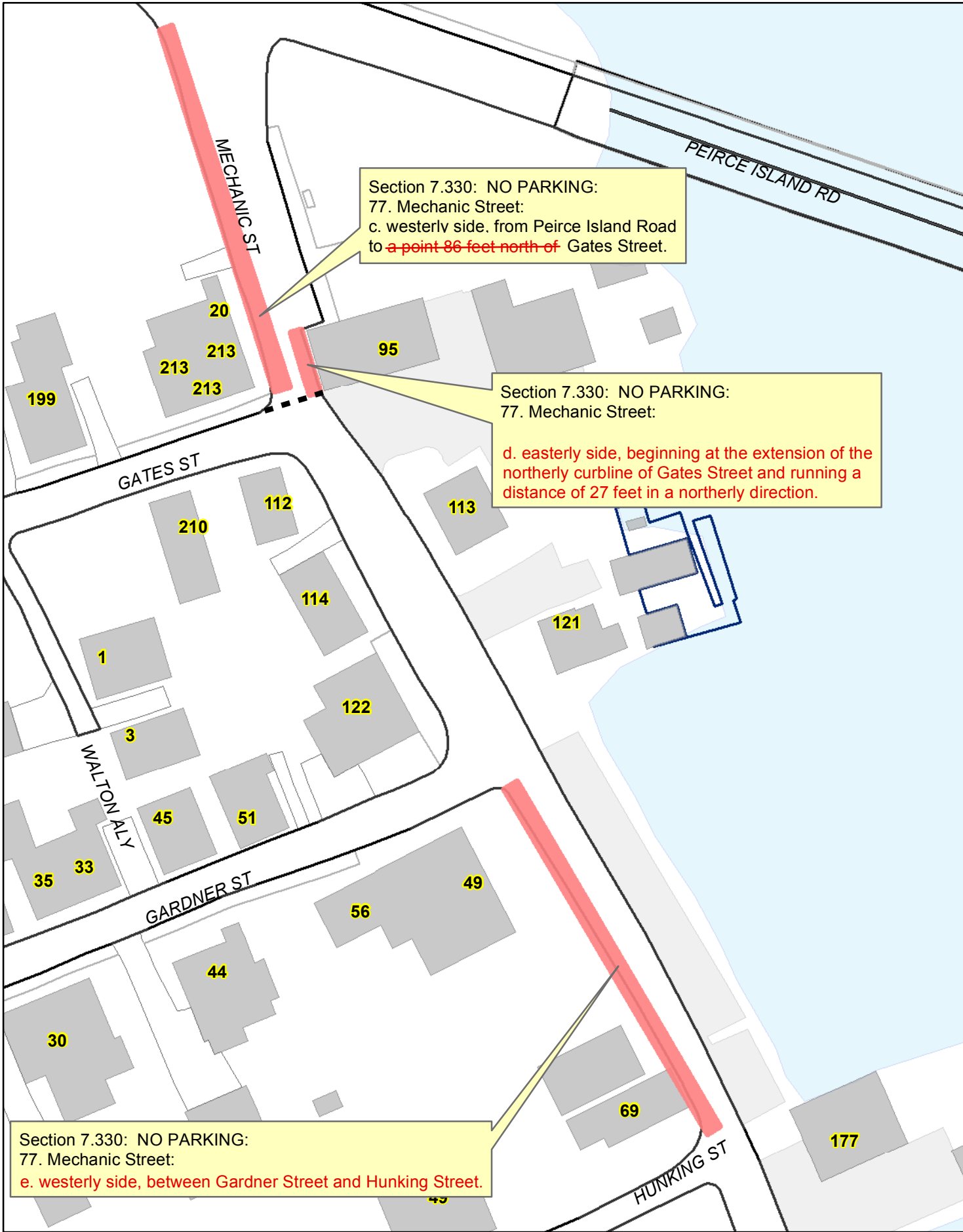


Section 7.330: NO PARKING:  
67. Langdon Street:  
a. easterly side from McDonough Street to Islington Street.  
b. entire westerly side, north of McDonough Street.

**Langdon Street No Parking  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018\_05\_14





Section 7.330: NO PARKING:  
 77. Mechanic Street:  
 c. westerly side, from Peirce Island Road  
 to a point 86 feet north of Gates Street.

Section 7.330: NO PARKING:  
 77. Mechanic Street:  
 d. easterly side, beginning at the extension of the  
 northerly curbline of Gates Street and running a  
 distance of 27 feet in a northerly direction.

Section 7.330: NO PARKING:  
 77. Mechanic Street:  
 e. westerly side, between Gardner Street and Hunking Street.

**Mechanic Street No Parking  
 Portsmouth, New Hampshire**

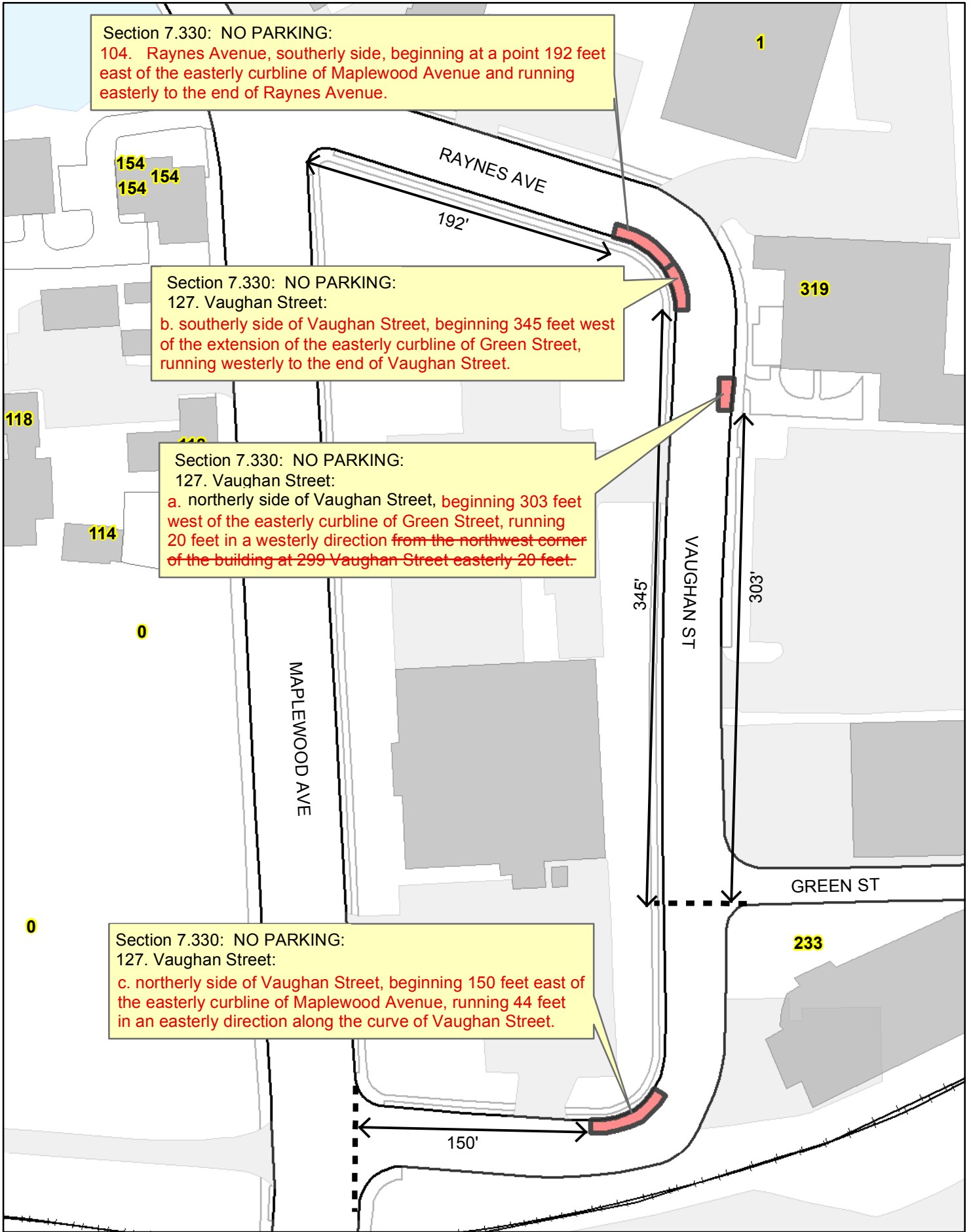


Section 7.330: NO PARKING:  
104. Raynes Avenue, southerly side, beginning at a point 192 feet east of the easterly curbline of Maplewood Avenue and running easterly to the end of Raynes Avenue.

Section 7.330: NO PARKING:  
127. Vaughan Street:  
b. southerly side of Vaughan Street, beginning 345 feet west of the extension of the easterly curbline of Green Street, running westerly to the end of Vaughan Street.

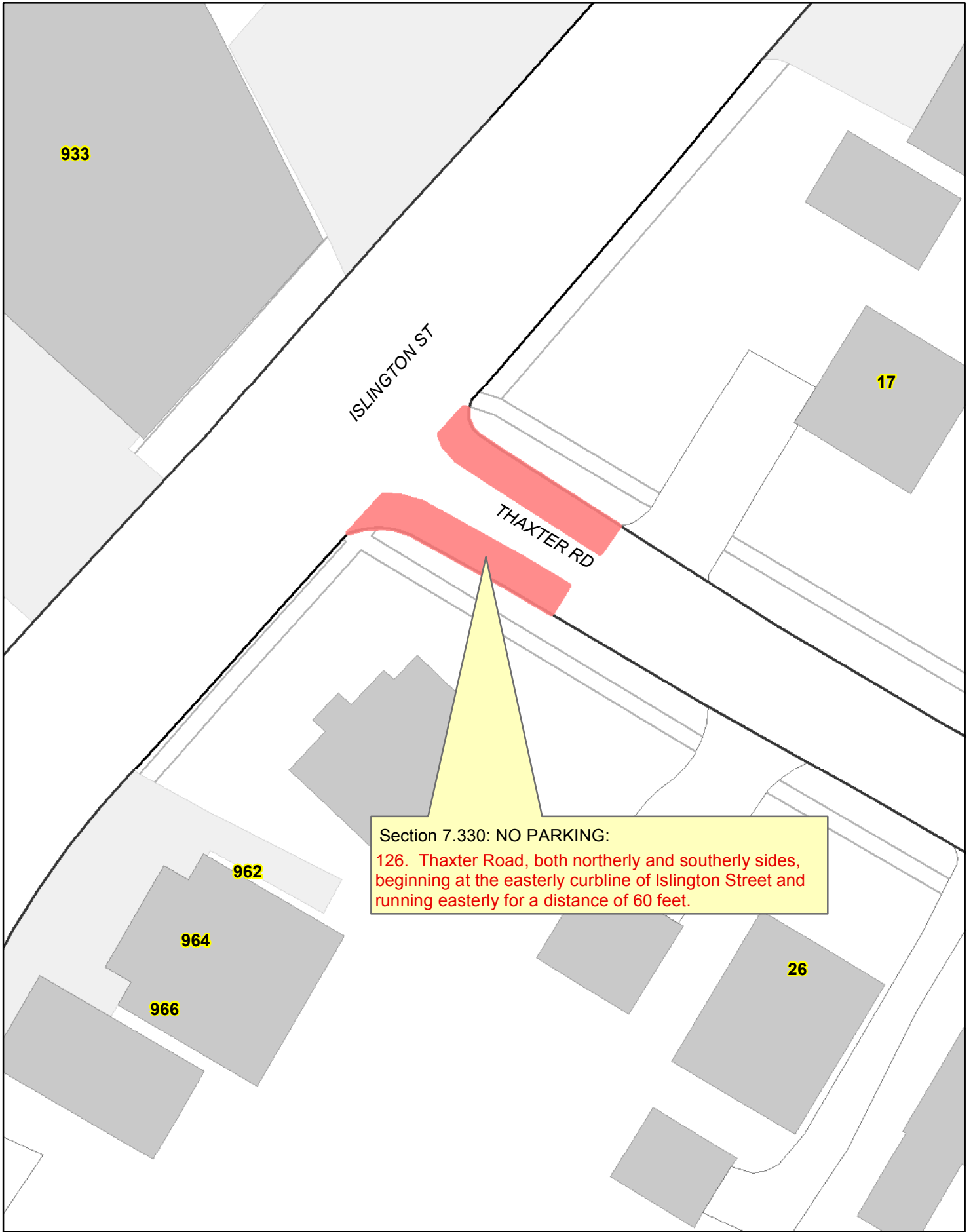
Section 7.330: NO PARKING:  
127. Vaughan Street:  
a. northerly side of Vaughan Street, beginning 303 feet west of the easterly curbline of Green Street, running 20 feet in a westerly direction from the northwest corner of the building at 299 Vaughan Street easterly 20 feet.

Section 7.330: NO PARKING:  
127. Vaughan Street:  
c. northerly side of Vaughan Street, beginning 150 feet east of the easterly curbline of Maplewood Avenue, running 44 feet in an easterly direction along the curve of Vaughan Street.



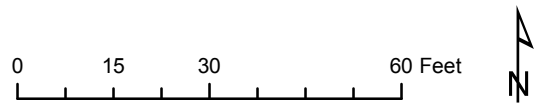
### Raynes Avenue & Vaughan Street No Parking Portsmouth, New Hampshire

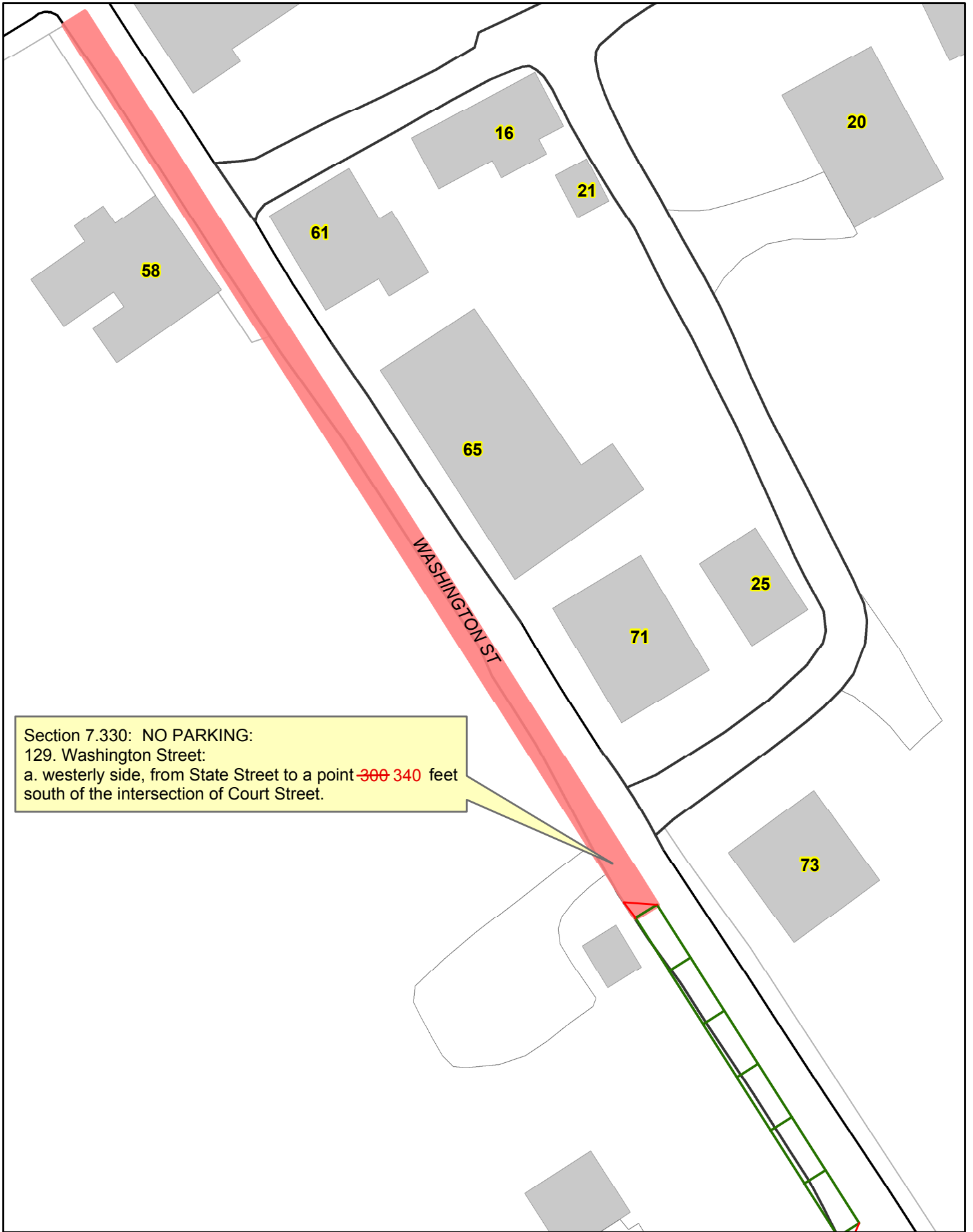




**Thaxter Road No Parking  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018\_05\_31

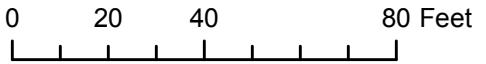




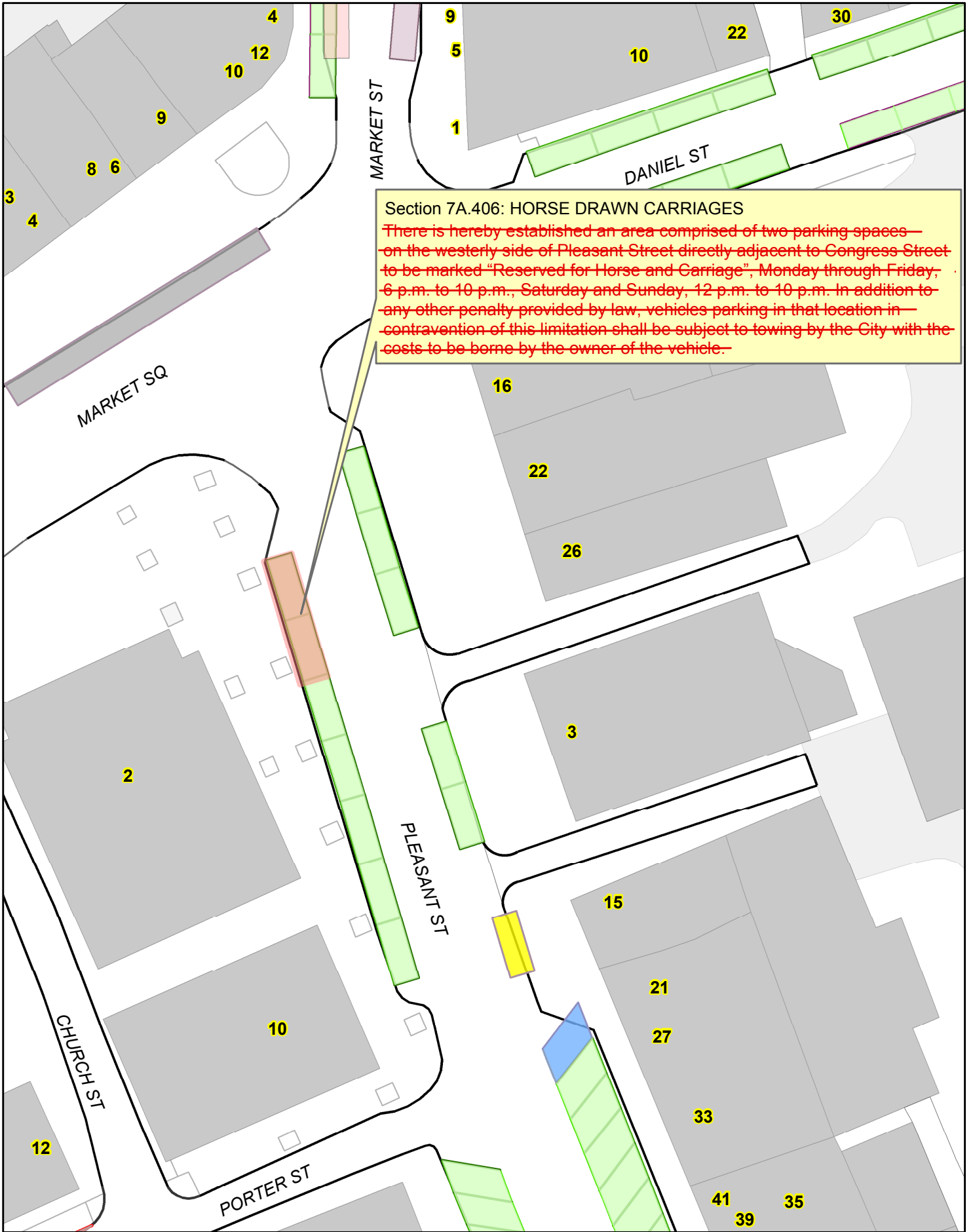
Section 7.330: NO PARKING:  
129. Washington Street:  
a. westerly side, from State Street to a point ~~300~~ 340 feet south of the intersection of Court Street.

**Washington Street No Parking  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018\_05\_08

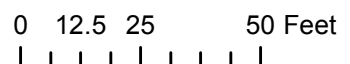


**Section 7A.406: HORSE DRAWN CARRIAGES**  
~~There is hereby established an area comprised of two parking spaces—on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked “Reserved for Horse and Carriage”, Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other penalty provided by law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.~~



**Horse Drawn Carriages  
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018  
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018\_05\_08





LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 6, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Six Hundred Thousand Dollars (\$600,000.00) for the Acquisition of One Fire Apparatus. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

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

PM00374043

**CITY OF PORTSMOUTH  
TWO THOUSAND EIGHTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # – 2018**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR  
NOTES OF UP TO SIX HUNDRED THOUSAND DOLLARS  
(\$600,000) FOR THE ACQUISITION OF ONE FIRE APPARATUS.**

**RESOLVED:**

**THAT**, the sum of up to **Six Hundred Thousand Dollars (\$600,000)** is appropriated for costs related to the acquisition of one fire apparatus, including the payment of costs incidental or related thereto;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Six Hundred Thousand Dollars (\$600,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

**THAT**, the expected useful life of the projects is determined to be at least ten (10) years, and;

**THAT**, this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

**VE-13-FD-02: VEHICLE REPLACEMENT – FIRE ENGINE 6**

Department	Fire Department
Project Location	Station 1 (170 Court Street)
Project Type	Replacement or Purchase of a Vehicle
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – <a href="#">Self-Assessment of FD Operations: April 2015</a>	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** This project continues the CIP Rolling Stock Replacement Program for large apparatus. This allocation will purchase a new custom rescue pumper with a 4-person cab with medical compartments, five-hundred (500) gallon water tank, 1,500 GPM pump, and related equipment to replace this 1999 Emergency One pumper. Funds include complete set-up including radio, lettering and striping as well as equipment.

- |   |
|---|
| Useful Website Links:   |
| <ul style="list-style-type: none"> <li>• <a href="#">Portsmouth Fire Department Homepage</a></li> <li>• <a href="#">FY18-23 CIP page</a></li> </ul> |

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$600,000	\$0	\$0	\$0	\$0	\$0	\$600,000	\$0	\$600,000

LEGAL NOTICE

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

LEGAL NOTICE

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

PM-00074071

**CITY OF PORTSMOUTH  
TWO THOUSAND EIGHTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # – 2018**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR  
NOTES OF UP TO FIVE HUNDRED THOUSAND DOLLARS  
(\$500,000) FOR COSTS RELATED TO FISCAL YEAR 2019  
SCHOOL FACILITIES IMPROVEMENTS.**

**RESOLVED:**

**THAT**, the sum of up to **Five Hundred Thousand Dollars (\$500,000)** is appropriated for Fiscal Year 2019 School Facilities Improvements, including the payment of costs incidental or related thereto.

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Five Hundred Thousand Dollars (\$500,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

**THAT**, the expected useful life of the projects is determined to be at least ten (10) years, and;

**THAT**, this Resolution shall take effect upon its passage.

**APPROVED:**

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**JACK BLALOCK, MAYOR**

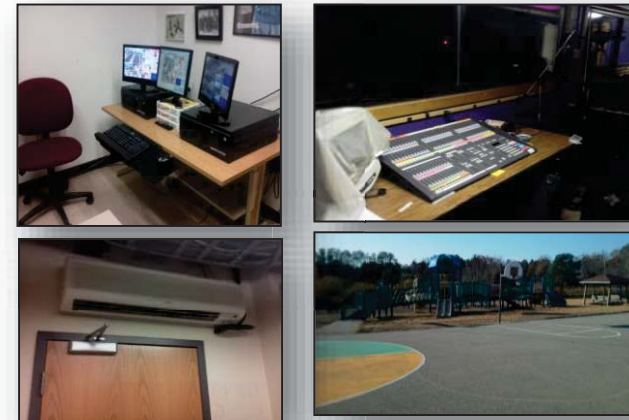
**ADOPTED BY CITY COUNCIL**

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**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

## BI-07-SC-11: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

Department	School Department
Project Location	District Wide
Project Type	Rehabilitation of Existing Facilities
Commence FY	On-Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. The tri-annual appropriation is used for building and grounds improvement projects such as roof, windows, and infrastructure replacement and improvements. The next appropriation will focus on the athletic complex at Portsmouth High School.

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Portsmouth School Department Homepage</a></li> <li>• <a href="#">FY18-23 CIP page</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$500,000			\$500,000			\$1,000,000	\$1,000,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$0	\$0	\$500,000	\$0	\$0	\$1,000,000	\$1,000,000	\$2,000,000

BI-07-SC-11 : SCHOOL FACILITIES CAPITAL IMPROVEMENTS

<u>School</u>	<u>Project</u>	<u>Estimated Cost</u>
High School	Auditorium Lighting and Sound Upgrade/ Replacement	\$100,000
High School	Energy Conservation Lighting Project	\$100,000
High School	Athletic Complex - Upgrade/ Replacement of Track, scoreboards, fencing and irrigation	\$300,000
	<u>Total High School</u>	<u>\$500,000</u>
<b>TOTAL IMPROVEMENTS</b>		<b>\$500,000</b>

LEGAL NOTICE

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 6, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Eight Million Nine Hundred Thousand Dollars (\$8,900,000.00) for Costs related to City Street, Sidewalk and Facility Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



**CITY OF PORTSMOUTH  
TWO THOUSAND EIGHTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # – 2018**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR  
NOTES OF UP TO EIGHT MILLION NINE HUNDRED  
THOUSAND DOLLARS (\$8,900,000) FOR COSTS RELATED TO  
CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS.**

**RESOLVED:**

**THAT**, the sum of up to **Eight Million Nine Hundred Thousand Dollars (\$8,900,000)** is appropriated for City Street, Sidewalk and Facility Improvements, including the payment of costs incidental or related thereto;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Eight Million Nine Hundred Thousand Dollars (\$8,900,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

**THAT**, the expected useful life of the projects is determined to be at least twenty (20) years, and;

**THAT**, this Resolution shall take effect upon its passage.

**APPROVED:**

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**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

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**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

**BI-19-FD-08: FIRE STATION ONE RENOVATION**

Department	Fire Department
Project Location	Fire Station One (170 Court St)
Project Type	Rehabilitation of a Facility
Commence FY	FY2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,002 to \$50,000)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: <a href="#">Self-Assessment of FD Operations: April 2015</a>	Y
Improves Quality of Existing Services	
Provides Added Capacity to Serve Growth	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



**Description:** This project focuses on four (4) areas of required improvements to the city's central fire station. These include the structural replacement of the driveway / apparatus apron, replacement of failing and unsafe rear outside entrance stairway and deck, improvements to primary bathroom facilities to accommodate current workforce, and renovations to primary public entrance and stairwell. The design engineering was completed for structural replacement of the apparatus apron in 2017.

## Useful Website Links:

- [Portsmouth Fire Department Homepage](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$325,000						\$325,000	\$0	\$325,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$325,000	\$0	\$0	\$0	\$0	\$0	\$325,000	\$0	\$325,000

**BI-11-CD-27: PRESCOTT PARK FACILITIES CAPITAL IMPROVEMENTS**

Department	Trustees of Trust Funds
Project Location	Prescott Park
Project Type	Rehabilitation of an Existing Facilities
Commence FY	On-Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



**Description:** In 2017, the City Council adopted the [Prescott Park Master Plan](#), which articulates a broad vision for Prescott Park into the next century. Today's Park - the result of a half century of assembling industrial parcels and transforming them into parkland - is in need of an overhaul. The opportunity to renovate the Park also presents opportunities to plan for climate adaptation, preserve invaluable antique historic structures, purposefully accommodate performance & event space, and ensure iconic Portsmouth places continue to define the City's life into the future. The Master Plan document calls for Park improvements to be funded through a number of sources, including fundraising and donations; revenues from Park licensees; grant-support for climate adaptation; and as traditional sources of municipal project funding.

## Useful Website Links:

- [Community Development Homepage](#)
  - [Prescott Park Homepage](#)
- [Prescott Park Advisory Committee](#)
  - [Public Works Homepage](#)
  - [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	7%	\$50,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$675,000	\$415,000	\$1,090,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	47%	\$2,325,000	\$1,750,000	\$1,050,000	\$750,000	\$900,000	\$850,000	\$7,625,000	\$0	\$7,625,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	47%	\$2,325,000	\$1,750,000	\$1,050,000	\$750,000	\$900,000	\$850,000	\$7,625,000	\$0	\$7,625,000
	Totals	\$4,700,000	\$3,625,000	\$2,225,000	\$1,625,000	\$1,925,000	\$1,825,000	\$15,925,000	\$415,000	\$16,340,000

**BI-15-PW-35: OUTDOOR POOL UPGRADE**

Department	Public Works
Project Location	Peirce Island
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



**Description:** This project includes replacement of the pool's bathhouse. The original bathhouse was constructed in the 1950's and has not been renovated. The existing bathhouse needs significant upgrades to meet current needs.

## Useful Website Links:

- [Public Works Homepage](#)
- [Recreation Department](#)
  - [Outdoor Pool](#)
  - [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,000,000						\$1,000,000	\$500,000	\$1,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$500,000	\$1,500,000

## BI-19-PW-41: CITY HALL COMPLEX ELECTRICAL UPGRADES

Department	Public Works
Project Location	City Hall Complex
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



**Description:** The electrical system at City Hall needs upgrading due to age and deteriorating condition. Power outages are occurring more frequently and causing additional strain on the aging system. This project would improve service reliability and increase operational efficiency.

Useful Website Links:
<ul style="list-style-type: none"> <li><a href="#">Public Works Homepage</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	8%	\$50,000						\$50,000	\$0	\$50,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	92%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$650,000	\$0	\$0	\$0	\$0	\$0	\$650,000	\$0	\$650,000

## TSM-18-PW-69: CITYWIDE BRIDGE IMPROVEMENTS

Department	Public Works
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	On-going
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** This project provides for the maintenance of City bridges. Typical bridge maintenance activities include sealing the concrete surfaces, replacing the pavement surfaces, replacing the bridge membranes and replacing, maintaining or upgrading railing systems and fences. The FY19 funds are designated for the design and rehabilitation of the deck of the Kearsarge Way Bridge. The deck membrane is failing and the concrete deck is deteriorating due to heavy traffic loads and exposure to salt.

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Public Works Homepage</a></li> <li>• <a href="#">FY18-23 CIP page</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 18-23	6 PY's Funding	Totals
GF	50%		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	\$100,000	\$350,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	50%	\$350,000						\$350,000	\$0	\$350,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$350,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$600,000	\$100,000	\$700,000

## TSM-14-PW-75: LONGMEADOW ROAD EXTENSION

Department	Public Works
Project Location	Longmeadow Road
Project Type	New Road Construction
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** During the approval process for the new Service Credit Union on Lafayette Road, land and other improvements were set up to allow for expanding Longmeadow Road. It would connect with Lang Road near the back driveway to the Beechstone Apartment Complex. This road would remove left turn traffic from Lang Road onto US Route 1. Vehicle accidents and traffic congestion are common at this intersection. Lang Road traffic turning south on US Route 1 would be re-routed onto Longmeadow Road and ultimately to the Longmeadow, Ocean Road, US Route 1 traffic signal.

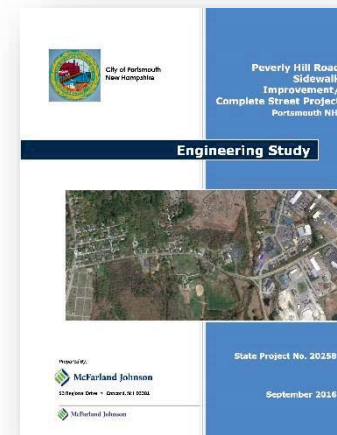
Useful Website Links:

- [Public Works Homepage](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	26%							\$0	\$250,000	\$250,000
Fed/ State	32%	\$300,000						\$300,000	\$0	\$300,000
Bond/ Lease	42%	\$400,000						\$400,000	\$0	\$400,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$250,000	\$950,000

## TSM-16-PW/NH-76: PEVERLY HILL ROAD IMPROVEMENTS

Department	Public Works
Project Location	Peverly Hill Road
Project Type	Upgrade of Existing Facilities
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – <a href="#">Bicycle and Pedestrian Plan 2014</a>	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** This project will be completed in conjunction with the current Federal/State funded Congestion Mitigation sidewalk improvements project. It will upgrade approximately one (1) mile of Peverly Hill Road between Middle Rd (Route 33) and Lafayette Rd (Route 1). The project is intended to create a “complete street” including providing safe on-road and off-road connections for bicycles, continuous sidewalks and the required drainage improvements, utilities and roadway cross-section elements.

