

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, SEPTEMBER 7, 2021 TIME: 6:30PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://us06web.zoom.us/webinar/register/WN_sfzqMmXQRS2Tw6mgwbMpGw

6:30PM – ANTICIPATED NON-PUBLIC SESSION:

- 1. ACQUISITION OF REAL ESTATE – RSA 91-A:3, I (d)**

AGENDA

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

PROCLAMATION

1. CONSTITUTION WEEK

- VII. ACCEPTANCE OF MINUTES – AUGUST 23, 2021 AND DECEMBER 14, 2020 (*Sample motion – move to accept and approve the minutes of the August 23, 2021 and December 14, 2020 City Council meetings*)**
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 - A. *Recognition of Juliet Walker, Director of Planning
- IX. PUBLIC COMMENT SESSION – (*participation may be in person or via Zoom*)**
- X. PUBLIC DIALOGUE SUMMARY [when applicable] – N/A**
- XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

Public Hearings of Ordinances & Resolutions:

- A. ORDINANCE AMENDMENTS TO CHAPTER 7, ARTICLE IX, SECTION 7.901 - PENALTIES, FORFEITURES AND SEPARABILITY (*Sample motion – move to pass second reading, and to schedule third and final reading of these ordinance amendments at the September 20, 2021 City Council meeting*)
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE *(Continued from the August 23, 2021 City Council meeting)*

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Alan Gold reappointment to the Economic Development Commission
 - Marsha Filion reappointment to the Board of Library Trustees
2. *Appointments to be Voted:
 - Marylou McElwain reappointment to the Parking and Traffic Safety Committee
 - Stephen Pesci reappointment to the Parking and Traffic Safety Committee
 - Harold Whitehouse reappointment to the Parking and Traffic Safety Committee
 - Mark Syracuse appointment to the Parking and Traffic Safety Committee

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Encouraging Masks In All City Buildings *(Sample motion – move that with new cases and hospitalizations increasing, the Portsmouth City Council is concerned about the impact of COVID-19 and its variants on the health and well-being of our residents, visitors, and city employees. Therefore, we encourage the City Manager to set a policy that masks be worn indoors at all times by city employees, residents, and visitors in the public areas of all city buildings. We will back the City Manager in setting the policy, with exceptions and a timetable to be determined by the City Manager)*
2. *Encouraging COVID-19 Vaccinations Or Tests For City Employees *(Sample motion – move that with nearly 40% of the population of New Hampshire unvaccinated and with the Delta variant now infecting many who are vaccinated and unvaccinated, the Portsmouth City Council is concerned about the impact of COVID-19 on the health and well-being of our residents, visitors, and city employees. We also agree with the science about the spread of viruses, and the advice of medical professionals, that every additional person who is vaccinated contributes to the reduction and impact of the spread of COVID-19 and variants. Therefore, we encourage the City Manager to set a policy that all city employees, full and part-time, and contractors who work in city buildings, be vaccinated. We also encourage that the City Manager set a policy that employees and contractors who do not produce proof of vaccination be required to be tested for COVID-19 at least once a week. We will back the City Manager in setting that policy, with exceptions and a timetable to be determined by the City Manager)*

B. COUNCILOR WHELAN

1. Action Item Needing Approval by City Council

- No Parking sign 20 feet from crosswalk at intersection of Kensington Road and Middle Road, and triangle mark the No Parking area
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 5, 2021 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the August 5, 2021 Parking & Traffic Safety Committee meeting***)

C. COUNCILOR LAZENBY

1. Proposed City Policy regarding Transparency of Information to Elected Officials (***Sample motion – move that the City Council adopt City Council Policy No. 2021-01 regarding Transparency of Information to Elected Officials, as written, effective immediately***)
2. McIntyre Project – Request for Updated Timeline and Status of Post Office Correspondence

D. COUNCILOR KENNEDY

1. *Addressing Cutts Avenue Concerns (***Sample motion – move to gather all information on Cutts Avenue concerns for a report back and status update by the Legal Department***)

E. COUNCILOR HUDA

1. Audit Committee Section 1.414 Ordinance (***Sample motion – move to do second reading of the Audit Committee Section 1.414 Ordinance and amend with the attached changes***)

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Grant from the State Department of Justice for the NH Internet Crimes Against Children (ICAC) Task Force Grant - \$200,000.00 (***Sample motion – move to approve and accept the grant for the Police Department in the amount of \$200,000.00 as presented***)
- B. *Acceptance of Skate Board Park Donation - \$2,500.00 (***Sample motion – move to approve and accept the donation from the Blalock family in the amount of \$2,500.00 as presented***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Request to Schedule Portsmouth Housing Authority Work Session

2. New Castle Water Line and Easements
3. Acquisition of Sewer Line Easements and Proposed Release of Paper Street
4. Request for First Reading regarding Amendment to Chapter 7, Article XI, Section 7.1100 – Speed Limits
5. Request for First Reading regarding Amendment to Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled
6. Borthwick Forest Easements
7. Report Back on 135 Thaxter Road Request for Restoration of Involuntarily Merged Lots
8. Request to Establish a Public Hearing for Refinancing a Callable Bond

XVI. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Request for License to Install Projecting Sign from owner John Tilton, of Troupe Studio for property located at 18 Ladd Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation from Health Officer, Kim McNamara regarding COVID-19
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***
- C. Letter from H. Dixon Turner regarding mitigation of speeding on Woodbury Avenue

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Peeverly Hill Road Public Necessity Hearing
2. Islington Creek Residents Comments to Surface Transportation Board regarding Rail Yard

3. Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021
4. Report Back on the Number of Upcoming/Ongoing Development Projects
5. Report Back on Litigation List
6. *City Council Quorum
7. *Report Back on Portsmouth Community Garden

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

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

**Indicates verbal report*

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** September 17, 2021 marks the 234th anniversary of the signing of the final draft of the Constitution of the United States of America in 1787 by members of the Constitutional Convention including William Whipple of Portsmouth; and
- Whereas:** It is fitting and proper to officially recognize the anniversary of the creation of our founding document; and
- Whereas:** So many reminders of Portsmouth history and our connections to William Whipple surround us, including the chestnut tree he planted at the Moffatt-Ladd House, that historic house and his memorial in the new pocket park on Junkins Avenue; and
- Whereas:** New Hampshire has a special place in Constitution history as “the state that made us a nation” by being the ninth colony to ratify the rights and liberties it protects; and
- Whereas:** Public Law 915 declares September 17th through 23rd as Constitution Week, by proclamation of the President.

Now, therefore, I, Rick Becksted, Mayor of the City of Portsmouth, on behalf of the members of the City Council, the citizens of Portsmouth and the DAR Ranger Chapter Daughters of the American Revolution, do hereby proclaim the week of September 17 to 23, 2021 in Portsmouth, New Hampshire as

Constitution Week

and urge all citizens to study the Constitution and reflect on the rights and responsibilities which that document grants.



Given with my hand and the
Seal of the City of Portsmouth,
on this seventh day of September 2021.


Rick Becksted, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 23, 2021

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

Councilor Huda moved to come out of Non-Public Session. Seconded by Councilor McEachern and voted.

Councilor McEachern moved to seal the minutes of the Non-Public Session. Seconded by Councilor Trace and voted.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:45 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 everyone to join in a moment of silent prayer in memory of Mr. Goss and Mr. Russo who recently passed away.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – AUGUST 2, 2021; NOVEMBER 16, 2020 & NOVEMBER 23, 2020

Councilor Tabor moved to accept and approve the minutes of the August 2, 2021; November 16, 2020 and November 23, 2020 City Council meetings. Seconded by Councilor McEachern.

Councilor Huda indicated the discussion in the August 2, 2021 minutes by Councilor Lazenby on the McIntyre meeting should reflect there was not a quorum and that she spoke between 2:00 p.m. and 2:30 p.m. Councilor Lazenby said the minutes reflect what he stated and he does not believe the minutes would need to be corrected. City Attorney Sullivan explained that there have inadvertently been five members of the Council at times and when this happens under the Right-to-Know law any Councilor beyond four is asked not to participate in the meeting.

Assistant Mayor Splaine asked for City Attorney Sullivan to provide at the next City Council meeting the Right-to-Know law and a summary report on the law.

Motion passed.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- A. Recognition of Finance Director and Finance Department for GFOA Triple Crown Medallion

City Manager Conard, Mayor Becksted and City Council recognized Finance Director Judie Belanger, Deputy Finance Director Andrew Purgiel, Assistant to Finance Director Abby Mills, and Finance staff for their achievement of being awarded the GFOA Triple Crown Medallion.

IX. PUBLIC COMMENT SESSION

Cathy Baker said the city has no business pushing vaccinations on their employees and lining the pockets of Big pharma regarding COVID.

Rick Horowitz said fear has been created in people through COVID. He said people are destroying businesses and the numbers released on cases is fraudulent. He reported there have been 13,000 deaths due to the COVID vaccines.

George Dempsey said he is grateful to the medical community and having the opportunity to be vaccinated. He spoke to the audit committee and the Charter states that the City Council will select the independent auditor. He said the Charter is not currently being followed.

Sue Polidura asked that the Cemetery Blue Ribbon Committee be reinstated. She said that the gravestones and the cemeteries need to be maintained and they're not. She urged the Mayor and City Council to appoint a new committee.

Susan Sterry said she has direct decedents buried in the city. She spoke to the website reference to an action plan being implemented and a cemetery trust in 2014. She stated she spoke with Public Works Director Rice who indicated that cemeteries have taken a back seat and a program needs to be reinstated.

Charles Moreno spoke regarding the Islington Creek Neighborhood Parking Program and how it is discriminatory to residents. He said residents must now park in the parking garage which is very costly and the program has shifted to another demographic. He stated this program has created a problem where one did not exist.

Andrew Bagley spoke to the proposed parking fine increase in violations and why they are less than overstaying at the meters. He would like to see holiday parking again but if not possibly a shuttle bus in the downtown.

Dick Bagley said everyone should be wearing a mask to show leadership on the Council and staff. He strongly recommended that the city require vaccinations for its employees.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor Kennedy moved to pass first reading, and to schedule a public hearing and second reading of these ordinance amendments at the September 7, 2021 City Council meeting. Seconded by Councilor Huda.

Parking Director Fletcher reviewed the proposed increase in fines. He reported that they are writing less than 35% in violations which shows behavior has had a positive effect. He stated a review of the fines was conducted and showed that we were below the rates.

Councilor Kennedy said that we have looked at raising fines in fire lanes and handicap parking and does not see that they have been recommended in this ordinance and would like to see those items addressed.

Motion passed with Mayor Becksted opposed.

Public Hearings of Ordinance and Resolutions with Adoption:

- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE (*Continued from the August 2, 2021 City Council meeting*)

- **PRESENTATION**

A presentation was provided at first reading of the ordinance.

- **CITY COUNCIL QUESTIONS**

Councilor Huda provided copies of information from the NH Municipal Association on this matter. She said that this supports the GFOA rules and how NH looks at the question.

Councilor Huda moved to pass second reading and hold third and final reading at the September 7, 2021 City Council meeting. Seconded by Councilor Kennedy.

Councilor Kennedy moved to amend the motion to add the City Manager as a Non-Voting member of the Committee. Seconded by Councilor Huda.

Acting Deputy City Manager/Deputy City Attorney Woodland explained that at the last Council meeting staff consulted with Councilor Whelan and verified that his motion was to simply continue the public hearing and second reading at the August 23, 2021 City Council meeting.

Councilor Lazenby said comments have been made whether we are in compliance with the Charter and in the past the Council has voted to select the auditor and asked are we in compliance.

Acting Deputy City Manager/Deputy City Attorney Woodland said in June 1994 the City Council selected Melanson as the auditor and every year after the results were presented to the Council. She indicated that the auditors have an obligation to report to the governing body. Councilor Lazenby said based on the answer we have been in compliance.

Assistant Mayor Splaine said he likes an audit committee and the creation thereof. He stated that they would be an oversight board to develop the focus of work. The problem is by giving them the power to recommend a selection of auditors gives them super authority.

Mayor Becksted open the public hearing and called for speakers.

- **PUBLIC HEARING SPEAKERS**

Dick Bagley said there could be a finance committee or an audit committee, as they are similar in nature. He said that the City Manager should be a non-voting member of the committee.

Sue Polidura said she doesn't understand why this is taking the City Council so long to approve. She stated that an RFP usually lies with the board of directors and not the purchasing department. She reported that the internal auditor needs to change every three years. She urged the Council to pass the ordinance.

Mark Brighton said Councilor Kennedy did ask for the City Manager to be put on the audit committee as a non-voting member.

Andrew Bagley reviewed the various bond ratings we have had over the years and we are now at an AAA bond rating which is higher than the federal government.

Alice Cornish White said she works in the financial world and congratulated the City for the Triple Crown Medallion by the GFOA. She asked why we are not moving forward with this ordinance. She said it is time for the Council to take responsibility for financial reports and put the city's interest first.

Christopher White spoke to the city's long standing policy to not issue more than 10% in bonds and the city is slowly growing outside that range. He stated the Council needs to be served by an independent auditor. He said we need to focus on our needs and recommended the city adopt the ordinance.

Zelita Morgan spoke in support of moving the ordinance forward. She said she agrees with what has been said this evening and appreciates all the work of the Council and staff on this matter.

After three calls and no speakers, Mayor Becksted moved forward with additional Councilor questions and deliberations.

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

Councilor Lazenby thanked Councilor Huda for providing the GFOA auditing guidelines, which speak to who shall serve on an audit committee which, is the governing body. He said the amendment to be against delegating that authority.

Councilor Huda stated GFOA is the oversight. She stated she provided the NH version that take one or two forms if we put five Councilors on the committee it is considered a Council meeting.

Councilor Lazenby said the Charter says the City Council should make the decision and asked why we would delegate the authority to people other than the governing body.

Councilor McEachern stated that this is being belabored due to the powers and duties section. He said the primary purpose is to oversee the work of a fiduciary auditor. He understands we must maintain transparency but we just earned and was awarded the Triple Crown Medallion by the GFOA. He stated we need to select an audit committee that selects an auditor which will do their work as required by law. Councilor McEachern said he would not support the ordinance moving forward.

Councilor Tabor said yes, this is taking a long time for a standing committee. He said we just don't delegate the Council's authority away. He said we have won financial awards over the last 25 years.

Councilor Kennedy said the Council has not done its due diligence to ask why we have not changed auditors. She stated the City Council has the right to determine who should serve on the audit committee. She thanked Councilor Huda for bringing this matter forward.

Councilor Lazenby moved to amend that the audit committee have five City Councilors, 1 member of the public and the City Manager. Seconded by Councilor McEachern.

Councilor Lazenby said doing it this way is in line with the recommendations from GFOA.

Acting Deputy City Manager/Deputy City Attorney Woodland stated she would be happy to sit down with the audit committee and review the ordinance and discuss the pros and cons of the ordinance. She said she would provide the Council with a breakdown of amendments to vote through with an outline for each item.

City Attorney Sullivan said we can't move forward with any single action. He said the motion suggested in the agenda is a way to move forward. He stated the Council must deal with issues before it.

Councilor Huda said Mayor Becksted assigned an audit committee to do a task and this has been written by staff and the Council did not put this forward and she would not support it.

Mayor Becksted said we need to reach a common ground and the ordinance is a decision of the Council and not the audit committee. He stated he would not support five members of the Council and one member from the public because he feels we need more residents to serve.

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

Assistant Mayor Splaine moved to postpone second reading and public hearing until the next City Council meeting. Seconded by Councilor McEachern. On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.

Councilor McEachern said we ask the audit committee to work on these matters and have a productive conversation to limit the powers and scope.

Councilor Huda said the audit committee was charged to do this outside of staff and now staff has intervened on this and that is what has happened here.

At 9:50 p.m., Mayor Becksted called a brief recess. At 10:00 p.m., Mayor Becksted called the meeting back to order.

Assistant Mayor Splaine moved to suspend the rules in order to take up Items XIII. D.1. – Portsmouth Cemeteries; XV. A.1. – Approval of School Paraeducators Collective Bargaining Agreement; and XV. A.2. – Approval of School Cafeteria Collective Bargaining Agreement. Seconded by Councilor Whelan and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRED ACTION

A. CITY MANAGER CONARD

1. Approval of School Paraeducators Collective Bargaining Agreement

City Manager Conard said the School Board is recommending approval of the agreement.

Assistant Mayor Splaine moved to ratify the agreement as presented with the School Department Paraeducator Employees. Seconded by Councilor Whelan and voted.

2. Approval of School Cafeteria Collective Bargaining Agreement

Assistant Mayor Splaine moved to ratify the agreement as presented with the School Department Non-Supervisory Cafeteria Employees. Seconded by Councilor Trace and voted.

XIII. CITY COUNCIL MEMBERS

D. COUNCILOR KENNEDY

1. Portsmouth Cemeteries

Councilor Kennedy moved to set up a Blue Ribbon Committee for Cemeteries with six citizens and one Councilor. Seconded by Assistant Mayor Splaine.

Councilor Kennedy announced her recommendation for five of the six citizens to serve – Sue Polidura, Susan St. Kranium, Sherry Brandsema, Michael Griffin, Ramona Charland to serve on the Cemeteries Blue Ribbon Committee.

Assistant Mayor Splaine said it is important that we maintain our cemeteries.

Councilor Trace said some bodies were removed and would like to see them returned into the cemetery.

Motion passed.

Councilor Kennedy moved to have the City Manager set up a site walk of the North Cemetery for Council and staff to be led by Sue Polidura. Seconded by Assistant Mayor Splaine.

Councilor McEachern said he would like the garden club invited to the site walk.

Motion passed.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THIRTEEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$13,900,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION *(Rescheduled Public Hearing at the August 2, 2021 City Council meeting with new amount)*

- **PRESENTATION**

No presentation was made.

- **CITY COUNCIL QUESTIONS**

Councilor Huda said in the resolution it indicates bond issue and/or notes, when will we know which one we are proposing.

Deputy Public Works Director Goetz said once we know if we qualify for the SRF, we would use those at that time but we need to look at bonding now.

Finance Director Belanger said any SRF is treated as a bond issue and is calculated in the debt calculations. She reported that we currently have 95% available in water for this bond.

Councilor Kennedy stated she does not agree with water main replacement across Little Bay. She stated we should run two pipes and the pipe is not in good shape. Deputy Public Works Director Goetz stated this has been analyzed over the last four years and there are materials that protect against corrosion. He said the intent is to get the new line active and supply 100% of water coming from Madbury and look at the two other lines for the future as a backup.

Councilor Trace said you have a single line from Madbury that splits and asked if we will create a third line off the main pipe. Deputy Public Works Director Goetz reported that there will be three lines in the bay. Councilor Trace asked why we are not using horizontal drilling. Deputy Public Works Director Goetz reported the cost was exorbitant.

Councilor Whelan asked if there is a contingency to do something over the pedestrian bridge. Deputy Public Works Director Goetz stated we are working with Dover and after they put the pedestrian bridge in we will look at funding for the project and get 100% funding.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Becksted closed the public hearing.

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

No further discussion among the Councilors.

Councilor Lazenby moved to adopt the Resolution to be bonded as presented. Seconded by Councilor Trace and voted.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Marylou McElwain reappointment to the Parking and Traffic Safety Committee
 - Stephen Pesci reappointment to the Parking and Traffic Safety Committee
 - Harold Whitehouse reappointment to the Parking and Traffic Safety Committee
 - Mark Syracuse appointment to the Parking and Traffic Safety Committee

The City Council considered the appointments which will be acted upon at the next City Council meeting.

2. Appointments to be Voted:
 - Jason Brewster to the Peirce Island Committee
 - Deborah Chag to the Trees and Public Greenery Committee

Councilor Kennedy moved to appoint Jason Brewster to the Peirce Island Committee until December 31, 2021 and Deborah Chag to the Trees and Public Greenery Committee until August 23, 2024. Seconded by Councilor Huda and voted.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. What Initiatives and Approaches can the City of Portsmouth take to encourage vaccinations and other responses to reduce the spread of COVID-19 and Variants?

Assistant Mayor Splaine requested that this question be answered and that Health Officer McNamara provide an update regarding COVID at the September 7, 2021 City Council meeting. He said that the COVID numbers are increasing and getting worse and there is a need to respond to get ahead of the problem. He stated we need to be proactive and encourage vaccination or return to mask wearing in City Hall. He suggested reactivating the Health Committee.

Mayor Becksted said City Manager Conard would provide an update on HB220. City Manager Conard asked Assistant City Attorney Ferrini to report on HB220. Assistant City Attorney Ferrini said HB220 passed in July and no person should be compelled to receive a vaccination. She said the Legal Department reviewed the bill and reached out to NH Municipal Association who indicated this does not require the vaccine. She stated the Attorney General will provide guidance and they would not be requiring vaccination for employees.

Assistant Mayor Splaine asked about testing and encouraging staff and businesses. Assistant City Attorney Ferrini said encouraging is different than mandating and could be supported as a policy measure. Assistant Mayor Splaine asked who decided mask use in City buildings. Assistant City Attorney Ferrini said it is different because there is not an emergency mandate. She said we would need a recommendation from our Health Officer. Assistant Mayor Splaine said he would like to know if that would be addressed by the September 7th City Council meeting.

Mayor Becksted said that if we go above 10% maybe we have a mask mandate.

Councilor McEachern said we need to discuss this today as we have 50 cases in the City as of this evening. He said his employer requires him to be vaccinated to go into the building. He said October – November we will see a rise in numbers.

B. COUNCILOR WHELAN

- 1, Parking & Traffic Safety Committee Action Sheet and Minutes of the July 8, 2021 meeting

Councilor Whelan moved to accept and approve the Action Sheet and Minutes of the July 8, 2021 Parking & Traffic Safety Committee meeting. Seconded by Councilor Tabor and voted. Councilors Kennedy and Huda voted opposed.

Councilor McEachern moved to take a revote on the bonding Resolution in order to have a roll call vote. Seconded by Assistant Mayor Splaine and voted.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THIRTEEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$13,900,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION (*Rescheduled Public Hearing at the August 2, 2021 City Council meeting with new amount*)

Councilor McEachern moved to adopt the Resolution to be bonded as presented. Seconded by Assistant Mayor Splaine.

On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor, Trace and Mayor Becksted voted in favor. Councilors Kennedy and Huda voted opposed.

XIII. CITY COUNCIL MEMBERS

C. COUNCILOR LAZENBY & COUNCILOR TABOR

1. Creation of Energy Advisory Committee

Councilor Lazenby moved to approve the creation of the Portsmouth Energy Advisory Committee (PEAC) in the form of a Mayor's Blue Ribbon Committee (BRC) with appointments by September 20th. The PEAC mission will be to research the risks and opportunities of a Community Power program for Portsmouth under RSA 53-E, which allows towns and cities to aggregate their customer demand and purchase electricity in bulk for savings and a more rapid shift to renewables.

PEAC will report back to the City Council with an assessment and recommendations, including whether to join the Community Power Coalition of New Hampshire (CPCNH). If the Council votes to proceed, PEAC will guide creation of a Community Power Plan per RSA 53-E, with input from at least two public hearings, for final approval by City Council vote. Seconded by Councilor Tabor.

Councilor Lazenby spoke on this matter and said we can make real gains and open doors to pursue community power.

Councilor Kennedy asked how we guarantee green energy. She said right now PSNH (Eversource) uses certain lines and the organization would use the same lines. She asked what the guarantee is if there is an emergency that PSNH (Eversource) will fix the lines when we are not using their lines. Councilor Tabor said these are the kinds of questions a study committee would look into.

Mayor Becksted said these concerns would be addressed at the committee level. He suggested holding a work session in the future on this matter.

Councilor Huda said she attended the work session and researched and found the legislation is not in place, and does not know when it will be. She said many people are changing power and the number of people that are getting in and we have seven participants now, but we don't have anything final to discuss. She stated there are no regulations on this. She said that this is still unknown and if we sign a contract all residents are in and would need to opt out.

Councilor Lazenby asked to hear from Henry Herndon from Community Power Coalition of NH speak and answer some of the concerns.

Councilor Tabor moved to suspend the rules in order to allow Henry Herndon speak. Seconded by Councilor Lazenby and voted.

Henry Herndon said he is available as a resource for the City Council. He said he would like a bulleted list of questions for the committee to address. He reported that the House Bill is due to be signed this week.

Councilor Lazenby asked that information be placed on the website regarding this matter. He said we are trying to have a report back prior to the City Council's end of term.

Motion passed.

D. COUNCILOR KENNEDY

2. Skate Board Park

Councilor Kennedy moved to have the City Manager and staff work with the Skate Board Park Committee on a fund raising event for October 20, 2021. Given, the committee would like to use Portsmouth city property for part of the event. Seconded by Councilor Huda and voted.

3. Law Suits

Councilor Kennedy moved to have an update on every lawsuit that is currently filed against the city with a date for a report back by September 7, 2021 City Council meeting. Seconded by Councilor Huda and voted.

Councilor Kennedy reminded the City Council of the two upcoming site walks, August 25th of Pannaway Manor and on September 13th of the New Franklin/Jewels neighborhood regarding sound barriers.

E. COUNCILOR TRACE

1. Work Session Re: Zoning

Councilor Trace moved to have a work session with Planning Department on the same topics proposed for a work session at Planning Board Meeting this week to include Wetland Buffer Zone; types of Zoning currently within the downtown; types of Gateway Zoning; and zoning affecting perimeter residential areas in Portsmouth. The work session also to include types of necessary zoning to facilitate affordable and workforce housing. Seconded by Councilor Kennedy and voted.

2. Traffic Calming

Councilor Trace moved to refer to Parking & Traffic Safety Committee on what can be done to create safer and slower streets for residents in the Echo Avenue area. Specifically traffic calming with Woodbury Avenue in the same manner as was achieved with Maplewood Avenue with a possible site walk with the neighborhood. Seconded by Councilor Kennedy.

Councilor McEachern spoke regarding traffic calming measures that are needed on Dennett Street. Councilor Whelan suggested residents come to a Parking and Traffic Safety Committee meeting to speak to the safety concerns. He said he would like to refer this to the Parking and Traffic Safety Committee to reach out to the neighborhood on this matter.

Motion passed.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Memorial Bench Donation in Memory of Pat Bertrand - \$2,200.00

Councilor Kennedy moved to accept and approve the Memorial Bench Donation in memory of Pat Bertrand, as presented. Seconded by Councilor Huda and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

3. Temporary Construction License for 409 Franklin Pierce Highway, LLC, 205 Market Street

City Manager Conard reported that this is a pass through area for 93 days.

Councilor Kennedy moved that the City Manager be authorized to waive the license fee and execute and accept the temporary construction license for the term of 93 days to encumber the sidewalk with pass through staging at 205 Market Street as requested. Seconded by Councilor Lazenby and voted.

XVI. CONSENT AGENDA

- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 13th annual American Lung Association Cycle the Seacoast ride on Sunday, May 1, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Hershey Hirschkop, Seacoast Outright, requesting permission to hold Portsmouth PRIDE on Sunday, October 10, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Request for License to Install Projecting Sign for owner David Ronka of Closette for property located at 72A Congress Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

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

- D. Request for License to Install Projecting Sign for owner Gretchen DesAutels of A Pleasant Shoppe, LLC for property located at 79 Congress Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

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

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Huda and voted.

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor McEachern and voted.

- B. Letter from the Coakley Landfill Group (CLG) requesting the City Council join the CLG to allow the public to access meetings remotely
- C. Letter from Steven Smith, Chairman, Board of Selectman, Town of Greenland, requesting the City Council join the Town of Greenland to allow the public to access Coakley Landfill meetings remotely

City Manager Conard announced that Chair Spear will allow for remote access to Coakley Landfill meetings, therefore no action is required.

- D. Letter from Tricia Donohue, Portsmouth Community Garden, requesting support to fund the water installation in proposed community garden

Councilor Trace moved to instruct the City to pay the \$7,130.00 give or take, to install line as explained in the letter by Ms. Donohue and to forward this request to the City Manager for report back at the September 7, 2021 City Council meeting and further to have an agreement with the City for the use of the land prepared by the Legal Department. Seconded by Councilor McEachern.

Mayor Becksted said he does not know where the funds are coming from. He asked if the grass area is our property because he has been told that it was not City land.

Motion passed.

- E. Letter from Tom Morgan regarding bicycle infrastructure designs

Councilor Lazenby moved to refer the letter to the Parking & Traffic Safety Committee for report back. Seconded by Councilor Kennedy and voted.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 2. Report Back on Status of Mosquito Spraying

Mayor Becksted said he would like to have the spraying added to the budget next year.

- 4. Report Back on Rainbow Crosswalks

Mayor Becksted indicated we cannot alter the crosswalks because it is not allowed federally. He said we are using the funds raised on-line to find another way for them to be used. Assistant Mayor Splaine said we might hear back from people that are doing research on this matter.

- 5. Report Back from the Legal Department on Knights of Columbus Boot Drive

City Attorney Sullivan stated it will be handled administratively.

- 6. Status Update on Cate Street and Bartlett Street Intersection

City Manager Conard announced there will be a report back from Department of Public Works at the September 20, 2021 City Council meeting.

- 7. Response to Comments Regarding City Finances

City Manager Conard said this is in response to comments made by residents regarding finances.

XX. ADJOURNMENT

At 11:30 p.m., Councilor McEachern moved to adjourn. Seconded by Councilor Kennedy and voted.

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

Continued from December 7, 2020 City Council meeting

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 14, 2020

PORTSMOUTH, NH
TIME: 6:30PM

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_eupF_8yZQtSOX3hiiO5njA

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 2020-24, 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.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 6:30 p.m.

Mayor Becksted recited that this is a 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, as extended by Executive Order 2020-24 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

IV. ROLL CALL

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

V. INVOCATION

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

VI. PLEDGE OF ALLEGIANCE

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

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

- K. Second Reading of Ordinance amending Chapter 11, Article II – Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer (*Postponed Second Reading at the November 16, 2020 City Council meeting*)

Councilor Lazenby moved to amend the current draft by adding after the first sentence in Section 11.204 (E) the following new sentence: The City Engineer may extend the period to connect from ninety (90) days to no more than one hundred and fifty (150) days or winter conditions or other good cause. Seconded by Councilor Huda.

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

Councilor Lazenby moved to pass second reading as amended and hold third and final reading at the December 21, 2020 City Council meeting. Seconded by Councilor Huda.

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

- L. Third and Final Reading of Ordinance amending Chapter 7, Article IVA, 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

Councilor Whelan moved to pass third and final reading. Seconded by Councilor Huda.

Mayor Becksted said he is concerned with eliminating the 4 spaces at the bus stop.

Parking & Transportation Engineer Eby spoke to the presentation held by COAST at a recent Parking and Traffic Safety Committee meeting regarding all buses coming in to stop at the parking spaces at the top of every hour.

Councilor Kennedy said she would like to see the parking moved to Market Square. Parking & Transportation Engineer Eby said there are still one or two buses at that location. Councilor Kennedy said she would like to see them give up that location. Parking & Transportation Engineer Eby said they still need that location.

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

- M. Third and Final Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road

Councilor Whelan moved to pass third and final reading. Seconded by Councilor McEachern.

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

- N. Third and Final Reading of Ordinance amending Chapter 7, Article III, 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: 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

Councilor Tabor moved to pass third and final reading. Seconded by Councilor Whelan.

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Appointment of David MacDonald as a regular member to the Zoning Board of Adjustment
 - Appointment of Corey Clark as a regular member of the Planning Board
 - Appointment of Peter Harris as a regular member to the Planning Board
 - Appointment of Rick Chellman as a regular member to the Planning Board

The City Council considered the appointments to be voted on at the December 21, 2020 City Council meeting.

2. Appointments to be Voted:
 - Reappointment of Peter Weeks to the Trustees of the Trust Funds
 - Reappointment of Philip Cohen to the Economic Development Commission
 - Appointment of Devan Quinn to the Peirce Island Committee
 - Appointment of Andrew Samonas to the Conservation Commission

Councilor Kennedy moved to reappoint Peter Weeks to the Trustees of the Trust Funds until January 1, 2024; reappoint Philip Cohen to the Economic Development Commission until October 1, 2024; appointment of Devan Quinn to the Peirce Island Committee and appointment of Andrew Samonas to the Conservation Commission until April 1, 2023. Seconded by Councilor Huda.

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

- 3 Governor's Council on Housing Stability

Mayor Becksted reported Governor Sununu is creating a commission regarding homelessness in the state.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Request for Update on Availability of Winter Portsmouth Warming Centers

Assistant Mayor Splaine said he would like to see warming centers in the City.

City Manager Conard said the Emergency Operations Center members met on this matter and reported that Operation Blessing would be a warming center. She said information will be on our website and individuals can contact the Welfare Department for further information.

B. COUNCILOR McEACHERN

1. Extend Citizen Response Task Force to June 30, 2021 with input from Council and consideration of Citizen Response Task Force recommendations

Councilor McEachern moved to extend outdoor dining to December 31, 2021. Seconded by Assistant Mayor Splaine.

Councilor McEachern said that businesses are continuing to hurt during the pandemic, and we need to give those businesses that want to have outside dining so they can continue to operate.

Councilor Kennedy said there are other outside restaurants that feel they were left out. She said some businesses are not part of the Chamber of Commerce due to the cost involved. She spoke to having all businesses included, and that this matter be addressed.

Assistant Mayor Splaine said he would like to see outside dining until the end of 2021. He spoke in support of the task force and continuing their work. He said it is important to reopen the City.

Councilor Trace moved to amend the motion that effective immediately, the Health Subcommittee, become a Mayor's Blue Ribbon Committee working in support of the City of Portsmouth Health Department; that Portsmouth's emergency dining model of 2020 for outdoor restaurant dining on streets and sidewalks be reinstated effective March 1, 2021 weather permitting, through November 2021, with appropriate permitting and necessary implementation overseen by the City Manager and City Staff reporting directly to the Mayor & City Council; and that effective immediately, the Citizen's Response Task Force become a Mayor's Blue Ribbon Committee, known as Reopen Portsmouth 2021 Citizen Response Task Force with one non-voting City Councilor added as appointed by the Mayor. The committee to report back to the City Council on January 25th with a defined plan moving forward. Both Blue Ribbon Committees to be answerable to the Mayor and to report regularly to the City Council. Seconded by Councilor Kennedy.

Councilor McEachern asked if an amendment can be as broad and out of scope with his motion. City Attorney Sullivan said it is possible for the amendment. Councilor Trace said the motion could be made and everything in the motion is in the authority of the City Council to do.

Councilor Trace said the Health Committee needs to become a Mayor's Blue Ribbon Committee to operate on their own and report to Mayor Becksted and the City Council. She said we need to move forward and make sure that businesses are looked at entirely.

Councilor McEachern said Councilor Kennedy had a list of all businesses and not just restaurants. He said the Citizen Response Task Force (CRTF) did not focus just on restaurants. He spoke to the make-up of the committee and said volunteers have spent countless hours on the CRTF.

