

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 4, 2019 TIME: 6:15PM

- 6:15PM – PUBLIC DIALOGUE SESSION

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – FEBRUARY 19, 2019

VI. PUBLIC DIALOGUE SUMMARY

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

A. Public Hearing – Service-Connected Total Disability Tax Credit Resolution

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

RESOLUTION PURSUANT TO 72:27-a AND RSA 72:35, THE CITY OF PORTSMOUTH HEREBY MODIFIES THE OPTIONAL TAX CREDIT FOR SERVICE-CONNECTED TOTAL DISABILITY IN THE AMOUNT OF \$3,200.00 AS OF APRIL 1, 2019; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,300.00 AS OF APRIL 1, 2020; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,400.00 AS OF APRIL 1, 2021; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,500.00 AS OF APRIL 1, 2022; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,600.00 AS OF APRIL 1, 2023; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,700.00 AS OF APRIL 1, 2024; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,800.00 AS OF APRIL 1, 2025; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,900.00 AS OF APRIL 1, 2026; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$4,000.00 AS OF APRIL 1, 2027; ON THE TAXES DUE ON THE RESIDENTIAL PROPERTY OF ANY VETERAN WHO HAS BEEN HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM THE MILITARY SERVICE OF THE UNITED STATES AND WHO HAS TOTAL AND PERMANENT SERVICE-CONNECTED DISABILITY, OR WHO IS A DOUBLE AMPUTEE OR PARAPLEGIC BECAUSE OF SERVICE-CONNECTED INJURY, OR THE SURVIVING SPOUSE OF SUCH A PERSON WHO HAS NOT REMARRIED

VOTE ON ORDINANCE AND/OR RESOLUTION

- B. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance by Deleting Existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and Inserting in their place the new Sections 10.814 and 10.815 presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages” dated February 25, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

VIII. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Donations to the Coalition Fund
- Town of Sunapee - \$1,000.00
 - Town of Waterville Valley - \$1,500.00
- (Anticipated action – move to approve and accept the donations, as listed to be placed in the Coalition Fund)***
2. Acceptance of Donation to the Portsmouth Fire Department
- The Curington Family - \$300.00
- (Anticipated action – move to approve and accept the donation, as presented to the Portsmouth Fire Department)***

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign for Joe Kelley owner of FUKI Fusion Kitchen for property located at 2 Bow Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works)***
- B. Letter from Thomas W. Haslam, St. John’s Lodge requesting permission to hold the Annual 5k Road Race on Saturday, April 13, 2019 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- C. Letter from Attorney Christopher Mulligan, Bosen & Associates, P.L.L.C. request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa (27 Thaxter Road / Tax Map 166, Lot 39) (***Anticipated action – moved to refer to the Planning Board for report back***)
- D. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival requesting permission to hold the 20th Annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 28th and 29th, 2019 (***Anticipated action – move to the City Manager with power***)
- E. Letter from Thomas W. Haslam, St. John's Lodge requesting to march to St. John's Church from the William Pitt Tavern on Sunday, June 23, 2019 (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Approval of Proposed Employment Agreement for Deputy Fire Chief Patrick Howe
- 2. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2019 License Agreement
- 3. Cate Street Land Swap
- 4. Adoption of Proposed Capital Improvement Plan (CIP) FY2020-2025
- 5. Proposal from Friends of Prescott Park to donate sculpture in honor of Michael Warhurst

City Manager's Informational Items:

- 1. Work Session Re: Parking Principles Review & Discussion
- 2. McIntyre Project
- 3. Zagster Bike Share 2018 Review and 2019 Update
- 4. Economic Development Commission 2019 Action/Advocacy Plan

B. MAYOR BLALOCK

- 1. *Appointment to be Voted:
 - Jessica Blasko to the Conservation Commission as an Alternate
- 2. Acceptance of Resignation from Lana Bluege from the Sustainability Committee
- 3. *Reactivation of the Peirce Island Committee

C. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 7, 2019 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the February 7, 2019 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR PEARSON

1. *TEDx Portsmouth 2019

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 19, 2019

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m. a Non-Public Session was held regarding Deputy Fire Chief Patrick Howe Working Agreement in Accordance with RSA 91-A:3, II (a).

I. CALL TO ORDER

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

II. ROLL CALL

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

ABSENT: Councilor Becksted

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance.

PRESENTATION

1. Micro-Transit – Juliet Walker, Planning Director

Planning Director Walker provided an overview of Micro-Transit and spoke to the Request for Qualifications seeking service providers to offer this form of transportation. She reported the service would serve between 10 to 14 passengers and arrange for point to point service. She indicated the service could be through a privately driven company or a public/private partnership. Planning Director Walker stated the service could be for the use of residents and visitors as well as employees parking outside the downtown area which would be transported into the downtown. She indicated this would be a single vehicle and serve as a pilot program.

Councilor Dwyer asked if COAST is interested providing this service. Planning Director Walker said we are trying to see what responses we received from the private sector but COAST sees this as compatible service.

Councilor Roberts asked about a fixed route. Planning Director Walker said we may end up with an on-demand service. Councilor Roberts suggested a service for neighborhoods.

Councilor Reynolds said that the experience of the rider matters when selecting a service provider.

V. ACCEPTANCE OF MINUTES – FEBRUARY 4, 2019

Councilor Perkins moved to approve and accept the minutes of the February 4, 2019 City Council meeting. Seconded by Councilor Pearson and voted. Councilor Roberts abstained from the vote due to his absence from the February 4, 2019 meeting.

VI. PUBLIC COMMENT SESSION

Nicole LaPierre spoke in support of the Neighborhood Parking Plan and the improvements to employee parking. She stated she would like permits from the downtown to the West End. She spoke to construction/development adding to the parking problems. Ms. LaPierre said this is not the same City of 15 years ago and this will not be the same City in 5 years. She stated this situation requires action.

Roy Helse stated he does not favor Councilor Perkins reasoning for voting for Deputy City Manager Colbert Puff's 5-year Employment Agreement. He said most contracts are for 3-years and that is the length that the Deputy City Manager's contract should have been.

Robin Husslage said the goal is to enable residents to find parking. She stated the width of the streets complicate parking in the neighborhood. She spoke to the impact of development in the City. She spoke to the daily hardships with parking in the neighborhood currently. Ms. Husslage said the proposed program might not be perfect but we need to start somewhere. She urged the City Council to move forward with the parking plan.

Elizabeth Bratter said she has mixed emotions on the Neighborhood Parking Plan. She stated she is excited we are trying to start with a program to address the parking issues in the neighborhood. She indicated the program will allow small business customers to park throughout the day. Ms. Bratter said the best part of the program is it would be evaluated in 6 months and if it doesn't work it goes away.

Dan Umbro spoke opposed to the Neighborhood Parking Plan. He said the problems we are trying to solve may not be as bad as it seems. He stated the perimeters of the program will not solve the parking issues. He said one parking place per business is not enough to support the businesses in the area. Mr. Umbro said the program pits one neighbor against another and the City should allow all residents to park in the spaces under the program.

Paul Mannle spoke in support of the Neighborhood Parking Plan and the downtown Pedestrian Program. He said the programs are good examples of trying something and gathering the data to proceed forward. He said the neighborhood has been working on the program for a year and it is time to move forward. He stated we need to move forward and give support for this tactical urbanism.

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

A. Public Hearing – Capital Improvement Plan (CIP)

CAPITAL IMPROVEMENT PLAN (CIP) FY 2020-2025

- **PRESENTATION**

Deputy City Manager Colbert Puff said that the vote to adopt the plan would take place at the March 4, 2019 City Council meeting. She spoke to the work session held on January 14, 2019 where presentations were made by various staff. She addressed the process that was held and advised the Council that Planning Board is recommending a 1.6% increase over last year. She indicated all bonding projects would come back before the City Council for a public hearing and approval.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer asked if the time for amendments would be at the March 4, 2019 City Council meeting. Deputy City Manager Colbert Puff said that is correct. She said she would be suggesting that some items be funded through the Undesignated Fund Balance. She said she would like to know which items would be appropriate to come under Undesignated Fund Balance.

Councilor Denton said with elementary school upgrades, has the department located a dishwasher for washing the food trays and if other recycling methods have been explored. He spoke to the Hodgdon Brook and North Mill Pond bike trail. He would like a study of Hodgdon Brook in 2025 and an estimate of costs for daylighting the North Mill Pond bike trail.

Assistant Mayor Lazenby would like to know the cost to address the Elwyn Park Drainage issues on the north side of Taft Road.

Councilor Perkins would like to move the Islington Street improvements up from 2025 and update the amount for road construction at Pease.

Mayor Blalock asked the City Council to submit questions regarding the CIP to Deputy City Manager Colbert Puff prior to the March 4, 2019 meeting.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock opened the public hearing and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

There were no additional Council questions or deliberations on the CIP.

B. Public Hearing – Zoning Ordinance – Accessory Dwelling Units and Garden Cottages

- **PRESENTATION**

Planning Director Walker provided an in-depth review of the existing ordinance and proposed amendments. She outlined the items she would be covering:

- Clarifications: zoning compliance, standards for accessory buildings and structures, owner-occupancy
- Utilities and services: common metering of public utilities, compliance with State septic system requirements
- Design standards
- Planning Board findings
- Certificate to use

She spoke to provisions for design standards and clarifications on how the Planning Department administers the Certificate of Use. She stated a Certificate of Use issued by the Planning Department is required to verify compliance with the standards of this Section 10.814.80 and 10.815.60, including the owner-occupancy and principal residency requirements. Planning Director Walker stated when the property is owned by one or more living trusts, one of the dwelling units shall be the principal place of residence of the beneficiary(ies) of the trust(s). She indicated the certificate shall be renewed annually upon submission of such documentation as the Planning Department may require to verify compliance. She addressed utilities and services for proposed 10.814.34-35 and 10.815.35-36:

- Electric, gas, water and sewer utilities for the accessory dwelling unit shall be on the same meters as the principal dwelling unit and shall not be billed separately from the principal dwelling unit.
- Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

Planning Director Walker further went on to speak to design standards for attached and detached ADU's.

• CITY COUNCIL QUESTIONS

Councilor Roberts spoke regarding the utility requirements and asked why they are treated different from a duplex. Planning Director Walker discussed the need for the same meters for electric, gas, water and sewer utilities. She stated that this all comes from the state law. She said the provisions are easier and makes the requirements clear. Councilor Roberts asked about the obstacles to adding an ADU. Planning Director Walker said it is expensive to do and spoke to the building code requirements. She indicated there is a steady stream of people looking to do ADU's.

Councilor Reynolds said he shares the concerns on shared utilities. He asked if we have done research and reviewed the requirements with active markets. He indicated home owners could have a small rental property or a unit for family and asked why you would not want a separate meter. Planning Director Walker said that this is not different from what we currently have as language in the ordinance.

Mayor Blalock said we are not changing anything. He said we should have a report back on this type of questions.

• PUBLIC HEARING SPEAKERS

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

Elizabeth Bratter said the reason for making the unit share the same meters is for piping. She stated it is a requirement by the utilities. She stated that ADU's provide for more housing in the City and make it available for families or low income residents.

Mark Herrholz spoke concern with separating utilities. He said if there was a fire or other problem you would need to shut down the utilities in both residents which requires more time.

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

Councilor Dwyer asked Councilor Perkins if the utility issue had been a problem or questioned in deliberations by the Planning Board. Councilor Perkins said it was not an issue.

Councilor Reynolds said he would like to consult with the gas and electric companies on the utility requirements they have.

Councilor Roberts moved to pass second reading and schedule third and final reading for the March 4, 2019 City Council meeting to amend the Zoning Ordinance by deleting existing Section 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and inserting in their place the new Sections 10.814 and 10.815 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance:

Section 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages” dated January 29, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability. Seconded by Assistant Mayor Lazenby and voted.

- C. Third and Final Reading of Ordinance amending Chapter 10, Article 4, Section 10.421.10 – DISTRICT LOCATION AND BOUNDARIES of the Zoning Ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended by rezoning the property located at 290 Gosling Road at Assessors Tax Map 213, Lot 1 from Waterfront Industrial (WI) to Officer Research (OR) District

Councilor Reynolds moved to pass third and final reading on request of 290 Gosling Road, LLC, the property with the address of 290 Gosling Road (Map 213, Lot 1) be re-zoned from Waterfront Industrial (WI) to Officer Research (OR). Seconded by Councilor Dwyer and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

- B. Letter from R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PA regarding 15 Middle Street, Tax Map 126, Lot 12 (Former Salvation Army Building) request of James McSharry, Owner for Zoning Change from CIVIC District to Character District 4 (CD4)**

Councilor Raynolds moved to refer to the Planning Board for a report back. Seconded by Assistant Mayor Lazenby and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Islington Creek Neighborhood Parking Program Re: Pilot

Deputy City Manager Colbert Puff stated the Council voted to table the proposed Neighborhood Parking Program (NPP) Pilot at the January 22, 2019 meeting to allow additional review by residents and the Council prior to voting on the action. She indicated that the Parking Division Staff has prepared a list of potential modifications to the proposed pilot. She stated if the Council wants to proceed with the amended NPP Pilot, a motion should be made to forward the amended plan to the Parking and Traffic Safety Committee for consideration and a vote. She spoke to the need to make a motion on each modification, or on all if the Council wishes to incorporate those as part of the Pilot. Deputy City Manager Colbert Puff said once the Parking and Traffic Safety Committee minutes have been approved by the Council, the pilot program will go into effect.

City Attorney Sullivan explained the process of when the City Council accepts the action sheet from Parking and Traffic Safety Committee and the NPP Pilot is part of the actions taken for approval then by simply approving the action sheet the Council will have approved the NPP Pilot.

Councilor Perkins asked who would verify the 75% of signatures required to institute the program. Deputy City Manager Colbert Puff said staff would review the signatures.

Councilor Roberts moved to forward amended Neighborhood Parking Program (NPP) Pilot to the Parking and Traffic Safety Committee for consideration and a vote. Seconded by Councilor Denton.

Assistant Mayor Lazenby moved to add amendments/modifications #1 through #4.

- 1. Change to a 6-month pilot (as opposed to a year) with an assessment at 6 months**
- 2. Allow businesses to receive same number of permits as single households.**
- 3. Allow all residents to be eligible for transferable Guest Pass (even if they don't participate in the program or are 'netted-out' by available off-street parking)**
- 4. Delete the 'Net of Off-Street Parking' stipulation**

Seconded by Councilor Pearson.

Councilor Dwyer asked what modification #2 would mean. Deputy City Manager Colbert Puff said households are eligible to receive three permits and businesses as well. Councilor Dwyer said there are large businesses in the area that have had parking agreements and asked if data holds, could businesses be able to receive additional permits.

Councilor Raynolds said modification #3, "all residents" phrase should be "all residents in the City."

Councilor Roberts said Councilor Raynolds suggestion would defeat the purpose. He said you can't let every resident park in the area.

Councilor Perkins said the program is detrimental and she does not support it.

Councilor Denton said he would like to eliminate modification #4.

Assistant Mayor Lazenby made a clarification to amendment of modifications #2 and #3 to add the word "neighborhood" before businesses in #2 and residents in #3. Councilor Pearson agreed as the second to the motion.

Councilor Raynolds said he is opposed the amendments recommended by Assistant Mayor Lazenby. He said opening it to all residents would not undermine the effectiveness of the program.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby

Mayor Blalock said he does not support the program as proposed. He said he would support a NPP as long as it included employees in the downtown. He further stated he does not support moving one group of cars from one neighborhood to another neighborhood. He also feels it will be difficult to enforce, and their needs to be a solution to where displace cars are going and we need a comprehensive plan.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Dwyer said she supports the pilot and the neighborhood has handled this well. She said she believes the employees have a partnership role with parking and that it is a shared role with employers.

Councilor Pearson said residents have been asking for this and the neighborhoods have said that the City has been built out for development and not residents. She further stated we need the data on how many people this represents. Councilor Pearson said she would support the pilot.

Councilor Perkins moved to amend the amendment by the addition of modification #5 – Establish that neighborhoods will have 45 days from City Council approval to collect and submit petition to Parking Division. Seconded by Councilor Denton. On a voice vote 6-2, motion passed. Councilors Roberts, Pearson, Dwyer, Denton, Perkins and Raynolds voted in favor. Assistant Mayor Lazenby and Mayor Blalock voted opposed.

Assistant Mayor Lazenby said that this may not be perfect but there is something to be learned from it.

Councilor Reynolds said he voted no to the group of amendments and he agrees that we won't know until we try the pilot.

On a roll call 6-2, voted to add amendments/modifications #1 through #5 as follows:

- 1. Change to a 6-month pilot (as opposed to a year) with an assessment at 6 months**
- 2. Allow neighborhood businesses to receive same number of permits as single households.**
- 3. Allow all neighborhood residents to be eligible for transferable Guest Pass (even if they don't participate in the program or are 'netted-out' by available off-street parking)**
- 4. Delete the 'Net of Off-Street Parking' stipulation**
- 5. Establish that neighborhoods will have 45 days from City Council approval to collect and submit petition to Parking Division**

Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton and Perkins voted in favor. Councilor Reynolds and Mayor Blalock voted opposed.

On a roll call 6-2, voted to pass main motion, as amended. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton and Reynolds voted in favor. Councilor Perkins and Mayor Blalock voted opposed.

2. Comcast Franchise Renewal Agreement

Deputy City Manager Colbert Puff said the Agreement is being brought forward for approval. She reported that this is a five (5) year term of March 1, 2019 through February 29, 2024. She also stated the agreement is without endorsement due to Comcast's continuing refusal to add certain provisions requested by the Commission. She said the Commission acknowledges that further negotiations are unlikely to be fruitful and thus this Agreement is being brought forward for action. She also indicated this proposed Agreement does not give Comcast any exclusive rights to serve Portsmouth.

Councilor Perkins moved to authorize the City Manager to execute the Cable Television Franchise Renewal Agreement with Comcast covering the five (5) year term of March 1, 2019 through February 29, 2024, as presented with the Report of the Cable Television and Communications Commission. Seconded by Councilor Pearson and voted.

3. Renewal of Middle Street Baptist Church Parking Contract

Deputy City Manager Colbert Puff reported we lease seventeen (17) spaces for the purposes of allowing certain Library staff the use of said space during business hours. She indicated the annual fee is \$1,000.00 and the term for this agreement is April 1, 2019 – March 31, 2020.

Councilor Perkins moved to approve the aforementioned Parking Lot Usage/Maintenance Agreement and further authorize the City Manager to execute the Usage/Maintenance Agreement for this request. Seconded by Assistant Mayor Lazenby.

Councilor Pearson said that this is a wonderful example of an employer providing parking for their employees.

Motion passed.

City Manager's Informational Items

1. *Work Session Re: Parking Principles Review and Discussion*

Deputy City Manager Colbert Puff announced the work session will be held on Monday, March 25, 2019 at 6:30 p.m. in the Levenson Room.

2. *Great American Food Truck Race*

Deputy City Manager Colbert Puff advised the City Council that Tyler Florence and Food Network will be filming in the City the afternoon of February 25th and 26th and that we are coordinating their activities.

3. *McIntyre Project*

Deputy City Manager Colbert Puff reminded the City Council of the public meeting with Redgate/Kane team on Tuesday, March 5, 2019, starting at 6:30 p.m. in the City Council Chambers.

4. *Coalition Communities*

Deputy City Manager Colbert Puff advised the City Council that the Coalition Communities have reconvened due to HB 709, an education funding bill that would require excess SWEPT to be returned to the State. She reported that donor towns has been removed from the bill however, it could be reinserted into another bill so we will proceed forward reconvening the Coalition Communities.

Assistant Mayor Lazenby said on Information #1 and #3 he would like to see a press release speaking to what will be taking place at the sessions.

Mayor Blalock said prior to the work session on Parking Principles we need to formulate an idea of goals. Councilor Dwyer stated that staff is working on preparing draft updates to the Downtown Parking Principles.

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Jessica Blasko to the Conservation Commission as an Alternate

The City Council considered the appointment of Jessica Blasko as an Alternate to the Conservation Commission with action to take place at the March 4, 2019 City Council meeting.

C. COUNCILOR PEARSON AND COUNCILOR RAYNOLDS

1. Four Weekends Experiment (July 2019) with Downtown Pedestrian Zone

Councilor Pearson said they would like a report back on the feasibility of a proposal for a pilot with a downtown pedestrian zone during weekends in July. She stated this is not a new idea and has been discussed for a long time. She indicated they would like feed-back on this proposal and that Market Square is ideal where it is our destination point.

Councilor Raynolds said they're not proposing tonight to vote on a plan but to have research done with a report back from staff on what it would take to institute the plan for this. He stated the timing in July is due to the authority being granted for the Summer in the Streets program. He would like to see a report back for the April 1, 2019 City Council meeting.

Councilor Dwyer said a report back will provide different configurations and that we might want to begin both days at Noon.

Councilor Roberts would like an idea of the use of the traffic simulation and would it be appropriate. Also it would need to be determined that it does not have significant additional costs associated with its use.

Councilors Pearson and Councilor Raynolds requested a report back at the first meeting in April on the feasibility of a proposal for a pilot with a downtown pedestrian zone during weekends in July.

D. COUNCILOR DENTON

1. Service-Connected Total Disability Tax Credit Resolution

Councilor Denton moved to hold a public hearing regarding expanding the Tax Credit for Service-Connected Total Disability from \$2,000.00 up to \$4,000.00 under RSA 72:35 pursuant to RSA 72:27-a. Seconded by Assistant Mayor Lazenby.

Councilor Denton said he would rely on the Assessor's office for when the public hearing should be held on this matter. He reported it would have an impact of \$92,000.00 for 46 veterans in the City. He provided a draft Resolution in this evening's Council packet for review and reference as well as the Resolution that we passed for this credit from 2004. He said that the credits will be given in one hundred dollar increments until it reaches \$4,000.00.

Motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

A. Legislative Subcommittee Report

Mayor Blalock, Assistant Mayor Lazenby, Councilor Dwyer and Councilor Denton
Approval of Legislative Principle on Education Funding

Mayor Blalock said the Subcommittee narrowed the discussion on what is important to the Council and focused on bills that will cost us more money or bills that allow us to bring money into the City.