Useful Website Links:

- [Public Works Homepage](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	6%							\$0	\$300,000	\$300,000
Fed/ State	9%							\$0	\$450,000	\$450,000
Bond/ Lease	86%	\$2,200,000	\$2,300,000					\$4,500,000	\$0	\$4,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$2,200,000	\$2,300,000	\$0	\$0	\$0	\$0	\$4,500,000	\$750,000	\$5,250,000



## TSM-16-PW/NH-77: MARKET STREET GATEWAY IMPROVEMENTS

Department	Public Works
Project Location	Market Street
Project Type	Upgrade Existing Facilities
Commence FY	On-Going
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Moderate (\$50,001 to \$100,000)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Serve Growth	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



**Description:** This project is a continuation of phased improvements along Market Street as it extends from I-95 to Deer Street. The next phase is anticipated to be constructed once the Sarah Long Bridge is completed.

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Public Works Homepage</a></li> <li>• <a href="#">FY18-23 CIP page</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	11%							\$0	\$357,000	\$357,000
Fed/ State	0%							\$0	\$5,000	\$5,000
Bond/ Lease	89%	\$1,700,000						\$1,700,000	\$1,100,000	\$2,800,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,700,000	\$0	\$0	\$0	\$0	\$0	\$1,700,000	\$1,462,000	\$3,162,000

## LEGAL NOTICE

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

### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 6, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) related to Water Line replacements and Water System Pressure and Storage Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

PK-00374074

**CITY OF PORTSMOUTH  
TWO THOUSAND EIGHTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # -2018**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000) RELATED TO WATER LINE REPLACEMENTS AND WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS.**

**RESOLVED:**

**THAT**, the sum of up to **Two Million Seven Hundred Thousand Dollars (\$2,700,000)** is appropriated for Water Line Replacements and Water System Pressure and Storage Improvements, including the payment of costs incidental or related thereto;

**To** meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Two Million Seven Hundred Thousand Dollars (\$2,700,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

**THAT** the expected useful life of this project is determined to be at least twenty (20) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

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**JACK BLALOCK, MAYOR**

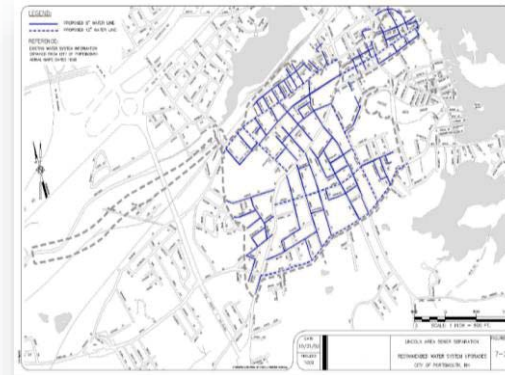
**ADOPTED BY CITY COUNCIL**

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**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

## EF-02-WD-82: ANNUAL WATER LINE REPLACEMENT

Department	Public Works
Project Location	Citywide
Project Type	Upgrade to Existing Facilities
Commence FY	On-Going
Priority	O (On-going)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – <a href="#">Water System Master Plan</a>	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

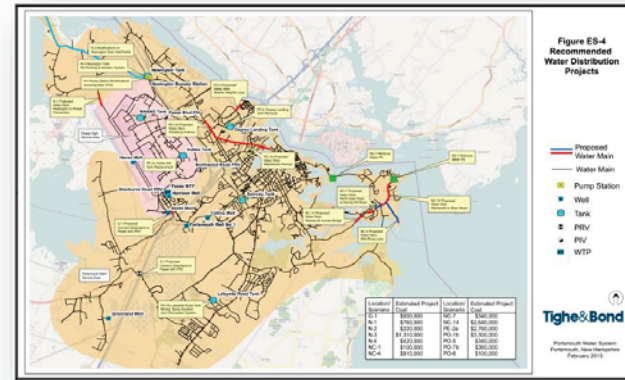
**Description:** The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Public Works Homepage</a></li> <li>• <a href="#">Water Department</a></li> <li>• <a href="#">FY18-23 CIP page</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	32%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$4,150,000	\$5,650,000
Other	0%							\$0	\$0	\$0
Revenues	68%	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,500,000	\$10,340,000	\$11,840,000
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$250,000	\$750,000	\$250,000	\$750,000	\$250,000	\$3,000,000	\$14,490,000	\$17,490,000

## EF-13-WD-84: WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS

Department	Public Works
Project Location	City-Wide
Project Type	Upgrade of Existing Facilities
Commence FY	Ongoing
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



**Description:** This project consists of improvement to water mains, pumps and storage to improve water flow and pressure in the water system. Work will be performed in portions of the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update completed in 2013 and routine updates to the water system model.

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – <a href="#">2013 Water System Master Plan</a>	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Useful Website Links:

- [Public Works Homepage](#)
- [Water Department](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	93%	\$2,200,000						\$2,200,000	\$1,750,000	\$3,950,000
Other	0%							\$0	\$0	\$0
Revenues	7%							\$0	\$300,000	\$300,000
PPP	0%							\$0	\$0	\$0
	Totals	\$2,200,000	\$0	\$0	\$0	\$0	\$0	\$2,200,000	\$2,050,000	\$4,250,000

## LEGAL NOTICE

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

### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 6, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Six Hundred Thousand Dollars (\$1,600,000.00) for Costs related to Consent Decree Mitigation, Street Reconstruction, and Annual Sewer Line Replacements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

PM-90374073

**CITY OF PORTSMOUTH  
TWO THOUSAND EIGHTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # – 2018**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) FOR COSTS RELATED TO CONSENT DECREE MITIGATION, STREET RECONSTRUCTION, AND ANNUAL SEWER LINE REPLACEMENTS.**

**RESOLVED:**

**THAT** the sum of up to **One Million Six Hundred Thousand Dollars (\$1,600,000)** is appropriated for Consent Decree Mitigation, Street Reconstruction, and Annual Sewer Line Replacements, including the payment of costs incidental or related thereto;

**To** meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **One Million Six Hundred Thousand Dollars (\$1,600,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

**THAT** the expected useful life of the project 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**

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**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

## EF-18-SD-91: CONSENT DECREE MITIGATION

Department	Public Works
Project Location	Various
Project Type	Other (Explained Below)
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



**Description:** The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As a result of this modification, the City committed to certain projects. The capital type projects include implementing a \$500,000 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek and will be funded with this item.

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	

Useful Website Links:

- [Public Works Department](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	97%	\$400,000	\$2,500,000					\$2,900,000	\$40,000	\$2,940,000
Other	0%							\$0	\$0	\$0
Revenues	3%							\$0	\$100,000	\$100,000
PPP	0%							\$0	\$0	\$0
	Totals	\$400,000	\$2,500,000	\$0	\$0	\$0	\$0	\$2,900,000	\$140,000	\$3,040,000



## EF-17-SD-95: UNION STREET RECONSTRUCTION

Department	Public Works
Project Location	Union Street from State Street to Middle Street
Project Type	Construction or Expansion of a public facility
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Reduce (will reduce Operating Costs)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study : 2005 Long Term Control Plan	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

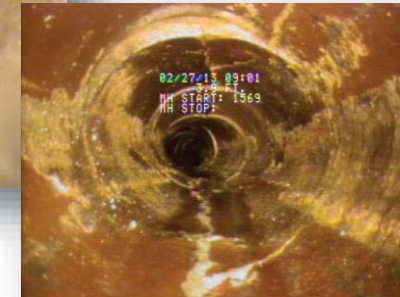
**Description:** This project is part of the City's ongoing Combined Sewer Overflow Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. The project will also address side streets, including Coffins Court and sections of Austin Street.

Useful Website Links:
<ul style="list-style-type: none"> <li><a href="#">Public Works Department</a></li> <li><a href="#">FY18-23 CIP page</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	72%	\$700,000						\$700,000	\$0	\$700,000
Other	0%							\$0	\$0	\$0
Revenues	28%							\$0	\$275,000	\$275,000
PPP	0%							\$0	\$0	\$0
	Totals	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$275,000	\$975,000

## EF-12-SD-94: ANNUAL SEWER LINE REPLACEMENT

Department	Public Works
Project Location	Citywide
Project Type	Upgrade of Existing Facilities
Commence FY	On Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** The wastewater collection system consists of more than one-hundred fifteen (115) miles of pipe. Many of the older pipes are fifty (50) to one-hundred (100) years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes.

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Public Works Department</a></li> <li>• <a href="#">FY18-23 CIP page</a></li> </ul>

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	54%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$5,500,000	\$7,000,000
Other	0%							\$0	\$0	\$0
Revenues	46%	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,500,000	\$4,500,000	\$6,000,000
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$250,000	\$750,000	\$250,000	\$750,000	\$250,000	\$3,000,000	\$10,000,000	\$13,000,000

**PORTSMOUTH POLICE DEPARTMENT**

**MEMORANDUM**

RECEIVED

DATE: JULY 18<sup>TH</sup>, 2018  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: JOSEPH ONOSKO, PORTSMOUTH POLICE COMMISSION  
ROBERT M. MERNER, CHIEF OF POLICE  
RE: GRANT AND DONATIONS

JUL 23 2018

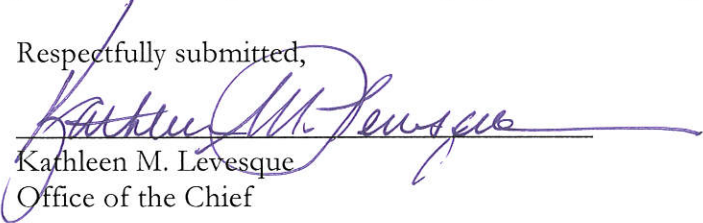
CITY MANAGER  
PORTSMOUTH, NH

At the July 17<sup>th</sup>, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donations:

- a. A grant in the amount of \$35,000 from the NH Dept. of Safety for the purpose of investigating and apprehending individuals or organizations that are involved in opioid-related drug use and trafficking.
- b. A donation in the amount of \$300 from the law firm of Donahue, Tucker & Ciandella, PLLC, in support of the Portsmouth Police Explorer Cadets.
- c. A donation in the amount of \$100 from the Wentworth-Coolidge Commission, Inc. in support of the Portsmouth Police Explorer Cadets.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting. We respectfully request this item be placed on the City Council meeting agenda for the August 6<sup>th</sup>, 2018 regular City Council meeting.

Respectfully submitted,

  
Kathleen M. Levesque  
Office of the Chief

Attachments: Grant Award Notice, Donation Page from PC Meeting Packet

copies: Board of Police Commissioners  
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal  
Business Asst. Tammie Perez

# GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby mutually agree as follows:

## GENERAL PROVISIONS

### 1. Identification and Definitions.

<b>1.1. State Agency Name</b> NH Department of Safety Division of State Police		<b>1.2. State Agency Address</b> 33 Hazen Drive Concord, NH 03305	
<b>1.3. Grantee Name</b> City of Portsmouth Police Department		<b>1.4. Grantee Address</b> 3 Junkins Avenue, Portsmouth, NH 03801	
<b>1.5. Effective Date</b> G&C Approval	<b>1.6. Completion Date</b> 6/30/2019	<b>1.7. Audit Date</b> N/A	<b>1.8. Grant Limitation</b> \$35,000.00
<b>1.9. Grant Officer for State Agency</b> Pamela Urban-Morin		<b>1.10. State Agency Telephone Number</b> (603) 271-7663	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
<b>1.11. Grantee Signature 1</b> _____		_____ e of Grantee Signor 1	
<b>Grantee Signature 2</b> _____		_____ antee Signor 2	
<b>Grantee Signature 3</b> _____		_____ Title of Grantee Signor 3	
<b>1.13. Acknowledgment</b> _____ New Hampshire, County of _____, on _____ / _____ / _____, before the undersigned officer, personally appeared the person identified in block 1.12., known to me (or satisfactorily proven) to be the person whose name is signed in block 1.11., and acknowledged that he executed this document in the capacity indicated in block 1.12.			
<b>1.13.1. Signature of Notary Public or Justice of the Peace</b> (Seal)			
<b>1.13.2. Name &amp; Title of Notary Public or Justice of the Peace</b> _____			
<b>1.14. State Agency Signature(s)</b> _____		<b>1.15. Name &amp; Title of State Agency Signor(s)</b> Steven Lavoie, Director of Administration	
<b>1.16. Approval by Attorney General (Form, Substance and Execution)</b>			
By: _____ Assistant Attorney General, On: _____ / _____ / _____			
<b>1.17. Approval by Governor and Council</b>			
By: _____ On: _____ / _____ / _____			

Documents Processed  
After Acceptance

**2. SCOPE OF WORK:** In exchange for grant funds provided by the state of New Hampshire, acting through the agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:66, the Grantee identified in block 1.3 (hereinafter referred to as "the Grantee"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

3. AREA COVERED. Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the State of New Hampshire.
4. EFFECTIVE DATE: COMPLETION OF PROJECT.
- 4.1 This Agreement, and all obligations of the parties hereunder, shall become effective on the date in block 1.5 or on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire whichever is later (hereinafter referred to as "the effective date").
- 4.2 Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in its entirety prior to the date in block 1.6 (hereinafter referred to as "the Completion Date").
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT.
- 5.1 The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.
- 5.2 The manner of, and schedule of payment shall be as set forth in EXHIBIT B.
- 5.3 In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4 The payment by the State of the Grant amount shall be the only, and the complete payment to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.
- 5.5 Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Grantee shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Grantee, including the acquisition of any and all necessary permits.
7. RECORDS and ACCOUNTS.
- 7.1 Between the Effective Date and the date seven (7) years after the Completion Date the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2 Between the Effective Date and the date seven (7) years after the Completion Date, at any time during the Grantee's normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Grantee" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these general provisions.
8. PERSONNEL.
- 8.1 The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2 The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3 The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA: RETENTION OF DATA: ACCESS.
- 9.1 As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations,
- computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2 Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3 No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4 On and after the Effective Date, all data and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5 The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1 Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):
  - 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
  - 11.1.2 Failure to submit any report required hereunder; or
  - 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
  - 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2 Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
  - 11.2.1 Give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and
  - 11.2.2 Give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and
  - 11.2.3 Set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and
  - 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION.
- 12.1 In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.
- 12.2 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.
- 12.3 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee's breach of its obligations hereunder.
- 12.4 Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Grantee hereunder, the Grantee may terminate this Agreement without cause upon thirty (30) days written notice.
13. CONFLICT OF INTEREST. No officer, member of employee of the Grantee, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or

Grantee Initials \_\_\_\_\_  
Date \_\_\_\_\_

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
14. GRANTEE'S RELATION TO THE STATE. In the performance of this Agreement the Grantee, its employees, and any subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
  15. ASSIGNMENT AND SUBCONTRACTS. The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Grantee other than as set forth in Exhibit A without the prior written consent of the State.
  16. INDEMNIFICATION. The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or Subcontractor, or subgrantee or other agent of the Grantee. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.
  17. INSURANCE AND BOND.
  - 17.1 The Grantee shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
    - 17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and
    - 17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate; and
  - 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
  18. WAIVER OF BREACH. No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.
  19. NOTICE. Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
  20. AMENDMENT. This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire.
  21. CONSTRUCTION OF AGREEMENT AND TERMS. This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
  22. THIRD PARTIES. The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
  23. ENTIRE AGREEMENT. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
  24. SPECIAL PROVISIONS. The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.

**EXHIBIT A**  
**SCOPE OF SERVICES**

1. The Department of Safety, Division of State Police (hereinafter referred to as “the State”) is awarding the City of Portsmouth Police Department (hereinafter referred to as “the Grantee”) \$35,000.00 for the purpose of investigating and apprehending individuals or organizations that are involved in opioid related drug use and trafficking.
2. “The Grantee” agrees that the project grant period ends June 30, 2019 and that all expenses must be incurred and paid prior to this date and reimbursement requests submitted on form DSAD 69 must be submitted to the Department of Safety, Grants Management Unit, prior to June 30, 2019.
3. “The Grantee” agrees to comply with all applicable federal and state laws, rules, regulations, and requirements.
4. “The Grantee”, is responsible for the overall direction and assignment of all grant funded activities. Some activities may be assigned to the Town of Greenland Police Department, Town of Hampton Police Department, Town of Seabrook Police Department and/or Town of Newington Police Department (thereinafter referred to as “the Municipality”). When assigned grant funded activities by “the Grantee”, “the Municipality” is eligible for reimbursement directly from “the State” in accordance with the MOA(s) in Exhibit D, pending the submission of appropriate documentation, and approval from “the Grantee”.
5. The grant application as submitted by “the Grantee” is hereby fully incorporated into this grant agreement.

**EXHIBIT B**  
**GRANT AMOUNT AND METHOD OF PAYMENT**

1. Grant Amount: \$35,000.00
2. Payment Schedule
  - a. "The Grantee" agrees that the total payment by "the State" under this grant agreement shall be up to \$35,000.00
  - b. "The State" shall reimburse up to \$35,000.00 to "the Grantee" upon "the State" receiving appropriate documentation of expended funds (i.e: copies of payroll documentation and proof of payment) submitted with form DSAD 69.
  - c. "The Grantee" is responsible for the overall direction and assignment of all 2019 Law Enforcement Opioid Abuse Reduction Initiative (OARI) grant funded activities. When "the Municipality" is assigned grant funded activities by "the Grantee", "the State" will reimburse "the Municipality" directly upon receiving appropriate documentation of expended funds and approval from "the Grantee". Payments made directly to "the Municipality" will be considered payments made to "the Grantee" for the purposes of this grant agreement.



**EXHIBIT C**  
**SPECIAL PROVISIONS**

1. Grant expenses must be incurred and paid prior to June 30, 2019. All grant reimbursement requests must be submitted prior to June 30, 2019 using form DSAD 69 to allow payment prior to June 30, 2019. Only expenses approved as outlined in Exhibit A and outlined in Saf-C 2904.02 Allowable Costs may be reimbursed. Reimbursement requests shall meet all requirements of Saf-C 2908 Administrative Requirements.
  
2. "The Grantee" shall maintain financial records, supporting documents, and all other pertinent records for a period of 3 years from the grant period end date per Saf-C 2909.01 Recordkeeping.
  
3. Grant Agreement Revision to Provision 16. INDEMNIFICATION. The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or Subcontractor, or subgrantee or other agent of the Grantee. ***The Grantee's liability herein shall not exceed the amount of \$1,000,000.*** Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.



## The Wentworth-Coolidge Commission

*Mailing Address*

PO Box 6614 Portsmouth, NH 03802  
Tel. 603-436-9889 info@wentworthcoolidge.org

June 20, 2018

Officer T. J. Potter  
Portsmouth Police Cadets Advisor  
Portsmouth Police Department  
3 Junkins Avenue  
Portsmouth, NH 03801

Dear Officer Potter,

On behalf of the Wentworth-Coolidge Commission, I would like to thank you and the Portsmouth Police Cadets for your support of the 2018 Lilac Festival at the Wentworth-Coolidge Mansion. The festival was a huge success! We had a beautiful day and record attendance.

The Police Cadets were an integral part of the success of the day. Their professionalism and good spirits helped make a potentially difficult parking situation flow smoothly. No small feat for handling such a big crowd!

As a token of appreciation and gratitude, the Commission would like to make a \$100 donation to the Portsmouth Police Cadets.

Thank you again for all of your good work in support of the Lilac Festival. We look forward to working with the Cadets in future events at the Mansion.

Sincerely,

Gene F. Doherty, Co-Chair  
Wentworth-Coolidge Commission

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# MEMORANDUM

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**TO:** John Bohenko, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** July 10, 2018

**RE:** City Council Referral – Projecting Sign  
Address: 85 Daniel Street  
Business Name: Vieux Port  
Business Owner: Seth Bordonaro

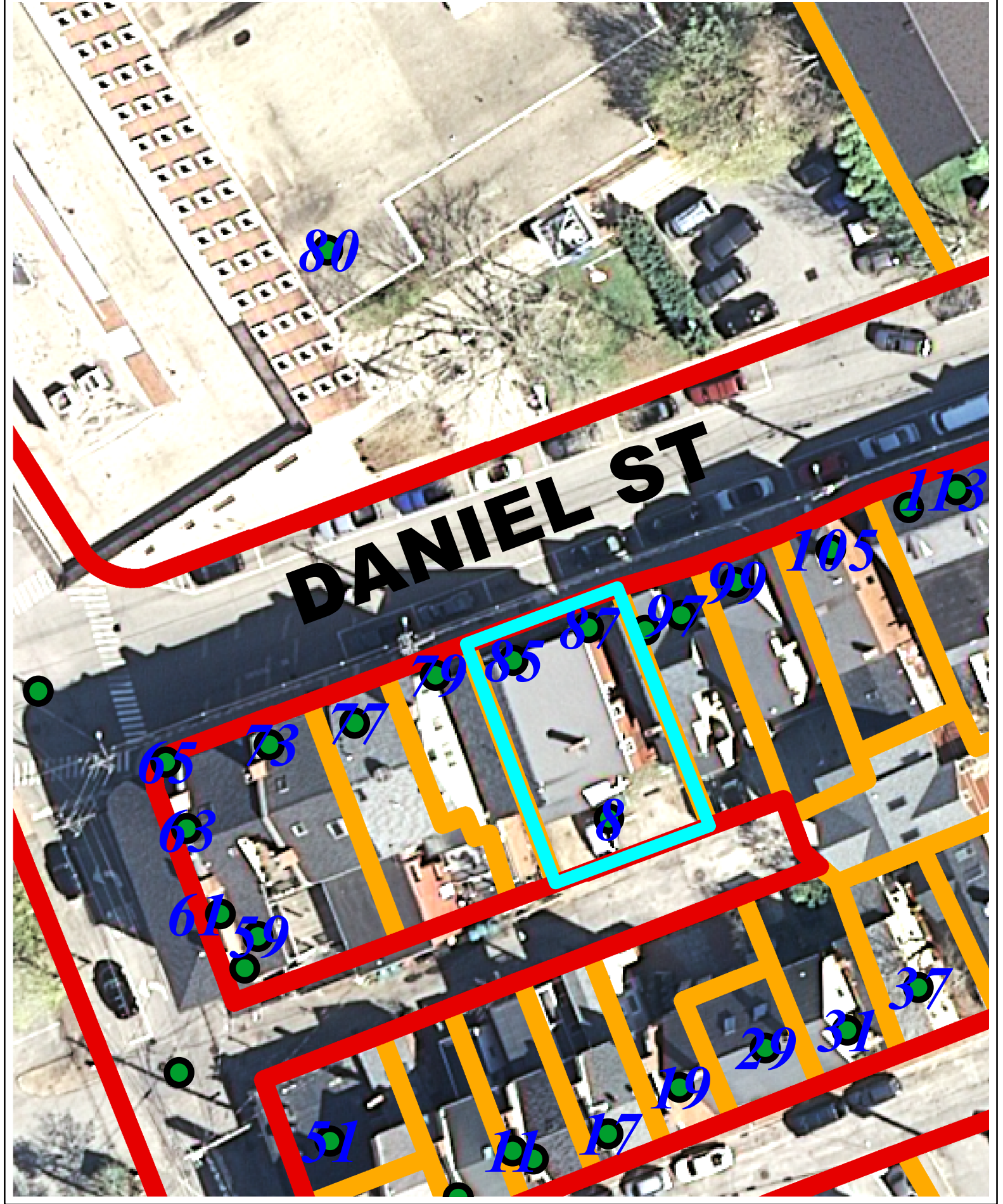
---

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 41" x 27"  
Sign area: 7.6 sq. ft.

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

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



**DANIEL ST**

80

113

105

99

87

85

79

77

73

65

63

61

59

8

37

29

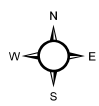
31

19

17

11

51



0 15 30 60 Feet

**Request for license  
85 Daniel Street**

Map produced by Planning Department 7-10-18

41"

VIEUX PORT



GOLDSMITH

27"

Type: Projecting

Size: 41" w X 27" h

sides: 2

Style: Wood with satin black finish and carved  
23kt gold leaf text.



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# M E M O R A N D U M

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**TO:** John Bohenko, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** July 10, 2018

**RE:** City Council Referral – Projecting Sign  
Address: 67 State Street  
Business Name: Raleigh  
Business Owner: Namrata Idnani

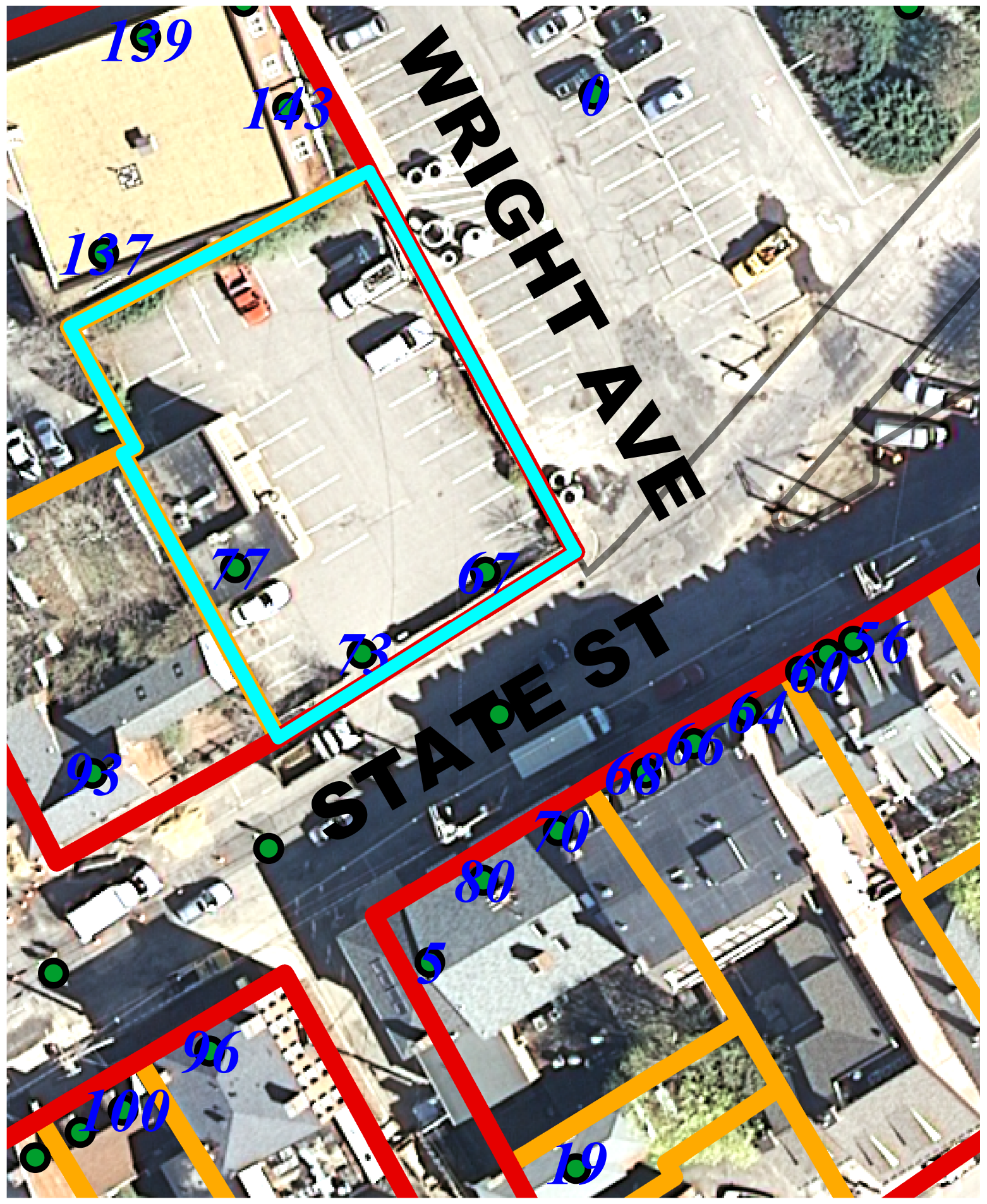
---

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 36" x 36"  
Sign area: 9 sq. ft.

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

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

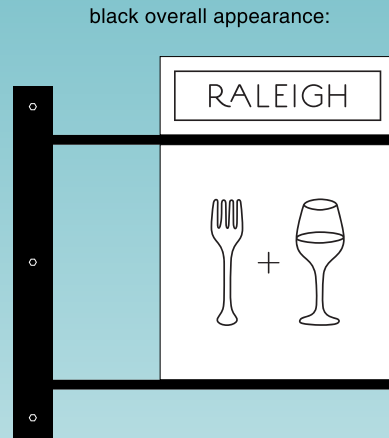
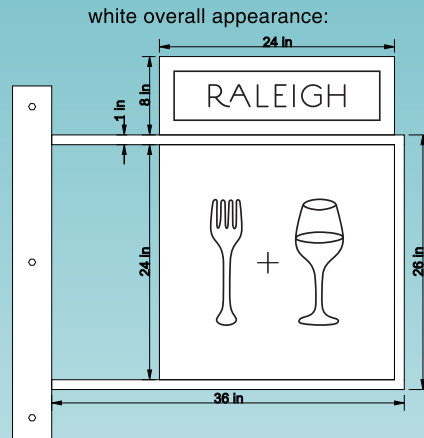


0 15 30 60 Feet

Map produced by Planning Department 7-9-18

**Request for license  
67 State Street**

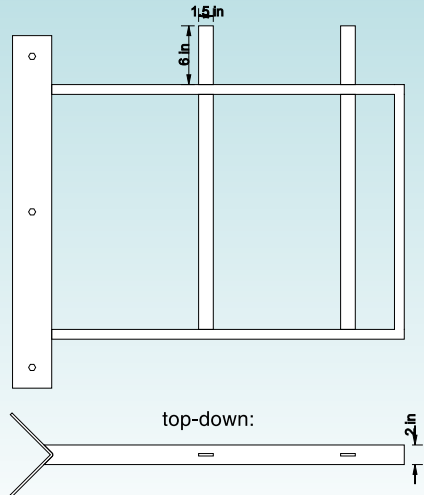




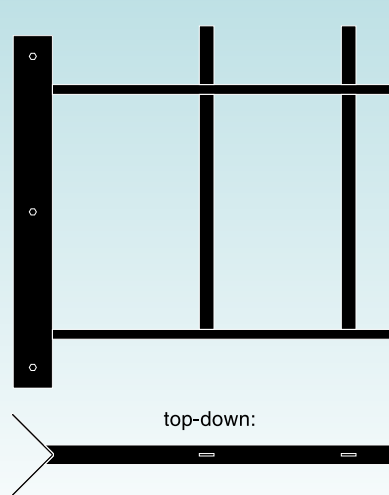
### Raleigh Wine Bar:

- Corner-mounted projecting sign
- stainless corner bracket with internal panel mounts (white or black)
- single-sided central and top panels, routed HDU with dimensional raised HDU lettering (black)

white bracket detail:



black bracket detail:



Provided inspiration:



PortsmouthSign.com  
603-436-0047

#### REVISION:

All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.

#### PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

6/1/18

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

RETURN SIGNED TO: [service@portsmouthsign.com](mailto:service@portsmouthsign.com)

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

Member of:



GREATER  
**PORTSMOUTH**  
CHAMBER OF COMMERCE

the **Greater**  
**York Region**  
Chamber of Commerce

©COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use  
Only

Qty:

SS  DS

Materials:

Background Color:

Vinyl Color:

HP  Int

Other:

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# M E M O R A N D U M

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**TO:** John Bohenko, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** June 15, 2018

**RE:** City Council Referral – Projecting Sign  
Address: 142 State Street, Unit 150  
Business Name: Gelato Fiasco  
Business Owner: Cynthia Ross

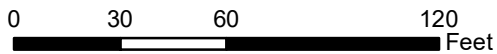
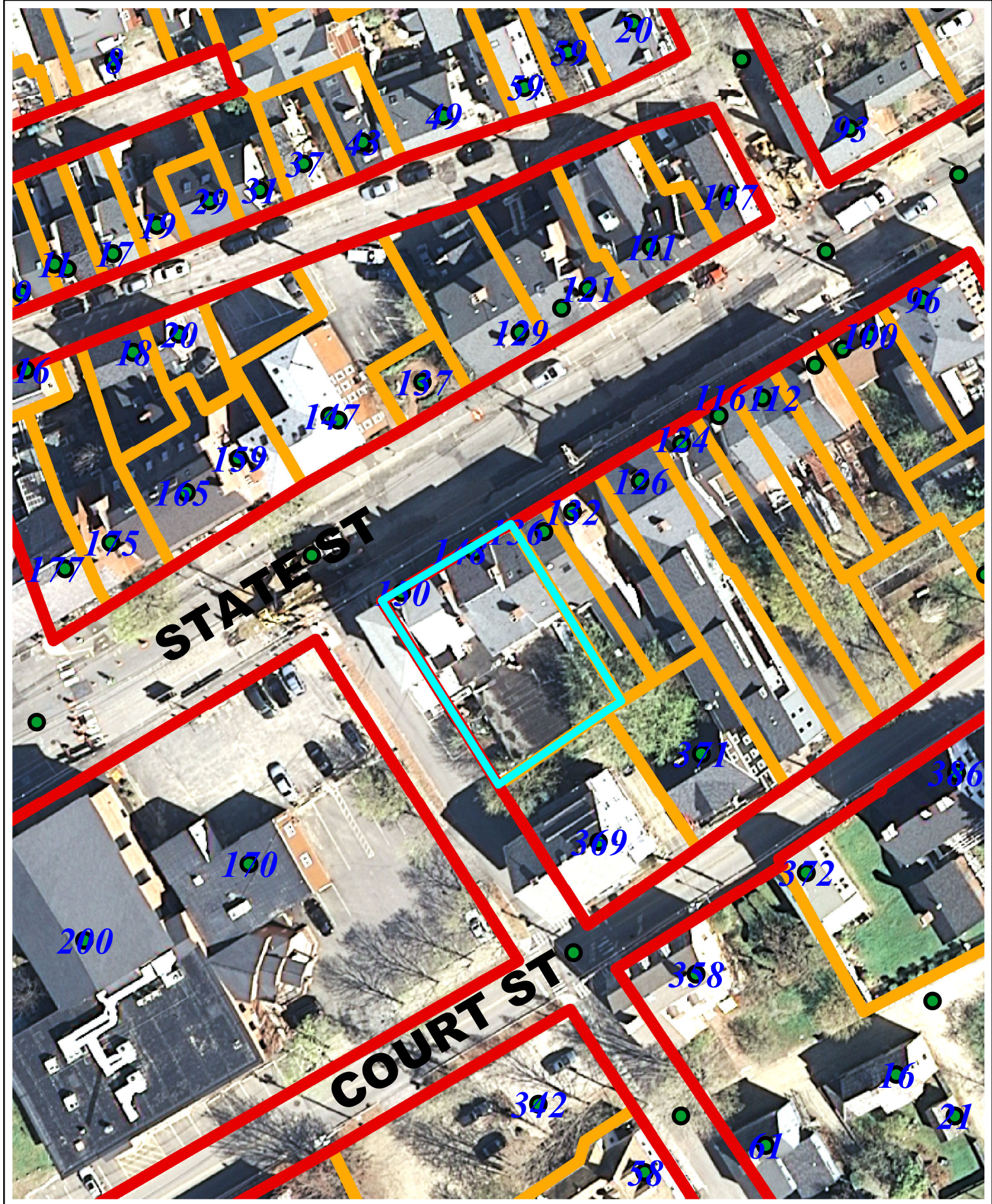
---

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 32" x 46"  
Sign area: sq. ft. 10

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

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



Map produced by Planning Department 6-6-18

**Request for license  
142 State Street Unit 150**

GELATO

FIASCO



PERFECTED IN MAINE

# GELATO FIASCO



PERFECTED IN MAINE



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# MEMORANDUM

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**TO:** John Bohenko, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** July 19, 2018

**RE:** City Council Referral – Projecting Sign  
Address: 100 Market Street Unit 102  
Business Name: Lure  
Business Owner: Eric Goodwin

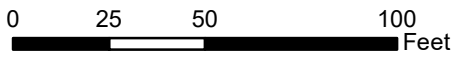
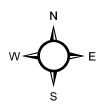
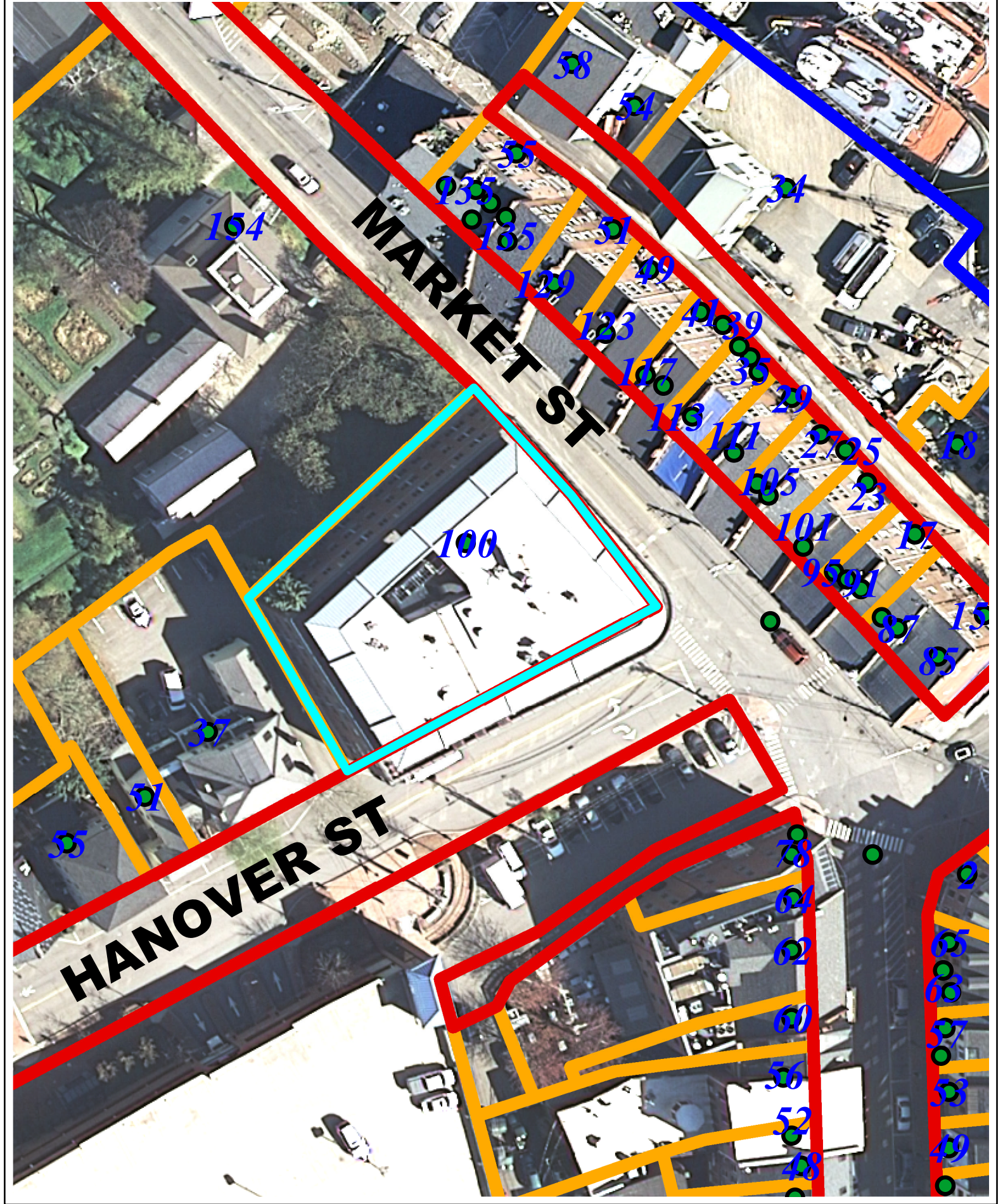
---

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 33.12" x 33.12"  
Sign area: sq. ft. 7.6

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

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



Map produced by Planning Department 7-18-18

**Request for license  
 100 Market Street**

Proof #1A: 06/26/18

Company: Lure

Job: Exterior Wall Sign

Order #: 0000

Type: Projecting Sign

Quantity: 1

Size: 33.12" x 33.12"

Sides: 2

Style: Digital Print w/  
Dimensional Letters

Substrate: 3/4" PVC Stacked

Posts & Brackets: Yes

Colors: Lure Branding



89 Oak Street Dover, NH 03820 • 603-742-1517

This is an original, unpublished drawing owned by Sundance Sign Company. This drawing is projected under the U.S. Copyright laws. It is being submitted for your viewing only, and is not to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required.

I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

Customer Approval \_\_\_\_\_ Date: \_\_\_\_\_



CITY COUNCIL E-MAILS

JULY 9, 2018 – August 2, 2018 (9:00 a.m.)

AUGUST 6, 2018 CITY COUNCIL MEETING

Updated 08/06/2018 through 3:00 p.m.

New content begins Page 7

Below is the result of your feedback form. It was submitted by Pat hammer ([Rpklshark@comcast.net](mailto:Rpklshark@comcast.net)) on Monday, July 9, 2018 at 14:06:33

-----  
address: 73 monteith st

comments: I once had a view of quaint downtown Portsmouth now I Have a view of a 5 story parking garage and rows of brick buildings. I would hate to see more brick buildings across the pond. Please do NOT rezone this area, please do NOT build anymore in this area. This is one of last peaceful residential untouched areas left in Portsmouth, it would be a shame to change it. The advocates f the north mill pond and it's neighbors have spent many years taking care and reviving the north mill pond.

I firmly believe the west can not handle anymore building. You now have condos, apartments behind cvs in the old Frank Jones building, you have a huge site going into the frank jones center and apartments off Bartlett st. I would like to think you have thought of the traffic situation in this area. To be honest it's a mess and will only be so much worse with so many more people and cars that you have already added to the area. Bartlett st and islington st will be a huge problem.

I believe Portsmouth is already saturated with so much building. I live off dennett st and in either direction it can take 15 minutes to get downtown.

Please think before you rezone this area and do any more building. Thank you..

I would like to stay and enjoy this quiet peaceful neighborhood and maybe still have my view for the \$10,000 I have to pay in Taxes to live here.

A concerned neighbor and resident of north mill pond

includeInRecords: on  
Engage: Submit

-----  
Below is the result of your feedback form. It was submitted by Patricia Bagley ([patbagley@aol.com](mailto:patbagley@aol.com)) on Tuesday, July 10, 2018 at 19:47:40

-----  
address: 213 Pleasant St

comments: Please include this correspondence in the next City Council packet. Thank you.

Honourable Mayor and City Councilors:

At the June 18th Council meeting, when Councilor Perkins requested information from the City Manager, she described RTK requests as a "source of significant cost to Portsmouth taxpayers" as she understood it from city staff. Tracking and producing 40 pages of RTK requests since 2013 cost us how much?

The real question is, why do all these citizens have to file RTK requests?

I understand that Councilor Dwyer was not referring to Portsmouth citizens as being passive aggressive citizens trying to bankrupt our city. That would be ludicrous and self-defeating. If irrelevant to Portsmouth, however, why try to relate it?

Expressed concern from Councilor Perkins: "Individual citizens are almost able to rack up the bills for other citizens."

In the personal example which I used last night, city staff racked up the bills for other citizens. At the risk of being repetitive, but to clarify for Councilors not in attendance, I went to City Hall to see the list of Trustee Funds out of sheer curiosity. I didn't understand what they were, and had never attended a Trustee meeting. It was a learning expedition, not a fishing expedition. I asked to see the Funds list because I checked first to know that I could. The City Charter says the following: "Trustees holding said funds shall keep a record of all such capital reserve funds in a record book, which shall be open to public inspection." (Page 18, Section 7.22). Silly me, I expected to see a record book. The Controller (Judy Renaud) said she needed to check to be sure I could see the documents (although she thought I could since they are sent to the state), and emailed two days later saying that I needed to formally email a request to follow Right to Know Laws.

We should follow our own City Charter. "Open to inspection" should be just that. Bob Sullivan said "simple things don't come to the Legal Department". I beg to differ.

Bob Sullivan also said, "Every RTK request is itself a public record." If you take the time to look through the 40 pages of requests, you will notice several "holes". For example, the 3/21/16 request content states "a ltr requesting expenses at PDA for Road upkeep; police services; water services; golf course services; wastewater treatment services and various other questions related to PDA." Attorney Woodland is listed. No requester, no responded date, no time prep, no followup comments are listed. Was this entry redacted? There are others.

Perhaps the initial Council intent, to seek financial help from the state through the Legislative Subcommittee, took a wrong turn, or perhaps it was intended as a witch hunt. Councilor Reynolds asked to know who the requests come from to know if there are "frequent fliers who keep us occupied". Lack of transparency keeps US occupied. Citizen taxpayers who care to understand our own government should be welcomed, not diminished. Last night Councilor Reynolds told Paige Trace not to use the phrase "spot zoning". That was a jaw-dropping and inappropriate directive, not that anyone asked for it. BTW our Planning Director used the phrase just recently.

Sincerely,  
Patricia Bagley

includeInRecords: on  
Engage: Submit

---

Below is the result of your feedback form. It was submitted by Betty and Allen Schmid ([bettyjeanschmid@gmail.com](mailto:bettyjeanschmid@gmail.com)) on Wednesday, July 11, 2018 at 11:24:47

-----  
address: 179 McDonough Street

comments: Thank you very much to Doug Roberts for forwarding the link to the video of the discussion of options for Bartlett Street.

Hopefully, we can see some real movement towards addressing the concerns around the Dover to Cabot Street portion of the proposal. After two site walks, public meetings, letters and emails, the petitioner and planning board have presented no alternative plans addressing the proposed 55' tall 200' wall that has been part of the plan from the start. All of the concessions made so far have been to the Cabot to Langdon Street section, the section with the tallest existing structure and existing commercial lots along the tracks that could absorb higher, larger structures with much less impact to the existing neighborhood.

I am sure you can appreciate our frustration at the lack of any discussion of alternatives to spare the western abutters the brunt of the density in their back yards. Alternative zoning lines have been presented to the board that would concentrate the largest impact to the Ricci/Great Rhythm area - the other section of the property that can also absorb higher, larger structures with much less impact to the existing neighborhood.

It is a stretch to claim that this proposal supports the Master Plan. A much stronger argument can be made that it does not support the goals of the Master Plan, specifically as it applies to the south shore of the North Mill Pond.

The Master Plan states:

- Additionally, the buildings themselves must be appropriately designed and scaled to fit their surroundings. The Historic District and Character-Based Zoning have been adopted for this purpose, but both should be monitored for effectiveness and adjusted if necessary.
- Given the North End's topography and proximity to the North Mill Pond, all development should be built according to building codes addressing the impacts of climate change, and using low impact development practices to minimize storm water and energy emissions.
- The area surrounding North Mill Pond could serve as floodplain storage while ensuring public access to the waterfront under normal conditions.
- North Mill Pond would benefit from increased public access to the waterfront and resources such as special ecological areas or boat launches.

When the plan was approved to move to the city council, Councilor Perkins stated that an adaptive re-use of this area, supporting the goals of the Master Plan housing section, which is to support housing diversity, housing affordability but also density, is how we create affordability. The rest of the Plan's goals were not mentioned. Building 100+ \$700,000 condominiums does not create housing diversity and will not create affordability.

We reiterate that CD4-W zone is not the right fit for this project. If the CD4-W zone is approved, any developer will build out to the maximum limits the zoning allows. A precedent will be set for more out of town developers to swoop in and extract maximum profits without regard to Portsmouth's culture and history... of course while standing in front of you and extolling the tax benefits for the city. Money is not the end game of city planning, only one of many considerations that responsible planning must take in balance.

We are not against developing the site. It has to be done fairly, carefully and with an eye to future generations who will look back at how the city planned for their future.

Thank you.

Betty and Allen Schmid

includeInRecords: on

Engage: Submit

---

Below is the result of your feedback form. It was submitted by Marguerite Mathews / Pontine Theatre ([info@pontine.org](mailto:info@pontine.org)) on Wednesday, July 18, 2018 at 12:51:09

-----  
address: Plains School, #1 Plains Avenue

comments: A Musical Reunion: Celebrating Portsmouth's Theatre By The Sea in story and song / August 10 - 12

The 1970's -1980s. Do you remember the golden years in Portsmouth? The little hundred seat Theatre by the Sea between two of the only three restaurants on Ceres Street-The Dolphin Striker and the legendary Blue Strawberry, across from the old Ferry Landing, (at the time, the only restaurant with a deck on the

Piscataqua?) Being serenaded by Randa McNamara over brunch at Clarences Chowder House? Carousel, the first musical theatre production at the Prescott Park Arts Festival in 1975?

Actors, singers, and dancers came to Portsmouth from New York, Los Angeles, and points between, to perform in a play at Theatre by the Sea or Prescott Park . Many of them stayed for years, honing their craft, stimulated by the myriad opportunities and enchanted by the timeless beauty, warmth, and heartfelt charm of this welcoming town. But over time, they left.

Thirty-five years later, some of them are coming back home August 10, 11 & 12 for A Musical Reunion: Celebrating Portsmouth’s Theatre By The Sea in story & song. Pontine Theatre will host the performances at the Plains School, #1 Plains Avenue, Portsmouth, NH. Shows are Friday & Saturday at 7pm, and Sunday at 2pm. Tickets are \$25 and may be purchased online — [www.pontine.org](http://www.pontine.org) . Scott Weintraub, Randa McNamara, Jay Spears, Annie Roonie Brooks, Marlena Schroeder, plus old friends and special surprise guests, will sing, reminisce, and relive their favorite moments and memories of their favorite town.

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Barbara Jenny ([brjenny@comcast.net](mailto:brjenny@comcast.net)) on Friday, July 20, 2018 at 09:05:27

-----  
address: 81 Lincoln Ave

comments: Dear Councilors:

I write to request you take up once again amendments to the Zoning Ordinance regarding short term rentals in the City. At this writing, the State has completed it’s review of the issue, and there is no pending legislation or plans for further study committees.

A recent decision in NH Superior Court regarding STRs and “transient occupancies” only decreased clarity in the Ordinance: the judge’s decision that the term “transient” should be considered in it’s broadest, ‘Webster’s-Dictionary’, sense now puts month-to-month leases or even a year lease in question. What’s more, family visitors and guests become “transients,” and therefore not a permitted “Use” in residential zones.

It is time to formally address this conflict, to get new community input on the issue, and create a sensible Ordinance that works within the bounds of State legislation and serves well the residents of Portsmouth.

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Elizabeth Bratter ([gatoday@yahoo.com](mailto:gatoday@yahoo.com)) on Wednesday, July 25, 2018 at 08:43:24

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address: 159 McDonough St

comments: Dear Mayor and City Councilors,

As I walked home from the meeting last night I paid attention to the height of the buildings in the neighborhood, starting with the library and the old Jr. High both about 30'-35' to roof line. The majority are only 20-25' to their roof line,. even on Islington St. (zoned CD4-L2).

I would appreciate it if you took a moment to look at the winter aerial view from the city's website under the 105 Bartlett St items. Here is the link:

<https://www.youtube.com/watch?v=5UK2D925xIY&feature=youtu.be>

I invite you to try and find the buildings that are over 35' tall. I found two. One-the building behind CVS and the newer office building on Cate St. Even in the CD4-W district from Bartlett St westward most are 20' to 30'. The largest structure on the Ricci property is about 35' to the roof line, that is their new building that was zoned CD4-W during rezoning.

The new proposal is an improvement but recognizing the CD4-W really starts at Bartlett St and moves westward is something to keep in mind. The Ricci Property is abutted by GRC, GRA and CD4-L2. Like the Bike shop, which is also CD4-W, their Lots 1 and 2 are CD4-W. Like the bike shop they too should be the buffer property to CD4-L2 and GRC. Lots 3, 4 could be zoned CD4-L2 and Lot 5 could be zoned, CD4-L1 to act as a gradual decrease in commercial activity, abutting GRC zoning. CD4-W will allow for extremely large buildings and a lot more commercial activity on Lots 3, 4 and 5 which directly face GRC and GRA neighborhoods. Please consider thinking about Lots 3 and 4 as well. I believe the existing businesses would be able to be kept as they are because they would be grandfathered but any new development would fall under the new zoning. Zoning is about what the city should look like.

Please think about the whole rezoning. It is not just about Lot 5, which I and others are most concerned with. It is also about rezoning an area that has the potential to become another Plaza 800, very large condos or hotels directly abutting a smaller body of water which reflects all that activity into the homes and the high commercial could add to an already bad traffic problem on Bartlett St, one of the older residential areas in Portsmouth. As Doug, one of the petitioners, stated at the meeting last night, residential has less of an impact on traffic than a large office or hotel would.

Zoning dictates what our city looks like, even in Boston the newer built areas have buffers of gradual increase in retail before the large commercial properties. Lots 3, 4, and 5 should be a gradual decrease from the CD4-W at Bartlett St.

Thank you for your thoughtful time in this matter. Elizabeth

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by James Beal ([jbealfoto@hotmail.com](mailto:jbealfoto@hotmail.com)) on Thursday, August 2, 2018 at 05:11:01

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address: 286 Cabot St.

comments: Mayor, Vice Mayor & City Council Members

Re: 105 Rezoning proposal

Meeting Monday Aug 6, 2018

August 2, 2018

Dear Mayor and City Council members

I am writing in regard to the proposed rezoning of the large parcel of land stated as 105 Bartlett st. Due to international work contracts I am unable to attend the 3rd public hearing on Monday August 6, 2018, but I would like this letter to enter public records.

Our neighborhood of McDonough corridor has been very involved in the public hearing process as the developer pushed for high density and maximum height ability to build and recoup his costs. We as direct and indirect abutting neighbors have been asking all along that although Clipper Trader is promising a legacy and access to the public of Waterfront along North Mill Pond, we as long term residents are just asking that the council follow the guidelines that were written in the Master Plan Portsmouth 2025.

MP 2025 AUTHENIC

2.1 Ensure that new development complements and enhances it surroundings.

2.1.1 Implement standards and guidelines to protect the character and longevity of buildings in individual neighborhoods.

2.2.1 Identify and protect scenic road corridors and priority views of the waterfront and historic structures  
MP 2025 Pg 52

Authentic new development would be sensitive to scale, massing and volume of its surrounding context while providing exciting spaces for modern day uses, amenities and ....

I commend the endless efforts of Director of Planning J. Walker and N. Cracknell for the many hours of behind the scenes studying of this landscape changing project along with the team of Clipper Traders to be willing to change their building footprints and design concepts to conform with the proposals suggested by the planning advisory board.

After much deliberations, a proposal for the height restrictions and building footprints have been put forth for public input and council review. The latest proposals listed on the Plan Portsmouth website making a height limit of 30' within the majority of lot 5 is in my opinion a balanced proposal that will follow the master plan Portsmouth, as noted from the sub chapters below.

MP 2025

Portsmouth's many neighborhoods

have unique and valuable characters that deserve protection. Where residents wish to see change, new development should be reviewed to ensure compatibility with neighborhood character and scale.

Empowering residents to review projects is essential to an open and transparent process. Design review of new buildings is an appropriate step for a community with as much concern for character. Likewise, public investment should respect community quality and character as well as anticipate future impacts of climate change. Metrics to ascertain progress towards this goal could include statistics on projects that receive design review or areas of the city that have enhanced review procedures such as character districts.

2.1.1

Implement standards and guidelines to protect the character and longevity of buildings in individual neighborhoods.

2.1.3

Adjust residential zoning standards to ensure integrity of existing neighborhood development patterns

Although I still have concerns The congestion of traffic dumping on to Bartlett st., The pedestrian access points to allow the residents of McDonough Corridor to have the "full public access to the greenway" without turning Cabot St. into a vehicular corridor for the project.

Increased pressure on city resources, water, sewer & municipal services (fire, police, public services).

Building design

I would like to the council to put on the record that I am in favor of the current rezoning proposals which take into account the previous amendments also, those being, following the recommendations of J. Walker with the new height restrictions which maximum the height of buildings at 30' with all incentives for the portion listed on the map of July 27th.

30' wide view corridors for the streets mentioned in previous amendments.

The gifting of the 25' greenway to the city.

The "limited " (due to RR restrictions) public pedestrian access to the greenway for residents of McDonough St. Corridor Access via Cabot St. to RR property for " Emergency Vehicles Only" No public traffic allowed to use Cabot St. as a access point to 105 Bartlett st. properties or any development of Clipper Traders. This point is a major concern as Our small residential neighborhood would be sliced in half by a major transportation artery.

Thank you for continue to listen to the residents of Portsmouth who will be effected by thus monumental change of land use for a century to come.

Sincerely;

James Beal

286 Cabot St.

includeInRecords: on

Engage: Submit

**NEW CONTENT BEGINS:**

Below is the result of your feedback form. It was submitted by Emily Doe ([Ecmo15@hotmail.com](mailto:Ecmo15@hotmail.com)) on Thursday, August 2, 2018 at 13:28:03

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address: 303 Cabot Street, Portsmouth, NH

comments: Mayor, Vice Mayor & City Council Members  
Re: 105 Rezoning proposal  
Meeting Monday Aug 6, 2018 August 2, 2018

Dear Mayor and City Council members

I am writing in regard to the proposed rezoning of the large parcel of land stated as 105 Bartlett st. Due to being out of town I am unable to attend the 3rd public hearing on Monday August 6, 2018, but I would like this letter to enter public records. The below letter was written by a neighbor of mine, but it echoes my exact feelings, and opinions.

Our neighborhood of McDonough corridor has been very involved in the public hearing process as the developer pushed for high density and maximum height ability to build and recoup his costs. We as direct and indirect abutting neighbors have been asking all along that although Clipper Trader is promising a legacy and access to the public of Waterfront along North Mill Pond, we as long term residents are just asking that the council follow the guidelines that were written in the Master Plan Portsmouth 2025.

MP 2025 AUTHENIC

2.1 Ensure that new development complements and enhances it surroundings.

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MP 2025 Pg 52

Authentic new development would be sensitive to scale, massing and volume of its surrounding context while providing exciting spaces for modern day uses, amenities and ....

I commend the endless efforts of Director of Planning J. Walker and N. Cracknell for the many hours of behind the scenes studying of this landscape changing project along with the team of Clipper Traders to be willing to change their building footprints and design concepts to conform with the proposals suggested by the planning advisory board.

After much deliberations, a proposal for the height restrictions and building footprints have been put forth for public input and council review. The latest proposals listed on the Plan Portsmouth website making a height limit of 30' within the majority of lot 5 is in my opinion a balanced proposal that will follow the master plan Portsmouth, as noted from the sub chapters below.

MP 2025

Portsmouth's many neighborhoods

have unique and valuable characters that deserve protection. Where residents wish to see change, new development should be reviewed to ensure compatibility with neighborhood character and scale.

Empowering residents to review projects is essential to an open and transparent process. Design review of new buildings is an appropriate step for a community with as much concern for character. Likewise, public investment should respect community quality and character as well as anticipate future impacts of climate change. Metrics to ascertain progress towards this goal could include statistics on projects that receive design review or areas of the city that have enhanced review procedures such as character districts.

2.1.1

Implement standards and guidelines to protect the character and longevity of buildings in individual neighborhoods.

2.1.3

Adjust residential zoning standards to ensure integrity of existing neighborhood development patterns

Although I still have concerns

- The congestion of traffic dumping on to Bartlett st.,
- The pedestrian access points to allow the residents of McDonough Corridor to have the “full public access to the greenway” without turning Cabot St. into a vehicular corridor for the project.
- Increased pressure on city resources, water, sewer & municipal services (fire, police, public services).
- Building design

I would like to the council to put on the record that I am in favor of the current rezoning proposals which take into account the previous amendments also, those being,

- following the recommendations of J. Walker with the new height restrictions which maximum the height of buildings at 30’ with all incentives for the portion listed on the map of July 27th.
- 30’ wide view corridors for the streets mentioned in previous amendments.
- The gifting of the 25’ greenway to the city.
- The “limited “ (due to RR restrictions) public pedestrian access to the greenway for residents of McDonough St. Corridor
- Access via Cabot St. to RR property for “ Emergency Vehicles Only” No public traffic allowed to use Cabot St. as a access point to 105 Bartlett st. properties or any development of Clipper Traders. This point is a major concern as Our small residential neighborhood would be sliced in half by a major transportation artery.

Thank you for continue to listen to the residents of Portsmouth who will be effected by thus monumental change of land use for a century to come.

Thank you,  
Emily Doe  
303 Cabot Street

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Ken & Lillian Seitz ([liliem@comcast.net](mailto:liliem@comcast.net)) on Thursday, August 2, 2018 at 13:31:49

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address: 20 Taylor Lane

comments: We are greatly disappointed to learn that Nancy Colbert Puff is serving on the Planning Board with the ability to cast votes.

Regardless of what Mr. Bohenko has done in the past, he should be following city ordinances and state laws. This is just plain wrong. Appointments to municipal boards should be city residents always! Paid city staffers, including David Moore, should not be on any municipal boards with voting rights, especially the land use boards.

includeInRecords: on  
Engage: Submit



Below is the result of your feedback form. It was submitted by Christopher P. Mulligan ([cmulligan@bosenandeassociates.com](mailto:cmulligan@bosenandeassociates.com)) on Friday, August 3, 2018 at 06:25:52

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address: 74 Austin Street, Portsmouth, NH 03801

comments: Please consider this communication a voice in support of the proposed rezoning that is before the Council on August 6, 2018. The proposal this rezoning will facilitate will add much needed diversity to the City's housing stock and will turn stewardship of what is now a derelict and unsightly portion of the downtown over to those who will finally have some incentive to manage it properly. I urge you to vote in favor of the proposed rezoning.

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Kienan Salvadore ([ksalvadore17@gmail.com](mailto:ksalvadore17@gmail.com)) on Friday, August 3, 2018 at 08:37:04

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address: 87 Leavitt Ave, Portsmouth, NH

comments: I am in favor of the rezoning of 105 Bartlett St. I think it would be a very welcome addition to have the walking path along the North Mill Pond as well as more housing in the outskirts of the city. My parents frequently walk around town and would really enjoy another path into down town rather than Islington or Middle. I cannot see many deficits of the rezoning considering where the property is and the lack of businesses currently using the area. The only potential problem that I can see is the traffic at the Bartlett/Islington light which would not be too impactful considering many people use that light during morning commuting hours. In summary, I am in favor of the rezoning.

Kienan Salvadore

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Paul E. Harvey, Jr., DMD ([peharveyjr@yahoo.com](mailto:peharveyjr@yahoo.com)) on Friday, August 3, 2018 at 16:43:00

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address: 320 New Castle Avenue

comments: Dear honorable mayor and city council. I'm Paul E. Harvey, Jr. and live at 320 New Castle Avenue, Portsmouth, NH. I also happen to have worked at 610 Islington Street, Portsmouth, NH for the past 37 years. Our Dental office building is close to where the proposed development will go. I wholeheartedly support this rezoning because I think it will be good for the West End and good for Portsmouth. I think a neighborhood would be far better than more industrial buildings and will beautify the area in the process. I also applaud the development team's commitment to giving land to the City in which a nature trail and bike path can be built connecting Bartlett Street with Maplewood Avenue. I think it will help the city make the West End a better place to live and work. Thank you for listening and all the hard work, time and dedication you give to making our city a better place to live.

Respectfully,  
Paul E. Harvey, Jr.

includeInRecords: on  
Engage: Submit

Below is the result of your feedback form. It was submitted by Esther Kennedy ([esthersmarina@gmail.com](mailto:esthersmarina@gmail.com)) on Saturday, August 4, 2018 at 06:37:53

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address: 41 pickering ave.

comments: Good morning,

In reading the agenda for Monday night, in order to let our citizens know on Trending Portsmouth when and where they can share their thoughts and concerns.

I became aware that City Council has set a new August Record!

9 Public Hearings in one night.

This is taking place the first week of August when many of our residents are away on Vacation.

It also is the night that you chose to do a work session on re-valuation that you know many of our residents are concern with.

At a time when many residents are concerned about transparency this is not a good way to do business.

Esther Kennedy

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Elizabeth Bratter ([qatoday@yahoo.com](mailto:qatoday@yahoo.com)) on Saturday, August 4, 2018 at 06:43:32

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address: 159 McDonough St

comments: Dear Mayor and City Council,

I would like to thank all of you who really took the time to look at this rezoning and recognized its importance in shaping our city. Should Lot 5 be NRP, probably, but this was the offer and many people have worked hard to make it become a better fit for the property than what was originally proposed.

The area designated CD4-L1 along McDonough St (part of Lot 5) is a vast improvement from what was proposed. However, having so much acreage of CD4-W so close to two residential neighborhoods (GRC and GRA) and CD4-L2 is very disconcerting. Lots 3, 4(End of Ricci Window building to Great Rhythm Brewing) and the part of Lot 5(Great Rhythm to Marina building) should really be a transitional zoning from the CD4-W, on Bartlett, to the CD4-L1, the GRC all along Lot 5 and the GRA across the brook and pond. The color change from maroon to purple is hard to see but looking at the zoning map does help to understand this point. See link:

<https://portsmouthnh.mapgeo.io/properties/0164-0004-0000?latlng=43.068246%2C-70.778034&panel=themes&themes=%22%5B%5C%22zoning%5C%22%5D%22&zoom=15>

MRB zoning allows for smaller lots but does not allow for more than 8 units. GA/MH zoning would have been perfect for the upper end of Lot 5(brewery to marina) but it requires a 5 acre lot minimum. CD4-L2 is what lots 3 and 4 should be but it allows a maximum of 3500 SF, which would never allow for the rebuilding of the Ricci Hardware Store. G2 was also an option, however it allows even more retail/commercial and it was explained to me by the Planning Dept. that the developer can pick and choose uses throughout the zoning. If my understanding it correct, the only zoning for Lots 3 and 4 (S. Albany to Dover St) which would allow for the rebuilding of the Ricci property, as it sits today, would be CD4-W. Therefore the CD4-W would need to be approved for Lots 3, 4 and part of Lot 5.

