

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.

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** The month of March is designated as “Music in our Schools Month” by the Music Educators National Conference, with this year’s theme being “Music Lasts a Lifetime;” and
- Whereas:** The study of music contributes to young people’s development through heightened skills in listening, reading, self-expression and creativity; and
- Whereas:** Music and the other arts significantly enhance the morale and quality of the school environment; and
- Whereas:** Music education in the Portsmouth Public Schools includes a broad range of types of music and active musical experiences for all students; and
- Whereas:** The City of Portsmouth is enormously proud of the many musical achievements at the local, state, regional and national level of our elementary, middle and high school students and staff.

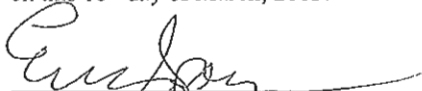
Now, therefore, I, Eric Spear, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim the month of March 2013 as

Music in Our Schools Month

focusing on this year’s theme of “Music Education * Orchestrating Success” and urge all citizens to support the purposes and practice of music education while encouraging students, teachers, parents, and all citizens to participate and recognize the importance of music education programs in our schools.



Given with my hand and the
Seal of the City of Portsmouth,
on this 18th day of March, 2013.


Eric Spear, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 4, 2013

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

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

Mayor Spear called the meeting to order at 7:15 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy (arrived at 8:30 p.m.), 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 Smith led the Pledge of Allegiance to the Flag.

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 provided a detailed presentation regarding proposal to create a skating rink at Strawberry Banke. He read the Mission of the Puddle Dock Pond at Strawberry Banke as follows:

To bring a joyous, community experience to the City of Portsmouth, NH. We provide ice skating in a festive atmosphere that offers social, recreational and performing arts opportunities.

Our focus is delivering affordable family fun and healthy outdoor winter recreation. We accomplish this by inspiring sponsorship, volunteerism and goodwill throughout our region and beyond.

He indicated that this would be a first class outdoor ice skating facility, provide healthy winter recreation for children, adults and families. The opportunity for individuals to learn to skate, day and evening ice skating, a winter performing arts venue, a festive outdoor social gathering spot, which would be a community asset. The recreational activities would include family public skating, after school programs, free weekday and weekend sessions, skate rentals, sharpening, open freestyle skating and pickup pond hockey.

The skating pond is anticipated to open December 2013 coinciding with the candlelight stroll and First Night with projecting operating expenses of \$300,000.00.

Discussion followed regarding potential noise, parking and lighting issues. Mr. Yerdon stated that the lighting of the pond would be done with Christmas lights and if noise became an issue it would be addressed. He also indicated that their parking lot has 100 spaces and they would like to work with the City in creating trolley service. The Council inquired whether there is neighborhood support for the proposal. Mr. Yerdon stated there is broad support from the community for this proposal.

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

Councilor Smith moved to approve and accept the minutes of the February 4, 2013 and February 19, 2013 City Council meetings. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Mayor Spear stated that there are 20 speakers this evening and the time would be limited to 2 minutes for each individual unless the Council made a motion to suspend the rules to allow for 3 minutes.

Assistant Mayor Lister moved to suspend the rules in order to allow for three minutes per speaker. Seconded by Councilor Novelline Clayburgh and voted.

Cathy Baker spoke adamantly opposed to a seasonal ice skating rink as proposed by Strawberry Banke. She stated that she is opposed to turning her quiet residential neighborhood into a busy carnival atmosphere during the winter months. She spoke to Strawberry Banke being zoned mixed residential/office which specifically details outdoor recreational use is not permitted in a neighborhood with this zoning designation. Ms. Baker said the zoning ordinance details very specific conditions, which must be met to receive a variance as well as regulates noise at a level that would be exceeded daily by music, a zamboni and the refrigeration plant and pump. In closing, she stated that any collaboration or partnership by the City in Strawberry Banke's skating rink prior to Strawberry Banke receiving necessary approval is premature. She said Council approval of discussing collaboration is taking a de facto position on this controversial zoning issue. In addition, City involvement in the rink project has the appearance of a conflict and potentially taints the objectivity of City boards and officials as fair arbiters in considering the variances and approvals required.

Tom Carroll spoke regarding his right-to-know request made regarding whether the PDA has responded to the rust dust issue at the Port. He stated the need for the PDA to end the contract with the business at the Port.

Mary Krempels spoke opposed to the Strawberry Banke proposal for a skating rink and expressed concerns with its potential affect on the neighborhood. She said the rink is proposed to be open from 9:00 a.m. – 9:00 p.m., 7 days per week and feels that is inappropriate. She also stated that she does not feel that Christmas lights would be used to light the rink.

David Krempels stated that there are many neighbors that oppose the proposal of Strawberry Banke and are against the hours of operation. He indicated that he would prefer the hours to be 9:00 a.m. – 5:00 p.m.

Sherry Hogan Brandsema spoke against the zoning ordinance proposed amendment for neighborhood commercial use. She said that these areas were not designed as City centers but for quiet neighborhood living. Ms. Brandsema asked why the neighborhoods were not notified of this proposed amendment to the zoning ordinance.

Dan Innis stated that the Worth Lot is the right location for a parking garage and would ask the City Council to reconsider the matter.

Patricia Taylor spoke against the proposed amendment to the zoning ordinance to allow for neighborhood commercial use. She stated that this would have a negative impact on neighborhoods.

Jim Lalos spoke in favor of developing the Worth Lot and said that parking is needed and that this could create a theatre district in the downtown. He indicated that development would broaden the tax base as well as create additional parking.

Duncan MacCallum spoke opposed to the zoning amendment for the neighborhood commercial use. He said he feels it is allowing businesses to get a foot in the door to take over neighborhood areas in the City.

Bob Shouse spoke in favor of the Worth Lot as the site for a new parking garage. He stated that the Parrott Avenue location is not the correct site for a garage and it is not convenient for people.

Susan Denenberg said that her understanding of the vote by the City Council on December 3, 2012 was that the Worth Lot could not be considered by this Council until the new Council is seated in January of 2014. She requested that Councilor Coviello not participate in any decisions on the Worth Lot because she feels it is a conflict of interest with his business.

Judy Nerbonne stated that she lives near Strawberry Banke and supports the proposal for a skating rink. She said her daughter lives in a community where her home is adjacent to a skating rink and it is a wonderful asset to the community and the residents. She encouraged the City to support outdoor activities.

Bryce Morales spoke in support of the proposal by Strawberry Banke for a skating ring. He said it would attract tourists and be a great resource for kids.

Lee Roberts said she lives near Strawberry Banke and is excited about a skating rink and feels it is a wonderful idea. She said there are some modifications that Strawberry Banke could consider that may allow others to support the proposal.

Joe Capobianco said he lives near Strawberry Banke and he supports the proposal of a skating rink. He stated that he does understand the concerns expressed by the neighborhood. Mr. Capobianco said the three months when this rink would be open most individuals are closed inside due to the winter weather.

Dave Anderson spoke regarding the skating rink proposal for Strawberry Banke and said there are concerns with parking, lights and noise but there are two kinds of thoughts by the neighborhood.

Lenore Weiss Bronson spoke opposed to the zoning ordinance amendment to neighborhood commercial use. She stated there is enough commercial use in the City and it is not needed in the neighborhoods. She indicated her surprise in seeing this proposed amendment in a news article because the abutters were not made aware of this matter.

Monte Bohanan spoke in support of the skating rink proposal for Strawberry Banke and that all the concerns raised this evening are of a logistical nature and feels that Mr. Yerdon and staff would address each one.

Mr. Walter Lewis requested to address the City Council but indicated he had not signed up for the public comment session.

Councilor Smith moved to suspend the rules in order to allow one additional speaker for the public comment session. Seconded by Assistant Mayor Lister and voted.

Walter Lewis spoke against the zoning ordinance amendment for neighborhood commercial use. He addressed the commercial use in the area of Woodbury Avenue and said the he does not understand why the neighborhood did not receive any information on this proposed amendment.

Councilor Coviello moved to have the City Manager continue working with Strawberry Banke on this proposal and report back to the City Council. Seconded by Councilor Lown.

Councilor Smith stated he would like to hear from the City Manager as to whether this should be heard by the City Council at this time.

City Manager Bohenko stated that Strawberry Banke would need to go before the land use boards for a variance and there would be limited involvement before that happens. He also said the City would follow the necessary steps as with any land use item.

Councilor Smith said he would not support this matter at this time. He said he does not want this to appear as support by the City Council, as an endorsement before the land use process.

Councilor Novelline Clayburgh said the Zoning Board of Adjustment would need to grant a variance to change the zoning for this request.

Councilor Coviello said he is not endorsing this project but rather answering the request of the City Manager to allow him to speak with Strawberry Banke on this proposal.

Councilor Lown said that this motion is just to allow the City Manager to speak with Mr. Yerdon. City Manager Bohenko said no public discussion from his office would be made prior to the decision of the land use boards and no report back would come to the City Council before the land use matter is addressed.

Councilor Dwyer said that City staff answers these types of questions everyday relative to the process.

Councilor Thorsen said he does not feel a vote taken on this motion would prevent the City Manager from speaking with Strawberry Banke on this proposal.

City Manager Bohenko said he is looking for a consensus from the Council and does not feel there is a need for a motion.

Councilor Smith requested that Councilor Coviello withdraw his motion.

Councilor Coveillo withdrew the motion. He stated he was just following parliamentary procedure to address an item that was not on the agenda this evening.

At 8:25 p.m., Mayor Spear declared a brief recess. At 8:30 p.m., Mayor Spear called the meeting back to order.

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

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

IX. CONSENT AGENDA

Councilor Coviello moved to adopt the Consent Agenda, as presented. Seconded by Councilor Lown and voted.

- 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

Councilor Coviello moved to refer to the City Manager for report back. Seconded by Councilor Novelline Clayburgh and voted.

- 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

Councilor Novelline Clayburgh moved to refer to the Planning Board for report back. Seconded by Assistant Mayor Lister.

Councilor Dwyer asked if the Planning Board would look at the remainder of Lafayette Road to determine whether it should or should not be a Gateway District.

Councilor Coviello said before we send this to the Planning Board for a report back please consider the amount of work created by having the Planning Board look at this request. He stated if the City Council as a body is not going to collectively support this request, then he would recommend not sending it to the Planning Board.

Motion passed.

- C. Letter from Islington Creek Neighborhood Association regarding proposed conditions for property at 21 Brewster Street

Councilor Novelline Clayburgh moved to accept and place the letter on file. Seconded by Assistant Mayor Lister and voted. Councilor Lown abstained from voting on this matter.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Approval of Boarding House Permits
➤ 21 Brewster Street

City Manager Bohenko reviewed the ten conditions as outlined on the permit and indicated that this is a three-month extension to expire on June 4, 2013.

The following conditions shall be met:

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

- *Permitee 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.*
- *Permitee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit.*
- *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.*
- *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.*

Councilor Novelline Clayburgh moved to approve a three-month extension to expire on June 4, 2013, with all conditions as listed on the permit. Seconded by Assistant Mayor Lister.

City Manager Bohenko said if the City finds during the three-month extension the conditions are not being met, we will document the issues and bring the matter back to the City Council.

Motion passed. Councilor Lown abstained from voting on this matter.

