

CITY COUNCIL MEETING

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

- 6:15PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING - AFSCME LOCAL 1386
- 6:45PM – PORTSMOUTH CITY COUNCIL PHOTOGRAPH

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

PRESENTATIONS

- 1. Arbor Day – Growth Award – Corin Hallowell, Arborist & Charles Baxter, Arborist
- 2. McIntyre Presentation Introduction of David Eaton from Colliers International

V. ACCEPTANCE OF MINUTES – APRIL 1, 2019

VI. PUBLIC COMMENT SESSION

VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First reading of Ordinance amending Chapter 10 – Zoning Map 10.5A21A by changing the property with the address of 15 Middle Street from Civic District to Character District 4 and amending Zoning Map 10.5A21B by changing the height requirement area for the property street frontages on Porter Street and Maplewood Avenue to 2-3 stories (40')

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation from Poco Diablo, Inc., Restaurant – John Golumb & Marlisa Geroulo for Light Forms art installation on Ceres Street by Pandora - \$2,250.00
- B. *Acceptance of Wellness Award – Health Trust Wellness Program - \$2,000.00

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign for Joe Faro/Tuscan Brands owner of Tuscan Market for property located at 14 Market Square ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

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

- B. Request for License to Install Projecting Sign for Scott Rafferty owner of Open Concepts Realty for property located at 371 Islington Street, Unit A (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

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

- C. Letter from Cole Gove, Seacoast Growers Association requesting permission to include Squamscott Vineyard & Winery, LLC in the 2019 Portsmouth Farmers' Market for the sale and tasting of their product (***Anticipated action – move to refer to the City Manager with power***)

- D. Petition and Underground Utility License for 100 Pinehurst Road - Request to install 3 conduits in 1 four (4) foot wide trench from the utility pole, 48 feet across Pinehurst Road to their property (***Anticipated actions – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Petition from The Clip Joint Barbershop against making the downtown a Pedestrian Zone
- C. Letter from Russell Prescott, Executive Councilor, District 3, sharing information regarding the Executive Council (***Sample motion – move to accept and place on file***)

- D. Letter from Attorney Paul McEachern regarding Petition to rezone the Federal Building property on Daniel Street
- E. Letter and Petition for Rezoning of 200 Chase Drive (CC Church)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Renewal of Boarding House Permits
 - 278 Cabot Street
 - 350-352 Hanover Street
2. Purchase and Sale Agreement for Property Identified as Map 232, Lot 8 Off of Lois Street
3. Request for First Reading to amend Chapter 6, Article II, Section 6.202C – Billiards and Bowling
4. Request for License – Property Located at 35 Congress Street
5. Extension of Connect Community Church License Agreement with Public Parking
6. Request to move the October 21, 2019 City Council meeting to October 28, 2019

City Manager's Informational Items:

1. Presentation Re: Per and Polyfluoroalkyl Substances (PFAS) in the Pease Public Water System Update – Captain Gary D. Perlman & Dr. Gregory V. Ulirsch
2. Household Hazardous Waste Day
3. EDC Report Back to City Council on Review of Land Use/Inspections Process
4. Report Back Re: Downtown Street Closures

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Reappointment of Robert Capone to the Cable Television & Communications Commission
2. *Appointment to be Voted:
 - Appointment of Carrie Mayo to the Blue Ribbon Committee on Sustainable Practices
3. *Establish Sub-committee of the City Council Re: McIntyre Project
 - Councilor Doug Roberts
 - Councilor Chris Dwyer
 - Councilor Rebecca Perkins

C. COUNCILOR ROBERTS

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the April 4, 2019 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the April 4, 2019 Parking & Traffic Safety Committee meeting.***)
2. *Vaughan Mall

D. COUNCILOR DENTON

1. Proposed Rule Change – Rule 7 Order of Business

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*

Portsmouth's Park & Greenery Department receives two awards from the Arbor Day Foundation

April 12, 2019

[The Arbor Day Foundation](#) recently awarded Portsmouth's [Parks and Greenery Department](#), led by arborists Corin Hallowell and Charles Baxter, with its [Tree City USA](#) designation as well as its [Tree Growth Award](#). Portsmouth and Nashua were the only communities in New Hampshire to receive a Tree Growth Award.

Portsmouth has achieved the Tree City USA recognition for over twenty years by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least two dollars per capita and an Arbor Day observance and proclamation.

"Tree City USA communities see the impact an urban forest has in a community first hand," said Dan Lambe, President of the Arbor Day Foundation. "Additionally, recognition brings residents together and creates a sense of community pride, whether it's through volunteer engagement or public education."

In addition to being named a Tree City USA, this latest recognition of the Parks and Greenery Department's Tree Growth Award was based on the Department's high-achieving levels of education, partnerships, planning and management, and tree planting and maintenance.

For example, every year on Arbor Day, City staff host an event alongside community members and other arborists to lead a public demonstration and discussion on techniques to prune trees and improve tree health; details on this year's Arbor Day event will be announced in the near future.

In addition to public education, the Parks and Greenery staff work to capitalize on partnerships when possible in order to implement new tree growth and improve public spaces. Recently, crews worked with Eversource to improve an open space area next to Marsh Lane, off of Maplewood Avenue; this included clearing the area of debris and planting a variety of trees in the area, resulting in what will continue to grow to be a small arboretum of unique species for the community to enjoy.

About the Arbor Day Foundation: The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information can be found at www.arborday.org.



David B. Eaton CCIM

MANAGING DIRECTOR | FINANCIAL SERVICES

NEW HAMPSHIRE



david.eaton@colliers.com

EDUCATION AND QUALIFICATIONS

Suffolk University, Boston, MA

Southern New Hampshire University, Manchester, NH

AFFILIATIONS AND MEMBERSHIPS

Certified Commercial Investment Member (CCIM), NH Commercial Investment Board of Realtors (NH CIBOR), Mortgage Bankers Association of America (MBA)

CONTACT DETAILS

DIR [+1 603 206 9604]

FAX [+1 603 626 1983]

Colliers International
175 Canal Street, Suite 401
Manchester, NH 03101

www.colliers.com

SPECIALTIES

Practice concentrations in commercial real estate finance, project development and consulting services

Loan placement for acquisition, refinancing, development and restructuring

Portfolio analysis and resolution of non-performing loans

EXPERIENCE

David manages commercial financing and consulting activities for Colliers International with offices in Manchester and Portsmouth, New Hampshire. David's expertise is built on more than 30 years of experience and a diverse skill set encompassing the sale, development, management and finance of residential, commercial, retail and industrial properties. David provides consulting and advisory services and commercial loan placement to corporate real estate users, financial institutions and individual investors throughout the Northeast. His focus is on adding value through analysis and development of the most advantageous debt and equity structure possible – leverage that makes the highest use of cash flow to maximize client return on investment. In addition, he has substantial experience in the restructure and resolution of non-performing loans. David was the first real estate professional in Northern New England to earn both the CCIM (Certified Commercial Investment Member) and CRE (Counselor of Real Estate) designations.

PROFESSIONAL ACCOMPLISHMENTS

- Awarded the CCIM (Certified Commercial Investment Member) designation from the Commercial Investment Real Estate Institute. The CCIM designation is awarded to those persons demonstrating a proficiency in several areas of commercial investment real estate including investment analysis, finance, negotiation and taxation.
- Awarded the CRE (Counselor of Real Estate) designation from the Counselors of Real Estate. The CRE designation is awarded based upon experience and reputation in the area of real estate counseling.
- As a financial intermediary, David has placed over \$900 million of commercial loans.
- David managed the redevelopment and disposition of a \$12 million, 22 property real estate asset portfolio for a New Hampshire College that was forced to close its doors after 50 years of operation.
- Advisory services provided to a regional lender, over a four year period, on the restructure, sale and management of a \$250 million loan portfolio.
- David has served as a court appointed receiver and trustee in bankruptcy and as an expert witness in State Court.
- He is a recognized authority on the subject of real estate due diligence, about which he has lectured nationally.



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MANAGING DIRECTOR | FINANCIAL SERVICES

NEW HAMPSHIRE



david.eaton@colliers.com

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DIR [+1 603 206 9604]

FAX [+1 603 626 1983]

Colliers International
175 Canal Street, Suite 401
Manchester, NH 03101

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COMMUNITY INVOLVEMENT

Former Member Manchester
Planning Board

Former Member Loan Review
Committee City of Manchester
Revolving Loan Fund

Former President and Director
Greater Manchester Big Brothers
and Big Sisters

Former President and Director
Manchester Country Club

Current Member Editorial Review
Board of Commercial Investment
Real Estate Magazine

Current Trustee Camp Carpenter
Trust

Current Director and President
Manchester Development
Corporation

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 1, 2019

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15 p.m. a Public Dialogue Session was held.

Public Dialogue Session – One Group

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

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

Bernard Mulligan spoke regarding closing downtown during weekends for an event in July. He said that he is opposed to closing Church Street. He requested that the downtown area not be closed for more than two hours. He said he feels that the City Council is taking away property rights.

Councilor Raynolds said the request is for a report back on closing a few of the downtown streets for a limited time during a few weekends. He indicated that city staff met and are scaling back the request that was made. He said the request is to take place on a couple of Sunday's in September during the afternoon for 5 hours only.

Esther Kennedy spoke on the word transparency and the McIntyre process. She said there are three areas of concern by the public which are the creation of a park, the parking that is needed for the building and the post office remaining in its location. She indicated that the public wants a true discussion regarding the McIntyre project that is not run by city staff.

Councilor Roberts spoke to the Revisit McIntyre Group that has taken an assertive approach and stated some people feel intimidated and have not spoken to the McIntyre project. He reported there have been 8 sessions that were each 3 hours in length. He stated that the post office matter was difficult and we needed to get our Senators involved. Councilor Roberts said in terms of a park, do the citizens want to pay millions. He spoke to parking spaces that the residents want to see in place.

Councilor Becksted said the breakout groups were not televised so that is a concern regarding transparency.

Councilor Pearson said it is impractical and not fair to film every breakout session. She said it feels like people are trying to rewrite history.

Ms. Kennedy said the three issues of parking, creation of a park and the post office have been a concern since the beginning.

Councilor Pearson said the meetings were open to the general public.

Roy Helse spoke regarding building a park at the McIntyre site. He said at the beginning the citizens were not told what we could have regarding the post office.

Mayor Blalock spoke to the public process that has taken place. He said a public space is wanted by residents and Portsmouth is blessed with many beautiful parks. Mayor Blalock said people have indicated they want a place to gather.

Bernard Mulligan said Mr. Kane wants every cent from the development he can obtain. He said the post office would not pay market value for remaining in their current space.

Councilor Roberts said we have a letter stating that the post office will pay market value for the space.

Nancy Brown said people are questioning where we are going with the McIntyre. She said we need to agree what will be done by the post office and we can disagree but we need to listen to the people. She stated that residents need more transparency and exchange knowledge and come together on what we want to see downtown. Ms. Brown said if we need to start over we should or start in the middle because public input is critical and necessary. She said the City Council needs to be our advocate.

Councilor Pearson asked how many people participated in the public sessions. She asked what we say to the people that went through the process. Councilor Pearson said at the last meeting people were pleased and felt they received what they wanted.

Bernard Mulligan said he does not feel like all the session were made public.

Assistant Mayor Lazenby said he believes in communication and stated some parts of the process could have gone differently. He said there was transparency in the process. Assistant Mayor Lazenby stated that stalling or revisiting does not come without costs.

Mayor Blalock said we are only aware of what the building owner tells us.

Councilor Roberts said most of the tenants will be out of the McIntyre by June. He stated we have been successful with the post office.

Mark Brighton said there is a large group of people angry about the McIntyre process.

Councilor Raynolds asked what about the Weston and Sampson process was not valid. He said the response by then Assistant Mayor Splaine was that we just need to revisit the McIntyre.

At 6:55 p.m., Mayor Blalock closed the Public Dialogue Session.

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 (via teleconference), Denton, Perkins, Raynolds and Becksted

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

PROCLAMATIONS

1. Poet Laureate

Mayor Blalock read the Proclamation declaring Tammi Truax as the Portsmouth Poet Laureate for a two year term. Mayor Blalock presented Ms. Truax with the Proclamation who accepted it with thanks and appreciation.

Laurent Burnette thanked the City Council for making this available to celebrate the Poet Laureate Program. She stated that April is Poetry Month and every two years a Poet Laureate is selected and explained the committee process in the selection of the Poet Laureate.

Erin Leigh read a poem and spoke to Ms. Truax's accomplishments.

Ms. Truax read a poem and accepted the quill from current Poet Laureate Mike Nelson.

2. Digital Fast

Councilor Pearson read the Proclamation declaring the third of May through the fifth of May 2019 as Digital Fast Weekend in Portsmouth. Councilor Pearson presented the Proclamation to Jeff Stern who accepted it with thanks and appreciation.

Mr. Stern spoke regarding the Digital Fast weekend and the various events that will be taking place. He said that this is the first year doing the event on a large scale. He stated that promoting Digital Fast weekend will start this week and encouraged everyone to participate in the events.

Councilor Pearson said that Police Chief Merner has agreed to develop a "fun ticket" for the officers to hand out if they see someone using their devices.

V. ACCEPTANCE OF MINUTES – MARCH 18, 2019

Councilor Pearson moved to approve and accept the minutes of the March 18, 2019 City Council meeting. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

VI. PUBLIC DIALOGUE SUMMARY

Assistant Mayor Lazenby gave a brief summary of the topics discussed during Public Dialogue which included the Downtown Pedestrian Zone Experiment and the McIntyre Project.

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

There were no Public Hearings, Ordinances and/or Resolutions on the Agenda this evening.

VIII. APPROVAL OF GRANTS/DONATIONS

There were no Grants/Donation on the Agenda for approval this evening.

IX. CONSENT AGENDA

- A. Letter from Crystal Paradis, Portsmouth PRIDE Coordinator, and Hershey Hirschkop, Executive Director, Seacoast Outright, requesting permission to hold the 5th Annual Portsmouth PRIDE event on Saturday, June 22, 2019 (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License to Install Projecting Sign for David Pettigrew owner of Strawberry Banke Antique and Vintage Shop for property located at 60 State Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- C. Letter from Portsmouth Professional Fire Fighters requesting permission to hold two boot drives collecting funds for the Muscular Dystrophy Association on Sunday, June 30, 2019 and Sunday, August 18, 2019 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Richard Mason, Seacoast Veteran's Count requesting permission to hold the Pack & Boots 5K Road Race on Thursday, July 4, 2019 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Jennifer Gilbert, St. Charles Children's Home requesting permission to hold the 23rd Annual St. Charles 5K on Monday, September 2, 2019 at 9:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

Assistant Mayor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

Hershey Hirschkop, Executive Director of Seacoast Outright, invited the City Council to attend Seacoast Outright Portsmouth PRIDE event on Saturday, June 22, 2019. She spoke to the success of the event and that this is the 5th Annual Walk. Ms. Hirschkop said over 4,000 people participated last year and they expect that number to increase again this year as it has over the last five years.

Assistant Mayor Lazenby moved to suspend the rules in order to take up Item XI. C.1. – Citizen’s Initiative for Radiological Monitoring. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

XI. C.1. Citizen’s Initiative for Radiological Monitoring

State Representative Peter Somssich said he is forming a citizen initiative for radiological monitoring around the 10-mile Seabrook Emergency Planning Zone (EPZ). He said we do not have any real time monitoring on the New Hampshire side of the Seabrook Nuclear Plant. He reported on the history of radiological monitoring in Massachusetts which began in 1993. Representative Somssich said that residents in the 10-mile EPZ want advanced monitoring in the area and the estimated 2-year cost to launch such an effort is \$100,000.00 with a first-year requirement of \$60,000.00. He spoke to seeking pledges from the 17 towns in the area of the 10-mile EPZ. He asked that the City pledge \$1,000.00 towards the initiative.

Natalie Treat, C-10 Research and Education Foundation, Inc. which is a pro-safety group spoke to the monitoring in Massachusetts. She provided an overview sheet for the monitoring. Ms. Treat spoke to a high rate that was picked up in the 10-mile area and stated it is not part of the emergency monitoring system. She informed the Council that there are small releases on a weekly basis.

Councilor Dwyer asked if the idea to have private money would be raised for the first year or two and the State would take over the funding.

Representative Somssich said \$100,000.00 is absorbed in the budget. He said if the State decides to put money in, it would be their responsibility to have someone in charge of the funding.

Assistant Mayor Lazenby moved that the City of Portsmouth pledge \$1,000.00 towards the Citizen’s Initiative to expand Radiological Safety Monitoring in New Hampshire 10-mile Seabrook Emergency Planning Zone the initiative through Representative Somssich with funding to come from the Contingency Fund. Seconded by Councilor Roberts.

On a unanimous roll call vote 9-0, motion passed.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

On a unanimous roll call vote 9-0, motion passed.

- B. Letter from Retired Command Sergeant Major Robert Radcliffe, New Hampshire Army National Guard requesting permission to conduct the Regional Best Warrior Competition Ruck March on Wednesday, May 2, 2019

Assistant Mayor Lazenby moved to refer to the City Manager with power. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

- C. Letter from Edward Richards regarding Bethel Assembly of God property, 200 Chase Drive

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

City Manager Bohenko advised the City Council that this will be a very expensive property to purchase and that sales in that area range from \$5,000,000.00 to \$7,000,000.00.

On a unanimous roll call vote 8-0, motion passed. Councilor Denton was away from the Dais during the vote.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Acceptance of Woodbury Avenue Signal Coordination Project

City Manager Bohenko recommended that the project be formally accepted. He reported of the \$1,413,582.90 required to complete the project, \$533,741.60 was paid for under Congestion Mitigation and Air Quality Federal funds administered through NHDOT.

Assistant Mayor Lazenby moved to formally accept the Woodbury Avenue Signal Coordination. Seconded by Councilor Pearson.

On a unanimous roll call vote 9-0, motion passed.

2. Easement Re: Chestnut Street Pedestrian Connector

City Manager Bohenko said the final detail to complete the project is the execution and recording of an Easement Agreement under which the City would accept an easement from TD Bank, N.A. He stated that this has been the subject of significant negotiation between TD Bank, N.A., David Moore and the City Legal Department. City Manager Bohenko said he would like to see a connection made from the Vaughan Mall.

Councilor Pearson moved to authorize the City Manager to accept and record the easement agreement for the Chestnut Street Pedestrian Connector from TD Bank, N.A. as presented. Seconded by Councilor Roberts.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock spoke on the African Burial Ground and the beautiful walking area through the downtown. He said he is pleased with the work to complete the pedestrian connector.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

On a unanimous roll call vote 9-0, motion passed.

3. License Extension for Bluestone Properties of Rye, LLC for property located at 135 Congress Street

City Manager Bohenko stated the application has indicated that due to construction delays associated with the construction of the three-story building, they now require a temporary construction license through April 30, 2019. He reported that the proposed license would replace the temporary encumbrance permit and the effective term of the license would start on March 27, 2019 and end on April 30, 2019.

Assistant Mayor Lazenby moved to authorize the City Manager to negotiate and enter into a temporary construction license with Bluestone Properties of Rye, LLC as submitted to facilitate construction activities at 135 Congress Street. Seconded by Councilor Pearson.

Councilor Becksted stated he would like this to be the last encumbrance request.

On a unanimous roll call vote 9-0, motion passed.

- 4.1. Applications for Sidewalk Café providing Alcohol Service
 - Raleigh Wine Bar & Market
 - Popovers on the Square
 - Ri Ra Irish Pub
 - The District
 - Fezziwig's Food & Fountain

City Manager Bohenko said the policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. He reported the term of the license is 6 months, typically running from mid-April through mid-October. City Manager Bohenko reviewed the fee of \$10.00 per square foot, with a minimum season's fee of \$2,000.00 with no proration of the fee. He spoke to the hours of operation are until 10:30 p.m. Monday through Saturday, and until 10:00 p.m. on Sunday, with no smoking allowed in the "Area" at any time.

Councilor Denton asked if there is a time limit to apply for a license. City Manager Bohenko said no.

Councilor Denton moved to authorize the City Manager to enter into Area Service Agreements with Raleigh Wine Bar and Market, Popovers on the Square, Ri Ra Irish Pub, The District, and Fezziwig's Food & Fountain for outdoor alcohol service on City land for the 2019 season subject to City Council Policy No. 2012-02. Seconded by Councilor Pearson.

Councilor Becksted asked if the fees have increased. City Manager Bohenko said no, if the City Council wants to increase the fees it would be a policy decision. He explained the process of charging not more than what it costs to administer the licenses. Councilor Becksted said he would like to increase the fee and suggested the rate increase by the rate of inflation. City Manager Bohenko said that this is an automated system and we are charging a reasonable amount for what we are doing to administer the licenses. He further stated the Fee Committee could take a look at these fees and make a recommendation.

