

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 4, 2013 TIME: 7:00PM

AGENDA

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

PRESENTATION

1. Presentation from Lawrence Yerdon, President and CEO of Strawberry Banke Re: Skating Rink Proposed Project

V. ACCEPTANCE OF MINUTES – FEBRUARY 4, 2013 AND FEBRUARY 19, 2013

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grants:
 - NH Department of Highway Safety Grant for DWI/DUI Patrols - \$8,580.00
 - NH Department of Highway Safety Grant for Sobriety Checkpoints - \$12,168.00
 - NH Department of Highway Safety Grant for Pedestrian Patrols - \$7,436.00
 - NH Department of Highway Safety Grant for Red Light Running Patrols - \$7,436.00
 - NH Department of Highway Safety Grant for Speed Enforcement Patrols - \$7,436.00

(Sample motion – move to approve and accept the grants to the Portsmouth Police Department, as listed)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donation to Fire Department Re: Kearsarge Fund
 - Flynn & McGee, P.A. - \$50.00

(Anticipated action – move to approve and accept the donation to the Portsmouth Fire Department, as listed)

- B. Request for a License from Mark McNabb, owner of Bull Moose Music on Congress Street for property located at 82-86 Congress Street to install two identical projecting signs (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mark McNabb, owner of Bull Moose Music on Congress Street to install a projecting sign at 82-86 Congress Street and, further, authorize the City Manager to execute a License Agreement for this request***)

Planning Director's Stipulations:

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

- C. *Acceptance of Donation to the Coalition Legal Fund
- Coalition of NH Taxpayers - \$100.00

(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

- D. Letter from Ben Anderson, Executive Director, Prescott Park Arts Festival requesting permission to briefly stop traffic crossing Memorial Bridge on Saturday, October 12, 2013 at 10:00 a.m. followed by the Memorial Bridge Road Race which is a collaborative effort between the Prescott Park Arts Festival and the Community Child Care Center of Portsmouth (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Patrick Crimmins, P.E., Tighe & Bond requesting an Urbanized Shoreland Exemption at 299 Vaughan Street, LLC for a municipal parking lot to be constructed (***Sample motion – move to refer to City Manager for report back***)
- B. Letter from Jonathan N. Bursaw, Bursaw's Pantry, LLC, 3020 Lafayette Road, requesting to change the zoning on property from Mixed Residential Business (MRB) to Gateway District (***Sample motion – move to refer to the Planning Board for report back***)
- C. Letter from Islington Creek Neighborhood Association regarding proposed conditions for property at 21 Brewster Street

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action

1. Approval of Boarding House Permits
 - 21 Brewster Street
 - 350-352 Hanover Street
 - 278 Cabot Street
2. Report Back Re: Letter from Jean and Gordon Willis requesting the Transfer of Ownership of Artwill Avenue to the City of Portsmouth
3. Report Back and Request for Easement Re: 32 Livermore Street
4. Request for First Reading of Proposed Zoning Ordinance Amendments - Neighborhood Commercial Use
5. Request for First Reading of Proposed Zoning Ordinance Amendments - Signs
6. Request for First Reading of Proposed Zoning Ordinance Amendments - Dimensional Standards
7. Request for First Reading of Proposed Zoning Ordinance Amendments – Historic District Commission Work Sessions
8. Request for License Re: Container on Mechanic Street
9. Request to Establish a Work Session Re: Doble Center
10. Establish Time for April 6th FY14 Budget Presentations

Informational Items

1. Events Listing
2. Update on changes to site plan review process for earlier vesting of developments from zoning changes (with flowchart)

B. MAYOR SPEAR

1. Appointments to be Voted:
 - Colby Gamester – Planning Board
 - Craig Welch – Portsmouth Housing Endowment Fund

C. ASSISTANT MAYOR LISTER

1. Ethics Committee Report Back (***Sample motion – move to accept the Ethics Committee Report***)

D. COUNCILOR COVIELLO

1. *Worth Lot Lease (***Sample motion – move to direct the City Manager to report back on options to ground lease the Worth Lot for development with no loss of parking***)

E. COUNCILOR DWYER

1. *Update on Middle School Project

F. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 14, 2013 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the February 14, 2013 Parking and Traffic Safety Committee meeting***)
2. *Report on 2023 Committee

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. 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 December 12, 2012 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the October 3, 2012 meeting are available on the City's website for your review
3. Notification that the Planning Board Minutes of the October 18, 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.



February 13, 2013

John Bohenko, Manager
City of Portsmouth
One Junkins Ave
Portsmouth, NH 03801

Dear Mr. Bohenko:

Strawbery Banke Museum's Puddle Dock Pond (PDP) Committee is exploring the possibility of an outdoor ice rink at the Museum. The proposed rink will offer significant benefits to the community by providing winter recreation and socialization for all ages.

The PDP committee requests an opportunity to present an overview of the project to the Portsmouth City Council, and to request that the Council support further discussions with you and your staff about potential collaborations between the City and Museum.

The committee requests that it be placed on the agenda on Monday, March 4, 2013 to give a PowerPoint presentation of approximately 10 minutes and to answer any questions the Council may have.

Strawbery Banke Museum looks forward to its continued relationship with the City of Portsmouth, its residents and downtown retailers and hotels, and believes the addition of this outdoor skating rink will have a positive impact for all.

We thank you for the opportunity to present this proposal to the City Council.

Sincerely,

Lawrence J. Yerdon
President & CEO

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 4, 2013

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

At 5:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Litigation – RSA 91-A:2 I (c).

At 6:00 p.m., a Work Session was held to receive a report back on a letter and petition of Islington Creek Neighborhood Association regarding boarding house.

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 – JANUARY 22, 2013

Assistant Mayor Lister moved to approve and accept the minutes of the January 22, 2013 City Council meeting. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Mark Brighton spoke regarding the budget and its relation to the inflation rate. He stated that the 4% guideline for the budget does not create a challenge for departments. He spoke opposed to the 4% guideline and stated there should be a zero increase.

VII. PUBLIC HEARINGS

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2014-2019 (*Action on this matter will be taken at the February 19, 2013 City Council meeting*)

City Manager Bohenko addressed the process followed in preparing the Capital Improvement Plan and reported that the Planning Board approved and is recommending a \$1.5 million plan. He recommended that the Council adopt the CIP at the February 19, 2013 City Council meeting. City Manager Bohenko had staff members provide a presentation to the City Council of the CIP for FY2014-2019.

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

Harold Whitehouse, Portsmouth resident, spoke to the funding of \$25,000.00 for the Fire Department to be used for the restoration of the old steam pumper.

Dick Barkley, Portsmouth resident, said that we live in difficult times and we need to know what the priorities are in the CIP. He stated there are many needs the City has and the taxpayers need to support them but the priorities need to be reviewed.

No further speakers remaining, Mayor Spear declared the public hearing closed.

**B. ORDINANCE AMENDING CHAPTER 1, ARTICLE XIV, SECTION 1.14 –
MUNICIPAL FUND BALANCE**

Finance Director Belanger provided a presentation on the Unassigned Fund Balance Ordinance and the five fund balance classifications. She stated that this ordinance amendment is being looked at to achieve an AAA bond rating and reviewed the various increases that we have received to our rating over the years. She reported on the rating criteria and stabilization funds we have created. Director Belanger informed the City Council that Bedford is the only community in New Hampshire that has an AAA rating. She stated that the amendment would be to not go under 10% of annual appropriations with a goal of 17% for our unassigned fund balance.

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

Dick Barkley, Portsmouth resident, said the City takes on large capital projects and the Council needs to decide if the City is outliving its means. He stated it is important for the City to look forward to where we will go as a major City in New Hampshire.

No further speakers remaining, Mayor Spear declared the public hearing closed.

**C. CONCERNING THE PUBLIC NECESSITY FOR OBTAINING PERMANENT
AND TEMPORARY EASEMENTS AND TO PROCEED AS MAY BE
NECESSARY WITH AN EMINENT DOMAIN ACTION. THE PROPERTY
INVOLVED IS OWNED BY PAN AM RAILWAYS/BOSTON & MAINE RAILROAD
OFF OF BARTLETT STREET, MAP 164, AND LOT 004**

Assistant City Attorney Woodland and Public Works Director Parkinson reviewed this matter with the City Council. Director Parkinson reported that this is Phase 3 of the McDonough Street project and how we deal with the drainage in that area. Assistant City Attorney Woodland informed the Council that the railroad prefers that the City go through the eminent domain process.

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

Shelley Tamis, Portsmouth resident, said that she owns the property located at 98 Brewster Street which has been subject to drainage issues and flooding since 1997. She spoke to the financial burden this has placed on her over the years and the need for this project to be completed.

Nancy Johnson, Portsmouth resident, spoke in favor of this process and the impact it has on the area. She also spoke to the need for the area to be re-graded.

No further speakers remaining, Mayor Spear declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grants and Donations:

- Grant from the State of New Hampshire Department of Safety for the Part II Local Law Enforcement Radio Interoperability Initiative - \$25,332.88
- Grant from the State of New Hampshire Department of Justice in support of the DV/SA Victim Advocate for the Police Department - \$50,000.00
- Donations to the Police Cadet Explorer Post:
 - Mr. J. Page - \$135.00
 - Ms. J. Spear - \$35.00
 - Mr. F. Mastan - \$50.00

Councilor Lown moved to approve and accept the grants and donations to the Portsmouth Police Department, as listed. Seconded by Assistant Mayor Lister and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Elderly Exemption at 2%

Single	\$35,176.00 increase of \$690.00
Married	\$43,393.00 increase of \$851.00
Asset Limit of	\$117,257.00 increase of \$2,299.00

Councilor Lown moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 19, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

Mayor Spear stated that this would be a 2% increase to the elderly exemption.

Councilor Kennedy moved to amend the Asset Limit from \$117,257.00 to \$125,000.00. Seconded by Councilor Novelline Clayburgh.

City Manager Bohenko asked Councilor Kennedy if the amendment would include the disabled exemption as well. Councilor Kennedy responded affirmatively.

Councilor Lown said he understands the amendment and it is a balance between people that have low income and assets in the City. He said this affects very few people and every dollar increased that money comes from the other taxpayers.

Councilor Dwyer said she has difficulty just picking an arbitrary number without knowing more on the basis for making decisions. She said that the Council needs to have a more in-depth discussion on this matter.

Councilor Smith indicated he would not support this amendment until we know how many people it would affect. City Manager Bohenko said there is no way of knowing that number until next year after individuals have filed for the exemptions.

On a voice vote 2-7, motion to amend the Asset Limit from \$117,257.00 to \$125,000.00 **failed** to pass. Councilors Kenney and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted opposed.

Main motion passed.

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Disabled Exemption at 2%

Single	\$35,176.00 increase of \$690.00
Married	\$43,393.00 increase of \$851.00
Asset Limit of	\$117,257.00 increase of \$2,299.00

Councilor Lown moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 19, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

Councilor Kennedy said people are trying to put money away to care for family because people are living a longer period of time.

Councilor Novelline Clayburgh recommended that this be reviewed next year. City Manager Bohenko responded affirmatively.

Motion passed.

- C. Second Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance

Councilor Novelline Clayburgh moved to pass second reading and hold third and final reading on the proposed Fund Balance Ordinance, at the February 22, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

City Manager Bohenko stated at the Council Retreat it was a goal of the Council for the City to try and reach AAA bond rating. He said it is his intent to come forward with a policy if this ordinance is passed.

Councilor Coviello stated that an AAA bond rating is a great goal but we want the financial position that goes along with that.

Motion passed.

- D. Adoption of Resolution concerning the Public Necessity for obtaining Permanent and Temporary Easement sand to proceed as may be necessary with an Eminent Domain Action. The Property Involved is owned by Pan Am Railways/Boston & Maine Railroad off of Bartlett Street, Map 164, and Lot 004

Councilor Smith moved to adopt the Resolution attached. Seconded by Councilor Coviello.

Councilor Thorsen stated he is typically opposed to the eminent domain process but feels this is necessary, in this matter.

Motion passed.

X. CONSENT AGENDA

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

- A. Request for Approval of Pole License to install 3 poles located on Sagamore Road ***(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)***
- B. Acceptance of Donations to Recreation Department in the amount of \$180.00 in memory of Thomas Leary:
- PHS Class of 1958 Club Girls - \$30.00
 - Priscilla Syphers - \$50.00
 - Appzero Software, Inc. - \$100.00
- (Anticipated action – move to approve and accept the donations to the Recreation Department, as listed)***
- C. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the Annual Portsmouth Maritime Folk Festival on Saturday, September 28, 2013 and Sunday, September 29, 2013 ***(Anticipated action – move to refer to the City Manager with power)***

- D. Letter from Kelly Sicard, Breathe New Hampshire, requesting permission to hold the 28th Annual Seacoast Bike Tour on Saturday, May 18, 2013 and Sunday, May 19, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Gale Auclair, American Lung Association, requesting permission to hold the 4th Annual Cycle the Seacoast Ride on Sunday, May 5, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from Thomas Martin, The Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium Bike Race on Sunday, September 8, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- G. Letter from Kristen Lyons, Sexual Assault Support Services, requesting permission to hold the 5th Annual 5k to Keep Kids SAFE on Sunday, May 19, 2013 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Bernard Pelech regarding Rezoning request for property located at 678-680 Maplewood Avenue

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Kennedy and voted. Councilor Smith abstained from voting on this matter.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Report Back Re: Former U.S. Army Reserve Center on Cottage Street

City Manager Bohenko stated that the Department of the Army has confirmed that there are no Public Benefit Conveyance programs that would result in a VFW receiving the Doble property.

Councilor Smith moved to send a letter advising the Veterans of Foreign Wars and the American Legion that their requests are not feasible due to the Base Realignment and Closure Act. Seconded by Councilor Coviello and voted.

- 2. Request for Approval on Teacher's Retirement Incentive

City Manager Bohenko recommended the Council approve the request.

Councilor Dwyer moved to approve the request from the Portsmouth School Board to offer a retirement incentive to teachers, as presented. Seconded by Councilor Kennedy and voted.

Informational Items

- Report Back Re: Change of “Trick or Treat” Date

City Manager Bohenko reported the Recreation Board would not support changing the date of “trick or treat”.

- Update Senior Transportation Program

City Manager Bohenko announced that an update on the Senior Transportation Program would be provided on Tuesday, February 19, 2013, during the Council meeting.

- City Council Work Session Re: Sewer/Water Rate Study

City Manager Bohenko reminded the City Council of the Work Session on Monday, February 11, 2013, at 6:30 p.m. in the Eileen Dondero Foley Council Chambers would be held to discuss the Sewer/Water Rate Study.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Kelly Weinstein – Citywide Neighborhood Steering Committee
 - Lisa Louttit – Peirce Island Committee
 - J. Robert Shouse - Blue Ribbon Committee on Sustainable Practices

The City Council considered the above listed appointments that will be voted on at the February 19, 2013 City Council meeting.

2. Resignation – Paul S. Ford as the Taxi Industry Liaison to the Taxi Commission

Councilor Lown moved to accept with regret the resignation of Paul Ford from the Taxi Commission and requested a letter of thanks be sent to Mr. Ford for his years of service to the City. Seconded by Councilor Kennedy and voted.

3. Status of the proceeds from the Sale of 127 Parrott Avenue formerly the Senior Center

Mayor Spear advised the City Council that the letter of response from William Henson, The Mark Wentworth Home is located in the packet for reference. No action is required.

C. COUNCILOR SMITH

1. Report Back and Update Status of Parking Traffic & Safety Committee Parking Garage Site Selection

Councilor Smith reported that more informational meetings will be held by the Parking Traffic & Safety Committee on this matter. He also stated that he would schedule a public meeting but not an official meeting for the downtown businesses and residents because some people do not feel comfortable coming to City Hall.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Coviello requested City Manager Bohenko report back on what steps would need to be taken to create a free bus service loop from the Bethel Church to Market Square to the parking lot on Vaughan Street. City Manager Bohenko stated he would work with COAST on this matter and provide the report back at a future meeting.

Councilor Thorsen stated that he would bring forth a motion at the next Council meeting to reduce the Capital Improvement Plan to \$1.2 million.

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

At 10:00 p.m., Assistant Mayor Lister moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 19, 2013

PORTSMOUTH, NH
TIME: 6:30 PM [or thereafter]

At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held – RSA 91-A:2 I (c).

At 6:30 p.m., a Work Session was held regarding Wastewater Update.

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

Mayor Spear called the meeting to order at 7:20 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

Assistant Mayor Lister led the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Update on Senior Transportation Program from William Henson, President and CEO of the Mark Wentworth Home

Mr. Henson gave a brief presentation of the services provided to senior citizens at a minimal rate 4 days a week. He stated they need to call the day before any appointments between 7:00 a.m. and 11:00 a.m. to schedule a ride if it is somewhere that isn't on the regular schedule. He described various activities that the seniors are transported to participate.

Councilor Kennedy asked if it is possible to expand the service to 5 days a week by including Tuesdays. Mr. Henson stated that the demand is going up but it will require additional funding as was the case when they went from 3 days to 4 days a week. He stated he is not certain it is needed yet but there will be an additional cost associated and the program currently costs \$225,000.00 per year.

Councilor Coviello asked how much of that figure is subsidized by the City. Mr. Henson replied \$134,000.00

Councilor Novelline Clayburgh stated that the numbers will only increase as people are living longer. Mr. Henson agreed.

2. Update from Brinn Chute, Senior Services Coordinator

Brinn Chute, Senior Services Coordinator, stated she has been on the job since November of 2012 and has been attending various activities and events to get acquainted with what is being provided as well as meeting the senior citizens. She stated she has created two newsletters which list activities in Portsmouth as well as surrounding towns and tries to keep them to low cost and free activities. She stated it has been very well received and people like being able to get that information from one source. She stated she has also added an additional senior luncheon at Families First on the Community Campus which continues to gain numbers of attendees. She stated she tries to have some type of educational presentation at the luncheons as well. She stated that Senator Jeanne Shaheen recently conducted a fraud presentation for seniors at the Portsmouth Library which was well attended. She concluded that she is conducting an informal survey to gather opinions and ideas.

Assistant Mayor Lister thanked Ms. Chute for her work and collaboration with various organizations to bring these services together. He then asked if there is something provided for people who are unable to get out. Ms. Chute stated that Meals on Wheels has been delivering her newsletters to those residents who aren't able to get out and she has been working with Portsmouth Housing Authority to provide informal gatherings in the senior resident buildings themselves for easier access. She stated that Operation Blessing also does outreach at the Margeson and Feester Buildings.

Councilor Novelline Clayburgh asked if there is still support for a "Senior Center". Ms. Chute stated yes, everyone still wants a senior center and better senior transportation. She stated she feels that regarding transportation, it is a matter of education of what is already available as she feels many people aren't aware or misunderstand it.

Councilor Kennedy asked if the questionnaire addresses what type of transportation they are looking for. Ms. Chute reiterated that it is a matter of informing people of what is already available. Councilor Kennedy stated she is specifically wondering about transportation to events. City Manager Bohenko stated that there isn't another municipality that provides the level of senior transportation as Portsmouth. Councilor Kennedy stated that Eliot, Maine provides transportation to events. Ms. Chute stated that there are bus trips run by the Recreation Department as well as the Rye 55 and over club which allows Portsmouth residents to participate.

Councilor Dwyer asked what age groups are largely attracted to the services being offered. Ms. Chute stated it varies by activity i.e., 75-85 for the luncheons, 55-65 for some of the exercise classes etc.

Ms. Chute concluded that her next focus will be on outreach to a broader range of senior citizens.

3. Update on Doble Center from David Moore, Community Development Director

David Moore, Community Development Director, updated the Council on the status of the Doble Center and the need to determine if and how the City wishes to reuse the property. He explained the terms of the Base Realignment and Closure Act (BRAC) which defines tools available to the Department of Defense for disposing of property. He reviewed the timeline of key actions taken by the City up to 2008 when the City adopted a reuse plan for the facility which was to create an outdoor recreation facility to address field shortages which was accepted by the Department of Defense as an acceptable use under BRAC law. He stated the U.S. Army is currently constructing their replacement facility and expect to be able to vacate/transfer the Doble Center in the Fall of 2013. He concluded by stating that the next steps for the City include determining if the City still wants to determine reuse of the property; move forward with the current reuse plan or adopt another reuse in accordance with BRAC law; and work with the Department of the Army to transfer the property.

Councilor Novelline Clayburgh stated that this was decided a few years back now and wonders if it should be discussed again before going forward. City Manager Bohenko stated yes and a work session would be appropriate.

Councilor Smith stated he would like to discuss all possible uses of the property and feels it may be better suited to a public safety building to include Police, Fire, Dispatch services etc. City Manager Bohenko stated currently we have been approved for the recreational use so we would have to change direction totally and determine if the Police and Fire Department needs could be met and get approval under the BRAC law for that use. Councilor Smith stated that in 2006 when this issue was discussed he understood that there was flexibility in the use of the property and asked if that has changed since then. City Manager Bohenko stated that it is a matter of going through the process all over again if we change direction.

Councilor Kennedy asked how long the property has to remain in the approved use. Community Development Director Moore stated we have to agree to the use in perpetuity. City Manager Bohenko clarified that there is the ability to amend in the future.

Assistant Mayor Lister stated that there needs to be a work session and have all of the ideas laid out on the table including a senior center, but to remember we also have stated that the City needs additional recreational fields.

Councilor Dwyer stated that when we went through the process previously, the Army wanted additional housing. Community Development Director Moore stated that the BRAC law does put a premium on homelessness and housing but stated we are at a different point in the process having been approved for recreational use.

Mayor Spear stated a work session will be scheduled on this issue.

V. ACCEPTANCE OF MINUTES *(There were no minutes on for approval)*

VI. PUBLIC COMMENT SESSION

Tom Carroll, spoke regarding the ongoing issue of rust dust and scrap metal on Market Street stating he has distributed a letter to the Council which is requesting any and all information regarding the response or intended response of the letter written to the Pease Development Authority dated December 17, 2012 regarding the above stated complaints. He stated that if there is no response, then the City should go to the State legislature and attorney general.

Jim Splaine spoke regarding the item under Assistant Mayor Lister's name on the Agenda regarding the repeal of the Defense of Marriage Act (DOMA) stating that the deadline has passed, but the City can still sign on to the Amicus Brief. Mr. Splaine stated that 20 years ago he was the Assistant Mayor and they were discussing equal rights for same sex couples at that time and although the issue has made some strides, there is still a lot of inequality in regards to benefits that are granted for everyone else. He discussed the recent passing of Charlie Morgan who left behind a wife and not being able to leave her wife with the benefits afforded to other married couples. He concluded by stating he would be proud as a Portsmouth resident to have the City of Portsmouth be a leader in joining to fight DOMA.

VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

ELDERLY EXEMPTION AT 2%

SINGLE	\$35,176.00 INCREASE OF \$690.00
MARRIED	\$43,393.00 INCREASE OF \$851.00
ASSET LIMIT OF	\$117,257.00 INCREASE OF \$2,299.00

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

City Assessor Rosann Lentz gave a brief presentation explaining the history of the exemptions and the proposed increases.

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

- B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

DISABLED EXEMPTION AT 2%

SINGLE	\$35,176.00 INCREASE OF \$690.00
MARRIED	\$43,393.00 INCREASE OF \$851.00
ASSET LIMIT OF	\$117,257.00 INCREASE OF \$2,299.00

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Spear closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Lonza Biologics Incorporated

Assistant Mayor Lister moved to accept and approve the aforementioned donation from Lonza Biologics Incorporated, and further, authorize the City Manager to sign a release agreement. Seconded by Councilor Kennedy and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Elderly Exemption at 2%

Single	\$35,176.00 increase of \$690.00
Married	\$43,393.00 increase of \$851.00
Asset Limit of	\$117,257.00 increase of \$2,299.00

Councilor Novelline Clayburgh moved to adopt, the Elderly Exemption resolution, seconded by Councilor Thorsen.

Councilor Kennedy stated she would still like to raise the asset limit as people are living much longer now.

Motion voted.

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Disabled Exemption at 2%

Single	\$35,176.00 increase of \$690.00
Married	\$43,393.00 increase of \$851.00
Asset Limit of	\$117,257.00 increase of \$2,299.00

Councilor Novelline Clayburgh moved to adopt the Disabled Exemption resolution, seconded by Councilor Lown. Motion voted.

- C. Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance

Councilor Lown moved to pass third and final reading on the proposed Fund Balance Ordinance, seconded by Assistant Mayor Lister.

Councilor Thorsen stated that the City Manager answered his question in the City Manager comments regarding the marginal benefit between an AA+ and AAA rating but feels that there is not much of a difference and is more a matter of civic pride. He stated we need to be careful going after things that may take money out of the pocket of residents in order to look good. He stated he would like to divide the question of the minimum requirement and the suggested goal.

City Attorney Sullivan stated there is no logical division of the question.

City Manager Bohenko stated that the 10-17% is a goal and not a requirement as per Councilor Thorsen's previous comments. He stated we are now at 11.5%.

Councilor Thorsen stated he appreciates that and will vote in favor of the change but he doesn't want to actively try to raise it any higher than the 11.5%.

Councilor Lown stated that in the narrow sense Councilor Thorsen's comments are true but the money is not going away never to be used as it can be used with 6 votes as the Council deems necessary.

Councilor Thorsen stated that the money comes from the residents and does go into a vault under 10% fund balance.

Councilor Dwyer stated this all depends on whether we want to be spendthrifts or invest in the future. She stated the money does come from the taxpayers but the investment is on their behalf.

Councilor Coviello stated he agrees with Councilor Thorsen but we are a community on the Coast and there are a variety of things that could occur making disaster funds necessary. He stated we either have this set aside in an account or would have to produce that money quickly.

Councilor Novelline Clayburgh stated she is proud that we are in the situation to apply for a AAA rating stating that City Manager Bohenko has worked hard over the years to put us in that position and most other communities are not.

