

# CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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[https://zoom.us/webinar/register/WN\\_UIFIUp44Ti6Xq8who4LzVQ](https://zoom.us/webinar/register/WN_UIFIUp44Ti6Xq8who4LzVQ)

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 2020-25, 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, MARCH 8, 2021**

**TIME: 5:30PM**

## AGENDA

- I. **5:30PM – WORK SESSION REGARDING ISLINGTON STREET CORRIDOR PHASE TWO (2) PROJECT**  
[https://zoom.us/webinar/register/WN\\_-cPRbZD2TROUvuNXqKUWag](https://zoom.us/webinar/register/WN_-cPRbZD2TROUvuNXqKUWag)
- 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**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
  - A. Presentation from the Recreation Board Regarding Edge Sports Facility and Tennis Court Update
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

**Public Hearing Reconvened - Capital Improvement Plan (CIP):**

  - A. \*CAPITAL IMPROVEMENT PLAN (CIP) FY 2022-2027 (*Public Hearing held and remained open at the February 8, 2021 until March 8, 2021*)
    - **PRESENTATION** (*Presentation was held at the January 13, 2021 Work Session*)
    - **CITY COUNCIL QUESTIONS**
    - **PUBLIC HEARING SPEAKERS**
    - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

### Third and Final Reading:

- B. Third and Final Reading of Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission

## XII. MAYOR BECKSTED

1. \*Appointment of Renee Giffroy to the Arts & Non-Profit Blue Ribbon Committee
2. \*Appointment of Liaison/Representative from Reopen Portsmouth 2021 to the Arts & Non-Profit Blue Ribbon Committee
3. \*Request to Schedule a Public Informational Session Re: Great Bay Total Nitrogen General Permit on Thursday, March 11, 2021 at 6:00 p.m. (***Sample motion – move to hold a Public Informational Session regarding the Great Bay Total Nitrogen General Permit on Thursday, March 11, 2021 at 6:00 p.m.***)
4. \*Request to Reschedule City Manager Check-in to Tuesday, March 16, 2021 at 6:30 p.m. (***Sample motion – move to reschedule the City Manager Check-in to Tuesday, March 16, 2021 at 6:30 p.m.***)
5. Adoption of City Council Principles for Legislative Positions

## XIII. CITY COUNCIL MEMBERS

### A. COUNCILOR McEACHERN

1. \*Identification of City owned lands that could serve as spots for affordable housing (***Sample motion – move to request the City Manager report back on potential sites for affordable housing***)
2. Pickleball Courts (***Sample motion – move to request City Manager direct City Staff to convert two tennis courts at South Playground to Pickleball Courts***)
3. RFP for Public / Private Sports Complex (***Sample motion – move to request the City Manager issue an RFP for Public / Private Sports Complex***)

### B. COUNCILOR KENNEDY

1. \*Upgrade the Greenleaf Skateboard Park (***Sample motion – move to the Recreational Committee with a report back on the following: How the city can fix the Greenleaf Skateboard Park while working with the citizens group. This report should be given at the April 5<sup>th</sup> City Council meeting***)
2. \*Demolition Committee (***Sample motion – move a report back from the Planning Board, Historic District Commission, and Demolition Committee on how to improve the Demolition Committee. This will include but not be limited to deterrents for the demolition of Portsmouth buildings, fines for misconduct, and public comments at meetings. The expectation would be a report back at the April 5<sup>th</sup> Council meeting***)

### **C. COUNCILOR KENNEDY & COUNCILOR HUDA**

1. *\*Middle Street Bike Lane (Sample motion – move to make modifications to the Middle Street bike lane from Highland Street to the intersection of Lincoln Avenue and Middle Street. This would be completed by moving the cars back to the curb, adding a flashing cross walk sign and crosswalk, and designate Lincoln Avenue as a safe route to schools bike route. This should be completed by April 15, 2021)*

### **D. COUNCILOR HUDA**

1. Capital Improvement Plan & Associated Bonding Process (*Sample motion – move that the City Manager provide an update to the bonds issued and authorized un-issued report previously provided that identifies the CIP Projects listed under the description of:*
  - *Bi-Annual Street Paving*
  - *Bi-Annual Sidewalk Improvements*
  - *School Building Improvements*
  - *Elementary School Improvements*
  - *Citywide Bridges*
  - *Citywide Bridge Improvements*
  - *Citywide Building Improvements*
  - *Annual Waterline Replacements*
  - *Annual Sewer Line Replacements*
  - *Pumping Station Upgrades*

