

# 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 22<sup>nd</sup> 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 COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 1, 2016

PORTSMOUTH, NH  
TIME: 6:15PM [or thereafter]

At 6:15 P.M., An Anticipated "Non-Meeting" with Counsel was held on Potential Litigation regarding Middle School Construction in Accordance with RSA 91-A:2, I (b).

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Spear led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

#### **1. Veterans Count Fundraiser**

Representatives from Veterans Count Fundraiser explained the Eagle Parade sponsor opportunities by local businesses whereby each eagle would be decorated by a local artist and displayed from July 1, 2016 through October 31, 2016 then auctioned off. The representative reported that Veterans Count is a voluntary organization which is part of Easter Seals.

City Manager Bohenko said the majority of the eagles would be displayed inside and possibly 5 or 6 outside and Art-Speak would be involved with Public Works reviewing the placement of the eagles. He said he would provide a report back to the City Council on the number of eagles that will be displayed outside.

**Councilor Lown moved to refer this matter to the City Manager with power as well as Art-Speak for input. Seconded by Assistant Mayor Splaine and voted.**

2. LED Streetlight Pilot Program

Jacob Levenson, Recycling Coordinator provided a presentation and spoke to the current lighting technology in the City and the cost and savings we would realize by converting to LED Equipment. He reported that there are 1,687 total streetlights in Portsmouth mostly with 50 watt bulbs. He said the annual cost to the City is \$272,513.00 compared to the cost of LED streetlights which would be \$150,265.00 annual cost to operate. He said there would be a \$122,248.00 savings from reduced electricity rates. Recycling Coordinator Levenson reported the environmental benefits, lower energy costs and improved quality of light. He announced that 3 pilot lights will be placed outside City Hall in the Parking Lot.

3 Update on the Construction of the Peirce Island Wastewater Treatment Facility and Bonding Request

Terry Desmarais, City Engineer and Suzanne Woodland, Deputy City Attorney provided a Presentation on the Wastewater Treatment Facility at Peirce Island. City Engineer Desmarais provided a history and a timeline for the facility. He announced that the cost estimate for the total project would be \$83.8 million dollars. The request this evening is to bring a bond authorization resolution in the amount up to \$75 million dollars to the City Council February 16<sup>th</sup> meeting. City Engineer Desmarais reported that the lock in interest rate of 2.55%, a principal forgiveness of 5% (\$2.5M to \$3.7M) and a 20 year loan term. Deputy City Attorney Woodland addressed the consent decree negotiations. She stated under the existing consent decree the document stands with a completion date of May 2017.

City Manager Bohenko said he would like to bring back the first reading on the bonding at the February 16, 2017 City Council meeting.

**Councilor Lown moved to bring forward for first reading at the February 16<sup>th</sup> City Council meeting a bond authorization resolution in the amount of \$75,000,000.00. Seconded by Councilor Denton.**

Councilor Pearson asked if there is an estimated date for when the island would be closed. City Manager Bohenko said it is their intention to keep the pool open through the construction and they're looking at temporary beach housing facilities.

**Motion passed.**

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

**VI. PUBLIC COMMENT SESSION**

David Beadling said he lives near the area of the demolition of 140 Thornton Street and feels there needs to be a way to evaluate the conditions a demolition would have on a neighborhood. He said what will take the place of the home after it is destroyed is unknown. He stated there are a rash of potential home demolitions coming up and it will affect the current fabric of the neighborhoods.

Roy Helse spoke on the density of buildings on Middle Road between Islington Street and the tracks. He said these high density buildings should not be built in these areas.

Esther Kennedy said she would like to see the Wastewater Treatment Facility built at Pease. She encouraged the City Council to ask what additional cost would be related to the project. She said the height of the building will change the landscape of the City. She requested that the plans for the project be placed on the website for access by the public. Ms. Kennedy said the impact this will have on the homes in the area needs to be evaluated and spoke to the fragile foundations of the homes.

Rick Becksted said he agrees to disagree with the demolition ordinance. He said the City has been here before 20 years ago when the City created a Historic District B in areas and the affects they had on neighborhoods.

Mark Brighton spoke on the purchase of the Deer Street at a price of \$5.1 million. He said the site has contamination issues and said there needs to be another appraisal done on the property.

Joan Walker spoke against tearing down the home at 140 Thornton Street just to build a larger home. She said someone should not be able to demolish a home because it no longer fits the needs of the individuals.

Cliff Lazenby said he has been contacted by neighborhoods in the Thornton Street area regarding the demolition of 140 Thornton Street. He said it is not appropriate for the Neighborhood Committee to take a position on the demolition ordinance as the Committee needs to represent all neighborhoods throughout the City.

Joann Adinolfi spoke regarding the demolition ordinance and the need for more checks and balances. She said we must tread carefully and learn from our past history with the urban renewal.

Sally Struble said there needs to be a mechanism to speak on demolition and this is a concern for all over the City and people want to be heard.

Kathy Malsendan spoke in support of Assistant Mayor Splaine's ordinance. She said people need to have respect for the neighborhoods that have been built. She feels there needs to be public input on demolition and people want a chance to be heard and to air their concerns that are impacting a whole neighborhood.

Daphne Bureau said she owns a home on Thornton Street and does not see the need for the home at 140 Thornton Street to be demolished. She presented a petition containing 93 signatures in support of Assistant Mayor Splaine's demolition ordinance.

Uarsten Pohl spoke to the Thornton Street neighborhood and the home at 140 Thornton Street should not be demolished because it is not considered large enough by the new owners. He said this is not a hardship and there should be no demolition of the structure.

Jerry Zelin said he agrees with comments made by Mark Brighton and the need for another appraisal of the Deer Street property. He expressed concern relative to the contamination at the site and commended the City staff for getting the report on this matter.

Nancy Brown said she strongly supports the previous speakers and the need to protect the neighborhoods. She does not support the demolition of 140 Thornton Street and said we need transparency on this matter. She also expressed her support of Assistant Mayor Splaine's demolition ordinance.

## **VII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Roy Helsel, President, Riverbrook Condo Association requesting an annual abatement on water/sewer and trash removal costs

City Manager Bohenko asked that this letter be referred to his office for report back.

**Councilor Lown moved to refer to the City Manager with power and report back. Seconded by Councilor Spear and voted.**

## **VIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

- 1. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2016 License Agreement

City Manager Bohenko said this is a request to renew the Farmers' Market License Agreement at the Municipal Complex. He said attached are the Seacoast Growers' by-laws and a map of the market and parking. He reported that the Farmers' Market has been located here at the Municipal Complex for over 10 years. He said they have looked at spaces downtown but there are logistic issues.

**Councilor Lown moved to authorize the City Manager to enter into a License Agreement with Seacoast Growers' Association for 2016, as presented. Seconded by Councilor Spear.**

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he attends the Farmers' Market and the move to the Municipal Complex was a great move.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**Motion passed.**

## 2. Request for Approval of Teachers' Retirement Incentive

City Manager Bohenko asked Superintendent Stephen Zadrevac to make a presentation on the proposal.

Superintendent Zadrevac said the School Board voted to move forward with this incentive for the Memorandum of Understanding for the FY16 contract. He said the purpose of this program was to provide an incentive to long term employees who are eligible to retire. He stated the savings would be achieved by replacing employees at the top of the pay scale with new employees who would be paid at a lower rate. He said the eligible members have to file an irrevocable commitment to retire from the district on or before February 9, 2016 and who actually retire under the NHRS at the end of the 2015-2016 school year. He reported that the School Board has done this for 3 years however, the incentive was not offered last year and it is something that individuals should not expect every year.

**Councilor Spear moved to approve the request to offer a retirement incentive to teachers, as presented. Seconded by Councilor Lown.**

Councilor Dwyer asked if payments come out of this year's budget. Superintendent Zadrevac said yes.

**Motion passed.**

### **B. MAYOR BLALOCK**

1. Appointments to be Voted:
  - Appointment of Nicholas Kirsch to the Cable Television Communication Commission as a regular member
  - Appointment of Clayton Emery to the Cable Television Communication Commission as an Alternate member
  - Appointment of Stefany Shaheen to the Economic Development Commission
  - Appointment of Lawrence Cataldo to the Citywide Neighborhood Steering Committee
  - Reappointment of Francesca Marconi Fernald to the Peirce Island Committee
  - Reappointment of Lisa Louttit to the Peirce Island Committee
  - Reappointment of Steven Marison to the Peirce Island Committee
  - Reappointment of John McVay to the Peirce Island Committee
  - Reappointment of Sylvia Olson to the Peirce Island Committee
  - Reappointment of Stephen Philp to the Peirce Island Committee
  - Reappointment of John Simon to the Peirce Island Committee
  - Reappointment of Richard Smith to the Peirce Island Committee
  - Reappointment of Marc Stettner to the Peirce Island Committee
  - Reappointment of William Townsend to the Peirce Island Committee
  - Reappointment of Harold Whitehouse to the Peirce Island Committee
  - Appointment of Jody Record to the Planning Board as an Alternate member
  - Reappointment of Elizabeth Moreau to the Planning Board

- Appointment of Thomas Ferrini to the Portsmouth Housing Authority
- Reappointment of Peter Bresciano to the Transportation Services Commission
- Appointment of Daniel Umbro to the Trees and Public Greenery Committee
- Appointment of Joan Walker to the Trees and Public Greenery Committee
- Reappointment of Thomas Watson to the Board of Trustees of the Trust Funds
- Appointment of Peter McDonell to the Zoning Board of Adjustment as an Alternate member

**Councilor Spear moved to approve the entire list of appointments. Seconded by Councilor Lown and voted.**

**Appoint Nicholas Kirsch to the Cable Television Communication Commission as a regular member until April 1, 2018; appointment of Clayton Emery to the Cable Television Communication Commission as an Alternate until April 1, 2018; appointment of Stefany Shaheen to the Economic Development Commission until October 1, 2017 filling the unexpired term of Josh Cyr; appointment of Lawrence Cataldo to the Citywide Neighborhood Steering Committee until April 1, 2019; reappointments of Francesca Marconi Fernald, Lisa Louttit, Steven Marison, John McVay, Sylvia Olson, Stephen Philp, John Simon, Richard Smith, Marc Stettner, William Townsend and Harold Whitehouse to the Peirce Island Committee until December 31, 2017; appointment of Jody Record to the Planning Board as an Alternate member until December 21, 2018; Reappointment of Elizabeth Moreau to the Planning Board until December 31, 2018; appointment of Thomas Ferrini to the Portsmouth Housing Authority until April 1, 2021; Reappointment of Peter Bresciano to the Transportation Services Commission until December 31, 2017; Appointment of Daniel Umbro and Joan Walker to the Trees and Public Greenery Committee; reappointment of Thomas Watson to the Board of Trustees of the Trust Funds until January 1, 2019; and appointment of Peter McDonell to the Zoning Board of Adjustment as an Alternate member until December 1, 2017 filling unexpired term of Patrick Moretti.**

Discussion followed regarding the policy for individuals being a resident in the City of 1 year prior to the appointment to a board and/or commission.

Mayor Blalock stated that the Council will receive copies of applications for consideration only but copies will not be provided when the applicant is to be voted on.

Councilor Spear also spoke on the policy for certain Boards to make quarterly reports to the Council and how we should have a report once a year in the summer. Mayor Blalock said he would follow up on this item.

**C. ASSISTANT MAYOR SPLAINE**

1. An Amendment to Chapter 14 Housing Code

**Assistant Mayor Splaine moved that an ordinance consistent with the memorandum from Assistant Mayor Splaine come back to the City Council for first reading on February 16, 2016. Seconded by Councilor Denton.**

Assistant Mayor Splaine stated the general outline deals with demolition and being open to change. He said he spoke to many people on this issue which stems back for 50 years with the urban renewal and the tearing down of virtually 30 acres of homes. He said there needs to be a collaboration and transparency with this matter. He said he would like the Building Commission to look into the matter. He said the Commission should look into the matter and hold a public hearing. He stated we need to put the brakes on quick tear downs. Assistant Mayor Splaine spoke to a meeting of the Zoning Board of Adjustment two weeks ago when people were told they could not address the issue of tear downs.

Councilor Lown said he appreciates the spirit the motion is being brought forward. He said on its face the ordinance feels reasonable however, in practice it won't work. He said this ordinance was tried before in 1982, the ordinance was passed to create a second Historic District Commission (Historic District B). He stated that ordinance required a property owner to apply for permission to demolish the home and the Historic District Commission would look at characters and 5 criteria applied by the Historic District Commission. He said the Ordinance was repealed because the ordinance was unworkable. Councilor Lown said the proposal is not respectful of private property rights. He said he would not support the motion.

Councilor Dwyer said she would like to propose something that would work. She said the underlining ideas are important. She said many people spoke on designs and variances. She said she worries about a couple of points will not do what we want to have happen. She does not feel the Building Commission is the appropriate board to hear this, there were public hearings in front of the Zoning Board of Adjustment. She said they won't have any criteria to stand behind. Councilor Dwyer said she would like to bring the Zoning Board of Adjustment, Planning Board and Historic District Commission key people in to try and figure out what would work. She would like to explore the connection of design description and define the character of a neighborhood whether there is a demolition, rehabilitation, renovation and design. She would like to have a work session on this matter.

Councilor Spear agrees with Councilor Lown and Councilor Dwyer and is confident the City Council will not pass first reading, as presented this evening from a process stand point. He does not want voting down to be the end of discussion here. He said we need to look at the problem holistically. He said there is time to look at a better way and step back and look at solutions to address the problems. Councilor Spear said he would like to have the City Council ask the staff to come back with parameters on our ability to control districts and how would character districts work. He said we need to look at all things together and come up with some good solutions.

Councilor Denton asked if we were to go the route of Councilor Dwyer are there legal tasks to meet.

**Assistant Mayor Splaine withdrew his motion and Councilor Denton his second to the motion.**

Councilor Spear said it is not limited in nature and the Building Inspectors should include a verbal component on objection, abutters and notices that might work. He said what the mechanisms would be to prevent demolition objections to the way the building would look. He said we could have a Historic District or character districts with a report back from staff and public dialogue.

City Manager Bohenko said it is important to follow the lead of what Councilor Dwyer said looking at this with other Boards. He said there is something in place that is defensible and we need to be careful not to over burden the process. He said we need to have enabling legislation in place.

**Assistant Mayor Splaine moved to have the City Manager provide an outline to the City Council on how to contain the concerns expressed around the table with a report back the middle of March. Seconded by Councilor Spear.**

Councilor Perkins said what is missing in the process is one standard that we could put in place and that is public input on design.

Councilor Lown said he would want this but expressed concern with the time it would take the staff to look at this.

Councilor Pearson said she is not sure that the ordinance would do what the neighborhood wants it to do. She said the North end urban renewal project happened 50 years ago and we are still experiencing the fall out from that and the decision made. She said we want to get this right and we are working together to solve problems.

Assistant Mayor Splaine said he appreciates the discussion around the table of the City Council and this is a good example of what can happen.

**Motion passed.**

## **IX. MISCELLANEOUS/UNFINISHED BUSINESS**

## **X. ADJOURNMENT**

**At 9:20 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Denton and voted.**



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

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 16, 2016

PORTSMOUTH, NH  
TIME: 6:30PM [or thereafter]

At 6:30 p.m., a Work Session was held regarding Pease Tradeport Community Advisory Panel (CAP).

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led in the Pledge of Allegiance to the Flag.

**Councilor Lown moved to suspend the rules in order to take up Item VII. C. - Public Hearing regarding Proposed Capital Improvement Plan (CIP) FY2017-2022. Seconded by Councilor Pearson and voted.**

#### **C. PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY2017-2022**

City Manager Bohenko said the CIP is a 6 year plan and covers 2017-2022. He said the process of developing the plan was changed to provide more citizen involvement. He reported the layout of the plan has changed with there now being 6 new appendix and new elements sheets were made. He advised the City Council in January a plan of \$2.3 million was submitted to the Planning Board and the plan being submitted this evening has been reduced to \$2 million. City Manager Bohenko explained the process of bonding projects which require 2 separate meetings with a public hearing. He said the City Council is required to adopt the capital plan before submittal of the budget to the City Council.

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

Charlie Seefried of Portsmouth Athletic Complex Enhancement (PACE) which is a collection of residents, kids and supporters to address the need for athletic fields in the City. He addressed the need for future fields and having the stump dump completed for an additional field. He said there are currently funds available in the CIP and there is a need to allocate additional funds for the completion of the project.

Scott Osgood spoke to the stump dump and the need for additional athletic fields. He said the City needs an athletic multi-field complex. He said access to sports can save kids and be the key to keeping kids out of trouble. He said we need to do something to involve as many kids in City sports as possible.

Eric Weinreib said the City needs to identify and construct multi-fields with lighting, parking and artificial turf. He said now is the time to create the fields.

John Ragonese, PACE, said we have a value on developing opportunities for our youth. He said the City needs to invest in the young and bring the access of sports to them. He requests to push the funding up in the CIP for the creation of multi-fields.

Luke Osgood spoke on behalf of youth athletes stating our fields do not compete with other communities. He said other communities have more fields and multi-complex of fields for their athletes. He urged the City Council to allocate additional funding for the creation of new fields.

Dan Anatola spoke regarding the need for additional playing fields in the City. He said the City needs to advance the stump dump into a field and install artificial turf. He addressed the issue of obesity in the United States and said 13% of all children are obese and athletics can help bring that number down. He urged the City Council to allocate additional funding in this CIP for the installation of additional playing fields.

Troy Coughlin said he plays many sports and there is a strong need for additional playing fields but it is important to have the fields located in one area. He said having the fields in one area will assist parents and coaches from carpooling to different locations in the City for their children to play sports.

Jack Ragonese said he plays soccer and having new fields and artificial turf with a multi-complex will bring kids together. He spoke in support of artificial turf and said it is better and easier to manage.

Mary Squire spoke in favor of athletic fields and the need for a multi-complex. She said a multi-complex will bring the community together and the City could hold tournaments here which would bring additional money to the City and businesses in the downtown. She urged the City Council to allocate additional funding now for the creation of fields.

Tony Coviello spoke in support of additional playing fields and the need for a completed stump dump. He spoke to the beautiful fields in other communities and the regret coming back to the City after playing on away fields with the lack of and condition of our fields. He said everyone here feels how important it is to get these fields and a multi-complex in place.

Tara Schoff spoke in support of PACE and the recommendation for an athletic complex with multi-fields. She said there is a need for more athletic facilities and urged the City Council to allocate funding now.

Kelly Shaw spoke on the need for improvements to Banfield Road. She said the traffic study was removed from the budget which surprised her. She said it is important to get the traffic back on Route 1 again and off of Banfield Road. She spoke regarding a plan the neighborhood is bringing to the Parking & Traffic Safety Committee meeting that Water Country is willing to pay 50% of the improvements to the road.

Charlie Seefried spoke in support of having the stump dump completed and made into an athletic field. He said they want to see a multi-complex and suggested that the Council discuss this matter further at their scheduled retreat on March 12<sup>th</sup>.

Peter Corn spoke in support of more athletic fields and that now is the time for the creation of these fields. He said it can no longer wait and the need is obvious.

Nicole LaPierre spoke to the need of sidewalks in the Islington Street area. She stated the sidewalks are crumbling and are in desperate need of repair and that this is a safety issue that requires immediate attention.

Esther Kennedy spoke on the Wastewater Treatment Plant figures and questioned the \$70 million dollars. She asked where is the repair costs, where are the potential revenue loss, where are figures for the use of the outdoor pool. She believes the costs in the CIP are not correct and the figures are lower than what is actually needed. She stated there will be costs for repairing people's foundations and she would like to see the plan for these items.

With no further speakers, Mayor Blalock closed the Public Hearing.

## **PRESENTATIONS**

### 1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire

Scott McIntire provided a Presentation regarding the City's Comprehensive Annual Financial Report. He indicated that a review of the books show that they are in good working order. The annual Financial Report meets the needs in accordance with general practices of accounting. He discussed the GASB Report which lists pension liability for the first time. He said this liability has always existed and credit agencies look at that because it is a significant liability to the City. He addressed financial statements, general fund balance sheet, and unassigned fund balance. He briefly spoke to the Management Letter which is asking for improvement to internal controls of the Trustees of the Trust Funds for payroll. He said this would be a structural change. City Manager Bohenko announced that he has been working with Finance Director Belanger and presently the Trustees of the Trust Funds has there own bookkeeper and we will bring in the Trustees of the Trust Funds here at City Hall and they will have their own accountant.

Councilor Lown asked if GASB 68 would have an effect on the City's bond rating. Mr. McIntire said not immediately, credit rates have known that this has been in the report but wish to just have a footnote disclosure.

City Manager Bohenko said they look at our practice not just the balance sheet. He said our financial statement is in a good position. He said we should remain an AAA community.

Councilor Dwyer asked if it extends to oversight investment for the Trustees of the Trust Funds. Scott McIntire stated that there are changes to recordkeeping and requirements for tracking of accounting.

## 2. Update Re: Acceptance of Over the Counter Credit Card Payments

Finance Director Belanger reported that we will be able to accept credit cards on or before March 1, 2016. She stated we currently accept credit card payments on-line only for the following:

- Motor Vehicle Renewals
- Property Tax Bills
- Parking Violations
- Utility Payment – Water and Sewer
- Auto Debit to Checking or Savings Account

She spoke to the ATM machine that has been installed on the second floor. She stated that they worked with banks and third party processing companies to get this in place. She indicated there is a service fee of 2.95% which is a minimum of \$1.95 that will be added to the transaction. She outlined the requirement for a service fee and spoke to the State statute for the service fee and said this is designed to be a convenience fee with no cost to the City. Each individual will swipe their own card and the clerk would then relay the service fee to the customer. Finance Director Belanger said there will be a need to sign a service fee acknowledgement. She spoke to VISA credit cards and that we cannot accept VISA for water/sewer fees and we hope that changes down the road. She further addressed next steps coming forward are on-line billing payment services and credit card payments over the phone.

Councilor Denton asked about the reading for chips on the credit cards. Finance Director Belanger said the readers can read chips. She said we feel it is very secure.

## V. ACCEPTANCE OF MINUTES – JANUARY 25, 2016

**Councilor Spear moved to approve and accept the minutes of the January 25, 2016 City Council meeting. Second by Councilor Perkins and voted.**

## VI. PUBLIC COMMENT SESSION

Kate Mallen spoke in support of the elderly exemption increase. She stated this increase is needed and the value of homes has increased and people are in danger of losing their homes. She feels there needs to always be reason in the City for the elderly exemption.

Mark Brighton said location is the biggest want in real estate. It is unfathomable how City officials still insist that the value of the property on Deer Street has increased. He said we need to look at the data and then spoke to the contamination of the site and how that affects the value of the land. He said there needs to be another appraisal that is done by someone that deals with contamination on properties.

**VII. PUBLIC HEARINGS**

A. RESOLUTION AMENDING ELDERLY EXEMPTION

OPTION A

**PROPOSED INCREASE OF ELDERLY EXEMPTION**

SINGLE	\$40,000.00 INCREASE OF \$3,689.00
MARRIED	\$55,000.00 INCREASE OF \$10,207.00
ASSET LIMIT OF	\$175,000.00 INCREASE OF \$53,961.00

OPTION B

**PROPOSED INCREASE OF ELDERLY EXEMPTION**

SINGLE	\$40,000.00 INCREASE OF \$3,689.00
MARRIED	\$55,000.00 INCREASE OF \$10,207.00
ASSET LIMIT OF	\$175,000.00 INCREASE OF \$53,961.00

IF THE CITY COUNCIL WISHES TO ADJUST THE EXEMPTION AMOUNTS FOR ELDERLY TAXPAYERS IN COMPARISON TO NEIGHBORING COMMUNITIES, THIS WOULD DECREASE THE LIMIT AS FOLLOWS:

AGES 65-74	\$120,000.00 DECREASE OF \$5,000.00
AGES 75-79	\$160,000.00 DECREASE OF \$15,000.00
AGES 80+	\$200,000.00 DECREASE OF \$20,000.00

Mayor Blalock read the legal notice, opened the public hearing and called for speakers.

Harold Whitehouse compared our exemption with other surrounding communities. He spoke to the single person exemption and said it is time to bring a homestead exemption in the State of New Hampshire. He said a homestead exemption can be done through enabling legislation.

Esther Kennedy said we need to keep a diverse population in the City. She asked that the City Council keep in mind the exemptions at budget time and that the budget should not increase beyond what an elderly person is entitled to for an increase this year.

Mark Brighton said he agrees with comments made by Ms. Kennedy and Mr. Whitehouse and that these exemptions become meaningless with budget increases. He said we need balance at both ends and asked to give more if you can.

With no further speakers, Mayor Blalock closed the public hearing.

B. RESOLUTION AMENDING DISABLED EXEMPTION

SINGLE	\$40,000.00 INCREASE OF \$3,689.00
MARRIED	\$55,000.00 INCREASE OF \$10,207.00
ASSET LIMIT OF	\$175,000.00 INCREASE OF \$53,961.00

IF QUALIFIED FOR DISABLED TAXPAYERS THE CURRENT EXEMPTION OFF THE ASSESSED VALUE OF THE PROPERTY WOULD REMAIN THE SAME AT \$100,000.00

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

City Manager Bohenko said the assessed value would remain the same at \$100,000.00.

With no speakers, Mayor Blalock closed the public hearing.

**VIII. APPROVAL OF GRANTS/DONATIONS**

A. Electric Charging Stations Grant - \$10,000.00

**Councilor Lown moved to authorize the City Manager to enter into an agreement between the State of New Hampshire and the City of Portsmouth pertaining to the NH Department of Environmental Services Electrical Vehicle Supply Equipment Rebate Program. Seconded by Councilor Spear.**

Public Works Director Rice said the charging station are operating from what we presently have in place and it is 2 separate systems.

Councilor Spear asked about the current system in the garage. Public Works Director Rice said we are having trouble with the current system. He said we are working to address the systems. City Manager Bohenko stated the systems were donated through the Nissan dealership. Director Rice said the systems need to be replaced.

Councilor Dwyer asked how many vehicles registered in Portsmouth would be eligible to use the charging system. City Manager Bohenko said we can take a look at that and get back to you.

Councilor Cyr said the care would be compatible with all vehicles. Director Rice said the charging system will not change from here but the batteries will get better.

**Motion passed.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy Five Million Dollars (\$75,000,000.00) for Costs related for the Construction of the Peirce Island Wastewater Treatment Facility *(Roll Call Vote Required)*

Deputy Public Works Director Goetz provided a brief presentation on the first reading of the bonding Resolution. He provided an overview of wastewater treatment upgrades. He spoke to the project schedule and said we are at 100% design and are at prequalification stage for contractors, with a completion date in 2020. He said the total cost for the facility will be \$83.8 million.