Councilor Reynolds said staff does a great job with the Fee Committee.

Councilor Becksted asked if Tuscan Kitchen is looking to get an alcohol café license. City Manager Bohenko said Tuscan Kitchen has submitted an application for tables and chairs on the sidewalk. He said the area is congested and we must be careful about allowing any alcohol use out there. He stated that all citizens can sit at the tables and chairs whether something is purchased at Tuscan Kitchen or not.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said you must make certain conditions to have these type of licenses. He said he does not want to see the area change.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

On a unanimous roll call vote 9-0, motion passed.

- 4.2. Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk
 - British Beer Company
 - Row 34
 - BRGR Bar

City Manager Bohenko said the same requirements are in place for these licenses which are located on private sidewalks. He stated the operation occurs on private property and there is no associated fee with these licenses.

Councilor Pearson moved authorize the City Manager to enter into Area Service Agreements with British Beer Company, Row 34, and The BRGR Bar for outdoor alcohol service on private land for the 2019 season subject to City Council Policy No. 2012-02. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

5. Request for First Reading – 15 Middle Street Re-Zoning Request

City Manager Bohenko requested the City Council authorize first reading for the April 15th City Council meeting. He further stated that the Planning Board has voted to recommend this re-zoning request.

Councilor Reynolds moved to schedule first reading for the April 15, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby.

City Manager Bohenko said on April 15, 2019 there will be a presentation outlining the re-zoning request.

There was a discussion regarding the zoning of the property.

On a roll call vote 8-1, motion passed. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

6. 861 Middle Road Acceptance of Easement

City Manager Bohenko said that the Planning and Legal Departments are recommending the Council accept an access easement for the property.

Assistant Mayor Lazenby moved to accept an access easement to 861 Middle Road as presented. Seconded by Councilor Roberts.

On a unanimous roll call vote 9-0, motion passed.

City Manager's Informational Items

1. Water Bottles

City Manager Bohenko advised the City Council that re-usable, dishwasher safe drinking bottles have been provided to the Council this evening as requested. He further stated that City employees who would like to use them will be receiving one.

Mayor Blalock thanked City Manager Bohenko for the water bottles and said Portsmouth should be proud.

2. Public Education Forum

City Manager Bohenko announced that Mayor Blalock and the School Department have established a date and time of April 16, 2019 from 6:00 p.m. to 8:00 p.m. to hold the Ed Funding 101 Forum presentation in the Nichinan Room at Portsmouth High School.

Councilor Dwyer asked if it is feasible to give a presentation on education funding and the Coalition Communities. City Manager Bohenko said we can have a presentation and explain the education funding and be prepared to answer any questions. He stated he would have Assistant City Attorney Ferrini present at the meeting.

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Carrie Mayo to the Blue Ribbon Committee on Sustainable Practices

The City Council considered the appointment of Carrie Mayo to the Blue Ribbon Committee on Sustainable Practices to be voted on at the April 15, 2019 City Council meeting.

Mayor Blalock advised the Council that Chairman Cohen has indicated that Ms. Mayo has been attending the meetings and would be effective on the Blue Ribbon Committee.

Councilor Becksted asked how many non-residents served on Blue Ribbon Committees from out of state.

2. Appointments to be Voted:
 - Reappointment of Amy Schwartz to the Portsmouth Housing Authority
 - Reappointment of Todd Henley to the Recreation Board

Assistant Mayor Lazenby moved to reappoint Amy Schwartz to the Portsmouth Housing Authority until April 1, 2024 and reappoint Todd Henley to the Recreation Board until April 1, 2022. Seconded by Councilor Becksted.

On a unanimous roll call vote 9-0, motion passed.

3. City Manager's Retirement

Mayor Blalock said that City Manager Bohenko has submitted his retirement letter. He spoke to his many accomplishments as City Manager of Portsmouth. He said he will provide a copy of City Manager Bohenko's accomplishments for the Council to review. He requested the City Council endorse a subcommittee of the City Council with the guidance of Deputy City Manager Colbert Puff. Mayor Blalock said a recruiter will be selected and the process to be followed. He said serving on the Subcommittee will be Mayor Blalock, Chair, Assistant Mayor Lazenby, Councilor Pearson and Councilor Dwyer.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to endorse a Subcommittee to assist the City Council with the process that we will follow to find the candidates for the next City Manager. Serving on the Subcommittee will be Mayor Blalock, Chair, Assistant Mayor Lazenby, Councilor Pearson and Councilor Dwyer. Seconded by Councilor Reynolds.

Councilor Becksted said he would not support the motion. He asked if the subcommittee will follow the right-to-know law.

Mayor Blalock said that the subcommittee will be following the right-to-know laws.

Councilor Pearson stated the subcommittee will form the process that the entire City Council undertakes.

On a roll call vote 8-1, motion passed. Mayor Blalock, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Assistant Mayor Lazenby voted in favor. Councilor Becksted voted opposed.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

City Manager Bohenko said the next 9 months will be exciting and at the May 6, 2019 City Council meeting there will be a presentation on the Doble Center. He spoke to the creation of ballfields and the reconstruction of the bath house at Peirce Island that are forthcoming.

D. COUNCILORS ROBERTS, DWYER & PERKINS

1. Update Re: McIntyre

Councilor Dwyer reported that Redgate Kane has come to an agreement with the person that will conduct the financial analysis.

Councilor Roberts said the contract to assess Redgate Kane has been signed and Redgate Kane will be paying for half.

Deputy City Manager Colbert Puff the City will be funding for half of the financial analysis and it would take 4 to 6 weeks for completion.

Councilor Raynolds asked if the firm will provide the City with an assessment of Redgate Kane construction and operating costs for the proposed development and rental space with the financial return they're expecting.

Councilor Perkins said we don't expect any City Council action until the analysis is completed.

Mayor Blalock said the recommendation will come back to the City Council.

Councilor Becksted said that there is no discussion until the analysis is completed.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock spoke to the extensive public process that has taken place and said it does not seem fair to start the entire process over. He said the time frame has enlarged and we are not ignoring new or fresh ideas. He also spoke to the assurances that the post office has provided in stating they will return to the McIntyre or the downtown when the project is completed.

Assistant Mayor Lazenby return the gavel to Mayor Blalock.

Councilor Becksted said we have reached the end and there is a plan and design in place. He said he would like to open the process up.

Councilor Roberts asked how this would work and what is the end result. He spoke to attending the Revisit McIntyre meeting and there was no alternate plan, the plan was to start over and that is not fair.

Councilor Perkins said she has heard not to delay the plan or process and for the Council to remain strong and move forward with the process.

Councilor Dwyer said the financial plan and analysis is important to the process. She said we need to understand how it works and the feasibility.

Councilor Roberts said where the money is coming from, where it is going, is the project feasible and the financial analysis will answer those questions. He said the City Council wants this to be revenue neutral.

E. COUNCILOR DENTON

1. Floodplain Management Standards

Councilor Denton moved to produce amendments to the Zoning Ordinance to enhance the City's floodplain management standards for projected increases in coastal flooding and extend the Flood Hazard Overlay District and to refer to the Planning Department for report back. Seconded by Councilor Roberts.

Councilor Denton said that this has come up and would like something produced that is actionable this year.

City Manager Bohenko said something will be brought to the Planning Board and it will be done by the end of the year.

On a unanimous roll call vote 9-0, motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pearson reported on the Strong Town contest and said voting is open until 1:00 p.m. Friday.

Councilor Roberts reported that the founder of Strong Towns, Chuck Marohn will be speaking at the Library on Wednesday, April 3, 2019 at 6:30 p.m. on building Municipal budgets.

XIII. ADJOURNMENT

At 9:05 p.m., on a unanimous roll call 9-0, voted to adjourn.



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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

-
- A. Amend the Zoning Map 10.5A21A by changing the property with the address of 15 Middle Street (Assessor Map 126 Lot 12) from Civic District to Character District 4.
 - B. Amend the Zoning Map 10.5A21B by changing the height requirement area for the property's street frontages on Porter Street and Maplewood Avenue to 2-3 stories (40').
-

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Property Information

Property ID 0126-0012-0000
Location 15 MIDDLE ST
Owner SALVATION ARMY



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/30/2018
 Data updated 11/19/2018

M E M O R A N D U M

TO: John Bohenko, City Manager

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

DATE: April 3, 2019

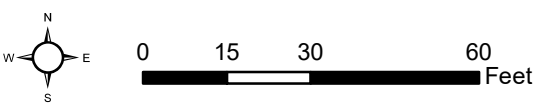
RE: City Council Referral – Projecting Sign
Address: 14 Market Square
Business Name: Tuscan Market
Business Owner: Joe Faro/Tuscan Brands

Permission is being sought to install two projecting signs that extend over the public right of way, as follows:

Sign dimensions: 41" x 41" per sign
Sign area: 11.6 sq. ft. per sign

The proposed signs comply 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 signs, 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 signs, 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
14 Market Square**

Zoning

Zoning District 3

- Wall signs 40sqft
- Projection Signs 12sqft
 - 7' from the bottom of the sign to grade

Current Proposed Square Footage

- 15"x188" = 19.5Sqft

TUSCAN  MARKET

- 41"x41" = 11.6sqft



Blu Dog
company

consulting | design | signs



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BLU DOG CO
ALL RIGHTS RESERVED

Building Front - South Elevation



Building Side - West Elevation



Blu Dog
company

consulting | design | signs



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ALL RIGHTS RESERVED

41"x41"x2" Qty 2

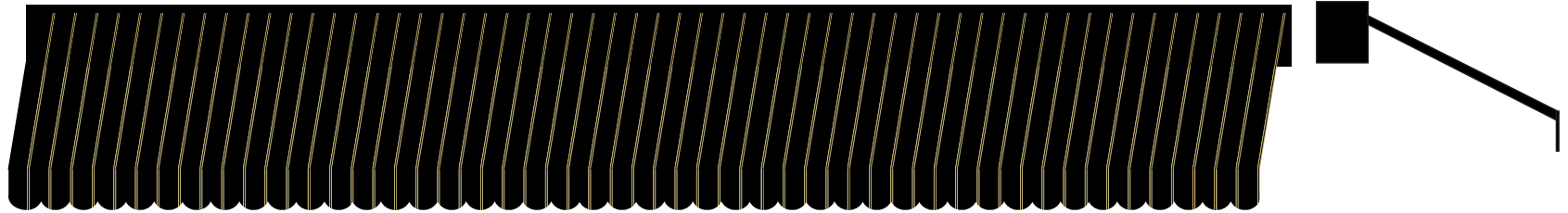


10.25"HX1"D CARVED HDU STUD MOUNTED TO BACKGROUND (SUPPLIED BY OTHERS); STUD MOUNTED
15"X20" HDU SUN CUSTOM CARVED AND GOL LEAFED; STUD MOUNTED

TUSCAN MARKET



206"WX10"HX10"D APPROX. RETRACTABLE AWNING
SUNBRELLA COOPER FABRIC 3' PROJECTION



WINDOW GRAPHICS
BLACK VINYL WITH 24 KT GOLD LEAF VINYL

ITALIAN PASTRY
SHOP
& FORMAGGI
SALUMI
VINO

27.7"X48.8"
ARTISAN ITALIAN
CAFFÈ
ITALIAN DELI
PANINI

PIZZA NAPOLETANA
ARTIGIANALE
PANE FRESCO
AL FORNO

ITALIAN COOKIES
GELATERIA

19.5"X39"

14
MARKET SQUARE



Blu Dog
company

consulting | design | signs



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63 Main Street
Salem, NH 03079

603.912.5467

TuscanBrands.com

City of Portsmouth, New Hampshire
Inspectional Department
1 Junkins Avenue
Portsmouth, NH 03801

03/11/2019

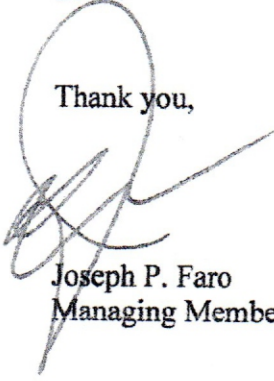
To whom it may concern:

As the property owner of 14 Market Square, Portsmouth, NH 03801, I have reviewed and approved the proposed sign designs for this location.

I hereby authorize Blu Dog Co., LLC to act on our behalf in all manners relating to the application of sign permits at 14 Market Square, Portsmouth, NH 03801, including signing of all documents relating to these matters. Any and all acts carried out by Blu Dog Co., LLC on our behalf shall have the same effect as acts of our own.

If you have any questions regarding this matter please feel free to contact us at 978-518-2043.

Thank you,



Joseph P. Faro
Managing Member / Owner

MEMORANDUM

TO: John Bohenko, City Manager

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

DATE: April 2, 2019

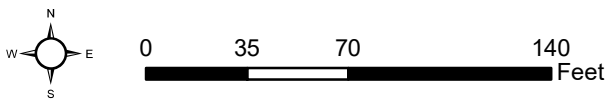
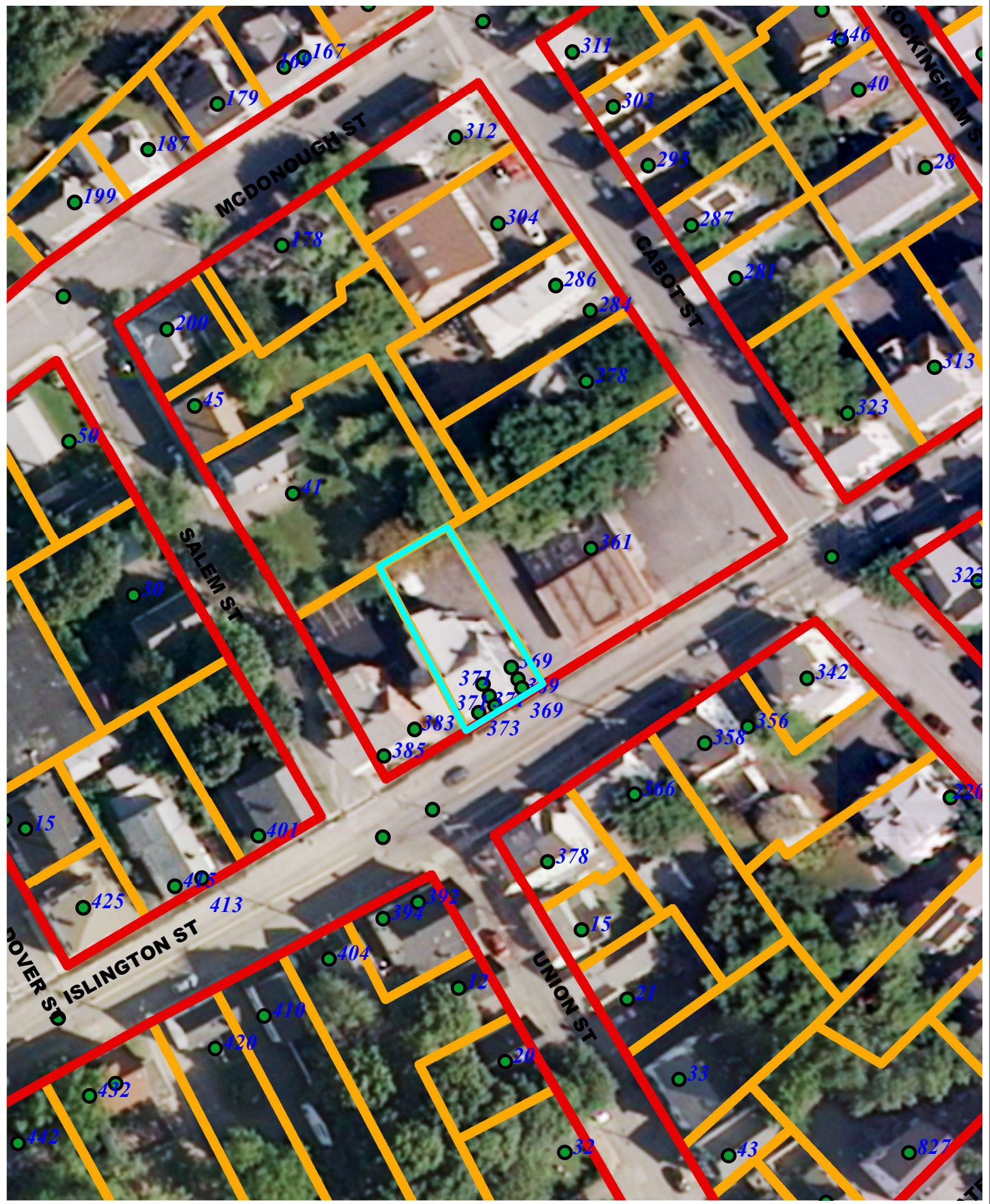
RE: City Council Referral – Projecting Sign
Address: 371 Islington Street Unit A
Business Name: Open Concepts Realty
Business Owner: Scott Rafferty

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

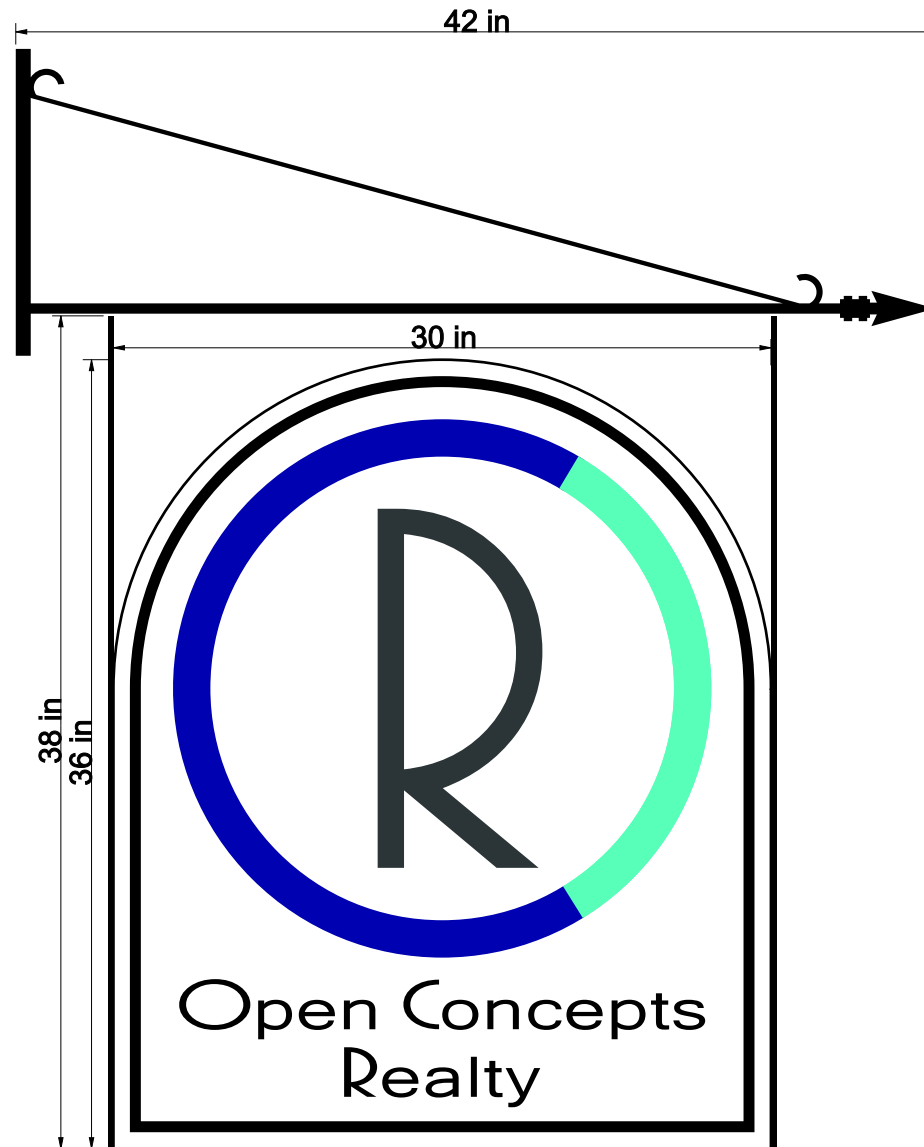
Sign dimensions: 30" x 36"
Sign area: 8 sq. ft.

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
371 Islington Street**



REVISION:

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

PLEASE NOTE:

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

3/20/19

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

SIGNATURE: _____ Date: _____

RETURN SIGNED TO: service@portsmouthsign.com

Member of:



GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

the **Greater**
York Region
Chamber of Commerce



©COPYRIGHT 2017, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only → Qty: SS DS Materials: _____ Background Color: _____ Vinyl Color: _____ Other: _____
HP Int





Seacoast Growers Association
P.O. Box 4401
Portsmouth, NH 03802

Dear Portsmouth City Council, City Manager,

The Seacoast Growers Association would like to include Squamscott Vineyard & Winery, LLC in the 2019 Portsmouth Farmers' Market for the sale and tasting of their product. Please consider including this in the upcoming agenda.