*I am requesting this level of transparency to help the residents/taxpayers see the projects that affect their streets, neighborhoods, and schools, which their tax dollars are funding thru the general fund or bonding.*

*Also to bring more transparency to the process by which project construction timing is prioritized or adjusted then funded for the Capital Improvement Plan.*

*These requests are being made in response to taxpayer questions on:*

- *Islington Street Construction*
- *Elwyn Road Sidewalks*
- *Peeverly Hill Sidewalks*
- *Sound Barrier Wall Construction Off I-95*
- *Middle Road & Route 33 Safety Updates*
- *Maplewood Bridge Construction*

### **XIV. APPROVAL OF GRANTS/DONATIONS**

- A. Donation of Bike Service Station from Seacoast Area Bicycle Riders (SABR)

### **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

#### **A. CITY MANAGER CONARD**

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

1. Building Permit Fee Waiver for the South Church

2. \*Request to Schedule a Work Session Regarding Peirce Island Master Plan
3. Request to Schedule a Public Hearing for Refunding (Refinancing) a Callable Bond
4. 46 Maplewood Avenue Revised Public Access Easement
5. 145 Maplewood Avenue Request for Extension of Temporary Construction License
6. Proposed Longmeadow Road Extension Project
7. Patricia Drive Release of City Interest and Renaming of Private Road

## XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Melissa Pitcher, Max Charles, LLC for property located at 168 Fleet 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. Letter from Fred Petrone, I Got Bridged, requesting permission to hold a Walk-A-Thon for the charity "I GOT BRIDGED" on Sunday, September 26, 2021 or Sunday, October 3, 2021 at 10:00 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Barbara Massar, Pro Portsmouth, Inc., updated programming events:
- Children's Day – Sunday, May 2, 2021; cancelled
  - 44<sup>th</sup> Annual Market Square Day Festival & 10k Road Race – Saturday, June 12, 2021; re-scheduled to Saturday, September 18, 2021
  - 18<sup>th</sup> Annual Summer in the Street – Originally planned for Saturday evenings – July 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup> and 31<sup>st</sup>; TBD
- (***Anticipated action – move to refer to the City Manager with Authority to Act***)

## XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

**XVIII. CITY MANAGER’S INFORMATIONAL ITEMS**

1. Report Back on FY18, FY19, and FY20 CAFR Unidentified Projects as Requested by Councilor Huda at the 2/22/2021 Council Meeting
2. Report Back on Proposed Modifications to the Middle Street Bike Lanes
3. Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement

**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*



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** March 4, 2021

**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 March 8, 2021

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### *Work Session:*

At 5:30 p.m. this evening there will be a work session to review the Islington Street Corridor Phase Two Project. Public Works Staff will be present and available to answer questions.

### *VIII. Recognitions and Volunteer Committee Reports:*

A. **Presentation from the Recreation Board Regarding Edge Sports Facility and Tennis Court Update:**

Recreation Board Council Representative, Councilor McEachern, and Chair of the Recreation Board, Carl Diemer, will be presenting the concept of an Edge Sports Facility Complex within the City. They will also provide an update on the tennis courts at the South Mill Pond Complex.

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

A. **Public Hearing Reconvened - Capital Improvement Plan (CIP):**

In accordance with Section 7.7 of the City Charter, the City Council is reconvening a public hearing at this evening's City Council meeting regarding the [proposed Capital Improvement Plan for FY 2022 – FY 2027](#). In addition to this evening's public hearing, the City Council held a work session on January 13, 2021 and opened the public hearing on February 8, 2021. At the work session, the proposed CIP was presented by City staff.

As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. It is anticipated the proposed FY 2022 budget will be transmitted on or about April 24, 2021.

*I recommend that the City Council move to adopt the Capital Improvement Plan as presented.*

**B. Third and Final Reading of Ordinance Amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission:**

By vote of the City Council on February 22, 2021, an ordinance affecting the land use regulatory board appointment process has been placed on this evening's agenda for a third and final reading. Its intended purpose is to standardize the process so that appointments to the Board of Adjustment and Historic District Commission are made in the same way as the current process for appointments to the Planning Board. If the ordinance passes, all three Boards shall have vacancies filled by appointment of the Mayor as approved by the Council. The specific language changes to accomplish this result are shown on the attached [draft proposed ordinance](#).