Finance Director Belanger said in 2011-2012 a comprehensive rate study was done in the City. She said we established a rate stabilization policy in FY14 and began to reserve funds. She stated we would have \$5.8 million in reserve at the end of FY16. She said the Resolution is up to \$75,000,000.00 and has some flexibility of how we fund this. She said this is a 4 year project we won't pay anything until 2021 and will receive a principal forgiveness of 5% (Up to \$3.75 M) and we will also have a locked in interest rate of 2.55% for a 20-Year Term. She spoke to the debt schedule with new payments for the first 4 years with the payment and rate increases staying consistent. City Manager Bohenko said the City Council supported the SRF program 4 years ago and if we did nothing we would see a 40% increase in water/sewer rates. He stated that we are at the top of the list currently for receipt of a SRF.

Councilor Perkins asked about more information and a budget. City Manager Bohenko said that we will provide more of a presentation at the public hearing and adoption. He said in FY14 we planned for this event and we are going to try and keep the increase at 4% per year. He said we would get more in depth at the public hearing on March 7<sup>th</sup> and we will also bring in David Hyder to make a presentation and answer questions of the Council.

**Councilor Lown moved to pass first reading and bring back for public hearing and adoption a Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy-Five Million (\$75,000,000.00) Dollars for Costs Related for the Construction of the Peirce island Wastewater Treatment Facility, as presented, at the City Council meeting of March 7, 2016. Seconded by Councilor Spear.**

Councilor Lown said there are a small group of people that feel this could have been built at Pease. He said the PDA controls the land and the PDA should not approve any substantial increase to treatment out at Pease. He said we are under a consent decree with the EPA. He said in order to reroute the system we would need to disrupt the City and the outflow of a facility at Pease would be bad for the environment.

Councilor Denton said he was a strong supporter to building out at Pease. He said now he feels Peirce Island is the best route to follow and it is time to take action.

Assistant Mayor Splaine said he would vote no. He said the right time to do the right thing is before us and we are days into this project. He said he does not want to put the City toilet in our front yard at Peirce Island and he would like to see a regionalization of the project. He stated he looks forward to the public hearing and does not feel we should ever imply that just a few people should not be listened to.

Councilor Dwyer said she was eager to explore if we could build the plant at Pease at the time. She said we will never be able to reclaim Peirce Island because of storm water management. She said we have tests and explored a great deal of technology.

**On a roll call vote 8-1, motion passed. Councilor Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.**

- B. First Reading of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures related to Middle School Construction of up to Six Hundred Fifty Thousand (\$650,000.00) Dollars

City Manager Bohenko said in accordance with the Charter a Public Hearing and two-thirds vote is required by the City Council.

**Councilor Dwyer moved to pass first reading and bring back for public hearing and adoption a Resolution authorizing a supplemental appropriation for Unassigned Fund Balance the sum of up to Six Hundred Fifty Thousand (\$650,000.00) Dollars for Necessary Expenditures Related to the Middle School Construction, as presented, at the City Council meeting of March 7, 2016. Seconded by Councilor Spear.**

Councilor Dwyer said this is a request for an advance of up to \$650,000.00 and spoke to the needs for the funding. She said this is from settlement of the building and we need to seek resolution. The JBC contracted soil experts to get an in depth review of what is happening. We are monitoring the building and it has made the point of final settlement. The fix is a steel reinforcement under the building and the work would be done this summer. She said we have been attempting through mediation to come to terms but we were not successful but we are prepared to go to court.

Councilor Lown said he will support the motion.

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

At 9:30 p.m. Mayor Blalock called for a brief recess. At 9:35 p.m., Mayor Blalock called the meeting back to order.

C. Adoption of Resolution Amending Elderly Exemption

*On Tuesday evening, the City Manager is requesting that the City Council act on adoption of either Option A or B of the following Resolutions for the elderly exemption.*

OPTION A

**Proposed increase of Elderly Exemption**

Single	\$40,000.00 increase of \$3,689.00
Married	\$55,000.00 increase of \$10,207.00
Asset Limit of	\$175,000.00 increase of \$53,961.00

OPTION B

**Proposed increase of Elderly Exemption**

Single	\$40,000.00 increase of \$3,689.00
Married	\$55,000.00 increase of \$10,207.00
Asset Limit of	\$175,000.00 increase of \$53,961.00

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

Ages 65-74	\$120,000.00 decrease of \$5,000.00
Ages 75-79	\$160,000.00 decrease of \$15,000.00
Ages 80+	\$200,000.00 decrease of \$20,000.00

City Manager Bohenko said you have two options before you the only difference Option B adjusts the assessment amounts.

Councilor Spear said the single is \$40,000.00 which is income limit.

Councilor Dwyer asked the process for the other options. She said she does not understand why the age changes the amount you would receive for an exemption. She said the bulk of the tax dollars we exempt is for a person 80 and above. She said the \$40,000.00 which is an 11% increase is substantial.

Councilor Lown said he does not feel strongly between Option A and Option B. He said the dollar figures are required by State Statute.

Assessor Lentz said minimum requirement you can increase the amounts the levels could be the same.

Councilor Spear asked what other dollars are available to help the elderly. Assessor Lentz spoke to the hardship exemption where she could defer up to 80% of the home value but there would need to be a lien on the property.

Councilor Dwyer said she would like to work on this and said that this will be a large issue for the City. She stated there is a shortage of modest homes for our aging population.

City Manager said we will look to see if any community is using the hardship exemption.

**Councilor Spear moved to adopt Option B, as presented. Seconded by Councilor Dwyer and voted.**

D. Adoption of Resolution Amending Disabled Exemption

Single	\$40,000.00 increase of \$3,689.00
Married	\$55,000.00 increase of \$10,207.00
Asset Limit of	\$175,000.00 increase of \$53,961.00

If qualified for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.00

**Councilor Spear moved to adopt the Disabled Exemption, as presented. Seconded by Assistant Mayor Splaine and voted.**

**X. CONSENT AGENDA**

A. Request for License to install Projecting Sign:

- Richard Kahler owner of Kahler Chiropractic, for property located at 100 Market Street(***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

***Planning Director's Stipulations:***

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***

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

**Councilor Lown moved to adopt the Consent Agenda, as presented. Seconded by Councilor Spear and voted.**

## **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

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

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Report Back Re: License Requests for 40 Bridge Street

Planning Director Taintor spoke to the three licenses associated with the request.

**Councilor Spear moved to accept the recommendation of the Planning Board, as presented, that the licenses be granted, subject to DPW approval of the final design of the electrical bank. Seconded by Councilor Pearson and voted.**

2. Report Back Re: Request of Stewgood, LLC to restore the lots at 268 and 276 Dennett Street to their premerger status pursuant to NH RSA 674:39-aa

Councilor Lown recused himself from this matter and left the chambers.

Planning Director Taintor said there are 2 buildings and 2 separate lots and the owner is looking to restore their lot lines but there is no increase in density and result from any action taken.

**Councilor Spear moved to approve the Planning Board's recommendation, as presented, that there has not been any overt action or conduct that indicates the owner regarded the lots as merged, and therefore the request to restore the lots to their premerger status may be granted. Seconded by Councilor Dwyer and voted.**

Following the vote Councilor Lown returned to the Chambers.

3. Request for Equitable Waiver for Building Fees Re: Lonza

City Manager Bohenko said that this has been reviewed by the Fee Committee which recommends action.

Deputy City Manager Allen said this came forward from the Building Inspector and the project is of the magnitude of nothing we have ever seen in the City. He indicated the parts to the building are incredibly expensive and this would bring the fee in line with a large Industrial project. City Manager Bohenko said Lonza will still pay \$1,000,000.00 for the permit.

Michael Pelletier, Lonza spoke to the growth of Lonza that has over 800 employees on site. He said there is an increase in demand and there are two projects in front of Lonza currently looking at bringing the two structures in line.

**Councilor Spear move to authorize an equitable waiver of the building fee from \$10/\$1000 to \$7/1000 for the five projects, Mono 1, Mono 2, Mono 3, Cell Therapy 1 and Cell Therapy 2 as described in the letter of February 8, 2016 to Chief Building Inspector Robert Marsilia for the City of Portsmouth. Seconded by Councilor Lown.**

Assistant Mayor Splaine said he wants to make sure we are covering the cost of work involved in issuing this permit. Deputy City Manager Allen said that this will take more time and is a complex project but we are comfortable that this will cover the costs.

Councilor Denton said the pharmaceutical agencies are regulated for good reason. He does not feel that we should reduce the fee.

City Manager Bohenko said there is an important line where fees become a tax and you need to be cognizant of when that happens. He said if we were to charge the entire fee we could be challenged.

**Motion passed.**

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

- Report of Legislative Subcommittee as written:
  - RE: HB1216 Re: Creation of Documents under Right-to-Know

City Manager Bohenko said the bill was voted Inexpedient to Legislate.

- Single Use Plastic Grocery Bags (Not on Agenda)

**Assistant Mayor Splaine moved to support the concept of enabling legislation which would allow municipalities to vote in favor of such an ordinance. Seconded by Councilor Spear and voted.**

**XIV. ADJOURNMENT**

**At 10:10 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear 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, MARCH 7, 2016

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

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

Mayor Blalock asked everyone to join in a moment of silent prayer in memory of the former Mayor Eileen Foley who recently passed away.

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Pearson led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

1. Seacoast Family Food Pantry, Deb Anthony, Executive Director

Ms. Anthony announced that this is the Seacoast Family Food Pantry 200<sup>th</sup> Anniversary of serving the community. She stated their mission is to end hunger. She reviewed the various plans the Pantry offers to the community and that they will be moving from their present location in the Seybolt Building to a new facility in 2018. She informed the City Council they serve 1,049 individuals per month with 23,583 meals a month. In addition they receive and process 22,692 lbs of in-kind donations monthly.

2. Trees and Public Greenery Committee Annual Report, Peter Loughlin, Chair

Chair Loughlin reported that the Committee was appointed by former Mayor Evelyn Sirrell in March, 2003 and it is a 9 member Committee. The Committee meets the second Wednesday of each month in the City Manager's Conference Room at 7:30 a.m. He reported the work of the Committee is selecting sights for new public plantings and along with the Public Works Department, overseeing the plantings. He said they are responsible for the maintenance of public trees and hold public hearings on removal of trees in the public way. He reported that last year the Committee planted 74 new trees, 25 were removed and 316 were pruned. Chair Loughlin said the City has been recognized for the 16<sup>th</sup> consecutive year as a Tree City USA.

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

## VI. PUBLIC COMMENT SESSION

Cathy Baker said she recently attended the Parking Traffic & Safety Committee meeting and urged the City Council to pick up the packet from their meeting. She spoke to the need for more quality information on the truck traffic that would be created from the Waste Water Treatment Facility construction. She spoke to the many traffic concerns and how the Fire Station is on the truck route.

Jane Kilcoyne spoke regarding the Waste Water Treatment Facility at Peirce Island and its impacts on the neighborhood. She asked what the budget would look like when you close all the roads that would need repair from the constant truck traffic. She said public input from residents is important.

Roy Helse said we should not be paying \$5.1 million for the Deer Street property for a new parking garage. He also addressed the high pay the temporary Police Chief is receiving and feels there should be a ceiling especially all employees received more than \$100,000.00 in pay. He spoke to the high pay and benefits that employees receive.

Richard Smith said it is best for the City to include Pease and other locations for the wastewater treatment facility. He said we need to stop the expansion at Peirce Island for the wastewater treatment facility. He said downtown needs to be kept for the residents. Peirce Island should not be closed for 4 years and said Pease is the place for the wastewater treatment facility.

Mark Brighton said there needs to be another appraiser for the Deer Street property. He said now that you find out the land is contaminated you need another appraisal for residents.

Bill St. Laurent asked the City Council to work hard on the budget. He said many people who live in the City are struggling to pay their taxes to live here. He said this is a retirement community and they are living on fixed incomes and receive no cost of living adjustments but their health care costs are increasing and the City Council needs to consider these matters when adopting a new budget.

Brendan DuBois, Exeter, NH said it has been 5 months since your Police Chief retired and the Police Commission has done nothing to begin the process of looking for a new permanent chief. He said the Police Commission at their meeting tomorrow morning at 10:00 a.m. are just looking at ways to find a new chief when there should already be a new permanent chief in place.

Cliff Lazenby spoke on the Capital Improvement Plan there have been awards made to improve the plan and multiple improvements to the plan. He spoke to the data improvements to the plan and setting priorities for the plan. He said the CIP is a great tool but spoke to the funding for sidewalks and road improvements in Elwyn Park for Dondero School are needed and needed now and not so far out into the future funding. He said these items should be an A priority and the projects started and completed soon.

## VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZIING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN TH ESTATE REVOLVING FUND (SRF) LOAN OF UP TO SEVENTY FIVE MILLION DOLLARS (\$75,000,000.00) FOR COSTS RELATED FOR THE CONSTRUCTION OF THE PEIRCE ISLAND WASTEWATER TREATMENT FACILITY

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers to follow the staff presentations.

City Engineer Desmarais provided an in depth presentation along with John Pearson of AECOM. They reported of Council votes back on June 5, 1961 and conditions that existed pre 1985 and the 301 (h) waiver. Engineer Desmarais showed a slide of the 1980 Secondary Peirce Island WWTF Design of the Plant. He reported in 2010 the City was required to move forward and expedite secondary upgrade at Peirce Island. He reported on the City Council vote of November 8, 2010 **Voted to authorize the City Manager to submit its final Wastewater Master Plan to the EPA which included upgrading Peirce Island to a Secondary Treatment Facility as outlined in the memorandum dated November 2, 2010.** He reported on conditions in 2013 when we completed Wastewater Technology Piloting at a cost of \$1.8 million. He also reported on the City Council vote of April 8, 2013 **Move to comply with EPA mandate to meet secondary treatment at the Peirce Island Wastewater Treatment Plan with the ability to treat a total nitrogen limit 8 milligrams per liter on a seasonal rolling average basis, stay within the current fence line, and to support of the Biological Aerate Filter (BAF) technology.**

Jon Pearson, AECOM spoke to the BAF Technology and reported the small footprint fits within the fence line. He said this is State of the Art Technology initially developed in Europe but is being used in this part of the county. He stated piloting demonstrated ability to meet BAF effluent total nitrogen of 8 mg/l and 3 mg/l with no additional capital costs to achieve BAF effluent of 3 mg/l total nitrogen. Mr. Pearson reported on the NE area using the BAF technology as West Warwick, RI; Cheshire, CT; Southington, CT; Syracuse, NY and New Rochelle, NY.

City Engineer Desmarais reviewed the City Council vote of August 5, 2013 – **Public Hearing – Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades – Held a public hearing. Voted to adopt a Bond Resolution for Peirce Island Wastewater Treatment Plan Upgrades in the amount of \$10,000,000.00.** He also reported on a City Council Vote of October 20, 2014: **Voted to authorize the City Manager to proceed with expending up to \$300,000.00 from the Pease bond proceeds for the Pease Wastewater Treatment alternative as described in the City Manager’s memorandum dated October 16, 2014 and that a report back be made to the City Council following Phase I.** He reported on conditions in 2015 whereas the design of Peirce Island WWTF Ongoing but slowed, completion of Pease Wastewater Option Evaluation (\$290k),

Option 1: Peirce Upgrade BAF and Pease Upgrade for TN

Option 2: Pease Upgrade (all sanitary Flow) for TN and Peirce Conversion of Wet Weather

City Council vote: May 18, 2015 **Voted to reaffirm the City Council's vote of April 8, 2013 to move forward with the Peirce Island Wastewater Treatment Facility Upgrade.** City Engineer Desmarais spoke to conditions now:

- Final Design of WWTF Complete (\$5.0M)
- Phase One Construction Complete (\$1.7M)
- Five Contractors Prequalified
- Joint Work Session Regarding Traffic Impacts to be Scheduled
- Peirce Island Road Bridge Maintenance
- Consent Decree Second Modification Drafted
  - Defined Nitrogen Treatment level
  - Minimize second shift work
  - Defined implementation timeframe
  - Concessions for delay
- Sewer User Rate Stabilization Reserve Policy to Minimize Rate Impact
- SRF Low Interest Loan

Project Cost Estimate:

Items	Cost
Primary Clarifier Project (Eng, const, etc.)	\$1.7 M
Treatment Upgrade Design Phase	\$5.0M
Construction & Contingency	\$70.4M
Construction Admin & Oversight	\$6.7M
Total Project Cost	\$83.8M

Next Steps:

- Council Bond Authorization
- Bid Period (March 10 to May 2016)
- Contract Award/NTP ( July 1, 2016)
- Public Meetings
- Public Outreach
- Peirce Island Road Bridge Maintenance

Public Works Director Peter Rice spoke to the Proposed SRF/Bond Authorization. He spoke to the Clean Water SRF benefits as follows:

- Draw down funds as the City needs them to pay invoices
- Loan payments begin one year following substantial completion (FY21)
- Principal Forgiveness of 5% (up to \$3.75M)
- Lock in interest rate 2.55% for a 20-Year loan term

David Hyder reviewed the utility rate model which serves as the key tool to assist in long-term planning:

- Allowing for prudent financial planning which results in predictable rate increases
- Allowing for funding of significant capital projects
- Allowing for proactive management of the systems which results in lowest rates over time

Mr. Hyder reported the City has been using the rate model since 2012. He stated it is updated annually to include budget and actual operating expenses and the detailed 6-year capital improvements plan. The model forecasts system expenditures and revenues over a ten-year period and the model has allowed for prudent financial planning within the Water and Sewer Enterprise Fund. He reported the established rate stabilization policy in FY14 as part of ongoing rate modeling. The increase net position or utilize net position to stabilize user rates from year to year. He said the goal of the policy has been to establish a glide path of predictable and stable rate adjustments. He reported that the City has a net position for FY16 of \$5,779,826.00. Mr. Hyder said the City's approach to funding the WWTP can be considered an industry best practice for several reasons:

- Use of proactive long-term planning
- Establishment of a rate stabilization policy – Allowing glide path of predictable and stable rate increases
- Use of low interest rate SRF Program
  - Minimizes borrowing costs
  - Locks in interest

He addressed the national perspective that water and sewer utilities are facing significant financial challenges:

- Tremendous reinvestment needs due to aging infrastructure
- Increasing regulatory requirements / associated capital investments
- Economic downturn
- More efficient water use
- Disappearance of grant funds

He said to meet these financial challenges rates have increased substantially.

Roy Helse said that the bonding resolution should not be specific to Peirce Island. He spoke to the damages that would be created by the trucks travelling in the south end for the construction of the plant at Peirce Island and asked who would be paying for the damages to the homes.

Rick Horowitz said the biggest issue is there was never a public hearing on the site for the new treatment plant. He also addressed the large number of trucks going through the neighborhood during construction and the damage that would be created from the truck rambling through the streets. He also spoke to the hours the trucks would be travelling from 12:00 a.m. to 8:00 a.m. which is unacceptable as that is when individuals are sleeping and this will disrupt everyone's sleep.

Charles Lessen said he and a group of abutters have no problem with the location of plant but there problem is with the method of transporting materials out to Peirce Island. He would like to see the construction materials to come in by barges.

Eric Landis expressed concern with the lack of a public hearing on the site of the plant. He feels there should be a citywide vote on this matter.

Ralph DiBernardo spoke in support of the bonding for the facility. He said the EPA has provided a final extension for completion of the project. He said Pease has never been a site that could be for the location of the wastewater treatment facility (WWTF). He stated all projects improve the community and that is what needs to be remembered in this process.

Dan Sparkey said everything is around the nitrogen issue. He said the plant should be transferred to Pease versus Peirce Island. He said the City has had a number of outlining communities tied into our system if you put a plant out at Pease you would create a better way for people to tie into the new system.

Martin Hausman said there is still a great deal of conflicting information out in the community regarding the WWTF at Peirce Island. He asked what the impact is from moving from 8 mg/l to 3 mg/l. He stated he does not believe that the plant can be built within the fence line. He said there are costs that are not clear and transparent.

Lawrence Cataldo said he is opposed to a bonding motion. He said the WWTF should be located at another location other than Peirce Island. He said in 20 years there is no proof that the plant could meet the higher rates and Peirce Island is too small to handle the additional growth.

Alan Gordon said there is much complexity to this matter. He said the City needs to consider if this is the wrong route. He said the Council must think about what people are saying if there is a small shadow of doubt slow this down and take time for the community.

Karen Bouffard in 50 years people will be asking how the City allowed the WWTF at Peirce Island. She said there are other options available. She said we need a new treatment plant but not at this location.

Jeffrey Cook said the plant is right in front of his house. He said the plant should be located outside of downtown at Pease. He said people will not come here any more if we do not do something soon. He said the tourists will disappear.

Ann Hett said we should not bond with the location specific to Peirce Island. She said what happens to the people that use Peirce Island during the construction period. She said she opposes the location of the plant at Peirce Island.

Joe Galley asked that the location be removed from the bonding. He said the cost to build at Peirce Island has been clearly understood but the plant should not be located at Peirce Island.

Joanna Brode spoke opposed to the location of Peirce Island being part of the bond resolution. She said the public should be placed first in this matter over the government. She expressed concerns regarding the PCB's at Peirce Island and if there they are also at the Mechanic Street Station and that the City needs to explore that matter immediately for the safety of residents.

Bill St. Laurent said we should save our recreational land at Peirce Island. He said losing the land for 4 years is going to hurt. He also requested that the bond resolution not be site specific to Peirce Island. He said Pease would be a better location for the WWTF because you solve the problem now.

Emma Reed Nelson said trying to force the plant onto Peirce Island is trying to put a square peg in a round hole. She said we are running over our history with the trucks that will be providing materials to the Island.

Thiesel Jones said the south end is the home to many businesses and a walkable island. She said there has been no formal analysis on the economic impact to the business for this area. She said that the project will alter the landscape of the area.

Mark Brighton provided a petition with 188 signatures requesting that the WWTF be placed out at Pease. He said he would support the bonding if Peirce Island was removed from the resolution. He also indicated he does not believe that future costs have been considered in the amount of the bonding. Mr. Brighton questioned where the Chamber of Commerce is on this issue as it will affect many businesses and yet we have not heard from them at all.

Catherine DiPentima spoke on the legacy and vision of Peirce Island. She said we need to protect and preserve our riverfront properties. She said that this is reminiscent of the urban renewal and she urged the Council to not make the same mistakes with Peirce Island.

Beth Margeson said the plant should not be located at Peirce Island and she requested to bond the action not the location. She said the beauty of the Island should be preserved. She said the construction will have a tremendous impact on the south end and tourists will leave and find other places to visit.

Mary Krempels spoke against the bonding for the WWTF at Peirce Island. She spoke to removing Peirce Island from the bond resolution. She also indicated that this is the first public hearing on the location of the plant. She said the best place for the plant is at Pease.

Jill Capobianco brought a fairy House that is built at Peirce Island during the Fairy House Tour and said events like this will be prevented from taking place at the Island due to the construction of the WWTF. She said the Council should take a pause and think about what is best for the community in this matter.

Claire Kittredge said when you have a long presentation like this evening people will lose focus. She said putting the WWTF at Peirce Island will turn it into artificial landscape which is not economically smart. She said Pease is a better financial choice. She said she feels the agenda is to not put the plant at Pease.

Jane Zill said vote no to bond Peirce Island for the WWTF as it is not the right choice. She said Peirce Island does not offer flexibility for future growth. She said the better location for the plant is at Pease.

Cathy Baker asked not to vote for a bond that is at Peirce Island. She said you should reopen the discussion on locating the plant at Pease. She said a public hearing was never held on the site of the plant and should have been to allow for input from residents. She said that the Pease Development Authority (PDA) has never been asked if the WWTF could be built at Pease.

Marylou McElwain requested that the Council remove the cost related for Peirce Island for the construction of the WWTF. She said that the Portsmouth Herald should do an insert on the impact of vehicles for the WWTF at Peirce Island. She spoke about the events that will not take place at Peirce Island during the construction of the WWTF.

Pat Bagley spoke to minutes of a PDA meeting held regarding the WWTF and asked if we would be storing methanol at the site and if abutters have been reached out to regarding this matter. She asked if methanol would be stored at Peirce Island.

Francesca Marconi Fernald asked the City Council to vote opposed to bonding the WWTF at Peirce Island and said there is a long list why the plant should not be located at Peirce Island. She said that locating the WWTF will have a negative effect on the businesses in the south end.

John Bordon, Kittery Point, ME, said he is a fisherman and has fished from the pier since 1978. He said he is opposed to a WWTF located at Peirce Island and should be out at Pease. He said it is a difficult area to work out of the fish pier. He said locating the WWTF at Peirce Island will directly affect families.

Page Trace said she believes that the plant would need to go outside the fence line for the BAF system. She also indicated that the BAF system has limited use in New England. She said she would like to see something done that is not like kicking the can down the road.

Erik Anderson said he operates as a fisherman at the fish pier near Peirce Island and expressed opposition to locating the WWTF at Peirce Island. He said the plant could be located out at Pease.

Paul Mannle spoke opposed to the WWTF being constructed at Peirce Island. He said Peirce Island should be removed from the bonding resolution. He stated that the EPA does not mandate locations for the facilities.

Clyde Logue said people don't want this in their back yard but the project is necessary. He said this has been a topic in the City for a long time and urged the City Council to support the resolution.

Louise Richardson said the Peirce Island is not the right location for a new WWTF. She said in 20 years the EPA will come out and say the WWTF will no longer meet the standards and Peirce Island does not have the space to expand the plant.

Dick Bagley spoke against approval of the bond and suggested not taking a vote this evening. He said the Council owes the public a chance to hear what you heard this evening. He said the City Council needs to be thoughtfully understanding at this type. He said this is a decision that could impact the next 50 years.

Jim Huett spoke to urban renewal 50 years ago. He said the City Council has a once and a lifetime opportunity to correct the mistake of location and have the WWTF at Pease.

Peter Loughlin said there are no other responsible locations for the WWTF but at Peirce Island. He said that the recreational uses and Peirce Island WWTF have coexisted over the years. He said the water runs the fastest at Peirce Island and much less effect on the river.

Rick Becksted asked the City Council to wait 2 weeks before casting this decision in stone. If we were going to building the plant at Pease we could create a regional plant and save the City money. He said the biggest concern for the south end and for 200 year old homes in the area. He said the trucks travelling on those roads will have a negative impact on the homes in the area. He urged the City Council to listen to what has been said this evening.

Mike Convoy said he is concerned with the transportation issues of the closure of the Peirce Island Bridge for the WWTF.

