

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

https://zoom.us/webinar/register/WN_khhFWUWzSJOuzLJFE_ljBg You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-10, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, JULY 13, 2020

TIME: 7:00PM

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - POSTPONED**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

- VII. **ACCEPTANCE OF MINUTES – APRIL 6, 2020**

- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**

- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**

- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**
 - A. First reading of Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones; Chapter 7, Article, Section 7.105 – Parking; Chapter 7, Article IX, Section 7.901 – Penalties; Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour; Section 7.325 – Limited Parking – Thirty Minutes; Section 7.326 – Limited Parking – Fifteen Minutes, Section 7.327 – Limited Parking – Two Hours, Section 7.328 – Limited Parking – Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; Section 7.329 – Limited Parking – Four Hours; and Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described

 - B. Third and final reading of Ordinance amending Chapter 7, Article I, Section 7.105 C. – Parking – Motorcycle Parking

- XII. **MAYOR BECKSTED**
 1. Appointment to be Considered:
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate

2. *Islington Street Corridor Project (*Delayed from the June 15, 2020 City Council meeting*)

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE & COUNCILOR McEACHERN

1. Resolution for Mandatory Mask/Face Coverings (*Sample motion – move to adopt the Resolution requiring the wearing of facial coverings in the City of Portsmouth*)

B. ASSISTANT MAYOR SPLAINE

1. “Positive Re-Enforcement” for Wearing of Masks/Face Coverings (*Sample motion – move the Portsmouth City Council endorses the concept of ‘positive re-enforcement’ for the wearing of face coverings through a variety of incentives that may be suggested, advocated for, and implemented by City of Portsmouth staff, the Portsmouth Police Department, the Portsmouth Citizen Response Task Force, and the businesses of our community.*

We ask the City Manager to consider such concepts in consultation with supportive parties, public and private, during the coming weeks. Funds available from the Federal sources to offset COVID-19 expenses, or which have been allocated to the Portsmouth Citizen Response Task Force, may be used to support such efforts.

The City Manager may consult with staff, members of the Police and Fire Departments, health care professionals, our business community, non-profit arts and cultural organizations, residents, and the Portsmouth Citizen Response Task Force, to come up with measures and ideas to implement ‘positive re-enforcement’ without the use of punitive fines or civil penalties of any kind.

We encourage our businesses, non-profit organizations, city staff and residents to be innovative, inventive, and creative in coming up with proposals for ‘positive re-enforcement’ so that the City of Portsmouth will be considered as the ‘friendly community’ in encouraging the use of face coverings during the current COVID-19 pandemic.”

2. *City Manager Evaluation
3. *Insurance Liability Requirements for Portsmouth Businesses

C. COUNCILOR WHELAN

1. *Parking, Traffic & Safety Report

D. COUNCILOR LAZENBY

1. Letter to Governor Sununu regarding New Hampshire Face Covering Mandate

E. COUNCILOR HUDA & COUNCILOR TABOR

1. Informational Fee Committee Minutes (No Action Required)

F. COUNCILOR HUDA

1. Request a Report regarding Services and/or Projects completed by former City Manager John Bohenko ***(Sample motion – move to request the City Manager to provide a report to the residents and City Council on the services and/or projects completed by the former City Manager John Bohenko over the 6 month period ending June 30th per the agreed upon consultant contract)***

G. COUNCILOR TABOR

1. McIntyre Survey ***(Sample motion – move that the City Council approve the survey and op ed as finalized by the McIntyre subcommittee and distribute the survey to every home as soon as possible)***
2. Outdoor Dining Insurance Relief ***(Sample motion – move to request staff to review city insurance requirements for outdoor dining, currently set at \$3mm for general liability and \$3mm liquor liability, to see if they can be pro-rated for seasonal use and whether they are an excessive burden on restaurants trying to stay open in the pandemic)***

H. COUNCILOR TRACE

1. *Request a Report Back from Sewer and Water on large rain events & combined sewer overflows ***(Sample motion – move to request a report back from Sewer and Water on the large rain events and the combined sewer overflows of 10a and 10b along with the overflow and flooding of 13 – Deer Street. Further, how the repair or not of the main sewer pipe under Peirce Island bridge may have played a part. Also, as to the report to the EPA and DES regarding the rain/overflow event)***

XIV. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Donations to African Burying Ground from Thomas M. Brightman - \$200.00 and Tara E. Tracy \$50.00 ***(Sample motion – move to approve and accept the donations to the African Burying Ground as listed)***
2. Acceptance of Memorial Bench ***(Sample motion – move to the City Manager with Authority to Act)***

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request to Schedule First Reading Re: Omnibus Ordinance Change ***(Voted to postpone action at the June 22, 2020 City Council meeting)***
2. *Motor Vehicle Municipal Agent Acceptance
3. Execution of Deed Restriction to Protect Vernal Pools – Campus Drive

4. Planning Board Report Back – Paper Street request for Ruth Street
5. Release of Reverter for Portsmouth Housing Authority Property
6. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street
7. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street
8. Workforce Housing Covenant for West End Yards Project
9. Request for Temporary Construction License for Brick Market Project

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Deborah LaPointe, LastLooks; for property located at 18 Ladd Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses 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. *Acceptance of Donation to the Coalition Fund
 - Town of Carroll - \$2,000.00***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Fund)***

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. *Update on the Portsmouth Citizens Response Task Force
- C. *Presentation regarding Sagamore Avenue Sewer Extension Project
- D. Email Correspondence (***Sample motion – move to accept and place on file***)

- E. Letter from Lawrence Yerdon, Strawberry Banke, advising the City Council that Strawberry Banke Museum opened on July 1st to visitors and the museum is offering 90-minute tours, on the hour and half-hour, seven days each week through the end of October (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on Release of Rolling Stock and Capital Items
2. Preliminary Report for September Primary Election

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 6, 2020

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8 and Executive Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location.

All votes will be by roll call.

to access by web (<https://zoom.us/join>)

to access by phone, dial (929-436-2866)

Meeting ID (276 622 239)

Password (242060)

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04. Section 8 and Executive Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.

- I. **WORK SESSION – POSTPONED**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – POSTPONED**
- III. **CALL TO ORDER**

Mayor Becksted call the meeting to order at 7:25 p.m.

IV. **ROLL CALL**

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. **INVOCATION**

Mayor Becksted asked residents to bear with us as these are hard times. He expressed thoughts of healing to all residents of the City and the United States.

VI. **PLEDGE OF ALLEGIANCE**

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

Councilor Kennedy moved to suspend the rules in order to take up Item XVII – Presentation by Health Officer Kim McNamara regarding COVID-19 Update.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Presentation by Health Officer Kim McNamara regarding COVID-19 Update

Health Officer McNamara provided a detailed presentation regarding COVID-19. She reported on the number of cases throughout the State and the testing procedures that are taking place. She spoke to having the High School being a location for administering vaccines, if that is needed. She also addressed the small supply of Personal Protection Equipment. She also indicated we are 120 days behind where Boston is in terms of reaching a peak for the seacoast area.

The City Council asked questions regarding the procurement of PPE. Mayor Becksted thanked Health Officer McNamara for her work on this matter.

City Manager Conard announced that Library Director Butzel has created mask straps to protect the back of ears of individuals from being cut. She said the straps are being produced with a 3-D printer and we are providing these straps to the Portsmouth Regional Hospital for staff and patients.

VII. ACCEPTANCE OF MINUTES – FEBRUARY 3, 2020

Councilor Huda moved to approve and accept the minutes of the February 3, 2020 City Council meeting. Seconded by Councilor Kennedy.

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

IX. PUBLIC COMMENT SESSION – (Via Zoom)

Mark Brighton said there needs to be more feelings and compassion for the taxpayer's ability to afford to live in the City. He said if cuts are to be made the taxpayer's need to let the City Council know what services and programs they can do without.

Jim Hewitt spoke regarding the Planning Board's meeting on Thursday regarding the West End Yard permit. He spoke against the density of the project and asked the City Council to continue to stay informed on this matter.

XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. PUBLIC HEARING – ACQUISITION OF ONE FIRE APPARATUS

PROPOSED RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES, OR EXECUTION OF LEASE PURCHASE AGREEMENT OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000.00) DOLLARS FOR THE ACQUISITION OF ONE FIRE APPARATUS

- **PRESENTATION**

Fire Chief Germain said this is to pre-authorize the purchase of one fire apparatus before June 30, 2020 to save money. He said he would follow the will of the City Council on this request to purchase. He advised the City Council that this would not affect the FY21 budget.

- **CITY COUNCIL QUESTIONS**

Councilor Lazenby said that this purchase is listed in the CIP and would be bonded with no effect to the tax rate.

Finance Director Belanger said the bonding would impact the FY22 budget year.

Councilor Huda asked if we needed to make a deposit. Finance Director Belanger said no cash is going out and we will pay upon delivery of the apparatus.

Councilor Whelan asked what happens to the old truck. Fire Chief Germain said it would be taken in trade.

Councilor Trace asked if the truck will be less costly due to current events. Fire Chief Germain said the price is still in effect and would not increase until April 30th at which time we would see a 2% increase.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers.

Mark Brighton said he supports the purchase of the new truck.

With no further speakers Mayor Becksted declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

There were no further questions or deliberations by the City Council.

Councilor Tabor moved to adopt the Resolution as presented. Seconded by Councilor Lazenby.

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

B. PUBLIC HEARING – REQUEST TO DISCONTINUE A PORTION OF CATE STREET CONNECTOR ROAD

REQUEST TO DISCONTINUE A PORTION OF CATE STREET CONNECTOR ROAD

- **PRESENTATION**

There was no presentation provided.

- **CITY COUNCIL QUESTIONS**

Councilor Kennedy asked if this is going to cause more congestion onto Bartlett Street. Planning Director Walker said the connector road will divert traffic from the residential area. She advised the City Council that Cate Street to Cottage Street will remain open. She stated the entire road will be open with priority to access businesses.

Mayor Becksted said access from the same areas will be in effect as of today.

Councilor McEachern asked Planning Director Walker to speak to the reduction of traffic and potential to relieve congestion on Cottage Street. Planning Director Walker said we will be looking at either end and will be doing that throughout the process. He said the proposal looks at the railroad overpass and congestion at the Islington Street end overall before and after construction we will continue to monitor the area.

Councilor Tabor spoke to the day lighting of the brook. Planning Director Walker said the current proposal does not go next to the brook.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers.

Bill Blum asked if we dead end the street and not replace the bridge, would it save money in the CIP.

Mark Brighton spoke regarding the project and his concern with congestion of the area.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Lazenby moved to grant the petition of Cate Street Development, LLC to discontinue that portion of the public highway known as Cate Street defined and described in the petition, subject to the conditions contained therein. Seconded by Councilor McEachern.

Mayor Becksted said part of the connector has to be open and the bridge needs to stay open and we cannot dead end the street.

Councilor Trace asked Planning Director Walker how many cars a day go under the bridge and how many cars would be going under the bridge once the project is completed. Planning Director Walker said she does not have the numbers in front of her and will provide those numbers to the Council.

Councilor Kennedy said Councilor Trace summed up what her concern is which is traffic in the area.

Councilor McEachern said he has reservations on the traffic coming down Bartlett Street. He asked how quickly we can close off that end of the street. Planning Director Walker said a road closure is placing barricades. She said we do not plan to close the Cottage Street connection.

Public Works Director Rice said this was to create an alternative access to the hospital for the area.

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

XII. MAYOR BECKSTED

1. Appointments to be Voted:
 - Appointment of Beth Margeson to the Citywide Neighborhood Committee until December 31, 2021
 - Reappointment of Jessica Blasko to the Conservation Commission until April 1, 2023
 - Reappointment of Allison Tanner to the Conservation Commission until April 1, 2023
 - Reappointment of Jackie Cali-Pitts to the Recreation Board until April 1, 2023
 - Reappointment of Lisa Louttit to the Recreation Board until April 1, 2023

Councilor Kennedy voted to approve the appointments as listed above. Seconded by Assistant Mayor Splaine.

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

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Portsmouth Budget, Revenue, Tax Base and Financial Assessment for 2020-2022

Assistant Mayor Splaine said that this situation will affect our economy and tax rate and tax base. He said he would like to see the City Manager and departments come together and give some idea on revenues and expenses and where we can make trims and cuts. He said how do we react and alleviate the current problem and look two years ahead. He requested a report back in April or May on these items. Assistant Mayor Splaine said we need to streamline our government.

City Manager Conard said she will do that and be providing information under Councilor Huda's name to address our two year look ahead.

B. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of March 5, 2020 meeting

Councilor Whelan moved to approve and accept the action sheet and minutes of the March 5, 2020 Parking & Traffic Safety Committee meeting. Seconded by Assistant Mayor Splaine.

On a roll call 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Whitehouse voted opposed.

2. McIntyre Subcommittee Update

Councilor Whelan announced we have a new attorney representing the City regarding the McIntyre Matter and his name is Attorney Michael Connolly.

C. COUNCILOR LAZENBY

1. Request for Report Back regarding Additional Remote and/or Advance Voting in NH Elections

Councilor Lazenby requested that the memorandum from City Clerk Barnaby to be inserted into the minutes.

The following is in response to the questions placed on the April 6, 2020 City Council agenda under Councilor Lazenby's name. The Councilor's questions/comments are in orange.

Are guidelines regarding absentee voting set at the state or municipal level in New Hampshire?

The guidelines regarding absentee voting are established on the state level in New Hampshire.

What are the current guidelines regarding Absentee Voting in New Hampshire?

There are four criteria's that entitle a person to vote by absentee ballot:

- 1. Voter plans to be absent on the day of the election from the city, town, or unincorporated place where they're domiciled*
- 2. Voter cannot appear in public on election day because of observance of a religious commitment*
- 3. Voter is unable to appear in person due to a disability*
- 4. Voter cannot appear at any time during polling hours at polling place because of an employment obligation. For the purposes of this the term "employment" shall include the care of children and infirm adults, with or without compensation*

Are there any prospects in the NH State Legislature to broaden these guidelines?

Currently HB 1672 would allow anyone to vote absentee without needing a reason. This may increase voter participation but may make voting in person a thing of the past. This bill passed the House by majority roll call vote 194-132 and it possibly will be assigned to the Senate Election Law and Municipal Affairs Committee when the Legislature reconvenes after May 4th.

Are there any prospects to open up early voting in New Hampshire to allow voters to drop off ballots at municipal locations in advance of Election Day?

Currently there is no bill that has been brought forward to allow early voting in New Hampshire this session but previously a bill was proposed and acted upon by the legislation and the bill was killed.

Are there any prospect to allow for voting by mail in New Hampshire?

HB 1572 establishes the New Hampshire local election participation act. This bill would allow the governing body to conduct a local election strictly by mail. The bill was killed by roll call vote in the House on February 13, 2020.

Councilor Lazenby requested that a letter to the legislature come back at the April 20th City Council meeting in support of HB 1672 allowing no fault absentee ballot voting for the upcoming elections.

Assistant Mayor Splaine indicated he has been following HB 1672 and we could be looking at more ways of allowing for absentee voting and that makes sense to him. He said he would like to see the Council vote in support of HB 1672 at the next City Council meeting.

D. COUNCILOR HUDA

1. Forecasted Economic Downturn caused by the COVID-19 Virus

City Manager Conard said she has prepared remarks on this matter and reviewed them with the Council. She reported on March 31st she implemented a spending freeze. She said the General Fund forecast does look to be on track and we are still tracking revenues. She reported she has laid off 87 part time help. She stated that interest revenues will take a hit due to the cut in those rates. City Manager Conard advised the City Council we have lost \$430,000.00 in parking revenue. She reported that we have received \$45,000,000.00 from the first tax bill and we expect to receive 65% of taxes through escrow accounts.

Councilor Tabor expressed concern with possibly losing \$2.4 million in parking revenue.

Councilor Whelan moved to suspend the rules in order to take up Item XVIII. 3. – Summary of Parking Holiday and Revenue Impacts. Seconded by Councilor Kennedy.

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

VIII. CITY MANAGER'S INFORMATIONAL ITEMS

3. Summary of Parking Holiday and Revenue Impacts

City Manager Conard said we are working to bring back parking revenues and the \$2.4 million goes to the General Fund.

Ben Fletcher, Parking Director said we try to anticipate coming back historically. He said on-street is at \$310,000.00. He said we could recoup about \$80,000.00 for on-street, \$20,000.00 for High Hanover, and \$2,000 per month for Foundry Garage with 10% of traffic. He said people had paid March bills for parking and in April people are paying 25% of the fees. He stated at a 15% reduction in retention you would be looking at \$120,000.000 for the High Hanover and \$3,500.00 per month for revenues if we are correct with 80% of fees we are looking at a \$1.7 million dollar shortfall. He said going further it would be \$2.4 million in light of the fact there are not any other cities that have called for a holiday parking program.

Public Works Director Rice said we could bridge the gap and see an increase in revenues in June.

Councilor Whelan said he does not know what we will get for revenues with people parking in the garage. He said we will be in the situation until we open back up everything because everything is closed and nothing is going on right now.

Councilor Kennedy said she is concerned and is trying to get people to come downtown.

Assistant Mayor Splaine said he is disappointed in this situation. He said people that work downtown are trying. He said we should be doing everything to streamline the budget. He spoke to the anticipated reduction in meals and rooms fees and said we need to focus on reducing expenditures and avoid a recession.

Councilor Tabor said it is important to update information in real time and see if the revenues start to fall. He stated we are fortunate our property taxes do not go down. He said we must look out two years and see what the most important revenues to protect are.

Councilor McEachern said any revenues coming from monthly pass holders is a plus. He said he is concerned with businesses and asked if someone is patronizing a business downtown and gets a ticket can we forgive that ticket.

Parking Director Fletcher said Foundry Garage can do that however, the other pay stations are not able to.

Discussion followed on parking tickets, payments and the creation of spaces and zones for parking areas.

Public Works Director Rice said he could report back on how to provide benefits and offset some of the costs to businesses.

Councilor Kennedy said she does not want to see a business pay for the system.

Parking Director Fletcher said we could create spaces and zones.

Councilor Huda said we should have some spaces at 10 -15 minutes so we don't have people taking advantage of this.

City Manager Conard said could we consider lifting the holiday and provide 3-4 spaces for 15 minutes.

Public Works Director Rice said we could implement what the Council wishes in short order.

Mayor Becksted said we need to keep restaurants afloat to protect and give them what they need.

City Manager Conard said we are lifting the holiday and allowing for 15 minute parking spots in front of those restaurants.

City Attorney Sullivan said this is a policy decision and a motion should be made.

Assistant Mayor Splaine said this does not help restaurant employees and he would like to expand the holiday parking until the April 16, 2020 City Council meeting.

Assistant Mayor Splaine moved to extend the parking holiday until April 20, 2020 City Council meeting. Seconded by Councilor Kennedy.

Councilor Kennedy said if you drive by the garages no one is parking and are we really going to make enough money to bring back the people we laid off and put forth the effort of putting out cones.

Councilor Trace said the extension would be two weeks because she feels it is a relief for people coming into town that are still working. She is aware the money will not come in and we keep saying no one is parking in several of the restaurants. She said she believes Assistant Mayor Splaine and Councilor Kennedy are correct and should consider expanding the parking holiday for another two weeks.

Councilor Huda said she reminds everyone that the barricades will be put up for 15 minute spaces and the streets are empty and she does not see a great benefit.

Councilor McEachern said any revenue we are receiving is the lion share for some monthly passes making up the \$700,000.00.

Parking Director Fletcher said the assumptions were based on 85% pass holders and the answer would be year.

Mayor Becksted said we will need to make this up, restaurants are concerned the parking is utilizing the restaurant designating areas will be a win/win and this is something rather than doing nothing.

Councilor Tabor said he agrees with Mayor Becksted and Councilor Huda in designating back up zones for restaurant owners because to delay another two weeks is someone's job.

City Manager Conard said in addition to designating areas we could provide educational information to people for free areas of parking.

Councilor Trace said City Manager Conard has a great idea, we need to get the information out. She asked if we could reach out to the Chamber of Commerce with some information on free parking for people.

Public Works Director Rice said the daily advisory from the City Manager is working well and we can augment that by reaching out to the Chamber of Commerce and downtown businesses.

Councilor Huda said the City is providing a space and service for them and people will take advantage of that. She said we can't have it both ways, the signs are directing people to the Foundry Garage and we could have the signs advising people of the free parking areas.

On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Kennedy, Trace voted in favor. Councilor McEachern, Huda, Tabor and Mayor Becksted voted opposed.

D. COUNCILOR HUDA

1. Forecasted Economic Downturn caused by the COVID-19 Virus

Councilor Huda asked how we are going to look at April, May and June.

City Manager Conard said the information we currently have indicates we will be on track. She said the City has been budgeting conservatively and looked ahead to next year's budget where we are taking into consideration this same scenario. She said we are an entitlement community and receive funds because of that. We will received approximately \$313,000.00 CDBG Funds.

Councilor Kennedy said she appreciates that we are on this. She is concerned with SBA that are not part of the Chamber of Commerce and asked how are we connecting with those people.

City Manager Conard said she could provide a report back from Economic Development Manager Carmer at the next meeting.

Councilor McEachern said he would like to see numbers on sole proprietor and loans for small businesses and contracts with information on unemployment. He said if you are part time you qualify for the \$600.00 a week supplement and he would like to see us assists businesses with the CARES ACT.

Councilor Trace asked if it would be permissible to put a new page on the web site on this matter.

City Manager Conard said a new page has been created regarding Economic Development Commission resources and is available by way of a link on the daily advisory.

Councilor Whelan asked City Manager Conard about the projects underway in the City and are we losing funding for any of the projects.

Planning Director Walker said we do not have a sense on projects. She said we have had one project pull out. She stated people are still trying to figure out what will happen.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Market Street Property Purchase from NH Department of Transportation

City Manager Conard said Department of Public Works is working on NHDOT on the procedure to purchase the land and control water levels. She reported the parcel is \$1,100.00 and we would work with the State on purchasing of the land.

Councilor Lazenby moved to refer procurement of land from the NHDOT to the Planning Board for a recommendation back to City Council. Seconded by Councilor Whelan.

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

2. Woodbury Avenue Signal Coordination Project

City Manager Conard provided information on Woodbury Avenue signal coordination project. She said a portion of the money used to rehabilitate the signals was state-administered federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds, the City must follow the federal closeout procedure and formally accept the project.

Councilor Kennedy moved to accept the completed Woodbury Avenue Signal Coordination project. Seconded by Councilor Huda.

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

3. Middle Street Baptist Parking Contract Renewal

City Manager Conard stated we leased 17 spaces from the Middle Street Baptist Church for the purposes of allowing Public Library staff the use of the spaces during business hours. She reported the annual fee is \$1,000.00 and the term for the draft agreement is April 1, 2020 – March 31, 2021.

Councilor Kennedy moved to execute the Parking Lot Usage/Maintenance Agreement with the Middle Street Baptist Church. Seconded by Councilor Lazenby.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

B. Email Correspondence

Councilor Lazenby moved to accept and place on file. Seconded by Councilor Trace.

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

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy thanked everyone out there for working hard and supporting neighborhoods and community members. She said it is important to check on your neighbors right now during these crucial times.

Councilor McEachern thanked the AC Hotel for putting the new kitchen to work and providing food over this past weekend in this pandemic.

Councilor Tabor said the people with three hour limit on parking there is a program that would solve that instead of a three hour limit the rate increases a little and keeps people circulating.

Mayor Becksted said he appreciates everyone being here. He said people at home are experiencing tough times but you must stay positive. He said we are 10 days behind other areas and we must pay attention to the State and Federal Government. He thanked the City Council and staff for working together and said to stay safe and follow the rules.

XX. ADJOURNMENT

At 9:55 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Whelan.

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

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102 – **PARKING METER ZONES** 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 I: PARKING METERS

Section 7.102: PARKING METER ZONES AND PARKING METER RATES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth **and where parking meter rates apply**, ~~and any such areas, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking in parking meter zones shall be for a maximum time permitted of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:~~

A. ZONE A: DOWNTOWN HIGH OCCUPANCY ZONE:

~~Parking shall be at the rate of two dollars (\$2.00) per hour in the following areas. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.50 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.~~ **The following streets or parts of streets are within Zone A, the Downtown High Occupancy Zone:**

1. Daniel Street, starting at ~~Chapel~~ **Bow** Street through to Market Square
2. Bow Street, starting at ~~Chapel~~ **Daniel** Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
6. Deer Street, starting at Market Street through to Maplewood Avenue
7. Fleet Street, starting at Hanover Street through to State Street
8. Hanover Lot, at intersection with Market Street
9. Penhallow Street, starting at State Street through to Bow Street

- 10. Chapel Street, starting at Daniel Street through to State Street
- 11. Hanover Street from Maplewood Avenue to Market Street
- 12. Portwalk Place from Deer Street to Hanover Street
- 13. High Street from Deer Street to Hanover Street
- ~~14. Bow Street from Chapel Street to Daniel Street~~
- ~~15. Daniel Street from Chapel Street to Bow Street~~
- 16. State Street from Marcy Street to Middle Street
- 17. Ladd Street Lot at Hanover Garage

B. ZONE B: STANDARD OCCUPANCY ZONE

~~Parking in all other parking meter zones shall be at the rate of one dollar fifty cents (\$1.50) per hour. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.50 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.~~

~~Any street outside the Downtown High Occupancy Zone is within the Standard Occupancy Zone, which includes the Bridge Street, Court Street, and Memorial Bridge Off-Street Parking Areas and the Worth Lot, excluding those parking spaces subject to contractual agreement with the City.~~

C. NONRESIDENT PARKING RATES FOR DOWNTOWN HIGH OCCUPANCY ZONE A

~~Parking shall be at the following hourly rates for nonresidents in Downtown High Occupancy Zone A during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:~~

Hours 1 and 2	\$2.00 each hour
Hours 3 through 11	\$5.00 each hour

D. RESIDENT PARKING RATES FOR DOWNTOWN HIGH OCCUPANCY ZONE A

~~Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be charged reduced hourly parking rates in the Downtown High Occupancy Zone A. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator. Parking shall be at the following hourly rates for residents during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:~~

Hours 1 and 2	\$1.50 each hour
Hour 3	\$2.00
Hours 4 through 11	\$2.50 each hour

E. NONRESIDENT PARKING RATES FOR STANDARD OCCUPANCY ZONE B

Parking shall be at the following hourly rates for nonresidents in Standard Occupancy Zone B during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:

Hours 1 and 2	\$1.50 each hour
Hours 3 through 11	\$3.00 each hour

F. RESIDENT PARKING RATES FOR STANDARD OCCUPANCY ZONE B

Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be charged reduced hourly rates in the Standard Occupancy Zone B. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator. Parking shall be at the following hourly rates during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:

Hours 1 and 2	\$1.00 each hour
Hour 3	\$1.50
Hours 4 through 11	\$2.00 each hour

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:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105 – **PARKING** 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 I: PARKING METERS

Section 7.105: PARKING

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

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:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.324 – **LIMITED PARKING – ONE HOUR**, Section 7.325 – **LIMITED PARKING – THIRTY MINUTES**, Section 7.326 – **LIMITED PARKING – FIFTEEN MINUTES**, Section 7.327 – **LIMITED PARKING – TWO HOURS**, Section 7.328 – **LIMITED PARKING – THREE HOURS**, Section 7.328-1 – **UTILIZATION OF MULTIPLE PARKING SPACES**, and Section 7.329 – **LIMITED PARKING – FOUR 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):

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ARTICLE III: TRAFFIC ORDINANCE

~~Section 7.324: LIMITED PARKING - ONE HOUR~~

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

- ~~1. Daniel Street: northerly side from a point 106 feet from Bow Street to a point 88 feet east of Penhallow Street.~~
- ~~2. Daniel Street: southerly side from Wright Avenue to a point 63 feet east of Penhallow Street.~~
- ~~3. Dennett Street: southerly side from Maplewood Avenue to Myrtle Avenue.~~
- ~~4. Market Street: westerly side from Bow Street to the southerly side of the small building on the premises of the Moffatt Ladd House.~~
- ~~5. Market Street: easterly side from Bow Street to the southerly side of the premises known as 171 Market Street.~~
- ~~6. Pleasant Street: westerly side from State Street to Court Street.~~
- ~~7. Porter Street: southerly side from Fleet Street to Church Street.~~
- ~~8. Porter Street: northerly side from Church Street to Pleasant Street.~~

~~9. State Street: southerly side beginning at a point where the westerly boundary of the lot upon which the Internal Revenue Service Building, so called, is located, intersects with said State Street and running in an easterly direction by said side line for a distance of 200 feet.~~

Section 7.325: LIMITED PARKING - THIRTY MINUTES

- A. No person having control or custody of any vehicle shall stop or cause the same to stop ~~or~~ park for longer than thirty minutes at any time between the hours of 9:00 a.m. - 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. on Sunday, Holidays not included, on the following streets and locations:
1. Islington Street: Northerly side from the corner of Brewster Street easterly 110'.
 2. Islington Street: Northerly side easterly 70' from Dover Street to a point 82' westerly from Salem Street.
 3. Islington Street: Northerly side from Pearl Street to Parker Street.

Section 7.326: LIMITED PARKING - FIFTEEN MINUTES

- A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:
1. Bow Street:
 - a. northerly side, first metered space east from Ceres Street
 2. Cabot Street: northeasterly side, from a point which is sixty-five (65) feet northwest from the intersection of Austin Street to a point which is one hundred (100) feet northwest from the intersection of Austin Street.
 3. Congress Street:
 - a. southerly side, first two metered spaces west from Fleet Street
 - b. northerly side, first two metered spaces west from High Street

4. Daniel Street:
 - a. northerly side, first four metered spaces west from the parking lot entrance at 80 Daniel Street
 - b. southerly side, first five metered spaces east from Market Square
 - c. south side, first space west of Memorial Bridge Parking Lot
5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblin of High Street, and running 20 feet in an easterly direction.
6. Hanover Street:
 - a. northerly side, first five spaces east from High Street
 - b. northerly side, first two spaces east from Bridge Street
 - c. northerly side, first space west of Bridge Street
7. High Street: easterly side, first three spaces north from Congress Street
8. Islington Street:
 - a. southerly side the space in front of 404 Islington Street, no person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time, including Sundays and holidays.
 - b. northerly side, the space in front of 371 Islington Street.
9. Marcy Street: beginning at the southerly curb line of South Mill Street and running 95 feet southerly (from 8:00 am to 6:00 pm) Monday through Sunday.
10. Market Street: easterly side, third space north from Market Square.
11. Portwalk Place: westerly side, one space beginning 117 feet north of the northerly curb line of Hanover Street.
12. State Street:
 - a. southerly side, first two metered spaces east from Atkinson Street.
 - b. southerly side, first metered space east from Pleasant Street
13. South Street: northerly side, from Mount Vernon Street easterly for a distance of 40 feet.

Commented [EBE1]: If the omnibus is adopted, this section would be revised to reduce the number of spaces to 3.

Commented [EBE2]: If the omnibus is adopted, this item would be eliminated.

Commented [EBE3]: If the omnibus is adopted, this item would be eliminated, and two new spaces would be added east of Maplewood Ave.

Section 7.327: LIMITED PARKING - TWO HOURS

A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

~~1. Doris Avenue: both sides.~~

~~2. Dunton Street:~~

~~3. Greenside Avenue: both sides.~~

4. Hancock Street:

- a. northerly side from Marcy Street to Pleasant Street.
- b. southerly side from Washington Street to Pleasant Street.

Commented [EBE4]: Only the first 3 spaces closest to Marcy Street are signed as 2 hour limit. Should this be changed?

Commented [EBE5]: There is currently no parking at all on this side of Hancock Street. Should this ordinance be eliminated?

5. Islington Street:

- a. northerly side from Tanner Street to Parker Street
- b. northerly side from Pearl Street to a point westerly 335'
- c. northerly side from Cabot Street to a point easterly 515'

6. Madison Avenue: westerly side from State Street to Lovell Street.

Commented [EBE6]: There are no 2 hour limit signs on Madison Street. Should this be removed?

7. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.

Commented [EBE7]: These parking spaces have been removed during the WWTF construction project.

8. Middle Street: northerly side from Austin Street to Summer Street.

Commented [EBE8]: There are no 2 hour limit signs on this section of Middle Street. Should this be removed?

9. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.

~~10. Shorburne Road: both sides.~~

11. Summer Street:

- a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.
- b. southwesterly side between Chatham Street and Austin Street.

Commented [EBE9]: There are no signs in the field relating to this ordinance. Should it be removed?

~~12. Sutton Street: both sides.~~

~~13. Witmer Avenue: both sides.~~

~~Section 7.328: LIMITED PARKING - THREE HOURS:~~

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~~A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays excluded, on the following streets and locations:~~

~~1. Bow Street:~~

- ~~a. both sides from Penhallow Street to Chapel Street.~~
- ~~b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.~~

~~2. Bridge Street: both sides from Hanover Street to Deer Street.~~

~~3. Ceres Street: land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.~~

~~4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.~~

~~5. Church Street: easterly side, two spaces 26 feet south of State Street.~~

~~6. Congress Street:~~

- ~~a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.~~
- ~~b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.~~

~~7. Court Place: east side from Court Street to State Street.~~

~~8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.~~

~~9. Daniel Street:~~

- ~~a. north side from Piscataqua River to Market Street.~~
- ~~b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.~~

10. ~~Deer Street: all except for two spaces in front of 28 Deer Street.~~
11. ~~Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.~~
12. ~~High Street:
 - a. ~~easterly side, first two metered spaces south of Ladd Street~~
 - b. ~~east side from Hanover Street to Deer Street.~~
 - c. ~~west side, first two metered spaces north of Hanover Street~~~~
13. ~~Maplewood Avenue: both sides, between Raynes Avenue and Vaughan Street~~
14. ~~Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street~~
15. ~~Market Square:~~
16. ~~Market Street:
 - a. ~~westerly side from Market Square to Bow Street, except for the first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.~~
 - b. ~~easterly side from Daniel Street to Deer Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).~~
 - c. ~~both sides from Deer Street to Russell Street.~~~~
17. ~~Penhallow Street:
 - a. ~~westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.~~
 - b. ~~easterly side between Daniel Street and Bow Street.~~~~
18. ~~Pleasant Street:
 - a. ~~easterly side from #15 Pleasant Street to State Street.~~
 - b. ~~westerly side from southerly end of the North Church to State Street.~~~~
19. ~~Raynes Avenue: entire street, both sides~~
20. ~~State Street:
 - a. ~~northerly side from Middle Street 250 feet westerly.~~
 - b. ~~northerly side from Middle Street to Marcy Street.~~~~

~~e. southerly side from Middle Street to Marcy Street.~~

~~21. Vaughan Street: entire street, both sides~~

~~22. Washington Street: northerly side between State Street and Court Street~~

Section 7.328-1: UTILIZATION OF MULTIPLE PARKING SPACES:

No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.

Section 7.329: LIMITED PARKING – FOUR HOURS

No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than four hours at any time between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday. Holidays excluded, on the following streets and locations:

~~1. Bridge Street: southerly side from Islington Street to Hanover Street.~~

~~2. Deer Street: both sides between Russell Street and Maplewood Avenue.~~

~~3. Russell Street: entire length, both sides.~~

4. Livermore Street: westerly side, entire length.

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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:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105 – **PARKING** 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 I: PARKING METERS

Section 7.105: PARKING

C. MOTORCYCLE PARKING

A. Designated Motorcycle Parking Area.

The following location is established as an exclusive “Designated Motorcycle Parking Area” for the months of April 1st through November 30th only:

1. Pleasant Street: On the easterly side of Pleasant Street, beginning at a point 24 feet South of the extension of the southerly curb line of Market Square running southerly the distance of 24 feet.

~~Motorcycles are subject to reduced parking meter fees for the hours of enforcement as set forth in this Chapter in this Designated Motorcycle Parking Area. When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.~~

Motorcycles parking in the Designated Motorcycle Parking Area shall pay the “Designated Motorcycle Parking Area Rate” which is \$0.50 less than the Downtown High Occupancy Rate. Parking for verified Portsmouth residents shall be \$0.50 less than the Designated Motorcycle Parking Area Rate. Payment of the reduced rate is achieved through the use of a mobile phone application.

B. Motorcycle Parking.

Motorcycles parking in parking spaces other than the Designated Motorcycle Parking Area shall pay the rate of the

parking meter zone in which the parking space is located less the verified Portsmouth resident reduction of \$0.50 per hour if applicable. One or more motorcycles may park in a single parking space. When more than one motorcycle parks in a single parking space, payment is required from only one of the motorcycles occupying the parking space.

Motorcycles are subject to reduced parking meter fees for the posted hourly time limits within the hours of enforcement as set forth in this Chapter.

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:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Parking : Traffic Safety (Alternate) **RECEIVED** **Renewing applicant**

Name: Erica Wygonik Telephone: 802 83 9653

Could you be contacted at work? YES NO - If so, telephone # 802 359 5585

Street address: 319 Lincoln Ave

Mailing address (if different): _____

Email address (for clerk's office communication): ewygonik@gmail.com

How long have you been a resident of Portsmouth? ~3 years

Occupational background:

I am a licensed civil engineer in the field of transportation. I have been in the field since 2000. I also have my PhD in transportation engineering.

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

Reasons for wishing to continue serving: I believe public service is important and have enjoyed my time on the committee to date. Given my background, this committee aligns with my professional expertise

OVER
➔

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

I serve on the Urban Freight and Freight Transportation Planning Logistics committees for the National Academies of Sciences Transportation Research Board, I serve as Secretary for the Urban Freight committee.

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

- 1) Reagan Ruedig 70 Highlands, Portsmouth 603.502.9247
Name, address, telephone number
- 2) Pam Boley 88 New Castle Ave, Portsmouth 603.828.4126
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:  Date: 6/23/2020

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 8-9-2023
Annual Number of Meetings: 3 (2020) Number of Meetings Absent: 0
Date of Original Appointment: 12-2-2019

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

Wednesday, July 8, 2020

To: Portsmouth City Councilors
From Jim Splaine

I have asked that two motions be placed on the Monday, July 13th City Council Agenda -- one a Resolution requiring the wearing of facial coverings in the City of Portsmouth, and an affiliated motion encouraging "positive re-enforcement" of the Resolution, without any fines or penalties.

There would be difficulty in proposing a formal ordinance to require facial coverings. Several readings of an ordinance may be needed, and there are legal implications and potential challenges if such an ordinance contained fines or penalties for enforcement.

I do believe that in order to get ahead of this pandemic, we need to act now, before what we have seen in other parts of our nation catches up to us during the next several weeks and months until a vaccine may be available. And I do not believe that fines or penalties are the way to go in encouraging use of face coverings during this pandemic.

The continued increase of infections nationwide informs us of the power of this virus. It does not stop at borders, and with increased tourism -- from which Portsmouth greatly benefits and which we welcome -- the surge that is being experienced elsewhere is certainly going to find its way to our state, and to our community.

We do have a "formula" today in the fight we are in against this virus. It is simple, and we know it is the only thing we can do right now: **FACE COVERINGS + SOCIAL-DISTANCING = REDUCING SPREAD OF COVID-19 + CONTINUED ECONOMIC RECOVERY.**

That's it. No pill. No vaccine. But we know we can do something to help our citizens and our businesses.

By approving this Resolution, I believe that the City Council would be stating its clear support for protecting the health and well-being of our residents, visitors, and businesses. And by making people aware of the value of face coverings through the concept of "positive re-enforcement" and incentives, I believe we would be doing it the right way.

The most important element of any face covering requirement in any community is the message that it is best to wear face coverings to reduce the spread of COVID-19 and to protect those with whom we come into contact.

People will do what they want to do, law or not, penalty or not. By adopting this Resolution, and the accompanying motion for "positive re-enforcement," the City Council would be taking a unique, meaningful, and effective approach to communicate the message that face coverings do, indeed, help in the fight against this pandemic.

We want our residents and visitors to feel safe. We want them to come here and do business with us. Adoption of this Resolution, and "positive re-enforcement" in its implementation, is a way we can accomplish that goal. The health of our residents, our visitors, our businesses, and the stability of our economy, is in the balance.

Wednesday, July 8, 2020

To Portsmouth City Councilors

I have asked that the following motion be placed on the Monday, July 13th City Council Agenda:

"The Portsmouth City Council endorses the concept of 'positive re-enforcement' for the wearing of face coverings through a variety of incentives that may be suggested, advocated for, and implemented by City of Portsmouth staff, the Portsmouth Police Department, the Portsmouth Citizen Response Task Force, and the businesses of our community.

"We ask the City Manager to consider such concepts in consultation with supportive parties, public and private, during the coming weeks. Funds available from the Federal sources to offset COVID-19 expenses, or which have been allocated to the Portsmouth Citizen Response Task Force, may be used to support such efforts.

"The City Manager may consult with staff, members of the Police and Fire Departments, health care professionals, our business community, non-profit arts and cultural organizations, residents, and the Portsmouth Citizen Response Task Force, to come up with measures and ideas to implement 'positive re-enforcement' without the use of punitive fines or civil penalties of any kind.

"We encourage our businesses, non-profit organizations, city staff and residents to be innovative, inventive, and creative in coming up with proposals for 'positive re-enforcement' so that the City of Portsmouth will be considered as the 'friendly community' in encouraging the use of face coverings during the current COVID-19 pandemic."

*Proposed by Cliff Lazenby, Portsmouth City Council
July 8, 2020*

To Governor Sununu:

As our country fights against the spread of COVID-19, the City of Portsmouth requests that the Governor issue an immediate statewide mandate regarding the use of protective face coverings. This mandate should clarify public health safety requirements where social distancing is difficult including for businesses, public use and outdoor gatherings of a significant size. Please also work to increase awareness about social distancing and protective masks via public service announcements, social media and other communication methods.

The benefits of using protective face coverings are well documented by the CDC and the New Hampshire Division of Public Health Services and have been given vocal support by you as Governor. However, the lack of a clear statewide mandate results in inconsistency and tension in business and public settings. As seen throughout our country, as states open up to visitors, more and more lapses have occurred.

Response to this pandemic in New Hampshire by residents, state and local leaders has been strong and resulted in a flattening of the curve. However with large increases in infections in other parts of the country, and with the high degree of tourism in New Hampshire, our progress is threatened.

As “The City of the Open Door”, Portsmouth welcomes visitors from many places. Our local and state economy relies on activity generated from tourism to the Seacoast. In order to protect the health of businesses, employees, first responders, schools and residents, we need clear, protective measures immediately.

This is an issue of science and public health, not of political ideology. With the exception of two, every state northeast of Washington DC has mandates regarding protective face coverings, enacted by Republican and Democratic governors alike. One exception is New Hampshire, the other is Vermont, where municipalities are given more freedom to enact local mandates than in our state.

Whether when visiting our great restaurants, shops or hotels, or if attending large gatherings such as a Black Lives Matter protest or a political campaign event, protective face coverings should be mandated for the good of Portsmouth and New Hampshire.

Respectfully,

Portsmouth City Council

FEE COMMITTEE MEETING MINUTES

Zoom Meeting

June 17, 2020, 9:00 a.m.

Present:

Fee Committee: Councilors John Tabor and Petra Huda

Staff: Karen Conard, City Manager, non-voting member
Andrew Purgiel, Deputy Finance Director, non-voting member

Staff: Peter Rice, Director of Public Works and Facilities
Benjamin Fletcher, Parking Director
Juliet Walker, Planning Director

Resident: Marc Stettner

Deputy Finance Director Purgiel reviewed the standard Fee Committee annual meeting schedule and summarized the number of meetings taken place in Calendar Year 2019 (there were two).