We will not have Hard Cider products by Nottingham Orchards this year.

Respectfully,

Cole Gove
Market Manager
Seacoast Growers Association
207 252 0385
Cole@SeacoastGrowers.org

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Ryan Flynn, Construction Project Coordinator 

DATE: March 26, 2019

SUBJECT: Petition and Underground Utility License for #100 Pinehurst Road

I have reviewed the utility plan provided Guy Pronesti of 100 Pinehurst Road.

This request is to install three (3) conduits in one four (4) foot wide trench from the utility pole marked "PSNH 5/38F", forty-eight (48) feet across Pinehurst Road to their property.

After examining the location of this installation, I have determined that it poses no unacceptable impacts to existing City infrastructure. A public works representative will be present for this installation to ensure that crossings of existing City pipes are executed properly. Attached is the plan showing the location of the installation.

cc: Peter Rice, P.E. Director of Public Works 
Kelli Barnaby, City Clerk

APPROXIMATE
LOCATION OF
PROPOSED CONDUIT



PETITION AND UNDERGROUND UTILITY LICENSE

PETITION


To the City Council of the City of Portsmouth, New Hampshire. Date: _____

Guy A. Pronesti and Danielle N. Pronesti, owners of property located at 100 Pinehurst Road, at MBLU #0221-0081-0000, (hereinafter "Owners") request a license to install and maintain underground conduit and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

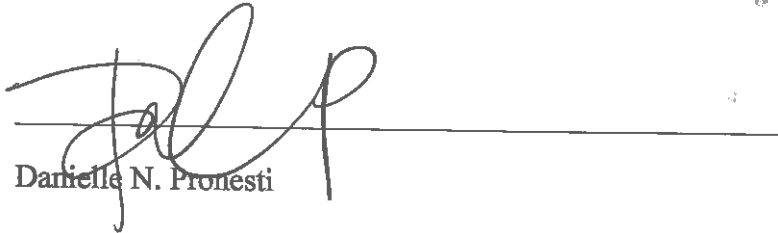
License to install and maintain conduit and devices thereon from existing pole marked "PSNH 5/38F" (owned by Eversource) located on the east side of Pinehurst Road, in front of #125, under right of way on Pinehurst Road in the City of Portsmouth.

Eversource, Comcast and other utility companies have indicated that upon installation of cable and/or wires, the utility is prepared to be responsible for maintenance of the conduit and its equipment. Owners therefore request that the license granted be assignable to facilitate that transfer. Each utility company prefers its own conduit and accompanying license.

OWNERS



Guy A. Pronesti



Danielle N. Pronesti

UTILITY LICENSE

Upon the foregoing petition for the benefit of the public good, it is hereby

ORDERED

This ____ day of _____, 20 __, that Guy A. Pronesti and Danielle N. Pronesti (“Licensees”) be granted a license to install and maintain a conduit and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public way covered by this petition.

That the approximate location of the conduit shall be shown on plan marked, “CS-101, GUY PRONESTI, SITE PLAN, 100 PINEHURST ROAD, PORTSMOUTH, NH”, FUSS & O’NEILL, REVISION No 2. 12/3/2018”, attached and made a part hereof.

This license is assignable without prior written consent to any utility regulated or registered with the New Hampshire Public Utilities Commission. Upon assignment Owner shall provide written notice to the City of Portsmouth’s City Clerk and to the Director of Public Work within 30 days of assignment. All other assignments shall require the prior written consent of the City of Portsmouth, such consent shall not be unreasonably withhold.

All of the conduit, wires, cables and devices shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and license is granted.

Licensees shall be responsible for moving and relocating conduit, wires, cables and devices as may be required by the City of Portsmouth for its public projects.

Licensees and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.

Licensees and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee or any other entity using or occupying property of the city; and

Failure of the Licensees and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

City of Portsmouth, New Hampshire

By: _____

As authorized by vote of the City Council on _____

Received and entered in the records of the City of Portsmouth, New Hampshire

Date: _____

Attest: _____

City Clerk

January 14th, 2018

To The City of Portsmouth, DPW

RE: License request for private under the road utilities at 100 Pinehurst Road

Good day, we are requesting the approval from The City of Portsmouth to run underground private utilities under Pinehurst Road from Pole #5 38F to our house at 100 Pinehurst Road to include electric, cable and phone per the NEC requirements and any conditions imposed by Eversource. Please see the attached detailed drawing for the proposed approval of underground utilities. I would greatly appreciate your approval, if you have any further questions please reach out.

Regards,

A handwritten signature in black ink, appearing to be "Guy A. Pronesti", written over a white background.

Guy A. Pronesti

Homeowner 100 Pinehurst Road

Current Address

107 Union Street

Portsmouth, NH 03801

603-903-7555

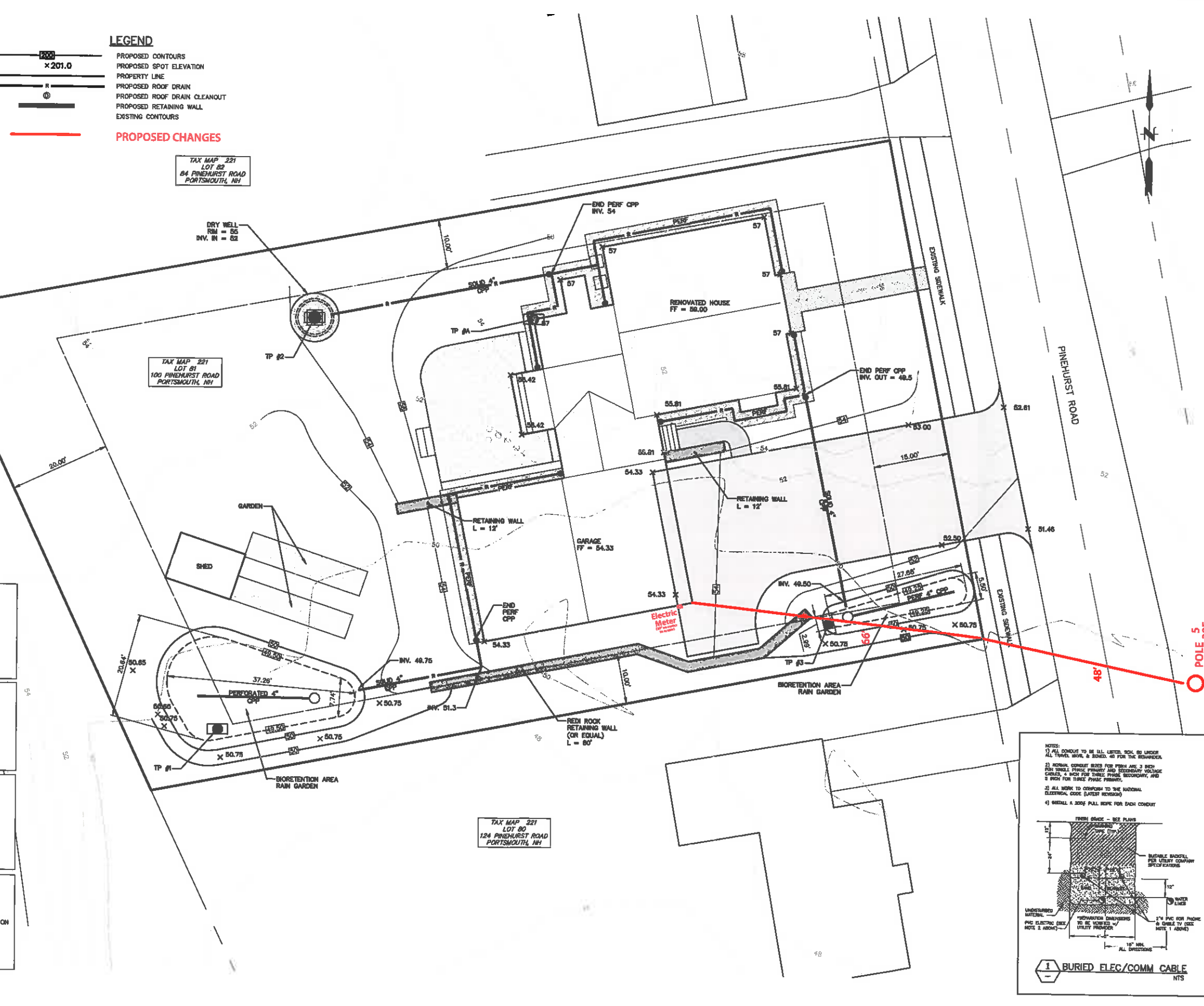
guy.pronesti@gmail.com

LEGEND

- PROPOSED CONTOURS
- PROPOSED SPOT ELEVATION
- PROPERTY LINE
- PROPOSED ROOF DRAIN
- PROPOSED ROOF DRAIN CLEANOUT
- PROPOSED RETAINING WALL
- EXISTING CONTOURS

PROPOSED CHANGES

TEST PIT #1 (BUILDING)	
DEPTH	DESCRIPTION
0-7"	LOAM
7-33"	REDDISH SANDY LOAM / LOAMY SANDY GRANULAR ROCKS
33-38"	LOAM (S)
38-62"	ORANGISH LOAMY SAND
62"	GRANULAR ROCKS THROUGHOUT NO MOTTLES REFUSAL
ESHWT = 58"	
OBSERVED WATER DEPTH = 60"	
TEST PIT #2 (REAR RAIN GARDEN)	
DEPTH	DESCRIPTION
0-9"	LOAM
9-27"	COARSE GRANULAR LOAMY SAND ROCKS THROUGHOUT
27-45"	COARSE GRANULAR LOAMY SAND ROCKS THROUGHOUT REDOX MOTTLES @30"
45"	REFUSAL LEDGE
ESHWT = 30"	
OBSERVED WATER DEPTH = 43"	
TEST PIT #3 (LEACHING BASIN)	
DEPTH	DESCRIPTION
0-5"	LOAM
5-23"	REDDISH BROWN LOAMY SAND
23-58"	COARSE ROCKS
58-64"	YELLOW COARSE SAND
64"	SHALY ROCK THROUGHOUT REDOX MOTTLES REFUSAL
ESHWT = 58"	
OBSERVED WATER DEPTH = 62"	
TEST PIT #4 (FRONT RAIN GARDEN)	
DEPTH	DESCRIPTION
0-6"	LOAM
6-31"	REDDISH BROWN LOAMY SAND
31-40"	COARSE ROCKS
40-60"	FINE LOAMY SANDY GRANULAR SOME CLAY INCLUSION
60"	REDDISH BROWN LOAMY SAND CLAY INCLUSIONS REFUSAL
ESHWT = 30"	
OBSERVED WATER DEPTH = 58"	



NOTES:

- ALL CONDUIT TO BE ALL LISTED, RGL, 90 UNDRUG ALL TYPES, UNLESS OTHERWISE NOTED FOR THE SUBGRADE.
- NORMAL CONDUIT SIZES FOR PIPING ARE 3 INCH FOR SINGLE PHASE PRIMARY AND SECONDARY VOLTAGE CABLES, 4 INCH FOR THREE PHASE SECONDARY, AND 6 INCH FOR THREE PHASE PRIMARY.
- ALL WORK TO CONFORM TO THE NATIONAL ELECTRICAL CODE (LATEST REVISION).
- INSTALL A 200# FILL HOPE FOR EACH CONDUIT.

FRONT GARDEN - SEE PLANS

BURIED ELEC/COMM CABLE
NTS

NO.	DATE	DESCRIPTION	DESIGNER	REVIEWER
1.	11/27/2018	REVISIONS TO ADDRESS COMMENTS	JVA	RL
2.	12/03/2018	REVISION FOR UPDATED ANALYSIS	JVA	RL

FUSS & O'NEILL
 LIBBY HOUSE
 5 FLETCHER STREET, SUITE 1
 KENNEDUNK, MAINE 04043
 www.fussco.com

GUY PRONESTI
SITE PLAN
STORMWATER MANAGEMENT PLAN
 100 PINEHURST ROAD
 PORTSMOUTH, NH

PROJ. NO.: 20181060A10
 DATE: 09/18/2018

CS-101

CITY COUNCIL E-MAILS

April 2, 2019 – April 11, 2019 (9:00 a.m.)

APRIL 15, 2019 CITY COUNCIL MEETING

UPDATED 04/15/2019 THROUGH 3:00 PM

New content begins Page 4

Below is the result of your feedback form. It was submitted by Rick Downes (freedom639@hotmail.com) on Monday, April 1, 2019 at 22:43:02

address: Portsmouth

comments: Hello.

A 3/30/19 Herald article reported emails to the council voicing several residents' concern with the proposed plastic ban ordinance. These folks miss the point. So many people focus on their own convenience/inconvenience, without considering what happens beyond their short-term usage of these objects. The legislation is addressing the larger picture ... how these conveniences impact nature.

A broader issue here is if residents can't/won't acknowledge a responsibility to their lifestyles' effect on nature, their elected officials should do so on their behalf. The federal government did so with the Clean Water Act in the '60s. Where would our waterways be today without that legislation. This is an extension of that.

Plastics we use for brief moments in time end up in nature ... endangering wildlife, and in too many instances, last forever. Some folks can't/don't want to acknowledge this after-effect. Someone should be focused on the overview, know of the confluence of plastic in the Pacific Ocean, feel for the the pregnant whale that beached herself with nearly 50 lbs of plastic in her stomach. Mr. Denton's ordinance is trying to take that responsibility.

It is a lifestyle change. Businesses will adapt. People will adapt. Please consider your roles as the big picture folks and continue moving this far-thinking initiative forward.

Rick Downes
Portsmouth resident

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Kathleen Logan (kathleenblogan@gmail.com) on Wednesday, April 3, 2019 at 08:15:40

address: 21 Blossom Street

comments: After reading the paper this morning I knew I had to put my two cents in regarding the McIntyre-- especially when I read that Rebecca Perkins Kwoka said the majority of her correspondence on the subject has been to "not inject any delay into this process, and proceed with the plan that has been thoroughly developed by the public." Well, this member of the public, who participated in one of the 3 hour input sessions last year, is ABSOLUTELY aghast at the plan that came out after those public sessions. When I first saw the rendition by Redgate/Kane I was shocked (to put it mildly). I remember feeling like it had all been a

sham and a charade. Here so many people gave their time and input to Redgate/Kane people, who I thought were listening, and the plan they produced was nothing like I envisioned after hearing what the different groups presented.

This entire process has been disheartening, to say the least. On top of that, the condescending attitude exhibited by some members of the City Council is disgusting. This project is not on the correct course and it NEEDS adjustment.

COUNT ME AS ONE TAXPAYER AND RESIDENT WHO DOES NOT WANT TO MOVE FORWARD WITH THIS CURRENT FLAWED PROCESS.

Kathleen Logan

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Erik Anderson (andy42152@aol.com) on Saturday, April 6, 2019 at 05:43:58

address: 38 Georges Terrace

comments: Dear Councilors.

The following represents 2 issues of concern, review and reply.

City Manager

With the City Manager announcing his retirement the provisions within his contract as a consultant due raise some concern if you are not aware. His contract states that he is entitled 15 hours / week at \$150.00 / per hour or \$117.000 / year for this service. Additional to that is the cities obligation to provide him with office space and accommodations for this work as a consultant. It has been acquired that this office accommodation has cost the city considerable expense at city hall.

Could you confirm the cost estimates in excess of \$100,000 for refurbishing this office space for him and ex employee Dave Allen It only comes to light , in opinion that as an ex employee of the city and at the hourly rate it represents a cost to the city of considerable proportion and not well publicized in financial terms. Your comments welcome

Plastic bag ban.

Although not yet not presented in an official act of the Council it is predicted that upon state legislation passage the city will consider banning plastic products under the direction of a motion from Councilor Denton. In preparation of this event it would be diligent of the Council to present economic consequences of this consideration for the public to review. Not full knowing what the financial cost to the city in monitoring / compliance of any ban would mean along with costs to business's effected might bring further light to the issue.

As an additional comment it is bothersome as a resident of Portsmouth that the Council would would now dictate my choice to the use of these plastic products. NOT one effort has been made from a city prospective to educate the downside and responsible care of these products after use. I think that would be a better initiative for all intent rather than mandate the choice through prohibition.

With Thanks to your time and any reply.

Erik Anderson

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Calvin Peterka (calpeterka@gmail.com) on Sunday, April 7, 2019 at 14:32:32

address: 121 Bow St.

comments: Portsmouth Mayor and City Council,

As a 25 year resident of downtown Portsmouth I strongly urge you to not rush any decisions with regard to the McIntyre building and adjacent site. Please take the time to develop a plan that will better serve the citizens of Portsmouth in the future.

The adjacent site should not have multi story buildings. In the current plans these buildings would dwarf the older buildings across Bow and Penhallow from the site. It is these older buildings which give the Portsmouth street scene such unique character. This is the situation which now prevails on Daniel and Penhallow where the McIntyre is out of place with the older buildings across the street. It was one thing to create the "tunnel" on Portwalk Place on the old Parade Mall site, but please don't do it here on Bow and Penhallow. Also as a long term box holder at the Post Office I enjoy my morning walk to pick up our mail. This often provides the opportunity to visit with friends and neighbors who are also visiting the Post Office. Please do not force it to leave even on a temporary basis as the Post Office Planner previously advised they would not make two moves. Asbestos has been removed in the past from operating buildings. Decisions regarding this site w!

ill have a very long-lasting impact on Portsmouth. You can do much better than the current plans.

With regard to the current haste to make decisions please keep in mind the entity your are dealing with, the US Government. Remember this process started thirteen years ago when they were going to give the McIntyre building and adjacent site to the City. It has taken many years to evolve to the point where they are going to give this "White Elephant" to the City with restrictions. This after they so diligently maintained a 50 year old building by placing netting to catch falling debris from the cornice and more recently placing metal panels around the deteriorating front columns. Moreover after showing such tender loving care they declared the building a historic site. There is no indication that they are about to relocate the current offices in the building so there is no pressure from that source. This history confirms that they are not rushing, so there is no incentive for you to rush, To my knowledge there are no other "buyers" anxiously waiting in line so !

please recognize the strong position you are in and take the time to get a good deal for the city.

Sincerely,
Calvin Peterka

includeInRecords: on
Engage: Submit

New content begins:

Below is the result of your feedback form. It was submitted by Kaitlin Deyo (kaitlindeyo@gmail.com) on Saturday, April 13, 2019 at 17:03:18

address: 132 Middle St

comments: Good afternoon Councilors and Mayor Blalock,

I will keep this short as I know how valuable your time is, especially on this beautiful day.

A short while ago drove down to the Portsmouth Dog Park with my pup to let her play and enjoy this day. Upon arriving and letting her off leash, I noticed a man in there exercising his dog, as well as his right to open carry a pistol which was tucked into his waistband.

This is a challenging subject to be sure, so I want to keep this letter free from emotions and more to facts. This is on City-owned property, directly next to a playground for children, next to tennis courts where Portsmouth school kids practice, and sandwiched between Portsmouth Middle School and Little Harbor. Municipalities are allowed to restrict allowance of firearms on city property and within a certain school zone, are they not? Has this ever been brought up or explored within the Portsmouth Council?

Thank you for your time and I look forward to hearing from you.

Kind regards,

Kaitlin Deyo

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Timothy MacDonald (w.t.macdonald.nh@gmail.com) on Sunday, April 14, 2019 at 18:14:54

address: 18 Congress Street

comments: On 2/18/19 the City of Portsmouth was treated to the news of councilor's Pearson and Raynolds plan to use the 2/19/19 City Council meeting to introduce a proposal to close a number of downtown streets to vehicular traffic on weekends in July. The meeting included a brief discussion in which Councilor Pearson explained her interest in this idea having originated from seeing this done in other cities and having observed "a lot of people trying to cross the street in Market Square." The Council voted unanimously to authorize City Staff to explore this proposal and return with their findings.

Immediately thereafter, a number of residents, property owners and business owners who live, invest and earn their livelihood inside Market Square raised a number of concerns and voiced our opposition to the idea. We also asked to be included in shaping any recommendation that may eventually advance, and I personally asked to meet with councilors to discuss (e-mail dated 2/22/19).

