

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 21, 2016 TIME: 6:15 PM

AGENDA

- 6:15 PM – AN ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b)

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

PRESENTATIONS

1. Recognition of Portsmouth High School Boys 2016 New Hampshire Division 2 Winter Track State Champions
2. Music Hall Re: Chestnut Street Streetscape Improvements

- V. ACCEPTANCE OF MINUTES – FEBRUARY 1, 2016, FEBRUARY 16, 2016 AND MARCH 7, 2016

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE DELETE THE EXISTING ARTICLE 5A – CHARACTER DISTRICTS IN ITS ENTIRETY AND INSERT IN ITS PLACE THE NEW ARTICLE 5A – CHARACTER DISTRICTS DATED JANUARY 11, 2016

AMEND ARTICLES 4, 5, 11, 12 & 15 OF THE ZONING ORDINANCE AS SET FORTH IN THE DOCUMENT TITLED “CONFORMING AMENDMENTS TO ZONING ORDINANCE” JANUARY 11, 2016

AMEND THE ZONING MAP AS SET FORTH IN THE FOLLOWING MAPS DATED JANUARY 11, 2016;

- (a) MAP 10.5A21A – CHARACTER DISTRICTS AND CIVIC DISTRICTS
- (b) MAP 10.5A21B – BUILDING HEIGHT STANDARDS;
- (c) MAP 10.5A21C – SPECIAL REQUIREMENTS FOR FAÇADE TYPES, FRONT LOT LINE BUILDOUT & USES

AMEND THE ZONING MAP BY CHANGING THE ZONING DESIGNATION OF 52 PARCELS AS SET FORTH IN THE DOCUMENT TITLED “PROPOSED ADDITIONAL WEST END ZONING CHANGES” DATED JANUARY 11, 2016 AND AS SHOWN ON THE MAP TITLED “ADDITIONAL WEST END ZONING CHANGES – FIRST READING – JANUARY 11, 2016”

(Request to Recess Public Hearing until May 2nd City Council meeting)

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items on under this section of the Agenda)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016

Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016

Amend the Zoning Map as set forth in the following maps dated January 11, 2016;

- (a) Map 10.5A21A – Character Districts and Civic Districts;
- (b) Map 10.5A21B – Building Height Standards;
- (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses

(Postpone Second Reading until May 2nd City Council meeting)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Jess Dorr, Seacoast Outright requesting permission to hold the Portsmouth Pride community event on Saturday, June 25, 2016 in Market Square (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Lilia Potter-Schwartz requesting to hold a Triathlon on Sunday, May 22nd or Sunday, May 29 beginning at Portsmouth High School (***Sample motion – move to refer to the City Manager with power***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

1. Proposed Ordinance Re: Irrigation Capacity Surcharge
2. Second License Request from Green & Co. Real Estate for 275 Islington Street Project
3. License Request for Conduit for 39 Dearborn Lane from owner Michael Brandsel Street
4. Establish a Joint Work Session Re: Peirce Island Wastewater Treatment Facility Expansion Construction Impact Mitigation

Informational items

1. Events Listing
2. Letter from New Hampshire Department of Revenue Administration Re: Uniform Standards of Professional Appraisal Practice (USPAP) 2015 Residential Report
3. Food Safety Seminar – Spring Class

B. MAYOR BLALOCK

1. *Appointments to be Voted:
 - Richard Winstanley reappointment to the Cable Television & Communications Commission
 - Colby Gamester reappointment to the Planning Board
 - Todd Henley reappointment to the Recreation Board
2. *Housing Working Group
 - Councilor Perkins, Chair
 - Councilor Dwyer
 - Councilor Spear
 - John Ricci, Planning Board Chair
 - David Witham, Zoning Board of Adjustment Chair
 - Mike Kennedy, Portsmouth Housing Authority
 - 3 Staff member to be appointed by City Manager Bohenko

C. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of March 3, 2016

D. COUNCILOR SPEAR

1. *Communication Plan for Peirce Island Wastewater Treatment Facility Construction

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification that the minutes of the February 10, 2016 meeting of the Conservation Commission are now available on the City's website
2. Notification that the minutes of the February 3, 2016 & February 17, 2016 meetings of the Historic District Commission are now available on the City's website
3. Notification that the minutes of the February 2, 2016, February 9, 2016 and March 1, 2016 meetings of the Site Review Technical Advisory Committee 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 OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 17, 2016
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 21, 2016 City Council Agenda

6:15 p.m. Non-meeting with counsel regarding proposed negotiations in accordance with RSA 91-A:2,I (b).