With the zoning choices available at this time I would like to ask that you accept/approve to move to the 3rd reading of the July 27th "Summary of Proposed Revisions for Second Reading" for Lots 3, 4 and 5 of 105 Bartlett St for Petitioners Clipper Traders, and possibly include the following amendments. Not allow any indoor 500 person or less function facilities (etc) at all, the proposed amendment would allow for a variance. A 500 person or less function facility would cause a regular drastic increase in traffic that I believe Bartlett St could not bear along with the 240-320 cars from the proposed condos. I would like to see indoor recreation

(bowling, yoga, etc) be limited in size to less than 1500' due to the volume of traffic these types of businesses would bring as well. Outdoor seating for restaurants only with approval from the BOA and PB as a previously proposed amendment stated. There may be a provision for "drive thru" type businesses but I didn't see it in the "Table of Uses", if there isn't I would appreciate such an amendment is added. The amendment should state no "drive thru" be allowed on this property; since retail banks, laundry services, convenience stores, fast food restaurants are allowed in CD4-W, all often offer drive through services. "Drive thru" windows are excessively noisy which would carry across the water, having cars idling is bad for Portsmouth in general but particularly the water, the increase car turn over would cause excessive back and forth traffic on Bartlett St. Thank you again for all your time and effort in this matter and for reading my detailed e-mails.

Respectfully,  
Elizabeth Bratter

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Elizabeth Bratter ([gatoday@yahoo.com](mailto:gatoday@yahoo.com)) on Saturday, August 4, 2018 at 07:01:28

-----  
address: 159 McDonough St

comments: Dear Mayor and City Council,

I would like to suggest at this time that the Planning Board be enlisted to work on a more residential transitional zoning option that could be added to the City's zoning laws. I fully understand this would not be able to be applied to the 105 Bartlett Street property. I believe such a zoning would have been helpful in providing for the rebuilding of the Ricci Hardware Store and yet protected the GRC, GRA and CD4-L2 neighborhoods from expansive retail and commercial uses. The idea would be to offer a way to build with a larger footprint, such as on Lot 5, as only residential with a size more conducive to the abutting properties. As a city, we need something better than what is presently available. Something between CD4-L2 and CD4-W, perhaps maximum of 20,000 SF foot prints with bonuses, starting with 10,000 SF or less, with a revision of possible types of "uses" that would be less of a strain on neighborhoods than CD4-W in regards to traffic and intense commercial. The Planning Department may not agree. I'm not sure how to find that middle ground between extreme commercial/retail uses with large footprints to a larger residential footprint and lesser commercial and more basic retail uses similar to those found in CD4-L1 and CD4-L2 or no commercial/retail uses at all.

Thank you for your thoughts on this matter,  
Elizabeth Bratter

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Pat Bagley ([patbagley@aol.com](mailto:patbagley@aol.com)) on Saturday, August 4, 2018 at 07:49:23

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address: 213 Pleasant St

comments: Honourable Mayor and City Councilors,

Am I counting correctly that there are 9 public hearings to be held at Monday's meeting? AND a work session on the property valuation? During prime vacation time when many are away? Unless that's the intent. This agenda is perfect for a Saturday meeting in September.

Happy Summer,  
Pat Bagley  
includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Catherine Harris ([prized@comcast.net](mailto:prized@comcast.net)) on Saturday, August 4, 2018 at 10:42:34

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address: 166 Clinton St

comments: Dear Council Members,

I continue to be very concerned about the proposed CD4-W areas of this development project. The impact of such density on this site to the abutting neighborhoods will be substantial on a number of fronts, given what is allowed under this zoning designation.

I would like to draw your attention to a particular example of neighborhood impact.

Before Great Rhythm Brewing moved into its current location, that building housed a fish processing plant for many years. And for many years, we neighbors were treated to, among other things, the constant noise of the building's refrigeration units operating 24-7, the noise of refrigerated trucks arriving on site throughout the night, then idling their reefer vehicles in the parking lot until deliveries were accepted at 7:00 am.

If the city has kept the extensive files of complaints against that business, (Seatrade), I would strongly urge council members to have a look. It should give you a glimpse of what may again be in store for those of us abutting this property. And I would strongly urge you to reconsider the CD4-W rezoning request.

Thank you,

Catherine(Kate) Harris

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Jeff Collins ([jeffreycollins@yahoo.com](mailto:jeffreycollins@yahoo.com)) on Sunday, August 5, 2018 at 08:23:04

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address: 55 Pine St

comments: As a resident of the Creek neighborhood, overlooking North Mill Pond. I am writing to voice my Wife's and my support for the proposed re-zoning that would allow the Bartlett Street project to proceed. This is an opportunity not to be missed. It will benefit the City budget, Will enhance walk-ability for west-enders, Will deter criminal activity, Will clean up an environmental disaster, And will help business prosper on both ends of the trail.

From what I can tell The Planning Department has done a very comprehensive review and has thoughtfully considered both the developers needs and the concerns of the local Neighborhood.

The City should approve this. The benefits far outweigh whatever possible downside there could be.

includeInRecords: on

Engage: Submit

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Below is the result of your feedback form. It was submitted by Jerry Zelin ([gmzelin@yahoo.com](mailto:gmzelin@yahoo.com)) on Sunday, August 5, 2018 at 18:18:36

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address: 70 Kensington Road

comments: I will be unable to attend tomorrow night's public hearing on the proposed zoning amendments for the Clipper Traders project. I have the following questions, which I hope you will ask.

1. Do the proposed zoning amendments comply with the Master Plan, particularly the Master Plan's provision that the scale of new construction should be compatible with surrounding structures? And did the Planning Board consider that question?

According to state statute, the Master Plan shall "guide development of the municipality" (RSA 674:1, I) and "shall guide the [planning] board in the performance of its ... duties" (RSA 674:2, I). Rezoning a small area of land is illegal "spot zoning" when it is "not in accordance with" the Master Plan. (Loughlin, NH Practice: Land Use Planning and Zoning, Fourth Ed., Section 2.17.)

2. Do the proposed zoning amendments grant transferable development credits (allowing increased building mass or height for a subsequent project in return for the developer donating excess community space for the initial project)? If so, are those credits based on the square footage of the donated space rather than the donated area's market value, and can the developer sell those credits to another developer?

According to state law, land within 100 feet of the North Mill Pond Creek cannot be developed. That land consequently has a low market value and could be acquired by the city via eminent domain for relatively little money. Allowing a developer to donate that land to the city, and in return allowing the developer to use those credits elsewhere (or to sell the credits), creates an asset for the developer disproportionate to the developer's contribution. A more rational scheme would calculate the credits based on the value of the donated land rather than its square footage.

3. What protections exist for abutters of the second project, the one that seeks to utilize transferred development credits?

The last time I looked at this aspect of the zoning ordinance, which was about a year ago, the ordinance included criteria for the Planning Board to consider when granting a conditional use permit for a project that generates transferable development credits. However, the ordinance included no criteria for the subsequent project that applies for a conditional use permit to utilize the transferred development credits. That second project, if allowed to use the transferred development credit, will be taller or more massive than the ordinance otherwise allows. And that will have an impact on the second project's abutters.

Some on the City Council replied that the Planning Board would of course protect abutters of the second project, but those councilors misunderstood the law. As the Superior Court observed in the HarborCorp case, the only criteria the Planning Board may consider on an application for a conditional use permit are the criteria explicitly listed in the zoning ordinance.

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by Mark Johnson & Angela Barnes ([markj1773@gmail.com](mailto:markj1773@gmail.com)) on Sunday, August 5, 2018 at 20:20:25

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address: 91 Langdon Street

comments: To the Portsmouth City Council:

We have previously submitted written and verbal input to this rezoning proposal and have attended several public sessions. We appreciate that the City Council has listened to the public's desire to have an inclusive and thoughtful process with enough time to properly consider these complex issues.

After carefully reviewing the July 27 Revisions for Second Reading prepared and submitted by the Planning Department, we believe that the process has yielded an acceptable proposal for moving forward with possible development. Although this Revision is not everything we would ask for as individual residents, we believe it strikes a good compromise that balances the desires of all stakeholders. We recommend the Council approve this Revision at the August 6 meeting.

As we advance past a rezoning proposal, we still have many concerns on the nature of the development and its effect on the character of the West End neighborhood. Public access to the pond, environmental impact, and retaining the character of our unique and historical neighborhood need to be carefully considered if development continues.

Finally, we appreciate the time and efforts of the City Council and the Planning Department as you facilitate this complex and multifaceted proposal.

With kind regards,

Mark Johnson and Angela Barnes  
91 Langdon Street

includeInRecords: on  
Engage: Submit

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Below is the result of your feedback form. It was submitted by David J Harvey ([5harveys@comcast.net](mailto:5harveys@comcast.net)) on Monday, August 6, 2018 at 07:04:29

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address: 517 New Castle Avenue

comments: Good Evening... I am writing this letter in support of the project that has been proposed at 105 Bartlett Street in Portsmouth by Edward Hayes. I think the city of Portsmouth is doing a great job improving the West End by both appearance and opportunity. The project at 105 Bartlett Street will be one more area that will be improved dramatically from the appearance and usage that currently exists.

I work on Islington Street and have been born and raised in Portsmouth. The city as it currently stands is so much nicer today than it was when I was growing up due to the foresight of the previous boards/councils.. I feel that this will add to the continuation of that foresight.

Rezoning for quality projects is a necessary part of development and wholeheartedly encourage you to do so for the 105 Bartlett Street project..

Housing seems to be a great fit for this area instead of more commercial/retail or office buildings. The idea of having a nature trail and bike bath that the project is willing to donate to the city gives everyone the opportunity to use this space and will enhance the whole area for everyone for years to come..

Thank you for your time.. David J. Harvey

includeInRecords: on  
Engage: Submit

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7/18/18

received  
7/19/18

PLEASE READ INTO  
AUG. 6 MEETING MINUTES

Dear Mayor and City Council,

Do any of you remotely understand the pain you continue to inflict upon the citizens of Portsmouth?

Awoke to the front page story from the Portsmouth Herald Flyer on July 10 saying that you approved a \$10 million multi-field complex. \$1.6 million has been allocated, \$3.4 million will be bonded with the final phase being another \$5 million, again bonded.

Buried inside the Portsmouth Flyer on July 17 is an article where the City Council scheduled a vote \$14.3 million in capital improvements on August 6th.

Don't you understand, taxpayers are hurting? Why don't you give us a break and stop spending like drunken sailors? Is this multi-field complex more important than the health of the city and its citizens? Could it not have been delayed for several years and let us breath - maybe hold or God forbid lower taxes. Where is any empathy for the taxpayers?

Has there been any spending proposals from the City Manager you Councilors have stood up and said **NO** to? Quite simply put, we can't afford John Bohenko nor you as City Councilors. Who do you represent, the citizens or an out of control spending machine known as City Hall? The answer is clear and I hope it is not lost on the citizens during the next elections.

The new tax laws limit the deduction for real estate taxes, can't you people see the tsunami coming at you?

The canary in the coal mine is the number of store front vacancies in this town. Is anyone on this City Council remotely concerned? I am scared for Portsmouth. As a dishwasher, I know first hand how businesses are struggling to pay rent, attract and keep employees while existing in a town more interested in parking revenue than ensuring a healthy downtown or a stable populace. Here is a sample, you can add Nibblesworth (aka Codfish Aristocracy) to this list of vacancies.



Best use is a bank? Probably the only ones who can afford the rent!



How long were these two spaces vacant? How long will they stay?

Here' is the pathetic garden today that two men and two huge trucks were tied up from 9:15am till at least 3:14pm on May 24th. The other picture shows boxes maintained by volunteers on the adjacent bridge. The City obviously has no business being in the flower garden business - zero value. Don't blame it on the drought, water if necessary.



Respectfully signed:  
Tim Sylvester



# Pro Portsmouth Inc.

ARTS \* CULTURE \* HISTORY \* COMMUNITY

received  
7/30/18

July 30, 2018

Mayor Blalock and the City Council  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth NH 03801

RE: First Night Portsmouth

Dear Mayor Blalock & City Council:

Since December 1986, First Night Portsmouth has been a destination event for the City of Portsmouth. Attracting locals, and visitors alike, this family-friendly New Year's Eve celebration has featured the talents of our local, and regional, musicians, artists, and performers.

Beyond the fact that the event is fun, it has a considerable financial impact on our artistic and business communities (see enclosed spreadsheet). With our mission to support local and regional performers, artists, and businesses, nearly \$1million has been invested in the region from this one event.

For Pro Portsmouth, known for the production of events that are free to the public, First Night is the exception, as all indoor performances require the purchase of a First Night button. The button functions as a ticket, allowing the button holder to access nearly eight hours of music, dance, and other types of performances.

The other important components of any successful First Night are the outdoor activities: entertainment: fireworks displays, ice sculptures, and street dances. The challenge: we cannot charge fees for the privilege of enjoying the unique experience of winter fireworks, the delight of the frozen artwork in the Square, or literally dancing in the street as the crowd counts down to the New Year.

Complicating matters further is the fact that many, if not most, attendees comment throughout the event how great it is that Portsmouth does this on December 31<sup>st</sup>. The most common response to fundraising requests: "I pay my taxes, why should I give more?" This is also a considerable challenge for Pro Portsmouth, as the community assumes it is the City that produces and pays for this, and other events.

P.O. Box 967  
Portsmouth, NH 03802-0967  
[www.proportsmouth.org](http://www.proportsmouth.org)



As the only First Night community in the entire State of New Hampshire, we enjoy a loyal following. This has been put to the test the past two years as rain in 2016, and a brutal stretch of cold weather in 2017 impacted button sales. For 2017, we had a catastrophic loss of \$25,000, a loss that has put us in an untenable situation in 2018. Fortunately, sponsors have graciously stepped up, and assisted us in getting back on our feet. In order for us to responsibly carry on with a First Night, we respectfully request the City's financial support to defray the costs of the free elements of the event. The combined overall costs of outdoor activities (fireworks, ice sculpture, street dance) are projected to cost \$10,000 (approximately a third of our First Night expenses) this year. Accordingly, we are respectfully requesting that, beginning this December, the City joins us as a sponsor and supports the fireworks' display in the amount of \$3,000. We would acknowledge the City of Portsmouth as the official sponsor of the fireworks in all promotional materials.

Your consideration of this request is greatly appreciated, and your support will ensure that this event continues to draw thousands of visitors to the City, supporting our local performers, businesses and community as a whole. Thank you.

Best Regards,



Antje Bourdages  
Board President



Barbara Massar  
Executive Director

cc: John P. Bohenko  
Enclosure

**FIRST NIGHT PORTSMOUTH**

**Entertainment costs: 1986 - 2018**

	<b>1986 - 2000</b>	<b>2001 - 2018</b>	<b>Totals</b>
<b>Performers</b>	\$394,022	\$215,470	\$609,492
<b>Ice Sculptures</b>	\$36,132	\$56,500	\$92,632
<b>Fireworks*</b>	\$51,250	\$55,800	\$107,050
<b>Sound</b>	\$35,800	\$24,535	\$60,335
<b>TOTAL ENTERTAINMENT</b>	\$517,204	\$352,305	\$869,509

\* - 1986 - 2000 = 2 displays; 2002 - present = 1 display

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

Dear Mayor Blalock and City Council Members,

My name is Stephen Pamboukes and I am contacting you on behalf of **The Welcome East Community Motorcycle Show** (dba The Welcome East Moto Show). The Welcome East Moto Show is a community oriented, family friendly event that invites motorcyclists and enthusiasts of all kinds to come together to celebrate the art, craft, sport, and camaraderie of motorcycling. Our annual event, now in its **5th year running**, emphasizes the values of creativity, integrity, diversity, respect toward others, and good old fashioned fun. This year, our event is organized for a cause: proceeds of the event will be donated to local nonprofit **New Heights**, to support their programming aimed at helping youths to reach their true potential.

This year's event, taking place on **Saturday September 22nd**, will be hosted at nonprofit arts venue **3S Artspace (3S)**, at **319 Vaughan St.** The event will take place primarily on the premises of 3S, but we have envisioned a format that would allow the event to partially take place on Vaughan St. proper. I am respectfully requesting the temporary, partial closure of a portion of Vaughan St. (see attached map), to facilitate the operation of the show **between the hours of 11:00 AM and 10:00 PM**. We propose using this area to display motorcycles on exhibit at the show.

Thank you for considering our request. If you have any questions regarding this proposal, please contact me at [portcityped@gmail.com](mailto:portcityped@gmail.com) or 603-498-8882.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Pamboukes', with a stylized flourish extending to the right.


Stephen Pamboukes  
Owner, Port City Mopeds



Figure 1: Diagram of proposed partial closure of Vaughan Street.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** August 2, 2018  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on August 6, 2018 City Council Agenda

---

***Work Session:***

6:15 p.m.

1. **2018 Property Valuation Update.** On Monday evening, City Assessor Rosann Lentz will be presenting information regarding the 2018 Property Valuation Update.

***Public Hearings & Votes on Ordinances and/or Resolutions:***

1. **First Reading of Proposed Ordinance amending Chapter 7, Article IV, Section 7.402 regarding Foundry Place Garage Designation.** Attached for first reading is a proposed Ordinance amending Chapter 7, Article IV, Section 7.402 regarding the Foundry Place Garage Designation. With the Foundry Place Garage scheduled to open in October, the aforementioned Ordinance needs to be amended in order to add the Foundry Place Parking Garage to the list of Off-Street Parking Areas in the City's Ordinance. The City Attorney's Office and the Public Works Department have reviewed and approved the amendment.

*I recommend the City Council move to pass first reading and schedule second reading and a public hearing at the August 20, 2018 City Council meeting, as presented.*

2. **Second Reading/Public Hearings on Ordinances Amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street (Public Hearing Continued from July 9, 2018 City Council Meeting).** At the June 18, 2018 meeting, City Council voted to pass first reading and schedule a second reading and public hearing of zoning

amendments Part 1 and Part 2 relating to the request for re-zoning of property located at 105 Bartlett Street. At that time, the Council also requested to split Part 1 into two parts, one relating primarily to the proposed CD4-W District and the other relating primarily to the CD4-L2 district.

At the July 9, 2018 meeting, the City Council opened a public hearing on the proposed re-zoning, which had been advertised as three separate amendments (see attached proposed Ordinances):

- Part 1A: Proposed Zoning Ordinance Amendments for the portion of the property proposed as Character District 4-W
- Part 1B: Proposed Zoning Ordinance Amendments for the portion of the property proposed as Character District 4-L2
- Part 2: Proposed Zoning Ordinance Amendments addressing primarily housekeeping revisions to update and clarify building and façade types in Article 5A

After hearing comments from the public, the Council voted to continue the public hearing to August 6, 2018. Later on the agenda, the Council shared a list of issues and requested that the staff report back at the next meeting with additional information and/or suggested revisions to the zoning to respond to public input.

On July 24<sup>th</sup>, 2018, the Planning Department hosted a Public Listening Session to summarize some of proposed revisions and to provide an opportunity for members of the public to ask questions directly of the development team and staff about the proposed zoning amendments and the development plans for the property. After meeting with the petitioners and revising the proposed changes further, staff prepared a summary and explanation of additional recommended revisions and posted these to the Planning Department web page on July 27<sup>th</sup>.

Attached is a copy of the Planning Department staff's recommended revisions to the proposed zoning amendments. Staff has prepared these in ordinance format so as to be incorporated into the existing zoning amendments. Staff believes these amendments are minor in nature and do not change the overall intent and scope of the original zoning amendments as advertised. As such, the additional revisions do not need to be re-noticed or advertised before voting to close Second Reading and continue to Third Reading. If Council requests additional changes or revisions that are not included in the list drafted by staff, staff recommends continuing Second Reading to the August 20, 2018 meeting.

*Recommended motions:*

1. *Vote to close the public hearing on Parts 1A, 1B, and 2 of the re-zoning of 105 Bartlett Street.*
2. *Vote to incorporate the Planning Department staff's suggested revisions into the Part 1A, 1B, and 2 (should be done as three separate votes on each Part).*

3. *Vote to pass second reading of the proposed amendments Part 1A, 1B, and 2, as amended, and schedule third and final reading for the August 20, 2018 City Council meeting (should be done as three separate votes on each Part).*

3. **Public Hearing/Second Reading of Ordinance Amending Chapter 7 - Parking Omnibus.** As a result of the July 9, 2018 City Council meeting, I am bringing back for second reading and public hearing the [attached proposed annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. 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. In addition, as requested by Councilor Denton, [attached is proposed Amendment A to Chapter 7, Article XVIII – Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces Regulations, Section 7.1801 – 7.1804.](#)

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 pass second reading and schedule third and final reading on the proposed Parking Omnibus Ordinance at the August 20, 2018 City Council meeting, as amended.*

4. **Public Hearings/Adoption Re: Various Bonding Resolutions.** As a result of the July 9, 2018 City Council meeting, I am bringing back for public hearing and adoption the following **attached proposed Resolutions** for projects identified in the FY 19-24 Capital Improvement Plan (**respective element sheets are attached**):

**GENERAL FUND**

- I. Purchase of Fire Apparatus – Fire Engine #6 - \$600,000**
- II. School Facilities Capital Improvements - \$500,000**
- III. Citywide Streets, Sidewalks and Facilities - \$8,900,000**
  - a) Fire Station One Renovation - \$325,000
  - b) Prescott Park Facilities Capital Improvements - \$2,325,000
  - c) Outdoor Pool - \$1,000,000
  - d) City Hall Electrical Upgrades - \$600,000
  - e) Citywide Bridge Improvements - \$350,000
  - f) Longmeadow Road Extension - \$400,000
  - g) Peverly Hill Road Improvements - \$2,200,000
  - h) Market Street Gateway Improvements - \$1,700,000

**WATER FUND**

- IV. FY19 Water Projects - \$2,700,000**
  - a) Annual Water Line Replacement - \$500,000
  - b) Water System Pressure and Storage Improvements - \$2,200,000

**SEWER FUND**

- V. FY19 Sewer Projects – \$1,600,000**
  - a) Consent Decree Mitigation - \$400,000
  - b) Union Street Reconstruction - \$700,000
  - c) Annual Sewer Line Replacement - \$500,000

*I recommend that the City Council move the following motions:*

- I. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Six Hundred Thousand Dollars (\$600,000.00) for the Acquisition of One Fire Apparatus. (Roll call vote and two-thirds vote required.)*
- II. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Thousand Dollars (\$500,000.00) for costs related to Fiscal Year 2019 School Facilities Capital Improvements. (Roll call vote and two-thirds vote required.)*



- III. *Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Eight Million Nine Hundred Thousand Dollars (\$8,900,000.00) for costs related to City Street, Sidewalk and Facility Improvements. (Roll call vote and two-thirds vote required.)*
- IV. *Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) related to Water Line Replacements and Water System Pressure and Storage Improvements. (Roll call vote and two-thirds vote required.)*
- V. *Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Six Hundred Thousand Dollars (\$1,600,000.00) for costs related to Consent Decree Mitigation, Street Reconstruction, and Annual Sewer Line Replacements. (Roll call vote and two-thirds vote required.)*

*(Please note that Bonding Resolutions require a public hearing and adoption).*

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

1. **Acceptance of Police Department Grant and Donations.** *Attached under Section VIII of the Agenda is a memorandum, dated July 18, 2018, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief. At the July 17, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donations:*
  - a) *A grant in the amount of \$35,000 from the NH Department of Safety for the purpose of investigating and apprehending individuals or organizations that are involved in opioid-related drug use and trafficking.*
  - b) *A donation in the amount of \$300.00 from the law firm of Donahue, Tucker & Ciandella, PLLC, in support of the Portsmouth Police Explorer Cadets.*
  - c) *A donation in the amount of \$100.00 from the Wentworth-Coolidge Commission, Inc.. in support of the Portsmouth Police Explorer Cadets.*

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

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

## ***Consent Agenda:***

1. **Request for License to Install Projecting Signs.** Attached under Section IX of the Agenda are four requests for projecting sign licenses (see attached memorandums from Juliet Walker, Planning Director):
  - Seth Bordonaro, owner of Vieux Port, for property located at 85 Daniel Street
  - Namrata Idnani, owner of Raleigh, for property located at 67 State Street
  - Cynthia Ross, owner of Gelato Fiasco, for property located at 142 State Street, Unit 150
  - Eric Goodwin, owner of Lure, for property located at 100 Market Street, Unit 102

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

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

1. **AIDS Response Seacoast - Lease of City Property.** As you may recall, at its meeting on July 9, 2018, the City Council voted to bring forward a proposed lease for AIDS Response Seacoast to its August 6<sup>th</sup> meeting. The attached Lease includes some changes to reflect recent Council discussions. These changes are intended to incorporate feedback from City Council members pertaining to documenting public benefits associated with lessees' use of City property. For example, in this new lease several "whereas" clauses have been added, which make explicit the public benefits presented by the proposal to lease City property, in this case office space in the Seybolt building. In addition and related, again in keeping with input received, a new Exhibit 2 has been added to the lease, which is a standard form created for the purpose of annually collecting information on the public benefits resulting from use of City assets. All of these adjustments are agreeable to AIDS Response Seacoast. This Exhibit 2 form will be incorporated in the lease recently approved with the Portsmouth Historical Society.

*I recommend the City Council authorize the City Manager to enter into the proposed lease with AIDS Response Seacoast for property at 7 Junkins Avenue as presented and further, authorize the City Manager to execute the Lease.*

2. **Request to Approve Fundraising Re: Clough Field Irrigation.** Attached is a letter from [Brint Shone](#) regarding a request to the City Council for permission to allow a group of private individuals to begin fundraising approximately \$15,000 for Clough Field irrigation. As indicated in the letter, the Portsmouth City Soccer Club has agreed to contribute \$7,500 to the project.

*I recommend the City Council move to grant permission to fundraise for the Clough Field irrigation.*

3. **Naming of Library Lobby in Memory of Mary Ann List.** As you are aware, the Board of Library Trustees is requesting permission to name the lobby of the Portsmouth Public Library in memory of Mary Ann List. Attached is a letter from [Ernestine Greenslade, Chair, of the Board of Library Trustees](#). As Library Director for eleven years, Mary Ann not only managed the construction of the new library and its operation, but she was an intricate part of the Portsmouth community. We were very fortunate to have had Mary Ann List as Library Director and this is a proper way to remember her contributions to the City of Portsmouth and name the Portsmouth Public Library lobby “The Mary Ann List Lobby.”

*Therefore, I recommend that the City Council move to name the Portsmouth Public Library Lobby in memory of Mary Ann List and be named “The Mary Ann List Lobby.”*

4. **Request for First Reading of Boarding House Ordinance.** Attached is a proposed [Ordinance](#) amending Chapter 9, Article VIII: Boarding or Room Houses. The amendment adds the terminology “and Rooming House” and adds the following Term and Condition:

D. The permit shall not allow any more rooms to be rented, leased or made available, persons to occupy the Rooming or Boarding House than are authorized by the Portsmouth Zoning Ordinance.

I am requesting that the City Council place this on the August 20, 2018 City Council meeting for first reading.

*I recommend the City Council move to authorize the City Manager to bring back for first reading a proposed amendment to the Boarding House Ordinance at the August 20, 2018 City Council meeting,*

5. **Workforce Housing Covenant.** At its meeting on August 16, 2016, the Zoning Board of Adjustment granted approval for a residential use with 25 apartments at 3510 Lafayette Road with the stipulation that two (2) of the residential dwellings be designated as workforce housing units as defined in the Portsmouth Zoning Ordinance (Section 15.30) and New Hampshire State Statutes, RSA 674:58-61. The project subsequently received Site Plan Review Approval from the Planning Board on March 16, 2017 with the stipulation that a workforce housing covenant be negotiated for the units in question.

The Workforce Housing Covenant in its current form is the result of a lengthy and thorough review by the City's Legal and Planning Departments and negotiations with the developer and developer's attorney.

The Covenant as proposed requires that the rental housing units remain as rental workforce housing units for a period of 30 years. Although not specifically mentioned in the Covenant, City staff have already discussed entering into an agreement with the Portsmouth Housing Authority to conduct the annual certification of continuing program compliance as the City's authorized agent.

At the July 19, 2018 the Planning Board voted to recommend that the City Council authorize the City Manager to negotiate and enter into the [attached Workforce Housing Covenant](#) as presented.

*I recommend the City Council move to authorize the City Manager to enter into the Workforce Housing Covenant, as presented.*

6. **Request for First Reading Re: Exemption for Solar Energy Systems.** The City Council on November 21, 2011, adopted the following elements for the Solar Energy System Exemption due to the prior exemption adopted in 1977 being out of date.

1. Exemption from assessed value of property (rather than tax).
2. Solar equipment costs are documented.
3. 5 year term.
4. Cap of \$25,000 per year off assessed value of property.
5. Applies to April 1, 2011 tax year and subsequent year.
6. Expires upon sale of property.

On April 30, 2018, City Assessor Rosann Lentz submitted the [attached report back](#) per Councilor Denton's request on the Solar, Wood and Wind-Powered Exemptions. This report back compared what other communities offer for the exemptions. Currently, the City of Portsmouth only offers the Solar Energy System exemption. The report also indicated the number of solar exemption currently granted and additional applications received for FY19/TY18.

In order to include solar energy systems that were put in place prior to 2011 and to grant the exemption for more than 5 years, the staff has recommend the modification of the current solar exemption as follows:

If qualified, for persons owning real property equipped with a solar energy system as defined in RSA 72:61, the City shall exempt from taxes an amount equal to the assessed value of the solar energy system.

Under existing law, the exemption may be modified by the City Council resolution process so that no referendum is required. In the alternative, the referendum process could be followed.

The resolution process is recommended for this simplicity of adoption and ease of later amendment. I am requesting that the City Council place this on the August 20, 2018 City Council Agenda for first reading.

*I recommend the City Council move to authorize the City Manager to bring back for first reading a proposed Resolution regarding an Exemption for Solar Energy Systems at the August 20, 2018 City Council meeting,*

### ***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. **Campus Drive Recreation Fields.** Attached is a memorandum from Public Works Director Peter Rice and Assistant City Manager David Moore, regarding Campus Drive Recreation Fields.
3. **News Release Re: FY 19 Public Facility and Accessibility Improvements Grant Program.** For your information, attached is a news release announcing that the Portsmouth Community Development Department is now accepting applications for the FY 2019 Public Facility and Accessibility Improvements Grant Program.
4. **Memorandum from City Attorney Robert Sullivan Re: Planning Board Residency Issues Raised by Mark Brighton.** Attached for your information is a memorandum from City Attorney Robert Sullivan regarding the Planning Board residency issues raised by Mark Brighton.
5. **Memorandum from Deputy City Manager Nancy Colbert Puff Re: McIntyre Update.** For your information, attached is a memorandum from Deputy City Manager Nancy Colbert Puff, regarding an update on the McIntyre project.

## LEASE AGREEMENT

This lease dated \_\_\_\_\_, 2018 is by and between the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue, Portsmouth, New Hampshire, hereinafter LESSOR, and **AIDS Response of the Seacoast** of 7 Junkins Avenue, Portsmouth, New Hampshire, hereinafter LESSEE, an agency which serves low and moderate income residents of Rockingham County.

**WHEREAS**, the City owns property known as the City Hall Annex/Seybolt Building situated at 7 Junkins Avenue;

**WHEREAS**, the Portsmouth community including women, men and children impacted by HIV/AIDS benefit from assistance and advocacy as well as prevention and education programs offered by AIDS Response Seacoast;

**WHEREAS**, the City has long contributed financial support in the form of annual social service and Community Development Block Grant funding to AIDS Response Seacoast in recognition of the need to assist and advocate for members of our community impacted by HIV/AIDS; and

**WHEREAS**, AIDS Response Seacoast has successfully and effectively offered its services to the community from the Premises since 1998:

**NOW THEREFORE**, the parties agree as follows:

### **1. PREMISES**

LESSOR leases to LESSEE a certain area on the fourth floor as shown on the attached plan in a building known as the City Hall Annex/Seybolt Building situated at 7 Junkins Avenue Portsmouth, County of Rockingham and State of New Hampshire. The premises contains 1,834 square feet of area as comprised of nine hundred ninety-two feet (992') office space, six hundred seven feet (607') common corridors and two hundred thirty--five feet (235') bathroom and pantry/closets. (Depicted on Attached Exhibit A.)

During the term of this lease, upon ninety (90) days notice, the LESSOR may require the relocation of LESSEE to comparable space for the remaining term of this lease. Rent shall remain the same for the new space as hereunder.

### **2. RENT**

The monthly rent, payable in advance for the first twelve months of this agreement commencing on October 1, 2018 shall be **\$11.91** per square foot based upon total square feet of 1,834. Total rent shall be **\$21,842.94** for year one payable in twelve equal monthly installments of **\$1,820.25** due on or before the 10<sup>th</sup> day of the month. Rent shall be calculated in year two, and each subsequent year of this lease, based upon the following formula:

$$\text{Agency Square Feet} \times \text{Lessor's Annual Operating Cost Per Square Foot Of the Seybolt Building} = \text{Annual Rent}$$

Adjustments to the annual rent shall be calculated by September 1 of each year effective with the October payment.

