

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 14, 2022 TIME: 6:30PM

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_6XmiMV7yTVS4XFYk1QmejA

6:30PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (l)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- 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
- VII. ACCEPTANCE OF MINUTES – AUGUST 22, 2022
- 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 HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 12 and Chapter 15 – City’s Building Code (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the December 5, 2022 City Council meeting***)
- B. First reading of Ordinance amending Chapter 5, Article I – Fire Department, Section 5.101 – Personnel and Article IX – Fire Code (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the December 5, 2022 City Council meeting***)
- C. First reading of Ordinance amending Chapter 1, Article IV, Section 1.408 – Cable Television and Communications Commission (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the January 9, 2023 City Council meeting***)

Public Hearings/Adoption of Resolutions:

- D. Public Hearing/Adoption of Resolution Appropriating Eighty-Five Thousand Dollars (\$85,000.00) from American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with the Purchase of an Ambulance and the Payment of Costs Incidental and Related Thereto

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

(Sample motion – move to adopt the Resolution as presented) (Two-thirds vote required for adoption)

- E. Public Hearing/Adoption of Resolution Appropriating Eight Hundred Thousand Dollars (\$800,000.00) to purchase one Fire Apparatus, and Authorizing a Bond Issue, and/or Notes, of up to Eight Hundred Thousand Dollars (\$800,000.00) to Meet this Appropriation

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

(Sample motion – move to adopt the Resolution as presented) (Two-thirds vote required for adoption)

- F. Public Hearing/Second reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee

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

(Sample motion – move to pass second reading and hold third and final reading at the December 5, 2022 City Council meeting)

- G. Public Hearing/Second reading of Ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted

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

(Sample motion – move to pass second reading and hold third and final reading at the December 5, 2022 City Council meeting)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Approval of Collective Bargaining Agreement with Professional Management Association
2. Approval of Collective Bargaining Agreement with Portsmouth City Employees - Local #1386A
3. Request for Restoration of Involuntarily Merged Lots of 880 Woodbury Avenue
4. Approval of 2023 City Council Meeting Calendar
5. Drainage Easement for 140 West Road
6. Temporary Construction License for 93 Pleasant Street
7. *Request for Public Arts Trust Funds to be Reallocated to the Bohenko Park Sculpture Garden from the Foundry Place Public Art Project

XII. CONSENT AGENDA

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

- A. Request from James Gaudreault, Bryce Harrison and Ian Lubkin , J & B Food Services LLC, d/b/a Cheese Louise to install a Projecting Sign at 76 Congress 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. 2022 Data Collection Presentation by City Assessor
- B. Greater Portsmouth Recovery Ready Community Coalition Presentation – Mark Lefebvre, Pinetree Institute
- C. Email Correspondence ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. Approval of Employment Agreement with City Manager Conard (***Sample motion – move to approve the proposed Employment Agreement as presented***)
2. Appointment to be Considered:
 - Appointment of David Rheame to the Zoning Board of Adjustment
3. *Appointments to be Voted:
 - Appointment of Stewart Sheppard to the Conservation Commission
 - Appointment of Brian Gibb as an Alternate to the Conservation Commission
 - Appointment of Assistant Mayor Kelley to the DOT Public Advisory Committee for Route 1 Bypass
 - Appointment of Marylou McElwain to the DOT Public Advisory Committee for Route 1 Bypass
 - Appointment of Anne Weidman as a regular member of the Economic Development Commission
 - Appointment of Charles Doleac to the Task Force to Study Private/Public Historical Archive
 - Appointment of Kristen Peterson to the Task Force to Study Private/Public Historical Archive
 - Appointment of Emma Stratton to the Task Force to Study Private/Public Historical Archive
 - Appointment of Thomas Watson to the Task Force to Study Private/Public Historical Archive
 - Appointment of Lawrence Yerdon to the Task Force to Study Private/Public Historical Archive
4. Vintage Christmas Shuttle

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Community Power Survey Planned for December

B. COUNCILOR DENTON

1. Amend All Veterans Tax Credit (***Sample motion #1 – move the draft resolution increasing the Optional Veterans' Tax Credit from \$500.00 to \$750.00 be brought back with any necessary changes to the City Council for readoption before March 31, 2023***)

(Sample motion #2 – move the draft resolution expanding the All Veterans Tax Credit eligibility to those that currently serve be brought back with any necessary changes to the City Council for readoption before March 31, 2023)

C. COUNCILOR MOREAU

1. Phase 2 ADU and Assisted Living Amendments (***Sample motion – move to refer the Phase 2 ADU and Assisted Living amendments to the Planning Board for a recommendation and to bring recommended amendments back to the City Council for first reading***)

D. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 6, 2022 meeting (*Tabled at the October 24, 2022 City Council meeting*) (**Sample motion – move to postpone until the December 5, 2022 City Council meeting**)
2. *Holiday Parking Enforcement (**Sample motion – move to establish Holiday Parking Enforcement from Saturday, December 17, 2022 through Monday, December 26, 2022 for payment of parking. Time limits would still be in effect**)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *NH Department of Natural and Cultural Resources/Division of Historical Resources Moose Plate Conservation Grant for Repair of North Cemetery Wall - \$20,000.00 (**Sample motion – move to approve and accept the grant from the New Hampshire Division of Historical Resources in the amount of \$20,000.00**)
- B. InvestNH Municipal Planning and Zoning Housing Opportunity Grant - \$82,000.00 (**Sample motion – move to accept the InvestNH Housing Opportunity Grant funding and authorize staff to enter into a formal grant agreement**)
- C. Donation to the Annual Tree Planting from Robert Grantham & Cynthia Nix for future planting of trees - \$5,000.00 (**Sample motion – move to approve and accept the donation from Robert Grantham and Cynthia Nix for Annual Tree Planting - \$5,000.00**)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *McIntyre Update
2. Report Back on Dog Ordinance
3. Historic Cemetery Committee Report

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

1. Citywide Neighborhood Committee Meeting – October 19, 2022 Minutes
2. Citywide Neighborhood Committee Neighborhood Outreach Forum – Ward 1 – October 26, 2022 Minutes

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

**Indicates verbal report*

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 22, 2022

PORTSMOUTH, NH
TIME: 5:30PM

Councilor Tabor moved to leave the Non-Public Session and seal the minutes. Seconded by Councilor Blalock and voted.

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 everyone to join in a moment of silent prayer in memory of Donna Miller, daughter of former School Board member Tara Kennedy and Councilor Vince Lombardi's brother Allen, both who recently passed away.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – JUNE 21, 2002 AND JULY 11, 2022

Councilor Lombardi moved to accept and approve the minutes of the June 21, 2022 and July 11, 2022 City Council meetings. Seconded by Councilor Cook and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Fire Chief Germain

Mayor McEachern recognized Fire Chief Germain and his years of service to the City of Portsmouth and Fire Department. He spoke to Chief Germain's attention to detail and outstanding work in the department. Mayor McEachern presented a City of Portsmouth Coin to Fire Chief Germain in recognition of his excellence and upcoming retirement from the Fire Department. Fire Chief Germain thanked Mayor McEachern and the City Council for this recognition and the kind words expressed. He also thanked Mayor McEachern and the City Council for always supporting the Fire Department throughout the years.

Councilor Denton moved to suspend the rules in order to bring forward Item XI. A.1. – Approval of Deputy Fire Chief Contract. Seconded by Councilor Tabor and voted.

Councilor Denton moved to approve the agreement with Deputy Fire Chief Patrick R. Howe as presented. Seconded by Councilor Bagley and voted.

IX. PUBLIC COMMENT SESSION

George Dempsey spoke regarding the previous election and ethics.

Jim Lee spoke against the movement to remove the three Audit Committee members. He said volunteers bring expertise to the table and that is needed. He spoke to the City using the same auditor for 27 years and how that needs to change.

Peter Whelan spoke against removing the three members from the Audit Committee. He said we have a rich history in this City of volunteers that have served on various Boards and Commissions. He urged the City Council to allow the Committee to do what is needed.

Mark Brighton spoke regarding ethics complaints and its process. He expressed concern with the City Manager being the person to appoint the Ethics Officer and feels that needs to change.

Sue Polidura spoke regarding the Audit Committee and that qualified individuals should not be replaced with staff members. She stated audits need to be conducted by different auditors.

Liza Hewitt spoke to the Audit Committee Ordinance and spoke against removing the three residents from the Committee. She said that removing these residents would limit public involvement. She said she feels the Council only wants to hear from residents that support their idea.

Esther Kennedy said the Ethics amendments are significant and there should be another public hearing on the ordinance. She asked the City Council to think about what Portsmouth is and what we are known for.

Paige Trace spoke on the recent CSO event and thanked City Engineer Desmarais for all his work for the City. She thanked him for all of her interaction with her and said the City should have been able to bypass and blend for the recent CSO.

Rick Becksted thanked Fire Chief Germain for all his work for the department. He stated that Chief Germain was the best man for the job. He spoke to the need for an alternate on the Planning Board and would like to be considered for that appointment to serve the board.

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

A. Public Hearing/Second reading of Ordinance amending Chapter 1, Article III – Boards

- **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.

Rick Becksted spoke to the difficulty in finding individuals to serve on boards and commissions. He said the three members serving on the Audit Committee should remain in place. He said if the Council removes the three current members, it will send a message to voters and residents regarding serving on boards and commissions.

Esther Kennedy expressed her disappointment with the Peirce Island Committee being dissolved. She addressed other committees and their value to the City.

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

Councilor Denton moved to pass second reading and hold third and final reading at the September 19, 2022 City Council meeting. Seconded by Councilor Cook.

Councilor Cook said the Governance Committee reviewed the boards and commissions and this ordinance pertains to those no longer meeting.

Motion passed.

B. Public Hearing/Second reading of Ordinance amending Chapter 1, Article IV – Commissions and Authorities

- **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.

Liza Hewitt said removing the three residents that make up the Audit Committee is wrong. She has attended the meetings of the Governance Committee and has not heard from them why they want the residents removed.

Duncan MacCallum spoke against the amendments and feels that the City Council should reject them. He stated that there are funds that are sitting in accounts such as money market accounts doing nothing. He said the City is losing money on these accounts. He also addressed the Audit Committee membership and how the three residents should remain in place.

Petra Huda said the Governance Committee is looking to eliminate the three residents that have expertise in finances. She spoke to the auditing process and how the City requires an independent audit which does not report to staff. She asked why the Audit Committee is being singled out because it is an advisory committee.

Paige Trace said the three residents serving on the Audit Committee should remain in place. She said they provide a great deal of knowledge and would provide free advice. She said you must do what is in the best interest of the City.

Esther Kennedy spoke regarding funding for the City. She stated the Council needs to think about the budget and funding. She said the Audit Committee makes a recommendation for the City Council to make a decision.

Dick Bagley said the decision on an auditor resides with the City Council. He said the Audit Committee is there to make sure your reports are sufficient with internal controls. The only job for the Audit Committee is to recommend an audit firm.

Peter Whelan spoke against not having residents on the Audit Committee. He said this is about good governance and the decision is about transparency. He urged the City Council to reject the ordinance as presented.

Sue Polidura said the Audit Committee will not last because there is an alternate goal. She asked that the Council not move the ordinance forward.

Christopher White (via zoom) said he does not support the amendments the City Council is seeking for this ordinance. He said removing the three residents is a key issue. He stated the City Council and the Audit Committee are unable to conduct an audit of the City. He spoke to the audit remaining independent.

Sheridan Lloyd (via zoom) asked that the City Council review the amendments for the ordinance. She said we need independence for a new auditing company.

Zelita Morgan (via zoom) asked the City Council to review the current amendments to the Audit Ordinance. She said you are creating a problem and the auditor should be independent. She asked what the City Council has against independence and balances to a process. She stated the rationale of putting three City Councilors and removing the three residents is a problem. She said the Council is creating a problem where none exists currently.

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

Councilor Bagley said the GFOA book states that an Audit Committee should be made up of the governing body. He suggested making up the committee with three City Councilors with one as Chair and the three existing residents.

City Attorney Sullivan said it is possible for an amendment to be done at second reading.

Councilor Bagley moved to amend the ordinance that the Audit Committee be made up of three City Councilors appointed by the Mayor with one as Chair and three existing residents. Seconded by Councilor Lombardi.

Councilor Denton said he would like to make a motion to adopt all the changes and then bring forward the amendment by Councilor Bagley.

Councilor Bagley rescinded his motion and Councilor Lombardi agreed as second to the motion.

Councilor Denton moved to adopt the changes as presented. Seconded by Councilor Bagley.

Councilor Bagley moved that the three existing members remain on the Committee throughout their term as appointed by the Mayor with the addition of three City Council members. Seconded by Councilor Moreau.

Councilor Cook said if we are going to change the ordinance we need to remove the redlines accordingly.

Councilor Denton moved to amend and not make proposed changes to the Audit Committee. Seconded by Councilor Bagley.

Councilor Bagley rescinded his motion and Councilor Moreau agreed as second to the motion.

Assistant Mayor Kelley said she feels we need to table and bring back changes to the Governance Committee with suggested amendments.

Mayor McEachern said he does feel we need to table the ordinance to come back with the changes for voting by the City Council. He said it needs to be something clear to accomplish the goals of the Council.

Councilor Lombardi moved postpone any action on Section 1.410 – Audit Committee until the September 19, 2022 City Council meeting and pass second reading of the proposed amendment as presented. Seconded by Assistant Mayor Kelley.

Discussion followed regarding membership.

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

Councilor Blalock moved to suspend the rules to take up third and final reading. Seconded by Councilor Moreau and voted.

Councilor Cook moved to pass third and final reading of those portions which have passed second reading with the exception of Section 1.410 – Audit Committee. Seconded by Councilor Moreau.

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

At 10:00 p.m., Mayor McEachern declared a brief recess. At 10:10 p.m., Mayor McEachern called the meeting back to order.

- C. Public Hearing/Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to One Million Two Hundred Thousand Dollars (\$1,200,000.00) for costs related to Sewer Service Connections related to the Sagamore Avenue Area Sewer Extension Project

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

Councilor Moreau moved to adopt the Resolution as presented. Seconded by Assistant Mayor Kelley.

Mayor McEachern said we spent a great deal of time on why would we do things in a certain way. He said we need to appreciate the professionalism of the Finance Department. He said he has always been impressed with the Finance Department and how they bring items forward that are in the best interest of the City.

Assistant City Engineer Cronin provided a presentation regarding the Sagamore Avenue Sewer Extension. He reviewed the background of the project, cost apportionment and project costs. He reported that there are 30 properties on the North side and 9 properties on the South side for a total cost of \$1.5 million with the average cost to resident per connection of \$16,077.00. He informed the Council that approximately \$627,000.00 will be repaid to the city by residents over time. He indicated that an additional bond authorization of \$1.2 million is needed and is before you this evening for approval.

Councilor Lombardi said that this is a great project and a win win for residents and the City.

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

Petra Huda asked what the reason is behind not using the \$2.5 million and moving forward to request that after the plans come forward.

Public Works Director Rice said we locked in the price and we spent a great deal of time working on the project.

Sheridan Lloyd, (Via zoom) said this is being forced onto property owners. The matter of costs was discussed and stated there should be allowance to bring down the costs.

Discussion followed among the City Council.

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

Assistant Mayor Kelley moved to suspend the rules and continue the meeting beyond 10:30 p.m. Seconded by Councilor Moreau and voted.

D. Third and final reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics

Councilor Cook moved to pass third and final reading of the ordinance. Seconded by Councilor Lombardi.

Councilor Moreau said there has been a great deal of discussion on this ordinance. She said we need to put it into practice and see how it works.

Mayor McEachern said it is hard to make and change an ordinance. He said this is one that has gone a long time and come back with an Ethics Investigation Officer. He said we have come up with a way to give it to the board to make the decision. He looks forward to not having to use the ordinance and we will deliver more fact finding.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

2. Approval of Welfare Guidelines

City Manager Conard reported that the last time the guidelines were updated was in 2015.

Councilor Moreau moved to adopt the Welfare Guidelines as presented. Seconded by Councilor Denton

Councilor Bagley spoke regarding the Standard of Need under Item 3 – Food - that food vouchers may not be used for pet food is one of those items.

Councilor Bagley moved to amend the guidelines by striking the words “pet food” under Item 3. Seconded by Councilor Denton.

Discussion followed regarding the changes outlined in red.

City Manager Conard said we could bring this back for the next City Council meeting and have Welfare Administrator Tully present to speak to the changes in the guidelines.

Councilor Bagley moved to table the guideline until the September 19, 2022 City Council meeting and have Welfare Administrator Tully present to speak to the changes in the guidelines. Seconded by Councilor Denton and voted.

3. Request to Schedule ARPA Work Session

City Manager Conard said we are looking at September 12th or September 21st to hold a work session regarding ARPA.

Councilor Tabor moved to hold the ARPA Work Session on September 12, 2022 at 6:00 p.m., in the Eileen Dondero Foley Council Chambers. Seconded by Councilor Moreau and voted.

4. Neighborhood Pilot Parking Program

City Manager Conard said we are trying to determine what is best for the program. She said your packet contains updated numbers for the City Council as part of your decision making. She advised the City Council the program is set to expire on September 6th.

Councilor Moreau moved to maintain the NPP program for 90 days during which time the City staff will bring to the Fee Committee a recommendation regarding the fees that should be adopted to sustain the program. Seconded by Councilor Lombardi.

Councilor Moreau said the way to make the program work for the entire City is to take away the two free hours and make it all paid parking, but if you live in the neighborhood you could then buy a permit and not pay for parking on the street but you would pay for the permit instead.

Mayor McEachern said we could send that to the Fee Committee. He further stated he supports the idea and test pilot with only using the application and not use kiosk.

Councilor Bagley said he supports the idea of Councilor Moreau. He said it would be a great area to test pilot and only using the application.

Councilor Tabor asked if we metered the area could it be only for streets closest to downtown.

Mayor McEachern said these are great questions for the Fee Committee and should be moved to them for consideration.

Councilor Bagley suggested that the Fee Committee look to the City of Dover when reviewing this matter.

Councilor Cook said that there are some residents not happy with the program being in place. She strongly suggests that we hear back from residents if we go back to a pay program. She said it will be interesting to see how this works in the long term. She stated we may need neighborhood parking programs in the future.

Mayor McEachern said long term we might end up with something like this. He said we need to understand the full value of the program and we need to put a price on it and obtain the hard data for those wishing to participate.

Motion passed.

5. Wayfinding Easement for City Property Location at 93 Pleasant Street

City Manager Conard said the easement has been provided and is recommended for 93 Pleasant Street.

Councilor Moreau moved to authorize the City Manager to accept and record a Sign Easement over 93 Pleasant Street in substantially similar form to the easement deed from Dagny Taggart, LLC contained in the agenda packet. Seconded by Councilor Cook and voted.

6. Renewal of Coalitions Communities 2.0 Membership Agreement

City Manager Conard said that this is the agreement for Coalition Communities 2.0.

Councilor Tabor moved to authorize the City to continue to participate in the Coalition Communities 2.0 and authorize the City Manager to negotiate and execute a two year renewal of a MOU with the Coalition Communities 2.0 on behalf of the City in a form similar to the attachment contained in the agenda packet. Seconded by Councilor Moreau.

Assistant City Attorney Ferrini reported that there were 50 bills last year and only 1 is left in Committee. She stated if it were to come out of committee it would warrant looking at. She spoke to the importance of having a presence in Concord. She said we would be well served to keep a lobbyist and move forward on this matter.

Mayor McEachern said he will support this motion and the Coalition bringing forward ways to fund education that is equitable.

Motion passed. Councilor Denton voted opposed.

7. Monitoring Well License Request for 60 Penhallow Street

City Manager Conard spoke to the license required for monitoring.

Councilor Moreau moved to authorize the City Manager to negotiate and execute a license with Dagny Taggart, LLC to locate NHDES required monitoring wells under the City sidewalk along Penhallow Adjacent to the Brick Market Building. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

- A. Letter from Marcia Leach, North Church, requesting permission to hold the Seacoast Area Crop Walk on Sunday, October 16, 2022

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Assistant Mayor Kelley moved to accept and place on file. Seconded by Councilor Blalock and voted.

B. Capital Improvement Plan FY 224-2029

Planning Director Zendt provided a presentation on the Kickoff to the Capital Improvement Plan and its development. She outlined what qualifies as a CIP project and where projects originate. She spoke to how projects are evaluated, prioritized and the funding sources for projects. Planning Director Zendt reported that the CIP process has no financial commitment and outlined the various public input opportunities. She spoke to the QR Code that has been created which outlines the process and how to submit a project application.

Mayor McEachern thanked Planning Director Zendt for the presentation and said that the QR code works.

Councilor Moreau said staff will review all applications and submit the projects for review.

City Manager Conard stated that the QR code will be posted in Municipal buildings for access by the public.

C. Status Update on Seacoast Greenway/Railtrail Project

Seth McNally and Dave Allen provided a status update on the Seacoast Greenway Railtrail Project. Seth reported that New Hampshire Seacoast Greenway Alliance has been recently incorporated as a 501(c) (3). He stated the purpose is to provide for regional coordination on policy development, Management, Maintenance, fundraising and promotion for the New Hampshire Seacoast Greenway. Dave reported that this is a DOT project and preliminary design has been completed. He informed the Council that the completion date is estimated end of 2024. Dave advised the City Council that the NHSG Community Connections will be conducting an afternoon bike ride on the corridor on Thursday, September 22nd and Friday, September 23rd there will be a drop-in workshop in the Levenson Room of the Portsmouth Library.

Mayor McEachern thanked Seth and Dave for the presentation.

D. Letter from Barbara McMillian, Chair and on behalf of the Conservation Commission requesting reconsideration by the Council before proceeding with the plan to rehabilitate the entire Peirce Island Pool and associated systems

Councilor Denton moved for a report back regarding issues raised and a summary of the work that is being done at the pool. Seconded by Councilor Cook.

Councilor Denton said he would like a written report back.

Councilor Cook said we should explore the situation and what the long term aspects would be.

Mayor McEachern said we need to be mindful of protecting the pool.

Motion passed.

XIV. MAYOR McEACHERN

1. Appointment of Assistant Mayor Kelley as City Council Representative to the Trees and Public Greenery Committee

Mayor McEachern announced that Assistant Mayor Kelley will serve as the Council Representative to the Trees and Public Greenery Committee.

The City Council considered the appointments listed below which will be voted on at the next City Council meeting on September 19, 2022.

2. Appointments to be Considered:
 - Appointment of Luis Rodriguez to the Cable Television & Communications Commission
 - Appointment of Torey L. Brooks to the Sustainable Practices Blue Ribbon Committee
 - Reappointment of Patricia Bagley to the Trees and Public Greenery Committee
 - Appointment of Jeffrey Mattson as an Alternate to the Zoning Board of Adjustment
3. Resignations:
 - Henry Mellynchuk from the Conservation Commission
 - Andrea Ardito from the COVID Response Task Force Committee

Mayor McEachern regretfully accepted the resignations of Henry Mellynchuk from the Conservation Commission and Andrea Ardito from the COVID Response Task Force Committee.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

1. InvestNH Grant Program

Councilor Denton moved for a report back on how entities that want to address our housing shortage can apply to partner with the City of Portsmouth for funding through the NH Department of Business and Economic Affairs' InvestNH Grant Program. Seconded by Assistant Mayor Kelley.

Councilor Moreau said the City is working to obtain a grant. She stated we are evaluating ways to use and accept the funds.

Councilor Denton said he is satisfied with the update and withdrew his motion. Assistant Mayor Kelley withdrew her second to the motion.

B. COUNCILOR MOREAU

1. Land Use Committee Update | Regulatory Amendments Pending Attached is a Memorandum updating the City Council on the work of the Land Use Committee and the progress of the various zoning ordinance amendments under consideration. In summary, the Planning Board is anticipated to act on August 18, 2022 on the Phase 1 amendments and the Land Use Committee is expected to finish its consideration of proposed Phase 2 amendments concerning Accessory Dwelling Units (ADUs) by early September. In anticipation of action by the Planning Board on August 18, 2022 to complete its review of the Phase 1 amendments

Councilor Moreau advised the Council that there have been some minor changes that will be brought forward.

Councilor Moreau moved to bring forward for first reading on September 19, 2022 the Phase I Zoning Amendments. Seconded by Assistant Mayor Kelley and voted.

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of August 4, 2022

Councilor Bagley moved to accept and approve the action sheet and minutes of the August 4, 2022 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley and voted.

Action Item Needing Approval by City Council:

- Request for 15-minute spaces at 22 Daniel Street by owner

Councilor Bagley moved to approve two 15-minute spaces in front of 22 Daniel Street. Seconded by Assistant Mayor Kelley and voted.

Councilor Bagley moved to change three existing 15-minute spaces on south side of Daniel Street to regular Zone A spaces. Seconded by Councilor Moreau and voted.

D. COUNCILOR COOK

1. Arts & Nonprofits Cultural Plan Subcommittee – Request for Volunteers

Councilor Cook reported that the Committee is working on revisions to the cultural plan. She said we are in need of volunteers to serve on the Subcommittee for these revisions.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant to the Public Works Department from the Department of Environmental Services – Household Hazardous Waste of up to \$4,238.00

Councilor Moreau moved to accept and expend up to a \$4,238.00 DES grant for the purpose of Household Hazardous Waste Collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Seconded by Assistant Mayor Kelley and voted.

- B. Acceptance of Various Police Department Grants:
 - Department of Justice through the ARPA for the NH Internet Crimes Against Children Task Force - \$700,000.00
 - USPCA AKC Reunite K9 Organization - \$7,500.00

Councilor Moreau moved to accept and approve the Grants to the Police Department as presented. Seconded by Councilor Blalock and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Prescott Park Public Forum Area

City Manager Conard said City Attorney Sullivan has provided a lengthy memorandum on this matter.

Councilor Bagley asked what to do if we see someone in violation on a weekend of the conduct and for the public forum area. City Attorney Sullivan advised to take a picture and send it to the Legal Department for follow-up on Monday.

Councilor Cook said she would like to know if we could have Code Enforcement Officials available on weekends to deal with this matter. City Attorney Sullivan said we could have that made available.

Mayor McEachern said we need to remember freedom of speech when dealing with such matters. He requested a report back from City Attorney Sullivan to define the public forum areas. City Attorney Sullivan stated he would provide a more refined document addressing reasonable time, place and manner on content neutral businesses.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

- RFP for Audit Services

City Manager Conard reported that the RFP for Audit Services has been put out and is published on the website with responses due on October 12, 2022.

- Ordinance amending Chapter 1, Article III – Boards

Councilor Denton moved to suspend the rules to hold third and final reading on Ordinance amending Chapter 1, Article III – Boards under Miscellaneous Business. Seconded by Councilor Blalock and voted.

