

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 6, 2013 TIME: 7:00PM

AGENDA

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

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

PROCLAMATIONS

1. Bike/Walk to Work Day in Portsmouth
2. Police Week in Portsmouth – Peace Officers’ Memorial Day

PRESENTATION

1. Report Back Re: New Adventure Entertainment, LLC d/b/a The Page Restaurant

V. ACCEPTANCE OF MINUTES – APRIL 10, 2013 AND APRIL 15, 2013

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000.00 (***Sample motion – move to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundations, as submitted***)
- B. Acceptance of Police Department Grant from Seacoast CrimeStoppers to fund the purchase of a fume hood - \$3,595.00 (***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as listed***)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014)

- Resolution #5-2013 – General Fund Expenditures (***Sample motion – move to adopt Resolution #5 – General Fund Expenditures***)
- Resolution #6-2013 – Municipal Fees (***Sample motion – move to adopt Resolution #6 – Municipal Fees***)
- Resolution #7-2013 – Sewer Fund Expenditures (***Sample motion – move to adopt Resolution #7 – Sewer Fund Expenditures***)
- Resolution #8-2013 – Water Fund Expenditures (***Sample motion – move to adopt Resolution #8 – Water Fund Expenditures***)
- Resolution #9-2013 – Special Revenues and Committed Fund Balances for Necessary Expenditures (***Sample motion – move to adopt Resolution #9 – Special Revenues and Committee Fund Balances for Necessary Expenditures***)
- Resolution #10-2013 – Investment Policy (***Sample motion – move to adopt Resolution #10 – Investment Policy***)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for License from Carla Goodnight, owner of CJ Architects for property located at 4 Market Street for a projecting sign on a existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carla Goodnight, owner of CJ Architects for a projecting sign at property located at 4 Market Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- B. Request for License from Janice Morse, owner of Newburyport Five Cents Savings Bank for property located at 254 State Treet for 2 projecting signs on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Janice Morse, owner of Newburyport Five Cents Savings Bank for 2 projecting signs at property located at 254 State Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director’s Stipulations:

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

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. Adoption of Proposed Budget Resolutions:

1.1 Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014) ***(Action on this matter should take place under Section VIII of the Agenda)***

- Resolution #5-2013 – General Fund Expenditures
- Resolution #6-2013 – Municipal Fees
- Resolution #7-2013 – Sewer Fund Expenditures
- Resolution #8-2013 – Water Fund Expenditures
- Resolution #9-2013 – Special Revenues and Committed Fund Balances for Necessary Expenditures
- Resolution #10-2013 – Investment Policy

City Manager's Items Which Require Action

1. Request to Amend Seacoast Growers' Association License Agreement
2. Request to Change Work Session Date Re: Report Back from Transportation Policy Committee
3. Request for Approval of Expenditure from the African Burying Ground Trust
4. Acceptance of Sidewalk Easement Re: 1190 Lafayette Road (Comfort Inn)
5. Report Back Re: Letter from Aphrodite and Louis Georgopoulos – Zoning of Property at 1900 Lafayette Road
6. Report Back Re: Request to Rezone Property at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway

Informational Items

1. Events Listing
2. Letter from Pease Development Authority Re: The Port
3. Report Back Re: 299 Vaughan Street – Request for Urbanized Shoreland

B. MAYOR SPEAR

1. Parking Revenues
2. Appointments Needed to the Public Access Financial Advisory Committee
 - City Council Representative (Presently Councilor Coviello)
 - Cable Commission Representative – John Gregg
3. Appointments to be Considered:
 - Daniel Rawling – Reappointment to the Historic District Commission
 - Jonathan Wyckoff – Reappointment to the Historic District Commission
 - Kory Sirmaian – Reappointment to the Recreation Board
4. Appointments to be Voted:
 - Jay Leduc – Appointment as an Alternate to the Planning Board
 - Todd Henley – Reappointment to the Recreation Board
 - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund

C. COUNCILOR DWYER

1. *Update on Middle School Project

D. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 11, 2013 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the April 11, 2013 Parking and Traffic Safety Committee meeting***)