Judy Nerbonne asked the City Council to vote against the WWTF bonding at Peirce Island. She said that this is about the future of the City and this vote will have lasting affects. She said the City should vote against the bonding resolution.

Gail Sanders said most of the residents want the City Council to remove Peirce Island from the bonding resolution. She said we are opposed to making a bad decision worse and Peirce Island will not be able to handle the future needs. She urged the Council to do the right thing not the easy thing.

Lee Roberts asked to remove Peirce Island from the bonding resolution. She said you need to give great consideration to all that has been said this evening. She also spoke to the traffic impacts that will take place to the south end.

David Noard said more information needs to be made available to the public. He asked where the Chamber of Commerce is on this matter and why they have not spoken. He also spoke to the fragileness of Strawberry Banke and the affects that this would have on them. Mr. Noard asked that the City Council debate the question more and listen to what the public has said this evening.

David Adams asked the City Council to remove the site from the bonding resolution.

Esther Kennedy said that it will cost more than the bonding resolution for the construction of the plant and she does not feel that the construction would remain in the fence line. She has life safety concerns and will there be trucks around the site. She said we have not heard about the blasting and its affects on historic homes in the area. She urged the City Council to continue the public hearing and hold a work session on this matter.

Bill Southworth said the Council cannot ignore the residents that have come out to speak this evening on this bonding resolution. He urged the Council to make the right decision.

Basil Richardson spoke on the WWTF and his opposition for a plant at Peirce Island. He addressed the traffic impacts and said he has more questions now than before the meeting.

Hilary O'Neil spoke on the BAF technology and urged the City Council to delay the vote and remove Peirce Island from the bonding resolution.

With no further speakers Mayor Blalock closed the public hearing.

**Assistant Mayor Splaine moved to recess the meeting until Monday, March 14<sup>th</sup> at 7:00p.m. and to have staff answer as many questions that have been asked this evening and that the agenda will begin at the point we left off which is the Public Hearing on a Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Middle School Construction of up to Six Hundred Fifty Thousand (\$650,000.00) Dollars. Seconded by Councilor Denton.**

Councilor Lown said that time is of the essence for voting on the bonding resolution.

Councilor Spear said he would not be present for the meeting next week due to a previous commitment. He said no one wants the plant on Peirce Island and there will be many questions answered next week. He spoke on trusting relations and treating people with respect. He said the decision to building the plant has been a 15 year decision. He said staff and the City Council are not lying on this matter.

Councilor Dwyer requested to remove Items XII. A.1. – Peirce Island Consent Decree Second Modification with Environmental Protection Agency (EPA) et al. and A. 2. – Adoption of the Capital Improvement Plan (CIP) FY 2017-2022 from the Consent Agenda under the City Manager's Action Item.

**Councilor Dwyer moved to adopt under the Consent Agenda portion of the City Manager's Items to approve the use of city-owned property off Lang Road for the tapping of maple trees, and further, authorize the City Manager to negotiate and execute an agreement. Seconded by Councilor Spear and voted.**

**At 12:00 a.m. motion to recess passed, as presented.**



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

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 21, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on an 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”

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

<p style="text-align: center;">LEGAL NOTICE</p> <p>NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 21, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on an 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</p> <p>Amend Articles 4, 5, 11, 12 &amp; 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016</p> <p>Amend the Zoning Map as set forth in the following maps dated January 11, 2016:</p> <ul style="list-style-type: none"><li>(a) Map 10.5A21A – Character Districts and Civic Districts;</li><li>(b) Map 10.5A21B – Building Height Standards;</li><li>(c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout &amp; Uses</li></ul> <p>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”</p> <p>The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.</p> <p>Kelli L. Barnaby, MMC, CMC, CNHMC City Clerk</p>
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ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 1/11/2016.
- (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 1/11/2016.
- (3) Amend the Zoning Map as set forth in the following maps dated 1/11/2016:
  - (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.
- (4) 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 1/11/2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

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

This ordinance shall take effect upon its passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

## Article 5A Character-Based Zoning

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- Section 10.5A10** General
- Section 10.5A20** Regulating Plan
- Section 10.5A30** Character District Use Standards
- Section 10.5A40** Character District Development Standards
- Section 10.5A50** Civic Districts
- Section 10.5A60** Definitions

### Section 10.5A10 General

#### 10.5A11 Purpose and Intent

The purpose of Article 5A is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place.

#### 10.5A12 Applicability

- 10.5A12.10 Article 5A shall apply to the Character districts and Civic districts as shown on the Regulating Plan.
- 10.5A12.20 Municipal districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance (specifically, Sections 10.460 and 10.560) and not by Article 5A.

#### 10.5A13 Compliance with Regulating Plan

- 10.5A13.10 In the Character districts and Civic districts, all lots, buildings, structures, uses, and development shall comply with the requirements of Article 5A, as well as with all provisions of this Zoning Ordinance that are not superseded by Article 5A.
- 10.5A13.20 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except pursuant to the Regulating Plan and in compliance with the applicable standards and requirements for such district.

### 10.5A14 Relationship to Other Provisions of the Zoning Ordinance

- 10.5A14.10 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that are in conflict with Article 5A.
- 10.5A14.20 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5A, or that are not in conflict with Article 5A, shall apply to lots, buildings and uses in the Character districts and Civic districts.

### 10.5A15 Relationship to Other Regulations, Codes and Ordinances

- 10.5A15.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.
- 10.5A15.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.
- 10.5A15.30 The provisions of Article 5A do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

### 10.5A16 Figures

- 10.5A16.10 The standards in the following figures are an integral part of Article 5A:
  - Figure 10.5A41.10A – Development Standards: Character District 4– Limited (CD4-L1/CD4-L2)
  - Figure 10.5A41.10B – Development Standards: Character District 4– West End (CD4-W)
  - Figure 10.5A41.10C – Development Standards: Character District 4 (CD4)
  - Figure 10.5A41.10D – Development Standards: Character District 5 (CD5)
  - Figure 10.5A43.10 – Façade Types
  - Figure 10.5A43.60 – Building Types
  - Figure 10.5A46.70 – Community Spaces
- 10.5A16.20 The diagrams, photographs and illustrations contained in the above figures are provided only to indicate general character within the various districts and shall have regulatory force and effect only to that extent.

### 10.5A17 Definitions

Terms used throughout Article 5A may be defined in the figures (Façade Types, Building Types, and Community Spaces), in Section 10.5A60, in Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5A, those in

Article 15, other sections of the Zoning Ordinance, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence unless the context clearly indicates otherwise.

## Section 10.5A20 Regulating Plan

### 10.5A21 General

#### **10.5A21.10 Contents of Regulating Plan**

The Regulating Plan is the Zoning Map for the Character districts and Civic districts. The Regulating Plan consists of the following maps:

- Map 10.5A21A – Character Districts and Civic Districts
- Map 10.5A21B – Building Height Standards
- Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

#### **10.5A21.20 Building Height Standards**

10.5A21.21 Assignments for specific building heights require a building to have no more than the designated maximum number of stories or the maximum height in feet (whichever is lower) and no less than the designated minimum number of stories.

10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:

- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.

**10.5A21.30 Special Requirements for Façade Types, Front Lot Line Buildout, and Uses**

The following standards shall apply when so designated by the Regulating Plan:

- (a) Assignments for shopfront, officefront or stepfront façade types require that a building have the designated façade type at the sidewalk level.
- (b) For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance.
- (c) Specific use requirements apply to designated properties along the waterfront area (see Sections 10.5A35-36).

**10.5A22 Regulating Plan Amendment**

**10.5A22.10 General**

The Regulating Plan may be amended in accordance with the provisions of Section 10.150 (Changes and Amendments), subject to the further provisions of Section 10.5A22.20.

**10.5A22.20 Application Requirements**

An application for a Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a site plan for such property that complies with the requirements for a request for Design Review under the Site Plan Review Regulations.

**Section 10.5A30 Character District Use Standards**

- 10.5A31 Buildings, structures and land within a Character district shall comply with the use regulations set forth for the applicable district in Section 10.440, except as specified below:
- 10.5A32 In Character District 4–West End (CD4-W), residential uses are not permitted on the ground floor.
- 10.5A33 In Character District 4–Limited 2 (CD4-L2), commercial uses are not permitted above the ground floor.
- 10.5A34 A lot within the Downtown Overlay District shall comply with the requirements of Section 10.642 Ground Floor Uses.
- 10.5A35 In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay as shown on Map 10.5A21C shall also permit the following uses as set forth in Section 10.440: 9.60, 12.20, 12.22 and 12.40.

- 10.5A36 In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street as shown on Map 10.5A21C shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440.

## Section 10.5A40 Character District Development Standards

### 10.5A41 Development Standards

Development, structures and lots within Character districts shall comply with the applicable general description and standards set forth in Figures 10.5A41.10A-D (Development Standards) and elsewhere in Article 5A.

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**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**

These districts consist of medium density areas with a mix of medium to large houses. Upper floor uses are almost entirely residential. Ground floors include some commercial office uses; areas zoned CD4-L2 also allow some restaurant and retail uses on the ground floor. There are shallow front yards and shallow to medium side yards, with variable private landscaping with on-site accessory parking. Streets have sidewalks and street trees, and define medium to large blocks.



**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING**

Maximum principal front yard	15 ft	A
Maximum secondary front yard	12 ft	B
Side yard	5 ft min. to 20 ft max.	C
Rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	60% min. to 80% max.	

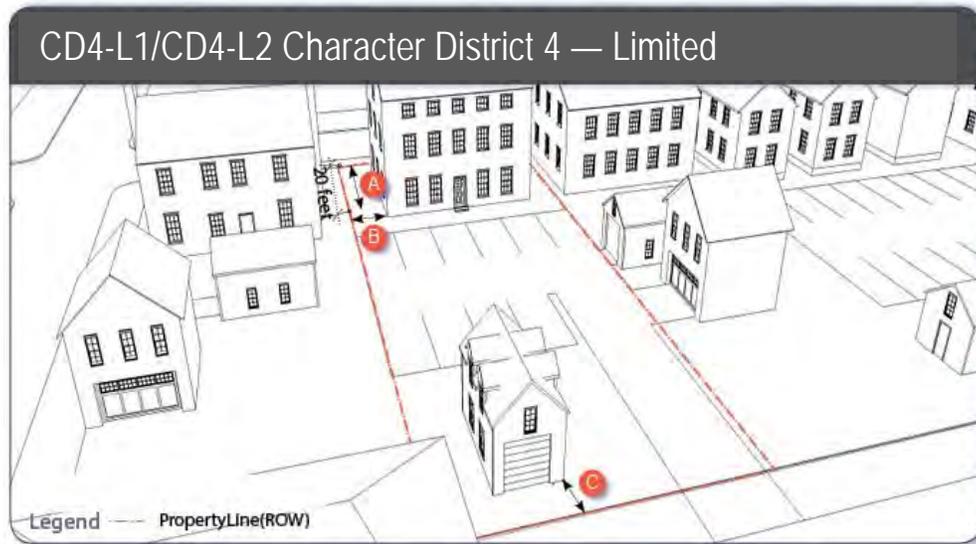
**LOT OCCUPATION**

Maximum building block length	80 ft
Required façade modulation (see Section 10.5A43.20)	50 ft
Minimum entrance spacing	50 ft
Maximum building coverage	60%
Maximum building footprint (see Section 10.5A43.50)	2,500 sf
Minimum lot area	3,000 sf
Minimum lot area per dwelling unit	3,000 sf
Minimum open space	25%

**BUILDING FORM – PRINCIPAL BUILDING**

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	11 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	25% min. to 40% max.	
Roof type	gable, hip, gambrel	
Roof pitch, if any:		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



**BUILDING PLACEMENT — OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	<b>A</b>
Minimum side yard	3 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**BUILDING TYPES**

BUILDING TYPES	(see Figure 10.5A43.60)
House	permitted
Duplex	permitted
Rowhouse	permitted
Apartment building	permitted
Live/Work building	permitted
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440  
 In the CD4-L2 district, commercial uses are not permitted above the ground floor (see Section 10.5A33)

**FAÇADE TYPES**

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	permitted
Stoop	permitted*
Step	not permitted
Shopfront	not permitted unless required (see Map 10.5A21C)
Officefront	not permitted unless required (see Map 10.5A21C)
Forecourt	permitted*
Recessed-entry	permitted*
*Not permitted in the Downtown Overlay District See Map 10.5A21C for additional requirements	

**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A46

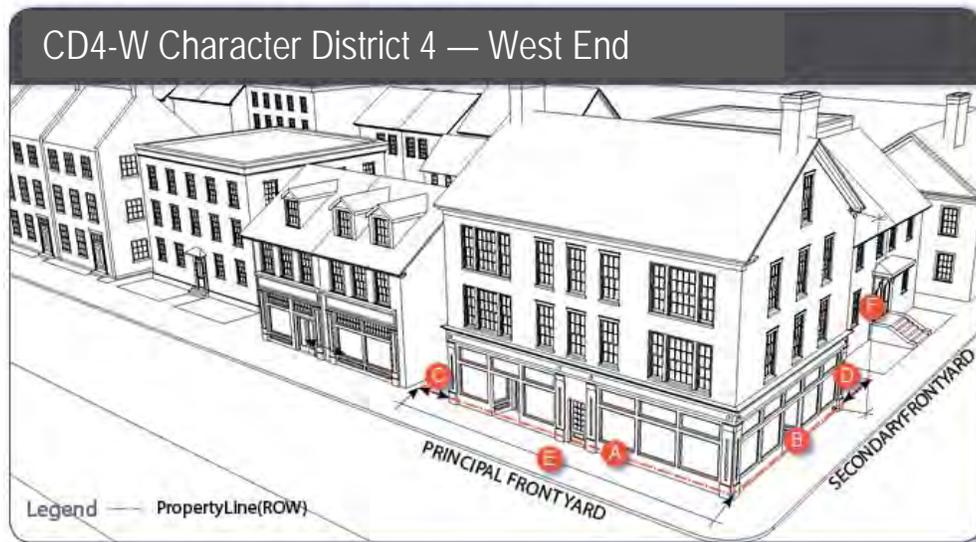
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**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—WEST END (CD4-W)**

This district consists of a medium-to-high density area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping and on-site accessory parking. Streets have sidewalks and street trees, and define medium blocks.



**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—WEST END (CD4-W)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING\***

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Maximum side yard	20 ft.	C
Rear Yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	50% min.	E

\* Except for items listed under Section 10.5A42.12

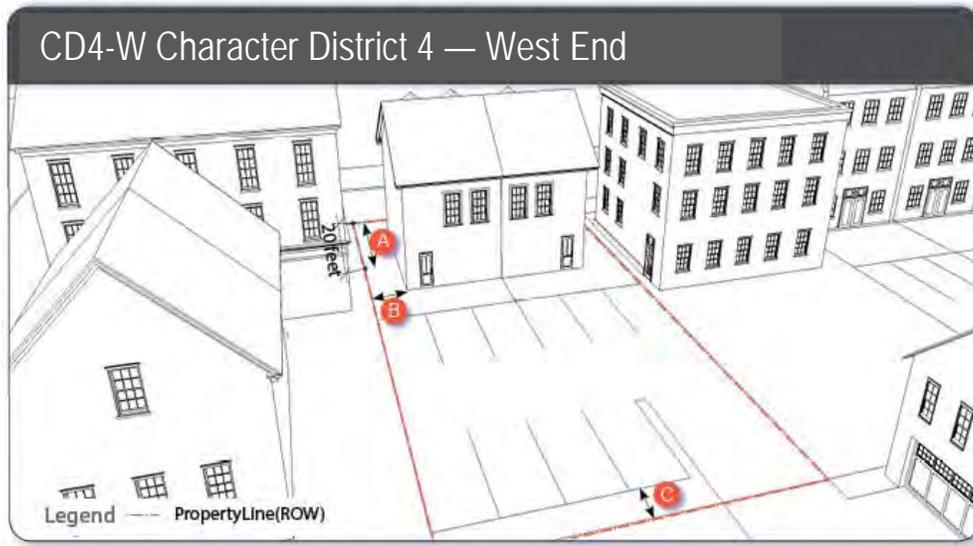
**LOT OCCUPATION**

Maximum building block length	200 ft
Required façade modulation (see Section 10.5A43.20)	80 ft
Minimum entrance spacing	60 ft
Maximum building coverage	60%
Maximum building footprint (see Section 10.5A43.50)	20,000 sf
Minimum lot area	5,000 sf
Minimum lot area per dwelling unit	2,500 sf
Minimum open space	15%

**BUILDING FORM – PRINCIPAL BUILDING**

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4—WEST END (CD4-W)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

**BUILDING TYPES**

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	not permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440
Residential uses are not permitted on the ground floor (see Section 10.5A32)

**FAÇADE TYPES**

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

**PARKING**

See Section 10.5A44.30
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**COMMUNITY SPACE**

See Section 10.5A46
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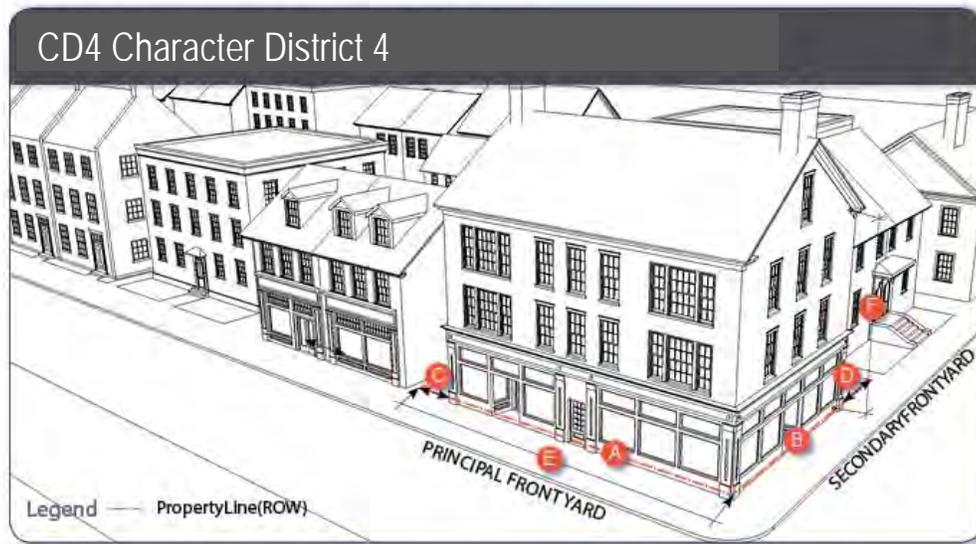
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**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)**

This district consists of a medium-to-high density transitional area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping. Streets have sidewalks and street trees, and define small to medium blocks.



**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING\***

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Maximum side yard	20 ft	C
Rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout		
On Ceres Street	50% max. (see Map 10.5A21C)	
Everywhere else	50% min.	

\* Except for items listed under Section 10.5A42.12

**LOT OCCUPATION**

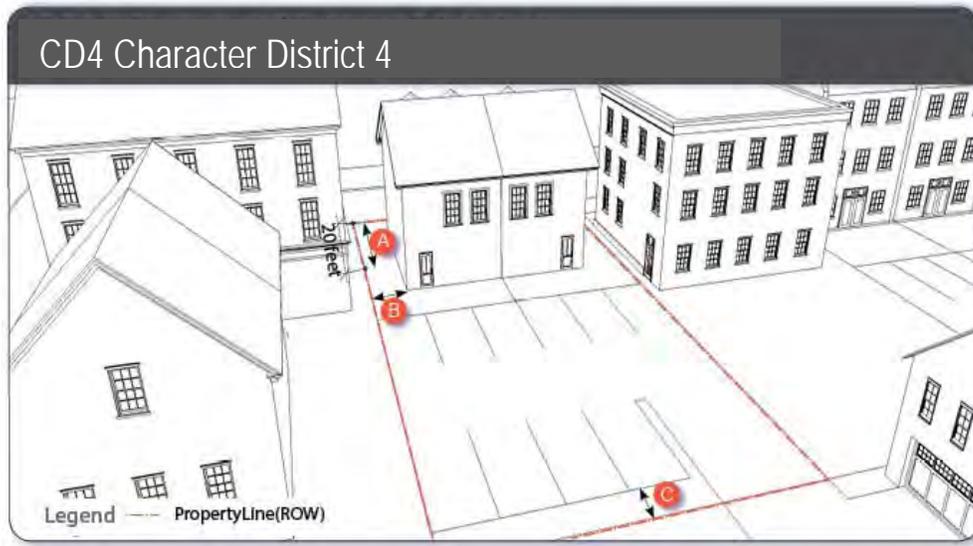
Maximum building block length	200 ft
Required façade modulation (see Section 10.5A43.20)	80 ft
Minimum entrance spacing	60 ft
Maximum building coverage	90%
Maximum building footprint (see Section 10.5A43.50)	20,000 sf

Minimum lot area	2,000 sf
Minimum lot area per dwelling unit	NR
Minimum open space	10%

**BUILDING FORM – PRINCIPAL BUILDING**

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 4 (CD4)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind a façade of a principal building	<b>A</b>
Minimum side yard	0 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**BUILDING TYPES**

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*
Recessed-entry	permitted*

\*Not permitted in the Downtown Overlay District  
See Map 10.5A21C for additional requirements

**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A46

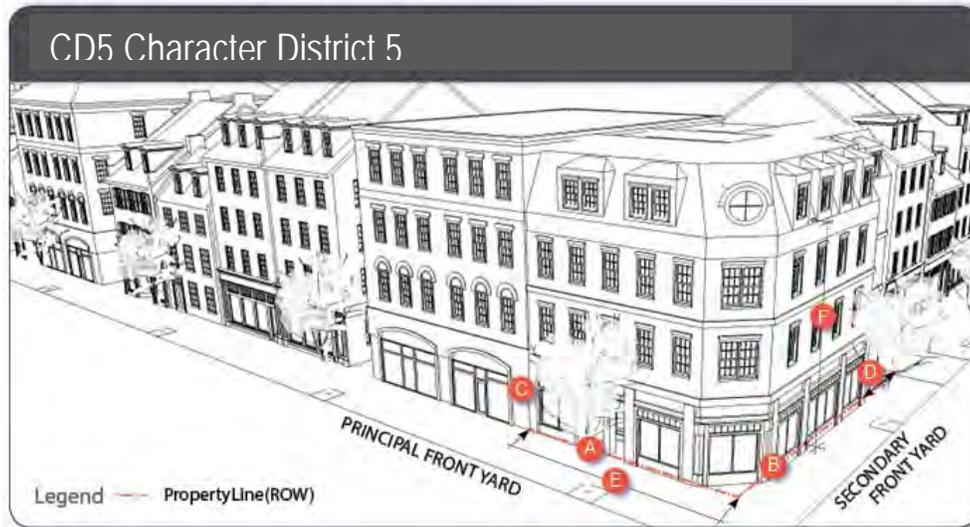
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**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 5 (CD5)**

This district consists of a high density center with a mix of building types and residential, retail and other commercial uses. There are no front yards or side yards, and limited landscaping and public parking facilities. Streets have sidewalks and trees, and define small to medium blocks.



**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS  
CHARACTER DISTRICT 5 (CD5)**



**BUILDING PLACEMENT – PRINCIPAL BUILDING\***

Required principal front yard	0 ft	A
Required secondary front yard	0 ft	B
Required side yard	0 ft	C
Maximum rear yard	20 ft	
Required front lot line buildout	100%	

\* Except for items listed under Section 10.5A42.12

**LOT OCCUPATION**

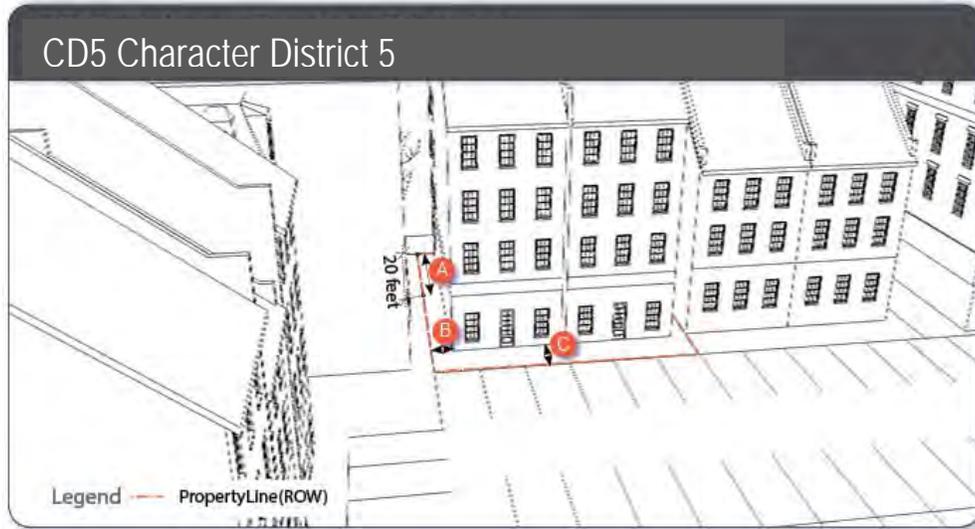
Maximum block length	250 ft
Required façade modulation (see Section 10.5A43.20)	100 ft
Minimum entrance spacing	60 ft
Maximum building coverage	95%
Maximum building footprint (see Section 10.5A43.50)	30,000 sf

Minimum lot area	2,000 sf
Minimum lot area per dwelling unit	NR
Minimum open space	5%

**BUILDING FORM – PRINCIPAL BUILDING**

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS CHARACTER DISTRICT 5 (CD5)**



**BUILDING PLACEMENT – OUTBUILDING**

Minimum front yard	20 ft behind the façade of a principal building	<b>A</b>
Minimum side yard	0 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**BUILDING TYPES**

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*
Recessed-entry	permitted*
*Not permitted in the Downtown Overlay District See Map 10.5A21C for additional requirements	

**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A46

## 10.5A42 Building Placement

### 10.5A42.10 Yards

- 10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).
- 10.5A42.12 Yards may be increased above the maximum permitted where truncated corners, alleys, vehicular access ways or community space are accepted by the City.
- 10.5A42.13 With respect to lots with more than one front yard:

- (a) For a corner lot, all requirements related to the front yard shall be applicable to both the principal front yard and the secondary front yard(s). The rear yard shall be determined based on the assigned street address.
- (b) A through lot has two front yards and no rear yard.
- (c) All requirements related to the front yard shall apply to both the principal front yard and the secondary front yard.