➤ 350-352 Hanover Street

Councilor Smith moved to approve a one-year permit to expire on March 4, 2014, with all conditions as listed on permit. Seconded by Councilor Kennedy and voted.

The following condition shall be met:

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

➤ 278 Cabot Street

Councilor Novelline Clayburgh moved to approve the one-year permit to expire on March 4, 2014, with all conditions as listed on the permit. Seconded by Councilor Kennedy and voted.

The following condition shall be met:

- *Correction of all deficiencies from the annual inspection prior to permit issuance.*
2. Report Back Re: Letter from Jean and Gordon Willis requesting the Transfer of Ownership of Artwill Avenue to the City of Portsmouth

City Attorney Sullivan provided an overview of the request from Jean and Gordon Willis. He reported that Artwill Avenue is a private easement over a parcel at 437 Lafayette Road. The easement provides access to two abutting properties owned by Robert Hopley and Kevin Lilakis. He stated that 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.

City Attorney Sullivan stated that 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. He further stated that it seems 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." City Attorney Sullivan stated that the 1972 actions are not allowable under State statute as RSA 674:40. He recommended that the City Council accept the recommendation as outlined by the Planning Board.

Assistant Mayor Lister moved to accept the Planning Board's recommendation to accept Artwill Avenue as a public street only subject to the aforementioned conditions:

- **The full cost of upgrading Artwill Avenue to City standards (estimated to be \$125,000.00) shall be borne by the private property owners abutting the street**
- **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**

Seconded by Councilor Smith.

Councilor Novelline Clayburgh advised the City Council as a Planning Board representative she voted opposed to the recommendation. She said she feels it is unfair to have other property owners be responsible for the cost of bringing Artwill Avenue up to City standards.

Councilor Thorsen said he feels this is a piece of private property. He asked if the cost to bring the street to City standards could be amortized for the property owners. City Manager Bohenko stated that the City could establish a Betterment District, which would be a 10 year plan, like the Commerce Way project.

Councilor Lown stated he would be abstaining from this matter as one of the individuals is a client of his.

Councilor Dwyer asked if the property owners have been made aware of the cost involved to bring the street up to City standards. Planning Director Taintor said he has not contacted the property owners.

Councilor Smith moved to table until the abutters are made aware of the cost to make this a City street and a report back is made to the City Council. Seconded by Councilor Kennedy and voted. Councilor Lown abstained from voting on this matter.

3. Report Back and Request for Easement Re: 32 Livermore Street

City Manager Bohenko stated that the utilities would be relocated and the request was referred to the Planning Board for report back.

Councilor Smith moved to authorize the City Manager to negotiate and execute an easement for an underground utility conduit on Livermore Street. Seconded by Councilor Lown and voted.

4. Request for First Reading of Proposed Zoning Ordinance Amendments - Neighborhood Commercial Use

Deputy City Manager Allen stated that this amendment came out of a recommendation from the Planning Department to incorporate the thought process in the Master Plan for a walkable City and are limited uses for arterial and collector streets.

Assistant Mayor Lister moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Councilor Lown.

Councilor Coviello stated that this was discussed 4-5 years ago when he served on the Planning Board and it is a noble idea for a small neighborhood markets. He said he feels if we proceed further, it would not be approved because the neighborhood does not support such an amendment to the zoning ordinance.

City Manager Bohenko said that is the reason for a public hearing, to receive feedback from the residents on such matters. He said the Council could leave the public hearing open or table the ordinance but the process needs to continue and come to a public hearing. City Manager Bohenko said we cannot predict which items will have a reaction from a neighborhood.

Assistant Mayor Lister said he feels it is important to have a public hearing and follow the process to move items along and receive public input.

City Manager Bohenko indicated that a presentation would be made at the public hearing and then the City Council would vote whether to amend or table the ordinance.

Councilor Kennedy said that the problem with the public hearing is that it is given that evening and then the public is asked to comment. City Manager Bohenko stated that we could change our process to have the presentations made at first reading rather than at second reading.

Councilor Novelline Clayburgh stated that she also opposed this request at the Planning Board meeting. She said there could be problems with parking and noise created by a neighborhood market. She voiced her support of a public hearing to allow for public input on this matter.

Councilor Smith stated that he would not support the amendment as presented.

Councilor Smith moved to postpone this matter for a work session with a presentation before proceeding forward on the proposed zoning ordinance amendments. Seconded by Councilor Kennedy.

Councilor Thorsen said he would like the presentation to speak generically towards neighborhood commercial creep.

On a roll call 5-4, voted to postpone this matter for a work session with a presentation before proceeding forward on the proposed zoning ordinance amendments. Councilors Kennedy, Lown, Dwyer, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh and Mayor Spear voted opposed.

5. Request for First Reading of Proposed Zoning Ordinance Amendments - Signs

Deputy City Manager Allen said that these are simple amendments and more of the housekeeping nature.

Councilor Novelline Clayburgh moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Assistant Mayor Lister and voted.

6. Request for First Reading of Proposed Zoning Ordinance Amendments - Dimensional Standards

Deputy City Manager Allen informed the Council that the amendment would exempt small ground-mounted mechanical equipment from calculations of building coverage and yards. This would exempt owners 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. He also stated that the second change 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.

Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

7. Request for First Reading of Proposed Zoning Ordinance Amendments – Historic District Commission Work Sessions

Deputy City Manager Allen reported that 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 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 amendment is intended to give Commissioners and staff an opportunity to review concept plans in preparation for work sessions.

Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated that the Historic District Commission supports this proposed amendment and encouraged the City Council to support the motion.

Councilor Smith stated he does not support the motion because work sessions are more of a give and take before the actual approval process by the HDC. He said it is through work session that ideas are discussed.

Councilor Dwyer said she supports moving the matter forward but is concerned with implications when an applicant does not have a plan to bring forward.

Deputy City Manager Allen stated this is for projects that come forward which present a need for information to be digested.

Councilor Kennedy said she understand Councilor Smith's concerns but HDC does not need a large drawn out plan, it is more for HDC to review plans prior to a work session.

Councilor Lown said Councilor Smith has raised a good point and he would be looking at the amendment closely moving forward.

Councilor Coviello said he can see both sides of this issue and feels it is an interesting amendment.

Motion passed.

8. Request for License Re: Container on Mechanic Street

City Manager Bohenko stated that David Adams is requesting the Council approve a license for a container to be placed on Mechanic Street during the renovations to his home, which was damaged in a fire last year. He outlined the conditions for such a license as follows:

- 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 temporarily remove 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.

Councilor Kennedy moved to authorize the City Manager to negotiate and execute a license agreement in accordance with the conditions described for the placement of a container on Mechanic Street to expire on July 1, 2013 with no extensions to the agreement. Seconded by Assistant Mayor Lister.

Councilor Lown said that if this is denied what is Mr. Adams' recourse. City Manager Bohenko said the container would be stored at a private location.

Councilor Kennedy said there are concerns of the south end residents that the container is removed by July 1st before the summer season gets underway.

Assistant Mayor Lister said he is in support of the July 1st date and feels that this is the neighborly thing to do.

Motion passed.

9. Request to Establish a Work Session Re: Doble Center

City Manager Bohenko requested the City Council establish this work session for Monday, April 22, 2013 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.

Councilor Smith moved 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. Seconded by Councilor Lown and voted.

10. Establish Time for April 6th FY14 Budget Presentations

City Manager Bohenko recommended that the budget presentations being held on Saturday, April 6th beginning at 9:00 a.m. and to conclude by 3:00 p.m.

Councilor Novelline Clayburgh moved to approve the recommendation that the City Council commence budget presentations at 9:00 a.m. and to conclude by 3:00 p.m. Seconded by Councilor Smith and voted.

City Manager Bohenko reminded the City Council of the presentation on Wednesday, March 13, 2013 at 6:30 p.m. on the water/sewer budget and rate study with public input.

Councilor Dwyer stated that 4 members of the City Council will not be in attendance because of the Joint Building Committee meeting that is also being held that evening.

Councilor Kennedy also indicated that the Historic District Commission has a meeting that evening as well.

City Manager Bohenko spoke to the creation of a flowchart to guide individuals through the site plan review process. Planning Director Taintor stated that the design review is to give the applicant a public hearing on the process.

B. MAYOR SPEAR

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

Councilor Smith moved to appoint Colby Gamester to the Planning Board until December 15, 2015, filling the expired term of Paige Roberts who did not seek reappointment. Seconded by Assistant Mayor Lister and voted.

Councilor Novelline Clayburgh moved to appoint Craig Welch to the Portsmouth Housing Endowment Fund until June 1, 2014, filling the unexpired term of Joseph Couture. Seconded by Councilor Smith and voted. Councilor Kennedy abstained for voting on this matter.

C. ASSISTANT MAYOR LISTER

1. Ethics Committee Report Back

Assistant Mayor Lister provided a report on the Ethics Committee and reviewed the minutes from the meeting with the City Council. He read the statement that will be distributed to all candidates in all Municipal Elections as follows:

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 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 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.

Assistant Mayor Lister moved to accept the Ethics Committee Report. Seconded by Councilor Kennedy and voted.

D. COUNCILOR COVIELLO

1. *Worth Lot Lease

Councilor Coviello stated that the City Council voted on a series of ideas/guiding principles for parking. He said one of the principles was surface lots in the downtown are not the best use of land. He knows the Worth Lot has been a major issue and his intent is not to propose any parking garage there, but in thinking of the intent of the City Council and the concerns of the abutters, he would like to know if there is a way that the City can achieve both goals.

Councilor Coviello said he would like to direct the City Manager to report back on option to ground lease the Worth Lot for development with no loss of parking. He said he is not suggesting developing the whole lot, more the frontage along Maplewood Avenue. It would be elevated above the parking spaces and minimize development to three quarters of the lot to remain open during construction. He feels that this would widen that missing tooth in the smile of Maplewood Avenue and the area there as well as maintain the use of the lot.

Councilor Coviello moved to direct the City Manager to report back on options to ground lease the Worth Lot for development with no loss of parking. Seconded by Councilor Lown.

Assistant Mayor Lister said the Council voted to have the Parking and Traffic Safety Committee report back on a location for a parking garage and he wants to hear back from the Committee before a vote is taken by the City Council.

Councilor Novelline Clayburgh said she would support the motion and that the Worth Lot is in poor condition.

Councilor Coviello said the motion is not for a garage and he would like to receive a report back from the Parking and Traffic Safety Committee.

Councilor Smith stated that some development would require more parking and that the Parking and Traffic Safety Committee is still working on this matter and the Council needs to allow that work to be completed.

Councilor Thorsen stated he would not support the motion and that the City Manager can explore any type of development in the City through his job, which does not require a motion.

Councilor Kennedy said she does not support the motion and feels the City Council made a statement regarding the Worth Lot. She said the surface of the lot needs replacement and does not feel that we need to cover every space in the downtown for parking.

Councilor Lown said he does not feel that this motion steps on the toes of the Parking and Traffic Safety Committee. He indicated that the City will have a deficit of over 300 spaces this summer and the matter needs to be addressed.

On a roll call 5-4, voted to direct the City Manager to report back on options to ground lease the Worth Lot for development with no loss of parking. Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Smith and Thorsen voted opposed.

E. COUNCILOR DWYER

1. *Update on Middle School Project

Councilor Dwyer requested the City Council conduct a Work Session prior to the March 18, 2013 City Council meeting to discuss the Middle School Project.

F. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 14, 2013 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the February 14, 2013 Parking and Traffic Safety Committee meeting. Seconded by Councilor Coviello.

Councilor Smith spoke to the items in the action sheet which will require ordinances.

- Item #9 – Adding a line to the City’s parking violation list for “Taking up Multiple Spaces”;
- Item #10 – Amend Taxi Stand Ordinance to specify that drivers must be in their vehicles at all times when using designated taxi stands and unattended taxis parking in these spaces will be ticketed;
- Item #13 – Designate one space in front of the incoming Newbury 5-Cent Savigns Bank (Formerly Marple and James Real Estate building at State and Pleasant Streets) for 15 minute parking;
- Item #15 – Maplewood Avenue Parking Meters; and
- Item #16 – Commercial Loading Zones on Penhallow and Market Streets

Councilor Kennedy inquired about the parking as you come over the Memorial Bridge. City Manager Bohenko stated he would speak with the Public Works Director on the configuration of the spots and provide the information to the City Council.

Motion passed with Councilor Kennedy voting opposed.

2. *Report on 2023 Committee

Councilor Smith informed the City Council that he would be providing a report back to the City Council at the March 18, 2014 meeting on the make up of the 2023 Committee.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

Councilor Coviello moved to adjourn at 10:15 p.m. Seconded by Councilor Kennedy and voted.

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

Kelli L. Barnaby, CMC/CNHMC
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:

~~40.1242 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.

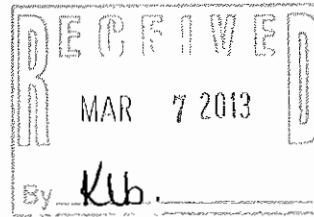
This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



March of Dimes Foundation

New Hampshire Chapter
10 Ferry Road
Concord, NH 03301
Telephone (603) 228-0317
Fax (603) 573-9566
marchforbabies@marchofdimes.com

March 6, 2013

Mayor Eric Spear and City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Spear & City Council Members,

I am a Community Director for the March of Dimes New Hampshire Chapter and am writing to you to request your permission to host our 2013 Seacoast March for Babies in Portsmouth. The Seacoast March for Babies is a walk-a-thon event that raises money to support the mission of the March of Dimes, to improve the health of babies by preventing birth defects, premature birth, and infant mortality.

This event will be held at Little Harbour Elementary School in Portsmouth on Saturday, May 18, 2013 from 9:00am to 1:00pm, and we currently expect approximately 200 people to join us as we walk to improve the health of all babies.

I have enclosed a copy of our certificate of insurance for you to review and the walk directions/map. Thank you for your consideration of a permit for this event. If you have any questions or concerns please feel free to contact me at 603-573-9552 or jteeters@marchofdimes.com.

Again, thank you.

For Healthy Babies,

Jill Teeters
Community Director

March for Babies Seacoast Walker Route

Start and Finish at Little Harbor Elementary School:

Leave school facing out, go left on Clough Dr.

Left on South St.

Right on Miller Ave (1A) Cross over Middle Street to Summer Street

Right on State St.

Right on Marcy St. pass Prescott Park

Right on Gates St.

Left on Pleasant St. (following Route 1B)

Stay straight until turns into Marcy St.

Right on New Castle Ave.

Left on South St.

Left on Haven Rd.

Left on Brackett Rd.

Right on Clough Dr. back to school

This trip is 3.005 miles



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
02/21/2013

Holder Identifier :

Certificate No : 570049103779

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services Northeast, Inc. New York NY Office 199 Water Street New York NY 10038-3551 USA	CONTACT NAME:	
	PHONE (A/C. No. Ext): (866) 283-7122	FAX (A/C. No.): (847) 953-5390
E-MAIL ADDRESS:		
INSURER(S) AFFORDING COVERAGE		NAIC #

INSURED March Of Dimes Foundation 1275 Mamaroneck Avenue White Plains NY 10605 USA	INSURER A:	Great Northern Insurance Co.	20303
	INSURER B:	Pacific Indemnity Co	20346
	INSURER C:	Federal Insurance Company	20281
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES CERTIFICATE NUMBER: 570049103779 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC			35812529D0	10/31/2012	10/31/2013	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			7352-50-21	10/31/2012	10/31/2013	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$10,000			79864742 SIR applies per policy terms & conditions	10/31/2012	10/31/2013	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			71737006	10/31/2012	10/31/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
RE: Event Name: March for Babies Seacoast, Event Location: Little Harbour School - Portsmouth, NH, Event Date: 05-18-2013. Little Harbour School - Portsmouth, NH is included as Additional Insured as required by written contract, but limited to the operations of the Insured under said contract, with respect to the General Liability policy.

CERTIFICATE HOLDER

CANCELLATION

March of Dimes- New Hampshire Chapter
Attn: Jen Matthews
10 Ferry Street, Suite 419
Concord NH 03301 USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
AUTHORIZED REPRESENTATIVE
Aon Risk Services Northeast, Inc.



PORTSMOUTH LITTLE LEAGUE, INC.
PO Box 8321
PORTSMOUTH, NH 03802

March 4, 2013

MAR - 5 2013

John Bohenko
City Manager
City of Portsmouth,
Portsmouth, NH 03801

Dear Mr. Bohenko:

Similar to prior requests, which were approved by the City Council, Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2013 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses who have donated to and support the league. We are requesting permission to affix the banners to the fences from April 13 [Field Clean-up Day] through the end of our fall ball program. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

This season the league will continue to complete the work to renovate the Central concession stand and resurface the infield at Plains Park. Following the completion of the playground and park improvements at Plains Field, our families are excited to return to the field for baseball.

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.

Sincerely,



Kathie Lynch
President
3 Boyan Place
Portsmouth, NH 03801

InterOffice Memo

To: John P. Bohenko, City Manager
From: Tom Richter, Engineering Technician
Date: January 25, 2013
Subject: PSNH License Agreement 63-0520

I have reviewed the pole and underground conduit location information provided by PSNH for Petition and Pole License 63-0520.

This request is to license 6 poles on Islington Street in conjunction with the NHDOT's Islington/By-Pass Bridge replacement. There will be a net loss of one pole when the replacements are completed.

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

Attached are pictures of the poles with stakes showing the new locations. Please call with any questions you may have.

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



**Public Service
of New Hampshire**

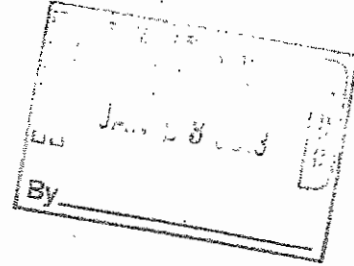
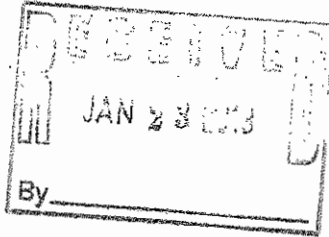
60 W. Pennacook Street, Manchester, NH 03101

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

The Northeast Utilities System

January 22, 2013

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



Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0520 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Lisa-Marie Pinkes

Lisa-Marie Pinkes
Customer Operations Support - Licensing
Public Service of New Hampshire
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-2218
E-Mail: pinkel@nu.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

January 16, 2013

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

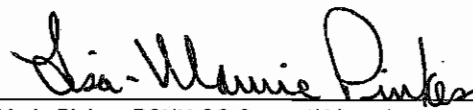
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such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

License six (6) pole(s), 2/56PB, 2/56, 2/56S, 242/8, 242/8S, 2/53PB located on Islington Street in the City of Portsmouth.

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

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

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

LICENSE

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

ORDERED

This 16th day of January, 2013, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0520, dated 12/20/2011, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

Town Clerk

POLE LOCATION PLAN

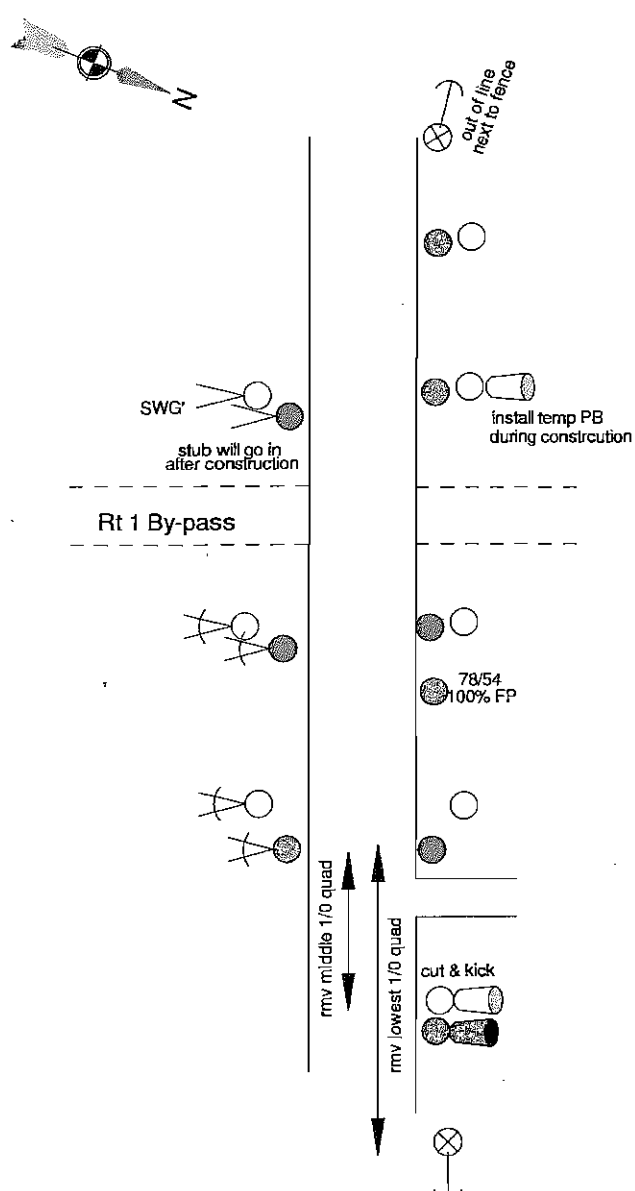
PUBLIC SERVICE OF NEW HAMPSHIRE and

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

DATE 12/20/2011
 MUNICIPALITY: Portsmouth
 STREET / ROAD: Islington Street
 PSNH OFFICE: Portsmouth
 PSNH ENGINEER: Jim Osburn
 TELCO ENGINEER: Mike Mullen

LICENSE NO. 63-0520
 STATE HWY. DIV. NO. 6
 STATE LICENSE NO. _____
 WORK REQUEST# 1743760
 WORK FINANCIAL # 9P120428
 TELCO PROJECT # 25188

Pole Numbers		Pole	Eq	INSTALL			REMOVE	REF	100% LTS	J/O	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL	Sz-CI	BH	POLE	PB										
2/59	78/58													inst 100% FP anchor	
2/58	78/56	45/2												inst/rmv JO pole Lic. # 1715-2	
2/56PB	N/A	45/2												inst temp 100% PB	M
2/56	78/55	50/2												inst/rmv JO pole	M
2/56S	N/A	45/2												inst stub @ later date	M
242/8	78/54.5	55/3												inst/rmv JO pole	M
242/8S	78/54.5S	45/2												inst/rmv JO pole/anc	M
2/54	78/53	45/2												inst/rmv JO pole Lic. # 1106	
2/54S	78/53S	40/2												inst/rmv JO pole/anc Lic. # 1106	
2/53	78/52	45/2												inst/rmv JO pole Lic. # 1106	
2/53PB	78/52PB	40/2												inst/rmv JO PB	M
2/52	78/51													inst 100% FP anchor	



ADDENDUM PER RSA 231:163

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

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

Approved by City Council:

2/53 PB





242/85

A black and white photograph showing a snowy landscape. In the foreground, a dark, possibly wooden or metal, fence runs horizontally across the frame. The ground is covered in snow, with some sparse, dry grass or weeds visible. In the background, there are several bare, leafless trees and bushes, their branches creating a complex, dark pattern against the lighter sky. The overall scene suggests a winter or late autumn setting.

