

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 2, 2022 TIME: 7:00PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://us06web.zoom.us/webinar/register/WN_7EQvFDJLSySIF00a8Om3aw

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

- PROCLAMATIONS:**
 1. POET LAUREATE (*Proclamation will be handed out to City Council on Monday evening*)
 2. DRINKING WATER WEEK
 3. PROFESSIONAL MUNICIPAL CLERKS WEEK

- VII. **ACCEPTANCE OF MINUTES – APRIL 18, 2022 (*Sample motion – move to accept and approve the minutes of the April 18, 2022 City Council meeting*)**

- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- IX. **PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)**

- X. **PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION**
 - A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM FUND BALANCE FOR THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND SOBOW SQUARE LLC. AND COSTS ASSOCIATED WITH DESIGN AND ENGINEERING RELATED TO THE McINTYRE PROPERTY.

THAT THE CITY COUNCIL HAS DETERMINED THAT THE SUM OF NINE HUNDRED THOUSAND (\$900,000.00) DOLLARS IS TO BE APPROPRIATED FROM FUND BALANCE TO DEFRAY THE EXPENDITURES FOR THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND SOBOW SQUARE LLC. AND COSTS ASSOCIATED WITH DESIGN AND ENGINEERING RELATED TO THE McINTYRE PROPERTY FOR THE FISCAL YEAR ENDING IN JUNE 30, 2022.

THAT, THE SETTLEMENT AMOUNTS TO BE MADE ON OR BEFORE JULY 15, 2022 ONE MILLION (\$1,000,000.00) DOLLARS AND ON OR BEFORE JULY 15, 2023 FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS WILL BE MADE USING FUTURE AVAILABLE REVENUES WHICH MAY INCLUDE FUND BALANCE.

THAT, TO MEET THIS APPROPRIATION, THE CITY MANAGER IS AUTHORIZED TO TRANSFER THESE FUNDS FROM COMMITTED FUND BALANCE.

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS** *(Declared public hearing closed after speakers)*
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to adopt the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented) (Please note that Supplemental Appropriations require a two-thirds roll call vote for adoption)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. One Year Lease Extension of Portsmouth Public Media, Inc., (PPMtv) Lease of the South Meeting House

XII. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Eversource Petitions and Pole License Requests:
 - Installation of 1 pole on Banfield Road #63-0684
 - Installation of 2 poles on Borthwick Avenue #63-0699
 - Installation of 1 pole on Boyan Place #63-0681
 - Installation of 1 pole on McKinley Road #63-0711
 - Installation of 2 poles on Middle Street #63-0713
 - Installation of 1 pole on Sagamore Avenue #63-0707
 - Installation of 1 pole on Vine Street #63-0668

(Anticipated action – move to refer to the City Manager with Authority to Act)
- B. Letter from David Grilk, Conventures, Inc., requesting permission to hold the 2022 Seacoast Cancer Community Celebration and 5K on Saturday, September 24, 2022 and Sunday, September 25, 2022 *(Anticipated action – move to refer to the City Manager with Authority to Act)*

- C. Request from Barton & Gray Mariners Club, of Port City Realty Group, LLC to install a Projecting Sign at 20 Ladd 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 projecting sign, for any reason, shall be done at 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***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. *Presentation by Valerie Rochon and Susan Labrie regarding “Portsmouth’s 400th Anniversary Celebration”
- C. Letter from the Town of Rye Selectmen to PDA regarding Proposed Cargo Facilities (***Sample motion – move to accept and place on file***)
- D. Letter from Jim Teetzel, Wilcox Industries regarding Portsmouth 400 Year Concept Plan (***Sample motion – move to refer to the City Manager to coordinate the public art process and report back to the City Council for final approval***)
- E. Letter from Attorney Sherilyn Burnett Young, Rath, Young and Pignatelli, P.C., regarding Application for Urbanized Shoreland Exemption – RSA 483-B:12, Subject Property: 57 Salter Street (***Sample motion – move to refer to the Planning Board for report back***)

XIV. MAYOR McEACHERN

1. *Appointments to be Voted:
- Appointment of Michael Griffin to the Portsmouth Housing Authority
 - Reappointment of Robert Bogardus to the Recreation Board
 - Reappointment of Kory Sirmaian to the Recreation Board

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR COOK

1. Electric Vehicle Charging Station Zoning Amendments (**Sample motion – move to approve and send the draft Zoning Ordinance amendments regarding Electric Vehicle Charging Stations to the Planning Board for review and recommendation back to the City Council for first reading**)

B. COUNCILOR BAGLEY

1. **Action Item Needing Approval by City Council:**
 - Request for ADA Parking Space on Cass Street, by Connections Peer Support Center
(Sample motion – move to approve HP parking space 30 feet from crosswalk on north side of Cass Street, east of Islington Street)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of April 7, 2022
(Sample motion – move to accept and approve the action sheet and minutes of the April 7, 2022 Parking and Traffic Safety Committee meetings)

C. COUNCILOR COOK & ASSISTANT MAYOR KELLEY

1. *Community Conversations (**Sample motion – moved to request that the City Manager develop a series of Community Conversations starting in June 2022 around issues of Diversity, Equity, Inclusion, and Justice**)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Approval of Homeland Security Grant Award from the US Department of Safety for the Seacoast Emergency Response Team (SERT) to purchase search and rescue equipment - \$29,024.39 (**Sample motion – move to approve and accept the grant for the Police Department as presented**)
- B. *Approval of Donation from Wilcox Industries Corp. for the Portsmouth Police Honor Guard to attend specialized training as well as attend the Police Memorial in Washington, DC. This year, Portsmouth Police K9 Max will be added to the memorial, following his 2019 line-of-duty death - \$5,000.00 (**Sample motion – move to approve and accept the donation for the Police Department as presented**)
- C. *Acceptance of Donation in the form of five (5) \$20.00 gift certificates from JL Nails & Spa on Woodbury Avenue for the Portsmouth Police Department (**Sample motion – move to approve and accept the donation for the Police Department as presented**)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *McIntyre Update
2. FY 2023 City Council Budget Meeting Schedule
3. Household Hazardous Waste Collection Day – May 21, 2022

4. *Report Back on Fee Waivers for Peirce Island Outdoor Pool and Boat Launch for Military, Military Dependents, Veterans and Veteran Caregivers
5. Report Back on the Feasibility of Locating a COAST Bus Stop on Greenleaf Woods Drive
6. Draft National Pollutant Discharge Elimination System Wastewater Permits

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

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

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** Portsmouth and Pease Drinking Water Systems provide up to 6 million gallons a day of drinking water to customers in Portsmouth, Pease Tradeport, Newington, New Castle, Greenland and portions of Rye, Durham, Dover and Madbury; and
- Whereas:** The City created the Safe Water Advisory Group in October 2020 “to review and communicate the latest science on the health and environmental effects of PFAS, to monitor federal and state level legislative changes, and to anticipate policy changes that could impact the City of Portsmouth;” and
- Whereas:** The City completed construction of a new water filtration system to treat PFAS contamination and reactivated the Haven well last summer, and continues to monitor, study and track regulations to identify and treat contaminants of concern such as PFAS and lead through robust tracking and testing programs that protect the health and safety of the community; and
- Whereas:** In spite of sequential years of drought, the City has maintained a supply of enough drinking water to meet the community’s demand by managing the network of wells that tap various groundwater supplies, and protecting the surface water supply at and around the Bellamy Reservoir; and
- Whereas:** The City continues to work with our neighbors to create supplemental and emergency water system connections and has successfully secured both State and Federal dollars to help fund these important projects for protecting future water sources and Water System infrastructure; and
- Whereas:** Portsmouth was the first, and is currently the only, water system in the state to encourage water conservation by offering financial incentives for the replacement of water-intensive appliances with low-consumption alternatives, and promotes this and other conservation initiatives through the “Think Blue” public information campaign; and
- Whereas:** For more than 40 years the American Water Works Association and its members including the Portsmouth Water Division have used Drinking Water Week as a unique opportunity for both water professionals and the communities they serve to recognize the vital role water plays in our daily lives;


Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim May 1st through 7th as:

Portsmouth Drinking Water Week

and urge all Portsmouth citizens to learn more about the Portsmouth Water System, the Safe Water Advisory Group and the City’s efforts to protect and maintain the quality of our drinking water by participating in the Community Water Forum on Tuesday, May 3rd.



Given with my hand and the
Seal of the City of Portsmouth,
on this Second day of May 2022



Deaglan McEachern, Mayor of Portsmouth

**The Council Chambers
City Hall
Portsmouth, New Hampshire**

A Proclamation

- Whereas:** The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and
- Whereas:** The Office of the Professional Municipal Clerk is the oldest among public servants, and
- Whereas:** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and
- Whereas:** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.
- Whereas:** The Professional Municipal Clerk serves as the information center on functions of local government and community.
- Whereas:** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.
- Whereas:** The function of the Professional Municipal Clerk necessitate a thorough knowledge of law procedure, administration, and interpersonal relations.
- Whereas:** Professor William Bennett Munro-author of one of the first textbooks written on the topic of municipal administration says “No other office in municipal service has so many contacts. It services the Mayor, the City Council, the City Manager, and all administrative departments, without exception. All of them call upon it, almost daily, for some services or information.”
- Whereas:** It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.
- Whereas:** Kelli L. Barnaby is among the 1,365 Professional Municipal Clerks throughout the United States, Canada and 15 other countries who has achieved the Master Municipal Clerk Designation from the International Institute of Municipal Clerks.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council, do hereby recognize the week of May 1 through May 7, 2022, as

Professional Municipal Clerks Week

and further extend appreciation to our Professional Municipal Clerk, Kelli L. Barnaby, Master Municipal Clerk and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



Given with my hand and the
Seal of the City of Portsmouth,
on this 2nd day of May, 2022


Deaglan McEachern, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 18, 2022

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Lombardi moved to exit the Non-Public Session and seal the minutes. Seconded by Assistant Mayor Kelley.

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

III. CALL TO ORDER

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

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Bill Gladhill who passed away over the weekend. He also spoke to the recent passing of former Mayor Mary Keenan, he recognized her service to the City of Portsmouth and said that this was his aunt who was the matriarch of his family.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – MARCH 21, 2022, APRIL 4, 2022 AND APRIL 6, 2022

Councilor Blalock moved to accept and approve the minutes of the March 21, 2022, April 4, 2022 and April 6, 2022 City Council meetings. Seconded by Assistant Mayor Kelley and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Naming of Connors Cottage in recognition of lifelong resident, former Mayor and former Portsmouth Housing Authority Director Timothy “Ted” Connors

Councilor Bagley voted to suspend the rules to bring forward Item XI. A.3. – Naming of Connors Cottage. Seconded by Assistant Mayor Kelley and voted.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Naming of Connors Cottage

Councilor Bagley moved that the City is in accord with the request of the Cottage Senior Housing Limited Partnership to rename the former 1895 Building at the Municipal Complex "Connors Cottage" and to erect appropriate signage to that effect. Seconded by Councilor Tabor.

Councilor Tabor moved to suspend the rules in order to allow Craig Welch, Executive Director of Portsmouth Housing Authority, to speak regarding Mr. Connors. Seconded by Councilor Cook.

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

Craig Welch, Executive Director of Portsmouth Housing Authority, spoke to Mr. Connors service to the City as a former Executive Director of the Portsmouth Housing Authority and his work as an historic preservationist of buildings. He asked that the City officially join with the Portsmouth Housing Authority in naming the building Connors Cottage.

Mayor McEachern thanked Mr. Connors for his friendship to the City and said that this is a small token of our appreciation and thanks to him in naming the building as Connors Cottage.

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

Mr. Connors thanked Mayor McEachern, City Council and City Manager Conard for their work on this. He said he loves the City and enjoyed his work for the Portsmouth Housing Authority.

IX. PUBLIC COMMENT SESSION

Bob Lister & Tom Kaufhold said they are present to invite the City Council to the Memorial Bench Dedication for Charlie Howard on Wednesday, June 1st at 4:00 p.m. at the Portsmouth High School.

Arthur Clough spoke in support of Sexual Assault Awareness Month and said it brought back memories, as he was a victim. He spoke to the importance of recognizing sexual assault. He went on to speak regarding an incident which occurred in the past involving a former police officer and said there is a need to replace some of the staff that were involved in the case and remain employees of the City.

Mark Brighton said he does not feel the City is following the process for ethic complaints. He said he feels the ordinance does not adequately address a proper process to be followed, when such complaints are made.

Kelly Weinstein spoke regarding the need for additional turf fields in the City and would support installing fields at Community Campus. She said the current field at the High School is in poor condition. She said that turf fields help with the development of athletes and said Community Campus allows for an opportunity for the youth of our community.

Rick Becksted spoke regarding the Demolition Committee, which is outlined in Chapter 14 of the city ordinances. He said recommendations by the former Council were not followed through with for preparing an ordinance regarding demolitions.

He also spoke to the loss of William Gladhill and William's service to the City by serving on various boards/commissions. He said Mr. Gladhill will be sorely missed by the community for his work, and always going above and beyond when it came to the community of Portsmouth for which he had such pride in.

Bill Downey said Mayor McEachern handle himself with grace last week regarding the McIntyre matter. He said seldom do you see someone that has good faith but the Mayor's father Paul McEachern had that. He spoke to the lack of transparency, which has been apparent in the McIntyre matter. He said we have lost our integrity. He said McIntyre matters and is worth fighting for. He further stated that the settlement agreement does not protect the residents.

Councilor Lombardi moved to suspend the rules to bring forward Item XIII. B. – Presentation regarding Proposed Cargo Facility at Pease by Paul Brean, PDA Executive Director. Seconded by Councilor Blalock.

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

XIII. PRESENTATION AND WRITTEN COMMUNICATIONS

B. Presentation regarding Proposed Cargo Facility at Pease – Paul Brean, PDA Director

PDA Executive Director Brean provided a detailed review regarding the history of Pease from 1988 to present. He reported that the PDA is governed by a board of directors with 7 members appointed to 3 year terms. He announced that he has served as Executive Director since July 2020, having served as PDA Deputy Director / Airport Manager prior to that time. He addressed the 4.86 million square feet of commercial/industrial space that has been developed and informed the Council of the 250+ companies at Pease, which employ 10,500 direct hires. He spoke to the \$700 million estimated annual wage base paid, \$16 million estimated BPT and Rooms & Meals taxes to the state. He further stated that \$7.5 million has been paid to the City under the Municipal Services Agreement in 2021. He addressed interest in aeronautical growth and development, in addition to, interest in potential air cargo development. In conclusion, Director Brean reported as of this date, there are no air cargo development proposals currently before the PDA Board. He further indicated when and if proposals are made, they will come to the PDA in a public meeting and the land use review process will play out from there, through multiple public meetings.

Councilor Denton thanked Mr. Anderson for being our representative and providing updates to the Council regarding Pease. He asked Mr. Brean if there is a role for the City Council to play. Mr. Brean said technical review is an area for the City to have a role in.

Councilor Moreau asked about the time frame for the option agreement. Mr. Brean said the option agreement is for 6 months and the PDA would need to approve an additional extension.

Councilor Bagley inquired as to the 2.3% vacancy rate at Pease and whether Mr. Brean expects it to stay low. Mr. Brean advised the Council that the number lags because they are 6 months behind in reporting those figures however, there is a large demand for facilities at Pease.

Councilor Cook said it is her understanding that the City has no control over noise and future development at Pease. Mr. Brean said they work with the FAA regarding a noise program and there is a Noise Advisory Committee. He said it is his responsibility and staff to determine if there are any systematic issues.

Discussion followed regarding cargo flights and their impacts and needs.

Mayor McEachern thanked Executive Director Brean for the update and said he appreciates the members that serve the PDA Board, Erik Anderson and former Mayor Tom Ferrini.

Councilor Blalock moved to suspend the rules to bring forward Item XIII. C. – Presentation by Cemetery Committee regarding Headstone Cleaning Project. Seconded by Assistant Mayor Kelley.

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

C. Presentation by Cemetery Committee regarding Headstone Cleaning Project

Cemetery Committee member Chris Benecick provided the presentation on North Cemetery Phase I Improvement Project. He reviewed the Mission Statement of the Committee: *“To restore, preserve, and safeguard Portsmouth’s historic cemeteries and their history for future generations.”* He spoke to the preservation of cemeteries, which is remembering lives once lived. He reported that the North Cemetery was established in 1753, covering approximately 1.5 acres and containing over 400 graves. The North Cemetery was placed on the National Register of Historical Places in 1978 and stated the cemetery is a jewel that must be polished and protected to maintain its historic significance. He reviewed some of the people that are important in history and buried in the cemetery – John Langdon, William Whipple, Abraham Issac, Pomp and Candace Spring, and Robert Greenough. He announced that the Headstone Cleaning Project will be done on May 7, 2022 from 9:00 a.m. to Noon with a rain date of May 14, 2022. He discussed the cleaning process and said the project work will be supervised by Michael Griffin of the Cemetery Committee and John Lord of the NH Old Graveyard Association, both of whom are recognized as having the requisite experience and skills in this work. In conclusion, he indicated that Department of Public Works will supply the materials needed for the project.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Public Hearings/Adoption of Resolutions:

A. TO AUTHORIZE THE CITY MANAGER TO APPLY FOR, ACCEPT AND EXPEND THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT OF 2021 IN THE AMOUNT OF \$6,440,140.00, SUBJECT TO THE TERMS AND CONDITIONS OF THE OFFER AND RULES AND REGULATIONS PERTAINING THERETO

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

City Manager Conard said we received the first tranche of funds in 2021 and this is the second tranche of funding.

With no speakers, Mayor McEachern declared the public hearing closed.

Councilor Moreau moved to authorize the City Manager to apply for, accept and expend the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the amount of \$6,440,140.00 subject to the Terms and Conditions of the Offer and Rules and Regulations Pertaining Thereto. Seconded by Councilor Blalock and voted on a unanimous voice vote.

B. RESOLUTION APPROPRIATING FIVE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$5,260,000.00) FROM AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO PAY COSTS ASSOCIATED WITH THE MULTI-PURPOSE FIELDS LIGHTING AND RELATED EXPENSES AT THE FIELDS, CITYWIDE SIDEWALK RECONSTRUCTION, CITYWIDE STREET PAVING, MANAGEMENT AND REHABILITATION, ISLINGTON STREET PHASE 2 PROJECT, AND THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO

THAT FIVE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$5,260,000.00) IS APPROPRIATED TO PAY COSTS ASSOCIATED WITH THE MULTI-PURPOSE FIELDS LIGHTING AND RELATED EXPENSES AT THE FIELDS, CITYWIDE SIDEWALK RECONSTRUCTION, CITYWIDE STREET PAVING, MANAGEMENT AND REHABILITATION, ISLINGTON STREET PHASE 2 PROJECT AND FOR THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO. THAT TO MEET THIS APPROPRIATION UP TO \$5,260,000.00 SHALL BE UTILIZED FROM THE ARPA

THAT RESOLUTION #14-2018 ADOPTED BY THE CITY COUNCIL ON JULY 9, 2018, AUTHORIZED BORROWING BY THE CITY OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000.00) FOR THE COST RELATED TO THE CONSTRUCTION OF MULTI-PURPOSE RECREATION FIELDS. THE CITY WILL USE ARPA GRANT FUNDS ON THE UNUSED BALANCE OF THE BORROWING AUTHORITY IN THE AMOUNT OF FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000.00) WHICH IS HEREBY DISCHARGED AND RESCINDED

THAT RESOLUTION #14-2019 ADOPTED BY THE CITY COUNCIL ON JULY 15, 2019, AUTHORIZED BORROWING BY THE CITY OF UP TO TEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$10,550,000.00) FOR THE COST RELATED TO CITY STREET, SIDEWALK UPGRADES, BRIDGES AND FACILITY IMPROVEMENTS. THE CITY WILL USE ARPA GRANT FUNDS ON THE UNUSED BALANCE OF THE BORROWING AUTHORITY IN THE AMOUNT OF TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) WHICH IS HEREBY DISCHARGED AND RESCINDED

THAT RESOLUTION #17-2021 ADOPTED BY THE CITY COUNCIL ON AUGUST 2, 2021, AUTHORIZED BORROWING BY THE CITY OF UP TO THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$13,300,000.00) FOR THE COST RELATED TO THE PRESCOTT PARK MASTER PLAN IMPLEMENTATION, CITY STREET AND SIDEWALK UPGRADES. THE CITY WILL USE ARPA GRANT FUNDS ON THE UNUSED BALANCE OF THE BORROWING AUTHORITY IN THE AMOUNT OF TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000.00) WHICH IS HEREBY DISCHARGED AND RESCINDED

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

City Manager Conard said this was presented at the April 4th City Council meeting and we will be using ARPA funds in place of borrowing funds.

With no speakers, Mayor McEachern declared the public hearing closed.

Councilor Moreau moved to adopt the resolution as presented. Seconded by Councilor Cook and voted.

- C. RESOLUTION APPROPRIATING TEN MILLION DOLLARS (\$10,000,000.00) TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH, INCLUDING THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO

THAT TEN MILLION DOLLARS (\$10,000,000.00) IS APPROPRIATED TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH, AND FOR THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO, AND THAT TO MEET THE APPROPRIATION, (I) UP TO ONE MILLION FIVE HUNDRED SEVENTY SIX THOUSAND ONE HUNDRED SEVENTY-NINE DOLLARS AND THIRTY CENTS (\$1,576,179.30) SHALL BE TRANSFERRED FROM AVAILABLE FUNDS, AND (II) THE CITY TREASURER, WITH THE APPROVAL OF THE CITY MANAGER, IS AUTHORIZED TO BORROW UP TO EIGHT MILLION FOUR HUNDRED TWENTY THREE THOUSAND EIGHT HUNDRED TWENTY DOLLARS AND SEVENTY CENTS (\$8,423,820.70) UNDER AND PURSUANT RSA 33 (THE MUNICIPAL FINANCE ACT), OR PURSUANT TO ANY OTHER ENABLING AUTHORITY, AND TO ISSUE BONDS OR NOTES OF THE CITY THEREFOR

THAT RESOLUTION #26-2021 ADOPTED BY THE CITY COUNCIL ON DECEMBER 20, 2021 IS HEREBY RESCINDED AND OF NO FURTHER FORCE OR EFFECT

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

City Manager Conard said the City Council will take appropriate action on the resolution.

Councilor Tabor thanked City Manager Conard for wisely advising the City Council that the use of ARPA funds might tie our hands with the property and its use.

Petra Huda asked the City Council to look at Item B & Item C on rescinding, as she feels the language is different and may need to be addressed. She asked why the language is different from what was discussed during the April 4, 2022 City Council meeting.

Mayor McEachern asked Finance Director Belanger to come forward and address Ms. Huda's concerns. Finance Director Belanger said the resolution was reviewed by our Bond Counsel because we are using ARPA funds in a different way and they advised us to rescind the entire resolution and start fresh. She said the resolution suffices for rescinding and the prior resolution has been attached that the City Council is rescinding this evening.

Mayor McEachern said that the Resolution would suffice for rescinding the resolution and bonds will be used in a similar amount to purchase Community Campus.

Councilor Moreau said a prior motion of the Council, rescinded portions of funding and currently the Council is rescinding the entire amount. Finance Director Belanger said that is correct.

Councilor Moreau moved to adopt the resolution as presented. Seconded by Councilor Tabor.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Cemetery Committee Headstone Cleaning Project

City Manager Conard said this is a request for partial funding for the Cemetery Committee Headstone Cleaning Project to expend up to \$2,500.00 to support their work.

Councilor Tabor moved that the City Council authorize the expenditure of up to \$2,500.00 from the Historic Cemetery Trust to cover the costs of the headstone cleaning project. Seconded Councilor Blalock and voted.

2. Approval of Seacoast Eat Local Farmers' Market Agreement for 2022 Season

City Manager Conard said this is approval of the agreement with the new vendor.

Councilor Denton moved to authorize the City Manager to execute the License Agreement as presented, allowing Seacoast Eat Local to operate a Farmers' Market at the Municipal Complex on Saturdays from May 7, 2022 through November 5, 2022. Seconded by Councilor Blalock.

Councilor Denton thanked staff for incorporating the language for the distribution of single use disposables in Exhibit B of the agreement.

Motion passed.

4. Public Health Profile and Needs Assessment

City Manager Conard said this is with direction from our Health Director to update data from 2006. She stated we want to work with communities on this public health profile and needs assessment.

Councilor Tabor moved to obligate \$65,000.00 in ARPA funds towards a Public Health Profile and Needs Assessment. Seconded by Assistant Mayor Kelley.

Councilor Cook said this is the kind of project she envisioned when ARPA funds were created, which are around public health. She spoke in support of the project.

Assistant Mayor Kelley thanked Health Director McNamara for her work and efforts that made sure every resident received the assistance they needed during COVID.

Councilor Tabor said he would like to see us do work around mental health as part of this project. He spoke to a Wellness Group that was created by students at the High School and feels this would be a great thing for the community.

Mayor McEachern thanked Health Director McNamara for her work during the pandemic. He said he supports Councilor Tabor's comments.

Motion passed.

5. Request for Public Hearing Regarding SoBow Square, LLC Settlement

City Manager Conard said that this request would be for a public hearing at the May 2, 2022 City Council meeting for a supplemental appropriation.

Councilor Moreau moved to bring back for public hearing and adoption, the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented, for the May 2, 2022 City Council meeting. Seconded by Councilor Cook and voted.

6. Water Service Access Easement for Property Located at 410 Portsmouth Avenue in Greenland

City Manager Conard said this request comes from Attorney Colby Gamester and his client, which is a 10 unit condominium development located at 410 Portsmouth Avenue in Greenland. She reported that the City will be able to serve water for the development and this has been reviewed and approved by the Legal Department and recommended by the Public Works Department.

Assistant Mayor Kelley moved to authorize the City Manager to negotiate and accept an Access Easement for Water Services for 410 Portsmouth Ave, LLC in substantially similar form to that attached as Exhibit D and contained in the City Council packet. Seconded by Councilor Moreau.

Councilor Lombardi asked if we would supply irrigation and fire suppression.

Councilor Moreau moved to suspend the rules to allow Attorney Gamester to address this matter. Seconded by Assistant Mayor Kelley.

Mayor McEachern asked City Attorney Sullivan if we would need a roll call vote to suspend the rules. City Attorney Sullivan replied no.

Motion passed.

Attorney Gamester said no irrigation is needed for the development.

Mayor McEachern said the development would pay in for the services provided in usage fees.

Motion passed.

XII. CONSENT AGENDA

- A. Eversource Petition and Pole License Request:
- Installation of 2 poles on Mirona Road #63-0694
(Anticipated action – move to refer to the City Manager with Authority to Act)
- B. Letter from Ken La Valley, Out of the Darkness Walk Committee, requesting permission to hold the Out of the Darkness Walk on Saturday, September 17, 2022 from 8:30 a.m. to Noon starting at Peirce Island ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

Councilor Denton moved to adopt the Consent Agenda. Seconded by Councilor Moreau and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Councilor Cook and voted.

- D. Petition from State Street residents and neighbors regarding maintaining the historic brick sidewalks in the West End

Councilor Moreau moved to refer to the City Manager and Public Works Director Rice for report back. Seconded by Councilor Lombardi.

Councilor Bagley thanked everyone for writing to the Council regarding their concerns on this matter. He spoke to the disadvantages related to the use of bricks.

The City Council requested a report back regarding the cost difference between brick and concrete, any safety issues that may exist with the type of material used, funding mechanisms, and advance notice to the neighborhoods regarding the report back.

City Manager Conard said bids would be put out next week and a report back would come forward the second meeting in May or the first meeting in June of the City Council.

Motion passed.

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
- Michael Griffin to the Portsmouth Housing Authority
 - Robert Bogardus to the Recreation Board
 - Kory Sirmaian to the Recreation Board

The City Council considered the appointments that will be acted upon at the May 2, 2022 City Council meeting.

2. Appointments to be Voted:
 - Appointment of Lynn Vaccaro to the Conservation Commission
 - Appointment of Celeste Brooks to the Cemetery Committee
 - Appointment of Jody Record to the Library Board of Trustees

Councilor Bagley moved to appoint Lynn Vaccaro to the Conservation Commission filling the unexpired term of Andrew Samonas until April 1, 2023, appointment of Celeste Brooks to the Cemetery Committee until December 31, 2023, and appointment of Jody Record to the Library Board of Trustees filling the unexpired term of Maryellen Burke until October 1, 2022. Seconded by Assistant Mayor Kelley and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR MOREAU

1. Land Use Committee Regulatory Work Plan

Councilor Moreau reported that the Land Use Committee has been hard at work on gathering information on existing conditions and strategy reports. She said this gives existing conditions on where trends are going and phase implementations of unintended consequences. She stated that the Committee is cleaning up the zoning in phases and would like to have this accomplished and finished by the end of June. She requested that the City Council look at objectives and stakeholders and report back to her on their thoughts.

Councilor Bagley said last week he emailed some residents regarding EV chargers and zoning requirements, which are prohibitive. He would like the Committee to look at rectifying the zoning relative to EV charges.

Councilor Moreau said she should look at every zoning regulation and how EV charges could be accommodated.

Councilor Denton said he is impressed with Councilor Bagley looking into EV charges early in this process and thanked him for his work.

Councilor Moreau moved to request that City Council approve the 2022 regulatory work plan and to send Phase One draft regulatory amendments to the Planning Board for review and recommendation back to City Council at which point first reading can be scheduled. Seconded by Councilor Bagley.

Mayor McEachern said this is a great deal of work and thanked Councilor Moreau for addressing zoning, which governs us the most.

Motion passed.

B. COUNCILOR COOK

1. Public Dialogue Session Re: Budget

Councilor Cook said the Governance Committee discussed ways to address engaging residents into the budget discussions. She stated she would like to use the public dialogue session around engaging the public in the budget.

Councilor Cook moved to schedule a Public Dialogue Session in May to discuss the city budget with community members. Seconded by Councilor Tabor and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Skateboard Park
 - Brenda Prindiville - \$1,025.00
- B. Acceptance of Donation to the Senior Center
 - Portsmouth Garden Club Award - \$300.00
- C. Acceptance of Reimbursement to the Senior Center Program from the State of NH
 - State of New Hampshire - \$14,896.00

Councilor Tabor moved to approve and accept the donations as presented and the reimbursement to the Senior Center Program from the State of New Hampshire as presented. Seconded by Councilor Moreau and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

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

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Mayor McEachern said United States President Biden is coming tomorrow to the City and there will be road closures on Market Street from 10:00 a.m. through 4:00 p.m. and asked everyone to be patient.

XIX. ADJOURNMENT

At 9:15 p.m., Councilor Moreau moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 2, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing a Supplemental Appropriation from Fund Balance for the Settlement Agreement between the City of Portsmouth and SOBOW Square LLC. And costs associated with Design and Engineering related to the McIntyre Property.

That, the City Council has determine that the sum of Nine Hundred Thousand (\$900,000.00) Dollars is to be appropriate from Fund Balance to defray the expenditures for the settlement agreement between the City of Portsmouth and SOBOW Square LLC. And costs associated with design and engineering related to the McIntyre property for the Fiscal Year ending in June 30, 2022.

That, the settlement amounts to be made on or before July 15, 2022 One Million (\$1,000,000.00) Dollars and on or before July 15, 2023 Five Hundred Thousand (\$500,000.00) Dollars will be made using future available revenues which may include Fund Balance.

That, to meet this appropriation, the City Manager is authorized to transfer these funds from Committed Fund Balance

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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That, to meet this appropriation, the City Manager is authorized to transfer these funds from Committed Fund Balance

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

KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

RESOLUTION # -

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM FUND BALANCE FOR THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND SOBOW SQUARE LLC. AND COSTS ASSOCIATED WITH DESIGN AND ENGINEERING RELATED TO THE MCINTYRE PROPERTY.

RESOLVED: BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, the City Council has determined that the sum of **Nine Hundred Thousand (\$900,000) Dollars** is to be appropriated from Fund Balance to defray the expenditures for the settlement agreement between the City of Portsmouth and SOBOW Square LLC. And costs associated with design and engineering related to the McIntyre property for the Fiscal Year ending in June 30, 2022.

THAT, the settlement amounts to be made on or before July 15, 2022 One Million (\$1,000,000) Dollars and on or before July 15, 2023 Five Hundred Thousand (\$500,000) Dollars will be made using future available revenues which may include Fund Balance.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from Committed Fund Balance.

APPROVED BY:

**DEAGLAN MCEACHERN,
MAYOR**

**ADOPTED BY CITY COUNCIL
DATE MAY 2, 2022**

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: April 28, 2022

To: Honorable McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of May 2, 2022

X. Public Hearings and Votes on Ordinances and/or Resolutions:

A. **Public Hearing and Vote on Resolution Authorizing a Supplemental Appropriation from Fund Balance for the Settlement Agreement Between the City of Portsmouth and SOBOW Square, LLC and Costs Associated with Design and Engineering Related to the McIntyre Property:**

At the April 6, 2022 Special City Council meeting, the City Council voted to accept a settlement agreement with SOBOW Square LLC. Terms of the settlement obligate the City to pay SOBOW Square LLC \$500,000 on or before May 15, 2022, \$1,000,000 on or before July 15, 2022 and \$500,000 on or before July 15, 2023. The [attached Supplemental Appropriation Resolution](#) will appropriate \$500,000 for the first payment due on or before May 15, 2022, along with \$400,000 to cover one half of the third-party costs incurred to advance the project. At the April 18th City Council meeting, the City Council voted to establish a public hearing on the proposed Supplemental Appropriation resolution at this evening's meeting.

I recommend the City Council vote to adopt the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented.

Please note that Supplemental Appropriations require a public hearing and a 2/3 roll call vote for adoption.

XI. City Manager’s Items which Require Action:

1. One Year Lease Extension of Portsmouth Public Media, Inc., (PPMtv) Lease of the South Meeting House:

In May of 2011, the City entered into a lease agreement with Portsmouth Public Media, Inc. (“PPMtv”) to lease the South Meeting House located at 280 Marcy Street for a five (5) year term commencing on May 5, 2011 and terminating on May 4, 2016. The lease was extended for a (5) five year term commencing on May 6, 2016 and terminating on May 5, 2021. The City Council approved a one year extension which expires on May 5, 2022 and PPMtv seeks [another one year extension of the lease.](#)

PPMtv uses the South Meeting House to provide public access programming for Portsmouth citizens. Like many leases of the City’s historic properties, PPMtv is obligated to expend what it would otherwise be assessed as real estate taxes on capital improvements to the property. The South Meeting House is an historic gem that is in need of costly repairs to stabilize the building and to preserve the building’s historic features. The one year lease extension granted last year was in part to allow PPMtv and the City to jointly apply for a grant from the New Hampshire Preservation Alliance to perform a preservation assessment in order to assist the City and PPMtv create a schedule of prioritized capital projects for future repairs and improvements to the property. Prior to submitting the application, the New Hampshire Preservation Alliance must visit the property and a consultant must be identified and available to perform the assessment. The consultant identified to perform the assessment was unavailable last year so the grant was not submitted. The consultant is currently available to perform the assessment and the City and PPMtv will jointly apply for the grant in 2022. This assessment will be critical for future grant applications and is necessary before the City and PPMtv can create a prioritized schedule of capital improvements and repairs to determine an apportionment of these costs between the City and PPMtv. Once the assessment has been completed and the schedule has been created, the lease will be amended to include the schedule of prioritized capital improvements and repairs with an apportionment of costs between the City and PPMtv.

I recommend that the City Council move to approve the one year extension of PPMtv’s lease of the South Meeting House with the City.

XII. Consent Agenda:

C. Projecting Sign License – 20 Ladd Street:

Permission is being sought to install a projecting sign at [20 Ladd Street](#) that extends over the public right of way, as follows:

Sign dimensions: 41” x 28”

Sign area: 8 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

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

XIII. Presentations and Consideration of Written Communications and Petitions:

B. Presentation by Valerie Rochon and Susan Labrie regarding Portsmouth NH 400th Celebration:

Valerie Rochon and Susan Labrie, Members of the Portsmouth NH 400th Executive Committee, will be presenting the Committee's plan to honor the City's upcoming quadricentennial in 2023 to the Council and the public at this evening's meeting.

XVI. Approval of Grants/Donations:

A. Approval of Grant for the Police Department - \$29,024.39:

At the April 25, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$29,024.39 from the US Department of Safety for the Seacoast Emergency Response Team (SERT). This money will be utilized to purchase confined search and rescue equipment.

I recommend that the City Council move to approve and accept the grant for the Police Department as presented.

B. Approval of Donation for the Police Department - \$5,000:

At the April 25, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation in the amount of \$5,000 from Wilcox Industries Corp. for the Portsmouth Police Honor Guard to attend specialized training as well as attend the Police Memorial in Washington, DC. This year, Portsmouth Police K9 Max will be added to the memorial, following his 2019 line-of-duty death.

I recommend that the City Council move to approve and accept the donation for the Police Department as presented.

C. **Approval of Donation for the Police Department – Various Gift Certificates:**

At the April 25, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation in the form of five \$20 gift certificates from JL Nails & Spa on Woodbury Avenue for the Police Department.

I recommend that the City Council move to approve and accept the donation for the Police Department as presented.

XVII. City Manager’s Informational Items:

1. **McIntyre Update:**

I will be providing a verbal update at this evening’s meeting on the McIntyre Redevelopment project.

2. **FY2023 City Council Budget Meeting Schedule:**

For your information, [attached please find the FY2023 Budget Meeting schedule](#). The first meeting on the FY23 Proposed Budget will be a Public Hearing on May 9th at 6:30 p.m.

3. **Household Hazardous Waste Collection Day – May 21, 2022:**

Household Hazardous Waste Collection Day will be held on May 21, 2022. More information is provided on the [attached press release](#) from the City.

4. **Report Back on Fee Waivers for Peirce Island Outdoor Pool and Boat Launch for Military, Military Dependents, Veterans and Veteran Caregivers:**

In researching the impact and viability of waiving fees at the Peirce Island Outdoor Pool and Boat Launch for military, military dependents, veterans and veteran caregivers, Recreation Director Todd Henley and I offer the following for consideration by the City Council.