Councilor Denton moved to pass third reading of Ordinance amending Chapter 1, Article III – Boards. Seconded by Councilor Moreau and voted.

XIX. ADJOURNMENT

At 12:01 a.m., Councilor Moreau moved to adjourn. Seconded by Councilor Blalock and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 12 and Chapter 15 of the Ordinances of the City of Portsmouth be deleted in their entirety and replaced with the attached new "Chapter 12: City of Portsmouth Building Code."

The City Clerk shall properly alphabetize, re-number and create a table of contents for the ordinance upon passage.

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Chapter 12: City of Portsmouth Building Code

SECTION 1201 TITLE ADOPTION / STATUTORY AUTHORITY

1201.1 The New Hampshire Building Code is hereby adopted, together with the local regulations and amendments contained within this Chapter and shall be known as the Building Code of the City of Portsmouth (“City Building Code”). (See RSA 155-A:1,V; RSA 674:51, I; RSA 155-A:2,V and RSA 155-A:3, I, II).

SECTION 1202 SCOPE AND ADMINISTRATION

1202.1 Building Official. The Department of Building Inspection of the City of Portsmouth, New Hampshire is hereby created and the executive official thereof shall be known as the Chief Building Inspector. Other Building Officials include the assistant Building Inspectors, Electrical Inspectors and Plumbing/Mechanical Inspectors. The Chief Building Inspector and Building Officials are appointed by the City Manager based on qualifications established for each position by the City Manager. The Chief Building Inspector and Building Officials are authorized to receive, process and approve all building permits, issue building permits and certificates of occupancy, perform inspections necessary to assure compliance with the City Building Code, collect permit fees, maintain records of all applications and enforce all provisions of the City Building Code as more fully set forth below.

1202.2 Permits

1202.2.1 Required. New construction and general renovation work requires the issuance of a building permit. General renovation is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or structural repairs.
5. Dormers.
6. Renovations to kitchens and bathrooms.
7. Demolition of all or part of a structure.
8. Changing exits or any components of the means of egress in any way.
9. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
10. Above or below grade flammable and combustible liquid tank removal or installation shall require separate mechanical and gas permitting.

11. Changes in Use or Occupancy.
12. Electrical work.
13. Plumbing or mechanical work.
14. Fire sprinkler or fire alarm systems
15. Roofing or re-roofing

NH Licensed trade persons shall secure permits for electrical, plumbing and fuel gas work when required under New Hampshire law.

1202.2.2 Work exempt from permits. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the City Building Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Ordinary repairs as defined in Section 1202.2.3 provided the total of such non-structural repairs do not exceed \$3,000 in construction value.
2. Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.
3. Fences not over 6 (six) feet high not located on corner lots of an intersection or not in the Historic District.
5. Sidewalks, driveways or patios constructed on grade with earth products so long as there is no change in elevation and/or drainage configuration.
6. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3 occupancy which are less than 18 inches deep, do not exceed 5,000 gallons and are entirely above grade.
7. Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.
8. Moveable cases and counters (typical in retail occupancies).
9. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000, including labor and materials.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles in single family dwellings, or in facilities employing full time maintenance personnel, provided the work is performed or supervised by a licensed electrician employed by the facility owner. (See NH RSA 319-C)

Gas:

1. Portable heating appliances for one and two family occupancies.

Mechanical:

1. Portable heating appliances for one and two family occupancies.

1202.2.3 Ordinary Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Ordinary repairs are defined as work which is associated with the

normal maintenance of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)
2. Replacing or repairing flooring or carpeting in-kind.
3. Replacing or repairing interior trim.
4. Repointing masonry unless located in the Historic District.

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in general renovations to structures, then all such items will be included in the construction cost and a permit is required.

Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

Exceptions: (i.e. permit is required.)

1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required.
2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000). (i.e., a permit is required when repair value is more than \$3,000 including materials and labor. Homeowner/property owner labor value to be included.)

1202.2.4 Action on application. Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when outstanding permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.

Exception:

When permits are required to correct known non-conformances.

1202.2.5 Time limitation of application. An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently pursued or a permit has been issued, except that the building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

1202.2.6 By whom application is made. Application for a permit shall be made by the owner of the building or structure or by the authorized agent of either, or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, applicant and of the responsible officers, if the owner is a corporate body it shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.

1202.2.7 Expiration. Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections (no less than 6 months in between) must be requested and work progress documented by inspections. Work elements shall be items associated with the building permit scope of work.

1202.2.8 Minimum progress required to keep permit extension active. After an extension has been granted under 1202.2.7, work shall begin within the next twelve (12) month period and, shall have progressed such that a full foundation has been constructed and inspected in that same twelve (12) months. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete and inspected to a weather tight condition. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing, work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under 1202.2.7. Failure to achieve these milestones, shall cause the permit to become invalid.

1202.2.9 Placement of permit. The building permit field copy shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street. Where such posting is impracticable the building permit field copy shall be available on site for public viewing upon request. The building permit field copy may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.

1202.2.10 Qualifications of persons doing trade work.

1202.2.10.1 Fuel Gas/Plumbing. Pursuant to RSA 153:36, licensing requirements shall not apply to a homeowner from making fuel gas fitting and plumbing installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

1202.2.10.2 Electrical. Pursuant to RSA 319-C, licensing requirements shall not apply to a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

1202.2.11 Submittal Documents

1202.2.11.1 Approval of construction documents. The building official shall review and approve all submitted documents. The permit holder is responsible for complying with the comments and notes added during the permit review process. Approved plans and documents shall be maintained as part of the official permit construction documents.

1202.2.12 Phased approval. A phased building permit shall not be issued until such time as the permit application is approved by the City Planning Department and all necessary bonds are posted.

1202.2.13 Fees

1202.2.13.1 Schedule of permit fees. Fees shall be determined by budget resolution in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

1202.2.14 Work commencing before permit issuance. Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

1202.2.15 Refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of this chapter.

1202.2.16 City construction projects. Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

1202.3 Inspections

1202.3.1 Inspection requests. The permit holder shall allow a minimum of three work days (72 hours) from the time the building official is notified to the time the inspection is scheduled.

1202.3.2 Re-inspection fee. If, upon being called for any inspection, the work is not in compliance with this Code, written notice (including the specific code sections) will be provided clearly identifying the deficiencies. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to re-inspect said deficiencies. When called to re-inspect, if these deficiencies have been corrected, no further action will be taken. However, if during the first re-inspection, the originally deficient work has not been corrected, there may be a re-inspection fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent re-inspection of the same deficiency or deficiencies, the same procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require re-inspections. Re-inspection fees will not be assessed for items newly found or for their first re-inspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any re-inspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said re-inspection fees, until all outstanding fees are paid.

1202.4 Certificate of Occupancy

1202.4.1 Use and occupancy. A certificate of occupancy/completion shall be issued upon request, for completed work associated with a valid building permit.

1202.4.2 Fee for Certificate of Use and Occupancy. There shall be a fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items, a Certificate of Occupancy fee will be assessed for the third inspection, and each subsequent inspection for the same item(s). The fee will be paid prior to the building official performing the additional inspections. This procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently.

1202.5 Violations

1202.5.1 Violation penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.

1202.6 Stop work order

1202.6.1 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section 1202.5.1 of this chapter.

1202.7 Appeals

1202.7.1 Appeal process. The City of Portsmouth Building Code Board of Appeals will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the City Building Code. The appeal process is set forth in the Rules and Procedures adopted by the City's Building Code Board of Appeals which are incorporated by reference and adopted herein. See <https://www.cityofportsmouth.com/cityclerk/building-code-board-appeals>

SECTION 1203 COMMERCIAL AND RESIDENTIAL CONSTRUCTION

1203.1 Special inspections and tests

1203.1.1 Cold-formed steel trusses. Special inspections shall be required for all light gauge metal roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

1203.1.2 Metal-plate-connected wood trusses. Special inspections shall be required for all metal-plated-wood roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

1203.2 Temporary Structures, as applicable

1203.2.1 General. Pursuant to the approval by the City's Planning Department, the building official may issue a permit for temporary structures or uses. Such permit will be limited to the regulations set forth in the City's Zoning Ordinance and the City Building Code. Any temporary structure shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant one (1), 180 day extension for demonstrated cause.

1203.3 Signs

1203.3.1 Zoning ordinance. The City's Zoning Ordinance, Chapter 10, Article 12 of the City's Ordinances, regulates all signs, permanent signs, sign size, letter size and sign illumination. Refer to that ordinance for all sign criteria.

1203.4 Historic Buildings

1203.4.1 Historic District. The City of Portsmouth has delineated a special Zoning Overlay Historic District, which regulates all work done to the exterior facade of structures within said district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance Chapter 10, Article 6 for specific details.

1203.5 Design Criteria

Ground snow load: 50 pounds per square foot (PSF)
Wind speed: 100 miles per hour (MPH)
Seismic Design Category: C
Weathering: Severe
Frost Line Depth: 4 feet to bottom of footing.
Termite: Slight to Moderate
Winter Design Temp.: (-) 3 degree days
Ice Barrier Underlayment Required: Yes
Flood Hazard: Flood Insurance Rate Map May 17, 2005
Air Freezing Index: 1000
Mean Annual Temperature: 47 degrees F

1203.6 Automatic fire sprinkler systems

1203.6.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13R or 13D as determined by the Authority Having Jurisdiction.

1203.7 Smoke alarms

1203.7.1 Power source. Smoke alarms shall be supplied by a branch circuit that also supplies lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the electric panel. The branch overcurrent protective device supplying the smoke alarms shall be clearly labeled “Smoke Alarms” in a manner that distinguishes it from other overcurrent protective devices.

SECTION 1204 PLUMBING

1204.1 Sewage disposal. Private sewage disposal systems shall meet the requirements of City ordinances, State Law and RSA 485-A:29-44.

1204.1.1 Floor drains. Floor drains shall be reviewed and approved by the City Engineer.

1204.2 General definitions.

Hot Water: Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

Food service establishment. Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

1204.3 Protection of pipes and plumbing system components.

1204.3.1 Freezing. Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

1204.3.2 Sewer depth. Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches (1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches (1219 mm) cannot be attained.

1204.4 Minimum water heater temperatures. Tank type water heaters and indirect fired hot water storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the maximum “hot water temperature” to faucets as required by this code. 1204.2 restricts the upper end temperature of hot water to 130 degrees Fahrenheit.

1204.5 Water Service.

1204.5.1 Size of water service pipe. The water service pipe shall be sized to supply water to the structure in quantities and at the pressures required in the City Building Code. The minimum diameter of water service pipe shall be 1 inch.

1204.5.2 Materials, joints and connections. For water service pipe up to and including 3 inches (3”) in diameter only type K copper or CT Pex shall be used. For water service pipe over 3 inches (3”) in diameter only cement lined ductile iron shall be used.

1204.6 Hot water supply systems.

1204.6.1 Child care and Group E water temperatures. Water for hand washing sinks in child care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F (49 degrees C).

1204.7 Protection of potable water supply.

1204.7.1 Portsmouth Water Department backflow prevention criteria. Backflow prevention at the water meter shall be accordance with 1204.7.1.1 through 1204.7.1.7.

1204.7.1.1 Multiple tenant spaces. All buildings that have more than three tenants or tenant spaces being served by one water service shall have two backflow preventers installed in parallel for uninterrupted service. When the building or tenant space does not have a known tenant, the water service to that building or tenant space shall have a reduced pressure zone backflow preventer installed on the building side of the water meter.

1204.7.1.2 Dual check valve assemblies. All new residential water services of less than or equal to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly conforming to ASSE 1024. Said assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.

1204.7.1.3 Existing water service. When replacing or upgrading an existing water distribution piping system, a dual check valve backflow prevention assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.

1204.7.1.4 Double check-valve assemblies. All new residential water services greater than 1 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16.

1204.7.1.5 Bypass lines. Bypass lines around required backflow preventers shall be protected with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16 for additional backflow prevention requirements.

1204.7.1.6 Auxiliary wells or water supplies. Whenever an auxiliary well or water supply serves property that also has a domestic water service, the domestic water service shall have a reduced pressure principle backflow preventer installed on the water distribution side of the water meter in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16:

Cross Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a backflow prevention device as required by this ordinance. The connection shall be approved by the Utility and the New Hampshire Department of Environmental Services, and shall satisfy in all respects the laws of the State of New Hampshire.

1204.7.1.7 Connection to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

1204.8 Sanitary drainage.

1204.8.1 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where available or an approved private disposal system. A building is considered available to a public sewer when said building is within 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan shall document its location on the lot. Subsurface systems shall meet the requirements of RSA 485-A:29-44. A backwater valve shall be added to existing structures undergoing remodels or adding/finishing basement levels.

1204.9 Vent connections and grades.

1204.9.1 Vent for future fixtures. Within a habitable or occupiable space at the lowest level of a structure where plumbing fixtures are not installed, there shall be made available an accessible

vent connection, not less than 2" inch diameter, which is properly connected to the vent system to provide for future venting.

1204.10 Interceptors and Separators.

1204.10.1 Approval. All interceptors and separators shall be of the type and capacity approved by the City Engineer. Each interceptor and each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. When exceptions are granted under the conditions of 1204.10.2, the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste exempted from treatment by the City Engineer, shall not be discharged into separators or interceptors.

1204.10.2 Food service grease interceptors required. New and remodeled food service establishments shall install a 1000 gallon in-ground grease interceptor located outside the building envelope in addition to all required grease interceptors at fixtures inside the building. The grease interceptor shall receive drainage from fixtures and equipment with grease laden waste.

Exception 1: When adequate in-ground space is not available outside on the lot, a grease interceptor approved by the City Engineer and sized in accordance with the State Building Code shall be installed inside.

Exception 2: When the Health officer and City Engineer do not feel the type of food service establishment warrants such protection.

Exception 3: If the drain line connecting a grease laden fixture(s) to the in-ground interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with a grease removal device as listed in the New Hampshire Building Code.

1204.10.3 Oil separators required. The City Engineer shall approve all oil separator designs.

1204.10.4 Access and maintenance of interceptors and separators. All interceptors and separators shall be located to provide easy access for cleaning and inspection. Interceptors shall not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned and repaired regularly as needed by the building owner at their expense. The building owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to periodic review by the City Engineer, City Health Officer or Building Official. Only licensed waste disposal companies shall perform removal and disposal operations of the collected materials.

1204.11 Exterior showers.

1204.11.1 Exterior showers. Exterior showers require a roof and an enclosure that is approved by the Building Official.

1204.11.2 Rinse stations. Exterior rinse stations do not require a roof and shall not include a drain that discharges into the City sewer. The discharge of grey water while using a rinse station

is strictly prohibited. Greywater refers to laundry, dish, and bath/shower water; Greywater has adverse effects on aquatic life and public health by negatively impacting drinking water supplies, recreational activities, and wildlife.

SECTION 1205 MECHANICAL

1205.1 Equipment and appliance location.

1205.1.1 Equipment noise. Refer to the City of Portsmouth Zoning Ordinance, Chapter 10, Article 13 for the limitations of excessive noise from mechanical equipment operations. Noise from mechanical equipment shall not exceed the levels so stated.

1205.6 Exhaust system.

1205.6.1 Mechanical equipment and terminations in the Historic District. Mechanical equipment and equipment terminations shall comply with the City of Portsmouth Zoning Ordinance with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

1205.7 Commercial kitchen hoods.

1205.7.1 Reserved.

1205.8 Chimneys and vents.

1205.8.1 Masonry chimneys. Masonry chimneys shall be constructed in accordance with the New Hampshire Building Code and New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances).

1205.9 Masonry fireplaces.

1205.9.1 General. Masonry fireplaces shall be constructed in accordance with the New Hampshire Building Code and the New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances).

SECTION 1206 FUEL GAS

1206.1 Installation of piping.

1206.1.1 Reserved.

1206.2 Type of venting systems to be used.

1206.2.1 Through-the-wall vent termination. Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

SECTION 1207 ELECTRICAL

1207.1 Definitions

1207.1.1 Townhouse. A single-family dwelling unit constructed in a group of three or more attached units in which each unit demising wall extends from foundation to roof and with a yard or public way on not less than two sides. The fire rated wall from the concrete basement floor or slab shall be unbroken to the underside of the roof sheathing without any electrical through penetration.

1207.1.2 Enclosed interior exit stairway (stair tower). Interior exit stairways not located in townhouses and one and two family dwellings serving as an exit component shall be enclosed and fire rated and lead directly to the exterior of the building. The stairway shall not be used other than for means of egress (i.e. storage, seating, etc.).

1207.2 NM/NMC (Romex)

1207.2.1 Uses permitted. Type NM and Type NMC cables shall be allowed in one- and two-family dwellings and townhouses, their attached or detached garages, and their storage buildings except as prohibited by NFPA 70.

1207.2.2 Uses not permitted. Type NM and Type NMC cables shall not be exposed within a dropped or suspended ceiling cavity in other than one and two family and townhouses

1207.3 SER/SE (service entrance cable)

1207.3.1 Uses permitted.

1207.3.1.1 Service-Entrance conductors. Service-entrance cable shall be permitted to be used as service-entrance conductors in townhouses and one and two family dwellings and shall be installed in accordance with NFPA 70

1207.3.1.2 Use of uninsulated conductor. Type SE service-entrance cable shall be permitted for use where the insulated conductors are used for circuit wiring and the uninsulated conductor is used only for equipment grounding purposes in townhouses and one and two family dwellings.

1207.3.2 Uses not permitted.

1207.3.2.1 Service-entrance cable (SE). Service-entrance cable shall not be used in any type of building or structure other than townhouses and one and two family dwellings.

1207.4 GFCI protection

1207.4.1 Dwelling units. All 125-volt through 250-volt outlets and receptacles installed in the locations specified in NFPA 70 and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

1207.4.2 Other than dwelling units. All 125-volt through 250-volt outlets and receptacles supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less, and all receptacles supplied by three-phase branch circuits rated 150 volts or less to ground, 100 amperes or less, installed in the locations specified in NFPA 70 shall have ground-fault circuit-interrupter protection for personnel.

1207.4.3 General. The following appliances rated 120 thru 250 volts and 60 amperes or less, single- or 3-phase, shall be provided with class-A GFCI protection for personnel. Multiple class-A GFCI protective devices shall be permitted but shall not be required.

1. Automotive vacuum machines
2. Drinking water coolers and bottle fill stations
3. Cord-and-plug-connected high-pressure spray washing machines
4. Tire inflation machines
5. Vending machines
6. Sump pumps
7. Dishwashers
8. Ranges, ovens, and grills
9. Electric dryers
10. Mixers in commercial kitchens
11. Any cooking appliance in commercial kitchens
12. Hotplates, crock pots

1207.5 Arc fault protection. Reserved

1207.6 Identification of electrical systems.

1207.6.1 Emergency system. Emergency circuits shall be permanently marked **in yellow** so they will be readily identified as a component of an emergency circuit or system by the following methods:

1. All boxes and enclosures (including transfer switches, generators, and power panels) for emergency circuits shall be permanently marked **in yellow** as a component of an emergency circuit or system.

2. Where boxes or enclosures are not encountered, exposed cable or raceway systems shall be permanently marked **in yellow** to be identified as a component of an emergency circuit or system, at intervals not to exceed 7.6 m (10 ft).
3. Receptacles supplied from the emergency system shall have a distinctive color or marking on the receptacle cover plates or the receptacles identified **in yellow**.

Note: If a system for an existing building has a different color for the system than this section, then existing color shall be continued in the building

1207.6.2 Boxes, enclosures, raceways. In a building or at a structure where a critical operations power system and any other type of power system are present, all boxes and enclosures (including transfer switches, generators, and power panels) for critical operations power system circuits shall be permanently marked **in blue** so they will be readily identified as a component of the critical operations power system. All raceways must be permanently marked every 10' in blue so will be readily identified as a component of a critical operation power system.

1207.6.3 Receptacles. In a building in which critical operations power systems (COPS) are present with other types of power systems described in other sections in this article, the cover plates for the receptacles or the receptacles themselves supplied from the COPS shall have a distinctive **blue** color or marking so as to be readily identifiable. Non-locking-type, 125-volt, 15- and 20-ampere receptacles supplied from the COPS shall have an illuminated face or an indicator light to indicate that there is power to the receptacle

1207.6.4 Life safety and critical. The life safety branch and critical branch [of the essential electrical system] shall be kept independent of all other wiring and equipment. Raceways, cables, or enclosures of the life safety branch must be identified **in yellow** and critical branch shall be readily identified **in orange** as a component of the essential electrical system (EES). Boxes and enclosures (including transfer switches, generators, and power panels) shall be field- or factory-marked and identified as a component of the EES. Raceways and cables shall be field- or factory-marked as a component of the EES at intervals not to exceed 7.6 m (10 ft).

1207.6.5 Photovoltaic Unless located and arranged so the purpose is evident, the following wiring methods and enclosures that contain PV system AC and DC circuit conductors shall be marked with the wording PHOTOVOLTAIC POWER SOURCE or SOLAR PV DC CIRCUIT, or SOLAR PV AC CIRCUITS by means of permanently affixed labels or other approved permanent marking:

1. Exposed raceways, cable trays, and other wiring methods
2. Covers or enclosures of pull boxes and junction boxes
3. Conduit bodies in which any of the available conduit openings are unused

The labels or markings shall be visible after installation. All letters shall be capitalized and shall be a minimum height of 9.5 mm ($\frac{3}{8}$ in.) in white on a red background. Labels shall appear on every section of the wiring system that is separated by enclosures, walls, partitions, ceilings, or floors. Spacing between labels or markings, or between a label and a marking, shall not be more

than 3 m (10 ft). Labels required by this section shall be suitable for the environment where they are installed.

1207.7 Definitions specific to 1207.6 thru 1207.6.4

1. Critical Branch.

A system of feeders and branch circuits identified in orange supplying power for task illumination, fixed equipment, select receptacles, and select power circuits serving areas and functions related to patient care that are automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

2. Equipment Branch.

A system of feeders and branch circuits identified in green arranged for delayed, automatic, or manual connection to the alternate power source and that serves primarily 3-phase power equipment.

3. Essential Electrical System.

A system comprised of alternate sources of power and all connected distribution systems and ancillary equipment, designed to ensure continuity of electrical power to designated areas and functions of a health care facility during disruption of normal power sources, and also to minimize disruption within the internal wiring system.

4. Life Safety Branch.

A system of feeders and branch circuits identified in yellow supplying power for lighting, receptacles, and equipment essential for life safety that is automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

1207.8 Generators.

1207.8.1 Location.

1. Generator shall not be installed within 5' of any building or structure without manufacturer's approval and as specified in the New Hampshire Fire Code.
2. Generator exhaust shall not be located within 5' of any building or structure.
3. Generator shall be located at least 10' from openings in walls. This section recognizes the potential danger of deadly carbon monoxide gas entering the structure and injuring the occupants. Building openings could be, but are not limited to, the following:
 1. Basement doors & bulkhead openings
 2. Basement windows
 3. Exit doors or sliding glass openings
 4. Operable windows
 5. Dryer vents
 6. Kitchen appliance vents
 7. Mechanical exhaust vents for heating or hot water appliances
 8. Air intake openings or screens

1207.9 Electrical system disconnecting means.

1207.9.1 Remote emergency shutdown. Generators with greater than 8 KW rating, other than cord connected portable generators shall be provided with a remote emergency stop switch to

shut down the prime mover. The remote emergency stop switch shall be located outside the equipment room or generator enclosure, an additional remote emergency shutdown device shall be installed next to the service disconnect, said device shall also meet the requirements of the NFPA 70.

1207.9.2 Emergency shutdown for One- and Two-Family dwelling units.

For other than cord-and-plug-connected portable generators, an emergency shutdown device shall be located outside the dwelling unit at a readily accessible location next to the service disconnect outside the dwelling, or next to the meter in existing dwelling where the service conductors enter the dwelling.

1207.9.3 Emergency disconnect - battery system. For one family and two family dwellings, a disconnecting means or its remote control for a stationary battery system shall be located at a readily accessible location outside the building next to the service disconnecting means or meter for emergency use. The disconnect shall be labeled “EMERGENCY DISCONNECT FOR BATTERY SYSTEM”

1207.9.4 Rapid shutdown of PV systems on buildings. PV system circuits installed on or in buildings shall include a rapid shutdown function to reduce shock hazard for firefighters in accordance with the NFPA 70. The rapid shutdown device shall be located at the service disconnect or meter location for a townhouse or one and two family dwelling.

1207.10 Device or equipment fill. For each yoke or strap containing large devices such as GFCI's, dimmer switches, motion sensors, and large 2-gang devices capable of containing one or more devices or equipment, 4 times the volume allowance.

1207.11 Marina protection. Where more than three receptacles supply shore power to boats, a leakage current measurement device shall be available (a meter specially designed for measuring leakage currents), and be used to determine leakage current from each boat that will utilize shore power. An automatic measuring device shall be installed on the docks that will trip the GFPE device feeding the docks. This device shall be installed in the water to measure the current introduced by the boats, and will disconnect the feeders from the utility source. This automatic device must run through a shunt trip breaker or other means that will disconnect the feeders to the docks. This device must be protected by a class-A GFCI for personal protection and shall not be installed on the shore power overcurrent device. The automatic measuring device must be protected from physical damage and be listed for its use. A visual strobe light and a horn shall be located on the device as this will warn personal that may be on the docks or in the water to the presence of electrical current. This device must be approved by the Building Official and installed in accordance with the manufacturers specifications.

1207.12 NFPA adoption. Pursuant to RSA 674:51-a, the City of Portsmouth, New Hampshire, hereby adopts the current final revised printed edition of the NFPA 70 / NEC, a Code promulgated by the International Code Conference.

**SECTION 1208
GREEN BUILDING**

1208.1 Incentives. This section is intended to incentivize and encourage the use of green building practices and materials.

1. Photovoltaic- Reserved
2. Electric Vehicle Chargers- Reserved
3. Mini-split Heat Pumps- Reserved
4. Insulation- Reserved
5. Water conservation including the use of reclaimed or recycled water- Reserved

1208.2 Allowance for future PV panels or EV charging station.

1208.2.1 New Construction- Reserved

1208.2.2 Existing Buildings- Reserved

SECTION 1209

SEPERABILITY Should any section, clause, or provision of this City Building Code be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications of the City Building Code which can be given effect without the invalid provision or application, and to this end the provisions of the City Building Code are declared to be severable.

