

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 19, 2012 TIME: 7:00PM

AGENDA

6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL - RSA: 91-A:2, I (b-c)

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PROCLAMATION & PRESENTATION

1. USS Virginia – Assistant Mayor Robert Lister

V. ACCEPTANCE OF MINUTES – MARCH 5, 2012

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 4 – ZONING DISTRICTS AND USE REGULATIONS, SECTION 10.440 – TABLE OF USES – RESIDENTIAL, MIXED RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS THAT WOULD ALLOW ASSISTED LIVING CENTERS AS A PERMITTED USE IN OFFICE RESEARCH DISTRICTS AND ALLOW CLUB, FRATERNAL OR SERVICE ORGANIZATIONS BY SPECIAL EXCEPTIONS IN THOSE DISTRICTS

ADDITIONALLY AMEND ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS, SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS TO REDUCE MINIMUM LOT DIMENSIONS IN OFFICE RESEARCH DISTRICTS SO THAT LOT AREA WOULD BECOME 2 ACRES, CONTINUOUS STREET FRONTAGE 200 FEET, DEPTH 200 FEET, AND MINIMUM SIDE YARD 50 FEET

- B. ORDINANCE AMENDMENT TO CHAPTER 1, ARTICLE XIV, SECTION 1.14 – MUNICIPAL FUND BALANCE BY THE DELETION OF THE TERMINOLOGY *UNDESIGNATED* THROUGHOUT THE ORDINANCE WITH THE REPLACEMENT OF THE TERMINOLOGY **UNASSIGNED**
- C. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTEREST COSTS AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO. THE CITY IS AUTHORIZED TO ISSUE REFUNDING BONDS IN THE AMOUNT OF UP TO TWENTY MILLION DOLLARS (\$20,000,000.00)

- D. 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 FOR COSTS RELATED TO THE LONG TERM CONTROL PLAN (LTCP) IMPLEMENTATION NOT TO EXCEED TWELVE MILLION FIVE HUNDRED THOUSAND (\$12,500,000.00) DOLLARS

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process
- B. First reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department
- C. First reading of Proposed Ordinance Amendment to Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law
- D. Second reading of Proposed Ordinance Amendment Chapter 10 – Zoning Ordinance, Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts that would allow Assisted Living Centers as a Permitted Use in Office Research Districts and allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts

Additionally Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts to reduce Minimum Lot Dimensions in Office Research Districts so that Lot Area would become 2 acres, Continuous Street Frontage 200 feet, Depth 200 feet, and Minimum Side Yard 50 feet

- E. Second reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**
- F. Adoption of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00)

- G. Adoption of 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 for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. 2012 Omnibus Sidewalk Obstruction Renewals – See Attached Listing (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 7th Annual Seacoast Half Marathon on Sunday, November 11, 2012 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Doug Bates and Joan Chawziuk, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail Flags at 24 key sites for the 2012 season (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Kelly Lemos, New Hampshire SPCA, requesting permission to place 2 Paws Walk Posters and Brochures at the Mill Pond Dog Park (***Anticipated action – move to refer to the City Manager with power***)
- E. Request for Renewal of Boarding House Permit for Brian Hogan, Bach Realty, LLC, 21 Brewster Street (***Anticipated action – move to authorize the City Manager to issue the Boarding House Permit for Brian Hogan, Bach Realty, LLC, 21 Brewster Street***)
- F. Request for a License from Tom Holbrook, owner of River Run Bookstore on Fleet Street for property located at 142 Fleet Street to install a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Tom Holbrook, owner of River Run Bookstore on Fleet Street to install a projecting sign at 142 Fleet Street and, further, authorize the City Manager to execute a 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 the projecting sign, for any reason, will 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**

- G. Request for Approval of Pole License to install/replace 1 pole located on Fernald Court **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Dyanna Smith, Red Eft Project, requesting permission to install 3 sculptural pieces of art on Friday, May 11, 2012 through Sunday, May 13, 2012 at the following locations:
- Corner of Market Street (where the ant and moose were located)
 - Grassy area where City Hall exits onto Junkins Avenue
 - Park across the street from City Hall, near corner of Junkins Avenue and South Street

(Sample motion – move to refer to Art-Speak for report back)

- B. Letter from Peter Somssich and Josh Denton, “Welcome Home, Iraqi Veterans” Parade Committee, requesting permission to hold a “Welcome Home, Iraqi Veterans” Parade on Sunday, July 8, 2012 and further, request that the City of Portsmouth assume the costs involved with the police details and insurance **(Sample motion – move to refer to the Veteran Committee (Assistant Mayor Lister and Councilor Smith) for report back)**

- C. Letter from Attorney Malcolm McNeill, Representing Commerce Way, LLC, regarding Commerce Way Conditional Road Layout and Betterment Assessment **(Sample motion – move to refer to the Planning Board for report back)**

- D. Letter from Kit Clews requesting permission to install an interactive sculpture in Market Square

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 First reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process (**Action on this matter should take place under Section IX of the Agenda**)
 - 1.2 First reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department (**Action on this matter should take place under Section IX of the Agenda**)
 - 1.3 First reading of Proposed Ordinance Amendment to Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 2.1 Public Hearing/Second reading of Proposed Ordinance Amendment Chapter 10 – Zoning Ordinance, Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts that would allow Assisted Living Centers as a Permitted Use in Office Research Districts and allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts

Additionally Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts to reduce Minimum Lot Dimensions in Office Research Districts so that Lot Area would become 2 acres, Continuous Street Frontage 200 feet, Depth 200 feet, and Minimum Side Yard 50 feet (**Action on this matter should take place under Section IX of the Agenda**)

- 2.2 Public Hearing/Second reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned** (**Action on this matter should take place under Section IX of the Agenda**)
3. Public Hearing/Adoption of Proposed Resolutions:
 - 3.1 Public Hearing and Adoption of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00) (**Action on this matter should take place under Section IX of the Agenda**)
 - 3.2 Public Hearing and Adoption of 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 for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars (**Action on this matter should take place under Section IX of the Agenda**)

City Manager's Items Which Require Action

1. Adoption of Capital Improvement Plan (CIP) FY2013-2018
2. Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service
3. Approval of Guiding Parking Principles Re: Central Business District
4. Request for Approval of Pro Portsmouth Settlement Agreement
5. Request for Acceptance of Land Exchange with the State of New Hampshire Relating to General Sullivan Bridge Reconstruction

Informational Items

1. Events Listing
2. Various Zoning Amendments
3. Peirce Island Wastewater Treatment Facility Open House
4. African Burying Ground Trust Donations

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Appointment of David Rheame as a regular member to the Zoning Board of Adjustment
 - Appointment of David Rheame as a regular member to the Building Code of Appeals filling the unexpired term of Chester Keefe
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
2. Appointment to be Voted:
 - Appointment of Christopher Mulligan as a regular member to the Zoning Board of Adjustment
3. Reappointment of Peter Loughlin to the Pease Development Authority as (Co-Representative with the Town of Newington) until March, 2015

C. COUNCILOR SMITH

1. Parking and Traffic/Safety Committee Meeting Action Sheet and Minutes from March 8, 2012 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the March 8, 2012 Parking and Traffic/Safety Committee meeting***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Zoning Board of Adjustment Minutes of December 13, 2011 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the December 14, 2011 meeting are available on the City's website for your review

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

The Council Chambers
City Hall
Portsmouth, New Hampshire

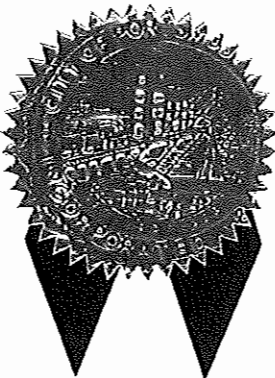
A Proclamation

- WHEREAS:** The City of Portsmouth takes great pride in its maritime history and has proudly served as the host community for the USS Virginia during its 19-month major availability at the Portsmouth Naval Shipyard; and
- Whereas:** The first of the Virginia class of nuclear-powered attack submarines to undergo maintenance and system upgrades at the Shipyard will soon be departing from our shores under the leadership of Commander Timothy Salter; and
- Whereas:** We have very much enjoyed having the Virginia's officers, crew and families in our area since the sub's arrival in September 2010; and
- Whereas:** Volunteers from the USS Virginia have been active in our community, despite their limited amount of free time; and
- Whereas:** The USS Virginia also has participated in such local festivities as the annual Holiday Parade, as well as the Memorial Day and Veteran's Day events in our city; and
- Whereas:** Although the USS Virginia's official homeport is Groton, Connecticut, we hope the officers, crew and families have felt welcome in their temporary home here.

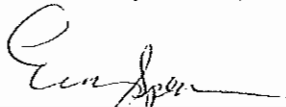
Now therefore, I, Eric Spear, Mayor of the City of Portsmouth, do hereby join with all of the members of the City Council and the citizens of Portsmouth in sending our thanks and very best wishes to the officers and crew of the

The USS Virginia (SSN 774)

as we say goodbye and Godspeed as they prepare to leave the Seacoast area for new deployments in defense of our nation.



Given with my hand and the
Seal of the City of Portsmouth,
on this 19th day of March, 2012.


Eric Spear, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 5, 2012

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

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Spear called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen.

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Lown led the Pledge of Allegiance.

PROCLAMATION

1. Music in Our Schools Month – “Music Lasts a Lifetime”

Assistant Mayor Lister read the Proclamation declaring March as “Music in Our Schools” Month. Mayor Spear presented the Proclamation to Steve Cirillo. Mr. Cirillo accepted the proclamation with thanks and appreciation and gave an update of various school musical activities.

V. ACCEPTANCE OF MINUTES – FEBURARY 21, 2012

Assistant Mayor Lister moved to accept the minutes of the February 21, 2012 City Council Meeting. Seconded by Councilor Kennedy and voted.

VI. PUBLIC COMMENT SESSION

Mayor Spear opened the Public Comment Session asking if anyone wished to speak. Seeing no one, Mayor Spear closed the Public Comment Session.

VII. PUBLIC HEARING

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2013-2018 (*Action on this matter will be taken at the March 19, 2012 City Council meeting*)

- Letter from Karina Quintans, Islington Creek Neighborhood Coordinator, requesting that the remaining \$1.2M of the budget within the Capital Improvement Plan be approved during the current year approval process and allocated with no further delays to completing the work for sidewalk improvements throughout the Islington Creek Neighborhood

A presentation of the FY2013-2018 Capital Improvement Plan was given by various City Staff.

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

Karina Quintans – spoke regarding her letter on the agenda requesting that the remaining \$1.2 million of the budget within the Capital Improvement Plan be approved during the current year approval process and allocated with no further delays to completing the work for sidewalk improvements throughout the Islington Creek Neighborhood.

Larry Lariviere – requested that proper consideration be given for the Coakley Road/Cottage Street intersection request for a crosswalk. He explained that this has been a long standing safety issue for pedestrians and bicyclists that has only gotten more dangerous over the years. He stated he was under the impression that when the new car dealership that is being built on the Meadowbrook site was approved, that the intersection was going to be improved as part of that project.

Al Romano – related an incident where his wife was almost hit by a car at the Coakley/Cottage intersection because the lights change too quickly and people don't look before going. He stated that there continues to be more pedestrians at the intersection with people from the motel crossing to go to the restaurant across the street etc. He stated he understands that this is scheduled for FY13 and hopes it is for the early part of FY13.

Colleen Romano – stated she is the person that was almost run over in the incident previously related by her husband and stated that the intersection is dangerous for everyone including those in vehicles. She thanked the Traffic and Safety Committee and Dept. of Transportation for forwarding this to the Council and hopes for a good result in the CIP vote on March 19th.

Susan Denenberg – stated she was on vacation last week and wonders if she missed something regarding the parking garage as it is on the agenda for funding but no decision has been made to move forward with it.

City Manager Bohenko explained the CIP process and stated the item is listed for planning purposes in the 6 year plan but there are no funding obligations until a separate vote of the Council.

Ms. Denenberg thanked the City Manager for the explanation. She then stated that regarding sidewalk improvements, she hopes that these will not be brick sidewalks because although they look good, they are dangerous to the elderly and toddlers and are difficult to shovel during the winter.

Seeing no one else wishing to speak, Mayor Spear closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grants/Donation to the Portsmouth Police Department
- Grant from the Department of Justice to support the Victim/Witness Advocate position in court office - \$70,219.00
 - Grant from the Department of Highway Safety for DWI/DUI Patrols - \$8,250.00
 - Donation from St. Andrew's Lodge No. 56 in support of the Portsmouth Police Honor Guard - \$500.00

Councilor Thorsen moved to approve and accept the grants and donation to the Portsmouth Police Department, as listed. Seconded by Councilor Kennedy and voted.

- B. U.S. Homeland Security Grant Acceptance, Critical Care and Supplemental Oxygen

Councilor Kennedy moved to authorize the City Manager to execute any and all documents and agreements to allow portable ventilators, provided by the State of New Hampshire for the benefit of the municipality in emergency situations, to be granted directly to the Portsmouth Regional Hospital to be stored, maintained and deployed as necessary. Seconded by Councilor Coviello and voted.

- C. Acceptance of Grant for Art-Speak
- Rotary Club of Portsmouth - \$2,000.00

Councilor Smith moved to approve and accept the grant to Art-Speak, as presented. Seconded by Assistant Mayor Lister and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**

Councilor Smith moved to pass the first reading and schedule a public hearing and second reading on the proposed Fund Balance Ordinance, at the March 19, 2012 City Council meeting, seconded by Assistant Mayor Lister.

Councilor Kennedy asked why this ordinance change is necessary. City Manager Bohenko explained that GASBE has changed language to be in conformity with good accounting principles and have come up with 5 different categories of Fund Balance with Unassigned taking the place of Undesignated, and this will put our ordinance in line with that change.

Motion voted.

- B. First reading of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00)

Councilor Novelline Clayburgh moved to pass the first reading and schedule a public hearing and adoption of a proposed Refunding Resolution of up to Twenty Million Dollars (\$20,000,000.00) as presented, at the March 19, 2012 City Council meeting, seconded by Assistant Mayor Lister.

City Manager Bohenko explained that there was a provision in the 20 year Bond for the High School Project which allows the city to recall after 10 years. He stated by doing this, the interest rate will go from 4.7% down to 2.1% which will save us 2.2 million dollars over the next 10 years.

Councilor Novelline Clayburgh thanked the City Manager and Finance staff for doing this and saving the City this money.

Motion voted.

- C. First reading of 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 for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars

Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for the aforementioned long-term control plan, as presented, at the March 19, 2012 City Council meeting. Seconded by Councilor Dwyer and voted.

X. CONSENT AGENDA

Councilor Thorsen moved to adopt the Consent Agenda as presented. Seconded by Councilor Dwyer and voted.

- A. Letter from Kelly Sicard, Breathe New Hampshire, requesting permission to hold the 27th Annual Seacoast Bike Tour on Saturday, May 19, 2012 and May 20, 2012 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Brenda Blonigen, The Pease Air National Guard Base Minuteman Fund, requesting permission to hold the 2nd Annual Pease 7k Road Race/Walk on Sunday, July 15, 2012 on the Pease Tradeport (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for a License from Heidi Archibald, owner of The Colour Bar on Pleasant Street for property located at 86 Pleasant Street to install a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Heidi Archibald, owner of The Colour Bar on Pleasant Street to install a projecting sign at 86 Pleasant Street and, further, authorize the City Manager to execute a 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 the projecting sign, for any reason, will 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 a License from Jay Schadler, owner of Jay Schadler Studio on Fleet Street for property located at 82 Fleet Street to install a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jay Schadler, owner of Jay Schadler Studio on Fleet Street to install a projecting sign at 82 Fleet Street and, further, authorize the City Manager to execute a 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 the projecting sign, for any reason, will 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***

- E. Request for a License from Mark McNabb, owner of 82-86 Congress LLC, on Chestnut Street for property located at 25 Chestnut Street to install a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mark McNabb, owner of 82-86 Congress LLC, on Chestnut Street to install a projecting sign at 25 Chestnut Street and, further, authorize the City Manager to execute a 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 the projecting sign, for any reason, will 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***

- F. Request for Renewal of Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street (***Anticipated action – move to authorize the City Manager to issue the Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street***)

- G. Request for Renewal of Boarding House Permit for Paul H. White, 278 Cabot Street (***Anticipated action - move to authorize the City Manager to issue the Boarding House permit for Paul H. White, 278 Cabot Street***)

- H. Request for Approval of Pole License to install/replace 1 pole located at the intersection of State Street and Cass Street (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michael and Anne Coffey with a Petition from residents of Haven Road, Brackett Lane and Brackett Road regarding the number of events being held at the Little Harbour School and the problems that are associated with the events

Councilor Lown moved to refer to the Parking and Traffic Safety Committee for report back. Seconded by Assistant Mayor Lister and voted.

- B. Letter from Steven Marison, Peirce Island Committee Chair, requesting a memorial plaque be placed on a bench at Peirce Island in memory of Harold Hapgood and his dog Puma

Councilor Kennedy moved to approve the placement of the plaque on a bench at Peirce Island in memory of Harold Hapgood and his dog Puma, seconded by Councilor Novelline Clayburgh.

City Manager Bohenko clarified that the plaque will be purchased with funds raised by the Peirce Island Committee. Councilor Kennedy confirmed that is correct.

Motion voted.

- C. Letter from Barbara Devanna requesting an easement in perpetuity over an area of 750 square feet for property located at 55 Meredith Way

Councilor Dwyer moved to refer to the Planning Board for report back. Seconded by Councilor Dwyer and voted.

- D. Letter from William Mortimer and Jack Kelley, requesting the City Council to make a donation to the Portsmouth High School Clipper Band to participate in the Disney Music Festival in Orlando, Florida from April 22 through April 29, 2012

Councilor Lown moved to accept and place the letter on file, seconded by Assistant Mayor Lister.

Councilor Lown stated this is a good cause and these band members have raised a lot of funds themselves. He stated that this trip occurs every 4 years and urged the Councilors to donate on their own.

Councilor Coviello moved to suspend the rules to allow Mr. Kelley to address the Council regarding his request. Seconded by Assistant Mayor Lister and voted.

Mr. Kelley stated that the budget for the trip is \$146,000.00 and as of today they have raised \$96,000.00. He stated people have been very generous and the kids have worked very hard to achieve their goal but still need some help.

Assistant Mayor Lister stated it is appropriate that the month of March has been proclaimed Music in our Schools Month and feels that these students represent the City in a positive way. He also urged the Councilors and others to donate to this worthy cause.

Councilor Thorsen thanked Mr. Kelly for bringing this to the Council and hopes they accomplish their goal.

Discussion ensued regarding the precedent of this type of donation with the conclusion being that this is not something that is granted by the Council as a whole as there are many worthy causes and no funds are designated for such donations.

Motion voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Services

City Manager Bohenko explained that this had been a pilot program last year for 2 restaurants and it worked out well for those establishments. He stated that he has begun to receive requests from other businesses and therefore, has drafted a policy based on what had previously been approved and is giving Council notice that it will be coming back at the next meeting for action.

Councilor Smith moved to refer to the March 19, 2012 City Council meeting for action, seconded by Councilor Dwyer.

Councilor Kennedy stated she pictures this leading to potential craziness and wants to know what the maximum number of businesses that will be allowed to do this. She continued that she would also like to know what other communities charge to allow this on city property and suggested a questionnaire to gather this information.

City Manager Bohenko explained that this has been an internal struggle for the city staff and he himself has some of the same concerns as Councilor Kennedy. He stated that the pilot program went well and the police department worked with the businesses. He stated he agrees that there should be a maximum on the number of businesses allowed to participate and because this is a policy, the Council can adjust it as it goes along. He stated there is only a one-year approval so they will be re-evaluated every year and feels that this should be implemented slowly going forward. He asked the Councilors to e-mail him their concerns so they can be addressed at the next meeting.

Councilor Thorsen asked about the control the proprietor has over the outside access and the turnover of patrons who may continue to sit there for a long period of time. City Attorney Sullivan clarified that the tables and chairs located in these specified alcohol service areas are controlled by the proprietor and are different than the tables and chairs on public sidewalks in other areas where people can stay as long as they want.

Councilor Dwyer asked if the \$10.00 per square foot is the same as what was charged last year. City Manager Bohenko stated it is lower this year based on the feedback received from the businesses and stated that this isn't for the City to make money it is for the businesses to offer more service to their patrons and there is a cost associated to them to provide it. He stated he will find out what other communities charge as well.

Assistant Mayor Lister stated he is between a rock and a hard place because he wants to support local business and bring people downtown but isn't sure that alcohol is the right way to do it and he is concerned about the enforcement. He stated he will vote against it and is concerned with city staff being responsible for this policy.

Councilor Lown stated he supports the continuation of the program because we have many restaurants and Portsmouth is a destination spot. He stated this has worked well so far and this is common in European cities.

Councilor Dwyer stated she also supports this as there were not problems that occurred during the pilot program. She stated as long as the policy allows the use of our discretion to approve or not certain establishments. City Attorney Sullivan clarified that the policy was drafted with that in mind. City Manager Bohenko stated we have to ensure that pedestrian ways remain open so there may be some places that it will work and some places that it will not.

Councilor Novelline Clayburgh thanked the City Manager and staff for drafting this policy and feels that people really liked it a lot and that it was well regulated.

Councilor Coviello asked if this may be more appropriate for the Fee Study Committee and Vendor Committee to review first. City Manager Bohenko stated it is important for the Council to set the policy for the staff to follow and then as it goes along the Vendor Committee may be able to tweak it as needed.

Motion voted 8-1. Councilor Lister voted opposed.

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Appointment of Christopher Mulligan to the Zoning Board of Adjustment

Mayor Spear stated that his recommendation to appoint Christopher Mulligan to the Zoning Board of Adjustment will be voted at the March 19, 2012 Meeting.

2. Appointments to be Voted:
 - Appointment of Daniel Rawling to the Historic District Commission

Councilor Novelline Clayburgh moved to appoint Daniel Rawling as an alternate to the Historic District Commission (filling unexpired term of Joseph Almeida until 06/01/2013), seconded by Assistant Mayor Lister.

Councilor Kennedy asked if the Council representative to the HDC, Councilor Thorsen, met with Mr. Rawling and does he recommend this appointment. Councilor Thorsen stated he has met Mr. Rawling and is very impressed with his qualifications.

Motion passed.

- Reappointment of James Russ to the Peirce Island Committee

Councilor Coviello moved to reappoint James Russ to the Peirce Island Committee (with a term expiring 12/31/2013). Seconded by Assistant Mayor Lister and voted.

3. *Work Session on March 12th at 6:30 p.m. regarding Guiding Principles Re: Parking & Disposal of Connie Bean Center
4. *Work Session on March 26th at 6:30 p.m. regarding Quarterly Meeting with Economic Development Commission, Planning Board and Historic District Commission
5. *Work Session on April 9th at 6:30 p.m. regarding Update on Wastewater Treatment

Mayor Spear explained that these work session dates have been set and he understands that there may be some conflicts with Councilors schedules but wants to continue to move forward and encourage interactivity with the public as much as possible.

Councilor Kennedy stated that she had asked that the April 9th Work Session be changed because she will not be in town, but since it has not been changed, she requests that she be allowed to participate via teleconference.

C. COUNCILOR NOVELLINE CLAYBURGH

1. Recommended Ordinance Amendments – Magazine Solicitors', Alarm Systems Service and Dog Licensing

Councilor Smith reviewed the recommendations regarding the Magazine Solicitors' and Alarm Systems Service ordinance amendments stating that they are generally housekeeping issues regarding clarification and updating of fees.

Councilor Novelline Clayburgh explained the change to the Dog Licensing ordinance stating that this will raise the fee by \$1.00 as this fee has not been raised for many years. She stated it would not go into effect until the 2013 licensing year.

Councilor Smith moved to authorize the drafting of Ordinances regarding these recommendations for first reading at the March 19, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.

D. COUNCILOR DWYER

1. *Update on Middle School

Councilor Dwyer explained that the project is well on schedule stating that the great weather this winter has helped. She stated the roof is on, the back walls have been bricked, the side walls are done and the front will be done soon. She stated the building is weather tight so they can now work inside. She stated the JBC has been working on the furniture ordering and millwork which is a small cost comparatively in the project, but is still important as there has not been any new furniture in the building for 30 years. She further explained the process and specs utilized in picking the furniture with the bidding process being handled by Project Manager Dan Hartrey which helps to keep the costs down as well. She stated that the furniture can be ordered now, but delivery doesn't have to be made until it is needed. She stated that the JBC will be meeting with the School Board on March 14th regarding technology as it will set the tone for the future. She concluded by stating that the recently approved parking lot sharing has been working well and the Granite Street ball field has a small punch list to complete but the opening day for PHS Baseball is tentatively scheduled for either March 20th or 27th.

Assistant Mayor Lister thanked Councilor Dwyer for the updates and commented on how neat and well planned out the process has been. He then asked if the JBC is looking at buying products made in the USA. Councilor Dwyer agrees with the observation that the project is well managed and stated that the JBC is looking locally for as much as they can.

Councilor Smith stated that the Contractor of the project has also been very responsive to the neighborhood as any issues have arisen. He continued that regarding the technology, they are working towards the time when there will no longer be any textbooks and also working with the high school to ensure continuity.

Councilor Kennedy stated she is concerned that furniture is being ordered now when the project is not yet complete and we don't know if it will come in on budget or not. Councilor Dwyer stated that the kids move into the building in September and will need the furniture in place. She stated by doing it now they can negotiate better prices. She concluded by stating that Principal Stokel inventoried the building room by room with Mr. Hartrey to ensure utilization of anything that was usable.

Councilor Smith stated that a lot of teachers had also bought stuff for their own classrooms in the past which no longer will be used and explained the new furniture has been ordered with the new flooring in mind so as not to scratch it.

E. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Meeting Minutes and Action Sheet from February 16, 2012 meeting

Councilor Smith asked the City Attorney to explain why the minutes of the newly formed Parking and Traffic Safety Committee will continue to be on the Council agenda.

City Attorney Sullivan explained that the new committee has the authority of both former committees i.e., to approve pilot programs and bring back as an omnibus ordinance and to recommend ordinance changes to the Council.

Councilor Smith moved to accept the Parking and Traffic Safety Committee meeting action sheet and minutes, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated that she will still not be voting in favor of accepting these minutes, and then asked about the Bow Street Valet as to where those cars will be parked.

Councilor Smith explained that the valet services have been extremely successful programs as they turn 2 spaces into 50 spaces. He stated that there is an established parking pattern for this proposal and the cars will be parked in the Optima Bank lot.

Councilor Coviello stated that the fee of \$2.00 per space per day seems minimal and asked why charge a fee at all. Councilor Smith stated it establishes some ownership of the spaces.

Councilor Coviello asked when the Dennett/Kane Street parking issue would be revisited by the Committee. Councilor Smith stated it is on the March 8th Agenda.

Motion passed on an 8-1 vote. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Novelline Clayburgh gave an update on the senior citizens center issue stating there was a Retreat held on February 22nd from 9:00 a.m. to 3:00 p.m. with approximately 40 people invited based on their involvement with the senior community. She explained that there were 3 issues deemed most important including the targeted age group, location and funding for the project. She stated the age group tentatively being targeted will be 50+ as that includes people who have some disposable income to help fund the ongoing activities. She stated regarding the location, there were several suggestions made with the consensus being the Community Campus because of the availability of current services and the ability to expand. She concluded by discussing the various funding options and stated that this has been a very successful committee of citizens coming together for the greater good of the community.

Councilor Kennedy asked about the time frame and will the Community Campus be able to support the elderly day care program. Councilor Novelline Clayburgh explained that we will get survey results from the Consultant Jill Laffond and she will let the committee know how much square footage will be needed, how much the cost will be etc. She stated that they are aware that there is the need for the Adult Day Care service, although that is not necessarily within this committee's purview. She stated that Living Innovations is currently providing many of the programs.

Councilor Kennedy asked if the transportation will be expanded from 3 days to 5 days a week. City Manager Bohenko stated that will become a budgeting decision if the consultant makes that recommendation. Councilor Novelline Clayburgh stated that COAST already has a stop at the Community Campus.

Mayor Spear asked City Manager Bohenko to address the new painting in the Council Chambers.

City Manager Bohenko stated that the painting "The Bonhomme Richard Capturing the Serapis" depicting the September 23, 1779 Revolutionary War battle between the British Warship HMS Serapis and the US Ship Bonhomme Richard, captained by John Paul Jones, is on loan to the City from the Sawtelle family until September 2016 and explained that the Sawtelle family also paid for the installation of the painting.

Councilor Lown further explained the depiction in the painting is of the Ship Bonhomme Richard which is on fire and sinking and John Paul Jones was asked by the captain of the Serapis, 'Are you ready to give up since your ship is on fire and sinking?' which is when John Paul Jones made his famous comment 'I have not yet begun to fight' and then jumped on the Serapis with his other sailors and took over the ship and sailed away with it.

Councilor Thorsen stated that Fire Chief LeClaire will be holding an open house of Station 3 on Saturday, March 10th beginning at 10:00 a.m.

Councilor Kennedy asked if the tour of the Sewage Treatment Plant has been scheduled yet. City Manager Bohenko stated he is looking towards the late part of March.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

Councilor Coviello moved to adjourn at 9:00 p.m. Seconded by Councilor Kennedy and voted.

Respectfully submitted:

Valerie A. French,
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts that would allow Assisted Living Centers as a Permitted Use in Office Research Districts and allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts.

Additionally Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts to reduce Minimum Lot Dimensions in Office Research Districts so that Lot Area would become 2 acres, Continuous Street Frontage 200 feet, Depth 200 feet, and Minimum Side Yard 50 feet.

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, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts that would allow Assisted Living Centers as a Permitted Use in Office Research Districts and allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts. Additionally Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts to reduce Minimum Lot Dimensions in Office Research Districts so that Lot Area would become 2 acres, Continuous Street Frontage 200 feet, Depth 200 feet, and Minimum Side Yard 50 feet.

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, CMC/CNHMC
CITY CLERK

#12517

1tP 2/28

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, are hereby amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

1. Amend Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	OR
2.10 Assisted living facility	
2.11 Assisted living center	N P
3.70 Club, fraternal or service organization	N S

1. Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, as follows:

	OR
Minimum Lot Dimensions	
Lot Area	3 2 acres ¹
Continuous street frontage	300' 200' ¹
Depth	300' 200' ¹
Minimum Yard Dimensions	
Front	50' ^{1, 3}
Side	75' 50' ¹
Rear	50'

NA = Not Applicable NR = No Requirement

Notes:

1. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.533 for special requirements on Lafayette Road.