***XIV. Approval of Grants/Donations:***

**A. Donation of Bike Service Station from Seacoast Area Bicycle Riders (SABR):**

The City has received a [donation offer from Seacoast Area Bike Riders \(SABR\) for a bike service station](#), valued in the amount of \$1,234. A self-service station like this is common in many cities around the world and includes tools necessary to perform basic bike repairs and maintenance. If the donation is accepted by the Council, the proposed service station would be installed at a public location in consultation with City staff.

*I recommend that the City Council move to accept the donation from SABR of a bike service station valued in the amount of approximately \$1,234.*

***XV. City Manager's Items which Require Action:***

**1. Building Permit Fee Waiver for the South Church:**

The City has received the [attached request from Unitarian Universalist Church of Portsmouth \(South Church\) for waiver of its \\$7,400 building permit fee](#), in whole or in part. According to Chief Building Official, Robert Marsilia, roof replacement does not typically require a building permit, but because the Church is located within the Historic District, it is required to file one. Since the Church is replacing its historic slate roof in kind, the cost of construction dictates a relatively high fee, which Mr. Marsilia supports waiving in this instance.

*I recommend that the City Council move to waive the building permit fee for the South Church, as presented.*

**2. Request to Schedule a Work Session Regarding Peirce Island Master Plan:**

At the February 22<sup>nd</sup> City Council meeting, a work session was requested regarding the Peirce Island Master Plan.

*I recommend that the City Council move to schedule a Peirce Island Master Plan work session at 6:00 p.m. on April 19, 2021.*

**3. Request to Schedule a Public Hearing for Refunding (Refinancing) a Callable Bond:**

In reviewing the City’s debt schedule, there are existing bonds eligible for refunding (refinancing) which will result in total future interest savings. The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate.

The original General Obligation Capital Improvement Bonds that are eligible for refunding were issued on May 15, 2010 for \$17,300,000, of which \$15,000,000 was related to the Middle School Construction and has a remaining 10-year term principal balance of \$7,500,000. The next principal payment of \$750,000 is due May 15, 2021.

Keeping in mind that interest rates are subject to change, the City, by opting to refinance these bonds in the current market, could experience savings in excess of \$920,000 net of all issuance costs, over the remaining life of the bonds.

*I recommend that the City Council move to establish a public hearing at the March 22, 2021 City Council meeting for a [Refunding Bond Resolution of up to Seven Million Dollars \(\\$7,000,000\)](#), to refund the remaining portion of the aforementioned callable bond and all related costs. The refunding resolution requires a public hearing with two-thirds vote of the City Council.*

**4. 46 Maplewood Avenue Revised Public Access Easement:**

On August 12, 2019 the City Council approved and accepted a public access easement deed from 30 Maplewood Avenue, LLC (“Owner”), to the City over property located at 46-64 Maplewood Avenue, Tax Map 125 Lot 2-A (“Property”).

The public access easement deed was a condition of approval of a conditional use permit granted by the Historic District Commission (HDC) on August 7, 2017 to allow a building height of 45’ where 40’ was the maximum allowed. Under the Zoning Ordinance in effect at that time, the HDC could grant a conditional use permit to allow an increase in building height above the maximum allowed and, in exchange, the applicant was required to provide publically accessible open space.

The original public access easement area conveyed to the City consisted of 6,573 square feet which included a wide sidewalk and pedestrian path that was covered by the second floor of the building as depicted on the [attached plan](#). The [owner has requested](#) to eliminate 637 square feet of the easement area highlighted in yellow on the [attached plan](#) and to replace it with a 726 square-foot area located on the abutting property at 30 Maplewood Avenue (Tax Map 125 Lot 2) (Abutting Property) from 30 Maplewood Condominium Association (Association), highlighted in blue on the [attached plan](#).

This would need to be accomplished by means of a three-party agreement under which the City would release its interest in the 637 square- foot easement area on the Property upon receipt of the 726 square-foot pedestrian access easement from the Association on Abutting Property.



The proposed change will allow the owner to convert the area previously proposed as a covered pedestrian walkway and parking area to commercial space. The new easement area would create a continuous uncovered walkway for pedestrians between the two lots that will allow pedestrians to pass through from Maplewood Avenue to Bridge Street.

The applicant recently received amended conditional use permit approval from the HDC for the modification to the original plan, and the Planning Board has reviewed and recommended approval of the [revised easement](#) for acceptance by the Council.

The [attached plan](#) shows the proposed easement area which is subject to the approval of the City Council. If approved, the City would need to discharge a portion of the pedestrian easement area on the Property shown on the [attached plan](#).