Assistant Mayor Lazenby moved to adopt a Legislative Principle that we support legislation that provides education funding based on equitable and sustainable framework. Seconded by Councilor Roberts.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Councilor Dwyer moved to amend the principle that we would oppose a return to the donor town concept. Seconded by Mayor Blalock.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby said he does not support the amendment with the reference of donor towns because that has in the past been a term that provides a negative impact with some communities and the Legislature.

Councilor Dwyer said we do not want to have the donor town concept enacted again. She said she feels very strongly about her amendment and the language.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he supports Councilor Dwyer's amendment and comments. He said the principles are for our staff and it is important to have the language donor towns as part of the motion. He stated that the State of New Hampshire needs to fund education properly and taking funds from other communities is not right.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Denton said there is no tax base in New Hampshire and other areas in the State need funding and he would be voting against the motion.

Councilor Dwyer said the reason there is no dedicated funding for education is because the Legislature has not passed any. She said you need to think of the individual taxpayer that is being penalized.

Councilor Perkins said she would help to find what is equitable for educational funding. She said she wants to make sure we are open to funding less fortunate.

On a roll call 5-3, voted to pass amendment. Councilors Pearson, Dwyer, Perkins, Raynolds and Mayor Blalock voted in favor. Assistant Mayor Lazenby, Councilors Roberts and Denton voted opposed.

Councilor Dwyer reported that the hotel tax bill passed out of Committee on a 12-6 vote. She stated that it would be enabling legislation and it needs to go before the Senate next.

Councilor Denton announced PS21 is holding an event at the Library tomorrow evening and he will be speaking regarding what the City doing is related to renewable energy.

XIII. ADJOURNMENT

At 9:25 p.m., Councilor Denton moved to adjourn. Seconded by Councilor Raynolds and voted.

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

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 4, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution pursuant to 72:27-a and RSA 72:35, the City of Portsmouth hereby modifies the optional tax credit for service-connected total disability in the amount of \$3,200.00 as of April 1, 2019; an optional tax credit in the amount of \$3,300.00 as of April 1, 2020; an optional tax credit in the amount of \$3,400.00 as of April 1, 2021; an optional tax credit in the amount of \$3,500.00 as of April 1, 2022; an optional tax credit in the amount of \$3,600.00 as of April 1, 2023; an optional tax credit in the amount of \$3,700.00 as of April 1, 2024; an optional tax credit in the amount of \$3,800.00 as of April 1, 2025; an optional tax credit in the amount of \$3,900.00 as of April 1, 2026; an optional tax credit in the amount of \$4,000.00 as of April 1, 2027; on the taxes due on the residential property of any veteran who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person who has not remarried. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

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

MA

**THE CITY OF PORTSMOUTH
TWO THOUSAND NINETEEN
PORTSMOUTH, NEW HAMPSHIRE**

SERVICE-CONNECTED TOTAL DISABILITY TAX CREDIT

RESOLUTION #

BE IT RESOLVED:

THAT Pursuant to 72:27-a and RSA 72:35, the City of Portsmouth hereby modifies the optional tax credit for service-connected total disability in the amount of \$3,200.00 as of April 1, 2019; an optional tax credit in the amount of \$3,300.00 as of April 1, 2020; an optional tax credit in the amount of \$3,400.00 as of April 1, 2021; an optional tax credit in the amount of \$3,500.00 as of April 1, 2022; an optional tax credit in the amount of \$3,600.00 as of April 1, 2023; an optional tax credit in the amount of \$3,700.00 as of April 1, 2024; an optional tax credit in the amount of \$3,800.00 as of April 1, 2025; an optional tax credit in the amount of \$3,900.00 as of April 1, 2026; an optional tax credit in the amount of \$4,000.00 as of April 1, 2027; on the taxes due on the residential property of any veteran who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person who has not remarried.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY THE CITY COUNCIL:
, 2019

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



MEMORANDUM

TO: NANCY COLBERT PUFF, DEPUTY CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: ZONING ORDINANCE AMENDMENTS TO ARTICLE 8 ACCESSORY DWELLING UNITS AND GARDEN COTTAGES
DATE: 2/25/2019

Recommended Actions

- 1) *Vote to suspend the rules to make revisions to the proposed amendments at third reading.*
- 2) *Vote to revise the proposed amendments as follows:*

Delete proposed Section 10.814.34 requiring that "Electric, gas, water and sewer utilities for the accessory dwelling unit shall be on the same meters as the principal dwelling unit and shall not be billed separately from the principal dwelling unit."

- 3) *Vote to pass third and final reading to amend the Zoning Ordinance by deleting existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and inserting in their place the new Sections 10.814 and 10.815 as presented on the document titled "Proposed Amendments to the Portsmouth Zoning Ordinance: Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages" dated February 25, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability.*

Background

The proposed amendments update the Zoning Ordinance sections that govern Accessory Dwelling Units and Garden Cottages, originally adopted by the City in January of 2017. The amendments seek to add clarification for existing requirements including standards for accessory buildings and structures, owner-occupancy, provision of utilities and services, design standards, Planning Board findings, and certificate of use.

Planning Board Review

The proposed amendments were initially presented at the November 15, 2018 Planning Board meeting and a public hearing was held. Based on discussion and comments from Planning Board members, feedback from the public, and additional review by the City's Legal Department, the Planning Department staff made additional revisions and the Planning Board voted to recommend the updated amendments at the December 20, 2018 meeting.

City Council Review at Second Reading

At the February 19, 2019 meeting, the City Council asked for a report back from staff regarding the requirement that all electric, gas, water and sewer utilities for the ADU be on the same meters as the principal dwelling unit. While it is current practice in the City for the DPW to require ADUs to be on the same meter as the principal dwelling unit for water and sewer services, there is no building code requirement that the meters for electric or gas be on the same or separate meters. Staff believes this is an issue that can be addressed on a case by case basis with the Inspections Department and Department of Public Works and does not need to be codified as a requirement in the Zoning Ordinance. Therefore, City staff is recommending removing this proposed section from the amendments currently under consideration by the Council.

1 **Proposed Zoning Ordinance Amendments**
2 **Accessory Dwelling Units and Garden Cottages**
3 **Version 2/25/2019**

4 *Proposed Revisions since Second Reading shown in Red*

5
6 ORDINANCE #

7
8 THE CITY OF PORTSMOUTH ORDAINS

9
10 That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance,
11 be amended as follows:
12

13
14
15 A. In Article 8 – Supplemental Use Standards, delete existing Sections 10.814 –
16 Accessory Dwelling Units and 10.815 – Garden Cottages and insert in their place
17 the new Sections 10.814 and 10.815 as presented on the document titled “Proposed
18 Amendments to the Portsmouth Zoning Ordinance: Sections 10.814 – Accessory
19 Dwelling Units and 10.815 – Garden Cottages”, dated **February 25, 2019**.
20

21
22
23 B. In Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, amend
24 existing definitions and insert new terms and definitions as follows (deletions from
25 existing language ~~stricken~~; additions to existing language **bolded**; remaining
26 language unchanged from existing):
27

28 Accessory building or structure

29 A subordinate building located on the same lot with the principal building,
30 occupied by or devoted to an accessory use. Where an accessory building is
31 attached to the main building in a substantial manner, as by a wall or roof, such
32 accessory building shall be considered part of the main building. **For the**
33 **purpose of this Ordinance, a detached accessory dwelling unit is not an**
34 **accessory building or structure.**
35

36 Accessory dwelling unit (ADU)

37 A dwelling unit that is constructed on the same lot as a single-family dwelling and
38 complies with the standards for accessory dwelling units set forth in this
39 Ordinance.
40

41 Attached accessory dwelling unit (AADU)

42 An accessory dwelling unit that is constructed within or attached to a
43 single-family dwelling. For the purpose of this definition, “attached” means
44 ~~sharing a common wall for at least 25 percent of the length of the side of~~
45 ~~the single-family dwelling.:~~

- 1 (a) located within the dwelling and separated from the principal
- 2 dwelling unit either horizontally or vertically, or
- 3 (b) sharing a common wall for at least 25 percent of the length of the
- 4 side of the single-family dwelling.
- 5 “Attached” does not include connection to the single-family dwelling
- 6 solely by an unenclosed structure (such as a breezeway) or by an
- 7 enclosed but unconditioned space.

8
9 Detached accessory dwelling unit (DADU)

10 An accessory dwelling unit that is constructed within an accessory building
11 on a lot containing one single-family dwelling. **A detached accessory**
12 **dwelling unit may be connected to the single-family dwelling by an**
13 **unenclosed structure (such as a breezeway) or by an unconditioned**
14 **space.**

15
16 **Dwelling, principal**

17 **A single-family dwelling on a lot on which an accessory dwelling unit or a**
18 **garden cottage is allowed.**

19
20 **Dwelling unit, principal**

21 **A dwelling unit in a single-family dwelling that is not an attached accessory**
22 **dwelling unit or a garden cottage.**

23
24 **Principal building**

25 **The primary building on a lot which includes one or more principal uses.**

26
27
28
29 The City Clerk shall properly alphabetize and/or re-number the ordinances as
30 necessary in accordance with this amendment.

31
32 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

33
34 This ordinance shall take effect upon its passage.

35
36
37 APPROVED:

38
39
40
41 _____
42 Jack Blalock, Mayor

43 ADOPTED BY COUNCIL:

44
45 _____
46 Kelli L. Barnaby, City Clerk

1 Proposed Amendments to the Portsmouth Zoning Ordinance: Sections 10.814 –
2 Accessory Dwelling Units and 10.815 – Garden Cottages
3 *February 25, 2019*
4

5 10.814 Accessory Dwelling Units
6

7 10.814.10 One, and only one, accessory dwelling unit shall be allowed on any lot containing a
8 single-family dwelling. An accessory dwelling unit shall not be allowed under this
9 Section 10.814 on a lot that contains more than one dwelling unit.
10

11 10.814.20 Except as provided elsewhere in this Section 10.814, in order for a lot to be eligible for an
12 accessory dwelling unit, the lot and all proposed structures and additions to existing
13 structures shall conform to all zoning regulations as follows:
14

15 10.814.21 Any municipal regulation applicable to single-family dwellings shall also
16 apply to the combination of a principal dwelling unit and an accessory
17 dwelling unit including, but not limited to, lot area, yards, open space,
18 off-street parking, building coverage, and building height.
19

20 10.814.22 An attached accessory dwelling unit is permitted on existing
21 nonconforming lots and within existing nonconforming buildings as long
22 as there is no increase in building height or building footprint for any
23 portion of the existing building and no increase to the nonconformity.
24

25 10.814.23 A detached accessory dwelling unit is not an accessory building or
26 structure for the purposes of this Ordinance, and therefore shall be
27 governed by the applicable minimum yard dimensions in Section 10.521 for
28 a principal building or structure and not by the side yard and rear yard
29 standards applicable to an accessory building.
30

31 10.814.30 All accessory dwelling units shall comply with the following standards:
32

33 10.814.31 The principal dwelling unit and the accessory dwelling unit shall not be
34 separated in ownership (including by condominium ownership).
35

36 10.814.32 Either the principal dwelling unit or the accessory dwelling unit shall be
37 occupied by the owner of the dwelling as his or her principal place of
38 residence. The owner shall provide documentation demonstrating to the
39 satisfaction of the City that one of the units is his or her principal place of
40 residence.
41

42 10.814.321 When the property is owned by one or more trusts, one of the
43 dwelling units shall be the principal place of residence of the
44 beneficiary(ies) of the trust(s).
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10.814.33 Neither the principal dwelling unit nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

~~10.814.34 Electric, gas, water and sewer utilities for the accessory dwelling unit shall be on the same meters as the principal dwelling unit and shall not be billed separately from the principal dwelling unit.~~

10.814.34 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

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

10.814.41 An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.

10.814.42 The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area. For the purpose of this provision, gross floor area shall not include existing storage space, shared entries, or other spaces not exclusive to the accessory dwelling unit.

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

10.814.44 No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.

10.814.45 An AADU that is attached to the single-family dwelling (i.e., created by an expansion of the existing structure) shall comply with the following:

10.814.451 An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible façade area of the dwelling as seen from that street.

10.814.452 The addition to or expansion of the existing single-family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.

10.814.453 The building height of any addition or expansion that includes an increase in building footprint shall be less than the building height of the existing principal building.

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- 10.814.453 The AADU shall be architecturally consistent with the existing principal dwelling through the use of similar materials, detailing, roof pitch, and other building design elements.
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- 10.814.50 A detached accessory dwelling unit (DADU) shall comply with the following additional standards:
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- 10.814.51 In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district. (For example, the required lot area for a single-family dwelling with a DADU in the GRA district is 7,500 sq. ft. per dwelling unit multiplied by 2 dwelling units, or 15,000 sq. ft.)
- 14
15
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- 10.814.52 The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.
- 18
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- 10.814.53 The DADU shall be clearly subordinate to the principal single-family dwelling in scale, height and appearance.
- 21
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25
- 10.814.531 The façade area of the DADU that faces a street on which the lot has frontage shall be no more than 40 percent of the combined visible façade areas of the principal single-family dwelling and the DADU facing the same street.
- 26
27
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- 10.814.532 The building height of the DADU shall be less than the building height of the principal single-family dwelling.
- 29
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32
- 10.814.533 The DADU shall be architecturally consistent with the principal dwelling through the use of similar materials, detailing, and other building design elements.
- 33
34
35
- 10.814.54 The DADU shall be separated from the single-family dwelling by at least 20 feet.
- 36
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38
- 10.814.55 The front wall of the DADU shall be set back at least 10 feet further from the front lot line than the existing front wall of the single-family dwelling.
- 39
40
41
- 10.814.56 No portion of the DADU shall be located in any required front yard, regardless of the location of the single-family dwelling.
- 42
43
44
- 10.814.60 Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:
- 45
46
47
- 10.814.61 Exterior design of the ADU is consistent with the existing principal dwelling on the lot.
- 48
49
50
- 10.814.62 The site plan provides adequate and appropriate open space, landscaping and off-street parking for both the ADU and the primary dwelling.

- 1 10.814.63 The ADU will maintain a compatible relationship to adjacent properties in
 2 terms of location, design, and off-street parking layout, and will not
 3 significantly reduce the privacy of adjacent properties.
 4
 5 10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.
 6
 7 10.814.70 In granting a conditional use permit for an accessory dwelling unit, the Planning Board
 8 may modify a specific standard set forth in Sections 10.814.40 or 10.814.50, including
 9 requiring additional or reconfigured off-street parking spaces, provided that the Board
 10 finds such modification will be consistent with the required findings in Section 10.814.60.
 11
 12 10.814.80 Documentation of the conditional use permit approval shall be recorded at the Rockingham
 13 County Registry of Deeds.
 14
 15 10.814.90 A certificate of use issued by the Planning Department is required to verify compliance
 16 with the standards of this Section, including the owner-occupancy and principal residency
 17 requirements. Said certificate shall be issued by the Planning Department upon issuance of
 18 a certificate of occupancy by the Inspection Department and shall be renewed annually
 19 upon submission of such documentation as the Planning Department may require to verify
 20 compliance. A certificate of use shall not be issued prior to recording of documentation as
 21 required by 10.814.70.
 22

23 **10.815 Garden Cottages**

24
 25 An accessory building existing on the effective date of this ordinance may be converted to a
 26 garden cottage through a conditional use permit granted by the Planning Board, subject to the
 27 following provisions and limitations.
 28

- 29 10.815.10 One garden cottage, and only one, shall be allowed on any lot containing a single-
 30 family dwelling.
 31
 32 10.815.20 Relationship to other provisions of this Ordinance:
 33
 34 10.815.21 No garden cottage shall be allowed on the same lot as an accessory
 35 dwelling unit authorized under this Ordinance.
 36
 37 10.815.22 The establishment of a garden cottage results in two dwelling units on the
 38 property and thus makes the property ineligible to establish an accessory
 39 dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of
 40 receiving a conditional use permit for a garden cottage, the property owner
 41 shall waive all rights under RSA 674:72 and RSA 674:73.
 42
 43 10.815.23 A garden cottage that complies with the standards of this section is exempt
 44 from the residential density standards of the Zoning Ordinance. A second
 45 dwelling unit on a lot that does not comply with the standards of this
 46 section shall be considered to be either a second primary dwelling or an
 47 accessory dwelling unit and shall comply with the applicable standards
 48 and provisions of the Ordinance.
 49

- 1 10.815.30 Garden cottages shall comply with the following standards:
2
3
4 10.815.31 The existing accessory building shall not be expanded either vertically or
5 horizontally, other than through the addition of a front entry not to exceed 50
6 sq. ft., or a side or rear deck not to exceed 300 sq. ft.
7
8 10.815.32 A garden cottage shall not be larger than 600 sq. ft. gross floor area.
9
10 10.815.33 A garden cottage that is within a required yard for the zoning district shall
11 not have any windows or doors higher than eight feet above grade facing the
12 adjacent property.
13
14 10.815.34 The principal dwelling unit and the garden cottage shall not be separated
15 in ownership (including by condominium ownership); and either the
16 principal dwelling unit or the garden cottage shall be occupied by the
17 owner of the property. The owner shall provide documentation
18 demonstrating to the satisfaction of the City that one of the units is his or her
19 principal place of residence.
20
21 10.815.341 When the property is owned by one or more [living](#) trusts, one
22 of the dwelling units shall be the principal place of residence
23 of the beneficiary(ies) of the trust(s).
24
25 10.815.35 Electric, gas, water and sewer utilities for the garden cottage shall be on
26 the same meters as the principal dwelling unit and shall not be billed
27 separately from the principal dwelling unit.
28
29 10.815.36 Where municipal sewer service is not provided, the septic system shall meet
30 NH Water Supply and Pollution Control Division requirements for the
31 combined system demand for total occupancy of the premises.
32 10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall
33 make the following findings:
34
35 10.815.41 Exterior design of the garden cottage is consistent with the existing single-
36 family dwelling on the lot.
37
38 10.815.42 The site plan provides adequate and appropriate open space, landscaping,
39 and off-street parking for both the garden cottage and the primary
40 dwelling.
41
42 10.815.43 The garden cottage will maintain a compatible relationship to adjacent
43 properties in terms of location and design, and will not significantly reduce
44 the privacy of adjacent properties.
45
46 10.815.44 The garden cottage will not result in excessive noise, traffic or parking
47 congestion.
48
49 10.815.50 In granting a conditional use permit for a garden cottage, the Planning Board may modify
50 a specific dimensional or parking standard set forth in Section 10.815.30, including

1 requiring additional or reconfigured off-street parking spaces, provided that the Board
2 finds such modification will be consistent with the required findings in Section 10.815.40.

3
4 10.815.60 Documentation of the conditional use permit approval shall be recorded at the Rockingham
5 County Registry of Deeds.

6
7 10.815.70 A certificate of use issued by the Planning Department is required to verify compliance
8 with the standards of this Section, including the owner-occupancy and principal residency
9 requirements. Said certificate shall be issued by the Planning Department upon issuance of
10 a certificate of occupancy by the Inspection Department and shall be renewed annually
11 upon submission of such documentation as the Planning Department may require to verify
12 compliance. A certificate of use shall not be issued prior to recording of documentation as
13 required by 10.814.70.
14

The Curingtons
540 GREENSIDE AVE
PORTSMOUTH, NH 03801

PORTSMOUTH FIRE DEPT
PORTSMOUTH, NH 03801
c/o Deputy Fire Chief
James Heinz

To: The Portsmouth Fire Department
In appreciation for getting
Diana Cunningham to Portsmouth
Hospital following a 911 call.
on or about 11 January 2018.



Annie was admitted with
multiple issues including
a concussion.

\$300.00

MEMORANDUM

TO: John Bohenko, City Manager

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

DATE: February 19, 2019

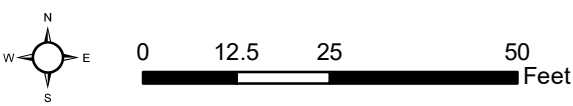
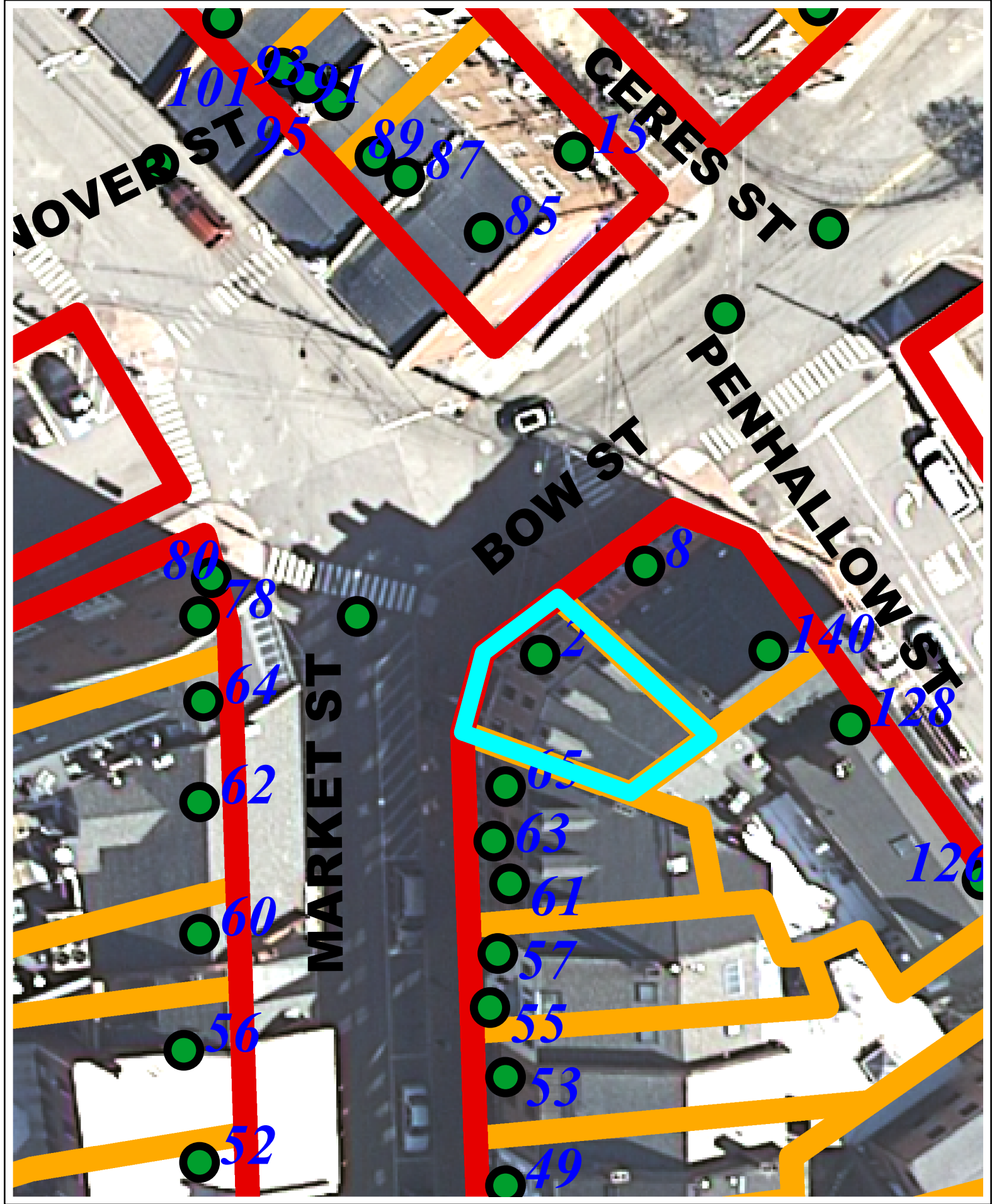
RE: City Council Referral – Projecting Sign
Address: 2 Bow Street
Business Name: FUKI Fusion Kitchen
Business Owner: Joe Kelley

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

Sign dimensions: 50.8" x 34"
Sign area: 12 sq. ft.

