

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 16, 2015 TIME: 7:00PM

AGENDA

- I. CALL TO ORDER (7:00PM)
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

- 1. Wastewater Treatment Facility Schedule Update

- V. ACCEPTANCE OF MINUTES – OCTOBER 5, 2015 AND OCTOBER 19, 2015

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB)
- B. First Reading amending Zoning Ordinance - Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of “hotel” and “motels as follows – shall not include casino gambling, keno or other games of chance

- IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 26, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Emily Christian, National Multiple Sclerosis, requesting permission to hold the 2016 Walk MS Portsmouth on Saturday, April 16, 2016 from 10:00 a.m. to 2:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

- C. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the Seacoast Rotary Turkey Trot 5k on Thursday, November 24, 2016 at 7:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
- D. Letter from St. Patrick School requesting to host its 3rd annual 5k Road Race on Saturday, March 12, 2016 at 10:30 a.m.; route from Peirce Island and end in front of Strawberry Banke on Marcy Street

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michael Potori, Beara Irish Brewing Co., requesting permission to hold a 5k run and Brewfest at 2800 Lafayette Road on March 19, 2016 and provide 4 oz samples to paying attendees with a portion of proceeds will go to a local charity (**Sample motion – move to refer to the City Manager for report back**)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request Partial Waiver of Municipal Service Fee for 31-32 Rochester Avenue, Portsmouth
- 2. Letter from Attorney Bruton Re: Unmerge Lots at 75 Monroe Street Nathan Aviezri Revocable Trust
- 3. Report Back Re: Request for License for Trash Enclosure on City Property property at 319 Vaughan Street
- 4. Parking Agreement with Piscataqua Bank
- 5. Ratify Agreement Re: Gundalow Company

Informational items

- 1. Events Listing
- 2. Charter Committee
- 3. Haven School Playground Improvement Project

B. MAYOR LISTER

- 1. Appointments to be Considered:
 - Appointment of Jamie Baker to the Citizens Advisory Committee
- 2. Appointments to be Voted:
 - Appointment of Anne Poubeau to the Portsmouth Housing Endowment Fund Advisory Board
 - Appointment of Hannah K. Dahlgren to the Citizen Advisory Committee

C. ASSISTANT MAYOR SPLAINE

1. Possible Solution to UBER Application Process (***Sample motion – move to authorize the City Attorney to prepare an ordinance for first reading at the December 7, 2015 City Council meeting that includes the technical amendments to the Transportation Services ordinance that have been requested by UBER in its letter of October 19, 2015***)

D. COUNCILOR MORGAN

1. *Right-to-Know Law: City Council's Official Position

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the October 14, 2015; December 8, 2014; December 10, 2014; and January 14, 2015; and September 9, 2015 meeting of the Conservation Commission are now available on the City's website
2. Notification that the minutes of the July 15, 2015; September 2, 2015; October 7, 2015 and October 14, 2015 meetings of the Historic District Commission are now available on the City's website
3. Notification that the minutes of the September 17, 2015 and September 24, 2015 meetings of the Planning Board are now available on the City's website
4. Notification that the minutes of the September 29, 2015 meetings of the Site Review Technical Advisory Committee are now available on the City's website
5. Notification that the minutes of the September 15, 2015 and September 22, 2015 meetings of the Zoning Board of Adjustment 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.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 5, 2015

PORTSMOUTH, NH
TIME: 6:00PM

At 6:00 p.m., an Anticipated “Non-Meeting” with Counsel was held in accordance with RSA 91-A:2, I (b).

I. CALL TO ORDER

At 7:10 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Kennedy (7:15 p.m.), Lown, Dwyer, Morgan and Thorsen

Absent: Councilors Shaheen and Spear

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Former City Councilor Harold Whitehouse led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – AUGUST 17, 2015; SEPTEMBER 8, 2015 AND SEPTEMBER 21, 2015

Councilor Lown moved to approve and accept the minutes of the August 17, 2015; September 8, 2015 and September 21, 2015 City Council meetings. Seconded by Councilor Thorsen and voted.

VI. PUBLIC COMMENT SESSION

Gibson “Mike” Kennedy – spoke regarding whistle blowing matters concerning Mr. Connors and the idea of setting up an ethics hotline. The hotline would be for individuals to express matters of concern and address those matters sooner. He said if investigation is required this is an important capability and said the City Manager and City Attorney should investigate these matters and report back.

Jameson French spoke regarding Prescott Park Arts Festival and said he served as a Trustee of the Trust Funds for 17 years and supports the live entertainment at the Festival. He urged the City Council to not take any further actions regarding Prescott Park Arts Festival and not move forward with the suggested motion by Councilor Thorsen outlined in his memorandum. Mr. French said there will be a consultant hired to work with Prescott Park Arts Festival and asked the City Council to give the Festival a chance.

Bess Mosley said the separation agreement benefits Chief Dubois and that he has no more ability to move the Police Department forward.

Joe Plaia asked the City Council to reject the separation agreement with Chief Dubois and give the residents time to appear at Police Commission meetings to address them.

John Palreiro spoke regarding the transportation services ordinance. He said his business is losing money everyday because UBER is not complying with the Ordinance. He said the Police Department should be issuing summons to stop the illegal operations.

Nancy Pearson, Director of Art-Speak, said the Prescott Park Arts Festival is more about growth and change and that the City is becoming a destination place.

Mark Brighton said the separation agreement for Chief Dubois appears to reward bad behavior and it is time for the Police Department to move forward.

Justin Nadeau said our residents deserve to have confidence in our Police Department. He spoke regarding the separation agreement with Chief Dubois and that the residents want quick results.

William Downey said it is unreasonable to expect the same players to get us out of what we are in right now with the Police Department. He asked the City Council to reject the separation agreement with Chief Dubois.

Jane Zill said the Police Department has been strongly criticized for the Webber Goodwin case and this is damaging to our Chief. She feels that the Chief should be let go but wants the separation agreement to be rejected and to let the Chief leave now.

Marylou McElwain spoke to the amount of money it is expected to cost to update Haven Playground. She said it is extremely high to pay that kind of money for a playground being used by 2 to 3 children. She said it is completely unreasonable.

Arthur Clough spoke to the separation agreement with the Chief and asked the City Council to reject it. He said the City Council has learned that several police officers allowed matters to take place in the Webber Goodwin case. He asked the City Council not to approve the agreement and to have the Chief leave office immediately.

Rick Becksted said there needs to be more transparency and the Chief needs to leave now. He asked the City Council not to approve the separation agreement with the Chief.

Dick Bagley said the City Council should not support the separation agreement with the Chief. He said there is a lack of leadership in the City right now and the City needs to stop having so many non-meetings.

Paul Mannle asked the City to consider bringing in the former Police Chief of Manchester, NH because it seems to be a thoughtful step forward. He asked the City Council to reject the separation agreement with Chief Dubois.

David Noard spoke regarding comments made by various speakers regarding Chief Dubois and that they're a concern to him.

Mayor Lister said the City Council had a "Non-Meeting" with Counsel to discuss the separation agreement. He asked someone to make a motion to go back into "Non-Meeting" with Counsel on the matter of the separation agreement at the request of our Negotiator Tom Closson to further discuss this matter.

Councilor Lister moved to enter into "Non-meeting" with Counsel to discuss changes to the separation agreement. Seconded by Councilor Thorsen.

Assistant Mayor Splaine said that the agreement should be rejected and the Council should ask for the Chief's resignation immediately. He said he does not feel a "Non-meeting" is necessary because it should be discussed in public.

Councilor Dwyer said she feels that we need to speak with our labor attorney on this matter.

Councilor Kennedy said she would like to discuss this matter this evening to make sure we do things the right way. She would like to guarantee a vote on this matter.

Councilor Lown said this is to discuss any changes to the agreement and we need to find out if there are changes.

On a roll call vote 6-1, motion passed. Assistant Mayor Splaine voted opposed.

Councilor Lown moved to suspend the rules in order to take up Item XI. B.1. – Separation Agreement with Chief Stephen Dubois. Seconded by Councilor Dwyer and voted.

IX. B.1. Separation Agreement with Chief Stephen Dubois

Attorney Closson explained his role in the separation agreement and the agreement would allow the Chief to remain until March, 2016. He provided background information on how we made it to the agreement. He said there are 4 options before the Council regarding this matter. One, is to do nothing; two, proceed with an arrangement and follow what the contract provides which would require a severance payment of 1 years salary; three, to proceed to terminate with cause; and four, negotiate an agreement. Attorney Closson spoke to the State Statutes for terminating a Police Chief and how difficult it can be. He said we have revisited the agreement and the Chief would remain until January, 2016 and the Chief would be paid a severance. He said the community needs to move forward and look for a new Chief and this agreement is not perfect but is a good solution. He further stated all 3 Police Commissioners approved the amended agreement and the plan would be to take up the agreement at a public meeting of the Police Commission on Wednesday at 8:15 a.m.

Councilor Kennedy said many of the residents want the Chief to leave right now so where does that play into this. She asked if we can pay him until January and have him go. Attorney Closson said the Chief is not interest in accepting that kind of agreement. He said his existing agreement goes until 2017.

Further discussion continued among the City Council.

Councilor Lown moved to approve the proposed Separation Agreement contingent upon unanimous approval by the Police Commission. Seconded by Councilor Dwyer.

Councilor Lown said the City has been tormented by this and we all want to move forward. He said we just can't get rid of the Chief immediately. He has a contract and that must be followed.

Assistant Mayor Splaine said this has everything to do with right and wrong. He feels this is a deal with a little less sugar and that the matter should not have been discussed in "Non-meeting". He said the Chief should move on and that the morale of the Department is at stake.

Councilor Kennedy said we should send this back to the Police Commission.

Councilor Thorsen said that this is no different than what the Chief has in his agreement. He asked if the Police Department would hold public comment prior to the vote on this matter.

Councilor Dwyer said this is the Police Commissions decision and we can speak to it. She said this is not appropriate for the City Council to vote on it before the Police Commission does and this allows for the Commission to do their work. She said we want to see the contract in writing with changes.

Councilor Thorsen moved to postpone action on the Separation Agreement until after the Police Commission votes on the matter. Seconded by Councilor Morgan.

Councilor Dwyer said this does not prevent people from speaking and allows for two other City Councilors to be present for the vote. She said if we really are moving forward, the majority of the City Council should vote.

Councilor Dwyer withdrew her second to the original motion. The motion did not move forward as the second to the motion was withdrawn.

On a unanimous roll call 7-0, voted to postpone action on the Separation Agreement until after the Police Commission votes on the matter.

At 8:55 p.m., Mayor Lister called a brief recess. At 9:05 p.m., Mayor Lister called the meeting back to order.

VII. APPROVAL OF GRANTS/DONATIONS

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Annual Omnibus Ordinance Change, Parking and Traffic

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

- B. Third and final reading of Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

Councilor Thorsen moved to table the aforementioned matter at this time. Seconded by Councilor Kennedy.

City Manager Bohenko said he would provide something back to the City Council at the first meeting in December.

Motion passed.

IX. CONSENT AGENDA

- A. Acceptance of Donation to the Coalition Legal Fund:
• Town of Rye - \$5,000.00

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

- B. Letter from Jenelle Dolan, March of Dimes, requesting permission to hold the 2016 Seacoast March for Babies on Saturday, May 7, 2016 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Tabitha McElroy, Thompson School UNH, requesting permission for Portsmouth to host the New England GIFT box in Market Square in front of the North Church for a three day event in mid November

City Manager Bohenko said he would like to move the event to the Vaughan Mall.

Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Dwyer and voted.

- B. Letter from Bert Cohen, Mayor's Blue Ribbon Committee on Sustainable Practices Re: City's Irrigation Meter Ordinance

Councilor Kennedy moved to include the letter on the December 7, 2015 City Council Agenda. Seconded by Councilor Dwyer and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request for Approval of Proposed Tentative Agreements for the School custodial Supervisors Union and the Association of Portsmouth School Administrators

City Manager Bohenko recommended approval of the contracts.

Councilor Lown moved to accept the proposed contracts with the School Custodial Supervisors Union and Association of Portsmouth School Administrators to expire on June 30, 2018. Seconded by Councilor Dwyer.

Human Resources Director Fogarty spoke to the contracts advising the City Council they're three year terms with the 10 year COLA for the groups. She spoke to the insurance and that the groups are going to a higher deductible plan.

Motion passed.

- 2. Request for Approval of Proposed Tentative Agreement between the City of Portsmouth and the Portsmouth City Employees Local #1386-B

Human Resources Director Fogarty explained that this is a new unit that separates the clerical staff from the Public Works Department staff. She reviewed the contract and stated it is also a three year contract with a COLA adjustment effective October 1, 2015 and they will also receive the 10 year rolling COLA. She said the group has also changed to a higher prescription plan.

Councilor Lown expressed concern that the unit did not agree to go to the consumer driven health plan. Human Resources Director Fogarty said the group will look at other plans in 2016 and would go with a plan that is below the threshold of the cadillac tax.

Councilor Thorsen moved to accept the proposed contract with Portsmouth City Employees Local #1386-B to expire on June 30, 2017. Seconded by Councilor Dwyer. Councilor Lown voted opposed.

- 3. Report Back Re: Proposed Easements for North Mill Pond Multi-Use Path

City Manager Bohenko said this was referred to Planning Board to get an easement from the north end to the west end. The Planning Board recommends the City Manager be authorized to begin negotiations acquiring property for easements for the North Mill Pond Bike/Walk Path.

Assistant Mayor Splaine moved to accept the Planning Board's recommendation, and, further, authorize the City Manager to begin negotiations acquiring property for easements for the North Mill Pond Bike/Walk Path. Seconded by Councilor Lown.

Councilor Kennedy asked if we should negotiate for a walk path at the same time. City Manager Bohenko said it is a bike and walk path connecting downtown to the west end. Councilor Kennedy asked if we should negotiate the road at the same time. City Manager Bohenko said he could look at that and see if there is enough room to do that.

Assistant Mayor Splaine thanked the City Manager and Planning Board for working on this matter and feels it is a great step and supports the motion.

Motion passed.

City Manager's Informational Items

- *Household Hazardous Waste Day*

City Manager Bohenko announced that Household Hazardous Waste Day is schedule for Saturday, October 24, 2015 from 8:00 a.m. – Noon at the Public Works facility at 680 Pevery Hill Road.

- *Update Re: Transportation Services Ordinance*

City Attorney Sullivan said we are several weeks into the ordinance and the results have been pretty good. He said some areas are not an issue; the one area that has generated concern is UBER. He reported on a conference call held with UBER between himself, Chief Dubois and City Clerk Barnaby where UBER indicated they would send the ordinance and their application to their corporate office for review and then forward onto the City. He stated however, it appears that UBER drivers are operating without getting approval as a Transportation Service Provider and this is a police enforcement matter and he has spoken with Chief Dubois relative to this issue.

Councilor Lown said the public should know that the people should direct comments to UBER. He said we are not trying to stop UBER and we have worked with them.

City Attorney Sullivan said an UBER driver individually could provide insurance and back ground checks and become a Transportation Service Provider in the City.

Assistant Mayor Splaine stated that the Taxi Commission worked a great deal to have UBER operate in the City. He spoke to the ordinance and its regulations.

Councilor Kennedy said the Police Department needs to start enforcing the ordinance. She requested a report back at the next meeting on this matter.

B. MAYOR LISTER

2. Appointments to be Considered:
 - Appointment of Jonathan Sandberg to the Citizens Advisory Committee of the CDBG Program
 - Appointment of Lawrence J. Lariviere to the Sustainable Practices Committee

The City Council considered the appointments listed above which will be acted upon at the October 19, 2015 City Council meeting.

3. Appointments to be Voted:
 - Reappointment of Shari Donnermeyer to the Parking & Traffic Safety Committee
 - Appointment of Jennifer Pyke to the Portsmouth Housing Authority

Councilor Lown moved to reappoint Shari Donnermeyer to the Parking & Traffic Safety Committee until September 17, 2018 and the appointment of Jennifer Pyke to the Portsmouth Housing Authority until April 1, 2020. Seconded by Councilor Kennedy and voted.

C. ASSISTANT MAYOR SPLAINE

1. Concepts for an Ethics Ombudsman / Ethics Officer

Assistant Mayor Splaine said he wanted to pass on this information to the City Council which is the idea that Gibson Kennedy came forward with that would make sure whistle blowers are protected. He said an Ethics Officer could be created and they would stream line concerns on ethics in the City. He asked that the information be passed along to the City Manager and City Attorney. He said if there is a way to embed this into a principle for City government and have the City Manager and City Attorney report back to the City Council in late fall or early winter.

Councilor Morgan requested that City Manager Bohenko bring back his thoughts on how a program would be implemented to City staff and Board and Commission members.

D. COUNCILOR THORSEN

1. Arts Festival in Prescott Park

Councilor Thorsen said he provided the City Council with a memorandum on this matter. He spoke to the rescinding of a vote by the City Council which created a leadership void. He said we need a good negotiator and an understanding of what we want to see.

Councilor Morgan said the working group is doing some work on the matter but she needs to hear about the master plan for the park. She said everything should be dependent upon the master plan for the park and there needs to be dialogue on this matter.

At 9:50 p.m. Councilor Lown left the meeting.

Councilor Dwyer said that Prescott Park Arts Festival agreed to come forward with a plan but something always happens to set the committee back. She said the next meeting is on October 30th with the Trustees of the Trust Fund and Prescott Park Arts Festival and the Working Group.

Mayor Lister said Councilor Shaheen reported back with a list of items and we will be doing that again.

Councilor Morgan said we are not seeing the public involved in the process.

Councilor Dwyer said both processes involve the public and we are working to coordinate the processes. She said we are calling for someone to manage the process and that is not happening.

Councilor Morgan expressed concern with a 10 year contract. She said there is a great deal to work out and feels a 10 year contract is too long.

City Manager Bohenko said the City Council gave authority to move forward and the land issue process will go before Historic District Commission. He said the land use boards will be analytical on the process and it will go through the Planning Board and the Site Review Technical Advisory Committee. He said the first step needs to happen and we are on parallel paths.

Councilor Dwyer said people may go to the Planning Board, Historic District Commission or Site Review Technical Advisory Committee to speak on these matters.

Councilor Morgan said she is concerned with the placement of the stage.

Councilor Dwyer said the City Council did not approve a stage but to move forward with a design. She said it will come back to the City Council. She said there is a conceptual design and that will move forward. She further stated the design needs to be worked out and discussed at the land use boards.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

City Manager Bohenko announced that Assessor Maurice-Lentz will be holding a meeting regarding assessments at the end of October.

Councilor Morgan asked when the City Council will be conducting a Work Session with our legislature and Senator Fuller-Clark on AIRBNB. City Manager Bohenko said we really need their State law in place.

XIII. ADJOURNMENT

At 10:15 p.m., Councilor Thorsen moved to adjourn. Seconded by Councilor Kennedy and voted.

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

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 19, 2015

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding the City Manager's Evaluation in accordance with RSA 91-A:2, I (b).

I. CALL TO ORDER

At 7:17 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (Joined later in the meeting via conference call); Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer in memory of former City Councilor John McMaster.

IV. PLEDGE OF ALLEGIANCE

City Attorney Sullivan led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Click N/ Fix Program

City Manager Bohenko said as part of responding to citizens concerns the Department of Public Works has implemented the Click N Fix program. He said this allows for interaction with the citizens and the follow-up of items.

Public Works Director Rice stated that this is an improved means of communication and provides for a report on issues. He reported this is an on-line link with their management system which creates a work order that provides a number with a date stamp for each request. He reviewed how to access the site and how the program would work and also discussed how this will assist in the measuring of services for the budget.

Councilor Dwyer said if people have an emergency they should call the Department of Public Works. Public Works Director Rice said that is correct. Councilor Dwyer asked how many layers are looking at the requests. Director Rice indicated the foreman would receive the initial request and he would be reviewing the requests on a weekly basis.

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

VI. PUBLIC COMMENT SESSION

John Golumb, Police Commissioner requested that there be no discussion or action taken on Chief Dubois' agreement and that the Police Commission will be meeting tomorrow on this matter.

Cathy Baker requested that the City Council vote for the Right-to-Know Ordinance presented under Councilor Morgan's name. She said that this is something that is necessary in the City.

Rick Horowitz spoke in favor of the Right-to-Know Ordinance being introduced by Councilor Morgan. He spoke to charging for information under the Right-to-Know law and that charging \$.50 per page for an item is too high.

Joe Plaia addressed the separation agreement for Chief Dubois. He said that the Attorney General's office should be asked if the Police Commission is a three member board or if it is permissible for the Mayor and City Manager to be sitting on the Commission.

Merle White said UBER continues to not comply with the regulations and a monster has been created by allowing UBER in the City.

Mark Brighton spoke to the investigation of Commissioner Cavanaugh and how it should not be taking place. He also addressed the separation agreement for Chief Dubois and his opposition.

Claire Kittredge spoke on transparency and financial disclosures in the City.

David Noard presented two whistles to the City representing the whistle blowers and that they should be placed on display in the City.

Ryan Hitchings spoke on Chief Dubois' separation agreement and the severance package provided to former Deputy Chief MacDonald. He also addressed the explorers program and issues he had involving Deputy Chief MacDonald.

Justin Nadeau recommended looking at the contract currently in place for Chief Dubois and whether there has been a breach of contract. He said instead of giving a severance look at whether there is a breach in the contract.

Diane Messier spoke on behalf of Jane Zill on the severance package proposed for Chief Dubois and her opposition. She said the Police Commission and residents need to speak in an honest and open exchange. She said we must trust the integrity of our officials.

Arthur Clough spoke on police cases and investigations. He addressed a former crime that had been committed and the impact it had on the person.

Duncan MacCallum spoke in favor of a Charter change to elect City Councilors by Wards and some Councilors being elected At-Large. He addressed the money being put into the downtown area and not to the outlining areas of the City.

Thomas Coakley said he agrees with some items presented by Joe Plaia and Justin Nadeau this evening. He said the police need to be held accountable to their jobs.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister moved to suspend the rules in order to take up Item XI. B.1. – Proposed Separation Agreement with Police Chief Stephen J. Dubois and the Portsmouth Police Commissioners. Seconded by Councilor Lown and voted.

XI. B.1. – Proposed Separation Agreement with Chief Stephen J. Dubois and the Portsmouth Police Commissioners

Mayor Lister moved to have no discussion any where on the agenda regarding the Police Chief's Separation Agreement. Seconded by Councilor Lown.

Mayor Lister said the Police Commission is meeting tomorrow and should act on this agreement.

Councilor Dwyer said the Police Commission has the authority and asked what is in front of the Police Commission currently.

City Attorney said the final action the Police Commission took is to withdraw and there is no action or item in front of the City Council currently and the Police Commission has no motion in front of them.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Assistant Mayor Splaine said we are in a terrible bind and does not want to see any action taken until after the Municipal Election. He said we have an obligation to solve this problem and wants to see it sooner than later. He addressed the information provided by the City Manager relative to the cost involved in the separation agreement.

Councilor Lown said there is a motion on the floor to not discuss this matter and yet some Councilors are.

Councilor Kennedy asked if we need a motion to have the Attorney General look at having the Mayor and City Manager sit with the Commission during meetings.

City Manager Bohenko said that was a directive of the City Council to sit at the table and only respond when asked a question and provide information. He would like the City Council to reaffirm the vote of the City Council to have him and Mayor Lister sit at the Police Commission meetings. He is a resource to the Police Commission or Chief.

On a unanimous roll call 8-0, voted to have no discussion any where on the agenda regarding the Police Chief's Separation Agreement. Councilor Shaheen was not present for this vote.

Councilor Kennedy moved that the City Manager and Mayor would no longer sit at the Police Commission table during meetings. Seconded by Assistant Mayor Splaine.

Discussion followed on this matter.

On a roll call vote 6-2, motion passed. Assistant Mayor Splaine, Councilors Kennedy, Lown, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Dwyer and Spear voted opposed. Councilor Shaheen was not present for this vote.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grants & Donation
- Acceptance of Grant from the US Department of Justice for new and replacement bullet proof vests - \$10,360.71
 - Acceptance of Grant from the US Department of Justice for New Hampshire Internet Crimes Against Children Task Force - \$256,152.00
 - Acceptance of Donation from Ms. Dorothy Steere-Doyle for Portsmouth Police Explorer Cadets - \$20.00

Councilor Lown moved to approve and accept the grants and donation to the Portsmouth Police Department, as presented. Seconded by Councilor Kennedy and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

IX. CONSENT AGENDA

- A. Request for Approval of Pole License Agreement #63-0598 to license 3 replacement poles on Jewell Court and 2 poles on the private access road behind Hannaford Supermarket and the adjacent strip mall at 800 Islington Street ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- B. Letter from Nicole McShane, Big Brothers Big Sister of New Hampshire, requesting permission to hold the Annual Stiletto Sprint on Saturday, June 18, 2016 (rain date Sunday, June 19, 2016) ***(Anticipated action – move to refer to the City Manager with power)***

- C. Request for License from Patricia Lonergan, owners of Inside Out for property located at 46 Market Street for a projecting sign on a new bracket (Not on Agenda) (***Anticipated action – move to accept the recommendation of the Planning Director with aforementioned stipulations and approve the request of Patricia Lonergan, owners, of Inside Out for a projecting sign at property located at 46 Market Street and, further, authorize the City Manager to execute License Agreements for this request***)

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Dwyer and voted.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from John R. Chagnon, Ambit Engineering, Inc., requesting a License for property located at 319 Vaughan Street

Councilor Kennedy moved to refer to the City Manager for report back. Seconded by Councilor Dwyer and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

Informational Items

- City Manager announced that the City Assessor and DRA will be providing a Presentation regarding the Revaluation on October 26, 2015 at 6:30 p.m.