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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director
DATE: January 27, 2012
RE: Proposed Zoning Ordinance Amendments – Office Research District

As you will recall, on December 5, 2011, a set of proposed amendments to the Zoning Ordinance relating to use and dimensional standards in the Office Research district was presented to the City Council for first reading. After discussion, the Council voted to postpone the ordinance changes for the new City Council.

Accordingly, I am resubmitting the attached proposed ordinance changes for consideration by the City Council. For the benefit of new Council members, this memorandum reviews the background of the proposal and summarizes the proposed changes.

Request and Recommendations

Attorney Paul McEachern submitted a letter to the City Council on July 12, 2011, requesting that seven parcels on the westerly side of Lafayette Road be rezoned from the Office Research (OR) district to the Gateway district. The City Council referred this request to the Planning Board for a recommendation, and the Planning Board held public hearings on this request on September 15 and October 20, 2011.

After considering the original request and comments at the public hearings, the Planning Board determined that rezoning the subject parcels to Gateway would not be advisable. Instead, following the Planning Department's analysis and recommendations, the Planning Board voted unanimously on October 20, 2011, to recommend that the Zoning Ordinance be amended as follows:

1. Amend Section 10.531, Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language ~~stricken~~; additions to existing language **underlined bold**):

	OR
Minimum Lot Dimensions	
Lot Area	3 <u>2</u> acres ¹
Continuous street frontage	300' <u>200'</u> ¹
Depth	300' <u>200'</u> ¹

	OR
Minimum Yard Dimensions	
Front	50' ^{1,3}
Side	75' <u>50'</u> ¹
Rear	50'

NA = Not Applicable NR = No Requirement

Notes:

1. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.533 for special requirements on Lafayette Road.

2. Amend Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	OR
2.10 Assisted living facility	
2.11 Assisted living center	N <u>P</u>
3.70 Club, fraternal or service organization	N <u>S</u>

Background and Analysis

Attorney Paul McEachern has requested that the City Council vote to rezone seven parcels on the westerly side of Lafayette Road from the Office Research (OR) district to the Gateway district. The request was made on behalf of Aphrodite Georgopolous, Trustee of the Georgopolous Revocable Trust, owner of the parcel at 1900 Lafayette Road. The parcels for which the rezoning was requested are between the Public Service of New Hampshire property and West Road, and include the following:

- 1700 Lafayette Road – Public Service Company of New Hampshire
- _____ Lafayette Road – Michael R. Iafolla (future Armed Forces Reserve Center)
- 1900 Lafayette Road – Georgopolous Revocable Trust
- 1950 Lafayette Road – Portsmouth Casey Home Association
- 2000 Lafayette Road – NH Department of Employment Security
- 2010 Lafayette Road – Service Federal Credit Union
- 2032 Lafayette Road – Service Federal Credit Union

These parcels are shown on the attached map titled “Requested Rezoning from OR to Gateway – Lafayette Road.”

All but two of the parcels in this OR district are already developed, and one of the two undeveloped parcels is planned to be developed as a new Armed Forces Reserve Center next year. This federal project will be designed and constructed with no City control, and the project is not consistent with either the Gateway District or the City’s goals for the corridor.

Construction of the Reserve Center will leave the applicant's parcel as the only undeveloped parcel in this Office Research district, and will make it more difficult to develop under the existing zoning regulations.

These parcels were identified in the 2005 Master Plan as an area to be considered for zoning changes, and were proposed to be included in the Gateway District as part of the comprehensive revision of the Zoning Ordinance in 2009. Thus, the requested rezoning is consistent with the Planning Board's vote of two years ago.

The Planning Board held a public hearing on this request at its meeting on September 15, 2011. Following the public hearing, Board members felt that the existing Office Research district was too restrictive in this area, but that rezoning these parcels to the Gateway district would not be appropriate because of the wide range of retail uses that are allowed in that district, with potential impacts on the residential district in terms of light, noise, traffic and aesthetics. The Board voted to postpone consideration of the request to the October meeting and requested the Planning Department staff to look at changes to the Office Research or Gateway districts that could enhance the development potential of the existing OR parcels while still protecting the residential neighborhood.

The Planning Department considered three options: (1) rezoning to a different existing zoning district; (2) rezoning to a modified Gateway district; and (3) amending the Office Research district to provide more flexibility for development. After reviewing the options, the Department recommended that the dimensional standards for the Office Research district be amended as follows:

- Reduce the required lot area from 3 acres to 2 acres;
- Reduce the required street frontage from 300 feet to 200 feet;
- Reduce the required lot depth from 300 feet to 200 feet; and
- Reduce the required side yard (i.e., building setback) from 75 feet to 50 feet.

These changes would make the required lot and yard dimensions for the Office Research district identical to those for the Industrial district except for the required front yard, which is 70 feet in the Industrial district and 50 feet in the OR district.

The recommended changes would apply to all Office Research districts. In addition to the parcels on Lafayette Road, there are four other Office Research districts of varying size throughout the City:

Borthwick Avenue	19 lots	Largely developed (hospital, offices, financial services); remaining undeveloped land (including proposed CCRC site) is constrained by wetlands or has difficult access
Commerce Way / Portsmouth Blvd.	16 lots	Mostly developed (office park)

North Mill Pond / Bartlett Street / Cate Street	14 lots	Includes railroad land adjacent to North Mill Pond and commercial uses on Bartlett and Cate Streets. This area is highly constrained by the Pond and the railroad tracks, and most lots and uses do not conform to the OR zoning requirements. The Planning Department is working to develop a proposal for more appropriate zoning in this area.
Market Street (adjacent to I-95)	1 lot	Fully developed (hotel and offices)

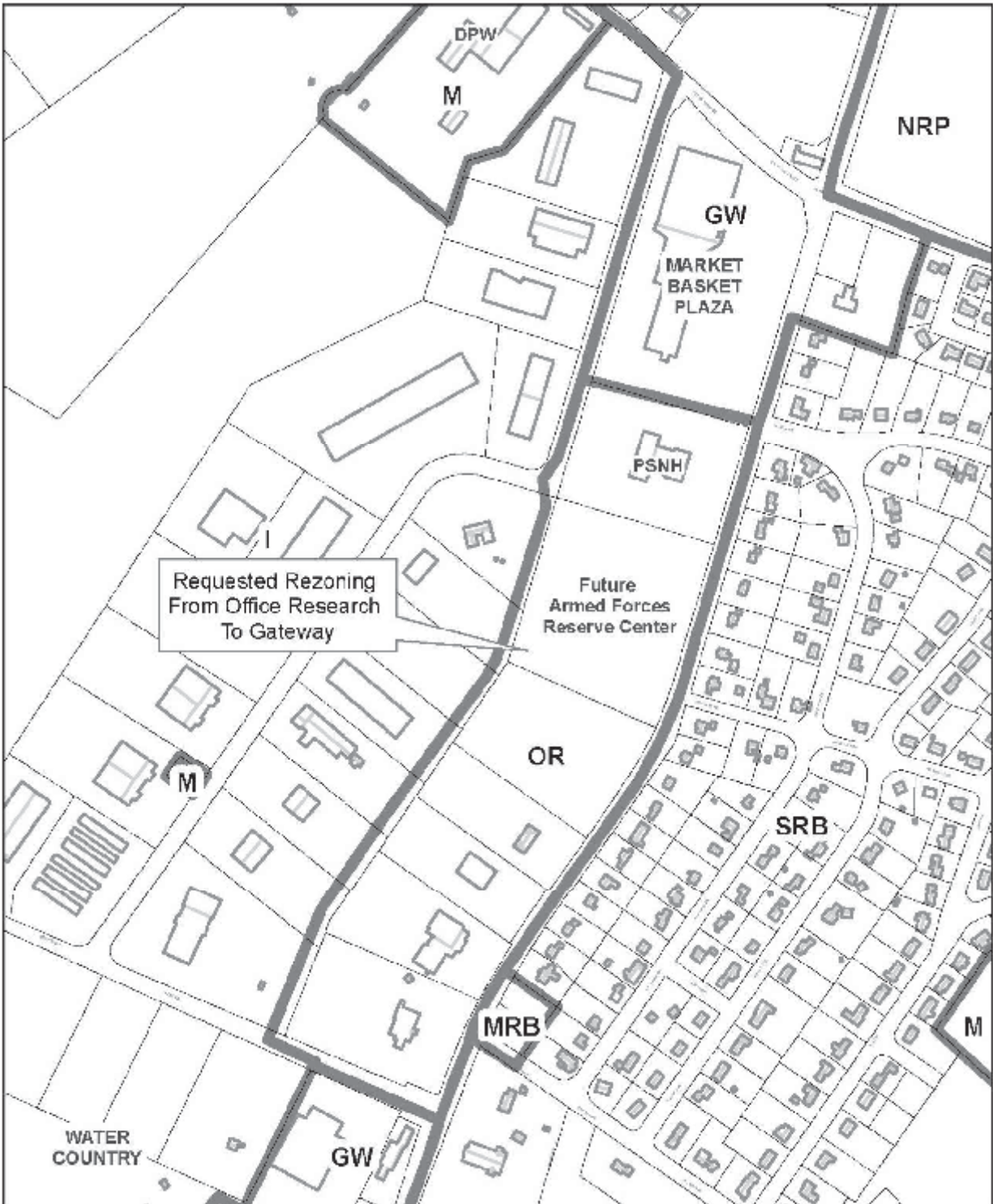
The Office Research districts are shown on the attached map titled “Office Research Districts.”

Modifying the dimensional standards for the OR District will have relatively little impact on OR districts overall, but will enhance the development potential of specific lots. The proposed reductions in required lot area and frontage will make a small number of lots conforming that are currently nonconforming (two lots on Lafayette Road, six lots on Commerce Way, one lot on Bartlett Street, and none in the Borthwick Avenue or Market Street OR districts). More importantly, the proposed reduction in required side yard setback will increase the flexibility for site planning on all lots.

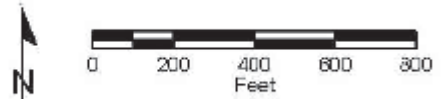
In addition to the recommended changes in dimensional standards, the Department recommended that two minor changes be made to the Table of Uses:

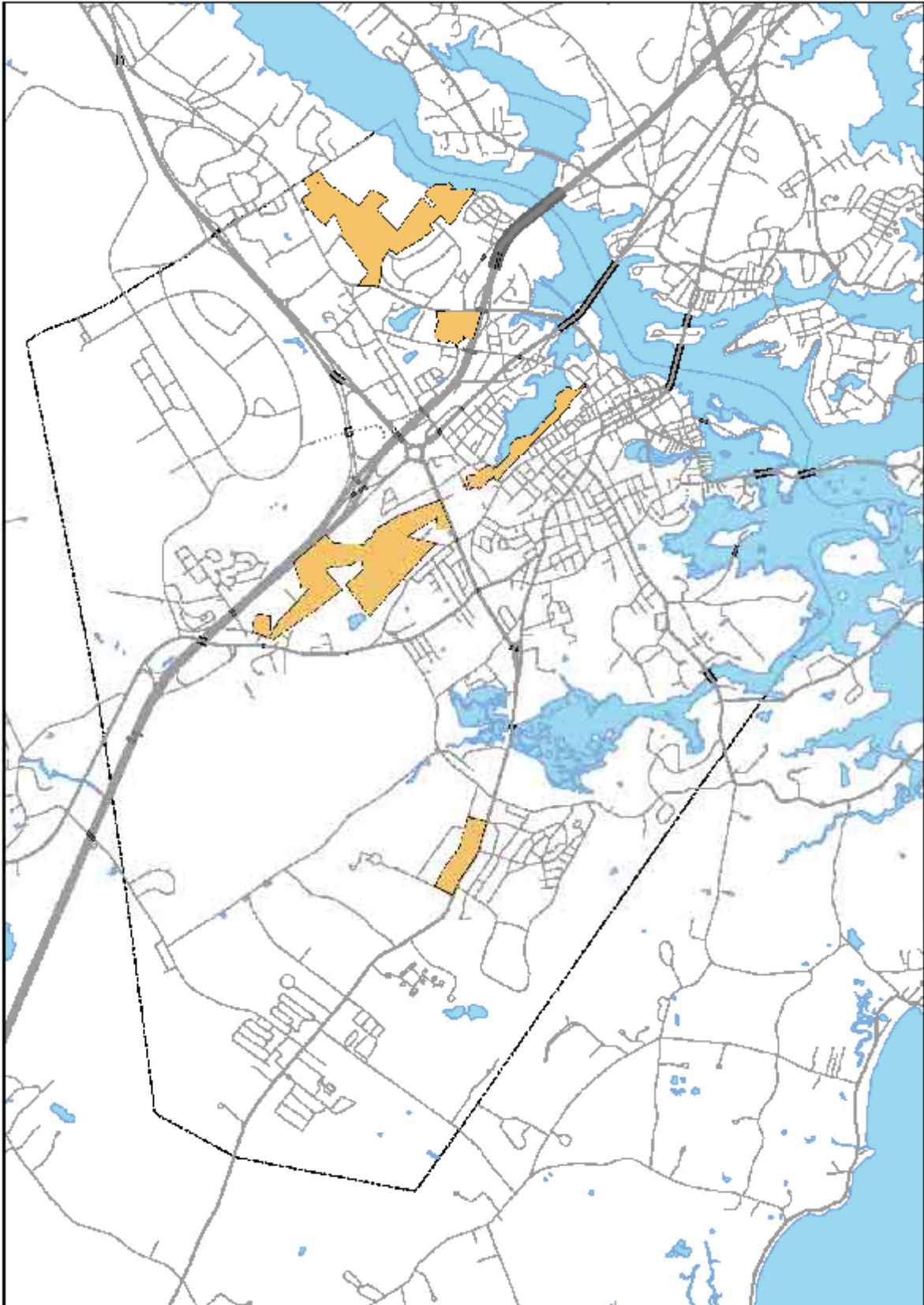
- Allow Assisted Living Center (currently prohibited in OR but allowed in the B and GB districts, and in the Gateway district by conditional use permit;
- Allow Club, Fraternal or Service Organization by special exception (currently prohibited in OR but allowed in B, GB and Gateway by special exception, and in CBB without a special exception).

The Planning Board held a public hearing on the above recommendations at its meeting on October 20, 2011. Following the public hearing, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth at the beginning of this memorandum.

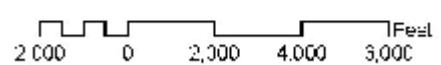


Requested Rezoning From OR to Gateway
Lafayette Road






Office Research U strchts
City of St. Louis, Missouri | 2012



M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: February 15, 2012
RE: Proposed Zoning Ordinance Amendments – Office Research District

Attached is supplemental information that may be useful to the City Council in considering the proposed amendments to the Zoning Ordinance standards for the Office Research (OR) district. Included are the complete Table of Dimensional Standards (1 page) and Table of Uses (10 pages) for the OR district, showing the existing standards and the proposed amendments. Items that are proposed to be changed are indicated in **red**.

Table of Dimensional Standards – Office Research District

Proposed changes are in **red** font.

	Existing	Proposed
Minimum Lot Dimensions		
Lot Area	3 acres	2 acres
Continuous street frontage	300'	200'
Depth	300'	200'
Minimum Yard Dimensions		
Front	50'	50'
Side	75'	50'
Rear	50'	50'
Maximum Structure Dimensions		
Structure height	60'	60'
Roof appurtenance height	10'	10'
Building coverage	30%	30%
Floor Area Ratio	NR	NR
Minimum open space	30%	30%

NA = Not Applicable

NR = No Requirement

Table of Uses – Office Research District

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Proposed changes are in **red** font.

Use	Existing	Proposed
1. Residential Uses		
1.10 Single family dwelling	N	N
1.20 Two-family dwelling	N	N
1.30 Townhouse	N	N
1.40 Multifamily dwelling		
1.41 3 or 4 dwelling units	N	N
1.42 5 to 8 dwelling units	N	N
1.43 More than 8 dwelling units	N	N
1.50 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5		
1.51 To 2 dwelling units	N	N
1.52 To 3 or 4 dwelling units	N	N
1.53 To 5 to 8 dwelling units	N	N
1.54 To more than 8 dwelling units	N	N
1.60 Live/work unit	N	N
1.70 Manufactured housing park	N	N
1.80 Planned unit development (PUD)		
1.81 Open space PUD	N	N
1.82 Residential density incentive PUD	N	N
2. Institutional Residence or Care Facilities		
2.10 Assisted living facility		
2.11 Assisted living center	N	P
2.12 Assisted living home	N	N

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Proposed changes are in red font.

Use	Existing	Proposed
2.20 Residential care facility		
2.21 5 or fewer residents	N	N
2.22 More than 5 residents	S	S
3. Educational, Religious, Charitable, Cultural and Public Uses		
3.10 Place of assembly		
3.11 Religious	N	N
3.12 Other nonprofit	N	N
3.20 School		
3.21 Primary or secondary	N	N
3.30 Post-secondary	P	P
3.30 Historic preservation building	P	P
3.40 Museum	P	P
3.50 Performance facility		
3.51 Indoor performance facility		
3.511 Occupancy up to 500 persons	N	N
3.512 Occupancy more than 500	N	N
3.52 Outdoor performance facility		
3.521 Occupancy up to 500 persons	N	N
3.522 Occupancy more than 500	N	N
3.60 Cemetery	N	N
3.70 Club, fraternal or service organization	N	S
3.80 Municipally operated park and related activities	P	P
4. Recreational Uses		
4.10 Religious, sectarian or private non-profit recreational use	N	N
4.20 Cinema or similar indoor amusement use with no live performance	N	N
4.30 Indoor recreation use, such as bowling alley or arcade	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
4.40 Health club, yoga studio, martial arts school, or similar use		
4.41 Up to 2,000 sq. ft. GFA*	N	N
4.42 More than 2,000 sq. ft. GFA	N	N
4.50 Outdoor recreation use	N	N
4.60 Amusement park, water park or theme park	N	N
5. Office Uses, Non-Medical		
5.10 Professional office	P	P
5.20 Business office (incl. real estate office)	P	P
5.30 Financial institution		
5.31 Financial services office	P	P
5.32 Retail bank	S	S
5.40 Social service campus		
5.41 Nonresidential	N	N
5.42 Residential	N	N
5.50 Media studio		
5.51 Excluding any transmitting antenna tower	N	N
5.52 Including accessory transmitting antenna tower	N	N
5.60 Publishing facility or similar electronic production operation	P	P
5.70 Call Center	N	N
6. Medical Services and Health Care		
6.10 Hospital	P	P
6.20 Medical offices and clinics (outpatient only)	P	P
6.30 Clinics with inpatient care	S	S
6.40 Ambulatory surgical center	S	S
6.50 Substance abuse treatment facility	N	N
6.60 Psychiatric hospital for the criminally insane	N	N

* GFA = gross floor area.

Proposed changes are in red font.

Use	Existing	Proposed
7. Services, Other Than Health Care		
7.10 Day Care		
7.11 Family day care facility	N	N
7.12 Group day care facility including private preschool and kindergarten	N	N
7.20 Personal services	N	N
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N	N
7.40 Trade, craft and general service establishments , such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	P	P
7.50 Veterinary Care	S	S
7.60 Laundry and dry cleaning establishments		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	S	S
7.62 Self-service laundry for use by the general public	N	N
7.63 Dry cleaning establishment with on-site cleaning facilities.	N	N
7.70 Undertaking establishment , funeral parlor or mortuary chapel, excluding crematorium	N	N
8. Retail Trade		
8.10 Convenience goods		
8.11 Convenience goods 1		
8.111 Hours of operation between 6:00 AM and 11:00 PM	N	N
8.112 24 hours per day operation	N	N
8.12 Convenience goods 2		
8.121 Hours of operation between 6:00 AM and 11:00 PM	N	N
8.122 24 hours per day operation	N	N
8.30 Retail sales conducted within a building		
8.31 Not marine-related	N	N
8.32 Marine-related	N	N
8.40 Shopping center	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
8.50 Retail sales, large format	N	N
8.60 Fish market	N	N
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	N	N
8.80 Gateway planned development	N	N
8.90 Sexually oriented business	N	N
9. Eating and Drinking Places		
9.10 Nightclub or bar		
9.11 Occupant load less than 250	N	N
9.12 Occupant load from 250 to 500	N	N
9.13 Occupant load greater than 500	N	N
9.20 Restaurant, take-out only	N	N
9.30 Restaurant, fast food	N	N
9.40 Restaurant with no accessory uses and with no nightclub or bar , place of public assembly or function room.	N	N
9.50 Restaurant , place of public assembly or function room		
9.51 Occupant load less than 250	N	N
9.52 Occupant load from 250 to 500	N	N
9.53 Occupant load greater than 500	N	N
9.60 Permanently moored vessel used as restaurant or bar , with occupant load less than 250	N	N
10. Lodging Establishments		
10.10 Boarding house	N	N
10.20 Bed and breakfast		
10.21 Bed and Breakfast 1	N	N
10.22 Bed and Breakfast 2	N	N
10.30 Inn	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
10.40 Hotel or motel		
9.51 Up to 125 rooms	P	P
9.52 126 to 250 rooms	S	S
9.52 251 to 500 rooms	N	N
9.53 More than 500 rooms	N	N
10.50 Conference hotel	N	N
10.60 Conference center	N	N
11. Motor Vehicle-Related Uses		
11.10 Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (e.g., lawnmowers), including accessory repair services	N	N
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	N	N
11.30 Sales, rental, leasing, distribution, and repair of trucks over 10,000 lb gross vehicle weight (GVW), recreational vehicles , marine craft or manufactured housing , and related equipment	N	N
11.40 Impound lot (principal or accessory use)	N	N
11.50 Truck fueling facility	N	N
11.60 Truck terminal	N	N
12. Marine Craft Related Uses		
12.10 Boat landings, boat docks, boathouses and associated marine uses		
12.11 Non-commercial	N	N
12.12 Fishing boat landing 1	N	N
12.13 Fishing boat landing 2	N	N
12.20 Marina		
12.21 With no repair, servicing or fueling facilities	N	N
12.22 With repair, servicing or fueling facilities	N	N
12.30 Repair of commercial marine craft and marine-related structures	N	N
12.40 Landside support facility for commercial passenger vessel	N	N

Proposed changes are in red font.

Use	Existing	Proposed
13. Wholesale Trade, Warehousing and Distribution		
13.10 Wholesale use		
13.11 Not marine-dependent	N	N
13.12 Marine-dependent	N	N
13.20 Wholesale sales devoted to, and in the same establishment as, a permitted retail use		
13.21 Occupying up to 20% of gross floor area of establishment	N	N
13.22 Occupying 21% to 40% of gross floor area of establishment	N	N
13.30 Wholesale lumber yards, lumber and contractor sales		
13.31 Not marine-dependent	N	N
13.32 Marine-dependent	N	N
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use		
13.41 Not marine-dependent	N	N
13.42 Marine-dependent	N	N
14. Industrial Uses		
14.10 Light industry		
14.11 Not marine-dependent	N	N
14.12 Marine-dependent	N	N
14.20 Research and development		
14.21 Not marine-dependent	S	S
14.22 Marine-dependent	S	S
14.30 Food processing		
14.31 Not including seafood processing	N	N
14.32 Including seafood processing	N	N
14.40 Electronics manufacturing	N	N
14.50 General manufacturing		
14.51 Not marine-dependent	N	N
14.52 Marine-dependent	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
14.60 Biological or chemical laboratory 14.61 Not marine-dependent 14.62 Marine-dependent	 N N	 N N
14.70 Recycling facility and plant	N	N
14.80 High hazard use , including other uses listed in this section but not including uses described in 14.90	N	N
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N
15. Transportation and Utilities		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office , storage yard or storage building 15.11 Essential to service the area in which it is located 15.12 Providing community-wide or regional service	 S N	 S N
15.20 Heliport, as an accessory use incidental to a permitted use , not to include the carrying of persons or freight as a commercial operation	S	S
16. Wireless Telecommunications Facilities		
16.10 Satellite dish receiver 42 inches or less in diameter: 16.11 Building-mounted, maximum height less than or equal to 4 feet from the roof surface 16.12 Ground-mounted, complying with all yard requirements for the district	 P P	 P P
16.20 Satellite dish receiver more than 42 inches in diameter: 16.21 Building-mounted, maximum height less than or equal to 4 feet from the roof surface 16.22 Ground-mounted, complying with all yard requirements for the district	 S S	 S S
16.30 Whip antenna not more than 30 feet in height	P	P

Proposed changes are in **red** font.

Use	Existing	Proposed
16.40 Other wireless telecommunications facility not included above	N	N
17. Agricultural Uses		
17.10 Farm, not including the keeping of farm animals	N	N
17.20 Keeping of farm animals	N	N
18. Temporary Uses		
18.10 Construction trailer	P	P
18.20 Temporary structure		
18.21 Up to 30 days	P	P
18.22 31 to 90 days	P	P
18.23 91 to 180 days	S	S
18.24 More than 180 days	N	N
18.30 Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling		
18.31 Up to 180 days	P	P
18.32 More than 180 days	P	P
18.40 Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	P	P
19. Accessory Uses		
19.10 Accessory use to a permitted principal use , but not including any outdoor storage	P	P
19.20 Home occupation		
19.21 Home occupation 1	N	N
19.22 Home occupation 2	N	N
19.30 Concessions and services located within the principal building	P	P
19.40 Drive-through facility , as accessory use to a permitted principal use	S	S

Proposed changes are in **red** font.

Use	Existing	Proposed
20. Accessory Storage		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P
20.20 Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle , which shall be limited to no more than 2 axles and 6 wheels.	P	P
20.30 Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:		
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P
20.40 Outdoor storage of lobster traps, lobster buoys and associated rope	N	N
20.50 Outdoor storage of raw or partially finished material		
20.51 Not marine-dependent	N	N
20.52 Marine-dependent	N	N
20.60 Outdoor storage of machinery, equipment and vehicles		
20.61 Not marine-dependent	N	N
20.62 Marine-dependent (other than allowed by 20.30 or 20.40 above)	N	N

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**. 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, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**. 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, CMC/CNHMC
CITY CLERK

#12517

1t P 3/10

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article XIV, Section 1.14 – MUNICIPAL FUND BALANCE 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 1.1401: MANDATED FUND BALANCE

The General Fund **B**alance of the City, at the end of any fiscal year as recorded in accordance with generally accepted accounting principles (GAAP) and excluding any and all reserves, and any dedicated fund balances of the General Fund (otherwise referred to as ~~Undesignated~~ **Unassigned** Fund **B**alance of the General Fund) shall be maintained at the prescribed amount of not less than 7% of the actual Total General Fund appropriations for that fiscal year.

Section 1.1402: OPERATIONAL OBJECTIVE

Notwithstanding the provision of 1.1401, it is recognized that the financial management goal of the City of Portsmouth is to annually maintain an ~~Undesignated~~ **Unassigned** Fund Balance of greater than 10% of total general fund appropriations.

Section 1.1403: USE OF UNDESIGNATED **UNASSIGNED** FUND BALANCE

In any subsequent fiscal year, the City Council may utilize the excess of actual ~~Undesignated~~ **Unassigned** Fund **B**alance of the General Fund (as determined by the annual financial audit of the City) over the prescribed level in 1.1401 from the prior fiscal year for capital projects, transfers to capital reserve, or any other appropriation nonrecurring in nature.

Section 1.1404: EMERGENCY APPROPRIATIONS

At any time, in any budget year, the City Council may, after notice and public hearing, make emergency appropriations from Fund Balance to meet an essential need for public expenditure. Such appropriations shall be adopted by written resolution, after notice and public hearing by a favorable vote of a majority of the members of the City Council. If such appropriation reduces the ~~Undesignated~~ **Unassigned** Fund Balance to a level below that prescribed by 1.1401 of this ordinance, the resolution authorizing such appropriation shall include a plan to restore the funds within a period not to exceed two (2) years to the prescribed level. The City Council may, by a two-thirds (2/3) majority vote appropriate from the ~~Undesignated~~ **Unassigned** Fund Balance for non-emergency appropriations by following the foregoing procedure, provided that such appropriation does not reduce the ~~Undesignated~~ **Unassigned** Fund Balance below the minimum balance required by 1.1401 of this ordinance.

Section 1.1405: RESTORATION PLAN

Whenever the ~~Undesignated~~ **Unassigned** Fund Balance of the General Fund is less than the prescribed level, the City Council shall be required, within the fiscal year, to formulate and implement a plan to restore such prescribed amount to the General Fund, such plan shall not exceed a two (2) year period.

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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00). The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00). The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11 P 3/10

**CITY OF PORTSMOUTH
TWO THOUSAND TWELVE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS 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 \$46,640,000 General Obligation Bonds dated September 15, 2002 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to TWENTY MILLION DOLLARS (\$20,000,000) 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:

ERIC SPEAR, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a 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 for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 19, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a 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 for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

1t P 3/10

**IN THE YEAR OF LORD
TWO THOUSAND AND TWELVE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # –

A 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 FOR COSTS RELATED TO THE LONG TERM CONTROL PLAN (LTCP) IMPLEMENTATION NOT TO EXCEED TWELVE MILLION FIVE HUNDRED THOUSAND (\$12,500,000) DOLLARS.

RESOLVED:

THAT the sum of up to Twelve Million Five Hundred Thousand (\$12,500,000) Dollars is appropriated for the LTCP Implementation.

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow up to Twelve Million Five Hundred Thousand (\$12,500,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the LTCP Implementation.

That the expected useful life of the project identified as LTCP Implementation will exceed twenty (20) years.