There is currently a discount for military members and their families at the Outdoor Pool, which allows them to receive the resident rate (free for children, \$2 per adult). There is not currently a discount in place for the Boat Launch.

In communicating with the Portsmouth Naval Shipyard Public Affairs Office, there are currently over 1,000 military members assigned to the Shipyard, with 147 students from military families in Kittery schools at present. There are capacity limits to the different sections of the pool (example: 65 total in the first section, 1.5 feet deep), and there is the potential of having to close off certain sections due to the amount of people/children. We therefore recommend that the City continue to offer its military discount, as personnel is accustomed to a discount and free would potentially represent a capacity issue as well as a loss in revenue.

Of note: Strawberry Banke offered free ice skating to military and their families in the 2020-2021 season. Their numbers showed that 5% of all ticket sales went free to military and their families. This was also during a pandemic, with a very specialized activity, in the winter. It is reasonable to assume a greater user percentage for the Outdoor Pool.

We recommend that the City continue to offer the Military discount as is at the Peirce Island Outdoor Pool. In addition, we will heighten our efforts to message this benefit through our various channels including PNSY and the NHANG.

We also recommend hosting a “Military Appreciation Day” during the summer, with free admission for military members and their families, with the potential of making this an annual event.

For the Peirce Island Boat Launch, we recommend a Military Discount of 50% off all fees. Non-motorized water craft would be \$5, motorized craft \$10, commercial boats \$15, and a season pass would be \$75. We could also have these daily fees waived as part of the “Military Appreciation Day” event.

5. **Report Back on the Feasibility of Locating a COAST Bus Stop on Greenleaf Woods Drive:**

At the February 22, 2022 City Council Meeting, Mayor McEachern requested a report back on the feasibility of locating a COAST bus stop on Greenleaf Woods Drive, which is [attached for the Council’s information](#).

6. **Draft National Pollutant Discharge Elimination System Wastewater Permits:**

Attached please find a [memorandum regarding the Draft National Pollutant Discharge Elimination System Wastewater permits](#).

1

CITY OF PORTSMOUTH
AND
PORTSMOUTH PUBLIC MEDIA, INC.

Dated as of _____, 2022

THIS LEASE AGREEMENT dated as of _____, 2022(the "Lease Agreement"), is by and between the City of Portsmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Hampshire and having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire and Portsmouth Public Media, Inc.("PPM") a non-profit corporation organized under the laws of New Hampshire, c/o Chad Cordner, Executive Director, 280 Marcy Street, Portsmouth, New Hampshire 03801 ("Parties").

WHEREAS the City has available for reuse the property known as the South Meeting House, located at 280 Marcy Street, Portsmouth New Hampshire (the "Premises");

WHEREAS PPM requires meeting and studio space to fulfill its mission to provide public access programming for the benefit of Portsmouth citizens;

WHEREAS PPM obtained input from the "Friends of the South End" regarding use of the Premises;

NOW THEREFORE the Parties agree as follows:

ARTICLE I

REPRESENTATIONS AND COVENANTS

Section 1.1 Representations and Covenants of the City: The City makes the following representations and covenants as the basis for the undertakings on its part herein contained:

- (a) The City has a fee interest in the Premises and hereby agrees to lease the Premises to PPM for one (1) year pursuant to the terms of this Lease Agreement.
- (b) The City has full legal right and authority to execute and deliver this Lease Agreement and all other documents contemplated by this Lease Agreement.

Section 1.2 Representations and Covenants of PPM: PPM makes the following representations and covenants as the basis for the undertakings on its part herein contained:

- (a) PPM is a non-profit corporation duly organized and validly existing and in good standing under the laws of the State and has full legal right and authority to execute, deliver and perform this Lease Agreement and the other documents contemplated hereby.
- (b) This Lease Agreement and the other documents contemplated constitute legal, valid and binding obligations of PPM enforceable against PPM in accordance with their respective terms.
- (c) PPM acknowledges and agrees that it has inspected the Premises and the City makes no warranty or promises regarding condition of the Premises.

ARTICLE II

PREMISES

Section 2.1 Premises Description: The Premises consists of the land, building and other improvements at the South Meeting House located at 280 Marcy Street, Portsmouth New Hampshire. The Premises includes the parking areas on the southerly side of the property, five (5) spaces. The Premises shall not include the existing eleven (11) parking spaces located on the northerly side of the property and the five (5) spaces on the westerly side of the property at the rear of the building; such spaces to remain subject to municipal regulation in the usual course. The City will designate handicapped-accessible parking for the Premises on either the north or west side parking areas as the City deems necessary for compliance with the Americans with Disability Act.

ARTICLE III

DEMISING CLAUSES AND RENTAL PROVISIONS

Section 3.1 Demise of Premises and Duration: The City hereby leases the Premises to PPM and PPM hereby takes the Premises for its use upon the terms and conditions of this Lease Agreement. The Premises are subject to the rights-of-ways, easements, covenants and restrictions of record. The leasehold estate shall be for one (1) year and commence on, **May 6, 2022** and end on **May 5, 2023**.

Section 3.2 Consideration: As consideration of the lease of the Premises, PPM shall:

(a) Perform all operational maintenance within the building including without limitation all: 1) internal heating, plumbing, insulation, ventilation, air conditioning fixtures and equipment; and 2) cosmetic features such as paint, carpet, curtains, and furniture; and 3) structural features such as windows, doors, roof, and siding.

(b) Provide upkeep and maintenance to the grounds for safe public access and an appearance consistent with that of the surrounding residential neighborhood, including without limitation all: 1) landscaping, grass, trees/shrubs and other plantings; and 2) improvements such as walkways, stairs, and other public access areas; and 3) the one parking area that is part of the leased Premises; however the City will perform snow removal as needed.

(c) Provide upkeep and maintenance to the unique historic clock tower, including weekly winding and all other work necessary to keep the bell ringing and the clock in working order;

(d) In any given twelve-month period commencing with the effective date of this lease PPM shall expend no less on the performance of capital improvements to the premise than would otherwise be due to the City in real estate taxes with respect to the Premises. PPM shall provide City with labor and material receipts demonstrating that the required amount has been paid by PPM. In the event that PPM fails to expend at least the amount which would have been

due as real estate taxes, then PPM shall make up the difference by a cash payment to City on each anniversary date of this lease. Nothing shall prevent PPM from making capital improvements expenditures in excess what would otherwise be due to the City for real estate taxes in any given twelve-month period . If such expenditures are made, then they shall be deemed a credit towards the lease payment that PPM would otherwise be liable for in the following year or years.

(e) Provide the City with annual reports identifying the maintenance and upkeep of the Premises (other than payment of usual utility costs).

(f) Make available to the organization known as the Friends of the South End ("FOSE"), or such other successor organization as the City designates, a meeting room at least once a month for its meetings. The meeting shall be scheduled at least two weeks in advance at a mutually agreed upon time. The size and configuration of meeting room will be constructed in accordance with the needs of PPM.

(g) Grant public access to the outside sitting area at the front entrance of the building along Marcy Street for passive recreational purposes only and not as a public forum; in the event that public access interferes with normal business operations or if the outside sitting area is vandalized, then PPM may, with concurrence of the City revoke public access.

(h) Limit hours for daily operations to the hours of 7 a.m. to 9:00 pm. Use outside of those times for editing and like functions is permitted provided the use does not create a nuisance; for example that there is no light spillage beyond the property lines, and noise otherwise is minimal. PPM may, no more than six times a year, hold special events (such as fundraising or film screenings) beyond the hourly limitations of 7:00 a.m. to 9:00 p.m. as long as FOSE and the City are given advance notice of the event and PPM makes reasonable efforts to limit negative impacts to the neighborhood in consultation with FOSE and the City as may be appropriate/applicable.

(i) Parking on the southerly side of the property, which is part of the demised Premises, may be posted by PPM as a tow area or otherwise regulated by PPM.

(j) Permit the City during the lease term to install and maintain wireless, meter-reading or related technology for municipal or public uses. Should the City exercise such right, the City will coordinate such technology use with PPM so as not to interfere with PPM's operations.

(k) Provide to the City and its duly authorized agents access for quarterly inspections at all reasonable times and upon reasonable advance notice to inspect the Premises for compliance with this Lease Agreement. Access shall be coordinated with PPM so as not to interfere with PPM's use of the Premises. PPM shall allow access for additional inspections upon reasonable request.

Section 3.3 Proof of Financial Resources: As may be requested by the City (no more than annually), PPM shall demonstrate to the City adequate financing through such means as fundraising, underwriting, donations or other methods to obtain adequate financing, to provide

for the operation and maintenance of the Premises. PPM shall upon request by the City (no more than annually), provide a capital pro forma showing the detailed sources and uses of funds to operate and maintain the Premises. This provision supplements financial disclosure requirements that PPM has under the Cable Television Public Access Trust.

Section 3.4 Renewal Terms: Within 4 months prior to expiration of the one (1) year lease, in the event that PPM is able to demonstrate adequate financing, the City and PPM shall enter into negotiations for a renewal of the lease for a one (1) year term and shall use best efforts to conclude such negotiations two months prior to the transition of the lease. Nothing in this section shall require the City to provide the same terms and conditions as this Lease Agreement, including but not limited to seeking rent and/or payments in lieu of taxes.

Section 3.5 Franchise Fee: The City acknowledges that during the term of this Lease Agreement the existing Renewal Cable Television Franchise Agreement (“Franchise Agreement”) will expire on February 29, 2024, from which the Franchisee (Comcast) is obligated to pay five percent (5%) of its Gross Annual Revenues, as defined therein, to the City of Portsmouth, a portion upon which PPM materially relies for its annual budget. If the amount received by PPM, either directly or indirectly, from revenues derived from the franchise Agreement materially diminishes, Lessee shall have the option, to be exercised within sixty (60) days of notice of the change, to terminate this agreement without penalty.

ARTICLE IV

CONSTRUCTION, MANAGEMENT AND MAINTENANCE

Section 4.1 Maintenance and Modifications by PPM:

(a) During the Lease Term, PPM shall: (i) keep the Premises in a reasonably safe condition; (ii) maintain all utilities including heat in the Premises at a minimum 55 degrees; and (iii) operate its business in a sound and economic manner; (iv) limit noise, outside lighting and the number of vehicles on the property in a manner consistent with the residential character of the surrounding neighborhood.

(b) PPM may make any internal structural additions, modifications or improvements to the Premises or any part thereof, provided: (i) such actions do not adversely affect the structural integrity of the Premises; (ii) are consistent with historic preservation requirements described in this Lease Agreement; and (iii) have the prior written approval of the City. The approval of the City shall not be unreasonably withheld. All such additions, modifications or improvements made by PPM shall become a part of the Premises.

(c) No external improvements are anticipated during this one-year term. Should PPM elect to undertake such external improvements, PPM shall obtain the advance written consent of the City and comply with all historic preservation requirements described in this Lease Agreement.

(d) PPM shall obtain all permits and approvals from all local, state and federal agencies as may be required prior to any construction, additions, modifications or improvements.

(e) PPM shall provide the City will copies of plans, studies, construction drawings, engineering studies and related documents that may be developed by PPM for the Premises.

(f) PPM shall not place banners or other signage without prior written approval from the City and such banners and signage shall be subject to any and all local, state or federal regulations relative to signage.

Section 4.2: Historic Preservation Requirements: Construction, rehabilitation, maintenance and repair shall, as applicable, be in accord with: (i) the Secretary of the Interior's Standards for Rehabilitation for preservation; and (ii) in compliance with the Historic District restrictions contained in the City of Portsmouth's Zoning Ordinance.

Section 4.3 Equipment/Installation of Additional Equipment: PPM may install additional machinery, equipment or other personal property which if attached or affixed to the Premises, such machinery, equipment or other personal property shall become the property of the City unless the City otherwise agrees in writing. With advance written consent of the City, PPM may remove or permit the removal of such machinery, equipment and other personal property from the Premises, provided that any such removal of machinery, equipment or other personal property does not adversely affect the structural integrity of the Premises. If any damage is occasioned to the Premises by such removal, PPM agrees to promptly repair such-damage-at its own expense.

Section 4.4 Coordination with the City: Whenever PPM undertakes construction, rehabilitation or maintenance efforts that may materially increase the number of vehicles servicing the Premises, require use of a dumpster, create substantial noise or other disturbance, PPM will advise the City of the schedule of such construction efforts and work cooperatively with the City to minimize the negative impact on abutters.

Section 4.5 Early Termination: Either party may, upon 2 months written notice, terminate this Lease Agreement should there arise extraordinary necessary repairs to the Premises, such as but not limited to replacement of the roof or substantial failure of any of the mechanical systems. Neither party shall be required to bear the cost of such replacement and repair.

Section 4.6 Damage or Destruction of the Premises: If the Premises shall be damaged or destroyed (in whole or in material part) at any time during the Lease Term, the City shall have no obligation to repair, replace, restore or relocate the Project and the City may exercise its right to terminate this Lease Agreement.

ARTICLE V

UTILITIES, TAXES AND INSURANCE

Section 5.1 Utility Charges, Assessments and Taxes:

(a) PPM agrees to pay, as the same become due any fine, penalty, interest (except

interest which is payable in connection with legally permissible installment payments) or other cost may be added thereto or become due or be imposed by operation of law for the non-payment thereof, (i) all utility and other charges, including service charges, incurred or imposed for or with respect to the operation, maintenance, use, occupancy, upkeep and improvement of the Premises; and (ii) all assessments and charges of any kind whatsoever lawfully made by any governmental body for public improvements; PPM may in good faith contest any such assessments and other charges.

(b) PPM shall be responsible for payment of the gas/oil bill necessary to provide heat to the Premises.

Section 5.2 Insurance Required: Throughout the Lease Term, PPM shall, at its sole cost and expense, maintain or cause to be maintained insurance against such risks and for such amounts as are customarily insured against by entities engaged in the types of activities in which PPM will be engaged, including, but not necessarily limited to:

(a) Workers' compensation insurance, disability benefits insurance and each other form of insurance which PPM is required by law to provide, covering loss resulting from injury, sickness, disability or death of employees of PPM.

(b) Insurance protecting PPM against loss or losses from liability imposed by law or assumed in any written contract or arising from personal injury, including bodily injury or death, or damage to the property of others, caused by an accident or other occurrence, with a limit of liability of not less than \$2,000,000 (combined single limit for personal injury, including bodily injury or death, and property damage of which \$1,000,000 may be provided under an "umbrella" policy); comprehensive automobile liability insurance covering all owned, non-owned and hired autos, with a limit of liability of not less than \$1,000,000 (combined single limit or equivalent, protecting PPM against any loss or liability or damage for personal injury, including bodily injury or death, or property damage).

Section 5.3 Additional Provisions Respecting Insurance: All insurance required by this Lease Agreement shall be procured and maintained in financially sound and generally recognized responsible insurance companies authorized to write insurance in the State. Such insurance may be written with deductible amounts comparable to those on similar policies carried by entities engaged in the types of activities in which PPM will be engaged. An policies evidencing required insurance shall provide for payment of the losses to PPM, however, the City shall be identified as an additional insured party.

Section 5.4 Right of City to Pay Utilities, Insurance Premiums and Other Assessments or Charges: If PPM fails (i) to pay any utility charges, together with any fine, penalty, interest or cost which may have been added thereto, (ii) to maintain any insurance required to be maintained, (iii) to pay any amount required to be paid by any law or ordinance relating to the use or occupancy of the Project, or (iv) to pay any other amount or perform any act hereunder required to be paid or performed by PPM hereunder, the City may pay or cause to be paid such charge, premium for insurance or other payment or may perform any such act. No such payment shall be made by the City until at least ten (10) days have elapsed since written notice shall have been given by the City to PPM of the City's intent to pay. No such payment shall be made if

PPM is contesting the same in good faith to the extent and as permitted by this Lease Agreement unless an Event of Default hereunder shall have occurred and be continuing. No such payment by the City shall affect or impair any rights of the City hereunder arising in consequence of such failure by PPM. PPM shall reimburse the City for any amount so paid or for reasonable expenses or costs actually incurred from unrelated third parties in the performance of any such act by the City pursuant to this Section.

Section 5.5 During the one (1) year term of this Lease Agreement PPM may apply for an exemption as provided under RSA 72:23. Provided that PPM meets the test for charitable use set further in RSA 72:23(I), no taxes shall be due. PPM shall provide documentation to the City's Assessor annually by April 15th of each year and as may be reasonably requested to establish charitable use.

In the event that PPM does not meet the test for charitable use set forth in RSA 72:23 (I) for any given year in the lease term, and taxes/payments in lieu of taxes are assessed, then PPM shall have the right, but not the obligation, to terminate the lease after providing a six month written notice to the City. The payment in lieu of tax articulated in Section 3.2(d) above shall be pro-rated to the date of termination of the Lease.

ARTICLE VI

SPECIAL COVENANTS

Section 6.1 Alcohol on the Premises: There shall be no storage, consumption or service of alcoholic beverages on the Premises in connection with fundraising/social activities without the advance written approval of the City, and such approval shall not be unreasonably withheld.

Section 6.2 No Warranty of Condition or Suitability by City: The City makes no warranty, either express or implied, that the Premises is or will be suitable for PPM's purposes or needs. PPM assumes the Premises as is and the City shall have no responsibility for the abatement of any hazardous materials or conditions on the property except as may be required under state and federal law.

Section 6.3 Hold Harmless Provisions:

(a) PPM agrees that the City, its Councilors, agents, and employees shall not be liable for and agrees to defend, indemnify, release and hold the City, its Councilors, agents, and employees harmless from and against any and all liability for loss or damage to Property or injury to or death of any and all Persons arising, directly or indirectly, in connection with this Lease or the Project. The foregoing indemnities shall apply notwithstanding the fault or negligence in part of the City, or any of its Councilors, agents or employees and irrespective of the breach of a statutory obligation or the application of any rule of comparative or apportioned liability. The foregoing indemnities are limited only to the extent of any prohibitions imposed by law, and upon the application of any such prohibition by the final judgment or decision of a competent court of law, the remaining provisions of these indemnities shall remain in full force and effect.

(b) Notwithstanding any other provisions of this Lease Agreement, the obligations of PPM pursuant to this Section 6.3 shall remain in full force and effect after the termination of this Lease Agreement until the expiration of the applicable statute of limitations during which a claim, cause of action or prosecution relating to the matters herein described may be brought and payment in full or the satisfaction of such claim, cause of action or prosecution relating to the matters herein described and the payment of all expenses and charges incurred by the City, or its respective Councilors, agents and employees, relating to the enforcement of the provisions herein specified.

(c) In the event of any claim against the City or its respective Councilors, agents or employees by any employee or contractor of PPM or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the obligations of PPM hereunder shall not be limited by any limitation on the amount or type of damages, compensation, disability benefits or other employee benefit acts.

Section 6.4 Books of Record and Account; Financial Statements: PPM at all times agrees to maintain proper accounts, records and books in which full and correct entries shall be made, in accordance with generally accepted accounting principles, of all transactions and events relating to the business and financial affairs of PPM. The City shall be provided a copy of the financial statements of PPM, audited if available, upon written request.

Section 6.5 Compliance with Orders. Ordinances. Etc.:

(a) PPM, throughout the lease term, agrees that it will promptly comply with all statutes, codes, laws, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions and requirements, ordinary or extraordinary, which now or at any time hereafter may be applicable to the Project or the Premises.

(b) Notwithstanding the provisions of subsection (a) hereof, PPM may in good faith contest the validity or the applicability of any requirement of the nature referred to in such subsection (b) by appropriate legal proceedings conducted in good faith and with due diligence. In such event, PPM may fail to comply with the requirement or requirements so contested during the period of such contest and any appeal there from, unless the City shall notify PPM that by failure to comply with such requirement or requirements, the Premises may be materially endangered or the Project or any part thereof may be subject to loss, penalty or forfeiture, in which event PPM shall promptly take such action with respect thereto or provide such security as shall be satisfactory to the City.

Section 6.6 Discharge of Liens and Encumbrances: PPM, throughout the lease term, shall not permit or create or suffer to be permitted or created any Lien upon the Premises or any part thereof by reason of any labor, services or materials rendered or supplied or claimed to be rendered or supplied. Notwithstanding the provision of subsection (a) hereof, PPM may in good faith contest any such Lien. In such event, PPM may permit the items so contested to remain undischarged and unsatisfied during the period of such contest and any appeal therefrom, unless the City shall notify PPM that by nonpayment of any such item or items, the Premises or any part thereof may be subject to loss or forfeiture, in which event PPM shall promptly secure payment of all such unpaid items by filing a bond, in form and substance satisfactory to the City, thereby causing such Lien to be removed or by taking such other actions as may be satisfactory to the

City to protect its interests.

Section 6.7 Confidentiality of Certain Records: The parties recognize that certain of PPM's financing, fundraising, underwriting, donor and like information may be proprietary and/or confidential in nature. Should the City request information that PPM considers confidential, PPM shall designate clearly such information as confidential recognizing that such designation should be used minimally. At the conclusion of the City's review of such confidential information, PPM may request return of the documentation and/or destruction of municipal copies.

ARTICLE VII

ASSIGNMENTS AND SUBLEASING

PPM may not assign or sublet, in whole or in part, any interest in the Premises or the Lease Agreement.

ARTICLE VIII

EVENTS OF DEFAULT AND REMEDIES

Section 8.1 Events of Default:

- (a) The following shall be an "Event of Default" under this Lease Agreement:
 - (i) The failure by PPM to observe or perform any obligation or covenant of the Lease Agreement subject to applicable cure periods;
 - (ii) Any representation or warranty of PPM in this Lease Agreement or related documents shall prove to have been false or misleading in any material respect;
 - (iii) the dissolution or liquidation of PPM; the failure by PPM generally to pay its debts as they become due; an assignment by PPM for the benefit of creditors (excepting such security interests entered into during the normal course of business); the commencement by PPM (as the debtor) of a case in bankruptcy or any proceeding under any other insolvency law; the commencement of a case in bankruptcy or any proceeding under any other insolvency law against PPM (as the debtor) or PPM consents to or admits the material allegations against it in any such case or proceeding; or a trustee, receiver or agent (however named) is appointed or authorized to take charge of substantially all of the property of PPM for the purpose of enforcing a lien against such property or for the purpose of general administration of such property for the benefit of creditors;
 - (iv) PPM fails or ceases to meet the purposes of the non profit corporation; and

- (v) PPM fails to meet the terms or conditions for receipt of any federal, state or local funding sources.

(b) If by reason of force majeure any party hereto shall be unable in whole or in part to carry out its obligations under this Lease Agreement and if such party shall give notice and full particulars of such force majeure in writing to the other party, within a reasonable time after the occurrence of the event or cause relied upon, such obligations under this Lease Agreement of the party giving such notice (and only such obligations), so far as they are affected by such force majeure, shall be suspended during continuance of the inability, which shall include a reasonable time for the removal of the effect thereof. The term "force majeure" as used herein shall include, without limitation, acts of God, strikes, lockouts or other industrial disturbances, acts of public enemies, acts, priorities or orders of any kind of the government of the United States of America or of the State or any of their departments, agencies, governmental subdivisions, or officials, any civil or military City, insurrections, riots, epidemics, landslides, lightning, earthquakes, fire, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accident to machinery, transmission pipes or canals, shortages of labor or materials or delays of carriers, partial or entire failure of utilities, shortage of energy or any other cause or event not reasonably within the control of the party claiming such inability and not due to its fault, The party claiming such inability shall remove the cause for the same with all reasonable promptness. It is agreed that the settlement of strikes, lockouts and other industrial disturbances shall be entirely within the discretion of the party having difficulty, and the party having difficulty shall not be required to settle any strike, lockout and other industrial disturbances by acceding to the demands of the opposing party or parties.

Section 8.2 Remedies on Default:

- (a) Whenever any Event of Default shall have occurred, and has not been cured, the City may take, to the extent permitted by law, any one or more of the following remedial steps:
 - (i) declare, by written notice to PPM, to be immediately due and payable, any and all other payments due under this Lease Agreement;
 - (ii) take any other action as it shall deem necessary to cure any such Event of Default, provided that the taking of any such actions shall not be deemed to constitute a waiver of such Event of Default;
 - (iii) terminate this Lease Agreement; and
 - (iv) take any other action at law or in equity which it deems necessary or desirable to collect the payments or other obligations then due or thereafter to become due hereunder, to secure possession of the Premises, and to enforce the obligations, agreements or covenants of PPM under this Lease Agreement.
- (b) No action taken pursuant to this Section (including repossession of the Premises) shall relieve PPM from its obligations required by this Lease Agreement.

(c) After an Event of Default shall have occurred, PPM shall have the right upon notice to the City to enter the Premises with agents or representatives of the City to remove any Equipment or other personality owned by PPM if such Equipment or personality is not part of the Premises.

Section 8.3 Remedies Cumulative: No remedy herein conferred upon or reserved to the City is intended to be exclusive of any other available remedy. Each remedy shall be cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 8.4 No Additional Waiver Implied by One Waiver: In the event any obligation contained herein should be breached by any party and thereafter waived by any other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

Section 8.5 Cure Period: The City shall give PPM written notice upon the occurrence of an Event of Default and PPM shall have thirty (30) days from the date of receipt of such notification to cure such Event of Default before the City exercises any of the "Remedies on Default" set forth in this section.

ARTICLE IX

SURRENDER OF THE PREMISES

At the end of the lease term, the Premises shall be surrendered to the City in good order and broom clean. Reasonable wear and tear accepted with all alternations, decorations and improvements that may have been made to the Premises becoming the property of the City.

ARTICLE X

MISCELLANEOUS

Section 10.1 Notices: All notices, certificates and other communications hereunder shall be in writing and shall be either delivered personally or sent by certified mail, postage prepaid, return receipt requested, addressed as follows or to such other address as any party may specify in writing to the other:

To the City:

City Manager
1 Junkins Avenue
Portsmouth, New Hampshire 03801

With a copy to:

City Attorney
1 Junkins Avenue
Portsmouth, New Hampshire 03801

To:

Portsmouth Public Media
280 Marcy Street
Portsmouth, New Hampshire 03801

Section 10.2 Binding Effect: This Lease Agreement shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns.

Section 10.3 Severability: In the event any provision of this Lease Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 10.4 Amendments, Changes and Modifications: This Lease Agreement may not be amended, changed, modified, altered or terminated except in a writing executed by the parties hereto.

Section 10.5 Execution of Counterparts: This Lease Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 10.6 Applicable Law: This Lease Agreement shall be governed by the laws of the State of New Hampshire without regard or reference to its conflict of laws principles.

Section 10.7 Non-Recourse: Notwithstanding any provision hereof to the contrary, or any other express or implied agreement between the parties, or any act or course of conduct hereunder, the obligations of the parties set forth herein shall solely be those of the entities named in the first paragraph of this Lease Agreement. No Councilor, employee or agent of the City shall have any personal liability whatsoever under this Lease Agreement, nor shall any officer, director, shareholder, general or limited partner, employee or agent of PPM have any personal liability whatsoever under this Lease Agreement, it being understood and agreed that the City shall look solely to the assets of PPM for recourse hereunder.

Section 10.8 Table of Contents and Section Headings not Controlling: The Table of Contents and the headings of the several sections in this Lease Agreement have been prepared for convenience of reference only and shall not control or affect the meaning of or be taken as an

interpretation of any provision of this Lease Agreement.

IN WITNESS WHEREOF, the City and PPM have caused this Lease Agreement to be executed in their respective names by their duly authorized officers, all as of the date first written above.

THE CITY OF PORTSMOUTH

PORTSMOUTH PUBLIC MEDIA

By: _____
Karen Conard, City Manager

By: _____
Name:

Authorized by vote of the City
Council on _____.

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this _____ day of _____, 2022, before me, _____
a Notary Public in and for said County and State, personally appeared **Karen Conard**,
personally known to me (on the basis of satisfactory evidence) to be the **City Manager** of the
City of Portsmouth and on oath stated that she was authorized to execute this instrument and
acknowledged it to be his free and voluntary act for the uses and purposes set forth herein.

Notary Public in and for said County and State
Printed Name: _____
My commission expires: _____

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this _____ day of _____, 2022, before me, _____
a Notary Public in and for said County and State, personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
_____ of **Portsmouth Public Media Inc.**, and on oath stated that
she/he was authorized to execute this instrument and acknowledged it to be her/his free and
voluntary act for the uses and purposes set forth herein.

Notary Public in and for said County and State
Printed Name: _____
My commission expires: _____

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: March 24th, 2020

SUBJECT: PSNH Pole Petition #: 63-0684, Pole 226/20s, Banfield Rd,

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 226/20/s. The Department of Public Works reviewed the utility plan provided by Eversource at the site on Banfield Rd and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**

May 24, 2018

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801



Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0684 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Alaina Bailey

Alaina Bailey
Customer Operations Support - Licensing
Public Service Company of New Hampshire, dba Eversource Energy
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-3710
E-Mail: alaina.bailey@eversource.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

May 24, 2018

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), 226/20S located on Banfield Rd in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba Consolidated Communications – NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Francis Lovell

BY: Alaina Bailey
Alaina Bailey, Licensing Specialist

LICENSE

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

ORDERED

This 21st day of May, 2018, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE be and hereby are 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE No. 63-0684, dated 8/7/2017, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

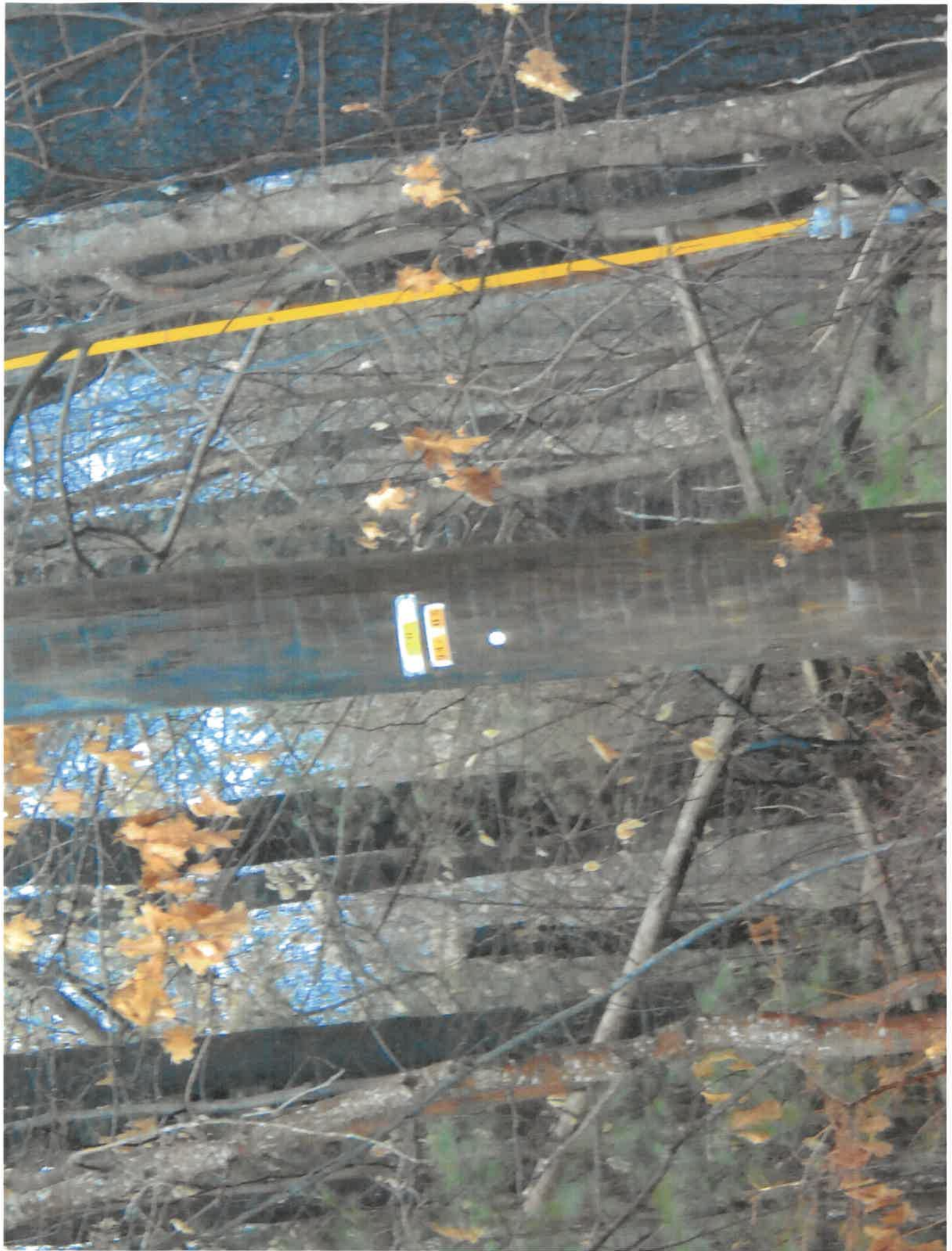
Town Clerk

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:







20S

94/20S





City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/04/2022

SUBJECT: PSNH Petition #: 63-0699, Pole numbers 3102X2/2 3102X2/2Y. Borthwick Ave.

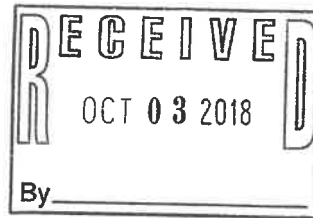
STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 3102X2/2 3102X2/2Y. The Department of Public Works reviewed the utility plan provided by Eversource for the Borthwick Ave. site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**

September 28, 2018

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801



Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0699 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Kimberly Smith

Kimberly Smith
Customer Operations Support - Licensing
Public Service Company of New Hampshire, dba Eversource Energy
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-3802
E-Mail: kimberly.smith@eversource.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

September 28, 2018

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License two (2) pole(s), 3102X2/2, 3102X2/2Y located on Borthwick Ave in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba Consolidated Communications – NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Francis Lovells

BY: Alaina Bailey
Alaina Bailey, Licensing Specialist

LICENSE

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

ORDERED

This 26th day of September, 2018, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE be and hereby are 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE No. 63-0699, dated 5/22/2018, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town 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.

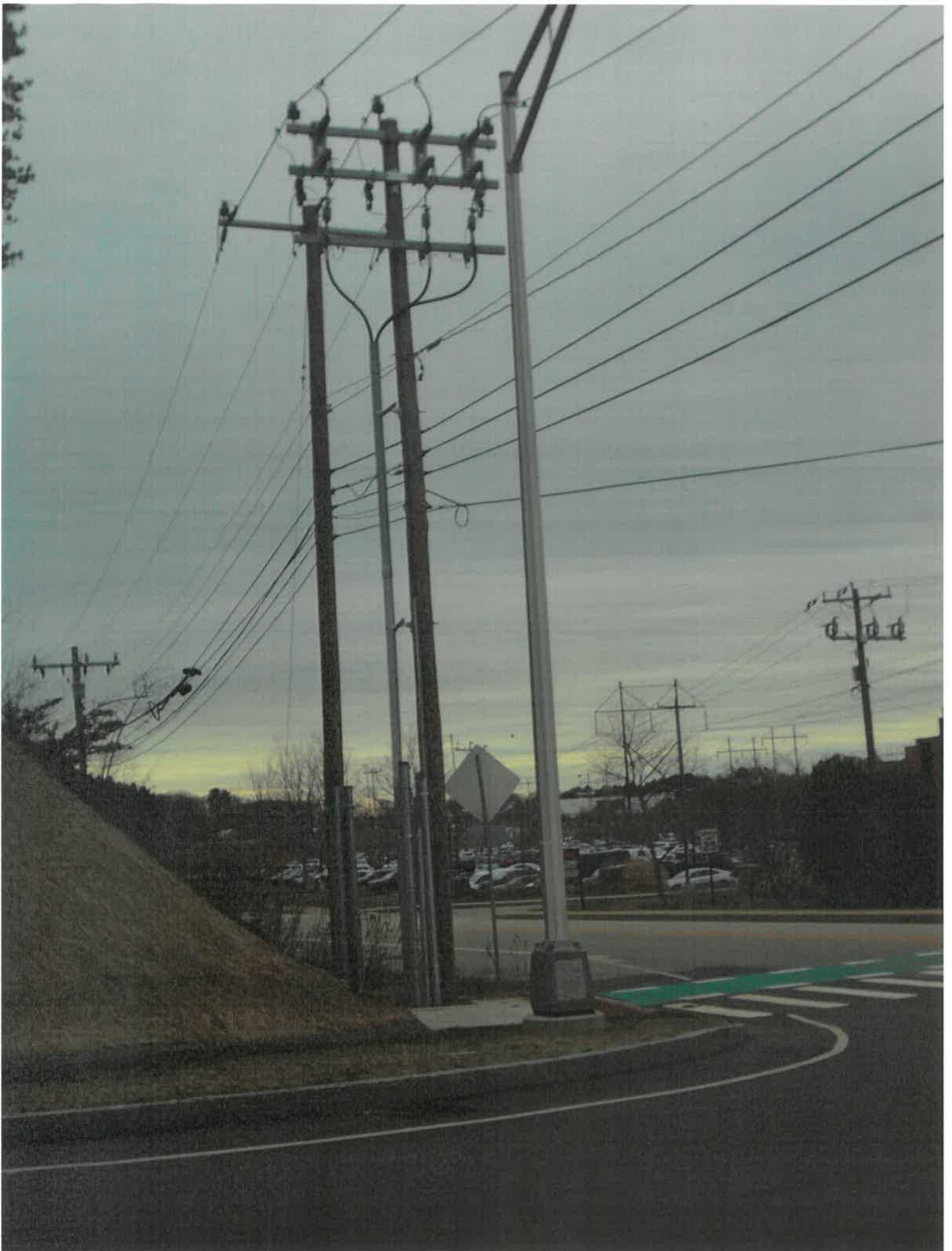
Approved by City Council:

7809/1A
F.P.