Assistant Mayor Splaine said the motion brings politics into the committee. He said the CRTF has done tremendous work, and it is unfortunate that this amendment has been made. He said we were going to have a work session and look at adjustments. He said he strongly opposes the amendment made by Councilor Trace.

City Manager Conard reported that she shared some of the work with retailers on parking and the timing of spots with restaurants. She said all were asked to participate and sessions were held by the Chamber of Commerce whether a business was a member or not. She stated that CRTF was very inclusive of the needs of the businesses and restaurants.

Councilor Tabor said both motions have similar goals, one approach is flexible and the other is not. He said the CRTF has a broad charge that is separated into areas of concerns. He said we make a big mistake by not being flexible.

Councilor Huda said the CRTF was established was because of COVID and the need to move quickly by creating and looking at businesses. She asked for support of Councilor Trace's motion and said it is time for the City Council to pivot.

Councilor Kennedy said we're here for all businesses. She said people spoke out during the summer that were not restaurants. She stated people have left the CRTF because they were not included. She indicated she would support this because we are moving the CRTF into a Blue Ribbon Committee. She stated that we need a City Councilor on the committee and asked that all businesses be reviewed and looked at.

Councilor McEachern said we don't have all the answers as a City Council to change this to a Blue Ribbon Committee. He said restaurants need help and support moving forward. He stated one business left the CRTF because of a commitment.

Councilor Whelan said both motions are similar. He said the key point is the City Council made a commitment starting April 1st to put the streets back to the way they were this summer. He said that this would provide a jump start to things and the CRTF will still have input. He said he would support Councilor Trace's motion.

Councilor Lazenby said he agrees with much of what Councilor Whelan said, but there are key differences. He said the original motion makes sense to move forward. He stated extending the CRTF with some revisions needs attention right away. He said we need to make sure businesses downtown are heard. He spoke to having a Councilor on the CRTF and how that would be political and that does not need to be part of this committee.

Councilor Trace said she would like to meet Councilor Lazenby half way and have a City Councilor as a non-voting member.

Discussion followed regarding this matter.

Assistant Mayor Splaine moved to suspend the rules to hear from the CRTF. Seconded by Councilor Whelan.

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

Mr. Stebbins asked if the City Council wants to hear the opinions or thoughts of the CRTF. He said it has been a pleasure to serve on the CRTF and they have worked to take care of the businesses downtown. He spoke to the lengthy discussions with businesses other than restaurants and they have looked at the parking aspects from local retailers to make sure parking remains available. He indicated that Valerie from the Chamber of Commerce has spent a great deal of time on this matter. He concluded by stating we need to keep politics out of the committee to keep it effective.

Mr. Peterson said he agrees with Mr. Stebbins comments. He stated the CRTF was created by the City Council and they work at the pleasure of the Council. He said his main concern is delaying the activity of the CRTF. He said if changes to the CRTF are made they could lose momentum, the decision should be one to allow the CRTF to work in anticipation of the spring. He said we must remain flexible and nimble.

Councilor Trace thanked Mr. Stebbins and Mr. Petersen for their work, and the work needed to be done for the success of the City. She said her amendment is in no way a reflection of what they have done and can do for the City. She said if the CRTF becomes a Blue Ribbon Committee, please continue to be involved. Councilor Trace said the meeting of January 25th the Blue Ribbon Committee would come forward to the City Council with a viable plan to move forward.

Councilor McEachern asked Mr. Stebbins and Mr. Petersen given Councilor Trace's amendment and to have a non-voting member too, do you feel you would continue as members of the new Blue Ribbon Committee with a Councilor on board. Mr. Petersen said he is open to a Councilor joining the meetings but he does not under having a member on the Committee. He said he pledges to continue to be a member of the CRTF which is a great deal of work. Mr. Stebbins said as long as Mr. Petersen continues to serve he would sever.

Councilor McEachern said he would amend Councilor Trace's amendment to continue outside dining as it stands now not in the public realm and move up the public dining to March 1st. No second received.

Councilor Huda said the City Council did a great job for the restaurants but we need to look at helping the retailers and update the model. She would like to move forward with the restaurant model and we work all other businesses into the plan. She asked if an end date is necessary.

Councilor Kennedy said she would like to leave the motion as the same CRTF moving forward and on January 25, 2021 we will have a report back.

**Councilor McEachern moved to amend that outside dining and street closures to March 1st.
Seconded by Assistant Mayor Splaine.**

Mayor Becksted said he is trying to find out about the motion before the Council currently. City Attorney Sullivan stated the last action would supersede anything.

Councilor Trace said Councilor McEachern asked her to amend the date and she said she would entertain March 1st weather permitting.

Councilor McEachern removed his amendment because Councilor Trace agreed to start on March 1st.

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

C. COUNCILOR WHELAN

1. Action Item Needing Approval by City Council:
 - Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA)

Councilor Whelan said the action item needing approval by the Council is for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority.

Councilor Whelan moved to temporarily designate two spaces as 30 minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022. Seconded by Councilor Lazenby.

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

2. Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020 meeting

Councilor Whelan moved to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020. Seconded by Councilor Lazenby.

On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.

Councilor Whelan provided a brief update on McIntyre and spoke to the post cards sent out to residents. He said the public is invited to the meeting tomorrow.

Councilor Tabor said 165 people have signed up and they expect 200. He said the purpose of the study circles is to envision the issue of the public space and what activity we want.

Councilor Kennedy asked if this is open to every idea and looking at all open spaces. Councilor Tabor said the principle group will work with residents with a report back in February, 2021. He said we need to accommodate all residents of the City.

Councilor Trace said she would suggest that we know that members of the subcommittee not be part of the round circles, Portsmouth Listens or the City Council and that they not be putting their thumb print through drawings by the principle group, as it is for residents only. She said creativity starts with our residents.

Councilor Whelan said people on land use boards should not be participating in Portsmouth Listens because they will make decision on the plans.

Councilor McEachern said the meeting is on Tuesday at 2:30 p.m. and you may sign up through email and share any opinions on this matter. He expects to have updates to recap the meetings which are available on You-tube.

Discussion followed on data collection and how the information will be kept.

D. COUNCILOR KENNEDY & COUNCILOR HUDA

1. Reports & Year End Status Updates
 - Report Back on the Date Availability for the Final FY20 Actual Detail
 - Report Back on FY21 CIP Including the Following:
 - November 2020 & 6 Months Ended December 2020 CIP Balances to Include:
 - FY21 CIP Distribution by Line Item Amount
 - Year to Date Spend
 - Year to Date Encumbered
 - Remaining Balance
 - Report Back on the Status of the Middle Street Bike Lane Study (Expected Delivery Date of Report)
 - Report Back on the current Status of Public Art on City Property
 - Report on the Services and/or Projects Completed by the former City Manager-John Bohenko over the 12 Month Period Ending December 31st Per the Agreed Upon Consultant Contract and Verify Contract End Date
 - A 6 Month Update Report on the Status of CARES Act Funding to Include:
 - A Guide to the Taxpayers & Council on CARES Act Funds in the Monthly & Year-to-Date Reports
 - Total Amounts Submitted/Received for Reimbursement
 - Current Balance at December 1st by Funding Source
 - Update on any other COVID related Funds that are Available to the City from the State of New Hampshire
 - Status of the Boyle Case
 - What is the Current Status of the Sagamore Creek Project
 - Please provide for Review – The Contracts of the Auditors and all Legal Contracts or Retainers currently on file

Councilor Kennedy moved to send this information to the City Manager for a report back. Seconded by Councilor Huda.

Councilor McEachern asked if these items would all come back at the next meeting. He said he would like to have the information ahead of the meeting to read through. He said this is an enormous amount of report backs.

City Manager Conard said she would provide written reports within the packet which will come out on Thursday.

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of New Hampshire Highway Safety Grant for dedicated patrol enforcement operations - \$17,641.00

Councilor Kennedy moved to approve and accept the New Hampshire Highway Safety Grant to the Portsmouth Police Department as presented. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

(There are no items on under this Section of the Agenda this evening)

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Sandra Cole for Backstreet Barbers LLC d/b/a/ The Clip Joint Barbers for property located at 10 Ladd Street
(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)

Planning Director's Stipulations

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

- B. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 13th Annual Celebrate Pink 5k Walk & Run on Sunday, September 19, 2021
(Anticipated action – move to refer to the City Manager with Authority to Act)

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Huda.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- C. Letter from Attorney Bernard Pelech, Bosen & Associates, PLLC, on behalf of property owners at 138 Leavitt Avenue, requesting the Restoration of Involuntarily Merged Lots fronting Pevery Hill Road and Lots which front on Leavitt Avenue

Councilor Kennedy moved to refer to the Planning Board and Assessor for report back to the City Council. Seconded by Councilor Huda.

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

- D. Email Correspondence

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

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

~~XVIII. CITY MANAGER'S INFORMATIONAL ITEMS~~

1. ~~*Report Back on Police Department HVAC Improvements~~

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy said she heard from people about the Non-Public Session proposed for the CRTF because some committee members were confused.

City Attorney Sullivan said the CRTF posted that they were going to have a Non-Public Session and then determined the topic was not appropriate for Non-Public Session and did not meet in Non-Public.

Mayor Becksted thanked the Citywide Neighborhood Committee for their work on the Holiday Decorating Contest as there are 87 people participating. He said a winner will be selected and announced at the next City Council meeting.

Councilor McEachern announced that Santa is coming through the City on Saturday.

XX. ADJOURNMENT

At 9:06 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda.

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

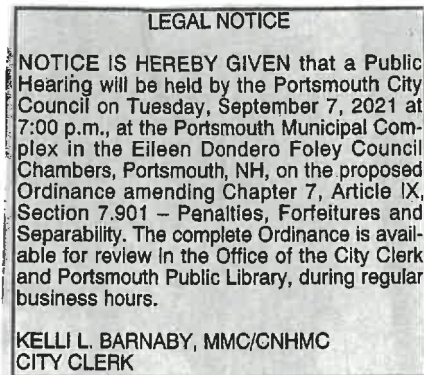


KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 7, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IX, Section 7.901 – **PENALTIES** 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 IX: PENALTIES, FORFEITURES AND SEPARABILITY

Section 7.901: PENALTIES

- A. Any person violating any of the provisions of this Chapter or any rule or regulation made by the Chief of Police pursuant thereto, except the rules and regulations found in Section 7.105 and except those rules referenced in paragraph B, C, D, E, F **and H G** of this provision, shall be subject to a fine or not more than \$300 upon conviction therefore in the Portsmouth District Court.
- B. Notwithstanding any other provision of this Ordinance, any person violating an emergency order issued by the Chief of Police pursuant to Section 7.303 or Section 7.321 shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the sum of \$50. In the event that such forfeiture is not made within thirty (30) days of the violation date, then the forfeiture shall be paid to the City of Portsmouth in the amount of \$75. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100 upon conviction therefore in the 10th Circuit Court, District Division.
- C. Any person receiving more than ten (10) parking violations in one (1) year, July 1 to June 30 inclusive, shall forfeit an additional charge for each subsequent violation in the amount of \$25. In the event that this additional forfeiture of \$25 is not made within thirty (30) days of the date of the violation triggering the \$25 forfeiture, then the forfeiture amount shall become \$50.
- D. Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within thirty (30) days of such violation the amount designated below. In the event that the forfeiture amounts not paid within thirty (30) calendar days of the violation, then the forfeiture shall be the sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100.00 upon conviction.

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount Within 30 Days</u>	<u>Fine Amount After 30 Days</u>
7.102, 7.105 (A) (C)	Expired Meter	\$35.00	\$55.00
7.328.1	Utilization of Multiple Spaces	\$25.00	\$50.00
7.315 (A)	Parking Within an Intersection	\$25.00	\$50.00
7.315 (B)	Parked in Crosswalk	\$25.00	\$50.00
7.315 (C)	Parked within 15 feet of a Fire Hydrant	\$25.00	\$50.00
7.315 (D)	Parked Within 15 Feet of Fire Station Driveway	\$15.00 \$25.00	\$30.00 \$50.00
7.315 (E)	Parked Blocking Driveway	\$25.00	\$50.00
7.315 (F)	Parked on Sidewalk	\$25.00	\$50.00
7.315 (G)	Obstructing Traffic During Construction Activity	\$15.00 \$25.00	\$30.00 \$50.00
7.315 (H)	Double Parking	\$15.00 \$25.00	\$30.00 \$50.00
7.315 (I)	Violating Traffic Signs Prohibiting Parking	\$25.00	\$50.00
7.315 (J)	Parked, Wrong Direction	\$15.00 \$25.00	\$30.00 \$50.00
7.316	Back to Curb	\$15.00 \$25.00	\$30.00 \$50.00
7.319	Distance from Curb	\$15.00 \$25.00	\$30.00 \$50.00
7.320	Obstructing Street	\$25.00	\$50.00
7.325	30 Minute Parking	\$35.00	\$55.00
7.326	15 Minute Parking	\$35.00	\$55.00

7.327	Limited Parking - Two Hours	\$35.00	\$55.00
7.329	Limited Parking – Four Hours	\$35.00	\$55.00
7.330	Parked in No Parking Area	\$35.00	\$55.00
7.331	Parking Too Close to Intersection	\$20.00 \$25.00	\$40.00 \$50.00
7.601	Limited Hours Loading Zones	\$35.00	\$55.00
7.602	24-Hour Loading Zones	\$35.00	\$55.00
7.1504	Parking in Fire Lane	\$25.00	\$50.00
7.1603	Resident Only Parking	\$25.00	\$50.00

- E. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle unlawfully parked in areas designated as reserved for parking for the walking disabled pursuant to Section 7.1200 shall forfeit to the City of Portsmouth within thirty (30) days of such violation \$250. In the event that the payment of the forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$300. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$300 upon conviction therefore in the 10th Circuit Court, District Division.
- F. Overnight Parking - Winter. Notwithstanding any other provisions of this Ordinance, any person violating the provisions of Section 7.321(A) or an emergency snow ban as directed by the Director of Public Works under Section 7.321(B) shall forfeit to the City of Portsmouth within thirty (30) days of such violation the sum of \$35. In the event that payment of such forfeiture amount is not made within thirty (30) days of the violation, then the forfeiture amount shall be \$55. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100 upon conviction therefore in the 10th Circuit Court, District Division.
- G. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle violating the provisions of Section 7.335 (72 hour parking restrictions) or 7.1000 (Tow Zone) shall forfeit to the City of Portsmouth within thirty (30) days of such violation \$50. In the event that the payment of forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$100. In the event of failure to make such

forfeiture, said person shall be subject to a fine of not more than \$150 upon conviction thereof in the 10th Circuit Court, District Division.

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

Portsmouth
Parking Fine Schedule

Description	Last Updated	Current		Recommended		Peer Town Averages - Rounded	
		Fine	After 30 days	Fine	After 30 days	Fine	After 30 days
Session Expired 15 & 30 Minute; (formerly) 1 - 4 hr	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
Parked within 15 ft of Fire Station	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 40.83	\$ 52.50
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
Obstructing Traffic During Construction	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 28.75	\$ 46.67
Double Parking	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 26.11	\$ 52.67
Parked in Wrong Direction	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 25.00	\$ 61.67
Back to Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 22.14	\$ 47.50
Distance from Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 22.00	\$ 51.67
Parked in No Parking Area	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 30.83	\$ 63.13
Parked Too Close to Intersection	1/1/2013	\$ 20.00	\$ 40.00	\$ 25.00	\$ 50.00	\$ 32.22	\$ 69.17
Emergency Snow Ban	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 63.33	\$ 123.33
Parking Within an Intersection	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 35.00	\$ 70.00
Parking in Crosswalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 38.33	\$ 80.00
Blocking Fire Hydrant	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 51.92	\$ 101.25
Parked Blocking Driveway	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.92	\$ 70.00
Obstructing Street	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.88	\$ 61.67
Parked in Fire Lane	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 48.64	\$ 93.75
10 or More Parking Violations in 1 yr	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 66.67	\$ 100.00
Parked in ADA	1/1/2013	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 238.46	\$ 365.63
Resident Parking Only	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.50	\$ 57.29
Protest Fee (NSF)	1/1/2013	\$ 30.00	-	\$ 30.00	-	\$ 30.00	-
HC/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 20.00	\$ 50.00
Vet/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 27.50	\$ 55.00
Multiple Spaces	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.43	\$ 60.00
Boot Removal Fee	1/1/2013	\$ 150.00	-	\$ 150.00	-	\$ 85.71	-
Commercial Loading Zone	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 42.00	\$ 96.67

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

Chapter 1, Article IV COMMISSIONS AND AUTHORITIES

Section 1.414 AUDIT COMMITTEE

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter – Section 7.4 INDEPENDENT AUDIT.

- A. **Membership and Term:** The Audit Committee shall have five (5) members who shall be appointed by the Mayor and confirmed by the City Council, of which one member shall be a City Councilor. Audit Committee members shall possess experience in finance, accounting, auditing, and/or financial management and reporting. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed to fill the remainder of the term of the vacant member. The initial terms of the members of the Committee shall be for three (3) year terms except that the length of the initial terms to be staggered as follows: In year of initial appointment: three (3) members shall be 3-year terms and two (2) members shall be 2-year terms. Thereafter, all members shall serve a term of three (3) years. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.
- B. **Duties and Powers:** The primary purpose of the Audit Committee is to procure, liaise and oversee the work of the City's external Auditor. The Audit Committee shall provide oversight of the financial reporting process, audit process, risk management, governance and the City's internal controls in compliance with laws and regulations. As such, the Committee will be directly responsible for the solicitation of proposals, selection of and recommendation to the City Council for appointment and retention of the external auditing firm. The Audit Committee is authorized to engage the services of financial experts, legal counsel, and other appropriate specialists as necessary to fulfill its responsibilities, subject to funding provided by the City Council.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL ON _____, 2021

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: Economic Development

Name: Alan E. Gold Telephone: 978-886-1910

Could you be contacted at work? YES NO If so, telephone # 978-886-1910

Street address: 50 South School St., unit 3, Portsmouth

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 11 years

Occupational background:

Corporate and marketing strategy executive and consultant

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

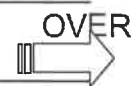
Reasons for wishing to continue serving: _____

The economic health of the City is a great concern of mine, and that

means we need to do our best job of balancing the growth of our

economic engines and the needs of the residents of Portsmouth.

We need to grow smartly and I wish to continue to help that effort.



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

-- Mayor's BRC for Reopening Portsmouth

-- Coordinated Response to Substance Use Disorder Steering Committee

-- Pinetree Institute (non-profit for trauma-informed care), Board President

-- Destination Portsmouth Task Force, Chamber Collaborative

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Jason Goodrich, 20 Georges Terr. 603-828-1569

Name, address, telephone number

2) Larry McCullough, 36 Maplewood Ave, 603-610-8281

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: 8/3/2021

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2029

Annual Number of Meetings: 12 (2020) Number of Meetings Absent: 0

Date of Original Appointment: 9/5/2017

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



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: Library Trustees

Renewing applicant

Name: Marsha Filion Telephone: 603-205-0362

Could you be contacted at work? YES NO If so, telephone same as above

Street address: 149 Jones Avenue

Mailing address (if different): _____

Email address (for clerks office communication): m3filion@yahoo.com

How long have you been a resident of Portsmouth? 10+ years

Occupational background:

Executive Director of Hospice Help Foundation, a 501(c)3 organization based in Portsmouth, NH.

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

Reasons for wishing to continue serving: _____

I'm enjoying being engaged at this deeper level with the work of the Portsmouth Public Library, and hope to be able to continue my support for the next three years.



Please list any organizations, groups, or other committees you are involved in:
member of the NH Center for Nonprofits

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

1) Erika Beer, Mt. Vernon St., 617-821-5938
Name, address, telephone number

2) Anne McSally, Bow St., 603-828-7872
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: 8/3/2021

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2027
Annual Number of Meetings: 6 (2020) Number of Meetings Absent: 2
Date of Original Appointment: 10-01-2018

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

**PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET**

3:00 P.M. – August 5, 2021
Conference Room A

PRESENT: City Councilor/Chairman Peter Whelan, City Manager Karen Conard,
Public Works Director Peter Rice
Members: Mary Lou McElwain, Steve Pesci, Jonathan Sandberg, Harold
Whitehouse, Erica Wygonik (Zoom).

ABSENT: Fire Chief Todd Germain, Police Captain Mike Maloney

CITY STAFF: Attorney Jane Ferrini, Parking Director Ben Fletcher

ACTION ITEM FOR CITY COUNCIL

- | |
|--|
| <ul style="list-style-type: none">• Move No Parking sign 20 feet from crosswalk at intersection of Kensington Road and Middle Road, and triangle mark the No Parking area. |
|--|

1. Financial Report – Accepted and placed on file financial report dated June 30, 2021.
2. Public Comment Session – There were 4 speakers: Lisa Oaks (Little Harbor Road Speeding, Dog Officer presence), Chuck Collins (Little Harbor Road Speeding), Scott Forte (Parking Ticket inquiry), Joan Griffin (Little Harbor Road Speeding, Restaurants taking up parking spaces end date).
3. Request to post NO PARKING across from private drive at 273 Austin Street. **On a unanimous roll call 9-0 voted to** refer to staff for observation for 1 month and report back.
4. Request for RRFB (flashing beacon) at crosswalk situated at 2 Greenleaf. **On unanimous roll call 9-0, voted to** evaluate intersection and its crosswalks with the redesign of the intersection.

Request for RRFB (flashing beacon) at crosswalk(s) situated at Marcy and Pleasant (Sanders Fish Mkt). **On unanimous roll call 9-0, voted to** move to staff to monitor traffic and report back.

5. Request by Resident for traffic calming measures and speed limit signage on Little Harbor Road. **On unanimous roll call 9-0, voted to** refer to staff to monitor traffic and report back.
6. Request for two 1-hour limit spaces on Portwalk Place, by Seacoast Spine & Sports Injuries. **On unanimous roll call 9-0, voted to** follow recommendation and implement no change at this time.
7. Discussion of time limit for handicap vehicles in downtown on-street parking spaces. **On unanimous roll call 9-0, voted to** refer to City Council for amendment of appropriate

sections of Chapter 7 with a 3-hour time limit for ADA-credentialed vehicles.

8. Request to review sight lines, traffic calming and crosswalks at Kensington and Middle. **On unanimous roll call 9-0, voted to** move No Parking sign 20 feet from crosswalk at intersection, and triangle mark the No Parking area.
9. Request for traffic calming measures on Sherburne Road, by residents of Sherburne Road. **On unanimous roll call 9-0, voted to** refer to staff for report back.
10. Cate Street and Bartlett Street progress update by Public Works Director Peter Rice.
- *Informational item with no action required.*
11. Monthly accident report from Police. - *Informational item with no action required.*
12. Bike and vehicular traffic volume data. - *Informational item with no action required.*
13. PTS Action Items. - *Informational item with no action required.*
14. Adjournment – At 4:14 p.m., **Voted** to adjourn.

Respectfully submitted by: Shanleigh McGonagle, Department of Public Works.

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

3:00 P.M. – August 5, 2021

CONFERENCE ROOM A

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

3:00 PM

August 5th, 2021

AGENDA

I. CALL TO ORDER

Chairman Peter Whelan called the meeting to order at 8:00 a.m.

II. ATTENDANCE

Members Present:

City Councilor/Chairman Peter Whelan
City Manager Karen Conard
Public Works Director Peter Rice
Mary Lou McElwain
Steve Pesci
Jonathan Sandberg
Harold Whitehouse
Erica Wygonik (Alternate)

Absent

Fire Chief Todd Germain
Police Captain Darrin Sargent

City Staff Present:

Parking Director Ben Fletcher

III. FINANCIAL REPORT

Parking Director Ben Fletcher commented that the financial report shows the entirety of fiscal year 2021. They finished 30% ahead of the revised budget but still lower than the original budget.

Chairman Peter Whelan noted that 2.4 million went into the general fund from parking revenue. Parking Director Ben Fletcher noted that there was also 1.8 million in services.

Harold Whitehouse moved to accept the financial report dated June 30, 2021, as presented, seconded by Public Works Peter Rice. On a unanimous roll call, motion passed 8-0.

IV. PUBLIC COMMENT (15 MINUTES)

Lisa Oaks of 315 Little Harbor Rd. noted that the amount of traffic and speeding on the road was awful. It is difficult to get out of the driveway. It is a popular recreation area and the traffic and speeding make it dangerous. The request is to put in a 15 mph speed limit sign and increase the police presence in the area.

Chuck Collins of 3 Little Harbor Rd. noted that the area has undergone changes with the Carey cottage and a new day camp. It is a good recreation area but has become heavily traveled. It has been difficult for pedestrians especially during peak drop off and pick up hours for the camp. The 30-mph speed limit is too high. It should be 15 mph. There should be signage posted telling people to be respectful of the recreational area.

Scott Forte of 777 Middle Road recently had a parking ticket appeal denied but has proof he paid for the parking. Mr. Forte was told that if he wanted to appeal that decision, then he would have to sue the city. Parking Director Ben Fletcher noted that they could discuss this issued further offline. Public Works Director Peter Rice clarified that the public should contact staff with these types of issues not the Parking Traffic and Safety Committee.

Joan Griffin of 75 Walker Bungalow Rd. was supportive of the Little Harbor Rd. request. Also, people should not be parking at the egress of the cemetery. Ms. Griffin asked when the parking would be given back from the restaurants. City Manager Karen Conard responded that the restaurants have the spaces until the end of October.

Lisa Oaks of 315 Little Harbor Rd. questioned who owned the road down to the water. Public Works Director Peter Rice responded that it was a city right of way all the way down to the water.

Scott Forte of 777 Middle Rd. questioned if the restaurants would get the parking space back in the spring. Chairman Peter Whelan responded that would be a City Council policy decision that will be addressed year to year.

V. SITE VISITS

273 Austin Street- Citizen Request for No Parking zone across from private drive access (Aug 3rd, 3pm-3:30pm)

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

A. Request to post NO PARKING across from private drive at 273 Austin Street.

Public Works Director Peter Rice commented that the request was to eliminate a one parking spot to allow the people at 273 Austin St. to enter and exit their driveway. There is a stop bar near that area and there should be 20 feet of no parking before that. It would be a benefit to box out no parking and leave one space. Parking is a premium in that area, so

it is important to be sensitive to that. The recommendation is to box out one space and monitor it for a year.

Public Works Director Peter Rice moved to have staff paint an area to delineate one parking spot on Austin St., seconded by Mary Lou McElwain.

Mary Lou McElwain commented that she has seen the same car parked in that area a few times. That block of Austin St. is narrower. It is a reasonable request because it is hard to get out of that driveway.

Erica Wygonik commented that it was complicated because it is hard to take public parking away. Erica Wygonik questioned if parking had to be 20 or 30 feet away from the stop bar. It is a very narrow road and hard to get out of that driveway if there was parking there.

Jonathan Sandberg questioned why this issue was being brought up now. Public Works Director Peter Rice commented that he was not sure what the driver behind it was. It has been a complaint in the past. Parking is at a premium. Delineating one space is a balance to both sides. A similar action was taken on Brewster St. a couple years ago.

Mary Lou McElwain commented that it could be a neighbor issue. There is parking on both sides on the upper end of Austin St. There could be questions raised about making accommodations for off street parking.

City Manager Karen Conard requested clarification on if there was already only one space in that location because of the no parking 20 feet from the stop bar, and this would just be making that clearer. Public Works Director Peter Rice confirmed that it does help clarify it. If they were truly following state guidelines, then there would be restrictions for parking around any driveway. Public Works Director Peter Rice was hesitant to be too much of a stickler as long as it was not a safety issue. There is a narrow section of parking that is part of 274 Austin St. The committee can choose to hold on action and monitor for a report back if they wish.

Erica Wygonik questioned if neighbors were alerted that this was on the agenda. Public Works Director Peter Rice responded that only 273 Austin St. was notified.

Mary Lou McElwain moved to refer to staff to monitor and report back, seconded by Public Works Director Peter Rice. On a unanimous roll call, motion passed 8-0.

B. Request for RRFB (flashing beacon) at crosswalk situated at 2 Greenleaf.

Mary Lou McElwain moved to evaluate intersection and its crosswalks with the redesign of the intersection, seconded by Public Works Director Peter Rice. On a unanimous roll call, motion passed 8-0.

C. Request for RRFB (flashing beacon) at crosswalk(s) situated at Marcy and Pleasant (Sanders Fish Mkt.).

City Manager Karen Conard moved to staff to monitor traffic and report back, seconded by Mary Lou McElwain.

Erica Wygonik questioned which crosswalk was being discussed. Parking Director Ben Fletcher responded that it was the one that went across Pleasant St. They have already placed a camera on the pole and there is a view of all of the crosswalks.

On a unanimous roll call, motion passed 8-0.

Chairman Whelan allowed for public comment.

Chuck Collins of 3 Little Harbor Rd. questioned if it would monitor pedestrian and vehicular traffic. Parking Director Ben Fletcher responded that it would specifically monitor pedestrian traffic.

Steve Pesci noted that the city should consider laying out a policy on when and where RRFB's would make sense. They are only effective if they aren't overused and if they are used in the correct locations. They are not designed to be used at controlled intersections. They are more for midblock use.

D. Request by Resident for traffic calming measures and speed limit signage on Little Harbor Road.

Mary Lou McElwain moved to staff to monitor traffic and report back, seconded by City Manager Karen Conard.

Public Works Director Peter Rice commented that Little Harbor Road was 30 mph because that is the default speed according to state law. The minimum speed that can be posted is 25 mph if it is supported with a warrant study. There are many streets in the city that posted at a speed that is not enforceable. The challenge is posting a speed limit that is enforceable and is not arbitrary. Part of that effort would entail monitoring speeds and determining the average speed through the area. The key to speed control is to create a feeling of constriction to prevent people from going fast. They will look at the flashing sign and alternate means of slowing traffic.

Jonathan Sandberg noted that this area was studied a few years ago and the time average speeds were in the 20s mph. There may have been more monitoring that the Committee didn't follow up on. Staff should look back at that data.

Erica Wygonik noted that they should look at speeds during the summer while the camp is running, and recreation is high. Then they should monitor it again in the fall to assess if there is a big difference.

Chairman Peter Whelan allowed public comment.

Lisa Oaks of 315 Little Harbor Rd. questioned how they would monitor the traffic. Public Works Director Peter Rice responded that they would install a speed radar that logs the speed and volume of traffic.

Chuck Collins of 3 Little Harbor Rd. commented that the three-year-old data would be inaccurate because the camp did not exist then, and recreation has increased during the pandemic. Walker Bungalow Rd. is 15 mph and Little Harbor Road should be too.

On a unanimous roll call, motion passed 8-0.

VII. OLD BUSINESS

- A. Request for two 1-hour limit spaces on Portwalk Place, by Seacoast Spine & Sports Injuries. **Sample Motion: Staff to provide recommendation at 8.5.21 PTS.**

Parking Director Ben Fletcher commented that initial observations showed that one spot was underused because the paint had faded. That was repainted and usership increased. After more observation it was determined that cars were parking in those spots for an average of 1.5 hours. The spaces are turning almost at the requested 1-hour limit. There are no other 1-hour limit signs in the city. Setting one up here would cause confusion and would be hard to enforce effectively. The recommendation is no change at this time.

Public Works Director Peter Rice moved to make no change at this time, seconded by Steve Pesci. On a unanimous roll call, motion passed 8-0.

- B. Discussion of time limit for handicap vehicles in downtown on-street parking spaces. **Sample Motion:**

Assistant City Attorney Jane Ferrini commented that they reached out to the NH Office of Disability to understand what obligations there were to provide free parking for those with walking disabilities with the new stay and pay program. They were informed that they can set a reasonable time limit for free parking. At the last meeting the Committee discussed a 3-hour time limit and this revision to the ordinance was drafted in response. There were some housekeeping items that were cleaned up in the draft. The new paragraphs outline that the reserved parking spaces would allow for 3-hour free parking and would be permissible during hours of enforcement. After that three hours the car parked there would be unlawfully parked. The ordinance makes the distinction that this only applies in parking meter zones. The last paragraph defines that they are entitled to a free three hours at any other space and then can utilize the stay and pay program if they want to stay longer.

Harold Whitehouse questioned if the state recognized the service-connected disabled. Assistant City Attorney Jane Ferrini responded that there are plates for disabled veterans and that would be recognized in this ordinance.

Mary Lou McElwain questioned if veterans had to pay for parking. Parking Director Ben Fletcher responded that there was nothing official in the ordinance about that, but it's been a long-standing unspoken policy. After this change is complete the intent is to officially codify it.

Public Works Director Peter Rice moved to refer this to City Council, seconded by Steve Pesci. On a roll call, motion passed 7-0-1.

Harold Whitehouse abstained from the vote due to conflict of interest.

A. Request to review sight lines, traffic calming and crosswalks at Kensington and Middle. **Sample Motion: Staff to provide recommendations at 8.5.21 PTS.**

- a. Install an RRFB (flashing beacon) crosswalk system for crosswalk across Middle Road to Lafayette Park.
- b. Removal of parking spaces on north side of Middle Road, directly west of Kensington, to increase sight lines
- c. Add a Speed monitor with display
- d. Install a Seasonal Speed Hump

Parking Director Ben Fletcher noted that there were initially 4 requests from the citizens email, and he would address them one at a time. The first request was to put in an RRFB across Middle Road to Lafayette Park at Kensington Rd. They collected data at this intersection. In order to warrant an RRFB there should be 20 crossings in an hour. During peak hours this crossing maxed out at 6 for the 3-hour period. There were also large enough gaps in traffic that resulted in no wait time to cross. At this time, it is not recommended to add a crosswalk in this location. The second request was to remove parking spaces on the northside of Middle Rd. directly west of Kensington Rd. There is a well observed no parking sign for 20 feet from the intersection. When the signage was originally placed it was correct. Now the sign needs to move to meet specifications to be 20 feet from the inside of the crosswalk. That will increase sight lines. The third request was to add a speed monitor with display. The speed limit is 30 mph. They collected data in this area and the average traffic speed was 25 mph. At this time, it is not recommended to add a speed monitoring sign. The last request was to add a seasonal speed bump to reduce speed. Middle Rd. is an arterial roadway, and it is not general practice to install physical traffic calming measures on these streets.

Public Works Director Peter Rice moved to adjust no parking sign to be placed at the crosswalk, seconded by Mary Lou McElwain.

Chairman Peter Whelan commented the making the Middle Rd. and Middle St. intersection a T has helped as well. Harold Whitehouse requested details on the plan to change that whole road. Public Works Director Peter Rice commented that monies have been identified in the CIP to do traffic calming along the entirety of Middle Rd. One anticipated solution would be to T up the intersection.

On a unanimous roll call, motion passed 8-0.

B. Request for traffic calming measures on Sherburne Road, by residents of **Sherburne Road.**

Public Works Director Peter Rice moved to refer to staff for report back, seconded by City Manager Karen Conard. On a unanimous roll call, motion passed 8-0.