Councilor Shaheen joined in via conference call.

- Report Back Re: UBER Enforcement

City Manager Bohenko said he would like to have the City Attorney and Police Department meet on how to enforce this ordinance.

City Attorney Sullivan said he has heard no more regarding the Attorney from Manchester wanting to bring suit against the City on behalf of UBER. He reported on the ordinance being in place and outlined the regulations and where we currently stand with UBER. He stated that UBER could apply at any time for a placard to operate as a Transportation Service Provider in the City.

Assistant Mayor Splaine announced that the Transportation Service Commission will be meeting on Wednesday at 9:00 a.m. to further discuss the UBER situation.

Councilor Morgan asked if we have received applications from other ride share companies to operate in the City. City Attorney Sullivan said no we have not.

B. MAYOR LISTER

2. Appointments to be Considered:
 - Appointment of Anne Poubeau to the Portsmouth Housing Endowment Fund Advisory Board
 - Appointment of Hannah K. Dahlgren to the Citizen Advisory Committee

The City Council considered the appointments listed which will be voted on at the November 16, 2015 City Council meeting.

3. Appointments to be Voted:
 - Appointment of Jonathan Sandberg to the Citizens Advisory Committee of the CDBG Program
 - Appointment of Lawrence J. Lariviere to the Sustainable Practices Committee

Councilor Spear moved to appoint Jonathan Sandberg to the Citizen Advisory Committee and Lawrence Lariviere to the Sustainable Practices Committee. Seconded by Councilor Kennedy and voted.

4. Establish Work Session for November 23, 2015 Re: Topics
 - Update on Solid Waste & Recycling Program
 - Proposed LED Lighting for City Street Lights
 - Discussion Re: Naming Lafayette Park in honor of Dr. Paul Harvey in Accordance with Rule 44 (Proposed by Assistant Mayor James Splaine)

The City Council will be meeting in a Work Session on Monday, November 23, 2015 at 6:30 p.m. regarding Update on Solid Waste & Recycling Program, Short Term Vacation Rentals and the Naming of Lafayette Playground in honor of Dr. Paul Harvey in Accordance with Rule 44.

Councilor Kennedy requested inviting our Legislative Delegation and Representation to be part of the discussion.

D. COUNCILOR KENNEDY

1. Charter Committee Update

Councilor Kennedy said she has been talking with City Attorney Sullivan on looking at a Committee for Charter updates.

City Attorney Sullivan said a number of detailed discussions have taken place on a Charter Committee. He reviewed the process to be followed with a Charter Committee versus a Charter Commission.

E. COUNCILOR SHAHEEN

1. Heroin Epidemic

Councilor Shaheen requested to postpone this item until the November 16, 2015 City Council meeting.

F. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes on October 1, 2015

Councilor Lown moved to approve and accept the Parking & Traffic Safety Committee Action Sheet and Minutes of the October 1, 2015 meeting. Seconded by Assistant Mayor Splaine.

On a roll call vote 8-1, motion passed. Councilor Kennedy voted opposed.

G. COUNCILOR MORGAN

1. Right-to-Know Requests

Councilor Morgan said she will bring this matter forward at the November 16, 2015 City Council meeting.

H. COUNCILOR SPEAR

1. City Manager's Evaluation

Councilor Spear moved to accept the results of City Manager's Evaluation Committee. Seconded by Assistant Mayor Splaine.

Councilor Spear said because of the City Manager and the Economic Development Commission we are making the downtown parking garage a reality. This is just one of the many things that John Bohenko has done for the City of Portsmouth.

Councilor Lown said he was at a PDA meeting this week when an issue came forward on the GASB procedures and City Manager Bohenko took charge of the issue and suggested how to handle it and everyone in the room was impressed by his leadership ability. He said this is just one story of many he could tell.

Assistant Mayor Splaine said he served with 7 City Managers and a temporary City Manager and John is among the best.

Councilor Dwyer complimented City Manager Bohenko and his operation.

Councilor Thorsen said of all the managers he has worked with John Bohenko is one of the best. He thanked John for being responsive to him as a City Councilor, and it has been most pleasurable to work with him.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister echoed the comments made. He said he worked with him as a department head, City Councilor and Mayor and he recognized his leadership skills and congratulated him on a continued job well done.

Mayor Lister returned the gavel to Assistant Mayor Splaine.

On a unanimous roll call vote 9-0, motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy requested a report back on Peverly Hill Road at the next City Council meeting.

XIII. ADJOURNMENT

At 9:40 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.



Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the following described land be rezoned from Waterfront Business (WB) to Single Residence B (SRB):

Lot 2 as shown on a plan titled "Subdivision Plan – Tax Map 201 Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire," prepared by Ambit Engineering, Inc., dated June 2015, revised 10/29/15, containing 24,000 square feet.

And that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

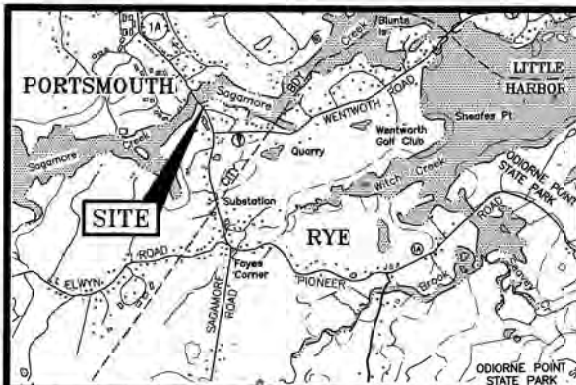
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



LOCATION MAP SCALE: 1" = 2000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET

PLAN REFERENCES:

- 1) LAND IN PORTSMOUTH, N.H. AT SAGAMORE GROVE, CHARLES GOUSE TO LEROY TERRIO. SCALE: 1 IN. = 20 FT. DATED JUNE 1943 BY JOHN W. DURGIN CIVIL ENGINEER. RCRD PLAN 01254.
- 2) LAND IN PORTSMOUTH, N.H. SADIE P. GOUSE TO HARRY E. & RUTH PIKE. SCALE: 1 IN. = 30 FT. DATED DEC. 1945, RCRD PLAN 01211, BY JOHN W. DURGIN CIVIL ENGINEER. REVISED OCT. 1952. PLAN NO. 6273 FILE NO. 109.
- 3) PROPOSED DOCK FOR DARYL KENT & BRUCE SCHLIEPER, SAGAMORE GROVE (OFF SAGAMORE AVE.) COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED JUNE 10, 1989. BY AMBIT SURVEY. NOT RECORDED.
- 4) PARKING LOT REVISION PLAN, BRUCE SCHLIEPER & DARYL KENT, SAGAMORE GROVE ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED SEPTEMBER 1993, BY AMBIT SURVEY. NOT RECORDED.
- 5) RIGHT OF WAY PLAT, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, SCALE: 1" = 20' DATED 4/3/96 BY DURGIN, VERRA AND ASSOCIATES, INC. RCRD PLAN D-25616.
- 6) PLAN OF LAND FOR THE DUNYA KUCHTEY REVOCABLE LIVING TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED APRIL 20, 1999 BY MILLETTE, SPRAGUE & COLWELL, INC. RCRD PLAN D-27321.
- 7) LOT LINE REVISION PLAN, 4 & 6 SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE, ASSESSOR'S PARCELS 201-4 & 201-5 FOR GRAIG & MOLLIE SIEVE. SCALE: 1" = 20', DATED 12/17/10, BY JAMES VERRA AND ASSOCIATES, INC. RCRD PLAN D-36782.

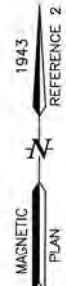
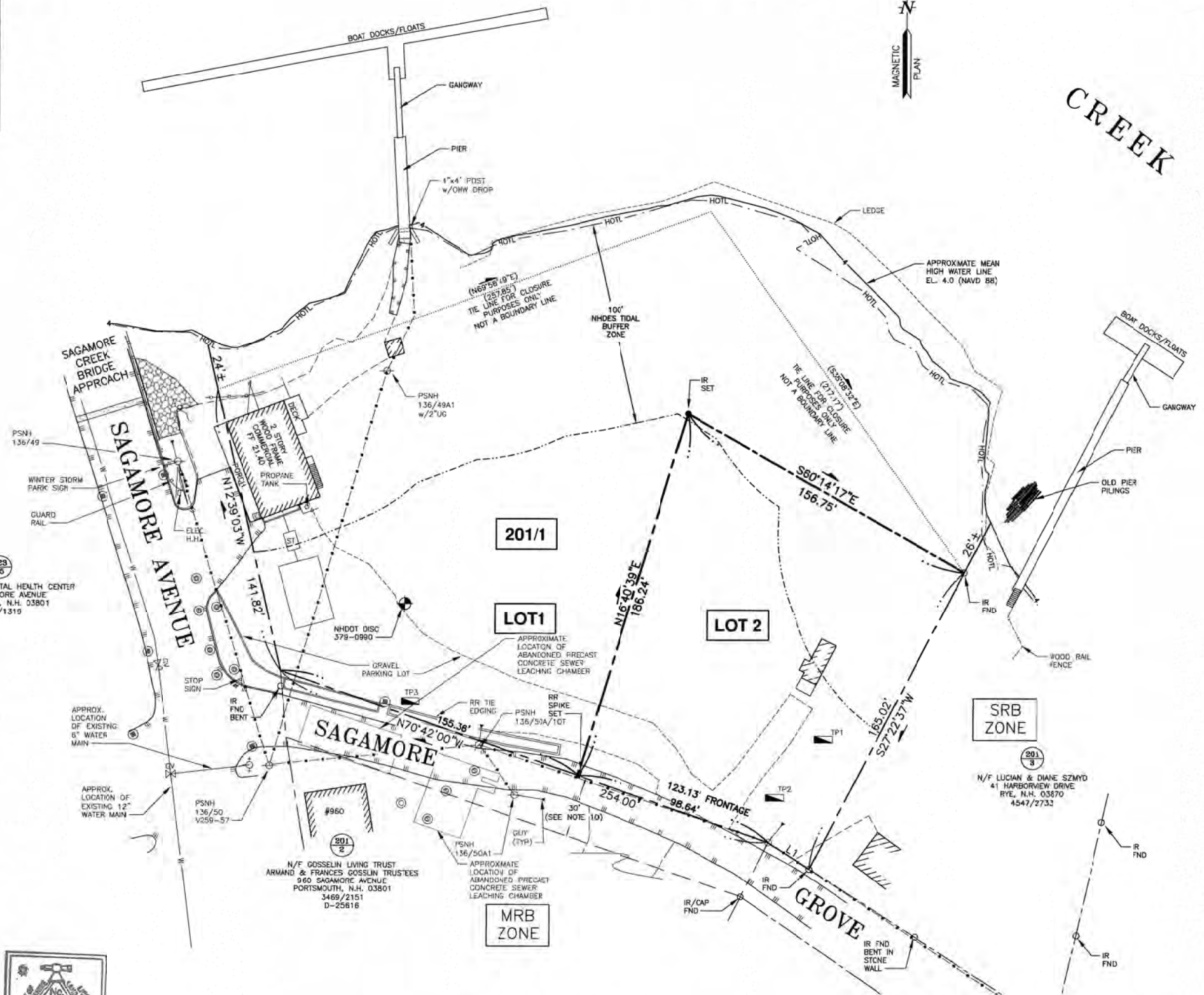
N/F SEACOAST MENTAL HEALTH CENTER
1145 SAGAMORE AVENUE
PORTSMOUTH, N.H. 03801
2576/1319

N/F GOSSELIN LIVING TRUST
ARMAND & FRANCES GOSSELIN TRUSTEES
960 SAGAMORE AVENUE
PORTSMOUTH, N.H. 03801
3489/2151
D-25616

N/F LUCIAN & DIANE SZMYD
41 HARBORVIEW DRIVE
RYE, N.H. 03870
4547/2732

SAGAMORE

CREEK



201/1

LOT 1

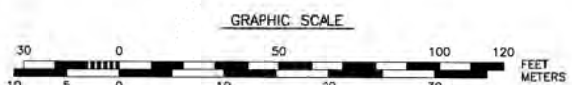
LOT 2

SRB ZONE

MRB ZONE

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N57°00'00"W	24.49'

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 430-2815

- NOTES:
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 201 AS LOT 1.
 - 2) OWNER OF RECORD:
955 SAGAMORE REALTY TRUST 3/12/2008
MICHAEL T. GOODRIDGE TRUSTEE
39 FERRY ROAD
SALISBURY, MA. 01952
4903/695
APPLICANT:
WILLIAM L. PINGREE
6 SAGAMORE GROVE
PORTSMOUTH, N.H. 03801
 - 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE AE (EL 9) AS SHOWN ON FIRM PANEL 33015C0286E, EFFECTIVE MAY 17, 2005. NO STRUCTURES, OTHER THAN THOSE THAT ARE MARINE RELATED, ARE IN THE FLOOD ZONE.
 - 4) EXISTING LOT AREA:
87,100± S.F. TO MEAN HIGH WATER
2.00± AC.
PROPOSED LOT AREAS:
LOT 1 63,100± S.F. 24,000 S.F.
LOT 2 1,45± AC. 0.5510 AC.
 - 5) PARCEL IS LOCATED IN WATERFRONT BUSINESS DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 S.F.
DEPTH: 100 FT.
FRONTAGE: 100 FT.
SETBACKS:
FRONT: 30 FT.
SIDE: 30 FT.
REAR: 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO TWO LOTS
 - 8) SAGAMORE GROVE ROAD TO BE TREATED AS A PUBLIC WAY PER ACTION OF THE PORTSMOUTH CITY COUNCIL ON OCTOBER 2, 1995. SEE ACKNOWLEDGEMENTS AND RELEASES IN FAVOR OF THE CITY OF PORTSMOUTH AT RCRD 3231/473 AND #D-25616 ALONG WITH ABUTTERS (3231/469-483. 3228/680.)
 - 9) NHDES SUBDIVISION APPROVAL: PENDING
 - 10) THE FIRST 254'± OF SAGAMORE GROVE IS A PUBLIC STREET (BY EASEMENT). SEE RCRD 3465/2151.

NO.	DESCRIPTION	DATE
3	ADD EX. SEPTIC INFO, NOTE 10	10/29/15
2	PER NHDES REVIEW	10/9/15
1	ISSUED FOR APPROVAL	7/20/15
0	ISSUED FOR COMMENT	6/30/15

SUBDIVISION PLAN
TAX MAP 201 - LOT 1
APPLICANT:
WILLIAM L. PINGREE
OWNER:
955 SAGAMORE REALTY TRUST
955 SAGAMORE AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



Real Estate Consulting ■ Brokerage ■ Construction Management
P.O. Box 673
Portsmouth, NH 03802-0673
Phone: (603) 431-3140 Fax: 431-3144
pgweeks@comcast.net

July 28, 2015

Honorable Mayor and Members of the City Council
Portsmouth City Hall
Junkins Ave
Portsmouth, NH 03801

Dear Mayor Lister,

Attached is a request from 955 Sagamore Realty Trust property owners of Lot 1 Map 201 requesting 22,500 square feet of the lot be rezoned to SRB.

Currently Lot 1 is 2.1 acres and Sagamore Creek Marine occupies a portion of the lot. The 22,500 sq. ft. portion of this that is requested to be rezoned and subdivided will not affect this Waterfront Business as this portion of the land is not utilized nor would it be utilized for a waterfront business. As you will note from the plan all of the waterfront frontage will be retained by lot 1

In 2010 the City Council rezoned the 6 lots on Sagamore Grove Road to SRB it seems logical to rezone this to SRB and allow a residence to be built.

Both of the proposed lots will meet the dimensional requirements as provided in the City of Portsmouth zoning ordinance. A copy of which is attached.

We will be preparing at the same time a request to the Planning Board for subdivision approval

We would ask you to forward this rezoning request to the Planning Board for review and report back to the City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter G. Weeks', written over a horizontal line.

Peter G. Weeks
PGW Real Estate Consulting
Division of S&W Enterprises of the Seacoast Inc.

EXHIBITS SUBMITTED
IN REQUEST TO REZONE LAND
LOT 1 MAP 201

1. AUTHORIZATION TO REQUEST REZONING
2. ZONING HISTORY SAGAMORE GROVE
3. WATERFRONT BUSINESS DISTRICT PURPOSE
4. WATERFRONT BUSINESS DIMENSIONAL REQUIREMENTS
5. SRB DISTRICT PURPOSE
6. SRB DIMENSIONAL REQUIREMENTS
7. TAX MAP 201 SHOWING CURRENT ZONING
8. PROPOSED REZONING AND SUBDIVISION PLAN

955 SAGAMORE REALTY TRUST

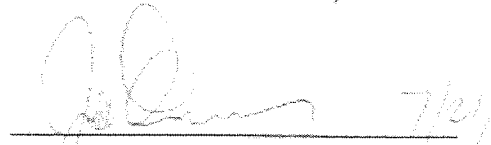
39 FERRY ROAD

SALISBURY, MA

THIS LETTER AUTHORIZES PETER G. WEEKS OF PGW REAL ESTATE CONSULTING TO ACT ON OUR BEHALF ON APPLICATION TO THE CITY OF PORTSMOUTH PLANNING BOARD TO SUBDIVIDE UP TO 25,000 SQ FT OF THE LOT #1 TAX MAP 201 FOR A RESIDENTIAL LOT AND TO APPLY TO THE CITY COUNCIL FOR REZONING THE SUBDIVIDED PART TO SRB.

Handwritten signature of Michael T. Goodridge in cursive, dated 7/2/15.

MICHAEL T. GOODRIDGE, TRUSTEE

Handwritten signature of Jake E. Goodridge in cursive, dated 7/2/15.

JAKE E. GOODRIDGE, TRUSTEE

ZONING HISTORY ***SAGAMORE GROVE***

<i><u>YEAR</u></i>	<i><u>ZONING DISTRICT</u></i>
1927	GENERAL RESIDENCE
1936	RESIDENTIAL
1939	GENERAL RESIDENCE
1945	GENERAL RESIDENCE
1950	GENERAL RESIDENCE
1951	GENERAL RESIDENCE
1966	WATERFRONT BUSINESS
1979	EXISTING LAND USE MAP RESIDENTIAL
1982	WATERFRONT BUSINESS
1995	WATERFRONT BUSINESS
1997	SAGAMORE GROVE ROAD ACCEPTED AS CITY STREET BY THE CITY COUNCIL
2010	6 LOTS ON SAGAMORE GROVE ROAD REZONED SRB

District		Purpose
Character Districts		
Character District 4-L	CD4-L	To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.
Character District 4	CD4	
Character District 5	CD5	
Business Districts		
Central Business A	CBA	To promote a wide range of business, retail, residential, cultural and other public and private uses, in and surrounding the City's historic commercial core, at intensities and patterns that promote pedestrian circulation and support public transit.
Central Business B	CBB	
General Business	GB	To provide for a wide range of retail and commercial uses in areas with excellent regional highway access.
Gateway	GW	To provide for redevelopment along existing developed commercial corridors in order to enhance the visual character and environmental quality of such corridors, to accommodate affordable housing in mixed-use developments, and to encourage site designs that promote pedestrian circulation and public transit use.
Business	B	To provide for a mix of retail, commercial and residential uses in areas of the City where a mix of such uses is desirable.
<u>Waterfront Business</u>	<u>WB</u>	To accommodate and support business uses that depend on the ocean or the Piscataqua River for transport or resources.
Office Research	OR	To provide for campus-style development of offices buildings, research and development facilities, and complementary uses.
Industrial Districts		
Industrial	I	To accommodate industrial, wholesale and storage uses whose operational and physical characteristics do not have detrimental impacts on surrounding areas.
Waterfront Industrial	WI	To provide for industrial and related uses that depend on direct access to the Piscataqua River.
Pease/Airport Districts		
Airport	AIR	To provide for uses associated with the operation of an airport, including aviation-related facilities, structures and activities.

Section 10.530 Business and Industrial Districts

10.531 Table of Dimensional Standards – Business and Industrial Districts¹

	B	CBA²	CBB²	GB	Gate³	WB	I	WI	OR
Minimum Lot Dimensions									
Lot Area	20,000 sf	1,500 sf	2,000 sf	43,560 sf	43,560 sf	20,000 sf	2 acres	2 acres	3 acres ⁵
Lot Area per dwelling unit	2,500 sf	NR	NR	NR	NR ³	NR	NA	NA	NA
Continuous street frontage	100'	NR	NR	200'	200' ³	100'	200'	200'	300' ⁵
Depth	80'	NR	NR	100'	100'	100'	200'	200'	300' ⁵
Minimum Yard Dimensions									
Front	20'	0' ²	0'	30'	30' ^{3,4}	30'	70'	70'	50' ⁵
Side	15'	0'	0'	30'	30'	30'	50'	50'	75' ⁵
Rear	15'	0'	0'	50'	50'	20'	50'	50'	50'
Maximum Structure Dimensions									
Structure height	50'	45' or 3½ stories, whichever is less ²	45' or 3½ stories, whichever is less ²	60'	40' ³	35'	70' ⁶	70' ⁶	60' ⁶
Roof appearance height	10'	10'	10'	10'	10'	10'	10'	10'	10'
Building coverage	35%	9.5%	9.5%	30%	30% ³	30%	50%	50%	30%
Floor Area Ratio	NR	3.5 ⁷	NR	NR	NR ³	NR	NR	NR	NR
Minimum open space	15%	0%	0%	20%	20% ³	20%	20%	20%	30%

Notes:

1. See Article 5A for dimensional standards in Character Districts.
2. See Section 10.535 for exceptions to dimensional standards in Central Business districts.
3. See Section 10.734 for special provisions in Gateway Planned Developments.
4. See Section 10.533 for special front yard requirements on Lafayette Road.
5. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
6. See Section 10.532.20 for reduced structure height within 200' of North Mill Pond or Piscataqua River.
7. See Section 10.536 for increased FAR.

NA = Not Applicable NR = No Requirement

Article 4 Zoning Districts and Use Regulations

Section 10.410	Establishment of Districts
Section 10.420	District Location and Boundaries
Section 10.430	Use Regulations
Section 10.440	Table of Uses – Residential, Mixed Residential, Business and Industrial Districts
Section 10.450	Table of Uses – Pease/Airport Districts
Section 10.460	Table of Uses – Municipal and Conservation Districts

Section 10.410 Establishment and Purpose of Districts

The City of Portsmouth is hereby divided into the following zoning districts (the statements of purpose are for descriptive purposes and are not regulatory):

<u>District</u>		<u>Purpose</u>
Residential Districts		
Rural Residential	R	To provide areas for single-family dwellings and appropriate accessory uses at rural densities (up to one dwelling per five acres), and limited agricultural uses.
Single Residence A	SRA	To provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses.
<u>Single Residence B</u>	<u>SRB</u>	
General Residence A	GRA	To provide areas for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services.
General Residence B	GRB	
General Residence C	GRC	
Garden Apartment/ Mobile Home Park	GA/MH	To provide areas for garden apartment development at moderate densities (up to 4 dwelling units per acre), and to accommodate existing developed mobile home parks.
Mixed Residential Districts		
Mixed Residential Office	MRO	To provide areas where a limited range of business establishments, including live/work units, can be located near or adjacent to residential development, providing a transition between residential neighborhoods and commercial districts.
Mixed Residential Business	MRB	

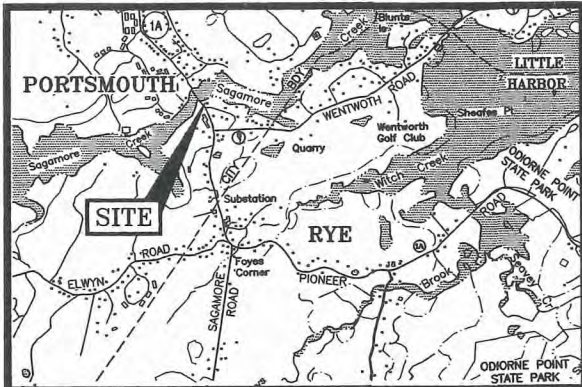
Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts ¹

	R	SRA	SRB	GRA	GRB	GRC	GA/MH	MRO	MRB
Minimum Lot Dimensions									
Lot area	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
Lot area per dwelling unit	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
Continuous street frontage	NA	150'	100'	100'	80'	70'	N/A	100'	100'
Depth	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum Yard Dimensions									
Front	50'	30'	30' ²	15'	5'	5'	30' ²	5'	5' ²
Side	20'	20'	10'	10'	10'	10'	25'	10'	10'
Rear	40'	40'	30'	20'	25'	20'	25'	15'	15'
Maximum Structure Dimensions									
Structure height	35'	35'	35'	35'	35'	35' ³	35' ³	40'	40'
Roof appurtenance height	8'	8'	8'	8'	8'	8'	8'	10'	10'
Building coverage	5%	10%	20%	25%	30%	35%	20%	40%	40%
Minimum open space	75%	50%	40%	30%	25%	20%	50%	25%	25%

Notes:
 1. See Article 5A for dimensional standards in Character Districts.
 2. See Section 10.533 for special front yard requirements on Lafayette Road.
 3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum structure height in order to provide for multifamily dwellings that include vehicular parking spaces located within the residential building itself, if the additional height results in increased open space when compared to a site plan showing what open spaces would remain if required parking spaces were located in the open and in accessory structures.