3101X2/2

7209/1A¹/₂P

3101X2/2Y



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

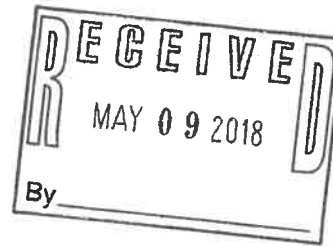
DATE: 04/14/2022

SUBJECT: PSNH Petition #: 63-0681, Boylan Pl. Pole number 248/2A.

STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 248/2A. The Department of Public Works reviewed the utility plan provided by Eversource for the Boylan Pl. site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**



May 1, 2018

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0681 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Alaina Bailey

Alaina Bailey
Customer Operations Support - Licensing
Public Service Company of New Hampshire, dba Eversource Energy
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-3710
E-Mail: alaina.bailey@eversource.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

April 30, 2018

Manchester, New Hampshire

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), 248/2A located on Boyan Pl in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba Consolidated Communications – NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Francis Lovell

BY: Alaina Bailey
Alaina Bailey, Licensing Specialist

LICENSE

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

ORDERED

This 30th day of April, 2018, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE be and hereby are 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE No. 63-0681, dated 4/27/2018, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town 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.

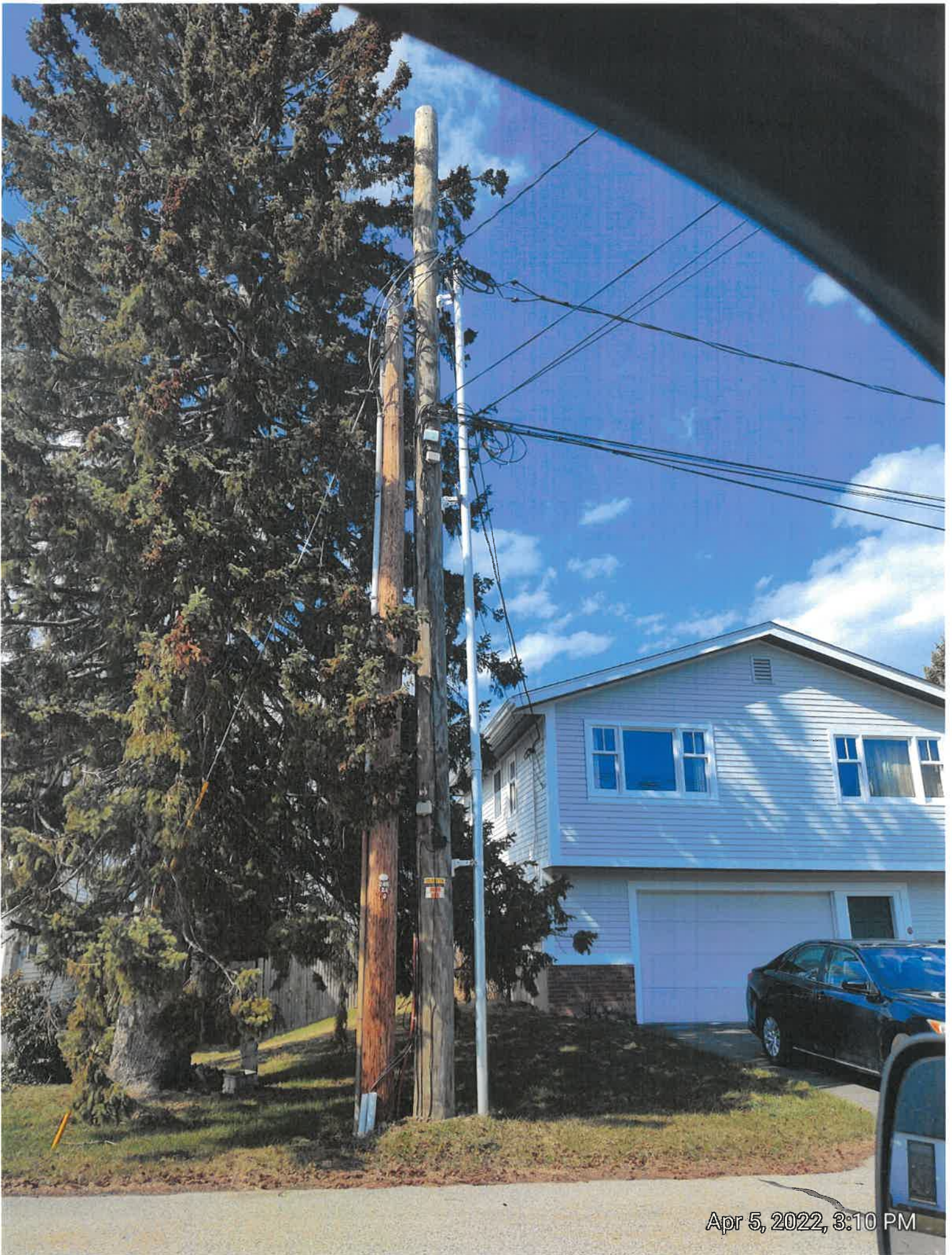
The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:

248 / 2A

727 P

2+1



Apr 5, 2022, 3:10 PM

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

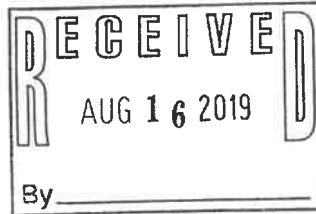
DATE: 04/08/2022

SUBJECT: PSNH Petition #: 63-0711, Pole number 432/13, McKinley Rd.

STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 432/13. The Department of Public Works reviewed the utility plan provided by Eversource for the McKinley Rd site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**



August 13, 2019

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0711 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Denise Coughlin

Denise Coughlin
Customer Operations Support - Licensing
Public Service Company of New Hampshire, dba Eversource Energy
PO Box 330
Manchester, NH 03105-9989
Tel. 603- 634-3243
E-Mail: denise.coughlin@eversource.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

August 13, 2019

To the City Council **of the City of Portsmouth** New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), 432/13 located on Mckinley Rd in the City of Portsmouth.

Consolidated Communications of Northern New England Company, LLC

Public Service Company of New Hampshire, dba Eversource Energy

BY: *Kimberley Burgess*

BY: *Jeanne Delisle*
Jeanne Delisle, Licensing Specialist

LICENSE

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

ORDERED

This 7th day of August, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC be and hereby are 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Consolidated Communications of Northern New England Company, LLC No. 63-0711, dated 8/7/2019, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

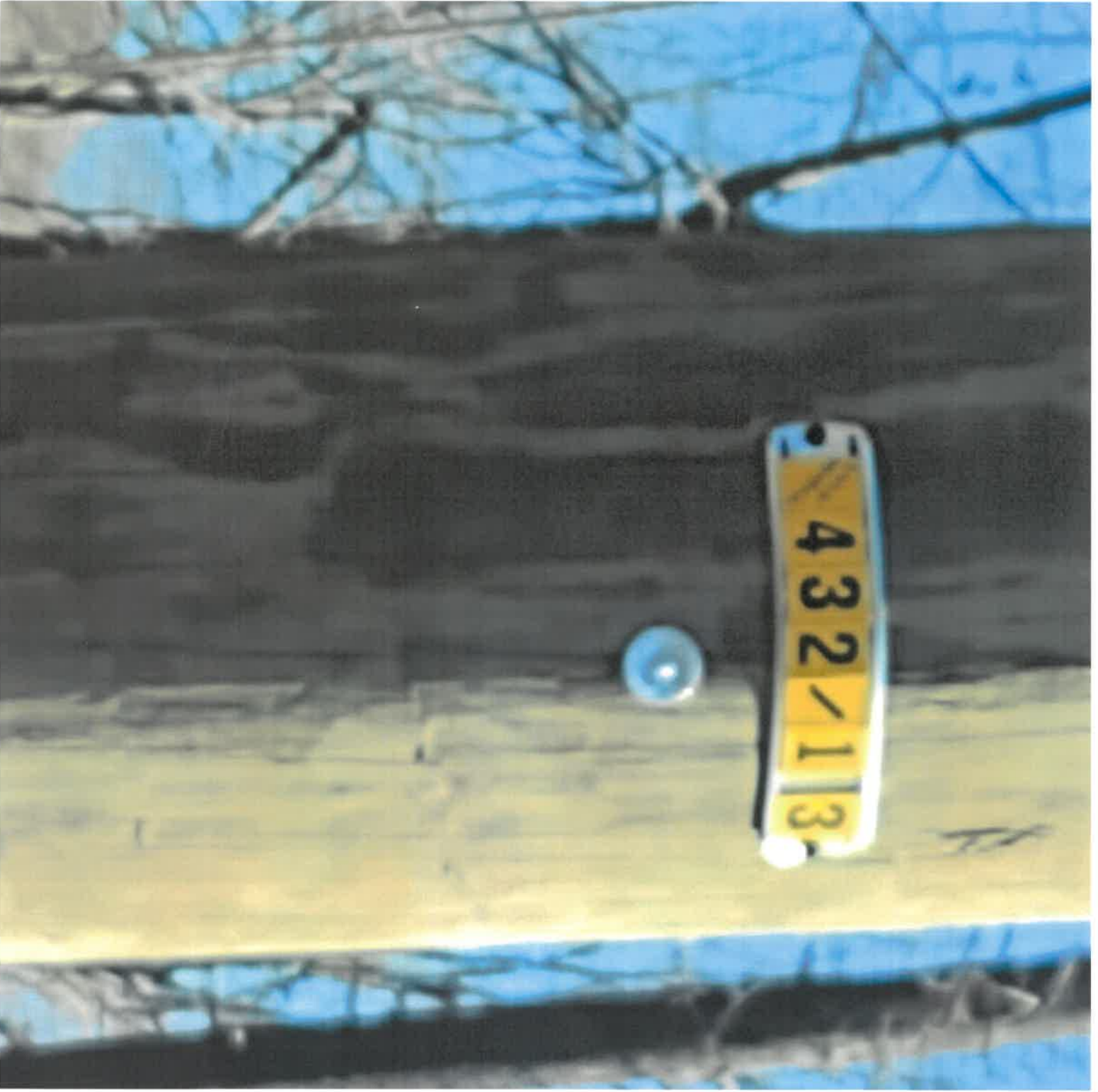
Town Clerk

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:



432/113



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/08/2022

SUBJECT: PSNH Petition #: 63-0713, Pole number 6/44S 6/45S , Middle St.

STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 6/44s and 6/45s. The Department of Public Works reviewed the utility plan provided by Eversource for the Middle St site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**



August 7, 2019

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copy of PSNH Petition and Pole License number 63-0713 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Emily Lewis

Emily Lewis
Customer Operations Support - Licensing
Public Service Company of New Hampshire, dba Eversource Energy
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-2770
E-Mail: Emily.Lewis@eversource.com

Enclosure(s)

**PETITION AND POLE LICENSE
PETITION**

Manchester, New Hampshire

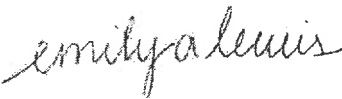
August 7, 2019

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s) on Middle St in the City of Portsmouth.

PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY

BY: 
Emily Lewis, Licensing Specialist

LICENSE

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

ORDERED

This 7th day of August, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE No. 63-0713, dated 8/7/2019, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____

Town Cl

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:



6 / 4 4 S



6 / 45S

EVER
SOURCE

43S

001



City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/04/2022

SUBJECT: PSNH Petition #: 63-0707, Pole number 13/51y. Sagamore Ave.

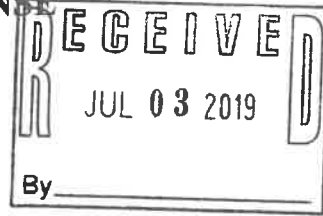
STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 156/51Y. The Department of Public Works reviewed the utility plan provided by Eversource for the Sagamore Rd. site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**

PETITION AND POLE LICENSE

PETITION



July 1, 2019

Manchester, New Hampshire

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), 136/51Y located on SAGAMORE RD in the City of Portsmouth.

Consolidated Communications of Northern New England Company, LLC

Public Service Company of New Hampshire, dba Eversource Energy

BY: Kimberley Burgess

BY: Kathy Warren
Kathy Warren, Licensing Specialist

LICENSE

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

ORDERED

This 26th day of June, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC be and hereby are 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Consolidated Communications of Northern New England Company, LLC No. 63-0707, dated 6/26/2019, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

Town 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:





City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/08/2022

SUBJECT: PSNH Petition #: 63-0668, Pole number 111/11a, Vine St.

STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 111/11A. The Department of Public Works reviewed the utility plan provided by Eversource for the Vine St. site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

**cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk**

November 21, 2017

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801



Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0668 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled “**Portsmouth**” and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Alaina Bailey

Alaina Bailey
Customer Operations Support - Licensing
Public Service Company of New Hampshire, dba Eversource Energy
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-3710
E-Mail: alaina.bailey@eversource.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

November 21, 2017

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), 111/11A located on Vine St in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: Francis Lorello

BY: Alaina Bailey
Alaina Bailey, Licensing Specialist

LICENSE

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

ORDERED

This 15th day of November, 2017, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are 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.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0668, dated 9/7/2017, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town 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:





April 22, 2022

Mr. Deaglan McEachern
Mayor of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor McEachern,

I am reaching out on behalf of Wentworth-Douglas Hospital and Conventures, Inc. to formally request permission to hold the 2022 Seacoast Cancer Community Celebration and 5K in the City of Portsmouth on Saturday, September 24th and Sunday, September 25th.

The Hospital has held its annual Seacoast Cancer 5K for the past 7 years at their main campus in Dover. Given the event's growth, and our predictions for an increase in 2022 participants, we would like to hold the 5K weekend festivities at the Hospital's Outpatient Center located on the Pease Tradeport.

The weekend festivities begin Saturday evening, 5:00PM- 8:00PM, with a Community Celebration consisting of live bands, food trucks, beer garden and a Survivor's Lap. The 5K walk/run will take place 9:00AM Sunday morning, with post-event festivities concluding before noon. I have attached our suggested 5K and 1-mile race routes. That would require the following road closures:

Corporate Drive -8:30AM-10:15AM
Goose Bay Drive -8:30AM-10:15AM
International Drive -8:30AM-10:15AM

We expect to draw a field of 3,000 participants of all ages and running abilities. Please feel free to contact me at 617-204-4209 with any questions or concerns you may have. Thank you in advance for your consideration.

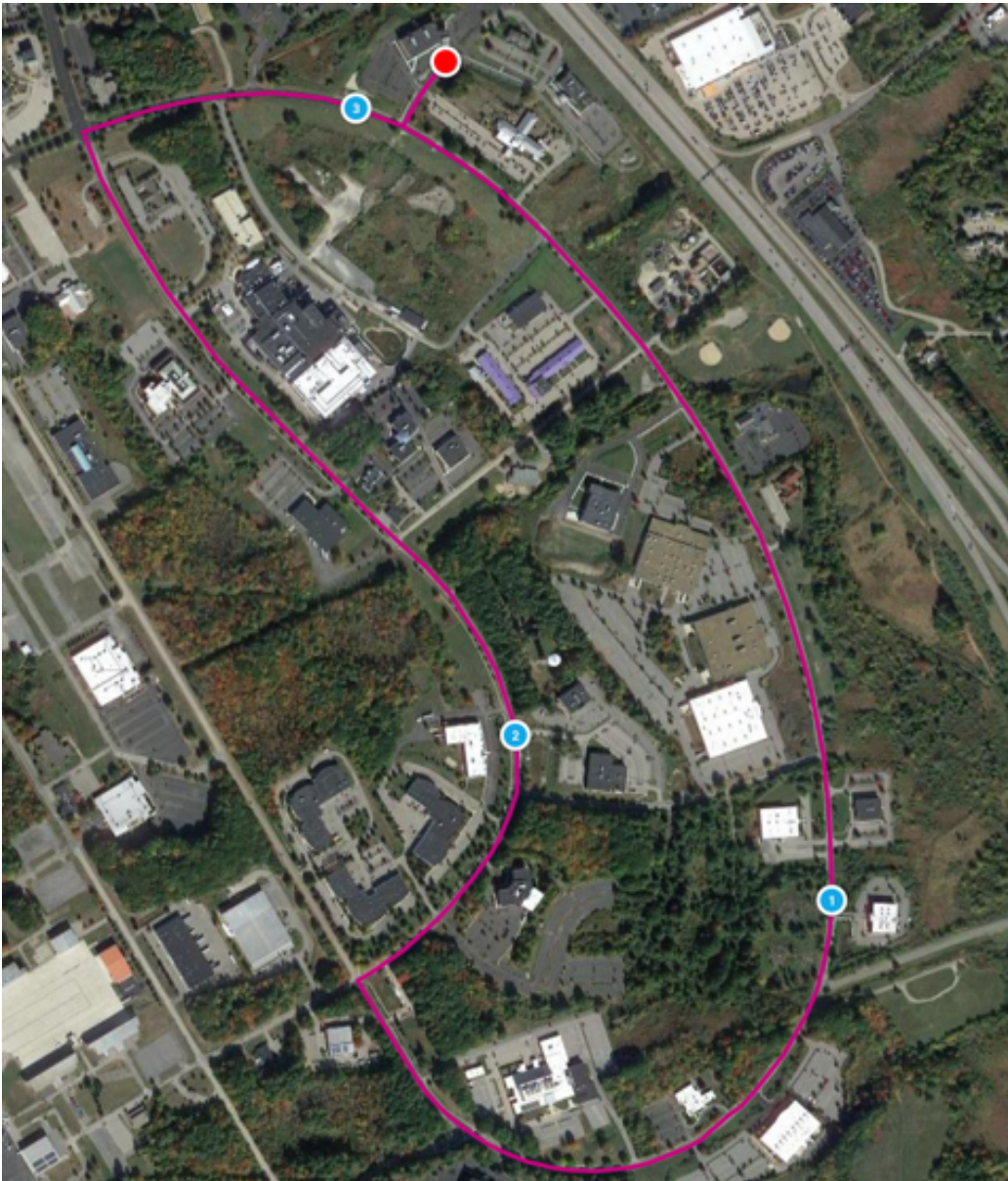
Sincerely,

David Grilk
Director of Sports Events
Conventures, Inc.



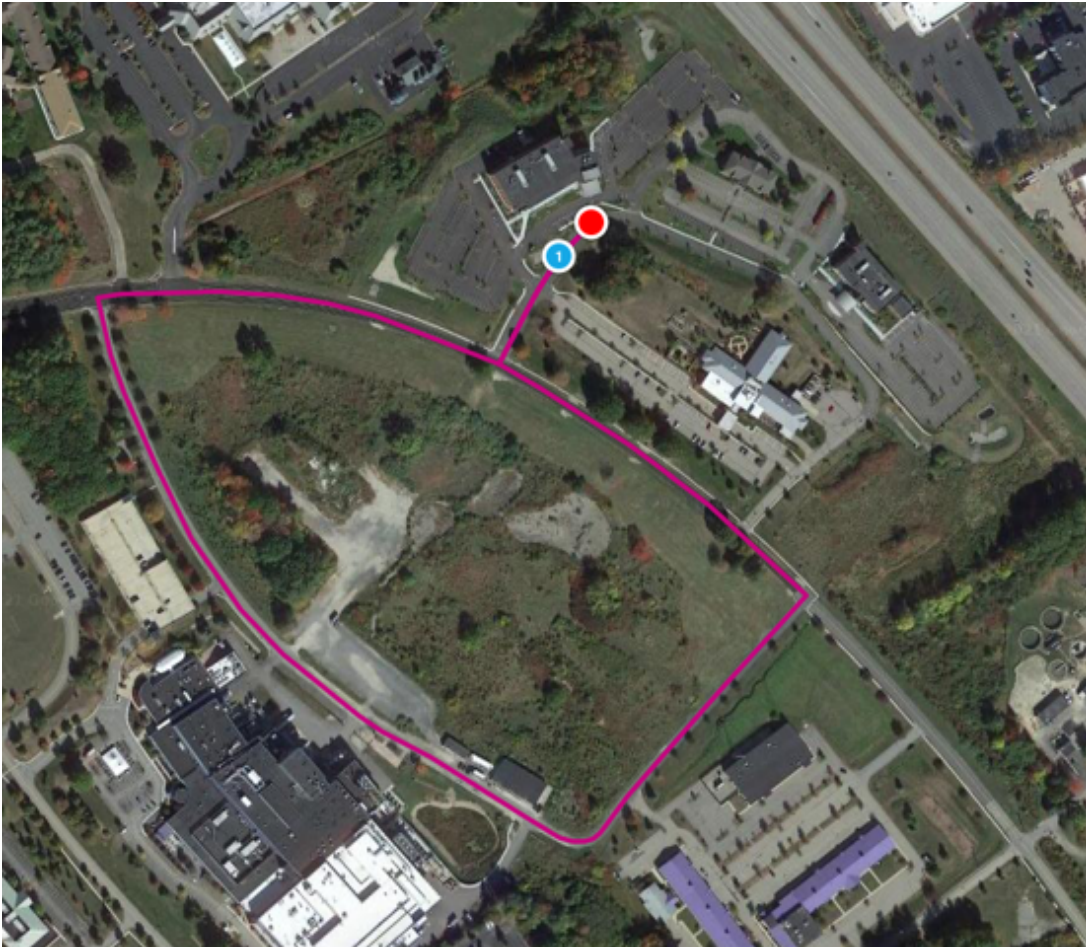
2022 Seacoast Cancer 5K Proposed 5K and 1 Mile Routes

5K Course with common start/finish at Wentworth-Douglas Portsmouth Outpatient Center





1 Mile course with common start/finish at Wentworth-Douglas Portsmouth Outpatient Center



MEMORANDUM

TO: Karen Conard, City Manager

FROM: Beverly Mesa-Zendt, Planning Director *Beverly Mesa-Zendt*

DATE: April 18, 2022

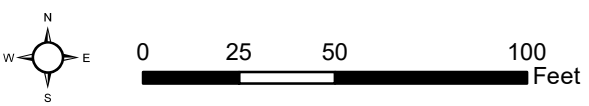
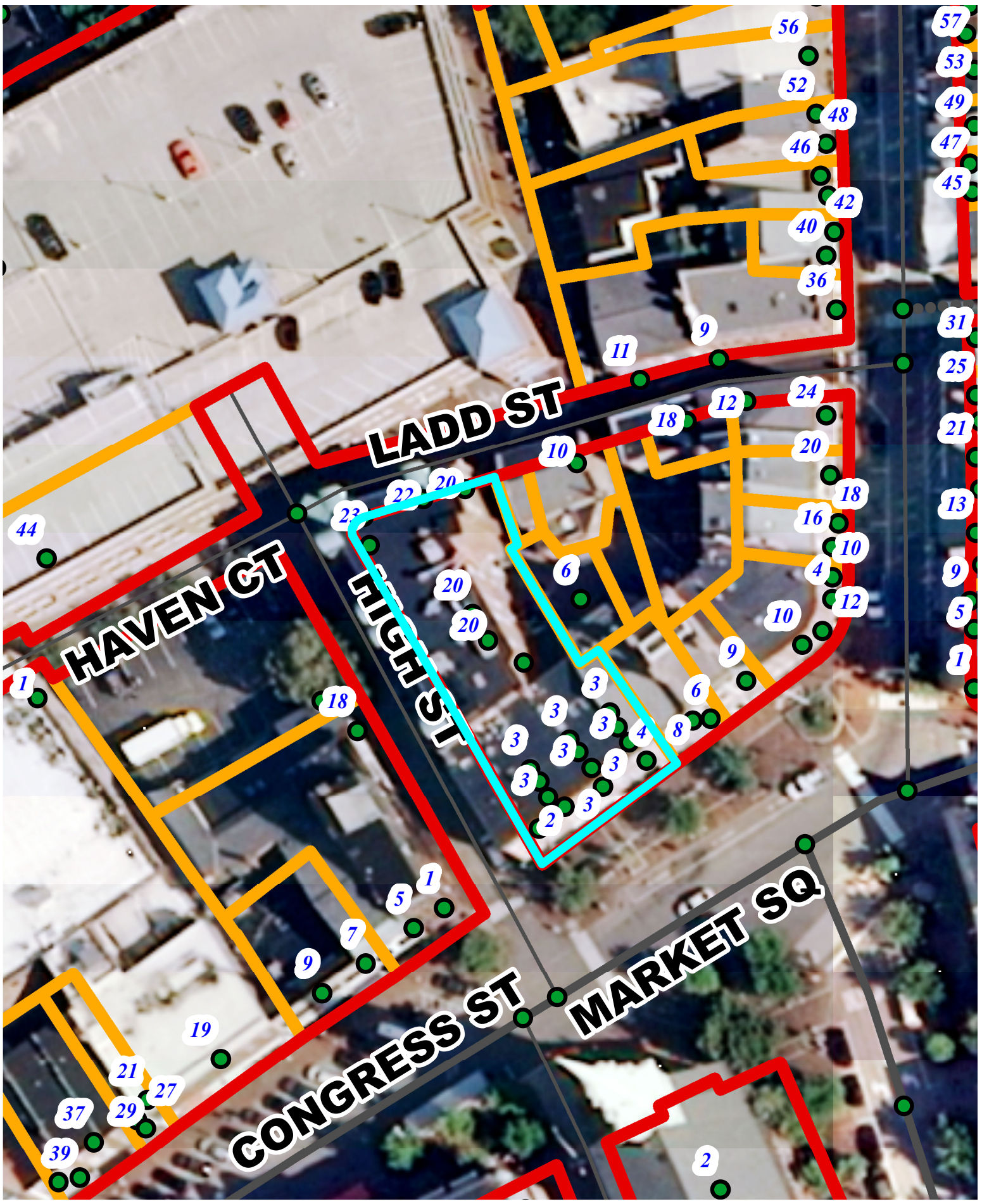
RE: City Council Referral – Projecting Sign
Address: 20 Ladd Street
Business Name: Barton & Gray Mariners Club
Business Owner: Port City Realty Group, LLC

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

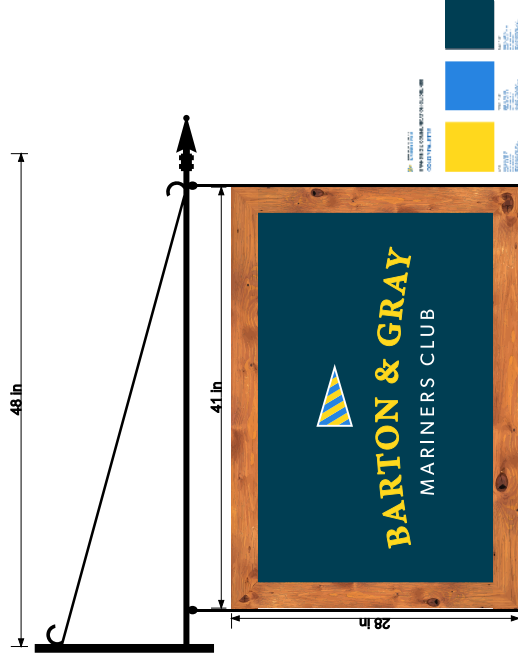
Sign dimensions: 41" x 28"
Sign area: 8 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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



**Request for license
20 Ladd Street**



SPORTSMOUTH SIGN COMPANY
PortsmouthSign.com
603-436-0047

REVISION:
 All orders under \$250 include 1 revision only.
 All orders over \$250 include 2 revisions only.
 Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:
 Designs are NOT actual size and color may vary depending on printer and/or monitor.

3/25/2022

RETURN SIGNED TO: service@portsmouthsign.com

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

Member of:

GREATER DOVER PORTSMOUTH GREATER CHAMBER OF COMMERCE

the Greater York Region Chamber of Commerce

SIGNATURE: _____ **Date:** _____

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CITY COUNCIL E-MAILS

Received: April 18, 2022 (after 4:30 p.m.) – April 28, 2022 (before 9:00 a.m.)

May 2, 2022 Council Meeting

Submitted on Tue, 04/19/2022 - 07:17

Full Name

Joe Famularo

Email

famularoj@gmail.com

Subject

Biden's Visit

Address

141 Mill Pond Way Unit 3

Message

Dear City Councilors,

If any of you have the privilege of meeting our President, please ask him for me, "Mr. President, how is it that you can find the time and resources to visit Portsmouth yet you have not yet visited or made an effort to protect us on our southern border?"

Thanks to the City Councilor who shows leadership by asking him this "tough" question.

Regards,

Joe Famularo

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Wed, 04/20/2022 - 10:39

Full Name

Robin Schnell

Email

r.hary.schnell@gmail.com

Subject

Sidewalks

Address

109 Spring St

Message

I walk whenever I can in Portsmouth, downtown and in many neighborhoods. While I love the historic look of the red bricks, they are very slippery when it's icy. The salt helps, but I have still fallen and know others that have, too. As you replace, repair, or build sidewalks, can you find another kind of brick or block? (slate is bad, too) Is there a non-slip, perhaps sandy, coating that could be applied to existing red brick sidewalks?

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Thu, 04/21/2022 - 10:02

Full Name

Erik St. Pierre

Email

erikstpierre14@gmail.com

Subject

Middle Street Bike Lane

Address

50 Gosport Road

Message

I'm writing to express my strong support for the return of the Middle Street bike lane. Increasing transportation options for Portsmouth's citizens are a crucial aspect of making our community more livable and safe. Researchers from Virginia Tech and Rutgers University recently found that US pedestrian fatalities has increased dramatically over the last decade while our affluent peers in Europe reduced pedestrian deaths by 69%. This report suggests increasing public transportation and cycling infrastructure as a method of combatting our pedestrian death crisis. Making our streets safer means giving our community safe and convenient alternatives to cars. It starts with reinstating the Middle Street bike lane. It continues by expanding bike lanes and pedestrian walkability all throughout Portsmouth with any infrastructure grant given by the bipartisan infrastructure bill passed by the Biden Administration. This opportunity to increase the livability of Portsmouth should not be squandered.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Thu, 04/21/2022 - 20:16

Full Name

Peter Officer

Email

pfofficer@gmail.com

Subject

Public Hearing Pease Air Cargo proposal

Address

627 Colonial Drive

Message

Heard some devastating news that there is actually consideration being given to allowing the pease airport to be used as a cargo shipment hub. That is incredibly concerning. The public and Portsmouth residents voices need to be heard. Please, for the love of god, and for the love of Portsmouth host a public hearing! This is unacceptable!!

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Thu, 04/21/2022 - 20:23

Full Name

Krista Officer

Email

kglencross@gmail.com

Subject

Pease air cargo (not in favor)

Address

627 colonial drive

Message

Please hold a public hearing on the Pease air cargo proposal. As a resident of the pannaway manor neighbor the enormous cargo jets 24/7 would be detrimental to this neighborhood and others close by in Portsmouth. This noise would hurt real estate values for Portsmouth and drive families out of our community. These homes were built in the 1940s before 95 and Pease military airport that opened in 1956.

Portsmouth would not have any control over federal flights if this cargo hub is established and no way to advocate for its citizens. Please hold a hearing to protect our neighborhood and keep my family in Portsmouth.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Fri, 04/22/2022 - 16:18

Full Name

Mindi Messmer

Email

mmessmer@me.com

Subject

Coakley pollutes brooks every rainfall event

Address

291 Washington Road

Rye, New Hampshire. 03870

Message

Dear City Council:

On Easter Sunday I decided to go out to the Coakley dump for a walk on the public rail trail starting in Greenland and walked south. I was shocked at what I saw. The polluted water from the ponds was overflowing onto the rail trail and flowing directly into the headlands for Little River and Berry's Brook. Here's a link to watch the video: <https://youtu.be/63rT5oS1QvI>.

In 2017, the NH DES said the unmitigated pollution of Berry's Brook and others was unacceptable. Five years later, nothing has been done. Every month, thanks to our successful lawsuit in Superior Court (Messmer et al v. Coakley Landfill Group), the Coakley polluter group (CLG) has to hold public meetings which has resulted in the public's awareness of their intentions. The seacoast online published stories about the public statements made by CLG board members about the pollution and their sub-par reporting to the EPA on recent investigations. Here's an excerpt from the seacoast story that shows you what the CLG thinks about their responsibility to stop this:

"Of particular concern were comments made by Portsmouth City Attorney Robert Sullivan, a member of the CLG executive board, who said of House Bill 494 and the pilot program, it "says we have to implement a remedy (it) didn't say the remedy has to work.... We paid for it, we implemented it and we're done with that." Seth Jaffe, another member of the CLG executive committee, added fuel to the fire by calling efforts to bring pollution levels down to a zero-detect level: "Very annoying. Really pointless."

The EPA recently blasted the CLG for their inadequate report. The EPA has expressed concerns about migration of Coakley polluted groundwater to the south, including PFAS chemicals, even though earlier regulator comments downplayed this fact. The CLG continues to drag their feet and delay progress. The continued unmitigated pollution of the Little River and Berry's Brook is unacceptable.

I'd like to address the council at your earliest convenience to answer any questions.

Thank you.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sun, 04/24/2022 - 20:25

Full Name

Terry OCallaghan

Email

terryocallaghan2@gmail.com

Subject

Lang Road changes

Address

379 Lang Road

Message

Dear City Council members,

I am disappointed in your decision-making ability for the residents of Lang Road in Portsmouth as it relates to the new traffic-light construction. I imagine you must have been influenced by tax dollars associated with the apartment developments which you continue to allow.

I live on Lang Road which, as you know, connects Rye Center to and from Route 1. I do not have access to city water or sewer services yet I pay Portsmouth taxes. Other residents, including the Lang Road apartment complexes, have those services. The distance you would need to extend those services to all Lang Road, Portsmouth Residents is 1/2 mile. It is extremely frustrating not to have city water and sewer when the apartment complexes continue to expand and have complete access.

You voted to begin a multi-million dollar project to help impatient people make an easier left turn onto Rt. 1. They come from the beach or Rye and are heading to Rt 1 while regularly traveling 40-50 MPH - too fast -on our 30 MPH road. Seriously? This was a priority for spending Portsmouth tax dollars? In my 17 years on Lang Road, I know of ONE major accident when a very young driver, under the influence, went through the stop sign at Rt. 1 and drove into the ski and snowboard shop. Perhaps there were others but I don't know of them. I would be happily corrected on this point as it might give justification to your action. Other than that, I hear about frustration from the non-Lang Road-inhabitants wishing the left turn didn't take so long. Personally, I was thankful for it. It kept people from using Lang Road as a cut-through route.

You have already made that bad decision. I will not ever have young children able to play in my front yard, or my pets; and I can forget about backing out of my driveway. I will continue to pay for my well pump, water quality control system, septic system maintenance, and overall feeling of off-the-grid existence while you spend my tax dollars and do not listen to YOUR constituents.

It leads me to this: GOING FORWARD, PLEASE DO NOT SUPPORT THE PEASE CARGO INITIATIVE.

I fully support the military functions of Pease Airforce Base, however, I am awoken by the enormous Air Force Carriers which travel overhead often at night. During the daytime, while working at home, I must keep my windows closed (in the summer) so I can be heard (and hear) over the roar of the overhead planes.

I cannot even imagine an increase in air traffic overhead.. It would ruin our beaches and our lovely town feeling.

I do not believe downtown Portsmouth has any of these issue with the Navy Base in town. I honestly think you do not understand the air traffic because you have none.

As most of my Rye neighbors have commented, please vote NO on this subject, The planes fly right over the center of Rye.

If you would like any additional information from me, please do not hesitate to call my cell phone at [REDACTED]

I believe you are making grave errors and I hope to influence you away from another mistake. Please do NOT support Pease Cargo.

Sincerely,

Terry O'Callaghan

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sun, 04/24/2022 - 16:42

Full Name

Johanna Lawrence

Email

johannalawrence@verizon.net

Subject

Say no to Pease Cargo!

Address

320 Washington Rd
Rye, New Hampshire. 03870

Message

Dear City Councilors,

We are David and Johanna Cory and we live in Rye. Our family appreciates living in such a beautiful and peaceful environment. We are very concerned with the proposal of the Pease Cargo project. This will bring more truck traffic, pollution and increased night time aircraft noise. The environment and quality of life of our neighbors and community should not be compromised for the profit of big companies with no other real benefit to the community. Please protect your citizens! Thank you!

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sun, 04/24/2022 - 13:25

Full Name

Matthew Glenn

Email

matt.glenn@seacoastbikes.org

Subject

CIP and Bike/Ped master plan

Address

34 Harrison Ave

Message

Dear Mayor McEachern, Assistant Mayor Kelley, and Councilors,

I'd like to applaud you all for passing the Capital Improvement Plan last month, and in particular for the funding set aside for worthwhile bike/ped projects. As you know our city master plan has made safe bicycle and walking routes a high priority, and the 2014 bike/ped plan lays out how to do that in a comprehensive way. Specifically, thank you for including funds in 2024 and 2026 to both plan and build a bike connection between the existing bike lanes on the outer parts of Middle Street and Maplewood Avenue (see pages 112 and 118).

Maplewood in particular was created during "urban renewal" by razing homes to create a broad, auto-oriented road, and now we have a huge opportunity to move in a different direction in the heart of downtown.

I recently spoke with a parent in the Cutts Ave neighborhood about routes her two children could use to safely bike to the Middle and High schools. Would you let your child? Currently there is really no great option, but these two projects would make that connection and so many others. Both Middle and Maplewood have the width to allow for separated bike lanes, and they have the vehicle volumes and speeds that require them.

So I'd like to hear from you how we can achieve that vital goal of creating a central "spine" for the bike network, practically and politically. We're getting hung up on the debate over five blocks of Middle Street, but if we can't figure out this 1/2 of a mile that the last council removed, then the network is incomplete. Is there a layout we can all live with? Or can we accept the recommendations from Toole Design to improve on those "parking protected" lanes with a fresh crown to the road and fresh pavement? There will always be some who don't see the need for change, but there's both a climate crisis and a crisis of vehicular violence that need action on the local level.

Thanks for all you are already doing, and I look forward to any response or chance to talk in person. You can reach out to the full SABR board who get mail at info@seacoastbikes.org and we very much look forward to a return of the Mayor's ride in May.