All of the foregoing has been reviewed by the Planning and Legal Departments.

*In order to accomplish the exchange of easements as presented, I recommend that the City Council move to grant authority for the City Manager to negotiate, execute, accept and record the [pedestrian access easement](#) and [partial release of easement](#) with plans and other related documents in a form similar to those attached.*

5. **145 Maplewood Avenue Request for Extension of Temporary Construction License:**

On May 16, 2019 the Planning Board granted site plan review approval for an application for property located at 145 Maplewood Avenue (aka 111 Maplewood Avenue) to construct a 4-story office building.

The Construction Mitigation and Management Plan (CMMP), signed in October 2019, identified temporary encumbrances of the public sidewalks and parking spaces on Vaughan Street, Raynes Avenue, and Maplewood Avenue for construction-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.

At the August 3, 2020 and November 16, 2020 meetings, the Council approved temporary construction licenses to encumber the sidewalks and parking spaces on Raynes Avenue, Vaughan Street and Maplewood Avenue through December. At the January 11, 2021 Council meeting, the Council granted requests to extend licenses for use of those areas to March 15, 2021. To date, the City has received \$94,006.70 in license fees for use of these areas.

The License Areas are shown on the [plan labeled "Sidewalk Closure and Parking Closure License Plan #3"](#). The sidewalk area is 3,916 square feet and there are 18 metered parking spaces. The proposed duration for the new requested license is until April 30, 2021 for a total of 46 additional days.

The total fee for the sidewalk portion of the License Area is \$9,006.80 (3,916 X \$0.05 X 46) and the total fee for the parking portion of the License Area is \$28,980 (18 X \$35 X 46) for a total combined fee of \$37,986.80. 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.

*I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license regarding 145 Maplewood Avenue as submitted.*

6. **Proposed Longmeadow Road Extension Project:**

In a combined federal, state and municipal initiative, the Department of Public Works proposes to extend Longmeadow Road to intersect with Lang Road near Route 1/Lafayette Road, as reflected in the [attached plan](#). This proposed extension would pass over two lots owned by Service Federal Credit Union. This is a part of a multi-phase process for State administration of federal funding for infrastructure improvements. These federal funds will finance the majority of this initiative. This proposal comes to the City Council following a road safety audit, completed in partnership with New Hampshire Department of Transportation.

This study found the extension necessary to safely reduce and redirect traffic from the busy intersection of Lang Road and Route 1. The Planning Board approved this project at the February 21, 2019 meeting. Pursuant to that Planning Board approval, Service Federal Credit Union has delivered the [attached deeds](#) necessary to convey the property needed to complete this project.

This project was initially approved by the City Council on May 6, 2019. However, since that time the project has changed by relocating a drainage easement from Lot 1, which would have contained a retention pond, to the adjacent Lot 1-1. A retention pond will no longer be a part of this project, and runoff from the road will drain through the adjacent drainage easement maintained by the State of New Hampshire.

This project requires eight separate conveyances from Service Federal Credit Union as shown on the attached plan. These conveyances are as follows:

**Quitclaim Deeds**

**Quitclaim Deed from Lot 1:** This deed transfers 1.45 acres of land from Lot 1 to the City. This conveyance transfers the majority of the underlying road. This conveyance will be in fee simple, and will provide the City with ownership of the new Longmeadow Road extension. This deed also contains a temporary construction easement to benefit the City.

**Quitclaim Deed from Lot 1-1:** This deed transfers 15,499 square feet of land from Lot 1-1 to the City. This will convey the remainder of the property needed to contain the Longmeadow Road extension. Together with the Quitclaim Deed from Lot 1, the property conveyed via these quitclaim deeds contain the new Land Road extension. This deed also contains a temporary construction easement to benefit the City.

### Permanent Easements

**Sight Distance Easement:** This easement is over Lot 1-1, contains 2,756 square feet of land, and is to benefit the City. The purpose of this easement is to ensure that no object restricts the view of the driver of any vehicle attempting to see around this turn. The easement specifically prohibits any object within this area to exceed 30” above the ground, and allows the City to enter onto this property to maintain this safety requirement.

**Drainage Easement A:** This easement is over Lot 1, contains 10,805 square feet of land, and is to benefit the City. The purpose of this easement is to allow proper drainage from the road into a drainage ditch, which will pass under the road and empty into Drainage Easement B.

