

CITY COUNCIL MEETING

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

- 6:15PM – PUBLIC DIALOGUE SESSION

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

PRESENTATIONS

1. Pease Development Authority – Executive Director David Mullen of the PDA
2. Sister City and Citizen Diplomacy Blue Ribbon Committee – Karina Quintans, Chair

V. ACCEPTANCE OF MINUTES *(There are not minutes on for acceptance this evening)*

VI. PUBLIC DIALOGUE SESSION SUMMARY

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

A. Public Hearing – Ordinance amending Chapter 7 – Shared Active Transportation

ORDINANCE AMENDING CHAPTER 7, ARTICLE XIX, SECTION 7.1901 – 7.1905 – SHARED ACTIVE TRANSPORTATION

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

(Sample motion – move to pass second reading and hold third and final reading at the November 19, 2018 City Council meeting, as presented)

B. Public Hearing – Ordinance Amending Chapter 14 – Demolition Ordinance

ORDINANCE AMENDING CHAPTER 14, ARTICLE II, SECTION 14.2 – DEMOLITION ORDINANCE

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

(Sample motion – move to pass second reading and schedule third and final reading at the November 19, 2018 City Council meeting, as presented)

- C. First reading of Ordinance amending Chapter 10 – Zoning Ordinance by deleting the existing Article 12 – Signs, and inserting in its place in a new Article 12 ***(Sample motion – moved to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the November 19, 2018 City Council meeting)***
- D. Third and final reading of Ordinance amending Chapter 10 – Zoning Ordinance – Creation of a Highway Noise Overlay District ***(Sample motion – moved to pass third and final reading, as presented)***

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Department of Homeland Security Prospective Grant Award to the Portsmouth Police Department - \$69,638.00 *(Tabled from the October 1, 2018 City Council meeting)* ***(Sample motions – 1) remove the item from the table and 2) move to accept and approve the prospective grant award to the Portsmouth Police Department, as presented)***

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign for Sherif Farag owner of Elephantine Bakery for property located at 10 Commercial Alley Unit 2 ***(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 ***(Sample motion – move to accept and place on file)***
- B. Letter from Caroline McCarley, Mayor of Rochester regarding Judge Delker's Right to Know Order on the Coakley Landfill Group
- C. Letter from Patricia Hersey regarding proposed relocation of the Portsmouth Post Office

- D. Letter from Jim Splaine regarding Coakley Landfill & Coakley Landfill Group
- E. Letter from Valerie Rochon, President of The Chamber Collaborative of Greater Portsmouth regarding Neighborhood Parking Plan

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Connect Community Church Six Month Lease Renewal
- 2. Extension of Comcast Franchise Agreement
- 3. City Council Letter to the Postal Service Re: Potential Relocation

City Manager's Informational Items:

- 1. Events Listing
- 2. Next Steps on Prescott Park Master Plan Implementation
- 3. Letter Request from Prescott Park Arts Festival
- 4. News Release Re: New Historic Markers Installed in City

B. MAYOR BLALOCK

- 1. Appointment to be Voted:
 - Katelyn Kwoka reappointment to the Economic Development Commission

C. COUNCILOR ROBERTS

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 4, 2018 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the October 4, 2018 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR DENTON

- 1. Final Report on Sagamore Creek

XII. MISCELLANEOUS/UNFINISHED BUSINESS

LEGISLATIVE SUBCOMMITTEE

- A. NHMA Policy Conference and Final Legislative Policy Recommendations
- B. NHMA 2019-2020 Legislative Policy Positions – Action Policies

XIII. ADJOURNMENT

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

* Indicates verbal report

INFORMATIONAL ITEM

1. Notification that the minutes of the Planning Board meetings of August 16th and August 23rd are available of the City's website

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 15, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article XIX, Section 7.1901 – 7.1905 – Shared Active Transportation. 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

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

PM-00391156

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

3
4 That a new provision entitled Chapter 7, VEHICLES, TRAFFIC AND PARKING,
5 Article XIX SHARED ACTIVE TRANSPORTATION be added to the Ordinances of the
6 City of Portsmouth to read as follows:
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9 **ARTICLE XIX – SHARED ACTIVE TRANSPORTATION**

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11 **Section 7.1901: PURPOSE**

12
13 The purpose of this ordinance is to deal with the emerging concept of Shared Active
14 Transportation in which various types of small, wheeled vehicles such as electric
15 scooters and bicycles are made available specifically for shared-use by the public. In
16 particular, this ordinance is adopted to protect against the public safety hazards and
17 visual distractions created by the indiscriminate placement of vehicles utilized in Shared
18 Active Transportation on the streets, sidewalks and public areas of the City.
19

20
21 **Section 7.1902: SHARED ACTIVE TRANSPORTATION**

22
23 For the purpose of this ordinance Shared Active Transportation shall refer to the
24 concept by which various types of small, wheeled vehicles are made available for
25 shared-use by the general public by a Shared Active Transportation Provider. The
26 vehicles used in Shared Active Transportation (shared vehicles) may include, but shall
27 not be limited to bicycles, e-bicycles, scooters and e-scooters. Excluded are vehicles
28 subject to registration by the State of New Hampshire Department of Motor Vehicles.
29

30
31 **Section 7. 1903: PARKING OF UNATTENDED SHARED VEHICLES**

32
33 Unattended shared vehicles may only be parked on streets, sidewalks or other City
34 property in the following areas:
35

- 36 a. Areas specifically designated and marked by the City for the parking of
37 shared vehicles, such as bike corrals, bike racks, or other locations that
38 are designated by the City for parking of shared vehicles.
39
40 b. Areas in which a Shared Active Transportation Provider has received a
41 license from the City Council pursuant to the processes for the creation of
42 sidewalk encumbrances for the purpose of parking shared vehicles.
43
44 c. Areas authorized by written contract with the City of Portsmouth.
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47 **Section 7.1904: ENFORCEMENT**

48
49 If any shared vehicle is found unattended in violation of the provisions of this ordinance
50 by any City official, then;

- 51
- 52 a. If the vehicle has identification indicating the owner of the vehicle and has
53 a telephone number or an e-mail address for that owner, then the owner
54 shall be contacted and given two (2) hours to properly park the vehicle.
55
 - 56 b. If the vehicle does not contain the ownership information described above,
57 or if two (2) hours has passed since the owner has been notified that the
58 vehicle is improperly parked, then the City shall remove the shared vehicle
59 from the street, sidewalk or other location of improper parking and secure
60 the vehicle in a location to be determined by the City.
61
 - 62 c. If a shared vehicle is left unattended in a manner which blocks pedestrian
63 or vehicle passage on a sidewalk or street or otherwise creates a public
64 safety hazard it shall be removed immediately.
65
 - 66 d. Whenever a shared vehicle has been removed from the street, sidewalk or
67 public areas by the City it shall not be returned to the owner unless or
68 until:
69
 - 70 i. The owner has provided satisfactory proof that the person
71 making that request actually owns the shared vehicle; and
72
 - 73 ii. The owner has paid a fee to the City in compensation for the
74 removal of the shared vehicle, as adopted by the City
75 Council during the annual budget process.
76
 - 77 e. Any shared vehicle that has been removed from the street, sidewalk or
78 other public area in the City and not redeemed as allowed by this
79 ordinance within thirty (30) days shall be disposed of by the City without
80 compensation to the owner.
81

82
83 **Section 7.1905: APPEAL**

84
85 Any determination made by any City official in connection with the enforcement of this
86 ordinance may be appealed to the Parking Clerk who shall have the authority to make a
87 final determination with respect to the issue being appealed.
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93 The City Clerk shall properly alphabetize and/or re-number the ordinance as
94 necessary in accordance with this amendment.

95
96 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

97
98 This ordinance shall take effect upon its passage.

99
100 APPROVED:

101
102 _____
103 Jack Blalock, Mayor
104

105
106
107 ADOPTED BY COUNCIL ON _____, 2018:

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109 _____
110 Kelli L. Barnaby, City Clerk
111

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

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

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

3
4 That Chapter 14, Article II, Section 14.2 - DEMOLITION of the Ordinances of the
5 City of Portsmouth be amended to read as follows (deletions from existing language
6 ~~stricken in red~~; additions to existing language **bolded in red**; remaining language
7 unchanged from existing):
8

9
10 **Section 14.201 PURPOSE**

11
12 The purpose of this Article is to encourage the preservation of buildings and places of
13 historic, architectural and community value.
14

15
16 **Section 14.202 DEFINITIONS**

17
18 As used in this Article, the following words or phrases shall have the meanings set forth
19 below, except when the context requires a different meaning.
20

21 Demolition: Razing or destruction, entirely or in part, of a building or structure, whether
22 or not reconstruction is planned after demolition, or removal of a building or structure in
23 whole or in part from its present location. For the purpose of this Article, demolition shall
24 not include (a) interior demolition that does not affect the exterior of the building or
25 structure, or (b) work necessary to repair or replace exterior finishes such as roofing,
26 siding, trim or windows.
27

28 Demolition Review Committee: A committee appointed by the City Council and
29 comprised of five members as follows: one member of the Historic District Commission,
30 one member of the Planning Board, one member of the Portsmouth Historical Society,
31 the Chief Building Inspector or his/her designee, and the Planning Director or his/her
32 designee. Representatives of the Historic District Commission and Planning Board shall
33 be appointed annually or as necessary.
34

35 **Code Official: As defined in the zoning ordinance.**
36
37

38 **Section 14.203 APPLICABILITY**

39
40 The requirements of this Article shall apply to any demolition except:
41

- 42 (1) Demolition of a building or structure that has been granted a Certificate of
43 Approval by the Historic District Commission; or **has been approved for**
44 **demolition in association with a project approved, following a public**
45 **hearing, by either the Planning Board or the Board of Adjustment.**
46

47 (2) Demolition of any “dangerous building” that has been ordered to be
48 demolished pursuant to Chapter 14, Article I, Section 14.109(C).

49
50 (3) **Minor demolition projects, as determined by the Code Official, that**
51 **are not located in the Historic District, including but not limited to**
52 **chimneys, decks, porches, steps or other similar design features.**

53
54 (4) **Removal of partial roof components for vertical expansion such as**
55 **dormers or skylights on structures that are not located in the**
56 **Historic District.**

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59 **Section 14.204: APPLICATION AND NOTICE**

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61 A. **APPLICATION:** Prior to the commencement of any demolition, the owner(s),
62 contractor, or agent (hereinafter Applicant) must (a) submit a completed
63 Demolition Permit Application (hereinafter Application) to the Inspection
64 Department, (b) post a sign or signs as required by paragraph B below, and (c)
65 publish a legal notice as required by paragraph B below. **Such Application shall**
66 **include a Demolition Plan that includes a scaled site plan showing the**
67 **location of the building(s) and photographs of the existing structure(s) and,**
68 **if applicable, elevations of the proposed structure(s).**

69
70 B. **SIGNAGE:** The applicant shall post one or more signs on the building to be
71 demolished, or on the lot where such building is located, so as to be clearly
72 visible from all public ways. In the event that visibility at the building’s location
73 would be hindered in such a manner as to obstruct notice of the sign, the
74 applicant will be required to post a sufficient number of signs as to insure clear
75 visibility. Said sign(s) shall be provided by the Inspection Department at the time
76 of application for the Permit.

77
78 **C. LEGAL NOTICE:**

79
80 (1) If the building to be demolished was constructed more than 50 years prior
81 to the date of application and the area to be demolished (building footprint
82 or gross floor area) is greater than 500 square feet, the **legal** notice shall
83 read as follows:

84
85 **NOTICE**

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87 An application has been submitted to demolish **theis** building (or a portion thereof)
88 **located at** _____ . Further information about the proposed
89 demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue,
90 Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a
91 written objection with the Inspection Department at the above address.
92

93 If no written objection is received in the Inspection Department within 30 days from the
94 date of this notice, the Demolition Permit will be issued. If a written objection is received
95 within said period, the Demolition Review Committee will hold a public hearing on the
96 matter within 75 days from the date of this notice. Notice of the public hearing will be
97 published in a newspaper of general circulation, posted on the City's website, and given
98 to all parties who have filed objections to the proposed demolition.

99
100 Date of this Notice: _____

- 101
102 (2) If the building to be demolished was constructed 50 years or less prior to
103 the date of application, or the area to be demolished (building footprint or
104 gross floor area) is 500 square feet or less, the **legal** notice shall read as
105 follows:
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109 NOTICE

110
111 An application has been submitted to demolish ~~theis~~ building (or a portion thereof)
112 **located at** _____. Further information about the proposed
113 demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue,
114 Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a
115 written objection with the Inspection Department at the above address.
116

117 If no written objection is received in the Inspection Department within 30 days from the
118 date of this notice, the Demolition Permit will be issued. If a written objection is received
119 within said period, the Inspector may order an additional delay in issuing the Demolition
120 Permit, up to a maximum of 90 days from the date of this notice.
121

122 Date of this Notice: _____

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124 (3) In either case, the required sign(s) shall remain posted until the Inspection
125 Department has issued a demolition permit.
126

127 **DG. PUBLICATION:** The applicant shall, within seven (7) days of submitting an
128 Application, have published **the required** a legal notice in a newspaper of
129 general circulation in Portsmouth. All costs which are incurred for publication of
130 the legal notice are to be paid by the applicant who also will provide copies of the
131 published legal notice to the Inspection Department prior to the expiration of the
132 thirty (30) day period contained in the legal notice. The legal notice shall include
133 the wording required by Section 14.204.**CB** (1) or (2), as applicable, and shall
134 also contain the address and description of the building or structure to be
135 demolished and the name and address of the applicant.
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139 **Section 14.205: PROCEDURE**

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- A. If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the following procedure shall be followed:
- (1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied and the demolition may proceed.
 - (2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall have fifteen (15) days to notify the applicant in writing that the **Demolition Plan** must be reviewed by the Demolition Review Committee (**hereinafter Committee**) before proceeding and forward the application to each member of the ~~Demolition Review~~ Committee.
 - (a) The ~~Demolition Review~~ Committee shall schedule a public hearing within thirty (30) days of notification from the Building Inspector. Notice of the public hearing shall be given to all parties who have filed objections, posted in two public places and on the City’s website, and published in a newspaper of general circulation at least ten (10) days prior to the hearing, not including the day of the hearing or the day of posting.
 - (b) The ~~Demolition Review~~ Committee shall hear all public testimony on the building’s significance. The owner or the owner’s representative shall be invited to attend the hearing.
 - (c) At the conclusion of the hearing, the ~~Demolition Review~~ Committee shall determine that the building is “significant” or “not significant” based on whether the building is of such historic, architectural or **community-cultural** value that its removal would be to the detriment of the public interest.
 - (d) If the Committee finds the building is “not significant,” no further review is required.
 - (e) If the Committee finds the building is “significant,” the following steps shall be taken:
 - (i) The Committee shall hold a meeting with the owner or owner’s representative within fifteen (15) days, or at the applicant’s earliest convenience, to discuss alternatives to

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the proposed Demolition Plan. Public comment shall be accepted by the Committee at the meeting.

- (ii) ~~After the meeting provided for in paragraph (i) above, if no alternatives to demolition have been identified and agreed to by the applicant, and if the applicant agrees, the applicant shall submit basic measured drawings of the building (plan and elevations) as determined by the Demolition Review Committee. In addition, if the applicant agrees, the Committee shall document the building photographically. The applicant shall also be encouraged to salvage significant architectural features identified by the Committee.~~

After the meeting provided for in paragraph (i) above, the Committee shall:

- a. **Approve the Application as submitted; or**
- b. **Approve any alternatives to the Demolition Plan which have been agreed to by the applicant; or,**
- c. **Determine to delay the issuance of the demolition permit for up to the maximum time period allowed by this ordinance.**

- (iii) Following the completion of documentation ~~and (if applicable) salvage~~ as set forth in (ii) above, no further review is required.

B. If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the following procedure shall be followed:

- (1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied.
- (2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall order an additional delay period, not to exceed sixty (60) days from the date of receipt of the written objection(s) **in instances where a significant building site, or life safety condition is presented in the objection.** However, in no event shall the delay period ordered by the Building Inspector exceed ninety (90) days from date of notice.

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Section 14.206: DEMOLITION PERMIT

Upon completion of the procedure outlined in Section 14.205, the Building Inspector shall issue a Demolition Permit after the expiration of any delay period ordered pursuant to Section 14.205.

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 ON _____, 2018:

Kelli L. Barnaby, City Clerk

Proposed Zoning Ordinance Amendments
Article 12 – Signs
September 25, 2018

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018.

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

Article 12 – Signs
Comparison of Proposed Amendments with Existing Ordinance
September 25, 2018

Article 12 Signs

Section 10.1210	Purpose and Intent
Section 10.1220	General Sign Regulations
Section 10.1230	Sign Districts
Section 10.1240	Permitted Sign Types
Section 10.1250	Sign Dimensional Standards
Section 10.1260	Sign Illumination
Section 10.1270	Additional Sign Regulations
Section 10.1280	Nonconforming Signs
Section 10.1290	Sign Definitions

Section 10.1210 Purpose and Intent

10.1211 The purpose of this Article is to regulate the type, number, location, size and illumination of signs on private property in order to maintain and enhance the character of the city’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.

10.1212 This Article is intended to permit signs only as accessory uses to a permitted use on the same lot and not as principal uses on a lot. When a principal commercial use or activity is not open to the public or has been abandoned, all allowed accessory signs shall be removed regardless of their content.

10.1213 This Article is not intended to regulate the content of signs except as follows:

10.1213.10 When a sign is allowed because it is necessary to identify a building address or for safe access to or egress from the lot, only that relevant message may be presented.

10.1213.20 A sign that advertises a product or service not available on the lot (an “off-premise sign”) is not permitted. However, when a sign is permitted as accessory to a commercial use, the sign may contain a noncommercial message instead of a commercial message.

Section 10.1220 General Sign Regulations

10.1221 Sign Permits

- 10.1221.10 No sign shall be erected without a sign permit issued by the Code Official except in accordance with the provisions of this Ordinance or a decision by the Board of Adjustment.
- 10.1221.20 No sign permit will be issued for any premises on which there is an outstanding violation of any part of this Ordinance.
- 10.1221.30 In the Historic District, a sign that violates any requirement of this Article, including the design standards set forth in Section 10.1274, shall require a Certificate of Appropriateness from the Historic District Commission (HDC) under Section 10.630, in addition to the sign permit issued by the Code Official.
- 10.1221.40 Any sign located within a public right of way, including a projecting sign that extends over the public right of way, requires City Council approval and license in accordance with Chapter 8 of the municipal code.

10.1222 Signs Not Requiring A Permit

The following signs are permitted without a sign permit and shall not be included in the calculation for aggregate signage on a lot:

- 10.1222.10 Signs required, or deemed necessary for the public welfare and safety, by a municipal, state or federal agency, such as traffic control devices ~~and directional signs.~~
- 10.1222.20 ~~Directional signs or information signs~~ Signs with a sign area up to 4 square feet containing only content of a general directive or informational nature such as the following:
- (a) Identifying a building address or unit number;
 - (b) Directing or guiding to entrances, exits or parking areas;
 - (c) Identifying handicapped parking, no parking, or loading areas;
 - (d) Identifying or directing to a public service facility or accommodation;
 - (e) Identifying an official inspection station;
 - (f) Notices concerning restrictions on access to private property (e.g., no trespassing, no hunting, etc.).
- 12.1222.21 All such signs shall be located so as not to create a traffic safety hazard or to block line of sight from a motor vehicle.
- 12.1222.22 A freestanding sign under this provision shall comply with the height standards for freestanding signs in Section 10.1223.33.

~~12.1222.23~~ A ~~directional or information~~ sign pertaining to public parking in a private parking lot that has been authorized under a permit from the Department of Public Works is exempt regardless of sign area.

10.1222.30 ~~A building marker~~ One building identification sign per lot, composed of either (a) unpainted letters carved into, embedded in or embossed on ~~a the material of the~~ building wall above the first story with a sign area up to 12 square feet; or (b) a metal plaque affixed to the building wall no more than 5 feet above ground level, with a sign area up to 4 square feet. Such signs are typically used to provide historical information about the building such as the name of the building or the date of its construction.

10.1222.40 Miscellaneous ~~business~~ signs mounted on a wall, window or door at a building entrance, provided that (a) there shall be only one group of ~~miscellaneous business such~~ signs per entrance; (b) each group of such signs shall not exceed 4 square feet in area (measured as a single sign in accordance with Section 10.1252) and shall be placed within 3 feet of the entrance; (c) no individual sign in the sign group shall exceed one square foot in area; and (d) no letter, character, image or graphic shall be more than 2 inches in height. The intent of this provision is to allow for the provision of ~~common business~~ information that is not intended to be read from more than 3 feet from the sign, such as including but not limited to restaurant menus, credit card stickers, hours of operation, owner and contact information, etc.

10.1222.50 Internal signs.

10.1222.60 Illuminated signs more than 3 feet behind any window or opening through which they might be visible from private or public right of way.

~~10.1222.70 Signs for historical associations and historical monuments up to 8 square feet per lot.~~

~~10.1222.80 Temporary signs as follows:~~

~~10.1222.81 Real estate signs providing information concerning the availability of the property for sale or for lease, up to 8 square feet in residential districts and 32 square feet in all other districts.~~

~~10.1222.82 Site development signs up to 16 square feet per sign in residential districts and 32 square feet per sign in all other districts.~~

10.1222.70 Flags of the United States, the State of New Hampshire or the City of Portsmouth that have been officially adopted by law or ordinance, limited in number and size as follows:

10.1222.71 Each lot may have up to 3 flags (free-standing or attached to a building) that are up to 24 sq. ft. in area (per flag) in Sign Districts 1, 2 and 3, and up to 60 sq. ft. in Sign Districts 4, 5 and 6.

10.1222.72 In addition to the above, each dwelling unit or condominium unit on a lot may have up to one flag not exceeding 6 sq. ft. in area attached to the dwelling unit or condominium unit.

10.1222.980 Signs on registered motor vehicles that are used in the ordinary conduct of a business, but not including signs on vehicles that are parked on, or in view of, a street when the vehicle is not actively being used in the conduct of business.

10.1222.90 Low wattage or low voltage temporary decorative lighting and displays used for holidays, festivals and special events, provided they do not pose a safety or nuisance problem due to light trespass or glare.

10.1223 Temporary Signs

10.1223.10 The following temporary signs are allowed without a sign permit and shall not be included in the calculation for aggregate signage on a lot:

10.1223.11 One temporary sign placed on a lot while the lot (or a dwelling unit or commercial unit on the lot) is being offered for sale or lease by a real estate agent or through advertising in a local newspaper of general circulation, and for a period of 14 days following the date on which a contract of sale or lease has been executed.

10.1223.12 Temporary signs placed on a lot that is under active development, to be removed within 14 days after issuance of the first certificate of occupancy.

10.1223.13 Temporary signs placed on a lot for a period of 90 days prior to, and 7 days after, an election involving candidates for a federal, state or local office that represents the district in which the lot is located.

10.1223.20 The following temporary signs are allowed with the issuance of a sign permit:

10.1223.21 One temporary sign placed on a lot for more than 90 days while the lot (or a dwelling unit or commercial unit on the lot) is being offered for sale or lease.

10.1223.22 Temporary signs placed on a lot that is under active development for more than 14 days after issuance of the first

certificate of occupancy, but not to exceed 60 days after the issuance of said certificate.

10.1223.30 The following provisions apply to all temporary signs whether requiring a sign permit or allowed without a permit:

10.1223.31 The maximum sign area of a temporary sign allowed by this section shall be as follows:

<u>Sign District 1 or 2</u>	<u>6 sq. ft.</u>
<u>Sign District 3</u>	<u>16 sq. ft.</u>
<u>Sign District 4, 5 or 6</u>	<u>32 sq. ft.</u>

10.1223.32 The maximum height of a temporary freestanding sign shall be as follows:

<u>Sign District 1, 2 or 3</u>	<u>4 ft.</u>
<u>Sign District 4, 5 or 6</u>	<u>12 ft.</u>

10.1223.33 A temporary freestanding sign shall comply with the required setback for the applicable sign district as set forth in Section 10.1253. In Sign District 1 a temporary freestanding sign shall be set back at least 7 feet from any lot line.

10.1223.35 Temporary signs shall not be illuminated in any way.

10.1223.36 A property owner may not accept a fee for posting or maintaining a temporary sign allowed by this Section 10.1223, and any sign that is posted or maintained in violation of this provision is not authorized.

10.1223.40 Special Event Signs

~~Special event sign permits shall be issued.~~ In addition to other permanent and temporary signs allowed by this Article, one sign may be placed on a lot immediately preceding and during a special event on that lot, subject to provided that all the following conditions are met:

10.1223.41 A sign permit for the special event sign shall be obtained for the special event sign from the Code Official. Only one permit for a special event sign shall be issued for a lot in any 3-month period.

10.1223.42 A lot may have one special event sign for one consecutive 7-day period every 3 months, for a maximum of 4 special event signs per year. If a special event sign permit is not used in one quarter it shall not be carried over to the next quarter.

10.1223.43 The special event sign shall not be limited to size or location, but shall not be placed in such a manner as to create a traffic safety problem.

10.1223.44 The special event sign shall be removed at the end of the event.

10.12234 Signs Prohibited in All Districts

The following signs are prohibited in all sign districts:

10.12234.10 Animated signs.

10.12234.20 Signs that move or flash, or give the appearance of such motion (for example, by means of traveling lights). Beacons, rotating and flashing lights are prohibited except where such lighting devices are deemed necessary for the public safety and welfare by federal, state or municipal authorities.

10.12234.30 Banners, pennants or flags (except as permitted by Section 10.1222.80) which are signs under the definition of “sign” herein, ~~except as temporary signs allowed under Section 10.1275.~~

10.12234.40 Balloons or other inflated devices displayed more than one day per month.

10.12234.50 Mobile signs.

10.12234.60 Signs mounted, attached or painted on vehicles, trailers or boats, except as permitted by Section 10.1222.90.

10.12234.70 Any sign emitting sound.

10.1224.80 Any sign projected via illumination on the exterior of any structure, or on or above a surface such as a driveway, sidewalk or street, regardless of the technology used to project the sign. This prohibition shall not apply where the structure or surface on which the sign is projected is within the same lot as the principal use to which the sign is accessory.

10.1224.90 Any sign advertising a product or service not provided on the lot on which the sign is located (“off-premise sign”).

10.12245 Maintenance of Signs

10.12245.10 All signs and sign structures shall be properly maintained and kept in a neat and proper state of maintenance and appearance.

10.12245.20 Any sign of any type and located within any district which is found by the Code Official to be in a state of disrepair, illegible or ~~are considered~~ dangerous, shall be repaired or removed.

10.122~~45~~.30 Upon failure to comply with an order to repair or remove a sign within thirty days, the Code Official is authorized to cause removal of the sign at the expense of the owner of the property on which the sign is located.

Section 10.1230 Sign Districts

10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and illumination of signs. These sign districts are overlay districts. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 1	All Rural and Residential Districts Municipal Natural Resource Protection
Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business Character District 4-L1 Character District 4-L2
Sign District 3	Character District 4-W Character District 4 Character District 5
Sign District 4	Business Office Research
Sign District 5	General Business Gateway <u>Neighborhood Mixed-Use Corridor</u> <u>Gateway Neighborhood Mixed-Use Center</u>
Sign District 6	Industrial Waterfront Industrial Airport Districts

10.1233 In order to address the characteristics of a specific area or its surroundings, an area may be changed to a different sign district than specified in Section 10.1232 following the same procedures as for a change in the underlying zoning district. (For example, a portion of the General Business district may be changed from Sign District 5 to Sign District 2 in order to protect an adjacent neighborhood from excessive light.)

10.1234 Any sign not specifically allowed in a sign district is not permitted.

Section 10.1240 Permitted Sign Types

10.1241 The types of signs permitted in each sign district shall be as set forth in the following table, except as otherwise provided herein.