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

Presentations:

1. **Recognition of Portsmouth High School Boys 2016 New Hampshire Division 2 Winter Track State Champions.** On Monday evening, Mayor Jack Blalock will recognize the Portsmouth High School Boys 2016 New Hampshire Division 2 Winter Track State Champions.
2. **Music Hall Re: Chestnut Street Streetscape Improvements.** On Monday evening, the Music Hall project team will present a proposed partnership with the City of Portsmouth for the construction of Chestnut Street Streetscape Improvements.

I recommend the City Council move this matter to Art-Speak per City Council policy to authorize the Music Hall to proceed with a project review by the Historic District Commission; Parking, Traffic and Safety Committee; and Trees and Greenery Committee. Further, to request the City Manager prepare a report back following these reviews (and Art-Speak referral) to the City Council prior to final project approval by the City Council.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing/Second Reading of Proposed Ordinance.

- 1.1 **Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016.** As a result of the January 11, 2016 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance regarding the West End Character Districts.

The proposed amendments were presented to the Planning Board at its January 21, 2016 meeting, and the Board held a public hearing at its meeting on February 18, 2016. The Board voted to continue consideration of the proposed zoning amendment to the March 17, 2016 Planning Board meeting. At its meeting of March 17th, the Planning Board continued their public hearing until April 21, 2016.

Concurrently with the Planning Board review, Portsmouth Listens held a series of Study Circles meetings to review the proposed zoning changes. Portsmouth Listens presented its findings to the Planning Board on March 10, 2016.

Given the above, the attached version of the zoning amendment will clearly be revised before the City Council acts on it at second reading.

Attached are the following documents relating to the extension of character-based zoning to the West End:

- A one-page ordinance incorporating all the proposed zoning amendments;
- A proposed revision to Article 5A – Character Districts (40 pages);
- A set of “conforming amendments” to other sections of the Zoning Ordinance (6 pages);
- A list of additional proposed zoning changes for 52 lots adjacent to the proposed Character districts in the Islington Street corridor and West End (1 page); and
- A set of four maps showing proposed amendments to the Zoning Map. The first three maps are revisions to the existing Regulating Plan for the Character districts, extending character-based zoning down Islington Street to the West End, while the fourth map shows the 52 additional lots proposed for rezoning.

The proposed amendment to Article 5A incorporates the following substantive revisions:

1. A new Character District 4-West End (CD4-W) is established, based on and similar to the CD4 district in the downtown. The development standards for this district are set forth in Figure 10.5A41.10B on pages 5A-11 through 5A-13. In addition, Section 10.5A30 prohibits ground floor residential uses in this district, similar to the Downtown Overlay District.

The primary differences between the CD4-W district in the West End and the CD-4 district in the downtown pertain to the requirements for off-street parking, density, lot coverage and open space. In particular, the lack of public off-street parking facilities in the West End means that the standards for density, lot coverage and open space must reflect the need to provide off-street parking primarily on private development parcels.

2. The proposed amendment recognizes a new “recessed entry” façade type (see Figure 10.5A43, page 5A-27). This is an existing building façade type found in Portsmouth’s older neighborhoods, and it has been added as a permitted façade type along Islington Street, in the West End, and in other areas outside the Downtown Overlay District.
3. The proposed amendment increases the maximum building footprints in the CD4 and CD5 districts to reflect the historic land use patterns and building footprints in these areas of the downtown, as well as the concepts illustrated in the Vision Plans that TPUDC developed based on the Community Design Charrettes for both the North End and the West End. It is proposed to increase the maximum building footprint in the CD4 district from 10,000 sq. ft. to 20,000 sq. ft. and in the CD5 district from 15,000 sq. ft. to 30,000 sq. ft.
4. The proposed amendment allows ground-level building footprints to be increased to 30,000 sq. ft. in the CD4 and CD4-W districts, and to 40,000 sq. ft. in the CD5 district, where necessary to accommodate parking on a ground floor or underground level (see Sections 10.5A43.42 and 10.5A43.43). In such cases, any above-ground parking requires a liner building along each street frontage, and all stories of the building above ground floor or underground parking levels (including the liner building) shall meet the maximum building footprint required for the Character district.
5. An exemption has been added to allow off-street parking to be located in front of single- and two-family structures (Section 10.5A44.31).
6. Incentives to the development standards have been added for the West End in order to encourage property owners to include workforce housing or community spaces such as pocket parks or plazas within a development (Section 10.5A47).

In addition to these substantive revisions, the proposed zoning amendments implement a number of minor housekeeping amendments intended to clarify existing provisions or correct inconsistencies in the Zoning Ordinance. In keeping with the changes enacted in August 2015, a number of definitions are moved from Article 5A to the general definitions chapter in Article 15.

To accommodate the aforementioned timetable, I recommend that the City Council recess the public hearing and postpone second reading to the May 2, 2016 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Ordinance Re: Irrigation Capacity Surcharge.** The issue of irrigation meters was brought forward to the City Council last year. The proposal at that time was to eliminate the option of irrigation meters for all customers. The City Council took no action on that ordinance revision, therefore, the Ordinance expired.