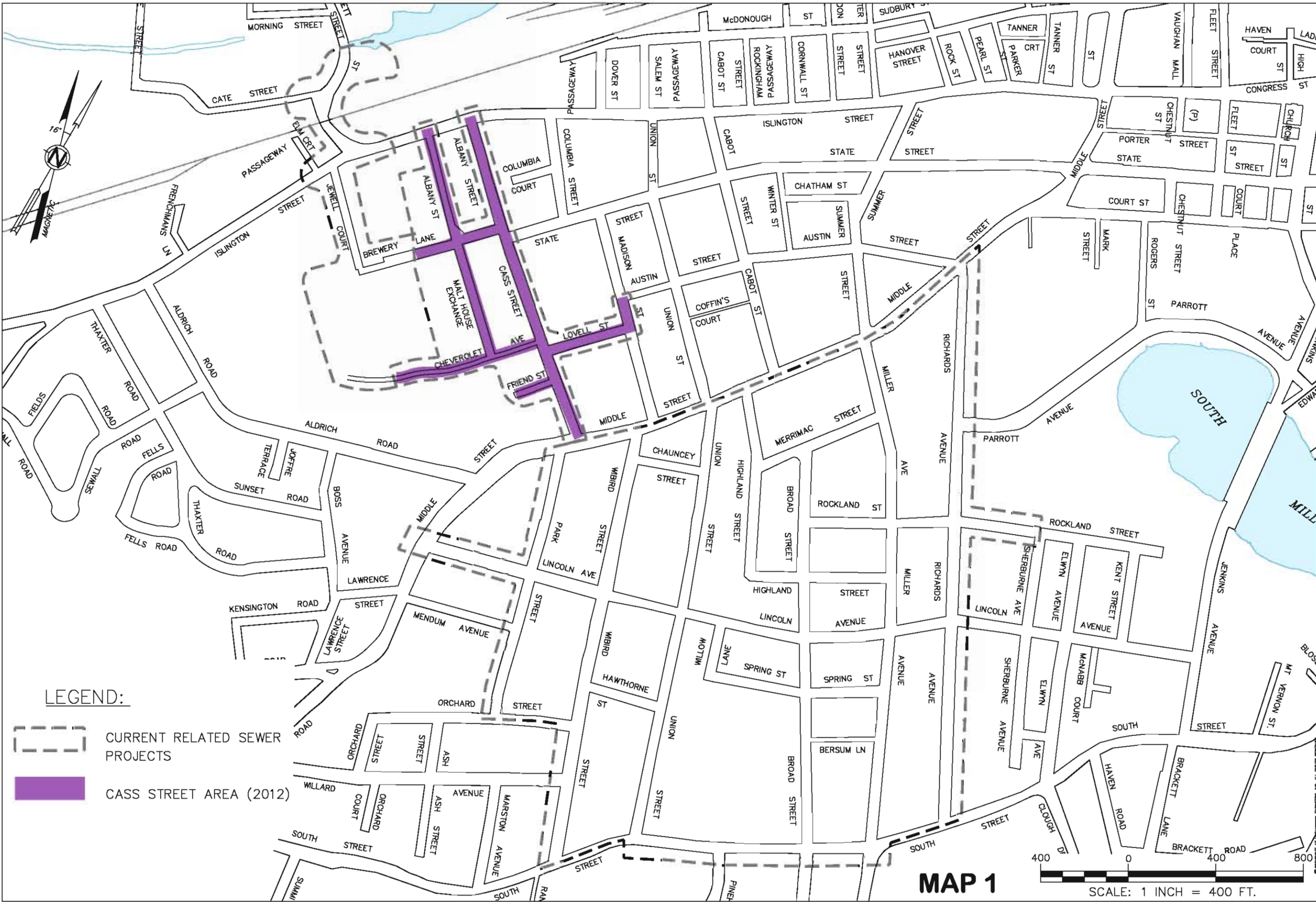
That this Resolution shall take effect upon its passage.

APPROVED:



ERIC SPEAR, MAYOR

ADOPTED BY CITY COUNCIL

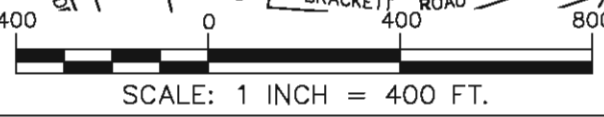
**KELLI L. BARNABY, CMC/CNHMC
CITY CLERK**



LEGEND:

-  CURRENT RELATED SEWER PROJECTS
-  CASS STREET AREA (2012)

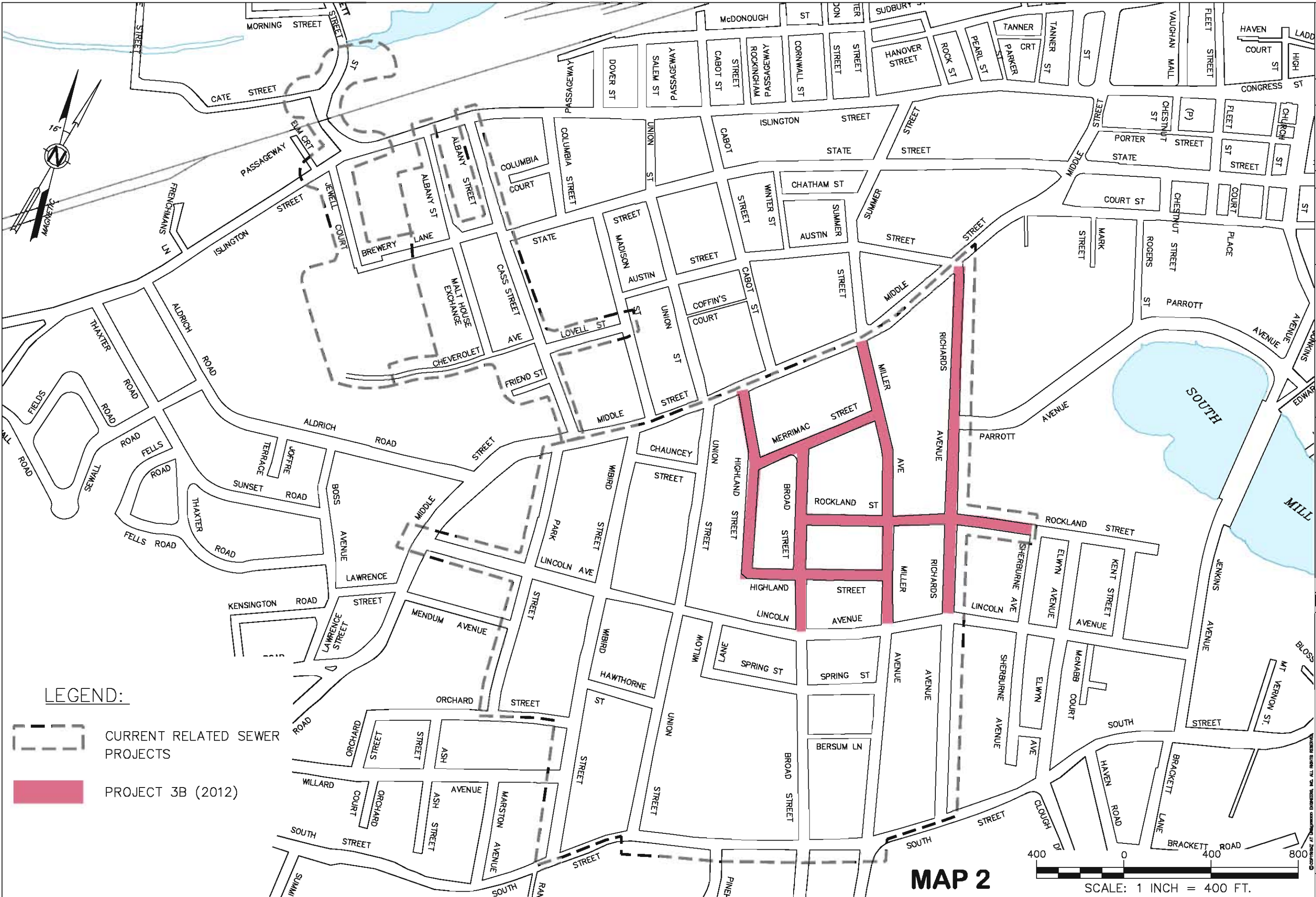
MAP 1





Drawn	RMG	ISSUE FOR
Designed		APPROVAL
Checked		By
Approved		Date
Date	11/3/11	CONSTRUCTION
Book No.		By
Project No.	1565	Date
Dwg. ID	1565_RL_P14.DWG	RECORD DRAWING
Scale	AS SHOWN	By
		Date
		APP'D
		REVISIONS
		NO.

Underwood Engineers, Inc.
 25 Vaughan Mall, Portsmouth, N.H. 03801
 Tel. 603-436-6192 Fax. 603-431-4733

CASS ST. AREA SEWER IMPROVEMENTS
 LINCOLN AREA SEWER SEPARATION
 CITY OF PORTSMOUTH
 PORTSMOUTH, NH



LEGEND:

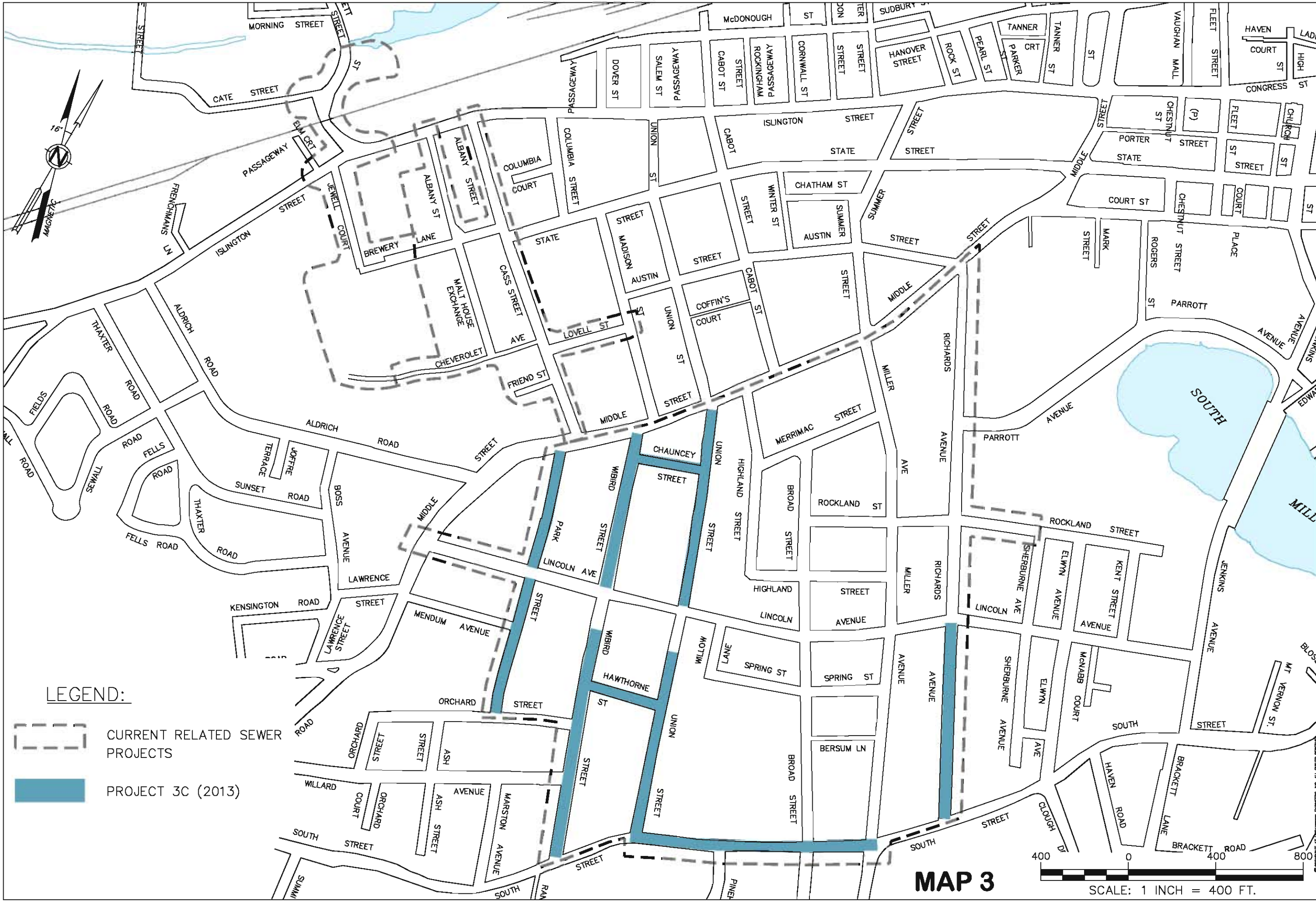
-  CURRENT RELATED SEWER PROJECTS
-  PROJECT 3B (2012)

ISSUE FOR	APPROVAL	By	Date
RECORD DRAWING	By		
CONSTRUCTION	By		
APPROVAL	By		



NO.	REVISIONS	APP'D

Underwood Engineers, Inc.
 25 Vaughan Mall, Portsmouth, N.H. 03801
 Tel. 603-436-6192 Fax. 603-431-4733

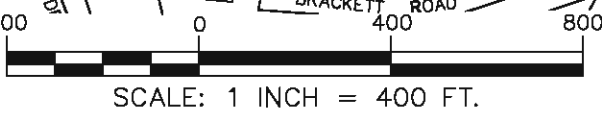
PROJECT 3B SEWER IMPROVEMENTS
 LINCOLN AREA SEWER SEPARATION
 CITY OF PORTSMOUTH
 PORTSMOUTH, NH



LEGEND:

-  CURRENT RELATED SEWER PROJECTS
-  PROJECT 3C (2013)

MAP 3



ISSUE FOR	APPROVAL	By	DATE
RECORD DRAWING	By		
CONSTRUCTION	By		
APPROVAL	By		

NO.	REVISIONS	APP'D

Underwood Engineers, Inc.
 25 Vaughan Mall, Portsmouth, N.H. 03801
 Tel. 603-436-6192 Fax. 603-431-4733

PROJECT 3C SEWER IMPROVEMENTS
LINCOLN AREA SEWER SEPARATION
 CITY OF PORTSMOUTH
 PORTSMOUTH, NH

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, Article XVI, Section 6.16 – **MAGAZINE SUBSCRIPTION SOLICITORS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

SECTION 6.1604 – LICENSE FEE

The fee for such license shall be determined on an annual basis by the City during its budget process.

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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 5, Article VIII, Section 5.8 –**ALARM SYSTEMS MONITORED BY THE CITY** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 5.802: SERVICE FEE

The owner of any premises served by an alarm system shall be obligated to pay a service ~~fee charge~~ to the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number of such calls permitted by this Article. This service ~~fee charge~~ shall be in **such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls.** ~~the amount of \$20.00 per unfounded emergency call to the police for the 6th through 9th call per calendar year and \$50.00 per call in excess of 9 calls. The service charge for unfounded emergency calls to fire officials shall be \$50.00. Said service charge is to be paid within 30 days of billing, payment to be made to the department issuing the bill.~~

Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS

The owner of any premises served by an alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service ~~fee charge~~:

- A. Unfounded Emergency Calls to Police **Department Offices**
Five calls per calendar year (Amended 1/25/88)
- B. Unfounded Emergency Calls to Fire **Department Officials**
Two calls per six calendar month period (January to June inclusive or July to December inclusive)

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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, Article VII, Section 6.7 – **DOGS AND OTHER PETS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 6.708: LICENSE

Every owner of a dog more than four (4) months old shall be required to license such dog within 30 days of ownership and annually thereafter with the City Clerk in the manner proscribed by RSA 466 as it may be from time to time amended. **The fee for this license shall be set at the maximum amount permitted by state law.** Failure to license any dog as provided in this section shall be a violation and the penalty shall be \$25.00 and not those penalties set forth in Section 6.710.

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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

**OFFICE OF THE CITY CLERK
CITY OF PORTSMOUTH, N.H.**

Memo

**Kelli L. Barnaby, CMC/CNHMC
City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7207
Fax: 603-427-1579
Klbarnaby@cityofportsmouth.com**

To: Mayor Eric Spear and City Council
From: Kelli L. Barnaby, City Clerk
Date: March 19, 2012
Re: 2012 Omnibus Sidewalk Obstruction Renewals

Please find attached a listing of 2012 Omnibus sidewalk obstruction renewal applications without changes, submitted thus far and that have met the appropriate insurance and fee requirements.

If you should have any questions, please do not hesitate to contact me directly or via e-mail at klbarnaby@cityofportsmouth.com.

cc: John P. Bohenko, City Manager

2012 Sidewalk Obstruction Renewal Applications

Business	LOCATION	FEE	Tables	Chairs	Bench	Planters	Sign	INSURANCE
Art with a Splash	222 State St.	\$50.00	0	0	0	0	1	July 25, 2012
Bagel Works	Congress St.	\$260.00	0	12	0	0	1	December 26, 2012
Better Homes & Gardens, Masiello Group	79 Congress St.	\$50.00	0	0	0	0	1	July 30, 2012
Betty LaBranche Agency	100 Market St	\$50.00	0	0	0	0	1	November 15, 2012
Black Trumpet Bistro	29 Ceres St.	\$100.00	0	0	0	1	1	March 1, 2013
Breaking New Grounds, Inc.	Market Square	\$960.00	15	42	0	0	0	October 1, 2012
Bull Moose Music	82-86 Congress St.	\$50.00	0	0	0	0	1	June 1, 2012
Buyer's Brokers of the Seacoast	33 Deer St.	\$50.00	0	0	0	0	1	February 1, 2013
Ceres Bakery	Penhallow St.	\$150.00	2	10	0	0	0	July 15, 2012
Chamber of Commerce	Daniel/Pleasant/Congress	\$50.00	0	0	0	0	1	April 6, 2012
Colby's Breakfast & Lunch	Rutland St.	\$50.00	0	0	0	0	1	October 10, 2012
Corks & Curds, LLC	Commerical Alley	\$50.00	0	0	0	0	1	November 13, 2012
Denimrack (Blue Athletic Inc)	19 Congress St.	\$50.00	0	0	0	0	1	December 10, 2012
Dos Amigos Burritos	107 State St.	\$120.00	2	4	0	0	0	September 25, 2012
Fat Belly's	2 Bow St.	\$50.00	0	0	0	0	1	September 12, 2012
Geno's Chowder and Sandwich Shop Inc.	177 Mechanic Street	\$50.00	0	0	0	0	1	April 4, 2012
Jumpin' Jay's Fish Café	150 Congress St.	\$50.00	0	0	1	0	0	September 25, 2012
Kaffee Vonsolln	79 Daniel Street	\$120.00	2	4	0	0	0	August 12, 2012
Maine-ly New Hampshire	22 Deer St.	\$50.00	0	0	0	0	1	June 27, 2012
Me & Ollies Café	10 Pleasant St.	\$440.00	6	18	0	0	1	May 6, 2012
North Church of Portsmouth	Market Square/Pleasant St.	N/A	0	0	0	0	2	October 1, 2012
Olde Port Properties	26 Congress St.	\$50.00	0	0	0	0	1	April 1, 2012
Paradiza	63 Penhallow St.	\$50.00	0	0	0	0	1	October 18, 2012
Poco's	37 Bow St.	\$50.00	0	0	0	0	1	June 8, 2012
Portsmouth Athenaeum	9 Market Square	\$50.00	0	0	0	0	1	August 26, 2012
Rudi's Portsmouth	20 High St.	\$50.00	0	0	0	0	1	October 14, 2012
Scallops	65 Daniel Street	\$50.00	0	0	0	0	1	September 11, 2012
Second Time Around	19 Congress St.	\$50.00	0	0	0	0	1	September 22, 2012
Serendipity	41 Pleasant St.	\$100.00	0	0	0	0	2	October 7, 2012
Sheva Jewelry	16 Market Square #2	\$50.00	0	0	0	0	1	June 10, 2012
Springers Jewelers	100 Market St. Suite 101	\$50.00	0	0	0	0	1	March 15, 2013
Starbucks Coffee	1 Market Sq.	\$240.00	4	8	0	0	0	October 1, 2012
State Street Saloon/Roger's Café	268 State Street	\$470.00	6	24	0	0	1	May 18, 2012
The Press Room	77 Daniel St.	\$50.00	0	0	0	0	1	October 17, 2012
Water Monkey	Vaughan Mall Lot	\$50.00	0	0	0	0	1	May 25, 2012

SEACOAST HALF MARATHON

Caring for the coast, one step at a time



March 7, 2012

received
3/8/12

Mayor Spear and the Portsmouth City Council
Portsmouth City Hall
1 Junkins Ave
Portsmouth, NH 03801

Dear Honorable Mayor Spear and the City Council,

This is to request your approval to hold the 7th annual Seacoast Half Marathon on Sunday, November 11, 2012.

The Seacoast Half Marathon is a fund-raiser, benefitting a different local non-profit organization each year. The previous beneficiaries were the Market Square Steeple Fund, New Heights, Cross Roads House, Womenade, Great Bay Services, and Big Brothers Big Sisters of the Greater Seacoast. In the first six years of the race, we contributed over \$325,000 to those organizations. This year's beneficiary is Families First, which provides a broad range of health and family services to all, regardless of the ability to pay. Our goal this year is to raise and donate a minimum of \$70,000 to Families First. In addition to our beneficiary, other local non-profit organizations have staffed our 'water stops,' and those enthusiastic groups each receive \$500 for their efforts on race day.

The Seacoast Half Marathon has sold out every year. And each year, the race attracts runners and walkers from 16-20 states across the nation, plus a small handful of people from outside the country. So local hotels, retailers and restaurants also benefit from the people who come to Portsmouth for this half marathon on Veteran's Day weekend.

We expect to have 1,200 participants on race day. 'Competitive walkers' will start at 8:00am, and the runners will start at 8:30. The race will start and finish at Portsmouth High School, where the race has started and finished every year. The 13.1 mile course travels through Rye and New Castle, as well as parts of Portsmouth. We avoid the 'downtown' area of Portsmouth to help minimize traffic interruptions. Each year, we work with the Police departments in Portsmouth, Rye and New Castle to minimize the impact of the race on local communities, and to maximize the safety for the racers.

We thank your office and the Council for your support of the Seacoast Half Marathon in past years, and hope that you will provide your support again for this year's race.

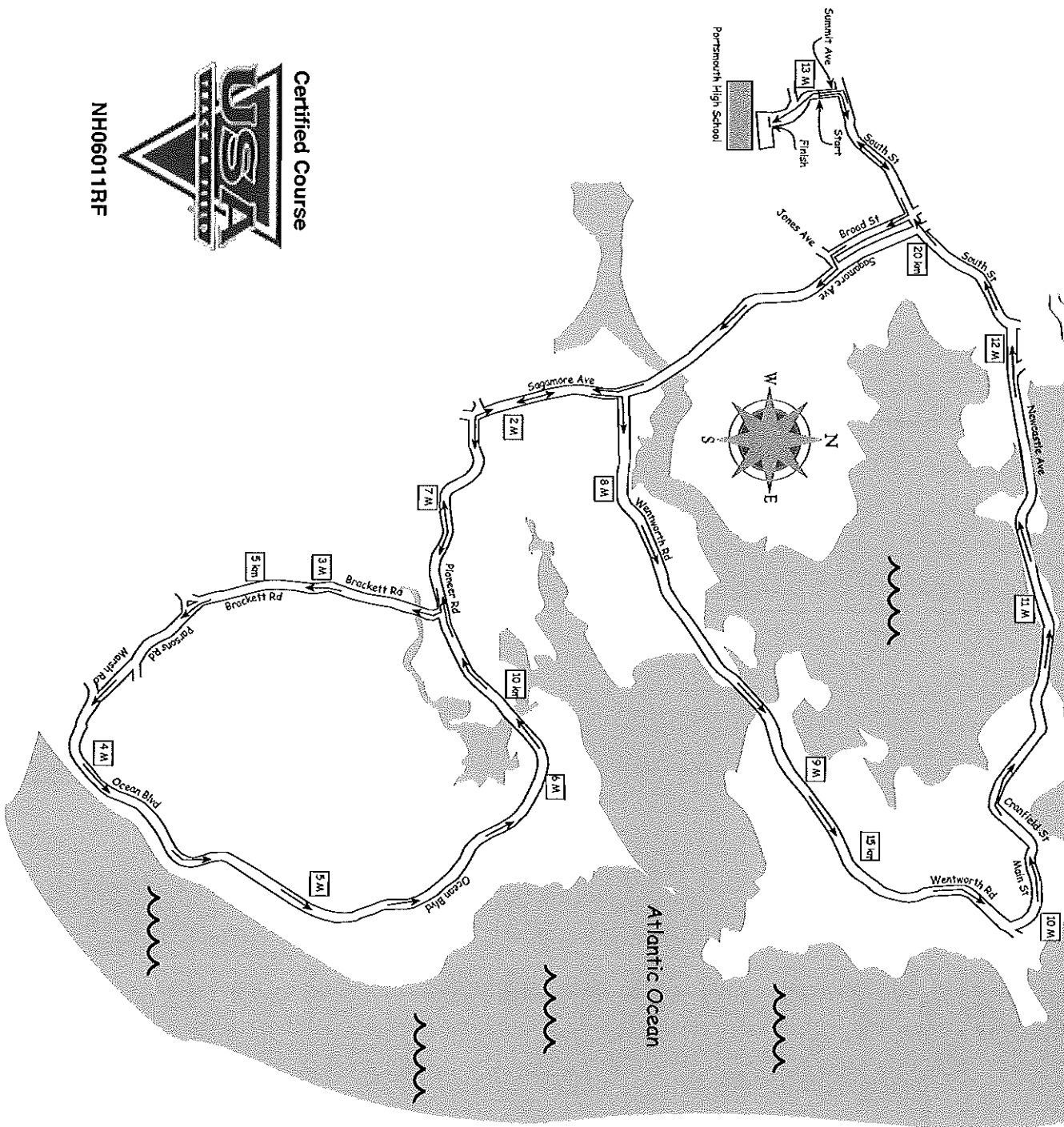
Sincerely,

A handwritten signature in black ink that reads "Jay Diener".

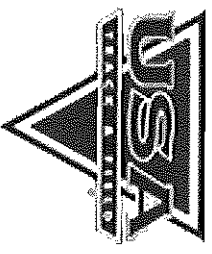
Jay Diener
Co-race director, Seacoast Half Marathon
206 Woodland Rd
Hampton, NH 03842
603.758.1177
racedirector@seacoasthalfmarathon.com

SEACOAST HALF-MARATHON

PORTSMOUTH, NEW HAMPSHIRE



Certified Course



NH06011RF

received
3/6/12

GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

March 6, 2012

Mayor Eric Spear
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Spear:

Summer is fast approaching, and at the Greater Chamber of Commerce we are gearing up for the busy tourism season ahead. Our new Harbor Guide will arrive shortly and be distributed throughout the Seacoast and New Hampshire State Information Centers. We are welcoming back our seasonal Visitor Assistants and Portsmouth Harbor Tour Guides, who will soon assist visitors and lead groups on bus and walking tours throughout the city.

We hope to again be able to display flags marking key sites along the historic Portsmouth Harbour Trail. The purpose of the Trail is to:

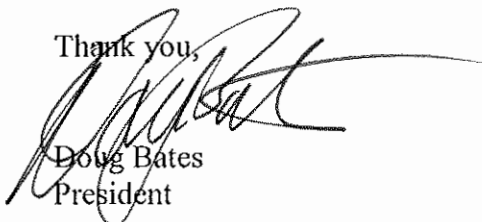
- Focus attention on Portsmouth's rich history
- Entice people to visit the historic houses and Strawberry Banke, as well as patronize our downtown businesses
- Attract people to our many wonderful cultural events

Groups of all kinds schedule guided tours throughout the season. They range from school children to Rhode Scholar participants, bus passengers to visitors on foot, corporate and conference groups, and local residents.

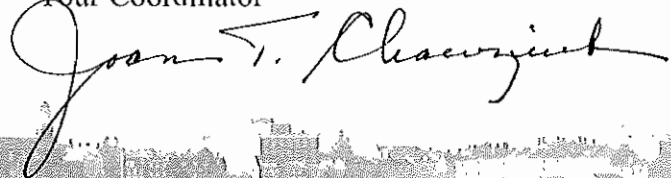
The Chamber's Tourism Department requests permission from the City Council to hang Portsmouth Harbour Trail Flags at 24 key sites for the 2012 season. We have received positive comments on the distinctive bright blue flags and plan to continue using the same colors and design as the past eight years.

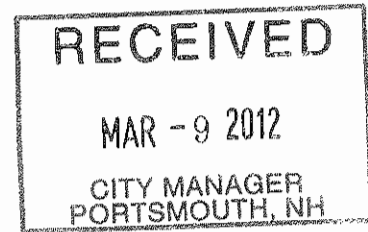
We request the City Council consider this issue at your next meeting. If you have any question or request additional information please do not hesitate to contact me.

Thank you,


Doug Bates
President

Joan Chawziuk
Tour Coordinator





March 9, 2012

Mr. John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko,

The New Hampshire SPCA will be hosting our annual Paws Walk 2012 on Sunday, June 10th at Stratham Hill Park, in Stratham, NH. With over 2,500 walkers and such a huge presence in the seacoast, I'm inquiring about placing 2 of our Paws Walk Posters and Brochures at the Mill Pond Dog Park in Portsmouth.

We would laminate them, and we were hoping to place them at the dog park with a weather-proof holder for some brochures, in addition to the poster. We would like to do this in the next week or so, and we will be responsible for taking them down by Monday, June 11th, the day after the event.

Your cooperation would be greatly appreciated, as the City of Portsmouth already has an active relationship with us, we would like to inform city residents (myself being one of them!) of this exciting event for dogs and dog lovers, alike.

I very much look forward to hearing from you!

Best regards,

Kelly Lemos
Annual Fund Coordinator
New Hampshire SPCA
(603) 772-2921 x105

City of Portsmouth

Legal Department

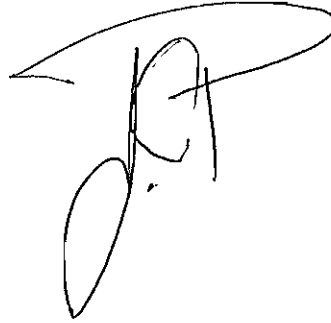
Memorandum

Date: March 12, 2012

To: John P. Bohenko, City Manager

From: Jason C. Page, Zoning Officer

Re: Boarding House renewals

A handwritten signature in black ink, appearing to be 'J. C. Page', written over a horizontal line.

Pursuant to Article VIII: **Boarding Houses**, Section 9.804: **Permit Renewal**, I have concluded the inspections for 21 Brewster Street and recommend renewal.



CITY OF PORTSMOUTH, NEW HAMPSHIRE
OFFICE OF THE CITY CLERK

BOARDING HOUSE PERMIT APPLICATION

DEC 22 2011

INSTRUCTIONS: Please print or type clearly and complete all information accurately. Incomplete applications will not be accepted.