**Drainage Easement B:** This easement is over Lot 1-1, contains 15,736 square feet, and is to benefit the City. The purpose of this easement is to ensure proper drainage into the adjacent, existing drainage easement owned by the State of New Hampshire.

**Drainage Easement C:** This easement is over Lot 1-1, contains 8,871 square feet of land, and is to benefit the City. Like Drainage Easement A, the purpose of this easement is to construct and maintain a drainage ditch along Longmeadow Road. This drainage ditch will travel along and then pass under Longmeadow Road, and empty into the Drainage Easement B.

*I recommend that the City Manager be authorized to negotiate, execute, deliver and record deeds and easements in a form substantially similar to those attached to complete the extension of Longmeadow Road.*

### **7. Patricia Drive Release of City Interest and Renaming of Private Road:**

At the February 18, 2021 Planning Board meeting, the Board granted subdivision approval for a two-lot subdivision located on a private road currently known as Patricia Drive. As part of the approval, the Board recommended that the City approve the transfer ownership of approximately 7,860 square feet of the road right-of-way to the owners of the private road. This area is shown on the [attached plan and highlighted in cross-hatching](#).

In addition, the Board recommended approval of renaming the road Hemlock Way.

The above has been reviewed and approved by the Planning and Legal Departments.

*I recommend that the City Council vote to approve the conveyance by release deed of ownership of 7,860 square feet of roadway as shown on the Plan labeled “Proposed Subdivision Plan: Tax Map 283 Lot 11” dated 2/10/21, and to approve renaming the private road to Hemlock Way.*

## *XVI. Consent Agenda:*

### **A. Projecting Sign License – 168 Fleet Street:**

Permission is being sought to install a projecting sign at [168 Fleet Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 36”

Sign area: 9 sq. ft.

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

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

## *XVIII. City Manager’s Informational Items:*

### **1. Report Back on FY18, FY19, FY20 CAFR Unidentified Projects as Requested by Councilor Huda at the 2/22/2021 Council Meeting:**

Please find [attached a report back](#) regarding this item.

### **2. Report Back on Proposed Modifications to the Middle Street Bike Lanes:**

At the February 22, 2021 Council meeting, the Council voted to request a report back on efforts and costs to implement safety recommendations for the Middle Street Bike Lanes outlined by the report completed by Toole Design Group (TDG) in January 2021. A summary of the report’s recommendations and a list of estimated costs is provided below. In addition to the modifications recommended by TDG, City staff has also provided a summary of estimated costs to re-locate a portion of the bike lane to the outside of the parking lane, which has been discussed by Council.

#### Project Background

The Middle Street / Lafayette Road Bike Lanes were installed in October of 2018 with funding from a Federal Safe Routes to School grant.

At the September 14, 2020 City Council meeting, the Council voted to request that City staff redesign and reconstruct the Middle Street / Lafayette Road bike lanes by moving the parking of vehicles back to the curb which would relocate the bike lane to the outside of the parked

cars and next to the motor vehicle travel lane. The requested modification would directly impact the section of the corridor containing parking spaces, which is 1,600 linear feet on just the west side of the roadway. The parking space section therefore comprises approximately 16% of the entire project length. The Council has been discussing this option since last summer. At the September meeting, the Council vote also requested that City staff consult with the NH Department of Transportation (NHDOT) staff prior to implementing this change.

The City received \$223,764 through the Federal Safe Routes to School program (which is administered by NHDOT) for the design and construction of these bike lanes. The City expended \$86,902 of City funds for this project. As was confirmed by Bill Watson, Administrator of the Bureau of Planning and Community Assistance at NHDOT at the Council's January 25, 2021 meeting and documented in email exchanges provided to the Council, NHDOT, as the fiscal agent for this project, has an obligation to protect the federal investment in the funds allocated to the City for this project in perpetuity. By extension, the City, as recipient of these funds, also has an obligation to do the same. NHDOT staff had previously indicated that in order for them to consider whether design modifications are merited without requiring the City to return grant funds, the community would need to demonstrate safety, environmental or other concerns about specific design details by completing a review and analysis by a qualified engineer.

After the Council vote in September, City staff solicited proposals from qualified engineering firms to assess the change proposed by the City Council and to conduct a review of the current bike lane design in preparation for review by NHDOT. The three firms submitting proposals were Sebago Technics, TEC Inc., and Toole Design Group. After consideration, City staff recommended selecting Toole Design Group (TDG) to perform the engineering review of the Middle Street bike lane.