Table of Permitted Sign Types

	Sign District					
	1	2	3	4	5	6
Freestanding sign	N	P	P	P	P	P
Wall sign	P	P	P	P	P	P
Projecting sign	P	P	P	P	P	P
Parapet sign	N	N	N	N	P	P
Roof sign	N	N	N	N	P	P
Awning sign	N	P	P	P	P	P
Marquee sign	N	P	P	P	P	P
Canopy sign	N	N	N	P	P	P
Changeable or animated signs						
Animated sign	N	N	N	N	N	N
Changeable sign	N	P	P	P	P	P

P = Permitted N = Prohibited

10.1242 ~~Each side of a building facing a street may have one parapet sign (if permitted by Section 10.1241); or one wall sign above the first ground floor, may be allowed for each street façade, provided that the use is primarily above the first floor. The parapet sign or wall sign shall not be placed on a floor higher than the highest floor occupied by the applicable use.~~

10.1243 Only one freestanding sign shall be permitted per lot, except that a ~~shopping center~~ lot with more than one driveway may have one freestanding sign at the site's primary driveway and one smaller freestanding sign at each additional driveway ~~not on the same street~~ complying with the area and height standards in Section 10.1251.30.

Section 10.1250 Sign Dimensional Standards

10.1251 Sign Area

10.1251.10 The maximum aggregate sign area shall be as follows:

	Sign District					
	1	2	3	4	5	6
Per linear foot of building frontage per establishment	0.5	1.0	2.0	1.5	1.5	2.0

10.1251.20 The maximum sign area for individual signs shall be as follows:

	Sign District					
	1	2	3	4	5	6
Freestanding sign	n/a	20	20	100	100	150
Wall sign	4	16	40	200	200	100
Projecting sign						
Ground floor use	2	16	12	16	16	16
Upper-floor use	n/a	0	8	8	8	8
Parapet sign	n/a	n/a	n/a	n/a	100	150
Roof sign	n/a	n/a	n/a	n/a	200	100
Awning sign	n/a	16	20	20	20	20
Marquee sign	n/a	16	20	20	20	20
Canopy sign	n/a	n/a	n/a	20	20	20

All dimensions in square feet

n/a = not applicable (sign type not permitted)
n.r = no requirement

10.1251.30 When a ~~shopping center lot~~ has more than one freestanding sign, the freestanding sign at the site’s primary driveway shall comply with the maximum sign area specified in Section 10.1251.20 and the maximum sign height specified in Section 10.1253.10; and the ~~other~~ freestanding signs at other driveways shall not exceed 75 square feet in area. comply with the following standards:

<u>Sign District</u>	<u>On same street as primary driveway</u>		<u>On different street from primary driveway</u>	
	<u>Maximum Sign Area</u>	<u>Maximum Sign Height</u>	<u>Maximum Sign Area</u>	<u>Maximum Sign Height</u>
<u>2</u>	<u>10 sq. ft.</u>	<u>5 ft.</u>	<u>10 sq. ft.</u>	<u>5 ft.</u>
<u>3</u>	<u>10 sq. ft.</u>	<u>5 ft.</u>	<u>20 sq. ft.</u>	<u>5 ft.</u>
<u>4</u>	<u>20 sq. ft.</u>	<u>12 ft.</u>	<u>40 sq. ft.</u>	<u>12 ft.</u>
<u>5</u>	<u>40 sq. ft.</u>	<u>12 ft.</u>	<u>75 sq. ft.</u>	<u>15 ft.</u>
<u>6</u>	<u>40 sq. ft.</u>	<u>12 ft.</u>	<u>75 sq. ft.</u>	<u>15 ft.</u>

10.1251.40 A sign projected via illumination on the exterior of a structure, or on or above a surface such as a driveway, sidewalk or street, shall comply with the sign area requirements for a wall sign.

10.1252 Measurement of Sign Area

10.1252.10 Sign area shall be measured in one of the following ways, at the applicant’s discretion:

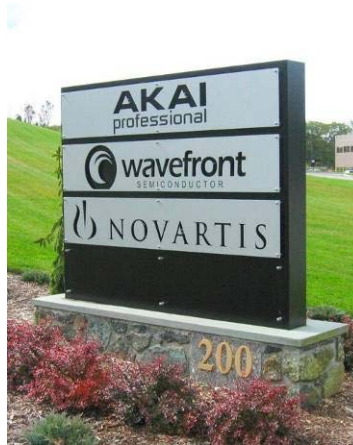
- (a) the area that can be enclosed by one polygon with no more than eight sides; or
- (b) the area that can be enclosed by a circle, oval, triangle or rectangle, or any two such shapes.

10.1252.20 The sign area of a freestanding sign shall include all structural supports whether or not they contribute through shape, color or otherwise to the sign's message, except as follows:

10.1252.21 The base of a monument sign, up to one foot above the ground, shall not be included in the computation of sign area provided that such base is not illuminated in any way ~~and contains no information other than the street number.~~



Height of base is less than one foot –
Not included in sign area



Height of base is one foot –
Not included in sign area

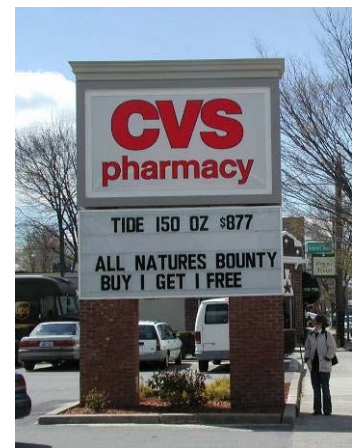


Height of base is greater than one foot –
Included in sign area

10.1252.22 The vertical supports of a pole sign shall not be included in the computation of sign area, provided that (1) the total width of all such supports is less than one-third of the width of the sign, and (2) the supports are not illuminated in any way.



Total width of supports is less than 1/3 of the width of the sign –
Not included in sign area



Total width of supports is greater than 1/3 of the width of the sign –
Included in sign area



Width of support is greater than 1/3 of the width of the sign –
Included in sign area



Width of support is approximately 1/3 of the width of the sign

- 10.1252.30 For a sign that is painted or engraved on, or otherwise applied directly to, a building or other structure, the sign area shall include any background of a different color, material or appearance from the remainder of the wall or structure, and shall include all related text, images and graphics.
- 10.1252.40 The sign area of a canopy sign shall include all text and symbols, whether or not illuminated, and all illuminated areas; but shall not include non-illuminated areas that are distinguished from the background only by color stripes.
- 10.1252.50 The sign area of a projecting sign shall not include the area of supporting brackets with no text, images or graphics.
- 10.1252.60 Where a sign has two faces that are parallel or where the interior angle formed by the faces is 45 degrees or less, only one display space shall be measured in computing total sign area.
- 10.1252.70 The sign area of a spherical, free-form, sculptural or otherwise non-planar sign shall be equal to 75 percent of the areas of the 4 vertical sides of the smallest rectangular box that will encompass the sign.
- 10.1252.80 Decorative lighting on a building or structure, including neon and other accent lighting, and any illuminated building panel, shall be considered a wall sign for the purposes of this section, and shall be counted as part of the aggregate sign area allowed.

10.1253 Sign Height and Setback

10.1253.10 The maximum and minimum heights and minimum setbacks for signs in each sign district shall be as set forth in the following table, except as otherwise provided herein.

Table of Sign Height and Setback Requirements

	Sign District					
	1	2	3	4	5	6
Projecting sign						
Minimum clearance (ground to bottom of sign)	7	7	7	7	7	7
Freestanding sign						
Minimum setback from lot line	5 n/a	5	5	20	10	20
Maximum height (ground to top of sign)	7 n/a	7	12	20	20	20
Temporary freestanding sign	4	4	8	12	12	20

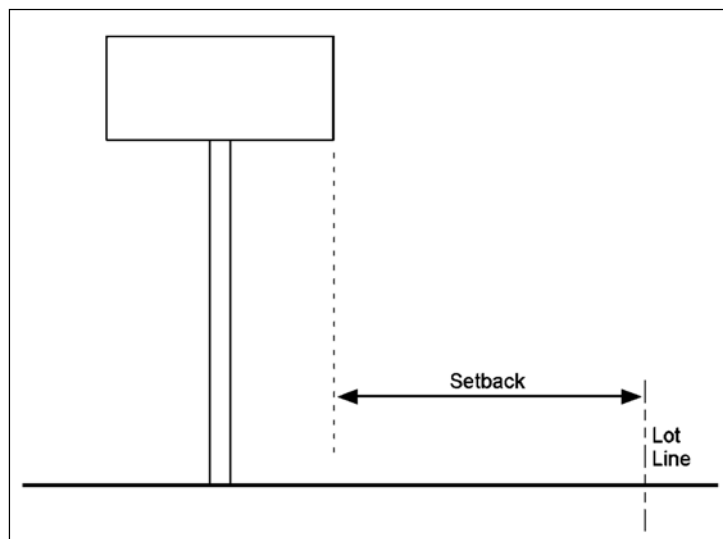
All dimensions in feet

n/a = not applicable (sign type not permitted)

10.1253.20 Where a driveway intersects with a street, no sign shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by (a) the side lines of the driveway and street and (b) lines joining points along said side lines 20 feet from the point of intersection.

10.1253.30 The height of a freestanding sign shall be measured with respect to the elevation of the centerline of the adjacent public right-of-way.

10.1253.40 The setback of a sign from a lot line shall be measured as the shortest horizontal distance from the lot line to the any part of the sign, whether or not such part of the sign is at ground level.



10.1253.50 A projecting sign shall project no closer than 1 foot to the edge of the vehicular travel way, if any.

Section 10.1260 Sign Illumination

10.1261 Types of Illumination

10.1261.10 Signs may only be illuminated as set forth in the following table, except as otherwise provided herein.

Table of Sign Illumination Requirements

	Sign District					
	1	2	3	4	5	6
External illumination	N	P	P	P	P	P
Halo lettering	N	P	P	P	P	P
Internal illumination						
Freestanding sign	N	P	N	P	P	P
Wall sign	N	P	P	P	P	P
Projecting sign	N	N	N	N	N	N
Parapet sign	n/a	N	N	N	P	P
Roof sign	n/a	N	N	N	P	P
Awning sign	n/a	N	P	N	P	P
Marquee sign	n/a	N	P	N	P	N
Canopy sign	n/a	n/a	n/a	P	P	P
Direct illumination	N	N	P	P	P	P

P = Permitted N = Prohibited n/a = not applicable (sign type not permitted)

10.1261.20 Temporary signs shall not be illuminated.

10.1261.30 Signs in the Historic District shall be illuminated only by external illumination, notwithstanding anything to the contrary in Section 10.1261.

10.1262 Hours of Illumination

Signs shall not be illuminated between 11:00 p.m. and 6:00 a.m., except that signs may be illuminated during the operation of a use or activity that is open to customers or the public, and for not more than one hour after the activity ceases.

10.1263 Illumination Standards

10.1263.10 A light source for external illumination of a sign shall be mounted and shielded so that said light source is not visible three feet above grade at the lot line and so that the lighting is confined to the area of the sign.

10.1263.20 A light source for internal illumination of a sign constructed of translucent materials and wholly illuminated from within shall not require shielding.

- 10.1263.30 A sign or its illuminator shall not by reason of its location, shape or color interfere with pedestrian or vehicular traffic or be confused with or obstruct the view or effectiveness of any official traffic signal or traffic marking.
- 10.1263.40 Illuminance of the sign face shall not exceed the following standards:
 - 10.1263.41 External illumination: 50 foot-candles as measured on the sign face.
 - 10.1263.42 Internal illumination: 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.
 - 10.1263.43 Direct illumination: 5,000 nits during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.
- 10.1263.50 Light sources shall utilize energy efficient fixtures to the greatest extent practicable. Light fixtures including bulbs or tubes used for sign illumination shall be selected and positioned to achieve the desired brightness of the sign with the minimum possible wattage, while ensuring compliance with all applicable requirements of this Ordinance.
- 10.1263.60 A sign using direct illumination shall consist only of letters, numbers and other common typographical characters, all of which shall be in no more than three colors against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the sign.

Section 10.1270 Additional Sign Regulations

10.1271 Signs on More Than One Façade of a Building

- 10.1271.10 A use in a building with more than one exterior wall facing a street may have signs on each such wall, ~~up to the maximum sign area per linear foot of building frontage per establishment.~~
- 10.1271.20 ~~A store~~ An establishment with a public entrance on a side of the building not facing a street may have signs on that side as well as on the street-facing wall(s), ~~up to the maximum sign area per business.~~
- 10.1271.30 Regardless of the location of signs, the maximum sign area per establishment shall be based only on the building frontage as defined in Section 10.1290.
- ~~10.1271.30 A non-illuminated sign that is not visible from a public right of way, such as drive-through menu signs and car wash menus, shall not be counted in the maximum aggregate sign area for the business or lot.~~

10.1272 Roof Signs

- 10.1272.10 A roof sign shall be parallel to the main façade of the building on which it is mounted,
- 10.1272.20 A roof sign on a pitched, hip, gambrel or mansard roof shall not extend above the elevation midway between the level of the eaves and the highest point of the roof. A roof sign is not permitted on a flat roof.
- 10.1272.30 The maximum height of a roof sign shall not exceed the lesser of 36 inches or 25% of the vertical height of the roof.

10.1273 Marquee Signs

- 10.1273.10 All text, images and other graphics on a marquee sign shall be displayed on the outside vertical faces of the marquee, and shall be no more than 1.5 feet tall.
- 10.1273.20 The sign area of a marquee sign shall be included in the maximum aggregate sign area allowed for ~~said property~~ the lot.

10.1274 Relation of Sign to Building Façade in the Historic District

In the Historic District, a ~~hanging-wall sign~~ or projecting sign should align with some horizontal element on the façade. For example, the top of the sign may align with the top of the window, the bottom of the sign may align with the bottom of the window, the bottom of sign may align with the top of the lintel, etc.

~~10.1275 Temporary Signs~~

~~10.1275.10~~ ~~New Business~~ Interim Signs

~~An temporary new business interim~~ sign may be erected while awaiting arrival of a permanent sign for which a sign permit has been issued. ~~A new business--The interim~~ sign shall conform to the same dimensional and other requirements as the approved permanent sign and shall be allowed only until the permanent sign is installed or for 60 days, whichever is the shorter period of time. A sign permit ~~must be obtained~~ for ~~an new business-interim~~ sign must be obtained from the Code Official.

Section 10.1280 Nonconforming Signs

- 10.1281 A nonconforming sign or sign structure shall be brought into conformity with this Ordinance if it is altered, reconstructed, replaced, or relocated. For the purpose of this provision, the alteration of a sign or sign structure includes any change in size, shape, materials or technology. A change in text or graphics is not an alteration or replacement for purposes of this subsection.

10.1282 Nonconforming signs must be maintained in good condition. Maintenance required by this Subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and is not a change or modification prohibited by Subsection 10.1281.

10.1283 A nonconforming sign shall be removed, made conforming, or replaced with a conforming sign ~~in either of the following situations:~~if

~~(a)~~ 50 percent or more of the nonconforming sign is blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

10.1284 ~~A nonconforming sign shall be removed if (b)~~—The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a continuous period of 8 months or more. An intent to abandon is not required as the basis for removal under this section.

Section 10.1290 Sign Definitions

Aggregate sign area
See under sign area.

Animated sign
A sign that uses movement or a change of lighting to depict action or create a special effect or scene. See also changeable sign.

Awning
A cloth, plastic or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning sign
A sign that is painted on or otherwise applied or attached to an awning. An internally illuminated awning shall be considered an awning sign whether or not it contains any text or graphics.

Banner sign or banner
A sign that consists of text or other graphic elements on a non-rigid material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere. See also temporary sign.

Building frontage
The maximum horizontal width of the ground floor of a building that approximately parallels and faces a public street or right of way.
(a) Where an individual occupant's main entrance faces a driveway or parking lot, the width of the occupant's ground floor space facing the occupant's entrance shall be considered that occupant's separate and distinct building frontage.

- (b) Where two or more uses occupy the ground floor of a building, the portion of the building frontage occupied by each use will be that use's separate and distinct building frontage for the purpose of calculating allowed sign area.
- (c) A corner lot or through lot shall be considered to have a separate and distinct building frontage on each street.
- (d) When a building is not parallel to the street, or has a front wall that is angled or curved, the building frontage shall include any portion of the front wall that is oriented at an angle of 30 degrees or less from the front lot line.

~~Building marker sign~~

~~A sign indicating the name of a building, the date of its construction, and/or incidental information about its history. One per site, maximum area of 2 square feet, not included in the maximum sign area.~~

Canopy

A freestanding structure constructed of rigid materials, providing protective cover over an outside service area.

Canopy sign

A sign attached to, affixed to or otherwise mounted on a canopy.

Changeable sign

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

Direct illumination

Illumination of a sign by light emitted directly from a lamp, luminary or reflector, and not diffused through translucent materials or reflected or projected from an external source. Examples include, but are not limited to, signs using luminous gas-filled tubes (e.g., neon) or light-emitting diodes (LED). (See also external illumination, externally illuminated sign, internal illumination, internally illuminated sign.)

~~Directional sign~~

~~A sign directing or guiding vehicles or people to entrances, exits or parking.~~

~~Directory sign~~

~~A sign that lists businesses in a multi-tenant building, office park, or industrial park.~~

External illumination

Illumination of a sign by a source of light not contained within, or on the surface of, the sign itself. (See also direct illumination, externally illuminated sign, internal illumination, internally illuminated sign.)

Externally illuminated sign

A sign that is illuminated by a light source that is not contained within, or on the surface of, the sign itself

Freestanding sign

A sign that is permanently erected in a fixed location and supported by 1 or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. Examples include, but are not limited to, monument signs and pole signs.

Halo lettering.

An externally illuminated sign in which light sources are placed out of direct view behind opaque sign elements (letters or graphics), creating a glow around the sign elements.

Halo Lettering



Information sign

~~A sign that does not exceed 4 square feet of sign area and includes only information of a general directive or informational nature such as the following:~~

- ~~(a) Handicapped parking, no parking, loading area;~~
- ~~(b) To give direction to a public service facility or accommodation; an official inspection station;~~
- ~~(c) Building address or unit number;~~
- ~~(d) No trespassing, no hunting, etc.~~

Internal sign

A sign that is not intended to be viewed from outside the property, and that is located so as not to be visible from any street or from any adjacent lot. Examples include, but are not limited to, signs in the interior areas of shopping centers, ~~and non-illuminated signs inside a building and more than 3 feet inside any window or door,~~ and signs located completely within a building and not visible from outside the building.

Internal illumination

Illumination of a sign by light that is diffused through a translucent material from a source within the sign. (See also direct illumination, external illumination, externally illuminated sign, internally illuminated sign.)

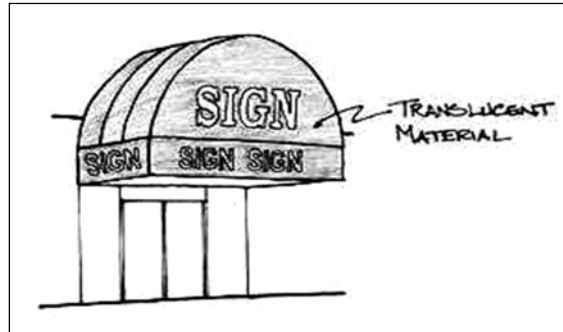
Internally illuminated sign

A sign that is illuminated by light from a source within the sign through a translucent material. (See also direct illumination, external illumination, externally illuminated sign, internal illumination, halo lettering.)

Examples of internally illuminated signs include:

(a) Internally illuminated translucent sign, which may have opaque surfaces with translucent letters or translucent surfaces with opaque letters. An opaque surface with translucent letters is preferred to a translucent surface with opaque lettering.

(b) Internally illuminated awning signs.



(c) Internally illuminated channel letters.



Marquee

A structure other than a roof that is attached to, supported by and projecting from a building, and that provides shelter for pedestrians.

Marquee sign

A wall sign that is mounted on or attached to a marquee.

Mobile sign

A sign on a trailer or other wheeled apparatus, whether or not self-propelled, that is not permanently affixed to the ground. (See also: temporary sign.)

Monument sign

A freestanding sign constructed of a solid material and mounted on a solid base that is placed directly on the ground.

~~New business sign~~

~~A temporary sign that is erected or installed while awaiting installation of a permanent sign for which a sign permit has been issued.~~

Nit

A unit of luminance, equal to one candela per square meter.

Parapet

An extension of a vertical building wall above the line of the structural roof.

Parapet sign

A wall sign attached to the face of a parapet.

Pennant sign or pennant

See banner sign.

Parapet sign

A sign attached to a parapet wall, with its face parallel to the plane of the parapet wall and extending no more than 18 inches from such wall.

Pole sign

A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights or braces from the ground and not supported by a building or base structure.

Projecting sign

A sign attached to and projecting from the wall of a building with the face of the sign at an interior angle of more than 45 degrees to the building wall to which it is attached.

~~Real estate sign~~

~~A temporary sign that advertises the availability of the property for sale or lease.~~

Roof sign

A sign that is located:

- (a) above the level of the eaves on pitched or gambrel roofs;
- (b) above the roof deck of a building with a flat roof; or
- (c) above the top of the vertical wall of a building with a mansard roof.

Sign

Any symbol, design or device used to identify or advertise any place, business, product, activity, service, person, idea or statement. Any representation that is illuminated and consisting wholly or in part, of text, images or graphics shall be considered a sign. Signs need not include text, and may consist of stripes, spots, or other recognizable designs, shapes or colors. Displays comprising of merchandise, figurines, mannequins, decorations and other similar articles, arranged inside a building and visible outside of a window, shall not be considered a sign.

Sign area

The total surface area of a sign display, including all text, images and graphics, and any distinctive surface, board, frame or shape on or within which the text, images and graphics are displayed.

Aggregate sign area

The total sign area of all signs on a lot or building, as indicated by the context, excluding the area of freestanding signs allowed by Article 12.

Sign band

A painted stripe or otherwise distinct scheme which indicates the establishment's logo by use of certain colors or patterns.

~~Site development sign~~

~~A temporary sign that identifies a development which is under construction and/or the owners, architects, contractors, real estate agents and lenders involved with the development; and that may include sales and leasing information.~~

~~Special event sign~~

~~A temporary sign limited to one consecutive 7 day period every 3 months, for a total of 4 events per year. If a sign is not used in a quarter it shall not be carried over to the next quarter.~~

Temporary sign

A sign, other than a mobile sign, that is not permanently affixed to a building or structure or permanently mounted in the ground, and that pertains to an activity or event of limited duration. ~~Examples of temporary signs include, but are not limited to, new business sign, site development sign, and special event sign. A temporary sign, when permitted, shall not be included in the calculation of aggregate sign area on a lot.~~ (See also mobile sign.)

Wall sign

A sign attached to, erected against or hanging from the wall of a building, with the face in a parallel plane to the plane of the building wall, and extending no more than 18 inches from such wall. A wall sign may also be inside of a building if it is illuminated and visible through the window from a private or public right of way.

Proposed Zoning Ordinance Amendment – Highway Noise Overlay District

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 Zoning Map by adding the Highway Noise Overlay District as shown on the map titled "Proposed Highway Noise Overlay District", dated July 17, 2018.

B. Insert a new Section 10.613.60 as follows:

10.613.60 The Highway Noise Overlay District (HN) is identified on the Zoning Map.

C. Insert a new Section 10.670 — Highway Noise Overlay District, as follows:

10.670 Highway Noise Overlay District (HN)

10.671 Purpose

The purpose of this Section is to minimize the impact of highway traffic noise on individuals, businesses and other activities, and to protect the general health, safety and welfare of the City by regulating certain uses, activities, and development within areas subject to projected intense highway traffic noise. This Section is adopted specifically to make the City of Portsmouth eligible for participation in the New Hampshire Department of Transportation's Type II noise abatement program.

10.672 Applicability

10.672.10 The provisions of this Section shall apply to all land within the Highway Noise Overlay District as defined in Section 10.613.60, except land subject to the land use regulations of the Pease Development Authority.

10.672.20 The provisions of this Section shall overlay and supplement the regulations of any underlying district. If any provision of this Section differs from or appears to conflict with any other provision of the Zoning

Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

10.673 Standards

Noise sensitive uses within the Highway Noise Overlay District shall be planned, designed and constructed to comply with the following standards:

Structures and Uses	Loudest Traffic Hour Sound Level
Interior of dwelling, institutional residence or care facility, hospital or lodging establishment	45 dBA
Interior of other noise sensitive use	55 dBA
Uses with outdoor activities, measured at edge of the active use area closest to the highway	65 dBA

10.674 Conditional Use

10.674.10 Within the HNOD, noise sensitive uses shall require a conditional use permit from the Planning Board.

10.674.11 An addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance, or that was constructed subject to a validly issued conditional use permit, shall be exempt from the standards in Section 10.675 and from the requirement for a conditional use permit, provided that the footprint area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the footprint of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit. This 25 percent threshold shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures.

10.674.20 A noise analysis prepared in compliance with Section 10.675 must be submitted with any application for a conditional use permit under this section.

10.674.30 An application for a conditional use permit for a noise sensitive use in the Highway Noise Overlay District may be approved only if a noise

analysis prepared in compliance with Section 10.675 demonstrates that any applicable exterior and interior sound level standards established in Section 10.673 will be met through one or more of the following measures:

- (a) Site design to ensure that noise sensitive land uses are placed outside of the applicable noise contour;
- (b) Site design that achieves noise mitigation through placement of accessory structures between the noise source and the noise receiver;
- (c) Installation of a noise barrier; or
- (d) Superinsulated building design and construction.

10.674.40 The Planning Board shall grant a conditional use permit for a noise sensitive use only upon finding that any applicable exterior and interior sound level standards will be met as demonstrated by a noise analysis.

10.675 Noise Analysis

A noise analysis must be prepared by a registered engineer or qualified professional transportation noise analyst who has been trained in the use of the Federal Highway Administration (FHWA) Transportation Noise Model or a replacement model that has been approved by the FHWA. A noise analysis must include the following:

- (1) A description of the proposed development.
- (2) A narrative description of the proposed site configuration and any proposed noise mitigation measures.
- (3) A diagram showing the proposed site configuration including the location of noise sensitive land uses and any proposed noise mitigation measures.
- (4) Unadjusted 60, 65 and 70 dBA noise contours for the loudest traffic hour sound levels shown as an overlay on the site diagram. Noise contours must be developed using the FHWA Transportation Noise Model (or a replacement model that has been approved by the FHWA).
- (5) If the noise analysis shows that projected noise levels will exceed the sound level standard for the applicable activity at the location specified, the noise analysis must include:

- (a) Any adjusted noise contours and site-specific analyses used to adjust the noise contours based on improved topography;
- (b) Calculations to support the noise level reduction of any proposed noise mitigation measure;
- (c) A description of the width, depth, height, length, and materials used in any proposed noise barrier; and
- (d) A description of construction methods and materials used in any proposed superinsulated building design. The sound transmission class must be provided for materials used.

D. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, by inserting the following terms and definitions in alphabetical order:

Active use area

The land area within 35 feet of a dwelling unit, or other principal use, on the sides closest to the highway where patios, children’s play areas, and outdoor activities are common.

dBA

The sound pressure level in decibels that is frequency weighted to the A-scale according to a frequency response established by the American National Standards Institute (ANSI S1.4-1971) and that approximates the frequency response of the human ear.

Leq(h) [hourly equivalent sound level]

The equivalent, steady-state A-weighted sound level that in one hour contains the same acoustic energy as the time-varying sound level during the same period. This is the average noise over one hour adjusted for human hearing.

Loudest traffic hour sound level

The Leq(h) associated with the loudest highway traffic hour.

Noise barrier

A noise wall, an earth berm, or a noise wall in combination with an earth berm, that obstructs the path of sound from the sound source to the sound receiver.

Noise mitigation

Reduction of the noise that is transmitted from a noise source to a receiver as a result of distance, natural features, noise barriers, or other structures.

Noise sensitive land uses

Residential uses, institutional residence or care facilities, hospitals, lodging establishments, places of assembly, libraries, schools, and day care centers.

Outdoor activities

Residential yards, gardens, patios, pools, etc.; private and public play areas.

Superinsulated

Designed and constructed to achieve a noise level reduction of more than 20 dBA Leq(h) between outdoor and indoor noise levels.

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.