VIII. INFORMATIONAL

A. Cate Street and Bartlett Street progress update by Public Works Director Peter Rice.

Public Works Director Peter Rice commented that historically there has been a problem for traffic coming from Islington St. and going to Cate St. There was often a conflict with Bartlett St. traffic. There is a new road to the Bypass and a reconfiguration of this intersection was necessary. This has been done in an iterative process. The existing configuration is what was settled on. The goal was to promote traffic flow in a safe manner and change the through traffic from Bartlett St. to Cate St. There is still a challenge with traffic going up Bartlett St. from the Ricci Lumber side and limited sight lines. Mid-block crossings are dangerous, so a stop bar was chosen as a safer option. They are currently monitoring the area with a traffic camera. Traffic is flowing well with very little conflict. One area that remains a concern is the slip lane for pedestrians. They are looking at alternatives to address that. Additional time is needed to evaluate the change in traffic pattern. It takes time to acknowledge the change in a traffic pattern. They are not ignoring the concern but are evaluating options while monitoring the traffic pattern change. Staff will evaluate and report back.

Harold Whitehouse requested clarification on the conflict with Hodgson Way. City Manager Karen Conard commented that staff investigated this concern. There is a Hodgson Farm Lane in Newington, NH. There was a Hodgson Lane in Portsmouth, but that is now Woodbury Ave. There was confusion because Portsmouth and Newington share a zip code. Staff reached out to 911 services, and they don't have an issue with Hodgson Way in Portsmouth and Hodgson Farm Lane in Newington.

B. Monthly accident report from Police.

Police Captain Darrin Sargent was absent, so no report was presented.

C. Bike and vehicular traffic volume data.

Jonathan Sandberg questioned if data from the Islington St. and Bartlett St. intersection could be included as well.

Traffic Engineering Intern Andy Rosenberg responded that the graph for that intersection does exist, but it is not accurate right now because the traffic is impacted by the construction in that area.

D. PTS Action Items.

Harold Whitehouse questioned if they were still looking to paint the crosswalks rainbow, and if that should come to this Committee. City Manager Karen Conard responded that staff gave guidance to the nonprofits and asked them to consider painting the sidewalks instead. They are not planning to paint the crosswalks anymore.

Mary Lou McElwain commented that there was a neighborhood meeting for Mount Vernon St. to talk about the speed and traffic on that street. That street has mostly city employees and it is very narrow. Mary Lou McElwain requested that they respect the speed limit on the road and pay attention. Public Works Director Peter Rice agreed that staff should be following the speed limit on any street.

IX. MISCELLANEOUS

X. ADJOURNMENT

Harold Whitehouse moved to adjourn the meeting at 4:15 p.m., seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 8-0.

Respectfully submitted by:
Becky Frey
PTS Recording Secretary

**Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser: https://us06web.zoom.us/webinar/register/WN_-qiCVaQASUyLTwMV-r0b9A*

**CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2021-01**

TRANSPARENCY OF INFORMATION TO ELECTED OFFICIALS

It is the policy of the Portsmouth City Council that any correspondence, work product or other documentation related to City of Portsmouth business that is shared by the City Manager with any City Councilor will be shared with all City Councilors.

If any City Councilor sends or receives correspondence on behalf of a City of Portsmouth project, committee or other initiative, that information will be shared with all City Councilors upon reasonable request. Correspondence will be shared via the City Manager without delay, impediment or alteration of the documentation.

If the City Manager possesses correspondence sent or received by a City Councilor on behalf of a City of Portsmouth project, committee or other initiative, that information will be shared with all City Councilors upon reasonable request. Correspondence will be shared without delay, impediment or alteration of the documentation.

If the documentation is of a confidential nature, the City Manager and all City Councilors will treat it with appropriate sensitivity. No individual Councilor or group of Councilors may prevent the flow of this information to another duly elected City Councilor.

Failure to abide by this policy will be grounds for a Vote of Censure by the City Council.

MEMORANDUM

Date: September 1, 2021

To: McIntyre Subcommittee and Portsmouth City Council

From: Cliff Lazenby, City Councilor

Subject: Update to Public regarding McIntyre Timeline, Post Office Correspondence

I request that the McIntyre Subcommittee provide an update to the City Council and public regarding the following:

- **Timeline for Submission of Revised McIntyre Application to National Park Service.**
This should include:
 - Timeline to report to the public regarding feedback from NPS about Principle Group vision and sketches submitted in July/August 2021
 - Schedule for negotiations with Redgate/Kane on new project
 - Timeline to receive updated construction and landscaping documents
 - Timeline to receive revised Proforma/Financials for new project, including analysis from David Eaton and opportunity for public review and input
 - Timeline to revise Development Agreement between City and Redgate/Kane
 - Would or would this not include a new Ground Lease?
 - Timeline for re-submission of new application to NPS
 - Timeline for review by Portsmouth Land-Use Boards
- **In correspondence to the General Services Administration on March 3, 2021, the McIntyre Subcommittee submitted a timeline that all of the above steps other than Land Use Board Review would be complete by May 31, 2021.**

- **Post Office: What correspondence has occurred between the McIntyre Subcommittee, City staff or other City Councilors regarding their intention to return to a redeveloped McIntyre site (or other downtown Portsmouth locations)?**

DATE: SEPTEMBER 1, 2021

TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: COUNCILOR HUDA

SUBJECT SEPTEMBER 7th 2021 CITY COUNCIL MEETING AGENDA REQUEST
PLEASE PUT THIS UNDER MY NAME. THANK YOU

- > I MOVE TO DO SECOND READING OF THE AUDIT COMMITTEE SEC. 1.414 ORDINANCE
AND AMEND WITH THE ATTACHED CHANGES.
THESE CHANGES WERE DISCUSSED AND VOTED ON BY THE MAYOR'S BLUE RIBBON AUDIT COMMITTEE.

SEE ATTACHED MEMO AND REDLINED ORDINANCE CHANGES.

MEMORANDUM

DATE: August 31, 2021
TO: MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: COUNCILOR HUDA
RE: AUDIT COMMITTEE ORDINANCE

On August 30, 2021, the Mayor's Blue Ribbon Audit Committee (MBRAC) met to consider possible amendments to the form of the Audit Committee ordinance which went to first reading before the City Council on June 21, 2021. The MBRAC took into account the discussions of the ordinance which have been held by the City Council since that date. Subsequent to that discussion, the MBRAC voted unanimously to recommend the following amendments to the version of the ordinance which is now at second reading before the Council.

Attached is a redlined ordinance showing the original ordinance as amended.

Attachment

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

Chapter 1, Article IV COMMISSIONS AND AUTHORITIES

Section 1.414 AUDIT COMMITTEE

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter – Section 7.4 INDEPENDENT AUDIT.

- A. Membership and Term: The Audit Committee shall have five (5) members who shall be appointed by the Mayor and confirmed by the City Council, ~~one two~~ members shall be ~~a~~ City Councilors. Audit Committee members, other than the City Councilors, shall possess experience in finance, accounting, auditing, and/or financial management and reporting. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed to fill the remainder of the term of the vacant member. The initial terms of the members of the Committee shall be for three (3) year terms except that the length of the initial terms to be staggered as follows: In year of initial appointment: three (3) members shall be 3-year terms and two (2) members shall be 2-year terms. Thereafter, all members shall serve a term of three (3) years. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.
- B. Duties and Powers: The primary purpose of the Audit Committee is to procure, liaise, and oversee the work of the City's external Auditor. The Audit Committee shall provide oversight of the financial reporting process, audit process, risk management, governance and the City's internal controls in compliance with laws and regulations. As such, the Committee will be ~~directly~~ responsible for the solicitation of proposals, ~~selection of evaluation of proposals~~ and recommendation to the City Council for the appointment and retention of the external auditing firm. ~~The Audit Committee is authorized to engage the services of financial experts, legal counsel, and other appropriate specialists as necessary to fulfill its responsibilities, subject to the funding provided by the City Council.~~ In the event the auditor identifies any serious exceptions, the Audit Committee shall assist and advise the City Council with regard to next steps, or any need for external consultants or advisors.

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 ON _____, 2021

Kelli L. Barnaby, City Clerk



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: September 2, 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 September 7, 2021

VIII. Recognitions and Volunteer Committee Reports:

A. Recognition of Juliet Walker, Director of Planning:

I would like to recognize the City's outgoing Director of Planning, Juliet Walker. Juliet has been in the City's employment since 2013, when she started as the full-time Transportation Planner. She was promoted to Assistant Planning Director a few years later and soon after was promoted to the City's Director of Planning in 2017.

Juliet's leadership has resulted in Portsmouth's Complete Streets transportation policy and design process, land use and regulatory amendments to foster smart and sustainable growth, protection of the City's built and natural environment, and bicycle and pedestrian improvements across the City.

I am proud of all that Juliet and the City have accomplished together.

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures, and Separability:

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City-managed parking inventory. The citation protocol includes patrolling the City's parking spaces to ensure payment, and to issue parking citations when payment is not made, or a driver has allowed their session to expire without renewal. The four most common citations were updated via City Council passing of third reading on May 17, 2021.

During discussions regarding the four most common citations, it was further discussed that a number of additional violation categories were similarly in need of an update.

Research of surrounding towns shows that Portsmouth lagged behind peer averages in several violation categories.

To address the issue of modernizing the fine structure for safety violations, the Parking Division presented the **attached fine schedule** and **proposed ordinance amendments** to the Parking and Traffic Safety Committee on June 3, 2021, resulting in a unanimous vote to forward to the City Council for first reading.

I recommend that the City Council move to pass second reading, and to schedule a third and final reading regarding these ordinance amendments at the September 20, 2021 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities, Section 1.414 Audit Committee:

Councilor Huda will be speaking on behalf of the Mayor’s Blue Ribbon Audit Committee regarding this proposed ordinance amendment.

XIV. Approval of Grants/Donations:

A. Acceptance of Grant from the State Department of Justice for the NH Internet Crimes Against Children (ICAC) Task Force Grant – \$200,000:

At the August 24, 2021 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$200,000 from the State Department of Justice for the New Hampshire Internet Crimes Against Children Task Force.

I recommend that the City Council move to approve and accept the grant for the Police Department in the amount of \$200,000 as presented.

B. Acceptance of Skateboard Park Donation – \$2,500:

The City received a donation for the skateboard park in the amount of \$2,500 from the Blalock family.

I recommend that the City Council move to approve and accept the donation from the Blalock family in the amount of \$2,500 as presented.

XV. City Manager’s Items which Require Action:

1. Request to Schedule Portsmouth Housing Authority Work Session:

Per Councilor McEachern’s request at the August 2, 2021 City Council meeting, I would like to propose a joint work session with the City Council and the Portsmouth Housing Authority on October 18, 2021 at 6:00 p.m.

I recommend that the City Council move to schedule a joint work session with the Portsmouth Housing Authority on October 18, 2021 at 6:00 p.m.

2. **New Castle Water Line and Easements:**

Attached please find a [communication from the Town of New Castle Select Board](#) requesting that the City agree to accept certain easements and new water infrastructure to be constructed at the Town of New Castle's expense. By way of background, a portion of New Castle residents are served by the New Castle water system (it is City of Portsmouth water purchased wholesale but distributed through New Castle owned pipes). The other portion of New Castle is served by the City of Portsmouth water system.

In the last two years, New Castle has undertaken significant construction efforts to improve Town of New Castle water infrastructure. As a result, New Castle has seen improved water pressure and water quality. New Castle next seeks to improve certain water infrastructure on that portion of the island served by the City of Portsmouth water system. See [attached figure](#) showing New Castle's proposed Special Assessment District for properties that would benefit from the new water infrastructure.

There currently exists privately maintained water pipe in Spring Hill Road and Lavanger Lane, both private roads. The City of Portsmouth maintains infrastructure in Wentworth Road and serves the residents of Spring Hill Road and Lavanger Lane. That private infrastructure is in need of replacement. New Castle is prepared to upgrade these private lines to Portsmouth water system specifications, at no cost to Portsmouth. Once upgraded, and having secured necessary easements, New Castle is prepared to turn these new water lines over to Portsmouth.

Acting Deputy City Manager Suzanne Woodland is prepared to provide information and answer questions at this evening's meeting. A representative of the New Castle Select Board will also be available to speak to this item.

I recommend that the City Council move to authorize the City Manager to accept the new water lines if constructed to the satisfaction of the City and accept the easements necessary for the City to access and maintain them.

3. **Acquisition of Sewer Line Easements and Proposed Release of Paper Street:**

In order to complete the Sagamore Avenue Area sewer line project, the City requires sewer line easements within a private right-of-way known as Sagamore Avenue West. Three easements are required from property owners that will directly benefit from the public sewer extension. Those property owners are: Debra Dupont of 911 Sagamore Avenue, Hogsweave LLC of 912 Sagamore Avenue, and the Heidi S. Ricci Revocable Trust of 913 Sagamore Avenue West. A schematic showing the easement needs is [attached, titled "Sagamore Avenue Sewer Extension Project."](#)

In addition to the three easements described above, a fourth easement is required over property of Mark Simpson, located on Sagamore Avenue, which contains exclusively a private right-of-way (no structures on the property). Mr. Simpson resides at 28 Thornton Avenue and is not benefited by the public sewer line extension.

In consideration for the grant of a sewer line easement over the private right-of-way, Mr. Simpson requests the City convey by quitclaim deed any interest it may have in a portion of a paper street, called Ruth Street, adjacent to his home at 28 Thornton Street. See [attached drawing titled “Ruth Street Area.”](#) On July 11, 2020, the City Council voted to release an adjacent portion of this paper street, which is also shown on the attached drawing. The Department of Public Works has advised that no current or planned utility needs would be impacted by the City releasing its interest in this portion of Ruth Street.

At the August 2, 2021 City Council meeting, the City Council referred these easement needs and the release of the paper street, Ruth Street, to the Planning Board for its review and recommendation. On August 19, 2021, the Planning Board unanimously recommended these easements and the release of Ruth Street. The Legal Department will finalize the form of the easements and the quitclaim deed if the City Council approves the recommended action.

I recommend that the City Council authorize the acceptance of four (4) sewer line easements as described and to release the paper street known as Ruth Street where it abuts 28 Thornton Street as shown.

4. **Request for First Reading Regarding Ordinance Amendment to Chapter 7, Article XI, Section 7.1100 – Speed Limits:**

At its October 8, 2020 meeting, the Parking and Traffic Safety Committee (PTSC) heard a report back on traffic calming on Chevrolet Avenue in response to residents’ concerns about pedestrian and traffic safety. In addition to a discussion on beginning a neighborhood traffic pattern plan for the area, the PTSC voted unanimously to lower the speed limit on Chevrolet Avenue from 30 mph to 25 mph as a measure to improve pedestrian and traffic safety.

The speed limit became a temporary parking and traffic regulation through the Council’s approval of the PTSC’s minutes on November 16, 2020. Temporary parking regulations expire one year after approval unless they are adopted by the Council as an amendment to Chapter 7 through the City’s ordinance adoption process. The PTSC recommends the adoption of an [amendment to Chapter 7, Article XI, Section 7.1100 Speed Limits](#), sub-section E to reduce the speed limit on Chevrolet Avenue from 30 mph to 25 mph.

I recommend that the City Council move to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council Meeting.

5. **Request for First Reading Regarding Ordinance Amendment to Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled:**

At its August 5, 2021 meeting, as reflected in its minutes, the Parking and Traffic Safety Committee voted unanimously to recommend to the City Council an [amendment to Chapter 7, Article XII, Section 7.1200](#) that would provide three hours of free parking in parking metered zones for ADA-credentialed vehicles. Over the course of several prior meetings, the Committee acknowledged that before the enactment of the Stay and Pay system, the City had an uncodified policy of providing three hours of free parking for the walking disabled in time-limited parking spaces.

This policy conformed with NH RSA 265:74, which provides that a municipality must provide free parking for the walking disabled but has discretion to set reasonable time limits for free parking.

After the enactment of the Stay and Pay System, most time limits in City-managed parking spaces were abolished. The Committee was uncertain as to what would qualify as reasonable time limits for free parking under our Stay and Pay parking system because we no longer have time limited parking and the guidance documents provided by the Governor's Commission on Disability did not address a Stay and Pay type parking system. The Committee instructed staff to reach out to the Commission for clarification. Representatives at the Commission's Office confirmed that three hours of free parking for the walking disabled was reasonable under the City's Stay and Pay system and was consistent with the Commissions' policies and state law.

I recommend that the City Council move to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council Meeting.

6. **Borthwick Forest Easements:**

On May 22, 2017, the Planning Board granted preliminary and final subdivision approval and site plan review approval for an application from Borthwick Forest, LLC for property located off Borthwick Avenue to construct an office building and new subdivision road.

The approved project plans included a number of required easements, which are shown on **the enclosed plans** and summarized below:

- An easement for maintenance and access for an existing water line extending across the applicant's property (**labeled as Easement #1** on the enclosed plans and deeds);
- An easement for City maintenance and public access to a 10' wide paved off-road multi-use path extending from the end of the new subdivision road (Eileen Dondero Foley Road) to Islington Street. This easement is located over an easement for the new water line (**labeled as Easement #2**);
- An easement for City maintenance and access of a new public water line extending between Islington Street and Borthwick Avenue (**labeled as Easement #3**); and
- An easement for public access to a multi-use path that parallels the new subdivision road from Borthwick Avenue to the new off-road multi-use path referenced above (**labeled as Easement #4**).

All of the foregoing have been reviewed by the Planning, Legal, and Public Works Departments and are recommended for approval.

I recommend that the City Council move that the City Manager be authorized to negotiate, execute, deliver and record the easement deeds regarding the Borthwick Forest property as presented.

7. **Report Back on 135 Thaxter Road Request for Restoration of Involuntarily Merged Lots:**

At its meeting of May 17, 2021, the City Council considered a request from Bernie W. Pelech, Esq., on behalf of the property owners Vincent and Monica Zinganello, requesting the restoration of involuntarily merged lots at 135 Thaxter Road to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer this request to the Planning Board and the City Assessor for a report back.

The City Assessor provided the enclosed report regarding this request.

At the August 19, 2021 Planning Board meeting, the Planning Board held a public hearing on this request and voted to recommend that the City Council grant the request to unmerge the lots.

I recommend that the City Council move to grant the request to restore the involuntarily merged lots at 135 Thaxter Road.

8. **Request to Establish a Public Hearing for 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. There are two refunding opportunities, both requiring a public hearing with two-thirds roll call vote of the City Council:

- The original General Obligation Capital Improvement Bonds that are eligible for refunding was issued on December 14, 2011 for \$22,500,000 bond for the construction of the Middle School and has a remaining 10-year term.

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 \$1,500,000 net of all issuance costs, over the remaining life of the bonds.

- The original General Obligation Capital Improvement Bonds that are eligible for refunding was issued on December 14, 2011 for \$3,000,000 for Peirce Island Waste Water Treatment Plant and has a remaining 10-year term.

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 \$210,000 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 September 20, 2021 City Council meeting for a Refunding Bond Resolution of up to Eleven Million Six Hundred and Fifty Thousand Dollars (\$11,650,000) to refund the remaining portion of the aforementioned callable bond and all related costs; and

*I recommend that the City Council move to establish a public hearing at the September 20, 2021 City Council meeting for a **Refunding Bond Resolution of up to One Million Six Hundred Thousand Dollars (\$1,600,000)** to refund the remaining portion of the aforementioned callable bond and all related costs.*

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: 30” x 20”

Sign area: 4 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.*

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Presentation from Health Officer, Kim McNamara, Regarding COVID-19:

The City’s Health Officer, Kim McNamara, will be providing an update regarding COVID-19.

XVIII. City Manager’s Informational Items:

1. Peverly Hill Road Public Necessity Hearing:

A Peverly Hill Road Public Necessity Hearing has been scheduled for October 14, 2021 at 5:00 p.m. Additional details on this meeting will be shared via the meeting notice which will be posted to the City’s website.

2. **Islington Creek Residents’ Comments to Surface Transportation Board Regarding Rail Yard:**

Please find [attached Islington Creek Residents’ comments](#) about rail yard traffic, noise and fumes, along with [letters from the City](#) and [Congressman Pappas](#) to the Surface Transportation Board regarding the CSX/Pan Am merger.

3. **Wetland Conditional Use Permits Granted by the Planning Board According to Section 10.1017 of the Portsmouth Zoning Ordinance Between August 2017 and August 2021:**

As previously requested by Councilor Trace, please find attached a [report back on Wetland Conditional Use Permits granted by the Planning Board](#) according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021.

4. **Report Back on the Number of Upcoming/Ongoing Development Projects:**

As previously requested by Councilor Trace, please find [attached a report back on the number of upcoming and ongoing development projects](#) which includes the number of living units and/or office space per project and the number of parking spaces per development.

5. **Report Back on Litigation List:**

As previously requested by Councilor Kennedy, please find [attached a list of active litigation cases](#).

6. **City Council Quorum:**

At the August 23, 2021 meeting of the City Council, it was requested that the Legal Department produce a memorandum on the topic of quorums. This request was prompted by two recent situations in which a quorum (5 members) of the City Council had inadvertently appeared at the same place at the same time when such was not anticipated. This raised obvious questions under the Right to Know law, RSA 91-A.

The first of these situations involved the quorum of the City Council appearing at a Public Works event which had not been noticed as a meeting. The second involved a quorum of City Councilors appearing at a McIntyre Subcommittee meeting for which notice had been published that the Subcommittee would meet, but no notice had been published for the full City Council to meet.

For the purpose of the Right to Know law, a:

“meeting means the convening of a quorum of the membership of a public body ..., whether in person, by means of telephone or electronic communications, or in any other manner such that all participating members are able to communicate with each other contemporaneously ... for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters.”

Two problems have been presented by the inadvertent assemblage of the City Council as described above. The first is whether or not a meeting has occurred in violation of the Right to Know law. Secondly, if a meeting has occurred, has it been properly noticed by publishing notice in two public places at least 24 hours prior to the meeting?

A confusing wrinkle which occurred in the second situation described above, is that a meeting of the McIntyre Subcommittee for which the quorum is three (3) members had been properly noticed. However, when a member of the City Council joined the four (4) members of the McIntyre Subcommittee, it arguably created a meeting of the City Council, which had not been noticed as such.

In both of the situations described above, these issues were addressed by adopting an ad hoc solution whereby City Councilors who had appeared when no meeting of the Council had been noticed or City Councilors in excess of the Subcommittee members who appeared at the meeting were requested not to participate in the discussion as to avoid a meeting of the City Council as defined above being held.

While not an ideal solution to the issues, this approach at least presented a reasonable attempt to provide compliance with the Right to Know law without totally depriving members of the City Council of the opportunity to hear what was said at a meeting even if they could not participate in the discussion.

One effort which will be followed by City staff in the future to hopefully avoid confusion on these issues is that whenever it is reasonably perceived that five (5) members of the City Council might be in the same place at the same time, even though no Council meeting is planned, a document which we are now calling a Notice of Quorum will be published in two (2) public places. This will show sensitivity to the Right to Know law should it later be determined that a Council meeting was held.

Moreover, it is the Legal Department recommendation that whenever it is reasonably perceived that additional members of the City Council may appear at a Subcommittee or other meeting where Council members are present, the notice to be published of that meeting should reflect not only that there will be a meeting of the smaller public body, but also that it is possible for a quorum of City Council members to be present.

It might also be a resolution for the City Council itself to address this quorum complexity. For example, the Council might adopt a policy or rule prohibiting a quorum of the Council to assemble anywhere unless proper notification has been made. In that situation, once four (4) members of the Council were in any one place at any one time, any further members of the City Council who should arrive would be expected to voluntarily remove themselves from that gathering.

The foregoing represents current Legal Department thinking on this difficult issue. Perhaps, with some further thought, other approaches or solutions can be developed.

7. **Report Back on Portsmouth Community Garden:**

Attorney Sullivan will be providing information on the proposed community garden at this evening's meeting.



Town of New Castle
 NEW CASTLE, NH 03854-0367

RECEIVED

JUN 28 2021

CITY MANAGER
 PORTSMOUTH, NH

SETTLED 1623
 INCORPORATED 1693

June 21, 2021

Ms. Karen Conard
 City Manager
 Portsmouth City Hall
 1 Junkins Avenue
 Portsmouth, NH 03801

Dear City Manager Conard:

We are writing regarding the on-going collaborative water project being done by the City of Portsmouth and the Town of New Castle to improve water infrastructure and service. The project, a multi-year effort to improve water quality and public safety issues across the systems, involves replacing and upsizing the water transmission pipes and improving distribution pipes in both systems.

The Town receives all its water through transmission mains from the Portsmouth Water System. Water currently enters the island at two locations: Shapleigh Island (first bridge) and Campbell's Island (by the Wentworth Hotel). There are two water systems serving New Castle residents. One is owned and operated by the City of Portsmouth, running from Campbell's Island to the corner of Wentworth and Main, with the other owned by the Town of New Castle running from Shapleigh Island to the corner of Wentworth and Main.

The Town has paid for and replaced the transmission main from Shapleigh Island to the corner of Wentworth and Main Street in New Castle. The Town also replaced the Portsmouth Transmission main from Pierce Island to Shapleigh Island, splitting the cost with the Portsmouth system. The next major steps of the project involve improvements on the City water system, completion of the water main installation from North Gate Road to the corner of Wentworth Road and Main Street and the replacement of a private water system connecting to City water infrastructure. Both are critical components of the project.

It is the Town's understanding that the water transmission main work on Wentworth Road is being contemplated in connection with the Wentworth Bridge work that will be undertaken or as part of the overall capital improvement program of the Portsmouth water system, whichever happens first.

To address the private system, the Town in conjunction with the City has developed a program to improve those private water lines that attach to the City system and service existing City water customers. *Because the improvements are being done on private systems already on the City system*

and for customers of the City system, the Town is seeking the City's agreement that it will: (1) accept the new water lines if the work proceeds to the satisfaction of the City and (2) accept the easements necessary for the City to access and maintain the waterlines.

New Castle will work with the residential property owners who are served by these private lines to help upgrade the lines to Portsmouth water department specifications at no cost to Portsmouth. The Town will also work with the residential property owners to deliver to Portsmouth the necessary easements and other legal documents necessary to effectuate the turnover of these new lines to Portsmouth.

The Town is prepared to begin work on one of the private systems this summer and therefore is requesting the City's agreement with accepting the new waterlines and associated easements as soon as the City can provide it.

Sincerely,

New Castle Select Board



William Stewart



Thomas Maher

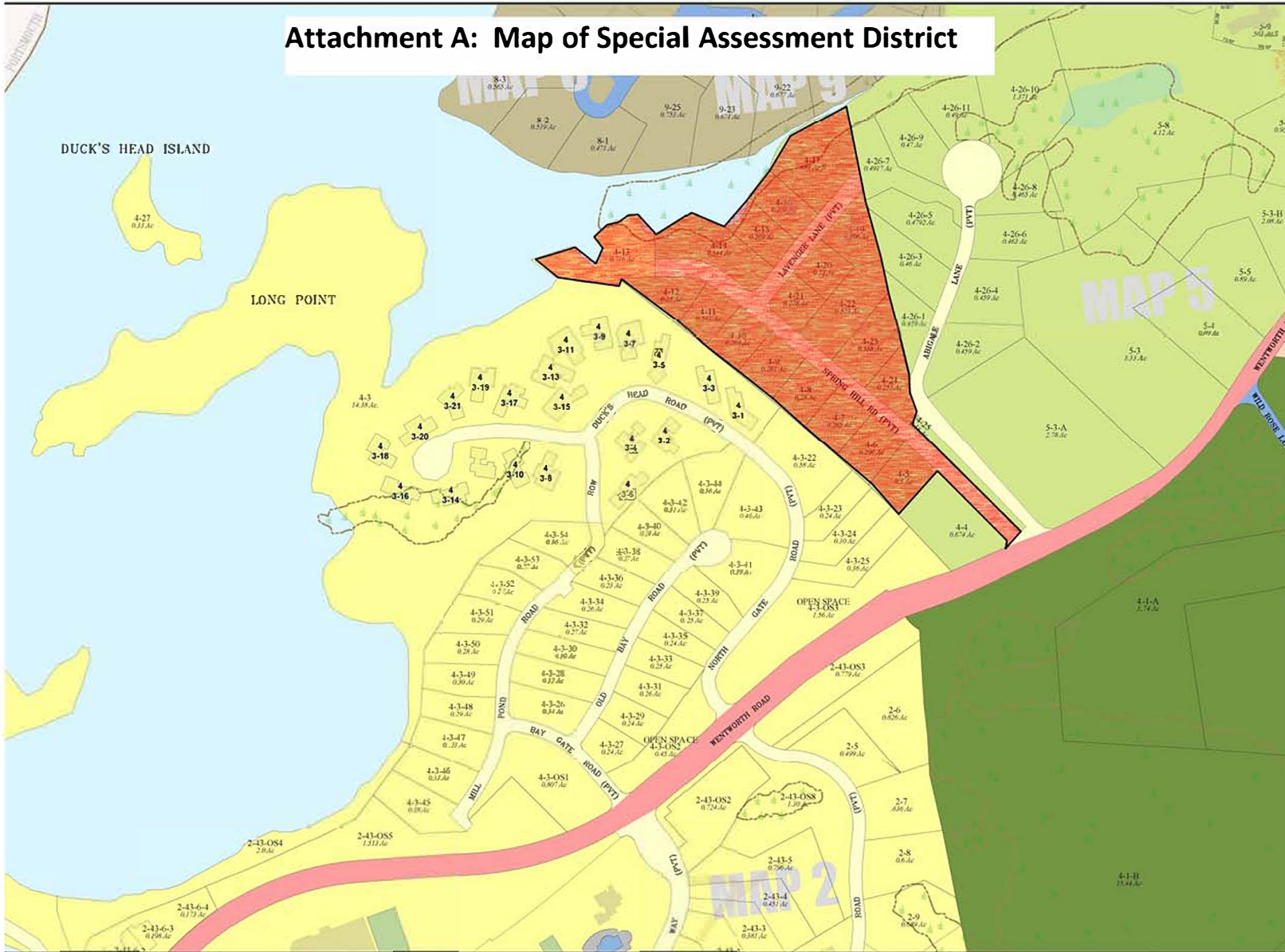


David McGuckin

CC: Suzanne Woodland
Brian Goetz

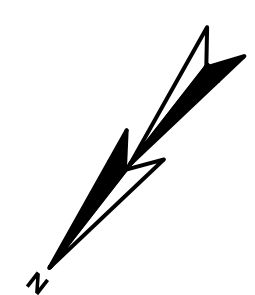
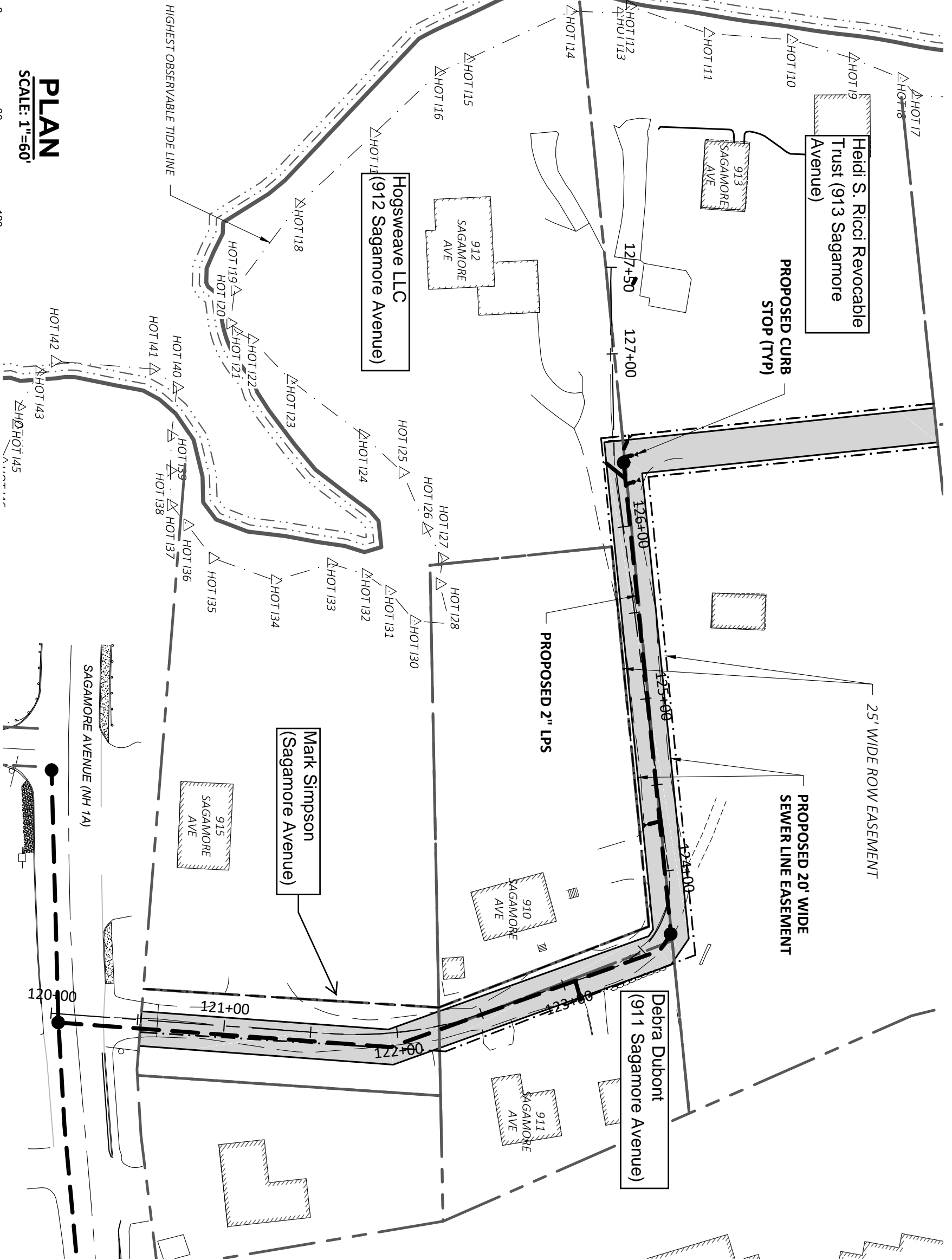
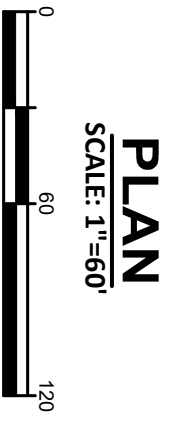
Attachment A: Map of Special Assessment District