Based on the process outlined by NHDOT, City staff (Eric Eby, Peter Rice, and Juliet Walker) and TDG lead engineer for this project (Jeremy Chrzan) reviewed the draft report with NHDOT staff (William Watson and Robert Hudson) on January 11, 2021. At the January 25, 2021 meeting, TDG presented their report to the Council.

In short, TDG's analysis did not find that the design modifications requested by Council are merited and their independent review of the bike lanes did not demonstrate safety, environmental, or other concerns that would justify a substantial redesign. However, Toole identified several measures that could be implemented to improve the safety and operations of the bike lanes and pedestrian traffic, while not exposing the City to possible repayment of the federal grant.

#### Proposed Modifications

A summary of the TDG recommendations and a list of estimated costs is provided below. NHDOT has reviewed these recommendations and has agreed that they represent minor modifications to the approved design and would not require the City to return the federal grant funds awarded previously.

In addition to the safety modifications recommended by TDG, City staff has also provided a summary of estimated costs to re-locate a portion of the bike lane to the outside of the parking lane, which has been discussed by Council. The relocation of the bike lane would also require the development of engineered plans prepared by a professional engineer. The reason that is required is that NHDOT has communicated that if the City Council wants to come up with an alternative for any portion of the bike lanes, then the City would be expected to pay back the grant funds unless engineered plans provided to NHDOT clearly demonstrate that the modification is a better, safer, engineered solution ([see attached email correspondence from NHDOT staff confirming this](#)).

Neither of the options below includes ongoing maintenance costs of the bike lanes, which are estimated to be approximately \$10,000 for restriping every two years. As part of the City’s ongoing pavement management program, this corridor is also scheduled for repaving within the next 2 years. That cost (which will likely include full reconstruction of the road in some locations) is estimated at \$1M or more. Road resurfacing will greatly improve the safety and comfort of this roadway for all travelers and will also improve the functionality of the bike lanes generally.

**Summary of Toole Design Group recommendations and estimated costs (starting on page 6 of report):**

Recommendation and description	Estimated cost
1. <u>Roadway resurfacing and restriping</u>	see comment in paragraph above
2. <u>Lane width considerations</u> Ensure that all travel lanes are a minimum of 10-feet wide and provide equal lane widths in both directions.	TDG’s report recommended incorporating this into the roadway surfacing and restriping which would be included in the cost above
3. <u>Bike lane alteration near Cabot Street</u> Create smoother transition for a southbound bicyclists from the shared lane to the separated bike lane and improve visibility of crosswalk by removing the on-street parking space immediately south of Cabot Street and begin the bike lane at Cabot Street.	\$200 (if done separately from #1)
4. <u>Increase sight distances</u> Remove (1) on-street parking south of Cabot and south of Madison Street.	\$200 (if done separately from #1)
5. & 6. <u>Re-Install and Re-Distribute Flex Post Delineators</u> Add flex post delineators preceding the on-street parking locations, at intersections, and where the curvature of the roadway may cause motorists to encourage on the bike lane buffer consistent with originally approved plans. Costs would be for new anchor cups in pavement and repositioning of some locations. This cost assumes use of	\$1,000

existing delineators, not aesthetic alternatives mentioned by TDG.	
7. <u>Removal of green pavement markings at Highland Street intersection</u>	Labor (in-house)
8. <u>Pedestrian Crossing Improvement</u> Add Rectangular Rapid Flashing Beacon (RRFB) at Middle Street and Wibird St as per originally approved plans. Cost does not include pedestrian crossing refuge median mentioned by TDG, which could be considered when roadway gets re-paved in the future.	\$16,000

**Estimated costs for re-locating a portion of the bike lane to the outside of the parking lane for 1,600 linear feet:**

<u>Engineered Plans</u> To avoid repayment of grant funds, the engineering plans (completed by a third party professional engineer) would need to clearly demonstrate that the modification is a better, safer, engineered solution.	\$9,000
<u>Construction</u> Estimated costs assumes this would be hired out in order to expedite implementation this season.	\$10,000
<u>Repayment of Federal Funds</u> Pending outcome of review of engineered plans by NHDOT to confirm with the proposed design modification is a better, safer, engineering solution than the previously approved plans.	\$223,764

3. **Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement:**

Please find attached a [briefing report](#) on the Great Bay Total Nitrogen General Permit and related draft Intermunicipal Agreement with other impacted communities. To ensure members of the public can learn more about the Permit and have the ability to ask questions, City staff are working to schedule a public meeting on this topic on March 11, 2021.