SECTION 1210 PROCEDURAL HISTORY OF ORDINANCE, CHAPTER 12

ADOPTED	YEAR	SECTION	AMENDED
7/09/90	1990		BOCA Basic Nat'l Bldg Code, 1990 Edition (replaces 1984 edition)
4/1/96	1996	114.3.1	Building Permit Fee Schedule
4/1/96	1996	2704.5	Electrical Permit Fees
5/5/97	1997		BOCA Nat'l Bldg Code, 1996 (replaces 1990 edition)
3/18/02	2002	112.31	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	113.2.3	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	116.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	118.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	2703.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	2704.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	2003	Chapter 12	Amended Chapter 12 in its entirety and replaced with the 2000 International Building Code
10/4/04	2004	Chapter 12	Amend Chapter 12 by addition of a new sub-section R317 entitled Dwelling Unit Separation
10/19/09	2009	Chapter 12	Amend Chapter 12 Parts I in its entirety and replaced with 2006 International Building code
10/19/09	2009	Chapter 12	Amend Chapter 12 Part II in its entirety and replace with 2006 Residential Code
12/04/17	2017	Chapter 12	Amend Chapter 12 Parts I and II in entirety and replace with 2009 International Building Code
12/02/19	2019	Chapter 12	Update various sections in accordance with International Building Code 2015

SECTION 1210 PROCEDURAL HISTORY OF ORDINANCE, CHAPTER 15

ADOPTED	YEAR	SECTION	AMENDED
5/2/88	1988		Adopted 1987 Plumbing Code
4/1/96	1996	P114.0	Fees
5/5/97	1997		BOCA National Plumbing Code (1993) Part I, replaces the 1987 version; and International Mechanical Code (1996) Part II
3/18/02	2002	P113.2	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	P114.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	2003	Chapter 15	Replaced Chapter 15 in its entirety with the 2000 International Plumbing Code, and 2000 International Mechanical Code
10/19/09	2009	Chapter 15	Replaced Chapter 15 in its entirety with the 2006 International Plumbing Code, and 2006 International Mechanical Code
12/04/17	2017	Chapter 15	Replace Chapter 15 in its entirety with 2009 Part I, Plumbing code and Part II Mechanical Code, Part II Fuel Gas Installations
12/04/17	2017	Chapter 15	Add Part IV, National Electrical Code 2017
12/02/17	2019	Chapter 15	Replace Chapter 15 in its entirety with 2015 International Plumbing Code, International Mechanical Code, National Fuel Gas Code, update Part IV National Electrical Code

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 5, Article I, Section 5.101 – **PERSONNEL** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE I: FIRE DEPARTMENT

Section 5.101: PERSONNEL

The Fire Department shall consist of a Fire Chief, **Assistant Chiefs**, Deputy Chiefs, fire officers, firefighters, and administrative personnel as recommended by the Fire Chief and approved by the Board of Fire Commissioners.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 5, Article IX, **ADOPTED FIRE CODES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX: ADOPTED FIRE CODES

~~The City of Portsmouth formally adopts the “New Hampshire Fire Code”. This includes the N.H. Code of Administrative Rules, Chapter Saf-C 6000 and is defined in NH RSA 153:VI-a as the adoption by reference of the Life Safety Code 2015 Edition and the Uniform Fire Code NFPA1, 2015 Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.~~

The City of Portsmouth adopts the “State Fire Code” as defined in NH RSA 153:1 VI-a, which includes the adoption by reference of the Life Safety Code NFPA 101 and the Uniform Fire Code NFPA 1, 2018 editions.

The City of Portsmouth **also** adopts the International Fire Code, **2015 2018** Edition (IFC) and the provisions of any other national code, model code or standard referred to in the IFC as published by the International Code Council, is hereby adopted ~~as Chapter 5, Article IX, of the ordinances of the City of Portsmouth, New Hampshire,~~ subject to the following amendments, additions and deletions:

SECTION 101 GENERAL

Insert in blank space:

101.1 Title: “the City of Portsmouth, New Hampshire”

SECTION 102 APPLICABILITY

Add new subsections to read as follows:

102.7.3 Specific electrical code reference. Wherever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire.

102.7.4 Specific gas code reference. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

Change section title to read as follows:

SECTION 103 BUREAU OF FIRE PREVENTION

Change subsection to read as follows:

103.1 General. The Bureau of Fire Prevention and Control is hereby created within the City of Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire Chief, or any duly authorized representative, to enforce the provisions of this Code. The designated enforcement officer of this Code shall be referred to as the fire code official.

Add new sentence to end of subsection to read as follows:

103.3 Deputies. “Deputy officials shall include but not be limited to: the Deputy Fire Chief, **Assistant Fire Chiefs, Deputy Fire Chiefs**, Fire Inspector, all Fire Officers, Chief Building Inspector, Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works Director or City Engineer.”

SECTION 105 PERMITS

Change subsections to read as follows:

105.2.3 Time limitation of application. An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been ~~diligently prosecuted~~ **completed** or a permit has been issued, except that the fire code official shall grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing work

105.3.2 Extensions. The fire code official shall grant one (1) extension of time not exceeding twelve (12) months, if there is reasonable cause and only when requested in writing prior to the expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

105.4.1 Submittals. Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared and stamped by a licensed professional engineer acceptable to the fire code official. **The requirement for stamped construction documents may be waived by the fire code official at his sole discretion on a case by case basis.**

~~105.4.6 Retention of construction documents. The fire code official shall mark-up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes. The permit holder is responsible for complying with the comments as shown on the official permit construction documents kept by the fire code official. Upon project completion, a complete set of "as built" construction documents will be provided to the fire code official in an approved electronic format.~~

~~105.6.32 Open Burning. The City of Portsmouth Fire Department shall issue open burning permits under the requirements of Section 307. Open burning permits shall be issued by New Hampshire Division of Forests and Lands or the City of Portsmouth Fire Department and shall comply with the requirements of section 307.~~

~~105.6.36 Places of Public Assembly. The City of Portsmouth Fire Department shall issue places of public assembly permits under the requirements of State RSA 155:17 and 155:18.~~

SECTION ~~108-109~~ BOARD OF APPEALS

Add sentence to end of subsection to read as follows:

~~108.1-109.1 Board of appeals established. Refer to Appendix A of this Code and Chapter 12 of the Portsmouth City Ordinances (International Building Code) for the establishment of the Board of Appeals. The City's Building Code Board of Appeals will hear and decide appeals or orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code.~~

SECTION ~~109-110~~ VIOLATIONS

Change subsection to read as follows:

~~109.4-110.4 Violations penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.~~

SECTION 307 OPEN BURNING

Change subsections to read as follows:

307.1 General All open burning shall conform to all applicable State Laws (RSA 227-L) and Administrative Rules of the NH Department of Resources and Economic Development, Division of Forests and Lands and any other Federal, State, Local laws or ordinances which are applicable.

Add subsection as follows:

~~307.1.1~~ 307.1.2 Prohibited Open Burning. Due to narrow roadways, restricted access to rear yards, and the proximity of structures, open burning is prohibited in the “South End” of the City. This area is defined as south of State Street, east of Pleasant Street, east of Junkins Avenue, and north of South Street. Also included is the area along Marcy Street to New Castle Avenue.

307.2 Permit required. Open burning **in accordance with state and local regulations** shall be allowed after obtaining a permit from the **Fire Department New Hampshire Division of Forests and Lands or the City of Portsmouth Fire Department.**

Delete subsections ~~307.4 through 307.5~~ without substitution.

SECTION 503 FIRE APPARATUS ACCESS ROADS

Add new subsection to read as follows:

503.7 Fire Lanes. Fire lanes shall be maintained in areas so posted. All fire lanes shall conform to Chapter 7, Article XV, of the City Ordinances; ~~Vehicles, Traffic & Parking;~~ *Emergency Lanes.*

SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

Change subsection to read as follows:

~~**605.11 Solar photovoltaic power systems.** Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the International Building Code, and NFPA 70.~~

~~**605.11.1.2 Solar photovoltaic systems for Group R-3 buildings.**~~

Delete Exception without substitution.

Change subsection to read as follows:

~~**605.11.1.2.2 Hip roof layouts.** Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a 3.5-foot-wide (1067 mm) clear access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location acceptable to the fire code official.~~

Delete Exception and replace with the following:

Exceptions:

- ~~1. Access pathway requirement may be waived when the structure is protected by a code-compliant automatic sprinkler system.~~
- ~~2. Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.~~

~~Change subsection to read as follows:~~

~~**605.11.1.2.3 Single-ridge roofs.** Panels and modules installed on Group R-3 buildings with a single ridge shall be located in a manner that provides one, 3.5-foot-wide (1067 mm) access pathway from the eave to the ridge on each slope where panels and modules are located. The access pathway shall be at a location acceptable to the fire code official.~~

~~Delete Exception and replace with the following:~~

~~Exceptions:~~

- ~~1. Access pathway requirement may be waived when the structure is protected by a code-compliant automatic sprinkler system.~~
- ~~2. Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.~~

~~Edit subsection as follows:~~

~~**605.11.1.2.4 Roofs with hips and valleys.**~~

~~Delete Exception without substitution.~~

SECTION 609-607 COMMERCIAL KITCHEN HOODS

~~Change subsection to read as follows:~~

~~**[M] 609.1-607.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* and NFPA 96, *Ventilation Control and Fire Protection of Commercial Cooking Operations*.~~

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

~~Change subsection to read as follows:~~

~~**903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:~~

- ~~1. The fire area exceeds 10,000 square feet (928 m²)~~
- ~~2. The fire area has an occupant load of 300 or more.~~

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Change subsection to read as follows:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for all Group A-2 occupancies and intervening floors of the building.

Change subsection to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet (464 m²)
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (928 m²).
4. A group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²)

Change subsection to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 10,000 square feet (928 m²)
2. A Group S-1 fire area is located more than three stories above or any number of stories below grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1856 m²)
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (232 m²)
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²)

Change subsection to read as follows:

903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to each floor at the direction of the Fire Code Official.

SECTION 905 STANDPIPE SYSTEMS

Add new subsection to read as follows:

905.12–905.13 Threads. Threads provided for fire department connections to standpipe systems shall be compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for 2-1/2" diameter hose shall be

National Standard thread. Hand line hose threads for 1-1/2" or 1-3/4" diameter hose shall be Iron Pipe thread.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Edit subsection as follows:

907.2.1 Group A.

Delete Exception without substitution.

Change subsection to read as follows with Exception remaining unchanged:

907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 300 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Edit subsection as follows:

907.2.2 Group B.

Delete Exception without substitution.

Edit subsection as follows:

907.2.3 Group E.

Delete Exception 3 and 4 without substitution.

Edit subsection as follows:

907.2.4 Group F.

Delete Exception without substitution.

Edit subsection as follows:

907.2.6.1 Group I-1.

Delete Exception 1 without substitution.

Edit subsection as follows:

907.2.6.2 Group I-2.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.6.3.3 Automatic smoke detection system.

Delete Exceptions 2 and 3 without substitution.

Edit subsection as follows:

907.2.7 Group M.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.8.1 Manual fire alarm system.

Delete Exception 2 without substitution.

Add new subsection to read as follows:

907.2.8.2.1 Automatic fire alarm system. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

Change subsection to read as follows:

907.2.9.1 Manual fire alarm system.

3. The building contains more than 11 dwelling units or sleeping units.

Exceptions:

1. *This exception remains unchanged.*
2. *Delete this exception without substitution.*
3. *This exception remains unchanged.*

Change subsection to read as follows:

907.2.9.3 Smoke detector coverage. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

Change Add item 4 of to subsection to read as follows:

~~907.2.11.1~~ 907.2.10.1 Group R-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single- or multiple-station smoke alarms in common areas shall be interconnected but shall not be interconnected with guest room smoke **detectors alarms**.

Change item 4 of subsection to read as follow:

~~907.2.11.2~~ 907.2.10.2 Groups R-2, R-3, R-4, and I-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke **detectors alarms** in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke **detectors alarms**. In some Group R-2 or R-3 occupancies, as determined by the fire official, additional single-or multiple-station smoke alarms may be required in the basement, interconnected with a dwelling unit(s) alarm(s).

Change-Add subsection and Exception to read as follows:

907.2.11.2.1—907.2.10.2.1 Groups E, I-2 and I-4. Single-or multiple-station smoke alarms shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Section 202.

Exception: Single-or multiple-station smoke alarms shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

SECTION 915 CARBON MONOXIDE DETECTION

Change-subsection to read as follows:

915.1 General.—Carbon monoxide detection shall be installed in new buildings in accordance with Section 915.1.1 through 915.6 and Saf-C 6015. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9 and Saf-C 6015.

SECTION 3310 ACCESS FOR FIREFIGHTING

Change subsection to read as follows:

3310.1 Site access and hydrant operation. When roads are created or extended during the construction of new developments and subdivisions, adequate site access for emergency vehicles shall be maintained at all times during construction. The fire department will be the determining agency when evaluating the adequacy of site access. As construction progresses, water hydrants required by the site plan shall be installed, activated, tested and maintained with adequate hydrant access as determined by the fire department. The City of Portsmouth reserves the right to “call” the site bond at any time during construction, when the owner refuses to provide adequate site access and water supply, as deemed necessary by the fire department, for the protection of life and property.

SECTION 5601 GENERAL

Amend subsection as follows:

5601.1.3 Fireworks. *Delete exception 4 with remainder of subsection unchanged.*

Change subsection to read as follows:

5601.2.4.1 Blasting. Blasting operations are regulated in Chapter 5, Article VII, Section 5:70~~2~~**1** of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting regulations and the permitting process.

SECTION 5608 FIREWORKS DISPLAYS

Add sentences to end of subsections to read as follows:

5608.1 General. The display, sale and discharge of 1.4G fireworks is prohibited within the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

~~3308.2.1~~ 5.608.2.1 Outdoor displays. Application for fireworks displays shall be made in writing at least 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current version of the State of NH approved form. The discharge of fireworks shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any approval be extended beyond the dates set out therein.

CHAPTER 80 REFERENCED STANDARDS

Insert the following Codes and Standards:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive
Concord, NH 03305
(603) 271-7965
blgcodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
121 South Fruit Street, Suite 101
Concord, NH 03301
(603) 271-2773
1-800-852-3405 (NH)

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431

New Hampshire Elevator and Accessibility Lift Law, RSA 157-B

NH Department of Labor
Boiler & Elevator Division
PO Box 2076

Concord, NH 03302-2076
(603) 271-2585

*Amend in the **NFPA** Section the following referenced Standards:*

54-15 54-18 National Fuel Gas Code

70-17 70-20 National Electric Code

96-14 96-17 Ventilation Control and Fire Protection of Commercial Cooking Operations

APPENDIX A - BOARD OF APPEALS

*Appendix A **is** adopted as part of this ordinance subject to the following amendments:*

Delete all subsections and replace with the following subsection to read as follows:

SECTION A101 GENERAL

A101.1 Scope. Refer to City Ordinance Chapter 12, **Section 1202.7**~~Part 1, Appendix B as amended, (City Building Code)~~, for the establishment of the Board of Appeals.

APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

*Appendix B **is** adopted as part of this ordinance without amendments.*

APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION

*Appendix C is **not** adopted as part of this ordinance. New water hydrant locations are regulated through the City Planning / Site Development process.*

APPENDIX D - FIRE APPARATUS ACCESS ROADS

*Appendix D **is** adopted as part of this ordinance.*

APPENDIX E – HAZARD CATEGORIES

*Appendix E **is** adopted as part of this ordinance without amendments.*

APPENDIX F – HAZARD RANKING

*Appendix F **is** adopted as part of this ordinance without amendments.*

APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

*Appendix G **is** adopted as part of this ordinance without amendments.*

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV, Section 1.408 of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 1.408: CABLE ~~TELEVISION~~ AND ~~COMMUNICATIONS~~ BROADBAND INTERNET COMMISSION

A. Membership, Qualifications, Tenure: The Cable Television and Communications Commission shall consist of five (5) commissioners and one alternate commissioner appointed by the Mayor subject to confirmation by the City Council. Of the initial appointments, three shall be of three (3) years and two shall be for two (2) years. Thereafter, all appointments including the alternate commissioner shall be for a term of three years. The alternate commissioner shall attend all Commission meetings and may vote at any time when there are less than five commissioners otherwise voting.

Commissioners shall be residents of the City of Portsmouth at the time and during the terms of their appointments. Commissioners shall be familiar with the general concepts underlying the operation of cable television **as well as the delivery of broadband internet services via multiple physical transport methods.**

B. The Commission shall have the authority to establish standing sub-committees on matters pertaining to the operation and performance of cable **and broadband internet** companies within the City.

Such subcommittees shall serve in an advisory capacity to the Cable **and Broadband Internet** Commission. ~~In the first instance, the standing Sub-committees shall consist of:~~

~~Government/Education Access Channels, I-Net System and Customer Service. The Commission shall have the right to appoint non-Commission members to subcommittees; when possible, the Commission shall attempt to use Portsmouth residents for such appointments. If the Commission wishes to appoint a non-Portsmouth resident who has skills helpful to the Commission's work; the Commission shall have the authority to make such an appointment.~~

C. Powers: ~~In addition to establishing the standing Sub-Committees referenced above, the Commission shall have the authority to eliminate such Sub-Committees and create new ones as the Commission deems appropriate~~ The Commission shall oversee the operation of the existing Cable Television Franchise Agreement and any future agreements, which the City Council may approve **as well as assist in the negotiation of such agreements. The Commission may, as the need arises, consider the availability and quality of Broadband Internet services delivered via any physical**

transport (which includes physical cabling or over-the-air delivery) and work to understand the needs and desires of the citizens of the city of Portsmouth. Further, the committee may work with relevant providers to meet those needs and desires as appropriate and as guided by the City Council.

D. The Commission shall meet as often as deemed appropriate and necessary to insure the proper operation of the Franchise Agreement. The Commission shall, upon request of the City Council, submit written or verbal reports of its activities.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 14, 2022 at 7:00 p.m. at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, On a proposed Resolution Appropriating Eighty-Five Thousand Dollars (\$85,000.00) from American Rescue Plan Act (ARPA) Grant to pay costs associated with the purchase of an Ambulance and the payment of costs incidental and related thereto. 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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 14, 2022 at 7:00 p.m. at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, On a proposed Resolution Appropriating Eighty-Five Thousand Dollars (\$85,000.00) from American Rescue Plan Act (ARPA) Grant to pay costs associated with the purchase of an Ambulance and the payment of costs incidental and related thereto. 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
TWO THOUSAND TWENTY-TWO
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION #

A RESOLUTION APPROPRIATING EIGHTY-FIVE THOUSAND (\$85,000) FROM AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO PAY COSTS ASSOCIATED WITH THE PURCHASE OF AN AMBULANCE AND THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

- 1) THAT Eighty-Five Thousand (\$85,000) is appropriated to pay costs associated with the purchase of an Ambulance and the payment of costs incidental and related thereto. That to meet this appropriation up to \$85,000 shall be utilized from the American Rescue Plan Act (ARPA) Grant.
- 2) THAT this resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

**ADOPTED BY CITY COUNCIL:
NOVEMBER 14, 2022**

**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, November 14, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating Eight Hundred Thousand Dollars (\$800,000.00) to purchase one Fire Apparatus, and Authorizing a Bond Issue, and/or Notes, of up to Eight Hundred Thousand Dollars (\$800,000.00) to meet this Appropriation. 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

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 14, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating Eight Hundred Thousand Dollars (\$800,000.00) to purchase one Fire Apparatus, and Authorizing a Bond Issue, and/or Notes, of up to Eight Hundred Thousand Dollars (\$800,000.00) to meet this Appropriation. 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

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY TWO
PORTSMOUTH, NH**

RESOLUTION #

A RESOLUTION APPROPRIATING EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) TO PURCHASE ONE FIRE APPARATUS, AND AUTHORIZING A BOND ISSUE, AND/OR NOTES, OF UP TO EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) TO MEET THIS APPROPRIATION.

BE IT RESOLVED:

THAT the sum of up to **Eight Hundred Thousand Dollars (\$800,000)** be and is hereby appropriated for the acquisition of one fire apparatus including the payment of costs incidental or related thereto.

THAT in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Eight Hundred Thousand Dollars (\$800,000)** through the issue of bonds and/or notes of the City under the Municipal Finance Act;

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

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

THAT this resolution shall take effect upon its passage.

APPROVED BY:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

KELLI 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, November 14, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 14, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV **COMMISSION AND AUTHORITIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IV: COMMISSION AND AUTHORITIES

Section 1.412: PUBLIC ART REVIEW COMMITTEE

- A. Membership and Term: The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager's appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.**

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to fill PARC openings to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

- B. Public Art Defined: For purposes of this Public Art Review Committee, "public art" shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also include in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.**

Public art does not include objects that are mass-produced from a standard design or reproductions of original art works unless of limited edition; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the

artist; directional elements such as super graphics, signage or color coding except where these elements are integral parts of an original work of art; and logos, corporate identifiers or other forms of branding and advertising.

C. Powers and Duties: The PARC shall have the following responsibilities:

- 1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth.**
- 2. To accept referrals from the City Council or any other public body concerning public art and art issues generally.**
- 3. To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.**
- 4. To collaborate with the city on the acquisition, maintenance and marketing of its public art and develop a stewardship policy.**
- 5. Establish Guidelines for review of public art based on the Public Art Acquisition Policy.**
- 6. Initiate public forums where appropriate for determining thematic approaches and location options for public art.**
- 7. Determine recruitment strategies to attract qualified artists for public art projects.**
- 8. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the city on issues related to Percent for Art.**
- 9. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.**
- 10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the city or established by the Public Art Review Committee at the request of the City Council.**
- 11. To recommend to the City Council, as requested, replacement members to the PARC when they arise.**
- 12. Identify and solicit funds to supplement the public art budget.**

13. Perform further duties related to public art within the City of Portsmouth that the City Manager may request.
- D. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.
 - E. Reporting Responsibility: The Public Art Review Committee (PARC) shall include an annual report of their proceedings and programs to City Council. Details of the report include, but are not limited, to:
 1. Assessing available and potential resources in the Public Art Trust.
 2. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.
 3. Assessing the impact of and opportunity for public art projects that advance economic development opportunities.
 - F. Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 14, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, November 14, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article XVII **FUNDING OF PUBLIC ART** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE XVII: FUNDING OF PUBLIC ART

Section 1.1700: STATEMENT OF PURPOSE

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

Section 1.1701: DEFINITION OF PUBLIC ART

“Public Art” or “Public artworks” are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. “Artwork” – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, relief’s or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts – both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials and other functional art objects. Works of art may be portable as well as permanent.

This definition shall not include:

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

Section 1.1702: PUBLIC ART COMMITMENT

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

Section 1.1703: PUBLIC ART TRUST

There shall be created a Public Art Trust to serve as a repository of all public art contributions generated by application of this ordinance. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

Section 1.1704: EXEMPTION

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section ~~1.1702~~ **1.1701** if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors. **In those cases, the public art associated with the project should be placed on other publicly owned property within the city, at the determination of the Council.** Any Council determination to exempt a building under this provision shall be made no later than the final vote of the Council authorizing the funding for the project. (Amended 06/19/2017)

Section 1.1705: EXPENDITURE OF PUBLIC ART FUNDS

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

- A. No less than ninety (90%) percent of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project.
- B. In determining the selection of any public art project, the City Council may:
 - 1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
 - 2. Refer the question to a standing committee for public art which

may be created by the City Council under such terms and conditions as it may establish, or;

3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or;
4. Seek such other advisory recommendation as the City Council deems appropriate

- C. Upon the authorization by the City Council of a public arts project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

Section 1.1706: MAINTENANCE AND REPAIR OF PUBLIC ART

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise.

Section 1.1707: FUNDING ACCEPTED

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

This ordinance also authorizes the Council to accept donations with a designated purpose to commission works of public art to be placed on public property. The commissioning process shall follow the same procedures outlined in the ordinance for public art associated with capital expenditures by the City.

(Adopted 9/18/2006 to become effective August 21, 2007, Edited 6/21/2022)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: November 10, 2022

To: Honorable Mayor McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of November 14, 2022

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

A. First Reading of Ordinance Amending Chapter 12 and Chapter 15, the City's Building Code:

On October 24, 2022, the Inspection Department brought forth a request for first reading to amend Chapters 12 and 15 of the City's building code ordinance.

The City's building code ordinance was last amended in December of 2019. At that time, the City Council adopted amendments to our building code ordinances (Chapters 12 and 15) to reflect the current version of the State Building Code and to update our local regulations and amendments to those codes. This version consists of 55 pages in two separate Chapters.

The Inspection Department has received complaints from the public that the City's existing building code ordinances are too long and are not user friendly. When the public cannot find local requirements and Code amendments, the building code ordinance is more difficult to administer. This is caused in part because our current ordinances track and amend different sections of the State Building Code that repeat the same language.

In July of 2022, the State of New Hampshire adopted the 2018 version of the International Codes and other national codes ("State Building Code"). The adoption of these new codes create an opportunity for the City to update and revise our existing building code ordinance.

This proposed amendment, as presented, removes Chapter 15 in its entirety, resulting in one completely revised building ordinance – a new Chapter 12 consisting of approximately 20 pages. Chapter 12, as rewritten, will be the City Building Code which adopts the current State Building Code as well as our local regulations and amendments to the State Building Code, which are permitted when they are stricter than the State Building Code.

The statutes governing local amendments to the State Building Code will be amended as of January 1, 2023. The current statute requires only that local building code ordinances be filed with the State Building Code of Review (“Board”). The amended statute creates a complicated process whereby all local building code amendments must be reviewed by the Board prior to passage in order to verify that the local requirements do not “conflict” with the current State Building Code. There is no definition of “conflict” in the amended statute, thus calling into question the ability of municipalities to make any local regulations and amendments to the State Building Code.

I therefore recommend that the Council vote to schedule a public hearing and second reading of the amended Chapter 12 at its December 5, 2022 meeting. The Inspection Department has scheduled a public information session for November 21, 2022 at 2:00 p.m. at the Community Campus Movie Room, 100 Campus Drive. Prior to that informational public meeting, the City will establish a separate page on [the Inspection Department’s website](#) that contains a copy of Chapter 12, as amended, along with the redlined versions of Chapter 12 and 15, and updated State Building Code information.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the December 5, 2022 City Council meeting.

B. First Reading of Ordinance Amending Chapter 5, Article I – Fire Department, Section 5.101 and Chapter 5, Article IX – Fire Code:

The City’s fire code ordinance was last amended in December of 2019. In July of 2022, the State of New Hampshire adopted the State Fire Code, which adopts by reference the Life Safety Code, NFPA 101, 2018 edition, and the Uniform Fire Code NFPA 1, 2018 edition. When the State Fire Code is updated, the Fire Department reviews and makes housekeeping amendments to Chapter 5. The City does not adopt any amendments to the State Fire Code. However, in addition to the adoption of the State Fire Code, the City also adopts the International Fire Code.