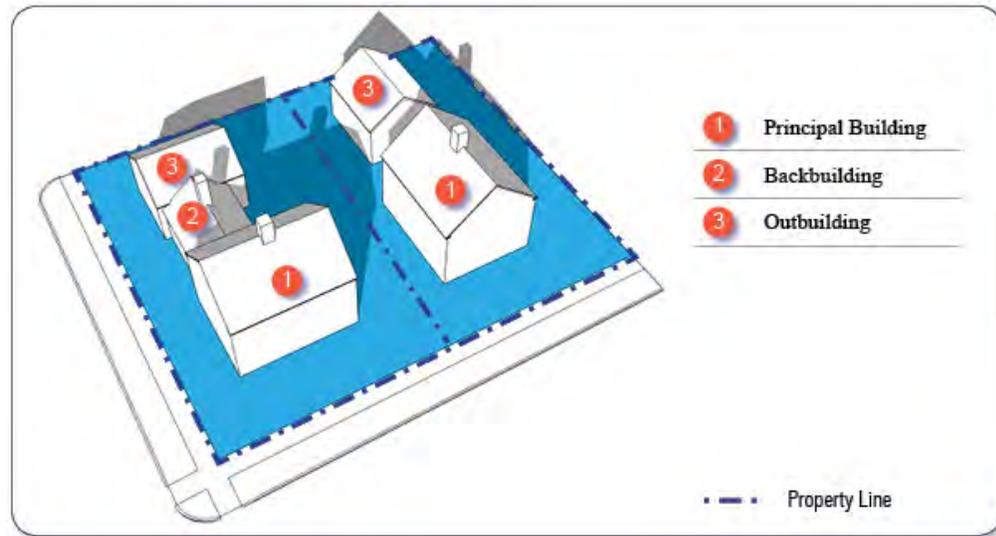
### 10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

### 10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

**FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING**



## 10.5A43 Building Form and Façades

### 10.5A43.10 Façade Types

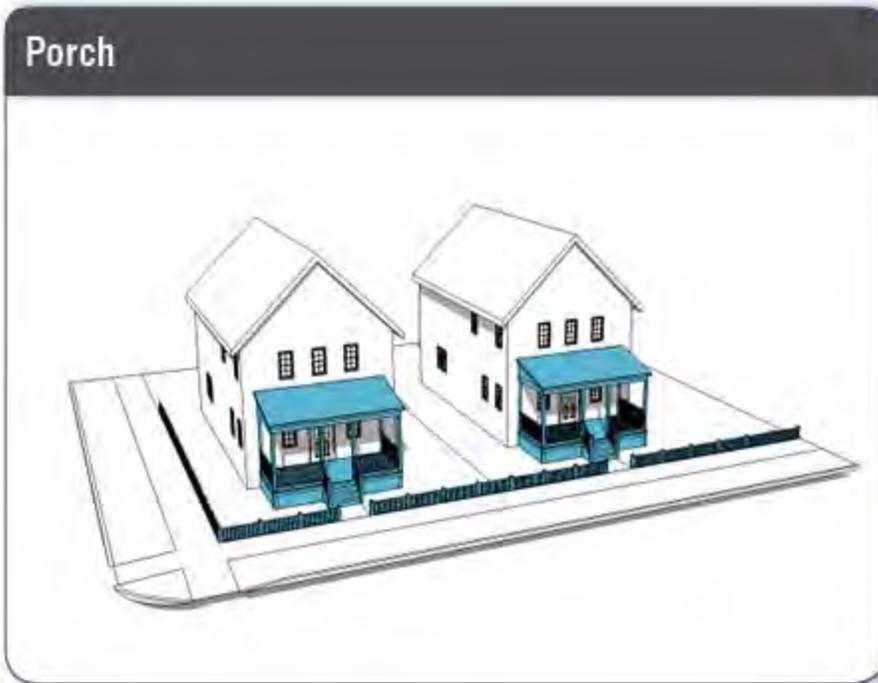
The façade facing the principal front yard shall conform to Figure 10.5A43.10 (Façade Types) and Figures 10.5A41.10A-D (Development Standards), and to any applicable façade type requirements indicated on the Regulating Plan. Permitted building form and façade types may be combined.

### 10.5A43.20 Façade Modulation

10.5A43.21 Except as listed in 10.5A43.22, a façade shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the required façade modulation dimensions listed in Figures 10.5A41.10A-D (Development Standards).

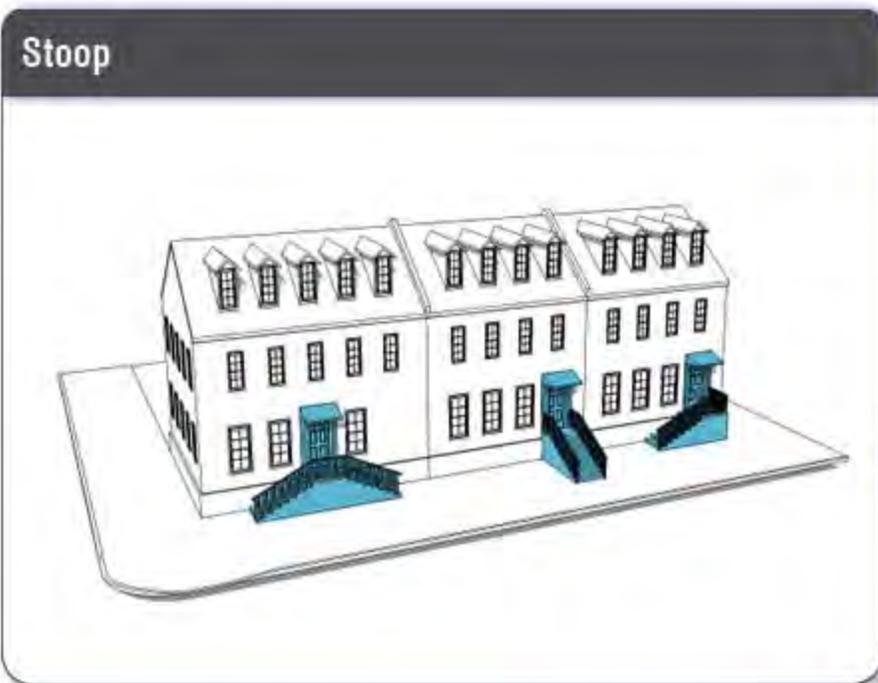
10.5A43.22 Façades that are all brick or masonry and have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including windows recessed in the openings and with multiple panes) shall be exempt from the modulation requirements listed in Figures 10.5A41.10A-D (Development Standards).

**FIGURE 10.5A43.10 FAÇADE TYPES**



The façade is set back from the front lot line with an attached porch or stoop permitted to encroach. This may be used with or without a fence to maintain street spatial definition.

**Permitted districts:**  
CD4-L1, CD4-L2



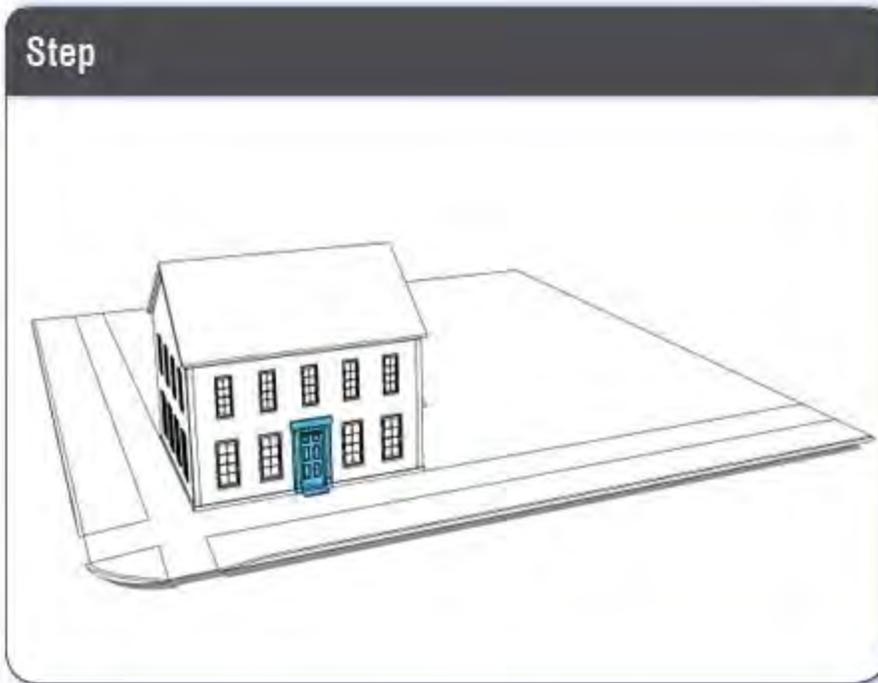
The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior stair and landing.

This type is recommended for ground floor residential use.

**Permitted districts:**  
CD5, CD4, CD4-W, CD4-L1, CD4-L2

This façade type is not permitted in the Downtown Overlay District.

**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**



The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior single step without a landing.

This type is recommended for ground floor residential office or retail use.

**Permitted districts:**

CD5, CD4, CD4-W  
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)



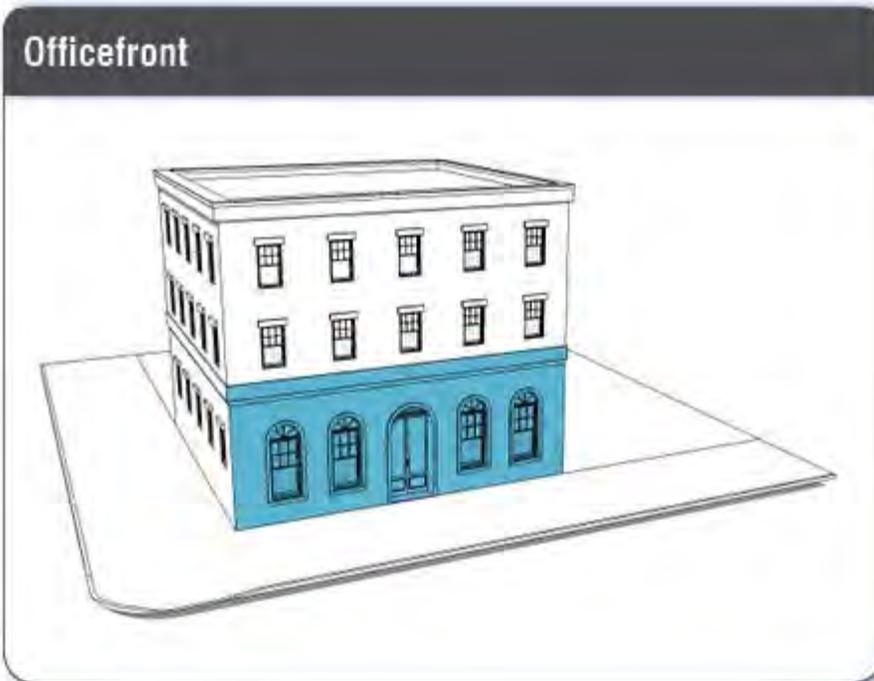
The façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor.

This type is conventional for retail, office or restaurant use.

**Permitted districts:**

CD5, CD4, CD4-W  
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**

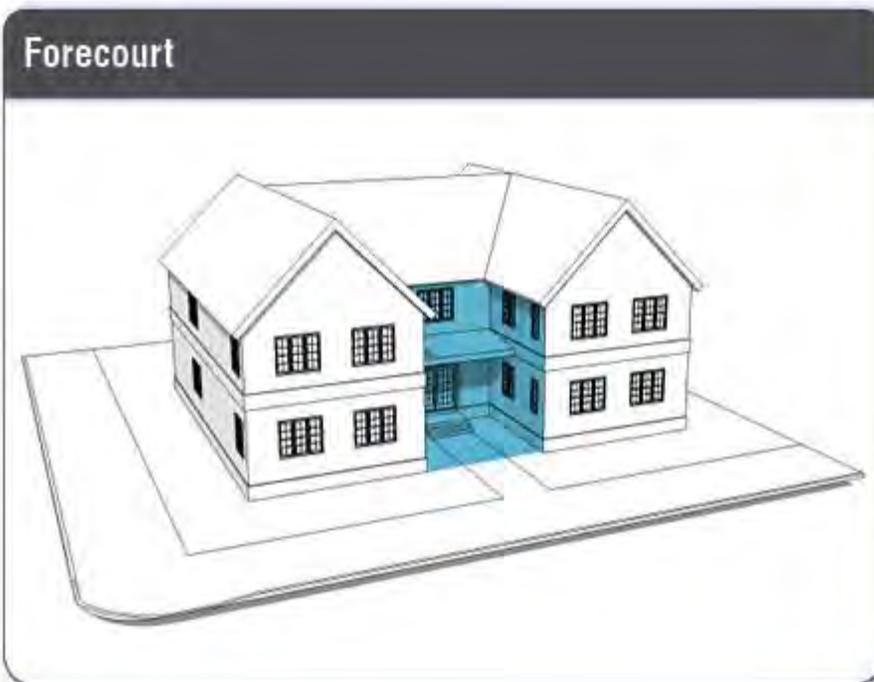


The façade is aligned close to the front lot line with the building entrance at or elevated above sidewalk grade. It may have substantial glazing on the sidewalk level.

This type is conventional for office use.

**Permitted districts:**

CD5, CD4, CD4-W  
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

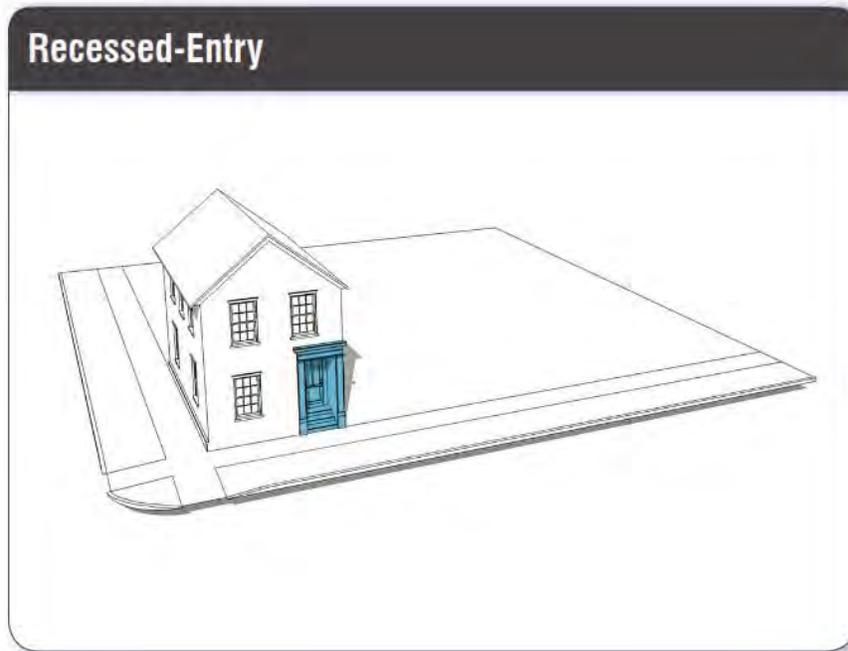


The two ends of the façade are close to the front lot line and the central portion is set back.

**Permitted districts:**

CD4-L1, CD4-L2  
This façade type is not permitted in the Downtown Overlay District.

**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**



The primary building entrance is recessed within the façade.

This type is conventional for residential use.

**Permitted districts:**

CD4-L1, CD4-L2, CD4, CD4-W, CD5

This façade type is not permitted in the Downtown Overlay District.

**10.5A43.30 Building and Story Heights**

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum building height in each height requirement area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 <sup>rd</sup> )	2	2 + short 3 <sup>rd</sup>	35
2-3 stories	2	3	40
2-3 stories (short 4 <sup>th</sup> )	2	3 + short 4 <sup>th</sup>	45
2-4 stories	2	4	50
2-4 stories (short 5 <sup>th</sup> )	2	4 + short 5 <sup>th</sup>	60
2-5 stories	2	5	60

**10.5A43.40 Maximum Building Footprint**

10.5A43.41 No building or structure footprint shall exceed the applicable maximum building footprint listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached liner building may have a building footprint of up to 30,000 sq. ft. if it meets all other development

standards and is integrated into a parking structure through the provision of community space or shared access.

- 10.5A43.43 A building containing ground floor parking or underground parking levels may have a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if it meets all other development standards and meets both of the following criteria:
- (a) Any parking area that is not completely below a ground floor above the sidewalk level shall be separated from any street or vehicular right of way or easement by a liner building; and
  - (b) No story above the ground floor parking or underground parking levels shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.

- 10.5A43.44 The building footprint of a parking structure shall be no greater than 40,000 sq. ft., and the façade length shall be no greater than 300 feet.

#### **10.5A43.50 Streetscreens**

Any streetscreen in a front yard shall be built on the same plane as the façade of the principal building and shall be between 3.5 and 4.0 feet in height.

#### **10.5A43.60 Building Types**

Buildings in each Character district shall be of one or more of the building types specified for such Character district in Figure 10.5A43.60 (Building Types).

**FIGURE 10.5A43.60 BUILDING TYPES**



A residential building that has the appearance of a single-family dwelling, with yards on all sides.

**Permitted districts:**

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A residential building with two vertically-separated units with separate entrances. The building may have yards on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

**Permitted districts:**

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that occupies the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard.

**Permitted districts:**

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**

**Apartment Building**



A building that has the appearance of a multifamily dwelling, with yards on all sides.

**Permitted districts:**

CD4, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

**Live / Work Building**



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

**Permitted districts:**

CD5, CD4, CD4-W, CD4-L1, CD4-L2

Only non-residential uses are permitted on the ground floor in CD4-W and the Downtown Overlay District.

**Small Commercial Building**



A building with a shopfront or officefront façade type and minimal or no front yard, and that is no more than 3 stories in height.

**Permitted districts:**

CD5, CD4, CD4-W, CD4-L2

Only non-residential uses are permitted on the ground floor in CD4-W and the Downtown Overlay District.

**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**



A building with a shopfront or officefront façade type and minimal or no front yard, and that is 4 or more stories in height.

**Permitted districts:**  
CD5, CD4, CD4-W

## 10.5A44 Off-Street Parking and Loading Requirements

### 10.5A44.10 General

- 10.5A44.11 Except as otherwise provided in this Section, all buildings, structures and uses in the Character districts and Civic districts shall comply with the off-street parking requirements set forth in Section 10.1110.
- 10.5A44.12 Buildings, structures and uses in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

### 10.5A44.20 Number of Required Spaces

- 10.5A44.21 Uses in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.
- 10.5A44.22 Uses in the Character districts and Civic districts that are included in the Downtown Overlay District shall comply with the off-street parking requirements for the Downtown Overlay District in accordance with Section 10.1115.

### 10.5A44.30 Parking, Loading, and Driveway Locations and Standards

- 10.5A44.31 Off-street parking spaces shall not be located in any required front yard, or between a principal building and a street (including on a corner lot), except when in an underground parking level. This restriction shall not apply to off-street parking for a single-family or two-family dwelling.
- 10.5A44.32 Parking lots and loading areas shall be screened from the street by a building or streetscreen except for any driveway.

- 10.5A44.33 Driveways at the street and within a required front yard shall be no wider than 24 feet.
- 10.5A44.34 All parking lots, garages, and parking structures shall include a pedestrian exit directly to a front lot line.
- 10.5A44.35 The above-ground portion of a parking structure shall have a liner building along the entire width of any front yard except for driveways and pedestrian entrances.
- 10.5A44.36 A parking lot containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

**10.5A44.40 Parking Lot Landscaping**

Parking lots that contain 10 or more spaces shall conform to the following:

- 10.5A44.41 Landscape islands:
  - (a) Parking lots shall contain one landscaped island for every 10 parking spaces.
  - (b) A parking lot with more than one landscaped island shall have such islands distributed throughout the parking lot.
  - (c) Each landscaped island shall be a minimum of 325 square feet.
- 10.5A44.42 Trees:
  - (a) Parking lots shall contain at least one tree for every 7 parking spaces.
  - (b) No parking space shall be more than 75 feet from a tree within the lot, as measured from the center of the tree to the nearest line demarcating the space.
  - (c) All trees shall be separated from paved surfaces by at least 3 feet.
- 10.5A44.43 All landscaping required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.

**10.5A44.50 Loading Docks, Storage and Service Areas**

Loading docks, storage and service areas shall not be permitted between the principal building and any front lot line.

### 10.5A45 Architectural Design Guidelines

In reviewing a proposed project within the Historic District under Section 10.630, the Historic District Commission shall review the application for compliance with Architectural Design Guidelines adopted for the Character districts or for the Historic District generally. The initial Guidelines shall be those contained in the document titled “Interim Architectural Design Guidelines for the Character-Based Zoning Ordinance,” adopted by the Historic District Commission and dated November 18, 2013, which shall apply until superseded by new guidelines adopted by the Historic District Commission and approved by the City Council.

### 10.5A46 Community Spaces

- 10.5A46.10 Community space types are defined by the combination of certain physical constants, including the relationships among their intended use, their size, their landscaping and the buildings that front on them. The community space types are shown in Figure 10.5A46.10 (Community Spaces).
- 10.5A46.20 Any development having an aggregate land area of ½ acres or more, from the date of adoption of this amendment, shall include at least 10% of its gross land area assigned and improved as community spaces. Such community space shall count toward the required open space area listed under Figures 10.5A41.10A-D (Development Standards) or the community space required under Section 10.5A47.22(1) The Planning Board shall determine the size, location and type of the required community spaces based on the size and location of the development, and the proposed and adjacent uses.
- 10.5A46.30 Community spaces shall be designed as generally described in Figure 10.5A46.10 (Community Spaces) as related to the adjacent Character district, or if adjacent to more than one, as related to the highest numbered adjacent Character district.
- 10.5A46.40 Development, structures and lots within a community space shall comply with applicable requirements of Article 5A including, but not limited to, Section 10.5A40.
- 10.5A46.50 A community space that is provided on site and otherwise qualifies as open space shall count towards the open space requirement for the development.

**FIGURE 10.5A46.10 COMMUNITY SPACES**



A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding buildings. Other than active use areas, its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.

**Permitted districts:** CD4-L1, CD4-L2



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

**Permitted districts:** CD5, CD4, CD4-W, CD4-L1, CD4-L2



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts.

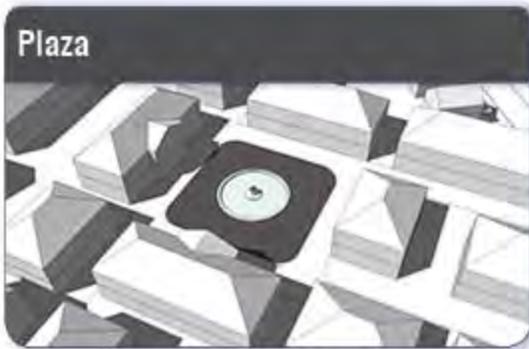
**Permitted districts:** CD5, CD4, CD4-W, CD4-L1, CD4-L2

**FIGURE 10.5A46.10 COMMUNITY SPACES (CONTINUED)**



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

**Permitted districts:** CD4, CD4-W, CD5



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.

**Permitted districts:** CD4, CD4-W, CD5



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed.

**Permitted districts:** CD5, CD4, CD4-W, CD4-L1, CD4-L2



A community space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum size.

**Permitted districts:** CD5, CD4, CD4-W, CD4-L1, CD4-L2

### 10.5A47 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A47.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A47.20, as applicable:

#### 10.5A47.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum Building Coverage	No Change	80%
Maximum Building Footprint	30,000 sf	30,000 sf
Minimum Lot Area	No Change	2,000 sf
Minimum Lot Area Per Dwelling Unit	No Change	No minimum
Maximum Building Height	Plus 1 story up to 10 ft	Plus 1 story up to 10 ft
Minimum Off-Street Parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

#### 10.5A47.20 Requirements to Receive Incentives to the Development Standards

10.5A47.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include a community space consisting of a continuous public greenway at least 20 feet in width that is parallel to the waterfront for the entire length of the rear or side lot line. The greenway shall include connections to abutting lots or public ways. When such a connection is not available due to current conditions on an abutting lot, provisions shall be made for future connections to such abutting lot in a location determined by the Planning Board.

10.5A47.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

- (1) Community space option – All of the following criteria shall be met:
  - (a) The community space shall be a community space type that is permitted within the applicable Character district.
  - (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 20 feet.
  - (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
  - (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
  - (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
  - (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
    - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
    - (ii) The proposed community space is within the same Incentive Overlay District as the development.
    - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.
  
- (2) Workforce housing option – One or more of the following criteria shall be met:
  - (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or
  - (b) At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located.

## Section 10.5A50 Civic Districts

### **10.5A51 Purpose**

- 10.5A51.10 Civic districts are designated to preserve existing buildings and uses which are open to the general public and owned and operated by a not-for-profit organization or entity other than the City of Portsmouth.

### **10.5A52 Standards**

- 10.5A52.10 Permitted uses in the Civic district are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.
- 10.5A52.20 Structures may be converted to other civic uses permitted under 10.5A52.10 provided that no exterior changes are made to the existing structures.
- 10.5A52.30 When specified in the Site Plan Review Regulations, Site Plan approval is required for changes made to existing structures or the lot.
- 10.5A52.40 New structures, alterations and expansions of existing structures in the Civic district are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.
- 10.5A52.50 Structures in the Civic district that are proposed for and/or converted to non-civic uses permitted under 10.5A30 shall require Regulating Plan amendment as set forth in Section 10.5A22.

## Section 10.5A60 Definitions

This Section provides definitions for certain terms in Article 5A that are not otherwise defined in Article 15:

### Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

### Block

The aggregate of private lots, rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

### Community space

An area that is dedicated for public use with permanent deeded access to the City of Portsmouth and conforming to the types shown in Figure 10.5A46.10.

### Façade

The side of a building facing a front yard.

### Façade glazing

The portion of a façade that consists of transparent windows and doors.

### Front lot line buildout

The portion of the width of the required front yard that is occupied by a building.

### Liner building

A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

### Outbuilding

A building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

### Path

A pedestrian way traversing a park, square or other open space, or otherwise separated from streets by landscaped areas, and ideally connecting directly with the urban sidewalk network.

### Regulating Plan

The zoning map or set of maps that shows the Character districts, Municipal districts, Civic districts and any additional requirements of areas subject to, or potentially subject to, regulation by Article 5A.

Streetscreen

A freestanding wall built (1) on the same plane as the front façade or at or along any lot line and (2) which masks a parking lot or other use from the street, provides privacy to a side yard, and/or strengthens the spatial definition of the public realm.