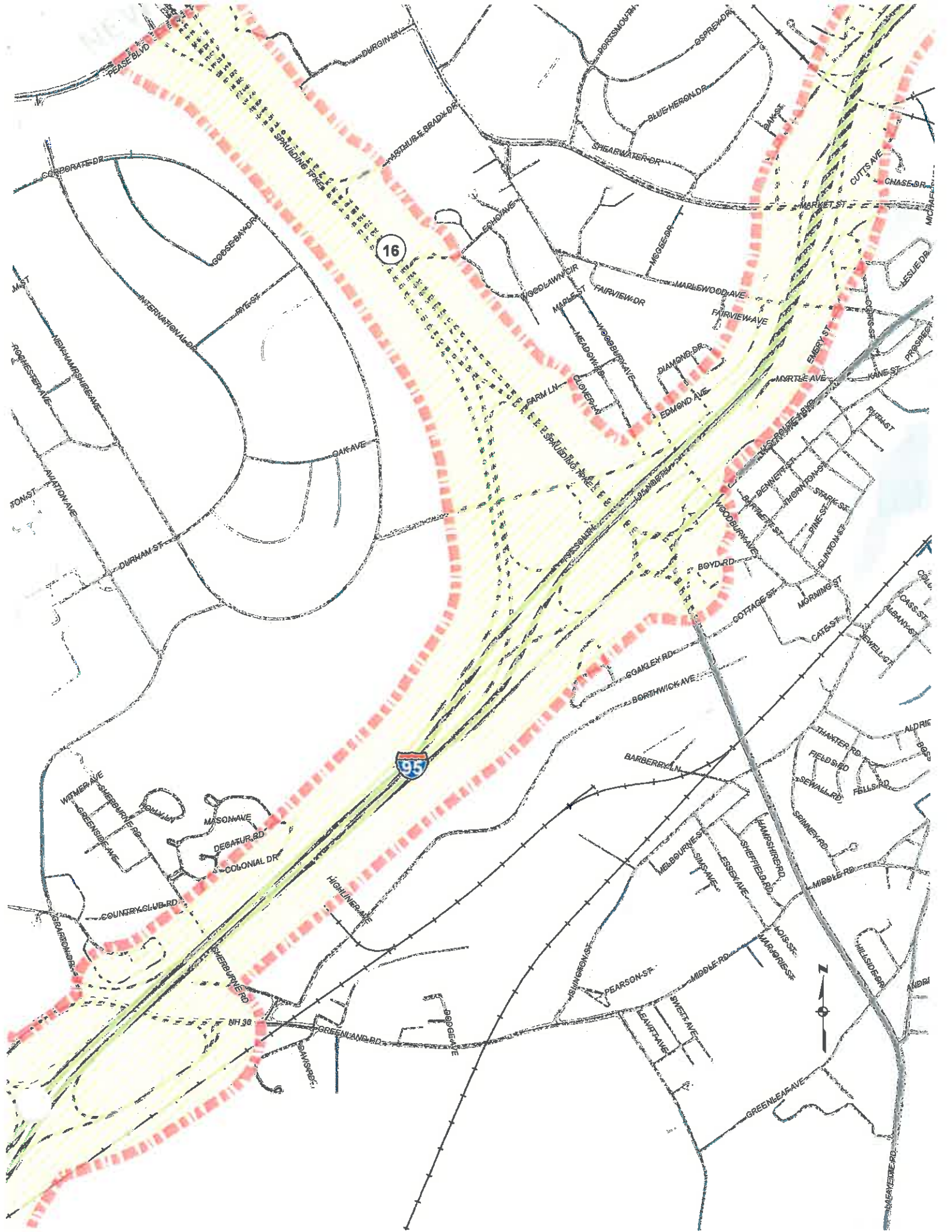
This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

SEP 26 2018

CITY MANAGER
PORTSMOUTH, NH

DATE: SEPTEMBER 26th, 2018
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOSEPH ONOSKO, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: GRANT AND DONATIONS

At the September 25th, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant award:

- i. Dept. of Homeland Security Prospective Grant Award -- *The terms of this grant require approval pending funding.* The Portsmouth Police Dept. has been *prospectively* awarded \$69,638 for a UAS – an unmanned aerial surveillance vehicle. No actual work or preparatory work may begin for this project until the official award notice is received by the Department and all the pre-award criteria are met. Prospective approval of the award is part of the pre-award criteria.

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 October 1st, 2018 regular City Council meeting.

Respectfully submitted,


Kathleen M. Levesque
Office of the Chief

Attachments: Award Notice of Prospective Award

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

State of New Hampshire



JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

RICHARD C. BAILEY, JR.
ROBERT L. QUINN
ASSISTANT COMMISSIONERS

DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

Tel: (603) 223-3889
Speech/Hearing Impaired
TDD Access Relay NH 1-800-735-2964

September 17, 2018

Robert Merner, Chief
Portsmouth Police Department
3 Junkins Ave
Portsmouth, NH 03801

Re: Prospective 2018 Homeland Security Grant Program Competitive award. Contingent upon receipt of US Department of Homeland Security approval of this specific award as per FEMA/DHS Information Bulletin 426 and Presidential Executive Order 13809 dated 8/28/17. Federal Homeland Security Funds NOT anticipated to be awarded to the prime awardees until approximately October 10, 2018.

Dear Chief Merner,

It is my pleasure to inform you that upon review of your 2018 Homeland Security Competitive Grant application by the Homeland Security Grant Review Committee that the Portsmouth Police Department has been **FROSPECTIVELY** awarded \$69,632.00 for an unmanned aerial surveillance vehicle (UAS). These funds are anticipated to be awarded under the State Homeland Security Program (SHSP) portion of the 2018 Homeland Security Grant program (HSGP) by September 2018. The State of NH Department of Safety filed a statewide application in late June 2018 and included this project for review by DHS/FEMA headquarters as is required by the current DHS process. Due to additional conditions on this type of equipment promulgated as outlined above this purchase will need additional approvals from DHS headquarters after the award has been accepted at your level and additional information as prescribed by DHS is secured from the City of Portsmouth police department. We will work with you to facilitate this process.

Your grant was for the purchase of an unmanned aerial surveillance vehicle commonly known as a "drone" as described in your application. Please remember: **DO NOT fund** a local level budget for this project at this time, this was noted in a preliminary notice email to you on June 15, 2018. It is critical to insure that the grant awarded does not supplant local funds for this project already budgeted. Additionally no actual work or preparatory work may begin for this project until the official award notice is received by you from this office and all the pre-award criteria are met.

We will plan to officially issue award documents to your agency through the normal grant agreement process by October 10, 2018 or sooner. These grant awards are subject to federal program requirements and other specific special conditions applicable to your award. You will have an opportunity to review these at the time of award.

Additional information is also available at <http://www.nh.gov/safety/homeland/index.html>. We, at the Department of Safety, look forward to this opportunity to work diligently with local first responders, public safety officials, and other local and state officials and agencies to prepare and protect our citizens. It is our hope that we will never have to apply these skills, or use this equipment; however, we will work together to ensure that our ability to do so will be keen.

Sincerely,


Pamela Urban-Morin
Grants Administrator

Cc: Karen Senecal, Administrative Manager Portsmouth PD

Federal 2018 NH Department of Safety - Grants Management Unit Grant Application

CFDA #97.067 - DUE December 20, 2017 noon to: HomelandGrants@dos.nh.gov

Lead Applicant Agency

Partnering Cities/Countries/Agencies

*Please note schools may not apply in 2018

Organization: DUNS #

Proposal Information: Is this a continuation of a Homeland Security Grant?
 If you answered yes, please identify the previous project title and amount below.

Previous Project Title: Amount:

Is this a construction project? Describe: (tower, fence, repeater, etc.)

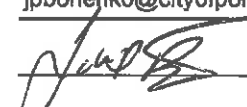
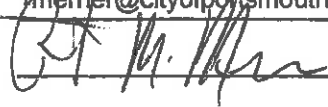

Current Project Title: Amount Requested:

- Please check the Investment Justification which best describes your project:
- Special Team and or Special Response Enhancement (WMD/CBRNE)
 - WMD/CBRNE prevention, protection, response, recovery
 - Enhanced Communications
 - Mass Casualty Preparedness

Approvals:

NIMS Compliance (see NIMS requirements attached)	<input type="text" value="Yes"/>	(attach letter of certification)
After Action Report (AAR) recommended this project	<input type="text" value="No"/>	Date(s) of Event/Exercise: <input type="text"/>
NH IAC Infrastructure Analysis recommended this project	<input type="text" value="N/A"/>	(attach document re: certification of assessment)
LEOP priority	<input type="text" value="No"/>	(attach supporting pages from <u>current</u> LEOP)
Communications study & propagation support	<input type="text" value="N/A"/>	(attach documentation to support this)



	Authorizing Official per RSA (Per RSA 31:95b or RSA 37:6)	Project Director/Contact	Financial Officer
Name:	<u>John P. Bohenko</u>	<u>Robert R. Merner</u>	<u>Karen A. Senecal</u>
Title:	<u>City Manager</u>	<u>Chief of Police</u>	<u>Administrative Manager</u>
Address:	<u>1 Junkins Avenue</u>	<u>3 Junkins Avenue</u>	<u>3 Junkins Avenue</u>
City, Zip:	<u>Portsmouth, NH 03801</u>	<u>Portsmouth, NH 03801</u>	<u>Portsmouth, NH 03801</u>
Phone No:	<u>(603) 610-7201</u>	<u>(603) 610-7457</u>	<u>(603) 610-6714</u>
Fax No:	<u>(603) 427-1526</u>	<u>(603) 433-8809</u>	<u>(603) 610-7416</u>
Email:	<u>jbohenko@cityofportsmouth.com</u>	<u>rmerner@cityofportsmouth.com</u>	<u>ksenecal@cityofportsmouth.com</u>
Original Signatures			

2018 Competitive Application must be completed in full for consideration.

**NH Department of Safety - Grants Management Unit
FY 2018 Homeland Security Grant
Application**

Please address all points in sequence. The NH State Strategy was updated in 2014 and expanded to include a wider reach into First Responder mission areas and is approved to support the preparedness, prevention, protection and recovery needs of NH's PRIMARY First Responders. 2018 Priorities support the National Preparedness System (NPS) in order to achieve the national preparedness goal (NPG). See: <https://www.fema.gov/national-preparedness-goal>. HSGP allowable costs support efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas. Responses should include all jurisdictions participating in the applications. You **MUST** use this fillable form - Do not use separate sheets for narrative sections. Only attach the required attachments not the narrative.

SECTION I: STRATEGY

Describe your problem and solution by answering each question below using 2,000 characters or less:

A. Describe your Scope of Work in 30 words or less.

Attain drone and training drones to enhance public safety capabilities during large scale public events, high risk critical incidents, protection of critical infrastructure and during uncover operations and investigations.

B. Describe how this project prevents a threatened or an actual act of terrorism including how it protects citizens, residents, visitors, and assets. Per DHS Guidance, all projects must assist in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

Portsmouth is a tourist destination with numerous large scale events that can draw over 100K people, a mecca for public protests, a rally point for presidential candidates, and home to multiple critical infrastructure. Portsmouth is also across the river from the Portsmouth Naval Shipyard, within a 10 mile radius of Seabrook Nuclear Plant and provides mutual aide to numerous towns in Rockingham County and outside the county to include Durham, which houses the University of NH.

The arrival of Chief Merner in June 2017 provided New Hampshire's seacoast with a human asset. He was a Commander on the Boston Police force the day of the Boston Marathon bombing and was instrumental in the capture of Dzhokhar Tsarnaev. His tenure in Seattle, Washington encompassed large scale event control as well. The benefit of his firsthand knowledge and experience in prevention, preparedness, and protection of Portsmouth and the surrounding towns for planned and unplanned events is invaluable.

Ex: Planning for Portsmouth's annual Halloween parade, an event that draws thousands of participants and spectators was one of the events prevention tactics were modified. The chief added large scale Public Works assets at road entries to prevent cars driving into the crowd and commissioned the "jack tower" owned by the University of NH. Although the tower is tremendous asset, it is a stationary unit. Given the traffic of people on foot, on multiple streets, the agility and capability of a drone before and during an event such as this would have provided significantly more protection capabilities to command staff.

A drone has high resolution, real-time video and recording capabilities that provide a 400ft+ high/3-mile view that can be used to detect suspects and threats. This technology would vastly improve protection at seacoast events, SERT call-outs, and protection of critical infrastructure. The mapping capabilities for planning purposes or searches are un-paralleled.

C. Describe how this project improves your ability to respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident? Give a detailed description and focus on timely restoration of assets.

A drone is an agile asset and a force multiplier at a catastrophic incident.

If acquired, the drone would be pre-deployed to map things like schools and public buildings in 3D models for access and egress points. These could be used in multiple area response plans. During a live event, a deployed drone's optic capabilities allows an operator/command staff to scan and zoom in on the disturbance and surrounding area, providing valuable information that might not be able to be seen in totality by those on the ground. The information provided to all public safety, medical, and city/town/state personnel for the best placement of assets, in real time, would ultimately save lives and protect property from further threats, and target where the most important repairs need to be made to restore primary services, if damaged.

A drone's recording capabilities would not only provide footage of an event for any prosecution of perpetrators, but also provide valuable information before, during, and in the aftermath of an event for use in an after-action evaluation to improve future responses. The video and report could be used as a training tool for NH agencies and across the country, if deemed valuable.

D. Per DHS/FEMA, proposed projects must either: 1) support sustainment of existing core capabilities (see Core Capabilities document) or 2) address gaps as identified in the most recent State Preparedness Report (see State Preparedness Report) via NH DOS HSEM or in NH State Strategy (synopsis attached). Identify how your project will address either 1) or 2) described above and explain how. If this is a new capability please explain why it is necessary.

The Portsmouth drone project addresses several NH State Strategy Goals and Objectives.

Goal #1

- Utilizing the 3D mapping capabilities of the drone, enhanced safety and response plans can be devised for buildings such as schools and enhance preparedness and resiliency of the Seacoast area assets and beyond.
- Distribution of information to the area and state agencies from a deployed drone can improve coordination and decision making capabilities of decision makers so the public can be informed and directed what to do during an event.

Goal #2

- Live optics from a drone can be streamed to other agencies given permissions. This can be invaluable in the event a catastrophic incident happens. Information, especially visuals, can be key to a response on the local or state level.

Goal #3

- Primarily, a drone can improve protective measures of the critical infrastructure physical site by not only the 3D mapping capabilities to assist with site security and target hardening, but performing surveillance should a potential threat be identified.
- A drone can also be instrumental in the security of supply chains integrity by assessing any potential threats along a delivery route

Goal #4

- With the streaming capabilities of a drone's site line and the ability of a drone at 400ft to zone in on a face or a car with extreme clarity it would greatly enhance the agency and state's capability and ability to act.
- Surveillance done at 400ft is/almost virtually undetectable. The capability of this unit would greatly enhance interdiction and disruption capabilities of any approved operation it was deployed in

Goal #5

- Specific shipping lanes and transportation routes can be monitored in a wide angle or targeted area should a threat be identified.
- A drone can be pivotal and a force multiplier in Mass Search and Rescue operations. A drone can cover a significant amount of land and with the mapping component identify covered area and area still to search.

E. Identify who benefits from this investment or project [fire or police department(s), one county, multiple counties, etc.] and describe how. Attach letters of support from partnering agencies.

- Both the Police and Fire department benefit on a local level, as does Public Works as they are responsible for ensuring several city critical infrastructure are functioning, like Water and Sewer.
- All 14 agencies in the Seacoast Emergency Response Team will benefit as they will have access to a drone asset be deployed upon request at a high risk critical incident.
- Portsmouth works with the majority of the cities/towns in Rockingham County who have requested a mutual aid agreement. However, members of the department have been deployed where staffing has been needed, regardless of the location in the state and beyond. The same would hold true with this asset. Case in point, we work closely with the University of NH in Strafford County. We augment their staff during their events and they have deployed their jack tower at two of our events this year.
- It is to be expected, with a drone asset, which includes the trained officer(s) and equipment, a call to deploy may come from anywhere in the state until such time a program is set up in each county. Our SERT team has been deployed, as needed, in various parts of the state, and even out of state. The same is expected to apply to NH's needs with regard to the drone.

F. Explain any previous grant experience you have had, how many years, types of projects, size of awards, etc.

The Portsmouth Police Department has managed Federal, State and Local grants for at least TWO DECADES. A federal audit of one of our COPS grants took place in 2001, which we passed. At that time, we developed a Portsmouth Police Department Grants Management Guide detailing financial controls. This guide is updated each year to comply with the applicable section of the DOJ Financial Guide. We adhere to this guide for most of our external funding, whether a direct award from the federal government, a sub-grant through the state, or even a local donation.

Portsmouth has an accounting system set up to separately track expenditures and reimbursement revenue separately per grant. Every year, as part of the city's overall annual audit required by city ordinance, the federal programs are audited per Government Auditing Standards to include the 2 U.S. Code of Feral Regulations Part 200, Uniform Administrative Requirements: Cost Principles, and Audit Requirements for Federal Awards. These audits are posted on the city's website under the Finance Department.

MOST RECENT Grants received: NH Department of Safety: Law Enforcement Terrorism Prevention (2nd grant) \$ 9,225, Opioid Reduction-Granite Hammer (2nd Year) \$32,000, Sobriety Check Point \$7,427, Pedestrian and Bike \$ 6,157, Step Enforcement \$15,940, DWI Patrols \$14,547, Distracted Driving \$7,157, NH DOJ Victims Against Women (~20yrs) \$30,000, U.S. DOJ Internet Crimes Against Children (~20yrs of awards) \$264,256 and Bulletproof Vest Program (~20yrs) \$5,110.

G. Describe the long-term approach to sustaining and maintaining the capabilities created or enhanced by this project using local funds.

The Portsmouth Police Department will put the drone vehicle on its "rolling stock" program and put it into the rotation for replacement once it has been received and the "life cycle" of the vehicle is determined.

The drone will come with a warranty, which will allow time to add the additional costs for maintenance and upkeep into the regular maintenance cycle in the allocated budget. Batteries will also be added to the appropriate line item as those will have to be replaced more often.

The department, once initial training is completed, will absorb weekly/monthly training hour costs.

Depending on the number of call-outs required per year outside Portsmouth and SERT calls, the department may need to set up a fee schedule to cover the cost associated with the officer's time away from regular duties here. However, that will be determined based upon the impact to the department, which can't be determined at this time.

I. The DHS Grant Guidance emphasizes a priority of "Whole Community" preparedness. For more information, please refer to <http://www.fema.gov/national-preparedness/whole-community>. Aligns with DHS/FEMA recommendations.

1. Describe how this project will ensure that your response and recovery actions are driven by the actual needs of the entire affected community and the conditions on the ground, including population demographics and geographic location and advocate on behalf of youth, older adults, and individuals with disabilities and other access and functional needs, socio-economic factors, and cultural diversity.

As outlined in a previous section, Portsmouth is a destination city for its seacoast location, historical value, arts and culture, plus shopping and restaurants. If you couple that with high attendance events, road races, political rallies, protests and parades of varying subject matter from LBGTQ events to free speech and womens rights, major growth in construction of hotels, apartments/condos, and businesses, home to multiple critical infrastructure, the center of the I-95/Route 16/Route 1 "spoke of NH/MA/ME, an active port and airport, plus proximity to the Seabrook Nuclear Plant, Portsmouth Naval Shipyard, towns with high beach populations, and UNH, Portsmouth and its surrounding communities reflect an area of NH that could benefit greatly from the tremendous value of a drone program.

Portsmouth resident community is 21,000 and growing. The daily influx for the work population expands this number by an estimated 45,000 and during much of the spring/summer/fall seasons each year, with over a 100 events , the population expands up to and over 100,000 people at any given time. Several of our SERT communities also experience similar population expansions, for example those with beaches.

This program would benefit youth, the elder community, those with disabilities, and culturally diverse communities in similar ways. Advocacy would come in the form of the added value this program would have in the protection of these individuals. Primarily in school, elder, low income, and disabled housing and the safety and emergency response to incidents at these locations and public events.

SECTION II: PROJECT

Please answer the following using 1,000 characters or less:

- a) Will this investment include DHS/FEMA approved training? When? What?

The preferred training would be authorized from either FEMA or DHS. In the absence of available training for law enforcement personnel from an approved list of vendors, the PPD will seek out recommendations from current NH and law enforcement agencies who currently have drones or the best training.

FEMA doesn't currently list any current training for drones on their site.

DHS doesn't currently list any current training opportunities either. We found an RFP where DHS was seeing Drone Training for U.S. Law Enforcement Personnel in September 2016. However, that is all we could locate on that topic.

We did locate a training on 2/13/18 in Concord, but it doesn't state if DHS or FEMA approved.

Given the newness of this initiative in NH, we are positive training for law enforcement will increase in New England.

- b) Will this investment include DHS/FEMA approved exercises? If your project exceeds \$100K – you must implement an exercise in connection with the project. When?

If there are DHS/FEMA approved exercises, the department will review and if financially feasible, design, submit for reviewed, and carryout.

- c) Select from the drop down list the Core Capability Mission Area that is supported by this project (tie to IE above).

Protection

- d) Select from the drop down list the Core Capability that is supported by this project.

On-Scene Security and Protection

- c) Select from the drop down list the State Strategy Goal that supports this investment. See attached State Strategy Executive Summary.

Goal 4

- f) Does the requested equipment replace any existing inventory? If so, list and describe.

No

- g) Does this project reduce State-listed critical infrastructure and soft target explosive attack vulnerabilities, or if communications, do you hold the frequency (NH DOS HSEM maintains this list, contact your local field representative for information)? If so, please describe.

Portsmouth alone has numerous critical infrastructure covering every category. Where this grant will include 13 other communities, the list multiplies.

Initial use of the drone will be to improve preparedness by 3D mapping prioritized high risk targets for response plans. This will be an ongoing project.

In addition, as high population events are scheduled, evaluations will be completed with the drone, followed by deployment plans and actual use to increase protection and reduce the vulnerabilities of an attack.

Surveillance of stationary critical infrastructure can be completed when threats are identified or at the request of the target or the state.

This asset will be one more proactive tool to increase safety and reduce threats to our city, county, and state.

SECTION III: BUDGET

Provide the total estimated cost to implement this project by completing the **Budget Sheet (attached)**. In addition:

- Please coordinate the request with your equipment page and attach the AEL item description for each category of equipment requested. See: <http://www.fema.gov/preparedness-non-disaster-grants>
- If the AEL Equipment Category requested requires an EHP approval, once your grant is approved by Grant Committee and DOS, you will be provided with the specifics of the information gathering that the process entails. This will then become part of your official grant file.
- Provide the proposed funding amount that is expected to be obligated towards Law Enforcement. Law Enforcement Funding Amount: \$ 69,638.00
- Provide the proposed **direct local funds** that are expected to be obligated to this project. Additional local project dollars are greatly appreciated, but projects with local assets will not receive any bonus points. Local Funding Amount: \$ 20,000.00

SECTION IV: MANAGEMENT

Identify up to ten milestones, with start and end dates, which will be achieved within the period of performance (approximate). For planning purposes all projects **MUST BE** completed within 36 months from official notice to proceed from NH DOS with all reimbursements completed within 45 days of grant end date for 2021. Per DHS/FEMA, you **MUST** list a minimum of four (4) milestones.

Milestone Number	Milestone Name	Start Date (mm/dd/yyyy)	End Date (mm/dd/yyyy)
1	Acquire FAA COA for City of Portsmouth	03/01/2018	07/01/2018
2	Conduct oral boards for Drone Team	03/01/2018	06/30/2018
3	Bid Drone and peripherals	03/01/2018	05/31/2018
4	Schedule Training	07/01/2018	10/01/2018
5	Implement program in Portsmouth	10/01/2018	06/30/2020
6	Set up a COA for SERT communities	03/01/2019	07/01/2019
7	Train four SERT members to use asset	07/01/2019	12/31/2019
8	Implement in SERT Communities	01/01/2020	06/30/2020
9	Set up a "Working Drone" training group with Mission/Goals/Objectives	07/01/2020	03/31/2021
10			

SECTION V: ATTACHMENTS
(Use as many pages as necessary for this section)

Section V.A. – Attachments – Required

- Signed** Cover Page
- Signed** Grant Terms and Conditions (see attachment). The attached conditions are for the 2017 grant. If this project is awarded, updated 2018 Conditions will be included with your award letter depending on year that is awarded. The Department of Safety does not currently have these.
- City or Town resolution, if required.
- Budget Sheet (See attachment)
- AEL Information Sheet(s)
- Partnering agency letters of commitment
- Documented assessments to support request
- NIMS certification letter of compliance. See attached NIMS requirements.

Section V.B. – Attachments – Additional Supporting Documents

If the uniqueness of your project has not been captured from the questions above and you would like to provide any additional relevant information, please insert additional narrative or labeled graphic attachments.

Section V.C. – Attachments – Environmental Documents: To be supplied AFTER this project is approved by the Homeland Security Grant Committee and by the Department of Safety – Grants Management Unit. This also requires DHS/FEMA approval before beginning the project. This will THEN become an addendum to your official application.

FYI: Projects involving communication towers (including the placement of equipment on an existing building or tower), physical security enhancements, new construction, renovation, and modifications to buildings and structures that are 50 years old or older require an environmental review. The following documents must be provided upon approval of your application by DOS:

1. A formal written request for construction with all the essential elements and information mentioned in the FEMA Information Bulletin #329 and subject requirements.
 - Description of the asset or facility, asset location including latitude/longitude, whether the infrastructure is publicly or privately owned, and the construction or renovation project.
 - Certification that a facility vulnerability assessment has been conducted for the facility.
 - An outline addressing how the construction or renovation project will address the identified vulnerabilities from the assessment.
 - Consequences of not implementing the construction or renovation project.
2. Completed National Environmental Policy Act (NEPA) Compliance checklist
3. Completed Environmental Historic Preservation Screening Memo (EHPSM)
4. Maps indicating location(s) of proposed project
 - Topographical / Aerial view Map
 - Floodplain map - (FIRM) map
5. Photographs of the location(s) of proposed project from all directions.
6. For HSGP grants, Pam Urban-Morin is your NEPA/EHP contact: Pamela.Urban-Morin@DOS.NH.GOV.