The Fire Department is recommending that the City [amend Chapter 5, Article I – Section 5.101 and Chapter 5, Article IX](#) to adopt the current State Fire Code and the updated version of the International Fire Code, 2018 Edition. The amendments are primarily housekeeping edits to reference the correct section of the International Fire Code, 2018 edition. Some local amendments have been deleted as they are now included within the published codes and are no longer necessary. Additionally, we have deleted the local amendments regarding solar installations as the State has amended these requirements within the State Fire Code.

Of note, consistent with the City’s past practice, the Fire Department has scheduled a public information session on code updates on November 21, 2022 at 2:00 p.m. at the Community Campus Movie Room, 100 Campus Drive. Prior to that informational public meeting, the City will establish a separate webpage that contains a copy of Chapter 5, as amended, and updated State Fire Code and International Fire Code information.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the December 5, 2022 City Council meeting.

C. First Reading of Ordinance Amending Chapter 1, Article IV, Section 1.408 – Cable Television and Communications Commission:

Attached please find [proposed amendments to Chapter 1, Article IV, Section 1.408](#) currently titled “Cable Television and Communications Commission.” The Commission proposes changes to their title and powers to broaden their responsibility beyond cable television and to include broadband internet services via any physical transport method (including both physical cabling and over-the-air delivery such as cellular). The Commission developed these proposed changes over the course of several meetings this year, and referred these proposed changes to the Governance Committee for review and input; the Governance Committee supported the Commission’s desire to broaden their powers. Deputy City Manager/Deputy City Attorney Suzanne Woodland provides staff support for the Commission and has worked with them to develop these proposed changes.

I recommend that the City Council move to schedule a public hearing and second reading on these proposed changes to Chapter 1, Article IV, Section 1.408 at the January 9, 2023 City Council meeting.

D. Public Hearing and Adoption of Resolution Appropriating Eighty-Five Thousand Dollars (\$85,000) from the American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with the Purchase of the an Ambulance and the Payment of Costs Incidental and Related Thereto:

Due to increases of prices and demand for ambulances and their chassis, the appropriation for the Fire Department’s ambulance is \$85,000 less than the cost of the vehicle. Funding options include use of ARPA funding to meet this shortfall, or to delay capital funding for the next ambulance replacement and instead re-direct it to this purchase.

[Attached is a resolution](#) appropriating \$85,000 from ARPA funding to pay costs associated with this purchase.

I recommend that the City Council move to adopt the resolution as presented.

E. Public Hearing and Adoption of Resolution Appropriating up to Eight Hundred Thousand Dollars (\$800,000) to Purchase One Fire Apparatus, and Authorizing a Bond Issue, and/or Notes, of Up to Eight Hundred Thousand Dollars to Meet this Appropriation:

The replacement of an aging fire engine is currently in the FY25 rolling stock schedule. Normally the borrowing resolution would be authorized in the year that the apparatus is needed. However, current production time to order and build the new apparatus is 24 months out due to multiple factors in supply and demand.

Fire Chief McQuillen is requesting a [borrowing authorization of up to \\$800,000](#) in order to sign a contract for the new fire engine to ensure the apparatus will be delivered in July of 2024, and keeps the replacement schedule on track.

Additionally, the contract and order guarantees the price in today’s dollars avoiding the certain increases in costs that will be coming, including a 7% increase that would add an additional \$53,000 to the cost of the vehicle if not ordered before the end of this calendar year.

As payment of the apparatus is not due until delivery, borrowing of the funds would not take place until FY25, making the first payment of the bond due in FY26 as scheduled in the current projected debt schedule.

I recommend that the City Council move to adopt the resolution as presented.

F. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee:

Attached please find a proposed ordinance amending Chapter 1, Article IV – Commissions and Authorities, Section 1.412 – Public Art Review Committee.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the December 5, 2022 City Council meeting.

G. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted:

Attached please find a proposed ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the December 5, 2022 City Council meeting.

XI. City Manager’s Items which Require Action:

1. Approval of Collective Bargaining Agreement with Professional Management Association:

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a proposed employment agreement with the Professional Management Association.

I recommend that the City Council move to approve the proposed agreement as presented.

2. Approval of Collective Bargaining Agreement for Portsmouth City Employees – Local #1386A:

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a proposed employment agreement with the Portsmouth City Employees – Local #1386A.

I recommend that the City Council move to approve the proposed agreement as presented.

3. Request for Restoration of Involuntarily Merged Lots of 880 Woodbury Avenue:

At the July 11, 2022 City Council meeting, the Council voted to refer a request for the restoration of involuntarily merged lots at 880 Woodbury Avenue to the Planning Board and the Assessor for a report back. This report back, along with supporting documentation, is attached for your review.

At its October 20, 2022 meeting, the Planning Board voted to restore the property to its pre-merger status.

I recommend that the City Council move to restore the property located at 880 Woodbury Avenue to its pre-merger status and direct the City GIS and Assessing staff to update the zoning and tax maps accordingly.

4. **Approval of 2023 City Council Meeting Calendar:**

Attached please find [the proposed 2023 City Council meeting calendar](#).

I recommend that the City Council move to approve the proposed 2023 meeting calendar as presented.

5. **Drainage Easement for 140 West Road:**

At its regularly scheduled meeting on Thursday, August 18, 2022, the Planning Board granted site plan approval for property located at 140 West Road. Site plan approval was required to permit the site alterations at that property. Since August, Road to the West, LLC acquired the property and the related site plan approvals.

As a part of site plan approval, the Planning Board approved a plan which directs stormwater from the public right of way over and across 140 West Road to existing City drainage infrastructure. The Planning Board recommended that this infrastructure be secured in an easement deed to the City. [A drawing is included within the packet as Exhibit A](#), which shows the approximate location of this 2,590 square foot easement.

The Planning and Public Works Departments reviewed and approved the configuration of the new drainage infrastructure, and the Legal Department reviewed and approved the terms of the drainage easement, which is [attached as Exhibit B](#). The Planning, Public Works and Legal Departments recommend the City Council accept a drainage easement from Road to the West, LLC, in the form attached.

I recommend that the City Council move to authorize the City Manager to accept and record a Drainage Easement Deed in a substantially similar form to the easement deed from Road to the West, LLC contained in the agenda packet.

6. **Temporary Construction License for 93 Pleasant Street:**

On January 19, 2022, the Planning Board granted site plan approval for the redevelopment of a four story building and the construction of a new three story building for property located at [93 Pleasant Street](#), located in the Historic Downtown Overlay and Character District 4, Tax Map 0107-0074-000 (“Property”). The property was conveyed to Dagny Taggart, LLC in December of 2021.

The Construction Mitigation and Management Plan (CMMP), signed on October 20, 2022, identified temporary encumbrances for project-related work during the project’s construction. Encumbrances for a duration longer than 30 consecutive working days require a license

approved by the City Council. In addition, the license associated with this project is subject to the “License Fee for Encumbrance of City Property” policy.

The license is a request to use 1,200 square feet of sidewalk along Court Street that abuts the Property for 517 days, from December 1, 2022 through April 30, 2024. [The request for a License](#) is to enable the Owner to construct the project and provide a safety perimeter. Signage will be required to redirect pedestrians. The Owner will be required to apply for separate flagging permits when deliveries encumber Court Street.

The License Fee per day for the use of 1,200 square feet of city sidewalk is \$60 (1,200 sq. ft x \$0.05 = \$60). \$60 x 517 days = the total License Fee is \$31,020.

The Legal and Planning Departments have reviewed and approved the form of [the attached License](#).

If the Council agrees to grant the temporary construction license for use of 1,200 square feet of City sidewalk along Court Street that abuts the Property, an appropriate motion would be *to move that the City Manager be authorized to execute and accept the temporary construction license for the term of December 1, 2022 to April 30, 2024 as requested.*

7. **Request for Public Arts Trust Funds to be Reallocated to the Bohenko Park Sculpture Garden from the Foundry Place Public Art Project:**

In April 2018, the City Council approved and appropriated \$150,000 into the Public Arts Trust for the purpose of purchasing artwork for the Foundry Garage. At the completion of this project, \$21,100 of these funds remains in the Trust. I would like to request that the City Council approve the reallocation of these remaining Foundry Art Funds (\$21,100) to be used for the Bohenko Gateway Park Sculpture Garden.

I recommend that the City Council move to find that the Bohenko Park Sculpture Garden is a public art purpose consistent with the Public Art Ordinance of the City and that the Council approve the reallocation of remaining Foundry Art Funds in the amount of \$21,100 from the Public Arts Trust to be used for the Bohenko Gateway Park Sculpture Garden. Be it further moved that the City Manager is authorized to take any and all steps necessary to accomplish the reallocation of the forgoing Trust Funds.

XII. Consent Agenda:

A. **Projecting Sign Request - 76 Congress Street:**

Permission is being sought to install a projecting sign at [76 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 42.5” diameter

Sign area: 9.85 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 Written Communications:

A. 2022 Data Collection Presentation by City Assessor:

The City's Assessor, Rosann Maurice-Lentz, will present information regarding the upcoming 2022 Data Collection process at this evening's meeting. [A memorandum from Assessor Maurice-Lentz is attached](#) for your review and information.

B. Greater Portsmouth Recovery Ready Community Coalition Presentation:

Mark Lefebvre, Director of Community Engagement at the Pinetree Institute, will be presenting the status of the Greater Portsmouth Recovery Ready Community Coalition at this evening's meeting.

XVI. Approval of Grants/Donations:

A. NH Department of Natural and Cultural Resources/Division of Historical Resources Moose Plate Conservation Grant for Repair of North Cemetery Wall - \$20,000:

The Cemetery Committee is pleased to announce that it has secured for the City a \$20,000 Moose Plate Grant for the purpose of rebuilding a stone retaining wall at the North Cemetery along the North Mill Pond. The Committee identified the rebuilding of the wall as a priority need. Eva Boice, member of the Cemetery Committee, prepared the application, Co-Chair Susan Sterry worked with a local contractor and the Public Works Department to obtain the needed estimate for the work, and minor oversight and support was provided by the Deputy City Manager. Funds from the Department of Works to support and round-out the total cost of the Phase 1 work (an additional \$9,000) were identified prior to the application being filed and remain available for the work. Work will be done by a contractor and overseen by the Department of Public Works. Grant funds will be distributed and administered by the City.

I recommend that the City Council move to approve and accept the grant from the New Hampshire Division of Historical Resources in the amount of \$20,000.

B. InvestNH Municipal Planning and Zoning Housing Opportunity Grant - \$82,000:

Attached please find a memorandum from Planning Director Beverly Mesa-Zendt regarding a grant that the City has been awarded from the InvestNH Municipal Planning and Zoning Grant Program in the amount of \$82,000.

I recommend that the City Council move to accept the Invest NH Housing Opportunity Grant funding and authorize staff to enter into a formal grant agreement.

C. Acceptance of Donation - \$5,000:

Attached please find a donation form from the Public Works Department requesting acceptance of \$5,000 for future tree planting on Heritage Avenue.

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

XVII. City Manager's Informational Items:

1. McIntyre Update:

I will provide a verbal update on the McIntyre Redevelopment Project at this evening's meeting.

2. Report Back on Dog Ordinance:

After receiving letters from resident Bob Newby regarding the dog leash law in Portsmouth, the City Council requested a report back on dog leash laws at its October 3, 2022 meeting.

Research was conducted by the City's Legal Intern, Reuben Pandeiro, on dog leash laws in effect in cities and towns in Rockingham and Strafford County as well as Manchester, Concord, and Nashua.

Of the 52 municipalities that were examined:

- 31 municipalities require dogs to be leashed at all times;
- 5 municipalities require dogs to be leashed in certain areas such as parks or cemeteries;
- 13 municipalities have no discernable leash laws; and
- 3 allow dogs to be unleashed as long as they are under control of verbal commands.

In summary, most municipalities require dogs to be leashed at all times. However, several municipalities make certain exceptions to the leash law. These exceptions include when dogs are hunting, herding, competing, or training. There are only three municipalities that specify that dogs do not need a leash but must respond well to voice control. [See the attached summary of municipal ordinances.](#)

Animal Control Officer Bonnie Robinson has also provided her input on the subject matter. Robinson believes that the leash law that Portsmouth has in place is effective and appropriate as is. Robinson has stated that any change to the current leash law could result in harm of both dogs and people.

Former Commissioner of Animal Control Mimi Clark also has provided similar input on the leash law claiming that unleashed dogs will lead to general chaos regarding dogs.

Additionally, Police Chief Mark Newport does not feel there is any reason to change it at this time and supports ACO Robinson's opinion. The Legal Department recommends keeping the leash law the same as any changes will make enforcement much more difficult.

3. **Historic Cemetery Committee Report:**

The [attached summary report](#) is submitted to the City Council in order to update the City Council on the work of the Cemetery Committee over this past year.

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, and Members of the City Council
From: Tom Closson
Re: Tentative Agreement with the Portsmouth Professional Management Association
Date: October 17, 2022

Attached for your consideration is a proposed 3-year collective bargaining agreement with the Portsmouth Professional Management Association (“the Union”).

In addition to a handful of relatively minor language changes and/or corrections, this tentative agreement includes the following material terms:

- An increase of 4% to base wages, effective July 1, 2022;
- An additional COLA of 2.05% (based on the rolling 10-year CPI-U average) effective July 1, 2022;
- A base wage increase tied to the rolling 10-year CPI-U average, with a floor of 3% and a ceiling of 5%, effective July 1, 2023;
- A base wage increase tied to the rolling 10-year CPI-U average, with a floor of 2% and a ceiling of 5%, effective July 1, 2024;
- Standardization of leave time accrual and carry-over;
- An increase in the weekly on-call stipend from \$175 to \$225;
- Removal of certain confidential positions from the bargaining unit;
- Addition of Juneteenth as a holiday;
- Addition of one additional self-pay dental insurance option;
- Expansion of the City’s discretion in placing new employees on the wage scale and moving current employees on the wage scale;
- Clarification and improvement of worker’s compensation language;
- Standardization of sick leave accrual;
- Elimination of the waiting period for new employees to use leave time;
- Addition of one earned day for night meeting attendance; and

- Standardization of the insurance opt-out provision.

Exhibit 1 is a summary of the tentative agreement. Exhibit 2 is a costing analysis.

I am pleased to recommend this tentative agreement to you.

EXHIBIT 1

**CITY OF PORTSMOUTH
And
PORTSMOUTH PROFESSIONAL MANAGEMENT ASSOCIATION**

**TENTATIVE AGREEMENT REACHED ON
SEPTEMBER 23, 2022**

<u>CBA SECTION</u>	<u>CHANGE</u>
Throughout	Eliminate gender specific language.
Duration	Three (3) years.
Section 1 (Recognition And Management Rights)	Delete reference to policy Memorandum No. 31 and replace it with the following: "The City reserves the right to create new position(s) that will be included in this bargaining unit. The City will provide the Union with prior notice and an opportunity to bargain the impact (if any) of the creation of any new position(s). The Union will have ten (10) days from the date of this notice in which to notify the City of its intent to engage in impact bargaining. The City also reserves the right to reclassify any position currently included in this bargaining unit to a higher wage rate on the existing schedule. The City will provide the Union with prior notice and an opportunity to bargain the impact (if any) of any reclassification. The Union will have ten (10) days from the date of this notice in which to notify the City of its intent to engage in impact bargaining."
Section 3.A (Holiday/Leave Benefits)	Add Juneteenth as a paid holiday.
Section 3.B (Holiday/Leave Benefits)	Eliminate waiting period for the use of accrued leave time.
Section 3.C.1 (Holiday/Leave Benefits)	Increase maximum days earned via meetings/work outside of normal workday from 12 to 13. Keep the accrual mechanism the same.

<p>Section 3.C.1 (Holiday/Leave Benefits)</p>	<p>Add - "Under no circumstances will any employee receive a payout of more than seventy (70) days of accrued but unused vacation leave upon the employee's retirement, termination, or death. This cap will not include any of the up to thirteen (13) days earned via meetings/work outside of normal workday in the year of the employee's retirement, termination, or death."</p>
<p>Section 3.E (Holiday/Leave Benefits)</p>	<p>Effective upon the full execution of this Agreement - The three (3) members of this bargaining unit who currently have SCADA response obligations will be paid the same weekly 'on-call' stipend that the City negotiates with the Supervisory Management Alliance.¹</p>
<p>Section 3.E.1.c (Holiday/Leave Benefits)</p>	<p>Modify as follows: "Any employee hired after July 1, 1996 who has accrued one hundred (100) or more sick days..."</p>
<p>Section 3.E.1.d (Holiday/Leave Benefits)</p>	<p>Effective January 1, 2023, eliminate this section (resulting in accrual of fifteen (15) sick days per year for all employees.</p>
<p>Section 4.B.A. (COLA Adjustments)</p>	<p>COLA based on a 2.05% increase plus an additional 4% increase [6.13%] effective July 1, 2022. COLA based on the 10-year rolling average of the Boston-Cambridge-Newton CPI-U with a 3% floor and 5% ceiling in year 2. COLA based on the existing CBA formula (10-year rolling average of the Boston-Cambridge-Newton CPI-U with a 2% floor and 5% ceiling) in year 3.</p>
<p>Section 5 (Workmen's Compensation)</p>	<p>Change language to the following: "In case of accidental personal injury to any employee arising out of any accident in the course of their employment, the City will pay to the employee the difference between the amount received from the insurance carrier and the employee's regular pay. Employees will see the deduction of payment on their paystub as 'Worker's Compensation.' In no event will such payment by the City exceed fifty-two (52) weeks."</p>

¹ This is \$225/week per the pending TA with SMA.

Article 6 (Dental Program)	Remove specific reference to “Cigna Dental Coverage” and “Northeast Delta Dental.”
Article 6 (Dental Program)	Add one (1) additional self-pay dental benefit option (option 1J, 1S, 3D, or 8B) with employees paying the full cost above the current non-flex rate cost of option 3F.
Article 7 (Disability Income Insurance And Life Insurance)	Change cap on disability insurance benefit from “...not to exceed five thousand (\$5,000) dollars per month” to “...not to exceed ten thousand (\$10,000) dollars per month.”
Section 11 (Longevity)	Increase longevity on July 1, 2022, July 1, 2023, and July 1, 2024, by the existing CBA COLA formula (10-year rolling average of the Boston-Cambridge-Newton CPI-U with a 2% floor and 5% ceiling).
Article 12.A (Medical Coverage)	Delete “Cadillac Tax” language.
Article 12.D (Medical Coverage)	Change opt-out stipend to \$500 per quarter.
Article 17.E (Seniority)	Modify language to the following: “All new jobs and vacancies within the bargaining unit will be emailed to all staff and posted on the City’s website. All internal candidates may apply and will be interviewed.”
Miscellaneous	Add the Operational Support Coordinator position to this bargaining unit. Remove the Deputy Public Works Director and the City Engineer Supervisor positions from the bargaining unit.
Miscellaneous	“All permanent part-time employees, regardless of hours worked, will follow the same progression in steps as full-time employees. Additionally, the City will have discretion to place new employees, including part-time employees, at the step commensurate with their prior relevant experience, as determined by the City.”

Dated: September 23, 2022

Thomas M. Clason

City Negotiating Team

Dated: 9/29/2022

Mike Merrill

PMA Negotiating Team

EXHIBIT 2

Professional Management Association

<i>SALARY ADJUSTMENT</i>	4.00%		
<i>COLA</i>	2.05%	3.00%	2.00%
<i>social security</i>	6.20%	6.20%	6.20%
<i>medicare</i>	1.45%	1.45%	1.45%
<i>retirement</i>	14.06%	13.53%	13.53%

GENERAL FUND ONLY:

CURRENT CONTRACT-(Steps only/No COLA)

*Reduction in Retirement Rate

Wages	FY23 Budgeted salary	*FY24	FY25	Projected total for 3 years
Salaries Full-time	6,456,679	6,558,313	6,649,829	19,664,821
Longevity	38,997	42,159	45,753	126,910
EdStipends	36,677	36,677	36,677	110,032
On Call Stipends				-
Retirement	918,449	898,006	910,875	2,727,330
Social Security	405,006	411,503	417,400	1,233,909
Medicare	94,719	96,239	97,618	288,576
	7,950,528	8,042,898	8,158,153	24,151,578
Year-to-Year Net Increases for FY24 & FY25 No COLA over FY23		92,370	115,255	207,625
% Change		1.16%	1.43%	Total Yr-to-Yr Increase for FY24 & 25

PROPOSED TENTATIVE AGREEMENT- GROSS BUDGET

Wages	FY23 Adjusted	*FY24	FY25	Projected total for 3 years
Salaries Full-time	6,852,022	7,168,674.62	7,411,110.50	21,431,807
Longevity	39,796	44,314.40	48,976.52	133,087
EdStipends	37,429	38,552.24	39,323.28	115,305
On Call Stipend- FY23 half year	5,850	11,700	11,700	29,250
Retirement	975,075	982,717	1,016,253	2,974,044
Social Security	429,976	450,321	465,689	1,345,986
Medicare	100,559	105,317	108,911	314,787
	8,440,707	8,801,596	9,101,963	26,344,266
Year-to-Year PROPOSED Gross Budget Change	490,179	360,889	300,368	1,151,436
	6.17%	4.28%	3.42%	Total Yr-to-Yr Increase including FY23 contract change

FY23 Included in Budget in Collective Bargaining Contingency

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" CONTRACT LANGUAGE

Wages	FY23 Adjusted	*FY24	FY25	Projected total for 3 years
Salaries Full-time	395,342	610,362	761,281	1,766,986
Longevity	799	2,155	3,223	6,178
EdStipends	752	1,875	2,646	5,272
On Call Stipend- FY23 half year	5,850	11,700	11,700	29,250
Retirement	56,626	84,710	105,378	246,714
Social Security	24,970	38,818	48,289	112,077
Medicare	5,840	9,078	11,293	26,211
TOTAL COST OF TENTATIVE AGREEMENT	490,179	758,698	943,811	2,192,688
				Total Yr-to-Yr Increase
				9.08%
				Total percent change over 3 years

CM Action Item #1

16 ASSIST BUILDING INSPECTOR	\$72,063.17	\$75,666.33	\$79,449.65	\$83,422.13	\$87,593.24	\$88,469.17	\$90,017.38	\$91,817.73	Annual
FIRE MARSHALL	\$36.96	\$38.80	\$40.74	\$42.78	\$44.92	\$45.37	\$46.16	\$47.09	37.5 hrly
DEPUTY ASSESSOR II	\$34.65	\$36.38	\$38.20	\$40.11	\$42.11	\$42.53	\$43.28	\$44.14	40 hrly
PRINCIPAL PLANNER		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
TRANSPORTATION PLANNER									
PLANS EXAMINER/ASST. BUILDING INSPECTOR									
ENV. PLANNER/SUSTAINABILITY COORD									
ASSISTANT CITY ENGINEER									
ASST. ENGINEER									
WATER RESOURCE ENGINEER									
SENIOR SERVICES SUPERVISOR									
SOFTWARE SOLUTIONS DIRECTOR									
PRE-TREATMENT COORDINATOR									
RECREATION SUPERVISOR II									
PROJECT MANAGER									
17 PARKING MANAGER	\$75,629.88	\$79,411.37	\$83,381.94	\$87,551.03	\$91,928.59	\$92,847.87	\$94,472.71	\$96,362.16	Annual
CONTROLLER	\$38.78	\$40.72	\$42.76	\$44.90	\$47.14	\$47.61	\$48.45	\$49.42	37.5 hrly
COMMUNICATIONS MANAGER	\$36.36	\$38.18	\$40.09	\$42.09	\$44.20	\$44.64	\$45.42	\$46.33	40 hrly
COMMUNITY DEVELOPMENT		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
DIRECTOR/ASST FOR SPECIAL PROJECTS									
ECONOMIC DEVELOP MGR									
TECH DIRECTOR									
ASST. RECREATION DIRECTOR									
TAX ASSESSOR I									
18 WELFARE DIRECTOR	\$79,384.10	\$83,353.31	\$87,520.97	\$91,897.02	\$96,491.87	\$97,456.79	\$99,162.29	\$101,145.53	Annual
ASST. LIBRARY DIRECTOR	\$40.71	\$42.75	\$44.88	\$47.13	\$49.48	\$49.98	\$50.85	\$51.87	37.5 hrly
ASSISTANT CITY MANAGER	\$38.17	\$40.07	\$42.08	\$44.18	\$46.39	\$46.85	\$47.67	\$48.63	40 hrly
ASSISTANT PLANNING DIRECTOR		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
ASSISTANT ENGINEER/PLANNING									
SCADA MANAGER									
GIS MANAGER									
19 REVENUE ADMINISTRATOR	\$83,320.61	\$87,486.64	\$91,860.98	\$96,454.03	\$101,276.73	\$102,289.49	\$104,079.56	\$106,161.15	Annual
CONTROLLER/ENTERPRISE ACCOUNTANT	\$42.73	\$44.86	\$47.11	\$49.46	\$51.94	\$52.46	\$53.37	\$54.44	37.5 hrly
TAX ASSESSOR II	\$40.06	\$42.06	\$44.16	\$46.37	\$48.69	\$49.18	\$50.04	\$51.04	40 hrly
		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
20 DEPUTY HEALTH OFFICER	\$87,448.16	\$91,820.57	\$96,411.60	\$101,232.18	\$106,293.79	\$107,356.73	\$109,235.47	\$111,420.18	Annual
FACILITIES PROJECT MANAGER	\$44.85	\$47.09	\$49.44	\$51.91	\$54.51	\$55.05	\$56.02	\$57.14	37.5 hrly
	\$42.04	\$44.14	\$46.35	\$48.67	\$51.10	\$51.61	\$52.52	\$53.57	40 hrly
		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
21 CITY ENGINEER	\$91,793.91	\$96,383.60	\$101,202.78	\$106,262.92	\$111,576.07	\$112,691.83	\$114,663.93	\$116,957.21	Annual
CITY ENGINEER/WATER/SEWER	\$47.07	\$49.43	\$51.90	\$54.49	\$57.22	\$57.79	\$58.80	\$59.98	37.5 hrly
FACILITY PROJECT ENGINEER/MGR	\$44.13	\$46.34	\$48.66	\$51.09	\$53.64	\$54.18	\$55.13	\$56.23	40 hrly
PROJECT MANAGER FOR ENG & OPERATIONS		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
WATER RESOURCES MANAGER									
WASTEWATER OPERATIONS MGR									
RECREATION DIRECTOR									
PARKING & TRANS ENGINEER									
22 LIBRARY DIRECTOR	\$96,384.17	\$101,203.38	\$106,263.55	\$111,576.72	\$117,155.56	\$118,327.11	\$120,397.84	\$122,805.80	Annual
PARKING DIRECTOR	\$49.43	\$51.90	\$54.49	\$57.22	\$60.08	\$60.68	\$61.74	\$62.98	37.5 hrly
HEALTH OFFICER	\$46.34	\$48.66	\$51.09	\$53.64	\$56.32	\$56.89	\$57.88	\$59.04	40 hrly
CHIEF BUILDING INSPECTOR		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
23 PLANNING DIRECTOR	\$101,201.92	\$106,262.02	\$111,575.12	\$117,153.88	\$123,011.57	\$124,241.69	\$126,415.92	\$128,944.24	Annual
	\$51.90	\$54.49	\$57.22	\$60.08	\$63.08	\$63.71	\$64.83	\$66.13	37.5 hrly
	\$48.65	\$51.09	\$53.64	\$56.32	\$59.14	\$59.73	\$60.78	\$61.99	40 hrly
		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
24 ASSESSOR	\$106,160.06	\$111,468.06	\$117,041.47	\$122,893.54	\$129,038.22	\$130,328.60	\$132,609.35	\$135,261.54	Annual
DEPUTY FINANCE DIRECTOR	\$54.44	\$57.16	\$60.02	\$63.02	\$66.17	\$66.84	\$68.00	\$69.36	37.5 hrly
	\$51.04	\$53.59	\$56.27	\$59.08	\$62.04	\$62.66	\$63.75	\$65.03	40 hrly
		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	
25 FINANCE DIRECTOR	\$111,467.71	\$117,041.10	\$122,893.15	\$129,037.81	\$135,489.70	\$136,844.60	\$139,239.38	\$142,024.17	Annual
	\$57.16	\$60.02	\$63.02	\$66.17	\$69.48	\$70.18	\$71.40	\$72.83	37.5 hrly
	\$53.59	\$56.27	\$59.08	\$62.04	\$65.14	\$65.79	\$66.94	\$68.28	40 hrly
		5.00%	5.00%	5.00%	5.00%	1.00%	1.75%	2.00%	

Permanent part-time employees shall be paid an hourly rate based upon the appropriate salary set forth above.