NA = Not Applicable NR = No Requirement



LOCATION MAP SCALE: 1" = 2000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IR FND IRON ROD FOUND
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PLAN REFERENCES:

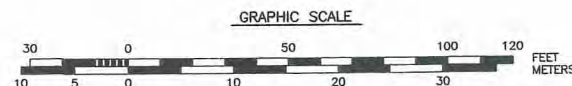
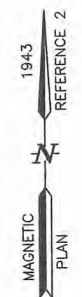
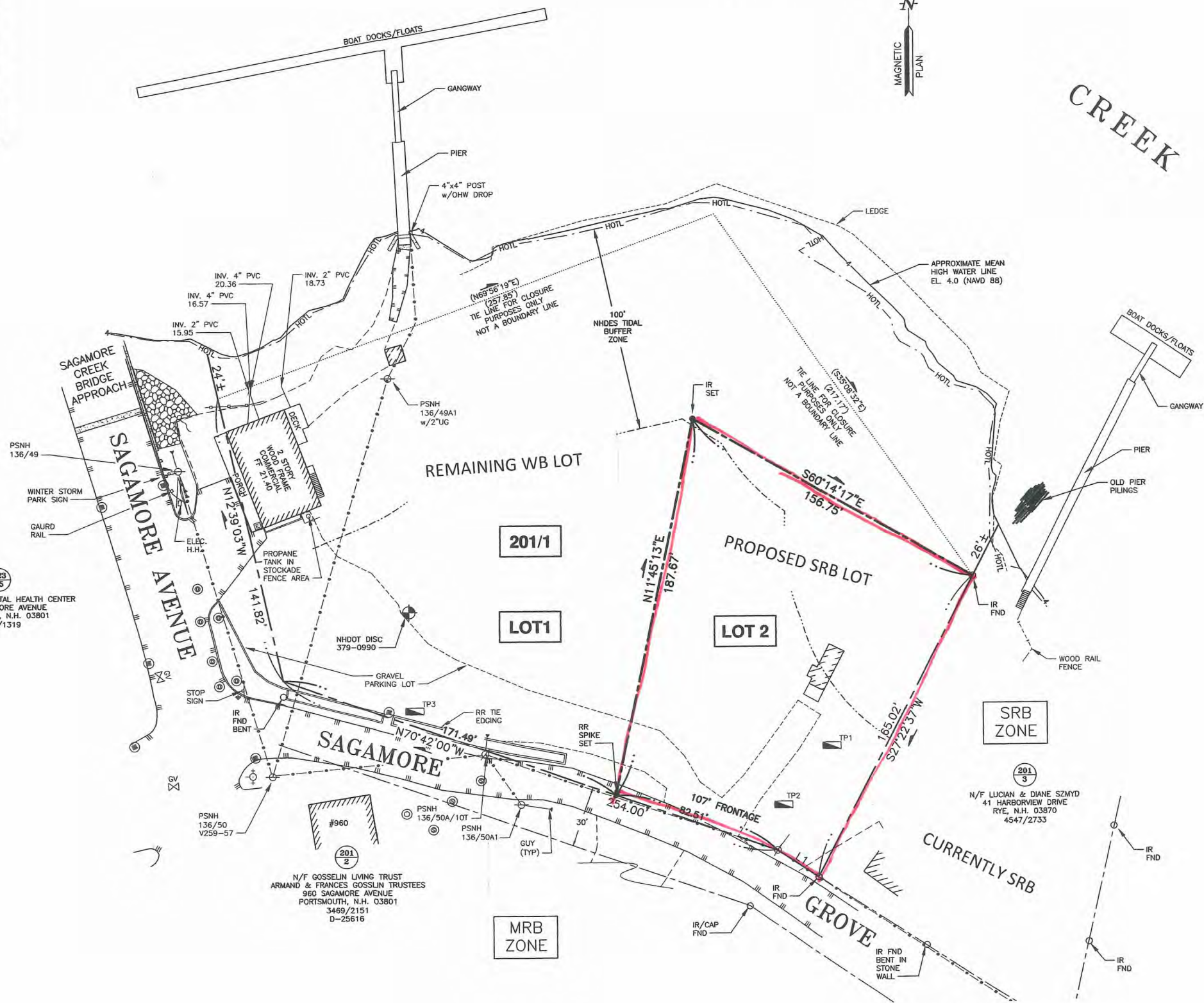
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- 4) PARKING LOT REVISION PLAN, BRUCE SCHLIEPER & DARYL KENT, SAGAMORE GROVE ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED SEPTEMBER 1993, BY AMBIT SURVEY. NOT RECORDED.
- 5) RIGHT OF WAY PLAT, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, SCALE: 1" = 20' DATED 4/9/96 BY DURGIN, VERRA AND ASSOCIATES, INC. RCRD PLAN D-25616.
- 6) PLAN OF LAND FOR THE DUNYA KUCHTEY REVOCABLE LIVING TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20' DATED APRIL 20, 1999 BY MILLETTE, SPRAGUE & COLWELL, INC. RCRD PLAN D-27321.
- 7) LOT LINE REVISION PLAN, 4 & 6 SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE, ASSESSOR'S PARCELS 201-4 & 201-5 FOR GRAIG & MOLLIE SIEVE, SCALE: 1" = 20', DATED 12/17/10, BY JAMES VERRA AND ASSOCIATES, INC. RCRD PLAND-36782.

N/F SEACOAST MENTAL HEALTH CENTER
1145 SAGAMORE AVENUE
PORTSMOUTH, N.H. 03801
2575/1319

N/F GOSSELIN LIVING TRUST
ARMAND & FRANCES GOSSELIN TRUSTEES
950 SAGAMORE AVENUE
PORTSMOUTH, N.H. 03801
3469/2151
D-25616

SAGAMORE

CREEK



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N57°00'00"W	24.49'

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 201 AS LOT 1.
- 2) OWNER OF RECORD:
955 SAGAMORE REALTY TRUST 3/12/2008
MICHAEL T. GOODRIDGE TRUSTEE
39 FERRY ROAD
SALISBURY, MA. 01952
4903/695
APPLICANT:
WILLIAM L. PINGREE
6 SAGAMORE GROVE
PORTSMOUTH, N.H. 03801
- 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE AE (EL 9) AS SHOWN ON FIRM PANEL 33015C0286E, EFFECTIVE MAY 17, 2005. NO STRUCTURES, OTHER THAN THOSE THAT ARE, MARINE RELATED, ARE IN THE FLOOD ZONE.
- 4) EXISTING LOT AREA:
87,100± S.F. TO MEAN HIGH WATER
2.00± AC.
PROPOSED LOT AREAS:
LOT 1 LOT 2
64,600± S.F. 22,500 S.F.
1.48± AC. 0.5163 AC.
- 5) PARCEL IS LOCATED IN WATERFRONT BUSINESS DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 S.F.
DEPTH: 100 FT.
FRONTAGE: 100 FT.
SETBACKS:
FRONT: 30 FT.
SIDE: 30 FT.
REAR: 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO TWO LOTS
- 8) SAGAMORE GROVE ROAD TO BE TREATED AS A PUBLIC WAY PER ACTION OF THE PORTSMOUTH CITY COUNCIL ON OCTOBER 2, 1995. SEE ACKNOWLEDGEMENTS AND RELEASES IN FAVOR OF THE CITY OF PORTSMOUTH AT RCRD 3231/473 AND #D-25616 ALONG WITH ABUTTERS (3231/469-483, 3228/680.)
- 9) NHDES SUBDIVISION APPROVAL: PENDING

Half Size

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	7/20/15
0	ISSUED FOR COMMENT	6/30/15

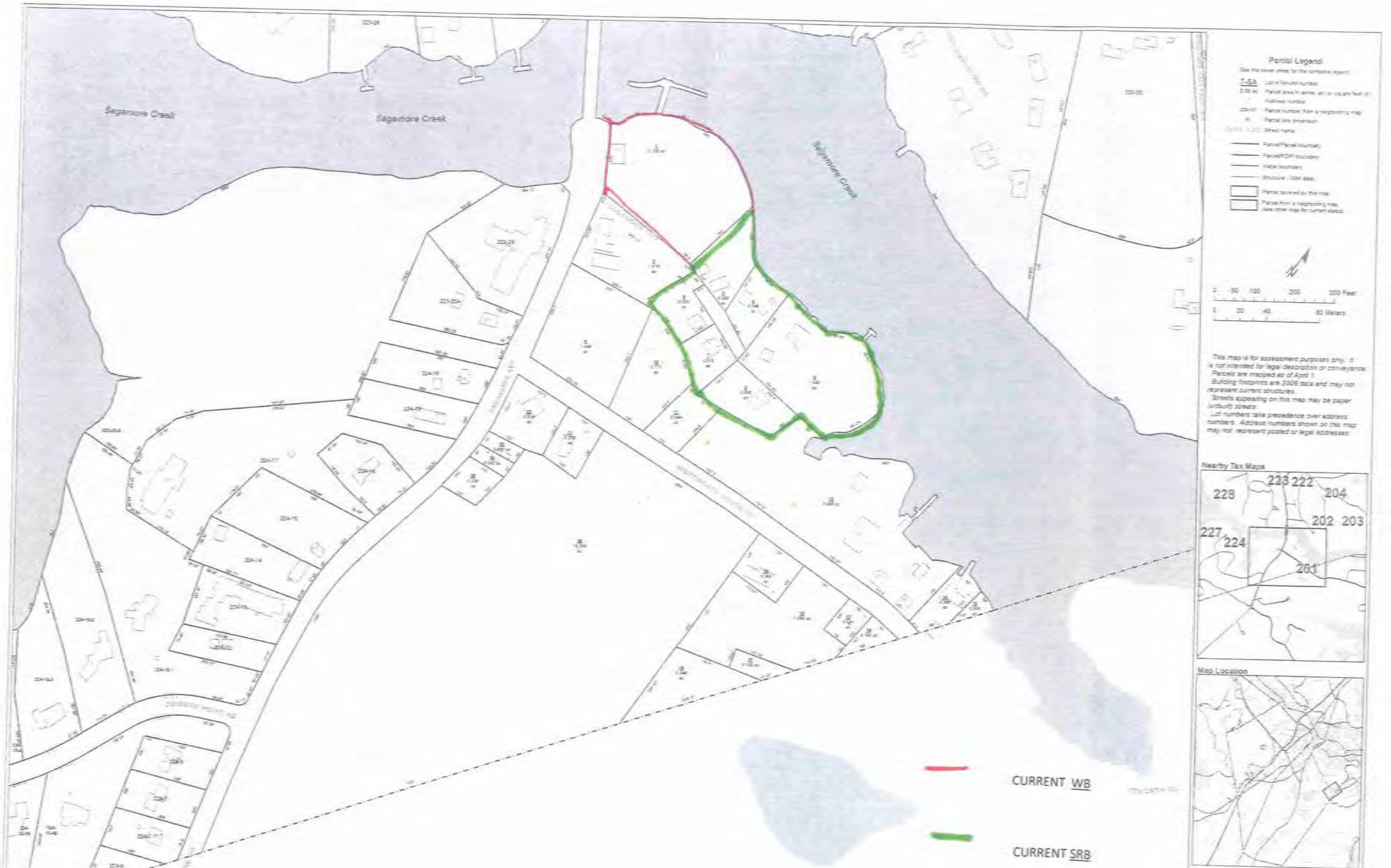
SUBDIVISION PLAN
TAX MAP 201 - LOT 1
APPLICANT:
WILLIAM L. PINGREE
OWNER:
955 SAGAMORE REALTY TRUST
955 SAGAMORE AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

JOB#2457/2015/2457/2015 Subdivision Plans & Specs/State/457 Subdivision 2015.dwg SUBDIVISION

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

EXHIBIT 7

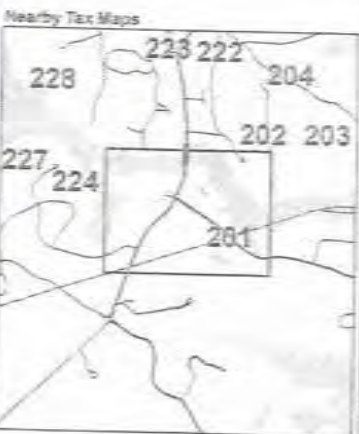



Partial Legend


- See the cover sheet for the complete legend.
- T-5A** Lot or block number
 - T-5B** Parcel area in acres, square feet or square meters
 - 22-01** Parcel number from a neighboring map
 - W** Water boundary
 - Structure - 1994 data**
 - Street name**
 - Parcel/Parcel boundary**
 - Parcel/PCN boundary**
 - Water boundary**
 - Structure - 1994 data**
 - Parcel outlined by the map**
 - Parcel from a neighboring map (see other map for current data)**



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



 CURRENT WB

 CURRENT SRB

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 10.1530, Terms of General Applicability, amend the definitions of “hotel” and “motel” as follows:

Hotel

A building in which the primary use is transient lodging accommodations offered to the public on a daily rate for compensation and where ingress and egress to the sleeping rooms is made primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno or other games of chance.** (See also: motel.)

Motel

A building or group of detached or connected buildings intended or used primarily to provide sleeping accommodations to the public on a daily rate for compensation and having a parking space generally located adjacent to a sleeping room with each sleeping room discharging directly outdoors. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno or other games of chance.** (See also: hotel.)

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

70 Kensington Road
Portsmouth, NH 03801

September 1, 2015

Portsmouth City Council
Municipal Building
1 Junkins Ave.
Portsmouth, NH 03801

Re: September 8, 2015 City Council Meeting -- proposed zoning amendments
regulating short term rentals, hotels, and motels

Dear Mayor Lister and members of the City Council,

The proposed zoning amendments scheduled for a public hearing and second reading on September 8, 2015 include provisions governing hotels and motels.

Please add a prohibition on gambling at hotels and motels.

This can be accomplished by amending the definitions of hotels and motels in Section 10.1530 of the zoning ordinance by adding the following at the end of those definitions: **“but shall not include casino gambling, keno, or other games of chance.”**

Analysis

The state legislature may soon legalize casino gambling or keno, as it almost did during the 2015 session.

Portsmouth’s zoning ordinance does not explicitly prohibit gambling. Instead, the ordinance forbids all uses that it does not expressly allow. (Sections 10.132, 10.432, 10.434.40.)

The ordinance allows hotels and motels in certain districts. (Section 10.440, Table of Uses, subsection 10.40.) Section 10.1530 defines “hotels” and “motels.”

The ordinance’s definitions of hotels and motels conclude with the following sentence: “Such activities may include, where allowed, ¹ such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly *or recreational facilities*.” (Emphasis added.)

¹ At first glance, this “where allowed” clause seemingly permits hotels and motels to operate recreational facilities only if recreational facilities are otherwise allowed in the same district. However, this reasoning is circular, because the zoning ordinance says little about where recreational facilities are allowed. The ordinance mentions “recreational facilities” only three times: (1) in the definitions of hotels and motels; (2) in Section 10.450, subsection 19.18, allowing recreational facilities in the Pease Airport District; and (3) in Section 10.722.20(a), allowing recreational facilities as accessory uses in planned unit residential developments.

*The problem is that the ordinance does not define “recreational” or “recreational facilities.”*²

Given this muddy state of affairs, *the operator of a hotel or motel could argue that an attached gambling parlor qualifies as a “recreational facility” allowed by the zoning ordinance.*


Some developers take advantage of loopholes created by such ambiguities. Portwalk III is a good example. The zoning ordinance set a height limit of 60 feet for Portwalk III and defined height based on average building height. The developer successfully argued that a 10 foot high screening wall should be included when calculating average building height, allowing other portions of the building to approach 70 feet in height.

The solution is to eliminate ambiguities by precisely defining critical terms.

For all of those reasons, I recommend that the definitions of hotels and motels in Section 10.1530 of the zoning ordinance be amended by adding the following boldface language: “Such activities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno, or other games of chance.**”

Thank you for considering this suggestion.

Very truly yours,



Gerald M. Zelin

cc: Robert Sullivan, Esq., City Attorney

² One might consult Section 10.1112.30(4) of the ordinance for an indirect definition of recreational facilities. That section sets *parking standards* for certain “recreational uses,” specifically for amusement parks, tennis courts, driving ranges, golf courses, skating rinks, playing fields, commercial outdoor recreation operations, health clubs, and indoor recreation facilities with no fixed seating. However, Section 10.1112.30 does not purport to define any terms, nor does it use the term “recreational facilities.” The amendment I propose is more explicit and direct.

October 15, 2015

Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

OCT 16 2015
City Clerk

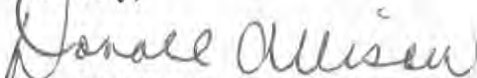
Dear Sirs,

Please accept this letter as a request to once again hold the Eastern States 20 Mile Road Race, scheduled for Sunday, March 26, 2016. I have successfully held this race the past 20 years and look forward to doing do again this year. I hope you will grant a permit, as you have done in each of the last 20 years. This will be our 21st anniversary!

I have worked in concert with the City of Portsmouth Police Department and will contact them again about securing police detail for all intersections that the runners pass through. The race is expected to have a few hundred runners, and since The Traip Academy School is the start, all runners will move through Portsmouth very quickly.

Thank you very much for your cooperation in this matter. I hope to hear from you soon.

Sincerely,



Donald Allison
Eastern States 20 Mile
4332 Avalon Dr
Sharon, MA 02067
617-835-2378



National
Multiple Sclerosis
Society
Greater
New England
Chapter

IX. B.

October 14, 2015

OCT 18 2015
City Clerk

Ms. Kelli L. Barnaby, City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Barnaby,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years for the annual Walk MS.

As the weather turns colder, I have begun planning for the 2016 Walk MS Portsmouth. This year's date is set for Saturday, April 16th from 10:00am to 2:00pm. I would like to request permission to host the Walk on this day. 500 participants are expected to take part in this annual event. The Walk is 5 miles, with the Start and Finish at the Little Harbour School. We will be using the same route as last year which I have enclosed.

The money raised will be used to advance our support of national research and to support local programming for the nearly 21,000 people within Maine, Massachusetts, Rhode Island, New Hampshire and Vermont who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

I thank you in advance for your support and please feel free to contact me at 781.693.5154 with any questions or concerns.

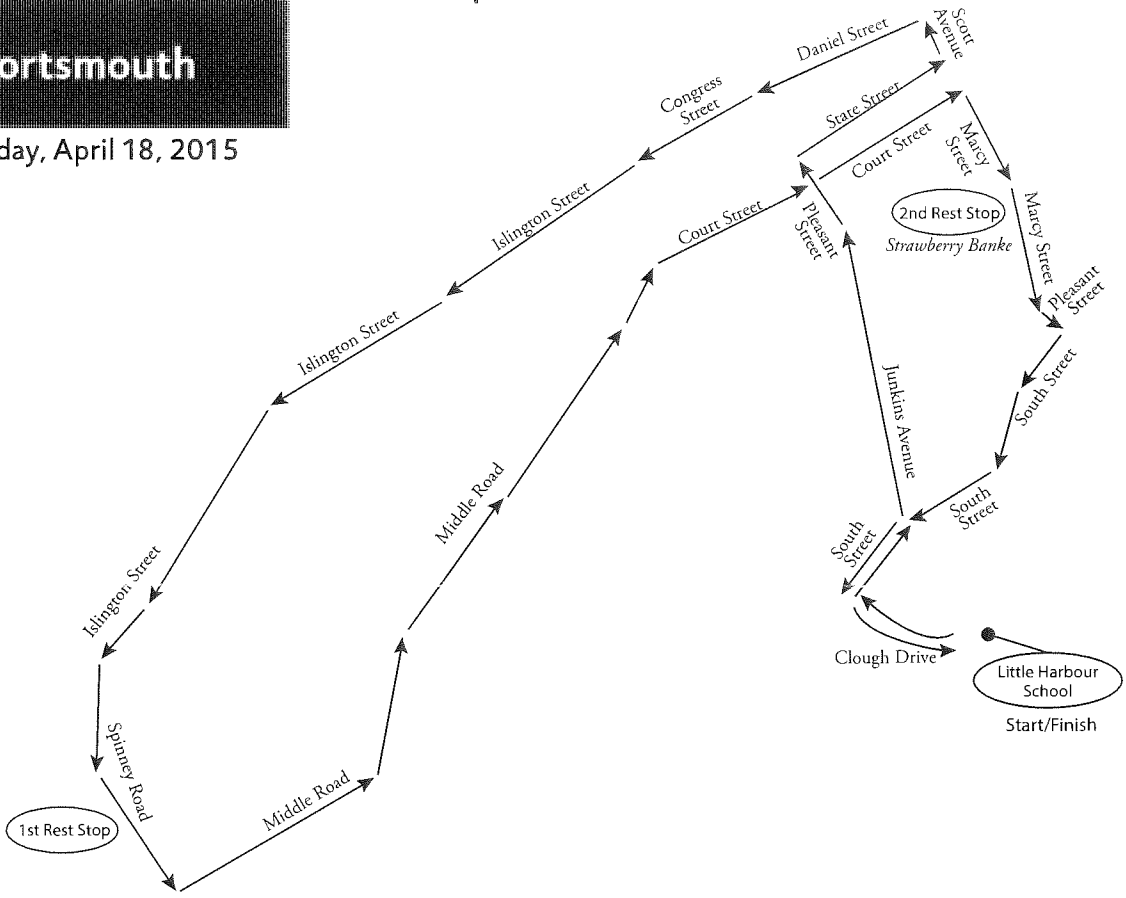
Sincerely,

Emily Christian
Development Manager
Emily.christian@nmss.org

* April 16, 2016 *

Portsmouth

Saturday, April 18, 2015



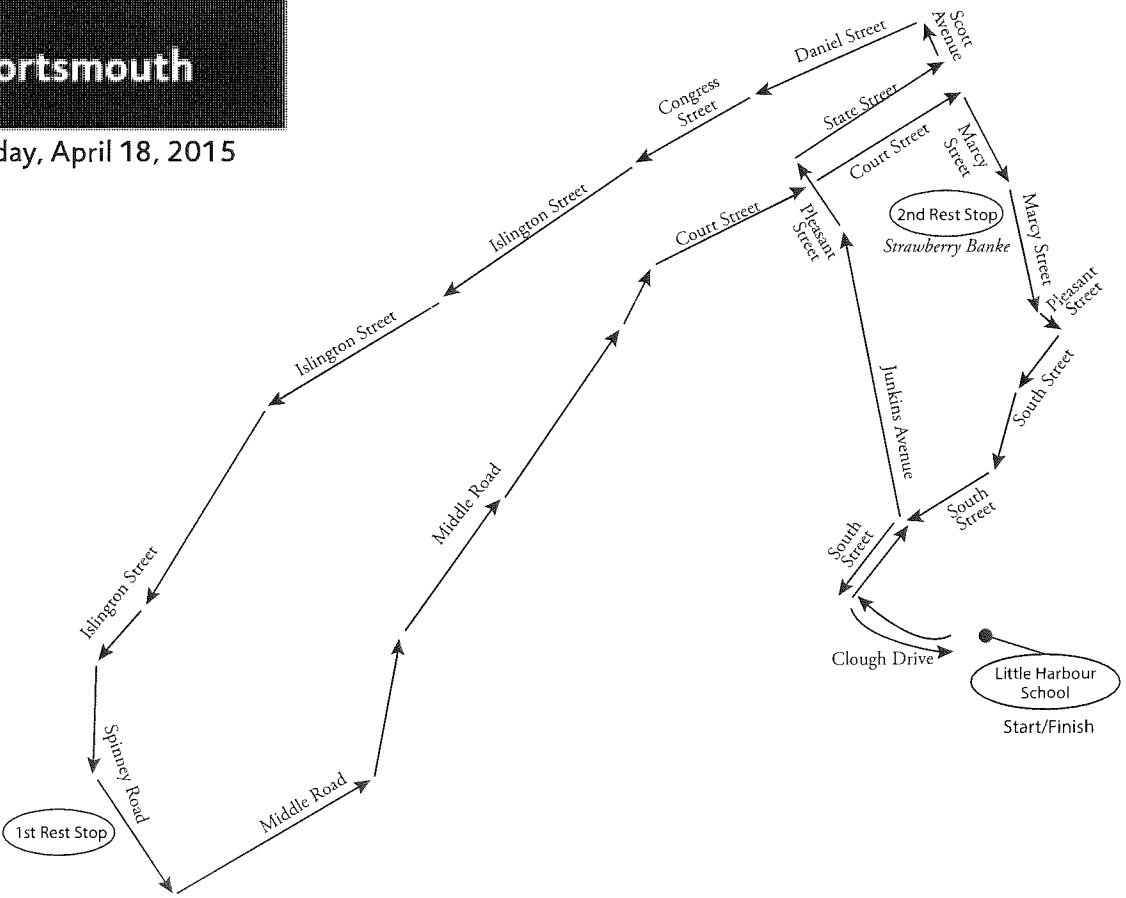
Walk 2015

presented by



Portsmouth

Saturday, April 18, 2015



Walk 2015

presented by



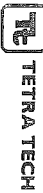
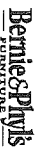
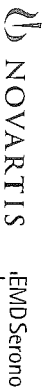
Walk MS Portsmouth 2015

Start/End Point:

Little Harbour School, 50 Clough Drive

1. Portsmouth, N.H. Right onto South Street
2. Left on Junkins Avenue (walk on left side)
3. Left on Pleasant Street (end of Junkins Avenue)
4. Right on State Street
5. Go Left under Bridge to Scott Avenue (walk on left side of street)
6. Scott Avenue turns into Daniel Street
7. Daniels Street turns into Congress
8. Continue straight on Congress
9. Congress turns into Islington Street
10. At the fork go Left onto Spinney Road
11. REST STOP 1 -- North Church Parish
12. Right onto Spinney Road
13. Left on Middle Road
14. Left at the fork on Middle Road
15. Left on Middle Street (walk on left)
16. Cross over Middle Street at the crosswalk at Miller Street to walk on the right
17. Right on Court Street (at Flagpole)
18. Cross over Pleasant Street (walk on right side of road)
19. Right on Marcy Street
20. REST STOP 2 - Strawberry Banke
21. Right on Marcy Street
22. Left on Pleasant Street
23. Quick Right to South Street
24. Follow South Street to Clough Drive
25. Left onto Clough Drive to Little Harbour School

Presented by:



Gerry No. 5 & Every Little Breeze Catering Home Healthsmith LLC
 Panera Bread Pizza Hut DJ Mark Watson Domino's Pizza iRobot
 Nortrax/John Deer Norton Insurance Reliant Medical Group

Walk MS Portsmouth 2015

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Presented by:



Gerry No. 5 & Every Little Breeze Catering Home Healthsmith LLC
 Panera Bread Pizza Hut DJ Mark Watson Domino's Pizza iRobot
 Nortrax/John Deer Norton Insurance Reliant Medical Group



OCT 28 2015
City Clerk

22 October 2015

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

Dear City Council,

My name is Matt Junkin. I am the Race Director of the Seacoast Rotary Turkey Trot 5k.

