

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 4, 2014 TIME: 6:15PM

AGENDA

- 6:15PM – WORK SESSION RE: POLICE DEPARTMENT SPACE NEEDS STUDY – POLICE COMMISSION, POLICE CHIEF DUBOIS AND CONSULTANTS LAVALLEE/BRENSINGER ARCHITECTS – WILL GATCHELL AND IAN REEVES

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Report Back from Fire Chief Steve Achilles Re: Rail Transportation of Liquid Propane Gas

V. ACCEPTANCE OF MINUTES – APRIL 21, 2014

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant and Donation
 - Acceptance of Grant from Seacoast CrimeStoppers to underwrite the 2015 Citizen Police Academy and a portion of the 2014 Academy - \$6,600.00
 - Acceptance of Donation from William Mortimer in support of the Portsmouth Police Explorers - \$25.00

(Sample motion – move to accept and approve the grant and donation to the Portsmouth Police Department, as listed)

VIII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 15, DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, ARE HEREBY AMENDED BY ADDING THE FOLLOWING NEW TERM AND DEFINITION: BUILDING FOOTPRINT – THE HORIZONTAL AREA OF A LOT COVERED BY THE BUILDING, EXCLUDING (A) GUTTERS, CORNICES AND EAVES PROJECTING NOT MORE THAN 30 INCHES FROM A VERTICAL WALL, AND (B) STRUCTURES LESS THAN 18 INCHES ABOVE GROUND LEVEL SUCH AS DECKS AND PATIOS

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance (***Sample motion – move to pass first reading on the proposed Ordinance amendment and schedule a public hearing and second reading at the August 18, 2014 City Council meeting***)
- B. First Reading of Ordinance amending Chapter 10, Article 15, Section 10.1530 by the addition of the following new definition – Commercial Gambling Operation
- C. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts (***Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014, City Council meeting, and further, recommend that this matter be referred to the Planning Board for a report back to the City Council***)
- D. Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios (***Sample motion – move to pass second reading on the proposed Ordinance amendment and hold third and final reading at the August 18, 2014 City Council meeting***)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for License from Bruce Dupont, owner of Menemsha Blues Portsmouth for property located at 1 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 Bruce Dupont, owner of Menemsha for a projecting sign at property located at 1 Congress Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall 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***

B. Request for License from Gale Gertler, owner of Southwest Passage for property located at 214 State 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 Gale Gertler, owner of Southwest Passage for a projecting sign at property located at 214 State Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director’s Stipulations:

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

C. Request for License from Sara Sullivan, owner of Sara Sullivan, for property located at 24 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 Sara Sullivan, owner of Sara Sullivan, for a projecting sign at property located at 24 Congress Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall 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***

- D. Request for License from Chi Zhang, owner of Dozo Restaurant, for property located at 96 State 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 Chi Zhang, owner of Dozo Restaurant, for a projecting sign at property located at 96 State Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall 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***

- E. *Acceptance of Membership Dues to Art-Speak

- Strawberry Banke Museum - \$100.00
- NH Art Association - \$125.00
- Portsmouth Public Library - \$150.00
- Raka - \$150.00

(Anticipated action – move to accept and approve the Charter Membership Dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)

- F. *Acceptance of Donations to Art-Speak

- Tim Allison - \$25.00
- Joyce G. Volk - \$25.00
- Elaine S. Krasker - \$50.00
- Jameson S. French - \$100.00
- Dana and Shaula Levenson - \$100.00
- Coughlin, Rainboth, Murphy & Lown - \$150.00

(Anticipated action – move to accept and approve the donations to Art-Speak, as listed)

- G. Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to close Pleasant Street on Saturday, June 20, 2015 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (Rain date of Sunday, June 21, 2015) ***(Anticipated action – move to refer to the City Manager with power)***

- H Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold the 18th Annual Run with the Cause 5k Road Race at Pease International Tradeport on September 1, 2014 at 9:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from The Citywide Neighborhood Steering Committee, requesting that a policy be put in place that would include communication with the State of New Hampshire Department of Transportation regarding sound barriers during any construction project (**Sample motion – move to refer to Mayor Lister to work with NHDOT Commissioner with a report back to the City Council**)
- B. Letter from Bernard Pelech, Attorney, Law Office of Wholey & Pelech, regarding Request for Restroation of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35) (**Sample motion – move to refer to City staff for review and report back at the August 18, 2014 City Council meeting**)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICALS

A. CITY MANAGER

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, Vehicles, Traffic and Parking Omnibus Ordinance (**Action on this item should take place under Section IX of the agenda**)
 - 1.2 First Reading of Ordinance amending Chapter 10, Article 15, Section 10.1530 by the addition of the following new definition – Commercial Gambling Operation (**Action on this item should take place under Section IX of the agenda**)
 - 1.3 First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts (**Action on this item should take place under Section IX of the agenda**)

2. Public Hearing/Adoption of Proposed Resolution and Ordinance Amendments:
 - 2.1 Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios
(Action on this item should take place under Section IX of the agenda)

City Manager's Items Which Require Action:

1. Request to Establish City Council Retreat
2. Rescission of Bond Authorization for Various Projects
3. Request for First Reading Re: Various FY15 Capital Plan Projects
4. Report Back Re: Portsmouth Cottage Senior Hospital Authorizing CDBG Loan
5. Polling Hours for September 9, 2014 State Primary Election
6. Request for a Encumbrance Permit (Sidewalk Closure) for Construction Project at 185 Austin Street for an Additional Period of Six Months
7. Request for First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 - Prohibited Conduct by Taxi Medallion Holders or Owners
8. Report Back Re: Architectural Design Review Outside the Historic District

Informational items

1. Events Listing
2. Report Back from Chairs of Planning Board, Historic District Commission and Board of Adjustment Re: Workload
3. Report Back Re: Helicopters
4. Update on Report Back Re: Peirce Island Archaeological Study
5. Status of Transfer Re: Paul A. Doble Army Reserve Center
6. Report Back Re: Request for Enhanced Lighting of Commercial Alley
7. Update on the Schedule for the Phase 2 of the Character-Based Zoning Project
8. Report Back Re: Off-Street Parking Requirements for Conference/Convention/Event Centers
9. Report Back Re: Building and Development Compliance with Land Use Boards
10. Report Back Re: Enforcement of Land Use Regulation Violations

B. MAYOR LISTER

1. Appointment to be Considered:
 - Cristy Cardoso – reappointment to the Citywide Neighborhood Committee

2. Appointments to be Voted:
 - Robert Capone to the Cable Television and Communications Commission
 - Matthew Cardin as an Alternate to the Conservation Commission
 - Vincent Lombardi as an Alternate to the Historic District Commission
 - Mary Lou McElwain as an Alternate to the Parking and Traffic Safety
 - Lisa Louttit to the Recreation Board
 - Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment
3. Acceptance of Resignations:
 - Alicia Weaver resignation from Citizens Advisory Committee
 - John Weaver resignation from Library Board of Trustees
4. Letter from Police Commission Chairman John F. Golumb response to motorcycle noise and speeding enforcement throughout the City
5. Letter from Governor Margaret Hassan Re: Proposed Expansion of Sea-3 Facility in Newington
6. Letter to Governor Margaret Hassan Re: Sound Barriers

C. ASSISTANT MAYOR SPLAINE

1. *Resolution Supporting Market Basket Employees
2. *Atlantic Heights Emergency Access
3. *Unattended Buildings Status Review

D. COUNCILOR KENNEDY

1. *Noise Issues Citywide

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 10, 2014 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the July 10, 2014 Parking and Traffic Safety Committee meeting***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. *Notification that the minutes of the January 28, 2014, March 18, 2014 and April 29, 2014 Zoning Board of Adjustment meetings are now available on the City's website

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



PORTSMOUTH, NEW HAMPSHIRE

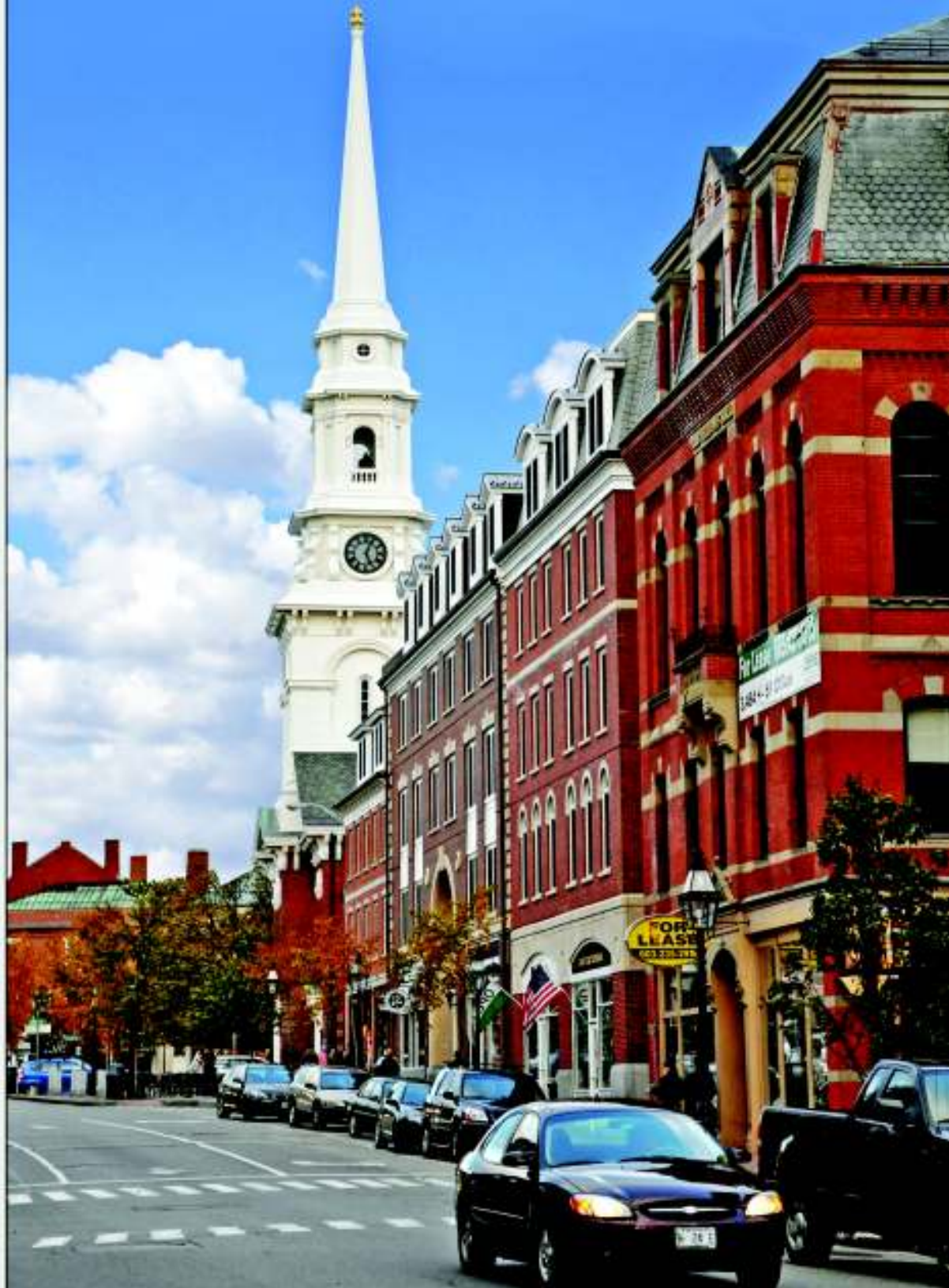
Police Department Facility Study

LAVALLEE|BRENSINGER ARCHITECTS

Manchester, NH

in association with:

ARCHITECTS DESIGN GROUP



August 4, 2014

Mr. Stephen DuBois
Chief of Police
Portsmouth Police Department
3 Junkins Avenue
Portsmouth, New Hampshire 03801

**RE: Portsmouth Police Department
Detailed Spatial Needs Assessment – Summary Report
ADG Project No. 910-13**

Dear Chief DuBois:

Architects Design Group (ADG), in association with Lavallee Brensinger Architects (LBA), is pleased to present the summary report of our building programming study, for the proposed new headquarters for the Portsmouth Police Department (PPD). The ADG/LBA Team has met with and interviewed all key personnel within the department to better familiarize ourselves with the operational and organizational structure of the organization.

We have completed the Spatial Needs Programming with the direct input of the PPD staff, the PPD Commission, John P. Bohenko, City Manager, Peter Rice, Director of the Department of Public Works, and have concluded that the facility requirements for the proposed new headquarters should entail the spatial allocations identified within the following chart.

Spatial Need:

The programming documentation process began with the issuance of our detailed questionnaire to the key staff members. The staff, in turn, completed the questionnaires that were provided, with the questionnaire focusing on specific areas such as historic staffing levels, services provided by each Unit, requirements for specialized equipment, operational adjacencies, technology requirements, and a general assessment of their current working environment. In the initial effort, interviews and facility tours were conducted. These interviews were just the beginning of the documentation process.

The ADG/LBA architectural team developed a draft report of each interview, then met a second time with the staff representatives to qualify that the information was accurately defined. A significant emphasis was put into the identification of spaces that could be shared, or multi-purpose, in our collective efforts to streamline the efficiency of the documented spatial needs



resulting in the program attached within this report. A third review of the spatial allocations was conducted with the staff and additional reductions were discussed and incorporated into the final report to further increase the efficiency of the program.

SPATIAL NEEDS Portsmouth Police Department			
Current / Year	Year 2015	Year 2025	Year 2035
	62,252 SF	64,429 SF	66,005 SF

The proposed facility program for a new facility includes the following areas as noted:

- Public Access Areas
- Admin: Office of the Chief
- Admin: Personnel and Training
- Records and Courts
- Patrol Division
- Booking and Intake
- IT / Communications
- Auxiliary
- Detectives Division
- Computer Crimes
- S.E.R.T.
- Property and Evidence
- Fleet Maintenance
- Firing Range
- Facility Services
- Facility Support Areas

Consideration has been given to combining the Firing Range and the Fleet Maintenance program components into a combined, two-story stand-alone structure. This facility would equate to 16,657 SF leaving the PDHQ at 49,348 SF. Alternatively there is a consideration of combining a Police Department Parking Garage and Firing Range into a single three-story structure.

Police headquarter facilities are best located in downtown areas where they can have a direct and positive impact on the urban core. Understanding the land constraints in downtown Portsmouth, consideration has been given to multiple development options that limit site size requirements. These include: a taller and more compact headquarters, parking structure / firing range, and stacked firing range / fleet maintenance facility.

Department History:

The Portsmouth Police Department currently occupies 38,000 NSF¹ (roughly 48,000 GSF²) in the former Portsmouth Regional Hospital building which is located at 3 Junkins Avenue. In 1991, the Department moved from 28 Penhallow Street. The current location is part of a renovated Municipal complex that includes the City Hall. The Police Department occupies portions of the lower three floors of the former hospital, which was designed in 1975.

Deficiencies in the current facility are primarily based upon the result of the law enforcement program being forced into an existing hospital footprint. The square footage of the main structure approximately meets the program requirements of the Department; however it is significantly less efficient than if the structure had been designed for Law Enforcement. Due to the “adaptive re-use” of this existing structure, the organizational adjacencies are split across three stories and are, in some cases, directly adjacent to public program components that are located in City Hall.

The precast concrete structure limits renovation potential and imposes a heavy structural grid on the interior spaces. Major liabilities to a safe, functional, and compliant police facility exist when spaces are ‘shoe-horned’ into a tight existing structural grid. These liabilities include: HVAC intake located at street level rather than on the roof, compromised organizational adjacencies that limit ideal relationships between divisions, and complex ‘workarounds’, in an attempt to comply with national standards such as CALEA³ and CJIS⁴.

In addition to poor spatial organization, the building also suffers from a deteriorated exterior envelope. Water intrusion and window leaking is a major problem in this critical facility. There is also an ongoing rodent infestation. In July 2013, a major fire gutted the firing range located on the basement level. A renovation of the PPD cannot be limited just to the Police Station, since the police department program is embedded in the City Hall structure. A major renovation would likely require bringing the entire wing and facility up to code.

Site access is limited and not secure. Vehicular access off Junkins Avenue and Mt. Vernon Street does not include any security provisions standard for a law enforcement facility such as

¹ NSF: Net square footage; inside of building, “usable” space.

² GSF: Gross square footage; perimeter of building, including wall thicknesses, etc.

³ CALEA: Commission on Accreditation for Law Enforcement Agencies.

⁴ CJIS: Criminal Justice Information Services.

gates or privacy fencing/walls. Site security is required based on the fact that police officers and their equipment tend to be high profile targets. Examples of this are that the police fleet has experienced: slashed tires, vandal damage to equipment and officers cars have been gone through. In addition, the personal safety of officers and staff is at risk without a secure means of entry and exit from the site. For example: after an arrestee was released, he hid out back and waited for the arresting officer to exit, and challenged him.

Staffing Analysis:

The Portsmouth Police Department comprises 81 full-time employees which includes 61 Officers and 4 part-time employees, and is complemented by an additional 27 auxiliary employees. Since FY 2000, the number of total full-time employees has dropped from 92 to 81, representing a reduction in total staffing of 12%. Projections for full-time employees for the Department are identified in the following chart and defined in departmental sections to follow.

Portsmouth Police Department Staffing Projections:				
Fiscal Year	FY 2015	FY 2020	FY 2025	FY 2030
Total Staffing	81	87	92	95
Sworn Officers	61	65	68	71

Site Planning Considerations:

With the size of the physical facility defined, logically the next planning efforts will shift towards the identification of site location candidates. With the noted consideration that is being given to combining the Firing Range and the Fleet Maintenance facilities into a stand-alone structure on the campus of the Police Headquarters building, this would equate to a two-story structure of 16,657 SF for the Range/Fleet building. There is also consideration being given to a combined Parking Garage and Firing Range in a single, three-story structure.

When one also takes into consideration the local property values, this would lead one to believe that it is likely a two to three-story headquarters structure should be evaluated due to the high cost of property in this area to keep the overall site size required for development down as it directly correlates to land acquisition costs and accordingly to the overall project development

costs. This would likely entail a two-story PDHQ structure of 49,348 SF with a footprint of 24,674 SF.

For the purposes of determining the appropriate site size, it is recommended for the City to consider not only the current need of the Department, but also for the foreseeable future, and use the identified spatial needs of the FY 2035 as defined in this report, a total build-out for planning purposes.

A standardized planning tool is to project that due to local land development regulations, it is reasonable to expect that one parking space for every 300 gross square feet can be anticipated. A Range/Fleet structure would require minimum parking and as such, we would anticipate that approximately ten spaces be allocated for this structure.

When planning for the headquarters, this calculation would require approximately 165 parking spaces be provided. A mix of publicly-accessible parking and secured staff parking is to be provided, with an average of 25% (42) being allocated for the public and the remaining 123 spaces being allocated for the secured staff parking areas; 30 spaces for the PPD Fleet, and the balance for full-time, part-time, sworn, auxiliary, and civilian staff. When one considers that each parking space is allocated 375 gross square feet, then we can assume that 65,625 gross square feet will be needed solely for the parking areas thus defining that the site allocated for parking would require a minimum of 1.5 acres, and close to 2.0 acres when adding in the drive lanes and vehicle staging areas for Fleet Maintenance. Note that depending on site constraints the option for a potential parking garage would affect the site area required for Police parking.

Standard land development site planning guidelines also require site amenities including areas allocated for storm water management, open green space, setbacks and buffers, dumpster enclosures, fire rescue vehicles accessibility, a central energy plant, etc. Even more importantly when planning a critical infrastructure facility, is the planning given toward future expansion, not of just the building, but also to the site development considerations previously noted.

As a general planning tool, it is appropriate to consider sites based upon the following site program components.

For a **two-story** development, we would consider the following:

- Headquarters Building Footprint 24,674 SF
- Range/Fleet Building Footprint 16,657 SF
- *Alternate: combined Parking
Garage / Firing Range (18,000 SF)*
- Parking and Drive Lanes 85,313 SF
- Subtotal: 126,644 SF

- Required Site Amenities @ 25% 32,113 SF
- Future Expansion @ 15% 19,267 SF
- Subtotal: 51,380 SF

- Cumulative Total: 178,024 SF or 4.10 Acres

For a **three-story** development, we would consider the following:

- Headquarters Building Footprint 18,000 SF
- Range/Fleet Building Footprint 16,657 SF
- *Alternate: combined Parking
Garage / Firing Range (18,000 SF)*
- Parking and Drive Lanes 85,313 SF
- Subtotal: 119,970 SF

- Required Site Amenities @ 25% 29,993 SF
- Future Expansion @ 15% 17,996 SF
- Subtotal: 51,380 SF

- Cumulative Total: 167,960 SF or 3.85 Acres

If properties of this size are not available, options to reduce the site size needed include developing a three-story headquarters, eliminating the future expansion considerations, expand on a separate parcel, and possibly locating the Firing Range beneath the Fleet Maintenance building.

In looking at the three-story option, one must recognize that it is typical for approximately 40-60% of the program functions are desirable to have located on the ground floor for public accessibility, ease of access for the Patrol/Operations Division, etc. The costs associated with the additional landings on each of the elevators, the additional stair towers, replicated plumbing cores, etc., all add to the development costs in comparison to the relatively minor reduction in the building's footprint of approximately 6,674 square feet.

Development Options:

Without critical information from the site selection and master planning process, it is impossible to create a useful conceptual project budget. Land procurement, number of building stories and site development costs greatly impact the overall project cost. Once the site selection and master planning phase is initiated and completed, the ADG/LBA Team will be able to include conceptual cost estimates for each development option.

Development Option "A":

This option would construct the facility to accommodate the projected need of Year 2025.

Development Option "B":

Build to the year 2025 w/shelled-out space for 2035: This option would construct the facility to accommodate the projected need of year 2025 to consist of 47,772 SF for the Portsmouth PD Headquarters and shelled-out (unfinished) space of 1,577 SF for the projected need of year 2035.

Development Option "C":

Build to the Year 2035 need.

This option would construct the facility to accommodate the projected need of Year 2035.

Development Option “D”:

Build to the Year 2035 as an Addition/Renovation to the Existing Facility. This renovation / addition option would construct the facility to accommodate the projected need of Year 2035. See below for additional concerns about Option “D”.

Conclusions and Recommendations:

In conclusion, while we assume that the construction cost of Development Option “D” would be lower, we would not recommend proceeding with the Addition / Renovation approach to the old Hospital structure as it is approaching nearly 40 years in age. Additional costs that are currently undetermined must be accounted for. They include, but are not limited to: temporary headquarters; moving the Department twice (out of current facility into temporary facility, back from temporary facility into renovated facility); renovation scope would likely expand past Police Department to include City Hall; additions to existing building would likely be required; and unexpected issues raised during the demolition process.

As defined in the development options, the minimum development size proposed is for the identified needs of FY 2025 at 64,429 SF. The difference between FY 2025 and FY 2035 is only 1,576 SF more. Development Option “B” offers the opportunity to build for the FY 2025 needs, and to have a plan for the growth to reach the FY 2035.

It is Development Option “B” that the ADG/LBA team is recommending for consideration of implementing. This option allows for internal growth for the next 10-12 years, and a plan for the additional ten years to bridge out to FY 2035 with the shelled-out space. This is a strategic approach to planning for the anticipated growth as it places the shelled-out space directly within or adjacent to the units in the department that are identified to grow in the detailed spatial needs assessment.

August 4, 2014
Portsmouth Police Department
ADG Project No. 910-13

Chief DuBois, we are available to respond to any questions or comments that may arise from the review of this final report. Thank you for this opportunity to collaborate with you and your team of professionals there at the Portsmouth Police Department.

Respectfully submitted,



Ian A. Reeves, AIA, IALEP, ICA
President, Architects Design Group / ADG Inc.



Will Gatchell, AIA
Lavallee Brensinger Architects



Portsmouth Fire Department

Administration

To: City Manager John Bohenko
From: Fire Chief Steven Achilles
Date: 7/30/2014
Re: Rail Transportation of LPG Presentation

I am available and prepared to provide a 30 minute presentation on the Fire Department's Assessment of Rail Transportation of Liquefied Propane Gas (LPG) to the City Council at the August 4, 2014 City Council Meeting. I will cover the following areas:

Hazardous Material Classifications

LPG Safety Data Sheet

Fire Department Preparedness

Fire Protection Considerations

Emergency Planning

Modeling of a Catastrophic Release of LPG

Please advise if this is appropriate for the Council Meeting.

Department Memorandum

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 21, 2014

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

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

ABSENT: Mayor Lister

III. INVOCATION

Assistant Mayor Splaine asked everyone to join in a moment of silent prayer in memory of the victims last years Boston Marathon Bombings and their families.

IV. PLEDGE OF ALLEGIANCE

Lawrence Cataldo and City Manager Bohenko led in the Pledge of Allegiance to the Flag.

PROCLAMATION

1. Earth Day – April 22, 2014

Assistant Mayor Splaine read the Proclamation declaring April 22, 2014 as Earth Day.

V. ACCEPTANCE OF MINUTES – JANUARY 13, 2014; JANUARY 21, 2014 AND FEBRUARY 3, 2014

Councilor Lown moved to approve and accept the minutes of the January 13, 2014, January 21, 2014 and February 3, 2014 City Council meetings. Seconded by Councilor Kennedy and voted.

PRESENTATION

1. Seacoast Science Center – Marine Mammal Rescue by Wendy Lull

Wendy Lull of the Seacoast Science Center provided a brief presentation on the Marine Mammal Rescue program at the Seacoast Science Center. Ms. Lull indicated the Seacoast Science Center is seeking permission to install two signs one; on Peirce Island and one at the end of Little Harbor Road.

Councilor Spear moved to authorize the City Manager to work with the Seacoast Science Center to install a sign on Peirce Island and a sign at the end of Little Harbor Road. Seconded by Councilor Lown and voted.

VI. PUBLIC COMMENT SESSION

Doug Roberts said the City Council should have a clear plan before proceeding forward with any changes to parking.

Tom Carroll spoke regarding scrap metal pollution in Portsmouth. He is speaking to what is occurring outside the fence area. He stated that the City is responsible for what is taking place outside the fences and the pollution has occurred over a decade.

Erik Anderson spoke regarding derelict properties around the City and feels that an ordinance should be created to deal with these type of properties.

Aaron Garganta provided copies of information on the issue of abandoned and derelict buildings. He listed the properties that are in the status of abandon and derelict and one of the properties sits at the opening of the Sherburne neighborhood. He asked for the assistance from the City Council to deal with the issues in Sherburne neighborhood.

Chris Mulligan, Attorney Bosen & Associates, spoke on behalf of the Shannon Family. He requested the Council to suspend the rules to allow him to address the matter now rather than during the later part of the meeting.

Bob Gibbons spoke in opposition of the expansion of Sea-3 in the Town of Newington. He stated the Newington Planning Board will vote on May 5th to support the expansion of Sea-3 and asked that the City of Portsmouth remind the Town of Newington of the need for a safety study.

Rich DiPentima concurred with Mr. Gibbons comments. He said the City should take legal action if Newington allows this expansion. He said in Boston, MA a similar situation occurred and they were able to get the safety study conducted.

Joan Hamblet spoke in support of doing something regarding abandoned and derelict buildings.

Rick Becksted spoke regarding Form-Based Zoning and that it is a guideline needed in the City. He said at the Historic District Commission meeting last week vinyl siding was allowed to be placed on Portwalk. He also stated buildings in the downtown should not go above 50 feet.

Assistant Mayor Splaine announced he received a message from Mayor Lister to remind the Council that we have a 10:00 p.m. rule for adjournment.

VII. PUBLIC HEARING

- A. BORROWING RESOLUTION IN AN AMOUNT OF UP TO FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE NEW FRANKLIN SCHOOL BOILER REPLACEMENT AND OTHER IDENTIFIED ENERGY CONSERVATION MEASURES

Steve Bartlett, School Business Administrator reported that the School has been working with a consultant to come up with an energy savings package to leverage the project at the New Franklin School. He said a RFQ and RFP process was followed to identify energy conservation measurers and the boiler.

Assistant Mayor Splaine read the legal notice, declared the public hearing open and called for speakers. With no speakers, Assistant Mayor Splaine closed the public hearing.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendment to Chapter 7, Article I, Section 7.103 – Parking and Traffic Safety Committee by the addition of one (1) alternate Committee Member

Councilor Kennedy moved to pass first reading of the proposed Ordinance amendment, as presented, and schedule a public hearing and second reading at the May 5, 2014 City Council meeting. Seconded by Councilor Lown and voted.

- B. Adoption of Proposed Borrowing Resolution Re: New Franklin School Energy Project.

Councilor Kennedy moved to adopt the borrowing Resolution in an amount of up to Four Hundred Thousand Dollars (\$400,000.00) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures, as presented. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to adopt the borrowing Resolution in an amount of up to Four Hundred Thousand Dollars (\$400,000.00) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures, as presented.

- C. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps referenced in Section 10.5A14.10 of Article 5A

Councilor Kennedy moved to suspend the rules to allow for amendments to the proposed ordinance. Seconded by Councilor Lown and voted.

Councilor Morgan removed her suggested amendment because it was a duplication of a suggested amendment by Councilor Thorsen. Amendment removed was as follows: Amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the double asterisk note as follows (deletions from existing language **bolded** and underlined; remaining language unchanged from existing):

**In instances of consolidation of two or more lots that cause the new lot to fall within more than one building height requirement, the lot shall be permitted to use the higher lower height requirement.

Councilor Spear moved to amend Section 10.5A21.21 – Specific Building Height Requirement Areas:

As designated on Map 10/5A21B, assignments for specific building heights require a building to have no more than the designated maximum number of stories or the maximum height in feet and no less than the designated minimum number of stories. Seconded by Councilor Kennedy and voted.

Councilor Kennedy asked if we are overreaching the Historic District Commission requirements to overlook the project in regards to wood siding. Planning Director Taintor said this came from public input during the Charrettes.

Councilor Spear moved to amend Section 10.5A21.22 – Specific Shopfront, Officefront, Step and Frontage Buildout and Special Use Requirement Areas

As designated on Map 10.5A21C:

- (a) Assignments of shopfront, officefront or step frontage require that a building be provided with a shopfront, officefront or step frontage at the sidewalk level along the entire length of its private frontage**
- ~~(b) Designations for frontage building percentage require that a building occupy no more than 50% of the frontage of the lot, wood siding shall be used for the exterior of the building and special uses apply to some properties along the waterfront area~~**
- (b) For designated properties along the waterfront, buildings shall occupy no more than 50% of the frontage of the lot, and shall have a wood-sided appearance**
- (c) Special uses apply to some designated properties along the waterfront area. Seconded by Councilor Kennedy and voted.**

Councilor Kennedy moved to amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots on Congress Street between the east side of Fleet Street and the west side of High Street / Church Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories (short 4th) / 50' [orange]. Seconded by Councilor Thorsen.

Planning Director Taintor stated that this amendment would treat both sides of the street the same.

Councilor Lown said he would not support the motion and feels that there are beautiful buildings currently in the downtown that are 60 feet. He does not feel we should allow the amendment after the thorough review by the Planning Board.

Councilor Shaheen asked Planning Director Taintor if this should go back to the Planning Board for consideration. Planning Director Taintor said that the Planning Board is comfortable with the change in the interest of moving this ordinance forward. He said maybe we could revisit this at a future date.

Councilor Kennedy said she would support the motion and that the sidewalks are too small in the downtown and the large building will cause a tunnel affect.

Councilor Dwyer said she does not feel it makes sense to change the south side and she would not support the motion because most people feel we have the right height for the south side of the street.

Councilor Kennedy and Councilor Thorsen agreed to amend the motion to add after the word lots on "**north side**".

Councilor Kennedy moved to amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots on north side Congress Street between the east side of Fleet Street and the west side of High Street / Church Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories (short 4th) / 50' [orange]. Seconded by Councilor Thorsen and voted.

Councilor Thorsen moved to amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designations for the lots at the northwest and southwest corners of Congress Street and Fleet Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories / 45' [green]. Seconded by Councilor Kennedy.

Councilor Thorsen said he only wants to deal with the Northwest side.

Councilor Lown said he would vote opposed to the amendment and we are only talking about 1 building on the corner of the Northwest side.

Councilor Spear said he would vote against the motion because he feels the Planning Board should review this amendment before voting.

Councilor Thorsen said if we vote to send this back to the Planning Board, it could be done after passage of the ordinance. He feels we need to move forward with the ordinance.

Councilor Lown said the Council should not pass an ordinance that makes a building non-conforming use.

Councilor Shaheen said all the amendments seem to put the City Council as a land use board or a super Planning Board and she does not feel comfortable doing this without the Planning Board coming back with a recommendation after reviewing this matter.

Councilor Thorsen said he agrees and would support the Planning Board to take a look at the amendment. He said he would be willing to go with orange.

Councilor Thorsen further amended the motion to amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the designation for the lot at the northwest corner of Congress Street and Fleet Street from 2-4 stories (short 5th) / 60' [magenta] to 2-3 stories / 50' [orange]. Seconded by Councilor Kennedy and voted. Councilor Lown voted opposed.

Councilor Kennedy moved to amend Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas by changing the double asterisk note as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded and underlined; remaining language unchanged from existing):**

**** In instances of consolidation of two or more lots that cause the new lot to fall within ~~When a lot is assigned to more than one building~~ Height Requirement Area, the lot shall be permitted to ~~may~~ use the assigned height requirements as shown on the map or may use the higher ~~lower~~ height requirement for all portions of the lot, except that a through lot shall be required to meet the assigned building height requirements on each street frontage**

Seconded by Councilor Morgan.

Planning Director Taintor said using the lower height requirement is not needed when a lot is assigned to lower than one height requirement. He said that this happens mainly on Sheafe Street and State Street.

Councilor Lown asked about the lots on Sheafe Street and State Street and how are they affected. Planning Director Taintor said Sheafe Street would be limited to a lower height and State Street could go to a higher height.

Planning Director Taintor reported that there are no set backs with the Character Districts.

Councilor Dwyer clarified that on one side would be 30 feet and the other side 50 feet. Planning Director Taintor said that is correct.

Motion passed.

Councilor Lown moved to pass third and final reading of the proposed Ordinance, as amended. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to pass third and final reading of the proposed Ordinance, as amended.

- D. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning

Councilor Kennedy moved to pass third and final reading of the proposed ordinance, as presented. Seconded by Councilor Morgan and voted.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for Approval of Pole License to install 1 pole on Spinney Road set in conjunction with the Sanderson Field Subdivision ***(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 and 90 feet of underground conduit on Vaughan Street and 330 feet of underground conduit on Green 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)***
- C. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce requesting permission to use property owned by the City located behind Portsmouth High School for an athletic event for the Portsmouth Challenge on Saturday, June 7, 2014 from 9:00 a.m. – Noon ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the Annual Portsmouth Maritime Folk Festival on Saturday, September 27, 2014 and Sunday, September 28, 2014 and further the closure of 3 parking spaces immediately in front of the RiRa Pub and Breaking New Grounds from 12:00 a.m. until 6:00 p.m. on September 28, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Josh Pierce, Seacoast Area Bicycle Routes, requesting permission to allow SABR to host a commuter breakfast from 7:00 a.m. – 10:00 a.m. on Friday, May 16, 2014 at Popovers in Market Square and further request that the City Council recognize May 16th as Bike/Walk to Work Day in Portsmouth ***(Anticipated action – move to refer to the City Manager with power)***

- F. 2014 Second Omnibus Sidewalk Obstruction Renewals (***Anticipated action – move to refer to the City Manager with power***)

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Shaheen and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Interim Senior Programming Space

City Manager Bohenko said City staff has worked with the Mark Wentworth Home and Foundation for Seacoast Health on this matter. He said the Recreation Department would provide an interim senior programming space at the Community Campus with a soft opening on May 6th.

Councilor Lown moved to authorize the City Manager to enter into an agreement with the Mark Wentworth Home and the Foundation for Seacoast Health for an interim senior programming space at the Community Campus. Seconded by Councilor Shaheen.