Matt Glenn

A resident and a board member of Seacoast Area Bicycle Riders,
Seacoastbikes.org

P.S. Please be sure to re-read the professional study commissioned by (and ignored by) the last council of the "parking protected" Middle St lanes: https://files.cityofportsmouth.com/files/planning/MiddleStBikeLanes_TooleDesignStudy_20210105.pdf

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sun, 04/24/2022 - 11:21

Full Name

Laurel DiMatteo

Email

laurel26@msn.com

Subject

Pease Cargo proposal

Address

579 Sagamore Ave #68
Portsmouth, New Hampshire. 03801

Message

Dear City Council, please, please do not allow the proposed cargo facility to be built at Pease. Our quality of life and the environmental impact would be seriously compromised. I can not imagine how building this can be considered a good decision on any front. Thank you for your time. Laurel DiMatteo 579 Sagamore Ave Portsmouth NH

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sun, 04/24/2022 - 09:18

Full Name

Matt Bogart

Email

mhbogart@gmail.com

Subject

MultiModal Pease Cargo Facility

Address

415 Grant Ave

Message

Please reject these massive proposals. Development is good, but this is too much. We're already becoming a mini-Boston. No thanks.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sat, 04/23/2022 - 15:31

Full Name

Marie Kiely

Email

m.bkiely@outlook.com

Subject

Proposed air cargo facility at Pease

Address

169 Cass St

Message

I am writing to request your assistance in opposing the proposed air cargo facility at Pease. I am strongly opposed to this project, which would create numerous health and quality of life issues for residents and tourists in Portsmouth and surrounding towns. The increased plane and truck traffic would dramatically increase air pollution in the area, a health hazard for all of us. The planes would operate 24/7, creating tremendous nighttime noise and sleep deprivation, another serious health hazard. The reason Portsmouth is such a popular place to live and visit is because of the quiet, natural beauty and escape from the noise and pollution of a major city. The city has attracted many businesses and development for this reason. This proposed air cargo would offer no benefits to the area and would cause much harm to our health and quality of life.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sat, 04/23/2022 - 09:40

Full Name

MICHAEL LETENDRE

Email

maletendre877@comcast.net

Subject

air cargo at Pease

Address

140 Cass St Unit B

Message

Say no to the air cargo expansion at Pease. It would lead to more air and ground traffic, more air, noise, and water pollution. Please support the livability for people in the area. Don't sacrifice us for corporate profits.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Tue, 04/26/2022 - 13:43

Full Name

Sarah Jarvis

Email

stamm3@gmail.com

Subject

Maple Haven Sidewalk project

Address

26 Winchester St

Message

We are proposing to the City of Portsmouth to delay the construction of the sidewalk project on the south side of Maple Haven. Currently, the only section this would affect for phase one is Winchester St. As part of the delay we suggest the City continue the the construction of the sidewalk from Ocean Road to the property line of 163 Ocean Road and 28 Winchester Street so that the application for the crosswalk can be applied for to the NH DOT.

We are asking for a delay to investigate and mitigate the following issues:

Winchester Street will be narrowed. The project as proposed for Winchester Street is 8-9 feet of sidewalk, grass median and curb in width. This will include taking significant property right of ways and narrowing of the street. This will create a host of separate safety issues in particular for bicyclists and kids on scooters.

Driveways will be shortened. Depending on the individual property by up to 6 feet. The City publicly stated that cars can be parked across the sidewalk in the April 20th Sidewalk Meeting. This is legally questionable and will make the sidewalk unusable.

The City plans include taking many feet of the right of way. This means individual properties along Winchester will be significantly impacted. This includes cutting trees, bushes, and moving entire fences back 4 feet. This much impact needs further discussion and alternative plans proposed.

The Public Meetings have stated that the City of Portsmouth does not yet have approval for a crosswalk across Ocean Road. They have stated that they will apply for the sidewalk after the sidewalks are installed. This work is being done with no guarantee that the NH DOT will allow a crosswalk.

Currently the City of Portsmouth does not have a way to clear the sidewalks of snow in the winter due to an inability of getting their equipment to the neighborhood as was stated in the March 23rd meeting. This means that when there is snow on Winchester Street all pedestrians will have to share a narrower section of road.

As a professional courtesy I will be forwarding this message to the team in charge of the project to alert them of my request.

Thank you

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes



TOWN OF RYE • OFFICE OF SELECTMEN
10 Central Road
Rye, NH 03870-2522
(603) 964-5523 • Fax (603) 964-1516

VIA US Mail and Email at p.brean@peasedev.org, info@peasedev.org

April 11, 2022

PDA Board of Directors
Paul Brean, Executive Director
Pease Development Authority
55 International Drive
Portsmouth, NH 03801

Re: Proposed Cargo Facilities

Dear PDA Board and Mr. Brean:

We write to you regarding the proposed air cargo facilities at the Portsmouth International Airport at Pease. The negative affects air cargo will have on the dynamic of our communities and the Seacoast are numerous and cannot be understated, as we outline below.

Noise

There will be a significant increase in aircraft noise, particularly with nighttime air freight flights, that will disturb the sleep of seacoast residents. Stage four aircraft, such as we see with the Pegasus KC 46A aircraft, do not solve this problem. That said, we fully support our military flights which protect our democracy; however, we do not support the additional of the proposed commercial freighter aircraft.

Numerous studies have shown that airplane noise particularly during the night, causes physical and mental health issues, particularly to the elderly and to children. "Although well recognized as an environmental harm, there is now considerable recent literature on the adverse health effects of noise on children's education and cardiovascular disease." Further, experts state that "there is insufficient appreciation of the fact that aircraft noise has substantial effects on cardiovascular disease including hypertension, ischemic heart disease, heart failure and stroke" and that there must be "revised policies and actions to ensure there is an equitable balance between economic benefit and the health and wellbeing of communities . . . [because] [t]he cost and long-term consequences of inaction will be considerable."¹

Environment

There will be environmental impacts from plane exhaust ultrafine particles, de-icing, fueling, plane maintenance, and increased truck traffic.² The seacoast area has already been rocked by PFAS water

¹ <https://blogs.bmj.com/bmj/2019/06/18/the-harms-to-health-caused-by-aviation-noise-require-urgent-action/>

² <https://www.washington.edu/news/2022/01/26/air-pollution-from-planes-roads-infiltrates-schools-and-can-be-dramatically-reduced-with-portable-air-filters/>

https://deohs.washington.edu/mov-up?_ga=2.3832498.349584788.1648042644-778242273.1648042644

<https://ops.fhwa.dot.gov/publications/fhwahop10024/sect2.htm>

<https://qz.com/2084675/shipping-giant-maersk-invests-in-high-emissions-air-freight/>

contamination at Pease as well as from the Coakley landfill, and by the seacoast cancer cluster. We should be doing everything we can to decrease environmental pollutants and the risks they present to our residents' health, not increase them.

Infrastructure

The seacoast municipalities and the State, like the rest of the country, are suffering from aging infrastructure such as roads, drainage and bridges.³ Air cargo will bring an increase in tractor trailer traffic to the seacoast area, further degrading our infrastructure. The cost of this damage will fall to the State and Town taxpayers to repair and maintain over the next 30+ years (or place increasing demand and reliance on federal funds) with no financial assistance from the developer or air cargo tenants. The trucks will either travel on I-95 to out-of-state destinations, resulting in benefits to out-of-state businesses and consumers, with the State and N.H. municipalities bearing the brunt of these impacts; and/or, the trucks will be traveling on State roads – RT 4, Rt 101, Rt 33 - further impacting more NH infrastructure.

Types of Jobs

It appears that most of the jobs “created” will be ramp workers for the aircraft or warehouse workers for distribution. Using, for example, FedEx’s figures for such jobs, employees in these categories range \$16-\$32/hr, plus benefits, resulting in annual salaries ranging from \$30,000 - \$61,000, *before* deductions.⁴ As anyone can see from driving through the seacoast or the State, these types of jobs already exist and can’t be filled now; we don’t need more of these types of jobs on the seacoast, there are no local workers to fill them.⁵ If new workers in the above pay categories move to the seacoast they will compete with our hospitals, nursing home, and hospitality workers for the limited affordable housing in the area. This will further impose difficulties for these businesses to provide their services in the seacoast

Size and Scale

Finally, we do not agree with recent representations that this project will not be “large” and will have minimal impacts to the area. The Air Cargo facilities must be built large enough to make money, and presently the proposal presented to the PDA in January represented two facilities each with 2 phases, which, upon full build-out, will be 400,000 sf + 324,000 sf for a total of 724,000 square feet with a project development cost of \$30 to \$70 million.⁶ Air cargo projects smaller than this were recently built in such major metropolitan areas as Pittsburg (140,000 sf), Indianapolis (300,000 sf), Anchorage (500,000 sf and 300,000 sf facilities were added: “[Anchorage is the] number two airport in the United States for landed weight of cargo aircraft . . . and is one of the top five airports in the world for cargo throughput”), and Toronto (400,000sf: “Canada’s busiest and largest airport”).⁷ Even if this is scaled back, this will not be a small project with minimal impacts to the seacoast and the State. The proposed air cargo facilities are large even in comparison to *major North American cities*; this project, if allowed, is not appropriate for the seacoast of N.H. and will completely change the area.

³ <https://www.whitehouse.gov/wp-content/uploads/2021/04/AJP-State-Fact-Sheet-NH.pdf>

⁴ <https://groundwarehousejobs.fedex.com/groundwarehousejobs/jobs/25736-539765?lang=en-us&previousLocale=en-US>

<https://careers.fedex.com/express/jobs/RC484957?lang=en-us&previousLocale=en-US>

<https://careers.fedex.com/express/jobs/RC487097?lang=en-us&previousLocale=en-US>

⁵ <https://www.nj.com/opinion/2022/03/do-we-really-need-an-amazon-air-hub-at-newark-airport-opinion.html?outputType=amp>

⁶ Pease Development Authority Board of Directors Proposed Development Presentation, January 20, 2022 by ProCon and Kane. <https://peasedev.org/wp-content/uploads/2022/01/1-20-2022-Public-Board-Packet.pdf>


⁷ [https://www.aircargonews.net/cargo-airport/new-cargo-facility-to-be-built-at-pittsburgh-international/;](https://www.aircargonews.net/cargo-airport/new-cargo-facility-to-be-built-at-pittsburgh-international/)
[https://www.ind.com/business/air-service-cargo;](https://www.ind.com/business/air-service-cargo) [https://www.akbizmag.com/industry/transportation/thinking-big-at-the-ted-stevens-anchorage-international-airport/;](https://www.akbizmag.com/industry/transportation/thinking-big-at-the-ted-stevens-anchorage-international-airport/)
http://www.matthewssouthwest.com/project_page/vista-cargo/

The PDA is required by statute to “act in a manner which is consistent with the public good,” and to consider not just revenues and benefits to the State, but also the “environment, and quality of life of the affected communities, [and] the seacoast region.” RSA 12-G:7, II; RSA 12-G:1, II. The overwhelming negative impacts air cargo facilities will have on the communities and the entire seacoast significantly outweigh the few potential economic benefits air cargo could offer the area or the State. Given your statutory obligations, we urge you not to offer a lease for air cargo facilities to any tenant, or act in any other manner which allows for additional air cargo facilities at Pease.

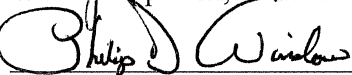
The New Hampshire seacoast is a unique, beautiful, limited resource, as well as a tourist boon for the State. Air cargo will change all this for the worse. As elected representatives for the Town of Rye, we are committed to preservation of our environment and quality of life in our Town and the entire seacoast area, and we urge you to ensure the right decision is made for the seacoast.

Thank you for your time, your dedication and commitment to the PDA, and your consideration of this letter.

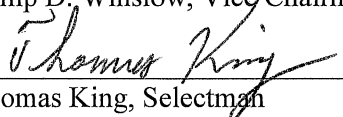
Sincerely,
Rye Select Board



William Epperson, Chairman



Philip D. Winslow, Vice Chairman



Thomas King, Selectman

- cc: Newington Select Board
- Greenland Select Board
- Durham City Council
- Portsmouth City Council
- Dover City Council
- Kittery, Maine City Council
- Eliot, Maine Select Board
- York, Maine Board of Selectmen

April 19, 2022

Good morning Karen,

I hope you had a nice holiday weekend. It was great to meet you last Thursday. Per our discussions I would like to formally propose to you a “concept” plan of what I have proposed creating a new park entrance for The City of Portsmouth.

With the year 2023 on the horizon, the theme of the proposed park entrance is to highlight the 400 year anniversary of Portsmouth. The proposed montage would be carved into the granite as highlighted in red that reflects the rich history emphasizing AIR/LAND/SEA. Our heritage with our ship building (the Ranger), the shipyard with submarines, and Pease Base as a SAC Command and now a refueling wing, supporting our military, navigation to Portsmouth, churches, and architecture.

I pledge to cover the cost of the design, approval process, construct the park like I did the memorial park in downtown Portsmouth a few years back. If you have any questions after you review the attached proposed documents, I would be happy to meet with you to discuss further.

If you like what you see, I would respectfully request the you present this to the City Council for its preliminary approval as soon as possible. We need to get started on this in order to get it done by next 3rd of July when I would like to unveil the park.

Thank you very much for your time and look forward to your reply.

Warm Regards,

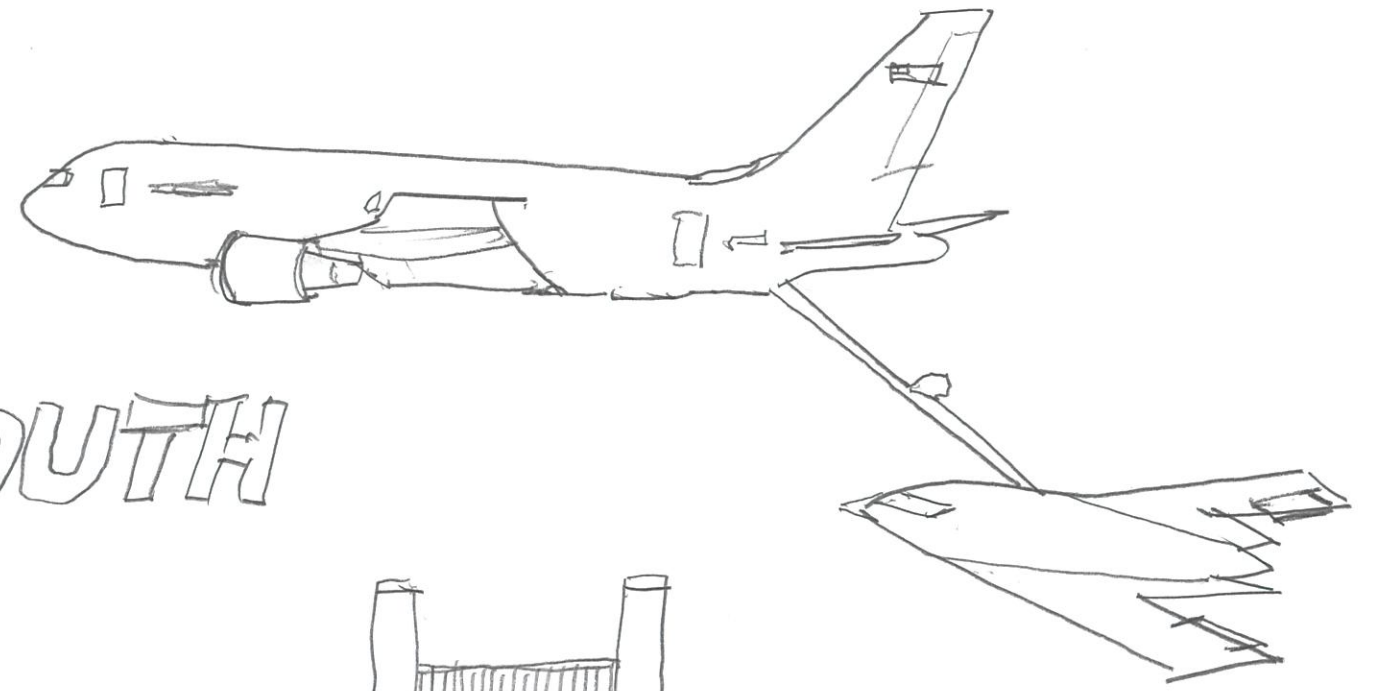
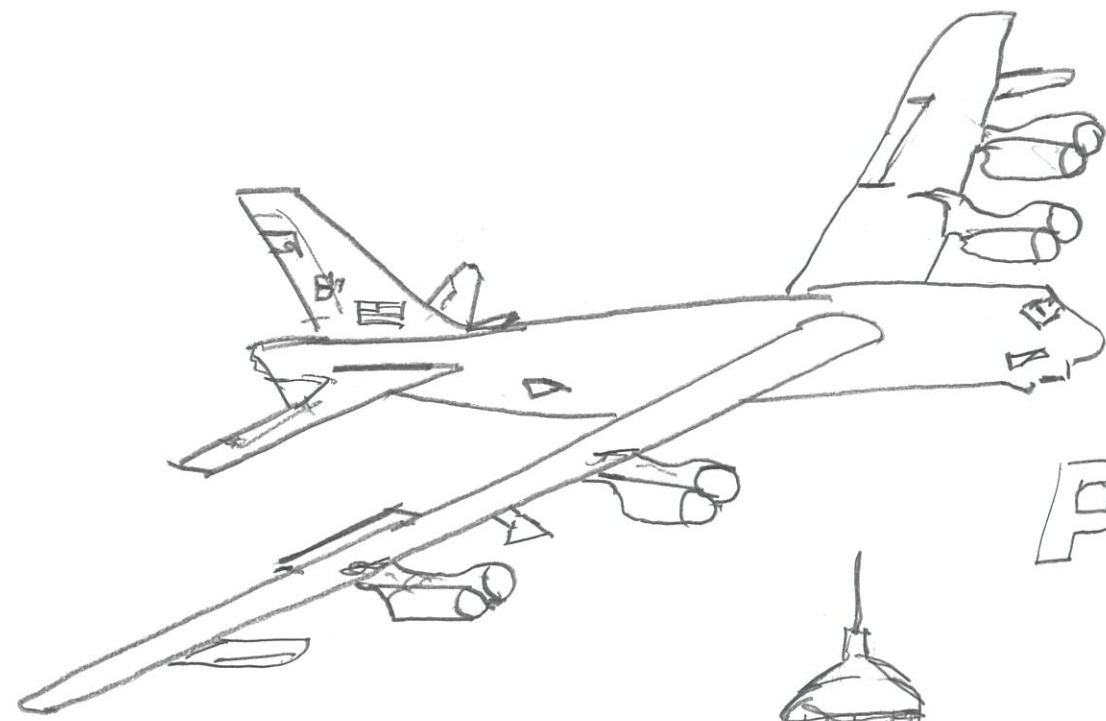
Jim

James W. Teetzel
CEO, Chairman, Founder

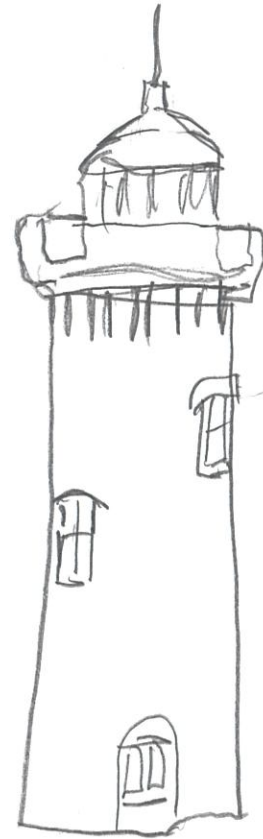
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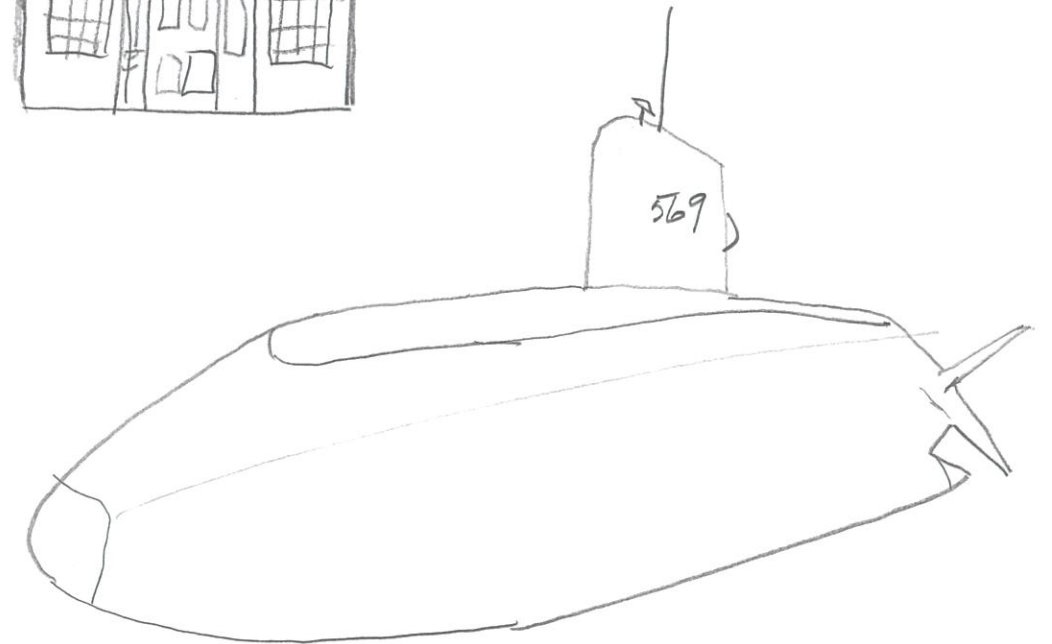
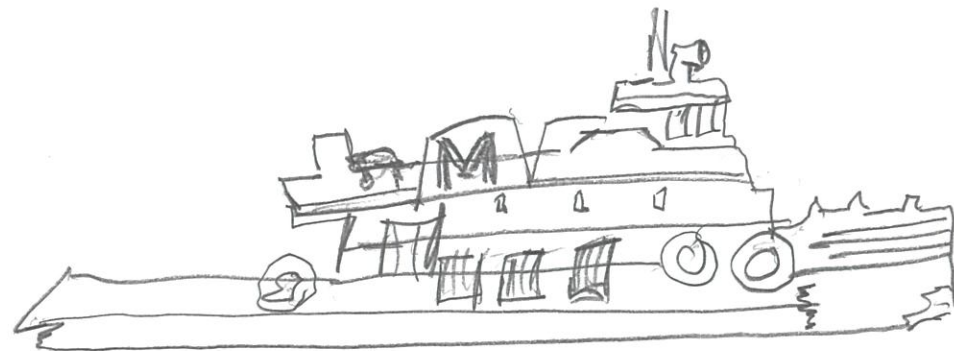


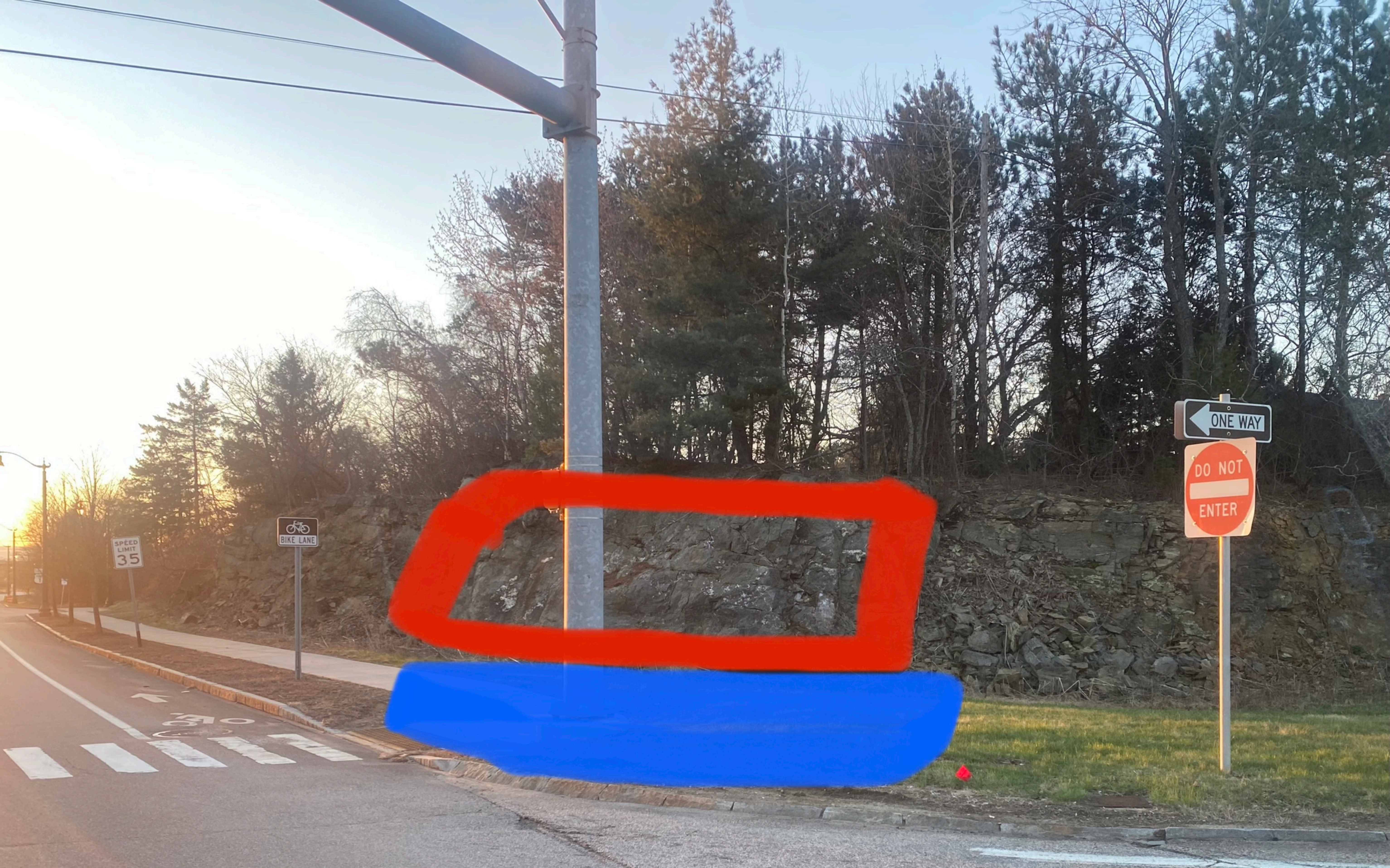


PORTSMOUTH



4000



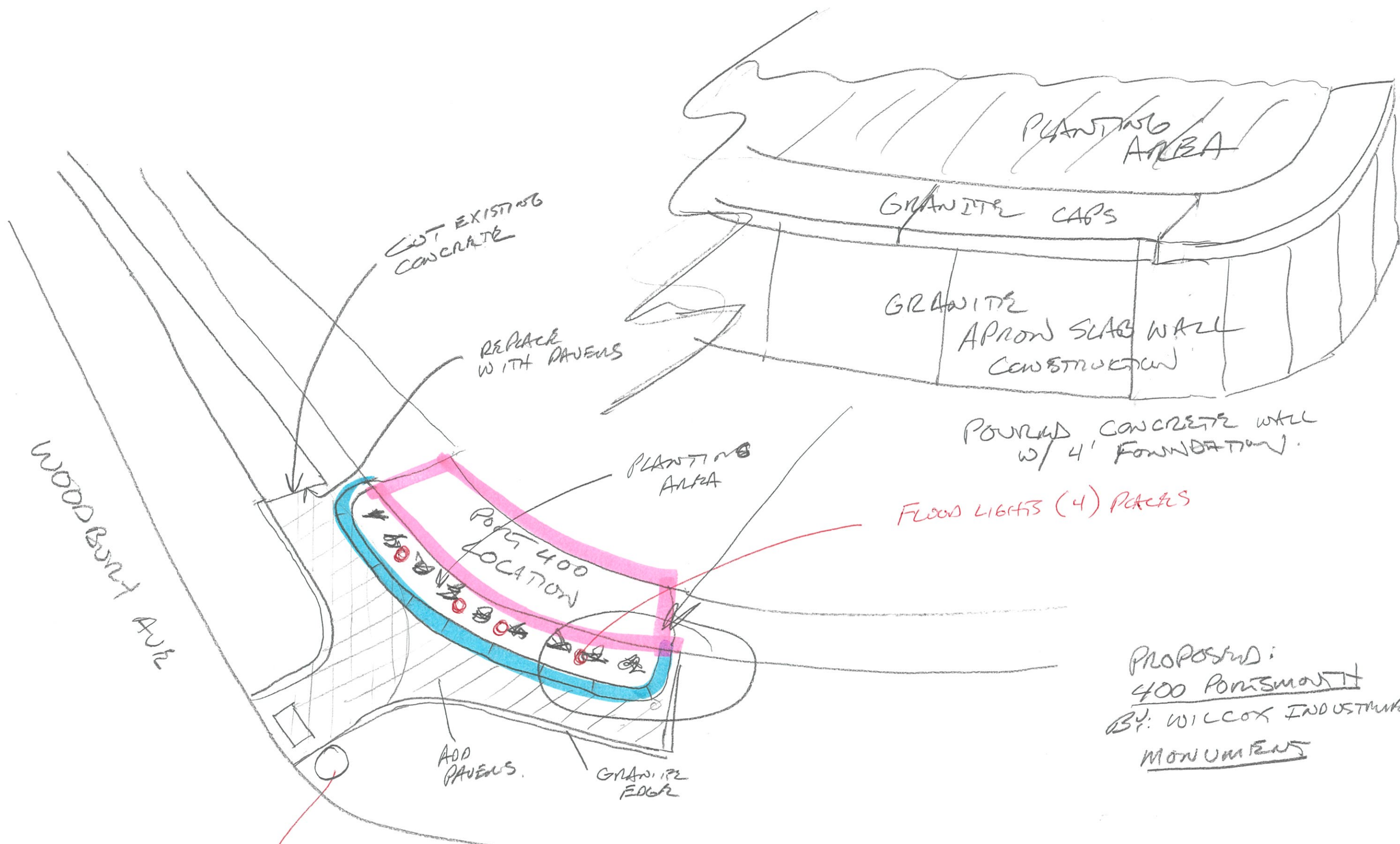


ONE WAY

DO NOT
ENTER

BIKE LANE

SPEED
LIMIT
35



PLANTING AREA

GRANITE CAPS

GRANITE APRON SLAB WALL CONSTRUCTION

POURED CONCRETE WALL W/ 4' FOUNDATION.

FLOOD LIGHTS (4) PLACES

PROPOSED:
400 PORTSMOUTH
BY: WILCOX INDUSTRIES
MONUMENTS

WOODBONT AVE

I95 EXIT RAMP

CUT EXISTING CONCRETE

REPLACE WITH PAVES

PLANTING AREA

POINT 400 LOCATION

GRANITE EDGE

ADD PAVES.

GRAP POWER HERE.

RATH YOUNG PIGNATELLI

Sherilyn Burnett Young
Attorney-At-Law
sby@rathlaw.com
Please reply to: Concord Office

April 25, 2022

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

The Honorable Mayor Deaglan McEachern
Members of the Portsmouth City Council
c/o Kelli Barnaby, City Clerk
City of Portsmouth
City Hall, 3rd Floor
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application for Urbanized Shoreland Exemption – RSA 483-B:12
Subject Property: 57 Salter Street, Portsmouth, Tax Map #102, Lot #32

Dear Mayor McEachern and City Council Members:

We write on behalf of Margot Thompson and Edward Thompson (“Thompsons”) to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River (the “Property”). If granted, this would exempt the Property from the provisions of the Shoreland Water Quality Protection Act, as discussed below. The City was granted such an Exemption once before, in 2007, for Tax Parcel 106, Lot 54 at 99 Bow Street. For your information, the process to apply for an Urbanized Shoreland Exemption is as follows:

1. The Portsmouth City Council, following a public hearing, would vote to make an application for an Urbanized Shoreland Exemption to the New Hampshire Office of Strategic Initiatives (“OSI”).
2. OIS reviews the application and, if approved, makes a recommendation to the Commissioner of the New Hampshire Department of Environmental Services (“NHDES”).
3. If approved by NHDES Commissioner Scott, the application would then be recommended by NHDES to the Governor and Governor’s Council for approval.

Should the City of Portsmouth approve this request and apply to the Planning Department of OSI, and the application is allowed, it would grant the Thompsons relief from certain requirements of the Shoreland Water Quality Protection Act and allow them to reside in their downsized home located on the Property.

National Impact. Uniquely New Hampshire.

Rath, Young and Pignatelli, P.C.
www.rathlaw.com

One Capital Plaza
Concord, NH 03302-1500
T (603) 226-2600
F (603) 226-2700

20 Trafalgar Square
Nashua, NH 03063
T (603) 889-9952
F (603) 595-7489

120 Water Street, 2nd Floor
Boston, MA 02109
T (617) 523-8080

26 State Street, Suite 9
Montpelier, VT 05602
T (802) 229-8050
F (802) 229-4666

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council
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Background/History

There are two buildings on the Property – a larger residence once the primary home of the Thompsons for over 32 years, and a smaller building formerly used for commercial use. The smaller commercial building was constructed in 1963 as a shop to build and repair lobster and fishing boats. The building is a two-story building consisting of approximately 640 square feet, cantilevered approximately 5 feet over the water with the majority of the building located on land, containing at the time electricity, water, wood heat and a telephone (hereinafter “Unit 1”). On June 27, 1990, the Thompsons purchased the Property, which also contained the larger residential structure they used as their primary residence (now Unit 2). In February 1991 the Thompsons appeared before the City of Portsmouth Historic District Commission (“HDC”) to request permission to remediate and renovate Unit 1, and modify its use from a boat repair shop to office space. The City of Portsmouth granted that approval, and Unit 1 was renovated to add a city sanitary sewer connection. The building had existing city water, natural gas, electric and telephone service connections. At that time, Unit 1 was zoned for Waterfront Business uses by the City, and there was no change in zoning use with the 1991 approval.

In November 2018, the Thompsons submitted an application to the City of Portsmouth’s Zoning Board of Adjustment (“ZBA”) to renovate Unit 1 to convert it to residential use. The renovation included the relocation of stairs to the second level, the addition of a dormer and two 19 square foot entrance overhangs, and a change of use for the building from Waterfront Business to Residential Use. A copy of the set of plans submitted to the ZBA on November 28, 2018, is attached for your review. On December 18, 2018, the ZBA approved the application for these changes, including the change in use to residential.

The Thompsons also received two wetlands permits issued by NHDES for the proposed renovations to Unit 1 in July 2019 (2019-01730) and July 2020 (2020-1252). With all necessary approvals in hand, the Thompsons created the Point of View Condominium Association for 57 Salter Street (Unit 2) and 75 Salter Street (Unit 1). The Thompsons sold Unit 2 (their former primary residence) in October 2020, but retained ownership of Unit 1 to convert into their new, downsized primary residence.

In April 2021, while in the middle of the construction renovations, the Thompsons were informed by NHDES that they were in violation of the Wetlands Act (RSA 482-B) and Shoreland Water Quality Protection Act (RSA 483-B) related to their conversion of the building to residential use. On August 20, 2021, NHDES issued an Administrative Order alleging a violation of the Wetlands Act because the residence (Unit 1) was located over State waters, and violations of the Shoreland Protection Act because the residence was located within 50 feet of the shoreline and the two-unit condominium violated the minimum shorefront

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council
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requirements¹. The Thompsons filed a Notice of Appeal in September 2021 with the Wetlands Council.

The Wetlands Council accepted the Appeal (with the agreement of the State), and the appeal is currently stayed pending this application to the City of Portsmouth². If the City finds that an application for an Urbanized Shoreland Exemption is warranted and the application is ultimately approved, then the Thompsons plan to pull the structure back 5 feet so it is no longer over water, eliminating any Wetlands Act violation, and will be exempt from the Shoreland Protection Act requirement for the 50-foot setback for a primary residence as well as the minimum shorefront requirements for the two-Unit Condominium Association. This would also resolve the pending appeal with NHDES. Once the appeal is resolved, the Thompsons will then work diligently with the City of Portsmouth Planning and Inspections Departments to revise the permit and complete renovations of their downsized Unit 1 home.

The Thompsons conversion of Unit 1 to their home is part of an overarching retirement plan whereby the Thompsons would create the 2-unit condominium, sell their Unit 2 larger residence, “downsize” their residence into the Unit 1 structure, and use the proceeds from the sale of Unit 2 for the renovations to Unit 1 and their retirement. Prior to being notified by NHDES of the alleged violations of the Wetlands and Shoreland Acts, the Thompsons had spent in excess of \$382,000 on this project. Their plan is to remain in the same neighborhood in Portsmouth, where they have raised three children, and where they have many friends and neighbors which they have cultivated over the past 40 years, including 8 years on Pickering Street and later 32 years on Salter Street. The Thompsons are active members in the community and participated in local non-profits, including service on the Boards of the Strawberry Banke and Portsmouth Children’s Museum. They are deeply committed to remaining in Portsmouth, but currently find themselves unable to afford the purchase of a suitable alternative residence in the City.

Discussion

Pursuant to RSA 483-B:12, the City of Portsmouth may in its discretion apply for an Urbanized Shoreland Exemption for the property if it finds that “special local urbanization conditions as defined in RSA 483-B:4, XXV, exist in the protected shoreland for which the exemption is sought.” See also Env-Wq 1410.02(a).

RSA 483-B:4, XXV states that:

¹ The minimum shorefront requirements under the Shoreland Protection Act require XX feet of frontage for each residential lot. The Property has a total of YY feet of frontage.

² In fact, the NHDES suggested that the Thompsons pursue an Urbanized Shoreland Exemption for possible resolution of this matter.

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“Urbanization” means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for residential, commercial, industrial, or mixed uses such that it contributed to or constitutes the municipality’s downtown, community center, or central business district and wherein all vegetative buffers have been depleted, impervious surfaces are in excess of 50 percent, and residential uses are of at least 10 dwelling units per acre.