Deputy Finance Director Purgiel read the required COVID-19 meeting statement in order to hold the meeting on Zoom, above listed members Councilors Tabor and Huda, City Manager Conard and Deputy Finance Director Purgiel were requested to state their name, location and whom they were with.

A motion was made by Councilor Tabor and seconded by Councilor Huda to accept the March 12th, 2020 meeting minutes. The minutes were unanimously accepted by both Council members.

1. Impact Fees:

The meeting was turned over to Planning Director Walker to discuss impact fees. The Planning Director summarized that a request was made at the March 2020 meeting by the Council to have the topic reviewed by the Planning Board, Legal Department and the Fee Committee. The Planning Board reviewed it in April 2020 who then requested a report back from staff (including the legal department) which was presented to the Planning Board in May 2020. At that time, after discussion the planning board voted to recommend the City Council not establish impact fees. The Planning Board also recommends that if the Council were to still vote in favor of impact fees at this time, that Council requests the City Manager work with City Staff to develop a scope of work, estimate of costs and to work with a qualified expert to create an impact fee analysis and develop a recommended methodology to pursue impact fees.

Planning Director Walker provided a quick overview of the memo given to the Fee Committee (as well as the Council). She stated that there are state RSA's that guide how impact fees are to be enacted as well as how to have a methodology adopted (how they are calculated). There must also be an impact fee ordinance in place to enact impact fees which is not fully in place due to lack of methodology developed.

Impact fees are used for capital development new services tied directly to the development they are connected to and cannot be used to correct deficiencies. She also stated the fees must be expended within six years, which can prove a challenge. If not expended in time they must be returned to the developer. Planning Director Walker outlined Portsmouth's normal operating procedure with handling such development impacts, and will negotiate mitigation fees for specific items with developers which are not tied to a time frame.

The memo provided summarizes the methodology that needs to be developed to implement impact fees and must be a proportional share of what that development would impact that capital cost. The methodology must stay updated and will involve staff costs to track and maintain them as well as consultant costs (the consultant would help keep the fees legally defensible). Planning Director Walker reminded the committee that these fees can only go to the development of new capital items and cannot be used to maintain or repair existing structures/items. Types of facilities that are eligible for impact fee monies include Water Treatment and Distribution Facilities, Wastewater Treatment Facilities, Sanitary Sewers, Stormwater, Public Rights of Way, etc., but only for new infrastructure.

Planning Director Walker spoke a bit about exactions vs impact fees and the memo provided included a summary of mitigation fees that have been collected over the past few years.

City Manager Conard asked a question regarding the history of impact fees and the City (if any discussion had taken place). Planning Director Walker stated it had been discussed numerous times and stated that thus far mitigation fees it had been preferred due to the less stringent methodology. Planning Director Walker stated that prior councils had requested information and legal Council on impact fees and had, thus far, come to the conclusion to continue with the mitigation fees. Planning Director Walker also stated that the City is in a good negotiating position, due to its desirability, to work with developers on mitigation fees and other City improvements.

Councilor Tabor asked if any of the impact fees can go to offset operating costs. The Planning Director stated that they cannot. He also asked if they could only be used on future capital items and ones that are directly driven by that development. Planning Director Walker agreed. Councilor Tabor stated a concern is the low residential development amount (Planning Director Walker confirmed it was approximately 800 units over 10 years which is not considered a lot). Councilor Tabor questioned what needs we could demonstrate with this level of development and stated that none of this growth would warrant new capital structures to the best of his knowledge. Planning Director Walker agreed and stated we have capacity to support growth and other financial items in place (such as water and sewer fees) to fund capital items needed.

City Manager Conard stated in previous employment she had worked in communities with a less thoughtful and less managed Capital Improvement Plan and believes this makes a big difference.

Public Works Director Rice spoke to the water and sewer fees, specifically to the Capacity Use Surcharge for the Water and Sewer system that is similar to an impact fee, which is useable as a "buy in" fee. This fee acts as an impact fee but with less of the restrictions. Public Works Director Rice also stated that if a company doesn't have the ability to hook into the system it is their responsibility to pay for the upgrade to connect to the City's system. The rates paid after that include costs to do extensions. These costs are legally defensible and more flexible than a standard impact fee.

Councilor Huda stated that she believed the City did once have impact fees in place. She also stated that she believed they were had been eliminated due to an economic downturn to help attract developers into the City. Planning Director Walker stated she had no knowledge of any fees ever being in the city and no knowledge as to why the impact fee item was in our current ordinance. Deputy Finance Director Purgiel stated in his 24+ year tenure with the City that impact fees had never existed. He stated they once had an "unmet parking needs" fee that followed the same six year time frame, and it was eliminated approximately 10 years ago.

Planning Director Walker confirmed that, to the best of her knowledge, no impact fees were enacted during City Manager Bohenko's tenure.

Public Works Director Rice spoke to a past employment experience where impact fee monies were not properly tied to a specific capital item and had to be returned. He stated he believed historically impact fees were able to be used more liberally until law suits (including one in Londonderry) brought to light more of the legal understanding of impact fees and states that currently communities are held much more accountable.

Councilor Huda shared concerns she had heard from the campaign trail regarding new developments that residents believed put increased strain on current services (roads, sewer, water, staff, etc.) and required more investment in equipment. She also asked if we did implement this structure would we eliminate the fees negotiated by the Planning Board. Planning Director Walker stated that both could exist. She reminded the group that the Planning Board had not been in support of the impact fees. The Planning Director also stated that this was the reason, if the process was to go forward to adopt impact fees, for hiring a qualified expert to do an analysis of the benefits to the City of such fees. She also stated that developments already pay for their impacts in many ways as previously discussed such as the water/sewer fees spoken to by the Public Works Director, taxes, and mitigation fees and projects.

Councilor Tabor spoke to many of the impacts felt by the community were operating expenses but those cannot be paid for by impact fees. He also showed concern that enacting impact fees would go against and "put them at odds" with the planning board. Planning Director Walker stated that they would do as the council requested but reminded the group that the most important point is that these fees would have to be legally defensible and proportional.

After discussion it was suggested by Councilor Huda that a report back was done to re-affirm for the council and residents the benefits of the current city's fee structure for new developments.

It was agreed upon by general consensus that a report back (or a "mini analysis") would be done by the Planning Director and would include examples of current or recent projects and the fees and projects impacted and funded by these projects. A timeline was not established for this report back.

Councilor Tabor suggested also reviewing the fee structure proposed by Councilor Esther Kennedy. Councilor Huda requested this information be included in the report back to the City Council.

2. Motorcycle Parking Fees for the Space Located at the Corner of Pleasant Street and Congress Street in front of the Tuscan Market Restaurant :

Parking Division Director Ben Fletcher spoke to the history of this motorcycle space. He stated that the single space had been voted in by the City Council approximately two years ago and was split into five equal (smaller) spaces for motorcycles during a specified duration (the summer months) and established that motorcycles will be given a reduced fee but also stated none was established. Mr. Fletcher spoke to the challenges of no established rate causing conflict with enforcing parking in those five motorcycle spaces. He spoke to the current initiative being to establish the reduced motorcycle rate as well as establish the additional resident discount to this motorcycle rate. The rate is currently \$2.00 per hour. Mr. Fletcher said that he was recommending a 25% reduction to that rate (50 cent reduction) for a non-resident with an

additional 50 cent reduction (a 50% reduction overall for a resident motorcycle parking spot user).

Deputy Finance Director Purgiel asked the Parking Director if this fee was to each of the five (5) smaller-sized spaces and the Parking Director affirmed this set-up.

Councilor Huda asked Parking Director Fletcher to clarify if the rates for both resident and non-residents. She also asked for clarification regarding one person's paying for the entire space versus each individual motorcycle paying. Mr. Fletcher stated this was an established practice if motorcycles were to park multiple bikes in other standard-sized parking spots throughout the City. If one of the motorcycles in the space had paid for and displayed a ticket on their "dash" the spot was considered covered until that particular motorcycle left.

Deputy Finance Director Purgiel asked to clarify if Parking Director Fletcher was looking to change the current ordinance to establish this new parking rate for motorcycles and he confirmed that was his intent.

A motion was made to by Councilor Tabor and seconded by Councilor Huda to allow Mr. Marc Stettner, a resident, to speak to this matter. A roll call vote was taken and was unanimous.

Mr. Stettner spoke to the original ordinance and his recommendation for changes to the ordinance including verbiage changes that speak to tying a specific fee instead of tying it to a reduction of the standard parking spot. Mr. Stettner feels it is not fair to tie the motorcycle fees to the parking fees and indicated other cities including Boston, MA and Portland, ME do not tie their motorcycle fees to the parking fees (if they exist). He referred to how Boston and Portland give up prime parking (and greater amounts of parking) to motorcycles. He also spoke to how these motorcycles could bring business to downtown restaurants and stores.

Mr. Stettner indicated that he felt that the rates being proposed were far too high and were significantly higher than that of Boston (he stated 600%). Mr. Stettner also spoke to New Hampshire RSA law that required parking meter fees be "reasonable" (the RSA number was not referenced). Mr. Stettner felt that as Boston was a nearby city with a significantly lower rate, that he felt the proposed fees were not reasonable. Mr. Stettner also reiterated the fact that many cities don't charge for motorcycle parking. Mr. Stettner argued that motorcycle owners also pay registration fees (similar to those paid by vehicle owners) and that a portion of those fees go to the City and that the residents are paying but no one else is. Mr. Stettner showed concern that the use of these fees does not go to their specific purposes, which he cited is also controlled by another RSA (number not named). Mr. Stettner suggested potentially setting a 7 hour time limit on the spaces or allowing motorcycles to park for free at the Foundry Garage. He also believes a 50 cent charge for these specific motorcycle spaces would allow residents to park for free (through the resident app discount) while non-residents would pay a nominal fee.

Councilor Tabor asked Mr. Stettner if he had circulated the idea at all. Mr. Stettner indicated he had requested through the prior council a Blue Ribbon Committee regarding motorcycles in Portsmouth that never came to fruition. He stated that he had spoken to frequent motorcyclists in the area and indicated that although many were not up to date on the topic that they had indicated they may protest by parking one motorcycle in a standard car parking spot (instead of five) to protest the higher fees.

Councilor Huda says she indicates she feels this spot is an extremely prime location that a car would be exceptionally desirable as a car parking location. She indicated support for the Parking Director's suggested fee amounts and ordinance.

Parking Director Fletcher spoke to the governance of the spaces by the ParkMobile app which for non-residents has a fee but for the residents the fee is currently covered by the City (giving the residents not only receiving a 50 cent discount but does not pay the 35 cent fee for the transaction). Parking Director Fletcher indicated that giving residents the full fee discount would still leave the City responsible for this transaction fee of 35 cents to the vendor, putting the City in the red for this specific spot.

At this point in the meeting (9:56 a.m.) City Manager Conard indicated that she had to leave the Zoom meeting to attend a 10 a.m. conference call with the Governor. City Manager Conard asked if the Council would want to do a verbal report back at the next City Council meeting and both Councilor Tabor and Huda indicated that they would. City Manager Conard left the meeting at 9:57 a.m.

Councilor Tabor spoke to his agreement with Councilor Huda in support for the fees proposed by Parking Director Fletcher. He also stated that the City has a set of Parking Principals that are meant to encourage turn-over in the parking downtown and he feels that free parking for residents would not accomplish this goal. Councilor Tabor also indicated his discomfort with giving a special discount to only one type of user of the system.

Mr. Stettner indicated he would wish for a compromise of 50 cents for residents to cover the transaction fee. The councilors both indicated that they would prefer the fee structure as proposed by the Parking Director.

Mr. Stettner asked if the full council had to vote on the fee structure and Deputy Director Purgiel indicated it would and that this would include a verbal report from the Fee Committee members. Mr. Stettner requested clarification on the process and timeline to deliver this to the council.

Motion to adjourn made by Councilor Huda and seconded by Councilor Tabor.

The meeting was adjourned at 10:04 a.m.

DATE: JULY 8, 2020

**TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD**

FROM: CITY COUNCILOR HUDA

**SUBJECT: JULY 13th CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)
PLEASE PUT THIS UNDER MY NAME. THANK YOU**

**I MAKE A MOTION TO REQUEST THE CITY MANAGER PROVIDE A REPORT TO THE RESIDENTS & CITY COUNCIL
ON THE SERVICES AND/OR PROJECTS COMPLETED BY THE FORMER CITY MANAGER-JOHN BOHENKO
OVER THE 6 MONTH PERIOD ENDING JUNE 30TH PER THE AGREED UPON CONSULTANT CONTRACT**

McIntyre Survey

The council has received and reviewed a draft survey and op-ed piece produced by the McIntyre subcommittee. Since this survey will be to all residents on city letterhead, it seems wise to have a full council vote of support. Councilor Whelan, our chair, has agreed to this step as well.

Benefits of this survey: 1) Our development partner has agreed to consider new concepts for this project and we want those to be the result of broad public input first 2) Our development partner will learn rank-ordered priorities for changes from the public, which they seek from us 3) we can open the process to the whole community after a “quiet phase” of negotiations, enabling us to be more transparent.

Because both the survey and op ed are the result of detailed, lengthy negotiations, we circulated them to you June 30 for your review. We ask that the council support the language as written without changes, to avoid having to go back and renegotiate the instrument further. Speed must also be a priority – we need to get the survey into the field to stay on the timeline we have shared with our development partner.

Sample motion:

Move that the council approve the survey and op ed as finalized by the McIntyre subcommittee and distribute the survey to every home as soon as possible.

McIntyre 2020 Moving Forward Survey

Earlier this year, a newly elected City Council called for a reevaluation of plans to redevelop the McIntyre parcel at the center of our downtown. In 2018, the City selected Redgate/Kane as a development partner, and in 2019 approved a plan for redevelopment of the two-acre parcel. The City has been trying to acquire and redevelop this important property for more than 20 years.

The new City Council and Redgate/Kane have agreed to work together on changing the proposed plan in the best interests of all residents. The McIntyre Subcommittee has been working with our development partner to explore possible changes to this major project. Both parties have agreed to put all litigation on hold as we work together in this effort. We are exploring providing more public open space, along with several other key points which have been identified in the process.

The McIntyre Subcommittee and the principals of Redgate/Kane have been meeting weekly over the past months seeking to resolve our differences and move the project forward. This process requires a great deal of compromise from all trying to get this project across the finish line with the National Park Service and GSA. It will require a financial commitment from the City to achieve certain possible changes to the project, such as adding open space or the return of the Post Office to the site. We are actively discussing financial options with our development partner to achieve these goals.

The McIntyre Subcommittee working with Redgate/Kane needs your feedback in a survey which you will soon receive in the mail. The City Council is committed to move this complicated process forward with our development partner and the National Park Service. We as partners are looking forward not backward in the spirit of getting a great project for the residents of Portsmouth.

The survey you will be receiving in the mail will help the McIntyre Subcommittee and Redgate/Kane craft a plan to move forward. We are all committed to achieving a project which residents can enjoy and be proud of on this key parcel in our historic downtown. The McIntyre Subcommittee and Redgate/Kane are not looking at this project as just another development project in our historic city.

We will have further public input as the process unfolds in the next few months with a goal of a successful new application to the National Park Service in the September/October timeframe. We appreciate the residents' patience as we move forward with this project. The McIntyre parcel sits at the center of our historic Portsmouth, so it is critical that we get it right and make it the historic centerpiece in our historic downtown.



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire

(insert date)

Dear Resident,

The City of Portsmouth and Redgate/Kane, development partner for the McIntyre site, have agreed to work together to consider modifying the current development plan. Their mutual goal is a project of which the City can be proud.

The current redevelopment plan calls for the old federal building, known as the McIntyre building, at 80 Daniel Street to be renovated inside for a new tenant, adding indoor public space on the ground floor. Apartment buildings separated by walkways and hardscape plazas will be where the current parking lot is, and retail stores will be added on Bow Street.



The City Council and Redgate/Kane would like your feedback. This survey is going to every household in Portsmouth.

1. How would you like to see the project changed? Since there are costs associated with each change, please rank in order of importance.

- Larger, meaningful public open space (either indoor, outdoor or combination) in "one piece" between Federal Building and Bow Street
- Post Office returned to original location
- Less density and mass on Bow Street side
- Availability of public parking
- Minor changes to existing project

2. Changes to the project require a financial commitment from the City to achieve. Would you still support them knowing this?

Yes

No

3. Would you prefer contemporary or traditional architecture for the new buildings in the project?

Traditional

Contemporary

4. Please give us your Portsmouth street address so we can verify all responses. It is essential to count your response:

Thank you from the City Council McIntyre Subcommittee and Redgate/Kane.

Outdoor dining insurance relief

Sample motion:

Ask staff to review city insurance requirements for outdoor dining, currently set at \$3mm for general liability and \$3mm liquor liability, to see if they can be pro-rated for seasonal use and whether they are an excessive burden on restaurants trying to stay open in the pandemic.

Existing language

For licenses which include liquor service, applicants must provide insurance coverage with the City named as an add'l insured (\$3M Gen Liability Each Occurrence; \$3M Liquor Liability Each Occurrence (if applicable)).

Comparison to other NH cities from their online outdoor dining applications:

Portsmouth

\$3mm each occurrence

\$3mm in addition if liquor is served

Manchester

\$1mm

Concord

\$1mm each occurrence

\$2mm in aggregate

Nashua

\$1mm per occurrence

\$2mm aggregate

Dover

\$1mm per occurrence

\$2mm aggregate



Portsmouth's \$3M insurance mandate too much, say small restaurant owners

By Elizabeth Dinan

edinan@seacoastonline.com

Posted Jul 7, 2020 at 4:24 PM

PORTSMOUTH — Two diners asked Zanardan Paudel for beer with their al fresco lunch outside Durbar Square Tuesday, but Paudel told them no because he can't afford the required liability insurance.

The city's \$3 million liquor-liability insurance requirement, for outdoor alcohol service, is under review after concerns were raised about it being unaffordable for smaller restaurants. Cup O Joe owner Jo Kelley said it will cost her \$2,500 more for the insurance to serve alcohol at her three approved tables in Market Street.

"It's an arbitrary number," Kelley said. "I don't know why Portsmouth always has to be a step extra."

Paudel said he already lost months of business due to COVID-19 shutdowns. He said he appreciates the two parking spaces from the city for outdoor dining in front of Durbar Square, but the insurance requirement is out of his financial reach.

"It's hard for us," he said. "We're a family-owned business. I talked to the city and I talked to my insurance people and I'm in a trap."

During a Monday meeting of the Street Use Subcommittee, formed to help downtown business gain approvals for use of public space, member Anne Weidman said she researched other communities and learned some just require \$1 million liability policies, compared to Portsmouth's \$3 million.

City Attorney Robert Sullivan said Tuesday he's sure there are communities that don't require any liability insurance tied to alcohol service on public property.

"My job is to protect the city and the taxpayers," he said.

Sullivan said for as long as the city has allowed liquor sales on city sidewalks, and now streets, it has required the insurance protection against alcohol-related injury or death. The requirement includes naming the city as an insured party, Sullivan explained, with the most common purpose being insurance against "an auto accident by someone who was overserved."

Sullivan said the requirement includes adding the city onto the restaurant owner's policy, which pays proceeds first to the restaurant owner, then the city "only has access to whatever funds may be left over after the lawsuit against the restaurant owner has been resolved."

He said all outdoor restaurants serving alcohol have satisfied the requirement and if alcohol is not served outside, the city mandate is for a \$1 million insurance policy against alcohol-related liability.

Paudel said he doesn't overserve alcohol so, "Someone did something wrong and I suffer."

"I'm really lucky I have regular people," he said. "They tell me, 'You have to hang in there.' But now I can't serve alcohol outside, so it's really hard for us."

During Monday's committee meeting, member Alan Gold said the extra cost "seems somewhat burdensome for a small venue." Member Mark Stebbins said, "Apparently a lot of restaurants are having trouble with the cost" and learning it can take weeks or months to change policy providers if they have to.

Weidman said she spoke with an insurance provider who reported the restaurants can not have pro-rated policies with the extra liability insurance for just the time it's used. In other words, restaurant owners can't just buy the policy for the outdoor dining season, but have to buy it for a whole year.

Kelley said the \$3 million requirement, regardless of the number of outdoor seats, "is a little frustrating." She said she's always carried a \$1 million liability policy, but the \$2,500 extra for a \$3 million policy is another obstacle after months of closure.

"People are going to close in November," she said. "Then what does our town look like? I'm just trying to make my business survive."

"For \$2,500 or \$3,000 (in extra insurance costs) we cannot make it," Paudel said.

Like Cup O Joe, Durbar Sqaure is now serving only non-alcoholic beverages outside. Kelley said she makes 34 cents on a cup of coffee, but \$5 for a cocktail.

Sullivan said Tuesday he's been instructed by City Manager Karen Conard's office to review the \$3 million insurance mandate.



CITY OF PORTSMOUTH

MEMORIAL PARK BENCH REQUEST FORM

Thank you for your interest in donating a Memorial Park bench to the City of Portsmouth. All memorial requests and donations of funds must be approved and accepted by the Portsmouth City Council. This form outlines the process for considering requests and the information needed to begin the process. Each request will be considered by the Portsmouth City Council at an upcoming City Council meeting¹.

For questions related to the status of this request, please contact the City Manager's office by calling (603) 610-7211.

For calendar year 2020, the cost for each Memorial Park bench is: \$2,200.

Please submit this completed form with your check in the amount of \$2,200 (payable to: City of Portsmouth), and a transmittal letter to: Portsmouth City Council c/o City Manager's Office 1 Junkins Avenue Portsmouth, NH 03801.

Name(s): Patricia Korth

Address: 84 Rockland Street Portsmouth, NH 03820

Phone: 316-665-6663 Email: PKorth@Cox.net

Please be sure to complete and enclose the following:

- A transmittal letter to the Portsmouth City Council referencing this request.
- A check made payable to the City of Portsmouth.

Please check one of the following:

- I would like to request that a memorial park bench be installed in the following location: Rockland St. Path to South Mill Tennis Courts
- I do not have a preference for the location of the bench. I would like the City of Portsmouth to install this park bench in accordance with current improvement and beautification efforts.

I would like to request the following content be included in a plaque that will be affixed to the Memorial bench (Please do not include more than 80 characters with spaces):

A Life Devoted to family, friends, and community

Lillian A. McCann March 31, 1919 - July 1 2020

¹ Prior to submitting a Memorial Park Donation request, please take note of the following: the City of Portsmouth will move forward with your request in accordance with the action taken by the City Council. Not all locations requested by residents are feasible given site constraints, future improvement plans or other reasons. Staff members will work with you to identify an alternative suitable location if necessary.

Requested McCann Memorial Bench



A LIFE DEVOTED TO FAMILY AND COMMUNITY
JOHN N. MCMASTER, SR. 1947 - 2015







Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Date: July 9, 2020

To: Honorable Mayor Rick Becksted and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of July 13, 2020

Presentations:

A. **Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:**

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

B. **Update on the Portsmouth Citizen Response Task Force:**

I will be providing an update on the Portsmouth Citizen Response Task Force at this evening's meeting, along with Co-Chairs James Petersen and Mark Stebbins.

C. **Presentation Regarding Sagamore Avenue Sewer Extension Project:**

The City Engineer, Terry Desmarais, and the Deputy City Attorney, Suzanne Woodland, will provide a presentation on the Sagamore Avenue Sewer Extension Project. Please reference the City's [Sagamore Avenue Sewer Extension project webpage](#) for additional background information.

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. **First Reading of Ordinance Amending Various Sections of Chapter 7 Regarding "Stay and Pay:"**

On May 4, 2020, the City Council referred a "Stay and Pay" parking rate proposal to the Parking and Traffic Safety Committee (PTSC). "Stay and Pay" is a pricing program that restructures parking fees by creating a graduated price structure increasing parking rates at the third hour to encourage turnover of the parking space. The idea is to use price to turn over the space instead of enforcement. The proposed program provides a reduced resident rate through the use of the ParkMobile app.

The PTSC unanimously approved the “Stay and Pay” pricing structure at its June 4, 2020 meeting but did not review and approve the amendments to Chapter 7 that are necessary to effectuate the new “Stay and Pay” ordinance. At the June 15, 2020 City Council meeting, the Council voted by consent agenda to schedule the first reading of the “Stay and Pay” ordinance to occur at this evening’s meeting. However, at the June 22, 2020 Council meeting, several City Councilors raised questions and concerns about the amendments to Chapter 7 for the “Stay and Pay” ordinance as presented, and referred the ordinance to the PTSC for its review and comments at its July 9, 2020 meeting.

The [attached draft amendments to Chapter 7 for the “Stay and Pay” ordinance](#) will be presented to the PTSC on July 9, 2020. Once PTSC has reviewed the draft ordinance, a final draft will be shared on July 10, 2020 prior to this evening’s meeting. Ben Fletcher, Director of Parking, will also provide a presentation at the meeting this evening.

I recommend that the City Council move to schedule a public hearing and second reading of the necessary revisions to Chapter 7, to implement the “Stay and Pay” parking rate, at the August 3, 2020 City Council meeting.

B. Third and Final Reading of Ordinance Amending Chapter 7, Article I, Section 7.105 C. – Parking – Motorcycle Parking:

In June 2019, the Parking and Traffic Safety Committee approved an amendment to the Designated Motorcycle Parking Area Ordinance (Chapter 7, Article I, Section 7.105 C). A citizen raised concerns regarding the amendment, and in August 2019 the Committee rescinded its approval and requested a report back from City staff.

Upon review, the Committee voted to request a revised amendment in September 2019. On February 6, 2020, the Parking and Traffic Safety Committee voted to approve [the attached amendment to Chapter 7, Article I, Section 7.105 C](#) and to refer it to the City Council to request first reading. At the March 16, 2020 meeting, Ben Fletcher, Director of Parking, gave a brief presentation on the amended ordinance, with the Council then voting to postpone the first reading for a future date.

Due to COVID-19, Parking operations were temporarily stayed on March 17, 2020, and readings to address this necessary update to Chapter 7 were subsequently delayed. With the Council's decision on April 20, 2020 to resume normal parking operations, it again became prudent that this ordinance update return for first, second and third readings before the Council. As of this date, the Council has approved the adoption of this revision to Chapter 7, Article 1, Section 7.105 C through first and second readings.

I recommend that the City Council move to adopt the third and final reading of this amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance.

XIV. Approval of Grants/Donations:

1. Acceptance of Donations to African Burying Ground:

The City of Portsmouth has received the following donations for the African Burying Ground Trust:

- Thomas M. Brightman \$200.00
- Tara E. Tracy \$50.00

I recommend that the City Council move to approve and accept the donations as listed.

2. Acceptance of Memorial Bench:

Patricia Korth has [requested a granite memorial bench](#) (similar to [attached designs](#)) for her mother, Lillian McCann, who was a lifetime Portsmouth resident and just recently passed at the age of 101. [Attached](#) please find a figure showing the approximate location of the requested memorial bench, which is located near the South Mill Pond tennis courts.

The City is seeking approval for the bench before asking Mrs. Korth for payment, due to the fact the bench will be custom made. Upon approval from the City Council, the City will order the bench and have Mrs. Korth pay Swenson Granite directly. The Department of Public Works will be responsible for creating a cobblestone pad upon which the bench will stand, and for picking up and installing the bench. It is estimated that the City Mason will need two work days to prepare and install the cobblestone pad and half of a work day to deliver and install the bench. The Department of Public Works has all of the materials needed for the pad and there will be no cost for materials.

I recommend that the City Council move to approve and accept the donation and grant the City Manager the authority to act.

XV. City Manager's Items which Require Action:

1. Request to Schedule First Reading Regarding Omnibus Ordinance Change:

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

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year.

During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The [attached amendments](#) to Chapter 7, Vehicles, Traffic and Parking summarize the temporary regulations implemented by the Parking and Traffic Safety Committee (PTSC) during the period of May 2, 2019 through June 4, 2020. In addition, there is one housekeeping item, removing an ordinance that is no longer applicable. This ordinance allows for 3-hour parking at the north end of Daniel Street at the edge of the Piscataqua River. This area was redeveloped into a public park at the time of the Memorial Bridge reconstruction project.

The PTSC will review the Omnibus packet at their July 9, 2020 meeting. Below is an outline of the actions that are reflected in the draft amendments:

Date of PTS Action	PTS Action Taken
June 6, 2019	Change two 3-hour spaces to 15-minute spaces on Hanover Street
June 6, 2019	Prohibit parking in one space on Middle Street at Aldrich Road
August 1, 2019	Change 15-minute space to 3-hour space on Deer Street
August 1, 2019	Establish loading zone on Vaughan Street at <u>Raynes Avenue</u>
September 5, 2019	Prohibit parking at the end of Little Harbor Road
October 3, 2019	Change two 15-minute spaces to 3-hour spaces on Hanover Street
October 3, 2019	Change four 15-minute spaces to 3-hour spaces on Daniel Street
October 3, 2019	Approve loading zone in front of alleyway at 3 Pleasant Street
October 3, 2019	Change one-way section of Parker Street to two-way traffic
November 7, 2019	Eliminate four parking spaces on Hanover Street to expand bus stop area
November 7, 2019	Prohibit parking at end of Dearborn Street
November 7, 2019	Lower speed limit on section of South Street to 25 mph
December 5, 2019	Prohibit parking along north side of Chase Drive

I recommend that the City Council move to schedule a public hearing and first reading of the Annual Omnibus Ordinance at the August 3, 2020 Council meeting.

2. Motor Vehicle Municipal Agent Acceptance:

Nancy Bates began her employment with the City of Portsmouth on May 26, 2020 as Revenue Administrator/Tax Collector. Ms. Bates’ previous positions held include Financial Administrator for the Town of Webster, NH and the Town Administrator for the Town of Wilmont, NH.

Prior to obtaining certification from the State of New Hampshire to issue, renew or transfer motor vehicle registrations, the City Council must approve Nancy Bates as a Municipal Agent of the City in accordance with RSA 261:74-a, referenced below:

261:74-a Agents Appointed. –With the approval of the governing body of a city or town and subject to the direction and approval of the commissioner, the director may appoint municipal officials as agents to issue, renew or transfer motor vehicle registrations. The director shall determine the optimum number of registration agents that the division can reasonably accommodate.

The appointment of any municipal official as a registration agent for the purposes of this subdivision shall continue while the agent holds his office or employment with the municipality.

I recommend that the City Council appoint Nancy Bates as the Municipal Agent for the City of Portsmouth. Upon this appointment, I will have the Finance Director prepare a letter and submit the application on behalf of Ms. Bates, notifying the State of New Hampshire as such.

3. **Execution of Deed Restriction to Protect Vernal Pools – Campus Drive:**

As a condition of Wetlands Permit 2019-02298 issued to the City by the Department of Environmental Services (DES) to construct the stormwater project and athletic fields off of Campus Drive, the City agreed to execute and record a Declaration of Restrictive Covenants to protect through conservation two vernal pools on the parcel. The vernal pools are located in a large wetland area on the westerly side of the property as shown on the [attached figure](#). Protecting these vernal pools was not only part of the DES Wetlands Permit process, but also part of the City’s application for site plan and conditional use approval. Those approvals were granted by the Planning Board on October 22, 2019.

The [draft of the restrictive covenant instrument is attached](#).

I recommend that the City Council authorize the City Manager to finalize and execute a Declaration of Restrictive Covenants to satisfy the conditions of the Wetlands Permit and Planning Board approvals to protect the vernal pools.

4. **Planning Board Report Back – Paper Street Request for Ruth Street:**

At the March 16, 2020 City Council meeting, the Council [considered letters from Craig M. Steigerwalt and Attorney Daniel C. Hoefle](#) regarding petitions for release of interest in a paper street known as Ruth Street contiguous to 276 Dennett Street (Tax Map 143, Lot 13) and 294 Dennett Street (Tax Map 143, Lot 26) pursuant to RSA 231:51 and 231:52, and voted to refer these items to the Planning Board for a report back.

On June 18, the Planning Board considered these requests and voted to recommend that the City Council release any interest in this paper street.

A paper street is one which shows on a plan, especially the City tax map, but which does not exist on the ground. The most common way for that situation to come about is when a street is “dedicated” to public use by a landowner recording a plan showing the street.

This happened frequently in the days before Planning Board approval was required for the recording of plans. A street so dedicated becomes a public street only when “accepted” by the City. The acceptance can be formal, often by vote of the City Council, or by implication based on City use and maintenance of the street.

For a street dedicated (shown on a recorded plan) before 1969, the dedication was automatically terminated if the City did not accept the street within 20 years.

The owners of lots fronting on those paper streets may have implied easements to use the paper streets for access and development, but such easements do not override local zoning and subdivision regulations.

While the City is being asked to formally release any interest it has in this paper street, such a vote would not necessarily have any impact, except to clarify the record. Additional title research will be required by anyone wishing to formally acquire the paper street in order to determine who else, if anyone, may have legal interest and/or ownership of this property.

These requests have been reviewed by the Public Works Department and the Legal Department and, to date, staff have found no reason for the City to retain any interest it may have in this paper street.

I recommend that the City Council vote to release any interest the City may have in the paper street known as Ruth Street to the centerline of where it abuts the properties at 276 Dennett Street (Map 143 Lot 13) and 294 Dennett Street (Map 143 Lot 26).

5. **Release of Reverter for Portsmouth Housing Authority Property:**

The City holds a reverter interest in certain property owned by the Portsmouth Housing Authority (PHA) on Court Street which was conveyed to the PHA by the City in 1968. The reverter provision in the deed from the City to PHA says that if the property is not used for “housing for the elderly,” ownership of the land reverts back to the City.

As summarized in the March 23, 2020 letter from Craig Welch, PHA now wants to exchange some, but not all, of the property covered by the reverter with an abutter as part of its workforce housing project at 160 Court Street. Because it involves the conveyance of the City’s interest in real estate, the ordinances require this matter should be forwarded to the Planning Board by the City Council for a report back and recommendation.

On May 4, 2020, the City Council voted to refer this request to the Planning Board. On June 18, 2020, the Planning Board voted to recommend that the City Council release the reverter provision in the deed as requested.

I recommend that the City Council vote to release the reverter provision in the deed as requested.

6. **Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thorton Street:**

Please find [attached](#) a report back from the City’s Deputy Tax Assessor, Verna E. Sharpe, regarding a request of restoration of involuntary merged lots to pre-merger status at 246 Thorton Street.

I recommend that the City Council move to approve the unmerging of the two involved lots at 246 Thornton as requested by the Attorney Derek Durbin and as recommended by the Assessor.

7. **Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street:**

Please find [attached](#) a report back from the City’s Deputy Tax Assessor, Verna E. Sharpe, regarding a request of restoration of involuntary merged lots to pre-merger status at 1240 Islington Street.

I recommend that the City Council move to approve the unmerging of the two involved lots at 1240 Islington as requested by Jeremy Conte and as recommended by the Assessor.

8. **Workforce Housing Covenant for West End Yards Project:**

In September 2019, the Planning Board granted land use approvals for the [West End Yards development](#). The approved project is a mixed use development that includes: a 2-story building with approximately 44,000 sq. ft. of retail and office space; two 4-story residential apartment buildings with 250 residential units; and 23 townhomes.

As part of the project approvals, the Planning Board granted a Conditional Use Permit pursuant to Section 10.5B71.20 of the Zoning Ordinance to allow a density of 28 dwelling units per acre (where up to 35 units per acre is allowed with a Conditional Use Permit).

The Conditional Use Permit approval required that 10% (or no less than 27) of the dwelling units be workforce housing units affordable to a household with an income of 80% of the median income for a 3-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area (HMFA).

As a condition of approval, a [Workforce Housing Covenant](#) that provides enforceable restrictions as to price and occupancy to ensure long-term availability and affordability of the 27 units for a minimum of 30 years was required.

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

I recommend that the City Council move to grant the authority for the City Manager to accept the Workforce Housing Covenant in a form similar to that attached.

9. **Request for Temporary Construction License for Brick Market Project:**

On January 16, 2020, the Planning Board granted site plan review approval for an application from Dagny Taggart, LLC for property located at 60 Penhallow Street for the second part of the proposed Brick Market development to construct a new 4-story commercial building.

The Construction Mitigation and Management Plan (CMMP), signed in April 2020, identified temporary encumbrances of the public sidewalks and parking spaces on Penhallow Street and Daniel Street for project-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The License Areas are shown on the [plan labeled "CMMP Encumbrance Plan."](#) License Area 1 is for 1,740 square feet of the sidewalk area along Daniel Street and Penhallow Street as well as three parking spaces located on Daniel Street. The proposed duration for the encumbrance of License Area 1 is 184 days, starting on August 1, 2020. License Area 2 is for the four parking spaces located on Penhallow Street. The proposed duration for the encumbrance of License Area 2 is 123 days, starting on October 1, 2020.

The fee for the sidewalk is \$16,008, the fee for the three metered parking spaces along Daniel Street is \$27,600, and the fee for the four parking spaces along Penhallow Street is \$24,600 for a total fee of \$68,208. The [proposed license agreement](#) provides that, if any of the license areas returned to the City prior to the end of the license term, the City will refund the applicant the portion of the license fee already paid to the City.

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

I recommend that the City Council move to authorize the City Manager execute and accept the temporary construction license regarding 60 Penhallow Street as submitted.

XVI. Consent Agenda:

A. **Projecting Sign License – 18 Ladd Street:**

Permission is being sought to install a projecting sign at [18 Ladd Street](#) that extends over the public right of way, as follows:

Sign dimensions: 20" x 40"

Sign area: 5.5 sq. ft.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

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

A. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking-15 Minutes

Section 7.326: LIMITED PARKING – 15 MINUTES

- A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:
 - 4. Daniel Street:
 - a. northerly side, first four metered spaces west from the parking lot entrance at 80 Daniel Street.
 - b. southerly side, ~~first five~~ **three** metered spaces ~~east from Market Square~~ **running between 102 and 160 feet west of Penhallow Street.**
 - 5. ~~Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblineline of High Street, and running 20 feet in an easterly direction.~~
 - 6. Hanover Street:
 - a. northerly side, first five spaces east from High Street
 - b. ~~northerly side, first two spaces east from Bridge Street~~ **southerly side, first two spaces east from Maplewood Avenue**
-

B. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.328: Limited Parking – Three Hours

Section 7.328: LIMITED PARKING – THREE HOURS

A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 8 :00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

- 9. Daniel Street:
 - a. north side from Piscataqua River to Market Street.
 - b. ~~five head in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River. south side, first four spaces east of Market Street.~~

12. Hanover Street: northerly side, first two spaces east of Bridge Street.

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

Section 7.330: NO PARKING

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

- 18. Chase Drive: **northerly side, from Michael Succi Drive to a point** 30 feet ~~on either side west~~ of the driveway located at 355 Chase Drive.
- 33. Dearborn Street:
 - a. westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side).
 - b. **easterly side, from the North Mill Pond running northerly for a distance of 25 feet.**
- 71. **Little Harbor Road: Both sides of the roadway, beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement.**
- 83. **Middle Street:**
 - i. **westerly side, beginning at the northerly curb line of Aldrich Road, and running northerly for a distance of 76 feet.**

~~115. School Street:~~

~~a. northerly side from Vaughan Street to High Street.~~

~~b. southerly side starting at the corner of Vaughan and School Streets; thence running northeasterly for a distance of 179 feet, more or less.~~

D. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336: One-Way Streets.

Section 7.336: ONE-WAY STREETS

~~19. Parker Street: northerly from Tanner Court to Hanover Street.~~

E. Amend: Chapter 7, Article IVA – BUS STOPS AND TAXICAB STANDS, Section 7-A.402: BUS STOPS DESIGNATED

Section 7-A.402: BUS STOPS DESIGNATED

For the purpose of this Ordinance, the following sections of the streets in the business section of the City are hereby designated as Bus Stops:

D. Hanover Street: southerly side of Hanover Street ~~90 feet east of~~ **from** Fleet Street to a point 285 feet east of Fleet Street.

F. Amend: Chapter 7, Article VI – LOADING ZONES

Section 7.601: LIMITED HOURS LOADING ZONES

The following locations are established as "Limited Hours Loading Zones" during "Loading Zone Hours" which are defined as Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below. During Loading Zone Hours only licensed commercial vehicles, vehicles marked for commercial purposes and unmarked noncommercial vehicles with Loading Zone Permits may utilize Limited Hours Loading Zones for up to 30 consecutive minutes if actively engaged in loading or unloading product, merchandise or equipment. At all other times these Loading Zones shall be open parking for all vehicles.

**12. Pleasant Street: easterly side, beginning 94 feet south of the southerly curblin
of Daniel Street and running southerly for a distance of 45 feet.**

**14. Vaughan Street: westerly side, beginning at the intersection with Raynes
Avenue and running southerly for a distance of 60 feet, from 6 AM to 9 AM.**

G. Amend: Chapter 7, Article XI – SPEED LIMITS, Section 7.1100: Speed Limits

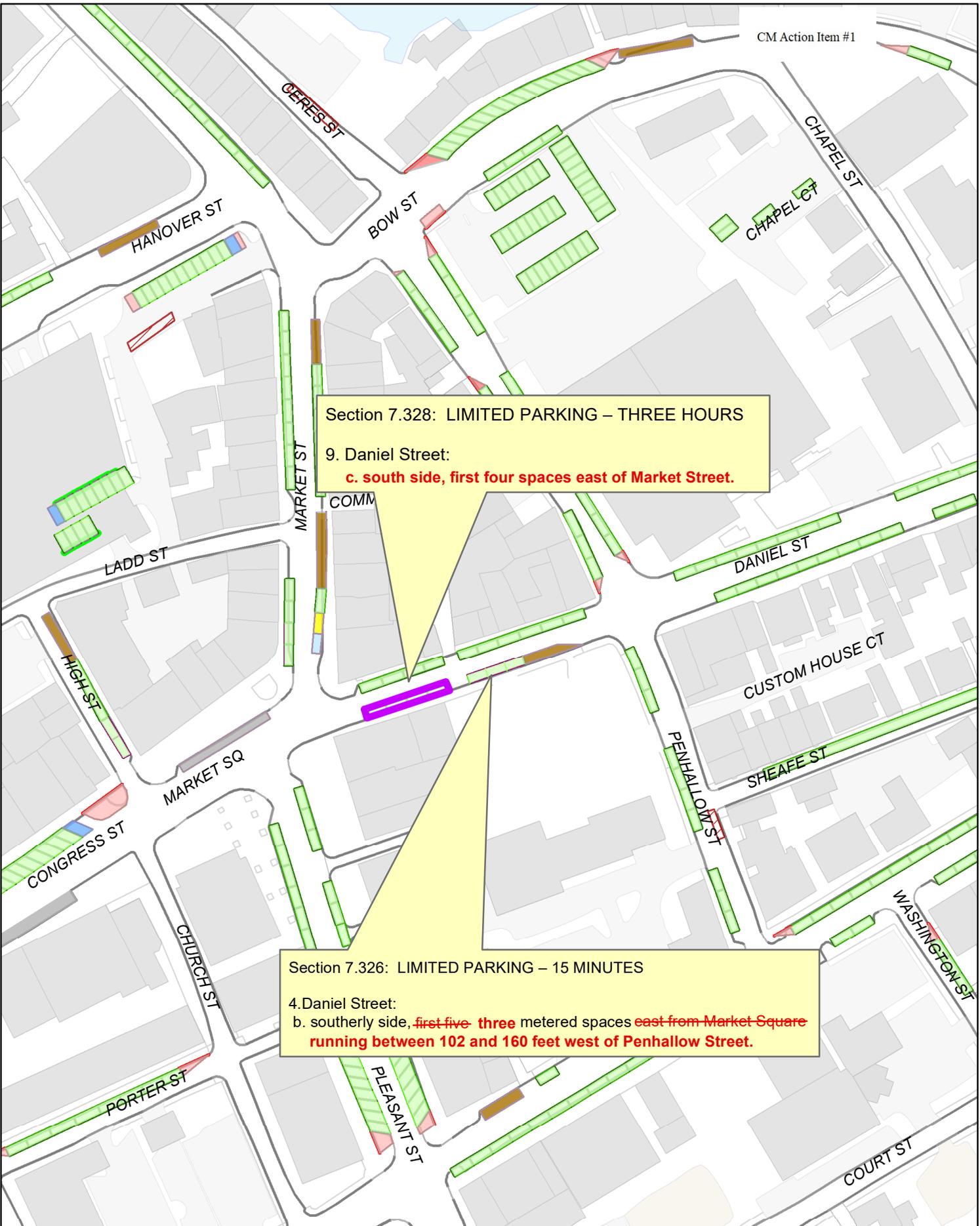
Section 7.1100: SPEED LIMITS:

E. Speed Limit: 25 MPH

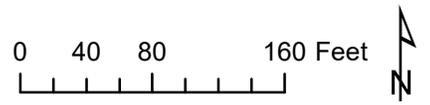
10. South Street, from Middle Road to Lafayette Road

Section 7.328: LIMITED PARKING – THREE HOURS
 9. Daniel Street:
 c. south side, first four spaces east of Market Street.