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, and Members of the City Council
From: Tom Closson
Re: Tentative Agreement with the Portsmouth City Employees – Local #1386A
Date: November 8, 2022

Attached for your consideration is a proposed 3-year tentative agreement with the Portsmouth City Employees – Local #1386A (“the Union”).

In addition to a handful of relatively minor language changes and/or corrections, this tentative agreement includes the following material terms:

- Expansion of the City’s discretion in placing employees on the wage scale;
- Clarification and improvement of hiring language, worker’s compensation language, and educational reimbursement language;
- An increase of 4% to base wages, effective July 1, 2022;
- An additional COLA of 2.05% (based on the rolling 10-year CPI-U average) effective July 1, 2022;
- A base wage increase tied to the rolling 10-year CPI-U average, with a floor of 3% and a ceiling of 5%, effective July 1, 2023;
- A base wage increase tied to the rolling 10-year CPI-U average, with a floor of 2% and a ceiling of 5%, effective July 1, 2024;
- A \$0.50/hour increase for ASE certification;
- Annual increases to the mechanics’ tool allowance;
- Adoption of the same longevity schedule as the PMA and SMA CBAs;
- Standardization in the calculation of the health insurance opt-out stipend to \$500/quarter;
- An additional annual leave day at 21 years of service and 22 years of service;
- An increase in the weekly on-call stipend from \$175 to \$225;
- Addition of Juneteenth as a holiday.

Attached is a copy of the entire tentative agreement. It has been voted on and approved by the Union.

I am pleased to recommend this tentative agreement to you. I will be available in non-public session to answer any questions that you have.

**CITY OF PORTSMOUTH
and
PORTSMOUTH CITY EMPLOYEES,
AFSCME LOCAL #1386 (GROUP A)**

TENTATIVE AGREEMENT

November 8, 2022

<u>CBA SECTION</u>	<u>PROPOSED CHANGE</u>
Throughout	Eliminate gender specific language.
Article 5.2 (Posting Jobs and Vacancies)	Change language to the following: <u><i>“All new jobs and vacancies within the bargaining unit will be emailed to all staff and posted on the City’s website. All internal candidates may apply and will be interviewed. If, after the evaluation process is completed, an internal candidate is rated the same as an external candidate, the open position will be offered first to the internal candidate.”</i></u>
Article 5.6 (Competitive Examination)	Eliminate <u><i>“general adaptability”</i></u> <u><i>“personality”</i></u> and <u><i>“character”</i></u> and change <u><i>“physical fitness”</i></u> to <u><i>“able to perform the essential functions of the job either with or without reasonable accommodation.”</i></u>
Article 6 (New 6.5)	<u><i>“The City will annually create a seniority list by classification, department, and date of hire.”</i></u>
Article 7 (Wages)	A 4.0% wage increase effective July 1, 2022. An additional COLA of 2.05% effective July 1, 2022. A wage increase based on the current 10-year rolling COLA calculation with a floor of 3% and a ceiling of 5% effective July 1, 2023. A wage increase based on the current 10-year rolling COLA calculation with a floor of 2% and a ceiling of 5% effective July 1, 2024.
Article 7 (Wages)	<u><i>“If a successor agreement is not reached, the parties will agree to meet and confer over the ability to continue step increases until a successor agreement is reached.”</i></u>

Article 7.6 (Wages)	Delete.
Article 7.7 (Wages)	<u><i>“Notwithstanding, upon promotion to a higher Grade, an employee will remain at the same Step as prior to the promotion (i.e. in the event of a promotion from Grade 9 to Grade 10, an employee at Grade 9/Step D would move to Grade 10 /Step D).”</i></u>
NEW Article 7.13 (Wages)	Add the following: <u><i>“The City will have discretion to hire new employees, including part-time employees, at the Step commensurate with their prior relevant experience, as determined by the Director.”</i></u>
NEW Article 7.14 (Wages)	<u><i>The City will pay an additional \$0.50/hour for ASE certification.</i></u>
NEW Article 7.15 (Wages)	<u><i>“All permanent part-time staff, regardless of hours worked, will follow the same progression in steps as full-time employees.”</i></u>
Article 8.2 (Longevity)	Adopt the same longevity schedule as PMA/SMA with same COLA adjustments.
Article 9.1 (Insurance)	Add AB 15 plan as an additional health insurance option.
Article 9.1 (Insurance)	Delete “Cadillac Tax” language.
Article 9.3 (Insurance)	Delete first two sentences (related to EyeMed).
Article 9.4 (Insurance)	Change health insurance opt-out stipend to \$500.00 per quarter.
Article 9.5 (Dental)	Adopt a plan comparable to Option 3F.
Article 9.8 (Workman’s Compensation Insurance)	Change language to the following: <u><i>“In case of accidental personal injury to any employee arising out of any accident in the course of their employment, the City will pay to the employee the difference between the amount received from the insurance carrier and the employee’s regular pay. Employees will</i></u>

	<u><i>see the deduction of payment on their paystub as 'Worker's Compensation.' In no event will such payment by the City exceed twenty-six (26) weeks.</i></u>
Article 11.1 (Medical Appointments)	Modify to eliminate <u><i>"...not lasting over two (2) hours per appointment."</i></u>
Article 12 (Maternity/Adoption Leave)	Change from Maternity to <u><i>"Parental."</i></u>
Article 13.3(B) (Vacation)	Add accrual of one additional day at 21 years and accrual of one additional day at 22 years.
Article 13.3(B) (Vacation)	Convert vacation leave from days to hours.
Article 13.6 (Vacation)	Modify to provide for payout of no more than seventy (70) days upon death, termination, or retirement.
Article 13.7(C) (Vacations)	Clarify/emphasize that at least twenty-four (24) hours' notice is required for use of a personal day.
Article 16.1 (Holidays)	Add Juneteenth as a paid holiday.
Article 19.2 (Safety)	Change to quarterly meetings.
NEW Article 19.8 (Safety)	<u><i>"Any time a mechanic, working on a state road, feels unsafe and deems that the vehicle should be towed to the shop in lieu of repairing the vehicle on the state road, the vehicle will be towed."</i></u>
Article 21.3(A)(1) (Disciplinary Procedure)	Eliminate <u><i>"Verbal warning."</i></u>
Article 24.4 (Educational)	Add the following language: <u><i>"The City agrees to provide tuition reimbursement to members of the bargaining unit who complete courses</i></u>

Expenses)	<p><u>relating to their current job responsibilities or as part of an approved career development program. Courses must be approved in advance by the Department Head and the Human Resources Department. Approval of courses will be dependent on consideration of the relevancy of the course to the employee’s current job responsibilities, the number of employees applying for the benefit, and the funds available. Reimbursement for such courses will not exceed fifteen hundred dollars (\$1,500.00) per employee, per fiscal year, with the total amount paid under this provision for the entire bargaining unit not to exceed the amount budgeted by the City. Once a course has been approved, the employee will be reimbursed upon presentation of written proof of satisfactory completion of the course to the Human Resources Department. Any bargaining unit member who receives this benefit must continue satisfactory employment with the City for at least one (1) year after receiving reimbursement. If a bargaining unit member leaves employment with the City prior to expiration of this one (1) year period, the employee agrees to repay a pro-rated portion of this tuition reimbursement to the City.”</u></p>
Article 26.8 (Equipment)	Increase annual boot allowance to \$300.00, allowing total annual purchase up to \$300.00.
Article 26.9 (Equipment)	Increase mechanics tool allowance to \$500.00 effective July 1, 2022; \$550.00 effective July 1, 2023; \$600.00 effective July 1, 2024.
Article 27.3 (Callouts)	Change callout pay to a flat rate of \$225/week.
Article 29.8 (Hours of Work and Overtime)	Incorporate expired MOU.
Article 30.1(E) (Uniforms) – Female specific uniforms.	Provide female specific uniforms.
NEW Article 30.2 (Uniforms)	Provide an additional jacket to mechanics (3 total).

Miscellaneous	Add City's standard Harassment-Discrimination Policy.
Miscellaneous	Incorporate Equipment Mechanic MOA.
Miscellaneous	Incorporate Plant Operators MOA.

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CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: KAREN S. CONARD
FROM: BEVERLY MESA-ZENDT, PLANNING DIRECTOR
SUBJECT: REQUEST FOR RESTORATION OF INVOLUNTARILY MERGED LOTS
 880 WOODBURY AVENUE
DATE: OCTOBER 26, 2022

Applicant Request and City Council Referral

Applicant Dale Whitaker has submitted an application/request to the City for Restoration of Involuntarily Merged Lots for the property located at 880 Woodbury Avenue, Portsmouth New Hampshire; Map/Block/Lot number 0236--0052—0000, located in the Single Residence B (SRB) zoning district. The applicant has provided preliminary documentary support for his request. Additional research will be required to verify the documentary record.

At the July 11, 2022 meeting of the City Council, the City Council voted to refer this request to the Planning Board and the Assessor for a report back.

Statutory Context and Procedural Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process nor is there any requirement for the City to hold a public hearing. However, in Portsmouth the City Council has historically referred such requests to the Planning Board to conduct a public hearing.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the

City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that "The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances" (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two pre-merger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

City Assessor and Planning Board Recommendation

The City Assessor reviewed this request and has completed research of the City's records for this property. It is the City Assessor's opinion that the request to unmerge the lots meets the requirements of NH RSA 674:39 and is supported by various New Hampshire court decisions. See Attachment B – City Assessor's Report and Exhibits.

The Planning Board, at its meeting on Thursday, October 20, 2022 considered the application requesting the restoration of involuntary merged lots at 880 Woodbury Avenue to their pre-merger status pursuant to NH RSA 674:39aa. As a result of consideration, the Board voted to recommend that the City Council restore the property located at 880 Woodbury Avenue to its pre-merger status and direct the City GIS and Assessing staff to update zoning and tax maps accordingly.

Recommended Action

Vote to restore the property located at 880 Woodbury Avenue to its pre-merger status and direct the City GIS and Assessing staff to update zoning and tax maps accordingly.

Attachments

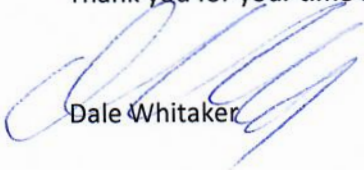
Attachment A- Property Owner Request and Exhibits

Attachment B – City Assessor's Report and Exhibits.

Dear members of the Portsmouth City Council,

I Dale Whitaker the property owner of 880 Woodbury Ave, Portsmouth NH 03801 would respectfully request my property (located at 880 Woodbury Ave) which was involuntarily merged to be unmerged. I have provided past deeds as evidence which clearly show multiple land owners proving that this parcel was involuntarily merged.

Thank you for your time and consideration with this matter.



Dale Whitaker

880 WOODBURY AVE

Location 880 WOODBURY AVE

Mblu 0236/ 0052/ 0000/ /

Acct# 30603

Owner WHITAKER DALE T

PBN

Assessment \$438,800

Appraisal \$438,800

PID 30603

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800

Owner of Record

Owner WHITAKER DALE T
Co-Owner WHITAKER ERIN J
Address 880 WOODBURY AVE
 PORTSMOUTH, NH 03801

Sale Price \$485,000
Certificate
Book & Page 6006/0496
Sale Date 06/07/2019
Instrument 13

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WHITAKER DALE T	\$485,000		6006/0496	13	06/07/2019
HEALY DAVID C	\$121,000		3434/1942	A	10/18/1999

Building Information

Building 1 : Section 1

Year Built: 1949
Living Area: 1,566
Replacement Cost: \$273,263

Building Percent Good: 90

Replacement Cost

Less Depreciation: \$245,900

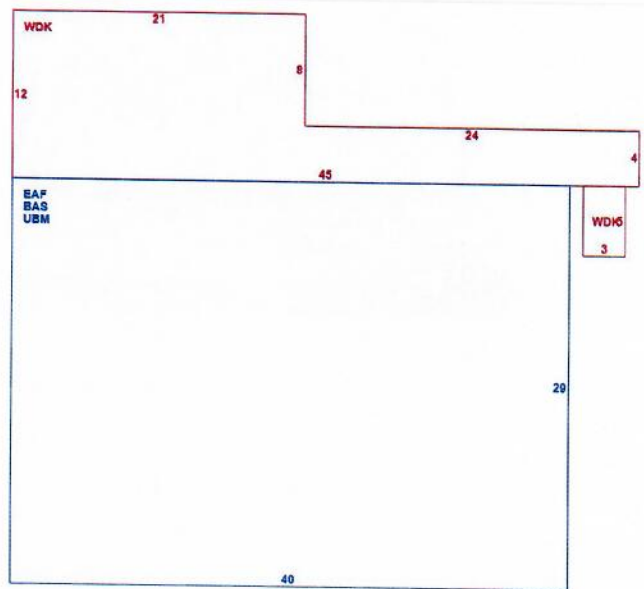
Building Photo

CM Action Item #3



(https://images.vgsi.com/photos2/PortsmouthNHPhotos///0030/880%20WC

Building Layout



(ParcelSketch.ashx?pid=30603&bid=30603)

Building Attributes	
Field	Description
Style:	Cape Cod
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Model	Residential
Interior Flr 2	Ceram Clay Til
Grade:	C+
Stories:	1
Exterior Wall 1	Vinyl Shingle
Roof Structure:	Gable/Hip
WB Fireplaces	0
Extra Openings	0
Roof Cover	Asph/F Gls/Cmp
Metal Fireplaces	1
Extra Openings 2	0
Bsmt Garage	
Interior Wall 1	Drywall/Sheet
Interior Flr 1	Hardwood
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	5
Bath Style:	Above Avg Qual
Kitchen Style:	Above Avg Qual
Kitchen Gr	

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,160	1,160
EAF	Attic Expansion	1,160	406
UBM	Basement, Unfinished	1,160	0
WDK	Deck, Wood	363	0
		3,843	1,566

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone SRB
Neighborhood 129
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.43
Frontage
Depth
Assessed Value \$189,600
Appraised Value \$189,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE	02	DETACHED	240.00 S.F.	\$3,300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800
2019	\$199,000	\$189,600	\$388,600
2018	\$173,800	\$179,200	\$353,000

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800
2019	\$199,000	\$189,600	\$388,600
2018	\$173,800	\$179,200	\$353,000

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BK 3434 PG 1949

SCHEDULE "A"

A certain piece or parcel of land with the buildings thereon, situate on the Westerly side of Woodbury Avenue in said Portsmouth, and bounded and described as follows:

Beginning at a stake in the wall on Woodbury Avenue Four Hundred Ninety-five and Four Tenths (495.4) feet Southeasterly from the Southeasterly corner of land now or formerly of Fred H. Poore and running Southeasterly on Woodbury Avenue One Hundred Fifty (150) feet, to land now or formerly of William A. and Elizabeth M. Kelly; thence turning and running at right angles Southwesterly by said last named land One Hundred Twenty-five (125) feet to land now or formerly of Catherine H. Badger; thence turning and running at right angles by said last named land Northwesterly and parallel to said first named bound One Hundred Fifty (150) feet; thence turning and running at right angles by said land now or formerly of Catherine H. Badger Northeasterly and parallel to the second named bound One Hundred Twenty-five (125) feet to Woodbury Avenue and the point begun at.

Being the same premises conveyed to the mortgagors by deed of John F. Malsbenden and Paul V. Malsbenden dated October 29, 1999 and recorded in the Rockingham County Registry of Deeds immediately prior hereto.

1

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https://ava.fidlar.com/NHRockingham/AvaWeb/#/image

Exhibit A

A certain piece or parcel of land with the buildings thereon, situate on the Westerly side of Woodbury Avenue in said Portsmouth, and bounded and described as follows:

Beginning at a stake in the wall on Woodbury Avenue Four Hundred Ninety-five and Four Tenths (495.4) feet Southeasterly from the Southeasterly corner of land now or formerly of Fred H. Poore and running Souteasterly on Woodbury Avenue One Hundred Fifty (150) feet, to land now or formerly of William A. and Elizabeth M. Kelly; thence turning and running at right angles South westerly by said last named land One Hundred Twenty-five (125) to land now or formerly of Catherine H. Badger; thence turning and running at right angles by said last named land Northwesterly and parallel to said first named bound One Hundred Fifty (150) feet; thence turning and running at right angles by said land now or formerly of Catherine H. Badger Northeasterly and parallel to the second named bound One Hundred twenty-five (125) feet to Woodbury Avenue and the point begun at.

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CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Rick Chellman, Chair, City of Portsmouth Planning Board

Cc: Beverly Zendt, Director of Planning

From: Rosann Lentz, City Assessor *Rosann Lentz*

Date: August 15, 2022

RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 880 Woodbury Ave – RIML-22-1

At its meeting on , 2022, the City Council considered a request from Dale Whitaker regarding the restoration of involuntarily merged lots located at 880 Woodbury Avenue to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer to the Planning Board and Assessor for a report back.

Description

Current assessment records identify the parcel as having .43 acres with a two-bedroom, one-bath single-family dwelling having a detached one-car garage built around 1950 located on the parcel.

History

Deeds: According to deeds researched within the Rockingham County Registry of Deeds back to 1939, this parcel was part of a subdivision dating back to 1938 and amended in 1949 (see attachment 1). The original transfer of the newly subdivided parcel was recorded in book 961 Page 402 on December 12, 1939 (see attachment 2). This deed described both parcels within one metes and bounds description along with depicting lots 13 and 14. Deeds going forward from 1939 do not reference lots 13 and 14 but refer back to the 1939 deed in the chain of title within the meaning and intending to convey paragraph within each deed.

Property Assessment Records:

Assessment records going back to 1950 indicate this parcel has always been assessed as a single lot and was never separately assessed (see attachment 3).

Map Geo 2020 Ariel

When viewing the Map Geo Ariel on the City's Website (see attachment 4), it is not clear but appears the garage met setbacks from lot 14 when built.

Building Inspection / Zoning Records

In March of 2000, David and Betty Healey the former owners prior to Mr. Whitaker, applied for a building permit to remove a front porch and build a new deck to expand from the dwelling to the garage. Plans presented to the inspection department for approval showed a single lot with setbacks drawn from the sideline of the combined lots 13 and 14 (see attachment 5).

Court Decisions

Upon review of various New Hampshire court decisions concerning the denial of restorations of lots, the courts have held that the conveyance of multiple parcels/lots in a single deed or a single metes and bounds description does not, standing alone, support a voluntary merger *Roberts v. Town of Windham*, 165 N.H. 186,192 (2013).

Additionally, court decisions also looked at the use of the property in its entirety by reviewing physical characteristics and the overt actions that occurred over time to the placement of buildings, driveways, outbuildings etc. These decisions, citing totality of changes, can reasonably support that lots by predecessors or current owners were voluntarily merged when facts show the primary and accessory buildings, access, etc. work as a unit. *Robillard v. Town of Hudson*, 120 N.H. 477,416 (1980); *Town of Newbury v. Landrigan*, 165 N.H.236,241 (201); and *Roberts v. Town of Windham*, 165 N.H. 186 (2013).

Summary

Other than researching deeds back to 1939, there would be no way of knowing this property was two parcels. This is due to the metes and bounds description within the most recent deed for the property (see attachment 6) and deeds after 1939 describing one parcel with no reference to lots 13 and 14.

Additionally, there was no conclusive findings that any overt action or conduct occurred by any former owner(s) deeming the lots merged. Although the prior owners to Mr. Whitaker applied for a building permit drawing a single site, if lots 13 and 14 had been depicted on the drawing, zoning setbacks to lot 14 appear to be compliant with the expansion of the deck in March of 2000.

In summary, the City bears the burden to prove voluntary merger (RSA 674:39-aa,II (b)). My research cannot confirm if an overt action was taken to deem the parcels merged by any prior owners and, the original deed dating back to 1939 indicates the metes and bounds described are lots 13 and 14.

It is my opinion that the request to unmerge meets the requirements of NH RSA 674:39-aa and is supported by various New Hampshire court decisions.

Attachments:

\$1.50 Rev.

Know all Men by these Presents

402.

THAT I, Catherine H. Badger of Portsmouth, in the County of Rockingham and State-New Hampshire,

Badger }
to }
Batchelder }

for and in consideration of the sum of One Dollar -----
to me in hand, before the delivery hereof well and truly paid by Harry G. Batchelder of the same Portsmouth,

R. Marvin }
by mail }

the receipt whereof I do hereby acknowledge, have ~~given~~ granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Harry G. Batchelder and his heirs and assigns forever, a certain piece or parcel of land situate on the Westerly side of Woodbury Avenue in said Portsmouth and bounded and described as follows, viz:

Beginning at a stake in the wall on Woodbury Avenue four hundred ninety-five and four-tenths (495.4) feet Southeasterly from the Southeasterly corner of land of Fred H. Poore and running Southeasterly on Woodbury Avenue one hundred fifty (150) feet, to land of William A. and Elizabeth M. Kelly; thence turning and running at right angles Southwesterly by said last named land one hundred twenty-five (125) feet to other land of this grantor; thence turning and running at right angles by said last named land Northwesterly and parallel to said first named bound one hundred fifty (150) feet; thence turning and running at right angles by said other land of this grantor northeasterly and parallel to the second named bound, one hundred twenty-five (125) feet to Woodbury Avenue and the point begun at.

Being Lots #13 and #14 on a Plan of Lots owned by Mrs. Catherine H. Badger, Woodbury Avenue, Portsmouth, New Hampshire, drawn by John W. Durgin, C.E. in September, 1938.

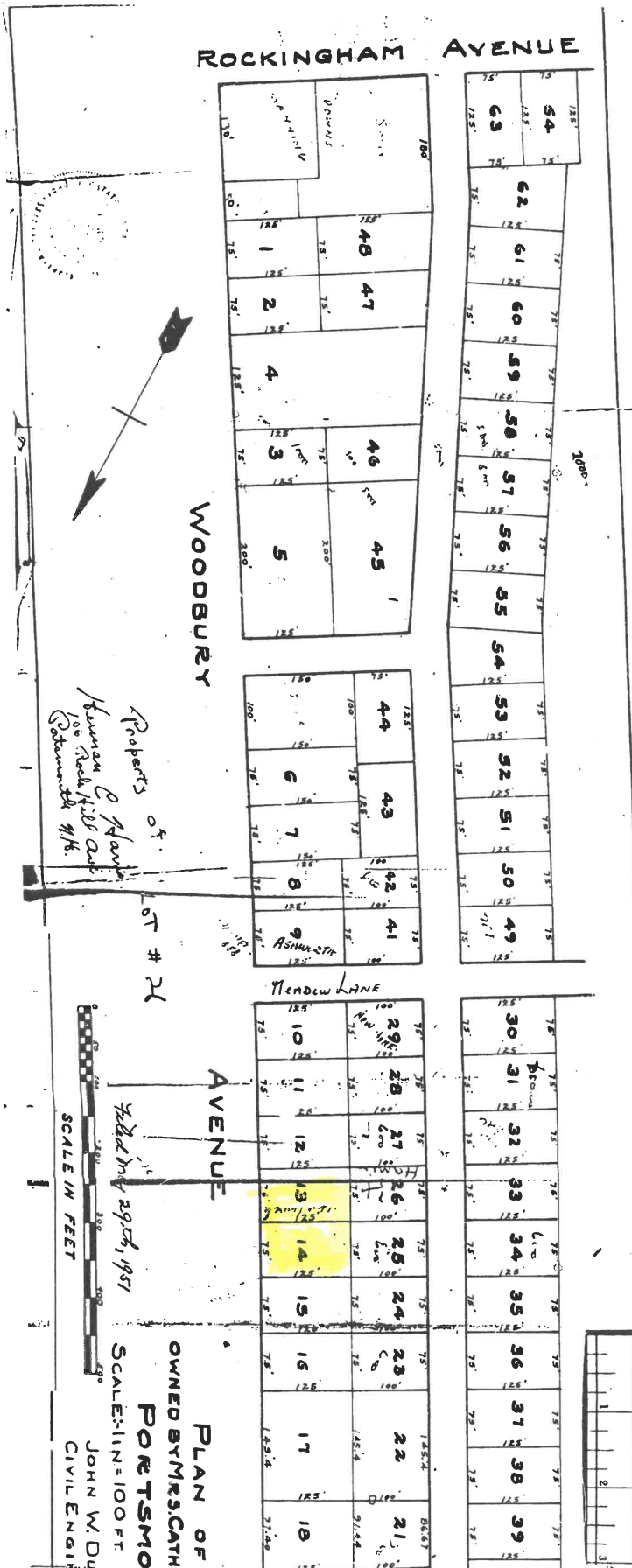
~~To have and to hold~~ the said granted premises, with all the privileges and appurtenances to the same belonging, to him the said Harry G. Batchelder and his heirs and assigns, to his and their only proper use and benefit forever. And I the said Catherine H. Badger, for myself and for my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said Batchelder and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right ~~and~~ in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Batchelder and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Catherine H. Badger am a widow and ~~with no other heirs~~ ~~and~~ ~~my~~ ~~rights~~ ~~in~~ ~~the~~ ~~said~~ ~~premises~~ ~~and~~ ~~in~~ ~~each~~ ~~and~~ ~~every~~ ~~part~~ ~~thereof~~, as our Family Homestead, as are reserved or secured to us, ~~and~~ ~~ours~~ ~~of~~ ~~us~~, by the Statute of the State of New Hampshire, passed July 1, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution" or by any other Statute or Statutes of said State.