CM Action Item #2

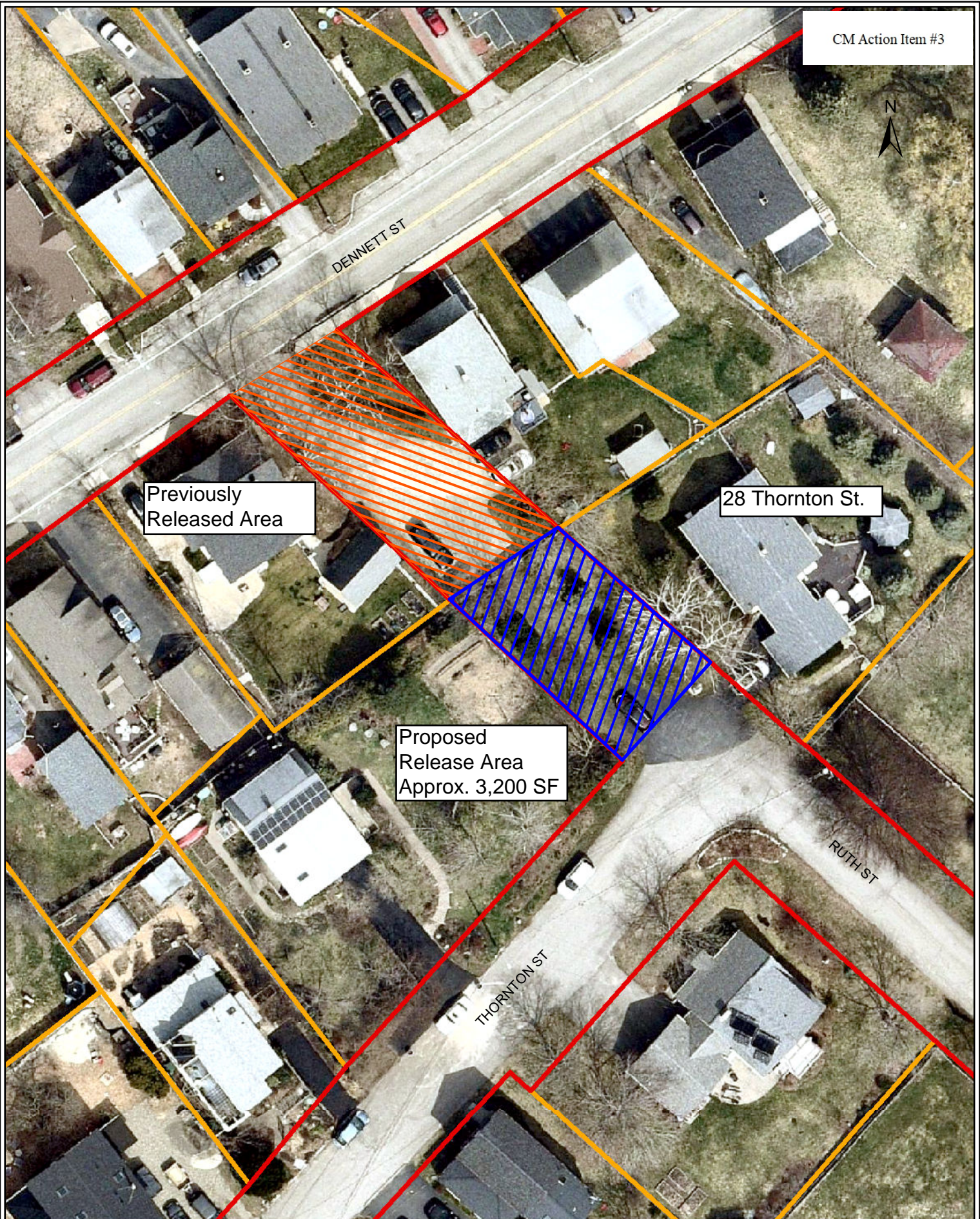


District Boundaries:





CITY OF PORTSMOUTH, NH SAGAMORE AVENUE SEWER EXTENSION PROJECT		NO.	REVISIONS	DRAWN BY	APP'D
		1			
PROJ NO: 11304C DATE: JULY 2021		2			
		3			
WRIGHT-PIERCE				911, 912 AND 913 SAGAMORE AVENUE DRAFT UTILITY EASEMENT	
				FIGURE: F-2	



Previously Released Area

28 Thornton St.

Proposed Release Area
Approx. 3,200 SF

Ruth Street Area



Previously Released



Proposed Release Area

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XI, Section 7.1100 – **SPEED LIMITS** sub-section E 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):

Section 7.1100: SPEED LIMITS

E. Speed Limit: 25 MPH

Chevrolet Avenue

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 XII, Section 7.1200 – **PARKING FOR THE WALKING DISABLED** 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 XII: PARKING FOR THE WALKING DISABLED**Section 7.1200: PARKING FOR THE WALKING DISABLED**

- A. The City Council may designate portions of any street, alley, public way, public park, ~~or~~ municipal parking lot **or municipal parking facility** within the City of Portsmouth as reserved – for parking vehicles displaying special license plates, ~~deals~~ or **eards windshield placards** issued to persons with walking disabilities pursuant to state law (**“Authorized Vehicles”**);
- B. Such reserved parking **areas spaces (“Reserved Parking Spaces”)** shall be marked by the international accessibility symbol. **Parking spaces that are not marked by the international accessibility symbol are unreserved parking spaces (“Unreserved Parking Spaces”)**;
- C. ~~No vehicle shall be parked in areas designated as reserved parking for the walking disabled unless it displays the requisite license plate, deal or card.~~
Only Authorized Vehicles may park in Reserved Parking Spaces.
- D. It shall not be a defense to a complaint alleging failure to display the required **special** license plate, ~~deal~~ or **eard windshield placard** that the owner or operator neglected to display an otherwise valid **special license** plate, ~~deal~~ or **eard hanging windshield placard**.
- E. **Authorized Vehicles parked in Reserved Parking Spaces in parking meter zones are entitled to a three (3) hour free parking session during enforcement hours, 9:00 a.m. through 8:00 p.m. Monday through Saturday, and between 12:00 p.m. through 8:00 p.m. on Sundays. Authorized Vehicles that remain in the Reserved Parking Space after the three (3) hour free parking session has expired shall be considered unlawfully parked and subject to the penalties and enforcement provisions of this Chapter. If the Authorized Vehicle is moved to a different Reserved Parking Space or an Unreserved Parking Space during the hours of enforcement in the same day, it will not be entitled to an additional three (3) hour free parking session.**

F. Authorized Vehicles parked in Unreserved Parking Spaces in parking meter zones are entitled to a three (3) hour free parking session during enforcement hours, 9:00 a.m. through 8:00 p.m. Monday through Saturday, and between 12:00 p.m. through 8:00 p.m. on Sundays. Authorized Vehicle may remain in the same Unreserved Parking Space after the three (3) hour free parking session has expired if the parking meter is paid for a parking session. Authorized Vehicles that fail to pay for a parking session after the three (3) hour free parking session has expired shall be considered unlawfully parking and subject to the penalties and enforcement provisions of this Chapter. If the Authorized Vehicle is moved to a Reserved Parking Space or a different Unreserved Parking Space during the hours of enforcement in the same day, it will not be entitled to an additional three (3) hour free parking session.

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

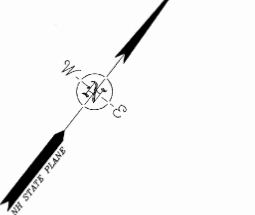
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

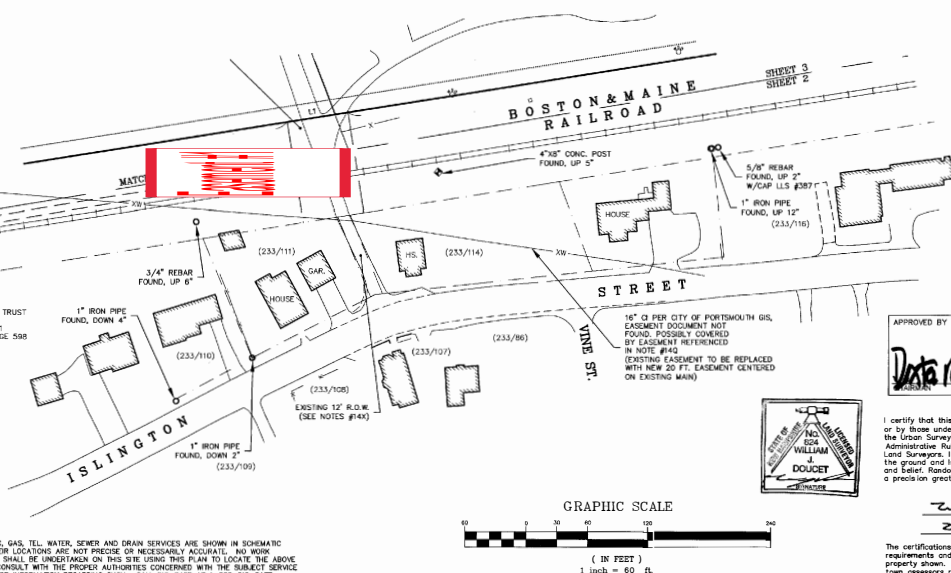
D-42049 03/12/2010 09:32:41 AM
Register of Deeds, Rockingham County
LSEP PLAN NOVEMBER 25, 2009 116,090

- NOTES:
1. REFERENCE: TAX MAP 234, LOT 7-4A
TAX MAP 240, LOT 2-2102
TAX MAP 241, LOTS 25
2. PARCEL AREAS: LOT 7-4A: 8,085 AC.
TAX MAP 241, LOT 25: 41,876 AC.
3. OWNER OF RECORD: TAX MAP 241, LOT 25 (R.C.R.D. BOOK 4754, PAGE 628)

- 14. THE PARCELS ARE SUBJECT TO, AND/OR IN BENEFIT OF THE FOLLOWING EASEMENTS, RESTRICTIONS, ETC.
A) INTENTIONALLY DELETED.
B) IN BENEFIT OF AN EASEMENT GRANTED TO ISLINGTON WOODS, LLC BY BOSTON AND MAINE CORPORATION, BOOK 4917, PAGE 2913.
C) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 583, PAGE 324.
D) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 1409, PAGE 31.
E) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.R.D. BOOK 2400, PAGE 923.
F) SUBJECT TO A WATER LINE EASEMENT GRANTED BY SPINNEY TO JONES, SEE R.C.R.D. BOOK 501, PAGE 127. (EXACT LOCATION UNDETERMINED).
G) SUBJECT TO AN ELECTRIC EASEMENT GRANTED BY SAN ANTONIO ET AL TO NH ELECTRIC CO., SEE R.C.R.D. BOOK 1234, PAGE 222.
H) SUBJECT TO THE RIGHTS OF THE CITY OF PORTSMOUTH TO CONSTRUCT & MAINTAIN A SEWER LINE, AS MENTIONED BY REFERENCE IN R.C.R.D. BOOK 1261, PAGE 29. NO EASEMENT DOCUMENT FOUND.
I) SUBJECT TO A WATER LINE EASEMENT GRANTED BY ALLEN GREENOUGH TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. BOOK 541, PAGE 254.
J) SUBJECT TO A SEWER EASEMENT GRANTED BY COAKLEY TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. BOOK 984, PAGE 379.
K) SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE, SEE R.C.R.D. BOOK 1158, PAGE 38.
L) SUBJECT TO THE RIGHTS OF A DEED FROM COAKLEY ET AL TO BEACON CONSTRUCTION CO., INC., SEE R.C.R.D. BOOK 1284, PAGE 3.
M) SUBJECT TO ELECTRIC EASEMENT GRANTED BY COAKLEY ET AL TO NH ELECTRIC CO., SEE R.C.R.D. BOOK 1515, PAGE 306.
N) SUBJECT TO RESTRICTIONS OUTLINED IN A DEED FROM GARLAND ET AL TO PORTSMOUTH PARK TRUST, SEE R.C.R.D. BOOK 2303, PAGE 899.
O) SUBJECT TO RESTRICTIVE AGREEMENT BETWEEN PORTSMOUTH PARK TRUST AND HCA REALTY, INC., SEE R.C.R.D. BOOK 2556, PAGE 1704.
P) GAS LINE EASEMENT RESERVED BY NORTHEAST UTILITIES, BOOK 4392, PAGE 110.
Q) SUBJECT TO AN ACCESS & UTILITY EASEMENT, SEE R.C.R.D. BOOK 4639, PAGE 2128.
R) TAX MAP 241-101-23.
S) RESTRICTIONS OUTLINED IN DEEDS GRANTED BY SHERBORN TO THE PROPRIETORS OF THE PORTSMOUTH AGEDUCT, SEE R.C.R.D. BOOK 488 PAGE 431.
T) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.R.D. BOOK 2400, PAGE 923.
U) SUBJECT TO TWO R.O.W.'S RESERVED IN A DEED FROM COAKLEY TO WALDON, SEE R.C.R.D. BOOK 1559 PAGE 190.
V) IN BENEFIT OF A R.O.W. RESERVED IN A DEED FROM SARGENT TO DEVALTERON CORP., SEE R.C.R.D. BOOK 1983, PAGE 269.
W) TAX MAP 235-101-113.
X) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 943, PAGE 324.
Y) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 1409, PAGE 31.
Z) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.R.D. BOOK 2400, PAGE 923.
AA) IN BENEFIT OF A 12' R.O.W. TO ISLINGTON STREET, SEE R.C.R.D. BOOK 459, PAGE 449.
AB) TAX MAP 241-101-26.
AC) SUBJECT TO A SEWER EASEMENT, SEE R.C.R.D. BOOK 2375, PAGE 808.
AD) SUBJECT TO A GAS LINE EASEMENT, SEE R.C.R.D. BOOK 984, PAGE 379.
AE) SUBJECT TO A GAS LINE EASEMENT, SEE R.C.R.D. BOOK 1372, PAGE 148.
AF) SUBJECT TO A WATER LINE EASEMENT, SEE R.C.R.D. BOOK 4362, PAGE 110.
AG) SUBJECT TO A 10' WIDE BUFFER, SEE R.C.R.D. BOOK 4639, PAGE 2133.
TA) TAX MAP 240-101-22-000.
TB) SUBJECT TO A SEWER EASEMENT, SEE R.C.R.D. BOOK 984, PAGE 379.
TC) SUBJECT TO A GAS LINE EASEMENT, SEE R.C.R.D. BOOK 1372, PAGE 148.
TD) SUBJECT TO A WATER LINE EASEMENT, SEE R.C.R.D. BOOK 4362, PAGE 110.
TE) SUBJECT TO A 10' WIDE BUFFER, SEE R.C.R.D. BOOK 4639, PAGE 2133.



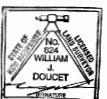
LEGEND
WATER SAU/DIT VALE
GRANITE BOUND FOUND
DRIEL HOLE FOUND
IRON PIPE/ROD FOUND/SET AS NOTED
5/8" REBAR W/ D CAP SET
UNLESS OTHERWISE NOTED)
SHARED WIRE FOUND ON GROUND
SEWER MANHOLE
JURISDICTIONAL WETLAND SYMBOL
PROPERTY LINES
DIST BEARING
PROPOSED PROPERTY LINES
PROPERTY LINES TO BE ABANDONED
BUILDING SETBACK LINE
WETLAND SETBACK LINE
WIRE FENCE
STORAGE FENCE
APPROX. ABUTTERS LOT LINE
EASEMENT LINE
PROPOSED EASEMENT LINE
STONE WALL
EDGE OF WETLAND (SEE NOTE #4)
EDGE OF WETLAND (REF. REF. PLAN #2)
APPROX. WATERLINE LOCATION (SEE PORTSMOUTH DP#)
ASSESSORS TAX MAP AD# #
FEATURES PER EASTERN TOPOGRAPHICS
POST
PAVED ROADS
GRAVEL ROADS
OBSCURED PAVEMENT
OBSCURED DRIVEWAY
BOULES
STONEWALL
BROWN STREAM
RAILROAD TRACKS
OBSCURED RAILROAD TRACKS



- REFERENCE PLANS:
1. "PLAN OF LAND BARRETTY LINE PORTSMOUTH, NH FOR NORTHERN UTILITIES, INC." BY DURON-SOMPRED ASSOCIATES, DATED 2/21/99, R.C.R.D. PLAN #0-1878.
2. "ALTA/ACSM LAND TILE SURVEY FOR NORTLAND DEVELOPMENT, BORTHWICK FOREST, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH," BY MILLETTE, SPRAGUE & COLWELL, INC., DATED 6/19/97.
3. "GAS LINE AS-BUILT EASEMENT AND CONSERVATION EASEMENT PLAN," BY KIMBALL CHASE COMPANY, INC. DATED 10/31/95, R.C.R.D. PLAN #0-1805.
4. "LAND IN PORTSMOUTH, NH BOSTON AND MAINE CORPORATION TO LANDERS AND GRIFFIN, INC. J.D. BATCHELOR ENGINEER OF DESIGN, DATED 2/16/96, R.C.R.D. PLAN #0-1843.
5. "SUBDIVISION OF LAND LOCATED IN PORTSMOUTH, NH FOR HOSPITAL CORPORATION OF AMERICA," BY KIMBALL CHASE COMPANY, INC. DATED 2/28/94.
6. "SUBDIVISION PLAN OF LAND FOR PORTSMOUTH PARK TRUST BORTHWICK AVE. EXT./COAKLEY RD. COUNTY OF ROCKINGHAM, PORTSMOUTH, NH," BY RICHARD P. MILLETTE AND ASSOCIATES, DATED 3/27/85, R.C.R.D. PLAN #0-13747.
7. "PLAN OF PROPERTY AND IMPROVEMENTS, PORTSMOUTH HOSPITAL CORPORATION, A CONDOMINIUM PORTSMOUTH, NH," BY CESP, INC., DATED 12/12/86, R.C.R.D. PLAN #0-1587.
8. "RIGHT-OF-WAY AND TRACK MAP, CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 33+0 TO STATION 85+80, V28/2" BY VALUATION ENGINEERS, DATED 6/20/14.
9. "RIGHT-OF-WAY AND TRACK MAP, CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 138+60, V28/2" BY VALUATION ENGINEERS, DATED 6/20/14.
10. "RIGHT-OF-WAY AND TRACK MAP, CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 202+05 TO STATION 296+20, V3 NH/54" BY VALUATION ENGINEERS, DATED 6/20/14.
11. "LOT LINE RELOCATION PLAN FOR J. HARRISON HOLMAN OFF ISLINGTON ST. COUNTY OF ROCKINGHAM PORTSMOUTH, NH," DATED MARCH 6, 1980 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN #0-936.
12. "PLAN OF LAND CURT CORNET BROADCASTING CORPORATION PORTSMOUTH, N.H.," DATED FEBRUARY 25, 1977 BY THOMAS F. MORAN, INC. R.C.R.D. PLAN #0-6765.
13. "CITY OF PORTSMOUTH EXTENSION HOMES LOCATION PLAN REVISED JAN. 17, 1941 BY JOHN W. DURON, R.C.R.D. PLAN #0-148.
14. "PLAN NO. 220 SHOWING PORTION OF PROPERTY OF THE HEIRS OF CORNELIUS COAKLEY TO BE GRANTED TO BEACON CONSTRUCTION COMPANY DATED APRIL 28, 1953 BY WOLFEIN ENGINEERING CO.
15. "SUBDIVISION OF LAND LOCATED IN PORTSMOUTH, N.H.," DATED MARCH 6, 1984 BY KIMBALL CHASE COMPANY, INC. R.C.R.D. PLAN #0-1805.
16. "LOT LINE RELOCATION PLAN FOR PORTSMOUTH PARK TRUST AND HOSPITAL CORPORATION OF AMERICA BORTHWICK AVE. EXTENSION COUNTY OF ROCKINGHAM PORTSMOUTH, NH," DATED JUNE 14, 1985 BY RICHARD P. MILLETTE AND ASSOCIATES, PLAN #0-19944.
17. "SUBDIVISION OF LAND PORTSMOUTH, N.H. FOR J. HARRISON HOLMAN DATED MAY 1982 BY JOHN W. DURON ASSOCIATES, INC. R.C.R.D. PLAN #0-10643.
18. "LOT LINE REVISION FOR RUTH M. GATE & FREDERICK C. & JACQUELINE O. MURRAY TRUSTS ISLINGTON STREET PORTSMOUTH, NH," DATED JANUARY 17, 2000 BY E.J. COLE & ASSOCIATES INC. R.C.R.D. PLAN #0-29645.
19. "PERSHING TERRACE PORTSMOUTH, NH, BELMONT REALTY CO. PROMISE, R.L.T. DATED JULY 1919 BY W.A. GREER ONE (ENCL. ENGINEER, R.C.R.D. PLAN #0-2.
20. "PLAN OF RIGHT OF WAY ROBERT W. MESSERVE ET AL TRUSTEES OF THE PROPERTY OF BOSTON & MAINE CORPORATION TO J. HARRISON HOLMAN OFF ISLINGTON ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H.," DATED DECEMBER 1980 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN #0-10458.
21. "BASE PLAN OF TAX MAP 7-4A BORTHWICK FOREST OF ROCKINGHAM PORTSMOUTH, NH," DATED NOVEMBER 8, 2002 BY MILLETTE, SPRAGUE & COLWELL, INC.
22. "TRUST REVISION AND LOT LINE RELOCATION PLAN MAP 233-LITS 141, B.S. 144, 146 & 147 FOR DENNIS CONLEY, DONNA & WILLIAM CLUMHILL, JOSEPH ANDERSON AND THE CITY OF PORTSMOUTH FOSH AVENUE, BARRERY LANE, HICK AND AVENUE PORTSMOUTH, NH, COUNTY OF ROCKINGHAM DATED JUNE 2001 BY AMBT ENGINEERING, INC. R.C.R.D. PLAN #0-29808.
23. "LOT LINE REVISION PLAN TAX MAP #3-34 LOTS 6 & 7-5 LOCATED ON BORTHWICK AVE. COAKLEY ROAD AND U.S. ROUTE 1 BYPASS IN PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM DATED OCTOBER 20, 1993 BY KIMBALL CHASE, R.C.R.D. PLAN #0-22688.
24. "LOT LINE REVISION PERSHING TERRACE BARRERY LANE & FOSH AVENUE PORTSMOUTH, NEW HAMPSHIRE FOR DENNIS W. COAKLEY DATED SEPTEMBER 25, 1982 BY DURON, VERRA & ASSOCIATES, INC. R.C.R.D. PLAN #0-22042.
25. "WATER PIPE EASEMENT PORTSMOUTH, NH, BOSTON & MAINE RAILROAD-TO-ELECTRICE BREWING COMPANY, INC. DATED JUNE 1937 BY M.A. CUMMINGS, R.C.R.D. PLAN #0688.
26. "PLAN OF LOT, ISLINGTON ST., PORTSMOUTH, NH FOR EDWIN BOYNTON DATED MARCH, 1955 BY JOHN W. DURON, R.C.R.D. PLAN #1349-227.
27. "PLAN OF PORTSMOUTH NATIONAL RECOVERY MUNICIPAL PROTECT NO. 152" DATED 1933, ON FILE AT NEI DISTRICT W.
28. "LOT LINE REVISION PLAN FOR PORTSMOUTH HOSPITAL OFFICE BUILDING ASSOCIATION, ISLINGTON WOODS, LLC AND HCA REALTY, INC.," BY DOUCET SURVEY, INC. DATED JANUARY 13, 2006, R.C.R.D. PLAN 0-3382.
29. "EASEMENT PLAN FOR ISLINGTON WOODS, LLC AND BOSTON & MAINE CORPORATION" BY DOUCET SURVEY, INC. DATED OCTOBER 20, 2009, R.C.R.D. PLAN 0-35500.
30. "LOT CONSOLIDATION AND REDIVISION PLAN, LAND OF BORTHWICK FOREST, LLC AND SHOWING LAND OF HCA REALTY, INC.," BY DOUCET SURVEY, INC., DATED MARCH 16, 2017, R.C.R.D. PLAN D-40905.

Revision table with columns: NO., DATE, REVISED PER INC, DESCRIPTION. Entries include revision of easements, road layout, and utility easements.

APPROVED BY THE PORTSMOUTH PLANNING BOARD
Date: 11/12/2009



I certify that this survey and plan were prepared by me or by those under my direct supervision and I am under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random 10-guess survey by Total Station, with a precision greater than 1:15,000.

SEE SHEET 5 FOR LINE & CURVE TABLES
SEE SHEET 6 FOR PROPOSED EASEMENTS

SUBDIVISION & EASEMENT PLAN
LAND OF BORTHWICK FOREST, LLC
AND SHOWING LAND OF HCA REALTY, INC.
(TAX MAP 234, LOT 7-4A)
BORTHWICK AVE. & ISLINGTON ST.
PORTSMOUTH, NH

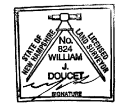
Survey information box containing date (NOV. 12, 2019), checker (S.V.M.), drafter (JAGG), and sheet number (2 of 6).

D-42049 sheet 2 of 6

D-42049 03/12/2020 09:22:41 AM
 Register of Deeds, Rockingham County
 LCHP PLAN 176.00

TAX MAP 240, LOT 2-2001
 CITY OF PORTSMOUTH
 DP#
 PO BOX 628
 PORTSMOUTH, NH 03802
 R.C.S.D. BOOK 2646, PAGE 801

**SUBDIVISION
 &
 EASEMENT PLAN
 LAND OF
 BORTHWICK FOREST, LLC
 (TAX MAP 241, LOT 25)
 AND SHOWING LAND OF
 HCA REALTY, INC.
 (TAX MAP 234, LOT 7-4A)
 (TAX MAP 240, LOT 2-2102)
 BORTHWICK AVE. & ISLINGTON ST.
 PORTSMOUTH, NH**

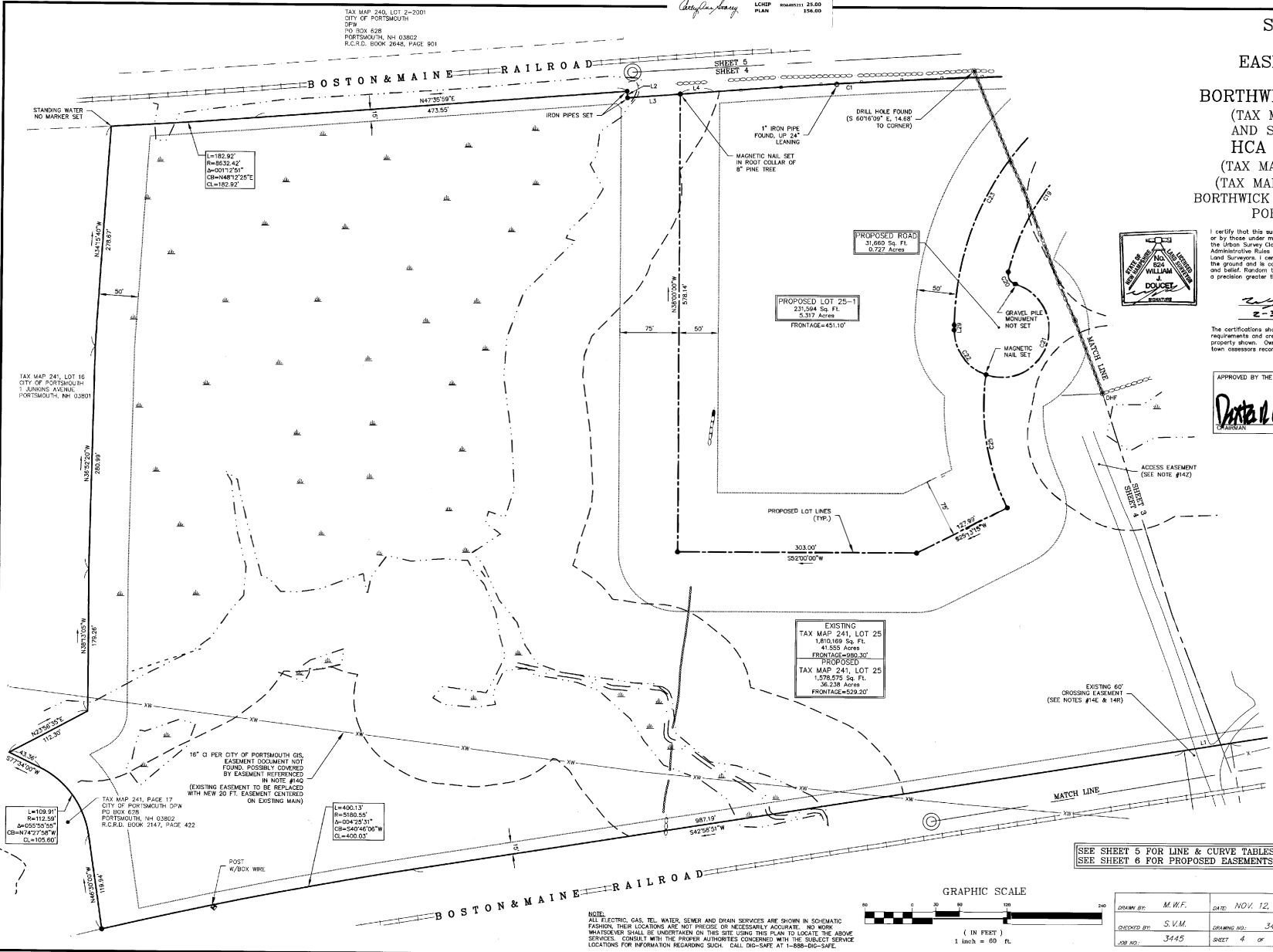


I certify that this survey and plan were prepared by me or by those under my direct supervision and falls under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 1:15,000.

William D. Doucet L.L.S. #804
 2-3-20 DATE

The certifications shown hereon are intended to meet registry of deed requirements and are not a certification of title or ownership of property shown. Owners of adjoining properties are according to current town assessors records.

APPROVED BY THE PORTSMOUTH PLANNING BOARD
D. Kelly 3/3/2020



TAX MAP 241, LOT 16
 CITY OF PORTSMOUTH
 1 JENKINS AVENUE
 PORTSMOUTH, NH 03801

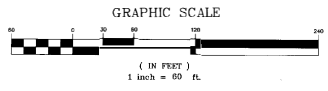
L=109.91'
 R=112.59'
 Δ=92°50'50"
 CB=N74°27'38"W
 CL=105.80'

TAX MAP 241, PAGE 17
 CITY OF PORTSMOUTH DP#
 PO BOX 628
 PORTSMOUTH, NH 03802
 R.C.S.D. BOOK 2147, PAGE 422

L=400.13'
 R=518.55'
 Δ=204°25'31"
 CB=S40°46'06"W
 CL=408.03'

EXISTING
 TAX MAP 241, LOT 25
 1,810,189 Sq. Ft.
 41.555 Acres
 FRONTAGE=980.30'
 PROPOSED
 TAX MAP 241, LOT 25
 1,578,679 Sq. Ft.
 36.238 Acres
 FRONTAGE=529.20'

SEE SHEET 5 FOR LINE & CURVE TABLES
 SEE SHEET 6 FOR PROPOSED EASEMENTS



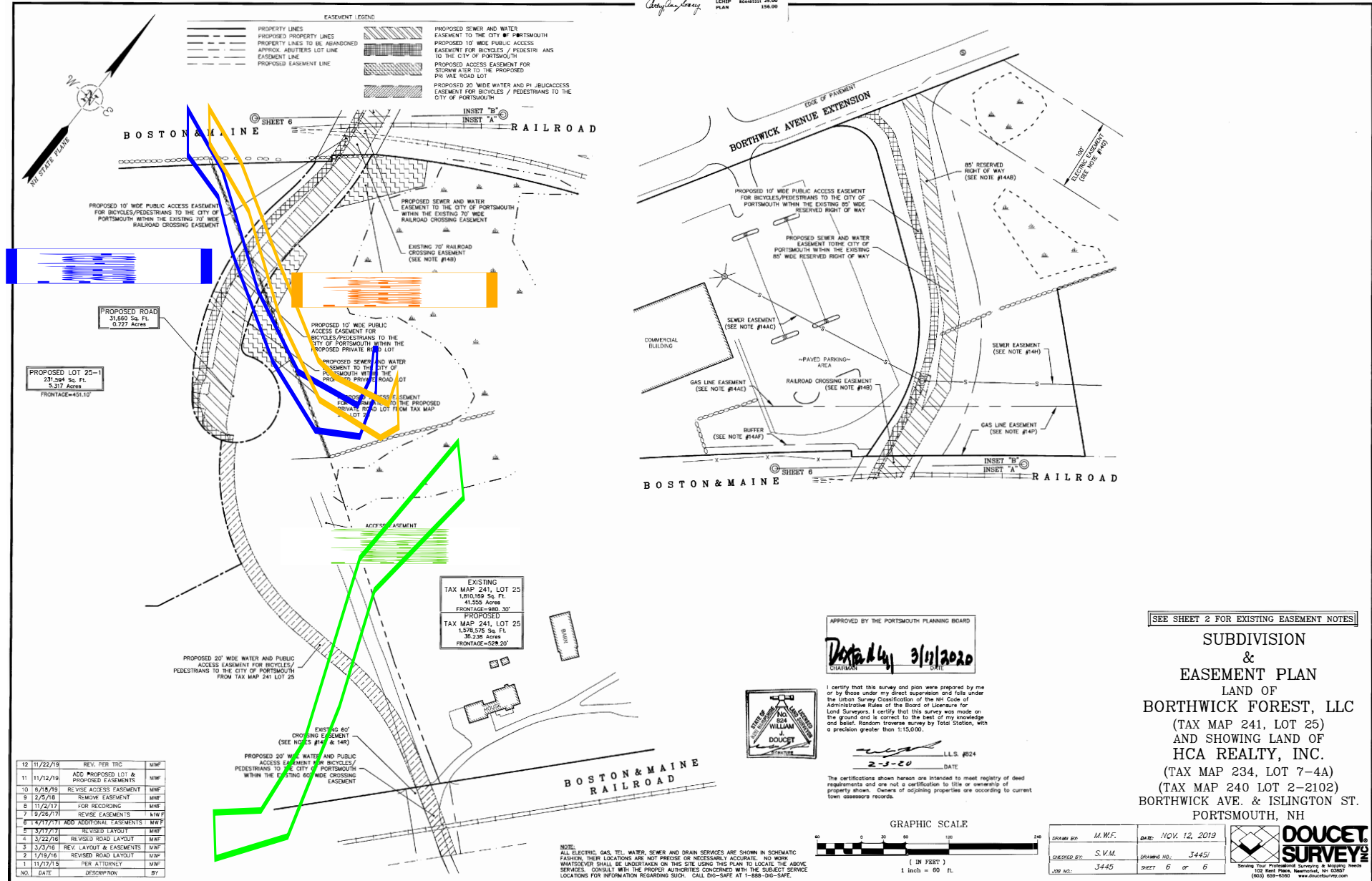
NOTE:
 ALL ELECTRIC, GAS, TEL, WATER, SEWER AND DRAIN SERVICES ARE SHOWN IN SCHEMATIC POSITION. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN ON THIS SITE USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DIG-DATE AT 1-888-650-5AVE.