Section 7.326: LIMITED PARKING – 15 MINUTES
 4. Daniel Street:
 b. southerly side, ~~first five~~ three metered spaces east from Market Square running between 102 and 160 feet west of Penhallow Street.



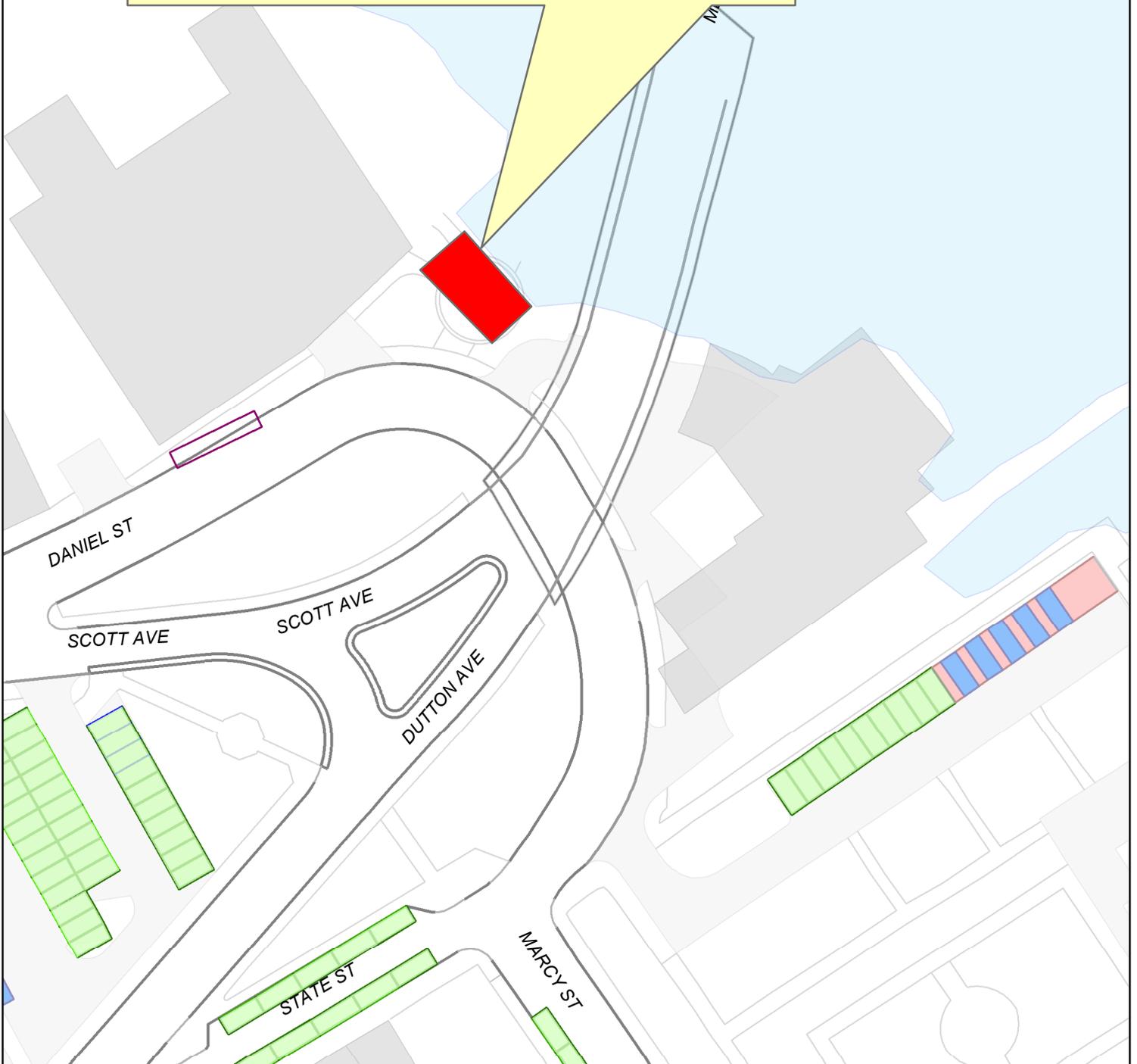
LIMITED PARKING – 15 MINUTES
Portsmouth, New Hampshire



Section 7.328: LIMITED PARKING – THREE HOURS

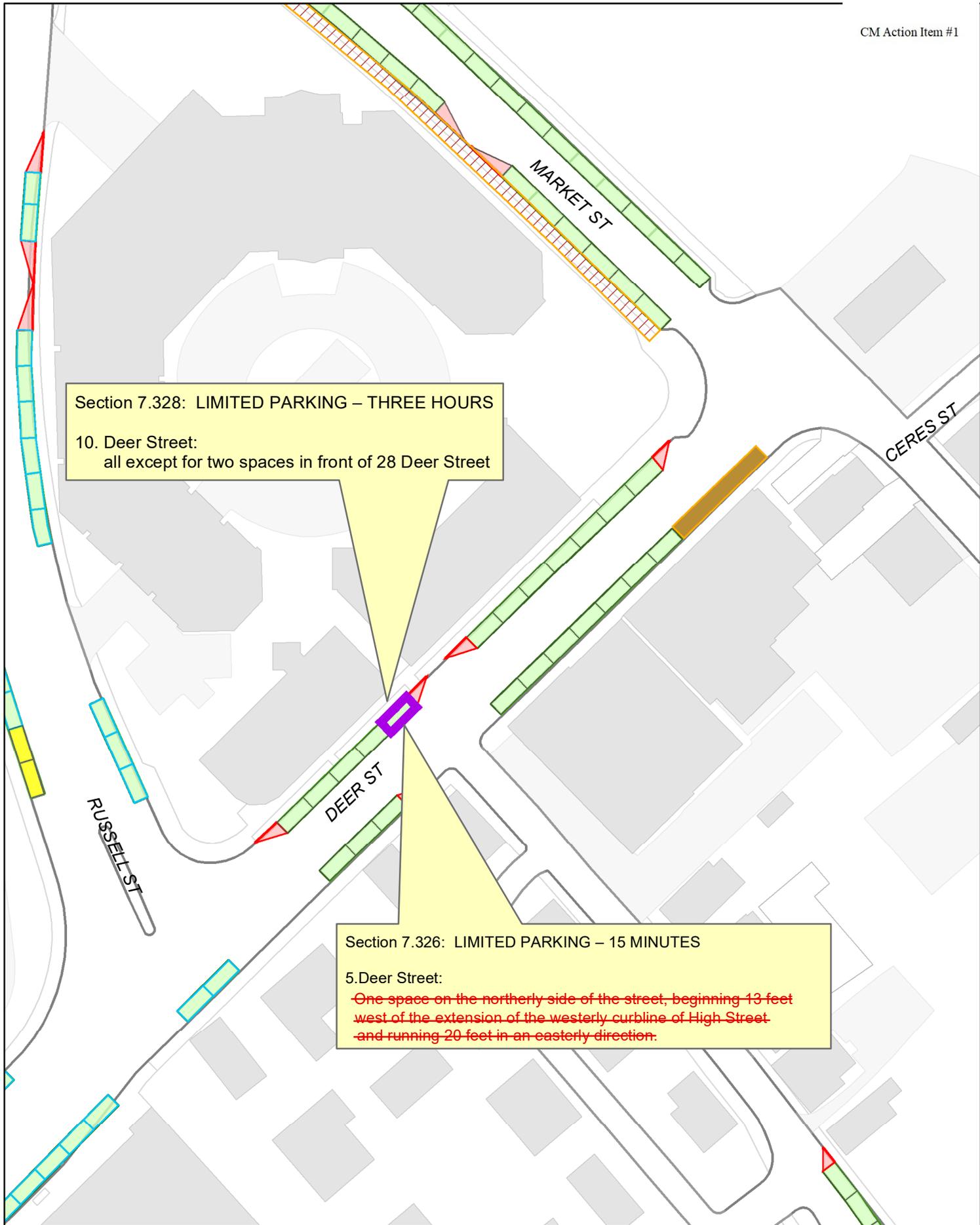
9. Daniel Street:

- b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.



LIMITED PARKING – THREE HOURS
Portsmouth, New Hampshire





Section 7.328: LIMITED PARKING – THREE HOURS
10. Deer Street:
all except for two spaces in front of 28 Deer Street

Section 7.326: LIMITED PARKING – 15 MINUTES
5. Deer Street:
~~One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curbline of High Street and running 20 feet in an easterly direction.~~

LIMITED PARKING – 15 MINUTES
Portsmouth, New Hampshire

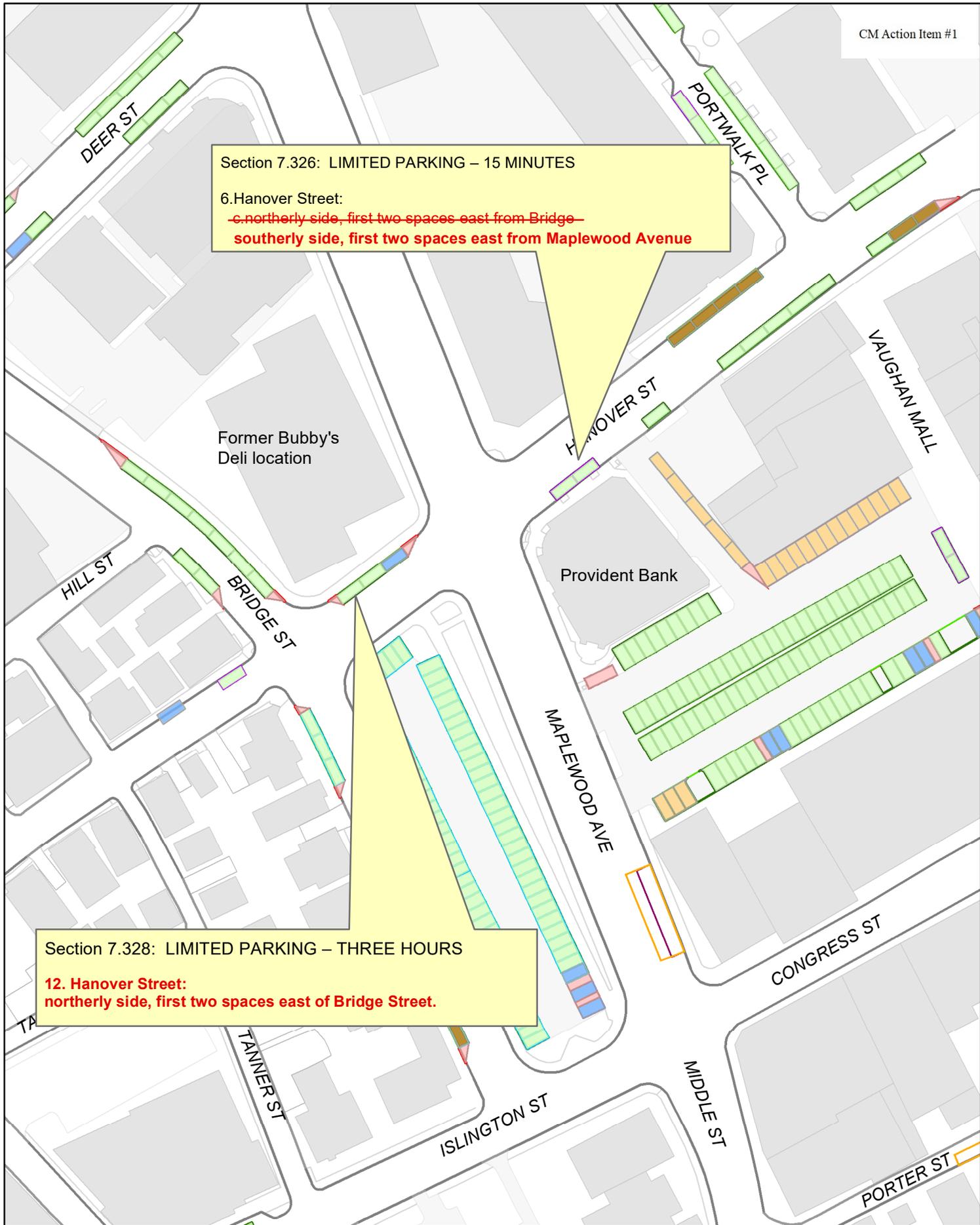


Section 7.326: LIMITED PARKING – 15 MINUTES

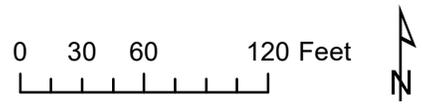
6. Hanover Street:
~~c. northerly side, first two spaces east from Bridge~~
 southerly side, first two spaces east from Maplewood Avenue

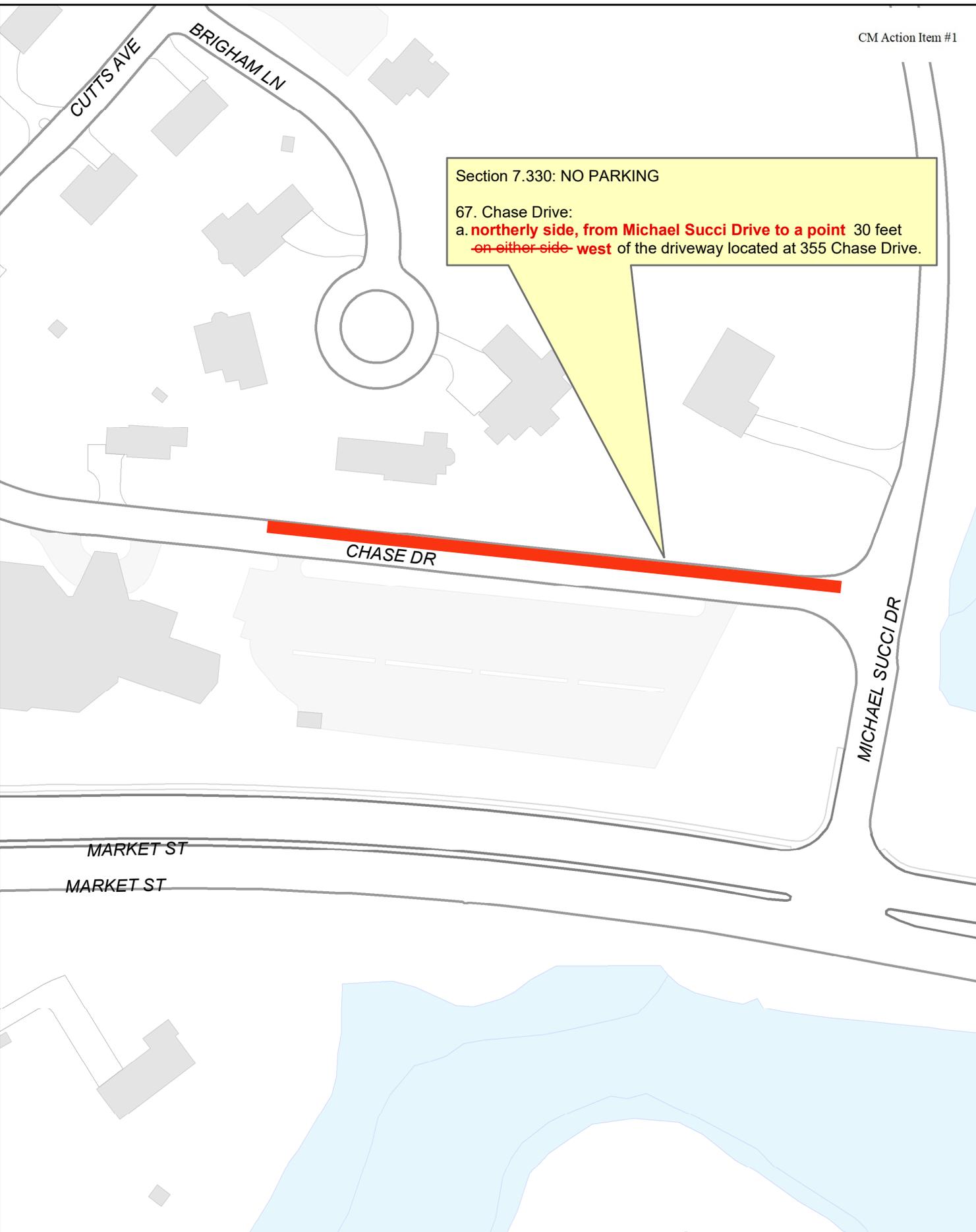
Section 7.328: LIMITED PARKING – THREE HOURS

12. Hanover Street:
 northerly side, first two spaces east of Bridge Street.



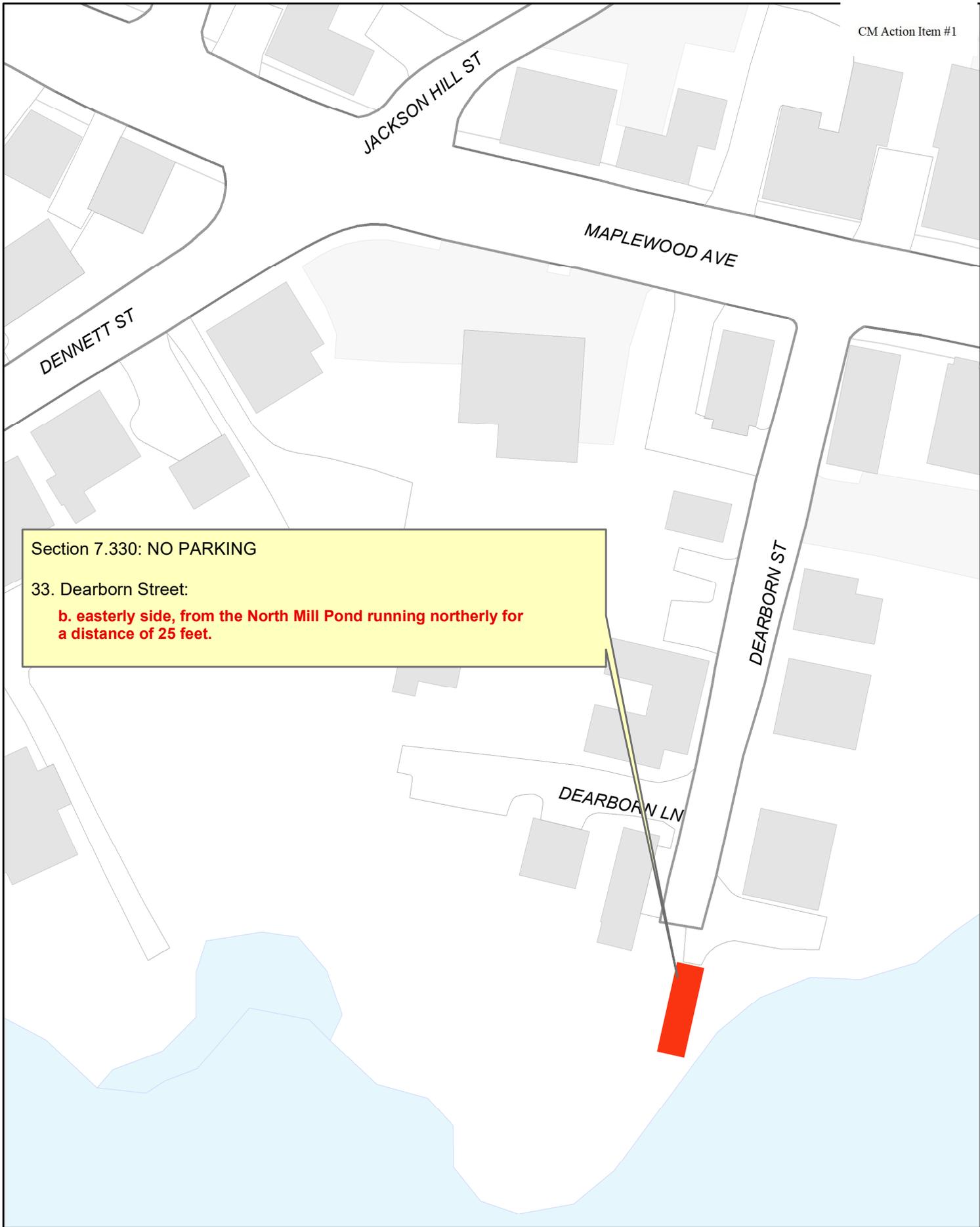
LIMITED PARKING – 15 MINUTES
Portsmouth, New Hampshire





No Parking Portsmouth, New Hampshire



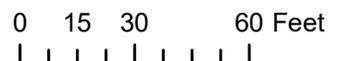


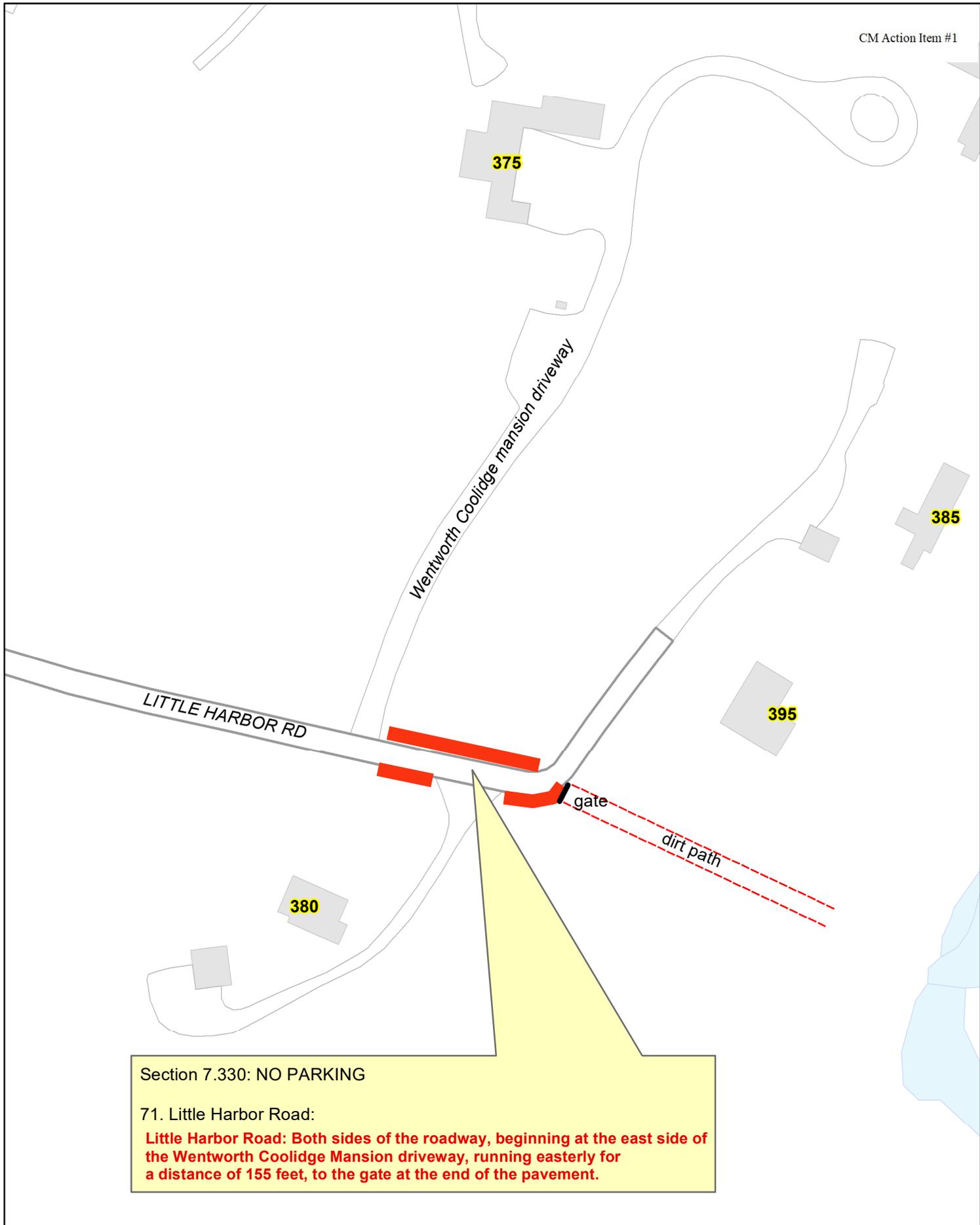
Section 7.330: NO PARKING

33. Dearborn Street:

b. easterly side, from the North Mill Pond running northerly for a distance of 25 feet.

No Parking Portsmouth, New Hampshire



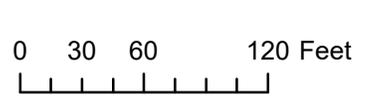


Section 7.330: NO PARKING

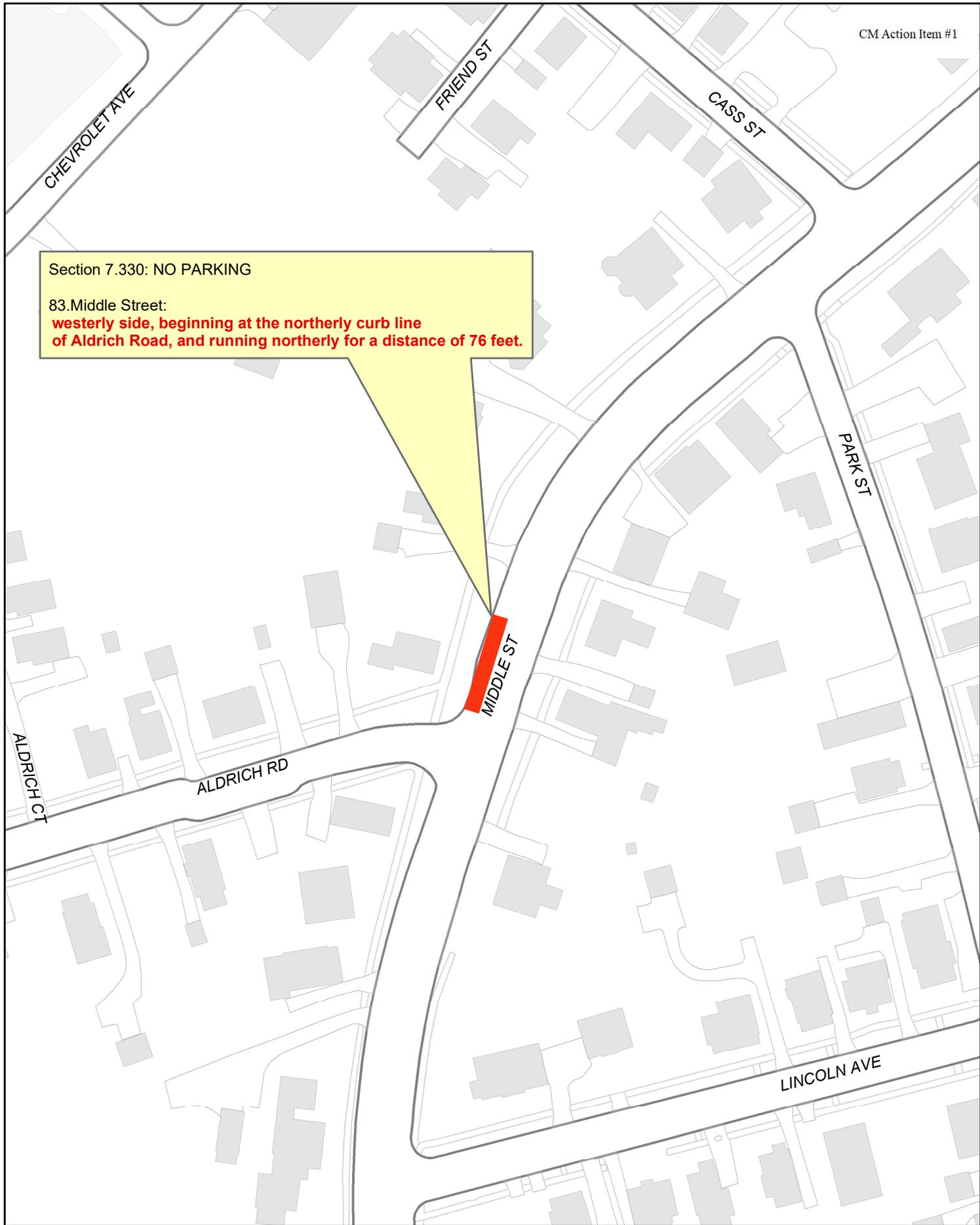
71. Little Harbor Road:
Little Harbor Road: Both sides of the roadway, beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet, to the gate at the end of the pavement.

**No Parking
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020

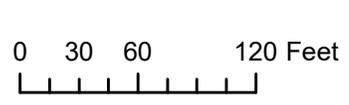


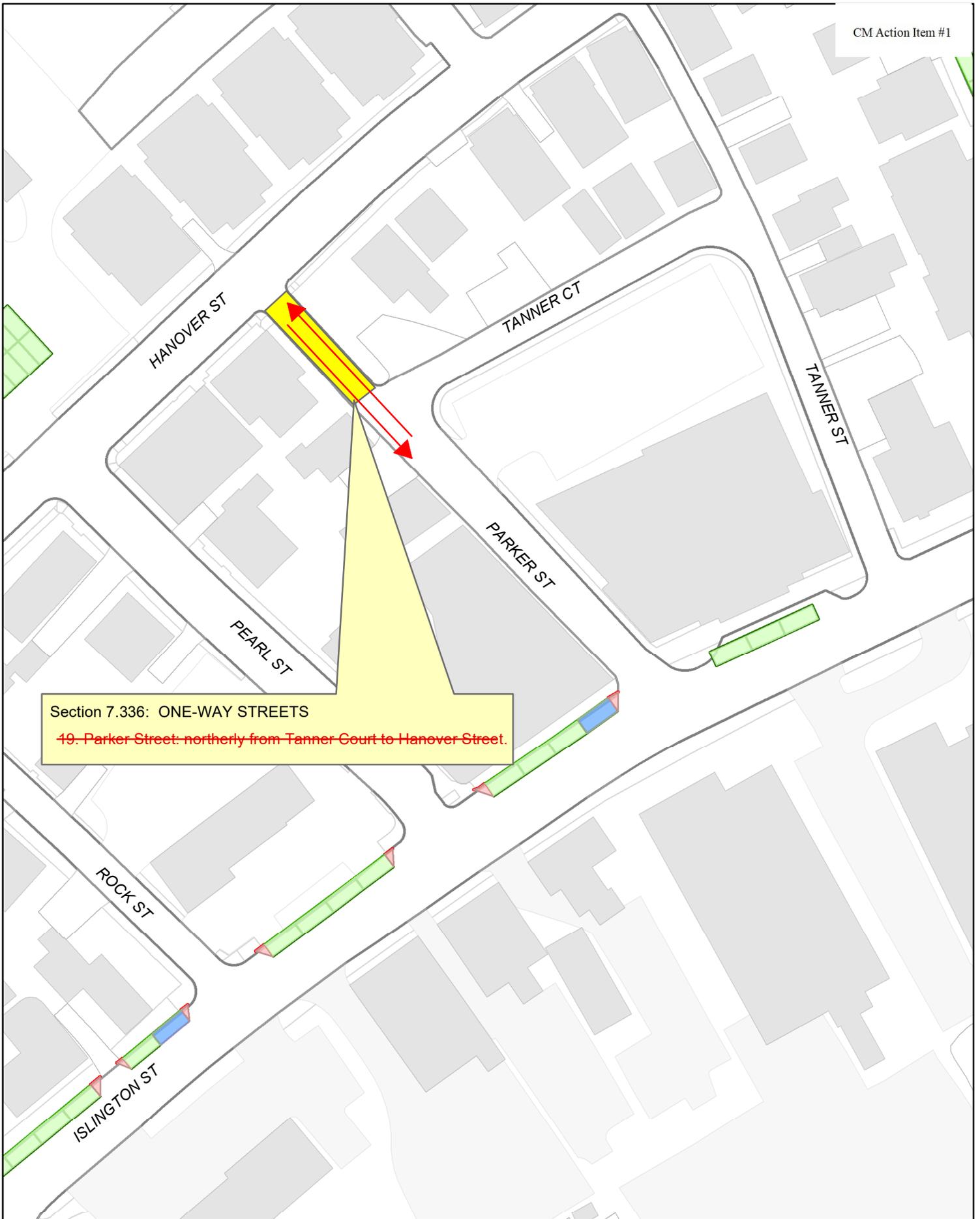
Section 7.330: NO PARKING
83.Middle Street:
**westerly side, beginning at the northerly curb line
of Aldrich Road, and running northerly for a distance of 76 feet.**



**No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020





ONE-WAY STREETS
Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 2 June 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020





CM Action Item #1

HANOVER ST
existing

extension

HIGH ST

HIGH ST

HAVEN CT

Section 7-A.402: BUS STOPS DESIGNATED
 D. Hanover Street: southerly side of Hanover Street ~~90 feet east of from~~
 Fleet Street to a point 285 feet east of Fleet Street.

VAUGHAN MALL

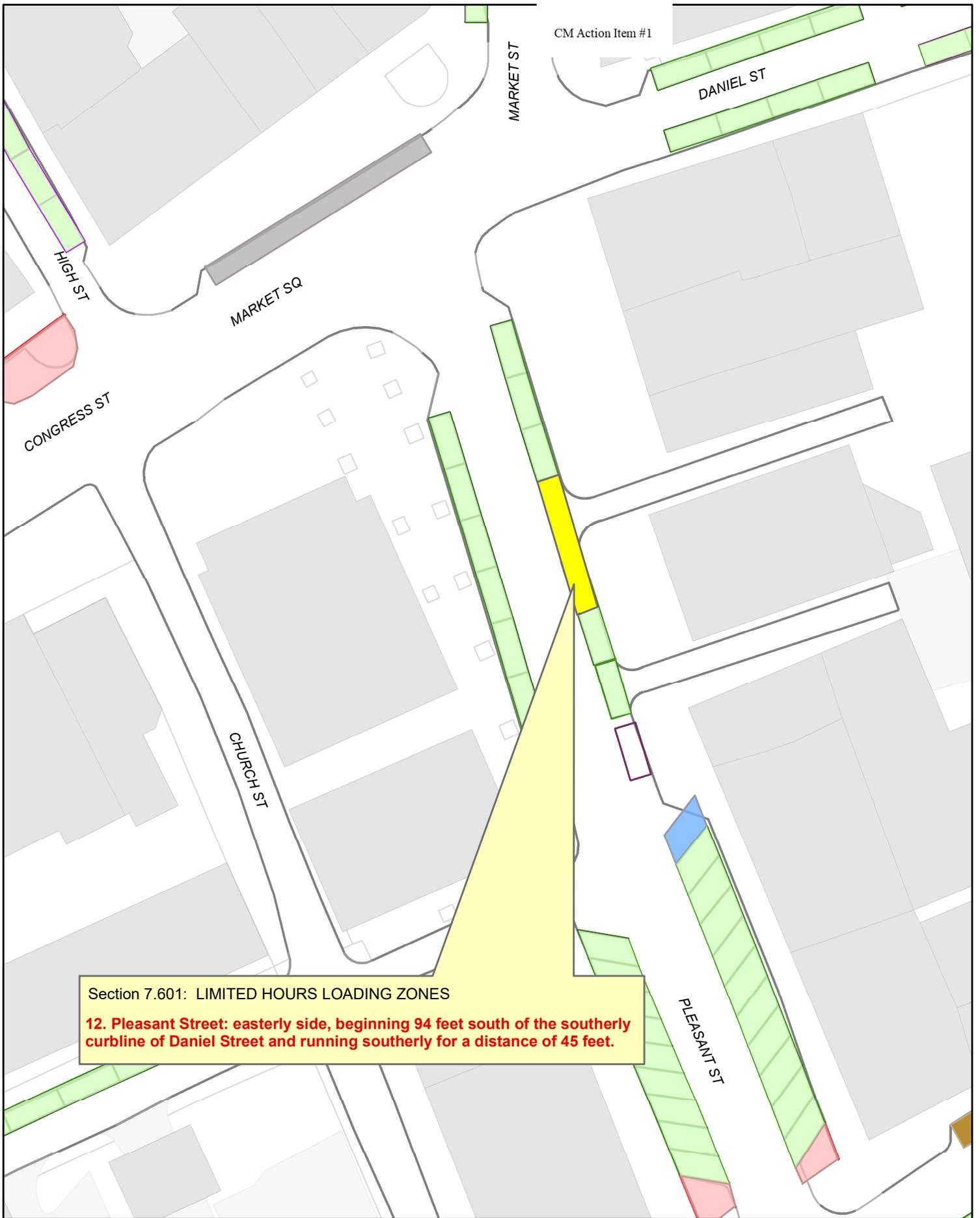
FLEET ST

CONGRESS ST

**BUS STOPS DESIGNATED
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020





CM Action Item #1

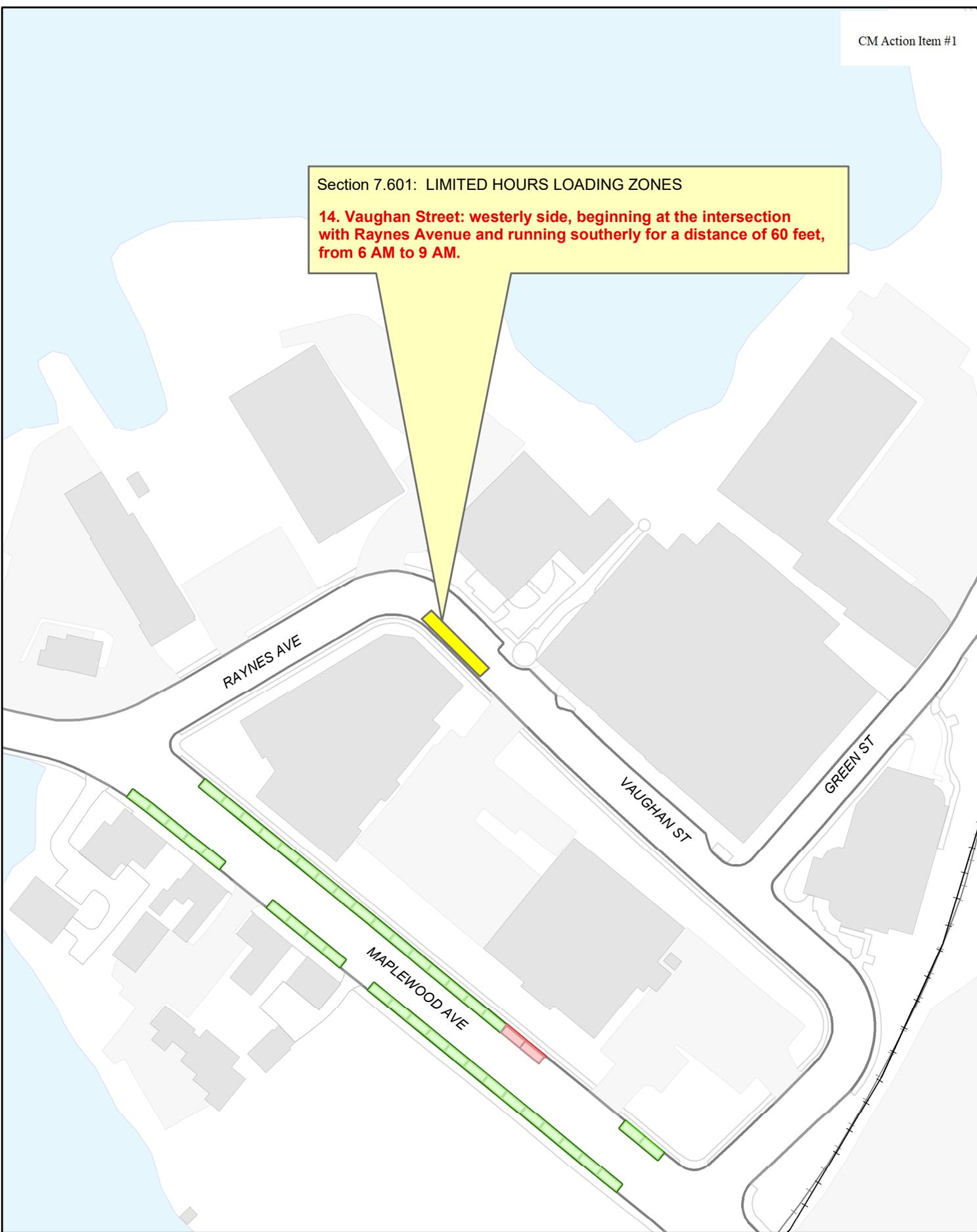
Section 7.601: LIMITED HOURS LOADING ZONES
12. Pleasant Street: easterly side, beginning 94 feet south of the southerly curbline of Daniel Street and running southerly for a distance of 45 feet.

**LIMITED HOURS LOADING ZONES
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020

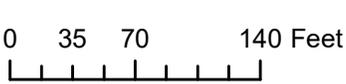


Section 7.601: LIMITED HOURS LOADING ZONES
14. Vaughan Street: westerly side, beginning at the intersection with Raynes Avenue and running southerly for a distance of 60 feet, from 6 AM to 9 AM.