Councilor Shaheen said that this is a fantastic opportunity to provide interim services and we are still working on getting the Doble Center to use as a senior center. City Manager Bohenko said that is correct.

Brinn Chute, Senior Services Coordinator reported that the City would support the transportation element and get people to the space. She said COAST services the Community Campus as well. She also addressed the many amenities at the campus site and we are gathering data on them.

Councilor Shaheen asked how people will find out about the services. Ms. Chute said senior lunches already take place at the campus and they will help spread the word. She also stated that we put out a senior newsletter monthly.

Motion passed.

2. Proposed Additional Areas to Implement Character-Based Zoning (Form-Based Zoning)

City Manager Bohenko stated the Planning Board has recommended 3 areas to extend the Central Business Zone. They're as follows:

- The “Northern Tier” area between the railroad tracks and North Mill Pond, currently zone CBA, containing about 15 acres and 15 existing parcels;
- A small area on the opposite side of the Maplewood Avenue bridge, currently zoned Mixed Residence Office, containing about 3 acres and 16 parcels; and
- A corridor along Islington Street with expanded areas at the north end (Hanover and Hill Streets) and the south end (Brewery Lane, Chevrolet Ave., Plaza 800 and the Button Factory area), with various Business, Mixed Residential and Residential zoning designations. This area encompasses about 73 acres and contains 140 parcels

He stated that TPUDC has proposed to complete the planning and zoning services for these three areas for a fee of approximately \$100,000.00 including expenses. He recommended to expend \$50,000.00 from contingency and \$50,000.00 from the Urban Development Action Grant.

Councilor Kennedy expressed concern that Deer and Russell Streets are not included in the CBZ and also feels that Market Street Extension should be part of it as well if we are doing the Islington Street corridor we should include McDonough Street.

Councilor Spear moved to authorize the City Manager to expend \$50,000.00 from contingency and \$50,000.00 from the Urban Development Action Grant for the program. Seconded by Councilor Shaheen.

Discussion followed regarding the three areas. Planning Director Taintor explained that this is Phase II and not the final Phase and he would like this limited to commercial and Phase III we look at residential areas. Councilor Shaheen said the Council needs to consider a phased approach. Planning Director Taintor stated that we will be using the Charrette process with our session planning and it would be a more regulated approach. Councilor Dwyer spoke in support of the session plan.

Motion passed.

3. Involuntarily Merged Lots Re: 194 Wibird Street

City Attorney Sullivan explained the law for Involuntarily Merged Lots.

Councilor Spear moved to suspend the rules to allow Attorney Mulligan to speak to this matter. Seconded by Councilor Lown and voted.

Attorney Mulligan spoke to the State Statute which requires the City to restore the lots to their previous state. He reviewed the history of the property and reported that lots 19 and 20 were consistently taxes as separate lots with one being a vacant lot and the other having a house on it. He stated that Planning Director Taintor is recommending restoring the lots to 3 separate lots.

Councilor Lown moved that the City Council restore three involuntarily merged lots to their premerger status, pursuant under RSA 674:39-aa. Seconded by Councilor Thorsen and voted.

City Manager's Informational Items

1. Presentation and Discussion with Cynthia Scarano, Executive Vice President of Pan Am Railways

City Manager Bohenko reported that Cynthia Scarano is unable to attend the May 5th City Council meeting but could attend the May 19th meeting.

2. Reminder Re: FY15 Budget Schedule

City Manager Bohenko announced he would deliver the budget on May 1st and on May 10th the City Council will have the Super Saturday Budget Work Session at the Library in the Levenson Room. He also reported the Public Hearing on the budget would be held on May 12th with a goal of adopting the budget on June 2nd but the City Council has until June 30th to adopt the budget.

4. Update on Isles of Shoals Employee Parking Program

City Manager Bohenko stated that this was a successful program.

5. Strategic Marketing Plan for Downtown Parking Shuttle

City Manager Bohenko said we developed a successful marketing plan for the downtown parking shuttle.

Councilor Kennedy said she would like to attend the Town of Newington meeting on the vote regarding Sea-3. City Manager Bohenko stated that a staff member will be attending the meeting.

Councilor Spear asked if the City could look into leasing the Port scrap metal lot for parking. He said he would like the City Council to think about this.

B. MAYOR LISTER

1. Appointments to be Voted:
 - Barbara McMillan reappointment to the Conservation Commission
 - Kimberly Meuse appointment to the Conservation Commission (Alternate)
 - Samuel "Wes" Tator appointment to the Sustainable Practices Blue Ribbon Committee
 - Lawrence Cataldo appointment to the Taxi Commission
 - Stephen Dunfey appointment to the Taxi Commission

Councilor Spear moved to reappoint Barbara McMillan to the Conservation Commission until April 1, 2017; appointment of Kimberly Meuse as an Alternate to the Conservation Commission until April 1, 2016. Ms Meuse is filling the unexpired term of Shelley Saunders. Appointment of Samuel “Wes” Tator to the Sustainable Practices Blue Ribbon Committee; appointments of Lawrence Cataldo and Stephen Dunfey to the Taxi Commission until December 31, 2015. Seconded by Councilor Dwyer and voted.

2. Resignation – Nate Alger from the Sustainable Practices Blue Ribbon Committee

Councilor Lown moved to accept with regret the resignation of Nate Alger from the Sustainable Practices Blue Ribbon Committee and to send a letter of thanks for his service to the City. Seconded by Councilor Kennedy and voted.

Assistant Mayor Splaine passed the gavel to Councilor Shaheen.

C. ASSISTANT MAYOR SPLAINE

1. Creating A Fee Penalty Guideline for Violations of Land Use Board Approvals
(Postponed from the April 7th City Council meeting)

Assistant Mayor Splaine requested the City Attorney come back to the Council in a reasonable amount of time with a concept for a penalty guideline.

Councilor Morgan requested the City Attorney to address irregularities that have been reported on projects such as Pleasant Street as part of his report back to the Council.

2. Status of Abandoned or Derelict Buildings *(Postponed from the April 7th City Council meeting)*

City Attorney Sullivan will review State Law and make a proposal to the City Council for moving forward with this matter.

Assistant Mayor Splaine moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Morgan and voted.

Councilor Shaheen called for a brief recess at 10:00 p.m. At 10:10 p.m., Councilor Shaheen called the meeting back to order.

Councilor Shaheen returned the gavel to Assistant Mayor Splaine.

Councilor Kennedy expressed concerns with this issue in the Sherburne neighborhood and on Maplewood Avenue.

Councilor Lown said the City needs to be cautious because we are dealing with private property.

Discussion followed regarding this matter.

D. COUNCILOR KENNEDY

1. Transportation Center (*Postponed from the April 7th City Council meeting*)

Councilor Kennedy pulled this item from the agenda and will bring it back for the May 5, 2014 City Council meeting.

2. Establish Transportation Committee (Discussion Purposes Only) (*Postponed from the April 7th City Council meeting*)

Councilor Kennedy pulled this item from the agenda and will bring it back for the May 5, 2014 City Council meeting.

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Minutes of the March 13, 2014 meeting (*Postponed from the April 7th City Council meeting*)

Councilor Lown moved to approve and accept the minutes of the March 13, 2014 Parking & Traffic Safety Committee meeting. Seconded by Councilor Spear and voted. Councilor Kennedy voted opposed.

F. COUNCILOR MORGAN

1. Master Plan – Update of our Master Plan’s Implementation Plan section, in anticipation of the 2015 Master Plan Review (*Postponed from the April 7th City Council meeting*)

Councilor Morgan requested that the City Manager coordinate with staff the update of the Implementation Plan in our current Master Plan, to be made available to the public and the City Council by the end of June 2014. In addition, a report back of what has and has not been implemented and what has been placed on the website.

2. Portwalk – Request for Work Session to review:
 - a) enforcement
 - b) penalties
 - c) process and path forward: how we got here and what is the plan/process to prevent this from happening again(*Postponed from the April 7th City Council meeting*)

Councilor Morgan stated she brought this matter forward a month ago and discussion was held on the matter. She stated with Form-Based Zoning we have added a new layer. She spoke to penalties and how important they are. She stated developers should be held accountable.

City Attorney Sullivan said Portwalk received a building permit and that it would be built with Historic District Commission approval and Site Review process. He explained during the winter they had covered the building and no one could see what was being built.

The inspections were done by a contractor and they did not look at windows, and that was not their charge. City Attorney Sullivan stated that Portwalk built a number of things that were not in conformance with Planning Board and Historic District Commission approvals. Portwalk came forward and said they made minor changes and in 48 hours we brought the Portwalk individuals into City Hall and discussed in frank terms that these changes were not minor. The options were to shut the project down and a variety of other issues, the staff decided what would be appropriate and we did not want to put 200 people out of work. Portwalk said they had every intention of doing everything the City wanted them to do and the staff entered into an agreement that they would do whatever the Historic District Commission wanted them to do and they would not appeal. City Attorney Sullivan also reported that the City required Portwalk to get a bond in the amount of \$2.5 million dollars to ensure that they follow through with all items as directed by the land use boards.

Councilor Dwyer said the building in the downtown overlay district should have additional fees because it requires much more staff time.

Councilor Kennedy addressed the length of time being taken up during Historic District Commission meetings with the various Portwalk issues. She stated many projects have to wait because Portwalk comes up under old business and that is handled before new business is done.

3. Civility by City Officials (*Postponed from the April 7th City Council meeting*)

Councilor Morgan said she added this item on the agenda after a Historic District Commission meeting because there is a pattern of commissioners taking a non-respectful attitude of the public coming forward to speak. She said the role of the commissioner is to address the matter and not pass judgment on public speakers.

Councilor Dwyer said she agrees there are civility issues but some of it is caused by people talking about the matter outside of the meetings. She feels an educational session would be worthwhile for the board.

G. COUNCILOR SPEAR

1. Metering of Parrott Avenue Parking Lot

Councilor Spear moved to refer to the Fee Committee for a Report Back. Seconded by Councilor Thorsen.

Councilor Dwyer asked why the Parking and Traffic Safety Committee is not reviewing such a fee. City Manager Bohenko said this has been before the Parking and Traffic Safety Committee two or three times.

Councilor Kennedy said she could not approve this without it going to the Parking and Traffic Safety Committee for review. She said this may push people into the neighborhoods and the shuttle is only running Friday's – Sunday's but feels it should be 7 days a week and it should go to 2:00 a.m. for people working downtown. She said the Parrott Avenue lot is used by employees working in the downtown because owners said that is the only way employees can afford to work in the City.

Councilor Spear reframed motion to refer to the Parking & Traffic Safety Committee the utilization of Parrott Avenue Lot as a resource. Seconded by Councilor Thorsen.

On a roll call 5-3, voted to refer to the Parking & Traffic Safety Committee the utilization of Parrott Avenue Lot as a resource. Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Councilors Kennedy, Morgan and Assistant Mayor Splaine voted opposed.

H. COUNCILOR THORSEN

1. Legal Analysis regarding Financial Disclosures received from NHMA and suggested amendment language to Administrative Code (*Postponed from the April 7th City Council meeting*)

Councilor Thorsen spoke to a meeting held at the NHMA and received a report back on Financial Disclosures which has been provided to the City Council. He stated there are elements in the report that are suggestive but we may not want to take up. He said the City Council will need to review and at the minimum we have a duty to make the Charter comply with the Ordinances. In order to do this he suggested holding a work session which he has asked Mayor Lister to set up.

Councilor Kennedy said we took an oath to uphold the Charter and we are not following the oath we took in her mind. She said the work session should be sooner than later. She would like a response back from our City Attorney on this matter and if other things should be discussed.

Councilor Spear said when this was first discussed Mayor Lister and Councilor Thorsen agreed with setting a work session up some time in May or June. He said we will get to this in due course but we have other things that are of great importance that we need to discuss.

Councilor Morgan move to request Mayor Lister to set a date for a work session on Financial Disclosures and the Charter. Seconded by Councilor Kennedy. Councilor Morgan withdrew her motion and Councilor Kennedy her second to the motion.

Councilor Kennedy said we need to schedule a work session on this matter.

Councilor Shaheen questioned whether we need a work session on this matter.

City Manager Bohenko said City Attorney Sullivan needs to deal within the complex of his 39 years of service as the City Attorney. He said it is an opinion of NHMA not our City Attorney. City Attorney Sullivan said he will discuss this in a work session.

2. New Ordinance – Prohibit the establishment of commercial gambling operations within the City of Portsmouth

Councilor Thorsen said he is focusing on certain types of gambling. He has no interest in private or charitable gambling that comes up sometimes. He said we have not talked about this issue much. He is against gambling establishments in the City but would like to know how residents feel. He stated we have no jurisdiction of putting a gambling site at Pease Tradeport.

Councilor Dwyer asked if the legislature would need to pass enabling legislation to allow this.

Councilor Shaheen said she appreciates Councilor Thorsen's efforts to be proactive but there is no gambling proposal issue coming forward.

Councilor Thorsen said no motion will be taken this evening; it is for the City Council to be thinking about this matter.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Splaine said on Saturday he threw out the first pitch for the Little League game with the help of Councilor Shaheen.

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

At 11:45 p.m., Councilor Thorsen moved to adjourn. Seconded by Councilor Shaheen and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

JUL 15 2014

CITY MANAGER
PORTSMOUTH, NH

DATE: 25 JUNE, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS & DONATIONS

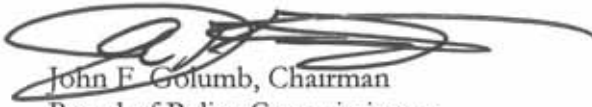
At the June 25th, 2014 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donations:


1. Grants & Donations:

- A grant in the amount of \$6,600 from Seacoast CrimeStoppers to underwrite the 2015 Citizen Police Academy and a portion of the 2014 academy.
- A donation in the amount of \$25.00 from Mr. William Mortimer in support of the Portsmouth Police Explorers.

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

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

Seacoast Crime Stoppers
PO Box 4237
Portsmouth, NH 03802
www.seacoastcrimestoppers.org

Tammy Perez
Portsmouth Police Department
3 Junkins Avenue
Portsmouth, NH 03801

Dear Tammy,

Seacoast Crime Stoppers is pleased to grant \$6,600 to the Portsmouth Police department to fund the 2015 Citizen's Police Academy. Cashing the check will indicate your acceptance of the grant and its conditions that includes, but is not limited to a Subrogation and Indemnification Agreement. Furthermore, you have agreed to add Seacoast Crime Stoppers to any and all releases you have your participants sign prior to their participation in the Citizen's Police Academy.

As you are aware, for consideration of this grant, you have agreed to the Publicity Requirements set forth above. Additionally, you should use our logo, list our website and tip line whenever giving credit for the grant.

If you have any questions, please feel free to contact me at (603) 433-7647. Congratulations and best wishes for your organization. The CPA is an outstanding program that I have experienced first hand.

Sincerely,

Seacoast Crime Stoppers

Marcia Schallehn

Marcia Schallehn

President

Seacoast Crime Stoppers



City of Portsmouth, N.H.

Police Department



Stephen J. DuBois
CHIEF OF POLICE

Corey F. MacDonald
DEPUTY CHIEF OF POLICE

11 March 2014

Seacoast Crime Stoppers Board
c/o Captain Mike Schwartz
PORTSMOUTH POLICE DEPARTMENT
3 Junkins Avenue
Portsmouth, NH 03801

RE: Grant Application Narrative

Dear Board Members:

We are hoping to be able to offer the Citizen Police Academy to area residents again this year. Over the last six years, we have been able to offer seven academy sessions and nearly two hundred area residents have had the opportunity for a first-hand look at police work.

These informative, hands-on academy sessions enable residents to experience what they otherwise would never see – the core workings of public safety in their region. Academy graduates become ambassadors and eager volunteers in support of their local public safety agencies.

We are seeking the support of the Crime Stoppers organization to be able to hold additional sessions of the academy. Sergeant Tom Grella of the Portsmouth Police Department can answer any questions the board may have after reviewing the enclosed narrative. He can be reached at: 610-7429, or tgrella@cityofportsmouth.com.

We are thankful for the long and fruitful partnership with the Crime Stoppers organization, and the many tangible contributions it has made to public safety in the greater Seacoast area.

Very truly yours,
PORTSMOUTH POLICE DEPARTMENT

Corey F. MacDonald, Deputy Chief

CFM:kml

copy: Sgt. Tom Grella

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 4, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the proposed Ordinance:

The Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition:

Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

The proposed amendment to the Zoning Ordinance and may be reviewed during normal business hours of City Hall in the offices of the City Clerk and Planning Department.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

Legal Notice

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CITY CLERK

#12517 11P7/17

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition:

Building footprint

The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

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:

Robert J. Lister, Mayor

ADOPTED BY THE CITY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: June 10, 2014
RE: City Council Referral – Proposed Zoning Ordinance Amendments
- Central Business C (CBC) District
- Central Business Piscataqua (CBP) District
- Maximum Building Footprints

On January 13, 2014, the City Council voted to refer a set of six proposed zoning amendments to the Planning Board for a report back. At its special meeting on April 3, 2014, the Planning Board voted to make recommendations on two of the six proposed amendments as follows:

Proposed Amendment	Planning Board Recommendation
Delete Section 10.535.13 – Increased Building Height by Conditional Use Permit	Voted to reaffirm the Planning Board’s vote of February 20, 2014, recommending that the City Council amend the Conditional Use Permit in Section 10.535.13 of the Zoning Ordinance rather than deleting this section.
Add a definition for the term “building footprint”:	Voted to recommend that the City Council amend the Zoning Ordinance, Section 10.1530 – Terms of General Applicability, by inserting a new definition of “building footprint” as proposed: Building footprint The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

A memo transmitting the above recommendations was included in the packet for the City Council meeting on April 21, 2014.

The remaining four proposed Zoning Ordinance amendments are as follows:

- (1) Create a new Central Business C (CBC) district, encompassing the area currently zoned Central Business B west of Maplewood Avenue and Middle Street;
- (2) Create a new Central Business Piscataqua (CBP) district, encompassing the area currently zoned Central Business A north and east of Market Street and Bow Street;
- (3) Amend Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, to establish dimensional standards for the proposed CBC and CBP districts

(including reducing maximum building height in the CBC district to 35 feet); and to establish maximum building footprints of 4,000 sq. ft. in the CBA district, 30,000 sq. ft. in the CBB district, 3,000 sq. ft. in the proposed CBC district, and 4,000 in the proposed CBP district;

- (4) Amend Section 10.440 – Table of Uses, to assign the same permitted uses and restrictions to the proposed CBC district as currently designated for the CBB district; and to assign the same permitted uses and restrictions to the proposed CBP district as currently designated for the CBA district.

Most of these proposed amendments either conflict or overlap with the Character-Based Zoning ordinance that was under consideration by the City Council at the same time. Because of this, the Planning Board postponed consideration of these four amendments pending Council action on the proposed Character-Based Zoning. On April 21st the City Council passed third reading on the Character-Based Zoning ordinance and voted to appropriate funding to develop character-based zoning for the North End and the Islington Street corridor. Therefore, the Planning Board again took up the remaining amendments at its next regular meeting on May 15, 2014.

As a result of the Council's votes to adopt the Character-Based Zoning ordinance and to authorize funding for expanding the Character Districts into the North End and along Islington Street, the proposed Zoning Ordinance amendments in this referral were largely superseded:

- The only remaining areas zoned CBA or CBB are as follows:
 - CBA
 - 15 parcels between the railroad tracks and North Mill Pond (Maplewood Avenue, Vaughan Street, Raynes Avenue and Green Street)
 - Noble's Island (7 buildings) and an adjacent parcel on Market Street
 - CBB
 - 25 parcels on Islington Street between Tanner Street and Rockingham Street
 - 2 parcels on Bridge Street (Redlon & Johnson) and Deer Street (Gary's Beverages/ Wells Fargo)
 - 2 parcels on State Street (adjacent to the Keefe House and Fairpoint parcels)

All of these parcels are in areas that have been approved by the Council for expanding Character-Based Zoning.

- The private properties proposed to be rezoned into a new Central Business Piscataqua (CBP) district are now included in the CD4 and CD5 Character Districts, with specific height and use requirements.
- The properties proposed to be rezoned to a new Central Business C (CBC) district are part of a much larger study area for extending the character-based zoning down Islington Street and further into the North End.
- Maximum permitted building footprints are now specified for the CD4 and CD5 districts.

Proposed CBC District

Although Islington Street between Tanner and Rockingham Streets is zoned Central Business B, parcels in this area are also subject to "transitional requirements" that were instituted in 2009 to protect the adjacent residential neighborhoods. These special requirements include reduced

building height and coverage, and increased building setbacks and open space. As a result, the proposed replacement of the CBB district along Islington Street with a new CBC district would actually relax several existing dimensional standards:

- Allowable building coverage would increase from 60% to 95% of lot area.
- Existing setback and open space requirements would be eliminated, allowing building up to the lot line adjacent to residential districts.

Overall, the proposed CBC district would allow an intensification of development along Islington Street compared to the current CBB district, which does not seem to be appropriate given the current concerns about impacts on residential neighborhoods.

The only aspect in which the proposed CBC standards are more restrictive than the existing standards for Islington Street properties would be a 5-foot reduction in allowable building height, from 40 feet to 35 feet (further limited to 3½ stories in both cases). However, the City is about to embark on a study to expand character-based zoning to include this area, and the zoning recommendations that will result from this study will be more thorough and precise than just changing one building dimension. For these reasons, it does not seem appropriate to make a quick zoning change that will likely be amended again in a few months.

Maximum Building Footprints

Another proposed amendment would establish maximum building footprints in the CBA and CBB districts as well as the proposed CBC and CBP districts. For the CBB district, the proposal is to allow building footprints of up to 30,000 sq. ft., which could be excessive in many areas. By comparison, the building at 51 Islington Street (the former Kline's Furniture) has a footprint of approximately 12,000 sq. ft., less than half of the maximum footprint envisioned by this proposed amendment. In contrast, the proposed 3,000 sq. ft. maximum footprint for the Islington Street corridor (and two parcels on Bridge and Deer Streets) would be the most restrictive building coverage standard in the City, which is not necessarily appropriate for an area designated as Central Business.

The recently adopted Character-Based Zoning ordinance includes maximum building footprint standards for two of the character districts: 10,000 sq. ft. in the General Urban (CD4) district and 15,000 sq. ft. in the Urban Center (CD5) district. The next phase of character-based zoning will include the remainder of the CBA and CBB districts as well as parcels in the Mixed Residential Office (MRO), Mixed Residential Business (MRB) and Business (B) districts. As was the case with the first phase of Character-Based Zoning, the standards developed in the next phase will include building footprint limits for each area based on the input from the community. Again, rather than implement interim standards for a small geographic area, it is recommended that this issue be dealt with in the character zoning study for Islington Street.

Planning Board Recommendations

At its meeting on May 15, 2014, the Planning Board voted to recommend against all four of the proposed zoning amendments because (a) the net effect of the proposed dimensional standards would be to increase the potential development intensity on Islington Street, and (b) all the areas proposed to be rezoned are under consideration for Character-Based Zoning.

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FROM: Rick Taintor, Planning Director *RT.*
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City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Mark Nelson, Director of Parking and Transportation

CC: Peter H. Rice, Director of Public Works

DATE: July 29, 2014

SUBJECT: Parking Impact from Ordinance Changes

A review of the proposed omnibus parking ordinance changes show a net gain of two defined parking spaces.

Reference and location	Defined spaces <i>before</i> ordinance change	Defined spaces <i>after</i> ordinance change
A1- Metering four spaces on Chapel Ct	4	4
A2 – Metering nine spaces on Maplewood Ave	9	9
B1 – No parking for safe sightlines on Islington St	0	0
B2 - No parking for safe sightlines on Islington St	0	0
B3- No parking for safe intersection on Miller Ave	0	0
B4- No parking for safe truck entry Preble/Ranger Way	0	0
B5- No parking for emergency vehicle access on State St	0	0
C - Adding two-way traffic (Hanover St)	n/a	n/a
D - Time-limiting taxi stand (Hanover St)	n/a	n/a
E1- Removing loading zone from ordinance (Daniel St)	n/a	n/a
E2 – Sharing loading zone with taxi stand (Hanover St)	n/a	n/a
E3 – Limiting loading zone hours (Market St)	0	2
F – Removing 24-hour loading zone (Market St)	n/a	n/a
G – Change “no parking“ to loading zone (Middle St)	n/a	n/a
Totals	13	15
Net change		+2

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following changes to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

- A. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.328: Limited Parking – Three Hours

Section 7.328: LIMITED PARKING – THREE HOURS

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.

13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.

-
- B. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330 No Parking:

Section 7.330: NO PARKING

- A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

58. Islington Street:
 e. northerly side from ~~Columbia Street~~ **Dover Street** to Bartlett Street and from Bartlett Street westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, beginning 220 feet east from Columbia Street, for 20 feet.
79. Miller Avenue:
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street.
~~b. — westerly side forty feet (40') northerly from the intersection at South Street.~~
~~e. — easterly side one hundred fifty feet (150') northerly from the intersection at South Street~~
95. Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet.
- 100. Ranger Way**
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.
- 116. State Street:**
f. both sides, from the Piscataqua River edge, southwesterly for 76 feet, to the end of State Street and the beginning of the extension of State Street.

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336: One-Way Streets

Section 7.336: ONE-WAY STREETS

A. Vehicular traffic shall move only in the indicated directions on the following streets.

10. Hanover Street: easterly from ~~Rook~~ **Pearl** Street to Bridge Street.

D. Amend : Chapter 7, Article IVA: BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES, Section 7A.408: Taxi Stand Designated

Section 7A.408: TAXI STAND DESIGNATED

The following areas are hereby designated as Taxi stands:

- A. Hanover Street: southerly side, first parking space west from Fleet Street **from 7:00 p.m. to 6:00 a.m.**
-

- E.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established:

Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

The following locations are established as exclusive “Truck Loading Zones” on Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below with regard to any particular location. During these times only trucks, vans and other commercial delivery vehicles actively engaged in loading or unloading of product, merchandise or equipment (meaning that no more than 10 consecutive minutes pass without loading or unloading activity) may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles.

4. Daniel Street:
- a. northerly side, 123 feet east from Bow Street for a distance of 45 feet
 - ~~b. northerly side, 215 feet east from Bow Street for a distance of 35 feet~~
 - b. southerly side, 55 feet west from Penhallow Street for a distance of 80 feet
6. Hanover Street:
- b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.**
8. Market Street
- c. westerly side between Russell Street and Deer Street, from November 1st through March 30th, 2:00 a.m. to 5:00 p.m. Monday- Friday, 2:00 a.m to 1:00 p.m. Saturday.**
-

- F.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.602 Truck Loading/Unloading Zones (24 Hours):

Section 7.602 TRUCK LOADING/UNLOADING ZONES (24 HOURS)

The following locations are established as exclusive “Truck Loading Zones” at all times, 24 hours a day, seven days a week. Only trucks, vans and other commercial delivery vehicles actually engaged in loading or unloading of product, merchandise or equipment may park in the designated locations. Such vehicles may park at the designated locations for a period not to exceed 30 consecutive minutes.

~~3. Market Street~~

~~—a. westerly side between Russell Street and Deer Street, from November 1 through March 30~~

G. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.603 Loading and Unloading of Live Parked Vehicles.

Section 7.603 LOADING AND UNLOADING OF LIVE PARKED VEHICLES

2. Middle Street: easterly side, beginning 188 feet southwesterly from intersection with Miller Avenue, for a distance of 20 feet (in front of 375 Middle St).

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.

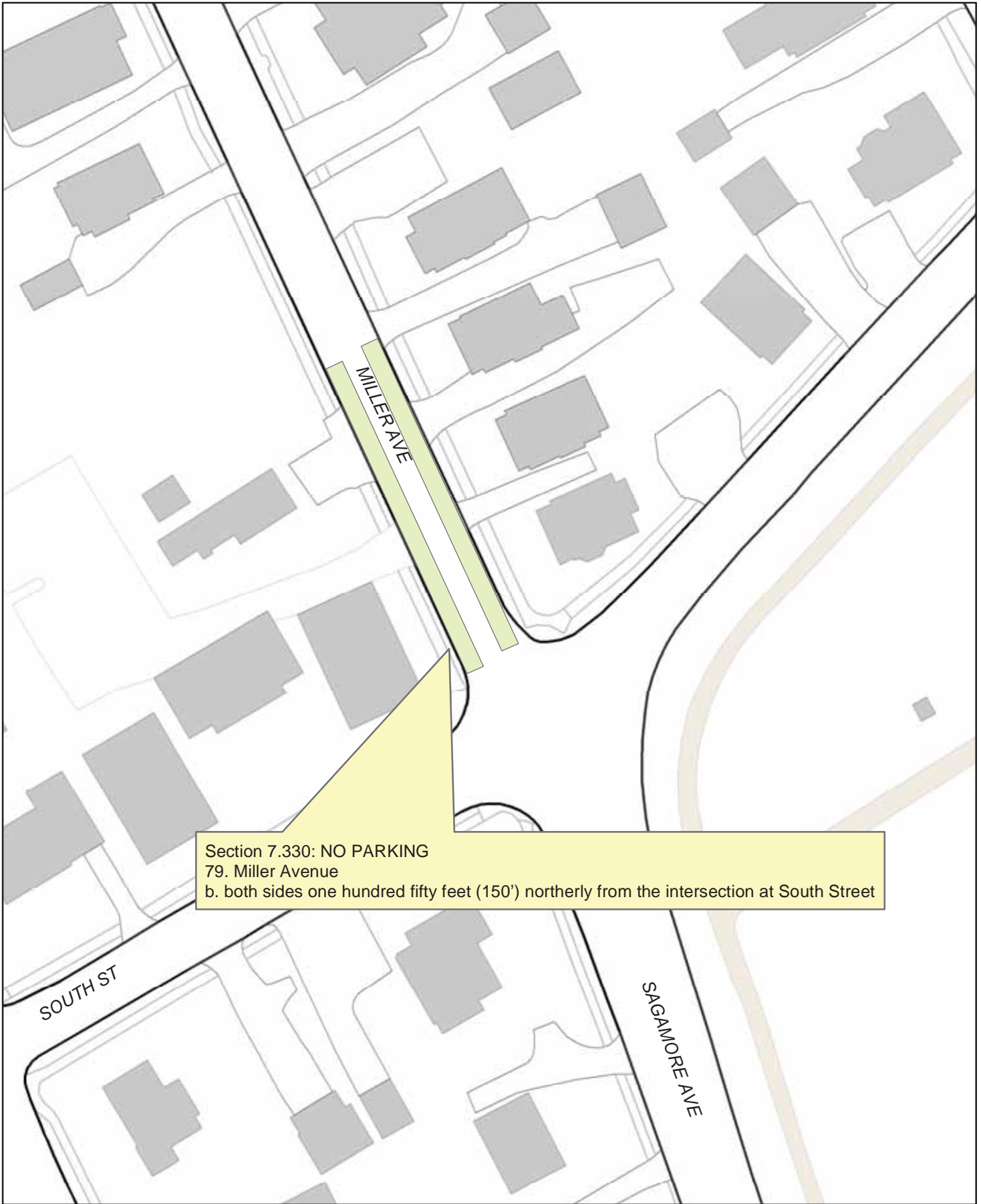
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

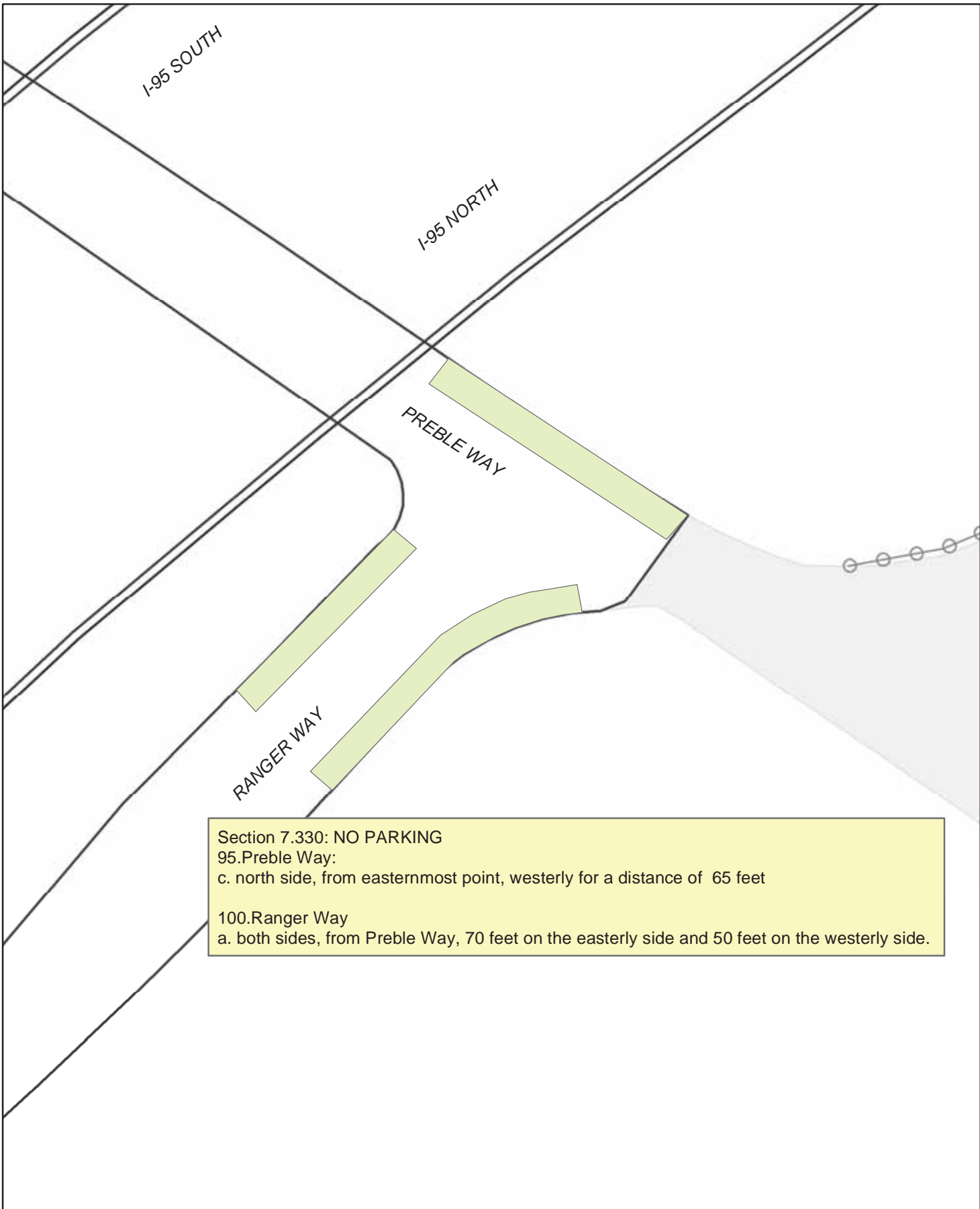
Kelli L. Barnaby, City Clerk



Section 7.330: NO PARKING
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b. both sides one hundred fifty feet (150') northerly from the intersection at South Street