I am writing this letter to ask the City Council consider approval of our 7th Annual race which will take place on Thanksgiving November 24th 2016. Registration for the race begins at 7am and the race will commence at 8:30 AM on Peirce Island, and Finish at Strawberry Banke.

Thank you for your consideration as well as the support you have provided for this event over the last 6 years.

Best Regards,

Matt Junkin

Past President, Seacoast Rotary
mrijunkin@gmail.com
603-591-0083

RECEIVED
10/22/15

October 20, 2015

Mayor Robert Lister &
City Council Members
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and City Council Members,

I am writing today on behalf of St. Patrick School, located at 125 Austin Street, Portsmouth, NH. The community of St. Patrick School would like to host its third annual 5k Road Race Saturday March 12th 2016 at 10:30 am and are seeking the City's approval at your next meeting held November 16th, 2015. We would like to have the same route we had last year, which started at Peirce Island and ended in front of Strawberry Banke on Marcy Street.

Thank you in advance for your consideration and I look forward to hearing from you soon. I can be reached via email at mcfarland@rmdavis.com or by phone at 603.498.5778.

Kind regards,



Matthew A. McFarland
Advisory Board Member at Saint Patrick School

(<http://mvp.mapmyrun.com>)

[Michael \(/my_home/\)](#)

(/IMPROVE/)

[MY HOME \(/\)](#)

[DISCOVER \(/US/\)](#)

[IMPROVE](#)

[Home \(/my_home/\)](#) [My Routes \(/routes/my_routes/\)](#) [Route Details](#)

ST. PATTY'S DAY 5K

brought
to you by
the clouds



DISTANCE 3.15 miles	BEGINS IN:	AVAIL. POINTS 0 ?
	CREATED BY:	Michael Potorti (/profile/78878493/)
	DESCRIPTION:	This is a 3.15 mi route in . This route was created by Michael78878493 (/profile/78878493/) on 11/02/2015. View other maps (/profile/78878493/) that Michael78878493 has done or find similar maps (/us/) .
	TYPE:	Run

ROUTE PRIVACY: FRIENDS

SHARE: (<https://twitter.com/intent/tweet?url=http://www.mapmyrun.com/routes/view/909224175&text=Check+out+this+map+on+%40MapMyRun%3A+3.15+miles+St,+Patty%26%2339%3B+Day+5K>) (<http://www.mapmyrun.com/routes/view/909224175>) (<mailto:?Subject=Check%20out%20this%20map%20on%20MapMyRun%3A%203.15%20mi%20St.%20Patty%27s%20Day%205K&Body=Check%20out%20this%20map%20on%20MapMyRun%3A%203.15%20mi%20St.%20Patty%27s%20Day%205K%0D%0ADistance%3A%203.15%20mi%0D%0Ahttp%3A//www.mapmyrun.com/routes/view/909224175>)

[CREATE A ROUTE \(/ROUTES/CREATE/\)](#)

[CREATE A COURSE \(/COURSES/CREATE/909224175\)](#)

[LOG THIS WORKOUT](#)

[ACTIONS](#) [PRINT](#) [SEND TO PHONE](#) [BOOKMARK](#)

[EDIT \(/ROUTES/EDIT/909224175/\)](#)

TOP COURSES

There are no courses on this route.



ROUTE INFO

[Export this Route \(GPX, KML\)](#)
[View 3D Video of this Map | Large Version](#)
[View Route Full Screen \(/routes/fullscreen/909224175/\)](#)
[Add this Route to Your Site](#)

Times Done: 0 - Viewed: 0 - Bookmarked: 0

Photos

[User Photos \(0\)](#) [Flickr Tagged \(0\)](#)

This user has not uploaded any photos...

Support

Loading Elevation

START ELEVATION 78 FT	MAX ELEVATION 89 FT	GAIN 71 FT	CLIMBS ON ROUTE
---------------------------------	-------------------------------	----------------------	-----------------

X. A.

**MLPNH Operating LLC
d/b/a Beara Irish Brewing Co.
2800 Lafayette Road
Portsmouth, NH 03801**

October 26, 2015

Mayor Lister and the City Council
Portsmouth, NH

Dear Mayor Lister:

We would like to host a 5K run and Brewfest in our location @ 2800 Lafayette Road on March 19, 2016.

The proposed 5K run route is attached.

We would also like to have a Brewfest in our plaza where brewers from New Hampshire would provide 4 oz. samples to paying attendees.

A portion of the proceeds will go to a local charity.

Please let us know if you have any questions.

We look forward to working with you on this community event.



Michael Potorti

Member / Founder / Brewer


347-578-0585 CELL

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: November 12, 2015

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

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on November 16, 2015 City Council Agenda

Presentation:

1. **Wastewater Treatment Facility Schedule Update.** Deputy City Attorney Suzanne Woodland and City Engineer Terry Desmarais will provide an update with regard to the Peirce Island Wastewater Treatment Facility upgrade. In June of 2013, the City entered into a dispute resolution process with the Environmental Protection Agency (EPA) to obtain an extension of the original schedule in the Consent Decree for completion of the Peirce Island Wastewater Treatment Facility upgrade. That process has followed an informal process and included discussions relative to not only the schedule for completion, but also more recently potential nitrogen removal and levels of treatment. The EPA has advised in writing that the process should move from informal dispute resolution, to formal dispute resolution. Staff will summarize the historical informal discussions, explain the formal process, and describe next steps.

Items Which Require Action Under Other Sections of the Agenda:

1. **Request for First Reading of Proposed Resolutions and Ordinances.**
 - 1.1 **First Reading Amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB).** At its meeting on August 3, 2015, the City Council considered the [attached letter from Peter G. Weeks, PGW Real Estate Consulting, on behalf of 955 Sagamore Realty Trust](#), requesting that 22,500 sq. ft. of the lot at 955 Sagamore Avenue be rezoned from Waterfront Business to Single Residence B, and voted to refer the letter to the Planning Board for a report back.

Concurrently with its consideration of the rezoning request, the Planning Board has reviewed an application for subdivision approval to create a new lot corresponding to the area proposed for SRB zoning. After the initial plan was submitted to the Planning Board, the applicant revised the subdivision plan by increasing the proposed lot area to 24,000 sq. ft. as a result of a separate review process by the New Hampshire Division of Environmental Services. At its meeting on October 15, 2015, the Board granted preliminary subdivision approval, and referred the application to the Technical Advisory Committee for review of utility issues, easements and related matters.

Also at the October 15th meeting, the Planning Board voted to recommend as follows:

“Vote to recommend that the City Council amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 10/9/15, containing 24,000 s.f.; provided that the rezoning shall take effect no earlier than the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.”

On November 5, 2015, TAC voted to recommend final subdivision approval subject to certain stipulations, and the matter will be considered again by the Planning Board at its meeting on November 19, 2015.

[Attached under Section VIII of the agenda is a proposed Ordinance for first reading](#) amending the Zoning Ordinance so that certain described property on Sagamore Grove Road be rezoned from Waterfront Business (WB) to Single Residence B (SRB), as recommended by the Planning Board at their October 15, 2015 meeting.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as presented, at the December 7, 2015 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **First Reading of proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.1530, Terms of General Applicability, Definitions of Hotel and Motel.** At its meeting on September 8, 2015, the City Council considered the [attached letter from Gerald Zelin](#) proposing to amend the Zoning Ordinance to prohibit gambling at hotels and motels, and voted to refer the proposal to the Planning Board for a report back.

The Planning Board considered this matter at its meeting on October 15, 2015, and voted to recommend that the City Council amend the definitions of “hotel” and “motel” in Section 10.1530 of the Zoning Ordinance by inserting the phrase “but

shall not include casino gambling, keno or other games of chance” in each definition following the words “recreational facilities,” so that the sentence reads as follows:

Such activities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, but shall not include casino gambling, keno or other games of chance.

[Attached under Section VIII of the Agenda is a proposed Ordinance for first reading amending Chapter 10 – Zoning Ordinance, Section 10.1530, Terms of General Applicability, Definitions of Hotel and Motel.](#)

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Zoning Ordinance amendment, as presented, at the December 7, 2015 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

City Manager’s Items Which Require Action:

1. **Request Partial Waiver of Municipal Service Fee for 31-32 Rochester Avenue, Portsmouth.** [Attached is a letter from David R. Mullen, Executive Director of the Pease Development Authority \(PDA\)](#) in which he requests a partial waiver of the Municipal Service Fee (MSF) on the property occupied by the General Services Administration (GSA). As you can see from the letter, the PDA has been negotiating with the GSA regarding an extension of their lease. I would draw your attention to the following paragraph in his letter which states:

“At this time, PDA is requesting a partial waiver of the MSF and to pay City of Portsmouth an MSF of \$0.75 per square foot (\$87,678) annually for the MSF in years one through ten of the lease. Thereafter, PDA proposes to continue to pay the MSF at the same rate but will also include the additional market rate adjustment of \$.05 per square foot to which U.S. Department of State has agreed for each option period.”

Presently, the City of Portsmouth is receiving \$124,429 under the existing service fee. As you can see from the above paragraph, the PDA is requesting that they pay under the MSF \$.75 per square foot or \$87,678 annually in the years one through ten.

Given the circumstances of the letter and the involvement of the federal agency, I recommend that the City Council authorize this waiver and allow for payment of the MSF in the amount described for 31-32 Rochester Avenue. This would mean the City would be waiving approximately \$36,751 in fees on an annual basis for the next ten years. It should be noted that the City will be collecting \$87,678 from the PDA/GSA, which is a federal agency.

The City Attorney has reviewed this request and the City Council has the authority to approve the waiver for this amount under Section 2.9 of the Municipal Services Agreement between the City and the PDA.

I recommend the City Council move to authorize the partial waiver under Section 2.9 of the Municipal Services Agreement between the City and the PDA and allow for payment of the Municipal Service Fee in the amount described for 31-32 Rochester Avenue.

2. **Letter from Attorney Bruton Re: Unmerge Lots at 75 Monroe Street Natan Aviezri Revocable Trust.** As you will recall at the September 8, 2015 City Council meeting, the Council considered [the attached letter from Attorney Francis X. Bruton, III of Bruton & Berube, PLLC](#), on behalf of the Natan Aviezri Revocable Trust requesting that the lot at 75 Monroe Street be restored to its premerger status. Also, [attached is a memorandum from Rick Taintor, Planning Director](#), regarding the lots at 75 Monroe Street (see [attached orthophoto and 1898 plan of land](#)).

The Planning Board considered this matter at its meeting on October 15, 2015, and voted to report to City Council that the lots be “unmerged” (i.e., restored to their premerger status as five lots) on the condition that the two vacant lots be merged into one lot and the three lots on the Monroe Street side be merged together, and that the two resulting lots not be allowed to be unmerged again in the future.

If this action is taken, it appears that the result will be to create a vacant lot containing approximately 5,900 sq. ft., leaving about 16,500 sq. ft. of lot area for the existing apartment building. In order to construct a dwelling, the vacant lot will require variances for lot area and frontage.

I recommend the City Council move to accept the Planning Board’s aforementioned recommendation.

3. **Report Back Re: Request for License for Trash Enclosure on City Property at 319 Vaughan Street.** At its meeting on October 19, 2015, the City Council considered the [attached letter from John R. Chagnon, Ambit Engineering, Inc.](#), requesting a license for property located at 319 Vaughan Street, and voted to refer the request to the City Manager for report back. [Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.](#) The applicant, 319 Vaughan Street LLC applied to the HDC for amended approval for the enclosure structure, and the HDC granted that approval on September 2, 2015. The owner also applied to the Planning Board for approval of an amended site plan, including the enclosure, and on September 17, 2015, the Planning Board voted to grant amended site plan approval subject to several stipulations. As a result of these two approval processes by City land use boards, the proposed trash enclosure has been reviewed by City staff, who have determined that health and safety issues have been adequately addressed.

[Attached for your reference are:](#)

- [Two photographs of the trash enclosure;](#)

- A plan of the trash enclosure as approved by the HDC on 9/2/15;
- The amended site plan approved by the Planning Board on 9/17/15, showing the relationship of the trash enclosure to the lot line and City property.

I recommend the City Council move to approve a License for the trash enclosure based upon the two approval processes by City lands use boards and City staff determination that the health and safety issues have been adequately addressed, and further, to enter into a License Agreement as drafted by the Legal Department.

4. **Parking Agreement with Piscataqua Bank.** As part of the City's continuing effort to increase the number of parking spaces, the City and Piscataqua Bank began discussions regarding the public's use of 19 parking spaces in Piscataqua Bank's parking lot after hours and on weekends and holidays. The [attached License Agreement](#) formalizes the terms of the agreement. Piscataqua Bank grants the City a license to use 19 parking spaces and the City will provide parking enforcement services ([see attached aerial map](#)). The City is grateful to Piscataqua Bank for recognizing the City's need for parking and its willingness to work cooperatively with the City on this Agreement.

I recommend the City Council move to authorize the City Manager to negotiate and enter into an Agreement with Piscataqua Bank for the public's use of 19 parking spaces for which the City will provide parking enforcement services.

5. **Agreement Re: Gundalow Company.** [Attached for City Council ratification is the one \(1\) year Agreement entered into between the Trustees of Trust Funds and the Gundalow Company.](#) This Agreement would allow the Gundalow to remain at Prescott Park until November 1, 2016, although there are provisions in the Agreement contemplating extensions thereafter. Copies of this memorandum and its attachment are being provided to the Trustees and to Molly Bolster, Executive Director of the Gundalow Company.

I recommend the City Council move to ratify the one (1) year Agreement entered into between the Trustees of Trust Funds and the Gundalow Company.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 19, 2015. In addition, this can be found on the City's website.
2. **Charter Committee.** As requested by Councilor Esther Kennedy, [attached is a memorandum from Robert P. Sullivan, City Attorney,](#) regarding the establishment of a Charter Committee.
3. **Haven School Playground Improvement Project.** For your information, the [attached letter](#) will be sent to the distribution list for the Haven School Playground Improvement Project to update residents regarding the next steps planned for the completion of the project.

October 28, 2015

NOV -2 2015

John P. Bohenko, City Manager
City of Portsmouth - Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Re: Municipal Services Fee – US Department of State (“DOS”)
31 and 32 Rochester Avenue, Portsmouth, New Hampshire

Dear John:

In accordance with the provisions of Paragraph 2.9 of the Municipal Services Agreement between the City of Portsmouth (COP), the Town of Newington (TON) and Pease Development Authority (PDA) dated effective July 1, 1998 (the “MSA”), which provision provides for all property in the Airport District:

... any entity which would otherwise be exempted from taxation under RSA 72:23 and which is obligated to pay [a Municipal Services Fee] may request from COP waiver of the [Municipal Services Fee] due,

I am writing you to request a partial waiver from the obligation to pay the full amount of the Municipal Services Fee (MSF) associated with DOS for its facilities located at 31 and 32 Rochester Avenue.

As you are aware, the initial sublease agreement with DOS was executed in May 1992 for a period of twenty (20) years expiring in May 2012. The sublease did not require any rent or other payment to PDA but did require DOS to pay the MSF.

Beginning in May 2011, the PDA commenced negotiations with the General Services Administration (GSA) on a new lease agreement at Fair Market Value (FMV). The agreement was finally negotiated effective October 1, 2014 and, only as a result of GSA relinquishing its control of the premises to DOS. The extended negotiation, which included PDA’s best efforts to secure the payment of the MSF, cost PDA more than \$1.6 Million in unrealized rent.

The new DOS lease has an initial term of ten (10) years with two (2) five (5) year options to extend. During the extended negotiation period, PDA did not realize any income from this property although COP continued to be paid the MSF under the old and expired agreement through DOS’s status as a holdover tenant.

To establish FMV two appraisals were undertaken on the property by GSA, one (internal contract)

John P. Bohenko, City Manager
City of Portsmouth - Municipal Complex
October 28, 2015
Page 2

resulted in a FMV of \$4.75 per square foot and the other (independent contract) \$6.75 per square foot. While PDA requested to be provided with copies of the appraisals, the request was denied as being contrary to the interests of the federal government. Nonetheless, PDA was able to compare these rates to other appraisals which had recently been undertaken on Tradeport property and complete the negotiations.

Ultimately DOS agreed to initially pay PDA a gross rent of \$6.50 a square foot during the first five years of the lease. In years 6 through 10, GSA agreed to pay PDA a gross rent of \$6.75 per square foot. Thereafter in years 11-15 and 16-20 the rental rate is subject to CPI adjustments (an FAA minimum requirement) and also includes an additional market rate adjustment of \$.05 per square foot.

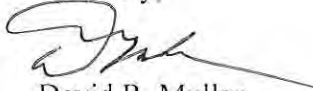
During the negotiations with GSA, it informed PDA that it was charged with the responsibility for negotiating all leases for federal agencies, and immediately took the position that as a federal agency, DOS was exempt from the obligation to pay the MSF which GSA deemed a payment in lieu of taxes. Because PDA is mandated by the Federal Aviation Administration (FAA) grant assurances to secure and maintain a FMV rent structure for all public benefit conveyance properties it leases, the balance of competing federal interests proved to be problematic to completing the negotiations.

At this time, PDA is requesting a partial waiver of the MSF and to pay COP an MSF of \$0.75 per square foot (\$87,678) annually for the MSF in years one through ten of the lease. Thereafter, PDA proposes to continue to pay the MSF at the same rate but will also include the additional market rate adjustment of \$.05 per square foot to which DOS has agreed for each option period.

It was unusual for PDA to be in the difficult predicament of negotiating with a federal agency which lawfully asserts that it has no obligation to pay the MSF and would not pay any rent to PDA in violation of FAA mandates until such time as a new lease agreement was executed. PDA believes that its proposal protects the interests of COP while, at the same time, it permits PDA to fulfill its statutory obligations to the FAA.

Thank you for your consideration of our request with respect to this difficult matter and your offer to seek the approval of the Portsmouth City Council for this proposal.

Sincerely,



David R. Mullen
Executive Director

DRM:lmh

cc: PDA Board of Directors
Robert Sullivan, City Attorney
Lynn Marie Hinchee, Deputy Director & General Counsel
Irving Canner, PDA Finance Director

2.8.2. Termination of MSA I. PDA, COP and TON are parties to a certain agreement dated as of January 1, 1993 for the provision of municipal services ("MSA I"). MSA I shall be terminated in its entirety as of the Commencement Date of this Agreement, except for those obligations of the Parties under MSA I that survive termination or expiration of said MSA I, or as otherwise set forth below.

2.8.3 Minimum Payment Required. In the event any tenant of PILOT property shall fail to make the PILOT payment, in accordance with the terms set forth herein on or before thirty (30) days following the due date, PDA shall pay to COP a municipal services fee equal to the lesser of (i) the amount which would have been due under MSA I, as though MSA I were still in full force and effect or (ii) the PILOT.

2.9 Waivers. Notwithstanding any other provision herein to the contrary, for all property in the Airport District for which a Services Cost is otherwise applicable, any entity which would otherwise be exempted from taxation under RSA 72:23 and which is obligated to pay such Services Cost may request from the COP waiver of the Services Cost due. Waiver requests shall be sent to City Manager of the COP, in writing, and are subject to approval by the COP.

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: November 10, 2015
RE: City Council Referral –
Request that the involuntarily merged lots at 75 Monroe Street be restored to their premerger status

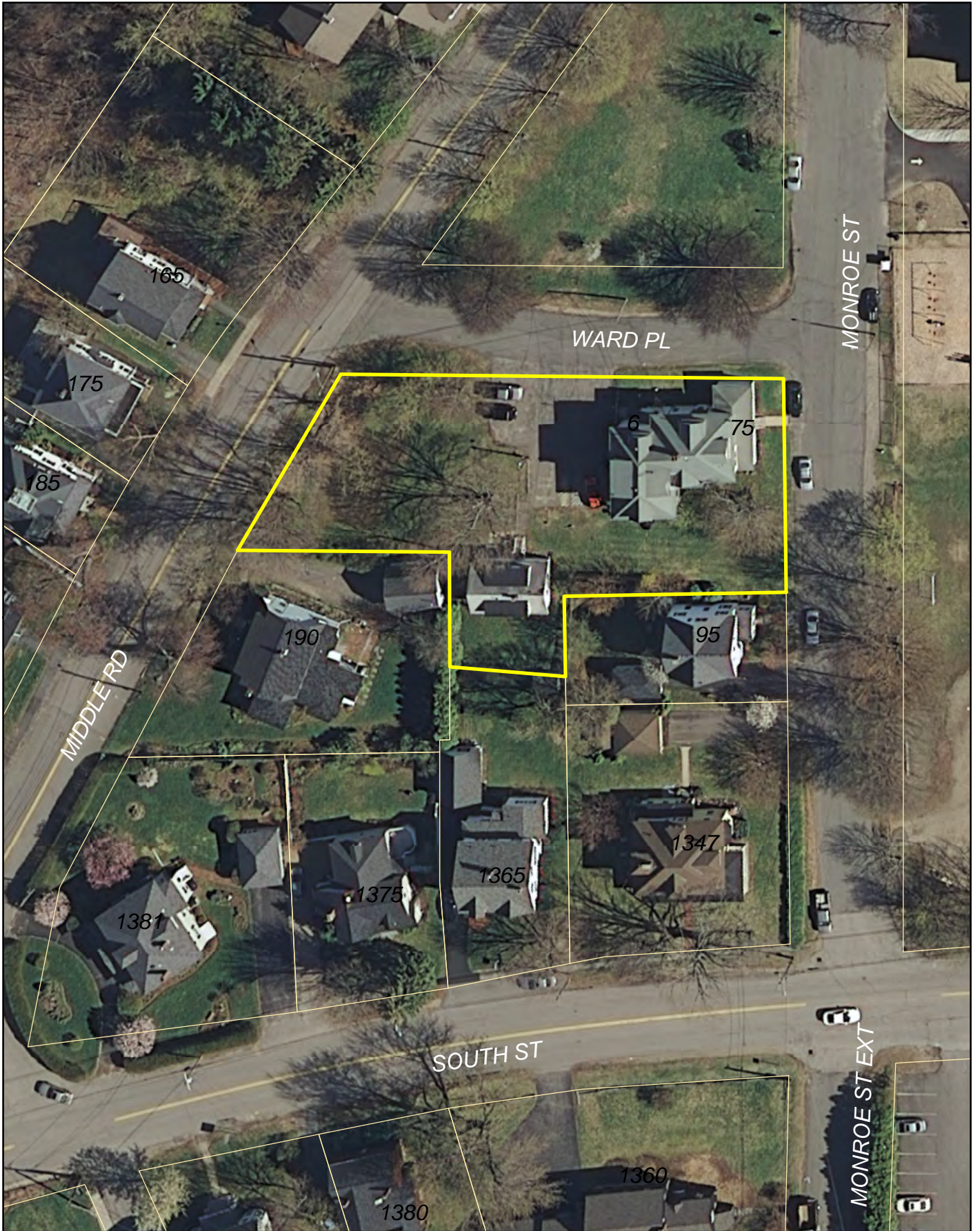
At its meeting on September 8, 2015, the City Council considered a letter from Attorney Francis X. Bruton III of Bruton & Berube, PLLC, on behalf of the Natan Aviezri Revocable Trust, requesting that the lot at 75 Monroe Street be restored to its premerger status. The letter stated that five lots have been involuntarily merged into a single lot by action of the City of Portsmouth, and that the owner wished to “unmerge” two of the five lots. The City Council voted to refer to the Planning Board for report back.