MEMORANDUM

TO: John Bohenko, City Manager

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

DATE: September 28, 2018

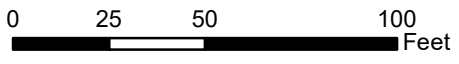
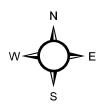
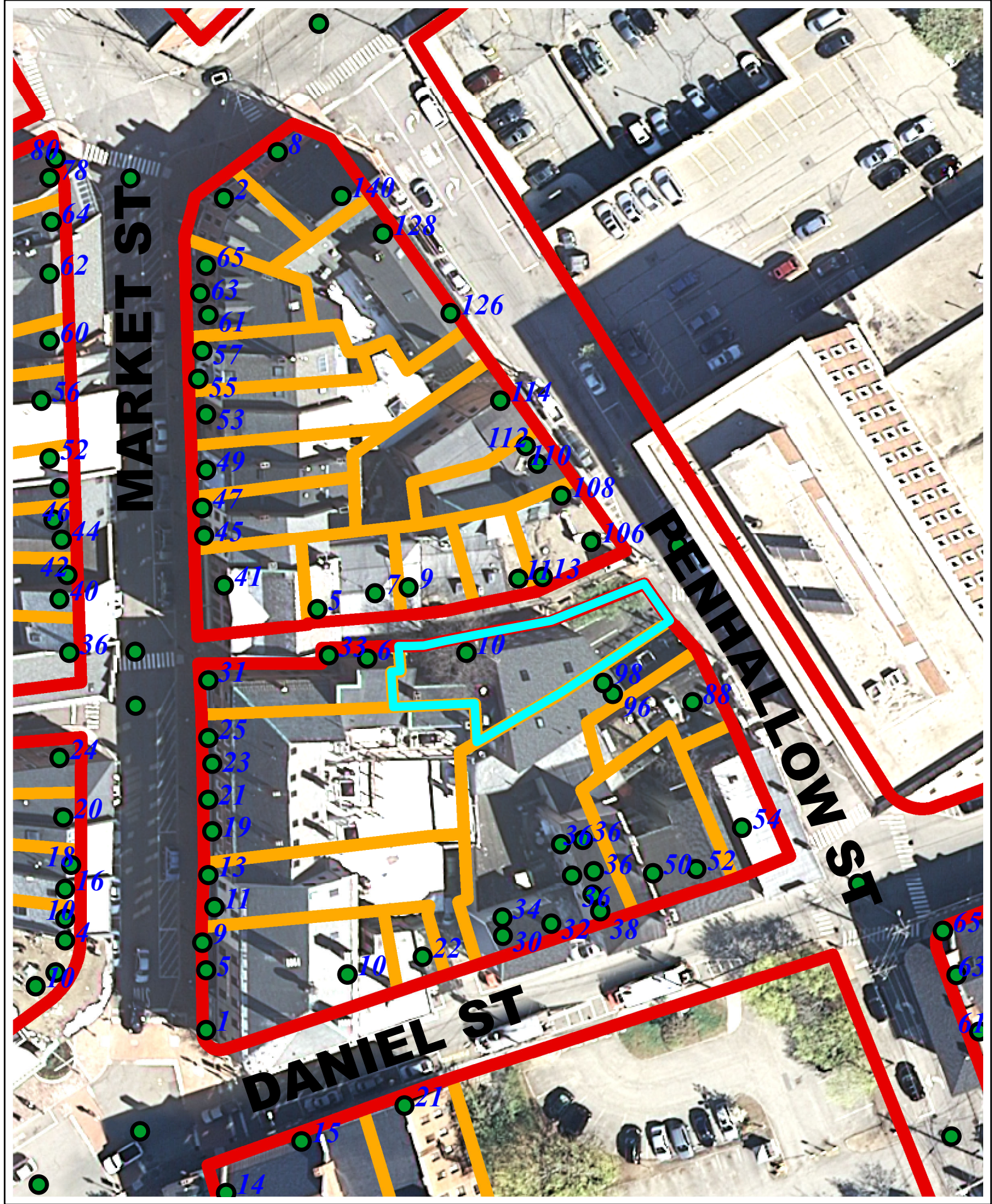
RE: City Council Referral – Projecting Sign
Address: 10 Commercial Alley Unit 2
Business Name: Elephantine Bakery
Business Owner: Sherif Farag

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

Sign dimensions: 24" x 36"
Sign area: sq. ft. 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 9-28-18

**Request for license
10 Commercial Alley, Unit 2**

ELEPHANTINE
BAKERY



coming soon

ELEPHANTINE
BAKERY

fine breads and pastries inspired by the mediterranean




[@elephantine.bakery](https://www.instagram.com/elephantine.bakery)

coming soon

ELEPHANTINE
BAKERY

fine breads and pastries inspired by the mediterranean



[@elephantine.bakery](https://www.instagram.com/elephantine.bakery)

ELEPHANTINE

BAKERY



CITY COUNCIL E-MAILS

October 2, 2018 – October 11, 2018 (9:00 a.m.)

OCTOBER 15, 2018 CITY COUNCIL MEETING

Updated 10/15/2018 through 2:00 p.m.

New content begins Page 3

Below is the result of your feedback form. It was submitted by John Kerrigan (johnkerr1@comcast.net) on Thursday, October 4, 2018 at 15:30:55

address: 3202 Lafayette Road

comments: Does any one of you have the guts to stand up to the manager and staff and tell them to allow the people to see the CLG papers that are being delayed by him and his staff

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Lucinda Clarke (winterworks@hotmail.com) on Sunday, October 7, 2018 at 20:23:39

address: 22 Winter St

comments: Hello, Just some feedback. First, I already wrote you all about how wonderful the extra lanes and markings are at the High School entrance on Lafayette. It's so needed and a great improvement. However, I am super thankful that I don't need to park my car on Middle St. I understand the need for bike safety but I can't imagine that anyone could parallel park on Middle St. It is a truck route. It is now very narrow. It is Rt 1. I will not be surprised if cars aren't plowed into regularly.. and speaking of plows.. how is that going to work for those folks? wow. My second note is about St. Pats. I can not be objective. I live right behind the school and will benefit from it's removal. I know many others are against it,, but I just want to say that as the closest neighbor who has lived on Winter St for 40 years, I am thrilled and very supportive of the parking lot. Thanks so much.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Dan Umbro (umbro.daniel@gmail.com) on Tuesday, October 9, 2018 at 09:40:56

address: 30 Elm Court

comments: To Whom It May Concern,

As a quick background for those of you who don't know me, my name is Dan Umbro and I live at 30 Elm Court. I'm involved in various groups and committees around town including the Trees and Greenery committee, Portsmouth Listens and the West End Business Association. I also work at 51 Islington Street.

I've been following the discussion on the proposed pilot parking program and think there are two major issues that need to be addressed before implementing:

1. All Portsmouth residents should be allowed to participate in the program. I'm sure there are a number of residents who work downtown, but don't live within walking distance. In my office of eleven people there are three who live in maple haven and surrounding neighborhoods who will be directly affected by the pilot. I don't think its fair that they should have to help pay for this program and then not be able to park in these spaces. There needs to be some sort of mechanism to allow all residents to participate.

2. I think its safe to assume that anyone who regularly parks in the Islington Creek neighborhood for work will just move their cars to the other side of Islington Street into the State Street extension area. I think city staff and neighborhood residents would agree as much. Addressing the issue in just one neighborhood is not an equitable solution. I think a year-long pilot program will solve problems for one group, and create an issue for others. So, unless we're prepared to require permitted parking for all neighborhoods that surround downtown, then this will be destined for failure. And just one more note, I'm curious why the pilot is being considered for a full year and not a shorter interval.

I apologize for not being able to attend last weeks Islington Creek meeting (I did watch the recording online), but I feel like these major points weren't adequately addressed.

In my opinion, and I know it's only my opinion, but I think we have a small group of residents who are upset that they can't park directly in front of their homes. I know I'm not in their shoes but to me this is small inconvenience at most, and not worth all the new issues it would create.

Thanks for your consideration.

Dan

includeInRecords: on

Engage: Submit

New content begins:

Below is the result of your feedback form. It was submitted by Dave Sandmann (dsand548@comcast.net) on Thursday, October 11, 2018 at 11:37:13

address: 83 Boxwood Path, Greenland, NH

comments: I am taking time to email you regarding the bike lanes and new parking lanes. I want to commend you on your efforts to accommodate bicyclists with safe avenues to ride. Your forward thinking demonstrates your interest in encouraging bike riding as a safe and economical way to reduce automobile traffic and parking in the city. Job well done!

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by John Ferguson (Jferg315@aol.com) on Thursday, October 11, 2018 at 19:27:39

address: 315 Richards

comments: Hooray for the Middle Street bike lanes. Bicycles should be safe.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Ryan Costa (Ryancosta89@gmail.com) on Thursday, October 11, 2018 at 19:28:29

address: 126 Hill St

comments: Hello!

The new bike lane on Middle is an excellent addition to our town. I commute to PHS daily and see much more bike traffic than ever before. I personally ride confidently in the lane, and love that it is a direct route to and from town.

Thank you for your work!

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mary C McIver (mimic315@aol.com) on Friday, October 12, 2018 at 07:55:53

address: 315 RICHARDS AVE

comments: Dear City Council Members,

I like the new bike lanes. Middle Street does look different, less like a major highway and more like a city street. I've seen cyclists of different ages in the lanes, so they're being used.

Also, I think such changes require us drivers to be a little more alert, just because the markings and lanes are new . . . but that's a good thing, right?

I've heard there are complaints, as I suppose one could expect. But it seems to me we should keep the bike lanes in place for at least a couple of years to see how the use of them develops.

Thanks for supporting this endeavor.

Sincerely,
Mary McIver
315 Richards Ave.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jennifer Murphy (jenxmurphy@gmail.com) on Friday, October 12, 2018 at 10:08:33

address: 4 Francesca Way, Nottingham NH

comments: Hello,

I'm writing today to voice my support for the Middle Street bike lanes in Portsmouth, and future similar infrastructure.

I have been enjoying some of the new bike lane infrastructure and can see they were smartly designed - with a buffer zone between car doors & cyclists. I biked this morning on them actually and felt very safe! I was headed into town and appreciate the way these could encourage more commuters to feel safe & commute to work by bike instead of car, cutting down on traffic congestion and the need for parking. I think they will encourage others to get out and try riding into town once they catch on, and drivers will come around hopefully.

Thanks again for these efforts & future efforts to make Portsmouth friendlier for bike/ped infrastructure!

Jen Murphy

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Frederick Welch, Hampton Town Manager (fwelch@town.hampton.nh.us) on Friday, October 12, 2018 at 12:44:48

address: Town of Hampton 100 Winnacunnet Road, Hampton, NH 03842

comments: October 2, 2018
Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801

Re: Mindi Messmer, et al v. Coakley Landfill Group and Robert Sullivan Dear Councilors:

I am writing to you pursuant to the unanimous vote on October 1, 2018 of the Town of Hampton Board of Selectmen, concerning the Rockingham County Superior Court's September 12, 2018 Order on Petition for Injunctive Relief pursuant to Right-to-Know Law RSA 91-A in Mindi Messmer, et al v. Coakley Landfill Group

and Robert Sullivan. The Town of Hampton intervened in this matter in support of the Petition of the Plaintiffs, seeking public access to the meetings of the Coakley Landfill Group, as well as to its records.

As you can see from the enclosed copy of the Order, Judge Delker has issued an extensive, thoroughly researched, and well written opinion. His Order concludes on page 21 that the Coakley Landfill Group is a "public body" that must comply with the requirements of RSA Chapter 91-A and issues injunctive relief to ensure that meetings of the Coakley Landfill Group "will take place within the confines of RSA Chapter 91-A." As you can see from page 19 of the Order, the role played by the City of Portsmouth and its employees was a tipping point in the Court's analysis in favor of finding that the Coakley Landfill Group is a public body subject to the requirements of RSA Chapter 91-A.

You as City Councilors now face the decision of whether to expend further public funds to try and reverse this landmark Order. The Hampton Selectmen urge you to let this Order stand without challenge.

The City of Portsmouth would bear 53.551% of any appellate expense. Substantial outside counsel expenses have already been incurred in a losing effort that would continue to fall on Portsmouth taxpayers if an appeal were pursued.

More importantly, a decision about appealing will send an important signal to the public about Portsmouth's priorities. As noted by Judge Delker in his Order on page 20, the exercise of Portsmouth's "authority to thwart CLG's efforts can be as much, if not more of, a matter of public concern than the actions CLG actually undertakes."

As also found by Judge Delker on page 20, "the decisions of CLG about how it approaches the remediation of the contamination at Coakley Landfill have a substantial impact on residents and businesses in the area. The public has a right to know how its servants are exercising their authority through the CLG."

The Hampton Board of Selectmen trusts that the Council will appreciate the importance of these rulings by the Court, and will refrain from seeking to undo them through authorizing funding of further, expensive litigation efforts in behalf of the defendants in this case.

Sincerely,

Frederick W. Welch,
Hampton Town Manager

cc: Hampton Board of Selectmen
Hampton Town Attorney
Plaintiffs in Messmer v. CLG

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Barbra Bertrand
(b.bertrand@myfairpoint.net) on Friday, October 12, 2018 at 14:21:04

address: 88 Ash street

comments: I am a retired teacher and understand the importance of exercise and fresh air for everyone but especially for young kids. It is a great opportunity to start some healthy habits that they can continue through out their lives. It provides students an opportunity to wake up their bodies and minds so they will be in a better place to learn when they get to school. In addition it provides a safe environment for families to bike together during leisure time. The other day I saw a 6 year old girl biking with her dad on Middle, a sight I would not have seen before the bike lane. I hope the future plan is to expand upon this great beginning.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by David Meuse (jdmeuse@gmail.com) on Friday, October 12, 2018 at 14:25:16

address: 579 Sagamore Avenue, Unit 97

comments: I'm at a loss to understand why the Coakley Landfill Group—and the City of Portsmouth—continue to push back after losing a Right to Know lawsuit in Superior Court that ordered CLG records and meetings to be open to the public.

Although the City Manager and the Mayor have said they will not appeal the ruling, it appears that a request may be in the works to stay the order of the Court to allow CLG time to develop “new procedures” for releasing documents and conducting CLG meetings with the public present.

Given the fact that that CLG officials in their dual role as employees of the City of Portsmouth have organized and participated in thousands of public meetings over the course of their careers—and have also have extensive experience responding to right to know requests on other issues—it's difficult for me to see how procedures can't be reworked in the 30 days provided by the judge to accommodate public access.

With that in mind, I'd urge you ask the City employees involved to spend their time trying to figure out the best way to comply with the judge's ruling rather than trying to figure out how to win a delay.

Coming on the heels of news that bottled water is now being provided to a homeowner near Coakley because of 1,4-dioxane contamination, I believe that requesting a stay would inevitably be seen as an attempt by the city to pull a blanket over the issue. This is not a good look for our City or for the people making the decisions.

To be clear, my interest in transparency has little, if anything, to do with any mistakes or errors in judgement that may or may not have taken place in the past. To me, the issue is how to best deal with contamination at Coakley as a community going forward.

While City residents aren't directly affected by the contamination itself, we are financial stakeholders because of the \$17 million spent to date. But more importantly, we are moral stakeholders in ensuring that any contamination that could be causing cancer in our neighbors and their children is remedied as efficiently, quickly, and transparently as possible.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Stephen Erickson (EricksonWorld@gmail.com) on Friday, October 12, 2018 at 15:17:08

address: 257 Austin Street

comments: Dear Portsmouth City Council,

I am writing to you about two issues today.

First, as you have probably heard, the Archdiocese of New Hampshire has decided to demolish the old St. Patrick's School building on Austin Street to make way for an expanded parking lot. In my opinion, this will result in wasteful loss of an attractive, spacious and historic structure which serves as a neighborhood landmark.

I spoke with Father Gary about this issue last spring. He informed me that Bishop Libasci has ruled out the sale of the building, which means that the Church has not even considered the many options for the property that might be possible with a little imagination and flexibility. I urge the City Council to petition Bishop Libasci

and ask him to postpone the demolition, and enter into a conversation with various stakeholders in the city concerned about the fate of the property. The razing of the old St. Patrick's Building would be a major loss the neighborhood, the city, and its architectural heritage.

My second issue involves the much-talked-about new bike lanes on Middle Street. My family and I love them. My 6-year-old and I have been using them to bike back and forth to his swimming lessons at the indoor pool. And they are perfectly situated for my two older boys who will be entering high school in the next two years. Thank you for your vision to make Portsmouth a city that caters to bikes as well as cars.

I understand that you are hearing a lot of complaints. I am sure these citizens mean well and have concerns they believe to be genuine. If there are real safety concerns, please find a way to address them while keeping the bike lanes in place. We can do this.

You all do a job that is too-often thankless. So I thank you for your public service and for giving my thoughts your consideration.

Sincerely,

Stephen Erickson
257 Austin Street

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Peter Cass (pfcass@gmail.com) on Saturday, October 13, 2018 at 07:46:22

address: 33 Hunking St

comments: The proposal to create a Neighborhood Parking Program for Portsmouth's South End has much to commend it but I believe that it addresses the problem at the wrong end.

The residents of the South End and the Islington Street corridor are on the downstream end of an increasing flow of demand for parking, driven in significant part by the ever-growing service sector — hotels and restaurants in particular — that are operating so successfully downtown.

These businesses employ dozens of modestly-paid employees who arrive at work needing economical parking near the downtown area. This puts enormous pressure on the South End, the Islington Street area and Badger's Island — residential areas that already suffer a dearth of on-street parking. The NPP proposal, which will eventually have residents paying a fee for area-specific parking permits, is asking the neighborhoods to, in effect, pay to protect their own parking spaces because these presumably profitable businesses downtown are not required to provide parking for employees.

I suggest that the city council consider an 'upstream' approach that would have businesses with a significant number of employees bear the cost of employee parking, putting the solution to this part of the problem closer to its source.

This solution could be to have larger businesses purchase permits for spaces in the new garage, or provide free parking in a remote lot with shuttle service to downtown, or something else.

I realize that employee parking is not the only thing that puts pressure on neighborhood parking, but I believe that it is a significant factor, and that a fair solution must involve having the problem addressed closer to its source.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Effie Malley (effie.malley@gmail.com) on Saturday, October 13, 2018 at 12:09:01

address: 428 Pleasant Street

comments: Dear City Councilor,

I am writing in support of the Middle Street protected bike lane. Protected bike lanes encourage bicycling. Bicycling presents an alternative means of transportation and reduces stress on Portsmouth parking, roads, and traffic. I understand that automobiles are indispensable to many of us; however, in contrast to cars, bicycles don't pollute and with safe options, bicycles could be used often for short trips instead of cars. Aside from increasing the safety of bicyclists, the Middle Street bike lanes increase the safety of motorists, who slow down due to the road changes. This translates into a lower rate of road injuries generally. The bike lanes accommodate the existing traffic as well as emergency vehicles. A target group — students — can now safely drive to school using the bike lane.

The bike lanes signify Portsmouth looking to the future, and their use will increase as more people are aware of them and adjust their routines. Bike lanes are a relatively inexpensive reminder that bicyclists — not just drivers — need to use the road.

I thank you for your consideration, and am available for questions.

Regards,
Effie Malley
Resident , 428 Pleasant Street, Portsmouth NH

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Bill St. Laurent (billstl60@aol.com) on Saturday, October 13, 2018 at 17:43:24

address: 253 Colonial Dr

comments: I just sent the below article to the Portsmouth Herald and I thought you should read it before it gets into the paper.

Bill St. Laurent

The Portsmouth Herald

Letters To The Editor:

About a month ago I was going to address a letter to the city council through the letters to the editor of the Herald referencing Mr. Anderson, Executive Director of the Prescott Park Arts Festival, sad tale of \$250,000 in less revenue during its 2018 season of the festival, but the article posted in the October 13 edition of the Herald, front page, made it plain and clear something must be said to stop the financial bleeding of the taxpayer which is getting worst every day. Please do not listen to this dramatic tale of Mr. Anderson at the expense of the local taxpayers. Any other business that would have this enormous loss in profit would have to close down and bow to the fact of no profit no business. Not Mr. Anderson, he cries to the Herald his awful plight and wants more, in the form of a covered stage to keep his loosing business alive. By the way, this covered stage will be to the protection of the well paid performers, but will the audience still sit in !

the rain and mud to watch the program, maybe maybe not. Believe me I understand the plight of the performers safety, it is understandable. A good business manager would not hire such extremely priced entertainers who have to be paid whether they worked or not and do not blame the poorly timed rain on the financial problem Mr. Anderson has run into, this year, and I also believe of past festivals. By the way do not blame the rain, Mr. Anderson chooses to use the outside for his concerts. I am furious at our esteemed city manager for asking the council to defer the festival's fee of \$20,000 at the expense of the local taxpayer, which is be needed for the care of Prescott Park, which is created by the festival. Mr. Bohenko there are taxpayers in Portsmouth who are struggling to keep their homes as assessments and property taxes go up and up so if you want to give away \$20,000, I bet there are 4 residents each with approximately \$5,000 in taxes on their property, who could use a helping hand this year to pay their taxes. Please, please, members of our city council do not defer this user fee to something that takes our park away from us, creates big parking problems, and makes the South End residents suffer with the noise.

Lastly I want to comment what was said at the end of the October 13 issue by Mr. Anderson "Before that time if this season had happened 10 years ago, we (you) would be done, we (you) would be toast" my comment to this statement is Prescott Park in summer would belong to the residents and tourists and we would be enjoying a quiet walk in the park, maybe have a family picnic, go to see some puppet shows for the kids, and enjoying some cute musicals, by our local talent, on Portsmouth's summer evenings.

Bill St. Laurent
253 Colonial Dr.
Portsmouth, NH 03801
Phone 436-1378

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Margaret Cowgill (Mariecowgill@gmail.com) on Sunday, October 14, 2018 at 09:39:45

address: 88 Wibird St

comments: To our city councilors,

I am proud that the city has taken the step to create bike lanes on Middle Street because vehicular traffic is slower, and cyclists are safer. It's a step in the right direction. While it may take people some time to get used to, it's a step forward for our community

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Anne Poubeau (Jalognes@hotmail.com) on Sunday, October 14, 2018 at 18:47:27

address: 160 Bartlett Street

comments: Good evening,

I am writing in support of the Middle Street bike lane. As a driver, I feel safer on Middle Street as I am forced to pay more attention to the street, the bikes on the lane, and pedestrians on the clearly marked crosswalks. This is a great improvement, I wish my street could benefit from similar measures to slow down traffic. As a biker, I feel much safer on the street. I am not an aggressive rider and don't always feel at ease on busy streets. This new setup allows for much more visibility. I especially like the green spaces in front of the cars at intersections.

I traveled the street several times in the last few weeks and even encountered an emergency vehicle once. I easily pulled in between two bollards, there was no confusion or unease on my part. I believe that time and training will help drivers to get properly adjusted to this new setup which is now common in larger urban settings.

I thank everyone who's worked to make this a reality.

Anne Poubeau

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Renee Giffroy (rgiffroy@gmail.com) on Monday, October 15, 2018 at 08:59:41

address: NH Art Association, 136 State Street , Portsmouth

comments: Hello Councilors,

On behalf of the New Hampshire Art Association (NHAA), I wanted to let you know how much we appreciate being able to bring the visual arts to the public through our use of the Sheafe Warehouse in the summer. We believe that it is not only important for us to support our local artists but also to share visual arts programs with residents and visitors.

I have become aware that there is a request from the Prescott Park Arts Festival to defer their rental payments for their use of the Park due to the fact that the inconsistent weather negatively impacted their income. We at NHAA also experienced lower attendance at our demonstrations and lower art sales than we anticipated. However, we realize that there are fixed costs to maintain the upkeep of the park grounds and we budgeted for our fixed cost rental fees. We have already paid our rental fees to the city and are not seeking any special accommodations.

NHAA thanks the city councilors for your continued support and we look forward to our participation in the Park next season!

Sincerely,

Renee Giffroy

President, NHAA

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Matthew Glenn (Matthglenn@gmail.com) on Monday, October 15, 2018 at 11:35:16

address: 70 Morning street

comments: Dear members of the city council, I'd like to speak in support of the new bicycle lanes on Middle Street. As a West End resident who works downtown, I both drive and bicycle on Middle Street frequently. The new design slows drivers, makes crosswalks safer for pedestrians, and encourages less confident cyclists and kids to get around by bike. Change can be hard for drivers, but this is exactly the direction that Portsmouth needs to go-- making the roads safe for everyone. This project has been many years in the making, with lots of analysis, test runs, and opportunities for public input, and I hope that we can continue to educate drivers and make further improvements in the area. My only regret is that a few more parking spots weren't given up to allow the bike lane to continue further in to town.

Please continue to support improvements to bicycle and pedestrian infrastructure!

Matt Glenn

includeInRecords: on



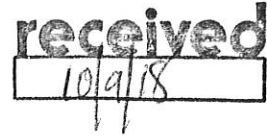
City of Rochester, New Hampshire

OFFICE OF THE MAYOR

31 Wakefield Street • Rochester, NH 03867

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www.RochesterNH.net



October 5, 2018

Jack Blalock, Mayor
City of Portsmouth
1 Junkins Ave,
Portsmouth, NH 03801

Re: Judge Delker's Right to Know Order

Dear Jack:

I am writing regarding the Order issued by Judge Delker in the lawsuit against the Coakley Landfill Group ("CLG"). As you are aware, the Order, if allowed to stand, has implications far beyond the CLG. The City of Rochester, for example, has entered into cooperative agreements with other New Hampshire municipalities in order to coordinate responses to federal and state regulatory actions. By doing so, Rochester and the other communities are able to share information, manage information flow to ensure we remain up to date on important regulatory decisions and receive the benefit of legal and technical experts that, by sharing the costs, provide tremendous benefit to Rochester's citizens.

After reading Judge Delker's Order, we have significant concerns regarding the implications the decision could have on our ability to enter into cooperative agreements when responding to or negotiating the outcome of regulatory actions or permitting decisions by state and federal regulators. While the decision to appeal Judge Delker's Order is ultimately CLG's decision, if the CLG does take an appeal, the City of Rochester will work with other municipalities to file an amicus brief with the Supreme Court to explain the negative impacts the Order has on these types of groups.

Please feel free to give me a call should you wish to discuss this matter.

Very truly yours,

Caroline McCarley, Mayor

Patricia M. Hersey
P. O. Box 1
Portsmouth NH 03802-0001
October 5, 2018

RECEIVED

OCT - 9 2018

CITY MANAGER
PORTSMOUTH, NH

David Rouse
Real Estate Specialist
475 L'Enfant Plaza WS
Room 6670
Washington, DC 20260

Dear Mr. Rouse,

I am writing to you in regards to the proposed relocation of the Portsmouth NH Post Office. This proposal is significant as during my position of Postmaster Portsmouth, 1993 to 2004, I was face with the possibility of relocating due to the necessity to eradicate asbestos from the post office section of the Thomas J. McIntyre Federal Building.

During that period, the search for either temporary or permanent locations was difficult and that was when real estate was more prevalent. available and affordable. It was very evident that the community would not and did not accept the Post Office being in any other location than in down town. So working with the customers, the city, employees and fellow tenants the asbestos was eradicated while we continued operations in the main section of the building while the side section of the building was renovated. The end result was the Post Office section of the McIntyre building is a completely self sustaining and separate section.

In my opinion the Post Office could and should remain in its current location. If the city planners and developers do not like the present "look" it would be far more cost effective to put a new colonial looking facade on the front of the building. This would certainly pay tribute to the former Postmasters, list attached, several whose names are still evident in the city on buildings and or street signs. The customers want the Post Office to stay in a prominent downtown location and that is what the postal service is all about, our customers. The relocation of the Post Office from a prominent location to a parking garage would be a disservice to the long history of the Portsmouth Post Office, the former Postmasters, employees and more importantly its customers.

Thank you for your time and consideration of my request,


Patricia M. Hersey

cc: John P. Bohenko City Manager
Members City Council Portsmouth NH ✓

Postmaster Finder

Postmasters by City

PORTSMOUTH POST OFFICE ROCKINGHAM COUNTY, NEW HAMPSHIRE

<u>Name</u>	<u>Title</u>	<u>Date Appointed</u>
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The U.S. Postal Service traces its origin to July 26, 1775, when the Continental Congress named Benjamin Franklin the first American Postmaster General. Information on Postmasters who served prior to that time is derived from colonial records and is incomplete.

In 1693, the New Hampshire provincial council ordered the establishment of a Post Office at Portsmouth; the names of the earliest Postmasters are not available. The first Postmaster on record, Eleazer Russell, served from at least 1746 to at least October 1773.

Samuel Penhallow	Postmaster	05/18/1775
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Samuel Penhallow was appointed Postmaster by the New Hampshire provincial congress on May 18, 1775. He was apparently later reappointed by Benjamin Franklin.

Jeremiah Libbey	Postmaster	12/14/1776
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Jeremiah Libbey served as Postmaster by December 14, 1776; his appointment date is unavailable.

Mark Simes	Postmaster	04/01/1798
------------	------------	------------

Mark Simes submitted his first financial return on April 1, 1798; his appointment date is unavailable.