APPLICANT INFORMATION

Applicant Name: BACH REALTY LLC Telephone: 436 6926

Address: 21 BREWSTER ST City/State/Zip: PORTS NH 03901

Boarding House Location: SAME

Number of Rooms 38 + office / 39

CERTIFICATION

I, the undersigned, have completed this application accurately, in accordance with Chapter 9, Article VIII of the Boarding House Ordinance:

Signature: [Signature] Date: 12/20/11


Administrative Use Only

Approved by the Zoning Officer:

[Signature] Date 3-12-12

Approved by the City Council: _____

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: March 8, 2012
RE: City Council Referral – Projecting Sign
Address: 142 Fleet Street
Business Name: River Run Bookstore
Business Owner: Tom Holbrook

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 38" x 22"
Sign area: 5.8 sq. ft.
Height from sidewalk to bottom of sign: 11'5"
Maximum protrusion from building: 44 in.

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 projecting 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 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.



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

February 24, 2012

Michael DeLaCruz
c/o The Franklin Block-CDB
75 Congress Street
Portsmouth, NH 03801

Re: **Property at 63 Congress (142 Fleet), Permit #11-896**
Assessor Plan 117, Lot 5

Dear Applicant:

The Board of Adjustment at its regular meeting on February 21, 2012 completed its consideration of your application described as follows:

Application:

5) Case # 2-5

Petitioners: Michael De La Cruz, owner, Tom Holbrook, applicant

Property: 142 Fleet Street (63 Congress Street)

Assessors: Map 117, Lot 5

Zoning District: Central Business B

Description: Install a 22" x 38" (5.8 s.f.) projecting sign.

Requests: 1. A dimensional Variance from Section 10.1253.50 to allow a sign to project 43" ± over the sidewalk where a sign is allowed to project no more than one-third of the width of the sidewalk (20" ±).

Action:

The Board voted to **grant** the petition as presented and advertised.

Stipulations:

None

Other:

Review Criteria:

The petition was granted for the following reasons:

1 Junkins Avenue
Portsmouth, New Hampshire 03801
Fax (603) 427-1593

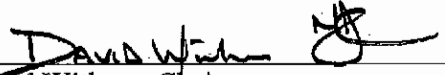
Michael DeLaCruz– Page Two
February 24, 2012

- This sign is of a reasonable size to identify the business for the public without requiring excessive relief from the Ordinance.
- In the justice balance test, the benefit to the applicant in granting the variance would not be outweighed by any detriment to the general public.
- With similar signs on this street, the value of surrounding properties will not be diminished.
- The sign allowed by this narrow sidewalk would not provide the same needed visibility as a reasonably larger sign.

Prior to the issuance of a building permit, the Building Inspector will need to review and approve construction drawings/sketches. Contact the Inspector at 603-610-7243 between the hours of 8:00 –10:00 a.m. Applicants should note that approvals may also be required from other Committees and/or Boards prior to the issuance of a Building Permit.

The minutes and tape recording of the meeting may be reviewed in the Planning Department.

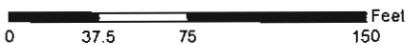
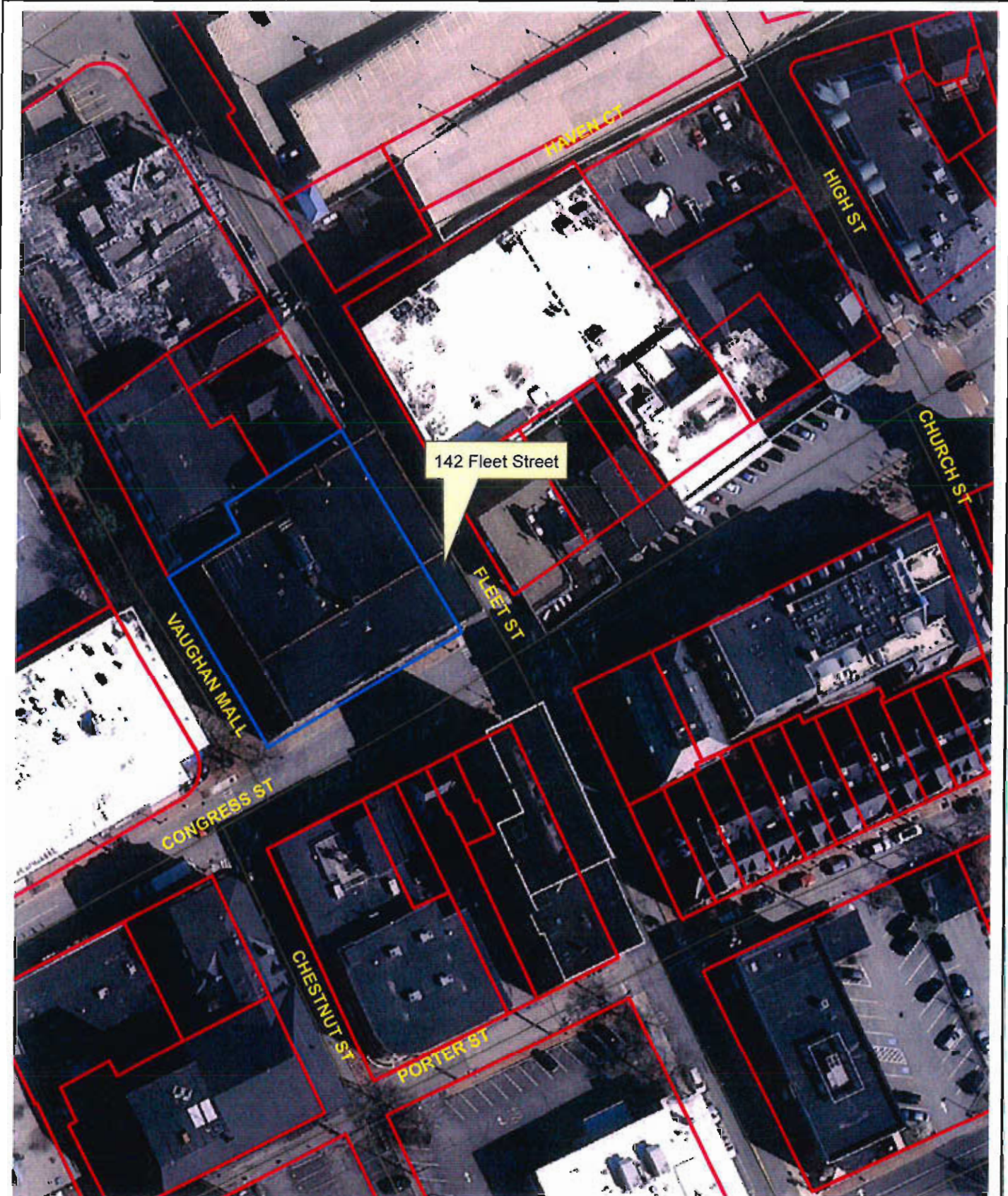
Very truly yours,



David Witham, Chairman
Board of Adjustment

mek

cc: Richard A. Hopley, Building Inspector
Roseann Maurice-Lentz, City Assessor
Tom Holbrook

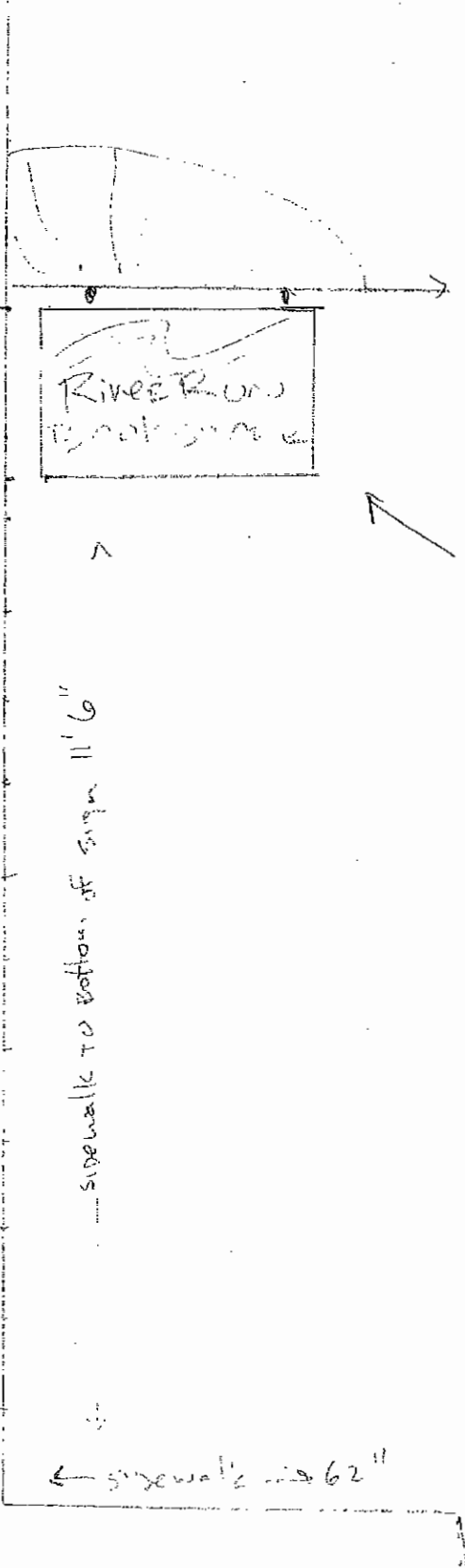


Request for Projecting Sign License 142 Fleet Street

Map produced by Planning Department 3-8-2012

River Run Bookstore
142 Fleet St.
1 Projecting Sign





sign bracket 60"
Already in place

RIVER RUN
BOOKSTORE

Requested
sign - 22" x 38"
5.8 sq. ft.

sidewalk to bottom of sign 11' 6"

sidewalk is 62"

1/2" = 1 FT

InterOffice Memo

To: John P. Bohenko, City Manager
From: Tom Richter, Engineering Technician
Date: March 9, 2012
Subject: PSNH License Agreement 63-0525

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0525.

This request is to license one pole located on Fernald Court that needed to be replaced. PSNH could not find an existing license for a pole at this location and are requesting one at this time. This proposed pole poses no impact to existing city infrastructure. The Public Works Department recommends approval of this license.

Attached is a picture of the pole that needed to be replaced. Please call with any questions you may have.

cc: David Allen, P.E. Deputy Director of Public Works
Kelli Barnaby, City Clerk



**Public Service
of New Hampshire**

60 W. Pennacook Street, Manchester, NH 03101

Public Service Company of New Hampshire
P.O. Box 330
Manchester, NH 03105-0330
(603) 669-4000

The Northeast Utilities System

January 20, 2012

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace poles located in the City of Portsmouth. Enclosed for your review is pole license petition 63-0525 for pole(s) located in the City of Portsmouth.

Upon approval, please have the license section signed by the proper authority. The copy labeled "**Portsmouth**" should be retained for your records.

Please return the remaining copies along with any invoices for payment to my attention at the address below.

If the petition is rejected, please return all copies of the license petitions with an explanation of rejection.

If you have any additional questions or require more information, please contact me at 603-634-2218 .

Respectfully,

Lisa-Marie Pinkes

Lisa-Marie Pinkes
Representative-A Records
Public Service of New Hampshire
60 West Pennacook Street PO Box 330
Manchester, NH 03105-9989

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

January 16, 2012

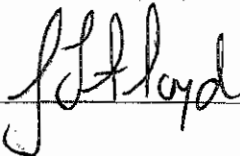
To the City Council of the City of Portsmouth New Hampshire.

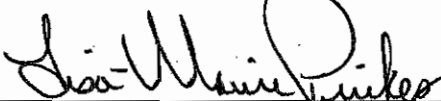
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), 132/6A located on Fernald Court in the City of Portsmouth.

Northern New England Telephone Operations LLC
d/b/a FairPoint Communications-NNE

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

BY: 
Lisa-Marie Pinkes, PSNH CO Support/ Licensing

LICENSE

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

ORDERED

On this 16th day of January, 2012, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0525, dated 1/16/2012, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

Town Clerk

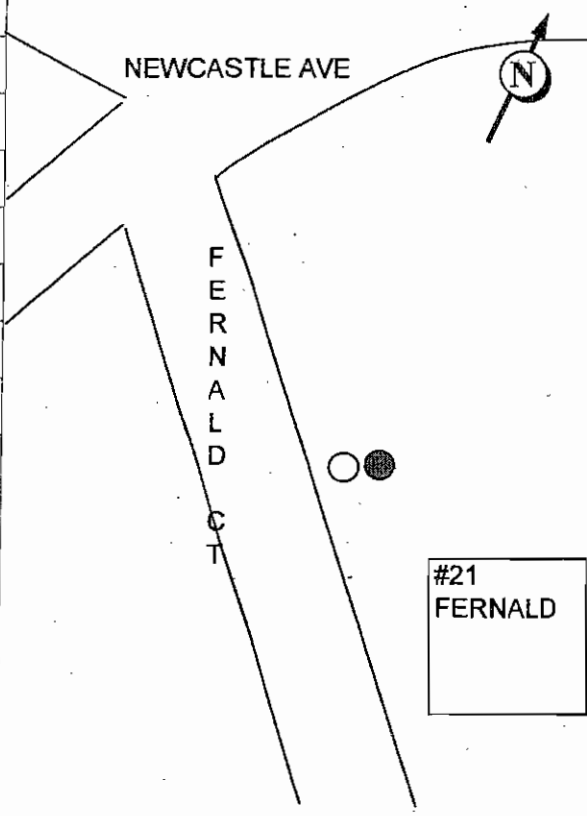
POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and

Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE

DATE	01/16/2012	LICENSE NO.	63-0525
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	Fernald Court	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	1815040
PSNH ENGINEER:	Sonny Lemire	WORK FINANCIAL #	9P120591
TELCO ENGINEER:	Joe Considine	TELCO PROJECT #	

Pole Numbers		Pole Sz-Ci	Eq BH	INSTALL		REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL			POI F	PB									
		1953												
132 6A	75F 1	30 354	JT										REPLACE ROTTEN POLE	S/R



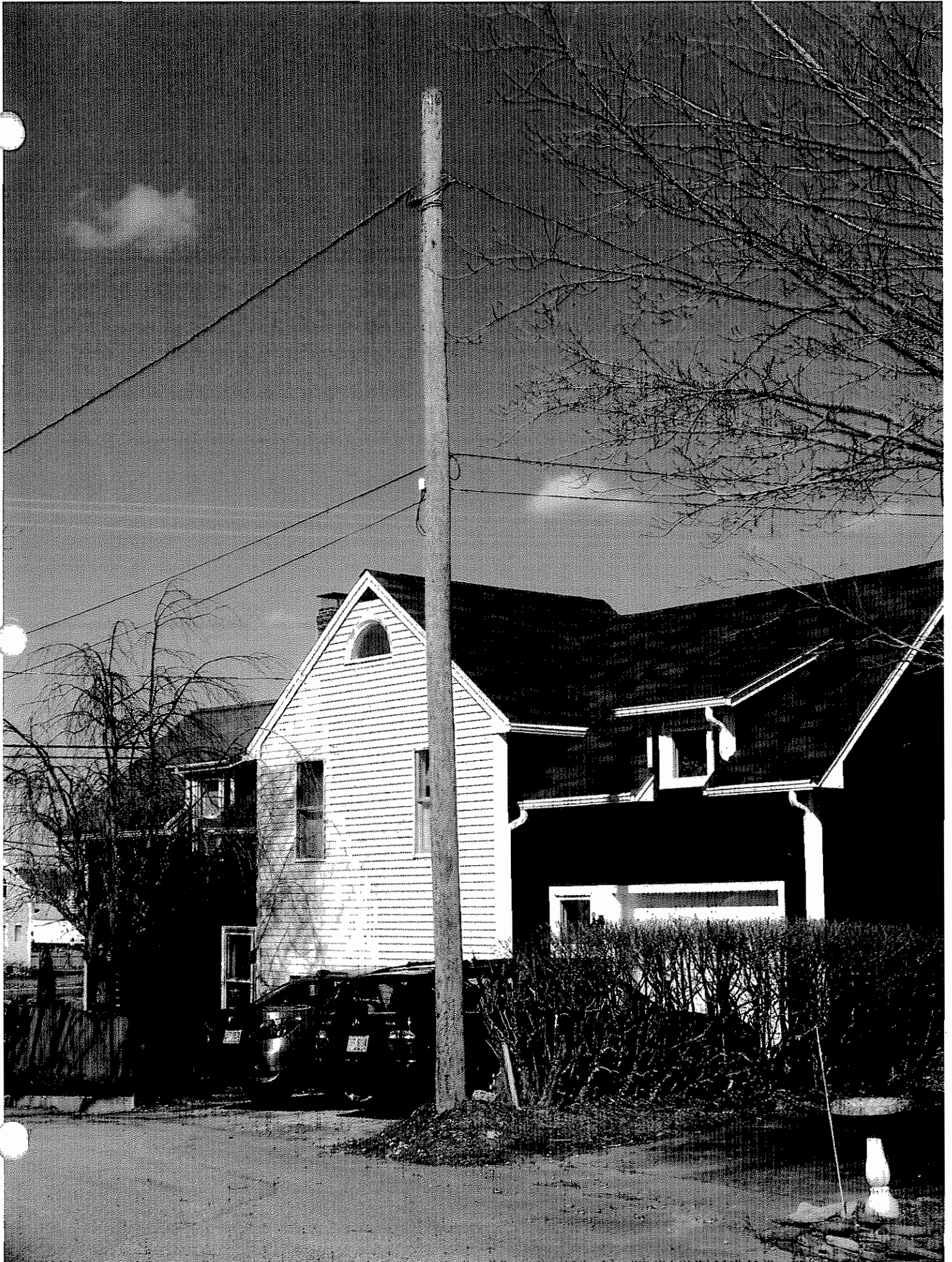
#21
FERNALD

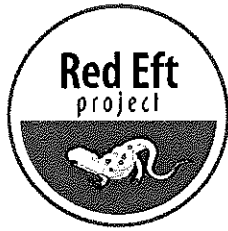
ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:





Mr. John Bohenko, City Manager
1 Junkins Avenue
Portsmouth, NH 03801

March 6, 2012

Dear Mr. Bohenko,

For the second year, the Red Eft Project, a Portsmouth-based nonprofit, would like to formally request permission to locate a small series of temporary art sculptures on city property as part of an exhibit of environmental art scheduled during their annual event: Whaleback Environmental Film & Art Festival. This year, the festival will run during the weekend of May 11-13.

Local artist Tim Gaudreau is coordinating the art portion of the event this year, inviting a few select artists whose work is of the highest standards, to participate in the festival. Art will be required to be of unique design, freestanding with no sharp edges, have a stable platform or base mounting and be anchored to prevent both tipping and theft, avoid damage to the surrounding landscape, avoid obstruction of adjacent pathways, and take into account the eventuality of wind, rain, and other weather conditions.

Whaleback is again timed with the Sustainability Fair and in partnership with Sustainable Portsmouth to expand and strengthen the slate of activities focused on sustainability issues during the fair weekend. We are requesting permission to install three sculptural pieces of art in the same locations as the council approved last year:

1. Corner of Market Street (where the ant and moose were located)
2. Grassy area where City Hall exits onto Junkins Avenue
3. Park across the street from City Hall, near corner of Junkins and South Street

The exhibits will be installed on Friday May 11th and removed by the end of day, Sunday May 13th. Participating artists will be required to sign the following release statement:

I, the undersigned, agree to indemnify and hold the Red Eft Project, festival organizers, and the city of Portsmouth and its employees, agents, and volunteers, including the City Cultural Commission and property owners, harmless from any loss, theft, or damage to my artwork. I have read and understand the specifications and requirements for the sites. I take responsibility for the installation and removal of my artwork. I grant permission to the city of Portsmouth to photograph any entry for publicity purposes.

Thank you for your consideration of our request. I would be pleased to work with the Portsmouth Department of Public Works and/or other agency to ensure the appropriateness of scale, stability and safety of the exhibit, or to find suitable alternate locations.

Sincerely,

Dyanna I. Smith
President

Board of Directors:

Dyanna I. Smith
President
Portsmouth, NH

H. C. White
Chair
Bronx, NY

Doug Fisher
Vice Chair, Education
Jackson, WY

E. Kumin
Vice Chair, Sustainability
Boston, MA

Melissa Grella
Secretary
Lancaster, NH

Molly Hicks
Treasurer
Dublin, OH

Contact:

PO Box 1194
Portsmouth, NH
03802-1194
603.781.1963

www.RedEft.org
info@redeft.org

Members of the City Council
c/o City Manager John Bohenko
1 Junkins Ave.
Portsmouth, NH 03801

March 11, 2012

Ref: Request to hold "Welcome Home, Iraq Veterans Parade"

Dear City Councilors,

After our initial letter of March 6, 2012 we had a chance to discuss the parade with the leaders of the American Legion and the VFW. The result of that discussion was that they requested a parade date in July instead of our initial June 3 date.

That is why we would now like to ask the City of Portsmouth to support a "Welcome Home, Iraq Veterans" parade in the City of Portsmouth on Sunday, July 8, 2012.

The parade's purpose is to celebrate the return of our military personnel from Iraq. The city of St. Louis, Missouri, was the first major city to hold such a parade with 100,000 celebrating. We are unaware of any town in New Hampshire, or even in New England, to hold such a celebration and would like Portsmouth to be the first.

The initial idea was suggested by former City Councilor and veteran Harold Whitehouse and has also been promoted by a fellow veteran Martin Cameron. Since then, recently returned veterans and leaders from both Veterans of Foreign Wars Post 168 and American Legion Post 6 have been contacted and also like the idea. Some of the members of the local Labor/Portsmouth Peace Treaty Parade Committee have indicated that they are willing to help organize such a parade. These organizations all have previous parade experience with the City. Our intention is to involve all of our community organizations in supporting and participating in this parade to celebrate the end of the Iraqi War and welcome home our military personnel.

City Manager John Bohenko has already been consulted and July 8 was deemed the most convenient date from the 4 initial dates of May 20, June 3, June 10 and July 8.

We are willing to take on the parade's organizational logistics and raise additional funds if needed. However, we would ask the City of Portsmouth to assume the costs involved with the police details and insurance. We believe Portsmouth residents will wholeheartedly support such a parade and look forward to your response."


Respectfully Yours,

Peter Somssich and Josh Denton
for Portsmouth "Welcome Home, Iraqi Veterans" Parade Committee

Peter Somssich
Tel. 436-5221 (h), 978-750-1633 (w)
34 Swett Ave., Portsmouth, NH 03801

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

DATE: March 12, 2012
TO: Honorable Mayor Eric Spear and City Council Members
FROM: John P. Bohenko, City Manager 
RE: Commerce Way Conditional Road Layout and Betterment Assessment

Attached is a request from Attorney Malcolm McNeill on behalf of Commerce Way LLC to initiate the local process for a Conditional Road Layout and Betterment Assessment for Commerce Way. Those of you on the City Council in 2011 will recall an informational presentation on this topic at the June 20, 2011 meeting and a letter from the Portsmouth Economic Development Commission recommending that the City participate in the betterment assessment process to improve Commerce Way.

The impetus for the June 2011 presentation was a request by Commerce Way LLC, the owners of Commerce Way, to use a mechanism allowed by state statutes RSA 231:28 *Conditional Layout for Existing Private Rights of Way* and RSA 2312:29 *Betterment Assessments Against Abutters and Those Served* whereby the cost of improvements to a private roadway is financed by a general obligation bond issued by the city and repaid by assessments on the private property owners served by the road (in this case, the building owners along Commerce Way). 100% of the bond and road improvement costs are paid by abutting property owners. Security for the bond repayment is in the form of liens against the abutting properties which have the same status as a property tax lien.

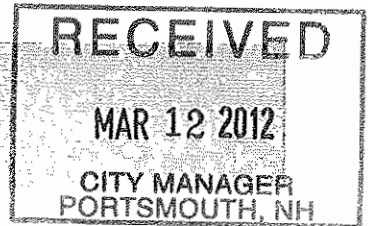
Shortly after the June 2011 presentation, the owners asked the City to suspend the process in order to secure the materials required by the state statute to petition the City for the proposed road improvements. Recently, Commerce Way LLC reactivated the process and requested that it be brought before the City Council to initiate the project.

Included with this memorandum are the following documents for your review prior to the March 19, 2012 City Council meeting:

1. Letter from Malcolm McNeill on behalf of Commerce Way LLC dated March 12, 2012 summarizing the conditional roadway layout improvement and betterment assessment and requesting that the road layout be referred to the Planning Board (Note: this packet also includes a copy of the EDC letter of recommendation).
2. Memorandum from City Attorney Robert Sullivan dated March 12, 2012.
3. A copy of the June 20, 2011 power point presentation made to the City Council.

In accordance with the memorandum from Attorney Sullivan, and letter from Attorney McNeill, the next step is for the City Council is to refer the request to the Planning Board for a report back.

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**



DATE: March 12, 2012
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: COMMERCE WAY

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Attached for inclusion in the Council agenda packet is a letter from Attorney Malcolm McNeill on behalf of Commerce Way, LLC addressed to Mayor Spear and members of the City Council seeking to initiate the layout and betterment assessment process.

While this letter is sufficient to initiate the process by seeking a Planning Board referral, it should be noted that the letter does not include the recordable document which we have requested to accomplish the following:

1. Assure the City that all stakeholders in the process agree to pay the full cost of the project regardless of what it might be, inclusive of a City 10% oversight expense, based on percentages determined by frontage.
2. Create a waiver of all stakeholders to any appeal which might be filed over the betterment process or costs.
3. Create a waiver by all stakeholders of any real estate tax appeal based upon the claim that the betterment assessment reduces the value of the subject property.

I spoke with Attorney McNeill about the need for this letter. He indicates that it will be provided at some point in the process.

attachment

cc: Steve Parkinson, Public Works Director (w/o attachment)
Rosann Maurice-Lentz, City Assessor (w/o attachment)
Nancy Carmer, Economic Development Manager

MALCOLM R. McNEILL, JR.
R. PETER TAYLOR*
ROBERT J. GALLO**
WILLIAM L. TANGUAY

*Also admitted in Maine
**Also admitted in Maine and Mass.
† Also admitted in Mass



Hale Schoolhouse
180 Locust Street
P.O. Box 815
Dover, NH 03821

TEL (603) 749-5535
FAX (603) 749-1187

March 12, 2012

Via Email JPB@ci.cityofportsmouth.com
Honorable Mayor Eric Spear
and Members of the City Council
City of Portsmouth
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Commerce Way – Layout and Betterment Assessment

Dear Mayor Spear and Members of the City Council:

Please be advised that this office represents Commerce Way, LLC. The purpose of this correspondence is to provide a succinct summary of the process and substance of our client's request that the City conduct a conditional layout roadway improvement and betterment assessment for Commerce Way to be financed by a 10 year municipal bond.

As you know, Commerce Way is presently a private roadway which is maintained by Commerce Way, LLC. It services many commercial properties located in Commerce Center and provides a commercial connection between the recently upgraded Portsmouth Boulevard and Woodbury Avenue. The roadway was initially developed in approximately 1984. Commerce Way LLC seeks to effectively compete in the commercial office retail market with Pease and other facilities. To do so requires improvement and modernization of Commerce Way.

The owner proposes to reconstruct approximately 2,500 linear feet of the roadway to City of Portsmouth standards and construct a five-foot pedestrian walkway from Woodbury Avenue to Portsmouth Boulevard. As noted in the attached draft Petition for Conditional Layout, the owner also proposes to construct vertical granite curb to City of Portsmouth standards and to improve lighting fixtures and other utility features of the

roadway. The owner will also construct 600 feet of landscape median islands between the Kmart driveway and the north corner of Commerce Way for landscape enhancement in a manner that is similar to Portsmouth Boulevard. Utilities will also be improved.

The improvement will result in an enhancement of the taxable value of the existing buildings and will promote and facilitate the construction of a new building at 235 Commerce Way. The improvements will enhance the roadway and provide a through roadway that will assist in the marketing of rental units and the promotion of further business and jobs along Commerce Way.

On May 25, 2011, Appledore Engineering estimated the total cost of the proposed improvements at \$1,592,872.00. At the City's request, the applicant will also agree to complete a comprehensive development agreement which will include payment to the City of appropriate inspection fees. The applicant has contacted all of the owners of every property affected by the process and obtained their consent to the amount of the final assessment and to the betterment procedure.

Commerce Way LLC proposes to improve the roadway consistent with RSA 231:28-30 and a draft petition and summary of the process is attached for illustrative purposes and entitled "Procedure for Conditional Layout for Existing Private Right-of-Way with Betterment Assessment." I have not included oversized plans but will provide them at the appropriate time to the Council and the Planning Board.


Representatives of Commerce Way, LLC appeared before the City Council on June 20th and presented an outline of the process for the layout and the betterment assessment. At the time of the hearing, the Chairperson of the Portsmouth Economic Development Commission, Everett Eaton, appeared before the Council and supported the proposal and provided the Council with the enclosed letter of June 14, 2011 wherein the Commission recommended the proposed improvements.

Commerce Way, LLC is committed to assisting the City in following the administrative process and assisting with any other construction related oversight and assistance as may be necessary. We view this process as mutually beneficial to the City and Commerce Way in providing an upgrade to an existing office facility which should provide increased employment, tax revenue, and a more attractive link between Portsmouth Boulevard and Woodbury Avenue. The City's investment in the project would be protected by the betterment assessments against the affected properties and no Portsmouth tax dollars will be spent.

It is respectfully requested that the City Council refer this matter to the Planning Board for appropriate action. After the Planning Board submits its report to the City Council, it is respectfully requested that a public hearing be scheduled by the City Council and that our request be processed in accordance with the general terms of the procedure which is appended to this letter.

Thank you for your anticipated cooperation in this matter.

Respectfully Submitted



Malcolm R. McNeill, Jr.

MRM/jhf

Enc.

cc: Commerce Way, LLC
Robert P. Sullivan, Esq.
John P. Bohenko, City Manager
Nancy Carmer



CITY OF PORTSMOUTH

Economic Development Department
(603) 610-7220

June 14, 2011

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

RE: Proposed Betterment Assessment for Commerce Way

Dear Mayor Ferrini and City Council Members,

The purpose of this letter is to transmit the Economic Development Commission (EDC) recommendation regarding improvements to Commerce Way. At the May 25, 2011 EDC meeting, representatives from Commerce Way, LLC made a presentation regarding planned road improvements using an economic development tool allowed by NH State statutes.