Councilor Kennedy stated she respects Councilor Thorsen's comments but to take it a step further, the Wastewater Treatment Facility is going to require millions of dollars to be bonded and we need to save now so that we can get the best rate when we go to bond. She stated she also would not like to go higher than the current 11.5%.

Motion voted.

X. CONSENT AGENDA

- A. Letter from Kristen Lyons, Sexual Assault Support Services, requesting permission to reschedule the 5th Annual 5K Race to Sunday, June 2, 2013 at 11:00 a.m. (*The Council previously approved this race for a different date*) (**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. Motion voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Barbara Engelbach, Moffatt-Ladd House Maintenance Chair, inquiring if non-profit museums could have tier billing as private residences for the watering of gardens

Councilor Smith moved to refer to the City Manager to include in the rate study, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated that this is regarding the item on the Agenda under her name so she will discuss it now. She stated that we need to look at providing non-profit museums a way to keep their gardens watered without the large fees that go with it because they help to draw tourists to the City. She stated this can be addressed through sustainable practices, water trucks, irrigation meters, etc.

Councilor Dwyer stated that the bill provided as an example was not as much as she was originally led to believe and is in line with what residents pay. She stated this is not just a museum but is their residence as well and feels we need to be careful in not singling out just one type of non-profit.

Councilor Coviello stated he agrees that this should be reviewed as part of the study, but it should be remembered that every discount given is added to everyone else's bill.

Motion voted.

- B. Letter from Elizabeth Moreau, Member, Islington Creek Neighborhood Association, requesting submitted stipulations be integrated with any renewal of the license for the 21 Brewster Street property

Assistant Mayor Lister moved to refer to the Legal Department for report back at the March 4, 2013 City Council meeting, seconded by Councilor Novelline Clayburgh.

City Manager Bohenko stated that if the Council wishes the suggested stipulations to be incorporated with the renewal license for 21 Brewster Street, he will work with the City Attorney to determine if they are in line with laws and ordinances and bring it back at the March 4th meeting.

Councilor Lown stated he will abstain from any votes on this issue due to a potential professional conflict.

Motion voted. Councilor Lown abstained.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Adoption of Capital Improvement Plan (CIP) FY2014-2019

Councilor Novelline Clayburgh moved to adopt the Capital Improvement Plan for FY 2014-FY2019, seconded by Councilor Coviello.

Councilor Thorsen stated he will be proposing a series of amendments for the purpose of adjusting the budgeted amount early on in the process. He stated if things need to be brought back then they can be. He stated he would like to see other Councilors bring forward amendments as well.

Councilor Thorsen moved to remove \$25,000.00 from FY14, BI-CD-10, Land Acquisition, seconded by Councilor Smith.

Councilor Novelline Clayburgh asked why we have this money set aside in each year of the CIP. City Manager Bohenko explained that if we are acquiring land with grant funds and need matching funding, it will be available.

Councilor Lown stated he looks at this the same way as the fund balance, as an investment in the future. Assistant Mayor Lister and Councilor Dwyer agreed.

Councilor Thorsen stated that if the money is needed for this purpose in the first year it can be brought forward for the council to add back, but he is trying to reduce Year I of this CIP down to \$1.1 million from the proposed \$1.5 million because it is more than it has ever been before. He stated that all of the items in the CIP can be justified but we have to start somewhere.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated that he agrees that all of the items are justifiable, but now the challenge is how to make it match the budgetary goal. He stated he likes the plan but feels that this should be done as part of the budget process in April and May.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

Councilor Kennedy stated she understands Councilor Thorsen's reasoning and will support some of his amendments. She agreed that the \$1.5 million is above what is usually presented and that dealing with this now gives the Council time to reflect on what this spending is doing to the citizens.

Assistant Mayor Lister stated he means no disrespect to Councilor Thorsen but feels that going through line items is not necessary as the City Manager and staff has put together this plan, which is a plan, to start the budget process.

Councilor Coviello stated that he is not in favor of making these amendments at this time, also preferring to wait until the budget process in April and May. He stated he ran for City Council because of the perceived tax breaks being achieved by not investing in the infrastructure which ultimately needs to be dealt. He stated that Portsmouth has been steady and predictable with tax increases close to inflation rates and he wants to continue to fund the CIP for infrastructure to avoid spikes in the future.

Councilor Kennedy stated she would love to debate this later as well but the Council has been asked to vote on this now. She also agrees that the Council shouldn't be making line item adjustments and should decide what bottom line amount they want to reduce by and let the City Manager and staff makes those decisions.

Councilor Smith stated he agrees with putting money aside yearly for land acquisition but feels that it can be put off one year.

Motion to amend FAILED on a 3-6 roll call vote. Councilors Kennedy, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted opposed.

Councilor Thorsen moved to send the CIP back to the City Manager to make adjustments to achieve \$1.1 million in General Fund for FY14, seconded by Councilor Kennedy.

Mayor Spear stated that if this is passed it will delay the budget schedule the Council previously set.

City Manager Bohenko clarified that he is in favor of the CIP as presented.

Councilor Dwyer asked what happens with the Planning Board if this is sent back. City Manager Bohenko stated they are out of the process at this point as they voted on the CIP that they presented.

Councilor Novelline Clayburgh stated she will not support this motion as this is her 6th budget process and feels that doing any amendments now would be doing it backwards.

Assistant Mayor Lister stated he will not support the cut either although he commends Councilor Thorsen and feels they all want to save the taxpayers money, he doesn't want to ignore the infrastructure.

Councilor Smith stated it is the wrong time to do an overall cut, but will gladly go line by line.

Councilor Lown stated he also respects Councilor Thorsen advocating for the taxpayer but feels they should do it later in the process when they can get feedback on the impact from the Department Heads.

Motion FAILED on a 2-7 vote, Councilors Kennedy and Thorsen voted in favor.

Councilor Thorsen moved to move \$75,000 from BI-PL-27, Master Plan Planning Process to FY 15, no second.

Councilor Thorsen moved to move \$50,000 from TSM City-07 Wayfinding System to FY 15, leaving 50,000 in FY 14, seconded by Councilor Kennedy.

Councilor Dwyer stated she would like to know what the consequences of pushing items back would be.

City Manager Bohenko stated that the idea of the CIP is to spread out the expense of items over several years. He continued that the Wayfinding project has been going on for several years and that there are positive results coming in the next year.

Councilor Smith stated that he agrees with the sentiments of moving things back a year or two but feels this project is a good thing for the citizens and downtown.

Motion failed on a 2-7 vote, Councilors Kennedy and Thorsen voted in favor.

Councilor Thorsen moved to move \$50,000 from FY14, VE-FD-06, SCBA Replacement Program, to FY16, NO SECOND.

Councilor Thorsen asked about BI-PW-22, City Hall Entry Way Accessibility Improvements, for \$100,000.00 and if it is just a placeholder. City Manager Bohenko stated that it is a CDBG allocation for ADA compliance which we have achieved throughout the community, but feels that City Hall is not a good example of being ADA compliant. He stated our entrance meets the requirements but it was built in 1987 and limited improvements have been made since that time. He stated that 2/3rds would be paid by the CDBG and it would be a complex project, but he feels it is necessary. No motion was made.

Councilor Thorsen moved to reduce FY 14, IS-IT-01, Information Technology Upgrades and Replacements – General Fund by \$100,000.00, seconded by Councilor Kennedy.

Councilor Thorsen stated he feels that the City should be looking to outside servers for the City instead of doing everything in-house.

Councilor Kennedy asked if we are taking steps to remove things from the City server such as utilizing "Cloud".

Information Technology Manager Alan Brady explained that they have looked into the Cloud based system and are utilizing YouTube for meeting videos on-line. He continued that there is a need to increase internet connectivity because if the internet goes down, productivity throughout the City government is affected. He stated they are also hesitant to use products before they have been time tested because they don't always do what they are supposed to do.

Councilor Coviello stated this isn't how these decisions should be made and the Council aren't experts on this subject. He stated the consultants who know the system are making this recommendation.

Motion FAILED on a 1-8 vote, Councilor Thorsen voted in favor.

Councilor Thorsen moved to remove \$100,000.00 from FY 14, VE-FD-01 – Ambulance Replacement, seconded by Councilor Kennedy.

Councilor Thorsen stated that ambulances do need to be replaced but feels that this corner can be cut for this year.

City Manager Bohenko explained that we need to maintain ambulances and the cost to do this is \$100,000.00 a year. He stated we need to replace when needed to maintain 3 ambulances for a stable and predictable service.

Councilor Smith stated he will not support this and related the recent issue with an ambulance that did breakdown. He stated this is a matter of public safety and is the foundation of what municipalities provide. He concluded by stating that the ambulance is also a revenue generator.

Motion FAILED on a 1-8 vote, Councilor Thorsen voted in favor.

Councilor Thorsen stated that he has no further motions but referred to the remainder of his list of "Other Revenue Sources" stating that just because we have revenue, doesn't mean we have to spend it.

Councilor Kennedy moved to remove \$45,000.00 from FY14, TSM City-04, Replacement of Parking Meters, seconded by Councilor Thorsen.

Councilor Kennedy stated that we need to look at these meters before we spend more money on them because people do not like them and feels we should research other types of meters.

Councilor Smith stated he will not support this as this is a maintenance issue. He stated the New Parking Division Director has already been directed to look at other options, but this is for maintenance.

Motion FAILED on a 2-7 vote, Councilors Kennedy and Thorsen voted in favor.

Motion to adopt the Capital Improvement Plan for FY 2014-2019 as presented passed on a 7-2 vote. Councilors Kennedy and Thorsen voted opposed.

2. Request to Renew Lease Agreement for Sons of Italy

Councilor Smith moved to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2013 through March 31, 2014, seconded by Councilor Lown. Motion voted 7-0. Councilors Coviello and Novelline Clayburgh abstained.

3. Town of Barrington Re: Land Conservation

Assistant Mayor Lister moved to support this project with an amount not to exceed \$5,000.00, seconded by Councilor Coviello.

Councilor Thorsen asked if this property was being sold freely or being taken by eminent domain.

Councilor Smith asked if the land will be used for recreational purposes as well or be restricted.

John Wallace, Chair of the Conservation Commission for the Town of Barrington stated that the land is being sold freely and will be a Conservation Easement. He stated that recreational activities will be allowed on the property.

Councilor Thorsen asked who will be responsible for maintaining the property. Mr. Wallace replied the Town of Barrington.

Motion voted.

4. Request for Easement Re: 32 Livermore Street

Councilor Lown moved to refer this proposed easement for an underground utility conduit on Livermore Street to the Planning Board for a report back, seconded by Councilor Kennedy. Motion voted.

5. Report Back Re: 21 Brewster Street Boarding House Permit

Councilor Thorsen moved to authorize the City Manager to bring back at the March 4th City Council meeting, permit renewals for 21 Brewster Street three month extension; one-year permit for 350-352 Hanover Street; and a one-year permit for 278 Cabot Street, seconded by Assistant Mayor Lister.

City Manager Bohenko reiterated that the City Attorney will also review the stipulations suggested by the Islington Creek Neighborhood Association and he will bring back all that are applicable at the next meeting.

Motion voted 8-0. Councilor Lown abstained.

Informational Items

1. Events Listing
2. Strawberry Banke Re: Skating Rink Proposal

City Manager Bohenko stated that Mr. Yerdon will be at the March 4th meeting to give a brief presentation on the overall concept of the skating rink proposal.

Councilor Kennedy stated that there is a gathering of the neighborhood on March 3rd regarding this issue and asked if the Council will be asked to contribute to the project in any way at the March 4th meeting because she would like people to be able to hear the presentation and for the Councilors to hear from them before making any commitments.

City Manager Bohenko stated there will be a presentation and he will be looking for direction from the Council as to whether the City will be interested to take part in some way, or not at all. He stated there will be no specific commitments on March 4th.

Councilor Kennedy would prefer to have the presentation at the March 18th meeting.

After some discussion, the consensus was to proceed with the presentation as scheduled on March 4, 2013.

Councilor Smith asked City Manager Bohenko to address the comments made by Mr. Carroll during the public comment session as to whether or not the Pease Development Authority had responded to the City Manager's letter.

City Manager Bohenko stated that he feels that the complaints are being heard and are being addressed, but he had not yet received a response back.

Councilor Thorsen stated he had written to Port Authority Director Marconi and did receive a thorough response from him.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Colby Gamester – Planning Board
 - Craig Welch – Portsmouth Housing Endowment Fund

Councilor Coviello asked for clarification that Mr. Welch's appointment to the Portsmouth Housing Endowment Fund Board is appropriate as the Portsmouth Housing Authority Director. Mr. Bohenko stated yes.

The aforementioned appointments were considered and will be voted at the March 4, 2013 City Council Meeting.

2. Appointments to be Voted:
 - Kelly Weinstein – Citywide Neighborhood Steering Committee
 - Lisa Louttit – Peirce Island Committee
 - J. Robert Shouse - Blue Ribbon Committee on Sustainable Practices

Councilor Lown moved to appoint Kelly Weinstein to the Citywide Neighborhood Steering Committee, term to expire 04/01/2015; Lisa Louttit to the Peirce Island Committee, term to expire 12/31/2013; and J. Robert Shouse to the Blue Ribbon Committee on Sustainable Practices, seconded by Assistant Mayor Lister. Motion voted.

C. ASSISTANT MAYOR LISTER

1. Defense of Marriage Act Re: Motion to Sign onto an Amicus Brief (***Sample motion***)

Assistant Mayor Lister moved to sign onto an amicus brief with other cities and employers in the Windsor v. United States of America lawsuit at the U.S. Supreme Court challenging the constitutionality of the Federal Defense of Marriage Act, seconded by Councilor Kennedy.

Assistant Mayor Lister read a prepared statement thanking Mr. Splaine for bringing this issue forward and urging the Council to support the motion.

Councilor Lown stated he doesn't think the Supreme Court will listen to the City of Portsmouth and the others who have signed the amicus brief, but feels as a general expression that the Defense of Marriage Act is unconstitutional and to support gay marriage he will support the motion.

Councilor Thorsen stated that the Federal Government is not the place to define marriage and feels it should be done at the State level. He stated he does have a reservation of voting on a document that he hasn't seen and for speaking on behalf of all citizens of the City of Portsmouth, so he is on the fence.

Motion voted unanimously.

D. COUNCILOR KENNEDY

1. Deduct Water Meters for Historical Museums (previously addressed)

E. COUNCILOR DWYER

1. Portsmouth's 400th Anniversary

Mayor Spear stated he recently received an invitation to the Portsmouth, Rhode Island 375th celebration and he realized that the City of Portsmouth, New Hampshire would be reaching its 400th Anniversary in the relatively near future (2023).

Councilor Dwyer stated that the 400th will be a major achievement of the City and will not belong to any one group to plan and feels that we should begin the process. She stated that it will involve a broad spectrum of citizenry and feels that goals should be set in order to accomplish an incredible celebration by that time.

Councilor Smith stated he wants a Blue Ribbon Committee established with subcommittees formed from there to involve the community in this huge undertaking. He stated he envisions this to involve Art Speak, Pro Portsmouth, Schools, etc. to celebrate the culture, history, etc. He stated that 9 years seems like a long time away, but this will require having a plan in place sooner than later in order to advertise the event.

Councilor Thorsen stated that this will be a national event and not just a party for the City as celebrating 400 years as a City in America is a tremendous achievement.

Councilor Kennedy agreed stating that she was here when Prince Charles came to Portsmouth to celebrate the 350th. She stated that there are certain things that need to be booked 5 years or so in advance such as the tall ships.

Mayor Spear stated that this will be discussed more in the future and feels that the talent of City staff should be included as well.

F. COUNCILOR THORSEN

1. Capital Improvement Plan (CIP) (previously addressed)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Spear asked to have a report back in the future regarding a final summation/analysis of the move of the Connie Bean Center to the new location at the Middle School. He stated he would like to hear about the economical impact, recreational impact and school programs.

Councilor Lown asked Councilor Smith to give an update as to the progress of the Parking Garage Selection as it stands with the Parking and Traffic Safety Committee and when will they report back with a recommendation.

Councilor Smith stated it is not going to be a quick process. He stated he has scheduled an informal public listening session on Saturday, February 23, 2013 from 10:00 a.m. to noon at Bagel Works. He stated this is for citizens to be able to speak more freely in an informal setting. He concluded by stating that the Parking and Traffic Safety Committee will hold their next work session on the Parking Garage Site Selection on Thursday, February 28, 2013 at 8:00 a.m. He stated he will ask the Committee for direction on when a report back may be submitted.

Councilor Kennedy stated it sounds as if the Parking and Traffic Safety Committee is progressing on the issue and commended Councilor Smith and the committee for their work.

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

Councilor Coviello moved to adjourn at 9:45 p.m., seconded by Assistant Mayor Lister. Motion voted unanimously.

Respectfully submitted:



Valerie A. French
Deputy City Clerk

FEB 23 2013

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

DATE: 20 FEBRUARY, 2013
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS

At the February 20th, 2013 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants:

1. Grants:

- A grant in the amount of \$8,580. from the NH Department of Highway Safety for Portsmouth DWI/DUI Patrols.
- A grant in the amount of \$12,168. from the NH Department of Highway Safety for Portsmouth Sobriety Checkpoints.
- A grant in the amount of \$7,436. from the NH Department of Highway Safety for Portsmouth Pedestrian Patrols.
- A grant in the amount of \$7,436. from the NH Department of Highway Safety for Portsmouth Red Light Running Patrols.
- A grant in the amount of \$7,436. from the NH Department of Highway Safety for Portsmouth Speed Enforcement Patrols.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

Respectfully submitted,



John F. Golumb, Chairman
Board of Police Commissioners



Stephen J. DuBois, Chief of Police

cc: Board of Police Commissioners
Finance Director Judie Belanger
Admin. Mgr. Karen Senecal
Budget Coordinator Tammie Perez

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received January 17, 2013	Project Number #308-13A-034
Date Approved January 17, 2013	PSP and Task # 13-12, 02

Part I

1. Project Title Portsmouth DWI/DUI Patrols	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant A. Name of Agency DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date: January 1, 2013 Termination Date: September 15, 2013	Functional Area K8 - 410 Alcohol SAFETEA-LU CFDA# 20.601 Program Title Alcohol Traffic Safety & Drunk Driving Preven Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$8,580.00	\$8,580.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$8,580.00	\$8,580.00			

Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100%</u> <u>(\$8,580.00)</u>

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received January 30, 2013	Project Number #308-13A-039
Date Approved January 30, 2013	PSP and Task # 13-12, 03

Part I

1. Project Title Portsmouth Sobriety Checkpoints (3)	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant A. Name of Agency DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date: January 1, 2013 Termination Date: September 15, 2013	Functional Area K8 - 410 Alcohol SAFETEA-LU CFDA# 20.601 Program Title Alcohol Traffic Safety & Drunk Driving Preven Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$12,168.00	\$12,168.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$12,168.00	\$12,168.00			



7. Local Benefit: It is anticipated that the federal share for local benefit will be: 100% (\$12,168.00)

Part II

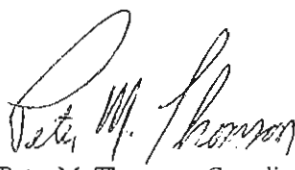
BUDGET AND PERSONNEL DATA		
Personnel Services (OVERTIME SOBRIETY CHECKPOINTS)		
Salary: 3 checkpoints x 8 officers x 6 hours/checkpoint x \$65.00/hour*	\$9,360.00	
Payroll-related deductions: \$9,360.00 x 30 percent	2,808.00	\$12,168.00
*includes 1 OIC and 1 safety officer		
*See Proposed Solution (page 3) for explanation of pay rates		
b. Current Expenses		
c. Equipment		
d. Indirect Costs and Audit Expense		
e. Contractual Services		
f. Travel Expenses		
Total		\$12,168.00

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Stephen J. DuBois	2) Title Chief, Portsmouth Police Department	3) Address 3 Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 610-7572
B. Authorized Official		
1) Name John P. Bohenko	2) Title Portsmouth City Manager	3) Address One Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 431-2000

Part IV (For HSA Use Only)

1. Approval Date January 30, 2013	2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$12,168.00	

SCHEDULE A
GENERAL PROJECT INFORMATION.

Description of Project

STATEMENT OF PROBLEM/NEED: The City of Portsmouth is home to many restaurants, bars, shops, and businesses. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623, and is the sixth oldest town in the United States.

Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, the Annual Market Square Day, the Annual Taste of the Nation at Strawberry Banke, fireworks, the Seacoast Jazz Festival, the Bow Street Fair (craft fair), the Folk and Acoustic Festival, the Arts Festival, and the Blues Festival.

The City of Portsmouth continues to grow as a major center of attraction for New Hampshire Seacoast residents and tourists visiting the state. Driving while impaired continues to be a problem on the roads traversing the City of Portsmouth. The night-life offered by numerous bars and restaurants creates an atmosphere that encourages the drinking of alcoholic beverages. Despite joint efforts with the NH Bureau of Liquor Enforcement, over-serving is commonplace. The direct result is a high number of impaired drivers leaving the city in motor vehicles while under the influence of intoxicating liquor. This poses a severe safety risk to the motoring public. Presently in the City of Portsmouth there are 87 establishments that serve alcohol and 42 establishments that sell alcohol. There is a need to conduct sobriety checkpoints in Portsmouth because of the number of establishments that sell and serve alcohol (129 total). Many of the bars and restaurants are frequented by college students from UNH on Thursday night (promo night).

Year	DWI Arrests	Calls For Service
2005	190	42,159*
2006	160	42,787*
2007	138	42,813*
2008	122	38,509*
2009	117	34,032*
2010	65	36,292*
2011	64	32,364*

*This number represents all CAD activity.

The majority of DWI arrests in Portsmouth occur on Thursday, Friday, Saturday, and holidays between the hours of 9:00 PM-3:00 AM. Drinking and driving is also a problem on Thursday nights because many establishments have promotional nights that offer half price drinks to attract patrons.

Although statistics show a decrease in DWI arrests over the last three years, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem through conducting sobriety checkpoints funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to establish enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

PROPOSED SOLUTION: In an effort to combat the DWI problem, the Portsmouth Police Department will hire, on an off-duty basis, officers who have completed training in the identification of intoxicated drivers. These fully trained officers, will conduct three (3) DWI sobriety checkpoint patrols (in accordance with State guidelines and the Sobriety Checkpoint Operational Guidelines (Revised 2012) made available during the 2012 "Sobriety Checkpoint for Supervisors" training offered by the NH Police Standards & Training Council or during training received from a qualified officer/member of the Sobriety Checkpoint Committee) on those evenings (Thursday, Friday, Saturday, and holiday evenings) and during those hours (9:00 PM - 3:00 AM) when the drunk driver is felt to be most prevalent. These will be small-scale sobriety checkpoints. Each checkpoint will involve eight (8) officers which includes an officer-in-charge and a safety officer on the above identified evenings and times. It is understood that one (1) overtime sobriety checkpoint will be conducted during NHTSA's "Driver Sober or Get Pulled Over" mobilization scheduled for August 16-September 2, 2013. Primary emphasis will be placed on apprehending the drunk driver; however, adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received	Project Number
January 30, 2013	#314-13A-003
Date Approved	PSP and Task #
January 30, 2013	13-07, 03

Part I

1. Project Title Portsmouth Pedestrian Patrols	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
---	---

3. Applicant	
A. Name of Agency DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration	Functional Area PS - Pedestrian/Bicycle Safety
A. Contract Period	CFDA# 20.600
Start Date: January 1, 2013	Program Title State & Community Highway Safety
Termination Date: September 15, 2013	Funding Source National Highway Traffic Safety Administratio

6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$7,436.00	\$7,436.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$7,436.00	\$7,436.00			


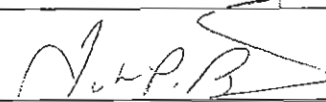
7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100%</u> (\$7,436.00)

Part II


BUDGET AND PERSONNEL DATA		
a. Personnel Services (OVERTIME PEDESTRIAN PATROLS)		
Salary: 22 patrols x 4 hours/patrol x \$65.00/hour	\$5,720.00	
Payroll-related deductions: \$5,720.00 x 30 percent	1,716.00	\$7,436.00
*See Proposed Solution (page 3) for explanation of pay rates		
b. Current Expenses		
c. Equipment		
d. Indirect Costs and Audit Expense		
e. Contractual Services		
f. Travel Expenses		
Total		\$7,436.00

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Stephen J. DuBois	2) Title Chief, Portsmouth Police Department	3) Address 3 Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 610-7572
B. Authorized Official		
1) Name John P. Bohenko	2) Title Portsmouth City Manager	3) Address One Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 431-2000

Part IV (For HSA Use Only)

1. Approval Date January 30, 2013	2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$7,436.00	

SCHEDULE A
GENERAL PROJECT INFORMATION

Description of Project

STATEMENT OF PROBLEM/NEED: The City of Portsmouth is home to many restaurants, bars, shops, and business. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623, and is the sixth oldest town in the United States.

The City of Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, the Annual Market Square Day, the Annual Taste of the Nation at Strawberry Banke, fireworks, the Seacoast Jazz Festival, the Bow Street Fair (craft fair), the Folk and Acoustic Festival, the Arts Festival, and the Blues Festival.

The Portsmouth Middle School is in close proximity to the downtown area. During the school year there are six early release days when the students are dismissed at 11:00 AM. Many of these students are unsupervised as they walk to the downtown area saturated with pedestrians who are "j-walking" and ignoring signage at crosswalks, as well as motorists not stopping for pedestrians using crosswalks. The problem of pedestrian violations occurs daily (Sunday through Saturday) and is prevalent between the hours of 6:00 AM and 9:00 PM Monday through Friday and on Saturday and Sundays from 11:00 AM-7:00 PM. Many people are visiting these stores, shops, or businesses from the time these shops open until they close. Business owners typically are getting their establishments ready for business during early morning hours and can be found crossing streets in Portsmouth early.