In addition to the rental payments above, Lessor shall annually submit a summary of its services and public benefit offered to the community from the Premises on a standard form, such as that found in Exhibit 2, which may be amended from time to time by the City. Such report shall be submitted no later than 90 days following the end of Lessor's fiscal year.

**3. TERM**

The term of this lease is five years commencing October 1, 2018 and terminating on September 30, 2023. This lease may be terminated by the LESSEE upon thirty days (30) written notice to the LESSOR.

**4. PARKING**

All employees of the LESSEE shall park in the lower lot designated for use by all Municipal Complex employees. No other parking area shall be used by the LESSEE'S employees unless a permit has been issued them by the City Manager. The LESSOR shall be responsible for snow plowing the parking areas and for the removal of snow from the walkways.

**5. JANITORIAL SERVICES**

LESSEE shall not allow any waste, rubbish or other objectionable materials to accumulate within the premises or upon the surrounding grounds. LESSEE shall arrange and pay for proper rubbish receptacles. LESSOR shall provide for janitorial services to include emptying office waste receptacles, and maintaining corridors and common spaces. The LESSEE shall be responsible for proper cleaning and maintenance of any toilet facilities within its leased area. LESSOR shall maintain only those areas designated as "public" toilet facilities.

**6. UTILITIES AND MAINTENANCE**

LESSOR shall provide for all water, gas, heat, lights and power furnished to the premises throughout the term of this lease. LESSOR shall be responsible for all maintenance and repairs to the exterior structure, common areas and surrounding grounds and parking areas. All other costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the interior of the premises and all activities conducted thereof shall be the sole responsibility of the LESSEE that are the result of the LESSEE's operations. Any devices which use excessive power such as air conditioning units may only be installed with permission of the LESSOR. LESSOR shall be responsible for the replacement of all window glass broken, unless such breakage is the direct result of acts of LESSEE, its employees, agents or invitees. In the latter circumstance, LESSEE shall be responsible for such replacement. The LESSOR shall be responsible for those items of maintenance in connection with the general overall condition of the building and its internal facilities systems.

**7. REPAIRS AND MAINTENANCE**

LESSEE shall, throughout the term of this Lease, at its own cost, and without any expense to LESSOR, keep and maintain its own equipment in good, sanitary and neat order, condition and repair. LESSOR shall not be obligated to make any repairs, replacements or renewals to the interior of the leased premises exclusively occupied by LESSEE caused by the LESSEE's use thereof. LESSEE shall also comply with and abide by all federal, state and municipal laws, ordinances and regulations affecting the demised premises, the improvements thereon or any activity or condition on or in such premises. No alteration of the premises which is visible from the exterior thereof and no alteration of the interior which exceeds Two Hundred (\$200) Dollars in cost shall be made without the prior written approval of the LESSOR'S City Manager.

**8. SIGNAGE**

LESSOR will provide a common sign in front of the Annex identifying LESSEE at this location. A directory shall be located just inside the front entrance. City Hall/Municipal signage along Junkins shall indicate the location of the Seybolt building. No other exterior signs shall be allowed and interior signing shall be done only with permission of the LESSOR.

**9. STORAGE**

There will be no storage in the so-called 1895 building without the express authorization of the LESSOR's City Manager. Any items stored without authorization of the City Manager shall become the property of the LESSOR and may be removed and disposed by the LESSOR without notice to the LESSEE.

**10. DAMAGE AND DESTRUCTION**

In case the building on the premises is destroyed and damaged so as to make it untenable, either party may terminate this Lease by written notice within sixty (60) days after the occurrence of such damage or destruction.

**11. LESSOR'S RIGHT OF ENTRY**

LESSEE shall permit LESSOR and the agents and employees of LESSOR to enter into and upon the premises at all reasonable times to inspect the same, or to make repairs or improvements called for in this Agreement.

**12. SUBLETTING AND ASSIGNMENT**

LESSEE shall not assign this Lease or sublet portions of the premises without written consent of the LESSOR..

**13. ACCEPTANCE OF PREMISES**

LESSEE by acceptance of the premises, acknowledge that they are fit for the uses of the LESSEE.

**14. LIENS**

LESSOR shall keep all of the premises free and clear of all liens arising out of LESSEE'S occupancy of the premises and at all times promptly and fully pay or discharge any claims on which any lien could be based.



**15. INDEMNIFICATION OF LESSOR**

Notwithstanding any other Agreements, **AIDS Response of the Seacoast** agrees to defend, hold harmless and indemnify the City of Portsmouth against any legal liability in respect to bodily injury, death, and property damage arising from the negligence of **AIDS Response of the Seacoast** during its use of the property belonging to the City of Portsmouth.

**16. DEFAULT**

In the event of any breach of this Lease by the parties or failure to perform any condition herein, the parties may in addition to all rights and remedies each has at law, LESSOR shall give:

a) Written notice to the LESSEE of a claimed breach. If such breach is not cured within 30 days, the LESSOR shall have the right of reentry and may remove all persons and property from the premises to be stored at the expense of the LESSEE. LESSOR, after reentry, may terminate this Lease and in addition to its other rights, may recover from LESSEE, its reasonable costs and damages occasioned by LESSEE'S breach.

b) LESSOR shall give written notice to LESSEE of the LESSEE'S failure to perform any condition of this Lease. If such failure is not cured within 30 days, the LESSOR may, but shall not be required to, obtain substitute performance of the condition. LESSEE shall repay to LESSOR ON DEMAND, the entire expense thereof including compensation to the agents and employees of LESSOR. Any act or thing done by LESSOR pursuant to the provisions of this Section shall not be or be construed as a waiver of any such default by LESSEE, or as waiver of any covenant, term or condition herein contained or the performance thereof, or of any other right or remedy of LESSOR, hereunder or otherwise. All amounts payable by LESSEE to LESSOR under any of the provisions of this Lease, if not paid when the same becomes due as in this Lease provided, shall bear interest from the date they become due until paid at the rate of eleven (11%) percent per annum, compounded annually.

c) LESSEE may terminate this Lease after 30 days written notice to LESSOR specifying any breach or failure of the LESSOR to perform under the provisions of this Agreement.

d) Each party reserves the right to contest the claim of breach or failure to perform under this Agreement and to collect reasonable costs and damages occasioned thereby.

**17. SURRENDER OF PREMISES**

All alterations, additions and improvements made in or to the premises in the nature of fixtures shall unless otherwise provided by written Agreement or by the terms hereof, be the property of LESSOR and remain and surrendered with the premises and LESSEE hereby waives all claim for damages to a loss of any property belonging to LESSEE that may be in or upon the premises.

**18. NOTICE**

Any notice required under this Lease or other writing which may be given by either party hereto to the other shall be deemed to have been given when made in writing and provided in hand or deposited in the U.S. MAIL, registered and prepaid and addressed as follows:

TO LESSOR:  
City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

TO LESSEE:  
Executive Director  
AIDS Response of the Seacoast  
7 Junkins Avenue  
Portsmouth, NH 03801

**19. USE OF PREMISES**

The premises shall be used solely for the purposes stated herein and no other purposes without prior written approval by the LESSOR. LESSEE accepts the premises with the understanding that they shall be restricted to the use of those operations and services provided by the LESSEE under this its Charter.

**20. REGULATIONS**

LESSEE agrees that it shall abide by and enforce among its staff any reasonable rules and regulations established by the LESSOR which may be modified from time-to-time.

**21. EXTENSION OR RENEWAL**

There is no automatic extension or renewal of this lease and no further notice is required on the part of the LESSOR.

**22. INSURANCE**

LESSEE shall, at all times during the term of this Lease, maintain in effect bodily injury insurance covering the premises and the operations of the LESSEE in the amount of One Million (\$1,000,000) Dollars per occurrence and property damage insurance in the amount of at least Five Hundred Thousand (\$500,000) Dollars per occurrence. Such insurance shall be drawn so as to protect LESSOR and LESSEE. All insurance shall be written in a form satisfactory to LESSOR. LESSEE shall deliver to the LESSOR certificates of all insurance which shall provide that LESSOR shall be notified of the cancellation thereof or of nonpayment of premiums. In the event the insurance is altered, terminated or in case of nonpayment of premium, LESSOR shall, at its option, pay such premiums. The cost of such insurance shall be paid by the LESSEE within ten (10) days of notice by LESSOR that such effect such insurance payment is due.

**23. ADA COMPLIANCE**

The LESSOR agrees to lease a building and/or property which is handicapped accessible as that term is recognized in the Americans with Disabilities Act of 1992. The LESSOR agrees, where necessary to comply with this act, to make such modifications to the building and/or property as to make the building and/or property accessible. LESSEE agrees to give LESSOR reasonable access to the building and/or property to accomplish these goals. LESSOR agrees to provide LESSEE with notice prior to engaging in construction activity.

IN WITNESS WHEREOF, the parties have executed this Lease

CITY OF PORTSMOUTH

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
John P. Bohenko  
City Manager

Approved by vote of the City Council

\_\_\_\_\_

AIDS RESPONSE OF THE SEACOAST

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Richard B. Wagner  
Executive Director



Address of City Property: \_\_\_\_\_  
Name of Organization: \_\_\_\_\_  
Report Year (enter fiscal year): \_\_\_\_\_

Version: 7-25-2018

## **Annual Report of Public Benefit**

The City of Portsmouth leases or licenses a wide variety City-owned facilities and spaces many different organizations. This form is intended to track and record the public benefits associated with the organizations' use of City property<sup>1</sup> on an annual basis. This form may be amended from time to time.

Please submit this form within 90 days following the close of the organization's fiscal year to the City Clerk's Office.

---

Address of City-owned Asset:

Common Name of City Property Leased or Licensed:

Name of Lessor/Licensee:

Name of Chief Administrative Officer (CAO)

Contact information (CAO phone and e-mail)

Entity's Fiscal Year:

Effective Date of current agreement:

Term of current Agreement:

Expiration date of current agreement:

---

<sup>1</sup> This form may be amended from time to time by City.

Address of City Property: \_\_\_\_\_  
Name of Organization: \_\_\_\_\_  
Report Year (enter fiscal year): \_\_\_\_\_

Version: 7-25-2018

**PART 1: Public Benefit – Outputs, Outcomes, & Impacts**

List programs offered in the facility and annual attendance/visitation.

<b>Programs/Offerings/Services</b>	<b>Frequency of offering</b>	<b>Attendance</b>

Please describe outcomes directly related to your use of the City's property.

Address of City Property: \_\_\_\_\_  
 Name of Organization: \_\_\_\_\_  
 Report Year (enter fiscal year): \_\_\_\_\_

Version: 7-25-2018

**PART 2: Capital Investments in City Property**

<b>Project #1 Expenses Related to Capital Improvements</b>		
	Total for Report Year	Total for Lease Term
Project #1 Title:		
Project Description:		
Soft Costs/Consulting		
Engineering/Design		
Construction Admin		
Construction Costs		
Other Costs (please list)		
<b>Total:</b>		

<b>Project #2 Expenses Related to Capital Improvements</b>		
	Total for Report Year	Total for Lease Term
Project #2 Title:		
Project Description:		
Soft Costs/Consulting		
Engineering/Design		
Construction Admin		
Construction Costs		
Other Costs (please list)		
<b>Total:</b>		

Address of City Property: \_\_\_\_\_  
Name of Organization: \_\_\_\_\_  
Report Year (enter fiscal year): \_\_\_\_\_

Version: 7-25-2018

List other public benefits, which result from your occupancy not addressed above




July 20, 2018

Portsmouth City Council,

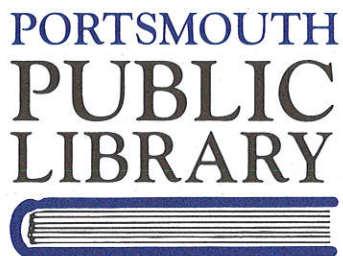
As we have previously discussed with city officials, there is a group of private individuals that would like to raise approximately \$15,000 to provide irrigation to Clough Field. At the moment, Portsmouth City Soccer Club has agreed to contribute \$7,500 to the project, leaving the remaining funds to come from private donations from the community.

We would like to like to begin the fund drive as soon as possible if you believe this project meets the approval of the city council.

Thank you again.

Sincerely,

Brint Shone  
46 Sherburne Ave, Portsmouth



175 Parrott Avenue  
Portsmouth, NH 03801-4452  
(603) 427-1540

July 20, 2018

RECEIVED

JUL 23 2018

CITY MANAGER  
PORTSMOUTH, NH

Mayor Jack Blalock and the Portsmouth City Council  
Portsmouth City Hall  
One Junkins Ave  
Portsmouth, NH 03801

Dear Mayor Blalock and Members of the Portsmouth City Council,

I am writing on behalf of the Portsmouth Board of Library Trustees to request your permission to name the lobby of the Portsmouth Public Library in memory of Mary Ann List.

Mary Ann served as director of the library for 11 years until her retirement in 2014. Our library is a shining jewel in a city which has much to be proud of, and Mary Ann deserves a great deal of credit for that.

As director, she oversaw the design and construction of the "new" library on Parrott Ave, which opened in 2007.

The library is a stunning building with sunlight streaming through over-sized windows; granite and natural wood accents; and abundant space for quiet reading and reflection, active learning, or community gatherings. Visitors from other cities and towns frequently come to our library to gain inspiration for their own building projects.

While the library building itself is Mary Ann's greatest legacy, she also expanded the role of our library, growing the digital collections; expanding learning opportunities, especially in technology; and creating many new community programs.

After retiring as director, Mary Ann returned to her home state of North Carolina to be near family, while continuing to keep in touch with her Portsmouth friends. Last fall, when the library hosted its 10th anniversary gala, Mary Ann traveled north to be here, despite the fact that she was weakened by her cancer treatments. This was not an event she intended to miss.

Mary Ann was the face of our library for more than a decade, guiding it through an often stressful building process with her Southern charm and grace. She could frequently be found in the lobby of the library, greeting patrons with a warm smile. That's why the Portsmouth Board of Library Trustees is recommending that the lobby of the library be named The Mary Ann List Lobby.

Sincerely,

A handwritten signature in cursive script that reads "Ernestine Greenstode".

Ernestine (Ernie) Greenstode  
Chair, Board of Library Trustees, Portsmouth Public Library

CC: John Bohenko, City Manager

1  
2 **Article VIII: BOARDING OR ROOMING HOUSES** (Adopted 09-17-2007)  
3

4 **Section 9.801: DEFINITION**  
5

6 The term Boarding House or Rooming House shall apply to any residential structure in which more  
7 than 3 rooms are rented, leased or otherwise made available to tenants where such rooms do not  
8 contain separate bathroom facilities.  
9

10 **Section 9.802: PERMIT REQUIRED**  
11

12 Commencing January 1, 2008 every Boarding House and Rooming House in the City shall  
13 operate only on the issuance of a Boarding House permit issued by the City Council. Each such  
14 permit issued by the City Council shall be for a one year period commencing from the date of  
15 issuance and must be renewed annually by the owner of the property on which the Boarding  
16 House is located by application to the City Council. The Boarding House permit shall not be  
17 transferable.  
18

19 **Section 9.803: TERMS AND CONDITIONS**  
20

21 The terms and conditions under which the holder of any such Boarding House permit shall operate  
22 are as follows:

- 23 A. The permit holder must maintain compliance with all City and State laws regarding  
24 such facilities including but not limited to the zoning ordinance, fire code and  
25 health regulations of the City.  
26 B. There must be posted at all times at the front entrance of the facility a sign  
27 indicating 24 hour, seven days a week, valid and effective contact information for  
28 the management of the facility.  
29 C. The permit holder must maintain the facility in such a manner so as not to cause  
30 unreasonable interference with the use and occupancy of other properties in the  
31 vicinity of the facility.  
32 D. The permit shall not allow any more rooms to be rented, leased or made available, or  
33 persons to occupy the Rooming or Boarding House than are authorized by the  
34 Portsmouth Zoning Ordinance.  
35

36 **Section 9.804: PERMIT RENEWAL**  
37

38 Prior to renewing the Boarding House permit for any facility, the City may conduct such  
39 investigations as it deems appropriate to determine compliance with this ordinance. Failure of  
40 the owner of the facility to comply with the provision of this ordinance shall be cause for non-  
41 renewal of the permit.  
42

43 **Section 9.805: ENFORCEMENT**  
44

45 The provisions of this ordinance may be enforced by the municipal administration utilizing any  
46 or all of the following:  
47

- 48 A. Suspension, revocation or termination of the Boarding House or Rooming House permit.  
49 B. By filing an appropriate action in a court of competent jurisdiction seeking specific  
50 performance by the permittee or property owner of the terms of this ordinance.  
51 C. By the filing of a complaint in the Portsmouth District Court against the permittee  
52 seeking such penalties as may be allowed under state law in the case of conviction of  
53 a violation level offense.  
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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 upon its passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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

## WORKFORCE HOUSING COVENANT

THIS LAND USE RESTRICTION COVENANT FOR **WORKFORCE HOUSING** ("Covenant") is made and entered into on this \_\_\_\_\_ day of July, 2018 between the **CITY OF PORTSMOUTH**, a municipal corporation organized under the laws of the State of New Hampshire and having a place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire ("City") and **OLD TEX MEX, LLC**, a New Hampshire limited liability corporation having a place of business at 3510 Lafayette Road, Portsmouth, County of Rockingham, State of New Hampshire ("Owner").

### PREAMBLE

WHEREAS, Owner is in the process of converting a commercial building at 3510 Lafayette Road in Portsmouth, New Hampshire, to a residential use with 25 apartments, consistent with the Site Plan Agreement entered into between the Owner and the City dated September 28, 2017 (the "Project"). Said 3510 Lafayette Road, Portsmouth, NH property being more particularly described in a deed to the Owner recorded in the Rockingham County Registry of Deeds at Book 4062, Page 1230 (the "Property").

WHEREAS, as part of the approval process for the 3510 Lafayette Road property, Owner agreed to a stipulation with the Portsmouth Zoning Board of Adjustment at a meeting on August 16, 2016 to designate two (2) of the residential dwellings at 3510 Lafayette Road as workforce housing units as defined in the Portsmouth Zoning Ordinance [Section 15.30] and New Hampshire State Statutes, RSA 674:58-61;

WHEREAS, this Covenant is designed to satisfy the stipulation placed on the August 16, 2016 approval by requiring that Unit 002 and Unit 201, shown on the Project Improvement Plans for 3510 Lafayette Road prepared for Insurcomm Construction, Inc. by Michael J. Keane, Architects, PLLC (the "Designated Workforce Housing Units"), shall be maintained for a full term of 30 years as workforce housing;

WHEREAS, this Covenant shall apply solely to the two (2) "Designated Workforce Housing Units" in the Project, and the Parties agree that this Covenant shall not apply to, burden or encumber the remaining 23 apartment units in the Project, or the tenants of those 23 apartment units;

WHEREAS, this Covenant shall apply to and be enforceable by the City as set forth in this Covenant;

WHEREAS, the City or its designated agent or successor, shall have the authority to monitor and enforce this Covenant;

NOW, THEREFORE, the City and the Owner do hereby contract and agree as follows:

## COVENANT

Section 1. Definitions and Interpretation. In addition to the words and terms defined elsewhere in this Covenant, unless otherwise expressly provided herein or unless the context clearly requires otherwise, the following terms shall have the respective meanings set forth below for all purposes of this Covenant:

"Act" means New Hampshire Revised Statutes Annotated 674:58-61.

"Annual Income Certification" means the Annual Income Certification described in Section 4(b) of this Covenant.

"Certification of Continuing Program Compliance" means the Certification of Continuing Compliance described in Section 4(d) of this Covenant and by any document required by the City or the City's agent confirming compliance.

"Designated Workforce Housing Unit" means Unit 002 and Unit 201 as shown on the Project Improvement Plans for 3510 Lafayette Road prepared for Insurcomm Construction, Inc. by Michael J. Keane, Architects, PLLC.

"Gross Rent" means net rent plus utilities, including electricity, heating and ventilation, water heating, and cooking, but shall not include telephone, television (cable or satellite) services, Wi-Fi, internet services, web-based services, or other such electronic systems or services. Calculation of utility costs may be based on the Utility Allowance Schedule for New Hampshire, published by the New Hampshire Housing Finance Authority.

"Qualifying Tenant" means any individual (whether prospective tenant or present tenant of the Project) whose income is 60% or less of median gross income for a three (3) person household in the Portsmouth-Rochester HFMA as published annually by HUD.

"State" means the state of New Hampshire.

"Term" or "Term of this Covenant" means the period during which this Covenant is in effect, as determined pursuant to Section 7.

"Workforce Housing" means a dwelling, or group of dwellings, developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Covenant. All workforce housing units shall include a restrictive covenant that ensures affordability as specified in RSA 674:58, IV, for the maximum allowable term but no less than 30 years.

"Workforce Housing Unit" means a housing unit which qualifies as "workforce housing" under RSA 674:58, IV, including rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the Portsmouth-Rochester HMFA as published annually by HUD.

All capitalized words and terms used but not defined in this Covenant shall have the common and ordinary meaning ascribed to them unless the word or term is defined in the Act, including any future amendments thereto to the extent applicable to the Project.

Unless the context clearly requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. This Covenant and all the terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity hereof.

The titles and headings of the sections of this Covenant have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Covenant or any provision hereof or in ascertaining intent if any question of intent shall arise.

As applied to the two (2) Designated Workforce Housing Units, and Qualifying Tenant, this Covenant shall be construed in a manner consistent with the Act to the extent that any provisions of this Covenant are in conflict with the Act, the Act shall prevail over such conflicting terms.

Section 2. Representations, Covenants and Warranties of Owner.

(a) The Owner

(i) is a New Hampshire limited liability corporation duly organized under the laws of the State of New Hampshire, and is qualified to transact business under the laws of the State,

(ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted and as now contemplated by this Covenant, and

(iii) has the full legal right, power and authority to execute and deliver this Covenant and to perform all the undertakings of the Owner hereunder.

(b) The execution and performance of this Covenant by the Owner

(i) will not violate or, as applicable, have not violated a provision of law, rule or regulation, or any order of any court or other agency or governmental body, and

(ii) will not violate or, as applicable, have not violated any provision of any indenture, Covenant, mortgage, mortgage note, or other instrument to which the Owner is a party or by which it or its property is bound, and

(iii) will not result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature. The Owner agrees to obtain the written recordable consent of any prior lienholder to this Covenant.

Section 3. Workforce Housing Tenants. The City and the Owner hereby declare their understanding and intent that the property at 3510 Lafayette Road will be owned, managed and operated to include the two (2) "Designated Workforce Housing Units" at all times during the Term of this Covenant. To that end, the Owner hereby represents, covenants and agrees that:

(a) Each of the Designated Workforce Housing Units at 3510 Lafayette Road shall be both "Workforce Housing Units" and occupied by Qualifying Tenants.

(b) The form of lease to be utilized by the Owner in renting any units in the Project to any person who is intended to be a Qualifying Tenant shall provide for termination of the lease and consent by such person to immediate eviction for failure to qualify as a Qualifying Tenant as a result of any material misrepresentation made by such person with respect to the income certification at the time of lease or the failure by such tenant to execute an income certification annually or within 12 months of disqualifying as a Qualifying Tenant. If a Qualifying Tenant exceeds the income requirements as a result of an improved financial condition, that tenant shall be entitled to ninety (90) day notice of eviction but shall be responsible for complying with all terms of this Covenant and the Tenant's lease after the notice of eviction is served.

(c) The Owner will not knowingly take or permit any action that would result in a violation of the requirements of the Act or this Covenant. Moreover, Owner agrees to take any reasonable lawful action (including amendment of this Covenant as may be necessary) to comply fully with all applicable rules, rulings, or additional regulations relating to the Act and affecting the Project;

(d) The Owner shall at all times during the Term of this Covenant maintain the Project as residential rental property unless the Zoning Board of Adjustment approves the conversion of this Property to residential condominium use;

(e) The Owner has not and will not execute any other agreement with provisions inconsistent with the provisions hereof, and that in any event, the requirements of this Covenant are paramount and controlling as to the rights and obligations herein set forth and supersede any other requirements in conflict herewith except requirements of the Act;

(f) If the Owner becomes aware of any situation, event or condition which would result in Non-compliance of the Project or the Owner with the Act, the Owner shall promptly give written notice thereof to the City;

(g) The Owner shall insure that the two (2) Designated Workforce Housing Units occupied by Qualifying Tenants with valid leases shall be of comparable quality to other apartment units of the Project; and the units must be suitable for occupancy, subject to reasonable wear and tear. Notwithstanding the terms of this Section 3(g) the Qualifying Tenant, and not the Owner, shall remain fully responsible for any intentional or negligent acts of Qualifying Tenant, members of the Qualifying Tenants' household, and/or those in the



Designated Workforce Housing Units or on the Property at the invitation or control of the Qualifying Tenant, which causes damage to the condition or habitability of the Designated Workforce Housing Units.

(h) Any Qualifying Tenant that does not abide by the terms of the lease or occupancy agreement, or by the terms of this Covenant, may be evicted from any Designated Workforce Housing Unit by the Owner, and said eviction, shall not change the character of the apartment as being designated as one of the two (2) Designated Workforce Housing Units during the time the tenant is being removed from the apartment, provided however, the apartment is re-rented to a new Qualifying Tenant subsequent to the prior Qualifying Tenant's eviction and removal.

#### Section 4. Records and Certifications.

(a) During the Term of this Covenant, the Owner shall deliver to the City, or its designee, any and all documents related to costs, expenses and income for the (2) Workforce Housing Units, required to be provided to the City or that the City's agents may require or request;

(b) During the Term of this Covenant, the Owner will maintain complete and accurate records pertaining to the two (2) Designated Workforce Housing Units which are the subject of this Covenant. Without limiting the generality of the foregoing, the Owner will obtain and maintain on file an Annual Income Certification from each Qualifying Tenant.

(c) the Owner will permit any duly authorized representative of the City to inspect, and make copies of the books and records of the Owner pertaining to the incomes of present, past or prospective tenants of the Project upon reasonable notice and at reasonable times; and

(d) the Owner shall submit to the City, or its designee, a Certification of Continuing Compliance including verification that the rent for the Workforce Housing Unit and the Qualifying Tenant meet the definitions as provided in this covenant.

(e) The City may designate a third party to certify and monitor the two (2) Designated Workforce Housing Units and the Owner shall pay the fees for the third party.

Section 5. Reliance. The Owner hereby agrees that the representations and covenants set forth herein and in the Annual Income Certification by the Owner to the City may be relied upon by the City. In performing its duties and obligations hereunder, the City may rely upon statements and certificates of the Owner. In addition, the City may consult with counsel, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by the City hereunder in good faith and in conformity with the opinion of such counsel. In performing its duties and obligation hereunder, the Owner may rely upon certificates of Qualifying Tenants reasonably believed to be genuine and to have been executed by the proper person or persons.

Section 6. Sale or Transfer of Project. All Owners (or successors and assigns in interest pursuant to Paragraph c below) of the two (2) Designated Workforce Housing Units shall be bound to the rent and income limits set forth in this Covenant for the thirty (30) year term of

this Covenant, unless the Zoning Board of Adjustment approves the conversion of this Property to residential condominium use.

Section 7. Term

(a) This Covenant shall become effective as of the date hereof and shall remain in full force and effect for a period of thirty (30) years following the date of issuance of a certificate of occupancy for the two (2) Designated Workforce Housing Units.

(b) Notwithstanding the foregoing, the restriction contained in this Covenant shall automatically terminate with respect to the two (2) Designated Workforce Housing Units which are the subject of this Covenant in the event of involuntary noncompliance with respect to those units caused by fire, seizure, requisition, or foreclosure or transfer of title by deed in lieu of foreclosure by a lending institution chartered, registered or licensed in the State and supervised by the New Hampshire Banking Commission (except where the City determines that the foreclosure or transfer of title by deed in lieu of foreclosure is part of an arrangement, the purpose of which is to terminate this Covenant), change in State law or action by a State agency which prevents compliance with the covenants expressed herein, or condemnation or similar event, but only if condemnation awards or insurance proceeds cannot be used to restore such portion so that compliance with the Act with respect to such portion can be maintained; Accordingly, the Parties agree that any income eligibility and affordability restrictions for Workforce Housing Units, and all other terms as set forth under the Act and/or as set forth under this Covenant applicable to the Project and/or the Property, automatically terminate, and are void, and no longer have any force or effect against the Property, and after any foreclosure of the Property by a lending institution chartered, registered or licensed in the State and supervised by the New Hampshire Banking Commission, or upon transfer through acquisition of the Property under a deed in lieu of foreclosure.

(c) Where any restrictions in this Covenant terminate pursuant to a foreclosure or transfer of title by deed in lieu of foreclosure described in Section 7(b) of this Covenant or by any transfer of title, the Owner or any other Owner of the two (2) Designated Workforce Housing Units which are the subject of this Covenant shall not for the three-year period following the date of such termination:

(i) evict or otherwise terminate the tenancy of any existing Qualifying Tenant (other than for good cause), or

(ii) increase the gross rent with respect to any unit occupied by a Qualifying Tenant above the maximum allowed.

Section 8. Defaults and Remedies & Right to Cure. Any failure by the Owner to perform or comply with any obligation, agreement, Covenant or warranty of the Owner under this Covenant that is not corrected within a reasonable period [after written notice from the City to the Owner setting forth the specific details of the event of default] shall constitute an "event of default" hereunder. For purposes of this Covenant a "reasonable period" is not more than sixty (60) days after such failure is first discovered by the Owner or would have been discovered by the exercise of reasonable diligence.

Upon the occurrence of an event of default hereunder, the City may take whatever action may be permitted at law or in equity or in this Covenant to enforce the obligations of and restrictions applying to the Owner hereunder. The City shall have the right to require the curing of any failure of the Owner to perform or comply with any obligation, agreement, Covenant or warranty of the Owner under this Covenant prior to the time such failure has become an event of default hereunder as the City may deem necessary.

Without limiting the generality of the foregoing, the City shall have the right to seek specific performance of any obligation, agreement, Covenant or warranty of the Owner hereunder, whether or not failure to comply with the obligation, agreement, Covenant or warranty for which specific performance is sought has become an event of default hereunder.

No remedy conferred upon or reserved to the City by this Covenant is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Covenant or any other document now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any failure of the Owner to perform or comply with any obligation, agreement, Covenant or warranty of the Owner under this Covenant shall impair any such right or power or shall be construed to be a waiver thereof. In order to entitle the City to exercise any remedy reserved to such party in this Section, it shall not be necessary to give any notice except as otherwise specified in this Covenant.

The terms of this Section 8 are to insure the Owner's compliance with the terms of this Covenant to the City only, namely to provide the two (2) Designated Workforce Housing Units occupied by Qualifying Tenants as defined herein. At no time shall the terms of this Section 8 or the rights and remedies set forth under the terms of this Section 8, give any Qualifying Tenant any rights or remedies against the Owner for violation of the terms of this Covenant. In addition, at no time shall any Qualifying Tenant use or allege the Owner's breach of the terms of this Covenant, as grounds to avoid eviction from the Designated Workforce Housing Unit, if the Qualifying Tenant is otherwise in violation of the terms of its lease or occupancy agreement with the Owner.

Notwithstanding the terms of this Section 8, the Owner is not waiving any rights, remedies, or defenses, it might have to validly contest any alleged default of the Owner under this Covenant.

Section 9. Recording and Filing; Covenants To Run with the Land; Successors Bound.

(a) A signed executed covenant shall be submitted to the Planning Department for recording at the Rockingham County Registry of Deeds.

(b) This Covenant and the Covenants contained herein shall run with the land, except as otherwise provided in this Covenant, however, this Covenant and the Covenants contained herein shall not survive a lawful mortgage foreclosure, or other proceeding by a lending institution chartered, registered or licensed in the State and supervised by the New Hampshire Banking Commission, enforcing its rights under its mortgage, or upon transfer through acquisition of the Property under a deed in lieu of foreclosure, and such transfer(s) shall be

made free of the terms and conditions of this Covenant for all time, even if said Institutional Lender(s)' mortgage is recorded subsequent to this Covenant. Subject to the aforesaid foreclosure/deed in lieu of foreclosure terms, these Covenants and the Covenants contained herein shall bind, and the benefits shall inure to, respectively, the Owner and its successors and assigns and all subsequent Owners of the Project or any interest therein, the City's agent and each of the Qualifying Tenants during said Tenants' occupancy of a Workforce Housing Unit during the Term of this Covenant.

Section 10. Governing Law. This Covenant shall be governed by the laws of the State of New Hampshire.

Section 11. Amendments.

(a) To the extent that the existing terms of the Act shall impose any requirement upon the two (2) workforce units in the Project in addition to or more restrictive than those imposed by this Covenant, the Owner agrees that this Covenant shall be deemed to be intended to impose such additional or more restrictive requirements unless counsel to the City, at the expense of the Owner, renders an opinion that such amendment would not be necessary to preserve compliance with the Act. The Owner and the City shall, at the expense of the Owner and without obligation to do so, execute, deliver and, if applicable, file or record any and all documents and instruments necessary to effectuate the intent of this subsection.