242/8



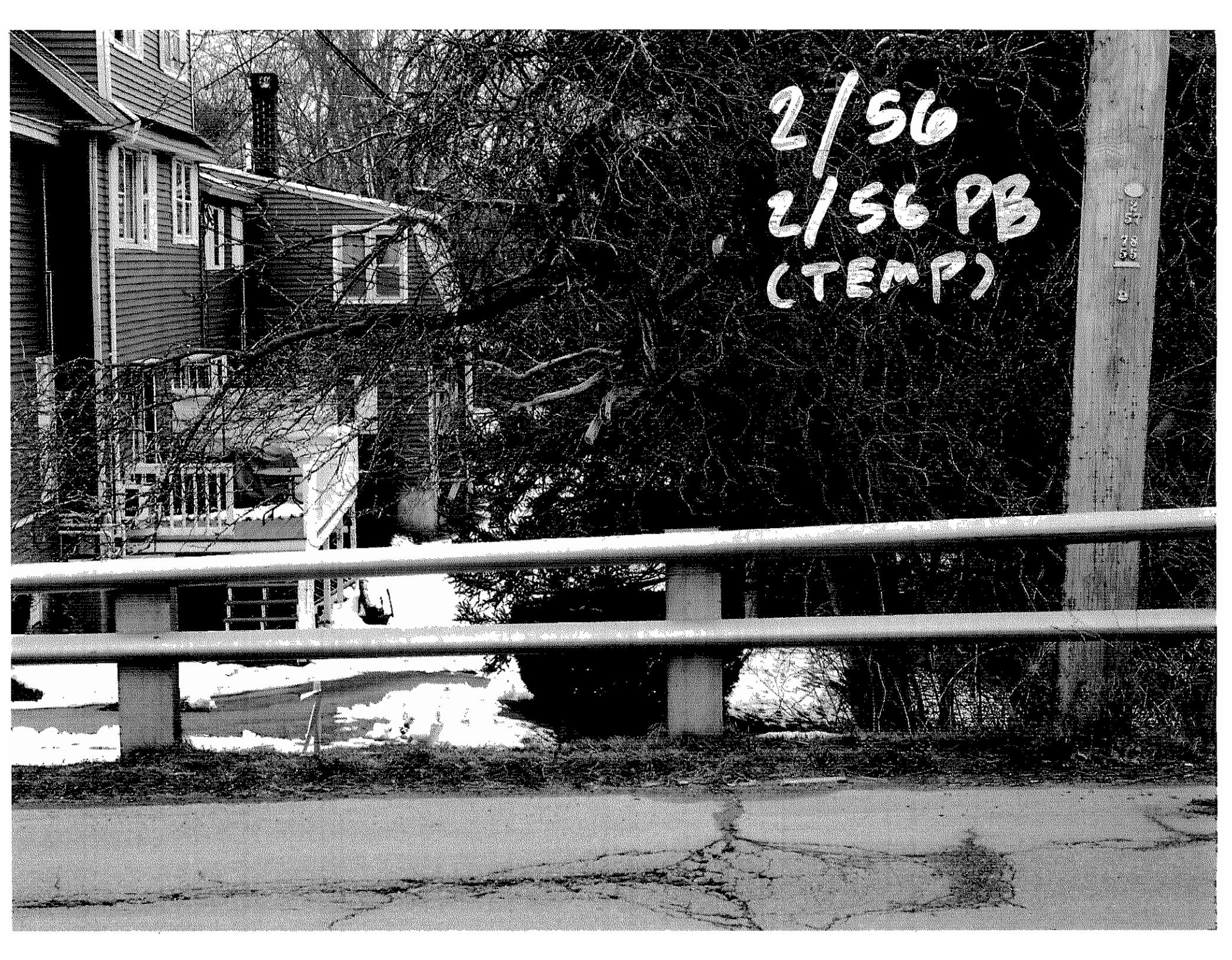
2/565

2/56

2/56 PB

(TEMP)

56
56
56



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

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

Memo

To: Mayor Eric Spear and City Council

From: Kelli L. Barnaby, City Clerk

Date: March 18, 2013

Re: 2013 Omnibus Sidewalk Obstruction Renewals

Please find attached a listing of 2013 Omnibus sidewalk obstruction renewal applications without changes, submitted thus far and that have met the appropriate insurance and fee requirements.

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

cc: John P. Bohenko, City Manager

2013 Sidewalk Obstruction Renewal Applications - 03/18/2013 Omnibus

Business	LOCATION	FEE	Tables	Chairs	Bench	lantern	neqt	Sign	INSURANCE	App Date
Art with a Splash	222 State St.	\$50.00						1	10/1/2013	2/25/2013
Atrezzi	78 Market St.	\$50.00						1	12/18/13	2/19/2013
Better Homes & Gardens, Masiello Group	79 Congress ST.	\$50.00						1	07/30/13	2/12/2013
Blue Grasshopper	10 Commercial Alley, Unit 2	\$60.00		2				1	05/15/13	2/28/2013
Breaking New Grounds	14 Market Sq.	\$960.00	15	42					09/25/13	2/22/2013
Bull Moose Music	82-86 Congress St.	\$50.00						1	06/01/13	2/25/2013
Buyer's Brokers of the Seacoast	33 Deer St.	\$50.00						1	02/01/14	2/26/2013
Chamber of Commerce	500 Market St.	\$50.00						1	04/06/13	2/22/2013
Colby's Breakfast & Lunch	43 Rutland St.	\$50.00						1	10/01/13	2/19/2013
Diversions Puzzles and Games	33 Deer St.	\$50.00						1	07/15/13	3/5/2013
Dos Amigos	107 State St.	\$120.00	2	4					09/25/13	2/25/2013
Fat Belly's	2 Bow St.	\$50.00						1	09/12/13	3/5/2013
Georgia's Spa Boutique	90 Fleet St. Unit D	\$50.00						1	05/29/13	2/12/2013
Grazier Photography, Inc.	72A Congress St.	\$50.00						1	05/01/13	02/11/2013
Hampshire First Bank	77 Hanover St.	\$50.00						1	02/01/14	03/06/2013
Izzy's Frozen Yogurt	33 Bow St.	\$50.00				1			07/01/13	02/20/2013
Jumpin Jay's Fish café	150 Congress St.	\$50.00				1			09/25/13	02/27/2013
Kaffee Vonsolln	79 Daniel St.	\$120.00	2	4					08/12/13	03/01/2013
Le Club Boutique/Cirty Shoes	41 Vaughan Mall	\$50.00						1	03/26/14	02/28/2013
Martingale Wharf	99 Bow St.	\$50.00						1	05/08/13	03/08/2013
Me & Ollie's	10 Pleasant St.	\$440.00	6	18				1	05/06/13	02/19/2013
Moxy	106 Penhallow St.	\$100.00				2			03/22/13	02/25/2013
North Church of Portsmouth	355 Spinney Rd.	\$0.00						2	10/01/13	02/14/2013
Olde Port Properties	26 Congress St.	\$50.00						1	04/01/13	2/8/2013
Portsmouth Antenaem	9 Market Square	\$50.00						1	08/26/13	2/14/2013
Portsmouth Gas Light	654 Market St.	\$100.00						2	04/23/13	3/11/2013
Portsmouth Salt Cellar	7 Commercial Alley	\$50.00						1	01/18/14	2/25/2013
Press Room, The	77 Daniel St.	\$50.00						1	10/17/13	3/12/2013
River House, The	53 Bow St.	\$100.00				2			04/22/13	2/26/2013
Rudi's Portsmouth	20 High St./5 Congress St.	\$100.00						2	10/14/13	2/19/2013
Serendipity	41 Pleasant St.	\$100.00						2	10/07/13	2/20/2013
Springer's Jewelers	100 Market St. Suite 101	\$50.00						1	03/15/13	2/12/2013
Starbucks Coffee Co.	One Market Square	\$240.00	4	8					10/01/13	3/11/2013
Ten Thousand Villages	75 Congress St.	\$50.00						1	11/15/13	2/25/2013
The Antiquarium	25 Ceres St.	\$150.00					3		3/1/2014	3/1/2013
Water Monkey	33 Vaughan Mall	\$50.00						1	05/25/13	2/8/2013
Wear House	74 Congress St.	\$50.00						1	07/12/13	2/12/2013

St. John's Lodge, No. 1, F. & A.M.

351 Middle Street
Portsmouth, New Hampshire 03801-5009

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

MAR 13 2013

Dear Mr. Bohenko,

St. John's Lodge is sponsoring a charitable 5K "Out of Hibernation" Road Race to be held on Saturday, April 13, 2013. We look forward to your approval and meeting at your convenience, as in the past years.

The proposed race route follows:

Race starts promptly at 9:00 AM

The course will take the race from the Miller St. Baptist Church across from the Masonic Temple,

Start on Miller

Right onto Middle

Right onto Court St

To the end and then a right onto Marcy

Right onto School

Left onto South

Right onto Middle

Back to Masonic Temple

Expect that, even with the slowest runners, the race will be over by 10:30AM.

Thank you for your assistance in this matter.


Sincerely,

Robert L. Sutherland Jr.

Robert L. Sutherland, Jr.
280 Bayside Rd.
Greenland, NH 03840-2162
603-436-1095

**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

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 4th 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 4th 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 4th 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.



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 02

POLICY REGARDING BRICK SIDEWALKS

WHEREAS, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

WHEREAS, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies.