Crashes With Pedestrians

Year	MV Crashes at Crosswalks
2009	8
2010	10
2011	10

Pedestrian Violations

Year	Speed Warnings	Speed Summonses	Calls For Service	Personnel Shortage
2009	34	6	34,032	7
2010	11	6	36,292	11
2011	2	2	32,364	16

During some of the major events (Chowder Festival, the Annual Market Square Day) vendors are setting up very early (6:00 AM) and a large influx of people (pedestrians) visit vendors throughout the day into the evening hours.

Although statistics show a decrease in pedestrian warnings and summonses over the last three years, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to establish enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

PROPOSED SOLUTION: In an effort to combat the problems being experienced with pedestrian violations, the Portsmouth Police Department will hire, on an off-duty basis, officers to work one-man overtime pedestrian enforcement patrols (22 4-hour shifts) on those days and during those times (Monday-Friday 6:00 AM-9:00 PM and Saturday and Sunday 11:00 AM-7:00 PM) when the violations are felt to be most prevalent. Adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.

ANTICIPATED RESULTS: Intense enforcement and visibility will result in a continuing perception that the Portsmouth Police Department takes pedestrian safety seriously. The goal is to increase the number of motor vehicle stops and to create a high visibility deployment effort at crosswalk locations. It is anticipated that for each four-hour patrol conducted that one (1) summonses and three (3) warnings will be issued for pedestrian violations.

(over)

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire
Highway Safety Agency
Regional Drive, Building 2
Concord, NH 03301-8530

Date Received January 30, 2013	Project Number #315-13A-114
Date Approved January 30, 2013	PSP and Task # 13-03, 13

Part I

1. Project Title Portsmouth Red Light Running Patrols	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
--	---

3. Applicant	
A. Name of Agency Portsmouth Police Department	DUNS Number 073976706
B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511	
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date: January 1, 2013 Termination Date: September 15, 2013	Functional Area PT - Police Traffic Services CFDA# 20.600 Program Title State & Community Highway Safety Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds

Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$7,436.00	\$7,436.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$7,436.00	\$7,436.00			

7. Local Benefit:

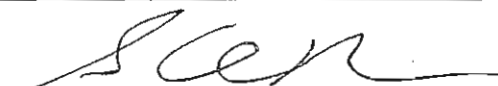
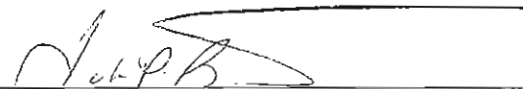
It is anticipated that the federal share for local benefit will be: 100% (\$7,436.00)

Part II

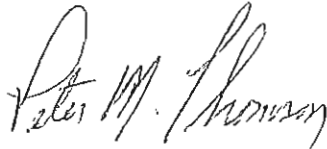
BUDGET AND PERSONNEL DATA		
Personnel Services (OVERTIME RED LIGHT RUNNING ENFORCEMENT)		
Salary: 22 patrols x 4 hours/patrol x \$65.00/hour	\$5,720.00	
Payroll-related deductions: \$5,720.00 x 30 percent	1,716.00	\$7,436.00
*See Proposed Solution (page 3) for explanation of pay rates		
b. Current Expenses		
c. Equipment		
d. Indirect Costs and Audit Expense		
e. Contractual Services		
f. Travel Expenses		
Total		\$7,436.00

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Stephen J. DuBois	2) Title Chief, Portsmouth Police Department	3) Address 3 Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 610-7572
B. Authorized Official		
1) Name John P. Bohenko	2) Title Portsmouth City Manager	3) Address One Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 431-2000

Part IV (For HSA Use Only)

1. Approval Date January 30, 2013	2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$7,436.00	

SCHEDULE A
GENERAL PROJECT INFORMATION

Description of Project

STATEMENT OF PROBLEM/NEED: The City of Portsmouth is home to many restaurants, bars, shops, and businesses. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623 and is the sixth oldest town in the United States.

The City of Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, the Annual Market Square Day, the Annual Taste of the Nation at Strawberry Banke, fireworks, the Seacoast Jazz Festival, the Bow Street Fair (craft fair), the Folk and Acoustic Festival, the Arts Festival, and the Blues Festival.

Arterial ways throughout the City of Portsmouth handle a heavy volume of traffic. Motorists are not only residents, but also business travelers and tourists who are unfamiliar with the roadways and numerous traffic intersections guarded by both stop signs and traffic signal lights. Red light violators pose one of the most dangerous and hazardous situations for motorists and pedestrians. Lack of enforcement at intersections causes motorists to take risks and speed up to beat the red light creating the potential for crashes.

"Red light runners" are typically those motorists who are rushing to get to work on time, are trying to get to planned events or activities in Portsmouth, or going to the mall. The problem of "Red Light Running" occurs at intersections located throughout the City of Portsmouth Monday through Friday between the hours of 6:00-10:00 AM and evenings from 3:00-7:00 PM and on Saturday and Sunday from 10:00 AM-5:00 PM.

Year	Crashes at Intersections	Calls For Service	Red Light Warnings	Red Light Summonses
2009	319	34,032	657	190
2010	306	36,292	634	226
2011	248	32,364	477	84

Although statistics show a decrease in red light summonses and warnings over the last three years, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to established enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

PROPOSED SOLUTION: In an effort to combat the problems being experienced with red light running/stop sign violations, the Portsmouth Police Department will hire, on an off-duty basis, officers to work one-man overtime enforcement patrols (22 4-hour shifts) on those days and during those times (Monday-Friday 6:00-10:00 AM and 3:00-7:00 PM and Saturday and Sunday 10:00 AM-5:00 PM) when the violations are felt to be most prevalent. Adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. **It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.**

ANTICIPATED RESULTS: Intense enforcement and visibility will result in a continuing perception that the Portsmouth Police Department is aggressively enforcing these dangerous intersection violations. The goal is to increase the number of motor vehicle stops and to create a high visibility effort throughout the city. It is anticipated that each four-hour patrol will result in a minimum of 8-10 summonses/warnings for traffic control device violations which will have a deterrent effect on other driving violations.

ADDITIONAL CONTRACT CONDITIONS: It is agreed that "Overtime Selective Traffic Enforcement Program Report" forms (HS-200) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement.

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 6 must be restrained and properly secured in an approved child passenger safety seat. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received January 30, 2013	Project Number #315-13A-115
Date Approved January 30, 2013	PSP and Task # 13-03, 02

Part I

1. Project Title Portsmouth Enforcement Patrols	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
--	---

3. Applicant	
A. Name of Agency Portsmouth Police Department	DUNS Number 073976706
B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511	
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration	Functional Area SC - Speed-Control
A. Contract Period	CFDA# 20.600
Start Date: January 1, 2013	Program Title State & Community Highway Safety
Termination Date: September 15, 2013	Funding Source National Highway Traffic Safety Administration

6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$7,436.00	\$7,436.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$7,436.00	\$7,436.00			

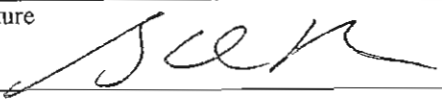
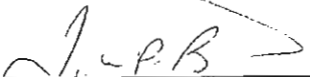
7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100%</u> <u>(\$7,436.00)</u>
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Part II

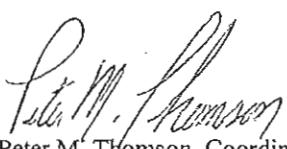
BUDGET AND PERSONNEL DATA		
a. Personnel Services (OVERTIME ENFORCEMENT PATROLS)		
Salary: 22 patrols x 4 hours/patrol x \$65.00/hour	\$5,720.00	
Payroll-related deductions: \$5,720.00 x 30 percent	1,716.00	\$7,436.00
*See Proposed Solution (page 3) for explanation of pay rates		
b. Current Expenses		
c. Equipment		
d. Indirect Costs and Audit Expense		
e. Contractual Services		
f. Travel Expenses		
Total		\$7,436.00

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Stephen J. DuBois	2) Title Chief, Portsmouth Police Department	3) Address 3 Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 610-7572
B. Authorized Official		
1) Name John P. Bohenko	2) Title Portsmouth City Manager	3) Address One Junkins Avenue Portsmouth, NH 03801
4) Signature 		5) Telephone Number 431-2000

Part IV (For HSA Use Only)

1. Approval Date January 30, 2013	2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$7,436.00	

**SCHEDULE A
GENERAL PROJECT INFORMATION**

Description of Project

STATEMENT OF PROBLEM/NEED: The City of Portsmouth is home to many restaurants, bars, shops, and business. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623, and is the sixth oldest town in the United States.

Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, the Annual Market Square Day, the Annual Taste of the Nation at Strawberry Banke, fireworks, the Seacoast Jazz Festival, the Bow Street Fair (craft fair), the Folk and Acoustic Festival, the Arts Festival, and the Blues Festival.

Two consecutive public surveys conducted in the City of Portsmouth by a research group from the University of New Hampshire have identified speeding motorists as the major concern of Portsmouth residents as related to police services.

Excessive speed is a problem and citizen complaints are frequent. Speeding motorists are commuting to and from jobs located in Portsmouth (i.e. Portsmouth Naval Shipyard, Liberty Mutual Insurance, Columbia HCA Hospital, etc.) Monday through Friday from 6:00-10:00 AM and 3:00-7:00 PM or are speeding to events or the many shopping establishments located in Portsmouth Saturday and Sunday from 10:00 AM-5:00 PM. National statistics show that excessive speed contributes to an increase in injury resulted crashes.

Through monitoring citizen complaints as well as conducting Stealth Stat Surveys, the following streets have been identified as having excessive speeding problems: South Street, Ocean Road, Aldrich Road, Pleasant Street, Islington Street, Lafayette Road, Woodbury Avenue, Maplewood Avenue, Market Street, Elwyn Road, Greenland Road, and Middle Road.

Year	Speed Warnings	Speed Summonses	Calls For Service	Personnel Shortage
2009	1,563	239	34,032	7
2010	916	172	36,292	11
2011	736	111	32,364	16

Although statistics show a decrease in speed violations, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem of speeding motorists through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to establish enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

PROPOSED SOLUTION: In an effort to combat the problems being experienced with motor vehicle violations, the Portsmouth Police Department will hire, on an off-duty basis, officers to work one-man overtime enforcement patrols (22 4-hour shifts) on those days and during those times (Monday-Friday 6:00-10:00 AM and 3:00-7:00 PM and Saturday and Sunday from 10:00 AM-5:00 PM) when the violations are felt to be most prevalent. Adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.

ANTICIPATED RESULTS: Intense enforcement and visibility will result in a continuing perception that the Portsmouth Police Department takes the offense of speeding seriously and vigorously enforces speed limits throughout the city. The goal is to increase the number of motor vehicle stops and to create a high visibility deployment effort on the identified streets. It is anticipated that each four-hour patrol conducted will result in five (5) summonses and ten (10) warnings being issued.

ADDITIONAL CONTRACT CONDITIONS: It is agreed that "Overtime Selective Traffic Enforcement Program Report" forms (HS-200) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement.

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 6 must be restrained and properly secured in an approved child passenger safety seat. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

M E M O R A N D U M

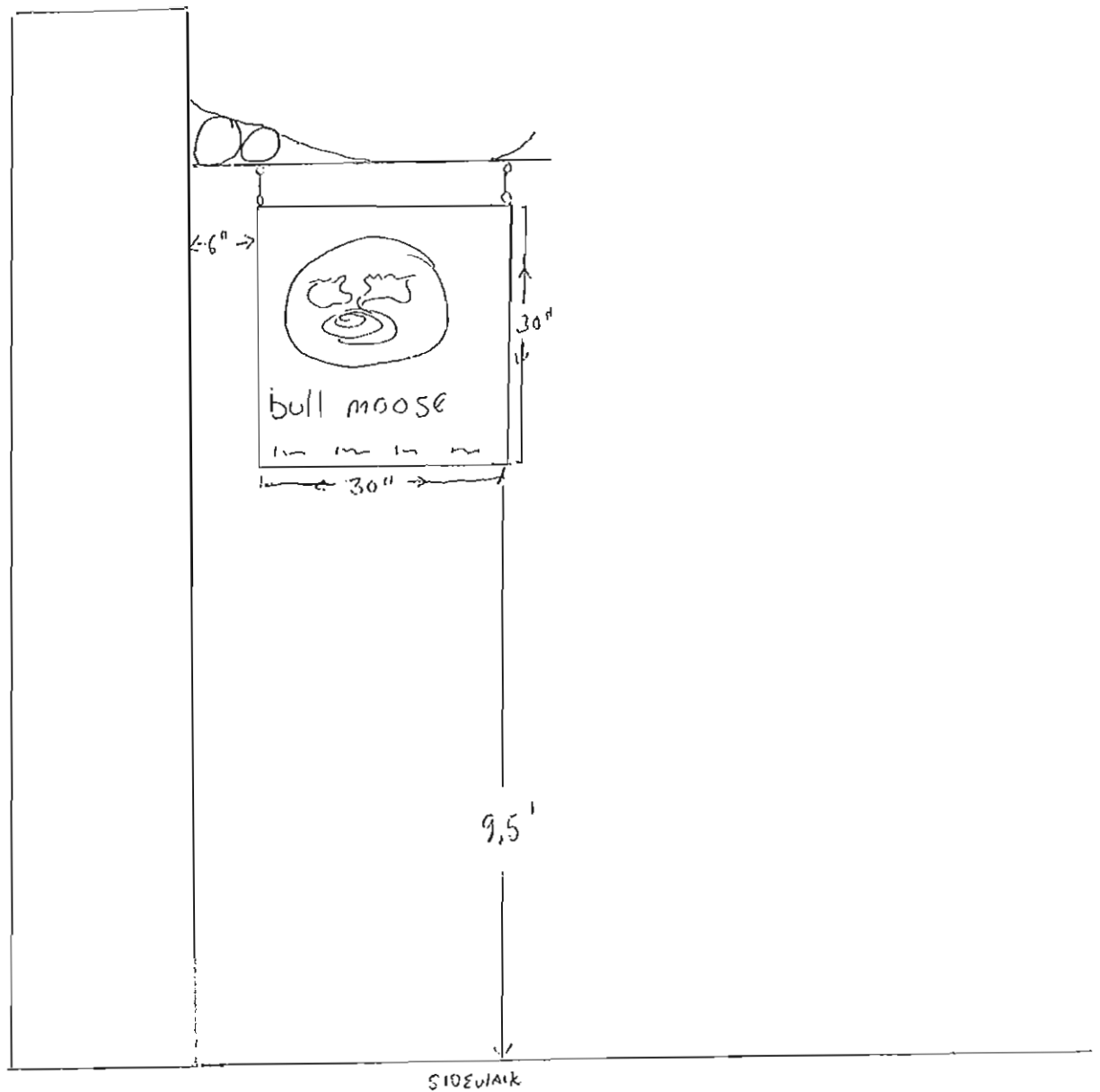
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director
DATE: February 25, 2013
RE: City Council Referral – Projecting Sign
Address: 82 - 86 Congress Street
Business Name: Bull Moose Music
Business Owner: Mark McNabb

Permission is being sought to install two identical projecting signs, as follows:

Each sign dimension: 30" x 30"
Each sign area: 6.25 sq. ft.
Height from sidewalk to bottom of each sign: 9' 6"
Maximum protrusion from building: 36 in.

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

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



(Least sidewalk width is @ "sign #1") :

$$\text{sidewalk} = \frac{109.2}{3} = 36.4''$$

$$\text{projection/sign } 6 + 30 = 36'' (< 36.4) \checkmark$$



bull moose

Movies, Music, Video, Games

CINEMA



Prescott Park Arts Festival
P.O. Box 4370
Portsmouth, NH 03802
603.436.2848

February 15, 2013

Ben Anderson
Executive Director

Catherine Wejchert
Development Coordinator

City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03872

FEB 26 2013

Sandi Hennequin
President

Claudette Barker
Vice President

Alison Moore
Secretary

Matt Williams
Treasurer

Board of Directors

Katharine Crawford
Aileen Dugan
Everett Eaton
Nancy London
Dan Plummer
Cathy Sununu

Advisory Board

Eleonora Bohenko
Tom Dwyer
Ernie Greenslade
Sheri Keniston
James Lainond
Corinne Norris

Dear Mayor Spear and City Council Members,

The Prescott Park Arts Festival would like to request permission to briefly (15 minutes) stop traffic crossing Memorial Bridge with appropriate police force on Saturday, October 12 at approximately 10am, and in accordance with NH DOT and the Town of Kittery.

Keith Cota and Bob Landry, NH DOT, have indicated willingness to assist should proper approvals be received from the City of Portsmouth.

This proposed closure would allow the Memorial Bridge Road Race to start at the Kittery foot of the bridge, and have runners cross immediately and quickly, while still in a single group formation, minimizing interference with regular traffic and bridge operations, and maximizing public and participant safety.

The Memorial Bridge Road Race is a collaborative effort between the Prescott Park Arts Festival and the Community Child Care Center of Portsmouth, offered to the community as part of the Portsmouth Community Road Race Series. After crossing the Memorial Bridge, the race would follow the regular Harbor Trail 5k race course.

We understand the extent of the logistics involved, and are prepared to dedicate the resources needed to ensure it is a smooth-running, family and fun event.

It is our intent to use this event to help celebrate and welcome back the Memorial Bridge, and help renew its prominence in our community.

Please do not hesitate to contact me, 436-2848, should need any additional information or have any questions.

Thank you for your continued support.

Sincerely,

Ben Anderson
Executive Director

cc: John Bohenko, City Manager



12-0960-1
February 25, 2009

Hon. Eric Spear, Mayor and
Members of the Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: **Request for Urbanized Shoreland Exemption**
Tax Map 124 Lot 10
299 Vaughan Street
Portsmouth, New Hampshire

Dear Mayor Spear and Members of the City Council:

On behalf of 299 Vaughan Street, LLC, we are pleased to submit the following information to support a municipal request for Urbanized Shoreland Exemption Pursuant to RSA 483-B:12 of the State of New Hampshire Comprehensive Shoreland Protection Act (CSPA) for the above reference properties:

- Request for Shoreland Exemption Pursuant to RSA 483-B:12 dated February 25, 2013

The purpose of this correspondence and enclosures is to request that the Portsmouth City Council determine that the necessary special local urbanization conditions exist for the subject parcel located at 299 Vaughan Street to support a municipal request for exemption from the CSPA.

The applicant respectfully requests the Council vote in favor of the Shoreland Exemption in order for a municipal parking lot to be constructed. Upon receipt of a favorable ruling from the Portsmouth City Council, a municipal request for exemption shall be forwarded to the Commissioner of the Department of Environmental Services for approval.

We appreciate the opportunity to submit the enclosed information to the Portsmouth City Council and trust that it is sufficient to support a municipal request for exemption. If you have any questions, or require additional information, please feel free to contact me.

Very truly yours,

Patrick M. Crimmins, P.E.
Senior Engineer

J:\C\C0960 Cathartes - Portsmouth, NH 299 Vaughan Street\ADMIN\1209601-005(Exemp_Cover Letter).Doc

Enclosures

Cc: Jeff Johnston, Cathartes Private Investments
Tim Levine, Old Harbor LLC
Peter Britz, City Environmental Planner



REQUEST FOR SHORELAND EXEMPTION

Municipal Parking Lot
299 Vaughan Street
Portsmouth, New Hampshire

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- Approved C
 - Standard Boundary Survey for Tax Map 124 Lot 10 prepared by Ambit Engineering, Inc. dated August 26, 2008
 - Site Plan Last Revised February 18, 2013

REQUEST FOR SHORELAND EXEMPTION
PURSUANT TO RSA 483-B:12

Tax Map 124 Lot 10
299 Vaughn Street
Portsmouth, New Hampshire

Background

The existing property depicted on the City of Portsmouth Tax Map 124 as Lot 10 is the subject parcel for which an Urbanized Shoreland Exemption is requested.

The subject parcel is 38,362 SF (.88 Acres). The property is owned by GSM Realty Trust of 227 Market Street, Portsmouth, New Hampshire 03801. The property currently consists of two (2) vacant buildings, pavement and an old railroad spur. The parcel is located in the Central Business A (CBA) District, the Historic District and Downtown Overlay District.

The existing parcel is located at 299 Vaughn Street and is bounded by Vaughn Street to the southwest, an existing building at 319 Vaughn Street to the northwest, an existing building at 53 Green Street to the northeast and an existing building at 255 Vaughn Street and Green Street to the southeast.

There is a proposed project for the subject parcel that consists of the demolition of the two (2) existing buildings and the construction of a 90 space municipal surface parking lot. The co-applicants for the proposed project are 299 Vaughn Street, LLC of 31 Milk Street, Suite 501, Boston, Massachusetts 02109 and the City of Portsmouth, 1 Junkins Avenue, Portsmouth, New Hampshire 03801.

The project is currently in the process of obtaining Site Plan Review, Conditional Use and Historic District Commission (HDC) permit approvals in order to begin construction in the Spring of 2013 and to be completed in the Summer 2013.

Due to its close proximity to North Mill Pond, the project site is located within the 250 foot Shoreland Protection Zone as regulated by the State of New Hampshire Comprehensive Shoreland Protection Act (CSPA).

It is anticipated the proposed project does not comply with RSA 483-B due to the special local urbanization conditions of the properties (see Appendix A) and thus meets the criteria to be granted an Urbanized Shoreland Exemption under RSA 482-B:12. Pursuant to RSA 482-B:12, the "governing body of the municipality may, in its discretion, request the commissioner exempt from all or a portion of the protected Shoreland within its boundaries from the provisions of this chapter if the governing body finds the special local urbanization conditions exist in the protected Shoreland for which the exemption is sought" (see Appendix A).

The subject properties have been historically developed for industrial use dating back to the 19th century. The attached Appendix B includes photographs, maps and plans that document the historic and existing conditions of the subject parcels:

- Figure 1: Site Location Map
- Figure 2: City of Portsmouth Tax Map
- Figure 3: Aerial Photograph of Existing Site
- Figure 4: Bird's Eye View Photo of Existing Site

- Figure 5: Photographs of the Existing Site
- Figure 6: Map of Portsmouth 1850
- Figure 7: Map of Portsmouth 1857
- Figure 8: Bird's Eye View of Portsmouth 1877
- Figure 9: USGS Map of Portsmouth 1952
- Figure 10: Aerial Photo of the Site 1992

Criteria for Urbanized Shoreland Exemption

The following describes how the subject parcel meets the criteria for Urbanized Shoreland Exemption as outlined in the provisions of RSA 483-B:12:

(a) Current and past building density: The subject parcel is a developed site in downtown Portsmouth and is located in the CBA District. The figures enclosed in Appendix B demonstrate the historic and existing patterns of industrial use. The subject property is clearly urbanized as defined by NHDES and a municipal parking lot is permitted in the CBA District as described by the City of Portsmouth Zoning Ordinance. Dating back to the 18th century, the subject property has been fully developed with surrounding buildings in close in proximity.

(b) Commercial or industrial uses: High densities of industrial uses have existed along the Shoreland area. Historically, the subject parcels were used as industrial services to support the water front needs of Portsmouth. The subject parcels now consists of two (2) vacant buildings, pavement and an old railroad spur. The figures included in Appendix B demonstrate the subject parcels are located in an area that is urbanized industrial waterfront.

(c) Municipal and other public utilities: The subject parcel has frontage along two (2) City streets, Vaughan Street and Green Street (see Appendix C) that include municipal water and sewer services and public utilities such as natural gas, electric and telephone services. The proposed project includes the construction of a municipal parking lot. A portion of the parking lot drainage system will tie into the municipal drainage system in Vaughan Street.

(d) Current municipal land use regulations which affect the protected shoreland: The City of Portsmouth has enacted comprehensive land use regulations which affect the development along the protected shoreland. The regulations include, but are not limited to, the Zoning Ordinance, Site Review Regulations, Subdivision Regulations and the Historic District Regulations. The subject parcel and its surrounding waterfront area are located in the CBA District as defined by the City of Portsmouth Zoning Ordinance which permits the construction of a municipal parking lot. The CBA District contains no frontage, front yard, side yard or rear yard setback requirements and therefore permits high density development along the water front.

Summary

For reasons noted above, it is respectfully submitted that the subject parcel depicted on the City of Portsmouth Tax Map 124 Lot 10 meets the criteria for the granting of a Shoreland Exemption pursuant to RSA 483:B-12.

The applicant respectfully requests the Portsmouth City Council vote in favor of a municipal request for Shoreland Exemption in order to allow the proposed municipal parking lot project to move forward upon granting of the local approvals noted above.

TITLE I
WATER MANAGEMENT AND PROTECTION
CHAPTER 483-B
COMPREHENSIVE SHORELAND PROTECTION ACT

Section 483-B:12

483-B:12 Shoreland Exemptions. –

I. The governing body of a municipality may, in its discretion, request the commissioner to exempt all or a portion of the protected shoreland within its boundaries from the provisions of this chapter if the governing body finds that special local urbanization conditions exist in the protected shoreland for which the exemption is sought.