In support of a finding that those special local urbanization conditions exist for the grant of an Urbanized Shoreland Exemption, the City must submit evidence to the NHDES of existing and historical patterns of building and development in the protected shoreland in demonstration of the special local urbanization conditions. Such evidence shall address:

- (a) Current and past building density.
 - (b) Commercial, industrial, or residential uses.
 - (c) Municipal or other public utilities.
 - (d) Current municipal land use regulations which affect the protected shoreland.
 - (e) Designation as a downtown, community center, central business district, or urbanized area or urban cluster as delineated by the United States Census Bureau.
 - (f) Any other information which the commissioner may reasonably require.
- (a). Current and past building density, lack of vegetated buffers and impervious area.

As stated above, Unit 1 was formerly a commercial boat repair shop and later converted into an office. The property and lot are currently located within the Waterfront Business District which does not have minimum density requirements for residential uses (which are either grandfathered or allowed by variance). As shown on Attachment A, there is a historic pattern of residential development in the Waterfront Business District and vicinity of the Property including ten units within 1 acre. Most of the homes adjacent to the Property and in the area were built in the 18th and 19th centuries on small lots.

In addition, both the Property and surrounding properties were built right on the water’s edge with retaining walls, so there are no vegetative barriers between the properties and the Piscataqua River. See Attachment B and Attachment C. As of 2020, the impervious area for the Property was previously 57% of the property and that was reduced to 52% due to the improvements by the Thompsons. Even with the reduction of impervious area and improvements to stormwater runoff from the site, the Property exceeds the 50% impervious area threshold of the statute. See Attachments A and C.

A total of 33 residential homes are visible from the shoreline of the Property, along with the Naval Shipyard and 2 other dock buildings attached to nearby properties along the

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council
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Piscataqua River. Photographs of the views of these properties from the shoreline of the Property are included as Attachment B. In addition, please see photographs demonstrating the past and current condition of Unit 1 in Attachment D.

(b). Commercial, industrial or residential uses allowed.

The Waterfront District is currently zoned to accommodate and support business uses that depend upon the ocean or the Piscataqua River for transportation or resources. See City of Portsmouth Zoning Ordinance, Article 10, §10.410. As stated above, the Property has previously been used for mixed commercial and residential uses and is consistent with the mix of residential and commercial buildings in the area. In December 2018, the Thompsons did receive a variance granted by the ZBA to convert Unit 1 from a commercial to residential use. Work was also approved by the Historic District Commission on February 6, 2019.

(c). Municipal or other public utilities.

As stated above and as shown on the 2018 plans submitted to the ZBA, both Units 1 and 2 are currently served by municipal water and sewer provided by the City of Portsmouth, as well as natural gas services, electrical and telephone. See Attachment E. This is particularly relevant because there are no septic systems that could leach or discharge to the Piscataqua from use of either Unit 1 or Unit 2 on the property. The use of Unit 1 as a primary residence will have no impact to the water quality of the River.

(d). Current municipal land use regulations which affect the protected shoreland.

The Property is located at Tax Map 102, Lot 32 which is governed by the City of Portsmouth's Zoning Ordinance Article 10, as amended on January 11, 2021. A copy of the City of Portsmouth Zoning Maps are attached for your review. See Attachment F. As shown on Attachment F, the Property also falls within the Historical District subject to review under Zoning Code Article 6, Sections 630 – 637. The Property is also located within the Flood Plain District, specifically Flood Zone AE, as shown on Attachment G, subject to Zoning Code Article 6, Sections 620 – 10.629. Finally, any development at the Property and shoreland is subject to review by the Portsmouth Conservation Commission pursuant to Zoning Code Article 10, Sections 1010 – 1018 because it is situated along the Piscataqua River.

(e). Designation as a downtown, community center, central business district, or urbanized area or urban cluster as delineated by the United States Census Bureau.

The property is located within the Waterfront Business district and is also located within an urban cluster as shown on the attached Urbanized Area Reference Map, dated March 8, 2012 prepared by the United States Census Bureau, utilizing 2010 Census data. See

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Attachment H. An “urban cluster” is defined as an area of at least 2,500 and less than 50,000 people by the 2010 U.S. Census Urban and Rural Classification and Urban Areas Criteria³.

(f). Clearly Defined Map with Boundaries

Attached hereto is a copy of the City of Portsmouth’s Assessing Department Tax Map 102, Lot 32, showing the clear boundaries of the Property that the Thompsons seek for a Shoreland Exemption. See Attachment I. The Thompsons ask that the Shoreland Exemption be limited to only Lot 32 as shown on Map 102. Please also see the aerial photograph of the Property showing both Unit 1 and Unit 2 from Google Maps dated 2022. See Attachment J.

Conclusion

Because of the hardship that otherwise will befall the Thompsons, the limited nature of this request, the lack of impact to the water quality of the Piscataqua River, and the other evidence we’ve submitted, we urge the Portsmouth City Council to find that the property meets the special local urbanization conditions and is eligible for an application for an Urbanized Shoreland Exemption. We ask that you please submit this request on the agenda for consideration by the City Council at the next meeting on May 2, 2022. We plan to present these materials and answer any questions that the Council may have at that meeting.

Thank you for your consideration and attention to this request. If you have any questions, please don’t hesitate to contact me by phone or email.

Very truly yours,


Sherilyn Burnett Young

SBY/smw

³ To qualify as an urban area, the territory identified according to criteria must encompass at least 2,500 people, at least 1,500 of which reside outside institutional group quarters. The Census Bureau identifies two types of urban areas: (1) Urbanized Areas (UAs) of 50,000 or more people; and (2) Urban Clusters (UCs) of at least 2,500 and less than 50,000 people. 2010 Census Urban and Rural Classification and Urban Area Criteria.

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Enc.

Cc: Margot and Edward Thompson (via electronic mail)
Karen S. Conard, City Manager (via electronic mail)
Shanti Wolph, Chief Building Inspector (via electronic mail)
Beverly Zendt, Planning Director (via electronic mail)
Assistant City Attorney Jane Ferrini (via electronic mail)

EXHIBIT A

**Thompson Application for Urbanized Shoreland Exemption
Evidence of Urbanization**

Thompson Shoreland Urban Exemption Application

Evidence of Urbanization

1. Building Density – Analysis of the residential buildings within the Waterfront Business District adjacent to and in the vicinity of 57 Salter Street show a density of 10 residential units per 1 acre. Specifically, the following properties demonstrate a historic pattern of density where homes in the area were typically built during the 18th and 19th centuries:

<u>Residential Unit</u>	<u>Map and Lot</u>	<u>Number of Units</u>	<u>Designated Use</u>	<u>Year Built</u>	<u>Acreage*</u>
1. 57 Salter Street	Map 102, Lot 32	2	Condominium	1720	.25 acres
2. 35 Salter Street	Map 102, Lot 29	1	Single Family	1886	.13 acres
3. 41 Salter Street	Map 102, Lot 30	1	Single Family	1820	.07 acres
4. 53 Salter Street	Map 102, Lot 31	1	Single Family	1720	.12 acres
5. 56 Salter Street	Map 102, Lot 33	1	Single Family	1780	.10 acres
6. 39 Pray Street	Map 102, Lot 38	1	Single Family	1760	.12 acres
7. 43 Pray Street	Map 102, Lot 39	1	Single Family	1750	.05 acres
8. 53 Pray Street	Map 102, Lot 40	1	Single Family	1750	.10 acres
9. 39 Partridge Street	Map 101, Lot 6	1	Single Family	1900	.06 acres
	Total Units	10		Total Acreage	1.00

*Acreage per City of Portsmouth Assessing Office

2. Impervious Area – The subject parcel at 57 Salter Street contains more than 50% impervious area. Even after approved improvements to the site, the impervious area will be 52.4%. This is shown on the table below taken from a plan submitted to NHDES for the Thompson’s application for Wetlands Permit No. 2020-01252. A copy of the plan dated April 20, 2020 is also submitted with this application.

IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE) ENTIRE PROPERTY IS IN THE TIDAL BUFFER & SHORELAND ZONE		
STRUCTURE	PRE- CONSTRUCTION IMPERVIOUS (S.F.)	POST- CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	2,000	2,000
CONCRETE	43	43
SHED	216	216
BULKHEAD	30	30
PAVED DRIVE	1,431	945
DECK & PATIO	902	902
STAIRS	237	247
COBBLESTONE	372	246
STONE EDGING	23	95
GRAVEL	143	143
RETAINING WALLS	270	270
PIER (ABOVE MHW)	138	101
CURB/STONE SLAB	18	18
STONE SEAWALL	287	287
ACCESSORY STRUCTURE	352	388
TOTAL	6,462	5,931
LOT SIZE	11,327	11,327
% LOT COVERAGE	57.0%	52.4%

EXHIBIT B

Thompson Application for Urbanized Shoreland Exemption

Photographs of Buildings Visible from the Shoreline

Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



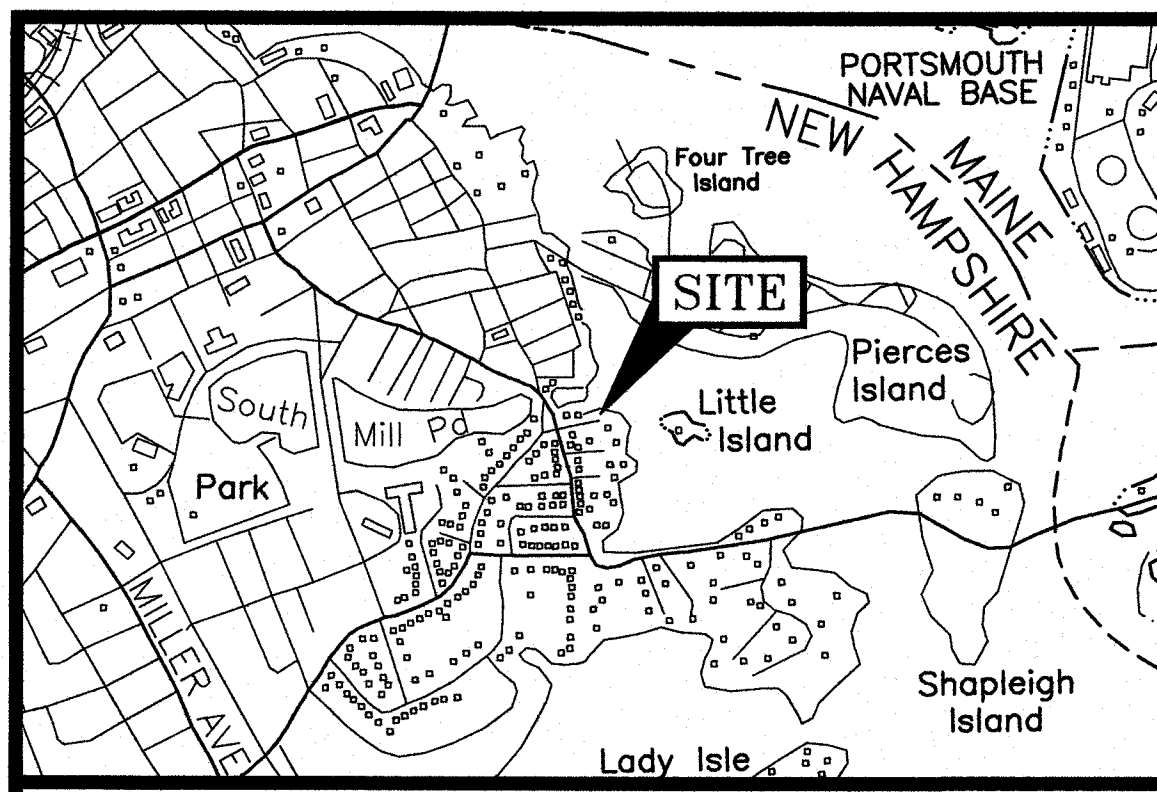
Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



EXHIBIT C

Thompson Application for Urbanized Shoreland Exemption

NHDES Permit Plan C2 – Impervious Area



LOCATION MAP SCALE 1"=1,000'

LEGEND:

- EXISTING**
- N/F
 - RP
 - RCRD
 - RR SPK FND
 - IR FND
 - IP FND
 - DH FND
 - NHHB FND
 - TB FND
 - BND w/DH
 - ST BND w/DH
 - RR SPK SET
 - IR SET
 - IP SET
 - DH SET
 - BND w/DH
 - ST BND w/DH
- NOW OR FORMERLY RECORD OF PROBATE**
- ROCKINGHAM COUNTY
 - REGISTRY OF DEEDS
 - MAP 11 / LOT 21
- RAILROAD SPIKE FOUND/SET**
- IRON ROD FOUND/SET
 - IRON PIPE FOUND/SET
 - DRILL HOLE FOUND/SET
 - NHDOT BOUND FOUND
 - TOWN BOUND FOUND
 - BOUND w/ DRILL HOLE
 - STONE BOUND w/DRILL HOLE
 - HIGHEST OBSERVABLE TIDE LINE
 - WETLAND LINE
 - OVERHEAD ELECTRIC/WIRES
 - CONTOUR
 - SPOT ELEVATION
 - EDGE OF PAVEMENT (EP)
 - WOODS / TREE LINE
 - UTILITY POLE (w/ GUY)
 - HYDRANT
 - METER (GAS, WATER, ELECTRIC)
 - AIR CONDITIONER UNIT
 - SIGNS
 - EDGE OF WETLAND FLAGGING
 - SWAMP / MARSH
 - CORRUGATED METAL PIPE
 - POLYVINYL CHLORIDE PIPE
 - REINFORCED CONCRETE PIPE
 - ELEVATION
 - EDGE OF PAVEMENT
 - FINISHED FLOOR
 - INVERT
 - TEMPORARY BENCHMARK
 - TYPICAL
 - LANDSCAPED AREA

TIE LINES FOR CLOSURE - NOT BOUNDARY LINES

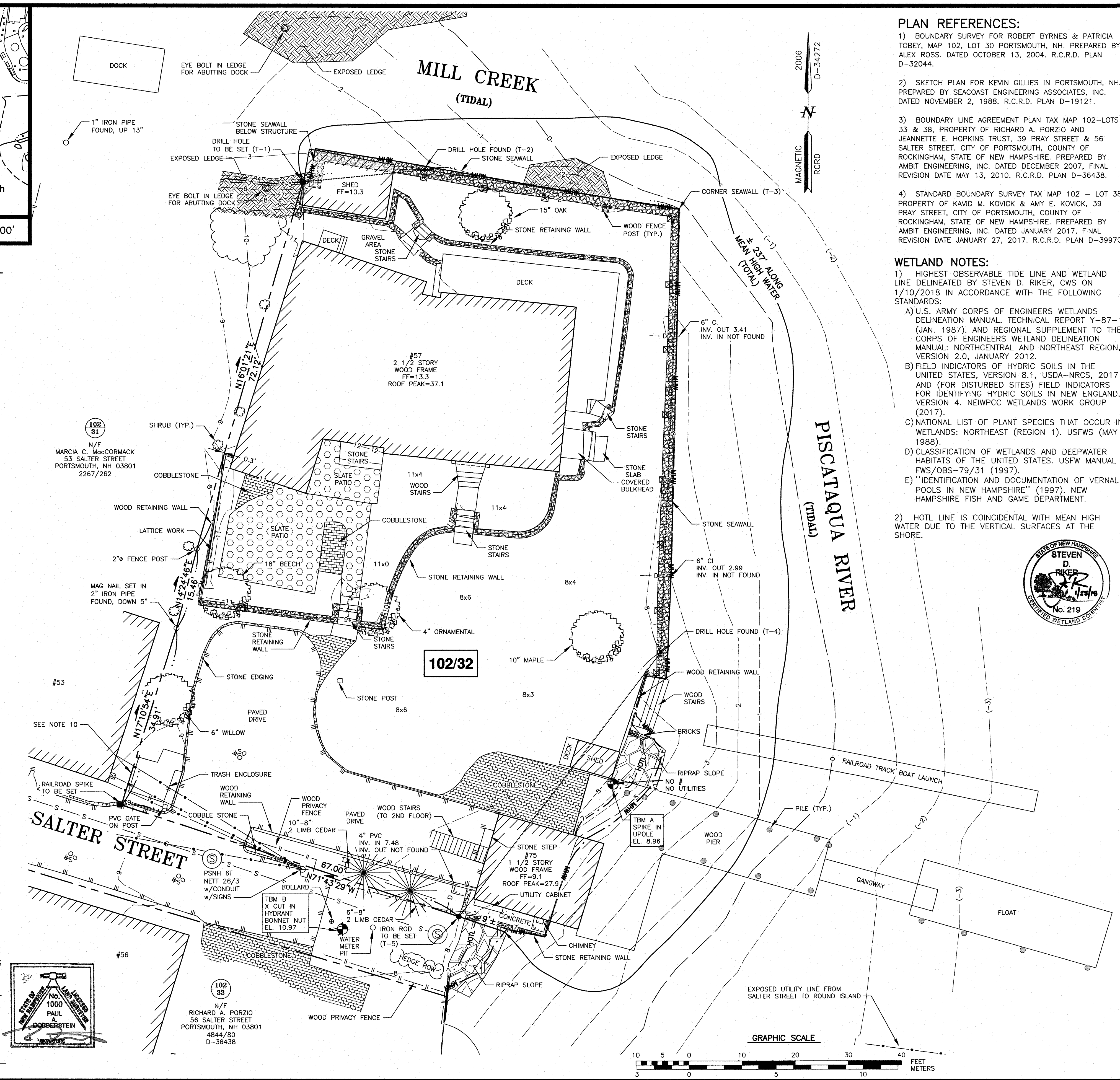
LINE SEGMENT	BEARING	DISTANCE
T-1 TO T-2	N84°15'47"E	23.07'
T-2 TO T-3	S81°21'44"E	48.56'
T-3 TO T-4	S02°22'38"W	83.80'
T-4 TO T-5	S37°13'44"W	62.71'

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 ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

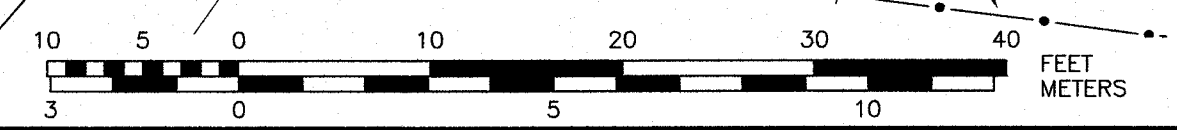
PAUL A. DOBBERSTEIN, LLS #1000

1/25/2018
DATE



- PLAN REFERENCES:**
- BOUNDARY SURVEY FOR ROBERT BYRNES & PATRICIA TOBEY, MAP 102, LOT 30 PORTSMOUTH, NH. PREPARED BY ALEX ROSS. DATED OCTOBER 13, 2004. R.C.R.D. PLAN D-32044.
 - SKETCH PLAN FOR KEVIN GILLIES IN PORTSMOUTH, NH. PREPARED BY SEACOAST ENGINEERING ASSOCIATES, INC. DATED NOVEMBER 2, 1988. R.C.R.D. PLAN D-19121.
 - BOUNDARY LINE AGREEMENT PLAN TAX MAP 102-LOTS 33 & 38, PROPERTY OF RICHARD A. PORZIO AND JEANNETTE E. HOPKINS TRUST, 39 PRAY STREET & 56 SALTER STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2007, FINAL REVISION DATE MAY 13, 2010. R.C.R.D. PLAN D-36438.
 - STANDARD BOUNDARY SURVEY TAX MAP 102 - LOT 38, PROPERTY OF KAVI M. KOVICK & AMY E. KOVICK, 39 PRAY STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED JANUARY 2017, FINAL REVISION DATE JANUARY 27, 2017. R.C.R.D. PLAN D-39970.

- WETLAND NOTES:**
- HIGHEST OBSERVABLE TIDE LINE AND WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 1/10/2018 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2017).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFWS MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
 - HOTL LINE IS COINCIDENTAL WITH MEAN HIGH WATER DUE TO THE VERTICAL SURFACES AT THE SHORE.

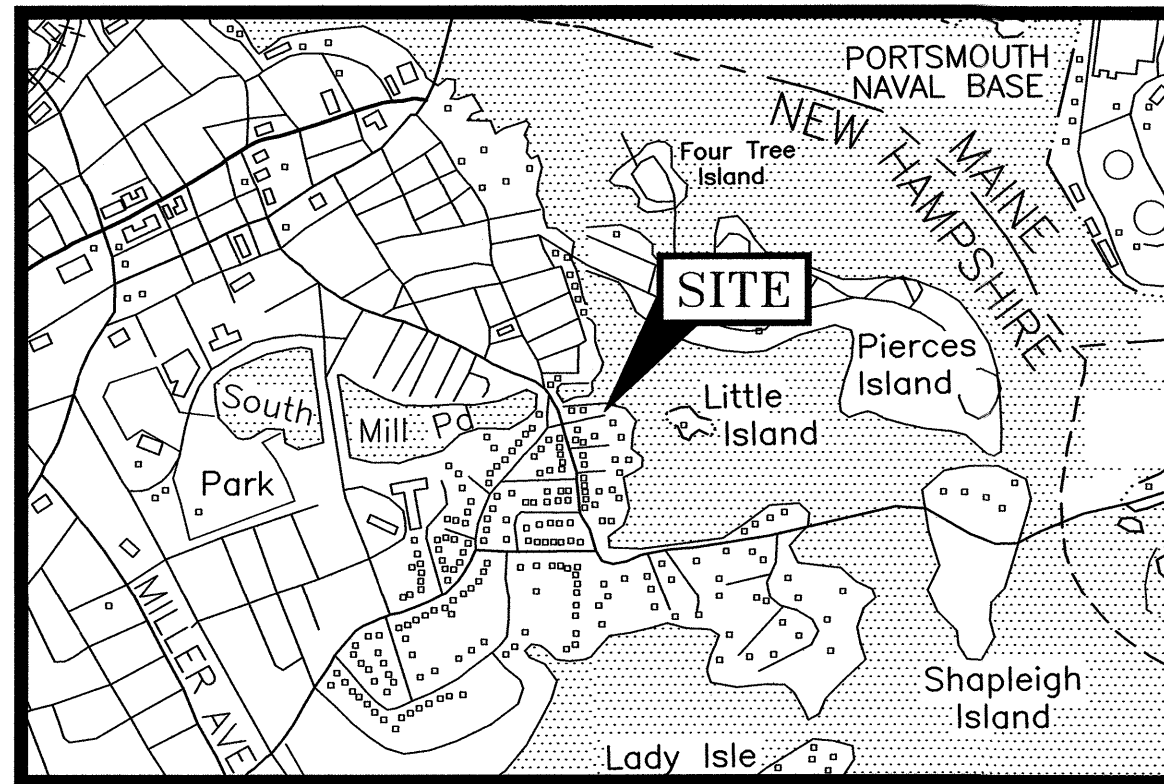


AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 436-9282
Fax (603) 436-2315

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
 - OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
 - PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
 - EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
 - PARCEL IS LOCATED IN (GRB) GENERAL RESIDENCE B AND THE HISTORIC DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 5,000 SQ. FT.
FRONTAGE: 80 FT.
SETBACKS:
FRONT 5 FT.
SIDE 10 FT.
REAR 25 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 25%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF TAX MAP 102 LOT 32.
 - VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
 - MEAN HIGH WATER (MHW) LINE AS SHOWN IS BASED ON NOAA TIDE STATION 8419870 - SEAVEY ISLAND, PORTSMOUTH HARBOR. MHW LINE IS AT ELEVATION 4.59.
 - PARCEL IS SUBJECT TO AND BENEFITS FROM "A RIGHT TO USE, IN COMMON WITH SAID SCHLEGEL THE GATEWAY ON SALTER STREET, WHICH GATEWAY IS PARTLY ON EITHER SIDE OF SAID STRAIGHTENED BOUNDARY LINE." LAND OF SAID SCHLEGEL IS NOW LAND OF MacCORMACK. SEE RCRD 676/123.
 - LOT IS ENTIRELY WITHIN THE 100' TIDAL BUFFER ZONE.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	1/25/18

STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY
TAX MAP 102 - LOT 32
OWNER
MARGOT L. THOMPSON
57 SALTER STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



LOCATION MAP SCALE 1"=1,000'

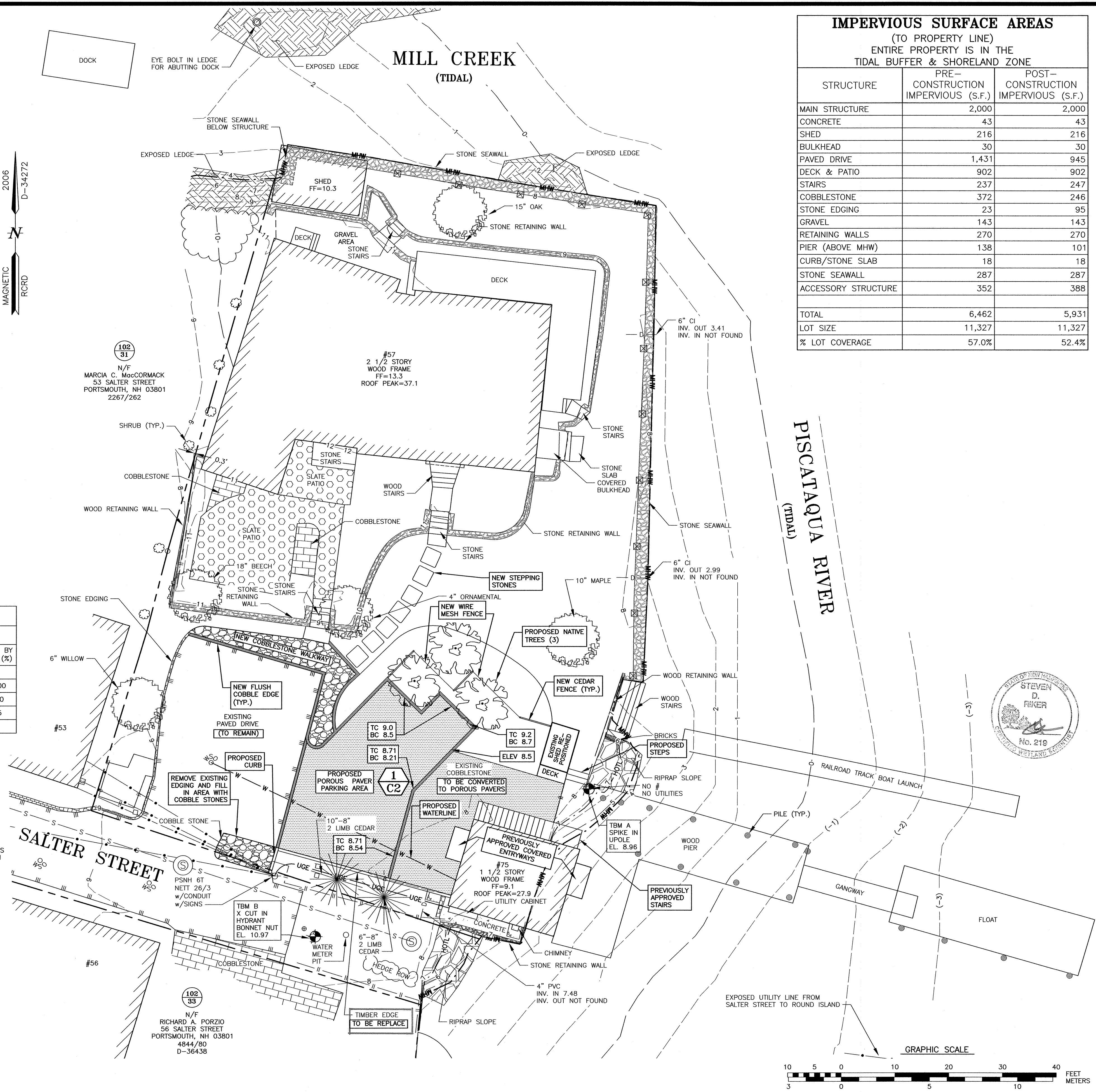
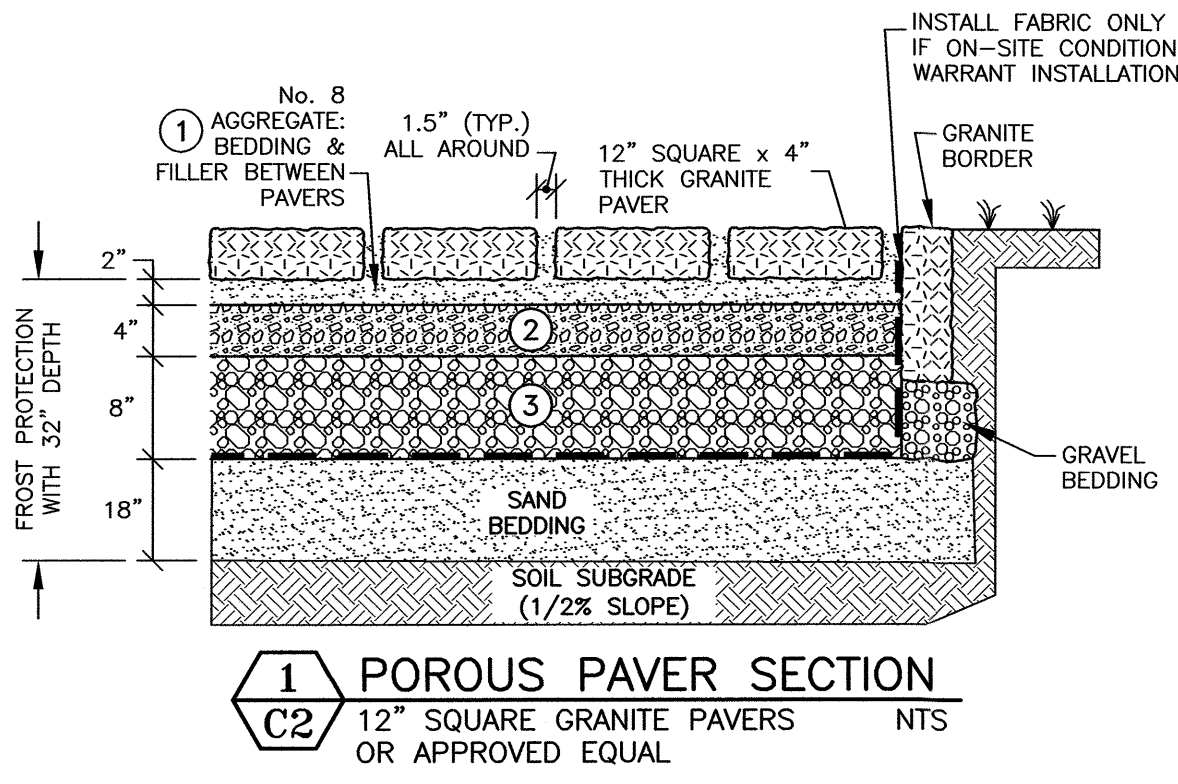
LEGEND:

- EXISTING**
- N/F RP RCRD
 - RR SPK FND
 - IR FND
 - IP FND
 - DH FND
 - NHFB FND
 - TB FND
 - BND w/DH
 - ST BND w/DH
 - UNDERGROUND ELECTRIC
 - OVERHEAD ELECTRIC/WIRES
 - CONTOUR
 - EDGE OF PAVEMENT (EP)
 - WOODS / TREE LINE
 - PHOTO LOCATIONS
 - SPOT ELEVATION
- NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21**
- RR SPK SET
 - IR SET
 - IP SET
 - DH SET
 - BND w/DH
 - ST BND w/DH
 - RAILROAD SPIKE FOUND/SET
 - IRON ROD FOUND/SET
 - IRON PIPE FOUND/SET
 - DRILL HOLE FOUND/SET
 - NHDT BOUND FOUND
 - TOWN BOUND FOUND
 - BOUND w/ DRILL HOLE
 - STONE BOUND w/DRILL HOLE

ASTM D 448 GRADATION TABLE

①		②		③	
ASTM No. 8 BEDDING & JOINT FILLER		ASTM No. 57 STONE OPEN GRADED BASE		ASTM No. 2 STONE SUBBASE	
SIEVE SIZE	PASSING BY WEIGHT (%)	SIEVE SIZE	PASSING BY WEIGHT (%)	SIEVE SIZE	PASSING BY WEIGHT (%)
1/2" (12.5mm)	100	1.5" (37.5mm)	100	3" (75mm)	100
3/8" (9.5mm)	85-100	1" (25mm)	95-100	2.5" (63mm)	90-100
No. 4 (4.75mm)	10-30	1/2" (12.5mm)	25-60	2" (50mm)	35-70
No. 8 (2.36mm)	0-10	No. 4 (4.75mm)	0-10	1.5" (37.5mm)	0-15
No. 16 (1.16mm)	0-5	No. 8 (2.36mm)	0-5	3/4" (19mm)	0-5

- NOTES:
- PAVING SYSTEM BASE DESIGN IS SIMILAR TO BASE REQUIRED FOR THE UNI ECO-STONE PAVER. INSTALLATION SHALL FOLLOW MANUFACTURER'S INSTRUCTIONS FOR PLACEMENT OF BASE MATERIALS.
 - ALL STONE SHALL BE ANGULAR, WITH 90% FRACTURED FACES. STONE SHALL BE WASHED WITH LESS THAN 1% PASSING THE 200 SIEVE.
 - CONTRACTOR SHALL SUBMIT SIEVE ANALYSIS FOR EACH COURSE MATERIAL TO PROJECT ENGINEER FOR APPROVAL PRIOR TO PLACEMENT.



IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)
ENTIRE PROPERTY IS IN THE
TIDAL BUFFER & SHORELAND ZONE

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	2,000	2,000
CONCRETE	43	43
SHED	216	216
BULKHEAD	30	30
PAVED DRIVE	1,431	945
DECK & PATIO	902	902
STAIRS	237	247
COBBLESTONE	372	246
STONE EDGING	23	95
GRAVEL	143	143
RETAINING WALLS	270	270
PIER (ABOVE MHW)	138	101
CURB/STONE SLAB	18	18
STONE SEAWALL	287	287
ACCESSORY STRUCTURE	352	388
TOTAL	6,462	5,931
LOT SIZE	11,327	11,327
% LOT COVERAGE	57.0%	52.4%

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

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
 - OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
 - PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
 - EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
 - PARCEL IS LOCATED IN (GRB) GENERAL RESIDENCE B AND THE HISTORIC DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 5,000 SQ. FT.
FRONTAGE: 80 FT.
SETBACKS:
FRONT 5 FT.
SIDE 10 FT.
REAR 25 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 25%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE IMPROVEMENTS ON TAX MAP 102 LOT 32.
 - THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
 - VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
 - MEAN HIGH WATER (MHW) LINE AS SHOWN IS BASED ON NOAA TIDE STATION 8419870 - SEAVEY ISLAND, PORTSMOUTH HARBOR. MHW LINE IS AT ELEVATION 4.59.

THOMPSON RESIDENCE
57 SALTER STREET
PORTSMOUTH, N.H.

