

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 7, 2013 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

PRESENTATION

1. Portsmouth US Route 1 Bypass Bridge Replacement Projects Update – Alex Vogt, Project Manager, NH DOT Highway Design

- V. ACCEPTANCE OF MINUTES – DECEMBER 3, 2012 AND DECEMBER 17, 2012

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. AMENDMENTS TO CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS, SECTION 10.535 – DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, RELATING TO THE HEIGHT REQUIREMENTS IN THE CBA AND CBB DISTRICTS

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Grant Application for New Hampshire Department of Transportation Safe Routes to School Program (***Sample motion – move to authorize the City Manager to apply for, accept, and expend a \$250,000.00 grant from the NH DOT Safe Routes to School Program for the purpose of implementing infrastructure projects and non-infrastructure programming to encourage and enable elementary and middle school children to safely walk and ride bicycles to school***)

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts (***Sample motion – move to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the January 22, 2013 City Council meeting***)

- B. Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure” **(Sample motion – move to pass third and final reading of the proposed Ordinance)**

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Kim Blanchard, National Multiple Sclerosis Society, requesting permission to hold the 2013 Walk MS Portsmouth on Saturday, April 13, 2013 from 10:00 a.m. – 2:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- B. Letter from Zhana Morris, Production Manager, The Music Hall, requesting Meter Bags for 2012-2013 Season **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Dave Abbett, Founder, Sub 5 Race Management, requesting permission to hold the 2013 Friends on the Fourth 5K road race on Thursday, July 4, 2013 **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Garfield Jones, Fattman Productions, requesting permission to hold a portion of 24 hour relay race on Saturday, June 22, 2013 – Sunday, June 23, 2013 **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Caitlyn Mosher Ellis, Alzheimer’s Association, requesting permission to hold the 2013 Walk to End Alzheimer’s on Sunday, September 29, 2013 **(Anticipated action – move to refer to the City Manager with power)**
- F. Request for Approval of Pole License of one pole, one electrical manhole and 710 feet of underground conduit located on Hanover and Bridge Streets **(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

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 Public Hearing/Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts (**Action on this item should take place under Section IX of the Agenda**)
2. Third and Final Reading of Proposed Resolution and Ordinance Amendments:
 - 2.1 Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure” (**Action on this item should take place under Section IX of the Agenda**)

City Manager’s Items Which Require Action

1. Proposed Revisions to Fund Balance Ordinance
2. Report Back Re: Cemetery Setbacks
3. Report Back Re: Zoning for Assisted Living Facilities
4. Request to Establish Work Session Re: Water/Sewer Rate Study

Informational Items

1. Events Listing

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Alison Hamilton, Citizens Advisory Committee
 - Anthony Blenkinsop, reappointment to the Planning Board
2. Appointments to be Voted:
 - Elizabeth Moreau appointment as an alternate to the Planning Board
 - Karina Quintans appointment as a regular member to the Planning Board (*current alternate*)
 - Thomas Watson reappointment to the Trustees of the Trust Fund

C. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of December 13, 2012

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 Conservation Commission Minutes of the October 10, 2012 meeting are available on the City's website for your review
2. Notification that the Conservation Commission Minutes of the November 14, 2012 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.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 3, 2012

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

At 6:15 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2 I (c).

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

Mayor Spear called the meeting to order at 7:15 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 Thorsen led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 4, 2012 & SEPTEMBER 17, 2012

Councilor Coviello moved to approve and accept the minutes of the September 4, 2012 and September 17, 2012 City Council meetings. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Mayor Spear reviewed the rules of the public comment session and that it is a 45 minute session. Due to the large number of speakers each comment will be limited to 1 minute per person which will allow everyone the opportunity to speak.

Councilor Smith moved to suspend the rules in order to allow the Public Comment Session to go beyond the 45 minute time limit and allow individuals to speak up to 3 minutes each. Seconded by Councilor Kennedy and voted.

Jim Splaine spoke opposed to any construction of a parking garage at the Worth Lot location and requested that the City Council look into other alternatives. He urged the Council to review an overall transportation plan and involve other seacoast communities and the Town of Kittery, Maine.

Heidar Ahadi spoke against the parking garage at the Worth Lot and said it would have a negative affect on downtown businesses.

Tom Carroll expressed his opposition to the scrap metal operation at the Port and said that the City does not receive enough in taxes from that site. He recommended that the Pease Development Authority be asked to recommend a tax increase to \$100,000.00.

Tim Myles asked the City to hold the line on the budget. He said it is difficult for those on fixed incomes. He also spoke opposed to the Worth Lot becoming a site for a second parking garage and suggested the use of the McIntyre site for a new garage.

Catherine Reddington read a letter from Marie Lyford, who is a customer, expressing her opposition to the parking garage construction at the Worth Lot site. The letter further stated the Council should consider other choices such as the McIntyre or Sheraton sites.

Marisa Kang said a second parking garage should not be placed at the Worth Lot. She asked that the Council withdraw the consideration of a second garage, at the Worth Lot.

Betty Lipton spoke against a parking garage being located at the Worth Lot and stated that it would affect downtown businesses.

Mike DeLaCruz said that more parking is needed in the downtown area and spoke in support of a second parking garage at the Worth Lot site.

Sandra Lorusso said the conditions of the downtown are changing. She said there many issues with the Worth Lot site for a parking garage.

Sidney Mador, Raymond, NH said he comes to play and visit the downtown businesses and that the Worth Lot is not an ideal site for a second parking garage.

Lisa DeStefano spoke regarding the zoning ordinance proposals. She said the changes would affect the character of the City. She said Porter Street Townhouses, old City Hall, Ale House Inn and many more existing buildings have character and give it to the City. She requested that the City Council take time on the changes to the zoning ordinance.

Susan Laslo, Newmarket, NH works at the Health Food store downtown and is opposed to building a second parking garage at the Worth Lot site. She asked the City Council to consider shuttles for individuals. She also stated that more art work should be encouraged in the building process.

John Golumb said he is a downtown business owner and asked the Council to consider all the options available when building a second parking garage. He spoke in support of building a second parking garage.

Paul McEachern, indicated that he is representing Wright Avenue LLC, and that his client wants to build a structure at the Wright Avenue location however, with the new height ordinance the building might not meet the requirements. He asked the Council vet the ordinance more carefully before making a decision.

Barbara DeStefano spoke in support of a second parking garage. She stated that the Worth Lot might not be the right site but a garage is needed. She indicated the need for a decision now, rather than being pushed out into the future.

Micum Davis stated constructing a second parking garage at the Worth Lot site would add to the heavy flow of traffic already in the area. He suggested looking at the McIntyre Building site.

Rick Horowitz spoke against the Worth Lot site for a second parking garage. He said it will affect downtown businesses in a negative way. He suggested that the private sector build a second parking garage.

Scott Nelson, owner of Portsmouth Health Food, said the store would close if a parking garage is located at the Worth Lot site. He said that the majority of his customers park in the Worth Lot.

Natalie Roman-Nelson, owner of Portsmouth Health Food, said she visited City Hall today to look at the e-mails on the parking garage issue. She stated that 95% were against a garage. She addressed a petition against the building of a second parking garage at the Worth Lot site. Ms. Roman-Nelson urged the City Council to listen to the community on this matter and provided the City Clerk with the petition for the files.

Phil Cohen spoke regarding the Site Selection Committee report and the need to move forward with a vote on the parking garage. He said there would be growing pains with any construction that takes place and it is up to the City to provide for the infrastructure of the businesses and adequate parking.

Bill St. Laurent said the Association of Portsmouth Taxpayers is back and will be reviewing the budget. He expressed his opposition to having a 4% increase to the budget and said a 0% increase is what the residents need.

Andrea Harkness, Dover, NH spoke opposed to a parking garage at the Worth Lot site. She said that this would affect the downtown businesses in a negative way.

Judy Howard spoke opposed to a parking garage being built at the Worth Lot site. She expressed concerns with traffic congestion in the downtown area.

Everett Eaton, Economic Development Commission Chair, stated that the EDC has been before the Council 6 to 8 times concerning the need for a second parking garage and said there is an unmet need for parking. He expressed opposition to waiting for the McIntyre building to become available and stated it would add to the congestion of the Daniel Street area.

Susan Denenberg spoke against the Worth Lot site as a parking garage and asked the City Council to consider alternatives to the Worth Lot. She presented the City Clerk with a petition containing signatures consisting of residents and downtown business owners against the parking garage at the Worth Lot site.

Zoe Stewart spoke regarding the parking kiosks' and the lack of lighting. She stated that it is difficult to read at night.

Jean Ramsey spoke regarding the height ordinance. She provided a design for the Wright Avenue lot building and stated that it is a thoughtful design. She said that there are questions which remain unanswered relating to the ordinance and the building may require a higher cost if there is a need for redesign based on the ordinance changes.

Shayne Bowler said he agrees with the comments against the Worth Lot site for a parking garage. He asked how much growth the City really needs. He also stated his opposition to constructing a garage at the McIntyre site.

Byron Robyn spoke against the parking garage at the Worth Lot site. He said he would like the City to look at another location for constructing a garage.

Chris Schoff spoke opposed to a parking garage at the Worth Lot site. He said a garage at that site would be an error and that the current garage serves the City and there is not a need for a second facility.

Chuck Woodson spoke against a parking garage at the Worth Lot site. He said he would need to close his shop. He said it would cost him \$30,000.00 to relocate to another site.

Bob Shouse spoke in support of a parking garage and said most of the opposition is from downtown workers and customers of the businesses within the Vaughan Mall area. He said parking has always been an issue in the City.

Glen Benjamin spoke opposed to the Worth Lot site for a parking garage. He said he is disabled and uses the Worth Lot and feels it should remain as a surface lot.

Marylou McElwain spoke on studies relating to making a City walkable. She informed the Council of a book published in November regarding this topic.

Councilor Coviello moved to suspend the rules in order to take up Item XI. C.1. – Worth Lot and Parking Garage. Seconded by Councilor Smith and voted.

XI. C.1. – Worth Lot and Parking Garage

Assistant Mayor Lister moved that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage and postpone any further discussion on a second garage in Portsmouth until June 2013 when other potential locations may be considered. Seconded by Councilor Kennedy.

Assistant Mayor Lister said he has observed the debate and does not feel the community should be polarized by this subject. He said there is a disagreement with residents and the City Council. Assistant Mayor Lister said we need additional information and there is no consensus on any one site. He added that the Worth Lot is the gateway to the northern tier and expressed concern with any potential costs to residents for a parking garage.

Assistant Mayor Lister stated that the City is now entering into the budget process which requires a great deal of time and we need the full attention of the City staff to be on the budget process. Assistant Mayor Lister further spoke to encouraging the EDC to work with the City Council on the parking garage issue.

Councilor Kennedy moved to amend the motion to move the discussion out to September 2013. Seconded by Councilor Smith.

Councilor Kennedy said this summer we will start to work on our master plan and the issue should not be brought forward during the summer when people travel. She spoke to celebrating our sustainable practices.

On a roll call vote 4-5, motion to amend that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage and postpone any further discussion on a second garage in Portsmouth until September 2013 when other potential locations may be considered failed to pass. Councilors Coviello, Kennedy, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilors Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted opposed.

Councilor Coviello said he is disappointed with the timing of the motion. He said this is a hard issue with strong opinions. He stated that the Council is elected to do what is best for the City. He said tourists come here for what the City offers and eventually the business groups will realize they can move out to Pease and not deal with the parking issues.

Councilor Novelline Clayburgh thanked everyone for coming out to speak this evening. She stated her opposition to the motion and spoke to the work of the Parking Subcommittee for which she serves on. She indicated that the committee is making progress and would like to see the process continue.

Councilor Thorsen said it takes a great deal of effort to work through these things. He said he is not sure how many parking garages will be needed in the next 30 years and feels that the Worth Lot is an unlikely location for a garage. He indicated that he feels the motion on the table is a two part motion and would like to divide the question.

Councilor Smith said he is opposed to the Worth Lot as a site for a new parking garage. He expressed his support for the McIntyre site being a better location. He spoke to the need for more signage for tourists to know where to park.

Councilor Dwyer said this evening was not about a garage, it was about postponing a discussion on a parking garage. She said we should be able to deal with multiple issues rather than just focusing on the budget. She spoke to the current deficit in parking spaces which is 300. She said we need to put all items on the table for discussion. Councilor Dwyer advised the Council that the Deer Street lot would need to be taken by eminent domain. She said the Council needs to look at how many cars come into the downtown and the location of the garage.

Councilor Lown said the motion is whether to postpone a decision for 7 months or not and this is what he believes is a way to avoid making a tough decision.

Councilor Kennedy said she would like the City Attorney to speak on the motion because she feels it is a two part motion. City Attorney Sullivan said the motion is open to two different issues. He said the better way is to divide the questions.

The City Council agreed by consensus to divide the question.

Assistant Mayor Lister moved that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage. Seconded by Councilor Kennedy.

Councilor Kennedy said there are concerns with the costs for a garage, location and whether a new garage is needed or not.

On a roll call 5-4, voted that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Thorsen voted in favor. Councilors Coviello, Lown, Dwyer and Mayor Spear voted opposed.

Assistant Mayor Lister moved to postpone any further discussion on a second garage in Portsmouth until June 2013 when other potential locations may be considered. Seconded by Councilor Coviello.

Councilor Coviello said he would not support eminent domain.

Councilor Dwyer stated that the Council is putting the economic development of the City in jeopardy and if there are other areas for a new garage to be located we need to bring them forward and pursue those locations.

Councilor Lown said he respects Councilor Coviello and agrees with Councilor Dwyer on the need to explore other options which are available to the City.

Councilor Novelline Clayburgh said she would like to see discussion continue at the Committee level. She stated that discussion has been going on for 10 years and we need a second parking garage.

On a roll call vote 3-6, motion to postpone any further discussion on a second garage in Portsmouth until June 2013 when other potential locations may be considered failed to pass. Assistant Mayor Lister, Councilors Kennedy and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted opposed.

At 9:24 p.m., Mayor Spear called a brief recess. At 9:40 p.m., Mayor Spear called the meeting back to order.

Councilor Dwyer moved to terminate the Parking Garage Site Selection Subcommittee and give the charge to the Parking Traffic & Safety Committee to continue the work and take next steps regarding a parking garage. Seconded by Councilor Coviello.

Councilor Smith said the Parking Traffic & Safety Committee is pleased to take the next step on the garage.

Councilor Kennedy said we need to look at the parking situation as a whole.

Councilor Novelline Clayburgh said she is opposed to the motion.

On a roll call 8-1, voted to terminate the Parking Garage Site Selection Subcommittee and give the charge to the Parking Traffic & Safety Committee to continue the work and take next steps regarding a parking garage. Assistant Mayor Lister, Councilors Coviello, Kennedy, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Novelline Clayburgh voted opposed.

VII. APPROVAL OF GRANTS/DONATIONS

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure”

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 17, 2012 City Council meeting. Seconded by Councilor Coviello and voted.

- B. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts; and to Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, Relating to the Definitions of “Grade Plane” and “Street Wall”

Assistant Mayor Lister moved to postpone for revisions to the ordinance and bring back first reading at the December 17, 2012 City Council meeting. Seconded by Councilor Lown.

City Manager Bohenko said we need to go back and talk to the stakeholders rather than act on this, at this late hour.

Councilor Coviello asked if HDC worked on this Ordinance. He would like to see a Work Session with HDC and Planning staff on this Ordinance.

Councilor Dwyer expressed concern with taking time on the height issue. She said there is a building that is already going forward. She expressed concern with someone taking advantage of this ordinance with the height issue. She said right now it can be as tall as you want as long as part of the building meets the requirements.

City Attorney Sullivan stated that height is a zoning matter not a Planning Board matter.

Councilor Kennedy said if we move the ordinance to second reading and public hearing then at that point nothing can happen. City Attorney Sullivan reported that the moment in time is when the notice of second reading is posted.

Planning Director Taintor stated that there were two projects that would be affected by the ordinance, former Rosa's Restaurant and the former Portsmouth Herald building. He said it may be possible to exempt projects that have had a public hearing before the Planning Board.

Councilor Thorsen said the developer would have more certainty because it would give notice to the Planning Board. City Attorney Sullivan said that a developer would know after first reading is passed that they would have to satisfy both the existing and proposed amendment for the zoning ordinance.

City Manager Bohenko stated that the ordinance would come back for the December 17th meeting as first reading.

Motion passed with Councilor Kennedy opposed.

- C. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00

Councilor Novelline Clayburgh moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Coviello and voted. Councilor Smith voted opposed.

IX. CONSENT AGENDA

- A. Letter from John Martin, Seacoast Ride for Polycystic Kidney Disease (PKD), requesting permission to hold the 4th Annual Seacoast Bike Ride for PKD on Sunday, June 9, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Dawn M. Sawyer, Chief Michael Maloney Memorial Fund, requesting permission to hold the 2nd Annual Chief Michael Maloney Run/Walk on Sunday, April 28, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for License from Peter Mocklis owner of Look, for property located at 68 State Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Peter Mocklis owner of Look for a projecting sign at property located at 68 State Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

- ***The licenses shall be approved by the Legal Department as to content and form;***

- ***Any removal or relocation of the projecting signs, 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 signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- D. Letter from Tracey Tucker, New Heights, requesting permission to hold the 4th Annual St. Paddy's 5 Miler Road Race on Sunday, March 10, 2013 at the Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Lown and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jean and Gordon Willis transferring ownership of Artwill Avenue to the City of Portsmouth

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Novelline Clayburgh and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: Request by Christopher McInnis to Rezone Parcels at 678 and 680 Maplewood Avenue and 261 Myrtle Avenue from Single Residence B (SRB) to Business (B)

City Manager Bohenko reported that the Planning Board held a public hearing on this request at its meeting on November 15, 2012 with approximately 10 Myrtle Avenue residents expressing opposition to the rezoning proposal. He said the residents stated the potential impact of commercial development as it relates to noise, traffic and safety in the neighborhood. He stated that the Planning Board unanimously voted to not recommend the rezoning request.

Councilor Smith indicated that he would be abstaining from voting on this matter.

Councilor Lown moved to accept the Planning Board's recommendation and not vote to rezone the land as requested. Seconded by Councilor Kennedy and voted. Councilor Smith abstained from voting on this matter.

2. Memorial Bridge Illumination Trust

City Manager Bohenko stated that the presentation on this matter was made at the last Council meeting. He recommended that the Council establish a Memorial Bridge Illumination Trust through the Portsmouth Trustees of the Trust Funds. He reported that the Trust would receive all donations for both the capital portion of this proposed illumination project as well as the operational costs. If approved by the Council, the Illumination Committee will request the Town of Kittery's support for this document.

Councilor Kennedy moved to authorize the City Manager to negotiate and execute a Memorial Bridge Illumination Trust in substantial conformance with the document which has been provided to the City Council. Seconded by Councilor Novelline Clayburgh and voted.

3. Request from McAuliffe Realty Trust for Restoration of Involuntarily Merged Lots under RSA 674-39-aa

City Manager Bohenko requested Planning Director Taintor provide a brief presentation on this matter and City Attorney Sullivan also speak to this issue.

Planning Director Taintor said that this is the third request to come before the City Council since the RSA was passed last year. He reviewed the report with the City Council and advised that there are three structures on the property and that the lot is larger than others in the neighborhood. He advised the Council that 4 lots have been merged over time to one lot. Planning Director Taintor said an exhibit submitted with Attorney Ritzo's letter shows the merged parcel being divided into two lots, each containing two of the four premerger lots.

Planning Director Taintor said as to the question of whether or not the lots in this case were voluntarily or involuntarily merged, the evidence is in conflict. He reviewed the building permit applications submitted by owners of the property commencing in 1979 and continuing until 1997 which describe the entirety of the property at issue as a single lot. Although all lots appear as one on the City tax maps, no specific act of involuntary merger by the City has been shown. Thus, it is debatable whether the municipality had involuntarily merged the lots or whether the property owners in the chain of title regarded the lots as merged into a single lot. Planning Director Taintor reported that the lots at issue have been voluntarily merged by individuals appearing previous in the chain of title to the present owners. Further, in light of the development pattern of the property which has been developed in such a way as to preclude separate use of the two parcels or tracts sometimes described in the deeds. Currently there are three principal residential structures situated on one of the original parcels or tracts, which only makes planning sense in terms of density and lot coverage if both tracts were considered one lot. It can be readily assumed that the Board of Adjustment would not have granted the variances which allowed this development pattern to occur but for the fact that the prior owner presented the entirety of the land as a single parcel. Based on the foregoing it is the recommendation that the City Council deny the request of McAuliffe Realty Trust to "unmerge" the lots at 452-460 Richards Avenue. If the City Council accepts this recommendation the property owner has an option under the statute of appealing that decision to the Board of Adjustment.