Various correspondence that ensued between me and council members included Councilor Pearson replying that "there is no proposal yet" so it is premature to raise concerns (e-mail dated 2/22/19). Councilor Raynolds agreed that yes it was a proposal and that he would be happy to meet with me. We met on 3/1/19 and had a cordial discussion where Mr. Raynolds agreed to revisit several elements of the initial proposal but also conveyed that he was firmly committed to excluding vehicular traffic from the intersection of Market, Daniel, Congress and Pleasant Streets. I understand that during this time a number of other residents,

businesses and property owners expressed their opposition to a proposal of this nature either in written or verbal communication to the Council and/or participation in Public Dialogue Sessions.

In one such session on 3/4/19 a number of Congress Street homeowners expressed their opposition. Again, the council downplayed the status of the proposal and suggested that this was an experiment that could easily be undone if it didn't work. There was and has not been any indication of who would eventually gauge the success or failure of this experiment or how it would be judged. Subsequent e-mail exchanges between me and Council members followed where councilors offered that there would be "numerous opportunities to continue to provide input" (Councilor Lazenby 3/5/19); one where I was provided a sales pitch and toolkit for Open Streets (Councilor Pearson 3/5/19); and a comment that "excluding cars from our streets is a unique experiment and I applaud the effort. We will include accommodations for local traffic." (Councilor Perkins 3/12/19). So, while there has been some communication and unsolicited input from the public at least three councilors seem to ha!

ve already decided.

So today, the 4/15/19 City Council Agenda includes both a petition from the Clip Joint Barbershop against making the downtown a Pedestrian Zone as well as the eagerly awaited report back from the City Manager. We now have some much needed information and some burning questions.

As described, the plan is now to include two dates, Sunday 9/29/19 and Sunday 10/6/19 where between noon and 5:00PM the following will occur:

1). Close Daniel Street from Penhallow to Market 2). Close Market Street from Bow to Congress 3). Close Pleasant Street from Porter to Congress 4). Close Congress Street from Market Square to High Street 5). Convert Congress Street to two way traffic from Fleet Street to High Street 6). Reverse direction of Porter Street from Pleasant to Church

The report back states that "concerns remain associated with the revised plan" and I must applaud the author's gift of understatement. Noted concerns in the report back include:

1). "Increased traffic congestion (to which I might add confusion if not chaos) 2). Impact to emergency response timing 3). Security 4). A reduction in public parking inventory of 92 spaces 5). Americans with Disabilities Act implications 6). Impact upon Public Transportation routes and access

The report also states that "the business community has not yet had a chance to fully understand the revised proposal and provide feedback. Additional communication with the North Church and all affected parties is recommended prior to finalizing any plans."

The report concludes with an observation that the City successfully piloted a Sunday afternoon (Noon to 4:00 PM) Open Street event in the Lincoln Avenue area and that this would play a role in optimizing the trial for Market Square.

So here are my questions and comments for the City Council:

1). What more does the Portsmouth City Council need to hear to vote down this vanity project that was never asked for and that is opposed by a great number of residents, businesses and property owners in the target area? We are here now, and have since February been expressing our rejection of this proposal.

2). Why not consider alternative venues that are lower cost and lower impact. The city is home to some wonderful public parks and a municipal complex, the South Mill Pond area, the South Playground, Leary Field and the Small park in between Lincoln Avenue and South Street that could host what are as yet unplanned activities that await ideas from Recreation Department and Library Staff. Why not let Lincoln Avenue host this again if it was such a success there? Please note I raised this same question in an e-mail to the council on 3/10/19 but no councilor chose to address this idea.

3). Unmentioned, but I hope not forgotten are the residents and homeowners of Market Square. Are we among the affected parties to be communicated with? Who else is or is not considered among the “all affected parties?”

4). Have you been fully transparent with the costs? The estimated \$7,714 to \$10,732 is approximately \$800 to \$1,000 per hour considering the two dates and times proposed. How much city staff time and taxpayer dollars have been spent thus far on the study? How much more remains to be expended on the consultation and planning to come from the Recreation Department and Library?

5). Is this still an experiment and if so who will judge its merit and by what criteria?

6). Is the City Council willing to entertain a limit on how many times in a given year the same street or neighborhood will be required to experience street closures and limited access in order to host community events?

I look forward to your reactions.

Tim MacDonald
18 Congress Street
Portsmouth, NH

IncludeInRecords: on
Engage: Submit

March 26, 2019



Dear City of Portsmouth, NH,

I am writing on behalf of the barbers at The Clip Joint Barbershop, the shop has been in business for 39 years in the downtown. For the last 6 years we have been located on Daniel Street. We are a shop of 11 barbers, with Saturday being our busiest day of the week. We are a family shop accommodating everyone from the very young to the very old, many needing immediate parking or a very short walk to the shop.

We are against making the downtown a Pedestrian Zone for a multitude of reasons, and are asking our clientele to voice their own opinions with a single question survey, that we will be glad to send to you.

Sincerely,

Hebbie Ana Oliver
Fatty Dwyer
Cherie Bouchard
Julieann K. G...
Fattie LaCunika
Karen Percay
Jamie Moran
Jamie Westcott
Cammie Bell
Susan Bergeron
Sandy Cole

ARE YOU IN FAVOR OF DOWNTOWN BECOMING A PEDESTRIAN ZONE?

NAME	yes	no
Colleen Baker		✓
Patty Dupre		✓
Laurie Washbrook		✓
_____	✓	
W. Beal		✓
Jake Gagne	✓	
Sim		
Janine Morar		✓
Bob Hickey		✓
Jenni Corbett	✓	
_____	✓	
Mary Wendell		✓
David Leavitt		✓
Jacob Brown		✓
Elton		✓
Joe HURLEY		
Kim BRIDGE Resident		✓
_____		✓
Riley McCarthy (Resident)	✓	
Michael Carrara Resident	✓	

ARE YOU IN FAVOR OF DOWNTOWN BECOMING A PEDESTRIAN ZONE?

NAME	yes	no
<u>Debbie Oliver</u>		✓
<u>Cherri Bouchard</u>		✓
<u>Bill</u>		✓
<u>Adam Irtz</u>		✓
<u>SANDY Cole</u>		✓
<u>Ed Hitchcock</u>		✓
<u>Rebecca Blaine</u>		✓
<u>Karen Peirson</u>		✓
<u>STEVEN Roy</u>	✓	
<u>DAVE - FOR KAREN</u>		✓
<u>Tim Peltz</u>		
<u>MZ RAGNAS</u>		✓
<u>Jake Pappas</u>		✓
<u>Paul GIGIS</u>		✓
<u>Julie Estes</u>		✓
<u>Patricia</u>		✓
<u>michael</u>		✓
<u>DAVE</u>	✓	
<u>Jeff</u>		✓
<u>Mark</u>		✓
<u>Nate Alger</u>		✓
<u>DAVID MacDONALD</u>		✓

ARE YOU IN FAVOR OF DOWNTOWN BECOMING A PEDESTRIAN ZONE?

NAME	yes	no
<u>PAUL BROWN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>RITTERY, MAINE</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Jett Rindall</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Thomas A. Powell/Madbury</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Mary Weeks</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Paul Tickstrom</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Maurice Foster</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Tim McElroy</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Benjamin McDonough</u>	yes	<input type="checkbox"/>
<u>Ethan Bryan</u>	yes	<input type="checkbox"/>
<u>KELLY SINCLAIR</u>	<input checked="" type="checkbox"/>	No
<u>CHRIS GAUER</u>	yes	<input type="checkbox"/>
<u>Doran Morford</u>	X	<input type="checkbox"/>
<u>DAVE H</u>	<input type="checkbox"/>	<u>NO</u>
<u>Robert Bantini</u>	<input type="checkbox"/>	<u>NO</u>
<u>Scott Halem</u>	yes	<input type="checkbox"/>
<u>Tim Greenwood</u>	yes	<input type="checkbox"/>
<u>Pierre</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>BRUCE HERNANDEZ</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Indigo Beebe</u>	<input type="checkbox"/>	no



The Executive Council of the State of New Hampshire
State House, 107 North Main Street, Concord, NH 03301

RECEIVED

APR 4 2019

CITY MANAGER
PORTSMOUTH, NH

RUSSELL E. PRESCOTT
EXECUTIVE COUNCILOR
DISTRICT THREE

April 2, 2019

Greetings from the Office of the Executive Council for the State of New Hampshire. My name is Russell Prescott, and I am the Executive Councilor for District 3. I am writing today to share with you a little information about the Executive Council and to let you know that as your elected official, I remain available as a resource to assist you with anything that may arise, especially within executive functions of State Government.

The Executive Council of the State of New Hampshire, together with the Governor, has the authority and responsibility over the administration of the affairs of the State as defined in the New Hampshire Constitution, the New Hampshire statutes, and the advisory opinions of the New Hampshire Supreme Court and the Attorney General.

Each of the five Executive Councilors represent 250,000 citizens of the total population of the State of New Hampshire and are elected every two years, concurrently with the Governor.

The Councilors participate in the active management of the business of the State. Our meetings are open to the public and are held about every two weeks in the historic Council Chambers in the State House in Concord. During the summer months, we hold the meetings throughout each district in an effort to provide the public a better, closer opportunity to see their government in action. We review lengthy agendas outlining numerous contracts to approve or reject expenditure requests presented by the Commissioners of the various departments and divisions. The Governor and Council are aided by the Commissioner of the Department of Administrative Services and the Attorney General who review all requests involving State funds since no expenditure can be legally authorized without adequate funding being available.

The Executive Council approves the appointments of Judges, Commissioners, Notary Public, Justice of the Peace, Commissioners of Deeds, and nominees that serve on the 300+ Boards and Commissions made up of the citizenry of our State.

I invite you to reach out to me with any questions, concerns or needs you may have and together we can work to solve any challenges you may run into. If you or someone you know have an interest in serving on one of the 300+ State Boards or Commissions, please let me know.

Thank you for allowing me the opportunity to reacquaint you with the Executive Council Office. I look forward to the opportunity to continue to serve as your Executive Councilor for District 3 and to hearing from you.

You can reach me at: State House Office: (603) 271-3632 or Cell: (603) 231-7822

Sincerely,

Russell E. Prescott
Executive Councilor, District 3



SHAINES & McEACHERN, PA
Attorneys at Law

April 5, 2019



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

Re: Petition to rezone the Federal Building property on Daniel Street.

Dear Mayor Blalock and Members of the City Council;

On behalf of Revisit McIntyre, a New Hampshire nonprofit corporation, I petition your body and the planning board to rezone the property owned by the United States of America on Daniel Street from its current zoning of CD4 and CD5 to a Natural Resource Protection zone or Municipal zone or a combination of both zones.

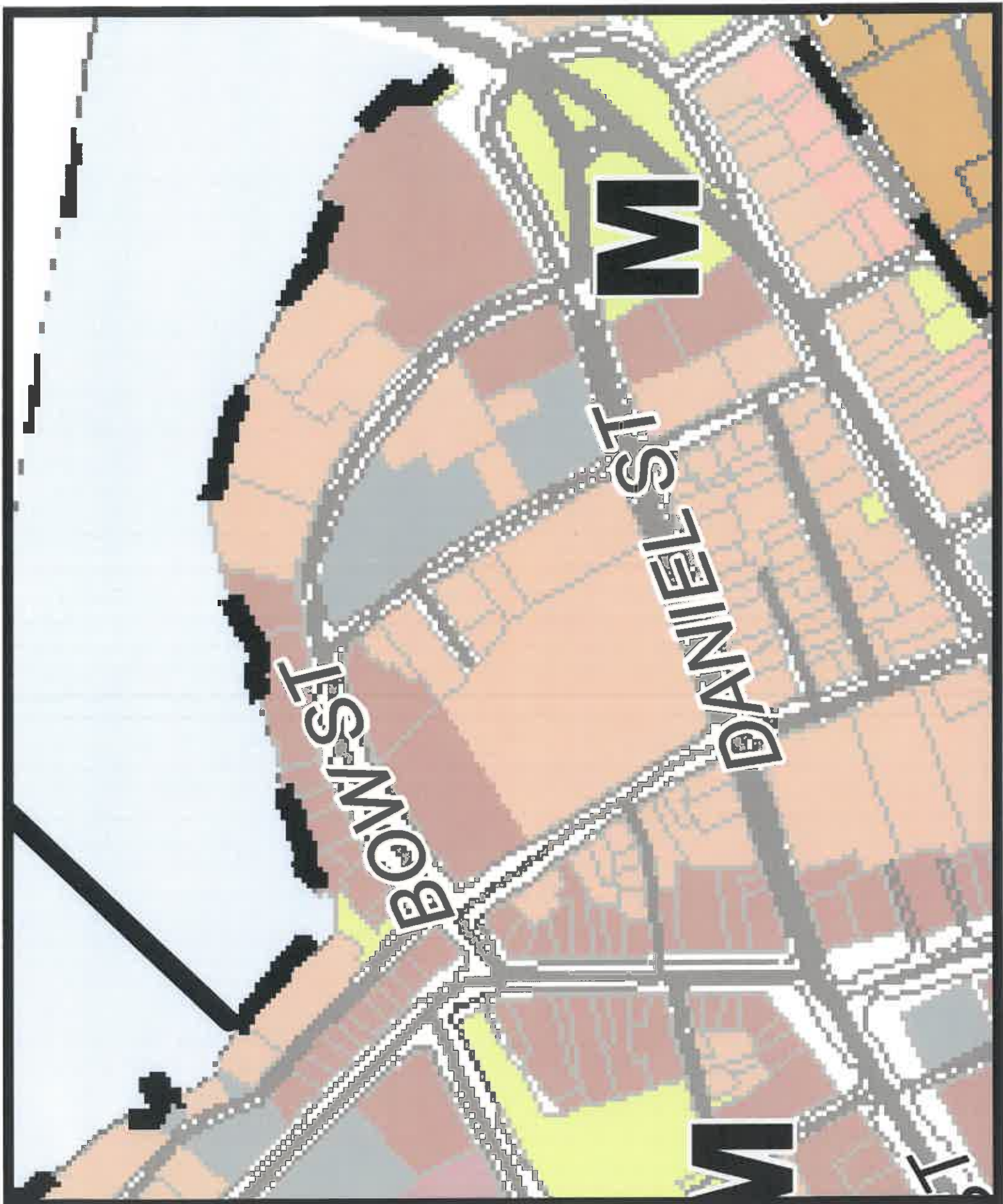
There is a very practical reason to rezone this property from its current business zone. It is anticipated that the City of Portsmouth will become the owner of this property either through the National Parks designation as a public benefit transfer or by purchase on the open market from the General Services Administration.

In either instance, the City will benefit greatly by a rezoning of this parcel at the present time while it is still owned by the United States of America. The transfer of this property represents a great opportunity for the city to contribute to future generations by setting aside a significant portion of this parcel to common use by our citizens. It will also allow the city the flexibility of controlling the acquisition of this parcel in the open market from the General Services Administration should the city decide to go that route. Should the City purchase the property from the General Services Administration, it may be able to demolish the asbestos laden building called the Federal Building. By zoning the parcel as Municipal/Natural Resource Protection the City would become the only eligible purchaser for this property.

Revisit McIntyre believes that with a decision, which will ultimately decide the fate of a 2.1-acre parcel in the heart of downtown, all options should be explored. We ask you to refer this Petition for Rezoning to the Planning Board so that the City can be more in control of the process than it currently appears.

Thank you,
Paul McEachern

PM/rlm
Enclosures



BOWEN ST

M

DANIEL ST

M

T

Legend

Character Districts

- Character-Based Zoning Area
(Refer to Zoning Map Sheet 2 of 2
Character Districts Regulating Plan)

Plan

Residential Districts

- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GAMH Garden Apartment/Mobile Home Park

Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

Business Districts

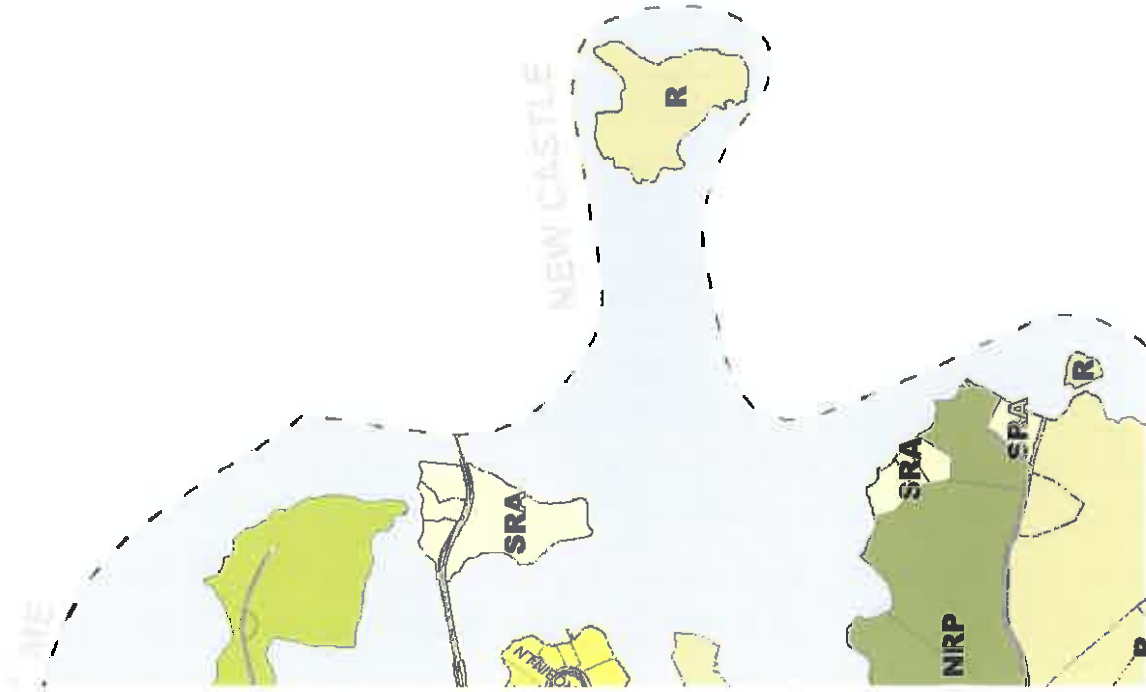
- GB General Business
- B Business
- WB Waterfront Business

Industrial Districts

- OR Office Research
- I Industrial
- WI Waterfront Industrial

Airport Districts

- AIR Airport





Map 10.5A21A

Character Districts and Civic Districts

Legend

-  DOD Downtown Overlay District
-  HD Historic District

Character Districts

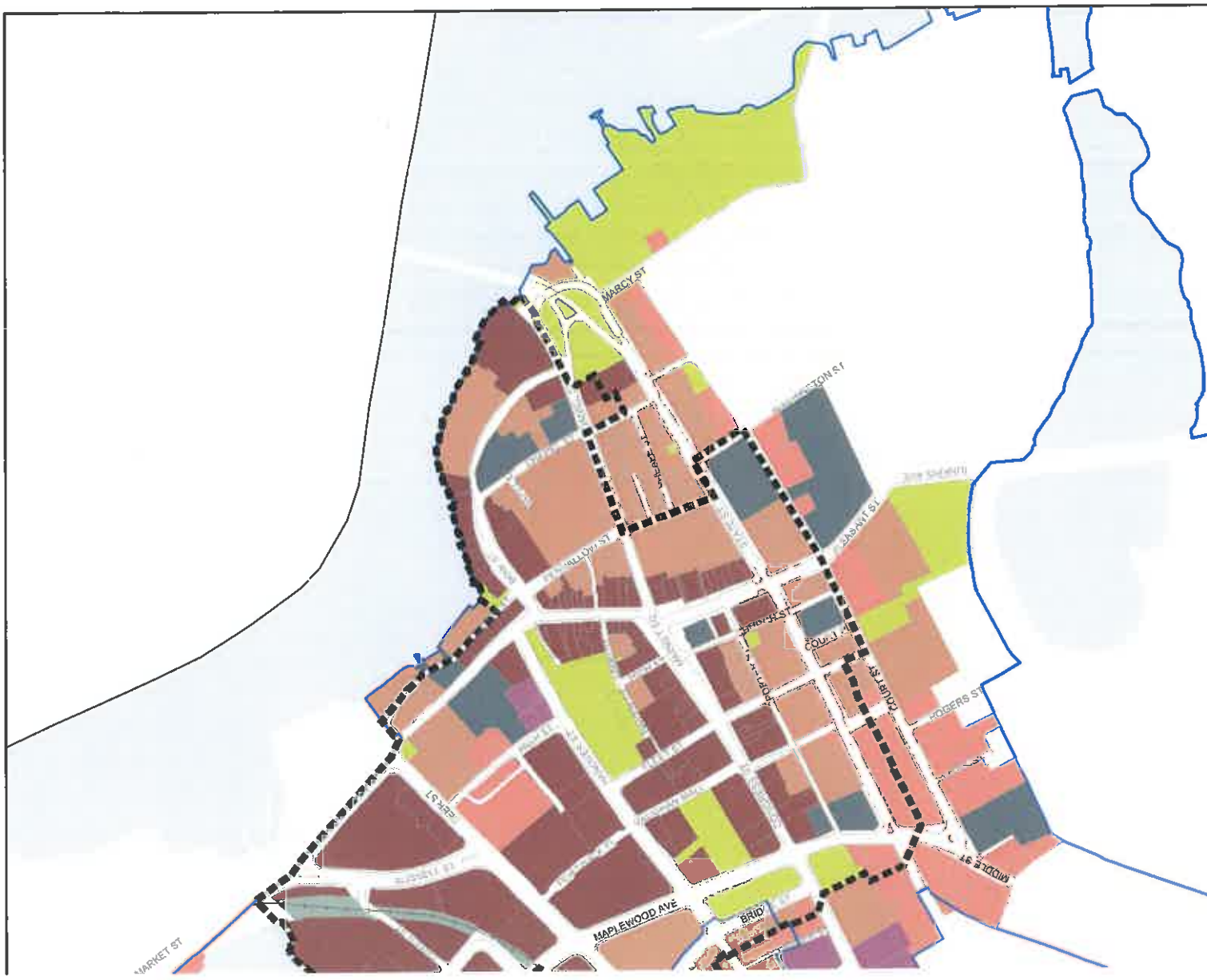
-  **CD5** Character District 5
-  **CD4** Character District 4
-  CD4-W Character District 4-B
-  CD4-L1 Character District 4-L1
-  CD4-L2 Character District 4-L2