Jonathan Payson	Postmaster	02/10/1812
-----------------	------------	------------

John F. Parrott	Postmaster	02/24/1826
-----------------	------------	------------

Abner Greenleaf	Postmaster	04/22/1829
-----------------	------------	------------

Samuel Cushman	Postmaster	06/26/1840
----------------	------------	------------

Samuel Gookin	Postmaster	05/19/1841
---------------	------------	------------

Nehemiah Moses	Postmaster	03/22/1845
----------------	------------	------------

Thomas L. Tullock	Postmaster	04/25/1849
-------------------	------------	------------

Gideon H. Rundlett	Postmaster	04/04/1853
--------------------	------------	------------

Joseph P. Morse	Postmaster	03/27/1861
-----------------	------------	------------

Joseph B. Adams	Postmaster	04/11/1865
-----------------	------------	------------

Elbridge G. Pierce Jr.	Postmaster	04/21/1869
------------------------	------------	------------

Samuel J. Gerrish	Postmaster	03/30/1885
-------------------	------------	------------

John H. Locke	Postmaster	06/04/1889
---------------	------------	------------

William O. Sides	Postmaster	07/18/1889
------------------	------------	------------

John E. Leavitt	Postmaster	04/15/1893
-----------------	------------	------------

William O. Sides	Postmaster	07/27/1897
------------------	------------	------------

John H. Bartlett	Postmaster	07/11/1899
------------------	------------	------------

Joseph P. Conner	Postmaster	12/10/1907
Peter J. Hickey	Postmaster	03/18/1937
Mrs. Mary C. Dondero	Acting Postmaster	03/15/1952
Frederick James Rowe	Acting Postmaster	06/15/1953
Frederick James Rowe	Postmaster	08/02/1954
Theodore R. Butler	Acting Postmaster	04/15/1955
Theodore R. Butler	Postmaster	06/04/1956
Arthur H. P. Hopley	Officer-In-Charge	02/28/1969
Arthur H. P. Hopley	Postmaster	02/20/1971
Alfred V. Cashman	Officer-In-Charge	06/30/1972
Alfred V. Cashman	Postmaster	12/23/1972
James B. Duane	Officer-In-Charge	10/12/1974
Paul F. Beaver	Postmaster	03/01/1975
William Walsh	Officer-In-Charge	03/26/1977
Jon M. Steele (Mgr)	Postmaster	10/22/1977
John T. Clifford (Mgr)	Postmaster	02/06/1981
Sarah E. Howard	Officer-In-Charge	05/07/1988
Robert G. Krause	Officer-In-Charge	09/12/1988
Kevin Robertson	Officer-In-Charge	12/16/1988
George C. Petchock	Postmaster	02/11/1989
Peter H. Baylis	Officer-In-Charge	11/03/1989
William D. Sula	Postmaster	12/30/1989
Patricia M. Hersey	Postmaster	04/17/1993
name?	Officer-In-Charge	
Patricia M. Hersey	Postmaster	03/02/1996
Len R. Anair	Officer-In-Charge	12/22/2004
Dennis M. Kelley	Officer-In-Charge	09/14/2005
Dennis M. Kelley	Postmaster	10/29/2005
Richard W. Provencher	Officer-In-Charge	07/24/2012
Richard W. Provencher	Postmaster	10/06/2012
Erin A. Sullivan	Officer-In-Charge	02/11/2015
Steven J. Legro	Postmaster	07/25/2015
Steven J. Estes	Officer-In-Charge	04/02/2018
Steven J. Estes	Postmaster	05/12/2018

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Jim Splaine <jimsplaineportsmouth@gmail.com>

Letter To The Portsmouth City Council, re: Coakley Landfill & Coakley Landfill Group

1 message

Jim Splaine <jimsplaineportsmouth@gmail.com>
To: Jim Splaine <jimsplaineportsmouth@gmail.com>

Wed, Oct 10, 2018 at 9:45 AM

Wednesday, October 10, 2018

To: Portsmouth City Councilors,

I urge the Portsmouth City Council to take a clear stand opposing any appeal of, or any effort to "stay," the decision of Judge N. William Delker of the Rockingham County Superior Court (*September 12, 2018 Order on Petition for Injunctive Relief pursuant to the N.H. Right-to-Know Law RSA 91-A in Mindi Messmer, et. al.* [State Rep. Mindi Messmer, D-Rye; State Rep. Renny Cushing, D-Hampton; State Rep. Phil Bean, R-Hampton; State Rep. Henry Marsh, R-North Hampton; State Rep. Mike Edgar, R-Hampton; Jim Splaine, Portsmouth] -v Coakley Landfill Group and Robert Sullivan).

The litigation on this issue, and the costs of hiring lobbyists to fight for the position of the Coakley Landfill Group opposing legislation proposed by area legislators calling for full adherence by the CLG to the requirements of the N.H. Right-to-Know Law, which the Court decision affirms, has been too extensive already -- costing Portsmouth taxpayers thousands of dollars as our share to CLG expenses.

I quote from a letter sent to the Portsmouth City Council dated October 2, 2018, from Frederick W. Welch, Hampton Town Manager, referring to the Court order:

"You as City Councilors now face the decision of whether to expend further public funds to try to reverse this landmark Order. The Hampton Selectmen urge you to let this Order stand without challenge. The City of Portsmouth would bear 53.551% of any appellate expense. Substantial outside counsel expenses have already been incurred in a losing effort that would continue to fall on Portsmouth taxpayers if an appeal were pursued."

Manager Welch continues, *"More importantly, a decision about appealing will send an important signal to the public about Portsmouth's priorities. As noted by Judge Delker in his Order on page 20, the exercise of Portsmouth's 'authority to thwart CLG's efforts can be as much, if not more of, a matter of public concern than the actions CLG actually undertakes."*

Further, the Town of Hampton letter points out, "As also found by Judge Delker on page 20, 'the decisions of CLG about how it approaches the remediation of the contamination at Coakley Landfill have a substantial impact on residents and businesses in the area. The public has a right to know how its servants are exercising their authority through the CLG.'"

In my view that it is imperative that the Portsmouth City Council do what it should have done months ago and insist that the Coakley Landfill Group fully follows the statutes of the N.H. Right-to-Know Law, stop senseless litigation, and explore the science that would allow for pump and treat technology at the Coakley Landfill rather than continuing to waste taxpayer funds on an approach that merely caps the waste, and all its hazards. The current approach relies on the prayer that somehow the contaminants and chemicals under the cap will magically eventually evaporate.

That the Environmental Protection Agency allows caps as an answer to municipal and private landfills means little in light of the politics of the EPA, and the Federal government has not always been known as the leader in environmental protection or identifying long-term solutions to environmental problems. Nor is capping a permanent solution to most landfills, especially when chemical and contaminate hazards are under the caps, eventually seeking a lower flow level into the soil.

I took a tour of the Coakley Landfill hosted by representatives of the parties involved and local and state officials two years ago. Among the questions I asked was how long that rather massive amount of land will have to be "capped." The answer was decades. That means that for many years that piece of land will have to be maintained as a hazardous landfill, with a cover on top that will eventually erode and will have to be maintained and monitored -- at extreme taxpayer cost. And even then, the problems will not go away -- they will just be passed onto another generation of Seacoast residents.

Let's learn from the science that exists to get serious and do real cleanup of the Coakley Landfill. Right now, the Coakley Landfill Group is just in a "cover-up" mode -- in more ways than one, obviously; but with a controlling financial interest and with its authority of oversight to the CLG, the Portsmouth City Council can act. The Council should also insist on new day-to-day office management and financial management and record-keeping of the Coakley Landfill Group. That is no reflection on the good Portsmouth City Attorney who has been head of the CLG for many years, but rather a realization that he and his office has many other important obligations and functions to perform for the

city, and that he should be excused of this additional duty. He can't do it all, and a manager with quality management skills needs to be employed.

Just recently, the N.H. Drinking Water and Groundwater Advisory Commission approved millions of dollars in state conservation grants to protect land near drinking water resources. Nearly 5,000 acres of land around the state with parcels that are located upstream from water intakes and around wells and shores of reservoirs, will be preserved to avoid contamination of water sources. They "get it," knowing that contaminants eventually find their way to the water table and go in any of a number of directions once hitting that water table -- affecting water flows to and in unknown places. That's Science 101 -- that what is in our ground affects and can pollute the water in our ground.

Before I finish my letter, I have to mention another landfill that awaits serious attention, the old one off Jones Avenue, which directly abuts the Sagamore Creek, which is a major watershed for that area of our community. As sea levels rise, more of the contaminants and chemical hazards buried under that "cap" will spill. It's clear from any walking tour, which I have done with neighbors in that area several times, that the cap does not fully cover the landfill, and leaking is already occurring. In years to come, it will become more serious. We cannot ignore the problem. That makes no sense.

In summing up:


1. I urge the Portsmouth City Council to avoid any appeal or stay of the order of the Rockingham County Superior Court requiring the Coakley Landfill Group to fully comply with the N.H. Right-to-Know Law. That makes sense.
2. I also ask that the Portsmouth City Council make management changes for the Coakley Landfill Group so that it will be run more professionally, with full-time oversight. That makes sense.
3. I ask again, as I did in a letter to you of April 11, 2018, that a full professional and independent financial audit be undertaken to examine all of the millions of dollars of expenditures that have been paid to contractors through the years, analyzing their invoices and comparing that to the specifications of scope of work to ensure that the work was actually well done. And that new procedures for financial oversight be instituted. That makes sense.
4. And I urge you to insist that the Coakley Landfill Group explore serious cleanup methods for the Coakley Landfill that would include pump and treat science to remediate the hazards that exist there, rather than merely

continuing maintaining and monitoring a "cap," which will only further cover-up the problems for another generation of Seacoast residents to have to deal with later on. Legislation to do just that, House Bill 1766, had been introduced into the 2018 Legislative Session that ended in June. Unfortunately, the City of Portsmouth and the Coakley Landfill Group opposed that bill. You should take a look at it again because a new Legislative Session gets underway in just two months. That makes sense.

5. And please, insist on more attention and remediation of the old Jones Avenue Landfill. "Monitoring" is fine, but that does not provide the necessary cleanup. Not to pay attention to the Jones Avenue Landfill, which sits in a beautiful recreational and forested area of our community and abuts an important watershed, is unconscionable. Look at it for yourself. It is certain sea level will rise -- and as you're standing there looking at the high mounds of the landfill next to Sagamore Creek, ask yourself: then what? It's about our future.

All of this is about our future. People who have not yet become Portsmouth and Seacoast residents but someday will call this area "home" are affected by your decisions now. I urge you to act and take positive steps for our future -- and theirs.

And that makes sense.

Thank You,

Citizen Activist

Jim Splaine
201 Oriental Gardens
Portsmouth, NH 03801
Telephone: 727-466-3546
E-Mail: jimsplaineportsmouth@gmail.com



10 October 2018

City Manager John Bohenko
Mayor Jack Blalock
City Council Members
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear City Manager Bohenko, Mayor Blalock, and City Council Members:

Parking continues to be a serious issue for the health of our downtown business community and the quality of life for our residents. We lose employees because they either cannot afford to park downtown or cannot find parking within reasonable walking distance, and we lose customers for downtown businesses because it is easier to go elsewhere for services, shopping, or dining. Many locals avoid the downtown during our busy seasons (when they should be enjoying their city) because of the parking congestion.

While we are fortunate that the Foundry Place garage will open at the end of this month, the monthly cost for resident (\$100) and non-resident (\$125) employees making \$30,000 per year is 4% to 5%, respectively, of their monthly income. To put that in perspective, for someone making \$60,000 per year, the equivalent percentage in dollars would be \$200 to \$250 per month – 100% higher than the set fees. This regressive fee is unsustainable for many of our employees who are the lifeblood of our downtown economy.

Portsmouth must be looking at long term solutions for our current and future parking needs. It has been my position that if we solve the employee parking challenge in town, we'll have more than half the overall problem solved. While I understand the frustration of the residents in neighborhoods where non-residents consume the available parking inventory in front of their homes, there is a significant cost of initiating, maintaining, and enforcing the neighborhood program. We must find creative solutions that work best for the neighborhoods, our businesses, and our employees, without further burdening City taxpayers for the good of some to the detriment of others.

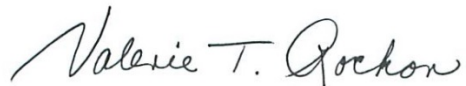
I would agree with Ms. Elizabeth Bratter who was quoted in yesterday's Seacoast Online article saying that we should not be putting a Band-Aid on this issue. We need to address holistic solutions before implementing any new parking program, whether in neighborhoods or not. The most responsible approach would be to put a hold on the neighborhood parking pilot. It's time to regroup, take stock, revisit our current and planned parking inventory, and calculate future demand. The last parking study was completed in 2012. A lot has changed since then, a lot of change is still coming, yet the parking problem persists.

Alternative solutions such as increased COAST service and the on-demand Downtowner must be evaluated. What is the economic and carbon impact downtown of increasing public transportation vs building another high-volume parking option on the periphery? How will self-driving vehicles impact congestion, parking, and our air? Without these analyses, how can we throw wo/manpower and money at micro solutions when we still have a macro problem?

Please continue on the responsible path you have been following to balance the needs of residents and businesses. They are often the same people. I respectfully request that you first, do no harm. Much more evaluation needs to take place before we embark on fixing one problem only to create another.

Thank you, as always, for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Valerie T. Rochon".


Valerie T. Rochon, President
The Chamber Collaborative of Greater Portsmouth
500 Market Street, Portsmouth NH 03801
603.610.5517; Valerie@PortsmouthCollaborative.org

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 11, 2018

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on October 15, 2018 City Council Agenda

6:15 p.m. - Public Dialogue Session

Presentations:

1. **Pease Development Authority.** As requested by the City Council, on Monday evening, Executive Director David Mullen of the Pease Development Authority (PDA) will make a presentation regarding the PDA.
2. **Sister City and Citizen Diplomacy Blue Ribbon Committee.** Karina Quintans, Chair of the Sister City and Citizen Diplomacy Blue Ribbon Committee, will provide a presentation on the work of the Committee and recommendations going forward per the original charge given to the Committee.

Acceptance of Grants and Donations:

1. **Acceptance of Department of Homeland Security Prospective Grant Award to the Portsmouth Police Department (Tabled from the October 1, 2018 City Council Meeting.** At the October 1, 2018 City Council meeting, the Council voted to table this item to the October 15, 2018 meeting. **Attached is a memorandum**, dated September 26, 2018, from Joseph Onosko, Portsmouth Police Commission and Robert Merner, Chief of Police. At the September 25, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant award:
 - a) Department of Homeland Security Prospective Grant Award – **The terms of this grant require approval pending funding.** The Portsmouth Police Department has

been **prospectively** awarded \$69,638 for a UAS – an unmanned aerial surveillance vehicle. No actual work or preparatory work may begin for this project until the official award notice is received by the Department and all the pre-award criteria are met. Prospective approval of the award is part of the pre-award criteria.

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 prospective grant award to the Portsmouth Police Department, as presented.

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing/Second Reading of Ordinance amending Chapter 7, Article XIX, Section 7.1901 and 7.1905 - Shared Active Transportation.** At the October 1, 2018 City Council meeting, the Council voted to pass first reading and schedule second reading and a public hearing regarding a proposed Ordinance for shared active transportation (electric scooters, bicycles and the like). The attached proposed Ordinance is a new provision entitled Chapter 7, Vehicles, Traffic and Parking, Article XIX Shared Active Transportation to be added to the Ordinances.

If the City Council wishes to proceed, the following motion would be required:

Move to pass second reading and schedule a third and final reading of the proposed Ordinance at the November 19, 2018 City Council meeting.

2. **Public Hearing/Second Reading of Ordinance amending Chapter 14, Article II, Section 14.2 - Demolition Ordinance.** At the October 1, 2018 City Council meeting, the Council voted to pass first reading and schedule second reading and a public hearing on the proposed ordinance amending Chapter 14, Article II, Section 14.2 – Demolition Ordinance. Further, the Council considered minor modifications to the Demolition Delay Ordinance proposed by City staff. In the course of the Council’s discussion, questions were raised about potential additional changes to the Ordinance to address perceived ambiguities regarding the purpose of the Ordinance and the criteria for determining a building’s significance and applicability of this Ordinance to outbuildings. The Council referred these additional questions to City staff for a report back.

At this time, the City staff is not prepared to recommend amendments to the Ordinance in response to the questions raised, however, is prepared to come back to the Council at a future time with additional amendments. Staff recommends moving forward with the proposed attached Ordinance amendments, which reflects changes to the definition, applicability, application, notice, and procedure with the expectation that additional amendments could be brought forward at a future date.

The proposed Ordinance reflects changes to the definition, applicability, application and notice, as well as procedure regarding the demolition of a building and process.

If the City Council wishes to proceed, the following motion would be required:

Move to pass second reading and schedule third and reading of the proposed Ordinance at the November 19, 2018 City Council meeting.

3. **First Reading of Amendments to Chapter 10 — Zoning Ordinance, be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018.** At the October 1, 2018 City Council meeting, the Council voted to schedule first reading on the [attached proposed Amendments](#) to Chapter 10 — Zoning Ordinance, be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018.

The amendments are being proposed primarily to bring the City’s sign regulations into compliance with legal requirements for content neutrality. In the case *Reed et al. v. Town of Gilbert, Arizona, et al.* (2015), the U.S. Supreme Court ruled that regulations that categorize signs based on the type of information they convey and then apply different standards to each category are content-based regulations of speech and are not allowed under the First Amendment protections of the United States Constitution. Additional changes include updating the regulations regarding prohibited signs and temporary signs, clarifying sign area, and other housekeeping amendments. The Planning Board conducted a public hearing on this proposed zoning amendment at its August 16, 2018 meeting and voted to recommend approval to the City Council with amendments at the September 17, 2018 meeting.

If the City Council wishes to proceed, the following motion would be required:

Move to pass first reading and schedule second reading and a public hearing of the proposed Ordinance at the November 19, 2018 City Council meeting to amend the Zoning Ordinance by deleting the existing Article 12 – Signs and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018.

4. **Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Creation of a Highway Noise Overlay District.** At the October 1, 2018 City Council meeting, the Council voted to pass second reading and schedule a third and final reading of the [attached zoning amendments related to the creation of a Highway Noise Overlay District as well as maps](#):

- *Amendment to Zoning Map to add Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018;*

- *Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning Map;*
- *Insert new Section 10.670 Highway Noise Overlay District;*
- *Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability.*

The Planning Board conducted a public hearing its August 16, 2018 meeting and voted to recommend approval to the City Council.

The primary objective of the proposed Highway Noise Overlay District zoning amendments are to help the City to be eligible for participation in NHDOT’s Type II noise abatement program. The proposed amendments apply to all land within 500 feet of the centerline of I-95 or NH 16, except land subject to the Pease Development Authority’s land use regulations. A requirement for acceptance into the Type II program is that the City has to have enacted highway noise compatible planning and development regulations which require avoidance, minimization or mitigation of exterior highway traffic noise impacts associated with new noise sensitive development adjacent to state highways. The amendments as proposed are designed to meet the minimum requirements for meeting the Type II program guidelines without unduly restricting property owners.

I recommend the City Council move to pass third and final reading on the following zoning amendments related to the creation of a Highway Noise Overlay District.

Consent Agenda:

1. **Request for Licenses to Install Projecting Sign.** Attached is a request for a projecting sign license (see attached memorandum from Juliet Walker, Planning Director):

- Sherif Farag, owner of Elephantine Bakery, for property located at 10 Commercial Alley Unit 2.

I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request.

City Manager’s Items Which Require Action:

1. **Connect Community Church Six Month Lease Renewal.** The attached original 3-year agreement between the City and the Connect Community Church, 200 Chase Drive, Portsmouth NH, governing the City’s lease of 124 spaces in the parking lot located at that location is set to expire May 1, 2018. In March of 2018, an extension was authored to extend this agreement for a period of 6 months, from May 1, 2018 through October 31, 2018 (see attached).

The City is preparing to enter into a second 6-month extension, from November 1, 2018 through April 30, 2019.

The church cites as reasoning for the 6-month renewal term the fact that zoning changes have allowed the church to explore development opportunities at that location. With the church in discussions to develop a portion of the Lot, the church seeks to keep its options open with respect to the City's use of the lot.

Attached please see the applicable addendum drawn by City of Portsmouth Legal Department Attorney Jane Ferrini.

I recommend the City Council move to approve the renewal of the Connect Community Church Agreement, as presented, and further, authorize the City Manager to execute the Agreement.

2. **Extension of Comcast Franchise Agreement.** The City's current Franchise Agreement with Comcast to provide cable television services in the City of Portsmouth is due to expire at the end of October 2018. The Cable Commission recommends a two-month extension of the current agreement to December 31, 2018.

The Cable Commission has been meeting regularly and is in negotiations with Comcast for a renewal of the franchise agreement. The Cable Commission conducted a survey last year and held a public hearing this year. Comcast conducted its customer survey this year. These and other efforts have been done in anticipation of these negotiations for a new franchise agreement.

The Cable Commission recommends additional time to continue its negotiations with Comcast and to bring forward to the City Council a proposed renewal of the franchise agreement. The City Council will be fully briefed when a proposed franchise renewal contract is ready to be presented.

I recommend the City Council move to authorize the City Manager to enter into an extension of the current franchise agreement with Comcast for cable television services to December 31, 2018.

3. **City Council Letter to the Postal Service Re: Potential Relocation.** At its last meeting, Council discussed the Post Office's potential relocation, and considered submitting written testimony to indicate the Council's strong desire for the Post Office to remain at the McIntyre site. Councilor Dwyer presented a draft letter from the McIntyre Public Process Steering Committee, and Council reviewed the letter Mayor Blalock sent to Senators Shaheen and Hassan. *Attached is a draft letter* for Council to consider submitting to the Postal Service.

City Council may move to submit the attached written testimony in support of keeping the Post Office at the McIntyre site, and to work with the City to implement appropriate interim measures as the site is redeveloped.

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. **Next Steps on Prescott Park Master Plan Implementation.** This week the City staff will release a Request for Qualifications for engineering and design firms to begin preliminary design of the Prescott Park Master Plan. [See attachment which has been advertised.](#) The 2017 Master Plan adopted by the City Council calls for a series of improvements for the entire park.

Preliminary design will translate the improvements called for in the 2017 Master Plan into detailed construction drawings and a detailed phasing plan. While the entire Park transformation has been envisioned to take place in a series of phased construction projects, preliminary design work will need to take place for the entire Park (to at least 30%) in order to permit orderly and efficient phasing as well as to enable relevant permitting of a first project.

During preliminary design, a park-wide infrastructure plan will be developed which establishes the layout and capacity for water, sewer, drainage, and irrigation systems as well as electrical and natural gas systems. To inform these designs, key "program" determinations and other strategies will need to be determined. Examples of these include the elevations needed to harden the waterfront or plan for water inundation (or a combination of both) and the extent of reconfiguration and/or addition to building foot prints to address Master Plan goals.

We plan to have a qualified firm under contract and working around the first of the year. Preliminary design, selection of a first scope of improvements, and relevant permitting will take place in 2019. The first major construction project could take place as early as 2020.

I will keep the City Council apprised of the firm selection and schedule for the preliminary design work and permitting.

3. **Letter Request from Prescott Park Arts Festival.** [Attached is a request I received from the Prescott Park Arts Festival](#) to waive the annual payment due the City under the Five-Year License Agreement entered into earlier this year. The amount is \$20,000 for FY19 (July 1, 2018 through June 30, 2019).

The license agreement addresses *Public Benefit & Consideration* in sections 1 and 5 of the agreement (page 2) and establishes the annual payment amount in Section D (page 27). *Section D.* reads in pertinent part:

The City recognizes that exigent circumstances (such as extraordinary wet weather conditions or other emergency causing prolonged disruption to operations) may occur,

which significantly impact the Licensee's ability to pay the amount listed above. Accordingly, the City Manager is authorized to negotiate a lower figure for the affected year.

The agreement can be found at: <http://www.cityofportsmouth.com/prescottpark/licenses>.

In its letter, the Festival cited wet weather conditions this season as affecting their ability to make the annual payment for FY19 and requested it be waived. In recognition of the number of event cancellations this year, I plan to defer this payment to the end of 2019 season.

4. **News Release Re: New Historic Markers Installed in City.** For your information, [attached is a news](#) release regarding the installation of new historic markers in the city.

LICENSE AGREEMENT

Agreement made on MAY 6, 2015, by and between the City of Portsmouth, New Hampshire ("Licensee"), having a mailing address Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH 03801, and the Connect Community Church (formerly Bethel Assembly of God), ("CCC"), having a business address of 200 Chase Drive, Portsmouth, New Hampshire 03801.

WHEREAS, CCC is the fee owner of land with a building thereon commonly known as the CCC, 200 Chase Drive, Portsmouth, New Hampshire, located on the City of Portsmouth Tax Map at Map 0210, Lot 0002 and

WHEREAS, the Licensee has asked permission to utilize 124 parking spaces, the entirety of the parking area hereinafter referred to as "Parking Area" which is located off Chase Drive in front of the Church as more particularly described in Exhibit A, attached hereto and incorporated herein, for public parking.

NOW THEREFORE, in consideration of the mutual promises, covenants and other good and valuable consideration set forth herein, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Grant of License. CCC hereby grants to the Licensee, a license (the License) to use the 124 parking spaces in the Parking Area for public parking and to install and maintain a bus shelter.
2. Term. Beginning on May 1, 2015 (the "Commencement Date") CCC grants to the Licensee, the License, pursuant to which the Licensee and its employees, contractors, agents and invitees (the public) shall have the right to enter upon and use the Parking Area solely and exclusively for the Permitted Use as described and defined in Paragraph 3 herein. The Licensee shall have the right to use the Parking Area for that period of time (the "Term") beginning on the Commencement Date and ending three years from the Commencement Date (the "Termination Date"); Either party may terminate this Agreement for cause with five (5) days written notice to the other party. No written notice is required if there is a threat to the public health or welfare.
3. Permitted Use. The Licensee, its employees, agents and invitees (the public) may use the Parking Area solely and exclusively for parking with the exception of 5:00 a.m. to 1:00 p.m. on Sundays. These 124 parking spaces in the lot shall be available at the direction of the City for the purpose of allowing members of the public to park.
4. Restrictions on Use. The following uses are expressly prohibited at the Parking Area:

- (a) consumption of alcohol;
 - (b) use or storage of hazardous substances;
 - (c) possession of firearms; and
 - (d) idling of vehicles or equipment.
5. Annual Fee. Commencing on the Commencement Date, the Licensee shall pay to the CCC bi-annual payments in the amount of \$9,000.00 (nine thousand dollars) to be paid on the May 1st and October 1st of each year. These payments shall be made payable to Connect Community Church.
6. Signs. Licensee shall be responsible for designing and installing appropriate signage identifying the terms of public parking in the Parking Area. The signage must include the following information:
- a. Public parking hours.
 - b. Maximum 72-hours parking
 - c. Snow plowing during snow storms
7. Maintenance. At all times, the obligation of maintaining the Parking Area, including but not limited to plowing and sanding, remains with the CCC.
8. Security. At all times during the term and Permitted Use of this Agreement, CCC shall provide security for the Parking Area as set forth in a separate agreement to be negotiated between the parties.
9. Indemnification. Licensee shall defend and indemnify the CCC for claims caused solely by the City's negligence, and which are within the scope of the City's liability insurance to the extent and under the terms and conditions under which the City itself is entitled to contractual indemnification coverage from the New Hampshire Public Risk Management Exchange, under the terms of its liability coverage document as may be in effect and amended from time to time.

To the extent any claim, demand, suit or action for damages, interests, costs, penalties or expenses arises from or is in any way related to CCC's provision of security services pursuant to paragraph 8 of this Agreement, CCC shall defend, indemnify and hold harmless the City and its officials, employees, agents and volunteers from and against any and all such liability and shall also provide payment on behalf of the City for reasonable attorneys fees, paralegal fees and litigation costs for services by mutually agreeable law firm(s). This obligation to defend and indemnify the City shall survive the term of this Agreement. CCC shall furnish proof that it carries general liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate and that contains contractual liability coverage applicable to CCC's indemnification obligation under this Agreement.

10. Representations. This Agreement has been duly executed and delivered by the Licensee and CCC and each party avers that it has authority to execute and deliver this Agreement and the terms and conditions contained therein.

11. Miscellaneous Provisions.

(a) No Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than each of the parties hereto; any benefits, rights or remedies under or by reason of this Agreement.

(b) Entire Agreement. This Agreement and the attachments hereto, each of which is hereby incorporated herein, sets forth all of the agreements, promises, covenants conditions and undertakings between the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements, or conditions, express or implied, oral or written.

(c) Amendment. No waiver or modification of any of the terms of this Agreement shall be valid unless in writing and signed by each of the parties hereto. Failure by any party to enforce any rights under this Agreement shall not be construed as a waiver of such rights, and a waiver by any party of a default hereunder in one or more instances shall not be construed as constituting a continuing waiver or as a waiver of other instances of default.

(d) License Not Assignable. The rights granted to the Licensee hereunder are personal and are not assignable or otherwise transferable except as otherwise specified in this Agreement.

(e) Partial Invalidity. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remainder of this License shall not be affected hereby, and each covenant and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

12. Governing Law. The construction and effect of the terms of this Agreement shall be determined in accordance with the laws of the State of New Hampshire.

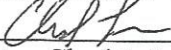
13. Notices. All notices and other communication which are required or permitted by this Agreement shall be in writing and delivered by personal service, sent by registered or certified first class US mail, postage prepaid, properly addressed, return receipt requested, or by overnight receipt delivery service such as Federal Express, if intended for the Licensee, addressed to John P. Bohenko, City

Manager, City of Portsmouth, at the address first set forth above, and if intended for the CCC, addressed to Pastor Chad J. Lynn, at the address first set forth above.