NO.	DATE	DESCRIPTION	BY
12	11/22/19	REV. PER TRC	MWF
11	11/12/19	ADD PROPOSED LOT & PROPOSED EASEMENTS	MWF
10	6/18/19	REVISE ACCESS EASEMENT	MWF
9	2/5/18	REMOVE EASEMENT	MWF
8	12/22/17	FOR RECORDING	MWF
7	9/26/17	REVISE EASEMENTS	MWF
6	4/17/17	ADD ADDITIONAL EASEMENTS	MWF
5	3/17/17	REVISED LAYOUT	MWF
4	3/22/16	REVISED ROAD LAYOUT	MWF
3	3/3/16	REV. LAYOUT & EASEMENTS	MWF
2	1/19/16	REVISED ROAD LAYOUT	MWF
1	12/17/14	PER ATTORNEY	MWF

DRAWN BY: M.W.F. DATE: NOV. 12, 2019
 CHECKED BY: S.V.M. DRAWING NO.: 3445I
 JOB NO.: 3445 SHEET 4 OF 6



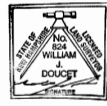
D-42049 03/12/2020 09:32:41 AM
 Register of Deeds, Rockingham County
 LCHP PLAN ROAD#111 25.00
 150.00



NO.	DATE	DESCRIPTION	BY
12	11/22/19	REV. PER TRC	MWF
11	11/12/19	ADD PROPOSED LOT & PROPOSED EASEMENTS	MWF
10	8/19/19	REVISE ACCESS EASEMENT	MWF
9	2/5/19	REMOVAL EASEMENT	MWF
8	11/2/17	FOR RECORDING	MWF
7	10/26/17	REVISE EASEMENTS	MWF
6	10/17/17	ADD ADDITIONAL EASEMENTS	MWF
5	10/17/17	REVISED LAYOUT	MWF
4	3/22/16	REVISED ROAD LAYOUT	MWF
3	2/3/16	REV. LAYOUT & EASEMENTS	MWF
2	7/19/16	REVISED ROAD LAYOUT	MWF
1	11/17/15	PER ATTORNEY	MWF

EXISTING
 TAX MAP 241, LOT 25
 1,810,169 Sq. Ft.
 41,508 Acres
 FRONTAGE=880.30'
 PROPOSED
 TAX MAP 241, LOT 25
 1,578,575 Sq. Ft.
 36,236 Acres
 FRONTAGE=528.20'

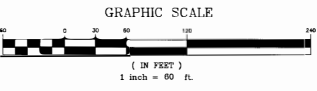
APPROVED BY THE PORTSMOUTH PLANNING BOARD
Doucet 3/12/2020
 CITIZEN DATE



I certify that this survey and plan were prepared by me or by those under my direct supervision and falls under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 1:15,000.

WJD LLS #624
 2-3-20 DATE

The certifications shown herein are intended to meet registry of deed requirements and are not a certification to title or ownership of property shown. Owners of adjoining properties are according to current town assessor records.



DRAWN BY:	M.W.F.	DATE:	NOV. 12, 2019
CHECKED BY:	S.V.M.	DRAWING NO.:	3445/1
JOB NO.:	3445	SHEET:	6 OF 6



SEE SHEET 2 FOR EXISTING EASEMENT NOTES

SUBDIVISION
 &
 EASEMENT PLAN
 LAND OF
 BORTHWICK FOREST, LLC
 (TAX MAP 241, LOT 25)
 AND SHOWING LAND OF
 HCA REALTY, INC.
 (TAX MAP 234, LOT 7-4A)
 (TAX MAP 240 LOT 2-2102)
 BORTHWICK AVE. & ISLINGTON ST.
 PORTSMOUTH, NH

D-42049 sheet 6 of 6

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

WATER LINE EASEMENT DEED

GRANTOR, **KS BORTHWICK, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the westerly side of Islington Street in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of water lines over the land of GRANTOR, being Tax Map 233, Lot 114, said easement being 20 feet wide centered on the existing water main, said water main being shown on a plan of land entitled “Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH” dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter “Plan”) (see Sheet 2 of 6). The easement area shall extend 10 feet from the center line of the pipe as it currently exists.
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing water lines with its associated pipes, manholes, and appurtenances. The Grantee shall have the right to remove obstructions including pavement, curbing, trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted. The Grantee agrees to preserve access to any driveways and parking areas to the extent reasonably practicable.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense. Paving and curbing and similar materials shall also be restored at the Grantee's expense.
4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or

interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, or install any pipes in the Permanent Easement Area without prior written consent of the Grantee.

5. **Personal Property.** It is agreed that the pipes, manholes, and appurtenances related to the public water main installed within the easement area, whether fixed to the realty or not, shall be and remain the property of the Grantee. Pipes, manholes and appurtenances related to any sewer or drain lines are the responsibility of the Grantor.

7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Thomas Murphy dated October 4, 201 and recorded in Book 5151, Page 568 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

KS BORTHWICK, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

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

BICYCLE AND PEDESTRIAN PATH EASEMENT DEED

GRANTOR, **BORTHWICK FOREST, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Borthwick Avenue in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a installing and maintaining a public bicycle and pedestrian path over the land of GRANTOR off Borthwick Avenue in the City of Portsmouth, County of Rockingham and State of New Hampshire, shown as “Proposed 20’ Wide Water and Public Access Easement for Bicycles/Pedestrians to the City of Portsmouth from Tax map 241, Lot 25” on a plan of land entitled “Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH” dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter “Plan”).
2. **Purpose and Rights:** The Grantee shall have a permanent easement and right of way in, under, across and over the Permanent Easement Area for the purpose of constructing, installing, maintaining, and regulating the use of a public bicycle and pedestrian path. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the exercise of the easement rights herein granted.
3. **Easement Area for Construction Purposes:** The Grantee shall have a construction easement consisting of 10 feet on either side of the Permanent Easement Area for purposes of installing and maintaining the path. Disturbed areas within the Easement

Area for Construction Purposes shall be back-filled and restored at the Grantee's expense to equal or better condition.

4. **Use of the Bicycle and Pedestrian Path:** The Grantee shall have the right to access and use the entire easement area without interference from or by the Grantor. The Grantee reserves the exclusive right to exclude such uses from the easement area as Grantee deems at its sole discretion interfere with the public benefit or safe use of the easement area. The Grantee shall not interfere with the use of any existing permitted driveways and access ways during or after construction of the Bicycle and Pedestrian Path, except as necessary for public safety or otherwise permitted by law.
5. **Common Plan and Relationship to Right of Way:** The intent of the parties is to accommodate a unified Bicycle and Pedestrian Path from the end of Eileen Dondero Drive through to Islington Street in the City of Portsmouth. Each party agrees to take such steps as needed to effectuate said intent. The failure to complete the entire Path shall not affect any rights or duties herein granted.
6. **Grantor's Retained Rights:** Excepting such rights as conferred in this document, the Grantor retains all other rights incident to ownership of the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument.
7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.
8. **Compliance with NH RSA 508:14:** It is the intent of the parties to create a "trail for public recreation use," within the meaning provided in NH RSA 508:14, and accordingly provide the limited liability conferred by the statute.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Islington Woods, LLC dated January 10, 2007 and recorded in Book 4754, Page 626 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

BORTHWICK FOREST, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

S:\BF-BQ\Borthwick Forest, LLC\Easements\Final Documents\2021 04 09 20 foot Bike-Pedestrian Path Easement.doc

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

WATER EASEMENT DEED

GRANTOR, **BORTHWICK FOREST, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Borthwick Avenue in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of water lines over the land of GRANTOR shown as “Proposed Sewer and Water Easement to the City of Portsmouth” and “Proposed 20’ Wide Water and Public Access Easement for Bicycles/Pedestrians to the City of Portsmouth from Tax Map 241, Lot 25” on a plan of land entitled “Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH” dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter “Plan”). The easement area shall extend 20 feet from the center line of the pipe. Notwithstanding the Plan’s reference to a sewer easement, this document strictly relates to water lines only. The sewer line installed in the easement area is a private line and will remain the responsibility of the Grantor.
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing water lines with its associated pipes, manholes, and appurtenances. The Grantee shall have the right to remove obstructions including pavement, curbing, trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted. The Grantee agrees to preserve access to any driveways and parking areas to the extent reasonably practicable.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense. Paving and curbing and similar materials shall also be restored at the Grantee’s expense.

- 4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, or install any pipes in the Permanent Easement Area without prior written consent of the Grantee.

- 5. **Personal Property.** It is agreed that the pipes, manholes, and appurtenances related to the public water main installed within the easement area, whether fixed to the realty or not, shall be and remain the property of the Grantee. Pipes, manholes and appurtenances related to any sewer or drain lines are the responsibility of the Grantor.

- 7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Islington Woods, LLC dated January 10, 2007 and recorded in Book 4754, Page 626 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

BORTHWICK FOREST, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

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

BICYCLE AND PEDESTRIAN PATH EASEMENT DEED

GRANTOR, **BORTHWICK FOREST, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Borthwick Avenue in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent public bicycle and pedestrian path easement over the land of GRANTOR off Borthwick Avenue in the City of Portsmouth, County of Rockingham and State of New Hampshire shown as "Proposed 10' Wide Public Access Easement for Bicycles/Pedestrians to the City of Portsmouth" on a plan of land entitled "Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH" dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter "Plan").
2. **Purpose and Rights:** The Grantee shall have a permanent easement and right of way in, under, across and over the Permanent Easement Area for the purpose of the use of a public bicycle and pedestrian path. Grantor shall be responsible for installing and maintaining the Permanent Easement Area, however, the Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the exercise of the easement rights herein granted.
3. **Use of the Bicycle and Pedestrian Path:** The Grantee shall have the right to access and use the entire easement area without interference from or by the Grantor. The Grantee reserves the exclusive right to exclude such uses from the easement area as Grantee deems at its sole discretion interfere with the public benefit or safe use of the easement

area. The Grantee shall not interfere with the use of any existing permitted driveways and access ways during or after construction of the Bicycle and Pedestrian Path, except as necessary for public safety or otherwise permitted by law.

4. **Common Plan and Relationship to Right of Way:** The intent of the parties is to accommodate a unified Bicycle and Pedestrian Path along Eileen Dondero Drive in the City of Portsmouth. Each party agrees to take such steps as needed to effectuate said intent.
5. **Grantor's Retained Rights:** Excepting such rights as conferred in this document, the Grantor retains all other rights incident to ownership of the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument.
6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.
7. **Compliance with NH RSA 508:14:** It is the intent of the parties to create a "trail for public recreation use," within the meaning provided in NH RSA 508:14, and accordingly provide the limited liability conferred by the statute.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Islington Woods, LLC dated January 10, 2007 and recorded in Book 4754, Page 626 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

BORTHWICK FOREST, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

S:\BF-BQ\Borthwick Forest, LLC\Easements\Final Documents\2021 04 09 roadway Bike-Pedestrian Path Easement.doc

APPLICANTS' NARRATIVE
LOT UNMERGER REQUEST
VINCENT AND MONICA ZINGANELLO
135 THAXTER ROAD

The property located at 135 Thaxter Road was originally Lots 52 and 53 as shown on the Westfield Park Plan recorded as Plan 0643 in the Registry of Deeds in 1929 (plan attached).

In 1933, Lot #53 was conveyed to Harry F. Downing (Bk 888 Pg 410, deed attached).

In 1936, Lot #52 was conveyed to Harry F. Downing (Bk 920, Pg 365, deed attached).

After the death of Harry F. Downing, his wife Bernice conveyed the two lots to a trust in December of 1980 (Bk 2379, Pg 328, deed attached).

Bernice Downing's son, Harry f. Downing, Jr., as Trustee of the trust conveyed the property as two lots to Dale and Nicholas Genimatas in 1989 (Bk 2802, Page 921, deed attached).

In January 1990, the Rockingham Superior Court in Docket 89-E-553 issued a decree that the Genimatas were the owners of two lots, being Lots 52 and 53 on the Westfield Park Plan. (Decree recorded at Bk 2824, Pg 2237 attached.)

The Genimatas conveyed the two lots to the applicants on July 26, 1999. (Deed attached, Bk 3410, Pg 726.)

None of the applicants' predecessors in title voluntarily merged the two lots and the property has always been conveyed as two lots, Lots 52 and 53 as shown on the Westfield Park Plan.

The applicants' have not voluntarily merged the two lots and Lot #53 has remained a vacant lot since 1933, and has no structures or improvements associated with Lot #52 thereon.

The two lots were involuntarily merged by the City Assessor's Office subsequent to 1983 when the tax card showed two separate lots.


Bernie W. Pelech, Esq.
Attorney for Applicants

0643

*Kind's mother's lot
Dec. 3, 1924*

PLAN OF WESTFIELD PARK

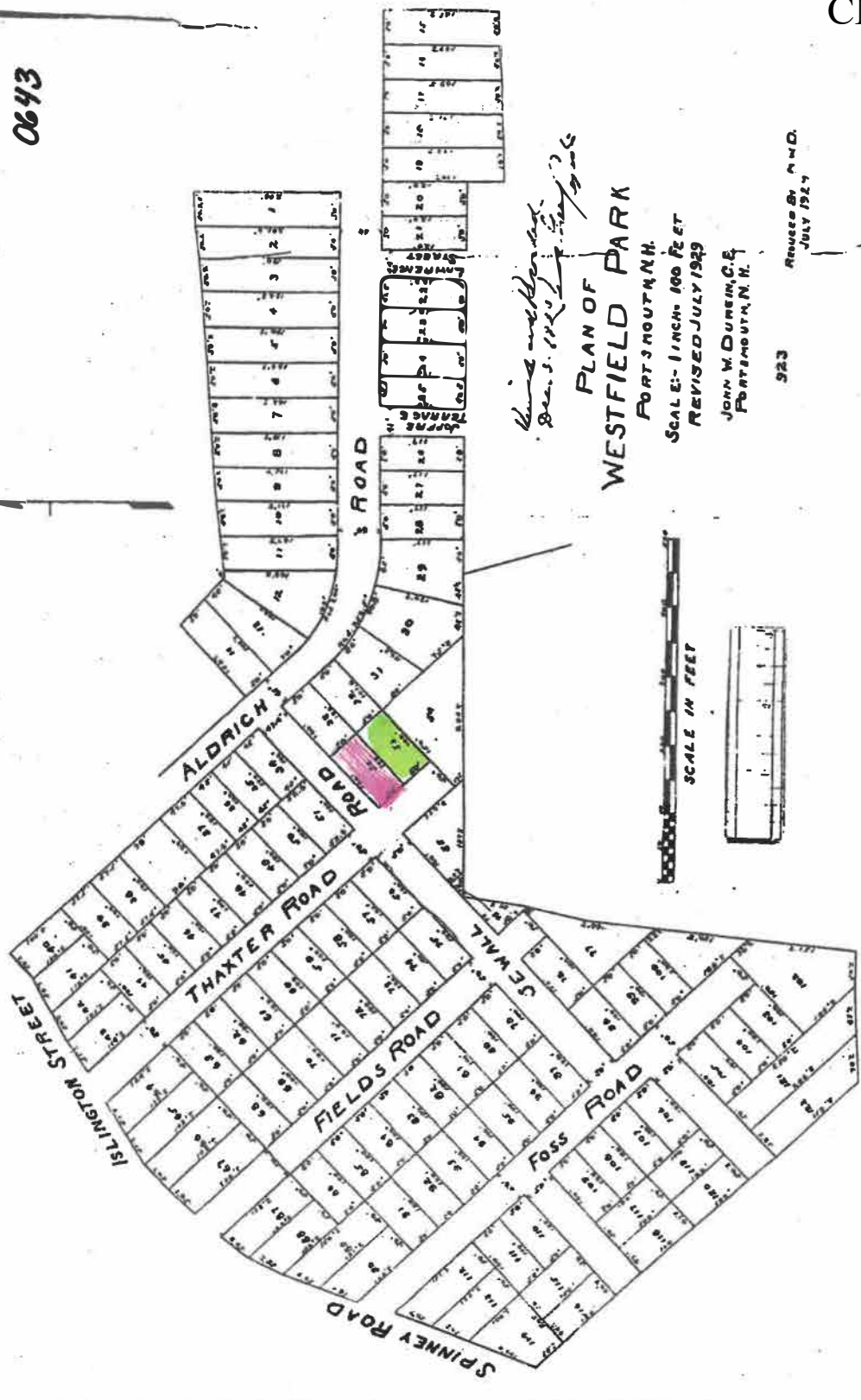
FORTSMOUTH, N.H.

SCALE - 1 INCH = 100 FEET
REVISED JULY 1929

JOHN W. DUNSMIRE,
FORTSMOUTH, N. H.

323

REVISED BY A.W.D.
JULY 1927



See Book 25 Plat 4

135 THAXTER RD.



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 4/1/2019
Data updated 7/17/2019

JUL 26 11 47 AM '99

00535555

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

DALE T. GENIMATAS and NICHOLAS W. GENIMATAS, husband and wife, of 7 Pickering Brook, Greenland, County of Rockingham and State of New Hampshire, for consideration paid grant to VINCENT ZINGARIELLO and MONICA ABRUZZESE, of 11 Willard Street, Melrose, County of Middlesex and Commonwealth of Massachusetts, as joint tenants with rights of survivorship/~~to be held in trust~~, WITH WARRANTY COVENANTS:

Two certain lots or parcels of land with the buildings thereon situated in said Portsmouth, County of Rockingham and State of New Hampshire on the Northeasterly side of Thaxter Road and known as Lot Number Fifty-three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C.E. and Lot Number Fifty-two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C.E. both being recorded in Rockingham County Registry of Deeds. Said parcels being bounded and described as follows:

Parcel 1. Beginning on Thaxter Road at the corner of Lot Number Fifty-two (52), as shown on said Plan, and running thence Northeasterly by said Lot Number Fifty-two (52) one hundred feet (100) to Lot Number Thirty-Two, as shown on said Plan; thence

Turning and running Southeasterly by said Lot Number (52) Fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-four (54); thence

Turning and running Southwesterly by said lot Number Fifty-four (54); one hundred feet (100) to said Thaxter Road; thence

Turning and running Northwesterly by said Thaxter Road fifty feet (50) to the point of beginning.

Parcel 2. Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads; thence

Running Southeasterly by Thaxter Road Fifty (50) feet to Lot number Fifty-three (53) as shown on said Plan; thence

Running Northeasterly by Lot Number Fifty-three (53) as shown on said Plan One hundred (100) feet to a common corner with Lots Number Thirty-two (32) and Number Thirty-three (33) as shown on said plan; thence

Running Northwesterly by Lot Number thirty-three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence

Prop. Address: 135 Thaxter Rd, Portsmouth 03801

Running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Dale T. Genimatas and Nicholas W. Genimatas by deed of Harry F. Downing, Jr., Trustee, dated July 27, 1989 and recorded in the Rockingham County Registry of Deeds at Book 2802, Page 0921.

Signed this July 26, 1999.

Dale T. Genimatas

 DALE T. GENIMATAS

Nicholas W. Genimatas

 NICHOLAS W. GENIMATAS

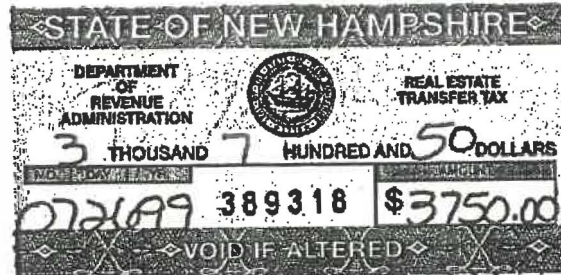
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this 26th day of July, 1999 by DALE T. GENIMATAS and NICHOLAS W. GENIMATAS.

[Signature]

 Notary Public in the State of New Hampshire
 Justice of the Peace

N:\data\559497\mcb\DEED.DOC
July 23, 1999



2924 P2737

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT
DOCKET #9-E-553

.IN.EQUITY

Nicholas W. Genimatas and Dale T. Genimatas

v.

Portsmouth Building Trust a/k/a Portsmouth Building Association
Its trustees, beneficiaries, successors and/or assigns
and
whom It may concern

DECREE

After hearing petitioners in the above entitled matter, and on the report of the Guardian Ad Litem, the Petitioners, being Portsmouth Building Trust a/k/a Portsmouth Building Association, its trustees, beneficiaries, successors and/or assigns and/or any other entity or unknown person who claims or may claim any interest or estate in and to the subject matter of this action, there having been no appearance filed by any such person, It is hereby Ordered, Adjudged and Decreed as follows:

1. The Petitioners, Nicholes W. Genimatas and Dale T. Genimatas, are the owners in fee simple of land located in the City of Portsmouth, County of Rockingham, State of New Hampshire, and being shown as lots numbered 52 and 53 on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929, by John W. Durgin, C. E. and recorded in the Rockingham County Registry of Deeds"; and being the same premises acquired by your petitioners by warranty deed from the Bernice M. Downing Trust, dated July 27, 1989, recorded in the Rockingham County Registry of Deeds at Book 2802, Page 921, to which deed reference is made for a more particular description as follows:

A certain parcel of land with the buildings thereon situate in said Portsmouth on the Northeastly side of Thaxter Road and known as Lot Number Fifty-Three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds." said parcel is bounded and described as follows:

Beginning on Thaxter Road at the corner of Lot Number Fifty-Two (52) as shown on said plan, and running thence Northeastly by said Lot Number Fifty-Two (52) one hundred feet (100) to Lot Number Thirty-Two, as shown on said Plan; thence turning and running Southeastly by said Lot Number (52) Fifty-Two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-Four (54); thence turning and running Southwestly by said Lot Number Fifty-Four (54) one hundred feet (100) to said Thaxter Road; thence turning and running Northwestly by said Thaxter Road fifty feet (50) to the point of beginning.

00371

JUN 29 10 14 AM '90

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

DN2824 P2738

And a certain lot of parcel of land situate in said Portsmouth and known as Lot Number Fifty-Two on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C. E. and recorded in Rockingham County Registry of Deeds. Said parcel is bounded and described as follows:

Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeasterly by Thaxter Road Fifty (50) feet to Lot number Fifty-Three as shown on said plan; thence running Northeasterly by Lot Number Fifty-Three (53) as shown on said plan One Hundred (100) feet to a common corner with Lots Number Thirty-Two (32) and Number Thirty-Three (33) as shown on said plan; thence running Northwesterly by Lot Number Thirty-Three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

And the said Nicholas W. Genimatas and Dale T. Genimatas hold the same free and clear of all claims of Portsmouth Building Trust a/k/a Portsmouth Building Association, its trustees, beneficiaries, successors and/or assigns and/or any unknown other entity or unknown persons who claim or may claim any interest or estate in and to the subject matter of this action.

2. That title to the said real estate of said petitioner, Nicholas W. Genimatas and Dale T. Genimatas, as held and claimed by them as aforesaid is hereby ordered and decreed to be the sole and exclusive possession of said Petitioners, Nicholas W. Genimatas and Dale T. Genimatas, in fee simple, free and clear of all claims or rights of Portsmouth Building Trust a/k/a Portsmouth Building Association and/or any other person or entities who may claim an interest adverse to the Petitioners.

3. That a copy of this Decree be ordered recorded in the Rockingham County Registry of Deeds as evidence of the title of your Petitioners, Nicholas W. Genimatas and Dale T. Genimatas as against any interest of Portsmouth Building Trust a/k/a Portsmouth Building Association, its trustees, beneficiaries, successors and/or assigns, and/or any other entity or unknown persons who claim or may claim any interest in and to the subject matter of this action.

1-22-90
Date

Douglas R. Goy
Presiding Justice

A TRUE COPY ATTEST
CLERK *[Signature]*
JAN 22 1990
ROCKINGHAM COUNTY

N2502 P0921

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS

THAT I, Harry F. Downing, Jr., Trustee of trust dated December 8, 1980 recorded in the Rockingham County Registry of Deeds at Book 2379, Page 325 of 135 Thaxter Road, Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grant to Dale T. Genimatas and Nicholas W. Genimatas, being husband and wife of 1 Pickernell Lane, Kittery, County of York and State of Maine with WARRANTY COVENANTS, as joint tenants with the rights of survivorship the following described premises.

32614

JUL 31 9 19 AM '89

Two certain lots or parcels of land with the buildings thereon situated in said Portsmouth, County of Rockingham and State of New Hampshire on the Northeastly side of Thaxter Road and known as Lot Number fifty-three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C.E. and Lot Number Fifty-two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C.E. both being recorded in Rockingham County Registry of Deeds. Said parcels being bounded and described as follows:

Parcel 1. Beginning on Thaxter Road at the corner of Lot Number Fifty-two (52), as shown on said Plan, and running thence Northeastly by said Lot Number Fifty-two (52) one hundred feet (100) to Lot Number Thirty-Two, as shown on said Plan; thence turning and running Southeastly by said Lot Number (52) Fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-four (54); thence turning and running Southwestly by said lot Number Fifty-four (54); one hundred feet (100) to said Thaxter Road; thence turning and running Northwestly by said Thaxter Road fifty feet (50) to the point of beginning.

Parcel 2. Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeastly by Thaxter Road Fifty (50) feet to Lot number Fifty-three (53) as shown on said Plan; thence running Northeastly by Lot Number Fifty-three (53) as shown on said Plan one hundred (100) feet to a common corner with Lots Number thirty-two (32) and Number thirty-three (33) as shown on said plan; thence running Northwestly by Lot Number thirty-three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwestly by Sewall Road One Hundred (100) feet to the point of beginning.

Meaning and intending to describe and convey the premises set forth in deed of Bernice M. Downing to Bernice M. Downing, Trustee dated December 8, 1980 and recorded in the Rockingham County Registry of Deeds at Book 2379, Page 328. Harry F.

ROCKINGHAM COUNTY
REGISTRY OF DEEDS



W2802 P0922

Downing, Jr. is Successor Trustee of the trust a declaration and memorandum of which dated December 8, 1980 and recorded in said registry at Book 2379, Page 325.


Both of the above parcels are subject to the following conditions:

No dwelling house shall be erected on said land to cost less than \$3,000.00. No dwelling house or other building shall be erected nearer than twenty-five feet fronting to said road; any garage or other out-buildings erected on said lot shall not be erected or maintained in front of the rear lines of any dwelling house erected on said lot; its grantors, successors, or assigns hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions and it is hereby agreed that by said re-entry the grantor, its successors or assigns shall terminate the estate of said grantee or his heirs or assigns in said granted premises. (Note is made of the fact that the term grantor used in the above stated condition makes references to Charolette M. Paterson as to Lot 53 and the Portsmouth Building Association as to Lot 52).

WITNESS our hands and seals this 27th day of July, 1989.

WITNESS:

JULY 27, 1989


Harry F. Downing, Jr. Trustee
pursuant to Trust dated
December 8, 1980 and recorded
at the Rockingham County
Registry of Deeds at Book 2379
Page 325

STATE OF NEW HAMPSHIRE
Rockingham, ss.

Personally appeared Harry F. Downing, Trustee, 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.

Before me,


Justice of the Peace/Notary Public

BK2379 P0328

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That I, BERNICE M. DOWNING of the City of Portsmouth, County of Rockingham and State of New Hampshire

for consideration paid, grant to BERNICE M. DOWNING, TRUSTEE under Declaration of Trust dated this date and recorded herewith

with QUITCLAIM COVENANTS A certain parcel of land with the buildings thereon situate in said Portsmouth on the Northeastly side of Thaxter Road and known as Lot Number Fifty-three (53) as shown on a Plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds." Said parcel is bounded and described as follows: Beginning on Thaxter Road at the corner of Lot Number Fifty-two (52), as shown on said Plan, and running thence Northeastly by said Lot Number Fifty-two (52) one hundred feet (100) to Lot Number Thirty-two, as shown on said Plan; thence turning and running Southeastly by said Lot Number (52) Fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-four (54); thence turning and running Southwestly by said Lot Number Fifty-four (54) one hundred feet (100) to said Thaxter Road; thence turning and running Northwestly by said Thaxter Road fifty feet (50) to the point of beginning.

No dwelling house shall be erected on said land to cost less than \$3,000.00. No dwelling house or other building shall be erected nearer than twenty-five feet fronting to said road; any garage or other out-buildings erected on said lot shall not be erected or maintained in front of the rear lines of any dwelling houses erected on said lot; its grantors, successors, or assigns hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions and it is hereby agreed that by said re-entry the grantor, its successors or assigns shall terminate the estate of said grantee or his heirs or assigns in said granted premises.

Meaning and intending hereby to describe all and the same premises conveyed by Charlotte M. Paterson to Harry F. Downing dated November 29, 1933 and recorded in Rockingham County Records in Book 888 Page 410. My title is derived under the will of the late Harry F. Downing, deceased filed in the Rockingham County Registry of Probate.

And, a certain lot or parcel of land situate in said Portsmouth and known as Lot Number fifty-two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C. E. and recorded in Rockingham County Registry of Deeds. Said parcel is bounded and described as follows: Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeastly by Thaxter Road Fifty (50) feet to Lot number fifty-three (53) as shown on said Plan; thence running Northeastly by Lot Number Fifty-three (53) as shown on said Plan One hundred (100) feet to a common corner with Lots Number thirty-two (32) and Number thirty-three (33) as shown on said plan; thence running Northwestly by Lot Number thirty-three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwestly by Sewall Road One hundred (100) feet to the point of beginning.

Said premises are conveyed, however, under and subject to the following conditions and restrictions, viz; no dwelling house shall be erected on said land to cost less than Three Thousand (\$3,000) Dollars. No dwelling house or other buildings shall be erected nearer than Twenty-five (25)

Dec 9 9 55 AM '80 25900

BK2379 P0329

feet to said Thaxter Road fronting on said road. No garage or other out building erected on said lot shall be erected or maintained in front of the rear lines of any dwelling house erected on said lot and the grantee hereby covenants and agrees to and with said Grantors that all deeds and conveyances of other lots of land shall be subject thereto. The grantors, and its successors and assigns, do hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions. And it is hereby agreed that by said re-entry said grantors, its successors and assigns shall terminate the estate of said grantee and his heirs or assigns in said granted premises.

Meaning and intending hereby to describe and convey all and the same premises conveyed by the Portsmouth Building Association to Harry F. Downing by deed dated July 15, 1936 and recorded Rockingham County Records in Book 920 Page 365. My title is derived under the will of the late Harry F. Downing deceased filed in the Rockingham County Registry of Probate.

And I, Bernice M. Downing, as a widow.

WITNESS my hand and seal this ^(No Federal Revenue Stamps required) 8th day of December, 1980.

Bernice M. Downing
Bernice M. Downing

WITNESS:

Maynard G. Lindille
Harriet M. Downing

STATE OF NEW HAMPSHIRE

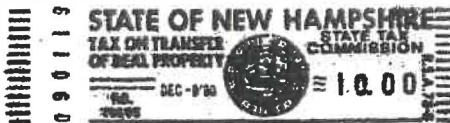
Rockingham, ss:

On the 8th day of December, 1980 personally appeared Bernice M. Downing 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.

Before me,

Joseph W. Shirley
Notary Public

My Commission expires:
MY COMMISSION EXPIRES MARCH 31, 1983



\$5.50 Rev.

know all Men by these Presents

Book 0888 Page 0410

THAT I, Charlotte M. Paterson of Portsmouth in the County of Rockingham and State of New Hampshire

Paterson to Downing

for and in consideration of the sum of One Dollar and other valuable considerations to me in hand, before the delivery hereof well and truly paid by Harry F. Downing of said Portsmouth

mouth the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeof, convey and confirm unto the said Harry F. Downing and his heirs and assigns forever,

Delivered to S. & Waldron

A certain parcel of land with the buildings thereon situate in said Portsmouth on the Northeasterly side of Thaxter Road and known as Lot Number fifty-three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C.E. and recorded in Rockingham Registry of Deeds." Said parcel is bounded and described as follows; Beginning on Thaxter Road at the corner of Lot Number fifty two (52) as shown on said Plan, and running thence North-easterly by said Lot Number fifty-two (52) one hundred feet (100) to Lot Number thirty two, as shown on said Plan; thence turning and running Southeasterly by said Lot Number (52) fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty four (54); thence turning and running Southwesterly by said Lot Number fifty-four (54) one hundred feet (100) to said Thaxter Road; thence turning and running Northwesterly by said Thaxter Road fifty feet (50) to the point of beginning.

No dwelling house shall be erected on said land to cost less than \$3,000.00. No dwelling house or other building shall be erected nearer than twenty-five feet fronting to said road; any garage or other out-buildings erected on said lot shall not be erected or maintained in front of the rear lines of any dwelling house erected on said lot; its grantors, successors, or assigns hereby reserves the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions and it is hereby agreed that by said re-entry the grantor's successors or assigns shall terminate the estate of said grantee or his heirs or assigns in said granted premises.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging to Harry F. Downing the said grantee and his heirs and assigns, to and their heirs and assigns forever. And I the said grantor and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and I 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 grantee and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Edward L. Paterson, husband of the said Charlotte M. Paterson for the in consideration aforesaid, do hereby release my right of dower in the above mentioned Premises.

And we each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or other execution and such other rights as we have in said premises and in each and every part thereof, as our Family Homestead, as reserved to us or either of us, by the Statute of the State of New Hampshire, passed July 4, 1882, entitled "An Act to amend the Homestead of Families from attachment and levy or execution," and by any other Statute or Statutes of said State; and by virtue of any law of the State of New Hampshire and all other rights and interest therein, which we have hereunto set our hands and seals this twenty-ninth day of November in the year of our Lord one thousand nine hundred and thirty-three.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF US: Margaret McCaffery Charlotte M. Paterson (L.S.) Edward L. Paterson (L.S.)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, SS. November 29th A.D. 19 33 Personally appeared the above named Charlotte M. Paterson and Edward L. Paterson and acknowledged the foregoing instrument to be their voluntary act and deed.

Before Me, Margaret McCaffery Justice of the Peace.

Received and recorded... Feb. 9, 1934... John M. Green Register.

Vertical stamp on the right margin: Feb 9 1934

\$1.00 Rev.

Know all Men by these Presents,

THAT we, R. Clyde Margeson, Richman P. Margeson, Edward Seybolt, Henry B. Tilton and Fred A. Gray, all of Portsmouth in the County of Rockingham and State of New Hampshire, as trustees of the Portsmouth Building Association of said Portsmouth, are empowered to make conveyances of real estate owned by the said Association by virtue of powers conferred upon them as Trustees under a certain declaration of trust dated April 8, 1913 and recorded in Rockingham Registry of Deeds Book 674, Page 289,

for and in consideration of the sum of One Dollar and other valuable considerations to us in hand, before the delivery hereof well and truly paid by Harry F. Downing of said Portsmouth

Margeson et al
to
Downing

the receipt whereof we 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 Harry F. Downing and his heirs and assigns forever,

dal to
grantee

A certain lot or parcel of land situate in said Portsmouth and known as Lot Number fifty two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds. Said parcel is bounded and described as follows; Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeasterly by Thaxter Road fifty (50) feet to Lot number fifty three (53) as shown on said Plan; thence running Northeasterly by Lot Number fifty three (53) as shown on said Plan One hundred (100) feet to a common corner with Lots Number thirty two (32) and Number thirty three (33) as shown on said plan; thence running Northwesterly by Lot Number thirty three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

Said premises are conveyed, however, under and subject to the following conditions and restrictions, viz; No dwelling house shall be erected on said land to cost less than Three Thousand (\$3,000) Dollars. No Dwelling house or other buildings shall be

erected nearer than Twenty-five (25) feet to said Thaxter Road fronting on said road. No garage or other out building erected on said Lot shall be erected or maintained in front of the rear lines of any dwelling house erected on said lot and the grantee hereby covenants and agrees to and with said Grantors that all deeds and conveyances of other lots of land shown on said plan as fronting upon Thaxter Road shall contain the same conditions and restrictions and that the said other lots of land shall be subject thereto. The grantors, and its successors and assigns, do hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions. And it is hereby agreed that by said re-entry said grantors, its successors and assigns shall terminate the estate of said grantee and his heirs or assigns in said granted premises.