Commerce Way is a privately-owned road constructed in 1983 as part of the Commerce Center development. In the presentation to the EDC, the proponents described improvements to Commerce Way that will bring it into compliance with current city street standards. When completed, the street would be deeded to the City. The state statutes that allow for these actions are RSA 231:28 *Conditional Layout for Existing Private Rights of Way* and RSA 231:29-33 *Betterment Assessments Against Abutters and Those Served*. Using this process, the cost of the roadway improvements is financed by a general obligation bond issued by the city and repaid by assessments on the private property owners served by the road (in this case, the building owners along Commerce Way). Bond issuance costs are rolled into the bond amount.

By using the betterment assessment process, 100% of the bond and road improvement costs are paid by abutting property owners. Commerce Way, LLC has secured agreements from all abutters to participate in the betterment assessment. Security for the bond repayment is in the form of liens against the abutting properties which have the same status as a property tax lien. Betterment assessments have been used successfully in other NH communities for road and sewer improvements. A summary of the betterment assessment process, which includes a public hearing, is attached.

The planned Commerce Way road improvement design has been reviewed by city staff and is part of a larger plan to significantly upgrade the Commerce Way Office Park to a Class "A" commercial office park that when complete, will be competitive with Pease Tradeport. Included in the proposed 2,500 linear feet of roadway improvements are:

1. Partial undergrounding of utilities,

1 Junkins Avenue
Portsmouth, New Hampshire 03801
Fax (603) 427-1593

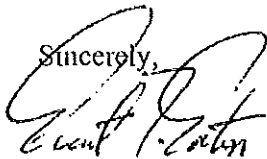
2. Upgraded sidewalks and curbs,
3. Landscaped medians,
4. Construction of a bike lane,
5. Installation of a state of the art storm water drainage system including 1,300 linear feet of buried ductile water service.

The advantages of the Betterment Assessment to the City are:

1. A private road is upgraded to city standards and would be fully available to the public.
2. An office park with notable vacancy can be upgraded and hopefully occupancy improves.
3. Higher occupancy means higher values and higher property taxes.

Again, it should be noted that the bond payments for the road improvements will be made by the property owners. There will be no burden to the tax payer.

Following the presentation and discussion on May 25th, the EDC voted unanimously to recommend that the City participate in the betterment assessment process to improve Commerce Way provided that all statutory requirements are met, that construction cost estimates are updated, that bond repayments are paid twice per year and that Commerce Way, LLC agrees to enter into a development agreement with the City. The EDC suggested that the next step is to have a presentation to City Council by the proponents at the June 20, 2011 City Council meeting with no action taken at that time.

Sincerely,


Everett Eaton, Chair
Portsmouth Economic Development Commission

CC: John P. Bohenko, City Manager
Robert Sullivan, City Attorney
Steve Parkinson, Public Works Director
Judie Belanger, Finance Director
Rosann Mauricc-Lentz, City Assessor
Kristin Regis, Tax Collector
Nancy Carmer, Economic Development Program Manager

PORTSMOUTH CITY COUNCIL

PETITION FOR CONDITIONAL LAYOUT OF AN EXISTING PRIVATE RIGHT-OF-WAY KNOWN AS COMMERCE WAY, WITH BETTERMENT ASSESSMENTS, PURSUANT TO RSA 231:8 AND RSA 231:28-30

NOW COMES Commerce Way, LLC, a New Hampshire limited liability company, with a place of business at 210 Commerce Way, Suite 150, Portsmouth, New Hampshire 03801, which is the owner of a private right-of-way known as Commerce Way, as said roadway is specifically delineated on the plans and drawings appended hereto, which respectfully requests that the Portsmouth City Council layout Commerce Way as a Class V public roadway in the City of Portsmouth. Pursuant to the statute, Commerce Way, LLC hereby supplies the following materials to assist the Council in its consideration of the Petition:

- Exhibit 1. A street frontage exhibit of the improvement area of Commerce Way (to be supplied).
- Exhibit 2. An engineered plan of the improvements to Commerce Way prepared by Appledore Engineering of Portsmouth, NH. As noted on the plan, Commerce Way, as improved, will remain in its present location. Appledore Engineering's certification that the road to be constructed conforms to construction standards and requirements currently in effect in the City of Portsmouth is contained on Note 10 on Sheets R-3A and R-3B (to be supplied).
- Exhibit 3. The Roadway Improvement Plan Summary provides a narrative of the improvements which are delineated on the Appledore plan and summarizes improvements to be completed as part of the roadway upgrade.
- Exhibit 4A A legal description (4A) and survey (4B) (to be supplied) of the highway to be laid
and 4B out and subsequently conveyed to the City of Portsmouth as prepared by McNeill, Taylor & Gallo, P.A., Attorneys at Law, 180 Locust Street, Dover, NH 03821, and Doucet Survey, Inc. of 102 Kent Place, Newmarket, NH 03857.
- Exhibit 5. A roadway improvement cost estimate by Appledore Engineering.

Exhibit 6. A list of all of the abutters to Commerce Way containing the percentage cost assessments, by street frontage, to be assessed against property owners who own developable property along Commerce Way.

Commerce Way, LLC respectfully submits that there is a public need for Commerce Way to be laid out as a Class V road in its present location. Commerce Way provides a commercial connection between the recently upgraded Portsmouth Boulevard and Woodbury Avenue. The private roadway presently services Commerce Center, an office park which was substantially developed during the period of 1983-84.

In order to effectively compete in the commercial office rental market, Commerce Way is in need of improvement and modernization. The owner proposes to reconstruct 2,550 linear feet of roadway to City of Portsmouth standards and construct a 5 foot pedestrian sidewalk to City of Portsmouth standards from Woodbury Avenue to Portsmouth Boulevard. In addition, the owner proposes to construct vertical granite curb to City of Portsmouth standards and to construct shoebox-style roadway light fixtures to match the existing fixtures on Portsmouth Boulevard. The owner will also construct 600 ft. of landscape median islands between the Kmart driveway and the north corner of Commerce Way for landscape enhancement and traffic calming. New landscaping including trees and shrubs along the perimeter of the entire roadway will be completed as well as the construction of pedestrian benches. The number of curb cuts will be reduced. Utilities will be improved and various waterline service improvements from Woodbury Avenue to the north corner of Commerce Way to create a continuous loop along the entire length of the roadway will be completed. Water main improvements, including 1,300 feet of 8" ducktail iron pipe with associated valves and fittings will also be completed.

All of the within improvements will not only improve the appearance, safety and sustainability of the roadway, but will also enhance the quality of the office center resulting in increased marketability and commercial vitality, and will facilitate the construction of the new building at 235 Commerce Way. The improvements will enhance the utility structures within the roadway, improve drainage, improve pedestrian safety and access, and provide an attractive new appearance for the Portsmouth Boulevard/Commerce Way loop to Woodbury Avenue. The improvements should result in the enhancement of the values of the properties which abut the roadway and should result in an increase in the values of the park which will result in greater taxable values to the City of Portsmouth.

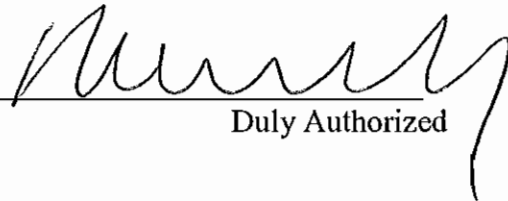
It is proposed that the City pursuant to RSA 231:28-30, would bond the improvements for a ten-year term. The cost of the improvements will then be assessed proportionately against each developed property abutting Commerce Way based on its linear feet of road frontage in accordance with Exhibit 6. The assessment will be charged to each property owner, to be paid semi-annually over the bonding period of 10 years to

be secured by a statutory betterment assessment lien against the property of all of the abutting owners listed on Exhibit 6.

Pursuant to RSA 231:28, it is respectfully requested that the Council refer this matter to the Planning Board for a report and thereafter schedule a public hearing on the within Petition with appropriate public notice.

Respectfully submitted,

COMMERCE WAY, LLC

By:  Duly Authorized

**PROCEDURE FOR CONDITIONAL LAYOUT
FOR EXISTING PRIVATE RIGHT-OF-WAY
WITH BETTERMENT ASSESSMENT**

COMMERCE WAY, PORTSMOUTH, NEW HAMPSHIRE

231:28 Conditional Layout for Existing Private Rights-of-Way or Class VI Highways. - Whenever, pursuant to the provisions of this chapter, the selectmen receive a petition to lay out roads over existing private rights-of-way or to lay out a class V highway over an existing class VI highway and such private right-of-way or class VI highway does not conform to construction standards and requirements currently in effect in the town, the selectmen may conditionally lay out roads upon compliance with betterment assessments as provided in this section and in RSA 231:29-33. Prior to commencement of conditional layout, however, a public hearing shall be held, written notice of which shall be given by the appropriate governing board to all owners of property abutting or served by the private right-of-way or class VI highway, at least 14 days before the hearing, at which hearing details of the proposed construction, reconstruction or repairs, and the estimated costs thereof shall be presented by the selectmen. Conditional layout proceedings may commence 10 days following the public hearing unless within that period a petition not to conditionally lay out said thoroughfare signed by a majority of the owners of property abutting or served by the existing private right-of-way or class VI highway is received by the selectmen. If a highway is so laid out, the selectmen may construct reconstruct, repair or cause to be constructed, reconstructed or repaired such highways, streets, roads, or traveled ways to conform in every way with the highway or street construction standards and regulations previously established by the town. The betterment assessments shall be assessed under the provisions of RSA 231:29. (Emphasis supplied)

The following procedure must be followed:

1. **Petition for Conditional Layout to be Submitted by _____.**

[X] The applicant must submit a Petition for Layout to the City Council pursuant to RSA 231:28. (the "Petition")

[X] The Petition will be labeled "Petition for Conditional Layout of Existing Private Right-of-Way"; it does not require any unusual format but it must contain all of the items set forth in this checklist.

[X] The submission of the Petition will include an engineered plan of Commerce Way, as improved by Appledore Engineering. Commerce Way, as improved, will remain in its present location.

[X] Appledore must certify that the road to be constructed conforms to construction standards and requirements currently in effect in the City of Portsmouth.

- [X] The Petition must set forth the Betterment Assessment to include:
 - [X] A detailed cost of construction specification as certified by Appledore.
 - [X] That the cost of the improvement will be assessed (the "Assessment") against each property abutting or served based on its linear feet of road frontage.
 - [X] That the Assessment will be charged to each owner of property abutting or served by the new road over a period of ten (10) years.
 - [X] That until paid in full, the Assessment shall constitute a lien against the property of all such owners.
- [X] The Petition will include a legal description of the highway to be laid out. The legal description will be provided by McNeill, Taylor & Gallo. PA.
- [X] The Petition will contain a statement of the "public need for the road at that place." Such a statement will be part of the application.
- [X] The Petition will be accompanied by a List of Abutters. The applicant will provide a list of all abutters making specific reference to tax and map numbers and mailing addresses.
- [X] The Petition will be signed by the applicant.

2. **Hearing to be Held on _____ after 14 Days Notice.**

The City Council must hold a hearing on the betterment assessment.

- [X] Written notice must be provided to all owners of property abutting or served by the proposed road at least 14 days in advance.
- [X] The notice shall be substantially in the following form:

Notice is hereby given that a hearing will be held before the Portsmouth City Council, in the City Council Chambers in Portsmouth on _____ on the Petition of _____ for a conditional layout of Commerce Way, an existing private right-of-way, and Betterment Assessment, based upon linear feet of road frontage, to be charged against all properties abutting or served by the reconstructed road. At the hearing, the applicant will present to the Council the details of the proposed construction, the estimated costs thereof, and the anticipated Betterment Assessment to be charged to each affected owner. The public is welcome to come and comment.

- [X] Notice will be provided to all abutting properties or properties served by the reconstructed Commerce Way. (That list will have been part of the application provided by the applicant).

The Council does not need to take any formal action at that hearing.

3. **Approval by the City Council on the Conditional Layout with Betterment Assessment on _____.**


- [X] The Council must wait for ten (10) days to determine whether or not “a Petition not to conditionally layout said thoroughfare signed by a majority of the owners of property abutting or served by the existing private right-of-way” has been received.
- [] Assuming that it is not, then the Council shall act upon the Petition as follows:
 - [] No additional notices are required prior to the Council’s taking up the Petition.
 - [] Approve the conditional layout
 - [] Allocate and set the assessment against properties abutting or served by the reconstructed Commerce Way

4. **Filing of Return upon an Approved Petition for Layout in Accordance with RSA 231:16.**

- [] The return is a certified copy of the Minutes of the Meeting where the Petition was approved by the Council (the “Return”).
- [] Attached to the Return is the legal description of the reconstructed Commerce Way showing the width and dimensions. (This can be the same legal description that was attached to the Petition unless changes were made within the deliberative process.)
- [] The Return must be recorded with the City Clerk.
- [] The Return should be filed within a reasonable time after Council approval.
- [] The Return has the effect of legally converting the road to a “public highway”.

MAP 215 LOT 14
NATICK PORTSMOUTH REALTY CORP.
1 MERCER ROAD
NATICK, MA 01760

FRONTAGE ON COMMERCE WAY
NOT UTILIZED

 **APPLEDORE**
ENGINEERING
a division of **Tighe&Bond**

177 CORPORATE DRIVE
PORTSMOUTH, NEW HAMPSHIRE 03801
(603) 433-8818

aei@appledoreeng.com

December 19, 2011 2189B-Frontage_Exhibit.dwg

EXHIBIT

1

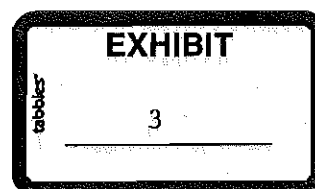
tabbler

ROADWAY IMPROVEMENT SUMMARY

Commerce Way
Portsmouth, New Hampshire
December 19, 2011

Commerce Way, LLC is proposing to upgrade Commerce Way to the City of Portsmouth roadway standards. Ownership of the private roadway will be turned over to the City of Portsmouth upon completion of construction and acceptance by the Department of Public Works (DPW). Design of this roadway has been coordinated with the DPW, Fire Department, Police Department and the existing utility service providers. Local approvals have been issued by the Conservation Commission for a Conditional Use Permit and by the Trees & Greenery Committee for landscaping improvements. In addition, a Minor Wetland Impact Permit has been issued by the NHDES Wetland Bureau. The following summarizes improvements to be completed as part of the roadway upgrade:

- Reconstruct 2,550 LF of roadway cross section to City of Portsmouth standards.
- Construct five (5) foot concrete pedestrian sidewalk to City of Portsmouth standards from Woodbury Avenue to Portsmouth Boulevard.
- Construct vertical granite curb to City of Portsmouth standard.
- Construct shoe-box style roadway light fixtures to match the existing fixtures on Portsmouth Boulevard.
- Construct 600 feet landscaped median-island between the Kmart driveway and north corner of Commerce Way for landscape enhancement and traffic calming.
- Construct landscaping including new trees and shrubs along the perimeter of the entire roadway.
- Construct new pedestrian benches.
- Reconstruct existing forty (40) foot turning radius at the north corner of Commerce Way to a seventy-five (75) foot turning radius to improve traffic safety. Associated site improvements include a proposed retaining wall and guardrail.
- Construct traffic signs and traffic pavement markings for all lane lines, shoulders, center islands, legends, stop bars, directional arrows and crosswalks.
- Construct public transportation shelter.
- Reduce the number of curb cuts on the north side of Commerce Way by consolidating driveways. Consolidated driveways will create additional landscaped areas and improve driveway traffic flow at these driveway intersections.
- Construct improved closed drainage system including new catch basins equipped with deep sump catch basins and oil/gas separator hoods, drainage pipe and under drains.
- Construct water service improvements from Woodbury Avenue to the north corner of Commerce Way to create a continuous loop along the entire length of roadway. The existing water main begins at Portsmouth Boulevard and dead ends at the north corner of Commerce Way. Water main improvements include the 1,300 feet of eight (8) inch ductile iron pipe with associated valves and fittings.
- Remove an existing crushed 8 inch clay sewer pipe located in Commerce Way and construct an 8 inch SDR 35 PVC pipe (exact limits of crushed pipe to be verified in field and coordinated with DPW).
- Shim the existing pavement on Portsmouth Boulevard and construct a 1.5 inch overlay from the Market Street Connector intersection to the proposed Portsmouth Boulevard driveway for 235 Commerce Way (per previous Site Review approval for 235 Commerce Way).
- Remove an existing crushed 8 inch clay sewer pipe located in Portsmouth Boulevard and construct 280 LF of 8 inch SDR 35 PVC pipe (per previous Site Review approval for 235 Commerce Way).



Beginning at an iron pipe on the northeasterly sideline of Woodbury Avenue in the City of Portsmouth, County of Rockingham and State of New Hampshire. Said iron pipe being the northwesterly corner of a private right of way known as "Commerce Way".

Thence running along said Commerce Way the following courses and distances:

N 63°07'47" E a distance of 136.65' to an iron pipe;

Thence S 24°51'02" E a distance of 43.41' to a rebar;

Thence N 35°01'01" E a distance of 114.60' to a concrete bound;

Thence N 34°44'58" E a distance of 585.37' to a concrete bound;

Thence N 34°44'57" E a distance of 36.57';

Thence N 35°17'37" E a distance of 158.63';

Thence N 34°30'10" E a distance of 292.84';

Thence N 34°52'54" E a distance of 20.07';

Thence S 55°01'51" E a distance of 55.81';

Thence with a curve turning to the right with an arc length of 79.83', with a radius of 60.00', with a chord bearing of S 16°54'54" E and a chord length of 74.07';

Thence with a reverse curve turning to the left with an arc length of 32.91', with a radius of 25.00', with a chord bearing of S 16°30'40" E and a chord length of 30.58' to a rebar;

Thence S 54°13'23" E a distance of 965.00' to a rebar;

Thence S 35°46'37" W a distance of 3.06';

Thence with a curve turning to the right with an arc length of 166.42', with a radius of 230.00', with a chord bearing of S 24°08'11" E and a chord length of 162.81';

Thence with a reverse curve turning to the left with an arc length of 141.52', with a radius of 225.00', with a chord bearing of S 21°25'37" E and a chord length of 139.20';

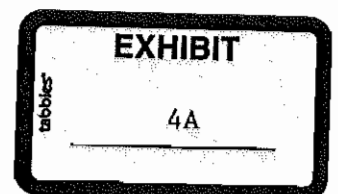
Thence S 39°26'45" E a distance of 35.34';

Thence with a curve turning to the left with an arc length of 45.81', with a radius of 25.00', with a chord bearing of N 88°02'55" E and a chord length of 39.66' to the westerly sideline of Portsmouth Boulevard;

Thence along said Portsmouth Boulevard, S 35°32'46" W a distance of 113.89';

Thence with a curve turning to the left with an arc length of 32.72', with a radius of 25.00', with a chord bearing of N 01°57'05" W and a chord length of 30.43';

Thence N 39°26'45" W a distance of 64.82';



Thence with a curve turning to the right with an arc length of 179.26', with a radius of 285.00', with a chord bearing of N 21°25'37" W and a chord length of 176.32';

Thence with a reverse curve turning to the left with an arc length of 150.77', with a radius of 170.00', with a chord bearing of N 28°48'57" W and a chord length of 145.88';

Thence N 54°13'23" W a distance of 978.34';

Thence with a curve turning to the left with an arc length of 39.83', with a radius of 25.00', with a chord bearing of S 80°08'24" W and a chord length of 35.75';

Thence S 34°30'10" W a distance of 163.16';

Thence S 35°17'37" W a distance of 158.63';

Thence S 34°44'57" W a distance of 36.37';

Thence S 34°44'58" W a distance of 585.37';

Thence S 35°02'00" W a distance of 147.26' to a rebar;

Thence S 28°06'54" E a distance of 19.16 to a rebar;

Thence S 63°11'53" W a distance of 135.96' to the aforementioned Woodbury Avenue;

Thence along said Woodbury Avenue the following courses and distances;

N 17°26'40" E a distance of 28.49';

Thence N 25°41'06" W a distance of 54.00';

Thence N 63°33'18" W a distance of 34.57';

Thence N 25°38'24" W a distance of 28.56' to the iron pipe at The Point of Beginning.

Said area contains 178,110 square feet or 4.089 acres, and is shown as "Commerce Way" on a plan Entitled "Right of Way Plan of Commerce Way, (Tax Map 0216, Lot 0001-0001) Owned by Commerce Way LLC, Portsmouth, New Hampshire", dated Nov. 18, 2009 by Doucet Survey, Inc.

EXISTING EASEMENTS OF RECORD.

DR MAGNA CORP. WOODBURY AVE PORTSMOUTH N.H." BY
SOCIATES, DATED 8/1/84 WITH A FINAL REVISION DATE
ID-13251.

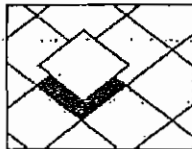
I PLAN, MAP R-16/LOTS 1, 1-5 & 1-88, MAP R-17/LOTS
-17/LOT 2-0300 SHEARWATER DRIVE, PORTSMOUTH, NEW HAMPSHIRE"
S, INC. DATED DEC. 1999 WITH A FINAL REVISION DATE OF
1385.

N WOODBURY AVENUE FOR MARION D. FRINK, WOODBURY AVENUE,
SOCIATES, DATED JAN. 1977 WITH A REVISION DATE OF 5-27-77.

RIGHT OF WAY PLAN
OF
COMMERCE WAY
(MAP 0216, LOT 0001-0001)

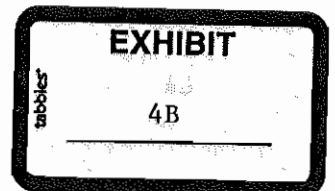
OWNED BY
COMMERCE WAY LLC
PORTSMOUTH, NEW HAMPSHIRE

NOV. 18, 2009
NO.: 2987A
1 OF 1



DOUCET
SURVEY INC.

Serving Your Professional Surveying & Mapping Needs
102 Kent Place, Newmarket, NH 03857
(603) 658-6580 www.doucetsurvey.com



**ROADWAY IMPROVEMENTS
OPINION OF PROBABLE PROJECT COST**

Date: July 25, 2011
 Project: Commerce Way - Roadway Improvements
 Location: Portsmouth, NH
 AEI #: 2189B
 Est. By: PMC



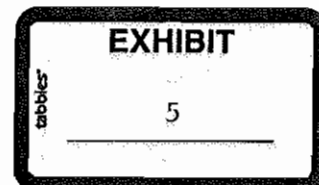
**APPLEDORE
ENGINEERING**
 a division of Tighe & Bond

This document represents a preliminary estimate; exact quantities and costs to be verified during bid process.

		Notes
ENGINEERING / DESIGN / LEGAL / PROJECT MGMT FEES		
FEASIBILITY STUDY	\$ 6,750	
ENGINEERING	\$ 172,750	
WETLAND / SOILS STUDIES	\$ 35,500	
LEGAL / PROJECT MANAGEMENT	\$ 49,875	
CONSTRUCTION ADMIN	\$ 15,000	
CITY/STATE PERMIT FEES	\$ 450	
LANDSCAPE DESIGN	\$ 10,000	
ENGINEERING / DESIGN / LEGAL / PROJECT MGMT SUBTOTAL	\$ 290,325	
ROADWAY CONSTRUCTION COSTS		
COMMERCE WAY ROADWAY CONSTRUCTION =	\$ 1,021,781	(1)
10% CONTINGENCY FOR ROADWAY CONSTRUCTION =	\$ 102,178	
CITY INSPECTIONS (10% OF TOTAL COST) =	\$ 102,178	(3)
PORTSMOUTH BLVD SUBTOTAL =	\$ 63,680	(1) (2)
OVERLAY 10% CONTINGENCY =	\$ 6,368	
CITY INSPECTIONS (10% OF TOTAL COST) =	\$ 6,368	(3)
CONSTRUCTION COST SUBTOTAL	\$ 1,302,553	
TOTAL PROJECT COST:		
ENGINEERING / DESIGN / LEGAL / PROJECT MGMT SUBTOTAL	\$ 290,325	
CONSTRUCTION COST SUBTOTAL	\$ 1,302,553	
PROJECT COST TOTAL	\$ 1,592,878	

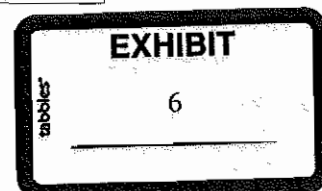
Notes:

- (1) Unit costs were based on NHDOT Weighted Average Unit Prices. Pavement costs were based on NHDOT June 2011 liquid asphalt price = \$647.50 / ton
- (2) Cost includes Shim & 1.5 Inch Pavement Overlay and sewer line replacement on Portsmouth Blvd per stipulations of Site Review Approval dated 10/19/09 for 235 Commerce Way.
- (3) Third party construction inspections required by the City of Portsmouth. City Indicated to carry 10% for inspections.



ABUTTER'S LIST
 COMMERCE WAY
 PORTSMOUTH, NH
 AEI/2189B

Map/Lot	Owner	Accessible St. Frontage for Buildable Lots	Percentage of Accessible Frontage for Buildable Lots	Cost Per Accessible St. Frontage for Buildable Lots	Monthly Payment amortized @ 4.25% over 10 years
216/1-1	Commerce Way 210 Commerce Way, Suite 150 Portsmouth, NH 03801	Lot Not Buildable	N/A	N/A	N/A
216/1-2	Commerce Center at Portsmouth 210 Commerce Way, Suite 150 Portsmouth, NH 03801	440 ft.	17.28%	\$275,249.32	\$ 2,819.59
216/1-4	Muirfields, LLC c/o The Kane Company 210 Commerce Way, Suite 100 Portsmouth, NH 03801	232.58 ft.	9.13%	\$145,429.76	\$ 1,489.75
216/1-5	Dornoch, LLC c/o The Kane Company 210 Commerce Way, Suite 100 Portsmouth, NH 03801	394.85 ft.	15.51%	\$247,055.38	\$ 2,530.77
216/1-8B	Moray, LLC 66 Hanover Street, Suite 301 Manchester, NH 03101	346.34 ft.	13.60%	\$216,631.41	\$ 2,219.12
216/1-8A	Tain Properties, LLC c/o The Kane Company 210 Commerce Way, Suite 100 Portsmouth, NH 03801	239.7 ft.	9.42%	\$150,049.11	\$ 1,537.07
216/1-8	Tain Properties, LLC c/o The Kane Company 210 Commerce Way, Suite 100 Portsmouth, NH 03801	200 ft.	7.85%	\$125,040.92	\$ 1,280.89
216/1-9	175 Commerce Road, LLC 2 Well Avenue Newton, MA 02459	220 ft.	8.64%	\$137,624.66	\$ 1,409.79
216/1-10	Tazman Investments, LLC c/o Direct Capital 155 Commerce Way Portsmouth, NH 03801	220 ft.	8.64%	\$137,624.66	\$ 1,409.79
216/1-11	Muirfields, LLC c/o The Kane Company 210 Commerce Way, Suite 100 Portsmouth, NH 03801	252.77 ft.	9.93%	\$158,172.79	\$ 1,620.28
216/3	Bromley Portsmouth, LLC RCQ Portsmouth, LLC c/o Quincy & Company, Inc. 40 William Street, Suite G50 Wellesley, MA 02481	Frontage Not Utilized	N/A	N/A	N/A
215/14	Natck Portsmouth Realty Corp. 1 Mercer Road Natick, MA 01760	Frontage Not Utilized	N/A	N/A	N/A
214/2	Public Service Company of NH P.O. Box 330 Manchester, NH 03105	Lot Not Buildable	N/A	N/A	N/A
TOTAL		2,546.24 ft.	100.00%	\$1,592,878.00	\$16,317.05



Proposed Commerce Way Betterment Assessment



Portsmouth City Council Meeting
June 20, 2011

Economic Development Tools

1. Economic Revitalization Zone (ER-Z's)
 - Pease
 - Commerce Way
 - Highliner Ave.
2. Public / Private Partnerships
3. Tax Increment Financing Districts (TIF) legislation adoption
4. Discounted Parking
5. Low Cost subordinate loans
6. Betterment Assessments

Betterment Assessment Process

Two Step Process

1. Conditional Road Layout (RSA 231:28)
2. Betterment Assessment Process (RSA 231:29-33)

Step 1: Conditional Road Layout

- Owner of privately-owned road petitions City Council to undertake conditional road layout.
- City Council holds public hearing and presents proposed construction plan and cost.
- Conditional layout proceeds 10 days after hearing provided majority of owners of abutting property or those served by private road do not file petition against road layout.
- City bonds for construction costs



Step 2: Betterment Assessment Process

- Construction costs assessed by the City against property owners abutting or served by road.
- Assessment amounts = total cost of construction and are proportional to benefits received by abutting property owners.
- Payments of assessments repay bond and are payable over a period up to ten years.

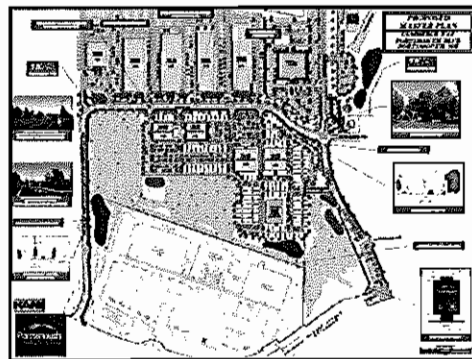


Con't : Betterment Assessment Process

- Payments valid and binding against the abutting land owners.
- Assessments create a lien upon the land.
- Betterment assessments committed to tax collector with warrant.
- Assessments have same rights, authority and remedies and are subject to same liabilities as tax collections.
- Aggrieved persons may submit written request for abatement from City Council or assessor.