14. This Agreement supersedes all prior agreements between the parties regarding the Parking Area.

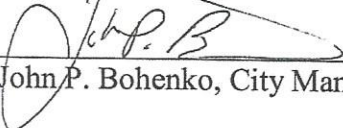
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first written above.

CONNECT COMMUNITY CHURCH

By: 
Pastor Chad J. Lynn

Approved by vote of Connect Community Church dated 5-6-15

CITY OF PORTSMOUTH

By: 
John P. Bohenko, City Manager

Approved by vote of the City Council dated May 4, 2015

h:\jferrini\parkingandtraffic\CCCparking



CHASE DR

MARKET ST

MARKET ST

MICHAEL SUCCI DR

Department of Public Works
680 Peverly Hill Road
Portsmouth, New Hampshire 03801



**AMENDMENT TO LICENSE AGREEMENT BETWEEN THE
CITY OF PORTSMOUTH AND CONNECT COMMUNITY CHURCH ("CCC")**

THIS AMENDMENT is made this 24th day of April, 2018 by and between the CITY OF PORTSMOUTH, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, NH 03801 (the "City") and the CONNECT COMMUNITY CHURCH, the owner of property located at 200 Chase Drive , Portsmouth, NH, Portsmouth Tax Map 0210, Lot 0002 ("CCC"). This Amendment revises the original License Agreement which grants the City the right to use 124 parking spaces and the right to install and maintain a bus shelter on CCC's land as more fully set forth in the original License Agreement dated May 6, 2015 attached hereto as Exhibit A.

WHEREAS, CCC and the City desire to extend the term of the original License Agreement for six (6) months.

NOW, THEREFORE, the City and CCC mutually agree to amend the following paragraphs:

2. **TERM.** The Termination Date is amended in paragraph 2 by deleting the words "...ending three years from the Commencement Date" and replacing those words with "October 31, 2018". No further amendments are made to paragraph 2 and all terms not amended remain in full force and effect.

5. **ANNUAL FEE.** Paragraph 5 is deleted in its entirety and replaced with the following:

The City shall pay \$1,500 a month on the first of the month commencing May 1, 2018 through October 1, 2018. These payments shall be made payable to the Connect Community Church.

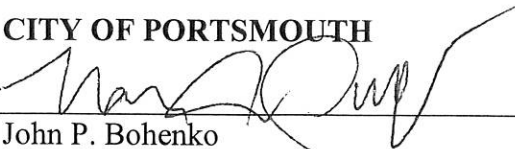
8. **SECURITY.** Paragraph 8 is deleted in its entirety because the parties never entered into a separate agreement for the City to pay CCC to provide security for the parking lot.

9. **INDEMNIFICATION.** The second paragraph of paragraph 9 is deleted in its entirety. The first paragraph is not amended and remains in full force and effect.

ALL OTHER PARAGRAPHS NOT REVISED BY THIS AMENDMENT REMAIN IN FULL FORCE AND EFFECT

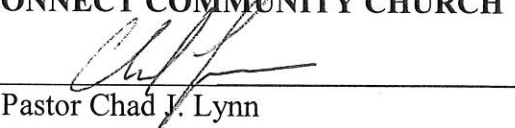
IN WITNESS WHEREOF, the City and CCC have executed this Agreement as of the date first above written.

CITY OF PORTSMOUTH

BY: 
John P. Bohenko
City Manager, City of Portsmouth

Approved by vote of City Council on 4/16/18

CONNECT COMMUNITY CHURCH

BY: 
Pastor Chad J. Lynn

Approved by vote of Connect Community Church
on 4/24/18

H:/jferrini/parkingandtraffic/ccc/amendment

**SECOND AMENDMENT TO LICENSE AGREEMENT BETWEEN THE
CITY OF PORTSMOUTH AND CONNECT COMMUNITY CHURCH ("CCC")**

THIS SECOND AMENDMENT is made this ____ day of _____, 2018 by and between the CITY OF PORTSMOUTH, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, NH 03801 (the "City") and the CONNECT COMMUNITY CHURCH, the owner of property located at 200 Chase Drive , Portsmouth, NH, Portsmouth Tax Map 0210, Lot 0002 ("CCC"). This Second Amendment revises the original License Agreement, as amended by a first Amendment, which grants the City the right to use 124 parking spaces and the right to install and maintain a bus shelter on CCC's land as more fully set forth in the original License Agreement dated May 6, 2015 attached hereto as Exhibit A, as amended by an Amendment dated _____ attached hereto as Exhibit B

WHEREAS, CCC and the City desire to extend the term of the License Agreement, as amended, for six (6) months.

NOW, THEREFORE, the City and CCC mutually agree to amend the following paragraphs:

2. **TERM.** The Termination Date is amended in paragraph 2 of the first Amendment by deleting the words "... October 31, 2018." and replacing those words with "April 30, 2019". No further amendments are made to paragraph 2 and all terms not amended remain in full force and effect.
5. **ANNUAL FEE.** Paragraph 5 is deleted in its entirety and replaced with the following:

CCC will charge the City a fee of \$1,500 a month for the use of the parking spaces for the extended term of November 1, 2018 through April 30, 2019. This fee will be paid by the City to Connect Community Church in one lump sum of Nine Thousand Dollars (\$9,000) on or before November 1, 2018.

ALL OTHER PARAGRAPHS NOT REVISED BY THIS SECOND AMENDMENT REMAIN IN FULL FORCE AND EFFECT

IN WITNESS WHEREOF, the City and CCC have executed this Agreement as of the date first above written.

CITY OF PORTSMOUTH

BY: _____

John P. Bohenko
City Manager, City of Portsmouth

Approved by vote of City Council on _____

CONNECT COMMUNITY CHURCH

BY: _____

Pastor Chad J. Lynn

Approved by vote of Connect Community Church
on _____

October 15, 2018

Mr. David Rouse
U.S. Postal Service
475 L'Enfant Plaza WS RM 6670
Washington, DC 20260

RE: Relocation of the US Post Office in Downtown Portsmouth, NH 03801

Dear Mr. Rouse,

The City Council urges the postal service to remain at the McIntyre site long-term, and to work with the City to implement interim measures that will enable the successful redevelopment of the site.

For over twelve years the City has worked collaboratively with the US General Services Administration (GSA) to find a way for the City to acquire the McIntyre Building parcel and return it to the tax rolls through redevelopment as a publicly accessible, economic viable property that meets the public's community development goals. In response to the GSA's suggestion of the federal Historic Monument Program as a mechanism to gain ownership of the property, the City embarked on an extensive public engagement and planning process over the past sixteen months. During that period, the overwhelming public sentiment expressed throughout the process (and clearly stated in the City's RFP to prospective private partners) was to maintain a retail presence of Post Office on the property.

This sentiment was reinforced repeatedly by the testimony heard at the Post Office's meeting on September 20, 2018 at Portsmouth City Hall where local residents and business owners noted that the absence of the Post Office would create a void in the infrastructure that currently enhances living/operating a business downtown. At that meeting you cited the requirement and cost of vacating the property during site remediation and redevelopment as well as an increase in rent and insufficient parking and loading as reasons it would likely not remain at the McIntyre Property after the redevelopment is complete.

The City Council recognizes the value of having convenient postal services in the City's core, and strongly urges the Post Office to work with the City to identify how to continue to provide this services as the site undergoes redevelopment. We believe there are ways to find interim solutions to the challenges facing the Post Office such as finding temporary interim space while the site undergoes construction as well as ways to structure terms to allow the Post Office to remain at the property following construction. To that end we request working with you to identify a solution that best meets the community's desire and reasonably accommodates the Post Office's concerns.

Sincerely,

Portsmouth City Council

Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Thu Oct 11, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

Fri Oct 12, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

Sat Oct 13, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

1pm - 2pm Electric Piano

Where: Vaughan Mall Stage

Description: Contact: Manu Ritchie

Sun Oct 14, 2018

All day NH Film Festival

Thu Oct 11, 2018 - Sun Oct 14, 2018

Where: Music Hall

Description:

Closure of Chestnut Street to vehicle traffic on Friday, October 12, 2018 beginning at 9:00 a.m. to allow for set-up for a red-carpet gala. The street will be reopened to traffic following the conclusion of the gala at 8:30 p.m.

Fri Oct 19, 2018

5pm - 8pm Folk Trio

Where: Vaughan Mall

Description: Contact: Joel Glenn Wixson

Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sat Oct 20, 2018

11am - 1pm A21 - Walk for Freedom

Where: To be determined

Wed Oct 31, 2018

7pm - 9pm Portsmouth Halloween Parade

Where: Beginning at Peirce Island to conclude at Prescott Park

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

Description:

- <https://seacoasthalfmarathon.com> - Contact: Jay Diener, Co-Race Director (603) 758-1177 or shmracedirector@gmail.com

Wed Nov 14, 2018

5pm - 8pm Folk Trio

Where: Vaughan Mall

Description: Contact: Joel Glenn Wixson

Thu Nov 22, 2018

7am - 9am Seacoast Rotary Turkey Trot 5K

Where: Race will start at Peirce Island and finish at Strawberry Banke

Description: Registration is at 7:00 a.m. and race will start at 8:30 a.m.

Sat Dec 1, 2018

5:30pm - 8pm Holiday Parade

Where: Market Square

Description: 5:30 p.m. - Tree Lighting 6:00 pm. - Parade

Sun Dec 9, 2018

10am - 11am Jingle Bell Run/Walk for Arthritis

Where: Little Harbour School

Description:

- <https://www.arthritis.org/new-hampshire/> - Contact: Thomas Bringle, Director of Development (603) 460-4213 or 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

Mon Dec 31, 2018

4pm - 12am First Night Portsmouth 2019

Where: Market Square

Description: Contact: Barbara Massar, Executive Director

Sat Apr 13, 2019

9:30am - 11:30am New Castle 10K

Where: Starts and finishes at Great Island Common New Castle

Description:

- <https://www.newcastlenh10k.com/> - Contact: Nick Diana (603) 498-8539 or nick@newcastlenh10k.com

Sun May 5, 2019

8:30am - 9:30am American Lung - Cycle the Seacoast

Where: Cisco Brewers Portsmouth

Description:

This event will be held at Cisco Brewers (formerly Redhook) Portsmouth. The first rider will leave Cisco Brewers at 7:00 a.m. and the last rider will be in around 3:30 p.m. Contact is Melissa Walden, Associate of Development.

12pm - 4pm Children's Day - Pro Portsmouth

Where: Market Square

Description: Contact: Barbara Massar, Executive Director

Sat Jun 8, 2019

9am - 4pm Market Square Day Festival & 10K Road Race - Pro Portsmouth

Where: Market Square

Description:

Contact: Barbara Massar, Executive Director - Event: 9:00 a.m. to 4:00 p.m. - Street closures - downtown streets from 4:00 a.m. to 6:00 p.m. - Race course 9:00 a.m. roving closures.

Sat Jun 29, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Portsmouth CM-OFFICE, City of Portsmouth - Community Events

Sat Jul 6, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Sat Jul 13, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Sat Jul 20, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

Sat Jul 27, 2019

5pm - 9:30pm Summer in the Streets - Pro Portsmouth

Where: Pleasant Street, Porter Street to Market Square

Description:

Contact: Barbara Massar, Executive Director - Street Closures: (4:00 p.m. set up to 9:30 p.m. clean up) Pleasant Street - Porter Street to Market Square.

City of Portsmouth, New Hampshire
REQUEST FOR QUALIFICATIONS # 22-19
For
Engineering & Design Services
For the
Prescott Park Master Plan Implementation

Sealed Requests for Qualifications plainly marked "RFP 22-19 Engineering & Design Services for the Prescott Park Master Plan Implementation" on the outside of the mailing envelope, addressed to the Finance/Purchasing Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 will be accepted until 2:00 p.m. on Thursday November 8, 2018.

SCOPE OF WORK: The City of Portsmouth is requesting qualifications from firms to provide engineering and design services for the implementation of the Prescott Park Master Plan. The City is looking for a firm to advance preliminary design for the Park as a whole and preliminary and final design for a first phase of improvements. This work is envisioned to begin with an initial contract leading to or including park-wide preliminary design and later contracts for final design for each phase.

The Request for Qualifications document may be obtained by visiting the Finance/Purchasing Department section of the City of Portsmouth website at www.cityofportsmouth.com. Addenda to this RFQ, if any, including written answers to questions, will be posted on the City of Portsmouth website under the project heading.

If you have any questions, please contact the Finance/Purchasing Department at the following number: (603) 610-7227.

City of Portsmouth, New Hampshire
REQUEST FOR QUALIFICATIONS # 22-19
For
Engineering & Design Services
For the
Prescott Park Master Plan Implementation

PURPOSE AND BACKGROUND

Following the adoption of the Prescott Park Master Plan (February 2017), the City of Portsmouth is looking to move forward with preliminary design. The City is looking for a firm to advance preliminary design for the Park as a whole and preliminary and final design for a first phase of improvements. This work is envisioned to begin with an initial contract leading to or including park-wide preliminary design and later contracts for final design for each phase. The City intends to establish a long-term relationship to see through the entire project to completion.

The City aims to have work begin soon after contract signature in January 2019. Preliminary design work, phasing, and construction documents and drawings for a first phase of work is anticipated to take place in 2019. The City aims to have a first construction project begin during the 2020 construction season.

Prescott Park is a 10-acre waterfront which lies along the Piscataqua River and adjacent to a residential neighborhood and the City's Central Business District. The Park is a major and beloved public green space and primary waterfront resource in the downtown and includes the land north of Marcy Street between State and Mechanic Street as well as Four Tree Island accessed off of Peirce Island Road.

The Park lies within the City's Historic District as well as the bounds of a district area on the National Register of Historic Places. In addition, the Park has several historic buildings including two-listed on the State Register of Historic Places and a third known as well as the Marine Railway building. The Park has other unique historic and artistic assets such as the Liberty Pole, shield and carved wooden eagle finial as well as several fountains.

The Park is also home to a number of works of outdoor public art and several memorials, which lie amidst gardens, fountains, lit pedestrian paths, and a recently re-constructed concession and

restroom building (2012) as well as a number of outbuildings and structures supporting a seasonal arts festival. Several piers, floating docks and seawalls line the Park's edge at the water front. All buildings and structures affixed to the grounds at the Park are owned by the City of Portsmouth. Temporary facilities placed in the Park seasonally in support of operations of licensees are owned by licensees. The Master Plan product includes detailed appendices, which include park usage mapping as well as a number of technical assessments for subsurface and electrical utilities; seawalls; and buildings and their mechanical systems.

The Park is also home to an extensive array of popular arts and culture programming offered on a year round and seasonal basis by organizations operating under license agreements with the City of Portsmouth. The activities range from once a week Yoga classes, to exhibit and museum space, to "black-box" theater performances, to a seasonal arts festival showcasing musical theater and musical concerts as well as food festivals and related programming. Each organization has its own considerations for the future of its physical presence in the Park. The preliminary design work, phasing, and implementation will need to be sensitive to and integrate these distinct interests and needs while advancing the adopted Master Plan.

If you have any questions please contact the Finance/Purchasing Department at the following number: (603) 610-7227.

DESCRIPTION OF THE SELECTION PROCESS & SCHEDULE

The City will identify the most-qualified firms and invite up to three of those firms to respond to a Request for Proposals document; alternatively, the City may choose to request firms to recommend scopes of work for initial project planning and preliminary design work for which a stipend may be offered. The City may also choose to negotiate a contract directly following the RFQ without further process. Interviews may also be conducted at any stage.

Tentative Selection Schedule

- Statements of Qualifications due November 8, 2018
- Notification of firms invited to advance November 15, 2018
- Contract signature January 2019

SELECTION CRITERIA

Qualifications will be reviewed and evaluated on the following criteria:

1. Responsiveness to submission requirements. 20 points
2. Qualifications of firm and project team members. 40 points
3. Previous related work and references. 30 points
4. Labor rates of team members. 10 points

SUBMITTAL/STATEMENT OF QUALIFICATIONS

Submittal Package

- Components should appear in the submittal in the order that they are requested below (next section) and clearly labeled using section breaks.
- One original submittal and four (4) copies of the proposal, including attachments, are required. An electronic version shall be submitted with the package on a thumb drive.
- Pages shall be no larger than letter-size (8 1/2 x 11 inches) or, if folded to that dimension 11 x 17 inches, is acceptable. It is acceptable to produce the submittal on both sides of the paper.
- The box or envelope in which the proposals are delivered must be clearly labeled on the outside with the Respondent's name and project RFQ # and title.
- Submittals shall be delivered to the following address before 2:00 p.m. on November 8, 2018: City of Portsmouth, Purchasing Department , 1 Junkins Avenue, Portsmouth NH 03801

Submittal Format for Statement of Qualifications

The Statement of Qualifications shall include the following components (these components should appear in the proposal submittal in the order they appear below). Suggested section labels are provided in bold.

1. **Transmittal Letter** (up to two pages).
2. **Project Team.** List **key** members of the proposed Project Team. Respondents should identify and provide relevant background information for the proposed project manager and the key member or members who will represent the project team in public forums and meetings. For each member represented, include:
 - a. Team Member Name and Firm affiliation
 - b. Area of specialty
 - c. Specific involvement/role in projects used as references

- d. Office location
 - e. Total years of experience
 - f. Years with current firm
3. **Statement of Understanding and Outline of Approach (up to 3 pages).** Based on a reading of the 2017 Prescott Park Master Plan (including technical appendices) include a statement of understanding of the City's needs for an initial contract for this project and an outline of the firms proposed approach for beginning work.
 4. **Roster of Firms and Firm Experience.** Provide a one-page listing of firms proposed to be part of the project team. Clearly indicate the role each will perform.
 5. **Past Projects and References.** Provide information, including narrative and depictions, of relevant past projects (up to five). **Clearly indicate the role the proposed team members played in each project.** The project descriptions shall be current and limited to a maximum of one full page per project, along with client references and up-to-date contact information (name, title, organization, phone, cell and email).
 6. **Labor rates of team members.**
 7. **Other Information.** Other information, qualifications and/or exceptions that the firm may consider appropriate to raise during the selection process.

MATERIALS AVAILABLE FOR REVIEW

Prescott Park Related Policies and Information

These items can be accessed via this site:

<http://www.cityofportsmouth.com/prescottpark/master-plan-archive>

- Prescott Park Master Plan (2017) & Appendices (Weston & Sampson)
- Prescott Park Policy Advisory Committee - Final Recommendations (2017)
- Request for Qualifications #24-16 "Prescott Park Master Plan"
- Request for Proposals #24A-16 "Prescott Park Master Plan"
- Public Forum Policy for Prescott Park
- Legal framework for park operations and uses
- Analysis of material surfaces in Prescott Park (type and square footage)
- Letter Report – Prescott Park Waterfront Inspection – December 2011
- State Historic Register Nomination for Sheafe Warehouse
- State Historic Register Nomination for Shaw Warehouse

Related City of Portsmouth Documents and Initiatives

- City of Portsmouth Bicycle and Pedestrian Plan:
<http://www.cityofportsmouth.com/planportsmouth/bike-pedestrian>
- Wayfinding Plan & Program:
<http://www.cityofportsmouth.com/planportsmouth/wayfinding-plan>
- Coastal Resilience Initiative (CRI): <http://www.planportsmouth.com/cri/CRI-Report.pdf>
- Historic Properties Climate Change Vulnerability:
<http://www.cityofportsmouth.com/planportsmouth/historic-properties-climate-change-vulnerability>

Examples, of other documentation to be made available to firms during the engagement.

- 2006 digitized vector data in ACAD/ESRI format – Data includes edge of pavement, parcels, building footprint, driveway cutouts, water, sewer, and drainage
- City of Portsmouth Orthophotos from 2006 (3 in. res.)
- NH DOT Orthophotos from 2010 (6 in. res.)
- 2013 Orthophotos (1 ft. res.)
- Other data sets may be available and will be accessible to the consultant

RESERVATION OF RIGHTS

The City of Portsmouth reserves the right to reject any or all packages, to waive technical or legal deficiencies, to accept any proposal, and to negotiate such terms and conditions of the final contract as it may be in the best interest of the City.

The City reserves the right to negotiate directly with the firm(s) selected for additional project work including construction administration services, and/or additional project engineering and design services.

The City reserves the right to undertake such investigation as it deems necessary to evaluate the qualifications of the firm and to evaluate its submittal. Firms may be asked to submit releases as part of the investigation and review of qualifications. Failure to provide a release if requested may result in disqualification. All concepts, designs, information and cost-savings ideas that may be generated during the selection process shall become the property of the City of Portsmouth.



Ben Anderson
President

Board of Directors
Jameson S. French
Chair

Ken Bellevue
Vice Chair

Bill Duncan
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Joel Harris
Secretary

Richard Burbine
Nancy Clayburgh
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Amanda McSharry
Dan Plummer
Chris Poulin
Elisabeth Robinson
John Tabor
Adam Vicinus



John Bohenko, City Manager
City Hall, One Junkins Avenue
Portsmouth, NH 03801

Prescott Park Arts Festival
P.O. Box 4370
Portsmouth, NH 03802
603.436.2848

September 24, 2018

Dear John:

On behalf of the Prescott Park Arts Festival board of directors, I would like to respectfully request your consideration to waive the Festival user fee for the 2018 fiscal year.

Included in our agreement per Schedule D: Public Benefit & Consideration [*The City recognizes that exigent circumstances (such as extraordinary wet weather conditions or other emergency causing prolonged disruption to operations) may occur, which significantly impact the Licensee's ability to pay the amount listed above. Accordingly, the City Manager is authorized to negotiate a lower figure for the affected year.*], the Festival experienced extraordinary wet weather conditions this season, resulting in the cancelation and/or interference with a significant number of our events.

Without a stage covering, the Festival is instantly at a loss whenever it rains, and forced to cancel; we're required to pay our acts, actors, staff, rental equipment, etc. without key revenues like gate donations, food sales, etc.

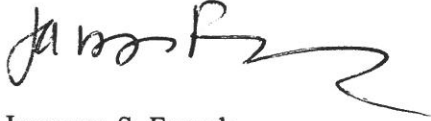
The impact of the wet weather is demonstrated by a 13% drop in revenues, primarily gate donations (-33%) and onsite sales (-30%), with a consistent level of expense (+2%), resulting in a \$202,900 loss.

The extraordinary weather can be observed with a decline of surrounding economic activity directly tied to the Festival, such as Strawberry Banke Museum's loss of parking revenues (-51%) during the performance season.

The festival has due diligently paid an annual user fee since requested after the 2010 stock decline impacted the Prescott Park Trust Fund's market return.

We are working hard to fundraise above our normal efforts to reduce this fiscal shortfall, and ask you to kindly consider waiving this fee to help us continue to provide the community at large with accessible, quality arts & cultural experiences in Prescott Park.

Sincerely,

A handwritten signature in black ink, appearing to read "Jameson S. French". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jameson S. French
Chair

A handwritten signature in black ink, appearing to read "Ben Anderson". The signature is more compact and stylized than the one to its left, with a prominent loop at the top and a horizontal line at the bottom.

Ben Anderson
President

cc: Jack Blalock, Mayor
Christine Dwyer, Master Planning Committee Chair

CITY OF PORTSMOUTH



New Historic Markers Installed in City

October 10, 2018

FOR MORE INFORMATION:

David Moore, 610-7226

PORTSMOUTH – Recently, the Public Works and Community Development Departments installed several new historic markers as part of an ongoing initiative to reproduce historic markers once scattered throughout the downtown and South End. The original markers were installed as part of a project sponsored by Strawberry Banke, the City of Portsmouth, and a civic group then known as the South End Association. At that time, the project (completed in 1977) resulted in the installation of approximately 40 markers covering a variety of topics from the City’s history.

The subjects of the newly installed markers include “Haymarket Square,” “Bow Street,” “Warner House,” “Portsmouth-Nichinan Sister City Cherry Trees,” and “Thomas P. Moses.” Two additional markers will be installed later this fall including “Athenaeum” and “South Meeting House.” Another marker, “Sheafe Warehouse,” was recently relocated nearer the Sheafe Warehouse in Prescott Park.

According to City Manager John Bohenko, the markers will help insure the City’s history is accessible. “The attractiveness and placement of the new markers will insure residents and visitors have the opportunity to learn more about their historic surroundings as they explore our City on foot.”

Funding for this project was provided through the Capital Improvement Program and coordinated by the Community Development Department. The City worked with local graphic designer Susan Hamilton of Phineas to provide layout and digital file services. Content for the markers was authored and edited by local volunteer Richard Adams, historian Richard Candee, and community volunteer Stephanie Seacord in cooperation with the City. David Moore, Assistant City Manager, coordinated the project for the City.

According to Moore, the intent is to standardize these markers so they are identifiable as being City-sponsored and are consistent in format, durability and quality.

The historic markers can also be accessed via the City’s website by visiting www.cityofportsmouth.com and clicking on *Community Development, Special Projects*.

Residents can find the newly installed markers in the following locations:

Historic Marker Topic	Location
Haymarket Square	In grassy area on Court Street in front of Middle Street Baptist Church facing the square
Bow Street	On Bow Street at the corner of Ceres Street
Warner House	At pocket park on Daniel Street at the corner of Bow Street
Portsmouth-Nichinan Sister City Cherry Trees	Along the Junkins Avenue causeway traversing South Mill Pond
Thomas P. Moses	In Prescott Park along fencing between North and South docks
Sheafe Warehouse	In Prescott Park along footpath facing Sheafe warehouse and the river.
South Meeting House	In front of 280 Marcy Street
Portsmouth Athenaeum	Market Square



ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – October 4, 2018
City Hall – Conference Room A

MEMBERS PRESENT: Chairman, Doug Roberts
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Deputy Fire Chief, James Heinz
Members: Harold Whitehouse, Shari Donnermeyer,
Mary Lou McElwain and Ralph DiBernardo

MEMBERS ABSENT: City Manager, John Bohenko
Member, Steve Pesci

CITY STAFF PRESENT: Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher
Planning Director, Juliet Walker

Action Items requiring an immediate ordinance during the next Council meeting:
None

Temporary Action Item requiring an ordinance during the annual omnibus:
None

1. Accepted and placed on file meeting minutes from September 6, 2018.
2. Accepted and placed on file financial report dated August 31, 2018.
3. Public Comment: Six Speakers: Gerald Duffy, Brent Schmitt, Steve Sanger, David Allen, Eric Weinrieb and Rick Becksted.
4. (IX.A.) **Presentation:** Middle Street Bike Lane Project status.
No action required by Committee.
Public Comment: Three Speakers: Rick Becksted, Ned Raynolds and Brent Schmitt
5. (VI.A.) **Presentation:** Market Street Gateway Project.
No action required by Committee.
6. (VII.A.) **Action Item:** Request for handicap parking space in front of 194 Concord Way, by Judy Whittemore.
Voted to approve a handicap parking space and refer to Eric Eby, Parking and Transportation Engineer, to determine the exact location on Concord Way and if there are any issues, Eric Eby will bring action item back to the Committee.
Public Comment: One Speaker: Judy Whittemore

7. (VII.B.) **Action Item:** Request to designate section of Burkitt Street between Clinton Street and Thornton Street as a Play Street between the hours of 3:30 P.M. and 5:30 P.M. on Sundays, by Eileen Laskoski.
Voted to have applicant proceed with a Complete Streets Demonstration Project application, in accordance with Policy 01-2017, approved by City Council.
Public Comment: One Speaker: Eileen Laskoski
8. (IX.B.) **Action Item:** Foundry Place Garage update.
No action required by Committee.
9. (IX.C.) **Action Item:** Hanover Parking Garage closures.
No action required by Committee.
10. (IX.D.) **Action Item:** Fire Prevention Memorandum.
No action required by Committee.
11. (IX.E.) **Action Item:** NH School Safety Preparedness Task Force report.
No action required by Committee.
12. (IX.F.) **Action Item:** Quarterly Accident Report.
No action required by Committee.
13. (IX.G.) **Action Item:** PTS Open Action Items.
No action required by Committee.

Adjournment – At 9:35 a.m., **Voted** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – October 4, 2018
City Hall – Conference Room A

I. CALL TO ORDER:

At 8:00 a.m., Chairman Doug Roberts called the meeting to order.

