

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 18, 2013 TIME: 6:00PM

## AGENDA

- 6:00PM – WORK SESSION – REQUEST FOR ADDITIONAL APPROPRIATION FOR MIDDLE SCHOOL PROJECT

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

### PROCLAMATION

1. Music in Our Schools Month – Steve Cirillo, PHS – Performing Arts Department Head

### PRESENTATION

1. \*Report Back Re: Recreation Department Transition from Old Connie Bean Center to New Connie Bean Center

- V. ACCEPTANCE OF MINUTES – MARCH 4, 2013

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of COAST Community Funds Grant Award (***Sample motion – move to approve and accept the COAST Community Funds Grant Award and further, authorize the City Manager to execute the agreement***)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 - Signs
- B. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards and Article 15 - Definitions
- C. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.2 – Work Sessions

## IX. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Jill Teeters, March of Dimes, requesting permission to hold the 2013 Seacoast March for Babies on Saturday, May 18, 2013 from 9:00 a.m. to 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to install temporary signage to be located at the Plains and Hislop Park baseball fields during the 2013 baseball season ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for Approval of Pole License to install 6 poles on Islington Street in conjunction with the NH DOT's Islington/By-Pass Bridge replacement ***(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)***
- D. 2013 Omnibus Sidewalk Obstruction Renewals – See Attached Listings ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold the 5k "Out of Hibernation" Road Race on Saturday, April 13, 2013 ***(Anticipated action – move to refer to the City Manager with power)***

## X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

#### **Items Which Require Action Under Other Sections of the Agenda**

- 1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 – Signs ***(Action on this matter should take place under Section VIII of the Agenda)***
  - 1.2 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions ***(Action on this matter should take place under Section VIII of the Agenda)***

- 1.3 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions (**Action on this matter should take place under Section VIII of the Agenda**)

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

1. City Council Policy No. 2010-02 – Pertaining to Sidewalk Materials on Richards Avenue
2. Request for License Agreement Re: 135 Bow Street, Harbour Place, Insurcomm
3. Request for License Agreement Re: 110 State Street, Insurcomm

**Informational Items**

1. Events Listing
2. Report Back Re: Artwill Avenue
3. Work Session Re: Neighborhood Commercial Use
4. Update on Upcoming Budget Schedule
5. Report Back Re: Wright Avenue Parking Lot

**B. MAYOR SPEAR**

1. Appointments to be Considered:
  - Ruth Griffin – Reappointment to the Portsmouth Housing Authority
  - Shelley Saunders – Reappointment as an Alternate to the Conservation Commission

**C. COUNCILOR DWYER**

1. \*Middle School Project Re: Additional Appropriation (**Sample motion – move to bring back for first reading a Bonding Resolution up to \$3.3 million dollars at the April 1, 2013 meeting**)

**D. COUNCILOR SMITH**

1. Citizens Committee for the 2023 Quadricentennial Celebration

**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 Historic District Commission Minutes of the November 7, 2012 meeting are available on the City's website for your review

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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** March 14, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on March 18, 2013 City Council Agenda

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***Work Session:***

6:00 p.m.

1. **Request for Additional Appropriation for Middle School Project.** Councilor Chris Dwyer, Co-Chair of the Joint Building Committee, is requesting that the City Council meet in a work session on Monday evening at 6:00 p.m. to discuss a request for an additional appropriation for the Middle School project. As you are aware, the Middle School Joint Building Committee (JBC) on Wednesday night, voted to ask the City Council to bond an additional \$3.3 million dollars for this project. On Monday evening, Councilor Dwyer along with JBC Co-Chair Dexter Legg will be making a presentation regarding this request. Also, part of that presentation will include JCJ Architecture, Inc, the Middle School architect along with Gilbane Building Company, the construction manager on the project.

***Presentation:***

1. **Report Back Re: Recreation Department Transition from Old Connie Bean Center to New Connie Bean Center.** As requested by Mayor Spear, Rus Wilson, Recreation Director/Athletic Director, along with John Stokel, Principal of the Middle School, will give the City Council a presentation regarding the transition of the Recreation Department from the old Connie Bean Center to the new Connie Bean Center at the Middle School location.