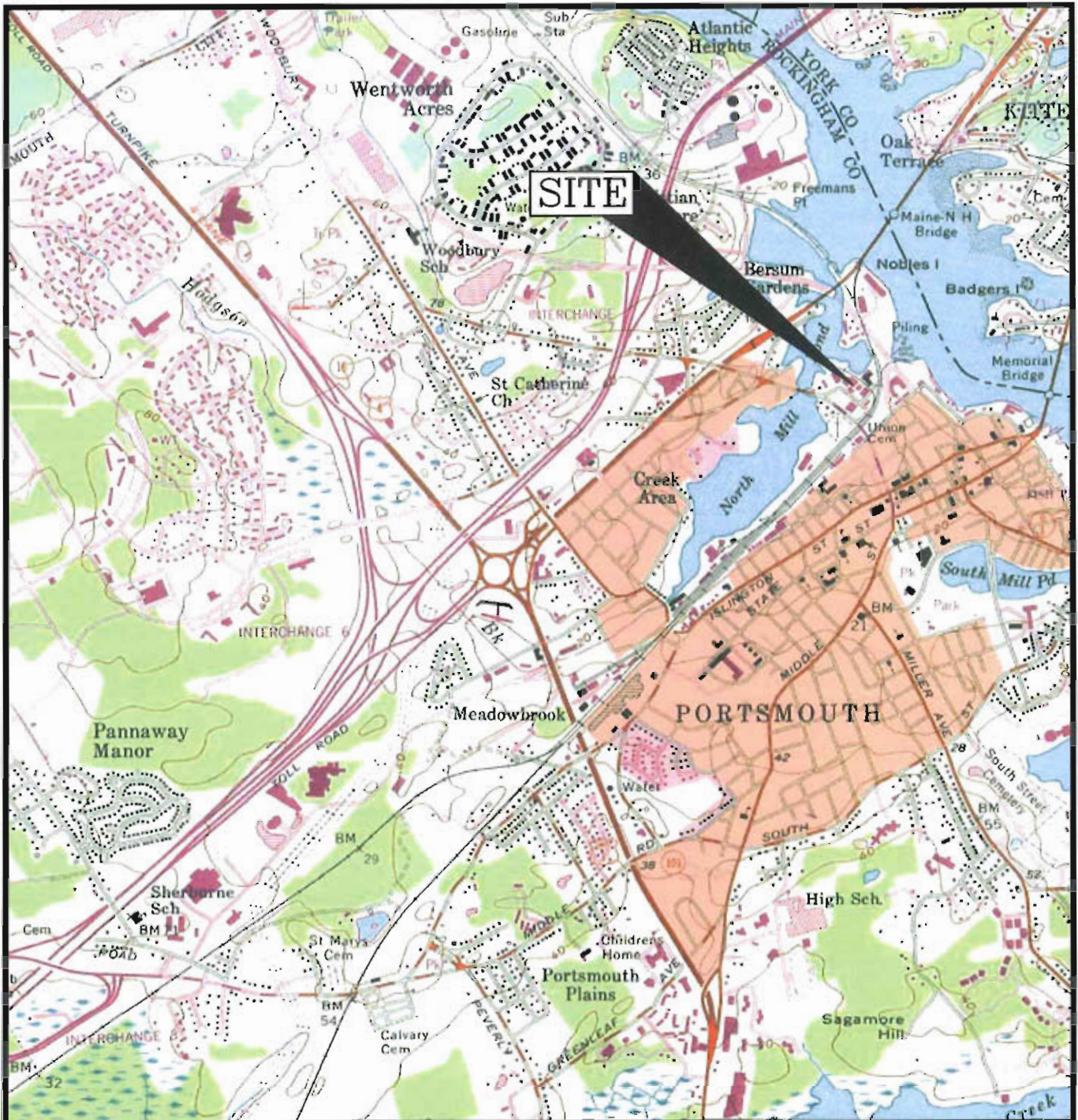
II. If the governing body of a municipality requests such an exemption, it shall submit evidence of existing and historical patterns of building and development in the protected shoreland. Such evidence shall address:

- (a) Current and past building density.
- (b) Commercial or industrial uses.
- (c) Municipal or other public utilities.
- (d) Current municipal land use regulations which affect the protected shoreland.
- (e) Any other information which the commissioner may reasonably require.

III. With the advice of the office of energy and planning, the commissioner shall approve or deny the request for an exemption and shall issue written findings in support of his decision. A request for an exemption shall be approved only if the municipality demonstrates, using the evidence required under paragraph II, that special conditions of urbanization exist along the portion of shoreland to be exempted.

IV. The Pease development authority, division of ports and harbors may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA 12-G:39.

Source. 1991, 303:1. 2001, 290:15, eff. July 1, 2001. 2003, 319:9, eff. July 1, 2003. 2004, 257:44, eff. July 1, 2004.



Tighe & Bond
 Consulting Engineers
 Environmental Specialists

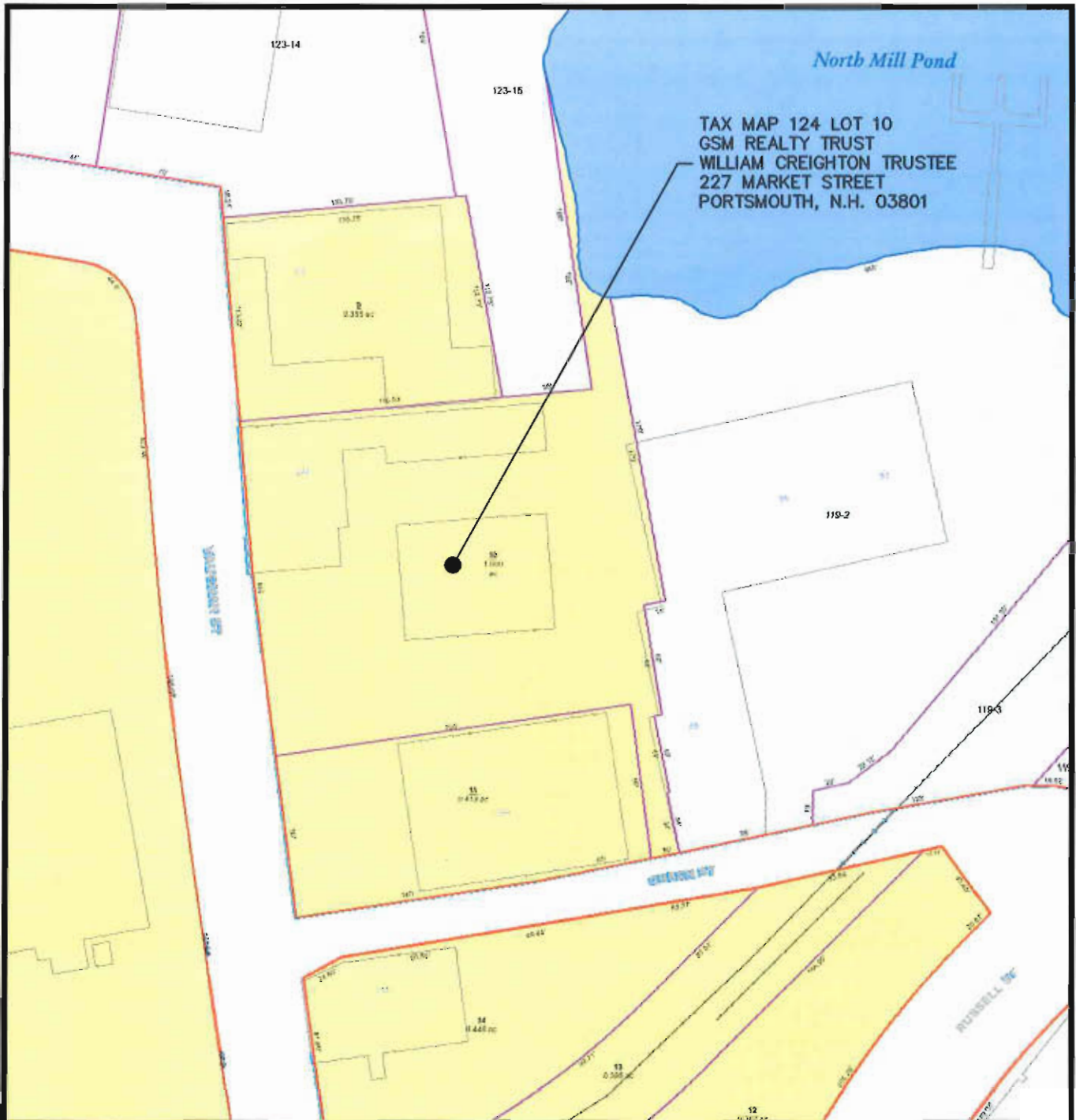
177 Corporate Drive
 Portsmouth, New Hampshire 03801
 (603) 433-8818

SITE LOCATION MAP

299 Vaughn Street
 Portsmouth, New Hampshire

FIGURE 1

DATE: FEBRUARY 19, 2013
 PROJECT NO: C-0960
 FILE NO: C-0980_HISTORIC_MAPS.dwg



Tighe & Bond
*Consulting Engineers
 Environmental Specialists*

177 Corporate Drive
 Portsmouth, New Hampshire 03801
 (603) 433-8818

CITY OF PORTSMOUTH TAX MAP

299 Vaughn Street
 Portsmouth, New Hampshire

FIGURE 2

DATE: FEBRUARY 19, 2013
 PROJECT NO: C-0960
 FILE NO: C-0960_HISTORIC_MAPS.dwg



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*Consulting Engineers
Environmental Specialists*

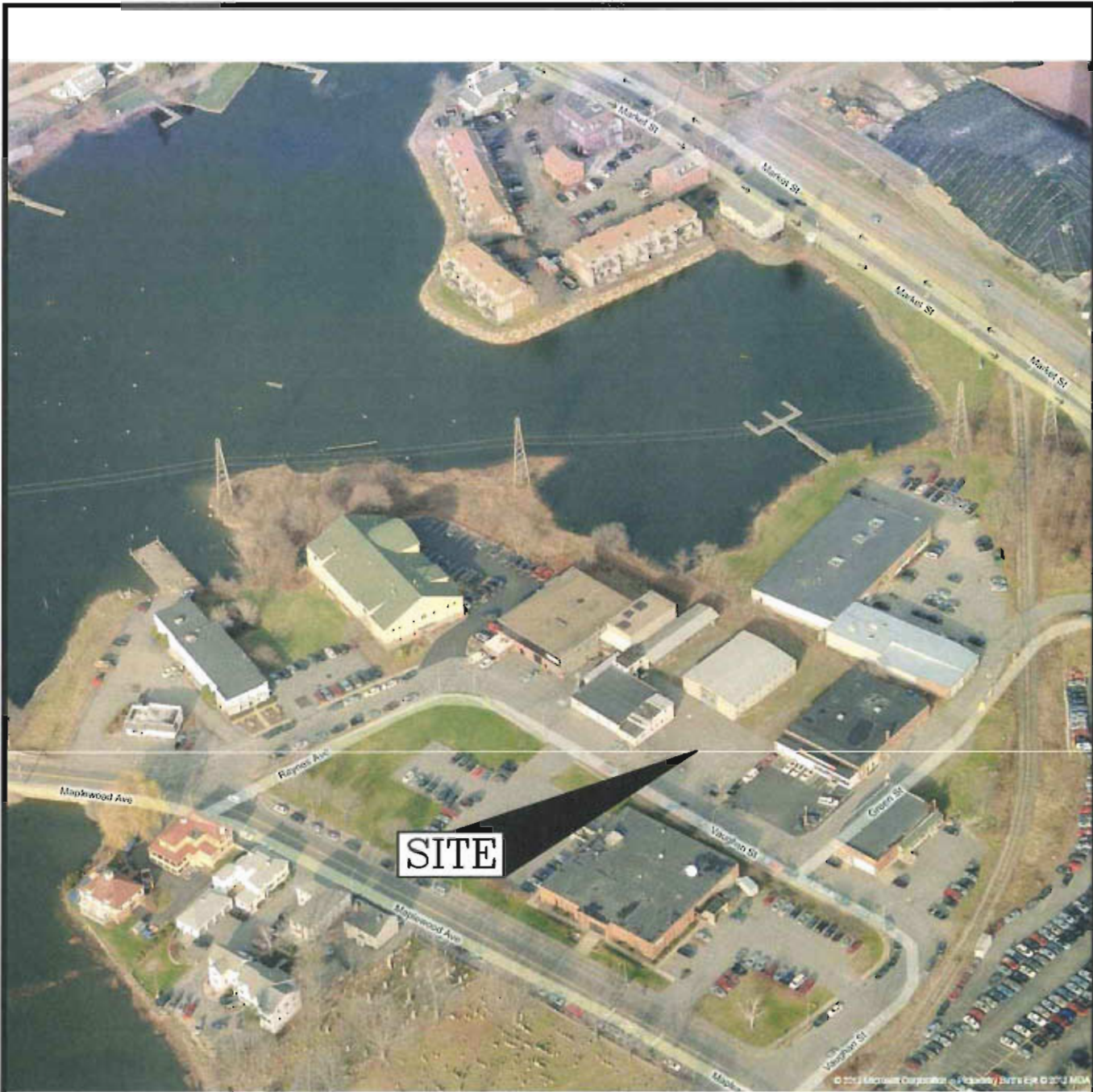
177 Corporate Drive
Portsmouth, New Hampshire 03801
(603) 433-8818

AERIAL PHOTO OF THE EXISTING SITE

299 Vaughn Street
Portsmouth, New Hampshire

FIGURE 3

DATE: FEBRUARY 19, 2013
PROJECT NO: C-0960
FILE NO: C-0980_HISTORIC_MAPS.dwg



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*Consulting Engineers
 Environmental Specialists*

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 Portsmouth, New Hampshire 03801
 (603) 433-8818

BIRD'S EYE VIEW OF EXISTING SITE

299 Vaughn Street
 Portsmouth, New Hampshire

FIGURE 4

DATE: FEBRUARY 19, 2013
 PROJECT NO: C-0960
 FILE NO: C-0960_HISTORIC_MAPS.dwg



PHOTOGRAPH 1: LOOKING NORTH EAST AT EXISTING SITE



PHOTOGRAPH 2: LOOKING NORTH AT EXISTING SITE

Tighe & Bond
*Consulting Engineers
Environmental Specialists*

177 Corporate Drive
Portsmouth, New Hampshire 03801
(603) 433-8818

PHOTOGRAPHS OF THE EXISTING SITE

299 Vaughn Street
Portsmouth, New Hampshire

FIGURE 5

DATE: FEBRUARY 19, 2013
PROJECT NO: C-0960
FILE NO: C-0960_HISTORIC_MAPS.dwg



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 Environmental Specialists

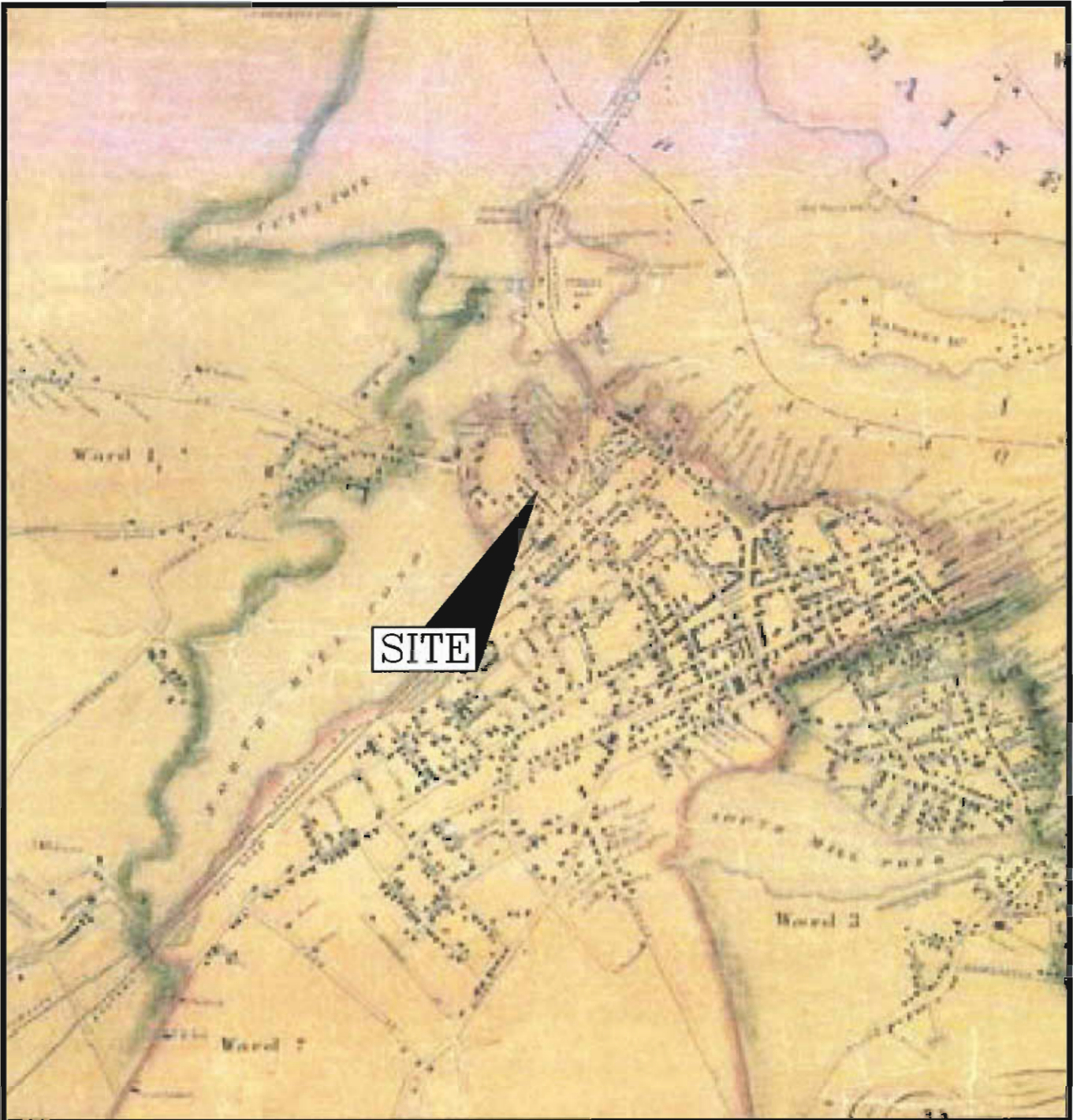
177 Corporate Drive
 Portsmouth, New Hampshire 03801
 (603) 433-8818

MAP OF PORTSMOUTH 1850

299 Vaughn Street
 Portsmouth, New Hampshire

FIGURE 6

DATE: FEBRUARY 19, 2013
 PROJECT NO: C-0960
 FILE NO: C-0960_HISTORIC_MAPS.dwg



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Environmental Specialists

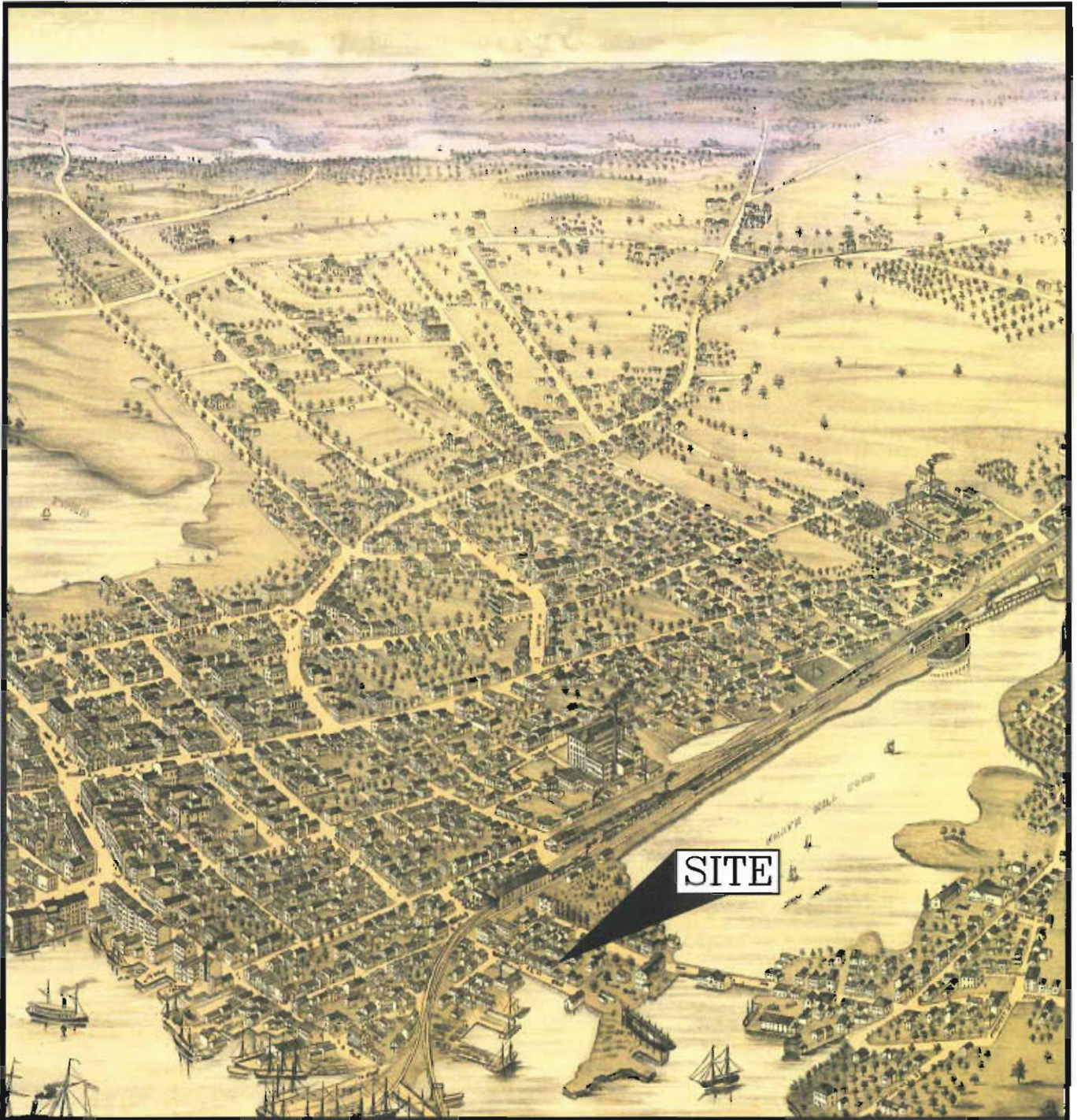
177 Corporate Drive
Portsmouth, New Hampshire 03801
(603) 433-8818

MAP OF PORTSMOUTH 1857

299 Vaughn Street
Portsmouth, New Hampshire

FIGURE 7

DATE: FEBRUARY 19, 2013
PROJECT NO: C-0960
FILE NO: C-0960_HISTORIC_MAPS.dwg



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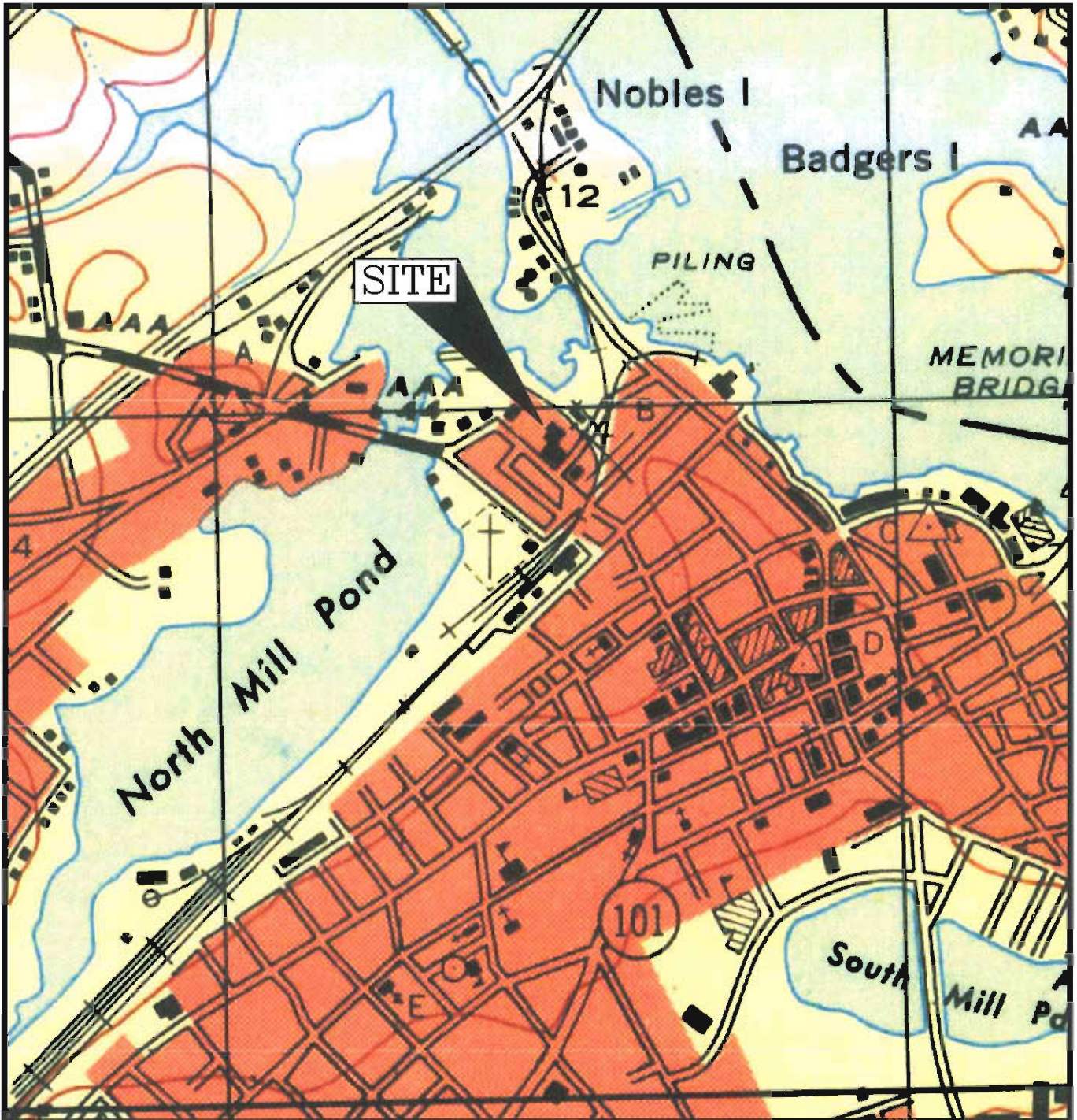
177 Corporate Drive
Portsmouth, New Hampshire 03801
(603) 433-8818