II. ROLL CALL:

Members Present:

Chairman, Doug Roberts
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Deputy Fire Chief, James Heinz
Member, Shari Donnermeyer
Member, Mary Lou McElwain
Member, Harold Whitehouse
Member, Ralph DiBernardo

Members Absent:

City Manager, John Bohenko
Alternate Member, Steve Pesci

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher
Planning Director, Juliet Walker

III. ACCEPTANCE OF THE MINUTES:

Public Works Director Peter Rice moved to accept the meeting minutes of the September 6, 2018 meeting, seconded by Ralph DiBernardo. **Motion passed 8-0.**

IV. FINANCIAL REPORT:

Shari Donnermeyer noted that only \$4,500 worth of the Foundry Place parking passes have been sold. High Hanover had significantly more sales. Chairman Roberts confirmed this was correct. Shari Donnermeyer questioned if the Foundry Place reinstatement line item was for people who wanted their money back. Public Works Director Peter Rice confirmed this was correct.

Public Works Director Peter Rice pointed out that this was a special revenue fund that is treated as an enterprise fund. That means the revenue generated covers the cost of operating the services provided by the parking division. It also provides a contribution to the general fund.

Mary Lou McElwain questioned what percentage went to the general fund. Public Works Director Peter Rice responded that it was approximately 22%. Mary Lou McElwain questioned if that could change. Public Works Director Peter Rice responded that it would be a City Council decision. Chairman Doug Roberts added that the parking costs had to be covered first. Then an allocation to the general fund is determined.

Chairman Doug Roberts noted that parking passes were moving slowly for the new garage. The plan is to open the garage as soon as possible and promote the passes. Harold Whitehouse moved to accept the financial report dated August 31, 2018, seconded by Public Works Director Peter Rice. **Motion passed 8-0.**

V. PUBLIC COMMENT:

Gerald Duffy congratulated the City on making Middle Street safer with the new bike lanes. Mr. Duffy tested the new street system with his car and bike. The traffic has calmed, drivers are paying more attention, and as a cyclist, Mr. Duffy felt safe.

Brent Schmitt lives on the corner of Cass Street and Middle Street. Mr. Schmitt thought that the new street was over-engineered. Middle Street is in the Historic District and the new plastic bollards take away from the attractiveness of the streetscape.

Steve Sanger complimented the staff on making the City more pedestrian and cyclist friendly with the new sidewalks and bike paths. Mr. Sanger was supportive of the Middle Street changes.

David Allen spoke in support of the Middle Street changes as a private citizen and as a representative of Seacoast Area Bike Riders (SABR). Mr. Allen thought that the sight lines for turning onto Middle Street from a side street had been improved. The Middle Street bike lane is a faster and safer way to get downtown.

Eric Weinrieb agreed with Mr. Allen's comments. Mr. Weinrieb also thanked the City for adding the flashing pedestrian sign at Mendum Street back into the project.

City Councilor Rick Becksted commented that there was a lot of concern from the public about what the Police and Fire Departments think of the Middle Street changes. He was concerned about speed, cars maneuvering around other cars that are parallel parking, turning onto Middle Street from a side street, delivery trucks, garbage trucks maneuvering the street, and the infrastructure of the new bollards.

VI. PRESENTATIONS:

IX.A. Middle Street Bike Lane Project status. Planning Director Juliet Walker spoke to the Middle Street Bike Lane Project status. She noted that this project started in 2012 when the City was awarded grant money from the Safe Routes to School Program. The first public meeting was held in 2014. There have been many opportunities to revisit this project and make changes. History of the project is documented on the web site at <http://www.cityofportsmouth.com/planportsmouth/middle-street-lafayette-road-bicycle-pedestrian-corridor-project>.

The project's purpose was to improve safety and connectivity for pedestrians and cyclists. The objectives were to slow traffic, improve pedestrian crossings, maintain parking and an emergency response route, and create a separate bike path. The emergency response route will be monitored and adjustments will be made if they are needed. The project was mostly done with paint.

The bollards are only in places where there was not a parking barrier, physically separating the lanes help people feel safe. This bike lane was designed for people of all ages who may not be comfortable mixing with traffic. This will be an adjustment for drivers.

One of the efforts for this project was to slow traffic. Pedestrian risk of fatality, if hit by a motor vehicle, decreases significantly if the speeds are slower. Also, the road was designed to make it harder for vehicles to go around each other. Post-construction there is a sidewalk, the bike lane, a buffer and then parking on one side of the street. The other side has at least a buffer, then a bike lane, and then a sidewalk.

It was not feasible to have a protected bike lane for the whole length, so some of it is protected. The rest has a minimum buffer width with a bollard. Pedestrian activated signals were part of this project. Unfortunately, bids for those came in very high, so not all were incorporated at this time. They will be considered in the future as part of a Capital Improvement Project.

The Mendum Street signal was added back in and will be a separate acquisition process. Green paint is being added to delineate bike lanes through the intersections and bike boxes will be added at the South Street intersection. Bike boxes provide a safe way for cyclists to turn left at an intersection. There is a video on the web site that demonstrates how to use the bike box.

The City is coordinating with the Police Department to ensure this new system is used properly. SABR is providing bicycle ambassadors along the corridor during October to help explain the new facilities and observe behavior. Post-construction this is being and will continue to be monitored. The staff has heard the concerns about Aldrich Street and will be investigating. Traffic speeds, pedestrian and cyclist counts, parking counts and parking enforcement are all being monitored. Any recommended modifications will be reported back to the Committee. Any construction project will have a period of adjustment.

Ralph DiBernardo questioned if the Planning Staff considered limiting right turns on red lights where there is a bike box. Planning Director Juliet Walker confirmed that the locations where the bike boxes were added already have a no right turn on red restriction.

Harold Whitehouse questioned if there would be a bike box at the entrance of the high school. Ms. Walker confirmed there would be a bike box there. Eric Eby added that they had to wait for the new signal to be installed first.

Planning Director Juliet Walker added that staff was working with Public Works about what to do with the bollards in the winter. Any project that receives federal funding has to go through a Section 106 review, which is an evaluation of impact on historical and cultural resources. Planning Director Juliet Walker understood the concerns about the aesthetics, but the City only has funds for paint and temporary infrastructure. This may be revisited when the City resurfaces Middle Street.

Harold Whitehouse questioned where the funds came from for this project. Planning Director Juliet Walker responded that roughly \$100,000 came from Safe Routes to School and the rest from City funds.

Chairman Doug Roberts requested an explanation of the bollards. Planning Director Juliet Walker responded that the corridor is too narrow to put in something that would be difficult to move or prevent emergency vehicle access. The bollards are a physical barrier that give pedestrians added assurance that vehicles will stay out of the bike lane and vice versa. Harold Whitehouse questioned if they were driven into the pavement. Planning Director Juliet Walker responded that they were attached to the pavement, but on the surface only. They will be monitored and when the City resurfaces Middle Street, they may be removed depending on what makes sense.

Chairman Doug Roberts questioned how many drivers use Middle Street every day. Planning Director Juliet Walker responded it was 11,000 motor vehicle drivers.

Ralph DiBernardo commented that the City should not eliminate right turns on red at intersections where they make sense because they save gas and help to clear the intersections for emergency vehicles.

City Councilor Rick Becksted questioned if the bike boxes would be on all four sides of the Lafayette intersection. Eric Eby responded that there would just be two on Lafayette Road. He expressed safety concerns about cyclists running into open car doors and becoming injured. There was an incident in Durham where a cyclist died because they ran into an open car door.

City Councilor Ned Reynolds thanked and complimented City Staff. This bike lane has been planned and designed according to national standards. There will be an adjustment period, but it's an enhancement for all modes of travel. It makes the road safer.

Brent Schmitt agreed that it was good to slow down traffic, but thought the road looked ugly. Mr. Schmitt requested a reduction in the number of bollards. Aesthetics should be taken into account.

Chairman Doug Roberts noted that it was important to get the design out there and ensure that it was working before investing in something that may be harder to change. Middle Street will be repaved in 2-3 years and that may be the time to revisit.

Planning Director Juliet Walker responded to the incident in Durham that Councilor Becksted had mentioned in his public comment. It was a bike lane that was on the outside of the street parking. The bike lane was too narrow and not designed appropriately. It is nothing like the Middle Street design.

VI.A. Market Street Gateway Project. Planning Director Juliet Walker spoke to the Market Street Gateway Project. There had been a study done in this area. The idea was to look at creating a complete street and accommodate all modes of transportation. It's a gateway into the downtown and an evacuation route. The project looked at improving the lighting and storm water treatment through pocket parks and median landscaping.

In the preliminary construction plans, the alternatives looked at reducing lanes. Instead of eliminating lanes, staff looked at narrowing travel lanes. A bike lane was added on both sides of the road. A portion will also have a multi-use path. Traffic calming measures were considered as the road gets closer to downtown. The project will be implemented in phases. Phase 1 has already been completed and goes from Kersage Way to the Submarine Way signal. That included streetscape, landscape and storm water improvements.

The next phase will go from Submarine Way to Russell Street and include the Riverfront Park and North Mill Pond Park. Planning Director Juliet Walker walked through a cross section of the street. Future phases will include a riverfront park and pocket park at Russell Street.

Chairman Doug Roberts questioned if the multi-use path allowed for both directions of travel. Planning Director Juliet Walker confirmed that was correct.

Harold Whitehouse questioned if the sumac trees would be preserved during the riverfront park construction. Planning Director Juliet Walker was not sure. Public Works Director Peter Rice added that it was reviewed with the Historic and Natural Resources Group and they did not identify anything specifically that needed to be saved. That does not mean that the landscaping would not incorporate it. The design has not been finalized.

Ralph DiBernardo pointed out that the evacuation route is often used to empty the City after major events. Planning Director Juliet Walker agreed and noted that was considered in the design.

Police Captain Frank Warchol questioned where people would park their cars to go to the pocket park. Planning Director Juliet Walker responded that there would be limited on-street spaces, but it would primarily be a walking park. For the park on the outbound side, there is some parking available in the area.

VII. NEW BUSINESS:

A. Request for handicap parking space in front of 194 Concord Way, by Judy Whittemore. Shari Donnermeyer moved to approve a handicap parking space in front of 194 Concord Way, seconded by Harold Whitehouse. Ralph DiBernardo noted that it would be a public handicap parking spot.

Public Works Director Peter Rice moved to allow public comment, seconded by Shari Donnermeyer. **Motion passed 8-0.**

Judy Whittmore commented that the parking space should really be at 196 Concord Way to better accommodate snow removal.

Public Works Director Peter Rice amended the motion to approve a handicap parking space and refer to Eric Eby, Parking and Transportation Engineer, to determine the exact location on Concord Way and if there are any issues, Eric Eby will bring action item back to the Committee, seconded by Shari Donnermeyer. **Motion passed 8-0.**

B. Request to designate section of Burkitt Street between Clinton Street and Thornton Street as a Play Street between the hours of 3:30 P.M. and 5:30 P.M. on Sundays, by Eileen Laskoski. Ralph DiBernardo moved to have the applicant proceed with a Complete Streets Demonstration Project application, in accordance with Policy 01-2017, approved by City Council, seconded by Mary Lou McElwain. **Motion passed 8-0.**

Public Works Director Peter Rice moved to allow public comment, seconded by Harold Whitehouse. **Motion passed 8-0.**

Eileen Laskoski thought this would be a great trial street because there are 11 kids that live on that section of the street. All of the households in the area are in support of the request.

Chairman Doug Roberts noted that this would start off as a demonstration project and as it progressed it could become something more permanent.

VIII. OLD BUSINESS:

No old business.

IX. INFORMATIONAL:

B. Foundry Place Garage update. Public Works Director Peter Rice noted that the garage is close to completion. The opening day will be October 31, 2018. Managing utilization of parking is part of the overall parking program. Wayfinding signage and pricing will be adjusted accordingly as parking behavior is observed. The Committee will be updated as changes are made.

Mary Lou McElwain commented that it would be great to have the extra parking for the Halloween Parade.

Police Captain Frank Warchol commented on the Middle Street Bike Lane project. The Police Department has received comments of concern from the public similar to what the Committee heard today. This project has been in progress for the past four years and there have been many iterations. One observation is that traffic has slowed down considerably. There are concerns about sight lines coming off of the side roads. There is also concern about cyclists going straight at an intersection when a car is going right.

This is specifically a concern at the Greenleaf and Lafayette intersection. Drivers and cyclists will have to be more aware.

The green paint marking the bike lanes will help. One of the biggest challenges so far is people parking in the bike lane. Parking in a bike lane is considered blocking vehicular traffic, which means a car could be cited or towed. Police Captain Frank Warchol is looking at other communities to see how they handle these situations. The Police Department is addressing the concerns as they come up.

Public Works Director Peter Rice added that the Public Works Department understands that this will require more effort from them. Any new configuration on a roadway will take time to adjust. This is a matter of collecting data, figuring out what the issues are, and adapting if possible.

Chairman Doug Roberts questioned if there was a specific point of contact for comments on the Middle Street Bike Lane project. Planning Director Juliet Walker responded that she and Eric Eby should receive comments. A link will be added to the web site for comments.

C. Hanover Parking Garage closures. Parking Director Ben Fletcher noted that the report was divided into the first three quarters of the year. Quarter 1 had 13 total closures. 10 were on the weekend, 3 on the weekdays and they averaged about an hour and a half. Quarter 2 had a total of 40 closures. 18 were on the weekend. 12 on the weekdays and they averaged about an hour and a half. Quarter 3 had 60 closures. The average closing time was slightly longer than previous quarters.

D. Fire Prevention Memorandum. Deputy Fire Chief James Heinz was asked about code enforcement as it relates to traffic calming measures. The memo states that the Fire Department has approval over traffic calming devices. Deputy Fire Chief Carl Roediger prepared a memo addressing the topic. If there were any questions, please contact Deputy Fire Chief James Heinz or Deputy Fire Chief Carl Roediger.

E. NH School Safety Preparedness Task Force report. Deputy Fire Chief James Heinz noted that the Governor assembled a task force. They spent about 1,000 hours working on a school safety plan. It is relevant to this Committee because it talks about how lives are measured in seconds. Every second matters when responding to an active shooter event. Every time-saving device, even those that increase response times by mere seconds, must be given full consideration. The report is available online at: <https://www.governor.nh.gov/news-media/press-2018/20180705-school-safety-report.htm>.

F. Quarterly Accident Report. Police Captain Frank Warchol noted that last quarter had three accidents, two of which included bicycles. One included a pedestrian. There were 92 accidents in July and 120 accidents in August. This is slightly less than last year.

Chairman Doug Roberts requested an accident report at every meeting similar to the report submitted to the Police Commission. Police Captain Frank Warchol responded that he would discuss it with the Police Chief Robert Merner and report back.

G. PTS Open Action Items.

No action required by Committee.

X. MISCELLANEOUS:

Chairman Doug Roberts noted that the City Council requested that the Parking Traffic and Safety Committee work on the Neighborhood Parking Program. The pilot program is focusing on two areas: Islington Creek Neighborhood and the South End Neighborhood. The neighborhoods are working with staff to develop the program. It would be presented to the PTS Committee and then forwarded to City Council for final approval.

Mary Lou McElwain questioned if there were plans for parking spots on Pleasant Street in front of the Langdon House. Public Works Director Peter Rice responded that was not part of the project and there are no plans related to parking.

XI. ADJOURNMENT – at 9:35 a.m., VOTED to adjourn.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary



**Sagamore Creek Master Plan
Final Report
Mayor's Blue Ribbon Committee
on
Sagamore Creek Land**



Councilor Eric Spear, Chair and Council Representative
Councilor Chris Dwyer, Council Representative
John Mikolajczyk, Resident Representative
Alison Pyott, Resident Representative
Lennie Mullaney, School Board Representative
Kory Sirmaian, Recreation Board Representative
Allison Tanner, Conservation Commission Representative
David Moore, City Manager's Designee, Ex-officio

November 18, 2015

INTRODUCTION

In February 2015, the Mayor appointed the Blue Ribbon Committee on the Sagamore Creek Land. Since that time, the Committee has worked to make progress on its charge: to create a plan for public usage of the city-owned land at Sagamore Creek. The Committee includes representatives from the community, the Recreation Board, Conservation Commission, and School Board. The process and steps taken by the Committee are summarized in this report as is the Committee's vision, Master Plan of proposed improvements, key considerations in developing this report back, and recommendations for the management of the site. The Master Plan and recommendations in this report do not represent a large increase in usage or traffic to the site. Many of the uses discussed in this report are currently taking place on the parcel.



Vision

In June 2015, the Committee recommended, and the City Council adopted, a vision and guidelines for the use of the Sagamore Creek Land. The following is the vision for public use of the land:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another and which are sensitive to the overall vision of preserving the site's character.

The full Vision and Guidelines can be found in ***Appendix A, Vision & Guidelines***.

Committee Process and Public Input Opportunities

The Committee completed extensive research and outreach to the community throughout its 11 meetings since February 2015. The Committee worked to review and discuss the site's past usage and history; its environmental characteristics and natural resource values; its past use as a landfill; previous plans and studies associated with the parcel; and options for landfill reuses.

In addition to comprehensive public input from the residents of Portsmouth (summarized below), the Committee's work benefited from significant study and work of other City's boards and staff as well as in depth consultations with experts in various fields. In addition to having member representatives from the School Board, Recreation Board, and Conservation Committee, the Committee met with various professionals and users to obtain their input on this plan. A summary of these efforts is described below.



1. The Committee was presented with extensive background and history of the parcel by and details about environmental characteristics and natural resource values by City staff. In particular the Committee reviewed:
 - 2010 Recreation Needs Study – Recreation Board
 - 2010 Public Undeveloped Lands Assessment – Conservation Commission
 - 2007 Sagamore Creek Land Vernal Pool Study - Conservation Commission
 - 2007 Jones Avenue Landfill Status Update – Hoyle, Tanner & Associates
 - 1999 Master Plan for Peirce Island – Community Department
2. The Committee met with engineers who have worked on the Landfill closure at Jones Avenue as well as an engineer who has worked on various reuse projects for landfills, including in New Hampshire.
3. The Committee hosted a large meeting and invited each of the four boards and Commissions who interact with the Sagamore Creek property. Representatives of the City's School Board, Recreation Board, Conservation Commission and Sustainability Committee attended to discuss the current uses of the site and to provide their perspective of each on the future uses of the parcel. Representatives from High School Cross Country Program, Environmental Club, and Science Department attended as well as many other conservation, environmental, recreation, and sustainability advocates.
4. On May 7, 2015, the Committee held a public input session on a draft vision and guidelines for a plan for public use of the city-owned property. Nearly 20 people made public comments on the draft document at the meeting. Another 25 people submitted comments electronically (see below).

5. In June, the Committee submitted an interim report, which included a Vision and Guidelines document, to the City Council for adoption prior to moving forward with plan development. The document was adopted by the City Council unanimously and it has guided the Committee through to the submittal of this final report.
6. A sitewalk and meeting with Portsmouth Department of Public Work's Water Resources Manager, Transportation Planner, and Environmental Planner/Sustainability Coordinator was held.
7. City staff consulted with the Cross Country program at Portsmouth High School to discuss the proposed improvements included in this report. Northeast Passage (NEP) an advocacy organization for universal access programs (a program of the University of New Hampshire) will be a resource during the implementation stage.
8. The Committee City met several times to discuss a final plan for the site and its report back. It held a public input meeting in November on the draft plan and report.

Summary of Public Outreach Strategies

1. Committee website. A dedicated website for the Committee's work has assisted in communicating about the work of the Committee. At that web site, interested members of the Community accessed presentations and documents reviewed by the Committee as well as links to each of the Committee's minutes and meeting notices. Materials reviewed by the Committee as well as a link to agendas and meeting minutes can be viewed at <http://www.cityofportsmouth.com/sagamorecreek.html>.
2. Public Comment Form and Submitted Letters. A public comment form was made available via the Committee's webpage and a total of 25 comments was received for the Vision and Guidelines document in May and several more received for a November public input meeting on the draft version of this plan. Each comment is published on the Committee's webpage as are copies of letters submitted to the Committee.
3. Public Comments within Meetings. Each meeting's agenda has included a public comment section, which has been extensively utilized by the public. Each comment delivered during the meetings has been recorded in each set of meeting minutes accessed via the City's meeting's calendar on the website. A list of meeting dates is located at the webpage for the Committee.

KEY CONSIDERATIONS IN DEVELOPING THE SAGAMORE CREEK PLAN

Coordination with the Department of Environmental Services

The Sagamore Creek parcel is the site of a closed landfill with an active groundwater management permit (GMP) that is administered by the State of New Hampshire Division of Environmental Services (NHDES) through a post-closure monitoring plan. Groundwater and surface water quality testing is conducted semi-annually in accordance with the GMP and reports are submitted annually to the NHDES. Any changes to the landfill that are not consistent with the post-closure plan including modifications to uses, cap access, security fencing and proposed development of the cap itself must be coordinated with and approved by NHDES through a post-closure use modification. City staff consulted with NH DES staff as part of the Committee work and the Committee met with an engineer familiar with the cap's construction and another engineer with extensive landfill reuse efforts in New Hampshire. The Committee also reviewed two reuses of landfill sites in New Hampshire that included significant and extensive reuses, including structures and parking lots, etc. The level of anticipated improvements envisioned in this plan is significantly less extensive than previous larger scale redevelopments on other closed landfills in New Hampshire. In consultation with NHDES on this subject, the envisioned improvements described in this plan are consistent with requests that the NHDES has authorized at other closed landfills. Additional investigations of the landfill cap integrity and gas production may be needed as part of the use modification request.

Stewardship and Promotion of City Passive Recreation Assets

The Vision and Guidelines developed by the Committee specifically address the desire to avoid overuse of the Sagamore Creek parcel in ways that may negatively impact the neighborhood, environmental qualities or natural setting. The Committee discussed how one way to manage overuse of the parcel by any one use is to maintain and promote the network and series of recreational opportunities that permit various uses. Sagamore Creek Parcel is a passive recreational asset, which will be added to the current inventory of similar resources:

- the Creek Farm trails at Little Harbor Road (owned by NH Society for Protection of Forests);
- City trail system at Little Harbor Road and linked with the Creek Farm;
- Peirce Island trail systems and recreation areas; and
- Great Bog with its trails.

Other recreational assets, such as the creation of a new Hampton Branch Rail Trail and ongoing efforts by the Conservation Commission to create additional trails and public access points will ensure that many opportunities for passive recreation will exist, thereby helping to manage the

overuse of any one asset. As these recreational opportunities expand and the trends toward passive unorganized recreational opportunities continue, the Committee recommends a more formal strategy for managing the parcels, promoting their availability, and encouraging stewardship through volunteerism.

Recreation Fields

The Committee deliberated at length on the many proposals for the parcel's use that were brought forward by Committee members, members of the public, as well as representatives from other City Boards and Commissions. In its Interim Report in June, the Committee addressed the specific city-wide need for recreation fields. In that Interim report, the Committee did not recommend moving forward with recreation fields for organized sports at the Sagamore parcel; however it did make specific recommendations to the City Council in pursuing next steps for making progress on alleviating the field shortage. At the Committee's recommendation, the City Council requested the City Manager report on ways to both maximize usage of existing City assets as well as research the potential for acquiring new land for recreation fields. A Phase I report on the use of existing City assets was provided to the City Council in August. That report prioritized opportunities for resurfacing fields, making upgrades to existing undersized fields, and moving forward with the development of the former Stump Dump on Greenland Road. A phase 2 report back on the acquisition of land for further adding to the inventory is planned in coming months. The phase I report can be found on the City's website at <http://www.cityofportsmouth.com/recreation/ReportBack-August3,2015-PhaseIRecreationFields.pdf>.

MASTER PLAN: DESCRIPTION AND EXPLANATION OF RECOMMENDED IMPROVEMENTS

This final report applies the Vision and Guidelines to a Master Plan, which is part of this final report (**Appendix B, Master Plan**). In addition, the report also includes this summary and recommends the adoption of management recommendations, which are intended to be used in support of the plan as the implementation moves forward.

This plan was developed with an eye toward balancing competing interests of various stakeholders; these include abutting property owners and residents of the Jones Avenue area; current user groups and individuals who make use of the site presently; residents who would utilize the site more if it was signed as publicly-owned and accessible; people of all abilities who seek passive recreation areas within Portsmouth; and others.

In follow-up to the adoption of the Vision and Guidelines, the Committee identified improvements needed in order to realize the vision in a Master Plan. In keeping with the Vision above as well as public comments throughout its process, the Committee sought to achieve a balance of encouraging use without overdevelopment of the site or impeding on the natural setting. The site is home to an extensive and widely used trail system that is recommended to remain in place. The existing trail system is outlined in a thin green line in this image of the Master Plan below (figure 1). The Master Plan is reprinted in a larger format in **Appendix B**.



Figure 1 This Master Plan is printed in a larger format in Appendix B. The thin green trail lines are existing, well-used trails. The trails on the cap (thicker green lines) - in the center of the parcel - are a proposed trail expansion to promote waterfront viewing, enhanced access to the cap.

This Master Plan is intended to show the type and location of the recommended improvements. Final designs, materials, and locations of elements will be finalized as part of the implementation phase(s) and the engineering and design work completed prior to each improvement. These improvements include the following:

1. **Signage.** Perhaps one of the most common observations heard by the Committee has been the need to make sure this valuable public asset is signed in a manner that invites use by the public. One resident reported not knowing the resource was available during the entire tenure of her residency in the Jones Avenue neighborhood. As a result, the Committee has recommended creating a more welcoming frontage by removing the locked fence at the entrance at Jones Avenue and adding signage, which identifies the parcel as being publicly-owned and welcoming to visitation by the public.



Figure 2 This signage from Peirce Island is in keeping with the style of signage recommended for the site.



Figure 3 A kiosk like this one may be appropriate to orient visitors and provide information.

2. **Improve Existing Pedestrian Linkages.** In keeping with the stated goals of the City’s Master Plan and Bike and Pedestrian Plan, the Committee has recommended maximizing the connections this parcel already has to adjacent parcels and uses including residential areas along the Route 1 corridor, the Jones Avenue neighborhood, the High School, and Sagamore Creek. In one location, this will require the construction of a boardwalk to cross a tidal creek between the Sagamore Creek Land and Winchester Place apartments.



Figure 4 The City's Bike-Ped Plan shows the Sagamore Creek Parcel in relationship to the Urban Forestry Center and other bike and pedestrian connections.



Figure 5



Figure 6

Figures 5 and 6 show an example of a boardwalk feature over a wet area or depression that is recommended to better link an abutting property to the site.

3. **Creation of On-site Parking.** The Committee is recommending an on-site parking area be created in order to ensure residents of all abilities are able to access both the wooded and open portions of the site. Presently, only haphazard and informal parking is available for users at the site outside of the fence at Jones Avenue; it is not accessible and can accommodate few vehicles.

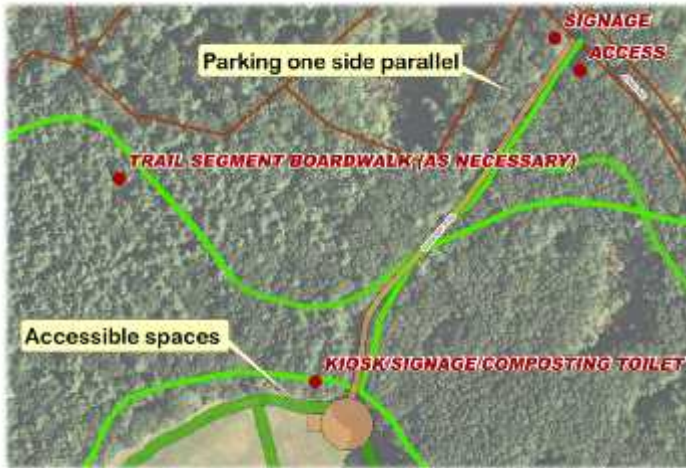


Figure 7 This detail from the Master Plan in the Appendix shows how the parking will be along the existing roadway into the site, with a turnaround (circle) near the cap. This provides non-intrusive parking and access to the cap for people of all abilities.



Figure 8 This picture shows the current condition outside the locked gate at Jones Avenue. Not many cars can be accommodated; the parking is unorganized, and potentially unsafe.