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

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



**Request for license
2 Bow Street**

PERMIT B: Updated 02/13/19
Company: Fuki
Job: StoreFront
Order #: 0000

Type: Projecting Sign

Quantity: 1

Size: 50.8" x 34" (12 SF)

Existing: 37.7 SF

TOTAL: 49.7 SF

Sides: 1

Style: Dimensional Letters on Wood

Substrate: Acrylic Letters & Pine Boards

Posts & Brackets: Existing

Colors: Black & white

PROPOSED:

UPDATED 2/13/19

Projecting Sign = 12 SF



Size: 50.8"w x 34"h (12 SF)



Fuki: 3' x 3'

Frontage: 36'



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

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

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

Customer Approval _____ Date: _____



RECEIVED

FEB 14 2019

CITY MANAGER
PORTSMOUTH, NH

Thomas W. Haslam - Secretary
St. John's Lodge No 1 F. & A. M.
15 Depot Road
Stratham, NH 03885

February 12, 2019
To: The City Manager
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mr. Bohenko:

The Worshipful Master of St. John's Lodge No. 1 Wor. Bro Gregg Annis requests that we be allowed to hold our annual 5K Road Race again this year on April 13 at 8 AM using the same route as last year. We will have the usual insurance that is required and look forward to your response.

The funds from this year's race will be going to Lydia's House of Hope.

Sincerely,

Thomas W. Haslam

Thomas W. Haslam
Secretary: stjohnstom@comcast.net
630-498-7205

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

February 21, 2019

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

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

David M. Howard
Admitted in NH

Molly C. Ferrara
Admitted in NH & ME

Bernard Pelech
Admitted in NH & ME

**RE: Request for Restoration of Involuntarily Merged Lots Pursuant to RSA
674:39-aa (27 Thaxter Road / Tax Map 166, Lot 39)**

Dear Mr. Mayor:

This office represents the interest of Chad Callihan, owner of the above referenced property. Please consider this a formal request for the restoration of two involuntarily merged lots to their premerger status, pursuant under RSA 674:39-aa.

The City Assessor's present records indicate that Map 166, Lot 39 is a single lot measuring .289 acres, located at 27 Thaxter Road. See Exhibit A (current tax map). There are actually two separate lots, one measuring approximately 2,580 square feet, and the other measuring approximately 10,000 square feet, which have been involuntarily merged. The city's tax cards running from 1951 through 1971 actually identify the property as three separate parcels for taxation purposes, two parcels with 5000 square feet each, and a third with 2,580 square feet. See Exhibits B, C and D (Tax cards for Map 52, Lots 44, 45 and 46, respectively). According to current assessor records, the dwelling at 27 Thaxter Road was constructed in 1929 and the garage was constructed in 1940. See Exhibit E. The dwelling is entirely on former Lot 44, and the garage is on both former Lot 44 and 45.

It is the lot that is represented by Exhibit D, former Lot 46, that the applicant seeks to restore. In the 1988 tax card for the property recognizes the lot is comprised of a "primary site" and a "secondary site." See Exhibit F. Sometime between 1972 and 1988, therefore, the City involuntarily merged the lots into a single, unified lot for tax purposes.

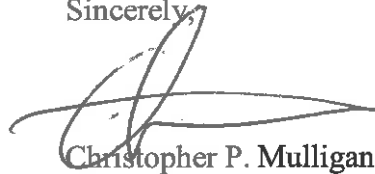
No owner in the chain of title voluntarily merged these lots. The fact the lots were conveyed to Mr. Callihan in a single deed is not legally sufficient to effect a voluntary

Jack Blalock, Mayor
February 22, 2019
Page Two

merger of the lots. *See* Roberts v. Windham, 165 NH 186, 192 (2013) (holding that the conveyance of multiple lots as one tract in a single deed does not support a finding of a voluntary merger). Therefore, pursuant to RSA 674:39-aa, I formally request that the lots be restored to their premerger status, and all zoning and tax maps be updated to identify the premerger boundaries of those lots.

I respectfully request that this matter be added to the agenda of the next City Council meeting. Thank you for your attention and please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher P. Mulligan". The signature is stylized with a large, sweeping initial "C" and a long horizontal stroke extending to the right.

Christopher P. Mulligan

CPM/mec

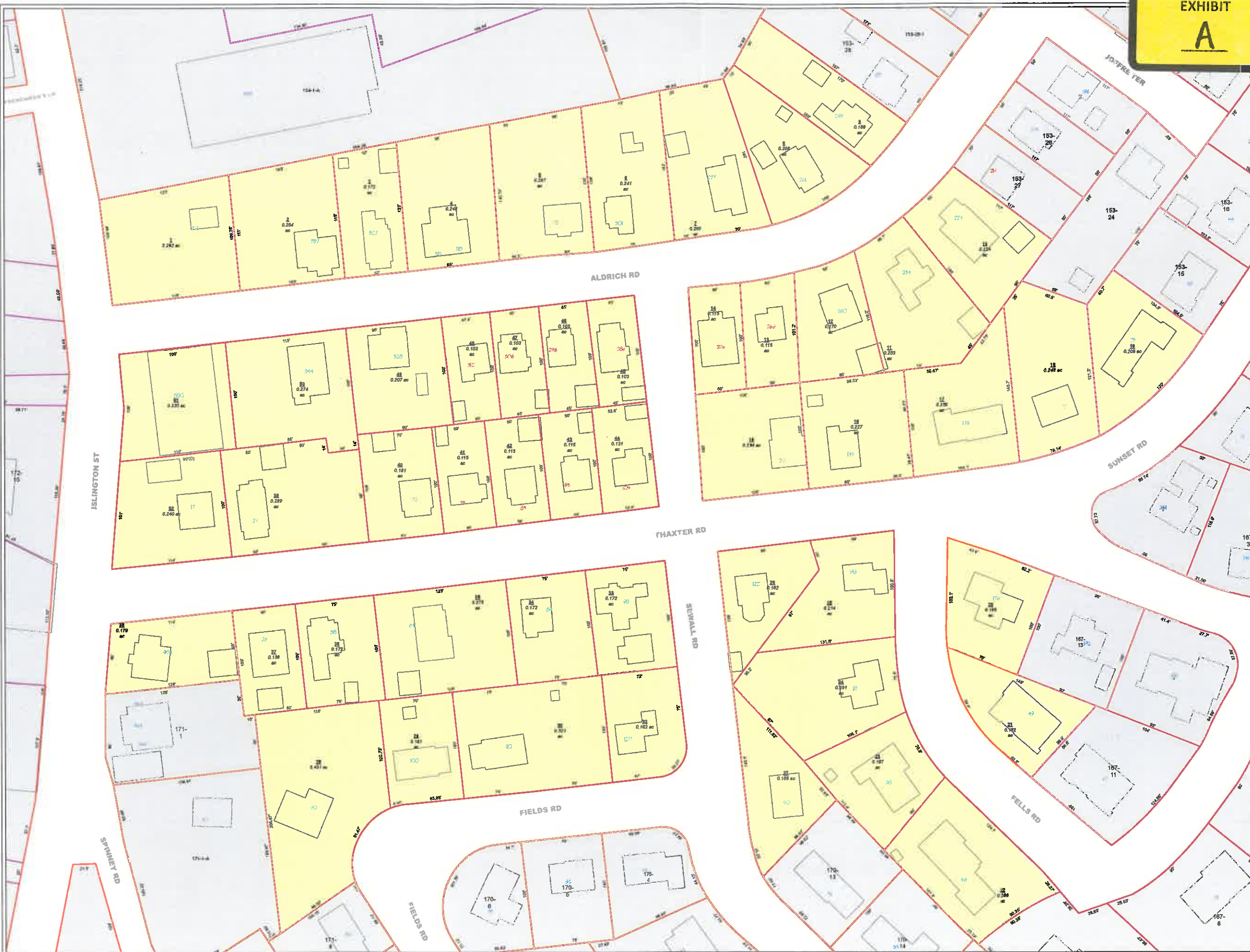
Enclosures

cc: Chad Callihan (w/ enclosures)
Juliet Walker, Planning Director (w/ enclosures)

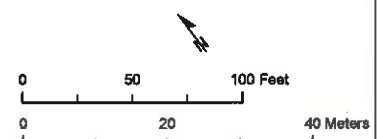
BOSEN & ASSOCIATES, P.L.L.C.

ATTORNEYS AT LAW

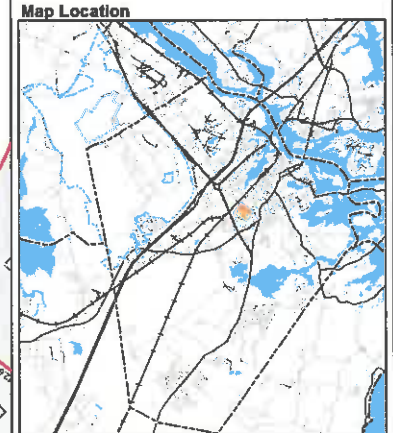
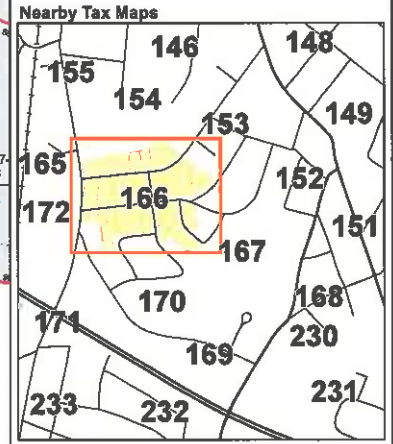
EXHIBIT
A



- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A Lot or lot/unit number
 - 2.55 ac Parcel area in acres (ac) or square feet (sf)
 - 25 Address number
 - 233-137 Parcel number from a neighboring map
 - 68 Parcel line dimension
 - SUNSET AVE Street name
- Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structura (1894 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
2018
Tax Map 166

Book 112900

PROPERTY ASSESSMENT RECORD - CITY OF PORTSMOUTH, N. H.

PLAT 52 LOT 44

ADDRESS 21 THURSTON ST



ORVILLE GUYTON 9/3-496

RURAL PROPERTY

2142.4544C

Aug 11 38 5800

PROPERTY FACTORS			
TOPOGRAPHY	LEVEL	SOILS	VEGETATION
TOPOGRAPHY	LEVEL	SOILS	VEGETATION
TOPOGRAPHY	LEVEL	SOILS	VEGETATION

LAND VALUE COMPARATIONS AND RANGES			
CLASSIFICATION	DATE	AREA	VALUE
ORVILLE GUYTON	9/3-496	2142.4544C	5800

URBAN PROPERTY			
CLASSIFICATION	DATE	AREA	VALUE
ORVILLE GUYTON	9/3-496	2142.4544C	5800

PROPERTY FACTORS	
TOPOGRAPHY	LEVEL
TOPOGRAPHY	LEVEL
TOPOGRAPHY	LEVEL

LAND VALUE COMPARATIONS AND RANGES			
CLASSIFICATION	DATE	AREA	VALUE
ORVILLE GUYTON	9/3-496	2142.4544C	5800

URBAN PROPERTY			
CLASSIFICATION	DATE	AREA	VALUE
ORVILLE GUYTON	9/3-496	2142.4544C	5800

EXHIBIT B

PROPERTY ASSESSMENT RECORD - CITY OF PORTSMOUTH, N. H.

Map No. **52** Loc. **45**

THUNDER ROAD

LOT ONLY LAWSAVERD



ORANGE NEIGHBORHOOD

9/27/78 8/10/78

RURAL PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY		CHANGES PERIOD BY PERIOD	
CLASS	REMARKS	NO. OF ACRES	AVG. VALUE PER ACRE	DATE	AVG. VALUE PER ACRE
RESIDENTIAL	1.00	1.00	1000	1977	1000
LAND VALUE		1.00	1000		
TOTAL VALUE		1.00	1000		
TOTAL VALUE (LAND & BUILDINGS)					
5000 00 00					

URBAN PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY		CHANGES PERIOD BY PERIOD	
CLASS	REMARKS	NO. OF ACRES	AVG. VALUE PER ACRE	DATE	AVG. VALUE PER ACRE
RESIDENTIAL	1.00	1.00	500	1977	500
LAND VALUE		1.00	500		
TOTAL VALUE		1.00	500		
TOTAL VALUE (LAND & BUILDINGS)					
5000 00 00					

FORM 101

AMERICAN ASSOCIATION OF PROFESSIONAL APPRAISERS



PROPERTY ASSESSMENT RECORD, - CITY OF PORTSMOUTH, N. H.

52 in 46
 61 J...
 LOT ONLY - LANDS...
 543/408
 8-11-38
 1929



CHARLES DUPRE
 WALTER A. GORR
 RURAL PROPERTY

PROPERTY FACTORS	
TYPE	
BOIL TYPE	
LEAD CLASS	
CHIMNEY	
WATER SUPPLY	
SEWER	
ELECTRICITY	
TELEPHONE	
WATER	
SEWER	

TOTAL VALUE LAND & BUILDINGS	
30	86
16	93
93	920
275	

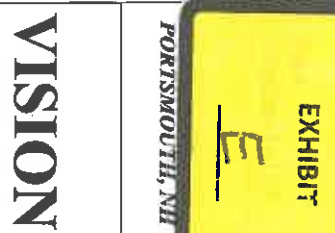
URBAN PROPERTY
 LAND VALUE COMPARATIVE AND SUMMARY
 2580 SQ FT

PROPERTY FACTORS	
TYPE	
BOIL TYPE	
LEAD CLASS	
CHIMNEY	
WATER SUPPLY	
SEWER	
ELECTRICITY	
TELEPHONE	
WATER	
SEWER	

TOTAL VALUE LAND & BUILDINGS	
30	86
16	93
93	920
275	
250	
250	



Current Owner	TOPO	UTILITIES	STRT/ROAD	LOCATION	Description	Code	Appraised Value	Assessed Value
CALLIHAN CHAD	1 Level	0 All Public	1 Paved		RESIDENTL	1010	228,300	228,300
152 DENNETT ST APT B			8 2+ OF-ST PRG		RES LAND	1010	320,700	320,700
PORTSMOUTH, NH 03801			11		RESIDENTL	1010	6,600	6,600
Additional Owners:	Other ID: 0166-0039-0000 SUPPLEMENTAL DATA CONDO CV INLAW Y/N LOT SPLIT 2015 Reval v JM PREC. 1/2 HSE GIS ID: 35172 ASSOC PID#							
Total							555,600	555,600



Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
RECORD OF OWNERSHIP								
CALLIHAN CHAD		BE-VOL/PAGE	5926/0768	06/29/2018	T	1	665,000	00
TONG KIETH L			4918/0090	05/19/2008	Q	1	350,000	00
Total:							555,600	502,500

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
EXEMPTIONS								
OTHER ASSESSMENTS								
ASSESSING NEIGHBORHOOD								
NBHD/SUB		NBHD Name	Street Index Name		Tracing		Batch	
104A								
NOTES								
08-MLS-INT AV TO GD COND., OLD KIT METAL								
05/13- CHNG POP TO CAN; REPL WINDS								
CABS								
10-EXT-GD, REPL. WINDOWS								
06/11-BP#11-051, OWNER SAID NOT STARTED								
TILL AFTER APRIL 1, RECK 2012								
02/12 SOME ORIGINAL BUILT-INS								
ADPT LETTER 4/26/13								

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
11-51	03/21/2011			90,000	11/08/2011	100	06/23/2011	CONSTRUCT 2 ADDIT

Code	Use	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	C. Factor	ST. Idx	Adj.	Notes-Adj.	
1	1010	SINGLE FAM	MDL-01	SRB	R	12,580	SF	11.86	1.0000	1	1.00	104	2.15	0
Total Card Land Units: 0.29 AC Parcel Total Land Area: 0.29 AC														

Date	Type	IS	JS	ID	Cd.	Purpose/Result
07/30/2018	03		5	VS	ML	MLS Review
07/04/2017				PM	FR	Field Review
04/15/2015				RT	FR	Field Review
05/14/2013				JM	FR	Field Review
11/08/2011				JW	50	Building Permit

Code	Use	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	C. Factor	ST. Idx	Adj.	Notes-Adj.	
1	1010	SINGLE FAM	MDL-01	SRB	R	12,580	SF	11.86	1.0000	1	1.00	104	2.15	0
Total Card Land Units: 0.29 AC Parcel Total Land Area: 0.29 AC														

Code	Use	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	C. Factor	ST. Idx	Adj.	Notes-Adj.	
1	1010	SINGLE FAM	MDL-01	SRB	R	12,580	SF	11.86	1.0000	1	1.00	104	2.15	0
Total Card Land Units: 0.29 AC Parcel Total Land Area: 0.29 AC														

Total Land Value: 320,700

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)				
Element	CD	Ch	Description	Element	CD	Ch	Description
Style	05		Bungalow				
Model	01		Residential				
Grade	C+						
Stories	1						
Occupancy	1						
Exterior Wall 1	14		Wood Shingle				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	03		Plastered				
Interior Wall 2	05		Drywall/Sheet				
Interior Fir- 1	12		Hardwood				
Interior Fir- 2	11		Ceram Clay Tll				
Heat Fuel	03		Gas				
Heat Type	04		Hot Water				
AC Type	01		None				
Total Bedrooms	94		4 Bedrooms				
Total Bathms	1						
Total Half Baths	1						
Total Xtra Fixtrs	1						
Total Rooms	7						
Bath Style	1		Avg Quality				
Kitchen Style	4		Good Quality				
Kitchen Gr	8						
WB Fireplaces	0						
Extra Openngs	0						
Metal Fireplaces	0						
Extra Openngs	0						

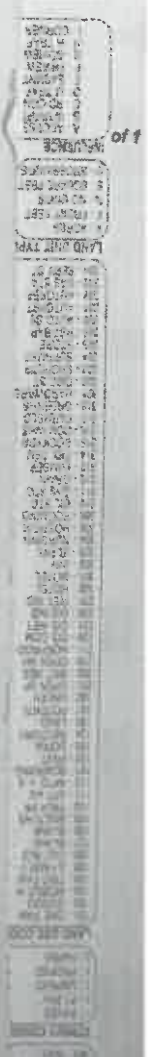
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)											
Code	Description	Sub	Sub Descript	L/B Units	Unit Price	Yr	Gde	Dp Rt	Chd	%Chd	Apr Value
FGRI	GARAGE-AV	E02	DETACHED	L	400	31,000	1940	D			5,600
PATI	PATIO-AVG			L	288	7,700	2011	C			1,000

BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value			
BAS	First Floor	864	864	864	143,03	123,577			
EAF	Attic Expansion	302	864	302	49,99	43,195			
FEP	Porch, Enclosed	0	176	123	99,96	17,593			
UBM	Basement, Unfinished	0	864	173	28,64	24,744			

COST/MARKET VALUATION									
Code	Description	Percentage							
1010	SINGLE FAM MDL-01	100							

TOTALS						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
		1,166	2,768	1,462		209,108





LOCATION **E 27 TRACTER RD**

PROPERTY ASSESSMENT RECORD

MAP **U&A** LOT **635** CARD **63** OF **01** SALES MADE **052 044 0000** 29 APR 1987

RECORD OF OWNERSHIP

NAME **GUPHILL ORVILLE N** MAILING ADDRESS **27 TRACTER RD** ROAD PRICE **0963/0490** DATE **08/30** AMOUNT **15500**

NAME **Guphill Orville N Trustee of the Orville N. Guphill Revocable Trust** MAILING ADDRESS **PHATSINOUT** ROAD PRICE **2685/1110** DATE **06/04/87** AMOUNT **none**

LAND VALUE COMPUTATIONS AND SUMMARY

SG. FT. DESC.	CARE	SIZE	RATE	INFLUENCE FACTOR	LAND VALUE
1 PRIMARY SITE	1	2000	200		15000
2 SECONDARY SITE	4	5000	110		510
3 UNDEVELOPED					
4 MISCELL					
5 WATERWAY					
CATEGORY SCORE	7	12500			15500
NUMBER OF ACRES					
RATE					

MEMORANDA

*all utilities
2000 - A
5000 - B
of 187 shares of ORSE SHARES DIV
in the value*

1 PRIMARY SITE	2 SECONDARY SITE	3 UNDEVELOPED	4 MISCELL	5 PASTURE	6 WOODLAND	7 WOODLAND	8 PASTURE	9 PASTURE - BOUND	10 FERTILE - WATER	11 ROAD	12 ACRES - OPEN	TOTAL ACRES

SALES DATA

DATE	TYPE	SALE PRICE	NUMBER OF SHARES	PERCENTAGE	AMOUNT
1-1-87	1-2		1	1	2
1-1-87	1-2		1	1	2
1-1-87	1-2		1	1	2
1-1-87	1-2		1	1	2

INSPECTOR *Dennis Guphill*



Portsmouth Maritime Folk Festival

10 Lamprey Lane
Lee, NH 03861

February 16, 2019

John Bohenko, City Manager
CC: Jack Blalock, Mayor
1 Junkins Ave
Portsmouth, NH 03801

Re: Updated Request Letter. Portsmouth Maritime Folk Festival, September 28-29, 2019

Dear Sirs,

On behalf of the Portsmouth Maritime Folk Festival (PMFF), a New Hampshire Non-Profit Corporation, I am seeking permission to hold the 20th Annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 28th and 29th, 2019. This free and open-to-the-public event will be modeled after those of the past 19 years which have been hailed as a success by the community. Shanty singing, musical talks on sailing history, and storytelling, and a newly added song writing contest, celebrate Portsmouth's maritime tradition.