CHARACTER-BASED ZONING – 2016 REVISIONS  
CONFORMING AMENDMENTS TO ZONING ORDINANCE

1/11/2016

Amend Chapter 10 – Zoning Ordinance as follows:  
(deletions from existing language ~~stricken~~; additions to existing language **bolded**;  
remaining language unchanged from existing)

- A. In Article 2, amend Section 10.234 – Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official, as follows:

10.234.50 In any case in which the Board of Adjustment is required to give notice of a public hearing in accordance with the provisions of State law, all persons owning property within 300 feet of the property involved in the appeal or request shall be given notice in the manner set forth by State law, provided that failure to give notice beyond statutory requirement shall not give rise to any right of appeal or protest. The requirements of this paragraph shall not apply in ~~the Central Business A and Central Business B Districts~~ **Character Districts 4 and 5 (CD4 and CD5) and the Downtown Overlay District.**

- B. In Article 4, amend Section 10.410 – Establishment and Purpose of Districts, as follows:

District	Purpose
<b>Character Districts</b>	
Character District 4-L1    CD4-L1	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-L2    CD4-L2	
<b>Character District 4-W    CD4-W</b>	
Character District 4            CD4	
Character District 5            CD5	
<b>Business Districts</b>	
<del>Central Business A            CBA</del>	<del>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.</del>
<del>Central Business B            CBB</del>	

District	Purpose
<b>Other Districts</b>	
<b>Civic District</b>	<b>To preserve existing buildings and uses that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.</b>

C. In Article 4, amend Section 10.440 – Table of Uses – Residential, Mixed Residential and Industrial Districts, as follows:

1. Delete the column headed “CBA”.
2. In the column headed “CD4-L2”, change “N” to “S” for 7 specific uses, as follows:

Use	CD4-L2
3.70 Club, fraternal or service organization	<del>N</del> S
5.32 Retail bank	<del>N</del> S
7.20 Personal services	<del>N</del> S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	<del>N</del> S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	<del>N</del> S
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	<del>N</del> S
10.30 Inn	<del>N</del> S

3. In the header row, delete “CBB”, insert “CD4-W” below “CD4”, as follows:

CBB
CD5
CD4
<b>CD4-W</b>

D. In Article 5, amend Section 10.516 – Exceptions to Yard Requirements, as follows:

10.516.30 Corner Lot Vision Obstruction

On a corner lot, no structure, accessory structure, landscaping, or screening which obstructs visibility shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by the sidelines of the intersecting street rights-of-way and a straight line joining points along said street sidelines 20 feet from the point of intersection of such sidelines or extensions thereof. This provision shall not apply in the ~~CBA and CBB districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

E. In Article 5, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, delete the columns headed “CBA” and “CBB”.

F. In Article 5, delete Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts.

G. In Article 5, Section 10.590 – Minimum Distance Between Nonresidential Uses and Residential or Mixed Residential Districts, make the following changes:

1. In Section 10.591, insert the words “Gateway District” after the words “General Business District”, and replace the words “property zoned residentially” with the words “a parcel in a Residential or Mixed Residential district or Character District 4-L1.”
2. In Section 10.592.10, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.
3. In the footnote to Section 10.592.10, replace the words “the Central Business A (CBA) or Central Business B (CBB) district” with the words “Character District 4 or 5 (CD4 or CD5) or the Downtown Overlay District.”
4. In Section 10.592.20, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.

H. Amend Article 6, Section 10.640 Downtown Overlay District, as follows:

10.641 Establishment and Purpose

10.641.10 The Downtown Overlay District (DOD) is an overlay district applied to portions of the ~~Central Business A and Central Business B districts~~ and the Character districts. All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.

10.641.20 The purpose of the DOD is to promote the economic vitality of the ~~central business district~~ **downtown** by ensuring continuity of pedestrian-oriented business uses along streets.

I. In Article 8, Section 10.830 – Business Uses, delete Section 10.831 – Waterfront Industrial District Adjacent to Central Business District.

J. Amend Article 8, Section 10.860 Hours of Operation, as follows:

10.861 The following uses are limited to operation during the times specified:

Use No.*	Use	District with time limitations	From	To
3.51	Performance facility, indoor	<del>CBA, CBB, CD5,</del> <b>CD4, CD4-W,</b> GB, GW, B	8 AM	11 PM
3.52	Performance facility, outdoor	<del>CBA, CBB, CD5,</del> <b>CD4, CD4-W,</b> GB, GW, B	4 PM	11 PM
8.111 8.121	Convenience goods 1 & Convenience goods 2	<del>MRB, CBA, CBB,</del> <b>CD5, CD4,</b> <b>CD4-W, CD4-L2,</b> GB, GW, B	6 AM	11 PM

\* Refer to Section 10.440, Table of Uses.

K. Amend Article 11, Section 10.1120 Off-Street Loading, as follows:

10.1121 General Requirements

10.1121.10 ~~In all Business (except Central Business A and B), Airport, and Industrial districts, All new structures, additions to existing structures, and changes and intensification of use in existing structures shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.~~

10.1121.20 No loading areas shall be required in the ~~Central Business A and Central Business B districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

L. Amend Article 12, Section 10.1230 Sign Districts, as follows:

10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and illumination of signs. These sign districts are overlay districts. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 3	<del>Central Business A</del> <del>Central Business B</del> <b>Character District 4-W</b> Character District 4 Character District 5

- M. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, by inserting the following definitions in alphabetical order:

**Garage**

**An area within a principal building that provides space for parking vehicles as an accessory use. Not synonymous with parking structure. (See also: parking lot, parking structure, underground parking level.)**

**Parking lot**

**A ground-level open area within a lot for parking vehicles as a principal use or accessory use. (See also: garage, parking structure, underground parking level.)**

**Parking structure**

**A structure containing multiple stories of parking as a principal use or accessory use. (See also: garage, parking lot, underground parking level.)**

- N. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, as follows:

**Building footprint**

~~The total area of a building, at or above 18 inches in elevation as measured from the outside walls at the grade plane,~~ **of a detached building, or of two or more buildings separated by fire walls, common walls or property lines.**

**Workforce housing**

~~Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household; or rental housing which is affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this definition.~~  
**A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance.**

Character-Based Zoning – 2016 Revisions

**Proposed Additional West End Zoning Changes**

1/11/2016

(Parcels are listed by Assessors Map-Lot references)

From Character District 4-L1 (CD4-L1) to General Residence C (GRC)

126-27  
126-28  
126-31  
126-32

From Mixed Residence Business (MRB) to General Residence C (GRC)

138-48	139-2	146-19
138-48-1	139-3	146-20
138-48-2	139-4	146-21
138-49	139-5	146-22
138-50	139-6	146-23
138-51		
138-52	144-40	147-22
138-54		147-23
138-55	145-14	147-24
138-56	145-19	147-25
138-57	145-20	147-26
138-58	145-21	147-27
138-59	145-29	147-28
	145-30	147-29
		147-30
		147-30A
		156-24
		156-35

From Business (B) to General Residence C (GRC)

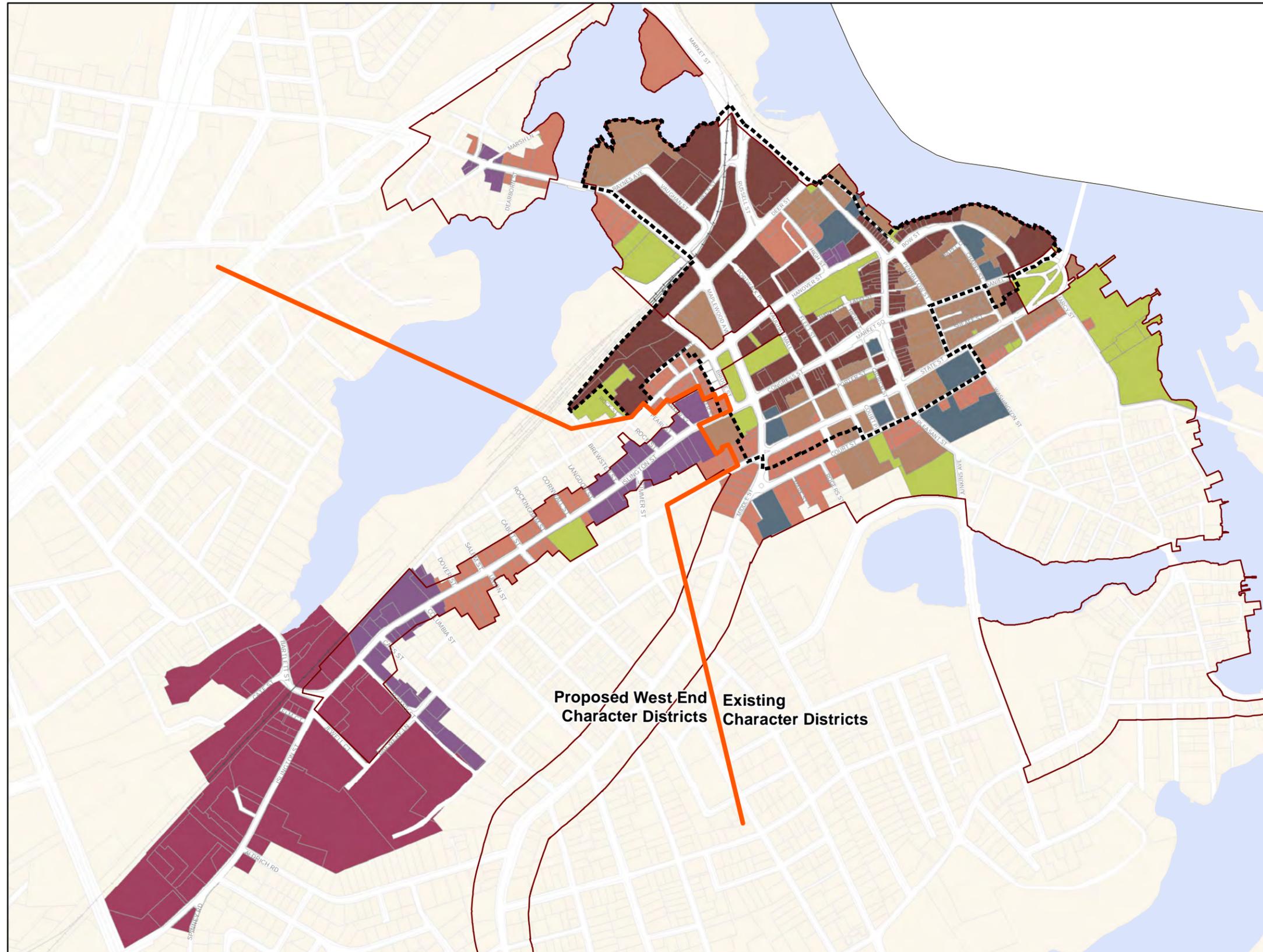
157-10  
157-11  
157-12  
157-13  
157-14

From Central Business B (CBB) to General Residence C (GRC)

138-34

# Map 10.6A21A Character Districts and Civic Districts

First Reading - January 11, 2016



## Legend

Downtown Overlay District

Historic District

### Character Districts

- CD5 Character District 5
- CD4 Character District 4
- CD4-W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

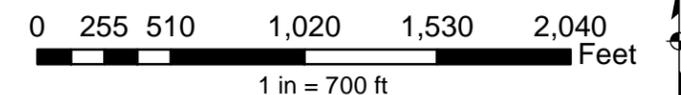
### Civic District

Civic District

### Municipal District

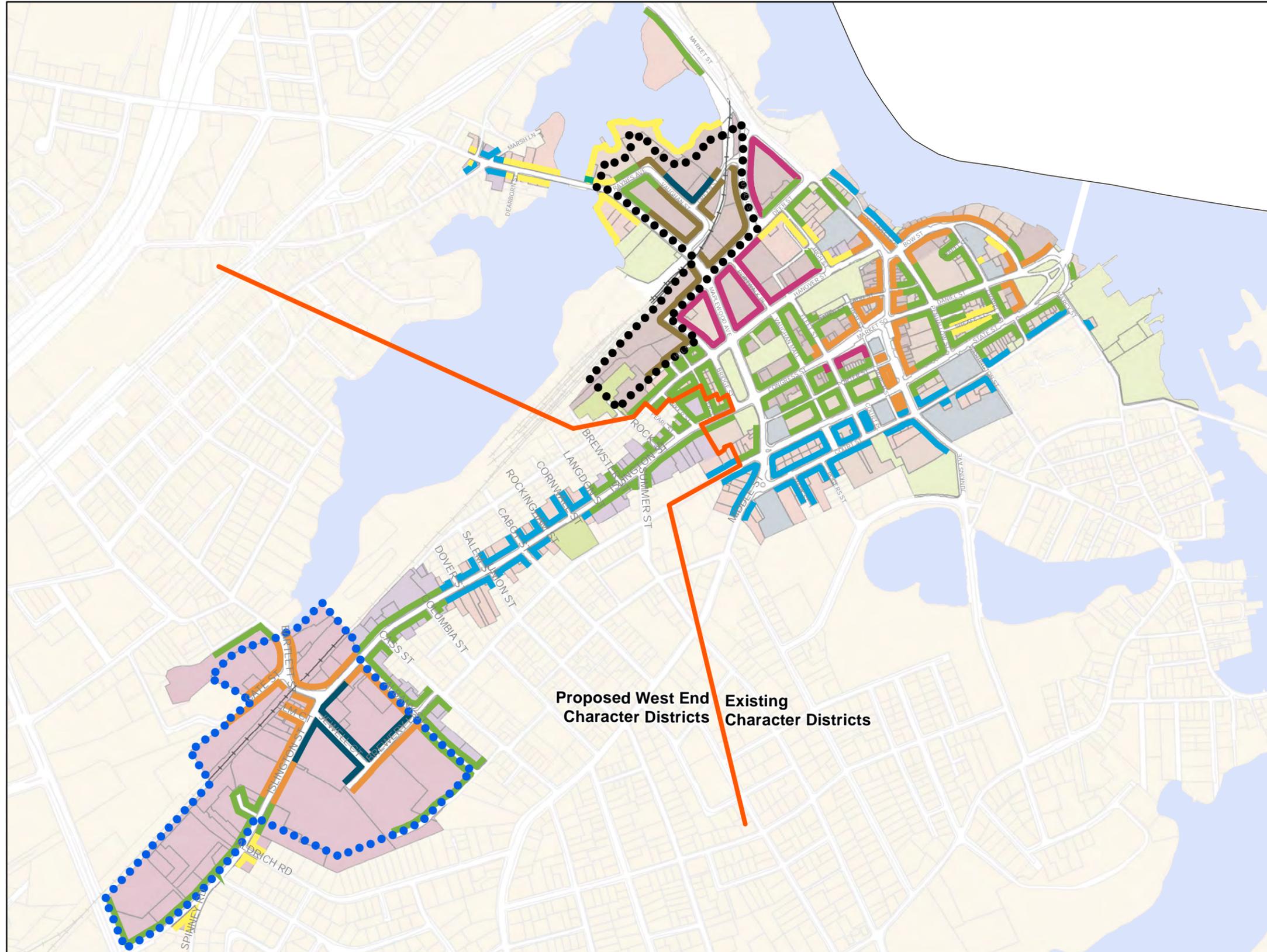
Municipal District

Proposed West End Character Districts  
Existing Character Districts



# Map 10.6A21B Building Height Standards

First Reading - January 11, 2016



## Legend

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

\*Penthouse levels may exceed the building height by 2 feet.

1. A short story includes either: 1) use of a top story below the cornice line of a sloped roof that is at least 20% shorter in height than the story below; or 2) a story within a mansard roof with a pitch no greater than 30:12.

2. When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.

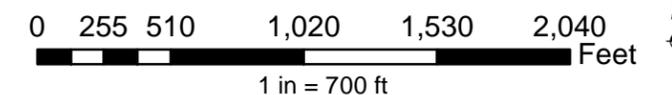
3. Attic space within either a gable, gambrel, Hip, or hip-top mansard roof or a penthouse level on a flat roof is not considered a story. Attic space is permitted above the top story provided the proposed building is no greater than the maximum building height.

• • • • North End Incentive Overlay District

• • • • West End Incentive Overlay District

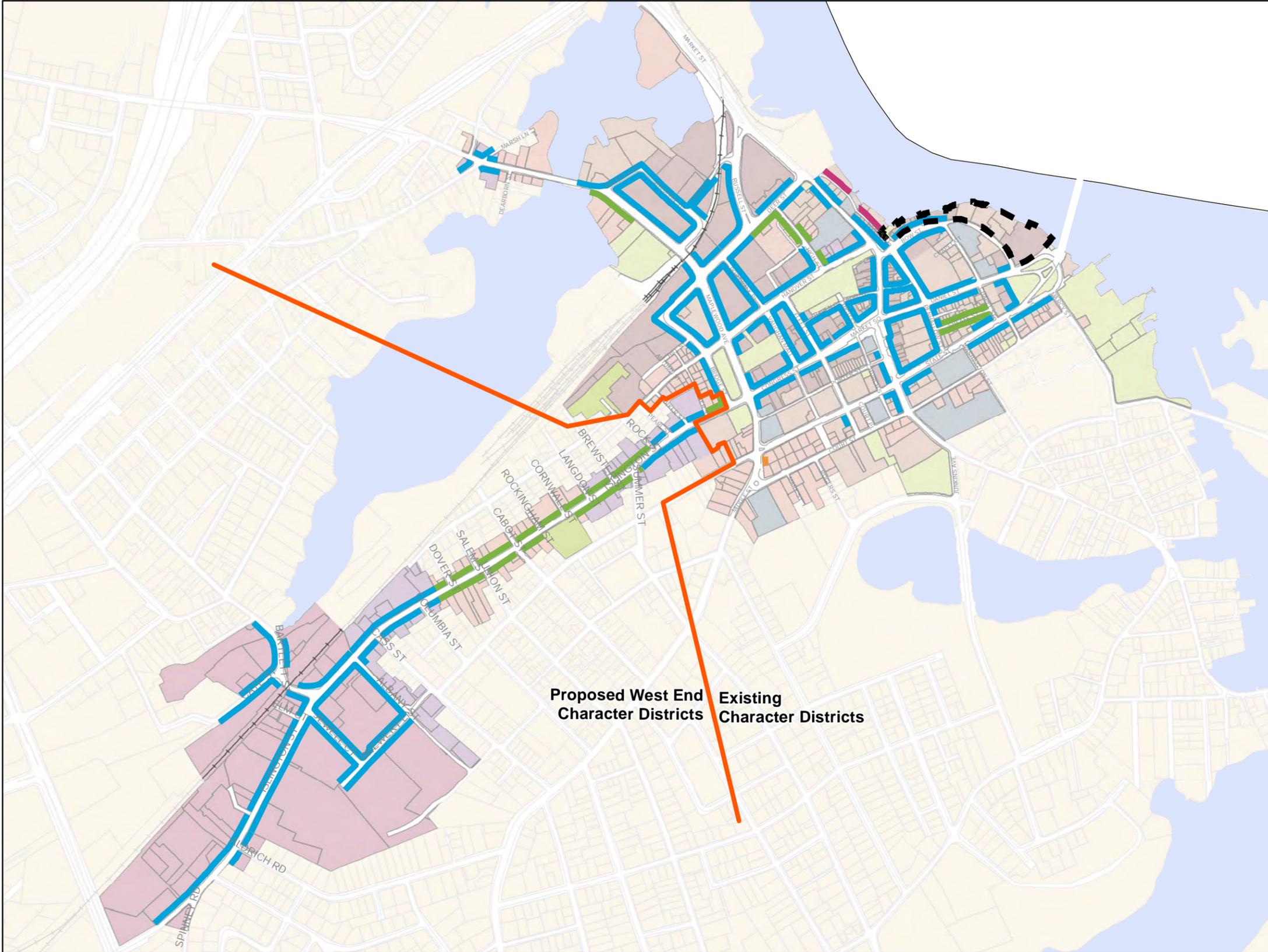
The maximum building height within Incentive Overlay Districts may be increased pursuant to Section 10.5A47.

Between Maplewood Avenue and Russell Street, the boundary of the North End Incentive Overlay District is established at 100 feet from the mean high water line.



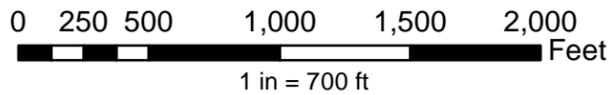
# Map 10.6A21C Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

First Reading - January 11, 2016



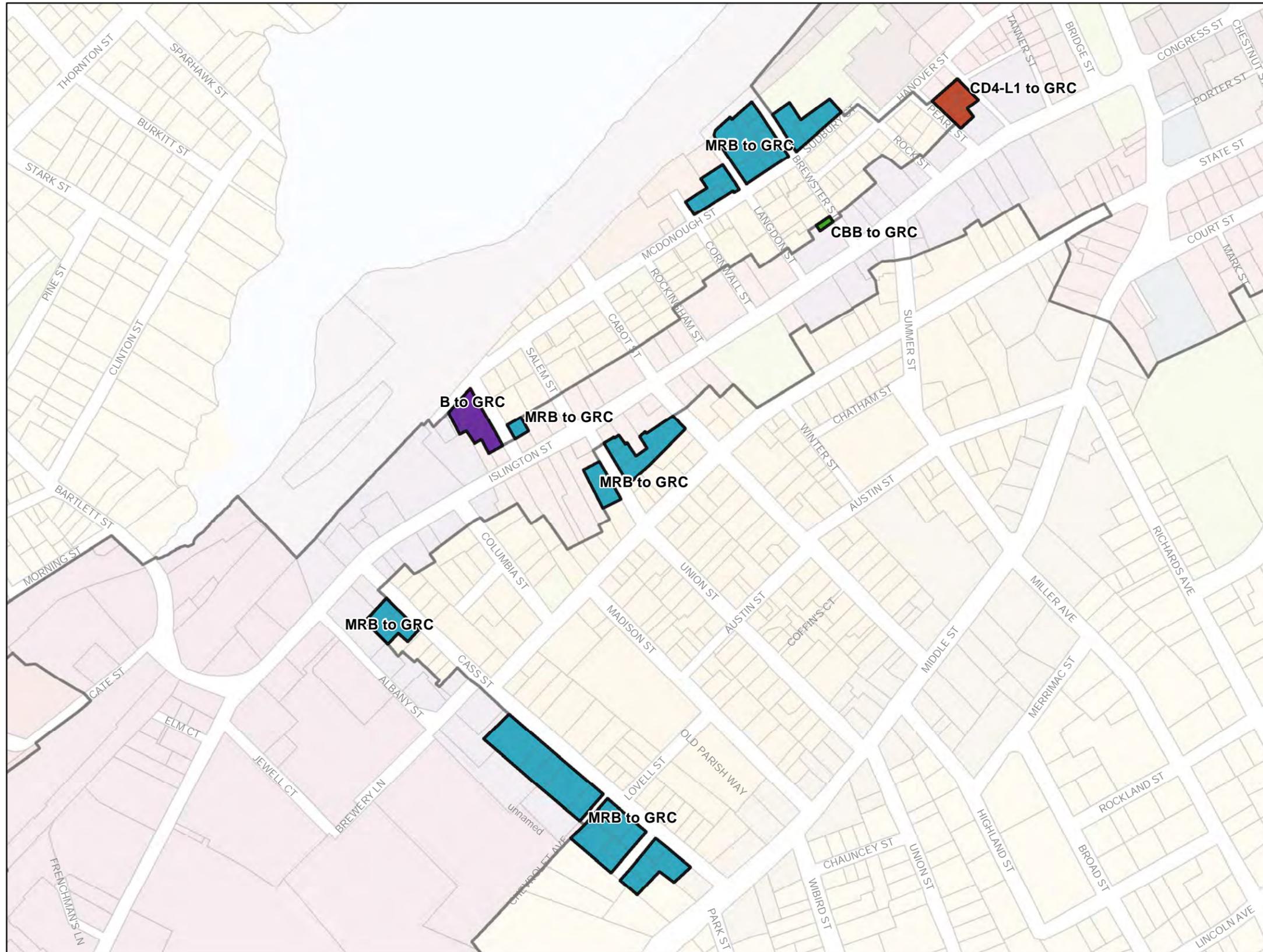
### Legend

- Shopfront façade type
  - Step façade type
  - Officefront façade type
  - Waterfront Use Overlay  
In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay shall also permit the following uses as set forth in Section 10.440: 9.60, 12.20, 12.22, and 12.40 (Section 10.5A35).
  - Waterfront lots on Ceres Street  
For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance (Section 10.5A21.30).
- In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440 (Section 10.5A36).



# Additional West End Zoning Changes

First Reading - January 11, 2016



## Legend

Character districts area

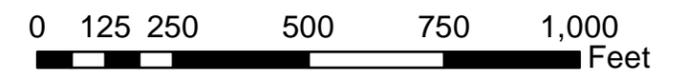
## Additional West End Zoning Changes

Business to General Residence C

Central Business B to General Residence C

Character District 4-L1 to General Residence C

Mixed Residential Business to General Residence C



1 in = 400 ft





# Seacoast Outright

P.O. Box 842 Portsmouth, NH 03802 | 603.552.5824  
www.SeacoastOutright.org | JessD@SeacoastOutright.org



**Pip Clews**  
*Co-Chair*

Honorable Mayor Jack Blalock  
Portsmouth City Council  
City Hall, 1 Junkins Avenue  
Portsmouth, NH 03801

February 9, 2016

**Patrick Carroll**  
*Co-Chair*

Dear Mayor Blalock and City Councilors:

**Christine Stilwell**  
*Treasurer*

On behalf of the Board of Directors, the youth, the staff and volunteers, and the many supporters of Seacoast Outright, I would like to extend deep and sincere gratitude for the City's time, support and dedication in helping us establish the **First Annual Portsmouth Pride** last year. This historic event reached thousands in our community and was a greater success than we ever could have dreamed. It was attended by over 2,000 people and praised as "long-overdue" and "the busiest day of the year" by local businesses. Our favorite result, of course, was the incredible show of support that this "*City of the Open Door*" put forth for its youth. Thank you, from the bottom of our hearts, for all you did to make this inaugural event an overwhelming success!

**Sarah Buckley**  
*Secretary*

As we look toward 2016, we anticipate an even larger turnout and hope to be able to include more local businesses and organizations as partners. We recognize that events of this magnitude can present challenges for the City, so we are proposing a plan that we hope will limit challenges and keep street-closures to a minimum. We were proud to have hosted a safe, fun, and family-friendly event last year and that is what we intend to do once again. Attached is our proposal, which we feel takes into account the interests of the City, participants, spectators, and downtown businesses.