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 14, 2012 meeting are available on the City's website for your review
2. Notification that the Planning Board Minutes of the December 20, 2012 meeting are available on the City's website for your review
3. Notification that the Planning Board Minutes of the January 24, 2013 meeting are available on the City's website for your review
4. Notification that the Site Review Technical Advisory Committee Minutes of the April 2, 2013 meeting are available on the City's website for your review

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

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: May 2, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on May 6, 2013 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

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

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Presentation:

1. **Report Back Re: New Adventure Entertainment LLC d/b/a The Page Restaurant.**
As requested by the City Council, attached is a report back from the Police Chief, City Attorney, and myself, regarding the history of issues with New Adventure Entertainment LLC d/b/a The Page Restaurant. On Monday evening, the Chief, the City Attorney and myself will be making a presentation regarding this matter. Subsequent to the presentation regarding the report back, action may be taken by the City Council as it relates to the renewal of The Page's liquor license, which expires at the end of May 2013.

Acceptance of Grants and Donations:

1. **Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper.** I am pleased to announce that a \$15,000.00 grant has been awarded from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation to the City of Portsmouth, NH-Fire Department Our New Hampshire Heritage – a fund of Northeast Auctions, for restoration of the Kearsarge fire pumper by the Portsmouth Fire Department.

I would recommend the City Council move to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation, as submitted. Action on this item should take place under Section VII of the Agenda.

2. **Acceptance of Police Department Grant.** Attached under Section VII of the Agenda is a memorandum, dated April 24, 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant:

1. A grant in the amount of \$3,595 from Seacoast CrimeStoppers to fund the purchase of a fume hood. A fume hood will aid in the processing of crime scene evidence.

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

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

Items Which Require Action Under Other Sections of the Agenda:

1. **Adoption of Proposed Budget Resolutions:**

- 1.1 **Adoption of Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014).** On Monday evening, I am requesting that the City Council adopt the proposed FY 2014 Budget (July 1, 2013 thru June 30, 2014). For your review and action, under Section VIII of the Agenda, attached are six proposed Resolutions relative to the annual budget adoption process.

Resolution No. 5-2013 – General Fund Expenditures. In this resolution, the proposed appropriations for the General Government, Police, Fire, and School Departments, Transfer to Indoor Pool and Non-Operating appropriations are listed separately. The total proposed FY14 General Fund budget is \$92,838,137.

FY14 PROPOSED BUDGET

| | |
|-------------------------|--------------|
| GENERAL GOVERNMENT | \$16,536,628 |
| POLICE | \$9,174,659 |
| FIRE | \$7,434,078 |
| SCHOOL | \$39,820,958 |
| TRANSFER TO INDOOR POOL | \$150,000 |
| NON-OPERATING | \$19,721,814 |
| TOTAL | \$92,838,137 |

The FY 2014 original Proposed Budget of \$93,223,137 was submitted to the City Council on March 28, 2013. The Operating Budget submitted by the Departments, achieved the City Council directive to submit an operating budget at no more than 4.0%. The proposed budget of \$92,838,137 which includes both operating and non-operating is an increase of 2.52% over FY13. The submitted budget and estimated revenues resulted in a tax rate increase of 45¢ over FY13 for a rate of \$18.00 per \$1,000 of valuation.

Since the submission of the Budget to the City Council, adjustments were made which reduced the proposed budget to \$92,838,137 which reduced the proposed tax rate by 9¢ to \$17.91. This will result in an increase of 36¢ or 2.05% from FY 13.

The total reduction from the originally submitted Proposed Budget is as follows:

| | |
|-----------------------------------|------------------|
| Capital Outlay | \$135,000 |
| Overlay | \$100,000 |
| Info Technology | \$ 50,000 |
| Collective Bargaining Contingency | \$100,000 |
| Total | <u>\$385,000</u> |

Resolution No. 6-2013 adopts Municipal Fees that have been recommended by the Fee Committee. The total revenue generated from these fees is estimated at \$881,500 or 1% of the total FY14 General Fund Revenues.