Councilor Lown moved to suspend the rules in order to hear from the applicant. Seconded by Assistant Mayor Lister and voted.

Discussion followed between the Council and Planning Director Taintor regarding the request. Planning Director Taintor reported that the McAuliffe deed describes it as two parcels.

Attorney Ritzo addressed the City Council and stated that the property was purchased in 1981 by the McAuliffe's as two parcels of land. He reported that sometime between 1971 and 1985 the City merged the lots into one lot but the Assessor does not have a copy of the map. In 1985 one lot was shown on the tax maps.

Councilor Lown asked if the abutters are aware of this affect and are they opposed. Attorney Ritzo responded that they are not aware of any one that is opposed.

Councilor Lown moved to respectfully reject the recommendation of the Planning Director and City Attorney to deny the Request, and to approve the request of McAuliffe Realty Trust to "unmerge" the lots at 452-460 Richards Avenue. Seconded by Councilor Novelline Clayburgh.

City Attorney Sullivan stated that he concurs with Planning Director Taintor's recommendation. He said the problem is, until the law passed, an issue such as this was studied by the Planning Board and Board of Adjustment.

Assistant Mayor Lister and Councilor Coviello stated there is more information needed before making a decision on this matter. Councilor Coviello said it was four lots and went to two. He said the flaw with the RSA is they are not familiar with old cities with small lots.

Councilor Kennedy asked if the motion could be amended to refer this to the Planning Board for report back. City Attorney Sullivan stated that the RSA does not give the authority to refer to the Planning Board.

Councilor Kennedy moved to amend the motion to send this matter to the Planning Board for report back. No second received.

Councilor Novelline Clayburgh stated that this is what the owner purchased in 1981 and we should go with what the deed states.

Councilor Dwyer said we need to look at these requests on a case by case basis. She stated that you have all this density on one lot and normally this would not have been allowed.

On a roll call 6-3, voted to respectfully reject the recommendation of the Planning Director and City Attorney to deny the Request, and to approve the request of McAuliffe Realty Trust to "unmerge" the lots at 452-460 Richards Avenue. Councilors Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilor Coviello and Mayor Spear voted opposed.

4. Adoption of 2013 Schedule of City Council Meetings and Work Sessions

Councilor Smith moved to approve the adoption of 2013 Schedule of City Council Meetings and Work Sessions as presented. Seconded by Councilor Lown.

Councilor Kennedy stated that she would like the Budget Presentation Work Session on Saturday, April 6, 2013 to end by 3:00 p.m.

Motion passed.

Assistant Mayor Lister moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Coviello and voted.

B. MAYOR SPEAR

1. Guidelines FY14 Budget

Assistant Mayor Lister move to instruct the City Manager to direct all departments to submit their operating budget with no more than a 4% increase over the FY13 budget. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said she would oppose the motion. She said we need to have departments come in as close to 1% as possible.

Councilor Lown said that this is a guideline to assist the departments. He said 4% is a reduction in services for all departments.

Councilor Dwyer said it is difficult for people to understand a ceiling. She said we are saying don't bring in anything above 4%. She further stated that this is a hard limit.

Councilor Smith said he would vote opposed to the motion. He said he wants departments to come in with their best budgets.

Councilor Thorsen said he would like departments to look at a 1% increase. He said with a 4% guideline, departments will come in with a 4% budget. He stated that the City is growing faster than its tax base.

City Manager Bohenko said the operating budget is 5.63% higher than FY13.

Assistant Mayor Lister stated that department heads will come in with their needs. He further stated that this is just a guideline.

Councilor Thorsen moved to amend and instruct the City Manager to direct all departments to submit their operating budget with no more than a 3% increase over the FY13 budget. Seconded by Councilor Dwyer.

Councilor Smith said we need to have departments present the City Manager with their best budget.

Councilor Kennedy stated that she would not support a 3% increase because she feels it is too high.

On a roll call vote 4-5, motion to amend and instruct the City Manager to direct all departments to submit their operating budget with no more than a 3% increase over the FY13 budget failed to pass. Councilors Coviello, Lown, Dwyer and Thorsen voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Mayor Spear voted opposed.

On a roll call 6-3, voted to pass main motion to instruct the City Manager to direct all departments to submit their operating budget with no more than a 4% increase over the FY13 budget. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Councilors Kennedy, Smith and Thorsen voted opposed.

2. Establish Blue Ribbon Committee on Efficiencies Part II Police/Fire Departments

Mayor Spear announced the establishment of a Blue Ribbon Committee on Efficiencies Part II Police/Fire Departments. He announced members of the Committee as follows:

- Councilor Lown, Chair
- Councilor Coviello
- Councilor Thorsen
- Steve Marchand, resident
- Dana Levenson, resident
- Elected Representatives from the Police and Fire Commissions
- Police Chief DuBois, Ex-officio
- Fire Chief LeClair, Ex-officio

3. Letter to Congressional Delegation Re: Proposed Legislation for Financial Reimbursement for Presidential Visits

Mayor Spear said he would like to send a letter to our delegation regarding legislation for financial reimbursement for Presidential visits.

Councilor Dwyer said this letter would cover Presidential visits from Presidential candidate visits. She does not feel the letter is clear. Mayor Spear said he would review the letter and come back with changes at the December 17th meeting. Councilor Dwyer said there needs to be a difference between campaign visits and a Presidential visit.

Councilor Kennedy asked if we received reimbursement from the Romney campaign. City Manager stated that the Romney campaign paid their bill.

The City Council requested some changes to the letter by which financial reimbursements would be sought from presidential campaign visits. Mayor Spear stated he would make adjustments to the letter and bring it back at the December 17, 2012 City Council meeting for review and requested approval.

4. Appointments to be Considered:
 - Alicia Weaver appointed to the Citizens Advisory Committee
 - John Pratt appointed to the Economic Development Commission
 - Reagan Ruedig appointed to the Historic District Commission
 - Jody Record reappointment to the Board of Library Trustees
 - Philip Cohen reappointment to the Economic Development Commission
 - Charles LeMay reappointment to the Zoning Board of Adjustment
 - Patrick Moretti reappointment to the Zoning Board of Adjustment
 - David Witham reappointment to the Zoning Board of Adjustment

The City Council considered the above referenced appointments which will be voted on at the December 17, 2012 City Council meeting.

5. Appointments to be Voted:
 - Marc Stettner appointed to the Peirce Island Committee
 - John Bosen appointed to the Economic Development Commission
 - Ernestine Greenslade appointed to the Library Board of Trustees

Assistant Mayor Lister moved to appoint Marc Stettner to the Peirce Island Committee until December 31, 2013; appoint John Bosen to the Economic Development Commission until October 1, 2013 filling the unexpired term of Tim Allison; and appoint Ernestine Greenslade to the Library Board of Trustees until October 1, 2015. Seconded by Councilor Lown and voted.

6. Resignation – Andrew Martin from the Blue Ribbon Committee on Sustainable Practices

Councilor Smith moved to accept with regret the resignation of Andrew Martin from the Blue Ribbon Committee on Sustainable Practices with a letter to follow thanking him for his service to the City. Seconded by Assistant Mayor Lister and voted.

D. COUNCILOR DWYER

1. Update Re: African Burying Ground

Councilor Dwyer stated that she would provide her update at the December 17, 2012 City Council meeting due to the late hour. Councilor Dwyer did advise the Council to view the display case in the Chambers that has a model of a man and woman that will be located at the ends of the street as part of the African Burying Ground project.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Novelline Clayburgh asked that the issue of the lighting for the pay and display meter kiosks be looked into. Councilor Smith said he would bring the matter forward at the Parking Traffic & Safety Committee meeting.

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

At 11:40 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Smith and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 17, 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 in memory of the Sandy Hook Elementary School victims.

IV. PLEDGE OF ALLEGIANCE

Councilor Lown led the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. 2012 Portsmouth High School Football Division III State Champions
2. Portsmouth High School Holiday Brass Ensemble

Due to the inclement weather and the cancellation of school, the High School Football Team and Holiday Brass Ensemble were unable to attend the meeting. Mayor Spear recognized the Division III State Football Championship Team congratulating them on their winning season and the Thanksgiving Day victory over Dover High School.

V. ACCEPTANCE OF MINUTES – OCTOBER 1, 2012, OCTOBER 22, 2012 AND NOVEMBER 13, 2012

Councilor Kennedy moved to accept the Minutes of October, 1, 2012, October 22, 2012 and November 13, 2012 City Council Meetings. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll, business owner at 500 Market Street – stated he is speaking his own opinion and is not representing anyone else. He stated that a scrapmetal ship came into the port last week and he was disappointed not to see any of the City Councilors there. He stated that the tall ships will no longer come into the Port because of the filth from the metal fragments and the noise. He then shook a box than contained metal fragments that he collected from Market Street stating that these are located on city property and although the city may not be able to do anything on the Port property, the street is city property and this type of debris is on the street. He stated this debris is dangerous to motorists, and especially motorcyclists, and the city should have someone collecting this metal.

Julie Ross, Islington Creek Neighborhood Association – addressed the packet of information that was provided to the Council regarding the issue at 21 Brewster Street which includes newspaper articles, police reports, city ordinances, etc. She stated the group has been working for the last 6 years and have met with the City Attorney, Councilors Lown, Coviello and Novelline Clayburgh over the last 4 months and appreciates their time, but feels that it is time to do something about it now. She urged the Council to address this issue before another license is issued to this business.

Arthur Clough, discussed the change in the city hall hours of operation and the contractual obligations of the employees stating that there is nothing in the contracts for tracking time by hours worked, only days and ½ days. He stated that being closed on Friday afternoons is inconvenient to people who get paid on Friday and come to city hall to do their business. He stated he does like the later hours on Mondays, but feels that this can be accomplished every day by having employees start later in the day.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDMENTS TO CHAPTER 10 – ZONING ORDINANCE, ARTICLE 6 – OVERLAY DISTRICTS, SECTION 10.633.20 – EXEMPTIONS FROM CERTIFICATE OF APPROVAL IN THE HISTORIC DISTRICT; AND TO ARTICLE 15 – DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, DEFINING THE TERM “CONTRIBUTING STRUCTURE”

City Planner Nick Cracknell gave a brief overview of the changes being made to Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District and to Section 10.1530, defining the Term “Contributing Structure. He explained that this will help to alleviate the workload of the Historic District Commission by removing minor issues from their responsibilities allowing them to focus on larger projects. He stated this was a result of reviewing past practices of the city that were institutionalized but not necessarily in the ordinances and this updates the ordinance to current performance standards.

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. Seeing none, Mayor Spear closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant for Art-Speak - \$500.00

Councilor Smith moved to accept a grant to Art-Speak to be used for operational support of Art-Speak, as presented. Seconded by Councilor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts (*Voted to postpone at the December 3, 2012 City Council meeting for revisions to the ordinance and bring back for first reading at the December 17, 2012 City Council meeting*)

Planning Director Rick Taintor reviewed the changes from the first proposed ordinance change to this current version. He explained that after concerns were raised from several downtown developers on potential impacts of the first proposal, the staff revised the initial proposal and met with a group of architects and designers to discuss the revised draft. The amendments are as follow:

- a) Require that within 25 feet of a street line, no portion of a building be higher than 50 feet above the street in the CBA district or 60 feet above the street in the CBB district. The "street line" is the edge of the municipal right of way, which in the downtown area is approximately at the back of the sidewalk.
- b) Exempt from this requirement parapet walls, railings, fences and roof appurtenances (such as HVAC equipment or antennas) that are no more than 2 feet above the roof surface.

He continued that in order to accommodate two identified development projects that have initiated a formal process with the City's land use boards, and thereby demonstrated significant investment in project design, the proposed ordinance also exempts applications which have been the subject of legal notice for a hearing before the Zoning Board of Adjustment.

Assistant Mayor Lister moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the January 7, 2013 City Council meeting, seconded by Councilor Novelline Clayburgh.

Discussion ensued regarding the two projects that will be exempt (111 Maplewood Avenue and Rosa's parking lot) as it is deemed a fairness issue as they have already started their processes with the original zoning regulations in place. Planning Director Taintor clarified that there are other projects in the pipeline that will not be exempt from the new regulations.

Motion voted.

- B. Second Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term "Contributing Structure"

Councilor Kennedy moved to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the January 7, 2013 City Council meeting, seconded by Assistant Mayor Lister.

Councilor Kennedy stated that the Historic District Commission is in favor of this ordinance change which will simplify procedures for homeowners when making simple changes to their property.

Motion voted.

X. CONSENT AGENDA

- A. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the annual Eastern States 20 Mile Road Race on Sunday, March 30, 2013
(Anticipated action – move to refer to the City Manager with power)
- B. *Acceptance of Donation to the Coalition Legal Fund
- Town of Center Harbor - \$500.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- C. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Portsmouth Community Road Race Series 5K Races for 2013 and January of 2014:
- Thursday, August 1st at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course
 - Saturday, September 21st at 9:00 a.m. – BreastCancerStories.org – Little Harbour School Course
 - Saturday, October 12th at 9:00 a.m. – Community Child Care – West Road-Banfield Course
 - Thursday, November 28th at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course
 - Wednesday, January 1, 2014 – Great Bay Services – Little Harbour School Course
- (Anticipated action – move to refer to the City Manager with power)***

Councilor Coviello moved to adopt the Consent Agenda as presented. Seconded by Assistant Mayor Lister and voted.

Councilor Smith asked the City Manager to work with the organizations using the Little Harbour School Course and use the Middle School route instead if the Middle School construction is completed when these events take place.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Aphrodite Georgopoulos & Louis Georgopoulos regarding zoning of property located at 1900 Lafayette Road

Assistant Mayor Lister moved to refer to the Planning Board for report back, seconded by Councilor Novelline Clayburgh and voted 8-1, Councilor Lown abstained.

- B. Letter from Attorney John E. Lyons, Jr., regarding commercial water deduct meters

Councilor Novelline Clayburgh moved to refer to staff for review as part of water/sewer rate study. Seconded by Councilor Kennedy and voted.

- C. Letter and Petition from Islington Creek Neighborhood Association Re: 21 Brewster Street. *(Full packet of information is available in the City Clerk's Office)*

Councilor Kennedy moved to refer to City Manager for a report back, seconded by Councilor Novelline Clayburgh.

Councilor Lown complimented the booklet of information that was presented to the Council on this issue stating it gave a good summary, was interesting and well done.

Assistant Mayor Lister agreed with the quality of the document and asked City Manager Bohenko when a report back may be expected. City Manager Bohenko stated that he will meet with the departments and staff involved with the issue. He stated that it will need to be addressed before the renewal of the next license for the boarding house and feels that it may need to be discussed at a City Council Work Session.

Motion voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Spinnaker Point Field House Management Agreement

Councilor Novelline Clayburgh moved to authorize the City Manager to negotiate and execute an amendment to the Spinnaker Point Field House Management Agreement which will have the effect of extending indefinitely the period of time under which up to 300 non-residents may be added to the membership of the Spinnaker Point Recreation Center or the total number of members of the Spinnaker Point Recreation Center equals 1,900 members, whichever occurs first, seconded by Councilor Coviello.

Councilor Thorsen asked if this facility is generally underutilized. City Manager Bohenko stated no and explained that because of the diversified activities provided, there are different age groups and varying times of the day that the facility is used i.e., pool, walking track, basketball hoops etc.

Motion voted 8-0, Councilor Lown abstained.

2. Connie Bean Trust

City Manager Bohenko explained that the property consists of three adjacent parcels which the City acquired in a series of transfers from the Army and Navy Association which were encumbered by certain charitable restrictions relative to use of the property for recreational, educational, civic and military support purposes. He continued to review various Council actions to clear the charitable restrictions on the property to facilitate sale or lease of the property which were lifted by Probate Court order dated May 29, 2012 subject to further order regarding the disposition of any proceeds from the sale of the property. He further explained a public hearing was held on November 27, 2012 to take comment regarding the use of the proceeds and at that time, city staff proposed establishing a trust to serve as a repository for the sale proceeds. The trust would have two purposes; to provide funds for commemorative and celebratory purposes

for events recognizing service men and women; and secondly, to develop or improve a facility(ies) and its associated programs for recreation and other community purposes; such facilities and programs to serve a multi-generational population. He concluded by stating that the Attorney General and Intervenor have approve this form of Trust.

Assistant Mayor Lister moved to authorize the City Manager to submit the trust to the Rockingham County Probate Court and execute this Trust instrument if the form of the Trust is approved by the Rockingham County Probate Court, seconded by Councilor Lown.

Councilor Lown stated he has received e-mails from taxpayers who feel that the proceeds should be applied in a manner to pay for the new center. He stated as the City Manager explained, this money will be in a trust and the new Connie Bean Center has already been funded.

Motion voted.

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Elizabeth Moreau appointment as an alternate to the Planning Board
 - Karina Quintans appointment as a regular member to the Planning Board (*current alternate*)
 - Thomas Watson reappointment to the Trustees of the Trust Fund

The above mentioned appointments were considered and will be voted at the January 7, 2013 City Council meeting.

2. Appointments to be Voted:
 - Alicia Weaver appointed to the Citizens Advisory Committee
 - John Pratt appointed to the Economic Development Commission
 - Reagan Ruedig appointed to the Historic District Commission
 - Jody Record reappointment to the Board of Library Trustees
 - Philip Cohen reappointment to the Economic Development Commission
 - Charles LeMay reappointment to the Zoning Board of Adjustment
 - Patrick Moretti reappointment to the Zoning Board of Adjustment
 - David Witham reappointment to the Zoning Board of Adjustment

Assistant Mayor Lister moved to approve the appointments as presented. Seconded by Councilor Kennedy and voted.

3. Resignations
 - Skye Maher from the Blue Ribbon Committee on Sustainable Practices
 - Joe Couture from the Portsmouth Housing Endowment Fund

Councilor Novelline Clayburgh moved to accept the resignations with regret and a letter of appreciation of service be sent, seconded by Councilor Coviello.

Mayor Spear asked that M.L. Geffert also be sent a letter of appreciation as she has chosen not to be reappointed to the Planning Board when her term expires on December 31, 2012.

Motion voted.

C. COUNCILOR DWYER

1. *Update Re: African Burying Ground

Councilor Dwyer stated that the 10th anniversary of the discovery of the burial ground on Chestnut Street will occur in October 2013 and the goal of the Committee is to have the project well under way by then. She stated the State Archeologist and Attorney General have reviewed the plans and we are within the laws. She continued by stating that the fundraising committee is separate from the African Burial Ground Blue Ribbon Committee and listed the names of the members so that people could get in touch with them regarding donations. She stated that the goal is \$1.2 million and that \$600,000.00 has been raised so far. She stated that there are several large "asks" out that they are hoping will come in soon and get them much closer to the goal. She stated that they have involved students, businesses, abutters, etc. in supporting the project. She stated the one area that has not done as well as hoped is grant funding, but David Moore is doing a lot of work in that area. She concluded by stating that the model of the memorial is on display at the library and discussed various historical documents that are available for review as well.

D. COUNCILOR SMITH

1. Bow Street Parking License

Councilor Smith moved to extend the Valet Parking Contract of Atlantic Parking Services for Bow Street until June 30, 2013, seconded by Councilor Coviello.

Councilor Smith explained that Atlantic Parking Services were recently granted an additional parking space and at that time it was realized that their contract had expired. He stated that this is being extended to June 30, 2013 only so that all of the valet parking contracts will expire at the same time so that this situation can be avoided in the future.

Councilor Kennedy stated that she goes by that area everyday at 5:00 p.m. and notices that their signs are sometimes in the street. She stated she had wondered why they aren't using the loading zone on the other side of the street instead of the 3 spaces as she feels that would help alleviate the congestion in the area.