Commerce Way Master Plan



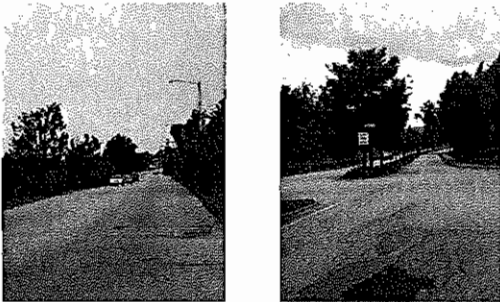
Existing Road Conditions



Existing Road Conditions

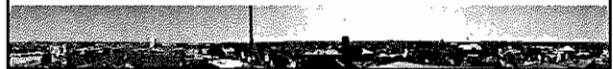


Existing Road Conditions



Upgraded Road Features

- Complies w/ city road standards
- Partial undergrounding of utilities
- Upgraded sidewalks and curbs
- Landscaped medians
- Construction of a bike lane
- Installation of a state of the art storm water drainage system



EDC Analysis

- Good use of economic development tool.
- Private road upgraded to city standards and available to the public.
- No cost to taxpayer for improvements.
- Potential reduction in office vacancy.
- More "Class A" office space & job creation.
- Potential for increase in property taxes.
- Sustainable, adaptive re-use of office park.





799 SOUTH STREET, PORTSMOUTH NH 03801 tel 603 430-9679 mobile 603 867-7801 fax 603 340-0025 e-mail KIT@CLEWS.ORG

Proposal for Interactive Sculpture for Market Square

I am interested in working with 3S ArtsSpace and the City of Portsmouth to explore placing my interactive sculpture in a downtown location, perhaps near the Market Square planting area. I envision a central location where Portsmouth visitors could be greeted by, and have easy access to shake the hand of the Man who will truly count their vote!

Following the success of my Portsmouth Tide Clock (created for the *Art Encounters Preservation* exhibit at the Wentworth-Coolidge Historic Site in 2011), I have become interested in designing a Portsmouth "political" tide clock – a voter-powered kinetic sculpture that could mark the ebb and flow of the Seacoast's political tide. My working title is *Glad-hand Sam, the Straw Poll Man*.

Inspired by the fast-paced political climate changes occurring in our First-in-the-Nation Primary State, I have developed an interactive sculpture that I hope will give local citizens the opportunity to feel the joy and patriotic pride of voting - a feeling they can experience every time they shake the hand of my Portsmouth Straw Poll Man!

Glad-hand Sam – the Straw Poll Man will be a larger-than-life-size, vote-grabbing, caricature of Uncle Sam who will begin racking up votes in his odometer eyes whenever a patriotic citizen is shaking his hand. He will be a "big wheel" Portsmouth ambassador who can be counted on to reach out to every voter with equanimity, regardless of party affiliation.

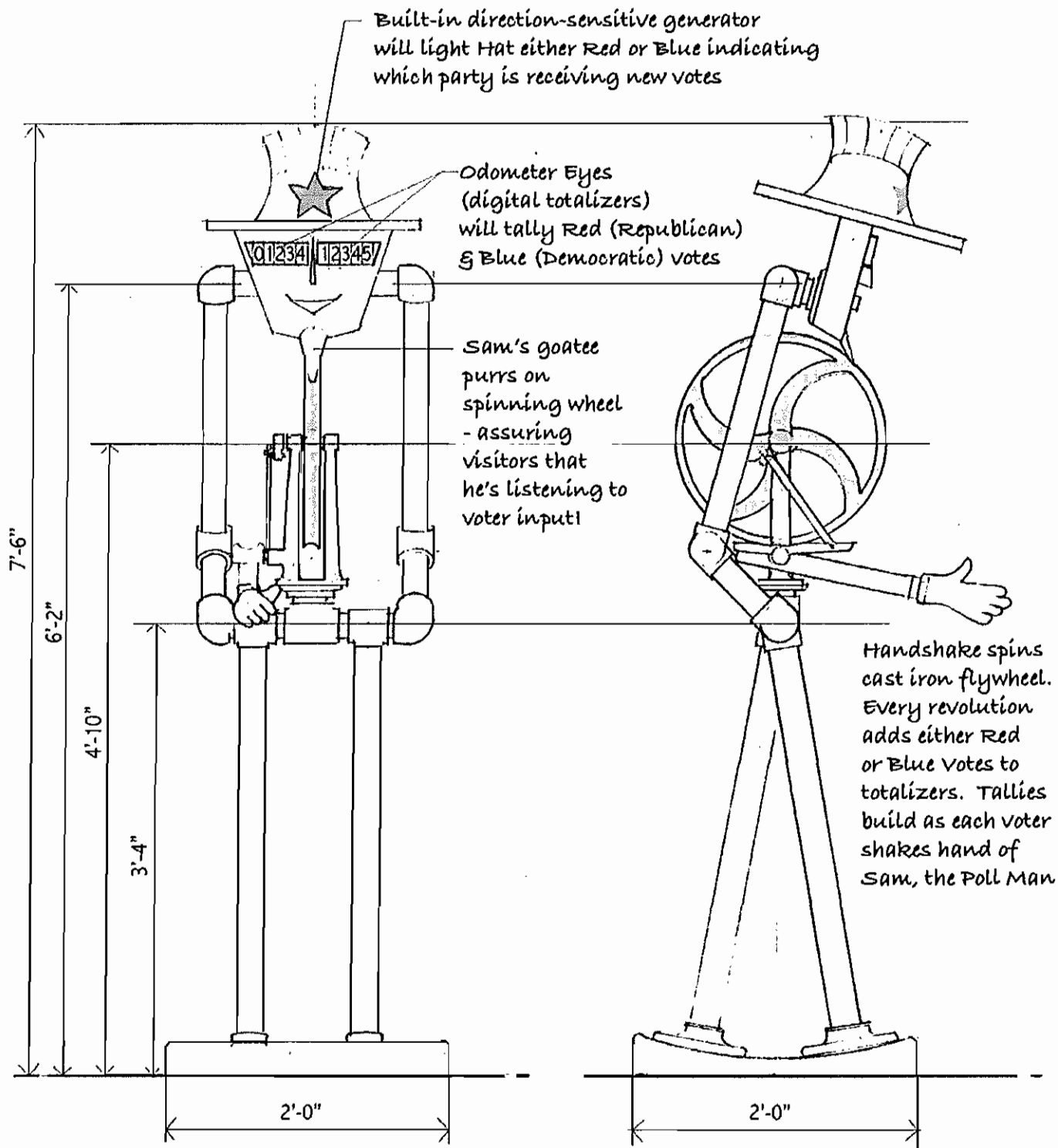
Shaking Sam's out-stretched hand will turn an 18" antique flywheel (cast in the early 20th century for a portable foot-powered lathe). The spinning wheel will be connected to TWO odometers (technically, digital totalizers). As the wheel spins to the left, Democratic blue numbers will increase; when the wheel spins to the right, the red Republican votes will increase. Passers-by will be able to choose the wheel's direction and should feel free to add as many votes as they wish to either party.

Sam's odometer "eyes" will be either mechanical flip-digit or roll-type counters, or self-powered LCD displays so that vote tallies will be visible, regardless of whether his wheel is spinning. A small bicycle-type generator connected to the flywheel will supply the electricity required for LED's on Uncle Sam's hat – which will light red or blue to indicate incoming Republican or Democratic votes.

For questions, and further details, please contact:

Kit Clews
799 South Street
Portsmouth, NH 03801
Tel 603 867-7801
e-mail kit@clews.org

GLAD-HAND SAM THE STRAW POLL MAN



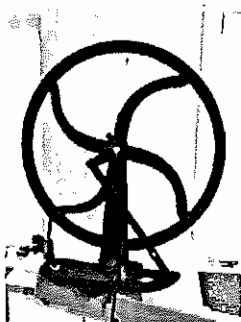
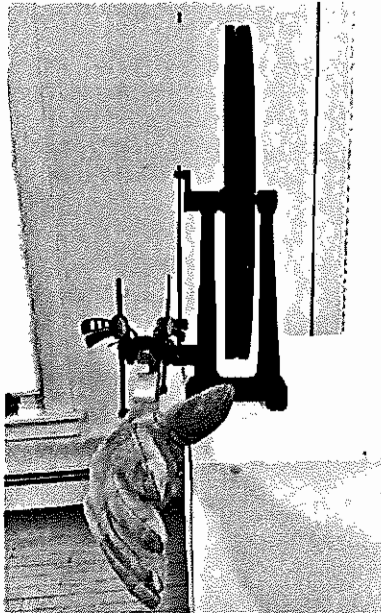
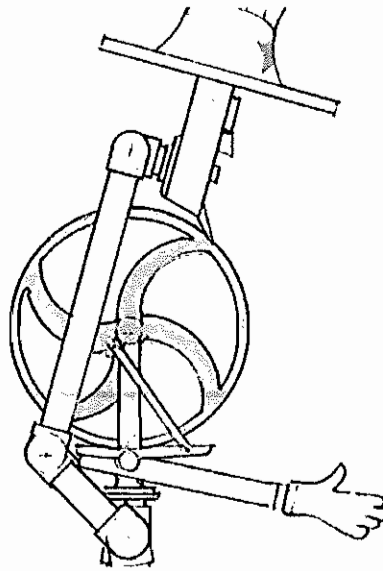
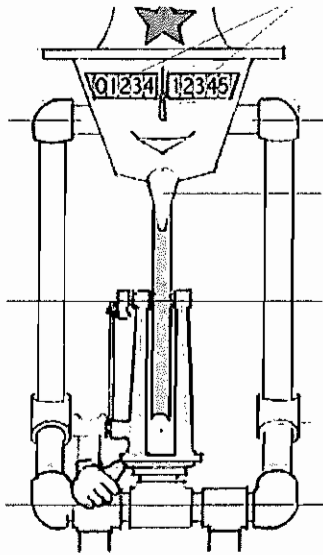
RE-PURPOSED CAST IRON FLYWHEEL, STEEL PIPE, AND FLIP-DIGIT DISPLAY
 INTERACTIVE KINETIC SCULPTURE ARTIST KIT CLEWS, PORTSMOUTH, NH

SCALE 1 INCH = 1 FOOT

COPYRIGHT © KIT CLEWS 2012

KIT@CLEWS.ORG

GLAD-HAND SAM THE STRAW POLL MAN




RE-PURPOSED CAST IRON FLYWHEEL, STEEL PIPE, AND FLIP-DIGIT DISPLAY
INTERACTIVE KINETIC SCULPTURE ARTIST KIT CLEWS, PORTSMOUTH, NH
CONCEPTUAL SKETCHES WITH STUDY FOR FLYWHEEL-HANDSHAKE MECHANISM

COPYRIGHT © KIT CLEWS 2012
KIT@CLEWS.ORG

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 15, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 19, 2012 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

.....

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:

1.1 First Reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604: License Fee. As a result of the March 5th City Council meeting, under Section IX of the Agenda, I am bringing back the aforementioned Ordinance amendment.

The Ordinance amendment reflects the following additional language:

“The fee for such license shall be determined on an annual basis by the City during its budget process.”

There is no reference to a License fee in the current Ordinance so the City is unable to charge a fee, which is currently listed in the Fee Resolution for \$50.00 per license. This is a housekeeping issue to bring the ordinance in line with the Fee Resolution and allow for the collection of the fee.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **First Reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City by amending Section 5.802: Service Fee and Section 5.803: Permissible Unfounded Emergency Calls.** As a result of the March 5th City Council meeting, under Section IX of the Agenda, I am bringing back the aforementioned Ordinance amendment.

The current ordinance needs to be amended to reference the fee for false alarms. The fees are adopted each year during the budget adoption process through the Fee Resolution. This is a housekeeping issue.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.3 **First Reading of Proposed Ordinance Amendment to Chapter 6, Article VII, Section 6.7 – Dogs and Other Pets by amending Section 6.708: License.** As a result of the March 5th City Council meeting, under Section IX of the Agenda, I am bringing back the aforementioned Ordinance amendment.

The license and fee are in accordance with New Hampshire RSA 466. The Ordinance amendment reflects the following additional language:

“The fee for this license shall be set at the maximum amount permitted by state law.”

This allows for the local governing body to charge an additional \$1.00 for dog licenses, which will not be effective until the April 2013 licensing season. In addition, this allows ample time for notification to residents of the additional charge.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**

- 2.1 **Public Hearing/Second Reading of Proposed Zoning Ordinance Amendments – Office Research District.** As a result of the February 21st City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Zoning Ordinance amending Chapter 10 – Zoning Ordinance – Article 4 - Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts and Article 5 – Dimensional and Intensity Standards, Section 10-531 Table of Dimensional Standards – Business and Industrial Districts. Also attached is a memorandum from Rick Taintor, Planning Director, dated January 27, 2012, which was originally submitted to the City Council. Further, I have attached a memorandum from Rick Taintor, dated February 15, 2012 which is supplemental information that the City Council requested at the last

meeting regarding the subject matter. Please note the Planning Board voted unanimously on October 20, 2011 to recommend that the Zoning Ordinance be amended as requested.

City staff will give a short presentation regarding this matter.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed ordinance amendment, as presented, at the April 2, 2012 City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 2.2 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology Undesignated throughout the Ordinance with the replacement of the terminology Unassigned.** As a result of the March 5th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the aforementioned proposed Ordinance amendment (see attached). As part of the budget presentation at the City Council retreat held on January 28, 2012, the Finance Director, Judie Belanger described the new fund balance model in conformity with Governmental Accounting Standards Board (GASB) Statement No. 54.

As you know, the City currently has a Municipal Fund Balance Ordinance Chapter 1, Article XIV, Section 1.14 – which addresses the use and maintenance of the Undesignated portion of the fund balance. The new fund balance model changes the terminology of Undesignated Fund Balance to Unassigned Fund Balance. Therefore, the terminology change makes it necessary for the City to amend the current City ordinance to reflect the new terminology.

City staff will give a short presentation regarding this matter.

I would recommend the City Council move to pass second reading and schedule third and final reading on the proposed Fund Balance Ordinance, at the April 2, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

3. **Public Hearing/Adoption of Proposed Resolutions:**

- 3.1 **Public Hearing and Adoption of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000)** As a result of the March 5th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the aforementioned proposed Resolution (see attached). As part of the budget presentation at the City Council retreat held on January 28, 2012, a refunding (refinancing) opportunity was discussed which may result in substantial savings to the City.

The City issued a \$46,640,000 bond on September 15, 2002. The majority of the proceeds (\$38 Million) financed the construction/renovation of the High School. The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate.

The average coupon rate (interest) for the remaining life of the bond is 4.47%. The City, by opting to refinance this bond in the current market, could experience an average interest rate below 2% resulting in substantial savings of approximately \$2.2 Million in total debt service or in excess of \$200,000 per year, net of all issuance costs, over the remaining life of the bond.

Keeping in mind that interest rates are subject to change, the table below demonstrates the comparison of the existing debt service with the estimated new debt along with the projected savings for the remaining life of the bond.

<u>Fiscal Year</u>	<u>Existing Debt Service</u>	<u>New Debt Service</u>	<u>Savings</u>
2013	\$3,679,587.50	\$3,473,237.50	\$206,350.00
2014	\$2,728,875.00	\$2,521,175.00	\$207,700.00
2015	\$2,633,875.00	\$2,424,125.00	\$209,750.00
2016	\$2,538,875.00	\$2,333,125.00	\$205,750.00
2017	\$2,443,875.00	\$2,238,175.00	\$205,700.00
2018	\$2,348,875.00	\$2,139,375.00	\$209,500.00
2019	\$2,263,375.00	\$2,054,293.75	\$209,081.25
2020	\$2,186,187.50	\$1,977,725.00	\$208,462.50
2021	\$2,106,625.00	\$1,901,943.75	\$204,681.25
2022	\$2,024,687.50	\$1,819,812.50	\$204,875.00
2023	<u>\$1,941,562.50</u>	<u>\$1,736,437.50</u>	<u>\$205,125.00</u>
Total	\$ 26,896,400.00	\$ 24,619,425.00	\$ 2,276,975.00

City staff will make a short presentation regarding this matter.

I would recommend the City Council move to adopt a proposed Refunding Resolution of up to Twenty Million Dollars (\$20,000,000) as presented. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.

- 3.2 **Public Hearing and Adoption of 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 for Costs Related to the Long-Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000) Dollars.** As a result of the March 5th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption of the aforementioned proposed Resolution (see attached). As you are aware, for the past 2 1/2 years the City has been working under a Consent Decree that dictates schedules for various projects related to the wastewater collection and treatment system. The projects related to the collection system improvements are defined in the City's Long-Term Control Plan. That plan, which was updated during the Wastewater Master Plan process, outlines a series of sewer separation projects that are designed to reduce the occurrences of combined sewer overflows (CSO's).

The consent decree included 6 CSO projects; three of those are referred to as the Lincoln 3 planning area, two as the Islington planning area and one as the Court/State planning area. To date, State Street and the first Islington project have been completed. The first phase of the Lincoln projects (referred to as Lincoln 3A) will be completed this spring. The other three projects need to be constructed over the next 2 1/2 years. Those projects are Lincoln 3B and Cass Street, followed by Lincoln 3C. The three remaining project areas are shown on the attached maps.

The estimated sewer related costs for the three projects is \$12.5 million. The Sewer Division will be requesting authorization to borrow up to \$12.5 million to fund these projects. The cost of these projects has been included in the current rate model.

City staff will give a short presentation regarding this matter.

I would recommend the City Council move to adopt a Bond Resolution for the aforementioned long-term control plan, as presented. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Request for License to install a Projecting Sign.** Attached under Section X of the Agenda is the following request for a projecting sign license (see memorandum from Rick Taintor, Planning Director):

- Tom Holbrook, owner of River Run Bookstore for property located at 142 Fleet Street

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request. Action on this matter should take place under Section X of the Agenda.

2. **Request for Approval of Pole License.** Attached under Section X of the Agenda is the following request for a PSNH Pole License Agreement (see attached memorandum from Tom Richter, Engineering Technician, Public Works Department):

- a) License to install/replace 1 pole located on Fernald Court.

I would recommend the City Council move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of Capital Improvement Plan (CIP) FY 2013 – FY 2018.** As you will recall, in February, the City Council conducted a work session regarding the proposed Capital Improvement Plan for FY2013-2018. In addition, in accordance with 7.7 of the City Charter, the City Council conducted a public hearing on this proposed Capital Plan on Monday, March 5, 2012. At both of these meetings, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2013-2018 is available on the City's website.

As I indicated at the public hearing, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2013 budget to you on or about April 11, 2012. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at Monday's meeting. In accordance with the Charter, you could adopt the CIP no later than your April 2nd meeting. Please bring your Capital Improvement Plan with you. If you need another copy, please let me know.

Also, attached is a letter of support from the Economic Development Commission, regarding the 2013-2018 Capital Improvement Plan.

I would recommend the City Council adopt the Capital Improvement Plan for FY 2013 – FY 2018 with any appropriate amendments.

2. **Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service.** As you know, at the March 5, 2012 City Council meeting, the Council voted to bring back for action at the March 19, 2012 City Council meeting the attached Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service. Note that item 1 in the policy was changed, based on input from the March 5th Council meeting to reflect that no more than six (6) sidewalk cafes with alcohol service would be allowed in any season and that requests should be made by May 1st. Please also note that staff from the NH Liquor Commission's Division of Enforcement and Licensing have now reviewed the attached policy and do not see any need for

additional information in it and believe that the City has covered everything that references Liquor Enforcement needs.

As you know, during the 2011 season the City Council allowed the pilot use of City property in the downtown for two sidewalk cafes providing alcohol service -- Popovers on the Square and The District. The purpose of the pilot was to determine the public benefit and efficacy of such sidewalk café operations. Each of the two establishments operated under an Area Service Agreement that specified certain terms and conditions of operation and design.

During the pilot season last year, the cost for each of the establishments was \$10,000 for the entire season (mid-April to mid-October), prorated on a per day basis (approximately \$55 per day). The area used by Popovers was approximately 623 square feet and the area used by The District was approximately 500 square feet in Vaughan Mall.

A range of communities across the country, from Boston to Portland, Oregon to Alexandria, Virginia allow sidewalk cafes with alcohol service in accordance with a diverse array of design requirements, fee structures and the like. Fee structures are very diverse with some charging an application fee only, some charging an application fee plus a fee by linear foot, some charging a revocation fee, etc. In that Portsmouth, unlike many/most of these communities, has a very small, historic downtown with extremely limited public sidewalk space, the utility of any type of comparative fee structure analysis is not particularly instructive. As discussed at the last Council meeting, the intent of Portsmouth's proposed policy is more focused on economic development and a positive experience for visitors and residents, rather than on revenue generation.

I would recommend the City Council move to adopt the policy regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service.

3. **Approval of Guiding Parking Principles Re: Central Business District.** The Mayor has requested that the City Council act on the Guiding Parking Principles that were discussed at the City Council Work Session of March 12th. I have revised the document that was provided at the Work Session to reflect the changes that were requested by Council members (see attached). Also, I have attached for your information a copy of the flow chart outlining the parking omnibus process.

I would recommend the City Council move to approve the Guiding Parking Principles for the Central Business District, as presented.

4. **Request for Approval of Pro Portsmouth Settlement Agreement.** On April 6, 2009, the City Council approved the settlement of a long standing debt owed by Pro Portsmouth to the City arising out of police services for Market Square Day. Settlement term was that Pro Portsmouth would pay the \$34,173 debt at the amount of \$200 a month, without interest, until paid in full. This provides Pro Portsmouth with approximately 14 years to pay off its debt.

Pro Portsmouth now proposes to resolve its debt with a single lump sum payment in the reduced amount of \$12,000 payable immediately on approval by the City Council. The current

debt owed to the City by Pro Portsmouth according to City records is \$27,173.60 as of March 13, 2012.

Given the vagaries of time and the very lengthy period before Pro Portsmouth would pay its entire debt at \$200 a month, it is the City Attorney's recommendation that the settlement proposed by Pro Portsmouth be accepted (see attached Settlement Agreement).

I would recommend the City Council move to approve the Settlement Agreement with Pro Portsmouth, and further, authorize the City Manager to execute this Agreement.

5. **Request for Acceptance of Land Exchange with the State of New Hampshire Relating to General Sullivan Bridge Reconstruction.** Attached for City Council action is an Offer-Agreement from the State of New Hampshire to exchange a parcel of land in Newington owned by the City of Portsmouth for an adjacent parcel of land in Newington owned by the State of New Hampshire. The exchange of parcels relates to work in the vicinity of the City's pump station made necessary by the reconstruction of the General Sullivan Bridge.

Although the City and the State have been discussing the issue since November, on March 13th the City was made aware of a fast approaching deadline which the New Hampshire Department of Transportation (DOT) has to meet in order to keep bridge reconstruction on schedule. City approval for the exchange of these properties is necessary for DOT to meet that deadline. Accordingly, simultaneously with placement of this letter on the City Council agenda the letter is being referred to the Planning Board for a report to the Council.

The request to the Council is that the letter be accepted by the City Council at Monday evening's meeting. A Planning Board report to the Council should be available by the Council meeting of April 2, 2012 so that the Council can then vote to approve the exchange of the properties in a manner which would allow NHDOT to maintain its construction schedule.

I would recommend the City Council move to accept the letter and act on this matter at its April 2, 2012 City Council meeting.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on March 5, 2012. In addition, this now can be found on the City's website.
2. **Various Zoning Amendments.** Attached is a memorandum from Rick Taintor, Planning Director, regarding various Zoning Ordinance amendments that the Planning Board would like the City Council to consider, which we will be bringing back over the next couple of months for City Council consideration.

3. **Peirce Island Wastewater Treatment Facility Open House.** For your information, attached is a memorandum from David Allen, Deputy Director of Public Works and Peter Rice, City Engineer for Water/Sewer Divisions, regarding the Peirce Island Wastewater Treatment Facility Open House on Saturday, March 31, 2012 from 9:00 a.m. to noon.
4. **African Burying Ground Trust Donations.** Attached for your information is a memorandum from David Moore, Community Development Director, regarding the African Burying Ground Trust Donations.



CITY OF PORTSMOUTH

Economic Development Department
(603) 610-7220

March 13, 2012

Honorable Mayor Spear and City Councilors
City Hall, 1 Junkins Ave
Portsmouth, NH 03801

RE: 2013-2018 Capital Improvement Plan

Dear Mayor and City Councilors,

At its March 9, 2012 meeting, the Economic Development Commission (EDC) voted to send this letter in support of the 2013-2018 Capital Improvement Plan (CIP). As you may know, the EDC Action Plan includes advocacy for CIP funding for projects that contribute to the long-term economic vitality of our city and that improve the city's appeal to residents, tourists and prospective businesses. The infrastructure projects in the CIP advance the city's commitment to becoming a more efficient and sustainable city which is important to the EDC business attraction and retention goals.

Thank you, the staff and the Planning Board for the work that goes into the CIP and for the opportunity to provide input on this important document.

Sincerely,

Everett Eaton
Chairman
Economic Development Commission

CC: EDC

Nancy Canner, Economic Development Program Manager
Rick Taintor, Planning Director

DRAFT

MARCH 7, 2012

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. _____

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFES PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafes providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafes with alcohol service on City property; and

WHEREAS the City Council desires to balance said benefits of sidewalk cafes with the safety, desires, and convenience of the public at large; and

WHEREAS the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafes providing alcohol service:

1. Requests for use of City property for sidewalk cafes providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis. The City Council shall allow no more than six (6) sidewalk cafes with alcohol service in any season.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the Area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.

5. Area Service Agreements shall not be assignable to other parties.
6. Use of the Area subject to the Area Service Agreement may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafes shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafes may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafes shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafes with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafes shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafes must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafes are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:

- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
- Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
- A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.

20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.

21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.

22. The number and location of sidewalk cafes on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on _____.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

REVISED
“FOOD FOR THOUGHT” GUIDING PARKING PRINCIPLES
FOR CENTRAL BUSINESS DISTRICTS

MARCH 14, 2012

Parking Supply Solutions versus Parking Management Solutions:

Supply: There are too few spaces. Someone should build more.

Management: We need to optimize use of existing parking resources by changing pricing, time limits and wayfinding approach.

Overall Principles: **A balanced mix of retail/restaurant, office, and residential uses is key to downtown vitality.**

A downtown parking supply that is convenient, viable and central to downtown destinations is key to the short-term and long-term health of the City’s retail, restaurant and office economy.

1. Insuring an adequate supply of parking for retail/restaurant and office users in the downtown is primarily a City responsibility.
2. Parking for new downtown residential development is primarily a private responsibility with residents wanting convenient parking right where they live.
3. We need to plan for future reuse, redevelopment and full occupancy of buildings in the Central Business Districts. If it is too difficult, expensive or unpleasant to find parking, retail/restaurant/cultural destination customers may prefer to visit elsewhere and offices may prefer to locate elsewhere.
4. The City should strive to play a lead role in developing and managing parking facilities:
 - Parking management and supply decisions are interconnected and a comprehensive, unified approach to decision-making is needed.
 - The value of private parking facilities should be recognized as a resource. These resources are not part of the public parking supply under the City’s long-term control and opportunities to manage private lots are limited.

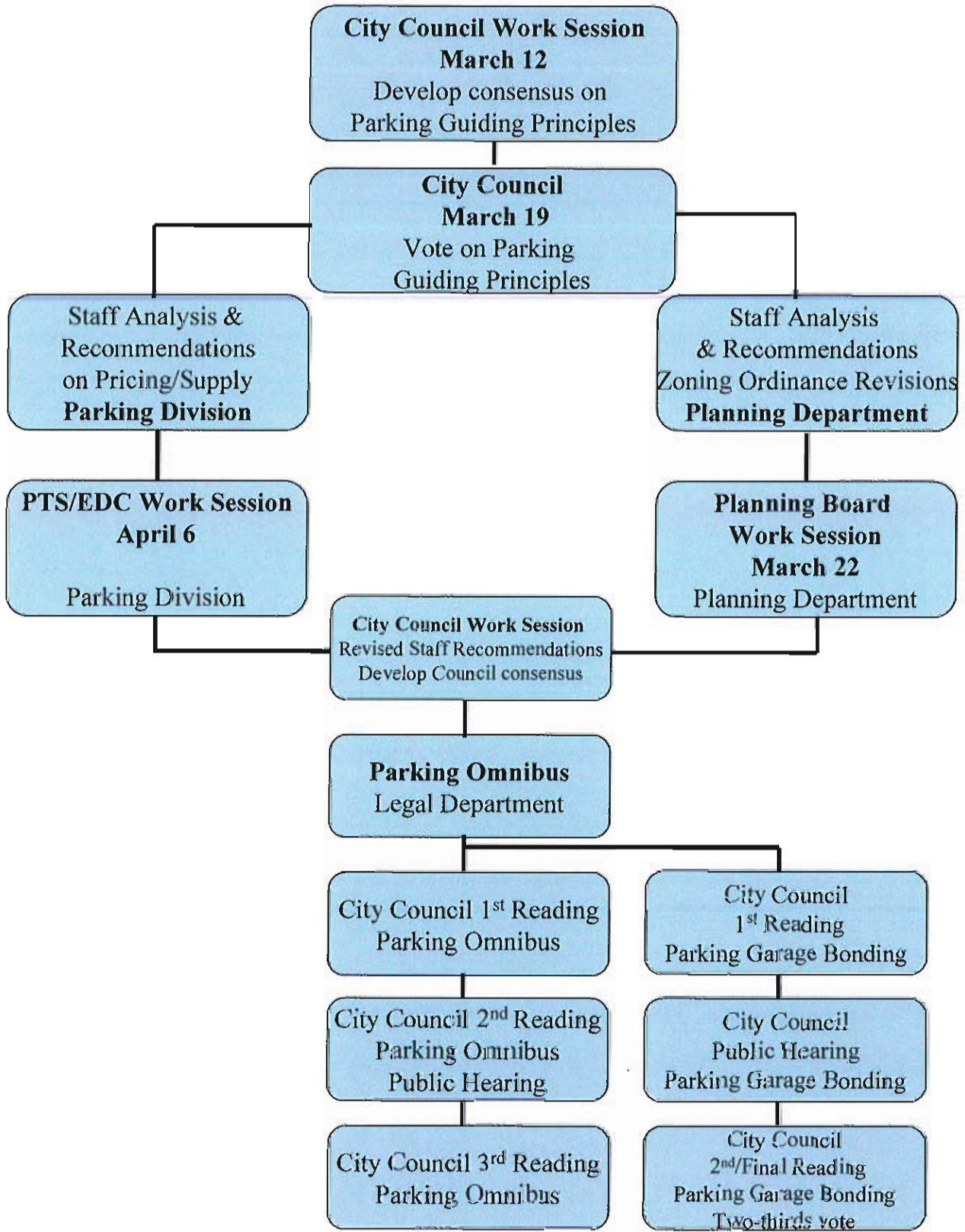
5. Address peak parking demand needs in order to avoid perfect Friday/Saturday night storm when residents/customers can't find parking:
 - Manage parking at the garage (for example, flat rate pricing for special events).
 - Increase the supply of convenient parking.
6. Parking should support economic development including businesses (office, retail, restaurant) and visitors/customers.
7. The parking garage should be priced and managed so that it has high occupancy more frequently (improve utilization of what we've got).
8. The primary reason for parking revenues is to be able to provide an adequate supply of safe, convenient parking. Pricing structures should be simple and easy for customers to understand.
9. Parking management strategies should recognize that there is a difference between the needs of long-term parkers who may be more likely to use the garage or use parking immediately adjacent to downtown, and short-term parkers running a quick errand.
10. Price and manage more desirable on street parking spaces to favor users who are highly motivated to use them. Give customers and residents the option to stay and pay.
11. Information on parking options should be easily accessible to parking users, including through technology options.
12. Parking planning should take a comprehensive, sustainable and big picture approach by taking a broad range of costs and benefits into account when making decisions.
13. All parking resources should place value on aesthetics, security, accessibility and user information.
14. Consider ways to incentivize use of "remote parking"¹.
15. Surface parking lots should be located at the periphery of the downtown and should not be allowed to create a "dead zone" barrier to comfortable pedestrian movement.