Our other requests of the City are as follows:

#1--The closing of 3 parking spaces on Pleasant Street--immediately in front of Breaking New Grounds and the RiRa Pub (22 Market Square) -- for the entire day, until 6PM on Sunday September 29th. This helps us manage the noise and commotion caused by that a number of loud motorcycles that usually use those parking spaces.

To this end, we ask the City to place 7 barricades (disassembled) on the curb by Saturday evening, September 28th. We assemble the barricades and place them with our own "No Parking" signs early Sunday morning.

#2--We also ask if we might borrow 10 traffic cones to be used to mark and reserve a number of parking spaces donated by the Piscataqua bank for the day of the 29th. Because these much sort after cones were stolen from the street- drop last year, we will be prepared to pick up this year's booty at the city garage or wherever is most convenient for the highway department staff.

#3--Finally, we are again requesting free access for Festival performers to the High Hanover Street garage. For this year's very special 20th annual celebration we have expanded the roster to 50 performers.

–As was the case last year we expect that visits to the garage will be less than implied by the number of performers listed on our request. There will be carpooling, some the will be staying in housing close to the city center and thus will have parking from that source, and there will be spaces available on Sunday provided by Piscataqua Bank.

--Should this request be honored, we will provide Ben Fletcher and Mike Casad, as we did last year, with more accurate numbers and a final list of those performers who will be using the facility.

Our schedule is as follows:

Saturday, September 28th:

10AM -11AM

A contingent of singers open the Festival by performing traditional songs of the sea at the public sidewalk area facing 22Market Square. This is outside the RiRa Pub which welcomes our presence. We do not impede or endanger the regular pedestrian traffic. Our musical merry-makers then will stroll to various locations on Congress Street in public performance to announce the weekend festivities—singing on the sidewalk at Popovers, Celtic Crossing, Friendly Toast, Portsmouth Athenaeum, and Commercial Alley.

10AM-2PM

Cameo performances downstairs at the Anchor Line offices on Pleasant Street.

10AM-Noon

Song writing competition at the Gas Light Nightclub on Market Street

Noon - 2PM

Keynote Performances at Moffat Ladd Warehouse, and on the lawn at the John Paul Jones House.

2:30 –4:30 PM

Public Shanty Sings at the Press Room Pub, 77 Daniel Street and Gas Light Nightclub, 64 market Street.

7 - 10 PM

Evening Concert at Sanborn Hall (First United Methodist Church) on Miller Ave.

Sunday, September 29th:

1 - 4:30 PM

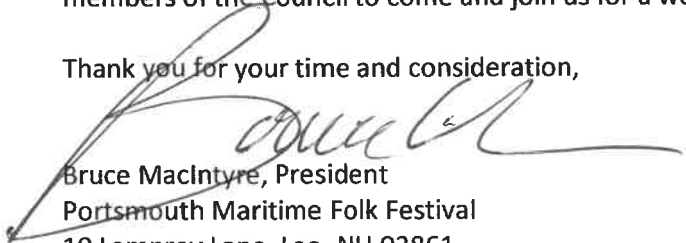
Cameo concerts and shanty singing at The Portsmouth Athenaeum, The Press Room, Book and Bar, Anchor Line, Clip Joint barber shop, and on the sidewalk outside the RiRa Pub (should the weather prove inclement we will move the sidewalk performers to the Book and Bar space).

5:00PM-- Festival Close.

The performers gather outside RiRa Pub, 22 Market Square, for a few last rousing shanties to officially close the festival.

We sincerely hope that our plans meet with the approval of the City Council, and further invite the members of the Council to come and join us for a weekend of maritime history, tradition and song.

Thank you for your time and consideration,



Bruce MacIntyre, President
Portsmouth Maritime Folk Festival
10 Lamprey Lane, Lee, NH 03861
C 603-512-0681

RECEIVED

FEB 25 2019

CITY MANAGER
PORTSMOUTH, NH



Thomas W. Haslam - Secretary
St. John's Lodge No 1 F. & A. M.
15 Depot Road
Stratham, NH 03885

February 22, 2019
To: The City Manager
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mr. Bohenko:

The Worshipful Master of St. John's Lodge No. 1 Wor. Bro Gregg Annis requests that the officers and members be allowed to march to St. John's Church, Chapel St. Portsmouth, NH. We will be taking a route from the William Pitt Tavern at 416 Court Street, Portsmouth. The date for this event is June 23, 2019 for the observance of St. John's Sunday at (Queen Chapel) St. John's Church.

The Lodge will be opened at the William Pitt Tavern at 8:00 AM and the procession will step off at approximately 9:00 AM for services at 9:30 AM. We will return to the William Pitt Tavern following the service by reversing the route.

Sincerely,

Thomas W. Haslam

Thomas W. Haslam
Secretary: stjohnstom@comcast.net
630-498-7205

CITY COUNCIL E-MAILS

February 20, 2019 – February 28, 2019 (9:00 a.m.)

MARCH 4, 2019 CITY COUNCIL MEETING

UPDATED 03/04/2019 THROUGH 3:00 PM

New content begins Page 3

Below is the result of your feedback form. It was submitted by Robin Lurie-Meyerkopf (talkinrobin5@gmail.com) on Wednesday, February 20, 2019 at 06:46:46

address: 53 Whidden St

comments: Dear Mayor and City Councilors I will start off by saying I love the idea of the street closings around Market Square. My concern in reading the articles, so I may not have all the pertinent information, is that the business owners have not been surveyed. I read that the city staff will be doing some work surrounding this proposal. So I am suggesting as part of the work to involve local, downtown businesses, hopefully ones that will be affected by this development. My husband and I are small business owners and this summer with the Pleasant Street work, the Engineer, Marc Batchelder, communicated with us before during and after the project. This was much appreciated. I urge you to communicate and include small business owners from this area of downtown to be involved. Thank you very much for your work to make this city a great place to live - and work!

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Timothy MacDonald (wtmacdonald@comcast.net) on Friday, February 22, 2019 at 09:22:41

address: 18 Congress Street

comments: I am writing as a downtown resident (18 Congress Street) in a building that would be seriously impacted by the proposed pedestrian zone experiment. 18 Congress Street is home to six retail units, five offices and 17 Residences that would be significantly impacted by the proposed pedestrian zone in the downtown. Having personally attended the 2/19/19 City Council meeting, read the articles in the Portsmouth Herald, followed the comments on the Unofficial City of Portsmouth page and studied the map of the proposed "no car zone," I strongly urge you to reject this proposal and not expend Municipal staff time and taxpayer funds on this proposal.

As presented, the proposal appears to be a solution in search of a problem. What exactly is this intended to fix? Is there data showing a sharp increase in auto and pedestrian accidents? Couldn't this be addressed more simply, effectively and inexpensively by adding a traffic detail to the downtown area on peak weekends?

Some, but not all of the immediate issues include:

Residents and businesses would have zero motor vehicle access to their homes and businesses for every weekend during the entire month of July. Would this also include the July 4 holiday weekend?

There are 26 parking places in our building. Our only choice would be to move our cars outside of the pedestrian zone during these weekends, thus exacerbating the downtown parking problem. Keep in mind

that the on street parking within the no car zone as well as lots such as the Bank of America lot off Penhallow would all be lost during these hours.

The business owners in our building generally suffer from lower sales during Market Square Day and others where the streets are closed off to traffic and open to out of town competitors who set up in front of the storefronts. The effect of lost business for every weekend in the busy month of July could be catastrophic for many of these small, locally owned businesses.

No mail or delivery service during these times, no deliveries for the several restaurants within the zone and no public transportation could run in this area either.

The expense of redirecting traffic flow two times each weekend (once to close, and once to return to normal) seems like a very clumsy and time consuming process.

The attitude expressed by some that "it's just a pilot, if it doesn't work we'll change it" is dismissive of the very real impact that would occur even during a trial period.

Thank you for your consideration.

Tim MacDonald
18 Congress Street

Sent from Tim's iPad

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Petra Barstow (pbarstow@favoritefoods.com) on Wednesday, February 27, 2019 at 17:25:34

address: 528 Dennett Street

comments: I would like to address the consideration of closing the downtown area to vehicle traffic for select times throughout the summer. 1st as an owner of a condo in the 18 Congress Street block it would make accessing the parking associated with my unit which is underground below the 18 Congress Street building impossible. This would be a serious inconvenience to not be able to use what I have been and continue to pay for. This would create additional expense in needing to secure alternative parking during the times that are suggested for no access.

Additionally, in an area where parking is often at a premium during the summer months to close off potentially hundreds of spaces seems counterproductive to the efforts to minimize parking hassles in town. Furthermore there are some areas of the downtown with businesses and parking lots that provide additional income to their businesses that they would lose as well as could impact their businesses already challenged by the decks being open at that time. Please consider the impact to residents who will be affected and the businesses that will be further challenged when determining the feasibility of this decision.

includeInRecords: on

Engage: Submit

New content begins:

Below is the result of your feedback form. It was submitted by Brad Lown (lown@nhtrialattorneys.com) on Sunday, March 3, 2019 at 08:20:08

address: 439 Middle Street

comments: Just in case I cannot make it on Tuesday, I wanted to let you know my view about the status of the McIntyre project. The process the City has followed is pretty much the same process used for the library, the middle school, the wastewater treatment plant, and the parking garage. The City has given the public ample opportunities for input, including charrettes, public hearings and public comment over the course of the last five years. Based on this input, the City came up with a list of considerations the public has, generally speaking, deemed important, and gave this list to the developers who then came up with initial proposed plans. The plans were beginning points for further discussion, not "take it or leave it" proposals. The City has then allowed public input on the revised proposal by the developer. The whole idea here is to enter into a public-private partnership for the redevelopment of this lot that is beneficial to the public and also attractive to the private developer who will be investing millions of dollars in the site, and deserves to earn a reasonable return. Just think about the alternative – if the GSA decides to sell it to a third party, there will likely be a hotel on the property, which is probably the most profitable use of the property. The only restraint in that situation would be the zoning ordinance itself. The City Council has patiently listened to the public, although I am sure not everyone feels that way. The Council is trying to accommodate a number of competing interests; if the Council ultimately chooses and approves a plan, it will not please everyone. But it will be better than the status quo, and better than the only alternative. The City Council will shortly need to make a decision, and it should show leadership in doing so. If history is any guide, the City will quickly see the cacophony dissipate. It happens with every major project in the City

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Keith Barringer (keith@rudisportsmouth.com) on Sunday, March 3, 2019 at 09:54:53

address: 43 Rutland Street

comments: I am writing to you in regards to the closing of some of the streets in the square in the summer months. I am the owner of Rudi's located on High Street. As I'm sure you are aware, I have a parking lot in the rear of the property for my business for customers and monthly tenants. The parking lot, which I pay a premium in rent and property taxes for, needs to be accessible at all times for my customers. It is a vital part of my business that hosts to a variety large gatherings [mainly weddings and rehearsal dinners in the summer months]. People choose this venue in part because of it's parking and handicap accessibility. This would cause an incredible negative impact on my already limited summer business [the waterfront and outside seating restaurants benefit the most in the summer months]. I do hope you will reconsider your position on this idea. I look forward to your response.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jill Jarvis (jilljarvis@usa.net) on Sunday, March 3, 2019 at 16:02:10

address: 1,3 & 5 Congress and 18 & 20 High St

comments:

I unfortunately can not be at the meeting Monday night regarding the summer time street closures. As a property owner, it is a huge concern for me and for my commercial tenants. As you know, we have a sizable parking lot adjacent to Rudis.

With parking downtown at such a huge premium, closing High St is a tremendous negative as it will make our parking lot totally inaccessible during the street closure times. I don't see how making parking lots like mine, and likely some of the bank parking lots, inaccessible will help with the issues that the City is trying to improve.

If the Council is still inclined to do the street closures, they need to come up with a solution for property owners like myself who provide parking for their tenant's businesses. I will be very disappointed if they just approve it without any regard for property owners who have their own parking and I certainly don't want to have to get an attorney involved.

For the record, my property is One, Three and Five Congress St.; and Eighteen and Twenty High St.; as well as the parking lot adjacent to Twenty High St.

Jill Jarvis
P.O. Box 27
New Castle, NH 03854-0027
Phone: (603) 436-9655

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Aubrey Gewehr (agewehr@gmail.com) on Sunday, March 3, 2019 at 19:59:26

address: 255 Cass St. Portsmouth, NH

comments: Hello Portsmouth City Councilors,

Unfortunately I am not able to attend this week's meeting regarding the McIntyre project but I wanted to register to you all my support for the path we are currently on with the Redgate-Kane team. Does it meet all of my dreams for this project? Of course not, but it is a good mix for the site. I heartily support the indoor public space and find this much more valuable to city residents than lots of additional green space. I am much more in support of spending money to fulfill the Prescott Park master plan than to use resources to develop new green spaces in this part of town. Let's maximize the existing facilities that we have before we add new spaces. Please do not let a loud minority derail this project that I feel a majority of resident's support.

Thank you for your service,

Aubrey Gewehr

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Dixie Tarbell (dixiemcleantarbell@gmail.com) on Monday, March 4, 2019 at 08:37:13

address: 25 Driftwood Lane 03801

comments: Just sending support for the Redgate-Kane proposal being discussed soon at City Council. I agree with letters from Gerald Duffy and Jonathan Sandburg, and hope the matter is settled soon. Thanks for listening!

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Ryan Costa (Ryancosta89@gmail.com) on Monday, March 4, 2019 at 10:40:04

address: 126 Hill Street

comments: Hello!

I just saw the notices on the trees of Rock Street Park, and it looks like they may be getting torn down? I missed the meeting, but I hope they are not removed! I love how shady that park is, but also I don't know the formal plan. Anywho, just wanted to share my two cents as a person who uses that park regularly.

Thanks!

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Pat Bagley (patbagley@aol.com) on Monday, March 4, 2019 at 13:33:19

address: 213 Pleasant St

comments: Dear Mayor and City Councilors:

Regrettably I cannot attend public dialogue this evening and address this concern, but would like for you to discuss as part of the Cate Street Connector agenda item.

Is there a plan to remedy the Bartlett and Islington intersection? We've heard for years that the railroad is difficult to work with. No doubt. The City, however, continues to move forward with development projects which will further burden Bartlett Street, and thus the intersection. Development in progress includes more than 430 residential units resulting from West End Yards, West End Landing, and Clipper Traders. This does not include retail and restaurant numbers. The intersection is already difficult. With peak traffic backing up to Cate Street now, it will further back up the Connector. I am not against West End development. To the contrary, it is rewarding to finally see affordable housing of some measure included. However, John and Peter conveyed to EDC at the January meeting that there is not yet a West End traffic model. Seems a bit late. Is there a planned remedy for the Bartlett/Islington intersection, and when? And if not, how can we in good conscience allow this amount of development to proceed.


Thank you for listening.

Pat Bagley

includeInRecords: on
Engage: Submit

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

Date: March 1, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 4, 2019 City Council Agenda

Public Hearings & Votes on Ordinances and/or Resolutions:

1. Public Hearing/Adoption - Service-Connected Total Disability Tax Credit Resolution

As of January 1, 2019, the amount cities and towns can adopt for this credit was raised from \$2,000 to \$4,000. For Council's information, there are currently 46 Veterans taking advantage of this credit, for a total of \$92,000. An increase to \$3,200 for tax year 2019 would amount to total reduction in revenue of \$147,200.

Below is a list of tax credits and exemptions (eligible to qualified Veterans and their spouses, the elderly, disabled, blind, and those with solar energy systems) that total \$858,474 in reduced tax revenue.

Veterans Tax Credits				
	Limits	Number Approved		Tax Credit
Veterans Tax Credit RSA 72:28	\$ 500	776		\$ 388,000
Surviving Spouse RSA 72:29-a	\$ 2,000	1		\$ 2,000
Tax Credit For Service Connected Total Disability RSA 72:35	\$ 2,000	46		\$ 92,000
All Veterans Tax Credit RSA 72:28-b	\$ 500	61		\$ 30,500
Total Veteran Tax Credits				\$ 512,500
Elderly Exemptions				
	Limit	Number Approved	Exemption Amount	Tax Exemption
Age 65-74	\$ 125,000	31	\$ 3,875,000	\$ 61,380
Age 75-79	\$ 175,000	22	\$ 3,850,000	\$ 60,984
Age 80+	\$ 225,000	57	\$ 12,825,000	\$ 203,148
Total Tax Exemptions Elderly				\$ 325,512
Disabled Exemptions				
	Limit	Number Approved	Exemption Amount	Tax Exemption
	\$ 100,000	7	\$ 700,000	\$ 11,088
Total Disabled Exemptions				\$ 11,088
Blind Exemptions				
	Limit	Number Approved	Exemption Amount	Tax Exemption
	\$ 25,000	11	\$ 275,000	\$ 4,356
Total Tax Exemption Blind				\$ 4,356
Solar Energy System Exemption				
	Limit	Number Approved	Exemption Amount	Tax Exemption
		62	\$ 316,800	\$ 5,018
Total Solar Tax Exemption				\$ 5,018
Total Tax Exemption/Credits Granted				\$ 858,474

Adoption of this resolution requires a simple majority vote of the City Council. If the City Council is in agreement, an appropriate motion would be:

I recommend the City Council move to adopt the Service-Connected Total Disability Tax Credit as presented.

1. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Accessory Dwelling Units and Garden Cottages

At the February 19th City Council meeting, the Council asked for a report back from staff regarding the requirement that all electric, gas, water and sewer utilities for the ADU be on the same meters as the principal dwelling unit. While it is current practice in the City for the DPW to require ADU's to be on the same meter as the principal dwelling unit for water and sewer services, there is no building code requirement that the meters for electric or gas be on the same or separate meters. Staff believes this is an issue that can be addressed on a case by case basis with the Inspections Department and Department of Public Works and does not need to be codified as a requirement in the Zoning Ordinance. Therefore, City staff is recommending removing this proposed section from the amendments currently under consideration by the Council. (Attached memorandum and proposed amendments dated February 25, 2019)

Planning Board Review: The proposed amendments were initially presented at the November 15, 2018 Planning Board meeting and a public hearing was held. Based on discussion and comments from Planning Board members, feedback from the public, and additional review by the City's Legal Department, the Planning Department staff made additional revisions and the Planning Board voted to recommend the updated amendments at the December 20, 2018 meeting.

Background: The proposed amendments update the Zoning Ordinance sections that govern Accessory Dwelling Units and Garden Cottages, originally adopted by the City in January of 2017. The amendments seek to add clarification for existing requirements including standards for accessory buildings and structures, owner-occupancy, provision of utilities and services, design standards, Planning Board findings, and certificates of use.

1. *I recommend the City Council vote to suspend the rules to make revisions to the proposed amendments at third reading;*
2. *Vote to revise the proposed amendments as follows:
Delete proposed Section 10.814.34 requiring that "Electric, gas, water and sewer utilities for the accessory dwelling unit shall be on the same meters as the principal dwelling unit and shall not be billed separately from the principal dwelling unit.";*
3. *Vote to pass third and final reading to amend the Zoning Ordinance by deleting existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and inserting in their place the new Sections 10.814 and 10.815 as presented on the document titled "Proposed Amendments to the Portsmouth Zoning Ordinance; Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages" dated February 25, 2019 and amending related terms in Article 15 – Definitions, Sections 10.1530 – Terms of General Applicability.*

Consent Agenda:

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

- Joe Kelley, owner of FUKI Fusion Kitchen for property located at 2 Bow Street

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;
- 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.

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.

2. **Request for Restoration of Involuntary Merged Lots Pursuant to RSA 674:39-aa (27 Thaxter Road/Tax Map 166, Lot 39)** Attached letter from Attorney Christopher Mulligan, Bosen & Associates, PLLC, representing Chad Callihan, request for restoration of two involuntarily merged lots to their premerger status, pursuant under RSA 674:39-aa.

I recommend the City Council move to refer this request to the Planning Board for a report back.

City Manager's Items Which Require Action:

1. **Approval of Proposed Employment Agreement for Deputy Fire Chief Patrick Howe** The Fire Commission has approved a three (3) year, four (4) month, Tentative Employment Agreement to expire June 30, 2022 with Patrick Howe for Deputy Fire Chief. Attached is the Tentative Employment Agreement for City Council vote of final approval, as is required by Amendment B of the City Charter.

In addition to the term, the major items in this agreement are as follows:

- **Initial Salary:** Grade 22, Step C of the City of Portsmouth Non-Union Salary Schedule (\$94,249 per annum).
- **COLA Adjustments:** On July 1st of each contract year, calculation based on the 10-year rolling CPI-U average.
- **Automobile:** Provision of an automobile suitable for the duties of Deputy Fire Chief, which, because the Deputy Fire Chief is on-call at all times, may also be used for personal business.
- **Tuition Reimbursement:** Subject to budgetary constraints and prior approval by the Fire Chief and Fire Commission, payment for the cost of tuition and textbooks for courses and/or classes that will provide for improved job performance.

I respectfully request that the Council vote to approve the Deputy Fire Chief Employment Agreement between the City and Patrick Howe.