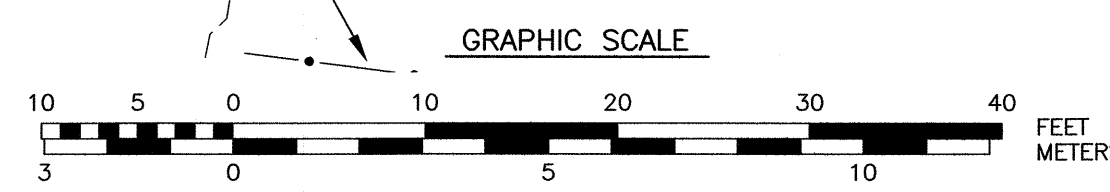
NO.	DESCRIPTION	DATE
2	REVISED UTILITIES	4/29/20
1	ISSUED FOR PERMITTING	4/10/20
0	ISSUED FOR APPROVAL	3/5/20

REVISIONS

SCALE: 1"=10' MARCH 2020

NHDES PERMIT PLAN

C2



L:\JOB52\122809\N. 2850\N. 2850\N. 2858\2017 - Accessory Dwelling Unit\Plans & Specs\Site\2858 SITE 2018.dwg, C2

EXHIBIT D

Thompson Application for Urbanized Shoreland Exemption

Photographs of Unit 1 – Past and Current Conditions

Pictures of Unit 1 at Salter Street – Circa 1990







Picture of Unit 1 at Salter Street – Circa 1994



Picture of Unit 1 at Salter Street – Circa 2021



Picture of 57 Salter Street – Units 1 and 2 – Circa 2021



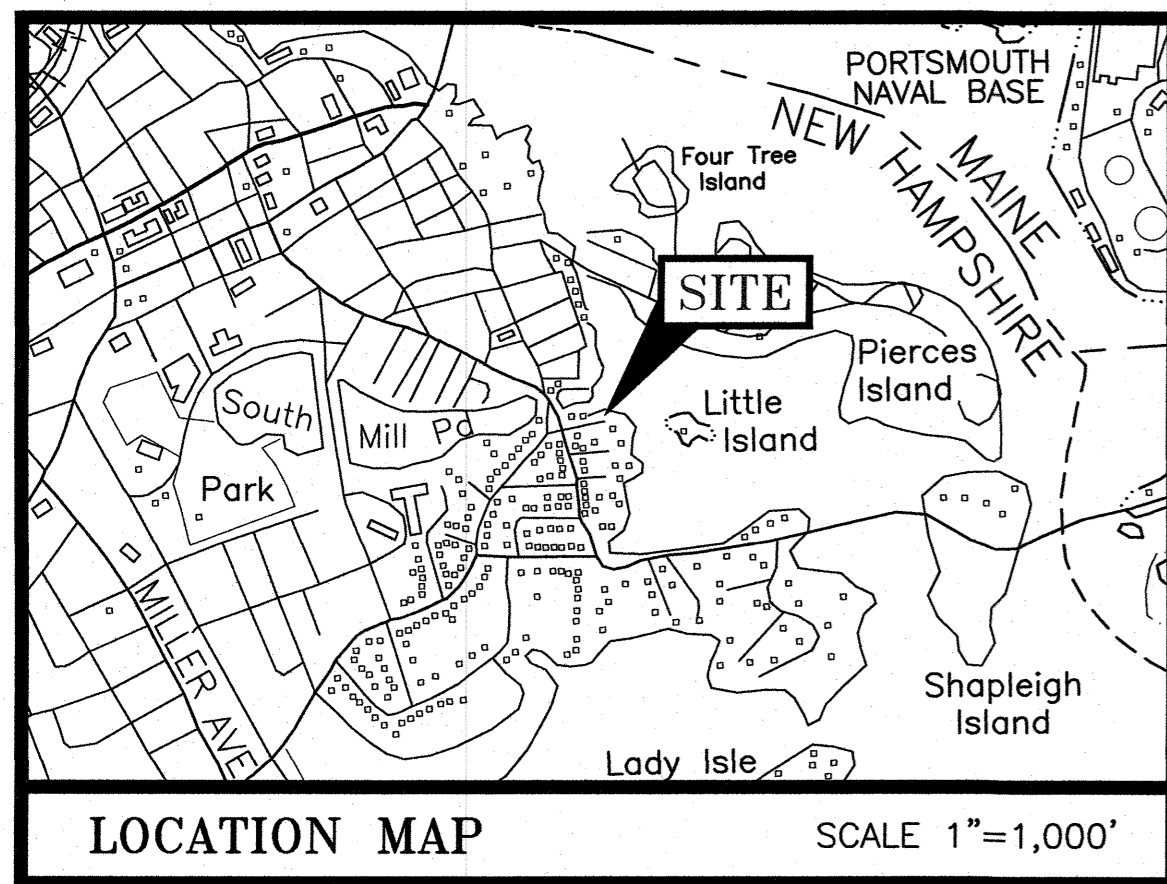
Picture of Unit 2 – 57 Salter Street – Circa 2021



EXHIBIT E

Thompson Application for Urbanized Shoreland Exemption

November 28, 2018 Variance Application Plans



LOCATION MAP SCALE 1"=1,000'

LEGEND:

EXISTING		
N/F	RR SPK FND	NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
IRP	IR FND	RAILROAD SPIKE FOUND/SET
RCRD	IP FND	IRON ROD FOUND/SET
	IP SET	IRON PIPE FOUND/SET
	DH FND	DRILL HOLE FOUND/SET
	DH SET	NHDOT BOUND FOUND
	NHHB FND	TOWN BOUND FOUND
	TB FND	BOUND w/ DRILL HOLE
	BND w/DH	STONE BOUND w/DRILL HOLE
	ST BND w/DH	HIGHEST OBSERVABLE TIDE LINE
	HTL	WETLAND LINE
		OVERHEAD ELECTRIC/WIRES
		CONTOUR
		SPOT ELEVATION
		EDGE OF PAVEMENT (EP)
		WOODS / TREE LINE
		UTILITY POLE (w/ GUY)
		HYDRANT
		METER (GAS, WATER, ELECTRIC)
		AIR CONDITIONER UNIT
		SIGNS
		EDGE OF WETLAND FLAGGING
		SWAMP / MARSH
		CORRUGATED METAL PIPE
		POLYVINYL CHLORIDE PIPE
		REINFORCED CONCRETE PIPE
		ELEVATION
		EDGE OF PAVEMENT
		FINISHED FLOOR
		INVERT
		TEMPORARY BENCHMARK
		TYPICAL
		LANDSCAPED AREA

TIE LINES FOR CLOSURE- NOT BOUNDARY LINES

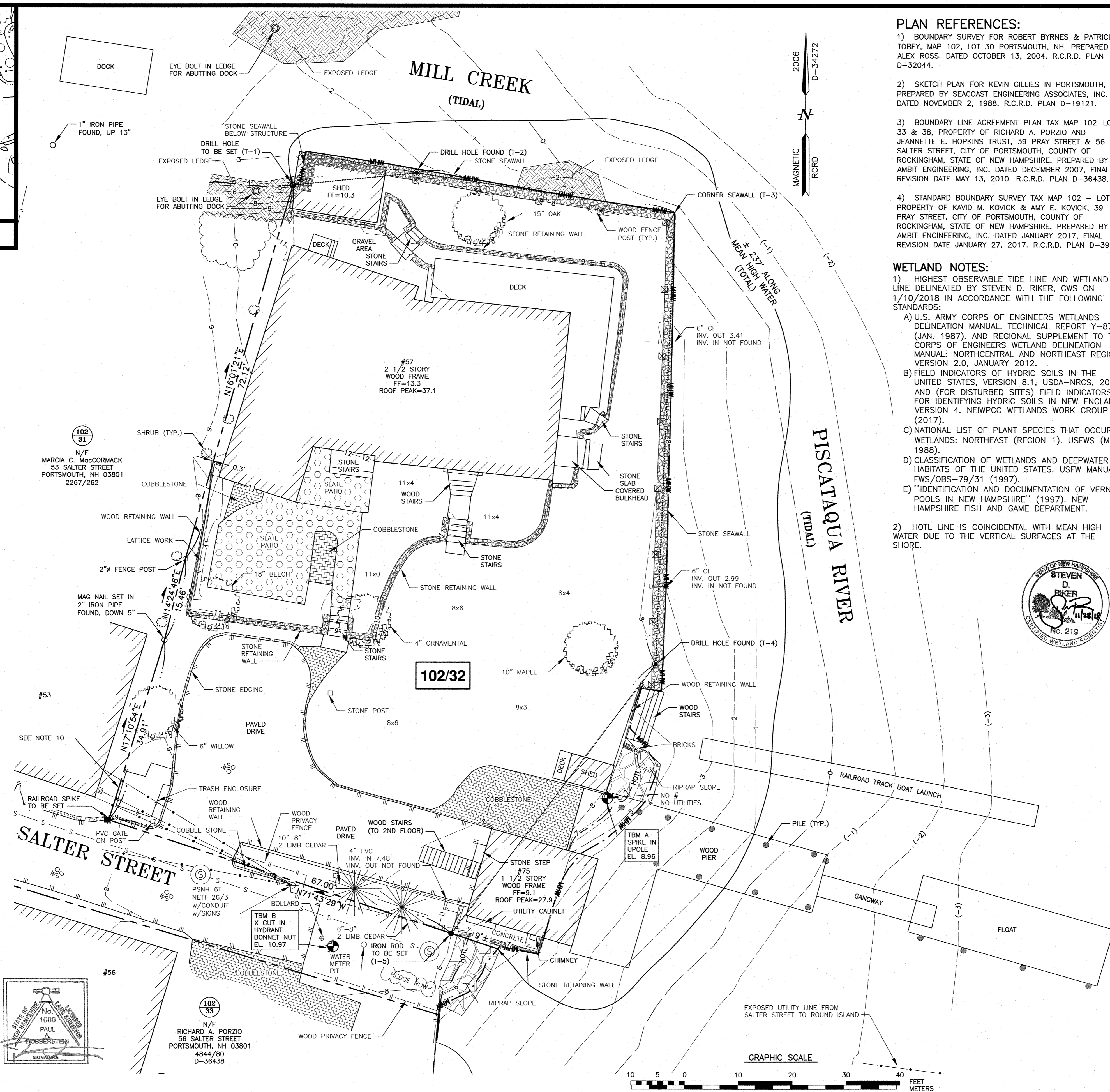
LINE SEGMENT	BEARING	DISTANCE
T-1 TO T-2	N84°15'47"E	23.07'
T-2 TO T-3	S81°21'44"E	48.56'
T-3 TO T-4	S02°22'38"W	83.80'
T-4 TO T-5	S37°13'44"W	62.71'

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 ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

PAUL A. DOBBERSTEIN, LLS #1000

11/28/2018 DATE



PLAN REFERENCES:

- BOUNDARY SURVEY FOR ROBERT BYRNES & PATRICIA TOBEY, MAP 102, LOT 30 PORTSMOUTH, NH. PREPARED BY ALEX ROSS. DATED OCTOBER 13, 2004. R.C.R.D. PLAN D-32044.
- SKETCH PLAN FOR KEVIN GILLIES IN PORTSMOUTH, NH. PREPARED BY SEACOAST ENGINEERING ASSOCIATES, INC. DATED NOVEMBER 2, 1988. R.C.R.D. PLAN D-19121.
- BOUNDARY LINE AGREEMENT PLAN TAX MAP 102-LOTS 33 & 38, PROPERTY OF RICHARD A. PORZIO AND JEANNETTE E. HOPKINS TRUST, 39 PRAY STREET & 56 SALTER STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2007, FINAL REVISION DATE MAY 13, 2010. R.C.R.D. PLAN D-36438.
- STANDARD BOUNDARY SURVEY TAX MAP 102 - LOT 38, PROPERTY OF KAVID M. KOVICK & AMY E. KOVICK, 39 PRAY STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED JANUARY 2017, FINAL REVISION DATE JANUARY 27, 2017. R.C.R.D. PLAN D-39970.

WETLAND NOTES:

- HIGHEST OBSERVABLE TIDE LINE AND WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 1/10/2018 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2017).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- HTL LINE IS COINCIDENTAL WITH MEAN HIGH WATER DUE TO THE VERTICAL SURFACES AT THE SHORE.



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

NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
- OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
- PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
- EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
- PARCEL IS LOCATED IN THE WATERFRONT BUSINESS (WB) AND THE HISTORIC DISTRICT.
- DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 SQ. FT.
FRONTAGE: 100 FT.
SETBACKS:
FRONT 30 FT.
SIDE 30 FT.
REAR 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF TAX MAP 102 LOT 32.
- VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
- MEAN HIGH WATER (MHW) LINE AS SHOWN IS BASED ON NOAA TIDE STATION 8419870 - SEAVEY ISLAND, PORTSMOUTH HARBOR. MHW LINE IS AT ELEVATION 4.59.
- PARCEL IS SUBJECT TO AND BENEFITS FROM "A RIGHT TO USE, IN COMMON WITH SAID SCHLEGEL THE GATEWAY ON SALTER STREET, WHICH GATEWAY IS PARTLY ON EITHER SIDE OF SAID STRAIGHTENED BOUNDARY LINE." LAND OF SCHLEGEL IS NOW LAND OF McCORMACK. SEE RCRD 676/123.
- LOT IS ENTIRELY WITHIN THE 100' TIDAL BUFFER ZONE.

**BUILDING RENOVATION
THOMPSON RESIDENCE
57 SALTER STREET
PORTSMOUTH, N.H.**

NO.	REVISIONS	DATE
1	REVISED PER COMMENTS	11/28/18
0	ISSUED FOR COMMENT	11/27/18

NO.	DESCRIPTION	DATE

SCALE 1"=10' NOVEMBER 2018

EXISTING CONDITIONS PLAN

C1



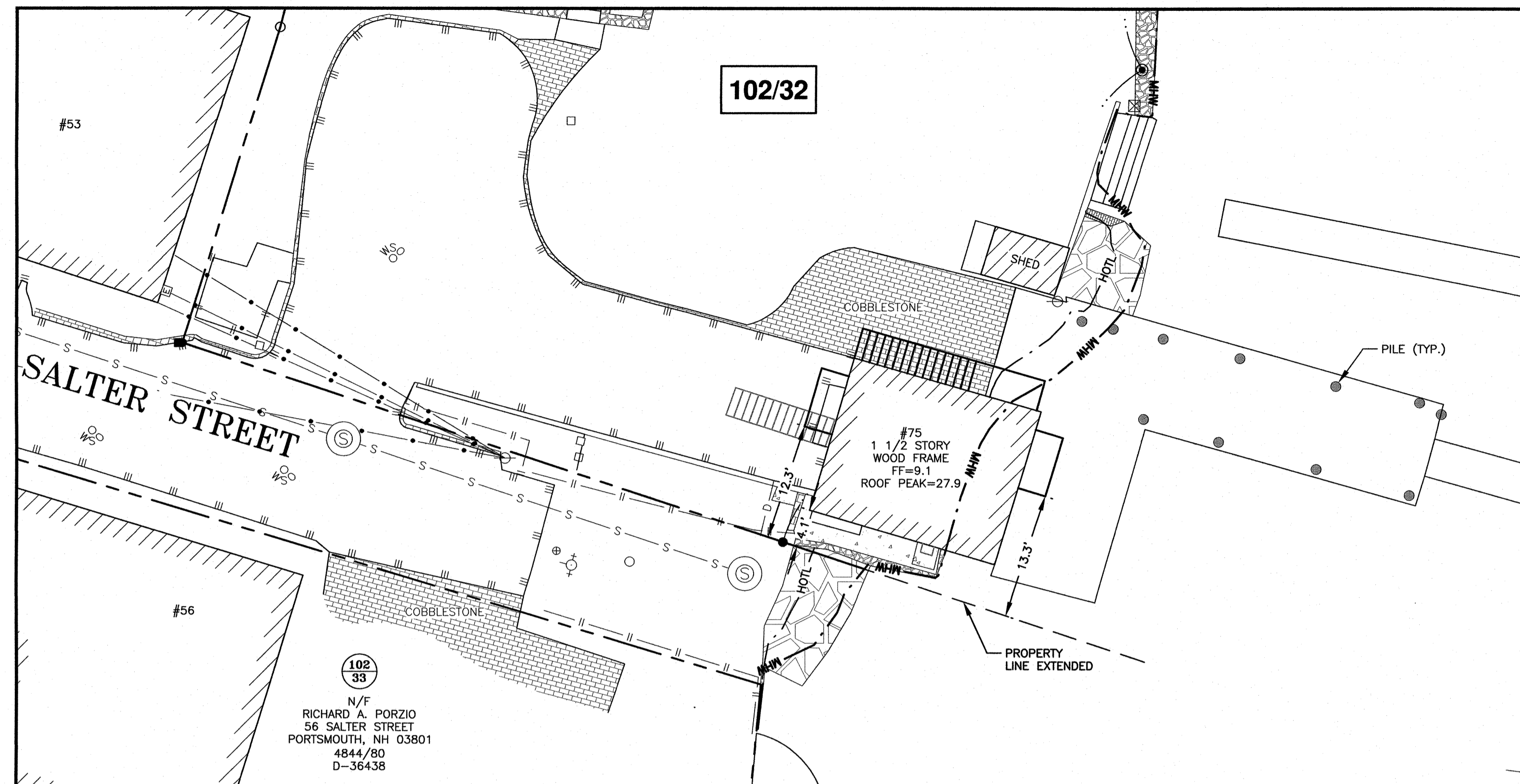
AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

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

LEGEND:

EXISTING		NOW OR FORMERLY RECORD OF PROBATE	
N/F	RR SPK FND	RR SPK SET	RAILROAD SPIKE FOUND/SET
RP	IR FND	IR SET	IRON ROD FOUND/SET
RCRD	IP FND	IP SET	IRON PIPE FOUND/SET
(11/21)	DH FND	DH SET	DRILL HOLE FOUND/SET
	NHFB FND		NHDOT BOUND FOUND
	TB FND		TOWN BOUND FOUND
	BND w/DH	BND w/DH	BOUND w/ DRILL HOLE
	ST BND w/DH	ST BND w/DH	STONE BOUND w/DRILL HOLE
			HIGHEST OBSERVABLE TIDE LINE
			WETLAND LINE
			OVERHEAD ELECTRIC/WIRES
			CONTOUR
			SPOT ELEVATION
			EDGE OF PAVEMENT (EP)
			WOODS / TREE LINE
			UTILITY POLE (w/ GUY)
			HYDRANT
			METER (GAS, WATER, ELECTRIC)
			AIR CONDITIONER UNIT
			SIGNS
			EDGE OF WETLAND FLAGGING
			SWAMP / MARSH
			CORRUGATED METAL PIPE
			POLYVINYL CHLORIDE PIPE
			REINFORCED CONCRETE PIPE
			ELEVATION
			EDGE OF PAVEMENT
			FINISHED FLOOR
			INVERT
			TEMPORARY BENCHMARK
			TYPICAL
			LANDSCAPED AREA



SETBACK PLAN

2006
 D-34272
 MAGNETIC
 RCRD

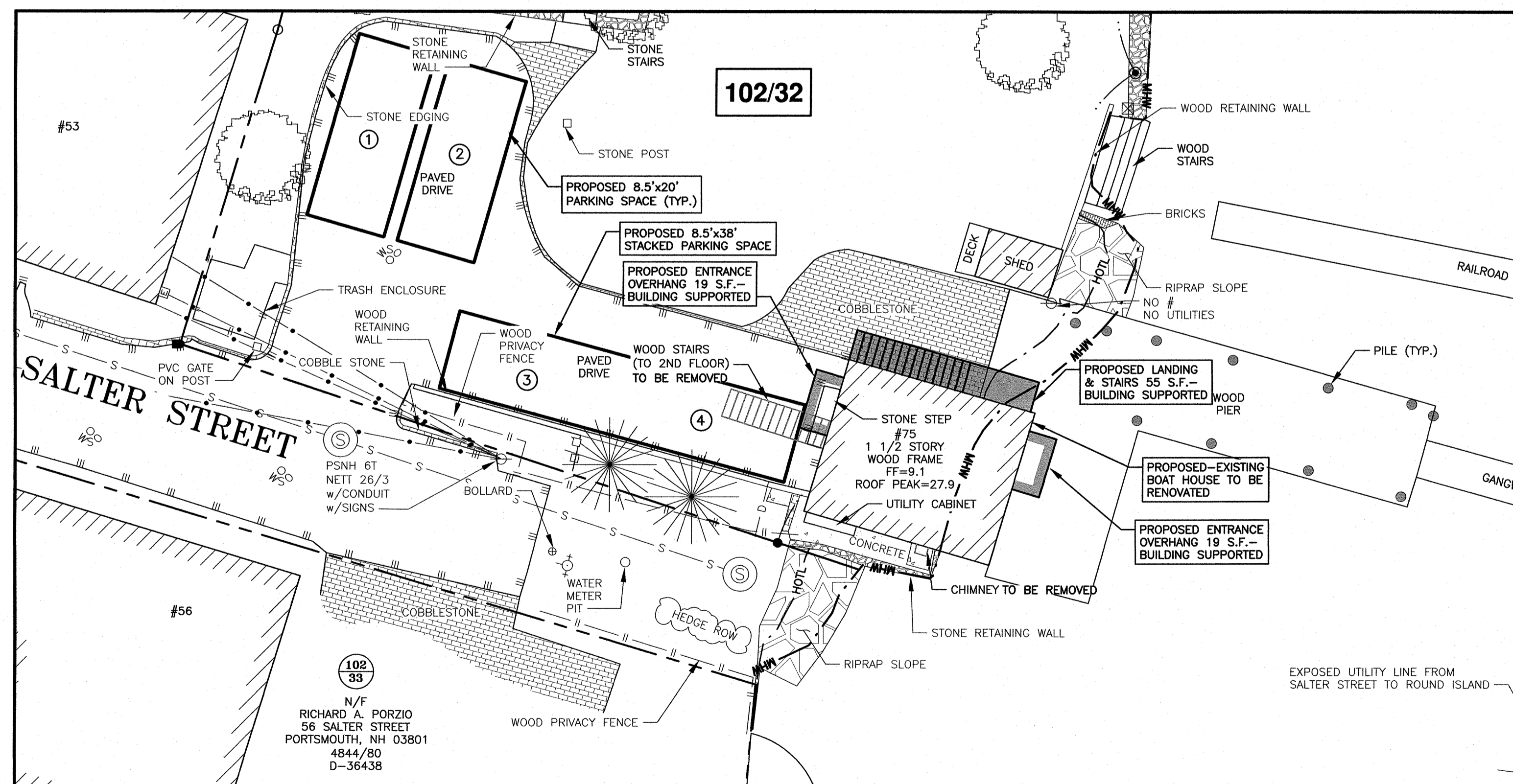
NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
- 2) OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
- 3) PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
- 4) EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
- 5) PARCEL IS LOCATED IN THE WATERFRONT BUSINESS (WB) AND THE HISTORIC DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 SQ. FT.
FRONTAGE: 100 FT.
SETBACKS:
FRONT 30 FT.
SIDE 30 FT.
REAR 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS TO AN EXISTING BOATHOUSE.
- 8) LOT IS ENTIRELY WITHIN THE NHDES 100' TIDAL BUFFER ZONE.
- 9) EXISTING AND PROPOSED OPEN SPACE IS 41.3%. NOTE THERE IS NO PROPOSED CHANGE IN OPEN SPACE.

STRUCTURE COVERAGE AREAS (TO PROPERTY LINES)

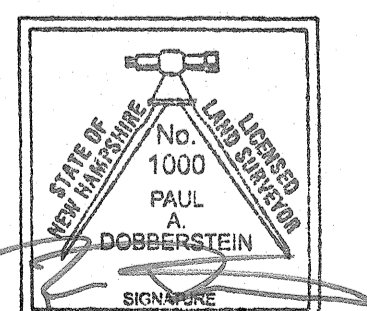
STRUCTURE	PRE-CONSTRUCTION COVERAGE (S.F.)	POST-CONSTRUCTION COVERAGE (S.F.)
MAIN STRUCTURE	2,000	2,000
BOAT HOUSE*	259	278
SHEDS	209	209
DECK & STAIRS	551	577
TOTAL	3,019	3,064
AREA OF LOT	11,327	11,327
% LOT COVERAGE	26.7%	27.1%

*THE PORTION OF THE BOAT HOUSE THAT IS OVER THE PROPERTY LINE (MEAN HIGH WATER) IS 86 S.F. TOTAL BOAT HOUSE FOOTPRINT IS 345 S.F.



SITE PLAN

"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 ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."



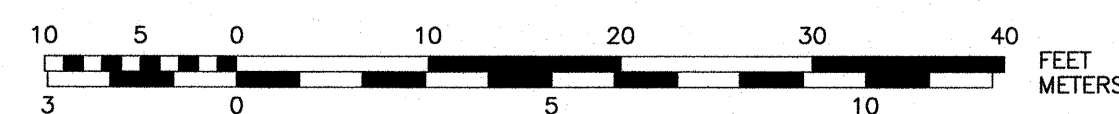
PAUL A. DOBBERSTEIN, LLS

11/28/2018
DATE

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____

GRAPHIC SCALE



BUILDING RENOVATION THOMPSON RESIDENCE 57 SALTER STREET PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISED PER COMMENTS	11/28/18
0	ISSUED FOR COMMENT	11/27/18

REVISIONS

SCALE 1"=10' NOVEMBER 2018

VARIANCE APPLICATION PLAN

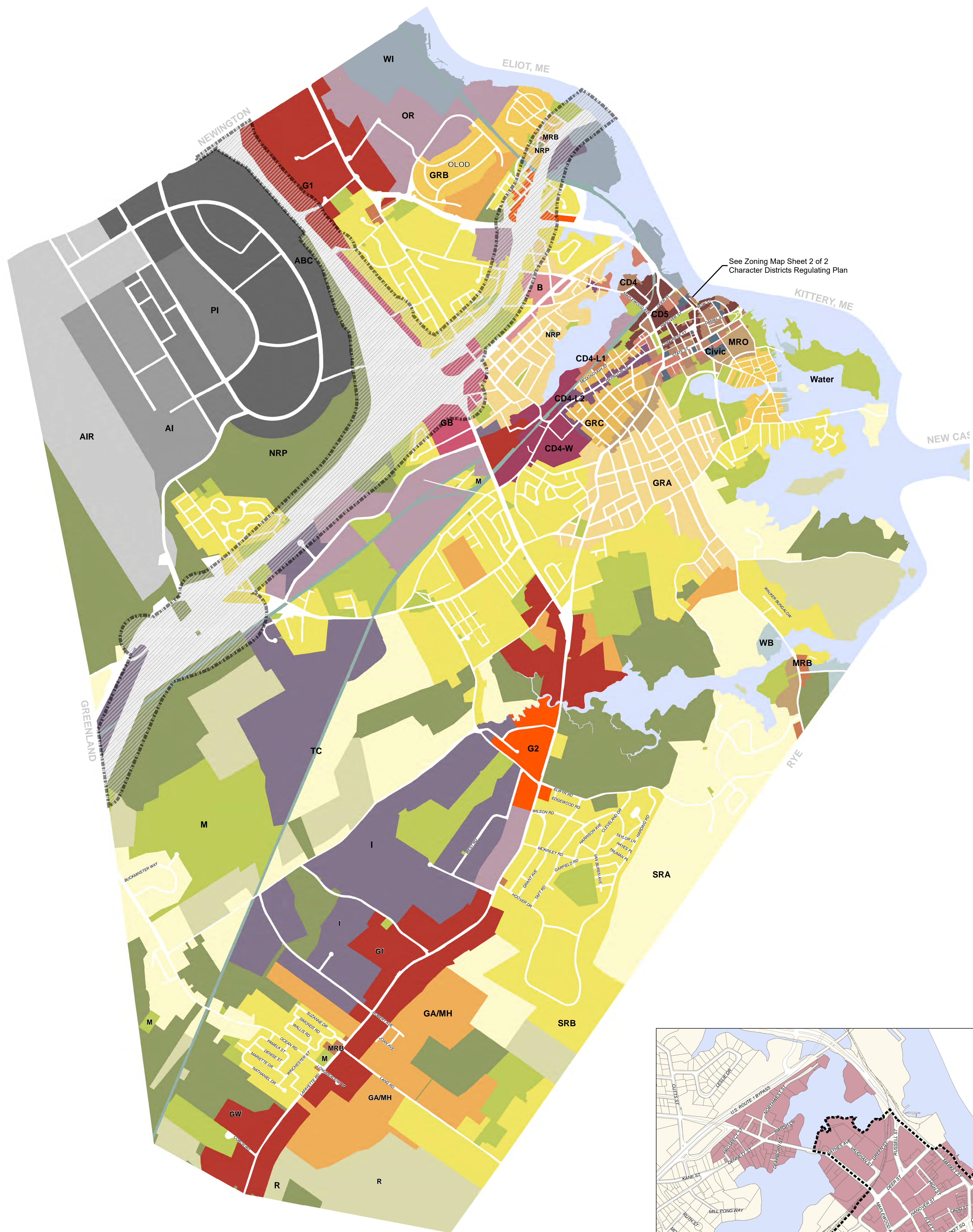
C2

EXHIBIT F

**Thompson Application for Urbanized Shoreland Exemption
City of Portsmouth Zoning Maps**

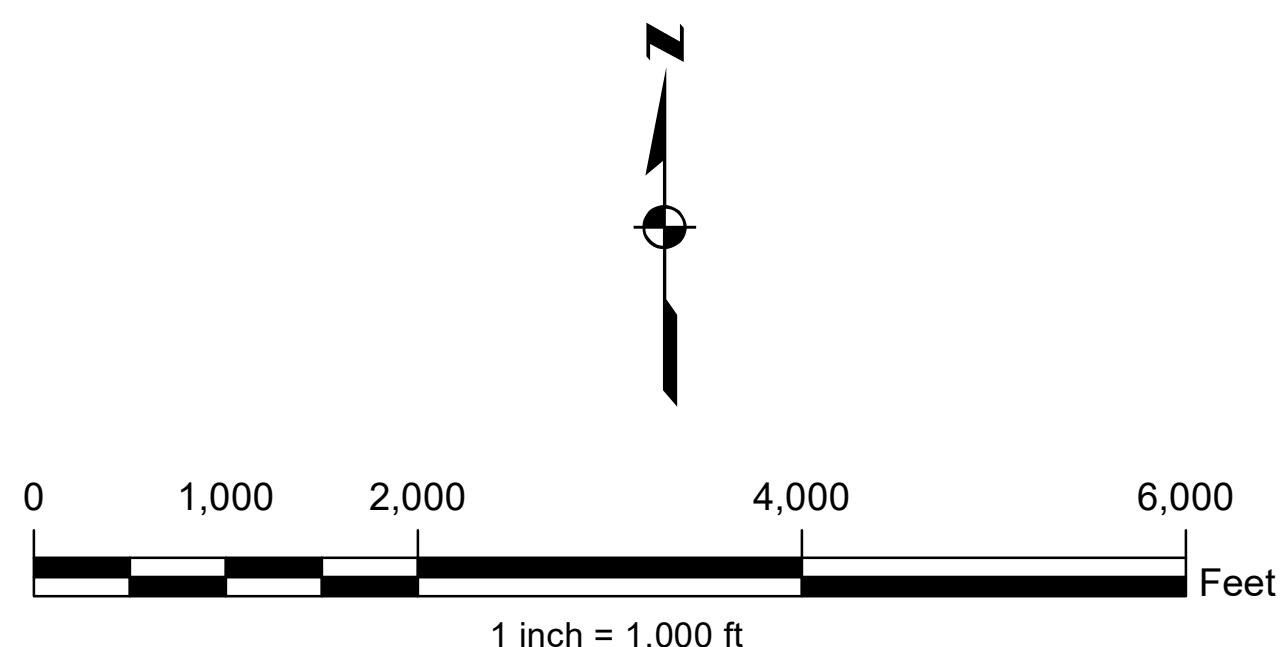
City of Portsmouth Zoning Map

Sheet 1 of 2



Legend

- Character Districts**
- Character-Based Zoning Area (Refer to Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
- Residential Districts**
- R Rural
 - SRA Single Residence A
 - SRB Single Residence B
 - GRA General Residence A
 - GRB General Residence B
 - GRC General Residence C
 - GAMH Garden Apartment/Mobile Home Park
- Mixed Residential Districts**
- MRO Mixed Residential Office
 - MRB Mixed Residential Business
 - G1 Gateway Corridor
 - G2 Gateway Center
- Business Districts**
- GB General Business
 - B Business
 - WB Waterfront Business
- Industrial Districts**
- OR Office Research
 - I Industrial
 - WI Waterfront Industrial
- Airport Districts**
- AIR Airport
 - AI Airport Industrial
 - PI Pease Industrial
 - ABC Airport Business Commercial
- Other Districts**
- M Municipal
 - NRP Natural Resource Protection
 - TC Transportation Corridor
- Overlay Districts**
- OLOD Osprey Landing Overlay District
 - HNOD Highway Noise Overlay District
 - DOD Downtown Overlay District (See Inset Map and Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
 - HD Historic District (See Inset Map)
 - FP Flood Plain District (See FEMA Flood Insurance Rate Map)



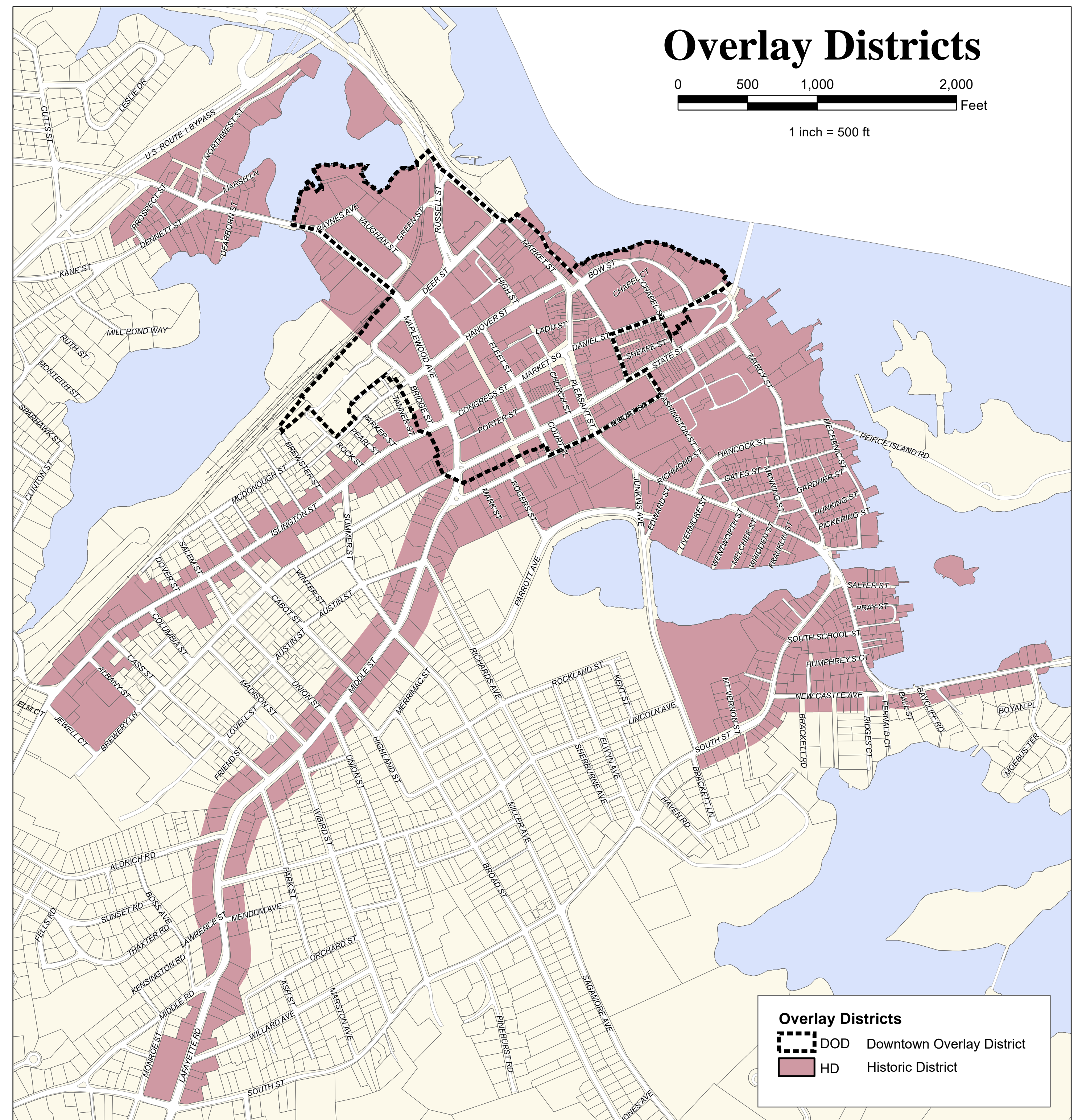
Adopted by City Council: December 21, 2009
Effective date: January 1, 2010
As Amended Through: February 4, 2019



Map prepared by Portsmouth Planning Department 3/1/2019

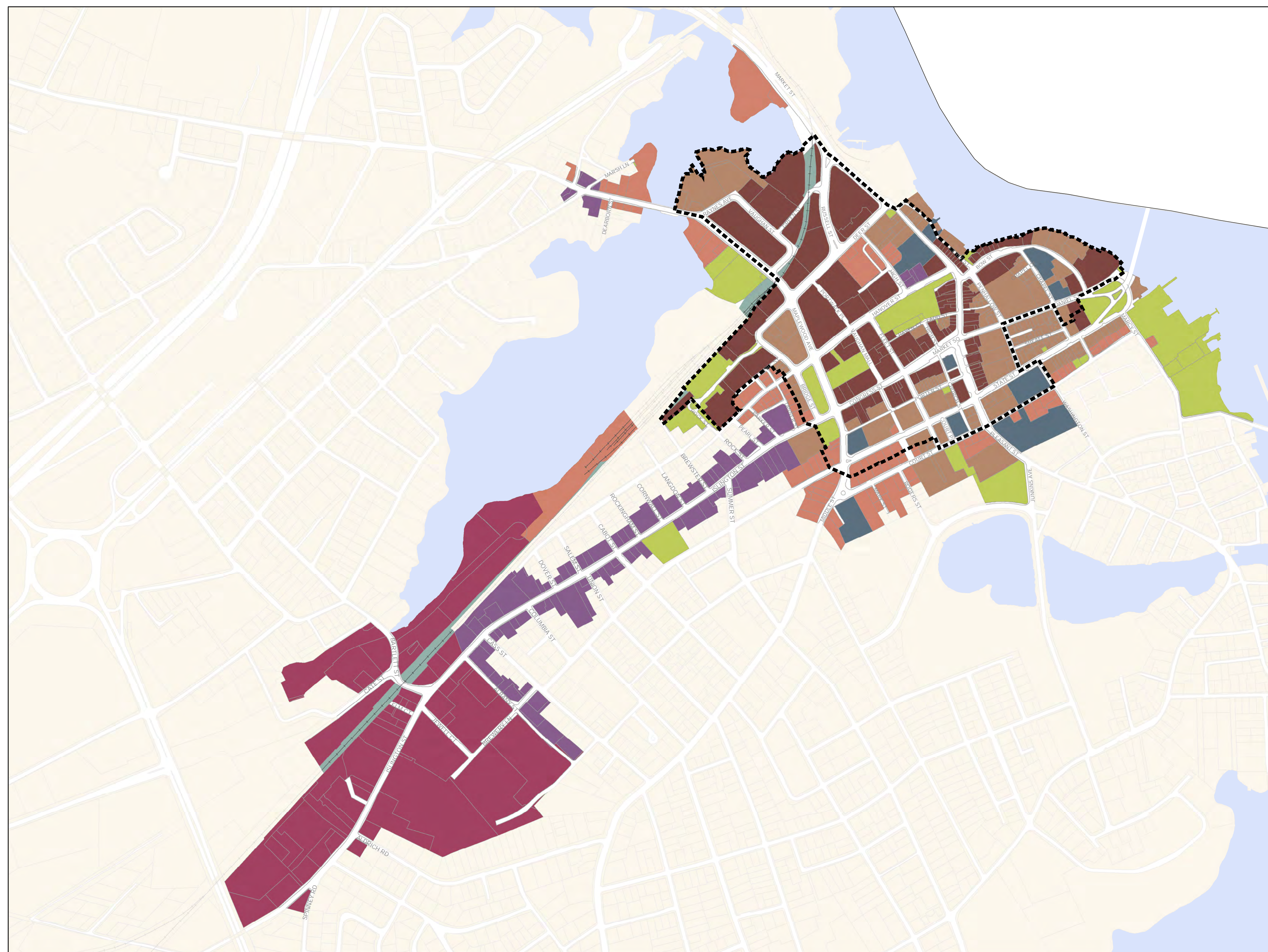
Amendments

- June 21, 2010 - Rezone Assessor's Map 201, Lots 3-8 (1-8 Sagamore Grove) from Waterfront Business (WB) to Single Residence B (SRB)
- October 18, 2010 - Rezone Assessor's Map 285, Lot 12 (2700 Lafayette Road) from Municipal (M) to Gateway (GW)
- June 6, 2011 - Rezone a portion of Assessor's Map 116, Lot 44 (54 Rogers Street) from Municipal (M) to Mixed Residential Office (MRO)
- November 13, 2012 - Rezone Assessor's Map 105, Lot 19 (143 Daniel Street) from Municipal (M) to Central Business B (CBB) and to place that property in the Downtown Overlay District (DOD)
- April 21, 2014 - Adoption of Character Based Zoning Districts as shown on Maps 10.5A21A-C
- July 20, 2015 - Rezone the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW): Assessor's Map 163, Lots 33, 34 and 37; Assessor's Map 165, Lots 1, 2 and 14; Assessor's Map 172, Lots 1 and 2; and Assessor's Map 173, Lots 2 and 10
- August 17, 2015 - Expansion of Character Based Zoning Districts as shown on Maps 10.5A21A-C
- December 21, 2015 - Portion of Map 201, Lot 1 rezoned from Waterfront Business to Single Residence B
- April 25, 2016 - Rezone to following lots or parts thereof to the Transportation Corridor District: Assessor's Map 165, Lot 4; Assessor's Map 234, Lot 2A; Part of Assessor's Map 124, Lot 4; Assessor's Map 125, Lot 20; Assessor's Map 124, Lot 13; Assessor's Map 119, Lot 3; and Part of Assessor's Map 119, Lot 5
- July 11, 2016 - Expansion of Character Based Zoning Districts as shown on Maps 10.5A21A-C
- July 11, 2016 - Rezone the following lots from Character District 4.1, Mixed Residence Business, Business and Central Business B to General Residence C: Assessor's Map 139, Lots 2, 3, 4, 5 and 6; Assessor's Map 144, Lot 40; Assessor's Map 145, Lots 14, 19, 20, 21, 29 and 30; Assessor's Map 146, Lots 19, 20, 21, 22 and 23; Assessor's Map 147, Lots 22, 23, 24, 25, 26, 27, 28, 29, 30 and 30A; Assessor's Map 156, Lots 24 and 35; Assessor's Map 157, Lots 10, 11, 12, 13 and 14
- December 4, 2017 - Adoption of Gateway Mixed Use Districts, Gateway Corridor (G1) and Gateway Center (G2) including the following: Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G1) that are located south of Campus Drive to the Portsmouth/Vine border. Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G1) that are located south of Middle Road and north of Sagamore Creek. Rezone the following lots from Gateway to Gateway Neighborhood Mixed Use Corridor (G1): Assessor's Map 163 Lot 33, Map 163 Lot 34, Map 163 Lot 37, Map 165 Lot 2, Map 172 Lot 1, Map 172 Lot 2, Map 173 Lot 2, and Map 173 Lot 10. Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G2) that are located south of Sagamore Creek and north of Wilson Road. Rezone the following lots from General Business to Gateway Neighborhood Mixed Use Corridor (G1) that are located along Spaulding Turnpike west of Echo Avenue to the Newington border and from the intersection of Woodbury Ave and Market St west to the Newington border along Woodbury Ave. Rezone a portion of the following lots from General Business to Gateway Neighborhood Mixed Use Corridor (G1): Assessor's Map 217 Lot 1, Map 217 Lot 2A. Rezone the following lots from General Business to Gateway Neighborhood Mixed Use Center (G2): Assessor's Map 218 Lot 22, Map 218 Lot 24, Map 218 Lot 25, Map 218 Lot 28, Map 218 Lot 29, Map 218 Lot 30, Map 218 Lot 32, Map 218 Lot 33, Map 218 Lot 34, Map 218 Lot 38, and Map 218 Lot 39. Rezone the following lots from Single Residence B to Gateway Neighborhood Mixed Use Center (G2): Assessor's Map 210 Lot 2, Map 210 Lot 3, Map 210 Lot 4, and Map 210 Lot 5. Rezone the following lots from Garden Apartment / Mobile Home to Gateway Neighborhood Mixed Use Corridor (G1): Assessor's Map 239 Lot 12. Rezone the following lots from Single Residence A to Gateway Neighborhood Mixed Use Corridor (G1): A portion of Assessor's Map 239 Lot 8
- August 20, 2018 - Rezone the following lots from Office Research (OR) to Character District 4 West End (CD4-W): Assessor's Map 157, Lots 1 and 2. Rezone a portion of N11-16, except land subject to the land use regulations of the Pease Development Authority, to the Transportation Corridor (TC) to CD4-W. Add new building height standards to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add New Building Height Standards for Tax Map 157 Lots 1 and 2 and a Portion of Tax Map 164 Lot 4.
- October 15, 2018 (effective January 1, 2019) - Adoption of Highway Noise Overlay District (HNOD) which includes all land within 500 feet of the centerline of N11-16, except land subject to the land use regulations of the Pease Development Authority.
- February 4, 2019 - Rezone Assessor's Map 213 Lot 1 from Waterfront Industrial (WI) to Office Research (OR).