**Joyce Kemp**  
*Board Member*

For those of you not familiar with Seacoast Outright, we are the City's longest-serving support and advocacy group for lesbian, gay, bisexual, transgender, and questioning youth and their allies. As a critical resource for the LGBT community for over 23 years, we were honored, at Pride 2015, to receive the *Mayor's Award* from former Mayor Robert Lister, for our work with LGBT youth. This came as a reminder that the work we do serves not just the youth we see each week, but the entire community that makes the Seacoast a welcoming and affirming home for its young people.

**Chuck Rhoades, Ph.D.**  
*Board Member*

Thank you for your time and your consideration of these requests. We cannot thank you enough for your past support, and we look forward to working with the City of Portsmouth again on this exciting community event!

**Cecilia Keily**  
*Board Member*

We are happy to provide any additional information that might be helpful.

**Jess Dorr**  
*Executive Director*

Sincerely,

Jess Dorr  
Executive Director, Seacoast Outright

PROPOSAL – PORTSMOUTH PRIDE 2016

**We respectfully request your approval to host the Portsmouth Pride community event on SATURDAY, JUNE 25, 2016, in Market Square.**

**Much like last year, the event would consist of:**

- **A march with six groups of people walking on sidewalks following six different routes**  
(Please see attached route map.)
- **A short program of speakers on stage**
- **A band performing live music on stage**
- **Tables with LGBT-related information and resources (and select artisans with their crafts)**
- **A Seacoast Outright merchandise tent for selling our T-shirts, etc.**

To achieve this, we would like to request the following:

- **Partial closure of Pleasant Street (between State St. and Congress St.) from 12:30 p.m. to 5:30 p.m.**

12:30 p.m. to 2 p.m. Stage and sound equipment setup on the State St. end of Pleasant St.

2 to 4 p.m. Speakers and musicians on stage

4 to 5:30 p.m. Breakdown and cleanup

*To utilize the small section of Porter Street, (the single block that ends at Pleasant) that was closed last year, we would like to invite 2-3 food trucks (independently operated) to set up there. It is our intent to invite local food vendors first for this (such as the Flatbread Mobile Oven). We would like to be able to offer some limited food options for families with children, so they can enjoy the program without having to leave to find a snack. We assume most attendees will venture out to nearby restaurants once our event is over.*

- **Partial closure of Daniel Street (between Penhallow and Market St.) from 1p.m. to 5 p.m.** *To accommodate the anticipated increase in attendance this year, we are requesting additional street space to ensure the safety of participants from traffic and to allow for safe and unobstructed pedestrian flow on the sidewalks.*

*Additionally, we would like to be able to allow our supporting nonprofit partner organizations to set up tables and share their resources. We would also like to include a limited number of local LGBT-friendly business sponsors with tables. We would use Daniel Street for these tables. (We will very carefully select organizations and businesses that are appropriate for all ages and have positive messages and resources to share. We will require that vendors carry their own insurance for the event. Additionally, we will notify all nearby businesses about the street closures well in advance.)*

- **Use of the field adjacent to the Portsmouth Public Library for assembling.**  
**1 p.m. to 1:45 p.m.** *This would serve as the primary gathering place for the march participants, who would congregate here and then walk in six smaller groups the downtown event location. We used this same space last year with the permission of the library.*



To Portsmouth City Council:

I am raising money for the organization, Education For All Children (EFAC). I am raising money in many ways. On March 8, I raised \$454 at a bake sale I held at the Rye Town Elections. I plan to busk with my violin in downtown Portsmouth, NH. I also hope to hold bake sales at the Rye Recycling Center. Lastly, for my large fundraiser I am hoping to get permission to hold a Triathlon that begins at Portsmouth High School. *The Triathlon to be held Sunday, May 22 or Sunday, May 29.*

My goal is to have about 100 participants at the triathlon. It will be a 'fun' triathlon for children and families. We have gotten permission from the Portsmouth Pool to use the pool and from Mr. Willson to hold the run in the trails behind Portsmouth High School. Ideally, for the bike ride, we would like to hold a 7.5-mile bike ride through Portsmouth, New Castle, and Rye. *The bike ride will occur at 3:00pm.*

I understand I need permission from the City Council and if granted the permission I will work with the police department and the other towns (New Castle and Rye) to ensure it's a safe event.

Please call me with question. Lilia Potter-Schwartz, (603) 548-8898.

### About EFAC

EFAC sponsors children in Kenya so they are able to go to secondary school. This organization was founded by Rye, New Hampshire residents, Nancy and Rod Van Sciver. EFAC is currently helping 355 Kenyan students by sponsoring them through secondary school and university. Did you know that only 40% of children in Kenya are able to attend secondary school (high school). One hundred percent of EFAC graduates have scored at the qualifying level for a post-secondary degree compared to 28 percent nationally. I am sponsoring a 13 year old girl named Wangari. Wangari comes from a very modest background living in a small, remote town. Wangari's family struggles to pay rent and sometimes goes to bed hungry. When asked what she would be doing if she had not received this scholarship, she answered, 'If I did not receive an EFAC scholarship, my dreams would not have been fulfilled and maybe I would have been started looking for a job even if it is a maid or even engaging in bad morals so that I can earn money.' I am pleased to be able to sponsor Wangari, and with your help, hopefully she will be able to attend secondary school for four years!



**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

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**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.

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***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 17<sup>th</sup>, 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.

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: John P. Bohenko, City Manager

FROM: Brian Goetz, Deputy Director of Public Works

DATE: March 16, 2016

SUBJECT: Irrigation Meter Ordinance

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Chapter 11 Section 11.216:B of the City's Ordinance currently allows single-family residential water customers on the City's water and sewer system to have separate irrigation meters which are only billed for water usage:

Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, watering gardens or washing cars, except for single residential customers who have installed at their cost a second meter, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. (Amended 11/17/97)

The issue of irrigation meters was brought forward to City Council last year. The proposal at that time was to eliminate the option of irrigation meters for all customers. That City Council took no action on that ordinance revision, therefore, it expired.

Through research and work of our Water/Sewer rate consultant, David Hyder, 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. Mr. Hyder also added that communities that offer these meters, 1) take care in pricing irrigation water, and 2) maintain detailed ordinances that govern the use of irrigation meters. He also analyzed the projected water demand that increasing the availability of irrigation meters to these customers would have on our system and provided a recommendation that the tiered pricing structure of irrigation customers be increased to reflect the true cost of service for this water.

Therefore, the attached ordinance, drafted together with City Attorney Sullivan, expands irrigation meters to all customer classes. However, to address the impact that this policy would

have on water system demand, especially during summer months, the ordinance prescribes the steps that new customers would be required to address with this water service. These include:

- City would approve only landscape irrigation systems designed and installed an EPA WaterSense Certified professional
- Requiring that in-ground irrigation systems include moisture sensors
- Restricting irrigation usage to specific days or periods of time
- Enable the City to restrict the use of irrigation meters during periods of drought

Currently, residential customers who have irrigation meters pay for water based on the second tiered rate (\$5.00/unit, or \$5.00 for 748 gallons of usage). Our consultant has calculated the true cost of service for these services and has proposed the following tiered rate:

<b>Irrigation Rate Structure</b>	<b>O&amp;M and Capital Rate per CCF</b>	<b>Capacity Use Charge per CCF</b>	<b>Total Irrigation Rate per CCF</b>
0 to 5 Units <sup>(1)</sup>	\$5.00	-	<b>\$5.00</b>
5 to 15 Units	\$5.00	\$4.70	<b>\$9.70</b>
Over 15 Units <sup>(2)</sup>	\$5.00	\$7.05	<b>\$12.05</b>

I am prepared to present additional information to the City Council at their April 4, 2016 meeting. Please let me know if you need anything more prior to that meeting.

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11, Article II, Section 11.216 – SEWER USER CHARGES/RECORDS/HOOK-UP of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

**Section 11.216: SEWER USER CHARGES/RECORDS/HOOK-UP**

B.

The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes which is connected to a public sewer shall pay a sewer user charge. The sewer user charge shall be established by the City from time to time to defray the cost of management, maintenance, operation and repair, including replacement, of the municipal waste water system. Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, ~~or watering gardens or washing cars~~, except for ~~single residential~~ customers who have installed at their cost **a an approved irrigation system and a second water meter**, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. **A monthly service fee shall be charged for each irrigation meter in addition to the consumption charge, said fee to be determined by the City Council during its annual budget process. (Amended 11/17/97)**

**Users of the City of Portsmouth's water system may request a permit for the installation of an irrigation system and irrigation meter. An application must be completed and submitted to the Water Department for the installation of an irrigation system and irrigation meter prior to the issuance of an irrigation permit. The Water Department may deny the issuance of a permit for an irrigation system or irrigation meter when the existing water main does not provide sufficient water volume/pressure to support the demands of an irrigation system without causing unacceptably low water pressure for other customers on the same water main.**

**Irrigation service lines and meters shall be installed not more than four feet from the prime meter and shall be installed parallel to the prime meter. Sewer charges shall not apply to water amounts measured by irrigation meters. Shut off valves are required ahead and behind the irrigation meter and must be within one foot of the meter. A back flow preventer (approved by the City) to protect against contamination of the water system must be installed behind the irrigation meter.**

**Only a landscape irrigation system designed and installed by an Environmental Protection Agency Watersense Certified Irrigator in accordance with the criteria set forth in this section shall be deemed to be in compliance with subparagraph**

**(a) of this section. The Certified Irrigator must certify in writing to the Water Division that the landscape irrigation system has been designed and installed in accordance with subparagraph (a) of this section. This certification shall be provided to the Water Division at the time of requesting final inspection of the system.**

**(a) Automatic irrigation systems shall:**

- (1) Be maintained in compliance with the provisions of this section;**
- (2) Be rendered inoperative by or at the direction of the irrigation system owner or operator pending repairs if damaged in a manner that results in leakage or excessive discharge of water from broken components;**
- (3) Include rain sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers and set to render the irrigation system inoperative at ¼ inch of moisture or more;**
- (4) Include freeze sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers, which will render the system inoperative at 35 degrees Fahrenheit or higher;**
- (5) Be designed so that spray or rotary heads are at least four (4) inches inside from any curbing, sidewalk, fencing, or building;**
- (6) Be designed so that heads spray only towards pervious surface or landscaped area;**
- (7) Be designed to include a zonal irrigation system; and**
- (8) Be designed to include a master valve.**

**(b) Operation of irrigation systems or devices.**

**From April 1 to September 30, landscape irrigation utilizing water, in whole or in part, obtained from the City water system, is prohibited except during the times between 6:00 p.m. and 10:00 a.m. The City Manager, or his or her designee, may further restrict landscape irrigation to specified days of the week or otherwise restrict the irrigation schedule as circumstances dictate.**

If records of metered water use are not available or do not reasonable reflect the quantity of waste discharged into the sewage system, the sewer user charge shall be based upon estimated water use or on actual measurement of the volume of waste discharged into the sewer system. Sewer surcharges shall be levied upon users whose waste characteristics are found to be above normal strength. For the purpose of evaluating waste characteristics, the terms of the Report on the Proposed Rates and Charges for Sewer Services by the City of Portsmouth, prepared by Coffin and Richardson, dated June 15, 1976, are incorporated herein by reference.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

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

This ordinance shall take effect upon passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk



development • commercial • residential • brokerage

MAR -3 2016

February 27, 2016

Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: March 7<sup>th</sup> City Council Meeting  
Modification to CMMP and License Agreement Request**

City Council Members,

Please consider this our formal request to be placed on the agenda of the March 7<sup>th</sup> City Council meeting to discuss a minor modification to our CMMP plan and license agreement in regards to parking at 275 Islington Street.

We are requesting some temporary daytime parking as noted on the attached plan. This is primarily for specialized trades and craftsmen with mobile shop that need to be near the structure that is being worked on. The site is very limited and can barely accommodate the stock deliveries and we currently don't have enough space to accommodate those subcontractors who require a mobile shop. In addition to this, we have homeowners that are closing on their units beginning in March of 2016. We need to be able to allow them to access their garage parking spaces. This plan accommodates that temporary daytime parking needed without interfering with truck loading routes and loading zones. This plan works well for the current stage of construction, and as the project continues forward, we will do our best to minimize any impact. We respectfully request this additional parking which is shown in the attached plan in stages. We are requesting to utilize (4) parking spaces on Islington Street, (2) spaces on Cornwall Street, and (2) spaces on Rockingham Street to completely expire July 30<sup>th</sup>, 2016. We will need two spaces on Islington until April 30<sup>th</sup> and

GREEN & CO.  
REAL ESTATE

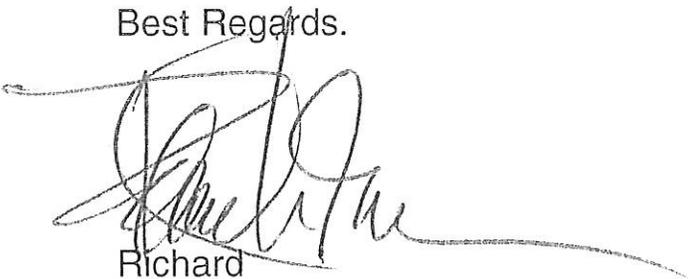
development • commercial • residential • brokerage

two until May 30<sup>th</sup> at which time we will be complete with construction on the Islington Street condos and will then only need the four spaces on Cornwall and Rockingham St until July 30<sup>th</sup>, 2016.

Please see attached revised addendum F- site plan for 275 Islington St for the CMMP, where you can see what we are proposing.

Should you have any questions, please email me at or call me at 603.765.6510

Best Regards.



Richard

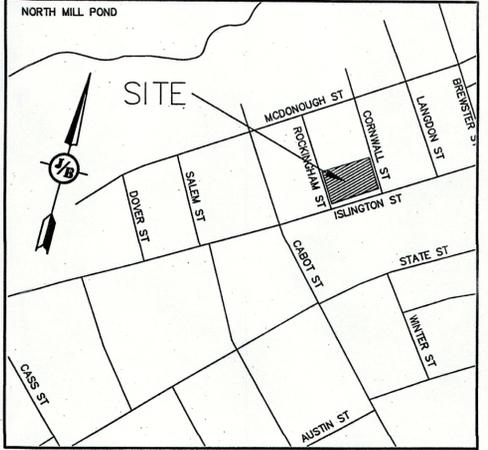
=====

Richard Green  
Green & Company  
603.765.6510  
Grousewing1@gmail.com

cc: John P. Bohenko, City Manager

CITY COUNCIL FILING - 2/29/16

ZONING TABLE		
LOT AREA	REQUIRED	PROVIDED
	2,000 SF	24,303 SF
SETBACKS:	FEET	FEET
FRONT	0'-0"	1.91
SIDE	10'-0"	0.73
REAR	10'-0"	10.07



**SITE NOTES:**

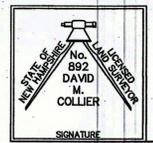
- THE INTENT OF THIS PLAN IS TO REMOVE EXISTING STRUCTURES AS SHOWN ON SHT. C1 AND CONSTRUCT 5 RESIDENTIAL BUILDINGS WITH FOURTEEN THREE-BEDROOM RESIDENTIAL CONDOMINIUM UNITS. PROJECT TO BE SERVED BY ELECTRIC, GAS, MUNICIPAL SEWER & PUBLIC WATER.
- PARKING CALCULATIONS:  
2 SPACES PER UNIT AND 1 SPACE FOR UNIT 14.  
TOTAL SPACES PROVIDED = 27
- NHDES SEWER CONNECTION PERMIT NO. . DATED
- OPEN SPACE AREA  
OPEN SPACE AREAS (TO DRIP EDGE AND ONLY AREAS GREATER THAN 5' WIDE) = 2,772 SF  
ECO PAVER WALKWAYS (WIDER AND LONGER THAN 5' WIDE) = 194 SF  
TOTAL OPEN SPACE PROVIDED = 2,966 SF (12.2%)  
OPEN SPACE AREA REQUIRED = 3,645 SF (15%)  
ACTUAL GREENSPACE PROVIDED (INCLUDES LANDSCAPED AREAS UP TO THE BUILDING FACE AND AREAS LESS THAN 5' IN WIDTH, IT DOES NOT INCLUDE THE ECO-PAVER AREAS) = 4,062 SF (16.7%)  
BUILDING COVERAGE PROVIDED = 14,336 SF (59.0%)  
BUILDING COVERAGE MAXIMUM = 14,581 SF (60.0%)
- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNPRESSED CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT "DIG SAFE" PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
- ALL CONSTRUCTION SHALL CONFORM TO CITY STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015 C0259 E, DATED MAY 17, 2005.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
- ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE CITY ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED.
- ALL PARKING STRIPES SHALL BE SEPARATED USING 4" WIDE SOLID STRIPES. STRIPING SHALL HAVE TWO COATS OF PAINT, ALKYD BASIN SYNTHETIC RESIN, FEDERAL SPECIFICATION TTP-115 TYPE 1, IN A COLOR OF WHITE.
- ALL STOP BARS SHALL BE 18" IN WIDTH IN A COLOR OF WHITE; ALL TRAFFIC ARROWS SHALL BE PAINTED IN A COLOR OF WHITE.
- ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE NOTED.
- SNOW TO BE STORED AT EDGE OF PAVEMENT AND IN AREAS SHOWN ON THE PLANS, OR TRUCKED OFFSITE TO AN APPROVED SNOW DUMPING LOCATION.
- ALL ARCHITECTURAL BLOCK RETAINING WALLS OVER 4' HIGH ARE TO BE DESIGNED AND STAMPED BY THE MANUFACTURER'S STRUCTURAL ENGINEER. CONTRACTOR TO COORDINATE WITH APPROVED MANUFACTURER PRIOR TO INSTALLATION.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- TRASH CANS TO BE LOCATED WITHIN THE GARAGES AND BROUGHT OUT ON PICKUP TO SIDEWALK ON CITY STREET.
- ALL CONDITIONS IN THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- CONDOMINIUM ASSOCIATION TO MAINTAIN ONSITE DRAINAGE SYSTEM AND PROVIDE AN OPERATION & MAINTENANCE PLAN FOR THE SYSTEM. THIS INFORMATION TO BE INCLUDED IN THE RECORDED CONDOMINIUM ASSOCIATION DOCUMENTS.

April 30, 2016  
May 30, 2016  
July 30, 2016

**CERTIFICATION:**

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN UNADJUSTED LINEAR ERROR OF CLOSURE THAT EXCEEDS BOTH THE MINIMUM OF 1:10,000 AS DEFINED IN SECTION 503.04 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES AND THE MINIMUM OF 1:15,000 AS DEFINED IN SECTION 4.2 OF THE N.H.L.S.A. ETHICS AND STANDARDS.

THIS SURVEY CONFORMS TO A CATEGORY 1 CONDITION 1 SURVEY AS DEFINED IN SECTION 4.1 OF THE N.H.L.S.A. ETHICS AND STANDARDS.



DAVID M. COLLIER, L.S. 892  
ON BEHALF OF JONES & BEACH ENGINEERS, INC.

DATE:

APPROVED - PORTSMOUTH, NH  
PLANNING BOARD

DATE:

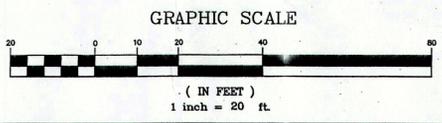
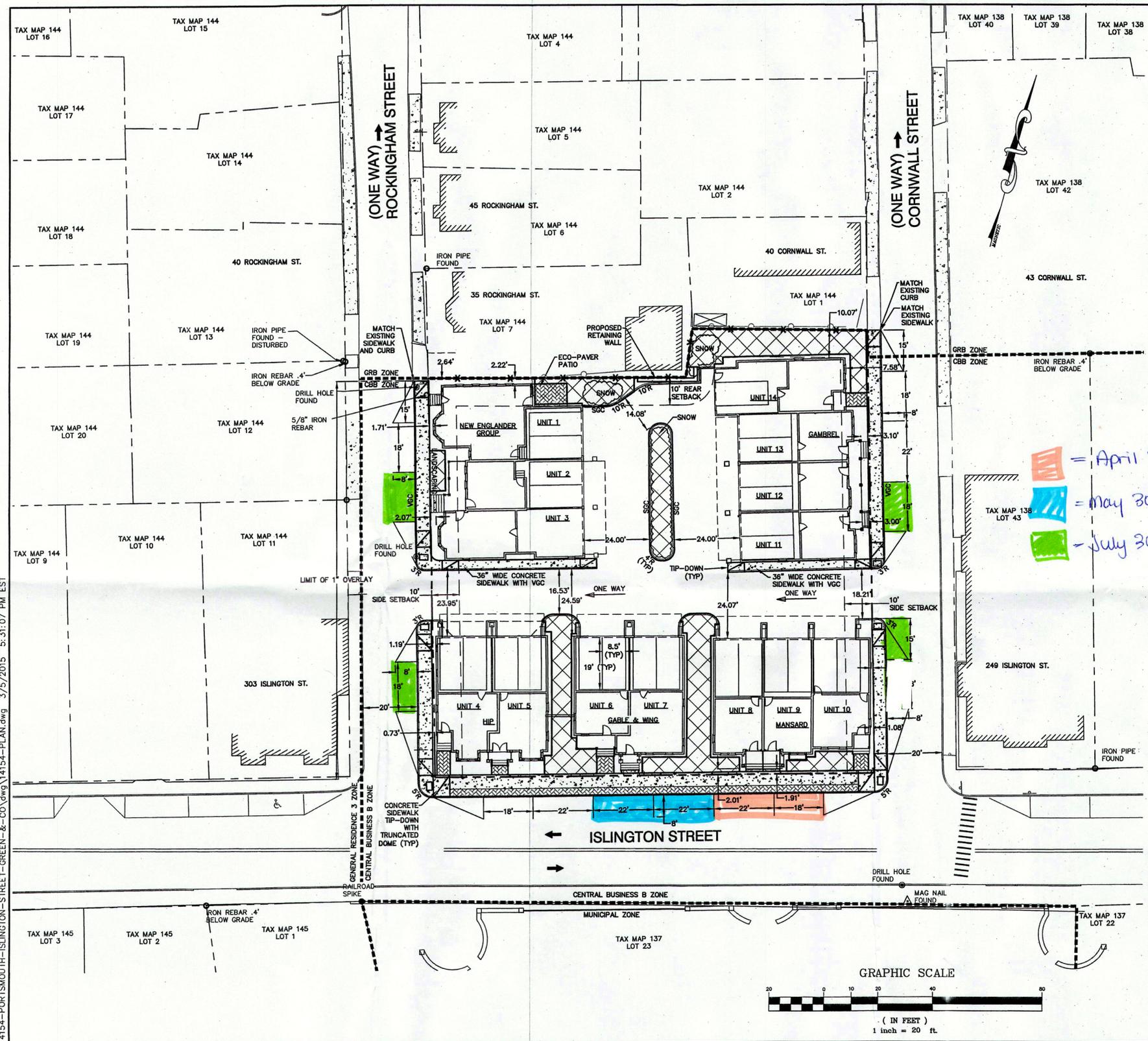
PROJECT PARCEL  
CITY OF PORTSMOUTH  
TAX MAP 144, LOT 8

APPLICANT  
GREEN & COMPANY  
PO BOX 1297  
NORTH HAMPTON, NH 03862

TOTAL LOT AREA  
24,303 SQ. FT.  
0.56 ACRES

Plan Name: **SITE PLAN**  
Project: **275 ISLINGTON STREET, PORTSMOUTH, NH**  
Owner of Record: **DALE W. & SHARYN W. SMITH BK 3087/PG2413  
275 ISLINGTON STREET PORTSMOUTH, NH 03801**

DRAWING No.  
**C3**  
SHEET 4 OF 12  
JBE PROJECT NO. 14154



Design: JAC	Draft: LAZ	Date: 10/17/14
Checked: MJK	Scale: 1"=20'	Project No.: 14154
Drawing Name: 14154-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
5	3/09/15	REVISED PER TAC MEETING	MJS
4	1/20/15	REVISED PER SITE PLAN SUBMISSION	LAZ
3	1/14/15	REVISED PER PSNH & DPW MEETING	PSL
2	1/08/15	REVISED PER TAC COMMENTS	PSL
1	10/31/14	REVISED PER MEETING WITH PLANNERS	JMG

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
Civil Engineering Services

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

F:\Land Projects\3\14154-PORTSMOUTH-ISLINGTON-STREET-GREEN-&-CO.dwg\14154-PLAN.dwg 3/5/2015 5:31:07 PM EST

To: Portsmouth City Manager  
From: Michael Brandzel/Helen Long

12-2-15

We are requesting that you put the attached Petition for a license on the next Agenda. The window to repair the road this year to the city's standard has passed. Consequently, we are scheduling the excavation of Dearborn Lane for April or May of 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Brandzel". The signature is written in a cursive style with a large, sweeping flourish at the end.

**PETITION AND UNDERGROUND UTILITY LICENSE**

**PETITION**

To the City Council of the City of Portsmouth, New Hampshire. Date: 12-2-15

We, Michael Brandsel and Helen Long, owners of property located at Dearborn Lane at Tax Map 140, Lot 3, (hereinafter "Homeowners") request a license to install and maintain underground conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

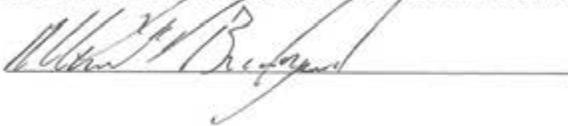
License to install and maintain conduit and devices thereon from existing pole 163/2 (owned by Eversource, see license # \_\_\_\_\_) located on Dearborn Street, under the right of way on Dearborn Street and Dearborn Lane in the City of Portsmouth.

It is understood and agreed to by Homeowners and Eversource that this license will be assigned and transferred to Eversource upon the installation of cable and wires or within ninety (90) of the granting of the license, whichever occurs first.

**HOMEOWNER**

**EVERSOURCE**

MICHAEL BRANDSEL AND HELEN LONG



By:   
Duly authorized

**LICENSE TO HOMEOWNER AND EVERSOURCE**

Upon the foregoing petition and it appears that the public good so requires, it is hereby

**ORDERED**

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_, that Michael Brandsel and Helen Long be granted a license to install and maintain conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public way covered by said petition.

That the approximate location of the conduit shall be shown on plan marked "SITE PLAN PROPERTY OF MICHAEL BRANDZEL 7 HELEN LONG, Tax Map 140, Lot 3) Dearborn Lane, Portsmouth New Hampshire, by Boudreau Land Surveying, P.L.L.C., dated February 9, 2015, attached and made a part hereof.

This license is hereby assigned to Eversource and its successors, upon the installation of cable and wires and Eversource is granted a license to erect and maintain poles and

structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

Eversource shall provide Notice to the City's Department of Public Works and the City Clerks Office of the Assignment.