¹ For the purposes of this document, "remote parking" is defined as the study area boundary of the January 2012 Nelson Nygaard *Parking Supply and Demand Analysis Final Report*; this includes, for example, the leased Masonic Lot and the South Mill Pond parking lot, which are both beyond the one-quarter mile, 5 minute walking radius from Market Square.

16. Parking management programs should take into consideration hospitality industry workers.²
17. Incentives for residents should be provided at the parking garage, but shouldn't compromise best practices.²
18. Parking resources should be provided to support downtown activity (streets are for people as well as cars) and should therefore be designed and located in such a manner that recognizes the following:
 - Parking resources should enhance – not detract from – downtown vitality, walkability and the pedestrian experience;
 - Parking resources should accommodate pedestrians (bump-outs, plazas), bicycles (bike parking) and transit (space to pull over);
 - Parking structures should be incorporated into the commercial streetscape; and
 - The needs of an aging population should be taken into account when it comes to parking.
19. Parking strategies should be revenue neutral.
20. Parking management plans should recognize the short-term parking needs of retail and hospitality industry for loading zones.
21. Encourage public transit and other transportation modes, but recognize strong customer/resident preference for personal vehicle use as well as very limited regional public transit infrastructure.

² It should be noted that the parking system currently has 165 free on street spaces (no meters) and 352 free off street spaces (Masonic Lot, South Mill, Parrott Avenue, Prescott Park), for a total of 517 free spaces.

Parking Omnibus Process



SETTLEMENT AGREEMENT

The City of Portsmouth a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "City) and Pro Portsmouth, Inc. a non-profit 501(c)(3) with a principal place of business at 500 Market Street, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "Pro Portsmouth") hereby enter this Settlement Agreement on the terms and conditions described below:

1. Pursuant to a letter dated June 4, 2009 from Portsmouth City Attorney Robert Sullivan to Pro Portsmouth Executive Director Barbara Massar (copy attached) the City and Pro Portsmouth entered into an agreement under which a certain past due debt of Pro Portsmouth to the City for police services related to Market Square Day in the amount of \$34,173.00 would be paid at a rate of \$200 per month, with a final payment due in approximately the year 2025.
2. Pro Portsmouth has remained current on its monthly payment obligation from the date of that letter to the present date.
3. Pro Portsmouth currently owes the City the sum of \$27,173.60 (as of March 13, 2012) on account of the past due debt described above.
4. The parties agree that the entire past due debt described above shall be compromised and settled by the payment of a single lump sum in the amount of \$12,000.00, due at completed execution of this agreement.

CITY OF PORTSMOUTH

Dated: _____

By: _____

John P. Bohenko
City Manager

Pursuant to vote of the City Council on _____, 2012.

PRO PORTSMOUTH, INC.

Dated: _____

By: _____

Barbara Massar
Executive Director

OFFER – AGREEMENT

Limited/Controlled access: **yes**

LAND FILE/PARCEL #: **11238 - N007**

NAME: **CITY OF PORTSMOUTH,**

ADDRESS: **PO BOX 628, PORTSMOUTH, NH 03802**

WE agree to accept **Two Hundred Twenty Thousand Dollars (\$220,000.00*** see below) in full satisfaction for all the damages occasioned by the required taking for highway purposes, with all the rights of access, air, light and view appurtenant thereto, and to execute when tendered, a deed to the State of New Hampshire for land affected by said highway as shown on a plan entitled **NEWINGTON - DOVER * NHS-0271(037) * 11238** of the Department of Transportation.

We certify that we own said land subject only to mortgage/lien to: **n/a**

PROPERTY TAXES: We further understand that we are entitled to a pro-rata payment for taxes and expenses for the transfer of the property. **n/a**

ACQUISITION: **15800 SF CONSTRUCTION EASEMENT, 1.93 AC INDUSTRIAL LAND**

IN CONSIDERATION OF THE ABOVE THE City of Portsmouth NH and the STATE SHALL ALSO AGREE TO THE FOLLOWING:

*In lieu of the above monetary compensation the State will exchange an adjacent 1.87-acre parcel being acquired from Pease Development Authority, as agreed in talks with the City. NH DOT will also reimburse the City up to the lesser of two estimates to relocate fencing if needed, septic if needed and propane tank if needed.

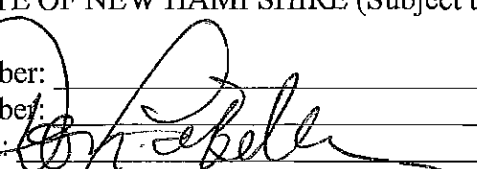
RELOCATION: Eligible for a replacement housing payment? **n/a**

You are eligible for a replacement housing payment up to a maximum of. This amount is to be paid only if this sum or a portion thereof is actually spent over and beyond the total award to purchase decent, safe and sanitary housing.

Award for Taking:	(\$220,000.00* see above)
Severance Damage:	\$0.00
Total Award:	(\$220,000.00* see above)

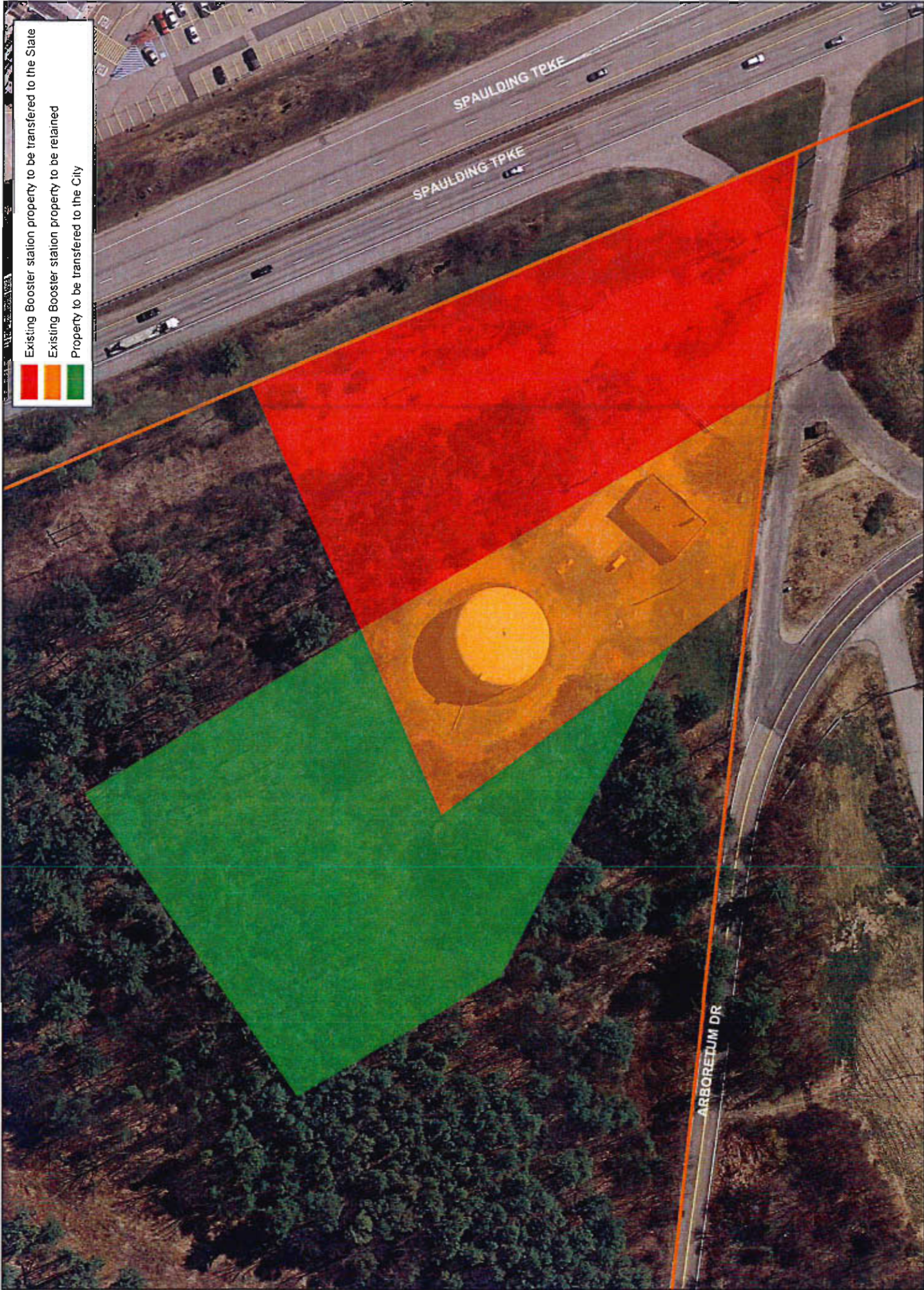
This award is based on a review and analysis of an appraisal of the property made by a qualified appraiser.

NO OBLIGATIONS OTHER THAN THOSE SET FORTH HEREIN WILL BE RECOGNIZED. For THE STATE OF NEW HAMPSHIRE (Subject to the approval of Governor and Council) By:

Member: _____
Member: _____
Clerk: 

Owner: _____
Owner: _____
Date: 10-20-14

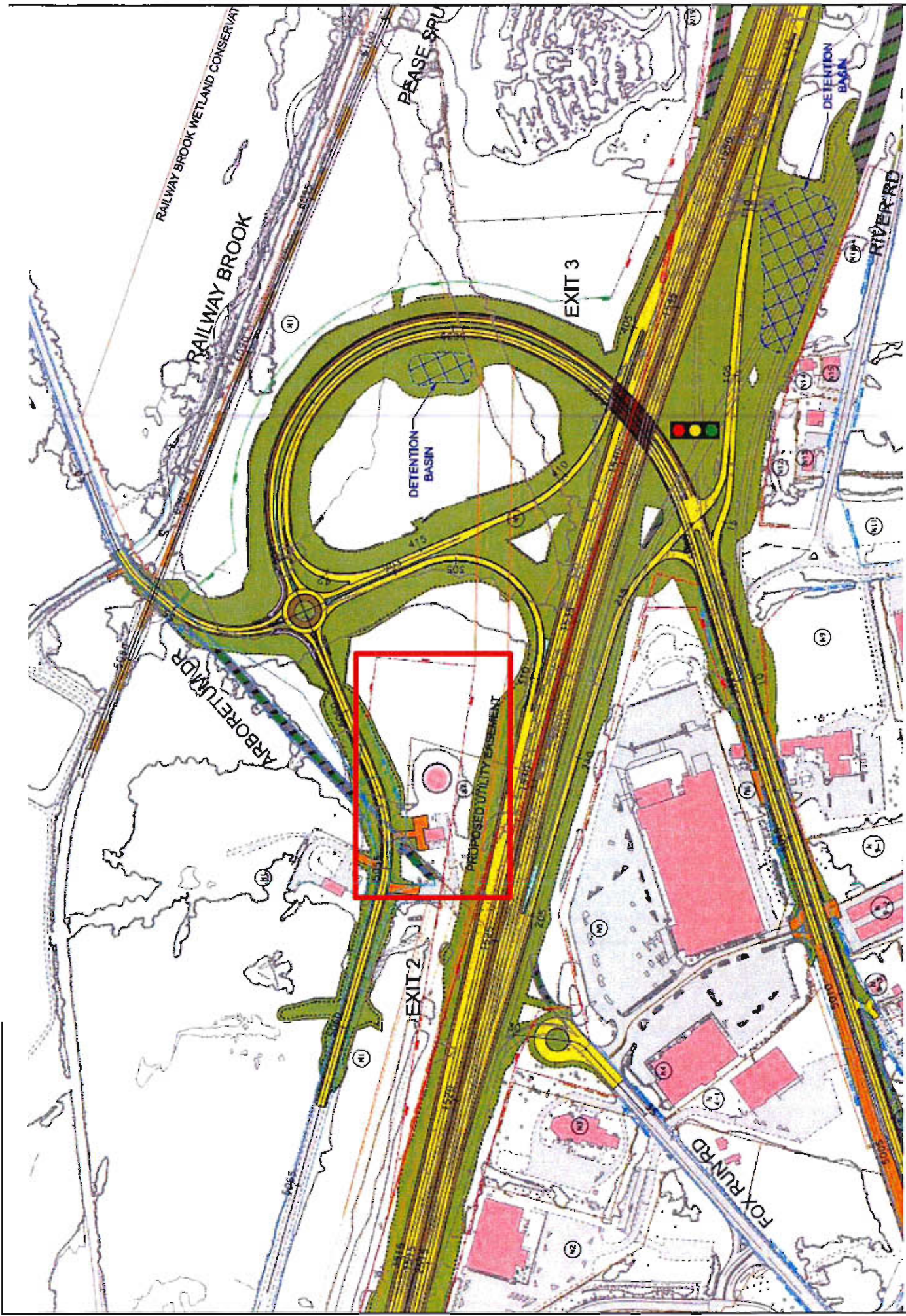
Return To State



- Existing Booster station property to be transferred to the State
- Existing Booster station property to be retained
- Property to be transferred to the City

NHDOT Spaulding Turnpike Newington-Dover Project
Proposed land transfer

0 15 30 60 90 Feet
1 inch = 100 feet



Run: 3/14/12
1:30PM

Event Listing by Date

Page: 1

Starting Date: 1/ 1/2012

Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/2012 1/ 1/2012	ROAD RACE Stu Simon is the contact for this event - 436-2014. This event begins at 11:00 a.m.	Little Harbour School	Great Bay Services	4/ 4/2011
2/13/2012 2/13/2012	CONCERT Vernis Jackson is the contact for this event.	Chestnut Street	African Burying Ground Committ	12/19/2011
3/11/2012 3/11/2012	ROAD RACE Todd Hanson is the contact for this event. He can be reached at 436-2551. This event starts at 10:30 a.m.	Pease Tradeport	St. Paddy's 5 Miler	3/15/2012
3/25/2012 3/25/2012	ROAD RACE Donald Allison is the contact for this event. This event begins at Portsmouth High School to Route 1A South. The event begins at 11:00 a.m.	Portsmouth High School	Eastern States 20 Mile	1/17/2012
4/14/2012 4/14/2012	ROAD RACE Robert Sutherland, Jr. is the contact for this event. This event begins and ends at the Baptist Church on Miller Avenue. Race starts at 9:00 a.m.	Baptist Church - Miller Avenue	St. John's Lodge - Out of Hibe	2/ 6/2012
4/14/2012 4/14/2012	WALK Heidi R. Roy, Development Manager is the contact for this event. This event begins and ends at Little Harbour School, from 10:00 a.m. to 2:00 p.m.	Little Harbour School	National Multiple Sclerosis So	12/19/2011
4/15/2012 4/15/2012	ROAD RACE Olivia Kopri is the contact for this event. This event begins at approximately 11:00 a.m. This event starts and finishes at Martin's Point Health Care.	Pease Tradeport	Sexual Assault Support Service	2/ 6/2012
4/15/2012 4/15/2012	WALK Randy Eaton is the contact of this event. The event beings at City Hall and ends at Prescott Park, starting at 1:00 p.m.	City Hall	Walk for Faith	12/19/2011
5/ 6/2012 1/ 3/2012	BIKE TOUR Kathryn M. Libby is the contact for this event. This event begins at 7:00 a.m. and ends at approximately 4:00 p.m.	Little Harbour School	American Lung Association	12/19/2011
5/ 6/2012 5/ 6/2012	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon until 4:00 p.m.	Downtown Portsmouth	Pro Portsmouth - Children's Da	1/18/2012
5/ 6/2012 5/ 6/2012	WALK Barbara Kautz is the contact for this event (207-363-5833). This event begins at 10:00 a.m. and the walk starts at 2:00 p.m. and ends around 5:00 p.m.	Lower Parking Lot of City Hall	AIDS Response Seacoast	1/17/2012
5/12/2012 5/12/2012	ROAD RACE Kimberly McGlinchey and Deirdre Barrett are the ECO Club Advisors and they are the contacts for this event. The time of this event is 1:00 p.m. to 3:00 p.m.	Pease Tradeport	Portsmouth High School ECO Clu	2/21/2012

Run: 3/14/12
1:30PM

Event Listing by Date

Page: 2

Starting Date: 1/ 1/2012
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
5/12/2012 5/12/2012	ROAD RACE Deborah Peretz is the contact for this event. This event begins at 9:00 a.m.	Strawberry Banke	Susan G. Komen for the Cure	10/ 3/2011
5/19/2012 5/20/2012	BIKE TOUR Kelly Sicard is the contact for this event. Tel. (603)669-2411 ex. 120	Pease International Tradeport	Breathe New Hampshire	3/ 5/2012
5/19/2012 5/19/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Greater Portsmouth Chamber of Commerce Road Race series. This event begins and ends at the YMCA on Peverly Hill Road.	YMCA - Peverly Hill Road	GPCC - YMCA	12/19/2011
5/27/2012 5/27/2012	ROAD RACE Jeanine Sylvester is the contact for this event. This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	2/ 6/2012
6/ 9/2012 6/ 9/2012	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Downtown Portsmouth	Pro Portsmouth - Market Square	1/17/2012
6/ 9/2012 6/ 9/2012	ROAD RACE Barbara Massar is the contact for this event. This is the Market Square Day Road Race that starts at 9:00 a.m. in Market Square.	Starts in Market Square	Pro Portsmouth - Market Square	2/17/2012
6/23/2012 6/23/2012	FESTIVAL This is a Summer in the Street Music Series. It begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - summer in the	1/17/2012
6/30/2012 6/30/2012	FESTIVAL Barbara Massar is the contact for this event. This is Summer in the Streets event beginning at 5:00 p.m. to 9:00 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/2012
7/ 7/2012 7/ 7/2012	FESTIVAL Barbara Massar is the contact for this event. This is a part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/2012
7/ 7/2012 7/ 7/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. It begins and ends at Little Harbour School at 9:00 a.m.	Little Harbour School	GPCC - Harbour Trail	12/19/2011
7/14/2012 7/14/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/18/2012
7/15/2012 7/15/2012	ROAD RACE Brenda M. Blonigen is the contact of this event. Her cell number is (603) 475-4080	Pease Tradeport - Great Bay Community College	The Minuteman Fund	3/ 5/2012

Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
7/21/2012 7/21/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/2012
7/28/2012 7/28/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/2012
8/ 2/2012 8/ 2/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series. It begins and ends at Peirce Island at 6:00 p.m.	Peirce Island	GPCC - Portsmouth Rotary Club	12/19/2011
8/ 4/2012 8/ 4/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Street series which begins at 5:00 p.m. and ends at 9:30 p.m.	(Raindate)Downtown - Pleasant Street/State and Squ	Pro Portsmouth - Summer in the	1/17/2012
8/ 8/2012 8/ 8/2012	FESTIVAL Doug Bates is the contact for this event. This is the 2012 Greater Portsmouth Chamber of Commerce Annual Dinner "Celebrating Portsmouth Business".	Pleasant Street from State to Congress Street	Greater Portsmouth Chamber of	2/17/2012
9/ 9/2012 9/ 9/2012	BIKE TOUR Susanne Delaney or Catherine Keenan are the contacts for this event. This event begins and ends at Market Square.	Downtown	Portsmouth Criterium	12/ 6/2011
9/15/2012 9/15/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series - it begins at 9:00 a.m.	Little Harbour School	GPCC - BreastCancerStories.org	12/19/2011
9/15/2012 9/16/2012	TOUR Caroline Amport (686-4338) and Nancy Pollard are the contacts for this event. This event begins on Saturday, September 15th from 9:00 a.m. to 1:00 p.m. and Sunday, September 16th - 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	2/ 6/2012
9/29/2012 9/29/2012	ROAD RACE Karen Butz Webb is the contact for this event. This event begins and ends at Portsmouth High School. the course starts at Portsmouth High School, left onto South Street, right onto Middle Street, bear right to Court Street, right onto Marcy Street back to South and finishing at the PHS.	Portsmouth High School	Project Safety	2/21/2012
10/13/2012 10/13/2012	ROAD RACE Doug Bates is the contact for this event. This event is the for the Community Child Care and it is part of the Road Race series. This event begins at 9:00 a.m.	Little Harbour School	GPCC - Community Child Care	12/19/2011
11/22/2012 11/22/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. The event begins at 8:30 a.m.	Prescott Park	GPCC - Seacoast Rotary Club -	12/19/2011

MEMORANDUM



TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *R.T.*
DATE: February 24, 2012
RE: Proposed Zoning Ordinance Amendments

The Planning Department and Planning Board are working on several proposed amendments to the Zoning Ordinance, which will be presented to the City Council in installments. The first set of proposed amendments addresses minor adjustments to dimensional and intensity standards and sign standards. This memorandum describes the proposed amendments and presents the rationale for making each proposed change.

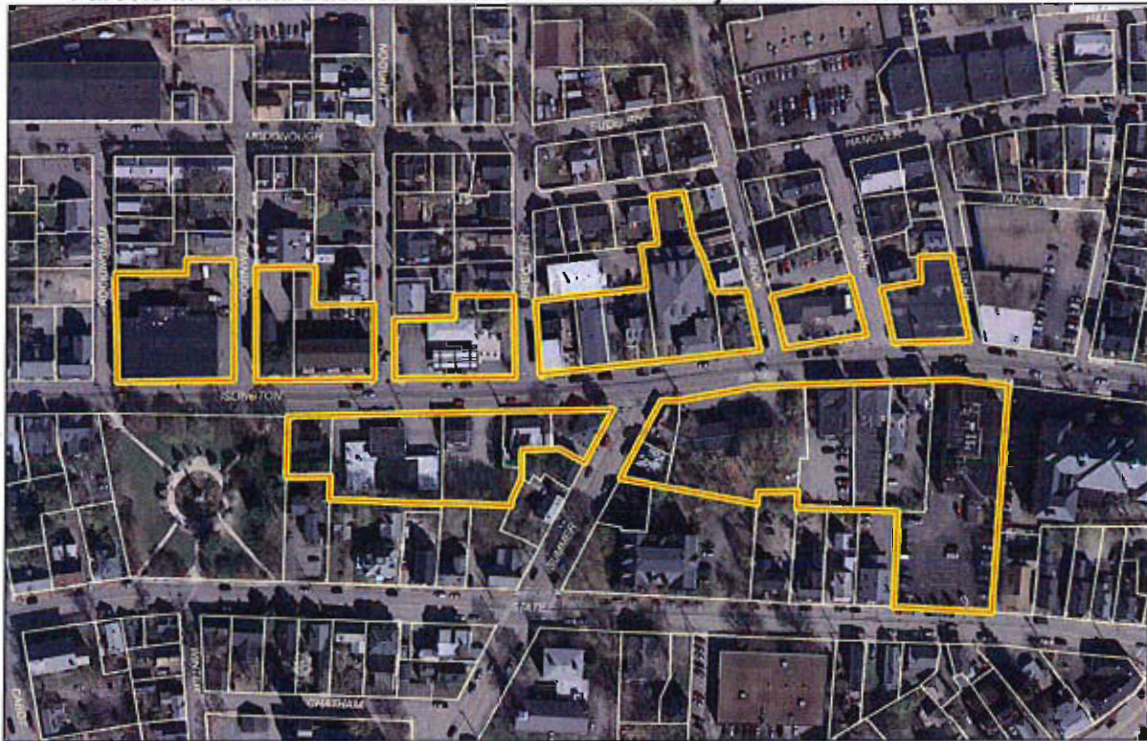
ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS

1. Building Coverage and Yards – The Zoning Ordinance controls density in several ways. Two of these controls are “building coverage” (a limit on the percentage of the lot that can be covered by buildings and structures) and “yards” (the distance by which structures must be set back from lot lines). The Ordinance currently has two exemptions from the building coverage and yard limits: (1) building features that project not more than 30 inches from the wall, and (2) stairs, decks and patios that are less than 18 inches high. **This proposed amendment will add a third exemption for ground-mounted mechanical units (e.g., HVAC units and generators) that are less than 3 feet high and up to 10 square feet in ground coverage.**

Rationale: Many dwellings throughout the City are already out of compliance with the building coverage limits that are set forth in the current Zoning Ordinance. The proposed amendment will exempt owners of such properties from having to obtain variances for the installation of a ground-mounted HVAC unit or generator, and will relieve all property owners of the burden of computing existing building coverage whenever such equipment is proposed.

2. Central Business Districts – Transitional Requirements – The parcels fronting on Islington Street between Parker and Rockingham Streets are in the Central Business B (CBB) district but abut the General Residence C (GRC) district, which has significantly different dimensional and intensity standards. In order to protect residentially zoned parcels from adjacent development that would be out of scale with the neighborhood, the Zoning Ordinance contains special transitional standards for lots in the CBA/CBB districts that are adjacent to or within 50 feet of a residential district. These “transitional requirements” include increased setbacks from lot lines (“yards”) and open space, and reduced building height and coverage. **The proposed amendment will increase the maximum allowed building coverage from 60% to 75% for parcels along Islington Street between Parker and Rockingham Streets (see map on next page).**

Parcels in Central Business B District That Are Subject to Transitional Standards



The following table lists the existing standards, the current transitional standards and the proposed change. As indicated, **the only proposed change is the increase in maximum allowed building coverage from 60% to 75% for Central Business zoned parcels that abut Residential districts.**

	Zoning District Dimensional and Intensity Standards		Transitional Standards for Parcels Abutting Residential Districts	
	GRC	CBB	Current	Proposed
Minimum Yard Dimensions				
Front	5'	0'	0'	0'
Side	10'	0'	10'	10'
Rear	20'	0'	10'	10'
Maximum Structure Dimensions				
Structure height	35'	60'	40'	40'
Roof appurtenance height	8'	10'	10'	10'
Building coverage	35%	95%	60%	75%
Minimum open space	20%	0%	15%	15%

Rationale: The transitional standards were established as part of the 2010 revision of the Zoning Ordinance. No project has been proposed to date for any of the parcels subject to these standards, but staff analysis of hypothetical scenarios suggests that the 60% limit may be too low to allow for feasible redevelopment. This change is proposed to allow more flexibility in the redevelopment of parcels in the Central Business districts that are adjacent to residential districts.

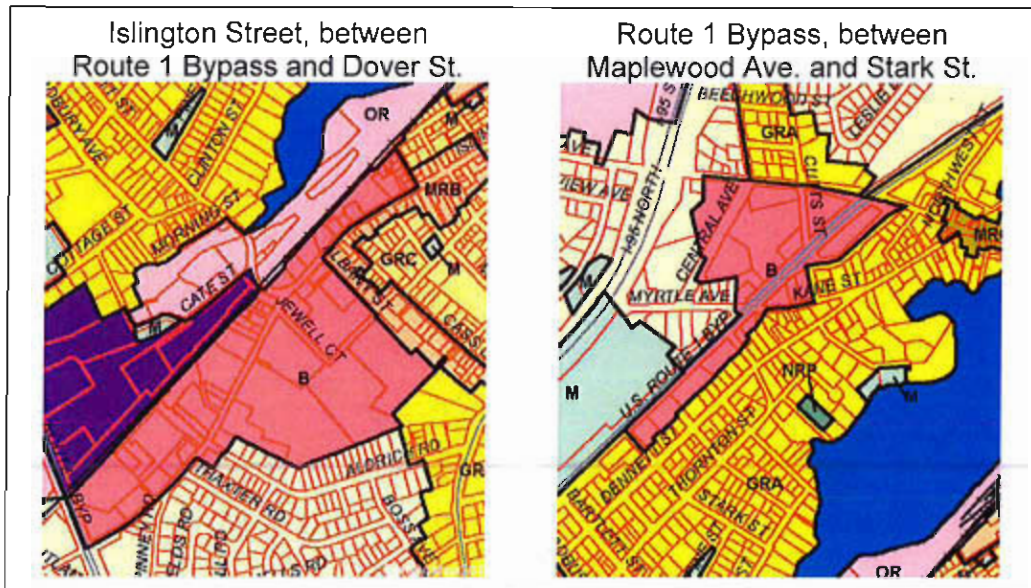
ARTICLE 12 - SIGNS

3. Sign Districts – In addition to establishing various zoning districts for residential, commercial and industrial uses, the Zoning Ordinance establishes six “sign districts” with different standards for the number, type and size of signs; and assigns each zoning district to a specific sign district as follows:

Sign Districts	Underlying Zoning Districts
Sign District 1	All Rural and Residential Districts Municipal Natural Resource Protection
Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business
Sign District 3	Central Business A and B Business
Sign District 4	Office Research
Sign District 5	General Business Gateway
Sign District 6	Industrial Waterfront Industrial Airport Districts

The Business (B) district is currently in Sign District 3, and **the proposed amendment will place the Business district in Sign District 4.**

Rationale: There are two Business (B) districts in the City: one is on Islington Street between Dover Street and the Route 1 Bypass, and extending from the railroad line to Chevrolet Avenue; and the other is on the Route 1 Bypass between Maplewood Avenue and Stark Street. These districts are shown in the maps on the next page.