~~And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, and ours of us, by the Statute of the State of New Hampshire, passed July 1, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution" or by any other Statute or Statutes of said State.~~

In Witness whereof I have hereunto set my hand and seal, this twelfth day of December in the year of our Lord one thousand nine hundred and 1939.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:



CURRENT OWNER	TOPO	UTILITIES	STRT / ROAD	LOCATION	DESCRIPTION	Code	Appraised	Assessed	2229
ET	1 Level	0 All Public	1 Paved	2 Suburban	RESIDENTL	1010	245,900	245,900	PORTSMOUTH, NH
NJ			8 2+ Off-St PRG		RES LAND	1010	189,600	189,600	
Y AVE					RESIDENTL	1010	3,300	3,300	
SUPPLEMENTAL DATA					Alt Proj ID 0236-0052-0000-0000 OLDACTN 15710 PHOTO WARD PREC. 1/2 HSE GIS ID 30603 CONDO C INLAW Y/ LOT SPLIT 2015 Reva JM Ex/Cr Appl Assoc Pld#				

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
ER DALE T	6006	0496	06-07-2019	U			2021	1010	245,900	2020	1010	245,900	2019	1010	195,700
DAVID C	3434	1942	10-18-1999			A	1010	1010	189,600	1010	1010	189,600	1010	1010	189,600
							1010	1010	3,300	1010	1010	3,300	1010	1010	3,300
Total															

EXEMPTIONS			OTHER ASSESSMENTS			APPAISED VALUE SUMMARY		
Code	Description	Amount	Code	Description	Number	Amount	Code	Amount
1	VETERAN-1	500.00						
		Total				500.00		
ASSESSING NEIGHBORHOOD			B			Tracing		
NOTES			COMP 2ND FLR & KIT RENOV'S; ADDED 5 FIXT			Appraised Bldg. Value (Card)		
			MASTR BATH IN MASTR SUITE; MEASURED EXT			Appraised Xf (B) Value (Bldg)		
						Appraised Ob (B) Value (Bldg)		
						Appraised Land Value (Bldg)		
						Appraised Land Value		
						Special Land Value		
						Total Appraised Parcel Value		
						Valuation Method		
						Total Appraised Parcel Value		

BUILDING PERMIT RECORD									
d	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date
L4	08-05-2019	PL		2,800	01-10-2020	100		INSTL DIRECT GAS FIREPLA	09-28-2020
L4	07-16-2019	PL		12,000	01-10-2020	100		ADD NEW MASTER BATH WI	01-10-2020
1	07-02-2019	EL		4,500	01-10-2020	100		WIRE NEW KITCHEN BDRM	06-17-2019
4	06-27-2019	RE		75,000	01-10-2020	100	06-03-2020	REMODEL KITCHEN & CONV	07-19-2017
	07-09-2008			0		100		HOUSE & GARAGE	02-10-2015
	07-09-2008			0		100		STRIP&REROOF	12-12-2012
	07-09-2008			20,325	06-16-2009	100	09-30-2008	INS VINYL SIDIN	09-08-2009

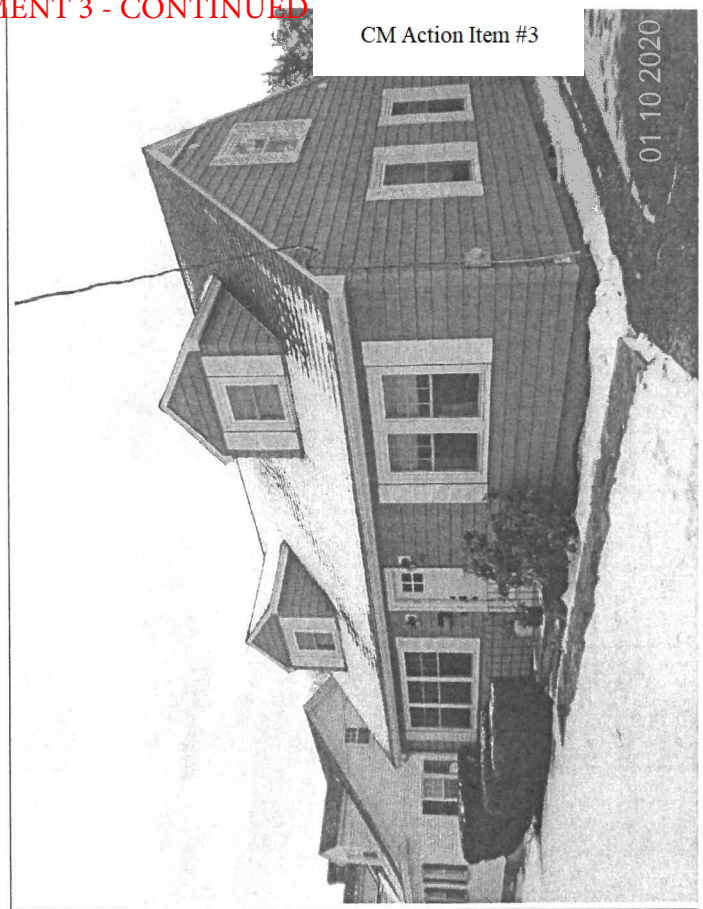
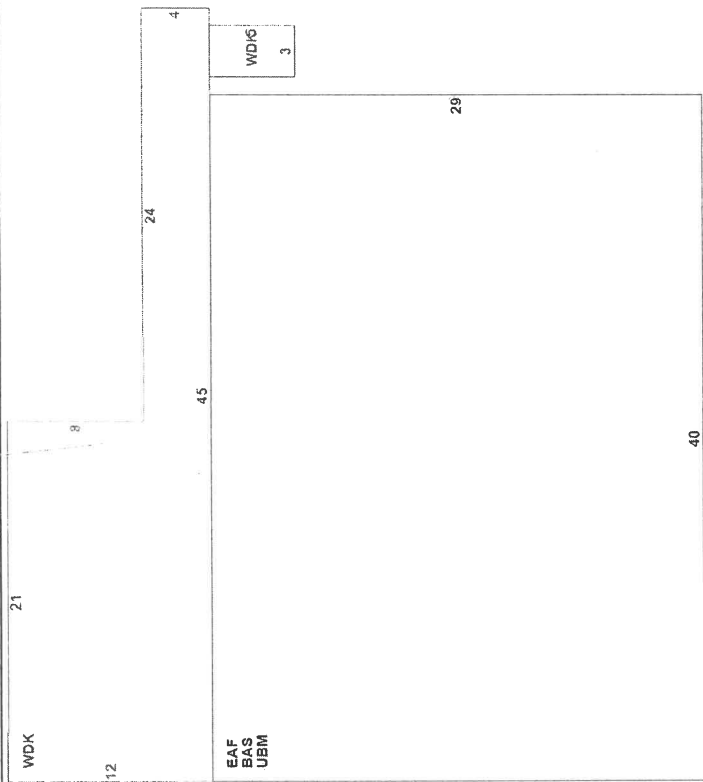
LAND LINE VALUATION SECTION									
Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Adj	Site Cond.	ST Adj.
0	SINGLE FAM M	SRB			18,750 SF	8.99	1.0000	1	0.90
Notes- Adj									
TRAFFIC									
Special Pricing									
Adj Unit P									
Land Value									



CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
04	Cape Cod		
01	Residential		
C+	C+		
1	Stories:		
1	Occupancy		
29	Exterior Wall 1		
	Exterior Wall 2		
03	Roof Structure:		
03	Roof Cover		
05	Interior Wall 1		
	Interior Wall 2		
12	Interior Fir 1		
11	Interior Fir 2		
02	Heat Fuel		
04	Hot Water		
01	AC Type:		
02	Total Bedrooms		
2	Total Bthrms:		
0	Total Half Baths		
0	Total Xtra Fixtrs		
5	Total Rooms:		
2	Bath Style:		
2	Kitchen Style:		
	Kitchen Gr		
0	WB Fireplaces		
0	Extra Openings		
1	Metal Fireplace		
0	Extra Openings		
	Bsmt Garage		

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Bilt	Cond.	Cd	% Gd	Grade	Appr. Value
FGR1	GARAGE-AVE	L	240	31.00	1970	A	50	D	0.90	3,300

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,160	1,160	1,160	149.00	172,838
EAF	Attic Expansion	406	1,160	406	52.15	60,493
UBM	Basement, Unfinished	0	1,160	232	29.80	34,568
WDK	Deck, Wood	0	363	36	14.78	5,364



01 10 2020

PROPERTY OWNER
MALS BENDEN/FRANCIS A
MALS BENDEN/GERTRUDE H
880 WOODBURY AVE

PROPERTY LOCATION
WOODBURY AVE

CITY OF PORTSMOUTH N.H.
JOHN B. PETTY CAE, ASSESSOR

SIDE
W

LOCATION CODE
1 / 1 / 1

PLAN LOT
121.013

CARD
R36 052

CM Action Item #3

SMOUTH NH 03801

RECORD OF TRANSFER
BATCHELDER/HARRY G

DATE
73150

BOOK
N/A

PAGE
N/A

AMOUNT
1

CONTROL NO
1318121001300

CONTROL NO
1

OF
1

MORTGAGE

TYPE	PROJECT	CONTROL NO	CONTROL NO	CARD
RESD	31001	1318121001300	1	OF 1

DATE	BOOK	PAGE	AMOUNT
73150	N/A	N/A	1

TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
1-H-LOT	54 A	290	11000	5940	100	5900	
2 REAR	2	110	2000	220	100	200	
ACREAGE TOTAL		400			6160	100	6100

FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT
1												
2												
3												
4												

TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
LOT COMPUTATION							
ACREAGE TOTAL		400			6160	100	6100
LOT TOTAL							
LAND TOTAL							

STRUCTURAL ELEMENTS

PRICE

191
21001300

OUT BUILDINGS

1 2 3 4 5 6

CM Action Item #3

CONC					
BRICK					
STONE					
FLOOR					
INT FINISH					
PLUMB					
ELEC					

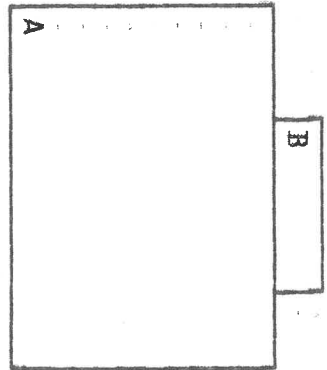
BASE, A CAPE COD 1064SF
 FOUNDATION, SHGLE CONC WALLS
 EXT WALLS, SHGLE CONC WOOD
 INSULATION, BLANKET ASPH SHG FLOOR
 ROOF, GABLE FULL CONCRETE
 BASEMENT, FULL HARDWD PLASTR
 FLOORS, 1 INT FIN, 1 LAYOUT G COND G
 ROOMS, FULL AT-4 STAIR FULL FLR
 ATTIC, FULL AT CAST STAIRS 1
 HEAT, 1 H-W CAST STAIRS 1
 FIREPLACES, 1 STACKS 1
 PLUMBING, BATH 1 SINK 1
 TILE, BATH-1 MN-1 WL- FL- PLS
 DORMERS, 2 14 LIN FT
 SEG. B PATIO 108SF

SIZE	
1- 12X 20	
AREA	
1- 240 SF	

SUB TOTAL				20195
FACTOR				

OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE
DWLG 1 FAM 1-DT GAR33	1-05 FR B A	3	1951#	NO	G	20195
			1953#			1296

SEG	TYPE	STOR	CONS	CLASS	DIMENSIONS
A	28-38-28-38				
B	42		FRAM 2	6-18-6-18	



SCALE = 20 FT./IN.

PHYS DEPR	PHYSICAL VALUE	FUNC .DEPR	ACTUAL VALUE	EQ	ASSESSMENT
20	16156		16156	100	16200
20	1037		1037	100	1000

BUILDING TOTAL						17193	100	17200	SALE PRICE	DATE
									LISTED DATE	MO/YR
									11/04/71	3416
									SIGNATURE	REVIEW
									1 REFUSE	0028

LOCATION R36 LOT 052 CARD 01 OF 01 (OLD M/L# 121 013) PROPERTY USE CODE 01

CM Action Item #3

NAME **Francis A & Gertrude H** MAILING ADDRESS **880 WCCBBURY AVE PORTSMOUTH NH 03801** BOOK-PAGE **N/A N/A** DATE **07/50** AMOUNT **N/A**

APPELLANT **NDEN PAUL V & JOHN F** ADDRESS **52 BEECH ST FRANKLIN NH 03235** PROBATE **4/16/93 #62371**

ATTACH

LAND VALUE COMPUTATIONS AND SUMMARY

SQ. FT. DESC.	CODE	SIZE	RATE	INFLUENCE FACTOR	LAND VALUE
1 PRIMARY SITE		10000		-	11000
2 SECONDARY SITE		3750		-	880
3 UNDEVELOPED					
4 RESIDUAL					
5 WATERFRONT					
TOTAL	T	13750		-	11900

MEMORANDA

I=E

1st / 5
and / unbin

impo at door

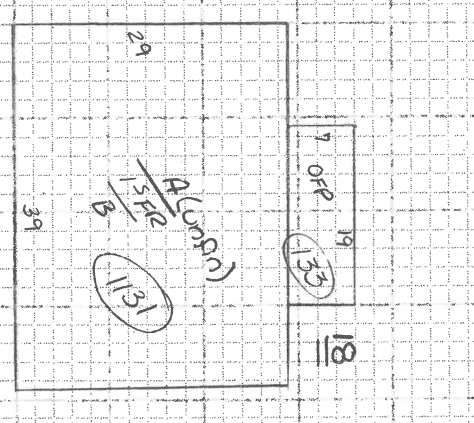
11890
43050
55890

CATEGORY CODES	NUMBER OF ACRES	RATE	INFLUENCE FACTOR	LAND VALUE
1 PRIMARY SITE				
2 SECONDARY SITE				
3 UNDEVELOPED				
4 TILLABLE				
5 PASTURE				
6 WOODLAND				
7 WASTELAND				
8 HOMESITE				
9 FRONTAGE-ROAD				
10 FRONTAGE-WATER				
11 REAR				
12 ACREAGE-DEPR.				
TOTAL ACREAGE				

SALES DATA				SOURCE	VALIDITY	ASSESSMENT RECORD				
DATE	MO.	VR.	TYPE				1 BUYER	2 SELLER	3 FEE	4 AGENT
			1 2	1 2 3 4	1 2	19	LAND	11900		
			2 1 & B	1 2 3 4	1 2		BLDG.	43400		
							TOTAL	55300		

INSPECTION WITNESSED BY: *Francis R. ...*

OCCUPANCY			INTERIOR FINISH			COMMERCIAL COMPUTATIONS			OCCUPANCY			
1	2	3	B	1	2	3	1	2	3	1	2	3
VAC. LOT	DWELLING	OTHER					1 BRICK	3 GLASS	5 STUCCO	7 STONE	9 CONCRETE	
STORY HEIGHT	STORY HEIGHT		WOOD PANELING	FIBERBOARD	UNFINISHED		2 FRAME	4 BLOCK	6 TILE	8 METAL	0 ENAM. STL.	
.5	2.0	2.5	3.0									
BASEMENT	BASEMENT		LIVING ACCOMMODATIONS									
CRAWL PART	HEATING	FULL	NO. OF UNITS	TOTAL ROOMS	BED ROOMS	FAMILY ROOMS						
2	3	4	001	003	002	0						
BASE	AIR CON		NO. OF UNITS	AVG. UNIT SIZE	BASEMENT SIZE	SCHEDULE						
2	3											
OR G	STEAM		HT.	BASEMENT	FIRST	SECOND						
ELECTRIC												
FLOOR/WALL FURNACE												
PLUMBING												
STANDARD												
BATHROOM												
HALE BATH												
SINK/LAVATORY												
WATER CLOSET/JUNIAL												
NO PLUMBING												
ATTIC												
1 NONE	2 ANFIN	3 PT. FIN										
4 FULL FIN	5 FULL FIN/W/H											
ROOF												
SHINGLE ASP/ASB/WOOD												
SLATE/TILE/METAL												
COMP. ON WOOD FRAME												
COMP. ON STEEL FRAME												
WALLS												
FRAME/SIDING/ALUM./VINYL/STUCCO												
SHINGLE ASP/ASB/WOOD												
CONCRETE BLOCK												
BRICK VENEER/STONE												
PLATE GLASS FRONT												
FLOORS	A											
CONCRETE	B	1	2	3								
WOOD												
TILE												
CARPET												
WD./STL FRAME												
REINF. CONC.												
INTERIOR FINISH												
REMODELING DATA												
KITCHEN	YEAR	HEATING	YEAR									
PLUMBING		GENERAL										
ERECTED	1949	AGE										
CU RATING	FB/AV											
DWELLING COMPUTATIONS												
1.0 STORY	F	M	C									
1,131 S.F.	43,705											
BASEMENT												
HEATING												
PLUMBING												
ATTIC												
+3,520												
ADDS.												
& PCHS.												
+18,000												
TOTAL	49,025											
O.F. POINTS	[+] 21	+2,100										
TOTAL	51,125											
GRADE	C[+]	X/10 8										
TOTAL	55,215											
C&D FACT. %	[]											
REPL. COST												
DEPR.	25%	7.75										
TRUE VALUE	41,400											
EXTERIOR WALL CODES												
1 BRICK	3 GLASS	5 STUCCO	7 STONE	9 CONCRETE								
2 FRAME	4 BLOCK	6 TILE	8 METAL	0 ENAM. STL.								
EXTERIOR WALLS												
EFF. PERIMETER			L/F	L/F								
PERIM. AREA RATIO %												
NO. OF UNITS												
AVG. UNIT SIZE												
BASEMENT SIZE												
SCHEDULE												
HT.												
BASEMENT												
FIRST												
SECOND												
BASE PRICE												
B. P. A.												
SUBTOTAL												
LIGHTING												
HTG./AIR CON.												
SPRINKLER												
PARTITIONS												
INTERIOR FINISH												
SF/CF PRICE												
AREA CUBE												
SUBTOTAL												
SPECIAL FEATURES*												
ADDITIONS												
TOTAL BASE												
GRADE FACTOR												
REPLACEMENT COST												
FUNCTIONAL DEPRECIATIONS FACTORS												
SURPLUS CAP	ENCR. ENCLOSMENTS	OBSELESCENCE										
BRIGHTEN AREA	COMM. LOCATION	ECONOMIC										
SUMMARY OF OTHER BUILDINGS												
TYPE	NO.	CONSTRUCTION	SIZE	RATE	GRADE	ERECTED	CU	REPLACEMENT COST	DEPR.	TRUE VALUE		
GARAGE	1	1966 2X20	2407	17.00	C	1949	4V	4080	50%	2040		
BARN												
SHED												
POOL												
COMM BLDG.												
LISTED	LES	DATE	11-3-81									
TOTAL OF CARDS		THRU								2000		
TOTAL VALUE ALL BUILDINGS										43,400		



GRADE DENOTES QUALITY OF CONSTRUCTION: A-EXCELLENT; B-GOOD; C-AVERAGE; D-CHEAP; E-VERY CHEAP
 CU FACTOR REFERS TO THE CONDITION, DESIRABILITY, AND USEFULNESS OF THE BUILDING

PROPERTY ASSESSMENT RECORD, — CITY OF PORTSMOUTH, N. H.

ATTACHED

CM Action Item #3

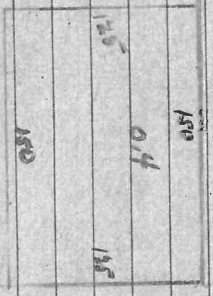
ATTAC

RECORD OF OWNERSHIP

DATE OF TRANSFER

SALE PRICE IF KNOWN

ASSESSMENT RECORD



LOT 13
880 Dunstable Ave.

PROPERTY FACTORS

TOPOGRAPHY	LEVEL	ROLLING	LEDGE
SOIL TYPE	LOAM	SAND	CLAY
LAND CLASS	GOOD	FAIR	POOR
DRAINAGE	GOOD	FAIR	POOR
WATER SUPPLY	GOOD	FAIR	POOR
FENCES	GOOD	FAIR	NONE
ELECTRICITY	YES	NO	
TELEPHONE	YES	NO	
ROAD	PAVED	IMPR.	DIRT

CLASSIFICATION

TILLABLE	NO. OF ACRES	RATE	TOTAL
PASTURE			
WOODED			
WASTE LAND			
TOTAL ACREAGE			
TOTAL VALUE LAND			
TOTAL VALUE BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

RURAL PROPERTY
Francis Pitt To Fred H. McDevotion 7-31-50 1,500
1178/337
OWNERS PREVIOUS TO 1981

URBAN PROPERTY

LAND VALUE COMPUTATIONS AND SUMMARY

TOPOGRAPHY	IMPROVEMENTS
LEVEL	WATER
HIGH	SEWER
LOW	GAS
ROLLING	ELECTRICITY
SWAMPY	ALL UTILITIES
	GARAGE DISPOSAL
STREET	TREND OF DISTRICT
PAVED	IMPROVING
SEMI-IMPROVED	STATIC
DIRT	DECLINING
SIDEWALK	

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL
150	125	700			1000
TOTAL VALUE LAND					1000
TOTAL VALUE BUILDINGS					4600
TOTAL VALUE LAND & BUILDINGS					5600

ASSESSMENT RECORD	LAND	BLDG.	TOTAL
1501	100		100
53			5000
54			5400
57			5900
60			5200
61			6000
62			700
63			5700
64			7400
65			3400
66			14400
67			14800
68			4000
69			11400
70			15900

880 Woodbury Ave 2021 City of Portsmouth Ariel



Property Information

Property ID 0236-0052-0000
Location 880 WOODBURY AVE
Owner WHITAKER DALE T



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



City of Portsmouth, NH - 1 Junkins Ave, (603) 431-2006 x243

Building Permit Application - RESIDENTIAL ADDITIONS

Office Use: Cost of All Construction: \$ 3,000 Fee: \$ 50 Chk #: _____ Cash: _____
 Zoning District: SRB HD-A Map #: R36 Lot #: 52 Index #: 3374 Building Permit #: 9775

Print in Ink or Type. Complete all blanks or indicate "N/A" if not applicable.

PROPERTY OWNER

Name: David & Betty Healy
 Address: 880 Woodbury Ave
 City: Portsmouth State: NH Zip: 03801
 Phone: () 433-5929 Fax: () _____
 Cell Phone / Pager: () daytime # 659-2494x249

PERMIT APPLICANT

Name: Brian Park Construction
 Address: 75 Spinnaker Way
 City: Portsmouth State: NH Zip: 03801
 Phone: () 431-4236 Fax: () _____
 Cell Phone / Pager: () _____

Address of Work: 880 Woodbury Ave. Unit #: _____
 Brief Description of Proposed Work: Exterior Deck / remove existing porch
 Contractor: Brian Park Construction Phone: () 431-4236 Cell/Pager: () _____
 Contractor Address: 75 Spinnaker Way, Portsmouth, NH 03801

Existing Conditions (Land Use Data)

Lot Area: 18750 S.F. ; Existing Use of Land and Building(s): single family home
 # of Existing Dwellings: 1 ; # of Existing Off Street Parking Spaces Provided on the Lot: 1/9
 (Not applicable to single family uses.)

Dimensions of Existing Building(s) & Structure(s) on this Lot

	Size *	S.F. of Footprint	#. of Stories	Ht. of Struct.	Basement (Y/N)
Main Building:	<u>29 x 39</u>	<u>1131.0</u>	<u>1 1/2</u>	_____	<u>Y</u>
Attached Garage:	_____ x _____	_____	_____	_____	_____
Addition #1:	_____ x _____	_____	_____	_____	_____
Addition #2:	_____ x _____	_____	_____	_____	_____
Porch:	_____ x _____	<u>114.0</u>	<u>1</u>	_____	<u>N</u>
Deck:	_____ x _____	_____	_____	_____	_____
Detached Garage:	<u>12 x 20</u>	<u>240</u>	<u>1</u>	_____	<u>N</u>
Shed:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
TOTAL SQUARE FOOTAGE:		SUM = <u>1485</u>			

* If structures are irregular in size, write "irregular" and fill the foundation square foot area under "SF of footprint".

Existing Building Setback Dimensions (Indicate the least setback dimension for each.)

Front Setback: 26 Ft. ; Rear Setback: 59 Ft. ; Left Side Setback: 30 Ft. ; Right Side Setback: 109 Ft.
 Closest to nearest Wetlands (If applicable): _____ Ft. Inland Wetland Coastal Wetland

All above information shall be shown on a site plan submitted with this application.

Proposed Conditions (Land Use Data)

of Newly Created Dwelling Units _____ ; S.F. of ea. New Unit(s) _____ ; _____ ; _____ ; _____ ; _____
(Net Living Area, per New Unit)

Sum of all New Unit's S.F. _____ ; Number of New Off Street Parking Spaces Provided on the Lot _____
(Sum of the Individual Units Listed Above) (Not applicable to single family uses.)

Dimensions of New Additions on this Lot

	Size *	S.F.. of Footprint	#. of Stories	Ht. of Struct.	Basement (Y/N)
Addition #1:	_____ x _____	_____	_____	_____	_____
Addition #2:	_____ x _____	_____	_____	_____	_____
Addition #3:	_____ x _____	_____	_____	_____	_____
Attached Garage:	_____ x _____	_____	_____	_____	_____
Porch: <i>Catwalk</i>	<i>4</i> x <i>13</i>	<i>52</i>	<i>1</i>	_____	<i>N</i>
Deck:	<i>12</i> x <i>20</i>	<i>240</i>	<i>1</i>	_____	<i>N</i>
Detached Garage:	_____ x _____	_____	_____	_____	_____
Shed: <i>STAIRS</i>	<i>4</i> x <i>6</i>	<i>24</i>	_____	_____	<i>N</i>
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
TOTAL SQUARE FOOTAGE:		SUM = <i>316</i>			

* If structures are irregular in size, write "irregular" and fill the foundation square foot area under "SF of footprint".