Civic District

-  CIVIC Civic District

Other Districts

-  M Municipal District
-  TC Transportation Corridor



62 DANIEL ST

Location 62 DANIEL ST

Mblu 0106/ 0008/ 0000/ /

Acct# 37825

Owner UNITED STATES OF AMERICA

PBN

Assessment \$11,064,400

Appraisal \$11,064,400

PID 37825

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$8,580,000	\$2,484,400	\$11,064,400

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$8,580,000	\$2,484,400	\$11,064,400

Owner of Record

Owner UNITED STATES OF AMERICA
Co-Owner
Address 1600 PENNSYLVANIA AVENUE
WASHINGTON, DC 20004

Sale Price \$0
Certificate
Book & Page
Sale Date
Instrument

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
UNITED STATES OF AMERICA	\$0				

Building Information

Building 1 : Section 1

Year Built: 1967
Living Area: 61,554
Replacement Cost: \$12,439,849
Building Percent Good: 64
Replacement Cost Less Depreciation: \$7,961,500

Building Attributes

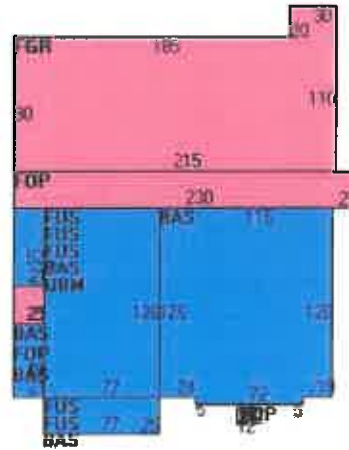
Field	Description
STYLE	Office Bldg
MODEL	Commercial
Grade	B
Stories:	4
Occupancy	
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	T & Grv/Rubbr
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Inlaid Sht Gds
Interior Floor 2	
Heating Fuel	Gas
Heating Type	Hot Water
AC Type	Central
Bldg Use	US GOVT MDL-94
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
1st Floor Use:	
Heat/AC	HEAT/AC PKGS
Frame Type	FIREPRF STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	10
% Corn Wall	

Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//\00\01\01>)

Building Layout



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketches>)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
FUS	Upper Story, Finished	32,956	32,956	
BAS	First Floor	28,598	28,598	
FGR	Garage, Attached	19,950	0	
FOP	Porch, Open	8,360	0	
UBM	Basement, Unfinished	9,702	0	
		99,566	61,554	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
LDL1	LOAD LEVELERS	1 UNITS	\$2,300	1
LDL1	LOAD LEVELERS	1 UNITS	\$2,300	1
ELV1	ELEVATOR PASS	5 STOPS	\$60,300	1

VLT4	VAULT- RECORD	160 S.F.	\$6,800	1
SPR1	SPRINKLERS-WET	7248 S.F.	\$7,600	1
VLT4	VAULT- RECORD	60 S.F.	\$2,600	1
ELV1	ELEVATOR PASS	5 STOPS	\$60,300	1
VLT4	VAULT- RECORD	60 S.F.	\$2,600	1

Land

Land Use

Use Code 900C
Description US GOVT MDL-94
Zone CBB
Neighborhood 305
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 2.16
Frontage
Depth
Assessed Value \$2,484,400
Appraised Value \$2,484,400

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
CAN1	CANOPY AVG	02	DETACHED	4281 S.F	\$27,800	1
FGR4	GAR W/LFT AVE			19189 S.F	\$393,400	1
GRN1	GREEN HOUSE-RS			1553 S.F.	\$13,200	1
LT1	LIGHTS-IN W/PL			5 UNITS	\$2,800	1
PAV1	PAVING-ASPHALT			36000 S.F.	\$31,500	1
SL18	SOLAR 2018			10000 WATTS	\$5,000	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$8,580,000	\$2,484,400	\$11,064,400
2017	\$8,575,000	\$2,484,400	\$11,059,400
2016	\$7,978,500	\$2,268,300	\$10,246,800

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$8,580,000	\$2,484,400	\$11,064,400
2017	\$8,575,000	\$2,484,400	\$11,059,400
2016	\$7,978,500	\$2,268,300	\$10,246,800

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District		Purpose
Pease/Airport Districts		
Airport	AIR	To provide for uses associated with the operation of an airport , including aviation-related facilities, structures and activities.
Airport Industrial	AI	To provide for Industrial uses requiring proximity to an airport and aviation-related facilities, structures and activities servicing Industrial users .
Pease Industrial	PI	To provide for Industrial uses which do not require direct access to an airport .
Airport Business Commercial	ABC	To provide for business, commercial and trade-related enterprises in a campus setting.
Other Districts		
Civic District	CIVIC	To preserve existing buildings and uses that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.
Municipal	M	To recognize areas that are in municipal ownership for governmental, civic, service, educational or recreational use .
Natural Resource Protection	NRP	To recognize areas that are in governmental or nonprofit ownership and are dedicated to protection and enhancement of the City's natural resources and ecology.
Transportation Corridor	TC	To provide for future transportation uses and related facilities as well as recreational trail use .

Section 10.420 District Location and Boundaries

10.421 District Location and Boundaries

- 10.421.10 Zoning districts are located and bounded as shown on a map entitled "City of Portsmouth Zoning Map," copies of which are on file in the offices of the City Clerk and Planning Department. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Zoning Ordinance and may be reissued by the Planning Board to incorporate such amendments as may be made by the City Council.
- 10.421.20 Any property owned or leased by the City of Portsmouth and not shown on the Zoning Map as being in the Municipal or Natural Resource Protection district shall be deemed to be in the Municipal district, and when so identified shall be placed in that district.

Section 10.460 Table of Uses – Municipal and Conservation Districts

use	Municipal	NRP
M1 Municipal activities including, but not limited to, police, government, fire department, library, and other public activities	P	N
M2 Public facilities, including parking facilities and garages	P	N
M3 Temporary activities as authorized by municipal agencies having jurisdiction	P	P
M4 Tree farms and related forestry activities	P	P
M5 Wildlife refuge	P	P
M6 Public parks and playgrounds	P	P
M7 Public nature trails, provided that no off road vehicles or bicycles of any type shall be allowed	P	P
M8 Airport related equipment, communications and navigational aids and activities	S	S
M9 uses of property which are expressly recognized in conservation easement or conservation restriction deeds by which the City of Portsmouth has acquired conservation rights in the property which is the subject of the deed	N	P
M10 Telecommunications equipment including towers, attached and detached antenna and cabinets, provided that the City Council approves such installation	P	N

Note: No septic tank or leach field shall be constructed, reconstructed or enlarged closer than 75 feet to any wetland lying within an NRP district.

Section 10.470 Uses Permitted in the Transportation Corridor District

Land in the Transportation Corridor District may be used for the following purposes:

- 10.471 Rail transport
- 10.472 Municipal trail
- 10.473 Rail-trail or rail-with-trail
- 10.474 Underground utility lines, including but not limited to water, sewer, drainage, natural gas, electric and telecommunications

March 31, 2019

RECEIVED
APR 1 2019
CITY MANAGER
PORTSMOUTH, NH

Attn: Chair of City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

We, the residents and homeowners of Chase Dr., Cutts Ave., Forest St., and Brigham Lane petition the Portsmouth City Council, or Board/Committee responsible for reviewing petitions for zoning changes to review the data and comments set forth here and reconsider the December 4, 2017 decision to change the zoning of the area known as the Market Street Gateway from SRB to G2, and to after that reconsideration, vacate the order to change to G2 and vote to change the zoning back to SRB residential zoning.

- 1] We believe the only viable property for this new use is the land owned by the Bethel Assembly of God, which is potentially being sold to 200 Chase Dr. LLC, and this appears to be 'spot zoning'.
- 2] The proposed use [200 Chase Dr. LLC], will not, we feel, encourage walkable mixed use as described as one purpose of Article 5B
- 3] The sole beneficiary of this zoning change seems to be The Bethel Assembly of God which will reap financial gains as the result of this sale. The homeowners and residents on the other hand will suffer financially with the zoning change allowing 1 or perhaps more huge residential structures. This or these will NOT complement nor enhance the surroundings as described in the purpose of Article 5B
- 4] Of the areas in town which were affected by this zoning change, ours seems to be the only one where a small strip of land bordering neighborhoods on both sides of Market St, and occupied by primarily single family residences, has been singled out under the new zoning. It is clear upon review of the zoning map the tiny strip [200 Chase Dr.] is surrounded by yellow, which is SRB zone.
- 5] Our understanding is that the Bethel Assembly of God was granted a special exception of zoning at the time of construction which was otherwise a residential zone. The recent spot zoning of this property means that upon the sale of this property, instead of reverting back to residential the neighbors will now be confronted with G2 zoning and potential 81 residential units.

Signatures on Appendix A

Appendix A

Signatures for Petition for Rezoning of 200 Chase Drive

Tara Olson 1 Forrest St Portsmouth NH 3/31/19
Marilee Clark 461 Cutts Ave Portsmouth NH 3/31/19
Eldon Collymore 450 Cutts Ave Portsmouth 3/31/19
Dagert. Smith 36 Brigham Lane
Dail Young 470 Cutts Ave Portsmouth, NH 3/31/19
Kerry MAST (K BOSTON REVC BANK TRUST) 465 CUTTS AVE PORTS NH 3/31/19
Joulette, JEFF OUELLETTE, 550 CUTTS AVE, PORTS NH 3/31/19
Bernice Richards 435 Cutts Ave. Portsmouth NH 3/31/19
Gloria Hail Peacock, TEE 355 CHASE DR. PORTSMOUTH 3/31/19
Ray Ann Smith 36 BRIGHAM LANE 3/31/19
Rhonda Young 470 Cutts Ave. Portsmouth, NH
Edward W Richards 435 Cutts Ave Portsmouth NH
Hal Chel 461 Cutts Ave Port, NH 3/31/19
Elizabeth Condesta 19 Brigham Ln. Portsmouth NH 03801
John Condesta 19 Brigham Lane, Portsmouth NH 03801
Caryn Olsen 450 Cutts Ave Portsmouth NH 03807
Martha Brutotte 398 CUTTS AVE PORTSMOUTH NH 03801
S O Brutotte 398 CUTTS AVE PORTSMOUTH NH 03801
William 1 FORREST ST PORTSMOUTH N.H. 4/1/19



Appendix A

Signatures for Petition for Rezoning of 200 Chase Drive

Dianne Chalifour


Dianne Chalifour 411 Cutts Ave 4/2/19
Portsmouth

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: April 11, 2019

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on April 15, 2019 City Council Agenda

Presentations

1. **Arbor Day Growth Award** The Arbor Day Foundation recently awarded Portsmouth's Parks and Greenery Department, led by arborists Corin Hallowell and Charles Baxter, with its Tree City USA designation as well as its Tree Growth Award. Portsmouth and Nashua were the only communities in New Hampshire to receive a Tree Growth Award. (Attached is information regarding the Arbor Day Foundation.)
2. **McIntyre Presentation - Introduction of David Eaton from Colliers International** On Monday night, the City Council will be introduced to David Eaton, Managing Director of Financial Services for Colliers International, who the City has engaged to assist the City on the McIntyre Project. David will briefly describe his experience and qualifications (attached is his profile), his role and scope of work, and inform the Council on the status of his work. He will also be available to answer any general questions Councilors may have at this juncture.

Public Hearings & Votes on Ordinances &/or Resolutions

1. **First Reading – 15 Middle Street Re-Zoning:**

On February 4, 2019, Attorney Phoenix submitted a letter to the City Council on behalf of his client, James McSharry, requesting that this property be re-zoned from CIVIC to Character District 4 (CD-4). At the February 19, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

Since the Character District Zoning was adopted in April 2014, this property has been zoned Civic District. Portsmouth has six main Character Districts in the Zoning Ordinance. Except for the Civic District, all the Districts pertain to private properties and uses in the Downtown, North End, and West End. In contrast, Civic Districts contain properties that are designated to preserve the existing buildings and uses which are open to and primarily serve the general public (i.e. religious facilities, historical societies and other non-profit establishments). Properties in the Civic District are owned by a non-profit entity (other than the City) and are generally open to the general public and dedicated to the arts, culture,

education, religion, or other public uses. Properties in the Civic District may be converted to other civic uses permitted under the ordinance, however new structures, alterations or expansions of the existing structures that propose non-civic uses require a change to the Zoning Map (or Regulating Plan) as set forth in Section 10.5A22 of the Zoning Ordinance.

At the April 1st City Council meeting, there was question about whether the Civic District is one and the same as the Municipal District. Civic District is different from Municipal District (although these have a similar purpose statement in the Zoning Ordinance). The primary distinction between these two is that Municipal District properties are owned by the City, whereas Civic District properties are owned by not-for-profit entities other than the City.

Being a religious use for more than a century, the structure at 15 Middle Street was designated as a civic use upon adoption of the Character District Zoning in 2014. Since that time, the current property owner (the Salvation Army) has marketed the property for other uses and recently signed a purchase and sale agreement to convert the use of the building to a non-civic use -- hotel. Thus, the conversion of the use requires a change to the [Zoning Map \(attached\)](#) as well as land use approvals from the Historic District Commission and the Planning Board.

This property abuts both the higher-density CD5 District along Congress Street – the heart of the downtown commercial district – and the medium-density CD4 District located along Porter Street. Due to the orientation, setback, and the fact that the primary entrance to the building is located along Porter Street, City Planning Department staff recommended re-zoning to CD4. Note that the permitted land uses are exactly the same for CD4 and CD5. The only discernible difference between the districts are the building placement characteristics and its occupation on the lot. Understanding the current reuse proposal is to make relatively minor alterations to the existing structure, the CD4 District will permit such changes without the need for additional zoning relief.

In addition to the base zoning districts, the Character District properties are also subject to separate requirements for building height standards. These are regulated by Zoning Maps 10.5A21B. These standards follow street frontages and not property lines (e.g. a property that fronts on more than one street may be subject to different height standards on each street). The height standards for each of the abutting street frontages are 2 to 3 stories or 40 feet maximum. Planning Department staff recommends amending the standards for this property to match the standards as listed above.

Properties in the Civic District are exempt from dimensional standards. A comparison of the primary dimensional standards for the CD4 and CD5 zoning districts is provided below:

Dimensional Standards	CD4	CD5
Principal front yard (max)	10 ft	5 ft
Secondary front yard (max)	15 ft	5 ft
Side yard	NR	NR
Rear yard (min)	5 ft	5 ft
Front lot line buildout (min)	50%	80%
Building block length (max)	200 ft	225 ft
Façade modulation length (max)	80 ft	100 ft
Entrance spacing (max)	50 ft	50 ft
Building coverage (max)	90%	95%
Building footprint (max)	15,000 sf	20,000 sf
Lot area (min)	NR	NR
Lot area per dwelling unit (min)	NR	NR
Open Space (min)	10%	5%
Ground floor gross floor area per use (max)	15,000 sf	15,000 sf
Building height (max)	see Map 10.5A21B	see Map 10.5A21B
Finished floor surface of ground floor above sidewalk grade (max)	36"	36"
Ground story height (min)	12 ft	12 ft
Second story height (min)	10 ft	10 ft
Façade glazing	70% min for shopfront façade	70% min for shopfront façade

Permitted uses in the Civic District are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly, or meeting. The primary land uses allowed in CD4 and CD5 are listed provided below.

Land Uses	CD4/CD5
Single family dwelling	P
Attached ADU	CU
Garden Cottage	CU
Two-family dwelling	P
Townhouse	P
Multifamily dwelling	P
Live/Work unit	P
Assisted Living Center	P
Residential Care Facility	P
Place of Assembly	S
School	P
Museum	P
Performance Facility	P/S (depending on size)
Club / fraternal organization	P
Indoor amusement facility	P
Health club, etc	P/S (depending on size)
Office	P
Financial institution	P
Group daycare	P
Personal and consumer services	P
Convenience stores	P
Retail sales	P
Restaurant / bar	P/S (depending on size)
Bed and breakfast	P
Inn	P
Hotel or motel	P
Conference center	P

I recommend the City Council vote to pass first reading and schedule second reading and a public hearing for the May 6, 2019 City Council meeting.

Approval of Grants/Donations

1. **Acceptance of Donation from Poco Diablo, Inc., Restaurant** - In the fall of 2018, the City entered into a lease with Pandora LaCasse Designs of Portland, Maine for a pilot project consisting of the installation of light forms in the tiered landscape areas at the entrance to Ceres Street. The lease runs from November 14, 2018 to April 30, 2019 and includes an option to purchase the light forms at the end of the lease with a credit of 50% of the paid rent to be applied toward the purchase price. The light forms add a creative dynamic to the busy pedestrian area at the corner of Ceres and Penhallow Streets and have been very well received by residents and visitors. The City has agreed to exercise the option to purchase the lights. Local residents and owners of Poco Diablo's Restaurant on Ceres Street, John Golumb and Marlisa Geroulo, have generously offered to contribute half of the purchase price of the light forms in two installments of \$2,250.

I recommend the City Council move to accept the first installment donation of \$2,250 from Poco Diablo's Restaurant for the purchase of light forms on Ceres Street from Pandora LaCasse Designs.

2. **Acceptance of Wellness Grant from HealthTrust** Kelly Harper, Benefits Administrator, Eric Benson, representing the Police Department and Brian Wade II, representing the Fire Department attended a Wellness Coordinator training at HealthTrust in Concord, NH. As an award returning as Wellness Coordinators with HealthTrust, they each received money to use toward wellness initiatives in 2019. The total received was \$2,000.

This money will be used differently in each department, but some ideas of how the money will be spent is, raffles, fitness devices, hydration programs, healthy snacks, fitness equipment and other initiatives to promote wellness for all employees.

The goals of the HealthTrust Wellness Program, Slice of Life, is to reduce health risk factors and create a healthier lifestyle for our employees. To realize this goal, the City, through its wellness programs, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

I recommend the City Council move to accept the \$2,000 Wellness Grant from HealthTrust to be used toward wellness initiatives in 2019.

City Manager's Items Which Require Action:

1. **Renewal of Boarding House Permits** For City Council action are the Boarding House permit renewals for 278 Cabot Street and 350 – 352 Hanover Street. The existing permits are due to expire April 16, 2019.

On April 9, 2019, City building, fire, health and housing inspectors visited the two boarding houses pursuant to Portsmouth Ordinance Article VIII, Section 9.804. Deficiencies were noted in each location and corrective measures are required. The deficiencies included some items that can be quickly remedied, such as updating smoke detectors, and others that will require some months to complete, such as electrical upgrades.

The City staff recommends renewal of the boarding house permits subject to specific corrective measures and upgrades to be completed upon a schedule to be incorporated into the permit. Section 9.805 of the ordinance allows are permit to be suspended, revoked, or terminated if the conditions of the permit are not met.

I recommend the City Council vote to renew the Boarding House permits subject to specific corrective measures and upgrades to be completed upon a schedule to be incorporated into the permit, pursuant to Section 9.805 of the ordinance.