Homeowner will be responsible for moving and relocating conduits as may be necessary when required by the City and upon the assignment of this license to Eversource, the requirements of RSA 231:163 shall apply.

City of Portsmouth, New Hampshire

By: \_\_\_\_\_

Received and entered in the records of the City of Portsmouth, New Hampshire

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk



ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**

Run: 3/17/16  
8:42AM

## Event Listing by Date

Page: 1

Starting Date: 3/ 7/2016

Ending Date: 1/ 3/2017

Start End	Type Description	Location	Requestor	Vote Date
3/12/2016 3/12/2016	ROAD RACE Matthew A. McFarland is the contact for this event. He can be reached at 498-5778. This event begins at 10:30 a.m. Starting at Peirce Island and ends at Strawberry Banke	Peirce Island and Strawberry Banke - start and fini	St. Patrick School Road Race	11/16/2015
3/26/2016 3/26/2016	ROAD RACE Donald Allison is the contact for this event. He can be reached at (617) 835-2378. This race begins at Traip Academy in Kittery and travels through Portsmouth.	Through Portsmouth	Eastern States 20 Mile	11/16/2015
4/ 3/2016 4/ 3/2016	RACE Contact: Todd Hanson, Race Director	Pease Tradeport	St. Paddy's 5 Miler	12/21/2015
4/ 9/2016 4/ 9/2016	RACE Robert L. Sutherland, Jr. is the contact for this event. This event begins at 8:00 a.m.	St. John's Lodge	St. John's Lodge	1/25/2016
4/16/2016 4/16/2016	WALK Emily Christian, Development Manager is the contact for this event. Telephone number 781-693-5154	Little Harbour School - start and finish	National Multiple Sclerosis So	4/16/2016
4/16/2016 4/16/2016	WALK Contact: Adriane Wallace Active Heroes and Annes Angels will be rucking (walking with weighted backpacks) through a portion of Portsmouth from the rail trail to Prescott Park.	Walk from rail trail to Prescott Park	Active Heroes/Carry The Fallen	3/ 2/2016
4/30/2016 4/30/2016	WALK Jenelle Dolan, Community Director is the contact. jdolan@marchofdimes.com Tel. 978-729-5849 Time: 6:00 am. to 12:00 p.m.	Little Harbour School	March of Dimes	10/ 5/2015
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to 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 Strawberry Banke Starting time is 9:00 a.m.	Peirce Island	Susan G. Koman	8/17/2015
5/29/2016 5/29/2016	RACE Jeanine Sylvester is the contact for this event. This event is at Pease Tradeport. Event begins at 11:00 a.m.	Pease Tradeport	Runner's Alley	1/25/2016

Run: 3/17/16  
8:42AM

## Event Listing by Date

Page: 2

Starting Date: 3/ 7/2016

Ending Date: 1/ 3/2017

Start End	Type Description	Location	Requestor	Vote Date
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
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 - Summer in the Street Music Serie	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/ 4/2016 7/ 4/2016	RACE David Hampson is the contact for this event. Telephone No. 334-3032 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Strawbery Banke, Marcy Street	Easter Seals Veteran's Count	12/ 7/2015
7/16/2016 7/16/2016	BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery.	From Kittery, ME to Route 1B to Rye back to Kitter	Cystic Fibrosis Foundation	1/25/2016
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
8/ 4/2016 8/ 4/2016	RACE Justin Finn is the contact for this event. Race Start: 6:00 p.m. Registration: 4:30 p.m.	Portsmouth High School Cross Country Track	Portsmouth Rotary Club	12/ 7/2015

## Event Listing by Date

Starting Date: 3/ 7/2016

Ending Date: 1/ 3/2017

Start End	Type Description	Location	Requestor	Vote Date
9/17/2016 9/17/2016	WALK Contact: Ken La Valley, Chair - Out of Darkness Walk on Saturday, September 17, 2016 Registration: 8:30 a.m. Walk Duration 10:00 a.m. - Noon Peirce Island - Begin and end. Proposed Walk route 2.3 miles	Peirce Island	American Foundation for Suicid	1/11/2016
9/18/2016 9/18/2016	RACE Wendy McCoolle is the contact for this event. Telephone #603-759-5640 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Portsmouth Middle School	Celebrate Pink	12/ 7/2015
9/24/2016 9/25/2016	BIKE TOUR Donna Hepp is the contact for this event. Tel. 414-258-3287	Through Portsmouth	Grante State Wheelmen	12/ 7/2015
9/24/2016 9/25/2016	FESTIVAL David Hallowell is the contact for this event. This is a 2-day event starting at 8:00 a.m. to 6:00 p.m.	Pleasant Street	Portsmouth Maritime Folk Festi	1/25/2016
9/24/2016 9/25/2016	TOUR Caroline Amport Piper is the contact. Tel. (603) 686-4338 Location of this event is to be determined. This event begins each day at 11:00 a.m. to 3:00 p.m.	To Be Determined	Friends of the South End	12/ 7/2015
10/ 9/2016 10/ 9/2016	ROAD RACE Contacts: Catherine Edison at CEEdison@communitycampus.org (Date changed to October 9, 2016 instead of October 8th) Ben Anderson - ben@prescottpark.org Angela Greene - angela@prescottpark.org Race Start: 10:00 a.m. Registration: 8:00 a.m.	Memorial Bridge Portsmouth	Memorial Bridge Road Race	12/ 7/2015
10/22/2016 10/22/2016	WALK Contact Susan von Hemert Annual Memorial Bridge Walk walking acorss Memorial Bridge to Prescott Park	Memorial Bridge Walk to Prescott Park	Seacoast Rotary	3/ 3/2016
11/24/2016 11/24/2016	ROAD RACE Matt Junkin, Race Director is the contact for this event. This is the Thanksgiving Day Turkey Trot which begins at Peirce Island and ends at Strawberry Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawberry Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015
12/11/2016 12/11/2016	ROAD RACE Thomas M. Bringle is the contact for this event. Tel. 603-724-6080 tbringle@arthritis.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation - Jingle	1/25/2016
1/ 1/2017 1/ 1/2017	RACE Michael Rennebu is the contact for this event. Cell #603-969-9783 Race Start: 11:00 a.m. Registration: 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015



State of New Hampshire  
Department of Revenue Administration

109 Pleasant Street  
PO Box 487, Concord, NH 03302-0487  
Telephone (603) 230-5000  
www.revenue.nh.gov



John T. Beardmore  
Commissioner

Kathryn E. Skouteris  
Assistant Commissioner

MUNICIPAL AND PROPERTY  
DIVISION  
Stephan W. Hamilton  
Director

David M. Cornell  
Assistant Director

February 17, 2016

FEB 23 2016

City of Portsmouth  
ATTN: CITY COUNCIL  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: USPAP 2015 Residential Report for City of Portsmouth

Dear Honorable Members of the Council:

In accordance with RSA 21-J:14-b,I(c), the Department of Revenue Administration has reviewed the Uniform Standards of Professional Appraisal Practice (USPAP) Standard 6 report submitted by KRT Appraisal, LLC for the Residential update for the City of Portsmouth for the 2015 tax year.

Enclosed with this letter is the Mass Appraisal Evaluation Report (PA-50). Our review indicates that the report submitted for the City of Portsmouth is **compliant** with Standard 6 of the most recent edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

These results are reported annually to the Assessing Standard Board (ASB) in accordance with RSA 21-J: 11-a, II. If you have any questions, please do not hesitate to contact me at 419-9794.

Sincerely,

Charles K. Reese  
District Supervisor  
Municipal and Property Division

cc: File  
KRT Appraisal, LLC

**MASS APPRAISAL REVIEW REPORT**  
Compliance Checklist

**Prepared by the NH Department of Revenue Administration  
Municipal and Property Appraisal Division**

		USPAP
<b>Client:</b>	NH Department of Revenue Administration (Department)	SR 3-2(a) SR 3-5(a)
<b>Intended Users:</b>	NH Assessing Standards Board (ASB), the Municipality, Company/Appraiser of the work under review, and the Department	SR 3-2(a) SR 3-5(a)
<b>Intended Use:</b>	1) To evaluate compliance with USPAP Standard 6 and applicable laws and regulations. 2) To provide feedback to the preparer of the Mass Appraisal under review.	SR 3-2(b) SR 3-5(b)
<b>Purpose of the Assignment:</b>	To measure how closely the Mass Appraisal under review conforms to the most recent iteration of USPAP Standard 6 and applicable laws and regulations, in effect as of the date of the appraisal. This review does not include the development of the reviewer's own opinion of value(s).	SR 3-2(c) SR 3-3(c) SR 3-5(c) SR 3-5(i)
<b>Effective Date of Value:</b>	April 1, 2015	SR 3-2(d)(ii) SR 3-5 (d)(iii)
<b>Date of Work Under Review:</b>	November 20, 2015	SR 3-2(d)(ii) SR 3-5(d)(ii)
<b>Date of Last Revision Submitted to Department:</b>	February 16, 2016	
<b>Company / Appraiser(s) who completed the work under review:</b>	KRT Appraisal / Robert Tozier	SR 3-2(d)(iii) SR 3-5(d)(iv)
<b>Type of Revaluation:</b> <b>(Choose one)</b>	Municipality: Portsmouth, NH  ___ Partial __X__ Statistical Update ___ Full Revaluation ___ Cyclical	SR 3-2(d)(iv) SR 3-5(d)(i)
<b>Work Under Review:</b>	Statistical Update of Residential Property	SR 3-2(d)(iv) SR 3-5(d)(i)
<b>Effective Date of Reviewer's Opinions and Conclusions:</b>	February 17, 2016	SR 3-2(e) SR 3-5(e)
<b>Extraordinary Assumptions:</b>	See attached Assumptions and Limiting Conditions.	SR 3-2(f) SR 3-5(f)
<b>Hypothetical Conditions:</b>	None.	SR 3-2(g) SR 3-5(f)
<b>Scope of Work:</b>	See attached Scope of Work.	SR 3-2(h) SR 3-5(g)

Pursuant to RSA 21-J:14-b, I(c), the Department in its assessment review process shall review all mass appraisals to ensure compliance with USPAP Standard 6 and applicable laws and regulations. The purpose of this appraisal review is to advance the legislative objective of bringing greater credibility, uniformity, transparency, and accountability to statewide assessment practices. In so doing, this document serves as an analytical tool for identifying and documenting compliance with recognized assessment methods and techniques. This document also provides a mechanism for communicating the results of the review to the appropriate municipalities, assessors, and contractors.

## PA-50 CHECKLIST

### REFER TO INSTRUCTIONS

Item #	Section 1 - Letter of Transmittal	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
1	Identify the appraised properties	contract	1			SR 6-8 (i)
2	Identify the effective date of the appraisal	6	1			SR 6-2(d) SR 6-8(g)
3	Identify the intended use of the appraisal	6	1			SR 6-2 (b) SR 6-8(e)
4	Identify the client of the appraisal	6	1			SR 6-2(a) SR 6-8(d)
5	Identify the intended users of the appraisal	6	1			SR 6-2(a) SR 6-8(d)
6	Identify the type and definition of value, and cite source	6-7	1			SR 6-2(c) SR 6-8(h)
7	Identify the property interests assessed	7	1			SR 6-2(f,iv) SR 6-8(l)
8	Signed and dated Certification of Value	8	1			SR 6-8(q)

Section 1 - "Score"/Compliance:

8      0      0

Item #	Section 2 - Scope of Work	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
9	Identify type of revaluation performed (partial, cyclical, statistical, full revaluation)	Contract/ Scope	1			SR 6-2(j) SR 6-8(i)
10	Identification of any limiting conditions adopted for the development and reporting of value	10-12	1			SR 6-2(i) SR 6-8(f)
11	Identify any extraordinary assumptions adopted for the development and reporting of value	10-12	1			SR 6-2(l) SR 6-8(c)
12	Identify the extent of property inspections as reflected in the attached signed contract or in-house work plan	12	1			SR 6-4(a) SR 6-5(d)
13	If no physical inspection of sales performed, provide an explanation	12	1			SR 6-1(a) SR 6-5(a)
14	Identify the steps taken to complete the final review	12-13	1			SR 6-7(a)
15	Provide a definition of highest and best use	13	1			SR 6-1(a) SR 6-8(n)
16	Explain any departures from highest and best use	13-14	1			SR 6-1(a) SR 6-8(n)
17	Identify approaches to value considered and utilized	14	1			SR 6-2(j) SR 6-8(j)
18	Identify approaches to value <u>not</u> utilized, and explain why not utilized	14	1			SR 6-2(j) SR 6-8(i)

Section 2 - "Score"/Compliance:

10      0      0

**PA-50 CHECKLIST**

**REFER TO INSTRUCTIONS**

<b>Item #</b>	<b>Section 3 – Development of Values</b>	<b>Page #</b>	<b>Yes</b>	<b>No</b>	<b>Partial</b>	<b>USPAP</b>
			Select One, and Enter "1"			
19	Brief description of basic valuation theory/mass appraisal	16-18	1			SR 6-4(a) SR 6-8(b)
20	Identify period of time from which sales were utilized for the development of values (in the sales analysis)	20	1			SR 6-4(a,b)
21	Describe how sales utilized in the sales analysis were selected	20	1			SR 6-4(a,b)
22	Describe extent of sale verification and data collection procedures	20	1			SR 6-4(a,b)
23	Identify the number of sales utilized in sales analysis by property type	21	1			SR 6-8(a,b)
24	Provide a brief description of data calibration methods	21	1			SR 6-4 (a,b,c)

Section 3 - "Score"/Compliance: 6      0      0

<b>Item #</b>	<b>Section 4 – Time Trending</b>	<b>Page #</b>	<b>Yes</b>	<b>No</b>	<b>Partial</b>	<b>USPAP</b>
			Select One, and Enter "1"			
25	Provide a brief narrative discussion of the methodology utilized to develop a market-supported time trend analysis	27	1			SR 6-2(f,h) SR 6-1(a)
26	Provide documentation and analytical support for the time trending analysis and conclusions	27	1			SR 6-2(f,h) SR 6-1(a)

Section 4 - "Score"/Compliance: 2      0      0

<b>Item #</b>	<b>Section 5 - Land and Neighborhood Data</b>	<b>Page #</b>	<b>Yes</b>	<b>No</b>	<b>Partial</b>	<b>USPAP</b>
			Select One, and Enter "1"			
27	Provide supporting explanation and documentation for base land rate, and base land rate adjustment factors	31-15	1			SR 6-2(h), SR 6-8(l)
28	Provide supporting explanation and documentation for neighborhood classification and neighborhood adjustment factors	32	1			SR 6-2(h), SR 6-8(l)
29	Provide supporting explanation and documentation to explain the increment of value for "site improvement" above base land value	31-34	1			SR 6-2(h), SR 6-8(l)
30	Provide land area adjustment table	35	1			SR 6-4(b) SR 6-8(b)
31	Provide documentation and support for any other adjustments associated with site specific adjustments	31	1			SR 6-4(b) SR 6-8(b)
32	Provide supporting documentation and support for any positive or negative land adjustments for external influences	34	1			SR 6-3(a) SR 6-4(b) SR 6-8(b)
33	Provide a list of land sales utilized in analysis	57 & Tab G	1			SR 6-4(a,b)
34	Provide a list of land sales <u>NOT</u> utilized in analysis	End of Tab G	1			SR 6-1(b) SR 6-8(l)

Section 5 - "Score"/Compliance: 8      0      0

## PA-50 CHECKLIST

### REFER TO INSTRUCTIONS

Item #	Section 6 - Improved Property Data	Page #	Select One, and Enter "1"			USPAP
			Yes	No	Partial	
35	Provide a brief narrative explanation for types of depreciation utilized	40	1			SR 6-1(a) SR 6-4(a) SR 6-8(b)
36	Provide documentation and support to explain derivation of depreciation utilized in the analysis	41	1			SR 6-5(aii) SR 6-8(b)
37	Provide documentation and support for derivation of effective area factors	42	1			SR 6-4(b) SR 6-8(b)
38	Provide documentation and support for derivation of story height adjustments	42	1			SR 6-1(a) SR 6-8(b)
39	Provide documentation and support for derivation of quality adjustments	43-44 & Insert	1			SR 6-1(a) SR 6-8(b)
40	Provide documentation and support for derivation of building cost tables	45-47	1			SR 6-1(a) SR 6-8(b)
41	Provide documentation and support for derivation of building style adjustments	46/Style Ratio	1			SR 6-1(a) SR 6-8(b)
42	If Income Approach is utilized– describe support for income and expense data utilized	N/A	1			SR 6-1(a) SR 6-5(b)
43	If Income Approach is utilized– provide documentation and analytical support for vacancy and cap rates utilized	N/A	1			SR 6-1(a) SR 6-5(b)
44	Provide list of improved sales utilized in analysis	End of Tab G	1			SR 6-4(a,c) SR 6-5(aiv)
45	Provide list of Property Record Cards (of improved sales) NOT utilized in analysis	End of Tab G	1			SR 6-8(a,b)

Section 6 - "Score"/Compliance:

11      0      0

Item #	Section 7 - Statistical Analysis, Testing and Quality Control	Page #	Select One, and Enter "1"			USPAP
			Yes	No	Partial	
46	Ratio study using new assessed values	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
47	Ratio study using old assessed values	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
48	COD study using new assessed values	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
49	COD study using old assessed values	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
50	PRD study using new assessed values	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
51	PRD study using old assessed values	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
52	Provide strata analysis using new assessed values for each strata	Tab H	1			SR 6-7(b) SR 6-8 (b,o)
53	Provide strata analysis using old assessed values for each strata	Tab H	1			SR 6-7(b) SR 6-8 (b,o)

Section 7 - "Score"/Compliance:

8      0      0

## CHECKLIST

REFER TO INSTRUCTIONS

Item #	Section 8 - Appendices	Page #	Yes	No	Partial	USPAP
			Select One, and Enter "1"			
54	Appendix A: Copy of contract or in-house work plan, if not already provided	Appndx A	1			SR 6-8(b,1)
55	Appendix B: Copy of neighborhood map(s) or electronic file, if not already provided	Appndx F	1			SR 6-8(b,1)
56	Appendix C: Individuals responsible and/or assisting in the development of the USPAP compliant report	Appndx B	1			SR 6-8(b) SR 6-9
57	Appendix D: Identify CAMA System codes. Identify any codes that are unique to your municipality	24	1			SR 6-8(b,1)
58	Appendix E: Provide identification of zoning district(s)	25	1			SR 6-8(b,1)
59	Appendix F: Provide list of "qualified" and "unqualified" sale codes	Appndx E	1			SR 6-8(b,1)
60	Appendix G: Qualifications. Provide copies of the DRA certifying documents for each individual identified in Line #56.	Appndx C	1			SR 6-1(a)
61	Appendix H: Definitions. A summary of useful definitions is available from the DRA.	Appndx D	1			SR 6-8(b,1)

Section 8 - "Score"/Compliance:

8      0      0

**TOTAL "SCORE"/COMPLIANCE:**

**61      0      0**



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**USPAP STANDARD 3 REPORT  
LETTER OF TRANSMITTAL**

---

DATE: February 17, 2016

CLIENT: NH Department of Revenue Administration, Municipal and Property Division

RE: Review of Mass Appraisal Report In the City of: Portsmouth, NH For the: Residential Properties
--

In accordance with RSA 21-J:14-b I(c) I have completed a review of the mass appraisal report prepared by Mr. Tozier of KRT Appraisal, LLC. The purpose of this review is to evaluate the appraisal for compliance with Standard 6 of the Uniform Standards of Professional Appraisal Practice (USPAP), applicable laws and regulations, and to determine if the results of the work under review are credible for their intended use. I have developed an opinion as to the completeness of the report under review, the adequacy and relevance of the data presented in the report and the reasonableness of the conclusions. I have not developed my own opinion of value; this review should not be construed as an appraisal of the subject properties. I have not made a personal inspection of the referenced properties; this is a technical desk review. The original effective date of value of the appraisal under review was April 1, 2015 and the date of that report was November 20, 2015. The effective date of this review is February 17, 2016.

The intended users of this appraisal are the Assessing Standards Board (ASB), the municipality, the company/appraiser of the report under review, and the NH Department of Revenue Administration (Department). The review appraiser is not responsible for unintended use of this report. The opinions contained in this report set forth my best judgment in light of the information available at the time of the preparation of this report. Any use of this review by any other person or entity, or any reliance or decisions based on this review is the sole responsibility of the third party. This letter must remain attached to the report in order for the opinions set forth herein to be considered valid.

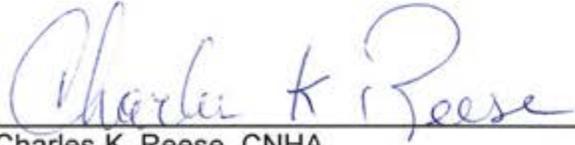
This is an appraisal review which is intended to comply with the appraisal review, development and reporting requirements set forth under Standard 3 of USPAP. Supporting documentation concerning the data, reasoning and analyses is retained in the Department's files. The information in this report is specific to the needs of the client and for the intended use stated in this report.

This is a retrospective review appraisal. It is assumed that the factual data about the subject properties provided by the appraiser in the report under review is accurate unless otherwise stated. This is what USPAP refers to as an extraordinary assumption; if found to be incorrect, it could affect the review conclusions.

This appraisal review is qualified by certain definitions, assumptions and limiting conditions, and certifications that are set forth in the attached report.

After analyzing all relevant facts and opinions expressed in the mass appraisal report reviewed, I have concluded that the appraisal under review does comply with all requirements set forth in Standard 6 of USPAP and applicable laws and regulations.

Respectfully submitted,

A handwritten signature in blue ink that reads "Charles K. Reese". The signature is written in a cursive style and is positioned above a horizontal line.

Charles K. Reese, CNHA  
Municipal and Property Division  
DRA-Certified Assessor Supervisor

Cc: KRT Appraisal, LLC  
Department File

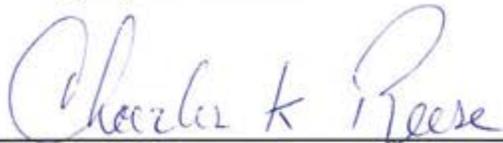
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## CERTIFICATION (Standards Rule 3-6)

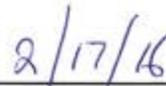
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I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the properties that are the subject of the work under review and no personal interest with respect to the parties involved.
- I am employed by the New Hampshire Department of Revenue (Department). Per RSA 21-J:11, the Department reviews all revaluations in New Hampshire, and performs assessing oversight and monitoring annually. I have performed no other services, as an appraiser or in any other capacity, regarding the properties that are the subject of the work under review.
- I have no bias with respect to the properties that are the subject of the work under review or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions or conclusions in this review or from its use.
- My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favor the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- My analyses, opinions, and conclusions were developed, and this review report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have not made a personal inspection of all of the properties that are the subject of the work under review.
- No one provided significant appraisal or appraisal review assistance to the person signing this certification.



Signature



Date

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## SCOPE OF WORK

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### Scope of Work:

Scope of work defined: *"The type and extent of research and analyses in an assignment."*<sup>1</sup>

Unless otherwise stated, I have:

- Read the entire mass appraisal report under review provided by the appraiser to support his/her analyses.
- Reviewed a sample of provided sale data.
- Reviewed a portion of the sales provided to determine whether the data is appropriate, adequate and consistently applied.
- Developed an opinion as to whether the appraiser's methods and techniques are consistent with industry standards.
- Determined if the mass appraisal was completed in compliance with Standard 6 of the version of USPAP in effect as of the date of the appraisal report under review, by comparison to the elements described in the PA-50 checklist.
- Developed an opinion as to whether the report under review is appropriate and not misleading. This takes into consideration the context of the requirements applicable to that work, as described in the contract and/or in-house work plan, and the mass appraisal scope of work.

As the review appraiser, I have not:

- Inspected all properties.
- Utilized the mass appraisal under review to develop my own opinion of value (either individually or collectively).
- Verified all the mathematical calculations in the model.

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<sup>1</sup> *The Appraisal of Real Estate, 14<sup>th</sup> edition, Appraisal Institute, page 87*

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## ASSUMPTIONS AND LIMITING CONDITIONS

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The submitted review report is subject to the following underlying assumptions and limiting conditions:

### **Extraordinary Assumptions:**

An extraordinary assumption is defined as "an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."<sup>2</sup> This review was made under the extraordinary assumption that the data contained in the work under review is accurate. The review appraiser is not responsible for errors in the data or for undisclosed conditions of the properties or the marketplace which would only be apparent from a thorough physical inspection and further research.

### **Hypothetical Conditions:**

This review does not include any hypothetical conditions.

### **General Assumptions:**

- This is an appraisal review which is intended to comply with the appraisal review, development and reporting requirements set forth under Standard 3 of USPAP. Supporting documentation concerning the data, reasoning and analyses is retained in the Department's files. The information in this report is specific to the needs of the client and for the intended use stated in this report. The review appraiser is not responsible for unauthorized use of this report. Possession of a copy of this report by the reader does not make the reader an intended user.
- The purpose of the assignment is to review the mass appraisal for compliance with USPAP and applicable laws and regulations and to determine if the results of the work under review are credible for the intended user's intended use. The review appraiser has developed an opinion as to the completeness of the report, the adequacy and relevance of the data presented in the report and the reasonableness of the conclusions. The review appraiser has NOT developed his or her own opinion of value conclusion and this review should not be construed as an appraisal of the subject properties.
- It has been assumed that all principal and appurtenant buildings or other improvements have been accurately measured and listed; and, all land parcels and any attributes that may affect the market value have been accurately listed. It has been assumed that all elements which may affect market value have been taken into consideration which may include, but not limited to: legal and title matters, encumbrances, restrictions, physical and location issues, known contamination, zoning and use regulations, any depreciation factors or other issues unless otherwise stated in this report.
- The information furnished by others is believed to be reliable. All factual data contained in the appraisal under review is assumed to be accurate. No warranty, however, is given for its accuracy.
- Possession of this report, or a copy thereof, does not carry with it the right of publication.
- The review appraiser herein by reason of this review is not required to give further consultation, testimony, or be in attendance in court with reference to the properties in question unless arrangements have been previously made, or as otherwise required by law.
- This review appraisal has been performed by an appraiser(s) with the experience, competency and education necessary to review mass appraisals. There were no additional steps required to competently complete the attached review report. The review appraiser is a DRA-certified Appraiser Supervisor. Confirmation is available at [www.revenue.nh.gov](http://www.revenue.nh.gov).