Councilor Smith stated that they are not supposed to have the signs on the street and the tents are only supposed to be used during downpours. He stated that when he calls the company regarding any issues, they are very responsive to correcting the situation. He stated that regarding the loading zone spaces, those are open to the public after 7:00 p.m. and they didn't want to take those spaces away from public use, but the Parking and Traffic Safety Committee could look into this further.

Councilor Coviello asked if there has been any data collected regarding usership of this service. Councilor Smith stated as many as 90 cars on weekends and 30-50 during the week. Councilor

Coviello asked if this area has been observed during high usage times by city staff. Councilor Smith stated that Parking Operations Director Tom Cocchiaro monitors these areas.

Motion voted.

2. Budget Options Re: Retirement

Councilor Smith stated that we have always been good about controlling “spiking” in the budget operations and stated that his idea is to create a stabilization fund for retirement to level out the increase due to the reduction in the State contributions.

City Manager Bohenko stated that the NH Retirement Board sets the rate on a bi-annual basis and explained that the elimination of the subsidy from the State will have an affect on the budget. He stated that a stabilization fund will not work for this because there is no funding source which is different from the other stabilization fund for insurance which does have a funding source. He stated the Council could decide to proceed with this during budget discussions and make the policy decision to use uncommitted fund balance as a one-time entry to ease the impact on the tax rate for the next year. He stated if that is done, then you would need strict standards to what could be done the following year. He stated he would like to be able to give this more thought and involve the appropriate staff. He continued that there is no silver bullet to this issue and if the Council sets a policy to spread this out over the next 5-6 years, it cannot require future Councils’ to follow that policy. He stated this issue isn’t going away and does need to be handled.

Discussion ensued.

Councilor Smith moved to request the City Manager to report back with options to handle the anticipated increases due to Retirement costs, seconded by Councilor Kennedy. Motion passed 8-1, Councilor Coviello voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Spear asked City Manager Bohenko to address the City Hall hours issue mentioned by a speaker during the public comment session.

City Manager Bohenko explained that the city does account employees time with actual hours worked and not by ½ days or whole days. He stated we are tracking the activity of the extended hours at the front reception desk and feels that people are getting used to the new hours and like the extra hours offered on Monday night. He stated that we also stay open until 6:00 p.m. on the day back after a Monday holiday. He stated department heads and staff are often in the office after 1:00 p.m. on Fridays for meetings or other business and feels that there has been mostly positive reaction to the new hours. He concluded that the city hall hours policy is a pilot program and is reviewed every six months.

Councilor Kennedy stated she also has heard positive comments and feels that people are happy with the extended Monday hours.

Assistant Mayor Lister asked for a status updated on the Local Government Center (LGC) issue.

City Manager Bohenko explained that as a part of the continuing case with LGC, they have proposed to do a "holiday" month on insurance premiums as a way to pay back owed funds to communities. He stated that he has written a letter stating that he would prefer to receive a check instead of the "holiday" which he will put in the insurance stabilization fund. He stated there are other issues coming forward which he will bring to the Council when the time comes.

Councilor Novelline Clayburgh asked for an update of the Scrap Metal issue.

City Manager Bohenko explained that he has been documenting the complaints received and is forwarding them to the PDA once several have been accumulated and feels that the PDA staff has been highly responsive. He stated he appreciates Mr. Carroll's alerting him to the issues and he will continue to work with the PDA, Port Authority Director and citizens.

Councilor Thorsen stated that he and Councilor Dwyer did actually visit the Port early Saturday morning along with Deputy City Manager Allen while the ship was in port. He stated they asked many questions and came away with the fact that there are improvements to be made and that the Port Authority is willing to make them. He stated that there needs to be a policy set in place and clean-up issues need to be addressed. He stated this is a working port and we need to know what is coming in and going out into the world from this port. He stated he agrees that it was very loud.

Councilor Dwyer added that people will be glad to know that there is a storm water management system in place there now and also feels that documentation is important to share with the legislative delegation.

Councilor Kennedy wished everyone Happy Hanukah, Happy Kwanzaa and Merry Christmas.

Assistant Mayor Lister wished Councilor Smith Happy Birthday.

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

Councilor Novelline Clayburgh moved to adjourn at 8:40 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, January 7, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts. 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, January 7, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts. 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 12/20

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

(1) Amend Article 5 – Dimensional and Intensity Standards, Section 10.530 – Business and Industrial Districts, as follows:

10.535 Exceptions to Dimensional Standards in the Central Business Districts

10.535.10 Building Height

In addition to the standards set forth in Sections 10.517 and 10.531, buildings in the Central Business A and B districts shall also comply with the following standards:

10.535.4011 Central Business A – Building Height Setback from Street

In Central Business A, no portion of a building within 10 feet of a street right of way line shall exceed 40 feet in height.

10.535.12 Central Business A and B – Maximum Elevation Above Street

Within 25 feet of any street line, the elevation of the highest point of a building above the grade at the street line shall not exceed 50 feet in the Central Business A district and 60 feet in the Central Business B district. This provision shall apply to a parapet wall, fence, railing or similar structure, or roof appurtenance that extends more than 2 feet above the roof surface; but shall not apply to any such structure or device that does not extend more than 2 feet above the roof surface.

This amendment shall not apply to any application which has been the subject of notice by the Zoning Board of Adjustment after June 1, 2012, and prior to the first legal notice of the second reading and public hearing on this amendment at the City Council.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ZO amend building height 121211.doc

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 11, 2012
RE: Proposed Zoning Ordinance Amendment Regarding Building Height in the Central Business Districts

As you know, a recent application of the Zoning Ordinance's definition of "building height" has raised concerns by City Council members, Planning Department staff and others in the City. In order to address these concerns, on November 6, 2012, I submitted a proposed Zoning Ordinance amendment to modify the requirements for building height in the Central Business Districts. On November 13th the City Council voted to refer this proposed amendment to the Planning Board for a report back; and on November 15th the Planning Board voted to recommend adoption of the proposed amendment with one relatively minor change. The ordinance was scheduled for first reading at the City Council meeting on December 3, 2012.

At the December 3rd City Council meeting, representatives of several downtown developers raised concerns about potential impacts of the amendment and requested that it not be moved forward. In response, the City Council voted to postpone first reading to the December 17th City Council meeting, and staff were asked to review the draft ordinance further and to meet with stakeholders to discuss their concerns.

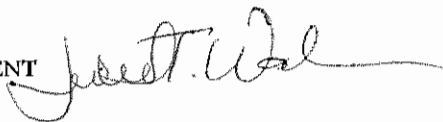
Planning Department staff revised the initial proposal and met with a group of architects and designers on December 7th to discuss the revised draft. The revised amendment (attached to this memo) is simpler than the previous version and would make the following changes to the building height provisions in the Central Business Districts:

- a) Require that within 25 feet of a street line, no portion of a building be higher than 50 feet above the street in the CBA district or 60 feet above the street in the CBB district. (The "street line" is the edge of the municipal right of way, which in the downtown area is approximately at the back of the sidewalk.)
- b) Exempt from this requirement parapet walls, railings, fences, and roof appurtenances (such as HVAC equipment or antennas) that are no more than 2 feet above the roof surface.

In order to accommodate two identified development projects that have initiated a formal process with the City's land use boards (and thereby demonstrated significant investment in project design), the proposed ordinance also exempts applications which have been the subject of legal notice for a hearing before the Zoning Board of Adjustment.

MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET WALKER, PLANNING DEPARTMENT
SUBJECT: SAFE ROUTES TO SCHOOL
DATE: 12/27/2012
CC: DAVID ALLEN, DEPUTY CITY MANAGER
RICK TAIN'TOR, PLANNING DIRECTOR



We are planning to submit an application on behalf of the City of Portsmouth in the next round of Safe Routes to School reimbursement grants administered by the New Hampshire Department of Transportation (NHDOT). The deadline for grant submittals is January 16, 2013. Our total request will not exceed \$250,000, and this is a 100% reimbursable program (no local match is required). Our plan is to continue to implement infrastructure projects and non-infrastructure programming as outlined in the City's Safe Routes to School Action Plan which was completed in 2010. Our priority activities for this round include:

-
- design and construction of an on-road bicycle route on Middle Street / Lafayette Road including marked bike lanes, pavement markings, and signage as appropriate;
 - school zone traffic safety monitoring and enforcement;
 - Walk or Bike to School Day events, activities, and incentives;
 - evaluation and tracking of walk / bike to school habits and preferences for Portsmouth K-to-8 schools;
-
- crosswalk and intersection safety improvements;
 - bike racks;
 - program coordination and volunteer training.

I have consulted with Superintendent McDonough about this grant request and the School Department supports this application. We have also received a letter of support from the School Board for this grant request.

Safe Routes to School is a national program administered locally by NHDOT with the purpose of encouraging and enabling elementary school children to safely walk and ride bicycles to school.

The program recognizes that getting kids outside and active is one way to counteract a sedentary lifestyle. In recent decades, the use of private motor vehicles nationwide for getting kids to school has increased dramatically. There has been a corresponding decline in the number of students walking or riding bicycles to school. Portsmouth has participated in the Safe Routes to School program in the past, resulting in bike racks at some of our schools and a Safe Routes to School Action Plan completed in 2010. The Action Plan outlines city-wide strategies for developing safe routes to school for each of our schools as well as encouraging children to walk and bike to school.

SRTS is designed for children from kindergarten through eighth grade, including those with disabilities, who live within approximately two miles of school.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

A. Proposed amendments to Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval
(Proposed additions in **bold**; existing text to be deleted shown as ~~strikethrough~~)

10.633.20 Exemptions from Certificate of Approval

The following activities shall not require a Certificate from the Commission:

- (1) Ordinary maintenance and repair of any exterior architectural feature, which does not involve a change in design, materials or outer appearance thereof;
- (2) Painting or repainting structures without regard to color;
- (3) Maintenance and repair of fire walls, chimney repairs, entryway repairs, and deck repairs provided these are of the same design and material; ~~and the removal and replacement of shutters; [Note: moved to #4]~~
- (4) **Placement or replacement of shutters that are (1) constructed of wooden material, (2) one-half the width of the sash they are covering, (3) installed with hinges and dogs, and (4) louvered, paneled or constructed of boards as appropriate to the style of the building;**
- (5) Roofing or re-roofing of existing structures provided that the roof plane and material remain the same regardless of color;
- (6) ~~Satellite dish receivers less than or equal to 42 inches in diameter, and less than or equal to 4 feet in height;~~
- (6) Replacement of ~~an exterior doors, window, or storm window with the same materials, provided that~~ **(1) the same design and materials are used, or (2) materials are used that restore** the original architectural features, including, **but not limited to**, the number and arrangement of window lights, ~~are not altered; using true and non-removable divided lights, are used; and ensuring that~~ the size of the opening does not change;
- (7) ~~Mechanical equipment and ventilation terminators, when the volume or mass of an individual device does not exceed 27 cubic feet, or extend more than 4 feet above the roof plane, or extend more than one foot out from the wall plane, or vent into a public way. All other duct work or equipment feeds shall be located in the~~ **building's interior so as not to be visible; [Note: moved to #7-9]**

- (7) **Roof-mounted mechanical or electrical equipment and ventilation terminators on a single-family or two-family dwelling where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) does not exceed 27 cubic feet, and (3) does not extend more than 3 feet above the roof plane;**
- ~~(8) Window-mounted portable air conditioning units; [Note: moved to #22]~~
- (8) **Wall-mounted mechanical or electrical equipment and ventilation terminators for a single-family or two-family dwelling where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;**
- (9) **Ground-mounted mechanical or electrical equipment for a single-family or two-family dwelling where (1) the equipment is located behind the structure and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;**
- (10) **Storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;**
- ~~(11) Chimney caps or bishop pots that do not extend more than 12 inches above the chimney, and that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;~~
- (12) **Gas and electric meters on a single-family or two-family dwelling if mounted on a wall not facing a public way;**
- (13) **Construction, alteration or demolition of any structure or element of a structure that the Code Official documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the Code Official shall immediately notify the Commission of his action;**
- (14) **New signs and refacing of existing signs, except that new freestanding signs and signs requiring review and approval by the Board of Adjustment shall not be exempt;**
- (15) **Awning replacement if a canvas fabric is used and no alterations (including but not limited to the wall fittings and fastenings) are made to the structure;**
- (16) **Temporary tent or tensile structures;**

- (17) Accessible ramp systems on single-family or two-family dwellings provided the ramp and rail system consists of black metal modular components;
- (18) The replacement of wood or metal fencing (except for chain-link) on a property with a **contributing structure** provided the replacement fence is in the same location with the same height, material, and design;
- (19) The replacement of exterior lighting on a **contributing structure** provided the replacement lighting is in the same in location with the same height, material, and design;
- (20) The replacement or restoration of wood siding (including removal of non-wood materials) provided the replacement siding is the same exposure, material, and design;
- (21) Terraces, walks, driveways, and sidewalks and in-ground swimming pools provided that any such element is substantially at the existing grade plane of the property;
- (22) Building accessories and décor, such as window-mounted portable air conditioning units, play equipment, window boxes, mail boxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor.
- (23) New or replacement piers, floats, docks or gangways for single-family and two-family dwellings provided any vertical handrail support systems are constructed with metal, wire, rope or wood.

B. Proposed amendment to Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

Insert the following new definition:

Contributing structure

A structure identified as a contributing structure in "An Architectural Survey of the Historic District of Portsmouth, NH", dated June–September, 1982, prepared by the Portsmouth Advocates Inc., Woodard D. Openo, Survey Director.

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

ZO amend HDC exemptions 121127.doc



**National
Multiple Sclerosis
Society**
Greater
New England
Chapter



December 12, 2012

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

Dear Mr. Bohenko,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years for the annual Walk MS.

As the weather turns colder, I have begun planning for the 2013 Walk MS Portsmouth. This year's date is set for Saturday, April 13th from 10:00am until 2:00pm. I would like to request permission to host the Walk on this day. 500 participants are expected to take part in this annual event. The Walk is 5 miles, with the Start and Finish at the Little Harbour School. We will be using the same route as last year.

The money raised will be used to advance our support of national research and to support local programming for the nearly 19,000 people within Maine, Massachusetts, New Hampshire and Vermont who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

I thank you in advance for your support and please feel free to contact me at 603.623.3502 with any questions or concerns.

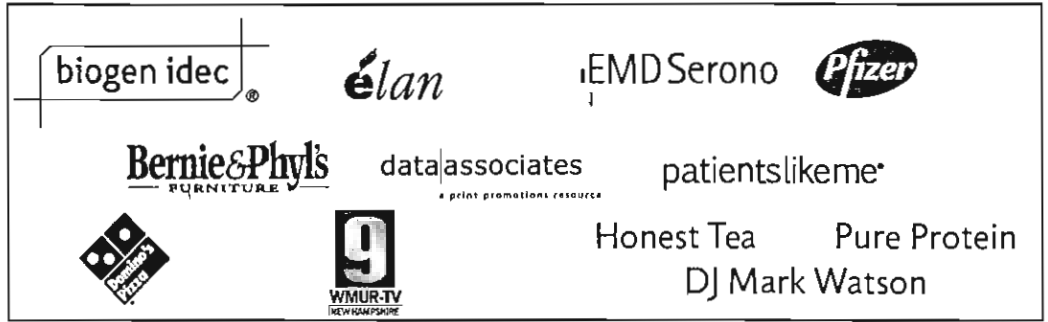
Sincerely,

A handwritten signature in blue ink that reads 'Kim Blanchard'.

Kim Blanchard
Development Coordinator

Walk MS Portsmouth 2012

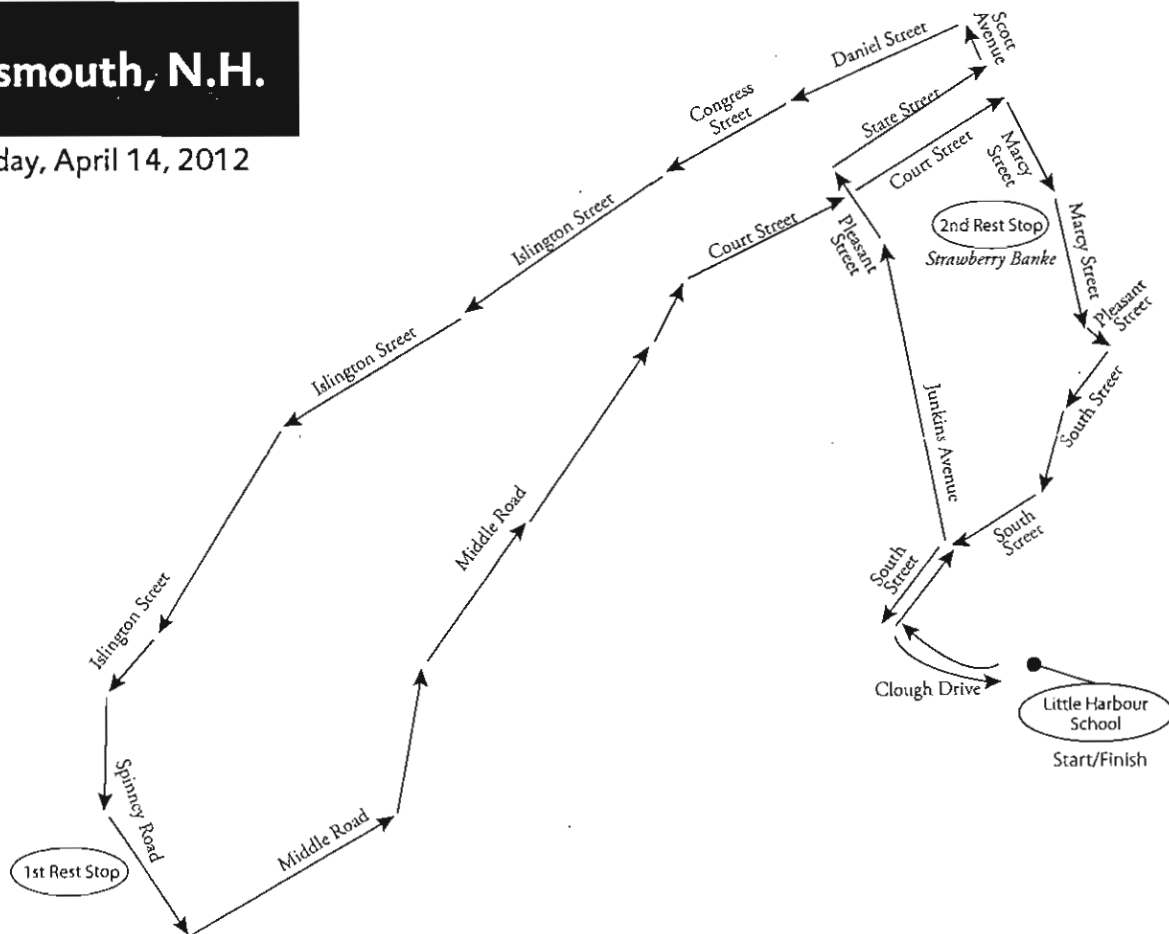
Start/End Point:
 Little Harbour School
 50 Clough Drive
 Portsmouth, N.H.



1. Right onto South Street
2. Left on Junkins Avenue (walk on left side)
3. Left on Pleasant Street (end of Junkins Avenue)
4. Right on State Street
5. Go Left under Bridge to Scott Avenue (walk on left side of street)
6. Scott Avenue turns into Daniel Street
7. Daniels Street turns into Congress
8. Continue straight on Congress
9. Congress turns into Islington Street
10. At the fork go Left onto Spinney Road
11. REST STOP 1 -- North Church Parish
12. Right onto Spinney Road
13. Left on Middle Road
14. Left at the fork on Middle Road
15. Left on Middle Street (walk on right)
16. Right on Court Street (at Flagpole)
17. Cross over Pleasant Street (walk on right side of road)
18. Right on Marcy Street
19. REST STOP 2 – Strawberry Banke
20. Right on Marcy Street
21. Left on Pleasant Street
22. Quick Right to South Street
23. Follow South Street to Clough Drive
24. Left onto Clough Drive to Little Harbour School

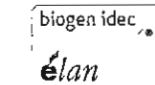
Portsmouth, N.H.

Saturday, April 14, 2012



Walk 2012

Presented by





The Music Hall
28 Chestnut St.
Portsmouth, NH 03801

DEC 17 2012

December 14, 2012

John Bohenko
City Manager
1 Junkins Ave
Portsmouth, NH 03801

Dear John:

Please find enclosed the Parking Meter bag requests for the remainder of the Music Hall's 2012-2013 Season for the City Council's review at their earliest convenience.