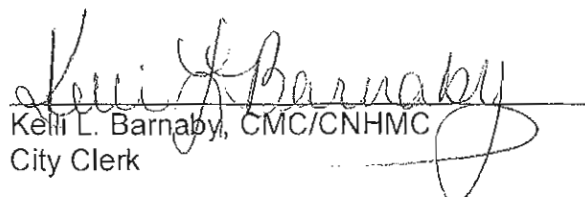
NOW THEREFORE, the City Council adopts the following policy:

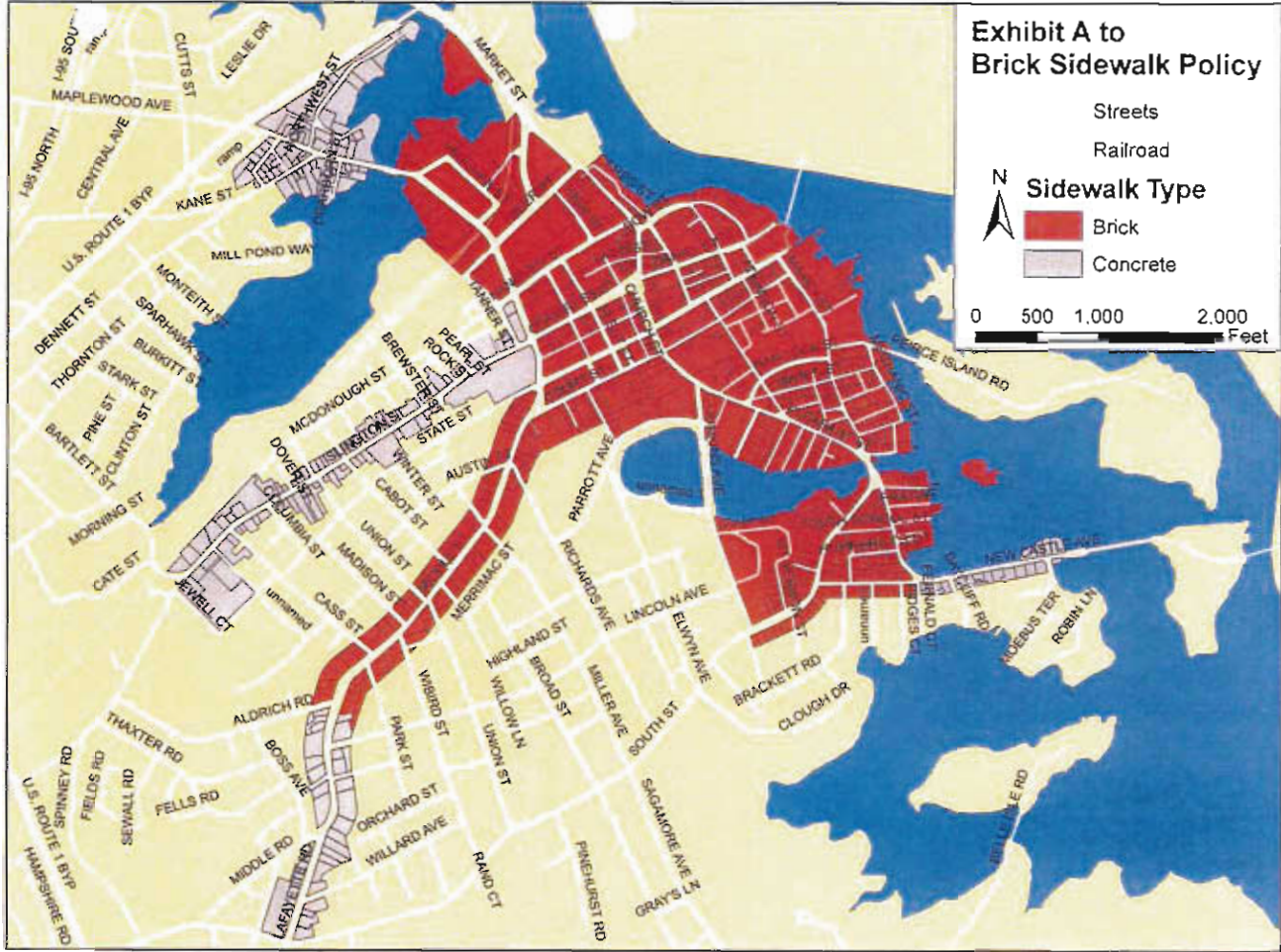
- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
 - a. Islington Street,
 - b. New Castle Avenue east of Marcy Street,
 - c. Middle Street and Lafayette Road south of Aldrich Road; and
 - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.

(All as shown on Exhibit A attached hereto.)
 2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
 3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.
 4. All other sidewalks will be concrete.

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

Adopted by the Portsmouth City Council on May 17, 2010.


Kelli L. Barnaby, CMC/CNHMC
City Clerk



10 October 2012

We, the undersigned Residents of Richards Avenue, request that the sidewalks from Middle Street to Parrot Avenue be constructed in brick. This part of Richards Avenue was subdivided in 1803 by Langley Boardman and should remain in close connection with its original historic character. Many of us currently have brick in front of our houses and would like that to continue.

Thank you for your consideration.

Jid Curren 51 Richards Ave.
Karen Dutcher - 79+83 Richards Ave
Karen Bouffard 87 Richards Ave.
Joyce Strelson 31C Richards Ave.
Bernice P. Pugh 69 Richards Ave
Don Morgan 39 Richards Ave.
Leticia Morgan 39 Richards Ave.
Robin Lehman 97 Richards Ave
mulligan 80 Richards Ave

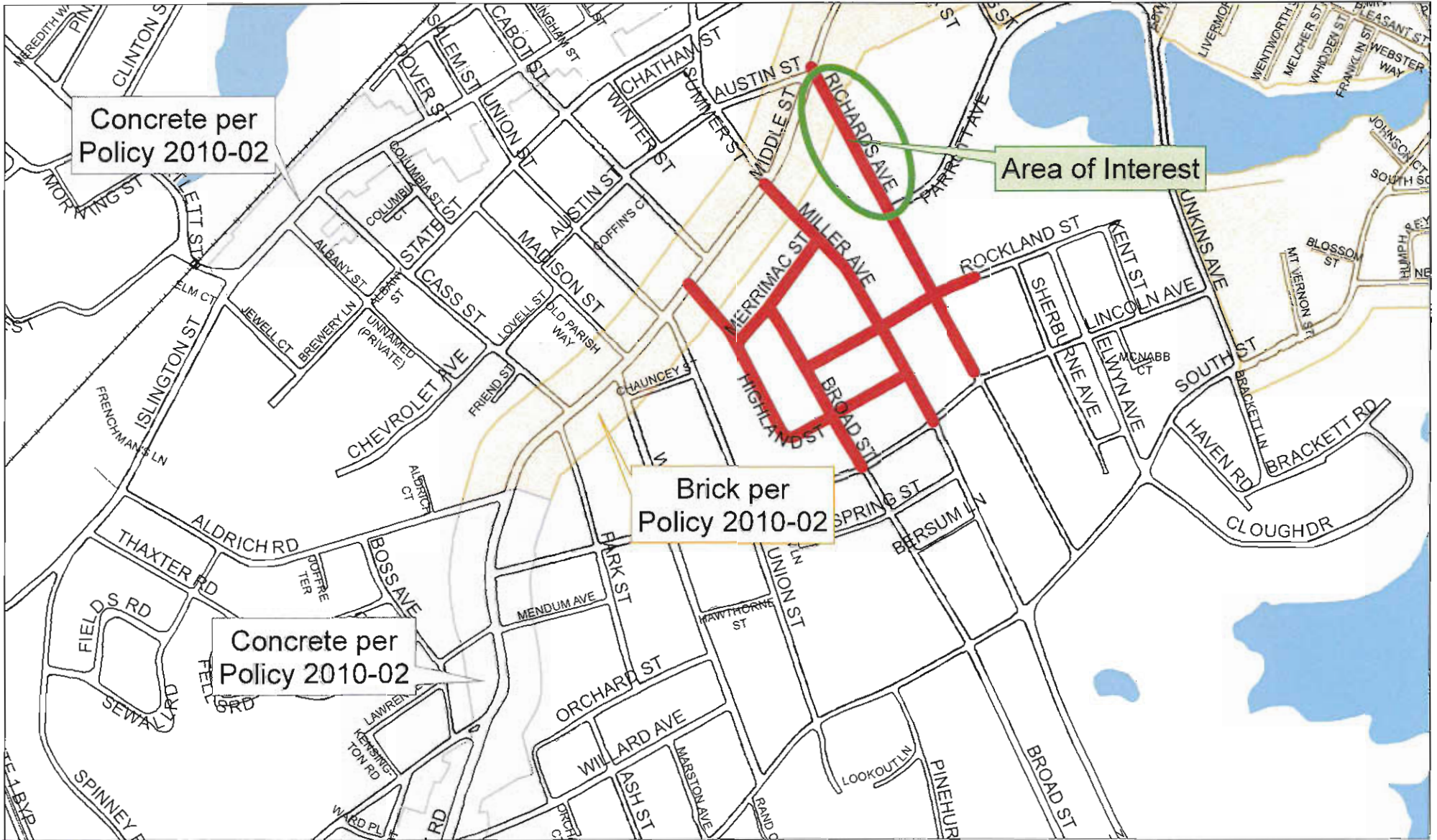


Figure 1

Map prepared by Portsmouth Department of Public Works

- Lincoln 3B
- Historic District (Concrete)
- Historic District (Brick)

1 inch = 400 feet
 0 400 800 Feet



Print Date: 03/08/2013



Insurcomm
RESTORATION PROFESSIONALS AT WORK™
Fire • Water • Mold • Cleanup • DRI Repair



3510 Lafayette Rd., Suite 4
Portsmouth NH 03801

Phone (603) 430-7701
Fax (603) 373-6214

March 8, 2013

John Bohenko
City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801



Re: 135 Bow St., Harbour Place

Dear Mr. Bohenko:

Insurcomm is currently contracted to work on the fire project at Harbour Place on Bow St. We currently have a Sidewalk/Street Encumbrance Permit for our dumpster; however we anticipate that our work is going to continue beyond the 30 days granted. The dumpster's location is impacting three parking spaces for which we are paying. Under the advice of Suzanne Woodland, we are hoping to obtain a license for the dumpster to July 19, 2013 to complete the project.

Thank you for your consideration.

Sincerely,

Mike Brown
Vice President

CITY OF PORTSMOUTH, NH
INSPECTION DEPARTMENT

**SIDEWALK / STREET
OCCUPATION PERMIT**

Permit issued to: Insurcomm, Inc.

For the occupation of public space on the street or sidewalk
in front of: 135 Bow Street

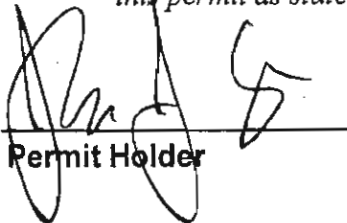
Start Date: 11-Mar-13 End Date: 19-Apr-13

The following conditions shall be followed during the occupation time:

1. All equipment and tools shall be removed at end of each work day.
2. The public way and access to businesses shall not be obstructed.
3. The sidewalk and street shall be protected from falling debris and dust.
4. Reflective cones / barriers shall be in place after daylight hours.
5. Dumpster shall be placed on plywood and moved during snowstorms.
6. Staging shall be the walk-under type.
7. Contact PSNH for power line protection.
8. "Pay & Display" spaces shall be purchased and placarded as "No Parking".

*This permit shall be posted at the job site
in a street level window readily visible from the street.*

The under signed acknowledges that he/she will be held liable for any damages to public property as a result of the work undertaken. In addition, the undersigned understands and will abide by the conditions stated on the application form and this permit as stated above. Permit is for weekday work only.


Permit Holder

11-Mar-13
Issue Date

Richard A. Hopley
Building Inspector

10870
Check #, Cash, (\$50.00)

RECEIVED

MAR 07 2013
NOTE:****
ENCUMBRANCE
APPLICATIONS TAKE A
MINIMUM OF 4 DAYS TO
PROCESS. PLEASE
PLAN ACCORDINGLY.