BIRDS EYE VIEW OF PORTSMOUTH 1877

299 Vaughn Street
Portsmouth, New Hampshire

FIGURE 8

DATE: FEBRUARY 19, 2013
PROJECT NO: C-0960
FILE NO: C-0960_HISTORIC_MAPS.dwg



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 Environmental Specialists

177 Corporate Drive
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 (603) 433-8818

USGS MAP OF PORTSMOUTH 1952

299 Vaughn Street
 Portsmouth, New Hampshire

FIGURE 9

DATE: FEBRUARY 19, 2013
 PROJECT NO: C-0960
 FILE NO: C-0960_HISTORIC_MAPS.dwg



Tighe & Bond

*Consulting Engineers
Environmental Specialists*

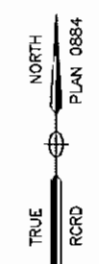
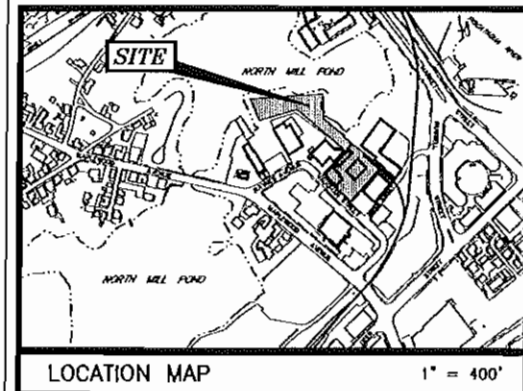
177 Corporate Drive
Portsmouth, New Hampshire 03801
(603) 433-8818

AERIAL PHOTO OF THE SITE 1992

299 Vaughn Street
Portsmouth, New Hampshire

FIGURE 10

DATE: FEBRUARY 19, 2013
PROJECT NO: C-0960
FILE NO: C-0960_HISTORIC_MAPS.dwg

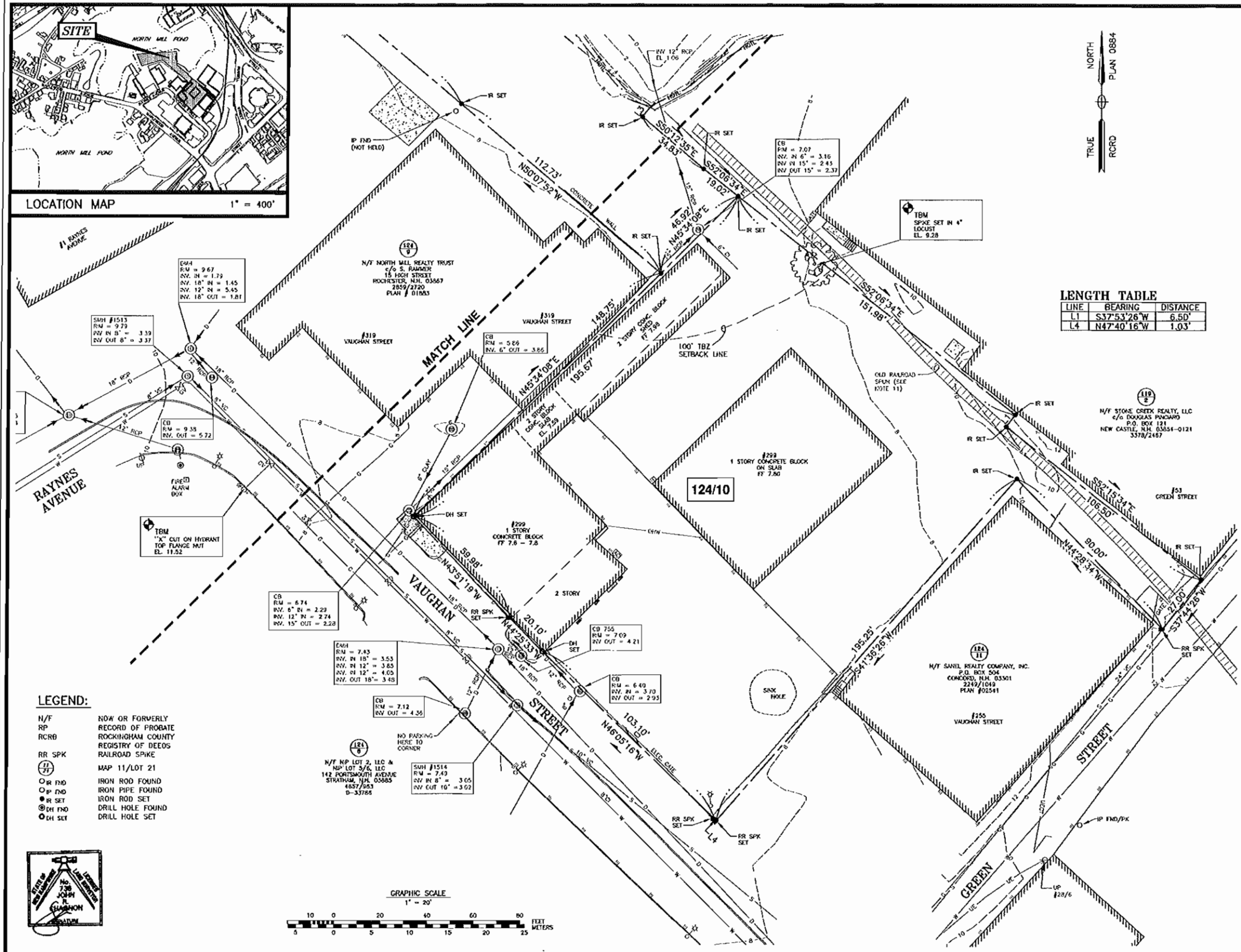


AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel: (603) 430-9282
 Fax: (603) 436-2315

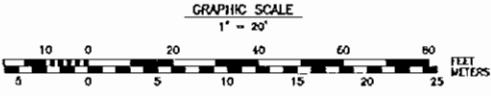
- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 123 AS LOT 15 AND MAP 124 AS LOT 10.
 - 2) OWNERS OF RECORD:
 GSM REALTY TRUST
 WILLIAM CREIGHTON TRUSTEE
 227 MARKET STREET
 PORTSMOUTH, N.H. 03801
 4350/970
 4899/737
 - 3) PARCELS ARE IN FLOOD ZONE AE (EL.9) AS SHOWN ON FIRM PANEL 33015C0259E, EFFECTIVE MAY 17, 2005
 - 4) EXISTING LOT AREAS:
 MAP 124 LOT 10: 38,362 S.F. 0.8807 AC.
 MAP 123 LOT 15: 43,288 S.F.± 0.9937 AC.±
 - 5) PARCELS ARE LOCATED IN CENTRAL BUSINESS A (CBA), HISTORIC A, AND THE DOWNTOWN OVERLAY (DOO) DISTRICTS.
 - 6) DIMENSIONAL REQUIREMENTS: (CITY OF PORTSMOUTH)
 MIN. LOT AREA: 1,000 S.F.
 FRONTAGE: N/A
 SETBACKS: FRONT: 0'
 SIDE: 0'
 REAR: 0'
 MAXIMUM STRUCTURE HEIGHT: 50 FEET
 MAXIMUM STRUCTURE COVERAGE: 95%
 MINIMUM OPEN SPACE: 5%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF TAX MAP 123 LOT 15 & TAX MAP 124 LOT 10.
 - 8) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - 9) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 10) VAUGHAN STREET RIGHT OF WAY LINE BASED UPON RCRD PLAN D-2425.
 - 11) PARCEL MAY BE BURDENED BY SIDE TRACK AND LEASE AGREEMENTS. (SEE RCRD 1345/51)

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S37°53'26"W	6.5D
L4	N47°40'16"W	1.03'



- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRB ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - 11/21 MAP 11/LOT 21
 - IP FND IRON PIPE FOUND
 - RP FND IRON ROD FOUND
 - RR SET IRON ROD SET
 - DH FND DRILL HOLE FOUND
 - DH SET DRILL HOLE SET



NO.	DESCRIPTION	DATE
1	NOTE MONUMENTS SET	8/26/08
0	ISSUED FOR COMMENT	8/12/08

STANDARD BOUNDARY SURVEY
 TAX MAP 123 - LOT 15 &
 TAX MAP 124 LOT 10
 PROPERTY OF
GSM REALTY TRUST
 299 VAUGHAN STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE



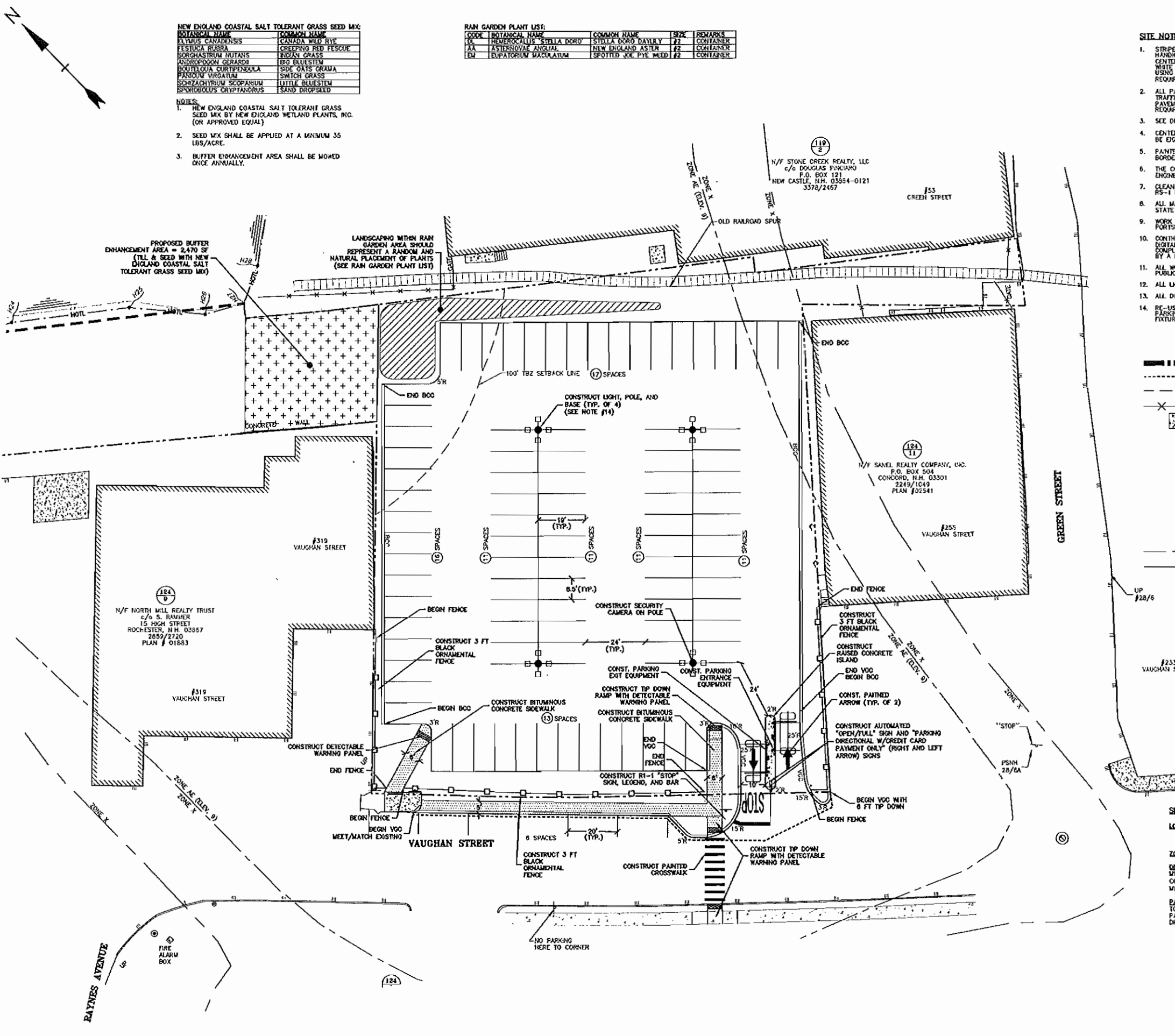
**Vaughan Street
Public Parking
Facility**

Portsmouth,
New Hampshire

SITE PLAN

SCALE: AS SHOWN

C-2



NEW ENGLAND COASTAL SALT TOLERANT GRASS SEED MIX:

BOTANICAL NAME	COMMON NAME
Elymus canadensis	CANADA WILD RYE
Festuca rubra	CREeping RED FESCUE
Borghastrium nutans	IRISH GRASS
Hesperogonum cernuum	LITTLE BLUESTEM
Brachiopodium distachyon	SWITCH GRASS
Schizachyrium scoparium	LITTLE BLUESTEM
Sporobolus vaginatus	SAND DROPSIDE

- NOTES:**
- NEW ENGLAND COASTAL SALT TOLERANT GRASS SEED MIX BY NEW ENGLAND WETLAND PLANTS, INC. (OR APPROVED EQUAL)
 - SEED MIX SHALL BE APPLIED AT A MINIMUM 35 LBS/ACRE.
 - BUFFER ENHANCEMENT AREA SHALL BE MOWED ONCE ANNUALLY.

RAIN GARDEN PLANT LIST:

CODE	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
DL	HEMEROCALLIS STELLA DORO	STELLA DORO DAYLILY	#2	CONTAINER
AA	ASTERNOVAE ANGLIAE	NEW ENGLAND ASTER	#2	CONTAINER
EW	EUPATORIUM MACULATUM	SPOTTED W. PYE WEED	#2	CONTAINER

SITE NOTES:

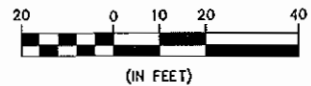
- STRIPED PARKING AREAS AS SHOWN, INCLUDING PARKING SPACES, STOP BARS, HANDICAP SYMBOLS, PAINTED ISLANDS, CROSS WALKS, ARROWS, LEGENDS AND CENTERLINES (ALL MARKINGS EXCEPT CENTERLINE TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT). CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "T".
- ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS, LATEST EDITIONS.
- SEE DETAILS FOR PARKING STALL MARKINGS, SIGNS AND SIGN POSTS.
- CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES. STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE.
- PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 3'-0" O.C. BORDERED BY FOUR (4) INCH WIDE LINES.
- THE CONTRACTOR SHALL EMPLOY A NEW HAMPSHIRE LICENSED ENGINEER/SURVEYOR TO DETERMINE ALL LINES AND GRADES.
- CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE AND/OR CITY CODES & SPECIFICATIONS.
- WORK WITHIN VAUGHAN STREET SHALL BE COORDINATED WITH CITY OF PORTSMOUTH DPW.
- CONTRACTOR TO SUBMIT AS-BUILT PLANS OR REPRODUCIBLE MYLARS AND IN DIGITAL FORMAT (DWG FILE) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A NEW HAMPSHIRE LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER.
- ALL WORK SHALL CONFORM TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS, STANDARD SPECIFICATIONS.
- ALL LIGHT POLE BASES SHALL BE PAINTED YELLOW.
- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- RE-USE THREE (3) EXISTING LIGHT POLES & FIXTURES FROM PORTWALK PARKING LOT. CONSTRUCT FOURTH LIGHT POLE & FIXTURE TO MATCH RE-USED FIXTURES & POLES.

LEGEND

- PROPERTY LINE
- - - SAWCUT LIMIT
- - - 100' TRZ SETBACK LINE
- x-x- EXISTING FENCE
- [Pattern] EXISTING CONCRETE/BITUMINOUS SIDEWALK
- [Pattern] EXISTING SIGN
- [Symbol] PROPOSED SIGN
- [Symbol] PROPOSED LIGHT POLE, BASE, AND FIXTURE
- [Symbol] RADIUS
- [Symbol] ECC
- [Symbol] VGC
- STOP
- STOP LEGEND
- LIMIT OF AREA SUBJECT TO 100-YR FLOOD (ZONE AE, APPROXIMATE ELEV=9)
- LIMIT OF AREA SUBJECT TO 500-YR FLOOD (ZONE X)

SITE DATA BLOCK:

LOCATION:	299 VAUGHAN STREET PORTSMOUTH, NH 03801 MAP 124, LOT 10
ZONING DISTRICT:	CSA (CENTRAL BUSINESS A)
DIMENSIONAL REQUIREMENTS:	REQUIRED PROVIDED
MIN. LOT AREA:	1,500 SF 33,352 SF
CONTINUOUS STREET FRONTAGE:	H/R 154 FT
MINIMUM OPEN SPACE:	0 X 22.3 X (8,555 SF)
PARKING REQUIREMENTS:	PROVIDED
TOTAL PARKING SPACES:	90 SPACES
PARKING STALL SIZE:	8.5 FT X 19 FT
DRIVE AISLE:	24 FT



Feb 18, 2013 6:02am Plotted by: km
Tighe & Bond, Inc. 111 Cochichewick Highway - Portsmouth, NH 299 Vaughan Street DWG-CAD.DESIGN-C-0960_212a.dwg

received
2/25/13

Bursaw's Pantry, LLC
3020 Lafayette Road
Portsmouth, New Hampshire 03801
603.431.1297

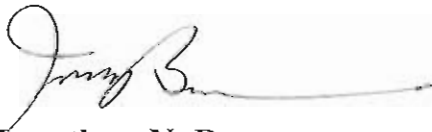
21 February, 2013

The Honorable Eric Spear
Mayor, City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor Spear:

As the owner and operator of Bursaw's Pantry, LLC, I respectfully request the City of Portsmouth change the zoning on my property from Mixed Residential Business [MRB] to Gateway District.

Thank you for your assistance. If you have any questions, please feel free to contact me.



Jonathan N. Bursaw

February 27, 2013

Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801
Re: 21 Brewster Street Conditions for re-licensing

Dear Mayor Spear and Members of the Portsmouth City Council:

On behalf of the Islington Creek Neighborhood, we would like to offer recommendations for consideration before renewing the license for the 21 Brewster Street boarding house on March 4, 2013, to ensure successful change. Listed below are the 6 conditions that were set forth by the City for this license renewal.

Proposed City of Portsmouth Conditions for property at 21 Brewster Street

- 1. Extend the current permit for only 3 months with an inspection and report back on progress made at the facility*
- 2. Require fulltime professional management of the facility; such management firm having the ability to respond to municipal inquiries and requests 24/7.*
- 3. Integrated Pest Management (IMP) to be maintained on monthly basis or more often if needed with monthly reports submitted to Health Department.*
- 4. Require all common floors to remain non-porous and non-absorbent with cleanable surfaces.*
- 5. Soiled or infested bedding shall be disposed of and not reused.*
- 6. Correction of all deficiencies from the annual inspection prior to permit issuance.*

Item 2 in particular should be carefully defined so that the Professional Management firm is given the resources and authority to properly manage the facility. Without more specificity, we will more than likely find ourselves facing the same issues a year from now. Below are some revisions and additions for you to consider to ensure successful site management of 21 Brewster Street:

- Revision to #2 above: Require fulltime third party professional management of the facility; such management firm shall be available to respond to municipal inquiries and requests on a 24/7 basis; and shall have the resources, the authority, and responsibility to maintain safe and sanitary conditions at the facility at all times*
- Full time professional management firm shall have an office at 21 Brewster Street which is staffed 24/7*
- Quarterly inspections shall be conducted by the City to ensure the facility is maintained in compliance with all codes and ordinances*


We have been in contact with a well-known, established Property Management company in the area and they are very familiar with this facility. They indicated that if they were approached to manage the property, they would insist upon meeting with the City and our neighborhood association before accepting the responsibility of managing this property, and they would need to answer to the City of Portsmouth to do the job successfully. *They also indicated that they will not risk their professional reputation unless they are given the proper resources and authority to ensure a successful venture.*

As always, we greatly appreciate your efforts in addressing this problem.

Yours Sincerely,
Alex and Julie Ross
Members of the Islington Creek Neighborhood Association

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 28, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 4, 2013 City Council Agenda

Presentation:

1. **Presentation from Lawrence Yerdon, President and CEO of Strawberry Banke Re: Skating Rink Proposed Project.** Lawrence Yerdon, President and CEO of Strawberry Banke, will be making a presentation to City Council on Monday evening, regarding the skating rink proposed project on the grounds of the Museum. [See attached letter.](#)

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grants.** [Attached under Section VII of the Agenda is a memorandum](#), dated February 20, 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grants:
 1. A grant in the amount of \$8,580 from the NH Department of Highway Safety for Portsmouth DWI/DUI Patrols.
 2. A grant in the amount of \$12,168 from the NH Department of Highway Safety for Portsmouth Sobriety Checkpoints.
 3. A grant in the amount of \$7,436 from the NH Department of Highway Safety for Portsmouth Pedestrian Patrols.
 4. A grant in the amount of \$7,436 from the NH Department of Highway Safety for Portsmouth Red Light Running Patrols.
 5. A grant in the amount of \$7,436 from the NH Department of Highway Safety for Portsmouth Speed Enforcement Patrols.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

I would recommend that the City Council move to approve and accept the grants to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to Fire Department Re: Kearsarge Fund.** The Fire Department has received the following donation for the Kearsage Fund:

➤ Flynn & McGee, P.A. \$50.00

I would recommend that the City Council move to approve and accept the donation to the Portsmouth Fire Department, as listed. Action on this matter should take place under Section IX of the Agenda.

2. **Request for License to install Projecting Sign.** Attached under Section IX of the Agenda is the following request for a License to install two identical projecting signs (see attached memorandum from Rick Taintor, Planning Director):

➤ Mark McNabb, owner of Bull Moose Music for property located at 82-86 Congress Street

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

3. **Acceptance of Donation to the Coalition Legal Fund.** The Coalition of New Hampshire Taxpayers has donated funds in the amount of \$100.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Approval of Boarding House Permits.** As requested by the City Council, I am bringing back the Boarding House Permit for 21 Brewster Street for consideration and action by the City Council at Monday evening's meeting. Also, I am bringing back the Boarding House Permits for 350-352 Hanover Street and 278 Cabot Street.

- a) **21 Brewster Street.** Attached is a copy of a proposed Boarding House Permit for 21 Brewster Street. Please note that requirements 7 through 10 of the permit are derived from recommendations made by the Islington Creek Neighborhood Association by letter addressed to the Portsmouth City Council on February 13, 2013. In addition, the language of the Neighborhood Association has been modified by the Legal Department to meet municipal purposes.

Further it should be noted, the Neighborhood Association recommendation regarding eviction of tenants has not been included because state law regarding eviction pre-empts municipal authority.

- b) **350-352 Hanover Street.** Attached is a copy of a Boarding House Permit for 350-352 Hanover Street. This is for a one-year permit to expire on March 4, 2014.
- c) **278 Cabot Street.** Attached is a copy of a Boarding House Permit for 278 Cabot Street. This is for a one-year permit to expire on March 4, 2014.

I would recommend the City Council move to approve the following Boarding House Permits, as presented:

- a) *21 Brewster Street for a three-month extension to expire on June 4, 2013, with all conditions as listed on the permit.*
- b) *350-352 Hanover Street for a one-year permit to expire on March 4, 2014, with all conditions as listed on the permit.*
- c) *278 Cabot Street for a one-year permit to expire on March 4, 2014, with all conditions as listed on the permit.*

2. **Report Back Re: Letter from Jean and Gordon Willis requesting the Transfer of Ownership of Artwill Avenue to the City of Portsmouth.** As you will recall, at its December 3, 2012 meeting, the City Council voted to refer the attached request from Jean and Gordon Willis to the Planning Board for report back to the City Council.

Artwill Avenue is a private easement over a parcel at 437 Lafayette Road owned by the Harlon P. Willis Revocable Trust and the Jean P. Willis Revocable Trust. The easement provides access to two abutting properties owned by Robert Hopley (34 Artwill Avenue)

and Kevin Lilakis (36 Artwill Avenue). The owners of the property on which the easement is located have requested that the City accept Artwill Avenue as a City street.

Attached is map showing Artwill Avenue and abutting parcels on a 2010 orthophoto. The easement is 40 feet in width for most of its length, and stops about 50 feet short of the Willis' rear lot line abutting the Greek Church property. However, the paved area extends beyond the end of the easement, practically to the lot line at the Greek Church parcel.

Artwill Avenue was not designed or constructed to the City's current minimum standards for residential streets, and it has not been adequately maintained over the years. The easement is now in such a state of deterioration that it is damaging to City snow plowing equipment.

A plan for a 10-lot subdivision of the three lots on Artwill Avenue was recorded at the Registry in 1958 (the plan was originally drawn in 1940 and was revised in 1946 and 1957). At that time, the three houses were already in existence and the plan showed Artwill Avenue as a street extending to the Greek Church property line to create frontage for the additional proposed lots. However, the plan was signed by the Planning Board Chair in 1958 with the notation "No Jurisdiction." A letter from the owners' attorney stated, "There is no present plan at all to develop the area, and the purpose of having [the plan] on file is simply in the event the children, whose homes abut that of Mr. Hopley, decide at some time along the way to dispose of the property."

In 1972 the owners requested that the City accept Artwill Avenue as a City street, but that request was denied by the City Council. However, according to a 2011 email from the City Attorney,

It seems that in 1972 the City Council took two flatly contradictory actions. On May 1st the Council voted to "pick up rubbish and provide snow plowing for Sylvester Street and Artwill Avenue" but on June 29th the Council voted "not to accept Artwill Avenue since it does not comply with street standards."

The City Attorney described the 1972 actions as contradictory because they are not allowable under State statute. RSA 674:40 provides that a municipality which has conferred subdivision approval authority on the Planning Board,

... shall not "accept, lay out, open, improve, grade, pave, or light any street ... unless such street:

(a) Has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the conferring of platting jurisdiction upon the planning board; or

(b) Corresponds in its location and lines with a street shown on the official map, or with a street shown on a subdivision plat approved by

the planning board, or with a street on a street plat made by and adopted by the board.

Artwill Avenue does not appear to meet either of the above standards. No evidence of subdivision approval for the existing three lots has been found in the City's files or at the Rockingham County Registry of Deeds, and the City Council vote in May 1972 clearly indicates that Artwill Avenue was not considered a public street.