**LIMITED HOURS LOADING ZONES
Portsmouth, New Hampshire**

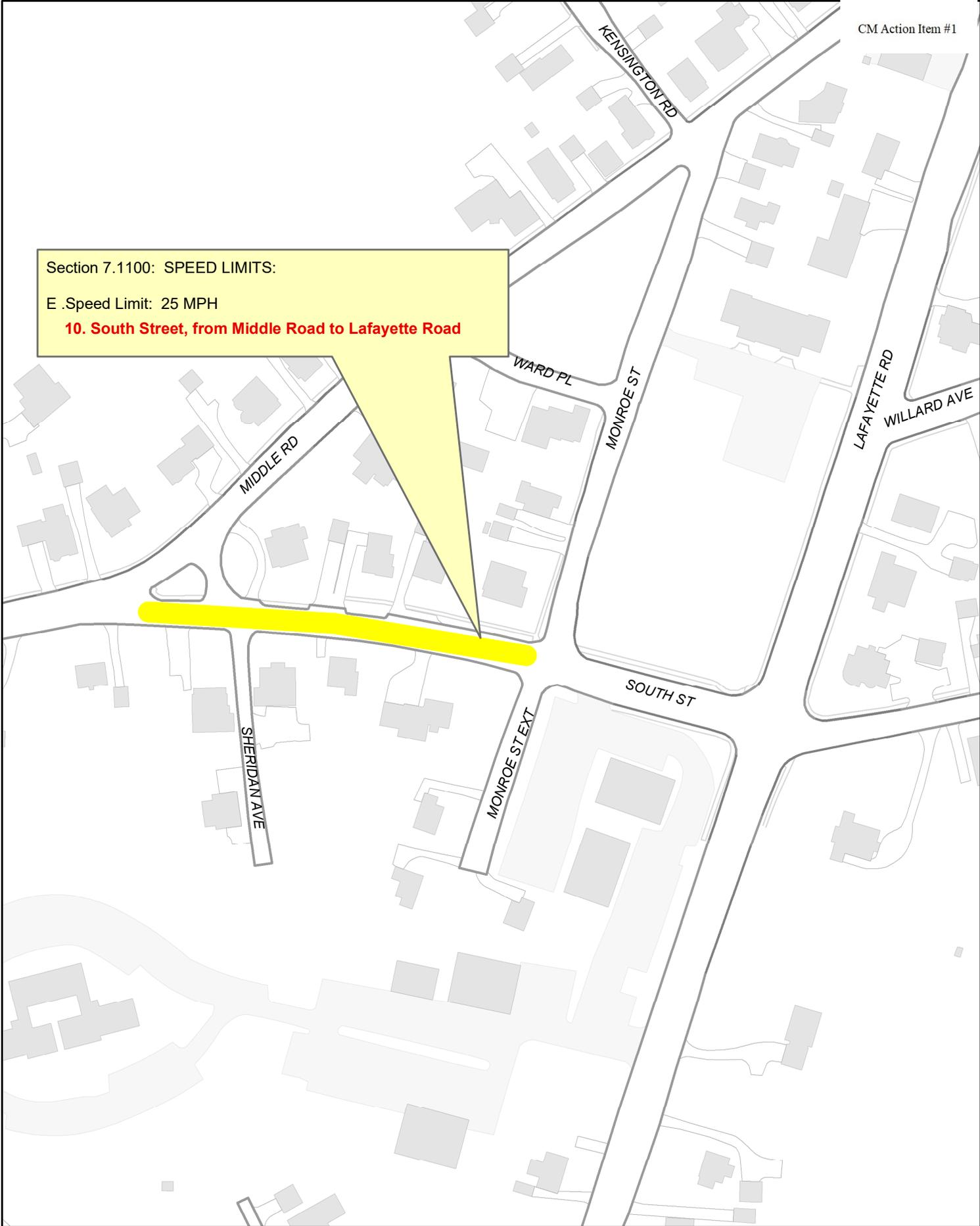
Map prepared by Portsmouth Department of Public Works, 2 June 2020
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



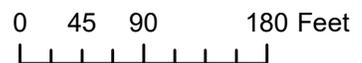
Section 7.1100: SPEED LIMITS:

E .Speed Limit: 25 MPH

10. South Street, from Middle Road to Lafayette Road



**SPEED LIMITS
Portsmouth, New Hampshire**



266-1

254-7

266-3

75' VERNAL POOL BUFFER

266-5

VERNAL POOLS

NH STATE PLANE COORDINATE SYSTEM
NAD 1983

MAP 254 LOT 8
CITY OF PORTSMOUTH, NH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

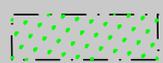
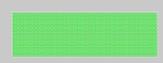
267-17

266-4

CAMPUS DRIVE
(A PUBLIC WAY - EGR. 10/02)

267-16

Legend

-  Wetlands
-  Vernal Pool
-  Property Boundary
-  75' Vernal Pool Buffer

City of Portsmouth, New Hampshire
680 Peverly Hill Road/254-8 Map-Lot

Vernal Pool Buffer Deed Restriction

Exhibit A

Scale 1"=200'

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

DRAFT
6-29-2020

**DECLARATION OF RESTRICTIVE COVENANTS
FOR CONSERVATION PURPOSES**

THIS DECLARATION OF RESTRICTIVE COVENANTS is made this _____ day of _____, 2020, by the City of Portsmouth (“Declarant”) a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire.

RECITALS

WHEREAS, Declarant is the owner of certain real property (“*Property*”) located in Rockingham County, New Hampshire, more particularly shown on a plan entitled “Lot Line Revision Plan, Campus Drive, Banfield & Peverly Hill Roads, Portsmouth, New Hampshire Assessor’s Parcels 254-8, 266-4, 266-5, 266-6 for City of Portsmouth, N.H. & Foundation for Seacoast Health” prepared by James Verra and Associates, Inc. dated 10/24/2016 and recorded at the Rockingham County Registry of Deeds as D-39897 (the “Recorded Plan”).

WHEREAS, as a condition of Wetlands Permit 2019-02298 issued by the Department of Environmental Services (“DES” and to include any successor agency) Declarant has agreed to execute and record this Declaration of Restrictive Covenants (“Declaration”) to place certain restrictions on the parcel to protect two vernal pools.

WHEREAS, the vernal pools are located in a large wetland area located on the westerly side of a trail and fitness stations shown on Sheets 2 & 3 of the Recorded Plan and shown more particularly on Figure 1 entitled “Existing Conditions Overview”

prepared by GZA GeoEnvironmental Inc. as part of Declarant's application to the Portsmouth Conservation Commission and Portsmouth Planning Board; the Site Plan having been approved by the Portsmouth Planning Board on October 22, 2019 and Figure 1 and all application material and approval on file with the City of Portsmouth, New Hampshire.

WHEREAS it is the intent of the Declarant to preserve and protect the vernal pools within the wetlands as they may from time-to-time change; therefore, the Conservation Area is hereby defined to include the vernal pools and a 75-foot buffer around the existing pools through this restrictive covenants instrument.

NOW THEREFORE, Declarant hereby declares that the Conservation Area shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants, which shall run with the land and be binding in perpetuity and forever on all heirs, successors, assigns (they are included in the terms "Declarant" below), lessees, or other occupiers and users.

1. **Covenants and Restrictions.** Neither the Declarant, nor any subsequent owner or owners of the Conservation Area or any portion thereof, shall undertake or cause to be undertaken within or upon the Conservation Area within the Property any of the following:

- a. No industrial or commercial activities or improvements shall occur on the property except in conjunction with any water supply, agricultural, forestry, or outdoor recreational activities that are allowed by the instrument, subject to such conditions as are specified in the instrument;
- b. No land surface alterations shall occur on the property, such as filling, excavation, mining, and dredging, except to the extent that they do not degrade the aquatic resource for which the project was funded and do not pose a risk of such degradation;
- c. No wastes generated off the property shall be disposed of, stored, or discharged on the property;
- d. No substances that would be hazardous waste if discarded or abandoned shall be disposed of on the property, and no such

substances shall be stored or applied on the property except in conjunction with any allowed water supply, agricultural, forestry, or outdoor recreational activities, and provided the storage and use do not threaten aquatic resource protection and are specifically allowed by the instrument, subject to such conditions as are specified in the instrument;

- e. No acts or uses shall occur on the property that would:
 - i. Degrade wetlands or water quality;
 - ii. Cause an unsustainable quantity of water to be withdrawn; or
 - iii. Harm state or federally recognized rare, threatened, or endangered species; and
- f. Activities specifically allowed by the instrument, such as community drinking water supply, agriculture, forestry and outdoor recreation, shall be conducted in accordance with a plan, best management practices, or conditions as set forth in the instrument, subject to such conditions as are specified in the instrument.

2. **Duration and Amendment.** The covenants and restrictions listed herein are created pursuant to the NH RSA 482-A and shall run with and bind the Property, and be binding on the Declarant, its successors and assigns, unless and until terminated or modified by the State of New Hampshire ("State") which has the legal authority to enforce these covenants and restrictions by regulations, permit, or agreement. The failure of the State to enforce the provisions of this Declaration shall not be deemed a waiver of any rights created hereunder. After recording, this Declaration may only be amended by a recorded document signed by the State and Declarant. The State shall be provided with a 60-day advance written notice of any legal action concerning this Declaration or of any action to extinguish, void, or modify this Declaration in whole or in part. This Declaration is intended to survive foreclosure, bankruptcy, or judgments affecting the Property.

3. **Notice to Government.** Any permit application, or request for certification or modification, which may affect the Conservation Area, made to any governmental entity with authority over wetlands or other waters of the United States and/or waters of

the State, shall expressly reference and include a copy (with the recording stamp) of this Declaration.

4. **Reserved Rights.** It is expressly understood and agreed that these restrictive covenants do not grant or convey to members of the general public any rights of ownership, entry or use of the Conservation Area. These restrictive covenants are created solely for the protection of the Property, and for the consideration and values set forth above, and Declarant reserves the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the rights to exclude others and to use the property for all purposes not inconsistent with these restrictive covenants.

5. **Authorization to Enter.** The State and its authorized agents shall have the right to enter and go upon the lands of Declarant to inspect the Conservation Area and take actions necessary to verify compliance with these restrictive covenants.

6. **Enforcement.** Declarant conveys and grants a third-party right of enforcement to the State acting through DES or its successor, an administrative agency duly organized and existing under the laws of the State of New Hampshire, with a principal place of business at 29 Hazen Drive, City of Concord, County of Merrimack, State of New Hampshire, 03302.

7. **Property Transfers.** Declarant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any interest in the Property and/or Conservation Area (failure to comply with this paragraph does not impair the validity or enforceability of this Declaration):

NOTICE: This property Subject to Declaration of Restrictive Covenants Recorded at [insert book and page references, county, and date of recording].

8. **Marking of Property.** Declarant shall ensure that the perimeter of the Conservation Area shall at all times plainly marked by permanent signs saying "Conservation Area" or by an equivalent, permanent marking system.

9. **Recording.** The Declarant agrees to record this Declaration in the Rockingham County Registry of Deeds and provide the State with proof of recordation within thirty (30) days of recordation.

10. **Separability Provision.** Should any separable part of this Declaration be held contrary to law, the remainder shall continue in full force and effect.

11. **Inaccurate or Fraudulent Information.** Should an easement, right or lease on or to the Property not shown on the survey or listed in this Declaration and prior in time and recording to this Declaration, or unrecorded, be exercised in such a manner that it conflicts with or voids the prohibited uses of the Property set out in this Declaration, then the Declarant shall be responsible for providing alternative compensatory mitigation in such amounts and of such service and function as the State shall determine in accordance with State law.

12. **Eminent Domain.** If the Property is taken in whole or in part through eminent domain, the consequential value of the Conservation Area is the cost of replacement of the conservation functions, services and values with other property in the same watershed.

IN WITNESS WHEREOF, the Declarant has duly executed this Declaration of Restrictive Covenants the date written above.

IN THE PRESENCE OF:

CITY OF PORTSMOUTH,
Declarant

By: _____
_____, City Manager

Witness
Print: _____

**STATE OF NEW HAMPSHIRE
COUNTY ROCKINGHAM, SS**

On this ____ day of _____, 2020, before me personally appeared _____, who acknowledged himself to be the **City Manager** of the **City of Portsmouth**, a municipal corporation, and that he is authorized to execute the foregoing instrument.

In witness whereof I hereunto set my hand and official seal.

Justice of the Peace/Notary Public
My Commission Expires: _____

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

CM Action Item #4

March 5, 2020

3/9/20

The Honorable Mayor Richard Becksted
Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Request for Release of Paper Street Pursuant to NH RSA 231:51 and
231: 52 - 294 Dennett Street (Tax Map 143, Lot 26)**

Dear Mayor Becksted and Members of the Council:

This office represents Zachary and Kirsten Jenkins, owners of the above referenced property. Please consider this a formal petition for the release to our clients of all right, title and interest the City has in the paper street known as "Ruth Street" to the centerline of where it abuts my clients' property, pursuant to NH RSA 231:51 and 52. Abutting property owners, Craig Steigerwalt and Anne Shiembob (Tax Map 143, Lot 13), are filing a similar request at this time.

By way of background, the Jenkins acquired the above referenced lot in 2016 by deed which references the "unnamed street" that begins on Dennett Street abutting the properties of 294 and 276 Dennett Street. I enclose copies of the Jenkins' deed and the current tax map [Exhibits A & B]. This "unnamed street" refers to the portion of Ruth Street toward the northwest beginning at 38 Thornton Street, which is currently undeveloped.

City of Portsmouth Tax Map 143 shows Ruth Street as extending further past 28 Thornton Street, all the way to Dennett Street and our clients' property. However, this extension of Ruth Street was never constructed and has never been used by the public. In reality, Ruth Street ends where it intersects with Thornton Street next to the property

DANIEL C. HOEFLE	R. PETER TAYLOR	KEVIN M. BAUM	ERICA A. DUMORE
R. TIMOTHY PHOENIX	JOHN AHLGREN	GREGORY D. ROBBINS	OF COUNSEL:
LAWRENCE B. GORMLEY	KIMBERLY J.H. MEMMESHEIMER	MONICA F. KIESER	SAMUEL R. REID
STEPHEN H. ROBERTS	MATTHEW G. STACHOWSKE	SAMUEL HARKINSON	

of 38 Dennett Street, and the paper street portion now contains a garden, a front lawn, a small shed and a gravel driveway. I enclose copies of the current GoogleMaps aerial photographs of the street in question, as well as photographs taken of this same area [Exhibits C & D].

Ruth Street was dedicated pursuant to a plan recorded at the Rockingham County Registry of Deeds in 1902 as "Plan of Lots of Land Belonging to C.I. Pinkham and J.M. Marden" [Exhibit E]. As the paper street portion of Ruth Street was dedicated to public use over one hundred years ago and has not been opened, built or used for public travel where it abuts the Jenkins' property since that time, it should be released from public servitude pursuant to RSA 231:51, and because it is no longer necessary for public travel, should be released pursuant to RSA 231:52.

Furthermore, the City of Portsmouth no longer has any interest in this portion of Ruth Street. This is because between the years of 1893 and 1969, dedication of a street was automatically terminated after twenty (20) years unless the street was accepted before this time period was over. See RSA 231:51 (1982) (amended 1989). Ruth Street was first dedicated in 1902 when the "Plan of Lots of Land Belonging to C.I. Pinkham and J.M. Marden" was filed with the Rockingham County Registry of Deeds, and the portion abutting our clients' property has never been accepted over one hundred (100) years later.

Acceptance can be either explicit or implicit. Neither occurred in this instance. There is no evidence of substantial public use that would constitute an implicit acceptance, nor was our office able to find any evidence of formal acceptance by a City Council vote in the years of 1902-1922, before the dedication would have been automatically terminated. No sewer, water or gas lines exist under the street, nor has the City ever plowed the gravel driveway which exists on the paper street, either of which are examples of maintenance and thus could have constituted an implicit acceptance (*Catalano v. Town of Windham*, 133 N.H. 504 (1990)). I enclose a map of the sewer, water and gas lines of the surrounding area obtained from the City of Portsmouth, Department of Public Works [Exhibit F].

We believe the non-constructed portion of Ruth Street was never accepted, dedication automatically terminated and reverted to the abutting owners in 1922 and the City no longer has any interest in the paper street. In order to clarify the record to

The Honorable Mayor Richard Becksted
March 5, 2020
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create clean title for the abutting owners, we request the City confirm the release of its right, title and interest in and to the non-constructed portion of Ruth Street pursuant to RSA 231:51 and RSA 231:52.

Permitting the physical extension of Ruth Street beyond the existing street would serve no public purpose as there is no remaining room for the development of further lots abutting the proposed street, and all existing lots already have frontage, thus providing direct access from a public street. Extension of this street would only serve to cost the City money and to have a negative effect on the homes along the paper street.

Please do not hesitate to contact me for any additional information or if anything further is needed to complete the requested release. Thank for your time and attention to this request.

Very truly yours,



Daniel C. Hoefle

/sch

Enclosures

cc: Zachary & Kirsten Jenkins



BK 5735 PG 0976

CM Action Item #4

Return To: Zachary D. Jenkins and Kirsten M. Janson
294 Dennett St

Portsmouth, NH 03801

E 31250



WARRANTY DEED

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

2016 Jul 21 PM 01:08

KNOW ALL MEN BY THESE PRESENT: That Josephine Campbell Donovan, Single, of 294 Dennett Street, Portsmouth, NH 03801, for consideration paid grant(s) to Zachary D. Jenkins, Single, and Kirsten M. Janson, Single both of 777 Middle Road Unit #13, Portsmouth, NH 03801, as Joint Tenants with Rights of Survivorship with WARRANTY COVENANTS:

A certain parcel of land with the buildings thereon on the Southerly side of Dennett Street in Portsmouth, Rockingham County, and the State of New Hampshire bounded and described as follows:

BEGINNING On Dennett Street at an unnamed street, formerly land of Moses H. Goodrich and running Southerly on said unnamed street one hundred (100) feet, more or less, to land now or formerly of William J. Colliton; thence turning and running Westerly seventy-three (73) feet, more or less, by land of said Colliton to land now or formerly of Gladys Clark; thence turning and running Northerly by said Clark land one hundred (100) feet, more or less, to Dennett Street; thence turning and running Easterly by Dennett Street fifty-eight (58) feet, more or less, to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Josephine Campbell Donovan by virtue of a Quitclaim deed from Josephine Campbell Donovan and Anne Rhodenbaugh Barrett dated 03/12/1993 and recorded at the Rockingham County Registry of Deeds in Book 2975, Page 1861.

I/We, the grantor(s) hereby release all rights of homestead in the above described premises.

Executed this July 18, 2016.

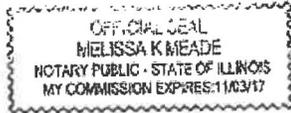
Josephine Campbell Donovan
Josephine Campbell Donovan

State of Illinois
County of Champaign 7/18, 2016

Then personally appeared before me on this 7/18, 2016, the said Josephine Campbell Donovan, by Janet Sylvester, Attorney in Fact and acknowledged the foregoing to be his/her/their voluntary act and deed.

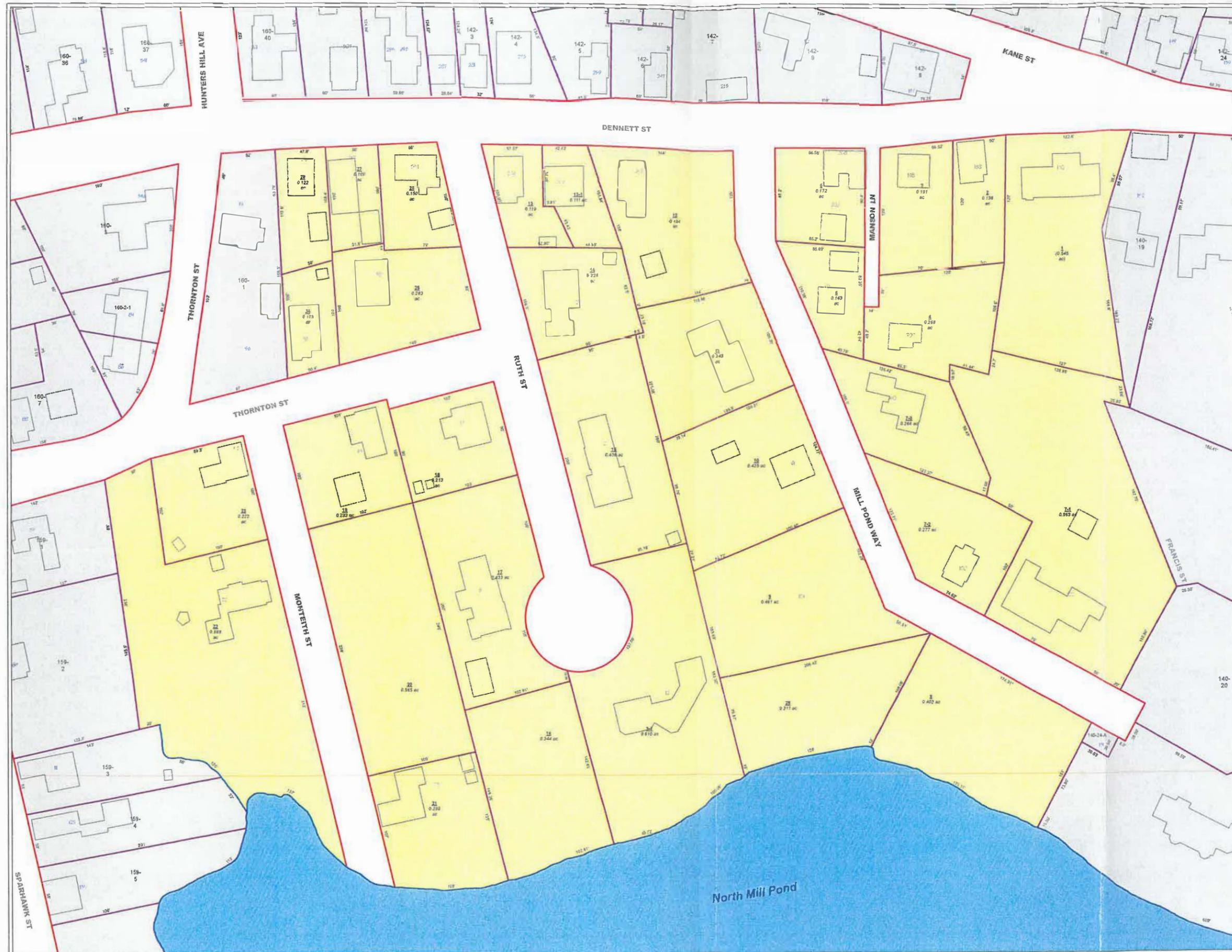
Melissa K Meade
Notary Public/Justice of the Peace
Commission expiration: 11/3/17

Melissa K Meade



E 31250

ROCKINGHAM COUNTY
REGISTRY OF DEEDS



See the cover
7-5A Lot of
 2.56 ac Parcel area in
 25 Address num
 233-137 Parcel number
 68 Parcel line dirr

- SIMS AVE** Street name
- Parcel boundary
 - Parcel ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)



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



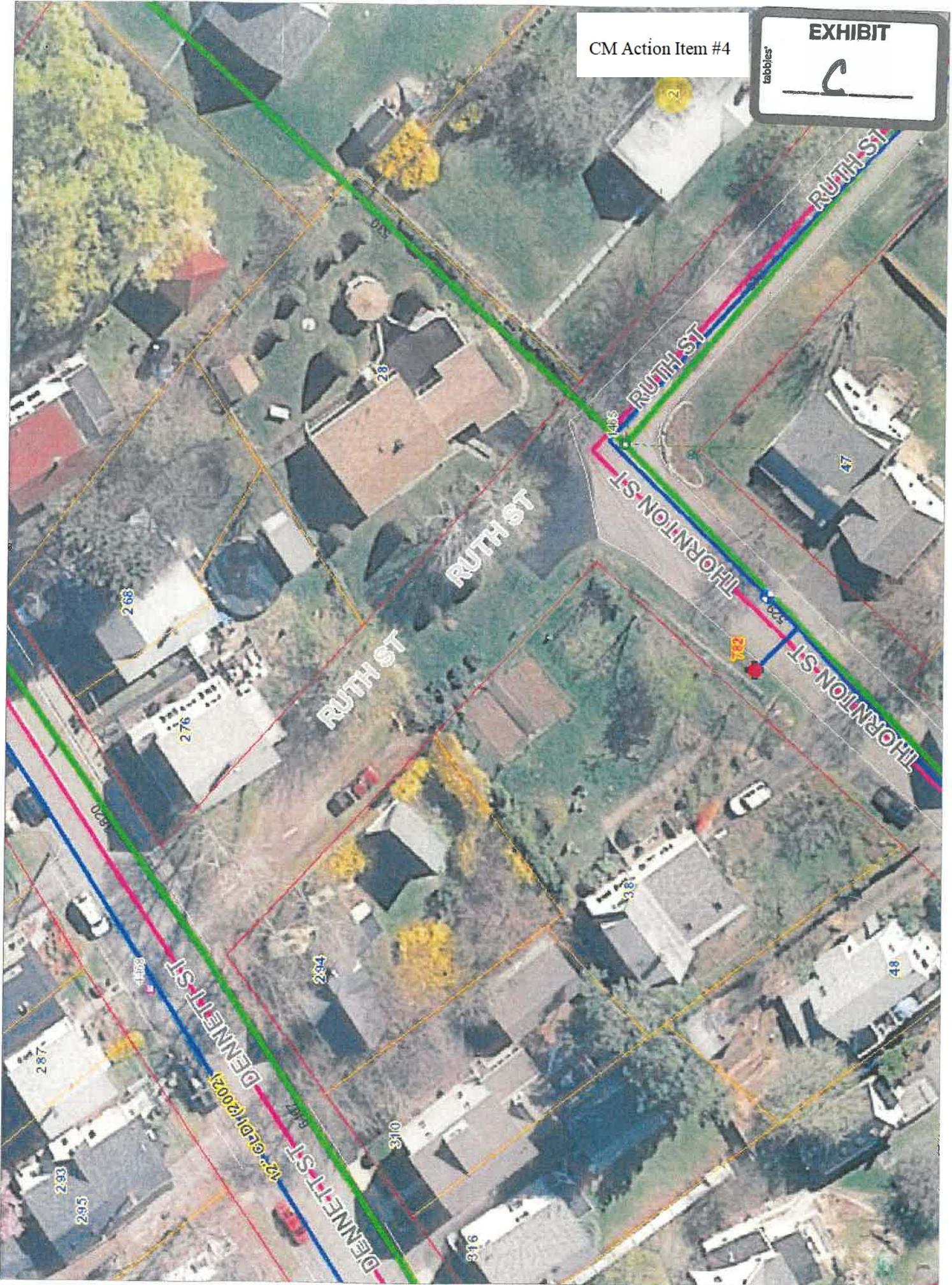
Portsmouth, New Hampshire
 2018

Tax Map 143

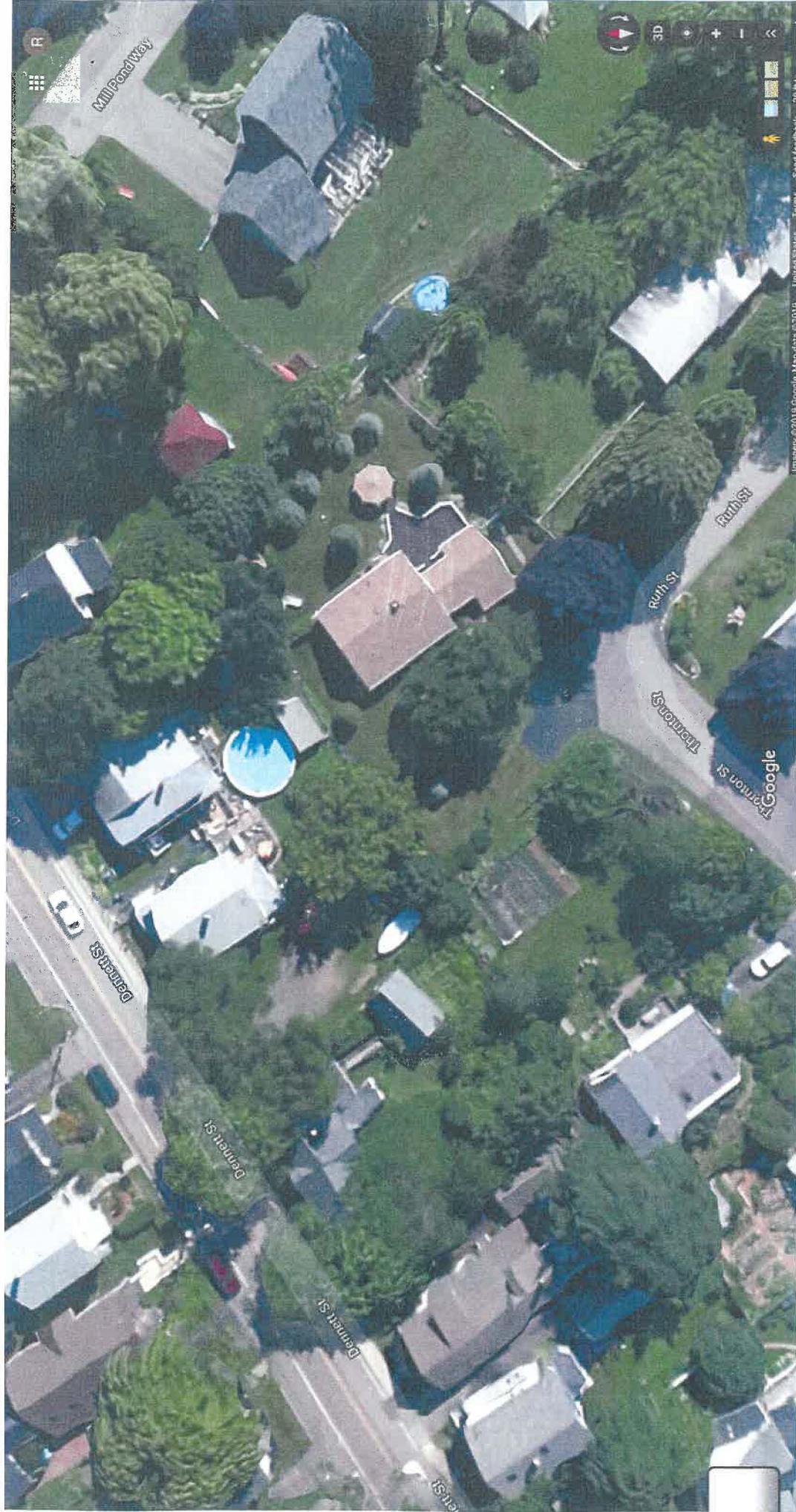
CM Action Item #4

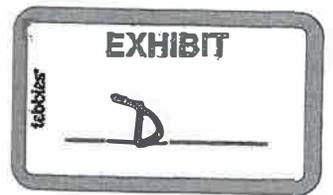
EXHIBIT

tabbies



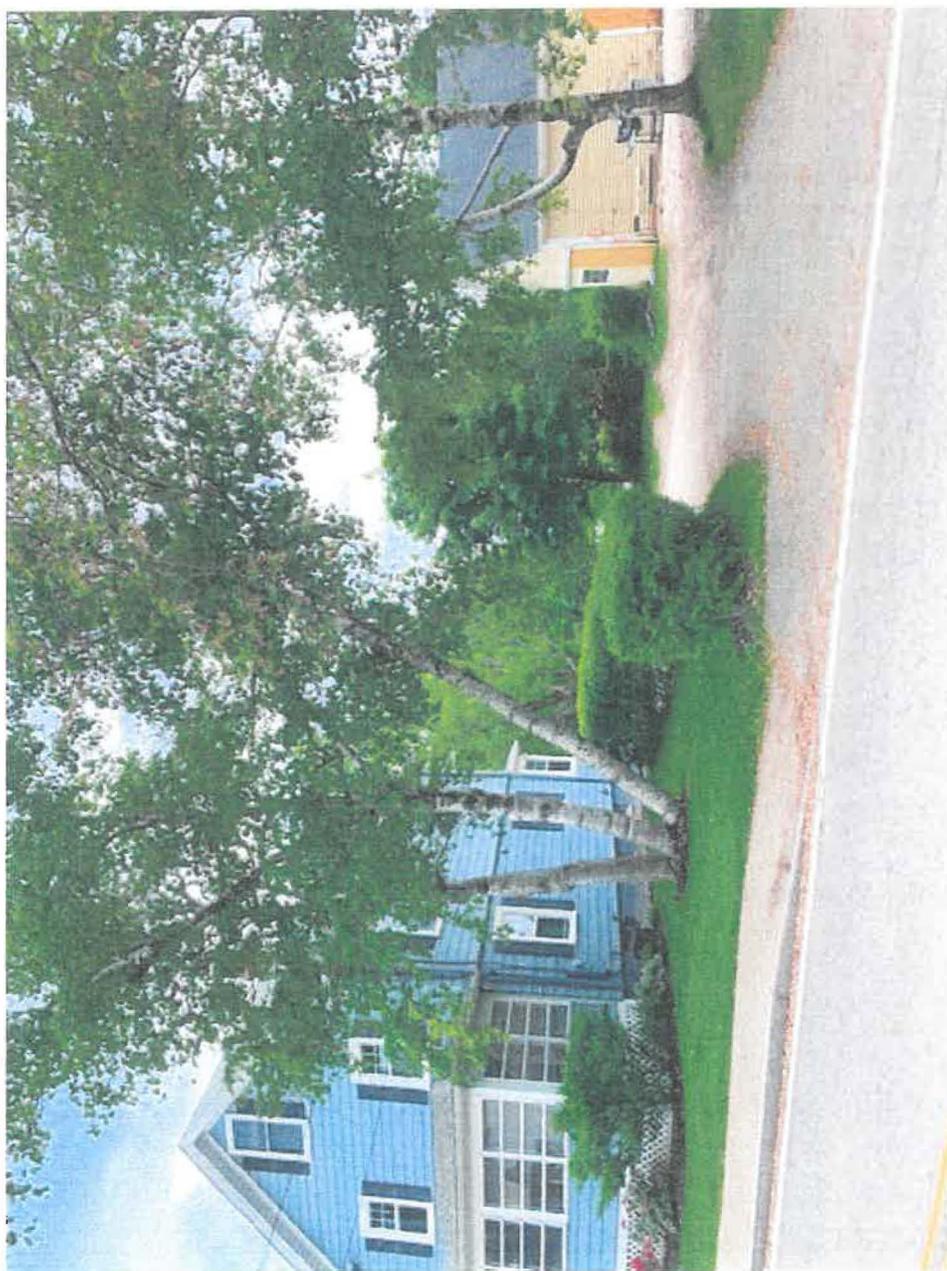






CM Action Item #4







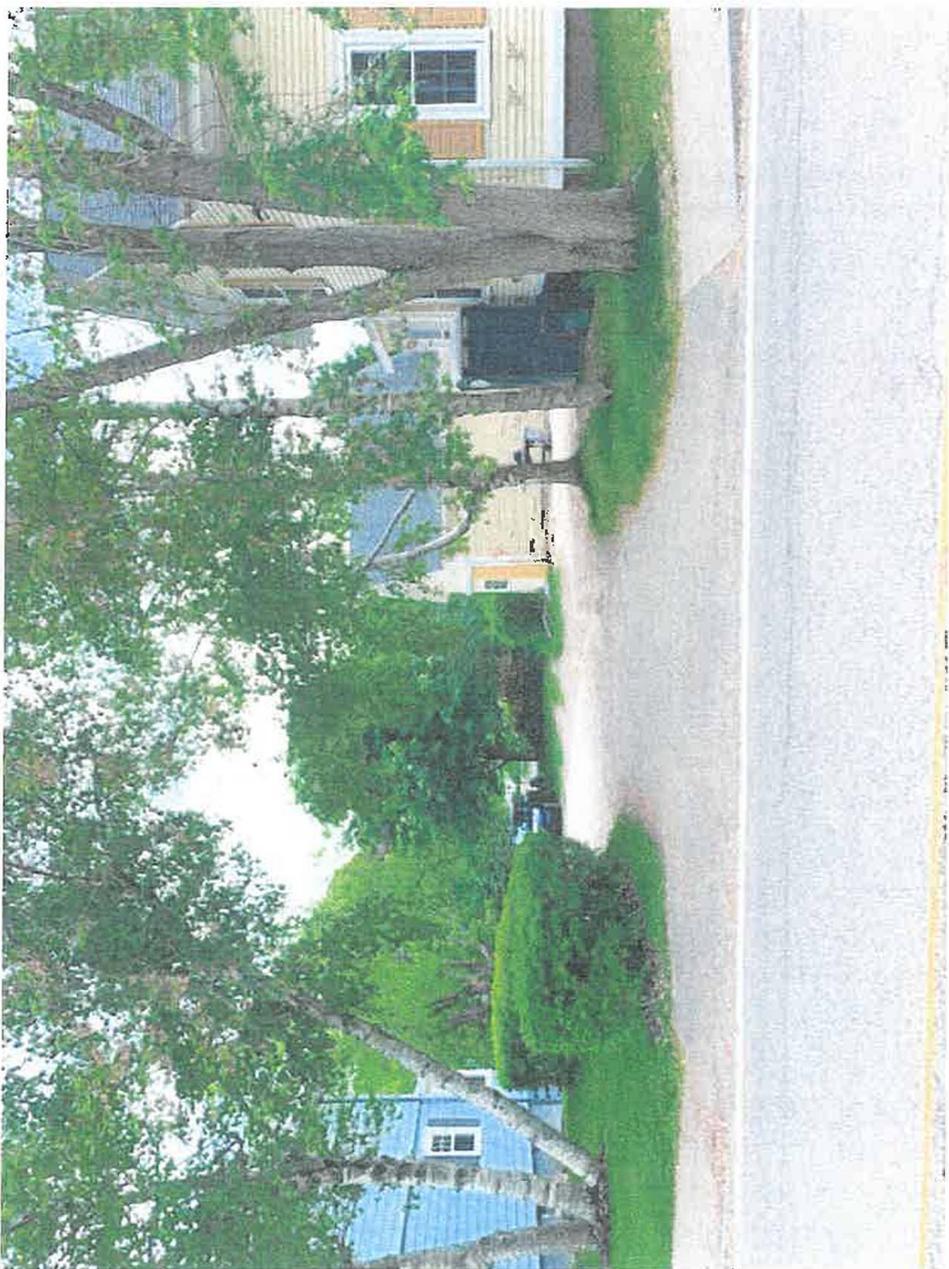




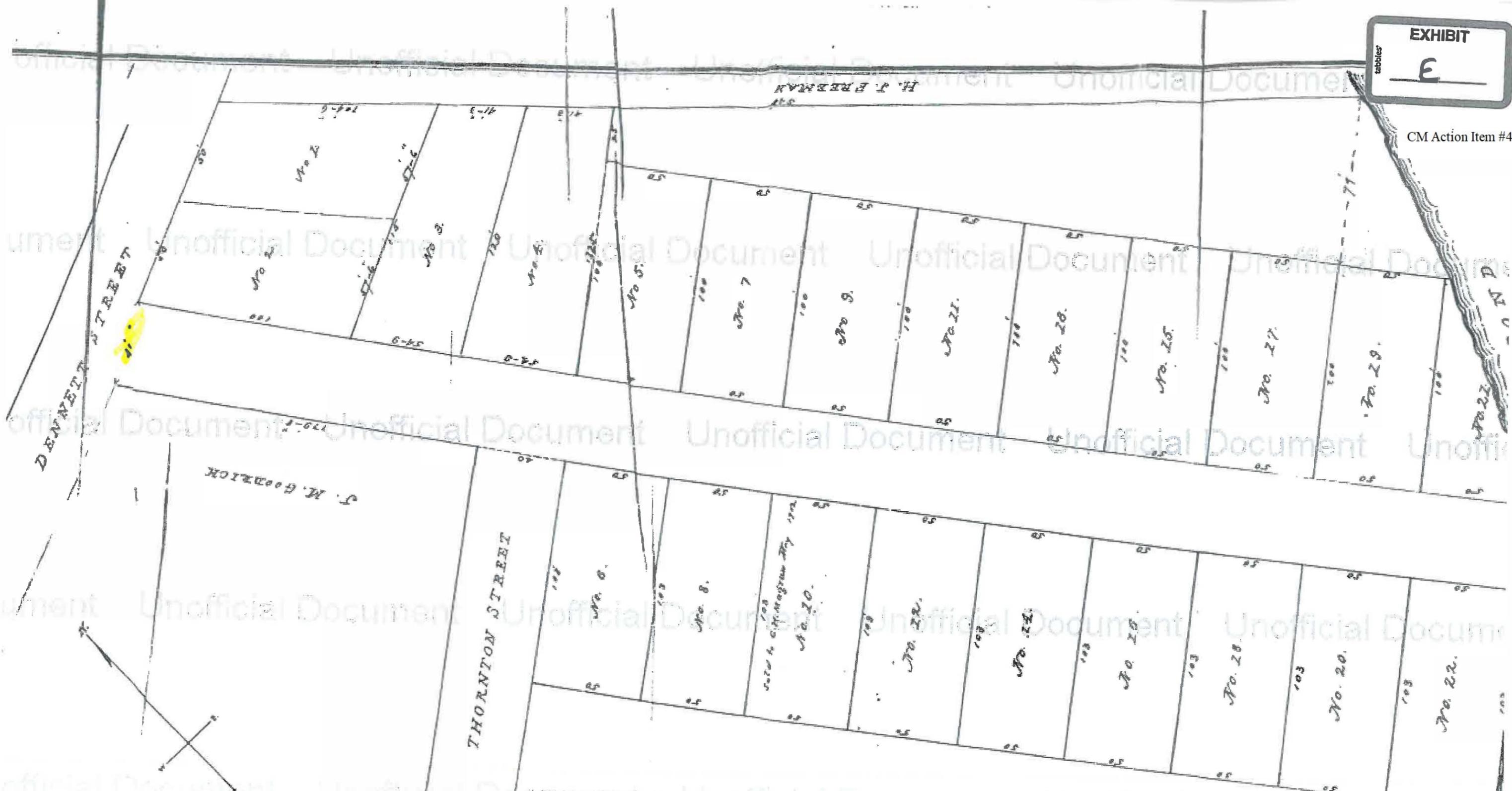




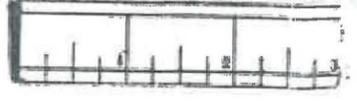


EXHIBIT
E

CM Action Item #4

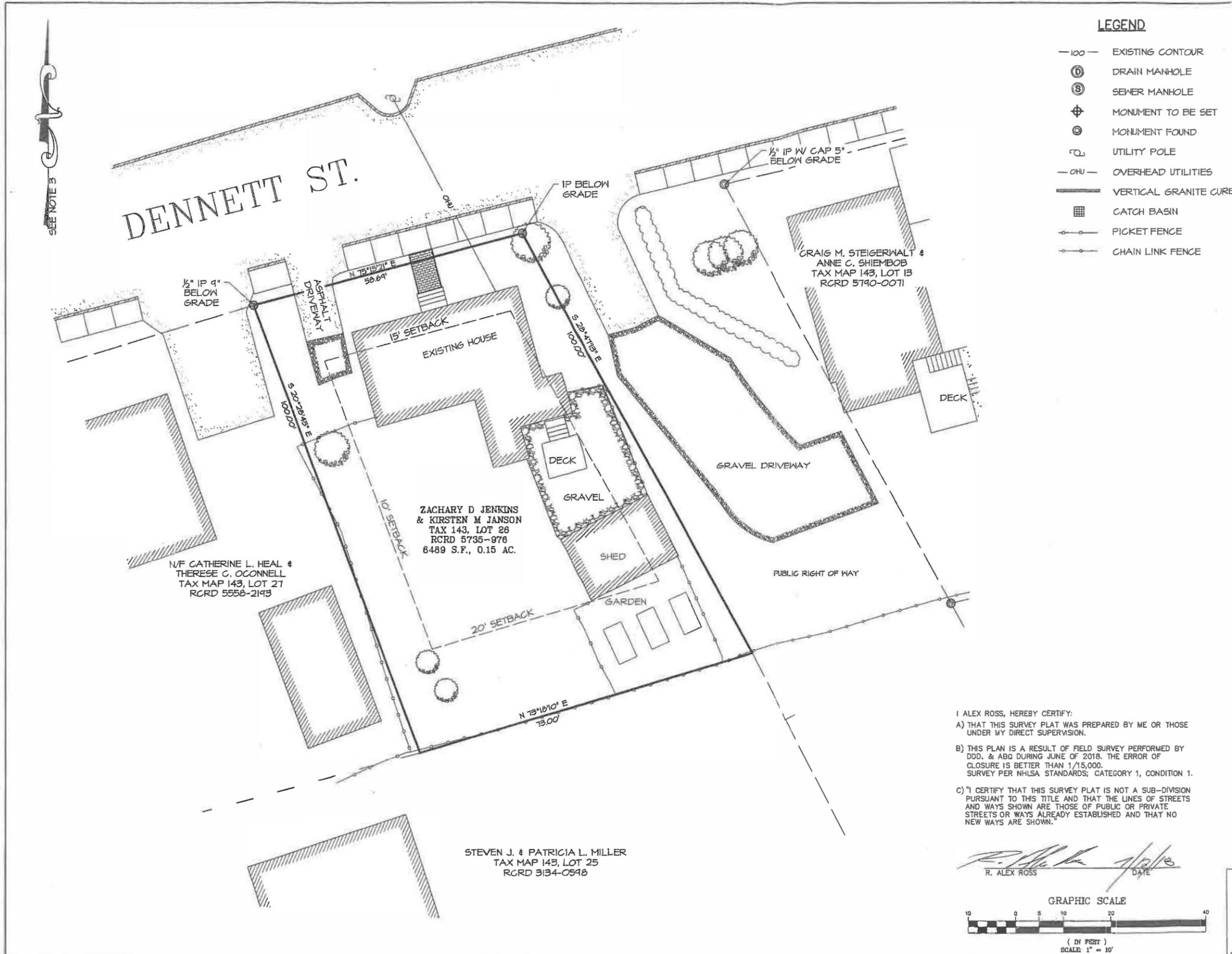


PLAN OF LOTS OF LAND BELONGING TO
 C. I. FINKHAM AND J. M. MARDEN
 PORTSMOUTH, N. H. MAY, 1901.