Through research with our Water/Sewer rate consultant, we have determined that the current practice in New England and throughout the rest of the country is to allow for irrigation meters for all customers. [Attached is a memorandum from Brian Goetz, Deputy Director of Public Works](#), that provides more detail regarding this matter.

Therefore, I am bringing forward to the City Council the [attached proposed Ordinance regarding Irrigation Capacity Surcharge](#) that will expand the allowance of irrigation meters to all customer classes. I am requesting that the City Council authorize the City Manager to bring back the proposed Ordinance for first reading at the April 4, 2016 City Council meeting.

I recommend the City Council move to authorize the City Manager to bring back for first reading the attached proposed Ordinance, as presented, at the April 4, 2016 City Council meeting.

2. **Second License Request from Green & Co. Real Estate for 275 Islington Street Project.** On April 20, 2015, the City Council approved a license permitting the encumbrance of sidewalks along Islington, Cornwall and Rockingham Street and six (6) parking spaces along Islington Street for construction of 14 townhouses located at 275 Islington Street for Green & Co. Real Estate, Applicant, on behalf of owners Dale and Sharyn Smith. The Applicant requests a new license for phased completion of individual dwelling units, including a license to encumber two (2) parking spaces on Rockingham Street until July 30, 2016, two (2) parking spaces on Cornwall Street until July 30, 2016, two (2) parking spaces on Islington Street until April 30, 2016 and two (2) parking spaces on Islington Street until May 30, 2016. [See attached plan.](#) The Applicant requests the use of these parking spaces to accommodate subcontractors who require a mobile shop and to

give homeowners access to their condominiums (see attached letter). The City will charge meter bag daily fees for the encumbered parking spaces.

This second license does not terminate the portion of the first license that grants the Applicant permission to encumber the sidewalks that abut the property along the length of the lot along Cornwall Street and Rockingham Street through November 15, 2016.

I recommend the City Council move to authorize the City Manager to negotiate and enter into a second license with Green & Co. Real Estate to facilitate phased completion of individual dwelling units at 275 Islington Street.

3. **License Request for Conduit for 39 Dearborn Lane from owner Michael Brandsel.**

The owner of property located at 39 Dearborn Lane, Michael Brandsel and Helen Long (“Owner”), seek to install necessary underground conduit from the pole located on Dearborn Street under the City sidewalk along Dearborn Lane to their home (see attached letter and site plan). Typically, Eversource will request a license to install conduit when they are installing wire to bury utilities. However, in this instance, the conduit is being installed prior to Eversource installing the wires. As a result, the conduit license needs to be held by the owner until the wires are installed. Once the wires are installed by Eversource, the license will be automatically transferred to Eversource. This license is incorporated into a single document entitled [Petition and Underground Utility License and License to Homeowner and Eversource attached](#). Eversource and the City’s Legal Department have reviewed and approved the content of the [draft license attached](#). The Department of Public Works supports the request and location of the conduit.

I recommend the City Council move to authorize the City Manager to negotiate and enter into a Petition and License for new electrical conduit with the Owner.

4. **Establish a Joint Work Session Re: Peirce Island Wastewater Treatment Facility Expansion Construction Impact Mitigation.**

As you are aware, at the meetings regarding the Peirce Island Wastewater Treatment Facility, we recommended a Joint Work Session with the City Council, Parking and Traffic Safety Committee, Recreation Board, Peirce Island Committee, and the Trustees of the Trust to discuss the Peirce Island Wastewater Treatment Facility expansion construction impact mitigation. I am requesting that the City Council establish a Joint Work Session with the aforementioned Board and Committees on Monday, April 11, 2016 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

I recommend the City Council move to establish a Joint Work Session with the Parking and Traffic Safety Committee, Recreation Board, Peirce Island Committee, and the Trustees of the Trust Funds on Monday, April 11, 2016 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Peirce Island Wastewater Treatment Facility expansion construction impact mitigation.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 7, 2016. In addition, this can be found on the City's website.
2. **Letter from New Hampshire Department of Revenue Administration Re: Uniform Standards of Professional Appraisal Practice (USPAP) 2015 Residential Report.** For your information, [attached is a copy of a letter with attachments](#) from Charles K. Reese, District Supervisor, Municipal and Property Division, State of New Hampshire Department of Revenue Administration, regarding the Uniform Standards of Professional Appraisal Practice (USPAP) 6 Report for the Residential update for the 2015 tax year.
3. **Food Safety Seminar – Spring Class.** For your information, [attached is a memorandum from Kristin Shaw, Deputy Health Officer](#), regarding a Food Safety Seminar on April 14, 2016 in the Eileen Dondero Foley Council Chambers from 9:00 a.m. to 11:00 a.m.