TIME:



Contact Name: Call service
Telephone #: 430 7701
(24-hour availability)

Inspection Department
1 Junkins Avenue
Portsmouth City Hall, 3rd floor
Portsmouth, NH 03801
603-610-7243

APPLICATION TO ENCUMBER A PUBLIC STREET OR SIDEWALK
FOR CONSTRUCTION RELATED PURPOSES

Applicant: Insurcomm Construction
Contact Name: Bob Coje cell #: 988 9826 tel # (w): 430 7701
Property Owner Name: Harbor Place Group cell #: _____ tel # (w): _____
Street Address of Proposed Encumbrance: 135 Bow St
Tax Map: 105 Lot #: 2-1

**** ATTACH SKETCH SHOWING AREA TO BE ENCUMBERED ****

Duration of Proposed Encumbrance Start date: 3-6-13 End Date: 4-17-13

NOTE: The period for this encumbrance cannot exceed thirty (30) days, including any extension. If, in spite of due diligence in conducting the work for which the sidewalk encumbrance permission is issued, additional time is needed, the End Date may be extended if requested by the applicant and approved by the City. Please give a detailed description of proposed encumbrance (work being done, equipment used):

Dumpster in street in parking spaces

Will you be painting the exterior of the property? YES NO

Will you be repointing brick work? YES NO

Will you have a dumpster? YES / NO [If yes, show where located on AREA SKETCH]

Will you be conducting any work that may cause material to fall to the ground below? YES NO

What is your method of containing the material(s)? _____

Will you be conducting any work that may cause soil, paint chips or other materials to wash into storm drains? YES NO (Describe containment methods): _____

Will you be using ladders, staging, motorized lifts / equipment or a combination? [Circle which item(s) and show locations of all items on the AREA SKETCH]

Are you requesting to BLOCK a sidewalk or street? YES / NO [If YES, how are you proposing to accommodate pedestrians and or traffic? Also see item #1 below]

Dumpster on side of street in parking spaces

The above applicant hereby requests permission from the City of Portsmouth to encumber the area as described above for the purpose of facilitating construction or maintenance activities only. In connection with this request, the applicant agrees to the following:

1. It shall be the responsibility of the applicant to secure the perimeter of the encumbered area as may be necessary for pedestrian and vehicular safety. Applicant shall be responsible for installing and maintaining signage, jersey barriers, fencing, barricades and the like as deemed necessary by the applicant or the City. Pedestrian access shall meet the requirements of the Americans with Disabilities Act. (NOTE: If sidewalk or street is being asked to be blocked, contact Steve Parkinson, Public Works Director at 766-1420, to schedule an on site meeting.)
2. It shall be the responsibility of the applicant that all work is carried out during normal weekday only construction hours. No work shall start before 7:00 AM and all work shall end by 6:00 PM. Included in these hour limits, are the setting up or dismantling of staging or equipment that would cause noise. Starting of support equipment engines is also included in these restrictions. The city reserves the right to further limit hours of operation as special conditions may dictate.
3. It shall be the responsibility of the applicant to insure that no equipment is stored at the location of the encumbrance between 5:00 p.m. on Friday and 7:00 a.m. on Monday or as further directed by the Building Inspector, Public Works Director or Zoning Enforcement Officer.
4. It shall be the responsibility of the applicant to insure that no materials are stored at the location of the encumbrance between the close of daily construction work and the next day that construction work begins.
5. It shall be the responsibility of the applicant to insure that any construction materials in the encumbrance location are only those needed on an immediate and ongoing basis for construction or maintenance, and also insure that the materials do not pose a danger or nuisance.
6. It shall be the responsibility of the applicant to insure that the location of the encumbrance is maintained in a neat and orderly fashion.
7. It shall be the responsibility of the applicant to take reasonable steps to remedy any damage to municipal property caused by the applicant's activities as directed by the Building Inspector, Director of Public Works or Zoning Enforcement Officer. The City may elect to accept reasonable reimbursement from the applicant in lieu of remedy.
8. The applicant agrees to procure insurance of the type and in a form satisfactory to the City Attorney, which, at a minimum, provides the City as named insured with One Million (\$1,000,000) Dollars (per occurrence) in liability coverage for any liability potentially arising out of the encumbrance permitted by this agreement. **An appropriate certificate of such insurance shall be affixed to this application. The following should be stated in the "Description of Operations/Locations/Vehicles" section of the insurance certificate: City of Portsmouth is a named additional insured for work at 123 Sample Street.**
9. The application shall be submitted in complete and acceptable form no later than five (5) days prior to the encumbrance. No encumbrance of the public street or sidewalk shall occur prior to the written approval of the Building Inspector.
10. The applicant agrees to provide copies of the completed and approved application to properties that may be impacted by the encumbrance as directed by the Building Inspector.

Additional Conditions: _____

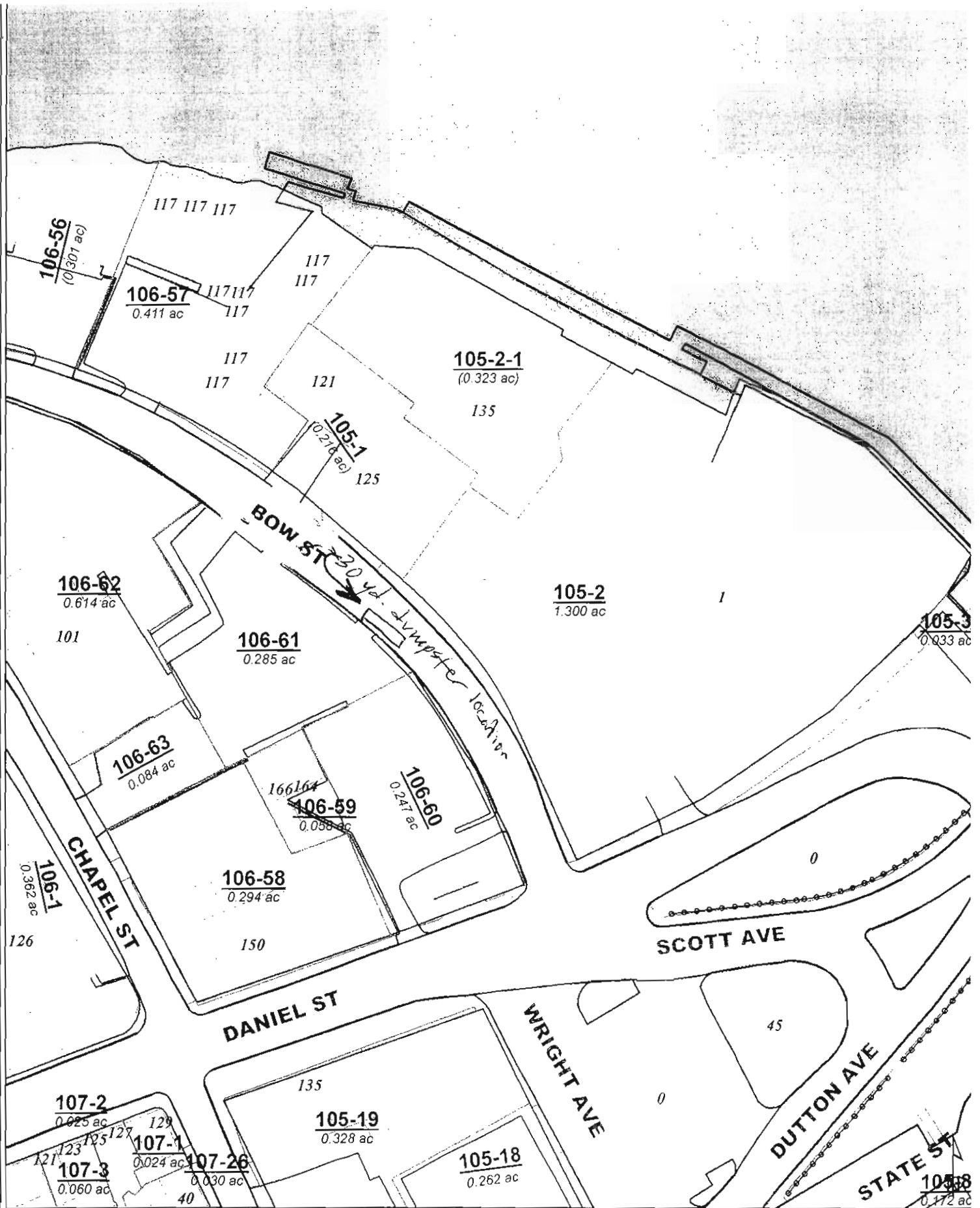
APPLICANT: 

Date: 3-6-13

APPROVED:

Date: _____
Richard A. Hopley, Chief Building Inspector

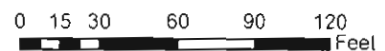
FEE: \$50.00 Date Paid _____, Check # _____, Cash _____



Property Sketch

This map shows only the approximate locations of property lines, wetlands, and other features.

This is not a survey. To determine actual property line and wetland locations, contact a surveyor.



**CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)
03/07/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Planright Insurance-Salem 224 Main Street Suite 3C Salem, NH 03079 James A Santo	Phone: 603-890-6439 Fax: 603-890-6521	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Insurcomm Inc Neil Robbins 3510 Lafayette Rd. Ste 4 Portsmouth, NH 03801	INSURER A: Peerless Indemnity Ins Co		18333
	INSURER B: Peerless Insurance Company		24198
	INSURER C: Excelsior		11045
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

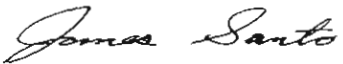
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	X	CBP4715572	11/07/2012	11/07/2013	EACH OCCURRENCE \$ 1,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 15,000	
						PERSONAL & ADV INJURY \$ 1,000,000	
						GENERAL AGGREGATE \$ 2,000,000	
						PRODUCTS - COMPI/OP AGG \$ 2,000,000	
							\$
B	AUTOMOBILE LIABILITY		BA4715568	11/07/2012	11/07/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000	
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$	
	<input type="checkbox"/> ALL OWNED AUTOS					<input checked="" type="checkbox"/> SCHEDULED AUTOS	BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS					<input checked="" type="checkbox"/> NON-OWNED AUTOS	PROPERTY DAMAGE (Per accident) \$
							\$
B	UMBRELLA LIAB		CU8814935	11/07/2012	11/07/2013	EACH OCCURRENCE \$ 1,000,000	
	EXCESS LIAB					AGGREGATE \$ 1,000,000	
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					\$	
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N N	WC4468555 3A NH	11/07/2012	11/07/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$ 500,000	
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$ 500,000	
						E.L. DISEASE - POLICY LIMIT \$ 500,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

GL: City of Portsmouth is included as additional insured by written contract for work at 135 Bow St and 110 State St Portsmouth

CERTIFICATE HOLDER**CANCELLATION**

CITYPOM City of Portsmouth 1 Junkins Ave Portsmouth, NH 03801	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Insurcomm
RESTORATION PROFESSIONALS AT WORK™
Fire • water • mold • cleanup • and repair



3510 Lafayette Rd., Suite 4
Portsmouth NH 03801

Phone (603) 430-7701
Fax (603) 373-6214

March 8, 2013

John Bohenko
City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801



Re: 110 State Street, Portsmouth NH

Dear Mr. Bohenko:

Insurcomm is currently contracted to work on the fire project at 110 State Street. We currently have a Sidewalk/Street Encumbrance Permit for our dumpster and scaffolding; however we anticipate that our work is going to continue beyond the 30 days granted. The dumpster's location is impacting three parking spaces for which we are paying. Under the advice of Suzanne Woodland, we are hoping to obtain a license for the dumpster and scaffolding to July 19, 2013. On this project the scaffolding will be walk through and will only affect the property we are working on at 110 State Street.