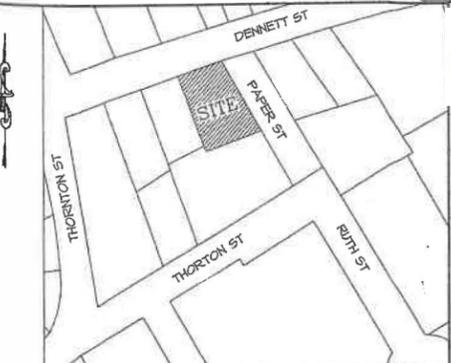
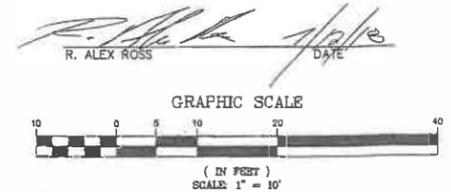
Scale 25 feet to an inch.

Plan # 00245



I ALEX ROSS, HEREBY CERTIFY:

- THAT THIS SURVEY PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.
- THIS PLAN IS A RESULT OF FIELD SURVEY PERFORMED BY DDD. & ABG DURING JUNE OF 2018. THE ERROR OF CLOSURE IS BETTER THAN 1/15,000. SURVEY PER NH-LSA STANDARDS; CATEGORY 1, CONDITION 1.
- I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUB-DIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.



LOCUS PLAN
N.T.S.

NOTES

- OWNER OF RECORD:
ZACHARY JENKINS
TAX MAP 143, LOT 26
294 DENNETT STREET
PORTSMOUTH, NH 03801
RCRD: 5135-476
AREA: 6489 SF, 0.15 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #3.
- PARCEL IS IN GENERAL RESIDENTIAL A ZONE
MINIMUM LOT AREA..... 7500 SF
MIN. LOT AREA PER DWELLING UNIT..... 7500 SF
MINIMUM FRONTAGE..... 100 FT
MINIMUM DEPTH..... 70 FT
SETBACKS:
FRONT..... 15 FT
SIDE..... 10 FT
REAR..... 20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF..... 35 FT
FLAT ROOF..... 30 FT
MAXIMUM BUILDING COVERAGE..... 25%
MINIMUM OPEN SPACE..... 30%
- THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254E, PANEL 330139, DATED MAY 17, 2005.

REFERENCE PLANS

- "PLAN OF LOTS OF LAND BELONGING TO C.I. PINKHAM AND J.M. MARDEN" DATED MAY, 1902. RCRD 00245
- "BOUNDARY SURVEY FOR STEWGOOD, L.L.C." BY ROSS ENGINEERING. DATED DECEMBER 28, 2016. RCRD D-39925
- "LOT LINE ADJUSTMENT FOR STEWGOOD, L.L.C. & CRAIG M. STEIGERWALT & ANNE C. SHIEMBOB" BY ROSS ENGINEERING. DATED MAY 24, 2017. RCRD D-40257

ISS.	DATE	FOR REVIEW	DESCRIPTION OF ISSUE
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	A.B.G. & D.D.D.		
CHECKED			
ROSS ENGINEERING Civil/Structural Engineering & Surveying 907 Leffingwell St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT ZACHARY JENKINS 294 DENNETT ST PORTSMOUTH, NH 03801			
TITLE BOUNDARY SURVEY & EXISTING CONDITIONS 294 DENNETT ST PORTSMOUTH, NH 03801 TAX MAP 143, LOT 26			
JOB NUMBER	DWG. NO.	ISSUE	
18-065	1 OF 1	1	



March 5, 2020

The Honorable Mayor Richard Becksted
Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Subject: Petition for Release of Interest in Paper Street contiguous to 276 Dennett Street (Tax Map 143, Lot 13) pursuant to RSA 231:51 and 231:52.

Dear Mr. Mayor:

My wife, Anne C. Shiembob, and I are the owners of 276 Dennett Street. I write to request that City formally release its interest in a portion of the paper street abutting our property at 276 Dennett Street.

This land was dedicated as a portion of Ruth Street pursuant to a plan recorded in 1902 at the Rockingham County Registry of Deeds titled, "Plan of Lots of Land Belonging to C.I Pinkham and J.M Marden," (the "Plan"), which also created our lot.

When lots are sold with reference to a recorded plan that shows existing or proposed streets, a deed to the lot will convey title to the centerline of the street unless otherwise stated in the deed. *See Gagnon v. Moreau*, 107 N.H. 507, 509, (1967) (stating, "It is familiar law that where lots are sold by reference to a recorded plat or plan showing existing or proposed streets which constitute boundaries of the lots, a conveyance ordinarily operates to convey to the grantee the fee simple to land underlying adjoining streets and rights of way to the center line thereof. . . .")

The original deed for our property was recorded in the Rockingham County Registry of Deeds at Book 799, Page 287 (see copy attached) and did not exclude our interest in the proposed street, making us the fee simple owners out to the centerline of the proposed street.

In 1913, RSA 231:51 was enacted to require that municipalities accept paper streets within twenty years of their dedication or lose the right of acceptance. Prior to 1945, the only methods of acceptance were for the public to use the land as a street for a period of twenty years or for a public authority to construct the street. *See Polizzo v. Hampton*, 126 N.H. 398, 402 (1985) (stating that "in 1945, RSA 229:1 was amended to provide that a dedicated street would become a public highway when it was 'accepted' by a city or town, independent of a laying out by public authority or twenty years' use by the public.")

In this case, the land shown as Ruth Street on the 1902 Plan, located between our property and Tax Map 143, Lot 126 (294 Dennett Street), was never used as a street by the

Page 2
Honorable Mayor Richard Becksted
March 5, 2020

public and never laid out as a street by a public authority. Consequently, the City's right to accept this proposed street was terminated in 1922.

We respectfully request that the City recognize these circumstances and formally relinquish its rights in this portion of Ruth street in accordance with RSA 231:52, in order to eliminate any lingering questions regarding the status of our title to this land.

Very truly yours,

A handwritten signature in black ink, appearing to read "Craig M. Steigerwalt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig M. Steigerwalt

\$1.00
per

Know all Men by these Presents,

287
287

THAT I, Charles I. Pinkham, of Portsmouth in the County of Rockingham and State of New Hampshire

for and in consideration of the sum of one dollar _____
to me in hand, before the delivery hereof well and truly paid by Arthur W. Hersey of said
Portsmouth

Pinkham
to
Hersey

the receipt whereof I do hereby acknowledge, have given; granted; bargained and sold, and by these presents
do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Hersey and his
heirs and assigns forever,

del. to
C. H. Batchelder.

Two certain lots of land in said Portsmouth, being lots numbered one (1) and two (2)
on a plan recorded in Rockingham Registry of Deeds, Book 631, Page 481, and bound-
ed and described as follows: - northwesterly by Bennett Street one hundred feet,
more or less; northeasterly by land of W^c Court, formerly of Harry J. Freeman,
one hundred four feet six inches, more or less; southeasterly by lot number
three (3) on said plan one hundred fifteen feet, more or less; and southwestly
by a proposed street one hundred feet, more or less.

Being a part of the premises acquired by me by deeds recorded in said Reg-
istry, Book 584, Page 229, and Book 664, Page 272.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same
belonging, to him the said Hersey and
his heirs and assigns, to his and their only proper use and benefit forever. And I the
said Pinkham and my heirs, executors and adminis-
trators, do hereby covenant, grant and agree, to and with the said Hersey
and his heirs and assigns, that until the delivery hereof I am the lawful owner
of the said premises, and am seized and possessed thereof in my own right and fee simple; and have full
power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free
and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and
administrators, shall and will warrant and defend the same to the said Hersey
and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Lydia L. Pinkham, wife of the said Charles I.
in consideration aforesaid, do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on
execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved
or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 27, 1854, entitled "An Act to exempt the
Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on
execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved
or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 27, 1854, entitled "An Act to exempt the
Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In Witness whereof we have hereunto set our hands and seals this twenty ninth
day of August in the year of our Lord one thousand nine hundred and 25

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:

Chas. H. Batchelder

Charles I. Pinkham (L.S.)
Lydia L. Pinkham (L.S.)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. Aug. 29. A. D. 1925.
Personally appeared the above named Charles I. Pinkham and Lydia L. Pinkham
and acknowledged the foregoing instrument to be their
voluntary act and deed.

BEFORE ME,

Chas. H. Batchelder

Justice of the Peace.

Aug. 31st

Received and recorded Aug. 31st 1925

John W. Green Register.



245 Middle Street, Portsmouth, NH 03801 - www.porthousing.org

March 23, 2020

Karen Conard, City Manager
City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801

Re: Portsmouth Housing Authority Court Street Workforce Housing Project

Dear Ms. Conard:

In August 2018, the City of Portsmouth approved our plans to construct a new 64 unit workforce housing project at 160 Court Street, adjacent to the Feaster Apartment building at 140 Court Street.

Our approved project includes a requirement for a lot line adjustment with the owner of real estate at 152 Court Street. We are purchasing a portion of this property at 152 Court Street in order to build our new project, but the owner is retaining and persevering the historic colonial home that is a part of this real estate.

The approved lot line adjustment requires the PHA and the current owner of 152 Court Street to deed a portion of their respective properties to each other. The land PHA will convey is a portion of land conveyed to the PHA by deed of the City of Portsmouth, Book 1942, Page 012. I have enclosed a copy of the deed for your reference.

The deed includes a reverter clause which says if the PHA "ceases to operate and own a housing for the elderly project" where Feaster Apartments currently operates, the land reverts to the City. In order to make the conveyances in accordance with the approved lot line adjustment, we need to obtain a release of the reverter.

I have enclosed a draft release for your review and execution. I am happy to discuss in more detail at your request.

Sincerely,

Craig W. Welch, Executive Director
Portsmouth Housing Authority & PHA Housing Development Ltd.

Enclosure

Cc: Juliet Walker, City Planner
Robert Sullivan, Esquire, City Attorney
Mrs. Ruth L. Griffin, Chair, Portsmouth Housing Authority



MEMORANDUM

TO: Honorable Mayor Becksted, Members of the City Council

FROM: Attorney John K. Bosen, Attorney for the Portsmouth Housing Authority

RE: Portsmouth Housing Authority Workforce Housing Project

DATE: April 28, 2020

The purpose of this memorandum is to supplement Craig Welch's March 23, 2020, letter to the City Manager, Karen Conrad, in which he requests a **partial** release of a reverter contained in a Deed recorded at the Rockingham County Registry of Deeds at Book 1943, Page 12. A copy of the proposed reverter release, detailing the piece of property to which it would apply, is attached hereto as Exhibit A. The Deed containing the reverter clause is attached hereto as Exhibit B.

By way of background, the Portsmouth Housing Authority ("PHA") owns and operates the Feaster Apartment building located at 140 Court Street. As you know, the PHA received approvals from the City of Portsmouth's land use boards for construction of a 64-Unit workforce housing building. Ed Pac, LLC, is the owner of 152 Court Street, which is adjacent to PHA's property at 140 Court Street. As a part of the approvals for the workforce housing, PHA and Ed Pac, LLC, got a minor lot line adjustment approved, whereby PHA was to purchase a portion of Ed Pac, LLC's property which sits between the Portsmouth Fire Station and the Feaster Apartment building, and Ed Pac, LLC, was to receive two small slivers of PHA's property for purposes of providing Ed Pac, LLC, a parking spot and access to the historic building which is to remain at 152 Court Street. However, in order to convey marketable and insurable title to those two slivers of land to Ed Pac, LLC, and complete the approved lot line adjustment, the reverter as to those two slivers of land only, must be released by the City. .

Summaries of the chains of title for 140 Court Street and 152 Court Street are below.

140 Court Street (PHA Land):

There are three sources of title for PHA's Feaster Apartments property.

1. Deed from Paul V. Brown and Edward I. Shaines to PHA recorded on November 10, 1965, at the Rockingham County Registry of Deeds at Book 1797, Page 20. Brown and Shaines had acquired the property herein conveyed by deed of the Young Man's Christian Association of Portsmouth on June 8, 1960. That deed is recorded at Book 1548, Page 233.

2. The second source of title is a decree in a case entitled Portsmouth Housing Authority v. Paul V. Brown et al. That decree quiets title to a portion of the Feaster Apartments property in Portsmouth Housing Authority. The decree is dated October 6, 1966 and was recorded at the Rockingham County Registry of Deeds at Book 1839, Page 307. It is impossible to tell from the recorded decree what the claimed title defect was in 1966.
3. The final source of title is the Deed from the City of Portsmouth to Portsmouth Housing Authority, which deed was recorded on July 17, 1968, at the Rockingham County Registry of Deeds at Book 1920, Page 1947. A corrective deed was later recorded on November 22, 1968, at Book 1942, Page 12. This deed contains the reverter clause. The reverter is triggered if PHA “ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land” (The adjacent land to which this clause appears to refer is the land acquired from Brown and Shaines in 1965, and any interest obtained via quiet title in 1966).

Copies of all deeds and the decree referenced in this section are attached hereto as Exhibit C.

152 Court Street (Ed Pac Land):

Ed Pac, LLC’s chain of title is as follows:

1. Peter J. Hickey, Trustee under the will of William McEvoy conveyed the property to Ruth F. Chase by deed dated March 29, 1938 and recorded at the Rockingham County Registry of Deeds.
2. Ruth F. Chase conveyed the property to Frank A. Graf II and Joan C. Graf by deed dated December 15, 1972 and recorded at the Rockingham County Registry of Deeds at Book 2192, Page 239.
3. Frank and Joan Graf conveyed the property to Joan C. Graf, Trustee of the Joan C. Graf Trust and to Frank A. Graf, Trustee of the Frank A. Graf Trust by deed dated October 16, 2000, and recorded at the Rockingham County Registry of Deeds at Book 3511, Page 1378.
4. The trustees of the Joan C. Graf Trust and the Frank A. Graf Trust conveyed the property to Ed Pac, LLC.
5. Ed Pac, LLC, conveyed a PORTION ONLY of its property to PHA Housing Development, Ltd., by deed dated March 11, 2020, and recorded at the Rockingham County Registry of Deeds at Book 6091, Page 1934. The portion of 152 Court Street conveyed to PHA is depicted on a plan recorded at the Rockingham County Registry of Deeds as Plan D-42016.

Copies of all deeds and the plan referred to in this section are attached hereto as Exhibit D.

Both of these parcels of land are shown on the existing conditions plan also attached hereto as Exhibit D. The PHA parcel is identified as Map 116/38 and the Ed Pac land is identified as Map 116/37. As part of the development plan, the PHA subdivided Map 116/37 to allow for the preservation of the existing historic home located on Court Street to remain. The approved lot line relocation plan is attached hereto as Exhibit E.

To address some of the Council's comments from the April 20th, 2020 meeting, I offer the following:

1. The Feaster property was originally at least two parcels, as set out above. PHA acquired the property from the City in part, and from Brown and Shaines in part, and, potentially an interest via quiet title as well.
2. The property that will revert in the event that Feaster no longer operates as a "housing for the elderly project" is the property conveyed by the deed at 1942/12 (less the portion to be conveyed to Ed Pac, LLC, if the reverter is removed from that small portion).
3. The reverter issue did not come up earlier in the project because PHA only did title work for that portion of 152 Court Street that it was purchasing from Ed Pac, LLC, it did not do title work on its own property.
4. The portion of property being conveyed to Ed Pac, LLC, pursuant to the approved lot line relocation plan is shown on the attached plan marked as Lot line Relocation plan Exhibit E. In Green, marked as parcels A & C is the property being conveyed. This amounts to less than 1000 square feet of land and will not impact the Portsmouth Housing Authority's continued operation of the Feaster Apartments.
5. Attached as Exhibit F is a copy of the proposed Reverter Release for Parcels A & C. As a point of clarification, this release is not intended to release the entire reverter.

PARTIAL RELEASE OF REVERTER

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of the State of New Hampshire, having an address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, holder of a right of reverter over certain property as described in that certain deed from The City of Portsmouth, New Hampshire, to Portsmouth Housing Authority, dated November 22, 1968, and recorded at the Rockingham County Registry of Deeds at Book 1942, Page 12, hereby releases from the said right of reverter, the following described property:

Two certain parcels of land situate in Portsmouth, County of Rockingham, State of New Hampshire, depicted on a plan (the "Plan") entitled "Boundary Plan of Land, Tax Map 116 – Lot 37, Prepared For: Portsmouth Housing Authority, Owner: Ed Pac, LLC, 152 Court Street, City of Portsmouth, County of Rockingham, State of New Hampshire" dated February 2020, and recorded at the Rockingham County Registry of Deeds as Plan D-42016. The property conveyed herein is more particularly bounded and described on the Plan as follows:

PARCEL I:

Beginning at a point at the southwestern corner of the lot herein conveyed; Thence running North 27° 37' 38" West a distance of 50.14 feet to a point; Thence turning and running North 64° 08' 47" East a distance of 4.56 feet to drill hole set; Thence turning and running South 27° 01' 57" East a distance of 50.05 feet to an iron rod set; Thence turning and running South 63° 06' 44" West a distance of 4.04 feet to a point; Thence turning and running North 29° 49' 47" West a distance of 36.65 feet to the point and place of beginning.

PARCEL II:

Beginning at a point at the northwestern corner of the lot herein conveyed; Thence running North 62° 23' 13" East a distance of 12.90 feet to a point; Thence turning and running South 27° 31' 47" East a distance of 29.87 feet to a point; Thence turning and running South 32° 05' 47" East a distance of 20.02 feet to a point; Thence turning and running South 63° 06' 44" West a distance of 1.59 feet to a drill hole set; Thence turning and running North 89° 40' 10" West a distance of 14.52 feet to a point; Thence turning and running North 27° 36' 47" West a distance of 43.00 feet to the point and place of beginning.

This partial release of reverter shall not in any way affect or impair the rights of the City of Portsmouth in and to the right of reverter as it may apply to all of the remainder of the premises conveyed to the Portsmouth Housing Authority by the Deed recorded at the Rockingham County Registry of Deeds at Book 1942, Page 12 and not hereby specifically released.

IN WITNESS WHEREOF, the undersigned have executed this Release this _____ day of _____, 2020.

City of Portsmouth

By: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

_____, 2020

This release was acknowledged before me by _____,
the _____ of the City of Portsmouth.

Before me,

Notary Public
My Commission Expires:

1942 012

Nov 22 2 37 PM '68 17899

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of the State of New Hampshire, with its principal place of business at 126 Daniel Street in said Portsmouth, for consideration paid grants to the Portsmouth Housing Authority, a body corporate and politic, with a principal place of business at 25 Vaughan Street, Portsmouth, County of Rockingham and the State of New Hampshire, with quitclaim covenants a certain tract or parcel of land in said City of Portsmouth bound and described as follows:

Beginning at a point located on the southerly sideline of Court Street, said point being located 241.5 feet, more or less, from the northwesterly corner of Rogers Street and Lot No. 7 as shown on Assessor Plan #21 of the City of Portsmouth; thence turning and running southeasterly for a distance of 245.5 feet, more or less to the boundary line of lands presently or formerly owned by the Home for Aged Women, so-called as shown on said Assessor Plan #21 as Lot No. 10; thence turning northeasterly and running along the westerly property line of said Lot #10 and the westerly property line of Lot No. 19 as shown on said Assessor Plan No. 21 for a distance of 148 feet, more or less, to a point; thence turning and running Northwesterly 90°, 69.91 feet, more or less, to a point; thence turning and running southwesterly 66.72 feet, more or less, to a point located on the westerly boundary line of Lot No. 11 as shown on said Assessor Plan No. 21; thence turning northwesterly along said Lot No. 11 boundary line for a distance of 175.08 feet, more or less, to the southerly side line of Court Street; thence turning southwesterly and running 85.5 feet, more or less, in a southwesterly direction along Court Street sideline to the point of beginning.

Meaning to include all of Lot No. 24 and a section of Lot No. 11 so as to include a total of 25,004 square feet of land presently owned by the City of Portsmouth, New Hampshire.

The within conveyance is made subject to the following reverter provision: If and when the said Grantee ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land, the above described tract or parcel of land shall automatically revert to the said City of Portsmouth.

This deed is given to correct the description in a prior deed dated July 16, 1968 and recorded in Rockingham County Register of Deeds at Book 1920, Page 47.

IN WITNESS WHEREOF, The City of Portsmouth, by its City Manager, duly authorized, has hereunto set his hand and the corporate seal this 22nd day of November in the year of our Lord 1968.

In the presence of:

City of Portsmouth

[Signature]

By *[Signature]*
Robert C. Violette
City Manager



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

November 22, 1968

Personally appeared Robert C. Violette, known to me, who, being sworn did say that he is the City Manager of the City of Portsmouth, a municipal corporation duly organized by law, that the seal affixed to the foregoing instrument is the corporate seal of said City, that said instrument was signed and sealed on behalf of said City, and said City Manager Robert C. Violette acknowledged said instrument to be the free act and deed of said City and that he executed the same for the purposes therein contained.

[Signature]
Justice of the Peace

and that no other purchaser shall be answerable for the application of the purchase money.

And it is agreed that if the premises herein described be acquired, in whole or in part, by one who does not assume and agree to pay this mortgage, that the whole of said mortgage indebtedness shall become due at the option of the holder of this mortgage.

This mortgage is subject to the provisions of Part 3 of the Act of Congress entitled "the Emergency Farm Mortgage Act of 1933" (and any amendments thereto.)

In Witness Whereof we have hereunto set our hands and seals the 7th day of May in the year of our Lord One Thousand Nine Hundred and Thirty-eight.

Signed, sealed and delivered in the presence of

Muriel D. Bowen Clarence E. Fiske (L.S.)
to both Albertina Fiske (L.S.)

State of New Hampshire, Rockingham SS. May 7, 1938.

Personally appeared the above named Clarence E. Fiske and Albertina Fiske and acknowledged the foregoing instrument to be their voluntary act and deed. Before me,

Muriel D. Bowen

Justice of the Peace

Received and Recorded May 7, 11:10 A.M.1938.

John W. Green Register

Trus. Deed
Hickey, Tr.
to
Chase
Del. to
R.G.McCarthy

50 cts.
rev.

Know All Men By These Presents,

That I, Peter J. Hickey of Portsmouth, in the County of Rockingham and The State of New Hampshire, Trustee under the will of William McEvoy late of said Portsmouth, by virtue of a license from the Court of Probate for said County of Rockingham, holden at Exeter in said County on the twenty-second day of March, 1938, authorizing me to sell at public auction or private sale, and in consideration of the sum of One dollar and other valuable consideration to me in hand before the delivery hereof, paid by Ruth E. Chase of Newcastle in said county of Rockingham and The State of New Hampshire, the receipt whereof I do hereby acknowledge, have granted, bargained and sold, and by these presents, do hereby in my said capacity, grant, bargain, sell, convey and confirm unto the said Ruth E. Chase, her heirs and assigns forever, all the right, title and interest of said deceased in and unto the following described real estate:

A certain parcel of land with the buildings thereon, situate on the Southerly side of Court Street in said Portsmouth and bounded and described as follows: Beginning at the Northwesterly corner of the land of the heirs of Robert Bradford, deceased, and thence running by said Court Street, South 80° West, 25.60 feet, more or less, to a point; which is the Westerly edge of a granite curb at land now or formerly of Emily Florence Donnell; thence turning and running South 11° East by said curb and by other land of Donnell, 29.87 feet, more or less, to the end of the brick sidewalk; thence continuing by said other land of said Donnell, South 15° 34' East 29.13 feet, more or less; thence continuing by said Donnell's other land, South 13° 18' East, 36.65 feet, more or less; thence turning and running at right angles by said Donnell's other land, North 76° 42' East 1.85 feet, more or less; thence turning at right angles and running by said Donnell's other land, South 11° 18' East, 109.55 feet, more or less; thence turning and running at right angles, North 79° 43' East, 19.25 feet, more or less, to land of said heirs of Bradford; thence turning and running by said Bradford land North 10° 27' West, 204.8 feet, more or less, to point begun at.

Together with a right-of-way from Court Street to the back yard of said premises, in common with said Emily Florence Donnell, her heirs and assigns. Being the same property conveyed to the late William McEvoy by Emily Florence Donnell by Warranty deed, dated June 23, 1923, recorded in Rockingham Records, Book 777, Page 83.

Being subject, nevertheless, to a certain mortgage to the Piscataqua Savings Bank of said Portsmouth, dated June 22, 1923, recorded in Rockingham Records, Book 775, Page 114.

To have and to hold the same with all the privileges and appurtenances thereto belonging to the said Grantee, her heirs and assigns forever. And I do hereby, in my said capacity covenant with the said Grantee, her heirs and assigns, that I am duly authorized to make sale of the premises, that in all my proceedings in the sale thereof I have complied with the requirements of the statute in such case provided, and that I will warrant and defend the same to the said Grantee, her heirs and assigns, against the lawful claims of all persons claiming by, from or under me, in the capacity aforesaid. In Witness Whereof, I have hereunto set my hand and seal this twenty-ninth day of March in the year of our Lord, 1938.

Signed, sealed and delivered in the presence of:

Ralph G. McCarthy

Peter J. Hickey (L.S.)
Trustee u/w William McEvoy

The State of New Hampshire, Rockingham SS. March 29, A.D.1938.

Personally appeared Peter J. Hickey, Trustee under the will of William McEvoy and acknowledged the foregoing instrument by him subscribed to be his voluntary act and deed.

Before me,
Ralph G. McCarthy

Justice of the Peace

Received and Recorded May 9, 9 A.M.1938.

John W. A. Green Register

50 cts.
rev.

Deed Under Power Of Sale.

Foreclosure

Stanford

Whereas, Charles E. Stanford of Londonderry in the County of Rockingham and State of New Hampshire, did by mortgage deed dated May 2, 1917, and recorded in Rockingham County Registry of Deeds, Book 717, Page 57, convey the premises hereinafter described to Viola A. Barnett of Derry in said County of Rockingham and State of New Hampshire, and whereas on July 21, 1936, Walter A. Pillsbury, Administrator of the estate of said Viola A. Barnett, did assign said mortgage to Gertrude V. Cooley, George A. Cutler and Allison B. Cutler, Sr., heirs-at-law of said Viola A. Barnett, and whereas in and by said mortgage deed the grantee named therein and her heirs and assigns were authorized and empowered, upon any default in the premises or observance of the conditions of said mortgage, to sell the said premises, with all additions and improvements that might be thereon, at public auction in the town of Londonderry aforesaid on the premises, first publishing notice as therein required in some newspaper published in Exeter in said County, and did authorize and empower the mortgagee therein or her assigns to convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee simple; and whereas there has been such default, and notice has been published, and a sale has been made, as will more particularly appear in and by the affidavit hereto subjoined.

to
Cooley
et al
Del. to
W.A.Pills-
bury
See B. 717
P. 57

Now Therefore Know All Men that said Gertrude V. Cooley, George A. Cutler and Allison B. Cutler, Sr., by virtue and in execution of the power in said mortgage deed as aforesaid, and of every other power contained in said mortgage deed as aforesaid, and of every other power hereto enabling, and in consideration of the sum of Four Hundred (\$400.00) dollars to them paid by said Gertrude V. Cooley, George A. Cutler and Allison B. Cutler Sr. do hereby bargain, sell and convey unto the said Gertrude V. Cooley, George A. Cutler and Allison B. Cutler Sr., their heirs and assigns all and singular the premises conveyed by the aforesaid mortgage deed, namely:

A certain parcel of land with the buildings thereon, situated in Londonderry in the

see
Shaines
U.S. Rev
Supt #2750

KNOW ALL MEN BY THESE PRESENTS

1548 233

That The Young Men's Christian Association of Portsmouth, in the County of Rockingham and State of New Hampshire, a corporation duly established by the laws of said State, FOR AND IN CONSIDERATION of the sum of one dollar and other valuable considerations to it in hand before the delivery hereof well and truly paid by Paul V. Brown and Edward I. Shaines, both of Portsmouth in the County of Rockingham and State of New Hampshire, the receipt whereof it does hereby acknowledge, has granted, bargained and sold, and by these presents does give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Paul V. Brown and Edward I. Shaines, their heirs and assigns forever,

A certain parcel of land with the buildings thereon situate in the Southerly side of Court Street in said Portsmouth, bounded and described as follows, viz:

Beginning in said Street in the Northeasterly corner of said premises and at the Northwesterly corner of premises of Emily Donnell, et als; and thence turning and running by said Donnell's land South ten degrees, forty-four minutes (10° 44') East, two hundred forty-three and eight-tenths (243.8) feet to land now or formerly of Rufus Wood; thence turning and running by said land of Wood and land now or formerly of Frank E. Hodgdon, South seventy-nine degrees, six minutes (79° 6') West, seventy-seven (77) feet to a point at said Hodgdon land; thence turning and running North twelve degrees, one minute (12° 1') West, two hundred forty-five and eight-tenths (245.8) feet by land now or formerly of Hodgdon, Sullivan, Chick, Appleton, Whalley, and Johnston to a point in said Court Street; thence turning and running by said Court Street North eighty degrees, twenty-six minutes (80° 26') East, eighty-two and fifty-five hundredths (82.55) feet to the point begun at.

Being the same premises shown on a plan entitled "Plan of Lot No. 130 Court Street, Portsmouth, N. H.", dated July, 1937 made by John W. Durgin, Civil Engineer, further identified by File No. 2010, Plan No. 1-184 and also being the same premises conveyed by the Philbrooks and Reids to the grantor by deed dated November 16, 1956, recorded in Rockingham County Registry of Deeds Book 4417, Page 17.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging to them the said Paul V. Brown and Edward I. Shaines and their heirs and assigns, to them and their only proper use and benefit forever. And it the said Grantor, its successors and assigns does hereby covenant, grant and agree, to and with the said Paul V. Brown and Edward I. Shaines and their heirs and assigns that until the delivery hereof it is the lawful owner of the said premises, it is seized and possessed thereof in its own right in fee simple; and has full power and lawful authority to grant and convey the same in manner aforesaid; that the premises are free and clear from all and every incumbrance whatsoever; and that it and its successors and assigns shall and will WARRANT AND DEFEND the same to the said Paul V. Brown and Edward I. Shaines and their heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

IN WITNESS WHEREOF the Young Men's Christian Association of Portsmouth, New Hampshire, a corporation having no common seal, has caused this deed to be signed and sealed by its Board of Trustees this 8th day of June 1960.

Signed, sealed and delivered in the presence of
Norman F. C. Kent

To all etc

J. Kerne Wood
Walter S. Wood
Charles Walker
Forman E. Paul
Frederic G. Williams
James J. Landis

17

Del
Gunter
U.S. Post
STAMP
35.75

1797 020 Know all Men by these Presents:

THAT we, Paul V. Brown and Edward I. Shaines, both of Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grant to Portsmouth Housing Authority, a public body corporate and politic duly organized and established by law with a principal place of business at Portsmouth, Cty., with warranty covenants to the said Portsmouth Housing Authority (of Rockingham and State of New Hampshire)

A certain parcel of land ~~with the buildings thereon~~ situate in the Southerly side of Court Street in said Portsmouth, bounded and described as follows, viz:

Beginning in said Street in the Northeasterly corner of said premises and at the North-westerly corner of premises now or formerly of Emily Donnell, et als; and thence turning and running by said Donnell's land South ten degrees, forty-four minutes (10° 44') East, two hundred forty-three and eight-tenths (243.8) feet to land now or formerly of Rufus Wood; thence turning and running by said land of Wood and land now or formerly of Frank E. Hodgdon, South seventy-nine degrees, six minutes (79° 6') West, seventy-seven (77) feet to a point at said Hodgdon land; thence turning and running North twelve degrees, one minute (12° 1') West, two hundred forty-five and eight-tenths (245.8) feet by land now or formerly of Hodgdon, Sullivan, Chick, Appleton, Whalley, and Johnston to a point in said Court Street; thence turning and running by said Court Street North eighty degrees, twenty-six minutes (80° 26') East, eighty-two and fifty-five hundredths (82.55) feet to the point begun at.

Being the same premises shown on a plan entitled "Plan of Lot No. 130 Court Street, Portsmouth, N. H.", dated July, 1937 made by John W. Durgin, Civil Engineer, further identified by File No. 2010, Plan No. 1-184 and also being the same premises conveyed by the Young Men's Christian Association of Portsmouth to the grantors by Warranty Deed, dated June 8, 1960, recorded at Rockingham County Registry of Deeds, Book 1548, Page 233.



We, Dorothy R. Brown and Ruth H. Shaines, wives ~~of~~ of said grantor, release to said grantee all rights of ~~and~~ and homestead and other interests therein.

Witness OUR hand & seal & this 10th day of November, 1965

WITNESS

J. Shorney
D. Hill

Paul V. Brown
Dorothy R. Brown
Edward I. Shaines
Ruth H. Shaines

STATE OF NEW HAMPSHIRE COUNTY OF ROCKINGHAM
On this the 10th day of November, 1965, before me, Paul V. Brown, Jr. the undersigned officer, personally appeared Paul V. Brown, Edward I. Shaines, Dorothy R. Brown and Ruth H. Shaines, known to me (or satisfactorily proven) to be the person & whose name & are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.
In witness whereof I hereunto set my hand and official seal.



J. Shorney
Justice of the Peace

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153

1839 307

1839 307

25 1966

OCT 11 10 35 AM '66

THE STATE OF NEW HAMPSHIRE

Rockingham, ss.

Superior Court

September Term, 1966

Portsmouth Housing Authority

v.

Paul V. Brown et al

Equity No. 14029

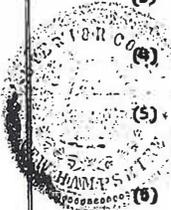
DECREE

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Portsmouth Housing Authority is hereby decreed to be the owner in fee simple of the following tracts or parcels of land, situated in the City of Portsmouth, County of Rockingham and State of New Hampshire, aforesaid, bounded and described as follows:

Beginning at a point on the southerly side line of Court Street, at the dividing line of property now or formerly of Charles S. Chase and Ruth E. Chase, and property now or formerly of Richard C. Philbrick, as shown on a plan prepared by Wright and Pierce, Civil Engineers, Portsmouth, New Hampshire, entitled "Property Line Map, Court Street Site, Portsmouth Housing Authority, Portsmouth, Rockingham County, New Hampshire, June 10, 1963"; thence

- (1) South 10° 49' East, 29.87 feet;
South 15° 23' East, 29.13 feet;
South 13° 07' East, 36.65 feet by land of Chase to a point;
- (2) North 76° 53' East, 1.7 feet by land of Chase to a point;
- (3) South 11° 07' East, 109.55 feet by land of Chase to a point;
- (4) North 79° 54' East, 19.25 feet to a point at land of the City of Portsmouth;
- (5) South 10° 45' East, 40.5 feet by land of the City of Portsmouth to land of the Home for Aged Women;
- (6) South 79° 32' West, 77.35 feet by land of the Home for Aged Women to a point;
- (7) South 78° 28' West, 77 feet by land of the Home for Aged Women and land now or formerly of J. F. and A. I. Sullivan to a point at land now or formerly of D. J. Sullivan;



3/2

1839 308

1839 308

- (8) North 13° 42' West, 245.8 feet to the southerly side of Court Street;
- (9) North 78° 45' East, 82.55 feet along the southerly side line of Court Street to a point;
- (10) North 79° 06' East, 58.95 feet along the southerly side line of Court Street to a point at land now or formerly of Charles S. Chase and Ruth E. Chase and the point of beginning.

The above tract of land is shown on "Property Line Map, Court Street Site, Portsmouth Housing Authority, Portsmouth, Rockingham County, New Hampshire, prepared by Wright and Pierce, Civil Engineers, Portsmouth, New Hampshire, June 10, 1963, Project No. NH 4-3," which reference is made thereto for further description.

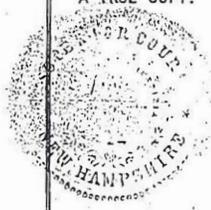
2. That all the right, title, interest, claim and demand of Richard C. Philbrick, Charles S. Chase, Ruth E. Chase, Paul V. Brown, Dorothy R. Brown, Edward I. Shaines and Ruth H. Shaines, and any other party or parties claiming an interest through or under said petitionees be and the same are hereby removed, vacated and annulled, as clouds upon the title of the complainant in and to the aforesaid tracts or parcels of land, and every part or parcel thereof, and the title in and to said tracts or parcels of land is confirmed and vested in Portsmouth Housing Authority with full right and authority to have, hold, use and possess and enjoy the same to itself and its successors and assigns forever.

Dated October 6, 1966.

/s/ George R. Grant, Jr.
Presiding Justice

A TRUE COPY: In Witness Whereof I have hereunto set my hand and affixed the seal of the Superior Court this 10th day of October, 1966.

Paulie C. Wilson
Deputy-Clerk of Superior Court.



MAILED
OCT 10 1966

1920 047

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of The State of New Hampshire, with its principal place of business at 126 Daniel Street in said Portsmouth, for consideration paid grant to the Portsmouth Housing Authority, a body corporate and politic, with a principal place of business at 25 Vaughan Street, Portsmouth, County of Rockingham and The State of New Hampshire, with quitclaim covenants a certain tract or parcel of land in said City of Portsmouth bound and described as follows:

See
V-1942
P. 12
[*see*
V-1942
P-12]

Beginning at a point located on the southerly sideline of Court Street, said point being located 248.35 feet, more or less, from the northwesterly corner of Rogers Street and Lot No. 7 as shown on Assessor Plan #21 of the City of Portsmouth; thence turning and running southeasterly for a distance of 246.2 feet, more or less to the boundary line of lands presently or formerly owned by the Home for Aged Women, so-called as shown on said Assessor Plan #21 as Lot No. 10; thence turning northeasterly and running along the westerly property line of said Lot #10 and the westerly property line of Lot No. 19 as shown on said Assessor Plan No. 21 for a distance of 148 feet, more or less, to a point; thence turning and running Northwesterly 90°, 68.02 feet, more or less, to a point; thence turning and running southwesterly 65 feet, more or less, to a point located on the westerly boundary line of lot No. 11 as shown on said Assessor Plan No. 21; thence running northwesterly along said Lot No. 11 boundary line for a distance of 173.97 feet, more or less, to the southerly sideline of Court Street; thence turning southwesterly and running 83.53 feet, more or less, in a southwesterly direction along Court Street sideline to the point of beginning.

Meaning to include all of Lot No. 24 and a section of Lot No. 11 so as to include a total of 25,004 square feet of land presently owned by the City of Portsmouth, New Hampshire.

The within conveyance is made subject to the following reverter provision: If and when the said Grantee ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land, the above described tract or parcel of land shall automatically revert to the said City of Portsmouth.

IN WITNESS WHEREOF, The City of Portsmouth, by its City Manager, duly authorized, has hereunto set his hand and the corporate seal this 16th day of July in the year of our Lord 1968.

In the presence of:

City of Portsmouth,

John C. Driscoll

By *Robert C. Violette*
Robert C. Violette
City Manager



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

July 16, 1968

Personally appeared Robert C. Violette, known to me, who, being sworn did say that he is the City Manager of the City of Portsmouth, a municipal corporation duly organized by law, that the seal affixed to the foregoing instrument is the corporate seal of said City, that said instrument was signed and sealed on behalf of said City, and said City Manager Robert C. Violette acknowledged said instrument to be the free act and deed of said City and that he executed the same for the purposes therein contained.

John C. Driscoll
John C. Driscoll
Justice of the Peace

Jul 17 9 50 AM '68

03748

JOHN C. DRISCOLL
ATTORNEY AT LAW
177 STATE STREET
PORTSMOUTH, N. H.

1942 012

NOV 22 2 37 PM '68 17899

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of The State of New Hampshire, with its principal place of business at 126 Daniel Street in said Portsmouth, for consideration paid grants to the Portsmouth Housing Authority, a body corporate and politic, with a principal place of business at 25 Vaughan Street, Portsmouth, County of Rockingham and The State of New Hampshire, with quitclaim covenants a certain tract or parcel of land in said City of Portsmouth bound and described as follows:

Beginning at a point located on the southerly sideline of Court Street, said point being located 241.5 feet, more or less, from the northwesterly corner of Rogers Street and Lot No. 7 as shown on Assessor Plan #21 of the City of Portsmouth; thence turning and running southeasterly for a distance of 245.5 feet, more or less to the boundary line of lands presently or formerly owned by the Home for Aged Women, so-called as shown on said Assessor Plan #21 as Lot No. 10; thence turning northeasterly and running along the westerly property line of said Lot #10 and the westerly property line of Lot No. 19 as shown on said Assessor Plan No. 21 for a distance of 148 feet, more or less, to a point; thence turning and running Northwesterly 90°, 69.91 feet, more or less, to a point; thence turning and running southwesterly 66.72 feet, more or less, to a point located on the westerly boundary line of lot No. 11 as shown on said Assessor Plan No. 21; thence running northwesterly along said Lot No. 11 boundary line for a distance of 175.08 feet, more or less, to the southerly side line of Court Street; thence turning southwesterly and running 85.5 feet, more or less, in a southwesterly direction along Court Street sideline to the point of beginning.

Meaning to include all of Lot No. 24 and a section of Lot No. 11 so as to include a total of 25,004 square feet of land presently owned by the City of Portsmouth, New Hampshire.