2. **Purchase and Sale Agreement for Property Identified as Map 232, Lot 8 Off of Lois Street** The City has entered into a purchase and sale agreement to acquire a 2.8 acre parcel located at the end of Lois Street subject to certain conditions including approval of the City Council. [See attached overview of the parcel to be acquired.](#)

This Lois Street property has value to the City in several regards. First, there are storm water management opportunities, both through the preservation of existing wetlands and the potential to construct storm water infrastructure at the end of Lois Street. Storm water flows from this watershed area, travelling to Sagamore Creek, which is an impaired water body under New Hampshire law. The property also has value to the City due to the potential to create a turnaround at the end of Lois Street for municipal vehicles (currently, municipal snow plows and trash hauling vehicles have to back up at the end of the road onto Middle Street). In addition, the City's public sewer line runs in and along the boundary of the property in the "paper street" portion of Lois Street.

The seller, Alden-Watson Properties, LLC, originally offered the property to the City for \$220,000. The City rejected this initial offer, but ultimately the parties were able to agree that the seller would accept \$60,000 cash and the City would recognize the difference in the offer price and cash sale price as a donative gift.

The City will be asking the Conservation Commission, at its next meeting, to authorize the expenditure of \$30,000 from Conservation Funds to assist with the acquisition of this parcel. The remaining \$30,000 would come from funds set aside for open space.

In addition, there is the possibility that this land may be used to satisfy wetland impact mitigation requirements arising as a result of the construction of recreational fields on the property behind the Department of Public Works. If so, this acquisition would avoid the City having to pay an in-lieu-of mitigation fee, or a portion of it. This property contains wetlands which have been delineated and serve important natural resource functions.

I recommend the City Council move to refer this potential acquisition of property located on Lois Street to the Conservation Commission for action and to the Planning Board for recommendation.

3. **Request for First Reading to amend Chapter 6, Article II, Section 6.202C – Billiards and Bowling** [Attached is a written request from Bart Maderios of Bowl-A-Rama Family Fun Center.](#) Mr. Maderios notes that City Ordinance Chapter 6, Article II, **Billiards and Bowling** at Section 6.202 **Hours** reads in pertinent part:

C. Billiards and bowling shall be permitted on Sunday, but not before the hour of 1:00 p.m.

Mr. Maderios indicates in his letter that the foregoing provision is disappointing to his customers and inconsistent with the manner in which Bowl-A-Rama would like to operate. For example, its new restaurant, "Shenanigans", is intended to be open to serve brunch, but "it will be difficult to explain that the restaurant is open, but the remainder of the facility is closed." For this reason, Mr. Maderios is requesting that an ordinance amendment be drafted and brought before the Council to eliminate ordinance Section 6.202C ([see attached draft of updated Ordinance](#)). Insofar as the entire ordinance regulating billiards and bowling seems anachronistic, perhaps related back to a time when there were municipal problems caused by such business, there is no apparent objection to the requested ordinance amendment.

I recommend the City Council move to authorize the City Manager to bring back Ordinance Chapter 6, Article II, Section 6.202C for first reading at the May 6, 2019 City Council meeting, in accordance with the request made by Mr. Maderios of Bowl-A-Rama Family Fun Center.

4. **Request for License - Property Located at 35 Congress Street** Maintenance work is currently underway at 35 Congress Street pursuant to an encumbrance permit issued by the City to the Owner for 29-41 Congress Street, LLC. The maintenance work will extend beyond the 30 working days allowed under an encumbrance permit, thus the owner seeks a license to complete repairs.

The proposed license period is for 60 days. There are no license fees due, as the scaffolding being used is a walk-through type that will not close the sidewalk. The owner will need to pay for the intermittent use of the parking spaces in front of the building, as those spaces are needed from time-to-time for construction vehicles and/or a dumpster for construction materials. [The attached license and sketch of the area impacted is provided.](#)

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

I recommend the City Council vote to authorize the City Manager to negotiate and enter into a temporary construction license with 29-41 Congress Street, LLC as submitted to facilitate construction activities at 35 Congress Street.

5. **Extension of Connect Community Church License Agreement for Public Parking** On May 6, 2015, the City entered into an agreement between the Connect Community Church (“CCC”) and the City to permit members of the public to park in 124 parking spaces in the CCC lot. The term of this Agreement has been extended by several Amendments. This Third Amendment extends the term through February 29, 2020 and gives the City Manager the authority to renegotiate the terms of future agreements without further action of the City Council. [Attached is the Third Agreement along with its Exhibits.](#)

The Legal Department has reviewed and approved the form of this Agreement.

I recommend the City Council move to authorize the City Manager to negotiate and enter into this Third Amendment to extend the term of the Agreement with the Connect Community Church (“CCC”) to allow the public to use 124 parking spaces in its parking lot. This Motion gives the City Manager the authority to renegotiate the terms of this Agreement in future years without further action of the City Council.

6. **Request to move the October 21, 2019 City Council meeting to October 28, 2019** The City Manager requests the City Council move the October 21, 2019 City Council meeting to October 28, 2019, due to both the Deputy City Manager, and the City Manager being out of town. After informing the Mayor of this request, he concurred that the request should be made of the City Council.

I recommend the City Council vote to change the October 21, 2019 City Council meeting to October 28, 2019.

Informational Items:

- 1. Presentation Re: Per and Polyfluoroalkyl Substances (PFAS) in the Pease Public Water System Update – Presented by Captain Gary D. Perlman, MPH, REHS/RS, DAAS Environmental Health Scientist, Eastern Branch, DCHI; and Gregory V. Ulirsch, MS, PhD, Branch Associate Director for Science, Eastern Branch, DCHI:** On Monday, April 1, 2019, the Agency for Toxic Substances and Disease Registry (ATSDR) released for public comment its health consultation report, “Per and Polyfluoroalkyl Substances (PFAS) in the Pease Public Water System”, in Portsmouth, Newington, and Greenland, New Hampshire. ATSDR will accept comments from the public until June 3, 2019.

The report concluded that workers at Pease International Tradeport and children attending the childcare centers were exposed to PFAS in contaminated drinking water at the Pease International Tradeport. Those exposures occurred from 1993 until the Haven Well was shut down in May, 2014. People exposed to drinking water from the Pease Tradeport Public Water System (PWS) during this period might be at increased risk for some harmful health effects. The cancer risk from past exposure to all PFAS in the Pease Tradeport is uncertain.

Attached is a copy of the factsheet associated with this consultation. The full report can be accessed at: <https://www.atsdr.cdc.gov/HAC/pha/pease/Pease-Tradeport-Public-Water-PFAS-HC-508.pdf>.

Conclusions

After reviewing the available information, considering all factors that may contribute to the health effects of PFAS exposures, ATSDR reached three conclusions. ATSDR’s conclusions are limited by several uncertainties relating to the human health risks from PFAS exposures. Because of these uncertainties, ATSDR used a conservative approach, including several lines of evidence (see Summary of Public Health Implications for details) to evaluate the public health implications of past PFAS exposure to the Pease Tradeport PWS.

Conclusion 1: Drinking water exposures from the Pease Tradeport PWS from 1993 to May, 2014, before the Haven Well was shut down, could have increased the risk for harmful health effects to Pease International Tradeport workers and children attending the childcare centers. Other sources of PFAS exposure (e.g., from food and consumer products) to users of the Pease Tradeport PWS could increase the risk of harmful effects beyond the risk from the drinking water exposures alone. The cancer risk from past exposure to all PFAS in the Pease Tradeport PWS is uncertain.

Conclusion 2: Consuming water containing low levels of PRAS from the Pease Tradeport PWS since June 2014 is not expected to cause harm to the public.

Conclusion 3: Based on available scientific information, ATSDR concludes that the health and nutritional benefits of breastfeeding outweigh the risks associated with PFAS in breast milk.

Next Steps

This draft report will have a public comment period until June 3, 2019. The public comment period provides the community and other stakeholders the opportunity to review the report and provide input.

On Monday, April 15, 2019, ATSDR staff will attend the Portsmouth City Council and Newington Select Board meetings to discuss the Health Consultation findings. On Tuesday, April 16, 2019, ATSDR will host Public Availability Sessions at the Great Bay Community College 4th Floor, Room 422, 320 Corporate Drive, Portsmouth. Community members or interested individuals can drop in at any time during the three available sessions to talk individually with ATSDR staff. The sessions will be at 8:00 a.m. – 11:00 a.m.; 12:00 (noon) – 4:00 p.m.; and 5:00 p.m. – 9:00 p.m.

Water System Updates

The two currently operating Pease Tradeport water supply wells continue to be treated by granular activated carbon (GAC) and construction is set to begin this month of the new resin/GAC water treatment system for all

three Pease wells. Water quality monitoring of the treatment system and wells continues and updates are posted periodically for both the Pease Tradeport and Portsmouth drinking water systems at:

<http://www.cityofportsmouth.com/publicworks/water/pease-tradeport-water-system>

<http://www.cityofportsmouth.com/publicworks/water/portsmouth-water-system-pfas-update>

- 2. Household Hazardous Waste Day:** This year will mark the 23rd year in which Portsmouth has conducted the household hazardous waste collection event. Our spring event will take place from 8:00 am to noon on May 18, 2019, and a fall event will be scheduled for October 4, 2019. Nearby communities of Greenland and Newington will also participate in our collection event at no cost to the City. The collection location is at the Public Works Vehicle Maintenance Facility on 680 Peverly Hill Road.

According to the NH Department of Environmental Services, the average household throws 15.5 lbs. of hazardous material into the trash each year. Household hazardous materials are disposed of in other ways too. Certain products such as oil are frequently poured down storm drains and many products end up going down the sink drain to septic systems or sewers. The City sees the household hazardous waste collection as an outreach/education opportunity to help protect our environment.

The City has contracted with Clean Ventures, LLC to collect the hazardous waste material. Clean Ventures will be responsible for supplying appropriate hazardous waste containers, collecting waste from participating community residents, supplying qualified personnel, personal protective equipment, setting up and sorting hazardous materials within an area that is adequately controlled with spill contaminant provisions, and to provide documented transportation and disposal of hazardous waste.

3. EDC Report Back to City Council on Review of Land Use/Inspections Process

In 2018, the Portsmouth City Council asked the Economic Development Commission (EDC) to review the current land use permitting process and provide a report back with recommendations to streamline/improve the process. In response, the EDC established a three-member EDC subcommittee to work with the Deputy City Manager and the Planning Director to better understand the current process and recent changes instituted to improve the process, such as online permitting and building permit survey. Accordingly, the subcommittee reviewed metrics such as: typical application duration, number of projects that require Board of Adjustment approval, HDC application process, review of building permit survey results and trends for projects requiring two or more land use board approvals. Following this review, the subcommittee interviewed a group of experienced representatives of both large and small developments with the goal of gathering input on the City's land use and building permit experience and to solicit suggestions for improvements. *The report findings and recommendations are included in the attached report.*

- 4. Report Back Re: Downtown Street Closures** The following is a report back on Councilors Raynolds and Pearson's proposed "Pedestrian Experiment" involving the opening of various downtown streets to non-vehicular traffic only. The initial proposal has evolved in response to various input; staff and the Councilors worked together to bring forward a program that preserves the spirit of the proposal, but changes many of its original details.

The revised proposal is to run an Open Streets program for two consecutive Sunday afternoons in the Fall, September 29th and October 6th, from noon to 5 p.m. These dates were intended to target an off-peak weekend day, when traffic volumes are lower and demand for parking is less. In addition, these Sundays appear to have no obvious conflicts with other scheduled events on the City's Community Calendar. Streets to be limited to non-vehicular traffic include:

- Daniel St. from Penhallow to Market Square; Market St. from Bow to Market Square; Congress St. from Market Square to High St.; and Pleasant St. from Porter St. to Market Square.
- Congress St. will be converted to accept two-way traffic from Fleet St. to High St.; and both High St. and Ladd St. will also be two-way. The portion of Porter from Pleasant St. to Church St. will reverse in direction. No changes to Bow are recommended.

A map of the proposed area is attached.

The Recreation Department and the Library are being consulted to help plan for and staff a variety of community activities to occur during these afternoons.

Concerns remain associated with this revised plan. These include, but are not limited to: increased traffic congestion (including areas beyond the City’s border); potentially delayed emergency response times; planning for adequate security; a reduction in public parking inventory (92 spaces); lack of adequate ADA parking allotment; decreased accessibility for ADA & Senior Transportation Services; and impacts to COAST public transit operations. In addition, the business community has not yet had a chance to fully understand the revised proposal and provide feedback. Additional communication with the North Church and all affected parties is recommended prior to finalizing any plans.

Careful planning and coordination to mitigate impacts will continue to be required.

Estimated Expense:

Departments have submitted the following estimated expenses:

Department	# Personnel/ day	Total for 2 days
Police	5	\$3,746
Fire	n/a	\$0
DPW*	3	\$924 - \$3,942
Recreation/Library	t.b.d.	t.b.d.
Sub-Total		\$4,670 - \$7,688
Plus Lost** Parking Revenue	92 spaces	\$3,044
Total***		\$7,714 - \$10,732

* Range is based upon types of security required (movable barricade vs. manned truck)

** Assumes a worst-case-scenario whereby revenue is not recaptured by an alternative paid, City parking location.

*** The cost for appropriate outreach and publicity is not factored into the above estimate.

In 2014, the City successfully piloted a Sunday afternoon (noon – 4:00 p.m.) [Open Street](#) event in the Lincoln Avenue area, and our knowledge from this and other events (parades, Market Square Day, etc.) will play a role in optimizing this trial for Market Square. Typically these events have an outside organizing group with plenty of volunteers or paid staff that put together the event and assist with all of the details.



Lois Street Property
2.86 acres

Lois Street Overview Map
With Parcels and 2010 Aerial Photo



RECEIVED

MAR 28 2019

CITY MANAGER
PORTSMOUTH, NH



599 Lafayette Road
Portsmouth, NH 03801
(603) 436-0504

Mayor John Blalock
City Council
City of Portsmouth, NH

March 28, 2019

Dear Mayor Blalock and City Council members,

I am submitting a proposal to amend City Ordinance Chapter 6, Article II, Section 6.202C. *Billiards and bowling shall be permitted on Sunday, but not before the hour of 1:00pm.* I would request that this paragraph be deleted. This appears to be a contradiction of the previous paragraph **B**: *Any person who keeps a bowling alley as aforesaid or has the care or control thereof shall not allow or permit the same to be kept open or used between the hours of 1:00 a.m. and 5:00 a.m. (Adopted 9/25/89)*

My main reason for this amendment is to satisfy the community. We currently receive many phone calls on Sunday morning for our hours of operation. When they learn we don't open until noon, they express their disappointment. Secondly, we have just opened a new restaurant (Shenanigans at Bowl-O-Rama) and would like to serve brunch. It would be difficult to explain that the restaurant is open but the remainder of the facility is closed.

Please consider this request at your earliest convenience.

Sincerely,

Bart Maderios
Bowl-O-Rama Family Fun Center
599 Lafayette Road
Portsmouth, NH 03801
(603) 436-0504
Bart@bowlorama.com
www.bowlorama.com

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, Article II, Section 6.202 – **BILLIARDS AND BOWLING, HOURS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE II: BILLIARDS AND BOWLING

Section 6.201: LICENSE REQUIRED

No person shall open, keep, maintain, or continue any billiard room or place where the game of billiards is played or any bowling alley in this City or place wherein the game of nine pins or ten pins is played or keep any billiard table or bowling alley in this City for public use unless the City License Officer shall have granted a license therefor and said license is endorsed by the Chief of Police.

Such license is valid only until May 1 following the date of issue, and the fee to be determined in accordance with Chapter 1, Article XVI or similar wording. The penalty for keeping a billiard room and bowling alley without a license is \$20.00 for each billiard table, pool table, or bowling alley. (Amended 4/1/96) (Amended 3/18/2002).

Section 6.202: HOURS

- A. Any person who keeps a billiard room or billiard table as aforesaid or has the care or control thereof shall not allow or permit the same to be kept open or used between the hours of 1:00 a.m. and 5:00 a.m. (Adopted 9/25/89)
- B. Any person who keeps a bowling alley as aforesaid or has the care or control thereof shall not allow or permit the same to be kept or used between the hours of 1:00 a.m. and 5:00 a.m. (Adopted 9/25/89)
- ~~C. Billiards and bowling shall be permitted on Sunday, but not before the hour of 1:00 p.m.~~

Section 6.203: PENALTY FOR VIOLATION BY LICENSE

If the holder of such a license violates the provisions of Section 6.202 of this Ordinance, he shall be fined not less than \$1.00 nor more than \$100.00 for each offense.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LICENSE AGREEMENT
FOR 29-41 CONGRESS STREET, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein and as approved by the City Council on November 20, 2018, hereby grants this Revocable License to 29-41 Congress Street, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 35 Congress Street, Portsmouth, NH 03802 pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 35 Congress Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0117-0010-0000 ("Subject Property").

The City authorizes Licensee to use temporarily a portion of City sidewalk located along Congress Street, more particularly shown in the attached Exhibit A, and identified as License Area 1 for walk-through staging to be erected on the sidewalk

2. **Use:** Licensee shall make use of the Licensed Area for the purpose of facilitating the Licensee's maintenance of the existing building.
3. **Term:** The license shall be for 60 days, commencing on April 16, 2019. Licensee may make application to the City Manager for an extension of this term, not to exceed an additional 6 months, should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project. Owner shall be responsible for applicable license fees associated with any extension of the term.

Licensee may terminate this License prior to the end of the term by returning License Area 1 to safe and effective use by the public prior to the expiration of the term of this License. Licensee shall contact the Director of Public Works for a determination that License Area 1 has been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the Licensed Areas or Area to the

City in the manner prescribed under this License by the end of the term may result in enforcement action by the City.

4. **Notice**: Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City's control and use.
5. **License Fees**: The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that Owner will be charged \$0.05 per square foot per day for use of City property.

License Area 1: License fee is \$0.00. The scaffolding will be walk-through and there being no impact on pedestrian traffic, no fee is due.

The total License Fee shall be paid in full to the City in advance of the commencement of the term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if License Area 1 is returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

6. **Parking Fees**: Owner agrees that any use of the metered parking spaces identified on Exhibit A, which the City understands will be intermittent, will require payment of the full-day parking meter space rental rate of \$50.00 per space. Failure to pay for metered parking in advance of use may result in revocation of this License.
7. **Indemnification**: Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
8. **Insurance**: At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement.
9. **Maintenance of Area**: During the term of this Agreement, Licensee shall maintain the Licensed Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the Licensed Areas and take such

other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.

10. **Damage:** Licensee agrees to remedy any damage to the Licensed Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
11. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.
12. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
13. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2019

City of Portsmouth

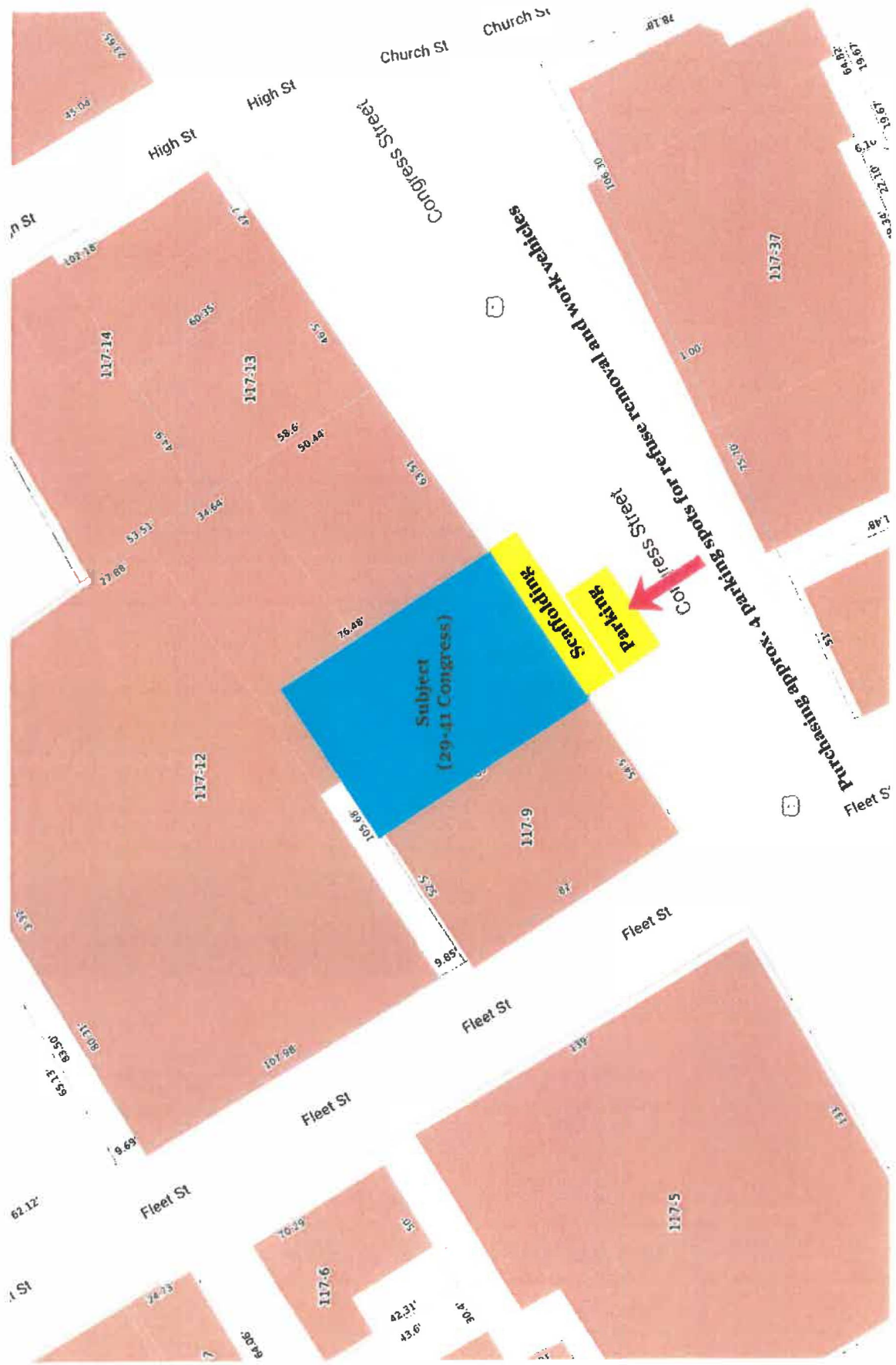
By: _____
John P. Bohenko
City Manager

Pursuant to vote of the City Council
of April _____, 2019

Dated this _____ day of _____, 2019.