## ***Acceptance of Grants and Donations:***

1. **Acceptance of COAST Community Funds Grant Award.** We were notified last week that our COAST Community Funds Grant request has been approved for a total amount of \$14,600 for the purchase of bike racks and long-term bike storage to be placed throughout the downtown. The request is for a total of 29 bike racks (standard u-shaped staples like those currently in the downtown) and 3 bike lockers.

Proposed bike rack / locker locations are all along COAST bus routes and/or within 1/2 mile of a COAST bus stop. The locations identified in our grant request are:

- a) Market Square immediately behind the existing bus shelter
- b) Discover Portsmouth Center next to entrance on Middle Street to replace existing temporary rack
- c) At Bridge Street Parking Lot
- d) Daniel Street (between Penhallow and Chapel Streets -- to be coordinated with the Daniel Street streetscape improvements)
- e) Deer Street between Russell Street and Market Street
- f) City Hall next to main entrance
- g) Prescott Park near pavilion
- h) High-Hanover Parking garage bike lockers (or similar long-term bicycle storage)
- i) At Crossroads House next to existing bus shelter

The grant request is for the purchase of the racks and the City will do the installation. We are still waiting for the Grant Agreement to be finalized by COAST. The funds are from a federal ARRA Grant (a portion of which is to be used for community projects that support public transit and multi-modal connections).

*I would recommend the City Council move to approve and accept the COAST Community Funds Grant Award and further, authorize the City Manager to execute the Agreement.*

## ***Items Which Require Action Under Other Sections of the Agenda:***

1. **Consideration of First Reading of Proposed Resolution and Ordinance Amendments:**
  - 1.1 **First Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance - Signs.** As a result of the March 4<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the **attached proposed amendments** to Chapter 10 - 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 facade.

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 pass first reading and schedule a public hearing and second reading on the proposed Ordinance, at the April 1, 2013 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.*

- 1.2 **First Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions.** As a result of the March 4<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the [attached proposed amendments Chapter 10 - Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 - Definitions.](#)

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 pass first reading and schedule a public hearing and second reading on the proposed Ordinance, at the April 1, 2013 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.*

- 1.3 **First Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 Historic District 10.635.20 – Work Sessions.** As a result of the March 4<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the [attached proposed amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 Historic District 10.635.20 – Work Sessions.](#)

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 pass first reading and schedule a public hearing and second reading on the proposed Ordinance, at the April 1, 2013 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **City Council Policy No. 2010-02 - Pertaining to Sidewalk Materials on Richards Avenue.** As the result of on-going water, sewer and roadway improvement projects, we have received a number of requests from residents to install sidewalk materials other than those currently specified as part of City Council Policy.

Current City Council Policy No. 2010-02 (see attached policy) prescribes sidewalk materials to be brick in the Historic District of the City and concrete in all other sections of the City. The Council policy further allows for "sidewalk material for sidewalks located outside the Historic District which have historically been brick" to be allowed based on a vote of the City Council.

As part of the on-going Richards Avenue Sewer Separation project, City Staff has received a petition from residents on the Middle Street end of Richards Avenue to allow brick sidewalks from Middle Street to Parrott Avenue (see attached petition). There are 24 properties on this section of Richards Avenue 17 of which are outside the Historic District. Since the majority of the project is outside the Historic District the new sidewalks were designed to be concrete. The total amount of sidewalk to be replaced in this project is approximately 11,000 linear feet. The petition requests replacing 1,022 with brick, 752 linear feet of the 1,022 feet is outside the Historic District. Based on the cost difference of \$30/linear foot the cost impact of changing the material to brick is approximately \$31,000 (~\$1,300 per property).

The goal of the Public Works Department is to provide sidewalks which are safe, constructed of consistent material and are easily maintained. If brick materials outside the Historic District are allowed, staff recommends that an entire block is of a consistent material to avoid a patch-work of materials. In addition, staff recommends that any additional cost to construct the brick sidewalks be borne by the requesting property owners. This has been done in the past with property owners paying their proportional share.