As always, Ruth Bowen and her staff have been wonderful to work with and I thank you and the City Council for your continued support of the Music Hall. I look forward to hearing from your office soon.

Sincerely,

Zhana Morris
Production Manager-The Music Hall
603-766-2184
Zmorris@themusichall.org

Enc.: Meter Bag Requests 2013 Winter/Spring
Cc: Dept of Public Works; Parking and Transportation Services; Parking Clerk's Office

Music Hall Parking Meter Rental Requests

Date	Artist	# Spaces	# of permits
Saturday, January 19, 2013	Guster	8	5
Saturday, February 23, 2013	Indigo Girls	5	3
Friday, March 01, 2013	Joshua Bell	1	1
Sunday, March 03, 2013	Joan Armatrading	5	3
Saturday, March 09, 2013	Dogs Gone Wild	3	2
Sunday, March 10, 2013	The Fighting Jamesons	4	2
Tuesday, March 12, 2013	Guess How Much	2	2
Saturday, March 30, 2013	Russian National Ballet	9	5
Tuesday, April 02, 2013	Velveteen Rabbit	2	2
Wednesday, April 03, 2013	Citizen Cope	5	3
Saturday, April 06, 2013	Second City	2	2
Tuesday, April 09, 2013	The Civil War	2	2
Saturday, April 27, 2013	Kronis Quartet	2	2
Friday, May 03, 2013	Potted Potter	2	2
Tuesday, May 14, 2013	Give A Mouse a Cookie	2	2



received
12/13/12

Mayor Eric Spear
Mayor's Office
1 Junkins Ave
Portsmouth, NH 03801

Re: Request to host the Friends on the 4th 5k

Dear Mayor Spear,

In our third year, the Friends on the Fourth 5k is held to help promote health and fitness while raising funding for the Friends in Action Program in Portsmouth, NH. The Friends in Action's mission is to enhance the lives of people with developmental disabilities by creating inclusive social and recreational opportunities. Friends in Action is a partnership between the Portsmouth School Department and a working group of parents and community members.

I am writing this letter asking for permission to host the Friends on the Fourth 5k road race on Thursday, July 4, 2013. The race registration opens at 7 a.m. and the race begins at 8:30 a.m. The event will be finished and the venue clean up will be completed by 10:30 a.m. The race follows a one loop course (map attached) within the Pease Tradeport. Our group will have flaggers at all corners, enlist the help of the Portsmouth Police for traffic control, and request permissions from appropriate parties.

Thank you for your consideration of this event.

Sincerely,

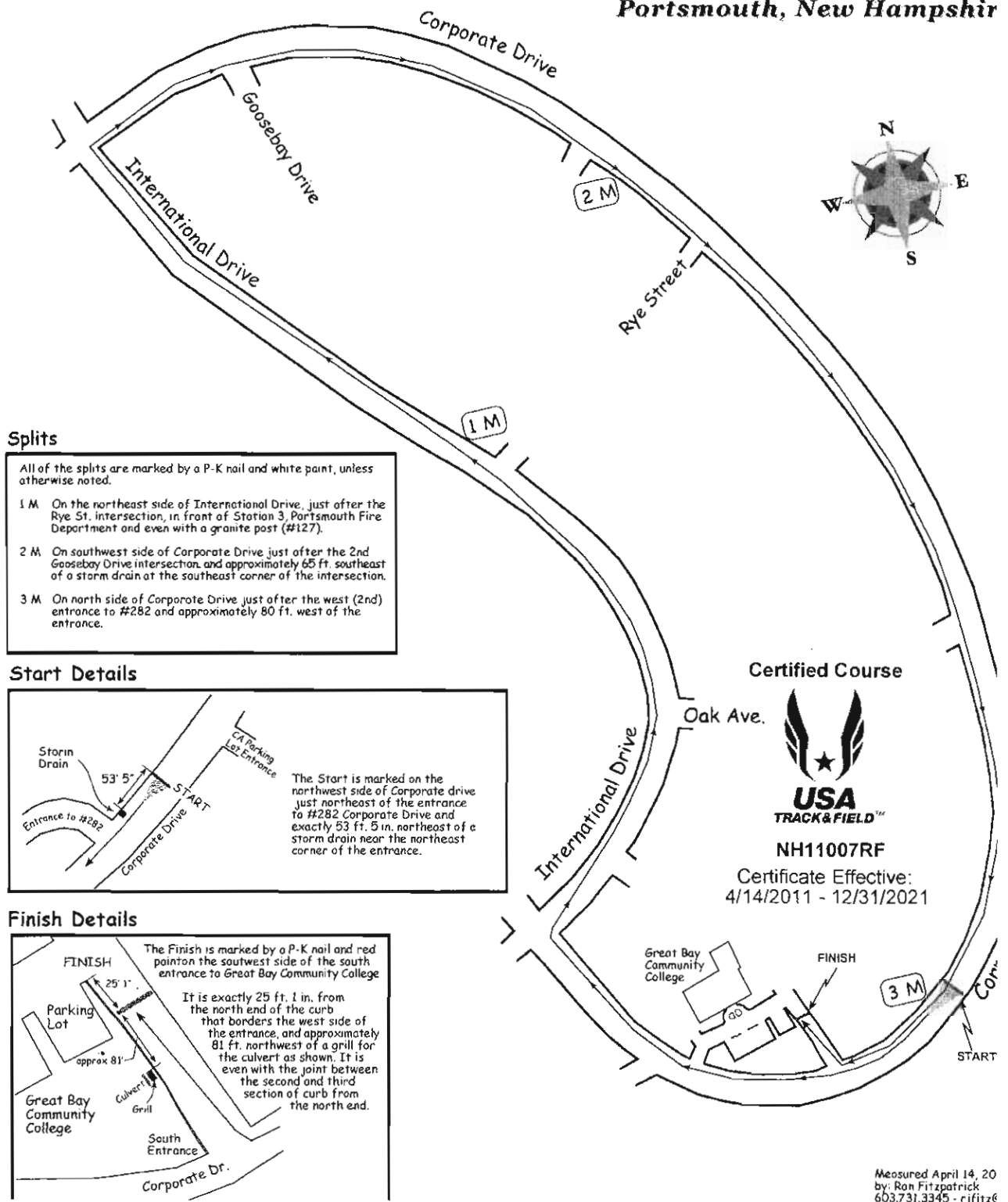
A handwritten signature in black ink, appearing to read "Dave Abbett", written over a horizontal line.

Dave Abbett, PT, MBA
Founder/ Partner
Sub 5 Race Management

cc: City Manager and City Council

Friends on the Fourth 5K Road Race

Portsmouth, New Hampshire

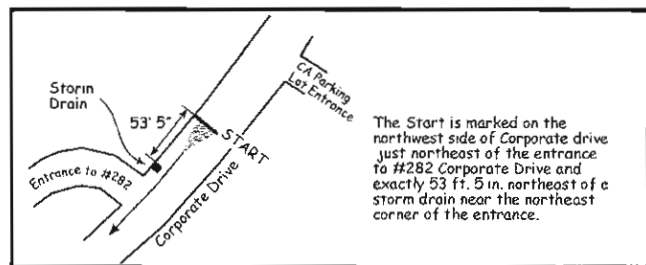


Splits

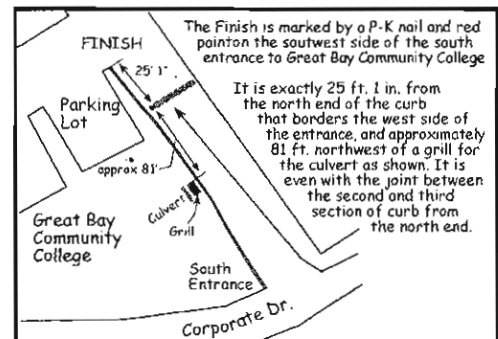
All of the splits are marked by a P-K nail and white paint, unless otherwise noted.

- 1 M On the northeast side of International Drive, just after the Rye St. intersection, in front of Station 3, Portsmouth Fire Department and even with a granite post (#127).
- 2 M On southwest side of Corporate Drive just after the 2nd Goosebay Drive intersection, and approximately 65 ft. southeast of a storm drain at the southeast corner of the intersection.
- 3 M On north side of Corporate Drive just after the west (2nd) entrance to #282 and approximately 80 ft. west of the entrance.

Start Details



Finish Details



Certified Course



NH11007RF

Certificate Effective:
4/14/2011 - 12/31/2021



Fattman Productions
11 Central Terrace
Newton, MA 02466
617-916-2002

December 28, 2012

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

Dear Mr. Bohenko,

The Cambridge, MA based Community Running Association (<http://www.communityrunning.org>), in conjunction with the New England Chapter of the American Liver Foundation (<http://www.liverteam.org>), is requesting approval for our 24 hour relay running race that will come through your city on June 22/23, 2013.

The New England Relay is a 225 mile running relay event that will begin in Rhode Island and end in Maine. Runners will cover all 6 New England states. These events take place over a 24 hour period, however most towns/cities will have very little runner impact due to the structure of these events. Complete race information can be found at www.newenglandrelay.com.

Fattman Productions, the company responsible for managing the race, is requesting approval of the Portsmouth City Council on behalf of the New England Relay and Community Running Association.

Please see accompanying course map for specific roads that will be utilized.

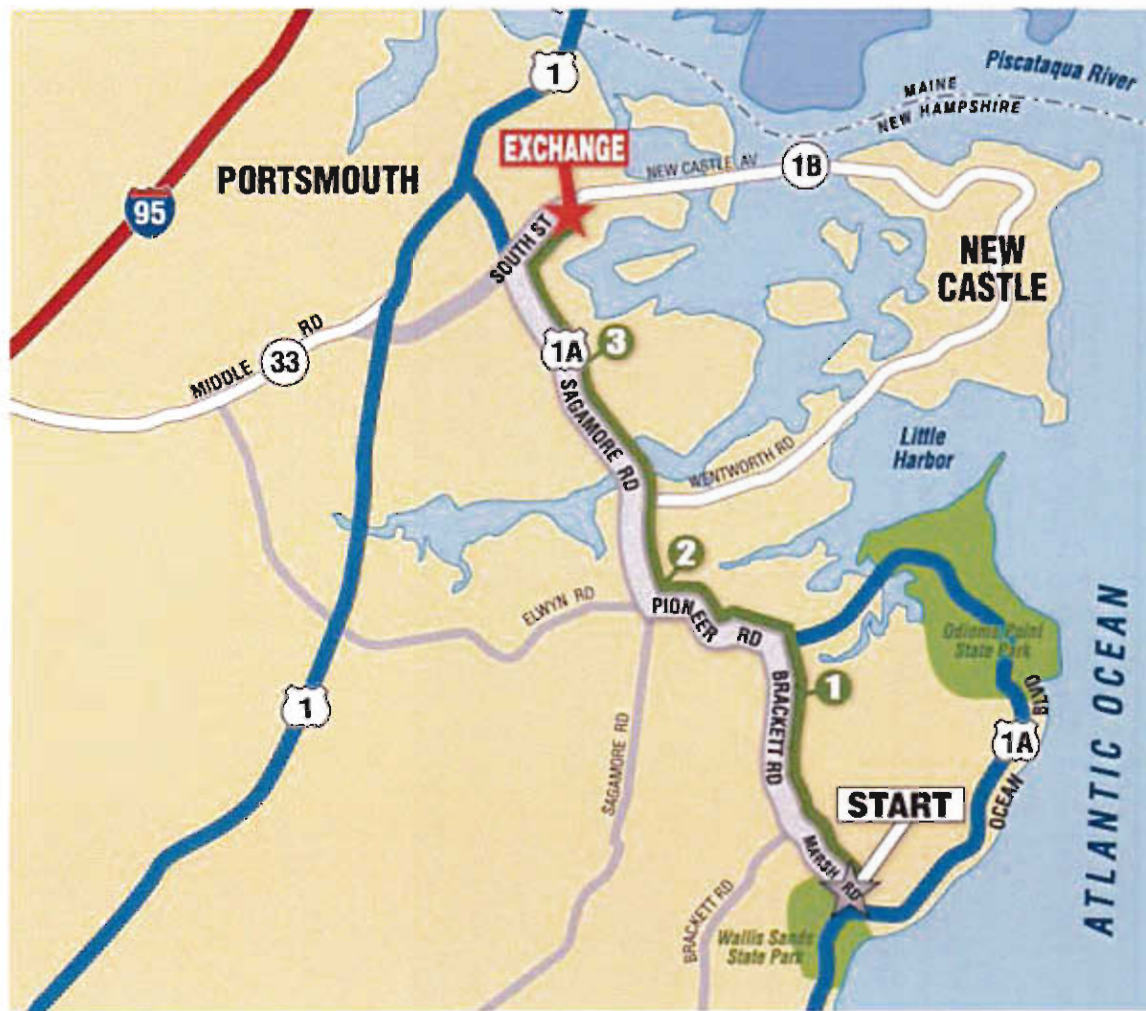
Thank you for your continued assistance and support.

Sincerely,

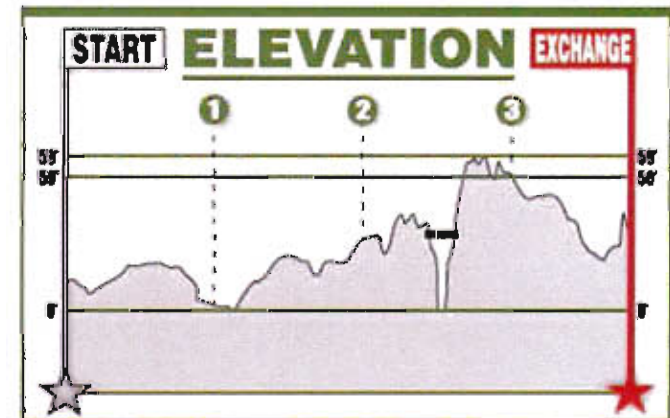
Garfield Jones
Fattman Productions
Garfield@fattmanproductions.com

Leg 35

3.7 Miles



- 0.0 Depart the exchange along Marsh Rd
- 0.3 Bear right onto Brackett Rd
- 1.2 Bear left then turn left onto Rt 1A. Cross to the RHS when safe.
- 1.8 Enter the rotary counter-clockwise (the same way you would if you were driving) and take the first exit to stay on Rt 1A
- 3.4 Turn right onto South St
- 3.7 Exchange at the Municipal parking lot on your left hand side



Note:

www.alz.org/MANH

New Hampshire

Five Bedford Farms Drive
Suite 101
Bedford, NH 03110

603 606 6590 p
603 606 6803 f

**Massachusetts/
New Hampshire Chapter**

311 Arsenal Street
Watertown, MA 02472

617 868 6718 p
617 868 6720 f

**Southeastern Mass
Cape Cod & the Islands**

Village South Plaza
473 South Street West
Raynham, MA 02767

508 880 0055 p
508 880 0056 f

Central Mass

128 Providence Street
Worcester, MA 01694

508 799 2386 p
508 799 2653 f

Western Mass

264 Cottage Street
Springfield, MA 01104

413 787 1113 p
413 787 1109 f



January 2, 2013

The Honorable Eric Spear, Mayor of Portsmouth
and Members of the Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Spear and Members of the City Council,

On behalf of the Alzheimer's Association, I would like to submit for the Agenda possible dates for the 2013 Walk to End Alzheimer's. Last September's Walk began and ended at Strawberry Banke and proved a great location for us. This year we would like to hold the same event on Sunday, September 29th 2013. If that date does not work with the City of Portsmouth's calendar, alternatively we would ask to hold the Walk on Sunday September 22nd.

We offer two route options for participants. Enclosed please find a copy of the route maps. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street). We are planning to use the same routes as last year but are flexible pending any construction changes that may arise. We will plan on engaging the help of the Portsmouth police – as last year we hired a detail police officer to be onsite and then on the route at crossings. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents in the city of Portsmouth.

We are expecting approximately 600 participants at this, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast area. In addition, approximately 50 combined volunteers and staff.

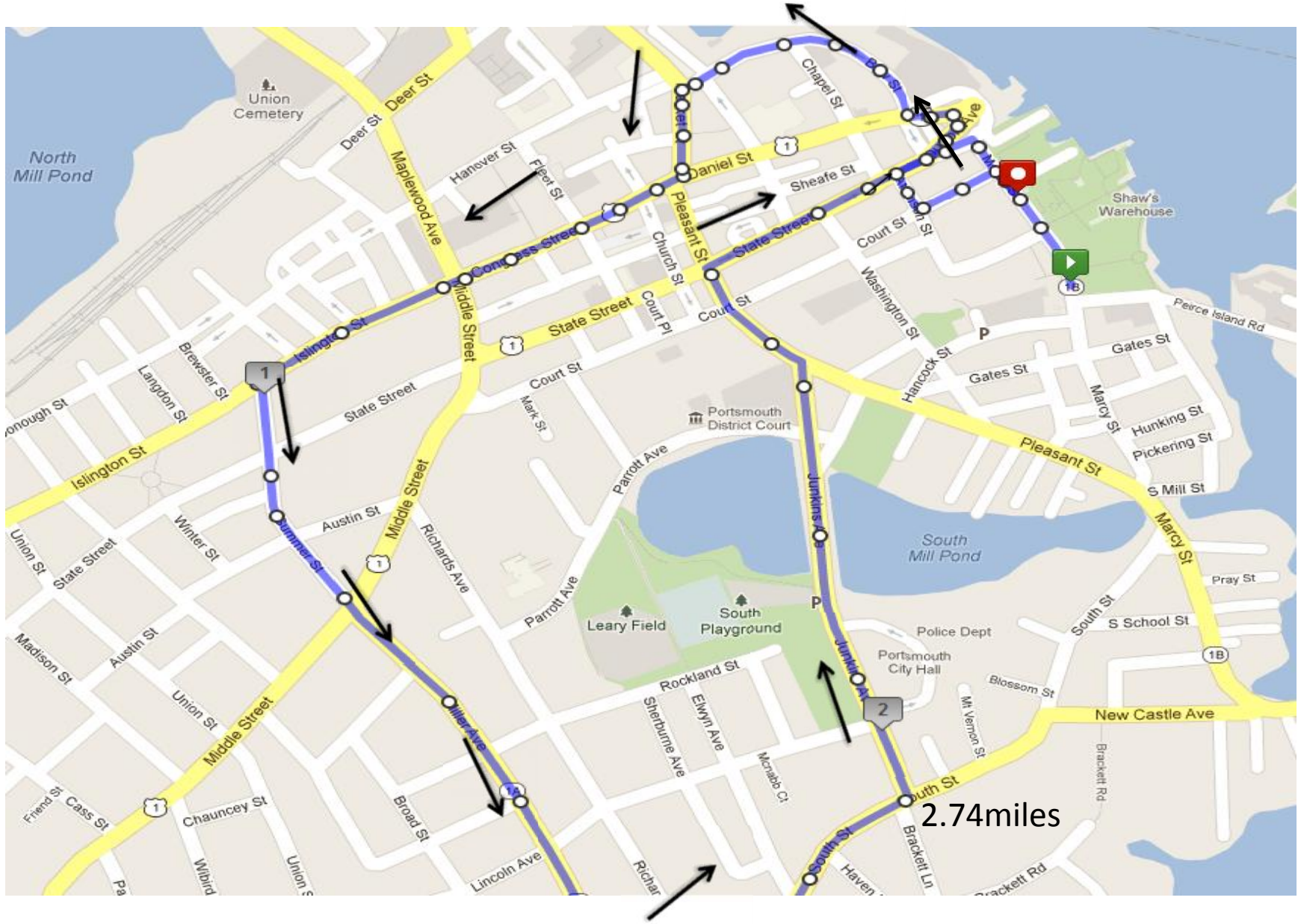
The Walk site opens at 8:30 AM for registration, the Walk kicks off at 10:00 AM and we are all cleaned up by 1:00 PM. We are not allowed any amplified music per Strawberry Banke so the neighbors won't be bothered with loud noise. We understand the stress that such events can have on the surrounding community and assure you that the Association is cognizant of your concerns.

We look forward to working with you. Please feel free to reach out with any questions.