Attached for reference are an orthophoto showing the current lot lines and an 1898 plan of land in the area showing the original lot lines, overlaid with the approximate outline of 75 Monroe Street. As shown, the existing lot consists of the entirety of the two original lots closest to Monroe Street, most of the larger center lot, and about 50%-60% of the two original lots closer to Middle Road.

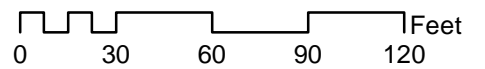
The merged lot is bounded by Monroe Street, Ward Place and Middle Road, and contains approximately 22,400 sq. ft. in area. A 7-unit apartment building, an outbuilding and a surface parking lot occupy about 75 percent of the total lot area. An abutter has notified the Planning Department that two private sewer services cross the parcel from lots on South Street to the sewer main on Ward Place, and has requested that the plan for the unmerged lots acknowledge these sewer lines and provide easements to ensure their continued use.

The Planning Board considered this matter at its meeting on October 15, 2015, and voted to report to City Council that the lots be “unmerged” (i.e., restored to their premerger status as five lots) on the condition that the two vacant lots be merged into one lot and the three lots on the Monroe Street side be merged together, and that the two resulting lots not be allowed to be unmerged again in the future.

If this action is taken, it appears that the result will be to create a vacant lot containing approximately 5,900 sq. ft., leaving about 16,500 sq. ft. of lot area for the existing apartment building. In order to construct a dwelling, the vacant lot will require variances for lot area and frontage.



75 Monroe Street



00412

PLAN OF

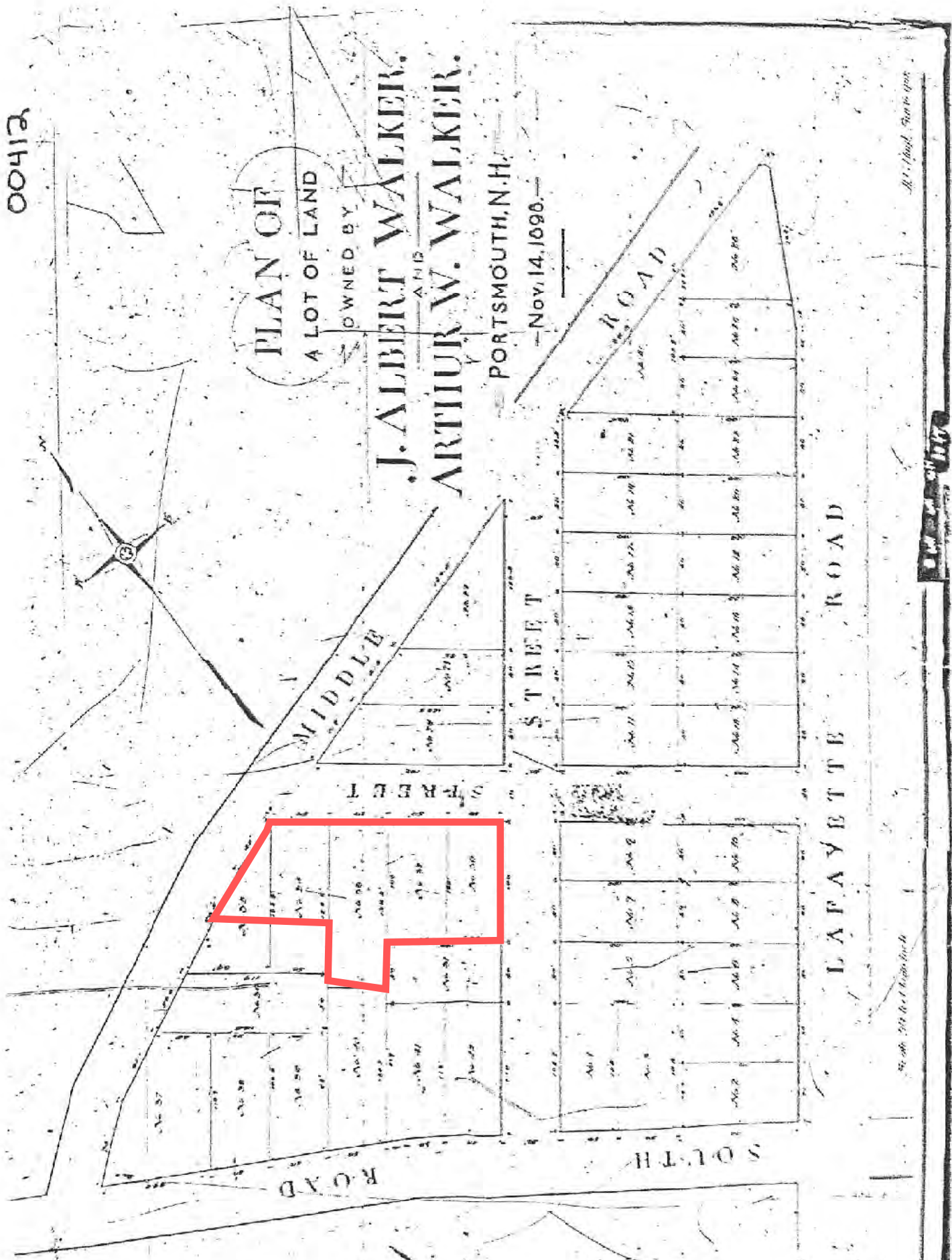
A LOT OF LAND

OWNED BY

J. ALBERT WALKER,
AND
ARTHUR W. WALKER.

PORTSMOUTH, N.H.

— Nov. 14, 1898. —



Plat of Land, Nov 14, 1898

See also 514 & 515

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW



August 24, 2015

798 Central Avenue
Dover, NH 03820

TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

Honorable Robert Lister
City Council
1 Junkins Ave.
Portsmouth, NH 03801

RE: Natan Aviezri Revocable Trust

Dear Mayor Lister:

This office has been asked to assist the Natan Aviezri Revocable Trust with respect to its request to unmerge the lots that it owns within the city of Portsmouth. The lots have been involuntarily merged by the city of Portsmouth for assessing and taxing purposes as five (5) lots appear on one (1) tax card and appear to be assessed together.

Specifically, the Natan Aviezri Revocable Trust is the record owner of lots located off of Monroe and Ward Place. The Trust owns the property pursuant to a Warranty Deed, dated October 8, 2013, and recorded at the Rockingham County Registry of Deeds at B5486, P0562 (see copy enclosed). The City has designated an address of 75 Monroe Street for the five (5) lots. The lots are separately depicted within the records of the Rockingham County Registry of Deeds and are shown on "Plan of a Lot of Land Owned by J. Albert Walker and Arthur W. Walker," dated November 14, 1989 and recorded in the Rockingham County Registry of Deeds as Plan #00412 (see copy enclosed). As late as August 4, 2004, these lots have been conveyed as separate lots (specifically as Lot No. 30, No. 32, Lot No. 33, and a portion of Lots No. 34 and No. 35., pursuant to a Warranty Deed, dated August 4, 2004, recorded at the Rockingham County Registry of Deeds at B4344, P0105 (copy enclosed). Despite the plan and conveyance of the lots as separate lots, the City appears to have merged the five (5) lots into one lot, as depicted on Map 168 as Lot 27 on the tax cards and tax maps of the city of Portsmouth (copy of the tax card enclosed).

Please note that the owner, or any predecessor, of the two lots, have never voluntarily merged the two lots. When the lots were conveyed after 2004, the lots were conveyed as one legal description a multiple properties were being conveyed, however, throughout the previous chain of title the lots have otherwise been conveyed with reference to the lots as separate lots. As the City may be aware, the conveyance of the five (5) lots with a single legal description does, not standing alone, support a finding of voluntary merger of the landowner. See *Roberts v. Town of Windham*, 165 N.H. 186, 192 (2013).

Pursuant to RSA 674:39-aa, the Natan Aviezri Revocable Trust respectfully requests that the city of Portsmouth unmerge the two of the five lost. Specifically, the Trust requests that the

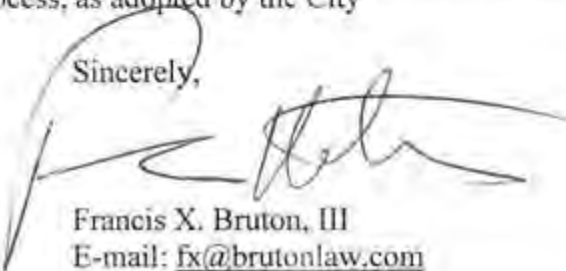
remaining portion of Lots No. 34 and No. 35 owned by the Trust be unmerged from Lots No. 30, No. 32 and No. 33.

As one can see upon visual inspection, Lots No. 30, No. 32 and No. 33 are currently utilized by two structures. However, the portions of Lots No. 34 and No. 35 owned by the Trust are not utilized in any fashion to support the structures on the other lots, and appear to be separate from the other three lots. It is respectfully submitted by the Trust that it believes that there are no facts to support a finding that the five (5) lots were ever voluntarily merged by the Trust or its predecessors in title. It is clear from the City records that the structures were built prior to the enactment of zoning requirement. Thus, the two lots to be unmerged were not necessary, zoning wise, for the construction of the existing two structures. In addition, the physical layout of the two structures shows that there is no use, such as an access way or location of an accessory structure upon the lots No. 34 & No. 35 for the benefit of the other three lots referenced herein. To the extent the City takes the position that the five lots have somehow been voluntarily merged, the burden of proof to show such is upon the City, not the Trust. See RSA 674:39-aa, II(b).

As part of this request, the Trust also specifically requests that the portions of Lot No. 34 & No. 35 that it owns be merged to form one lot and that a new tax card be created and that the lot be depicted on the City tax maps as a separate lot. Once the 2 lots are merged, the resulting lot will satisfy the current zoning restrictions set forth within the Portsmouth Zoning Ordinance to be considered a buildable lot. The Trust anticipates building a single-family house on the newly merged lot.

Should there be any questions regarding the above, please do not hesitate to contact me. Otherwise, please contact this office as to how the City typically addresses unmerger request in order that we can be involved in the process, as adopted by the City

Sincerely,



Francis X. Bruton, III
E-mail: fx@brutonlaw.com

FXB/mas
Enclosures

cc: Natan Aviezri Revocable Trust
Robert P. Sullivan, Esquire, City Attorney

BK 5486 PG 0562

**MAIL TO
RETURN TO:**

~~Debra Klein and Natan Aviezri
697 Sagamore Avenue
Portsmouth, NH 03801~~



054200

2013 OCT -9 PM 12: 03

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

Know All Persons By These Presents, that **Historic Portsmouth Holdings, LLC**, a New Hampshire limited liability company of 375 Greenleaf Avenue, Portsmouth in the County of Rockingham and State of New Hampshire, for consideration paid, grants to the Natan Aviezri Revocable Trust, u/t/d May 1, 2006, Debra Klein and Natan Aviezri, Trustees, with an address of 697 Sagamore Avenue, Portsmouth, New Hampshire, 03801, with **Warranty Covenants**, the following described premises:

A certain lot or parcel of land with the buildings thereon, situated in Portsmouth in the County of Rockingham and State of New Hampshire, on the Westerly side of Monroe Street, so-called on the Southerly side of Ward Place, so-called and on the easterly side of Middle Road, so-called, and bounded and describe as follows:

Beginning on the Westerly side of Monroe Street at its intersection with the Southerly side of Ward Place, and at the Northeasterly corner of the described premises, and thence running Southerly along the Westerly side of Monroe Street, 100 feet, more or less to a point; thence turning and running Westerly 100 feet, more or less, to a point; thence turning and running Southerly 35 feet, more or less, to a point; thence turning and running Westerly 50 feet more or less to a point; thence turning and running Northerly 50 feet, more or less to a point; thence turning and running Westerly 96 feet, more or less, to a point on the Easterly side of Middle Road; thence turning and running Northeasterly along the Easterly side of Middle Road to a point at its intersection with the Southerly side of Ward Place; thence turning and running Easterly along the Southerly side of Ward Place, 200 feet, more or less to the point of beginning.


BK 5486 P6 0563

Being a portion of the premises conveyed to the Grantor herein by deed of James A. Mulvey, Trustee of the James A. Mulvey Revocable Living Trust and Peter Brown, Trustee of the Peter Brown Living Trust, recorded in the Rockingham County Registry of Deeds on July 20, 2010, at Book 5127, Page 1300, corrected by Scrivener's Error Affidavit recorded in Book 5207, Page 587 in said Registry.

This is not homestead property of the Grantor.

Dated this 8, day of October, 2013.

Historic Portsmouth Holdings, LLC

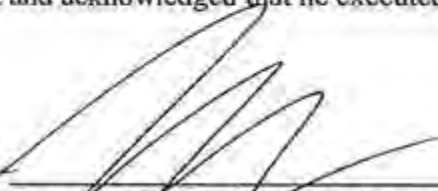
By: 
Justin R. Krupp, Manager

The State of New Hampshire
County of Rockingham

October 8, 2013

Personally appeared the above named Justin R. Krupp, in his capacity as Manager of Historic Portsmouth Holdings, LLC, known to me or satisfactorily proven to be the person whose name appears in the within document and acknowledged that he executed the same for the purposes contained herein,

Before me,



Notary Public/Justice of the Peace
Print Name:



00412

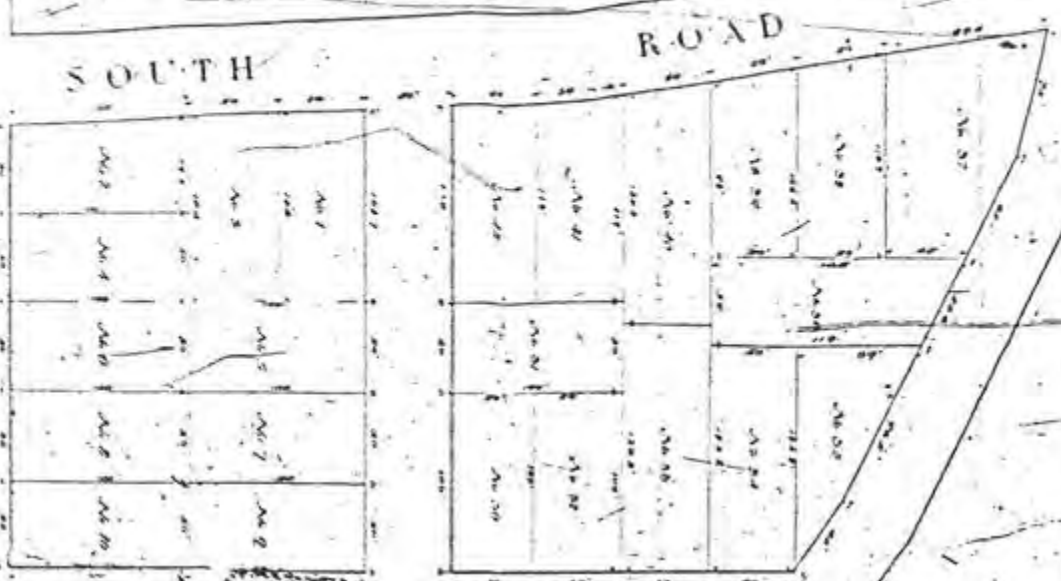
PLAN OF
A LOT OF LAND

OWNED BY

J. ALBERT WALKER,
AND
ARTHUR W. WALKER.

PORTSMOUTH, N.H.

—Nov. 14, 1890.—



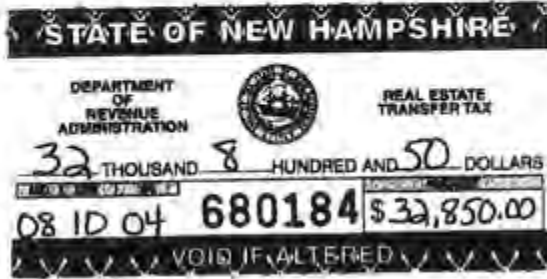
LAFAYETTE ROAD

50 feet wide

50 feet wide

10 feet wide





067589

2004 AUG 10 PM 1:33

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that PANGENESIS, L.L.C., a limited liability company, for consideration paid, grants to JAMES A. MULVEY, a married person and PETER BROWN, a married person, with a mailing address of 7 Random Road, Town of Rye, County of Rockingham and State of New Hampshire, as tenants in common, with *WARRANTY COVENANTS*, the following described premises:

Tract I: A certain lot or parcel of land with the buildings thereon, situated in Portsmouth, County of Rockingham and State of New Hampshire, at the intersection of Union and Middle Streets, and bounded and described as follows:

Beginning at the southwesterly corner of the premises herein conveyed at said intersection, then running northerly by said Union Street, ninety-two (92) feet to land now or formerly of Albert E. Rand; thence turning and running easterly by said last-named land, thirty-three (33) feet to a right-of-way; thence turning and running southerly by said right-of-way ninety-two (92) feet to said Middle street at a point forty-two (42) feet from the easterly side of said Union street; thence turning and running westerly by said Middle Street forty-two (42) feet to the point of beginning.

This conveyance is made subject to any right-of-way mentioned in the deed of Rand to Bennett, Rockingham County Registry of Deeds, Book 1046, Page 75.

Meaning and intending to convey the same premises conveyed to Pangenesis, L.L.C. by deed of William W. Mautz and C. Sue Mautz, dated July 21, 1999 and recorded in the Rockingham County Registry of Deeds at Book 3416, Page 2352.

Tract II: A certain tract or parcel of land with the buildings thereon, situated in Hampton, County of Rockingham, State of New Hampshire, and bounded and described as follows:

Beginning at the Southwesterly corner of the parcel, at the corner of Mill Road and High Street; thence running North 6° 45' East by a stone retaining wall marking the Easterly line of

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Mill Road 143 feet to a corner; thence turning and running South 79° 23' East 142 feet to an iron pipe in the ground; thence turning and running South 16° 11' West 153.85 feet to an iron pipe in the ground in the Northerly sideline of High Street; thence turning and running North 74° 05' West by said High Street 117.75 feet to Mill Road and to the point of beginning.

Meaning and intending to conveyed the same premises conveyed to Pangenesis, LLC by deed of Paul A. Garland, dated September 30, 1999 and recorded in the Rockingham County Registry of Deeds at Book 3427, Page 1391.

Tract III: A certain lot or parcel of land, with the buildings thereon, situated on the Southerly side of State Street, Portsmouth, County of Rockingham, State of New Hampshire bounded and described as follows:

Northerly by State Street; easterly by land now or formerly of the Advent Church; southerly by Chatham Street; westerly by land now or formerly of Horace A. Massey.

Meaning and intending to convey the same premises conveyed to Pangenesis, LLC by deed of Louis N. Shepherd, Margaret C. Shepherd, formerly Margaret E. Crane, Judith A. Costello and Kevin Costello d/b/a State Street Associates, dated October 15, 1998 and recorded in said Registry at Book 3333, Page 1725.

Tract IV: A certain parcel of land with the buildings thereon, situated in Portsmouth, in the County of Rockingham and the State of New Hampshire, on the Westerly side of Monroe Street, so-called, on the Southerly side of Ward Place, so-called, and on the easterly side of Middle Road, so-called, and bound and described as follows:

Beginning on the Westerly side of Monroe Street at its intersection with the Southerly side of Ward Place, and at the Northeasterly corner of the described premises, and thence running Southerly along the Westerly side of Monroe Street 100 feet, more or less, to a point; thence turning and running Westerly 100 feet, more or less, to a point; thence turning and running Southerly 35 feet, more or less, to a point; thence turning and running Westerly 50 feet, more or less, to a point; thence turning and running Northerly 50 feet, more or less, to a point; thence turning and running Westerly 96 feet, more or less, to a point on the Easterly side of Middle Road; thence turning and running Northeasterly along the Easterly side of Middle Road to a point at its intersection with the Southerly side of Ward Place; thence turning and running Easterly along the Southerly side of Ward Place 200 feet, more or less, to the point of beginning.

The described premises are shown on "Plan of a Lot of Land Owned by J. Albert Walker and Arthur W. Walker", dated November 14, 1898, and recorded in Rockingham Records as Plan #00412, and are described thereon as Lot No. 30, No. 32, No. 33 and a portion of Lots No. 34 and No. 35.

Meaning and intending to convey the same premises conveyed to Pangenesis, L.L.C. by deed of Robert B. Donovan, Successor Trustee of the Frank M. Emery Revocable Trust of 1997, dated August 7, 2000 and recorded in said Registry at Book 3497, Page 0834.

BK4344PG0107

EXECUTED this 6th day of August, 2004.

PANGENESIS, L.L.C.



By: Douglas Goforth, Member



By: Kay Goforth, Member

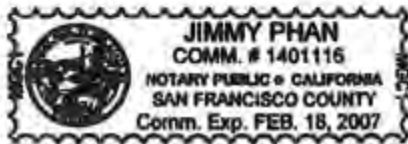
STATE OF CALIFORNIA
COUNTY OF San Francisco

Personally appeared, before me, this 6th day of August, 2004, the above-named Douglas Goforth and Kay Goforth, who acknowledged themselves to be members of Pangenesis, L.L.C., and as such members, being authorized so to do, they executed the foregoing instrument for the purposes therein contained on behalf of said LLC.