The within conveyance is made subject to the following revert-er provision: If and when the said Grantee ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land, the above described tract or parcel of land shall automatically revert to the said City of Portsmouth.

This deed is given to correct the description in a prior deed dated July 16, 1968 and recorded in Rockingham County Register of Deeds at Book 1920, Page 47.

IN WITNESS WHEREOF, The City of Portsmouth, by its City Manager, duly authorized, has hereunto set his hand and the corporate seal this 22nd day of November in the year of our Lord 1968.

In the presence of:

City of Portsmouth

Handwritten signature

By *Handwritten signature*
Robert C. Violette
City Manager



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

November 22, 1968

Personally appeared Robert C. Violette, known to me, who, being sworn did say that he is the City Manager of the City of Portsmouth, a municipal corporation duly organized by law, that the seal affixed to the foregoing instrument is the corporate seal of said City, that said instrument was signed and sealed on behalf of said City, and said City Manager Robert C. Violette acknowledged said instrument to be the free act and deed of said City and that he executed the same for the purposes therein contained.

Handwritten signature
Justice of the Peace

BK2192 PG239

Know all men by these presents

*N. H.
Tax
Stamp
\$42.00*

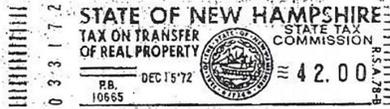
THAT, I, Ruth E. Chase
of Portsmouth Rockingham County, State of
New Hampshire, for consideration paid, grant to Frank A. Graf, and Joan C. Graf,
as joint tenants, with right of survivorship, and not as tenants in common

of 1 Post Road, Greenland Rockingham County, State of
New Hampshire, with WARRANTY COVENANTS,

A certain parcel of land with the buildings thereon, situate on the southerly side
of Court Street, in Portsmouth, County of Rockingham and State of New Hampshire, and
bounded and described as follows:

Beginning at the northwesterly corner of the land now or formerly of the Heirs of
Robert Bradford, deceased, and thence running by said Court Street South 80° West,
twenty-five and sixty hundredths (25.60 feet, more or less, to a point, which is the
westerly edge of a granite curb at land now or formerly of Emily Florence Donnell;
thence turning and running South 11° East by said curb and by other land of Donnell
twenty-nine and eighty-seven hundredths (29.87) feet, more or less, to the end of the
brick sidewalk; thence continuing by said other land now or formerly of said Donnell
South 15°34' East twenty-nine and thirteen hundredths (29.13) feet, more or less;
thence continuing by said Donnell's other land South 13°18' East thirty-six and sixty-
five hundredths (36.65) feet, more or less; thence turning and running at right angles
by said Donnell's other land North 76°42' East one and eighty-five hundredths (1.85)
feet, more or less; thence turning at right angles and running by said Donnell's other
land South 11°18' East one hundred nine and fifty-five hundredths (109.55) feet, more
or less; thence turning and running at right angles North 79°43' East nineteen and
twenty-five hundredths (19.25) feet, more or less, to land now or formerly of said
Heirs of Bradford; thence turning and running by said Bradford land North 10°27' West
two hundred four and eight tenths (204.8) feet, more or less, to point begun at.

Being the same premises which I acquired by Deed of Peter J. Hickey, Trustee
under the Will of William McEvoy, dated March 29, 1938, recorded in Rockingham County
Registry of Deeds, Book 941, Page 200.



I, Charles S. Chase, husband of Ruth E. Chase, ~~Notary Public~~ of said Grantor,

release to said Grantees all rights of ~~dower~~ ^{courtesy} and homestead and other interest therein.

WITNESS our hand s and seal this 15 day of December, 1972

Witness:
Charles S. Chase (D.H.)
Ruth E. Chase
Charles S. Chase

The State of New Hampshire
Rockingham, ss. Dec. 15, 1972

Then personally appeared the above named Ruth E. Chase and Charles S. Chase
and acknowledged the foregoing instrument to be their voluntary act and deed, before me

Charles S. Chase
Notary Public Justice of the Peace.

Dec 15 11 45 AM '72
REC'D ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 3511 PG 1378

CM Action Item #5

057143

2000 OCT 16 AM 9:56

WARRANTY DEED

We, FRANK A. GRAF, II, a/k/a FRANK A. GRAF, and JOAN C. GRAF, husband and wife, of Durham, Strafford County, New Hampshire, for consideration paid,

grant an undivided one-half (1/2) interest in and to the within described premises to each of the following grantees: 1) JOAN C. GRAF, Trustee of THE JOAN C. GRAF TRUST, a revocable trust dated September 5, 1990, and 2) FRANK A. GRAF, Trustee of THE FRANK A. GRAF TRUST, a revocable trust dated September 5, 1990, having a mailing address of 360 Durham Point Road, Durham, New Hampshire, 03824,

with WARRANTY COVENANTS, the following described premises:

A certain tract or parcel of land with the buildings thereon, situate on the southerly side of Court Street, in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the northwesterly corner of the land now or formerly of the Heirs of Robert Bradford, deceased, and thence running by said Court Street South 80° West, 25.60 feet, more or less, to a point, which is the westerly edge of a granite curb at land now or formerly of Emily Florence Donnell; thence turning and running South 11° East by said curb and by other land of Donnell 29.87 feet, more or less, to the end of the brick sidewalk; thence continuing by said other land now or formerly of said Donnell South 15° 84' East 29.13 feet more or less; thence continuing by said Donnell's other land South 13° 18' East 36.65 feet, more or less; thence turning and running at right angles by said Donnell's other land North 76° 42' East 1.85 feet, more or less; thence turning at right angles and running by said Donnell's other land South 11° 18' East, 109.55 feet, more or less; thence turning and running at right angles North 79° 43' East, 19.25 feet, more or less, to land now or formerly of said Heirs of Bradford; thence turning and running by said Bradford land North 10° 27' West, 204.8 feet, more or less, to the point begun at.

Meaning and intending to describe and convey the same premises conveyed to the within grantors by deed of Ruth E. Chase, dated December 15, 1972, and recorded in the Rockingham County Registry of Deeds at Book 2192, Page 239.

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

XX THOUSAND XX HUNDRED AND 40 DOLLARS

MO. DAY YR. 10 16 00 456338 \$ 40.00

VOID IF ALTERED

BK3511PG1379

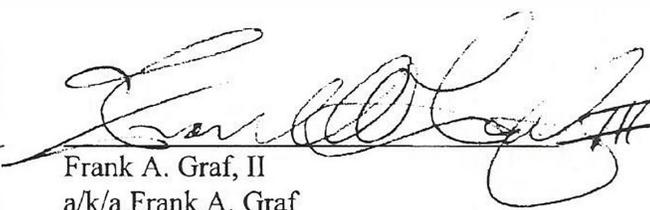
CM Action Item #5

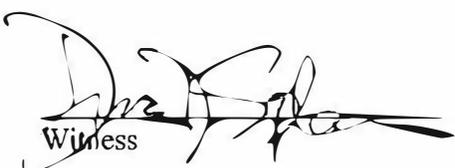
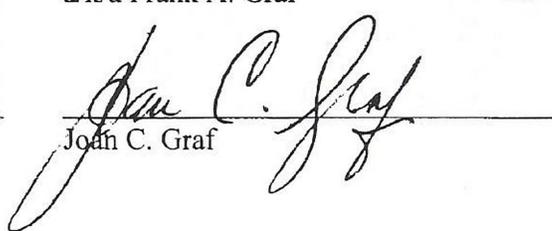
- 2 -

This deed has been prepared from information supplied by the within grantor, and no independent title examination has been performed.

Property: Court Street, Portsmouth, NH

Signed on October 10, 2000



 Witness _____ Frank A. Graf, II
 a/k/a Frank A. Graf



 Witness _____ Joan C. Graf

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on October 10, 2000 by Frank A. Graf, II, a/k/a Frank A. Graf, and Joan C. Graf.


Notary Public/~~Justice of the Peace~~

My commission expires:

(Seal) JEAN P. HURLBUT, Notary Public
My Commission Expires January 19, 2005



BK 4679 P6 0149

CM Action Item #5

041975

2006 JUL -7 PM 3:04

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

CERTIFICATE OF TRUSTEE

Now comes the undersigned, **JOAN C. GRAF**, of Durham, State of New Hampshire, and do hereby certify that she is the duly named and acting Trustee of **The Joan C. Graf Trust**.

The undersigned Trustee declares that said trust is in full force and effect and that she has full and absolute power in said trust instrument to hold, convey and deal in any interest in real and personal property, including improvements to real property held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee.

Joan C. Graf, Trustee

JOAN C. GRAF, TRUSTEE

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS:

July 7, 2006

Personally appeared **JOAN C. GRAF, Trustee of The Joan C. Graf Trust**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Douglas W. Macdonald

JUSTICE OF THE PEACE / NOTARY PUBLIC
MY COMMISSION EXPIRES:

DOUGLAS W. MACDONALD, Notary Public
My Commission Expires August 1, 2008



KEANE & MACDONALD, P.C. - ATTORNEYS AT LAW

1000 MARKET STREET - BLDG. 1 - SUITE 202 - P.O. BOX 477 - PORTSMOUTH, NH 03802-0477

BK 4679 PG 0150

CM Action Item #5

041976

CERTIFICATE OF TRUSTEE

Now comes the undersigned, **FRANK A. GRAF**, of Durham, State of New Hampshire, and do hereby certify that he is the duly named and acting Trustee of **The Frank A. Graf Trust**.

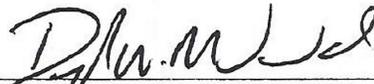
The undersigned Trustee declares that said trust is in full force and effect and that he has full and absolute power in said trust instrument to hold, convey and deal in any interest in real and personal property, including improvements to real property held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee.


FRANK A. GRAF, TRUSTEE

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS:

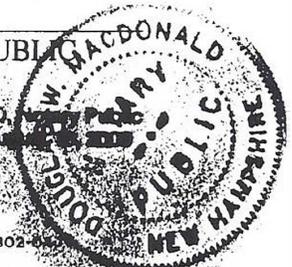
July 7, 2006

Personally appeared **FRANK A. GRAF, Trustee of The Frank A. Graf Trust**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.



JUSTICE OF THE PEACE / NOTARY PUBLIC
MY COMMISSION EXPIRES:

DOUGLAS W. MACDONALD
My Commission Expires August 2006



KEANE & MACDONALD, P.C. - ATTORNEYS AT LAW

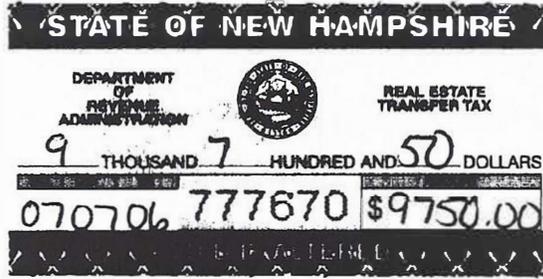
1000 MARKET STREET - BLDG. 1 - SUITE 202 - P.O. BOX 477 - PORTSMOUTH, NH 03802-0477

2006 JUL -7 PM 3:05

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 4679 P6 0151

CM Action Item #5



041977

WARRANTY DEED

KNOW EVERYONE BY THESE PRESENTS THAT Joan C. Graf, Trustee of The Joan C. Graf Trust, a revocable trust dated September 5, 1990, and Frank A. Graf, Trustee of The Frank A. Graf Trust, a revocable trust dated September 5, 1990, having a mailing address of 360 Durham Point Road, Durham, New Hampshire, 03824, for consideration paid grant to, ED PAC, LLC, a New Hampshire limited liability company with a mailing address of 242 Central Avenue, Dover, New Hampshire, 03820, with Warranty Covenants, the following:

A certain tract or parcel of land with the buildings thereon, situate on the southerly side of Court Street, in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the northwesterly corner of land now or formerly of the Heirs of Robert Bradford, deceased, and thence running by said Court Street South 80° West, 25.60 feet, more or less, to a point, which is the westerly edge of a granite curb at land now or formerly of Emily Florence Donnell; thence turning and running South 11° East by said curb and by other land of Donnell 29.87 feet, more or less, to the end of the brick sidewalk; thence continuing by said other land now or formerly of said Donnell South 15° 84' East 29.13 feet more or less; thence continuing by said Donnell's other land South 13° 18' East 36.65 feet, more or less; thence turning and running at right angles by said Donnell's other land North 76° 42' East 1.85 feet, more or less; thence turning at right angles and running by said Donnell's other land South 11° 18' East, 109.55 feet, more or less; thence turning and running at right angles North 79° 43' East, 19.25 feet, more or less, to land now or formerly of said Heirs of Bradford, thence turning and running by said Bradford land North 10° 27' West 204.8 feet, more or less, to the point begun at.

Meaning and intending to describe the same premises conveyed by Warranty Deed of Frank A. Graf, II, a/k/a Frank A. Graf, and Joan C. Graf to the Grantors herein, dated October 12, 2000, and recorded in the Rockingham County Registry of Deeds at Book 3511, Page 1378.

KEANE & MACDONALD, P.C. - ATTORNEYS AT LAW

1000 MARKET STREET - BLDG. 1 - SUITE 202 - P.O. BOX 477 - PORTSMOUTH, NH 03802-0477

2006 JUL -7 PH 3:05

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 4679 PG 0152

CM Action Item #5

Signed this 7 day of July, 2006

Joan C. Graf, Trustee Frank A. Graf, Trustee
 Joan C. Graf, Trustee of The Joan C. Graf Trust Frank A. Graf, Trustee of The Frank A. Graf Trust

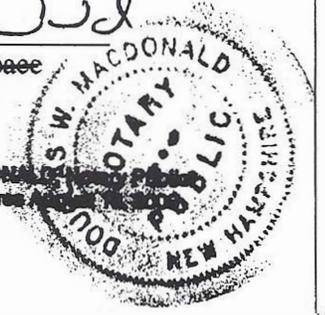
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this 7 day of July, 2006, personally appeared the above-named Joan C. Graf, Trustee of The Joan C. Graf Trust, and Frank A. Graf, Trustee of The Frank A. Graf Trust, and gave oath that the foregoing subscribed to by them is their own free act and deed, before me:

D. W. MacDonald

Notary Public / Justice of Peace
My Commission Expires:

DOUGLAS W. MACDONALD
My Commission Expires



E # 20010929 03/11/2020 11:02:38 AM
Book 6091 Page 1934 Page 1 of 2
Register of Deeds, Rockingham County



LCHIP	ROA485103	25.00
TRANSFER TAX	RO095254	5,070.00
RECORDING		14.00
SURCHARGE		2.00

Return to:
PHA Housing Development, Ltd
245 Middle Street
Portsmouth, NH 03801

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Ed Pac, LLC**, a New Hampshire Limited Liability Company, with an address of 242 Central Avenue, Dover, New Hampshire 03820, for consideration paid grant(s) to **PHA Housing Development, Ltd.**, a New Hampshire Nonprofit Corporation with an address of 245 Middle Street, Portsmouth, New Hampshire 03801, with WARRANTY COVENANTS:

A certain parcel of land situate in Portsmouth, County of Rockingham, State of New Hampshire, depicted on a plan (the "Plan") entitled "Boundary Plan of Land, Tax Map 116 – Lot 37, Prepared For: Portsmouth Housing Authority, Owner: Ed Pac, LLC, 152 Court Street, City of Portsmouth, County of Rockingham, State of New Hampshire" dated February 2020, and recorded at the Rockingham County Registry of Deeds as Plan D-42016. The property conveyed herein is more particularly bounded and described on the Plan as follows:

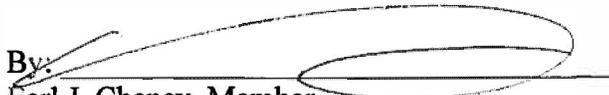
Beginning at a point at the northeastern corner of the lot herein conveyed, that is South 63° 06' 44" West a distance of 4.04 feet from an iron rod set in land now or formerly of the Grantee; Thence running South 27° 37' 38" East a distance of 155.16 feet to a point; Thence turning and running South 63° 11' 13" West a distance of 20.27 feet to a point; Thence turning and running North 27° 49' 47" West a distance of 109.55 feet to a point; Thence turning and running South 60° 10' 13" West a distance of 1.70 feet to a point; Thence turning and running North 29° 49' 47" West a distance of 36.65 feet to a point; Thence turning and running North 32° 05' 47" West a distance of 9.11 feet to a point; Thence turning and running North 63° 06' 44" East a distance of 30.11 feet to a point at the northeastern corner of the lot herein conveyed, and the point and place of beginning.

Meaning and intending to describe and convey a portion of the premises conveyed to the Grantor by Warranty Deed of Joan C. Graf, Trustee of The Joan C. Graf Trust and Frank A. Graf, Trustee of The Frank A. Graft Trust dated July 7, 2006 and recorded at Book 4679, Page 151.

This property is not homestead property.

Executed this 11 day of March, 2020.

Ed Pac, LLC

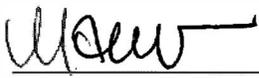
By: 
Earl J. Cheney, Member

By: 
David Paolini, Member

State of New Hampshire
County of Rockingham

Then personally appeared before me on this 11 day of March, 2020, Earl J. Cheney and David Paolini, Members of Ed Pac, LLC, and acknowledged the foregoing to be their free act and deed.




Notary Public/Justice of the Peace
Commission expiration:

SEWER STRUCTURE TABLE			
STRUCTURE	RIM ELEV.	INV. ELEV. IN INV. ELEV. OUT	PIPE SIZE & TYPE (FROM/TO)
SMH 5216	21.44	10.29	18" PVC (N)
SMH 5208	19.67	10.09	18" PVC (5208)
		9.67	18" PVC (5216)
		10.27	12" PVC (5297)
SMH 2316	13.15	9.62	18" PVC (1280)
		7.40	10" VCP (CB AE15)
SMH 1254	13.21	7.11	8" VCP (BLDG)
		7.01	8" VCP (1253)
SMH 1253	13.97	6.87	8" VCP (1254)
		6.97	10" VCP (2316)
		6.77	20" VCP (5895)
SMH 1252	11.65	6.52	20" AC (1252)
		3.20	20" AC (1253)
		3.10	20" AC (1264)

DRAIN STRUCTURE TABLE			
STRUCTURE	RIM ELEV.	INV. ELEV. IN INV. ELEV. OUT	PIPE SIZE & TYPE
CB 4436	19.04	-	-
CB 4435	19.09	15.39	12" CPP (4435)
		15.09	12" CPP (4436)
		14.19	24" CPP (4433)
CB 4432	19.59	14.24	24" CPP (5364)
		-	-
CB 4432	19.59	15.84	12" CPP (4434)
CB 4434	19.50	15.50	12" CPP (4432)
CB 4433	19.48	15.35	12" CPP (4433)
		14.78	12" CPP (4434)
		14.68	24" CPP (4560)
CB 4433	19.48	14.68	24" CPP (4435)
		-	-
CB 4561	20.33	18.03	12" RCP (4560)
CB 4560	20.02	15.72	12" CCP (4561)
		15.32	18" CPP (3856)
		14.92	24" CPP (4433)
CB 3855	21.40	17.95	12" CPP (3856)
CB 3856	21.38	16.58	12" CPP (3855)
		16.58	15" CPP (4445)
		16.58	18" CPP (4560)
CB AE13	14.35	-	-
CB AE14	10.69	8.90	10" VCB (AE14)
CB AE14	10.69	8.84	10" VCB (AE13)
		8.69	10" VCP (AE15)
CB AE16	10.77	6.77	12" CPP (NW)
		6.75±	(SILTED) 12" CPP (AE17)
CB AE17	8.68	5.88	12" CPP (AE16)
		6.18	8" CPP (SE)
CB AE17	8.68	5.83	12" CPP (S)
		-	-
CB AE12	12.77	9.52	6" PVC (CLEANOUT)
CB AE15	10.25	9.42	6" CPP (AE15)
		8.45	4" PVC (BLDG)
		8.15	6" PVC (AE12)
CB AE15	10.25	8.15	10" VCP (AE14)
CB AE15	10.25	7.90	10" VCP (SMH 2316)

- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 116 AS LOT 38 AND LOT 37.
 - 2) OWNERS OF RECORD:
116/38
PORTSMOUTH HOUSING AUTHORITY
245 MIDDLE STREET
PORTSMOUTH, NH 03801
R.C.R.D. BK 1736, PG 386, BK 1797 PG 20 AND BK 1920, PG 47

116/37
ED PAC, LLC
242 CENTRAL AVENUE
DOVER, NH 03820
BK 4679, PG 151
 - 3) PARCEL 116/38 AND 116/37 ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0259E. EFFECTIVE 5/17/2005
 - 4) EXISTING LOT AREA:
11/38: 59,976 (S.F.) 1.3769 ACRES
11/37: 4,587 (S.F.) 0.1053 ACRES
 - 5) PARCELS ARE LOCATED IN CHARACTER DISTRICT 4 (CD4)
 - 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOTS.

CM Action Item #5

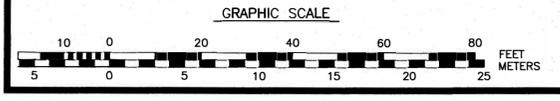
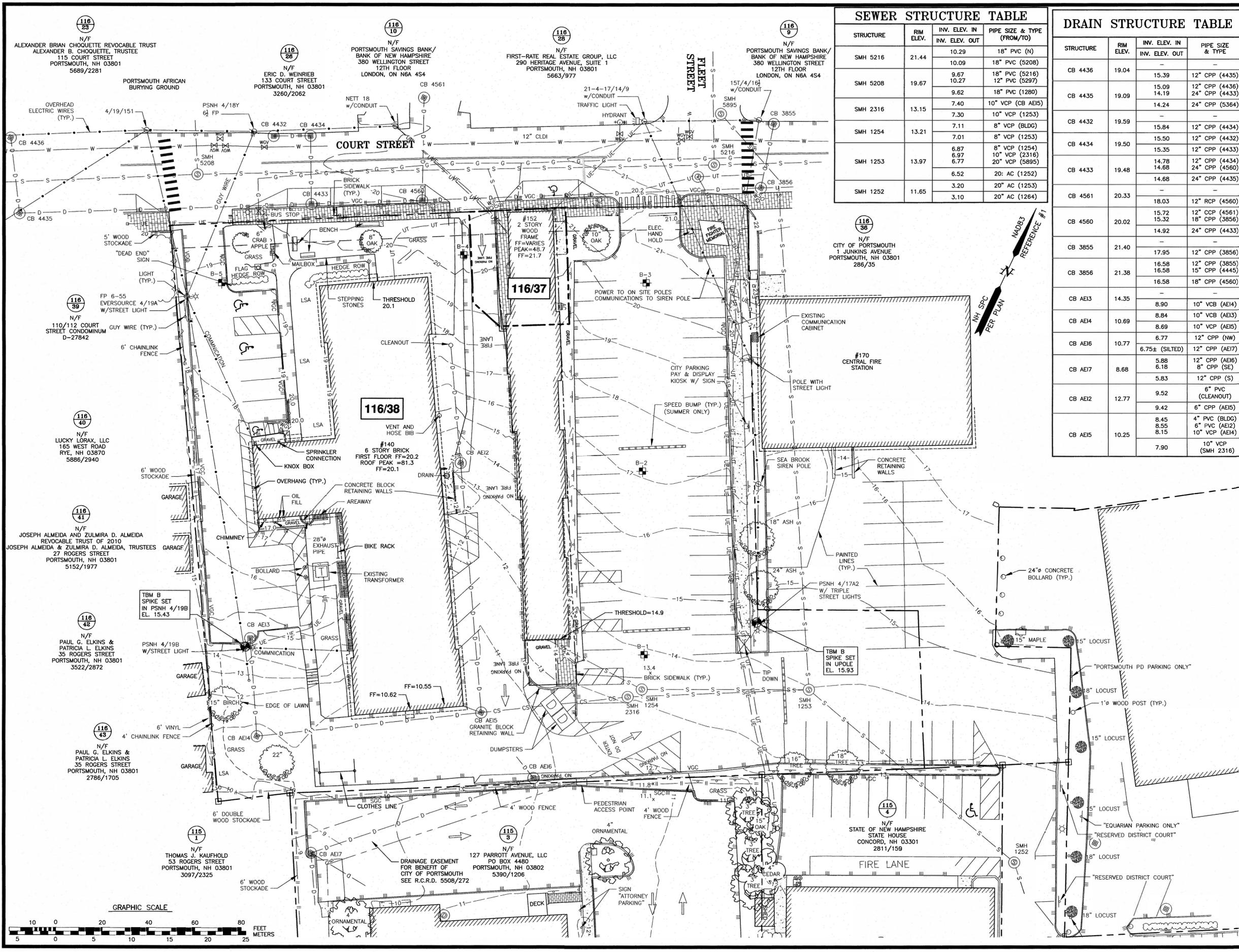
**PORTSMOUTH HOUSING AUTHORITY
140 COURT STREET
PORTSMOUTH, N.H.**

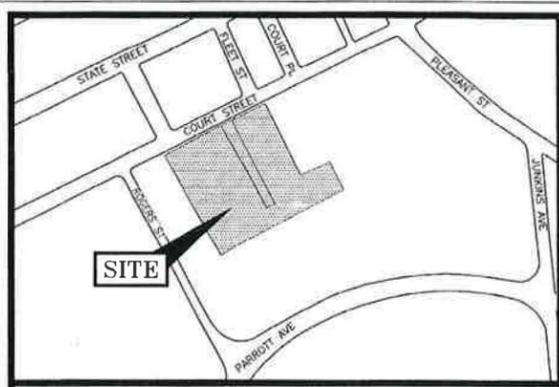
NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	6/18/18
0	ISSUED FOR COMMENT	3/5/18

REVISIONS	

SCALE: 1"=20' MARCH 2018

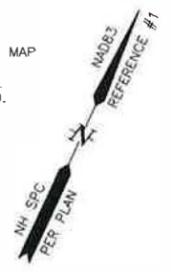
EXISTING CONDITIONS PLAN **C1**





LOCATION MAP SCALE: 1"=200'

PLAN REFERENCE:
 1) BOUNDARY PLAN LAND OF PORTSMOUTH HOUSING AUTHORITY COURT STREET PORTSMOUTH, N.H. TAX MAP 116, LOT 38, PREPARED BY BERRY SURVEYING & ENGINEERING, DATED MAY 30, 2014, WITH A FINAL REVISION DATE OF JUNE 4, 2014. NOT RECORDED.



CM Action Item #5

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- RR SPK REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET
- NHHB NHDOT BOUND FOUND
- TB TOWN BOUND
- BND w/DH BOUND WITH DRILL HOLE
- ST BND w/DH STONE BOUND WITH DRILL HOLE

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffiths Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 116 AS LOT 38 AND LOT 37.
 - 2) OWNERS OF RECORD:
 116/38
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE STREET
 PORTSMOUTH, NH 03801
 R.C.R.D BK 1736, PG 386, BK 1797 PG 20,
 AND BK 1920, PG 47
 116/37
 ED PAC, LLC
 242 CENTRAL AVENUE
 DOVER, NH 03820
 BK 4679, PG 151

3) PARCEL 116/38 AND 116/37 ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0259E, EFFECTIVE 5/17/2005

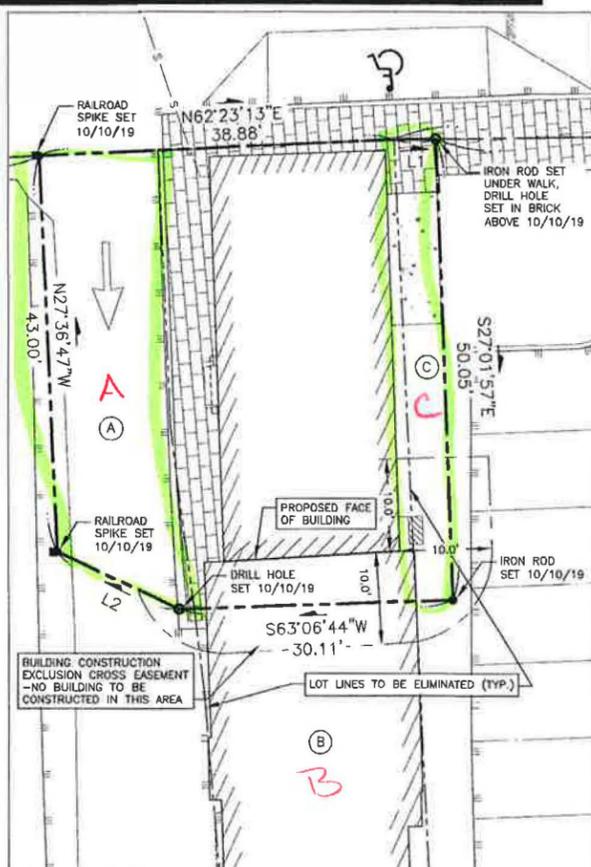
4) LOT AREAS:
 LOT 11/38
 EXISTING: 59,976 (S.F.) 1.3769 ACRES
 PROPOSED: 62,450 (S.F.) 1.4337 ACRES
 LOT 11/37
 EXISTING: 4,587 (S.F.) 0.1053 ACRES
 PROPOSED: 2,113 (S.F.) 0.0485 ACRES

5) PARCELS ARE LOCATED IN CHARACTER DISTRICT 4 (CD4).
 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE RELOCATION OF LOT LINES BETWEEN TAX MAP 116 LOTS 38 AND 37.

7) EXISTING BOUNDARY LINES FROM PLAN REFERENCE 1.

8) PERMANENT MONUMENTS ON LOT 37 TO BE SET IN ACCORDANCE WITH CITY OF PORTSMOUTH STANDARDS AFTER SITE DEVELOPMENT.

9) PROPOSED 20 FT WIDE SEWER EASEMENT TO BE CONVEYED TO THE CITY OF PORTSMOUTH. LOCATION OF SEWER LINE RUNNING NORTHERLY TO COURT STREET IS APPROXIMATE. EASEMENT IS TO BE 20 FEET WIDE, 10 FEET EITHER SIDE OF THE CENTERLINE OF THE EXISTING SEWER PIPE, WHETHER THE LOCATION IS PRECISELY AS SHOWN HEREON OR NOT.



LOT 37 1"=10'

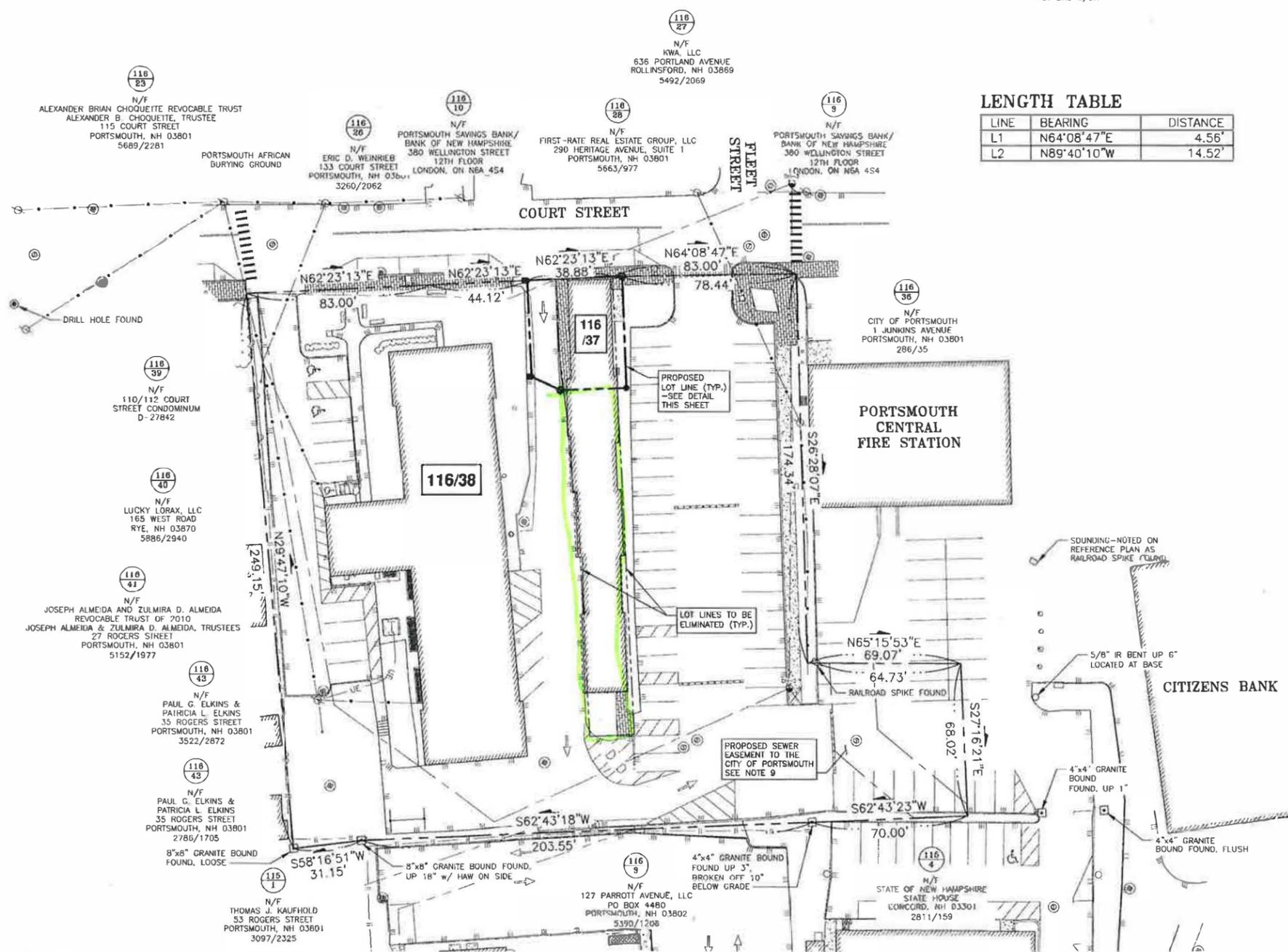


PARCEL CONVEYANCES:

- PARCEL A- PORTSMOUTH HOUSING AUTHORITY TO ED PAC, LLC 613 S.F.
- PARCEL B- ED PAC, LLC TO PORTSMOUTH HOUSING AUTHORITY 3,303 S.F.
- PARCEL C- PORTSMOUTH HOUSING AUTHORITY TO ED PAC, LLC 216 S.F.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N64°08'47"E	4.56'
L2	N89°40'10"W	14.52'

NO.	DESCRIPTION	DATE
6	ADD MONUMENTS AS SET	10/10/19
5	REVISE LOT LINES	7/9/18
4	ADD SEWER EASEMENT	7/3/18
3	LOT LAYOUTS	6/18/18
2	ISSUED TO TAC	5/8/18
1	ISSUED FOR APPROVAL	4/25/18
0	ISSUED FOR COMMENT	3/5/17

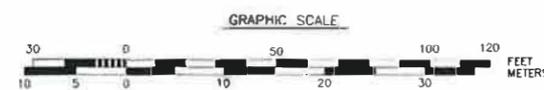
**LOT LINE RELOCATION PLAN
 TAX MAP 116 - LOTS 38 & 37
 FOR
 PORTSMOUTH HOUSING AUTHORITY**

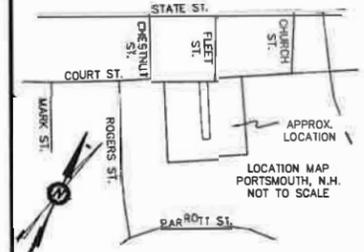
**OWNERS
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE STREET
 PORTSMOUTH NH 03801**

**ED PAC, LLC
 242 CENTRAL AVENUE
 DOVER NH 03820**

**PARCEL LOCATION
 140 COURT STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE**

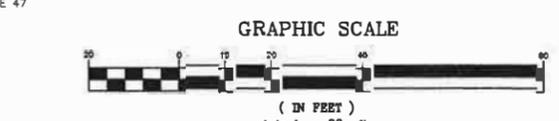
SCALE: 1"=30' FEBRUARY 2018





PLAN REFERENCES:

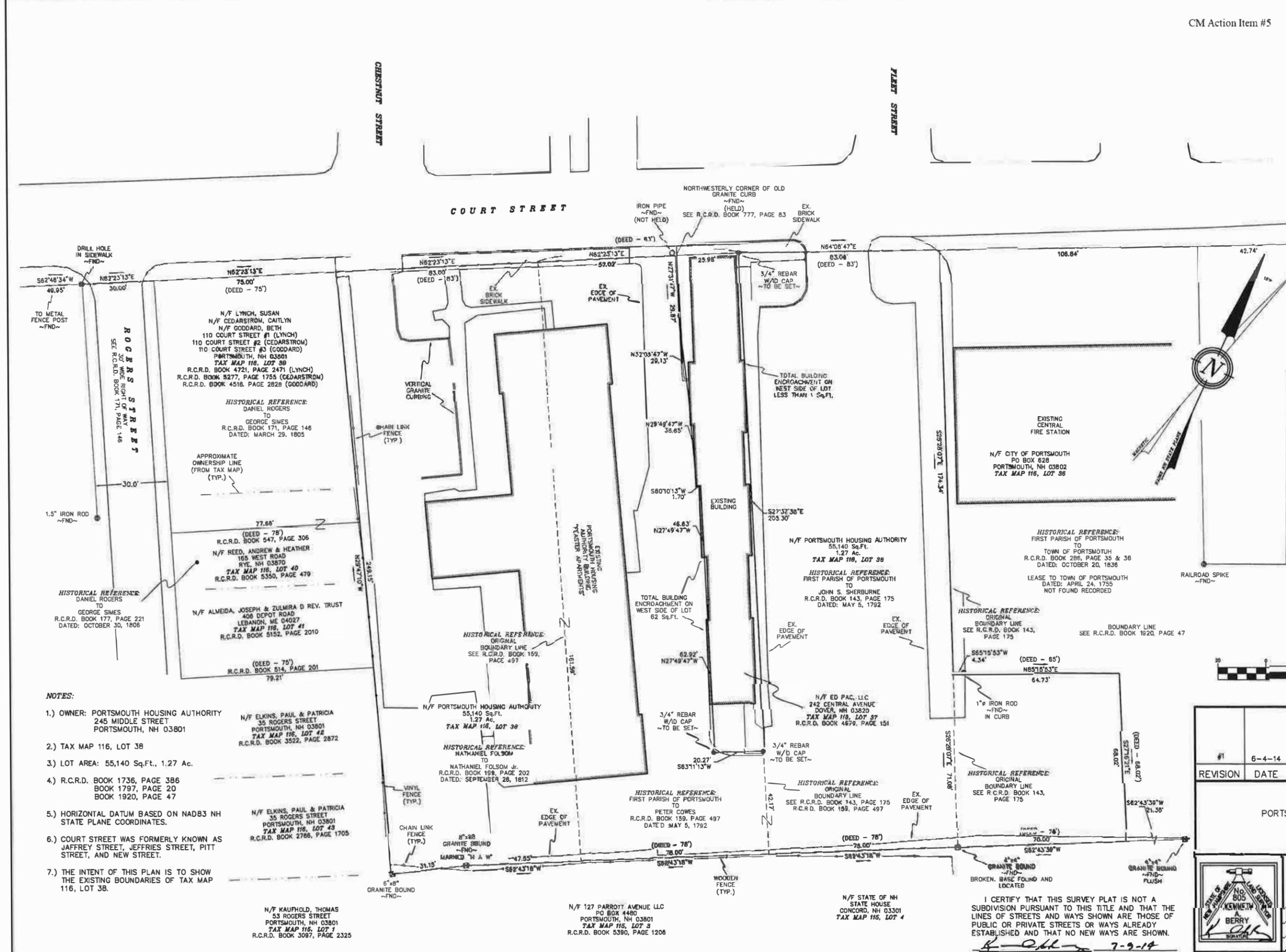
- 1.) "PLAN OF LOTS, NOS. 142-148 COURT ST.; PORTSMOUTH, N.H." DATED: JUNE, 1954 BY: JOHN W. DURGIN R.C.R.D. PLAN #02288
- 2.) "SKETCH MAP OF; LOT NO. 166 COURT ST.; PORTSMOUTH, N.H." DATED: MARCH, 1942 BY: JOHN W. DURGIN R.C.R.D. PLAN #01096
- 3.) "PLAN OF LOTS; NOS. 202, 206, & 222 COURT ST.; PORTSMOUTH, N.H." DATED: JANUARY, 1974 BY: JOHN W. DURGIN R.C.R.D. PLAN #C-4259
- 4.) "PLAN OF LOT; NO. 130 COURT ST.; PORTSMOUTH, N.H." DATED: JULY 1937 BY: JOHN W. DURGIN R.C.R.D. PLAN #0992
- 5.) "PLAN OF LOT; PARROTT AVE.; PORTSMOUTH, N.H.; FOR: AGED WOMEN" DATED: DECEMBER, 1950 BY: JOHN W. DURGIN FILE #2346 PLAN #9244
- 6.) "LOT LINE ADJUSTMENT PLAN; FOR: DAVID L. BAKER, Sr.; IN: PORTSMOUTH, N.H." DATED: MARCH 23, 1990 BY: SEACOAST ENG. ASSOC. R.C.R.D. PLAN #D-20209
- 7.) "CONDOMINIUM SITE PLAN; FOR: STEPHEN KELM; 110/112 COURT STREET; CONDOMINIUM" DATED: JANUARY, 2000 BY: AMBIT ENG., INC. R.C.R.D. PLAN #D-27842
- 8.) "MAP OF PORTSMOUTH" DATED: 1813 ON FILE WITH THE LIBRARY OF CONGRESS
- 9.) "BOUNDARY PLAN; LAND OF: ED PAC, LLC; 152 COURT STREET; PORTSMOUTH, N.H.; TAX MAP 116, LOT 37" DATED: AUGUST 1, 2013 BY: BERRY SURVEYING & ENGINEERING FILE #: DB 2013-065



#1	6-4-14	REVISE SOUTHEASTERN BOUNDARY
REVISION	DATE	DESCRIPTION
		BOUNDARY PLAN LAND OF PORTSMOUTH HOUSING AUTHORITY COURT STREET PORTSMOUTH, N.H. TAX MAP 116, LOT 38

BERRY SURVEYING & ENGINEERING
 335 SECOND CROWN POINT RD.
 BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 20 FT.
 DATE : MAY 30, 2014
 FILE NO. : DB 2014 - 052



- NOTES:**
- 1.) OWNER: PORTSMOUTH HOUSING AUTHORITY
245 MIDDLE STREET
PORTSMOUTH, NH 03801
 - 2.) TAX MAP 116, LOT 38
 - 3.) LOT AREA: 55,140 Sq.Ft., 1.27 Ac.
 - 4.) R.C.R.D. BOOK 1736, PAGE 386
BOOK 1797, PAGE 20
BOOK 1920, PAGE 47
 - 5.) HORIZONTAL DATUM BASED ON NAD83 NH STATE PLANE COORDINATES.
 - 6.) COURT STREET WAS FORMERLY KNOWN AS JAFFREY STREET, JEFFRIES STREET, PITT STREET, AND NEW STREET.
 - 7.) THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING BOUNDARIES OF TAX MAP 116, LOT 38.