Sincerely,

Caitlyn Mosher Ellis
(617)393-2092
Cellis@alz.org

Walk to End Alzheimer's - Proposed Route 2.74 mile



Walk to End Alzheimer's Proposed Route for September 2013



1.34miles

InterOffice Memo

To: John P. Bohenko, City Manager
From: Tom Richter, Engineering Technician
Date: January 2, 2013
Subject: PSNH License Agreement 63-0547

I have reviewed the pole and underground conduit location information provided by PSNH for Petition and Pole License 63-0547.

This request is to license one pole, one electrical manhole and 710 feet of underground conduit located on Hanover and Bridge Streets. PSNH needs this system to balance power demands between the Lafayette Rd and Cutts Street substations and to provide required power to any future development to 30 Maplewood Avenue.

PSNH has agreed to rebuild concrete sidewalks to city specifications over their proposed underground system at their own expense. This work will be monitored for compliance with design plans for the ongoing McDonough/Hanover St capital improvements.

The installation of this system poses no impact to existing city infrastructure. The Public Works Department recommends approval of this license.

Attached are pictures of the proposed site. Please call with any questions you may have.

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



**Public Service
of New Hampshire**

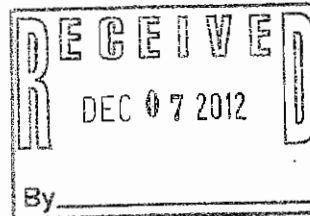
60 W. Pennacook Street, Manchester, NH 03101

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

The Northeast Utilities System

December 6, 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 63-0547 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

November 29, 2012

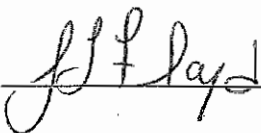
To the City Council of the City of Portsmouth New Hampshire.

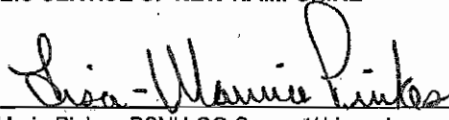
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such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

License one (1) pole(s), 23/19Y, 710 Feet of Underground Cable from Pole to MH 12 located on Hanover/Bridge Street 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

This 29th day of November, 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. 63-0547, dated 10/3/2012, 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

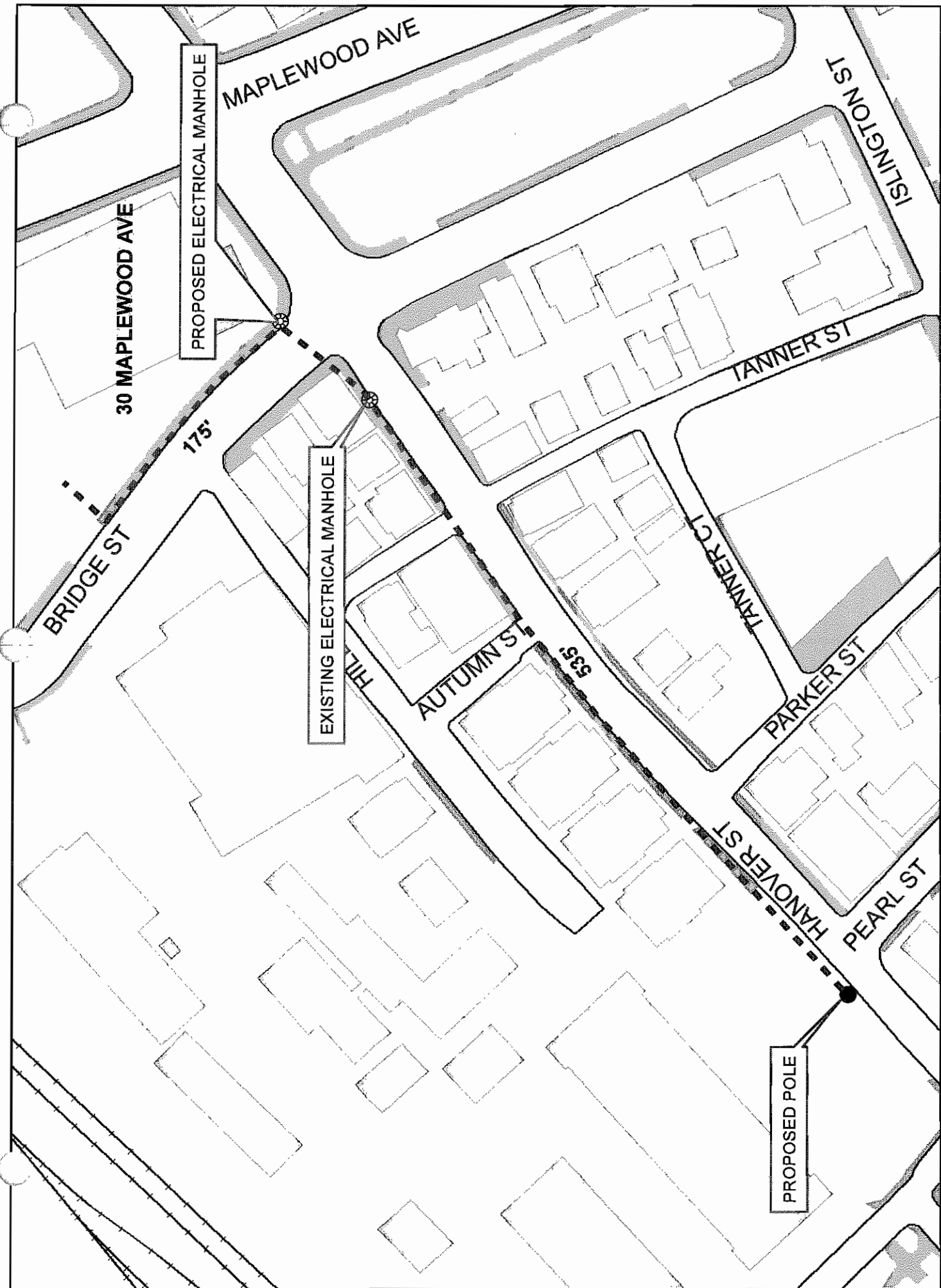
POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and

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

DATE	10/03/2012	LICENSE NO.	63-0547
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	Bridge/Hanover Street	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	1729103
PSNH ENGINEER:	Jim Osburn	WORK FINANCIAL #	9P220505
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			POLE	PB	⊗	⊙	⊗	⊙	∧	∧	∨				
23/19Y	79/8.5	45/2	Y											Lts inst JO pole		
23/19	79/8													reference pole		



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:








**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 4, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on January 7, 2013 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.

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Presentation:

1. **Update and Presentation Re: US Route 1 Bypass Bridge Projects.** Alex Vogt, Project Manager from New Hampshire Department of Transportation Highway Design will give an update to the City Council regarding the Portsmouth US Route 1 Bypass bridge replacement projects, which will include construction schedules with anticipated bridge closure durations and proposed detour routes.

Acceptance of Grants and Donations:

1. **Grant Application for New Hampshire Department of Transportation Safe Routes to School Program.** On November 2, 2012, the City had sent a letter to the New Hampshire Department of Transportation and the Rockingham Regional Planning Commission indicating the City's intent to request grant funds under the Safe Routes to School (SRTS) program. To that end, Juliet Walker, Transportation Planner, has prepared the application that includes projects identified in the attached memo.

The City would be applying for \$250,000 of grant funding. Those grant monies do not require a match and the City is not obligated to use the entire grant amount. The application

requires that the governing body vote to authorize the submission of the grant application which is due on January 16th.

I would recommend the City Council move to authorize the City Manager to apply for, accept, and expend a \$250,000.00 grant from the NH DOT Safe Routes to School Program for the purpose of implementing infrastructure projects and non-infrastructure programming to encourage and enable elementary and middle school children to safely walk and ride bicycles to school. Action on this item should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:

- 1.1 **Public Hearing/Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts.** As a result of the December 17th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Zoning Ordinance amendment](#) addressing building height in the Central Business Districts. [Also, attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.](#)

At the December 3rd meeting, representatives of several downtown developers raised concerns about potential impacts of the amendment. In response to these concerns, the Planning Department staff revised the initial proposal and met with a group of architects and designers to discuss the revised draft. The revised amendment is simpler than the previous version and would make the following changes to the building height provisions in the Central Business Districts:

- a) Require that within 25 feet of a street line, no portion of a building be higher than 50 feet above the street in the CBA district or 60 feet above the street in the CBB district. (The “street line” is the edge of the municipal right of way, which in the downtown area is approximately at the back of the sidewalk.)
- b) Exempt from this requirement parapet walls, railings, fences, and roof appurtenances (such as HVAC equipment or antennas) that are no more than 2 feet above the roof surface.

In order to accommodate two identified development projects that have initiated a formal process with the City’s land use boards (and thereby demonstrated significant investment in project design), the proposed ordinance also exempts applications which have been the subject of legal notice for a hearing before the Zoning Board of Adjustment.

Finally, as the City Council is aware, during 2013 the Planning Department will be preparing a form-based zoning ordinance for the downtown area. This project will include opportunities for public input, and will provide an opportunity to thoroughly consider and address a range of urban design issues including appropriate building height.

Rick Taintor, Planning Director, will make a presentation on Monday evening, regarding this matter.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the January 22, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Third and Final Reading of Proposed Resolution and Ordinance Amendments:**

- 2.1 **Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure”.** As a result of the December 17th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance amendments](#) to Chapter 10 - Zoning Ordinance relative to Exemptions from Certificate of Approval in the Historic District.

At its meeting on September 17, 2012, the City Council referred a proposed Zoning Ordinance amendment to the Planning Board for report back. The proposed amendment concerns exemptions from the requirement to obtain Historic District Commission approval for maintenance and repair work, and for other minor changes meeting specific performance standards set forth in the proposed amendments.

Section 10.633.20 of the Zoning Ordinance lists specific activities that are exempt from the requirement to obtain a Certificate of Approval from the Historic District Commission.

The changes proposed by the HDC are designed to:

- Streamline the current permitting process,
- Remove ambiguity and clarify the current exemptions, and
- Refine and develop new performance standards for many of the listed exemptions.

The HDC believes that the proposed amendments will significantly reduce its caseload and also reduce the cost and time burden to homeowners making minimal improvements. It will thus afford the HDC more time to carefully review larger projects within the Historic District.

At its meeting on October 18, 2012, the Planning Board voted unanimously to recommend that the City Council enact the proposed amendments, as set forth in the attached ordinance.

I would recommend the City Council move to pass third and final reading of the proposed Ordinance. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Revisions to Fund Balance Ordinance.** As you will recall, at the October 27, 2012 City Council Retreat, there was a request to review the existing Fund Balance Ordinance to determine if it needed any revisions that would place the City in a better position to obtain AAA bond rating. As you are aware, the City presently has a bond rating of AA+ which is one step below AAA.

Since 1997, the City has received four bond upgrades which have been attributed directly to financial policies that the City has enacted (stable tax rate, health insurance stabilization fund, leave at termination fund, capital improvement plan and fund balance ordinance).

In reviewing AAA ratings in other communities, it appears that the one thing they have in common is a fund balance policy and/or an ordinance that strives to maintain an unassigned fund balance between 10% and 17% of general fund appropriations.

I have **attached a proposed ordinance amendment** which would maintain an unassigned fund balance of not less than 10% with a goal of 17%. Please note further that use of unassigned fund balance typically should be used for appropriations that are nonrecurring in nature.

I am requesting that you allow me to bring this back at the Tuesday, January 22, 2013 City Council meeting.

2. **Report Back Re: Cemetery Setbacks.** As you may recall, at the April 2, 2012 City Council meeting, the Council referred the **attached letter from Attorney James Nocas** requesting that the City Council enact a local zoning regulation regarding setbacks from all cemeteries in the City, to the Planning Board for report back to the City Council. **Attached is a memorandum from Rick Taintor, Planning Director**, outlining the background, Attorney Nocas' request, and the Planning Board's consideration and recommendation. Attorney Nocas' request was on behalf of The Robert J. Fabbriatore family, owners of units in a condominium at 62 Livermore Street, who wish to construct a garage along the rear boundary line of their property, which abuts the Pleasant Street Cemetery.

The Planning Board discussed the request at its April and June meetings, and then postponed the matter to the July meeting at the applicant's request. At the July meeting, the Board voted to postpone consideration of the Request to its September meeting in order to provide the applicant with an opportunity to obtain the input of the State Archaeologist, Dr. Richard

Boisvert. At the request of the applicant, the matter was subsequently postponed to the Board's October, November and December meetings.

At its meeting on December 20, 2012, the Planning Board heard from Dr. Richard Boisvert State Archaeologist, who gave a thorough explanation of the issues that had led to the enactment of RSA 289:3 in 1994, which is the State law that establishes a minimum 25 foot setback from cemeteries. Dr. Boisvert described two related statutes: RSA 635 regarding unauthorized disturbing of graves, and RSA 227:C regarding treatment of unmarked graves. He discussed the impacts of construction over burial sites and the potential consequences of unintentional unearthing of human remains. He also addressed the overlapping rights of property owners and other interested parties (including the next of kin) where development occurs around cemeteries and burial sites. Finally, he stated that he was not aware of any other municipality having adopted a local zoning regulation to supersede RSA 289:3.

Based on consideration over a period of several months, the Planning Board voted unanimously at the December 20th meeting to recommend that the City Council not enact a zoning ordinance regarding setbacks from cemeteries. Planning Board members felt that there was no need to depart from the requirements of the State statute, and that it would not be appropriate to enact a local regulation that could potentially allow development to impact historic cemeteries and burial grounds.

Therefore, I would recommend the City Council move to accept the Planning Board's recommendation to not vote to enact a zoning ordinance regarding setbacks from cemeteries as requested.

3. **Report Back Re: Zoning for Assisted Living Facilities.** As you will recall, at the May 21, 2012 City Council meeting, the Council voted to request that the Planning Board review the Table of Uses to expand where assisted living facilities can be located. The Planning Board held a work session on September 13, 2012 and considered the matter further at its meetings on October 18, November 15 and December 20, 2012.

At its meeting on December 20, 2012, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as presented in the [attached memorandum from Rick Taintor, Planning Director](#). Further, the memorandum presents an overview of existing zoning for assisted living facilities and describes the considerations underlying the recommended Zoning Ordinance amendments.

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Zoning Ordinance amendment, as presented, at the January 22, 2013 City Council meeting.

4. **Request to Establish Work Session Re: Water/Sewer Rate Study.** I am requesting the City Council establish a work session on Monday, February 11, 2013 at 6:30 p.m., regarding the Water/Sewer Rate Study.

I would recommend the City Council move to establish a Work Session on Monday, February 11, 2013 at 6:30 p.m., regarding the Water/Sewer Rate Study.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 17, 2012. In addition, this now can be found on the City's website.

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 Balance 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 Unassigned Fund Balance of the General Fund) shall be maintained at the prescribed amount of not less than 7% **(10%)** 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 Unassigned Fund Balance of ~~greater than~~ **between 10% and 17%** of total general fund appropriations.

Section 1.1403: USE OF UNASSIGNED FUND BALANCE

In any subsequent fiscal year, the City Council may utilize the excess of actual Unassigned Fund Balance of the General Fund (as determined by the annual financial audit of the City) over the prescribed level in **Section 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 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 Unassigned Fund Balance for non-emergency appropriations by following the foregoing procedure, provided that such appropriation does not reduce the Unassigned Fund Balance below the minimum balance required by 1.1401 of this ordinance.

Section 1.1405: RESTORATION PLAN

Whenever the 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.

(Article XIV - Adopted in its entirety 8/18/97; Amended 04-02-2012 replaced "Undesignated" with "Unassigned"; **further amended _____, 2013**)

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: December 26, 2012
RE: City Council Referral – Cemetery Setbacks

On March 23, 2012, Attorney James Nocas submitted a letter requesting that the City Council enact a local zoning regulation regarding setbacks from all cemeteries in the City. On April 2, 2012, the City Council voted to refer this request to the Planning Board for a report back.

The Planning Board discussed the request at its April and June meetings, and then postponed the matter to the July meeting at the applicant's request. At the July meeting the Board voted to postpone consideration of the request to its September meeting in order to provide the applicant with an opportunity to obtain the input of the State Archaeologist, Dr. Richard Boisvert. At the request of the applicant, the matter was subsequently postponed to the Board's October, November and December meetings.

At its meeting on December 20, 2012, the Planning Board voted unanimously to recommend that the Council not enact a local zoning ordinance relating to cemetery setbacks, so that the City would continue to be governed by the State statute.

Background

In the absence of local zoning regulations regarding setbacks from cemeteries, State law (RSA 289:3) establishes a minimum 25 foot setback, as follows:

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery

Portsmouth's Zoning Ordinance does not address setbacks from cemeteries; therefore, the State's minimum setback requirement applies.

The State law was enacted in order to guard against accidental disturbance of human remains, which are often buried outside the boundaries of historic cemeteries. For example, slaves, Native Americans, people who did not attend church, and poor people were customarily buried outside cemeteries and their burial places may be unmarked. In other cases, walls and fences

were later erected around old cemeteries with no real knowledge as to the outer limits of burials.

Given the small size of lots within Portsmouth's historic neighborhoods, it is often difficult to expand development and still comply with the setbacks and other dimensional requirements established in the Zoning Ordinance. For this reason, the Zoning Board of Adjustment frequently grants variances to allow construction of building additions and accessory structures such as sheds and garages. However, while a property owner has the option to apply for a variance from the dimensional standards of the City's Zoning Ordinance, there is no similar opportunity for relief from the State-mandated cemetery setback.

Attorney Noucas' Request

The Robert J. Fabbriatore family, owners of units in a condominium at 62 Livermore Street, wish to construct a garage along the rear boundary line of their property, which abuts the Pleasant Street Cemetery. The property is located in the General Residence B zoning district, which requires principal buildings to be set back 25 feet from the rear property line but allows accessory structures to be as little as 5 feet from the property line depending on the size of the structure. Attorney Noucas requested that the City enact a local zoning regulation so that property owners would have the opportunity to apply for variances from that regulation.

On November 7, 2012, Attorney Noucas submitted a letter to the Planning Board modifying the applicant's zoning amendment request. The revised request was for the Zoning Ordinance to be amended to allow within the 25-foot cemetery setback construction that does not disturb the ground surface through any "excavation or digging." This revised request was made on the theory that, although the State statute prohibits "construction, excavation or building," the underlying concern is only with "excavation" that might physically disturb remains and not with "construction" or "building" over those remains.

Following the Planning Board's November meeting, Attorney Noucas submitted two additional letters, with additional information in support of his request. The first, on November 16, addressed the potential implications of the State law for properties around the African Burying Ground site on Chestnut Street, and provided additional information on the properties surrounding the Pleasant Street Cemetery. The second letter, on December 11, followed up on the discussion of Building Code issues at the Planning Board's November meeting, and raised the suggestion of a 10-foot evergreen buffer at the rear of the Livermore Street property to provide a visual separation between the proposed garage and the cemetery.

Planning Board Consideration

The Planning Department identified several questions that would need to be considered in evaluating the request for a local zoning regulation regarding setbacks from cemeteries:

- Should excavation or other disturbance of the ground surface be allowed within the State's 25-foot setback from cemeteries and burying grounds?
- Should structures not involving any excavation or digging be allowed within the State setback?

- If a local ordinance is enacted to replace the State setback requirement, should it apply to all cemeteries in the City (as requested by Attorney Noucas), or only to those in the Historic District?
- If a local zoning ordinance is enacted, should it allow for variances to be granted (e.g., to allow lesser setbacks, or to allow excavation)?
- If construction is allowed within the 25-foot setback, should it be subject to special conditions requiring archaeological investigation and monitoring?

Staff also identified a range of possible options, including the following:

1. Amend the Zoning Ordinance to allow construction of accessory structures anywhere within the 25-foot cemetery setback, provided that there is no excavation or other disturbance of the existing ground surface (as requested by Attorney Noucas in his November 7 letter). If such an amendment were enacted, an accessory structure could be placed on the ground surface anywhere within the 25-foot setback (subject to Zoning Ordinance setback requirements, as might be modified by variances from the Zoning Board of Adjustment), but could not be anchored in any way within that setback area.

However, adoption of a local zoning ordinance addressing the cemetery setback would allow an applicant to apply to the Zoning Board of Adjustment for a variance from that ordinance to allow excavation within the 25-foot setback. Therefore, if the intent is to prohibit any excavation within the setback area, the City Council would also have to enact a separate non-zoning ordinance prohibiting excavation within the setback area. (This might be done as an amendment to the City Ordinances, Chapter 3 – Public Health, Article III – Burying Grounds.)