Thank you for your consideration.

Sincerely,

Mike Brown
Vice President

CITY OF PORTSMOUTH, NH
INSPECTION DEPARTMENT

**SIDEWALK / STREET
OCCUPATION PERMIT**

Permit issued to: Insurcomm, Inc.

For the occupation of public space on the street or sidewalk
in front of: 110 State Street

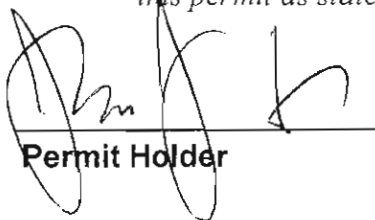
Start Date: 11-Mar-13 End Date: 22-Apr-13

The following conditions shall be followed during the occupation time:

1. **All equipment and tools shall be removed at end of each work day.**
2. The public way and access to businesses shall not be obstructed.
3. The sidewalk and street shall be protected from falling debris and dust.
4. Reflective cones / barriers shall be in place after daylight hours.
5. Dumpster shall be placed on plywood and moved during snowstorms.
6. Staging shall be the walk-under type.
7. Contact PSNH for power line protection.
8. "Pay & Display" spaces shall be purchased and placarded as "No Parking".

*This permit shall be posted at the job site
in a street level window readily visible from the street.*

The under signed acknowledges that he/she will be held liable for any damages to public property as a result of the work undertaken. In addition, the undersigned understands and will abide by the conditions stated on the application form and this permit as stated above. Permit is for weekday work only.



Permit Holder

8-Mar-13
Issue Date

Richard A. Hopley
Building Inspector

10869
Check #, Cash, (\$50.00)

****PLEASE NOTE:****
ENCUMBRANCE
APPLICATIONS TAKE A
MINIMUM OF 4 DAYS TO
PROCESS. PLEASE
PLAN ACCORDINGLY.



Contact Name: Call Service
Telephone #: 430 7701
(24-hour availability)

Inspection Department
1 Junkins Avenue
Portsmouth City Hall, 3rd floor
Portsmouth, NH 03801
603-610-7243

**APPLICATION TO ENCUMBER A PUBLIC STREET OR SIDEWALK
FOR CONSTRUCTION RELATED PURPOSES**

Applicant: INSURCOMM Construction
Contact Name: Josh Cole cell #: 973 2016 tel # (w): 430 7701
Property Owner Name: Street Scope Properties cell #: _____ tel # (w): _____
Street Address of Proposed Encumbrance: 110 State Street
Tax Map: 107 Lot #: 53

**** ATTACH SKETCH SHOWING AREA TO BE ENCUMBERED ****

Duration of Proposed Encumbrance Start date: 3-5-13 End Date: 4-16-13

NOTE: The period for this encumbrance cannot exceed thirty (30) days, including any extension. If, in spite of due diligence in conducting the work for which the sidewalk encumbrance permission is issued, additional time is needed, the End Date may be extended if requested by the applicant and approved by the City. Please give a detailed description of proposed encumbrance (work being done, equipment used):

Dumpster on street in parking spaces and scaffolding on sidewalk in front of building.

Will you be painting the exterior of the property? YES (NO)

Will you be repointing brick work? YES/(NO)

Will you have a dumpster? (YES)/NO [If yes, show where located on AREA SKETCH]

Will you be conducting any work that may cause material to fall to the ground below? (YES)/NO

What is your method of containing the material(s)? Direct pedestrians around the site

Will you be conducting any work that may cause soil, paint chips or other materials to wash into storm drains? YES/(NO) (Describe containment methods): either way we will tarp the sidewalk

Will you be using ladders, staging, motorized lifts / equipment or a combination? [Circle which item(s) and show locations of all items on the AREA SKETCH]

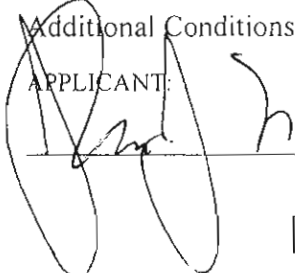
Are you requesting to BLOCK a sidewalk or street? (YES)/NO [If YES, how are you proposing to accommodate pedestrians and or traffic? Also see item #1 below]

Dumpster in parking spaces on side of street and we will direct pedestrians around the site or we will have pass through staging allow pedestrians to use sidewalk

The above applicant hereby requests permission from the City of Portsmouth to encumber the area as described above for the purpose of facilitating construction or maintenance activities only. In connection with this request, the applicant agrees to the following:

1. It shall be the responsibility of the applicant to secure the perimeter of the encumbered area as may be necessary for pedestrian and vehicular safety. Applicant shall be responsible for installing and maintaining signage, jersey barriers, fencing, barricades and the like as deemed necessary by the applicant or the City. Pedestrian access shall meet the requirements of the Americans with Disabilities Act. **(NOTE: If sidewalk or street is being asked to be blocked, contact Steve Parkinson, Public Works Director at 766-1420, to schedule an on site meeting.)**
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10. The applicant agrees to provide copies of the completed and approved application to properties that may be impacted by the encumbrance as directed by the Building Inspector.

Additional Conditions: _____

APPLICANT: 

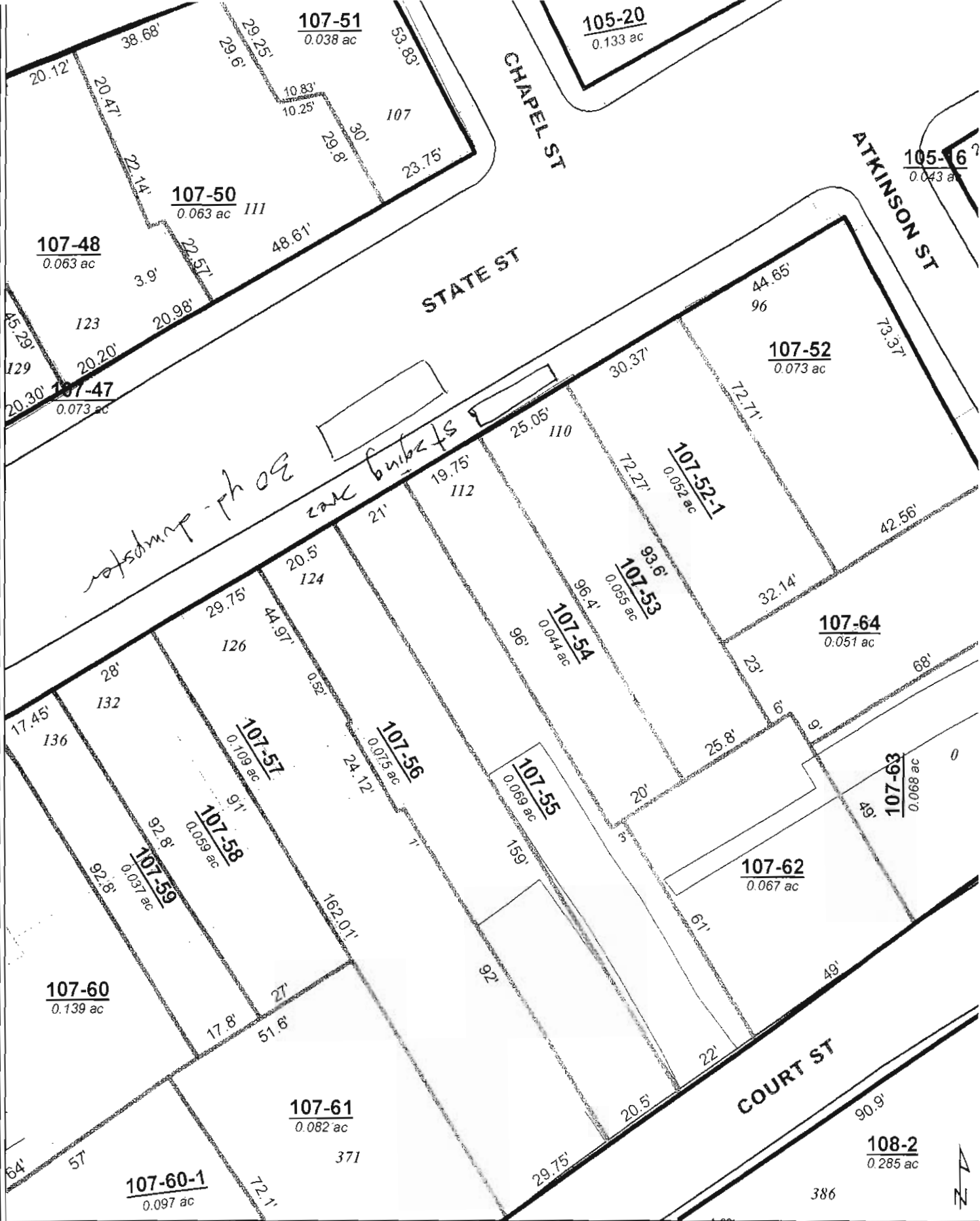
Date: 3-6-13

APPROVED: 

Date: 7 MAR 13

Richard A. Hopley, Chief Building Inspector

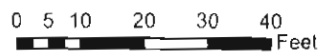
FEE: \$50.00 Date Paid _____, Check # _____, Cash _____



Property Sketch

This map shows only the approximate locations of property lines, wetlands, and other features.

This is not a survey. To determine actual property line and welland locations, contact a surveyor





CERTIFICATE OF LIABILITY INSURANCE

INSUR-1 OP ID: NN

DATE (MM/DD/YYYY)
03/07/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Planright Insurance-Salem 224 Main Street Suite 3C Salem, NH 03079 James A Santo	Phone: 603-890-6439 Fax: 603-890-6521	CONTACT NAME: PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Peerless Indemnity Ins Co</td> <td>18333</td> </tr> <tr> <td>INSURER B : Peerless Insurance Company</td> <td>24198</td> </tr> <tr> <td>INSURER C : Excelsior</td> <td>11045</td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Peerless Indemnity Ins Co	18333	INSURER B : Peerless Insurance Company	24198	INSURER C : Excelsior	11045	INSURER D :		INSURER E :		INSURER F :	
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INSURED Insurcomm Inc Neil Robbins 3510 Lafayette Rd. Ste 4 Portsmouth, NH 03801																

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC		X	CBP4715572	11/07/2012	11/07/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			BA4715568	11/07/2012	11/07/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB OCCUR <input type="checkbox"/> EXCESS LIAB CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CU8814935	11/07/2012	11/07/2013	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input checked="" type="checkbox"/> N N/A			WC4468555 3A NH	11/07/2012	11/07/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 GL: City of Portsmouth is included as additional insured by written contract for work at 135 Bow St and 110 State St Portsmouth

CERTIFICATE HOLDER City of Portsmouth 1 Junkins Ave Portsmouth, NH 03801	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Run: 3/13/13
8:46AM

Event Listing by Date

Page: 1

Starting Date: 3/ 4/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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
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

Run: 3/13/13
8:46AM

Event Listing by Date

Page: 2

Starting Date: 3/ 4/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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 and Fe	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
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