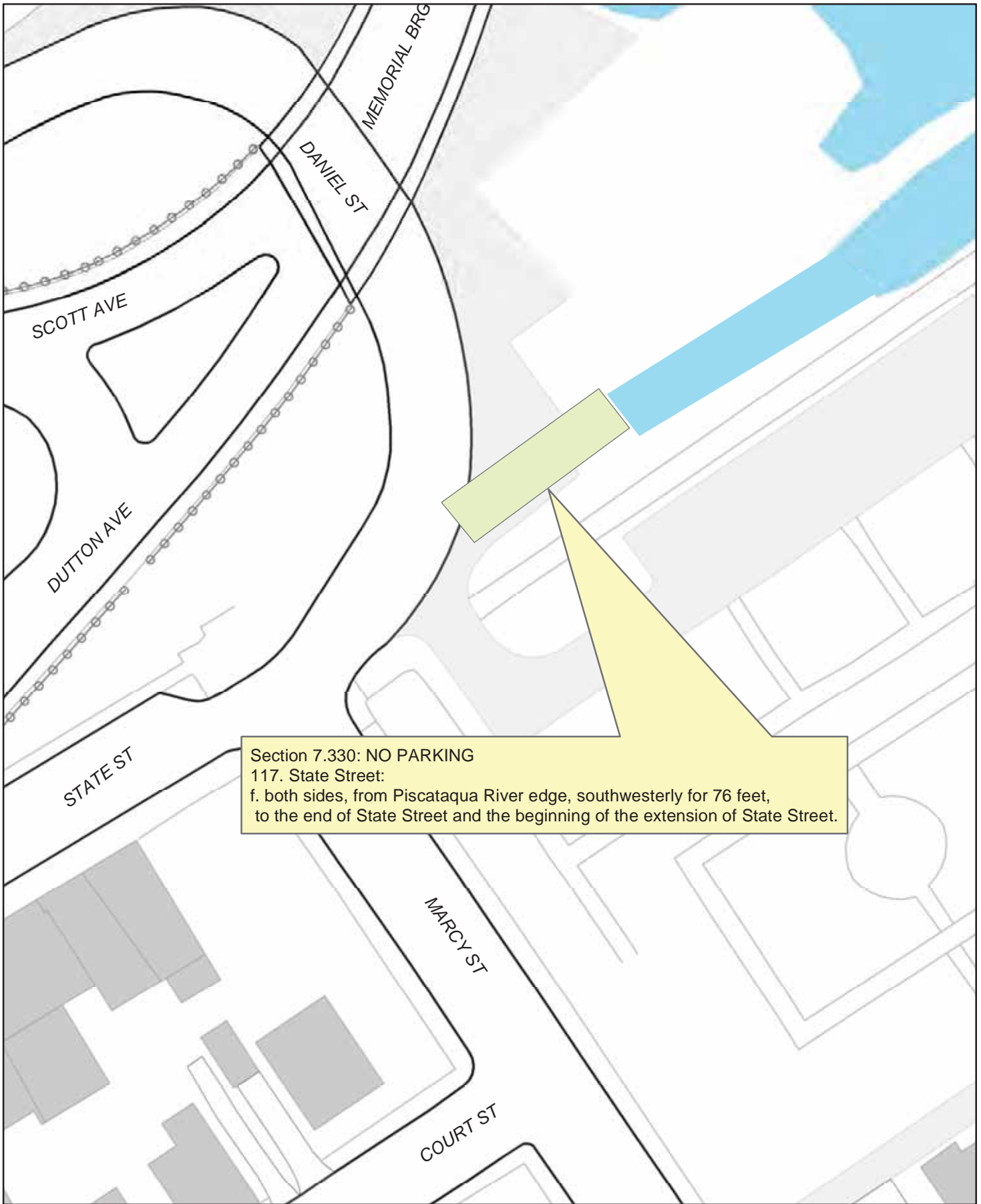
**Miller Ave, No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 23 June 2014
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2014



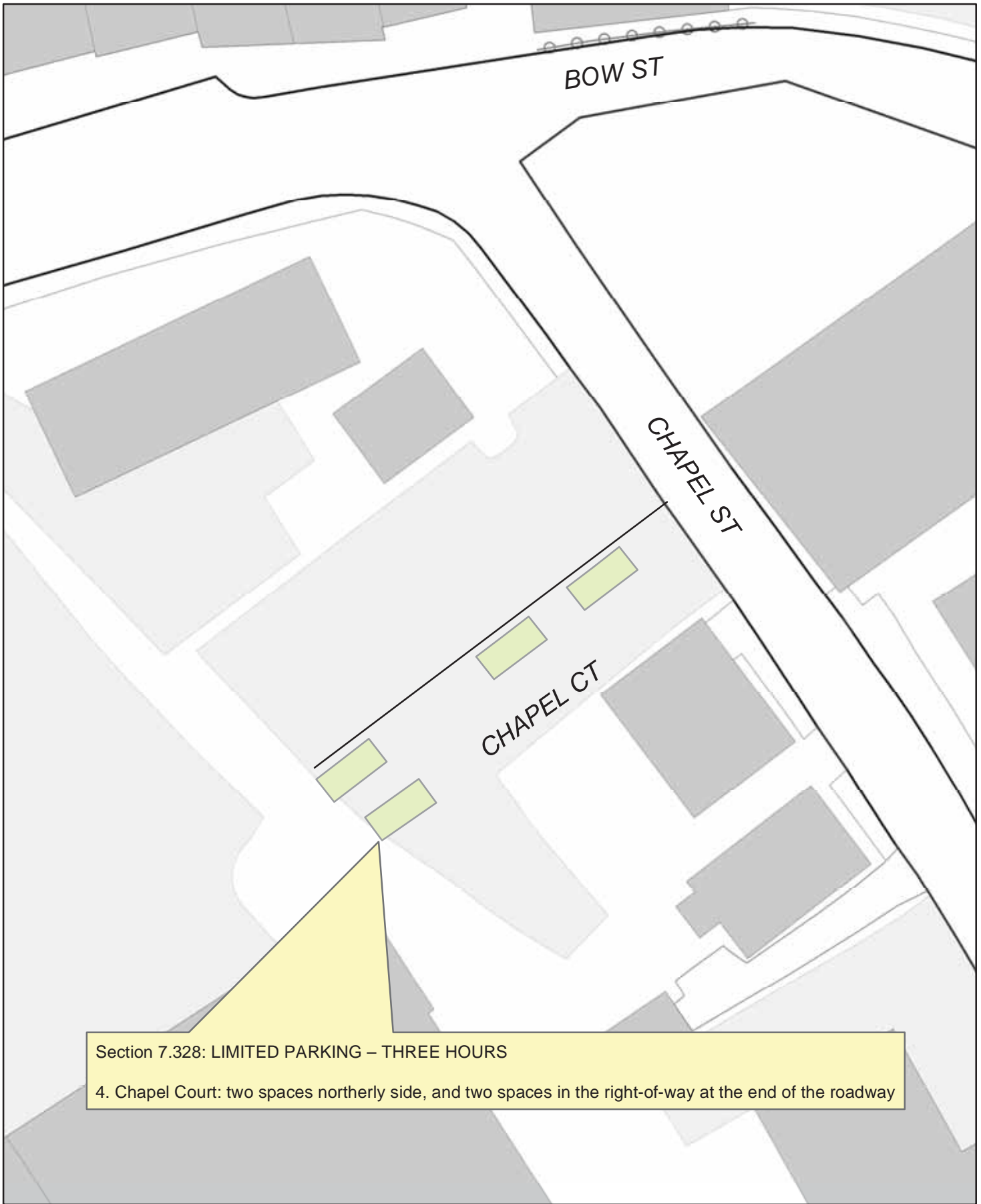
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a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.

**Preble Way, No Parking
Portsmouth, New Hampshire**



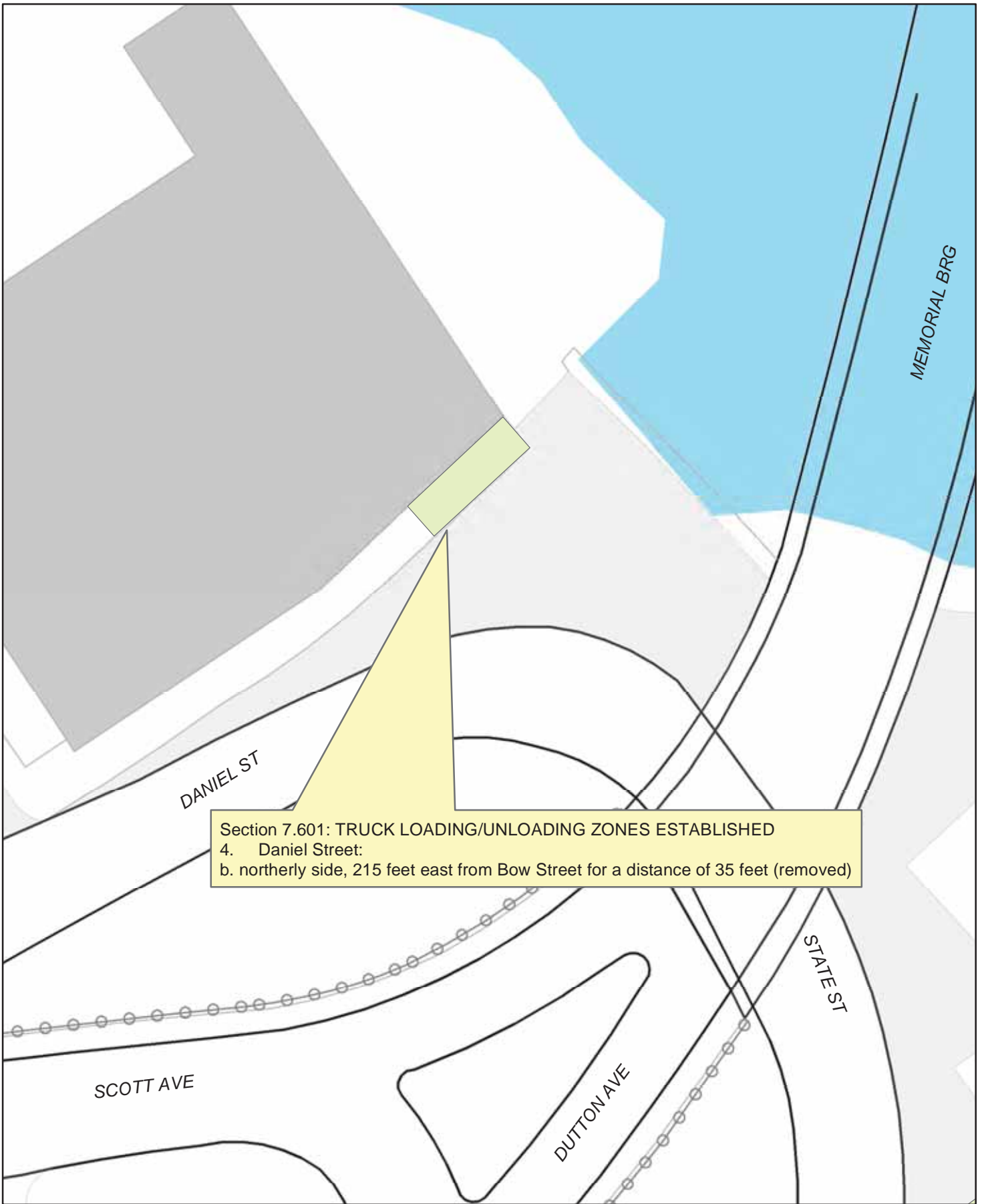
Section 7.330: NO PARKING
117. State Street:
f. both sides, from Piscataqua River edge, southwesterly for 76 feet,
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**State Street, No Parking
Portsmouth, New Hampshire**

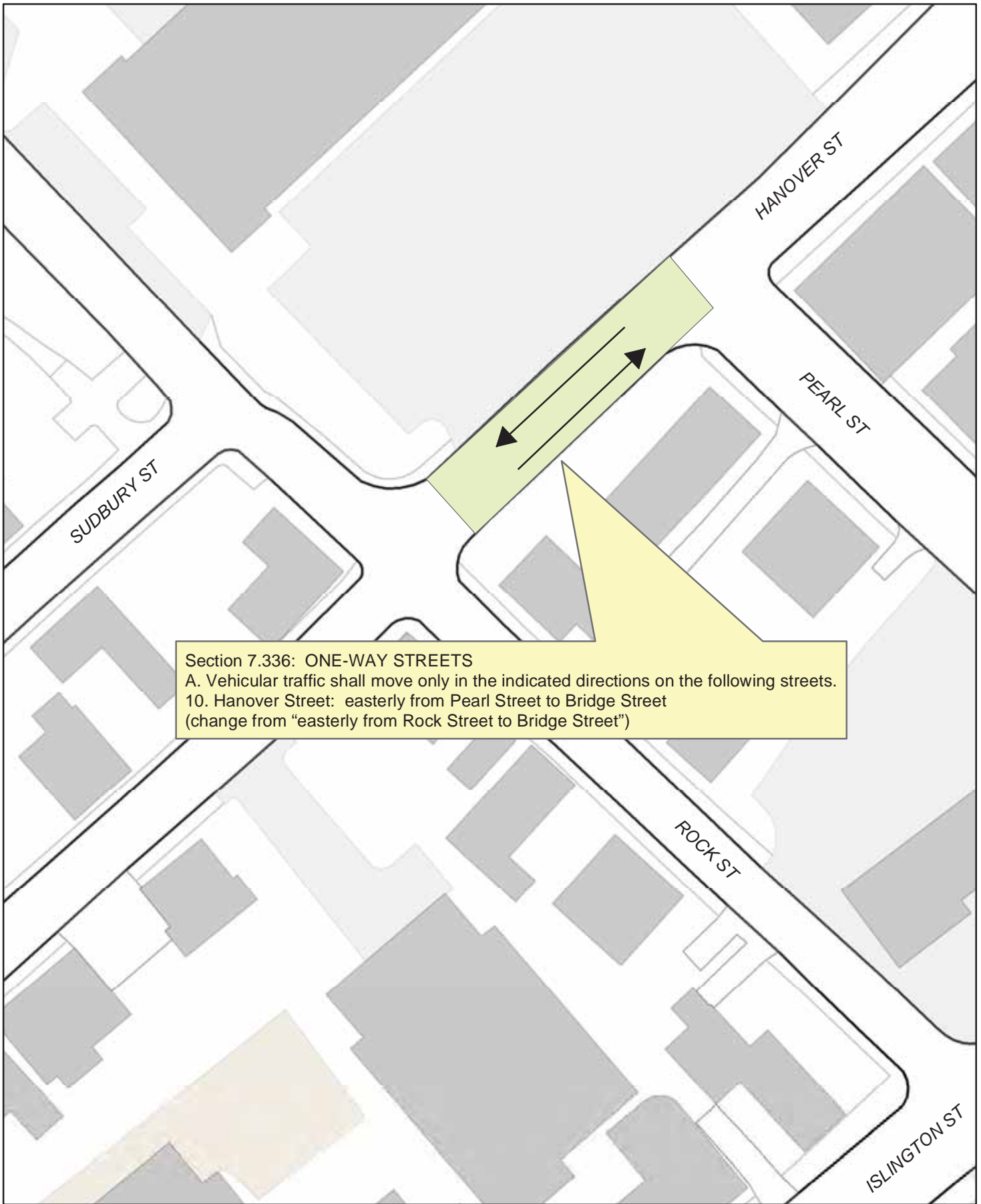


Section 7.328: LIMITED PARKING – THREE HOURS
4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway

**Chapel Court, Limited Parking Three Hours
Portsmouth, New Hampshire**

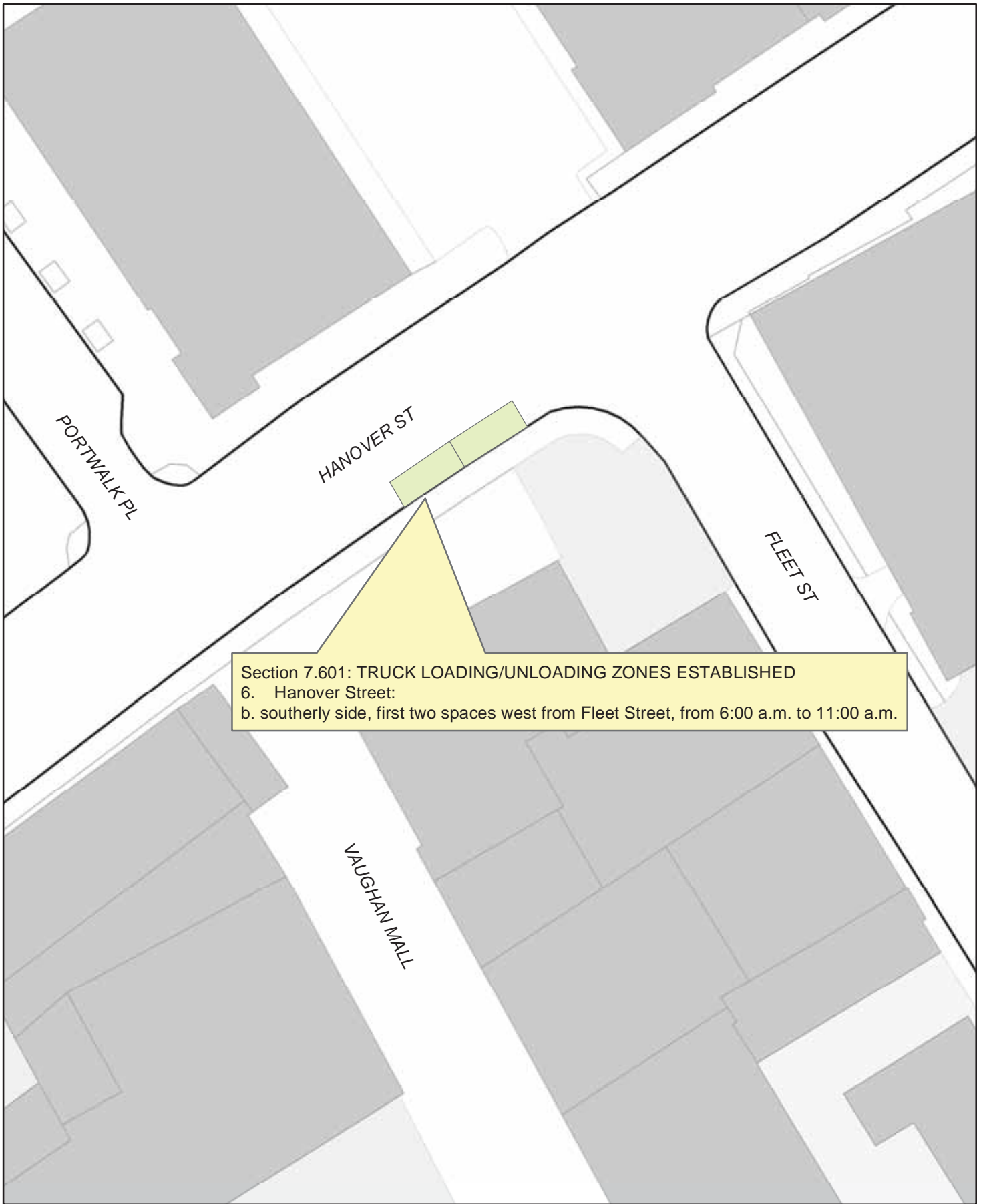


**Daniel Street , Truck Loading Zone
Portsmouth, New Hampshire**



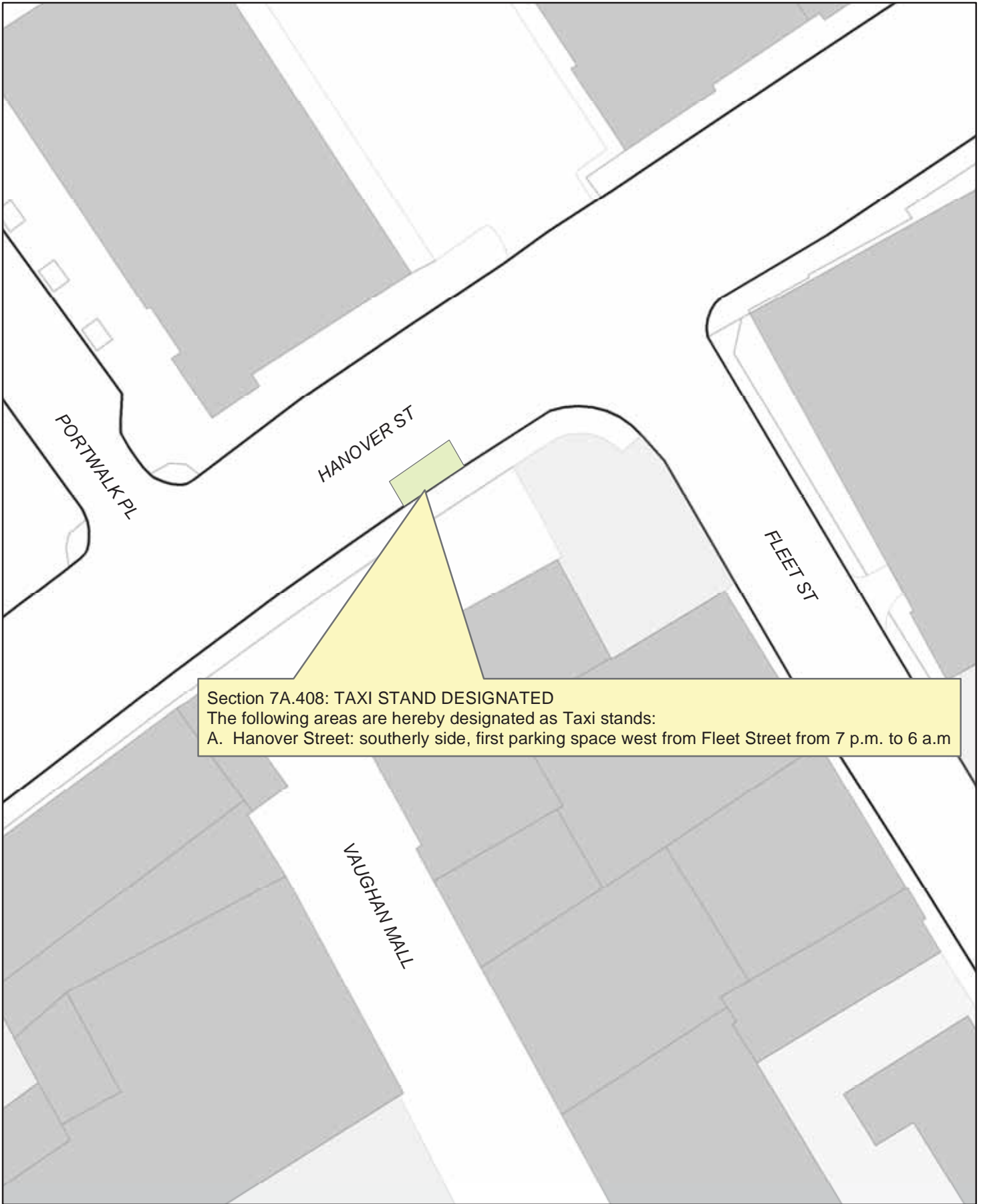
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A. Vehicular traffic shall move only in the indicated directions on the following streets.
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(change from "easterly from Rock Street to Bridge Street")

**Hanover Street, One-Way Streets
Portsmouth, New Hampshire**



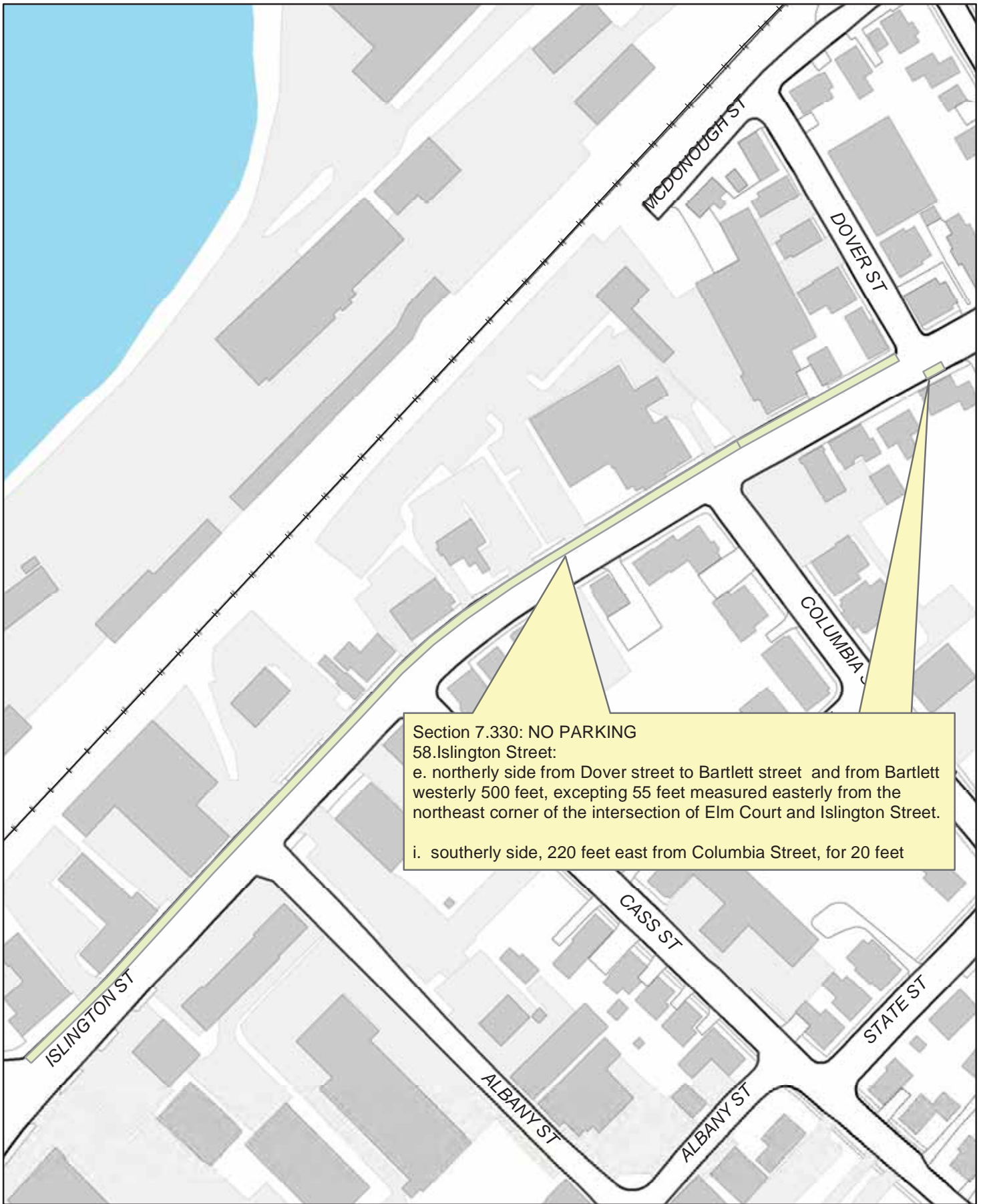
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**Hanover Street, Loading Zone
Portsmouth, New Hampshire**



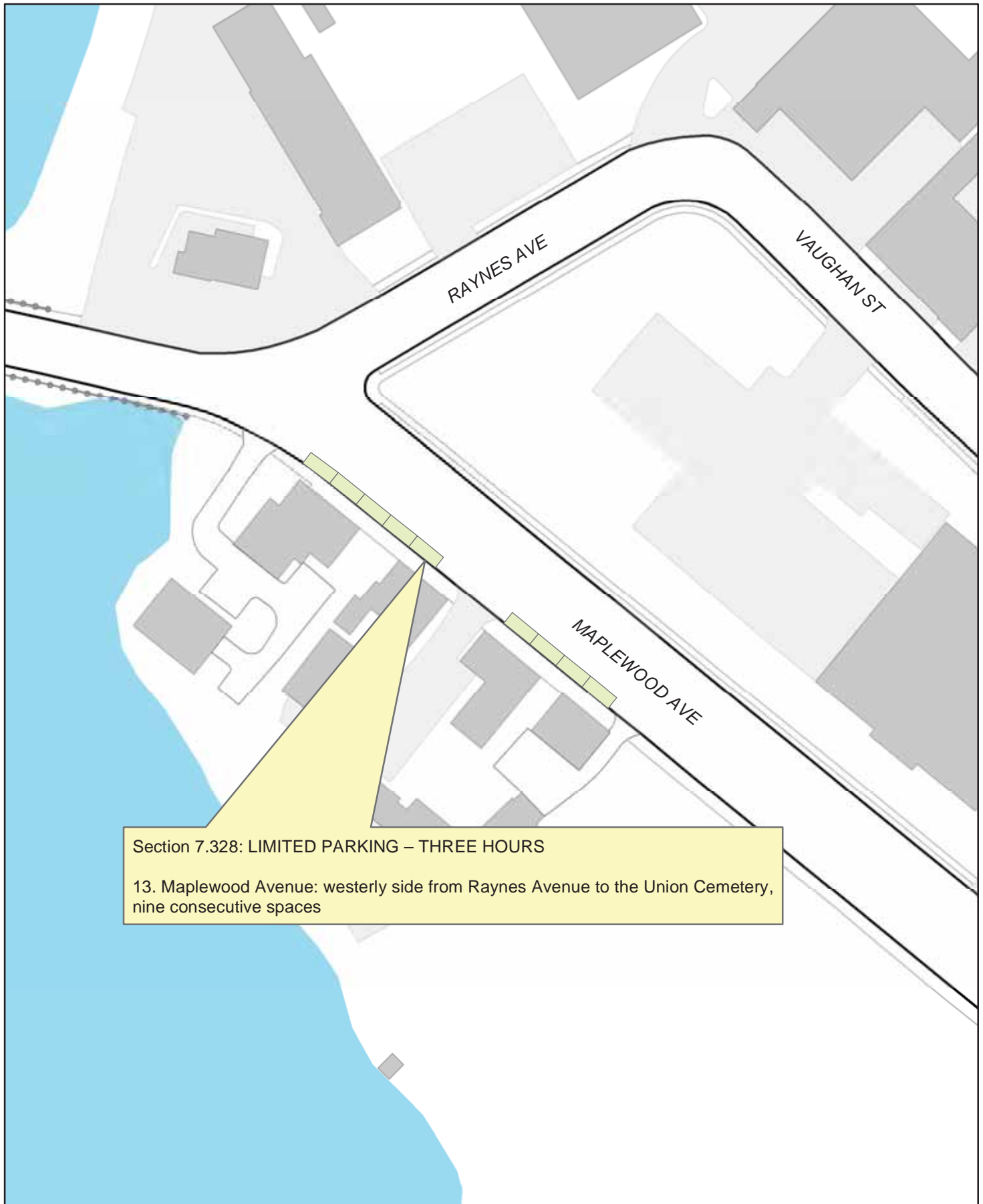
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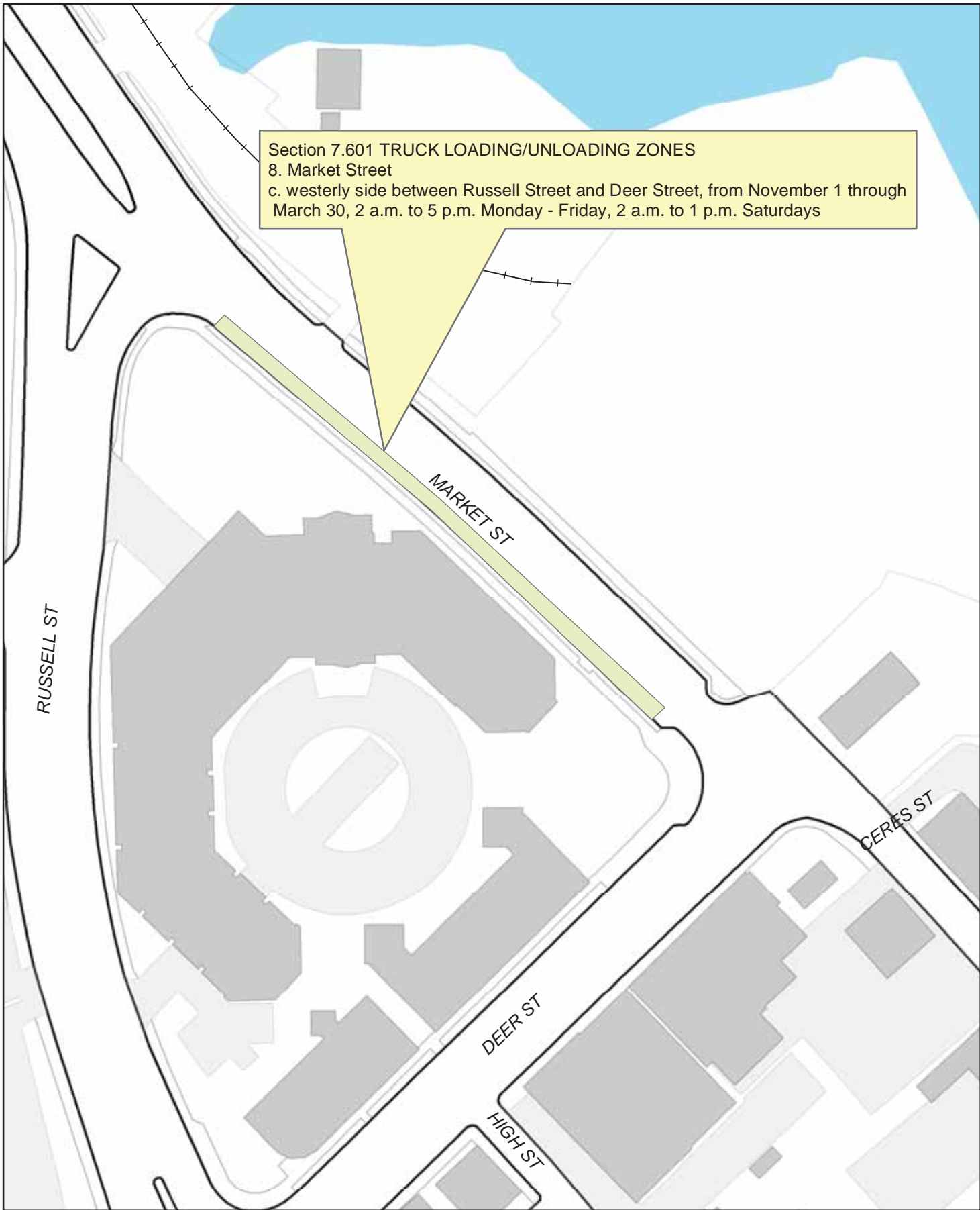


Section 7.328: LIMITED PARKING – THREE HOURS

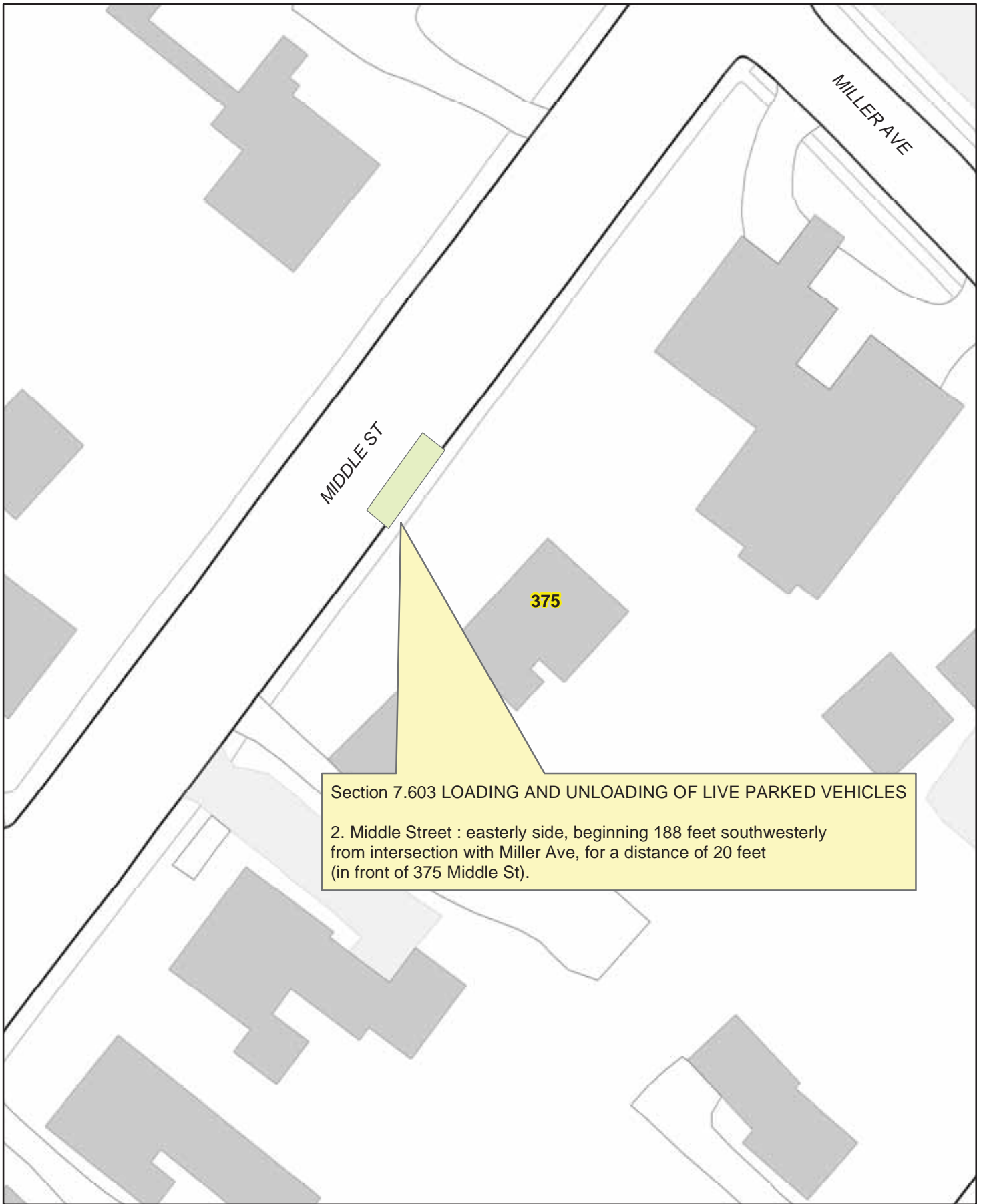
13. Maplewood Avenue: westerly side from Raynes Avenue to the Union Cemetery, nine consecutive spaces

**Maplewood Ave, Limited Parking Three Hours
Portsmouth, New Hampshire**

Section 7.601 TRUCK LOADING/UNLOADING ZONES
8. Market Street
c. westerly side between Russell Street and Deer Street, from November 1 through March 30, 2 a.m. to 5 p.m. Monday - Friday, 2 a.m. to 1 p.m. Saturdays



**Market Street, Loading Zone
Portsmouth, New Hampshire**



MIDDLE ST

MILLER AVE

375

Section 7.603 LOADING AND UNLOADING OF LIVE PARKED VEHICLES

2. Middle Street : easterly side, beginning 188 feet southwesterly from intersection with Miller Ave, for a distance of 20 feet (in front of 375 Middle St).