Notary Public/Justice of the Peace

My Commission Expires: February 18, 2007



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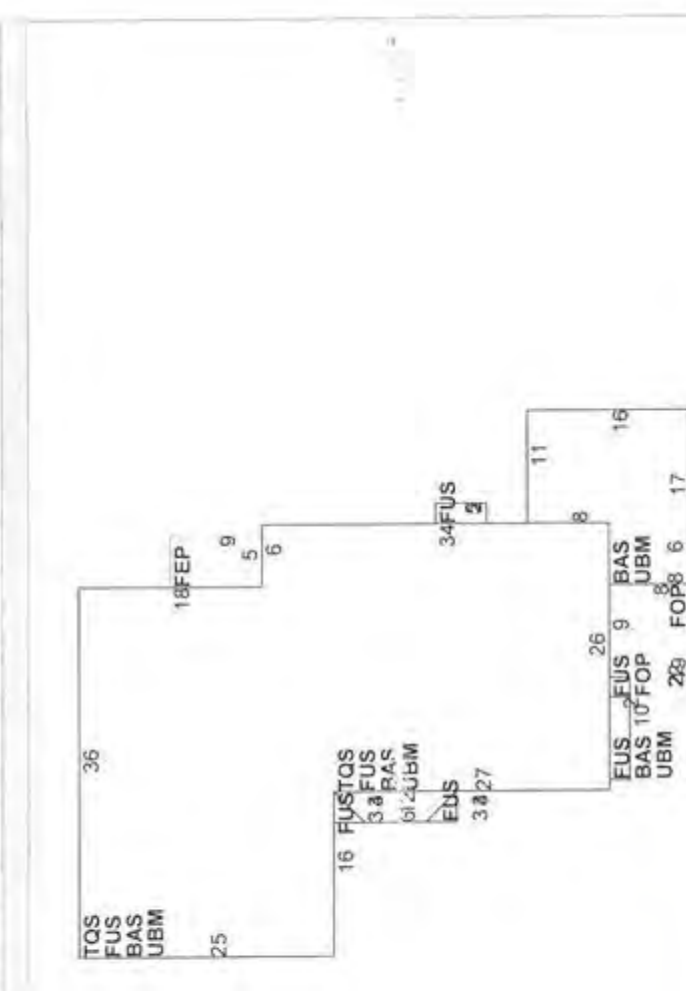
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VISION	VISION	VISION	VISION	VISION
VISION	VISION	VISION	VISION	VISION

CONSTRUCTION DETAIL		Element	Cd	Ch	Description
14	Style	Apartment			
94	Model	Commercial			
C+	Grade	C+			
7	Occupancy				MIXED USE
26	Exterior Wall 1	Aluminum Siding			
26	Exterior Wall 2				
03	Roof Structure	Gable/Hip			
03	Roof Cover	Asph/F Gls/Cmp			
05	Interior Wall 1	Drywall/Sheet			
06	Interior Wall 2				
06	Interior Floor 1	Inlaid Sht Gds			
02	Heating Fuel	Oil			
05	Heating Type	Hot Water			
01	AC Type	None			
111C	Bldg Use	APT 4-7 UN MDL-94			
20	Total Rooms				
7	Total Bedrms				
7	Total Baths				
01	Kitchen Grd	Average			
00	Heat/AC	NONE			
02	Frame Type	WOOD FRAME			
02	Baths/Plumbing	AVERAGE			
06	Ceiling/Wall	CEIL & WALLS			
02	Rooms/Prtns	AVERAGE			
8	Wall Height				
	% Conn Wall				

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)		Sub	Sub Description	Unit Price	Yr	Code	Dp	Rt	Cnd	%Cnd	Apr Value
PAV1	PAVING-ASPI	L	2,200	1.50	1995	C	A	50		50	1,700
PAV1	PAVING-ASPI	L	836	1.50	1995	C	A	50		50	600

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Underprice Value
BAS	First Floor	1,911	1,911	1,911	83.89	160,306
FEP	Porch, Enclosed	0	45	29	54.06	2,433
FOP	Porch, Open	0	136	34	20.97	2,852
FUS	Upper Story, Finished	1,709	1,709	1,709	83.89	143,361
TQS	Three Quarter Story	1,253	1,671	1,253	62.90	105,109
UBM	Basement, Unfinished	0	1,911	382	16.77	32,044
					Ttl. Gross Liv/Lease Area:	446,106



CURRENT OWNER	TOPO	UTILITIES	STRT/ROAD	LOCATION	DESCRIPTION	CURRENT ASSESSMENT
AVI EZRI NATAN REVOCABLE TRUST KLEIN DEBRA AND AVI EZRI NATAN 697 SACAMORE AVE PORTSMOUTH, NH 03801	0 All Public	1 Paved	1 Urban	RESIDENTL RES LAND RESIDENTL	1110 1110 1110	381,400 256,000 2,300
Additional Owners:	SUPPLEMENTAL DATA					
Other ID: 0168-0027-0000	KONDO CV					
OLD ACCT/NU: 61200	ENLAW Y/N					
PHOTO	LOT SPLIT					
WARD	2015 Rev'd V JMI					
PREC.	I/2 HSE					
G/S ID: 35220	ASSOC PID#					



RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Qtr	WT	SALE PRICE	P.C.	PREVIOUS ASSESSMENTS (HISTORY)
AVI EZRI NATAN REVOCABLE TRUST	5486/0562	10/09/2013	Q	1	918,200	00	381,900/2011 1110
HISTORIC PORTSMOUTH HOLDINGS LLC	5127/1300	07/20/2010	T	1	1,800,000	21	256,000/2012 1110
MILVEY JAMES A REVO LIVING TRUST I/2 INT	5065/1430	11/10/2009	T	1		44	2,300/2011 1110
MILVEY JAMES A	4785/1229	04/09/2007	T	1		44	2,300/2011 1110
MILVEY JAMES A	4785/1229	04/09/2007	T	1		44	2,300/2011 1110
MILVEY JAMES A	4344/0105	08/06/2004	T	1	2,190,000	21	
Total:						640,200	Total: 640,200

EXEMPTIONS	Amount	Code	Description	Number	Amount	Common Int.
OTHER ASSESSMENTS						
ASSESSING NEIGHBORHOOD						
NBHHD/SUB		NBHHD NAME	STREET INDEX NAME	TRACING	BATCH	
304/A						
NOTES						
1 UNIT - 2 BDRMS						
2 SHED DORMERS						
10/13- OLDER WINDOWS & ROOF						
10/13- ADD NEW PHOTO						
APPT LETTER 9/18/13						

Year	Type	Description	Amount	Code	Description	Number	Amount	Common Int.
APPRAISED VALUE SUMMARY								
Appraised Bidg. Value (Card) 87,000								
Appraised XF (B) Value (Bidg) 0								
Appraised OB (L) Value (Bidg) 0								
Appraised Land Value (Bidg) 0								
Special Land Value 0								
Total Appraised Parcel Value 639,700								
Valuation Method: C								
Adjustment: 0								
Net Total Appraised Parcel Value 639,700								

Permit ID	Issue Date	Type	Description	Amount	Instp. Date	% Comp.	Date Comp.	Comments
BUILDING PERMIT RECORD								
VISIT/CHANGE HISTORY								
Date <td>Type <td>IS <td>ID <td>CD <td>Purpose/Result </td></td></td></td></td>	Type <td>IS <td>ID <td>CD <td>Purpose/Result </td></td></td></td>	IS <td>ID <td>CD <td>Purpose/Result </td></td></td>	ID <td>CD <td>Purpose/Result </td></td>	CD <td>Purpose/Result </td>	Purpose/Result			
10/16/2013			134	96	Measur-1 Listed			
02/10/2010			ST	ER	Exterior Review			
02/25/2009			JW	07	Measur/IntDr Info taker			
02/25/2009			JW	01	Measur+1 Visit			
07/21/2006			JRL	9	Corrv			

B Use	Use	Zone	Frontage	Depth	Units	Unit Price	F	S	C	ST	S.I.	Notes-Adj	Rec	CU	Special Pricing	Adj. Unit Price	Land Value
2	111C	APT 4-7 UN MIDL-94			0.00	AC	0.00	1.00000	0	1.00	0.00		N	0.0000		0.00	0
LAND LINE VALUATION SECTION																	
Total Card Land Units: 0.00 AC Parcel Total Land Area: 0.51 AC																	
Total Land Value: 0																	

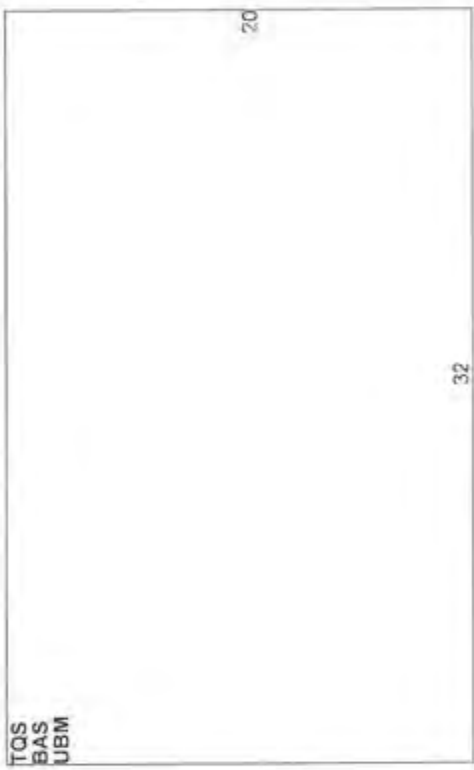
CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd	Ch	Description
Style	14		Apartments
Model	94		Commercial
Grade	C		C
Stories	1.5		
Occupancy	1		
Exterior Wall 1	25		Vinyl Siding
Exterior Wall 2			
Roof Structure	03		Gable/Hip
Roof Cover	03		Asph/F Gls/Cmp
Interior Wall 1	05		Drywall/Sheet
Interior Wall 2	03		Plastered
Interior Floor 1	12		Hardwood
Interior Floor 2	06		Inlaid Sht Gds
Heating Fuel	03		Gas
Heating Type	05		Hot Water
AC Type	01		None
Bldg Use	111C		APT 4-7 UN MDL-94
Total Rooms	4		
Total Bedrms	2		
Total Baths	1		
Kitchen Grd	01		Average
Heat/AC	00		NONE
Frame Type	02		WOOD FRAME
Baths/Plumbing	02		AVERAGE
Ceiling/Wall	06		CEIL & WALLS
Rooms/Prtis	02		AVERAGE
Wall Height	8		
% Conn Wall			

MIXED USE		
Code	Description	Percentage
111C	APT 4-7 UN MDL-94	100

COST/MARKET VALUATION		
Code	Description	Value
	Adj. Base Rate	116,19
	Replace Cost	145,005
	AYB	1920
	EYB	1970
	Dep Code	A
	Remodel Rating	
	Year Remodeled	
	Dep %	40
	Functional Obslnc	
	External Obslnc	
	Cost Trend Factor	
	Status	
	% Complete	60
	Overall % Cond	
	Apprais Val	87,000
	Dep % Ovr	0
	Dep Ovr Comment	
	Misc Imp Ovr	0
	Misc Imp Ovr Comment	
	Cost to Cure Ovr	0
	Cost to Cure Ovr Comment	

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)										
Code	Description	Sub	Units	Unit Price	Yr	Code	Dp Rt	Chd	%Cnd	Apr Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Unit Cost	Unit Price	Value
BAS	First Floor	640	640	116.19		74,362
TQS	Three Quarter Story	480	640	87.14		55,771
UBM	Basement, Unfinished	0	640	23.24		14,872



Ttl. Gross Liv/Lease Area: 1,120 1,920 1,248 145,005

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: November 10, 2015
RE: Request for License –
Trash Enclosure on City Property at 319 Vaughan Street

At its meeting on October 19, 2015, the City Council considered a letter from John R. Chagnon, Ambit Engineering, Inc., requesting a license for property located at 319 Vaughan Street, and voted to refer the request to the City Manager for report back.

The property in question is owned by 319 Vaughan Street Center, LLC, and occupied by 3S Artspace. When the Planning Board originally granted site plan approval for the conversion of the former industrial building to its new use as 3S Artspace, the applicant's engineer represented that trash would be contained in a room in the front of the building, closest to the street. However, during the development process a decision was made to move the trash storage outside the building, and a dumpster enclosure was constructed adjacent to the building, between the building and the Vaughan Street sidewalk. This change was made without prior approval by the City's land use boards and was not only inconsistent with the Planning Board and HDC approvals, but also violated a provision of the Zoning Ordinance that prohibits dumpsters to be placed between a building and the street. In addition, the dumpster enclosure was actually placed partially within the City right of way, although this would not be readily apparent to someone who had not looked at the site plan.

City staff worked with 3S Artspace to resolve these issues and several others that arose from the construction of the enclosure. As part of this process, 3S Artspace agreed to use only totes in the trash enclosure, and not to place any dumpster in that area.

319 Vaughan Street LLC applied to the HDC for amended approval for the enclosure structure, and the HDC granted that approval on September 2, 2015. The owner also applied to the Planning Board for approval of an amended site plan, including the enclosure, and on September 17, 2015, the Planning Board voted to grant amended site plan approval subject to several stipulations. As a result of these two approval processes by City land use boards, the proposed trash enclosure has been reviewed by City staff, who have determined that health and safety issues have been adequately addressed.

Attached for your reference are:

- Two photographs of the trash enclosure;
- A plan of the trash enclosure as approved by the HDC on 9/2/15;
- The amended site plan approved by the Planning Board on 9/17/15, showing the relationship of the trash enclosure to the lot line and City property.

RECEIVED
SEP - 2 2015
By _____



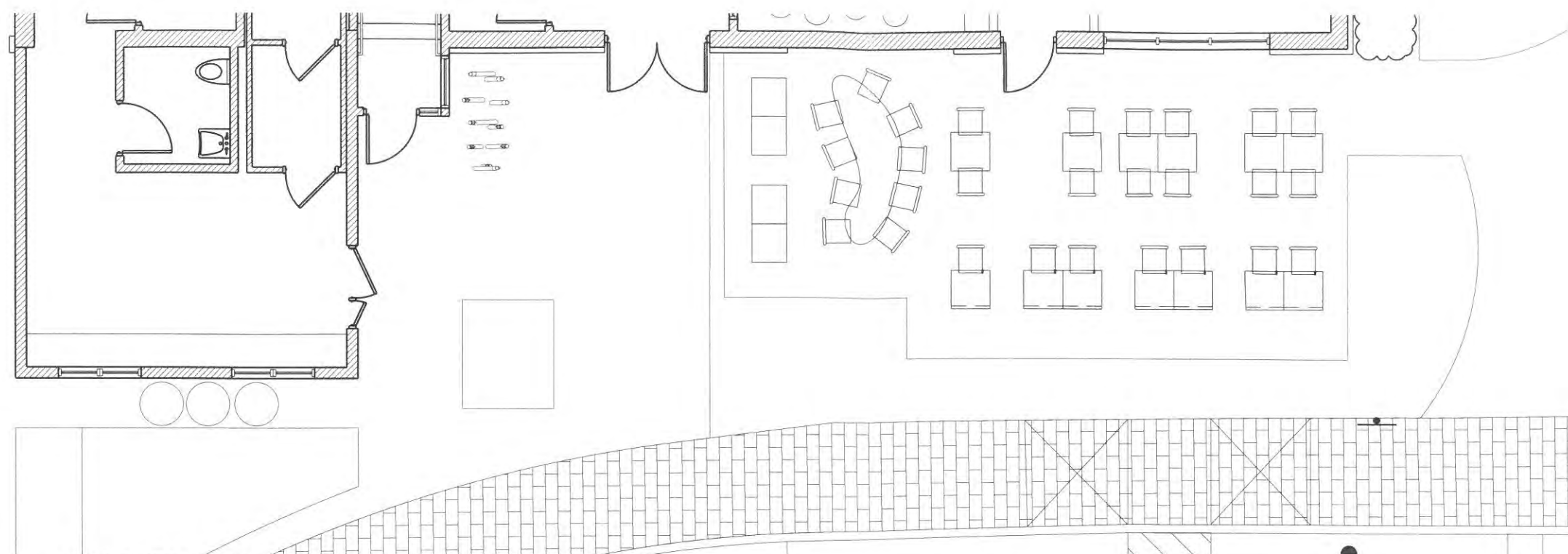
BLOCK SIX

BLOCK SIX

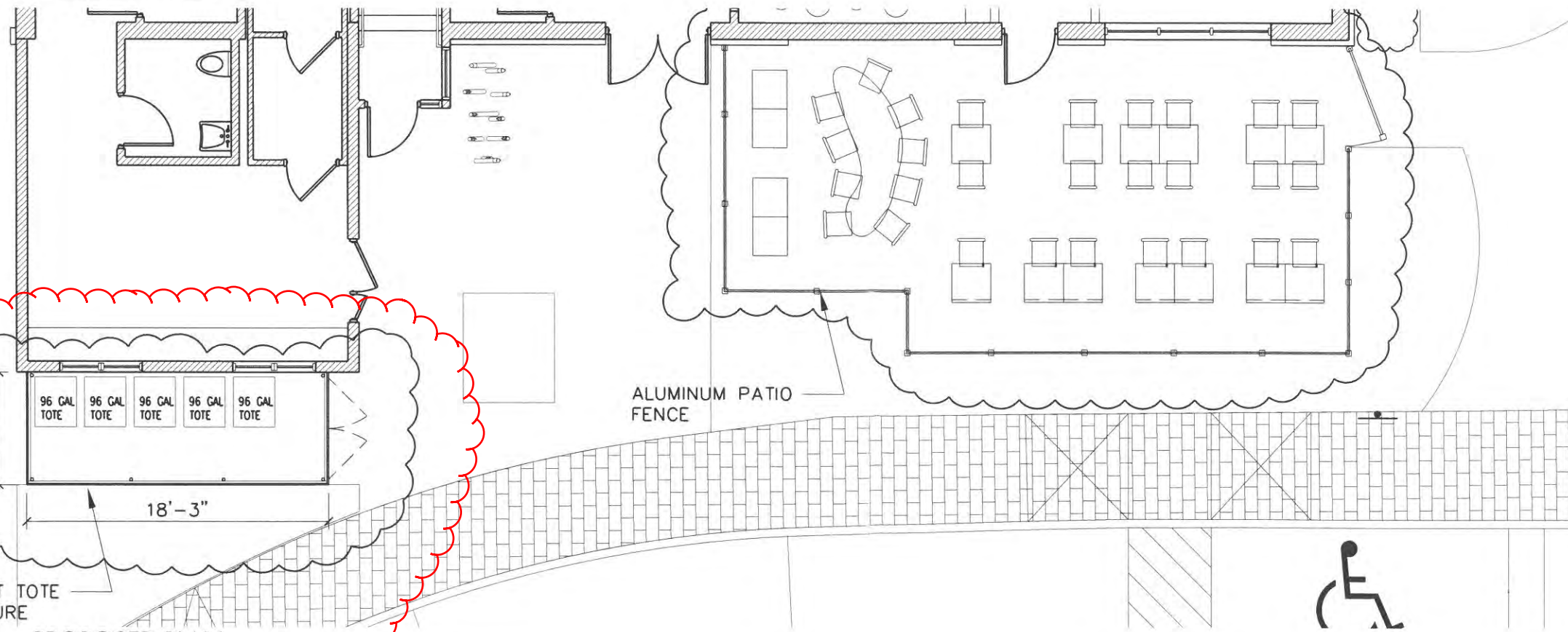


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By





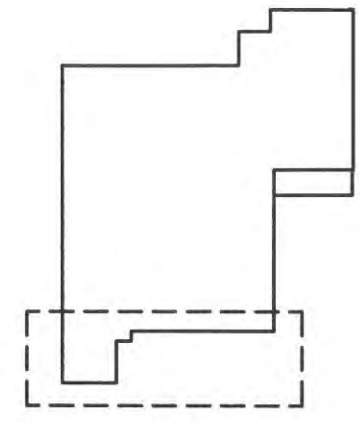
APPROVED PLAN



PROPOSED PLAN

RECEIVED
 AUG 28 2015
 By _____

HISTORIC DISTRICT COMMISSION
 Approved (date of meeting) 9-2-15
 As Advertised As Presented
 w/Stipulations _____ Signed [Signature]



KEY PLAN

SS ARTSPACE
 319 Vaughan Street
 Portsmouth, New Hampshire

PROPOSED PLANS
 Historic District Commission, Public Hearing, September 2nd, 2015

McHENRY ARCHITECTURE
 4 Market Street
 Portsmouth, New Hampshire

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) THIS AREA IS SHOWN ON THE VAUGHAN STREET PUBLIC PARKING FACILITY PLAN AS 2,470 S.F. BUFFER ENHANCEMENT. DUE TO THE INTRUSION OF THE WALKWAY IN THIS AREA, THE PLANTING AREA WILL BE INCREASED TO THE NORTHWEST SO THAT THE TOTAL SQUARE FOOTAGE OF PLANTING REMAINS AT 2,470 S.F.
- 5) LANDSCAPE SCHEDULE FROM DESIGN PLAN BY TERRA FIRMA LANDSCAPE ARCHITECTURE.
- 6) IF THE STREET LIGHTS SHOWN ON THE SITE PLAN ARE NOT INSTALLED AND WORKING PRIOR TO DECEMBER 1, 2015, THE SITE PLAN SECURITY SHALL BE CALLED BY THE CITY FOR THE PURPOSE OF COMPLETING THE WORK.
- 7) IF THE CITY COUNCIL DOES NOT GRANT A LEASE OR LICENSE FOR THE TRASH ENCLOSURE BY DECEMBER 1, 2015, THE TRASH ENCLOSURE SHALL BE REMOVED IMMEDIATELY THEREAFTER AND ALL TRASH FACILITIES SHALL BE RELOCATED OFF CITY PROPERTY.
- 8) THE EVERGREEN SCREEN SHALL MEET THE PORTSMOUTH ZONING ORDINANCE, SECTION 10.1132.10 AND FORM A CONTINUOUS SCREEN, GROWING TO A HEIGHT OF 6 FEET WITHIN 3 YEARS. THE REMAINING PORTION OF THE SCREENING AREA SHALL CONSIST OF GRASS, FLOWER BEDS, OR OTHER VEGETATIVE GROUNDCOVER PLANTED TO FULLY COVER THE GROUND SURFACE OF THE AREA WITHIN 3 YEARS. THE VEGETATED AREA SHALL NOT ENCROACH INTO THE ONE-FOOT SIDEWALK EASEMENT AND THE EASEMENT SHALL BE KEPT FREE OF VEGETATION AT ALL TIMES.

**AMENDED SITE PLAN
TAX MAP 124 LOT 9
319 VAUGHAN STREET
PORTSMOUTH, N.H.**

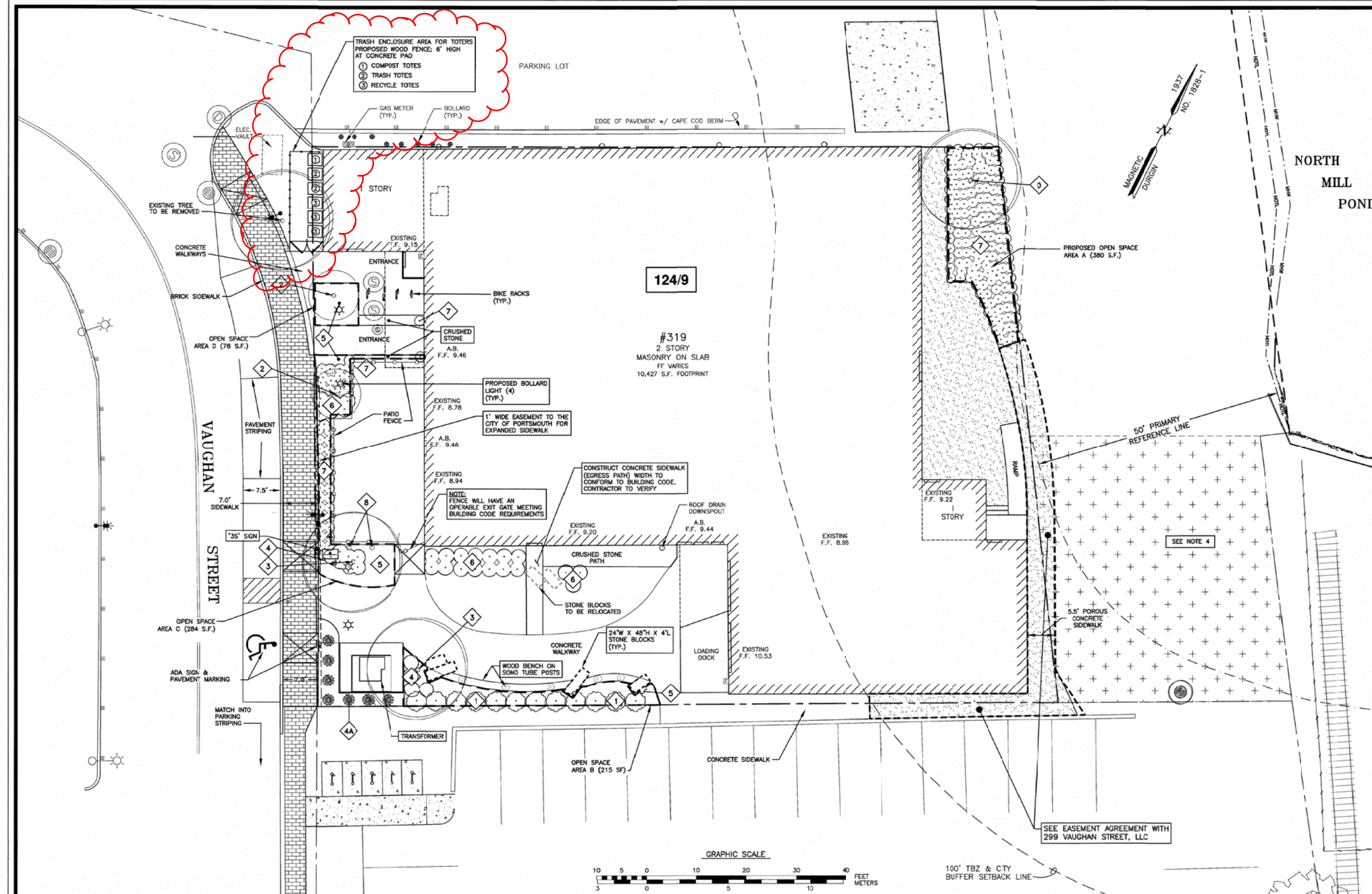
NO.	DESCRIPTION	DATE
2	LANDSCAPE, TRANSFORMER FENCE DELETED, NOTES 6, 7 & 8	9/9/15
1	WALKWAY, LANDSCAPE, FENCE, NOTES	8/28/15
0	ISSUED FOR COMMENT	8/17/15



SCALE: 1" = 10' AUGUST 2015

**LAYOUT &
LANDSCAPING PLAN**

C2



LANDSCAPE SCHEDULE				LANDSCAPE SCHEDULE			
I.D. No.	ITEM	SIZE	QTY.	I.D. No.	ITEM	SIZE	QTY.
TREES				PERENNIALS			
0	TSUGA CANADENSIS (OR EQUAL) CANADIAN HEMLOCK	3" CAL.	1	5	CAREX PENNSYLVANICA PENNSYLVANIA SEDGE	2 QT. 24" O.C.	288 PLUS
1	CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL HORNBEAM	1-3/4" - 2" CAL. LOW HEAD	12	6	PANICUM VIRGATUM 'HEAVY METAL' HEAVY METAL SWITCH GRASS	2 GAL. 36" O.C.	23
2	QUERCUS PALUSTRIS 'GREEN PILLAR' GREEN PILLAR OAK	3" - 3.5" CAL.	2	7	PANICUM VIRGATUM 'RUBY RIBBONS' RUBY RIBBONS SWITCH GRASS		117
3	ULMUS AMERICANA 'PRINCETON' PRINCETON AMERICAN ELM	40-60"W X 60-70"H	2	8	VITIS IABRUSCA 'CONCORD' CONCORD GRAPES	1 GAL.	2
SHRUBS							
4	LEX GLABRA 'SHAMROCK' SHAMROCK INKBERRY	5 GAL.	11				
4A	THUJA OCCIDENTALIS 'TECHNY' TECHNY ARBORVITAE	6' HT. 4' O.C.	7				

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 October, 2015

Honorable Mayor Lister and City Council Members
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Request for License for property located at 319 Vaughan Street

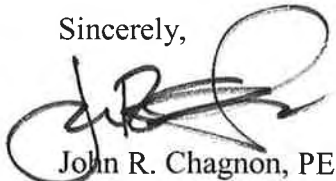
Dear Mayor Lister:

Please accept this letter on behalf of 319 Vaughan Street Center, LLC. The site redevelopment at 319 Vaughan Street received amended Planning Board site plan approval on September 17, 2015 for the construction of a trash enclosure on the Vaughan Street side of the building. The trash enclosure is partially on property owned by the City of Portsmouth; said property being the Vaughan Street Right of Way. We understand the need to obtain City Council approval in the form of a license for the area where the trash enclosure is situated.