2. **Request to Renew Seacoast Growers Association (Farmers Market) Proposed 2019 License Agreement**

The Seacoast Growers' Association has requested renewal of their License Agreement. Attached is a draft of the proposed 2019 License Agreement to allow a Farmers' Market at the municipal complex. Also attached are copies of the Seacoast Growers' Bylaws and the parking map. The Seacoast Growers Association has been conducting their Farmers' Market at the municipal complex for over ten years.

I recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2019 as presented.

3. **Cate Street Land Swap** Attached is a letter and land swap exhibit map from Bosen & Associates, PLLC, representing Cate Street Development, LLC, requesting discussion to determine if the City remains interested in a land swap that would facilitate the construction of the Cate Street connector road. (136,919 square feet of land to be conveyed to the City in exchange for 47,470 square feet of land to be conveyed from the City) to Cate Street Development, LLC.

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

Move to refer request to Planning Board and City staff for a report back.

4. **Adoption of Capital Improvement Plan (CIP) FY 2020-2025** In accordance with Section 7.7 of the City Charter, the City Council conducted a public hearing on Tuesday, February 19, 2019, regarding the proposed Capital Improvement Plan for FY 2020 – FY 2025. In addition to the public hearing, the City Council held a work session on January 14, 2019. At the work session, a presentation of the proposed Capital Plan was made by City staff. Also, copies of the Plan were made available to the public as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY 2020 – FY 2025 is available on the City's website:

<http://www.cityofportsmouth.com/planportsmouth/capital-improvement-plan.pdf>

As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. It is anticipated the proposed FY2020 budget will be transmitted on or about April 24, 2019.

I recommend the City Council adopt the proposed Capital Improvement Plan for FY2020 through FY2025.

5. Proposal from Friends of Prescott Park to donate sculpture in honor of Michael Warhurst

In early 2018 a group of individuals formed the Friends of Michael Warhurst to honor the now retired Superintendent of Prescott Park for his 42 years of service to the City by commissioning a sculpture to be donated to the City and placed in an appropriate location in Prescott Park. The Friends of Michael Warhurst established a 501(c)3 entity called Friends of Prescott Park and raised \$100,000 from the community for the sculpture.

Having raised the funds, the Friends of Prescott Park are prepared to enter into a contract with renown sculptor, Richard Erdman, to create a piece to honor Mr. Warhurst. The piece selected by Michael is called “Odyssey”, and is further described and shown in the [attachment entitled “Sculpture in the Park.”](#)

The Friends of Prescott Park now wish to start the Public Art donation process whereby the City Council takes action according to City Council policy no. 2014-02, which states:

“Whenever from any source, an issue related to Public Art should be brought to the attention of the City Council, that matter will be referred to Art-Speak for an advisory report.”

I recommend the City Council refer the public art donation proposal to Art-Speak for a report back.

Informational Items:

1. **Work Session Re: Parking Principles Review and Discussion** Reminder of a work session to be held on Monday, March 25, 2019 at 6:30 p.m. in the Levenson Room.
2. **McIntyre Project** Reminder of a public meeting with the Redgate/Kane team on Tuesday, March 5, 2019, starting at 6:30 p.m. in the City Council Chambers.
3. **Zagster Bike Share 2018 Review and 2019 Update** [Attached memorandum from Juliet Walker, Planning Director, regarding Zagster Bike Share 2018 Review and 2019 Update.](#)
4. **Economic Development Commission 2019 Action/Advocacy Plan** The EDC adopted its annual 2019 Action/Advocacy Plan at its February 1, 2019 meeting. [Attached is a copy for your review.](#)

EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into between the Fire Commission, City of Portsmouth, New Hampshire, (hereinafter called "Commission/Board") Patrick R Howe and (hereinafter called "Employee"). This Agreement is null and void unless approved by the Portsmouth City Council.

2. Employment and Term

The Commission/Board agrees to employ the Employee and the Employee agrees to accept employment in the position of Deputy Fire Chief for a 3-year, 4 month term commencing on March 1, 2019 and ending on June 30, 2022. The Commission/Board and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on week-ends. The Employee agrees to devote all of his professional efforts to the successful fulfillment of the responsibilities to the Commission/Board and the City.

3. Salary

Effective March 1, 2019, the Employee shall be placed on Grade 22, step C of the City of Portsmouth Non-Union Salary Schedule which is Ninety Four Thousand Two Hundred and Forty Nine Dollars (\$94,249.00) per annum, payable in no fewer than twenty-six installments and subject to such deductions as may be authorized or as may be required by law. Except as expressly described herein, the Employee shall not be entitled to any salary enhancements except as specifically provided herein.

Effective July 1 of 2019, 2020 and 2021 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. The COLA Adjustment percentage shall be determined by taking the 10 year average of the CPI-U for the Boston-Cambridge-Newton all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

Effective March 1, 2019 the Employee will follow the Non-Union Wage schedule.

4. Certification

This Section is not applicable to the Deputy Fire Chief position.

5. Termination for Cause

This Agreement may be terminated by the Commission/Board at any time for cause, i.e., failure on the part of the Employee to comply with any term or condition of this Agreement, the laws, rules and regulations of the State of New Hampshire, or the rules and regulations of the Commission/Board, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the position as specified in the Municipal Charter of the City of Portsmouth or as directed by the Commission/Board.

Termination for Cause shall take place only following written notification specifying the reasons for termination. Unless the Employee submits to the Commission/Board, within twenty (20) days of receipt of such notification, a written request for a hearing before the Commission/Board, the Agreement shall be considered terminated as of the date which falls thirty (30) days after the Employee's receipt of notification. If the Employee requests a hearing, the Commission/Board shall hold this hearing within twenty (20) days after receipt of such request. The Commission/Board shall render a written decision to the Employee within ten (10) days of the hearing. In the event of a Termination for Cause, the Employee shall receive no severance and no further compensation beyond the last day worked.

6. Termination with Severance Payment

If at any time the Commission/Board in its discretion shall so determine, the Commission/Board may, without cause and with or without prior notice, relieve the Employee of duties under this Agreement. In such event, the Employee shall be entitled to severance benefits. Such severance benefits shall be six month's salary or the balance of the contract, whichever is less. As is set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee.

7. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the Commission/Board and the Employee or by voluntary resignation of the Employee. In the event the Employee voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Employee shall give the Commission/Board thirty (30) days written notice in advance of such resignation. In the event of voluntary resignation, the Employee shall not be eligible for severance benefits pursuant to Section 6 of this Agreement.

8. Severance Constitutes Release

The acceptance by the Employee of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action, whether in law, equity or otherwise, that the Employee may have against the Commission/Board, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities.

9. Benefits

Except as otherwise provided herein, the Employee's fringe benefits shall be established by the collective bargaining agreement currently in place between the City of Portsmouth and the Professional Management Association. The exceptions shall be described in detail in Section 10 below.

10. Exception to Benefits in Section 9.

In lieu of or in addition to the compensation enumerated above, the Employee shall also be entitled to the following:

- a. The Deputy Fire Chief shall be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Deputy Chief is on-call at all times, it is understood that the automobile may also be used for personal business; and
- b. Subject to budgetary constraints, the City agrees to cover the cost of tuition and textbooks for courses and/or other classes that would provide for improved job performance as part of a career development program. Prior approval by the Fire Commission of any and all courses is required. If the Employee fails to successfully complete the course and/or class with a final passing grade, the Employee will be required to reimburse the City for the entire cost of tuition and textbooks.

AGREED: The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

For the Commission/Board:

Employee:

Date:

Date:

Approved by the Portsmouth City Council:

Date

Certified by the City Clerk

City Clerk

LICENSE AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and the Seacoast Growers' Association, a non-profit association of individual vendors (hereinafter "Vendors" or "Association") with a principal place of business at Portsmouth, New Hampshire and a mailing address at PO Box 4401, Portsmouth New Hampshire 03802-4401 agree as follows:

1) The Seacoast Growers' Association is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between May 4, 2019 through November 2, 2019 pursuant to the conditions enumerated below.

2) Each individual member Vendor of the Seacoast Growers' Association, as well as the Association itself, jointly and severally agree to the following conditions relative to permission to use the Upper Municipal Lot by the Seacoast Growers' Association granted by the City.

A. SITE CONDITIONS:

- The City Hall Municipal Lot will be reserved for use by the Association as defined in the attached Appendix I. The Association is authorized to cover the existing handicap parking signs in the municipal parking lot and to utilize the spaces as otherwise designated as handicap spaces during the hours in which the Farmer's Market is authorized. The Association shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period. There shall be no use by the Association of Lot B as shown on the attached Appendix I.
- Parking on grassy areas prohibited.
- Market area to be left in broom-clean condition one hour after closing.
- All trash generated by the market shall be removed by the Association upon closing of the Farmers' Market and shall be maintained in a clean, neat condition during the market operation.
- The Vendors shall implement any temporary marking of Vendor spaces which may be directed by the City.
- The Seacoast Growers' Association shall provide police coverage from 8:00 a.m. to 12:00 p.m. unless otherwise determinate by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
- A centrally located hand washing booth shall be available at all times.

- The Seacoast Growers' Association agrees to operate the Farmer's Market during the 2019 season on a "CARRY IN – CARRY OUT" basis.

B. HOURS AND TIME OF MARKET:

- Hours of operation will be 8:00 a.m. until 1:00 p.m.
- Set up and breakdown time will be two hours before and one hour after operation hours.

C. SALE OF ITEMS:

- Products which may be sold at the Seacoast Growers' Association market shall follow the guidelines and definitions outlined within the Association's Bylaws and Rules and Regulations (a copy of which is attached hereto as Appendix II).
- New food vendor permit applications will be processed within thirty (30) days.
- After the commencement of the season new food vendors may only be added to the Farmer's Market on two dates to be predetermined by the Health Officer.

D. HEALTH REQUIREMENTS:

The Health Officer will have the authority to shut down the entire market if any single Vendor fails to comply with any Health Officer's directive to cure any situation creating a public health concern. The Health Officer shall make reasonable efforts to notify the President of the Seacoast Growers' Association or his/her assignee(s) at the time a warning is issued. Specific health requirements include, but are not limited to the following:

- Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule shall apply to Farmer's Market Vendors:
 1. Fruit and vegetable vendors at the Farmer's Market pay no fee.
 2. Non-produce/Non-food vendors at the Farmer's Market pay no fee.
 3. Prepared food vendors (anything other than non-prepared fruits and vegetables) and sellers of potentially hazardous agricultural products pay a seasonal fee of \$140.00 per season.

- Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
- Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
- Any Vendor who sells potentially hazardous foods (which includes any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic micro-organisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products meats and poultry), shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times so to prevent spoilage or contamination.
- All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
- The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
- In addition to the foregoing, each Vendor member of the Seacoast Growers' Association shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.
- No vendor shall provide fruit or vegetables to be sampled onsite unless a three bay sink is provided, to properly wash-rinse-sanitize all equipment and utensils used for sampling (knife, cutting board, colander, etc.). The colander is then used for washing fruits and vegetables to be sampled. No spillage onto the ground shall be permitted from the three bay sink.
- On-site food preparation and equipment are limited to simple grilling, reheating/hot holding, dispensing and assembling of foods and beverages.

E. OTHER CONDITIONS:

- The Seacoast Growers' Association shall provide the City with a current list of board members with appropriate contact information.

- The Seacoast Growers' Association agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of the Association's operation or use of this license agreement. This provision shall survive termination of this agreement.
- Additionally, the Seacoast Growers' Association shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured. A certificate demonstrating this insurance shall be kept on file with the City Clerk of the City at all times relevant to the operation of the Association under this agreement.
- The City hereby approves the sale of the following alcohol products at the Farmer's Market by Association members:
 1. Hard Cider products by Nottingham Orchards; and
 2. Beer by Throwback Brewery.

No other alcohol sales or possession is approved.

There shall be no open containers or consumption of alcoholic beverage on municipal premises. All alcoholic beverage sales must be conducted in strict accordance with state law and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with the Association may be revoked immediately and without cause if that action is determined to be appropriate by the City.

- Should Seacoast Growers' Association provide patrons access to the restroom facilities located in City Hall, an individual will be designated for each date of operation to escort patrons to the restroom and out of the building. A list of responsible persons and the dates they are assigned this responsibility shall be submitted to the Health Department with the application packet. The Health Department must approve in advance of any modification.
- For the purpose of operating the Farmer's Market on the property of the City of Portsmouth it is understood that neither a Homestead License issued by the State of New Hampshire nor a Home Food Processors License issued by the State of Maine is recognized or confers any benefit to the vendor.
- This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:
 1. The Seacoast Growers' Association fails to abide by the terms of this agreement.

2. It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by the Seacoast Growers' Association.

- The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

CITY OF PORTSMOUTH

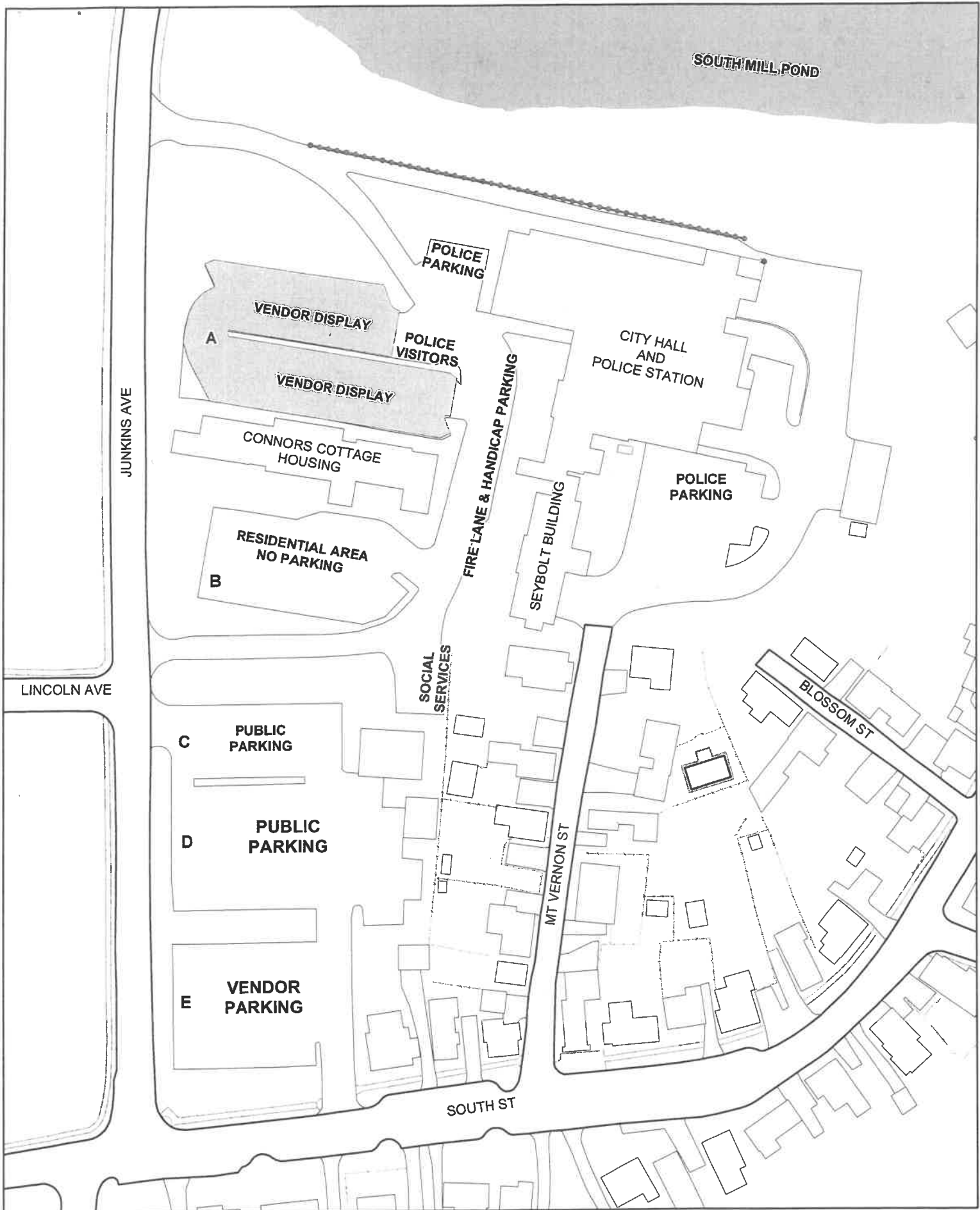
Dated: _____

By: _____
John P. Bohenko, City Manager
Pursuant to vote of the City Council on
_____, 2019.

SEACOAST GROWERS' ASSOCIATION

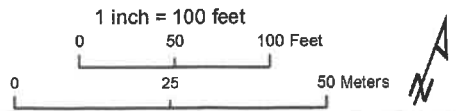
Dated: _____

By: _____
Ryan Tuttle, President
Pursuant to vote by the Seacoast Growers'
Association on _____.



**Appendix 1: Farmer's Market
Seacoast Growers Association 2019 Season**

Map prepared by Portsmouth Department of Public Works, 25 February 2019
Map document: U:\Projects\0042 Farmers Market\Farmers Market Parking2019.mxd



SEACOAST GROWERS ASSOCIATION BYLAWS

ARTICLE I

Section 1. Name:

The name of this organization shall be: "The Seacoast Growers Association."

Section 2. Seal:

The seal of this organization shall consist of a flat-faced circular die, with the words and figures cut or engraved thereon.

ARTICLE II

The association has been organized on a non-profit basis for the following:

Section 1. To provide markets for seacoast area growers to sell their products directly to the consumer, thereby strengthening the local farm economy and the viability of small scale family farms. Seacoast growers are defined as those in York County, Maine and Rockingham and Strafford Counties, New Hampshire;

Section 2. To establish and maintain operating standards that will inspire public confidence in the farmer's market concept;

Section 3. To provide the organization with publicity and by other techniques to assist in promoting the sale, at the market, of Seacoast Growers Association members' products;

Section 4. To engage in such other mutually beneficial activities as the membership may desire;

Section 5. To carry out educational and promotional activities among seacoast area citizens for the support of local agriculture.

Section 6. To do all that is legal in obtaining its objectives that the Board of Directors in its discretion deems appropriate or consistent with the above stated purposes.

ARTICLE III

Definitions

Farmer: is an individual or production unit who operates a farm.

Farm: is an agricultural enterprise that produces farm products.

Farm Products: are defined as vegetables, fruits, herbs, berries, and other items grown for human food; natural fibers such as wool and linen; seedlings, plants, greenhouse or nursery stock, houseplants, perennials and ornamentals; livestock and their products; products from the woodlot, poultry and bees.

Production unit: is a family or other group of two or more people who operate the same farm.

Craft vendor: is a member, who offers for sale, their own locally made crafts.

Prepared food: baked goods, jams, jellies, and similar prepared foods made by the vendor.

Concessionaries: Seafood vendors, meat or fiber co-ops. Vendors in these categories will be considered on a case-by-case basis.

ARTICLE IV

Membership

Section 1.

A. Active Membership: Active members shall consist of farmers, prepared foods, and craft vendors who have been granted acceptance by the Board of Directors, have passed any necessary jurying, who pay the membership fee established and shall abide by these bylaws, rules and regulations. One vote per entry is allowed. Active membership shall expire on January 15th of each year if no application for renewal has been received. (The intent of expiration in no way constitutes automatic approval if application has been received by January 15th)

B. Patron: A patron shall consist of person(s) who would like to contribute to the Association in a monetary or volunteer form and wish to support the purposes and goals of the Seacoast Growers Association. There shall be no voting privileges extended. Patrons shall fill out a "Patron Form", pay the patron fee established, agrees to abide by the bylaws, rules and regulations of the Association.

Section 2. Annual Meeting: The annual meeting of the members shall be held within the month of March at such location as specified in the notice as provided in "Section 5" hereof. In the event that such annual meeting is omitted by oversight or otherwise on the date herein provided for, a substitute annual meeting maybe held in place thereof and any business transacted or elections held at such meeting shall be as valid as if transacted or held at the annual meeting. Such substitute meeting shall be called in the same manner and as prescribed for special member's meetings. Except when otherwise required by law or by these Bylaws any business may be transacted at the annual meeting irrespective of whether or not the notice of the meeting shall have contained a reference thereto.

Section 3. Special Meetings: Special meetings of the members shall be held whenever called by the President. The president must call a general meeting of all members when presented with a petition signed by not fewer than one-quarter (1/4) of the members of the association.

Section 4. Place of Meeting: The annual meeting and any special meeting of the members shall be held at such place within or without the State of New Hampshire as shall be designated in the notice of such meeting.

Section 5. Notice: Notice of all members' meetings, stating the day, hour and place and the agenda and purpose for which such meetings are called, shall be given by the clerk in writing to each member or record entitled to vote, at his or her registered address at least thirty (30) days and not more than fifty (50) days prior to the date of the meeting. Any notice of meeting may be waived by a member by submitting, before and after the meeting a waiver, signed either in person or by proxy or by attendance at the meeting, either in person or by proxy.

Section 6. Quorum and Required Vote: At any meeting of the members, a majority of the members entitled to vote shall constitute a quorum, but a lesser number may adjourn any meeting to a future date at which a quorum shall be present or represented. No notice of the adjourned meeting need be given if the time and place are announced at the meeting at which the adjournment is taken and the adjournment is less than thirty (30) days. When a quorum is present at any meeting, a majority of votes cast by those entitled to vote on the subject matter shall decide any questions unless some greater vote is required by law, the Articles of Incorporation, or these Bylaws. In elections of the directors, those receiving the greatest number of votes, even though not receiving a majority, shall be deemed elected.

Section 7. Consents: Any action required or permitted to be taken at a meeting of the members may be taken without a meeting if written consent, setting forth the action so taken is signed by all the members entitled to vote on such action and are filed with the clerk of the corporation as part of the corporate records. Such written consent shall have the same effect as a unanimous vote of the members and may be stated as such in any certificate or document required or permitted to be filed with the Secretary of State, and in any certificate or document prepared or certified by any officer of the corporation for any purpose.

Section 8. Conduct of Meetings: All meetings of this organization shall be conducted in an orderly fashion and in substantial conformity with Roberts Rules of Order. All matters shall be decided by a simple majority of members present unless stipulated elsewhere in the Bylaws.