After much deliberation and input, the Committee is recommending a configuration for providing parking, which will have the smallest environmental and aesthetic impact on the site. This recommended improvement utilizes the existing roadway into the site, provides parallel parking on one side (to accommodate approximately 30 vehicles), and creates a turnaround at its terminus along with accessible spaces. Alternative options for creating parking for vehicles would require widening the existing roadway into the site thereby impacting wetlands and requiring tree removal. The recommended scenario utilizes the existing roadway and creates a turnaround area at the current opening at the end of the roadway at the cap. As part of this recommendation, the Committee is recommending no additional impermeable pavements be utilized and, where possible, reduce the existing paved area to benefit both the adjacent wetlands (including vernal pools) as well as promote the natural undeveloped nature of the site.

4. **Promote Access to the Landfill Cap Open Space.**

A major underutilized portion of the parcel is the landfill cap, which lies elevated in the middle of the parcel at the edge of Sagamore Creek. This green space may be the only undeveloped and unprogrammed open field space of its size owned by the City. This open field space with no trees is ideal for walking and waterfront viewing, bird watching, kite flying, cross-country skiing, picnicking and other unorganized passive activities enjoyed by a wide cross-section of our community of all abilities. Recommended improvements are intended to maximize the flexibility and availability of this open space for the many possible activities and promoting use by people of all



Figure 9 This detail from the master plan shows an accessible trail system and mowed areas around the landfill cap's border.

abilities while maintaining the high value of this meadow-like area as nesting habitat for many bird species. With these uses and values in mind the Committee is recommending the following improvements to the cap:

- a. Create an accessible trail system from the parking area to a waterfront overlook. This area would be made accessible by a paved path and mowed edges. The Public Works Department current mows the capped area twice a year. With this improvement, additional mowing would be needed around the trail system.
- b. Increase public access to the cap by reducing the linear feet of fencing along its perimeter. A chain link fence surrounds the open field space of the cap; removal of significant portions of this fence would promote public use and reduce structures in this area. Fencing will need to remain in areas where there are steep grades (such as that portion along the waterfront) and in certain areas of the cap system. Where fencing is required to remain, some alternative to chain link fencing might be introduced which better complements the property.

5. **Waterfront Access & Viewing.** Creating waterfront viewing opportunities to improve access to the waterfront is a major priority and recommendation in this final report. This recommendation includes the potential future inclusion of a canoe-kayak dock facility for use by non-motorized watercraft. This canoe-kayak dock is not a high priority due to the tidal nature of Sagamore Creek and the inaccessibility of the access point during significant portions of the tidal creek. This feature is designed to be accessible via the water as opposed to promoting the portage of canoes and kayaks from the parking area.



Figure 10 This detail from the Master Plan in Appendix A, shows recommended locations of waterfront features to ensure public access to the waterfront.



Figure 11 These two examples of waterfront structures are envisioned to provide meaningful public access to the waterfront at the parcel's shoreline along Sagamore Creek

6. **Interpretative Signage.** The Sagamore Creek parcel has the potential to be an opportunity to encourage conservation, promote sustainability, encourage scientific discovery (through existing School programs), and educate residents about the City's past strategies for managing solid waste through this landfill site.



Figure 12 This is an example of interpretative signage in a wooded area.

Some examples of interpretative marker content might include:

- the presence of Native Americans in Portsmouth;
- Landfill Practices of the 19th and 20th Centuries
- Vernal Pool Habitats
- Invasive Species Management
- Gulf of Maine Tidal Marsh
- Sagamore Creek Estuary

7. **Toilet Facilities.** Like many other recreational spaces in the City, the Sagamore Creek parcel is recommended to have a toilet facility. The Committee believes it would be appropriate to have a composting toilet on site, which could also serve as a potential educational opportunity.

Figure 13 A compostable toilet facility at the site is envisioned to both provide a needed service at a recreational area of this type and may also be an educational opportunity. This one is located at Cathedral Ledge State Park in New Hampshire.



8. **Improvement to Existing Trails.** The Sagamore Creek Land already has a series of well-developed, maintained, and used trails. In addition to use by the Cross-Country program at Portsmouth High School for both competition and practice, the trails are used by the general public. While no trail expansion is recommended as part of this plan, the Master Plan does note the need to continue to care for the trails in a manner that encourages users to stay on the trails avoiding sensitive wetland or vernal pool areas and minimizing impact to existing understory vegetation. This might include improving drainage in certain areas or boardwalking trail sections in particular need of protection. Consultations with the Cross-Country program confirmed that no proposal in the Master Plan presents conflicts with the program.

IMPLEMENTATION OF THE MASTER PLAN

According to the City Charter, the City Manager is responsible for managing City-owned property and day-to-day operations of the City government. This plan and report is designed to layout the community's vision and desired improvements for the parcel. The overall vision for the parcel will not be achieved in a year or even two years, but over a longer time horizon. We hope that, by defining the big picture, the City Manager and City staff, with support of the City Council will find ways to sequence these improvements that make sense and that best leverage investment of local tax dollars with other sources of funding. The following are potential strategies and opportunities for carrying out these improvements.

1. **Regular funding through the Capital Improvement Program (CIP).** Identification of specific elements of this master plan should be completed through the City's CIP plan. Regular and predictable levels of investment will help staff plan projects in the future.
2. **Conservation Fund.** The City's conservation fund has been identified as a resource in the Capital Improvement Plan for implementation of this plan. As many of the improvements envisioned include conservation-related strategies and measures, additional use of this resource may be appropriate.
3. **Use of Volunteers.** Each year, many businesses, civic groups, and individuals work with the various departments including the Department of Public Works to carry out useful projects throughout the City. Many items in the Master Plan can be carried out in coordination with these groups, including invasive species management, trail maintenance and improvements, and general clean-ups and other maintenance activities.
4. **Coordination with Boards and Commissions.** The Sagamore Creek Land is valued and used by many people in our community. Likewise, several City Boards and commissions are stakeholders when it comes to the various uses of the parcel, these include the Conservation Commission (planning for stewardship of undeveloped public lands, valuable wetlands and management of invasive species); Recreation Board (recreation programs); Sustainability Committee (natural resource protection and learning environment); and School Board (educational programs and cross country program).
5. **Grants and Donations.** Wherever possible opportunities to further leverage local tax dollars and volunteer hours should be used in furthering progress on the Master Plan.

MANAGEMENT RECOMMENDATIONS

In addition to making progress on the planned improvements, the Committee discussed many management policies related to the enhanced public use of the property. The Committee understands that management of these facilities is the responsibility of the City Manager and the City Council. The Committee's guidance for management practices at the site are below and based on the Committee's deliberations, conversations and input from the Community and abutters. In general, making this unique City asset more visible and usable by residents will require maintenance and monitoring like any other public facility. The Committee has sought ways to minimize the impacts of making this site more usable by the public, however, in general, the value of increasing access and recreation opportunities outweighs the overall impacts of increased maintenance and monitoring needs.

- Carry in, carry out policy – No definitive recommendation is made relative to carry-in, carry-out. In general, the overall master plan is intended to preserve the natural feel of the area; the introduction of more trash and recycling receptacles and additional labor needed to manage them, are in contrast with the overall vision. It is recommended that a carry-in, carry-out policy be piloted in order to encourage continued careful stewardship of the site by the public and to minimize impact on City resources.
- Park Hours and Night Time access – The Committee's vision to make this site accessible includes access by the public at night. Night-time cross-country skiing, star gazing, and night-time walks are already enjoyed by members of the public at this location and many other parks throughout the City.
- Grass-cutting schedule – The landfill cap is currently fenced off from public use and the meadow area is cut twice per year. In coordination with the Public Works Department the committee discussed the impact of making the meadows more accessible to the public. Current mowing of the site is done in coordination with the nesting habits of certain birds at the site. This practice should continue. Additional mowed areas such as along the perimeter and through the middle of cap, are intended to provide enhanced access to the cap for multiple passive uses (including paved accessible paths) without over imposing on the meadow habitat vegetation.
- Maintenance of roadway and parking areas – The roadway and parking areas are improvements that should pose minimal development impacts and be in line with the existing level of development. For example, no roadway de-icing or salting strategies would be used in this sensitive area; however the site would be plowed to encourage year-round use.
- Current on-leash area – The City's existing ordinance is in effect at the site. The site is not currently designated an off-leash area and dogs are to be on-leash. At this time,

while no proposal to change this has come forward, consideration of any change should weigh heavily the risk to sensitive habitats including wetlands and vernal pools and sensitive flora present at the Sagamore Creek land.

- Managing Invasive species – The City Departments should continue to work closely with the Conservation Commission and volunteer initiatives to manage invasive species at this site. Much work has been done to identify invasive species and there is much interest in the community in growing the numbers of volunteer stewards and groups who may wish to further assist and develop this effort; coordination and assistance with these groups should be an administrative priority in managing this site.
- All signage and park rules should reflect existing City ordinances.
- In general, future decisions regarding the facility should refer to the Vision and Guidelines document included in this report for guidance. In particular, given the vision of protecting the site and preserving its character as a natural area, the **Conservation Commission** is well-positioned to provide guidance on moving forward specific elements of Master Plan implementation such as final location of trail boardwalks and overlooks to minimize environmental disruption, coordinating volunteer groups to work on removing invasive species, and protecting endangered plant species, and maintenance practices sensitive to nesting birds, etc.

Appendix A

Vision & Guidelines

Blue Ribbon Committee on the Sagamore Creek Land

Interim Report: Vision and Guidelines

Vision:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another and which are sensitive to the overall vision of preserving the site’s character.

Proposes Uses and Activity From the Community	Does the proposed use/activity fit within the Vision described above	Explanation of the Committee’s determination
1. Outdoor Classroom and educational purposes; including interpretation of historical, cultural and environmental resources	Yes	Many of the uses provided by the School Department representatives (at left) are currently taking place at the site. Given that the land is adjacent to the high school, the Committee determined that educational uses should continue and the parcel should continue to be used in ways that provide experiential enrichment.
2. Cross Country Trail System	Yes	This long established use has benefited not only the Athletic program at the Portsmouth High School, but doubles as a trail network for the general public, which has the added benefit of directing foot traffic away from ecologically sensitive areas.
3. Middle School Mountain Biking Program	Yes	The existing use has complemented the Cross Country and general public use and the current level of activity is in keeping with the vision described above.
4. Mountain Biking (General Public)	Yes	The Committee found that promotion of general mountain biking is consistent with the vision described above.

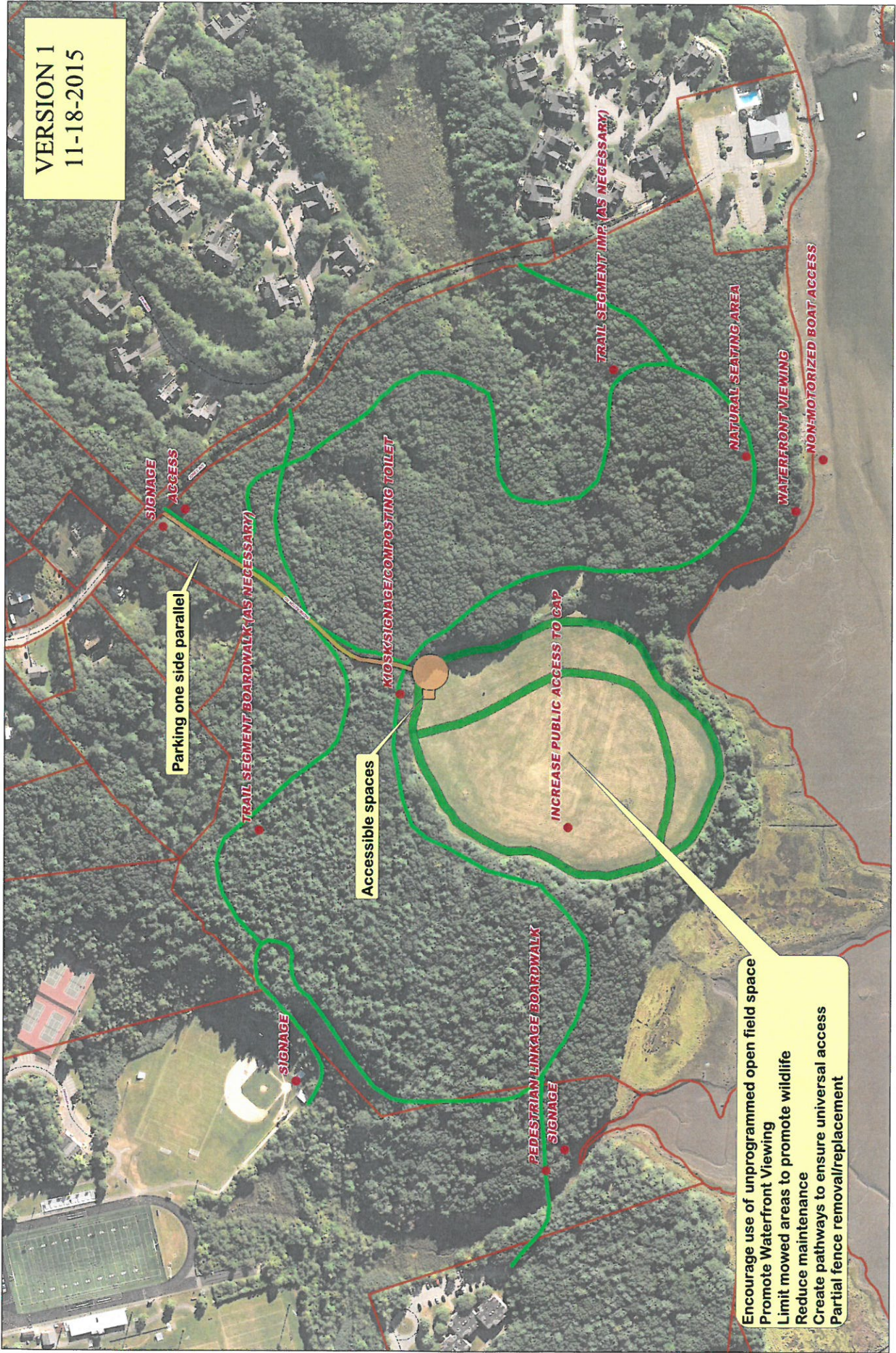
5. Community Garden	No	The implementation of a Community Garden facility and use has many challenges at this particular site including (access and water amenities). However, the Committee is supportive of this use if sponsored as an educational program adopted and managed through the School system.
6. Recreation Fields for organized team sports	No	The Committee explored at length the planning documents and input from the Recreation Board regarding the need for multi-purpose recreation fields for organized field sports in Portsmouth and agrees adding fields and capacity to meet demonstrated needs should be a high priority for the City Council. There are three reasons the Committee has found these uses inconsistent with the vision above. 1. There are many significant physical constraints that would limit the recreational value of the end product and consume large amounts of capital resources that could be better used in meeting the field needs in alternative locations. 2. Extensive alteration of the landscape to make the fields usable (grading changes, retaining walls, and extensive tree removal) that would negatively impact the natural resources present. 3. Development of access ways, field lighting, restrooms, and related amenities would negatively impact the character of the parcel.
7. Passive Recreation and Informal Recreation Uses (i.e., kite flying, sledding, bird watching, cross country skiing, Frisbee, picnicking) on the landfill cap.	Yes	Many of these activities take place at the site currently. They are consistent with the vision above.
8. Water Access for non-motorized water craft with defined entry	Yes	A major ongoing priority of the City as expressed in its planned documents and elsewhere is waterfront access. This parcel's unique and long frontage along Sagamore Creek is not only an invaluable vista for public enjoyment but holds the possibility of another low –impact access point for non-motorized watercraft.

9. Solar panel array	No	The Committee determined that solar panels in this location would preclude the use of the site for a number of other attractive uses benefitting the public. It also noted the solar panels can be placed in many settings such as roofs and on top of parking structures, which are preferable to preventing other uses for valuable waterfront and open space lands.
10. Access Improvements for pedestrians, vehicles, and bicycles; including universal access for people of all abilities. This item includes promoting linkages to other nearby passive recreation areas	Yes	Formalizing access to and providing signage at the site will ensure the public is welcomed and can safely access the Sagamore Creek Land. Access to the site is consistent with the vision above in that it can encourage access in ways that are sensitive to the natural resource values.
11. Disc Golf	No	The Committee discussed the potential for siting a disc golf course at the parcel. The Committee noted the installation of single-purpose structures as well as the risk to off trail activities that could threaten natural resources present. It was noted that some publicly-owned undeveloped lands (identified in the PULA study) likely represent appropriate opportunities for this use.
12. Dogs	Yes	The Committee discussed how the presence of dogs at the site were appropriate and welcome provided they be on leash. This is important for ensuring the protection of endangered plant species and ensuring trail boundaries are respected. In addition, the Committee noted the existence of a number of other sanctioned off-leash areas within the City, which can accommodate this use.

Appendix B

Master Plan

VERSION 1
11-18-2015



Parking one side parallel

Accessible spaces

- Encourage use of unprogrammed open field space
- Promote Waterfront Viewing
- Limit mowed areas to promote wildlife
- Reduce maintenance
- Create pathways to ensure universal access
- Partial fence removal/replacement

DATE: October 9, 2018

TO: CITY COUNCIL MEMBERS

FROM: LEGISLATIVE SUBCOMMITTEE
Mayor Blalock, Assistant Mayor Lazenby, Councilor Dwyer, Councilor Denton

RE: NHMA POLICY CONFERENCE AND FINAL LEGISLATIVE POLICY RECOMMENDATIONS

The New Hampshire Municipal Association's ("NHMA") had its Legislative Policy Conference on Friday, September 14, 2018. The Conference was attended by the NHMA membership. The City's delegate and NHMA Board Member Councilor Dwyer attended along with Jane Ferrini. All of the Legislative Policies and Floor Policies were adopted by the NHMA membership with very few amendments. Below is a brief summary of a few policies of interest. The final version of the NHMA Legislative Policies is attached.

Electronic Poll Books Page 1, Policy 4

There were specific questions answered and highly positive reports from pilot communities that used electronic poll books. NHMA members voted to support a policy that would enable the use of electronic poll books for municipalities with funding from HAVA (Help America Vote Act) and funds made available to the New Hampshire Secretary of State by the United States Election Assistance Commissions. NHMA will also support legislative changes to statutes to make the use of electronic poll books permissible under state law.

Building Plans Under RSA Chapter 91-A Page 1, Policy 5

The City proposed an amendment to the policy that would have included only construction drawings as exempt records from right to know requests. This amendment failed and the membership voted to pass the policy as written, which exempts both construction drawings and building plans from right to know requests.

Municipal Regulation of Firearms Page 2, Policy 6

The majority of the membership voted to support municipal regulation of firearms. During the debate on Policy 5 there were members who referenced last legislative session's attempt to limit local control. Policy 5 regarding municipal regulation of firearms passed with an amendment to clarify the policy regulates the use, not the possession of firearms on municipal property.

Expansion of Local Authority to Institute Fees Page 4-5, Policy 3

This policy began as the City's hotel occupancy fee but during review by the Finance and Revenue Committee, the policy was broadened to give municipalities more flexibility in generating non-property tax revenue. This issue is also currently being studied by a Subcommittee of the Economic Development Committee to study Alternative Revenue Generation. The Subcommittee is working on creating a state-wide dialogue with various stakeholders to build some consensus on the issue.

Lower Interest Rate for Abatement Page 5, Policy 4

The City submitted an amendment which would have amended the abatement rate of interest a municipality must pay from 4% to 2.5%. That amendment was rejected but the membership amended the policy to change the interest rate from its current rate of 6% to "4% or less".

Enforcement of Motor Vehicle Laws Page 5, Policy 5

The membership supported the City's policy to amend motor vehicle registration laws to strengthen the enforcement of those laws to ensure collection of all state and local registration fees owned by New Hampshire residents. This is to capture the revenue loss from non- government agents registering vehicles in the State of Maine.

Regulation of Short-Term Rentals Pages 7-8, Policy 4

One of the policies the City has been a strong advocate for over the last several years is enabling legislation which would permit municipalities to regulate short-term rentals. When the City first explained this policy to the NHMA membership several conferences ago, many of the members did not even know what short-term rentals were. In fact, one member said during a failed attempt to put forward a similar policy on short-term rentals that "it was a solution looking for a problem". Times have changed. Many members voiced their frustration on the state's lack of regulation and relayed horror stories of problems caused by short-term rentals on several issues, including but not limited to parking, traffic, health and safety and negative impact on residential neighborhoods. Of note is that several of these communities that voiced their concerns were not tourist destinations. The membership felt so strongly about this policy they voted not only to pass the policy but also to change its designation from a priority policy to an action policy. This means NHMA will actively work with legislators to submit a bill on this policy for the next legislative session.

Municipal Authority to Adopt More Recent Codes Page 7, Policy 2

State Adoption of Building and Fire Codes Page 8, Policy 7

These two City sponsored policies would enable municipalities to adopt more recent codes than the current state adopted codes (Policy 2, page 7). Policy 7 on page 8 is a policy that encourages the state to adopt updated edition of national/international

building and fire codes, to streamline the code adoption process while facilitating examination of changes that benefit the state economy and encourage training opportunities for local code enforcement personnel. Last session HB 1254 formed a study committee to study the state's adoption procedure for national and international codes. The City has learned that comments from Committee members have indicated that the final report, which is due November 1, 2018, might contain a recommendation that would prohibit municipalities from adopting ordinances which exceed any aspect of a state adopted code. If a bill is put forward from the Committee's report, NHMA would oppose the bill because it contradicts with Policies 2 and 7.

Scientific/Technical Standards for Regulatory Legislation Page 9, Policy 9

The City's proposed policy on Scientific Standards was approved by the NHMA members as a standing policy. Any legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved will be opposed by NHMA.

cc: John P. Bohenko, City Manager

t\legislative2018/memo/finalNHMApolicyrecommendations

**New Hampshire Municipal Association
2019-2020 Legislative Policy Positions**

General Administration and Governance

Action Policies

1. Postponement of Official Ballot Session of Town Meeting

NHMA SUPPORTS legislation clarifying that the town moderator has authority to postpone the official ballot voting session of town meeting in the event of severe weather or other emergency and establishing clear rules for addressing any practical issues involved in postponing the voting session.

2. Funding for the Police Standards and Training Council

NHMA SUPPORTS 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, **NHMA SUPPORTS** 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, **NHMA OPPOSES** 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.

3. Absentee Voting Expansion

NHMA SUPPORTS allowing absentee voting without requiring a reason.

4. Electronic Poll Books

NHMA SUPPORTS 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.

Priority Policies

5. Building Plans Under RSA Chapter 91-A

NHMA SUPPORTS 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.

6. Municipal Regulation of Firearms

NHMA SUPPORTS legislation that would allow for limited local authority regarding firearms on municipal property, as follows:

- 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.

7. Welfare Lien Priority

NHMA SUPPORTS 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.

8. Municipal Departments and MV Information

NHMA SUPPORTS 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.

Standing Policies

9. SB 2 Adoption Process

NHMA SUPPORTS 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.

10. Allowing Towns to Adopt Ordinances Under City Statutes

NHMA SUPPORTS legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

11. Public Area “No Smoking” Local Option

NHMA SUPPORTS legislation to authorize the designation of “No Smoking” zones in public areas by local option.

12. Public Notice Requirements

NHMA SUPPORTS 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.

13. Appointment of Town Clerks or Town Clerk/Tax Collectors

Legislative Body: NHMA SUPPORTS legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors.

Charter Towns: NHMA SUPPORTS legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

14. Consolidated Policy on Collective Bargaining Items

Evergreen Clause: NHMA OPPOSES legislation to enact a mandatory so-called “evergreen clause” for public employee collective bargaining agreements.

Binding Arbitration: NHMA OPPOSES mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

Right to Strike: NHMA OPPOSES a right to strike for public employees.

Mandated Employee Benefits: NHMA OPPOSES 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: NHMA SUPPORTS legislation to give public employers greater flexibility to privatize or use contracted services.

15. Maintenance and Policing of State-Owned Property

NHMA SUPPORTS 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.

16. Independent Redistricting Commission

NHMA SUPPORTS the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts.

Finance and Revenue

Action Policies

1. Use of RSA 83-F Utility Values

NHMA:

- a) **SUPPORTS** 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) **OPPOSES** 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) **SUPPORTS** the continuing right of municipalities to use any method of appraisal upheld by the courts.

2. New Hampshire Retirement System (NHRS)

NHMA SUPPORTS 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, **NHMA SUPPORTS** continuing to work with legislators, employees, and the NHRS to accomplish these goals. To that end, **NHMA:**

- a) **SUPPORTS** 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) **OPPOSES** 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) **SUPPORTS** 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) **SUPPORTS** 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) **OPPOSES** 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.

3. Expansion of Local Authority to Institute Fees

NHMA SUPPORTS 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.

4. Lower Interest Rate for Abatements

NHMA SUPPORTS legislation to lower the abatement interest rate that municipalities pay from 6 percent to 4 percent or less (RSA 76:17-a) to better align it with the interest rates on delinquent taxes that were lowered by the legislature in 2018.

Priority Policies

5. Enforcement of Motor Vehicle Registration Laws

NHMA SUPPORTS 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.

6. Lien for Uncollected Ambulance/EMS Billings

NHMA SUPPORTS legislation to ensure the collection of unpaid bills for ambulance and other emergency services.

7. Ownership Name Changes

NHMA SUPPORTS 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.

8. Collection of Delinquent Taxes on Manufactured Housing

NHMA SUPPORTS 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.

9. Tax Exemptions for Charitable Organizations

NHMA SUPPORTS 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 **SUPPORTS** reimbursement from the state for the costs of municipal services provided to state-owned properties.

10. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions

NHMA SUPPORTS:

- a) Changes in RSA 72:39-a, 72:39-b, 72:37-b, and 72:38-b to define “net income” for elderly/disabled/deaf exemption qualification to include the income of the applicant and the income of any adult members of the applicant’s family who reside at the property; 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.

Standing Policies

11. Assessment Methodology for Big Box Stores

NHMA SUPPORTS 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.

12. Income Approach on Appeal

NHMA SUPPORTS 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.

13. Charitable Definition and Mandated Property Tax Exemptions

NHMA OPPOSES legislation that expands the definition of “charitable” in RSA 72:23-/, unless the state reimburses municipalities for the loss of revenue.

14. Sale of Tax Deeded Property

NHMA SUPPORTS 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.

15. State Revenue Structure and State Education Funding

NHMA SUPPORTS 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, **NHMA SUPPORTS** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given.

16. Changes to the Official Ballot Process and Default Budget

NHMA OPPOSES 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.

Infrastructure, Development and Land Use

Action Policies

1. Municipal Use of Structures in the Right-of-Way

NHMA SUPPORTS 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.

2. Municipal Authority to Adopt More Recent Codes

NHMA SUPPORTS legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

3. Municipal Cooperation

NHMA SUPPORTS 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.

4. Regulation of Short-Term Rentals

NHMA SUPPORTS 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.

Priority Policies

5. Highway Funding

NHMA SUPPORTS 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;
- Elimination of the diversion of state highway funds for non-highway purposes; and
- Increased transportation funding.

6. Water Quality and Infrastructure

NHMA SUPPORTS 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.

7. State Adoption of Building and Fire Codes

NHMA SUPPORTS 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.

Standing Policies

8. Current Use

NHMA OPPOSES any legislative attempt to undermine the basic goals of the current use program and **OPPOSES** 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.

9. Scientific/Technical Standards for Regulatory Legislation

NHMA OPPOSES regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

10. Land Use and Environmental Regulation and Preemption

NHMA SUPPORTS 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.

11. Energy, Renewable Energy and Energy Conservation

NHMA SUPPORTS 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 **OPPOSES** any legislation that overrides local regulation.

12. Oppose Statewide Zoning Mandates

NHMA SUPPORTS a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but **OPPOSES** legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow.

13. Conservation Investment

NHMA SUPPORTS permanent funding for the Land and Community Heritage Investment Program and **OPPOSES** any diversion of such funds to other uses.

14. Regulation of Lawn Watering

NHMA SUPPORTS legislation that would allow municipalities to regulate the use of outdoor lawn watering on all properties.

15. SEC Jurisdiction Over Municipal Roads

NHMA SUPPORTS legislation clarifying that the Site Evaluation Committee does not have jurisdiction over the use of municipal roads by merchant utility projects.