Attached is a plan showing the Proposed License Area. Approval of a license, at this location, is hereby requested.

Please feel free to contact me if you have any questions or comments.

Sincerely,



John R. Chagnon, PE

CC: Rick Taintor, City of Portsmouth
David Allen, PE, City of Portsmouth
Tim Levine, Old Harbor



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

PLANNING BOARD

September 22, 2015

319 Vaughan Street Center, LLC
P. O. Box 21948
Portsmouth, NH 03802

RE: Amended Site Plan Application for Property Located at 319 Vaughan Street

Dear Sir/Madam:

The Planning Board, at its regularly scheduled meeting of September 17, 2015, and after due public hearing, considered your request for Amended Site Plan Review Approval for landscape revisions, construction of a trash enclosure, revisions to a previously approved transformer enclosure, and related paving, lighting, utilities, landscaping, drainage and associated site improvements. As a result of said consideration, the Board voted to **grant** Amended Site Plan approval with the following stipulations:

1. The location and dimensions of the street light bases shall be subject to review and approval by the Department of Public Works.
2. The plan shall include a drain for the trash enclosure, with the location and configuration to be approved by the Department of Public Works.
3. Sheet C2 – Layout & Landscaping Plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

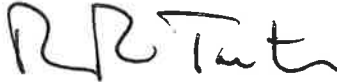
Please submit three sets of the revised Site Plans to the Planning Department for record keeping purposes.

As a reminder, digital as-built plans are required in a CAD or ESRI file format prior to the release of your Site Review Bond. Please refer to the Site Plan Review Regulations for special requirements.

Page two.
RE: 319 Vaughan Street
September 22, 2015

The minutes and audio recording of this meeting are available through the Planning Department.

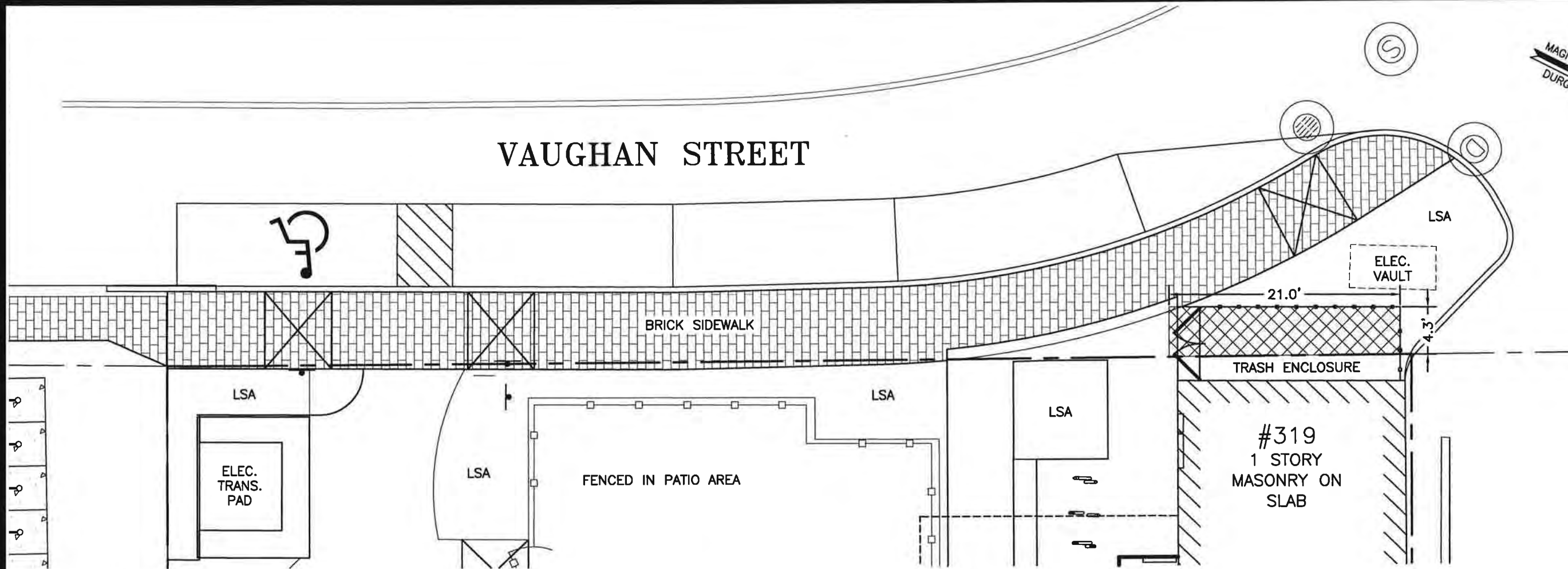
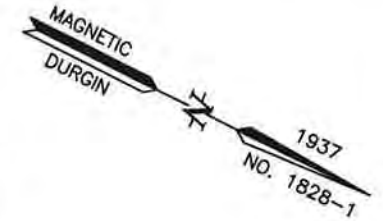
Very truly yours,

A handwritten signature in black ink, appearing to read "RTaintor". The letters are cursive and somewhat stylized.

Rick Taintor, Planning Director
for Elizabeth Moreau, Vice-Chairman of the Planning Board
RT:jms

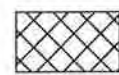
cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
John Chagnon, PE, Ambit Engineering
Tim Levine, Old Harbor, LLC

VAUGHAN STREET



NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 124 AS LOT 9.
- 2) OWNERS OF RECORD:
319 VAUGHAN STREET CENTER, LLC
P.O. BOX 21948
104 GRAFTON DRIVE
PORTSMOUTH, N.H. 03801
5506/427
- 3) PARCEL IS LOCATED IN CENTRAL BUSINESS A (CBA), HISTORIC A, AND THE DOWNTOWN OVERLAY (DOD) DISTRICTS.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW AN AREA TO BE LICENSED TO 319 VAUGHAN STREET CENTER, LLC FOR A TRASH ENCLOSURE.



AREA TO BE LICENSED TO 319 VAUGHAN STREET CENTER, LLC FROM THE CITY OF PORTSMOUTH

LICENSE PLAN

FOR

TAX MAP 124 LOT 9

319 VAUGHAN STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 10'

1 OCTOBER 2015



GRAPHIC SCALE



APPROVED BY THE PORTSMOUTH CITY COUNCIL

CHAIRMAN _____ DATE _____



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

PROJECT: 20150103 VAUGHAN ST. CENTER, LLC AMBITION PLAN & SPECIFICATIONS PERMITTING ELEC PLAN, 10/1/2015 3:23:06 PM

LICENSE AGREEMENT

Agreement made on October 8, 2015, by and between the City of Portsmouth, New Hampshire ("Licensee"), having a mailing address Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH 03801, and the Piscataqua Savings Bank, ("Bank"), having a business address of 15 Pleasant Street, Portsmouth, New Hampshire 03801.

WHEREAS, the Bank is the fee owner of land with a building thereon commonly known as the Piscataqua Savings Bank, 15 Pleasant Street, Portsmouth, New Hampshire, located on the City of Portsmouth Tax Map at Map 107, Lot 32; and

WHEREAS, the Licensee has asked permission to utilize a portion of the parking area known as Parking Lot A which is located at the rear of the building with an entrance and exit on State Street that includes parking spaces 1-19 only (the "Parking Area"), as more particularly described in Exhibit A, attached hereto and incorporated herein, for public parking in the evenings during the week and on weekends and federal holidays. This Agreement and the subject Parking Area does not include the grant of a License for Parking Lot B, parking spaces 20-33 as depicted in Exhibit A.

NOW THEREFORE, in consideration of the mutual promises, covenants and other good and valuable consideration set forth herein, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Grant of License. The Bank hereby grants to the Licensee, a license (the License) to use the Parking Area for public parking on evenings, weekends and federal holidays as further defined herein.
2. Term. Beginning on October 8, 2015 (the "Commencement Date") the Bank grants to the Licensee, the License, pursuant to which the Licensee and its employees, contractors, agents and invitees (the public) shall have the right to enter upon and use the Parking Area solely and exclusively for the Permitted Use as described and defined in Paragraph 3 herein. The Licensee shall have the right to use the Parking Area for that period of time (the "Term") beginning on the Commencement Date and ending on October 31, 2016 (the "Termination Date"); provided however that either the Bank or the Licensee may terminate the License by delivery to the other, not less than five (5) calendar days prior to the effective date thereof, written notice of termination of the License (a "Termination Notice").

If the Bank elects to terminate the License, then Licensee shall, not more than five (5) days following the receipt of the Termination Notice, surrender the Parking Area free of all personalty of the Licensee.

In addition to the foregoing, this License shall renew for successive one (1) year periods (each an "Extension Term"), on the same terms and conditions as set forth herein, unless and until the License is terminated by written notice delivered by either party no later than ten (10) days prior the Termination Date or, for any Extension Term, ten (10) days prior to the final day of the term.

3. Permitted Use. The Licensee, its employees, agents and invitees (the public) may use the Parking Area solely and exclusively for parking of passenger vehicles, and only during the following time periods ("Permitted Use"):

Monday through Thursday	5:00 pm	To	Following day	6:00 am
Fridays	6:00 pm	To	Following day	6:00 am
Saturdays	12:30 pm	To	Sunday	6:00 am
Sundays	6:00 am	To	Monday	6:00 am

For purposes of this License, Federal Holidays will be treated the same as Sundays. Federal Holidays are New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day.

The Bank retains the right to use the Parking Area for private special events parking that occurs several times throughout the year. The Bank shall notify Licensee seventy-two (72) hours in advance of these events during which the public may not use the Parking Area.

The Licensee shall ticket or tow, at no expense to the Bank, any vehicles in the Parking Area A at any times within those time periods listed above, that are parked in areas designated as "no parking" as depicted in Exhibit A, vehicles illegally parked in a handicapped space, vehicles parked in the ATM parking space beyond the prescribed time limit or any vehicle blocking the entrance and exit to the Parking Area. The Licensee shall also tow any vehicle remaining in the Parking Area A between the hours of 6 AM and 7 AM Monday through Saturday.

The use of the Parking Area shall be subject to such reasonable limitations and supplemental rules and regulations as the Bank may impose from time to time. Written notice shall be provided to the Licensee in the event the Bank intends to impose such supplemental rules and regulations.

4. Restrictions on Use. The following uses are expressly prohibited at the Parking Area:
- a. consumption of alcohol;
 - b. use or storage of hazardous substances;
 - c. possession of firearms; and
 - d. idling of vehicles or equipment.

5. Annual Fee. Commencing on the Commencement Date, the Licensee shall pay to the Bank the annual sum of One and 00/100 Dollars (\$1.00), and thereafter on each anniversary date of the Commencement Date.
6. Signs. Licensee shall be responsible for designing and installing appropriate signage identifying the terms of public parking in the Parking Area. The signage must include the following information:
 - a. Illegally parked vehicles are subject to being ticketed or towed.
 - b. Public parking hours.
 - c. Snow plowing during snow storms
7. Maintenance. At all times other than during the term and Permitted Use of this Agreement, the obligation of maintaining the Parking Area in Parking Lot A, including but not limited to plowing and sanding, remains with the Bank.
8. Indemnification. Licensee shall defend and indemnify the Bank for claims caused solely by the City's negligence, and which are within the scope of the City's liability insurance to the extent and under the terms and conditions under which the City itself is entitled to contractual indemnification coverage from the New Hampshire Public Risk Management Exchange, under the terms of its liability coverage document as may be in effect and amended from time to time.
9. Representations. This Agreement has been duly executed and delivered by the Licensee and Bank and each party avers that it has authority to execute and deliver this Agreement and the terms and conditions contained therein.
10. Miscellaneous Provisions.
 - a. No Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than each of the parties hereto; any benefits, rights or remedies under or by reason of this Agreement.
 - b. Entire Agreement. This Agreement and the attachments hereto, each of which is hereby incorporated herein, sets forth all of the agreements, promises, covenants conditions and undertakings between the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements, or conditions, express or implied, oral or written.
 - c. Amendment. No waiver or modification of any of the terms of this Agreement shall be valid unless in writing and signed by each of the parties hereto. Failure by any party to enforce any rights under this Agreement shall not be construed as a waiver of such rights, and a waiver by any party of a default hereunder in one or more

instances shall not be construed as constituting a continuing waiver or as a waiver of other instances of default.

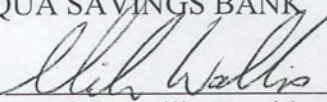
- d. License Not Assignable. The rights granted to the Licensee hereunder are personal and are not assignable or otherwise transferable except as otherwise specified in this Agreement.
- e. Partial Invalidity. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remainder of this License shall not be affected hereby, and each covenant and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11. Governing Law. The construction and effect of the terms of this Agreement shall be determined in accordance with the laws of the State of New Hampshire.

12. Notices. All notices and other communication which are required or permitted by this Agreement shall be in writing and delivered by personal service, sent by registered or certified first class US mail, postage prepaid, properly addressed, return receipt requested, or by overnight receipt delivery service such as Federal Express, if intended for the Licensee, addressed to John P. Bohenko, City Manager, City of Portsmouth, at the address first set forth above, and if intended for the Bank, addressed to Richard M. Wallis, President, at the address first set forth above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first written above.

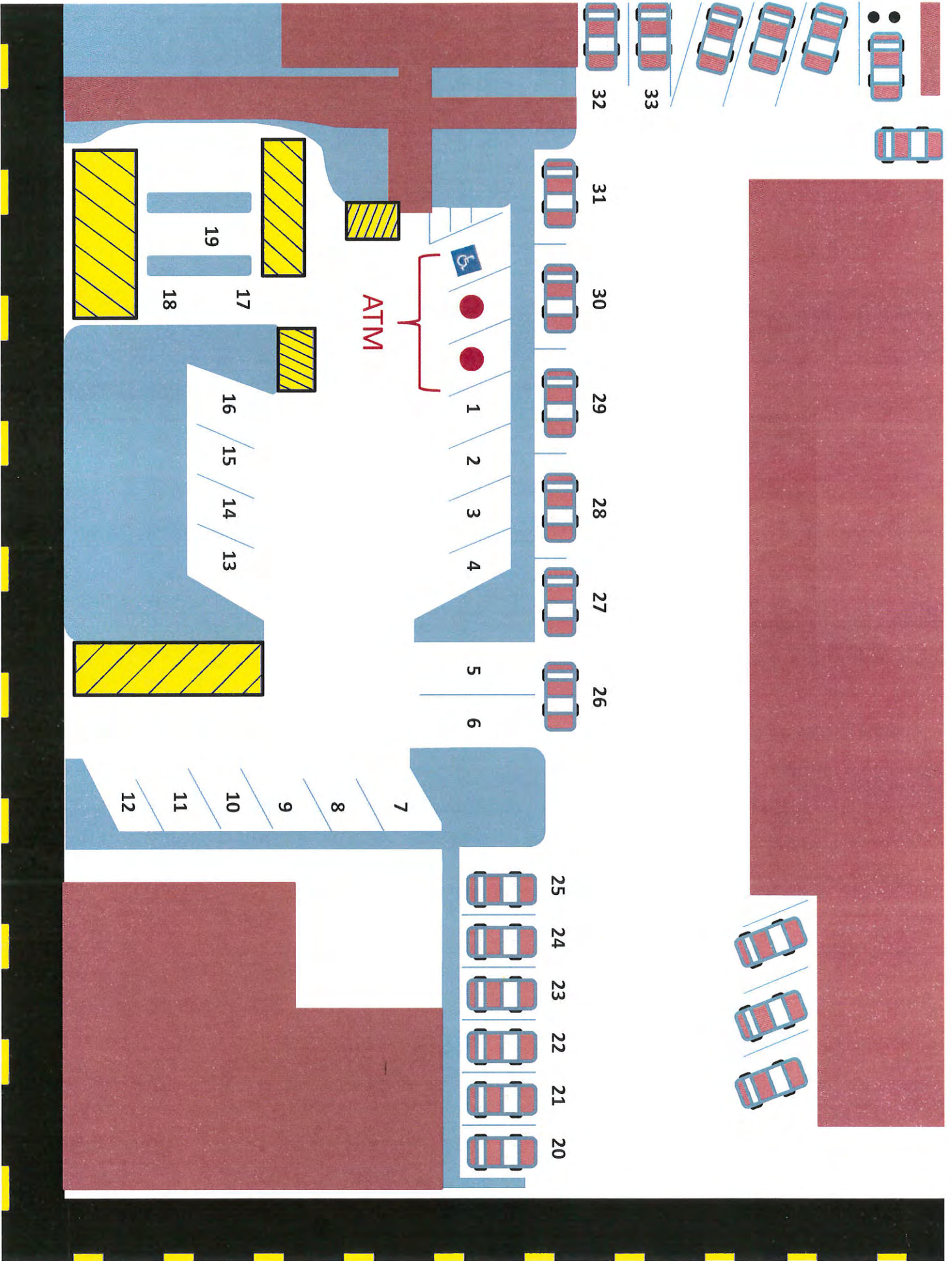
PISCATAQUA SAVINGS BANK

By: 
Rick Wallis, President/CEO

CITY OF PORTSMOUTH

By: _____
John P. Bohenko, City Manager

Approved by vote of the City Council
dated _____



**AGREEMENT BETWEEN THE TRUSTEES OF TRUST FUNDS
OF THE CITY OF PORTSMOUTH AND THE GUNDALOW COMPANY**

This Agreement is entered into between the Trustees of Trust Funds (hereinafter "Trustees") for the City of Portsmouth (hereinafter "City"), with a principal place of business at Water Street, Portsmouth, NH and a mailing address at P.O. Box 1103, Portsmouth, NH 03802-1103 and The Gundalow Company, a non-profit IRC Section 501(c)(3) corporation (hereinafter "Company") with a principal place of business at 60 Marcy Street, Portsmouth NH 03801 under the terms and conditions described below.

WHEREAS, the Trustees, operating under the authority of the Portsmouth City Council, administer the operation of Prescott Park (hereinafter "the Park") located on Marcy Street in the City of Portsmouth; and

WHEREAS, the Company exists to protect the maritime heritage and environment of the Piscataqua River region through education and programming, which includes the ownership and operation of two (2) so-called non-commercial gundalow boats identified as the Piscataqua and the Adams; and

WHEREAS, the Company desires to operate the Piscataqua and the Adams for educational and programming purposes, as non-commercial vessels, from Prescott Park and the Trustees desire to facilitate that purpose.

NOW THEN, the Trustees and the Company agree as follows:

DOCKAGE

1. During the term of this Agreement Company may dock the Piscataqua and the Adams at designated facilities in Prescott Park. The Adams shall be docked in the so-called quay area and the Piscataqua shall be docked at the existing so-called Sheafe dock owned by the City of Portsmouth and located adjacent to the Sheafe Warehouse.
2. At the option of the Company the Adams may be utilized as the public boarding platform/ docking float at the foot of the ramp of the Sheafe dock in replacement of the float which exists on the date that this agreement is executed. In the event that the Company chooses to take that action, the following shall apply:
 - a. All costs shall be borne by the Company;
 - b. All necessary federal, state and local permitting shall be the complete responsibility of the Company; and
 - c. The disposal of the existing floating dock which is replaced by the Adams shall be the responsibility of the Company and shall be completed either before or simultaneously with the commencement of the use of the Adams as a float.

3. Company uses a small work boat and may continue to keep it tied up at the docking float. No other docking of vessels of any kind is authorized by this agreement.

ANNUAL LICENSE FEE

4. The Company shall pay an annual license fee to the Trustees of Trust Funds on or before July 15th of any year in which this Agreement is in effect in the single lump sum amount of \$ _____¹ (see footnote below).

USE OF DOCK AND QUAY

5. The use of the Sheafe dock and the quay area as described above shall be for the docking of the Piscataqua and the Adams for the purposes described in this Agreement and for no other purpose. The permitted purposes are as follows:
 - a. To tie up the Piscataqua and the Adams.
 - b. To conduct educational programs onboard the Piscataqua and the Adams as approved in advance in writing by the Trustees. In furtherance of this provision the Company shall make a single written request of the Trustees prior to April 1st of any year in which this Agreement is in effect. To the extent that the Company thereafter desires to add additional educational programs, the Company shall secure written approval in advance from the Trustees.
 - c. The following activities are specifically not permitted in Prescott Park, on the ramp or float of the so-called Sheafe dock, in the quay area or onboard either the Piscataqua or the Adams.
 - i. The staging of theatrical or other events involving amplified sound or music.
 - ii. The handling of motor vehicle fuel or the refueling of any boat.
 - iii. The sale of any goods, services or tickets.
 - d. The sale, transport, use, and possession of alcoholic beverages by the Company and its passengers shall be as follows:
 - i. Alcoholic beverages may be kept onboard the Piscataqua at any time for consumption at times when the Piscataqua is not docked at the Park.

¹ License Fee is \$1.00 for the 2014 season in consideration of the \$3,500.00 cost of installation of the electrical pedestal described in item 6.

- ii. Other than as provided above, there shall be no sale, transport, use, possession or consumption of alcoholic beverages in the Park or on the dock.

ADDITIONAL SERVICES TO BE PROVIDED BY TRUSTEES

6. The Trustees shall allow the Company the reasonable use of electricity on an intermittent basis. To facilitate the safe delivery of this electricity the company shall obtain a permit and install an approved electrical "pedestal" connecting the Sheafe Warehouse to the entrance to the Sheafe dock no later than April 1, 2014. The Trustees shall bear the cost of the electricity provided to the pedestal.
7. The Trustees shall allow the Company the reasonable use of non-potable water on an intermittent basis to be provided by means of a water connection to the Sheafe Warehouse. The Trustees shall bear the cost of the water provided.

TERM

8. This Agreement becomes effective on its completed execution by the parties and shall remain in full force and effect unless otherwise terminated until November 1, 2014. At least thirty (30) days prior to November 1, 2014 the Company shall notify the Trustees in the event that it desires to continue to operate under this Agreement. On approval of the Trustees the Agreement shall thereafter be extended by terms of one (1) year commencing each November 1st and continuing until the following October 31st under the same notice provision.

INSURANCE AND FINANCES

9. Company shall maintain at all times during the term of this Agreement general liability insurance in a coverage amount of at least \$2,000,000.00 per occurrence naming the City of Portsmouth and the Trustees of Trust Funds as additional insureds, certificates indicating the existence of such insurance shall be kept on file at all times in the office of the City Attorney of the City of Portsmouth.
10. Financial Books and records of the Company shall be open for review at all times by the Trustees upon reasonable notice to the Company.
11. At any time during the term of this Agreement on request of the Trustees the Company shall provide the Trustees with a full accounting of all income and expense, including donations, sponsorships, and income of any form received by the Company for the prior calendar year.

12. On or before October 1, of every year in which this Agreement is in effect the Company shall provide the Trustees with complete annual financial statements reflecting all financial activities of the Company.

PROPERTY DAMAGE INSURANCE

13. The Trustees, through the City, shall provide property damage insurance for the Sheafe dock. The purpose of this insurance will be to protect the City/Trustees from any property damage which may be occasioned to the dock. The Company may, at its option, secure such other and further insurance as the Company deems necessary beyond those insurances required by this Agreement.

MISCELLANEOUS

14. The Company shall only conduct private parties onboard the Adams or the Piscataqua in accordance with a written private party or charter policy approved in advance in writing by the Trustees.
15. Neither this Agreement nor any of the authority granted under it shall be transferrable or assignable in any way by the Company.
16. This Agreement may be terminated by the Trustees at any time that it is determined by the Trustees in the exercise of reasonable judgment that the Company has operated in breach of its terms.
17. This Agreement describes the entire relationship between the City, the Trustees and the Company.
18. The Company shall have no authority to conduct any activity in Prescott Park not specifically authorized herein.
19. The Company understands that the Park Supervisor represents the Trustees in all matters connected with the Park and the administration of this Agreement and that he/she speaks with the authority of the Trustees on these matters. As such, the Company shall comply with all reasonable instructions of the Park Supervisor.
20. The Company agrees to comply at all times with federal, state and local law, including any ordinances adopted by the Portsmouth City Council, including the existing Park ordinance, Chapter 8, Article II.
21. The Company shall be responsible for all necessary maintenance and repair of the Sheafe dock.
22. The Company agrees to indemnify and hold harmless the City of Portsmouth, the Trustees of Trust Funds and all their respective agents

and employees from any and all liability arising in any way out of the exercise of rights granted to the Company under this Agreement.

- 23. On the termination of this Agreement at any time for any reason, the Company shall be solely responsible for immediately relocating the Piscataqua and the Adams elsewhere from Prescott Park.
- 24. The Company shall provide the Trustees with an annual inspection report detailing the seaworthiness of the Piscataqua and the Adams for the purpose of assuring that the gundalows are safe for maritime use and shall not become a burden on the Trustees by their inability to be removed from the Park.

