

CITY COUNCIL MEETING

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

AGENDA

- 6:30PM – CITY COUNCIL PHOTOGRAPH

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

PRESENTATION

1. Trustees of the Trust Funds Report

V. ACCEPTANCE OF MINUTES – SEPTEMBER 3, 2013 AND SEPTEMBER 16, 2013

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 8, ARTICLE III, "STREET TREES," IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING AMENDMENT TO CHAPTER 1 ARTICLE IV BY CREATING A TREES & PUBLIC GREENERY COMMITTEE AND THE ADOPTION OF A NEW ARTICLE III ENTITLED PORTSMOUTH URBAN FORESTRY ORDINANCE OF CHAPTER 8
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.222 – MAXIMUM NUMBER OF TAXICABS AMENDED TO INCREASE THE NUMBER OF MEDALLIONS FROM TWENTY-FIVE (25) TO TWENTY-EIGHT (28)
- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE X, SECTION 7.1000 E – TOWING – TOW ZONES – LIMITED PARKING AREAS: CITY STREETS – BE AMENDED THAT ANY VEHICLE OR OBJECT REMAINING IN THE SAME LOCATION IN ANY UNCONTROLLED ON-STREET PARKING SPACE FOR MORE THAN 24 HOURS IN THE CENTRAL BUSINESS DISTRICTS A AND B AS BOUNDED AND SHOWN ON THE CITY OF PORTSMOUTH ZONING MAP, OR MORE THAN 72 HOURS IN ANY OTHER LOCATION IN THE CITY, MAY BE REMOVED IN THE MANNER PROVIDED IN SECTION 7.1000 D

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grants to the Portsmouth Police Department:
 - NH Department of Justice Grant toward Portsmouth's participation in the Attorney General's Drug Task Force - \$30,000.00 (***Sample motion – move to approve and accept the Grant to the Portsmouth Police Department, as listed***)

- US Department of Justice 2013 Internet Crimes Against Children Task Force Grant for the New Hampshire ICAC Task Force - \$256,253.00 (***Sample motion – move to approve and accept the Grant to the Portsmouth Police Department, as listed***)

B. *Acceptance of Donation to the Coalition Legal Fund

- Town of Rye - \$5,000.00

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8
- B. Second reading of Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28)
- C. Second reading of Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Trevor Bartlett, Portsmouth Halloween Parade, requesting permission to hold the annual Halloween Parade on Thursday, October 31, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License from Daniel Dumont, owner of Lo Mo for property located at 86 Pleasant Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Daniel Dumont, owner of Lo Mo for a projecting sign at property located at 86 Pleasant 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***

- C. Request for License from Jim Weisweit, owner of Portsmouth Spa for property located at 55 Congress Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jim Weisweit, owner of Portsmouth Spa for a projecting sign at property located at 55 Congress 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***

- D. Request for License from Carol Johnson, owner of Allstate for property located at 401 The Hill for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carol Johnson, owner of Allstate for a projecting sign at property located at 401 The Hill and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director’s Stipulations:

- ***No sign permit shall be issued until the Legal Department has determined that the outstanding violations of the City’s land use regulations have been satisfactorily addressed;***
- ***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***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Daniel Dumont, LoMo Portsmouth LLC, requesting approval to place a dumpster at 86 Pleasant Street ***(Sample motion – move to refer to the City Manager with power)***
- B. Petition from Richards Avenue residents requesting concrete continuous sidewalks from Lincoln Avenue to South Street ***(See City Manager’s Comment XII. A.2.) (Sample motion – move to approve continuous concrete sidewalks on Richards Avenue from Lincoln Avenue to South Street, as presented)***
- C. Letter from Renee McCune, Portsmouth Lodge of Elks #97, regarding the safety of student runners exiting the trail from the woods onto the roadway ***(Sample motion – move to refer to the Parking and Traffic Safety Committee for report back)***
- D. Letter from Christopher Mulligan, Bosen & Associates, PLLC, regarding Amended Site Plan Approval for Property Located at 233 Vaughan Street and proposed Sidewalk License Agreement ***(Sample motion – move to refer to the City Manager with power)***
- E. Letter from Rus Wilson, Recreation/Athletic Director, regarding recommendation from the Recreation Board to name the Pease softball field in honor of Tony Rahn ***(Sample motion – move to approve and accept the recommendation of the Recreation Board)***
- F. Letter from Frank Kennedy, Pine Tree Model “A” Club, requesting permission to hold an antique autos parade over the Memorial Bridge and around Market Square on Saturday, October 26, 2013

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 1.1 Public Hearing/Second Reading of Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8 ***(Action on this matter should take place under Section IX of the Agenda)***

- 1.2 Public Hearing/Second Reading of Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28) (**Action on this matter should take place under Section IX of the Agenda**)
 - 1.3 Public Hearing/Second Reading of Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D (**Action on this matter should take place under Section IX of the Agenda**)
2. Richards Avenue Residents' Request (**Action on this matter should take place under Section XI of the Agenda**)

City Manager's Items Which Require Action

1. Adoption of Transportation Policies
 - Complete Streets
 - Bicycle Friendly Community
 - Walk Friendly Community
2. Report Back Re: Request of Mark Ayotte, 9 Garden Street, for City to return all rights and privileges to him as an abutter from their current property line to the centerline of both Garden Street and Colonial Avenue
3. Report Back Re: Request of Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street

Informational Items

1. Events Listing
2. Coalition Communities Update
3. Fall 2013 Household Hazardous Waste Day

B. MAYOR SPEAR

1. Appointments to be Considered:
 - John Bosen – Reappointment to the Economic Development Commission
 - Joshua Cyr – Reappointment to the Economic Development Commission
 - Michael Barker – Planning Board
 - Justin Finn – Planning Board
2. Appointment to be Voted:
 - Ronald Zolla – Reappointment to the Economic Development Commission

3. Resignations
 - Robin Rousseau from the Zoning Board of Adjustment
 - Aaron Lawson from the Taxi Commission

C. COUNCILOR KENNEDY

1. *Coalition Communities – Wastewater Treatment Plants (***Proposed motion – move that the City of Portsmouth withdraw from being one of the remaining three coalition communities linked to wastewater treatment plants***)
2. *400th Year Celebration (***Proposed motion – move that the City Manager work with Dennis Robinson on his proposal to collect and interpret 400 years of history in preparation of our 400th year celebration and to bring back proposal at the October 21, 2013 City Council meeting***)
3. *Adopt a Spots

D. COUNCILOR LOWN

1. *Parking Impact Fee Re: Restaurants
2. Letter Re: Christmas Event

E. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 12, 2013 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of September 12, 2013***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

**KELLI L. BARNABY, CMC/CNHMC
CITY CLERK**

INFORMATIONAL ITEMS

1. Notification that the Zoning Board of Adjustment Minutes of the July 16, 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.

REPORT OF TRUST AND CAPITAL RESERVE FUNDS

\$ 14,874,409.03

Please insert the total of ALL funds here

Town/City Of: PORTSMOUTH For Year Ended: June 30, 2013

CERTIFICATE

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Deane J. Leveson

Phyllis Eldridge

THOMAS R. WATSON

Print and sign

Signed by the Trustees of Trust Funds

on this date August 22, 2013

REMINDERS FOR TRUSTEES

- 1. SIGNATURES** - Print and sign on lines provided above.
- 2. INVESTMENT POLICY** - RSA 31:25 requires the trustees to adopt an investment policy and review and confirm this policy at least annually. A copy of this policy must be filed with the Director of Charitable Trusts (RSA 31:25, 34:5, 35:9).
- 3. PROFESSIONAL BANKING AND BROKERAGE ASSISTANCE** - RSA 31:38-a enables you to have a professional banking or brokerage firm assist you in performing your trustee duties. Refer to the law for further information. Attributable expenses may be charged again
- 4. WEB SITE** - A trustee handbook can be down loaded from the web site for the Attorney General's Charitable Trust Division. www.doj.nh.gov/charitable
- 5. FAIR VALUE** - Fold and complete page 4 to disclose the fair value (market value) of principal only. This information may be obtained from financial publications or from your professional banker or broker.
- 6. CAPITAL RESERVE FUND** - Must be kept in a separate account and not intermingled with any other funds of the municipality (RSA 35:9).
- 7. WHEN and WHERE TO FILE** - By March 1 if filing for a calendar year and by September 1 if filing for optional fiscal year. See addresses on page 4 of this form. If you hold funds for the school, the school business administrator will also need a copy fo

FOR DRA USE ONLY

State of New Hampshire
Department of Revenue Administration
Municipal Services Division
PO Box 487, Concord, NH 03302-0487
(603) 230-5090

Copies of the
Complete Report of Trust and Capital
Reserve Funds

Are available in the City Clerk's Office
and Portsmouth Public Library

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, SEPTEMBER 3, 2013

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

At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations and Personnel Matters - RSA 91-A:2, I (b-c).

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

Mayor Spear called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Thorsen led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – AUGUST 19, 2013

Assistant Mayor Lister moved to approve and accept the minutes of the August 19, 2013 City Council meeting. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Bob Shouse spoke in support of the Height Ordinance and indicated it is reasonable to allow controlled growth to preserve the character of the City. He stated removing the granting authority of a conditional use permit from the Historic District Commission to the Zoning Board of Adjustment is the right decision.

Beth Margeson spoke opposed to the proposed skating rink at Strawberry Banke. She stated a 12,000 square foot structure is not with the character of the area and it will effect the quality of life for the residents of the south end.

VI. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS ARE HERE BY AMENDED AS FOLLOWS:

- SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS, MAXIMUM STRUCTURE DIMENSIONS – STRUCTURE HEIGHT, CBA 45' OR 3 ½ STORIES, WHICHEVER IS LESS; CBB 45' OR 3 ½ STORIES, WHICHEVER IS LESS;
- SECTION 10.535 – EXCEPTION TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, BY INSERTING A NEW SECTION 10.535.13: INCREASED BUILDING HEIGHT BY CONDITIONAL USE PERMIT
- SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, ADD NEW TERMS AND DEFINITIONS

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

Planning Director Taintor provided a brief presentation on the ordinance and stated that the height was last changed in 1982. He spoke to the process that has been followed and reported that the ordinance as amended reduces the height to 45 feet or 3 ½ stories in the CBA and CBB Districts. Planning Director Taintor also stated that the Zoning Board of Adjustment would have the authority to grant a conditional use permit.

Councilor Lown asked when the City Council would be addressing form-based zoning. City Manager Bohenko stated once the Planning Board is done it would come back to the City Council, and we hope to have something adopted before the end of the year.

David Witham, Chair of Zoning Board of Adjustment and speaking as a resident, he expressed concern with the amendment and having the BOA grant conditional use permits. He stated the conditional use permit process should remain with the HDC. Mr. Witham said he supports the height amendment as a way to put something in place until form-based zoning is adopted.

Gibson Kennedy feels the ordinance is a good compromise but the conditional use permit should stay with the HDC and not moved to the BOA.

William Gladhill, Planning Board member and speaking as a resident stated the HDC should keep the authority to grant conditional use permits.

Paul McEachern said the City Council needs to look at the impacts of this ordinance. He spoke to the tax base and revenues received. He urged the Council to consider all the ramifications when acting on this ordinance.

Zelita Morgan urged the City Council to pass the ordinance as amended for the quality of life of residents. She spoke to the need to preserve the City and common sense and sustainable development.

Claire Kittredge, Portsmouth Now, spoke in support of the ordinance amendment for restricting the height of buildings. She said the City needs to preserve the old buildings and our views. She indicated the 45 ft height limit is forward thinking and sustainable building.

Bob Shouse said there are more issues to be considered than just the tax rate.

Jim Splaine spoke in favor of the ordinance and that discussions should continue on who is granted the authority to issue conditional use permits. He stated the Council needs to think how this will effect the future of the City.

Christine Davidson said the City has a wonderful variety of building heights in the City. She expressed concern with whether the BOA or HDC should grant conditional use permits but feels the authority should be with the HDC.

Steven Kelm spoke as a developer he feels any changes in the zoning needs to be clear for people to understand. He stated he does not support the BOA having authority to grant conditional use permits. He said complex formulas make it difficult to determine the map of a building and feels the height should remain the same.

William Gladhill spoke to how the HDC working to streamline the work session process. He feels that the conditional use permit authority should be with the HDC.

With no further speakers, Mayor Spear declared the public hearing closed.

- B. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC AND PARKING – OMNIBUS ORDINANCE:
 - 1. AMEND: CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES, SECTION 7.601 TRUCK LOADING/UNLOADING ZONES ESTABLISHED
 - 2. AMEND: CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES, SECTION 7.602 TRUCK LOADING/UNLOADING ZONES (24 HOURS)
 - 3. AMEND: CHAPTER 7, ARTICLE II – TAXICABS, SECTION 7.224 TAXICAB STANDS
 - 4. ADD: CHAPTER 7, ARTICLE III, SECTION 7.328 UTILIZATION OF MULTIPLE PARKING SPACES
 - 5. AMEND: CHAPTER 7, ARTICLE IV: SECTION 7A.408 TAXICAB STANDS DESIGNATED
 - 6. ADD: CHAPTER 7, ARTICLE III, LIMITED PARKING – THREE HOURS: SECTION 7.328: LIMITED PARKING – THREE HOURS
 - 7. AMEND: CHAPTER 7, ARTICLE IV, OFF-STREET PARKING AREAS
 - 8. AMEND: CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, LIMITED TIME PARKING, SECTION 7.327: LIMITED PARKING – TWO HOURS

9. AMEND: CHAPTER 7, ARTICLE IVA, BUS STOPS, TAXICAB STANDS AND HORSE DRAWN CARRIAGE AND ARTICLE IV, OFF-STREET PARKING AREAS
10. AMEND: CHAPTER 7, ARTICLE IV, OFF-STREET PARKING AREAS
11. AMEND: CHAPTER 7, ARTICLE IX, PENALTIES, FORFEITURES AND SEPARABILITY, SECTION 7.901: PENALTIES
12. AMEND: CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.321: SNOW EMERGENCY PARKING BAN
13. AMEND: CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.326: LIMITED PARKING – FIFTEEN MINUTES
14. AMEND: CHAPTER 7, ARTICLE IV, OFF-STREET PARKING AREAS, SECTION 7.401, DEFINITIONS

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

Parking & Transportation Division Director Nelson spoke to the omnibus ordinance and stated the changes have been piloted in the City over the last year and briefly reviewed the various amendments.

With no speakers, Mayor Spear declared the public hearing closed.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Novel Iron Works, Inc to the Police Department for the purchase of a new canine - \$7,500.00

Councilor Novelline Clayburgh moved to approve and accept the donation from Novel Iron Works, Inc. to the Police Department, as presented. Seconded by Assistant Mayor Lister and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are here by Amended as follows:
 - Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 ½ Stories, which ever is less; CBB 45’ or 3 ½ Stories, which ever is less;
 - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit

- Section 10.1530 – Terms of General Applicability, add new Terms and Definitions

Councilor Dwyer moved to pass second reading, as presented, and hold third and final reading at the September 16, 2013 City Council meeting. Seconded by Councilor Smith.

Assistant Mayor Lister moved to amend Section 10.535.13 – Increased Building Height by Conditional Use Permit – by removing the Zoning Board of Adjustment having the authority to grant a conditional use permit and designating the Historic District Commission with the authority to grant a conditional use permit. Seconded by Councilor Coviello.

Councilor Kennedy said she thought the City Council would receive the form-based zoning in September, not November as Planning Director Taintor stated earlier. City Manager Bohenko said there is a meeting on October 21, 2013 and the Council could have the ordinance in its form.

Councilor Novelline Clayburgh said in terms of the amendment it is clear that the BOA does not want the authority to grant conditional use permits. If the HDC becomes overwhelmed the Council may take over the granting of the permits.

Councilor Coviello and Planning Director Taintor discussed the definitions of roofs and exterior walls. Planning Director Taintor stated a story immediately below a roof in which the floor area with a ceiling height of 7 feet or more is not greater than 50 percent of the total floor area of the story below. Any exterior wall of a half story shall be set back at least 15 feet from any building wall of a lower story facing a street or public right of way.

Councilor Lown asked if this ordinance would be repealed with a form-based zoning ordinance or should an amendment be made to have the ordinance sunset with the adoption of form-based zoning. Planning Director Taintor stated that the CBA and CBB Districts would no longer remain with form-based zoning.

Councilor Thorsen spoke opposed to the amendment and said the HDC is concern with height and mass of buildings. He stated he does not support the permit process for conditional use.

Councilor Dwyer stated that the review criteria are applied in a yes or no way.

Councilor Lown said he feels that the conditional use permit should be the authority of the HDC.

Councilor Dwyer said she does not think we will have form-based zoning before the end of the year.

On a roll call 7-2, voted to amend Section 10.535.13 – Increased Building Height by Conditional Use Permit – by removing the Zoning Board of Adjustment having the authority to grant a conditional use permit and designating the Historic District Commission with the authority to grant a conditional use permit. Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Smith and Mayor Spear voted in favor. Councilors Dwyer and Thorsen voted opposed.

Councilor Dwyer said she feels the ordinance will stand for quite a long time and if it stands longer than 4 months, we need to have more options.

Main motion passed, as amended.

- B. Second reading of Proposed Ordinance amending various sections of Chapter 7, Vehicles, Traffic Parking Omnibus Ordinance

Councilor Coviello moved to pass second reading and hold third and final reading on the proposed Ordinance, as presented, at the September 16, 2013 City Council meeting. Seconded by Councilor Lown.

Councilor Kennedy asked how many parking spots were lost in the City from this omnibus ordinance. Parking & Transportation Division Director Nelson said he would research the matter and provide the information back to the City Council.

Councilor Kennedy asked about loading and unloading zones on Bow Street and valet parking. Councilor Smith stated under no circumstances are valets to use parking spaces. He said the valet service permit was granted through September and the Parking & Traffic Safety Committee is concerned with this and is following the matter.

Councilor Kennedy asked about taxi stands and if we are working with taxi drivers to just use their spaces. Councilor Smith stated he attended a recent Taxi Commission meeting and if taxi drivers are not using their spots the Parking & Traffic Safety Committee would review the taxi stands.

Councilor Kennedy inquired as to the parking meters removed from Maplewood Avenue. Councilor Smith stated the meters were removed at the request of a City Councilor to see if there would be better utilization of the parking spots. He reported 2 parking spaces have been reinstated and the City Council would be seeing an ordinance coming forward for 9 spaces on the westerly side of Maplewood Avenue.

Councilor Kennedy stated that Water Street is closed off during events and people with disabilities have no area to park now. Councilor Smith stated this matter could be on the Parking & Traffic Safety Committee meeting for review and consideration.

Motion passed.

X. CONSENT AGENDA

Councilor Smith requested to remove and vote separately on Item X.E. - Request for License from Carl Norwood, owner of NAI Norwood Group for property located at 22-28 Deer Street for a projecting sign on an existing bracket.

- A Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to close Pleasant Street on Saturday, June 21, 2014 from 3:00 p.m. – 6:00 pm. for the 4th Annual Stiletto Race (*Rain Date of Sunday, June 22, 2014*) (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Ellen Fisher, Pan Mass Challenge (PMC), requesting permission to hold the 7th Annual PMC Seacoast Kids Ride on Sunday, September 29, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Barbara Massar, Pro Portsmouth, requesting permission to hold the following 2014 Events:
- First Night Portsmouth 2014 – Tuesday, December 31, 2013
 - Children’s Day 2014 – Sunday, May 4, 2014 from Noon – 4:00 p.m.
 - 37th Annual Market Square Day Festival & 10K Road Race – Saturday, June 14, 2014 from 9:00 a.m. – 4:00 p.m.
 - 12th Annual Summer in the Street – Saturday evenings – June 28, 2014; July 5, 2014; July 12, 2014; July 19, 2014; July 26, 2014; August 2, 2014 from 5:00 p.m. – 9:30 pm.
- (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for License from Dana Hanson, owner of Concetta’s Closet for property located at 7 Commercial Alley for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Dana Hanson, owner of Concetta’s Closet for a projecting sign at property located at 7 Commercial Alley 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***

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

- E. Request for License from Carl Norwood, owner of NAI Norwood Group for property located at 22-28 Deer Street for a projecting sign on an existing bracket

Councilor Kennedy moved to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carl Norwood, owner of NAI Norwood Group for a projecting sign at property located at 22-28 Deer Street and, further, authorize the City Manager to execute License Agreements for this request. Seconded by Councilor Coviello and voted. Councilor Smith abstained from voting on this matter.

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***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Deborah Bouchard-Smith, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the downtown area beginning Thursday, October 10, 2013 through Friday, November 1, 2013

Councilor Novelline Clayburgh moved to refer to the City Manager with power. Seconded by Councilor Kennedy and voted. Councilor Smith abstained from voting on this matter.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Proposed Revisions Re: City Trees & Public Greenery Ordinance

City Manager Bohenko said he would like authorization from the City Council to bring back this proposed ordinance for first reading at the September 16, 2013 City Council meeting.

Councilor Lown moved to bring back for first reading the aforementioned ordinance, as presented, at the September 16, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy asked if the tree warden would make decisions on the preservation of trees. She stated she feels that decision should be by the entire Committee. City Attorney Sullivan stated that the Committee would make that decision and not just the tree warden.

Councilor Kennedy asked if this is a current position or a new position. City Manager Bohenko said the Public Works Director sits on the committee and serves as the tree warden.

Assistant Mayor Lister asked if we have access to an arborist. City Manager Bohenko stated yes, through the Urban Forestry Center.

Councilor Dwyer said we need to consider how we would inform the public of this ordinance. City Manager Bohenko said we would do something through the website.

Motion passed.

2. Request of Players' Ring Company to Renew their Lease with the City for 99-105 Marcy Street

City Manager Bohenko said this would be a renewal of the lease with the Players' Ring Company. He reported normally these are 3-year terms but the Players' Ring is asking for a 10-year lease due to the amount of capital improvements they want to make to the building.

Councilor Novelline Clayburgh moved to authorize the City Manager to execute a proposed 10-year lease renewal between Players' Ring Company and the City of Portsmouth for the use of 99-105 Marcy Street. Seconded by Assistant Mayor Lister.

Councilor Novelline Clayburgh said City Manager Bohenko works with non-profits to preserve historic buildings. She stated the process of leasing buildings is expanding and is successful for the City.

Assistant Mayor Lister said he supports the lease because of the assistance they provide to the community.

Motion passed.

3. Proposed Amendment Re: Taxi Medallions Ordinance

City Attorney Sullivan reported the Taxi Commission discussed the number of medallions in the City and they feel there is difficulty getting a cab downtown in the evenings, therefore the Commission voted to have an amendment to the ordinance to increase the number of medallions from 25 to 28.

Councilor Novelline Clayburgh moved to schedule first reading of the proposed Ordinance, as presented, at the September 16, 2013 City Council meeting. Seconded by Councilor Kennedy.

Councilor Coviello asked why we limit the number of medallions. City Attorney Sullivan stated if any person with a car could operate as a taxi it would become problematic. Councilor Coviello said we should not limit the number of medallions and expressed concern with decisions being made by people in the evening that are not good decisions.

Councilor Thorsen said he agrees with Councilor Coviello and asked what process we have to monitor the number of hour's taxi companies are in operation with respect to what we expect of them. He further stated we should have a performance measure to see if medallions are getting the best use possible.

Councilor Smith said he would not support the motion because we should have a report back on the use of medallions before the ordinance goes to first reading.

Councilor Lown reported that the Taxi Commission ensures that taxi companies are inspected, licensed and insured. The issue with not enough medallions is in the evening hours during the weekend. He further reported that the Taxi Commission has written to hotels that operate shuttles to inquire if they could expand the hours of operation in the downtown to help with the lack of taxis.

Councilor Kennedy said she spoke with someone said it took 2 ½ hours to get a taxi. If it is taking that long and people are not making the right decisions and driving, she feels we need to educate.

Councilor Novelline Clayburgh thanked the Taxi Commission for their work and said she supports the motion.

Motion passed with Councilor Smith voting opposed.

4. Polling Hours for November 5, 2013 Municipal Election

Councilor Novelline Clayburgh moved to set the polling hours from 8:00 a.m. – 7:00 p.m. for the Municipal Election on Tuesday, November 5, 2013. Seconded by Assistant Mayor Lister and voted.

City Manager's Informational Items

1. Events Listing
2. Trustees of Trust Funds Annual Report

Mayor Spear requested the Trustees of Trust Funds make a Presentation to the City Council at a future meeting.

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Elizabeth A. Moreau to the Planning Board as a regular member
 - T. Stephen McCarthy – Reappointment to the Building Code Board of Appeals

The City Council considered the above referenced appointments which will be voted on at the September 16, 2013 City Council meeting.

C. ASSISTANT MAYOR LISTER

1. Report on City Manager's Evaluation

Assistant Mayor Lister reported that the City Manager's Evaluation was conducted and the City Council finds City Manager Bohenko's overall performance continues to be excellent to exceptional in all areas.

Councilor Novelline Clayburgh thanked City Manager Bohenko for his work and commitment to the City. She said the City was recently designated as a triple A bond rating community which is due to City Manager Bohenko's efforts. She stated that we are the second municipality in NH to achieve this rating.

Councilor Lown said the City is well run because of City Manager Bohenko.

Councilor Smith thanked City Manager Bohenko and his family for the sacrifices made throughout his career in the City.

Councilor Thorsen said there are many good things to say about City Manager Bohenko.

D. COUNCILOR SMITH

1. Establishing Time Limits for Unmetered On-Street Parking – Chapter 7, Article X, Section 7.1000-E

Councilor Smith requested to bring back the first reading of the proposed ordinance for unmetered on-street parking at the September 16, 2013 City Council meeting.

Councilor Smith moved to bring back ordinance for first reading at the September 16, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy said she received a letter this afternoon from Sandra Dika of The Wentworth Gardner and Tobias Lear Houses Association, requesting the City Council's endorsement of the Rehabilitation and Restoration Project for the Historic House Museum which may help the organization in receiving the State LCHIP Grant.

Councilor Kennedy moved to support this letter going forward and request City Manager Bohenko write a letter to that effect for the Wentworth Gardner and Tobias Lear Houses Association. Seconded by Councilor Smith and voted.

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

At 9:45 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Smith 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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 16, 2013

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

At 6:00 p.m., a Work Session was held regarding Transportation Policy Issues.

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

Mayor Spear called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

Absent: Councilor Coviello

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer in remembrance of the victims of the Navy Yard shooting in Virginia.

IV. PLEDGE OF ALLEGIANCE

Councilor Smith led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – *There were no minutes on for acceptance.*

VI. PUBLIC COMMENT SESSION

Tom Carroll read a statement regarding the scrap metal operations at the Port and specified the information he is looking for in his Right to Know request from the City Manager.

Mayor Spear asked Mr. Carroll to state his residence address for the record. Mr. Carroll stated his place of business is at 500 Market Street but he is a resident of Dover, NH.

Gibson Kennedy – spoke in favor of the proposed Portsmouth Urban Forestry Ordinance on the agenda in first reading stating that the value of trees cannot be overstated. He also addressed an issue in the neighborhood of Suzanne Drive with the roots of the trees lifting the sidewalk making it difficult for some residents to navigate. He asked that the Public Works Department investigate.

Adam Kelley – formerly lived in Portsmouth and is currently a resident of Dover. He spoke regarding issues he had with Beechstone Apartment management and he feels that although the City staff initially tried to help him, he feels that not enough was done on his behalf and he was evicted.

VII. APPROVAL OF GRANTS/DONATIONS

(There were no items on this section of the agenda)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance amending Chapter 8, Article III, "Street Trees," is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8.

Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, at the October 7, 2013 City Council meeting, seconded by Councilor Kennedy.

Councilor Kennedy stated she has gotten some calls regarding this ordinance. She asked for clarification that City trees are included in the ordinance. City Manager Bohenko stated yes. Councilor Kennedy then asked if an arborist can be named as the tree warden instead of not having a plan to appoint a tree warden. City Manager Bohenko stated that the Trees and Greenery Blue Ribbon Committee has been working on this for 2 years and have worked through multiple drafts. He explained that the Tree Warden will work in conjunction with the Trees and Public Greenery Committee at their direction. He stated that trees cannot be taken down without going through the process and there will be a person on staff who will coordinate the actions of the committee. He stated that the Public Works Director will be the first appointee as the Tree Warden and he hopes that an arborist will be brought on staff in the future who will then be appointed Tree Warden.

City Attorney Sullivan confirmed that the ordinance is currently written that the Tree Warden is required to be a member of the staff.

Assistant Mayor Lister stated that one of the issues currently going on is that there is a neighborhood meeting being held right now that is regarding a business that is looking to come in and it will include cutting down trees. He stated that the business is being proactive by including the neighborhood early on in the process, but it has heightened the issue of trees.

Councilor Thorsen stated he has questions in several areas of the ordinance and asked how the ordinance will be enforced. City Attorney Sullivan stated that will be a function of the Tree Warden. Councilor Thorsen continued stating that the Urban Forest expansion reference sounds like a policy decision and wonders if it should be embedded in the ordinance or be separate. City Attorney Sullivan stated that it is meant as a suggestion for the Council to adopt. Councilor Thorsen then asked about page 5, right of ways, and the portions of private property that are used by the City. He also wondered about the height of trees on private property and if they fall and land on City property or other private property. City Attorney Sullivan stated that the City has some authority on right-of-ways but the ordinance is meant to address trees, shrubbery and bushes that impact site lines of traffic, etc. Councilor Thorsen asked if that is then an eminent domain situation. City Attorney Sullivan stated that several times a year there are complaints about this type of situation usually on corner lots and that they request the owners to cut them back and usually they take care of it quickly because it is their liability.

Councilor Smith asked about trees on private property that get diseases that can then affect trees on neighboring properties and is this ordinance able to mediate that type of situation.

City Attorney Sullivan explained that we have no direct authority but we can attempt to help mediate situations. He stated that the only instance that the city is involved in private property trees directly is through the site plan process.

Councilor Dwyer stated that this needs to be clarified because the issue of trees and landscaping before the Planning Board is complicated. She stated she would like the Trees and Public Greenery Committee to be involved in the site plan process. The City Manager stated that they are already included in the process.

City Manager Bohenko clarified that the Chairman of the committee Peter Loughlin will be in attendance at the October 7th Council meeting to address any questions.

Councilor Thorsen asked about the fines and who decides how much the fine will be and under what criteria. City Attorney Sullivan stated that the Court judge would impose the fine upon conviction but stated that these would be extreme cases that would go to Court as most situations are handled administratively.

Motion voted.

- B. First reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28)

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

Councilor Thorsen stated he previously had questions that were going to be addressed by the City Attorney. City Attorney Sullivan stated that the Taxi Commission met for several hours this morning and these issues were discussed with many different positions and opinions and no consensus reached. He stated the Chairman of the Taxi Commission will be in attendance at the October 7th meeting to address any questions.

Councilor Smith asked if the issue of the current medallions has been settled. City Attorney Sullivan stated that all medallions are accounted for and currently issued with the exception of the one medallion that is set aside for a handicap taxi which has not been used in several years. Councilor Smith asked if all of the taxis with medallions are on duty at all times. City Attorney Sullivan stated no, they are only out when they feel they will make money.

Motion voted.

- C. First reading of Proposed Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D

Assistant Mayor Lister moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, at the October 7, 2013 City Council meeting. Seconded by Councilor Smith and voted.

- D. Third and final reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are hereby Amended as follows:
- Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 ½ Stories, which ever is less; CBB 45’ or 3 ½ Stories, which ever is less;
 - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit
 - Section 10.1530 – Terms of General Applicability, add new Terms and Definitions

Councilor Kennedy moved to pass third and final reading on the proposed Ordinance, as presented. Seconded by Assistant Mayor Lister and voted.

- E. Third and final reading of Proposed Ordinance amending various sections of Chapter 7, Vehicles, Traffic Parking Omnibus Ordinance
- Amend: Chapter 7, Article VI – Truck Loading/Unloading Zones, Section 7.601 Truck Loading/Unloading Zones Established
 - Amend: Chapter 7, Article VI – Truck Loading/Unloading Zones, Section 7.602 Truck Loading/Unloading Zones (24 Hours)
 - Amend: Chapter 7, Article II – Taxicabs, Section 7.224 Taxicab Stands
 - Add: Chapter 7, Article III, Section 7.328 Utilization Of Multiple Parking Spaces
 - Amend: Chapter 7, Article IV: Section 7a.408 Taxicab Stands Designated
 - Add: Chapter 7, Article III, Limited Parking – Three Hours: Section 7.328: Limited Parking – Three Hours
 - Amend: Chapter 7, Article IV, Off-Street Parking Areas
 - Amend: Chapter 7, Article III, Traffic Ordinance, Limited Time Parking, Section 7.327: Limited Parking – Two Hours
 - Amend: Chapter 7, Article IVA, Bus Stops, Taxicab Stands And Horse Drawn Carriage And Article IV, Off-Street Parking Areas

- Amend: Chapter 7, Article IV, Off-Street Parking Areas
- Amend: Chapter 7, Article IX, Penalties, Forfeitures And Separability, Section 7.901: Penalties
- Amend: Chapter 7, Article III, Traffic Ordinance, Section 7.321: Snow Emergency Parking Ban
- Amend: Chapter 7, Article III, Traffic Ordinance, Section 7.326: Limited Parking – Fifteen Minutes
- Amend: Chapter 7, Article IV, Off-Street Parking Areas, Section 7.401, Definitions

Councilor Novelline moved to pass third and final reading on the proposed Ordinance, as presented, seconded by Councilor Smith.

Councilor Kennedy stated she had previously asked about the spaces gained or lost by this ordinance. Parking Division Manager Nelson stated there are 2 paid parking spaces lost.

Motion voted.

IX. CONSENT AGENDA

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

- A. Request for Approval of Pole License to install 6 poles associated with the Maplewood Avenue By-Pass Bridge project. These poles are located on Maplewood Avenue and Cutts Street (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- B. Request for Approval of Pole License to install 1 pole located on Aldrich Road (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- C. Letter from Zhana Morris, The Music Hall requesting parking meter permit for the Music Hall's 2013-2014 Season (***Anticipated action – move to refer to the City Manager with power***)

- D. Letter from David Topham, Granite State Wheelmen, Inc. requesting permission to conduct 40th annual Tri-State Seacoast Century bicycle ride on September 21 and 22, 2013 (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Eric Chinburg, Sandy Brook Corporation, requesting that Laurel Court be accepted as a public way

Councilor Smith moved to accept Laurel Court as a public way on the condition that Sandy Brook Corporation provides a payment of \$15,000 to the City in lieu of constructing the required off-site water line. Seconded by Assistant Mayor Lister and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

There were no action items.

Informational Items

1. Events Listing
2. Update on Local Government Center Health/Dental Insurance Reimbursement

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Ronald Zolla – Reappointment to the Economic Development Commission

The appointment of Ronald Zolla to the Economic Development Commission was considered and will be voted at the October 7, 2013 City Council meeting.

2. Appointments to be Voted:
 - Elizabeth A. Moreau to the Planning Board as a regular member
 - T. Stephen McCarthy – Reappointment to the Building Code Board of Appeals

Assistant Mayor Lister moved to appoint Elizabeth A. Moreau to the Planning Board as a regular member (current alternate) to fill the unexpired term of Anthony Blenkinsop until December 31, 2015 and reappoint T. Stephen McCarthy to the Building Code Board of Appeals until July 1, 2018. Seconded by Councilor Lown and voted.

3. Resignation – Karina Quintans from the Planning Board effective October 1, 2013

Councilor Smith moved to accept with regret the resignation of Karina Quintans from the Planning Board effective October 1, 2013. Councilor Smith requested that a letter of thanks be sent to Ms. Quintans for her service to the City. Seconded by Councilor Novelline Clayburgh and voted.

C. ASSISTANT MAYOR LISTER

1. Update on Senior Committee

Assistant Mayor Lister stated the committee has been meeting every other Monday and have an aggressive calendar to accomplish the goals that were set. He stated the members are open-minded and creative and are looking at various options for providing quality services for all senior citizens and others. He stated they recently visited the Doble Center as part of their directive to identify a site for a senior center.

Councilor Kennedy asked what the timeline is for reporting back. Assistant Mayor Lister stated they are bringing a report back in early December with recommendations. He stated the goal is to identify a site for the senior center and to identify resources to fund it including the proceeds from the sale of the Connie Bean Center.

D. COUNCILOR NOVELLINE CLAYBURGH

1. Proposal in accordance with RSA 261-153, Paragraph VI. (a) to collect an optional \$5.00 fee for the motor vehicle improvement fund (See attached statute)

Councilor Novelline Clayburgh moved to refer to the Fee Committee for report back, seconded by Councilor Kennedy.

Councilor Novelline Clayburgh explained that this was suggested by a citizen recently and she was unaware that this provision existed. She stated she would like to designate these fees to be used for the shuttle and parking program.

Councilor Dwyer asked if we typically designate the disposition of fees or do they go to the general fund. City Manager Bohenko stated the Fee Committee does review the fee schedule as part of the budget process. He further explained that per the statute a fund could be set up specifically for this fee.

Councilor Kennedy asked if this could be a voluntary fee and not mandated as is done in several instances at the State level. City Attorney Sullivan stated there would not be any legal objection.

Councilor Novelline Clayburgh stated that there is an ongoing discussion on how to raise funds and although she has been told that this would be a drop in the bucket at \$105,000.00 a year, it is still something.

Councilor Dwyer agreed that this is a drop in the bucket and if this goes forward, it needs to be clear that other funds will still be needed to implement the pilot shuttle program discussed during the work session.

Assistant Mayor Lister stated this should go forward to the Fee Committee as one of many strategies.

Motion voted.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy stated it has been brought to her attention that the Coalition is now down to only 3 communities, with Portsmouth being one. She stated she would like to know when we will decide if this is not longer beneficial to the City of Portsmouth and also walk away. She would like information provided on this issue.

Councilor Smith asked the City Manager to address the comments made by Mr. Kelley during the public comment session. City Manager Bohenko stated he will review this issue with the Deputy City Manager and report back to the Council.

Councilor Smith then asked the City Manager to address Mr. Carroll's public comment session comments as well. City Manager Bohenko explained that he feels that the Right to Know law is being misunderstood and that the City provides information as it exists to Mr. Carroll as requested, but that he is requesting the City to create a report which isn't the correct use of the law. He stated if the Council wishes him to create such a report, then he will do so, but feels that this is opening a can of worms to go above being in compliance with the Right to Know law. He stated the Port Authority staff has been very cooperative as well and have implemented best management practices as requested.

Mayor Spear stated that the EPA and DES are already monitoring the situation and the City staff is also keeping track of the activity as well and investigate every complaint filed by Mr. Carroll. He stated the final DES air quality report will be done in a couple of months.

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

Councilor Kennedy moved to adjourn at 8:05 p.m. Seconded and voted unanimously.



Valerie A. French
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 7, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Ordinance amending Chapter 8, Article III, "Street Trees," is hereby deleted in its entirety and replaced with the following amendment to Chapter 1, Article IV by creating a Trees and Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11P9/13

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 8, Article III, "**Street Trees**," of the Ordinances of the City of Portsmouth is hereby deleted in its entirety and replaced with the following amendment to Chapter I, Article IV creating a Trees & Public Greenery Committee and the adoption of a new Portsmouth Urban Forestry Ordinance as described below:

ADD following Committee to Chapter I, Article IV:

Section 1.412: TREES & PUBLIC GREENERY COMMITTEE

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of seven (7) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and four individuals with an interest in trees and public greenery. Members of the Committee, other than City Officials listed above, shall be appointed by the Mayor and City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper

maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

AND be it further ordained that the Ordinance of the City of Portsmouth, Chapter 8 – Encumbrances and Injurious Practices in Streets, be amended by deleting existing Article III: Street Trees, and replacing it with a new Article III: Portsmouth Urban Forestry Ordinance, as follows:.

ARTICLE III: PORTSMOUTH URBAN FORESTRY ORDINANCE

Section 8.301: AUTHORITY

This Ordinance is adopted with the authority of RSA 231:139 (et. seq.)

Section 8.302: DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "City" is the City of Portsmouth, New Hampshire.

B. "Tree Warden" is a member of the City Administrative Staff appointed by the City Manager with an interest in trees and public greenery and may be the Director of the Department of Public Works of the City or his/her designee. The Tree Warden shall be appointed in accordance with this Ordinance and in accordance with State Statute.

C. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

D. "Street tree" or "Tree" is a tree in a public place on property owned by the City of Portsmouth or in a public right of way, or easement controlled by the City, and is defined as a woody plant with a single main stem that has the potential to grow to at least thirteen (13) feet high and two (2) inches in diameter.

E. "Urban Forest" is defined as trees in any public park, public parking lot, or within any public right of way within the City of Portsmouth.

Section 8.303: FINDINGS

The value of urban trees can hardly be overstated. In addition to conferring significant environmental value they provide equally important psychological benefits. What was said in the early 1800's remains true today: "There is not a village in America, however badly planned at first, or ill-built afterwards, that may not be redeemed, in a great measure, by the aid of shade trees in the streets... and it is never too late or too early to project improvements of this kind." [Andrew Jackson Downing (1815-1852)]

Section 8.304: PURPOSE

This Ordinance establishes policies, requirements, and standards to ensure a healthy and stable urban forest in Portsmouth. Its provisions are enacted to:

1. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
2. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.
3. Regulate and enforce the planting and maintenance of trees on City property.
4. Establish limits on the amount of disturbance of trees that may take place on public property.

Section 8.305: POLICIES

It shall be the policy of the City to expand the urban forest through the planting of trees alongside the streets of the City and in City parks and other public places, consistent with the best arboricultural practices, horticultural practices, aesthetic concerns, and public safety.

Whenever feasible, trees that are removed shall be replaced as soon as possible with one or more specimens appropriate to the site.

The City shall endeavor to meet the national standards set forth in the Tree City USA Program so as to qualify annually as a Tree City USA Award-Winning Community.

Section 8.306: TREE WARDEN

The Tree Warden, in consultation with the Trees & Public Greenery Committee, is charged with the responsibility for the enforcement of this Ordinance and all applicable provisions of state law. The Tree Warden may serve notice to any person in violation of this Ordinance or, in consultation with the Trees & Public Greenery Committee, may institute legal proceedings through the Office of the City Attorney.

Section 8.307: AUTHORITY OF THE TREE WARDEN

A. The Tree Warden shall have jurisdiction and supervision over all street trees now or hereafter in any street, park, public right-of-way, easement, or any other public place within City limits.

B. The Tree Warden, in consultation with the Trees & Public Greenery Committee, shall have the authority to plant, care for, and replace trees and other plantings.

C. Order to Preserve or Remove:

The Tree Warden shall have the authority, and it shall be the duty of the Tree Warden, to order the trimming, spraying, preservation, or removal of trees upon property owned by or controlled by the City, or in any City right of way. The Tree Warden, subject to the approval of the Trees & Public Greenery Committee, shall take such action necessary to order the removal of street trees and trees in public places wherever necessary to preserve public safety or to prevent the spread of disease or insects to public trees and places. No street tree or tree in a public place having a diameter larger than two (2) inches as measured, four (4) feet above the ground, shall be removed without approval of the Trees & Public Greenery Committee, after a public hearing, except where delay in the removal of the tree would pose an imminent threat to public safety or property.

D. The Tree Warden shall have the authority, subject to applicable provisions of state law and municipal ordinance, to order the trimming or removal of a tree on private property if the Tree Warden deems such tree to be a public hazard.

Section 8.308: PROHIBITED ACTS

A. No person or entity (except a public utility with the express written approval of the Tree Warden, after consultation with the Trees & Public Greenery Committee) shall cut, prune, injure, affix wires or cables, post notices, or remove any tree in any public right of way, public park, or other public property.

B. No person shall plant a tree or shrub on City property without first obtaining the consent of the Tree Warden.

C. Any person planting a tree between the carriage way and the sidewalk in any public street or highway on which his or her estate is situate shall consult with the

tree warden concerning the location, species, size of the tree, and proper planting techniques.

Section 8.309: PERMITS REQUIRED

A. No person shall trim, cut, or alter trees in public places without first filing an application and procuring a permit from the Tree Warden.

B. No person shall remove trees in any public right of way or public place, including parks or parking lots, without a permit from the Tree Warden, which permit shall not be granted until after a hearing has been held by the Trees & Public Greenery Committee. Said hearing shall be a public hearing and shall be held within forty-five (45) days from the date of the application for removal.

Upon receipt of an application for removal of a tree, the Tree Warden shall cause to be attached to any tree sought to be removed, a conspicuous tag of a kind and color approved by the Tree Warden . Said tag shall be attached to such tree or trees not less than seven (7) days prior to the public hearing.

C. No person shall alter or remove any tree shown on a Site Plan approved by the Planning Board without the approval of the Planning Board or the Planning Director (as determined by the Planning Board), and no tree located in a public right of way and shown on a Site Plan shall be removed without approval of the Planning Board or the Planning Director and without approval of the Trees & Public Greenery Committee.

D. Application Data: The application required herein shall state the number and kind of trees to be trimmed, altered or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining property; and such other information as the Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.

E. Standards for Issuance: The Trees & Public Greenery Committee shall issue an approval for the removal of a tree only upon the finding that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory. It shall be the duty of the Tree Warden to coordinate with the Public Works Department all work to be done under a permit issued in accordance with the terms of this Ordinance. The Tree Warden shall have the authority to affix reasonable conditions to the granting of a permit.

F. No person shall affix any sign or signs to any public trees except as in B. above,

G. The Tree Warden shall order the issuance of permits for tree removal, only after a public hearing is held by the Trees & Public Greenery Committee and after the Committee finds that the desired action is necessary and the proposed methods and workmanship are satisfactory. Except for exigent circumstances, the decisions of the Tree Warden shall be subject to prior review and approval by the Trees & Public Greenery Committee, which will consider the following: (1) the reason for the request; (2) the health of the tree; and (3) the importance of the tree to the streetscape and/or neighborhood.

Section 8.310: ENFORCEMENT

- A. Any person, natural or otherwise, who violates a provision of this ordinance, shall be:
- a. Subject to a fine of not more than \$1,000.00 per violation; and
 - b. Shall be liable to the City for all costs of replacing any damages to City property as well as other damages allowable by law.
- B. This ordinance may be enforced by means of a civil action seeking injunctive relief.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 7, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28). The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

Legal Notice

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11P9/19

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article II, Section 7.222 – **MAXIMUM NUMBER OF TAXICABS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

Section 7.222: **MAXIMUM NUMBER OF TAXICABS**

Medallions for not more than ~~twenty-five (25)~~ **twenty-eight (28)** taxicabs shall be in force at any time. Each medallion shall authorize the operation of one taxicab only. One of the ~~twenty-five (25)~~ **twenty-eight (28)** medallions shall be reserved at all times and made available only to a taxicab which is of sufficient size, construction and equipment to allow for the access and egress of handicapped individuals, including passengers utilizing electric wheelchairs, without requiring such passengers to be removed from the wheelchairs. Notwithstanding any other provision of this Ordinance, the vehicle to which is issued the taxi medallion dedicated to handicapped accessibility, may be a vehicle designated to carry up to nine (9) passengers

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 7, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Ordinance amending Chapter 7, Article X, Section 7.1000 E - Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

Legal Notice

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11/2/13

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article X, Section 7.1000 E – TOWING of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing

Section 7.1000 – TOW ZONES:

E. Limited Parking Areas: City Streets

3. Any vehicle or object remaining in the same location ~~on a public street in~~ **any uncontrolled on-street parking space** for more than ~~72~~ **24** hours **in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City,** may be removed in the manner provided in Section 7.1000 D.

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:

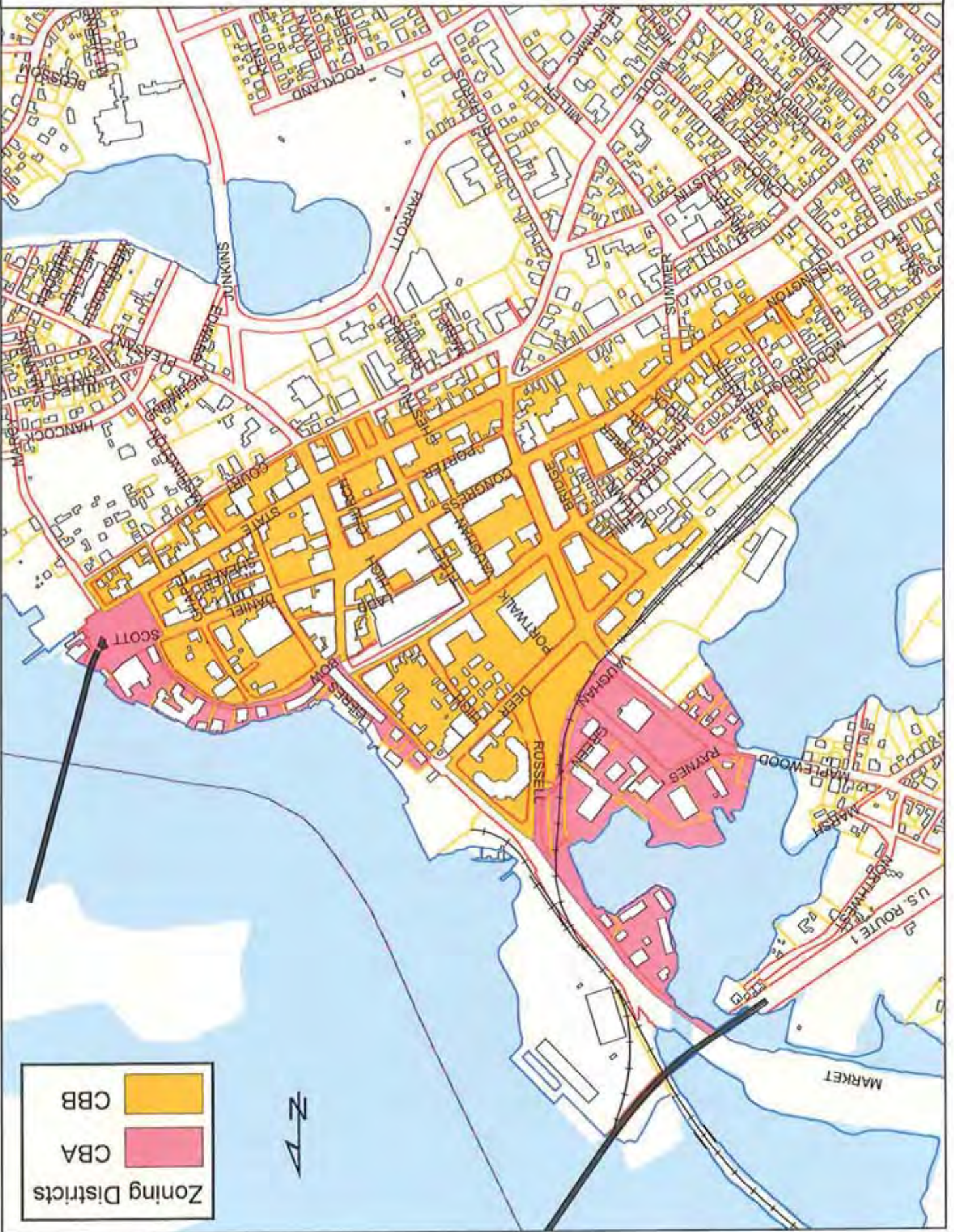
Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Central Business Districts

Portsmouth Planning Department | September 2013
0 300 600 900 1,200 Feet



PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

SEP 24 2013

DATE: 18 SEPTEMBER, 2013
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS

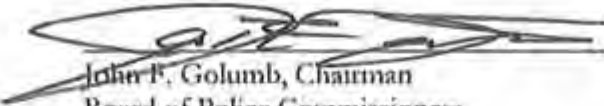
At the September 18th, 2013 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants:

I. Grants:

- A grant in the amount of \$30,000 has been received from the New Hampshire Department of Justice toward Portsmouth's participation in the Attorney General's Drug Task Force.
- The 2013 Internet Crimes Against Children Task Force grant in the amount of \$256,253 has been received from the US Department of Justice. Portsmouth serves as the headquarters for the New Hampshire ICAC Task Force. This grant allocation will be distributed around the state among participating ICAC satellites.

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

Respectfully submitted,


John F. Golumb, Chairman
Board of Police Commissioners


Stephen J. DuBois, Chief of Police

cc: Board of Police Commissioners
Finance Director Judie Belanger
Admin. Mgt. Karen Senecal
Business Assistant Tammie Perez

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



REC'D AUG 22 2013

August 12, 2013

Stephen J. Dubois, Chief
Portsmouth Police Department
3 Junkins Drive
Portsmouth, NH 03801

Re: Application for Funding (20140306)

Dear Chief Dubois:

I am pleased to inform you that funding, in the amount of **\$30,000**, has been approved by Governor and Council. Reimbursement of expenses will be done on a quarterly basis. You will find a grant award document attached to this letter. Please sign and return the original, keeping a copy for your records. That award document contains your grant number, program start date, and program end date.

An Excel version of the Summary of Expenditures Report will be forwarded shortly.

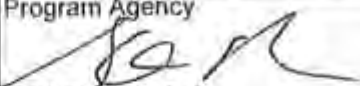
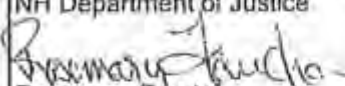
Congratulations on your award and thank you for your participation in the Drug Task Force. Should you have any questions concerning your grant award, please contact Tim Brackett at (603) 271-8090 or timothy.brackett@doj.nh.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Foster", written over a printed name and title.

Joseph A. Foster
Attorney General

JAF/TEB
Encl.

STATE OF NEW HAMPSHIRE DEPARTMENT OF JUSTICE GRANT AWARD		
Agency Name:	Portsmouth Police Department	Vendor No.: 159594-B001
Program Name:	Drug Task Force	Amount: \$ 30,000.00
Grant Start Date:	07/01/2013	State Grant Number: 20140306
Grant End Date:	06/30/2014	Federal Grant Number:
Appropriation No.:	02-20-20-200510-2905-102-500731	
Head of Agency	Project Director	Fiscal Officer
Stephen J. Dubois Portsmouth Police Chief 3 Junkins Drive Portsmouth, NH 03801 603-610-7572		Karen Senecal 3 Junkins Ave. Portsmouth, NH 03801 603-610-7416
Federal Grant Name:	State Appropriation	
Federal Agency:	NH DOJ	
Bureau/Office:	NH DOJ	
CFDA Number:		
Purpose of Grant:		
Program Requirements:	Adherence to Program Conditions and Guidelines	
Match Requirements:	Match must be spent on program allowable activities.	
Program income Requirements:	Program income must be reported and spent on program allowable activities.	
Reporting Requirements:	Monthly or quarterly Financial reports. Required Performance reports and audit. Adherence to Program Conditions and Guidelines Completion of Monitoring forms and processes.	
Approval	Program Agency	NH Department of Justice
Name	 Stephen J. Dubois	 Rosemary Faretra
Title	Portsmouth, Police Chief	Director of Administration
Date	8/27/13	
All terms of this grant award are not valid unless signed by both authorized parties.		



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 4, 2013

Chief Stephen J. DuBois
City of Portsmouth
1 Jenkins Avenue
Portsmouth, NH 03801-4554

Dear Chief DuBois:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 Internet Crimes Against Children Task Force Invited Awards in the amount of \$256,253 for City of Portsmouth.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Jacqueline O'Reilly, Program Manager at (202) 514-5024; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Handwritten signature of Karol Virginia Mason in cursive.

Karol Virginia Mason
Assistant Attorney General

Enclosures

Greetings,

On behalf of the Portsmouth Halloween Parade committee I would like to request a permit to hold our annual parade this year on Thursday, October 31. We would like to return this year to the route beginning at Pierce Island to conclude at Prescott Park. It's unclear to us if we will be able to again go under the Memorial Bridge this year, but we'd like to if the road is clear. Otherwise the quick detour up Court Street, then turning right to State and right again to continue as usual seemed to work fine last year.

As always, members of the committee will be happy to meet with your team to discuss particulars of the event.

Thank you for your consideration.

Trevor Bartlett
Portsmouth Halloween Parade

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT*
DATE: September 25, 2013
RE: City Council Referral – Projecting Sign
Address: 86 Pleasant Street
Business Name: Lo Mo
Business Owner: Daniel Dumont

Permission is being sought to install a projecting sign on an existing bracket, as follows:

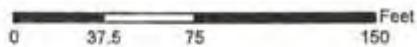
Sign dimensions: 24" x 30"
Sign area: 5.0 sq. ft.
Height from sidewalk to bottom of sign: 9'5"
Maximum protrusion from building: 32 in.

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

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



86 Pleasant Street

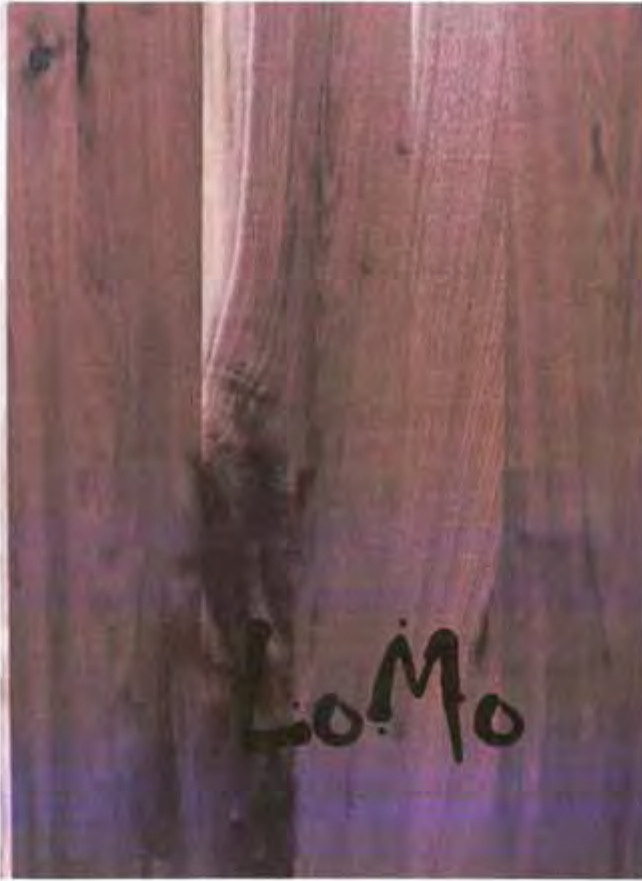


Request for Projecting Sign License 86 Pleasant Street

Map produced by Planning Department 9-23-2013

Lo Mo
86 Pleasant St.
1 Projecting Sign






30"

← 8" →

24"

← Side Walk. 9' →

M E M O R A N D U M

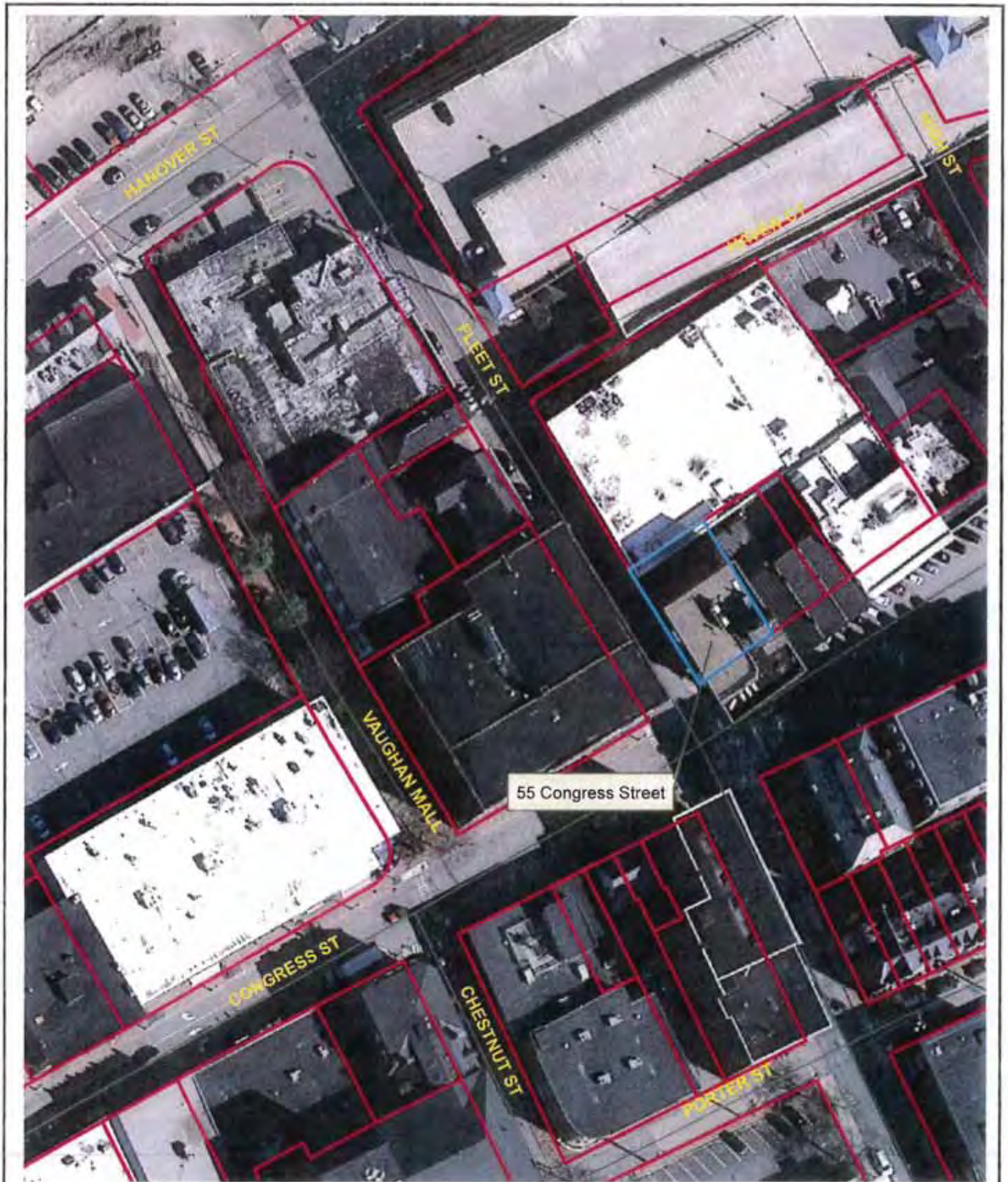
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: September 25, 2013
RE: City Council Referral – Projecting Sign
Address: 55 Congress Street
Business Name: Portsmouth Spa
Business Owner: Jim Weisweit

Permission is being sought to install a projecting sign on a new bracket, as follows:

Sign dimensions: 30" x 20"
Sign area: 3.2 sq. ft.
Height from sidewalk to bottom of sign: 9'0"
Maximum protrusion from building: 36 in.

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

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



55 Congress Street

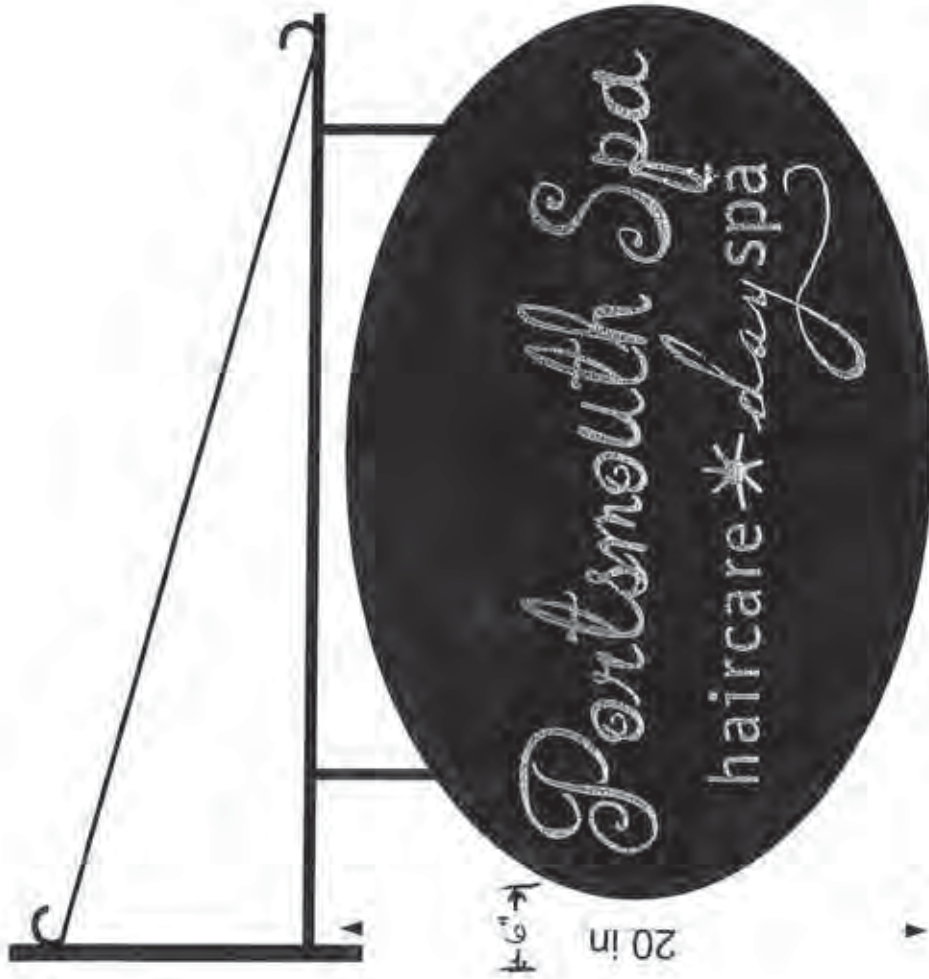


Request for Projecting Sign License 55 Congress Street

Map produced by Planning Department 9-23-2013

Portsmouth Spa
55 Congress St.
1 Projecting Sign





Area oval = πr^2
 $= 3.14 \cdot 10^2$
 $= 312.5 \text{ F}$

Qty:

SS/DS:

Materials:

Background Color:

Vinyl Color: HP Int

Other:

30 in

20 in



Phone: 603-436-0047

email: service@portsmouthsign.com

All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

NOTE: Designs are NOT actual size

REVISION:

All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.

7/1/13

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order exactly. I authorize fabrication according to this approval.

SIGNATURE: _____

Date: _____

RETURN SIGNED TO: service@portsmouthsign.com

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT*
DATE: October 2, 2013
RE: City Council Referral – Projecting Sign
Address: 401 The Hill
Business Name: Allstate
Business Owner: Carol Johnson

Permission is being sought to install a projecting sign on an existing bracket, as follows:

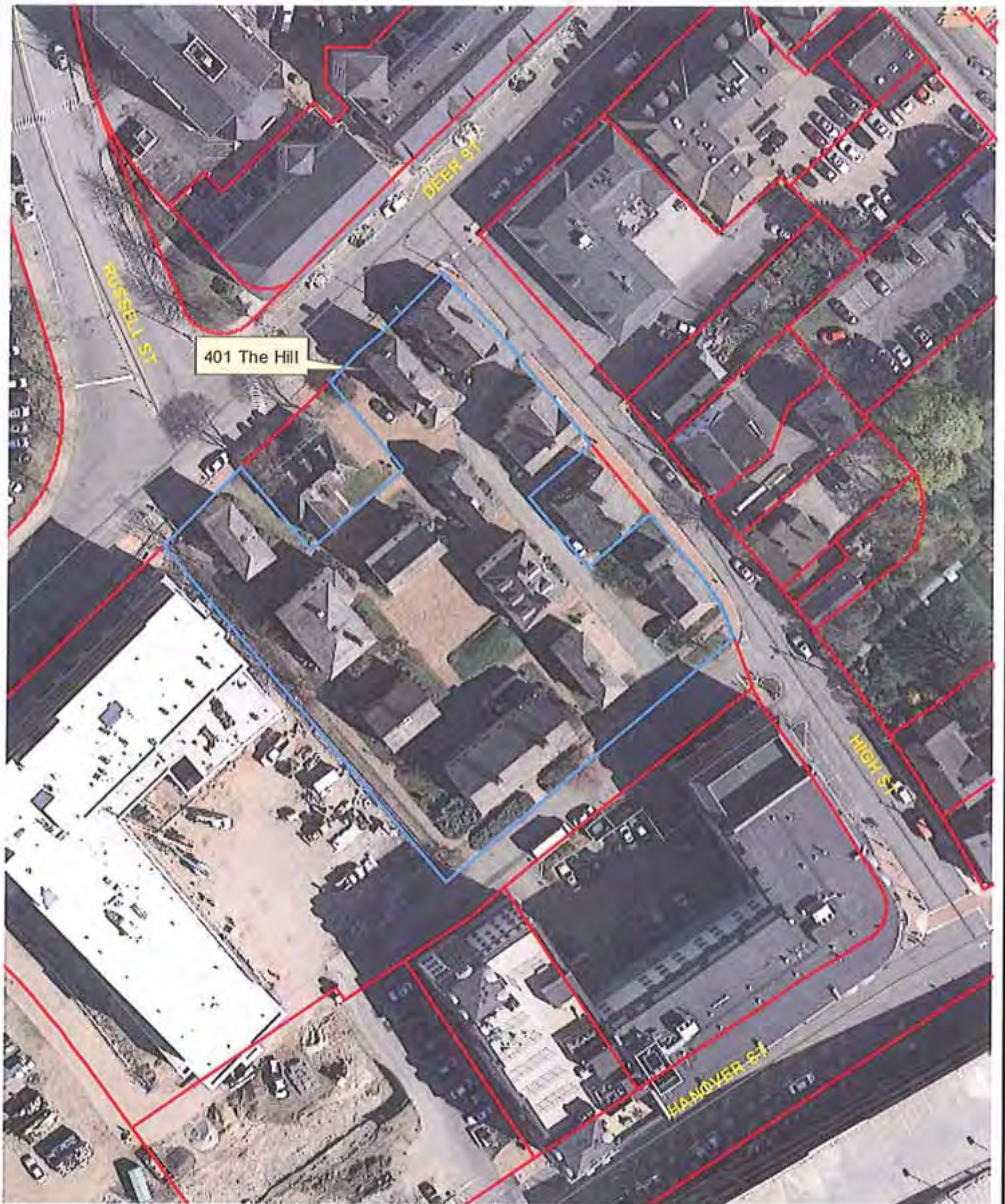
Sign dimensions: 48" x 26"
Sign area: 8.7 sq. ft.
Height from sidewalk to bottom of sign: 11'6"

The proposed sign replaces an existing sign with the same dimensions, and complies with zoning requirements.

However, the building within which the business is located is part of The Hill condominium development, which is currently in violation of several Zoning Ordinance provisions and is also in violation of its approved Site Plan. Under the City's Zoning Ordinance, a building permit may not be issued unless all local approvals have been met. Consequently, the City has withheld the issuance of building permits while staff are attempting to resolve these outstanding violations.

The prohibition on the issuance of building permits does not apply to the City Council's action with respect to licenses. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. No sign permit shall be issued until the Legal Department has determined that the outstanding violations of the City's land use regulations have been satisfactorily addressed;
2. The license shall be approved by the Legal Department as to content and form;
3. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
4. 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.



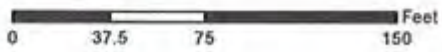
401 The Hill

RUSSELL ST

DEER ST

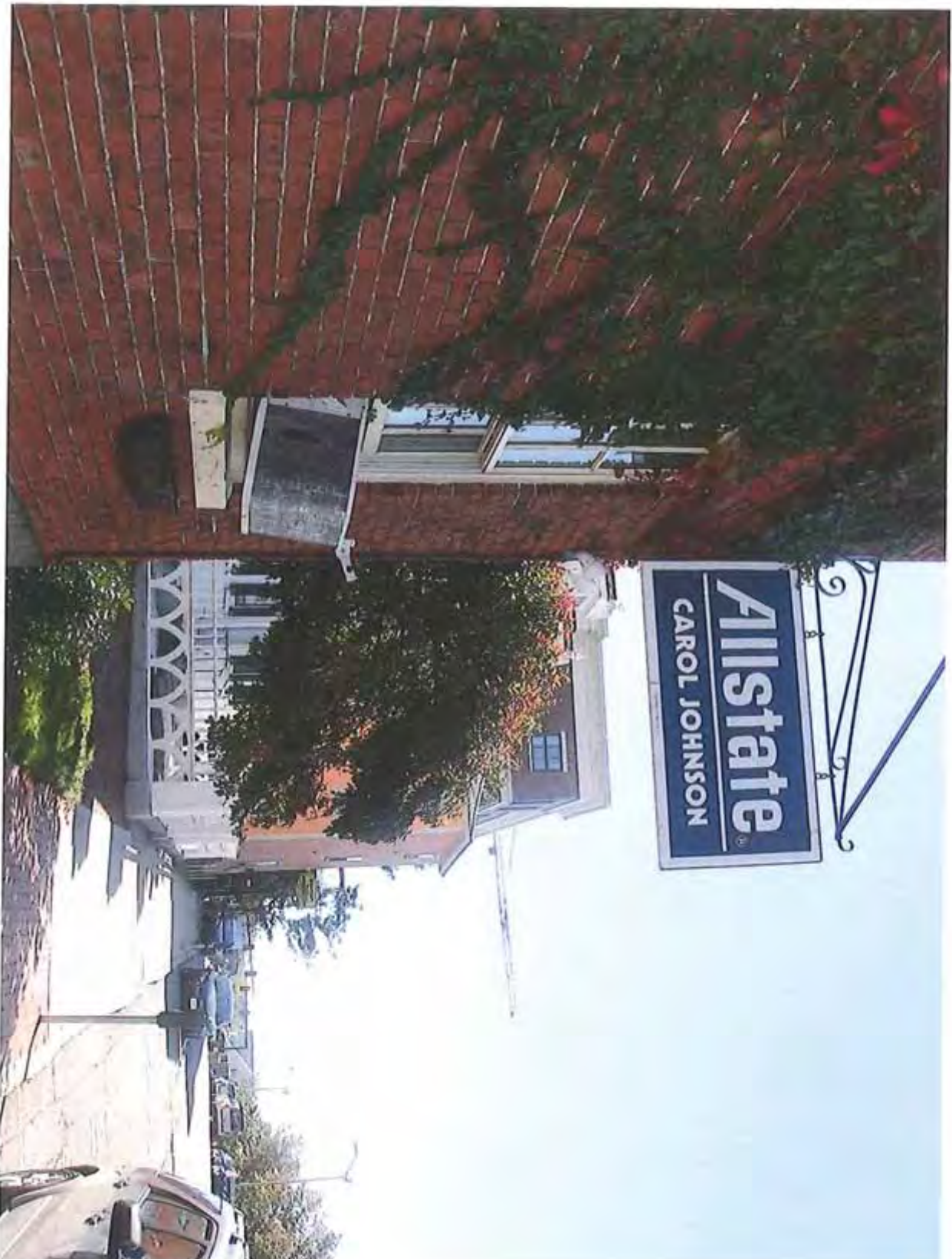
HIGH ST

HANOVER ST



Request for Projecting Sign License 401 The Hill

Carol Johnson
401 The Hill
1 Projecting Sign



STANDARD BLASTED BACKGROUND WITH RAISED GRAPHICS ONLY	FLAT SMOOTH ROUTED BACKGROUND W/RECESSED GRAPHICS / COPY	PANEL TYPE	PANEL THICKNESS
<input checked="" type="checkbox"/> Standard Wood Grain <input type="checkbox"/> Flat Blast, It will have a Stucco look to it <input type="checkbox"/> Redwood Grain	<input type="checkbox"/> Carved w/ V-groove style letters <input type="checkbox"/> Routed = flat bottom style letters	<input checked="" type="checkbox"/> HDU <input type="checkbox"/> Cedar <input type="checkbox"/> Redwood	<input type="checkbox"/> 1" THK <input type="checkbox"/> 1 1/2" THK <input checked="" type="checkbox"/> 2" THK <input type="checkbox"/> Custom



PAINT SPECIFICATIONS

Mathews White - Natural White MP #11477
 Blue to Match Mathews SVOC2864SP
 Silver to Match Mathews SVOC1905SP

All Paint to be Satin Finish

NOTE: This sign is designed to be finished in accordance with the specifications of the National Sign Manufacturers Association (NSMA) and the International Sign Association (ISA). The national number guidelines and listings apply to the sign.

**CONSTRUCTION
DRAWING**



PHILADELPHIA
 SIGN & GRAPHIC CORPORATION
 100 York Street, 4th Floor
 Philadelphia, PA 19106
 Phone: 610.526.1444
 Fax: 610.526.1540
 www.philadelphia-sign.com

CUSTOMER:
 Allstate
JOB NUMBER:
 NHJV

SIGN TYPE:
 Site Signage
LOCATION:
 401 The Hill/Dear St.
 Portsmouth, NH 03801

DATE:
 8-13-13
DRAWN BY:
 RAB

REVISION:
 Number: 0001 Date: 08/13/13
SHEET:
 1 OF 2
DWG NUMBER:
 B49816
ENGINEER SEAL:

MAX EXPOSURE PERMITTED BY SIGN EXPOSURE:

THIS IS AN ORIGINAL, UNREPRODUCED DRAWING. IT IS THE PROPERTY OF PHILADELPHIA SIGN & GRAPHIC CORPORATION. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. ANY REPRODUCTION OR ALTERATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF PHILADELPHIA SIGN & GRAPHIC CORPORATION IS STRICTLY PROHIBITED. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT OR LOCATION WITHOUT THE WRITTEN PERMISSION OF PHILADELPHIA SIGN & GRAPHIC CORPORATION.

Design E-09 pg 2 of 2



Dear Mr. John Bohenko,

September 16, 2013

Thank you for taking the time to meet with me last week regarding the permits for LoMo Portsmouth.

I would like to ask for your approval to use the space behind 86 Pleasant Street for the dumpster.

Thank you for your consideration on this matter.

Daniel H Dumont, Member

LoMo Portsmouth LLC

86 Pleasant Street

Portsmouth NH 03801

603-427-1010

Richards Avenue Sidewalks

We the undersigned, respectfully request
Concrete Continues^{ous} Sidewalks
Lincoln to South.

Ruth L. Griffin, 479 Richards Avenue
Carl Melchor 480 Richards Ave.

Ju's Melchor 480 Richards Avenue
Ken Slover 346 Richards Ave
BROOKS MURPHY 420 RICHARDS AVE
Adam Daly 429 Richards Ave
Mary Wiers 367 Richards Ave
Tom Davis 419 Richards Ave

Kathleen McHorn 800 346 Richards Ave

Kathleen Melchor 409 Richards Ave

Margaret Hayes 557 Richards

Dorothy Karick 441 Richards Ave

BARBARA COLLIER 399 Richards Ave

Don Marchbanks 337 Richards Ave

Judy Dutton 420 Richards Ave

Peggy & Bill McConnell 352 Richards Ave

DAVE 441 RICHARDS

Steve 377 Richards Ave

Denise Noel
Tom Noel
John D. Deikel
Gore Boucher
Judy Boucher

419 Richards
419 Richards
380 Richards
387 Richards
387 Richards



Portsmouth Lodge of Elks #97
P.O. Box 143 - Portsmouth, NH 03802 - 603-436-9606

September 3, 2013

To: City Council Portsmouth NH
From: B.P.O. Elk's 97, 500 Jones Ave.

Portsmouth NH

Dear City Council:

Below is a copy of the letter that we sent you last year. Unfortunately we are still running into the problem of students running out onto the road. We would like very much to have one of our Trustees sit in on your next City Council meeting to discuss this issue. Please advise when that will be.

As you may know, one of the Elk's primary objectives youth activity, safety, and awareness. We run many programs for the youths in the community as well as on a national level. Annually, our lodge gives out multiple Scholarships; we run programs such as the "Soccer Shoot", "Hoop Shoot", Drug Awareness campaign; and also run a Dictionary program in which we make sure each 3rd grade student in Portsmouth receives a dictionary. With this cause being one of our primary goals, we have grave concerns about the safety of our students that run on Jones Ave.

For those of you unfamiliar with our location, we are located at the very end of Jones Ave., and to get to our lodge, we must drive the entire length of that road. The main problem seems to be that the runners exit the trail from the woods onto the roadway. Unfortunately, there is no sort of transition into the roadway, and a runner coming out of the trail needs to make an effort to turn down the road, so as not to run out into traffic. Very few of runners are aware of the hazard they present, and many run straight into the road. There have been numerous incidents of kids running straight out into the road and almost being hit by our members driving along the road. This has been an issue of concern for us for many years, and we have asked the school and athletic departments to inform the runners, however we're not sure the kids understand the issue, as it continues to occur.

We feel very strongly that something needs to be done to rectify the situation before a runner becomes injured. We would be happy to collaborate with the city, and/or provide volunteers to help fix the problem - whether it be a re-route of the trail exit, or a runners lane that can be used, or something else. In the interim however, the runners need to be made aware of the danger that is present when they are exiting the woods. Please let us know how we can assist the city in finding a solution to this problem. Thank you for your help.

Thank you in advance for your help!

Sincerely and fraternally yours

Renee McCune

Renee McCune

Lodge Secretary

CC: Portsmouth High School Athletic Department

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

September 23, 2013

Portsmouth City Council
c/o City Clerk's Office
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH

Albert Hansen
Admitted in NH, MA & ME

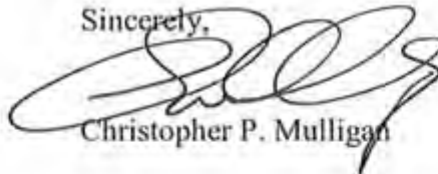
RE: Amended Site Plan Approval for Property Located at 233 Vaughan Street

Dear Mayor Spear:

This office represents the interest of 233 Vaughan Street, LLC. I enclose a proposed Sidewalk License Agreement with attachment. Please accept this correspondence as our request that the proposed agreement to permit us to use the city right of way during construction be placed on the Council's agenda for consideration.

Thank you for your attention. Please contact me if you have any questions.

Sincerely,



Christopher P. Mulligan

CPM/mec

Enclosures

cc: 233 Vaughan Street (w/ enclosures)

SIDEWALK LICENSE AGREEMENT FOR 233 VAUGHAN STREET

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to **233 Vaughan Street, LLC**, a New Hampshire Limited Liability Company (hereinafter "Licensee") with a principal place of business at _____, for use in connection with the Licensee's improvements to 233 Vaughan Street under its approved Site Plan (hereinafter the "Project"), pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes Licensee, its successors and assigns, to utilize the sidewalks along portions of Vaughan Street and Green Street that abut 233 Vaughan Street (Tax Map 124 Lot 14), as shown on the plan attached hereto as Exhibit A, titled "Site Redevelopment, Tax Map 124 Lot 14, 233 Vaughan Street, Portsmouth, N.H." dated September 5, 2013 and prepared by Ambit Engineering, Inc. (hereinafter respectively the "Licensed Areas"). There will be an impact to all of the sidewalks abutting 233 Vaughan Street along Vaughan Street and Green Street.
2. **Use:** Licensee shall make use of the Licensed Areas for the purpose of facilitating Licensee's construction activities only and in accordance with the terms and conditions set forth herein and consistent with a Construction Management and Mitigation Plan ("CMMP") entered into between the City and Licensee.
3. **Term:** this License shall commence on or after _____ upon five (5) business days advance written notice from Licensee to City, and shall terminate twenty-four (24) months from such commencement date. Licensee may make application to the City Manager for an additional sixty (60) days should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project.
4. **Notice:** The Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City's control and use.
5. **Sidewalk License:** There shall be no payment for Licensee's use of the Licensed Areas. The Licensee may return all or any portion of the sidewalk to safe and effective use by the public prior to the termination of this License. Licensee shall contact the Director of Public Works for a determination that the sidewalk has been returned to safe and effective use. Licensee may terminate this License prior to the end of the term. Failure to remove all vehicles, barriers, materials and equipment and return the Licensed Sidewalk Areas to the City of Portsmouth in the manner prescribed under this License by the end of the term may result in

enforcement action by the City. It is in the City's interest that the Licensed Areas be returned to the public use as soon as possible.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury that arises as a result of its utilization of the Licensed Area. This obligation survives termination or revocation of this agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee shall maintain a certificate of insurance on file with the City's Legal Department during the term of this Agreement.
8. **Maintenance of Area:** During the course of this Agreement, Licensee will maintain the Licensed Area in neat and orderly fashion and in accord with the CMMP. The Licensee shall secure the perimeter of the Licensed Area in accordance with its approved CMMP.
9. **Damage:** To the extent improvements to the public ways within the Licensed Area are not already described in the approved site plan, Licensee agrees to take reasonable steps to remedy any damage to the Licensed Area caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance With Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or the CMMP. Failure to abide by any local, state or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this agreement or any provision contained in this agreement on five (5) business days advance written notice provided to Licensee if the public interest requires such termination.
12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not utilize on-street parking.
13. **Materials:** Construction materials may be stored within the Licensed Area provided that the materials consist only of those needed on an immediate and ongoing basis for the construction and that the materials do not pose a danger or nuisance to pedestrians using the temporary or abutting sidewalks.

Dated this _____ day of _____, 2013.

City of Portsmouth

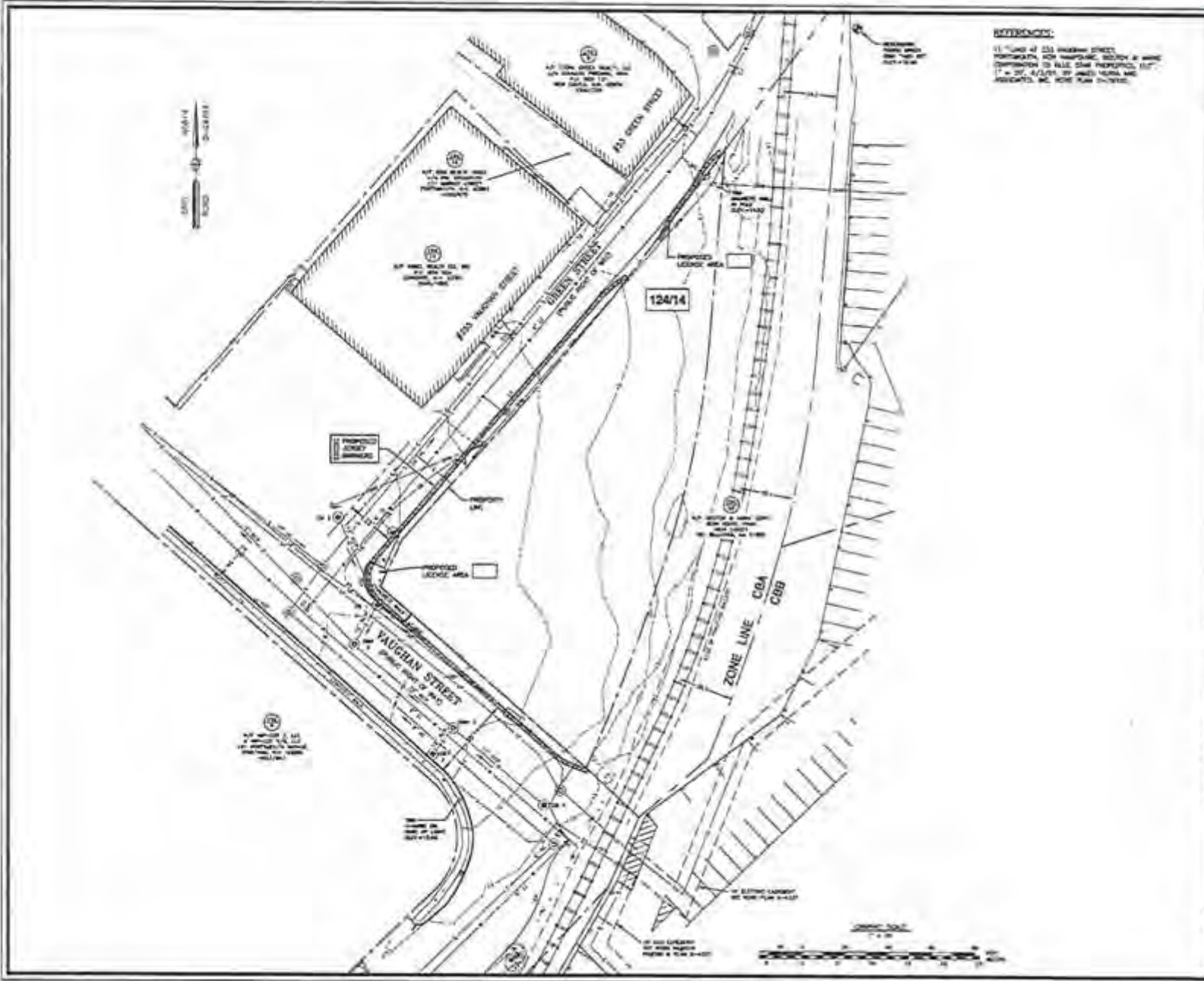
By: _____
John P. Bohenko, City Manager
Pursuant to vote of the City Council
of _____ 2013.

Dated this _____ day of _____, 2013.

233 Vaughan Street, LLC

By: _____

Its Duly Authorized Manager



REFERENCE:
 1) PLAN OF 233 MADISON STREET, PORTSMOUTH, NEW HAMPSHIRE, BEING A PART OF THE CITY OF PORTSMOUTH, N.H., AS SHOWN ON THE CITY OF PORTSMOUTH, N.H., MAP NO. 124/14.

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 100 GREEN STREET, SUITE 2
 PORTSMOUTH, N.H. 03804-1114
 TEL: 603-430-0300
 FAX: 603-430-0310

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, N.H., MAP NO. 124/14.
 - 2) OWNER OF RECORD: 233 MADISON STREET, LLC, 177 MADISON STREET, PORTSMOUTH, N.H. 03804-1114.
 - 3) PARCEL IS NOT IN A ZONE SHOWN ON THE CITY OF PORTSMOUTH, N.H., MAP NO. 124/14.
 - 4) EXISTING LOT AREA: 12,500 S.F., 2,840 SQ. FT.
 - 5) PARCEL IS LOCATED IN THE ZONING DISTRICT AND ZONING DISTRICT:
- PROPOSED ZONE:**
- | | |
|---------------------|------------|
| MIN. LOT AREA: | 1,000 S.F. |
| MIN. FRONT SETBACK: | 5 FEET |
| MIN. SIDE SETBACK: | 5 FEET |
| MIN. REAR SETBACK: | 5 FEET |
| MIN. HEIGHT: | 12 FEET |
| MIN. AREA: | 1,000 S.F. |
- NO PORTION OF A BUILDING WITHIN 10 FEET OF A STREET EDGE OF ANY LOT SHALL EXCEED 40 FEET IN HEIGHT.
- THE ZONING OF THIS PLAN IS TO SHOW PROPOSED ZONING AREA.
- DATE: 09/11/13
 DRAWN BY: [Name]
 CHECKED BY: [Name]

**SITE REDEVELOPMENT
 TAX MAP 124 LOT 14
 233 VAUGHAN STREET
 PORTSMOUTH, N.H.**

NO.	REVISION	DATE



SCALE: 1" = 20' SEPTEMBER 2013

CITY LICENSE PLAN C1



CITY OF PORTSMOUTH
Recreation Department

9/23/13

City Manager John Bohenko/ Superintendent Ed McDonough,

At its last meeting, the Portsmouth Recreation Board voted unanimously to recommend to the City Council and the School Board, that the Pease softball field should be named after Tony Rahn. Both the City Council and School Board had asked for a recommendation to honor Tony Rahn, and the Recreation Board and Rahn family thought this would be very appropriate. Tony was an original founder, coach and umpire in the Portsmouth Girls Softball Association, and that league plays many of its games at the current Pease Field. Please let me know if you need anything else from the Recreation Board regarding this recommendation.

Rus Wilson
Recreation/Athletic Director
Portsmouth, N.H.

October 2, 2013

Frank Kennedy
16 Fielding Way
Rye, NH 03870

Mayor Spear
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor Spear,

Dave Allen suggested that I send a letter to you with my proposal to the City Of Portsmouth allowing a number of antique autos to travel over the Memorial Bridge and do two loops around Market Square on a Saturday (tentatively the 26th of October). The idea came to me when the Memorial Bridge was nearing its recent opening. I thought it would be neat if a parade of antique vehicles could be part of the festivities. I spoke with Jennifer Zorn who told me that the agenda was full but strongly suggested that I continue my quest. I spoke with Assistant Mayor Lister who encouraged me to contact Mr. Bohenko. As a result, Dave Allen called me and I shared my thoughts with him. He asked that I present a more detailed explanation to you in the form of a letter.

I belong to the Pine Tree Model "A" Club. We are also friendly with The MOALS (Maine Obsolete Auto League). Together I feel we could amass 25-40 Vintage autos for the parade. (I have about 12 members of The Pine Tree "A"s who have shown interest.) I have not come up with definite number as I am in the planning stage and am waiting to hear the City's response. Then I need to repeat my efforts with the Town of Kittery. Dave suggested that I contact Jerry Milroie. Basically I wish to start at a staging area in Kittery and have the group leave Kittery at 11:05 AM just as the bridge comes down and travel across the bridge, go down Daniel St, continue through Market Square, down Congress, then take a left at the old Library and another left at the John Paul Jones House. The group would continue north on State St but loop back at the turnaround just before the Bridge. Then for maximum impact - make the full tour again and but this time when we get to the north end of State Street, we continue north over the Bridge (before it goes up) where the group would probably stop at Warrens for lunch.

Jennifer has connections with WMUR, the Portsmouth Herald, Foster's and The Portsmouth Patch. She felt we could get the word out via those outlets and she felt that some of them would send film crews to record the parade. All my children went to PHS and my wife knows one of their classmates - a writer from the Herald - Chuck McMahon. I believe he could also help spread the word. I think if enough people were made aware of it- there would be a nice crowd. Even with this advanced press, many people will be unaware of this event. I think the surprise factor will be quite evident. This mobile flash mob will attract a great deal of attention and conversation. I think it will be a great news day for the City.

I am starting with the city of Portsmouth via this letter and today I will ask the town of Kittery about providing a staging area and a police officer. I am doing this one step at a time and when

and if I get approvals; I will start getting the word out to the drivers. Personally, I would like to enlist more than 50 vehicles. I would restrict this event to autos built between 1900 to 1959. I do not want hot rods, no flames on the sides of the cars. I just want to see only vintage autos slowly motoring through Market Square. It seems like the two go together.

What is important to me is that this parade be unadulterated. By that, I feel the impact would be lessened by modern cars cutting in to the parade. People in modern vehicles coming in on the side streets will not know about the parade. These drivers cannot wait and will cut in if there is an opening between two of the vintage cars. I can also see some kids thinking it would be cool or funny to interject their car in to the procession. I am afraid that these "cut ins" may result in a fender-bender. That is why I would politely ask that there be police posted at every intersection to keep the parade unadulterated for maximum effect for all the viewers in Market Square. Again, I just want to see a single line of vintage cars going through the Square.


I realize that something of this nature requires input from police and many others, as well as planning, and logistical support. I have never done anything like this before so I do not have an idea as to what any additional costs may be. I will say that my group has limited funds. If there are costs involved. I need to know them up front as that may be a deal breaker.

I wish that my proposal be placed on the agenda for the City Council meeting on October 7, 2013. If you wish I can be at the City Council Meeting on October 7 to answer any questions you may have.

Thank you,
Frank Kennedy

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 3, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 7, 2013 City Council Agenda

6:30 p.m. – City Council Photograph

On Monday evening, a photograph will be taken of the City Council at 6:30 p.m.

.....

Presentation:

1. **Trustees of the Trust Funds Reports.** As requested on Monday evening, representatives from the Trustees of the Trust Funds will give an update to the City Council on their activities including a review of the MS-9 and MS-10 (see attached). For your information, Trustees included Phyllis Eldridge, Chair; Dana Levenson and Thomas Watson.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grants.** Attached under Section VIII of the Agenda is a memorandum, dated September 18 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grants:
 - a. A grant in the amount of \$30,000 has been received from the New Hampshire Department of Justice toward Portsmouth's participation in the Attorney General's Drug Task Force.
 - b. The 2013 Internet Crimes Against Children Task Force grant in the amount of \$256,253 has been received from the US Department of Justice. Portsmouth serves as the headquarters for the New Hampshire ICAC Task Force. This grant allocation will be distributed around the state among participating ICAC satellites.

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

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

2. **Acceptance of Donation to the Coalition Legal Fund.** The Town of Rye has donated funds in the amount of \$5,000.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

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

Items Which Require Action Under Other Sections of the Agenda:

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

- 1.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 8, Article III, "Street Trees," is hereby deleted in its entirety and replaced with the following amendment to Chapter 1, Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8.** As a result of the September 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance. Prior to the public hearing, Peter Loughlin, Chairman of the Trees & Public Greenery Committee, will give a brief summary of the proposed Ordinance.

The proposed Ordinance would replace the current Trees and Public Greenery Ordinance with the following:

1. The creation of a Trees and Public Greenery Committee consisting of nine (9) voting members primarily selected by the Mayor and City Council but with the addition of the City Manager, Tree Warden, Public Works Foreman in charge of tree maintenance or their respective designees, all ex-officio.
2. The Committee will advise and assist the City's Tree Warden (to be described below) with respect to virtually anything involving the, "City's Urban Forest". This function will include dealing with arborcultural, horticultural, aesthetic and public safety concerns as well as the preparation of an annual report summarizing all activity relating to the ordinance for the City Council.

3. The ordinance would create the position of "Tree Warden" who shall be a member of the City's administrative staff appointed by the City Manager.
4. The stated purpose of the ordinance is based upon the finding that, "the value of urban trees can hardly be overstated".
5. An explicit responsibility of the City under the ordinance will be to:
 - a. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
 - b. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.
 - c. Regulate and enforce the planting and maintenance of trees on City property.
 - d. Establish limits on the amount of disturbance of trees that may take place on public property.
6. The Tree Warden created by the ordinance will be provided with, "responsibility for the enforcement of this ordinance and all applicable provisions of state law" this authority will include the authority to institute legal proceedings operating through the City's Legal Department.
7. The Tree Warden will have both the authority and the duty to order, "trimming, spraying, preservation and/or removal of trees upon property owned or controlled by the City, or in any City right-of-way" in a manner consistent with the ordinance.
8. The ordinance will expressly prohibit planting, cutting, pruning or taking virtually any action with respect to trees located in any public right-of-way, public park or other public property without approval of the Tree Warden.
9. The ordinance will authorize persons to remove trees in the public right-of-way or public places, however, the action cannot be taken absent a permit issued by the Tree Warden after a public hearing to be held by the Committee.
10. An important new provision in the ordinance would be to authorize the Committee to enforce tree related provisions which may be placed on private property site plans or the public rights-of-way by the Planning Board.
11. Violations of the proposed ordinance would subject the violator to a fine of up to \$1,000.00 per violation and make that person liable to the City for all costs of replacing any damages to City property or any other damages allowable by law.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the October 21, 2013 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28).** As a result of the September 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the October 21, 2013 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.3 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets - be amended that any vehicle or object remaining in the same location in any uncontrolled on –street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D.** As a result of the September 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance and map delineating area to be covered.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the October 21, 2013 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Richards Avenue Residents' Request.** Attached under Section XI of the Agenda is a petition from Richards Avenue residents requesting concrete continuous sidewalks from Lincoln Avenue to South Street.

As part of the City's Lincoln Area Sewer Separation – Contract 3C project, sidewalks and driveway aprons will be reconstructed on Richards Avenue from Lincoln Avenue to South Street. The Department of Public Work's current policy is to install concrete sidewalks up to either side of a driveway apron and leave the driveway apron continuous asphalt. The City received a petition from residents in this area requesting that the concrete sidewalks be continuous through the driveway aprons.

There are 23 driveways that would be impacted for this section of Richards Avenue. The current construction contract includes concrete sidewalks and continuous asphalt driveway aprons. The estimated cost for the concrete sidewalk is approximately \$35,600.

Installing continuous concrete sidewalks through the driveway aprons would increase the cost by approximately \$5,000 to \$40,600. Based on review it has been determined that there are currently sections of sidewalk that run through driveways and that historically the entire street from South Street to Lincoln Avenue had continuous concrete sidewalks. Given the historic nature of this street, staff recommends this additional work be added to the contract so there are continuous sidewalks consistent with the historic conditions.

I would recommend the City Council move to approve continuous concrete sidewalks on Richards Avenue from Lincoln Avenue to South Street, as presented. Action on this matter should take place under Section XI of the Agenda.

Consent Agenda:

1. **Request for Licenses to Install Projecting Signs.** Attached under Section X of the Agenda are the following requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):
 - Daniel Dumont, owner of Lo Mo for property located at 86 Pleasant Street.
 - Jim Weisweit, owner of Portsmouth Spa for property located at 55 Congress Street.
 - Carol Johnson, owner of Allstate for property located at 401 The Hill.

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 X of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of Transportation Policies.** As a follow up to the September 16, 2013, City Council Work Session on transportation, I am submitting to the Council three proposed policies relating to Complete Streets, Bicycle Friendly Communities and Walk Friendly Communities. As you will recall, the City Council reviewed these three topics at its retreat on October 27, 2012. As you will also recall, the Mayor's Blue Ribbon Committee on Transportation Policies submitted its report to the City Council on April 10, 2013. The Committee's report recommends a range of policies relating to transportation planning, street design, bicycle and pedestrian planning, sustainable transportation, green streets, traffic calming, land use planning, transportation data and indicators, public transportation and regional coordination. In particular, the Committee recommended three first priority actions by the City Council to guide transportation planning and infrastructure design:
 1. Adopt the "Complete Streets" policy drafted by Planning Department staff.
 2. Adopt the "Bicycle Friendly Communities" policy to support designation as a Bicycle Friendly Community by the League of American Bicyclists.

3. Adopt the “Walk Friendly Communities” policy to support designation as a Walk Friendly Community by the Pedestrian and Bicycle Information Center.

These three proposed policies are attached.

Complete Streets

“Complete Streets” are streets that are designed and operated to enable safe access for all users, including bicyclists, public transportation vehicles and riders, and pedestrians of all ages and abilities. The National Complete Streets Coalition recommends that communities adopt a Complete Streets policy to ensure that transportation planners and engineers consistently design and operate the entire roadway with all users in mind. To date, more than 500 Complete Streets policies have been adopted by municipalities and states across the country.

The Planning Department has drafted the attached proposed Complete Streets Policy based on national models and examples, tailored to Portsmouth’s specific conditions. The proposed policy commits the City to “approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users,” and to use the best and latest design standards available.

The Complete Streets Policy will establish an overall framework for planning, designing, constructing and maintaining a balanced transportation infrastructure in the City. The next two proposed policies are intended to provide further guidance on two key elements of this system: facilities for bicyclists and pedestrians.

Bicycle Friendly and Walk Friendly Communities

The City is working toward designation by the League of American Bicyclists as a Bicycle Friendly Community (BFC). Approximately 259 communities in the U.S. have achieved this designation to date. To be awarded the designation there is an application process, and communities must meet a defined set of criteria.

A similar program for Walk Friendly Communities (WFC) is run by the UNC Highway Safety Research Center’s Pedestrian and Bicycle Information Center, with support from a variety of national partners. About 36 communities across the U.S. have achieved WFC designation.

In order for the City to be able to apply for BFC and WFC designation in 2014, it will be necessary to demonstrate broad community support and marked progress in improving bicycle and pedestrian facilities. As initial steps, I am proposing that the City Council adopt Bicycle Friendly and Walk Friendly Communities Policies (see attached policies). These policies outline the City’s support for becoming Bicycle and Walk Friendly by integrating bicycle and pedestrian accommodations into municipal decision-making practices and processes.

Planning Director Rick Taintor and Transportation Planner Juliet Walker will make brief presentations regarding each of the proposed policies.

I would recommend that the City Council take the following actions:

1. *Move to adopt the Complete Streets Policy*
2. *Move to adopt the Bicycle Friendly Communities Policy*
3. *Move to adopt the Walk Friendly Communities Policy*

2. **Report Back Re: Request of Mark Ayotte, 9 Garden Street.** As you will recall, at the August 5, 2013 City Council meeting, the Council referred the attached request from Mark Ayotte, 9 Garden Street for the City to return all rights and privileges to him as an abutter from their current property line to the centerline of both Garden Street and Colonial Avenue, to the Planning Board for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter. At its meeting on September 19, 2013, the Planning Board voted unanimously to recommend that the City not release its interest in Garden Street or Colonial Avenue.

I would recommend that the City Council move to accept the Planning Board's recommendation that the City not release its interest in Garden Street or Colonial Avenue.

3. **Report Back Re: Request of Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street.** As you will recall, at the July 15, 2013 City Council meeting, the Council referred the attached request from Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street, to the Planning Board for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter. On September 19, 2013, the Planning Board voted to recommend that the City grant a license (rather than an easement) to place a step at this location, subject to the following conditions:

- a) The step shall be constructed to code and shall be subject to approval by the Department of Public Works.
- b) The sidewalk area disturbed to install the step shall be reconstructed to specifications approved by the Department of Public Works.

The Planning Director recommends that the vote to grant the license also include the following additional condition:

- c) The License shall be approved by the Legal Department as to content and form.

I would recommend the City Council move to accept the Planning Board's and the Planning Director's recommendation to grant a license (rather than an easement) to place a step at this location, subject to the following conditions:

- a) The step shall be constructed to code and shall be subject to approval by the Department of Public Works.*
- b) The sidewalk area disturbed to install the step shall be reconstructed to specifications approved by the Department of Public Works.*
- c) The License shall be approved by the Legal Department as to content and form.*

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on September 16, 2013. In addition, this now can be found on the City's website.
2. **Coalition Communities Update.** As requested, attached is a report back from City staff regarding the Coalition Communities.
3. **Fall 2013 Household Hazardous Waste Day.** For your information, attached is a news release regarding the Fall 2013 Household Hazardous Waste Day to be held on Saturday, October 19, 2013 between 8:00 a.m. and noon at the Department of Public Works facility at 680 Peverly Hill Road.

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2013 – 01

COMPLETE STREETS POLICY

WHEREAS, an objective of the City of Portsmouth's 2005 Master Plan is to "ensure that all transportation projects in Portsmouth provide for full consideration of all modes (automobile, truck, bicycle, pedestrian, transit) in their design, as appropriate;" and

WHEREAS, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to project planning, design standards, implementation and monitoring;

NOW THEREFORE, the City Council adopts the following policy:

I. VISION

Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities.

II. CORE COMMITMENT

Definition

"Complete Streets" means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across as street.

All Users and Modes

The City of Portsmouth will plan for, design, construct, operate and maintain appropriate facilities for pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities in all new construction and retrofit or reconstruction projects subject to the exceptions contained herein.

Planning

The City will incorporate Complete Streets principles into the City's Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

Projects and Phases

The City of Portsmouth will approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are

not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles will be applied on all new City projects and privately funded developments, and incrementally on existing streets through a series of small improvements and activities over time.

Maximum financial flexibility is important to implement Complete Streets principles. All sources of transportation funding, public and private, should be drawn upon to implement Complete Streets within the City of Portsmouth.

It is understood that maintenance activities do not necessarily trigger requirements for major street improvements and should not be expected to do so. However, maintenance activities do present some opportunities that can improve the environment for other roadway users.

Exceptions

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in unusual or extraordinary circumstances contained below. Even under the conditions outlined below, a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

- 1 Where pedestrians and bicyclists are prohibited by law from using the facility.
In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
- 2 Where existing right-of-way does not allow for the accommodation of all users.
In this case alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
- 3 Where the cost of establishing walkways or bikeways or other accommodations would be disproportionate to the need, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
- 4 Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.
- 5 Where the construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.
- 6 Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes. However, all temporary detours shall comply with temporary traffic control requirements of the Manual of Uniform Traffic Control Devices.

- 7 Ordinary public works or utility maintenance activities, including, but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

Exclusive of exceptions 6 and 7 above, any determination that a project that will not meet Complete Streets principles based on the above exceptions will have said determination reviewed and confirmed by City Council.

III. BEST PRACTICES

Design Guidance and Flexibility

The City shall follow accepted or adopted design standards and use the best and latest design standards available, including:

- American Association of State Highway and Transportation Officials (AASHTO)
 - *Guide for the Development of Bicycle Facilities* (4th Edition, 2012)
 - *Guide for the Planning, Design and Operations of Pedestrian Facilities* (2004)
- American Planning Association (APA)
 - *Complete Streets: Best Policy and Implementation Practices* (2010)
- American Planning Association (APA) & American Society of Civil Engineers (ASCE)
 - *U.S. Traffic Calming Manual* (2009)
- Federal Highway Administration (FHWA)
 - *Manual of Uniform Traffic Control Devices* (MUTCD)
 - PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System
- Institution of Transportation Engineers (ITE)
 - *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (2010)
 - *Neighborhood Street Design Guidelines* (2010)
- National Association of City Transportation Officials (NACTO)
 - *Urban Bikeway Design Guide* (2nd Edition, 2012)
 - *Urban Street Design Guide* (2013)
- U.S. Architectural and Transportation Barriers Compliance Board (the Access Board)
 - *Accessible Rights-of-Way: A Design Guide*
- Active Transportation Alliance
 - *Complete Streets Complete Networks: A Manual for the Design of Active Transportation*

Context Sensitivity

The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

Performance Measures

Complete Streets should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- User data – bike, pedestrian, transit and traffic
- Crash data

- Use of new projects by mode
- Compliments and complaints
- Linear feet of pedestrian accommodations built
- Number of ADA accommodations built
- Miles of bike lanes/trails built or striped
- Number of transit accessibility accommodations built
- Number of street trees planted
- Number of exemptions from this policy approved

IV. IMPLEMENTATION

The City views Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:

1. The Planning Department, Department of Public Works, and other relevant departments, agencies or committees shall incorporate Complete Streets principles into the City's Master Plan, the Pedestrian and Bicycle Master Plans, and other appropriate plans, and other manuals, checklists, decision trees, rules, regulations, and programs as appropriate.
2. The Planning Department and Department of Public Works shall review current design standards, including subdivision and site plan review regulations, to ensure that they reflect the best available design guidelines, and effectively implement Complete Streets.
3. When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops.
4. City staff shall identify current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects.
5. The City shall promote project coordination among City departments and agencies with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
6. The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy.

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

Adopted by the Portsmouth City Council on: _____

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 02

BICYCLE FRIENDLY COMMUNITY POLICY

WHEREAS, a goal of the City of Portsmouth's 2005 Master Plan is to "provide for safe and convenient bicycle and pedestrian circulation throughout the City;" and

WHEREAS, in support of that goal, an objective of the Master Plan is to "incorporate and formalize bicycle/pedestrian needs into city transportation planning, policies and ordinances;" and

WHEREAS, the City Council recognizes that increasing bicycle use can:

- Improve the environment by reducing the impact on residents of pollution and noise, limiting greenhouse gases, and improving the quality of public spaces.
- Reduce traffic congestion by shifting short trips out of single occupancy motor vehicles. This will also make our City more accessible for public transport, walking, essential car travel, emergency services, and deliveries.
- Save lives by creating safer conditions for bicyclists and as a direct consequence improve the safety of all other road users.
- Increase opportunities for residents of all ages to participate socially and economically in the community, regardless of income or ability.
- Boost the economy by creating a community that is an attractive destination for residents, tourists and businesses.
- Enhance recreational opportunities, especially for children, and further contribute to the quality of life in the community.
- Improve the health and well being of the population by promoting routine physical activity.

NOW THEREFORE, the City Council adopts the following policy:

Accommodating bicycles and improving safe bicycle travel shall be integrated into municipal decision-making, practices and processes in order to:

1. Provide safe and convenient bicycle access to all parts of the community through a network of on-and off-street facilities, low-speed streets, and secure parking.
2. Establish information programs to promote bicycling for all purposes and to communicate the many benefits of bicycling to residents and businesses.

3. Make the City a model employer by encouraging bicycle use among its employees.
4. Ensure all city policies, plans, codes, and programs are updated and implemented to take advantage of every opportunity to create a more bicycle-friendly community.
5. Educate all road users to share the road and interact safely.
6. Enforce traffic laws to improve the safety and comfort of all road users, with a particular focus on behaviors and attitudes that cause motor vehicle/bicycle crashes.
7. Promote intermodal travel between public transport and bicycles.

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

Adopted by the Portsmouth City Council on: _____

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 03

WALK FRIENDLY COMMUNITY POLICY

WHEREAS, the City Council recognizes the benefits of walking as a key element of a healthy, efficient, socially inclusive and sustainable community, and

WHEREAS, all people should be able to walk safely and to enjoy high quality public spaces in the City of Portsmouth anywhere and at anytime; and

WHEREAS, the City Council is committed to reducing the physical, social and institutional barriers that limit walking activity;

NOW THEREFORE, the City Council adopts the following policy:

Municipal decision-making, practices and processes shall be carried out in order to further the following objectives:

- Provide clean, well-lit sidewalks free from obstruction, and with sufficient opportunities to cross roads safely and directly;
- Ensure seating is provided in outdoor public spaces in quantities and locations that meet the needs of all users;
- Provide protection for pedestrians from weather and climate elements with landscaping and facilities as appropriate (for example shade or shelter);
- Provide coherent and consistent information and signage systems to support exploration and discovery on foot;
- Build and maintain high-quality networks of connected, functional and safe walking routes between residential areas and local destinations;
- Provide an integrated, extensive and well-equipped public transportation service with vehicles which are fully accessible to all potential users and public transport stops and interchanges with easy, safe and convenient pedestrian access and supportive information;
- Encourage a pedestrian-friendly driving culture with targeted campaigns and enforcement of road traffic laws;
- Maintain reduced motor vehicle traffic speeds in residential areas, shopping areas, around schools, and in other areas with a high frequency of pedestrian traffic;


- Reduce the impact of busy roads by installing sufficient safe crossing points, ensuring minimal waiting times and enough time to cross for the slowest pedestrians;
- Ensure that facilities designed for cyclists and other non-motorized modes do not compromise pedestrian safety or convenience;
- Involve all relevant agencies at all levels to recognize the importance of supporting and encouraging walking and to encourage complementary policies and actions;
- Actively encourage all members of the community to walk whenever and wherever they can as a part of their daily lives.

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

Adopted by the Portsmouth City Council on: _____

Kelli L. Barnaby, CMC/CNHMC
City Clerk

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: October 1, 2013
RE: Request of Mark Ayotte, 9 Garden Street, for City to return all rights and privileges to him as an abutter from their current property line to the centerline of both Garden Street and Colonial Avenue

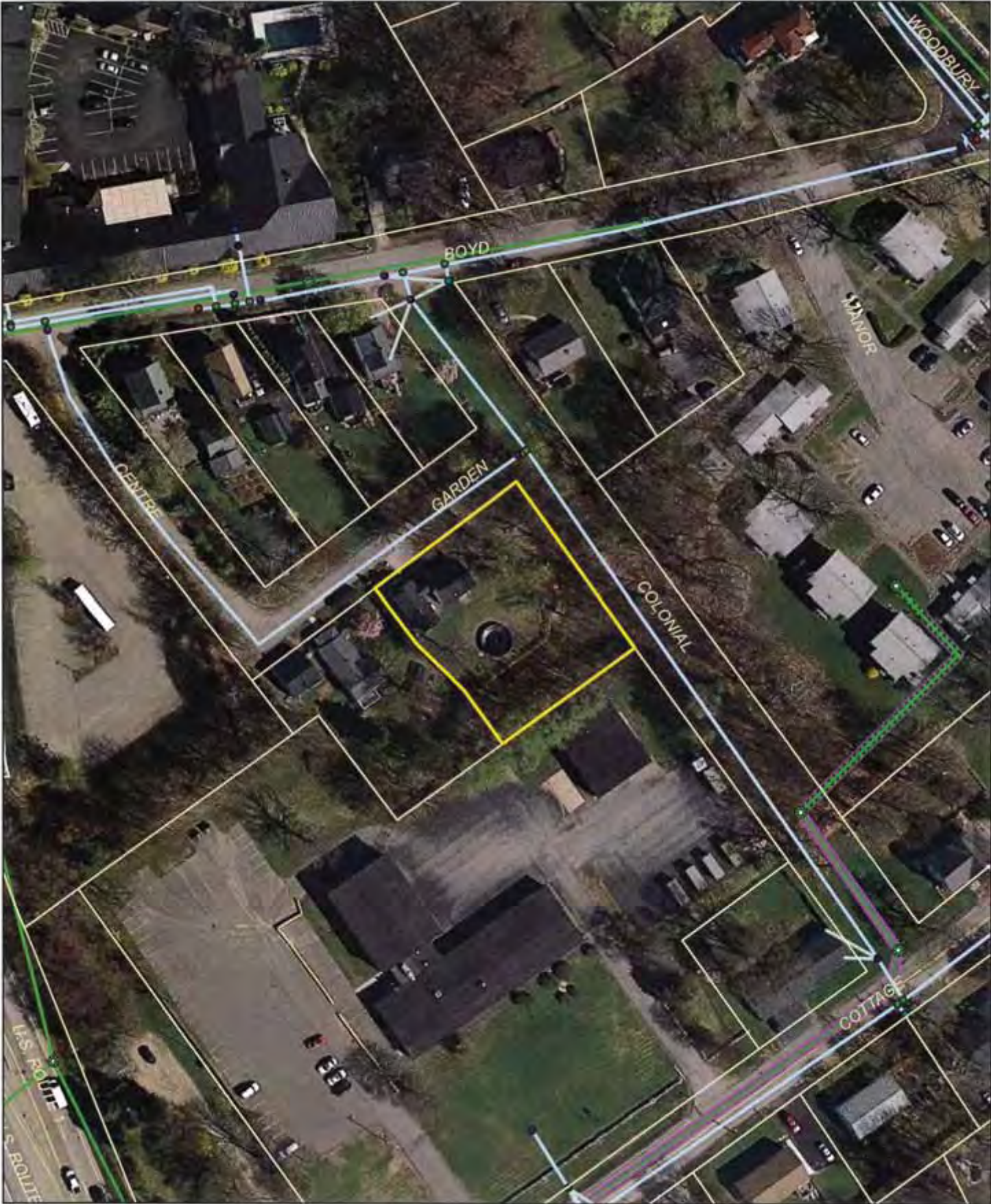
The owners of the parcel at the southerly corner of Garden Street and Colonial Avenue have requested that the City convey to them the portions of both Garden Street and Colonial Avenue that abut their parcel. On August 5, 2013, the City Council voted to refer this request to the Planning Board for a report back.

Colonial Avenue is a "paper" street running from Cottage Street to Boyd Street. Garden Street runs from Centre Street to Colonial Avenue, but the last 70-80 feet nearest to Colonial Avenue has not been constructed and is thus also a paper street. In addition to parcels fronting on Boyd, Cottage and Garden Streets, abutters to Colonial Avenue include the Doble Center (approximately 200 feet of frontage) and the Woodbury Manor elderly housing development (300+ feet of frontage). The streets and the Ayotte parcel are shown on the attached map.

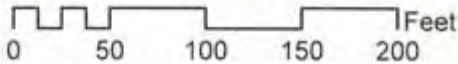
Municipal water lines run the full lengths of both streets. There is a sewer line in the portion of Colonial Avenue closest to Cottage Street, providing service to Woodbury Manor. Because both streets are currently utility corridors, the Planning and Public Works Departments have advised that it is not advisable to dispose of them.

At its meeting on September 19, 2013, the Planning Board voted unanimously to recommend that the City not release its interest in Garden Street or Colonial Avenue.

Request of Mark Ayotte for City to Convey
Portions of Garden Street and Colonial Avenue



9 Garden Street



XI. A.

Mayor Eric Spear &
Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

Mark Ayotte
9 Garden Street
Portsmouth, NH 03801

received
7/12/13
July 11, 2013

Dear Mayor Spear and Portsmouth City Council,

Our family owns and resides at 9 Garden Street, Portsmouth, NH. The property is on city map U174 Lot 10. On two sides of our property we are bordered by as yet to be built roads, Garden Street and Colonial Avenue otherwise known as paper streets.

We are requesting the City of Portsmouth return all rights and privileges to us as abutters from our current property line to the centerline of both Garden Street and Colonial Avenue.

(See attached print. Existing property line is shown as a broken line. Proposed/ requested line is the solid dark line on Garden Street and Colonial Ave.)

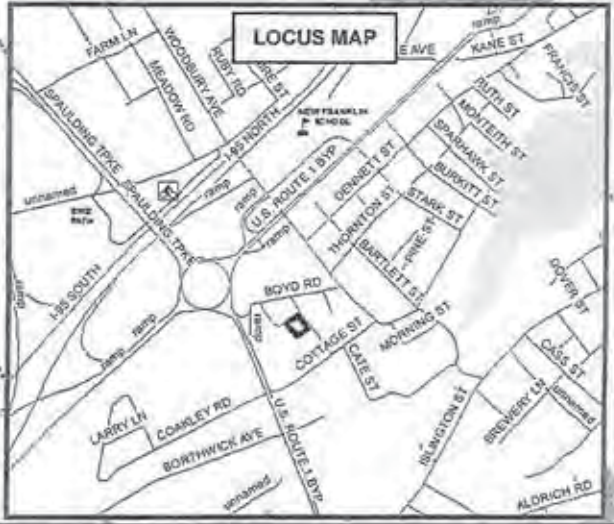
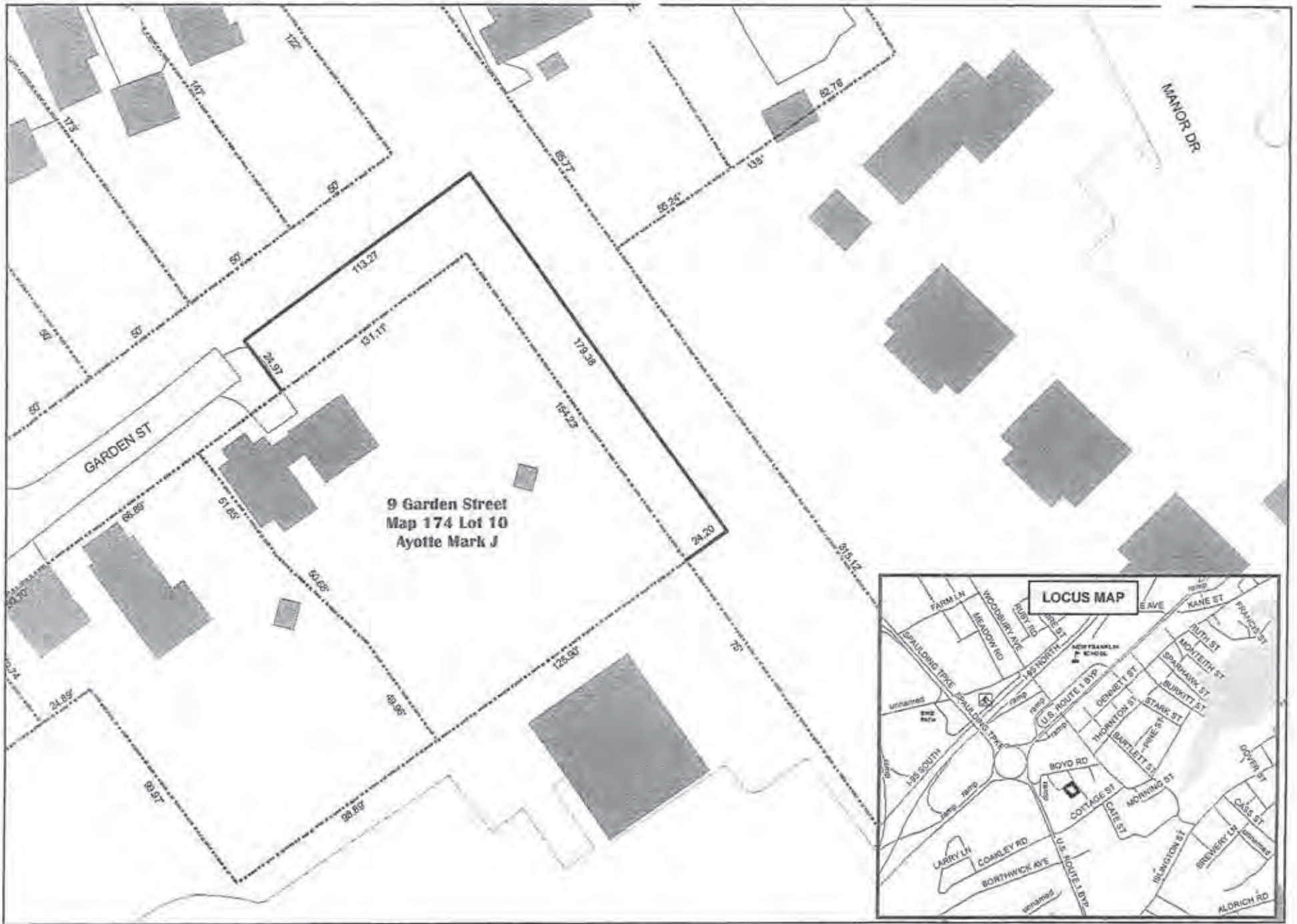
Thank you for your consideration of this matter.

Respectfully,

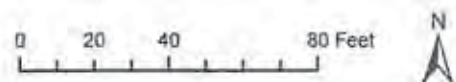


Mark Ayotte


9 Garden Street
Portsmouth, NH 03801
433-3032



**9 Garden Street
Proposed Lot Line Relocation**
Map prepared by Department of Public Works, July 30, 2013



M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: October 1, 2013
RE: Request of Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street

Rob Sevigny has requested that the City grant an easement on Ladd Street at a secondary entrance to a condominium unit at 36 Market Street. The purpose of the requested easement is for construction of a step into the entrance, in order to avoid having to modify the structure to provide a code-compliant entrance. On July 15, 2013, the City Council voted to refer this request to the Planning Board for a report back.

As noted in Mr. Sevigny's letter requesting the easement, a step previously existed on City property at the proposed location. At some point, this entrance to the building was closed off and not used by the owner, and the step was removed by the City as part of the reconstruction of the sidewalk. Mr. Sevigny now wishes to sell the condominium unit, and as a condition of the sale the prospective purchaser requires the Ladd Street entrance to be reopened.

In the area of the requested easement, the City sidewalk is approximately 6.5 feet wide. This is sufficient width to allow the construction of one 12-inch step while preserving enough width for ADA-compliant passage along the sidewalk.

This sidewalk is an important pedestrian route between the High-Hanover Parking Facility and Market Street, so it is important to maintain as much width as possible. Construction of the sidewalk will make it more difficult to clear snow from the sidewalk with a plow. However, the City currently clears the sidewalk with shovels because two sign posts currently prevent the use of a plow.

On September 19, 2013, the Planning Board voted to recommend that the City grant a license (rather than an easement) to place a step at this location, subject to the following conditions:

1. The step shall be constructed to code and shall be subject to approval by the Department of Public Works.
2. The sidewalk area disturbed to install the step shall be reconstructed to specifications approved by the DPW.

I would recommend that the vote to grant the license also include the following additional condition:

3. The license shall be approved by the Legal Department as to content and form.

X. A.

The Paper Patch
36 Market Street
Portsmouth, NH 03801

July 1, 2013



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

RE: Request for an easement on Ladd Street
Tax Map and Lot: 0117/0029/0001
Retail condominium at 36 Market Street, Portsmouth

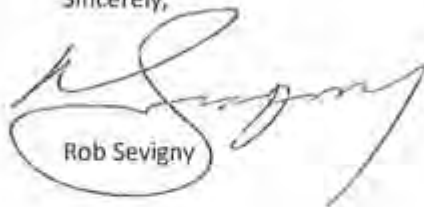
Dear Mr Bohenko:

The intent of this letter is to request an easement, from the City of Portsmouth, to restore a step onto Ladd Street from my storefront with an address of 36 Market Street. The step was removed during recent renovations of the sidewalk. Its absence limits my ability to use the existing historic doorway that opens onto Ladd Street. The requested easement measures approximately 60" x 14".

I have attached a photo that shows the step, prior to renovations and the condominium site plan that shows the step, in place, as of May 28, 2008.

Please contact me if you have further questions and to inform me of the scheduled consideration of this request.

Sincerely,


Rob Sevigny

Atch: Photo
Site plan



Event Listing by Date

Starting Date: 9/16/2013

Ending Date: 8/31/2014

Start End	Type Description	Location	Requestor	Vote Date
9/20/2013 9/22/2013	TELLURIDE Chris Curtis, Programming Coordinator is the contact for this event. This event is from Friday, September 20th at 5:00 p.m. to Sunday, September 22nd at 6:30 p.m.	Chestnut Street	The Music Hall	8/19/2013
9/21/2013 9/22/2013	TOUR Caroline Armpot 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	BIKE TOUR Ellen Fisher, Co-Chair is the contact for this event. She may be reached at 978-239-6774 This event begins at New Castle Commons and travels to 1B to Sagamore Avenue to Rye Harbor and back to the New Castle Commons. The event is 8:30 a.m. to 11:30 a.m.	New Castle Commons	Ellen Fisher	9/ 3/2013
9/29/2013 9/29/2013	WALK Contact: Caitlyn Mosher Ellis (617) 393-2092. Strawbery Banke - Walk site opens at 8:30 a.m. for registration, the Walk kicks off at 10:00 a.m. and clean up by 1:00 p.m. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street).	Walk begins and ends at Strawberry Banke	Alzheimer's Association	1/ 7/2013
10/ 5/2013 10/ 5/2013	WALK Ken La Valley, is the contact for this event. Registration begins at 8:00 a.m. and the Walk duration is 10:00 a.m. to Noon. Walk begins and ends at Peirce Island.	Peirce Island	American Foundation for Suicid	5/20/2013
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 (438-2848) and Catherine Edison of Community Child Care Center (422-8223). This is part of the GPCC road race series.	Starts in Kittery - Ends at Prescott Park	Prescott Park Arts Festival/Co	3/ 4/2013
10/19/2013 10/19/2013	WALK Virginia Skevington is the contact for this event. This event begins at 9:00 a.m. It begins and ends at Jewel Court.	11 Jewel Court	Arts in Reach	7/15/2013
11/10/2013 11/10/2013	ROAD RACE Jay Diener is the contact for this event. He can be reached at 758-1177. This event begins at 8:00 a.m. The course travels through Rye and New Castle, as well as parts of Portsmouth.	Thru Portsmouth	Jay Diener, Co-Race Director	8/ 5/2013
11/28/2013 11/28/2013	ROAD RACE Pat Lyons (430-2156) is the contact for this event. This event begins at 8:30 a.m.	Peirce Island	Seacoast Rotary Club Turkey Tr	12/17/2012
12/31/2013 12/31/2013	FIRST NIGH Barbara Massar is the contact for this event. This evening begins at 4:00 p.m. to Midnight. It is held throughout various venues of downtown Portsmouth.	Market Square	Pro Portsmouth	9/ 3/2013

Event Listing by Date

Starting Date: 9/16/2013

Ending Date: 8/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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
3/15/2014 3/15/2014	ROAD RACE Jill McFarland is the contact for this event. Telephone contact number: 501-9029.	125 Austin Street	St. Patrick School	8/ 5/2013
5/ 4/2014 5/ 4/2014	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square No Parking on Market Street-Bow Street to Isle of Shoals Steamship Company entrance.	Downtown	Pro Portsmouth - Children's Da	9/ 3/2013
5/10/2014 5/10/2014	ROAD RACE Allison Brownell, Race Co-Chair is one of the contacts for this race. Her cell number is 845-430-9351 The race begins at 8:30 a.m.	Marcy Street	Susan G. Komen New Hampshire R.	8/19/2013
6/14/2014 6/14/2014	FAIR This is the 37th Annual Market Square Day from 4:00 a.m. to 6:00 p.m. Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 3/2013
6/14/2014 6/14/2014	ROAD RACE This is the 37th Annual 10K Road Race that begins at 9:00 a.m. in Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
6/21/2014 6/21/2014	RACE Alyssa Salmon is the contact on this event. She can be reached at 430-1140 ex. 14 The event is from 3:00 p.m. to 6:00 p.m. Rain date of June 22, 2014.	Pleasant Street	Big Brother Big Sister	9/ 3/2013
6/28/2014 6/28/2014	MUSIC This is Summer in the Street event. It begins at 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/ 5/2014 7/ 5/2014	MUSIC This is Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/12/2014 7/12/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/19/2014 7/19/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013

Run: 9/26/13
1:17PM

Event Listing by Date

Page: 3

Starting Date: 9/16/2013

Ending Date: 8/31/2014

Start End	Type Description	Location	Requestor	Vote Date
7/26/2014 7/26/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
9/ 2/2014 8/ 2/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013

CITY OF PORTSMOUTH

MEMORANDUM

DATE: October 2, 2013
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: PETER RICE, DIRECTOR OF PUBLIC WORKS
SUZANNE M. WOODLAND, ASSISTANT CITY ATTORNEY
TERRY DESMARAIS, CITY ENGINEER
RE: GREAT BAY MUNICIPAL COALITION



Portsmouth has a long history of working collaboratively with other communities as common interests have arisen. Whether the joint effort has been to "Save the Shipyard" or to promote fairness in education funding, it is a practice that has served the City well, leveraging dollars and creating a bigger voice.

Since 2009, Portsmouth has been working with a number of communities in response to the water quality standard for nitrogen set by the State of New Hampshire Department of Environmental Service (DES) for the Great Bay Estuary. This coalition effort was the result of a lack of willingness by the DES and the Environmental Protection Agency (EPA) to engage in a collaborative review of the science used to justify the State's nitrogen standard. We believe it is staff's fiduciary responsibility to challenge regulatory decisions that are not based on sound science and which would be a waste of ratepayer and taxpayer money.

In 2010, EPA told the communities to trust the science because EPA had done a peer review of the State's water quality standard. The incompleteness and bias of EPA's 2010 peer review is shown by the following excerpts from e-mails recently obtained as part of a Freedom of Information Act request.

In response to the Coalition's efforts to provide supplemental data to the peer reviewers, an EPA branch chief wrote: "We ...will not be opening the review up for any more information." In addition, the FOIA responses suggest that at least one of the reviewers was biased, writing in an internal e-mail: "It's a little sad to see it coming from the City of Portsmouth. ...Now, it is a haven for very wealthy people who enjoy the NH seacoast and lack of income tax, while commuting to Boston for work. They can probably afford to pay to clean up their discharge..." Attached are excerpts from the FOIA responses.

Based on the repeated refusal by the regulators to discuss the science in a meaningful way it was clear that a coalition effort to bring the regulators to the table was needed. Participation in the Great Bay Municipal Coalition has varied from six communities to three communities depending upon the issues. Further the coalition efforts have recently involved over 30 communities as part of the preparation of comments to the EPA's draft changes to its stormwater permitting program.

By working with other communities with shared concerns and goals, Portsmouth's local dollars are leveraged for maximum benefit. It has not been an easy or inexpensive course but the efforts have delivered benefits to the City. Since 2010 the Great Bay Municipal Coalition has spent over \$1.3 million on science and legal efforts, to which the City has contributed approximately 25% of the total effort or approximately \$7,200 per month. In our view, given the capital costs

associated with the upgrades to the Pierce Island Wastewater Treatment Facility, the Pease Wastewater Treatment Facility and the stormwater infrastructure, we believe the money has been well spent.

By participating in these coalition efforts we have:

- Avoided building a \$110M wastewater facility that would have expanded outside of the foot print of the current Peirce Island fence line. (Brown and Caldwell Wastewater Master Plan 2010).
- Avoided building a facility that would have cost an additional \$1M per year to operate at the stringent nitrogen removal levels originally proposed by EPA (Brown and Caldwell Wastewater Master Plan 2010).
- Allowed for the selection of a technology which is less expensive to construct and operate (AECOM, Pilot Study recommendations, 2012).
- Since 2009, DES's position has evolved and the coalition has been working more collaboratively with DES to answer these challenging scientific questions; a change which the City has greatly appreciated.
- To that end, in April 2013, the Coalition secured an agreement with DES to conduct a Peer Review by independent scientists to help ensure that future regulatory decisions at the state and federal level are well-supported by the science.
- These future regulatory decisions will impact the City's Pease Wastewater Treatment Facility; the Pease permit renewal application is pending with EPA. Pease is currently operating secondary only with no nitrogen limit. It is important that the Peer Review be completed prior to EPA permit renewal to ensure that the best scientific information is used to support the permit process. Overly stringent nitrogen limits will require capital upgrades that may impact industrial users located at the Tradeport.
- In addition to the two wastewater treatment facilities, the City's stormwater permits will be impacted by the outcome of the Peer Review. Since 2008, the EPA has been increasing its regulation of stormwater discharges. The City holds four NPDES permits covering its 450 outfalls. The City has projected costs of an additional \$350,000-\$500,000 annually, exclusive of capital investments, to meet the proposed new NPDES requirements for stormwater.

The City is currently participating in two Coalition legal actions: (1) an appeal with the New Hampshire Supreme Court related DES's failure to undertake the rule-making process required by state law; and (2) an action in the U.S. District Court for the District of Columbia that focuses on EPA's failure to perform certain statutory duties under the Clean Water Act in its review and reliance upon of the 2009 Nutrient Criteria Document. Unfortunately, the progress on peer review and related technical updates was only achieved after Coalition action. Dropping these actions prior to the completion of the Peer Review would not be advisable. If all parties act consistent with the peer review results, dismissal of the pending legal actions should be possible. However, if EPA, in particular, does not abide by its results, continued legal process may be the needed.

In summary, City Staff believes the continued participation in Coalition legal and science efforts will continue to ensure the City's interests are protected and that regulatory decisions are based on the best available science. Attached is a detailed report of the Coalition efforts.

From: "Paul, Michael" <Michael.Paul@tetratech.com>
To: Toby Stover/R1/USEPA/US@EPA
Date: 01/22/2013 01:42 PM
Subject: Follow up

Toby -

Attached are two email threads re: lawyers request of the reviewers and EPA responses on how to address them.

Thanks

MP

Michael J. Paul, Ph.D. | Senior Scientist - Center for Ecological Sciences
Direct: 919.485.2073 | Main: 919.405.8278 | Fax: 919.485.8280
Michael.paul@tetratech.com

Tetra Tech | Complex World, Clear Solutions
P.O. Box 14409 | 1 Park Drive, Suite 200, Research Triangle Park, NC 27709 | www.ttwater.com

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----- 0000+ on Thu, 10 Jun 2010 13:10:28 <howarth@cornell.edu> Message from Robert Warren Howarth -----
> Walter Boynton, <Michael.Paul@tetratech.com> "Paul, Michael":
> <bovnton@umces.edu> :
Subject
RE: Great Bay Peer Review

It's a little sad to see it coming from the City of Portsmouth. I worked for the City back in 1971, as their head swimming instructor and coach. Back then, it was a fairly run down and poor city. Now, it is a haven for very wealthy people who enjoy the NH seacoast and lack of income tax, while commuting to Boston for work. They can probably afford to pay to clean up their discharge.....

Bob

From: Paul, Michael [Michael.Paul@tetratech.com]
Sent: Thursday, June 10, 2010 08:45
To: Robert Warren Howarth; Walter Boynton
Subject: RE: Great Bay Peer Review

All -

By the way, thanks for doing such a sound review. You know you are doing something meaningful when you get emails from people at firms with lots of last names in it. Clearly there are dischargers in NH that are concerned with what nutrient criteria mean for their operations. John Hall is a national attorney (Hall and Associates) who has been challenging limits on nutrients on behalf of dischargers nationwide. I am not surprised he has surfaced in one of the first estuarine battlefields. Again, you know its important work when the lawyers get involved. I am sure both of you are familiar with that...sadly.

Thanks again for your time and effort.

Mike

-----Original Message-----

From: Robert Warren Howarth [<mailto:howarth@cornell.edu>]
Sent: Thursday, June 10, 2010 8:12 AM
To: Paul, Michael; Walter Boynton
Subject: RE: Great Bay Peer Review

OK, thanks,

Bob

Robert W. Howarth, Ph.D.
David R. Atkinson Professor of Ecology and
Environmental Biology, Cornell University

Telephone: 1-607-255-6175
E.mail: howarth@cornell.edu
web: <http://www.eeb.cornell.edu/howarth/>

From: Paul, Michael [Michael.Paul@tetratech.com]
Sent: Wednesday, June 09, 2010 22:20
To: Walter Boynton; Robert Warren Howarth
Subject: RE: Great Bay Peer Review

Bob and Walt -

This from the branch chief at EPA/OST:

"We had N-Steps experts review the information that was provided to us by the State and will not be opening the review up for any more information. If the State wants to take into account the new information, that is their prerogative. The State could potentially ask us to have N-Steps do another expert review with this new information, but we would have to determine if we have the resources to conduct this additional review for the State at this time."

Mike

-----Original Message-----

From: Walter Boynton [<mailto:boynton@umces.edu>]
Sent: Wednesday, June 09, 2010 6:17 PM
To: Robert Warren Howarth
Cc: Paul, Michael; boynton@umces.edu
Subject: Re: Great Bay Peer Review

Mike,

OK Saw the e-mails and will do as requested.

Walt Boynton

Robert Warren Howarth wrote:

> OK, will do,
>
> Bob

Walt Boynton

Paul, Michael wrote:

> Hey All -

>

> Just a short follow-up. Any and all requests of you for further input from City of Portsmouth (or their lawyers) or anyone with regards to the NH review should be forwarded to us (me or John Hochheimer - cc'd here). Don't respond to them. As subcontractors to us, you are covered under our contract to EPA. These lawyers know that they need to go through EPA - but they may try to get you to reply...

>

> MP

>

> Michael J. Paul, PhD | Senior Scientist, Center for Ecological Sciences

> Voice: 410-356-8993 | Fax: 410-356-9005

> michael.paul@tetratech.com<<mailto:michael.paul@tetratech.com>>

>

> Tetra Tech | Complex World, Clear Solutions

> 400 Red Brook Blvd., Suite 200 | Owings Mills, MD, 21117 USA |

www.ttwater.com<<http://www.ttwater.com/>>

> PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

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REPORT OF GREAT BAY MUNICIPAL COALITION ACTIVITIES

Summary: Since April of 2010, Portsmouth has worked with of other communities to address Great Bay Estuary water quality issues and regulatory actions at the State and federal level related to that important water resource. Central to these collaborative efforts has been the emphasis to have good science underpin and shape the decisions made both by regulators and the municipalities. Investments should be made that can deliver demonstrable environmental benefits; to do otherwise is not fiscally sound, burdening both ratepayers and taxpayers.

As described in detail below, the Great Bay Municipal Coalition's legal and scientific efforts have given Portsmouth a seat at the regulatory table, particularly at the State level. An independent peer review, developed collaboratively with State regulators, is set to commence to evaluate the role of nutrients in the Great Bay Estuary, which includes the Piscataqua River. The City operates two wastewater treatment facilities, one at Peirce Island and one at the Pease International Tradeport, both of which discharge to the Piscataqua River. In addition, each of the City's 450 stormwater outfalls are impacted by the State and federal water quality findings and permit decisions. The collaborative efforts with other communities have supported, and continue to support, the City's goal in obtaining scientifically-supported wastewater and stormwater National Pollutant Discharge Elimination System (NPDES) permits.

Nutrient Criteria Document- Triggering Event: The State of New Hampshire Department of Environmental Services (DES) is required by federal law to determine if water bodies are "impaired" and to establish "water quality criteria" for specific pollutants of concern for waters of the State, including the Great Bay Estuary, which includes the Piscataqua River. The United States Environmental Protection Agency (EPA) uses the impairment listings, water quality criteria and other scientific information to set the effluent limits for specific pollutants discharged by a wastewater treatment facility. The EPA in conjunction with input from DES, issues a permit known as a NPDES permit. The City operates under six different NPDES permits, one for each of the wastewater treatment facilities and four related to stormwater.

In June 2009, DES issued a document referred to as the "2009 Nutrient Criteria Document." This document sets out water quality criteria for nitrogen, chlorophyll 'a' and water clarity for the Great Bay Watershed, which encompasses 42 New Hampshire municipalities, as well as areas in the State of Maine. DES has used these draft numeric criteria to declare that most areas of the Great Bay Estuary are impaired for nutrients, specifically nitrogen, including the lower Piscataqua River and harbor area.

Prior to issuance of the 2009 Nutrient Criteria Document, City representatives participated in forums relative to the topic and submitted scientific comments. The issuance of this DES document, was a great disappointment, and the City was aware almost immediately of the probable implications to both the municipal wastewater and stormwater programs. Public works representatives from other communities closely following events were equally alarmed. The science did not support the conclusions reached by DES and the implications in terms of upgrades and other compliance efforts were staggering.

The Great Bay Coalition Forms - Engagement of Hall & Associates: Initial efforts to communicate with regulators both State and federal following issuance of the 2009 Nutrient Criteria Document were not productive. In April of 2010, John Hall was invited to speak to representatives of the communities of Dover, Durham, Exeter, Newmarket, Portsmouth and Rochester, each of which had a wastewater treatment facility discharging into tidal rivers. Hall & Associates had nutrient specific regulatory experience, connections within the scientific community, and the science, legal, and regulatory background to analyze data and develop a set of next steps to include both legal steps and data gathering efforts. As part of this review effort, fundamental scientific and methodological errors were identified in the State's development of the 2009 Criteria document. Portsmouth and the then five other communities engaged Hall & Associates to assist in developing strategies to address the unfolding situation. The "Great Bay Municipal Coalition" was never established as a separate legal entity. The municipalities had shared interests in ensuring that sound science is applied to the issue of nutrients in the Great Bay Estuary and made decisions to share certain costs relative to common goals.

Working closely with HydroQual, a top-tier water modeling firm, Hall & Associates helped the communities focus additional science efforts (some taken jointly, some individually) to test the validity of DES' conclusions in the 2009 Nutrient Criteria Document, including additional field studies. Communications with the regulators both state and federal were intensified and more focused on the key assumptions that were inconsistent with system data and studies completed by UNH Jackson Laboratory researchers. The communities began to ask for a formal rule-making process as required under state law to allow the communities to have greater input and more scientific review.

EPA's Peer Review Incomplete and Biased: One of the first Coalition efforts was to try to supplement the information and charge questions provided to two peer reviewers selected by the EPA to review the 2009 Nutrient Criteria Document. The communities were advised of the peer review, but were denied the opportunity to participate in the process in any form. The Coalition forwarded information to DES and EPA, and eventually to the reviewers directly, when it appeared that EPA was not interested in an open, complete process.

Freedom of Information Act responses from EPA, released August of this year, show that EPA directed the reviewers not to consider the information provided by the Coalition. An EPA branch chief wrote: "We ...will not be opening the review up for any more information." In addition, FOIA responses suggest that at least one of the reviewers was biased, writing in an internal e-mail: "It's a little sad to see it coming from the City of Portsmouth. ...Now, it is a haven for very wealthy people who enjoy the NH seacoast and lack of income tax, while commuting to Boston for work. They can probably afford to pay to clean up their discharge..." Attached are excerpts from the FOIA responses.

Unsurprisingly, based on the limited information they were given, the narrow scope of the charge questions, and the bias of at least one of the reviews, the EPA's peer

reviewers deemed the conclusions in 2009 Nutrient Criteria Document adequately supported.

EPA's effort to strengthen its regulatory position with an incomplete and closed review rather than ensure that science and sound decision-making guide the regulatory process was, and remains, a great disappointment. To date, despite repeated requests, EPA has refused to support or participate in any updated, open review. If the goal is to protect the resource of the Great Bay Estuary, investments that don't deliver a definitive benefit the health of the Estuary are not only a waste of ratepayer dollars, but leave little monies left over for whatever next steps might need to be taken to arrive at truly protective solutions.

EPA Issues Draft Permits: Beginning with Exeter in March of 2011, EPA issued a draft NPDES permit for Exeter's wastewater treatment facility with a limit of 3 mg/L total nitrogen. As anticipated, EPA relied upon DES' 2009 Nutrient Criteria Document in setting this stringent limit and the conclusions of their internal peer review. Draft permits for Newmarket and Dover followed. Each draft permit relied heavily on DES' 2009 Nutrient Criteria Document to justify the stringent effluent limits.

With substantial assistance from Hall & Associates and HydroQual, the Coalition presented at public hearings on the draft permits and submitted extensive data and comments challenging EPA's reliance on DES' impairment findings and nutrient criteria and consequently the need for stringent permit limits.

Memorandum of Agreement with DES: Following issuance of the draft NPDES permits, communications and efforts to reach an agreement with DES to reevaluate the 2009 Nutrient Criteria Document continued to evolve. The technical uncertainties with the 2009 criteria document were acknowledged. Those communications and meetings eventually culminated in December 2011, fully executed in a Memorandum of Agreement (MOA) pursuant to which the then six coalition communities would undertake additional science efforts and DES would undertake a series of steps to reconsider its approach to water quality determination and its conclusions relating to nitrogen control. Whether due to pressures from EPA or other considerations, DES stepped back from its commitments under the MOA.

Legal Action for Rule-Making: In March of 2012, in response to DES' lack of commitment to proceed with the MOA, five of the original Coalition members commenced a state action in the superior court against DES to require that the State proceed with a formal rule-making process. Durham opted out of the legal action and the Coalition. The numeric limits of the 2009 Nutrient Criteria Document were never promulgated as a rule, as required by N.H. RSA 541-A. That process would have included public review by both the Water Council and the New Hampshire Legislature. During the first months of the litigation, several key depositions were taken. They confirmed that the data relied on by DES was thin and that speculation stood in the place of good water quality science and modeling. It was also acknowledged that the EPA peer review was not presented with the prior detailed Jackson Laboratory studies showing the assumed nutrient impacts were not actually occurring in the system.

To the disappointment of the Coalition, in November 2012, the Superior Court dismissed the Coalition's request for relief essentially concluding that there was no reason to decide the issue of the State's alleged failure to undertake rule-making since EPA issues the wastewater permits that will cause the harm to the communities. Newmarket and Exeter subsequently withdrew from the litigation when those communities elected not to appeal their final NPDES permits. The three municipalities of Dover, Portsmouth and Rochester have an appeal pending with the N.H. Supreme Court. The case is fully briefed and we believe the action has helped keep DES at the table as we move forward with one of the best means of resolving the current situation, namely a bona fide peer review as described below.

Throughout 2012 while the City participated in Superior Court action, the Coalition of five communities continued to push for collaboration by putting forward an Adaptive Management Plan that offered incremental steps to upgrade facilities while additional scientific analysis was undertaken. The Coalition continued to develop the science, communicated with UNH scientists and worked with the Piscataqua Region Estuaries Partnership (PREP). Through communications and Congressional oversight, the Coalition sought to have EPA reconsider its reliance on the DES' 2009 Nutrient Criteria Document. The U.S. House of Representatives, Committee on Oversight and Government Reform, for example, conducted a hearing on June 4, 2012 to take testimony from the municipalities and question EPA Administrator Spaulding.

Exeter and Newmarket Accept EPA Permits: In November 2012, EPA issued the final NPDES permit for Newmarket. The permit contained a TN limit of 3 mg/L on a seven-month seasonal rolling average. The final permit was notable not only for the stringent effluent limit for nitrogen, but for the inclusion of obligations to reduce nitrogen from nonpoint stormwater sources. This was a marked change from previous wastewater permits. In addition, the NPDES permit contained a broad reopener provision if certain water quality improvement targets were not met by non-point sources (e.g., farms). A month later Exeter's final permit issued containing similar obligations. By early January 2013, both Exeter and Newmarket had opted to accept the final permits from EPA and negotiated lengthy compliance schedules.

The fact sheets issued in the final permits indicate that EPA is still continuing to rely primarily on the DES 2009 Nutrient Criteria Document and that the data specific to the functioning of Great Bay Estuary is either being ignored or not carefully evaluated. A report by Dr. Steven Chapra, an internationally recognized expert in nutrient impact assessment, which re-confirmed fundamental scientific errors with EPA's approach was also ignored.

Dover and Rochester elected to appeal the Newmarket Permit; Portsmouth did not participate in that appeal.

Federal Litigation: In December of 2012, Dover, Portsmouth and Rochester initiated suit in the U.S. District Court for the District of Columbia alleging that the EPA failed to perform certain statutory duties under the Clean Water Act in its review and reliance upon of the 2009 Nutrient Criteria Document. In July 2013, the District Court dismissed the action because the 2009 Nutrient Criteria Document was not formally adopted as

part of the State's rule-making process but left open the possibility of a differently framed challenge. An amended action has been filed with the Court. It is critically important that as the new peer review goes forward, see summary below, that EPA meet its duties under the Clean Water Act and evaluate any new data and findings. Costs for this legal effort have been tracked separately because if the Coalition prevails, attorneys' fees are recoverable and Hall & Associates will submit for reimbursement for all of its time. The amount paid to date by Portsmouth on this legal effort is just under \$14,000.

Peer Review Agreement with DES April 2013: In January of 2013, Senator Watters at the request of Dover, Portsmouth and Rochester proposed legislation which would have required DES to conduct a formal rule-making process. That legislative effort triggered discussions which resulted in DES and the three cities reaching an agreement for a comprehensive independent peer review. This peer review is an important effort which has the possibility of informing and guiding the regulatory landscape for not only the near term, also the long term. The peer review panel that has been assembled has been charged with not simply reviewing the 2009 Nutrient Criteria Document but with helping to provide input for further scientific efforts and evaluating alternative approaches to regulating pollutants.

The agreed upon Charge Questions to the peer reviews (attached) illustrates the breadth of this new review. It is hoped that the peer review panel would be able to finish its work by late January or February 2014. When the peer review is fully underway, further information will be provided.

The Scientific Data Gathering Continues: This summer, Portsmouth, along with Dover, Durham, Exeter, Newmarket and Rochester contributed \$5,000 each to provide matching funds to support PREP's 2013 eelgrass study. In addition, data sondes (data collection bouys) purchased by Dover and Portsmouth were recently redeployed in the Piscataqua River to collect water quality data. Hydroqual is completing a model calibration report for the cities of Dover, Portsmouth and Rochester which will show nitrogen contributions at different points in the Estuary from various point sources.

The Coalition Efforts Have Supported Portsmouth's Permits: As stated at the outset, Portsmouth operates under six NPDES permits, each of which is impacted by the State's regulatory findings and approaches to determining impairments and setting water quality standards and criteria. By working with other communities with shared concerns and goals, Portsmouth's local dollars are leveraged for maximum benefit. It has not been an easy or inexpensive course, but the efforts have delivered benefits to the City.

EPA communicating early in the process that the Peirce Island Wastewater Treatment Facility might be required to meet a total nitrogen limit of 3 mg/L; the discussion is now centered around a limit of 8 mg/L seasonal rolling average. The Pease permit renewal application is pending with EPA; Pease is currently operating secondary only with no nitrogen limit. It is important that the new peer review be completed prior to EPA taking up that permit renewal so that the most up-to-date and scientifically vetted information can be brought into the regulatory/permit-writing process. If nitrogen removal is

required at Pease the upgrades will be costly and, given the industrial users located on the Tradeport, compliance with nitrogen limits could be challenging. We need to get the science right.

In addition, the importance of moving forward with a critical examination of the 2009 Nutrient Criteria Document through a comprehensive peer review became more evident when the City joined nineteen (19) other communities to address proposed new federally mandated stormwater management obligations. Since 2008, the EPA has been increasing its regulation of stormwater discharges, and as stated earlier, the City holds four NPDES permits covering its 450 outfalls. Most recently EPA requested comments from communities on proposed new permit conditions to monitor and treat stormwater. DES's impairment findings and setting of water quality criteria as in the 2009 Nutrient Criteria Document dramatically impacts the City's potential obligations under the anticipated stormwater permit changes. Nitrogen is very difficult to remove from stormwater; the City has projected costs of an additional \$350,000 to \$500,000 annually to meet the proposed new NPDES administrative and study requirements for stormwater, exclusive of capital projects.

Given the significant capital investments that are required for the Peirce Island Wastewater Treatment Facility alone, the expenditure to date of approximately \$330,000, less than 1% the estimated cost of the Peirce Island upgrade, in Coalition legal and science efforts is justified. Good science needs to drive investments for wastewater and stormwater upgrades and operations. The upcoming open peer review considering the latest information for the estuary will further that goal and help to ensure municipal resources are wisely invested.

Prepared by: Peter H. Rice, Public Works Director
Suzanne M. Woodland, Assistant City Attorney
Terry Desmarais, Jr., City Engineer

**Charge Questions for Updated State/Local Peer Review on the Numeric Nutrient Criteria for the
Great Bay Estuary**

September 23, 2013

Question 1. The report titled “Numeric Nutrient Criteria for the Great Bay Estuary” (hereafter the “DES 2009 Report”) was developed over a five-year period starting 2004. Is the “conceptual model” used in the DES 2009 Report (at 4 and Appendix B) to interpret the nutrient criteria reasonably supported by the data and studies for the estuary, the relevant scientific literature and the subsequent information/analyses available for the estuary? Specifically,

- a) Given the available data, is transparency an important factor in the presence/absence of eelgrass in the various segments of the Estuary including the upper tidal rivers, Great Bay, Little Bay, the Piscataqua River, and/or Portsmouth Harbor? If yes, is it the controlling factor?
- b) Given the available data/studies, is nitrogen an important factor in the presence/absence of eelgrass in various segments of the Estuary (Please be specific in terms of the impact or lack of impact in the tidal rivers, Great Bay, Little Bay, the Piscataqua River, or Portsmouth Harbor)? If yes, is it the primary factor?
- c) Does the available information indicate that increased algal growth is causing or significantly contributing to a loss of eelgrass and that nitrogen reductions will significantly improve the conditions for eelgrass growth and/or restoration?
- d) Does the available information indicate that algal growth is the reason for low DO conditions in the tidal rivers and that nitrogen reduction will significantly improve DO in the tidal rivers that flow into the Great Bay Estuary?
- e) Were the statistical methods used to derive the numeric thresholds based on acceptable scientific methods? Are the results of those analyses reliable for predicting responses to nitrogen in this system (including DO, transparency, eelgrass, macroalgae, phytoplankton, etc.)?

Question 2. The DES 2009 Report uses a “weight of evidence” approach to identify a range of possible values for a TN threshold between 0.20 and 0.38 mg/l to protect eelgrass resources. TN thresholds of 0.25 to 0.30 mg/l were selected for areas with eelgrass, based on the regression of transparency to TN and depending on the restoration depth. The DES 2009 Report selected 0.45 mg/l to maintain instantaneous DO concentrations greater than 5 mg/l. Specifically respond to the following:

- a) Is “weight of evidence” a reasonable approach to selecting final thresholds for areas with eelgrass impairments and low DO?
- b) Does the “weight of evidence” (i.e., an assessment of available data and studies for this

estuary) support the conclusion that excess nitrogen was the primary factor that caused (1) the decline of eelgrass populations or inability of eelgrass to repopulate specific areas, and (2) low DO in the tidal rivers?

- c) Does the DES 2009 Report and/or subsequent data reasonably assess the potential reasons for eelgrass loss besides cultural eutrophication in the various areas?
- d) Are the selected TN criteria for eelgrass protection consistent with (1) data/studies available for this estuary and (2) TN levels found to be protective in other Northeast estuarine systems?
- e) Does the available information demonstrate that, for the protection of eelgrass habitat, the annual median total nitrogen concentration should be less than or equal to 0.25-0.30 mg N/L depending on the eelgrass restoration depth? Will attaining these values achieve the desired restoration depth for transparency?

Question 3. The DES 2009 Report established thresholds for TN concentrations. In this estuary, is TN the correct form of nitrogen on which to focus to address cultural eutrophication? Assuming that the excessive growth of macroalgae and/or epiphytes is one of the primary concerns, what form of nitrogen should be the focus, given detention times in the system? Is the form of nitrogen that should be controlled the same for Great Bay, the Piscataqua River, and Portsmouth Harbor? Based on the available evidence, is it likely that dissolved organic nitrogen is converted to dissolved inorganic nitrogen to a significant degree within this estuary and watershed.

Question 4: The DES 2009 Report was published nearly five years ago. To ensure ongoing protection of estuarine resources and water quality based on the latest scientific understandings, the DES 2009 Report may be updated in the future.

- a) If you were charged with updating the DES 2009 Report, what approach would you take given the information now available?
- b) Would a reference waters approach to establish a TN threshold based on various eutrophic responses such as macroalgae growth, low dissolved oxygen, and eelgrass loss be appropriate and feasible for the Great Bay Estuary? If so, how would you recommend such an approach be developed?
- c) Are there other approaches that you would recommend as alternatives for setting site specific nutrient criteria for the tidal Piscataqua and Cocheco Rivers?
- d) Do you have any recommendations for the long-term (10- year) monitoring and evaluation of the estuary to assess changes in conditions over time?

CITY OF PORTSMOUTH



Fall 2013 Household Hazardous Waste Day

September 26, 2013

FOR MORE INFORMATION:

Jared Sheehan, Environmental Compliance and Pretreatment Coordinator, 610-7497

PORTSMOUTH – The City will hold its annual Fall Household Hazardous Waste Collection Day on Saturday, October 19, 2013 for residents of Portsmouth, Greenland and Newington.

Household chemicals may be brought to the Department of Public Works facility at 680 Peverly Hill Road for safe disposal between 8 a.m. and noon. Residents must show proof of residency.

For more information regarding HHW Collection Day, see www.cityofportsmouth.com/publicworks and click on the "Solid Waste and Recycling Info" page for the link to "Household Hazardous Waste". Here are some of the household chemicals that will be accepted on October 19, 2013:

- From the yard: fertilizer with pesticides or fungicides, insect spray, lighter fluid, pest strips/traps, pesticides, poisons and pool chemicals.
- From the garage: acids, car waxes/polish, creosote, driveway sealer/tar, flea powder, gasoline, radiator fluid, and roofing tar.
- From the house: bathroom cleaner, disinfectants, furniture polish, metal polish, mothballs, oven cleaner, photo chemicals, rug cleaner and wood strippers.
- From the workbench: brush cleaner, corrosives, lead and oil-based paint/stain/finish, rust preventative, solvents, thinner/turpentine and wood preservatives.

Empty containers for these items are not considered hazardous and may be disposed of in the regular trash collection. Residents should **NOT** bring explosives, asbestos, medical waste or latex paints. Portsmouth residents may bring solidified latex paint cans to the Recycling Center during normal business hours. Latex paint may be solidified with kitty litter, sawdust, speedy dry or by opening the can and allowing the paint to completely dry before bringing it in for disposal.

Anyone with items they suspect are hazardous but are not on the HHW list should call 427-1530 to discuss alternatives.

Non-hazardous materials including solidified latex paint may be brought to the Recycling Center during normal business hours between 7:45 a.m. to 3:15 p.m. on Tuesdays, Wednesdays and Thursdays, and from 8 a.m. until noon on Saturdays. For information on the City's other sustainability initiatives, see www.CityofPortsmouth.com/sustainability.

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: Economic Development Commission **Renewing applicant**

Name: John K Bosen Telephone: 603 205 5171

Could you be contacted at work? YES/ NO - If so, telephone # 427-5500

Street address: ~~XXXXXXXXXX~~ 266 Middle Street

Mailing address (if different): _____

Email address (for clerk's office communication): Jbosen@BosenandAssociates.com

How long have you been a resident of Portsmouth? 1964

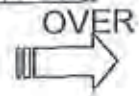
Occupational background:

Lawyer

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

Reasons for wishing to continue serving: _____

I am a business owner downtown and
am very interested in issuing affecting
economic development I am also in
favor of expanding our parking facilities
which is within the mission of
the EDC.



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

Board member - The Provident Bank
Legal commit - Portsmouth Housing Authority
Samatha Smith Foundation
Working Dog Project

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

- 1) E. Verett Eaton Pinehurst Rd 431-6205
Name, address, telephone number
- 2) Ruth Griffin Richards Ave 436-5272
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: 9/21/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

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

Date of Original Appointment: _____

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



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: EIDC Renewing applicant

Name: Joshua Cyr Telephone: 601-414-3

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

Street address: 263 Hanover St

Mailing address (if different): _____

Email address (for clerk's office communication): jcyr@joshuacyr.com

How long have you been a resident of Portsmouth? since '96

Occupational background:
Business & Web Consulting
Software Development
Events

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

Reasons for wishing to continue serving: Passionate about Portsmouth
and our continued success as a city.



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

Alpha Loft
Seacoast Local
Multiple Software Community Groups

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

- 1) David Karlotski 205-5144 Newcastle Ave
Name, address, telephone number 17 Fields Rd
- 2) Byron Matto 6046-416-2265 Portsmouth
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 9-25-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____
Annual Number of Meetings: _____ Number of Meetings Absent: _____
Date of Original Appointment: _____

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



ES

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board **Initial applicant**

Name: Michael Barker Telephone: 603-436-7828

Could you be contacted at work? YES NO If so, telephone # 603-766-3158

Street address: 5 Hancock Street, Portsmouth, NH

Mailing address (if different): _____

Email address (for clerk's office communication): mbarker@momenta.com

How long have you been a resident of Portsmouth? Since November 2001

Occupational background:

President of Momenta since November 2001. Momenta is a consumer packaged goods
company that is focused on designing and distributing products to retailers including
Michaels, Hobby Lobby, Wal-Mart and Joanns. Daily responsibilities include staff
management, sales, and operations support.

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

As a small business owner, I understand the challenges other business owners face and
the important role retail and/or office space plays in the success of these businesses.
Moreover, as a NH native, I grew up visiting Portsmouth and can put future grow in
context with our city's past.

OVER

6/27/2012

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

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

Reasons for wishing to serve: _____

My wife and I love this city and look forward to continuing to raise our children here. And I want to make sure it only gets better. This really is an amazing town and I look forward to the opportunity to give back to help ensure Portsmouth's continued success.

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

CHA (the Craft and Hobby Association)

Currently serving on the Portsmouth Taxl Commission

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

1) Valarie Faglin, 75 Gates Street, Portsmouth, NH 603-436-6655
Name, address, telephone number

2) Richard Greenslade, 20 T1 Gamester Ave, Portsmouth, NH 603-431-5758
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Handwritten Signature] Date: September 19, 2013

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No _____

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

6/27/2012



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board

Initial applicant

Name: Justin Finn

Telephone: 603-433-5515 / 603-828-1021
cell

Could you be contacted at work? YES NO If so, telephone# 603-433-5515

Street address: 100 Ledgewood Dr. #11 Portsmouth, NH 03801

Mailing address (if different): 42 middle street Portsmouth, NH 03801 - Busine.

Email address (for clerk's office communication): JustinF@secureplanninginc.com

How long have you been a resident of Portsmouth? 32 years - born in Portsmouth

Occupational background:

Investment Advisor - Secure Planning
Investment firm founded in Portsmouth, NH 1990
we are located downtown 42 middle street.

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

I have never served on this board, so my
experience is none.



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

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

Reasons for wishing to serve: Portsmouth is in my blood
and to have the opportunity to serve this community
is a great honor. Also, the planning of the Ten year
vision excites me and to be part of a great
team already in place.

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

Portsmouth Rotary club
Salvation Army Advisory Board - Portsmouth, current
Chair.
Portsmouth Little League - Volunteer Umpire

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

- 1) Fred Dolman - 136 Hill Street Unit 2 - Portsmouth - 603-828-363
Name, address, telephone number
- 2) Lisa Dugan - 1 Princeton Street - Portsmouth - 603-502-0516
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature]

Date: 9-26-13

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No X

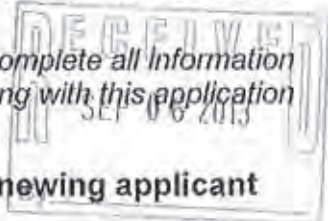
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



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: Economic Development Commission **Renewing applicant**

Name: Ronald W Zolla Telephone: 603-319-1825

Could you be contacted at work? YES/ NO - If so, telephone # 603-501-0172

Street address: 1 MICHAEL SUCCI DRIVE PORTSMOUTH NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): ZOLLAROW@COMCAST.NET

How long have you been a resident of Portsmouth? 7 YEARS

Occupational background:

- MECHANICAL ENGR / PROJECT MGR
- MANAGEMENT CONSULTANT

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

Reasons for wishing to continue serving: LOVE PORTSMOUTH AND WANT TO CONTRIBUTE TO ITS DEVELOPMENT



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

PORTSMOUTH CHAMBER WEB SITE COMMITTEE

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

- 1) BOB DOCKHAM STANTON NH 603 775-7035
Name, address, telephone number
- 2) GEORGE CARLISLE OLD PORT PLANTY 603-766-0424
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: Bob Dockham Date: 8/6/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2017
Annual Number of Meetings: 10 Number of Meetings Absent: 0
Date of Original Appointment: 7-20-2009

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

David,

With my new job, I no longer have free time to contribute to the city. Feel free to find someone to replace me for the last 4 months of my term.

R. Ann Rousseau, CPA

871 Middle Road

Portsmouth, NH 03801

Aaron Lawson
P.O. Box 71
Portsmouth, NH 03802

September 12, 2013

To the Portsmouth Taxi Commission and City Council,

Please accept this letter of resignation from the Commissioner seat on the Portsmouth Taxi Commission. I will no longer be able to maintain residency for the rest of the appointed position. This experience has been engaging and insightful on the inner workings of local government. I intend to carry what I have gained here into future civic opportunities outside the Portsmouth community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Lawson', with a long horizontal flourish extending to the right.

Aaron Lawson

To the Editor:

I moved to Portsmouth two years ago. I'm originally from Syracuse, New York and grew up on Skaneateles Lake, one of the Finger Lakes. To a certain extent, my new home reminds me of Skaneateles. It has a quaint downtown with a plethora of boutique shops and restaurants. Like Portsmouth, Skaneateles is a tourist haven with its peak season in the summer. Because of those similarities, I want to share a unique event I experienced growing up to see if there is any interest in the Portsmouth community to start a similar tradition.

The weekend after Thanksgiving, a group of interested people assume the roles of characters from Charles Dickens' *A Christmas Carol* and interact with visitors and residents in the streets, shops, and restaurants. The event is put on by local businesses and attracts crowds from Upstate New York each weekend leading up to Christmas. It not only helps boost the local economy during a lull in tourism, but it's also a fun and charming event for all ages.

In my opinion, downtown Portsmouth, particularly Market Square, provides an ideal setting to bring such a tradition to New Hampshire. I truly think this event could be an enduring success that would benefit the Portsmouth community as a whole. I am hopeful that my letter will, at the very least, spark some enthusiasm for this idea.

Sincerely,
Chris Fischer

ACTION SHEET
PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of October 7, 2013

Re: Parking and Traffic Safety Committee Meeting held September 12, 2013

ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held August 8, 2013.
- [2] Accepted and placed on file the Financial Report.
- [3] **Discussion Item – Sharrows on Marcy Street** – Transportation Planner Juliet Walker updated the Committee on the placement of Sharrows on Daniel Street and State Street and future placement on Marcy Street.
- [4] **Discussion Item – Speed Complaint from Clinton Street Residents** – Parking Division Manager Nelson recommended that the Stealthstat be set up to gather data in this area. The Police representative concurred and there will be a report back to the Committee.
- [5] **Discussion Item – Crosswalk on Parker Street**– Parking Division Manager Nelson reported that this Crosswalk has been installed and there were no parking spaces taken.
- [6] **Action Item – Driveway Permit – 244 Marcy Street** – After a presentation outlining a revised plan, **VOTED** to **DENY** amended driveway permit request for 244 Marcy Street.
- [7] **Action Item – Driveway Permit – 439 Islington Street** - Per the recommendation of the committee after the Site walk was held, **VOTED** to grant the Driveway Permit request for 439 Islington Street as a head in, head out turn around area on site and eliminate on-street parking by extending current no parking zone an additional 180' *Chapter 7, Section 7.330 No Parking, Item 58, Islington Street (e). (This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance)*

Additionally, the Committee will evaluate the administrative process as a whole of driveway permit requests at a future meeting.
- [8] **Action Item – Request for a 4-way Stop @ Bridge and Hanover Streets** – Per the recommendation of the committee after the Site walk was held, **VOTED** to refer to the Public Works Department for a report back.
- [9] **Action Item – Loading Zones on Daniel Street near bridge** – **VOTED** to table for further review.
- [10] **Action Item – Valet License Agreement for Portwalk** – **VOTED** to refer to the Legal Department to finalize review of the agreement and to authorize the City Manager to execute the agreement for a 90 day initial period.

- [11] **Action Item – Leary Field Parking Lot** – **VOTED** to establish the existing Leary Field Parking Lot in Chapter 7, Article IV, Section 7.402. ***(This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance)***
- [12] **Action Item – Water Street** – **VOTED** to table for further review of potential availability and usage of Water Street.
- [13] **Action Item – 135 Gate Street – Request from Jane Nelson for Handicap Space**
- Per the recommendation of the committee after the Site walk was held, **VOTED** to approve the request for a handicap parking space at 135 Gate Street with stipulation that there is a handicap placard or license plate on the requestor's vehicle and that it is non-transferable. **ALSO**, Chairman Smith requested a **report back** as to how these spaces are monitored administratively.
- [14] **Action Item – Atlantic Parking Services:**
- A. **Request for Additional Valet Agreement for Portsmouth Music Hall** - Pending review of the agreement by the Legal Department, **VOTED** to give the City Manager authority to execute agreement for a trial period of 30 days with stipulation that there be no sidewalk signs allowed at this time, and to be revisited at the October 10, 2013 Parking and Traffic Safety Committee meeting.
 - B. **Renewal of Bow Street Valet Agreement** – **VOTED** to extend the Bow Street Valet Agreement with Atlantic Parking Services through June 30, 2014.
 - C. **Proposed City Valet Parking Program** – Chairman Smith requested that the feasibility of a City Valet Parking Program be researched. *No Action at this time.*
- [15] **Public Comment:** There were no speakers.
- [16] **Informational Item** - Parking Division Manager Nelson reported that DPW is replacing 40 sign space coin only meters on Russell and Market Street with Pay and Display machines.

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, September 12, 2013
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Councilor Ken Smith, Chair
John Bohenko, City Manager
Corey MacDonald, Deputy Police Chief
Carl Roediger, Asst. Fire Chief
Peter Rice, Public Works Director
Ronald Cypher, Member
Ted Gray, Member
Harold Whitehouse, Member

Member Absent:

Shari Donnermeyer, Member (Excused)

Staff Advisors Present:

Mark Nelson, Parking Division Director
Tom Cocchiaro, Parking Operations Supervisor
Juliet Walker, Transportation Planner

III. ACCEPTANCE OF THE MINUTES:

Mr. Gray moved to accept the minutes of August 8, 2013, seconded by Assistant Chief Roediger. Motion passed.

IV. FINANCIAL REPORT:

Mr. Cypher moved to accept the Financial Report and place on file, seconded by Mr. Whitehouse. Motion passed.

V. NEW BUSINESS:

A. Discussion Item: Sharrows on Marcy Street

Transportation Planner Juliet Walker gave an update on the installation of sharrows on Daniel Street, State Street and Marcy Street. She stated the Public Works Department have been installing the sharrows on Daniel Street and State Street and are planning to add similar markings along Marcy Street in the near future as the Marcy Street Streetscape Improvement Projects nears completion. She stated that Marcy Street is part of the NH Seacoast Greenway and is also listed as a recommended bicycle route by NHDOT. She concluded stating that these sharrows are intended to reinforce that these are shared roadways and will also provide wayfinding guidance for bicyclists traveling along the designated route.

Mr. Whitehouse asked how this policy is designated. City Manager Bohenko stated it is not an ordinance but is a national federal standard which we are following similar to road lines, etc.

Public Works Director Rice stated that there is nothing being taken away from vehicles but this promotes safety for bicyclists which are also vehicles. City Manager Bohenko stated this is to alert people that the roadway is shared.

Mr. Whitehouse asked if bicyclists have to obey the same road rules as vehicles. Deputy Chief MacDonald stated that bicyclists do have to follow the same rules and need lights on at night etc. He stated the enforcement usually is regarding lane control, stop signs, etc.

Mr. Gray asked if they are required to ride single file. Transportation Planner Walker stated if there is room for them to safely ride 2 bikes side by side, then they are allowed to do so.

No action needed on this item.

B. Discussion Item: Speed Complaint from Clinton Street Residents

Parking Division Manager Nelson stated that there is a 20 mph speed limit sign on one end of the road and a children-at-play sign as well, but the neighbors feel that more is needed as people continue to speed on this road. He stated the Stealthstat will be set up to gather data in this area with a report back.

C. Discussion Item: Crosswalk on Parker Street

Parking Division Manager Nelson explained that the crosswalk has been installed to address the safety issue concern of a resident on Parker Street.

Chairman Smith asked if any parking spaces were lost. Parking Division Manager Nelson stated no spaces were removed.

D. Action Item: Driveway Permit – 244 Marcy

Mr. Gray stated a second site walk was conducted and the same concerns as expressed previously were found to exist.

Attorney Sharon Cuddy Somers stated she was asked by the owner of the property, Christopher Cronin, to address this issue on their behalf. She continued that the issues that were of concern the last time this was heard have been addressed by an engineer and there is a revised plan.

Alex Ross of Ross Engineering reviewed the handout of the map of the property showing the existing conditions and the proposed layout. He stated they are aware that an easement will be needed but have not yet obtained it pending approval. He reviewed the other revisions including; gas and electric meters for Lot 50 to be removed and relocated to allow for adequate width of driveway, shrubs to be removed to allow for adequate site distance, removal of existing concrete wall and install approximately 18' of granite curb, etc. He concluded by stating that they performed a test of the driveway configuration with

several various vehicles and found they were able to enter the site, turn around in the back parking area and exit.

Discussion ensued regarding issues that remain to be of concern to the committee members.

City Manager Bohenko asked when the owners purchased the property and are the residing in the house. Mr. Cronin stated it was purchased in June and they will not be living on the property. He stated that he was told that they would be able to put in a driveway.

Ms. Somers clarified they are not asking for restrictions on the types of cars allowed stating the test cars were for illustration purposes and feels the analysis stands on its own. She stated that this would be like any other property located on the South end, people would have vehicles that are appropriate for the area.

Mr. Gray moved to deny the amended driveway permit request for 244 Marcy Street, seconded by Mr. Whitehouse. Motion passed.

E. Action Item: Driveway Permit – 439 Islington

Public Works Director Rice explained that a site walk was held and it was the consensus that this request be granted. He stated that this request will require additional signage and extending the existing no parking an additional 180' to Dover Street. He stated we would be losing 6 parking spaces.

Public Works Director Rice moved to approve the driveway permit request for 439 Islington Street as a head-in, head-out turn around area onsite and eliminate on-street parking by extending current no parking zone an additional 180' to Chapter 7, Section 7.330 No Parking, Islington Street (e), seconded by Mr. Gray.

City Manager Bohenko asked when they purchased the property. Suzanne Spaulding, owner, replied that they purchased the property in June 2013. She further explained that this will be a rental property with two separate units and they will not be living at this address. City Manager Bohenko stated that this has become an issue that people are buying properties and then requesting these driveways after the fact. He stated that this should be explored prior to the purchase of the property.

Public Works Director Rice moved to table to further evaluate the impact on public parking and to address the process of coming to the committee after the purchase of property for exceptions, seconded by City Manager Bohenko.

Mr. Whitehouse stated that the recommendation of the committee after the site walk was to approve this request.

Ms. Spaulding stated she takes exception to Mr. Bohenko's objection and comments. City Manager Bohenko stated his comments were not meant to be personal but to address a larger issue. He stated he will withdraw his objections to the approval of this request. He stated he would like this Committee to discuss this issue at a future meeting as it affects property value as well as public parking.

Motion to table withdrawn.

Public Works Director Rice stated that the entire process of driveway permitting should be reviewed as a whole.

Deputy Chief MacDonald stated that he feels this particular driveway request and resulting additional no parking restrictions will make the area safer.

Motion to approve passed. (This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance.)

F. Action Item: Request for 4-way Stop @ Bridge and Hanover Streets

Mr. Cypher stated a site walk was held and it is unclear if this area would meet the requirements of the warrants to add a 4-way stop.

Mr. Cypher moved to refer to the Works Department for a report back, seconded by Mr. Whitehouse. Motion passed.

G. Action Item: Loading Zones on Daniel Street near Memorial Bridge

Chairman Smith asked if there had been a request for this Loading zone. Parking Division Manager Nelson stated that it was brought to our attention by staff working in the area but he feels that more information is needed.

City Manager Bohenko moved to table for further review, seconded by Mr. Gray. Motion passed.

H. Action Item: Valet License Agreement for Portwalk

Public Works Director Rice explained that the agreement had been received the day prior to this meeting and there had been no time to review it.

City Manager Bohenko stated that this has been an ongoing issue for several months and feels that we need to move forward.

Public Works Director Rice stated that he has briefly reviewed the agreement but wants the Legal Department to make sure the language is correct.

Tim Levine, Old Harbor LLC, representing 3 entities for valet parking on Portwalk, stated they have had several discussions regarding this agreement and feels that all of the requirements have been met.

Public Works Director Rice moved to refer to the Legal Department to finalize the review of the agreement and to authorize the City Manager to execute the agreement for a 90 day initial period, seconded by Mr. Whitehouse. Motion passed.

- I. Action Item: Leary Field Parking Lot **(This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance.)**

Parking Division Manager Nelson explained that there had been a report of an abandoned vehicle on this lot which brought to his attention that this lot was not listed in the City ordinance.

Public Works Director Rice moved, seconded by Mr. Gray, to establish the existing Leary Field Parking area into Chapter 7, Section 7.402 as follows:

Leary Field Off-Street Parking Area:

The following area to be known as the Leary Field Off-Street Parking is hereby established for off-street parking of motor vehicles said area being more particularly bounded and described as follows:

The approximately 90' x 90' fenced dirt lot that is at the address 161 Rockland Street. The lot number of the property is 0129-0045-0000.

All of said area shall be used for off-street parking not to exceed 72 hours at any one time.

Motion passed.

- J. Action Item: Water Street regulation

Chairman Smith explained that this came from the City Council with Councilor Kennedy requesting handicapped parking at this location.

City Manager Bohenko stated we will need to speak to the Trustees to find out what type of parking etc. can be established at this location.

Mr. Gray moved to table for further review and report back of potential availability and usage of Water Street, seconded by Mr. Cypher. Motion passed.

- K. Action Item: 135 Gate Street – Request from Jane Nelson for Handicap Space

Mr. Whitehouse stated that a site walk was held at this location and it was determined that the need does exist for the requestor.

Mr. Whitehouse moved to approve the request for a handicap parking space at 135 Gate Street with the stipulation that there is a handicap placard or license plate on the requestor's vehicle and that it is non-transferable, seconded by Mr. Gray.

Chairman Smith stated he would also like a report back as to how these spaces are monitored administratively. Public Works Director Rice stated there is an annual evaluation conducted.

Motion passed.

L: Action Item: Atlantic Parking Services:

1. Request for Additional Valet Agreement for Portsmouth Music Hall
(There were no copies of the agreements available prior to the meeting)

Brian Slovenski of Atlantic Parking Services explained that they previously provided valet services for the Music Hall which was discontinued due to financial issues. Chairman Smith suggested that this be granted for a 90 day trial period.

City Manager Bohenko stated he has concerns with the narrow streets and doesn't feel that they will be able to stack the vehicles.

Mr. Slovenski explained that they had done this previously even in the winter with snow on the streets. He stated that there is an area within the Music Hall which people will wait for their cars to be brought forward.

City Manager Bohenko stated he is also concerned with the placement of A-frame signs at this time. He asked what is the timeline of beginning this service at the Music Hall. Mr. Slovenski stated as soon as possible.

Chairman Smith suggested a 30 day trial period.

City Manager Bohenko asked if there are any events in the 30 day period so that we can observe how this works out. Mr. Slovenski stated yes.

Pending review of the agreement by the Legal Department, Public Works Director Rice moved to grant the City Manager authority to execute agreement for a trial period of 30 days with stipulation that there be no sidewalk signs allowed at this time, and to be revisited at the October 10, 2013 Parking and Traffic Safety Committee meeting, seconded by City Manager Bohenko. Motion passed.

2. Renewal of Bow Street Valet Agreement

Brian Slovenski explained that they have rectified the previous issues at this location with new managers and a new group of parkers and feels there will be no more problems going forward.

City Manager Bohenko moved to extend the Bow Street Valet Agreement with Atlantic Parking Services through June 30, 2014, seconded by Mr. Cypher. Motion passed.

3. Proposed City Valet Program

Chairman Smith explained that this program has been suggested in several parking reports and feels that the conversation needs to be started. He stated there had been a valet service previously at 18 Congress Street that was not specific to any business. He requested that the feasibility of a City Valet Parking Program be researched administratively and would like Mr. Slovenski included in the conversation. He stated that his involvement would not mean that they would get the contract as there would be an RFP process.

Mr. Whitehouse asked if the current valet parking programs are working well. Mr. Slovenski replied yes and that they create approximately 130 extra spaces an evening and utilize otherwise unused private lots.

VI. OLD BUSINESS: NONE

VII. PUBLIC COMMENT

There were no speakers.

VIII. INFORMATIONAL:

- A. DPW replacing 40 single-space-coin-only meters on Russell and Market St w/ Pay & Display machines

Parking Division Manager Nelson reported that DPW is replacing 40 single space coin-only meters on Russell and Market Street with Pay and Display machines. He stated that almost all of the metered spaces have coin and credit card capability.

IX. ADJOURNMENT

Mr. Whitehouse moved to adjourn at 9:25 a.m. Seconded by Mr. Cypher and voted unanimously.

MEMORANDUM

TO: John Bohenko, City Manager
FROM: Mary E. Koepenick, Planning Department
SUBJECT: Board of Adjustment Minutes
DATE: September 24, 2013

The approved Minutes of the following Board of Adjustment meetings are now available for review on the City's website:

July 16, 2013