**Middle Street, Loading Zone
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 23 June 2014
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2014

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the ordinances of the City of Portsmouth are hereby amended, by amending Chapter 10, Article 15, Section 10.1530 by the addition of the following new definition:

Commercial gambling operation

A principal or accessory use that includes but is not limited to:

1. A public room or building where gambling games are played (e.g., a “casino”);
2. Gambling machines in an otherwise non-gambling establishment;
3. An establishment that operates charitable gambling services where the establishment takes a flat fee or percentage of the gambling revenue;
4. An establishment that operates in a manner that controls the proceeds of gambling (“the House”); or
5. An otherwise private gambling operation that is in some manner “open to the public.”

The term “commercial gambling operation” does not include:

1. Private gambling activities where all participants are on equal footing (no “House”);
2. An establishment that provides a venue for private or charitable gambling, but otherwise does not participate in the operation, such as a hotel conference center renting out its facilities, or an activity at a private club where the club does not participate;
3. Online gambling in a private venue and not “open to the public;” or
4. State lottery sales.

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:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

In Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, change “P” (permitted) to “S” (special exception) for use #1.41 in the General Residence A and B (GRA & GRB) districts, as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH
1.40 Multifamily dwelling					
1.41 3 or 4 dwelling units	N	N	P S	P	P
1.42 5 to 8 dwelling units	N	N	N	S	P
1.43 More than 8 dwelling units	N	N	N	N	P

The City Clerk shall properly alphabetize and/or re-number the ordinances 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:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

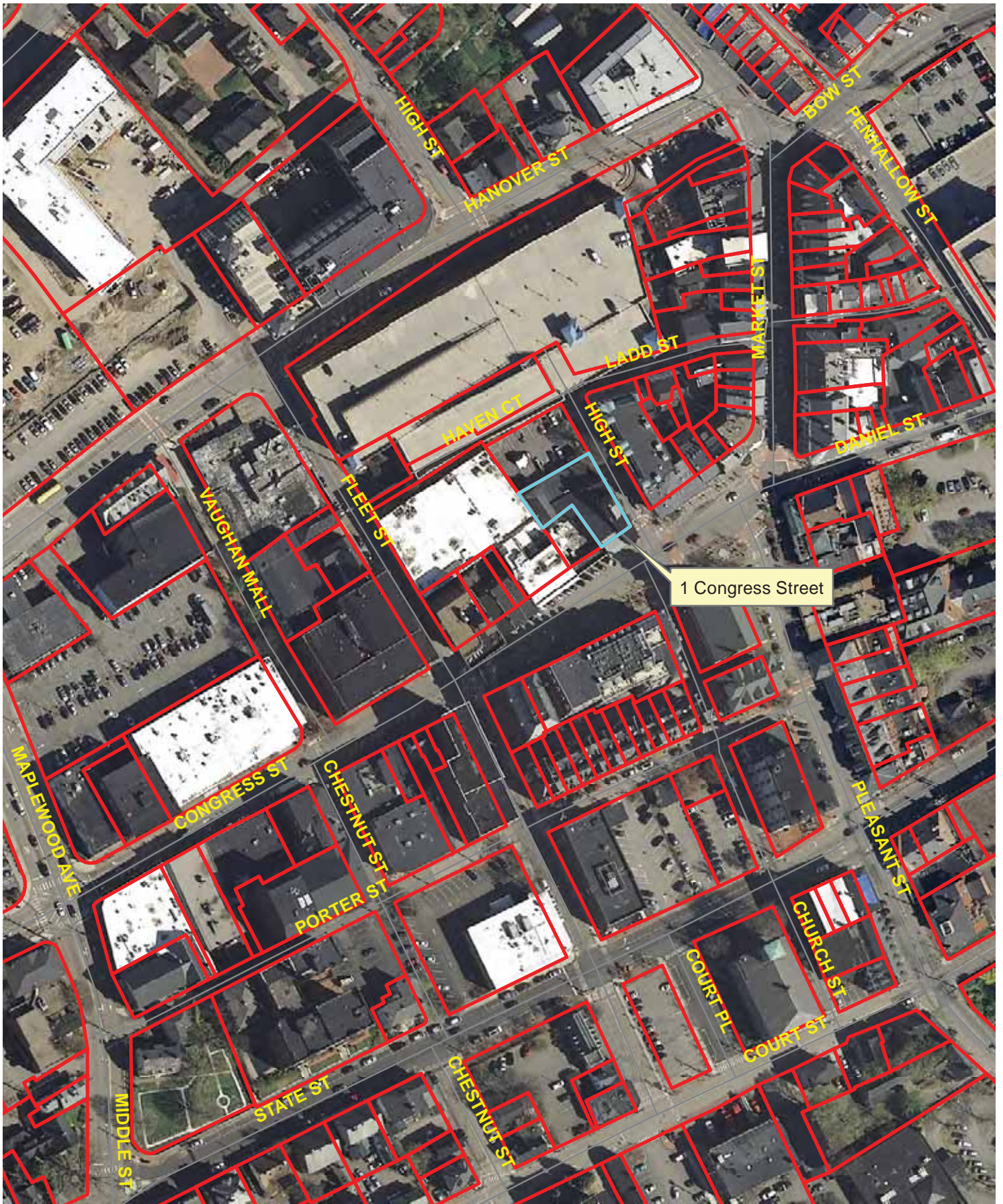
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director
DATE: July 8, 2014 *RT.*
RE: City Council Referral – Projecting Sign
Address: 1 Congress Street
Business Name: Menemsha Blues Portsmouth
Business Owner: Bruce Dupont

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

Sign dimensions: 36" x 18"
Sign area: 3.5 sq. ft.
Height from sidewalk to bottom of sign: 7'0"

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.



Request for Projecting Sign License 1 Congress Street



36" x 18"

3' x 1.5' = 4.5 sq. ft.

Menemsha Blues Portsmouth
1 Congress Street
1 Projecting Sign



MEMORANDUM

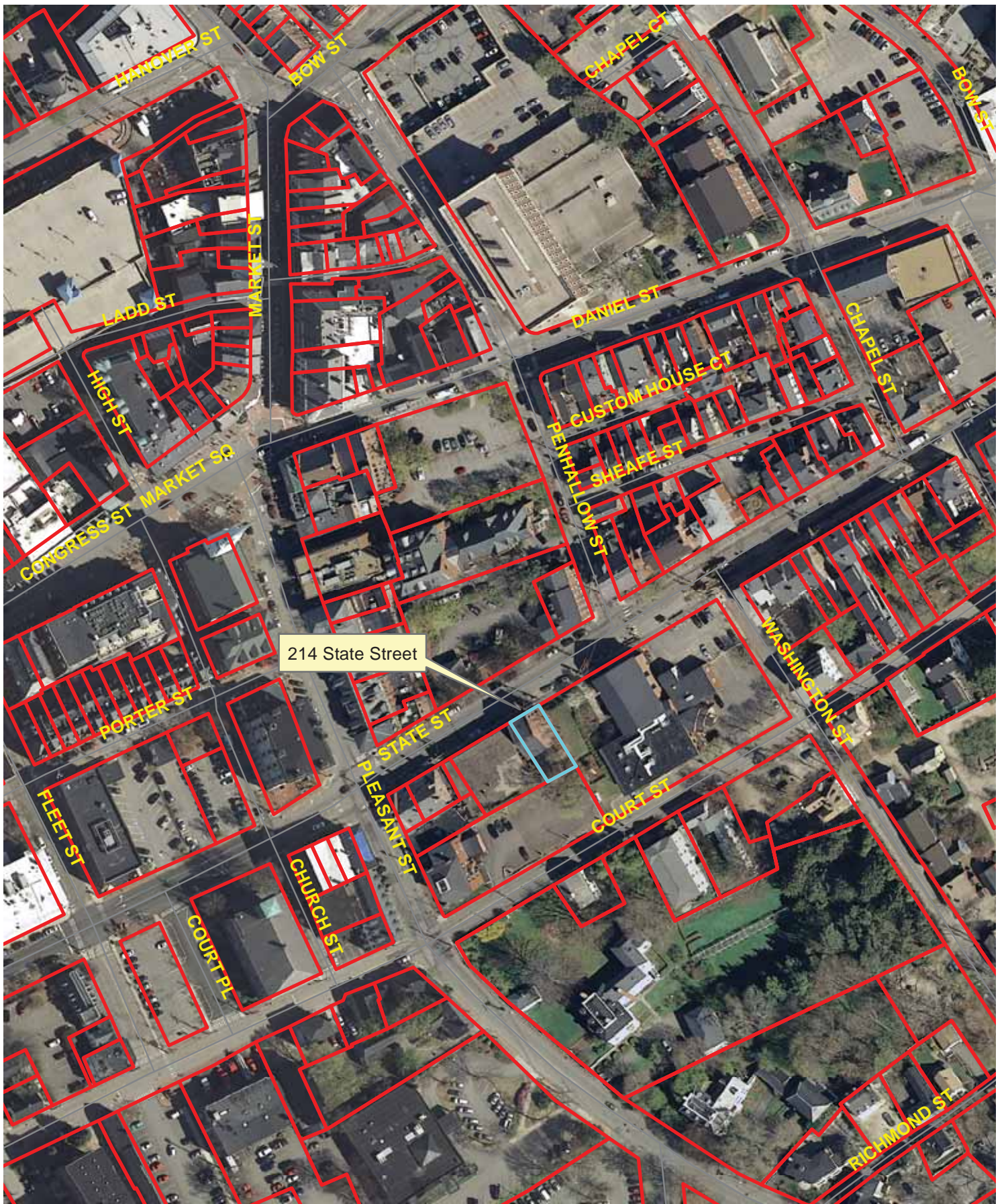
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director
DATE: July 8, 2014 *RT.*
RE: City Council Referral – Projecting Sign
Address: 214 State Street
Business Name: Southwest Passage
Business Owner: Gale Gertler

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

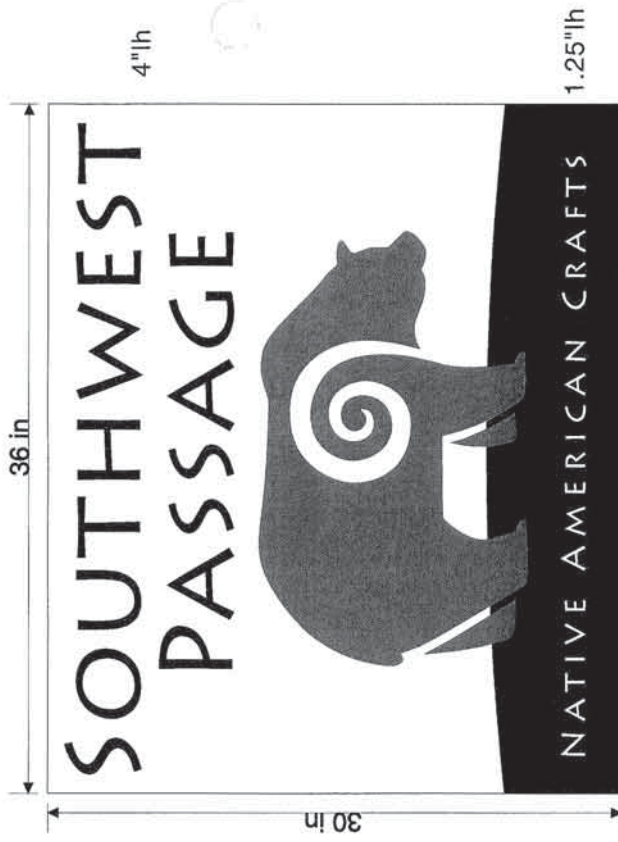
Sign dimensions: 36" x 30"
Sign area: 7.5 sq. ft.
Height from sidewalk to bottom of sign: 10'0"

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.



Request for Projecting Sign License 214 State Street



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.

NOTE: Designs are NOT actual size

6/3/14

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.

RETURN SIGNED TO: service@portsmouthsign.com

Member of:
 GREATER
 PORTSMOUTH
 CHAMBER OF COMMERCE
 in Greater
 YORK REGION
 Chamber of Commerce

SIGNATURE: _____ **Date:** _____

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Shop Use Only SS DS

Qty: _____ Materials: _____ Background Color: _____ Vinyl Color: _____ Other: _____

HP Int

Southwest Passage
214 State Street
1 Projecting Sign



MEMORANDUM

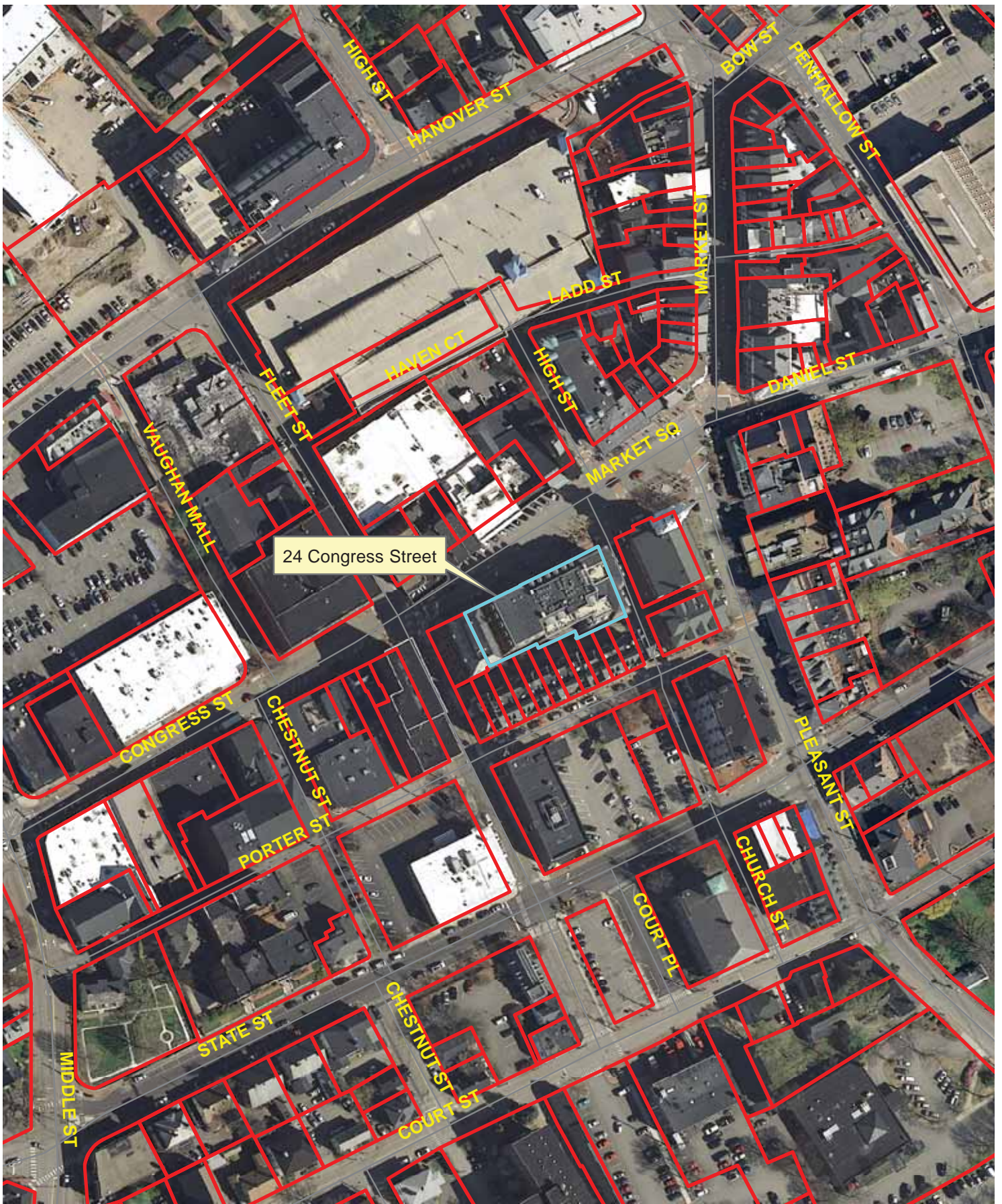
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: July 29, 2014
RE: City Council Referral – Projecting Sign
Address: 24 Congress Street
Business Name: Sara Sullivan
Business Owner: Sara Sullivan

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

Sign dimensions: 48" x 24"
Sign area: 8.0 sq. ft.
Height from sidewalk to bottom of sign: 9'0"

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.



24 Congress Street

0 75 150 300 Feet

Request for Projecting Sign License 24 Congress Street

SARA SULLIVAN
24 Congress Street
1 Projecting Sign





PortsmouthSign.com
603-436-0047

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.

NOTE: Designs are NOT actual size

7/8/14

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: _____

Member of:
GREATER
PORTSMOUTH
CHAMBER OF COMMERCE
the Great
York Regi
Chamber of Comm

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Qty:

SS DS

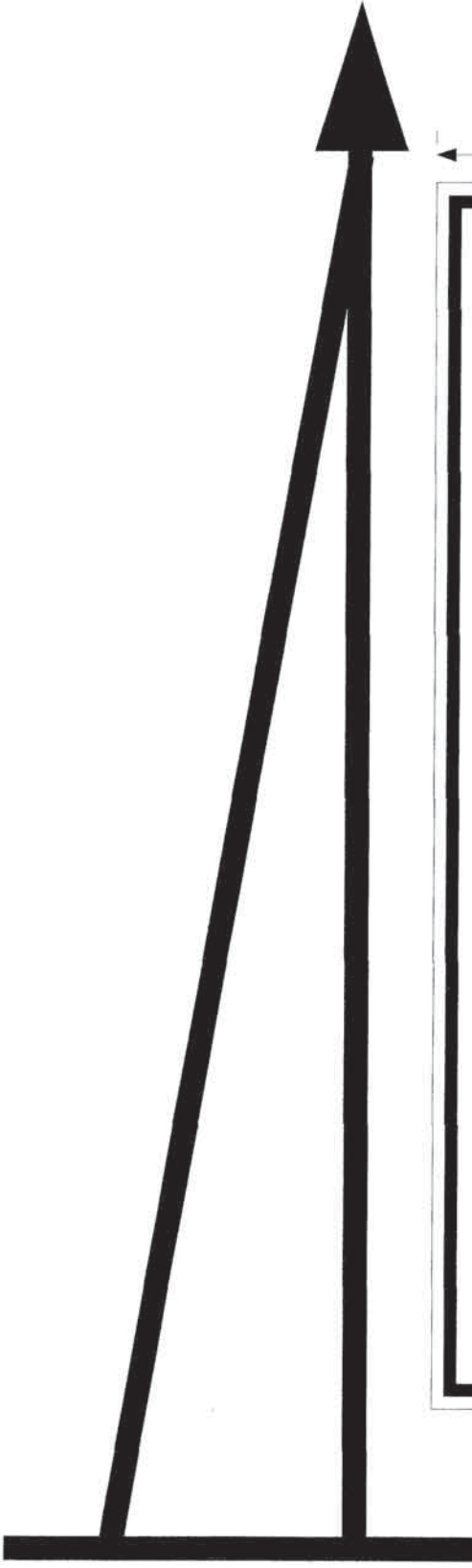
Materials:

Background Color:

Vinyl Color: HP Int

Other:





3.25 in

24 in

48 in



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.

7/8/14

NOTE: Designs are NOT actual size

SIGNATURE: _____

Date: _____

RETURN SIGNED TO: service@portsmouthsign.com
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GREATER
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York Regi
Chamber of Comm

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Qty: SS DS

Materials:


Background Color:

Vinyl Color: HP Int

Other:



M E M O R A N D U M

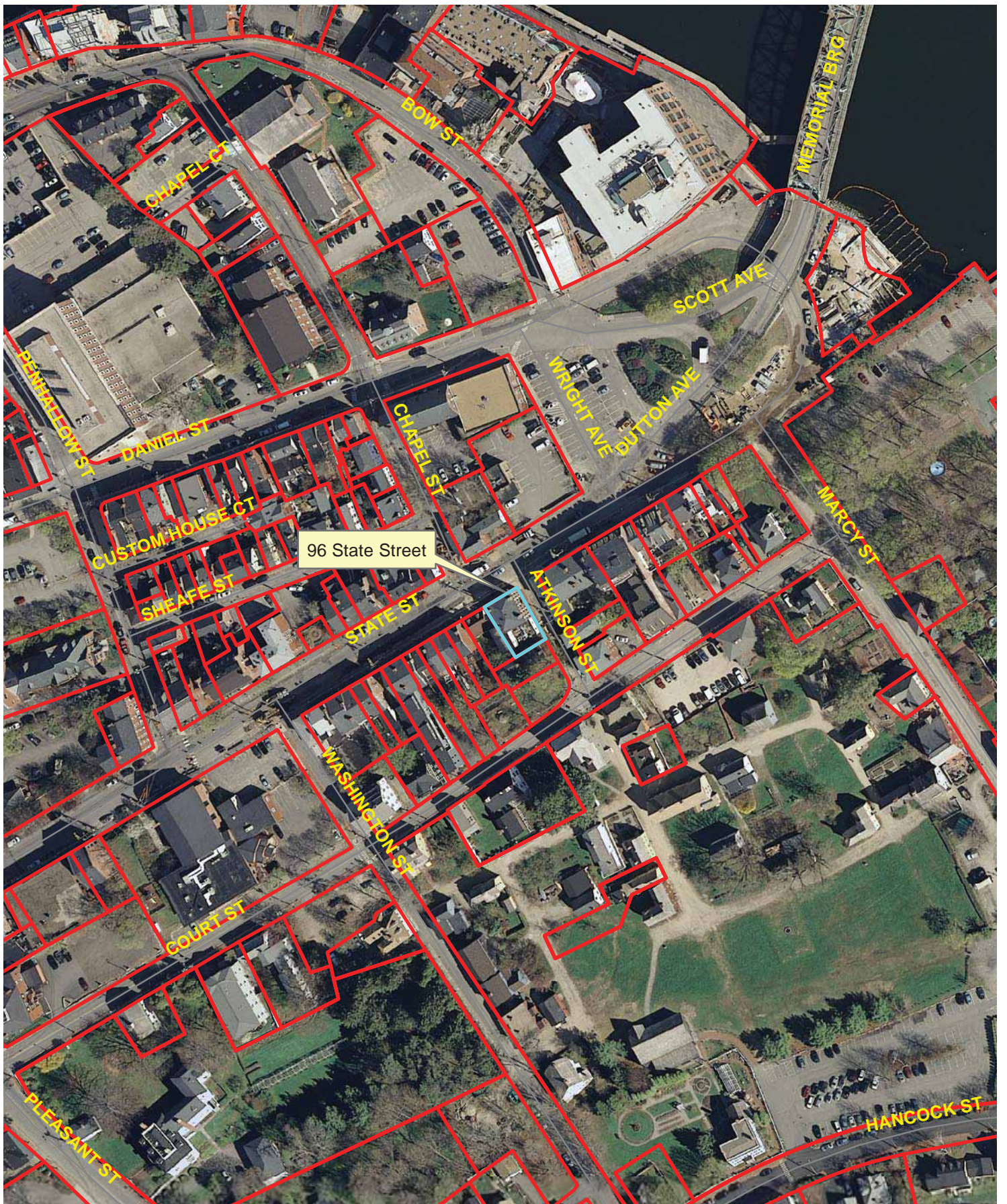
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: July 29, 2014
RE: City Council Referral – Projecting Sign
Address: 96 State Street
Business Name: Dozo Restaurant
Business Owner: Chi Zhang

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

Sign dimensions: 32" x 54"
Sign area: 12.0 sq. ft.
Height from sidewalk to bottom of sign: 11'6"

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.



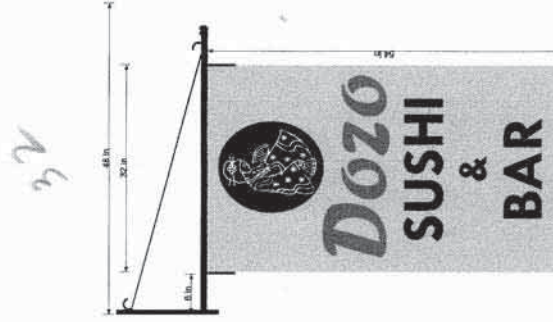
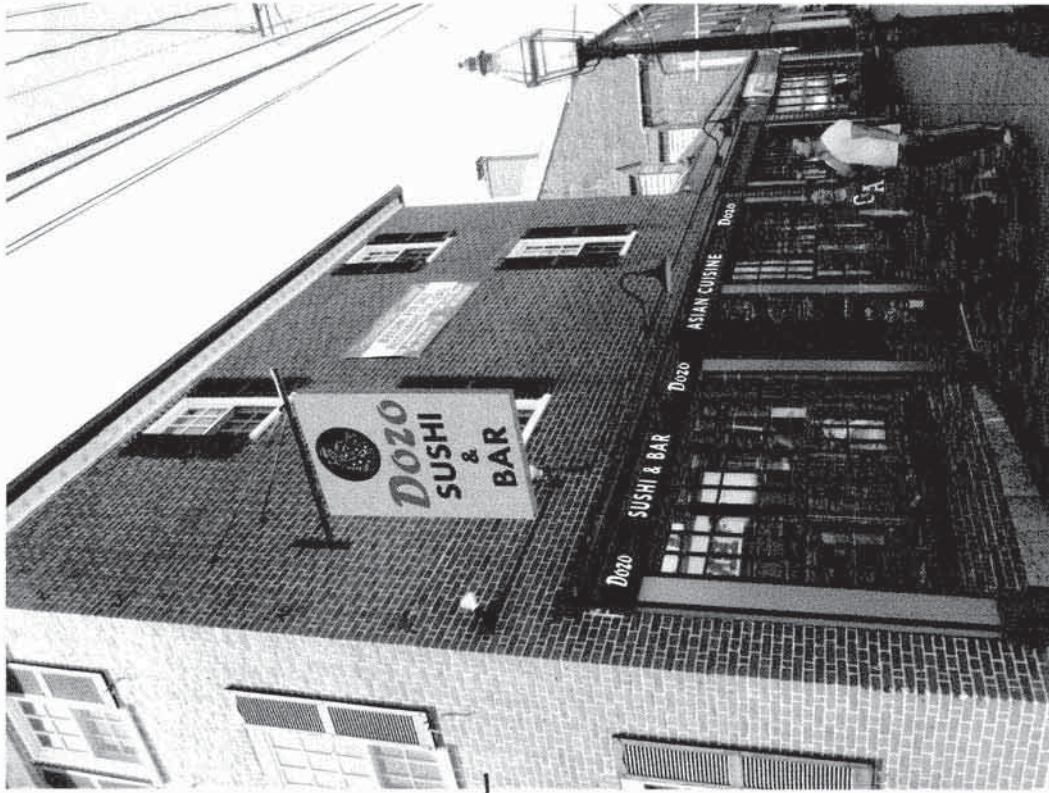
Request for Projecting Sign License 96 State Street



Buildings for Sale
Restaurants for Lease
Call Bob Smith
781.851.1234

Athens St

FIRE



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.

NOTE: Designs are NOT actual size

7/18/14

RETURN SIGNED TO: service@portsmouthsign.com
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Member of:
 GREATER
 PORTSMOUTH
 CHAMBER OF COMMERCE
 the Greater
 York Region
 Chamber of Commerce

SIGNATURE: _____

Date: _____

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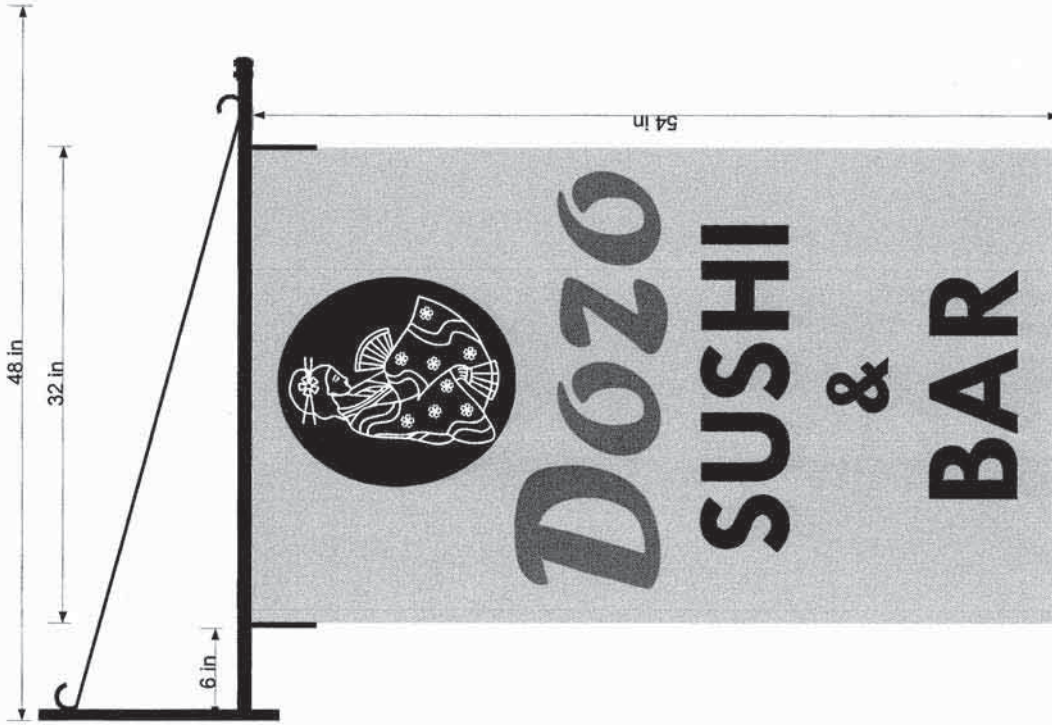
Qty: SS DS

Materials:

Background Color:

Vinyl Color: HP Int

Other:



REVISION:
All orders under \$250 include 1 revision only.
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7/18/14

RETURN SIGNED TO: service@portsmouthsign.com

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SIGNATURE: _____ Date: _____

Member of:
GREATER
PORTSMOUTH
CHAMBER OF COMMERCE
the Greater
York Region
Chamber of Commerce

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Shop Use Only

Qty: SS DS

Materials:

Background Color: Vinyl Color: HP Int

Other: _____

Received
7/21/14



**Big Brothers Big Sister
of the Greater Seacoast**
4 Greenleaf Woods #201
Portsmouth, NH 03801

July 18, 2014

T 603 430 1140
F 603 430 7760

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

www.bbbsgs.org

Dear Mayor Spear and the Portsmouth City Council,

Big Brothers Big Sisters of the Greater Seacoast would like to respectfully request approval to close Pleasant Street on Saturday, June 20, 2015 from 3pm - 6pm for the Annual *Stiletto Sprint*. We further request to reserve the following Sunday, June 21, 2015 for a rain date.

Our Young Philanthropists for Mentoring (YP4M) Committee will be organizing the Stiletto Sprint once again. The YP4M Committee is a group of young professionals who help raise financial support and awareness for Big Brothers Big Sisters of the Greater Seacoast.

This year's Stiletto Sprint was our most successful to date, raising funds for our mentoring programs while garnering positive media coverage for the City and awareness of the agency. All proceeds from this event will support Big Brothers Big Sisters' mission to provide children facing adversity with strong and enduring, professionally supported, one-to-one relationships that change their lives for the better, forever.

Big Brothers Big Sisters of the Greater Seacoast will work with your Council and the Fire and Police Departments to make this a successful and minimally disruptive event. We will require every participant to sign a release of liability waiver as well.

Please know that our agency is willing to work with your Council to select an alternative date and/or time and/or street to host this event if necessary.

If you have any questions regarding this proposal, please contact me at development@bbbsgs.org or 603-430-1140 x 14. We look forward to continued collaboration with the City of Portsmouth.

Sincerely,

Alyssa Salmon
Development & Communications Director



Run with the Cause

ST. CHARLES CHILDREN'S HOME 5K
P. O. Box 1705 • Rochester, NH 03866



July 24, 2014

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

Dear Mr. Bohenko:

The 18th Annual St. Charles Children's Home 5k held on Labor Day at the Pease International Tradeport would like to ask your permission once again to hold the St. Charles Children's Home 5K Road Race at Pease International Tradeport on September 1, 2014 at 9:00 a.m.

As in the past, we will communicate and obtain the required insurance for the City of Portsmouth, as well as Martin's Point Healthcare and the Pease Development Authority. We also will be hiring the Portsmouth Police department to provide coverage and secure an EMT to cover medical needs. Our large pool of volunteers will make sure the event runs smoothly and that the area is left spotlessly clean by 1:00 PM.

Thank you for your time and attention toward making this a safe and successful event.

Sincerely,

Sister Mary Agnes, DMML, MBA
Administrator

Sister Mary Agnes (603) 781-3108

sma@stcharleshome.net • www.runningnuns.com/race



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

For distribution to Portsmouth's City Council Members,

We, the Citywide Neighborhood Steering Committee, are writing to you to show our support of efforts to secure sound barriers along I95 to abate highway noise in the Pannaway Manor neighborhood and also to appeal to the city to put a policy in place that would include communication with the State of New Hampshire Department of Transportation regarding sound barriers during any construction project.

Aaron Garganta, president of the Sherburne Civic Association is continuing what is a decades long fight to get the State of New Hampshire to honor their promises to provide sound protection for this residential area. Aaron's fight mirrors what Delmira Morse went through in the Atlantic Heights to get sound barriers installed on the I95 bridge. Years of petitions, hundreds of phone calls and many meetings in Concord resulted finally in a funding solution and ultimately construction of sound walls that have greatly improved the quality of life for Atlantic Heights residents.

The sound barriers recently installed adjacent to the Atlantic Heights Neighborhood on the I95 bridge left many Portsmouth residents rightly wondering "what about the rest of us?" Highway noise isn't a new problem for Portsmouth neighborhoods and it is certainly not exclusive to Pannaway Manor. We have many miles of state and federal road cutting through our community which impact neighborhoods like Cutts Cove and and Cutts Cove River Area, Christian Shore Creek, Cokely Road, and Frank Jones Farm just to name a few. I95, Rt 16 and the Rt 1 Bypass are busy state roads and as traffic volume increases so does the noise for these residents.