Proposed Building Setback Dimensions (Indicate the least setback dimension for each.)

Front Setback: *26* Ft. ; Rear Setback: *45* Ft. ; Left Side Setback: *18* Ft. ; Right Side Setback: *99* Ft.
 Closest Dimension to Nearest Wetlands (If applicable): _____ Ft. Inland Wetland Coastal Wetland

All above information shall be shown on a site plan submitted with this application.

Construction Information

Every addition is different in terms of layout and framing details. Therefore, it is imperative that a set of construction plans or sketches be submitted with this application. The plans/sketches must show a dimensioned layout of all new rooms and spaces, in enough detail to determine building code compliance with the proposed construction. In a few cases, it may be necessary to show the existing room layout. The following is a list of specific items to be included with the plans/sketches and specifications:

Some of this information may not be needed, depending on the type of addition/construction being proposed.

- Foundation plan including anchor bolt/strap information.
- Floor plan of each story. (Show attic access location.)
- Framing plan of each story including sizes & spacing of joists and beams.
- Roof framing plan including sizes & spacing of rafters and roofing materials.
- If cathedral ceiling design, provide supported ridge details.
- Framing cross sections where applicable.
- Wall sections, showing all wall materials, including header sizes.
- Bedroom window sizes and if "tilt-clean" style.
- Insulation amounts on all exterior walls and ceilings (Including basement).
- All interior and exterior stair details showing tread depth, riser height, and guard protection.
- Stair handrail and deck guardrail details.
- Location of hard wired smoke detectors.

Construction Information-Continued

Indicate information on the various additional trades or features listed below:

Sewerage System: City Sewer? Y / N Subsurface? Y / N State Septic Permit Number _____
 City Water? Y / N State Well Permit Number: _____
 Plumbing Contractor: (Separate Permit Required) NO
 Mechanical Contractor: (Separate Permit Required) NO
 Electrical Contractor: (Separate Permit Required) NO
 Fire Sprinkler System?: Y / N (Separate Permit Required) Contractor _____

Other comments or features: _____

✓ Plans Submitted: Site Floor _____ Framing Electrical _____ Plumbing _____ Mechanical _____ Rolled _____
 Other _____

Cost of All Construction / Renovation: \$ 3,000.00

I certify that the information given is true and correct to the best of my knowledge. *No change from the above information will be made without approval of the Building Inspector.* Construction activities shall not commence until the Building Permit is issued.

I realize that when all necessary approvals have been acquired, a Building Permit may be granted by the Building Inspector to allow construction in conformance with this application and the plans/specifications submitted in support of said construction only.

I further acknowledge that the proposed structure shall not be occupied or otherwise utilized without the issuance of a Building Certificate of Occupancy and only after all necessary inspections have been requested and completed.

Ward C. Healy
 Signature of Applicant

3/24/00
 Date

 If Not Owner, State Relationship

Staff Review

Application requires approvals in the following areas:

Category	Article/Section	Category	Article/Section
Use of Property	_____	Parking	_____
Use of Building	_____	Loading	_____
# Dwelling Units	_____	Historic District	_____
Yards	_____	Wetlands Buffer	_____
Coverage	_____	Wetlands District	_____
Open Space	_____		_____
Lot Area	_____		_____

Existing Coverage: 8% New Coverage: 8.9% Max. Allowed Coverage: 20%
 Existing Open Space: _____ New Open Space: _____ Min. Open Space Required: _____
 Existing Parking: _____ New Parking: _____ Required Parking: _____

Board of Adjustment: Yes ___ No ___ Date Approved _____ Stipulations: _____

Historic District Commission: Yes ___ No ___ Date Approved _____ Stipulations: _____

Conditional Use Permit: Yes ___ No ___ Date Approved _____ Stipulations: _____

Site Review: Yes ___ No ___ Date Approved _____ Stipulations: _____
 _____ Site Review Agreement and Bond _____

Building Code Board of Appeals Yes ___ Date Approved _____ Stipulations: _____

Building Area Calcs. For Permit Fee:	Basement: _____ + Attic: _____ + Garage: _____ @ _____ = \$ _____
	1 st . Flr: _____ + 2 nd Flr: _____ + 3 rd Flr: _____ @ _____ = \$ _____
	Porch 1: _____ + Porch 2: _____ + Deck 1 <u>52</u> + Deck 2 <u>240</u> @ _____ = \$ _____
	Other Areas: <u>24</u> + _____ + _____ + _____ @ <u>0.15</u> = \$ <u>47</u>
	<u>STAIRS</u> TOTAL PERMIT FEE = \$ <u>50</u>

Planning Department Initials hET OMA Date Denied _____ Date Approved 24 Mar 00
 Comments All dimensional requirements shall be met.

Building Inspector Comments: _____

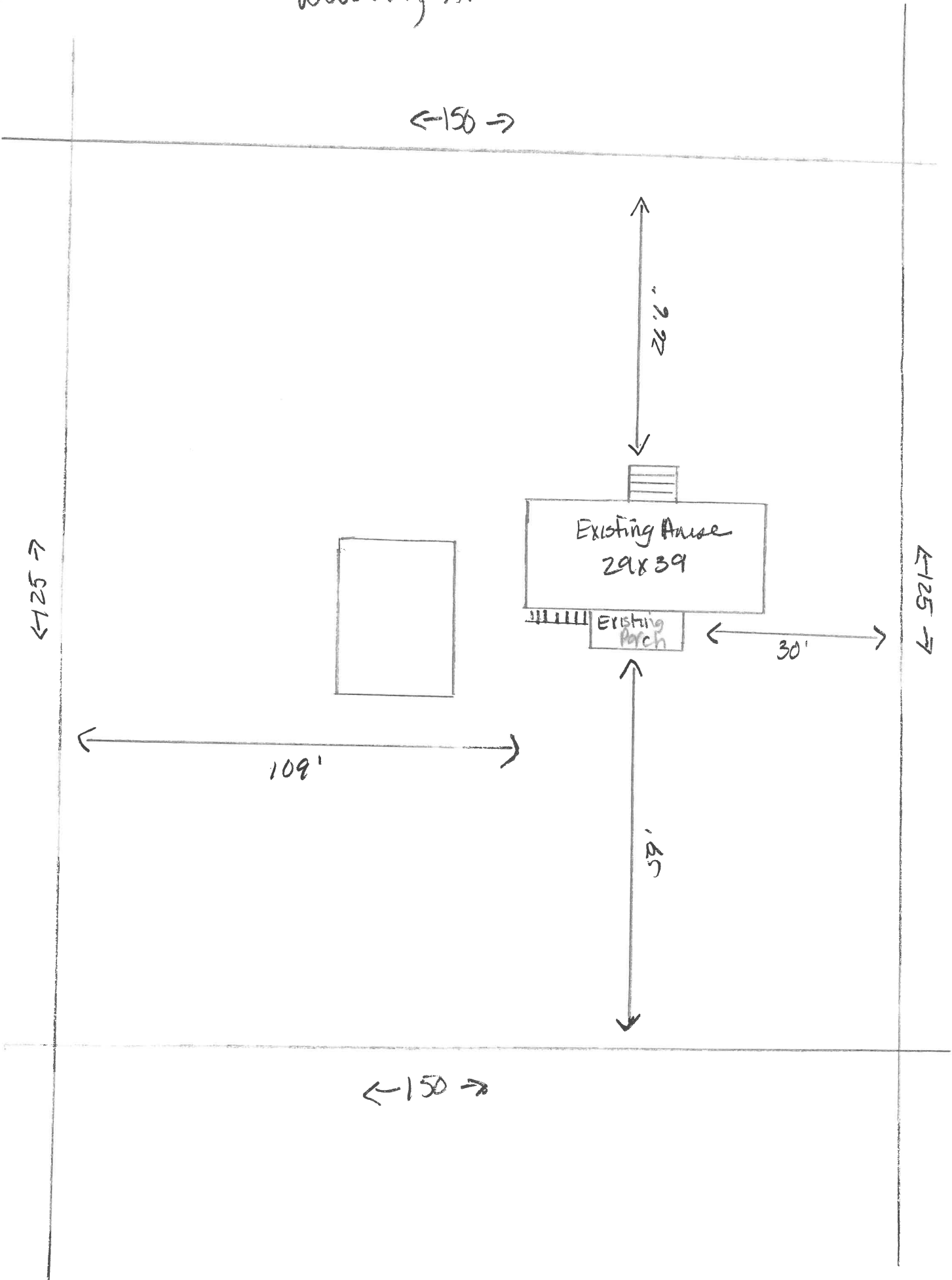
All conditions and requirements having been met, and there being no known outstanding violations to local codes or ordinances, I hereby approve the issuance of this Building Permit.

RA Hopley Building Inspector 27 Mar 00 Date Approved for Permit

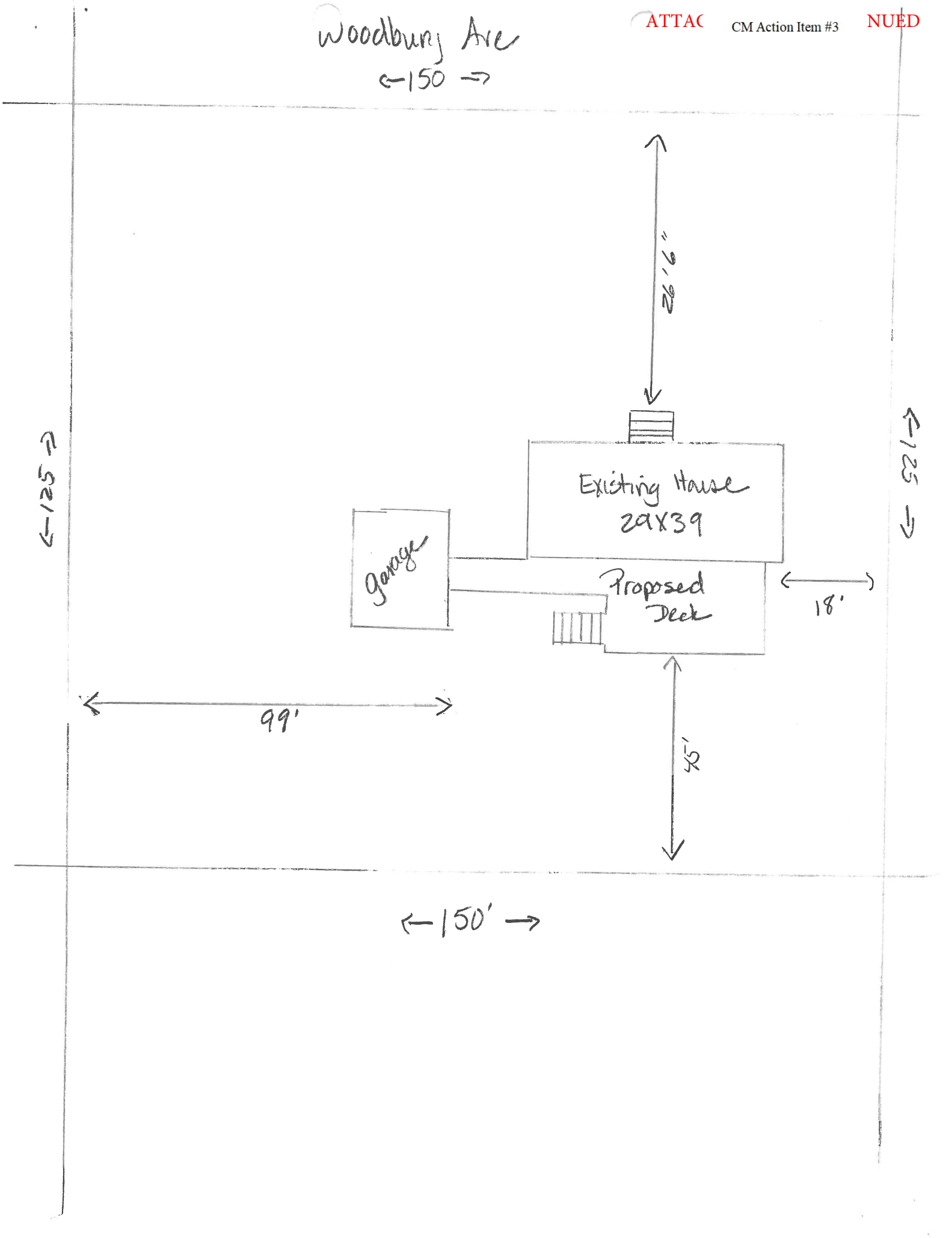
Woodbury Ave

ATTACHME

CM Action Item #3



Woodbury Ave
←150'→



←150'→

ATTAC

CM Action Item #3

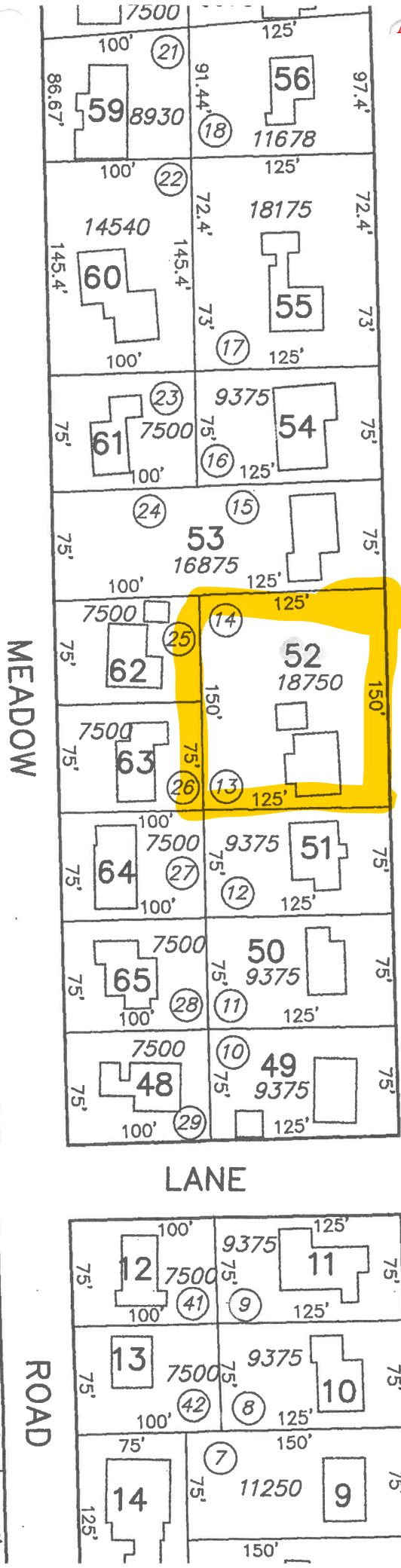
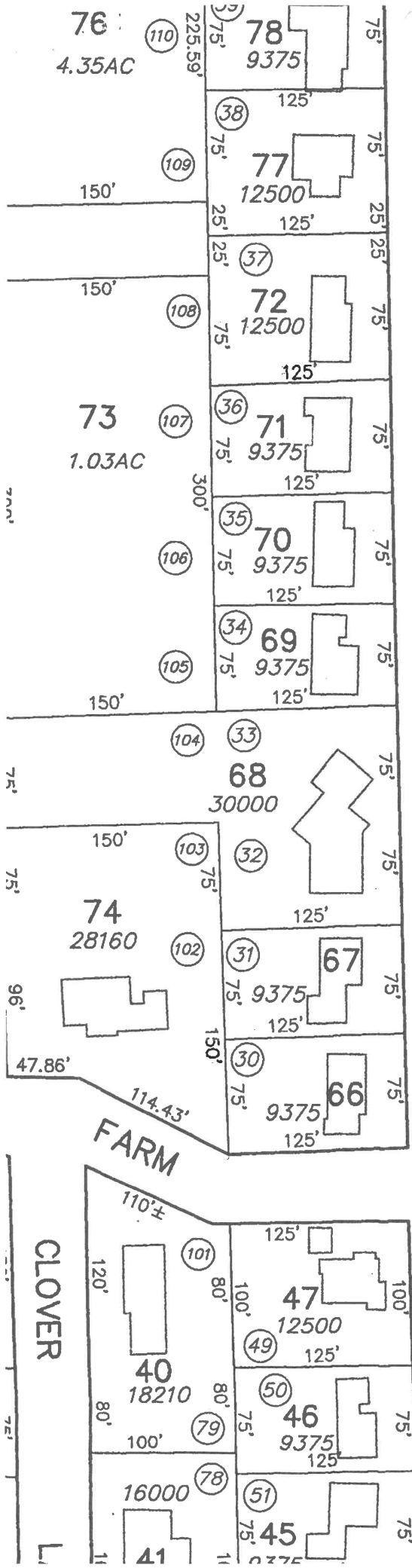
NUED

R36
lot 52



R-19

1220500 E
212500 N



WOODBURY
WOODBURY
AVEN


Book: 6006 Page: 496

19020204 06/07/2019 09:14:16 AM
 Book 6006 Page 496 Page 1 of 2
 Register of Deeds, Rockingham County



LCHIP	ROA449489	25.00
TRANSFER TAX	RO088452	7,275.00
RECORDING		14.00
SURCHARGE		2.00



Return to: 
 Dale T. Whitaker and Erin J. Whitaker
 880 Woodbury Avenue
 Portsmouth, NH 03801

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Elizabeth J. Healy**, Single, of 880 Woodbury Avenue, Portsmouth, NH 03801, for consideration paid grant(s) to **Dale T. Whitaker, Jr. and Erin J. Whitaker**, A Married Couple, of 46 Dennett Street, Portsmouth, NH 03801, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain piece or parcel of land with the buildings thereon, situate on the westerly side of Woodbury Avenue, in the City of Portsmouth, County of Rockingham, State of New Hampshire, and being bounded and described as follows:

Beginning at a stake in the wall on Woodbury Avenue 495.4 feet southeasterly from the southeasterly corner of land now or formerly of Fred H. Poore and running southeasterly on Woodbury Avenue 150 feet, to land now or formerly of William A. and Elizabeth M. Kelly; thence turning and running at right angle southwesterly by said last named land 125 feet to land now or formerly of Catherine H. Badger; thence turning and running at right angles by said last named land northwesterly and parallel to said first named bound 150 feet; thence turning and running at right angles by said land now or formerly of Catherine H. Badger northeasterly and parallel to the second named bound 125 feet to Woodbury Avenue and the point begun at.

Meaning and intending to describe and convey the same premises conveyed to Elizabeth J. Healy and David C. Healy by virtue of a Deed from John F. Malsbenden and Paul V. Malsbenden, dated October 18, 1999 and recorded in the Rockingham County Registry of Deeds in Book 3434, Page 1942. David C. Healy passed away on March 26, 2010, leaving Elizabeth J. Healy as surviving joint tenant. For further reference see death certificate recorded in the Rockingham County Registry of Deeds in Book 5302, Page 1583.

The grantor hereby releases all rights of homestead in the above described premises.

Executed this 6th day of June, 2019.

Book:6006 Page: 497

*Elizabeth J. Healy, by Kathleen Malsbenden,
Attorney in Fact*

Elizabeth J. Healy, by Kathleen Malsbenden,
Attorney in Fact

*For Signatory Authority, see Power of Attorney
recorded herewith.

State of New Hampshire
County of Rockingham

June 6, 2019

Then personally appeared before me on this 6th day of June, 2019, the said Elizabeth J. Healy,
by Kathleen Malsbenden, Attorney in Fact and acknowledged the foregoing to be her voluntary
act and deed.

Kristen Lynne Peterson
Notary Public/Justice of the Peace
Commission expiration:



**2023 SCHEDULE OF CITY COUNCIL MEETINGS
AND WORK SESSIONS**

Regular Meetings - 7:00 p.m.

January 9 and 23

February *6 and 21 (Tuesday)

*(Public Hearing on CIP – *No Presentation*)

March *6 and 20

*(Adoption of CIP)

April 3 and 17

May 1, *8, and 15

*Public Hearing on FY24 Budget @ 6:30 p.m.

June *5 and 20 (Tuesday)

*Continuation of Public Hearing on Budget & Adoption of the Budget

July 10

August 7 and 21

Work Sessions - 6:00 p.m.

January 12th (Audit Work Session – Thursday @ 6:00 p.m.)

January 18th (CIP Work Session - Wednesday @ 6:00 p.m.)

January 25th (Budget Work Session – Wednesday @ 6:00 p.m.)

May 9th (Public Safety – Police & Fire Budget Review/Listening Session – Tuesday @ 6:00 p.m.)

May 10th (School Dept. Budget Review/Listening Session – Wednesday @ 6:00 p.m.)

May 11th (General Government & Parking Depts. Budget Review/Listening Session – Thursday @ 6:00 p.m.)

May 17th (Water, Sewer & Stormwater Depts. Budget Review/Listening Session – Wednesday @ 6:00 p.m.)

May 18th (City Council Public Dialogue – FY24 Budget – Thursday @ TBD)

May 22nd (City Council Budget Review – Monday @ 6:00 p.m.)

TURN OVER FOR REMAINING DATES

September 5 (Tuesday) and 18

October 2 and 16

November *9 (Thursday) and 13

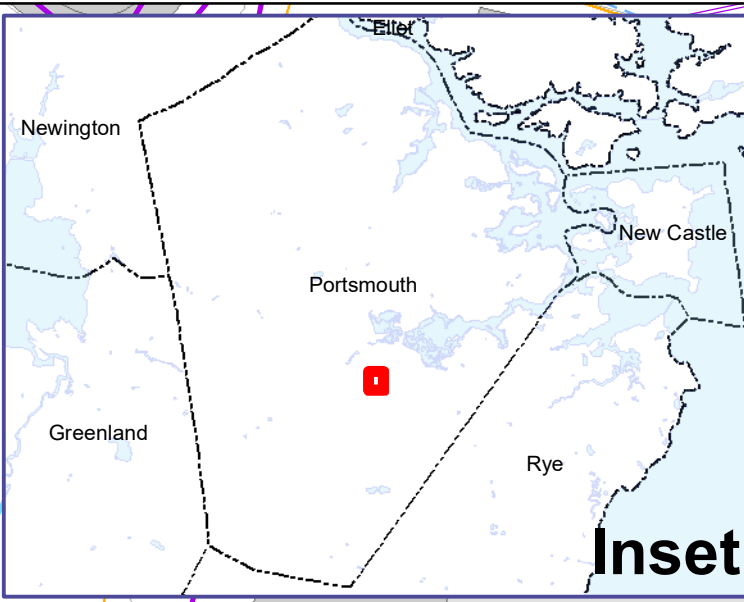
(Special City Council Meeting – Canvass of the Vote @ 6:00 p.m.)

December 4 and 18

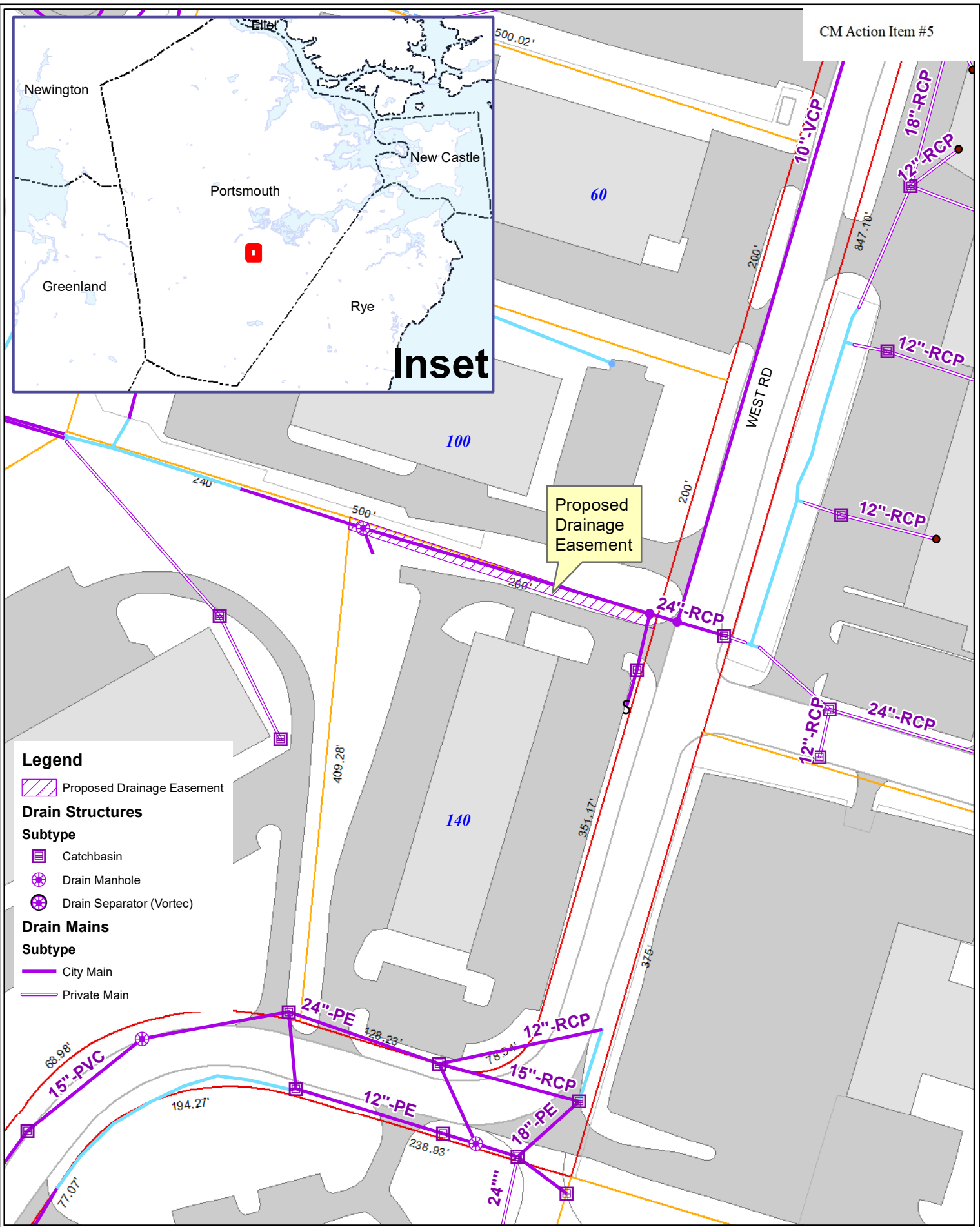
All Work Sessions will be held in Council Chambers unless otherwise indicated.