On Monday evening, City staff will present a brief presentation on current sidewalk construction practices and will seek direction from City Council as to the specific Richards Avenue petition.

*There are two options for City Council action:*

- 1) *Move to reaffirm the use of concrete for entire sidewalks for all of Richards Avenue, or,*
- 2) *Move to approve use of brick sidewalks in the area from Middle Street to Parrott Avenue with all property owners agreeing to pay the difference in costs from concrete to brick.*

2. **Request for License Agreement Re: 135 Bow Street, Harbour Place.** Insurcomm seeks a License Agreement to continue to use a portion of the sidewalk and on street-parking in front of 135 Bow Street, Harbour Place for a dumpster to work on the fire project at this location. Insurcomm previously obtained an encumbrance permit (30-day limit) from the Inspections Department, but requires additional time to complete its work. See [attached letter](#) requesting this license. City staff recommends that the license, if granted, expire May 31, 2013 with the City Manager having the authority to extend for an additional 30 days for good cause. The license should also include all special conditions outlined in the encumbrance permit and require relocation of the dumpster as may be necessary for special events or Public Works' needs.

*I would recommend the City Council move to authorize the City Manager to negotiate and enter into a License Agreement with Insurcomm to work on the fire project at 135 Bow Street, Harbour Place.*

3. **Request for License Agreement Re: 110 State Street.** Insurcomm seeks a License Agreement to continue to use a portion of the sidewalk and on street-parking for a dumpster and scaffolding in front of 110 State Street to work on the fire project at this location. Insurcomm previously obtained encumbrance permits (30-day limit) from the Inspections Department, but requires additional time to complete its work. See [attached letter](#) requesting this license. City staff recommends that the license, if granted, expire May 31, 2013 with the City Manager having the authority to extend for an additional 30 days for good cause. The license should also include all special conditions outlined in the encumbrance permit and require relocation of the dumpster as may be necessary for special events or Public Works' needs.

*I would recommend the City Council move to authorize the City Manager to negotiate and enter into a License Agreement with Insurcomm to work on the fire project at 110 State Street.*

## ***Informational Items:***

1. **Events Listing.** For your information, **attached is a copy of the Events Listing** updated after the last City Council meeting on March 4, 2013. In addition, this now can be found on the City's website.
2. **Report Back Re: Artwill Avenue.** **Attached is a letter** that City Attorney Robert Sullivan sent to Artwill Avenue residents asking them to meet with the City to discuss their options relative to the Planning Board action. Once we review this matter with Artwill Avenue residents, we will report back to the City Council.
3. **Work Session Re: Neighborhood Commercial Use.** The Mayor has requested a work session on Monday, April 1, 2013 at 6:30 p.m. prior to the regular meeting to discuss the proposed zoning ordinance amendments regarding neighborhood commercial use.
4. **Update on Upcoming Budget Schedule.** For your information, please make sure to note your calendar for the following budget meetings:
  - a) Saturday, April 6th - Work Session from 9:00 a.m. to 3:00 p.m., General Government, Police, Fire and School Presentations
  - b) Wednesday, April 10th - Public Hearing starting at 7:00 p.m., City Manager's Proposed FY14 Budget
  - c) Tuesday, April 16th - Work Session at 6:30 p.m., follow-up to All Day Work Session
  - d) Monday, April 29th - Work Session at 6:30 p.m., final budget review, if necessary.
5. **Report Back Re: Wright Avenue Parking Lot.** I have been advised by the Public Works Department that the current Wright Avenue Parking Lot contains 45 parking spaces. The original design for reconstruction, in conjunction with the Memorial Bridge project, provided 47 parking spaces. Due to the Fire Department requirements of providing a 22 foot wide aisle adjacent to the proposed redevelopment of the old Rosa Restaurant lot, the new design provides 38 parking spaces. This change does provide for a much larger plaza area along the west side of the parking lot, versus just a 7 foot sidewalk. In addition this provides the opportunity for a more inviting pedestrian connection to the Prescott Park area and an improved Gateway to the City from the Memorial Bridge.