As a citywide issue, the Citywide Neighborhood Steering Committee would like to see measures put in place to ensure that the need for highway noise sound protection for residential areas is routinely reviewed and prioritized by the City of Portsmouth and the State. City Staff are often the first to hear of NHDOT's plans for work on state roads and federal highways and are in a position to appeal for noise abatement to be included in those plans. We ask that this council put policies in place that would compel City staff to identify areas of need and work with the State to solve noise problems as road projects are designed and implemented, and that any sound barriers included in the original plans are completed.

While it's heartening to see the success of the I95 project and the progress that the Sherburne Civic Association is making it should be noted that this comes at great personal expense to private citizens. It is our position that it is unreasonable to expect that this decades long process should be repeated in every affected neighborhood and we'd like to see policies put in place to remove this burden from individuals and put the full resources of our City Government to work on the problem.

Respectfully yours,

The Citywide Neighborhood Steering Committee

Cristy Cardoso, Kathy Bergeron, Kelly Weinstein, Cliff Lazenby and Paul Mannle

Law Offices of
WHOLEY & PELECH

55 CONGRESS STREET, SUITE B
P.O. BOX 395
PORTSMOUTH, NEW HAMPSHIRE 03802-0395

BERNARD W. PELECH*

JOHN J. WHOLEY
(1922-2001)

ADMITTED NH & ME BARS

TEL 603-436-6121
Fax 603-433-7491

bernie@wholey-pcicch.com



July 28, 2014

Honorable Mayor Robert Lister
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Restoration of involuntarily merged lots - RSA 674:39aa
2 Sylvester Sheet, Portsmouth

Dear Mayor Lister and Members of the City Council:

This office represents Brett and Lisa Comack, owners of property located at 2 Sylvester Street in Portsmouth. 2 Sylvester Street is shown as Lot 35 on City of Portsmouth Assessor's Map 232.

The lot was originally comprised of 5 separate lots as shown on the attached 1903 plan of Prospect Park.

Lots 231, 232, and 233 as shown on the 1903 Prospect Park plan were involuntarily merged by the City of Portsmouth and were shown as 1 lot, Tax Map 232, Lot 35 on the April, 2000 Portsmouth Tax Maps.

Subsequently, Irving W. Spinney who owned Tax Map 232, Lots 34 and 35 voluntarily merged the lots which Voluntary Merger is recorded in the Rockingham County Registry of Deeds at Book 4456, Page 0664.

On behalf of the present owners the Comacks, I would respectfully request that the City Council vote to unmerge the lot shown as Lot 231 on the 1903 Prospect Park Plan. This lot was involuntarily merged with lots 232 and 233 by the city and should be entitled to be unmerged pursuant to the statute.

Page Two
Honorable Mayor Lister
July 28, 2014

It is my understanding that this matter will be referred to the legal department for review and recommendation.

Thank you for your cooperation in this matter,

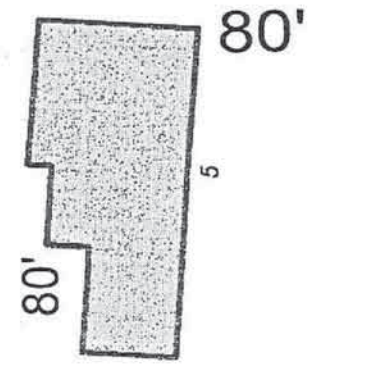
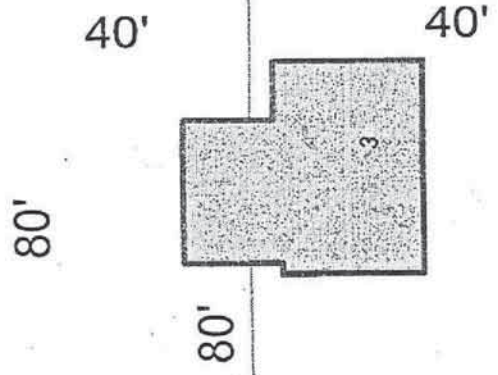
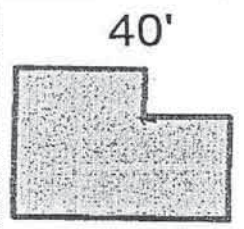
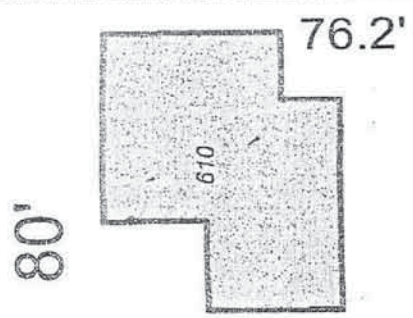
Sincerely,

A handwritten signature in black ink, appearing to read "Bernard W. Pelech". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Bernard W. Pelech

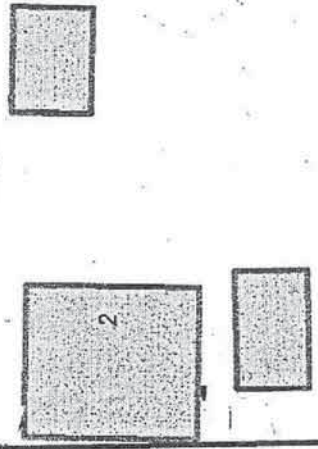
BWP/ ajs
Enclosures

W. D. B. RD



80' 77.34'

CURRENT TAX MAP
232 LOT #
35



UNMERGE
DISMERGE
LOT #
231

80' 40'

160'



SILVER ST

240'

0'

8

020018

VOLUNTARY LOT MERGER FORIVI

As provided for in RSA 674:39-a, the undersigned Applicant requests that the City of Portsmouth, New Hampshire, hereby merge the following parcels of land for the purposes of being assessed and treated for regulatory purposes as a single tract or parcel of land:

Name of record owner(s) (must be identical for all lots consolidated): • Irving W. Spinney

Mailing address of owner(s): 2 Sylvester Street, Portsmouth, NH 03801

The following existing parcels are to be consolidated into a single parcel:

Lot	Area	Street Address	DEED REFERENCE	
			Estg	Age
232	34	Middle Road, Portsmouth, NH	980	257
232	35	2 Sylvester Street, Portsmouth, NH	1960	89

Dated: _____, 2005
Sharon Cuddy Somers, A'tehiey for Applicant

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

By signing below, the Applicant agrees that (i) this request is subject to approval of the Planning Board or its designee to assure such merger does not create a violation of the current zoning ordinance or subdivision regulations, (ii) that upon approval, a copy of this agreement shall be recorded in the Rockingham County Registry of Deeds, and(iii) subsequent to the approval of this agreement, the owner(s) shall not separately convey or encumber any of the previously existing parcels. Any attempt to separately convey any parcel or part of a parcel submitted hereunder shall require subdivision approval from the Portsmouth Planning Board.

Dated: 2/24, 2005
W. Spinney, wner, by Janice Karkos
und r Power of Attorney



TAX
V/C/A T

60225
00225

PROSPECT PA porcznisoutrib ANNEX NO. 3.

Belonging to Lfwilt, WoodworT1 Sweatt
50 Court Street, Boston, illiss.

0.1eve_y ea Apr; 30.1303 by John tr. tAccrneick, A C.

field Work by EltworIA IL Sowson, bosr9n. floss.

Scale; r. 40'

504 E 303 302 301

298 297 296 295 294 293 292 291 290 289

Lois

st.

5 Jr'E l'Appearifnok

273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288
272															
271	269	268	267	266	265	264	263	262	261	260	259	258	257	256	255
270															

Joseph

St.

237	240	241	242	243	244	245	246	247	248	249	250	251	252	253
236														
233	237			238		226	225	224	223	222	221	220	219	218

Sylvester

198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216
197																		

Middle Road

Electric Street Rail

To Fandos

1903
PLAN OF
PROSPECT PARK


SUBJECT
LOT

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 31, 2014

To: Honorable Mayor Robert J. Lister and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on August 4, 2014 City Council Agenda

6:15 p.m.

Work Session:

1. **Police Department Space Needs Study.** As you may be aware, the Police Department has been conducting a Space Needs Study funded through the Capital Improvement Plan and was conducted in late 2013 and early 2014. The project was completed by Lavallee/Brensinger Architects from Manchester, New Hampshire working with Architects Design Group from Winter Park, Florida. On Monday evening, the Police Commission and Police Chief DuBois along with Will Gatchell of Lavallee/Brensinger and Ian Reeves, President of Architects Design Group will be making a presentation to the City Council regarding this Police Space Needs Study ([see attached report](#)). As the City Council will recall during the budget process, the City Council asked that prior to any additional work being done on this project that a presentation be made to the City Council to update the Council regarding the work completed to date.

Subsequent to the presentation, the architect along with the Police Commission and the Chief will answer any questions regarding the Study as well as the next steps.

Presentation:

1. **Report Back from Fire Chief Steve Achilles Re: Rail Transportation of Liquid Propane Gas.** As requested by the City Council, Fire Chief Steve Achilles will be making a presentation on the Fire Department's assessment of the rail transportation of liquid propane gas. [Attached for your information is an agenda outlining Chief Achilles' presentation.](#)

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Grant and Donation.** Attached [under Section VII of the Agenda is a memorandum](#), dated June 25, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approval the following grant and donation:
 - a) A grant in the amount of \$6,600 from Seacoast CrimeStoppers to underwrite the 2015 Citizen Police Academy and a portion of the 2014 academy.
 - b) A donation in the amount of \$25.00 from Mr. William Mortimer in support of the Portsmouth Police Explorers.

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

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances:**
 - 1.1 **First Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus.** As a result of the July 14, 2014 City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year the omnibus consists of seven ordinances, three that address loading zones and other ordinances that address a three hour parking limit, a one-way street, a taxi stand and no parking.

On March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking Traffic and Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the City Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the City Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's](#) consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 3, 2013 and June 2, 2014.

In addition, as requested by Councilor Kennedy, [attached is a report back regarding the parking impact from Omnibus Ordinance changes.](#)

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the August 18th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 1.2 **First Reading of Proposed Gambling Ordinance.** As a result of the April 21, 2014 City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Ordinance amending Chapter 10, Article 15, Section 10.1530](#) by the addition of a new definition - Commercial Gambling Operation. This proposed Ordinance is a request of Councilor Thorsen.

City Council action is required on this matter.

- 1.3 **First Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts.** [Attached under Section IX of the Agenda is a proposed Ordinance to amend the Table of Uses](#) in the Zoning Ordinance. This proposed amendment has been drafted by the Planning Department staff to address a concern regarding infill multifamily development in primarily single-family neighborhoods.

The existing zoning for the General Residence A (GRA) and General Residence B (GRB) zoning districts allows three-family and four-family dwellings as of right. Although such buildings are subject to site plan review by the Planning Board, there is no requirement for a public hearing on whether adding density on a particular site is appropriate for the surrounding neighborhood. Due to citizen concern regarding infill developments in predominantly single-family neighborhoods, the Planning Department has proposed that the Zoning Ordinance be amended to require a Special Exception from the Zoning Board of Adjustment for the development of a 3- or 4-unit dwelling in the GRA or GRB district.

The Planning Department is undertaking a preliminary assessment of these two zoning districts in order to determine the potential extent of this issue. If the City Council votes to move this matter forward, this analysis will be completed and

provided to the Planning Board for information as it considers the proposed ordinance amendment and makes its recommendation to the Council.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014, City Council meeting, as presented, and further, I recommend that this matter be referred to the Planning Board for a report back to the City Council. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Resolutions and Ordinances:**

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 Re: Building Footprint.** As a result of the June 16th City Council meeting, under Section VIII of the Agenda, [attached is a proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 regarding Building Footprint.

At the April 3, 2014 Planning Board meeting, the Board voted to recommend that the City Council amend the Zoning Ordinance, Section 10.1530 – Terms of General Applicability, by inserting a new definition of “building footprint” as proposed:

Building footprint

The horizontal area of a lot covered by the building, excluding
(a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

I recommend the City Council move to pass second reading and schedule third and final reading on the proposed Ordinance amendment at the August 18, 2014 City Council meeting, as presented. Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Signs.** [Attached](#) under Section X of the Agenda are requests for projecting sign licenses ([see attached memorandums from Rick Taintor, Planning Director](#)):
- Bruce Dupont, Owner of Menemsha Blues Portsmouth for property located at 1 Congress Street.
 - Gale Gertler, Owner of Southwest Passage for property located at 214 State Street.
 - Sara Sullivan, Owner for property located 24 Congress Street.
 - Chi Zhang, Owner of Dozo Restaurant for property located at 96 State Street.

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

2. **Acceptance of Membership Dues to Art-Speak.** Art-Speak has received the following Charter Membership Dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak:

• Strawbery Banke Museum	\$100.00
• NH Art Association	\$125.00
• Portsmouth Public Library	\$150.00
• Raka	\$150.00

The membership dues total \$525.00 and Art-Speak requests that the City Council accept the donations on behalf of Art-Speak.

I would recommend that the City Council move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

3. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations in the amount of \$450.00 and Art-Speak requests that the City Council accept the following donations on behalf of Art-Speak:

• Tim Allison	\$ 25.00
• Joyce G. Volk	\$ 25.00
• Elaine S. Krasker	\$ 50.00
• Dana and Shaula Levenson	\$100.00
• Jameson S. French	\$100.00
• Coughlin, Rainboth, Murphy & Lown	\$150.00

I would recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Request to Establish City Council Retreat.** I am requesting that the City Council schedule a Retreat on Saturday, October 4, 2014. The Retreat will be held in the Levenson Room at the Portsmouth Public Library, and it will start at 9:00 a.m. to 3:00 p.m.

I recommend the City Council move to establish a City Council Retreat on Saturday, October 4, 2014 from 9:00 a.m. to 3:00 p.m., in the Levenson Room at the Portsmouth Public Library.

2. **Rescission of Bond Authorization for Various Projects.** As you may be aware, unissued loan authorizations remain on the City's financial statements indefinitely until such time that they are borrowed or rescinded. As a part of financial housekeeping, the city should rescind the following unissued water and sewer bond/loan authorizations.

Water Fund:

1. Resolution #11-1998 for \$2,088,000 Rescind amount \$1,320,000

Resolution # 11-1998 established the borrowing authorization from the State of NH State Revolving Loan Fund of \$2,088,000 for various water system improvements.

Projects from this resolution have been completed and SRF loan is not required leaving a balance of \$1,320,000 to be rescinded.

2. Resolution #12-2005 for \$10,100,000 Rescind amount \$7,842,303

Resolution # 12-2005 established the borrowing authorization from the State of NH State Revolving Loan Fund of \$10,100,000 for five (5) water system improvement projects.

Two of the projects from this resolution have been completed, while the remaining three (3) will not be completed under the State of New Hampshire SFR program leaving a balance of \$7,842,303 to be rescinded.

Sewer Fund:

3. Resolution #11-2002 for \$22,500,000 Rescind amount \$2,666,811.11

Resolution # 11-2002 established the borrowing authorization from the State of NH State Revolving Loan Fund of \$22,500,000 for projects identified in the 201 Facilities Plan Study.

Several Projects were completed at a total cost of \$19,833,188.89 leaving a balance of \$2,666,811.11 to be rescinded.

4. Resolution #8-2001 for \$2,900,000 Rescind amount \$13,327.99

Resolution # 8-2001 established the borrowing authorization for additional funds of \$2,900,000 for Sewer Phase 2 projects.

Several Projects were completed at a total cost of \$2,886,672.01 leaving a balance of \$13,327.99 to be rescinded.

5. Resolution #16-2007 for \$1,500,000 Rescind amount \$430,286.26

Resolution # 16-2007 established the borrowing authorization from the State of NH State Revolving Loan Fund of \$1,500,000 for the Rye Line Pump Station.

The project was completed at a total cost of \$1,069,713.74 leaving a balance of \$430,286.26 to be rescinded. [Attached is the Resolution.](#)

I recommend the City Council approve rescinding the remaining borrowing authority with regard to the following Resolutions:

Water Fund:

1. *Resolution #11-1998 for \$2,088,000 - Rescind amount \$1,320,000*
2. *Resolution #12-2005 for \$10,100,000 - Rescind amount \$7,842,303*

Sewer Fund:

3. *Resolution #11-2002 for \$22,500,000 - Rescind amount \$2,666,811.11*
4. *Resolution #8-2001 for \$2,900,000 - Rescind amount \$13,327.99*
5. *Resolution #16-2007 for \$1,500,000 - Rescind amount \$430,286.26*

3. **Request for First Reading Re: Various FY15 Capital Plan Projects.** I am requesting that the City Council schedule a first reading for the [attached borrowing authorizations](#) identified in the Capital Improvement Plan at the August 18th City Council meeting. As you are aware, Borrowing Resolutions require two readings and adoption, which includes a public hearing and two-thirds vote of the City Council.

GENERAL FUND

3.1 **Resolution for borrowing authorization of up to \$3,475,000 for FY15 Citywide Seawall, Street, and Sidewalk Improvements.**

- **Seawall Repairs and Improvements - \$1,275,000:** *(page 76 & 77 of CIP FY15-20)*

This project will consist of repairing sections of the seawalls that are the property of the City including those in Prescott Park. The proposed projects are based on the recommendation of the Citywide Seawall Condition Study.

- **McDonough Street Area Improvements - \$400,000:** *(page 117 of CIP FY15-20)*

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough

Street area. This project will enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach and is the final phase.

- **Maplewood Avenue Rehabilitation - \$1,300,000:** *(page 124 of CIP FY15-20)*

This project has been initiated by the residents of Maplewood Avenue with the primary purpose to reduce travel speeds, improve pedestrian safety, and eliminate through truck travel. This work will include traffic calming methods, curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave and Route 1 By-Pass southbound ramp and will be coordinated with the water line replacement project.

- **Pease International Tradeport Roadway Rehabilitation - \$500,000:** *(page 125 of CIP FY15-20)*

Per the Municipal Services Agreement between the City and the Pease Development Authority, the City shall provide Public Works services in the non-airfield area of the Tradeport. These services include maintaining and repairing roads, streets and sidewalks. These funds will provide continuation of the rehabilitation of roadway infrastructure within the Tradeport.

3.2 **Resolution for borrowing authorization of up to \$750,000 for FY15 School Facilities Improvements:** *(Page 52 of CIP FY15-20)*

- This project funds the replacement of the lighting system that was installed in 1989 for the 7 athletic fields and tennis courts on the Portsmouth High School Campus. The lighting system is now beyond its expected life resulting in component failure as well as bulbs, ballasts and fixtures are no longer being manufactured. An energy efficient lighting upgrade is planned over the next three years.

WATER FUND

3.3 **Resolution for borrowing authorization of up to \$4,800,000 related to Water System Upgrades and Improvements.**

- **Greenland Well Upgrades - \$1,000,000:** *(identified in the FY08 CIP page 173)*

The Water Division has completed a study that has identified upgrades needed at the Greenland Well to improve the reliability and efficiency of this critical resource. The work will involve the installation of another well directly adjacent to the existing structure. Premium efficiency motors, a back-up power supply and a new disinfection system as well as SCADA instrumentation will be included in this work.

- **Maplewood Avenue Waterline Replacement - \$3,300,000:** (page 138 of CIP FY15-20)

This project consists of replacing approximately 7,500 feet of 6” and 8” 90 year old waterline on Maplewood Avenue with new 16’ cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue and Maplewood. Project will result in a looped water system feed into the central business district which will benefit both fire flows as well as water quality.

- **Water System Pressure-Storage Improvements - \$500,000:** (page 142 of CIP FY15-20)

This project consists of design and construction of sections of the water system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update completed in 2013. This funding is for the replacement of the three existing Madbury well pumps and upgrades to the associated pumping equipment; one of the projects identified to address system pressure and reliability.

SEWER FUND

3.4 Resolution for borrowing authorization of up to \$1,000,000 for FY15 Pease Wastewater Treatment Plant Upgrade. (Page 150 of CIP FY15-20)

- This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant’s NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.

I recommend the City Council move to authorize the City Manager to bring back for first reading the various proposed Resolutions, as presented, at the August 18, 2014 City Council meeting.

4. **Report Back Re: Portsmouth Cottage Senior Housing Authorizing CDBG Loan.** As you know, at its meeting on July 14th the City Council referred the [attached letter from the Portsmouth Housing Authority \(PHA\) Executive Director Craig Welch](#) to the Citizens Advisory Committee (CAC) for a report back. The letter concerns the needed replacement of windows at the Cottage Senior Housing development on Junkins Avenue. The Citizens Advisory Committee met on July 29, 2014 to discuss the issue and met with PHA Executive Director Craig Welch. In addition to the July 7th 2014 letter from Mr. Welch, additional information was requested and submitted by Mr. Welch prior to the meeting and several questions and answers were discussed at the meeting.

Background

In 2003, the City of Portsmouth entered into a long-term lease with the Cottage Senior Housing Limited Partnership for the development of 20 units of housing eligible to seniors (age 62 or older) earning low incomes. As the general partner in the development, the Portsmouth Housing Authority also secured a \$150,000 loan through the City's Community Development Block Grant program. The overall project cost was \$3 million dollars and other funding sources included historic tax credits, low income housing tax credits, and bank financing.

City of Portsmouth CDBG Loan

The original \$150,000 loan was for the development of the premises as affordable housing. The loan, with interest accruing at the rate of 1% per annum, was to be repaid from surplus cash flow from the property (after reserves for capital and other debt obligations were met). Ninety percent (90%) of the surplus cash flow was to be paid to the City, first to interest then to principal on the note. Since 2004, the Housing Authority has made regular payments on the note and the loan balance is \$52,400.

2014 Window Replacement Project

Beginning in 2013, then new Executive Director Craig Welch initiated a series of inspections and investigations that led to the determination that the windows at the development were in need of replacement. Mr. Welch's July 7, 2014 letter to City Manager John Bohenko outlines the window conditions and effects on the residents in the units. Also, Mr. Welch requests alterations to the existing loan agreement and promissory note with the City in order to move forward with the project. The total project cost is estimated to be \$450,000.

Restructuring Debt on the Property to Finance Window Replacement

In order to finance the proposed improvements, the Portsmouth Housing Authority has worked with each of the project funders from the original 2003 development to restructure the project financing. The PHA has been successful in reaching agreements with the New Hampshire Housing Finance Authority (NH Housing), the Federal Home Loan Bank of Boston, Peoples United Bank, and the Community Reinvestment Fund. NH Housing has agreed to convert its 5% loan from 2003 to a 0% interest loan and subordinate to a new loan from the Community Reinvestment Fund, a Community Development Finance Institution (CDFI). Peoples United Bank has also agreed to subordinate and remain in 3rd place.

In addition, the PHA is making requests of the City of Portsmouth in order to facilitate the rehabilitation. The City is currently in a fourth position behind other debt on the property. The request to the City of Portsmouth has been formulated as part of a larger financing package that is dependent upon the terms of the agreements the project funders noted above. The City is being asked to do three things:

1. Subordinate the current loan behind the new debt;
2. Increase the size of the loan from a current balance of \$52,400 to a new amount of \$130,000 (an increase of \$77,600); and

3. Modify the distribution of surplus cash from which the City's debt is paid from 90% to 25% and modify the maturation date to occur in 2034.

Recommendation from the Citizens Advisory Committee

The CAC is recommending that the City Council move forward with the actions requested by the Portsmouth Housing Authority. Based on the meeting with Mr. Welch and additional information submitted by the PHA in support of the request, the CAC made the following observations in preparing its recommendation to you.

1. The windows are in need of replacement and the proposed improvements are in the best interest of the residents living in the units and for the City-owned building.
2. The PHA has worked with all funders from the previous project and gained cooperation and modification to loan terms from those lenders in creating a new debt structure for the property to finance the improvements.
3. No other funding sources are available to the PHA to move forward with these improvements.
4. The request to increase the size of the original CDBG loan and other requested modifications are reasonable. The original note was \$150,000 and it has been paid down to \$52,400. Increasing the size of the loan to a new principal balance of \$130,000 would be "re-lending" \$77,600 of the funds that had been previously repaid. As a reminder, CDBG funds are non-local tax dollars from the federal government, which must be used to benefit residents earning low and moderate incomes. The proposed use of the funds, to replace windows at the Cottage, is an eligible rehabilitation expense and funding is available in the CDBG program.

Based on the recommendation of the Citizens Advisory Committee, the following motion to implement the recommendation in the report back would be appropriate:

To authorize the City Manager to take any and all actions to implement the following:

- 1. to subordinate the current loan with the Cottage Senior Housing Limited Partnership behind the new debt;*
 - 2. to increase the size of the loan from a current balance of \$52,400 to a new principal balance of \$130,000 (an increase of \$77,600); and*
 - 3. modify the distribution of surplus cash from which the City's debt is paid from 90% to 25% and modify the maturation date to occur in 2034.*
5. **Polling Hours for September 9, 2014 State Primary Election.** [Attached is a memorandum from the City Clerk, Kelli L. Barnaby](#), recommending the polling hours for the State Primary Election be set from 8:00 a.m. to 7:00 p.m.

I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 9, 2014.

6. **Request for a Encumbrance Permit (Sidewalk Closure) for Construction Project at 185 Austin Street for an Additional Period of Six Months.** David Osterhoudt is requesting a license agreement to complete construction of improvements to a residential structure at 185 Austin Street (the corner of Cabot Street and Austin Street). [See attached communication from Mr. Osterhoudt which includes a plan of the work area.](#) He has erected staging on Cabot Street and has been working pursuant to an encumbrance permit issued by the Inspections Department.

City staff recommends that a license be authorized for six months from the date of approval by the City Council with the City Manager having the right to extend the license for up to an additional 45 days upon good cause shown. The license will require Mr. Osterhoudt to be subject to terms and conditions similar to those in the existing encumbrance permit, which conditions have been effective to date.

I recommend the City Council move to authorize the City Manager to enter into a license with Mr. Osterhoudt to facilitate construction activities at 185 Austin Street.

7. **Request for First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners.** As a result of the Taxi Commission meeting on June 16, 2014, [attached is a request for first reading of the proposed Ordinance amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners](#) as follows:

Section 7.230: Prohibited Conduct by Medallion Holders or Owners.

No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which have been issued a taxi medallion by the City.

The request for first reading is for the August 18, 2014 City Council meeting.

I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance amendment, as presented, at the August 18, 2014 City Council meeting.

8. **Report Back Re: Architectural Design Review Outside the Historic District.** As you will recall, at the January 13, 2014 City Council meeting, the Council took the following action:

Voted to request that the Planning Board consider a process for architectural review of building projects located outside of the Historic District with a report back to the City Council at the April 7, 2014 City Council meeting and to hold a Work Session with the City Council on March 3, 2014 at 6:00 p.m. to review and come forward with parameters for architectural review.

[Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.](#) As you can see, the Planning Board considered the request at its meetings on April 3 and July 17, 2014. Following an extensive discussion of these issues, the Planning Board voted 8 to 1 to recommend against establishing an architectural design process outside the Historic District.

I recommend the City Council move to accept the Planning Board's recommendation against establishing an architectural design process outside the Historic District.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on July 14, 2014. In addition, this can be found on the City's website.
2. **Report Back with Chairs of Planning Board, Historic District Commission and Board of Adjustment Re: Workload.** At the City Council meeting of June 2, 2014 following discussion regarding the additional alternate members to the Board of Adjustment, the City Council requested a report back on number of items relating to the workload that has been experienced by our Land Use Boards over the last several years.

The questions asked included:

- The potential to add additional Members to the BOA;
- The number of meetings held per month;
- Establishing a deadline for submitting materials for land use board agendas;
- Creating a time for adjournment of the meetings;
- And the affect of making applicants go to the next meeting

[Attached are the initial email responses from the Board Chairs](#) regarding the questions asked. In addition, David Allen, Deputy City Manager, spoke with each of the Board Chairs individually about their views of issues presented. The consensus was that the Boards were not seeking structural changes that would require City Council actions but could make adjustments to their procedures through changes to their own rules and regulations.

The example of the Planning Board developing a format for the public hearing process (first time speakers – 3 minutes; second time speakers - 10 minutes; and third time speakers - unlimited) was discussed as an option for controlling the meeting length. Each of the Chairs acknowledged that those were the types of options that they could develop through their own rules and regulations if and when they felt they were needed.

Joe Almeida acknowledged that the HDC tools funded by the City Council will help the decision making process of the Commission. The new computer based model of the

downtown area is nearly complete and the development of the design guidelines is underway.

All of the Chairs agreed that maintaining a full complement of Board members, including alternates was critical to their performance.

The Chairs also agreed that the Boards could benefit from additional training. The Office of Energy and Planning offers training for land-use boards but those trainings typically take place on weekends in Concord. The New Hampshire Municipal Law Association also provides offsite training. Those training sessions are offered to Board and Commission members at no charge. All of the Chairs agreed that it would be helpful to bring the training to the board, either prior to a meeting or through an additional evening. To that end, City Staff is looking into options for bringing in training that can be customized to address specific areas of concern of the individual boards.

3. **Report Back Re: Helicopters.** At the July 14th City Council meeting, Councilor Morgan inquired about her concerns pertaining to the operation of helicopters from the Portsmouth International Airport at Pease. I contacted Lynn Hinchee, Counsel, for the Pease Development Authority who responded to my inquiry in the [attached e-mail, which includes the PDA Board minutes dated August 29, 2013](#). If people have complaints, they should document them through the Complaint Hotline (603) 436-6333.
4. **Update on Report Back Re: Peirce Island Archaeological Study.** As you know, at its meeting on July 14th, the City Council asked for a report back on a written request from the Peirce Island Committee. In its letter, the Committee requested that capital plan funds for Peirce Island be used to fund an archaeological study of two middens located on the Island and related investigations. Middens are deposits containing shells, animal bones, and other refuse that indicate the site of a human settlement, in this case, the two middens found at Peirce Island potentially date from two different periods of the Island's use as a military fort, the Revolutionary War and the War of 1812. During the construction work on the Plant, the two archaeological resources highlighted by the Committee will be protected by means of fencing as was recommended by AECOM's consulting archaeologist.

In reviewing the request, it is important to note that a major final step of the construction project is to implement a restoration plan for the portions of the island that will have been used temporarily as a laydown area for the contractor's equipment and materials during construction. With regard to the timing of the Committee's proposed investigations, it would be advantageous for the archaeological investigation to take place after the completion of the new plant but prior to, and in preparation for, the restoration plan. Other issues needing investigation prior to additional archeological work are the potential permitting needs as well as the protocols with respect to providing public information about Fort Washington and related archaeological resources while protecting the resources. Staff is continuing to review the proposal and plan to meet with the Peirce Island Committee at their next meeting in preparation for the report back.

5. **Status of Transfer Re: Paul A. Doble Army Reserve Center.** As you know, I have been working with City staff and our Congressional delegation on the transfer of the Paul A. Doble Army Reserve Center. At the end of last year our delegation pursued an amendment to the National Defense Authorization Act (NDAA), which authorized the Army to directly transfer the Doble facility to the City of Portsmouth eliminating the need for additional screening and steps under a different disposal authority. Since that time staff has confirmed that disposal steps have begun within the Department of the Army and that the property will be disposed of via a public benefit conveyance (PBC) sponsored by the U.S. Department of the Interior National Park Service under their Federal-Lands-to-Parks Program. Those disposal steps include various administrative and environmental reviews required by law.

The property is being transferred in accordance with the August 2013 PBC application for a parks-related reuse (Senior Center). As a public benefit conveyance, the City is able to acquire property from the federal government at no cost. However, as stipulated in the federal legislation concerning this property and four other similar Army installations, the City may incur some costs associated with the transfer itself.

The property transfer steps will take place concurrently with the Army Reserve's continued efforts to complete their new building on Lafayette Road, relocate their units, and report the property's availability to the Army Corps of Engineers, which carries out real estate transactions for the Army. At this time, the Army Corps and Army Reserve anticipate assigning the property to the Department of the Interior in the early spring of 2015. The Department of the Interior plans to give the City constructive possession of the property shortly thereafter. City staff will continue to monitor the timeline for the transfer as the administrative process progresses.

I have directed staff to continue to make preparations in advance of the property transfer including working with the Senior Subcommittee of the Recreation Board. I will provide updates on this issue as more information becomes available including a more definitive timeline for the transfer.

6. **Report Back Re: Request for Enhanced Lighting of Commercial Alley.** As you will recall at the July 14, 2014 City Council meeting, the Council referred a request for enhanced lighting of Commercial Alley to the City Manager for report back to the City Council. For your information, [attached is a letter to the stakeholders of Commercial Alley](#) regarding this matter.
7. **Update on the Schedule for the Phase 2 of the Character-Based Zoning Project.** With a final contract pending with the city's consultants at Town Planning & Urban Design Collaborative, LCC (TPUDC), we expect to hold a project kick-off meeting for Phase 2 of the Character-Based Zoning Project the week of August 25th and conduct the first multi-day charrette for the North End in mid to late September. After developing a community vision plan during the charrette process, TPUDC will commence drafting a character-based zoning amendment for the North End and then return to Portsmouth in mid-November to hold the

second multi-day charrette for the Islington Street Corridor. Once the dates for these two charrettes are confirmed over the next week, the Planning Department will develop a public outreach program to ensure local residents and business owners are aware of the charrette locations, the public meeting schedule, and other related activities. If you have any questions, please let me know.

8. **Report Back Re: Off-Street Parking Requirements for Conference/Convention/Event Centers.** As you will recall, at the January 13, 2014 City Council meeting, the Council voted to refer the following zoning amendment, proposed by Councilor Morgan, to the Planning Board for a report back:

Add a new line item to Table 10.1112.30 Off-Street Parking Requirements so as to require conference centers, convention centers, and event centers to provide one (off-street) space per 2 persons or rated capacity.

For your information, [attached is a memorandum from Rick Taintor, Planning Director](#), regarding this matter.

9. **Report Back Re: Building and Development Compliance with Land Use Boards.** As you will recall, earlier this year, it was discovered that aspects of the Portwalk project were not in compliance with approvals by the Planning Board and Historic District Commission, and the City Council as well as staff and members of the public were concerned that proper controls be put in place to prevent this type of situation for occurring in the future. As a result of the April 21, 2014, City Council meeting, [I have attached a memorandum from Deputy City Manager David Allen and Planning Director Rick Taintor](#) describing the approach that the Planning and Inspections Departments are taking to address this concern. The memo summarizes the separate points in the permitting process where such discrepancies can arise, and outlines four steps that are being put into place to prevent such discrepancies. These include affidavits from the applicant's development professional both before issuance of a building permit and before issuance of a certificate of occupancy; hiring a third-party professional to review plans of larger projects for compliance with approvals; and hiring a contract Board Enforcement Agent to review plans for smaller projects.
10. **Report Back Re: Enforcement of Land Use Regulation Violations.** As a result of several City Council meetings since January 21, 2014, [attached is a memorandum from City Attorney Robert Sullivan regarding Enforcement of Land Use Regulation Violations](#). As the memorandum indicates, this is a request of the City Council, which was initiated by Assistant Mayor Splaine.

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # ____-2014

RESCINDING CERTAIN BORROWING AUTHORITY

RESOLVED: By the City Council of the City of Portsmouth, New Hampshire assembled, that for the reasons given, that portion of the authority granted by the following resolutions to authorize the borrowing of money is hereby discharged and rescinded:

1. Resolution #11-1998 authorizing \$2,088,000 for certain water system improvements. The improvements have been completed with several projects not requiring a loan leaving an unused balance of borrowing authority in the amount of \$1,320,000, which is hereby discharged and rescinded.

2. Resolution #12-2005 authorizing \$10,100,000 for Five (5) identified water system improvements. Two projects have been completed under this resolution, the remaining three (3) projects will not be completed under the borrowing authority of this resolution leaving balance in the amount of \$7,842,303 which is hereby discharged and rescinded.

3. Resolution #11-2002 authorizing \$22,500,000 for projects identified in the 201 Facilities Plan Study. Several projects have been completed leaving an unused balance of borrowing authority in the amount of \$2,666,811.11, which is hereby discharged and rescinded.

4. Resolution #8-2001 authorizing \$2,900,000 for projects identified in the Sewer Phase 2 projects. Several projects have been completed leaving an unused balance of borrowing authority in the amount of \$13,327.99, which is hereby discharged and rescinded.