ARTICLE V

Board of Directors

Section 1. Board of Directors: The business of the Association shall be managed by a Board of Directors which shall consist of not less than five active members and one alternate to be elected by vote of the active membership each year at the annual meeting. Tenure of the office is three and one half years. From the directors, a President, a Vice President, Secretary and Treasurer shall be chosen. Each of these offices shall be for a

one-year term. The officers shall be subject to the general direction and control of the Board of Directors. A vote may be passed by the support of three Directors.

Section 2. Vacancies in the Board of Directors: Any vacancy on the Board of Directors shall be filled as follows: The remaining Board members shall name a person to fill the vacancy until the next annual meeting.

Section 3. Composition of the Board of Directors: At least three of the five members should be actively engaged in farming.

Section 4. Board members shall receive a \$200.00 voucher each year that they serve. The Treasurer shall receive an additional voucher for up to \$300.00. This voucher may only be used toward the membership fee and stall fees.

Section 5. The Association shall indemnify any Director, Officer, or former Director or Officer of the Association against expenses actually and necessarily incurred by him/her in connection with the defense of any action, suit or proceedings in which he/she is made a party by reason of being or having been such Director or Officer, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of a duty. The indemnification provided by this Article V shall not be deemed exclusive of any other rights to which such Director or Officer may be entitled under any Bylaw, agreement, vote of the Board of Directors or otherwise.

Section 6. At any meeting of the Board of Directors, a majority of the Directors as fixed by the Bylaws shall constitute a quorum. Provided a quorum is present, the votes of a majority of the Directors attending a meeting shall be sufficient for the conduct of business.

ARTICLE VI

Disciplinary Procedures

Section 1. Violations of any Bylaws or Rules and Regulations will be dealt with by a Market Manager or Board Member. The Manager or Board Member may give a verbal warning notice to a producer for an infraction of the Bylaws or Rules and Regulations. If a producer receives two verbal warning notices, the President shall call a meeting of the Board. The Board will then take a formal vote giving the Manager or President the power to take appropriate action if a third violation of the Bylaws or Rules and Regulations occurs. Actions may include fines, site inspection, suspension or expulsion.

Section 2. Upon the Board members' determination, the President shall give written notice to the violating member of the dates, the nature(s) of the violation(s), and any corrective action to be taken should a third violation occur.

Section 3. Any member receiving such verbal and/or written notice of a violation must correct the violation immediately, or at the latest, by the next market day after such notice is received.

Section 4. Any member may bring forward a product challenge when they believe that another vendor is misrepresenting his/her product. Product challenges must be signed by the person bringing the challenge and preferably be supported by physical evidence of the offense. Product challenges shall not be anonymous. The product challenge must be made on the day of, or within the week the violation is observed.

Section 5. The vendor receiving the product challenge must respond to the challenge in writing. Failure to admit or deny a challenge may result in a determination that the challenge is valid.

Section 6. The Board shall determine if a site visit is necessary, and if so, shall conduct the visit in a timely manner to make a determination on the product challenge. If the vendor is found in violation, the Board will then take a formal vote giving the Manager or President the power to take appropriate action. Actions may include fines, site inspection, suspension or expulsion.

Section 7. A member may appeal any disciplinary action taken against them by providing to the Board a petition of support signed by at least two-thirds of the voting membership.

ARTICLE VII

Section I. These Bylaws shall be amended by a two-thirds vote of those members in good standing in attendance at the annual meeting. Proposed changes of the Bylaws shall be in writing and provided to all members at least twenty-one days prior to the annual meeting.

ADOPTED: January 6, 1994

SIGNED: January 20, 1994

AMENDED: March 24, 1995

SIGNED March 31, 1995

AMENDED:

SIGNED: February 27, 1997

AMENDED: March 14, 2013

SIGNED March 14, 2013

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

David M. Howard
Admitted in NH

Molly C. Ferrara
Admitted in NH

RECEIVED

FEB 19 2019

CITY MANAGER
PORTSMOUTH, NH

February 14, 2019

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

Re: Cate Street Land Swap

Dear Mr. Bohenko,

This office represents Cate Street Development, LLC. My client recently purchased the Frank Jones Center which is a 12.2 acre parcel of land comprised of four separate parcels of real estate identified as follows:

- A. Map 172, Lot 1
- B. Map 173, Lot 2
- C. Map 165, Lot 2
- D. Map 163, Lots 33 & 34

My client is aware that the City has had plans to develop a City street through this property for many years. In the interest of working with the City to complete the City's vision for this road my clients are agreeable to providing the necessary land to the City to enable it to complete its vision for a new public road.

As you know we have been in discussions with the City for over a year on our plans for this site. At this time, my clients would like to begin discussions with the City Council for a land swap that will preserve the necessary land for the City to complete this road now or in the future.

The attached land swap exhibit depicts the approximately 136,919 square feet of land to be conveyed to the City in exchange for 47,470 Square feet of land to be conveyed from the City to Cate Street Development, LLC.

City Manager

2

February 14, 2019

We respectfully request to be put on a City Council agenda to discuss this with the City Council to determine if this is something the City remains interested in as my clients are anxious to develop this property. We look forward to discussing this important item with the City Council and you. As always, please feel free to call to discuss any questions you may have about this project.

Very truly yours,



John K. Bosen, Esquire

Enclosure: Land Swap Exhibit dated 9/26/2018

cc: Juliet Walker
Cate Street Development, LLC
Gregg Mikolaities, P.E.
Prellwitz Chilinski Associates
Peter Rice, Public Works Dept.

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

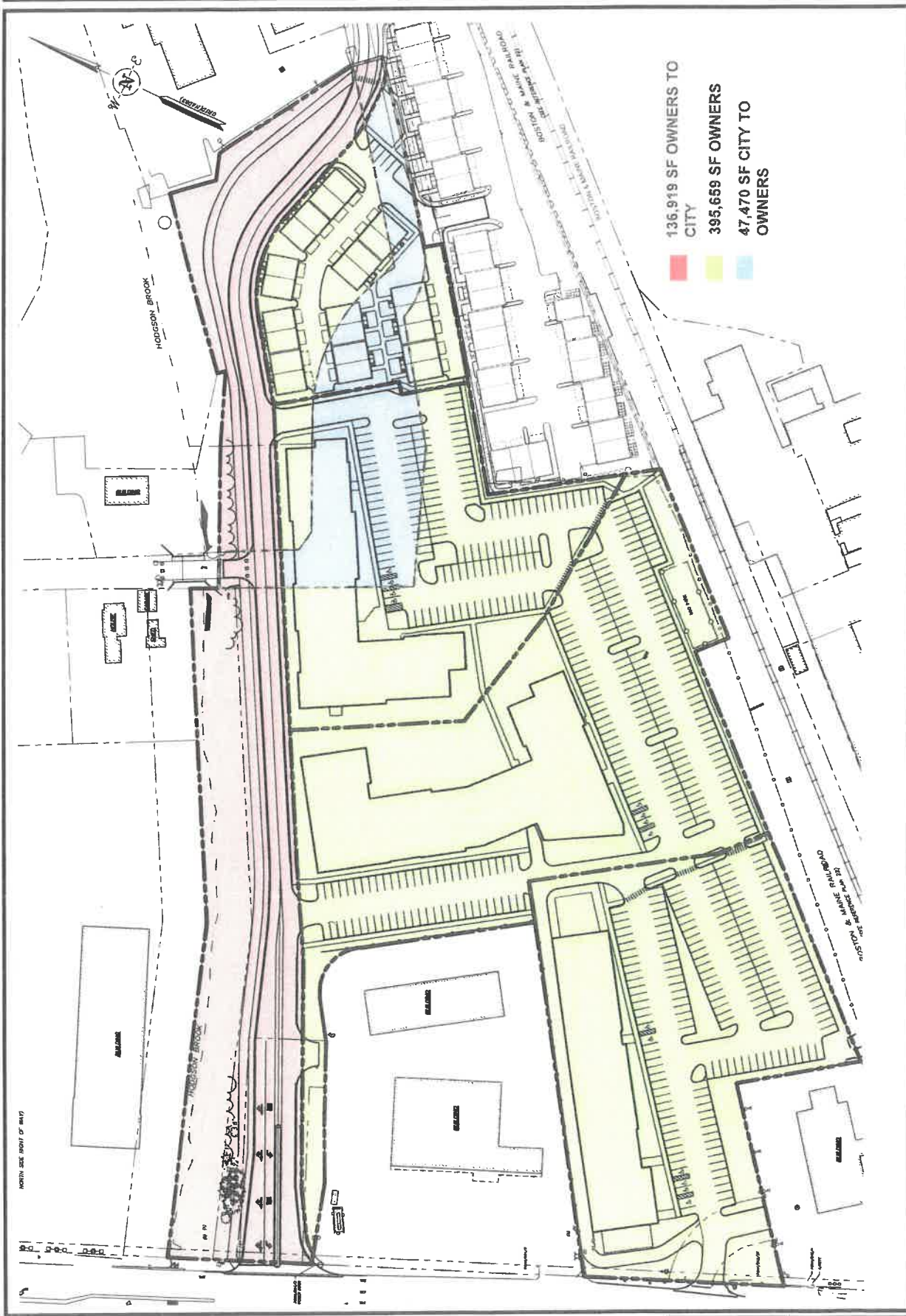
NO.	DATE	DESCRIPTION	BY	CHECKED
1				

GRAPHIC SCALE	
0	20
0	40

FUSS & O'NEILL
 www.fuss.com
 202.635.0000
 5 PLEASANT STREET, SUITE 1
 BOSTON, MASS 02114
 DATE: 08/20/2018
 SCALE: 1"=50'

TORINGTON PROPERTIES
 WATERSTONE PROPERTIES GROUP
 LAND SWAP EXHIBIT
 WEST END YARDS
 NEW HAMPSHIRE
 PORTSMOUTH

PROJ. NO.: 20180117.A10
 DATE: 08/20/2018
LS-100



136,919 SF OWNERS TO CITY
 395,659 SF OWNERS
 47,470 SF CITY TO OWNERS

SCULPTURE IN THE PARK

To honor Michael Warhurst



DONATED BY FRIENDS OF PRESCOTT PARK

Charles Lassen, President

(603) 433-2075

BACKGROUND: Early in 2018 Friends of Michael Warhurst decided to honor his 42 years of service at Prescott Park by commissioning a world class piece of abstract sculpture to be donated to the City and placed in the Memorial gardens if approved by the City. A 501c3 entity "Friends of Prescott Park Inc" was established and funds totalling \$100,000 were raised from over one hundred individuals, families and local businesses who shared the goal.

SCULPTOR: There are many accomplished stone carvers in New England and the Board's direction to Michael was to pick an artist of international stature and choose a piece of work that reflected his own value. And within reason, not to be constrained by price. The sculptor chosen was Richard Erdman, a Vermont sculptor whose considerable body of work is on display in public places, museums and private homes in many countries throughout the world. www.richarderdman.com

SCULPTURE: The chosen sculpture is "Odyssey" It is an abstract rendering of a moment in time during the journey of life. It is approximately four feet tall, three feet in girth and designed to stand on a twelve inch high plinth which may be free standing or in a pool of water to reflect the form. It will be carved in red Madura granite in the artist's studio in Carrara Italy. This is one of the hardest and tightest grained stones available. It is very strong with pleasing veins that are integral with the design concept.

TRANSPORTATION AND MOUNTING. The finished sculpture will be crated, insured and delivered to Prescott Park, where it will be gifted to the city and become a city property. The sculpture is designed to rotate and to be easily moved to a new location. A stainless pin and bevel plate will be epoxied into the base of the structure. The 600 pound sculpture will be raised and inserted into a mating tube assembly in the base, provided by the city. If needed the sculpture can be lifted from the base, moved and reinserted in a new base location. This interface will accommodate uncertainties during park reconstruction.

MAINTENANCE. Maintenance will be minimal. The sculpture is honed to an eggshell texture and coated with a high grade stone sealer. Annual maintenance will probably be limited to a soap and water wash down and the sealer may require a partial refresh every three or four years. A brass plaque is requested to be placed at the foot of the sculpture referencing the honoree and his service: the sculptor, sculpture's name and material: and the donor organization.

TIMING: The sculpture will take approximately twelve months to complete. A contract is being drawn up between the Richard Erdman Studio and Friends of Prescott Park Inc to include a 25% non refundable deposit and progress payments resulting in sculpture availability in the Spring of 2020. The of course will depend on City approvals starting with the City Manager, The City Council and Art Speak. The price of the sculpture has been significantly reduced because of the artist's appreciation of the nature of the project and the importance of the site which is visited by many thousands of people each year.

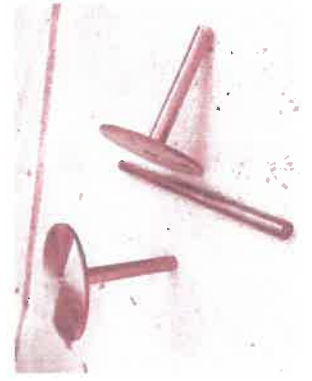
Charles L Lassen, President, Friends of Prescott Park Inc.
603 433 2075, charleslassen@gmail.com

Round Island, Portsmouth NH
February 23 2019

Charles Lassen

and mounting base plate and pin for 1/4" diameter pipe.

1. On a lathe, spin a 1/4" diameter base plate part 1. Use the lathe tool to create a 1/4" diameter hole through the plate.
2. Spin a 1/4" diameter pin part 2. Use the lathe tool to create a 1/4" diameter hole through the pin.
3. Spin a 1/4" diameter pin part 3. Use the lathe tool to create a 1/4" diameter hole through the pin.
4. Base plate part 2 is mounted on concrete footing in post #1. Pin part 2 is inserted into hole in base plate.
5. Sculpture is lowered onto base plate with pin all in negative section of sculpture.



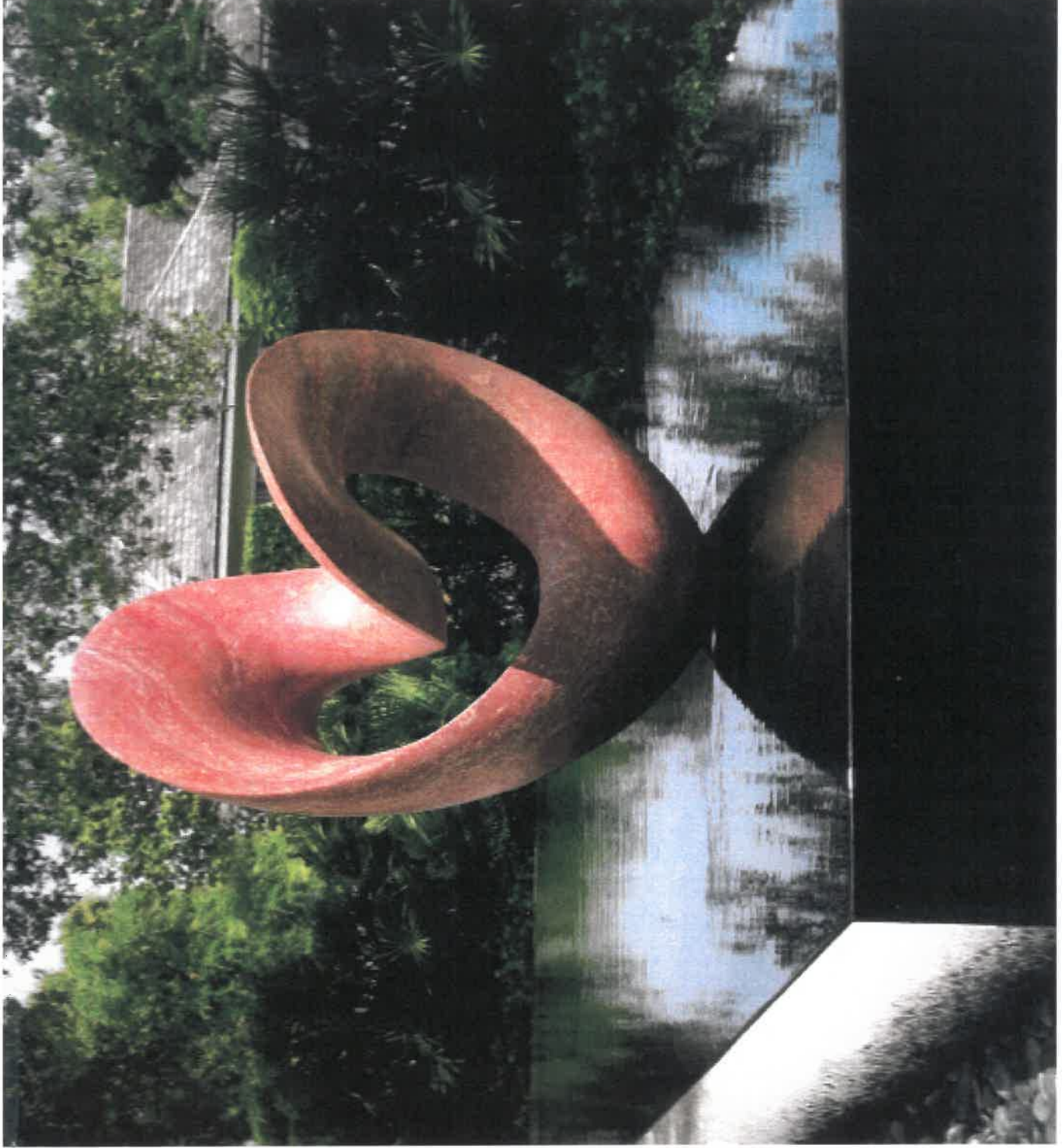
RICHARD ERDMAN STUDIOS

3188 South Brownell Rd. Williston, VT 05495 802-660-8727

Prescott Park, Portsmouth, NH
February 20, 2019

Erdman Sculpture
in water setting (typical)

Removable,
Rotatable,
in Maduro Red Granite





MEMORANDUM

TO: NANCY COLBERT PUFF, DEPUTY CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: ZAGSTER BIKE SHARE 2018 REVIEW AND 2019 UPDATE
DATE: 2/25/19

Attached to this memorandum is a membership and ridership summary and comparative data provided by Zagster for 2018. As you know, the program launched on May 3, 2017 with the installation of 6 bike stations around the downtown and 30 bikes. In 2018, we added an additional station sponsored by Portwalk Place, bringing the total number of stations up to 7 and total number of bikes to 35.

In the spring of 2017, the City entered into a 3-year lease agreement with Zagster. The agreement costs \$54,000 per year (\$1,800 per bike) and is funded through the City's Parking Revenue fund. The City receives all revenue from the fees paid by users of the Zagster system minus a 7% administration fee. For the 2018 season, a net of \$5,049.46 was returned to the City.

Attached is a summary report for 2018 including the following information:

- 1) Total number of members by member type
- 2) Total ridership (rentals) and average trip lengths
- 3) Comparative analysis of Portsmouth against the municipal average for Zagster communities
- 4) Overall activity for each of the bike stations
- 5) Riders (members) by zip code

Looking forward to the 2019 season, the City is pleased that Kane Development has agreed to sponsor a new station. The new station will be on Commerce Way in the Portsmouth Business Park, bringing the total number of stations up to 8 and total number of bikes to 40. An overview of the sponsorship benefits is included in the summary report.

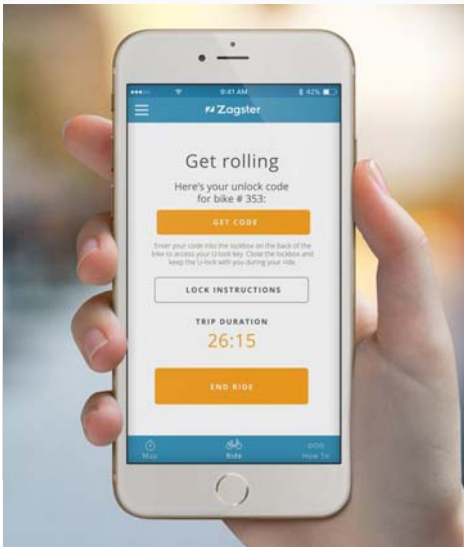
The City's lease with Zagster will expire at the end of 2019. At this time, the City is anticipating releasing a Request for Proposals in the fall for provision of bike share services beyond 2019. The bike share industry is changing at a rapid pace, we believe that an RFP will enable us to compare a variety of vendors (including Zagster) should the City decide to continue to provide bike share services beyond 2019.



2018 Review 2019 Preview



How Zagster works



1. Borrow

Enter the bike's number into the app. Get a single-use code to activate the ring lock.

2. Unlock

Enter the code into the keypad. The ring lock will automatically open. Remove the cable from the lock.

3. Ride

Have fun! Use the ring lock and on-bike cable to secure the bike during mid-ride stops.

4. Return

Press lock in the app or on the keypad. Slide the orange tab on the lock down and plug in the station cable.



How Zagster works



No smart phone?

Text **SMS** to **(202) 999-3924** to learn how to ride by text message.



MID-RIDE STOPS

For quick stops away from a Portsmouth, NH Zagster station, you can lock to any public rack.

In 2018, Portsmouth Bike Share had...



755 New Members
join...



...taking **1,599** trips...



...generating **1,345** hours
of new bike riding...



... burning **672,333***
calories...



...and offsetting **2,532*** lbs
of CO₂ emissions!

System At a glance...