N/F KAUFHOLD, THOMAS
53 ROGERS STREET
PORTSMOUTH, NH 03801
TAX MAP 116, LOT 1
R.C.R.D. BOOK 3097, PAGE 2325

N/F 127 PARROTT AVENUE LLC
P.O. BOX 4480
PORTSMOUTH, NH 03801
TAX MAP 116, LOT 3
R.C.R.D. BOOK 5390, PAGE 1206

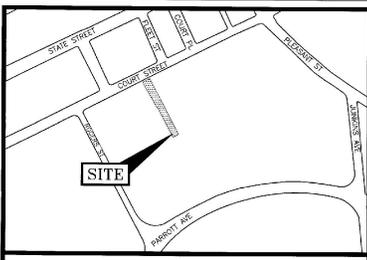
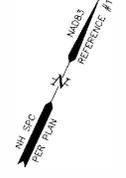
N/F STATE OF NH
STATE HOUSE
CONCORD, NH 03301
TAX MAP 116, LOT 1

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

K. Berry 7-9-14

D-42016 02/25/2020 10:36:36 AM
 Register of Deeds, Rockingham County
 PLAN 38.00

Carroll & Barry



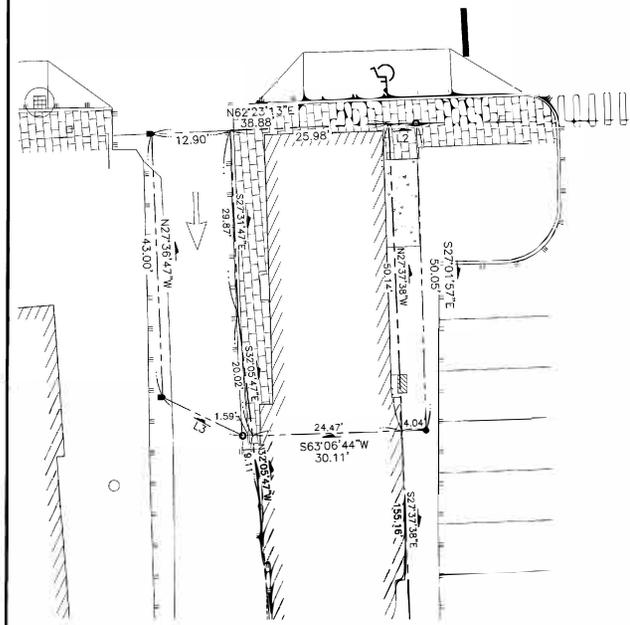
LOCATION MAP SCALE: 1"=200'

- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY
 - REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - OR FND IRON ROD FOUND
 - OP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - OH FND DRILL HOLE FOUND
 - OH SET DRILL HOLE SET
 - BND w/SH BOUND WITH DRILL HOLE
 - LOT BND w/SH STONE BOUND WITH DRILL HOLE

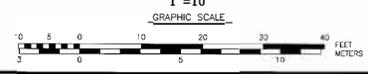
- PLAN REFERENCES:**
- 1) BOUNDARY PLAN LAND OF PORTSMOUTH HOUSING AUTHORITY COURT STREET PORTSMOUTH, N.H. TAX MAP 116, LOT 36, PREPARED BY BERRY SURVEYING & ENGINEERING, DATED MAY 30, 2014, WITH A FINAL REVISION DATE OF JUNE 4, 2014, NOT RECORDED.
 - 2) LOT LINE RELOCATION PLAN, TAX MAP 116 - LOTS 38 & 37 FOR PORTSMOUTH HOUSING AUTHORITY, OWNERS PORTSMOUTH HOUSING AUTHORITY 243 MIDDLE STREET PORTSMOUTH, NH 03801, ED PAC, LLC 242 CENTRAL AVENUE DOVER, NH 03820, PARCEL LOCATION 140 COURT STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, PREPARED BY AMBIT ENGINEERING, INC. DATED FEBRUARY 2019, FINAL REVISION DATE OCTOBER 10, 2019, R.C.R.D. PLAN D-41899.

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S60°10'13"W	1.70'
L2	N84°08'47"E	4.56'
L3	N89°40'10"W	14.52'



BOUNDARY DETAIL 1"=10'

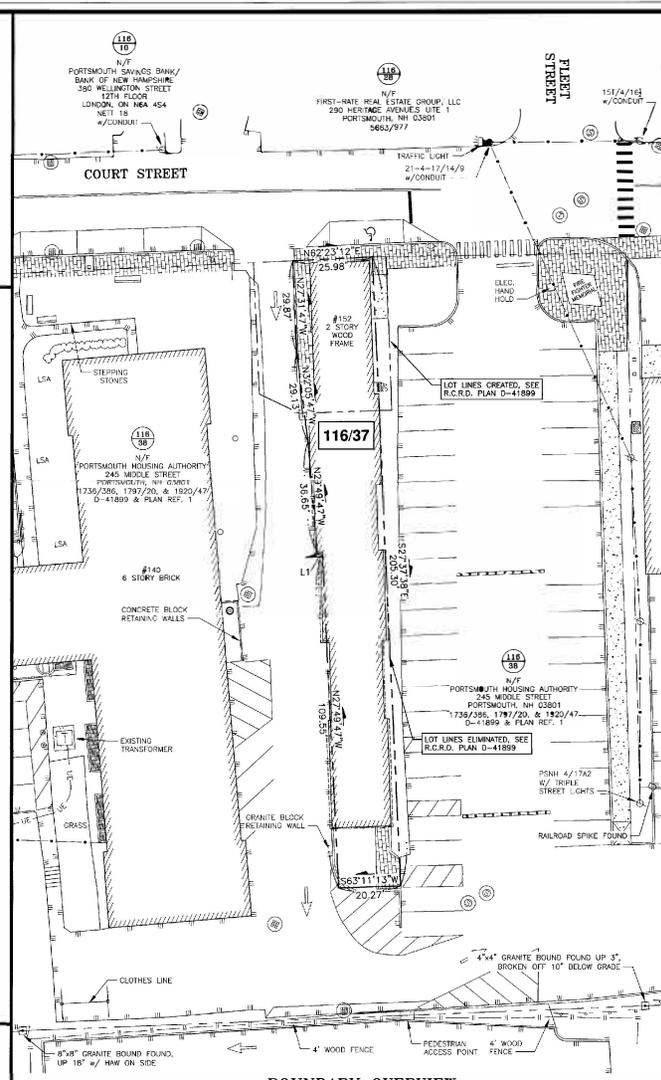


I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

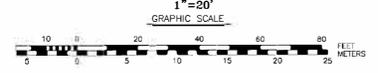
CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

John R. Chandon
 JOHN R. CHANDON, LLS 738

DATE: 2-24-20



BOUNDARY OVERVIEW 1"=20'



- NOTES:**
- 1) PARCELS IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 116 AS LOT 37.
 - 2) OWNER OF RECORD ED PAC, LLC 242 CENTRAL AVENUE DOVER, NH 03820 603/675-1511 #4-1899
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0299E, EFFECTIVE 5/17/2005
 - 4) LOT AREA: 4,587 S.F. 0.1053 ACRES
 - 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 (CD4).
 - 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARIES OF ASSESSOR'S MAP 116 LOT 37 AS SHOWN ON PLAN REFERENCE 1.

CM Action Item #5

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	2/24/20
REVISIONS		

**BOUNDARY PLAN OF LAND
 TAX MAP 116- LOT 37**
 PREPARED FOR:
PORTSMOUTH HOUSING AUTHORITY
 OWNER:
ED PAC, LLC
 152 COURT STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

SCALE: 1"=10' & 1"=20' FEBRUARY 2020
 FB 321 PC 19 2790

D-42016



CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
 1 Junkins Avenue
 Portsmouth, New Hampshire 03801
 Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Karen S. Conard, City Manager
 From: Verna E. Sharpe, Deputy Assessor
 CC: Rosann Lentz, City Assessor
 Date: July 2, 2020
 RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 246 Thornton Street

At its meeting on June 22, 2020, the City Council considered a request from Attorney Derek Durbin, on behalf of James Gould, requesting the restoration of involuntarily merged lots at 246 Thornton Street to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer to the Assessor for report back.

Description

The subject parcel is depicted on the attached tax map copies from the years 1927, 1956, 1990 and 2019. There are no lot numbers on the 1927 & 1956 tax maps, but the lots are shown as lot 7 on 1990 map U61 and lot 7 on 2019 map 161.

Assessor's Findings

Deeds: According to the deeds going back to at least 1927, the land is described as 2 separate lots and referred to as Lot 23 and Lot 25 on a plan dated 6/21/1890.

Warrant Lists: The warrant list from 1962 shows the lots billed separately, but the warrant list from 1971 shows the lots taxed together as one lot. The warrant list from 1972 shows the lots billed separately again. The 1983 warrant list shows the property taxed as one lot.

Property Record Cards: The property record cards on file show they were assessed as separate lots from 1953 to 1971. Property record cards after 1971 show the lots are assessed as one lot.

Tax Maps: The 1927 and 1956 tax maps show the lots as separate lots. In 1990 to the present, the lots are shown as one lot.

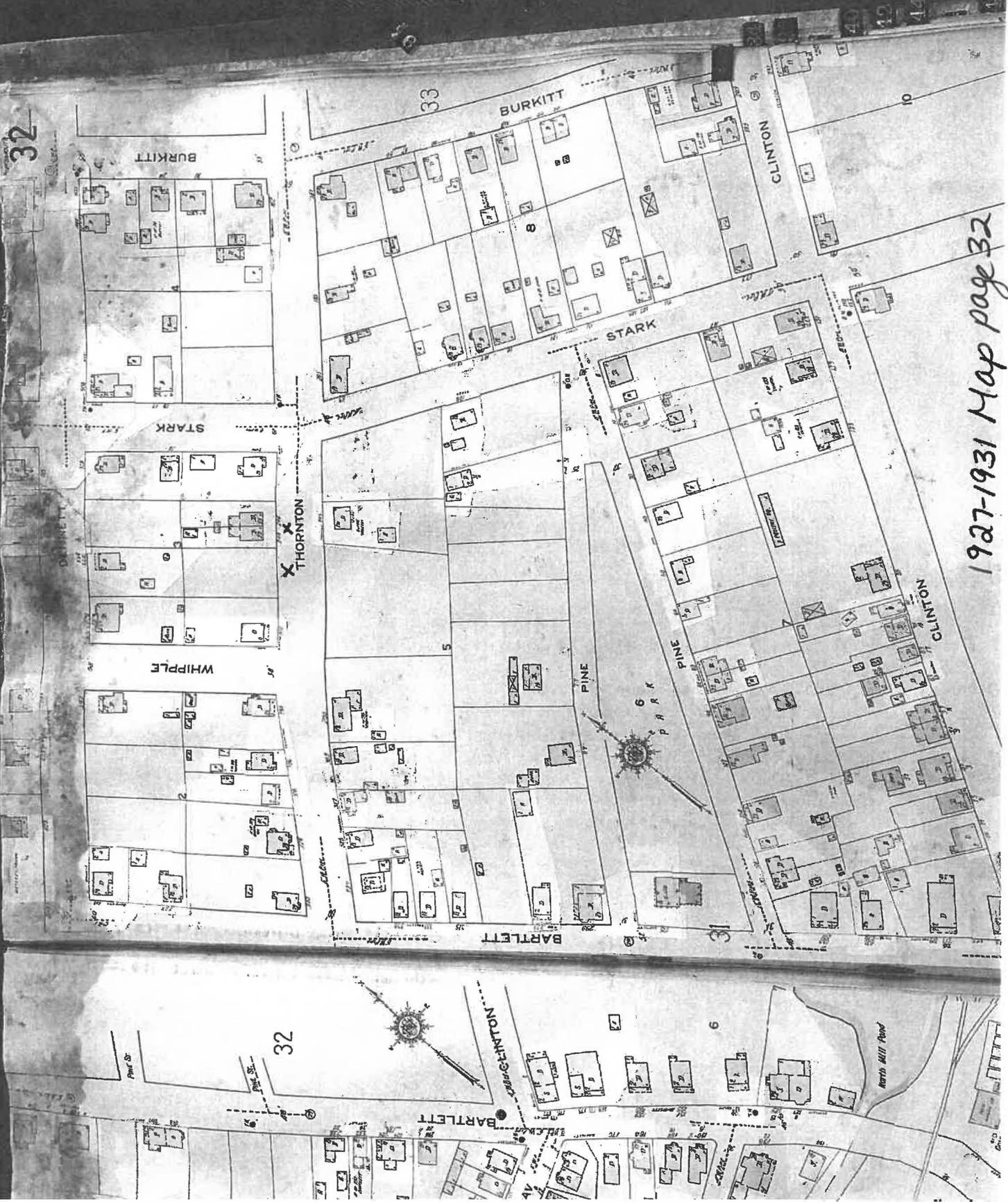
Summary

It would appear at some point after 1972 and before 1983, the lots were merged. It is unknown to Assessor's Office whether the taxpayer at the time requested the merger or if it was involuntary. The Assessor's office has found no record of a request from any of the current or prior owners to merge the lots and its findings are consistent with those of Attorney Durbin's in his letter dated May 28, 2020.

Cc: File
 Enclosures: 4

Verna E. Sharpe

32



1927-1931 Map page 32



1956

32

33

32

31

GARDEN NOT OPENED

CROSS UNPAVED

COTTAGE

BOYD RD.

COLONIAL

PARKING

WOODBURY AVENUE
REAR PORCH
REAR WALLS

BARTLETT ST. PLAYGROUND

PINE

CLINTON

8 MAINE & N.H. INTERSTATE

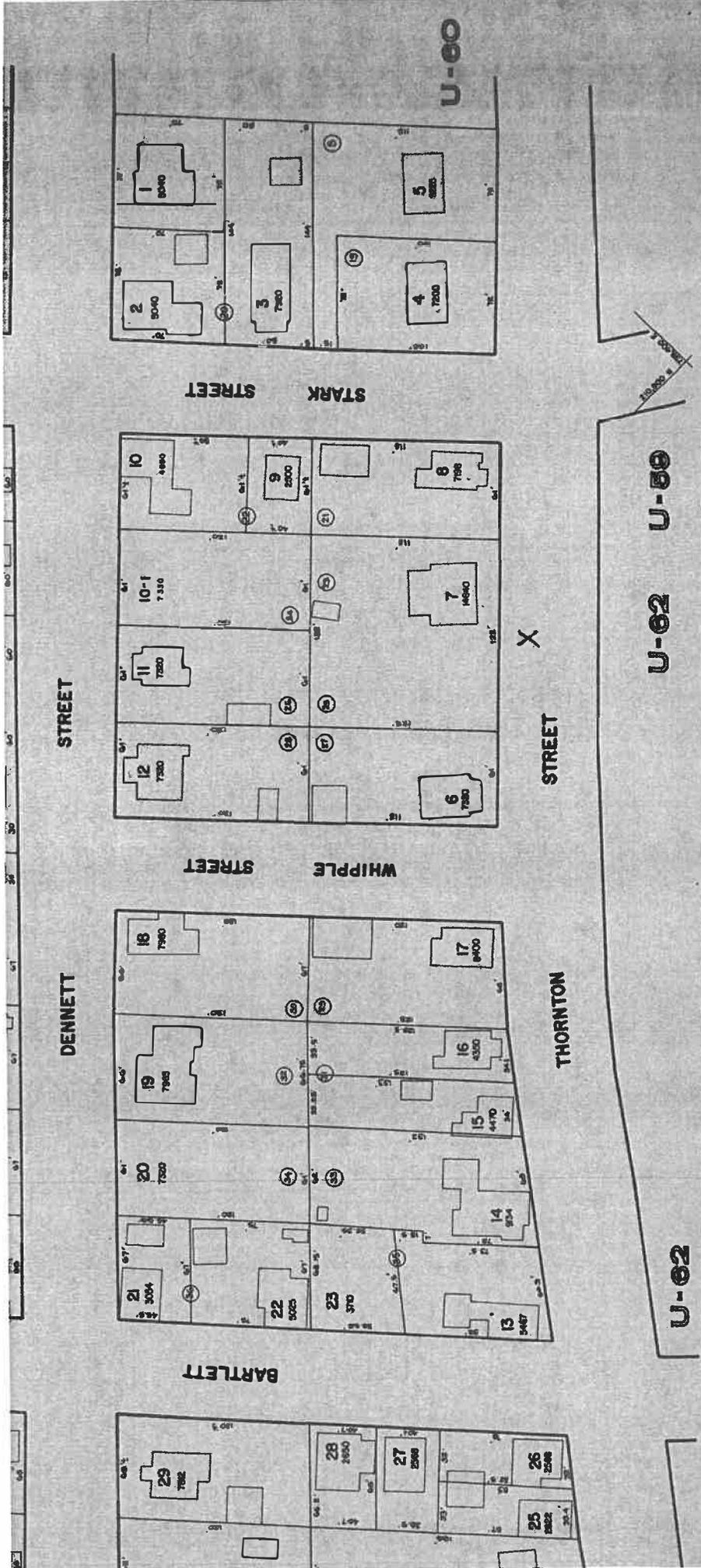
BUILT 1960
HOWARD JONES
MOTOR LODGE
54 UNITS

BOYD RD.

Copyright 1957 by the Sanborn Map Co.

1990 Map U61-7

CM Action Item #6



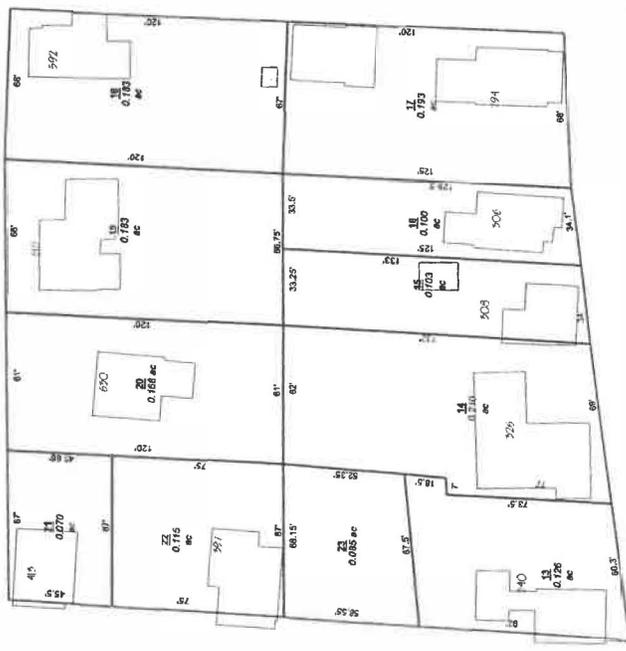
PROPERTY MAP
PORTSMOUTH
 LEGEND
 ADJACENT SHEET NO. 12
 COMMON OWNERSHIP
 DEVELOPMENT LOT NO. ⑥
 SCALE IN FEET
 0 40 80
 U-62 U-69 U-61 U-60
 DENNETT STREET THORNTON STREET
 BARTLETT STREET WHIPPLE STREET STARK STREET
 STREET
 PREPARED BY
 ASSOCIATED

2019 Map 161-7

CM Action Item #6

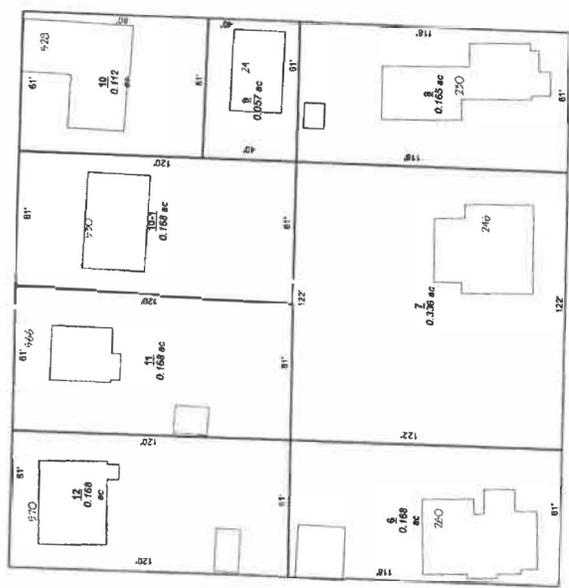


DENNETT ST



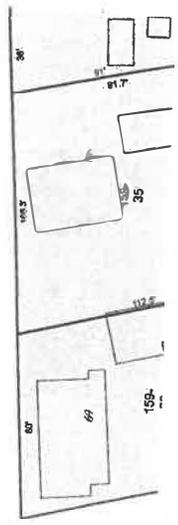
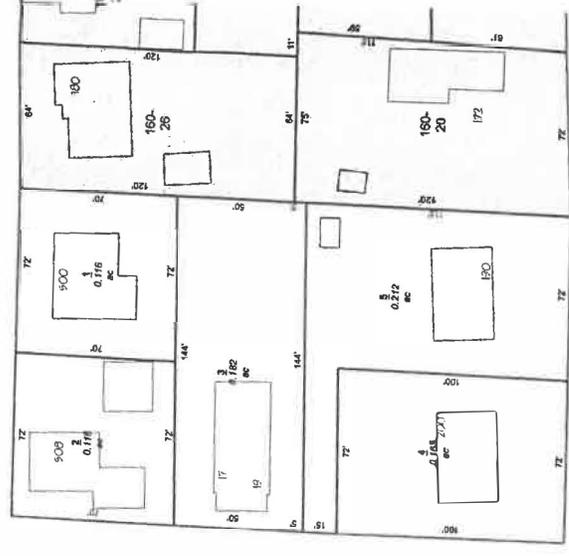
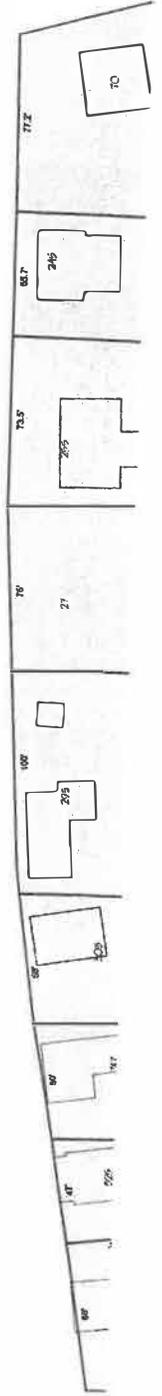
WHIPPLE ST

THORNTON ST



STARK ST

X



144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com



Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
*Also admitted in MA



May 28, 2020

City of Portsmouth
Attn: Karen Conard, City Manager
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Request for Restoration of Involuntarily Merged Lots
246 Thornton Street, Portsmouth (Tax Map 161, Lot 7)
James Gould, Owner**

Dear Manager Conarad,

Our Office represents James Gould, owner of property at 246 Thornton Street, identified on Tax Map 161 as Lot 7. Mr. Gould is the owner of two lots that were involuntarily merged. Pursuant to RSA 674:33-aa, Mr. Gould seeks to restore the two involuntarily merged lots to their pre-merger status. Enclosed, please find the Application for Restoration of Involuntarily Merged Lots, a copy of Mr. Gould's Deed and a copy of the most recent survey of the Property. If the City could please copy me on any communications regarding this application and notice me of any meetings or hearings on it, that would be appreciated.

The two involuntarily merged lots were first shown on a Plan prepared by A.C. Hoyt in 1890. Exhibit A. The lots were identified on the Hoyt Plan as Lots 23 and 25. Presently, Lot 23 has a duplex on it that Mr. Gould lives in with his family. Lot 25 remains a vacant lot. The City assesses and shows the two lots as one property on its tax map. Exhibit B. The title and other research that I conducted on the lots, which included a review of the City's assessing, planning, zoning and inspection records, demonstrates that there was no express merger of the two lots. There is also no evidence to suggest that there was never an implicit merger of the two lots, as Lot 25 has historically remained a vacant lot. The Gould Property has been consistently referenced throughout the chain of title as two lots (Lots 23 and 25 as shown on the Plan of A.C. Hoyt of 1890). Exhibit C.

It is believed that the City may have involuntarily merged the two lots prior Gary J. Grant and Jane M. Grant purchasing them in 1977, although this is speculative based on the City's assessing records. Exhibit D. When the Grants jointly purchased the two lots in 1977, the City identified each lot separately in its assessing records but referenced them as one lot (Tax Map U60, Lot 7). There is no indication prior to this while the lots were owned by the Chartiers of the two parcels being referenced or identified as one.

144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com

DL
DURBIN LAW

D
Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
**Also admitted in MA*

For the foregoing reasons, Mr. Gould respectfully requests that the City Council restore his involuntarily merged lots. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek R. Durbin', with a large, stylized flourish that loops back under the name.

Derek R. Durbin, Esq.



CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
 1 Junkins Avenue
 Portsmouth, New Hampshire 03801
 Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Karen S. Conard, City Manager
 From: Verna E. Sharpe, Deputy Assessor
 CC: Rosann Lentz, City Assessor
 Date: July 2, 2020
 RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 1240 Islington Street

At its meeting on June 15, 2020, the City Council considered a request from Jeremy Conte, requesting the restoration of involuntarily merged lots at 1240 Islington Street to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer to the Assessor for report back.

Description

The subject parcel is depicted on the attached tax map copies from the years 1927, 1956, 1960's, 1990 and 2019. In 1927 and 1956, there are no lot #'s. In 1960's the lot numbers were 5 and 6 on map 56, 1990 had lot 7 on map 33 and in 2019 it is lot 7 on map 233.

Assessor's Findings

Deeds: According to the deeds going back to 1947, the land is described as 2 separate lots on the same deed and referred to as Lot 14 and Lot 16 on a plan recorded as book 563, page 481.

Warrant Lists: The 1961 Warrant List shows the lots billed separately. Then in 1969-1972 and 1983, they are billed as one lot

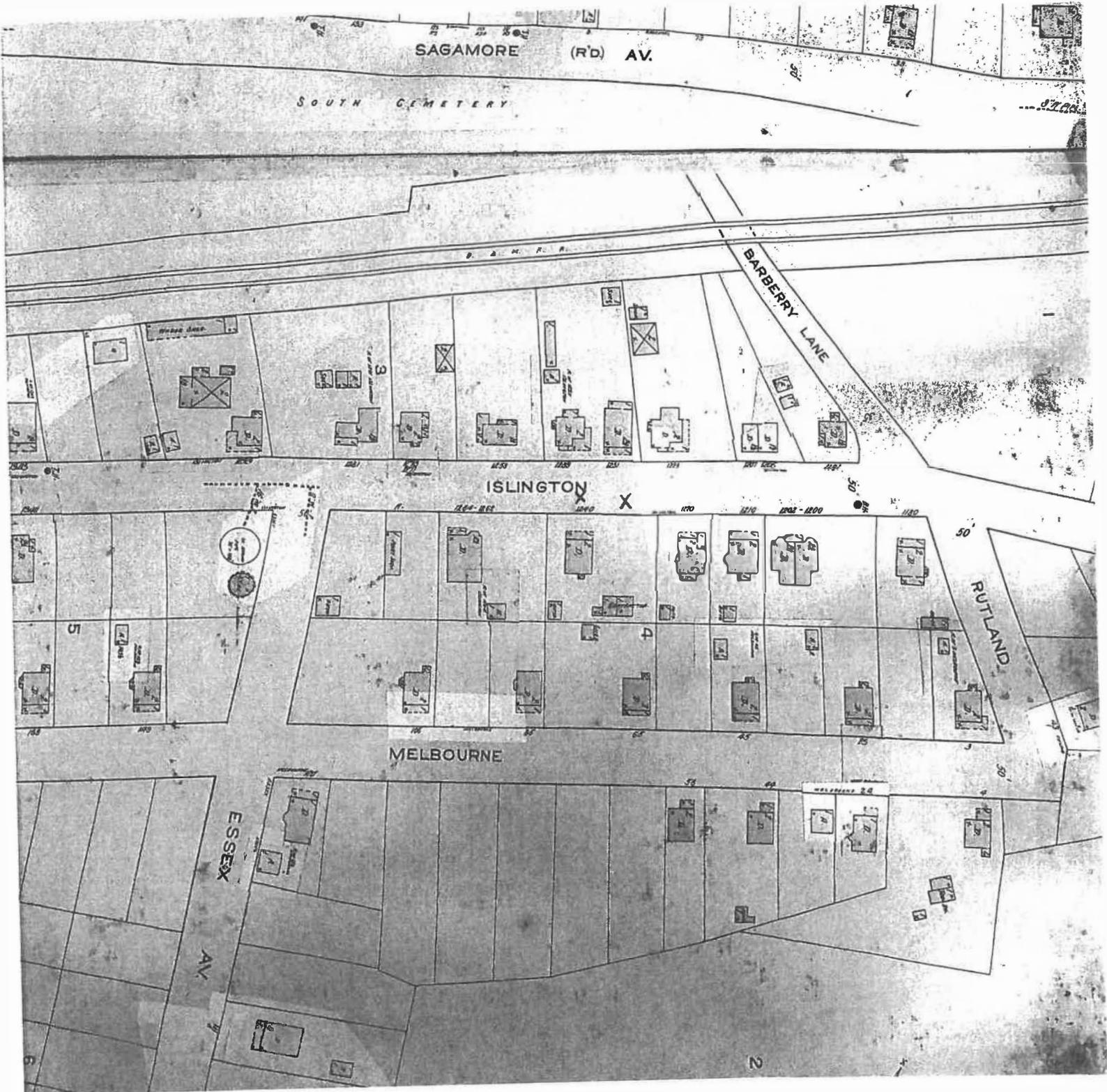
Property Record Cards: The property record cards on file show they were assessed as separate lots from 1953 to 1971. Property record cards after 1971 show the lots are assessed as one lot.

Tax Maps: The 1927 and 1956 tax maps appear to show the lot as a single lot. In 1960 they are depicted as separate lots, but in 1990 to the present they are depicted as a single lot.

Summary

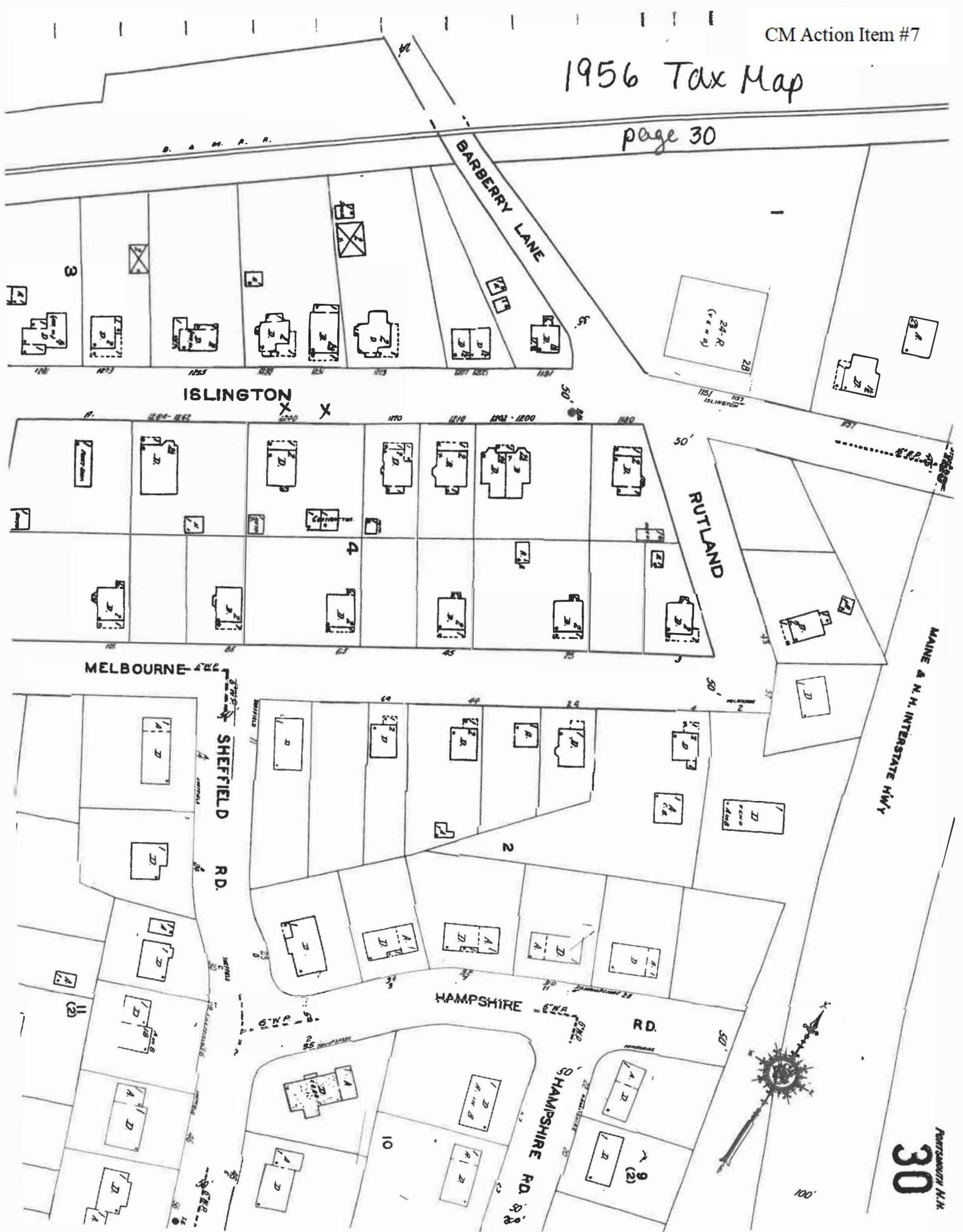
While the tax maps appear to go back and forth from single lot to separate lots and back to a single lot, based on the assessment records and the warrant lists, it would appear at some point after 1971, the lots were merged. It is unknown by the Assessor's Office if the merger was requested by the taxpayer at the time or if it was involuntary. The Assessor's office has found no record of a request from any of the current or prior owners to merge the lots and its findings are consistent with those of Attorney Bernard W. Pelech's in his letter to the Mayor and City Council dated April 21, 2020.

Cc: file
 Enclosures: 5



1956 Tax Map

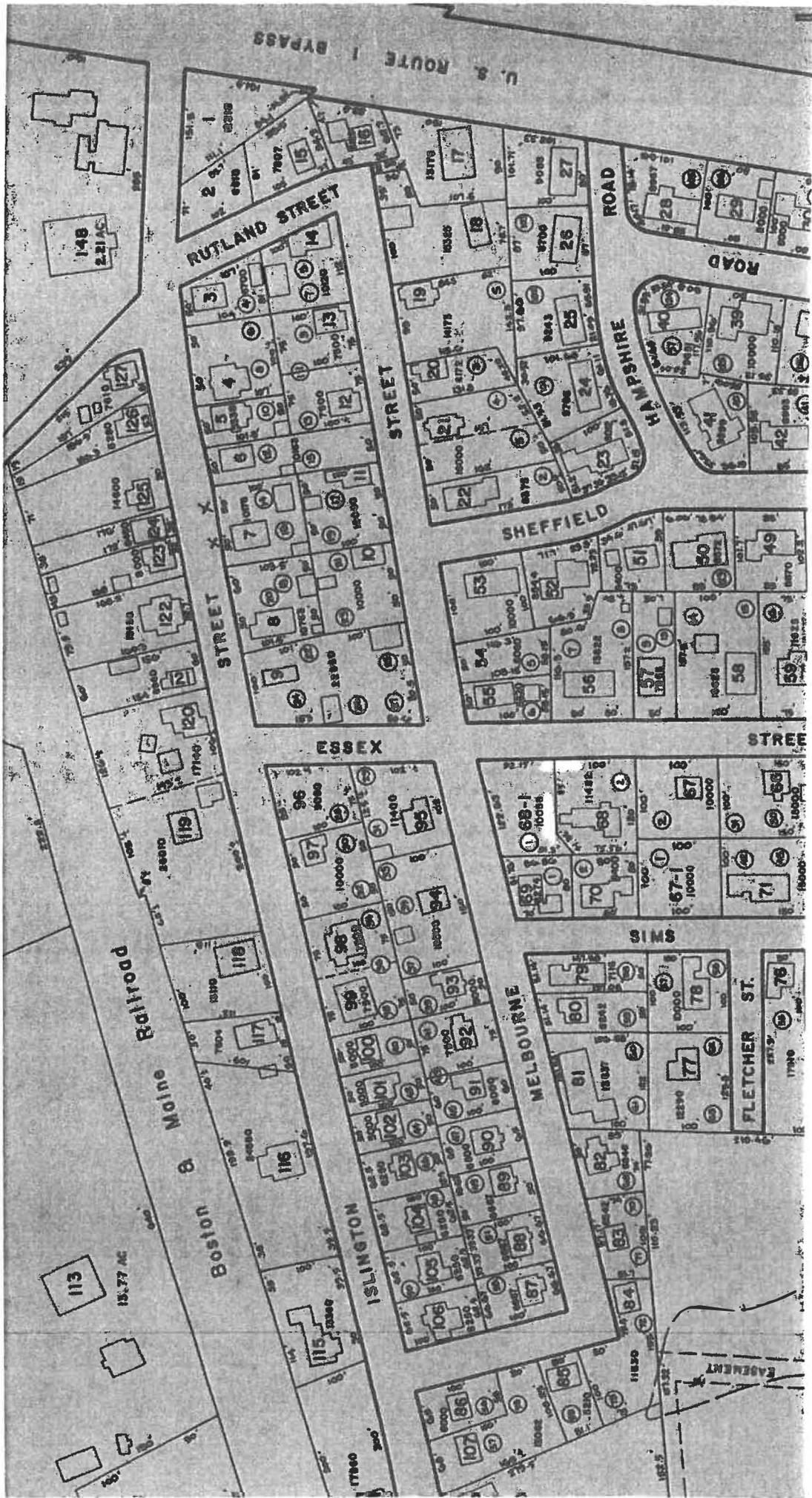
page 30



MAINE & N.H. INTERSTATE HWY

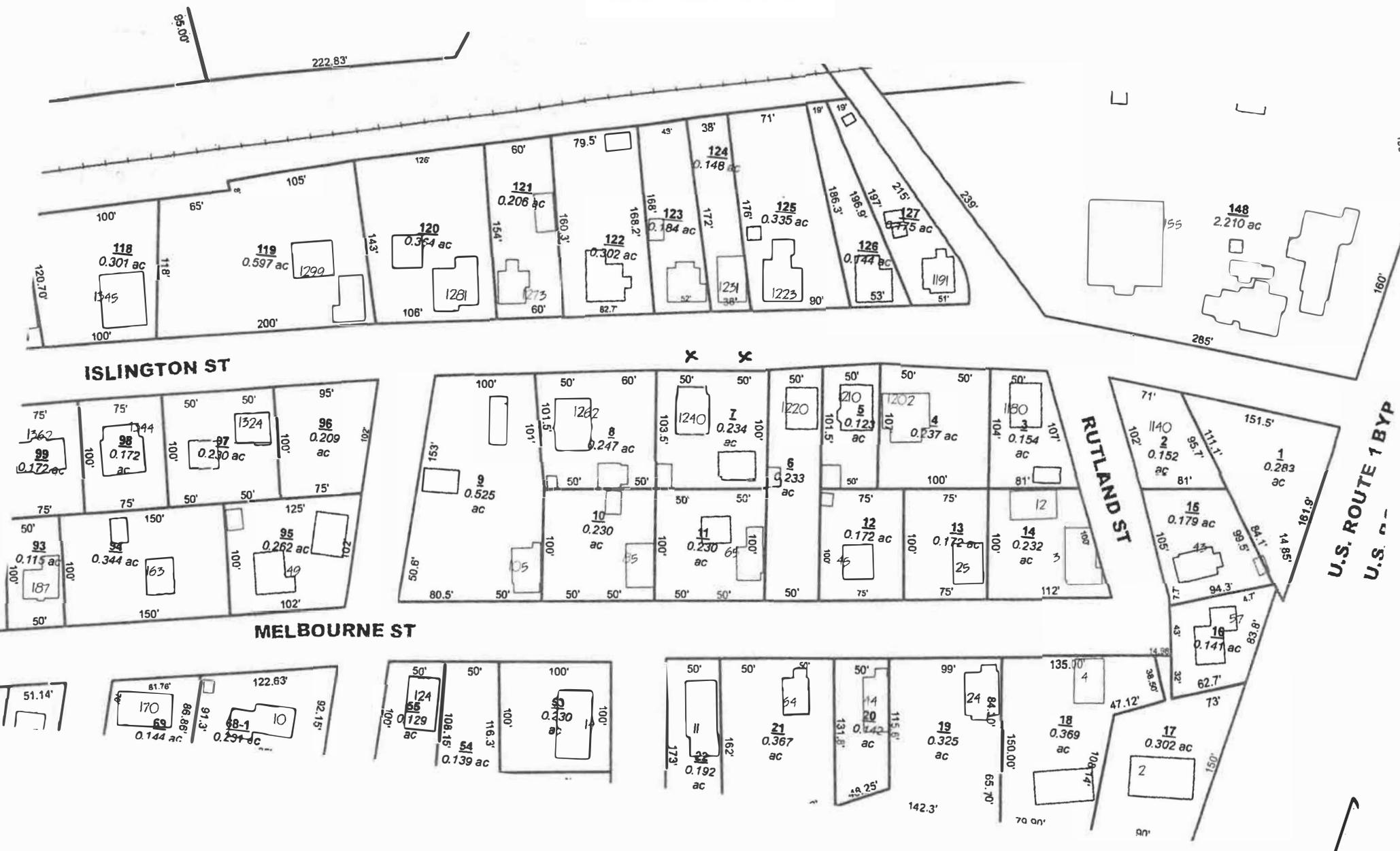
1990 Map 3:

CM Action Item #7



2019 Map 233-7

CM Action Item #7



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

April 21, 2020

Mayor Richard Becksted and
City Council Members
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Bernard W. Pelech
Admitted in NH & ME

RE: Unmerger of Lots
1240 Islington Street, Portsmouth, NH
Tax Map 233, Lot 7

Dear Mayor Becksted and City Councilors:

This office represents Jeremy Conte, owner of the property at 1240 Islington Street.

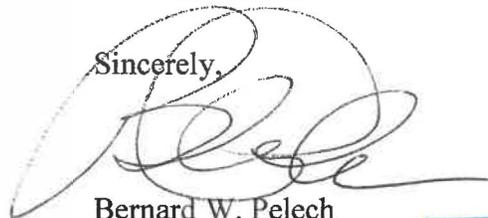
On behalf of Mr. Conte I would respectfully request that the two lots which he acquired on December 19, 2019 be unmerged pursuant to NH RSA 674:39 aa, as they were involuntarily merged by the City of Portsmouth prior to September 18, 2010.

Enclosed herewith are all deeds for the two lots from 1899 to the present. Also enclosed is the recorded Sugden Brothers Plan from 1899 showing the two lots (14 + 16) which are presently owned by Mr. Conte.

My extensive research reveals that there has been no voluntary merger of these two lots by Mr. Conte or any of his predecessors in title.

As such it is requested that the two lots presently shown on Lot 7 on Tax Map 233 be unmerged as the requirements for unmerger set forth in NH RSA 674:39 aa are met.

Sincerely,



Bernard W. Pelech

BWP/sdm
Enclosures
CC: Juliet Walker, Portsmouth City Planner
Robert Sullivan, Portsmouth City Attorney







CM Action Item #8

12.2 ACRES



VIEW A



VIEW B



PROPOSED LAND SWAP

SCALE 1:100

CM Action Item #8



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



WORKFORCE HOUSING COVENANT

THIS LAND USE RESTRICTION COVENANT FOR **WORKFORCE HOUSING** ("Covenant") is made and entered into on this _____ day of _____, 2020 between the **CITY OF PORTSMOUTH**, a municipal corporation organized under the laws of the State of New Hampshire and having a place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire ("City") and **CATE STREET DEVELOPMENT, LLC**, a New Hampshire limited liability company of 11 Elkins Street, Suite 420, Boston, MA 02127 ("Owner").