5. Resolution #16-2007 authorizing \$1,500,000 for the Rye Line Pump Station. The project has been completed leaving an unused balance of borrowing authority in the amount of \$430,286.26, which is hereby discharged and rescinded.

THAT, the foregoing borrowing authorization is hereby discharged and rescinded as described above and that the City Manager is authorized to issue any notices and take any and all other actions required to effectuate the purpose of this resolution.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY THE CITY COUNCIL

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

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # — 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$3,475,000) FOR COSTS RELATED TO FISCAL YEAR 2015 CITYWIDE SEAWALL, STREET, AND SIDEWALK IMPROVEMENTS.

BE IT RESOLVED:

THAT, the sum of Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000) is appropriated for Fiscal Year 2015 Citywide Seawall, Street and Sidewalk Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT That the expected useful life of the project is determined to be at least ten (10) years, and;

THAT That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

BI-DPW-27: SEAWALL REPAIRS and IMPROVEMENTS

This project will consist of repairing sections of seawalls that are the property of the City including those in Prescott Park.

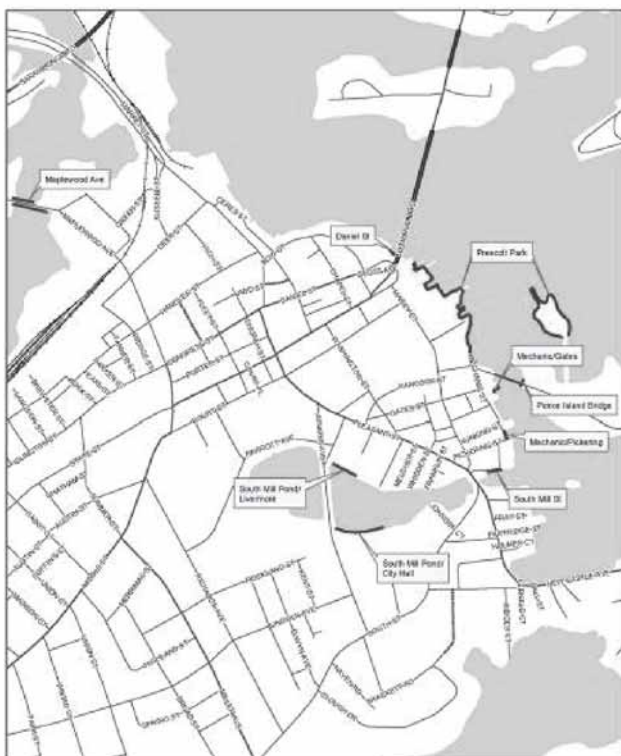


The proposed projects are based on the recommendations of the Citywide Seawall Condition Study.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	26%							\$0	\$525,000	\$525,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	62%	\$1,275,000						\$1,275,000	\$0	\$1,275,000
Bond Prem. Supp.	12%							\$0	\$250,000	\$250,000
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,275,000	\$0	\$0	\$0	\$0	\$0	\$1,275,000	\$775,000	\$2,050,000
Commence FY:	On-Going	Quarter: 1st		Priority: II		Impact On Operating Budget:		Negligible		

BI-DPW-27: SEAWALL REPAIRS and IMPROVEMENTS



Sea Walls
Portsmouth, New Hampshire
Map prepared by Portsmouth Department of Public Works, 28 December 2008
Map document: \\projects\2008 Sea Walls\seawalls_28.doc

Seawall Repair/Replacement Projects

Location	Project Estimate
Pierce Island Bridge	\$ 75,000
South Mill Pond/Livermore	\$175,000
South Mill Pond/City Hall	\$200,000
Four Tree Island	\$410,000
Prescott Park	\$415,000
<hr/>	
Total Estimated Cost	\$1,275,000
South Mill Street	Completed FY11
Mechanic Street/Gates	Completed FY12
Mechanic Street/Pickering	Completed FY14
Daniel Street	Underway FY14

TSM-CITY-21: ROADWAY: McDonough Street Area Improvements Project

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle, and motor vehicle. This area is a mixed use of residential, commercial, and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing, and associated landscaping constructed in a phased approach that began in FY10.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$400,000						\$400,000	\$1,600,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$400,000	\$0	\$0	\$0	\$0	\$0	\$400,000	\$1,600,000	\$2,000,000
Commence FY:	2010	Quarter:	1st	Priority:	II	Impact On Operating Budget: Negligible				

TSM-CITY-27: ROADWAY: Maplewood Avenue Rehabilitation

This project has been initiated by the residents of Maplewood Avenue with the primary purpose to reduce travel speeds, improve pedestrian safety, and eliminate through truck travel. This work will include traffic calming methods (reduced width travel lanes and bump-outs), curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave and Route 1 By-Pass southbound ramp. Recently constructed improvements on Woodbury Avenue are the types of improvements contemplated for this corridor. This project is being coordinated with the water line replacement project.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	7%							\$0	\$100,000	\$100,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	93%	1,300,000						\$1,300,000	\$0	\$1,300,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,300,000	\$0	\$0	\$0	\$0	\$0	\$1,300,000	\$100,000	\$1,400,000
Commence FY:	2015	Quarter: 1st	Priority: II	Impact On Operating Budget: Negligible						

TSM-CITY-28: ROADWAY: PEASE INTERNATIONAL TRADEPORT

Roadway Rehabilitation:

Per the Municipal Service Agreement between the City of Portsmouth and Pease Development Authority, the City shall provide Public Works Services in the Non-Airfield Area of the Airport District. Public Works Services include maintaining and repairing roads, streets, bridges and sidewalks. On the following page are the Streets and Roads within the Airport District that are identified for improvements.



International Drive



Goose Bay Drive



Oak Avenue



Aviation Drive



Arboretum Drive



Exeter Street

		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$500,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$0	\$500,000	\$0	\$500,000	\$0	\$1,500,000	\$500,000	\$2,000,000
Commence FY:	On=Going	quarter: 1st		Priority: II		Impact On Operating Budget:		Negligible		

TSM-CITY-28: ROADWAY: PEASE INTERNATIONAL TRADEPORT
Roadway Rehabilitation:

PEASE INTERNATIONAL TRADEPORT

Street	Estimated Cost
International Drive	\$800,000
Goose Bay Drive	\$550,000
Oak Avenue	\$425,000
Aviation Drive	\$500,000
Arboretum Drive	\$1,250,000
Exeter Street	\$550,000
Rochester Avenue	\$600,000
Total Estimated Cost	<hr/> \$4,675,000

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # — 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000) FOR COSTS RELATED TO FISCAL YEAR 2015 SCHOOL FACILITIES IMPROVEMENTS.

RESOLVED:

THAT, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) is appropriated for Fiscal Year 2015 School Facilities Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Seven Hundred Fifty Thousand Dollars (\$750,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least ten (10) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

BI-SD-05: SCHOOL FACILITIES: HIGH SCHOOL ATHLETIC FIELDS LIGHTING

The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School Campus, used by both the School and Recreation Departments. Seven fields and the tennis courts have been served by a lighting system that was installed in 1989. The lighting system is now beyond its expected life cycle, resulting in numerous component failures. Due to advances in lighting technology and market conditions, the bulbs, ballasts and fixtures are no longer being manufactured or in stock. An energy efficient lighting upgrade is planned over the next three years. This is a joint request with the Recreation Department.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$750,000						\$750,000	\$0	\$750,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$0	\$0	\$0	\$0	\$0	\$750,000	\$0	\$750,000
Commence FY:	2015	Quarter:	1st	Priority:	II	Impact On Operating Budget: Negligible				

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000) RELATED TO GREENLAND WELL UPGRADES, MAPLEWOOD AVENUE WATERLINE REPLACEMENT AND WATER SYSTEM PRESSURE-STORAGE IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) is appropriated for Greenland Well Upgrades, Maplewood Avenue Waterline Replacements, Water System Pressure-Storage Improvements;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Greenland Well Upgrades, Maplewood Avenue Waterline Replacements and Water System Pressure-Storage Improvements;

THAT the expected useful life of this project is determined to be at least twenty (20) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

EF-WD-08: GREENLAND WELL UPGRADES

The Water Division has completed a study that has identified upgrades needed at the Greenland Well to improve the reliability and efficiency of this critical resource. The work will involve the installation of another well directly adjacent to the existing structure. Premium efficiency motors, a back-up power supply and a new disinfection system as well as SCADA instrumentation will be included in this work.



Total Project	\$1,000,000	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	Totals
GF								\$0
Fed/State								\$0
Bond/SRF	100%	\$1,000,000						\$1,000,000
Other								\$0
Revenues								\$0
PPP								\$0
	Totals	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$1,000,000
Commence FY:	2008	Quarter:	1st	Priority:	II	Prior Years Funding		
Impact on Operating Budget:	Reduced operating costs					Total Project	\$1,000,000	

EF-WD-03: MAPLEWOOD AVENUE WATERLINE REPLACEMENT

The project consists of replacing approximately 7,500 feet of 6" and 8" 90 year old waterline on Maplewood Avenue with new 16" cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue and Maplewood. Project will result in a looped water system feed into the central business district which will benefit both fire flows as well as water quality.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 14-19	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	92%	3,300,000						\$3,300,000	\$0	\$3,300,000
Other	0%							\$0	\$0	\$0
Revenues	8%							\$0	\$300,000	\$300,000
PPP	0%							\$0	\$0	\$0
	Totals	\$3,300,000	\$0	\$0	\$0	\$0	\$0	\$3,300,000	\$300,000	\$3,600,000
Commence FY:	2015	Quarter:	1st	Priority:	II	Impact On Operating Budget: Negligible				

EF-WD-07: WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS

Project consists of design and construction of new water main, a new water tank and/or booster pump system to improve flow and pressure in the southerly portion of the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update currently in progress.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	100%	\$500,000	\$500,000	\$500,000	\$500,000			\$2,000,000	\$0	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$500,000	\$500,000	\$500,000	\$0	\$0	\$2,000,000	\$0	\$2,000,000
Commence FY:	2015	Quarter:	1st	Priority:	III	Impact On Operating Budget:	Negligible			

CITY OF PORTSMOUTH
TWO THOUSAND AND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION DOLLARS (\$1,000,000) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES.

RESOLVED:

THAT the sum of up to One Million Dollars (\$1,000,000) is appropriated for Pease Waste Water Treatment Plant upgrades;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to One Million (\$1,000,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Pease Waste Water Treatment Plant;

That the expected useful life of the project is determined to be at least twenty (20) years,
and;

That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

EF-SD-03: PEASE WASTEWATER TREATMENT PLANT UPGRADES

This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 FY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	95%	\$1,000,000			\$3,700,000			\$4,700,000	\$3,500,000	\$8,200,000
Other	0%							\$0	\$0	\$0
Re*venues	5%			\$400,000				\$400,000	\$50,000	\$450,000
PPP	0%							\$0	\$0	\$0
Totals		\$1,000,000	\$0	\$400,000	\$3,700,000	\$0	\$0	\$5,100,000	\$3,550,000	\$8,650,000
Commence FY:	2013	Quarter:	1st	Priority:	II	Impact On Operating Budget: High				

Portsmouth Housing Authority



245 Middle Street, Portsmouth, New Hampshire 03801-5196 | 603-436-4310 | porthousing.org

July 7, 2014



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

Dear Mr. Bohenko:

Please accept this correspondence as an official request to change the terms of our Loan Affordability Agreement and Promissory Note for the Cottage Senior Housing Project, signed June 4, 2003.

Project Background:

In 2003 and 2004, the Portsmouth Housing Authority, through its associated non-profit organization Portsmouth Housing Development Ltd., redeveloped the property that was formerly the Cottage Hospital at 5 Junkins Avenue. This was an ambitious project which converted an unused and deteriorating building into 20 affordable senior housing units. The Connors Cottage was listed on the National Register of Historic Places in 1996.

This project was financed with a combination of Low Income Housing Tax Credits, Historic Tax Credits and both public and private debt including a hard money loan from People's United Bank, a loan from the New Hampshire Housing Finance Authority (NHHFA) HOME program, a second soft money loan from People's United Bank through their Affordable Housing Program, and lastly, a \$150,000 loan from the City of Portsmouth Community Development Block Grant program.

Window Failure

Soon after assuming the role as Executive Director of the Portsmouth Housing Authority and Portsmouth Housing Development Ltd., (the manager and General Partner of Connors Cottage) in January 2013, I became aware of problems with the windows at the property. Upon further investigation, I learned that there had been problems with windows leaking, not being able to

lock, and in some cases, becoming completely detached from the casings. In February 2013 a blizzard struck Portsmouth and several of the windows on the West side of the property failed and blew into common areas and apartments causing major damage to everything from personal items to mechanical systems. This event made it apparent that the Eagle brand windows that were installed by Ricci Construction were seriously failing and this issue needed to be addressed.

A series of inspections and investigations in the summer of 2013 led to some more understanding of both short and long term solutions to the problem. Some short term fixes were implemented, including installing plastic on the window interiors during winter months to prevent cold air from entering the building, assisting residents with closing and locking of all windows, and installing "L" brackets on each window sash to avoid any additional danger created by falling windows. We also began to work with engineers and architects to find a suitable replacement window and started to develop a schedule that would allow us to replace a few of these windows per year.

The reason that we believed the project needed to be phased was that the originally high total development costs of a complex historic redevelopment project combined with the requirement to keep the property affordable for area seniors meant that there is very little cash flow from the property and therefore very little capital reserves in to fund a significant project, especially one that was not anticipated a short ten years after completion.

Refinancing Plan

With an estimated Total Development Costs of this project exceeding \$450,000, refinancing the property has proven to be a very difficult task, which brings us to the reason for this request.

To accommodate the project, allow for appropriate debt coverage and satisfy loan underwriting requirements, we are working with our partners on a new debt structure for the property. This new structure is led by NHHFA who has secured secondary market financing from Community Reinvestment Fund, a nationally known Community Development Finance Institution. NHHFA has also agreed to convert their current \$413,000 second mortgage at 5% interest into a 0% interest loan. The People's United Bank AHP loan will stay in third place at 0% and we are requesting that City of Portsmouth agree to the following changes to its loan on the Connors Cottage as follows:

1. Resubordinating the current loan behind the new debt.
2. Increasing the size of the loan from a current balance of \$57,000 to a new amount of \$130,000.
3. Changing the distribution of surplus cash that the City receives from 90% to 25% in order to put additional cash to pay off NHHFA loan.

I will be available at your request to provide any additional details about this project, the financing structure for this project, or these specific loan terms.

We are grateful to the City of Portsmouth for the contribution it has made to the Connors Cottage which today stands as one of New England's signature affordable housing projects and the Portsmouth Housing Authority is committed to preserving this asset for decades to come.

Sincerely,

A handwritten signature in blue ink that reads "Craig W. Welch". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

Craig W. Welch
Executive Director

OFFICE OF THE CITY CLERK

MEMORANDUM

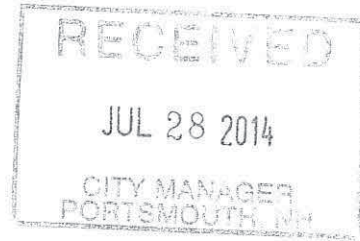
TO: John P. Bohenko, City Manager
FROM: Kelli L. Barnaby, City Clerk
DATE: July 28, 2014
SUBJECT: Polling Hours for September 9, 2014 State Primary Election

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours be set from 8:00 a.m. - 7:00 p.m. for the State Primary Election.

If you have any questions, please do not hesitate to contact me.

July 28, 2014

Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801



Dear Portsmouth City Councilors,

On June 25, 2014 I David Osterhoudt received and was approved for a Encumbrance Permit (Sidewalk Closure) for a construction project at 185 Austin St. Portsmouth, NH. The permit was for a time period of 30 days and expires on August 5, 2014.

At this time I am asking to be granted an extension to this and be granted an Encumbrance License Agreement with the City of Portsmouth for an addition period of 6 (six) months due to required necessary work that needs to be completed. On July 22, 2014 I received a variance from the Portsmouth Board of Adjustments to raise the structure an additional story for living space. It is necessary for me to remove the existing roofing system (framing included) to perform this work. I ask that you grant my request so that I can not only perform the work required, but also for the safety of my employees being able to use the proper equipment as well as protecting the public from the construction area while work is performed.

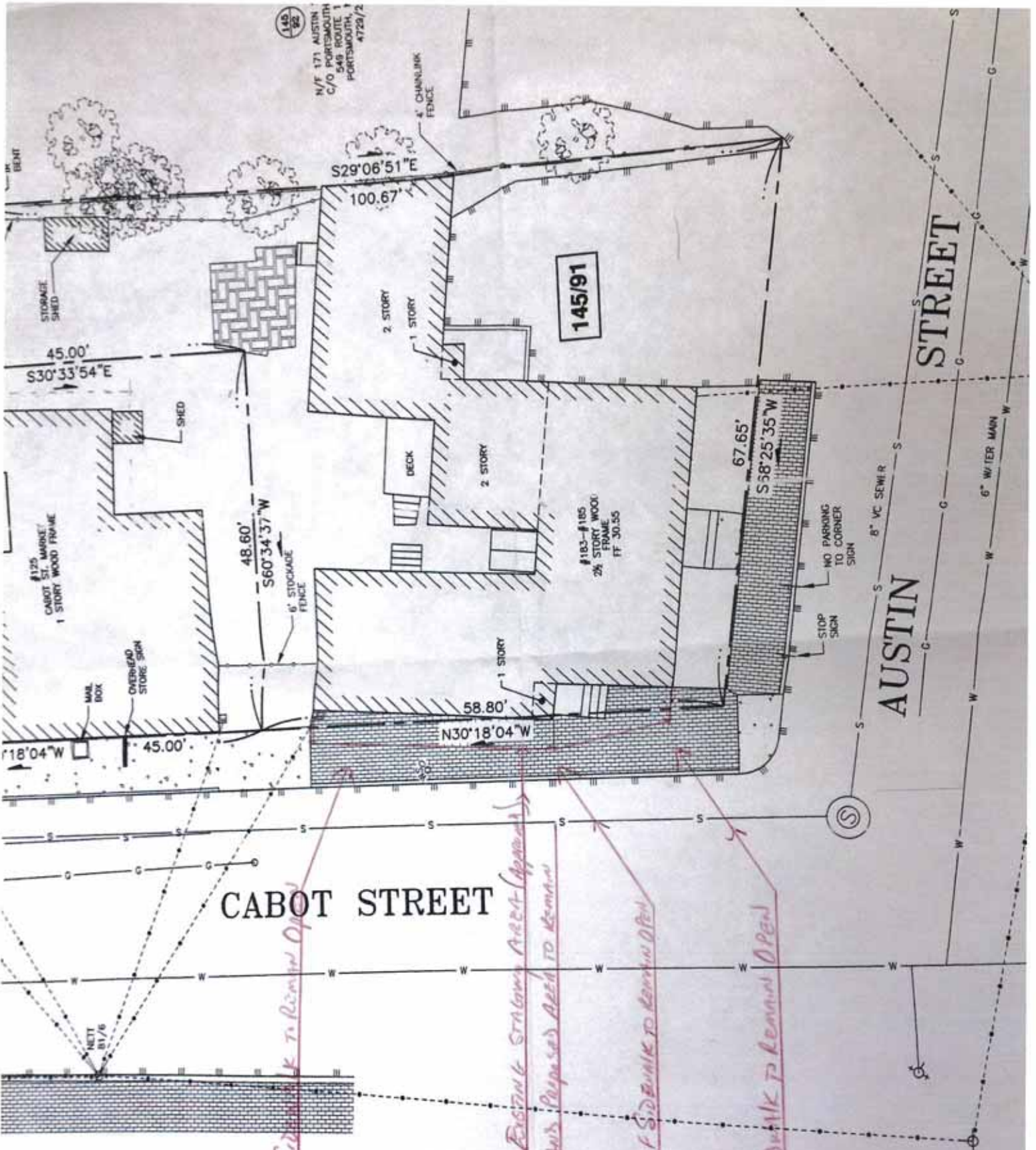
Your Consideration and Approval in this matter is greatly appreciated. Please feel free to contact me with any further questions or concerns you may have regarding this matter.

Respectfully Submitted,

David J. Osterhoudt
P.O. Box 1185
Portsmouth, NH 03802
603-235-4262

145/92

N/F 171 AUSTIN
C/O PORTSMOUTH
PORTSMOUTH, N.H. 03801
4725/2



CABOT STREET

AUSTIN STREET

6' Sidewalk to Remain Open

Existing Stairway Area (Approach) and Proposed Area to Remain

4' of Sidewalk to Remain Open

7' of Sidewalk to Remain Open

LENGTH TABLE

Bearing	Distance
$S27^{\circ}20'42'' E$	12.36'

145/77

N/F CHRISTOPHER S. RYAN
124 CABOT STREET
PORTSMOUTH, N.H. 03801
3230/1284

145/76

N/F ERIC L. BROUSSEAU
1 WOODLAND ROAD
SMITH HAMPTON, N.H. 03862
3761/1981



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the ordinances of the City of Portsmouth are hereby amended by the addition of a new provision entitled Chapter 7, Article II, Section 7.230 – PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS which shall read as follows:

Section 7.230: PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS

No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which have been issued a taxi medallion by the City.

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:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: July 29, 2014
RE: City Council Referral –
Architectural Design Review Outside the Historic District

At its meeting on January 13, 2014, the City Council took the following action:

Voted to request that the Planning Board consider a process for architectural review of building projects located outside of the Historic District with a report back to the City Council at the April 7, 2014 City Council meeting and to hold a Work Session with the City Council on March 3, 2014 at 6:00 p.m. to review and come forward with parameters for architectural review.

The Planning Board considered this request at its meetings on April 3 and July 17, 2014.

Existing Architectural Design Review Provisions

The City currently regulates architectural design independently of Historic District Commission authority in two ways. First, Article 7 of the Zoning Ordinance (Flexible Development) authorizes the Planning Board to grant conditional use permits for several types of development allowing increased flexibility and development intensity provided that specified performance standards are met. The most specific of these options is the Gateway Planned Development, under which developments in the Gateway District can incorporate residential uses and/or get increased building height and coverage. In order to be eligible for these benefits, the development must meet specific building design standards including pedestrian orientation and architectural design standards. However, it is important to note that these building design standards are part of an option that the landowner is not obligated to pursue: every parcel in the Gateway District is also eligible to propose a site plan for a development that does not require the GPD conditional use permit and therefore does not require adherence to any architectural standard or review.

The second way in which the City regulates design independently of the Historic District standards is through the recently adopted Character-Based Zoning (Article 5A of the Zoning Ordinance). This new zoning approach in the City includes detailed standards for aspects of architectural design such as roof types, roof pitch, minimum story heights, façade modulation, amount of ground-floor glazing and “private frontage types.” In addition, the Ordinance gives the Historic District Commission the responsibility to review every development in a Character District for compliance with Architectural Design Guidelines adopted by the Commission.

In the first phase of Character-Based Zoning, the Character Districts have been created entirely within the Historic District and therefore there is no question that the HDC has design review and approval authority over parcels in these districts. However, the same is not true of the proposed expansion of Character-Based Zoning to areas outside the Historic District – specifically, the Islington Street and Cate Street areas between Bartlett Street and the Route 1 Bypass.

Issues for Consideration

Several variables need to be considered in evaluating whether to establish an architectural design review process for areas outside the Historic District:

- Under what authority should architectural design review be implemented?

As noted above, the City currently requires architectural design review under its Zoning Ordinance using three different types of authority:

1. For the Historic District (Article 6, Section 10.630), the explicit authority granted by State statute for historic district zoning;
2. For Flexible Zoning (Article 7), the statutory authority for “innovative zoning” that “contain[s] within it the standards which shall guide the person or board which administers the ordinance” (RSA 674:21) and may provide for the granting of “conditional or special use permits;” and
3. For Character Districts (Article 5A), the general statutory purpose of zoning to consider “the character of the area involved” (RSA 674:17) as well as potentially the innovative zoning authority under RSA 674:21.

On the other hand, a Superior Court case cited by Jerry Zelin (*Berube v. Manchester*) suggests that design considerations may be a proper subject of municipal regulations through the site plan review process.

- Who should be responsible for design review?

Should the Planning Board take on this responsibility as part of the site plan review process? The site plan review regulations already require the applicant to submit elevations of all building facades, so it would not be a stretch to include approval of these elevations as part of the review process. However, if the design review process were extended to projects not subject to site plan review, it would probably be necessary to assign this responsibility to a new design review board. Alternatively, if the design standards were specific enough, an administrative design review could be the responsibility of a staff person in the Planning or Inspections department – but this would require the creation of a new position.

- What areas of the City should be subject to architectural design review?

Should the process apply to all residential districts as well as commercial districts? Should design review be limited to the major commercial corridors such as Lafayette Road, outer Woodbury Avenue and the Route 1 Bypass? What about smaller nodes such as Sagamore Avenue near Wentworth Road?

- What types or scales of development should be subject to design review?

In the Historic District and the Character Districts, every new structure or addition to an existing structure is subject to review and approval by the HDC. However, requiring every homeowner throughout the City to submit plans for architectural design review would quickly overwhelm the City’s capacity given current staffing levels and board agendas. Tying the

design review requirement to an existing threshold such as site plan review (i.e., nonresidential and multifamily residential uses) would capture the most significant building changes without adding significantly to burdens on property owners, the Planning Board or City staff.

- Should architectural design review standards be specific or general?
Until recently, the HDC has operated under extremely broad guidelines and criteria, primarily referring to whether a project “complements” or is “compatible” with the existing structure and surrounding properties. The architectural design standards for Gateway Planned Developments are somewhat more specific, listing the types of features that must be included in a building and setting specific numerical standards for certain components of the façade. At the other end of the spectrum, the new Character-Based Zoning requires compliance with nine pages of detailed Interim Architectural Design Guidelines covering façade composition; walls (including materials); projections and attachments; roofs (including materials, forms, roof pitch, gutters, etc.); windows and doors; shopfronts; signs; colors; lighting; and other details.

Planning Board Discussion and Recommendation

At its meeting on July 17, 2014, the Planning Board considered the issues and questions presented above. There was a general consensus among Board members that the Planning Board would not be an appropriate place for matters of architectural design to be reviewed and decided, and also a recognition that it could be burdensome to establish a new board or committee with design review authority. That said, there was less agreement about whether a city-wide architectural design review process is necessary or would be useful.

Following an extensive discussion of these issues, the Planning Board voted 8 to 1 to recommend against establishing an architectural design process outside the Historic District.

Run: 7/31/14
8:46AM

Event Listing by Date

Page: 1

Starting Date: 7/14/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
7/19/2014 7/19/2014	ART EXH Katharine A. Muth, Executive Director is the contact for this event. The rain date of this event is Saturday, July 26, 2014.	Various Locations	NH Art Association	2/18/2014
7/19/2014 7/19/2014	BIKE TOUR Thomas MacLennan, Logistics Specialist is the contact for this event. This event goes through downtown to Kittery and then back through.	Through Downtown	Cystic Fibrosis Foundation	4/ 7/2014
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
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
8/ 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
8/ 6/2014 8/ 6/2014	BLOCK Doug Bates if the contact for this event. Telephone number 436-5118 This is the 2014 Street.life! Annual Dinner	Pleasant Street	Greater Portsmouth Chamber of	7/14/2014
8/ 9/2014 8/ 9/2014	FUND Tim Dame is the contact for this event - (603) 834-1896. This event is for two days July 12th and August 9th in Market Square.	Market Square	Portsmouth Professional Fire F	6/ 2/2014
8/23/2014 8/23/2014	BIKE TOUR This event begins and ends at Stratham Hill Park. The cyclists will be travelling through the city at approximately 10:30 a.m. and the last cyclist should be departing by 1:00 p.m. Travelling on Marcy Street onto Route 1B South.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	6/16/2014
8/23/2014 8/23/2014	ROAD RACE Thunder Chicken Community Road Race Series This race begins at 9:00 a.m. Contact: Justin Finn - 433-5515	Pierce Island	Portsmouth Rotary Club	11/18/2013
9/ 7/2014 9/ 7/2014	BIKE TOUR Contact: Thomas Martin, Race Director	Downtown Portsmouth	Portsmouth Criterium	12/16/2013
9/13/2014 9/13/2014	ROAD RACE Celebrate Pink Community Road Race Series Contact: Wendy McCool		My Breast Cancer Support	11/18/2013

Event Listing by Date

Starting Date: 7/14/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
9/19/2014 9/21/2014	FILM EXPO Chris Curtis is the contact for this event. Contact Number: 766-2199 ccurtis@themusichall.org This event begins on Friday, September 19th at 5:00 p.m. and runs to Sunday, September 21, 2014 until 6:30 p.m.	Congress Street to Porter Street	Music Hall	/ /
9/20/2014 9/21/2014	BIKE TOUR Donna Hepp is the contact for this event. Cell #(414)837-8976 This event begins in Hampton Beach and ends in Cape Neddick then they return on same route.	Rte. 1B over Memorial Bridge to Cape Neddick	Granite State Wheelmen, Inc.	7/14/2014
9/20/2014 9/21/2014	FAIR Caroline Amport Piper (603) 686-4338 This event is for two days.	South End	Friends of the South End	5/19/2014
9/20/2014 9/20/2014	ROAD RACE Holly Davis and Melissa Mikulski are the contacts for this event. hdavis@bottomline.com or mmikulski@bottomline.com This event is being held at Pease.	Pease Tradeport	Bottomline Technologies	2/18/2014
9/27/2014 9/27/2014	ROAD RACE Karen Butz Webb is the contact for this event. She can be reached at projectsafetyassociation@gmail.com. This race begins and ends at Portsmouth High School at 8:30 a.m.	Portsmouth High School	Project Safety Association	11/18/2013
9/27/2014 9/27/2014	WALK Ken La Valley is the contact for this event. This event begins and ends at Peirce Island . Registration being at 8:30 a.m.	Peirce Island	American Foundation for Suicid	4/ 7/2014
9/28/2014 9/28/2014	WALK Becky Coliandris, Development Officer is the contact for this event. This event begins and ends at Strawberry Banke. Walk site opens at 8:30 a.m., the walk kicks off at 10:00 a.m.	Strawbery Banke	Alzheimer's Association	1/21/2014
10/11/2014 10/11/2014	RACE Contacts: Catherine Edison, Community Child Care Center (603) 422-8223 Ben Anderson and Hannah Comeau, Prescott Park Arts Festival (603) 436-2848 or hannah@prescottpark.org Community Road Race Series		Prescott PPAF/Seacoast Communi	11/18/2013
10/18/2014 10/18/2014	WALK Mary-Jo Monusky, Executive Director of Arts in Reach is the contact for this event. This event begins at 9:00 a.m. to 11:00 a.m.	11 Jewel Court	Arts in Reach	7/14/2014
11/27/2014 11/27/2014	ROAD RACE Contact: Matt Junkin		Seacoast Rotary Club	11/18/2013
12/13/2014 12/13/2014	ROAD RACE This event begins and ends at Little Harbour School. Time: Registration 9:00 a.m. Race: 10:00 a.m.	Little Harbour School	The Arthritis Foundation	7/14/2014

From: John Ricci
Sent: Thursday, June 05, 2014 6:18 AM
To: John P. Bohenko; Joe Almeida; Dave Witham;
Cc: Dave S. Allen; Rick Taintor; Robert P. Sullivan; Nicholas J. Cracknell; Juliet T.H. Walker
Subject: RE: Land Use Boards

John,

We, as a Planning Board, are in good shape as it relates to work load ((on the PB's end, but not on the Staff's end of things)). The only items that seem to cause real "issue" with the Board are the CC referrals/requests. They typically take up a lot of the Staff's time and result in unscheduled work sessions, and often times, as we all know, are politically motivated.

Our regular PB items do not seem to be troublesome.

This is just my perception, Dave and Rick, please chime in.

John E. Ricci, P.E.
President
Ricci Construction Co., Inc.
225 Banfield Road
Portsmouth, NH 03801
Office (603) 436-3112
www.ricciconstruction.com
Serving the Seacoast since 1935

Ranked 12th in Business NH Magazine's 20 fastest Growing Family Businesses in New Hampshire

From: John P. Bohenko
Sent: Wednesday, June 04, 2014 12:34 PM
To: John Ricci; Joe Almeida; Dave Witham;
Cc: Dave S. Allen; Rick Taintor; Robert P. Sullivan; Nicholas J. Cracknell; Juliet T.H. Walker
Subject: Land Use Boards

John, David and Joe:

On Monday evening, June 2nd, the City Council discussed the work load of the three Land Use Boards: Planning Board, Historic District Commission and Board of Adjustment. The Council was very concerned about both the number and duration of meetings that Board and Commission Members are now required to attend because of the number of applications before each Board or Commission.

There was discussion about increasing the number of alternates to these Land Use Boards to help relieve some of the pressure on regular Members. In addition, the City Council discussed a need to find out from each Board/Commission what assistance the Council could provide that would ease some of this burden. To that end, the Council is requesting that your Board/Commission discuss this issue and report back to them with suggestions.

In order to help facilitate this discussion, I have asked Deputy City Manager David Allen to work closely with each of the Chairs of the Boards/Commission to lend staff assistance on this discussion and report as needed. The City Council would like to have a report back by its July 14, 2014 meeting. If you need more time, please let me know and I will advise the City Council.

After all reports are received, the City Council would like to schedule a work session with the Land Use Boards to discuss this further.

If you have any questions or concerns, please do not hesitate to contact myself or David Allen.

John Bohenko
Tel. (603) 610-7201

From: joe almeida
Sent: Wednesday, June 04, 2014 1:02 PM
To: John P. Bohenko
Cc: John Ricci; Dave Witham; Dave S. Allen; Rick Taintor; Robert P. Sullivan; Nicholas J. Cracknell; Juliet T.H. Walker
Subject: Re: Land Use Boards

Thank You John,
I look forward to the discussions and the meeting.
Joe

On Wed, Jun 4, 2014 at 12:33 PM, John P. Bohenko > wrote:

John, David and Joe:

On Monday evening, June 2nd, the City Council discussed the work load of the three Land Use Boards: Planning Board, Historic District Commission and Board of Adjustment. The Council was very concerned about both the number and duration of meetings that Board and Commission Members are now required to attend because of the number of applications before each Board or Commission.

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If you have any questions or concerns, please do not hesitate to contact myself or David Allen.

John Bohenko

Tel. [\(603\) 610-7201](tel:6036107201)

From: David Witham
Sent: Thursday, June 05, 2014 9:27 AM
To: John P. Bohenko
Cc: John Ricci; Joe Almeida; Dave S. Allen; Rick Taintor; Robert P. Sullivan; Nicholas J. Cracknell; Juliet T.H. Walker
Subject: Re: Land Use Boards

John,

I'd have to say I am comfortable with the BOA's overall position at this point. I honestly feel this is one of the strongest groups I've seen on this board during my 13 years on it.

Our real pressing need at this point is to fill the one alternate position we have open. I will be interviewing a potential candidate later today and will report back to the Mayor shortly after for a potential nomination.

Our board has been working this spring on "tweaking" our written Rules and Regulations to more clearly spell out expectations to applicants. Some legal feedback to our efforts would be useful with this.

Otherwise things are well and I look forward to the discussions coming up in the near future.

David Witham

On Wed, Jun 4, 2014 at 12:33 PM, John P. Bohenko wrote:

John, David and Joe:

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After all reports are received, the City Council would like to schedule a work session with the Land Use Boards to discuss this further.

If you have any questions or concerns, please do not hesitate to contact myself or David Allen.

John Bohenko

Tel. [\(603\) 610-7201](tel:(603)610-7201)

From: Lynn Hinchee
Sent: Friday, July 18, 2014 9:57 AM
To: John P. Bohenko
Cc: Dave Mullen; Bill Hopper
Subject: Seacoast Helicopter

John,

Our noise complaint number is 436-6333.

I have attached the salient portions of the Board Minutes dated August 29, 2013 and have confirmed that you voted against the motion for Seacoast's Operations.

Seacoast Helicopters operated two Robinson helicopters. Information contained in the company's application indicates that 85% of active helicopter pilots today are trained on a Robinson helicopters. The two seat helicopter is an R22 Beta II and the four seat is an R44 Raven II.