Section 12. Notices. Any notice, demand or other communication required or permitted hereunder shall be in writing unless explicitly permitted to be given otherwise than in writing, and shall be deemed to have been given if and when personally delivered, or when deposited in United States express mail, postage prepaid, or with a private courier service guaranteeing next day delivery. Any such notice, demand or other communication shall be addressed as set forth below or to such other address as the entity to receive such notice may have designated to all other entities named in this list by notice in accordance herewith:

If to the Owner:

**Old Tex Mex, LLC or any transferee as shown in public records.  
3510 Lafayette Road  
Portsmouth, NH 03801**

If to the City:

**City Manager  
Portsmouth City Hall  
Municipal Complex  
1 Junkins Avenue  
Portsmouth, NH 03801**

Section 13. Severability. If any Provision of this Covenant shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

Section 14. Multiple Counterparts. This Covenant may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall together constitute but one and the same instrument.

Section 15. Arbitration. In the event of any controversy or dispute arising out of or relating to this Covenant (and/or the Act) or the breach or default thereon, such controversy, breach, default or dispute shall be resolved by arbitration in Rockingham County, New Hampshire, in an arbitration proceeding conforming to the rules of the American Arbitration Association.


Section 16. Modification or Amendment. Any modifications or amendments to this covenant shall require approval by the Portsmouth Zoning Board of Adjustment.

IN WITNESS WHEREOF, the Owner and the City have caused this Covenant to be executed under seal and by duly authorized representatives, all as of the date first written hereinabove.

**CITY OF PORTSMOUTH**

By: \_\_\_\_\_  
Name and Title: John P. Bohenko, City Manager  
Date: \_\_\_\_\_

**OLD TEX MEX, LLC**

By: , member/owner  
Name and Title: Michael Brown, Owner  
Date: 6-25-18

ACKNOWLEDGEMENT

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

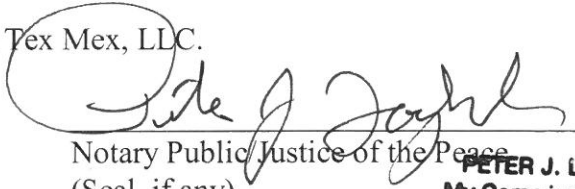
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
by John P. Bohenko, Portsmouth City Manager.

\_\_\_\_\_  
Notary Public  
(Seal, if any)  
My Commission Expires: \_\_\_\_\_

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on this 25<sup>th</sup> day of June, 2018,

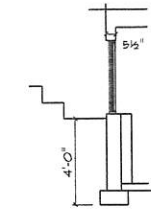
by Michael Brown, Owner, Old Tex Mex, LLC.



Notary Public/Justice of the Peace  
(Seal, if any)

**PETER J. LOUGHLIN, Notary Public**  
**My Commission Expires August 5, 2020**

My Commission Expires: \_\_\_\_\_



AREAWAY SCHEMATIC  
NOT TO SCALE

**DRAWING NOTES**

- NOTE 4: NEW 2 X 6 WOOD STUDS WITH R21 BATT INSULATION FT WOOD WHERE IN DIRECT CONTACT WITH CONCRETE
- NOTE 5: EXISTING STUD WALL - FIELD VERIFY INSULATION MIN R-19 OR FILL DEPTH OF EXISTING STUDS IF LESS THAN 5 1/2"
- NOTE 6: MINIMUM 1'-0" CEILING HEIGHT PERMITTED BY IEBC 102
- NOTE 7: SINGLE MEANS OF EGRESS PERMIT FROM UNIT 002 BY IBC 1021 AND NFPA 101
- NOTE 8: CRAWLSPACE LAYOUT NOT SHOWN. LOAD BEARING WALLS, EXPOSED COLUMNS, BEAMS AND JOISTS IN CRAWLSPACE ARE REQUIRED TO BE 1 HOUR FIRE RATED. INSULATE FLOOR JOISTS TO R-30 OR FILL FULL DEPTH OF EXISTING JOISTS WITH INSULATION IF R-30 DEPTH IS NOT AVAILABLE.
- NOTE 9: EXISTING STAIR TO REMAIN IF AHJ DETERMINES ADEQUATE EXIT ACCESS IS PROVIDED

**NOTE**

1. ALL DIMENSIONS ARE APPROXIMATE AND NEED TO BE COORDINATED WITH EXISTING CONDITIONS.
2. FIELD IDENTIFY ALL LOAD BEARING COMPONENTS DURING DEMOLITION. CONSULT WITH STRUCTURAL ENGINEER BEFORE REMOVING OR MODIFYING IN FIELD. ALL LOAD BEARING COMPONENTS TO BE 1-HOUR FIRE RATED. CONSULT WITH ARCHITECT FOR ANY CONDITIONS NOT DETAILED IN PLAN SET.
3. ANY 2 X 6 WOOD STUDS WITH R-21 BATT INSULATION AND VAPOR BARRIER AT FOUNDATION WALLS SHALL BE P.T. WHEN IN DIRECT CONTACT WITH CONCRETE.

**WALL KEY**

EXISTING WALL	—
NEW WALL	—
1 HOUR FIRE RATED DEMISING WALL	.....

**REVISIONS**

NO.	DATE	DESCRIPTION

05.27.18	CHANGE CLO 10 BEDROOM 001
06.04.18	AS BUILT

**APPROVALS**

**PROJECT**

PROPOSED REDEVELOPMENT OF:  
**3510 LAFAYETTE ROAD  
PORTSMOUTH NH 03801**

PREPARED FOR:  
**INSURCOMM  
CONSTRUCTION INC**  
290 HERITAGE AVENUE  
PORTSMOUTH NH 03801

**TITLE**

**PLAN ENLARGEMENTS-  
UNITS 001 & 002**

**SCALE**

1/4" = 1'-0"

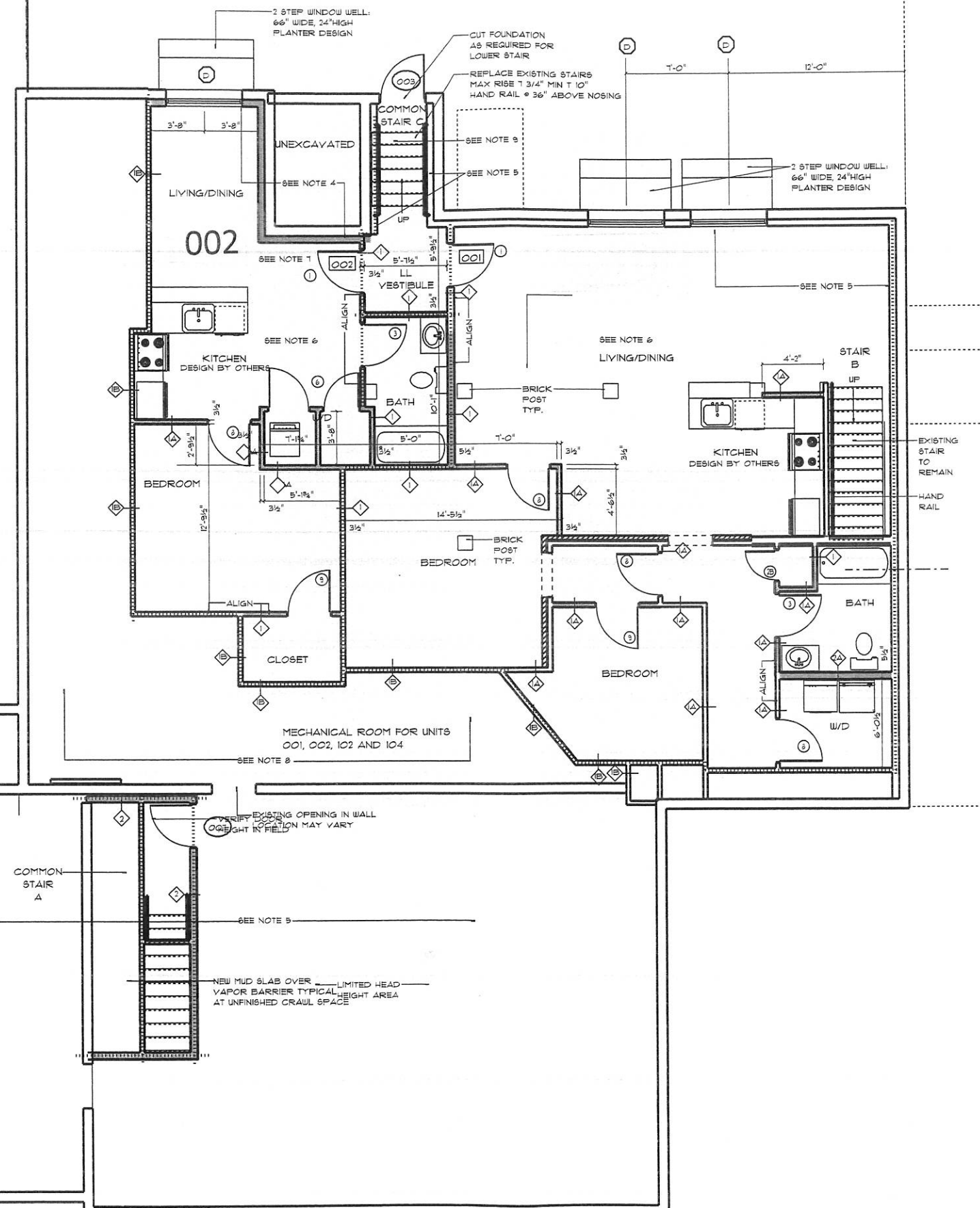
**DRAWING NO.**

A-1.06

**CHECKED BY:**

DATE:

DO NOT SCALE PRINTS



PLAN ENLARGEMENT UNITS 001 & 002





**THE CITY OF PORTSMOUTH  
TWO THOUSAND EIGHTEEN  
PORTSMOUTH, NEW HAMPSHIRE  
  
SOLAR POWER TAX EXEMPTION**

**RESOLUTION #**

**BE IT RESOLVED:**

**THAT** Pursuant to RSA 72:27-a and RSA 72:61-62, the City modifies the November 21, 2011 solar tax exemption and replaces it with the following:

If qualified, for persons owning real property equipped with a solar energy system as defined in RSA 72:61, the City shall exempt from taxes an amount equal to the assessed value of the solar energy system.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY THE CITY COUNCIL:**  
**, 2018**

\_\_\_\_\_  
**KELLI L. BARNABY, CMC  
CITY CLERK**

# Memo

**To:** John P. Bohenko, City Manager  
**From:** Rosann Lentz, City Assessor  
**cc:** Judith Belanger, Finance Director  
**Date:** April 30, 2018  
**Re:** Report Back on Solar, Wood Heating and Wind Powered Exemptions

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Below is the report back on the above referenced exemptions per Councilor Denton's request.

**RSA 72:62 Exemption for Solar Energy Systems** - On November 21, 2011, the Portsmouth City Council re-adopted the following elements for the Solar Energy System Exemption due to the prior exemption adopted in 1977 being out of date.

1. Exemption from assessed value of property (rather than tax).
2. Solar equipment costs are documented.
3. 5 year term.
4. Cap of \$25,000 per year off assessed value of property.
5. Applies to April 1, 2011 tax year and subsequent year.
6. Expires upon sale of property.

For FY 2018/TY 2017, there was one solar exemption granted and for FY 2019/TY 2018 14 additional request for the solar exemption have been filed with the assessor's office.

## **RSA 72:70 Exemption for Wood Heating Energy Systems**

Currently, the City has not adopted the wood energy heating system exemption and the City Assessor has none identified.

## **RSA 72:65 Exemption for Wind-Powered Energy Systems**

Currently, the City has not adopted the wind-powered exemption and the City Assessor has none identified.

I have attached for your information a Town/City Comparison completed by the NH Department of Revenue Administration indicating what other communities grant for these exemptions.

## MUNICIPALITIES WITH A SOLAR EXEMPTION

**TOTAL NUMBER OF MUNICIPALITIES**

**135**

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Allenstown	2016	12	See note	100% of Assessed Value
Alstead	2015	21	See note	100% of Assessed Value
Alton	1978	1	See note	1/2 the Cost of Installation
Amherst	1976	20	See note	Based on Cost of Equipment.
Andover	2013	20	See note	100% of Assessed Value
Atkinson	2009	22	See note	Exemption amount based on Cost of Equipment and Installation
Barrington	2001	28	\$5,000	
Bedford	3/11/80	Town council	See note	Installation plus replacement cost
Belmont	2012	13	See note	100% of assessed value
Berlin	2012	35	See note	100% Assessed Value
Bethlehem	2011	25	See note	100% of assessed value up to \$25,000
Boscawen	2011	11	See note	100% of System's Assessed Value
Bow	2016	19	See note	100% of cost of equipment & installation of system
Bradford	2014	24	See note	100% of Assessed Value
Brookline	2016	16	See note	100% of Assessed Value
Campton	2010	26	See note	100% of improvement
Canaan	1983	2	\$50	

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Candia	2013	32	Note	100% of Assessed Value
Canterbury	1984	2	See note	100% of equalized assessed value up to \$5,000
Carroll	2017	28	See note	100% of Assessed Value.
Center Harbor	1978	1-B	See note	Exemption equal to Assessed Value of Energy System
Chester	1979	18	See note	Exemption equals 20% of base cost of system
Chesterfield	2011	30	See Note	100% up to \$20,000
Chichester	2010	17	See note	Full Assessed Value of Improvement and /or Equipment
Colebrook	2008	22	See note	100% of Assessed Value
Columbia	1977	14	See note	100% of Installation Cost
Conway	1981	8	See note	Exemption equals 100% Cost of System
Danville	2016	20	See note	100% of Assessed Value
Deering	2009	9	See note	100% of Assessed Value
Derry	2010	20	See note	100% of Assessed Value
Dorchester	2017	2	See note	100% of Assessed Value of Qualifying Equipment
Dublin	1978	2	See note	50% of Cost of System up to \$8,000
Dummer	2010	19	See note	Exemption shall equal the amount the value of the property is increased by the installation of such a system
Durham	2002	Town Council	See note	Cost of Equipment & Installation
East Kingston	1981	14	See note	Cost of the system

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Effingham	1981	16	See note	Exemption equals Assessed Value of System
Enfield	2008	16	See note	100% of assessed value of qualifying system
Epsom	2016	15	See note	100% of Assessed Value
Exeter	2014	24	See note	100% of Assessed Value
Farmington	1983	4	\$5,000	
Fitzwilliam	1981	2	See note	100% of Assessed Value
Francestown	2016	21	See note	100% of Assessed Value, if any.
Franconia	2010	18	See note	Exemption equals 100% of assessed value of qualifying equipment up to \$20,000
Fremont	2009	27	See note	100% of Assessed Value
Gilmanton	2009	19	See note	100% of the Full Assessed Value of the System
Goffstown	2015	14	See Note	100% Assessed Value
Goshen	2008	21	See note	Cost of System
Grafton	2012	22	See note	100% of Assessed Value
Grantham	2016	5	See note	100% of Assessed Value
Greenfield	2008	2	See note	Full Assessed Value of System
Hampton Falls	2014	21	See note	100% of cost of assessed value.
Harrisville	2009	17	See note	Exemption equals Up to \$20,000
Henniker	2017	24	See note	100% of Assessed Value

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Hillsborough	2011	21	See note	Exemption equals 100% of Assessed Value of qualifying system up to \$30,000
Holderness	1976	N/A	See note	Exemption equals Actual Cost of Improvement/System
Hollis	1979	n/a	See note	Exemption equals Up to \$5,000
Hopkinton	1976	4	See note	Exemption equals Value of System up to \$5,000
Hudson	2015	306-6	0	Ordinance per Jim Michaud 10/17/17.
Jaffrey	1979	27	See note	Exemption equals Up to \$10,000 of Assessed Value based on receipts for cost incurred to establish system
Keene	2017	R-18	See note	An amount equal to the assessed value up to \$30,000
Kensington	2013	16	See note	100% Assessed Value of qualified equipment
Kingston	2001	601	\$5,000	
Lancaster	1979	16	See note	Exemption equals Cost of Equipment
Langdon	2011	22	See note	100% of Assessed Value
Lebanon	2013	City council	See note	equal to any increase in incremental assessed value of the entire property attributable to the qualifying equipment under these statutes that is in excess of the property's assessed value...
Lee	2016	5	See note	100% of Assessed Value, if any.
Lincoln	2015	44	See note	Assessed Value of the system
Londonderry	2007	5	Up to \$5,000	
Lyman	2017	11	See note	100% of assessed value
Lyme	2008	20	See note	Exemption is "... equal to any increase in the assessed valuation that results from the installation of the system

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Madbury	2014	18	See note	100% of Assessed Value
Madison	2016	11	See note	100% of Assessed Value
Marlborough	2012	13	See note	100% of Assessed Value
Marlow	2013	16	See note	100% Cost of System
Mason	2015	18	See note	100% Assessed Value.
Meredith	2009	7	\$20,000	Cost of Installation
Milford	2016	24	See note	100% of Assessed Value; not to exceed \$10,000.
Mont Vernon	1980	3	See note	Exemption equals Value of equipment added to property
Nashua	2016	0-16-002	See note	Exemption equals Assessed Value
Nelson	2016	31	See note	100% of Assessed Value
New Boston	2008	17	See note	Exemption equals Full Assessed Value of Improvements
New Durham	1980	1	See note	Exemption equals 100% of Assessed Value of Improvement and/or Equipment
New Ipswich	2017	22	See note	Up to \$25,000 of Assessed Value
Newbury	2010	12	\$5,000	Up to \$5,000
Newfields	2015	7	See note	100% of Assessed Value
Newmarket	2006	3	See note	Exemption equals 100% of Cost of System and Installation
Newport	2010	11	See note	Equal to 100% of Value of System
Newton	2017	11	See note	\$1 of assessed value. Verified from town ballot. N
North Hampton	1979	9	\$1,000 per	



MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Northwood	1977	7	See note	Exemption equals 75% of Cost
Ossipee	1981	2	See note	Cost of System up to \$1,000
Pelham	1982	2	\$10,000	Exemption equals 100% of Cost of System up to \$10,000
Pembroke	2015	13	See note	100% of the assessed value of qualifying equipment.
Piermont	2012	18	\$10,000	Exemption equals 100% up to \$10,000
Pittsfield	2016	31	See note	100% of Assessed Value
Plainfield	2008	9	See note	Exemption equals 100% of Value up to \$50,000
Plaistow	2016	16	See note	100% of Assessed Value
Plymouth	2010	14	See note	100% -cost not added to the assessed value
Portsmouth	2011	R15-2001	See note	Based on cost of equipment up to \$25,000 per year for 5 years. If property sells within the 5 yrs. The exemption is lost.
Randolph	2003	5	\$1,500	
Raymond	1982	2	\$2,100	Exemption \$2,100 each
Richmond	2017	6	See note	100% of assessed value
Rindge	1982	22	See note	Exemption equals Base on Cost
Rochester	2006	Res1	See note	100% of Assessed Value
Roxbury	2009	23	See note	Exemption equals Up to \$10,000
Rumney	1982	2	See note	Exemption equals 100% of Cost of System
Rye	2013	18	\$35,000	

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Salisbury	2016	14	See note	100% of Assessed Value
Sanbornton	1983	1	See note	Exemption equals 100% of Cost to Install and Purchase Equipment
Sandwich	1979	3	\$5,000	
Shelburne	2017	5	See note	100% of Assessed Value
South Hampton	2016	16	0	100% of Assessed Value
Springfield	2010	13	See note	100% of assessed value up to \$50K
Stoddard	2017	12	See note	100% UP TO \$15,000
Stratham	2008	7	See note	Exemption equals Up to \$20,000
Sugar Hill	2015	19	See note	100% Assessed Value up to \$20,000
Sunapee	2012	21	See note	100% & not assessed per town.
Surry	1977	6	See note	Exemption equals Amount per Assessor
Sutton	2017	16	See note	100% of Assessed Value
Swanzey	1977	45	See note	Exemption equals Up to \$5,000
Tamworth	2012	2	See note	100% of assessed value of equipment
Temple	2007	18	See note	Exemption equals increased assessed property value; if no increase to assessment; no exemption granted
Troy	2015	31	See note	100% of Assessed Value
Unity	2009	19	See note	100% of Assessed Value of qualifying equipment under these statutes or to a maximum of \$20,000
Wakefield	2017	18	See note	100% of Assessed Value.

MUNICIPALITY	ADOPTION YEAR	WA# / RES # / ORD #	SOLAR EXEMPTION AMOUNT	NOTES
Warner	2008	25	See note	Exemption equals 100% of Assessed Value up to \$35,000
Washington	1997	21	See note	Exemption equals 100% up to \$5,000 for cost of improvements
Weare	2008	38	See note	100% of Assessed Value
Webster	2012	19	See note	100% of increase in assessed value
Wentworth	2007	21	See note	100% of Assessed Value
Whitefield	2016	26	See note	100% of Assessed Value not to exceed \$50k
Wilton	2016	20	See note	100% of Assessed Value
Winchester	2008	25	See note	Exemption equals 100% of Value
Windham	2011	14	See note	Equals Increase in Property Value
Wolfeboro	2010	34	\$10,000	

MUNICIPALITY	ADOPTION YEAR	WA # / RES # / ORD #	WOOD-HTG EXEMPTION AMOUNT	NOTES
Lebanon	2013	City council	See note	equal to any increase in incremental assessed value of the entire property attributable to the qualifying equipment under these statutes that is in excess of the property's assessed value...
Madison	2016	11	See note	100% of Assessed Value
Marlborough	2012	13	See note	100% of Assessed Value
Marlow	2013	18	See note	Increase difference in Assessment is exemption amount
Newbury	2010	12	\$5,000	Up to \$5,000
Newmarket	2006	2	See note	Exemption equals 100% of Cost of System and Installation
Northwood	1985	2	See note	Exemption equals 75% of Cost
Pelham	1982	4	\$3,000	Exemption equals 100% of Cost of System up to \$3,000
Plaistow	1981	15	\$4,900	Exemption equals \$4,900 per person; based on square footage of house. 5/26/17 LM VM w/town to verify. N
Plymouth	2010	14	See note	100% -cost not added to the assessed value
Randolph	2003	7	\$1,500	
Richmond	2008	49	See note	Cost of system
Sanbornton	1983	3	See note	Exemption equals 100% of Cost to Install and Purchase Equipment
Sandwich	1982	10	\$5,000	
Sugar Hill	2015	18	See note	100% Assessed Value up to \$20,000
Tamworth	1980	1D	\$500	
Temple	2007	17	See note	Exemption equals increased assessed property value; if no increase to assessment, no exemption granted
Unity	2009	19	See note	100% of Assessed Value of qualifying equipment under these statutes or to a maximum of \$20,000
Wakefield	1983	2	\$1,000	
Washington	1997	21	See note	Exemption equals Hot Air equals \$2,000 / Hot Water equals \$3,000

MUNICIPALITY	ADOPTION YEAR	WA # / RES # / ORD #	WOOD-HTG EXEMPTION AMOUNT	NOTES
Winchester	2008	25	See note	Exemption equals 100% of Value
Windham	2011	16	See note	Equals Increase in Property Value

# MUNICIPALITIES WITH A WIND-POWERED EXEMPTION

TOTAL NUMBER OF MUNICIPALITIES

68

MUNICIPALITIES	ADOPTION YEAR	WA # / RES # / ORD #	WIND-POWERED EXEMPTION AMOUNT	NOTES
Alstead	2015	22	See note	100% of Assessed Value
Andover	2013	20	See note	100% of Assessed Value
Atkinson	2009	23	See note	Exemption amount based on Cost of Equipment and Installation
Barrington	1981	16	\$5,000	
Bedford	3/11/80	Town council	See note	Installation plus replacement cost
Berlin	1986	City council	\$3,000	Date passed by city council 9/26/86, per Bryan on 5/25/17.
Bethlehem	2011	25	See note	100% of assessed value up to \$25,000
Boscawen	2011	11	See note	100% of System's Assessed Value
Bradford	2010	28	See note	100% of assessed value up to \$35,000
Campton	2010	26	See note	100% of improvement
Center Harbor	1978	1-C	See note	Exemption equal to Assessed Value of Energy System
Chester	1979	18	See note	Exemption equals 20% of base cost of system
Colebrook	2008	21	See note	100% of Assessed Value
Columbia	1977	13	See note	100% of Installation Cost
Conway	1981	9	See note	Exemption equals 100% Cost of System
Derry	2010	18	See note	100% of Assessed Value
Dummer	2010	19	See note	Exemption shall equal the amount the value of the property is increased by the installation of such a system
Effingham	1981	16	See note	Exemption equals Assessed Value of System
Enfield	2008	17	See note	100% of assessed value of qualifying system

MUNICIPALITIES	ADOPTION YEAR	WA # / RES # / ORD #	WIND-POWERED EXEMPTION AMOUNT	NOTES
Epsom	2016	14	See note	100% of Assessed Value
Franconia	2010	18	See note	Exemption equals 100% of assessed value of qualifying equipment up to \$20,000
Fremont	2009	28	See note	100% of Assessed Value
Gilmanton	2009	20	See note	100% of the Full Assessed Value of the System
Goshen	2008	22	See note	Cost of System
Grafton	2012	21	See note	100% of Assessed Value
Grantham	2016	6	See note	100% of Assessed Value
Greenfield	2008	2	See note	Full Assessed Value of System
Hampton Falls	2014	22	See note	100% of cost of assessed value.
Harrisville	2009	17	See note	Exemption equals Up to \$20,000
Henniker	1982	Ballot vote	See note	Exemption equals 50% of the Cost of the System up to \$10,000
Hillsborough	2011	22	See note	Exemption equals 100% of Assessed Value of qualifying system up to \$30,000
Hollis	2000	n/a	See note	Exemption equals Up to \$5,000
Keene	2017	R-18	See note	An amount equal to the cost, including installation, up to \$10,000
Kensington	2013	14	See note	100% Assessed Value of qualified equipment
Kingston	1980	42	\$150	
Langdon	2011	23	See note	100% of Assessed Value
Lebanon	2013	City council	See note	equal to any increase in incremental assessed value of the entire property attributable to the qualifying equipment under these statutes that is in excess of the property's assessed value...
Londonderry	2007	5	Up to \$5,000	

MUNICIPALITIES	ADOPTION YEAR	WA # / RES # / ORD #	WIND-POWERED EXEMPTION AMOUNT	NOTES
Madison	2016	11	See note	100% of Assessed Value
Marlborough	2012	13	See note	100% of Assessed Value
Marlow	2013	17	See note	100% Cost of System
Mason	1981	Ballot vote	See note	Exemption equals Amount to be determined by Selectmen
Meredith	2009	8	\$20,000	Cost of Installation
Mont Vernon	1980	2	See note	Exemption equals Value of equipment added to property
New Boston	2008	16	See note	Exemption equals Full Assessed Value of Improvements
Newbury	2010	12	\$5,000	Up to \$5,000
Newmarket	2006	4	See note	Exemption equals 100% of Cost of System and Installation
Newport	2010	12	See note	Equal to 100% of Value of System
Northwood	1978	4	See note	Exemption equals 75% of Cost
Piermont	2012	19	\$10,000	Exemption equals 100% up to \$10,000
Plainfield	2008	9	See note	Exemption equals 100% of Value up to \$50,000
Plymouth	2010	14	See note	100% -cost not added to the assessed value
Randolph	2003	6	\$1,500	
Richmond	2017	7	See note	100% of assessed value
Rochester	2006	Resl	See note	100% of Assessed Value
Roxbury	2009	23	See note	Exemption equals Up to \$10,000
Sanbornton	2008	16	See note	
Sandwich	1979	4	\$5,000	



MUNICIPALITIES	ADOPTION YEAR	WA # / RES # / ORD #	WIND-POWERED EXEMPTION AMOUNT	NOTES
Springfield	2010	13	See note	100% of assessed value up to \$50K
Stratham	2008	7	See note	Exemption equals Up to \$20,000
Tamworth	1980	1C	\$500	
Temple	2007	19	See note	Exemption equals increased assessed property value; if no increase to assessment; no exemption granted
Unity	2009	19	See note	100% of Assessed Value of qualifying equipment under these statutes or to a maximum of \$20,000
Wamer	2008	24	See note	Exemption equals 100% of Assessed Value up to \$35,000
Washington	1997	21	See note	Exemption equals 100% up to \$5,000 for cost of improvements
Winchester	2008	25	See note	Exemption equals 100% of Value
Windham	2011	15	See note	Equals Increase in Property Value
Wolfeboro	2008	31	\$5,000	

## Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sat Aug 11, 2018

### 8am - 4pm Boot Drive - Portsmouth Professional Firefighters Local 1313

**Where:** Market Square

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:** Fill-the-Boot Drive is a voluntary "toll booth" to collect donations for MDA.

### 10:30am - 3:30pm Round Island Regatta

**Where:** Peirce Island launch ramp and related parking area

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <http://www.gundalow.org/rir> - Contact: Molly Bolster [director@gundalow.org](mailto:director@gundalow.org) -

Contact: Matt Glenn, Captain [captain@gundalow.org](mailto:captain@gundalow.org)

Fri Aug 17, 2018

### 4pm - 8pm Musical Performance

**Where:** Vaughan Mall Stage

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

Sat Aug 18, 2018

### 4pm - 7pm Fife and Drum Corps

**Where:** Market Square in front of North Church

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

Sat Aug 25, 2018

### 10am - 2pm National Multiple Sclerosis Society

**Where:** Route 1A South Bike Tour

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <http://main.nationalmssociety.org> - Contact: Emily Christian, Logistics Manager - (781) 693-5154 or [Emily.Christian@nmss.org](mailto:Emily.Christian@nmss.org) - Start/Finish Location: Stratham Hill Park

Sun Sep 9, 2018

### 12pm - 4:30pm Electric Vehicle Show

**Where:** To be discussed - use of City Hall lower parking lots

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:** Contact: James Penfold

Fri Sep 14, 2018

### All day Music Hall Telluride by the Sea Film Festival

Fri Sep 14, 2018 - Sun Sep 16, 2018

**Where:** Music Hall

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://www.themusichall.org> - Contact: Chris Curtis [ccurtis@themusichall.org](mailto:ccurtis@themusichall.org) - Congress to Porter Streets will be closed.

## Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sat Sep 15, 2018

### All day Music Hall Telluride by the Sea Film Festival

Fri Sep 14, 2018 - Sun Sep 16, 2018

**Where:** Music Hall

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://www.themusichall.org> - Contact: Chris Curtis [ccurtis@themusichall.org](mailto:ccurtis@themusichall.org) - Congress to Porter Streets will be closed.

### 10am - 11am American Foundation for Suicide Prevention

**Where:** Little Harbour School Begin and End

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://afsp.donordrive.com> - Contact: Ken La Valley, Chair - (603) 862-4343 or [ken.lavalley@unh.edu](mailto:ken.lavalley@unh.edu) - Registration begins at 8:30 a.m. and walk duration from 10:00 a.m. to Noon.

### 2pm - 9pm Musical Performance

**Where:** Vaughan Mall Stage

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

Sun Sep 16, 2018

### All day Music Hall Telluride by the Sea Film Festival

Fri Sep 14, 2018 - Sun Sep 16, 2018

**Where:** Music Hall

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://www.themusichall.org> - Contact: Chris Curtis [ccurtis@themusichall.org](mailto:ccurtis@themusichall.org) - Congress to Porter Streets will be closed.

### 7:30am - 9:30am My Breast Cancer Support

**Where:** Portsmouth Middle School, 155 Parrott Ave, Portsmouth, NH 03801, USA

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <http://cp5k.mybreastcancersupport.org> - Contact: Jennie Halstead, Executive Director, Survivor - (603) 759-5640

Sat Sep 22, 2018

### All day Granite State Wheelmen Inc. - Seacoast Century Bicycle Ride

Sat Sep 22, 2018 - Sun Sep 23, 2018

**Where:** Route starts at Hampton Beach cycle into Massachusetts and Maine

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <http://www.granitestatewheelmen.org> - Contact: Donna Hepp, Seacoast Century Co-Coordinator [dhepp3@gmail.com](mailto:dhepp3@gmail.com) or 414-258-3287.

## Portsmouth CM-OFFICE, City of Portsmouth - Community Events

### All day Friends of the South End Fairy House Tour

Sat Sep 22, 2018 - Sun Sep 23, 2018

**Where:** Use Peirce Island Parking as well as the use of Prescott Park

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <http://www.portsmouthfairyhousetour.com> - Contact Caroline Amport Piper [caroline@canoeharbor.com](mailto:caroline@canoeharbor.com) or (603) 686-4338 - The Tour will take place on the grounds of the Governor John Langdon House, Strawberry Banke Museum and in collaboration with the Prescott Park Arts Festival. Use of Peirce Island for parking as well as the use of Prescott Park. Closure of Washington Street between Hancock and Court Streets to through traffic from 9:30 a.m. to 4:00 p.m. both days.

Sun Sep 23, 2018

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Sat Sep 22, 2018 - Sun Sep 23, 2018

**Where:** Route starts at Hampton Beach cycle into Massachusetts and Maine

**Calendar:** City of Portsmouth - Community Events

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**Description:**

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### 8:30am - 1pm Seacoast Walk to End Alzheimer's

**Where:** Little Harbour School begin and end

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <http://act.alz.org> - Contact: Kate Corriveau, NH Development Officer - [kcorriveau@alz.org](mailto:kcorriveau@alz.org) or (617) 393-2151 - The Walk site opens at 8:30 a.m. for registration, the Walk itself kicks off at 10:00 a.m. and clean up and off the premises by 1:00 p.m.