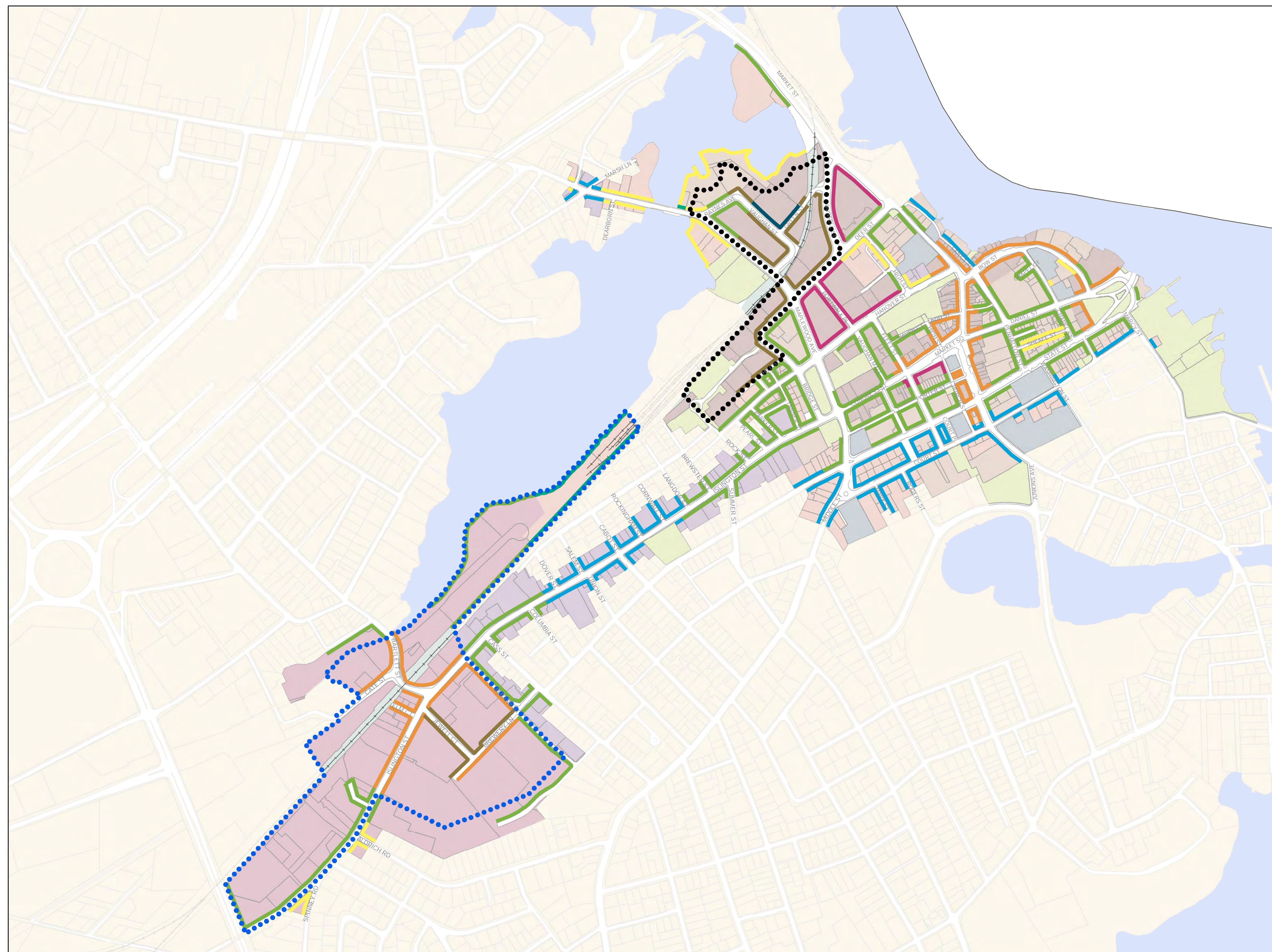
City of Portsmouth Zoning Map

Sheet 2 of 2 Character Districts Regulating Plan



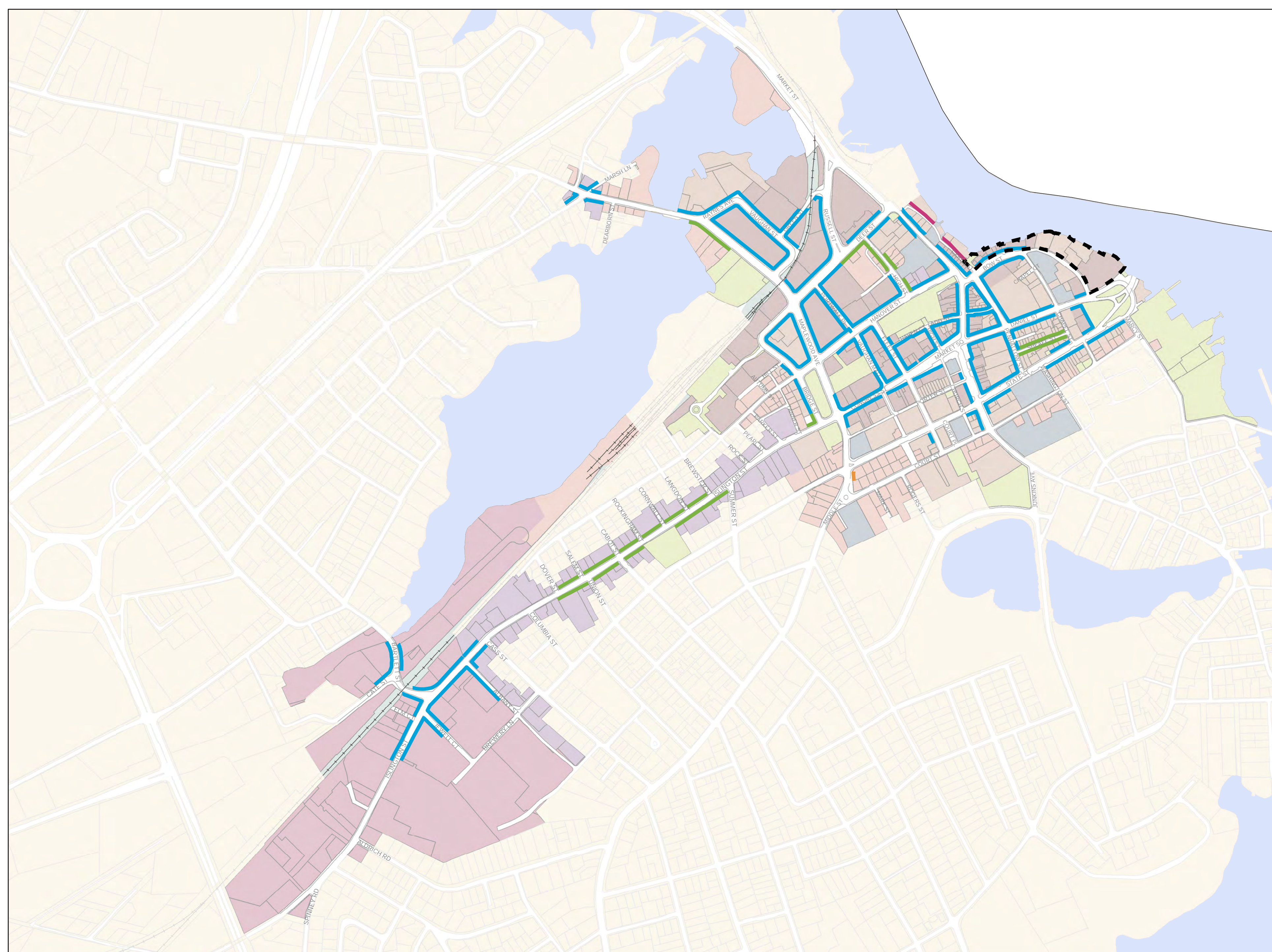
Map 10.5A21A
Character Districts
and Civic Districts

- Legend**
- DOD Downtown Overlay District
 - HD Historic District
- Character Districts**
- CD5 Character District 5
 - CD4 Character District 4
 - CD4-W Character District 4-B
 - CD4-L1 Character District 4-L1
 - CD4-L2 Character District 4-L2
- Civic District**
- CIVIC Civic District
- Other Districts**
- M Municipal District
 - TC Transportation Corridor



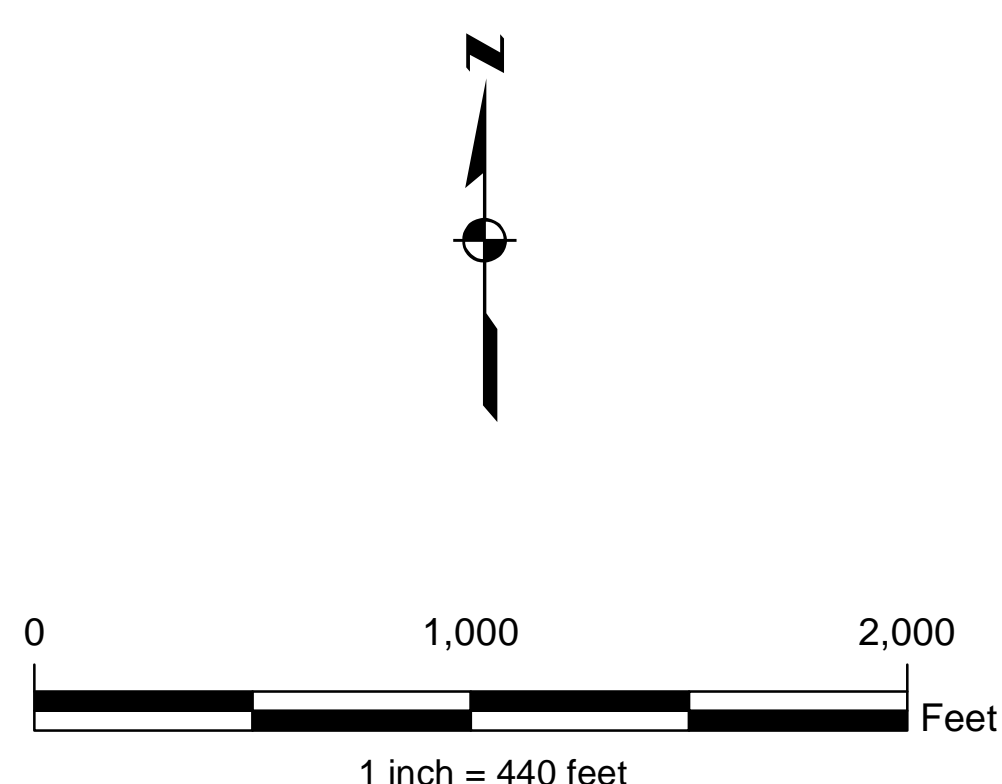
Map 10.5A21B
Building Height
Standards

- Legend**
- | Height requirement area | Maximum building height* |
|-------------------------|------------------------------|
| | 1 Story 20' |
| | 2 Stories (short 3rd*) 35' |
| | 2-3 Stories (short 4th*) 40' |
| | 2-4 Stories (short 5th*) 45' |
| | 2-4 Stories 50' |
| | 2-5 Stories (short 5th*) 60' |
- *Penthouse Levels may exceed the building height by 2 feet.
- 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.
 - When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.
 - 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.
- Incentive Overlay Districts**
Within the Incentive Overlay Districts, certain specified development standards, including height, density and parking, may be modified pursuant to Section 10.5A47.
- North End Incentive Overlay District
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.
 - West End Incentive Overlay District
The boundary of the West End Incentive Overlay District is established at 200 feet from the rear lot lines of the abutting Aldrich Road lots and/or 100 feet from the rear lot lines of lots that abut the public or private portions of Chevrolet Avenue, whichever is greater.



Map 10.5A21C
Special Requirements for
Façade Types, Front Lot
Line Buildout, and Uses

- Legend**
- Required Façade Types**
- Shopfront façade type
 - Step, stoop or recessed entry façade type
 - Officefront façade type
- Waterfront Lots**
- Waterfront Use Overlay
In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay shall also permit uses 9.60, 12.20, 12.22, and 12.40 as set forth in Section 10.440 (Table of Uses). (Section 10.5A34).
 - 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 10.5A35).



Adopted by City Council April 21, 2014
As Amended Through: February 4, 2019

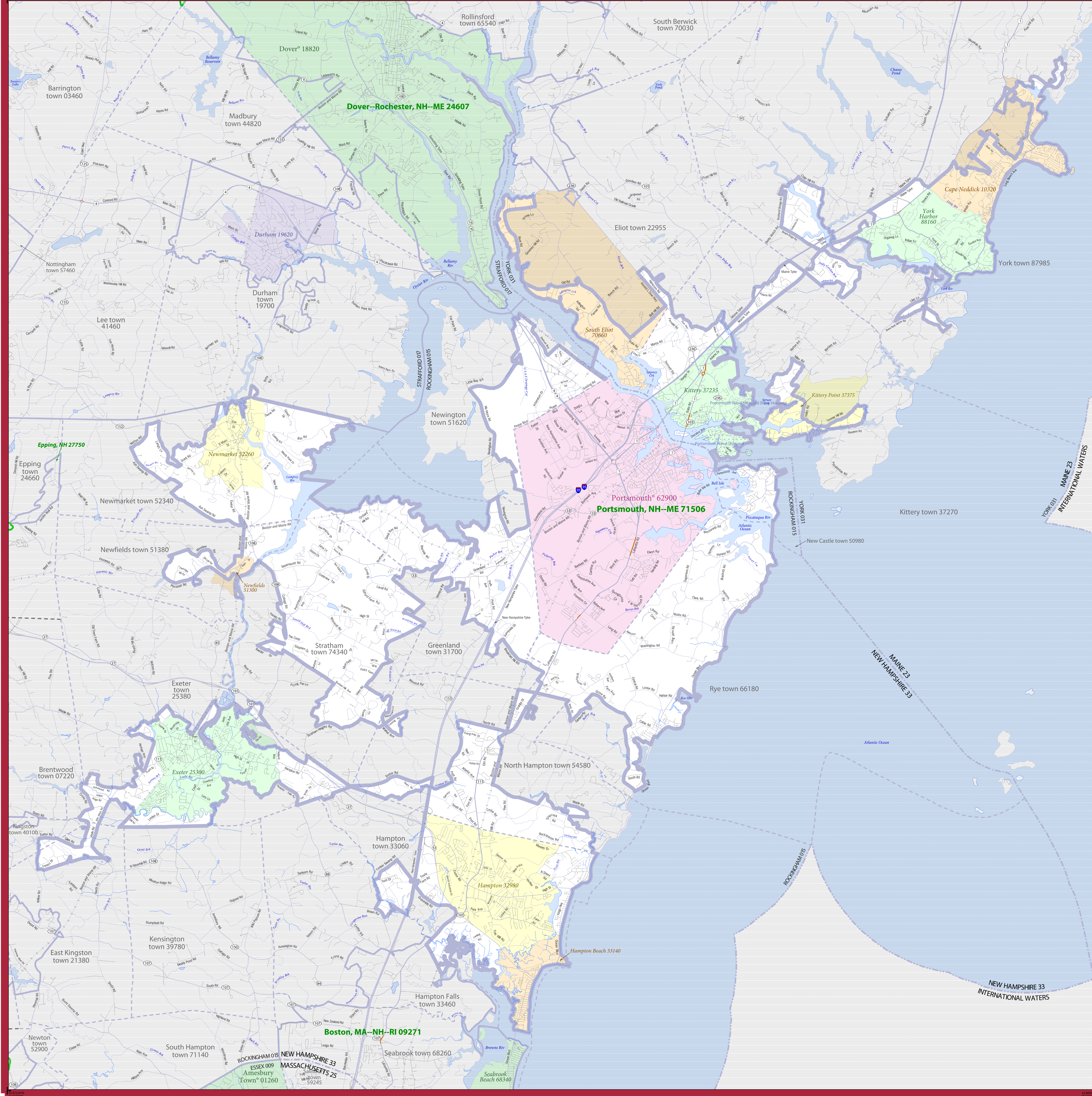


EXHIBIT G

Thompson Application for Urbanized Shoreland Exemption

2010 US Census Bureau – Urbanized Area Reference Map – Portsmouth, NH

2010 CENSUS - URBANIZED AREA REFERENCE MAP: Portsmouth, NH-ME



LEGEND

SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE
International	--- --	CANADA
Federal American Indian Reservation	L'ANSE RES 1880
Off-Reservation Trust Land	T1880
Urbanized Area	█	Dover, DE 24580
Urban Cluster	█	Toole, VT 88057
State (or statistically equivalent entity)	--- --	NEW YORK 36
County (or statistically equivalent entity)	---	ERIE 029
Minor Civil Division (MCD) ^{1,2}	---	Bristol town 07485
Consolidated City	MILFORD 47500
Incorporated Place ³	Davis 18100
Census Designated Place (CDP) ³	Incline Village 35100

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
Interstate	—+—	Water Body	Blue Area
U.S. Highway	—2—	Military	Fort Belvoir
State Highway	—0—	Outside Subject Area	Grey Area
Other Road	—		
Railroad	—+—		
Perennial Stream	—		
Intermittent Stream	—		

Where international, state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

1 A ** following an MCD name denotes a false MCD. A *** following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.

2 MCD boundaries are shown in the following states in which some or all MCDs function as general-purpose governmental units: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. (Note that Illinois and Nebraska have some counties covered by nongovernmental precincts and Missouri has most counties covered by nongovernmental townships.)

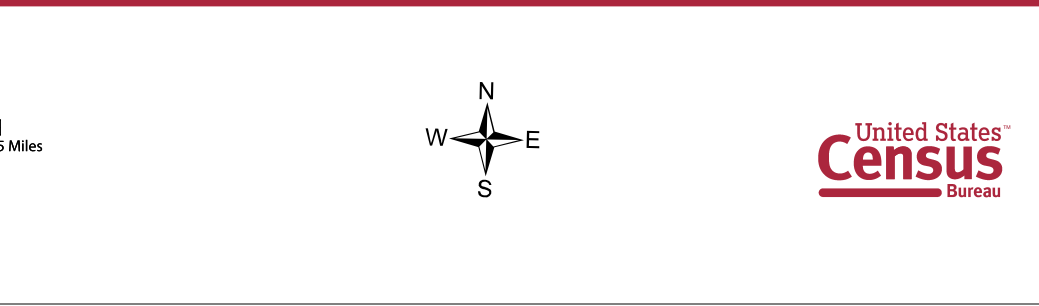
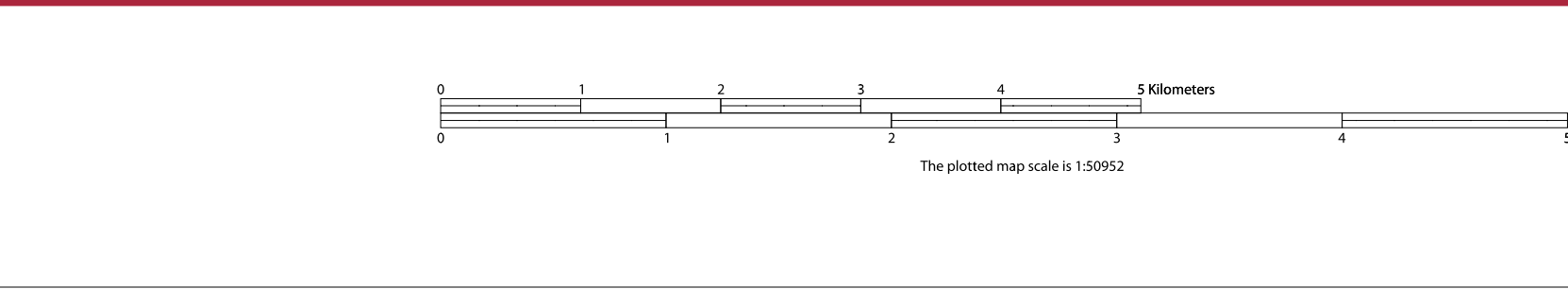
3 Place label color corresponds to the place fill color.
Label colors: Davis Davis Davis Davis Davis

SUBJECT AREA COUNTIES ON MAP SHEET
 23031 York
 33013 Rockingham
 33017 Strafford

All legal boundaries and names are as of January 1, 2010. Urban areas are based on results from the 2010 Decennial Census. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic Vintage: 2010 Census (reference date: January 1, 2010)
 Data Source: U.S. Census Bureau's MA/TIGER database (TAB10)
 Map Created by Geography Division: March 08, 2012

Projection: Albers Equal Area Conic
 Datum: NAD 83
 Spheroid: GRS 80
 1st Standard Parallel: 43 40 26
 2nd Standard Parallel: 46 42 09
 Central Meridian: -68 56 15
 Latitude of Projection's Origin: 42 55 01
 False Easting: 0
 False Northing: 0



PARENT SHEET 1
 Total Sheets: 1
 Index Sheets: 0
 Parent Sheets: 1

UA NAME: Portsmouth, NH-ME
 UA CODE: 71506
 INTY TYPE: Urbanized Area (UA)
 ST: Maine (23), New Hampshire (33)

2010 CENSUS UA REF MAP (PARENT)
 2310750601

EXHIBIT H

**Thompson Application for Urbanized Shoreland Exemption
NH Flood Hazard Maps – 57 Salter Street, Portsmouth, NH**

New Hampshire Flood Hazard Map – 57 Salter Street, Portsmouth, NH

New Hampshire Flood Hazards Viewer
Developed by the NH Floodplain Management Program

Search: 57 Salter St, Portsmouth, NH, 03
Show search results for 57 Salter St, P...

Layers

- FEMA Flood Map Panel Grid
- FEMA Flood Map Layers
- Roads
- Sea-Level Rise Scenarios - Feet Above Mean Higher High Water (MHHW)
- Tax Parcel Boundaries
- NFHLREST_FIRMette - Study_Info

Zone AE (EL. 8)

City of Portsmouth 33013

33015C0278F eff. 1/29/2021

33015C0259F eff. 1/29/2021

60ft

-70.750 43.072 Degrees

Microsoft | Please cite NH GRANIT. | NH Department of ...

POWERED BY esri

EXHIBIT I

Thompson Application for Urbanized Shoreland Exemption

Aerial Photograph – 57 Salter Street, Portsmouth, NH

Aerial Photograph – 57 Salter Street, Portsmouth, NH



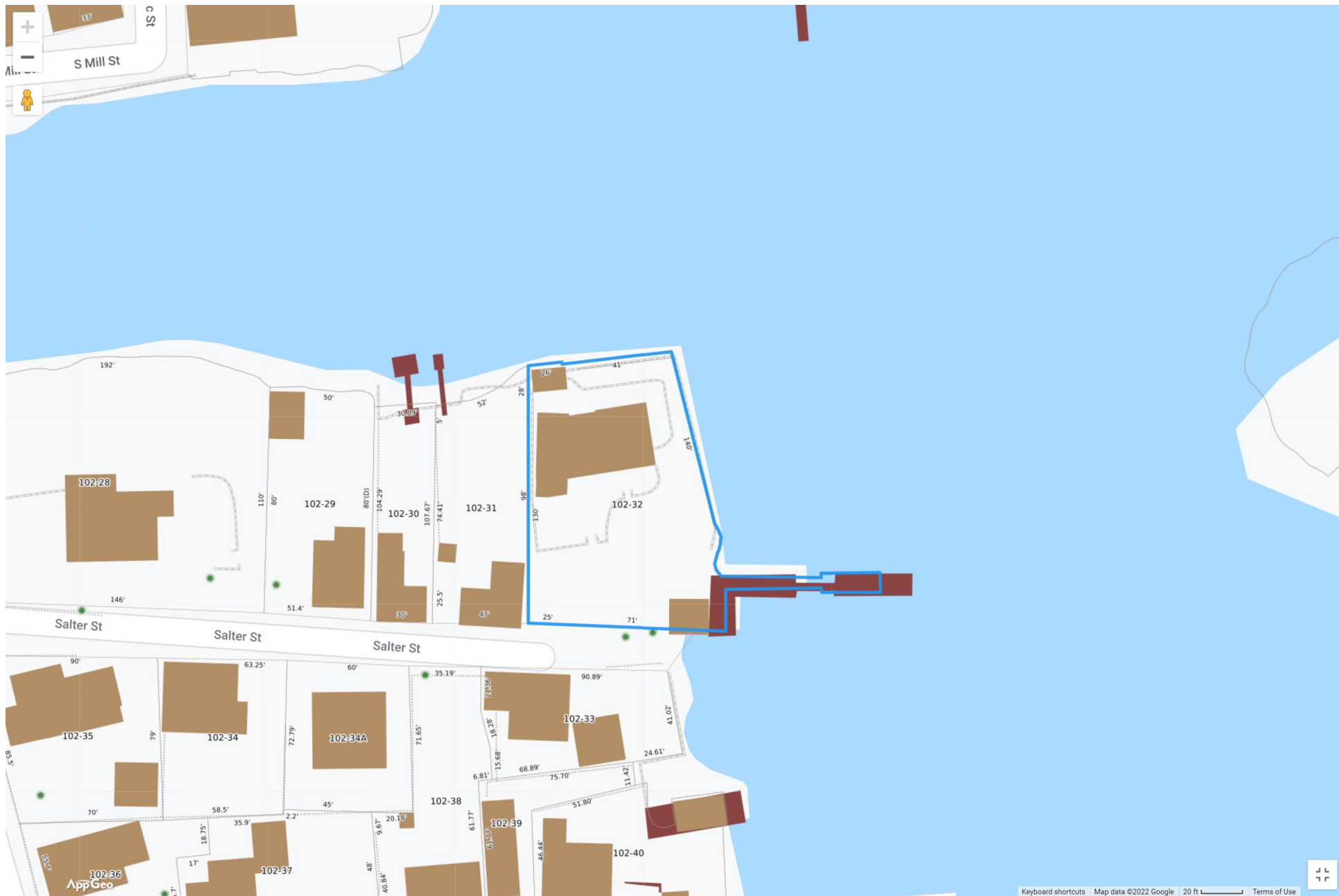
EXHIBIT J

Thompson Application for Urbanized Shoreland Exemption

City of Portsmouth Assessing Tax Maps – 57 Salter Street

Map 102, Lot 0032

City of Portsmouth Tax Maps – 57 Salter Street – Map 102, Lot 0032



City of Portsmouth Tax Maps – 57 Salter Street – Map 102, Lot 0032



City of Portsmouth Tax Maps – 57 Salter Street – Map 102, Lot 0032



Electric Vehicle Charging Station Zoning Amendments

Motion to approve and send the draft Zoning Ordinance amendments regarding Electric Vehicle Charging Stations to the Planning Board for review and recommendation back to the City Council for first reading.

Article 1 Purpose and Applicability

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/M H	MRO CD4- L1	CD4 -L2	MRB	CD5 CD4	GB	G1	G2	B CD4 -W	WB	OR	I	WI	Supplemental Regulations
11. Motor Vehicle-Related Uses																		
11.90 Electric Vehicle Charging Stations as a Principal Use	N	N	N	N	N	N	P	P	CU	P	P	P	P	N	P	P	P	10.870 10.1110
19. Accessory Uses																		
19.60 Level 1 and Level 2 Electric Vehicle Charging Stations as an Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
19.70 Level 3 Electric Vehicle Charging Stations as an Accessory Use	CU	CU	CU	CU	CU	CU	P	P	CU	P	P	P	P	CU	P	P	P	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.450 Table of Uses – Pease/Airport Districts

Use	AIR	AI	PI	ABC	Supplemental Regulations
15. Transportation and Utilities					
15.60 Level 1 and Level 2 Electric Vehicle Charging Stations as an Accessory Use	P	P	P	P	
15.70 Level 3 Electric Vehicle Charging Stations as an Accessory Use	P	P	P	P	
15.80 Electric Vehicle Charging Stations as a Principal Use	P	P	P	P	10.870 10.1110

Article 8 Supplemental Use Standards

Section 10.870

10.870 **Electric Vehicle Charging Stations as a Principal Use**

10.870.10 General

10.870.11 There shall be no more than two 40-foot wide curb cuts or access or egress points on each abutting street.

10.870.12 No vehicles in an inoperative condition shall remain on the site for more than 14 days.

Article 11 Site Development Standards

Section 10.1110 Off-Street Parking

Table of Minimum Off-Street Parking Requirements for Nonresidential Uses

Use No.	Use	Requirement
11. Motor Vehicle-Related Uses		
11.70	Electric Vehicle Charging Stations as a Principal Use	Number of charging ports + 2 parking spaces

Section 10.1130 Landscaping and Screening

10.1133 Landscaping and screening will not required for the electric transformers necessary for Electric Vehicle Charging Stations as a Principal Use and will not be required by the Site Plan Review Regulations.

Article 15 Definitions

Section 10.1530 Terms of General Applicability

Level 1 and Level 2 Electric Vehicle Charging Stations as an Accessory Use

Level 1 (120-volt or equivalent) and Level 2 (240-volt or equivalent) Electric Vehicle Charging Stations that are accessory to the primary permitted use of the property.

Level 3 Electric Vehicle Charging Stations as an Accessory Use

Level 3 (DC Fast Charging or equivalent) Electric Vehicle Charging Stations that are accessory to the primary permitted use of the property.

Electric Vehicle Charging Stations as a Principal Use

Level 1 (120-volt or equivalent), Level 2 (240-volt or equivalent), and Level 3 (DC Fast Charging or equivalent) Electric Vehicle Charging Stations that are the principal use of the property.

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – April 7th, 2022
Conference Room A

PRESENT: **Members:** Mary Lou McElwain, Steve Pesci, Mark Syracuse, Harold Whitehouse, Erica Wygonik, City Manager Karen Conard, Police Captain Mike Maloney, Fire Chief Todd Germain, DPW Director Peter Rice

City Staff: Parking Director Benjamin Fletcher, Traffic Engineer Eric Eby, Associate Engineer Tyler Reese

ACTION ITEMS FOR CITY COUNCIL

- **Request for ADA parking space on Cass Street, by Connections Peer Support Center:** **Voted to** Approve HP parking space 30 feet from crosswalk on north side of Cass Street, east of Islington Street.
-

1. **Roll Call**
2. **Motion to move Item VIII.B up on the agenda for discussion. Approved 9-0.**
3. **Item VIII.B Bridge Street parking lot reconstruction project:**
Informational; no action required.
4. **Financial Report:** Accepted and placed on file Financial Report dated February 28, 2022
5. **Public Comment Session:** There were eight speakers: **Barbara Grazier:** HP space on Middle Street for chiropractor office, Middle Street bike lane survey concerns; **Liz Bratter:** NPP; **Michelle Worth:** NPP; **Liza Hewitt:** speeds on Middle Road; **Ken Goldman (z):** NPP; **Allison Bussiere (z):** Middle Street bike lanes; **Jonathan Sandberg (z):** pedestrian signal at Islington and Bartlett intersection; **Kristie Jorgensen:** Middle Street bike lanes.
6. **Request for ADA parking space on Cass Street:** **Voted to:** approve parking space on Cass Street
7. **State Street crosswalk at African Burial Ground:** **Voted to:** refer to staff to monitor and report back at May meeting.
8. **Congress Street, Islington Street, Middle Street, Maplewood Avenue intersection pedestrian signal:**
Voted to: refer to staff for monitoring and report back in two months.
9. **Request for stop signs and crosswalk on McKinley Road at Harrison Avenue and Garfield Road intersection:** **Voted to:** refer to staff for evaluation and report back at July meeting.
10. **Mechanic Street, suggestion to install angle parking south of Peirce Island Road:** **Voted to:** refer to staff for evaluation and report back.

11. **Neighborhood Parking Pilot Program**: **Voted to:** continue program for 60 days, with a report back at May meeting with latest data.
12. **Suzanne Drive, report back on cut-through traffic**: **Voted to:** report findings at next neighborhood sidewalk meeting and gauge support for mitigation measures.
13. **273 Austin Street, report back regarding on-street parking**: **Voted to:** place item on file.
14. **Market Street, request for U-turn prohibition at Nobles Island**: **Voted to:** place item on file.
15. **South Street, update on request for Rectangular Rapid Flashing Beacon at Broad Street crosswalk**: **Voted to:** refer to staff for continued evaluation and report back.
16. **Little Harbor Road, speed monitoring update**: **Voted to:** refer to staff for continued evaluation and report back.
17. **Raynes Avenue and Vaughan Street public meeting on one-way conversion**:
Informational; no action required.
18. **Speed Limit subcommittee update**:
Informational; no action required.
19. **Loading zone shared use approval**:
Informational; no action required.
20. **Market Street 3 metered spaces approval**:
Informational; no action required.
21. **Monthly Accident Report from Police**:
Informational; no action required
22. **Bike Volume Data**:
Informational; no action required
23. **Adjournment**: **Voted to** adjourn 10:26 AM

Respectfully submitted by: Eric Eby

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

8:30 AM

April 7th, 2022

MINUTES

I. CALL TO ORDER

Vice Chairman Steve Pesci called the meeting to order at 8:30 a.m.