29-41 Congress Street, LLC

By: _____



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

THIS THIRD AMENDMENT is made this ____ day of _____, 2019 by and between the CITY OF PORTSMOUTH, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, NH 03801 (the "City") and the CONNECT COMMUNITY CHURCH, the owner of property located at 200 Chase Drive , Portsmouth, NH, Portsmouth Tax Map 0210, Lot 0002 ("CCC"). This Third Amendment revises the original License Agreement, as amended by a first and second Amendment, which grants the City the right to use 124 parking spaces and the right to install and maintain a bus shelter on CCC's land as more fully set forth in the original License Agreement dated May 6, 2015 attached hereto as Exhibit A, as amended by a Second Amendment dated November 1, 2018 attached hereto as Exhibit B

WHEREAS, CCC and the City desire to extend the term of the License Agreement, as amended, for ten (10) months.

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

- 2. **TERM.** The Termination Date is amended in paragraph 2 of the second Amendment by deleting the words "... April 30, 2019." and replacing those words with "February 29, 2020". No further amendments are made to paragraph 2 and all terms not amended remain in full force and effect.
- 5. **ANNUAL FEE.** Paragraph 5 is deleted in its entirety and replaced with the following:

CCC will charge the City a fee of \$1,500 a month for the use of the parking spaces for the extended term of May 1, 2019 through February 29, 2020. This fee will be paid by the City to Connect Community Church in one lump sum of Fifteen Thousand Dollars (\$15,000) on or before May 31, 2019.

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

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

CITY OF PORTSMOUTH

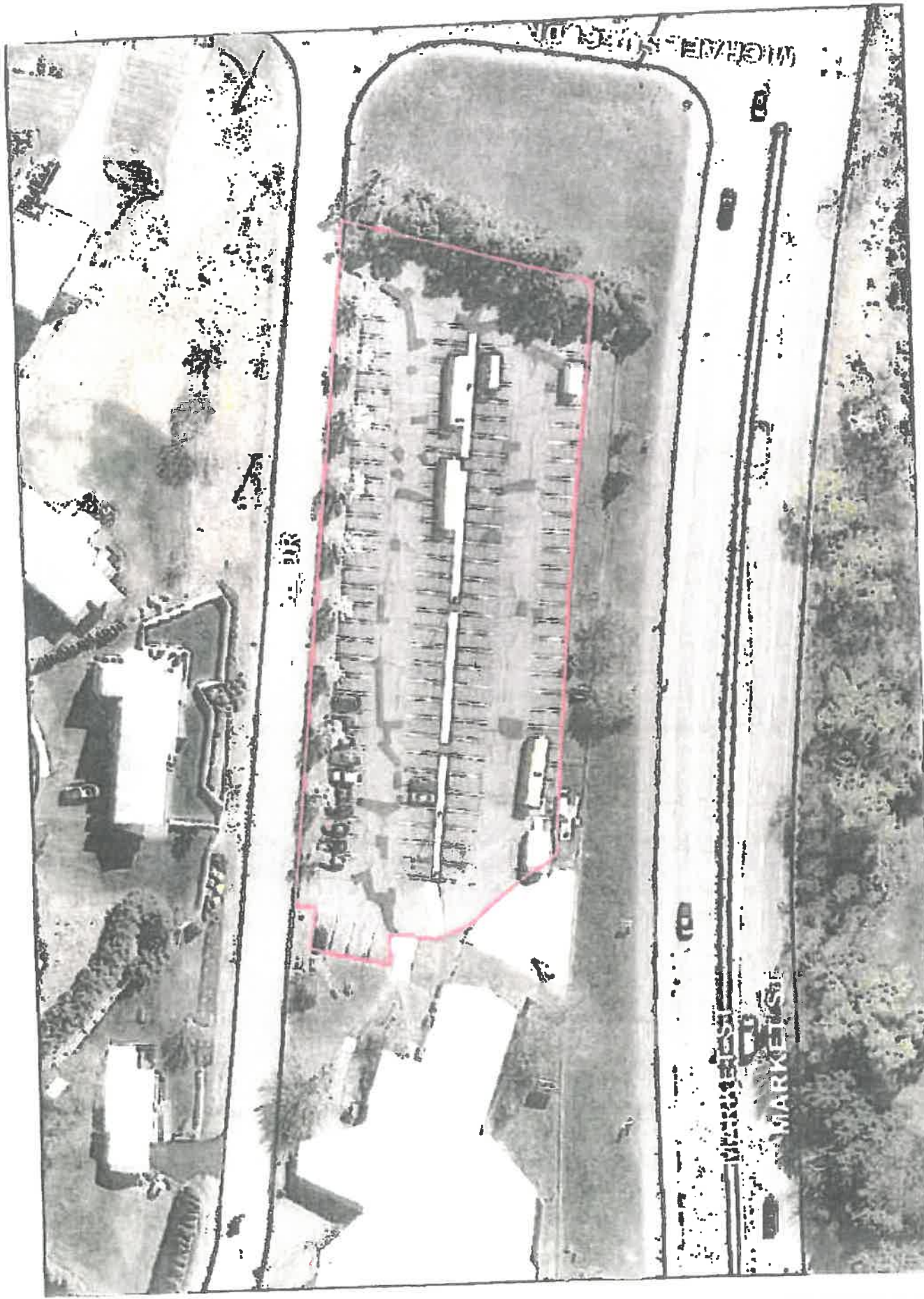
BY: _____
John P. Bohenko
City Manager, City of Portsmouth

Approved by vote of City Council on _____

CONNECT COMMUNITY CHURCH

BY: _____
Pastor Chad J. Lynn

Approved by vote of Connect Community Church
on _____



LICENSE AGREEMENT

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

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

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

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

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

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

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


10. Representations. This Agreement has been duly executed and delivered by the Licensee and CCC and each party avers that it has authority to execute and deliver this Agreement and the terms and conditions contained therein.
11. Miscellaneous Provisions.
- (a) No Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than each of the parties hereto; any benefits, rights or remedies under or by reason of this Agreement.
 - (b) Entire Agreement. This Agreement and the attachments hereto, each of which is hereby incorporated herein, sets forth all of the agreements, promises, covenants conditions and undertakings between the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements, or conditions, express or implied, oral or written.
 - (c) Amendment. No waiver or modification of any of the terms of this Agreement shall be valid unless in writing and signed by each of the parties hereto. Failure by any party to enforce any rights under this Agreement shall not be construed as a waiver of such rights, and a waiver by any party of a default hereunder in one or more instances shall not be construed as constituting a continuing waiver or as a waiver of other instances of default.
 - (d) License Not Assignable. The rights granted to the Licensee hereunder are personal and are not assignable or otherwise transferable except as otherwise specified in this Agreement.
 - (e) Partial Invalidity. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remainder of this License shall not be affected hereby, and each covenant and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
12. Governing Law. The construction and effect of the terms of this Agreement shall be determined in accordance with the laws of the State of New Hampshire.
13. Notices. All notices and other communication which are required or permitted by this Agreement shall be in writing and delivered by personal service, sent by registered or certified first class US mail, postage prepaid, properly addressed, return receipt requested, or by overnight receipt delivery service such as Federal Express, if intended for the Licensee, addressed to John P. Bohenko, City

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

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

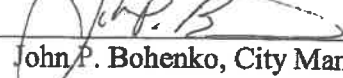
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first written above.

CONNECT COMMUNITY CHURCH

By: 
Pastor Chad J. Lynn

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

CITY OF PORTSMOUTH

By: 
John P. Bohenko, City Manager

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

h:\jferrini\parkingandtraffic\CCCparking

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

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

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

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

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

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

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

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

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

CITY OF PORTSMOUTH

BY: _____

John V. Bohenko
City Manager, City of Portsmouth

Approved by vote of City Council on October 15, 2018

CONNECT COMMUNITY CHURCH

BY: _____

Pastor Chad J. Lynn

Approved by vote of Connect Community Church
on 10/26/18

Evaluation of Exposure to Per- and Polyfluoroalkyl Substances (PFAS) in the Pease Tradeport Public Water Supply (PWS) - For Public Comment

Portsmouth, Newington, and Greenland, New Hampshire

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) is a public health agency that evaluates environmental exposures for public health risks. ATSDR has released a health consultation on drinking water contamination at the Pease Tradeport PWS. The health consultation evaluated whether water containing PFAS posed a health threat to people who drank it any time since 1993. Those people included workers at the Pease International Tradeport. They also included children at the two childcare centers at the Pease International Tradeport. This fact sheet summarizes ATSDR's findings, released in April 1, 2019. The full report is titled "Per- and Polyfluoroalkyl Substances (PFAS) in the Pease Tradeport Public Water System (PWS)." You can find the report at <https://www.atsdr.cdc.gov/HAC/PHA/HCPHA.asp?State=NH>.

The Pease Tradeport PWS serves the Pease International Tradeport and the New Hampshire Air National Guard base at the former Pease Air Force Base (AFB). PFAS in the Pease Tradeport PWS likely came from aqueous film-forming foam (AFFF) used on the former Pease AFB, now the site of Pease International Tradeport. The base used AFFF to fight fires.

Bottom Line

The health consultation concluded that Pease International Tradeport workers and children who attended the childcare centers were exposed to PFAS by drinking contaminated water. The water was supplied to the Pease International Tradeport before the Haven well was shut down in May 2014. Drinking water from the Pease Tradeport PWS during this time might have increased the risk for some harmful health effects. The cancer risk from past exposure to all PFAS in the Pease Tradeport PWS is uncertain.

Though the Haven well has shut down, there are still low levels of PFAS in the water serving the Pease Tradeport PWS. ATSDR does not expect that consuming water containing low levels of PFAS from the Pease Tradeport PWS (after May 2014) will harm people. However, persons who were exposed to PFAS from the Pease Tradeport Water System in the past should be aware of ways to reduce future PFAS exposures. Information on ways to reduce exposures to all sources of PFAS is available at <https://www.atsdr.cdc.gov/pfas/pfas-exposure.html>.

Summary of Key Findings

- Drinking water from the Pease Tradeport PWS between January 1993 through May 2014 could have increased the risk for harmful health effects to Pease International Tradeport workers and children attending the childcare centers. Other possible sources of exposure to users of the Pease Tradeport PWS include food and consumer products. Those could increase the risk for harmful effects beyond the risk from the drinking water exposures alone.
- Exposure to perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and perfluorohexane sulfonic acid (PFHxS) can depress the immune response, increase cholesterol, slow growth and development, and cause liver damage.
- Community members, particularly mothers exposed to PFAS from the Pease Tradeport PWS, have concerns about the possible health effects of PFAS exposures to infants who breastfeed. Based on available scientific information, ATSDR concludes that the health and nutritional benefits of breastfeeding outweigh the risks associated with PFAS in breast milk.
- Consuming water from the Pease Tradeport PWS after May 2014 is not expected to cause people harm.



U.S. Department of
Health and Human Services
Agency for Toxic Substances
and Disease Registry

ATSDR Recommendations to Agencies

The Environmental Protection Agency (EPA), the New Hampshire Department of Environmental Services (NHDES), and the U.S. Air Force (USAF) do the following:

- Continue their studies to better describe PFAS groundwater contamination at the site and monitor the Pease Tradeport PWS for any changes in PFAS amounts
- Continue PFAS removal from the Pease Tradeport PWS and set up a long-term plan to reduce PFAS to the lowest possible levels
- Continue to provide health education regarding PFAS in drinking water to residents who might be exposed, other community members, and health professionals in the site area

ATSDR Community Recommendations

- Persons who have had long-term exposures to PFAS should be aware of ways to reduce exposures. To learn more, visit: https://www.atsdr.cdc.gov/pfas/docs/pfas_fact_sheet.pdf.
- Continue to breastfeed babies, even if you have been exposed to PFAS. More than 20 years of research by the Centers for Disease Control and Prevention (CDC) shows that breastmilk nourishes infants and protects them from illness. A woman's decision to breastfeed is an individual choice — one that is made after considering many different factors. ATSDR's health consultation provides information that might help in this decision-making process.
- If you are concerned about exposure you or your family might have had, talk to your health care provider. ATSDR is available to consult with any health care provider, as needed.

Next Steps

- ATSDR will present the findings of this report and provide health education information related to PFAS in drinking water to the affected residents, community members, and health professionals in the site area.
- The USAF is working with the City of Portsmouth, NHDES, and EPA to test a treatment system for the Pease Tradeport PWS. This treatment system will reduce exposure to PFAS from the system's three main source wells. Treated water should continue to be sampled and the system adjusted to prevent exposure above the EPA lifetime health advisory and to reduce exposure to all PFAS as much as possible. EPA has established the health advisory levels at 0.07 parts per billion (0.070 µg/L).

- ATSDR will continue to work with the Pease International Tradeport Community Assistance Panel (CAP) to help understand community concerns and gather input to enhance the understanding of the health effects of PFAS exposures.
- ATSDR is assessing the most appropriate and effective designs for a multi-site PFAS health study to look at the relationship between PFAS exposure and health outcomes. As a foundation for the multi-site health study, ATSDR is preparing for exposure assessments in communities near current and former military installations. ATSDR is also planning a "proof of concept" health study of children and adults exposed to PFAS-contaminated drinking water at the Pease International Tradeport. The study will test procedures for use in the future multi-site study. The study will also evaluate associations between PFAS levels in blood and signs of changes in the body. Those changes will be examined using biomarkers, which can include examining changes in lipids, kidney or thyroid function, and the development of specific diseases.

Where to Learn More

ATSDR's report is available for review online at <https://www.atsdr.cdc.gov/HAC/PHA/HCPHA.asp?State=NH>. You can also read a copy at:

Portsmouth Public Library
175 Parrott Avenue
Portsmouth, NH 03801

Air Force Civil Engineer Center Field Office
Former Pease AFB, Site 8
20 Short Street
Newington, NH 03801

Office of the Selectmen
205 Nimble Hill Road
Newington, NH 03801

Your comments will improve the quality of the report. You can send comments by June 3, 2019 to ATSDRRecordsCenter@cdc.gov, or mail them to the following address:

Agency for Toxic Substances and Disease Registry
ATTN: Records Center
RE: Pease Tradeport Public Water System
4770 Buford Highway, NE (MS F-09), Chamblee, GA 30341

Written comments received during the public comment period and ATSDR responses will appear in an appendix to the final report. The report will not include the names of people submitting comments. The names could possibly be released in response to a U.S. Freedom of Information Act request.

For More Information

ATSDR

- Call ATSDR at 1-800-CDC-INFO (232-4636), email cdc.gov/info or visit www.atsdr.cdc.gov
- For a copy of the report, <https://www.atsdr.cdc.gov/HAC/PHA/HCPHA.asp?State=NH>
- PFAS: <https://www.atsdr.cdc.gov/pfas/index.html>
- PFAS Factsheet for Clinicians: https://www.atsdr.cdc.gov/pfas/docs/pfas_clinician_fact_sheet_508.pdf

CDC

- Environmental Exposures and Breastfeeding: <https://www.cdc.gov/breastfeeding/breastfeeding-special-circumstances/environmental-exposures/index.html>

EPA

- Pease AFB: <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0101213>

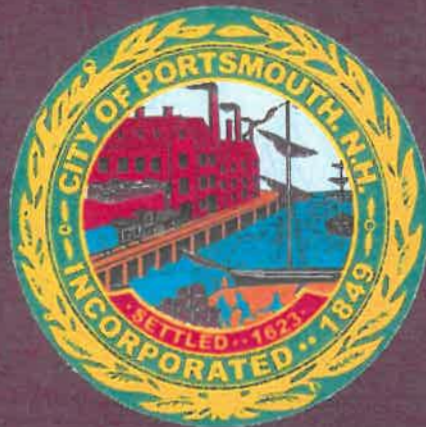
New Hampshire Department of Health and Human Services

- Perfluorochemicals: <https://www.dhhs.nh.gov/dphs/pfcs/index.htm>

LAND USE AND INSPECTIONS PERMIT PROCESS

PORTSMOUTH ECONOMIC DEVELOPMENT COMMISSION REPORT BACK TO CITY COUNCIL

APRIL 2019



COMMITTEE CHARGE

City Council referral and charge:

- Review the current land use permitting process and provide a report back with recommendations to streamline the process.

EDC Subcommittee Actions:

- Met with the Deputy City Manager and Planning Director to review the City's current land and building permit data, processes & recent changes instituted to improve the process.
- Interviewed representatives of the local development community to explore potential process improvement strategies.

LAND USE AND INSPECTIONS PERMIT PROCESS FINDINGS

APRIL 2019



SUMMARY OF FINDINGS

- Portsmouth gets an inordinately large number of land use permit applications for a city its size.
- Remaining building sites pose unique challenges (i.e. wetlands) = additional complexity.
- There is strong public demand for more project scrutiny
- Process modifications instituted to improve applicant experience and reduce permit processing duration
- Viewpoint online system adds ability for important quantitative (data) and qualitative (feedback) element to the approval experience.