And that this is to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to the said grantee and his heirs and assigns, to ~~the said grantee and his heirs and assigns forever.~~ And we the said grantors and our heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee and his heirs and assigns, that until the delivery hereof we are the lawful owner of the said premises, and we have seized and possessed thereof in our 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 we and our heirs, executors and administrators, shall and will warrant and defend the same to the said grantee and his heirs and assigns, against the lawful claims and demands of any person or persons whatsoever.

And I, ~~wife of the said~~ in consideration aforesaid, do hereby release my right of dower in the above mentioned premises.

And we and each of us do hereby release, discharge and waive all such rights of accretion, 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 and secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, 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."

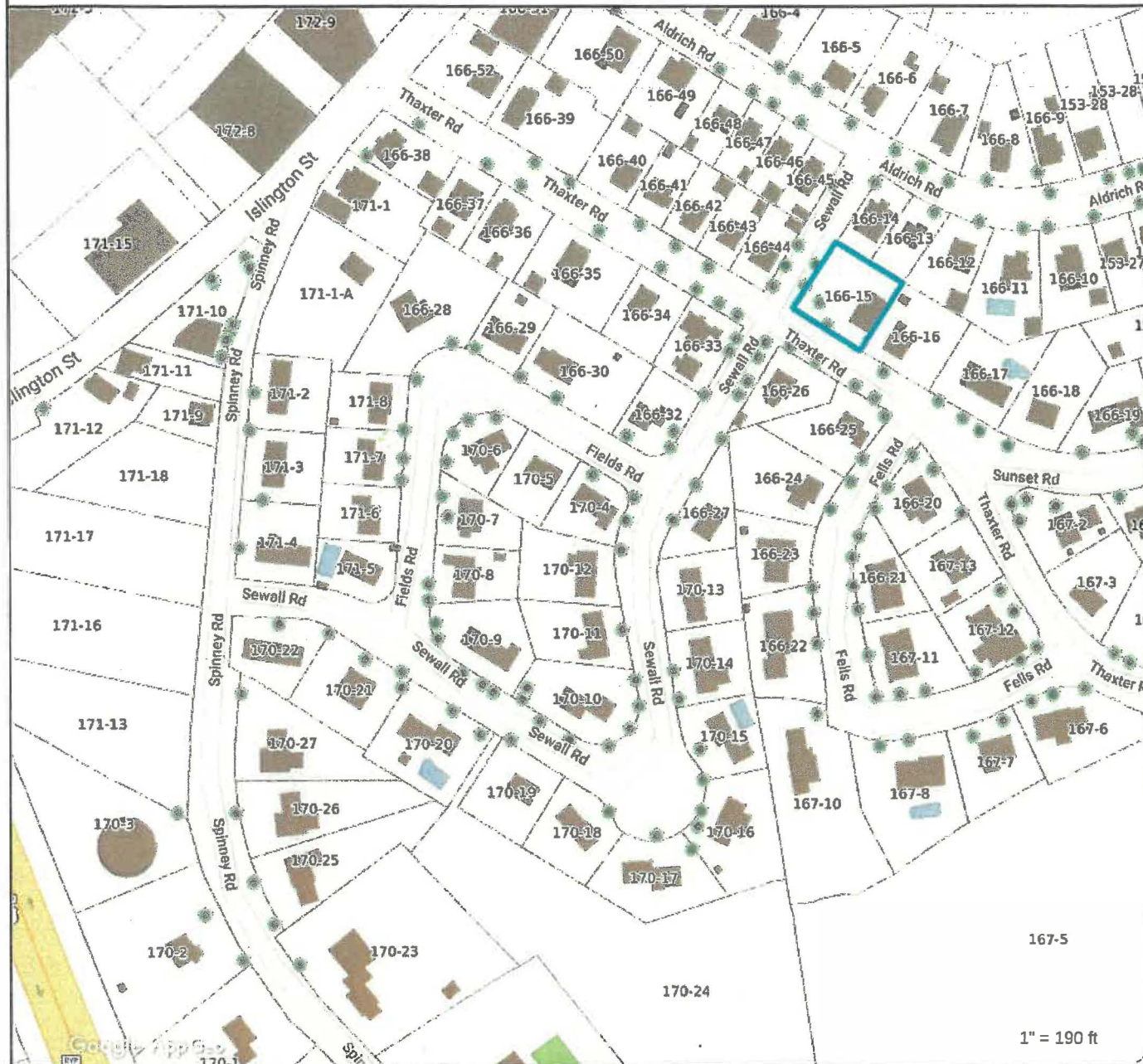
In Witness whereof we have hereunto set our hand and seals, this fifteenth day of July in the year of our Lord one thousand nine hundred and thirty six

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:
Jeremy R. Waldron (L.S.)
R. Clyde Margeson (L.S.)
Richman P. Margeson (L.S.)
Edward Seybolt (L.S.)
Henry B. Tilton (L.S.)
Fred A. Gray (L.S.)

STATE OF NEW HAMPSHIRE, Rockingham, ss. July 21st A. D. 19 36.
Personally appeared the above named R. Clyde Margeson, Richman P. Margeson, Edward Seybolt, Henry B. Tilton and Fred A. Gray, individually and in their said capacities as trustees

voluntary act and deed.
BEFORE ME,
Jeremy R. Waldron, Justice of the Peace.
Received and recorded August 3, 1936. John W. Gray, Registrar.

135 Thaxter Rd.



Property Information

Property ID 0166-0015-0000
 Location 135 THAXTER RD
 Owner ZINGARIELLO VINCENT



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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

Geometry updated 4/1/2019
 Data updated 7/17/2019

CITY OF PORTSMOUTH, NH
APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS
PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): VINCENT ZINGARIELLO and MONICA ABRUZZESE

Mailing Address: 135 THAXTER Rd. PORTSMOUTH, NH 03801

Telephone Number: 603 770 7999

Email Address: _____

Street Location of Parcels Affected by the Requested Restoration:

135 THAXTER Rd.

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1

Current Deed Reference: Book 3410 Page 726 Date Recorded 7/26/1999

Tax Map 166 Lot Number 15

Parcel 2

Current Deed Reference: Book 3410 Page 726 Date Recorded 7/26/99

Tax Map 166 Lot Number 15

Parcel 3

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Please state when you believe the involuntary merger took place:

SUBSEQUENT TO 1983 WHEN THE TAX CARD SHOWED 2 LOTS

Signature(s) of Property Owner(s):

Signature: [Signature] Name: Vincent Zingariello Date: 2.26.2021

Signature: [Signature] Name: Monica Zingariello
Monica Abruzzese Date: 2.26.2021

Bernie Pelech

From: Bernie Pelech
Sent: Wednesday, March 10, 2021 1:16 PM
To: Bernie Pelech







Sent from my iPhone



CITY OF PORTSMOUTH Assessors Office

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

To: Dexter Legg, Chair Planning Board
Cc: Karen S. Conard, City Manager
From: Rosann Lentz, City Assessor, *Rosann Lentz*
Date: May 27, 2021
RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 135 Thaxter Road – RIML-21-2

At its meeting May 17, 2021, the City Council considered a request from Bernie W. Pelech, Esq., on behalf of the property owners Vincent and Monica Zinganello, requesting the restoration of involuntarily merged lots at 135 Thaxter Road to their pre-merger status pursuant to NH RSA 674:39-aa. These lots are represented as Map 166 Lot 15 and historical Plan 46A Lots 52 and 53. The Council voted to refer to the Planning Board and Assessor for report back.

Description

Current assessment records identify the parcel as having .23 +/- acres with a 3 bedroom 1.5 bath single family dwelling built around 1930 located on the parcel.

History

Deeds: Older assessment records dating back to the 50's identified the parcel as 2 separate lots until 1983. According to the deeds researched back to 1930, book 920 page 365 and 1934 book 888 page 410, identified two vacant lots (lot 52 and lot 53) and were deeded individually to Harry F. Downing. In 1989, these two lots were transferred to Dale T. and Nicholas W. Genimatas on one deed and identified as two individual lots.

Property Assessment Records: Between 1953 and 1972 property assessment records show Plan 46A Lots 52 and 53 separately assessed. Assessment records for Tax Year 1983 show one assessment for both lots.

Building Inspection/Planning Records/Ariel Records

2020 Ariel views of the lots show the driveway to the dwelling straddles the property line of lots 52 and 53 of the requested un-merger. Additionally, in 2011 Vincent Zingariello applied for and was granted a driveway permit to expand the frontage of the driveway located at 135 Thaxter Road by 10 to 12 feet. This expansion again straddled the property lines of the requested un-merger of lots 52 & 53.

CM Action Item #7

Court Decisions

Upon review of various New Hampshire court decisions concerning the denial of restorations of lots, the courts have held that the conveyance of multiple lots in a single deed does not, standing alone, support a voluntary merger *Roberts v. Town of Windham*, 165 N.H. 186,192 (2013).

Additionally, court decisions also looked at the use of the property in its entirety by reviewing a lots physical characteristics and the overt actions that occurred over time to the placement of buildings, driveways, outbuildings etc. These decisions, citing totality of changes, can reasonably support that lots by predecessors or current owners were voluntarily merged when facts show the primary and accessory buildings, access, etc. work as a unit. *Robillard v. Town of Hudson*, 120 N.H. 477,416 (1980); *Town of Newbury v. Landrigan*, 165 N.H.236,241 (201); and *Roberts v. Town of Windham*, 165 N.H. 186 (2013).

Additionally, the New Hampshire Municipal Association has interpreted the above court decision to mean, “Governing bodies and zoning boards of adjustment now know they should review requests to unmerge lots based upon all of the circumstances of actual use of the property, and that the lack of a request to voluntarily merge the lots by the current or former owner will not, standing alone, support such a request”).

Summary

No written request for voluntary merger was found but the above court decision identifies that it is not only a formal request for un-merger that should be taken into consideration when approving or denying a request for restoration of involuntarily merged lots.

When reviewing the Ariel photos and looking at the request for expansion of frontage to the existing driveway by Mr. Zingariello in 2011, it is reasonable to support that the property was treated as a unit and voluntarily merged through an overt action by the current owner.

Cc: file

Attachments

LOCATION 135 THAXTER RD

MAP U66 LOT 015 CARD 01 OF 01 (OLD M/L# 046A C52 + 53)

ZONING CM Action Item #7

PROPERTY USE CODE 1101

ASSESSMENT RECORD

RECORD OF OWNERSHIP

NBHD ID 105

NAME	MAILING ADDRESS	BOOK-PAGE	DATE	AMOUNT
DOWNING BERNICE M TRSTEE	135 THAXTER ROAD	2379/0328	12/80	
Genimatas Dale T & Nicholas W	135 Thaxter Rd	2802/921	7-27-89	170,000

ASSESSMENT RECORD	LAND	BLDGS.	TOTAL
1980	15300	49300	64600
1981			
1982			
1983			
1984			
1985			
1986			
1987			
1988			
1989			
1990			
1991			
1992			
1993			
1994			
1995			
1996			
1997			
1998			
1999			
2000			
2001			
2002			
2003			
2004			
2005			
2006			
2007			
2008			
2009			
2010			
2011			
2012			
2013			
2014			
2015			
2016			
2017			
2018			
2019			
2020			
2021			
2022			

LAND VALUE COMPUTATIONS AND SUMMARY

SQ. FT. DESC.	CODE	SIZE	RATE	INFLUENCE FACTOR	LAND VALUE
1 PRIMARY SITE	1	7500	200		15000
2 SECONDARY SITE	4	2500	10		250
3 UNDEVELOPED					
4 RESIDUAL					
5 WATERFRONT					
TOTAL		10000			15300

MEMORANDA

all outlines 2824/2737
 1989 Rerouted road
 Boundary Confirmation 12/89
 3 rms - 2nd fl
 3 rms - 1st fl

SALES DATA

DATE		TYPE	SALE PRICE	SOURCE				VALIDITY	
MO.	YR.	1 LAND 2 L & B		1 BUYER 2 SELLER	3 FEE 4 AGENT			1 YES 2 NO	
		1 2		1 2 3 4				1 2	
		1 2		1 2 3 4				1 2	
		1 2		1 2 3 4				1 2	

INSPECTION
 WITNESSED BY: *Bernice M. Downing*

HEARINGS N/C 293 7/20

OCCUPANCY		INTERIOR FINISH				COMMERCIAL COMPUTATIONS					OCCUPANCY				
1 VAC. LOT	2 DWELLING	3 OTHER	DRYWALL	PLASTER	B	1	2	3	1 BRICK	3 GLASS	5 STUCCO	7 STONE	9 CONCRETE	SINGLE FAMILY	STORES
STORY HEIGHT			WOOD PANELING	FIBERBOARD	EXTERIOR WALL CODES					MULTI FAMILY					
1.0	1.5	2.0	UNFINISHED	UNFINISHED	EXTERIOR WALLS					APARTMENTS					
BASEMENT			LIVING ACCOMMODATIONS		EFF. PERIMETER					OFFICES					
1 NONE	2 CRAWL	3 PART	NO. OF UNITS	TOTAL ROOMS	PERIM. AREA RATIO %					WHITE w/ GREEN trim					
4 FULL			001	06	NO. OF UNITS										
HEATING			OTHER FEATURES		AVG. UNIT SIZE										
1 NONE	2 BASE	3 AIR CON	PART MASONRY WALLS		BASEMENT SIZE										
WARM AIR - F OR G			FIREPLACE		SCHEDULE										
HOT WATER/STEAM			BASEMENT REC. ROOM		HT.										
ELECTRIC			FIN. BASEMENT LIVING AREA		BASEMENT										
FLOOR/WALL FURNACE			BASEMENT GARAGE		FIRST										
UNIT HEATERS			MODERNIZED KITCHEN		SECOND										
PLUMBING			REMODELING DATA		BASE PRICE										
PLUMBING POINTS			YEAR		B. P. A.										
STANDARD			KITCHEN		SUBTOTAL										
BATHROOM			HEATING		LIGHTING										
HALF BATH			GENERAL		HTG./AIR CON.										
SINK/LAVATORY			ERECTED		SPRINKLER										
WATER CLOSET/URINAL			AGE		PARTITIONS										
NO PLUMBING			CDU RATING		INTERIOR FINISH										
ATTIC			DWELLING COMPUTATIONS		SF/CF PRICE										
1 NONE	2 UNFIN	3 PT. FIN	2.0 STORY		AREA CUBE										
4 FULL FIN	5 FULL FIN/WH	0.720 S.F.		48,640	SUBTOTAL										
ROOF			BASEMENT		SPECIAL FEATURES*										
SHINGLE-ASP./ASB./WOOD			HEATING		ADDITIONS										
SLATE/TILE/METAL			PLUMBING		TOTAL BASE										
COMP. ON WOOD FRAME			ATTIC		GRADE FACTOR										
COMP. ON STEEL FRAME			+ 2650		REPLACEMENT COST										
WALLS			ADDNS. & PCHS.		FUNCTIONAL DEPRECIATIONS FACTORS										
FRAME SIDING ALUM./VINYL/STUCCO			+ 500		SURPLUS CAP										
SHINGLE-ASP./ASB./WOOD			TOTAL		ENCROACHMENTS										
CONCRETE BLOCK			51,790		COMM. LOCATION										
BRICK VENEER/STONE			O.F. POINTS		ECONOMIC										
PLATE GLASS FRONT			+ 2,100		TOTAL SPECIAL FEATURES*										
FLOORS			TOTAL		SUMMARY OF OTHER BUILDINGS										
CONCRETE			53,890		TYPE										
WOOD			GRADE		NO.										
TILE			X 117		CONSTRUCTION										
CARPET			63050		SIZE										
WD./STL. FRAME			C & D FACT. %		RATE										
REINF. CONC.			REPL. COST		GRADE										
			63050		ERECTED										
			DEPR. 2.5%		CDU										
			47300		REPLACEMENT COST										
			TRUE VALUE		DEPR.										
					TRUE VALUE										
					TOTAL OF CARDS					THRU 2000					
					TOTAL VALUE ALL BUILDINGS					49300					

GRADE DENOTES QUALITY OF CONSTRUCTION: A - EXCELLENT; B - GOOD; C - AVERAGE; D - CHEAP; E - VERY CHEAP
 CDU FACTOR REFERS TO THE CONDITION, DESIRABILITY, AND USEFULNESS OF THE BUILDING

TLA 1440

DOWNING BERNICE M TRSTEE
 135 THAXTER ROAD
 PORTSMOUTH NH 03801

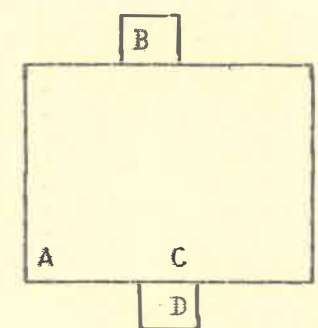
PROPERTY LOCATION	SIDE	LOCATION CODE	PLAN # 701 045A # 553 U66 015		
135 THAXTER ROAD	E	CM Action Item			
CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR		TYPE	PROJECT	CONTROL NO	CARD
		RESID	31001	1803461005300	1 OF 1

RECORD OF TRANSFER	DATE	BOOK	PAGE	AMOUNT	MORTGAGE
1 DOWNING/HARRY F	122749	N/A	N/A		
2 Downing Bernice M	12/8/80	2379	328		
3					
4					
5					
6					
7					

LAND FACTORS		LAND IMPROVEMENTS			SUMMARY		
TOPOGRAPHY-1 LEVEL	LOCATION FAIR +				19 72		
IMPROVEMTS-1 C WATER	DRAINAGE GOOD				LAND	3300	
-2 SEWER	ZONING 02				BLDGS	17300	
-3 ELEC	NEIGHBORHOOD STATIC				TOTAL	20600	
	SOIL-1 SANDY	VALUE	EQ	ASSESSMENT	19		
	-2 LOAM				LAND		
STREET/RD-2 IMPROVE					BLDGS		
					TOTAL		
ACREAGE COMPUTATION							
TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
1 H-LOT 33 A	.110	10000	3300		3300	100	3300
2							
3							
4							
5							
6							
		.110	ACREAGE TOTAL		3300	100	3300

LOT COMPUTATION												
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT
1												
2												
3												
4												
LOT TOTAL												
LAND TOTAL										3300	100	3300

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CONTROL NO.	STRUCTURE VALUE																
180 3461005300	STRUCTURAL ELEMENTS	PRICE	1														
OUT BUILDINGS	BASE. A	744SF	 <p>SCALE = 20 FT./IN.</p>														
	FOUNDATION. CONC WALLS	19320															
	EXT WALLS.FRAME CLAPBOARDS	390															
	INSULATION.BLANKET																
ITEM 1 2 3 4 5 6	ROOF.GABLE ASPH SHG																
PIER FOUND X	BASEMENT.FULL CONCRETE FLOOR																
WALL FOUND	FLOORS. 1 HARDWD																
	2 HARDWD																
SKIDS	INT FIN.1 PLASTR																
	2 PLASTR																
SGLE SDG	ROOMS. LAYOUT G COND G																
DBL SDG X	ATTIC.FULL AT STAIR FULL FLR	340															
SHING WALLS	HEAT.1 H-W CAST	1580															
CONC BLOCK	2 H-W CAST																
BRICK	FIREPLACES.1 STACKS 1	1090															
STONE	PLUMBING.BATH 1 SINK 1																
FLOOR W	TILE.NONE																
INT FINISH	DORMERS.NONE																
PLUMB	SEG. B OPEN-PORCH	24SF															
ELEC	C ADDITION	14SF															
	D OPEN-PORCH	35SF															
		249															
SIZE	SUB TOTAL																
1- 11X 18	23497																
AREA	FACTOR																
1- 198 SF																	
OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE	PHYS DEPR	PHYSICAL VALUE	FUNC DEPR	ACTUAL VALUE	EQ	ASSESSMENT	SALE PRICE	DATE MO/YR			
DWLG 1 FAM	2.0S FR B A	3	1930±	NO	G	23497	30	16448		16448	100	16400					
1-DT GAR33	1.0S FR 2	3	OLD		F	1168	25	876		876	100	900					
BUILDING TOTAL													17324	100	17300		
													LISTED DATE		LISTER		
													02/16/72		3416		
													SIGNATURE		REVIEW		
													X SIGNED		2735		

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DOWNING BERNICE M TRSTEE
135 THAXTER ROAD
PORTSMOUTH NH 03801

PROPERTY LOCATION	SIDE	LOCATION CODE	BLANK # 701
135 THAXTER ROAD	E	CM Action Item	046A 052
CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR	TYPE	PROJECT	CONTROL NO
	RESD	31001	1803461005200
			CARD
			1 OF 1

LAND DEPRECIATION CODES
3-VACANCY

RECORD OF TRANSFER	DATE	BOOK	PAGE	AMOUNT	MORTGAGE
1 DOWNING/HARRY F	80336	0920	365		
2 Downing Bernice M	12/8/80	2379	328		
3					
4					
5					
6					
7					

LAND FACTORS		LAND IMPROVEMENTS			SUMMARY			
TOPOGRAPHY-1 LEVEL	LOCATION DRAINAGE ZONING NEIGHBORHOOD SOIL-1 -2	FAIR + GOOD 02 STATIC SANDY LOAM	VALUE	EQ	ASSESSMENT	19 72 LAND BLDGS TOTAL 2500		
STREET/RD-2 IMPROVE						19 LAND BLDGS TOTAL		
ACREAGE COMPUTATION								
TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT	19 LAND BLDGS TOTAL
1 H-LOT 33 A	.110	10000	3300	25	2475	100	2500	19 LAND BLDGS TOTAL
2								19 LAND BLDGS TOTAL
3								19 LAND BLDGS TOTAL
4								19 LAND BLDGS TOTAL
5								19 LAND BLDGS TOTAL
6								19 LAND BLDGS TOTAL
	.110		ACREAGE TOTAL		2475	100	2500	19 LAND BLDGS TOTAL

LOT COMPUTATION												19 LAND BLDGS TOTAL	
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT	19 LAND BLDGS TOTAL
1													19 LAND BLDGS TOTAL
2													19 LAND BLDGS TOTAL
3													19 LAND BLDGS TOTAL
4													19 LAND BLDGS TOTAL
LOT TOTAL													19 LAND BLDGS TOTAL
LAND TOTAL										2475	100	2500	19 LAND BLDGS TOTAL

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CONTROL NO.	STRUCTURE VALUE																			
180 3461005200	STRUCTURAL ELEMENTS	PRICE																		
OUT BUILDINGS																				
ITEM	1	2	3	4	5	6														
PIER FOUND																				
WALL FOUND																				
SKIDS																				
SGLE SDG																				
DBL SDG																				
SHING WALLS																				
CONC BLOCK																				
BRICK																				
STONE																				
FLOOR																				
INT FINISH																				
PLUMB																				
ELEC																				
SIZE																				
AREA																				
	SUB TOTAL FACTOR																			
OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE	PHYS DEPR	PHYSICAL VALUE	FUNC DEPR	ACTUAL VALUE	EQ	ASSESSMENT	SALE PRICE	DATE MO/YR						
													LISTED DATE	LISTER						
														3416						
													SIGNATURE	REVIEW						
													0 LAND	2735						
BUILDING TOTAL																				

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PLAN **46A** LOT **52**

ADDRESS **THAXTER ROAD**

DESCRIPTION **LOT ONLY - LEVEL + LANDSCAPED (CORNER LOT)**

RECORD OF OWNERSHIP

DATE OF TRANSFER

SALE PRICE IF KNOWN

ASSESSMENT RECORD

1951 LAND 400 BLDGS. - TOTAL 400

53 1953 LAND 500 BLDGS. - TOTAL 500

70 1970 LAND 1000 BLDGS. - TOTAL 1000

71 1971 LAND 1500 BLDGS. - TOTAL 1500

1981 LAND - BLDGS. - TOTAL -

1982 LAND - BLDGS. - TOTAL -

1983 LAND - BLDGS. - TOTAL -

1984 LAND - BLDGS. - TOTAL -

1985 LAND - BLDGS. - TOTAL -

1986 LAND - BLDGS. - TOTAL -

1987 LAND - BLDGS. - TOTAL -

1988 LAND - BLDGS. - TOTAL -

1989 LAND - BLDGS. - TOTAL -

1990 LAND - BLDGS. - TOTAL -

1991 LAND - BLDGS. - TOTAL -

1992 LAND - BLDGS. - TOTAL -

1993 LAND - BLDGS. - TOTAL -

1994 LAND - BLDGS. - TOTAL -

1995 LAND - BLDGS. - TOTAL -

1996 LAND - BLDGS. - TOTAL -

1997 LAND - BLDGS. - TOTAL -

1998 LAND - BLDGS. - TOTAL -

1999 LAND - BLDGS. - TOTAL -

2000 LAND - BLDGS. - TOTAL -

Harry F. & Bernice F. Downing 920-365 Aug 3, '36 1.00 sq.

RURAL PROPERTY

PROPERTY FACTORS				LAND VALUE COMPUTATIONS AND SUMMARY				OWNERS PREVIOUS TO 1981		
TOPOGRAPHY	LEVEL	ROLLING	LEDGE	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES	ASSESSMENTS
SOIL TYPE	LOAM	SAND	CLAY	TILLABLE						
LAND CLASS	GOOD	FAIR	POOR	PASTURE						
DRAINAGE	GOOD	FAIR	POOR	WOODED						
WATER SUPPLY	GOOD	FAIR	POOR	WASTE LAND						
FENCES	GOOD	FAIR	NONE	TOTAL ACREAGE						
ELECTRICITY	YES	NO		TOTAL VALUE LAND						
TELEPHONE	YES	NO		TOTAL VALUE BUILDINGS						
ROAD	PAVED	IMPR.	DIRT	TOTAL VALUE LAND & BUILDINGS						
REMARKS										

Harry F. Downing 1936 430
Part. Bldg. Assn 1908

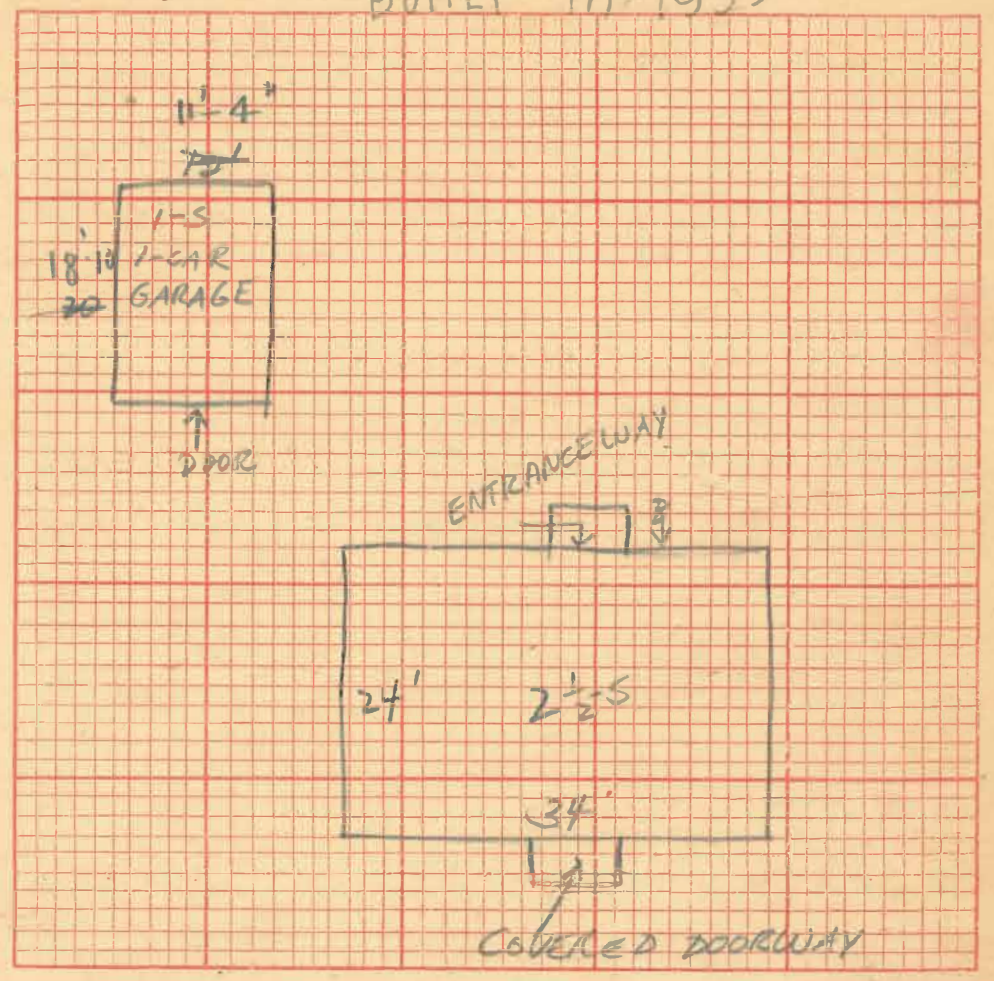
URBAN PROPERTY 5000 SQ. FT.

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY					
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL
LEVEL	WATER						
HIGH	SEWER						
LOW	GAS						
ROLLING	ELECTRICITY						
SWAMPY	ALL UTILITIES						
	GARBAGE DISPOSAL						
STREET	TREND OF DISTRICT						
PAVED	IMPROVING						
SEMI-IMPROVED	STATIC						
DIRT	DECLINING						
SIDEWALK							
							500

RECORD OF BUILDINGS

*Gar. should be 11'4" inches by 18'1" inches
BUILT IN 1933*

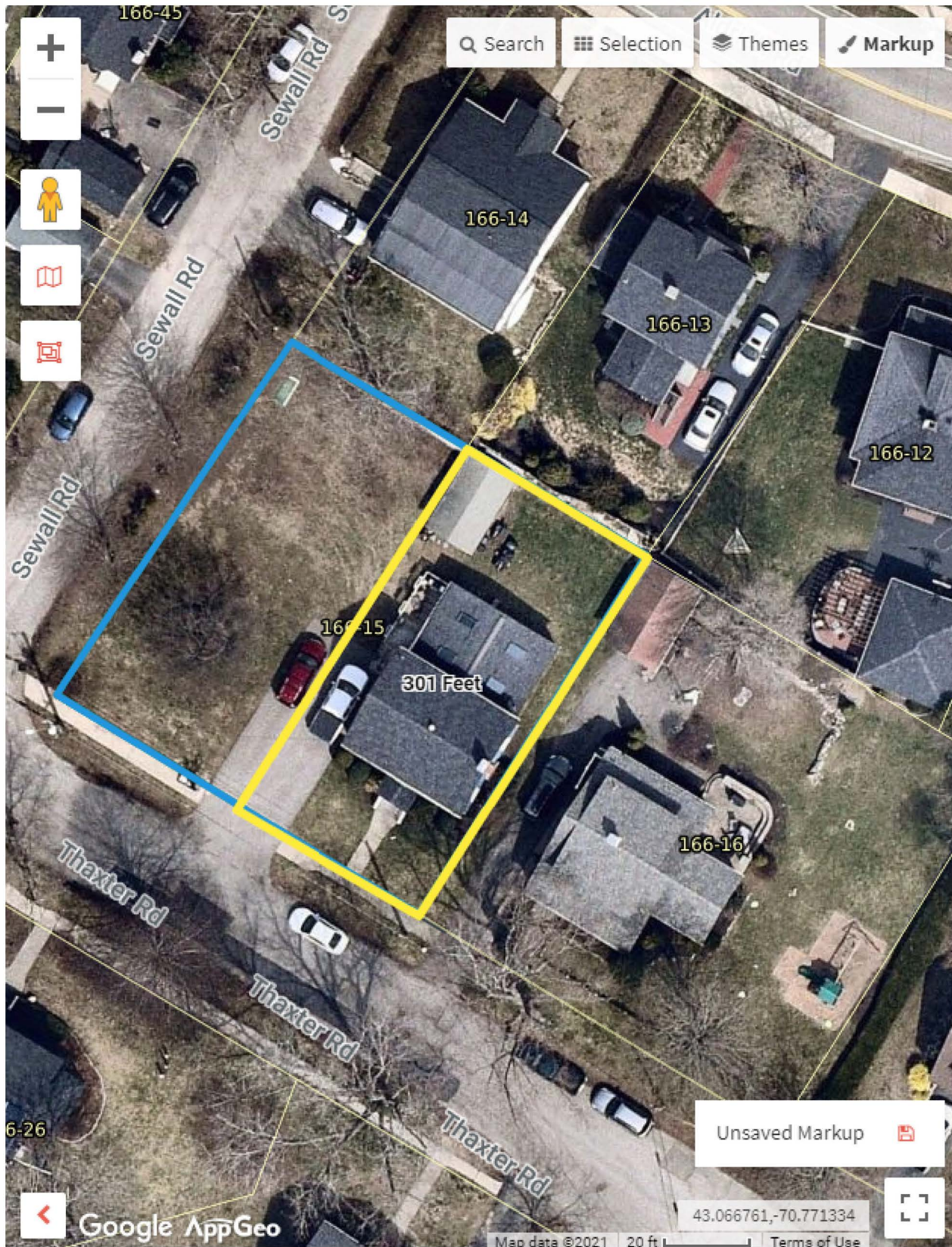
OCCUPANCY		FLOORS			COMPUTATIONS	
SINGLE FAMILY	✓	G.	B.	1	2	3
TWO FAMILY		CEMENT	✓			
APARTMENT		EARTH				
STORE		PIRE	✓	✓		
THEATRE		HARDWOOD				
HOTEL		ATTIC FL. & STRS.				
OFFICES		INTERIOR FINISH				
WAREHOUSE		PINE				
COMM. GARAGE		HARDWOOD				
GAS STATION		PLASTER				
		UNFINISHED	✓			
		METAL CLG.				
		RECREAT ROOM				
		FINISHED ATTIC				
		FIREPLACE				
		HEATING				
		PIPELESS FURNACE				
		HOT AIR FURNACE				
		FORCED AIR FURN.				
		STEAM PIPE	✓			
		HOT WAT. OR VAPOR				
		NO HEATING				
		PLUMBING				
		GAS BURNER				
		OIL BURNER				
		STOKER				
		BATHROOM				
		TOILET ROOM				
		WATER CLOSET				
		KITCHEN SINK				
		STD. WAT. HEAT				
		AUTO. WAT. HEAT				
		ELECT. WAT. SYST.				
		LAUNDRY TUBS				
		NO PLUMBING				
		TILING				
		BATH FL. & WCOT.				
		TOILET FL. & WCOT.				
		LIGHTING				
		ELECTRIC				
		NO LIGHTING				
		NO. OF ROOMS				
		BSMT.	1	2ND.	3	3RD.
		1ST.	3	3RD.		