SIGNAGE

- 25. The only signage authorized by this Agreement is that the Company may erect a sandwich board type sign not exceeding 4' in height at the entrance to the Sheafe dock.

Dated: 5/20/14

GUNDALOW COMPANY



Molly Bolster, Executive Director

Dated: 5/20/14

Jeffrey Little, President

As authorized by the Gundalow Company Board of Directors on 5/20, 2014.

Accepted by the Trustees of Trust Funds.

Dated: 7/10/2014



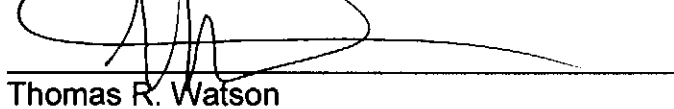
Phyllis Eldridge

Dated: 7/10/2014



Dana Levenson

Dated: 7/10/2014



Thomas R. Watson

Approved by vote of the City Council on _____, 2014.

Event Listing by Date

Starting Date: 10/19/2015

Ending Date: 7/31/2016

Start End	Type Description	Location	Requestor	Vote Date
10/24/2015 10/24/2015	WALK Martha Netsch is the contact for this event. This event gathers at the parking lot area of Prescott Park and walk on the sidewalk across the Memorial Bridge to Kittery and back.	Prescott Park Parking Lot	Seacoast Rotary Club	7/20/2015
11/ 8/2015 11/ 8/2015	ROAD RACE Jay Diener is the contact for this event. This event begins at 8:00 a.m.	Portsmouth, New Castle and Rye	Seacoast Half Marathon	4/20/2015
11/11/2015 12/24/2015	FUND This is the "Christmas Kettles" in Market Square beginning Novemer 11 - December 24, 2015. Lt. Shannon Jones is the contact for this event. Telephone No. 436-2606	Market Square - "Christmas Kettle"	The Salvation Army	/ /
11/26/2015 11/27/2015	RACE Matt Junkin of Seacoast Rotary Club is the contact for this event. mrjunkin@gmail.com; Tel. 591-0083	Strawbery Banke	Seacoast Rotary Club - Turkey	12/ 8/2014
12/ 5/2015 12/ 5/2015	CELEBRATIC This is the Holiday Tree lighting in Market Square Time: 5:30 p.m.	Market Square	Tree Lighting	/ /
12/ 5/2015 12/ 5/2015	PARADE Starting point is 800 Islington Street Plaza at 6:00 p.m. Ending point corner of Pleasant and State Streets.	Holiday Parade		/ /
12/31/2015 12/31/2015	FIRST NIGH Barbara Massar, Executive Director is the contact for this event. This event begins at 4:00 p.m. until Midnight www.proportsmouth.org	Throughout Downtown	Pro Portsmouth	8/ 4/2015
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street o Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/ 3/2015
5/ 1/2016 5/ 1/2016	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/17/2015
5/ 7/2016 5/ 7/2016	ROAD RACE Carolyn Ostrom, NH Community Relations Specialist is the contact for this event. The event begins on Peirce Island and ends at Strawbery Banke Starting time is 9:00 a.m.	Peirce Island	Susan G. Koman	8/17/2015
6/11/2016 6/11/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - 39th	Pro Portsmouth	8/ 3/2015
6/11/2016 6/11/2016	RACE Barbara Massar, Executive Director is the contact for this event. This is 5K Road Race that begins in Market Square.	Market Square Road Race	Pro Portsmouth	8/ 3/2015

Run: 11/12/15
2:27PM

Event Listing by Date

Page: 2

Starting Date: 10/19/2015

Ending Date: 7/31/2016

Start End	Type Description	Location	Requestor	Vote Date
6/18/2016 6/18/2016	RACE Nicole McShane is the contact for this event. Her contact number is 430-1140 ex. 2407 Raindate for this event is Sunday, June 19th.	Pleasant Street	Big Brother Big Sisters of New	10/19/2015
6/25/2016 6/25/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Street Music Series	Pro Portsmouth	8/ 3/2015
7/ 2/2016 7/ 2/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/16/2016 7/16/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/23/2016 7/23/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/30/2016 7/30/2016	MUSIC Barbara Massar, Executive Director This event is from 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: November 10, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 

RE: INQUIRY OF COUNCILOR KENNEDY REGARDING CHARTER COMMITTEE

Following the course of several discussions with Councilor Esther Kennedy regarding the methods by which the municipal charter might be modified, she has requested a memorandum on the topic of whether or not it might be possible to establish a Charter Committee at some point in the future.

Our discussions began with an overview of the various methods by which municipal charters can be changed. The most involved of those processes is that municipal charters may be “revised” by the creation of a Charter Commission. This action would take under the provisions of RSA 49-B:3 and is the only method by which a municipal charter can be revised or a new charter adopted. It calls for the establishment of a Charter Commission by election, a lengthy procedure for that Commission to follow in making any recommendation and an ultimate referendum vote by the electorate on any recommendation made by the Commission. This method of Charter modification would generally be appropriate only when the issue under consideration was the “revision” of the Charter, which, “means multiple changes in the basic form of government proposed by several enactments or repeals”.

Councilor Kennedy and I also discussed the process of charter amendment under RSA 49:B-5, a much simpler mode of changing the municipal charter. At its most basic level a charter amendment would simply require that the Council, after public hearing, vote to put an amendment question on the referendum ballot. However, the limitation of the amendment process is that the term is defined to mean, “the enactment or repeal of a single section or subsection of a charter pertaining to any one subject matter and any related section the meaning or operation of which is changed as a result of the enactment or repeal”. Thus the amendment process needs to deal with one charter issue at a time.

Councilor Kennedy expressed an interest in a process which might be more flexible in approaching a broad range of citizen concerns about the municipal charter. This led to the consideration of the possibility of the establishment of a Charter Committee. A Charter

Committee is a body which is not directly authorized by statute to take any action with regard to charter change. Rather, a Charter Committee is a creation of the City Council. It is a body established in accordance with criteria and direction from the Council with the idea of recommending either one or more charter amendments, or perhaps a charter revision. The genesis of the Charter Committee meeting occurred at the City Council meeting of January 5, 2000. On that evening after a lengthy discussion of Charter Revision, Charter Amendments and Charter Commissions, the Council voted:

“On a unanimous roll call 9-0, voted to authorize the Mayor to create a nine member Charter Advisory Committee to consider the issues of charter revision and amendment and to offer its recommendations in a report back to the City Council no later than the first City Council meeting in June of 2000.”

Mayor Sirrell then created a Committee consisting of three (3) City Councilors and six (6) residents of the City. The Committee held numerous public meetings, each proceeded by a public comment session. The Committee ultimately produced a final report at the Council meeting of August 5, 2000. That report contained a list of proposed amendments, which the City Council then took up and ultimately placed four (4) amendments on the ballot for referendum vote. The amendments to the municipal charter initiated by this process included Amendment F, which created the unified Human Resource Department for the City, inclusive of Police, Fire and School Departments.

The advantage of commencing any charter modification process with a Charter Committee is that the Committee is unencumbered by the very detailed procedural steps and timing issues created by state law. In place of those restrictions the Committee would be subject to whatever rules would be determined by the City Council with regard to its composition, scope of duties and timing.

If the City Council should desire to proceed with a Charter Committee process, an appropriate first step would be for a detailed motion to be drafted which addresses the issues described above for adoption by the full Council.

cc: Esther Kennedy, City Councilor



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

November 9, 2015

Dear Resident,

I am writing to update you on the next steps planned for the completion of the Haven School Playground Improvement project.

As summarized at the most recent public meeting in September, the City will re-bid the project this winter in preparation for construction activities to commence in early spring and be completed by the end of the school year in June. A plan of the final layout of the park is posted at www.cityofportsmouth.com under "What's New" and printed on the back of this notice.

Residents can expect to see the following in the coming months:

1. In order to help defray costs of the construction project, personnel from the City's Department of Public Works will begin demolition of certain components of the Haven School Playground in preparation for the spring time construction. This will include partial demolition and removal of concrete, brick and wood retaining walls.
2. Some tree removal is planned to simplify construction, reduce costs, and allow more light and air into the park. In addition, new tree plantings (planted at grade) in appropriate locations will improve aesthetics and define park edges. Trees to be removed will be posted in the coming weeks in preparation for a final public hearing in front of the Trees and Greenery Committee on December 9, 2015 at Portsmouth City Hall at 7:30 a.m. Actual removal, will take place in early spring.
3. This winter, the project will be re-bid and a contractor selected; project work will take place as soon as weather permits.

Throughout demolition and construction careful steps will be taken to ensure the safety of residents. As a result, certain park areas will likely be closed for public access.

Thank you very much for your past participation in the public meetings regarding this project and thank you in advance for your patience and cooperation as we move forward with this long awaited improvement to your neighborhood.

Sincerely,

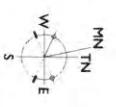
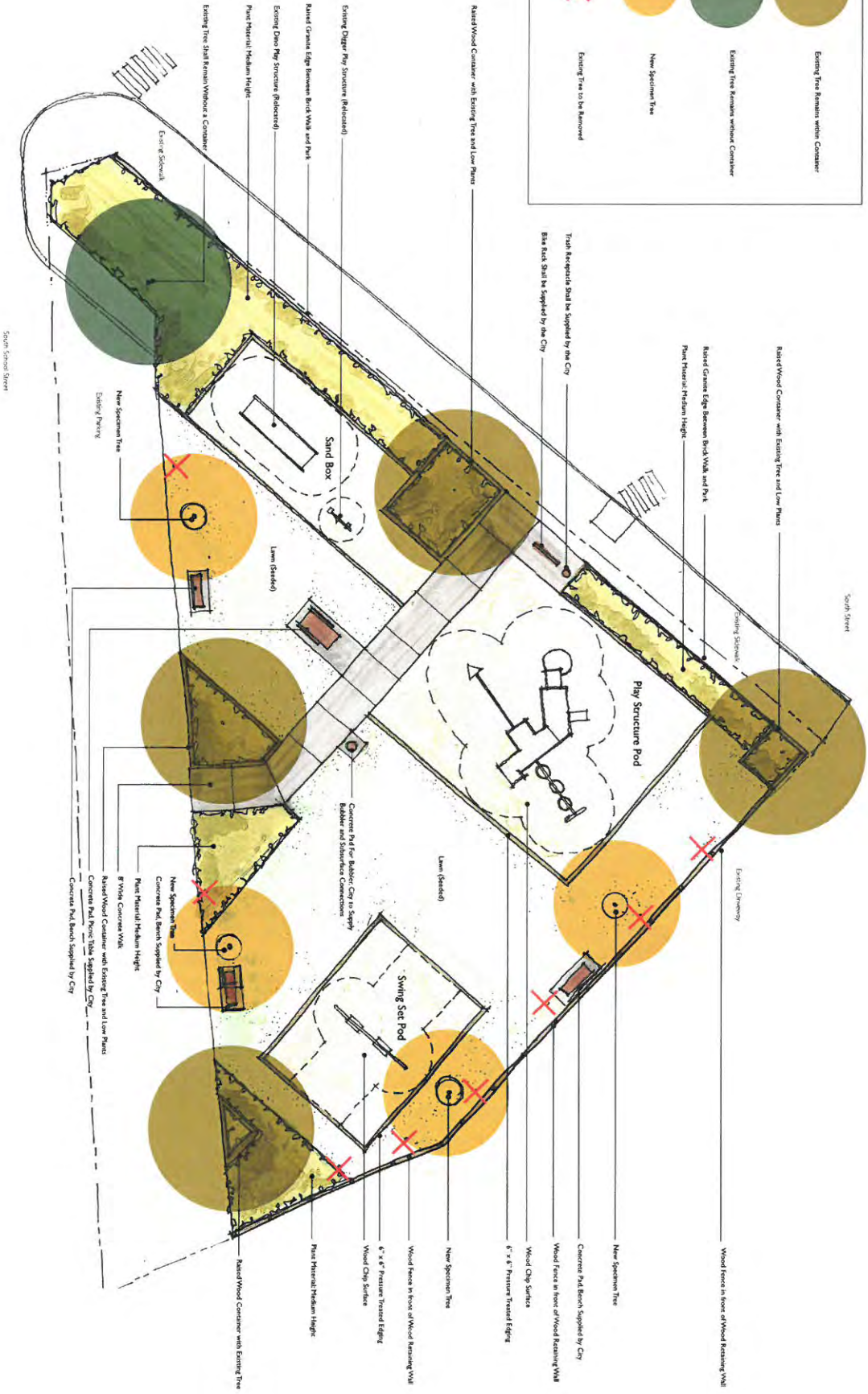
David Moore

Assistant City Manager for Special Projects/
Community Development Director

cc: John P. Bohenko, City Manager
Dave Allen, Deputy City Manager
Peter Rice, Director of Public Works

1 Junkins Avenue
Portsmouth, New Hampshire 03801
Fax (603) 427-1593

Tree Legend



REVISED DESIGN PLAN
 Haven School Playground
 Portsmouth, NH

0' 10' 20' 30' 40'

Scale: 1/8" = 1'-0"
 Original Drawing Size: 24"x36"
 Original Issue Date: 9/14/2015
 Revision Date:
 1. October 15, 2015, REVISED DESIGN PLAN
 2.

Richardson & Associates, Landscape Architects/1 middle street saco, nh 04072A 207.286.9291





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: Citizens Advisory Committee **Initial applicant**

Name: Jamie Baker Telephone: 207-632-0513

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

Street address: 75 Humphreys Court, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): jbaker@pierceatwood.com

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

Occupational background:

Partner at Pierce Atwood LLP (business lawyer in full-service law firm of 150 lawyers)

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

I have experience representing and advising for profit and not for profit entities in
all aspects of their businesses / organizations. I serve on the board of directors of
the Center for Family Business at UNH and New Heights in Portsmouth.

OVER
➔

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

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

Reasons for wishing to serve: Portsmouth is a great city and I look for opportunities
to be involved and bring the expertise and perspective that I've gained over the
years to the community.

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

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

1) Scott Pueschel, One New Hampshire Ave, Portsmouth NH, 603-373-2019
Name, address, telephone number

2) Jeff Ward, 200 Domain Drive, Stratham, NH, 603-773-1355
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: /s/ Jamie Baker Date: 10/9/15

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Portsmouth Housing Endowment Fund Adv. Board Initial applicant

Name: ANNE DOUBEAU Telephone: (603) 380 3646

Could you be contacted at work? YES NO If so, telephone# (603) 501-5336

Street address: 160 Bartlett St.

Mailing address (if different): _____

Email address (for clerk's office communication): jalegnes@hotmail.com

How long have you been a resident of Portsmouth? Since Dec. 2000

Occupational background:

Project Specialist (proj manager) @ Bottomline Technologies (local software company)
Since Nov. 2008

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

Recipient of the HomeTown program in 2007

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 As long as it remains 90 min for 3 times a year.

Reasons for wishing to serve: As a recipient of the HomeTown program I would like to help make this program continue to grow, esp. for young families / young professionals.

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

None currently

Most recent volunteer opps →
• 2011 - 2014 ; Hospice volunteer for Beacon Hospice (York)
• 2005 - 2010 ; Volunteer on Pontine Theater Board of Advisors.

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

1) TINA GALLANT (ATLANTIC HEIGHTS) (603) 343-3509
Name, address, telephone number

2) ERIC GINIEWICZ (current manager) (603) 501-4948 (work)
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 10/05/2015

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? (Yes) No Depending on time commitment.

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Citizens Advisory Committee Initial applicant

Name: Hannah K. Dahlgren Telephone: 603-969-4479

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

Street address: 29 Sutton Ave.

Mailing address (if different): _____

Email address (for clerk's office communication): hkmeade7@gmail.com

How long have you been a resident of Portsmouth? 31 years

Occupational background:

06/03/12 - Present - Claims Specialist for US Social Security Administration
04/06/09 - 06/03/12 - Service Representative for US Social Security Admin.
09/01/06 - 04/04/09 - Administrative Support for the Edgewood Centre
2000 - 2009 - Licensed Nursing Assistant for the Edgewood Centre

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

I attended a public hearing a couple years ago because I was interested in learning about the CDBG program.

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: After growing up in Portsmouth, I have chosen to continue living here because I love everything about this city. The CDBG program contributes to making our city great and I would be pleased to have an opportunity to be part of improving our city.

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

I currently serve as a Certified Long Term Care Ombudsman volunteer for the State of New Hampshire.

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

1) Paul Finn PO Box 1206 Portsmouth, NH 03802 (603) 252-7528
Name, address, telephone number

2) Abby Lawry 110 Willard Ave. Portsmouth, NH 03801 (603) 828-7497
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: A. K. Dahlen Date: 09/30/2015

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

November 12, 2015

To The City Council

I have asked that the issue of UBER be placed on the Monday, November 16, 2015 City Council Agenda. The current stand-off over ride-sharing services is not good for anyone, and if there is a reasonable resolution on the horizon we should search for it.

Uber is an issue that we have discussed since November of 2014. It was in December of last year that the Council considered the hold-off on enforcement against Uber drivers while the then-Taxi Commission (now the "Transportation Services Commission") considered a re-write of the ordinances governing transportation services.

Those revisions underwent dozens of hours of discussion and evaluation, and three public hearings -- one held by the Taxi Commission and two by the City Council. A streamlined ordinance that reduced our regulations from 13 pages to 3 1/2 pages was passed, which became effective on September 17th.

Far from "banning" Uber and other ride-sharing companies, the new ordinance set a process for such companies to operate. We created a simplified mechanism to allow ride-sharers like Uber, Lyft, Sidecar and others to operate in Portsmouth, provided that they assure us, to the satisfaction of our City Attorney's Office and Police Department, that they have sufficient insurance liability coverage to protect riders, and that they have criminal background checks in place for their drivers that meet our standards.

Now, essentially anyone -- independently, or working for a company -- can operate a transportation service in Portsmouth. Instead of the previous \$100.00 medallion system which limited such services to a total of 28 cars, any individual can go to the City Clerk's Office, fill out a 1 1/2 page application (2-3 minutes), pay \$25.00, verify a criminal background check to the Police Department, validate insurance liability insurance coverage to the City Attorney's Office, and operate legally the next day. A business can do the same on behalf of its drivers, with a \$100.00 fee if the business operates more than one car.

However, Uber has indicated that under its business model, there are changes in our ordinance that they would like to have us re-visit -- changes which if not made may keep them from being able to meet our standards. The most serious appears to be the issue of misdemeanors in the background check process -- the type of misdemeanors that result in disqualification, and the length of time of past misdemeanors that are checked.

When the Taxi Commission offered its ordinance re-write to the City Council, it had not reevaluated the standards of the previous ordinance regarding background checks.

The same wording that had been in our previous ordinance for years was carried over into the new ordinance, and received virtually no discussion. In approving the final version of the ordinance, little focus on those previous standards was made.

I think a discussion on the background check requirements could be valuable. I don't know myself how I would vote on changes, but Uber supporters should be invited to make their case to the entire Council.

I think we have to be willing to give Uber supporters the opportunity to make their case for changes. As the Holiday Season approaches, and then Spring and a new tourist and business-conference season, we need the services that ride-sharers provide. With some 2,100 hotel/guest rooms and 22,000 restaurant/lounge seats, we have an obligation to find ways to allow residents and visitors to get around, especially since we have little public transportation, and virtually none late at night.

If we need technical changes in our ordinance -- IF we need technical changes in our ordinance -- now is the time to make them so that we will have a level field of operation for all taxis and ride-sharers. Portsmouth needs to be 'open for business.'

For my part, during the past year I saw our goals in re-writing our transportation services ordinance to be: 1, To create a level, free-market, competitive but equal field of operation for our current taxis and ride-sharers; 2, To allow ride-sharers to operate in Portsmouth provided that they register, just as taxi cabs have for half a century; 3, That the safety of our residents and visitors be protected by requiring insurance liability coverage and criminal background checks.

I don't know how I would vote on any changes in the ordinance requested by Uber supporters, but we should have that discussion. With that in mind, at our Monday City Council meeting I would like to suggest that we request City Attorney Bob Sullivan to prepare amendments to our transportation services ordinance that had been requested by Uber in a letter of October 20th for first reading at our Monday, December 7th meeting.

The Transportation Services Commission will meet on Wednesday, November 18th and again in December and we should ask for their input as well. We also need to hear comments from the Portsmouth Police Department, and further input from the City Attorney and City Manager. We need to get this right.

Thank You,

Jim Splaine
City Councilor

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

NOV 10 2015

DATE: November 10, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: REQUEST OF UBER FOR AMENDMENTS TO THE CITY'S
TRANSPORTATION SERVICES ORDINANCE



You have requested a brief analysis for the three (3) requests submitted by Uber by e-mail dated October 20, 2015 which was sent to the City's Transportation Services Commission (copy attached).

The three changes and a brief discussion of each follows:

1. Uber wants the City Council to change the definition of Transportation Services by adding the following:

Addition to Section 7.201 – creating a definition for 'Transportation Services', as follows:

"Transportation Services" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle."

Discussion: The apparent purpose of this provision would be to limit Uber responsibility to the time period when a passenger is actually in the Uber car being transported. This would appear to be for the liability or insurance reasons.

2. Uber wants the City Council to eliminate from the City's required background check the prohibition which would prevent a driver from operating in the Transportation Service if:
 - a. A driver has been convicted of a misdemeanor, as opposed to a felony, in the seven full years prior to the date of certification; and
 - b. The driver has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the 15 full years prior to the date of certification.

Discussion: The rationale behind this requested change in the ordinance appears to be self-explanatory.

- 3 Uber wants the City Council to eliminate the requirement in the ordinance that the full text from Section 7.209 which provides that, "there shall be no regulation of fares" as well as the fare dispute resolution process (appeal to Transportation Service Commission) be posted inside the transportation vehicle. Uber's requested amendment seems to propose that the required posting inside the vehicle eliminate mention of the appeal process but maintain the description of the lack of fare regulation.

Discussion: As with number two above, the description of this proposed amendment also seems self-explanatory.

You have further requested as to whether or not it would be possible for the City Council to make the changes requested by Uber during the current session. That action could be accomplished if the City Council authorized the drafting of the amendments for first reading at the Council meeting of December 7, 2015 and then the Council passed second reading as well as suspending the rules to pass third reading at the Council meeting of December 21, 2015.

attachment

cc: Transportation Services Commission

Raeline O'Neil

From: Robert P. Sullivan
Sent: Wednesday, October 21, 2015 5:20 PM
To: Raeline O'Neil
Subject: FW: Portsmouth - Transportation Services Commission Tomorrow
Attachments: DOC102015-10202015173956.pdf

R,

Email and attachment for Uber file.

RPS

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

From: Jim Merrill [mailto:jim.merrill@bernsteinshur.com]
Sent: Tuesday, October 20, 2015 5:49 PM
To: Robert P. Sullivan; jimsplaineportsmouth@gmail.com; larrycataldo@yahoo.com
Subject: Portsmouth - Transportation Services Commission Tomorrow

Good afternoon gentlemen,

For consideration by the Transportation Services Commission, attached please find a letter that outlines in sharper detail three specific edits to the ordinance that Uber is seeking, to allow it to complete the application process.

will attend tomorrow morning's commission meeting to answer questions.

Regards,
Jim

Jim Merrill
New Hampshire Director The Bernstein Shur Group mailto:jim.merrill@bernsteinshur.com
603 665-8853 direct
603 623-8700 main

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THE BERNSTEIN SHUR GROUP

PUBLIC AFFAIRS | COMMUNICATIONS | POLITICAL CONSULTING

BY EMAIL

Transportation Services Commission
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Commission Members,

As you know, Uber has twice submitted recommended edits to Article II - 'Transportation Services' - of the city's ordinance (the "Ordinance"). Uber believes the edits are necessary to allow it, and other ridesharing companies, to operate in full compliance with the Ordinance.

However, in the interest of moving forward with making application under the Ordinance, Uber has reviewed its prior requests for edits and by this letter hereby refines them to three (3) specific requested edits, listed below.

1. Addition to Section 7.201 – creating a definition for 'Transportation Services', as follows:

"Transportation Services" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle."

2. Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 BACKGROUND CHECK

A. The individual does not have more than three (3) ~~or more~~ convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.

B. The privilege of the individual to operate a motor vehicle has not been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.

C. The individual has not been convicted of a felony ~~or misdemeanor~~, in this or any other state, in the seven (7) full years prior to the date of the certification.

D. ~~The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.~~

3. Edits to Section 7.211 – Signage – see redlines below:

Section 7.211 SIGNAGE

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.
- B. A notice providing passengers with the fare information required by ~~full text~~ of Section 7.209 of this ordinance

If the Ordinance is amended to reflect the three edits contained in this letter, Uber will be able to complete and submit its application pursuant to the amended Ordinance, and will do so.

Uber believes that all of the previously suggested edits are necessary to fully allow ridesharing companies to not only comply with the Ordinance, but to flourish as an essential part of the city's economy and transportation options. However, in the interest of moving forward, Uber hopes this is a path that leads to truly creating a permanent home for ridesharing in Portsmouth.

Very truly yours,



Jim Merrill

Cc: Attorney Robert Sullivan
Portsmouth City Council