2. Amend the Zoning Ordinance to adopt a 25-foot setback from a known burial site, or an established burial ground or cemetery. This provision would mimic the State statute, but by providing a local regulation would open up the opportunity for an applicant to apply to the Zoning Board of Adjustment for a variance.

As in the first option above, a separate non-zoning ordinance would have to be enacted if the Planning Board and City Council wished to impose an absolute prohibition on any excavation within the 25-foot setback.

3. Amend the Zoning Ordinance to allow construction within the 25-foot setback pursuant to a conditional use permit granted by the Planning Board. For any development within the 25-foot setback, require a Phase 1A archaeological investigation and, if warranted based on findings, require Phase 1B archaeological investigations prior to the granting of a conditional use permit by the Planning Board or a variance by the Zoning Board of Adjustment, and require monitoring by a qualified archaeologist during site development.
4. Amend the Zoning Ordinance to adopt a setback requirement for cemeteries in the Historic District only. There are five cemeteries in the Historic District, and it might be appropriate to differentiate these from other cemeteries in the City in considering whether construction should be allowed within the State's 25-foot setback.

5. Do not amend the Zoning Ordinance, leaving the 25-foot setback established by State statute in effect in the City.

At its meeting on December 20, 2012, the Planning Board heard from Dr. Richard Boisvert, State Archaeologist, who gave a thorough explanation of the issues that had led to the enactment of RSA 289:3 in 1994. Dr. Boisvert described two related statutes: RSA 635 regarding unauthorized disturbing of graves, and RSA 227:C regarding treatment of unmarked graves. He discussed the impacts of construction over burial sites and the potential consequences of unintentional unearthing of human remains. He also addressed the overlapping rights of property owners and other interested parties (including the next of kin) where development occurs around cemeteries and burial sites. Finally, he stated that he was not aware of any other municipality having adopted a local zoning regulation to supersede RSA 289:3.

Based on consideration over a period of several months, the Planning Board voted unanimously at the December 20 meeting to recommend that the City Council not enact a zoning ordinance regarding setbacks from cemeteries. Planning Board members felt that there was no need to depart from the requirements of the State statute, and that it would not be appropriate to enact a local regulation that could potentially allow development to impact historic cemeteries and burial grounds.

XI. A.

NOUCAS LAW OFFICE
NOBLES ISLAND
500 MARKET STREET, SUITE 8
PORTSMOUTH, NEW HAMPSHIRE 03801
(603) 431-7164
FAX: (603) 431-7167



JAMES G. NOUCAS, JR.
ADMITTED TO PRACTICE IN NH & ME

jnocas@nocaslaw.com

March 23, 2012.

John P. Bohenko
City Manager
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Re: Cemetery Set Backs

Dear John:

I represent one of the owners of the General Porter Condominiums located at 32 Livermore Street in Portsmouth, New Hampshire. The condominiums abut a cemetery that lies between the Condominium's back lot line and the Wentworth Home.

My client would like to construct a garage along the rear boundary line of the Association property, abutting the cemetery. Upon researching the set back issue, we determined that Portsmouth does not have a cemetery set back regulation. However, there is a state statute providing for a 25 foot set back if there is no local regulation.

As is often the case, the state statute does not reflect the reality of boundaries and set backs in an old and historic community like Portsmouth. As is common in Portsmouth's South End, buildings abut this cemetery with little or no set back. Adding a garage along the rear boundary line of the Condominium property would be consistent with existing conditions.

Unfortunately, the state statute does not include a procedure to obtain a special exception. We believe this should be a matter of local control as allowed by the state statute. We, therefore, urge the City to review this issue and draft an appropriate local set back regulation applicable to all cemeteries in the City.

NOUCAS LAW OFFICE

John P. Bohenko

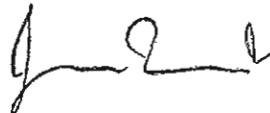
-2-

March 23, 2012

Major renovation and restoration of the property is underway consistent with Historic District requirements and commensurate with the property's status on the National Register of Historic Places. My client is similarly sensitive to issues arising from the property's proximity to the cemetery, and will act accordingly. The garage plans do not include any significant excavation. The plans call for a garage with a slab floor.

Please pass this letter along to the City Council with my client's request that the City review this matter and adopt an appropriate local cemetery set back ordinance. Should you require any further information, please do not hesitate to contact me. Thank you for your consideration in this matter.

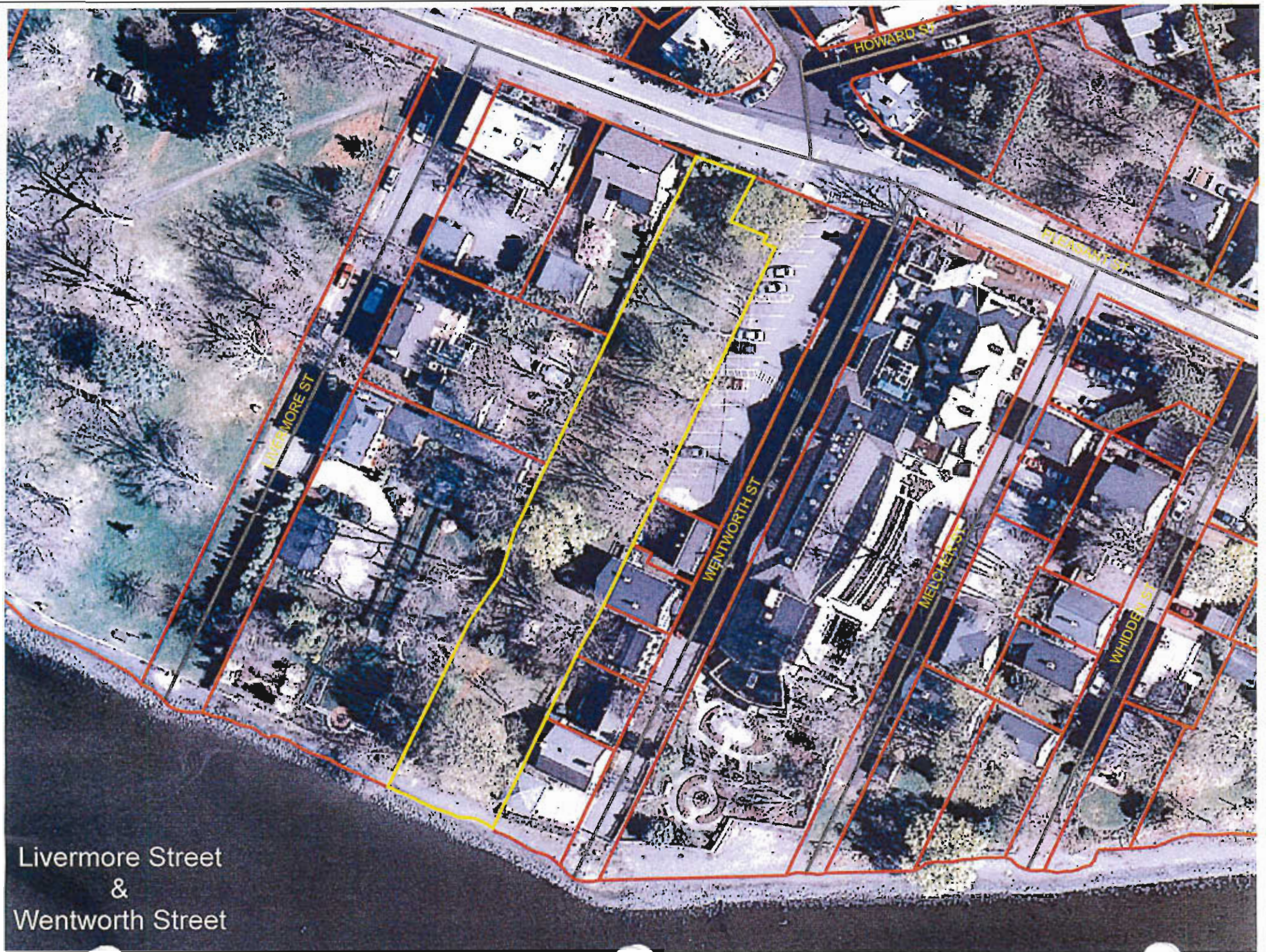
Sincerely,

A handwritten signature in black ink, appearing to read 'James G. Noucas, Jr.', written in a cursive style.

James G. Noucas, Jr.

JGN:tlk

cc: Robert P. Sullivan, Esq.



Livermore Street
&
Wentworth Street



75

37.5



75

150

Feet

MEMORANDUM

DEC 21 2012

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 21, 2012
RE: City Council Referral –Zoning for Assisted Living Facilities

In connection with a discussion of senior services in the City, the City Council voted on May 21, 2012, to request that the Planning Board review the Table of Uses to expand where assisted living facilities can be located. The Planning Board held a work session on this issue September 13, 2012, and considered the matter further at its meetings on October 18, November 15 and December 20, 2012.

At its meeting on December 20, 2012, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as presented in the attachment to this memorandum. This memorandum presents an overview of existing zoning for assisted living facilities and describes the considerations underlying the recommended Zoning Ordinance amendments.

Background

The Zoning Ordinance defines “assisted living facility” as follows:

A building or group of buildings providing housing and supportive services and care for persons who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a nursing home or other residential care facility. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and 24 hours per day staffing. An assisted living facility includes one or more community dining rooms in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility’s staff, only assisted living units are permitted as part of an assisted living facility.

The Ordinance further defines two categories of assisted living facility: “assisted living home” for five or fewer residents, and “assisted living center” for six or more residents. Assisted living *homes*, which are comparable in scale to single-family homes, are allowed by special exception in all residential and mixed residence districts but in no nonresidential districts. The larger assisted living *centers* are only allowed in three zoning districts: they are permitted (P) in the General Business (GB) and Business (B) districts, and allowed by conditional use permit in the Gateway district.

It is noteworthy that assisted living centers are not currently allowed in three zoning districts where multifamily residential uses are permitted: the Central Business districts (CBA and CBB) and the Garden Apartment/Mobile Home district (GAMH). Assisted living centers can be similar

in scale, character and impacts to condominium and apartment developments, and so it is reasonable to allow them in the same areas where multifamily uses are allowed.

With respect to residential districts, assisted living and residential care facilities can be designed and sited to be compatible with single-family and multifamily residential neighborhoods. Examples in Portsmouth include the Edgewood Center on South Street (skilled nursing, rehabilitation and long term care), Clipper Harbor/Langdon Place on Jones Avenue (assisted living, skilled nursing and rehabilitation), and the Mark Wentworth Home on Pleasant Street (assisted living and skilled nursing). The Edgewood Center and Clipper Harbor are in the Single Residence B (SRB) district, and the Mark Wentworth Home is in the General Residence B (GRB) district. None of these facilities would be allowed under the City's current Zoning Ordinance, but each fits into its surrounding neighborhood fairly well. The key to making this work depends on the right combination of lot size, setbacks, building scale and design, and off-street parking facilities.

Recommended Approach

With the above considerations in mind, the Planning Department developed a three-part concept for expanding the areas of the City in which assisted living facilities might be allowed:

1. Allow assisted living *centers* (6 or more residents) in the CBA and CBB districts where comparable multifamily dwellings are allowed. Also allow assisted living *homes* (up to 5 residents) in these districts, although they may be less likely to be developed because of their small scale relative to most new development in the downtown. Consider allowing *residential care facilities* (e.g., skilled nursing or rehabilitation) in these districts as well.
2. Allow assisted living centers (6 or more residents) in the Single Residence (SRA and SRB) and Garden Apartment/ Mobile Home (GA/MH) districts by conditional use permit from the Planning Board.
3. Establish special dimensional, intensity and design standards for assisted living facilities and residential care facilities in Residential districts.

No changes are proposed for the General Residence or Mixed Residence districts, because these neighborhoods often have narrow streets and parking congestion, and existing lots in those districts are typically too small to accommodate larger structures.

1. Nonresidential Zoning Districts

The proposed approach for nonresidential zoning districts is to align the requirements for assisted living facilities more closely with those for multifamily dwellings and/or residential care facilities, which can be similar in scale and character to assisted living facilities. Specifically, it is recommended that the Table of Uses be amended as follows:

- In the Central Business (CBA and CBB) districts, allow all assisted living and residential care facilities by special exception. This reflects the similarity of such uses with multifamily dwellings, which are allowed in these districts.

- In the Gateway and Business (B) districts, allow assisted living *homes* (5 or fewer residents) by special exception, which is the existing standard for residential care facilities with 5 or fewer residents.

2. Residential Zoning Districts

Currently, assisted living *homes* and residential care facilities for up to 5 residents are allowed by special exception in all residential zoning districts, but assisted living *centers* and residential care facilities for more than 5 residents are prohibited. It is recommended that the larger facilities be allowed in the Single Residence and GA/MH districts by conditional use permit from the Planning Board. The conditional use permit process provides the Planning Board with discretion in the review and approval of development proposals. In order to assure compatibility with a surrounding neighborhood, the recommended Zoning Ordinance amendments include provisions to guide applicants the design of assisted living facilities and to assist the Planning Board in reviewing applications.

As noted earlier, no changes are proposed for the General Residence and Mixed Residential districts because the typical lots are too small to accommodate all but the smallest assisted living centers and residential care facilities.

3. Special Dimensional Standards in Residential Districts (SRA, SRB, GA/MH).

The existing dimensional and intensity standards in residential zoning districts are inappropriate for assisted living centers and similar residential care facilities. For example, an assisted living facility would not be feasible at the maximum allowed residential densities of one unit per 10,000 sq. ft. (GA/MH), one unit per 15,000 sq. ft. (SRB) or one unit per acre (SRA). Therefore, in order to accommodate assisted living centers in residential districts, it is necessary to specify dimensional and intensity standards for these uses.

In 2009-2010 the Planning Board developed dimensional and intensity standards for a proposed ordinance to allow continuing care retirement community (CCRC) development, including an assisted living component. The recommended dimensional and intensity standards are based on the draft CCRC standards, with modifications reflecting the concept of allowing assisted living facilities and residential care facilities in residential zoning districts.

The dimensional and intensity standards include a minimum required lot area of 2 acres, minimum required building setbacks of 50 feet on all sides, maximum building height of 35 feet (which is the maximum allowed height for residential buildings in the Residential districts), and minimum required open space of 40% of lot area.

NOTE: Although the recommended dimensional and intensity standards are based on those developed for the CCRC ordinance, the current proposal is not intended to open the door for CCRC development. The recommended changes do not allow independent living units, which represent the largest portion of units in CCRCs and are the driving force for development of such facilities. In addition, the recommended limit on the size of assisted living facilities in Single Residence districts (discussed below) will prevent the type of large-scale development that was envisioned in 2009-2010.

4. Assisted Living Facility Size and Unit Mix

It is recommended that a ceiling of 40 units be placed on the size of assisted living facilities in the Single Residence districts. Based on information from a number of national studies and reports on assisted living facilities, this 40-resident cap is a reasonable limit on the scale of such facilities, especially in residential districts. In particular, a 2010 study found that more than two-thirds of all assisted living facilities in the country would fall within this limit.

In public comments on the 2009-2010 CCRC proposal as well as the proposal earlier this year to allow assisted living centers in the Office Research district, concerns were raised about expanding the supply of independent or assisted living for seniors without a corresponding increase in skilled nursing care facilities. Therefore, the recommended zoning amendment also requires that an assisted living center provide a minimum of one nursing care bed for every 8 assisted living units.

**Proposed Zoning Ordinance Amendment – Assisted Living Facilities
Recommended by Planning Board – December 20, 2012**

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

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

Use	CBA	CBB	GB	GW	B	WB	OR
2.10 Assisted living facility							
2.4211 Assisted living home	N S	N S	N	N S	N S	N	N
2.4412 Assisted living center	N S	N S	P	CU	P	N	N
2.20 Residential care facility							
2.21 5 or fewer residents	N S	N S	N	S	S	N	N
2.22 More than 5 residents	N S	N S	S	S	S	N	S

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

Use	R	SRA SRB	GRA GRB	GRC	GAMH
2.10 Assisted living facility					
2.4211 Assisted living home	S	S S	S	S	S S
2.4412 Assisted living center	N	N CU	N	N	N CU
2.20 Residential care facility					
2.21 5 or fewer residents	S	S S	S	S	S S
2.22 More than 5 residents	N	N CU	N	N	N CU

3. Amend Article 8 – Supplemental Use Standards, by inserting the following new Section 10.814:

10.814 Assisted Living Center and Residential Care Facility Uses in Residential Districts

The standards in this section shall apply to an assisted living center or residential care facility in a Single Residence A (SRA), Single Residence B (SRB) or Garden Apartment/Mobile Home Park (GA/MH) District.

10.814.11 Dimensional and Intensity Standards

The following dimensional and intensity standards shall replace any corresponding standards in Section 10.521. All other development standards set forth in this Ordinance shall remain in effect.

Minimum lot area	2 acres
Minimum developable area	1,500 sq. ft. per assisted living unit, or per bed in a residential care facility
Minimum continuous street frontage	100'
Minimum front, side and rear yards	50'
Maximum building height	35'
Minimum open space	40%

10.814.12 Maximum Facility Size

An assisted living center or residential care facility shall provide accommodation for no more than 40 residents, whether in assisted living units or nursing care beds.

10.814.13 Required Mix of Units

An assisted living center shall contain at least 1 skilled nursing care bed for every 8 assisted living units.

10.814.14 Site and Building Design

10.814.141 The site and buildings shall be designed and developed to respect the integrity of adjacent

single-family neighborhoods and to minimize conflicts with the character of the existing neighborhood.

10.814.142 The development shall preserve the natural character of the land to the extent feasible, and shall be landscaped so as to enhance its compatibility with the surrounding neighborhood. Landscaped or naturally vegetated buffers may be required to protect adjacent residential uses.

10.814.143 The Planning Board’s consideration of an application for a Conditional Use Permit for an assisted living center or residential care facility shall include design review to ensure the compatibility of the development’s architectural and site design with the surrounding neighborhood.

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

Event Listing by Date

Starting Date: 12/17/2012

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
12/31/2012 12/31/2012	FESTIVAL Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 4/2012
1/ 1/2013 1/ 1/2013	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series.	Little Harbour School	GPCC - Great Bay Servies	12/19/2011
3/10/2013 3/10/2013	ROAD RACE Pease Tradeport	Pease Tradeport	St. Paddy's 5 Miler	/ /
3/10/2013 3/10/2013	ROAD RACE Tracey Tucker, Executive Director - New Heights, 436-2251 is the contact for this event. This event is being held at Pease Tradeport, with 10:30 a.m. start.	Pease Tradeport	St. Paddy's 5-Miler	12/ 3/2012
3/30/2013 3/30/2013	ROAD RACE Donald Allison is the contact for this event. His number is 617-835-2378. This event begins at Portsmouth High School at 11:00 a.m.	Portsmouth High School	Eastern States 20 Mile	12/17/2012
4/28/2013 4/28/2013	ROAD RACE Dawn Sawyer is the contact for this event. Tel. 502-4611. This event begins at the Portsmouth Police Department, Junkins Avenue at 10:00 a.m. and finishes at Greenland Police Department, Portsmouth Avenue. There will be shuttle to starting line and then from finish line to parking at Portsmouth High School.	Portsmouth Police Department to Greenland Police D	Chief Michael Maloney Memorial	12/ 3/2012
5/ 5/2013 5/ 5/2013	FESTIVAL Barbara Massar is the contact for this event. This event takes place in various locations downtown.	Downtown - Various locations	Children's Day	9/ 4/2012
5/11/2013 5/11/2013	ROAD RACE Jacqui Bryan (498-2988) and Marci Francis ((802)683-9187) are the contacts for this event. This event begins and ends at Strawberry Banke.	Strawbery Banke	Susan G. Komen for the Cure	10/22/2012
6/ 8/2013 6/ 8/2013	ROAD RACE Barbara Massar is the contact for this event. This event begins and ends at Market Square.	Downtown	Market Square Road Race	9/ 4/2012
6/ 9/2013 6/ 9/2013	ROAD RACE John Martin is the contact for this event. This event begins and ends at Little Harbour School, with a starting time of 8:30 a.m. Registration is 7:30 to 8:00 a.m. From the school following route 1B to 1A and turning back on the same route at North Beach, N. Hampton. Event should finish by 12:30 p.m.	Little Harbour School - start and finish	John Martin, Founder	12/ 3/2012
6/22/2013 6/22/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
6/29/2013 6/29/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series that starts at 5:00 p.m. lo 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012

Event Listing by Date

Starting Date: 12/17/2012

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
7/ 6/2013 7/ 6/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/13/2013 7/13/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/20/2013 7/20/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/27/2013 7/27/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
8/ 1/2013 8/ 1/2013	ROAD RACE Chamber Community Road Race Series. Doug Bates is the contact.	Peirce Island	Portsmouth Rotary Club - Thund	12/17/2012
8/ 3/2013 8/ 3/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
9/21/2013 9/21/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	BreastCancerStories.org	12/17/2012
9/21/2013 9/22/2013	TOUR Caroline Amport Piper (603-686-4338) and Dave Anderson are the contacts for this event. This is a two-day event from 11:00 a.m. to 3:00 p.m. both days.	South End	Friends of the South End	10/22/2012
9/28/2013 9/28/2013	ROAD RACE Karen Butz Webb, Executive Director is the contact for this event. This event begins and ends at Portsmouth High School. E-mail address for information is: projectsafetyassociation@gmail.com	Portsmouth High School	Project Safety Association	10/22/2012
10/12/2013 10/12/2013	ROAD RACE Community Road Race Series. Doug Bates is the contact.	West Road	Community Child Care Center	12/17/2012
11/28/2013 11/28/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Peirce Island	Seacoast Rotary Club Turkey Tr	12/17/2012
1/ 1/2014 1/ 1/2014	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	Great Bay Services	12/17/2012



6 12 11 W 11:13
MAY 19 2012

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: Citizens Advisory Committee
Community Development Block Initial applicant grant

Name: Alison Hamilton Telephone: 436-6029

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

Street address: 61 Lawrence St., Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): iverlei2@comcast.net

How long have you been a resident of Portsmouth? 38 years

Occupational background:

Taught 6th grade at Portsmouth
Middle School from 1995-2007.
1978-1995 - Housewife and mother
of two children.