II. ATTENDANCE

Members Present:

Vice Chairman Steve Pesci
City Manager Karen Conard
Fire Chief Todd Germain
Police Captain Mike Maloney
Public Works Director Peter Rice
Harold Whitehouse
Mary Lou McElwain
Mark Syracuse
Erica Wygonik (Alternate)

Absent

Chairman Andrew Bagley

City Staff Present:

Parking Director Ben Fletcher
Parking and Transportation Engineer Eric Eby
Associate Engineer Tyler Reese

Vice Chairman Steve Pesci requested a motion to suspend the agenda and bring item 8B. Bridge St. Lot Update by City Staff to the first item.

Fire Chief Todd Germain moved to suspend the agenda and bring item 8B. Bridge St. Lot Update by City Staff to the first item, seconded by Erika Wygonik. On a unanimous roll call vote, motion passed 9-0.

VIII. INFORMATIONAL

B. Dave Desfosses from DPW commented that the project will be starting Monday. It is a rehab project with no significant changes. The surface of the parking lot is in dire need of reconstruction. They are taking the opportunity to get rid of some sidewalk duplicities and

create uniform parking spaces. The plan shows 4 EV charging stations. They will get plumbed with conduits for now and be ready to support those spaces if the City decides to put them in. The edge of pavement closest to Maplewood Ave. is shifting 3-4 feet toward Maplewood because the interior sidewalk is going away. That will allow room for some landscaping along Bridge St. They will be adding period lighting around the perimeter of the parking lot. The handicap spaces will be moved to the entrance of the parking lot. They will lose 1 parking space as a result of making the spaces uniform, but all of the spaces will meet the minimum width standards.

Mark Syracuse questioned if they would be putting in lantern lighting. Dave Desfosses responded that they would be using the period lighting that is used all around the downtown.

City Manager Karen Conard commented that the point was to treat the Bridge St. lot before the Hanover Garage project begins. Dave Desfosses confirmed that was correct. The project will take 4-5 weeks and then the lot will be back online before the Hanover renovation begins.

Mary Lou McElwain questioned if they would be putting in new sidewalks along Bridge St. Dave Desfosses responded that the existing sidewalks will remain. They are currently concrete around the periphery.

Eric Eby questioned if they were paving Hanover St. as well. Dave Desfosses responded that they are connecting to a drainage system properly. There is only one drain in the parking lot, and it is not great. They are putting in a proper catch basin. They will be paving that spot and Hanover St. between Maplewood Ave. and Bridge St.

Mark Syracuse questioned what the timeline for the project was. Dave Desfosses responded that the project should take 4-5 weeks. That does not include the lighting because that is on order, but the lot will be open again in 4-5 weeks.

Erika Wygonik questioned if the City had the ability to absorb the parking loss during construction. Parking Director Ben Fletcher responded that the Foundry Garage can absorb the parking. That's what happened during the pop-up events.

Mark Syracuse questioned if the construction would be happening 7 days a week. Dave Desfosses responded that it would not, but the site would be closed the whole time to prevent anyone from accessing an active construction project.

Harold Whitehouse questioned if there would be the same number of handicap spaces. Dave Desfosses responded that there would be. There is currently the correct number of handicap spaces today and that number will stay the same after the reconstruction.

III. FINANCIAL REPORT

Harold Whitehouse moved to accept the Financial Report dated February 28, 2022, and place it on file, seconded by Mark Syracuse. On a unanimous roll call vote, motion passed 9-0.

IV. PUBLIC COMMENT (15 MINUTES)

This is the time for all comments on any of the agenda items or non-agenda items.

Barbara Grazier of 504 Middle St. commented on the parking space on Middle St. for the chiropractor office and the Middle St. bike lane survey. Originally the parking space was taken away when the bike lanes were created, but it was reinstated when changes were made. Ms. Grazier was concerned that the parking space would be removed again. The survey was posted on the SABR Facebook page, so there were more participants than just the residents and business owners on Middle St.

Elizabeth Bratter of 159 McDonough St. commented on the Islington Creek neighborhood parking program. The increase in available spaces was 5%. Employees moved to park in the Foundry Garage and the neighborhood is now occupied by the people that live there. A good parking program has space for 2-hour parking and shared parking between commuters and businesses. The permits limit how many people can park, so it is a more balanced situation. Overall, it has created a balanced parking situation. However, Pearl St. to Bridge St. is packed all the time. That area should just be residents only. The corner store on Bridge Street has one space on Hanover St. that should remain. Permits should be issued to all legal residents in the neighborhood parking zone. Then they can apply for guest passes online by providing the number of cars and timeframe they would be parking. Contractors have had a problem in the area all along. That is a problem in any of the downtown areas and it is a separate issue from the neighborhood parking program.

Michelle Worth of 439 Hanover St. commented on the Islington Creek neighborhood parking program. Ms. Worth commented that they should terminate the program. The survey has mixed responses, but the results are incorrect because participants could not skip the question about why they liked the neighborhood parking program. The program costs \$100K a year and the net improvement is 12 spaces. Ms. Worth's household has 6 cars, and they aren't allowed to park all of their cars in the neighborhood. The City already has an ordinance that prohibits parking for anyone except residents on Hanover St. from Brewster St. to Bridge St. The City should follow that and it will alleviate the parking issue.

Liza Hewitt of 726 Middle Rd. commented on the speeds on Middle Rd. This street is 30 mph and one of the only residential streets left in town with that speed limit. Middle Rd. and Islington St. should be reduced to 25 mph. Instead of addressing this, the Committee is studying the speed limits on all of the streets in the City. Residents will not be happy if speed limits are raised on their streets. The speed limit on Middle Rd. needs to be lowered. Two weeks ago, Ms. Hewitt witnessed a close call when a car could not stop in time and swerved into the other lane almost hitting a pedestrian. That is a regular occurrence on this road.

Ken Goldman of 271 Islington St. commented on the Islington Creek neighborhood parking program. This program is not needed and not effective. The survey results are flawed because people had to answer why they liked it. The data shows that the program is not needed. Parking in the neighborhood is not uniform. Bridge St. and Brewster St. parking is denser. That is where there may be a problem with parking. They could continue the parking program just for that area if the residents want. The City should consider monitoring parking more since the Hanover garage was closing and new construction was starting in the downtown for

microunits. Public Works Director Peter Rice commented that the Hanover Garage is only closing 1/3 at a time. The garage has 900 spaces, and 300 spaces will be impacted seasonally.

Allison Bussiere of 678 Middle St. commented on the Middle St. bike lanes. This issue has been going on several years, and it is confusing why it is coming up again. The City and residents have put in a lot of time on this project. They determined that the bike lane on the south bound side should move and they will put the parking back to the curb. The City spent a lot of time and resources studying this issue trying to make it work. It is unclear why the City is attached to having this bike lane on this 1/3 mile area on Route 1. It is part of the Safe Routes to Schools, but the majority use back roads to get to school. Public Works Director Peter Rice commented that the driver behind this evaluation was that the past City Council directed the City to do a 6 month pilot of the reconfigured bike lane. The DOT agreed as long as it was done as a public process, and they came back with an engineering study that supports that modification. The study is to confirm the adjusted configuration is acceptable and it was done at the direction of City Council. They are fulfilling what they were directed to do and securing the money for this.

Jonathan Sandberg commented that the pedestrian signal at the Islington St. and Bartlett St. intersection takes a very long time to get to a walk signal. It should be programmed to be more pedestrian friendly. Pedestrians have to wait through the whole traffic cycle, and it can be inconvenient. Also, when a pedestrian is crossing Bartlett toward Papa Wheelies drivers in the right turn lane on Bartlett St. turning onto Islington St. don't see them. They look left but not right. It would be helpful to have signage there to not allow turns on a walk signal. Parking and Transportation Engineer Eric Eby confirmed they would look at that.

Kristie Jorgensen of 774 Middle St. commented on the Middle St. bike lanes. Middle St. residents are concerned because the survey was shared on the SABR Facebook page, so the results are skewed. They are wasting taxpayer time and money if this moves forward again. The focus of the project was a safe route to school not SABR. They should do another survey that requires people to input their address or send a direct mailing to Middle St. residents. The City should listen to the residents on that street not SABR.

V. SITE VISITS

None

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

- A.** Request for ADA parking space on Cass Street, by Connections Peer Support Center (544 Islington)

Parking and Transportation Engineer Eric Eby commented that the request was from the Connections Peer Support Center to put in a designated handicap parking space on Cass St. It can be used by their van and open to the public. It will be 30 feet back from the intersection on Islington St.

Mary Lou McElwain moved to approve HP parking space 30 feet from crosswalk on north side of Cass Street, east of Islington Street, seconded by Harold Whitehouse. On a unanimous vote, motion passed 9-0.

- B. State Street crosswalk at African Burial Ground – request for Rectangular Rapid Flashing Beacon, from resident.

Parking and Transportation Engineer Eric Eby commented that this was a resident request. They noticed that vehicles were not yielding to pedestrians as much as they should be. In the warmer months they put out a weeble sign that says yield for pedestrians. That will be put back out soon. They can put up cameras to monitor as well. Sometimes cars are looking at the signal and not realizing there is a crosswalk there.

Harold Whitehouse commented that he hoped the report back would be within a reasonable amount of time. Vice Chairman Steve Pesci suggested they get a report back at the May meeting.

Mark Syracuse moved to refer to staff to monitor and report back at the May meeting, seconded by Public Works Director Peter Rice. On a unanimous vote motion passed 9-0.

- C. Congress Street, Islington Street, Middle Street and Maplewood Avenue intersection pedestrian signal operation concerns, from Chairman Bagley. **Sample Motion: Move to refer to staff to monitor and report back at future meeting.**

Parking and Transportation Engineer Eric Eby commented that this was a request from the Chairman because they were still receiving concerns on the pedestrian signal operation. The change was implemented to allow pedestrians to cross at the same time traffic was turning. They conducted observations a year ago and had over 80 hours of video monitoring. They didn't see any concern. The traffic is back to normal pre-covid levels. Summer is coming, so they can continue to monitor it. Vehicles are waiting for pedestrians then making the turn, which is what they are supposed to be doing.

Harold Whitehouse questioned if there were any State standards that prevented them from stenciling "look up" in the crosswalk. Parking and Transportation Engineer Eric Eby responded that he did not think there were any state standards that prevented that. Erika Wygonik commented that they could stencil it on the sidewalk instead of the crosswalk too.

Mark Syracuse questioned if they could report back in 30 days. Parking and Transportation Engineer Eric Eby responded that more time will give them more monitoring data.

Public Works Director Peter Rice commented that this was something they have had in place for over a year. It is State approved and used as a standard now for this type of pedestrian crosswalk. The concerns raised are appreciated, but this may not warrant a lot

more attention. Public Works Director Pete Rice noted that he would support the motion but every time they revisit an item people think it could be changed again. This is working and there is no indication of it failing. If something was unsafe, then they would adjust. The “look up” piece is in part education. The Committee needs to get closure to some of these things.

Mark Syracuse commented that new members don't always know the history. It would be helpful to understand that. City Manager Karen Conard noted that Staff can collect data for 2 months, then report back with their findings and the history. Mark Syracuse commented that it would be helpful to understand the history to understand the context and how to act on it.

Erika Wygonik commented that she was concerned about adding timelines to when Staff would report back. There are some situations where they would benefit from a longer data collection period. Adding timelines puts demands on Staff's time that may not be the best way to spend it.

Mark Syracuse commented it would be helpful if Staff put an urgency level for the items on the agenda.

Mark Syracuse moved to refer to Staff for monitoring and report back in two months, seconded by City Manager Karen Conard. On a unanimous vote motion passed 9-0.

D. Request for stop signs and crosswalk on McKinley Road at Harrison Avenue and Garfield Road, by resident.

Parking and Transportation Engineer Eric Eby commented that this was a resident request. They were concerned about vehicles speeds on McKinely Rd. and this intersection specifically. The thought is that this could be an area for 4 way stop and crosswalk. It is a complex geometry, so it is not cut and dry. The recommendation is for Staff to monitor and collect data to see where the pedestrian activity is to determine if they can put in improvements at this point.

Public Works Director Peter Rice moved to refer to staff for evaluation and report back at the July meeting, seconded by Mark Syracuse.

Mark Syracuse commented that this would be good to look at when school was in session and when the summer had set in to monitor pedestrian activity. Would be good to look at in May and June.

On a unanimous vote motion passed 9-0.

E. Mechanic Street, suggestion for angle parking, by resident.

Parking and Transportation Engineer Eric Eby commented that a resident thought angled parking would work better in this area. The sidewalk doesn't get much usage and parking needs to be 30 feet away from the intersection. They need to look to see if angled parking would truly provide any benefits.

City Manager Karen Conard moved to refer to staff for evaluation and report back, seconded by Mark Syracuse. On a unanimous vote motion passed 9-0.

Vice Chairman Steve Pesci commented that they should look at the net benefit of this including evaluating the fiscal component.

VII. OLD BUSINESS

A. NPP Pilot Program - Discussion of findings and public survey feedback.

Parking Director Ben Fletcher commented that one of the indicators of if a pilot was successful is a reduced parking demand. The parking demand was minimally reduced. There are 251 spaces and 640 passes in the neighborhood, so they are upside down on demand vs. supply. It has been a long-held belief that people working in the downtown park in the target neighborhood and were contributing to the demand. The spring of 2021 was a more normal summer hiring season and they welcomed 252 new participants to the downtown employee parking program in the garage. If employees were using the neighborhood for parking, then that would have logically resulted in a reduction of demand in the target neighborhood. However, the targeted occupancy rates remained in the high 60s-low 70s range. There was no drop in demand until roughly 3 months in and that coincided with the natural seasonal drop off. That suggests that the work force was not a factor in the neighborhood demand. Outside of downtown workers there could be shoppers and tourists parking there out of habit. If that was true, then when the neighborhood parking program was launched parking would increase in the spillover areas. However, occupancy remained steady. The Foundry Garage's peak occupancy also remained steady. The Foundry has not seen the same shoulder drop off and the average length of stay is 8 hours. That further suggests the workforce is parking there. There has not been an increase of use in the masonic lot, and they have not received any complaints of spillover occupancy rates in adjacent neighborhoods. Occupancy in the neighborhood has been steady. The Largest impacts to a program like this should be right after it's implemented. There was a 4.95% reduction which translates to 12 spaces. The west end has more space than the east. The annual price point to run this is \$120K which would translate to \$210 per pass.

Erika Wygonik questioned if the occupancy level in the neighborhood was attributed to the shoulder season. Parking Director Ben Fletcher responded that they did the counts before the shoulder season.

Mark Syracuse questioned what conclusion the Staff had reached. Parking Director Ben Fletcher responded that they anticipated a surge in the Foundry Garage, but they had already got that with the employee parking program. They are not seeing spillover and the occupancy in the target neighborhood has not been significantly reduced, so that

suggests that the people parking in the neighborhood are the ones that live and work there.

Mark Syracuse questioned what the deadline was for this. Parking Director Ben Fletcher responded that it was fluid. City Manager Karen Conard added that they extended it from the end of the 6-month pilot at the beginning of February to the beginning of April. They could administratively extend it if they wanted to continue the pilot or bring it forward to a Council meeting. Mark Syracuse questioned how Staff felt about it. City Manager Karen Conard responded that the City does not feel that they should express an opinion on a policy decision. It is up to Board members who are not Staff to make the decision.

Vice Chairman Steve Pesci questioned what the summary of the comments from the survey were. Parking Director Ben Fletcher responded that they were difficult to categorize because they were written in free form emails. People expressed a lot of reasons why they liked or disliked the program. Some have found it helpful, and others don't think it is worth the cost. It is a split public opinion, but the data gives a clear picture.

Erika Wygonik questioned if the 5% occupancy was in September. Parking Director Ben Fletcher responded that it was October. There was an overlap into the shoulder season in October, and he wanted to be fair to the program. Some of the drop was shoulder season and some was part of the program. Erika Wygonik questioned when shoulder season ended. Parking Director Ben Fletcher responded that it was already starting to ramp back up. Neighborhood shoulder season drop off can be attributed to residents traveling south for the winter.

Mark Syracuse questioned if the data would be any different from today vs. the next 90 days. Parking Director Ben Fletcher responded that it should ramp up to the high 60s and low 70s. Mark Syracuse questioned if they set the fee. Public Works Director Peter Rice responded that they do not have the authority to set the fee.

Mary Lou McElwain commented that it seemed like an expensive program to run. It may make sense to extend the pilot program, but it is a high price for a small area of the City.

Public Works Director Peter Rice clarified that the Committee cannot set a fee, but they can recommend one.

Harold Whitehouse commented that the Staff put in a tremendous amount of work, and it was appreciated. Vice Chairman Steve Pesci agreed. They collected an amazing amount of data, which shows there is a marginal benefit with a large cost. The neighborhood has 251 spaces and 640 passes issued. It's a supply and demand and convenience issue. It is not practical to have this program without a fee for the permit. There is also a cost to discontinue the program. The Council representation and Chairman is not here today. The best way forward is to allow an extension for a few more months and get a clearer recommendation to Council. Mark Syracuse commented that they should do 30 or 60 days. They don't need to do a full 90 days. Vice Chairman Steve Pesci agreed it should be

extended to 60 days. City Manager Karen Conard confirmed they could notify the Council if PTS chose to extend the pilot.

Erika Wygonik commented that it would be good to see what another 2 months of data shows. It will be better to make a final decision with the Chairman present.

Erika Wygonik moved to continue to program for 60 days, with a report back at May meeting with latest data, seconded by Mark Syracuse.

City Manager Karen Conard commented that this would allow PTS to make a recommendation at the May meeting, and Council can make a decision in the pilot timeframe as well. Vice Chairman Steve Pesci agreed. It will give Council a month to take executive action. Parking Director Ben Fletcher confirmed that they would continue to collect data.

Vice Chairman Steve Pesci questioned if it was worth turning the survey back on. City Manager Karen Conard noted that they could get duplicate responses. Erika Wygonik commented that 106 people took the survey. Parking Director Ben Fletcher agreed they had good participation.

On a roll call vote, motion passed 5-0-4. City Manager Karen Conard, Public Works Director Peter Rice, Fire Chief Todd Germain, and Police Captain Mike Maloney abstained.

B. Suzanne Drive, report back on monitoring of cut-through traffic.

Parking and Transportation Engineer Eric Eby commented that this issue has come up in the past with concerns that cars were using the road as a cut through when traffic backs up on Route 1. They looked at car volumes going in and out of the neighborhood it did not appear to have much cut through traffic. Then they placed cameras at entrance and exit of the neighborhood and watched vehicles going in and out to match them up. They did see some cut through traffic.

Tyler Reese commented that on Friday afternoon from 3p.m. to 6 p.m. they saw 15 cut throughs from 3p.m.-4p.m., 11 from 4 p.m.-5 p.m., and 7 from 5 p.m.-6 p.m. That resulted in 44% of the traffic in the first hour, 52% in the second, and 47% in the last hour. Speed data showed that the middle portion of Suzanne Drive had average speeds of 17 mph and the 85th percentile was 21 mph. The speed is relatively similar in both directions. The speeds are not significant but there is a high percentage of cut through traffic.

Parking and Transportation Engineer Eric Eby commented that the cut through traffic was a relatively small number, but it was a high percentage for the road. Speed was not an issue. It is just an increase in traffic.

Vice Chairman Steve Pesci questioned if they had a recommended action. Parking and Transportation Engineer Eric Eby responded that they would need to put in a physical change to make it slower to get through the neighborhood. Signs are ignored.

Erika Wygonik questioned how much time people were saving. Parking and Transportation Engineer Eric Eby responded that when there was no back up it is equivalent time. They have not assessed the time when there is a backup. Erika Wygonik questioned if the neighborhood was concerned enough about the cut through traffic to tolerate a substantial change. Public Works Director Peter Rice responded that they will be reporting back at another neighborhood meeting about the sidewalks and can raise this question too.

Public Works Director Peter Rice moved to report findings at next neighborhood sidewalk meeting and gauge support for mitigation measures, seconded by Erika Wygonik.

Public Works Director Peter Rice commented that if significant changes were desired, then it would need to go into the CIP.

Erika Wygonik questioned if they only collected data of Friday afternoon. Tyler Reese responded that they monitored on a Tuesday from 3 p.m.-6 p.m. and got an average of 30-40% cut through. The volume is 5-7 cars per hour, but the percentage was similar.

On a unanimous vote motion passed 9-0.

C. 273 Austin Street – report back regarding on-street parking.

Parking and Transportation Engineer Eric Eby commented that they looked at the site and measured from the intersection to the parking. They have reviewed State law and City ordinances about blocking driveways and intersections. From the crosswalk at Union St. to the edge of the driveway is a total of 55 feet. State law requires no parking within 30 feet of a stop sign. That leaves a 25-foot area. They can fit one car there. When a car is parked there is still a 10-foot travel lane to get by. It is a narrow travel lane, and it can be difficult based on the size of the vehicle. However, if they enforce to letter of the law then it would leave only one spot directly across from the driveway that has the concern. There is wiggle room in the legal area that can help them get in and out of the driveway. At this point there is no recommendation. Following the letter of the law wouldn't help anyone.

Mark Syracuse questioned if a fire truck could get through there. Fire Chief Todd Germain confirmed it could. They use that street for driver training.

Vice Chairman Steve Pesci was concerned about setting a precedence. If they did this city wide, they would lose a lot of spaces. However, he was also sympathetic to the applicant.

Mark Syracuse questioned if the pavement painting was removed and not replaced. Public Works Director Peter Rice responded that the City did not do that painting.

Parking and Transportation Engineer Eric Eby commented that they may be able to widen the driveway but there was not a lot of physical changes that could be made out there.

Cars can't block a driveway, but that means they can't park directly next to one. It does not prohibit parking across from one.

Harold Whitehouse questioned if the City monitored outside contractor work to ensure it was put back to its original condition. Public Works Director Peter Rice confirmed they did.

Vice Chairman Steve Pesci commented that if they approved this request, they would have to be clear that this was approved because of a unique situation. They cannot set a precedence. Parking and Transportation Engineer Eric Eby noted that if they posted a sign, it would not be enforceable per the City ordinances. Vice Chairman Steve Pesci commented that the reality of the request is to make it a no parking zone. Parking and Transportation Engineer Eric Eby responded that would require an ordinance change and approval from City Council.

Mark Syracuse questioned if the abutter at 274 Austin St. was supportive of this request. Vice Chairman Steve Pesci confirmed they were.

Vice Chairman Steve Pesci commented that they could make a recommendation to Council. Parking and Transportation Engineer Eric Eby confirmed they could implement something on a trial basis and Council would have to approve it. Vice Chairman Steve Pesci noted that this would have to be site specific, otherwise there would be a significant loss of City spaces.

Mark Syracuse commented that he was not in favor of losing on street parking. They should keep the street parking. The Fire Department can get through with emergency vehicles. Making a special concession would open the window for other requests.

Vice Chairman Steve Pesci questioned if it would help to mark the setback from the intersection. Erika Wygonik commented that they were not looking for that to be acknowledged because it could force cars to park across from the driveway.

Harold Whitehouse moved to place on file, seconded by Mary Lou McElwain. On a unanimous vote motion passed 9-0.

D. Request for U-turn prohibition on Market Street at Nobles Island, report back.

Parking and Transportation Engineer Eric Eby commented that this was for the intersection on Nobles Island. Since they reconstructed the bike lane and eliminated a travel lane it is harder to make a U-turn. They have a traffic camera taking counts daily. They have seen an average of 2 cars a day making this movement.

Mark Syracuse moved to place request on file, seconded by Public Works Director Peter Rice. On a unanimous roll call vote, motion passed 9-0.

E. Update on Request for Rectangular Rapid Flashing Beacon for crosswalk on South Street at Broad Street.

Parking and Transportation Engineer Eric Eby commented that this was for the crosswalk they recently painted at the South St. and Broad St. intersection. They counted a good number of pedestrians using it. A lot of pedestrians are using it to continue on Broad St. One particular concern was how often the queue of traffic blocked the crosswalk. They need to continue to monitor that as the traffic increases.

Mark Syracuse moved to refer to staff for continued evaluation and report back, seconded by Mary Lou McElwain.

Public Works Director Peter Rice commented that they also had concern about the section of sidewalk that has been heaved by roots. They were hoping to make a decision to move forward and remove that section of sidewalk and show they have reviewed it and removed it for safety. It would be good to get the support of the City on that.

Mark Syracuse commented that if it was a safety issue, then DPW should do it. Public Works Director Peter Rice commented that they did not want to remove the sidewalk lightly.

Erika Wygonik questioned if they wanted a motion for that with the RRFB. Public Works Director Peter Rice responded that it did not necessarily impact the RRFB. They could vote on that motion.

On a unanimous vote, motion passed 9-0.

Mark Syracuse questioned if they should make a motion about the sidewalk. Public Works Director Peter Rice noted it did not need to be a motion.

Mary Lou McElwain questioned what would happen with the section that was removed. Public Works Director Peter Rice responded that it would be loamed and seeded.

Vice Chairman Steve Pesci questioned if the Committee supported the sidewalk removal. The Committee was in support.

F. Little Harbor Road speed monitoring update.

Parking and Transportation Engineer Eric Eby commented that they completed a speed monitoring.

Tyler Reese noted they had speed data from the summer of 2021 and January 2022. The speed data varied at different points on Little Harbor Rd. The summer and fall speeds were lower than January. This was due to the resurfacing of the road and a reduction in pedestrian activity. Staff feels it is worthwhile to continue to monitor speeds this summer with the resurfaced road.

Erika Wygonik questioned what the road speed limit was. Parking and Transportation Engineer Eric Eby responded that it was not posted but it was 30 mph.

Mark Syracuse moved to refer to staff for continued evaluation and report back, seconded by Erika Wygonik. On a unanimous vote, motion passed 9-0.

Mark Syracuse had to leave the meeting early.

VIII. INFORMATIONAL

- A.** Public meeting for Raynes Avenue and Vaughan Street one-way conversion. April 19th at 6:30 PM at the AC Hotel.

Parking and Transportation Engineer Eric Eby commented that this meeting was noticed online, and they handed out fliers to the abutters.

- B.** Bridge Street lot reconstruction to start April 11, 4 to 5 weeks to complete.

This was discussed at the beginning of the meeting.

- C.** Update on speed limit subcommittee work

Tyler Reese commented that the work group has met twice. They have looked at the City ordinance, state law, and the complete street guidelines. State law makes the default speed 30 mph. It can be lowered to no less than 25 mph after an engineering study warrants it. A speed limit is not required to be posted, but then it defaults to 30 mph. They have created an excel sheet to look at the streets' posted limit and compliance and target speed based on the complete streets' guidelines. The guidelines set a target speed for each classification of road. There are some streets that are subject to evaluation for unique street conditions. They will be reviewing and recommending any changes they see fit. There are about 100 city streets that differ from State statute and are lower than 25 mph. There are 55 streets with a discrepancy between the ordinance and what is posted. There are 250 streets that are not listed in the ordinance, so they default to 30 mph. They are trying to work through the complete street guidelines and determine what is appropriate.

Vice Chairman Steve Pesci noted that there has been some public comment on doing individual streets, but it makes more sense to do it comprehensively. They are trying to balance a holistic view with some streets they know people are unhappy with.

Erika Wygonik commented that they are focusing on it as a policy question. It makes sense to break up it up into subcategories and to try to make progress quickly on the pain points. The Complete Streets provides target speeds, but they may not align with every road in each category.

Parking and Transportation Engineer Eric Eby commented that they have a lot of work to do and were looking for some direction from the Committee on what to tackle first.

Public Works Director Peter Rice commented that there has been a vocal group about the Middle Rd. corridor. It would be good to expedite that portion of the review and come back with a response in a timely manner. They could do that in coordination with the traffic calming pilot. A physical change to reduce speeds would be equally appreciated in addition to posting a reduced speed limit sign.

D. Loading zone shared use approval.

Parking and Transportation Engineer Eric Eby commented that the City Council approved the action by PTS to implement the time changes to the loading zones. Parking Director Ben Fletcher commented that they will be monitoring them throughout the summer to see if there are any conflicts between parking and necessary deliveries. It is a pilot so they can adjust as needed.

E. Market Street 3 metered parking spaces approved

Parking Director Ben Fletcher noted that they made the 3 spaces at Market St. near Russel St. Zone B and monetized them. This will ensure turnover in those spaces and allow people to use them to access the park.

F. Monthly Accident Report from Police

Police Captain Mike Maloney noted that February had 54 total crashes and 29 of them were reportable.

G. Bike Data

Parking and Transportation Engineer Eric Eby commented that bike traffic was starting to increase. They would continue to monitor the usage along the corridor.

IX. MISCELLANEOUS

Fire Chief Todd Germain noted that William McQuillen will be joining PTS starting next month to represent the Fire Department. Public Works Director Peter Rice acknowledged Fire Chief Todd Germain's efforts and thanked him for his service.

X. ADJOURNMENT

Harold Whitehouse moved to adjourn the meeting at 10:26 a.m., seconded by Mary Lou McElwain. On a unanimous roll call vote, motion passed 8-0.

**Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_16xQWuf0Q7m5dt4cQzCMNg



FY 2023 BUDGET MEETING SCHEDULE
Public Hearing & Budget Review/Listening Sessions

Monday, May 9, 2022	6:30 p.m.	Public Hearing on Budget
Tuesday, May 10, 2022	6:30 p.m.	Public Safety / Police & Fire Departments
Wednesday, May 11, 2022	6:30 p.m.	School Department
Thursday, May 12, 2022	6:30 p.m.	General Government & Parking Departments
Wednesday, May 18, 2022	6:30 p.m.	Water, Sewer & Stormwater Departments
<i>Thursday, May 19, 2022</i>	<i>5:30 p.m. – 6:30 p.m.</i>	<i>Public Dialogue Budget Session</i>
<i><u>At the following locations:</u> Portsmouth Middle School, Senior Center, and Fire Station 2</i>		
Monday, May 23, 2022	6:30 p.m.	Budget Review
Tuesday, May 31, 2022	6:30 p.m.	Budget Review Follow-up (if necessary)



City of Portsmouth

April 27, 2022

Portsmouth Department of Public Works Hosts Household Hazardous Waste Collection Day on May 21, 2022

Portsmouth, New Hampshire -- The Portsmouth Department of Public Works will hold its biannual Household Hazardous Waste Collection Day on Saturday, May 21, 2022, at the Public Works facility at 680 Peverly Hill Road. Residents of Portsmouth, Greenland and Newington are encouraged to bring household chemicals for safe disposal between 8 am and 12 noon. Proof of residency is required.

Collection Day is organized as a drive-through service. Residents remain in their vehicles and pull through the Public Works garage, where staff will remove disposable items from car trunks. Residents will be asked verbally about their town of residence for survey purposes, in compliance with EPA requirements.

Household hazardous waste collection helps safely dispose of items that can harm residents' health, the environment and drinking water supplies.

Items that qualify for collection include the following:

- From the yard: fertilizer with pesticides or fungicides, insect spray, lighter fluid, pest strips/traps, pesticides, poisons and pool chemicals.
- From the garage: acids, car waxes/polish, creosote, driveway sealer/tar, flea powder, gasoline, radiator fluid and roofing tar.
- From the house: bathroom cleaner, disinfectants, furniture polish, metal polish, mothballs, oven cleaner, photo chemicals, rug cleaner and wood strippers.
- From the workbench: brush cleaner, corrosives, lead and oil-based paint/stain/finish, rust preventive solvents, thinner/turpentine and wood preservatives.

Items that do NOT qualify include:

- Empty containers for household items, which may be disposed of in the regular trash collection.
- Explosives
- Asbestos
- Medical waste
- Latex paint. To prepare latex paint for regular disposal at the Recycling Center or through trash pick-up, solidify the paint by adding kitty litter, sawdust or SpeediDri; or open the can to allow the liquid to dry out before disposal.

For more information on the Recycling Center, [click here](#).

CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: KAREN S. CONARD, CITY MANAGER
FROM: BEVERLY MESA-ZENDT, PLANNING DIRECTOR
SUBJECT: FAMILIES FIRST HEALTH & SUPPORT CENTER COAST STOP REQUEST
DATE: 4-26-2022

On February 15, 2022, Margie Wachtel, Communications Director Families First Health & Support Center (Families First), reached out to the Mayor and Assistant Mayor requesting advocacy and support for a bus stop to be added behind the building on Greenleaf Avenue, with a path that could connect to the Families First Building. The COAST Trolley, that services the Lafayette Road route, cannot turn around in the Greenleaf Woods complex. Currently, patients must use a bus stop that is about 0.4 miles from the building. This has been a problem for those with limited mobility and those with children.

Staff reached out to Rad Nichols, Executive Director Cooperative Alliance for Seacoast Transportation for a response and path forward. Mr. Nichols indicated that COAST has had multiple conversations with Families First dating back to their move to their current location. Mr. Nichols further provided that the route is very challenging to navigate and that adding the route would result of a loss in service elsewhere. He also identified additional resources including ADA paratransit services and Senior Transportation options. His full response is attached here as Attachment A.

On April 26, 2022, staff followed up with Mr. Nichols about the planning of routes and future opportunities for consideration of this request. Mr. Nichols indicated that in 2018 and 2019, a tremendous amount of public input was gathered on the COAST system during multiple public forums and through an extensive public survey. Public input, funding options and additional public forums were considered in the development of a proposed system redesign that was then further refined in a Comprehensive Operations Analysis Outcomes Assessment which addressed:

- On Time Performance,
- Frequency and Span of Service,
- Connections,
- Specific Route adjustments
- Travel Times, and
- Clockface Scheduling.

Although, this significant planning effort has just been completed, Mr. Nichols noted that this request could be considered in further updates and refinements to the proposed system and noted that Joann Neumann, Chief Development Officer for Families First Health & Support Center had just joined the COAST Board of Directors.

Beverly M. Zendt

To: Benjamin M. Fletcher
Subject: RE: Families First / COAST bus

On Apr 25, 2022, at 3:21 PM, Rad C. Nichols <rnichols@coastbus.org> wrote:

Ben,

Unfortunately, the new site that Families First has moved to involves a very challenging route to navigate, has no area to turn around in once at their building, and would likely take time that we do not have available within the schedule, unless we cut service somewhere else. We have had multiple conversations with Families First about these constraints as they wrapped up construction, prepared for their move, and subsequently began working out of their new facility. We have also advised them of other COAST services that are available and could be utilized if individuals qualified.

For passengers who are disabled, such as described by Ms. Wachtel in her last email, if they are a Portsmouth City resident they can apply and use Senior Transportation. Or they can apply for eligibility under our ADA paratransit services. For non-disabled passengers, a 0.4 mile walk is not considered atypical for a public transit user. We have no control or influence over lighting or snow/ice removal and treatment.

To divert onto Greenleaf Avenue would be a significant alteration of the route that we would have to assess. It would potentially mean that we would no longer have stops near Cross Roads House or the High School, which are well utilized. We also likely do not have enough time in the schedule to make such a diversion unless we cut service somewhere else. Anytime a route becomes more circuitous it is less desirable for everyone riding and not going to that part of the route.

As requested, this comprises our initial feedback to your questions and the points raised in the email thread. We are happy to discuss this further whenever the need may arise.

Rad Nichols
Executive Director
Cooperative Alliance for Seacoast Transportation
42 Sumner Drive
Dover, NH 03820
603.516.0782
www.coastbus.org

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From: Benjamin M. Fletcher <bmfletcher@cityofportsmouth.com>
Sent: Monday, April 25, 2022 10:47 AM
To: Michael Williams <mwilliams@coastbus.org>; Rad C. Nichols <rnichols@coastbus.org>
Cc: Eric B. Eby <ebeby@cityofportsmouth.com>
Subject: FW: Families First / COAST bus
Importance: High

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender and have otherwise taken steps to review key elements of this email message. Always hover over links to check the address before making the choice to click on it. SAFETY FIRST!

Good morning, Michael and Rad.

Please see below, starting at the bottom. This request began with a discussion between Families First and Portsmouth City Council.

Pursuit of a stop at this location would require access to a lot at/near the Families First location in Portsmouth at 8 Greenleaf Woods Drive.

Attached is the City's Traffic Engineer Eric Eby, who can provide further details.

Our questions are related to the feasibility/desirability on your end of a COAST stop at that location:

- Does it make sense?
- Is it desirable?
- Does it conflict with or complicate current routes?

Please let us know your initial thoughts and questions.

**In the event Portsmouth Planning Director Beverly Zendt has already reached out and begun a dialogue on this, please let us know where it stands as of today.*

Thanks,



Benjamin Fletcher
Director of Parking
City of Portsmouth
680 Peverly Hill Road
Portsmouth, NH 03801
603.766.1456

bmfletcher@cityofportsmouth.com

Follow Us on Instagram: [Park PortsmouthNH](#)

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard, City Manager

FROM: Terry Desmarais, P.E., City Engineer

DATE: April 27, 2022

SUBJECT: DRAFT National Pollutant Discharge Elimination System Wastewater Permits

The City of Portsmouth owns and operates two wastewater treatment facilities (Peirce Island Wastewater Treatment Facility and Pease Wastewater Treatment Facility) that are regulated by the Environmental Protection Agency (EPA) and New Hampshire Department of Environmental Services through National Pollutant Discharge Elimination System (NPDES) permits. These permits are issued with an effective timeline of five years but are often administratively extended by the regulatory agencies. Updates to the permits are made by EPA in the form of a draft permit. Draft permits are made available for review and public comments. The EPA addresses comments on the draft permits before issuing the final permit.

The City received a draft permit for the Pease Wastewater Treatment Facility on March 31, 2022 and the Peirce Island Wastewater Treatment Facility on April 22, 2022. City staff is preparing comments to the permits and need to submit them by May 16, 2022 for the Draft Pease WWTF NPDES permit and May 23, 2022 for the Draft Peirce Island WWTF NPDES permit. The draft permits can be found at the links below:

Draft Pease WWTF NPDES Permit:

<https://www.epa.gov/nh/draft-permit-pease-wastewater-treatment-facility-portsmouth-nh-nh0090000>

Draft Peirce Island WWTF NPDES Permit:

<https://www.epa.gov/system/files/documents/2022-04/draftnh0100234permit.pdf>