Event Listing by Date

Starting Date: 3/ 4/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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. Strawberry 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 area (using Congress Street).	Walk begins and ends at Strawberry Banke	Alzheimer's Association	1/ 7/2013
10/12/2013 10/12/2013	ROAD RACE This is a collaborative race with the Community Child Care. Contacts for this event are Ben Anderson of Prescott Park (436-2848) and Catherine Edison of Community Child Care Center (422-8223). This is part of the GPCC road race series.	Little Harbour School - Start and Finish	Prescott Park Arts Festival	3/ 4/2013
10/12/2013 10/12/2013	ROAD RACE Community Road Race Series. Ben Anderson of Prescott Park Arts Festival (436-2848) and Catherine Edison of Community Child Care Center (422-8223). This is a collaborative race under the GPCC road race series.	Little Harbour School - start and finish	Community Child Care Center	12/17/2012
11/28/2013 11/28/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Peirce Island	Seacoast Rotary Club Turkey Tr	12/17/2012
1/ 1/2014 1/ 1/2014	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	Great Bay Services	12/17/2012



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-427-1338 (Phone/Fax)
Suzanne M. Woodland, Assistant City Attorney – 603-610-7240 (Direct Dial)

Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
(603) 431-2000
(603) 427-1577 (FAX)

MAR - 8 2013

March 7, 2013

Rev. Fr. Robert J. Archon
St. Nicholas Greek Orthodox Church
40 Andrew Jarvis Drive
Portsmouth, NH 03801

RE: Property Owners abutting Artwill Avenue

Dear Rev. Fr. Archon,

Last evening the City Council considered the conversion of Artwill Avenue from a private street to a City street. In doing so the Council acted in consideration of a report on that topic issued by the Planning Board, a copy of which is attached to this letter. As your review will indicate the Planning Board recommended that the City take action to make Artwill Avenue into a public street subject to two conditions. The first is that Artwill Avenue be upgraded to City standards at the expense of abutting property owners. The second is that a cul-de-sac or other turnaround be created at the end of the road.

Because the Council was interested to know if the abutters to Artwill Avenue supported this recommendation the matter was postponed to seek that information.

Accordingly, you will soon be contacted by Raeline O'Neil of this office to attempt to identify a mutually convenient time when a meeting can be held in City Hall for the purpose of discussing options available to improve Artwill Avenue. I hope that this meeting can be arranged within the next two weeks.

Please feel free to call me with any questions or to discuss the situation.

Sincerely,

Robert P. Sullivan
City Attorney

RPS/rao
enclosure

cc: John P. Bohenko, City Manager (w/o enclosure)
David Allen, Deputy City Manager (w/o enclosure)
Steve Parkinson, Public Works Director (w/o enclosure)
Rick Taintor, Planning Director (w/o enclosure)

h:\rps\public works\artwill ave ltr to greek church re-cc decision



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-427-1338 (Phone/Fax)
Suzanne M. Woodland, Assistant City Attorney – 603-610-7240 (Direct Dial)

MAR - 8 2013

Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
(603) 431-2000
(603) 427-1577 (FAX)

March 7, 2013

Mr. & Mrs. Harlon P. Willis
Harlon P. & Jean P. Willis Revocable Trust
437 Lafayette Road
Portsmouth, NH 03801

RE: Property Owners abutting Artwill Avenue

Dear Mr. & Mrs. Willis,

Last evening the City Council considered the conversion of Artwill Avenue from a private street to a City street. In doing so the Council acted in consideration of a report on that topic issued by the Planning Board, a copy of which is attached to this letter. As your review will indicate the Planning Board recommended that the City take action to make Artwill Avenue into a public street subject to two conditions. The first is that Artwill Avenue be upgraded to City standards at the expense of abutting property owners. The second is that a cul-de-sac or other turnaround be created at the end of the road.

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Please feel free to call me with any questions or to discuss the situation.

Sincerely,

Robert P. Sullivan
City Attorney

RPS/rao
enclosure

cc: John P. Bohenko, City Manager (w/o enclosure)
David Allen, Deputy City Manager (w/o enclosure)
Steve Parkinson, Public Works Director (w/o enclosure)
Rick Taintor, Planning Director (w/o enclosure)

h:\rps\public works\artwill ave ltr to willis re-cc decision



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-427-1338 (Phone/Fax)
Suzanne M. Woodland, Assistant City Attorney – 603-610-7240 (Direct Dial)

MAR - 8 2013

Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
(603) 431-2000
(603) 427-1577 (FAX)

March 7, 2013

Kevin Lilakos
3 Anns Lane
Greenland, NH 03840

RE: Property Owners abutting Artwill Avenue

Dear Mr. Lilakos,

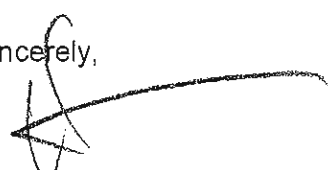
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Please feel free to call me with any questions or to discuss the situation.

Sincerely,



Robert P. Sullivan
City Attorney

RPS/rao
enclosure

cc: John P. Bohenko, City Manager (w/o enclosure)
David Allen, Deputy City Manager (w/o enclosure)
Steve Parkinson, Public Works Director (w/o enclosure)
Rick Taintor, Planning Director (w/o enclosure)

h:\rps\public works\artwill ave ltr to lilakos.re-cc decision



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-427-1338 (Phone/Fax)
Suzanne M. Woodland, Assistant City Attorney – 603-610-7240 (Direct Dial)

Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
(603) 431-2000
(603) 427-1577 (FAX)

MAR - 8 2013

March 7, 2013

Vernetta S. Hopley, Trustee
Vernetta S. Hopley Revocable Trust
34 Artwill Avenue
Portsmouth, NH 03801

RE: Property Owners abutting Artwill Avenue

Dear Ms. Hopley,

Last evening the City Council considered the conversion of Artwill Avenue from a private street to a City street. In doing so the Council acted in consideration of a report on that topic issued by the Planning Board, a copy of which is attached to this letter. As your review will indicate the Planning Board recommended that the City take action to make Artwill Avenue into a public street subject to two conditions. The first is that Artwill Avenue be upgraded to City standards at the expense of abutting property owners. The second is that a cul-de-sac or other turnaround be created at the end of the road.

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Please feel free to call me with any questions or to discuss the situation.

Sincerely,

Robert P. Sullivan
City Attorney

RPS/rao
enclosure

cc: John P. Bohenko, City Manager (w/o enclosure)
David Allen, Deputy City Manager (w/o enclosure)
Steve Parkinson, Public Works Director (w/o enclosure)
Rick Taintor, Planning Director (w/o enclosure)

h:\rps\public works\artwill ave ltr to hopley re-cc decision

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.

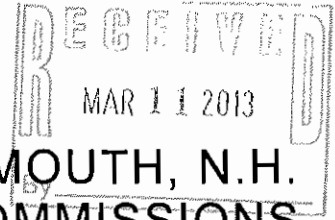
Clearly, the cost of improving the driveway to City standards is significant, particularly in relationship to the limited benefit that it would provide. It is likely more cost-effective for the three property owners to pay to upgrade the existing driveway and pay for private plowing, rather than to make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



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 Authority **Renewing applicant**

Name: Ruth L. Griffin Telephone: 603-436-5272

Could you be contacted at work? ~~YES~~^{NO} - If so, telephone # 603-436-5272

Street address: 479 Richards Avenue

Mailing address (if different): _____

Email address (for clerk's office communication): _____

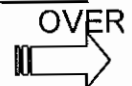
How long have you been a resident of Portsmouth? 75 Years

Occupational background:

Registered Nurse; served locally on the Portsmouth School Board; New Hampshire
State Representative; New Hampshire State Senate; Governor's Council;
Portsmouth Police Commission.

Would you be able to commit to attending all meetings? ~~YES~~^{NO}

Reasons for wishing to continue serving: To continue to provide affordable housing
for citizens of Portsmouth. Maintain the level of excellence in the management
of administration of owned and managed housing by the Portsmouth Housing
Authority. Continue to be part of providing social programs, i.e., children's
Summer Recreation/homework and tutoring programs.



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

NH Health Services Planning and Review Board (CON)

Rockingham County Incentive Fund Committee
Portsmouth Antheneum

Coastal Conservation Association

Working Dog Foundation

Revolving Loan Fund (Commercial Fishermen)
Daughters of the American Revolution (D.A.R.)

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

1) Timothy J. "Ted" Connors, 381 Newington Road, Newington NH 03801; 436-6891 (UL)
Name, address, telephone number

2) Robert Allard, 35 Gamester Road, Portsmouth NH 03801; 436-9320
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Ruth L. Griffin Date: March 6, 2013

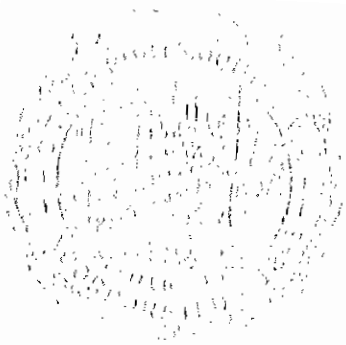
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04/01/18

Annual Number of Meetings: 14 Number of Meetings Absent: 4
2012

Date of Original Appointment: 6/15/1998

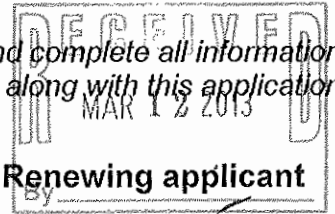
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Committee

Name: Shelley Saunders Telephone: 603-812-3335

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

Street address: 15 Oak St. Portsmouth, NH 03801

Mailing address (if different): same

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

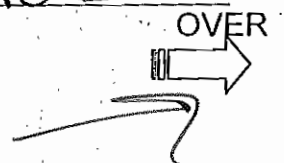
How long have you been a resident of Portsmouth? 18 years

Occupational background:
Regional Sales manager, consumer goods, 13 years
category manager for Brocery Accounts

Current employer - Snyder's-Lance Inc - 2 years

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

Reasons for wishing to continue serving: I have enjoyed serving
and learning from the cc board since Aug 2012.
I have made a commitment to "self teach"
myself on all questions and laws/proposals
regarding the conservation of Wetlands "



portsmouth, NH. The board is an intelligent and diverse group of people and I through enjoy servin

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

- none

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

- 1) Brenna Caravanaugh - Pine St Portsmouth NH 501-9920
Name, address, telephone number
- 2) Laura Cattabria - PPD officer - Portsmouth NH # - 686-3734
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 3-7-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4/1/16

Annual Number of Meetings: 5 Number of Meetings Absent: 2

Date of Original Appointment: 7/16/12

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

Citizens Committee for the 2023 Quadrcentennial Celebration

Purpose: To plan, promote and oversee the City of Portsmouth's 400th Anniversary. The Committee will be appointed by the City Council to be responsible for fundraising, coordination and marketing a year long event, with a focus on, but limited to, the education and promotion of the City's history, heritage, citizens and neighborhoods.

Members:

- Representatives from:

City Council

Portsmouth Schools

Chamber of Commerce

Military

Port / Maritime Heritage

City Manager or Designee

Neighborhood Committee


Art-Speak

Banking / Financial Industry

Marketing / Advertising Industry

The Committee will sunset on December 31, 2023.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department 
SUBJECT: Historic District Commission Minutes
DATE: March 7, 2013

Please be advised that the approved minutes from the November 7, 2012 Historic District Commission meeting are now available on the City's website for your review.