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

None

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: This will enable me to give back to the community I have lived in for almost 40 years.

I look forward to being a part of helping organizations realize their full potential.

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

I'm a member of several long standing social groups, book clubs, etc.

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

1) Peter Loughlin 336 Thaxter Rd. Portsmouth 436-7962
Name, address, telephone number

2) Terie Norelli 35 Middle Rd. Portsmouth 436-2108
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: Alison Hamilton Date: _____

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

6/27/2012



RECEIVED
DEC 13 2012
By _____

CONSIDERATION

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: Planning Board Renewing applicant

Name: Anthony Blenkinsop Telephone: (603) 305-1620

Could you be contacted at work? YES NO - If so, telephone # (603) 271-1288

Street address: 484 Union St., Portsmouth NH

Mailing address (if different): _____

Email address (for clerk's office communication): aiblenk@hotmail.com

How long have you been a resident of Portsmouth? 10 1/2 years

Occupational background:
Senior Assistant Attorney General at the
New Hampshire Attorney General's Office.
Director, Charitable Trusts Unit

Would you be able to commit to attending all meetings? YES NO *There is a chance that work or family obligations may cause me to miss a meeting.*

Reasons for wishing to continue serving: I enjoy serving on the
Planning Board and in turn the City of Portsmouth.
Proper planning is vital to ensuring Portsmouth
continues to develop and grow in a reasonable
and thoughtful manner, and I enjoy playing
a role in that process.

OVER
➔

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

NH Bar Assoc.
Nat'l Assoc. of State Charity Officials

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

- 1) Anne Edwards, 33 Capitol St., Concord NH 271-1119
Name, address, telephone number
- 2) Terry Knowles, 33 Capitol St., Concord NH 271-3591
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 11/28/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/2015
Annual Number of Meetings: 15 Number of Meetings Absent: 3
Date of Original Appointment: 9/15/2008

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

Anthony I. Blenkinsop
484 Union St, Portsmouth NH 03801

Professional Experience

Director, Charitable Trusts Unit

NH Attorney General's Office, Concord, NH

2011 - Present

- Oversee all charitable trusts and charitable non-profits operating in New Hampshire through effective registration, education, and enforcement
- Conduct education and outreach to non-profit community on non-profit governance and fiduciary duties
- Conduct investigations and reviews of non-profits and commence enforcement action when necessary
- Represent the State in proceedings involving charitable trusts and charitable non-profits
- Report directly to the NH Attorney General on matters involving charitable trusts and charitable non-profits
- Annually register over 9,000 charitable non-profits
- Supervise a staff of seven employees

Senior Assistant Attorney General

2006 - 2011

NH Attorney General's Office, Civil Bureau, Concord, NH

- Serve as legal counsel for approximately 35 state agencies and boards, including Dept. of Education, State Board of Education, Community College System of NH, Postsecondary Education Commission, Dept. of Resources & Economic Development, Pease Development Authority, Dept. of Agriculture, NH Veterans' Home, Dept. of Employment Security, Secretary of State, Environmental Councils, and numerous professional licensing boards
- Negotiate, draft, and approve State agency requests for proposals, contracts, memoranda of agreements, leases, and purchase and sale agreements
- Negotiate, draft, and approve property easements, leases, and deeds on behalf of the State
- Draft orders for administrative councils and professional licensing boards
- Represent State of NH in State and Federal court litigation
- Draft briefs for NH Supreme Court, First Circuit Court of Appeals, and US Supreme Court cases
- Present oral arguments before NH Supreme Court and US District Court, District of NH
- Appear before Legislative committees on behalf of NH Attorney General's Office and client agencies
- Assist client agencies in drafting legislation and administrative rules
- Conduct training on NH Right-to-Know law (RSA chapter 91-A) for agency clients
- Participate in election law training and enforcement

Assistant Attorney General

2004 - 2006

NH Attorney General's Office, Environmental Protection Bureau, Concord, NH

- Legal Counsel for NH Dept. of Environmental Services and NH Fish & Game Dept
- Represented the NH Dept. of Environmental Services in State court and administrative proceedings
- Lead counsel in investigations and enforcement actions for violations of NH environmental laws
- Supervised and ensured compliance with environmental remediation projects
- Represented the State of NH at national and regional environmental conferences
- Assisted in the development of Continuing Legal Education sessions focused on environmental issues

Attorney

2002 - 2004

Getman, Stacey, Schulthess & Steere, P.A., Bedford, NH

- Associate at a twenty attorney general practice law firm, with focus on civil litigation
- Served as lead counsel at District and Superior Court trials

Bar Memberships

- **New Hampshire** (1999), Bar # 14173
- **Massachusetts** (1998), Bar # 639603 (currently on inactive status)

Education

Suffolk University Law School, Boston, MA

JD, 1998

- *Cum Laude*, Class Rank: Top 15%
- Honors: Distinguished Oral Advocate, Dean's List second and third years

The Pennsylvania State University, University Park, PA

BA, 1995

- Honors: Phi Alpha Theta International Honor Society in History, Golden Key National Honor Society, Order of Omega Greek Honor Society

Community Leadership

Member, City of Portsmouth Planning Board, Portsmouth, NH

2008 – Present

- Member of nine person city board which, sitting in either quasi-judicial and quasi-legislative roles, reviews and considers requests for site-plan approvals, conditional use permits, and referrals from City Council
- Participated in extensive re-write of city zoning ordinance
- Appointed as designee to city Capital Improvement Plan Subcommittee in 2008 and 2009

City of Portsmouth Designee, Rockingham County Planning Commission

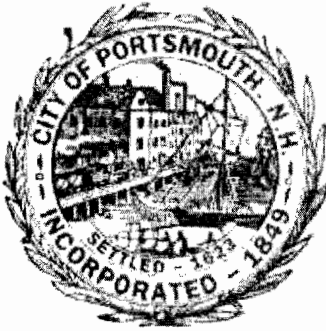
2009 - Present

- City designee to regional planning commission
- Represent city interests at monthly commission meetings concerning regional planning and transportation issues

Board Member, National Association of State Charity Officials

2012 – Present

- Board member of national organization of state charity regulators



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: Planning Board

Initial applicant

Name: Elizabeth A. Moreau Telephone: 603-591-3453

Could you be contacted at work? YES NO If so, telephone# 603-232-4241

Street address: 18 McDonough Street, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): beth.moreau@comcast.net or
bmoreau@greatoak-ne.com

How long have you been a resident of Portsmouth? 12 years

Occupational background:

See attached resume

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

I have worked as an attorney in the real estate title
area for seven years, assisting buyers, sellers, lenders and
real estate agents with various real estate matters.

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 love the community that I live and
work in and I want to be able to use the knowledge and skills
that I have to give back to the community that I care about.

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

Board Member of Sexual Assault Support Services

Volunteer with Seacoast Women's Network

Volunteer with Seacoast Board of Realtors

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

1) Ray Tweedie, 605 Wallis Road, Rye NH 603-842-0286
Name, address, telephone number

2) Sean Murphy, 377 Maplewood Ave. Portsmouth NH 781-640-4823
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
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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 12/6/12

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
6/27/2012

**LICENSED
State of NH - 2005**

Juris Doctor – 8/01-5/05,
New England School of Law, Boston, MA

Bachelor of Science– 1/98-1/01
University of Southern New Hampshire, Portsmouth, NH

LEGAL EXPERIENCE

Attorney – 11/09 - present
Great Oak Title Services, LLC– Portsmouth, NH
Purchased Company on May 9, 2012
Title Company performing Residential Title Services

- Manage all files and day to day operations of Title Company including but not limited to process and closing of all purchases and refinances of conventional, FHA and VA loans.

Attorney – 11/05 – 11/09
Paralegal/Closer – 8/05-10/05
Wilkinson Law Offices, P.C.– Portsmouth, NH
A law firm specializing in Real Estate, Business Law and Estate Planning

- Lender document review and issue attorney opinion
- Escrow Officer IOLTA account Management
- Title search and title clearing
- Buyer, seller and lender representation
- Refinance and Purchase Pre Closing and Post closing processing
- Post closing title policy writing

Paralegal/Closer – 6/04-7/05
Geoffrey B. Ginn & Associates, P.C. – Portsmouth, NH
A real estate transactional law firm

- Post closing title policy writer, discharge tracking, title clearing
- NH Notary Public Refinance and Purchase closer
- Refinance and Purchase Pre Closing processing
- HUD preparation

Other Skills: Westlaw certified • QuickBooks, Quicken • Act! • Soft Pro • TSS Title Express
Microsoft Office (Word, PowerPoint, Excel, Access, Outlook, Publisher)

Member: NH Bar, Real Property Section • Seacoast Women’s Network
Affiliate Committee Co-Chair, Seacoast Board of Realtors
Board of Director, Sexual Assault Support Services
Admitted to the U.S. District Court – District of NH

Awards: Seacoast Board of Realtors - 2009 Affiliate of the Year

received
9/25/12



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: Planning Board Initial applicant

Name: Karina Quintans Telephone: 603 501 0280

Could you be contacted at work? YES NO If so, telephone # 603 501 0280

Street address: 51 McDunough St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 5.5 years

Occupational background:

See attached resume

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

5 years involvement in Portsmouth as neighborhood coordinator working w/ the city to address traffic, safety, parking, crime prevention, development, zoning etc issues affecting Islington Creek Neighborhood. Served on

Mayor's BRC on Sustainable Practices. OVER

Master's degree in international development

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: Homeowner/resident committed to maintaining quality of life and the beauty and character, as well as strong sense of community in this great city. Track record of success in working with the city.

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

Islington Creek Neighborhood Association
Zero Waste Portsmouth

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

1) Kendra Ford, 603, 431 6675, 30 Pine St
Name, address, telephone number

2) Julie Ross, 1167 South St., 603 205 0758
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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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: [Signature] Date: 9/25/2012

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
6/27/2012

EXPERIENCE SUMMARY

- **Leadership/Governance:** 4 years experience as community leader performing advocacy (crime prevention, safety, infrastructure improvements, sustainability) and developing/ implementing zero waste practices
- **Project Development/ Management:** 12+ years experience including the development of project plans, estimates, and schedules; coordinating and directing up to 10-person multi-disciplinary teams; and consistently delivering projects exceeding client expectations; 10+ years budget management experience including experience overseeing operational budgets valued at over \$60M
- **Proposals:** 7+ years experience developing federal/DoD ID/IQ proposals, maintaining >75% win rate, and achieved a 100% win rate over 5 years for a single 8(a)/SB client on contracts totaling over \$13B in capacity; wrote grant proposals securing approx. \$3M for non-profits
- **International/ Rural Development:** 5+ years experience providing technical, analytical, editorial support to international and rural development research projects; developed basic databases to capture and analyze research data; reviewed, co-authored and edited final research reports
- **Networking/Relationship Building:** developed and maintain relationships across the City of Portsmouth (City Manager, City Council; Chief of Police, Director of Public Works; Assistant Superintendent of Schools); built partnerships with non profits, schools, businesses and govt to run 3 successful campaigns in the last 4 yrs; >20 years experience working with Program Directors and Executive Directors of various organizations/companies

LEADERSHIP/GOVERNANCE

Director, Islington Creek Neighborhood Association ('08-Present): 4+ years experience representing 400+ households; advocating for improved crime prevention, safety, and street improvements. Hold community outreach meetings with various city department heads, and annual community events including National Night Out. Attend/speak at City Council meetings. Maintain relationships with the Mayor, City Council, the City Manager, Director of Public Works and the Chief of Police.

- *Secured \$2M budget approval for street improvements*
- *Collaborated with the City for the development of new ordinances in support of increased safety within the neighborhood*

Director, Zero Waste Portsmouth ('09-Present): 3 years experience as a community leader advocating for zero waste practices across the city of Portsmouth working with local government, non profits and businesses.

- *Partnered with the City of Portsmouth to implement the first public recycling program in 2011 through a grassroots, collaborative, public art project*
- *Developed and implemented zero waste programs for multiple organizations across the City of Portsmouth including the Farmer's Market, Share Your Strength Seacoast, SASS*

PROJECT DEVELOPMENT/MANAGEMENT

Zero Waste Portsmouth, Portsmouth, NH ('09-'11): Led the development and implementation of a grassroots, collaborative, public art project in support of the first downtown public recycling project. Developed project plans/proposals, schedule and budget. Developed and managed partnerships with local government, local schools and businesses. Supported 8-person team during the performance of advocacy and fundraising of over \$20K. Delivered two presentations to the City Council to successfully procure project approvals. Commended by multiple stakeholders/partners:

I want to again congratulate you on a job well done. Your persistence was key to the success of this project. ~John Bohenko, City Manager, Portsmouth, NH

I wanted to congratulate you and your associates on the successful project. People like you make this City unique and proactive and make me proud to work here. ~Nancy M. Carner, City of Portsmouth Economic Development Program Manager, Portsmouth, NH

Tyco Telecommunications, Inc, NH ('07-'09): Coordinated the acquisition of environmental permits for three multi-million dollar undersea fiber optic cable projects located in the Middle East, Eastern Europe, and the U.S. Participated in weekly conference calls with permitting teams connecting up to 25 participants in multiple worldwide locations. Tracked/monitored permit acquisition using MS Project and MS Excel. Developed cost estimates for the acquisition of operational permits. Developed and implemented RFP process for the procurement of subcontractors.

Arab American Anti-Discrimination Committee of MA, Boston, MA ('03-'04): Planned and implemented two Faces of Iraq exhibitions including opening receptions, school programs, and speaker series (est. 1000 attendees). Developed/tracked project budget, work plan and schedule. Prepared grant proposals to secure funding. Directed 8-person implementation team plus 10 event volunteers. Authored press releases and print media. Managed public relations and procured project sponsors.

FOREIGN LANGUAGE

- Spanish language proficiency

INDUSTRY EXPERIENCE

- International development, Civic engagement, AE design, construction, environmental remediation and construction, environmental permitting (natural gas pipelines, undersea fiber optic cables), energy generation, transmission and distribution

COUNTRY EXPERIENCE

- >3 months: Costa Rica, Chile, Indonesia, India, Philippines
- Short term: China, Mongolia, Peru, Afghanistan
- Managed projects in the MENA region and Eastern Europe
- Lived in Saudi Arabia, Venezuela, Italy

EDUCATION

- M.A. International Development, Ohio University
- B.S. Finance, Babson College

AWARDS / OTHER:

- Mayor's Award, Recognition of Service, City of Portsmouth, NH, 2011
- Management Team/Steering Committee, Sustainable Portsmouth ('08-'09)
- Committee Member, Mayor's Blue Ribbon Committee on Sustainable Practices ('08-'09)
- Academic Achievement Award, 1996; Extraordinary Contribution to the Development Studies Program Award, 1995 and 1997
- President of the Development Studies Student Organization; Graduate Student Senate, International Student Union Representative: Ohio University
- Interests: traveling, running, tennis, photography

Director/Co-founder, World Bamboo Organization ('03- '05): Co-led the development of a 501e6 international networking and advocacy organization focused on the planning of the 7th World Bamboo Congress, New Delhi, India, (est. 700 international attendees).

PPL Global, U.S and Chile ('99 - '02): Managed the implementation of a new financial reporting system including development of chart of accounts, data conversion/migration, system testing. Performed problem solving to address system conversion issues. Developed/monitored annual budgets. Provided monthly budget variance reports to Asset Directors through the first year following implementation to ensure seamless execution of related processes and procedures.

- Commended by James S. Potter, Executive Director of Northeast Business Development: *"Thanks so much for the support you provided during the integration of the Penobscot Hydro assets. Your organizational and analytical skills were critical to ensuring a successful transition."*

PROPOSALS

Entrega+ LLC ('05-Present): Develop/write sections for federal/DoD ID/IQ and commercial proposals including project descriptions, resumes, management/ technical approach, quality/safety, SB participation plans.

- Earned commendations from multiple clients:

"... Karina is consistent, reliable, and thorough in executing and developing our proposals, has excellent organizational skills, and is well received by all of the Charter folks... She has no doubt been a key player in helping us to win contracts with a total capacity of over \$13B in the 5 years that we've worked with her." -Tim Cady, Federal Programs Manager, Charter Environmental, Inc.

"I didn't emphasize enough how much I appreciated your efforts. Your dedication combined with your proficiency is a powerful combination. I'm very impressed." Bruce Campbell, Vice President and General Manager, Weston Solutions, Inc.

"The project turned out great, the outcome was better than I had hoped, you really did a great job... the final product would not have gotten done without your leadership." Matthew Lilly, Former V.P. Danaher Controls

Council on International Educational Exchange, Portland, ME (7/07 - Present): Develop grant proposals submitted to the US Department of Education for Chinese and Arabic language study abroad scholarship programs (\$400K awarded in 2008; \$750K submitted April 2012).

INTERNATIONAL/RURAL DEVELOPMENT EXPERIENCE

International Network for Bamboo and Rattan, Beijing, China, (3/98 - 3/00): Supported executive management during transition to international organization. Developed Annual Plan of Work and Budget, organizational structure, strategic plans, and review of grant proposals.

- Wrote grant proposal to obtain US\$2.4M (awarded) of program funding from the Directorate General for Int'l Cooperation (Netherlands)

InHand Abra Foundation, Manila, Philippines, (2/99 - 3/00): Wrote \$17K grant proposal (awarded) for socio-economic research project identifying barriers to improved performance of microenterprises as part of a sustainable development project; analyzed project survey data/research results and co-

PUBLICATIONS

- *Ancient Grass, Future Natural Resource: The National Bamboo Project of Costa Rica: A Case Study of the Role of Bamboo in International Development.* 1998. Beijing/New Delhi: INBAR.
- *Bamboo in Abra: An Investigation of the Production to Consumption System.* 2000. Beijing: INBAR

VOLUNTEER FUNDRAISING

- **Sexual Assault Support Services, 2010.** Completed half marathon to raise money for sexual assault educational programs (team raised >\$8,000).
- **Pennies for Peace, 2009.** Mobilized 21 local businesses, 3 schools, and 10 individuals to collect loose coins over 6 weeks, raising \$4,100 to support children's education in Pakistan and Afghanistan.
- **Share Our Strength, 2009.** Raised \$1,500 through a 5-day fast in support of child hunger reduction programs.
- **Arthritis Foundation, 2002.** Raised \$4000 for completing a one day, 14-mile hike into and out of the Grand Canyon to support arthritis research.

wrote final published case study -- *Bamboo in Abra: An Investigation of the Production to Consumption System.* 2000. Beijing: INBAR.