While the two Business (B) districts have distinct characteristics, both Business districts are significantly different from the Central Business (CBA/CBB) districts in terms of the scale of development and relationship of buildings to the street. For example, signs on storefronts at Plaza 800 (in the Business district) are typically larger than those on Market Street (in the Central Business B district), and this difference is appropriate because the signs at Plaza 800 need to be legible across a parking lot rather than just from nearby sidewalks. **This proposed change will allow signs to be somewhat larger in the Business districts than in the Central Business districts, and will also allow fine-tuning of sign standards in both sets of zoning districts (including the reduction in allowed sign area for projecting signs in the CB districts, as proposed in item 6 below).**

4. Wall and Parapet Signs – In the Zoning Ordinance, a “wall sign” is a sign that is parallel to the building wall (including a window sign) and does not extend above the structural roof line, and a “parapet sign” is a similar sign that is attached to a wall extending above the structural roof line. The Ordinance currently allows such signs only for ground floor uses and single use buildings. **The proposed amendment will allow one wall sign or parapet sign above the first floor on each street façade of a multi-use building.**

Rationale: There are instances where an upper-story wall sign or parapet sign may be appropriate to identify the primary use in a multi-use structure: for example, a corporate office building with a retail use on the ground floor. This proposed amendment will provide flexibility for such signage.

5. Aggregate Sign Area – In addition to setting limits on the area of individual signs, the Zoning Ordinance also sets limits on maximum “aggregate sign area”, which is defined simply as “the total sign area of all signs on a lot or building, as indicated by the context.” The Ordinance currently provides two bases for calculating aggregate sign area: one calculation is based on the street frontage of the lot, and the other is based on the linear frontage of the building (which is defined separately depending on the situation and

orientation of the building).¹ **The two proposed amendments will delete the standard for maximum aggregate sign area based on lot frontage, and exclude from the computation of aggregate sign area freestanding signs that are otherwise permitted by the Ordinance.**

Rationale: Having these two measures for calculating aggregate sign area is very confusing to business owners and has proved difficult to interpret and administer. The two proposed changes will provide more clarity for both business owners and City staff.

6. Projecting Signs – The Zoning Ordinance controls the size of projecting signs through a combination of a maximum allowed sign area and a maximum allowed projection from the building over the sidewalk. Currently, the Ordinance permits projecting signs in Sign District 3 to be up to 16 square feet in area.² The Ordinance also restricts projecting signs to extend no more than one-third of the width of the sidewalk. **The two proposed amendments will reduce the maximum allowed sign area for projecting signs in the Central Business districts from 16 sq. ft. to 12 sq. ft., and relax the standard for the amount that a sign may project across the sidewalk.**

Rationale: Most projecting signs in the Central Business districts are 12 sq. ft. or less in area, and the median sign area is 6.0 sq. ft. Thus, the current limit of 16 sq. ft. allows signs that are out of scale with the size of most downtown business signs. At the same time, the existing maximum allowed distance that a sign may project over a City sidewalk is overly restrictive on streets with narrow sidewalks (such as Fleet, Ladd and Ceres Streets). By reducing the maximum sign area to a level consistent with the character of the downtown while relaxing the maximum allowed projection, the standards for projecting signs will be more positive for maintaining the character of the downtown and less onerous for businesses on narrow streets.

8. Signs on More than One Façade of a Building – The Zoning Ordinance allows a building to have signs on each wall facing a street, but is somewhat ambiguous as to the total sign area permitted. **The proposed amendment specifies that the total allowed sign area for such buildings shall be based on each establishment's building frontage.**

Rationale: This is a simple housekeeping amendment to clarify the intent of the Ordinance.

¹ The Ordinance defines "building frontage" as follows:

The maximum horizontal width of the ground floor of a building that approximately parallels and faces a public street or right of way.

- (a) Where an individual occupant's main entrance faces a driveway or parking lot, the width of the occupant's ground floor space facing the occupant's entrance shall be considered that occupant's separate and distinct building frontage.
- (b) Where two or more uses occupy the ground floor of a building, the portion of the building frontage occupied by each use will be that use's separate and distinct building frontage for the purpose of calculating allowed sign area.
- (c) A corner lot or through lot shall be considered to have a separate and distinct building frontage on each street.

² Sign District 3 currently includes the Central Business (CBA/CBB) and Business (B) districts, but is proposed (under item 3 above) to include only the Central Business districts.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, are hereby amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

1. Amend Section 10.515.10 as follows:

10.515.10 Building Coverage and Yards

Calculations of building coverage and determinations of yards shall not include:

- (a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall;
- (b) structures (such as decks and patios) less than 18 inches above ground level; **or**
- (c) **mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.**

2. Amend Section 10.535.20 as follows:

10.535.20 Central Business A and B – Transitional Requirements

In Central Business A or Central Business B, a lot that abuts or is within 50 feet of a Residential district shall comply with the following standards in place of the corresponding standards in Section 10.531:

Minimum side yard	10'
Minimum rear yard	10'
Maximum structure height	40'
Maximum building coverage	60% 75%
Minimum open space	15%

3. Amend Section 10.1232 as follows:

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 1	All Rural and Residential Districts Municipal Natural Resource Protection
Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business
Sign District 3	Central Business A Central Business B Business
Sign District 4	Business Office Research
Sign District 5	General Business Gateway
Sign District 6	Industrial Waterfront Industrial Airport Districts

4. Amend Section 10.1242 as follows:

10.1242 ~~Wall signs and parapet signs are permitted only for ground floor uses and single use buildings.~~ **One parapet sign, or one wall sign above the first floor, may be allowed for each street façade, provided that the use is primarily above the first floor. The parapet sign or wall sign shall not be placed on a floor higher than the highest floor occupied by the applicable use.**

5. (a) Amend Section 10.1251.10 as follows:

10.1251.10 The maximum aggregate sign area shall be as follows:

	Sign District					
	1	2	3	4	5	6
Per linear foot of lot frontage	0.5	n.r	n.r	1.5	1.5	1.5
Per linear foot of building frontage per establishment	0.5	1.0	2.0	1.5	1.5	2.0

- (b) In Section 10.1290 – Sign Definitions, amend the definition of “aggregate sign area” as follows:

Aggregate sign area

The total sign area of all signs on a lot or building, as indicated by the context, **excluding the area of freestanding signs allowed by Article 12.**

6. (a) Amend Section 10.1251.20 as follows:

10.1251.20 The maximum sign area for individual signs shall be as follows:

	Sign District					
	1	2	3	4	5	6
Projecting sign Ground floor use	2	16	46 12	16	16	16

All dimensions in square feet

n/a = not applicable (sign type not permitted)

- (b) Amend Section 10.1253.50 as follows:

10.1253.50 A projecting sign shall be no closer than 6 inches to the building to which it is attached, and shall project no more than 4 feet from the building or one-third of the width of the sidewalk, whichever is less **shall project no closer than 1 foot to the edge of the traveled way, if any.**

7. Amend Section 10.1271.10 as follows:

10.1271.10 A use in a building with more than one exterior wall facing a street may have signs on each such wall, up to the maximum sign area **per linear foot of building frontage per establishment.**

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:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

H:\Rick TZoning Ordinance Amendments\Amendments 2012 - package 1\Prop ZO Amendments to CC - March 2012.doc

Memo

To: John P. Bohenko, City Manager

From: David S. Allen, P.E., Deputy Director of Public Works
Peter H. Rice, P.E., City Engineer for Water/Sewer Divisions

CC: Steve Parkinson, Director of Public Works

Date: March 14, 2012

Re: Peirce Island Wastewater Treatment Facility Open House

At your recommendation, the Sewer Division will hold an Open House at the Peirce Island Wastewater Treatment Facility on Saturday March 31, from 9 a.m. to noon. This event will allow the City Council and the public to visit the Peirce Island Treatment Facility, as well as view the Pilot Project that is underway. City staff and the City's consultants will be on hand to provide tours and answer questions about our treatment facility and the pilot study.

As part of the City's ongoing Wastewater Master Plan effort, the City is conducting an engineering pilot study to test a number of treatment technologies in side-by-side comparison tests for effectiveness in treating the City's wastewater. The information will be used to select the most cost-effective and sustainable technology that will serve as the basis for designing the plant upgrades required by the Environmental Protection Agency.

This event is intended to give the City Council and the public an understanding of this complex and critical piece of the City's infrastructure. The future upgrade to the Peirce Island Treatment Facility will likely be the largest public works project in the City's history.



Portsmouth African Burying Ground

IN HONOR OF THOSE FORGOTTEN

MEMORANDUM

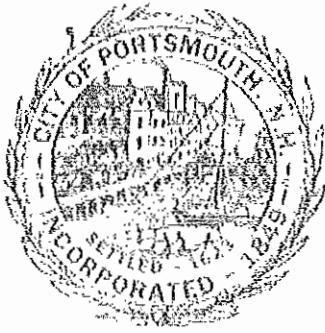
DATE: MARCH 19, 2012
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: DAVID MOORE, COMMUNITY DEVELOPMENT DIRECTOR *DSM*
ON BEHALF OF THE AFRICAN BURYING GROUND COMMITTEE

RE: AFRICAN BURYING GROUND TRUST DONATIONS

The African Burying Ground Committee has received the following donations to the African Burying Ground Trust since its January 18, 2012 memo to City Council. The total donated to the trust to date from individuals is \$63,866.04.

Robert & Patrice Dufour	\$100	David & Eleonore Sanderson	\$1,000
Patricia Lynch & Kent Stephens	\$125	Helen & Raymond Goodman	\$100
Debbie Needleman	\$25	William R. Buckley, Jr.	
Mary Ann List	\$250	& Rebecca Gould	\$50
Estelle Israel	\$25	Stephen & Karin Barndollar	\$750
Sandra Dika	\$50	Mary M. Griffin	\$50
Donna Melillo	\$100	Ann & Greg Hopkins	\$100
Charles & Susan Lassen	\$50	John Ahlgren	\$50
NH Charitable Foundation,		Barbara Henry	\$200
<i>Altus Engineering Charitable Fund</i>	\$5,000	George Friese & David Taylor	\$100
Lindsay Evans & Joseph Morone	\$250	Alan J. Sarah B. Gayer	\$100
Martha Fuller Clark	\$500	Susan H. & George Carlisle	\$100
Mara Khavari	\$1,000	MJ Bailey & A Bailey Sr.	\$200
Cynthia M. Duncan	\$500	Eleonore P. Sanderson	\$100
Eric Gregg	\$50	LEMD, Inc.	\$50
HM Payson, re:		Jane James	\$500
<i>Rosamond Thaxter Foundation</i>	\$1,000	Elisabeth & Jeffrey Robinson	\$100
Thomas F. & Barbara A. Bolko	\$100	Peter Bergh & Janet Prince	\$100
Robert Hickey, MD & Patricia Hickey	\$100	P. Darcy Horgan	\$100
Jameson French	\$100	Skye Maher	\$100
Pamela Diamantis	\$1,000	Martha & W. Jeffrey Bolster	\$100
NH Charitable Foundation,		Pamela Diamantis	\$100
<i>The Robinson Family</i>	\$500	Stuart Michael &	
Dorothy Fitzpatrick	\$100	Donna K. Levenson	\$100
Maxine K. Morse 2000 Trust	\$50	John L. Ahlgren	\$50
Denise Poulos	\$50	James & Gail Carolan	\$100
Sandra Dika	\$100	Jeff & Martha Clark	\$100
Judith E. Blake	\$50	Tom & Barbara Sedoric	\$100
Alessandra M. Domina	\$200	Mary Ann Driscoll	\$50
Burt Feintuch	\$25	Joanne C. Francis	\$100
NHCLF, on behalf of		David Taylor	\$500
Sherry-Lea Bloodworth	\$50	Tracey B. Clarkson	\$100
Tom & Barbara Sedoric	\$5,000	Stephen & Karin Barndollar	\$250
John Kaye Tabor Jr.		Alan R. & Pamela Gordon	\$100
& Elizabeth Mead Tabor	\$100	Mary & John Raul	\$200
Eric Gregg	\$200	Alan & Sally Gayer	\$1,000

FEB 28 2011



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.*

EAD

Committee: Building Code of Appeals + ZBA Initial applicant

Name: David M. Rheume, P. E. Telephone: 603-319-8039

Could you be contacted at work? YES/NO If so, telephone # Cell 603-498-6654

Street address: 18 McDonough Street Portsmouth NH 03801

Mailing address (if different): Same as above

Email address (for clerk's office communication): dave.rheume@comcast.net

How long have you been a resident of Portsmouth? 15 years

Occupational background:

1989 to Present: Portsmouth Naval Shipyard, Portsmouth NH

See attached resume for additional details.

Registered Professional Engineerin NH since 1993

Please list experience you have in respect to this Board/Commission:

In my various positions at PNSY as both an engineer and
engineering manager I am constantly called upon to review
and interpret various code requirements as they apply to
specific situations. I am familiar with the NEC as it applies
to industrial equipment.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO

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

Reasons for wishing to serve: Serving on the board will allow me
to use my expertise as a registered professional engineer
to give something back to my city and to help make a positive
impact on its future, as I hope to live here many more years.

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

See attached resume.


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

1) George Melchior 1061 South St Portsmouth 207-252-7018
Name, address, telephone number

2) Jack Holzman 115 Nathaniel Dr Portsmouth 207-451-7988
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed 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: 2/28/11

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

David M. Rheaume, P. E.

Home 603-319-8039 | Cell 603-498-6654
18 McDonough Street
Portsmouth NH 03801
dave.rheaume@comcast.net

Professional Registration

Registered Professional Engineer, State of New Hampshire, 1993 to present
License No. 8632

Education

2010 | Master of Science in Organizational Leadership
Southern New Hampshire University, Manchester NH

- Cumulative GPA: 4.0 on 4.0 scale

1988 | Bachelor of Science in Mechanical Engineering
University of New Hampshire, Durham NH

Work Experience

January 1989 - Present | Portsmouth Naval Shipyard
Portsmouth NH 03804-5000

9/2010 - Present | Production Engineering and Facilities Superintendent

- Lead a group of three managers and 25 engineers and technicians
- Responsible for facilities and capital equipment that supports submarine overhaul mission
- Manage over \$75 M in buildings and capital equipment procurement/modernization annually

6/2008 - 9/2010 | Deputy Director for Lifting and Handling

- Second in command of department of 250+ personnel

1/2003 - 6/2008 | Chief Engineer for Lifting and Handling Technical Div.

- Led a group of two branch head managers and 25 engineers and technicians
- Technically responsible for all aspects of lifting and handling using cranes and rigging, including lifts of radioactive materials

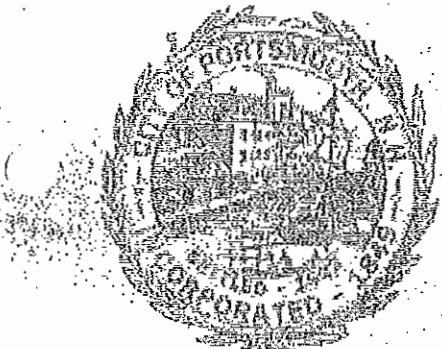
7/1998 - 1/2003 | Branch Manager for Lifting and Handling Technical Div.

1/1989 - 7/1998 | Engineer/Senior Engineer for Crane Maintenance

Professional Affiliations and Volunteer Work

- Volunteer and supporter, Sexual Assault Support Services, Portsmouth NH
- Volunteer, Seacoast Family Food Pantry, Portsmouth NH
- Member, American Society of Mechanical Engineers, since 1988

Portsmouth Resident since 1995



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: Conservation Commission Renewing applicant EAD

Name: Mary Ann Blanchard Telephone: 603-436-7008

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

Street address: 34 Harrison Avenue Portsmouth

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 45 years

Occupational background:

Portsmouth Sub. Teacher, Former Police Commissioner, Library
Trustee, Trustee Strawberry Brook, State Representative 18 years,
12 years on House Recreation & Dev. Comm., 6 years House Finance.
Sponsored water resources legislation for many years

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

Reasons for wishing to continue serving: I am currently the Vice
Chair of the Commission. I think it's important
natural resources work for Portsmouth and it's a
complex regulatory environment that requires
a learning curve - I have served for several terms



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

Portsmouth Garden Club

member, Summer Bd Member NH Forest Society

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

1) Lea Aschliman 314 Middle St.

Name, address, telephone number

2) Alan Sturges, Creek Farm, Little Harbor Rd.

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: Mary Ann Stuchard

Date: March 5, 2012

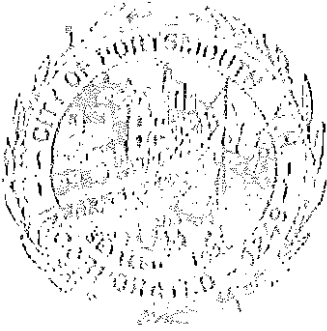
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4/1/2015

Annual Number of Meetings: 13 Number of Meetings Absent: 0

Date of Original Appointment: 5/1/2006

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



received
2/16/11

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

Handwritten initials 'KLB' circled in a hand-drawn oval.

APPOINTMENT APPLICATION

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

Committee: Zoning Board of Adjustment Initial applicant

Name: Christopher P. Mulligan Telephone: 969-0537

Could you be contacted at work? YES/NO If so, telephone # 427-5500

Street address: 74 Austin Street, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): cmulligan@bosenspringer.com

How long have you been a resident of Portsmouth? 1996-2004; Oct 2010-present

Occupational background:

Practicing attorney in Portsmouth since 1995.

Please list experience you have in respect to this Board/Commission:

Practicing attorney since 1995, with a moderate amount of my practice devoted to land use and planning. Former member of Town of Durham ZBA.

Have attended various OEM seminars and workshops.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/~~NO~~

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

Reasons for wishing to serve: I have the time and expertise to do a good job and I know I can help.

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

New Hampshire and Maine Bar Associations; Newmarket Business Association
Durham Business Association; Greater Portsmouth Chamber of Commerce.

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

1) Ed Hayes, President, Ricci Lumber, 105 Bartlett St., Portsmouth 396-814
Name, address, telephone number

Dean Dan Innis, Whitmore Sch. Bus., Prop. Ale House Inn, 552 State St.,
2) Portsmouth, 285-1150
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed 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: 2/15/11

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

CHRISTOPHER P. MULLIGAN, ESQ.
BOSEN & SPRINGER, PLLC
One New Hampshire Avenue, Suite 215
Portsmouth, NH 03801
Telephone: (603) 427-5500
Facsimile: (603) 427-5510
e-mail: cmulligan@bosenspringer.com
Business Law-Litigation-Real Estate-Estate Planning
Trial Practice in State and Federal Courts in Maine and New Hampshire

EXPERIENCE:

June, 2004
to Present **BOSEN & SPRINGER, PLLC**, Portsmouth, NH. Attorney.

November, 2001
to May, 2004 **WATSON & BOSEN, P.A.** , Portsmouth, NH. Attorney.

September, 1995
November, 2001 **HARMAN LAW OFFICES** , Portsmouth, NH. Attorney.

October, 1995 Admitted to Bar of States of New Hampshire and Maine

Summer 1994 **HARMAN LAW OFFICES** Portsmouth, NH. Summer intern.


Summer 1993 **ALASKA STATE PARKS**, Tok, Alaska. Ranger.

1990-1992 **CHASE AUTOMOTIVE FINANCE**, New York, NY. Executive
correspondent and Retail client services manager.

EDUCATION:

UNIVERSITY OF MAINE SCHOOL OF LAW. Portland, ME. JD, 1995. *cum laude*
COLUMBIA UNIVERSITY, New York, NY. AB, 1989.

Memo

To: Assistant Mayor Lister and City Council members
From: Mayor Eric Spear 
Date: March 14, 2012
Re: Reappointment to the PDA

In accordance with RSA 12:G – Pease Development Authority (PDA), the Town of Newington and City of Portsmouth share an appointment to the PDA.

Attached is a memorandum from the Town of Newington notifying the City Council that Margaret Lamson and Peter Loughlin were appointed as their PDA representatives on February 27, 2012 through March, 2015.

Mr. Loughlin has served as the City of Portsmouth Co-Representative to the PDA since August 21, 1998. In addition, the City Council can approve the reappointment this evening. Therefore, it is my recommendation to reappoint Mr. Loughlin as the City's Co-Representative to the PDA.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration of my request.

cc: John P. Bohenko, City Manager
Kelli L. Barnaby, City Clerk
Robert P. Sullivan, City Attorney



The Town Of Newington
New Hampshire

Established 1713

OFFICE OF
SELECTMEN

received
3/6/12

February 29, 2012

TO: Director David Mullen - 436-2780
Pease Development Authority

FROM: Newington Board of Selectmen
Town of Newington-205 Nimble Hill Road
Newington, NH 03801

RE: Appointment of Margaret Lamson
Appointment of Peter Loughlin (Co-Representative)
As our Representatives on the PDA

Dear Mr. Mullen:

This is to notify you that Margaret Lamson and Peter Loughlin were both appointed as our PDA representatives at the Selectmen's meeting held February 27, 2012. Terms are through March 2015.

If you have any questions, please let us know.

Sincerely,

Cosmas Iocovozzi, Chairman

Jack O'Reilly, Selectman

Rick Stern, Selectman

CC/ Mayor Spearand City Council-Portsmouth NH

ACTION SHEET

PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of March 19, 2012

Re: Parking Committee Meeting held March 8, 2012

ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee meeting held February 16, 2012.
- [2] **Financial Report – MOTION** made by Assistant Fire Chief Achilles to accept the report, seconded by Mr. Gray. **Motion passed.**
- [3] **Lincoln Avenue to City Hall**– Citizen request for crosswalk – **MOTION** made by Mr. Whitehouse to install a crosswalk at the North end of Lincoln Avenue across Junkins Avenue to the Municipal Complex, seconded by Mr. Cypher. **Motion passed.**
- [4] **Dennett Street and Kane Street** – City Council Referral – Neighborhood request to reconsider parking area - **MOTION** made by Assistant Fire Chief Achilles to reconsider the request at the April 12, 2012 Parking and Traffic Safety Committee meeting, seconded by Mr. Whitehouse. **Motion passed.**
- [5] **Downtown Speed Limits** – DPW Report Back – Speed study – **MOTION** made by Mr. Gray to refer to the next meeting, seconded by Mr. Cypher. **Motion passed.**
- [6] **86 Haven Road** – Report back from Fire, DPW and Legal – Citizen request for “No Parking” in vicinity of Brackett Road –**MOTION** made by City Manager Bohenko to have Parking and Transportation Director Frederick work with Little Harbour School Principal Grossman and establish an education program with an ombudsman advising and directing parents to follow the school policy for dropping and picking up students for a 30 day period with a report back regarding feedback received from the parents as to why they currently do not follow the policy, seconded by Mr. Whitehouse. **Motion passed.**

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, March 8, 2012
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Ken Smith called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Councilor Ken Smith, Chair
John Bohenko, City Manager
Steve Parkinson, Public Works Director
Frank Warchol, Police Dept. Representative
Steve Achilles, Assistant Fire Chief
Ron Cypher, Member
Ted Gray, Member
Harold Whitehouse, Member

Staff Advisors Present:

Jon Frederick, Parking & Transportation Director
Michael Angstadt, Legal Department

III. ACCEPTANCE OF THE MINUTES:

Mr. Cypher moved to accept the minutes of the February 16, 2012 meeting as presented. Seconded by Mr. Whitehouse and voted.

IV. FINANCIAL REPORT:

Parking and Transportation Director Frederick stated that everything is on target at this time.

Chairman Smith asked if there has been a jump in credit card usage on the new meters. Mr. Frederick stated not yet as there has only been a 25% usage of credit cards on the new meters versus 60% with the Pay and Display. He stated that people are just getting used to being able to use cards instead of change.

Mr. Whitehouse asked about the figures that state "Transfer to Parking Fund" and the \$1,507,494.00 in "Funds Remaining in General Fund".

Mr. Frederick explained that the amount of money above and beyond the operating costs in the Parking Fund will go to the General Fund.

Assistant Fire Chief Achilles moved to accept the Financial Report and place on file. Seconded by Mr. Gray and voted.

V. NEW BUSINESS:

A. Lincoln Avenue to City Hall – Citizen request for crosswalk

Mr. Whitehouse stated a sitewalk was held at the site and it was clear that there had previously been a crosswalk there at one time.

Mr. Whitehouse moved to install a crosswalk at the North end of Lincoln Avenue across Junkins Avenue to the Municipal Complex. Seconded by Mr. Cypher and voted.

B. Dennett Street and Kane Street – City Council Referral – Neighborhood request to reconsider parking area

Assistant Fire Chief Achilles moved to reconsider the request of the Dennett Street and Kane Street Neighborhood to reconfigure the parking area at the April 12, 2012 Parking and Traffic Safety Committee meeting, seconded by Mr. Whitehouse.

Joe Caldarola, 170 Dennett Street – thanked the Committee for reconsidering the request.

Philippe Favet, 152 Dennett Street, stated he likes the new plan, but is unsure where the cars will now park instead.

Tylene Jousse, 197 Dennett Street- thanked the committee for coming out for another site walk to review the new proposal.

Chairman Smith clarified that this will not have to go back to the City Council, but will need to be added to the Public Works work schedule so may not be done until sometime in the Spring.

Motion voted.

VI. OLD BUSINESS:

A. Downtown Speed Limits – DPW Report Back – Speed Study

Parking and Traffic Director Frederick stated the Public Works Department is still gathering information.

Mr. Gray moved to refer to the next meeting. Seconded by Mr. Cypher and voted.

B. 86 Haven Road – Report back from Fire, DPW and Legal – Citizen request for “No Parking” in vicinity of Brackett Road

Mr. Frederick stated that he sent letters out to the neighborhood informing them of this meeting and some of the potential solution. He stated he received some correspondence from Tom Mosier as well as a petition that was referred by the City Council regarding weekend activities at Little Harbour School and the impact on the neighborhood which will be on the next PTS agenda. He stated regarding signage, there are no signs except for one about the “pooper scooper” law at the end of Haven Road. Regarding the Fire Hydrant, it is on the corner of Haven and Brackett Roads.

Assistant Fire Chief Achilles reported that they took fire apparatus to the area several times at different times of the day and found that the truck and ambulances can get down the streets, although “No Parking” on one side of the road would help.

Michael Angstadt, Legal Department – stated he addressed the questions from the last meeting in memos that he distributed to the members. In regards to the authority of the PTS Committee to implement pilot measures, his conclusion is that the PTS is authorized to recommend temporary parking and safety regulations, such as “no parking” pilot measures, to the City Council. However, by accepting the PTS minutes, City Council bears ultimate discretion regarding whether, and for how long, such measures should take effect. He continued that in regards to Submission requirements for PTS meeting minutes, there is no general requirement mandate that the PTS submit its minutes to the City Council for approval or acceptance. However, given specific ordinance provisions and past practice, the PTS may find it beneficial to submit its minutes to City Council for acceptance.

Mr. Whitehouse moved to request the City Council to introduce a 60 day pilot program for “NO Parking” on the East side of Haven Road, seconded by Assistant Fire Chief Achilles.

Assistant Fire Chief Achilles stated he doesn’t think that the City Council should make the recommendation and it should come from the PTS Committee.

Jim Lamonde, 84 Haven Road – thanked the committee for the work they have done on this issue. He reviewed the various issues and concerns in the neighborhood and the effect that 40% growth at Little Harbour School has had on the neighborhood. He continued stating that there are several potential solutions that would not impact negatively on the neighbors who have come to expect that they can park on their streets. First, make it a “No School Parking” Zone so that people who live there can still park. Secondly, “Resident Only” parking during school hours and specific “NO school parking/dropping off” designated area. Thirdly, there is a congestion issue on Haven Road with parking on both sides and having to wait for the other lane to go past before being able to go on the other side, so “NO parking” on one side of the street would help, but would interfere with the parking of the people who live on the street. He stated this

affects the quality of life of the neighborhood and it is also a safety issue. He stated that there should be 20 mph speed limit signs placed more prominently as well.

Michael Coffey, 86 Haven Road - passed out photos of the parking problems in front of his house and reiterated some of the points made by the previous speaker.

City Manager Bohenko asked if the 60 day trial were implemented, what would the reaction of the neighborhood be to not be able to park on one side of the road. Mr. Coffey replied that he wouldn't want to have that restriction imposed on the neighbors as it would restrict parking for people on one side and then move it to the other side of the street. He stated he knows that people got letters, but doesn't think they know that this would be the proposal. He feels that the issue could still be resolved by speaking with the parents.

Mr. Lamonde state he doesn't like the "No Parking" on one side solution and would rather see a "No School drop off" area designated because there is a drop off system in place by the school.

Assistant Fire Chief Achilles feels this would be an enforcement problem determining who is a resident and who isn't. City Manager Bohenko stated that there is currently "No parking" during certain hours designated at the Middle School and feels that this is a courtesy issue and maybe putting up signs to "respect the neighborhood" may help. He stated he is concerned with implementing a trial period at this time of the year because the weather will be better and the school year is almost over, so he would rather see something done in the fall with the new school year.

Mr. Whitehouse stated he brought forward the motion for discussion purposes and doesn't support it either.

City Manager Bohenko stated that he would like to have Jon Frederick work with Principal Grossman and communicate with the parents and perhaps put an ombudsman in place, similar to the Middle School/Library Parking lot, where they can instruct the parents on the proper school policy of dropping off and picking up children.

Mr. Whitehouse withdrew his original motion, Assistant Fire Chief Achilles agreed.

Mr. Gray stated he would like to see 2 signs at the end of Haven Road at South Street stating "Not a Drop-off Zone" and redirecting them to Clough Drive.

City Manager Bohenko moved to have Parking and Transportation Director Frederick work with Little Harbour School Principal Grossman and establish an education program with an ombudsman advising and directing parents to follow the school policy for dropping and picking up students for a 30 day period with a report back regarding feedback received from the parents as to why they currently do not follow the policy. Seconded by Mr. Whitehouse and voted.

Mr. Whitehouse volunteered his services as this is in his neighborhood.

Chairman Smith stated he likes this approach rather than placing "No Parking" signs that would penalize the residents of the neighborhood.

VII. ADJOURNMENT

Mr. Whitehouse moved to adjourn at 8:50 a.m. Seconded and voted unanimously.

MEMORANDUM

TO: John Bohenko
FROM: Mary E. Koepenick, Planning Department
SUBJECT: Board of Adjustment Minutes
DATE: March 14, 2012 *MG 3/14/12*

The following approved minutes of Board of Adjustment meetings are now available for review on the City's website:

December 13, 2011

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department
SUBJECT: Historic District Commission Minutes
DATE: March 8, 2012

Please be advised that the approved minutes from the December 14, 2011 Historic District Commission meeting are now available on the City's website for your review.