SUMMARY OF FINDINGS (CONTINUED)

Recent Efficiency Measures Implemented

- Online permit application
- Project managers for large projects (for land use process)
- Use of experts for peer review to reduce process time
- Weekly meetings of Planning and Inspections staff

SUMMARY OF FINDINGS (CONTINUED)

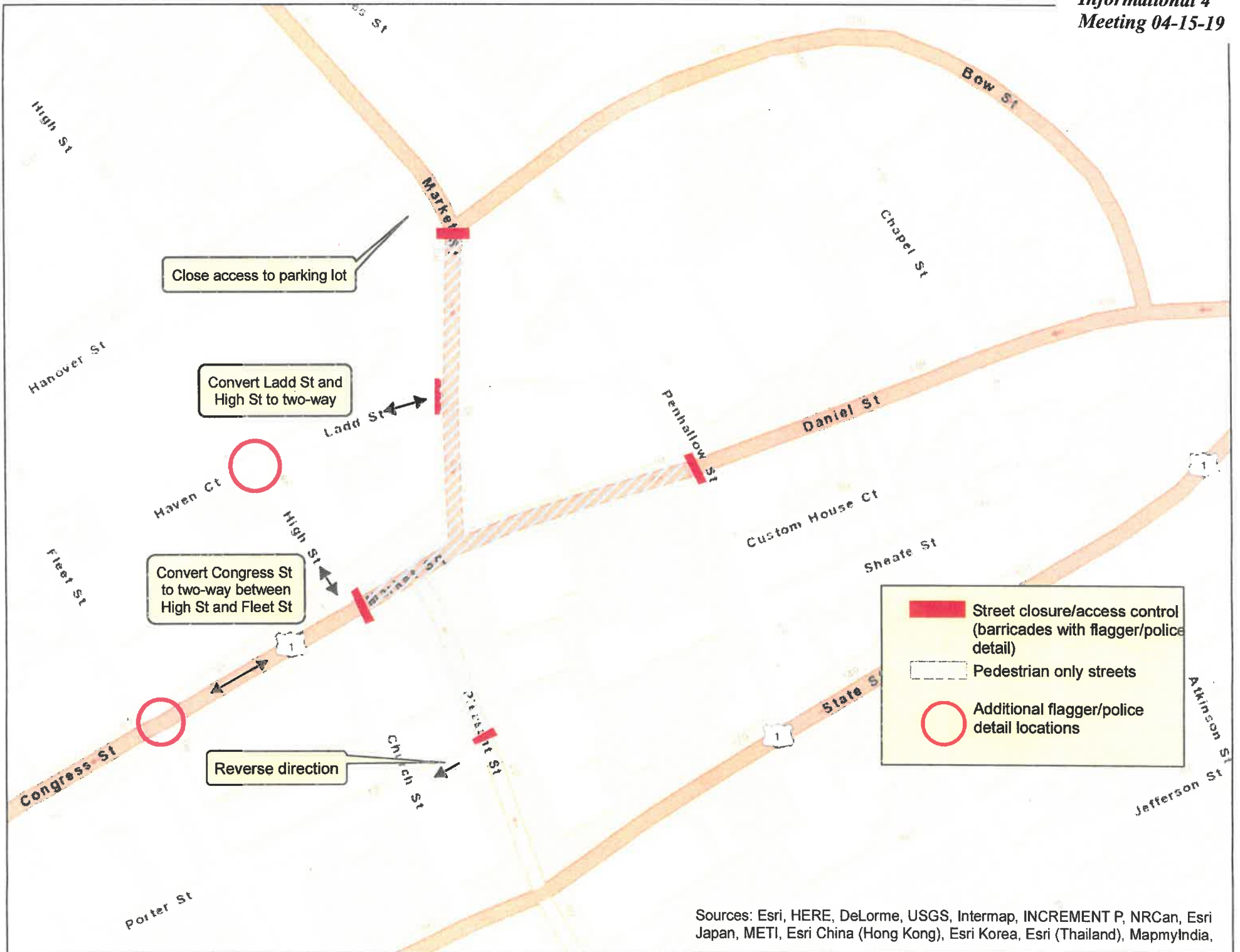
- Quality of the applicant's team and advance permit application preparation = less permit process time
- Portsmouth project costs are higher than similar projects in surrounding municipalities
- Higher project costs may be a barrier to entry for some project applicants
- Uncertainty of process timeline and unforeseen requests for additional information can increase project duration and costs
- Perception exists that inspector/public safety approval criteria exceed current code requirements.
- The need exists to manage applicant's project timeline expectations and code requirements

RECOMMENDATIONS: PROJECT LIFECYCLE MANAGEMENT

- Tailor workflow and management of relatively small scale vs. larger scale projects
- Assign a project liaison / development coordinator between the city and larger scale projects early in the application process to streamline information flow and improve consistency
 - Coordinator would be interface between applicant and city staff
 - Key function is to set expectations and requirements
- Obtain, measure, and incorporate more qualitative and quantitative feedback on the permitting lifecycle
 - Include information from the online permitting program and applicant feedback
 - Provide regular report-outs that measure and identify opportunities for improvement
- Provide process guidelines for applicants to improve project efficiency (required documents, expected timelines, etc.)
- Optimize online features to capture applicant feedback at completion or abandonment of project

RECOMMENDATIONS: COST AND APPROVAL IMPROVEMENTS

- Consider the scale of project to help applicant plan for costs
- Clearly communicate the potential for land use board appeals and re-hearings
- Improve flexibility of scheduling and sequencing inspections
 - Study workflow for inspections to identify bottlenecks and improvement opportunities
 - Optimize use of back-up inspectors to minimize overhead streamline the inspection process
- Note and communicate where local codes exceed state/national building code



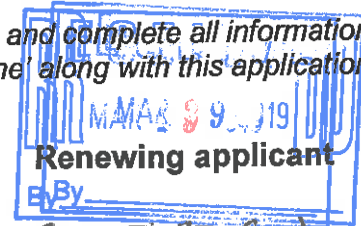
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia,



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume along with this application



Committee: Cable Commission

Name: Rob Capone Telephone: 603.380.8078 (cell)

Could you be contacted at work? YES/ NO - If so, telephone# 431.4849

Street address: 250 Elwyn Road, Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): rob.capone@wvrbor.com

How long have you been a resident of Portsmouth? 20 years

Occupational background:

20+ years providing IT support to a medium-sized architecture & engineering firm here in Portsmouth. Support includes servers, workstations, networking, printers/plotters, VoIP phone systems, CAD & productivity software, and logistics support.

Would you be able to commit to attending all meetings? YES/ NO

Reasons for wishing to continue serving: While the cable franchise agreement re-negotiation is nearing an end, I believe the TV/telephone/Internet landscape will go through major changes in the next 3-5 years. I wish to help Portsmouth navigate these potential changes

OVER
➔

Please list any organizations, groups, or other committees you are involved in:

Same-day voter registration
Portsmouth Middle School PTA

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Lynne Langley, 84 Porpoise Way, Portsmouth, 603.343.3982
Name, address, telephone number
- 2) Karen Ringette, 308 Richards Ave, Portsmouth, 603.497.3946
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
- 4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
- 5. Application will be kept on file for one year from date of receipt.

Signature: [Handwritten Signature] Date: 24 March 2019

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2022
Annual Number of Meetings: 9 (2018) Number of Meetings Absent: 1
Date of Original Appointment: 8-9-2019

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

ACTIONS

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – April 4, 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
Harold Whitehouse
Shari Donnermeyer
Mary Lou McElwain
Ralph DiBernardo
Steve Pesci

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

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

Temporary Action Item requiring an ordinance during the annual omnibus:
VII.A. Loading Zone ordinance update. Formal recognition of all signed loading zones and to allow use of all loading zones by noncommercial vehicles with loading zone permits – **Voted** to accept proposed changes to Chapter 7 Sections 7.601, 7.602, 7.603 and 7.604.

1. Accepted and placed on file meeting minutes from March 7, 2019.
2. Accepted and placed on file financial report dated February 28, 2019.
3. Public Comment Session: two speakers: City Councilor Rick Becksted (crosswalks and bollards on Middle Street) and Charles Griffin (bollards on Middle Street).
4. Loading Zone ordinance update. Formal recognition of all signed loading zones and to allow use of all loading zones by noncommercial vehicles with loading zone permits – **Voted** to accept proposed changes to Chapter 7 Sections 7.601, 7.602, 7.603 and 7.604.
5. Congress Street at Fleet Street lane use change – **Voted** to allow staff time to investigate the right turn only lane and making Pleasant Street one lane into Market Square.
6. Annual Pavement Marking Painting update – No action required by Committee.
7. Middle Street bike lane update – No action required by Committee.

8. Action Items IX.C., IX.D., IX.E. and X.A. to be moved to the May 2, 2019 meeting – **Voted** to move all remaining open action items to the May 2, 2019 meeting.

Adjournment – At 8:58 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. – April 4, 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, Shari Donnermeyer
Member, Mary Lou McElwain
Member, Harold Whitehouse
Alternate Member, Steve Pesci

Staff Advisors Present:

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

III. ACCEPTANCE OF THE MINUTES:

Ralph DiBernardo moved to accept the meeting minutes of the March 7, 2019 meeting, seconded by Mary Lou McElwain. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Public Works Director Peter Rice moved to accept the financial report dated February 28, 2019, seconded by Mary Lou McElwain. **Motion passed 9-0.**

V. PUBLIC COMMENT:

City Councilor Rick Becksted expressed concern about the crosswalk at Middle Road and Essex Street. Cars do not stop to let pedestrians cross. There should be a flashing pedestrian crosswalk sign installed at the crosswalk. He also requested that the City install the least amount of bollards required for the bike lane. Construction is about to begin on Islington Street, which means people will avoid taking that route. The turns from the side streets will be very important to get on and off Middle Street. People will be using them to avoid Islington Street construction.

Charles Griffin echoed Mr. Becksted's comments about the bollards. People have had time to adjust over the mild winter.

VI. PRESENTATION:

No presentation.

VII. NEW BUSINESS:

A. Loading Zone ordinance update. Formal recognition of all signed loading zones and to allow use of all loading zones by noncommercial vehicles with loading zone permits. Eric Eby commented that this effort was undertaken to clarify and clean up the Ordinance to reflect what was happening in the field. The City worked with the Legal Department to do a complete rewrite. There were no new loading zones added and no loading zones removed. The characteristics of a loading zone were clarified. The City has some 24-hour loading zones and some time restrictive loading zones, which are active loading zones from 6 a.m. to 7 p.m. Monday through Saturday. Both types of loading zones have a 30-minute time limit. There is a commercial loading zone permit program, which allows cars without commercial plates to apply for a loading zone permit. This is typically a business owner that needs to make frequent deliveries to their business. The Ordinance had a section that stated that no more than 10 minutes could pass without activity in the loading zone. This has proven to be too hard to enforce, and many people needed more than 10 minutes. That section has been removed from the Ordinance. The loading zone on Bow Street was changed to a 24-hour loading zone. Mr. Eby pointed out a loading zone on State Street that was being proposed to change to a time restricted loading zone to allow for parking at night. The 24-hour loading zone on Pleasant Street and Maplewood Avenue and two time-restricted zones on Congress Street were never added to the Ordinance, so now they are included. The loading zone on Chestnut Street was changed from a time-restricted zone to a 24-hour zone.

Steve Pesci commented that the zones are frequently used by rideshare services like Uber. He questioned how this Ordinance related to rideshare services loading and unloading in the zones. Police Captain Frank Warchol stated the Police Department handles enforcement of rideshares using loading zones.

Mary Lou McElwain clarified whether or not the Market Street Extension loading zone was included in the Ordinance. Eric Eby confirmed that it was and nothing was changing with that loading zone. Mary Lou McElwain questioned if there was a charge for the permit. City staff responded that it was \$50 per year and there is a proposed increase to \$100 per year.

Mary Lou McElwain questioned if the parking outside the restricted loading zone hours was free. Parking Director Ben Fletcher responded that it had not been addressed specifically. Public Works Director Peter Rice suggested adding signage and requiring people to pay for the spots at a nearby pay and display meter. Chairman Doug Roberts suggested that staff could look into that. Parking Director Ben Fletcher agreed and noted that it would be evaluated on a case-by-case basis.

Shari Donnermeyer pointed out that it's a confusing area, and people would not automatically know they would have to pay for that spot between 7 p.m. and 8 p.m. Public Works Director Pete Rice confirmed that staff would look into it and report back.

Harold Whitehouse questioned if the Police would be able to enforce this and requested a report back in May. Public Works Director Peter Rice responded that the Parking

Division would be in charge of enforcement. The Police are notified if a car is towed. Chairman Doug Roberts confirmed that staff could give a report in May on how it is working.

Ralph DiBernardo pointed out that there were two issues. One was metering the space between 7 p.m. and 8 p.m. and the other was that cars could park in the loading zone after 7 p.m. for the night. Public Works Director Peter Rice pointed out that cars are currently parking in loading zones after 7 p.m. and this is not a change.

Ralph DiBernardo questioned if there was anything in the loading zone permit that prevented them from using it as a freebie parking spot throughout the City. Parking Director Ben Fletcher responded that the particular zone is not defined in the permit. Public Works Director Peter Rice added that there is a 30-minute time limit with the permit, and they have issued citations for people who were not using it properly.

Chairman Doug Roberts pointed out that one of the photos on Congress Street showed a truck in the loading zone and a truck across from the loading zone also making a delivery. It is very common for a truck to park there and block the left turn lane.

Fire Chief Steven Achilles suggested aligning the times of the restricted loading zone and the metered parking, so that there would not be an hour gap of metered parking required.

Mary Lou McElwain noted that there is often a truck parked at the loading zone at the State Street and Atkinson Street intersection. It impacts the visibility for cars trying to turn. Eric Eby commented that there was a bump out behind the loading zone, so it takes up the entire space between Atkinson Street and the bump out. Mary Lou McElwain was concerned about that loading zone. Eric Eby noted that was one of the only loading zones in that area, so it is used often.

Ralph DiBernardo moved to accept proposed changes to Chapter 7 Sections 7.601, 7.602, 7.603 and 7.604, seconded by Harold Whitehouse. **Motion passed 9-0.**

B. Congress Street at Fleet Street lane use change.

Eric Eby commented that this went along with making the loading zone on Congress Street official between Fleet Street and the Vaughan Mall. When there is a car in the loading zone it can block the through lane and force cars to merge quickly. The proposal is to make that lane a right turn only and keep all the through traffic in the unblocked lane. The intersection at Maplewood Avenue has one through lane and a turn only lane on either side. This change would make the Fleet Street intersection consistent with that one. The proposal is to take off the arrowhead for the through lane. Then add a right turn only signage at the intersection. The scenario was run through the downtown traffic simulation model. It showed that traffic would back up in the through lane, but not all the way to Market Square. It would not cause a gridlock. The change would be monitored, and if there were too many backups the paint can be changed back.

Public Works Director Peter Rice moved to change the shared through/right-turn lane on Congress Street at Fleet Street to an exclusive right-turn lane for discussion purposes, seconded by Harold Whitehouse.

Harold Whitehouse questioned if all of the NO TURN ON RED signs would remain. Eric Eby confirmed that was correct.

Public Works Director Peter Rice thought that it was a needed change, but there was probably more change needed than just this one intersection. This would be a good opportunity to consider making Pleasant Street one lane coming into Market Square and have Daniel Street be one lane through Market Square. The two lanes on either side can become queues for parking and turn lanes. Public Works Director Peter Rice requested that Eric Eby look at that idea, and report back at the next meeting before they initiate the change.

Harold Whitehouse commented that would be a radical change. This proposed change should be put in and the other suggestions should be looked at more by staff.

Ralph DiBernardo questioned how much time would be appropriate to look at this change and the Pleasant Street change and report back. Eric Eby responded that 60 days would be best.

Deputy City Manager Nancy Colbert Puff commented that all of the businesses in the area should be notified about the proposed changes, so they are aware of the impact.

Chairman Doug Roberts did not necessarily think that the items were linked together. It could be possible to implement them incrementally.

Ralph DiBernardo moved to amend the motion to allow staff time to investigate the right turn only lane and making Pleasant Street one lane into Market Square, seconded by Public Works Director Peter Rice. Motion Passed 7-2. Harold Whitehouse and Chairman Doug Roberts opposed the amendment because they did not think the changes needed to be tied together.

The Committee voted on the motion to allow staff time to investigate the right turn only lane and making Pleasant Street one lane into Market Square. **Motion Passed 8-1.** Harold Whitehouse voted opposed.

VIII. OLD BUSINESS:

No old business.

IX. INFORMATIONAL:

A. Annual Pavement Marking Painting update.

Public Works Director Peter Rice commented that last year there were some staffing issues, so they were not able to get as much painting done as they had hoped. This year the City has been working closely with the contracted service provider and internal staffing to make up for last year. Crosswalks are the main focus. The contractor agreement has been expanded to include crosswalks and other delineating features.

Painting is impacted by temperature and moisture. It has to be dry and temperatures have to be above 50 degrees.

Chairman Doug Roberts questioned if the crosswalk lines would be expanded from 6 feet wide to 8 feet wide. Public Works Director Peter Rice responded that the policy would be to maintain the 6-foot width in the slow speed areas. The crosswalks will be widened in the high-speed areas.

Mary Lou McElwain was concerned that crosswalks that were impacted by construction sites were not being replaced. Public Works Director Peter Rice stated he would be happy to meet with members to discuss the issue. Mary Lou McElwain clarified that her comment was that she thought Unitol would be participating in the reconstruction costs.

B. Middle Street bike lane update.

Planning Director Juliet Walker talked about their plans for the 2019 season roll out. When the bike lane was implemented last fall it had the full design including the flex-post bollards. The bollards were removed in the winter in part to allow for snow clearing. It also provided an opportunity to revisit the design. The City has reviewed public comments and taken them into consideration. The bike lane is designed to support the safety of the bikers as well as the travelers along the bike lanes. The goal is to ensure there are no cars drifting into the bike lanes. The bollards and buffers were added to create a barrier. This helps promote safety for bicyclists who may not be comfortable mixing with traffic. The intent is to encourage more use of the bike lane through the design. A full year will be required to monitor the traffic and bike lane usage in all seasons to accurately report back on the design. There will be no flex-post bollards installed until early June. Traffic will be monitored from April 15th to May 15th as the bike lane usage increases. There will be a reduced number of bollards installed in early June. All of the lines will be repainted as part of the citywide striping program. There will be 60 bollards installed this year. Last year there were about 130 bollards. The new bollards will be shorter, more flexible, and easier to install and remove. The distance between them will be approximately 80 feet. They will be installed in places where the buffer is narrow, at intersections, and at the start and end of on-street parking. They will be placed inside the buffer where possible. The City is evaluating if one parking space should be removed at the Aldrich intersection. That will be decided based on the traffic monitoring results. The monitoring will include traffic speeds, traffic behavior at side streets and intersections, pedestrian and bike counts, and parking counts. The City will work in collaboration with the Police Department and social media to ensure the messaging about the bollard installation is clear and accessible.

Chairman Doug Roberts thought this was a very thoughtful response to the criticism.

Steve Pesci agreed and thanked the staff for their efforts. A marginal amount of bollards are beneficial and do improve safety. A reasonable amount of them are necessary for this project. Shari Donnermeyer agreed.

Harold Whitehouse questioned if the vendor was taking back the old bollards, and asked about the additional cost of the change. Planning Director Juliet Walker responded that she could report back to the Committee next month. The City was not happy with the bollards from last year. Their quality was sub-standard.

Ralph DiBernardo commented that cars often straddle the yellow line on Middle Street to avoid the bike lane and bollards. In addition, people confuse the first set of parking spots on Cabot Street with a travel lane. It should be better defined as parking. Planning Director Juliet Walker confirmed that was a location that bollards will be reinstalled. Police Captain Frank Warchol noted that moving the bollards into the buffer will give the road about 4 feet on each lane, so that should help with the yellow line crossing. Planning Director Juliet Walker added that they would continue to observe the behavior and noted that when the City repaves Middle Street there will be more opportunity to make changes.

Fire Chief Steven Achilles introduced Captain Todd Germain in the audience and noted that he would be representing the Fire Department starting with the next meeting. Fire Chief Steven Achilles is retiring and resigning from the Fire Department to take another position. Public Works Director Peter Rice thanked Fire Chief Steven Achilles for his contributions to the City.

Public Works Director Peter Rice stated he met with Ward 1. The neighborhood had requested a traffic calming process be initiated in their area. They have gone through a series of proposals, and the most recent one to be presented to the Committee involves a significant amount of bollards. He also stated the City is exploring installing parking meters in the Prescott Park lot. There are currently 20 free parking spaces.

Ralph DiBernardo moved to continue the outstanding agenda items to the May 2, 2019 meeting, seconded by Public Works Director Peter Rice. **Motion passed 9-0.**

X. ADJOURNMENT – at 8:58 a.m., VOTED to adjourn.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

RULE 7. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. Call to Order [7:00 p.m. or thereafter]
- III. Roll Call
- IV. Invocation
- V. Pledge of Allegiance
- ~~VI. Volunteer Committee Reports~~
- ~~VII.~~ VI. Acceptance of Minutes
- ~~VIII.~~ VII. Public Comment Session
- ~~IX.~~ VIII. Public Hearings and Votes on Ordinances and/or Resolutions
- IX. Mayor
- X. City Council Members
(~~A single item of business per Council member unless further items are approved in advance by the Mayor~~ A City Councilor Member may either speak to their item(s) previously placed on the agenda in accordance with Rule 4 or bring a single item that appears later on the meeting's agenda forward to be acted upon at this point.)
- XI. Volunteer Committee Reports
- ~~X.~~ XII. Approval of Grants/Donations
- ~~XI.~~ XIII. Consent Agenda
- ~~XII.~~ XIV. Presentation and Consideration of Written Communications and Petitions
- ~~XIII.~~ ~~Reports and Communications from City Officials~~
 - ~~A. CITY MANAGER~~
~~Items Which Require Action Under Other Sections of the Agenda~~
~~City Manager's Items Which Require Action~~

~~B. MAYOR~~

~~C. CITY COUNCIL MEMBERS~~

~~(A single item of business per Council member unless further items are approved in advance by the Mayor.)~~

XV. City Manager

~~XIV.~~ XVI. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting

~~XV.~~ XVII. Adjournment [at 10:00 p.m. or earlier]

(ADOPTED NEW ORDER OF BUSINESS 1/9/06; AMENDED 1/25/2016; AMENDED 08/21/2017)

RULE 4. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. Each member of the Council may place a single item of business under the name of that Councilor unless further items are approved in advance by the Mayor. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting, and shall make copies of the Agenda available in the Office of City Clerk for the public by that time. (AMENDED 1/5/98) (AMENDED 1/25/2016)