PREAMBLE

WHEREAS, the Owner owns certain real property situate at 428 Route 1 By-Pass, Map 173, Lots 1 and 2, Map 165, Lot 2 and Map 163, Lots 33 and 34 more particularly described in Exhibit A attached hereto (the "Property");

WHEREAS, the Owner has obtained a conditional use permit from the City Planning Board to develop the property pursuant to correspondence from the City Planning Department dated March 22, 2019 (the "Approval");

WHEREAS, as part of the approval process for the Property, Owner agreed to a stipulation with the Portsmouth Planning Board at a meeting on March 21, 2019 to maintain at all times 10% of the completed residential dwellings at the Property, and in any event no less than 27 units, as workforce housing units as defined herein.

WHEREAS, the Owner further agreed to a stipulation with the Portsmouth Planning Board at the meeting on March 21, 2019 to allow units that are affordable to a household with an income of 80% of the median income for a 3-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area instead of 60% of the median income to qualify as workforce housing;

WHEREAS, this Covenant is designed to satisfy the aforementioned stipulations placed on the Approval by requiring that 10% percent of the residential dwelling Units (the "Designated Workforce Housing Units"), shall be maintained for a full term of 30 years as workforce housing for a household with an income of 80% of the median income for a 3-person housing for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent;

WHEREAS, this Covenant shall apply solely to the "Designated Workforce Housing Units" in the Project, and the Parties agree that this Covenant shall not apply to, burden or encumber the remaining dwelling units in the Project, or the tenants of those units;

WHEREAS, this Covenant shall apply to and be enforceable by the City as set forth in this Covenant;

WHEREAS, the City or its designated agent or successor, shall have the authority to monitor and enforce this Covenant;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the City and the Owner do hereby contract and agree as follows:

COVENANT

Section 1. Definitions and Interpretation. In addition to the words and terms defined elsewhere in this Covenant, unless otherwise expressly provided herein or unless the context clearly requires otherwise, the following terms shall have the respective meanings set forth below for all purposes of this Covenant:

"Affordable" means that the rent shall be affordable to a Qualifying Tenant. Rent for any unit shall be set at the 80% Rent Limit for a 3-person household, determined on a per-bedroom basis, as established by the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Areas as published annually by HUD.

"Annual Income Certification" means the Annual Income Certification described in Section 4(b) of this Covenant.

"Certification of Continuing Program Compliance" means the Certification of Continuing Compliance described in Section 4(d) of this Covenant and by any document required by the City or the City's agent confirming compliance.

"Gross Rent" means net rent plus utilities, including electricity, heating and ventilation, water heating, and cooking, but shall not include telephone, television (cable or satellite) services, Wi-Fi, internet services, web-based services, or other such electronic systems or services. Calculation of utility costs may be based on the Utility Allowance Schedule for New Hampshire, published by the New Hampshire Housing Finance Authority.

"Qualifying Tenant" means any individual (whether prospective tenant or present tenant of the Project) whose income is 80% or less of median income for a three (3) person household in the Portsmouth-Rochester HUD Metropolitan Fair Market Rent as published annually by HUD.

"State" means the state of New Hampshire.

"Term" or "Term of this Covenant" means the period during which this Covenant is in effect, as determined pursuant to Section 7.

“Workforce Housing” means a dwelling, or group of dwellings, developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Covenant. All workforce housing units shall include a restrictive covenant that ensures affordability as specified herein for the maximum allowable term but no less than 30 years.

“Workforce Housing Unit” means a housing unit which qualifies as “workforce housing” under this Covenant, including rental housing which is Affordable to a Qualifying Tenant.

All capitalized words and terms used but not defined in this Covenant shall have the common and ordinary meaning ascribed to them unless the word or term is defined in this Covenant including any future amendments hereto to the extent applicable to the Project.

Unless the context clearly requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. This Covenant and all the terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity hereof.

The titles and headings of the sections of this Covenant have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Covenant or any provision hereof or in ascertaining intent if any question of intent shall arise.

Section 2. Representations, Covenants and Warranties of Owner.

(a) The Owner

(i) is a New Hampshire limited liability company duly organized under the laws of the State of New Hampshire, and is qualified to transact business under the laws of the State,

(ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted and as now contemplated by this Covenant, and

(iii) has the full legal right, power and authority to execute and deliver this Covenant and to perform all the undertakings of the Owner hereunder.

(b) The execution and performance of this Covenant by the Owner

(i) will not violate or, as applicable, have not violated a provision of law, rule or regulation, or any order of any court or other agency or governmental body, and

(ii) will not violate or, as applicable, have not violated any provision of any indenture, Covenant, mortgage, mortgage note, or other instrument to which the Owner is a party or by which it or its property is bound, and

(iii) will not result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature. The Owner agrees to obtain the written recordable consent of any prior lienholder to this Covenant, and to record it prior to the issuance of any building permit for this project.

Section 3. Workforce Housing Tenants. The City and the Owner hereby declare their understanding and intent that the Property will be owned, managed and operated to include the 10% “Designated Workforce Housing Units” at all times during the Term of this Covenant. To that end, the Owner hereby represents, covenants and agrees that:

(a) At least 10% of the completed dwelling units to be developed in the Project, and in any event no less than 27 completed units shall be Workforce Housing as defined herein.

(b) the Owner shall maintain said Workforce Housing units within the project for a term of thirty (30) years from the date of the issuance of a Certificate of Occupancy.

(c) Each of the Designated Workforce Housing Units shall be both Affordable and occupied by Qualifying Tenants.

(d) The form of lease to be utilized by the Owner in renting any units in the Project to any person who is intended to be a Qualifying Tenant shall provide for termination of the lease and consent by such person to immediate eviction for failure to qualify as a Qualifying Tenant as a result of any material misrepresentation made by such person with respect to the income certification at the time of lease or the failure by such tenant to execute an income certification annually or within 12 months of disqualifying as a Qualifying Tenant. If a Qualifying Tenant exceeds the income requirements as a result of an improved financial condition, that tenant shall be entitled to ninety (90) day notice of eviction but shall be responsible for complying with all terms of this Covenant and the Tenant’s lease after the notice of eviction is served.

(e) The Owner will not knowingly take or permit any action that would result in a violation of the requirements of this Covenant. Moreover, Owner agrees to take any reasonable lawful action (including amendment of this Covenant as may be necessary) to comply fully with all applicable rules, rulings, or additional regulations relating and affecting the Project;

(f) The Owner has not and will not execute any other agreement with provisions inconsistent with the provisions hereof, and that in any event, the requirements of this Covenant are paramount and controlling as to the rights and obligations herein set forth and supersede any other requirements in conflict herewith.

(g) If the Owner becomes aware of any situation, event or condition which would result in Non-compliance of the Project or the Owner with this Covenant, the Owner shall promptly give written notice thereof to the City;

(h) The Owner shall insure that the Designated Workforce Housing Units occupied by Qualifying Tenants with valid leases shall be of comparable quality to other apartment units of the Project; and the units must be suitable for occupancy, subject to reasonable wear and tear. Notwithstanding the terms of this Section 3(g) the Qualifying Tenant, and not the Owner, shall remain fully responsible for any intentional or negligent acts of Qualifying Tenant, members of the Qualifying Tenants' household, and/or those in the Designated Workforce Housing Units or on the Property at the invitation or control of the Qualifying Tenant, which causes damage to the condition or habitability of the Designated Workforce Housing Units.

(i) Any Qualifying Tenant that does not abide by the terms of the lease or occupancy agreement, or by the terms of this Covenant, may be evicted from any Designated Workforce Housing Unit by the Owner, and said eviction, shall not change the character of the apartment as being designated as one of the two (2) Designated Workforce Housing Units during the time the tenant is being removed from the apartment, provided however, the apartment is re-rented to a new Qualifying Tenant subsequent to the prior Qualifying Tenant's eviction and removal.

Section 4. Records and Certifications.

(a) During the Term of this Covenant, the Owner shall deliver to the City, or its designee, any and all documents related to costs, expenses and income for the Workforce Housing Units, required to be provided to the City or that the City's agents may require or request;

(b) During the Term of this Covenant, the Owner will maintain complete and accurate records pertaining to the 27 Designated Workforce Housing Units which are the subject of this Covenant. Without limiting the generality of the foregoing, the Owner will obtain and maintain on file an Annual Income Certification from each Qualifying Tenant.

(c) the Owner will permit any duly authorized representative of the City to inspect, and make copies of the books and records of the Owner pertaining to the incomes of present, past or prospective tenants of the Project upon reasonable notice and at reasonable times; and

(d) At all times during the term of this Covenant, the Owner shall maintain with the Planning Department of the City, or its designee, a Certification of Continuing Compliance including verification that the rent for the Workforce Housing Unit and the Qualifying Tenant meet the definitions as provided in this covenant.

(e) The City may designate a third party to certify and monitor the Designated Workforce Housing Units and the Owner shall pay the reasonable fees for the third party.

Section 5. Reliance. The Owner hereby agrees that the representations and covenants set forth herein and in the Annual Income Certification by the Owner to the City may be relied upon by the City. In performing its duties and obligations hereunder, the City may rely upon statements and certificates of the Owner. In addition, the City may consult with counsel, and

the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by the City hereunder in good faith and in conformity with the opinion of such counsel. In performing its duties and obligation hereunder, the Owner may rely upon certificates of Qualifying Tenants reasonably believed to be genuine and to have been executed by the proper person or persons.

Section 6. Sale or Transfer of Project. All Owners (or successors and assigns in interest pursuant to Paragraph c below) of Designated Workforce Housing Units shall be bound to the rent and income limits and all of the provisions set forth in this Covenant for the thirty (30) year term of this Covenant.

Section 7. Term

(a) This Covenant became effective on _____ and shall remain in full force and effect for a period of thirty (30) years following the date of issuance of a certificate of occupancy, for the Designated Workforce Housing Units.

Section 8. Defaults and Remedies & Right to Cure. Any failure by the Owner to perform or comply with any obligation, agreement, Covenant or warranty of the Owner under this Covenant that is not corrected within a reasonable period [after written notice from the City to the Owner setting forth the specific details of the event of default] shall constitute an "event of default" hereunder. For purposes of this Covenant a "reasonable period" is not more than sixty (60) days after such failure is first discovered by the Owner or would have been discovered by the exercise of reasonable diligence.

Upon the occurrence of an event of default hereunder that is not cured within 60 days after City provides Owner with a written notice of default, the City may take whatever action may be permitted at law or in equity or in this Covenant to enforce the obligations of and restrictions applying to the Owner hereunder. The City shall have the right to require the curing of any failure of the Owner to perform or comply with any obligation, agreement, Covenant or warranty of the Owner under this Covenant prior to the time such failure has become an event of default hereunder as the City may deem necessary.

Each Party acknowledges and agrees that a breach or threatened breach by such Party of any of its obligations hereunder would cause the other Party irreparable harm for which monetary damages would not be an adequate remedy and agrees that, in the event of breach or threatened breach, the other Party will be entitled to equitable relief, including a restraining order, an injunction, specific performance and any other relief that may be available from any court, without any requirement to post a bond or other security, or to prove actual damages or that monetary damages are not an adequate remedy. Such remedies are not exclusive and are in addition to all other remedies that may be available at law, in equity or otherwise. Without limiting the generality of the foregoing, the City shall have the right to seek specific performance of any obligation, agreement, Covenant or warranty of the Owner hereunder, whether or not failure to comply with the obligation, agreement, Covenant or warranty for which specific performance is sought has become an event of default hereunder.

No remedy conferred upon or reserved to the City by this Covenant is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative

and shall be in addition to every other remedy given under this Covenant or any other document now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any failure of the Owner to perform or comply with any obligation, agreement, Covenant or warranty of the Owner under this Covenant shall impair any such right or power or shall be construed to be a waiver thereof. In order to entitle the City to exercise any remedy reserved to such party in this Section, it shall not be necessary to give any notice except as otherwise specified in this Covenant.

The terms of this Section 8 are to ensure the Owner's compliance with the terms of this Covenant to the City only, namely, to provide the Designated Workforce Housing Units occupied by Qualifying Tenants as defined herein. At no time shall the terms of this Section 8 or the rights and remedies set forth under the terms of this Section 8, give any Qualifying Tenant any rights or remedies against the Owner for violation of the terms of this Covenant. In addition, at no time shall any Qualifying Tenant use or allege the Owner's breach of the terms of this Covenant, as grounds to avoid eviction from the Designated Workforce Housing Unit, if the Qualifying Tenant is otherwise in violation of the terms of its lease or occupancy agreement with the Owner.

Notwithstanding the terms of this Section 8, the Owner is not waiving any rights, remedies, or defenses, it might have to validly contest any alleged default of the Owner under this Covenant.

Section 9. Recording and Filing; Covenants To Run with the Land; Successors Bound.

(a) A signed executed covenant shall be submitted to the Planning Department for recording at the Rockingham County Registry of Deeds.

(b) This Covenant and the Covenants contained herein shall run with the land. These Covenants and the Covenants contained herein shall bind, and the benefits shall inure to, respectively, the Owner and its successors and assigns and all subsequent Owners of the Project or any interest therein, the City's agent and each of the Qualifying Tenants during said Tenants' occupancy of a Workforce Housing Unit during the Term of this Covenant.

Section 10. Governing Law. This Covenant shall be governed by the laws of the State of New Hampshire.

Section 11. Amendments.

(a) To the extent that the existing terms of the Act shall impose any requirement upon the workforce units in the Project in addition to or more restrictive than those imposed by this Covenant, the Owner agrees that this Covenant shall be deemed to be intended to impose such additional or more restrictive requirements unless counsel to the City, at the expense of the Owner, renders an opinion that such amendment would not be necessary to preserve compliance with the Act. The Owner and the City shall, at the expense of the Owner and without obligation to do so, execute, deliver and, if applicable, file or record any and all documents and instruments necessary to effectuate the intent of this subsection.

Section 12. Notices. Any notice, demand or other communication required or permitted hereunder shall be in writing unless explicitly permitted to be given otherwise than in writing, and shall be

deemed to have been given if and when personally delivered, or when deposited in United States express mail, postage prepaid, or with a private courier service guaranteeing next day delivery. Any such notice, demand or other communication shall be addressed as set forth below or to such other address as the entity to receive such notice may have designated to all other entities named in this list by notice in accordance herewith:

If to the Owner:

**Cate Street Development
11 Elkins Street, Suite 420
Boston, MA 02127**

If to the City:

**City Manager
Portsmouth City Hall
Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801**

Section 13. Severability. If any Provision of this Covenant shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

Section 14. Multiple Counterparts. This Covenant may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall together constitute but one and the same instrument.

Section 15. Arbitration. In the event of any controversy or dispute arising out of or relating to this Covenant or the breach or default thereon, such controversy, breach, default or dispute shall be resolved by arbitration in Rockingham County, New Hampshire, in an arbitration proceeding conforming to the rules of the American Arbitration Association.

Section 16. Modification or Amendment. Any modifications or amendments to this covenant shall require approval by the Portsmouth Planning Board.

IN WITNESS WHEREOF, the Owner and the City have caused this Covenant to be executed under seal and by duly authorized representatives, all as of the date first written hereinabove.

CITY OF PORTSMOUTH

By: _____
Name and Title: Karen Conard, City Manager
Date: _____

CATE STREET DEVELOPMENT, LLLC

By: _____
Name and Title: Jay Bisognano, Member
Date: _____

ACKNOWLEDGEMENT

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on this _____ day of _____, 2020,
by Karen Conard, Portsmouth City Manager.

Notary Public
(Seal, if any)
My Commission Expires: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on this ____ day of _____, 2020,
by Jay Bisognano, Member, Cate Street Development, LLC.

Notary Public/Justice of the Peace
(Seal, if any)
My Commission Expires: _____



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 27.
 - 2) OWNER OF RECORD:
DAGNY TAGGART, LLC
30 PENHALLOW STREET, SUITE 300 EAST
PORTSMOUTH, NH 03801
- THE PURPOSE OF THIS PLAN IS TO SHOW THE SITE FEATURES FOR THE CMMP PLAN ON ASSESSOR'S MAP 107 LOT 31 IN THE CITY OF PORTSMOUTH.

PARKING WILL BE MAINTAINED FOR WORKERS ON SITE.

COORDINATION LIASON:
CHRISTINE LABLANC, VP
MCNABB PROPERTIES
(603)427-0725
CHRISTINE@MCNABBGROUP.COM

UTILITY MANAGEMENT WITH THE CITY AND PUBLIC UTILITIES WILL BE ON-GOING ON AN AS-NEED BASIS WITH PRIOR NOTICES.

ENCUMBRANCE DURATION:
MAY 01, 2020 THROUGH MAY 01, 2021

ENCUMBRANCES:
7 PARKING SPACES
1740 SQUARE FEET OF SIDEWALK

SHORING, PHASING, AND DEWATERING PLANS TO BE SUPPLIED TO THE CITY.

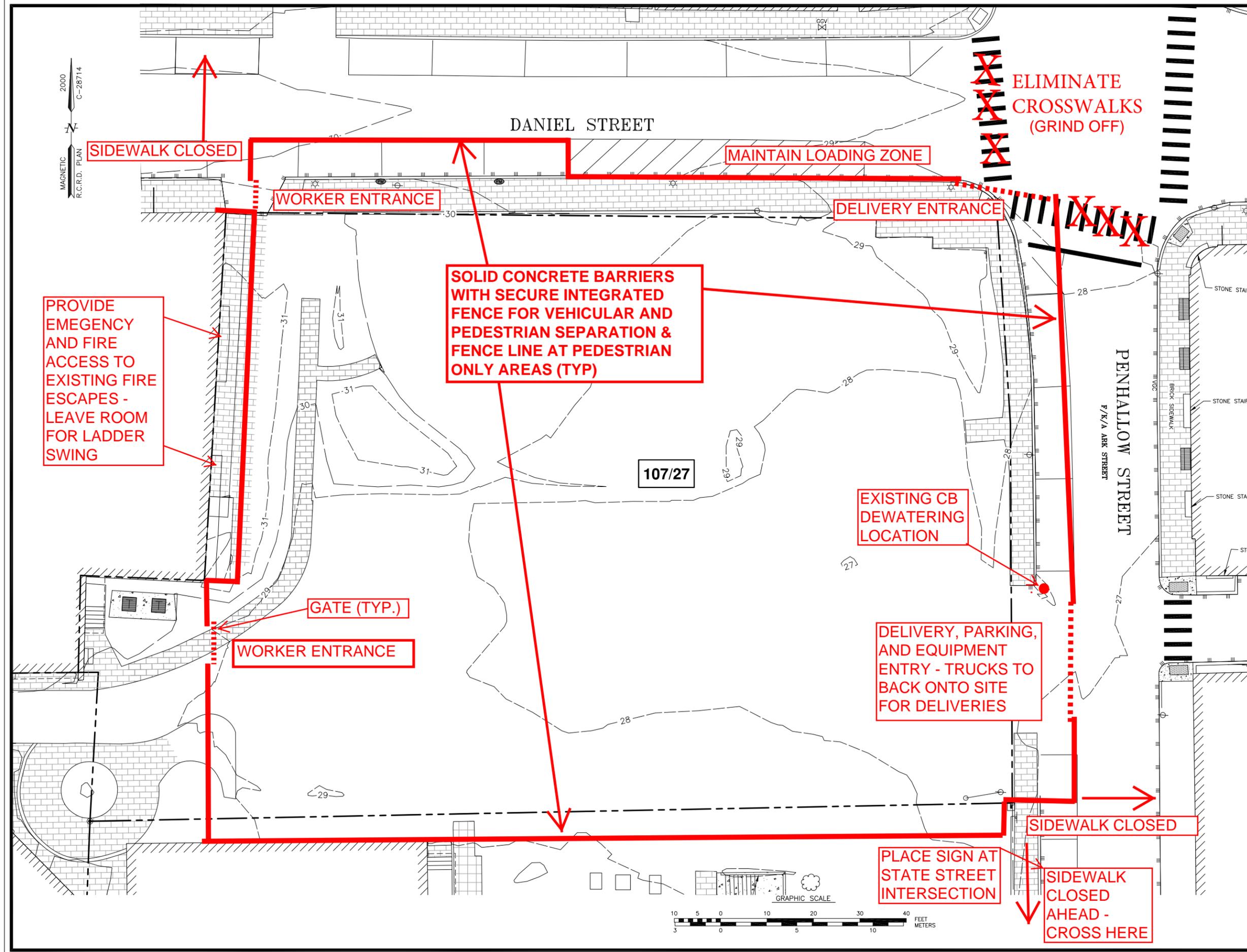
CM Action Item #9

BRICK MARKET
60 PENHALLOW STREET
PORTSMOUTH, N.H.

1	PER MEETING	3/17/20
0	ISSUED FOR COMMENT	2/3/20
NO.	DESCRIPTION	DATE
REVISIONS		

SCALE: 1"=20' FEBRUARY 2020

CMMP ENCUMBRANCE PLAN **C1**



107/27



J:\JOBS\3000\3039\2019 Site Development 60 Penhallow\Applications\Portsmouth Site Plan\Post Approval\CMMP\3039 CMMP 60 Penhallow.dwg, C1 EXIST

LICENSE AGREEMENT
DAGNY TAGGART, 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, hereby grants this Revocable License to Dagny Taggart, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 30 Penhallow Street, Portsmouth, NH, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 60 Penhallow Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0107-0027-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5990 Page 1703.

License Area 1: The City authorizes Licensee to temporarily use three parking spaces located on Daniel Street which abut the Subject Property, as depicted and described in the attached Encumbrance Plan as Exhibit A. The Licensee may also temporarily use 1,740 square feet of sidewalk that abuts the Subject Property along Daniel and Penhallow Street more particularly described in the attached Exhibit A.

License Area 2: The City authorizes the Licensee to temporarily use four parking spaces located on Penhallow Street which abut the Subject Property as depicted and described in the attached Encumbrance Plan as Exhibit A.

License Area 1 and License Area 2 as described above together comprise the License Area.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a four story building.
3. **Term:** The license for License Area 1 shall be for 184 days beginning August 1, 2020 and ending January 31, 2021. The license for License Area 2 shall be for 123 days beginning October 1, 2020 and ending January 31, 2021. The Licensee may make application to the City Manager for one extension of this term without further City Council

approval. A second extension shall be approved by the City Council. 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 to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at 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 License Area and again when it returns the License Area 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 the Owner will be charged a daily fee for each metered parking space and square foot of sidewalk encumbered by this License as determined by the fee schedule of \$50 per parking space per day and a daily fee of \$0.05 per square foot of encumbered sidewalk.

The License Area includes 1,740 square feet of sidewalks that abut the Subject Property along Daniel and Penhallow Street. The fee of \$0.05 per 1,740 square feet per day is \$87 and the fee for 184 days equals \$16,008.

The License fee for the three parking spaces along Daniel Street is \$50 a day per space and the total daily fee for the three parking spaces is \$150. The daily fee of \$150 for 184 days equals \$27,600.

The License fee for the four parking spaces along Penhallow Street is \$50 a day per space and the total daily fee for the four parking spaces is \$200. The daily fee of \$200 for 123 days equals \$24,600.

The License Fee for the seven parking spaces (\$52,200) and the sidewalk area (\$16,008) equals a total License Fee of **\$68,208**.

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 the License Area 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. **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.
7. **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.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area 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 License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
9. **Damage:** Licensee agrees to remedy any damage to the License Area 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.
10. **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.
11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice 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.
12. **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 _____, 2020

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

Dated this _____ day of _____, 2020.

Dagny Taggart, LLC

By: _____

MEMORANDUM

TO: Karen Conard, City Manager

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

DATE: June 24, 2020

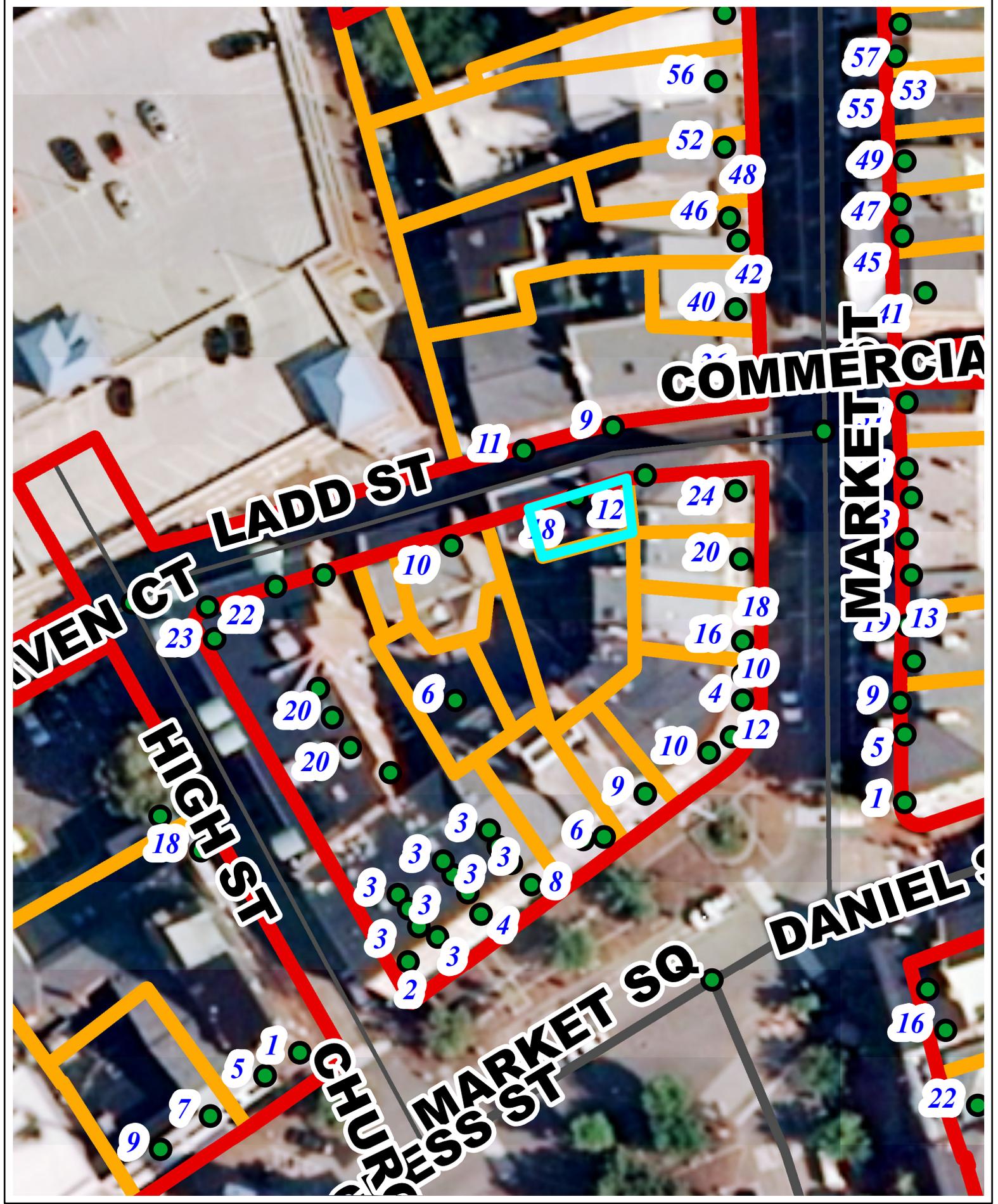
RE: City Council Referral – Projecting Sign
Address: 18 Ladd Street
Business Name: LastLooks
Business Owner: Deborah LaPointe

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

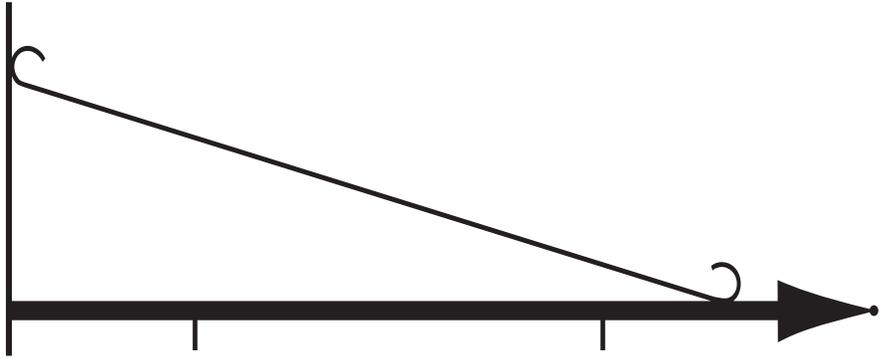
Sign dimensions: 20" x 40"
Sign area: 5.5 sq. ft.

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 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
18 Ladd Street



20" w x 40" h x 3/4" 2-sided PVC sign
32" bracket



207-384-8484 207-384-2363

109 Railroad Ave Ext. P.O. Box 231
South Berwick, Maine 03908
signsbymo@yahoo.com

Designed Exclusively For:	Last Looks - Deb	Date:	6/11/2020
Address:		Phone:	
The prices, specifications & conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.		50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE UPON COMPLETION. <i>This design is the property of the designer and may not be reproduced in any manner without the purchase of the design or written permission. We Do Not Accept Credit Cards.</i>	
Signature:		Date:	



CITY COUNCIL E-MAILS
June 22, 2020 (after 4:00 p.m. – July 9, 2020 (9:00 a.m.)
July 13, 2020 Council Meeting

**Due to the large volume of
e-mails received
a PDF compilation can be
found as an attachment on
the July 13, 2020 City
Council meeting posting
on the website**

**If you need further information, please contact the City
Clerk's Office at 610-7208.**



received
7/1/20

To: Members of the Portsmouth City Council
From: Lawrence Yerdon
President and CEO
Strawbery Banke Museum
lyerdon@sbmuseum.org
603 828-1989

Strawbery Banke Museum [SBM] opened on July first to visitors. The museum is offering 90-minute tours, on the hour and half-hour, seven days each week through the end of October. The tours will be outside and limited to no more than 10. The Visitors Center [TVC] will be open - visitors who did not buy tickets on-line and those needing tickets will be ticketed there.

Restrooms will be available in the TVC and cleaned frequently. Hand sanitizing stations will be available to visitors and staff.

The cafe is closed for the season.

Signs at the entrances to the site remind visitors of symptoms of virus illness and suggest that they come another day if they are not well. Visitors will be informed at that point, and twice more during their time at the museum, that they must wear a mask.

The HVC in the TVC has a new filter system that will filter virus out of the circulating air. A substantial plexi guard has been mounted at the ticket desk to protect staff and guests. Visitors waiting for tours will be seated on the open terrace at appropriate distance from each other. In inclement weather, visitors will use the lecture hall where chairs have been placed at appropriate distances.

Staff will sign in each day indicating their temperature and general health. Staff members will rest and lunch during breaks in areas that are outside whenever possible and not available to public access.

The theme for the tour is, "resilience." Visitors will learn the stories of four families who lived at Puddle Dock and how they responded and survived the crisis of their time. A guide will lead visitors around the campus - visitors will meet role players and members of the horticulture staff along the way.

Although this tour does not have the attraction of going inside the houses, we believe that visitors will find the tour engaging.

Any questions or concerns, please give me a call.



MEMORANDUM

To: Honorable Mayor Becksted and City Council Members
 From: Karen S. Conard, City Manager
 Date: July 13, 2020
 Re: General Fund Rolling Stock and Capital Outlay FY21 timeline.

During the June 22, 2020 City Council meeting, Council Huda requested a timeline for expenditures associated with Rolling Stock and Capital Outlay needs.

As you are aware, the final approved FY21 appropriation for Rolling Stock and Capital Outlay is \$427,500 and \$1,276,000 respectively. As many items recommended by Department Heads and adopted within the Capital Improvement Plan were eliminated or pushed to future budgets during the budget process, the remaining items have been identified as high priority for the near future. Working with the appropriated Department Head, the following tables were prepared and represent the necessary timeline to commit funds for the associated Rolling Stock or Capital Outlay needs.

Rolling Stock \$427,500

	Projected Release Date:				Totals	
	Jul-20	Aug-20	Oct-20	Feb-21		
Public Works						
C20 4x4 Pick-up w/plow	35,000.00			35,000.00	35,000.00	
C2500 4x4 Pick-up w/plow	35,000.00			35,000.00	35,000.00	
7400 Packer (Year 3 of 3 funding)	120,000.00	120,000.00			120,000.00	
Starcraft Multifunction Bus (Year 2 of 2 funding)	50,000.00	50,000.00			50,000.00	
Zero Turn Mower	8,000.00	8,000.00			8,000.00	
Police						
* Explorer	40,500.00	40,500.00			40,500.00	
* Explorer	40,500.00	40,500.00			40,500.00	
Fire						
** Ambulance (Year 1 of 3 funding)	85,000.00				-	
School						
60" Mower with bagging system	13,500.00		13,500.00		13,500.00	
	427,500.00	251,000.00	8,000.00	13,500.00	70,000.00	
					342,500.00	FY 21
					85,000.00	FY 23
					427,500.00	Total

*The purchasing of Police Interceptors is a long process taking up to four-six months to build and deliver after the bidding process. Therefore, the commitment of the appropriation early in the fiscal year is necessary.

**The \$85,000 is the first of a three-year appropriation to reserve funds in order to purchase the Ambulance in FY23.

Capital Outlay \$1,276,000

Projected Release Date:

		Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Jan-21	Feb-21	Jun-21		
Hydraulic Rescue Tool Replacement	30,000	20,000							10,000	30,000	
Library Furnishings	25,000						25,000			25,000	
Elementary Schools Upgrade	200,000			120,000	60,000	20,000				200,000	
Vaughan-Worth Bridge Strategic Vision Development	25,000	<i>*Timeline not identified</i>								-	
McIntyre Federal Building-Planning and Implementation	25,000	10,000	15,000							25,000	
Citywide Tree Replacement	10,000							10,000		10,000	
Sound Barriers in Residential Areas Along I95	100,000	<i>Timeline not identified - These funds are matching State DOT funds, timing of use is dependent on the State</i>								-	
PHA Court Street Project-Electrical Infrastructure	120,000	<i>Timeline not identified - Dependent of PHA Construction Schedule</i>								-	
Trail Development Projects	5,000								5,000	5,000	
Elwyn Road Sidepath	170,000	170,000								170,000	
Citywide Traffic Signal Upgrades	100,000							100,000		100,000	
Cate St Connector	366,000		366,000							366,000	
Citywide Storm Drainage Improvements	100,000		100,000							100,000	
	1,276,000	200,000	481,000	120,000	60,000	20,000	25,000	110,000	15,000	1,031,000	FY 21
										25,000	
										100,000	
										120,000	
										Total	1,276,000

City of Portsmouth
Office of the City Clerk

To: Karen Conard, City Manager
From: Kelli L. Barnaby, City Clerk *KLb*
Date: July 7, 2020
Subject: Preliminary Report for September Primary Election

I understand there has been an inquiry on what to expect for conditions due to COVID-19 at the polls for the State Primary Election scheduled for September 8, 2020.

Social Distancing

We have been working on creating a safe sanitary polling place. We will have Personal Protection Equipment (PPE) for voters and election workers. We will have a sanitization system in place so that everyone that votes or works the polls have a safe, clean and socially distanced environment. The Select Committee on 2020 Emergency Election Support has stated they believe face guards or masks should be worn by all voters coming to the polls. The Secretary of State and Attorney General should develop protocols to deal with those who refuse. We are in the process of reviewing Secretary of State Guidelines which are being updated regularly.

We are in the process of determining the safe number of voters for the square footage of the area in each of the polling places. I will be coordinating that process with the assistance of the Fire Department, Health Officer and Public Works Department as well as following the state guidelines on the number of people who can be safely distanced indoors. Below is information obtained from Governor Sununu's COVID-19 Resource Page specifically addressed at voting procedures.

Governor Sununu's COVID-19 Resource Page:

- Remind voters upon arrival to leave space between themselves and others. Encourage voters to stay at least 6 feet apart. Polling places may provide signs, or other visual cues such as floor markings, decals, or chalk marks to help voters and workers remember this.
- Have plans to manage lines to ensure social distancing can be maintained.
- Clearly mark points of entry and exit to avoid bottlenecks.

- Discourage voters and workers from greeting others with physical contact (e.g., handshakes). Include this reminder on signs about social distancing.

We will arrange the physical design for voting booths so there will be 6 feet between voters in the voting booths. Also, we will install Plexiglas shields in front of poll workers for voters checking-in, at the Board of Registrar's tables for same day voter registration and at the Challenge Voter ID table. We will have a regular disinfectant program for tables, chairs, pens, voting booths and all other materials handled during the election. We are still evaluating these processes from the Secretary of State as they are being modified and updated regularly and we have input into these processes.

Personal Protective Equipment (PPE)

Secretary of State released an update on PPE yesterday and indicated they will provide each polling place with PPE for the health and safety of election officials, poll workers, and voters. Federal funds will pay for the PPE, for use at federal elections.

We will receive one supply for both elections and will need to allocate the disposable PPE items to the September 8, 2020 primary and the November 3, 2020 general election.

The quantity of PPE being issued has been calculated using the number of voters who cast ballots at the 2016 state primary and 2016 general election, the most recent elections similar to this fall's elections. The Secretary of State adjusted our 2016 turnout numbers allowing for a potential increase in voter turnout and for an expected increase in the number of voters who will vote by absentee.

The allocation of PPE starts with a baseline supply for every polling place. For polling places where the estimated number of in-person voters is greater than 600, the allocation provides additional PPE to provide for additional voter check-in stations and additional board of registrars pro tem (added staff helping the registrars do Election Day registrations).

PPE Items being Issued

KN-95 Masks – For election officials, based on advice from medical authorities, one mask per election official for both elections, to be stored in a paper bag between uses.

Surgical Mask – For voters who are not wearing their own mask. Also for election officials working behind sneeze shield who prefer the lighter mask. These are one-use masks.

Face Shields - For election officials who are not working behind sneeze guards. Election officials wear these see through barriers over the face.

Gloves - For election officials and voters.

Gowns - For election officials who are not working behind sneeze guards and who will be assisting voters in close proximity.

Hand Sanitizer - Gallon Jug - Positioned after the ballot counting device/ballot box, for voters to sanitize as they exit the polling place. Hand sanitizing before or while handling a ballot risks getting the ballot wet. Wet ballots can jam in the ballot counting device. This supply is also available to election officials.

Hand Sanitizer - smaller containers to position behind the sneeze guards at the voter check-in positions, voter registration positions, and No Photo-ID table, for use by election officials as needed after handling voter documents, etc.

Sneeze Guards - Table top clear plastic shields that will be a barrier between an applicant registering to vote and the registrar, a voter checking in to get a ballot and the ballot clerk, and a voter going through the No Photo ID process and the election official. Election officials working behind a sneeze guard should wear a mask, but the more comfortable surgical mask is sufficient. The sneeze guards are approximately 31" wide and 48" tall.

Sanitizing Wipes in Jugs - for sanitizing surfaces before and during election day - except voting booths and tables and tables with voting screens. In Ballot Counting Device polling places a surface that is damp from sanitizing may transfer wetness to a ballot. Wet ballots jam in the ballot counting device. Paper mats are provided for a voter to place on the writing surface before setting the ballot down to mark.

Accessible Voting System one4all wipes - alcohol wipes to sanitize the keyboard and surfaces for the one4all system before and between uses.

Disposable earphone covers - one use, disposable, earphone covers for the one4all accessible voting system, cover replaced between uses.

Pen/Pencil - To issue the voter to mark his or her ballot and then to keep. This avoids the need to sanitize the writing instrument. Pens for ballot counting device polling place, pencils for hand count polling places.

Social Distancing Signs - Weather resistant signs for outside the polling place and poster paper signs for inside the polling place.

Painter's Tape to mark Social Distancing - tape to mark increments on the floor for social distancing where lines typically form. Intended to be inexpensive, one use, and easily removed.

Paper mats for writing surface - one use, disposable paper mat for each voter. The voters places the mat on the writing surface before setting the ballot down. This is an alternative to sanitizing each surface between each voter, which poses risk of wet surfaces causing wet ballots that jam in the ballot counting device. Each mat will have instructions printed on it.

Ballot Privacy Carriers - a specially designed folder / envelope will be provided for voters who choose to use it to carry the marked ballot to the ballot counting device. In response to the COVID-19 health crises and moderator's concerns, ballots for 2020 will be 8.5 X 11 in size, with some offices printed on the back. This will minimize the folds required for absentee ballots, which should reduce any problems with absentee ballots jamming in a ballot counting device due to the folds. Official election day ballots will therefore also have offices on both sides. To keep the marked ballot secret, the voter will insert the ballot into the privacy carrier. An edge of the ballot will extend from the carrier. Upon arrival at the ballot counting device the voter can hold the carrier and insert the edge of the ballot into the device. The device will pull the ballot into the device. This prevents exposure of either side of the marked ballot to others in the polling place. The carriers used at the primary will be kept for reuse at the general election.

Absentee Ballots

New Hampshire altered its law on absentee ballots to increase accessibility, usage, and confidence of absentee ballots. Absence shall include Concern for the Novel Coronavirus (COVID-19). New forms will be created by the Secretary of State to include the specific use of absentee ballots due to the Novel Coronavirus (COVID-19).

Partial Processing of Absentee Ballots Prior to an Election. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior to Election Day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate public places, one of which shall be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48

hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice shall be provided to the Secretary of State. The partial processing of absentee ballots prior to an election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers. Members of the general public may observe the process. Only one session for the partial processing of absentee ballots may be scheduled prior to an election. The Secretary of State plans on using federal funds to pay at least a portion of the increased cost expected to be incurred by the cities and towns as a result however, there may be budgetary impacts. We are exploring the utilization of shared City services such as fire, health and public works departments to minimize any budget increase, never the less, there will be increased cost in processing absentee ballots and social distancing.

We are in the process of evaluating how absentee ballots will be processed in a timely manner on Election Day. We are awaiting guidance from Secretary of State on some of these issues and are regularly communicating with that office as these standards are developed and analyzed.

We are evaluating a potential drive through voting opportunity by use of an outside tent for voting and check-in process, if weather allows. This option would need the approval of the Secretary of State.

Voter Identification

The select committee on elections has submitted their final report on voter identification.

A voter will hold up the ID on the other side of a Plexiglas shield. If the voter can be identified with a mask or face shielded, the voter may keep it. The poll worker may request the voter drop the facemask briefly if necessary to positively identify the voter. Ideally the Plexiglas has sides.

- a) If the poll worker cannot see the ID well enough through the Plexiglas, the voter will slide it through the slot.
- b) After examining the ID, the poll worker will hand it back to the voter.
- c) Any ID exchange requires that the poll worker then change gloves.

Undeclared Table Eliminated

On Primary Day, the process for unaffiliated voters who choose a party ballot and wish to return to unaffiliated voter status should not involve getting in a line to do so. Providing each such voter with a card when the voter receives a ballot, which can be filled in and given to a poll worker when the ballot is turned in is the best mechanism to accomplish this. Such a card should be designed and provided by the Secretary of State to local officials. These cards will be processed on another day by the clerk's office.

We appreciate suggestions and questions and will continue to report back to the City Council on these matters.