Resolution No. 7-2013 establishes the annual appropriation, cash requirements and user rates for the Sewer Fund. The adoption of this Resolution includes a two step, inclining block rate structure. As Sewer charges are based on water consumption, the first 10 units (1 unit equals 100 cubic feet or 748 gallons) of water consumed per month will be charged a sewer rate of \$10.68 per unit, all consumption over 10 units per month will be charged at \$11.75 per unit. This increase translates to an approximate monthly increase of \$11.40 to the average residential user. Eighty percent (80%) of all residential customers fall in the 10 units or less tier.

Resolution No. 8-2013 establishes the annual appropriation, cash requirements and user rates for the Water Fund. Similar to Sewer, the adoption of this Resolution will include a two step, inclining block rate structure. There is no increase in the water rate for FY14. The first 10 units (1 unit equals 100 cubic feet or 748 gallons) of water consumed per month will be charged at \$4.15 per unit, all consumption over 10 units per month will be charged at \$5.00 per unit, both rates are unchanged from the previous fiscal year. Eighty percent (80%) of all residential customers fall in the 10 units or less tier.

Resolution No. 9-2013 allows for the expenditure of Special Revenues, Debt Service Fund, and Committed Fund Balances. This allows the City to expend from committed fund balances, donations and Federal and State Grants as they are accepted and received.

Resolution No. 10-2013 deals with the adoption of an annual investment policy. State law requires the annual adoption of such a policy by every city and town.

Suggested Motions:

Move to adopt Resolution #5 – General Fund Expenditures.

Move to adopt Resolution #6 – Municipal Fees.

Move to adopt Resolution #7 – Sewer Fund Expenditures.

Move to adopt Resolution #8 – Water Fund Expenditures.

Move to adopt Resolution #9 – Special Revenues, Debt Service Fund, and Committed Fund Balances for Necessary Expenditures.

Move to adopt Resolution #10 – Investment Policy.

(Actions on Resolutions 5 thru 10 should take place under Section VIII of the Agenda.)

Consent Agenda:

1. **Request for Licenses to Install Projecting Signs.** Attached under Section IX of the Agenda are the following requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Carla Goodnight, owner of CJ Architects for property located at 4 Market Street.
- Janice Morse, CEO of Newburyport Five Cents Savings Bank for property located at 254 State Street.

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

City Manager's Items Which Require Action:

1. **Request to Amend Seacoast Growers' Association License Agreement.** Attached is a letter from Edie Barker, President of the Seacoast Growers' Association, requesting an amendment to their License Agreement which would allow Throwback Brewery to sell its beer at the Portsmouth Farmers' Market. Also, attached is an amended Agreement,

which shows the deletions from existing language ~~stricken~~; additions to existing language **bolded**; and remaining language unchanged.

I would recommend the City Council move to approve an amendment to the Seacoast Growers' Association License Agreement, as presented.

2. **Request to Change Work Session Date Re: Report Back from Transportation Policy Committee.** At your last meeting, the City Council established a work session for June 10, 2013 at 6:30 p.m., regarding the report of the Transportation Policy Committee. That same night, there will be a presentation and report on Form-Based Zoning that resulted from the charrette. The presentation on the charrette will take place on June 10th at 6:00 p.m., in the Levenson Room at the Library.

Given the importance of City Council Members having the ability to attend this presentation on Form-Based Zoning, I am recommending the work session on Transportation Policy take place on June 3, 2013 at 6:00 p.m. prior to your regular meeting. I have discussed this matter with the Chairman of the Transportation Policy Committee, Councilor Ken Smith and the Mayor, and they have no problem with this change.

I would recommend the City Council move to approve the change of date for the Work Session on Transportation Policy to Monday, June 3, 2013 at 6:00 p.m.

3. **Request for Approval of Expenditure from the African Burying Ground Trust.** On February 20, 2013 the African Burying Ground Committee and Fundraising Volunteers organized an educational and awareness outreach event for the African Burying Ground Memorial Park Project. The Committee once again successfully partnered with The Music Hall on a performance and candlelight procession to the African Burying Ground and raised funds for the project. In accordance with the partnership with The Music Hall, a portion of the funds collected for the event need to be returned to The Music Hall. These funds, having been deposited in the African Burying Ground Trust, require a vote of the Council in order to move forward.

I would recommend the City Council vote to expend a total of \$2,818.50 from the African Burying Ground Trust pursuant to the fundraising partnership with The Music Hall described above.