### 10am - 12pm 5K Road Race - Bottomline Technologies

**Where:** Pease Tradeport

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- Contacts: Holly Tennent and Jylle Nevejans - [htennent@bottomline.com](mailto:htennent@bottomline.com) or 603-501-6653 - [jnevejans@bottomline.com](mailto:jnevejans@bottomline.com) or 603-501-6185

## Portsmouth CM-OFFICE, City of Portsmouth - Community Events

**Sat Sep 29, 2018**

### **All day Portsmouth Maritime Folk Festival**

Sat Sep 29, 2018 - Sun Sep 30, 2018

**Where:** Market Square

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:** - <http://www.pmffest.org> - Contact: Bruce MacIntyre

**Sun Sep 30, 2018**

### **All day Portsmouth Maritime Folk Festival**

Sat Sep 29, 2018 - Sun Sep 30, 2018

**Where:** Market Square

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:** - <http://www.pmffest.org> - Contact: Bruce MacIntyre

**Sun Oct 7, 2018**

### **10am - 11:30am 6th Annual Memorial Bridge 5k**

**Where:** US Route 1 Memorial Bridge

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://www.prescottpark.org> - Contact: Ben Anderson, Executive Director, Prescott Park Arts Festival (603) 436-2848 - This event is held by Prescott Park Arts Festival in conjunction with Seacoast Community School.

**Wed Oct 31, 2018**

### **7pm - 9pm Portsmouth Halloween Parade**

**Where:** Beginning at Peirce Island to conclude at Prescott Park

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:** - <http://www.portsmouthhalloweenparade.org> - Contact: Abigail Wiggin

**Sun Nov 11, 2018**

### **8am - 9am Seacoast Half Marathon**

**Where:** Begins and Ends at Portsmouth High School

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://seacoasthalfmarathon.com> - Contact: Jay Diener, Co-Race Director (603) 758-1177 or [shmracedirector@gmail.com](mailto:shmracedirector@gmail.com)

**Sun Dec 9, 2018**

### **10am - 11am Jingle Bell Run/Walk for Arthritis**

**Where:** Little Harbour School

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://www.arthritis.org/new-hampshire/> - Contact: Thomas Bringle, Director of Development (603) 460-4213 or [tbringle@arthritis.org](mailto:tbringle@arthritis.org) - Registration opens at 9:00 a.m. and race start time is 10:00 a.m.

# Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sat Apr 13, 2019

**9:30am - 11:30am New Castle 10K**

**Where:** Starts and finishes at Great Island Common New Castle

**Calendar:** City of Portsmouth - Community Events

**Created by:** Portsmouth CM-OFFICE

**Description:**

- <https://www.newcastlenh10k.com/> - Contact: Nick Diana (603) 498-8539 or [nick@newcastlenh10k.com](mailto:nick@newcastlenh10k.com)

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## M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Peter Rice, Director of Public Works and David Moore, Assistant City Manager  
**DATE:** July 25, 2018  
**RE:** Campus Drive Recreation Fields

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This memorandum is intended to summarize a phase 1 scope of work and related opinion of costs for the Campus Drive Recreation Fields Project. As you know, the City Council recently voted to make up to \$5,000,000 available for a first phase of construction at the Campus Drive property. This would be the first step toward the realization of the ultimate vision for the property - the creation of a multi-field complex with related amenities including sports field lighting.

The following is the opinion of costs for a first phase based on initial concepts. Key assumptions about the phase 1 program include: All related utilities and site work for the portion of the newly acquired parcel designated for recreation fields; the installation of one full-size (225' by 360') field and one U-10 field; installation of sports field lighting for both phase 1 fields; utilization of the existing road way; creation of a parking lot; and restroom building/concession.

### Opinion of Costs – Campus Fields Construction Project – Phase 1

Site preparation/earthwork		\$ 480,000
Access road, parking and parking lot lighting		\$ 258,000
Drainage, water, sewer, electrical utilities		\$ 551,000
Synthetic turf fields: Large, 225' X 360'; U-10		\$ 1,500,000
Curbing, sidewalks, signs		\$ 79,000
Restroom building (1,200 SF)		\$ 168,000
Landscaping/revegetation/turf establishment		\$ 100,000
Sports field lighting		\$ 250,000
Sports field amenities (fencing, seating, ball netting)		\$ 140,000
Mobilization (6%)		\$ 181,680
	<i>Construction sub-total</i>	<i>\$ 3,707,680</i>
Site investigation, engineering design & permitting	10%	\$ 370,768
Construction admin/resident project representative	10%	\$ 370,768
Construction contingency	12%	\$ 444,922
	<i>Engineering &amp; admin &amp; inspection sub-total</i>	<i>\$ 1,186,458</i>
		<i>\$ 4,894,138</i>
Construction cost inflation (2019)	2%	\$ 97,883
	<b>Grand total:</b>	<b>\$ 4,992,020</b>

Engineering and analysis of the site yet to be conducted will inform final decisions about scoping an initial phase of construction at the site. There are many more determinations and engineering options to explore during the design and permitting process, which may impact the opinion of costs. Examples of these issues to be addressed during the design process are listed here:

1. What is the extent of fill required to bring the site up to grade (what will the final field elevations be)?; this is a major cost driver.
2. To what extent will excavation, drainage structures, field lighting foundations, and other infrastructure for the future fields be constructed “up front”, as part of the initial phase in order to take advantage of mobilized contractor and protect initial investments during subsequent construction?
3. Will the field surfacing strategy be crumb rubber or some alternative synthetic alternative?
4. As design and permitting moves forward, as urged at the Council level, we plan to assess the relative value of investing in perhaps 2 or even 3 large fields (as part of a first construction project) to the exclusion of other aspects of the program such as (final surfacing for the parking lot, lighting for all fields, smaller restroom/concession building, etc.).

If we can provide any additional information in support of this memorandum, please let us know.



## CITY OF PORTSMOUTH



# CDBG PUBLIC FACILITY AND ACCESSIBILITY IMPROVEMENTS NON-PROFIT AGENCY GRANTS AVAILABLE

July 18, 2018

**FOR MORE INFORMATION**  
Contact: Elise Annunziata, 610-7281

**PORTSMOUTH** – The Portsmouth Community Development Department is now accepting applications for the FY 2019 Public Facility and Accessibility Improvements Grant Program. The funding for this program is provided by a Community Development Block Grant from the U.S. Department of Housing and Urban Development. Grants generally ranging from \$15,000 - \$50,000 will be based upon available funding and individual project needs. Projects that demonstrate ability to fully expend and meet CDBG programmatic requirements before March 30, 2019 will be given priority consideration.

Any non-profit organizations located in Portsmouth, has a 501(c)(3) non-profit tax-exemption status, and offers services to Portsmouth clients is eligible to apply to this grant program. The program's goal is to make improvements at public facilities that are utilized primarily by low- to moderate- income persons and/or to remove architectural barriers that prevent individuals from obtaining services or employment at nonprofit facilities.

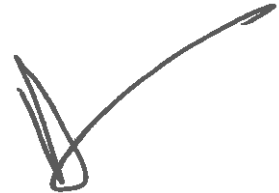
This is a competitive grant program and program funds available are limited. If granted, agencies expending federal funds will be required to comply with detailed eligibility criteria, procurement standards, labor and wage rate requirements and programmatic and financial reporting requirements. Additional information about these requirements can be provided upon request.

**The deadline for submission of applications to the City of Portsmouth Community Development Department is 1:00 p.m. on Friday, August 17, 2018.** In order to be considered for funding, applications must be received by that date and time.

To request an application, or to obtain more information about the CDBG Public Facility and Accessibility Improvements Grant Program, please call Elise Annunziata, Community Development Coordinator, in the Portsmouth Community Development Department at (603) 610-7281 or visit <https://www.cityofportsmouth.com/community>.

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: July 31, 2018  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: PLANNING BOARD RESIDENCY ISSUES RAISED  
BY MARK BRIGHTON



---

City resident Mark Brighton, and subsequently local media, have raised the question of whether or not the service of Deputy City Manager Nancy Colbert-Puff on the Planning Board is permissible under state and local laws given that she is a resident of the Town of Kittery, Maine. By extension, the same issue would arise in connection with the service of Assistant City Manager David Moore as a member of the Planning Board insofar as he is a resident of the Town of Stratham, New Hampshire. For the reasons that follow, I conclude that it is legally permissible for the Deputy City Manager and the Assistant City Manager to serve on the Planning Board.

**ISSUE**

Mr. Brighton and the media point to a number of State statutes and local ordinances in support of their position that the Deputy City Manager and presumably the Assistant City Manager may not serve on the Planning Board. These provisions include:

- RSA 673:2II(a) (“In other towns the Planning Board shall consist of...”)
- RSA 673:3 (“Zoning Board of Adjustment and Building Code Board of Appeals shall consist of ...”)
- RSA 669:6 (“Unless otherwise provided by law, no person shall hold an elected town office ...”)
- RSA 91:2 (“No person who is eligible to hold any municipal office ... who is not a citizen of the United States”)
- RSA 655:1 (“To hold any elective office in the state a person must be a citizen of the United States ...”)

- RSA 655:2 (“To hold any **elective office** in the state a person must have a domicile in the state ... “)
- RSA 673:1 (“Any local legislative board may establish a planning board, the members of which shall be residents of the municipality”)
- City Ordinance Chapter One, Article 3 Section 1.302E (“Eligibility for appointment to Municipal Boards shall be limited to residents of the City of Portsmouth.”)

(Emphasis Added Throughout)

### ANALYSIS

Although all of the legal provisions cited above create a situation in which questioning the residency of the Deputy City Manager and the Assistant City Manager as members of the Planning Board is a fair question, the analysis of that question calls for a careful reading of those laws and consideration of legal and factual provisions beyond those cited.

As the bolded language in the provisions cited above shows, for the most part those laws are not relevant to the question at hand. The cited laws refer to towns rather than cities, boards other than the Planning Board, elected offices (the Planning Board is appointed) or a requirement that municipal officials be a citizen of the United States. Therefore, most of these laws are not relevant to the question at hand. However, there are two which are relevant. The first is RSA 673:1 (see above). The second exception is Ordinance Provision Chapter One, Section 1.302E (also above) which requires that eligibility for appointment to municipal boards shall be limited to residents of the City. It is important to note that this provision is the creation of the Portsmouth City Council. Accordingly, it must be read in the light of other provisions adopted by the Portsmouth City Council in order to ascertain the intent of the Council in adopting the body of ordinances which control land use regulation within the City. It is axiomatic that in legal interpretation, individual legal provisions are not read in a vacuum, rather laws are read as a whole; *Working Stiff Partners, LLC v. City of Portsmouth*, RCSC 218-2017-CV-01450.

### AUTHORITY AND ACTIONS OF THE CITY COUNCIL

The authority for the City Council for the City of Portsmouth comes not from any of the previously cited provisions of law, but rather from RSA 673:2 I-a, which reads in pertinent part:

I-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:

- (a) The city manager, or with the approval of the local legislative body the city manager's designee, **who shall be an ex officio member;**
- (b) A member of the city council selected by the council, who shall be an ex officio member; and
- (c) Seven persons appointed by the mayor, if the mayor is an elected official, **or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.**

(Emphasis added)

The Portsmouth City Council by ordinance most recently amended in 1993 implemented the foregoing provisions of statute by adopting Chapter 1, Article I, Section 1.303 entitled **PLANNING BOARD** which reads in pertinent part:

A. Membership: the Planning Board of the City shall consist of nine members and two alternate members, specifically;

- 1. The City Manager, or the designee of the City Manager with the approval of the City Council, **who shall be an ex officio member;**
- 2. An administrative official of the City selected by the City Manager **who shall be an ex officio member.**

(Emphasis added)

At the present time, the designee of the City Manager is the Deputy City Manager. Moreover, the administrative official of the City selected by the City Manager is the Assistant City Manager. As noted in bold above, each serves in an ex officio capacity.

### EX OFFICIO

By memorandum dated January 26, 1996 addressed to the Mayor and City Council from this office, it was written:

Ex-officio members of Boards are individuals who serve as a result of holding particular public office rather than serving as the result of being appointed or elected as individuals. Thus, the City Manager is a member of the Planning Board, not James McSweeney as an individual. If there should come to be a new City Manager, that individual automatically assumes the duties of a Planning Board member as soon as he/she becomes City Manager without further specific appointment. Ex-officio members of a public body are members for all purposes,

AmJur 2d, Admin Law, Section 37. Since voting is perhaps the most essential purpose served by a Planning Board member, it is clear that both the City Manager and the Chief Building Inspector have a right to vote on Portsmouth Planning Board decisions.

See also RSA 672:5, “Ex officio member” means any member who holds office by virtue of an official position ...”

Stated otherwise, when a board member is appointed ex officio, it is not the individual who serves in that position that has been appointed to the Board, rather it is the position which has been appointed to the Board. In other words, Nancy Colbert-Puff is not individually the member appointed to the Planning Board, rather the Deputy City Manager has been appointed to the Planning Board. While people have residences, positions do not.

Evidence that the State Legislature recognized the difference between ex officio members of a planning board and resident members is displayed at RSA 673:2 II(a), where it is written:

The selectman shall designate one selectman or administrative official of the town as an ex officio member and appoint four or five other persons who are residents of the town, as appropriate;

Thus, the State Legislature has distinguished between ex officio members of a planning board and those regular members must be residents of the town.

### PORTSMOUTH HISTORY

The City of Portsmouth has long interpreted the Planning Board statutes and ordinances to allow ex officio planning board appointees to be non-residents of the City. For example, on November 13, 2000, the Portsmouth City Council ratified the City Manager’s appointment of Deputy City Manager Ted Jankowski as an ex officio member of the Planning Board. Mr. Jankowski resided in New Castle. Similarly, in 2004, on the departure of Mr. Jankowski from City employment, his successor as Deputy City Manager Cindy Hayden also became his successor on the Planning Board. When she became Deputy City Manager that position was an ex officio to the Planning Board and so she became a member of that board. Cindy Hayden resided in the town of Pittsfield, New Hampshire. She served on the Planning Board for her entire term as Deputy City Manager.

It would seem that the intent of the Legislature in allowing for such ex officio appointments to a planning board is to provide for a balance on the planning board between the appointed resident members of the board who are

unlikely to have education or experience in planning science by allowing for limited representation on the board by individuals who do possess such education and experience. In the case of the City of Portsmouth, that purpose is uniquely well served by the presence of the Deputy City Manager and the Assistant City Manager on the Planning Board.

### OTHER MUNICIPALITIES

It appears that there are other municipalities in the State of New Hampshire which agree with the analysis that ex officio members of a planning board, as distinct from regular members, may reside outside of the municipality. The City of Lebanon, New Hampshire, for example, has two ex officio members of the Planning Board who reside in Vermont. Similarly, the City of Franklin, New Hampshire has an ex officio member of the Planning Board who resides in Hill, New Hampshire. However, it should be noted that in the municipalities surveyed by the Planning Department, other than Lebanon and Franklin, there were no ex officio members of planning boards residing outside of the particular city or town at the present time, although in some cases there have been in the past.


### CONCLUSION

The question which was presented by Mr. Brighton and others regarding Planning Board residency is a serious question which calls for a thoughtful and analytical response. This memorandum, concluding as it does, is presented as such a response from the City's Legal Department. As in all issues of legal interpretation, there may be others who feel differently. However, this memorandum outlines the thinking and actions of the municipal government of the City of Portsmouth on these issues retrospective to at least the year 2000.

cc: Nancy Colbert-Puff, Deputy City Manager  
David Moore, Assistant City Manager  
Juliet Walker, Planning Director  
Mark Brighton

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: August 3, 2018  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: **ADDENDUM TO THE MEMORANDUM DATED JULY 31, 2018 REGARDING  
PLANNING BOARD RESIDENCY ISSUES RAISED BY MARK BRIGHTON**



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Below please find the full citations which were outlined in the memorandum referenced above dated July 31, 2018.

**CHAPTER 91  
ELIGIBILITY TO HOLD PUBLIC OFFICE; REMOVAL**

**91:2 Aliens.** – No person is eligible to hold any municipal office, elective or appointive, who is not a citizen of the United States. (Source. 1949, 214:2, eff. May 26, 1949.)

**CHAPTER 655  
NOMINATIONS  
General Qualifications**

**655:1 Citizenship.** – To hold any elective office in the state, a person must be a citizen of the United States, either by birth or by naturalization. (Source. 1979, 436:1, eff. July 1, 1979.)

**655:2 Domicile.** – To hold any elective office in the state, a person must have a domicile in the state. Registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a domicile in this state. (Source. 1979, 436:1, 2001, 118:1, eff. Aug. 25, 2001.)

**CHAPTER 669  
TOWN ELECTIONS  
General Provisions**

**669:6 Qualification of Officers.** – Unless otherwise provided by law, no person shall hold an elective town office who does not have his domicile within the town. (Source. 1979, 410:1, eff. July 1, 1979.)

**CHAPTER 672**  
**GENERAL PROVISIONS**  
**Words and Phrases Defined**

**672:5 Ex Officio Member.** – "Ex Officio member" means any member who holds office by virtue of an official position and who shall exercise all the powers of regular members of a local land use board.

**CHAPTER 673**  
**LOCAL LAND USE BOARDS**  
**Establishment of Boards**

**673:1 Establishment of Local Land Use Boards. –**

- I. Any local legislative body may establish a planning board, the members of which shall be residents of the municipality.
- II. Any local legislative body may establish any or all of the following: a heritage commission, a historic district commission, an agricultural commission, and a housing commission.
- III. Any local legislative body may provide for the appointment of an inspector of buildings. The local legislative body may fix the compensation for any inspector who is so appointed.
- IV. Every zoning ordinance adopted by a local legislative body shall include provisions for the establishment of a zoning board of adjustment. Members of the zoning board of adjustment shall be either elected or appointed, subject to the provisions of RSA 673:3.
- V. Every building code adopted by a local legislative body shall include provisions for the establishment of the position of a building inspector, who shall issue building permits, and for the establishment of a building code board of appeals. If no provision is made to establish a separate building code board of appeals, the ordinance shall designate the zoning board of adjustment to act as the building code board of appeals. If there is no zoning board of adjustment, the board of selectmen shall serve as the building code board of appeals.

(Source. 1983, 447:1. 1992, 64:5. 2007, 266:2. 2008, 391:2. 2009, 286:1, eff. Jan. 1, 2010.)

**Appointment and Terms of Local Land Use Board Members**  
**Section 673:2**

**673:2 Planning Board. –**

- I. (a) In cities, the planning board shall consist of 9 members:
  - (1) The mayor of the city, or with the approval of the local legislative body the mayor's designee, who shall be an ex officio member;
  - (2) An administrative official of the city selected by the mayor, who shall be an ex officio member;
  - (3) A member of the city council selected by the council, who shall be an ex officio member; and
  - (4) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.



(b) Alternatively, the local legislative body in a city with a city council-city manager form of government may establish a planning board with membership as provided in paragraph I-a.

- I-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:
  - (a) The city manager, or with the approval of the local legislative body the city manager's designee, who shall be an ex officio member;
  - (b) A member of the city council selected by the council, who shall be an ex officio member; and
  - (c) Seven persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.
  
- I-b. In towns which operate under the town council form of government, the planning board shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal charter. If the planning board shall consist of 9 members, the members shall be the persons listed in paragraph I. If the planning board shall consist of 7 members, the members shall be as follows:
  - (a) A member of the town council or administrative official of the town selected by the town council, who shall be an ex officio member; and
  - (b) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.
  
- II. In other towns, the planning board shall consist of 5 or 7 members as determined by the local legislative body. The membership shall be filled by one of the following procedures:
  - (a) The selectmen shall designate one selectman or administrative official of the town as an ex officio member and appoint 4 or 6 other persons who are residents of the town, as appropriate; or
  - (b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA 673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c). The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:
    - (1) The selectmen shall choose one selectman or administrative official of the town as an ex officio member and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II; or
    - (2) The selectmen shall choose one selectman or administrative official of the town as an ex officio member and the remaining planning board

positions shall be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member expires, until each member of the board is an elected member. The maximum number of elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member is an elected member, such member shall be elected for the term provided in RSA 673:5, II.

(c) A local legislative body which has voted to elect planning board members may, by majority vote at town meeting, decide to rescind that action and have the planning board appointed in the manner set forth in subparagraph (a). The vote to have planning board members so appointed shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint members in accordance with RSA 673:5. The planning board shall, however, continue in existence, and the elected members in office at the time of the town meeting vote to appoint members may continue to serve until their successors are appointed and qualified.

III. In village districts, the planning board shall consist of either 5 or 7 members as determined by the village district meeting. The district commissioners shall:

- (a) Designate one district commissioner or administrative official of the district as an ex officio member; and
- (b) Appoint 4 or 6 other persons who are residents of the village district, as appropriate.

IV. In counties in which there are located unincorporated towns or unorganized places, the planning board shall consist of 5 or 9 members. The county commissioners shall recommend appointees to the planning board, and the appointees shall be approved by the county delegation. Planning board members shall be residents of the county, and shall be evenly distributed geographically throughout the county. The membership of the planning board shall be as follows:

- (a) The chairperson of the board of county commissioners or designee shall be an ex officio member.
- (b) A member of the county convention selected by the convention shall be an ex officio member.
- (c) An administrative official of the county selected by the chairperson of the board of county commissioners shall be an ex officio member.
- (d) Two or 6 persons appointed by the board of county commissioners and approved by the county convention.
- (e) One or 3 alternates appointed by the board of county commissioners and approved by the county convention.

(Source. 1983, 447:1. 1987, 255:1. 1989, 266:9. 1991, 377:4. 1992, 89:1, 2. 1993, 69:1. 1996, 42:1-4; 181:1. 2000, 107:1, eff. July 7, 2000.)

## **Appointment and Terms of Local Land Use Board Members**

### **673:3 Zoning Board of Adjustment and Building Code Board of Appeals. –**

- I. The zoning board of adjustment shall consist of 5 members. The members of the board shall either be elected in the manner prescribed by RSA 669, or appointed in a manner prescribed by the local legislative body. Each member of the board shall be a resident of the municipality in order to be appointed or elected.
- II. Zoning board of adjustment members who are elected shall be elected for the term provided under RSA 673:5, II. A local legislative body which has previously provided for the appointment of zoning board of adjustment members may rescind that action by majority vote and choose to elect board members. The terms of appointed members of zoning boards of adjustment in municipalities in office on the effective date of an affirmative decision to elect such board members shall not be affected by the decision. However, when the term of each member expires, each new member shall be elected at the next regular municipal election for the term provided under RSA 673:5, II.
- III. A local legislative body which has provided for the election of zoning board of adjustment members may rescind that action by majority vote, in which event members shall thereafter be appointed in a manner prescribed by the local legislative body. The elected board shall, however, continue in existence, and the elected members in office may continue to serve until their successors are appointed and qualified.
- III-a. A local legislative body's decision to change from an elected to an appointed zoning board of adjustment, or from an appointed to an elected zoning board of adjustment, may be made without amending the zoning ordinance. In a town operating under the town meeting form of government, the decision may be made at any annual or special town meeting. If the town has adopted the official ballot for the election of town officers, the question may be, but is not required to be, placed on the official ballot. If the question is not placed on the official ballot, the question shall be placed in the warrant and shall be voted on as a separate article at the town meeting.
- IV. The building code board of appeals shall consist of 3 or 5 members who shall be appointed in a manner prescribed by the local legislative body; provided, however, that an elected zoning board of adjustment may act as the building code board of appeals pursuant to RSA 673:1, V. Each member of the board shall be a resident of the municipality in order to be appointed.

**(Source. 1983, 447:1. 1990, 71:1. 2009, 286:2, eff. Jan. 1, 2010.)**

**Chapter 1, Article III, Section I.302: APPOINTMENTS, TENURE AND REMOVAL**

- A. All appointees to Boards shall serve for the term appointed or until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term or until a successor shall have been appointed and qualified.
- B. Records of attendance shall be kept by the Chairmen of Boards and Commissions appointed by the City Council. The attendance records of Boards and Commissions shall be reported to the City Council on an annual basis. If a member notifies the Chairman of the Board or Commission prior to a meeting that he will not be able to attend the meeting due to sickness, vacation or out of town business travel, such absence will be considered an excused absence and so noted in the minutes of the meeting and the attendance sent to the Council. The City Council shall declare vacant the office of any member who has unexcused absences from more than one-third of the regularly scheduled meetings of the board or commission in any calendar year.
- C. In the case of appointees who must be removed pursuant to State Statute, the Chairman of the Board or Commission shall notify the City Council in writing of any members in violation of the previous paragraph and such violation may be found by the City Council to be neglect of duty and may be grounds for dismissal.
- D. Every member of a board, commission or committee of the City, whose term is to expire, shall receive a notice from the City Clerk sixty (60) days prior to the expiration of his or her term. A copy of the notice shall be sent to the City Council. Public notice of the upcoming vacancy shall be advertised in the local newspaper. Not an official copy City of Portsmouth, NH Ordinances Page 7 Chapter 1
- E. Eligibility for appointment to Municipal Boards shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Municipal Board shall become ineligible to remain on that Municipal Board in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

**Chapter 1, Article III, Section I.303: PLANNING BOARD**

- A. Membership: The Planning Board of the City shall consist of nine (9) members and two (2) alternate members, specifically; (Adopted 1/23/95)
  - 1. The City Manager, or the designee of the City Manager with the approval of the City Council, who shall be an ex-officio member;
  - 2. An administrative official of the City selected by the City Manager who shall be an ex-officio member;
  - 3. A member of the City Council selected by the Mayor with the approval of the Council, who shall be an ex-officio member;

4. Six residents of the City appointed by the Mayor with the approval of the City Council.
  5. Two (2) alternates who shall be residents of the City appointed by the Mayor with the approval of the City Council. (Adopted 1/23/95)
- B. Term: All Planning Board members shall serve as such without compensation and the appointed members shall hold no other municipal office except ward official, election official and checklist supervisors. The term of each appointed member shall be three (3) years. The Mayor shall apportion appointments so that no more than three appointments occur annually. (Amended 6/3/2002)
- C. Powers: The Planning Board shall have those powers and perform those duties identified by State law and local ordinance. (Amended 3/22/93)

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INTEROFFICE MEMORANDUM

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**TO:** JOHN BOHENKO, CITY MANAGER  
**FROM:** NANCY COLBERT PUFF, DEPUTY CITY MANAGER  
**SUBJECT:** MCINTYRE UPDATE  
**DATE:** AUGUST 1, 2018

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Following is a summary of on-going work performed pursuant to the McIntyre project since mid-June – as you are aware, Redgate/Kane and the City have been preparing a response to the recent input received from the National Park Service (NPS) concerning compliance with the Secretary of the Interior’s Standards. On a parallel track, the City and Redgate/Kane have been doing work pertaining to due diligence, the draft development agreement, land lease preparation, and financial pro forma.

1. **Proposed Design and Secretary Standards:** Prior to June, the City had been in frequent contact with the NPS, and sought preliminary input on specific designs from NPS officials as early as December 2017, when NPS reviewed all proposals submitted and provided specific feedback. Additional preliminary, iterative consultations were conducted in February, March, May, and June.

Since June, the team has been working to assemble a draft of the entire Preservation Plan section of the Historic Monument Application to document the building’s history and features as they relate to a revised design proposal. A visit to the Philadelphia office of NPS to review a revised design is targeted for mid-August.

2. **Financial Pro Forma:** As Redgate/Kane works to revise the design plan to meet NPS’ approval, they are obtaining construction cost estimates, and are factoring in a reduced density into their overall pro forma. Redgate/Kane has preliminarily indicated the cost involved with the proposed glassed, double-height entry to the public market may be prohibitive, and that on-going project estimating will likely impact the base rent to be negotiated as part of the lease agreement.

In addition, Redgate/Kane will request a 99-year lease term. This term will need to be carefully evaluated by both the City and the NPS. The City is aware (and has informed Redgate/Kane) that the anticipated requested term length is not preferred by NPS, and such a request will need to be supported by compelling evidence of necessity.

3. **Negotiating Principles, Development Agreement and Lease Term Sheet:** The City has engaged John Sokul, partner at Hinckley Allen, to draft the Development Agreement and Lease. The executed Negotiating Principles anticipated submission of an application to the Historic Monument program no later than the end of July. As this timeframe has now passed, Council may consider endorsing an extension to this timeframe to indicate its support for continuing to deal exclusively with Redgate/Kane. Once we have received a revised design, I would recommend this be placed on a future agenda.

4. **Post Office Location:** The City continues to work with the post office to understand its needs into the future. As you are aware, the GSA gave notice of its intent to dispose of the building to all of its tenants, including the post office, in the fall of 2016. The City Council, in pursuing acquisition of the site, stated its desire to keep the post office at the McIntyre site as part of its Request for Proposals, and has been working with Redgate/Kane to assure adequate space would be reserved for post office use as part of any redevelopment.

In reviewing redevelopment plans with the post office, a few things became clear:

- Even with a guaranty that the future redevelopment would accommodate their needs, the post office is not interested in relocating to a temporary site and then moving back to the McIntyre site – they view this as costly and impractical.
- The cost involved in keeping a safe and active post office use as the building is remediated and the site redeveloped is very high – aside from the construction costs, the extended project delivery timeframe would be expensive, accounting for both interest expense and a delayed revenues.
- The market rent that this renovated location would demand will be substantially higher, as existing GSA rent is lower than what future asking rent will be.

The City has encouraged the post office to look at the flex space at the Foundry Garage as a possible temporary and permanent location. Their architects have toured the space, and are evaluating whether to continue to work with the City on this possibility.

In the meantime, the post office must begin a public consultation process in the event they choose not to remain at the McIntyre site. We expect they will set a date in August or September to hold a public meeting to announce a potential relocation.

# CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

*Office of the Mayor*

DATE: August 1, 2018  
TO: Portsmouth City Council Members  
FROM: Jack Blalock, Mayor  
RE: FY20 Budget Process

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Subsequent to the budget process for FY19, City Council members discussed starting the process earlier than we have been with the City Council. In discussions with the City Manager regarding this matter, I am proposing that we replace the Joint Budget Committee with a process that would include the entire City Council being involved with the budget in October/November for the FY20 budget year.

The format would be similar to the Joint Budget Committee; whereas preliminary numbers would be presented to the City Council in October/November work sessions that would include input from Police, Fire, Schools and General Government. I would anticipate that we would need a minimum of two work sessions (October/November) to provide the City Manager with guidance as he puts together the FY20 budget with staff.

These work sessions would allow the City Council to receive the input and have discussions relative to any new programs proposed by the various departments and/or any area of budget increase that would be significant.

I would recommend that the City Council establish the following dates as the work sessions to commence the budget discussions for FY20:

Monday, October 29, 2018 and Wednesday, November 28, 2018 at 6:30 p.m.

- c. John P. Bohenko, City Manager  
Judie Belanger, Finance Director  
Kelli Barnaby, City Clerk





Ronald E. Cypher  
319 Salmon Ave  
Portsmouth NH 03801  
603-422-9549  
r-dcypher@comcast.net



July 11, 2018

The Honorable Jack Blalock  
Portsmouth City Hall  
One Junkins Avenue  
Portsmouth NH 03801

Dear Mayor Blalock:

Due to continued health issues, it is with great hesitation that I submit this letter as my resignation from the Portsmouth Parking, Traffic and Safety Committee effective immediately following the August 2nd meeting. I do plan to attend and participate in the August 2, 2018 meeting.

Having served on the Committee for the past 19 years, I have thoroughly enjoyed taking part in the important resolutions, decisions and planning that this committee has successfully handled.

I appreciate the opportunity you have afforded me to participate and to give back to my community.

Sincerely,

  
Ronald E. Cypher

cc: City Manager John Bohenko  
Doug Roberts, Committee Chair



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: Ralph A. DiBernardo Sr Telephone: 603-436-6895

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? 53 years

Occupational background:

30 years with The Portsmouth Fire Dept. - 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 Presently serving as alternate board member



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES  NO I am presently an alternate and was a past member for 8 years. I am aware of the commitment.  
Would you be able to commit to attending all meetings?  YES/NO

Reasons for wishing to serve: I enjoyed my previous years serving on the committee and serving the community, and enjoyed serving as an alternate.

Please list any organizations, groups, or other committees you are involved in:

Retired 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: Nick A DiBernardo Jr Date: 7/20/18

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes \_\_\_ No X

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 & TRAFFIC SAFETY

Name: STEPHEN T. PESCI Telephone: 603 502-5086

Could you be contacted at work?  YES/NO If so, telephone# 603 862-4207

Street address: 200 THORNTON ST

Mailing address (if different): PO Box 96

Email address (for clerk's office communication): stevepesci@gmail.com

How long have you been a resident of Portsmouth? 30 years

Occupational background:

Regional, land-use and transportation planning  
profession for 25+ years. Degree in  
Community development (BS) and Public Administration  
(MPA)

Please list experience you have in respect to this Board/Commission:

Currently work primarily in transportation &  
streetscape/landscape issues at UNH.  
Chair UNH transportation safety Committee.  
Ongoing involvement in related issues.  
Resume Attached



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: \_\_\_\_\_

I think my experience and community interest would make me a constructive voice on the committee. Desire to keep Portsmouth safe & mobile and unique.