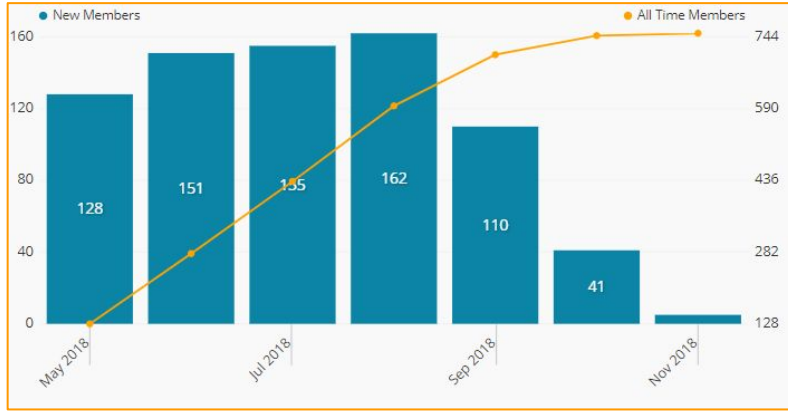
- Median Trip Duration is **48 minutes**
- **35 Bikes**
- **7 Stations**
- Pay-As-You-Go, Monthly and Annual Membership options available



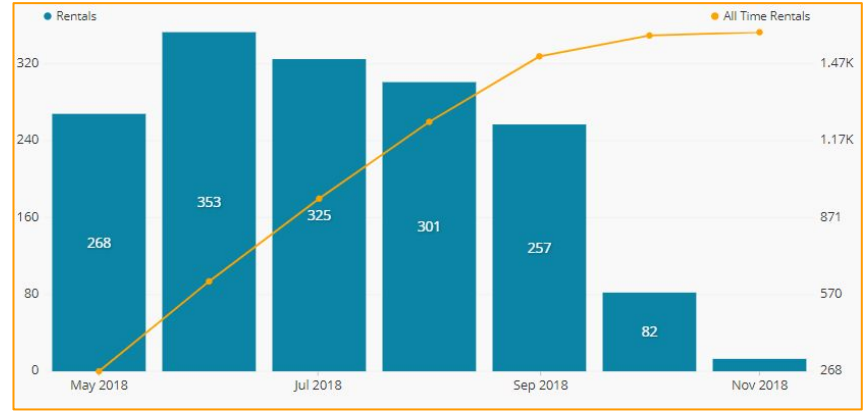
*Estimates based on continuous bike riding at 8 mph. CO₂ estimates based on 411 grams CO₂ saved per 1 mile ridden. Calorie estimates based on 500 calories burned per hour ridden.

Utilization

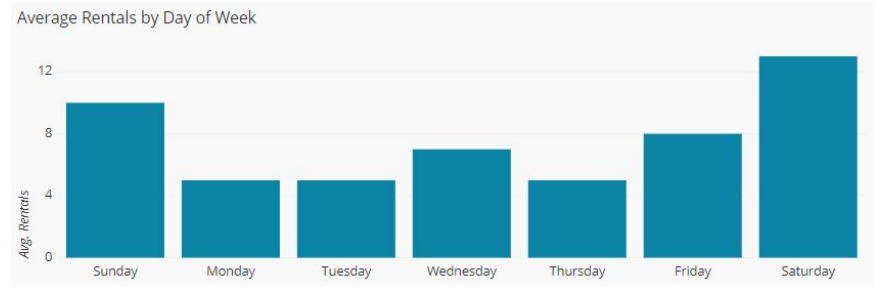
Members Joined: 755



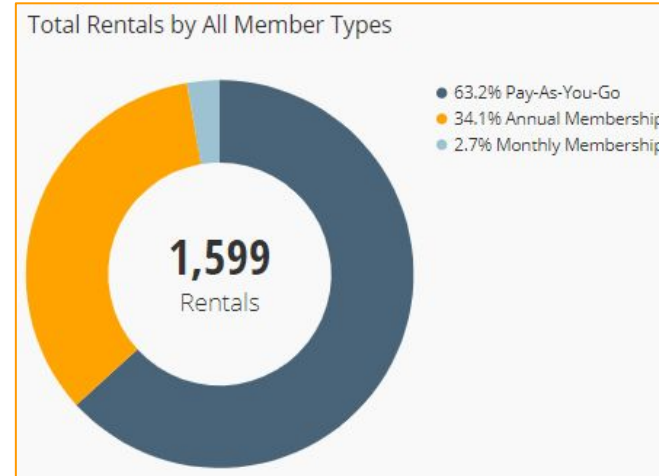
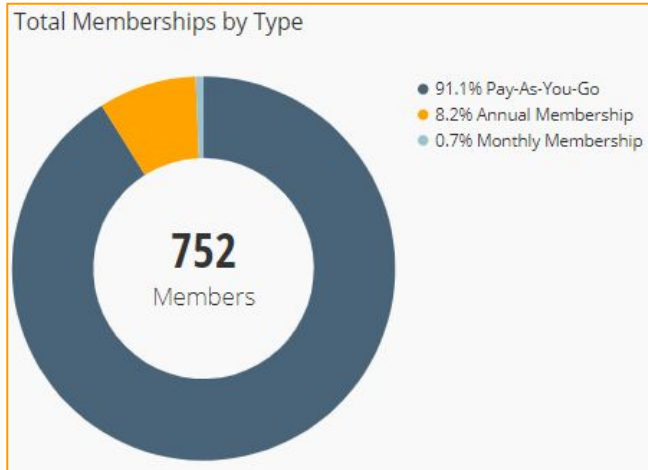
Trips Taken: 1,599



- Since 2017: -21% Members Joined and -12% Trips Taken
 - Per Zagster, dips in second year of systems are expected, especially with regards to members joined after inaugural year.
- At right: Ridership is highest on weekends, an indicator of recreation-based use of the system.



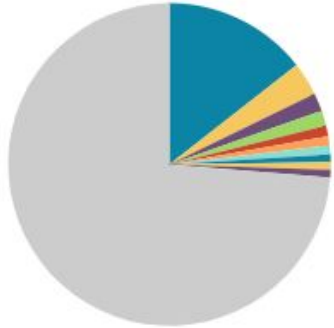
Utilization Ctd.



- Pay-As-You-Go is the lion's share of membership and ridership for the network

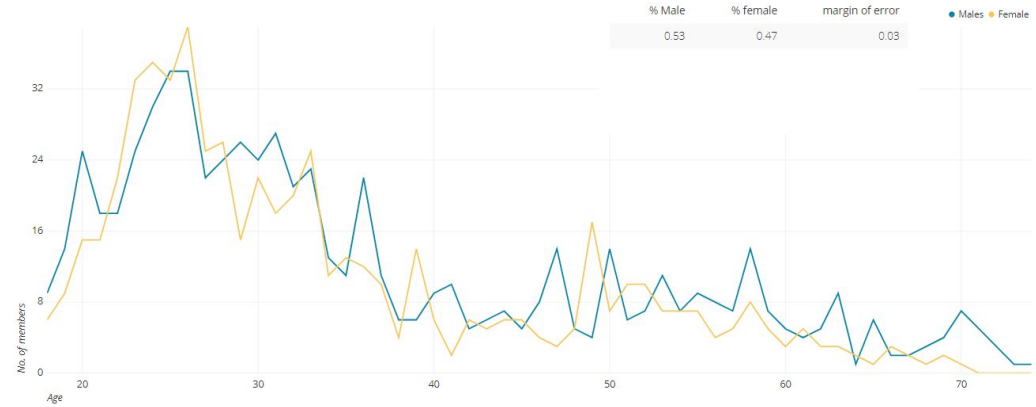
System Demographics

Top Cities & Zip Codes



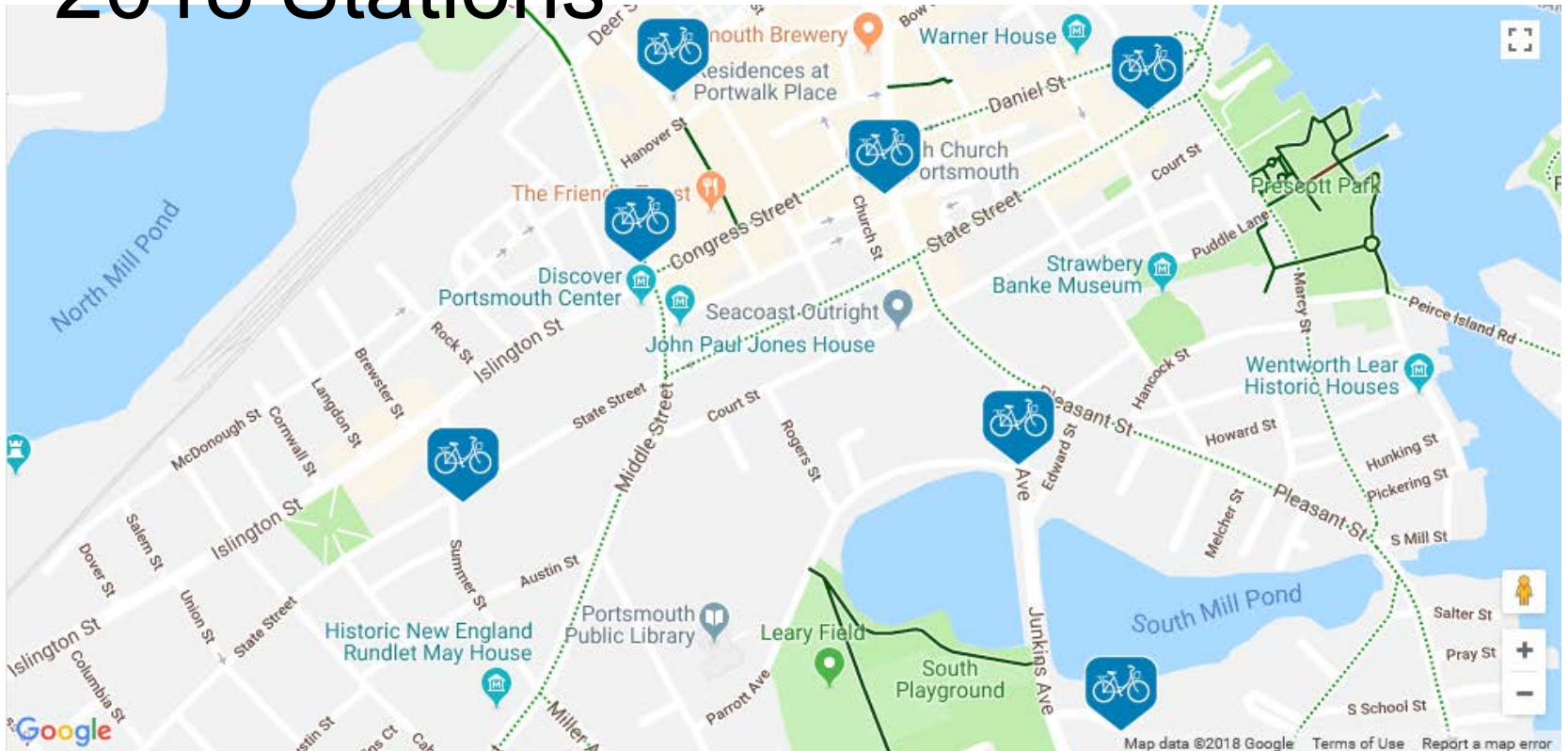
- 14.4% PORTSMOUTH, NH-03801
- 3.3% DOVER, NH-03820
- 1.8% GREENLAND, NH-03840
- 1.5% KITTERY, ME-03904
- 1.1% DURHAM, NH-03824
- 0.9% BOSTON, MA-02116
- 0.9% STRATHAM, NH-03885
- 0.8% BOSTON, MA-02215
- 0.8% ROCHESTER, NH-03839
- 0.8% NEWMARKET, NH-03857
- 73.7% Other

Membership by age & gender



- Where are our new riders from?
 - 37% are from in-state
 - 14% are from Portsmouth
- Age: Majority use by millennials under 35 years of age
- Gender: Slightly higher male use than female

2018 Stations



Utilization by Station

Portwalk Place - 15%
Bridge Street Lot - 11%
Summer St - 15%
Market Square - 17%

Memorial Bridge Lot - 24%
Parrott Ave - 13%
Municipal Complex - 5%

How Does Portsmouth Compare?

Portsmouth is receiving More utilization per capita than Zagster's medium municipal fleet average* (25-35 bikes, e.g. Asbury Park NJ, Healdsburg CA, Longmont CO).

Per 1,000 residents	Members	Trips
Portsmouth	33.8	71.6
Average	17.0	44.2

Why these numbers? Portsmouth benefits from having a strong passive acquisition base, largely due to ridership generated as a destination-based location for both visitors and residents from the area.



*Data for Dates 1.1.18 through 9.30.2018 where bike fleet is between 25 and 35 bicycles.

2019 Season

Rates and Ride Types



MEMBERSHIP TYPES AND COSTS

- Pay-As-You-Go -- \$1/ 30 minutes, up to \$30 per day max.
- Monthly Membership - \$12
- Annual Membership - \$25

RIDE STRUCTURE AND LIMIT FOR MONTHLY/ANNUAL MEMBERS

- First 2 hours of usage – Free (for monthly and annual members)
- Each additional 60 minutes of usage - \$3
- Up to \$30 per day maximum

RIDER REVENUE RECOVERY

- Zagster collects revenue from all riders
- Returns these revenues to City less a 7% processing charge (quarterly)
- Estimated revenue potential is 15-25% of the overall cost of the program
- 2017 Net Revenue returned to City = \$7,784.45
- 2018 Net Revenue = \$5,049.46

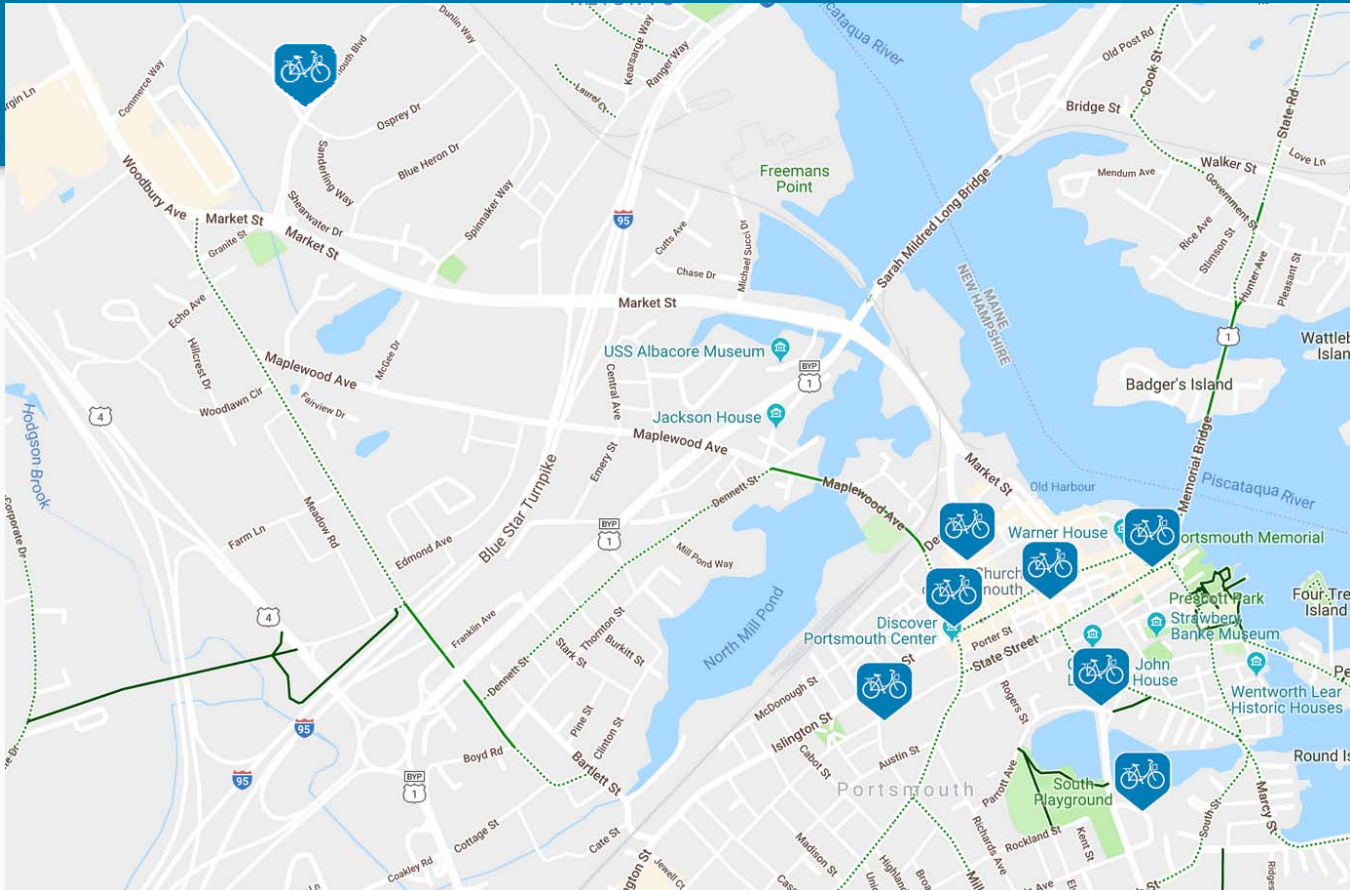




2019 Station Locations

- City Hall
- Parrot Ave
- Memorial Bridge
- Market Square
- Portwalk Place*
- Bridge Street Lot
- Summer Street
- Commerce Way*

* sponsored station



Sponsorship

- \$10,000 per station
- Station placement priority for 1 station
- Brand inclusion on 1 sponsored station
- Brand inclusion on 5 bike baskets
- Brand inclusion on marketing collateral
- Brand inclusion on system website
- Brand inclusion on communications, social media & promotions
- 10 free membership passes

ADVERTISING ASSETS

1 BIKE BASKETS



2 STATION SIGNS



3 DIGITAL



4 PRINT MATERIALS



City of Portsmouth Economic Development Commission

2019 Action/Advocacy Plan

Adopted Feb 1, 2019

GOAL/OBJECTIVE	ACTION/ADVOCACY
<p>MCINTYRE BLOCK REDEVELOPMENT PROJECT.</p> <p>Objective: Assist in creating a successful redevelopment of the McIntyre Federal Property</p>	<ul style="list-style-type: none"> • Monitor project progress through the federal Historic Monument application and local land-use permitting process and advocate as appropriate. • Monitor effort for Post Office presence in the downtown. <p>EDC representative: Vice-Chair Phil Cohen</p>
<p>ADVOCATE FOR WORKFORCE HOUSING AND HOUSING AFFORDABILITY OPPORTUNITIES AND INITIATIVES</p> <p>Objective: Advocate for increase in workforce housing and promote policies to improve housing affordability.</p>	<ul style="list-style-type: none"> • Support Housing Authority’s Court St. workforce housing project. • Monitor and advocate for local initiatives and legislative bills that create opportunities for workforce housing. <p>EDC representative: Commissioner Kwoka</p>
<p>PROMOTE ECONOMIC GROWTH THROUGH STREAMLINED LAND-USE ZONING AND INSPECTION PROCESSES</p> <p>Objective: Advocate for and support changes that simplify land-use regulations and inspection processes in support of commercial development/redevelopment.</p>	<ul style="list-style-type: none"> • Draft report of subcommittee survey and research findings. • Subcommittee to meet with Planning Director and Planning Board Chair to discuss findings and report back to City Council in March. <p>EDC representatives: City Councilor Pearson, Commissioners Lachance and Zolla</p>
<p>ADVOCATE FOR PARKING, TRANSPORTATION AND INFRASTRUCTURE PROJECTS</p> <p>Objective: Advocate for infrastructure, transportation and municipal parking policies and projects that support economic growth.</p>	<ul style="list-style-type: none"> • Revisit/revise the 2009 corporate policy for discounted downtown parking. • Monitor and have EDC presence at comprehensive community parking discussion proposed by Councilor Dwyer. • Continue to work with city and state representatives on enhancing the City’s main transportation corridors (Route 1, Lafayette Rd, Islington St.). • Monitor and get updates on City’s Transportation initiatives

	<ul style="list-style-type: none"> • Monitor and advocate for the Metropolitan Planning Organization regional transportation planning initiatives that encourage regional transit. • Request updates from NH DOT on construction progress and targeted completion of General Sullivan/Little Bay Bridge. <p>EDC representative: Assistant Mayor Lazenby</p>
<p>MAINTAIN COLLABORATIVE RELATIONSHIPS WITH MUNICIPAL AND REGIONAL BOARDS, COMMISSIONS AND ECONOMIC DEVELOPMENT GROUPS</p> <p>Objective: Establish, leverage and partner with others to promote and facilitate economic development.</p>	<ul style="list-style-type: none"> • Leverage City Council appointments to EDC through engagement and comment on the economic and business impacts of upcoming development/redevelopment work items. • Leverage partnership with the Chamber Collaborative to advance targeted common initiatives. • Actively sponsor and partner with community organizations to foster better public understanding of the mechanisms and interconnectivity of growth. • Continue partnership with NH Small Business Development Center for business counseling services in Portsmouth. • Collaborate with surrounding municipal economic development commissions to work collectively on best practices for regional economic development. <p>EDC representative: Economic Development Manager Nancy Carmer</p>
<p>IMPLEMENT THE BR&E STUDY FINDINGS</p> <p>Objective: Respond to desires and concerns of local business 'in the BR&E survey and maintain communications between the surveyed businesses and the city.</p>	<ul style="list-style-type: none"> • Continue collaborative work of Manufacturing Roundtable. • Promote <i>Apprenticeship NH Program</i> to local employers. • Raise awareness amongst Portsmouth companies of local and regional business resources and assistance programs through targeted outreach. • Develop a series of resources sessions on topics of interest expressed by business in the survey (business succession, business plan development, international trade, workforce recruitment and training resources and apprenticeship opportunities and job training grants). • Collaborate with UNH Extension to develop plan for maintaining relationships with companies that participated in the BRE&E survey. <p>EDC representatives: Commissioners Lachance and Gold with Economic Development Manager Nancy Carmer</p>
<p>LEVERAGE CITY'S HOSPITALITY PROPERTIES FOR CONFERENCE EVENTS</p>	<ul style="list-style-type: none"> • Develop collaborative strategy to market the City's new hospitality properties for corporate events. <p>EDC representative: Councilor Pearson</p>

February 22, 2019

Mayor Blalock,

I am writing you with the unfortunate news that I need to resign from the Sustainability Committee due to outside circumstances. I appreciate the work of the committee and the time that I have spent with everyone. Thank you for this opportunity and I hope to work with you in the future.

Best,

Lana Bluege

Lana C. Bluege, MS

Regional Program Coordinator
CONEG Research Institute, Inc.

"The Earth Does not belong to us, we belong to the earth".