4. **Acceptance of Sidewalk Easement Re: 1190 Lafayette Road (Comfort Inn).** Attached for acceptance is a Sidewalk Easement from MacLeod Enterprises, Inc. to the City of Portsmouth, which was required by the Planning Board in connection with the Comfort Inn project at 1190 Lafayette Road. This is a routine easement similar to those which have been required at various developments along Route 1.

I would recommend the City Council move to authorize the City Manager to accept the sidewalk easement at 1190 Lafayette Road from MacLeod Enterprises, Inc.

5. **Report Back Re: Letter from Aphrodite and Louis Georgopoulos - Zoning of Property at 1900 Lafayette Road.** On November 9, 2012, Aphrodite and Louis Georgopoulos submitted the attached letter to the City Manager regarding zoning of a parcel at 1900 Lafayette Road. On December 17, 2012, the City Council referred the letter to the Planning Board for a report back. The Planning Board considered the current request at its meetings on January 24 and April 18, 2013, and in a work session on March 28, 2013.

This lot and the surrounding Office Research District have been considered by the Planning Board several times in the last decade:

- In December 2006, the Board recommended the creation of a “Nonresidential Planned Unit Development” option to allow the development of a Smuttynose brewery and restaurant on the Georgopoulos lot and the adjacent lot.
- In October 2009, the Board recommended that the Office Research District on Lafayette Road, including the Georgopoulos lot, be included in the newly created Gateway District as part of the comprehensive revision of the Zoning Ordinance and Zoning Map.
- In October 2011, the Board recommended changes to the use and dimensional standards of the OR District, rather than rezoning the Lafayette Road OR parcels to a new district.

It is clear from this history that Elwyn Park residents and City Councilors are opposed to allowing retail and service uses in this area because of the potential impacts due to traffic, light and noise. After reviewing the range of possible options, the Planning Department staff concluded that multifamily residential development would be the most appropriate use to add to the currently allowed uses in the Office Research district at this location. Multifamily development might provide a transitional buffer between the single-family residential neighborhood on the opposite side of Route 1, and could be consistent in scale with the nonresidential uses that are already allowed in the OR District. In addition, assisted living centers could also be appropriate in this area, as they are similar in scale and impact to residential developments. Staff therefore drafted a zoning amendment to allow multifamily residential and assisted living uses in the Office Research District by conditional use permit. Rather than modifying the allowed uses or dimensional requirements for the Office Research District, the draft zoning amendment would create a new type of use subject to all of the additional requirements and standards included in the section.

When multifamily residential and assisted living uses were proposed for the OR District in 2011, concerns were raised by residents in other areas of the City who were afraid that this might be a way to allow the continuing care retirement community that had been proposed for the large OR parcel off Islington Street. In order to allay this concern, the proposed Conditional Use Residential Development option is restricted to “principal arterials” as shown in the City’s Master Plan. The attached map shows all OR District in

the City and the principal arterials, which are Interstate 95, the Spaulding Turnpike, the Route 1 Bypass, and Lafayette Road (Route 1) from the Bypass to the Rye line. Other than limited-access highways (I-95, Route 16 and the Route 1 Bypass), Lafayette Road is the only principal arterial in the City. Therefore, the only area in which the new use would be permitted is the OR District on Lafayette Road.

At its meeting on April 18, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth in the attached document.

Potential Development Density Under the Proposed Amendment

The proposed Conditional Use Residential Development provision would allow up to about 70 dwelling units on the parcel at 1900 Lafayette Road. The provision requires between 1.3 and 1.8 off-street parking spaces per dwelling unit; therefore, a 70-unit development would include between 91 and 126 spaces.

In order to meet the required 50% open space requirement, and assuming that the maximum number of off-street parking spaces is provided in surface lots, 70 dwelling units could be accommodated on the site in 4-story buildings. However, for two-story townhouse or garden apartment units, the maximum possible density (with surface parking) might drop to about 50 units.

For an assisted living center, the draft ordinance requires 1,500 sq. ft. of developable lot area per assisted living unit, which would allow up to about 120 units on the site at 1900 Lafayette Road. The Zoning Ordinance requires the provision of 1 parking space for every two assisted living units, so a 119-unit facility would require 60 parking spaces.

It is important to emphasize that the above numbers are estimates based solely on the standards in the proposed ordinance, and not on any site design concept. The actual potential development under the Conditional Use Residential Development provision may be less than the estimates based on ratios in the proposed ordinance.

I would recommend the City Council move to accept the Planning Board's recommendation and, further, authorize the City Manager to bring back for first reading the attached proposed Ordinance amendment at the May 20, 2013 City Council meeting.

6. **Report Back Re: Request to Rezone Property at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway.** On February 21, 2013, Jonathan N. Bursaw submitted the attached letter to Mayor Spear requesting that the City change the zoning of the parcel at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway. At its meeting on March 4, 2013, the City Council voted to refer this request to the Planning Board for a report back.

The Bursaw parcel is bounded on two sides by the Maple Haven neighborhood and the Single Residence B District. The current use is as a convenience store (Bursaw's Pantry).

On the opposite side of Ocean Road is Fire Station No. 2, rezoned from General Business to Municipal in 2010. The parcels on the opposite side of Lafayette Road, including the new Service Credit Union headquarters building and campus, are in the Gateway District. (See attached map.)

The parcel is 0.27 acre in area (about 11,800 sq. ft.), which conforms to the 7,500 sq. ft. minimum lot area requirement in the MRB District. However, the Gateway District requires a lot area of at least 43,560 sq. ft. (1 acre), so rezoning to the Gateway District would create a substantial new nonconformity. In addition, the existing building on the parcel does not comply with the frontage or setback standards for the Gateway District, and it would not be possible to erect a new building on the site conforming to those requirements.

The Planning Board discussed this request in a work session on March 28, 2013. Options presented for consideration included:

- Rezone to Gateway
- Rezone to Business
- Expand permitted uses in MRB
- Leave existing zoning in place

Based on a review of the allowed uses and dimensional standards in the MRB, Gateway and Business Districts, it was the consensus of the Board that the existing zoning is appropriate and no rezoning was recommended. Of particular concern was the small size of the lot and its location at a busy signalized intersection. The Board recognized that it would be difficult to increase the intensity of use on this parcel because of limited area for providing off-street parking and accommodating turning movements so close to the traffic signal.

On March 29, 2013, Mr. Bursaw submitted a letter stating that he has no specific alternative uses in mind for the property, but requested a rezoning to Gateway to open up a wider range of permitted uses. The particular uses that are identified in Mr. Bursaw's letter are gas stations and food service establishments. In this regard, it should be noted that a gas station would not be allowable at this location even if the zoning were changed to Gateway, because the Zoning Ordinance requires that a lot containing a service station (a) be at least one acre in area, and (b) be at least 200 feet from a residential zoning district. Based on these considerations, the Planning Board voted unanimously at its meeting on April 18, 2013, to recommend that the zoning designation for this parcel not be changed.

I would recommend the City Council move to accept the Planning Board's recommendation that the zoning designation for this parcel not be changed.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on April 15, 2013. In addition, this now can be found on the City's website.
2. **Letter from Pease Development Authority Re: The Port.** For your information, attached is a letter from David Mullen, Executive Director of the Pease Development Authority, in response to the City Manager's letter dated December 17, 2012, regarding the Port.
3. **Report Back Re: 299 Vaughan Street - Request for Urbanized Shoreland.** At the March 4, 2013 City Council meeting, a letter from Patrick Crimmins of Tighe & Bond was received requesting the City submit an application for an Urbanized Shoreland Exemption. This exemption, if granted, would have exempted the owner of the property at 299 Vaughan Street from the regulations of the Shoreland Water Quality Protection Act. The City Council voted to refer the request to the City Manager for a report back.

After discussions between City Staff and the owner of the property at 299 Vaughan Street and their engineer from Tighe & Bond, it was determined that based on the project design for the proposed municipal parking lot in this location, this property would qualify for a permit from the Shoreland Water Quality Protection Act and no exemption was required. The applicant submitted a permit application and was granted approval by the NH Department of Environmental Services on April 19, 2013 (see attached).