The cost of improving the road to City standards is estimated to be \$125,800, including a 32-foot travel way, curbing on both sides, a sidewalk on one side, a turnaround at the end of the street, and required drainage. The cost is broken down as follows:

Reclaiming and grading	11,200 sf	\$ 4,000.00
Paving	250 tons	\$ 22,000.00
Driveway work (to match to street grade)	30 tons	\$ 3,300.00
Fill / loam & seed		\$ 8,500.00
Curbing	800 ft	\$ 16,000.00
Catch basins	2	\$ 4,000.00
Drain pipe	100 ft	\$ 2,000.00
Detention pond or underground storage	Allowance	\$ 20,000.00
Concrete sidewalk	350 ft	\$ 10,000.00
Construct cul-de-sac		\$ 15,000.00
Subtotal		\$104,800.00
Overhead, profit, bonding and insurance		\$ 20,960.00
Total		\$125,760.00

In addition to the cost of improving the existing driveway to City street standards, land must be provided at the end of the street for a turnaround, so that trucks do not have to back down the street and out onto Lafayette Road. City standards require a cul-de-sac with a radius for the outside curb of at least 50 feet and a radius for the property line of at least 60 feet. However, given that only three lots would be served by the proposed street, an alternate design (such as a hammerhead) might be acceptable. In any case, some additional right of way would need to be included in addition to the existing easement area, which would impact one or both of the parcels at the end of the proposed street.

Clearly, the cost of improving the driveway to City standards is significant, particularly in relationship to the limited benefit that it would provide. It is likely more cost-effective for the three property owners to pay to upgrade the existing driveway and pay for private plowing, rather than to make this sizable investment.

At its meeting on February 21, 2013, the Planning Board voted 6-1 to recommend that the City Council accept Artwill Avenue as a public street only subject to the following conditions:

1. The full cost of upgrading Artwill Avenue to City standards (estimated to be \$125,000) shall be borne by the private property owners abutting the street.

2. An area sufficient to construct a cul-de-sac (or alternative turnaround acceptable to the DPW) shall be conveyed to the City along with the existing easement area.

I would recommend the City Council move to accept the Planning Board's recommendation to accept Artwill Avenue as a public street only subject to the aforementioned conditions.

3. **Report Back and Request for Easement Re: 32 Livermore Street.** As you will recall, the owner of property located at 32 Livermore Street seeks an easement from the City to construct a new underground service for utilities as shown on the **attached plan**. The relocated utility service is proposed to run from an existing pole to the other side of Livermore Street under the public street and sidewalk to the dwelling unit at 32 Livermore Street.

At its February 19th meeting, the City Council referred this request to the Planning Board for report back to the City Council. The Planning Board took action on this item on February 21, 2013, recommending the grant of an easement.

As previously represented, the owner is prepared to reconstruct the brick sidewalk and repair the road to City specifications after installation of the new service. Public Works has no objection to this relocation of a utility service underground subject to the obligation to reconstruct to the City specifications and subject to the owner relocating the conduit at its own expense as might be necessary for future municipal projects. If approved, the Legal Department would prepare the necessary agreement and easement.

I would recommend the City Council move to authorize the City Manager to negotiate and execute an easement for an underground utility conduit on Livermore Street.

4. **Request for First Reading of Proposed Zoning Ordinance Amendments - Neighborhood Commercial Use.** At the request of the Planning Board, the Planning Department prepared the **attached proposed amendment** to the Zoning Ordinance to allow Neighborhood Commercial Uses in residential districts by conditional use permit. As stated in the proposed ordinance, the purpose of this amendment is to allow limited retail uses that are convenient to residential neighborhoods and consistent with the character of the surrounding residential area. The concept would be similar to uses such as the Middle Street Market and the former Red Ginger on South Street, as well as other neighborhood markets that have existed in the City in the past.

The proposed ordinance includes standards for lot dimensions, building and site design, off-street parking, signs and hours of operation. The standards are intended to ensure that any retail use approved under the ordinance would have a neighborhood focus rather than attracting a major portion of its business from other areas. For example, the maximum allowed floor area is 2,000 sq. ft. For comparison, the former Red Ginger store has 1,264 sq. ft. of floor area, while the Middle Street Market has 3,715 sq. ft. of ground floor area.

In contrast, a typical new convenience store located in a typical commercial district would have a floor area of 4,000 to 5,000 sq. ft.

The proposed zoning ordinance limits neighborhood commercial uses to intersections on arterial or collector streets as shown in the Master Plan. Arterials that pass through residentially-zoned areas include Lafayette Road, Market Street, Islington Street, Middle Road, Middle Street, South Street, New Castle Avenue, Sagamore Avenue and Banfield Road. Collectors include roads such as Maplewood Avenue, Miller Avenue, Elwyn Road, Pevery Hill Road and Ocean Road.

The conditional use permit allows for discretionary review by the Planning Board and requires findings that the proposed use would not create adverse impacts on the neighborhood.

Draft zoning language was originally presented to the Board at its meeting on February 16, 2012, and was subsequently discussed in a joint work session with the Planning Board and the Historic District Commission on April 24, 2012. The Planning Board reviewed the proposed amendment at its meeting on January 24, 2013, and discussed a revised draft at its meeting on February 21, 2013.

At its meeting on February 21, 2013, the Planning Board voted 6-1 to recommend that the Zoning Ordinance be amended by inserting a new Section 10.750 – Neighborhood Commercial Uses, as set forth in the [attached proposed ordinance](#).

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18th City Council meeting.

5. **Request for First Reading of Proposed Zoning Ordinance Amendments - Signs.** Attached are [several proposed amendments](#) to the Zoning Ordinance relating to sign regulations.

The existing Zoning Ordinance divides the City into six sign districts. Each of the City's zoning districts fall into one of these six sign districts. Presently, Sign District 3 includes the Business, Central Business A and Central Business B Zoning Districts. The scale of development in the Business District is significantly different from the Central Business Districts. For this reason, the recommended amendment would move the Business Zoning District to Sign District 4, grouping it with the Office Research Zoning District.

The next proposed amendment modifies the standards for wall signs and parapet signs to allow expansion of their use in more situations than at present. The existing Ordinance restricts wall or parapet signs to ground-floor uses and single-use buildings. The amendment would allow one such sign above the first floor as long as it is related to the use.

The existing Ordinance sets standards for maximum aggregate sign area based on both lot frontage and building frontage. The proposed amendment deletes the standard for maximum aggregate sign area based on lot frontage and also excludes permitted freestanding signs from the computation of aggregate sign area.

The existing Ordinance controls the size of projecting signs through a combination of a maximum allowed sign area and allowed projection from the building over the sidewalk. The proposed 12 sq. ft. maximum sign area for projecting signs is larger than all but a few signs in the Central Business Districts, while the maximum allowed projection can be overly restrictive on certain streets with narrow sidewalks. By reducing the maximum sign area to a level consistent with the character of the downtown and relaxing the maximum allowed projection, the Ordinance can provide more flexibility for businesses to design signs that meet the City's objective of maintaining appropriately scaled signs while being appropriate to their specific location.

Finally, the proposed amendment adds language to clarify how to determine the maximum area allowed for wall signs located on buildings with more than one façade.

At its meeting on January 24, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as presented.

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18th City Council meeting.

6. **Request for First Reading of Proposed Zoning Ordinance Amendments - Dimensional Standards.** Attached are proposed amendments to the Zoning Ordinance, Article 5 – Dimensional and Intensity Standards.

The first change is related to building coverage and yards. The amendment would exempt small ground-mounted mechanical equipment from calculations of building coverage and yards. Many dwellings throughout the City are already out of compliance with current building coverage limits. The proposed amendment would exempt owners of such properties from having to obtain variances for the installation of a ground-mounted HVAC unit or generator in a side or rear yard and would relieve all property owners of the burden of computing existing building coverage whenever such equipment is proposed.

The second change is related to projections into required yards. The amendment would add a new section allowing specified building elements (balconies, bay windows, decks, steps, roof eaves, fire escapes, etc.) to project into required yards. This change is proposed to promote architectural variety by accommodating limited projections of some building elements into yards where the main walls of a building comply with the yard requirements of the zoning district.

At its meeting on January 24, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as presented.

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18th City Council meeting.

7. **Request for First Reading of Proposed Zoning Ordinance Amendments – Historic District Commission Work Sessions.** Attached is a proposed amendment to the Zoning Ordinance relating to the requirements for a work session with the Historic District Commission.

Currently, there is no requirement for an applicant to provide the Planning Department and Historic District Commission with any conceptual planning or design prior to a requested work session. The proposed zoning amendment would specify that a conceptual site plan and design information must be submitted with a request for a work session with the HDC. This proposed change is intended to give Commissioners and staff an opportunity to review concept plans in preparation for work sessions.

At its meeting on January 24, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth.

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18th City Council meeting.

8. **Request for License Re: Container on Mechanic Street.** David Adams of 210 Gates Street has requested a license to place a 20' storage container on the north side of Mechanic Street (between Peirce Island Road and Gates Street) for a period of five months. See attached letter request. This container will facilitate the reconstruction of Mr. Adams' home which was damaged by fire last year. On-street parking, normally accommodating four to five cars, would be impacted by the use of this stretch of Mechanic Street. See attached map. City staff has reviewed the proposed request and recommends it subject to the following conditions:

- Doors to the container must face the back of 145 Mechanic Street, with a minimum of 5' between the container and the back of the property at 145 Mechanic Street;
- Owner must place reflectors or reflective tape on the two corners of the container that face out into Mechanic Street;
- Owner must provide the Division Director of Parking with advance notice of the delivery and removal date of the container so that the delivery truck for the container can be coordinated; and

- If owner still requires the container after July 1, owner will be required to remove temporarily the container when requested by the Department of Public Works to facilitate paving and take steps as may be directed by the Department of Public Works to protect the new pavement when it is returned to the licensed location.

If approved by the City Council, the Legal Department will prepare a license agreement; such license will include usual and additional provisions relating to insurance, maintenance of the area, restoration of any damage to municipal property and like terms.

I would recommend the City Council move to authorize the City Manager to negotiate and execute a license agreement in accord with the conditions described for the placement of a container on Mechanic Street.

9. **Request to Establish a Work Session Re: Doble Center.** As you will recall, at the February 19th City Council meeting, Community Development Director David Moore gave a presentation concerning the Base Realignment and Closure Act regarding the Paul A. Doble Army Reserve Center on Cottage Street. The City Council requested that a work session be scheduled regarding this matter at a future date. I am recommending the City Council establish this work session on Monday, April 22, 2013 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Doble Center.

Move to establish a work session on Monday, April 22, 2013 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Doble Center.

10. **Establish Time for April 6th FY14 Budget Presentations.** As you will recall, at the October 27, 2012 City Council Retreat, it was determined that department head presentations for the FY14 Budget would all take place on Saturday, April 6, 2013 at City Hall. I am requesting that the City Council commence the budget presentations at 9:00 a.m. and to conclude by 3:00 p.m.

May I have your approval of this recommendation.

On another note, just a reminder that the public input session for the Water and Sewer Budget and Rate Study will be on Wednesday, March 13, 2013 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

Informational Items:

1. **Events Listing.** For your information, **attached is a copy of the Events Listing** updated after the last City Council meeting on February 19, 2013. In addition, this now can be found on the City's website.
2. **Update on Changes to Site Plan Review Process for Earlier Vesting of Developments from Zoning Changes (with flowchart).** Representatives of the development community have raised concerns about the application of zoning amendments to

proposed projects that are underway but have not yet reached formal consideration by the Planning Board. As a result, the Planning Department has considered a change to the Site Plan Review Regulations that would allow applicants to have a public hearing before the Planning Board earlier in the design development process.

Under State law, a proposed amendment to the Zoning Ordinance applies to development projects unless they have been the subject of notice of a public hearing before the Planning Board prior to the legal notice of the City Council's public hearing on the proposed amendment (RSA 676:12, VI). Under the City's permitting procedures, a proposed site plan does not become the subject of a public hearing before the Planning Board until the Site Plan Review Technical Advisory Committee (TAC) has completed its review and has made a recommendation to the Planning Board.

The development community requested that the Planning Board revise its Site Plan Review Regulations to allow applicants to lock in the zoning standards for a property earlier in the development process. Many complex development projects involve extensive review by the City's land use boards (the Zoning Board of Adjustment and Historic District Commission) as well as the Technical Advisory Committee. As a consequence, much design work often takes place prior to submission of a full application for Site Plan Review to the Planning Board. The applicant is at risk if the Zoning Ordinance is amended during these processes.

RSA 676:4, II authorizes the Planning Board to provide for preliminary review of site plan review applications and/or subdivision plans by adopting specific regulations. In addition, the Planning Board is authorized by RSA 673:44, II(j) to require such preliminary review for site plans, and by RSA 674:35, I for subdivisions. Currently, the Portsmouth Planning Board allows (but does not require) preliminary review of subdivision plans, but does not provide for preliminary review of site plans.

RSA 676:4, II defines two types of preliminary review for site plans: "preliminary conceptual consultation phase" and "design review phase." The design review phase involves discussion of specific design and engineering details and requires notice to abutters and the general public. Because of this requirement for formal public notice, a development proposal that participates in the design review phase would be exempt from a zoning amendment if (a) the proposal was submitted to the Board for design review prior to the legal notice of the City Council hearing on the zoning amendment, and (b) a formal application is subsequently submitted to the Board within 12 months after the end of the design review phase (RSA 676:12, VI). This would enable applicants to vest their projects from zoning changes without first having to complete the TAC review of a final application.

It is important to note that "design review" in this context does not refer to building design, but rather to a review of preliminary site design and engineering. Discussions in the design review phase are not binding on the applicant or the Board; and "statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken."

At its meeting on February 21, 2013, the Planning Board voted to schedule a public hearing at its March meeting on an amendment to its Site Plan Review Regulations that would provide the option for a design review step as authorized by State law. The Planning Department will draft specific amendments to the Site Plan Review Regulations prior to the March meeting. This amendment to the Regulations requires action only by the Planning Board.

Attached is a flowchart illustrating the change that is being considered by the Planning Board. As shown, the proposed amendment would add an optional review by the Planning Board prior to the formal application for Site Plan Review. This would not affect any other aspect of the review processes currently carried out by the City's land use boards, but would simply provide an applicant with an opportunity to have a public hearing for its proposed development earlier in the review process.

BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Permit Number: 2013-03

Date: March 4, 2013

BE KNOWN, that Brian D. Hogan, 21 Brewster Street Portsmouth, NH 03801 is licensed to operate a boarding house located at 21 Brewster Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 34

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following conditions shall be met:

1. Extend the current permit for 3 months with an inspection and report back on progress made at the facility.
2. Require full time professional management of the facility; such management firm having the ability to respond to municipal inquiries and requests 24/7.
3. Integrated pest management (IPM) to be maintained on monthly basis or more often if needed with monthly reports submitted to the Health Department.
4. Require all common floors to remain non-porous and non-absorbent with cleanable surfaces.
5. Soiled or infested bedding shall be disposed of and not re-used.
6. Correction of all deficiencies from the annual inspection prior to permit issuance.
7. Permittee agrees to allow unannounced inspections of all common areas of the property and to allow similar inspections of tenant rooms with the permission of the tenants.
8. Permittee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit.

9. The professional management described in item 2 above shall have the full authority of the permittee to take those actions necessary to maintain compliance with the permit.

10. The professional management described in item 2 above shall be provided with the complete authority to maintain open communications with the neighborhood, the tenants of the property and the City with regard to all issues concerning the property.

This permit will expire: June 4, 2013*

**(3 month extension granted by City Council March 4, 2013)*

Attest:

Kelli L. Barnaby, City Clerk
OFFICE OF THE CITY CLERK

***Footnote:** Items 7 through 10 above are derived from recommendations made by the Islington Creek Neighborhood Association by letter addressed to the Portsmouth City Council on February 13, 2013. The language of the Neighborhood Association has been modified to meet municipal purposes. The Neighborhood recommendation regarding eviction of tenants has not been included because state law regarding evictions preempts municipal authority.

BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Permit Number: 2013-01

Date: March 4, 2013

BE KNOWN, that G. Edward Gowen, Jr., 355 Great Bay Road Greenland, NH 03840 is licensed to operate a boarding house located at 350-352 Hanover Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 12

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following condition shall be met:

1. Correction of all deficiencies from the annual inspection prior to permit issuance.

This permit will expire: March 4, 2014

Attest:

Kelli L. Barnaby, City Clerk
OFFICE OF THE CITY CLERK

BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Permit Number: 2013-02

Date: March 4, 2013

BE KNOWN, that Janet L. White-Nay and Paul H. White, Trustee, P.O. Box 1325 Portsmouth, NH 03802-1325 is licensed to operate a boarding house located at 278 Cabot Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 12

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following condition shall be met:

1. Correction of all deficiencies from the annual inspection prior to permit issuance.

This permit will expire: March 4, 2014

Attest:

Kelli L. Barnaby, City Clerk
OFFICE OF THE CITY CLERK

October 2012

To: Attorney Robert Sullivan
Portsmouth City Council
Portsmouth, NH 03801
RE: Artwill Avenue

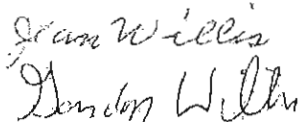
To Attorney Sullivan and the Portsmouth City Council,

After careful consideration and discussion among Mr. Bob Hopley and Mr. Kevin Lalakis of Artwill Avenue and Fr. Robert Archon of St. Nicholas Church, we have decided to proceed with the transfer of ownership of Artwill Avenue from Jean Willis to the City of Portsmouth. Again, we would like to express our wishes for Artwill Avenue.

1. All parties agree that Artwill Avenue should remain a dead end street with no outlet to preserve the character of our neighborhood.
2. We ask that consideration be given for the original 50 foot boundary between 437 Lafayette Road and St. Nicholas Church in the restoration of Artwill Avenue.

Attached to this letter are the signatures of all of the parties involved in the transfer. We greatly appreciate the opportunity to improve the status of Artwill Avenue. We believe that ownership by the City would be in the best interests of all concerned.

Sincerely,

Handwritten signatures of Jean Willis and Gordon Willis.

Mrs. Jean Willis

Mr. Gordon Willis

436-0765

September 3, 2012

Jean Willis

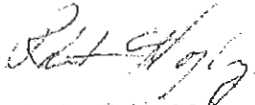
437 Lafayette Rd.

Portsmouth NH 03801

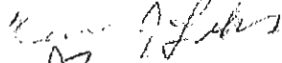
To Mayor Spear and the Portsmouth City Council

As discussed, we, the undersigned request and consent the transfer of Artwill Avenue to the City of Portsmouth.

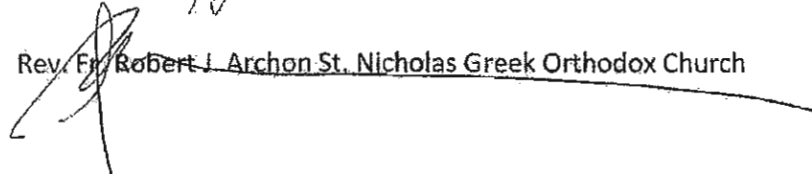
1. Robert Hopley 34 Artwill Avenue



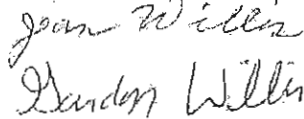
2. Kevin Lilakis 36 Artwill Avenue



3. Rev. Fr. Robert J. Archon St. Nicholas Greek Orthodox Church

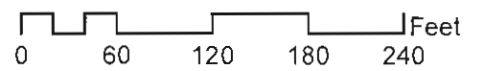


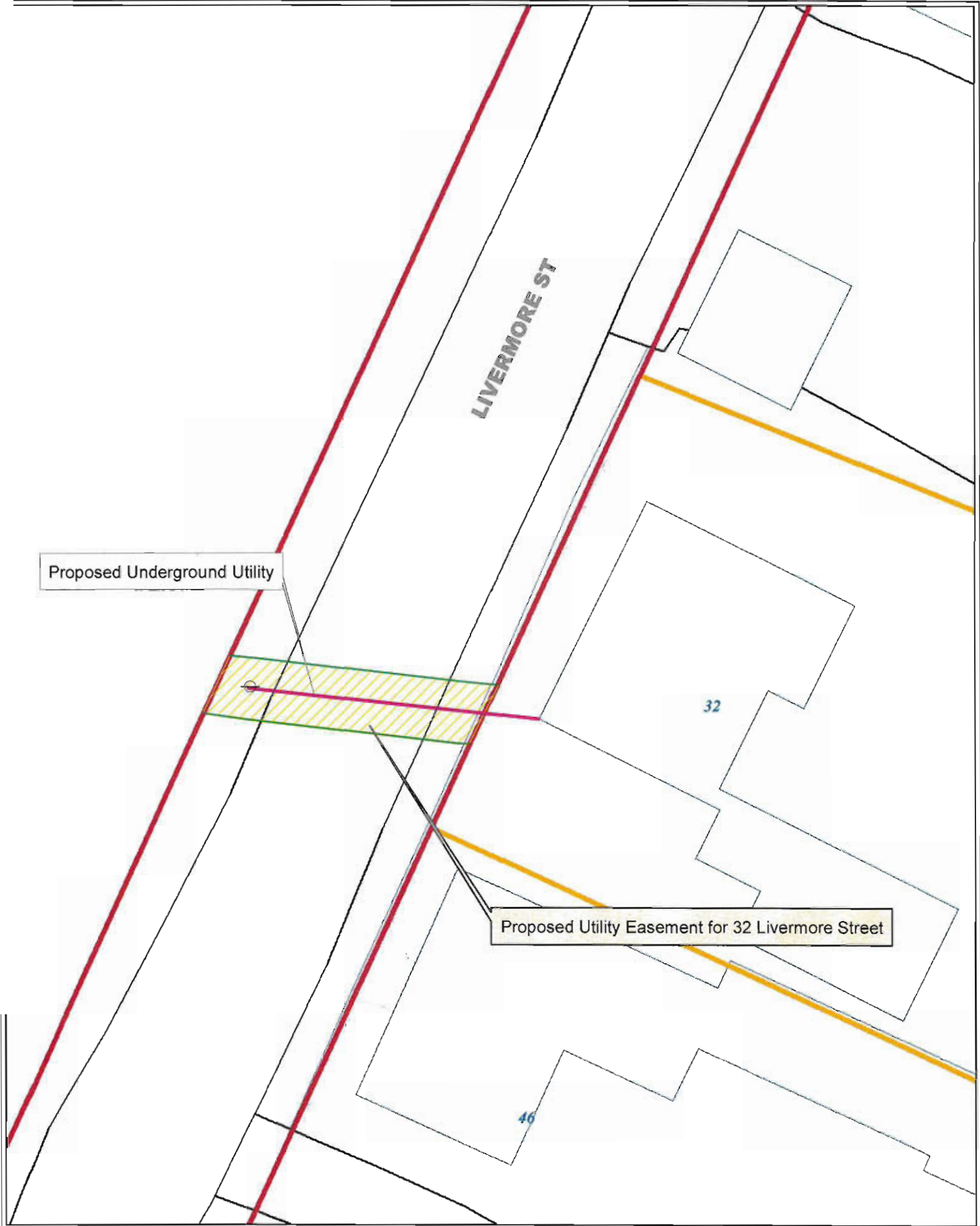
4. Jean & Gordon Willis 437 Lafayette Road





Artwill Avenue





**Proposed Utility Easement
32 Livermore Street**



ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 7 – Flexible Development, be amended by inserting the following new Section 10.750:

Section 10.750 Neighborhood Commercial Uses

10.751 Purpose

10.751.10 The purpose of this section is to allow Neighborhood Commercial Uses (NCU) in limited areas for retail trade uses that are designed in scale with surrounding residential uses.

10.751.20 The alternative development standards set forth herein are intended to ensure that NCUs are compatible with the surrounding residential districts and with the overall development goals of the City. Specific objectives include:

10.751.21 To increase convenience and reduce motor vehicle trips by permitting limited neighborhood commercial uses to be located in proximity to residential areas;

10.751.22 To protect the character of residential areas surrounding such commercial uses by establishing location, dimensional, **building**, site, and **off-street parking** standards that are compatible with those established for residential uses; and

10.751.23 To limit neighborhood commercial uses to discrete clusters rather than allowing continuous or scattered commercial development in residential districts.

10.752 Neighborhood Commercial - Conditional Use Permit

10.752.10 In all residential districts, in addition to the uses allowed by right or by special exception, the Planning Board may grant a conditional use permit to authorize an NCU conforming to the criteria and standards set forth herein.

10.752.20 Commercial uses allowed as NCUs are limited to **convenience goods 1, convenience goods 2, and retail sales** conducted within a **building**.

10.752.30 The NCU shall comply with all zoning, site plan and subdivision regulations that apply, other than those waived or modified hereunder. Hours of operation shall be subject to the requirements of Section 10.756.20.

10.753 Location Standards

10.753.10 The NCU shall have frontage on an arterial or collector **street** as shown in the Master Plan, and shall either be located at an intersection with another **street** or abut another NCU that is located at an intersection.

10.753.20 Notwithstanding the foregoing paragraph, an NCU may be established in a **building** that was constructed and used for retail sales prior to the adoption of this Ordinance.

10.753.30 No more than two NCUs shall be located at an intersection and mid-block NCUs shall be located at least 500 feet from another NCU.

10.754 Dimensional Standards

The following standards apply to a NCU in place of the corresponding standards in Section 10.531:

Maximum front yard	10'
Minimum yards*	
Side	5'
Rear	10'
Minimum frontage	70'
Maximum building height	35'
Maximum gross floor area of the NCU	2,000 sf
Maximum building coverage	50%
Minimum open space	15%

* Except as provided in Section 10.755.22

10.755 Building & Site Design Standards

10.755.10 Pedestrian Orientation

10.755.11 The principal entrance to a **building** shall face an arterial or collector **street** as shown in the Master Plan. The principal entrance to a **building** on a **corner lot** may be at the corner of the **building** facing the intersection.