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<sup>2</sup> *The Dictionary of Real Estate Appraisal, 5<sup>th</sup> edition*, Appraisal Institute, page 176



## Portsmouth Health Department Memorandum

To: David Allen, Deputy City Manager  
From: Kristin Shaw, Deputy Health Officer  
Re: Food Safety Seminar – Spring Class  
Date: March 15, 2016

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The Health Department, in collaboration with UNH Cooperative Extension, will be offering a free Food Safety Seminar on April 14, 2016 in Council Chambers from 9-11AM.

The course has been well attended in the past. Since 2012, 312 food service workers have attended, including several from communities outside of Portsmouth. Restaurants, grocery stores, mobile food vendors, non-profits, schools, nursing homes, churches, breweries, hotels and specialty food businesses have been represented. Participation is not restricted to Portsmouth businesses. Participants from 17 New Hampshire, 9 Maine, and 2 Massachusetts municipalities have increased their awareness of food safety. Although the majority of these attendees work in Portsmouth restaurants, the workforce is very mobile, providing a benefit that extends to these broader areas as food service professionals change employers.

Since 2013, participants who successfully pass a post-training exam receive a Safety Awareness in the Food Environment (SAFE) Food Handler's card. Although this is not a requirement in New Hampshire, it is required in other states and has been requested by local food service workers. Workers with special considerations for taking the exam can arrange assistance to be able to complete the exam. Since 2013, 218 workers have elected to take the exam, 212 passed on initial exam and two additional participants were able to pass the exam with language assistance.

In addition to these classes, our collaboration with UNH allows individual restaurants to host food safety education for their staff at their restaurants. These arrangements have provided education to an additional 49 employees at The Friendly Toast, 10 workers at Prescott Park Arts Festival and 15 staff of Portsmouth Common Man. This program operates at no cost to the City.

**ACTION ITEMS AND MINUTES**  
**PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – March 3, 2016

City Hall – Eileen Dondero Foley Council Chambers

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**Action Items requiring an immediate ordinance during the next Council meeting: none**  
**Temporary Action Items requiring an ordinance during the annual omnibus: none**

**ACTIONS:**

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held on February 4, 2016, with corrections.
- [2] Accepted and placed on file the Financial Report dated January 31, 2016.
- [3 (VI.A.)] **Action Item:** Peirce Island Wastewater Treatment Facility Expansion Construction Impacts – **VOTED** to recommend a joint meeting with City Council, Peirce Island Committee, Recreation Board, and the Mayor's Blue Ribbon Committee on Prescott Park to discuss proposed impacts.
- [4 (VI.B.)] **Action Item:** Borthwick Forest Subdivision Roadway - **VOTED** to recommend an approval of the roadway to the Planning Board.
- [5 (VI.C.)] **Action Item:** Scooter and Moped Parking. Request from Marc Stettner - **VOTED** to refer to City staff for report back at a future meeting.
- [6 (VII.A.)] **Action Item:** Water Country Traffic Impacts - **VOTED** to recommend the City fund the remaining portion of the traffic study to analyze alternative exit routes for Water Country traffic.
- [7 (VII.B.)] **Action Item:** West Road and Campus Drive Intersection - **VOTED** to approve and accept staff recommendations to remove STOP signs on Campus Drive.
- [8 (VII.C.)] **Action Item:** Woodbury Avenue and Maplewood Avenue Intersection - **VOTED** to refer proposed plans to City's consultant for review and consideration as part of the Maplewood Avenue corridor project.

**ACTION ITEMS AND MINUTES**  
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- [8 (VII.C.)] **Action Item:** Woodbury Avenue and Maplewood Avenue Intersection - **VOTED** to refer proposed plans to City’s consultant for review and consideration as part of the Maplewood Avenue corridor project.

I. CALL TO ORDER:

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

II. ROLL CALL:

**Members Present:**

Councilor, Brad Lown  
City Manager, John Bohenko  
Public Works Director, Peter Rice  
Deputy Fire Chief, James Heinz  
Acting Deputy Police Chief, Frank Warchol  
Member, Ted Gray  
Member, Ron Cypher  
Member, Harold Whitehouse  
Alternate Member, Mary Lou McElwain

**Staff Advisors Present:**

Parking Manager, Joey Giordano  
Parking and Transportation Engineer, Eric Eby  
Transportation Planner, Juliet Walker

**Absent:**

Member, Shari Donnermeyer

III. ACCEPTANCE OF THE MINUTES:

Two corrections were requested to the February 4, 2016, meeting minutes. In the public comment section, Rick Becksted requested radar speed signs be installed on Islington Street, Aldrich Road, Woodbury Avenue, Maplewood Avenue, South Street and Dennett Street. In the information section, Mary Lou McElwain had requested the Committee review Mr. Becksted's idea for radar speeds signs at the locations mentioned above.

Ron Cypher motioned to accept February 4, 2016, meeting minutes with corrections.  
Ted Gray seconded.

**Motion passed 9-0.**

IV. FINANCIAL REPORT:

Public Works Director Rice motioned to accept January 31, 2016, financial report.  
Mary Lou McElwain seconded.

**Motion passed 9-0.**

## V. PUBLIC COMMENT:

Cathy Baker, 127 Gates Street, had questions and expressed parking, traffic and safety concerns regarding the Peirce Island Wastewater Treatment Facility project. She asked the following questions:

- Why abutter's notices have not been sent.
- If parking would be removed along Mechanic Street and the entire construction route.
- If buildings, such as the pool house, would be removed.
- If sidewalks, corners, pieces of land and monuments were going to be removed along the construction route.
- Why the costs for repairing the streets and rebuilding the pool house and the bridge are part of the capital budget instead of the sewage treatment plant budget, where she believes they belong.
- She also questioned the costs associated with these changes and modifications.

Ms. Baker also asked about the hazardous waste issue (PCBs). She wanted to know the plan for removing the large volume of hazardous waste, and how it would be safely contained during transport through the City. She requested the Committee look into the issues and report the findings to the public.

Andrea Amico, 820 Banfield Road, stated she is representing the residents of Banfield Road, Ocean Road and Peverly Hill Road regarding excessive Water Country traffic. Over the past year, she and others have attended PTS meetings, made numerous calls, and submitted emails to staff about the excessive traffic impacts to their neighborhoods in the summer. She presented two issues:

- The Pilot Project Proposal for alternative traffic patterns to be trialed in the summer of 2016. She stated it would take the traffic exiting Water Country out of the busy neighborhoods and direct it back to Route 1 where it originated. The proposal and maps are in the PTS packet on pages 14 to 23.
- The residents asked the City to approve funding for the remaining half of the traffic study. Data collection is critical to forming long-term solutions for all stakeholders. They are requesting the traffic study because there are a large number of patrons leaving Water Country at one time, which is negatively affecting their neighborhoods.

Ms. Amico stated Water Country has agreed to pay for half of the cost associated with a traffic study to review traffic data and make long-term recommendations. She described the current traffic pattern and discussed additional traffic impacts from a possible new multi-family development on Constitution Avenue and the Rail Trail development on Banfield Road. She asked the Committee to suspend the rules to allow for public comment when addressing the action item (VII.A.).

Francesca Fernald, 1000 Maplewood Avenue, and business owner at 177 Mechanic Street, stated she is opposed to all aspects of the Peirce Island Wastewater Treatment Facility project. She asked about the cost of reconfiguring the intersections, and stated the citizens will end up paying for it. Ms. Fernald stated this is not a south end issue but a citywide issue. She expressed concern about getting deliveries and customers to her business during construction.

She asked the Committee to carefully consider barge deliveries of materials and workers to the island. She stated it can be done and provided specific examples.

Marie Kelleher, 297 Peverly Hill Road, requested the Committee consider the pilot project proposal presented by Andrea Amico. She requested a guarantee that the traffic would not end up on Peverly Hill Road, but be routed to Lafayette Road by signage or assistance from the police department. If the guarantee cannot be made, she would prefer to leave the situation as it currently is.

Paul Mannle, 1490 Islington Street, requested the Committee not recommend the Borthwick Forest Subdivision Roadway application to the Planning Board. He stated several reasons for his request, which were:

- He believes it violates the Master Plan, specifically Land Use 7.6, which charges the City to do a comprehensive study of the area between Borthwick and Islington. He said that this has not been done.
- He believes it violates Transportation 2.5, which charges the City to connect Route 33 to downtown via Borthwick, not Islington.

Mr. Mannle stated that at a recent TAC meeting, the project engineers stated that the connector road would remove traffic from Route 33 and Borthwick, and add it to upper Islington Street. He does not understand why traffic should be routed from a state highway to a residential street.

- It would make permanent cut throughs of Essex, Spinney and Aldrich.
- The developers are not stating what will be in the subdivision. He questioned how an approval could be made without knowing where it leads.

Mr. Mannle stated it would be a Pandora's Box. He stated the Conservation Commission voted no to recommending this application because of the unknown development. The road configuration is different now. City staff worked hard with the applicant to avoid the 100-foot wetland setback, thus avoiding another denial from the Commission.

- He believes there is no public benefit for the roadway. It only benefits the property owner. He does not think that an ambulance will slow down and take the cut throughs mentioned earlier. He provided specific routes he believes would be faster for emergency vehicles, which do not include this roadway.
- He believes the roadway will add unnecessary traffic through residential areas and greatly reduce the safety in those neighborhoods.

Marc Stettner, 91 Fairview Avenue, requested to address the moped enforcement guidelines. He stated he would be available to address any questions when the action item (VI.C.) is discussed. He presented a one-page document that outlined moped and scooter footprints to the Committee.

Walter Hamilton, 47 Mariette Drive, requested the Committee to direct City staff to contact Google and Apple. He wanted GPS directions corrected to direct traffic to Mirona Road and away from Peverly Hill Road.

Lee Roberts, 66 State Street, expressed concern about the Strawberry Banke properties on Court Street and how the construction traffic for the Peirce Island Wastewater Treatment Facility project would impact the properties. She stated that several key properties are known nationwide. She also stated she thinks the amount of time to address these issues is limited and more time should be given for discussion.

Rick Becksted, 1395 Islington Street, requested the Committee endorse the pilot project proposal presented by Andrea Amico. He stated that a traffic study has been done for the 94-unit development and could provide traffic information on Constitution Avenue. Mr. Becksted told the Committee about a customer on the lower end of Court Street and how regular traffic has impacted his property. He stated an experienced mason had repointed the brick and granite on the steps and in less than a year, it must be done again. He stated he would present photos at the City Council meeting on Monday, March 7<sup>th</sup>.

Mr. Becksted also addressed the Borthwick Forest Subdivision Roadway and stated that it is against the Master Plan. He read the following excerpts from the *Portsmouth Herald* - "On the topic of infrastructure, no abutter near or far should lose sight of the successful redevelopment of the Frank Jones Center property would all be, but certainly include the long sought connector road linking Route 1 to Borthwick Avenue onto Bartlett Street and lower Islington Street. Such a road would remove the tremendous amount of traffic from upper Islington Street. Something dreadfully needed, as that neighborhood was not built to have the traffic counts it sees today". He quoted additional articles.

Mr. Becksted stated that the applicant of the Borthwick Forest project said it was suggested that this cut through was going to be a direct route for them to partake in the downtown area. He stated that if Cate Street goes through, which he hopes that it does, it would do everything that the applicant of this project desires. Mr. Becksted stated Cate Street is a much better option. The Borthwick Forest proposed roadway is not needed and questioned what would be developed near it.

## VI. NEW BUSINESS:

A. Peirce Island Wastewater Treatment Facility Expansion Construction Impacts – Terry Desmarais, City Engineer, introduced the presentation to the Committee. It is proposed to cost \$84 million and estimated to take four years to construct. Mr. Desmarais stated that a project of this magnitude would generate additional construction traffic, as it will be one of the largest construction projects in the City. He stated there has been a lot of work by staff and consultants to mitigate the impacts. There are a number of restrictions and requirements in the contract documents. He stated that early on in the planning and design, the concept of barging and using the waterways for transporting material was considered. However, at that time it was determined to be cost prohibitive with permitting challenges. It may come back up in discussion.

A contractor was hired to be on the design team to help generate construction traffic estimates and provide guidance on the progression of construction as to define some of the impacts. The project team presented the initial proposed traffic management plan.

Topics Discussed:

- Vehicle Description
- Construction Access Routes
- Estimated Frequency
- Downtown Locations
- Peirce Island Temporary Staging Areas
- Questions & Answers

Jon Pearson, AECOM Vice President of Water in the New England District, provided a list of anticipated construction vehicles with photographs. The two “design” vehicles discussed were the WB-50, 42.5 ft short cab trailer, and WB-67, 53 ft extended cab trailer (slide 5). The design vehicles were used as examples when looking at the traffic management route and how vehicles would get to and from the site. They were the basis for determining what modifications need to be made to the route to accommodate the traffic.

The construction access routes map was presented (slide 6). The contract documents require the contractor use the mandatory traffic routes for equipment, materials and labor force. The map showed a mandatory incoming traffic route, mandatory outgoing traffic route and an oversize vehicle exit route for vehicles over the WB-50 designation.

Mr. Pearson stated the type, size and frequency of vehicles going to the site will be dictated by the contractor’s approach and sequencing of the work. The contractor will be chosen from the public bidding process. The contractor hired during the design phase provided an estimate of construction traffic volumes and frequencies (slide 7).

Eric Eby addressed the traffic counts at Court Street and Marcy Street. The counts were taken in the summer of 2015 during the peak traffic season (slide 8). He stated based on the analysis, the traffic delay due to construction traffic would be no more than 40 seconds, at most, when the vehicles are stopped. Most of the delays would be due to pedestrians crossing the street at Court and Marcy. The data showed that Marcy Street currently carried 4,000 vehicles per day.

Mr. Pearson discussed key downtown locations of concern. They are marked in yellow on slide 9. The intersection of Middle Street and State Street was an additional key location and discussed on slide 10. Slide 10 depicted the WB-67 turning from Middle Street onto State Street. It would ride slightly up on the island curb and comes close to other curb. The proposal would be to add bollards to protect the traffic signal controller. The WB-50 would be the same (slide 11).

Slide 12 depicted the WB-67 incoming route traveling on State Street and turning right onto Marcy Street. In order to make the turn, it encroaches on parking spaces on State Street and Marcy Street. An alternate exit route is required because the oversized vehicle cannot make the left turn from Marcy onto Court. However, the WB-50 can travel the incoming and outgoing route as noted on slide 13 with the assistance of a construction flagger. The proposed accommodations for the larger vehicles are noted on slide 14. Some of the accommodations are: no parking in marked spaces on State Street and Marcy Street from 12 AM to 8 AM and oversized vehicles would only be allowed to travel the route during the time designated.

Slide 15 depicted the area in front of the Players' Ring on Marcy Street. Mr. Pearson stated in order for two WB-50 vehicles to traverse the street at the same time, they would occupy the full width of the roadway. For pedestrian safety, a brick sidewalk and signage would be constructed around the building to detour pedestrian traffic.

Slide 16 depicted the WB-67 incoming route traveling on Marcy Street and turning left onto Mechanic Street. The intersection would need to be temporarily modified to accommodate the truck traffic. Slide 17 depicted the WB-50 incoming with an infringement on the outgoing traffic lane on Marcy Street. Slide 18 illustrated the WB-50 outgoing route and its impact on the intersection. Some modifications at the intersection of Marcy and Mechanic would be to temporarily realign curb, road, and sidewalk and prohibit parking on Mechanic Street to allow use of the full width of roadway (slide 19).

Slide 20 and 21 depicted the outgoing WB-67 route accessing the parking lot at Strawberry Banke and exiting onto Hancock Street. The hours would be limited from midnight to 10 AM with advance notice. One parking space would be affected on Hancock. The concept has been discussed with Strawberry Banke and they have been amenable. Mr. Pearson stated discussions would continue as the process continues.

The outgoing WB-67 route continues (slides 22 & 23) showing a right turn from Hancock onto Pleasant. Signage would need to be relocated behind the sidewalk to provide the needed space. As the WB-67 turns left from Pleasant to Court, the already proposed All-Way STOP Sign would allow the vehicle full use of the intersection (slides 24 & 25).

Mr. Pearson stated slide 26 illustrated the worst-case scenario, which would allow only one oversized vehicle on the bridge at a time with the aid of two flaggers (one on each side of the bridge). The parking spaces immediately adjacent to Peirce Island Road would be eliminated during the duration of construction for safety, and would be used as contractor parking only. Mr. Pearson stated the east end of the island would be closed to public access during the duration of construction. Slide 27 depicted the temporary staging areas on Peirce Island.

Terry Desmarais clarified that substantial completion would be 47 months following the beginning of the project. He stated the construction traffic would significantly diminish after the substantial completion period. He stated the routes have been presented previously to City Council. The road changes would be temporary and brought back to original condition once construction is completed.

Public Works Director Rice clarified that the Committee is to address the traffic related impacts associated with the project. Several comments made during the public comment section dealt with matters outside the traffic impact scope and could be answered by reviewing the Frequently Asked Questions Section in the *Portsmouth Herald*. He stated that staff would be presenting on Monday, March 7<sup>th</sup>, before the City Council vote on financing.

Ted Gray motioned to recommend a joint meeting with City Council, Peirce Island Committee and Recreation Board to discuss proposed impacts. Harold Whitehouse seconded.

Harold Whitehouse requested the Mayor's Blue Ribbon Committee on Prescott Park be included in the discussion.

The motion was modified to include the Mayor's Blue Ribbon Committee on Prescott Park.

**Vote 8-0, to recommend a joint meeting with City Council, Peirce Island Committee, Recreation Board, and the Mayor's Blue Ribbon Committee on Prescott Park to discuss proposed impacts.** City Manager Bohenko was not present for vote.

B. Borthwick Forest Subdivision Roadway – Attorney Sharon Somers with Donahue, Tucker & Ciandella, presented on behalf of Borthwick Forest, Jackson Gray, and HDA. She stated that the Technical Advisory Committee recommended the traffic implications be discussed with the PTS Committee. She stated that a traffic study and peer review, as requested by City staff, have been completed. She stated that issues raised from the peer review have been resolved. Sharon Somers introduced Jason Plourde from Tighe & Bond.

Mr. Plourde stated the proposal for construction of a subdivision roadway does not include a land development. The applicant proposed a connection for traffic volumes that would travel between Islington Street and Borthwick Avenue. The connection street would be located approximately where the existing WBBX Drive is currently, as shown on the Subdivision Road Study Area (slide 2). He stated traffic counts have been conducted at numerous intersections as noted on slide 2 in yellow. Based on numerous discussions, they were able to determine where traffic volumes would be redistributed. He clarified that this proposal is not adding traffic volumes, but evaluating the redistribution of existing traffic.

Slides 3 and 4 indicated the redistribution of traffic along the travel routes with the subdivision road. The red arrows indicated reduced movements and the yellow indicated increased movements.

Slide 5 detailed the roadway configuration. Mr. Plourde noted two main benefits to the configuration: it avoided wetland areas and the winding design would slow down vehicles.

Mr. Plourde stated some of the project benefits included: less travel distance, reduced travel time, reduced vehicle emissions, and fewer cars at some critical locations. He stated City staff and a peer review consultant reviewed the traffic study. He stated they prepared a supplemental evaluation to answer questions about the impact of more cars on the Spinney, Essex, and Aldrich neighborhoods. Mr. Plourde stated that all the intersections were going to have an improved level of service or similar level of service.

In the packet, slides 6 to 12 displayed renderings of the subdivision roadway. A bridge would be constructed to go over the railroad tracks. A shared-use path is provided on one side of the roadway.

Mary Lou McElwain asked if a subdivision was planned. Mr. Plourde stated the application and plans are only for the roadway. He stated because questions were posed about potential

development, his firm looked at the traffic impacts of potential development based on the current zoning of the area. Mr. Plourde described a few theoretical scenarios regarding land development, but Chairman Lown reminded the Committee that the subdivision roadway is only being reviewed today.

Ted Gray asked if the wetland issues were approved. Attorney Sharon Somers stated that based on the current design of the roadway, wetland relief and/or wetland buffers are not required.

Harold Whitehouse asked if written easements from the railroad were acquired and Attorney Sharon Somers confirmed.

Mary Lou McElwain asked for clarification on the Committee's motion concerning this action item. Chairman Lown stated this action item should be reviewed strictly from a parking, traffic and safety viewpoint. He stated future developments, easements, and wetlands are not within the purview of this Committee.

Mary Lou McElwain asked why the bike path was only located on one side of the roadway. Mr. Plourde stated the shared-use path is wide enough to provide movement in both directions. Juliet Walker, Transportation Planner, confirmed.

City Manager motioned to recommend approval of roadway to the Planning Department. Public Works Director Rice seconded. Juliet Walker, Transportation Planner, clarified that the motion should be directed to the Planning Board. City Manager modified the motion to recommend the approval of the roadway to the Planning Board. Public Works Director Rice seconded.

Harold Whitehouse supported the speaker who gave five reasons not to support the application. He specifically opposed the motion because the Conservation Committee did not approve the original application.

**On a roll call 5-4 motion passed to recommend an approval of the roadway to the Planning Board. Chairman Lown, City Manager Bohenko, Public Workers Director Rice, Ron Cypher and Acting Deputy Police Chief Warchol voted in favor. Ted Gray, Harold Whitehouse, Deputy Fire Chief James Heinz and Mary Lou McElwain voted opposed.**

C. Scooter and Moped Parking. Request from Marc Stettner to revise rules regarding enforcement – Chairman Lown acknowledged the materials provided by Mr. Stettner. City Manager Bohenko motioned to refer action item to City staff and report back at a future meeting. Ron Cypher seconded. **Vote 9-0, to refer to City staff for report back at a future meeting.**

## VII. OLD BUSINESS:

A. Water Country Traffic Impacts – City Manager Bohenko motioned to recommend the City fund the remaining portion of the traffic study to analyze alternative exit routes. Harold Whitehouse seconded.

City Manager Bohenko confirmed there is money (\$10,000) in this year's budget to partnership with Water Country. Eric Eby confirmed that the findings would be presented to NHDOT as they must approve all traffic changes on Route 1.

Mary Lou McElwain commended the work of the residents and requested their recommendations be respectfully considered.

Staff will be contacting Water Country to inform them of the partnership. The City will get written confirmation from Water Country and a firm will be procured through the City's bidding process.

**Vote 9-0, to recommend the City fund the remaining portion of the traffic study to analyze alternative exit routes for Water Country traffic.**

B. West Road and Campus Drive Intersection – City Manager Bohenko motioned to approve and accept staff recommendations to remove STOP signs on Campus Drive. Public Works Director Rice seconded. **Vote 9-0, to approve and accept staff recommendations to remove STOP signs on Campus Drive.**

C. Woodbury Avenue and Maplewood Avenue Intersection – City Manager Bohenko motioned to refer proposed plans to City's consultant for review and consideration as part of the Maplewood Avenue corridor project. Public Works Director Rice seconded. **Vote 9-0, to refer proposed plans to City's consultant for review and consideration as part of the Maplewood Avenue corridor project**

#### VIII. PUBLIC COMMENT:

Paul Mannle, 1490 Islington Street, expressed concern about time limits given to citizens to speak to action items. He believes the meetings need to be redesigned and public comments should be allowed directly after an applicant's presentation. Mr. Mannle expressed disappointment because the PowerPoint presentation for the Borthwick Forest Roadway project was not in the PTS packet. He does not believe abutter's notices were sent. He expressed concern with traffic on the residential neighborhoods streets because of the project. He suggested the PTS Committee change name to Parking Committee.

Nancy Tomb, 138 Gate Street, expressed concern with the construction of Peirce Island WWTF expansion project and the truck traffic and routes. She stated concern about the vibrations, pollution and gridlock caused by construction truck traffic. Ms. Tomb supports exploring the option of using barges and waterways even though the cost may be higher.

Paige Trace, 27 Hancock Street, listed thirteen properties on the National Register of Historic Places. She expressed concern regarding the foundations of the historic properties and the impacts from vibrations resulting from the Peirce Island construction traffic. Ms. Trace requested the infrastructure on Hancock Street be reviewed. She addressed the police

department regarding the late night pedestrian foot traffic on Washington Street at Hancock Street and for pedestrian safety when nighttime construction traffic starts. She asked the Committee to consider the traffic impacts on businesses and citizens.

Esther Kennedy, 41 Pickering Avenue, requested presentations be available in advance. She stated the FAQ section did not indicate that trucks would be traveling from 12 AM to 10 AM or 12 AM to 8 AM. She requested the information be listed in the FAQ section of the City's website. She stated there are discrepancies regarding the amount of time of construction. She believes the construction phase is 6 years based on the City's information regarding the 2022 replacement of the Peirce Island bridge and pump stations. She encouraged the Committee to look at the City's data. Also, she stated NHDOT gave a letter allowing a road to be created for the Pease Wastewater Treatment Facility option.

Andrea Amico, 820 Banfield Road, thanked the Committee for funding half the cost of the traffic study. She requested staff obtain Water Country's written commitment for their portion of the traffic study cost. She would like to see meaningful changes this summer. The traffic study is needed in order for NHDOT to approve any proposals.

Rick Becksted, 1395 Islington Street, expressed disappointment regarding the Borthwick Forest Subdivision Roadway project and the motions made by City Manager Bohenko and Public Works Director Rice to approve the action item. He stated that he believes the project goes against the Master Plan.

Judy Nerbonne, 189 Gates Street, expressed concern regarding the night traffic proposed for the Peirce Island expansion project. She stated all night traffic is very disruptive. She asked the Committee how it's protecting the safety of citizens, businesses and visitors concerning the traffic routes discussed earlier. Ms. Nerbonne requested a complete cost comparison of barge delivery and construction traffic plan. She requested more information.

City Manager Bohenko stated the City would be working on an add alternate to the bid for barge access. It will allow the City Council to make a decision on the actual cost of utilizing barge access.

Public Works Director Rice clarified that the construction traffic has been part of the design project from the beginning. A traffic engineer reviewed the traffic volumes and T.Y. LIN International completed an independent peer review of the traffic analysis. The level of service would not be impacted by this project. The oversized trucks would be the only nighttime traffic and it would be periodic.

## IX. INFORMATIONAL:

A. Parking shuttle operations and recommendations for 2016 – Juliet Walker, Transportation Planner, presented on the parking shuttle operations and recommendations. For the 2016 season, staff recommended negotiating a contract with COAST to operate weekend service (Friday to Sunday) from the first weekend in July to Labor Day. Staff also

recommended providing additional shuttle service for special events throughout the year. Staff will be surveying the business community to identify needs and exploring ideas for the 2017 season.

Harold Whitehouse provided suggestions regarding optional fare contributions and staffing volunteers to distribute City event literature at the shuttle parking lot.

Mary Lou McElwain voiced support for the shuttle service and suggested downtown businesses promote the service on their websites.

X. ADJOURNMENT – At 9:51 a.m., voted to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary of the Committee