I have also attached a guidance document for registering low flying aircraft complaints in Boston Flight Standards District Office. I thought that this might help advise anyone in the public making a complaint about what information is helpful to identifying the subject aircraft.

Please let me know if you need any additional information.

Lynn

V. Postponed Business

A. Seacoast Helicopters

Director Allard moved and Director Torr seconded that **In accordance with the recommendation of the Pease Development Authority's Airport Committee, the Board of Directors finds that Seacoast Helicopters' application to provide Limited Service Specialty General Aviation Commercial Operations as a helicopter flight instruction and air charter services at Portsmouth International Airport at Pease meets Minimum Standards dated November 13, 1997, all in accordance with the memorandum of Kim W. Hopper, Airport Manager, dated August 5, 2013 attached hereto.** Discussion: Director Lamson moved and Director Bohenko seconded to amend the motion to include **"The PDA's lease to the Seacoast Helicopters shall be structured so as to include therein the restrictions and guidelines cited by the US Fish & Wildlife Service via e-mail dated August 22, 2013 a copy of which is attached hereto.** Discussion on amendment: Director Lamson reported that the guidelines cover national wildlife refuges, parks and forest service areas. Chairman Nickless advised the Board that PDA does not have a lease with SHLLC. Mr. Mullen reported that PDA has a lease with PCA and PCA has an agreement with SHLLC. Director Loughlin noted that the regulation cited in the amendment was cancelled, but he agrees with the sentiment of the amendment and felt that PDA tenants should be made aware of any existing guidelines. Director Bohenko informed the Board that he wants to have a representative from FAA come to PDA to discuss the matter and will not support the motion until the FAA meets with the Board. Disposition on amendment: Resolved by vote: 3 votes Yes (Bohenko, Lamson, Loughlin); 4 votes No (Allard, Nickless, Preston, Torr); motion failed.

Discussion on main motion: Director Bohenko noted that his vote is a protest vote because the FAA has not met with the Board to discuss aviation operations at the Tradeport. Director Torr felt that a no vote is punishing SHLLC. Director Lamson advised the Board that she will not support the motion due to the FAA process. Director Loughlin stated he would vote no as a symbolic gesture. Resolved by roll call vote: 4 votes Yes (Allard, Nickless, Preston, and Torr); 3 votes No (Bohenko, Lamson, and Loughlin); main motion carried.

Chairman Nickless asked the staff to present an outline of how PDA should proceed with the Part 150 update.

VI. Upcoming Meetings:

Chairman Nickless announced that the next Board of Directors meeting will be held on September 19, 2013 at 8:00 a.m.

VII. Directors' Comments

There were no comments from the Directors.

VIII. Adjournment

Director Allard moved and Director Torr seconded to **adjourn the Board meeting.** Discussion: None. Disposition: Resolved by unanimous vote; motion carried. Meeting adjourned at 9:10 a.m.

IX. Press Questions

There were no questions from the members of the press.

Respectfully submitted,


David R. Mullen
Executive Director/Secretary

Memorandum

To: PDA Board of Directors

CC: Lynn Marie Hinchee, Kim W. Hopper

From: David R. Mullen, Executive Director *DRM*

Date: 8/28/2013

Re: Noise Compatibility Committee Hearing - August 26, 2013 at 6:30 p.m.

At the request of the PDA Airport Committee on August 12, 2013, PDA staff scheduled a special meeting of the PDA Noise Compatibility Committee and its stakeholder members to discuss the proposed activity of Seacoast Helicopters, LLC ("Seacoast"). Seacoast will be operating as a tenant of our Fixed Base Operator, Port City Air, in accordance with the FBO's Lease Agreement dated 2001 and in accordance with the PDA Minimum Standards for Commercial and Noncommercial General Aviation Operators dated November 13, 1997 and revised through August 16, 2007.

Based on the Airport Committee's questions, Staff identified some general categories anticipated to be of concern to the local communities. These were:

1. Safety of Helicopter Operation
2. Establishment of Noise Abatement Helicopter Routes
3. Permitted Altitudes of Helicopter Flights
4. Limitations on Hovering
5. Reduction of Helicopter Source Noise
6. Time and Operational Restrictions on Helicopter Operations
7. Availability of Information on Helicopter Operations and Noise Abatement Practices
8. Establishment of Collaborative Communication between Community Members and Helicopter Operators.

Seacoast Helicopters, LLC was asked to be prepared to address its operations in anticipation of these areas of concerns. After reviewing available FAA guidance

and regulations, it was never anticipated by PDA Staff that the discussion of these areas of concern would lead to mandatory restrictions. Rather, Staff's understanding was that the Noise Compatibility Committee, the PDA Staff and the PDA Board of Directors would continue to follow the FAA's current research on aircraft noise levels, including helicopters, and the establishment of a Stage 3 helicopter noise standard in the United States.

At a national level, it is the FAA which sponsors research on aircraft noise. The FAA is currently creating a research roadmap to identify new areas of aircraft noise research and will be preparing additional studies pending availability of funding and resources.

Subject to FAA review, the Noise Compatibility Committee and its stakeholder members could work to develop voluntary noise abatement measures, which measures would be reviewed and evaluated by the FAA to ensure safety and to avoid simply shifting noise from one residential neighborhood to another. Safety Risk Management studies would be required to ensure helicopters operating are able to transition airspace as safely and efficiently as possible.

Specifically, FAA will require Safety Risk Management studies to establish new routes to provide noise relief and shift traffic over residential areas and noise-sensitive landmarks; to establish higher flight altitudes in specific areas of concern; and to establish mandatory time limits on hovering. Other suggestions for restriction on helicopter operations, such as a prohibition restricting operations over residential areas, establishment of "no fly" areas in defined locations; limiting the number of helicopter flights each day, restricting flight hours; or establishing nighttime curfews for non-emergency helicopter operations are specifically subject to the Airport Noise and Capacity Act of 1990 (49 U.S.C. 47521 et seq.) and Airport Noise and Access Restrictions (14 CFR part 161), and have historically been rejected as having a direct adverse economic impact on businesses that depend on helicopter operations.

The FAA believes that working with helicopter operators to improve awareness of "best practices" is an effective approach toward noise mitigation. The Helicopters Association Internationals (HAI) Fly Neighborly Guide, is a good example of supported recommendations. See link at:

[www.http://new.rotor.com/portals/1/Fly%202009.pdf](http://new.rotor.com/portals/1/Fly%202009.pdf))

Even in crafting voluntary restrictions, it must be understood that by law, citizens of the United States have a public right of transit through the nation's navigable airspace, subject to regulations necessary to ensure the safety of aircraft and the efficient use of airspace. With few exceptions, FAA restrictions on the use of the navigable airspace has only focused on addressing safety and congestion.

Federally funded airports, like PSM, must comply with federal grant assurance obligations in order to impose noise and access restrictions. Airport proprietors who have accepted federal funds are bound to "make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautic activities offering services to the public at the airport (FAA Airport Grant Assurance 22 (a)).

In general, noise and access restrictions must be reasonable, must not be unjustly discriminatory, and must not impose an undue burden on interstate commerce. Voluntary noise abatement measures are historically addressed and adopted through an FAA Part 150 Noise Compatibility Program.

In retrospect, it is clear that members of the public fully anticipated the ability to limit, alter and/or reject the proposed operations of Seacoast, not understanding that the qualification for operations at Portsmouth is as set forth in the current Minimum Standards for Limited-Service Specialty Operators. Operational controls are existing voluntary noise restrictions and Air Traffic Control direction.

While this misunderstanding was extremely upsetting to many members of the public it should not divert the PDA Board's attention from what can be a valuable opportunity to re-build the broad base of the Noise Compatibility Committee and to actively engage with this Committee to address local concerns.

The Study Area for the Pease Part 150, identified 18 impacted communities in the counties of Rockingham (NH), Strafford (NH) and York (ME). In addition to representatives of these communities, the Part 150 Advisory Committee included representatives of the Pease Airport Community, including the NH Air National Guard, and other stakeholders, such as, Chambers of Commerce, Planning Commissions, local airports, local hospitals and the NH and ME Departments of Transportation, a total of approximately 45 members.

Although it is unlikely that FAA will be an active member of any effort to establish restrictions on helicopter activities at PSM prior to a review phase, they will be invited to all meetings and provided an agenda of all meetings. Federal rulemaking requirements, including limitations on the FAA's engagement with stakeholders during the process, could make it more difficult to work collaboratively with stakeholders to identify effective noise abatement routes that are supported by local consensus.

Under the direction of the Board, PDA Staff should reach out to the representatives groups from the Pease Part 150 to update member contact names and encourage participation in the Noise Compatibility Committee.

If you are interested in a more in depth understanding of FAA policies with respect to helicopter operations you may find additional information on the FAA.gov website to include:

1. Noise Standards for Helicopters in the Normal, Transport and Restricted Categories (1979)
2. Report to Congress - Nonmilitary Helicopter Urban Noise Study (2004)
3. Report on the Los Angeles Helicopter Noise Initiative (May 31, 2013)

Finally, in order to respect the integrity of the information discussed and the concerns raised at the Noise Compatibility Committee Hearing, written minutes and transcripts will not be attempted. Rather, any request for information will be filled with a meeting Agenda, a copy of the brief Power Point Presentation, a copy of the sign-up sheet for speakers, a copy of written comments and a CD of the meeting itself.

Boston Flight Standards District Office (FSDO)

Low Flying Aircraft

This document was prepared by the Eastern Region FAASTeam to provide guidance on low flying aircraft. If outside the Boston FSDO area, please contact the Flight Standards Office that has jurisdiction over that area.

The Federal Aviation Administration (FAA) is the government agency responsible for aviation safety. We welcome information from citizens that will enable us to take corrective measures including legal enforcement action against individuals violating Federal Aviation Regulations (FAR). It is FAA policy to investigate citizen complaints of low-flying aircraft operated in violation of the FAR that might endanger persons or property.

Remember that the FAA is a safety organization with legal enforcement responsibilities. We will need facts before we conduct an investigation. To save time, please have this information ready when you call. And keep your notes: we may request a written statement. Here is the type of information we need:

- **Identification** - Can you identify the aircraft? Was it military or civil? Was it a high or low-wing aircraft? What was the color? Did you record the registration number which appears on the fuselage or tail? (On U.S. registered aircraft, that number will be preceded with a capital "N".)
- **Time and Place** - Exactly when did the incident(s) occur? Where did this happen? What direction was the aircraft flying?
- **Altitude** - How high (low) was the aircraft flying? On what do you base your estimate? Was the aircraft level with or below the elevation of a prominent object such as a tower or building? Did you obtain photographs? Are there any witnesses who could confirm your estimate - do you have their names, addresses, telephone numbers?
- **Supporting Evidence**
- **Witnesses, Police**
- **Photographs**

Do you know of any other witnesses? The more the better. Do you have their names, addresses? Where may they be contacted? Are local police aware of the problem? While they have limited authority in aviation matters, police officers are considered "trained observers" by the courts and their written statements or reports make excellent evidence should our enforcement action go to trial. If you took photographs, we need to know the lens used, and the height of any identifiable landmarks that appear.

What Will The FAA Do?

Once we have the appropriate facts, an FAA Aviation Safety Inspector from the local Flight Standards District Office (FSDO) will attempt to identify the offending aircraft operator. We can do this in several ways. For example, we can check aircraft flight records with our air traffic control information and/or sightings from other observers, such as local law enforcement officers. We may need to trace and contact the registered aircraft owner, since the owner and operator may be two different people. Below is Title 14 of the Code of Federal Regulations, Section 91.119 of the General Operating and Flight Rules, which specifically prohibits low flying aircraft.

• **91.119 Minimum safe altitudes; general**

o Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- ⌚ (a) **Anywhere** -An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- ⌚ (b) **Over congested areas** -Over any congested area of a city, town, or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- ⌚ (c) **Over other than congested areas** - An altitude of 500 feet above the surface except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- ⌚ (d) **Helicopters** - Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

Helicopter operations may be conducted below the minimum altitudes set for fixed-wing aircraft. The reason: they have unique operating characteristics, the most important of which is their ability to execute pinpoint emergency landings during power-out emergencies. Furthermore, the helicopter's increased use by law enforcement and emergency medical service agencies requires added flexibility.

For further guidance or to file a complaint with the Boston FSDO, please call (781) 238-7500.



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
jpb@cityofportsmouth.com
(603) 610-7201

John P. Bohenko
City Manager

July 28, 2014

Stakeholders of Commercial Alley
c/o Don Tydeman
The Salt Cellar
5-7 Commercial Alley
Portsmouth, NH 03801

RE: Request for enhanced lighting of Commercial Alley

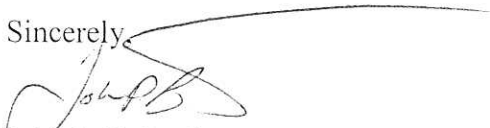
Dear Mr. Tydeman:

Thank you for your letter on behalf of the owners and merchants of Commercial Alley requesting that the City consider lighting improvements to the Alley. At its July 14th meeting, the City Council referred the request to the City Manager for a report back.

This past week city staff reviewed the current lighting in Commercial Alley and will be preparing lighting improvement alternatives to discuss at a future meeting of property owners and businesses. We will contact you to assist in polling stakeholders to determine an optimal time for a meeting to discuss the lighting options and costs.

We look forward to working with the owners and merchants of Commercial Alley in exploring solutions to your request. If you have questions you may contact Nancy Carmer of my office who has been in touch with some of the stakeholders regarding this request. She can be reached at 603-610-7220.

Sincerely,



John P. Bohenko
City Manager

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: July 29, 2014
RE: City Council Referral –
Off-Street Parking Requirements for Conference/Convention/Event Centers

On January 13, 2014, the City Council voted to refer the following zoning amendment, proposed by Councilor Morgan, to the Planning Board for a report back:

Add a new line item to Table 10.1112.30 Off-Street Parking Requirements so as to require conference centers, convention centers, and event centers to provide one (off-street) space per 2 persons of rated capacity.

This proposed zoning amendment was considered by the Planning Board on April 3 and July 17, 2014.

Background

Prior to 2010, the Zoning Ordinance included the following off-street parking requirements for “Meeting/Function Rooms”:

Fixed Seating	1 space per 4 seats based on max. occupancy
Unfixed Seating	1 space per 2 seats based on max. occupancy

At that time, there was no separate requirement for specific facilities such as “conference center,” “convention center” or “event center.” Therefore, a small meeting room or large function facility were subject to the same requirements as listed above.

The 2007-2009 Zoning Ordinance revision project included a careful review of off-street parking standards, and the current Ordinance attempts to avoid prescribing too much parking in an effort to reduce the large expanses of impervious surface, particularly in the commercial strips along Lafayette Road and Woodbury Avenue. With relevance to the proposed amendment, the Ordinance now contains two standards:

- A “place of assembly” is required to provide one parking space per 4 persons of rated capacity. The Ordinance defines “place of assembly” as “A building used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, or religious services, or for awaiting transportation.”
- A “conference center” is required to provide one parking space per 100 sq. ft. of gross floor area. “Conference center” is not defined, but may be considered as a particular

type of “place of assembly.” Because there a separate parking requirement is established for conference centers, that requirement is interpreted as superseding the general requirement for places of assembly.

In considering these two different ways of establishing parking requirements, it should be noted that there is no direct comparison between the gross floor area of a place of assembly and its rated facility. The Building Code establishes capacity based on net floor area for various types of assembly as follows:

Standing	5 sq. ft. per person
Auditorium seating	7 sq. ft. per person
Tables and chairs	15 sq. ft. per person

Based on a detailed analysis conducted for the City of Toronto, it appears that Portsmouth’s existing standard of 1 space per 100 sq. ft. GFA is approximately equivalent to between 1 space per 1.9 persons and 1 space per 3.7 persons for facilities without fixed seating, and is therefore close to the proposed standard of 1 space per 2 persons rated occupancy. In other words, changing the standard as in the proposed ordinance would have little impact on the amount of parking required for a conference center or other place of assembly. Given this, the Planning Department prefers a standard that is based on floor area to one that is based on capacity, because it is more easily determined at the time of site plan review.

Analysis

The Planning Department and Planning Board member Elizabeth Moreau researched the off-street parking standards in a number of comparable municipalities in the Northeast, and also reviewed the Toronto analysis referenced above. Specific communities whose ordinances were reviewed include Concord and Nashua, NH; Burlington, VT; Kennebunkport, ME; Newburyport and Northampton, MA; Newport and East Greenwich, RI; and Saratoga Springs, NY. The standards from these communities vary widely, as follows:

<u>Based on gross floor area (GFA):</u>	<u>Based on occupancy:</u>
1 space per 40 s.f. GFA	1 space per 3 seats
1 space per 100 s.f. GFA	1 space per 4 seats
1 space per 400 s.f. GFA plus 1 space per 3 employees	1 space per 5 seats
1 space per 500 s.f. GFA	1 space per 6 seats
1 space per 1,000 s.f. GFA	

Based on this review, Portsmouth’s current standards of 1 space per 4 occupants (place of assembly) and 1 space per 100 s.f. GFA (conference center) are at the high end of requirements compared to similar-sized communities. Thus, Portsmouth’s existing off-street parking standards for conference centers appear to be reasonable. In fact, it may be that Portsmouth’s current requirements are more stringent than necessary to manage parking demand.

Central Business District

The City Council referral addressed the City-wide off-street parking requirements for conference, convention and event centers. However, these requirements are not applicable

within the Downtown Overlay District, which encompasses most of the area currently zoned Central Business A and B and Character Districts CD4 and CD5. A key question to be considered, therefore, is to what extent off-street parking standards for large places of public assembly in the downtown should be the same as or different from the standards that apply in other parts of the City.

Large public assembly facilities – including theaters and performance facilities as well as conference and event centers – draw and discharge significant numbers of people at specific times. In this, they are similar to the downtown as a whole, where offices, retail businesses and restaurants have defined patterns of demand for off-street parking, although the peak parking demand times for public assembly uses are typically different from those for office and retail uses. However, the parking demand of conference and event centers is often mitigated by the fact that they are associated with a hotel or motel, for which off-street parking is now required to be provided in Portsmouth's Downtown Overlay District.

Status of Planning Board Review

The Planning Department staff made the following recommendations at the July 17 Planning Board meeting:

1. Maintain the existing off-street parking standards for place of assembly and place of worship (1 space per 4 persons of rated capacity) and for conference center (1 space per 100 sq. ft. GFA).
2. Consider parking standards for conference, convention and event centers in the Downtown Overlay District in the context of the standards for other places of assembly (theaters, performance centers, etc.) and any associated lodging uses that are subject to their own off-street parking requirements.

The Planning Board did not take action on either of these recommendations, and instead voted to postpone consideration to its meeting on August 21, 2014.

Memo

To: John P. Bohenko, City Manager
From: David S. Allen, Deputy City Manager
Rick Taintor, Planning Director
Date: July 30, 2014
Re: Ensuring Compliance with Approvals by Land Use Boards

The City's land use boards – the Planning Board, Historic District Commission and Zoning Board of Adjustment – issue decisions based on specific plans and other documentation presented by applicants. In addition to these plans, applicants make specific representations to the land use boards, which are incorporated in the record and are considered binding on the applicant in the implementation of the project. Finally, the boards may modify the proposed project through stipulations or conditions imposed as part of their approval decisions: such stipulations are most frequently used by the HDC and are not always reflected in plan revisions.

Often, a project will require review by two or even (if in the Historic District) all three land use boards. These reviews take place at different times and in different stages of project development, with the result that plans approved by one board may be slightly, or even significantly, different from those approved by another board. Such discrepancies first became apparent around 2009-2010, and the Planning Department has made additional efforts since then to resolve conflicts between approvals, which may require the applicant to return to one of the boards but sometimes can be done administratively (for example, the Planning Director has the authority to grant administrative approval to minor site plan amendments).

Following the issuance of all required approvals by the land use boards, the applicant will prepare construction drawings for approval by the Inspections Department. A building permit is issued by the Inspections Department based on those construction drawings. Historically, review of the construction drawings for permit issuance has focused on building code compliance and life safety issues.


Upon completion of the construction of the project and final inspections by all the mechanical, electrical and plumbing inspectors, as well as one of the building inspectors, a Certificate of Occupancy (CO) is issued by the Inspections Department. That CO may include additional conditions that need to be met by the applicant.

Concerns about the permitting process recently emerged as a result of the issues with the Portwalk 3 development, where building construction drawings that were submitted to the Inspections Department differed from the plans that had been approved by the HDC and the Planning Board. In order to address these valid concerns, the Planning and Inspections Departments, in consultation with the Legal Department, have instituted a system to minimize the potential for future occurrences of this type.

The changes are as follows:

1. At the time of submission of a set of construction drawings, the design professional (either Licensed Architect or Engineer) shall provide a signed affidavit stating that the drawings submitted for issuance of the building permit are in compliance with all of the land use board approvals.
2. Prior to the issuance of the CO, the applicant shall have their design professional sign an affidavit certifying that the completed project is in compliance with all land-use approvals.
3. Larger multi-family and commercial projects within the Historic District will be required to hire a third-party professional to provide compliance review of the project. The compliance review professional shall ensure (1) that the construction drawings are consistent with the approved plans, and (2) that the project as constructed conforms to the approved plans and construction drawings. (The staff is currently considering what the appropriate threshold would be for requiring compliance review by an independent consultant rather than the staff review as described below.)
4. The Planning Department budget for FY 15 includes funding for a contract position of Board Enforcement Agent. This individual in this position will work closely with the Planning and Inspections staff to provide review of the smaller projects that may not have a design professional involved. In addition they will provide support to both departments through follow-up on the larger applications.

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: July 30, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 
RE: ENFORCEMENT OF LAND USE REGULATION VIOLATIONS

This will respond to the request of the City Council, prompted by Assistant Mayor Spleine, for an overview of the mechanisms and policies which relate to the enforcement of zoning and other land use regulatory violations in the City.

Starting point for the discussion is the bedrock maxim of municipal law in this state that municipalities have only those powers which are delegated by the state legislature. New Hampshire is not a home rule state.

In terms of the enforcement of land use ordinances and regulations state law provides the following options to the City:

1. RSA 676:15 - INJUNCTIVE RELIEF

This provision in state law allows the City to bring a civil action in Superior Court to correct virtually any violation of land use ordinances or regulations. It is necessary in this type of action for the City to outline a specific violation for the Court, prove that the defendant landowner has violated that provision and request that the Court order some type of specific relief. An example would be that a person who constructed a garage without a building permit and in violation of the zoning ordinance side yard requirements could be ordered by the Court to demolish that garage. In that hypothetical another option might be to request the Court to order the garage relocated to a conforming location on the site. There are no monetary penalties ordinarily attendant to a request for injunctive relief. This particular provision has been relied upon successfully by the City in numerous cases in the past, in relation, for example, to building code violations at The Page Restaurant.

2. RSA 676:16 - PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

This law allows the City to collect at \$1,000.00 civil penalty, "for each lot or parcel [of land] transferred or sold" in violation of the City's subdivision regulations.

3. **RSA 676:17 — [QUASI CRIMINAL] FINES AND PENALTIES**

Under this law violation of the City's land use regulations may be prosecuted in a quasi criminal action. In such a case, although the violation would be characterized as a misdemeanor for a natural person or a felony for any other person, the penalty is described as a civil penalty of \$275 for the first offense and \$550 for subsequent offenses. Each day might be found to be a separate offense.

A procedural hurdle in enforcing ordinances under this law is the necessity that the alleged violator have first received a specific form of written notice from the City about the violation before prosecution could occur. Also, because it is quasi criminal in nature the burden of proof for the municipality would be to show the violation beyond a reasonable doubt and the constitutional protections generally available to criminal defendants would apply. An additional consideration is that while a \$275 per day fine would have great effect on a normal person owning a residential property, such a fine would mean little in the context of a major multimillion dollar downtown project.

4. **RSA 676:17-a — CEASE AND DESIST ORDERS**

This is the state law which authorizes the issuance of Cease and Desist Orders by the City administration. There are very specific requirements for a properly issued Cease and Desist Order, including:

- a. That the order must state the "precise" law or regulation being violated;
- b. Contain a statement of facts supporting that determination;
- c. State the corrective action required and include a reasonable time for the action to be taken and make further representations with respect to the judicial procedure going forward; and
- d. The order must be "served" on the record owner of the property and, "upon all persons holding mortgages upon such property". The service in both cases must be made by the Rockingham County Sheriff.

The statute spells out a page and a half of procedural requirements attendant to a Cease and Desist Order.

5. **RSA 676:17 b — LOCAL LAND USE CITATIONS; PLEAS BY MAIL**

This state law creates the system whereby local land use citations may be served upon a defendant in such a way that the person may enter a guilty plea by mail. There are detailed procedural specifications on how this is to be done. There is a limitation in that each citation charge is no more than five (5) days of violation with the penalties as described in RSA 676: 17 (above). Thus, this process seems most relevant to minor violations.

The foregoing provisions outline the formal enforcement options available under state law. In an appropriate case informal options are also available. For example, if the City has provided a property owner with authority to obstruct a street or sidewalk, the City might revoke that authority upon finding that the property owner has violated land use regulations. Another example would be the common situation in which a developer has executed a site review Agreement with the City as required by the Planning Board during the site review process. In that case, the site review agreement itself provides the City with enforcement options by agreement with the developer. One effective enforcement option is reliance upon the site review bond which the developer is required to post with the City to ensure compliance with the site review agreement. Each particular enforcement situation carries with it its own individual facts with regard to the type of violation, the person responsible for the violation and the types of leverage available to the City to compel the correction of that violation. With the knowledge of these elements, City staff are often able to develop creative enforcement strategies which lawfully expand the boundaries of the statutes listed above.

I find that a particularly effective technique is for the City to file, or threaten to file, a civil action under RSA 676:15 and then settle the case with an agreement which accomplishes the City's goals.

A specific issue raised by the City Council in its discussion of this matter is whether or not it might be possible to develop a fee penalty guideline that can be used for violations of land use board approvals. One response to that concern is that the state statutes described above create an outline of a fee penalty guideline. However, within that outline it has been my experience that each enforcement situation varies in type and kind as described in the previous paragraphs in such a way that the most effective enforcement approach is to provide the administrative staff with all of the authority allowed by state law as well as whatever informal mechanisms can be determined in order to tailor the enforcement approach to any given violation on a case by case basis.

A particularly variable element of any violation concerns the level of culpability of the violator. This ranges from the most innocent misunderstanding concerning a minor violation on a single family residential lot, such as the placement of a shed, to a knowing and intentional violation of major land use regulations by an experienced real estate developer.

In order to assist members of the Council who might wish to delve more deeply into the specifics of the enforcement mechanisms described in this memorandum copies of the statutes cited herein are attached as an appendix.

attachment

cc: Rick Taintor, Planning Director

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

Section 676:15

676:15 Injunctive Relief. — In case any building or structure or part thereof is or is proposed to be erected, constructed, altered, or reconstructed, or any land is or is proposed to be used in violation of this title or of any local ordinance, code, or regulation adopted under this title, or of any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title, the building inspector or other official with authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title, or the owner of any adjacent or neighboring property who would be specially damaged by such violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, alteration, or reconstruction.

Source. 1983, 447:1. 1988, 19:5, eff. Jan. 1, 1989.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

Section 676:16

676:16 Penalties for Transferring Lots in Unapproved Subdivisions. — Any owner, or agent of the owner, of any land located within a subdivision in a municipality that has adopted subdivision regulations who transfers or sells any land before a plat of the subdivision has been approved by the planning board and filed with the appropriate recording official under RSA 674:35, II, shall forfeit and pay a civil penalty of \$1,000 for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality may enjoin a transfer or sale which violates the provisions of this section and may recover the penalty imposed by civil action. In any action to recover a penalty, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the court.

Source. 1983, 447:1. 1997, 92:3, eff. Jan. 1, 1998.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

Section 676:17

676:17 Fines and Penalties; Second Offense. —

I. Any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.

II. In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees and investigatory expenses.

III. If any violation of a local ordinance, code or regulation, or any violation of a planning board, zoning board of adjustment or building code board of appeals decision, results in the expenditure of public funds by a municipality which are not reimbursed under paragraph II, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for such funds so expended.

IV. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

V. The building inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title may commence an action under

paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The prosecuting official in the official's discretion may, prior to or at the time of arraignment, charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I(b) of this section. **The provisions** of this section shall supersede **any inconsistent local penalty provision**.

Source. 1983, 447:1. 1985, 103:25; 210:4. 1988, 19:6,7. 1996, 226:5, 6. 1997, 92:4, 5. 2004, 242:1. 2006, 101:1, eff. Jan. 1, 2007. 2009, 173:1, eff. Sept. 11, 2009.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

Section 676:17-a

676:17-a Cease and Desist Orders. — The building inspector, code enforcement officer, zoning administrator or other official designated as an enforcement authority by ordinance or resolution of the local legislative body may issue a cease and desist order against any violation of this title, any local ordinance, code or regulation adopted under this title, or any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title, subject to the following:

I. The order shall state, in writing:

(a) The precise regulation, provision, specification or condition which is being violated.

(b) The facts constituting the violation, including the date of any inspection from which these facts were ascertained.

(c) The corrective action required, including a reasonable time within which such action shall be taken.

(d) A statement that a motion for summary enforcement of the order shall be made to the court of the district in which the property is situated unless such corrective action is taken within the time provided, or unless an answer is filed within 20 days, as provided in paragraph V.

(e) A statement that failure to either take the corrective action, or to file an answer, may result in corrective action being taken by the municipality, and that if this occurs the municipality's costs shall constitute a lien against the real estate, enforceable in the same manner as real estate taxes, including possible loss of the property if not paid.

II. The order shall be served upon the record owner of the property or the record owner's agent, and upon the person to whom taxes are assessed for the property, if other than the owner, and upon any occupying tenant of the property, and upon any other person known by the enforcing officer to exercise control over the premises in violation, and upon all persons holding mortgages upon such property as recorded in the office of the register of deeds, in the same manner provided for service of a summons in a civil action in district court. Personal service may be made by a sheriff, deputy sheriff, local police officer, or constable. If the owner is unknown or cannot be found, the order shall be served by posting it upon the property and by 4 weeks' publication in a newspaper in general circulation in the municipality.

III. Upon service of the order, the owner or the owner's **agent, occupying tenant or the tenant's** agent, or any other person who is engaged in development, construction, excavation, or other changes of the land or buildings on the land shall cease immediately such activities, if so provided in the order, until such time as judgment is rendered under paragraphs VI or VII. Failure to cease such activity shall constitute a separate violation of this title in addition to the violation cited in the order, unless such order

is annulled as provided in paragraph VII.

IV. A copy of the order with proof of service shall be filed with clerk of the district court of the district in which the property is located not fewer than 5 days prior to the filing of a motion to enforce under paragraph VI.

V. Within 20 days after the date of service, any **person upon whom the order is served may serve an answer** in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.

VI. If no answer is served, the enforcement official may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order. The clerk of the court shall mail a copy of the judgment to all persons upon whom the original order was served.

VII. If an answer is filed and served as provided in paragraph V, further proceedings in the action shall be governed by the rules of the district court. If the order is sustained following trial, the court shall enter judgment and shall fix a time within which the corrective action shall be taken, in compliance with the order as originally filed, or as modified by the court. If the order is not sustained, it shall be annulled and set aside. If it appears to the court that the order was frivolous, was commenced in bad faith, or was not based upon information and belief formed after reasonable inquiry or was not well-grounded in fact, then the court shall order the defendant's costs and reasonable attorneys fees to be paid by the municipality. The clerk of the court shall mail a copy of the judgment to the persons upon whom the original order was served.

VIII. If a judgment is not complied with in the time prescribed, the local governing body may cause the corrective action to be taken as set forth in the judgment. The cost to the municipality of taking such corrective action together with its other expenses as provided in paragraph IX, shall be a lien against the real estate on which the violation occurred, which shall continue for 18 months from the date upon which the expense account is allowed by the court, as provided in paragraph IX.

IX. The municipality shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses in connection with its enforcement, including but not limited to filing fees, service fees, publication fees, the expense of searching the registry of deeds to identify mortgages, witness and expert fees, attorneys fees and traveling expenses. The court shall examine, correct if necessary, and allow the expense account. The municipal governing body, by majority vote, may commit the expense account to the collector of taxes, in which case the mayor, as defined by RSA 672:9, shall direct the expense account, together with a warrant under the mayor's hand and seal, to the municipal tax collector, requiring the tax collector to collect the same from the person to whom real estate taxes are assessed for the premises upon which such corrective action was taken, and to pay the amount so collected to the municipal treasurer. Within 30 days after the receipt of such warrant, the collector shall send a **bill as provided in RSA 76:11**. Interest as provided in RSA 76:13 shall **be charged on any amount not paid within** 30 days after the bill is mailed. The collector shall have the same rights and remedies as in the collection of taxes, as provided in RSA 80.

X. A party aggrieved by the judgment of the district court may appeal, within 15 days after the rendering of such judgment, to the superior court.

XI. The remedy provided in this section is supplementary to other enforcement remedies provided by this chapter or local ordinance. At the discretion of the local enforcement official, an action to enforce a cease and desist order under this section may be joined with an action under RSA 676:17, I, and the cease and desist order shall constitute the written notice under RSA 676:17, I(b).

Source. 1991, 328:1. 1996, 226:7, 8. 1997, 79:1, cif. Jan. 1, 1998.

TITLE LXIV

PLANNING AND ZONING

CHAPTER 676

ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

Section 676:17-b

676:17-b Local Land Use Citations; Pleas by Mail. — A building inspector or other local official with authority to prosecute an offense within the scope of RSA 676:17, and who, prior to or at the time of serving the summons, elects, pursuant to RSA 676:17, V. to charge the offense as a violation, may issue and serve upon the defendant, in addition to the summons, a local land use citation as set forth in this section. The defendant receiving such a citation may plead guilty or not guilty by mail by entering that plea as provided herein. If such a plea is accepted by the court, the defendant shall not be required to appear personally or by counsel; otherwise the defendant shall appear as directed by the court. The following procedure shall be used:

I. No local land use citation as set forth in this section shall be served unless the defendant has first been given written notice of the violation by the municipality. If the notice involves or includes a decision which may be appealed to the zoning board of adjustment pursuant to RSA 676:5, or to the building code board of appeals pursuant to RSA 674:34, such notice to the **building code board of appeals** pursuant to RSA 674:34, such notice shall set forth a reasonable period, as provided by the rules of the respective board, in no case less than 7 days, within which such appeal shall be filed after receipt of the written notice, and the citation shall not be served until after the end of such period. If such an appeal is filed, further proceedings shall be governed by RSA 676:6.

II. The local land use citation shall contain:

- (a) The caption: "Local Land Use Citation, Town (City) of _____".
- (b) The name of the offender, and address if known to the prosecuting official.
- (c) The statute, code, ordinance, regulation, provision, specification, requirement or condition the offender is charged with violating.
- (d) The act or circumstances constituting the violation.
- (e) The place of the violation.
- (f) The date upon which the offender received written notice of the violation by the municipality.
- (g) The time and date upon which the violation was witnessed subsequent to such written notice.
- (h) The amount of the civil penalty as set forth in RSA 676:17, I(b), which is payable by the offender for each day the violation continued subsequent to such written notice, up to a maximum of 5 days' violation charged in one citation.

(i) Instructions informing the defendant that the defendant may answer the citation by mail or may personally appear in court upon the date on the summons, and instructing the defendant how to enter a plea by mail, together with either the amount of the penalty specified in the citation, or a request for a trial.

(j) The address of the clerk of the district court, where the plea by mail may be entered.

(k) A warning to the defendant that failure to respond to the citation on or before the date on the summons may result in the defendant's arrest as provided in paragraph V.

(l) The signature of the prosecuting official.

III. Defendants who are issued a summons and local land use citation and who wish to plead guilty or nobo contendere shall enter their plea on the summons and return it with payment of the civil penalty, as set forth in the citation, to the clerk of the court prior to the arraignment date, or shall appear in court on the date of arraignment.