- 10.755.12 The principal entrance to a **building** shall not require passage through an **off-street parking** lot or garage to gain access.
- 10.755.13 At least 33 percent of the ground floor area of a façade facing a **street** or pedestrian-oriented space shall be comprised of clear windows that allow views of indoor space or product display areas. For the purpose of this provision, the ground floor area of a façade is the portion between sidewalk level and 9 feet above sidewalk level.

10.755.20 Building Design Standards

New **buildings** shall be designed in accordance with the prevailing style of the existing buildings within the surrounding neighborhood, and shall comply with the following standards:

- 10.755.21 New buildings shall be consistent in height and roof design (including roof structures such as dormers) with existing buildings along the street or block.
- 10.755.22 New building setbacks from street and lot lines shall be consistent with existing abutting buildings along the street or block.
- 10.755.23 New building materials and details shall be similar to those used on the existing buildings on the street or block.
- 10.755.24 Rooftop mechanical equipment shall be screened from public view by roof forms or other appropriate screening devices.

10.755.30 Off-Street Parking Requirements

- 10.755.31 The amount, location, and design of **off-street parking** required for a NCU shall comply with Section 10.1110 of this Ordinance. The Planning Board may reduce or waive this requirement in instances where sufficient on-street parking exists.
- 10.755.32 Bicycle parking for at least 2 bicycles shall be provided within 50 feet from the building entrance, and with a minimum of 2 feet of clearance between the bicycle parking space and any building or pedestrian way. The Planning Board may reduce or waive this requirement in

instances where sufficient public bicycle parking is provided or where adequate alternative bicycle parking is provided.

10.756 Additional Requirements

- 10.756.10 The NCU shall be limited to the ground-floor use of the **structure**.
- 10.756.20 The operating hours of the NCU shall be limited to between 6:00 a.m. and 7:00 p.m.
- 10.756.30 The NCU shall be limited to no more than three employees on site at any one time.
- 10.756.40 The NCU shall be limited to one **projecting** sign no larger than 6 square feet or one **wall sign** no larger than 16 square feet in area. Signs may be lit by external illumination only.
- 10.756.50 All trash and recycling materials shall be stored indoors.

10.757 Review and Approval Process

10.757.10 Required Information

The NCU conditional use permit application shall include the following additional information unless waived by the Planning Board:

- 10.757.11 Location of all existing or proposed **structures**;
- 10.757.12 Elevations for all sides of all **buildings**;
- 10.757.13 Description and illustration of the existing or proposed **building** materials and colors;
- 10.757.14 Location and illustration of each amenity to be provided (for example, sidewalk improvements, parking facilities, open space areas, benches, pedestrian scale lighting and/or bicycle racks);
- 10.757.15 Documentation of how the proposed NCU will comply with each standard set forth in Sections 10.753 through 10.755.

10.757.20 Planning Board Findings

Prior to granting a conditional use permit for project under this section, the **Board** shall make all of the following findings:

10.757.21 The proposed project is consistent with the purpose and intent set forth in Section 10.751; and

10.757.22 The proposed project (and any conditions of approval) meets the NCU standards in Section 10.750; and

10.757.23 The anticipated impacts of the proposed NCU on traffic, property values, public infrastructure and facilities, stormwater runoff or environmental factors will be more beneficial to the surrounding properties than the anticipated impacts of a conventional development of the site.

10.757.30 Modifications of Standards

In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in this Section provided that the Planning Board finds such modification will: support the goals, objectives and strategies in the Master Plan; promote design flexibility; and further enhance the overall quality and character of the project; and that such modification is consistent with the purpose and intent set forth in Section 10.751.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That 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 12 – Signs, Section 10.1230 – Sign Districts, as follows:

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

Sign Districts	Underlying Zoning Districts
Sign District 3	Central Business A Central Business B Business
Sign District 4	Business Office Research

(2) Amend Article 12 – Signs, Section 10.1240 – Permitted Sign Types, as follows:

~~10.1242 Wall signs and parapet signs are permitted only for ground floor uses and single use buildings.~~

10.1242 One parapet sign, or one wall sign above the first floor, may be allowed for each street façade, provided that the use is primarily above the first floor. The parapet sign or wall sign shall not be placed on a floor higher than the highest floor occupied by the applicable use.

(3) Amend Article 12 – Signs, Section 10.1250 – Sign Dimensional Standards, as follows:

10.1251.10 The maximum aggregate sign area shall be as follows:

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

(4) Amend Article 12 – Signs, Section 10.1290 – Sign Definitions, by amending the definition of “aggregate sign area” as follows:

Aggregate Sign Area

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

(5) Amend Article 12 – Signs, Section 10.1250 – Sign Dimensional Standards, as follows:

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

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

[All dimensions in square feet]

~~10.1253.50 A projecting sign shall be no closer than 6 inches to the building to which it is attached, and shall project no more than 4 feet from the building or one third of the width of the sidewalk, whichever is less.~~

10.1253.50 A projecting sign shall project no closer than 1 foot to the edge of the vehicular travel way, if any.

(6) Amend Article 12 – Signs, Section 1270 – Additional Sign Regulations, as follows:

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

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ZO amend 10-1200 signs.doc

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions, be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) Amend Section 10.515 – Measurement Rules, as follows:

10.515.10 Building Coverage and Yards

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

- (a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall; ~~or~~
- (b) structures (such as decks and patios) less than 18 inches above ground level; ~~or~~
- (c) **mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; are set back at least 10 feet from a property line; and are not located closer to the street than the front of the principal structure.**

(2) Amend Section 10.516 – Exceptions to Yard Requirements, by inserting the following new Section 10.516.40:

10.516.40 Projections Into Required Yards

The following building elements may project into required yards as indicated:

Projecting Element	Maximum Projection Into Yard
Balconies or bay windows, not exceeding 50% of the building face in total	2 feet
Open and uncovered terraces, decks, steps or stoops less than 4 feet in height	Up to one-half the required yard
Unenclosed porches, steps or stoops more than 4 feet in height	6 feet

- DRAFT -

Porticos (either enclosed or unenclosed) less than 20 square feet in area	5 feet
Roof eaves or overhangs	2 feet
Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features	4 feet

(3) Amend Section 10.1530 – Terms of General Applicability, by inserting the following new definition:

Portico

A small porch composed of a roof supported by columns, often found in front of a doorway.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That 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 6 – Overlay Districts, Section 10.630 – Historic District, as follows:

10.635.20 Work Sessions

[...]

10.635.22 Upon **receipt of a written request (containing a conceptual site plan and conceptual level information listed under 10.634.20)** by a potential applicant for a work session, either prior to or after the submission of an application for a Certificate, the Commission shall, at a regularly scheduled public hearing or other authorized time, convene into a work session. The purpose of this session shall be to consider and comment on various design alternatives, issues and options for any project coming under this Section with the aim of providing guidance in preparing an application for public hearing.

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

John Bohenko
City Manager
City Hall
Portsmouth, New Hampshire

FEB 19 2013

2/19/2013

John,

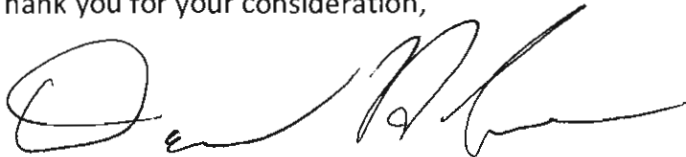
I would like to use a city parking place to store a 20' storage container for five months.

As you know, I had a significant fire at my home on 210 Gates Street late in October last year. Now, after all of the insurance matters are satisfied it is time to start the process of restoration. My site is small and going to be quite cramped while we are working on the house and I am going to need secure space to store salvage items on their way out and receive new materials on their way in.

There are about five casual (un-metered and un-lined) parking spaces on the north side of Mechanic Street near the bridge to Peirce's Island, and I would like to use the one of them that is closest to the Lacava property.

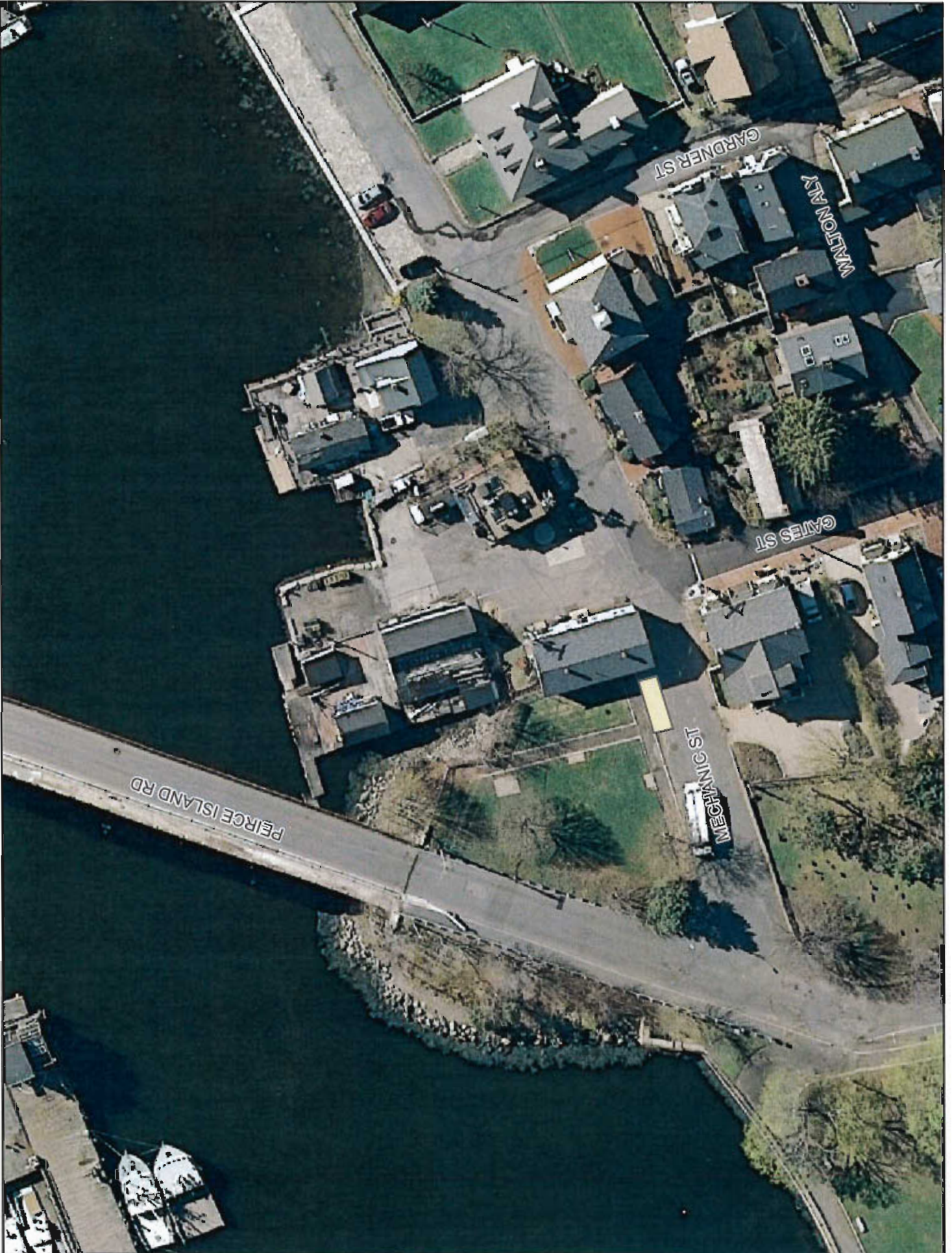
A new, clean container will be very valuable to my project. I will be responsible for the removal of the pile of snow that is there in the space now. There will be no electrical requirements and no work performed in or around it. It will be locked at night and the area kept clean during the duration of its stay. I intend to get it from Page Street Rentals and it would be dropped off once, and remain until the end of the job and then removed (not like a dumpster, in and out each week). The space will be cleaned after its removal.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'David Adams', written in a cursive style.

David Adams
210 Gates Street
Portsmouth, New Hampshire

1.603.479.1673



Run: 2/27/13
4:08PM

Event Listing by Date

Page: 1

Starting Date: 1/ 1/2013
Ending Date: 12/31/2013

Start End	Type Description	Location	Requestor	Vote Date
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 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
4/13/2013 4/13/2013	WALK Contact: Kim Blanchard, Development Coordinator (603) 623-3502 Walk 10:00 a.m. to 2:00 p.m. - Start and Finish at Little Harbour School	Start and Finish at Little Harbour School	National Multiple Sclerosis So	1/ 7/2013
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	BIKE TOUR Gale Auclair, Senior Development Manager is the contact for this event. This event begins at Little Harbour School, at 7:00 a.m.	Little Harbour School - begins and ends	American Lung Association	2/ 4/2013
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/ 5/2013 5/ 5/2013	WALK Calvin Sanborn is the contact for this event. This event begins and ends at City Hall lower parking lot, from 10:00 a.m. to 5:00 p.m.	City Hall	AIDS Response Seacoast	1/22/2013
5/11/2013 5/11/2013	ROAD RACE Kimberly McGlinchey and Deirdre Barrett are the contacts for this event. They can be reached at Portsmouth High School 436-7100. This event begins at 1:00 p.m. and ends at 3:00 p.m.	Pease Tradeport	ECO Club - Portsmouth High Sch	1/22/2013
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
5/18/2013 5/19/2013	BIKE TOUR Kelly Sicard is the contact for this event.	Pease Tradeport	Breathe New Hampshire	2/ 4/2013
5/26/2013 5/26/2013	ROAD RACE Jeanine Sylvester is the contact for this event - 430-1212. The event begins and ends at the Redhook Ale Brewery, at 11:00 a.m.	Redhook Ale Brewery - Pease Tradeport	Runner's Alley	1/22/2013

Run: 2/27/13
4:08PM

Event Listing by Date

Page: 2

Starting Date: 1/ 1/2013
Ending Date: 12/31/2013

Start End	Type Description	Location	Requestor	Vote Date
6/ 2/2013 6/ 2/2013	ROAD RACE Kristen Lyons is the contact for this event. It begins at 11:00 a.m. at Pease Tradeport. This event was originally scheduled for May 19th.	Pease Tradeport	Sexual Assault Support Service	2/ 4/2013
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	Seacoast Bike Ride	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
6/22/2013 6/23/2013	ROAD RACE Contact: Garfield Jones of Fattman Productions at (617) 916-2002 or Garfield@fattmanproductions.com. This is the Cambridge, MA based Community Running Association in conjunction with the New England Chapter of the American Liver Foundation 24 hour relay.	Along Seacoast Route 1A, South Street, Municipal P	Fattman Productions	1/ 7/2013
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. to 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/ 4/2013 7/ 4/2013	ROAD RACE Contact: Dave Abbett. This 5K event is at the Pease Tradeport.	Pease Tradeport	Sub 5 Race Management	1/ 7/2013
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 Justin Finn is the contact for this race. This race begins at Peirce Island at 6:00 p.m. This is part of the Greater Portsmouth Chamber of Commerce Community Road Races.	Pierce Island - Prescott Park Course	Portsmouth Rotary Club Thunder	12/17/2012

Run: 2/27/13
4:08PM

Event Listing by Date

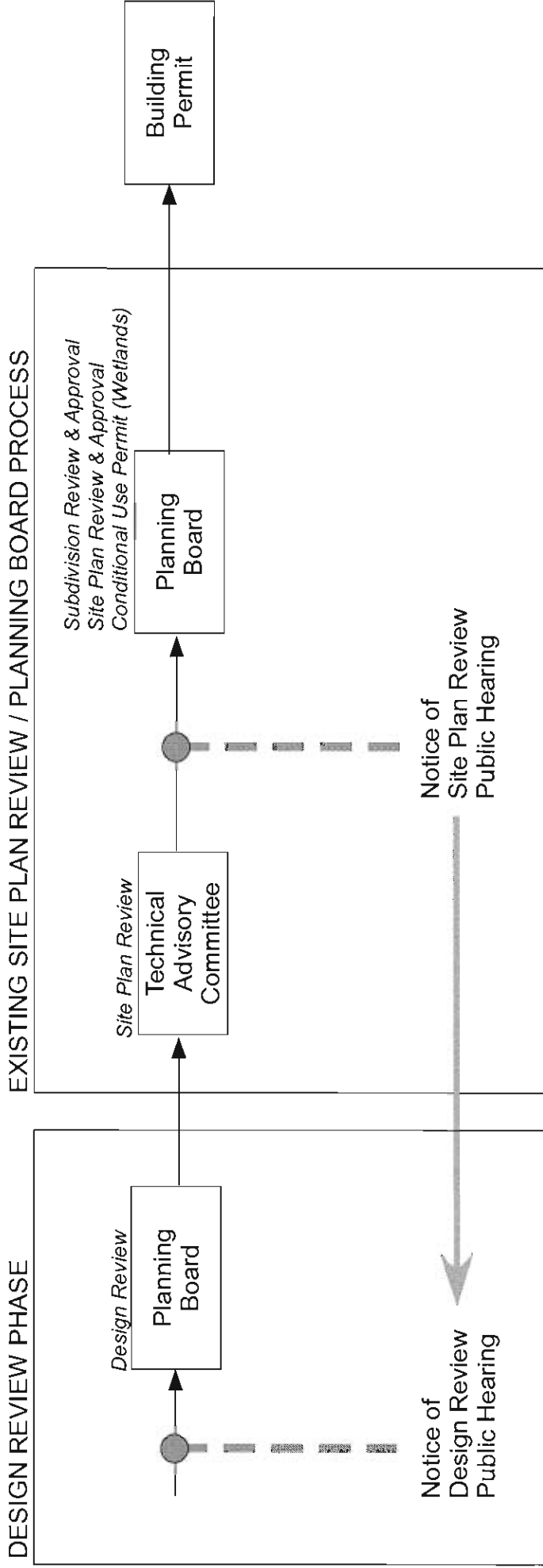
Page: 3

Starting Date: 1/ 1/2013

Ending Date: 12/31/2013

Start End	Type Description	Location	Requestor	Vote Date
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/ 8/2013 9/ 8/2013	ROAD RACE Thomas Martin is the contact for this event. This event begins and ends in downtown.	Downtown	Portsmouth Criterium	2/ 4/2013
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 9/29/2013	FESTIVAL David Hallowell is the contact for this event. This event is from Noon to 6:00 p.m. in front of the RiRa Pub and Breaking New Grounds.	Pleasant Street	Portsmouth Maritime Folk Festi	2/ 4/2013
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
9/29/2013 9/29/2013	WALK Contact: Caitlyn Mosher Ellis (617) 393-2092. Strawbery Banke - Walk site opens at 8:30 a.m. for registration, the Walk kicks off at 10:00 a.m. and clean up by 1:00 p.m. The 1.3 and 2.7 mile routes will both go through the downtown are (using Congress Street).	Walk begins and ends at Strawbery Banke	Alzheimer's Association	1/ 7/2013
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

Existing Site Plan Review Process and Proposed Design Review Phase



Under State law, a proposed development project is protected from an amendment to the Zoning Ordinance if the application for site plan or subdivision review was the subject of notice by the Planning Board prior to public notice of the proposed zoning amendment (i.e., City Council's notice of second reading and public hearing).

Under existing procedures, this protection is not obtained until after TAC has completed its review and has forwarded its recommendation to the Planning Board.

By allowing an applicant to submit a plan for Design Review, the proposed change to the Site Plan Review Regulations would allow the the proposed project to gain protection from subsequent zoning changes without submission of a formal application for Site Plan Approval.



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

Name: Colby Gamester Telephone: 603-401-0500

Could you be contacted at work? YES NO If so, telephone # 603-401-0500

Street address: 176 Thaxter Rd.

Mailing address (if different): _____

Email address (for clerk's office communication): colbygunh@yahoo.com

How long have you been a resident of Portsmouth? 28 years

Occupational background:

Please see attached

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

Please see attached



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

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

Reasons for wishing to serve: Please see attached

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

Please see attached

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

1) Please see attached

Name, address, telephone number

2) _____

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: Colby James

Date: 2/8/13

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

COLBY T. GAMESTER

176 Thaxter Rd. Portsmouth, NH | colbygunh@yahoo.com | 603-401-0500

OBJECTIVE | Lifelong Portsmouth resident seeking to serve on the Planning Board with the intent of contributing to the continued growth and change of the City.

PROFESSIONAL EXPERIENCE | **OWNER/OPERATOR--D/B/A COLBY GAMESTER, CONTRACTOR**
1999-PRESENT

Responsible for the planning and execution of projects in the areas of landscaping, hardscaping, carpentry, painting and light construction

RESEARCH ASSISTANT--PETER J. LOUGHLIN, ATTORNEY AT LAW
2010-PRESENT

Research New Hampshire statutes and case law; organize evidence and develop court records; update New Hampshire practice materials for local government law, planning, and municipal taxation

STUDENT PROSECUTOR—Chelsea, MA District Attorney's Office
JANUARY 2012 –MAY 2012

Handled Arraignments; Case Management; Arguing of Motions; Trials; Negotiating Plea Deals

ADDITIONAL EXPERIENCE | **SECRETARY, BOARD OF DIRECTORS—LEADERSHIP SEACOAST**
2006-2008

As Secretary, recorded meeting minutes and constructed the agenda for each meeting; Also served as member of the Governance and Admissions Committees; participated in policy objectives, programming coordination and fundraising

CERTIFICATIONS /MEMBERSHIPS | **NEW HAMPSHIRE STATE BAR ASSOCIATION (*Expected, March 2013*)**
LEADERSHIP SEACOAST (2001-present)

EDUCATION | **NEW ENGLAND LAW SCHOOL, BOSTON, MA—2009-2012**
JURIS DOCTORATE

UNIVERSITY OF NEW HAMPSHIRE, DURHAM, NH—2002-2006
BACHELOR OF SCIENCE, ECONOMICS
BACHELOR OF ARTS, POLITICAL SCIENCE

REFERENCES | **MICHAEL SINGER**
PROPRIETOR
MICHAEL SINGER INSURANCE
Office: 603-431-2103

ERIC WEINRIEB, P.E.
PRESIDENT, CONSULTING ENGINEER
ALTUS ENGINEERING
Office: 603-433-2335

RESPONSES FOR APPOINTMENT APPLICATION

Colby Gamester

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

While being a research assistant for Peter Loughlin I dealt with issues related to land use and zoning. The majority of my project-work with Attorney Loughlin related to large scale development projects in several towns and cities, including Portsmouth. Over the years, I have helped edit and update Attorney Loughlin's New Hampshire Practice Series volumes regarding Local Government Law, Land Use, and Municipal Taxation.

In law school, I participated in an experimental land use course. This course was experimental because of its small class size and the structure of the course. Our class studied various zoning ordinances, as well as, the policies and theories behind city planning. We examined actual ordinances from around the country and analyzed the various state and federal constitutional issues related to them. For the final project I conducted a 'soup to nuts' presentation of the Service Credit Union's building on Lafayette Road, focusing primarily on the Gateway District and its advantages and disadvantages.

Reasons for wishing to serve

I have been a resident of Portsmouth my whole life and have a close relationship with this City and its residents. Portsmouth is in a unique situation. We are all but guaranteed growth by and from our positioning between Boston, Portland, the ocean, the mountains, the port and the traffic circle. People want to move here and/or remain here. Growth is always accompanied by costs and challenges. The Planning Board fields many of these challenges as they involve the character of neighborhoods, districts, and overall development change in relation to the environment, density and use and desires of the citizens, both residential and commercial. I would like to serve on the Planning Board in order to enable and ensure measured growth of Portsmouth where a delicate balance must be struck between progress and conservation of the character of this City.

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

I am currently not involved with any other organization, groups or committees. I, however, will soon be involved in many NH Bar activities and organizations as I expect to receive my license to practice law in late March.



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: Portsmouth Housing Endowment Fund Initial applicant

Name: Craig W. Welch Telephone: 603-436-4310 x118

Could you be contacted at work? YES NO If so, telephone# _____
work *Home*

Street address: 245 Middle St. / 77 South St.

Mailing address (if different): _____

Email address (for clerk's office communication): craigwelch@nh-pha.com

How long have you been a resident of Portsmouth? 6 years.

Occupational background:

Non-profit management, public policy,
real estate brokerage & development,
single family finance, Office of the Governor,
Blue Water Mortgage, Craig Welch Group LLC, NH
Community Loan Fund,

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

- Commercial Real Estate - Broker
- Single Family Finance. Loan Officer
- Housing - Community Development Finance.
- Executive Director, Portsmouth Housing Authority



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO Staff - David Moore.

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

Reasons for wishing to serve: As Executive Director of Portsmouth Housing Authority, my membership on this committee is provided for per City ordinance.

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

- State Housing Authority Executive Directors Assoc.
- Former member of School Facilities Study Committee
- Former Chairman, LCHIP (state)
- Member of Community Development Advisory Council of Boston Fed.

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

1) Maria Sillari - John's Ave. 305-0422
Name, address, telephone number

2) Ruth Griffin - Richards Ave. 436-5272
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: [Signature] Date: 1/20/13

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

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

CRAIG WYATT WELCH

77 South Street
Portsmouth, NH 03801

Phone: 603-817-9739
craigwelchgroup@gmail.com

HIGHLIGHTS:

- Experienced housing executive with a diverse experience in real estate development, finance, public policy, education and management.
- Demonstrated leadership abilities in the public and private sectors.
- Extensive communications background including public, media, board and member relations.
- Hard working and persistent in pursuit of organizational goals.
- Passionate about improving the quality of life in Portsmouth and the surrounding region.

RELEVANT EXPERIENCE:

Portsmouth Housing Authority, Executive Director

Jan 2013 – Present

- Oversee 580 owned and managed affordable housing units in the City of Portsmouth, a Housing Choice voucher program that serves more than 400 seniors and families in the region, and a variety of youth services and support programs.