Biodiversity Conservation Network, Jakarta, Indonesia (6/97 - 12/97):

Supported USAID-funded research project to assess the viability of community-based micro-enterprises; developed project profile sheets; wrote project status reports; assisted in the preparation of USAID reports. Conducted site visits.

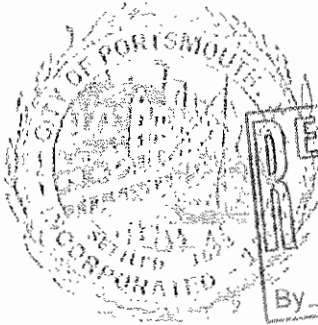
Rural Action, Inc., Trimble, OH (9/96 - 5/97): Developed database to capture the results of a survey of Athens County farmers and agriculturalists to support the analysis of economic development priorities in Athens County, which resulted in the successful implementation of a sustainable agriculture project still active today.

OTHER EXPERIENCE

Merck Family Fund, Milton, MA (6/03 - 4/04): Managed bookkeeping, financial analysis/reporting, AP/AR, bank reconciliations, office and subcontractor management for a family foundation focused on restoring/protecting the environment and strengthening the urban community. Administered biannual grant process for approx. 100 grantees.

Consultant, Campus Compact, MA ('01 - '08). Provided technical support for a non-profit dedicated to developing the civic skills of students, building community partnerships, and integrating civic engagement with teaching and research.

- Commended by Karen Chisholm, Director, MACC AmeriCorps*VISTA Program: "In our hectic, under-resourced non-profit environment, we can use only the most efficient, independent, flexible and professional project consultants. You are the best by our standards, and we're always grateful for your contributions..."



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: Board of Trustees of the Trust Funds **Renewing applicant**

Name: Thomas R. Watson Telephone: 603-431-0986

Could you be contacted at work? YES/~~NO~~ - If so, telephone # 603-433-3317 X218

Street address: 200 Newcastle Avenue, Portsmouth, NH 03801

Mailing address (if different): P.O. Box 1106, Portsmouth, NH 03802

Email address (for clerk's office communication): twatson@dwmlaw.com

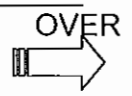
How long have you been a resident of Portsmouth? 1983-1994; 1998-present

Occupational background:

I have practiced law in the City of Portsmouth since 1979
shortly after graduating from law school. See attached
curriculum vitae for listing of firms.

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

Reasons for wishing to continue serving: I have enjoyed my experience as
a Trustee over the past year and believe I have contributed
to the prudent management of the trust funds and maintenance
of Prescott Park and its relationships with other groups within
the City and users. I would like to continue using my background
and experience in this capacity.



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

Portsmouth Athenaeum (Member, Board of Directors and President)

University of New Hampshire School of Law (Member, Board of Trustees)

New Hampshire Association for Justice (Member, Board of Governors)

American Association for Justice (Member, Board of Governors)

Strawbery Banke Museum (Member, National Council)

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

1) James G. Nocas, Jr., 64 Thatcher Rd., Portsmouth, NH 03801
Name, address, telephone number (603) 436-8378/(603) 431-7164

2) Joseph F. Keefe, P.O. Box 648, Rye Beach, NH 03871 (603) 501-7301
Name, address, telephone number (603) 674-7661

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: _____

Date: _____

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: _____

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

6/27/2012

Thomas R. Watson
200 Newcastle Avenue
P.O. Box 1106
Portsmouth, NH 03802-1106
603-431-0986 (home)
603-433-3317 (office)
603-433-5384 (fax)
twatson@dwmlaw.com

Education:

University of New Hampshire, Durham, New Hampshire; BA Political Science, *cum laude*, 1973
University of New Hampshire School of Law (formerly Franklin Pierce Law Center), Concord, New Hampshire; JD 1978

Bar Admissions:

Admitted to the Bar of New Hampshire (1978) U.S. District Court, District of New Hampshire (1978), U.S. Court of Appeals, First Circuit (1978), State of Maine (1982), U.S. District Court, District of Maine (1982), U.S. Supreme Court (1986)

Professional Experience:

Currently a shareholder and director of Drummond Woodsum & MacMahon, Portsmouth, New Hampshire and Portland, Maine with practice concentration in the areas of civil litigation, including commercial, personal injury and domestic litigation; general corporate and real estate.

Previously formed partnership (Tybursky & Watson) in the practice of law in Portsmouth, New Hampshire in 1979; expanded to Tybursky, Watson & Harman in 1987; merged to become Taylor, Keane, Blanchard, Lyons, Tybursky & Watson, P.A., later Taylor, Keane, Blanchard, Lyons & Watson, P.A. in 1988; formed Watson, Lyons & Bosen, P.A. (later Watson & Bosen, P.A., then Watson & Lemire, P.A.) in 1994; merged firm with Wiggin & Nourie, P.A. in 2005; shareholder at Wiggin & Nourie, P.A. from 2005-2012; joined Drummond Woodsum & MacMahon in 2012.

Professional Involvement:

New Hampshire Association for Justice

President 1995-1996

Member, Board of Governors, 1989-Present;

American Association for Justice

Member, Board of Governors, 2006-Present

State Delegate, 1996-2006; Chair 1998-1999

New Hampshire Bar Association

Member, Board of Governors, 1985-1990

New Hampshire Bar Foundation

Board of Directors, 1987-1990

Community Involvement:

University of New Hampshire School of Law
Member, Board of Trustees, 2010-Present

Portsmouth Athenaeum
President, 2012--Present
Member, Board of Directors, 2010-Present;
Proprietor, 1991-Present

Strawbery Banke Museum
Chair, Board of Trustees, 2002-2004
Member, Board of Trustees, 2000-2006,
Member, National Council, 2008-Present

Greater Portsmouth Chamber of Commerce
Chair, Board of Directors, 1990-1992
Member, Board of Directors 1988-1992;

Portsmouth Historical Society
Member, Board of Trustees, 1994-1999; President, 1995-1997

Leadership New Hampshire
Associate, Class of 1993-1994

Franklin Pierce Law Center Alumni Association
President, 1985-1986; Member, Alumni Council, 1990-1992

Treaty of Portsmouth Anniversary Committee
Member, 2002-2006

New Hampshire Main Street Center
Board of Directors, 1998-2002

New Hampshire Small Business Development Center
Member, Board of Advisors, "Project Self-Start" Entrepreneurship Training
Program, 1993 - 1995

Ballet New England
Advisory Board, 1996-2004

Greater Seacoast Economic Summit
Treasurer and Member of the Executive Committee 1990-1991

Public Service:

City of Portsmouth Trustees of the Trust Funds
Trustee, 2012 - Present

City of Portsmouth Planning Board
Member, 1992 - 1994

City of Portsmouth Historic District Commission
Member, 1992

New Hampshire Constitutional Convention
Delegate, 1974

Recognition:

Voted 1995 "Portsmouth Citizen of the Year" by the Greater Portsmouth
Chamber of Commerce

Elected a New Hampshire Bar Fellow in 1993 by New Hampshire Bar Foundation

Received President's Award from New Hampshire Association for Justice in 1993, 1997 and 2007
in appreciation of outstanding service to the Association

Received 1997 Outstanding State Delegate award from the American Association for Justice for
dedicated and outstanding service

Received Weideman-Wysocki Citation of Excellence in 1999, 2000, 2002 and 2010 from American
Association for Justice

Received Granite State Advocate Award from the New Hampshire Association for Justice
in 2000 for dedication to the civil justice system

Received Board of Governor's Award from New Hampshire Association for Justice in 2006
in appreciation of long term service to and support of the Association

Received inaugural Professionalism Award from the Rockingham County Bar Association
in 2001

Recognized in 2011 & 2012 *Benchmark Plaintiff Guide* as local litigation star in civil litigation.

Received President's Award for distinguished service from New Hampshire Bar Association as a
member of the Special Committee on Rules of Civil Procedure

ACTION SHEET

PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of January 7, 2013

Re: Parking and Traffic Safety Committee Meeting held December 13, 2012

ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held October 11, 2012.
- [2] Accepted and placed on file the Financial Report.
- [3] **Sudbury Avenue Petition for “Resident Only” Parking Signs** – MOTION made by Mr. Whitehouse to recommend an ordinance be drafted to add Sudbury Avenue and Rock Street to the “Resident Only” Parking list, seconded by Mr. Cypher. **Motion FAILED of a 4-5 Roll Call Vote.** *Chairman Smith and City Manager Bohenko recommend a work session be held regarding a policy for residential parking areas.*
- [4] **Renewal of Atlantic Parking Bow Street Valet Service**– MOTION made by Public Works Director Parkinson to approve the renewal of Atlantic Parking Bow Street Valet Service contract *to expire June 30, 2013*, seconded by Mr. Bohenko. **Motion passed.**
- [5] **Request for Driveway at 287 Marcy Street** – MOTION made by Mr. Gray to approve the request for a driveway at 287 Marcy Street, specifically, a Back-in, Head Out (compact-sized vehicle) space, seconded by Mr. Whitehouse. **Motion passed.**
- [6] **“No Left Turn” onto Route 1 Bypass North from Maplewood Avenue** – Public Complaint – MOTION made by Public Works Director Parkinson to refer to the Department of Public Works for inclusion into the Consultant study in conjunction with the State DOT bridge reconstruction project, seconded by Deputy Police Chief MacDonald. **Motion passed.**
- [7] **Remove Stop Sign at Intersection of Railroad Tracks and Banfield Road** – Citizen Request – MOTION made by Public Works Director Parkinson to refer to the Public Works Department to take appropriate legal action once determination of rail track status has been made, seconded by City Manager Bohenko. **Motion passed.**

[8] **Reevaluate Bicycle Rack Locations** – DPW Item – Public Works Director Parkinson moved to refer to the Public Works Department to work with the GIS to look for appropriate locations and report back, seconded by Assistant Fire Chief Achilles. **Motion passed.**

[9] **Council Referral – Establish Work Session to Discuss Downtown Parking Issues** - **MOTION** made by Mr. Whitehouse to establish a Work Session to Discuss Downtown Parking issues on Tuesday, January 8, 2013 at 9:00 a.m. in the Council Chambers, seconded by City Manager Bohenko. **Motion passed.**

[10] **Review of Informational Items:**

- New Parking Zones and Labeling for Implementation of Revised Parking Ordinances,
- OTI America EasyPark In-Car Parking Meter Contract in Final Review;
- Installation of Lighting on all Pay & Display Meters; and
- Installation of 3 Banners at Parking Garage Entrances Highlighting “First Hour Free” Parking

Public Works Director Parkinson informed the Committee Members of the actions taken regarding the above stated items. **This was informational only and no Committee action required at this time.**

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, December 13, 2012
City Hall – Conference Room A

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
Corey MacDonald, Deputy Police Chief
Steve Achilles, Assistant Fire Chief
Ron Cypher, Member
Sheri Donnermeyer, Member
Ted Gray, Member
Harold Whitehouse, Member

Staff Advisors Present:

Tom Cocchiaro, Parking Operations Supervisor

III. ACCEPTANCE OF THE MINUTES:

Mr. Gray moved to accept the minutes of the October 11, 2012 meeting as presented. Seconded by Mr. Cypher and voted.

IV. FINANCIAL REPORT:

Mr. Whitehouse moved to accept the Financial Report and place on file. Seconded by City Manager Bohenko and voted.

VI. NEW BUSINESS:

(A) Sudbury Avenue Petition for “Resident Only” Parking Signs

Mr. Whitehouse spoke to the question posed by Mr. Wright in his correspondence to the committee stating that in 1999, he was on the City Council and at that time, they acted on a proposal to make a portion of Hanover Street “resident only” parking, which was against the Planning Boards’ recommendation, but they did not include any other areas.

Mr. Whitehouse moved to add Sudbury Avenue to the “Resident Only” Parking ordinance, seconded by Mr. Cypher.

Public Works Director Parkinson clarified that the petition is also requesting Rock Street and the remaining portion of Hanover Street be added as well. Mr. Whitehouse stated they did not review those areas during the site walk.

City Manager Bohenko moved to suspend the rules to allow Mr. Wright to speak to his request, seconded by Mr. Whitehouse. Motion passed.

Randy Wright, 30 Sudbury St., explained the parking issues on Sudbury Avenue which are caused by people who work in the downtown area parking on the street for the entire day, thereby not allowing people who live on the street to park near their own homes. He stated that many of these vehicles are from out-of-state and feels that there is a loophole in the parking ordinance that allows this situation to occur. He stated that nearly all of the residents in the areas of concern signed the petition and urged the Committee to rectify this situation.

City Manager Bohenko stated that Mr. Wright has spoken eloquently on the issue but his concern is that this is a major policy decision for the City and we can't change one street at a time without a set policy. He stated that the Parking and Traffic Safety Committee and City Council need to decide if residential only parking areas need to be expanded and reviewed the by City Attorney as to how this would be enforced, etc.

Deputy Police Chief MacDonald stated that the patrols do enforce the area where there are "resident only" parking signs for those that are clearly out-of-state license plates and by issuing warnings, etc.

City Manager Bohenko again stated that a clear policy needs to be set and feels that this should be a part of the parking garage discussion. He stated we will continue to see this push-out into the neighborhoods over the next 2 years before a garage is built.

Public Works Director Parkinson asked if this should be referred to the City Council. Chairman Smith stated no, it should be decided by this committee.

Mr. Whitehouse stated that by supporting this request, we will be moving the process along and can get it settled once and for all.

Mr. Whitehouse amended his original motion by adding Rock Street and the rest of Hanover Street, from Pearl Street to Brewster Street, the seconder, Mr. Cypher agreed.

Discussion ensued as to how it will be determined who is and is not a Portsmouth resident and how it will be enforced.

Chairman Smith stated this has been an ongoing issue since 1999 and the police are able to enforce it and run license plates to obtain the information on residency of the owner.

Mr. Cypher asked what was done on Pearl Street. Chairman Smith explained that this was handled differently because there are businesses located there and there is residential parking during off-business hours.

Motion FAILED on a 4-5 roll call vote. Mr. Whitehouse, Mr. Cypher, Mr. Gray and Chairman Smith voted in favor. Ms. Donnermeyer, Public Works Director Parkinson, Asst. Fire Chief Achilles, Deputy Police Chief MacDonald and City Manager Bohenko voted opposed.

(B) Renewal of Atlantic Parking Bow Street Valet Service

Brian Slovenski of Atlantic Parking Services explained that he is requesting permission to continue operating a Valet Parking Service in the parking spaces provided on Bow Street.

Chairman Parkinson clarified that this renewal will include the 3rd space recently approved by the Parking and Traffic Safety Committee. Chairman Smith stated yes, but the current contract has expired and he is looking to have all of the valet service contracts expire at the same time so that this situation will not occur again.

Public Works Director Parkinson moved to approve the renewal of Atlantic Parking Service Bow Street Valet contract to expire June 30, 2013, seconded by City Manager Bohenko. Motion passed.

(C) Request for Driveway at 287 Marcy Street

Mr. Gray stated they visited the site and found it to be a tight area.

Mr. Gray moved to approve the request as a back-in, head out parking space for compact size vehicles, seconded by Mr. Whitehouse.

Mr. Gray asked if there is an arrangement with the neighbor.

Paul Marino, 287 Marcy Street, stated that the right-of-way is on his property deed.

Mr. Gray asked who will pay for the curb cut.

Mr. Marino stated that he had previously requested to install brick sidewalk and was told at that time that the City was going to be doing that and he asked that when it was done, no curbing be put in that area. Public Works Director Parkinson explained that the City does work with property owners when projects are being done.

Motion passed.

Public Works Director Parkinson clarified that the minutes of this meeting will go to the Council for final approval of this request and that no work will be done until Spring.

(D) "No Left Turn" onto Route 1 Bypass North from Maplewood Avenue

Public Works Director Parkinson stated that this issue has been reviewed many times and has typically not been granted due to sight distance issues as well as the fact that the off-ramp is part of the State highway property.

Public Works Director Parkinson moved to refer to the Department of Public Works for inclusion into the Consultant study in conjunction with the State DOT bridge reconstruction project, seconded by Deputy Police Chief MacDonald. Motion passed.

(E) Remove Stop Sign at Intersection of Railroad Tracks and Banfield Road

Public Works Director Parkinson stated that this is still considered an active line and he has made an inquiry with the NTC as to the status and has not received an answer back.

Public Works Director Parkinson to refer to the Public Works Department to take appropriate legal action once determination of rail track status has been made, seconded by City Manager Bohenko. Motion passed.

VI. OLD BUSINESS:

(A) Reevaluate Bicycle Rack Locations - DPW

Public Works Director Parkinson explained that since approving these locations, we have had to re-evaluate due to various issues and complaints.

Deputy Police Chief MacDonald stated that there have been 3 incidents at that intersection over the last 3 years.

City Manager Bohenko stated that we need to review the different locations for the individual racks versus the bike corrals, as the individual racks should be located in areas that people will feel are convenient to their destinations.

Public Works Director Parkinson moved to refer to the Public Works Department to work with the GIS to look for appropriate locations and report back, seconded by Assistant Fire Chief Achilles. Motion passed.

NOTE: Planning Director Rick Taintor was prepared to give a presentation on Bicycle Racks on State Street, which was not a part of this discussion. This presentation will be given at a future meeting.

VII. REFERRALS

(A) Council Referral – Establish Work Session to Discuss Downtown Parking Issues

City Manager Bohenko explained that the City Council recently voted to discontinue the Parking Garage Site Selection Committee and deferred it to the Parking and Traffic Safety Committee. He explained that there has been a lot of work and analysis already done and feels it is important that this information be presented to the Parking and Traffic Safety Committee as a starting point to help understand the complexities and challenges involved.

Mr. Whitehouse stated that the average citizen wants there to be a work session where they can sit and discuss the issue with the members and have their questions answered.

Chairman Smith stated that he will be making himself available at a to-be-determined downtown location for people to express their concerns to him, and clarified that this will not be an official meeting.

Ms. Donnermeyer asked if the site previously rejected by the City Council can still be considered. Chairman Smith stated yes, it is now the charge of the Parking and Traffic Safety Committee.

MOTION made by Mr. Whitehouse to establish a Work Session to discuss Downtown Parking issues on Tuesday, January 8, 2013 at 9:00 a.m. in the Council Chambers, seconded by City Manager Bohenko. Motion passed.

VIII. PUBLIC COMMENT

There were no speakers.

IX. INFORMATIONAL

- (A) New Parking Zones and Labeling for Implementation of Revised Parking Ordinances (DPW)

Public Works Director Parkinson reviewed the new signage that will be put in place at the parking garage and on the meters to alert people to the new changes taking effect January 2, 2013. Chairman Smith asked if there will be staff available to explain the changes to people out in the field. Public Works Director Parkinson stated not this time and explained that this occurred when the new parking system was implemented, but this is just a change in the fees.

Ms. Donnermeyer asked if the I-Park devices need to be updated with the new changes. Parking Operations Supervisor Tom Cocchiaro stated there is no way to reprogram them but they will still be able to be used.

- (B) OTI America EasyPark In-Car Parking Meter Contract in Final Review (DPW)

Parking Operations Supervisor Tom Cocchiaro explained that this will be implemented in January in conjunction with the recent ordinance changes going into effect.

- (C) Install Lighting on all Pay & Display Meters (DPW)

Parking Operations Supervisor Tom Cocchiaro explained that these will be LED lights, battery-powered and motion detected operation at a cost of approximately \$500.00 each.

- (D) Install 3 Banners at Parking Garage Entrances Highlighting "First Hour Free" Parking (City Manager Request)

Public Works Director Parkinson explained that the banners will be announcing the first hour free-parking.

VIII. ADJOURNMENT


City Manager Bohenko moved to adjourn at 8:55 a.m., seconded and passed unanimously.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department *lg*
SUBJECT: Conservation Commission Minutes
DATE: December 13, 2012

Please be advised that the approved minutes from the October 10, 2012 Conservation Commission meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department 
SUBJECT: Conservation Commission Minutes
DATE: December 13, 2012

Please be advised that the approved minutes from the November 14, 2012 Conservation Commission meeting are now available on the City's website for your review.