UNIT	1951	REPL. VAL.
1810 S.F. @ 4	3200	
210 S.F. @ 4	3200	
405 F. @ 2	800	
Covered Doorway	200	
Gar. 11'-4" x 18'-1"	150	
Gar.	500	300
TOTAL		
8300	7800	

SUMMARY OF BUILDINGS										
OCCUPANCY	TYPE	GRADE	AGE	DATE REMOD.	COND.	REPL. VAL.	PHYS. DEPR.	PHYS. VALUE	FUNCT. DEPR.	SOUND VALUE
			18-			7800	30%	5400	10%	4900
						* Obsolete Kitchen etc.				
						19 TOTAL VALUE BUILDINGS				
						19 TOTAL VALUE BUILDINGS				

GRADE DENOTES QUALITY OF CONSTRUCTION:— A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP



All driveway access to a public street shall require a driveway permit.

City of Portsmouth
Application for Driveway Permit

PROPERTY OWNER (Printed): Vincent Zingariello
ADDRESS OF PROPERTY: 135 Thaxter Rd Portsmouth
MAILING ADDRESS: SAME
DAYTIME PHONE NUMBER: 603-770-7999
TAX MAP: _____ LOT: _____
PLAN SUBMITTED: Yes No
PROPERTY OWNER SIGNATURE: Vincent Zingariello

If the proposed driveway has been approved by the Planning Board as part of the site review or subdivision process please attached the approved plan. If the proposed driveway has not been approved by the Planning Board through the site review or subdivision process, submit such plans and details as described in the driveway specifications.

The City of Portsmouth reserves the right to deny any permits when:

- The proposed driveway does not conform to the requirements of the Portsmouth Zoning Ordinance;
- The proposed driveway does not conform to the Driveway Specifications that are part of this permitting process; or
- The proposed driveway would present an unreasonable safety risk to the public.

If the driveway permit application is approved, the applicant shall obtain the necessary Excavation Permit. The application fee and insurance requirements shall be determined in accordance with the City of Portsmouth Excavation Permit. The fee shall be payable to the City of Portsmouth and submitted to the Public Works Dispatcher at the time the applicant applies for the Excavation Permit. Owner/Contractor may be required to provide bonding.

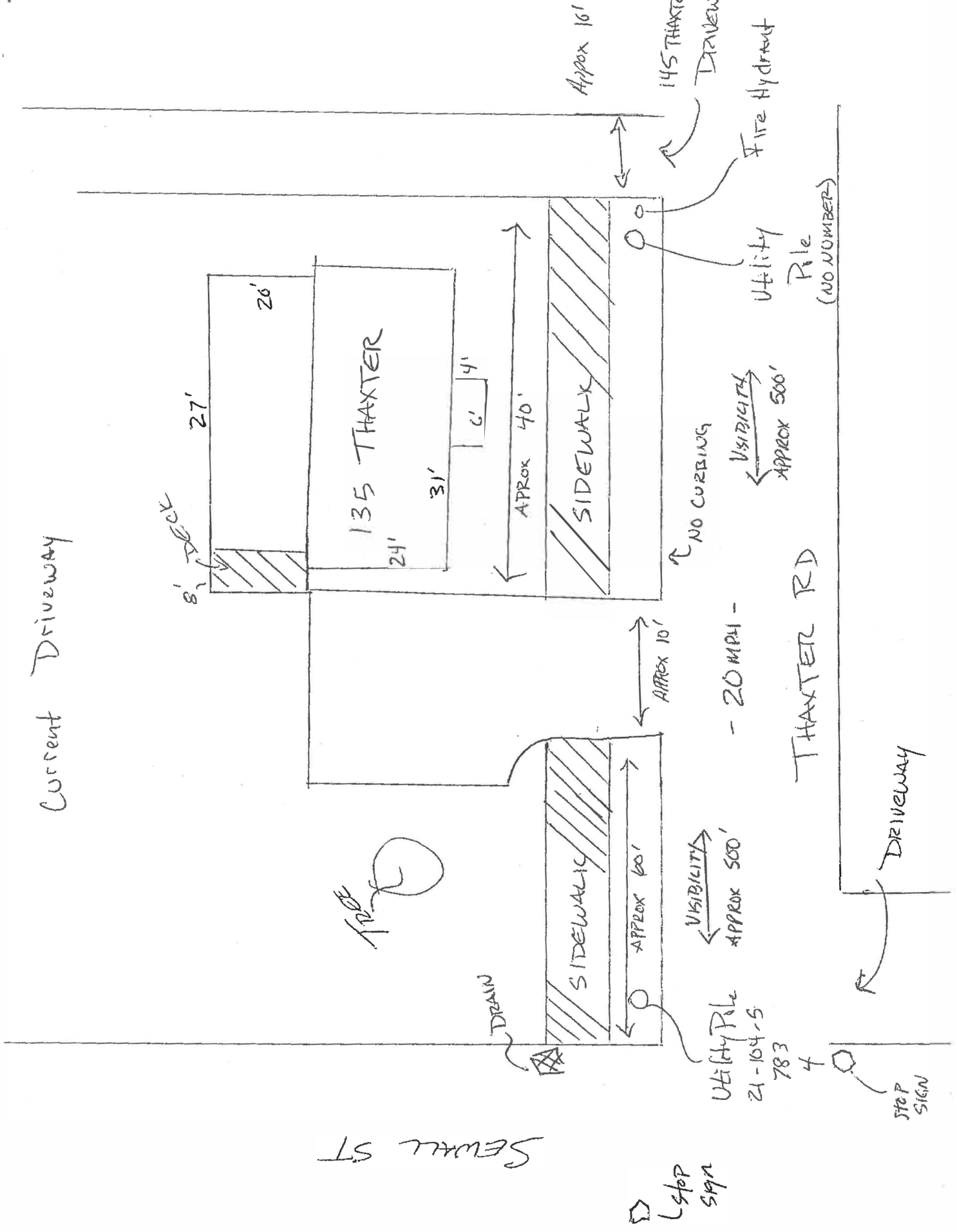
The cost of all work shall be borne by the applicant/ property owner.

For City Use:

[Signature]

Approved by: _____
 Dated: 4/22/11
 Forward to Traffic & Safety Committee: Yes No
 Conditions/Requirements: _____

Current Driveway



SEWELL ST

STOP SIGN

WEIGHT PILE
21-104-5
783
4

THAXTER RD

DRIVEWAY

UTILITY PILE
(NO NUMBER)

NO CURBING
VISIBILITY
APPROX 500'

145 THAXTER DRIVEWAY
FIRE HYDRANT

APPROX 10'

APPROX 60'

APPROX 40'

27'

26'

24'

31'

4'

APPROX 10'

APPROX 60'

SIDEWALK

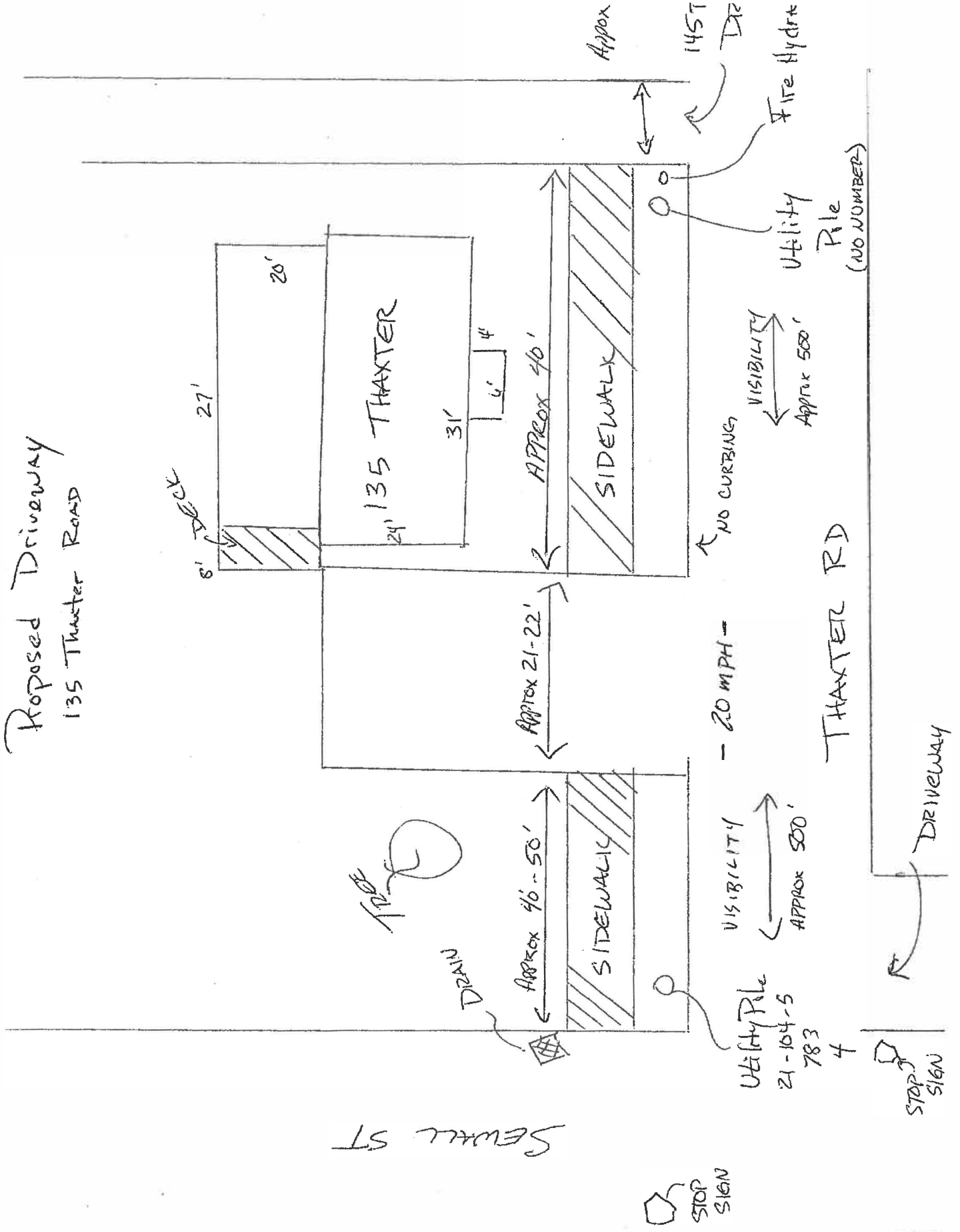
SIDEWALK

8' ROCK

TREE

MINOR DRIVEWAY

Proposed Driveway
135 Thaxter Road



SEWALL ST

STOP SIGN

UTILITY PILE
21-104-5
783
4

20 MPH

THAXTER RD

STOP SIGN

DRIVEWAY

NO CURBING

VISIBILITY
APPROX 500'

UTILITY
PILE
(NO NUMBER)

FIRE HYDRANT

145T
DR

APPROX

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

CM Action Item #8

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$22,500,000 General Obligation Capital Improvement Bonds for the construction of the Middle School dated December 14, 2011 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY CITY COUNCIL:
MARCH 22, 2021**

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

Note: This authorization requires a 2/3 vote by roll call.

DRAFT

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$3,000,000 General Obligation Capital Improvement Bonds for the Peirce Island Waste Water Treatment Plant upgrades dated December 14, 2011 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY CITY COUNCIL:
MARCH 22, 2021**

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

Note: This authorization requires a 2/3 vote by roll call.

DRAFT

Hanging Sign



PortsmouthSign.com
603-436-0047

REVISION:
All orders under \$250 include 1 revision only.
All orders over \$250 include 2 revisions only.
Additional revisions will be charged at \$25 per revision.

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

8/27/2021

RETURN SIGNED TO: service@portsmouthsign.com

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

SIGNATURE: _____ Date: _____

Member of:

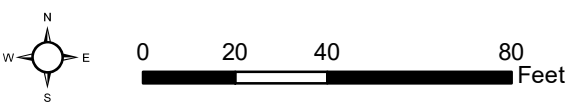
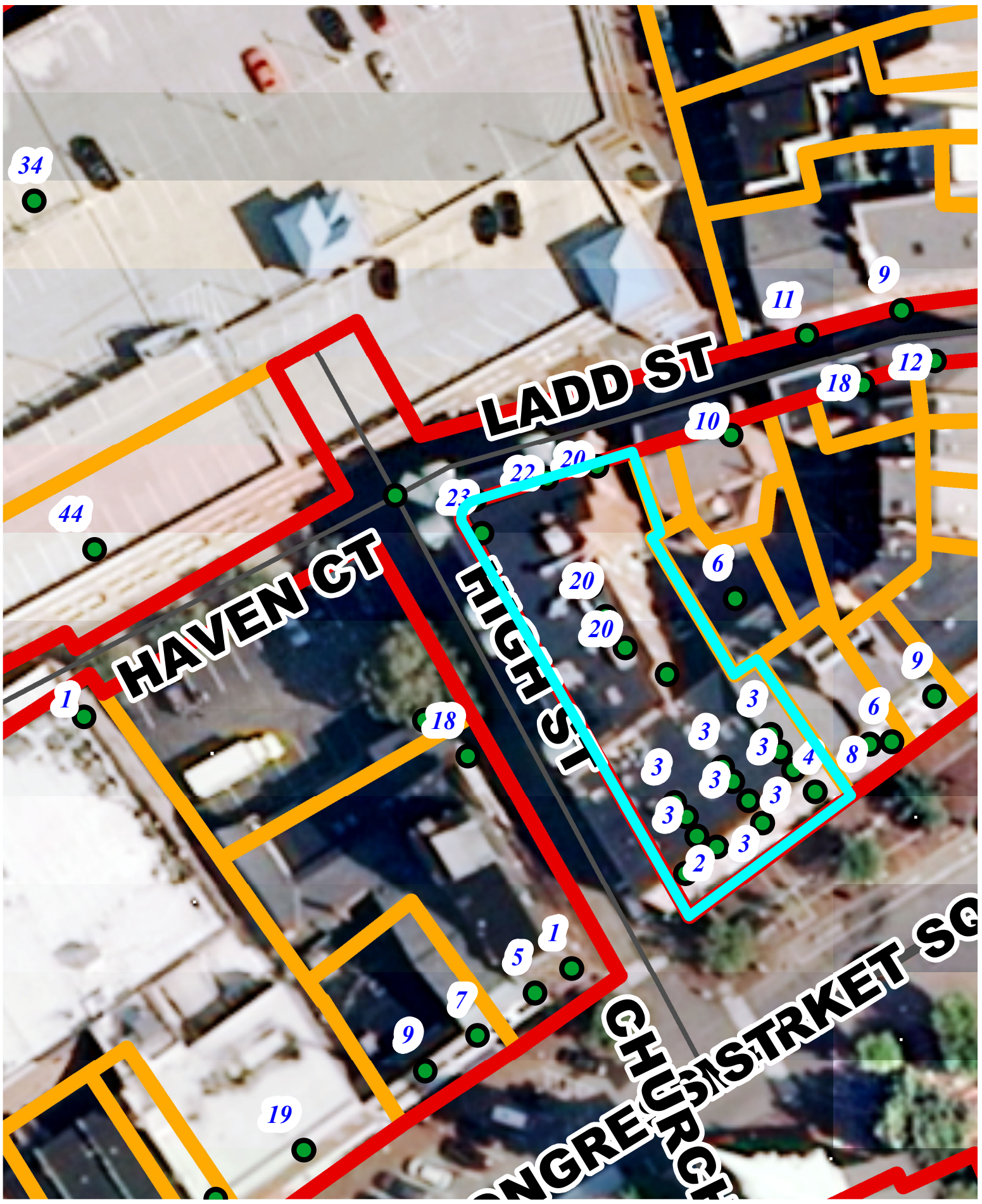
GREATER
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the **Greater York Region**
Chamber of Commerce

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**Request for license
18 Ladd Street**

CITY COUNCIL E-MAILS

Received: August 23, 2021 (after 5:00 pm..) – September 2, 2021 (before 9:00 a.m.)

September 7, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Josh Denton (joshuaddenton@hotmail.com) on Monday, August 30, 2021 at 10:46:02

address: 110 Brewery Lane, 312

comments: Members of the National Guard and Reserve Component have been disproportionately called to active duty during the Afghanistan War. Veterans of Foreign Wars Post #168 requests that the Optional Tax Credit for Combat Service Resolution that was submitted to the City Council last month be brought back for a vote at the upcoming City Council meeting. The Resolution would allow for Portsmouth members of the New Hampshire National Guard or Reserve Component, called to active duty in combat service, to be eligible for a \$500 tax credit from their residential property taxes. Please call me at (603) 553-1810 if you have any questions.

Josh Denton
Commander
VFW Post #168
includeInRecords: on

Below is the result of your feedback form. It was submitted by Shari Donnermeyer (sharidonnermeyer@gmail.com) on Monday, August 30, 2021 at 20:08:08

address: PO Box 275, 31 Spring Hill Road

comments: We feel compelled to comment on the recent article in the Herald on the public easement in Tuckers Cove, since we have firsthand experience with it that few others do: we sold that property, and the easement along with it, to Max and Tamar Puyanik. We lived there for 12 years, and during that entire time the easement was covered in brambles and poison ivy. We were told when we bought the house in 2007 by our local real estate attorneys that there was indeed an access easement on the property but that the deed said it could remain in its "natural state."

Over our 12 years of ownership, we left the easement in its natural state, which was unpassable. There was an old gravel road which began on the edge of the easement (our property) that was completely grown over, but quickly turned into our neighbor's property and went down to our neighbor's boat launch (none of which was on our property or the easement). There was no path at all for most of the easement, and no one ever walked it.

In the article Tucker's Cove resident Christina Lyons is quoted as saying "We could walk on the driveway and make use of the large path adjacent to the driveway to access the waterfront." We find that very hard to believe. If she did so, she never did that when we lived there from 2007 until 2019. The easement was unpassable, and no one ever walked up our driveway.

Max & Tamar Puyanik are good people who have done a very nice thing for the neighborhood by creating a path where one never existed to afford everyone easy access to the waterfront. The City legal and planning departments agreed with them and approved their thoughtful actions to improve the easement. They should be celebrated!

Shari and Dennis Donnermeyer
31 Spring Hill Road
New Castle, NH 03854
603-498-5788

includeInRecords: on

Below is the result of your feedback form. It was submitted by Dixie Tarbell (dixiemcleantarbell@gmail.com) on Tuesday, August 31, 2021 at 22:13:58

address: 25 Driftwood Lane

comments: Hi all! I hope the McIntyre project gets resolved and started soon, in good faith cooperation with our developer. The process has been re-done more than enough, and time and money are being wasted the longer it goes on.

I would also like to know why the post office management chose to move from Daniel St. to Heritage Ave. at least two years before it was necessary. I see that a provision for it to move back in was included in Redgate-Kane's original plan, so what was the hurry to move permanently? Could it be that the postmaster already wanted to move, or that he/she was upset at the possible inconvenience of moving away and back again, so felt vengeful? Or is there some other reason? Thank you for insights. Dixie Tarbell

includeInRecords: on

Below is the result of your feedback form. It was submitted by Amy Howard (AHoward30@yahoo.com) on Wednesday, September 1, 2021 at 09:00:12

address: 873 Maplewood Avenue

comments: Good morning,

I live on Maplewood Avenue and have two middle schoolers that are attempting to bike to school this year. We have a fantastic new bike path on Maplewood that ends close to Deer Street. The problem my boys are having is safely biking home. They currently exit out at Richards Ave where there is a crossing guard, take a right on Middle Street and they need to stay straight the whole way while Middle turns into Maplewood. Due to the way Maplewood is configured from Islington to Deer Street with the multiple turning lanes and no bike path, the boys are riding in the straight middle lane with traffic. This section is where things are getting dangerous.

Unfortunately, other drivers don't want to share the road with bikers. The boys are getting yelled at, beeped at by cars and generally harassed for riding their bikes to/from school.

My question is do you have any suggestions from the Safe Routes to Schools on how kids who live in this area should access the Middle School? Also, is there an option of creating a safer biking alternative on Maplewood?

Finally, my older son will be heading to high school next year and will be biking from Maplewood Ave to Middle St. to PHS. My family was disheartened when the safe bike lanes were removed on a portion of Middle. As part of the Safe Routes to School, when will they be reinstalled?

Thank you so much for your time and service.

Amy Howard

873 Maplewood Avenue

includeInRecords: on

Below is the result of your feedback form. It was submitted by Kathy Bergeron (khbergeron@aol.com) on Wednesday, September 1, 2021 at 16:40:37

address: 199 Wibird Street

comments: Dear City Councilors,

I have been watching the discussion and debate surrounding the proposed Audit Committee with interest over the past few months. I also watched the Audit Committee meeting from August 30.

While I am in favor of a limited audit committee, the committee proposed by Councilor Huda is, in my opinion, is an overreach. The audit committee function should be performed by the Council, which is elected by the citizens of Portsmouth. Councilor Huda is insistent that understanding an audit is beyond the intelligence of the council. I have more faith in the officials elected by our residents, that they could grasp the ins and outs of an audit, or bring in expertise, if necessary. This type of added layer also impedes transparency.

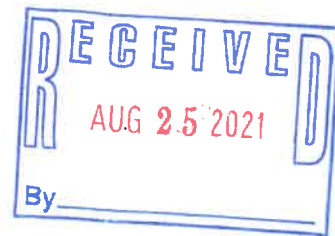
In watching the 8/30/21 committee meeting, It was apparent that members of the current audit committee's main problems are with the city's accounting policies and processes as well as particular people, not accounting anomalies, which is what an audit focuses on. This attitude of non cooperation, distrust and disparaging remarks were disheartening. It seems that the intended scope brought forward by this committee includes changing accounting procedures, which is up to city staff or setting policy, which is the job of the elected City Council.

Regards,

Kathy Bergeron

includeInRecords: on

Portsmouth City Council
City Hall
1 Junkins Ave.
Portsmouth, NH 03801



Dear Portsmouth City Councilors,

August 22, 2021

I am writing to urge further measures to mitigate speeding on Woodbury Ave. I have lived on Woodbury Avenue for 42 years and speeding has been a long-standing and ongoing problem. When Woodbury Ave was redesigned a few years ago, many residents urged the installment of speed bumps/humps or stop signs. We were told that that was not allowed. However, with the redesign of Maplewood Avenue there are now 2 speed humps. Also along Maplewood there are now 4 speed monitors—3 of which obnoxiously flash “Slow Down” even if you are going only 1 MPH over the 25 MPH limit. On Woodbury Ave there is only 1 speed monitor that is mostly obscured by low hanging tree branches and which does not flash the caution to slow down.

Recently over the space of a few days at varying times, I used that monitor to record the speed of 104 vehicles traveling on Woodbury Ave. The speed limit is 25 MPH but 50% of the cars were traveling 30-34 MPH and an additional 23% were traveling 35-39 MPH! Only 5 cars were actually traveling at 25 MPH or less and 3 vehicles were actually traveling at 40-45 MPH.

Even with flashers in front of my house, it can be hazardous crossing Woodbury Ave and recently a car ended up on the front steps of St. Catherine’s Church. I therefore urge you to install measures to slow down the traffic along Woodbury—at a minimum please install more speed monitors in both directions along Woodbury.

Thank you for your time and consideration.

Sincerely,

H. Dixon Turner
1020 Woodbury Ave.
603-431-5682

cc. Mayor Rick Becksted
Parking & Traffic Safety Committee

The Surface Transportation Board

RE: Comments for Docket No. FD 36472

Dear Members of the Surface Transportation Board,

We are residents writing to provide comments that address local environmental and other issues that have been troublesome to our Islington Creek neighborhood in Portsmouth, New Hampshire for years, and to share with you our efforts to address them.

The neighborhood consists of 18 streets adjacent to the Pan Am rail tracks. In recent years, it has become more densely mixed residential/commercial, replacing the industrial zone that persisted for decades.

Our neighborhood does not object to the merger. Furthermore, we support the trains and the important work they do in the Seacoast Region, expanding commerce and contributing to economic stability.

Our Request

We are asking for ways to reduce the community impact of noise and diesel fumes – pollution – adjacent to our densely populated residential neighborhood and in the switching yard near Maplewood Avenue from long-idling trains. The idling and train noise go on at all hours of the day and night and last for many hours and sometimes continues for several days at a time. The middle-of-the-night yard activity is especially disruptive as are long idling times. As propane traffic to the Newington Terminal has been increasing, so has the impact of noise and diesel fumes, with a huge increase noticed over the past six months. Moreover, the long-term rail car storage is unattractive and greatly impacts the neighborhood.

How Bad Can It Get?

“I’m begging you on behalf of the health of the children in our neighborhood to do something,” Nicole LaPierre, an Islington Creek resident, told Portsmouth city councilors in September 2019. An idling Pan Am train woke her at 2 in the morning and she wasn’t able to get back to sleep, she added. “I would equate that diesel train with psychological torture. The noise and air pollution are disgusting.”

“The fumes from the trains idling... was very heavy and it was very loud, too.”
Portsmouth Police Commissioner Jim Splaine. “We just can’t throw up our hands,”
he added.

A local reporter observed: “During a trip to the neighborhood Tuesday evening, a
Pan Am train sat idling on the tracks right behind the city’s new Foundry Place
Garage. The sound of the train idling could be heard several hundred yards away
and in less than 20 minutes fumes from the Pan Am train filled the nearby Rock
Street Neighborhood Park, which the city recently renovated.”

Acknowledging the problems

Our concerns were acknowledged by Cindy Scarano, Executive Vice President of
Pan Am, in the summer and early autumn of 2019 at which time she vowed to
make some corrective measures. (See “Pan Am Vows Action” September 29-30,
2019; Seacoastonline.com). She pledged that: 1. The train crews would shut down
the locomotives at temperatures above 40 degrees; 2. Pan Am would look to find
the best location to park the trains and 3. Pan Am would work with the
community and address other concerns.

Since that time, no progress was made to address our concerns. In fact, the
situation has worsened significantly with expanded propane activity at the
Newington terminal.

Concluding Remarks

We want to emphasize that we fully support rail commerce and have no objection
to the merger. We are asking that Pan Am work with us to reduce the community
impact from the idling trains, rail yard storage and nighttime rail activity in our
neighborhood. The current condition here continues to have an increasingly
detrimental impact on the quality of life.

Sincerely,

Lawrence Cataldo – 133 Islington Street, Portsmouth

Tomas Hiney – 101 Langton Street, Portsmouth

Robin Husslage – 27 Rock Street, Portsmouth

Nicole LaPierre – 44 Rock Street, Portsmouth

Congress of the United States
Washington, DC 20510

August 27, 2021

The Honorable Martin J. Oberman
The Honorable Robert E. Primus
The Honorable Patrick J. Fuchs
The Honorable Ann D. Begeman
The Honorable Michelle A. Schultz
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Docket No. FD 36472, CSX Corporation and CSX Transportation, Inc.-Control and Merger-Pan Am Systems, Inc., et al.

Dear Chairman Oberman, Vice Chair Primus, Member Fuchs, Member Begeman, and Member Schultz:

I write today to highlight concerns raised by several residents of the Islington Creek neighborhood in Portsmouth, New Hampshire. These residents are concerned about the impacts of the merger and changes in rail traffic in the neighborhood.

Their comments raise important issues about noise and environmental pollution and how the merger might increase those concerns. I urge the board to give these concerns thoughtful and appropriate consideration when considering this merger. Thank you for your consideration of this request.

Sincerely,



Chris Pappas
Member of Congress



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

August 27, 2021

The Honorable Chris Pappas
323 Cannon HOB
Washington, DC 20515

**Re: STB Docket FD 36472, CSX Corporation and CSX Transportation, Inc., et al. - Control and Merger
Pan Am Systems, Inc., et al**

Dear Congressman Pappas:

Enclosed please find comments provided to the Surface Transportation Board in reference to the above matter from residents of the Islington Creek neighborhood in Portsmouth, New Hampshire. I am forwarding these comments to you in order for you to be aware of our residents' concerns.

Please feel free to contact me if you have any further questions.

Sincerely,

Karen Conard
City Manager

Enclosure

**cc: Lawrence Cataldo
Tomas Hiney
Robin Husslage
Nicole LaPierre**

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
1	For work within the tidal wetland buffer to replace the existing home, remove two accessory buildings, renovate the carriage house, construct a pool, pool house and patio, replace a failing septic system with a new septic system, replace existing driveway with permeable pavers, repair the stone retaining wall and add native plants, with 4,995 ± s.f. of temporary impact to the wetland buffer and 149,508 ± s.f. of permanent impact to the wetland buffer.	325 Little Harbor Road	9/21/2017	residential
2	for work within the inland wetland and wetland buffer to separate the combined sewer/water system by creating a new drain outfall to the east of the driveway; a second 15" reinforced concrete pipe (RCP) with disturbance to the roadway, grassed area and sidewalk; and a new drain outfall at the low point of Maplewood Avenue, with 282 ± s.f. of temporary impact and 17 ± s.f. of permanent impact to the inland wetland and 14,215 ± s.f. of permanent impact to the inland wetland buffer.	Maplewood Avenue	9/21/2017	public
3	for work within the inland wetland and inland wetland buffer for the reconstruction of 3 additional utility poles (for a total of 29), with an additional 120 ± s.f. of permanent impact to the inland wetland and 11,156 ± s.f. of impact to the inland wetland buffer	Ocean Road and Greenland Road	9/21/2017	utility
4	for work within the inland wetland buffer to construct a freestanding 375 s.f. ground level deck with stormwater mitigation which includes a 6' x 8' flower bed, gravel at the foot of the driveway and crushed stone under the deck, with 395 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 152 as Lot 18 and lies within the Single Residence B (SRB) District.	105 Middle Road	10/19/2017	residential
5	for work within the inland wetland buffer to expand an existing driveway and install a rain garden for stormwater mitigation, with 77 ± s.f. of impact to the wetland buffer.	240 McKinley Road	10/19/2017	residential
6	for work within the inland wetland buffer to replace an existing single-lane driveway with a double-lane driveway with stormwater mitigation which includes a rain garden at the foot of the driveway and gravel edging, with 300 ± s.f. of impact to the wetland buffer.	250 McKinley Road	10/19/2017	commercial
7	for work within the inland wetland buffer to construct an outdoor classroom using native plants, shrubs, trees, peastone bedding and stone blocks for seating and to create a buffer to screen the school dumpsters, with 1,262 ± s.f. of impact to the wetland buffer.	50 Clough Drive	10/19/2017	public
8	for work within the inland wetland buffer to remove two buildings, remove pavement and replace with pervious and impervious pavement, for a truck sales outlet with vehicle storage, with 2,570 ± s.f. of permanent impact to the wetland buffer.	150 Spaulding Turnpike	12/21/2017	commercial
9	for work within the tidal wetland buffer to install a generator, trench lines from a buried propane tank to the generator and a revised pool/cabana layout, with 180 ± s.f. of impact to the wetland buffer.	3 Curriers Cove	12/21/2017	residential
10	for work within the inland and tidal wetland buffers to eliminate gutters and one catch basin, relocate a manhole and eliminate the pervious paver parking area, with a 396 ± s.f. reduction of permanent impact and 35 ± s.f. of temporary impact to the wetland buffer	36 Shaw Rd	12/21/2017	residential
11	for work within the inland wetland for the installation of above ground piping to facilitate cleaning and inspection operations on the existing underground gas main, with 7,070 ± s.f. of impact to the wetland.	1166 Greenland Road	1/18/2018	utility
12	for work within the inland and tidal wetland buffer for replacement of an existing detached garage with a new attached garage, addition of a new septic tank, reconfiguration of the existing driveway and stormwater management, with 10,359 ± s.f. of temporary and permanent impacts to the inland and tidal wetland buffer.	212 Walker Bungalow Road	1/18/2018	residential

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
13	for work within the inland and tidal wetland buffer for the demolition and replacement of a portion of an existing building where the original application (approved by the Planning Board on January 18, 2018) had stated that the original house would remain, with 10,767 ± s.f. (3,172 s.f. of existing impact and 7,594 s.f. of new impact) of impacts to the inland and tidal wetland buffers.	212 Walker Bungalow Road	3/22/2018	residential
14	for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk –up window, with 6,870 ± s.f. of impact to the wetland buffer.	1850 Woodbury Avenue	4/19/2018	commercial
15	for work within the inland wetland buffer for drainage improvements along Hoover Drive, Taft Road, Grant Avenue and FW Hartford Drive, including the replacement of a headwall to accommodate a second 24" culvert, with 300 ± s.f. of impact to the wetland and 600 ± s.f. of impact to the wetland buffer.	Hoover Drive Drainage	4/19/2018	public
16	for work within the tidal wetland buffer to replace an existing 570 ± s.f. deck with a proposed 892 ± s.f. deck and conversion of 443 ± s.f. of asphalt to porous pavement, with 1,996 ± s.f. of impact to the wetland buffer.	150 Brackett Road	5/17/2018	residential
17	for work within the inland wetland buffer to construct a 12' x 16' deck where a 10' x 16' patio was approved as part of a previous approval by the Planning Board on March 19, 2015, with 192 ± s.f. of impact to the wetland buffer.	6 Vine Street	5/17/2018	residential
18	for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer	175 Gosport Road	6/21/2018	residential
19	for work within the tidal wetland buffer to convert an existing 1,260 s.f. gravel driveway and parking area to porous pavement, with 1,395 ± s.f. of impact to the wetland buffer	390 New Castle Avenue	6/21/2018	residential
20	for work within the inland wetland buffer to construct a 442 ± s.f. wooden deck, with 1' of gravel skirting around the perimeter, with 442 ± s.f. of impact to the wetland buffer.	639 Middle Road	7/19/2018	residential
21	for work within the inland wetland buffer to construct a 1,152 ± s.f. single family home with associated garage, septic system and driveway, with 15,157 ± s.f. of impact to the wetland buffer.	Martine Cottage Road	8/16/2018	residential
22	for work within the tidal wetland buffer for the removal of the existing paved driveway and walkway and an existing 127 s.f. screen house and the construction of a 23' x 25' two-car garage with a permeable driveway and walkway, with 1,700 ± s.f. of impact to the wetland buffer.	206 Northwest Street	8/23/2018	residential
23	for work within the tidal wetland buffer to demolish the existing home and detached garage, construct a new 1,968 ± s.f. single family residence with attached 756 ± s.f. garage, a new septic system and the relocation of the driveway, with 8,990 ± s.f. of impact to the wetland buffer	220 Walker Bungalow Road	8/23/2018	residential
24	for work within the inland wetland buffer for the reconstruction of a retaining wall, relocation of granite steppers, relocation of low retaining wall, increased permeable walkway and driveway, and increased plant and buffer enhancement areas, with 1,091 ± s.f. of impact to the wetland buffer, resulting in a net reduction of impervious surface of 133 s.f..	244 South Street	8/23/2018	residential
25	for work within the inland wetland buffer for the addition of a 157 s.f. deck and a 140 s.f. ground level patio in crushed stone or permeable pavers, and additional plantings on the east side to offset disturbance, with 297 ± s.f. of impact to the wetland buffer.	254 SOUTH ST, Portsmouth, NH 03801	8/23/2018	residential