IV. Civil penalties collected by the district court under this section shall be remitted to the municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to the arraignment day or does not appear personally or by counsel on or before that date or move for a continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a summons for any offense, the defendant shall be defaulted and the court shall determine what the civil penalty would be upon a plea of guilty or nobo contendere and shall impose an administrative processing fee in addition to the civil penalty. Such fee shall be the same as the administrative processing fee under RSA 502-A:19-b, and shall be retained by the court for the benefit of the state.

V. The court may, in its discretion, issue a bench warrant for the arrest of any defendant who:

(a) Is defaulted in accordance with the provisions of paragraph IV of this section;

(b) Fails to pay a fine or other penalty imposed in connection with a conviction under this title which a court has determined the defendant is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order on any matter within the court's discretion.

VI. For cause, the court in its discretion may refuse to accept a plea by mail and may impose a fine or penalty other than that stated in the local land use citation. The court may order the defendant to appear personally in court for the disposition of the defendant's case.

VII. The prosecuting official may serve additional local land use citations, without giving additional written notice or appeal opportunity under paragraph I, if the facts or circumstances constituting the violation continue beyond the date or dates of any prior citation. A plea of guilty or nobo contendere to the prior citation shall not affect the rights of the defendant with respect to a subsequent citation.

VIII. Forms and rules for the local land use citation and summons shall be developed and adopted by the New Hampshire supreme court.

IX. This section is not intended in any way to abrogate other enforcement actions or remedies in the district or superior court pursuant to this title, nor to require written notice as a prerequisite to other types of actions or remedies under this title.

Source. 1991, 374:2. 1996, 226:9-13, eff. Jan. 1, 1997.

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: Citywide Neighborhood Committee Renewing applicant

Name: Cristy Cardoso Telephone: 603-512-3634

Could you be contacted at work? YES NO - If so, telephone # 603-501-7414
(internal use only)
please

Street address: 199 Concord Way

Mailing address (if different): _____

Email address (for clerk's office communication): CNCCHAIR@gmail.com

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

Occupational background:

Media Analyst. Background in
Corporate Communications, Knowledge
management, Graphic design and
Marketing.

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

Reasons for wishing to continue serving: We are working to
fill the Committee with a goal
of electing a new Chair person
before my next term is up.

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

Atlantic Heights Neighborhood Assoc.

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

1) Thomas Ferrini 742-5222 (51 Central ave Dover)
Name, address, telephone number

2) Nancy Clayburgh 905 FW Hartford dr. (Nancy Clayburgh@comcast.net.)
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: Cindy Candoso Date: 3/25/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2017

Annual Number of Meetings: Not available Number of Meetings Absent: N/A

Date of Original Appointment: 6/2/2008

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: Cable Commission

Name: Robert Capone Telephone: 603.436.1978

Could you be contacted at work? YES NO If so, telephone # 518.526.0187 (cell)

Street address: 34 Harrison Ave

Mailing address (if different): _____

Email address (for derk's office communication): rob.capone@worebor.com

How long have you been a resident of Portsmouth? ~15 years

Occupational background:

Technology Coordinator at Oak Point Associates (Portsmouth):
Handle all technology implimentation, maintenance and
user support for workstations, servers, plotters/printers,
network devices, IP phones and related technologies

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

Specifying and selecting Internet Service Providers,
Coordinating upkeep, repairs and support

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

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

Reasons for wishing to serve: Wish to offer my skills and time to serve Portsmouth

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

Registrar of Voters - same day registration

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

1) Lynne Langley 84 Porpoise Way, Portsmouth, NH 603.343.3982
Name, address, telephone number

2) Ron Poulin, Apt 206, Albacore Way, Portsmouth 319-3441
Name, address, telephone number

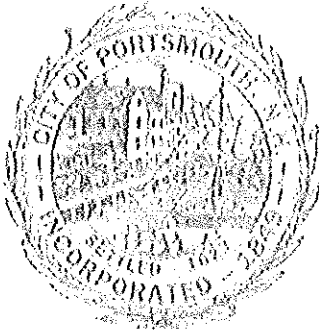
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 07/07/2014

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



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.*

JAN 25 2012

Committee: Conservation Commission

Initial applicant

Name: Matthew R. Cardin Telephone: (603) 851-1921

Could you be contacted at work? YES/NO If so, telephone # (603) 621-9259 Ext. 25

Street address: 202 Raleigh Way, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): mr.cardin@gmail.com

How long have you been a resident of Portsmouth? 3.5 Years

Occupational background:

I am an Environmental Scientist for TRC Environmental and previously, Normandeau Associates. I have been
working in private environmental consulting throughout NH and the Northeast for the past 7 years. I am a Certified
Wetland Scientist through the NH Joint Board of Licensure. I am mainly involved with managing natural resource
field surveys and working with regulatory agencies to manage projects in an effort to avoid and minimize impacts.

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

I have previously worked, as an Environmental Consultant, in preparing City of Portsmouth Conditional Use Permit
for a client to restore wetland and regulated upland buffer to impacts incurred at a residential home. The home-
owner, Peter Britz, myself and the Conservation Commission worked together to design a wetland mitigation plan to
restore function to the wetland area. I worked with Mr. Britz and presented to the Conservation Commission for
design approval.

OVER
➔

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: I wish to serve the City with hopes of providing insight as a Wetland/

Wildlife biologist to preserving the City's natural resources and provide a dynamic approach to development, as an
environmental consultant, by using the best available science and performance standards available and assisting
with providing alternative solutions to minimize environmental impacts with regards to the conservation and
preservation of the City's natural resources. I'm also interested in engaging in the City/Community in the most
interesting/best way possible with my time.

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

I am an active member of the New Hampshire Association of Natural Resource Scientist (NHANRS) with a wetland
and wildlife discipline. I'm also a member of the NHANRS Legislative Committee with several other NHANRS
members. I was a Board Member for approximately 2 years at a regional mountain biking organization known as
C.L.I.M.B., Concerned Long Island Mountain Bikers, during my residence in Long Island, NY.

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

1) Phil Cohen, 114 Crescent Way, Portsmouth, NH, (603) 334-6705
Name, address, telephone number

2) Mark Mattson, 51 Collage Street, Portsmouth, NH, (603) 319-5300
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
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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:  Date: 1/28/14

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 Jenkins Avenue, Portsmouth, NH 03801
8/27/2012

January 28, 2014

Mayor Robert Lister
Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

Re: Conservation Commission Application

Mayor Lister and the City Council,

I have enclosed my application to be considered for the vacant seat on the City of Portsmouth's Conservation Commission. I am an Environmental Consultant as a wetland/wildlife scientist for TRC Environmental and previously for Normandeau Associates. I have worked with Peter Britz and presented in front of the Commission before and now wish to serve as part of that Board. I have been a proud Portsmouth resident for over three years. My wife and I have enjoyed living in the City immensely and now I wish to volunteer my time with hopes of having a bigger part in what makes this City so great.

In my application, I specify that I will not be able to attend all monthly Conservation Commission meetings. If I am to be honest with the reality of my work schedule and it's tendencies, I would anticipate missing an average of two meetings a year due to short-term work travel commitments. I hope this isn't a discouragement on my application. I understand attendance is paramount and missing meetings will be avoided at the most extent feasible.

Thank you for your time and consideration. I have received a good deal of support from peers, friends and colleagues within Portsmouth and I'm more than happy to provide additional references if needed. Please don't hesitate to contact me at (603) 851-1921 or at mr.cardin@gmail.com with any questions.

Sincerely,



Matthew R. Cardin



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: HISTORIC DISTRICT COMMISSION Initial applicant

Name: VINCENT LOMBARDI Telephone: 603-828-2324

Could you be contacted at work? YES NO If so, telephone # 603-828-2324

Street address: 75 ALDRICH RD PORTSMOUTH, NH 03801

Mailing address (if different): SAME

Email address (for clerk's office communication): VINCE@DATA-ARCHIVE.COM

How long have you been a resident of Portsmouth? 28 YEARS

Occupational background:

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO ~~I WAS UNABLE TO FIND HIS CONTACT INFO~~

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

Reasons for wishing to serve: PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED

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

- 1) RICHARD CANDEE, 5 SCITRATE RD, YORK, ME 03909 - 207-363-6635
Name, address, telephone number
- TERI ENORELLI, 35 MIDDLE RD, PORTSMOUTH, NH 03801 - 603-436-2108
- 2) MARTHA FULLER CLARK, 152 MIDDLE ST, PORTSMOUTH, NH 03801 - 603-431-6626
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: [Handwritten Signature] Date: May 19, 2014

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

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

Vincent Lombardi

Application for Historic District Commission

Occupational background:

For the past 25 years I have worked in computer technology. Since 1997, I have owned my own business Data Archive, LLC.

From 1985 to 1988 I was the associate director of Strawberry Banke Museum overseeing operations and facilities including the restoration and preservation of buildings. Before moving to the Seacoast in 1985, I worked for the National Park Service managing and consulting on urban historic sites in Boston and other areas.

Experience related to this Board/Commission:

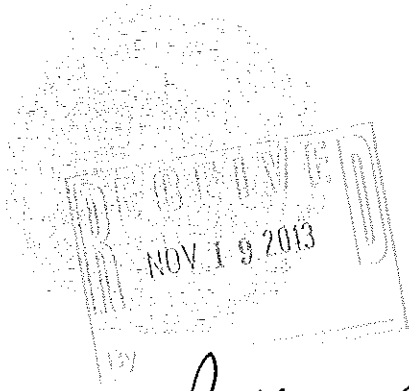
As the Associate Director of the Strawberry Banke Museum, I oversaw the planning process and restoration of several buildings including Pitt Tavern, the Driscoll House and Ryder-Wood. Restoration planning included soliciting input from local residents throughout the process.

When I managed historic sites for the Boston National Historical Park, I oversaw the restoration of the Dorchester Heights National Monument. I was also a consultant on the restoration and interpretation of the African-American National Historic Site (Beacon Hill, Boston), the Lowell National Historical Park (MA) and the Women's Rights National Historic Park (Seneca Falls, NY). During this time, I served on the board of the Frederick Law Olmstead Association connected with Olmstead's historic home and office in Brookline, MA.

I have extensive experience serving on and leading Seacoast-area community boards including the Prescott Park Arts Festival, Seacoast (Southeast) Land Trust, Cross Roads House and the Lovering Health Center (formerly the Feminist Health Center).

Reasons for wishing to serve:

I have a long-term investment in the historic fabric of communities, especially Boston and Portsmouth. I believe that the historic character of Portsmouth is critical to our downtown neighborhoods, our economic growth and our cultural viability. Serving on the HDC would give me the opportunity to help preserve the traditional architecture and feeling of our city as well as shape its future development. I understand how challenging it can be to both conserve the old and welcome the new at a time when our community is experiencing extraordinary growth and development. I will work with my colleagues on the HDC to help our city remain vibrant and livable for families, businesses and tourists.



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: Parking, Transportation and Safety Initial applicant

Name: Marg Lou McElwain Telephone: H 603 430 8619

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

Street address: 259 SOUTH ST.

Mailing address (if different): same

Email address (for clerk's office communication): ML259@comcast.net

How long have you been a resident of Portsmouth? 14 years this Oct.

Occupational background:

Registered nurse, retired this year.

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

Transportation Study Committee - Acton, MA
Portsmouth Listens Transportation Study Circle 2013
Sustainable Portsmouth - Transportation - current

OVER
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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: I have been a daily walker/cyclist since moving to Portsmouth in 1999. I am concerned for all who travel our streets. I am not an engineer but I am practical and analytical.

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

Womenaid of Greater Portsmouth, Seacoast Family Food Pantry,

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

1) Heather Thomsen South of Portsmouth # 430 91707
Name, address, telephone number

2) Natalie Hassold Mt Vernon of Portsmouth coll: 498 4936
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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Signature: Mary Lou Madigan Date: 11/29/13

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

Please submit application to the City Clerks Office, 1 Jurkins 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: Recreation Initial applicant

Name: Lisa Louttit Telephone: 501-0278

Could you be contacted at work? YES/NO If so, telephone# 508-561-8169

Street address: 113 Bow St 34 Portsmouth, NH

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 2 years

Occupational background:

Real estate sales +20 yrs.

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

I was an elected parks & recreation ~~board~~ commission member for 13 years, Town of Medfield, MA.

OVER

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: _____

I miss working with people interested in recreation programs, parks & facilities. I am also on the Peirce Island Board & think the two committees fit well

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

Peirce Island
CASA of NH

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

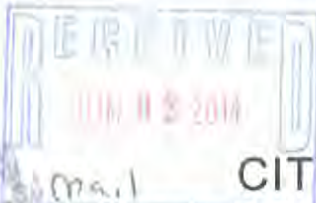
- 1) Pat Bertrand 427-2413 66 Suzanne deWee
Name, address, telephone number
- 2) Lee Fredette 48 Echo Ave
~~1865~~ 436-0588
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: lwalouette Date: 3/5/14

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



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: Board of Adjustment - Alternate Initial applicant

Name: Jeremiah Johnson Telephone: 603.303.9396

Could you be contacted at work? YES NO If so, telephone # 603.430.0274

Street address: 4 Fairview Drive

Mailing address (if different): Same

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

How long have you been a resident of Portsmouth? total of 10 years

Occupational background:

I am a Project Manager at McHenry Architecture in downtown Portsmouth. I focus mostly on design development, code review, and construction administration for small to medium sized commercial projects.

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

Working in an architectural office has provided me with the opportunity to work closely with many of the city's land use boards. Specifically, my experience with building codes and various use types would be the most pertinent to the Board of Adjustment. Working with a variety of clients and becoming part of the Portsmouth culture has also allowed me to really gain an understanding of Portsmouth's character and charm. I feel this can be of benefit, and help me to make decisions that are good for the future of our city.

6/27/2012

OVER

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: I would like to give back to the community in which I live, and have become so invested in. My hope is that my interest in codes, zoning, and land use, and my professional experience, can provide some assistance to the other Board members.

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

- Leadership in Energy and Environmental Design (LEED AP BD+C)
- U.S. Green Building Council
- Coe-Brown Northwood Academy Senior Portfolio Review Committee

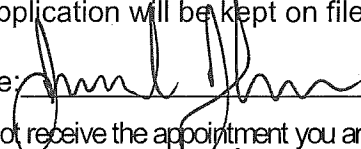
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Steven McHenry 4 Market Street 603.430.0274
Name, address, telephone number

2) Eric Weinrieb 133 Court Street 603.433.2335
Name, address, telephone number

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

Signature:  Date: 5/30/2014

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

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

Jeremiah L. Johnson

4 Fairview Drive, Portsmouth, NH

flashjohnson@comcast.net

(603) 303-9396

SUMMARY OF QUALIFICATIONS

- * An organized, detail-oriented, and conscientious self-starter that's able to strategize and prioritize effectively to accomplish multiple tasks and remain calm under pressure
- * Innovative, enthusiastic, and uncompromising work ethic
- * Able to build strong relationships with coworkers and clients alike
- * Resourceful, insightful, and can adapt quickly to changes

EDUCATION

Masters of Architecture *May 2002*

Norwich University *Northfield, VT*

Bachelors of Science in Architectural Technologies *May 2001*

Norwich University *Northfield, VT*

RELEVANT SKILLS & EXPERIENCE

Project Management

- * Managed documents and coordinated meetings for all phases of construction of medium/large scale commercial and small health care projects
- * Participated in job meetings and site walkthroughs for large scale commercial projects
- * Collaborated with contractors to ensure specific adherence to working drawings and design intent
- * Worked with, and maintained, all documents pertaining to design and engineering consultants

Code Review

- * Performed building code review and worked in conjunction with local inspections departments on a variety of construction types and uses
- * Ensured new designs adhered to all applicable building and fire codes, and accessibility guidelines

Construction Drawings and Drafting

- * Proficient in hand drawings, computer aided drafting, and 3D modeling
- * Created and produced complete working drawing sets for a variety of project and construction types
- * Worked hand-in-hand with project architect to ensure efficiency in production of working drawings
- * Collaborated with consultants and team members to trouble shoot multiple types of construction details

Schematic Design and Design Development

- * Created unique architectural designs according to client's needs
- * Incorporated modern building techniques into historic renovation projects
- * Participated in material selection and determined initial job scope and specifications
- * Proposed design concepts for a variety of municipal renovations, additions, and new construction projects

Proposals, Presentations, and Marketing

- * Responded to a variety of RFPs for educational and municipal projects
- * Created original presentation materials including 3D models, perspectives, and site models
- * Presented project ideas to design teams, clients, and committees representing publicly funded projects
- * Designed marketing packages, brochures, proposal templates, and web sites for small architectural firms

Teaching

- * Instructed students in various drafting courses as part of their vocational and high school curriculum
- * Created classroom lectures, exams, projects, and evaluated and graded student work

EMPLOYMENT HISTORY

Project Manager, McHenry Architecture *October 2009 - Present*

CAD Instructor, Career and Technical Education Center NHDOC *May 2006 - October 2009*

Intern Architect, McHenry Architecture *May 2005 - May 2006*

Intern Architect, Sumner Davis Architects *April 2000 - October 2004*

Carpenter, Island Service Construction *May 1998 - April 2000*

IT Lab Technician, Norwich University IT Department *November 1997 - April 2000*

COMPUTER SKILLS

All Autodesk Applications, Revit, AutoCAD, DataCAD, Microstation, Sketch-Up, Adobe Photoshop, Adobe Illustrator, Adobe PageMaker, Microsoft Office Applications, Miscellaneous Software Application

VOLUNTEER HISTORY

Coe Brown Northwood Academy Senior Portfolio Review Committee *2010 - Present*

Participate on review committee for portfolio presentations of graduating high school seniors.

NH Highway Safety Agency and NH Liquor Commission Outreach Program *2007 - Present*

Work with multiple agencies to present outreach programs at over 30 high schools across the state

Habitat for Humanity *2002 - 2006*

Helped design and construct multi-family dwellings in rural Vermont

July 14, 2014

To: Mayor Robert J. Lister

This is formal notice of Alicia Weaver's resignation from the Citizens Advisory Committee.

David Moore and Adam Cannon were informed by Alicia Weaver via a phone call on Friday, July 11th that she would be resigning from the Citizens Advisory Committee. She and her family are moving out of the state.

Valerie A. French
Deputy City Clerk



McLane, Graf,
Raulerson & Middleton
Professional Association

100 Market Street, Suite 301 | Portsmouth, NH 03802
Tel: 603.436.2818 | www.mclane.com

OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH
WOBURN, MA

JOHN F. WEAVER
Direct Dial: (603) 628-1442
Email: john.weaver@mclane.com
Licensed in NH and MA

July 16, 2014

Via Electronic Mail

Steve Butzel, Library Director
Portsmouth Public Library
175 Parrot Avenue
Portsmouth, NH 03801

Re: Portsmouth Public Library Board of Trustees

Dear Steve:

Pursuant to our recent dialogue, the purpose of this letter is to officially resign from the Portsmouth Public Library Board of Trustees, effective immediately. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John Weaver". The signature is stylized and fluid, with a long horizontal stroke at the end.

John Weaver



Board of Police Commissioners

of the

City of Portsmouth, N.H.

received
7/24/14

24 July, 2014

The Honorable Mayor Robert J. Lister
CITY OF PORTSMOUTH
1 Junkins Avenue
Portsmouth, NH 03801

RE: Your Letter of July 16th

Dear Mayor Lister:

Thank you, I've received your letter noted above. I've passed your concerns on to the Chief. We are aware of these issues, and have been deploying our resources whenever possible, to address not just the speeding, but also the noise issue; both of which affect the quality of life for our residents.

Very truly yours,
PORTSMOUTH POLICE COMMISSION



John F. Golumb, CHAIRMAN

JFG:KML

COPY: JOHN P. BOHENKO, CITY MANAGER



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

MARGARET WOOD HASSAN
Governor



July 25, 2014

Robert J. Lister, Mayor
City of Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister:

Thank you for your letter regarding the proposed expansion of Sea-3's facility in Newington. As I know you have discussed with members of my staff, I understand and share the concerns you and many other Seacoast-area residents have expressed about this proposal.

The vast majority of the authority and responsibility to ensure the safety of our railway system lies with the federal government. That is why I have asked U.S. Secretary of Transportation Anthony Foxx to direct his agency to conduct a comprehensive and thorough review of the proposed Sea-3 expansion. In particular, I have asked that the agency evaluate the condition and safety of the tracks that would transport the LPG, as well as the 15 public rail crossings. I have enclosed a copy of the letter.

At the state level, we have taken measures toward improving freight safety. For example, early in my administration, I convened the freight rail companies that operate in New Hampshire to improve safety and communication with state agencies.

Also, I expect to soon sign House Bill 1376, which will establish a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state.

Letter to Mayor Lister
July 25, 2014
Page 2

Again, thank you for contacting me about this issue of concern. I look forward to working together on this important effort.

With every good wish,



Margaret Wood Hassan
Governor

cc: Portsmouth City Council Members
Portsmouth Legislative Delegation



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

MARGARET WOOD HASSAN
Governor

July 24, 2014

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Dear Secretary Foxx:

I am writing to you regarding an issue of great concern to the State of New Hampshire's safety and environment.

Sea-3, Inc., a division of Trammo, is planning to expand its liquefied petroleum gas facility and to increase its capacity for off-loading propane from tank cars at its facility in Newington, New Hampshire. This proposed expansion would increase the number of tank cars carrying liquefied propane and increase rail traffic through a variety of residential areas, including the City of Portsmouth, one of the state's most densely populated communities.

Recent events, including the derailments in Lynchburg, Virginia and Lac-Megantic, Quebec, remind us that proper care and regulation of freight trains is essential to ensuring the safety and wellbeing of our people and our economy.

It is because of such disasters that New Hampshire residents are deeply concerned about Sea-3's expansion, and their concerns must be addressed. Residents worry that trains traveling more frequently and at possibility higher speeds could compromise the safety of the neighborhoods. They are concerned that the tracks -- and their dozen-plus related public crossings -- are insufficiently maintained. And, understandably, they worry about such potentially flammable and explosive material traveling through Portsmouth's bustling downtown area.

The State of New Hampshire recognizes the importance of the issue of rail safety and has been doing its due diligence. For example, I convened the freight rail companies that operate in New Hampshire to open a dialogue on safety and communication with my appropriate agencies.

Also, I look forward to signing into law House Bill 1376, which will establish a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state. As part of that review, the New Hampshire Department of Transportation (NH DOT) will study the feasibility and cost of repurposing a section of rail known as the Portsmouth Bypass Spur Rail line.

But there are responsibilities and powers that fall to the federal government that are absolutely critical to the safe operations of railways, including the inspection and regulation of railroad tracks and the cargo the trains carry over them.


I support the U.S. Department of Transportation's newly proposed rule that would result in the phasing out, or retrofitting of, older DOT 111 tank cars for the shipment of certain flammable liquids, a move that could make the fleet less vulnerable to punctures.

But more must be done. That is why I ask that you direct your agency to:

1. Evaluate the condition and safety of the tracks that would be used to transport the liquefied petroleum gas to the Sea-3 facility;
2. Evaluate the proposed plans for the 15 rail crossings and to study whether the existing requirements for carrying LPG over rail are sufficiently rigorous;
3. Strengthen federal rules regarding the safety of rail cars carrying hazardous materials; and
4. Call for improved communication between rail companies, first responders, and community officials.

I look forward to continuing this important effort with the U.S. Department of Transportation, NH DOT and my office in order to ensure the safety of New Hampshire citizens.

With every good wish,



Margaret Wood Hassan
Governor



Robert J. Lister
Mayor

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 610-7200
Fax (603) 427-1526

July 17, 2014

The Honorable Maggie Hassan
Office of the Governor
State House
107 North Main Street
Concord, NH 03301

Dear Governor Hassan:

Last year, Executive Councilor Chris Sununu, held a presentation by the Department of Transportation (DOT) to discuss the DOT 10 year highway plan. Many residents attended the meeting and some spoke in support of funding for the construction of sound barriers along the I-95 neighborhoods in Portsmouth. Following the meeting, the Executive Councilor said that he would press for those barriers on the City's behalf.

On May 24th of this year, Portsmouth City Council Member Jack Thorsen, sent an e-mail to Executive Councilor Sununu requesting that he follow-up on the issues as promised, which he promptly did. William Cass, DOT Director of Project Development responded, and a copy of the e-mail that he sent is enclosed. Mr. Cass' response gives the reason for not moving ahead with the barrier construction.

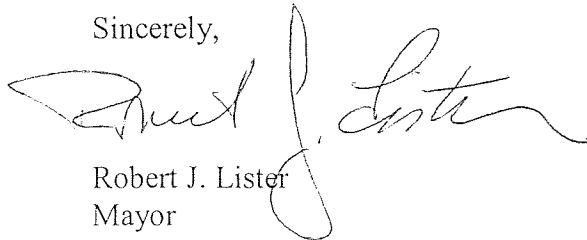
Following the receipt of the DOT response, Portsmouth City Councilors Stefany Shaheen and Thorsen reached out to me, along with Sherburne Civic Association Chairman Aaron Garganta, to discuss next steps. The City Council and I have concluded that this issue is a serious health and quality of life concern for our residents along I-95, that we are experiencing bureaucratic blockage to solve this problem, and that political action and other creative methods must be sought to overcome the reluctance by the DOT to take any action. This has been an ongoing request for over ten (10) years.

On Monday evening, July 14th, this matter was discussed before the Portsmouth City Council. The City Council asked that I write a letter to you and seek the following information and action:

1. Request that the DOT conduct a study to determine where noise barriers are needed along I-95 in Portsmouth and to include where various barriers currently exist and don't exist, what types are currently used, and the neighborhoods and homes that would be affected.
2. Request that the DOT provide the City of Portsmouth with the results of all previous noise studies conducted by the DOT and conduct a new study of noise levels in the various neighborhoods affected.
3. Request that the DOT research whether there are additional federal programs available to provide these noise barriers. If there is a match for these noise barriers through a grant, the City will consider participating financially in that match.
4. Request that the DOT perform an initial review of the federal requirements in place when I-95 was constructed and during the subsequent expansion to determine if there was in fact a requirement for noise mitigation at the time of construction.
5. Request that these barriers become a high priority in the ten (10) year highway plan published by the DOT, and that the DOT inserts the construction of the barriers into the next plan modification schedule that happens every two (2) years.

In addition to the items requested above, the City Council, requests that a representative from the DOT, preferably Commissioner Christopher Clement meet with myself, Councilor Thorsen, Councilor Shaheen and the City Manager to discuss this important issue. I, along with the City Council, the Civic Associations of Sherburne/Pannaway and other neighborhoods along the I-95 look forward to your response on this issue. In order to set up this meeting, please contact City Manager John Bohenko, at (603) 610-7201.

Sincerely,



Robert J. Lister
Mayor

RJL/jed
Enclosure

c.: Portsmouth City Council Members
John P. Bohenko, City Manager
Portsmouth Legislative Delegation
Christopher Sununu, Executive Councilor
Aaron Garganta, Chairman, Sherburne Civic Association
Christopher Clement, DOT Commissioner

From: Bill Cass <BCass@dot.state.nh.us>
Subject: RE: Pannaway Mannor Sound Barrier
Date: June 6, 2014 10:18:24 PM EDT
To: "Chris T. Sununu" <cts@sununuenterprises.com>
Cc: jack@jackthorsen.org jack@jackthorsen.org, "Christopher Clement (Commissioner)" <CClement@dot.state.nh.us>

Councilor Sununu,

We base consideration for sound walls on our established policy which is in keeping with federal guidance on the issue. We only consider sound walls in conjunction with major reconstruction projects (Type 1) for which we are required to analyze the noise impacts as part of the federal required National Environmental Policy Act (NEPA) documentation. There is a two level assessment to see if noise levels exceed mitigation thresholds and then if a barrier would be cost effective. I am pretty sure from noise measures taken in the past that the Pannaway Manor neighborhood would meet criteria to warrant mitigation (i.e. sound walls). The issue is that we do not have a Type 1 project in the area under which I could be done. Some States do have a program to consider building sound walls as independent projects (a Type 2 policy), but NH does not.

Also note that I-95 is part of the Turnpike system meaning such a sound wall (or type 2 policy if one were to be considered) would fall under the Turnpike Capital expansion program. As you know, there are a number of unfunded turnpike priorities in the Ten Year plan that to accomplish would require a toll increase.

I hope this answers your questions.

From: Chris T. Sununu [cts@sununuenterprises.com]
Sent: Friday, June 06, 2014 12:04 AM
To: Bill Cass
Cc: jack@jackthorsen.org
Subject: Pannaway Mannor Sound Barrier

Bill,
During the Ten Year Highway plan process I pushed hard to get something done in terms of an I-95 sound barrier at the Pannaway Manor neighborhood in Portsmouth. I cannot find my detailed notes from that discussion, but I seem to remember it wasn't just a matter of funding the approximate \$2 million, but it was a difficult issue logistically because it was along I-95 (Federal Highway). I am asking because one of the Portsmouth City Councilor's (Jack Thorsen, cc:ed on this email) had inquired about it recently and I was hoping you could help explain the challenges to that potential sound barrier project from the DOT perspective. Thanks and I apologize for asking you to cover the same tracks twice on this issue.

-Chris

Christopher T. Sununu
New Hampshire Executive Council - District 3

ACTION SHEET
PARKING and TRAFFIC SAFETY COMMITTEE

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: CYNTHIA HUYGHUE-FANCY, SECRETARY TO THE BOARD

RE: ACTIONS TAKEN BY THE PORTSMOUTH PARKING AND TRAFFIC SAFETY COMMITTEE MEETING HELD ON THURSDAY JULY 10, 2014, AT EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE.

PRESENT: COUNCILOR LOWN, CITY MANAGER BOHENKO, DEPUTY FIRE CHIEF HEINZ, PUBLIC WORKS DIRECTOR RICE, AND MEMBERS: CYPHER, DONNERMEYER, GRAY, WHITEHOUSE. POLICE CAPTAIN WARCHOL ARRIVED AT 8:30AM.

- [1] **Acceptance of Minutes - June 12, 2014** - Voted to accept the minutes of June 12, 2014 Parking and Traffic Safety Committee Meeting.
- [2] **Acceptance of Financial Report - June 12, 2014** - Voted to accept the June 12, 2014 Financial Report.
- [3] **Informational Item - Briefing on Maplewood Avenue Bridge Replacement Project** - Adam Chestnut, Contract Administrator for New Hampshire Department of Transportation (NHDOT) and Mike Cole, Superintendent for E.D. Swett Inc., presented an overview of the NHDOT Project. Mr. Chestnut stated the objective is to maintain traffic flow and avoid back ups during peak periods. They will be flexible to changing traffic plans as necessary to meet traffic flow needs. Bridge is scheduled to close on Monday July 14, 2014, and remain closed until Fall 2015, with project completion date scheduled for October 23, 2015.
- [4] **Action Item - Temporary Parking Changes resulting from Maplewood Avenue Bridge project** – Voted to temporarily remove two parking spaces on Market Street.
- [5] **Action Item - Citizen request for “No trucks” on Harvard Street** – Voted to have the Public Works Department write a letter to Highliner Foods requesting trucks use an alternate route. In addition, Public Works will clean up cluttered signage and determine appropriate signage.
- [6] **Action Item - Request for Crosswalks vicinity to Edgewood Centre and Union Street**- Voted to place a crosswalk for safety purposes and have Public Works staff determine if additional safety measures are necessary after monitoring traffic over time.
- [7] **Action Item – Charging to park at Prescott Park parking lot** – Voted to table item until more information is available as to how funds are allocated to maintain park.

- [8] **Action Item - Citizen Request to use portable speed bumps** – Voted to deny the request for portable speed bumps on Spring Street.
- [9] **Action Item - Citizen Request for No parking in bike lanes vicinity Dennett/Maplewood** – No action required.
- [10] **Action Item – Parking on both sides of Cass Street -** Public Works will complete an on-site review as well as determine the Safe Routes to School guidelines for this area.
- [11] **Informational Item – Loading Zone best practices** –No action required.
- [12] **Informational Item - Regulating Scooter Parking** – Police Commissioner, John Golumb spoke to the committee about mopeds and bikes parking illegally in “No Parking” areas. Mr. Rice is working with the Legal Department to determine the RSA as it relates to the difference between bikes, moped, and cars.

Adjournment – At 9:03 AM, Voted to adjourn.

Respectfully submitted by:

Cynthia Huyghue-Fancy
Secretary to the Board

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, July 10, 2014
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:04 a.m.

II. ROLL CALL:

Members Present:

Councilor Brad Lown
John P. Bohenko, City Manager
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Peter Rice, Public Works Director
Ronald Cypher, Member
Shari Donnermeyer, Member
Ted Gray, Member
Harold Whitehouse, Member

Staff Advisors Present:

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

III. ACCEPTANCE OF THE MINUTES:

**Mr. Whitehouse moved to accept the minutes of June 12, 2014, seconded by Mr. Gray.
Motion passed.**

IV. FINANCIAL REPORT:

**Ronald Cypher moved to accept the Financial Report and place on file, seconded by
Shari Donnermeyer.
Motion passed.**

V. NEW BUSINESS:

A. Action Item: Temporary Parking Changes resulting from Maplewood Avenue Bridge project (Market St spaces) (DPW)

On a unanimous roll call 9-0, voted to temporarily remove two parking spaces on Market Street during Maplewood Avenue Bridge project. After project completion the parking spaces will be re-instated.

B. Action Item: Citizen Request for “No trucks” for Harvard Street (DPW) **On a unanimous roll call 9-0, voted to have Public Works Department write a letter to Highliner Foods requesting their trucks use an alternate route. In addition, Public Works will remove cluttered signage and replace with appropriate signs.**

C. Action Item: Request for Crosswalks vicinity Edgewood Centre and Union St.(DPW)

On a unanimous roll call 9-0, voted to place a crosswalk for safety purposes. Public Works Staff will monitor traffic to determine if additional safety measures are necessary.

D. Action Item: Charging to park at Prescott Park parking lot (per Deputy City Manager)

On a unanimous roll call 9-0, voted to table item until more information is available on how funds are allocated to maintain park.

E. Action Item: Citizen request to use portable speed bumps

On a roll call 8-0, voted to deny the request for portable speed bumps on Spring Street.

City Manager Bohenko, Deputy Fire Chief Heinz, Police Captain Warchol, Public Works Director Rice, Members Cypher, Donnermeyer, Gray, and Whitehouse voted in favor. Councilor Lown abstained.

VI. OLD BUSINESS:

Parking on both sides of Cass Street (DPW)

Mr. Whitehouse said he would like to have a site walk or an update from Public Works regarding the parking issue on Cass Street. The road seems to be narrowed since it was paved, causing issues with parking and having to weave back and forth past cars to get to either end of the street. Chevron Avenue up to Middle Street is the worst area.

Mr. Rice said this item will be added to the Parking and Traffic Safety Committee's August Agenda; and Public Works will review the City's Code of Ordinances and report back to the committee.

VII. PUBLIC COMMENT: None

VIII. INFORMATIONAL:

A. Briefing on Maplewood Avenue Bridge Replacement Project

Adam Chestnut, Contract Administrator for New Hampshire Department of Transportation and Mike Cole, Superintendent from E.D. Swett, Inc., provided an overview of the project. Mr. Chestnut said the New Hampshire Department of Transportation objective is to minimize traffic backups, and they will plan project work around business hours and peak times as necessary. The bridge is scheduled to close on Monday July 14, 2014, and remain closed until Fall 2015, with the bridge completion date expected to be October 23, 2015.

B. Loading Zone best practices

No action required. Mr. Rice said this item is focused on developing a dialogue with businesses, to determine best practices and how to implement actions going forward.

C. Regulating Scooter Parking

Police Commissioner John Golumb spoke to the committee about mopeds and bikes parking illegally in front of "No Parking" signs.

Mr. Rice is working with the Legal Department to clarify the RSA as it defines the difference between bikes, mopeds, and cars relative to parking guidelines.

D. Update on Complete Streets

Juliet Walker provided a summary of the meeting held with residents and organizations on Complete Streets. She will provide regular updates on progress made implementing the complete study policy.

IX. ADJOURNMENT - At 9:03 a.m., voted to adjourn.