Please list any organizations, groups, or other committees you are involved in:

NEW HAMPSHIRE PLANNERS ASSOCIATION (member)  
American Planning Association (APA) (member)  
WARD 1 CLERK (2015-2017)  
WARD 1 Selectman (2017 elected)

Please list two character references not related to you or city staff members:  
*(Portsmouth references preferred)*

- 1) Harold Whitehouse 436-8485 58 Humphreys Ct.  
Name, address, telephone number
- 2) John Seavey 431-8578 17 Whidden St  
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:  Date: \_\_\_\_\_

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes \_\_\_ No X

**Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801**  
6/27/2012

**Stephen T. Pesci**  
PO Box 96  
Portsmouth New Hampshire 03802

voice: (603) 502-5086  
email: stevepesci@gmail.com

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**Education:**

**University of New Hampshire, Durham:**  
1992 **Master of Public Administration**, Department of Political Science (GPA 3.77/4.00)  
1987 **Bachelor of Science, Community Development** (GPA 3.12/4.00)  
Department of Resource Economics and Community Development

**Employment:**

2001-current **Special Project Director: University of New Hampshire, Durham**

- policy, technical and planning for Campus Planning, Transportation Services, Vice President for Finance & Administration and University Sustainability Institute.
- development of transportation demand management (TDM) strategies - transportation system infrastructure improvements, feasibility studies for parking and transit expansion, consultant oversight/coordination for Campus Master Plan, traffic modeling and wayfinding programs
- design, development and tracking of alternative fleet fuel programs, emissions inventories
- grant coordination and project management of FHWA, FTA and DOE projects totaling over \$12 million. Coordination with NH DOT, Environmental Services and Energy and Planning

2001- current **Independent Consultant**

- technical and project assistance to consulting firms, Universities, DOTs and municipal clients in the fields of emissions inventory, transit, bicycle, pedestrian, rail, community design and transportation/parking demand management

1993-2001 **Asst. Director/MPO Coordinator: Strafford Regional Planning Commission, Dover, NH**

- oversight of transportation planning, budget and policy work for a dual agency Metropolitan Planning Organization in southeastern New Hampshire
- coordination of a staff in implementation of ISTEA/TEA-21 requirements among 35 communities including development of Long-Range Plan, Transportation Improvement Programs and ongoing public involvement, education/outreach efforts
- technical and managerial experience in air quality conformity; pedestrian and bicycle planning, rail station development, transit system analysis, travel demand forecasting and consultant selection/project management

1992-1993 **Project Manager: Fugro-McClelland - Portsmouth, NH; Struktor - Fortaleza, Brazil**

- GIS/LIS project management for multi-national engineering consulting firms focusing on municipal government and natural resource systems

1989-1992 **Senior Planner: Strafford Regional Planning Commission - Dover, New Hampshire**

- environmental, transportation, community planning, capital improvement programs and economic development projects, reports and analyses
- GIS/LIS Specialist - data development and output in coordination with NH GRANIT

1985-1987 **General Manager: WUNH-FM - Durham, New Hampshire**

- administration and planning at a 5000 watt, non-commercial, community radio station

1986-1987 **Research Coordinator: AEL Associates - Dover, New Hampshire**

- designed research/survey instruments/develop & present analyses for clients

**State, Community and Professional Service:**

**New Hampshire Rail Transit Authority:** representing Town of Durham-UNH (2007-current)  
**Kellogg Fellowship in International Development:** Partners of the Americas (1995-1997)  
leadership and NGO development training in Latin America and the Caribbean  
**AIDS Response Seacoast:** Board of Directors (1995-1997)  
**Cooperative Alliance Seacoast Transportation (COAST):** Board Member (1990-1995)

**Languages:** English (native), French (basic) and limited Brazilian Portuguese  
**Software:** Windows/Mac ios Office, Box, Meridian and web/media software, FTA grant management

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## **Stephen T. Pesci**

PO Box 96  
Portsmouth New Hampshire 03802

voice: (603) 502-5086  
email: [stevepesci@gmail.com](mailto:stevepesci@gmail.com)

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### **Recent Project Management and Consulting (2000-present):**

#### ***Town of Moultonborough, NH:***

Facilitator for Town Master Plan Committee (2014)

#### ***Yale University:***

Consultant to the Transportation Policy Committee (2006) developed TDM Roadmap

#### ***Alta Planning + Design:***

City of Saco, Maine, *Bicycle and Pedestrian Plan* - Project Management (2004)

Maine *Safe Ways to School* Program and Report (2003-2004)

State of New Hampshire Rail Plan (2003-2004)

#### ***University of New Hampshire:***

Intermodal Rail Station Expansion Design Study (project oversight) 2014-2015

Campus Master Plan Update, (2012 and 2004) consultant oversight/transportation studies

\$9 million CMAQ and Transportation Enhancements (TE) project oversight including

Main Street redevelopment projects, rail station renovation, alternative fuel fleet

Transportation Policy Committee reports and TDM Policy Development, (2001-2015)

Consultant oversight on Durham-UNH traffic model (2008-2013)

Traffic and Parking Structure Feasibility Studies (2002-2014)

#### ***Strafford Regional Planning Commission:***

City of Dover – Master Plan Transportation Chapter - primary Author and Mgr, 2000

US 4 Safety Study – Project Manger for FHWA Corridor Safety Study, Durham, NH, 1999

Newmarket New Hampshire Town Planner and Master Plan editor (1994)

### **Related Transportation and Community Work/Involvement:**

**Traffic Safety Committees:** Durham, NH (UNH representative) and University of New Hampshire (Chair)

#### ***Amtrak Downeaster (Northern New England Passenger Rail Authority):***

George J. Mitchell Award for Excellence & Commitment (2014)

Operation Lifesaver (2000-2001) and Operations Committee (2001-2015)

#### ***New Hampshire Community/Legislative:***

Co-developer of slide lecture on Rural Traffic Calming Techniques and Issues (1998)

Co-author New Hampshire Local Auto Fee legislation - passed (1999)

### **Professional Memberships:**

1989 -current      **American Planning Association/New Hampshire Planners Association**

2002 - 2004      **National Association of Rail Passengers, Board of Directors**

### **Professional Presentations, Publications, Conferences and Lectures:**

2015    *'Seacoast Transportation – New Modes of Getting Around'* PS 21 Portsmouth panelist

2013    *'Evolving Sustainable Transportation Systems'*, University of Rhode Island, Kingston

2010    *'Coordinated Community Transportation'*; Community Transportation Forum, Concord NH

2009    *'TDM and Sustainability Integration'*; Northern New England APA Conference, Belfast, Maine

2008    *Transportation and Sustainable Campus Communities* – Island Press, contributing author

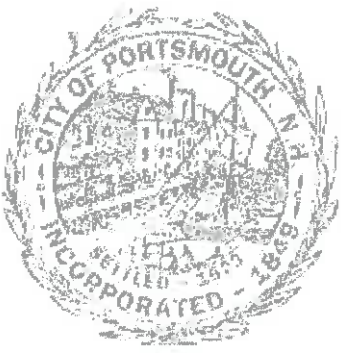
2007    *'TDM and Successful Transportation Alliances in a Town-Gown setting'*, New England Parking Council,

2006    *'Creating an Energy Star Label for Fleet Procurement'*, (AASHE), Tempe, Arizona

2005    *'Curbing the Automobile at UNH'*, Northeast Sustainable Energy Conference

2004    *'Transportation/TDM Systems in a Niche Market'*, Transportation Research Forum, New York City  
Ongoing graduate and undergraduate guest lectures at the University of New Hampshire, Durham

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# 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: Mary Lou McElweir Telephone: 603 498 3063 (cell)

Could you be contacted at work? YES/NO - If so, telephone# N/A

Street address: 259 SOUTH STREET

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): ML259@comcast.net

How long have you been a resident of Portsmouth? 18 1/2 years

Occupational background:

Retired P.D.

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: On going concerns with  
Traffic Safety, pedestrian and bicycle.



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) Sean MacDonald 603 436 6710  
Name, address, telephone number
- 2) Karshi Gray 603 436 6652  
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: Mary Lou Robinson Date: 7/28/18

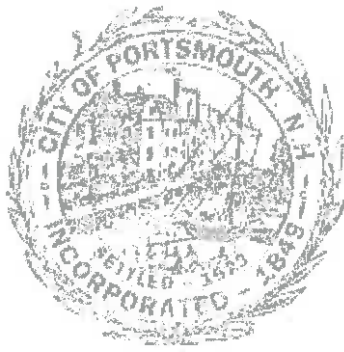
**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 9-17-2021

Annual Number of Meetings: 10 (2017) Number of Meetings Absent: 1

Date of Original Appointment: 8/9/2015

**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**



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

By Renewing applicant

Name: HAROLD WHITEHOUSE Telephone: (603) 436-8485

Could you be contacted at work? <sup>HOME</sup>  YES  NO - If so, telephone # (603) 436-8485

Street address: 56 HUMPHREY CT.

Mailing address (if different): SAME AS ABOVE

Email address (for clerk's office communication): N.A.

How long have you been a resident of Portsmouth? LIFE!!!

Occupational background:

RETIRED PORTSMOUTH NAVAL SHIPYARD (93)  
(P.N.S.M) RIGGER & CARPENTER (PUBLIC WORKS) (24 YRS.)

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: TO CONTINUE TO FIND A  
SOLUTION TO THE PARKING PROBLEM THROUGHOUT  
THE CITY, ESPECIALLY IN THE "TIGHT" NEIGHBORHOODS  
SECTIONS, THE COUNCIL AND P.T.S. COMMITTEE  
WORKING TOGETHER. H.W.



Please list any organizations, groups, or other committees you are involved in:

"SORRY" - TOO NUMEROUS TO MENTION

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) PATRICK HOALEY - SAGAMORE AVE 812-9716  
Name, address, telephone number

2) AMMIE BAKER - HUMPHREY CT. - 416-3009  
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
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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: Harold Whitehouse Date: 7/27/88

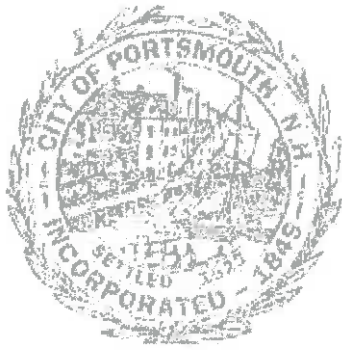
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9-17-2021

Annual Number of Meetings: 10 (2017) Number of Meetings Absent: 1

Date of Original Appointment: 12/19/2011

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



# 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: Building Code Board of Appeals

Name: J. Stephen McCarthy Telephone: 603-436-1212 / 617-226-7675

Could you be contacted at work?  YES  NO - If so, telephone # 800-655-1299

Street address: 1253 South St. Ports, NH 03861

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): Smccarthy@justice.com

How long have you been a resident of Portsmouth? 54 years

Occupational background:

Career businessman, owner of New England Staircase Dist  
Former Police Officer 1985-90 Nottingham, Rye.

Would you be able to commit to attending all meetings?  YES  NO

Reasons for wishing to continue serving: To contribute my skillset  
to a board I have served on for many years.



Please list any organizations, groups, or other committees you are involved in:

Mass. Biopharm Council

Mass Bar Association

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Thomas G. Fucini, 69 Telford Rd., Portsmouth, NH 603-312-5882  
Name, address, telephone number

2) George Remick, 1247 South St., Portsmouth, NH 603-817-5645  
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
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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:

Date:

7-18-18

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 07/01/2023

Annual Number of Meetings: as needed Number of Meetings Absent: 1

Date of Original Appointment: 8/18/2008

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

DATE: August 1, 2018  
TO: CITY COUNCIL MEMBERS  
FROM: LEGISLATIVE SUBCOMMITTEE  
Mayor Blalock, Assistant Mayor Lazenby, Councilor Dwyer, Councilor Denton  
RE: NHMA FINAL POLICY RECOMMENDATIONS

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The Legislative Subcommittee met on July 30, 2018 to review the New Hampshire Municipal Association's ("NHMA") Final Policy Recommendations for the 2019-2020 Legislative Session. By way of background, NHMA receives suggestions from its members for legislative policies for NHMA to consider for the next Legislative Session. NHMA creates three committees of local officials to review these suggested policies along with prior policies in order to create Final Policy Recommendations for the Legislative Policy Conference. NHMA distributes these Final Policy Recommendations to all of its city and town membership prior to the Legislative Policy Conference on September 14, 2018. The municipal members must vote on whether to support or oppose each of the NHMA Legislative Policy Recommendations.

The Legislative Subcommittee met on July 30, 2018 and was asked to report back to the City Council with recommendations regarding NHMA's Final Policy Recommendations. The Legislative Subcommittee voted to recommend that the City Council approve **all of the NHMA Policy Recommendations as written, except General Administration and Governance Action Policy Recommendation # 4** on page 2 regarding exempting Building Plans under RSA 91-A/Right to Know. The Committee voted to recommend that the City Council oppose a policy that would classify Building Plans as an exempt record under the Right to Know statute. However, the Committee voted to recommend that the City Council support a policy that would classify Construction Drawings as an exempt record under the Right to Know statute. Notwithstanding the Committee's recommendations on the NHMA final Policy Recommendations, Council members may request to remove any individual Policy Recommendations for discussion and separate vote by the Council.

The second issue the Committee was asked to report back to the Council on was whether the City wanted to propose any new legislative policies that were not included in the NHMA Policy Recommendations (a/k/a Floor Policy). The Committee did not receive any new legislative policy requests from City Council members so the City will not be bringing forward any Floor Policies at the NHMA Legislative Policy conference on September 14, 2018.

The City Council must vote on the NHMA Final Policy Recommendations (attached) in order for the City's delegate, Councilor Dwyer, to vote on the policies at the upcoming NHMA Legislative Policy Conference.

If the City Council concurs with the Committee's recommendations, the Committee recommends the following motions be adopted:

**Proposed Motion:** Move to accept all the NHMA Legislative Policy Recommendations as written, except General Administration and Governance Action Policy Recommendation # 4.

**Proposed Motion:** Move to support General Administration and Governance Action Policy Recommendation #4 if it is amended to only include Construction Drawings, not Building Plans, as exempt records under RSA 91-A.

cc: John P. Bohenko, City Manager

h:\ferrin\citymanager\memoLegSubNHMApolicyrecommendations

**New Hampshire Municipal Association  
Legislative Policy Process 2019-20**

**Final Policy Recommendations for Legislative Policy Conference  
September 14, 2018**

**General Administration and Governance**

**Action Policy Recommendations**

**1. Funding for the Police Standards and Training Council**

To see if NHMA will SUPPORT the continued operation of the New Hampshire Police Academy and the high-quality uniform training it provides for all law enforcement officers in the state, including municipal police officers, which aids in the delivery of quality policing services and interagency cooperation to the benefit of all citizens. As part of this, to see if NHMA will SUPPORT continued funding at the state level for the Police Academy and the Police Standards and Training Council. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. Further, to see if NHMA will OPPOSE any increase in municipal costs for police officers to participate in the training, recognizing that municipalities now pay salary, benefits, and all employment-related costs for trainees while at the Academy, as well as providing staff and instructors at no cost to the Academy. Existing policy, revised by the committee.

**2. Absentee Voting Expansion**

To see if NHMA will SUPPORT allowing absentee voting without requiring a reason.

**Explanation:** At present, 27 states plus the District of Columbia permit absentee voting without requiring an excuse. Maine and Vermont are among the 27. Why not New Hampshire? People are kept from the polls because they are reluctant to say they are “disabled” (especially when they are just elderly) or otherwise find it difficult to vote in person. Voting should not require having to struggle with one’s conscience over whether they fit into one of the state-approved “legitimate” reasons for an absentee ballot. Submitted by Gail Cromwell, Co-chair, Temple Select Board.

**3. Electronic Poll Books**

To see if NHMA will SUPPORT legislation that would enable the use of electronic poll-books for municipalities, with funding coming from the HAVA funds made available to the New Hampshire Secretary of State by the United States Election Assistance Commission specifically for the purpose of improvement to the administration of federal elections in the state, as well as supporting legislative changes to statutes to make the use permissible under state laws. Existing policy.



## Priority Policy Recommendations

### 4. Building Plans Under RSA Chapter 91-A

To see if NHMA will SUPPORT an amendment to RSA 91-A:5, IV to specifically add building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application as an exempt record under the statute. Existing policy.

### 5. Municipal Regulation of Firearms

To see if NHMA will SUPPORT legislation that would allow for limited local authority regarding possession and use of firearms on municipal property.

- Legislation that would allow municipalities to regulate or limit the use of firearms on municipal property.
- Legislation that would allow municipalities to regulate the carrying of firearms by employees while they are performing the functions of their office or employment.

**Explanation:** Local governing bodies are best positioned to determine the most appropriate use of municipal land and the actions of their employees. Submitted by Joan Dargie, Town Clerk, Milford, and revised by the committee.

### 6. Welfare Lien Priority

To see if NHMA will SUPPORT legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage. Existing policy.

### 7. Municipal Departments and MV Information

To see if NHMA will SUPPORT legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for all governmental purposes such as verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes. Existing policy.

## Standing Policy Recommendations

### 8. SB 2 Adoption Process

To see if NHMA will SUPPORT amending RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by ballot at the annual meeting, but shall not be placed on the official ballot.

**Explanation:** Adoption of the official ballot referendum form of town meeting is a fundamental change in a town's governance. It is an action that should be undertaken only after thorough discussion and debate, with an opportunity for the legislative body to be fully informed. Current law requires that the question be placed on the official ballot, so that it is voted on in the voting booth on election day, with no opportunity for discussion or debate. The statement of the question is simply, "Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March?" This provides almost no information about how the SB 2 form of meeting works.

Although the current law does require a public hearing on the question between 15 and 30 days before town meeting, those hearings are poorly attended, so the overwhelming majority of those voting on the question will have heard little or no discussion, and many of them will have a very poor understanding of the issue. Other matters of profound importance to town governance—such as establishing a budget committee and adoption of a tax cap—are voted on at the business session, rather than by official ballot. Adoption of SB 2 is an even more serious step and should be subject to at least a similar level of consideration. Discussion and debate at the business session will help to ensure that voters understand the issues better before voting on the question. Submitted by Jim Belanger, Moderator, Hollis, and Frank Sterling, Selectman, Jaffrey.

#### **9. Allowing Towns to Adopt Ordinances Under City Statutes**

To see if NHMA will SUPPORT legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

**Explanation:** State law (RSA 44:2, 47:1) gives cities all of the authority that towns have, but there is no reciprocal statute giving towns the authority that cities have. City councils have broad authority to adopt ordinances under RSA 47:17. Town ordinance authority is governed primarily by RSA 31:39, which grants more limited authority. There seems to be no logical reason for cities to have broader ordinance authority than towns. When towns want to exercise authority that cities already have, it is necessary to amend RSA 31:39 or add a new section in RSA 39. This policy would avoid that necessity and eliminate illogical distinctions between municipal ordinances, which are especially troublesome when a town is unable to adopt the same ordinance that the city next door has adopted. This would not eliminate all distinctions between cities and towns—just the difference between their respective ordinance powers. Submitted by Tom Irving, Planning Director, Conway.

#### **10. Public Area "No Smoking" Local Option**

To see if NHMA will SUPPORT legislation to authorize the designation of "No Smoking" zones in public areas by local option.

**Explanation:** Municipalities are charged with the responsibility for provision of the services and to ensure safe secure access to those services. Currently, some services may not be as accessible as they should due to the presence of smoke. There are also the associated costs in keeping areas litter free. The legislation would allow municipalities to define No Smoking zones in a way that meets the community's needs and would include the ability to implement them for health purposes.

Currently New Hampshire permits municipalities to enact ordinances for fire safety and sanitation purposes, but not health purposes, and New Hampshire's state smoking law preempts local

governments from doing so. Access to services is obstructed by the presence of smokers and their associated litter, and that litter might constitute a sanitation issue. The presence of smoke where non-smokers need to pass is objectionable and not supportive of a community's healthy community goal. Each community would have the opportunity for itself to enact local legislation on this issue. Submitted by Andrew Bohanan, Parks, Recreation, and Facilities Director, and Nancy Vincent, Library Director, Keene.

#### **11. Public Notice Requirements**

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification. Existing policy.

#### **12. Appointment of Town Clerks or Town Clerk/Tax Collectors**

**Legislative Body:** To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors.

**Charter Towns:** To see if NHMA will SUPPORT legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

Existing policy, revised by the committee.

#### **13. Consolidated Policy on Collective Bargaining Items**

**Evergreen Clause:** To see if NHMA will OPPOSE legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

**Binding Arbitration:** To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

**Right to Strike:** To see if NHMA will OPPOSE a right to strike for public employees.

**Mandated Employee Benefits:** To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years, for current or future employees.

**Contracted Services:** To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services.

Existing policy, revised by the committee.

#### **14. Maintenance and Policing of State-Owned Property**

To see if NHMA will SUPPORT legislation requiring the State to maintain and adequately support operations on state properties so those properties do not place undue burdens on the host municipalities. This would include legislation

- to enable municipalities to recover expenses of providing municipal services on state-owned property, such as policing relative to illegal activities and allowing municipalities to receive reimbursement/compensation from individuals engaged in the illegal activity; and
- to require the state to adequately maintain its property, including the removal/remediation of abandoned, deficient, hazardous, or blighted structures/facilities.

Existing policy, revised by the committee.

#### **15. Independent Redistricting Commission**

To see if NHMA will SUPPORT the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts. Existing policy.

## **Finance and Revenue**

### **Action Policy Recommendations**

#### **1. Use of RSA 83-F Utility Values**

To see if NHMA will:

- a) **SUPPORT** legislation that clarifies, under RSA 83-F, that no determination of utility value by the Department of Revenue Administration can be used in any way by the utility taxpayer in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17;
- b) **OPPOSE** any mandate that calls for the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action; and
- c) **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

Revised by the committee to combine two existing policies.

#### **2. New Hampshire Retirement System (NHRS)**

To see if NHMA will SUPPORT the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy, and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, to see if NHMA will SUPPORT continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, to see if NHMA will:

- a) **SUPPORT** legislation that will strengthen the health and solvency of the NHRS, ensure the long-term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b) **OPPOSE** any legislation that: 1) expands benefits and would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board-approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c) **SUPPORT** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- d) **SUPPORT** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees; and
- e) **OPPOSE** any action to further restrict municipalities' ability to employ NHRS retirees in part-time positions, either through hours restrictions or through imposition of new fees/costs.

Existing policy, revised by the committee.

### **3. Expansion of Local Authority to Institute Fees**

To see if NHMA will **SUPPORT** legislation that allows a municipality to exercise local control of non-property tax revenue streams with local legislative body approval to meet demands for services and/or infrastructure. Examples of such legislation may include such actions as: (a) allowing a municipal to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the municipality; and (b) allowing a municipality to increase the maximum optional fee for transportation improvements when collecting motor vehicle registration fees. **Existing policy, revised by the committee (existing policy supports a local option meals and rooms tax surcharge).**

## **Priority Policy Recommendations**

### **4. Enforcement of Motor Vehicle Registration Laws**

To see if NHMA will **SUPPORT** amending motor vehicle registration laws to strengthen the enforcement of those laws (through stepping up law enforcement and increasing penalties, including fines) to ensure collection of all state and local registration fees owed by New Hampshire residents.

**Explanation:** Municipalities are realizing a significant and growing annual revenue loss of motor vehicle permit fees and other fees, due to NH residents registering their automobiles, trucks and all other types of trailers through non-government agents in the State of Maine. Currently, RSA 261:140

only requires a \$100 fine for these violations, an insignificant amount when compared to the much greater savings a resident realizes when obtaining low-cost “multi-year” registrations (up to a 12-year period) through the State of Maine. Municipalities all over the state are vulnerable to online registrations. Businesses with fleets are specifically targeted. **Submitted by Portsmouth City Council.**

#### **5. Lien for Uncollected Ambulance/EMS Billings**

**To see if NHMA will SUPPORT legislation to ensure the collection of unpaid bills for ambulance and other emergency services.**

**Explanation:** Municipal EMS, unlike hospitals and home health care providers, have no remedy available for the collection of unpaid billing for ambulance service except through a collection agency (@33% fee) or small claims court. These mechanisms do not guarantee the municipality will be made whole and can be punitive to the responsible party when they can least tolerate it. Ambulance service has evolved dramatically from simply transporting individuals to the hospital. Today, early medical intervention significantly increases a patient’s survival probability; therefore municipal EMS is expected to provide costly basic and advanced life support before and during transport. Currently when faced with an unpaid ambulance billing, municipalities have to choose between sending the bill to collections, small claims court, or writing off the bill. Collections or small claims potentially exposes the responsible party to a burden at an inopportune time. To write off the debt unfairly places the financial burden on the taxpayers of the responding municipality. **Submitted by: Barbara Lucas, Town Administrator, and Neil Irvine, Selectman, Town of New Hampton.**

#### **6. Ownership Name Changes**

**To see if NHMA will SUPPORT legislation requiring entities to file name changes and ownership changes at the registry of deeds to ensure that property taxes are assessed to the proper owner.**

**Explanation:** Presently, name changes and property acquisitions by stockholders are not filed at the registry of deeds. Municipalities don’t know if ownership has changed, resulting in bills and other notices going to improper property owners. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord**

#### **7. Collection of Delinquent Taxes on Manufactured Housing**

**To see if NHMA will SUPPORT legislation to create a study commission to address municipal concerns regarding delinquent property taxes and/or municipal utility fees on manufactured housing on land of another. Such commission to include appropriate interested stakeholders. Existing policy.**

#### **8. Tax Exemptions for Charitable Organizations**

**To see if NHMA will SUPPORT creating a commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects under RSA 72:23-k, and SUPPORT reimbursement from the state for the costs of municipal services provided to state-owned properties. Revised by the committee to combine two existing policies.**

## **9. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions**

**To see if NHMA will SUPPORT**

- a) Changes in RSA 72:39-a, 72:29, and 72:39-b to define "household income" for elderly exemption qualification consistent with the definition of "household income" used by the state in qualifying residents for the Low & Moderate-Income Homeowners Property Tax Relief Program under RSA 198:56-57 and Rev 1200; and
- b) Legislation prorating the disabled; deaf and blind exemptions under RSA 72:37, 37-b, and 38-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

**Revised by the committee to combine two existing policies.**

## **Standing Policy Recommendations**

### **10. Assessment Methodology for Big Box Stores**

**To see if NHMA will SUPPORT** legislation clarifying the assessment methodology for big box stores if used and occupied for the purpose for which they were built. This methodology would not employ comparisons to "dark store" properties abandoned or encumbered with deed restrictions on subsequent use.

**Explanation:** Large box stores such as Walmart, Lowe's, Home Depot, Target, etc. have been successful in other states in obtaining large assessment reductions by using comparable sales or rentals of abandoned or deed-restricted properties. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord.**

### **11. Income Approach on Appeal**

**To see if NHMA will SUPPORT** legislation that prohibits the use of the income approach by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. **Existing policy.**

### **12. Charitable Definition and Mandated Property Tax Exemptions**

**To see if NHMA will OPPOSE** legislation that expands the definition of "charitable" in RSA 72:23-4, unless the state reimburses municipalities for the loss of revenue. **Existing policy.**

### **13. Sale of Tax Deeded Property**

**To see if NHMA will SUPPORT** amending RSA 80:89 to require proof that the municipality *sent* the required notice of impending tax deed rather than proof that the taxpayer actually *received* the notice. **Existing policy.**

#### **14. State Revenue Structure and State Education Funding**

To see if NHMA will **SUPPORT** asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

- That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- That revenue sources are predictable, stable, and sustainable and will meet the long-term needs and financial realities of the state;
- That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- That the revenue structure is efficient in its administration;
- That changes in the revenue structure are fair to people with lower to moderate incomes.

Further, to see if NHMA will **SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants, after the notice of grant amounts has been given. Existing policy.

#### **15. Changes to the Official Ballot Process and Default Budget**

To see if NHMA will **OPPOSE** changes to the official ballot process (SB2) including changes to the calculation of the default budget, unless such changes are a local option presented to the legislative body for approval. Revised by the committee (existing policy opposed any increase in the 60% bond vote requirement in SB 2 municipalities).

### **Infrastructure, Development and Land Use**

#### **Action Policy Recommendations**

##### **1. Municipal Use of Structures in the Right-of-Way**

To see if NHMA will **SUPPORT** legislation granting municipalities a designated space to use for any purpose, including leasing to a private entity, upon all poles, conduit, and other structures within the rights-of-way without paying make-ready costs. This includes a requirement that the owners of utility poles and conduit do the necessary work to make that space available. Existing policy, revised by the committee.



## **2. Municipal Authority to Adopt More Recent Codes**

**To see if NHMA will SUPPORT** legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

**Explanation:** Allowing municipalities to adopt current codes will promote best practices for health, safety, and welfare. **Submitted by Portsmouth City Council.**

## **3. Municipal Cooperation**

**To see if NHMA will SUPPORT** legislation clarifying that municipalities and other political subdivisions may cooperate to perform together any functions that they may perform individually, including but not limited to providing services, raising revenue, constructing and maintaining infrastructure, and engaging in economic development efforts. **Existing policy.**

# **Priority Policy Recommendations**

## **4. Regulation of Short-Term Rentals**

**To see if NHMA will SUPPORT** legislation authorizing municipalities to regulate short-term rental of residential properties, including licensing requirements and health and safety protections. This should not be interpreted to limit existing authority to regulate such uses through municipal zoning ordinances and land use regulations.

**Explanation:** Municipalities across the country are increasingly forced to address problems associated with short-term rental of residential housing units, which are typically facilitated through the online platforms of AirBnB, VRBO, Home Away, and others. Problems arise often in single-family residential neighborhoods, in which transient residential occupancy introduces instability and conflict (e.g., noise complaints with no recourse other than to call the police).

Some jurisdictions have already addressed this through legislation, sometimes accompanied by comprehensive agreements with the online platform operators to submit to regulation. A related issue is whether the state is able to collect meals and rooms tax for such temporary uses, which are similar in some regards to B&B operations and hotels/motels. **Submitted by Ben Frost, Planning Board Chairman, Town of Warner.**

## **5. Highway Funding**

**To see if NHMA will SUPPORT** a state transportation policy that ensures adequate and sustainable funding for state and municipal highways and bridges to promote safe and reliable transportation and corridors and economic development for the citizens of our state and for the travelling public. The policy should include:

- **Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law;**

- No further diversion of state highway funds for non-highway purposes; and
- Increased funding, which may include the state road toll, highway tolls, local option fees, user assessments, and other revenue sources as necessary.

Existing policy, revised by the committee.

#### **6. Water Quality and Infrastructure**

To see if NHMA will **SUPPORT** legislation that ensures adequate and sustainable investment to maintain or make necessary improvements to the state's critical water infrastructure (public drinking water, wastewater, and stormwater systems, and dams); that works to provide affordable water, wastewater, and stormwater services; that encourages regional and innovative solutions to water, wastewater, and stormwater issues; that supports decisions that rely on science-based standards; that supports local decision making; and that supports economic progress in the state while protecting public health and safety. **Combination of existing policies, revised by the committee.**

#### **7. State Adoption of Building and Fire Codes**

To see if NHMA will **SUPPORT** a policy encouraging the state to: (1) adopt updated editions of national/international building and fire codes; (2) streamline the code adoption process while facilitating examination of changes that benefit the state economy; (3) encourage training opportunities for local code enforcement personnel.

**Explanation:** Multiple versions of codes are confusing for all parties. The state's adoption of updated codes would simplify municipal decision making in scheduling code ordinance updates. The quality of enforcement varies significantly among municipalities due to different levels of experience and training. Better training would lead to more consistent enforcement. **Submitted by Portsmouth City Council.**

### **Standing Policy Recommendations**

#### **8. Current Use**

To see if NHMA will **OPPOSE** any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board. **Existing policy.**

#### **9. Scientific/Technical Standards for Regulatory Legislation**

To see if NHMA will **OPPOSE** regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

**Explanation:** In the past legislative session, bills were filed that attempted to supersede standards set by regulatory agencies without the applicable deliberation and processes associated with creating regulations. Submitted by Portsmouth City Council.

**10. Land Use and Environmental Regulation and Preemption**

To see if NHMA will SUPPORT legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits the establishment of comprehensive statutory schemes that supersede local regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required. Existing policy.

**11. Energy, Renewable Energy and Energy Conservation**

To see if NHMA will SUPPORT legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy sources, and promote energy conservation, and OPPOSE any legislation that overrides local regulation. Existing policy.

**12. Oppose Statewide Zoning Mandates**

To see if NHMA will SUPPORT a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but OPPOSE legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow. Existing policy, revised by the committee.

**13. Conservation Investment**

To see if NHMA will SUPPORT permanent funding for the Land and Community Heritage Investment Program and OPPOSE any diversion of such funds to other uses. Existing policy.