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
26	for work within the inland wetland buffer for playground renovations, including the replacement and/or relocation of old play structures and play areas, creating multiple earthen mounds, and imported sculpted earth on the edge of the edge of the wetland, with 2,259 + s.f. of impact to the inland wetland and 15,500 ± s.f. of impact to the inland wetland buffer.	32 Van Buren Avenue	8/23/2018	public
27	for work within the inland wetland buffer for the removal of a 285 + s.f. foundation with 1,187 s.f. of temporary impacts and 654 + s.f. of permanent grading impacts to the inland wetland buffer.	Rockingham Avenue	8/23/2018	residential
28	for work within the inland wetland buffer for replacement of the entrance gate, expansion of the driveway width and turning radii using permeable pavers, the installation of four AC units on the easement side of the garage, reconfiguration of retaining walls and walkways, and the addition of a security gate at the western entrance, with 1,471 + s.f. of impact to the wetland buffer	350 Little Harbor Road	8/23/2018	residential
29	for work within the inland wetland buffer to construct a 187 s.f. addition to an existing shed, with 180 ± s.f. of impact to the wetland buffer.	1047 Banfield Road	9/20/2018	residential
30	for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216 ± s.f. of impact to the wetland buffer.	198 Essex Avenue	10/18/2018	residential
31	for work within the inland wetland buffer to demolish an existing 120 s.f. (10' x 12') wooden deck and construct a 189 s.f. (13' x 14'6") Azek and wood deck on the same site, with 189 ± s.f. of impact to the wetland buffer	460 F.W. Hartford Drive	10/18/2018	residential
32	for work within the inland wetland buffer to construct a 6,200 s.f. vehicle storage parking lot using porous pavement, reduce impervious surface in the buffer and grading in the buffer, with 8,135 ± s.f. of impact to the wetland buffer	120 Spaulding Turnpike	11/15/2018	commercial
33	for work within the inland wetland buffer to install a 12' wide security gate on the western side of the lot (to restrict public access from Martine Cottage Road), installation of 255 linear feet of buried electrical conduit from the residence to the proposed gate, 740 linear feet of buried irrigation line to provide water to proposed landscaped areas and dock, 3,770 s.f. of after the fact disturbance within the wetland buffer for the placement of crushed stone and wood chips, with 4,875 ± s.f. of impact to the wetland buffer.	350 Little Harbor Road	11/15/2018	residential
34	for work within the tidal wetland buffer to install a replacement residential sewage disposal system and remove the old system septic tank and pump chamber, with 1,576 ± s.f. of impact to the tidal wetland buffer	910 Sagamore Avenue	12/20/2018	residential
35	for work within the inland wetland buffer to replace the existing septic system, with 1,248 +/- s.f. of impact to the inland wetland buffer	449 Ocean Rd	1/17/2019	residential
36	for work within the inland wetland and inland wetland buffer to replace seven (7) existing utility poles, with 27,300 +/- s.f. of temporary impact to the inland wetland and 3,114 +/- s.f. of temporary impact to the inland wetland buffer	Echo Ave to Gosling Rd	1/17/2019	utility
37	for 1,096 square feet of temporary impact and 641 square feet of permanent impact for a total of 1,737 square feet of wetland buffer disturbance for construction of an attached garage with associated site improvements.	50 PLEASANT POINT DR, Portsmouth, NH	02/21/2019	residential
38	for work within the inland wetland buffer to infill a previously excavated depression, smooth a 7 ft. path for utility/emergency vehicle access, and the removal of 6 trees with 1,850 s.f. of impact to the wetland buffer.	11 SAGAMORE GRV, Portsmouth, NH 0380	3/21/2019	residential
39	for 19,567 square feet of temporary impacts and 50,225 square feet of permanent impacts for a total of 69,792 square feet of wetland buffer disturbance to restore the bank of Hodgson Brook, redevelop the lots for residential living space including office and retail space	428 US ROUTE 1 BYP, Portsmouth, NH 0380	3/21/2019	mixed use

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
40	for work within the inland wetland buffer to install permeable pavers for two parking spaces and plantings, with 150 ± s.f. of impact to the wetland buffer	43 Whidden Road	4/18/2019	residential
41	for work within the inland wetland and buffer and prime wetland and prime wetland buffer to replace three culverts, install a guardrail, and construct granite curbing with a multi-use trail/sidewalk from Ocean Road to Heritage Avenue	0 OCEAN RD, Portsmouth, NH 03801	4/25/2019	public
42	for wetland and buffer restoration work with an impact of 11,800 +/- s.f.	200 FW HARTFORD DR, Portsmouth, NH 03801	4/25/2019	residential
43	for work within the wetland buffer to build an addition with a footprint and gross floor area of 405 s.f. with 2,764 +/- s.f. of wetland buffer disturbance	86 NEW CASTLE AVE, Portsmouth, NH 03801	4/25/2019	residential
44	for playground renovations. The amendment includes addition of a performance area with stage and benches and an accessible recreation access route/boardwalk with 309 +/- s.f. of wetland buffer disturbance.	32 Van Buren Avenue	5/16/2019	public
45	for the location of stairs from the deck which was the subject of a prior approval. The new stairs will create a new impact of 35 square feet in the tidal wetland buffer zone.	150 Brackett Road	6/20/2019	residential
46	the replacement of two utility poles adjacent to Borthwick Avenue. The project includes a temporary impact of 2,227 square feet in the wetland area and 4,567 square feet in the wetland buffer	0 BORTHWICK AVE, Portsmouth, NH 03801	6/27/2019	utility
47	for construction of a 140 square foot shed, level the rear yard, and remove an existing rock wall all within the 100 foot tidal buffer zone	123 SPARHAWK ST, Portsmouth, NH 03801	6/27/2019	residential
48	to demolish the entire existing house along with existing pavement surfaces resulting in approximately 1,400 square feet of impact in the tidal wetland buffer	400 LITTLE HARBOR RD, Portsmouth, NH 03801	6/27/2019	residential
49	to allow improvements to an existing parking lot including regrading, re-striping and improvements for accessibility all within the footprint of the existing paved area with approximately 16,900 square feet of impact to the inland wetland buffer.	225 BORTHWICK AVE, Portsmouth, NH 03801	7/10/2019	commercial
50	to relocate an 8' by 12' shed into the wetland buffer adjacent to the house	210 FW HARTFORD DR, Portsmouth, NH 03801	7/18/2019	residential
51	for 500 square feet of impact in the inland wetland buffer zone to replace an existing 18" corrugated metal pipe with a 15" HDPE culvert pipe.	145 LANG RD, Portsmouth, NH 03801	8/15/2019	multi-family
52	to construct an addition to a single family home 200 square feet of which falls in the 100' Inland Wetland Buffer zone.	5 SYLVESTER ST, Portsmouth, NH 03801	8/15/2019	residential
53	for work within the inland wetland buffer to construct a deck for an existing pool, with 223 +/- s.f. if impact to the wetland buffer.	20 TAFT RD, Portsmouth, NH 03801	10/17/2019	residential
54	to construct three multi-purpose recreational fields and associated parking and a solid waste / recycling transfer station on the site of a reclaimed quarry with 489,592 sq. ft. of disturbance in the wetland buffer and 57,512 sq. ft. of direct disturbance to the wetland.	680 PEVERLY HILL RD, Portsmouth, NH 03801	10/17/2019	public
55	requesting to retain existing stone pavers that would create an impact of approximately 590 square feet in the inland wetland buffer	350 Little Harbor Road	10/17/2019	residential
56	to install four paver pads for picnic tables in the 100 foot inland wetland buffer for a total project impact of 200 square feet in the buffer.	225 BORTHWICK AVE, Portsmouth, NH 03801	11/21/2019	commercial
57	for a two-story building addition with a footprint of 1,220 square feet in the area of the former mobile-MRI unit with a permanent disturbance of 2,954 square feet and temporary disturbance of 1,610 square feet all within the 100' inland wetland buffer.	333 BORTHWICK AVE, Portsmouth, NH 03801	11/21/2019	institutional
58	to replace a failing septic system resulting in 2,200 square feet of permanent impact and 3,000 square feet of temporary impact in the inland wetland buffer	400 LITTLE HARBOR RD, Portsmouth, NH 03801	5/21/2020	institutional
59	for a temporary disturbance of 7,700 square feet in the inland and tidal wetland buffer	400 LITTLE HARBOR RD, Portsmouth, NH 03801	5/21/2020	institutional
60	to replace a culvert on city property and install drainage on an abutting private property. The wetland buffer impact on 185 Edmond Avenue is 1,375 square feet and on the abutting City property is 150 square feet. All of the wetland buffer impact is temporary disturbance.	185 EDMOND AVE, Portsmouth, NH 03801	6/18/2020	public

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
61	to do a complete renovation of the existing structures on the property to include new garage area of 657 square feet, a new addition of 495 square feet and a new deck of 285 square feet, the majority of which is within the wetland buffer. The proposed project will also be removing an existing garage and shed from the wetland buffer. Overall this application represents a reduction of impervious surface in the wetland buffer from 2,228 to 2,152 square feet.	32 MONTEITH ST, Portsmouth, NH 03801	6/18/2020	residential
62	to install a shed with 200 square feet of impact completely within the wetland buffer	375 FW HARTFORD DR, Portsmouth, NH 03801	6/18/2020	residential
63	to replace a rotting deck with a larger deck and and new stairs with an overall impact of 378 square feet in the wetland buffer. The project will include crushed stone under the deck for stormwater infiltration.	480 FW HARTFORD DR, Portsmouth, NH 03801	6/18/2020	residential
64	for replacement of three wooden utility poles with one steel pole and replacement of one wooden pole with one steel pole. There is 3,359 square feet of temporary buffer impact and 3,348 square feet of temporary wetland impacts. Impacts are from the placement of timber mats to allow equipment to access the pole location with temporary impacts to wetland and wetland buffer areas.	0 BORTHWICK AVE, Portsmouth, NH 03801	7/16/2020	utility
65	to construct 22 single family homes and an access road with an impact of 4,013 s.f. of inland wetland area and 21,089 sq. ft. in the wetland buffer.	0 BANFIELD RD, Portsmouth, NH 03801	8/20/2020	multi-family
66	to construct a 16 x 16 foot addition, 12 x 12 foot deck and associated stairway and porous paver patio where a 12x12 foot porch currently exists. The design incorporates stormwater infiltration and new buffer plantings.	18 DUNLIN WAY, Portsmouth, NH 03801	9/17/2020	residential
67	to construct a 180 square foot shed on a concrete pad with associated drip edge, remove a 220 square foot structure and restore the site to a lawn area.	180 GREENLEAF AVE, Portsmouth, NH 03801	9/17/2020	residential
68	to install a living shoreline consisting of grading and planting, shoreline revetment repair and replacement dock to restore the eroding shoreline at this location.	148 BRACKETT RD, Portsmouth, NH 03801	10/15/2020	residential
69	for 1,169 square feet of impact to replace an asphalt and gravel parking area with a pervious paver parking area and 583 square feet to install new landscaping where grass currently exists.	140 EDMOND AVE, Portsmouth, NH 03801	11/19/2020	residential
70	to restore the shoreline of Thompson Pond where invasive species were removed and mulched in place essentially clearing the 25' vegetated buffer. The restoration plan includes plantings to restore the buffer with native vegetation.	996 MAPLEWOOD AVE, Portsmouth, NH 03801	11/19/2020	residential
71	to remove some diseased and damaged trees, install a fence and replace an existing driveway that will result in 1,755 square feet of disturbed wetland buffer area and 545 square feet of disturbed wetland area	32 BOSS AVE, Portsmouth, NH 03801	12/17/2020	residential
72	to replace an existing unfinished right-of-way with a new private road to access two lots as well as stormwater treatment and wetland buffer plantings which will result in a temporary impact of the wetland buffer of 2,344 s.f. and permanent impact of the wetland buffer of 4,539 s.f.	0 PATRICIA DR, Portsmouth, NH 03801	2/18/2021	residential
73	for in-kind replacement of a garage steps and a landing and installation of stormwater infiltration.	163 SPARHAWK ST, Portsmouth, NH 03801	2/18/2021	residential
74	to construct a new deck, and staircase onto the existing residential structure, relocate an existing storage shed and install native plantings in the buffer.	232 SOUTH ST, Portsmouth, NH 03801	2/18/2021	residential
75	to renovate an existing home with portions of the new construction in the wetland buffer	239 NORTHWEST ST, Portsmouth, NH 03801	2/18/2021	residential
76	to construct an addition of an entryway to the front of the house and a deck behind the house. In addition a replacement tank and associated piping within the wetland buffer zone.	292 LANG RD, Portsmouth, NH 03801	2/18/2021	residential
77	to demolish an existing home, driveway, and swimming pool and construct a new private road and create four new house lots with associated stormwater management infrastructure which will result in 15,500 square feet of impact in the 100-foot wetland buffer	1 CLARK DR, Portsmouth, NH 03801	3/18/2021	multi-family
78	to install a security fence along the property line resulting in 5 square feet of fence footings in the wetland and 10 square feet in the wetland buffer	355 BANFIELD RD, Portsmouth, NH 03801	3/25/2021	institutional

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
79	to install a low pressure sewer system in the City right-of-way as well as on private property resulting in 13,380 square feet of temporary tidal buffer zone impact and 6,755 square feet of temporary inland wetland buffer impact and trenchwork that will result in 56 square feet of permanent wetland buffer impact	Sagamore Ave	3/25/2021	public
80	for work within the 25-foot, 50-foot, and 100-foot wetland buffers to North Mill Pond which includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new buildings which will result in a net overall reduction in impervious surfaces of 28,385 square feet	0 BARTLETT ST, Portsmouth, NH 03801	4/15/2021	mixed use
81	to permit, after the fact, yard disturbance including grading and fill of approximately 4,790 square feet and installation of 350 square feet of new impervious surface in the wetland buffer. All work was completed by a prior owner	239 GOSPORT RD, Portsmouth, NH 03801	4/22/2021	residential
82	to remove and replace existing decks on Buildings A, B, and C. Replacement and reconstruction of existing decks with new structural supports for the proposed decks with no expansion of existing footprint proposed. Permanent impacts of 27 square feet proposed with temporary impacts of up to 1,240 square feet all within the 100' tidal wetland buffer.	500 MARKET ST, Portsmouth, NH 03801	5/20/2021	multi-family
83	to construction a municipal wastewater pump station with associated pavement apron which will result in 1,540 square feet of impact in the 100 foot wetland buffer.	0 MARJORIE ST, Portsmouth, NH 03801	7/15/2021	public
84	to install a patio area around a pool with a permanent impact of 360 square feet and a temporary impact of 320 square feet all in the inland wetland buffer.	3 CURRIERS CV, Portsmouth, NH 03801	7/15/2021	residential
85	to install new playground equipment with 5,300 square feet of ground disturbance within the 100-foot wetland buffer area and installation of new impervious surfaces for equipment footings	145 LANG RD, Portsmouth, NH 03801	8/19/2021	multi-family

Address	Land Use Approval Status	Approval Year / Anticipated Approval	Developer	Completion / Anticipated Complete	Bldg Footprint (New)	# Stories	GFA (New)	# (New) Dwelling Units	# (New) Hotel Rooms	# Parking Spaces Provided On-Site	Type
Banfield Rd, 355 (315)	Completed	2017	Hope for Tomorrow	2018	24,150	1	24,150			60	Institutional
Banfield Rd, 355 (315)	Completed	2020	Hope for Tomorrow	2021	17,000	1	17,000			77	Institutional
Banfield Rd, 375	Pending	2021	Banfield Realty LLC	2022	75,000	1	75,000			75	Industrial
Bartlett St, 105	Approved	2021	Cathartes	2022	22,852	2 to 4	93,400	174		244	Mixed Use
Borthwick Ave	Completed	2018	Borthwick Forest, LLC	2021	16,750	4	67,000			274	Commercial
Brewery Ln, 145	Completed	2018	Chinburg Builders	2020	18,430	4	92,150	92		167	Residential
Brewery Ln, 89	Completed	2018	Greengard	2021	3,146	2	9,438	6		4	Institutional
Brewery Ln, 90 & 110	Completed	2015	Chinburg Builders	2019	21,976	3	102,441	68		205	Mixed Use
Brewster St, 21	Completed	2017	McNally	2018	1,100	3	1,100	6		12	Residential
Brewster St, 95 and 49 Sudbury	Under Construction	2020	Perley Lane LLC	2021	4,481	2 to 3	10,667	2		6	Residential
Bridge St, 40	Completed	2016	DiLorenzo	2018	5,701	3	17,103	6		10	Mixed Use
Broad St, 482	Completed	2016	Paul E. Berton	2018	4400	3	5,500	2		12	Residential
Cate St, 30	Under Construction	2017	Merton Alan Investments, LLC	2021	7,920	3	23,760	31		62	Residential
Chapel St, 105	Under Construction	2020	St. John's Church	2021	1,043	1	1,043				Institutional
Chase Dr, 200	Approved	2020	Kelm	2022	7,660	3	29,607	22		109	Residential
Chevrolet Ave, 11	Completed	2017	S & G Realty	2018	1,389	3	2,426	3		6	Residential
Columbia St, 33 & 35	Completed	2017	Alden Properties, LLC	2018	2050	3	4,500	2		11	Residential
Commerce Way, 215 & 235 (75 Portsmouth Blvd)	Completed	2017	215 Commerce Way and Moray, LLC	2019	22,200	3	66,000			425	Commercial
Congress St, 135	Under Construction	2018	Bluestone Properties	2021	1,424	1	2,943				Commercial
Congress St, 63-75	Under Construction	2017	De La Cruz	2022	0	4	14,968	15		8	Residential
Corporate Dr, 121	Completed	2018	Wentworth Douglas Hospital	2019	12,500	2	25,000			75	Commercial
Corporate Dr, 160	Completed	2017	Summit Land Development	2019	85,000	2	97,700			190	Commercial
Corporate Dr, 67	Completed	2018	Wentworth Douglas Hospital	2019	20,000	3	60,000			180	Commercial
Corporate Dr, 70 & 80 (Phase 1)	Approved	2018	Lonza Biologics	2022	169,700	3	505,720				Industrial
Cottage St, 185	Completed	2018	DAR Real Estate, LLC	2019	7,000	2	14,000			32	Commercial
Court St, 152	Under Construction	2018	Portsmouth Housing Authority	2022	0	3	0				Residential
Court St, 160	Under Construction	2018	Portsmouth Housing Authority	2022	12,361	4	58,975	64		60	Residential
Daniel St, 0 (60 Penhallow St)	Under Construction	2020	Dagny Taggart	2021	17,200	4	59,600			67	Commercial
Deer St, 238	Pending	2021	238 Deer St LLC	2023		4	12,000	21			Residential
Deer Street, 157-161 Lot 5	Pending	2021	Rogers	2023	17,593	5	98,973	45		43	Mixed Use
Deer Street, 163 Lot 4	Pending	2021	Rogers	2023	8,327	5	25,109				Commercial
Deer Street, 165 Lot 3	Approved	2018	Rogers	2022	22,073	5	99,307		144	75	Commercial
Edmond Ave, 140	Approved	2020	Bacman Enterprises	2021	384					12	Mixed Use
Foundry Place, 89-99 Lot 6	Approved	2017	Rogers	2022	12,574	5	81,498	35		49	Mixed Use
Green St, 53	Approved	2021	Cathartes	2023	6,738	5	111,510	52		94	Mixed Use
Heritage Ave, 290	Completed	2015	Old Tex Mex, LLC	2017	27,683	2	40,211			93	Industrial
International Dr, 1	Completed	2018	Happy Dreams	2019	7,130	3	21,390		36	29	Commercial
International Dr, 101	Completed	2021	Lonza Biologics	2022	0	0	0	0	0	222	Industrial
Islington St, 275	Completed	2015	Green & Company	2017	10,874	3	80,889	14		27	Residential
Islington St, 410-430	Under Construction	2018	Islington Commons	2021	12,863	3	28,367	6		25	Residential
Islington St, 553-559	Under Construction	2020	553-559 Islington St, LLC	2021	154	3	1,121			8	Residential
Lafayette Rd, 0	Under Construction	2020	Hillcrest Estates	2021	8,750	1	8,750				Commercial
Lafayette Rd, 1400	Approved	2020	4 Amigos	2022	24,305	3	120,518	52		106	Residential
Lafayette Rd, 1900 Phase 1	Completed	2015	Atlantic Orthopedics	2016	12,336	2	21,296			93	Commercial
Lafayette Rd, 1900 Phase 2	Completed	2019	Atlantic Orthopedics	2021	11,175	1	11,175			138	Commercial
Lafayette Rd, 2075	Completed	2017	Stonegate	2020	29,280	3	116,990	48		98	Residential
Lafayette Rd, 2219	Completed	2019	Acura, DiLorenzo	2021	6,830	1	6,380			65	Commercial
Lafayette Rd, 2299	Completed	2015	Charter Foods North, LLC	2016	2500	1	2,500			47	Commercial
Lafayette Rd, 2454	Completed	2017	2422 Lafayette Road Associates, LLC	2020	174,656	1 to 4	182,243	94		733	Mixed Use
Lafayette Rd, 2454	Pending	2022	Torrington Properties	2023	41,000	5	205,000	100		836	Residential
Lafayette Rd, 2839	Completed	2016	Meredith Village Savings Bank	2018	3038	1	3,838			23	Commercial
Lafayette Rd, 3110	Under Construction	2020	Green & Company	2022	15880	3	47,252	18		75	Residential
Lafayette Rd, 3400	Pending	2021	Green & Company	2023	48,640	2 to 3	97,280	54		120	Residential
Lafayette Rd, 3510	Completed	2017	Old Tex Mex, LLC	2018	14,388	2	28,776	25		47	Residential
Lafayette Rd, 3548	Pending	2021	Monarch Village	2022	10,984	4	43,936	75		129	Residential

Note: Information listed is based on most current information available in Planning Department files. Any projects that are pending approval are subject to change based on outcome of land use review process.

Lafayette Rd, 581	Completed	2015	Tuscan Kitchen	2018	1,240	2	2,865			154	Commercial
Lafayette Rd, 605	Completed	2017	Lens Doctor	2018	6,322	2	12,644			51	Commercial
Lang Rd, 145	Approved	2019	Arbor View & the Pines	2021	18,185	3	57,015	41		367	Residential
Lovell St, 50	Completed	2018	DECM, LLC	2020	3,095	2 1/2	1,001	1		14	Residential
Maplewood Ave, 145	Under Construction	2019	RW Norfolk Holdings	2021	5,500	4	54,000			36	Mixed Use
Maplewood Ave, 25	Completed	2017	Provident Bank	2019	9,000	4	31,500	6		12	Mixed Use
Maplewood Ave, 46-64	Under Construction	2018	Kelm	2021	17,410	5	78,345	22		40	Mixed Use
Maplewood Ave, 686	Approved	2019	Islamic Society Seacoast Area	2022	3,880	2	5,333			60	Institutional
Maplewood Ave, 996	Completed	2016	Chinburg Builders	2019	5,814	2	8,067	3		18	Residential
Market St, 173-175	Completed	2016	Eport Properties	2019	3,616	5	18,080	6		6	Mixed Use
Middle St, 15	Under Construction	2020	McSharry	2021					15		Commercial
Middle St, 180	Completed	2018	Seefried	2019	3,565	3	11,266	5		10	Residential
Mill Pond Way, 142	Completed	2018	Smithfield Construction	2019	5,560	2	18,514	3		6	Residential
Mirona Rd, 150	Approved	2021	Madison Commercial Group	2022	5,500	2	11,000			40	Industrial
New Hampshire Ave, 85	Completed	2017	Pease Development Authority	2018	14,250	2	28,500			116	Commercial
Peverly Hill Rd, 288	Completed	2017	Tuck Realty Corporation	2020	8,285	3	22,905	9		45	Residential
Peverly Hill Rd, 83	Pending	2021	Green & Company	2023	112,000	2 to 3	117,600	56		228	Residential
Pleasant St, 3 (Brick Market)	Completed	2019	Dagny Taggart	2021	663	4	7,437			0	Mixed Use
Pleasant St, 93	Pending	2021	Dagny Taggart	2023	10,277	4	41,108	61		24	Residential
Raynes and Maplewood	Pending	2021	ProCon	2022	0	2 to 4	61,903	60	128	111	Mixed Use
Rockingham Ave, 32-54	Completed	2018	Seacoast Development Group	2021	7,500	2	15,000	3		6	Residential
Route 1 By-Pass, 150	Completed	2017	Seacoast Trust, LLP	2019	19,526	3	58,578	30		55	Residential
Route 1 By-Pass, 428	Under Construction	2019	Torrington / Waterstone	2022	52,183	2 to 4	298,535	273		495	Mixed Use
Rye St, 19	Completed	2017	Two International Group	2019	14,859	2	29,718			146	Commercial
Sagamore Ave, 1150	Completed	2015	The Bean Group	2016	8000	1	8,000			32	Commercial
Sagamore Ave, 1163	Completed	2017	Chinburg Builders	2018	10,500	2	21,000	10		20	Residential
Sagamore Ave, 1177 - 1179	Completed	2017	Fregeau	2019	6,636	2	6,758	6		14	Residential
Sagamove Ave, 1169 - 1171	Pending	2021	The Sagamore Group LLC	2023	22,000	2	44,000	11		22	Residential
Salem St, 41	Under Construction	2020	Bonza Properties	2021	1,724	3	4,382	2		6	Residential
Saratoga Way (Falkand Way)	Approved	2021	Raleigh Way Holdings	2022	3,840	2	7,680	4		8	Residential
State St, 177	Completed	2018	Fabbricatore	2019	748	2	1,216	1		0	Mixed Use
State St, 278	Pending	2021	Floros	2022	4,320	4	18,503	14			Mixed Use
State St, 67-77	Completed	2015	Kelm	2017	9,427	4	37,708	12		14	Mixed Use
Swett Ave, 200 & 210	Completed	2018	Calkins	2019	1,713	2	4,335	2		4	Residential
Thornton St, 15	Completed	2018	Tim Andrews	2019	1,208	2.5	2,216	1		2	Residential
Union St, 160	Under Construction	2020	Matt Goyette	2021	1,886	2	8,117	2		7	Residential
Union St, 211	Completed	2016	211 Union Street, LLC - Jay Prewitt	2018	8,755	3	15,849	8		15	Residential
Union St, 32	Under Construction	2019	Delbene and Durbell	2021	830	2	1,280	1		4	Residential
Vaughan St, 299	Completed	2017	Cathartes	2019	40,000	5	200,000		143	100	Commercial
Vaughan St, 64	Approved	2021	64 Vaughan Mall LLC	2022	2,475	3	7,425	16		20	Mixed Use
Walford Ln (Banfield Woods)	Under Construction	2020	Green & Company	2022	41,333	2	21,000	22		88	Residential
Woodbury Ave, 1338	Approved	2021	Woodbury Ave Cooperative	2022	0		0	3	0	38	Residential
Woodbury Ave, 1574	Completed	2021	Chase Bank	2021	0	1	0			31	Commercial
Woodbury Ave, 1850	Completed	2018	Aroma Joe's Coffee - c/o Marty McKenna	2018	785	1	785			20	Commercial

Note: Information listed is based on most current information available in Planning Department files. Any projects that are pending approval are subject to change based on outcome of land use review process.

ACTIVE Litigation Cases

CM Action Item #5

	FILE NAME - LITIGATION CASES	DOCKET # / Court	DATE COM'D	DESCRIPTION
A				
B				
	Berkley Insurance Company v. City	218-2021-CV-00280 Superior Court	3/10/2021	Action on payment bond by unsatisfied subcontractor
	Boston, Lynn	218-2021-CV-00429 Superior Court	4/22/2021	Trip/Fall at City Hall main entrance
	Boyle v. City	218-2010-EQ-00100 Superior Court	4/17/2020	Case on Remand from Supreme Court Decision
	Boyle v. City	218-2021-CV-00711 Superior Court	7/9/2021	Determination of eminent domain damages (Appeal of BTLA decision to Superior Court)
	Boyle v. City	218-2021-CV-00847 Superior Court	8/13/2021	Appeal of Grant of CUP to City for Marjorie Street Pump Station
	Boyle v. City	218-2021-CV-00144 Superior Court	2/16/2021	Appeal of Board of Adjustment decision to Rockingham County Superior Court
	Brake, Isaac, In the matter of	470-2016-EA-00064 District Court	4/2/2019	Action to recover firearms seized by Police Department
	Bromley Portsmouth LLC v. City of Portsmouth	218-2020-CV-00843 Superior Court	9/3/2020	Petition for Abatement of Taxes Assessed as of April 1, 2019
C				
	Chase Cutts Brigham Neighborhood Association, Inc., et al. v. City of Portsmouth Planning Board	218-2020-CV-00449 Superior Court	3/23/2020	Petition for Certiorari Review of Planning Board 2/20/2020 Decision (See, also, Certified Record; green 3-ring binder top left of the "Department" filing cabinets - smr)
	Chase Cutts Brigham Neighborhood Association, Inc., et al. v. City of Portsmouth Planning Board	218-2021-CV-00706 Superior Court	7/7/2021	Petition for Declaratory Judgment to Invalidate Zoning Change, Petition for Permanent Injunction, & Petition to Find that City of Portsmouth Spot Zoned 200 Chase Drive
	Chase Cutts Brigham Neighborhood Association, Inc., et al. v. City of Portsmouth Planning Board	Supreme Court Case No. 2021-0196	5/10/2021	Appeal of Superior Court decision in Docket #218-202-CV-00449

	FILE NAME - LITIGATION CASES	DOCKET # / Court	DATE COM'D	DESCRIPTION
	City v. William S. Beynon & Janice S. Beynon	218-2021-CV-00792 Superior Court	8/2/2021	5 Osprey Drive - Petition for Temporary and Permanent Injunctive Relief and Civil Penalty; the Beynons installed or caused to be installed a second, paved driveway at the property which is non-compliant and in violation of Zoning Ordinance, Chapter 10.1114.31
	City v. 184 Echo Avenue LLC	218-2021-CV-00427	4/21/2021	184 Echo Avenue - Petition for Temporary and Permanent Injunctive Relief and Civil Penalty; defendant unlawfully completed substantial work in the unfinished basement, including plumbing, electrical, gas and other construction work, installing a kitchen, an additional bathroom, and other fixtures effectively creating a third dwelling unit in the basement at the property.
	Clipper Traders, LLC, Portsmouth Lumber and Hardware, LLC and Iron Horse Properties, LLC (In Re Application of)	Zoning Board of Adjustment	5/14/2021	105 Bartlett Street - Appeal of Planning Board Letter of Decision dated 4/20/2021
	Coat of Arms - Steve Tolmie	[not filed in any court]	3/13/2019	Violation of City Ordinance Ch. 8, Art. III, Sec. 8.308; drilled screws into City Tree; tree to be monitored during growing seasons to see if tree survives
	Contoocook Valley School District, et al. v. State of New Hampshire, NH Dept. of Education,	Superior Court Docket No. 213-2019-CV-00069	3/13/2019	This is a case in which the City is not a party to the action , but, rather, an interested party in the action and its outcome; the files for this case are: 2 Superior Court pleading files and 1 Supreme Court pleading file
		Supreme Court Case No. 2019-0500	9/9/2019	
	Coyle, Kevin v. City	EA 0183-18 & 16D-2018-00210 NH Commission for Human Rights	4/23/2018	Discrimination charge
D				
	Deer Street Associates, Foundry Place, LLC, & Foundry Place Hotel Owner, LLC v. City	218-2021-CV-00352 Superior Court	3/30/2021	Breach of Contract
E				
F				

ACTIVE Litigation Cases

	FILE NAME - LITIGATION CASES	DOCKET # / Court	DATE COM'D	DESCRIPTION
	Floros, Peter v. CITY [ZBA]	218-2018-CV-00177		tentatively settled; HDC/BOA Appeal
G				
	GEICO General Insurance Co. a/s/o Richard M Albanese v. City	218-2021-CV-00737 Superior Court	7/21/2021	vehicle damage with City plow on or about 12/20/2020
	Gentile, Patty v. City	218-2020-CV-00744 Superior Court	7/31/2020	Re fall near 411 South Street on 08/03/2017
H				
	Hewitt, James A., Trustee of the James A. Hewitt Revocable Trust of 2004, et al v. City of Portsmouth Planning Board	218-2021-CV-00727 Superior Court	7/16/2021	Appeal of Planning Board of Adjustment decision regarding 710 Middle Road
I				
	Iron Horse Properties, LLC v. City	PBA-2021-12 NH Housing Appeals Board	5/17/2021	105 Bartlett Street - Appeal Application, Appeal from Decision of Planning Board
	Iron Horse Properties, LLC et al	Zoning Board of Adjustment	5/14/2021	105 Bartlett Street - Appeal of Planning Board decision
J				
K				
L				
	Lange, William, as Trustee, C, C&B Trusts v. City of Portsmouth	218-2020-CV-00922 Superior Court		Request for Permanent Injunctive Relief regarding City sewer line
M				

ACTIVE Litigation Cases

	FILE NAME - LITIGATION CASES	DOCKET # / Court	DATE COM'D	DESCRIPTION
	Mannle, Paul M. v. City of Portsmouth	218-2020-CV-00881 Superior Court	9/1/2020	Re property located at 1490 Islington Street; Appeal of 2019/2020 tax assessment
N				
	Nationstar Mortgage LLC d/b/a Champion Mortgage Co. v.	218-2020-CV-00168 Superior Court	2/6/2020	Bill of Interpleader (Mortgage Foreclosure Surplus Proceeds)
O				
P				
Q				
R				
	Rousseau, Robin v. City	218-2019-CV-00319	3/8/2019	slip and fall; handled by Primex
S				
	In re E. Santiago and I. & A. Reyes	#619-2019-JV-00296 & #619-2019-JV-00298 Rochester District Court	12/13/2019	COP filed Motion to be Removed as Sending (School) District
	SoBow Square, LLC v. City	218-2020-CV-00352 Superior Court	3/11/2020	McIntyre
T				
U				
V				
W				
Y				
	Nicole v. Rick Becksted, Mayor of	United States District Court; District of NH		lawsuit regarding City of Portsmouth mask ordinance; dismissed "without prejudice," not refiled.
			Prepared by:	<i>Synthia M. Ravell 9/1/2021</i>
				Synthia M. Ravell, Legal Administrator II