ACTIONS

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – February 7, 2019
City Hall – Conference Room A

MEMBERS PRESENT: Chairman, Doug Roberts
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Fire Chief, Steven Achilles

Members: Harold Whitehouse, Mary Lou McElwain,
Ralph DiBernardo and Steve Pesci (Alternate)

MEMBER ABSENT: Shari Donnermeyer

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

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 January 10, 2019.
2. Accepted and placed on file financial report dated December 31, 2018.
3. Public Comment Session: one speaker: Charles McMahon (Echo Ave).
4. Presentation: Downtown Traffic Model, by Erica Wygonik, RSG Inc.
5. Parrott Avenue and Rogers Street commercial traffic, school bus traffic and traffic congestion resulting from student drop off/pick up at the Middle School – **Voted** to refer to staff for report back.
6. Report back on 6-month trial closure of Turnpike exit ramp onto Echo Avenue – **Voted** to extend the trial closure of Turnpike exit ramp onto Echo Avenue until the completion of the Woodbury Avenue Bridge.
7. Report back on request for STOP sign and crosswalk on Bow Street at Chapel Street – **Voted** to place report on file.
8. Report back on Islington Street/Bartlett Street pedestrian signal questions – No action required by Committee.

9. Report back on request for parking space in bike lane buffer at 60 Lafayette Road – **Voted** to table request.
10. Report back on Neighborhood Traffic Calming requests:
 1. Brackett Road
 2. Brackett Lane
 3. South Street**Voted** to place reports on file.
11. Edward Street closure, report back on proposed closure plan – **Voted** to move proposal forward to the appropriate department for implementation.
12. Foundry Place Parking Garage usage update, by Parking Director Ben Fletcher – No action required by Committee.
13. Police grants, by Police Captain Frank Warchol – No action required by Committee.
14. “The Many Benefits of Making One-Way Streets to Two-Way,” column by Eric Jaffe, CityLab (The Atlantic) – No action required by Committee.
15. Jeff Speck argues for two-way streets in Portsmouth (2015) – No action required by Committee.
16. Parking Workshop – No action required by Committee.
17. Cate Street connector public meeting – No action required by Committee.
18. PTS Open Action Items – No action required by Committee.

Adjournment – At 9:50 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. – February 7, 2019
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
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Fire Chief, Steven Achilles
Member, Ralph DiBernardo
Member, Mary Lou McElwain
Member, Harold Whitehouse
Alternate Member, Steve Pesci

Member Absent:

Member, Shari Donnermeyer

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher

III. ACCEPTANCE OF THE MINUTES:

Ralph DiBernardo moved to accept the meeting minutes of the January 10, 2019 meeting, seconded by Mary Lou McElwain. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Harold Whitehouse moved to accept the financial report dated December 31, 2018, seconded by Public Works Director Peter Rice. **Motion passed 9-0.**

V. PUBLIC COMMENT:

Charles McMahan spoke to action item VIII.A. (Echo Avenue exit closure). The results of the pilot study indicated that there was no major impacts. He thanked the Committee for the time they had spent on the project and looked forward to hearing the final vote.

VI. PRESENTATION:

A. Downtown Traffic Model, by Erica Wygonik, RSG Inc.

Erica Wygonik commented that RSG, Inc. had undergone a significant effort to develop a downtown traffic model for the City of Portsmouth, and conduct its first scenario. The purpose of this presentation was to explain the components of the model, and the results of the scenario. A microsimulation model is a very detailed picture of a traffic network. It is meant to represent the reality of the traffic patterns as much as possible. A

microsimulation is especially useful for a complex traffic environment, like a downtown. It allows the City to test significant traffic changes in the model to evaluate how they will impact the traffic in real life. It can evaluate scenarios such as adding a new road, installing a new traffic signal, adding a new roundabout, and more. The tool considers how vehicles would re-route as a result of a change. A microsimulation is the most useful to show the impact of a major change. The tool accounts for the impact of pedestrians, but it does not take into account the impact on pedestrians. The tool focuses on the vehicular experience. The model includes a lot of detail for the roads and the intersections to provide the most accurate results. The user tells the model where the vehicle will start and where it will end. The model will then look at the traffic delays and intersections and determines which path would make the most sense. There was a significant amount of turning movement data collected for this model. The peak hour that was modeled for this was 5 p.m. to 6 p.m.

Public Works Director Peter Rice questioned if they took into account the proposed developments in the area in the traffic counts. Erica Wygonik responded that they did not because they used the current ground counts from 2017 for the model. Anything that was built when the Deer St. Garage counts were completed and the 2017 counts were completed, was included.

Harold Whitehouse questioned what the main purpose is of a roundabout. Erica Wygonik responded that she used the roundabout as an example of a major change that could be used in the model. A roundabout can have a number of purposes. Roundabouts have been shown to reduce severe crashes, so they are useful in areas where that may be an issue.

Erica Wygonik presented a video of the baseline model simulation to the Committee. It showed street parking and vehicles flowing through intersections. The model shows the signals at intersections changing as well as pedestrians using the crosswalks. The tool indirectly accounts for jaywalkers. The model accounts for friction factors that will slow vehicles down like jaywalking and parking turnover.

Mary Lou McElwain questioned if a specific time of day and month were used for the model. Erica Wygonik responded that they used the peak hour of the peak month. The p.m. peak hour had the highest overlap of vehicles and pedestrians. Mary Lou McElwain questioned if the model accounted for Memorial Bridge closures. Erica Wygonik responded that the particular model they were looking at did not have a bridge closure.

Chairman Doug Roberts questioned if the model extended to Parrot Avenue. Erica Wygonik responded that it did not. Chairman Doug Roberts questioned if parking had an impact on the model. Erica Wygonik confirmed that it did. Cars will enter and exit parking spaces in the model and affect traffic around them. They used the Smarking data to help inform the parking usage in the model. Public Works Director Peter Rice clarified that Smarking was a data collection system used by the Parking Division. It is real-time data. Erica Wygonik added that it provided data on where people are parking by zone. The turnover in the model is closely aligned to the data that was collected.

Steve Pesci requested clarification on the term “O and D.” Erica Wygonik responded that it stood for origins and destinations. The whole downtown area is separated into zones. They have to figure out how many vehicles are leaving and entering each zone in the hour and where are they coming from and going. It is all accounted for in the model matrix, and they ensure the results align with the turning movement data.

Ralph DiBernardo questioned if the model addressed vehicle speeds. Erica Wygonik responded that they start with the posted speed limit and use the typical real-life speed, if the data is available. Portsmouth had observed speed data for many streets. The vehicle speeds varied in the model.

Mary Lou McElwain questioned if large delivery trucks were in the model. There is a lot of truck traffic downtown. Erica Wygonik responded that there was vehicle class information included in the model. The truck traffic is calibrated to the traffic count data. There is less truck traffic in the p.m. peak hour because deliveries tend to happen in the morning. Bus routes are captured in the model.

Ralph DiBernardo questioned if the model accounted for emergency vehicle responses because the Central Fire Station is in the middle of the downtown. Erica Wygonik responded that it was not in this model. Fire Chief Steven Achilles questioned if it could be added as a scenario. Erica Wygonik responded that it had not been done before, but she would look into it.

Chairman Doug Roberts questioned if they could run a scenario in the model to evaluate the signal timings to improve the pedestrian traffic between the Foundry Place Garage and the downtown. Erica Wygonik stated it could be evaluated in the model.

Erica Wygonik explained the congestion results from the baseline model. The results are categorized by level of service and given a grade of A-F. A is the best and means there is no delay; F is the worst and indicates a large amount of congestion.

Chairman Doug Roberts noted that the level of service is only for the vehicles and some states have abandoned using this evaluation system all together. Erica Wygonik responded that there are many strong opinions about level of service (LOS). It is a useful tool to provide a snapshot of the vehicle experience. This model shows vehicle delays only and does not show pedestrian delays.

Steve Pesci pointed out that getting an A for every intersection would not be realistic. The City should be aiming for B's and C's. Erica Wygonik agreed. Traffic is a good sign of a vibrant downtown and a LOS of D and E would be acceptable in a downtown.

Public Works Director Peter Rice reminded the Committee that this model was developed to evaluate the two-way scenario.

Steve Pesci was happy that the City invested in this tool, so they can have informed discussions. UNH Durham has a similar model and found it very useful. Public Works Director Peter Rice added that models are only as good as the data. This model was created specifically to address the two-way scenario and it's useful for the model area

only.

Ralph DiBernardo pointed out that this was just a very preliminary look at the two-way scenario using a tool. There were no actual changes proposed.

Police Captain Frank Warchol requested clarification on why the Committee was looking into the two-way scenario. He questioned if it was because something was broken or if it was to improve efficiency. Chairman Doug Roberts responded that there was an article in the packet that outlined the many benefits of two-way streets in a downtown. It can improve walkability, business development, traffic safety, and emergency access. It would be a big change that should be considered carefully, but there could be benefits.

Erica Wygonik noted that an important thing to remember is that the model looks at vehicle delays and operations. Jeff Speck identifies a lot of potential benefits for going to a two-way street that this model will not evaluate. This model will show what the vehicle circulation impacts would be. This scenario is not the only factor that should be considered in a decision to go two-way.

Erica Wygonik showed a map of the area. State Street from Middle Street to Pleasant Street, Pleasant Street to Market Square, and Congress Street from Market Square to Maplewood Avenue were all changed to two-way streets in the model. There was a lot of discussion about what area to include when making the model. This area was selected to prevent parking loss. If extended to Daniel Street there would be more on-street parking removed. Any two-way road conversion would involve some infrastructure costs, but extending it to Memorial Bridge would have resulted in significant costs. They looked at converting Penhallow Street or Chapel Street to a two-way road, but both are too narrow.

Ralph DiBernardo questioned if they evaluated the benefits of the two-way conversion. Erica Wygonik responded that most of the benefits of two-way traffic are not evaluated in this model. Most of the benefits are improved pedestrian safety, improved access to businesses, etc. Those would not be apparent in the model.

Erica Wygonik summarized the changes that would be required to change the roadways to two-way streets. Some parking would be moved from State Street to Congress Street. The intersection signal timings would need to change at the intersection of Maplewood Avenue and Hanover Street. Market Square would require some new striping. The Maplewood Avenue, Islington Street and Congress Street intersection would require new signal heads. New signal heads would also be required at Fleet Street and State Street, and Pleasant Street and State Street. The most significant impact would be at the State Street and Middle Street intersection. It would require an intersection reconstruction. It could involve drainage work, curb work, and new signal heads. A roundabout could be considered but would need to be studied.

Mary Lou McElwain questioned if parking would be removed from one side of State Street and added to both sides of Congress Street. Erica Wygonik responded that parking would be removed on the north side of State Street and added to the south side of Congress Street.

Chairman Doug Roberts questioned if the Fire Department had traffic signal preemption at the Fleet Street and State Street intersection. Fire Chief Steven Achilles confirmed that was correct. Public Works Director Pete Rice added that they had control over most of the newer signals.

Erica Wygonik showed a graphic depicting the level of service at each intersection after running the model with the two-way scenario. In general, most of the network is fairly unaffected. Congestion gets a little worse at the intersections at State Street and Middle Street, and Fleet Street and Congress Street. It would be a policy decision at Market Square about how much congestion is acceptable and what should be implemented to mitigate it. The approach to the scenario in the model was to implement things to make the two-way conversion work. There was nothing implemented in the scenario to make things better. Market Square is a complicated intersection to convert to two-way traffic. A signal was not added to the Market Square intersection in the model, but it could be. A signal would probably improve movement through the intersection. A roundabout could also be considered for Market Square. If nothing was done to Market Square and it went to two-way traffic, then there would be more congestion. It is considered an acceptable amount of congestion for a downtown, but it may not be acceptable for this community.

Harold Whitehouse questioned if she was aware of any communities that restricted using electronics in a crosswalk. Erica Wygonik responded that she was not.

Erica Wygonik noted that the model showed there was a slight increase in total delay, slight increase in average travel time across the downtown, slight decrease in average vehicle speed, and no change in vehicle miles traveled. From a vehicular perspective, the model shows that adopting a two-way conversion would be fine. There are other factors that should be considered when making the decision, but from a vehicular perspective, it works.

There was a discussion about traffic at the beginning of the two-way conversion and how it would change over time. Erica Wygonik stated the model reflected steady conditions. It does not show conditions after the first week of the conversion. She stated the one caveat is that the origins and destinations were not changed for the scenario and drivers may change routes over time because of the two-way conversion.

Police Captain Frank Warchol questioned if they looked at converting Congress Street to a two-way intersection from Maplewood Avenue to Fleet Street and not all the way to Market Square. Erica Wygonik responded that they did not. He noted that it would be a lot of vehicle movement in Market Square, and that concerned him. Erica Wygonik responded that the model did not show a large increase in people going the other way on Congress Street.

Steve Pesci noted that the Foundry Place Garage was not a destination in the model. That could impact some of the results. There are many things that relate to Market Square that are not traffic based. He hoped that the City would continue to invest in the tool to allow for more scenarios to be developed and studied.

Erica Wygonik summarized some of the research conducted on drawbridge scenarios and alternatives. Lift data was obtained from NHDOT. The average lift duration was 6.5 minutes. In the spring 43% of the weekday p.m. peak hours had a bridge lift. There was a model that included a bridge lift. The biggest concern was how far the queuing went back and how much that would increase with two-way traffic. The queues did get worse with two-way traffic, but it was not horrible.

Ralph DiBernardo asked about blocked intersections in the bridge lift scenarios. Erica Wygonik responded that most people are polite and do not block intersections. They did observe a secondary situation after a bridge lift when Kittery traffic comes into Portsmouth. Market Square suffers during these times.

Fire Chief Steven Achilles expressed concern about queuing on State Street and that fire access can be significantly impacted during those times. If the road changed to two-way then the fire engine would be able to traverse State Street. She spoke to the fire in June on Daniel Street. If the lift bridge was up, they would not have been able to respond as fast as they did. The two-way conversion does not necessarily have to be a loop. It could just be a street or two. Erica Wygonik agreed that it did not necessarily need to be a loop, but they did need to ensure that vehicles had somewhere to go at the end of the road.

VII. NEW BUSINESS:

A. Parrott Avenue and Rogers Street commercial traffic, school bus traffic and traffic congestion resulting from student drop off/pick up at the Middle School.

Harold Whitehouse questioned if the School Board Chairman was aware of the issue. Deputy City Manager Nancy Colbert Puff responded that she would confirm they are notified.

Ralph DiBernardo moved to refer to staff for report back, seconded by Harold Whitehouse. **Motion passed 9-0.**

VIII. OLD BUSINESS:

A. Report back on 6-month trial closure of Turnpike exit ramp onto Echo Avenue.

Harold Whitehouse moved to keep closure in place, seconded by Mary Lou McElwain.

Fire Chief Steven Achilles noted that the Fire Department had not experienced any significant issues with the closure, but requested delaying permanent closure until the Woodbury Avenue Bridge construction is completed. Public Works Director Peter Rice responded that it would be a while before the City had resources to permanently close the exit, so it can remain closed as it is now until the bridge is finished.

Harold Whitehouse withdrew his motion.

Fire Chief Steven Achilles moved to extend the trial closure of Turnpike exit ramp onto Echo Avenue until the completion of the Woodbury Avenue Bridge, seconded by Public Works Director Peter Rice. **Motion passed 9-0.**

B. Report back on request for STOP sign and crosswalk on Bow Street at Chapel Street, by John Sherman. Eric Eby noted that they looked at the sight lines at the corner

and there is very limited sight distance at that intersection. It would not be a safe pedestrian crosswalk location. Adding a crosswalk will not improve the sight lines. If people want to cross at that location they can, but they would be more careful if there was not a crosswalk on the ground.

Ralph DiBernardo added that it was not appropriate to install a crosswalk and lead people into an unsafe condition.

Mary Lou McElwain questioned if a No Left Turn sign on Chapel Street was going to be addressed. Eric Eby responded that it was included in the report back. There previously was a left turn restriction at Chapel Street, but it was removed by the PTS Committee several years ago.

Public Works Director Peter Rice moved to place report on file, seconded by Harold Whitehouse. **Motion passed 9-0.**

C. Report back on Islington Street/Bartlett Street pedestrian signal questions.

Eric Eby noted that the question was when can a vehicle make a right turn on red. He provided a handout in the packet from the New Hampshire Drivers Manual. The document states, "you may make a right turn on a red signal only if: there is no sign prohibiting a right turn on red and (if the intersection is equipped) a steady DON'T WALK signal is being displayed. Then, you may make a right turn after yielding to pedestrians and other traffic in, or approaching, the intersection. NOTE: It is a violation of the law to make a right turn on red when a steady or flashing walk signal is being displayed even if there are no pedestrians in the crosswalk."

Eric Eby also stated that turns are allowed on a right arrow after stopping if there are no pedestrians in the crosswalk and if the walk/don't walk signal is not flashing.

D. Report back on request for parking space in bike lane buffer at 60 Lafayette Road, by Planning Director Juliet Walker. Eric Eby noted that there is adequate roadway width, but it would require a redesign of the bike lane. The gas station parcel is going to be redeveloped. It is the opinion of staff to wait until the parcel is developed to redesign the area.

Fire Chief Steven Achilles moved to table the request, seconded by Mary Lou McElwain. **Motion passed 9-0.**

E. Report back on Neighborhood Traffic Calming requests:

1. Brackett Road
2. Brackett Lane
3. South Street

Eric Eby recommended no traffic calming measures for all three roads. Speeds and pedestrian volumes were recorded. There were no significant issues that were observed. The City will look to replace the old overhead flashing beacon at Brackett Lane and South Street, with one that is larger and brighter.

Chairman Doug Roberts was concerned about the section of South Street between Middle Street and Middle Road. There are no sidewalks, but there is a playground and a school nearby. Eric Eby responded that there is a sidewalk along the playground side of the street.

Ralph DiBernardo moved to place reports on file, seconded by Steve Pesci.

Motion passed 9-0.

F. Edward Street closure, report back on proposed closure plan.

Eric Eby commented that the goal is to improve the pedestrian facilities around Whipple Park. Edward Street would be closed and a sidewalk installed. This will help make the park more accessible. It would tighten up the intersection at Parrot Avenue. The yield sign would become a stop sign and the pedestrian crossing distance would be shortened.

Harold Whitehouse noted that the materials from the Pleasant Street project are an eye sore and it damaged some of the greenery in the park. They should be obligated to clean up and restore the area. Public Works Director Peter Rice responded that the Pleasant Street project was not complete and clean up would happen once completed.

Ralph DiBernardo moved to move the proposal forward to the appropriate department for implementation, seconded by Harold Whitehouse. **Motion passed 9-0.**

IX. INFORMATIONAL:

A. Foundry Place Parking Garage usage and traffic volume update, by Parking Director Ben Fletcher.

Parking Director Ben Fletcher presented data from November to December 2018. The increase in transient collections during this time was fairly significant. There was an increase in monthly contracts as well.

Chairman Doug Roberts questioned the increase and capacity. Parking Director Ben Fletcher responded that they were still 25% full and there was a 100% increase. The transient collection was about \$450 for November and it was double that for December. The January numbers show a slight decrease from December, but that is normal.

Mary Lou McElwain questioned if the hotels were using valet parking in the garage. Parking Director Ben Fletcher responded they were not. The Committee discussed the parking lot in front of the Foundry Place Garage and wayfinding signage for the garage.

Steve Pesci questioned what would trigger valet parking use at Foundry Place Garage. Public Works Director Peter Rice responded valet parking in City parking spaces is not allowed. A policy change would be required to allow it. Parking Director Ben Fletcher added that hotels might ask for spaces once other available lots are redeveloped.

B. Police grants, by Police Captain Frank Warchol.

Police Captain Frank Warchol stated there are six (6) traffic enforcement grants issued through the NH Highway Safety totaling \$32,000. Step Patrol helps identify through statistics where to place officers in the City. Operation Safe Commute are state mandated

days where officers on duty from 6 a.m. to 9 a.m. and 4 p.m. to 7 p.m. monitor aggressive drivers. Join the Click promotes seatbelt enforcement for the younger population. There are grants for distracted driving, pedestrians and bicycles, and driving while impaired (DWI) patrols and mobilization.

C. “The Many Benefits of Making One-Way Streets to Two-Way,” column by Eric Jaffe, CityLab (The Atlantic). Document provided in the packet.

D. Jeff Speck argues for two-way streets in Portsmouth (2015).
<https://tinyurl.com/speck2waystreets>

Chairman Roberts provided a link to Jeff Speck’s talk on two-way streets in Portsmouth.

E. Parking Workshop.

Chairman Doug Roberts invited the Committee to the March 25, 2019 meeting at the Portsmouth Library with the City Council to discuss parking principles. He stated various City Boards would be present. Information will be forthcoming.

Harold Whitehouse mentioned the McIntyre Project Meeting on March 5, 2019. Chairman Doug Roberts responded that parking may not be the focus of that particular meeting. Deputy City Manager Nancy Colbert Puff stated that a 3-D model would be presented at the meeting.

F. Cate Street connector public meeting, by Planning Director Juliet Walker.

Eric Eby informed the Committee of the February 12, 2019 meeting. The focus will be discussing the status of the Frank Jones Center redevelopment project with the neighborhood. He stated the project may include a connector road through the site between Bartlett Street and Borthwick Avenue. Staff would be presenting the traffic calming measure proposals for Bartlett Street again for the neighborhood to gauge interest.

Ralph DiBernardo requested information on pedestrian traffic on the other side of Bartlett Street. There is a project on Cate Street that will increase pedestrian traffic. Eric Eby responded that the developer would be doing some improvements to the intersection of Cate Street and Bartlett Street, which will include pedestrian improvements.

Mary Lou McElwain clarified that the private developer would be making the improvements. Eric Eby confirmed that was correct. They will be widening the Cate Street approach to Bartlett Street and adding a crosswalk across Bartlett Street. The crosswalk will be installed at the auto repair shop to ensure there are safe sight lines.

G. PTS Open Action Items. No Committee discussion.

X. MISCELLANEOUS:

Steve Pesci asked about the status of the Shared Active Transportation Ordinance. Deputy City Manager Nancy Colbert Puff responded that it had been approved by City Council.

Mary Lou McElwain questioned if the City was entering into a contract with Zagster for the final year. Eric Eby confirmed that was correct. Mary Lou McElwain requested a report back on the number of Zagster users and revenue. She also requested a report on ancillary parking lots usage in the City.

XI. ADJOURNMENT – at 9:50 a.m., VOTED to adjourn.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary