

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 18, 2013 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PERSONNEL MATTERS
RSA: 91-A:2, I (b-c)

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

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this meeting)*

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF UP TO ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES WITHIN THE PLANNING DEPARTMENT FOR DESIGN REVIEW TOOLS

VIII. APPROVAL OF GRANTS/DONATIONS

There are no items on under this section of the agenda

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time
- B. First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District
- C. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning)
- D. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance - Miscellaneous Conforming Amendments
- E. Adoption of Resolution Authorizing a Supplemental Appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000.00) from Unassigned Fund Balance for necessary Expenditures within the Planning Department for Design Review Tools.
(Two-thirds vote required for passage)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Zachary Taylor and Alex Marshall, Co-Founders, Santa Ski NE requesting permission to hold Santa Ski New England 2013 on November 30, 2013 on the premises of the Isles of Shoals Steam Ship Company ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Doug Bates, President Portsmouth Chamber of Commerce, requesting permission to hold the following races for the 2014 Portsmouth Community Road Race Series:
- Great Bay Services – Resolution 5K - January 1, 2014
 - Easter Seals Veteran’s Count, Pack & Boots 5K – May 17, 2014
 - Sex Assault Support Services – 5k to Keep Kids Safe – June 8, 2014
 - Portsmouth Rotary Club – Thunder Chicken – August 23, 2014
 - Breast Cancer Stories – Celebrate Pink – September 13, 2014
 - Prescott Park Arts Festival/Community Child Care Child – ISM Memorial 5k – October 11, 2014
 - Seacoast Rotary Club – Turkey Trot – November 27, 2014
- (Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Tracey Tucker, Executive Director, New Heights, requesting permission to hold 5th annual St. Paddy’s 5 Miler on Sunday, March 16, 2014 at Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kim Blanchard, Development Coordinator, National Multiple Sclerosis Society, Greater New England Chapter, requesting permission to hold 2014 Walk MS Portsmouth in Saturday, April 12, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Karen Butz Webb, Executive Director, Project Safety Association, requesting permission to hold 3rd Annual Project Safety 5K Road Race on Saturday, September 29, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- F. *Acceptance of Donations for Art-Speak
- Robin Albert - \$175.00
- (Anticipated action – move to accept and approve the donations to Art-Speak for the General Administration line item, as presented)***
- G. Acceptance of Donation to the Coalition Legal Fund
- Town of Bridgewater - \$1,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***

- H. Request for License from Barbara Newton, President of The Player's Ring, for property located at 105 Marcy 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 Barbara Newton, President of the Player's Ring, for a projecting sign at property located at 105 Marcy 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 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***

- I. Request for License from Enrico's Management, LLC, owner of Enrico's Deli for property located at 41 Congress 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 Enrico's Management, LLC, owner of Enrico's Deli for a projecting sign at property located at 41 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 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***

- J. Request for License from John Bajoras, owner of Village Silversmith, for property located at 75 Congress 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 John Bajoras, owner of Village Silversmith for a projecting sign at property located at 75 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 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**

K. Request for License from Dave Campbell, owner of Ceres Street Wine for property located at 39 Ceres 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 Dave Campbell, owner of Ceres Street Wind for a projecting sign at property located at 39 Ceres 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 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**

L. Request for License from Jessica Roy, owner of Pawtsmouth Grooming Salon for property located at 85 Daniel 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 Jessica Roy, owner of Pawtsmouth Grooming Salon for a projecting sign at property located at 85 Daniel 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 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**

- M. Request for License from Karen Hayes and Betsy Montgomery, owner of Pretty Poppy for property located at 45 Market 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 Karen Hayes and Betsy Montgomery, owner of Pretty Poppy for a projecting sign at property located at 45 Market Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director’s Stipulations:

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Steven Wilson Re: 143 Daniel Street- Exchange of Easements ***(Sample motion – move to refer to the Planning Board for a report back)***
- B. Letter from James G. Boyle, Trustee, 150 Greenleaf Realty Trust Re: Sewer Line ***(Sample motion – move to accept and place on file)***
- C. Letter and Petition from Islington Creek Neighborhood Association Re: Full-time Professional Management - 21 Brewster Street

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:
- 1.1 First Reading of Proposed Ordinance amendment to Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time ***(Action on this matter should take place under Section IX of the Agenda)***
- 1.2. First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District ***(Action on this matter should take place under Section IX of the Agenda)***

- 1.3. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) **(Action on this matter should take place under Section IX of the Agenda)**
- 1.4. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments **(Action on this matter should take place under Section IX of the Agenda)**
2. Public Hearings and Adoption of Proposed Resolutions
 - 2.1. Public Hearing and Adoption of Resolution Authorizing a Supplemental Appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000.00) from Unassigned Fund Balance for necessary Expenditures within the Planning Department for Design Review Tools **(Action on this matter should take place under Section IX of the Agenda)**

City Manager's Items Which Require Action

1. License Request Re: Insurcomm, 30-32 Daniel Street
2. Boarding House License Extension Re: 21 Brewster Street

Informational Items

1. Events Listing
2. Economic Development Commission Quarterly Report
3. Report Back Re: Request from Tom Morgan regarding Historic District Area Extension

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Lisa Comack – Appointment to Zoning Board of Adjustment – Alternate
 - Gibson “Mike” Kennedy – Appointment to Planning Board – Alternate
2. Resignation:
 - Richard DiPentima from the Conservation Commission

C. COUNCILOR LOWN

1. Letter from Bert Cohen, Chairperson of the Mayor's Blue Ribbon Committee on Sustainability Re: Septic Sludge Treatment **(Sample motion – move to refer to the City Manager for a report back)**

D. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 10, 2013 meeting **(Sample motion – move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of October 10, 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 Board of Adjustment Minutes of the July 17, 2012 meeting are available on the City's website for your review

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

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

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

6:00 p.m. – Non-meeting with counsel.

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

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Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolution and Ordinance Amendments:**

- 1.1 **First Reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time.** Attached under Section IX of the Agenda is a proposed Ordinance amending Chapter 7, Article IV, - 7.402 Areas Established, Designated and Described, Off-Street Parking Areas, add Leary Field Parking Area, not to exceed 72 hours at one time.

In reviewing the minutes of the Parking and Traffic Safety Committee meeting of September 12, 2013 which were accepted by the City Council on October 7, 2013, City Attorney Robert Sullivan noted that the Committee wishes to proceed with establishing the parking area at Leary Field as a designated off-street parking area. The City Attorney discussed this matter with Committee Chairman Ken Smith and it was agreed that the best way to accomplish the Committee's goals would be to bring the required ordinance forward for first reading at the next available meeting of the City Council.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 2, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

1.2 **First Reading of Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.630 - Historic District.**

As a result of the October 21st City Council meeting, under Section IX of the Agenda, I am bringing for first reading the attached proposed amendments to the Zoning Ordinance regarding administrative procedures for the Historic District, which have been requested by the Historic District Commission (HDC). The proposed amendments make the following changes:

1. Include a provision to allow for limited administrative approvals by City staff for very small projects such as field changes or minor changes to a previously approved Certificate of Approval. The purpose of this amendment is to reduce the HDC's caseload and thereby to free up meeting time and resources for reviewing larger, more complex projects.
2. Require applicants to submit electronic copies of plans, rendering and other application material for all projects requesting approval from the HDC. The purpose of this amendment is to enable the Planning Department to post such plans and associated materials on the City's web site for public viewing in advance of the meeting, and to facilitate presentations at work sessions and public hearings.
3. Require plans to be scaled to assist the HDC and members of the public in interpreting and evaluating proposed new buildings and modifications to existing buildings. In addition, require large projects (over 10,000 sq. ft. of new floor area) to submit an electronic or physical model of the proposed building. The purpose of this amendment is to assist the HDC and the public to evaluate the height and scale of the proposed building within the context of the surrounding neighborhood.
4. Include a provision to allow the HDC to approve small projects through a Consent Agenda process. The purpose of this amendment is to help expedite the review of small projects and to free up meeting time and resources for the review of larger, more complex applications.

The attached proposed amendments differ in one respect from the version originally presented by the Planning Department. That draft inadvertently omitted a wording change in the first sentence of Section 10.634.20, to require site plans to be "scaled." This led to some confusion at the October 21st meeting. As noted under #3 above, that omission has been corrected in the version being presented for first reading.

Nick Cracknell, Principal Planner, will be making a presentation on this matter on Monday evening.

I would recommend the City Council move to schedule for second reading and public hearing the proposed amendments to the Zoning Ordinance, as presented, at the December 2, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

1.3 **First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning).**

As a result of the October 21st City Council meeting, I am presenting for first reading a proposed amendment to the Zoning Ordinance to implement Character-Based Zoning (aka Form-Based Zoning) in the downtown area. As you know, the Planning Department and the City's consultants, Town Planning and Urban Design Collaborative (TPUDC) have been working throughout 2013 on a "form-based zoning" study for a large portion of the Central Business District and adjacent areas.

Consideration of the form-based zoning approach is in response to growing concern among residents that the scale and style of new developments are not fitting into the downtown's historic character. Compared to the City's existing Zoning Ordinance, form-based zoning places more emphasis on the forms of buildings (versus their use) and their relationship to the street and to each other. The attached proposed ordinance, under Section IX of the Agenda, being presented for first reading is referred to as "character-based" zoning in order to emphasize this focus on encouraging development that fits into the City's historic character.

This project began with a detailed building-by-building analysis of the study area, including an inventory of lot and building dimensions and architectural features. In June, TPUDC led a design charrette at which many residents, property owners and City officials contributed their concerns, ideas and suggestions. Since then, the staff and consultants have worked through several drafts of the proposed ordinance, and the Planning Board has reviewed the ordinance in two work sessions. Following the October 21st City Council meeting, the Planning Board held a public hearing on the proposed ordinance on October 24th, and considered it further in a special meeting on October 31st.

The proposed ordinance is based on the historic design character of downtown Portsmouth and seeks to encourage new buildings and developments that fit in well with the surrounding context. The goal of this effort is to create zoning regulations that promote development that not only respects the historic character, but actually strengthens and enhances that character by filling in holes in the urban fabric with high-quality buildings.

In addition to the format changes, this draft of the ordinance includes several changes from the version presented on October 21st City Council meeting.

1. In response to concerns raised at the City Council meeting, the building height requirements were amended by adding specific maximum heights in feet to the maximum number of stories. This change appears in both the text (at Section 10.5A55.35, on page 5A-37) and in the legend of Map 19.5A21B (Special Requirements: Specific Building Height Requirement Areas).
2. A second set of concerns raised at the City Council meeting related to the "Architectural Standards and Guidelines" (Appendix A in the October 17 draft). Council members questioned whether the proposed Standards and Guidelines were too restrictive and, more importantly, whether they reflected a true community consensus about design of future buildings. In addition, it was not clear how the proposed design standards for the Character-Based Zoning Area would relate to the future design standards for the Historic District, for which the HDC is requesting funding. In response to these concerns, this portion has been removed from the ordinance as a freestanding document, and the mandatory "standards" have been rewritten as advisory "Interim Architectural Design Guidelines." In the proposed ordinance, Section 10.5A59 now refers to guidelines "adopted for the Character Districts or for the Historic Districts generally," and states that these interim guidelines shall apply until permanent ones have been adopted by the HDC and approved by the City Council.

At its special meeting on October 31, 2013, the Planning Board voted unanimously to recommend that the ordinance be enacted with the following changes:

- Correct minor typographic errors on the maps;
- Revise the wording of Sections 10.5A13.31 and 10.5A13.32 to make the intent clearer regarding existing sections of the Zoning Ordinance that will and will not apply within the Character Districts;
- Delete the previous Section 10.5A31.13, which would have subjected construction of a new street or change in the design of an existing street to zoning review.

The attached revised draft Article 5A, dated November 18, 2013, reflects the Planning Board's recommended changes and incorporates the illustrations and tables which were printed separately in the previous version. In addition, as noted above, the Architectural Standards and Guidelines previously proposed as an Appendix to Article 5A are now set forth in a separate document entitled "Interim Architectural Design Guidelines." These guidelines will not be printed as part of the Zoning Ordinance, but will be incorporated in the Ordinance by reference.

Finally, the maps referred to in Section 10.5A14.10 of the proposed ordinance, which together constitute the Zoning Map for the Character-Based Zoning Area, are now printed together on a single large-format sheet (see attached). These would be adopted under the second paragraph of the proposed ordinance.

As requested by the City Council, the Historic District Commission has also reviewed the proposed zoning amendments. At its meeting on November 13, 2013, the Commission voted to recommend that the Character-Based Zoning amendments be adopted as revised by the Planning Board.

As part of its review of the proposed zoning amendment, the HDC also reviewed the Interim Design Guidelines that are referenced in the ordinance and attached in your packet. On November 13, 2013, the Commission voted to recommend several amendments to the Interim Design Guidelines. However, because this vote was taken after the close of the Planning Board's public hearing and after the close of the agenda for the November 18 City Council meeting, the HDC's recommended amendments to the Interim Design Guidelines will be presented at 2nd reading on the Character-Based Zoning.

Rick Taintor, Planning Director, will be making a presentation on this matter on Monday evening.

I would recommend the City Council move to schedule second reading and public hearing on the attached Ordinance dealing with form-based zoning, which is entitled Article 5A – Character Districts, at the December 2, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

1.4. **First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Miscellaneous Conforming Amendments.** As a result of the October 21st City Council meeting, under Section IX of the Agenda, I am presenting for first reading the attached Ordinance which includes a set of proposed amendments to the Zoning Ordinance that will be required if the Council votes to adopt the proposed Article 5A – Character Districts. These “conforming amendments” to other sections of the Zoning Ordinance would make the following changes:

- Add references to the new Character Districts in the listing of Zoning Districts (Sec. 10.410), the description of the Downtown Overlay District (Sec. 10.641.10) and the listing of Sign Districts (Sec. 10.1230);
- Incorporate into the Zoning Map, by reference, the Regulating Plan maps, along with two other maps that describe areas subject to special zoning regulations;
- Add a cross-reference in Article 15 to definitions in the new Article 5A.

The proposed “conforming amendments” also include several substantive changes to the off-street parking provisions of the Downtown Overlay District: parking setbacks from certain streets are reduced from 30 feet to 24 feet, the list of such

streets is expanded, and the setback requirement is changed to apply only to above-ground parking areas (i.e., off-street parking in basement levels would not have to be set back from the street).

The Planning Board considered these proposed amendments in its public hearing on October 24th and its special meeting on October 31st, and voted unanimously to recommend that these amendments be enacted as presented.

I would recommend the City Council move to schedule second reading and public hearing on the attached Ordinance dealing with conforming amendments at the December 2, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing of Proposed Resolution:**

2.1 **Public Hearing and Adoption of Proposed Resolution Authorizing a Supplemental Appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000) from Unassigned Fund Balance for Necessary Expenditures Within the Planning Department for Design Review Tools.** At its October 21st meeting the City Council voted to schedule a public hearing on the attached proposed Resolution authorizing a supplemental appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000) from unassigned fund balance for necessary expenditures within the Planning Department for the following three design review tools to assist the Historic District Commission in its design review responsibilities:

1. 3-D Model for Building in Downtown Portsmouth: In the past ten years, the Historic District has witnessed several major commercial and residential development projects. These projects have involved large buildings that both fill the lot and maximize the building height allowed under the Zoning Ordinance. In reviewing these development proposals, the HDC has had to rely exclusively on plans, elevations and renderings submitted by the applicant in order to assess and determine whether the proposed building volume and height is appropriate for the site. The wide variability in both the quality and effectiveness of these submission materials has made the evaluative process challenging, and it is clear that better information is needed for the HDC to adequately fulfill its design review responsibilities.

As one response to this need for information, the HDC proposes to engage an outside consultant to develop an electronic three-dimensional model of existing buildings in the core commercial areas of the downtown area, using the City's Geographic Information System and extensive database as the foundation. City staff will provide the baseline data to the consultant and will assist with implementation and management of the system. The scope for the proposed project includes modeling approximately 215 buildings, applying texturing to the models (images showing the exterior features of the building)

and providing technical assistance to integrate the models into the City's GIS. Once this modeling project is complete, City staff will be able to insert compatible electronic models of new major development proposals into the City's model for review and analysis. Estimated cost: \$50,000.

2. Building Design Guidelines: The HDC is proposing to develop a set of detailed Design Guidelines to assist in the preservation of Portsmouth's historic buildings by providing technical guidance to residents and their contractors in planning changes and additions to their homes. The Guidelines will be created by a consultant under contract with the City, working with the HDC and Planning Department staff.

The proposed Design Guidelines document will expand on guidelines prepared in the 1970s for new construction and building additions in the Historic District. The document will identify the major architectural styles in the City, illustrated with photographs of actual Portsmouth buildings; and will include detailed examples of both historically appropriate and inappropriate building changes. While the focus will be on maintaining and restoring historic buildings within the Historic District, the information contained in the Design Guidelines will also be useful to owners of older buildings outside the District.

By highlighting the design and detailing of the styles, the Guidelines will serve to increase public awareness of the quality and diversity of Portsmouth's historic homes and in turn assist in their preservation. Products will include hard copies of the Design Guidelines document that will be available free to the property owners within the District, and a digital editable version of the Guidelines for the City website and future printing. Estimated cost: \$50,000.

At the Historic District Commission meeting of November 13th, the Commission requested that the City Council receive a copy of the Example Design Guidelines from the City of Newton, Massachusetts. We will have hard copies available at the meeting on Monday evening and City Council members may view this document on the City's Website at <http://www.planportsmouth.com/CityofNewtonDesignGuidelines.pdf>.

3. Update the Historic Survey of the Historic District: In 1982, the Portsmouth Advocates completed an historic survey of properties in the Historic District. The survey inventoried and assessed all 850 properties in the District and rated each structure as either "focal," "contributing" or "non-contributing." The HDC regularly uses this information in its review of applications for Certificates of Approval.

In 1995, the original Historic District was expanded down Middle Street to Middle Road, down Islington Street to Dover Street, and along Dennett

Street to Walker Street. In 2009, the District was further expanded along Islington Street to the Brewery District and along Middle Street to South Street, along with a small extension on New Castle Avenue. These two expansions added approximately 170 properties to the District, and increase of 20 percent. Unlike the original Historic District, the properties added in the 1995 and 2009 expansions of the District were never reviewed using a standardized historic assessment and rating system.

The HDC is proposing that an historic survey comparable to the 1982 survey be conducted for approximately 200 properties: the 170 properties that have been added to the Historic District since 1982, and about 30 additional properties that are currently being considered for inclusion in the District along Richards Avenue, Summer Street and Austin Street. Detailed historic district survey forms would be developed for each structure, documenting its age, historic name, rating, architectural style, materials and any specific features. A consultant under contract with the City would update the survey data working with the HDC and Planning Department staff. Estimated cost: \$50,000.

Each of these projects would involve developing a Request for Proposals and selecting a consultant. It is anticipated that the electronic modeling project would be completed in 4-6 months after consultant selection, and that the other two projects could be completed in 6-8 months. The total funding for this project is estimated at \$150,000.

Nick Cracknell, Principal Planner, and Joe Almeida, Chair of the Historic District Commission, will be available at Monday's meeting to answer questions about this request.

I would recommend the City Council move to adopt the proposed Resolution authorizing a supplemental appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000) from unassigned fund balance for necessary expenditures within the Planning Department for Design Review Tools. (Please note that Bonding Resolutions require two readings and a public hearing and two-thirds vote of the City Council.) Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donation for Art-Speak.** Art-Speak requests that the following donation to support Art-Speak's General Administration line item be accepted by the City Council on behalf of Art-Speak:

➤ Robin Albert \$175.00

I would recommend the City Council move to accept and approve the donation to Art-Speak for the General Administration line item, as presented. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donation to the Coalition Legal Fund.** The Town of Bridgewater has donated funds in the amount of \$1,000.00 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 X of the Agenda.

3. **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):

- Barbara Newton, President of The Player's Ring for property located at 105 Marcy Street
- Enrico's Management, LLC, owner of Enrico's Deli for property located at 41 Congress
- John Bajoras, owner of Village Silversmith for property located at 75 Congress Street
- Dave Campbell, owner of Ceres Street Wine for property located at 39 Ceres Street
- Jessica Roy, owner of Pawsmouth Grooming Salon for property located at 85 Daniel Street
- Karen Hayes & Betsy Montgomery, owner of Pretty Poppy for property located at 45 Market Street

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

City Manager's Items Which Require Action:

1. **License Request Re: Insurcomm, 30-32 Daniel Street.** Insurcomm requests a license through January 17, 2014 to encumber the sidewalk in front of 30-32 Daniel Street to complete restoration work following the fire at that location. The restoration work is currently being completed under an encumbrance permit which is due to expire December 5, 2013. See attached picture of the existing scaffolding.

Staff has no objection to the grant of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit. The scaffolding may be reduced or removed for a short period of time while the owners finalize restoration plans for the next phase of work. There is anticipated to be intermittent use of metered parking spaces which will be handled by purchase of meter bags.

See attached picture of the area which is presently encumbered with walk-through scaffolding.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Insurcomm to facilitate restoration activities at 30 - 32 Daniel Street.

2. **Boarding House License Extension Re: 21 Brewster Street.** As you may recall, on August 19th of this year, the City Council voted to grant a 3 month extension of the Boarding House Permit for 21 Brewster Street. That was the third 3 month extension of this permit. Attorney Dan Hoefle will be in attendance at Monday evening's meeting to speak on behalf of the owner, Brian Hogan. City Staff completed an inspection of the property on Wednesday, November 13th and found that site is in compliance with all health and building issues. The permit expiration should expire on March 4, 2014, which is the same date as the other two Boarding House Permits. Attached is a copy of the draft Boarding House Permit.

Also, please note that under Section XI of the Agenda is a letter and petition submitted by the Islington Creek Neighborhood Association, regarding this matter.

I would recommend the City Council move to extend the Boarding House Permit for 21 Brewster Street, with stipulations as requested by the City Council, to March 4, 2014 to put it on the annual permit cycle with the other two boarding house permits.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on October 21, 2013. In addition, this now can be found on the City's website.

2. **Economic Development Commission Quarterly Report.** At the November 1, 2013 Economic Development Commission (EDC) meeting, Chamber of Commerce Tourism Manager Valerie Rochon reported on tourism for the period April 30, 2013 – October 31, 2013. As you may recall, the attached report is part of the City of Portsmouth and Chamber of Commerce partnership for which the Council has requested copies of the semi-annual reports presented to the EDC.

3. **Report Back Re: Request from Tom Morgan regarding Historic District Area Extension.** As you may recall, at the May 20, 2013 City Council meeting, the Council referred the attached letter from Tom Morgan requesting the Historic District area extension, to the Planning Board for a report back to the City Council. Attached is a memorandum from Rick Taintor, Planning Director, outlining this matter. At the October 21st Planning Board meeting, the Board voted unanimously to recommend against the proposed extension. Please note in the Rick Taintor memorandum that the Planning Board members felt that any expansion of the Historic District should be done in the context of a larger planning study, rather than adding two small areas to the District in isolation from the surrounding areas.