New Hampshire Community Loan Fund Inc., Vice President of Housing

May 2009 – Present

- Manage \$55 million lending portfolio of single family and multifamily low-income housing.
- Create and manage new lending, education and energy efficiency programs for low-income homeowners.
- Represent the organization with local and national partners including industry associations.
- Work with philanthropy staff to raise investments and permanent capital.

Craig Welch Group, LLC., Owner and Managing Director

2006 - 2009

- Established firm to specialize in commercial property acquisition and tenant representation throughout New England.
- Represented North America's largest provider of Senior Congregate Housing throughout New England.
- Performed site acquisition, contract negotiation and coordination of all aspects of the planning and development process.
- Brokerage activity with developers to add more than \$100 million in new real estate value.
- Licensed in New Hampshire, Maine, Massachusetts, and Connecticut.

Grubb & Ellis | Coldstream Real Estate Advisors, Broker/Advisor

2002 - 2005

- Maintained \$5 million property brokerage portfolio, including buying, selling, leasing, and consulting services for owners, developers, investment groups, and Fortune 500 companies.
- Worked with owners, developers and municipalities on projects that required large scale infrastructure planning and development.

Wunderkind Studios, Principal and Vice President of Business Development

1998 - 2001

- Created and executed an aggressive growth strategy as an owner and member of the senior management team.
- Proposed and developed Internet-based communication strategies for emerging high technology, healthcare, financial services, and education organizations.
- Served as chief spokesperson for the firm and achieved monthly earned-media throughout New England.
- Led the establishment of business/education partnerships throughout New Hampshire.
- Played a key role in branding and promoting the "eCoast" region as a high-technology center.
- Achieved 960% first year growth and 450% second year growth. FY2000 revenue over \$3 million.

Whittemore School of Business and Economics, University of NH, Instructor

2001 – 2004

- Taught *Introduction to Business* and *Organizational Behavior* courses.
- Responsible for preparing class sessions, grading student performance, leading discussions and writing assistance.

Office of Governor Jeanne Shaheen, Special Assistant

1997-1999

- Served as the first-ever Governor's advisor for telecommunications policy.
- Interpreted state role in telecommunications competition resulting from the Federal Telecommunications Act of 1996.
- Coordinated monthly technology roundtables.
- Restructured and directed the *Governor's Council on Volunteerism*.
- Served as a Commissioner for the *NH Commission for National and Community Service*.
- Established the *Governor's Anti-Violence Youth Advisory Task Force*.
- Established the *New Hampshire Council on Literacy*.

AmeriCorps USA, Corporation for National Service, National Leader

1995-1996

- Served as an advocate, ambassador, and liaison to 130 AmeriCorps Members in New Hampshire.
- Published guide of academic service-learning resources.
- Promoted national and community service in schools and universities throughout New Hampshire.
- Implemented quality improvement projects.
- Designed and conducted leadership, career development, service-learning, and other educational seminars.

EDUCATION:

Master of Education, Organization and Management

May 1996

Antioch New England Graduate School.

Bachelor of Arts, Political Science

December 1993

College of Liberal Arts, University of New Hampshire.

Rotary Foundation International Exchange Student

September 1988 - August 1989

Ikuno Senior High School, Matsubara-Shi, Osaka, Japan.

OTHER EXPERIENCE:

Federal Reserve Bank of Boston, Community Development Advisory Council

March 2010 – Present

NH Land and Community Heritage Investment Program, Chairman, Board of Directors

2005-2009

Union Leader's "40 Under 40"

2008

Leadership New Hampshire, Class of 2008

2008

University of New Hampshire Inter-Fraternity Council, President

1992

Served as Chief Executive Officer for 700-member organization.

University of New Hampshire Disaster Relief Organization, Crew Leader

1992

Organized 60 student volunteers to reconstruct hurricane damaged housing in Southern Florida.

Southwestern Publishing Company, Student Manager

1991

Top 10% nationwide in first year sales.

Oyster River High School and NH Junior Olympic Elite Team, Girls Volleyball Coach

1990- 1994


1991, 1993 & 1994 State Champions and 1993 New England All-State Champions.

New Hampshire Association of Student Councils, President

1988

Led statewide student organization providing leadership development opportunities for over 10,000 New Hampshire students.

received
2/21/13

DATE: February 19, 2013
TO: MAYOR ERIC SPEAR AND CITY COUNCIL
FROM: ASSISTANT MAYOR ROBERT LISTER 
RE: ETHICS COMMITTEE

On February 12, 2013, the Ethics Committee appointed by Mayor Spear held a meeting. Attached hereto are the minutes of that meeting which include its recommended action.

attachment

cc: John P. Bohenko, City Manager

Ethics Subcommittee of City Council



Minutes

Tuesday, February 12, 2013

Municipal Complex, Law Library, 4th Floor – 5:30 p.m.

- I. Call to Order – Assistant Mayor Robert Lister, Chair

Assistant Mayor Lister called the meeting to order at 5:30 p.m.

Attending the meeting: Councilor Nancy Novelline Clayburgh, Councilor Ken Smith (left at 6:00 p.m.), John O'Leary, member, Joanne Grasso, member and City Attorney Robert Sullivan.

- II. Discuss Charge of the Committee

The Committee discussed the charge of the subcommittee which was formed by Mayor Spear on January 3, 2012 in response to issues that arose during the 2011 Municipal Election campaign. They concluded that their charge was to focus on encouraging candidates running for municipal office to adhere to the Code of Ethics already in place in the City of Portsmouth. Other discussion involved boards and commission members with a possible recommendation to ask Chairman of Boards and Commissions to review the Code of Ethics with their members.

- III. Next Steps

On a vote of 4-0, (*Councilor Smith no longer in attendance*), the Committee voted to recommend that the City Council approve the language of the following statement to be distributed to all candidates in all Municipal Elections:

The City Council of the City of Portsmouth would like to remind all candidates for public office in the City that civility in our municipal government has been a past tradition and is a future expectation. This principle should begin to apply during the campaign which precedes an election. Relationships which are established during the campaign will

carry over into the operation of the government after the election. Accordingly, all candidates should act during the campaign in a manner which is respectful of other candidates, the electorate and of the municipal government. One example of such conduct would be to refrain from negative campaigning, and especially the expenditure of funds for the sole purpose of seeking to hurt or damage another candidate.

All candidates for elected office are requested to campaign with integrity and respect of other candidates and the office they seek.

IV. Adjournment

Meeting adjourned at 6:20 p.m.

ACTION SHEET

PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of March 4, 2013

Re: Parking and Traffic Safety Committee Meeting held **February 14, 2013**

ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held December 13, 2012 and January 8, 2013.
- [2] Accepted and placed on file the Financial Report.
- [3] Presentation given on Bicycle Parking in Portsmouth by City Planner Juliet Walker.
- [4] **Request from Atlantic Parking Services – Daytime Valet Parking Service @ 40 Hanover Street** – **MOTION** made by Public Works Director Parkinson to DENY the request to allow Daytime Valet Parking Service @ 40 Hanover Street as requested, seconded by Chief LeClaire. **Motion passed.** *Chairman Smith abstained.*
- [5] **Discussion of Woodbury Avenue 4-way stops Request (RSG report attached)**– **MOTION** made by Mr. Gray to accept the RSG report as presented, seconded by Mr. Whitehouse. **Motion passed.**
- [6] **Discussion of proposed 89 space parking lot adjacent to Vaughan Street** – **MOTION** made by City Manager Bohenko to accept the report, seconded by Mr. Whitehouse. **Motion passed.**
- [7] **Citizen Request for “No Trucks and/or Local Traffic Only” signage – Greenleaf Extension** – Citizen Request – **MOTION** made by Public Works Director Parkinson to refer to the Department of Public Works for a report back in late Spring, seconded by Mr. Whitehouse. **Motion passed.**
- [8] **Discussion on changing the “informal” free parking policy for telephone, cable TV, electric company and other privately owned utility company vehicles using city parking spaces** – DPW Item -**MOTION** made by Public Works Director Parkinson to refer to the Parking Division to notify all affected companies that enforcement of parking rules will begin April 1st , seconded by Ms. Donnermeyer. **Motion passed.**

- [9] **Discussion on Adding a line to the City's parking violation list for "Taking Up Multiple Spaces** – DPW Item – Public Works Director Parkinson moved to add "Taking Up Multiple Spaces" to the Violations section of the Parking Ordinance, seconded by Mr. Gray. **Motion passed.**
- [10] **Discussion on Adding language to the ordinance governing Taxi Stand Use to specify that drivers must be in their vehicles at all times when using designated taxi stands and that unattended taxis parked in these spaces will be ticketed** - **MOTION** made by City Manager Bohenko to add language to Taxi Ordinance to specify that drivers must be in their vehicles at all times when using designated taxi stands and that unattended taxis parked in these spaces will be ticketed, seconded by Public Works Director Parkinson. **Motion passed.**
- [11] **Discussion on Changing the current use of the taxi stand on Pleasant Street adjacent to RiRa to a handicapped space** - **MOTION** made by City Manager Bohenko to change the current use of the taxi stand on Pleasant Street adjacent to RiRa to a handicapped space, seconded by Mr. Whitehouse. **MOTION** made by City Manager Bohenko to **TABLE** for further review, seconded by Chief LeClaire. **Motion to TABLE passed.**
- [12] **Proposal to implement a shuttle bus service to transport people from outlying parking areas into downtown Portsmouth** - City Manager Item. City Manager Bohenko updated the Committee stating that this was an item referred by the City Council which he will be talking with COAST bus regarding the logistics and will keep the committee informed. **NO ACTION NEEDED.**
- [13] **Discussion to designate one space in front of the incoming Newbury 5-Cent Savings Bank (Formerly Marple and James Real Estate building at State and Pleasant Streets) for 15 minute parking** - **MOTION** made by City Manager Bohenko to accept the recommendation to designate one space as 15 minutes parking as requested, seconded by Public Works Director Parkinson. **Motion passed.**
- [14] **Request to restrict parking on Sherburne Avenue to one side of the street** - **MOTION** made by City Manager Bohenko to refer to the Recreation Board for a report back, seconded by Public Works Director Parkinson. **Motion passed.**

- [15] **Maplewood Avenue Parking Meters – follow up action from October 13, 2011 Parking Committee Meeting** - MOTION made by Ms. Donnermeyer to remove the metered spaces, seconded by Mr. Whitehouse. City Manager Bohenko moved to amend the motion by adding 2 15-minute non-metered spaces, seconded by Public Works Director Parkinson. Motion to amend passed. **Main motion as amended “Remove the metered spaces entirely and add Two 15-minute non-metered spaces” passed.**
- [16] **Repost commercial loading zones on Penhallow and Market Streets (near to the Commercial Alley passage) to add Sunday hours and add language to the Ordinance to specify that only vehicle owners “actively loading or unloading” may use the spaces** – MOTION made by Public Works Director Parkinson to amend the commercial loading zones on Penhallow and Market Streets (near the Commercial Alley passage) to add Sunday hours and add language to the ordinance to specify that only vehicle owners “actively loading or unloading” may use the spaces, seconded by Mr. Gray. **Motion passed.**
- [17] **PUBLIC COMMENT** – There were no speakers
- [18] **Update on status of downtown employee parking lot at the Isle of Shoals Steamship Company** - Tom Cocchiaro updated the Committee stating that an agreement has been reached with the Isle of Shoals Steamship Company to allow employee parking from November through April with proof of employment for a \$25.00 per month fee. He stated the next step is that the agreement must be reviewed and approved by the Port Authority. **NO ACTION NEEDED.**
- [19] **Temporary Valet spaces on Deer Street for Residence Inn through February 14th** – Public Works Director Parkinson explained that this was a temporary situation caused by street construction. The City Manager granted temporary approval which expired today. **NO ACTION NEEDED**
- [20] **Valet Licensing on Port Walk Way** – DPW item – Chairman Smith stated as a result of the above situation, it was brought to our attention that Valet parking was being offered at the Port Walk and they were advised that they need to obtain the appropriate licensing as soon as possible.
- [21] **WORK SESSION** – A Work Session to discuss Parking Garage issues was scheduled for **Thursday, February 28, 2013 at 8:00 a.m.** in the City Council Chambers.

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, February 14, 2013
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Councilor Ken Smith, Chair
John Bohenko, City Manager
Steve Parkinson, Public Works Director
Steve Achilles, Assistant Fire Chief
Ron Cypher, Member
Sheri Donnermeyer, Member
Ted Gray, Member
Harold Whitehouse, Member

Members Absent:

Police Department Representative

Staff Advisors Present:

Mark Nelson, Parking Division Director
Tom Cocchiaro, Parking Operations Supervisor

III. ACCEPTANCE OF THE MINUTES:

Mr. Cypher moved to accept the minutes of the December 13, 2012 meeting as presented. Seconded by Mr. Whitehouse and passed.

City Manager Bohenko moved to accept the minutes of the January 8, 2013 meeting as presented. Seconded by Mr. Gray and passed.

IV. FINANCIAL REPORT:

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

II. PRESENTATION:

A. Bicycle Parking in Portsmouth presentation – Juliet Walker and Rick Taintor

Juliet Walker, City Planner, gave a brief presentation regarding bicycle parking specifically in the downtown area. She stated there are currently 118 bike spaces located at 20 locations. She stated the goal is to increase locations to fill gaps of the areas that aren't currently with 150' of destination spots. She stated it is hard to quantify how much is needed as it is unknown how many private bicycle spaces are being provided. She

stated there could be a threshold added to our zoning ordinance to provide certain amount of bicycle parking such as we do for parking spaces. She stated that maintenance and enforcement of the bicycle spaces are important issues that gain the trust of people to use the spaces. She continued that our current bicycle ordinance doesn't address abandoned bicycles, nor bicycles on sidewalks. She concluded with slides showing the various types bicycle parking in other cities in the world and the larger degree of usage in those cities as well. She stated that the recommendation is to revise the current bicycle parking policies.

Mr. Gray asked who will enforce these policies if they are implemented. City Manager Bohenko stated the parking enforcement officers. Mr. Gray asked about licensing of bicycles. City Manager Bohenko stated that licensing of bicycles is required but is not currently enforced.

III. NEW BUSINESS:

(A) Request from Atlantic Parking Services – Daytime Valet Parking Service @ 40 Hanover Street

Brian Slovenski of Atlantic Parking Services explained they are requesting permission to operate a Valet Parking Service every day during the hours of 10:00 a.m. to 4:00 p.m. in the loading zone at 40 Hanover Street for members of the 100 Club. He stated they are also requesting the leasing or renting of 10 adjacent spaces in the High-Hanover Parking garage and the option to place 2 A-frame signs in the loading zone as well.

Public Works Director Parkinson moved to DENY the request, seconded by Chief LeClaire.

Public Works Director Parkinson stated he has 2 major issues with this request; the first is that valet parking has been approved for evening hours only as the loading zones are not used during this time. He stated the loading zones are used by all of the surrounding businesses not just the one specified. Secondly, he stated that there have never been designated spaces in the parking garage as it impacts the bonds.

City Manager Bohenko stated that is correct, the only dedicated spaces are handicapped parking and electric cars but that is not for a specific company or person.

Motion to deny passed unanimously.

Mr. Slovenski attempted to explain that they work with delivery truck and taxi drivers for use of the loading zone spaces.

City Manager Bohenko stated that the vote has been taken and then called for the vote to be taken again.

Motion to deny passed unanimously.

(B) Discussion of Woodbury Avenue 4-way stops Request - DPW item

Public Works Director Parkinson stated that this issue is addressed in the RSG report with the conclusion that current intersection configuration is appropriate and no multi-way stop control be pursued.

Mr. Gray moved to accept the RSG report and recommendations as presented, seconded by Mr. Whitehouse.

Mr. Whitehouse asked to digress and discuss his concern with the triangle intersection of Woodbury Avenue and Maplewood Avenue stating that there needs to be a Yield sign or paint because people often speed in that location and it is difficult to determine who has the right of way.

City Manager Bohenko stated that a roundabout was proposed for that area several years ago which would have resolved the issue but the neighbors came out in force against it.

Public Works Director Parkinson stated that this would need to meet the warrant and also stated he was not aware that this was a high accident location, but he will check with the Police Department.

Motion passed.

(C) Discussion on proposed 89-space parking lot adjacent to Vaughan Street – City Manager item

Public Works Director Parkinson stated that this is for informational purposes and has already been before the City Council. He stated this lot will be gated and similar to the Portwalk spaces that were previously utilized by the city.

Mr. Whitehouse asked how the property will be taxed once the building has been demolished. City Manager Bohenko stated that he would clarify with the Assessor but believes that it is taxed based on what is on the lot as of April 1st of each year. He stated once the building is removed it would not be taxed until it is redeveloped.

City Manager Bohenko moved to accept the report, seconded by Mr. Whitehouse. Motion passed.

(D) Citizen Request for “No Trucks and/or Local Traffic Only” signage – Greenleaf Extension

Public Works Director Parkinson stated this is a citizen request resulting from the aftermath of the preparation work for the upcoming road reconstruction near Bowl-o-Rama and the need to have some control of the rerouting of traffic as things progress.

Public Works Director Parkinson moved to refer to the Public Works Department to come back with a recommendation in late Spring/early Summer, seconded by Mr. Whitehouse. Motion passed.

- (E) Discussion on changing the “informal” free parking policy for telephone, cable TV, electric company and other privately owned utility company vehicles using city parking spaces - DPW item

Parking Operations Supervisor Cocchiaro reported that this informal policy has been a part of the parking enforcement officers training and in the manual as such, but is not an ordinance. He stated that it is his feeling that if it is not in the ordinance the current parking policy for commercial vehicles should be enforced and he would recommend that the utility companies and media outlets be notified that they will be required to pay for parking.

Mr. Gray asked if they can still use “cones”. Public Works Director Parkinson stated that they can procure permits or meter bags.

Chairman Smith asked if the legal department had advised on this issue. Parking Operations Supervisor Cocchiaro stated yes, City Attorney Sullivan concurs that there are no provisions for free parking for utility vehicles etc. and that the ordinance covering commercial vehicles should be enforced.

Public Works Director Parkinson moved to refer to the Parking Division to notify all affected companies that enforcement of parking rules will begin April 1st, seconded by Ms. Donnermeyer. Motion passed.

- (F) Discussion on Adding a line to the City’s parking violation list for “Taking Up Multiple Spaces”. – DPW item

Parking Operations Supervisor Cocchiaro stated that there are no provisions in the ordinance regarding taking up multiple spaces and feels that this is something that needs to be addressed.

Public Works Director Parkinson moved to add “taking Up Multiple Spaces” to the Violations section of the Parking Ordinance, seconded by Mr. Gray.

Discussion ensued regarding the varying degrees of multiple space parking and what should be enforced i.e., motor homes, vehicles with trailers, etc. versus someone parking over a line inadvertently and how notification will be addressed. The consensus was that people usually use common sense in understanding that if they take up 2 spaces they will need to pay for both spaces and that proper signage would be added.

Motion passed.

- (G) Discussion on Adding language to the ordinance governing taxi stand use to specify that drivers must be in their vehicles at all times when using designated taxi stands and that unattended taxis parked in these spaces will be ticketed – Chairman Smith item

City Manager Bohenko moved to add language to the Taxi Ordinance to specify that drivers must be in their vehicles at all times when using designated taxi stands and that unattended taxis parked in these spaces will be ticketed, seconded by Public Works Director Parkinson. Motion passed.

- (H) Discussion on Changing the current use of the taxi stand on Pleasant Street adjacent to RiRa to a handicapped space – Chairman Smith item

City Manager Bohenko moved to place item on the table for discussion, seconded by Mr. Whitehouse.

Discussion ensued regarding the necessity of a taxi stand at that location versus the appropriate location of handicap parking.

City Manager moved to table the item for further review, seconded by Chief LeClaire.

Mr. Whitehouse stated he supports tabling because he was on the Taxi Commission when this taxi stand location was created and it was added because it was needed.

Motion to table passed.

- (I) Proposal to implement a shuttle bus service to transport people from outlying parking areas into downtown Portsmouth – City Manager item

City Manager Bohenko stated that a Councilor has requested a shuttle service be provided to transport people from outlying parking areas into downtown Portsmouth. He stated there are challenges to this request if it is going to be effective. He stated he will talk with COAST bus service, and stated that there would need to be a 10 minute turnaround time and it will be expensive.

NO VOTE NEEDED

- (J) Discussion to designate one space in front of the incoming Newbury 5-Cent Savings Bank (formerly Marple and James Real Estate building at State and Pleasant Streets) for 15-minute parking – Chairman Smith item

City Manager Bohenko moved to accept the recommendation to designate one space as 15 minute parking as requested, seconded by Public Works Director Parkinson. Motion passed.

(K) Request to restrict parking on Sherburne Avenue to one side of the street –
Chairman Smith item

City Manager Bohenko moved to refer to the Recreation Board for a report back, seconded by Public Works Director Parkinson.

City Manager Bohenko stated that Recreation Director Rus Wilson is already working with the Mavericks who want to be good neighbors and work together to make this arrangement work. Chief LeClaire asked if that street is wide enough for 2 sided parking anyway. City Manager Bohenko stated that is a legitimate point.

Motion passed.

VII. OLD BUSINESS:

A. Maplewood Avenue Parking Meters – follow up action from October 13, 2011 Parking Committee Meeting

City Manager Bohenko referred to the map outlining the parking all of which is currently free of charge with the exception of the 10 metered spaces in front of 111 Maplewood Avenue. He stated that this area needs a lot of attention and needs to be consistent.

Discussion ensued regarding the users of the spaces probably being people who work in the downtown and the effect of removing the free parking may push those currently parking there into outlying neighborhoods thereby creating other issues. Discussion also ensued regarding the creation of the parking lot (Item C on this agenda) at 75 cents per space in relation to this area of parking.

Ms. Donnermeyer moved to remove the metered spaces, seconded by Mr. Whitehouse.

Public Works Director Parkinson offered a friendly amendment to create 2 15-minute non-metered spaces. Ms. Donnermeyer did not accept the amendment.

Discussion ensued regarding enforcement of these 15-minute spaces.

City Manager Bohenko moved to amend by adding 2 15-minute non-metered spaces, seconded by Public Works Director Parkinson. Motion to amend passed.

Main motion as amended “Remove the metered spaces entirely and add two 15-minute non metered spaces” passed.

Chief LeClaire asked if this area was a part of the larger parking study and feels it doesn't make sense to have this free parking in the same area where they are going to charge 75 cents an hour in an adjacent parking lot.

City Manager Bohenko stated we are dealing with a private owner in relation to the parking lot and we will need to see how it will be utilized. He stated this lot may only be available for a couple of years and it is the same situation as the Parrott Avenue Lot with metered spaces next to free spaces. He stated it comes down to a policy issue for the City.

VIII. REFERRALS

- A. Repost commercial loading zones on Penhallow and Market Streets (near to the Commercial Alley passage) to add Sunday hours and add language to the ordinance to specify that only vehicle owners “actively loading or unloading” may use the spaces – Chairman Smith item

Chairman Smith stated that recently Sunday hours were added to the Loading Zone on Bow Street and there are other zones that are active on Sunday mornings as well.

Chief LeClaire clarified that this will revert back to regular parking after that specified time.

Public Works Director Parkinson moved to amend the commercial loading zones on Penhallow and Market Streets (near the Commercial Alley passage) to add Sunday hours and add language to the ordinance to specify that only vehicle owners “actively loading or unloading” may use the spaces, seconded by Mr. Gray.

Chief LeClaire asked if would make sense to change all loading zones to include Sunday hours so there is no confusion.

Public Works Director Parkinson stated it is only the restaurants that need this exception and it will be adequately marked for the enforcement which begins at noon on Sundays.

Motion passed.

- IX. PUBLIC COMMENT** - There were no speakers.

X. INFORMATIONAL

- A. Update on status of downtown employee parking lot at the Isles of Shoals Steamship Company – DPW item

Parking Operations Supervisor Cocchiaro stated that an agreement has been reached with the Isles of Shoals Steamship Company and it has now gone to the Port Authority for their review and approval as it is on their property. He stated that the City will mark and plow the lot and employees of downtown businesses will be able to purchase permits at \$25.00 per month from November – April. He stated they will need to present paystubs to verify their employment.

B. Temporary Valet spaces on Deer Street for Residence Inn through February 14th – DPW item

Chairman Smith stated that there was an issue with construction of Phase III on Portwalk resulting in a street closure so City Manager Bohenko gave temporary permission to relocate the valet spaces for Residence Inn on Deer Street which concluded today (02/14/13). He stated this brought up the issue that a valet service was actually being run out of Port Walk Way which has not gone through the appropriate process.

C. Valet licensing on Port Walk Way – DPW item

Tim Levine of Port Walk Way was in attendance and stated he will be coming forward with the appropriate request for their valet licensing.

Chairman Smith stated they will need to meet with the Legal Department to draft an agreement and come back to the Parking and Traffic Safety Committee for approval.

City Manager Bohenko stated this needs to be done as soon as possible.

OTHER:

Mr. Whitehouse inquired of Chairman Smith if he had set a date for the informal discussion to be held on a Saturday. Chairman Smith stated he had not yet secured a location.

Chairman Smith then stated he would like to set a date for the next work session to discuss the parking garage issue.

The Work Session was scheduled for Thursday, February 28, 2013 at 8:00 a.m. in the City Council Chambers.

XI. ADJOURNMENT

Mr. Whitehouse moved to adjourn at 9:30 a.m., seconded by Ms. Donnermeyer. Motion passed.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department *lg*
SUBJECT: Conservation Commission Minutes
DATE: February 19, 2013


Please be advised that the approved minutes from the December 12, 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: *Historic District Commission Minutes*
DATE: February 19, 2013

Please be advised that the approved minutes from the October 3, 2012 Historic District Commission meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department 
SUBJECT: Planning Board Minutes
DATE: February 25, 2013

Please be advised that the approved minutes from the October 18, 2012 Planning Board meeting are now available on the City's website for your review.