***Footnote:** Additional Work Sessions can be scheduled at the call of the Mayor

Adopted 11/14/2022



Inset



Proposed Drainage Easement

Legend

- Proposed Drainage Easement

Drain Structures

Subtype

- Catchbasin
- Drain Manhole
- Drain Separator (Vortec)

Drain Mains

Subtype

- City Main
- Private Main

**140 West Road
Proposed Drainage Easement**



Return To:
 Legal Department
 City Hall
 1 Junkins Ave.
 Portsmouth, NH 03801

DRAINAGE EASEMENT DEED

ROAD TO THE WEST, LLC, a New Hampshire limited liability company having principal office address of 14 Lafayette Road, Unit 9, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the 140 West Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a drainage pipe, outfall and storm water flowage over the land of Grantor as shown on a plan prepared by Ross Engineering, LLC, entitled, "Site Plan, 140 West Rd, Portsmouth New Hampshire 03801, Tax Map 252, Lot 2-13" dated July 21, 2022, and recorded at the Rockingham County Registry of Deeds as Plan _____, (hereinafter "the Plan"). The Plan to be recorded herewith and is more particularly bounded and described on the Plan as follows:

 Beginning at a point at the southeastern boundary of Tax Map 252, Lot 2-13 thence running S 34° 14' 13" w a distance of 10 feet to a point; Thence, N 55° 45' 47" W for a distance of 257.98 feet to a point; Thence, N 22° 48' 45" E for a distance of 10.2 feet to a point; Thence, S 55° 45' 47" E for a width of 10 feet and a distance of 260 feet to the point of beginning. Being approximately 2,590 square feet in area, more or less.
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a drainage pipe with its associated outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense.
4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or

interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.

5. **Personal Property.** It is agreed that the pipes and related facilities installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.

7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of 30 North Front Street, LLC dated August 23, 2022 and recorded in Book 6434, Page 553 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

Road to the West, LLC

By: _____
Alexander B. Choquette, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ____ day of August 2022, Alexander B. Choquette, duly authorized Manager of Road to the West, LLC, who acknowledged that he executed the foregoing instrument as its free act and deed for the purposes contained herein.

Before me,

Notary Public
My commission expires:



October 27, 2022

City Of Portsmouth
c/o City of Portsmouth Planning Department
Attention: Honorable Mayor McEachern
City of Portsmouth City Council
Portsmouth, NH 03801

Re: License Agreement 93 Pleasant Street
Court St. Sidewalk License Agreement

Dear Honorable Mayor McEachern & City Council Members:

We hereby request a license agreement for the closure of the north side of the Court St. sidewalk, from Pleasant St. to the end of 93 Pleasant St.'s property line on Court St. for ~17 months, during the construction of 93 Pleasant St. project. This license agreement will allow McNabb Properties to utilize 1,200 square feet of sidewalk, identified as Area A, that abuts the Subject Property along Court St. for construction activities and safety measures while this project is under construction.

A CMMP map, Attachment A, outlining the area defined above is included for your review and use. Should you have any questions concerning this above request, please do not hesitate to call.

Respectfully,

Lynn Kramer
Executive Vice President
McNabb Properties Ltd

Cc: File
James Ovady

LICENSE AGREEMENT
DAGNY TAGGART, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Dagny Taggart, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 30 Penhallow Street, Portsmouth, NH, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 93 Pleasant Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0107-0074-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 6162, Page 0074.

License Area: The City authorizes Licensee to temporarily use 1,200 square feet of sidewalk that abuts the Subject Property along Court Street more particularly described in the attached Exhibit A.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a new 3 story building and the redevelopment of an existing 4 story building.

3. **Term:**

License Area : The license for License Area A shall be for 17 months (517 days) beginning December 1, 2022 and ending April 30, 2024.

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.

5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee of \$0.05 per square foot of encumbered sidewalk.

License Area A: The License Area includes 1,200 square feet of sidewalks that abut the Subject Property along Court Street. The fee of \$0.05 per 1,200 square feet per day is \$60. The total fee for 517 days is **\$31,020**.

The total License Fees for the License Area in the amount of **\$31,020** shall be paid in full to the City in advance of the commencement of the term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if the License Area is returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement and the City will be named as an additional insured.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.

Owner is required to apply for separate Flagging Permits that are outside the scope of this License when closing roads that abut the Subject Property and shall advise abutters of all Flagging Permit applications in advance. Owner is also required to provide regular updates to abutters and the City regarding construction activity for until the project is complete.

9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by

Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

- 10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City’s discretion, result in revocation.
- 11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
- 12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee’s vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2022

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

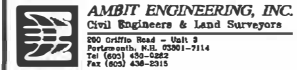
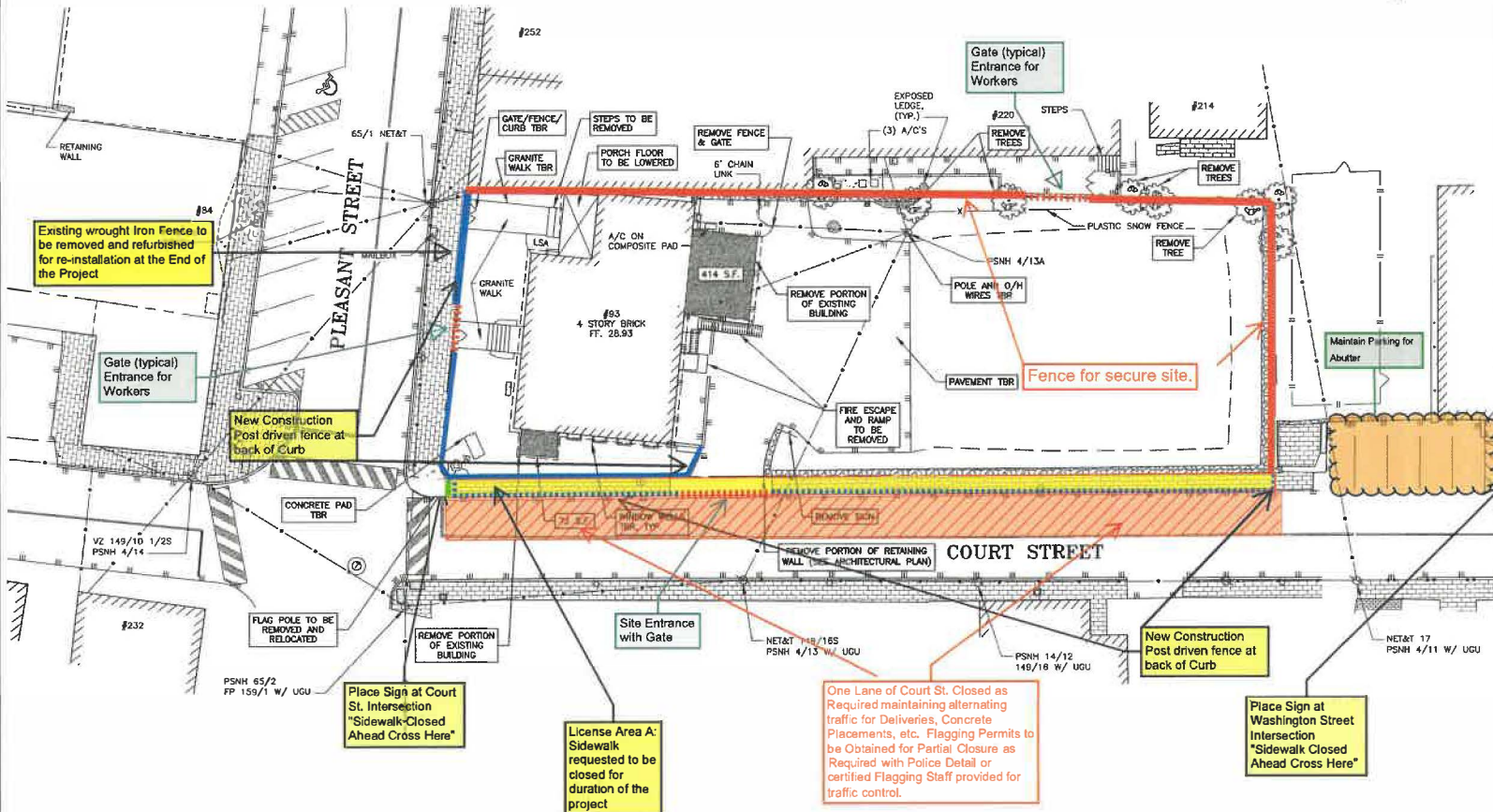
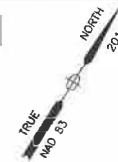
Dated this _____ day of _____, 2022.

Dagny Taggart, LLC

By: _____

Exhibit A

PLAN NOT TO SCALE



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 74.
 - 2) OWNERS OF RECORD:
DADNY TAGGART LLC
3 PLEASANT STREET SUITE 400
PORTSMOUTH, NH 03801
6182/74
D-17511

Coordination Liaison
Lynn Kramer, Executive VP
McNabb Properties
(603) 427-0725
lynn@mcnabbgroup.com

Utility Management with the City and Public Utilities will be ongoing on an as-needed basis with Prior Notices.

License Duration:
17 months from start of construction (December 1, 2022 through April 20, 2024)

License for Sidewalk Encumbrance:
License Area A: 1200 Square Feet of Sidewalk

COMMERCIAL DEVELOPMENT
93 PLEASANT STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
4	STEPS	5/4/22
3	WALL TBR	11/22/21
2	SUBMIT FOR TAC	9/30/21
1	SUBMIT FOR 93 ONLY	8/18/21
0	ISSUED FOR COMMENT	4/2/21




CMMP ENCUMBRANCE PLAN

C1

M E M O R A N D U M

TO: Karen Conard, City Manager

FROM: Beverly Mesa-Zendt, Planning Director 

DATE: October 26, 2022

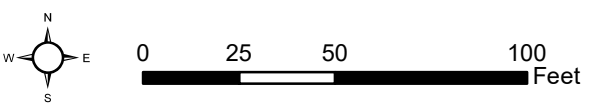
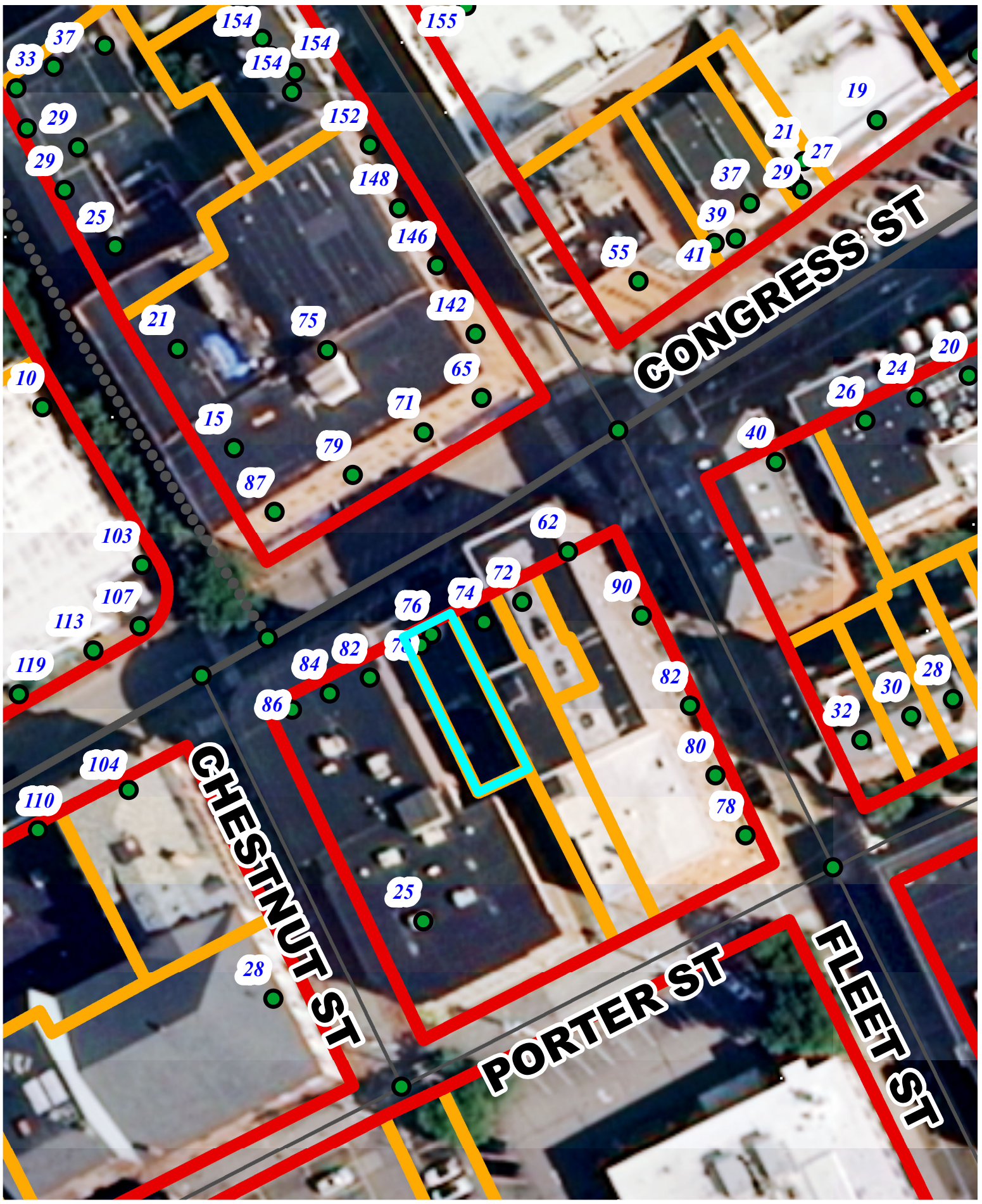
RE: City Council Referral – Projecting Sign
Address: 76 Congress Street
Business Name: J & B Food Services LLC, D.B.A Cheese Louise
Business Owners: James Gaudreault, Bryce Harrison, Ian Lubkin

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

Sign dimensions: 42.5" diameter
Sign area: 9.85 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
76 Congress Street



8'

FRESH HOUSE

CAFE & RESTAURANT

AVAILABLE
OFFICE LEASE
BILL
MOULOUZE

1300
RESTAURANT
FOR SALE
FRESH
HOUSE

EVIE

LOWE'S

Free
How
New
Set
Sun 2



J & B Food Services DBA Cheese Louise

24 October, 2022

76 Congress

110"

20"



in²: 2,200

ft²: 15.3

Backing material: varnished pine

Logo/lettering material: 3/4" white, painted PVC, 1/2" black PVC

Trim material: Aluminum angle w/stainless washer head screws

Mounting: Stainless screws to current cedar facade hidden by trim

70"

5"

ARTISAN GRILLED CHEESE

in²: 350

ft²: 2.43

Backing material: varnished white oak

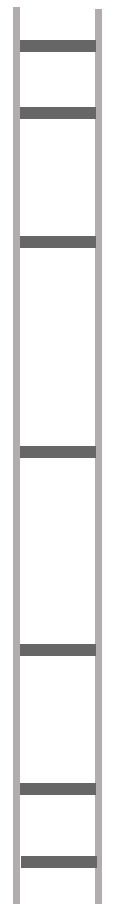
Logo/lettering material: acrylic paint

Hardware/mounting: Stainless hangers from primary sign



Owner Authorization Signature: _____ Date: _____

J & B Food Services DBA Cheese Louise
24 October, 2022
76 Congress



42.5"

in²: 1,419
ft²: 9.85

Frame material: 1/4" aluminum rounds 42.5" diameter
Spacers: 6" stainless steel threaded rod couplings around
perimeter at 12" spacing, one in center
Backing material: 1/4" white polycarbonate, stainless bolting
to aluminum rounds
Logo/lettering material: 3/4" painted white PVC, 1/2" black PCV
Hardware/mounting: 3/16" stainless cable, aluminum crimps,
locking carabiner
Mounting: Hung from existing sign mount, 8' above sidewalk

Owner Authorization Signature: _____ Date: _____

Memo

To: Karen Conard, City Manager
From: Rosann Maurice-Lentz, City Assessor
CC: Judith Belanger, Finance Director
Date: November 9, 2022
Re: 2022 Data Collection

The Assessor's Office would like to announce the data collection of all real property for assessment purposes to begin November 16, 2022. This data collection is expected to last until the end of Tax Year 2024/Fiscal Year 2025. Experienced appraisers and data collectors employed by the City of Portsmouth will be measuring and inspecting buildings within the City. All City appraisers and data collectors will have proper picture identification in view and the Portsmouth Police Department will be aware of the data collectors or appraisers identity along with vehicle registration information.

The data collection process requires an inspection of the interior as well as a measurement of the exterior of all buildings. The interior inspections will take approximately 10 minutes and is necessary in order to determine the full and true value of the property. This process creates fair and equitable assessments.

Taxpayers will have the opportunity to call when they receive their notice to schedule an appointment. If a property was visited and no one was home, the building will be measured and interior data and conditions will be estimated. A notice will be left on the door with instructions if the homeowner would like to schedule an appointment for an interior inspection.

If any residents have any questions regarding this project, all information pertaining to the data collection of real property will be posted on the City of Portsmouth Assessors web page.



Greater Portsmouth Recovery Ready Community Coalition

(Implementation Phase of Portsmouth Coordinated Response to SUD)

EXECUTIVE SUMMARY FOR PORTSMOUTH CITY COUNCIL

Larry McCullough, Executive Director, Pinetree Institute

Mark Lefebvre, Director of Community Engagement, Pinetree Institute

Nov. 14, 2022

Coalition History

Background

- Portsmouth Coordinated Response to Substance Use Disorder (PCR/SUD) formed in May of 2019.
- 5 Task Forces established during Planning phase – needs, gaps, barriers, and recommendations:
 - Recovery Housing
 - Employment
 - Access / Connectivity to Services
 - Coordination of Services
 - Community Education & Training
- Coalition convened in July 2022 to review Design phases results and recommendations going forward.
- Coalition currently shifting to Implementation Phase.

Summary of Results:

- Housing:
 - Summerwood Men's House opened January 2022 (First men's recovery housing in Rockingham County)
- Employment:
 - Safe Harbor Recovery Center – Job Launch
 - NH Works for Recovery program
 - NH Recovery Friendly Workplace (RFW) program
 - SOS RFW training and peer support
 - Great Bay Community College – WorkReady NH program
- Access
 - Seacoast Health Connect phone distribution program
- Coordination of Services
 - Adoption of Unite Us coordination software platform under leadership of NH Doorway.
- Community Education & Training
 - ACEs/PCEs Training for youth servicing organizations
 - Transition to Portsmouth Youth Wellness Coalition

Coalition Members

City Government – Deaglan McEachern, Mayor

City Manager – Karen Conard

Department of Public Health – Kim McNamara, Health Officer

Economic Development – Alan Gold, Vice Chair, Portsmouth EDC

Chamber of Commerce – Ben VanCamp, Chamber Collaborative of Portsmouth

NH State Senate – Rebecca Perkins Kwoka, District 21

Justice – Hon. Tina Nadeau, NH Superior Court Chief Justice

School Unit – Zach McLaughlin, SAU 52 Superintendent; Stephen Zadravec, SAU 50 Superintendent; Christine Burke, Wellness Director

Law Enforcement – Chief Mark Newport; Cpt. David Keaveny

Fire/First Responders – Chief William McQuillen

Housing – Tammy Joslyn, Residential Services Coordinator, Portsmouth Housing Authority

Child Advocacy - Maureen Sullivan, Executive Director, Child Advocacy Center of Rockingham County

Hospital – Justin Looser, Administrative Market Director

Recovery Centers – Whitney Brown, Safe Harbor Recovery Center Director; Erica Ungarelli, Granite Pathways Director

Domestic/Sexual Abuse – Sarah Shanahan, Program Director

Seacoast Public Health Network – Maria Reyes, Continuum of Care Coordinator

Mental Health Services – Seacoast Mental Health - Diane Fontneau, Clinical Manager SUD Program; Patty Driscoll, Vice President of Clinical Operations - Adult Services

NH Doorway – Pete Fifield

Greater Seacoast Community Health – Lara Willard, Chief Strategy Officer

Corrections – Jessica Norton, Rockingham County Director of Inmate Services/Programming

Cross Roads House – Will Arvelo, Executive Director

Facilitation & Coordination – Pinetree Institute - Dr. Larry McCullough, Executive Director; Mark Lefebvre, Director of Community Engagement

Portsmouth Coordinated Response to SUD *Implementation Phase*

Portsmouth Recovery Ready Community Coalition

- Continue to advance Employment, Housing, Coordination, Education, and Access task forces.
- Expand efforts to include:
 - Community awareness and education to reduce stigma
 - Measurement of outcomes
 - Address mental health and SUD as co-occurring illnesses
 - Harm reduction
 - Services for homeless population
 - Specifically include youth as a population
 - Prevention
- Build support for a 2-year implementation phase

Implementation Phase - What We're Looking to Achieve

- Establish Greater Portsmouth as a **Recovery Ready Community** in order to address substance use disorder (SUD).
 - Integrate four key components: prevention, harm reduction, treatment, long-term recovery support.
 - Bring all relevant community sectors together in a coordinated manner to raise Portsmouth's recovery resources.
- Seeking sustained funding to ensure coalition continuity over multiple years - \$120K per year for 2 years:
 - Coordination
 - Training
 - Systems
 - Data & Reporting
 - Community Education / Stigma Reduction
- Combination of grants and municipal support
 - Foundation for Seacoast Health \$30K for 1 year with second year contingent on city of Portsmouth support
 - NH Opioid Abatement grant application submitted for \$30K per year for 2 years
 - Seeking support from City of Portsmouth for \$60K per year for 2 years

CITY COUNCIL E-MAILS

Received: October 24, 2022 (after 5:00 p.m.) – November 10, 2022 (before 9:00 a.m.)

November 14, 2022 Council Meeting

Submitted on Tue, 10/25/2022 - 12:21

Full Name

Diana Carpinone

Email

d.carpinone@gmail.com

Subject

Consultants & Manufacturers Still Promising PFAS-free Synthetic Turf To Municipalities

Address

16 Governor Sawyer Lane

Dover, New Hampshire. 03820

Message

Dear Mayor McEachern and Council,

I feel it's important to bring to your attention that both Weston & Sampson and FieldTurf continue promising "PFAS-free" synthetic turf fields to other municipalities even after the testing you commissioned and letter sent by the Council to Alan Hubbard, Brad Borgman, and Darren Gill of Schmitz Foam Products, US Greentech, and FieldTurf.

In Boston, Weston & Sampson have promised that the field they propose installing at Charlestown HS will be free of PFAS, and the staff has repeated this claim. Most recently in Westerly, RI a NE FieldTurf rep named Chris Hulk has stated said loud and clear that FieldTurf is PFAS FREE. See video below around 41:40.

VIDEO : http://www.clerkbase.com/RI_Westerly_Live_TownCouncil.html

The letter you sent essentially lets them off the hook for breach of contract ("The City does not dispute that the bid specifications were met...") and outright lying to our community has set a damaging precedent that will harm other municipalities who are sold the same false promise we were. It's not too late for the Council to act upon this new information and pursue legal recourse on behalf of taxpayers.

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, 10/25/2022 - 17:08

Full Name

Charlie Armenti

Email

armeca@comcast.net

Subject

NPP

Address

30 Cornwall St, Unit #13

Message

Thank you all for the latest progress that has been made during the 11/24 Council meeting regarding the NPP program.

After listening to all of the latest public comments and each of your own recommendations for moving forward, I agree and support your actions:

- 1) ending the current NPP effective 12/4 or sooner.
- 2) holding a workgroup to outline a framework for how a NPP program might work for anywhere in the city.

Regarding the Islington Creek neighborhood and the NPP program, as a way to move forward and hopefully satisfy those who are in favor vs those who are not.

I believe that we should redefine the streets and neighborhoods that currently make up Islington Creek.

As the data has shown, there really isn't a parking problem. But public perception and comment has shown that there is a parking problem specifically when we are talking about those streets in/around and near downtown.

For your consideration, I would like to recommend that you redefine the Islington Creek Neighborhood.

My suggestion would be from Brewster St => Downtown could be the dividing line for defining the new Islington Creek-East Neighborhood.

The rest of the neighborhood from Brewster St => Dover St, (ie: Islington Creek-West), would no longer be part of any NPP future proposal.

This proposal would allow us to move forward and provide a solution that ultimately satisfies both sides of the public perceptions where the East side has a problem and the West side does not.

With the creation of an Islington Creek East and West neighborhood, I believe that this will improve the pilot numbers, percentages and overall PRO reasons for an NPP Program on the East side while not impacting the AGAINST population on the west side.

And the cost to implement a solution on only the East side would be significantly less given that the impacted area is less.

McDonough St would also be divided where Brewster St intersects.

I believe that when the initial surveys were done 2-5 yrs ago, the original size of the Creek neighborhood did not include the expanded streets and up to Dover. I don't know why it was decided to expand but it seems that going back to a smaller neighborhood might be a good solution at this time.

Or, we stay with the current Creek neighborhood and except the NPP results that show that there is not a parking problem and therefor, we should end the program and take no further actions.

Thank you.

Charlie Armenti

30 Cornwall St

Portsmouth NH 03801

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, 11/01/2022 - 08:26

Full Name

Joshua Cyr

Email

icyr@joshuacyr.com

Subject

Hanover St Parking - Resident Parking Support

Address

990 Maplewood Ave

Message

I have lived on Hanover st for many years, directly in the zone that requires residential parking. More recently (8 yrs since) I have rented that house to others. Some sort of parking solution is needed. That neighborhood has been encroached by business, and parking from people who work downtown but seek not to pay.

As a reminder, since it is often overlooked, we have had resident parking on Hanover street for many many years. At least 15+ It was simple. No parking during business hours unless you were a Portsmouth resident. It was difficult for the city to enforce (by plate). There were no stickers. But it was something.

The most recent trial solution worked wonderfully for our tenant and others on the street that I talked to. It was easy to apply for. There were guest options and short term parking options for city residents as well.

While I no longer live there, and I will likely sell my rental house there soon, I want to share that it has my support. It is needed in some form. People will always complain. Nothing is perfect. Just please don't do nothing and let it be a free for all.

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

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, and Members of the City Council
From: Tom Closson
Re: City Manager's Employment Agreement
Date: October 17, 2022

City Manager Conard's current three (3) year employment agreement with the City is set to expire on January 3, 2023. Attached is a proposed new five (5) year employment agreement with City Manager Conard which includes the following material changes from her current employment agreement:

- A five (5) year term, from January 4, 2023 through January 1, 2028;
- A starting base salary of \$175,000.00;
- Annual COLAs consistent with the City's standard formula (i.e. based on the 10-year rolling average of the CPI-U for Boston-Cambridge-Newton, not less than 2% and not more than 5%);
- An increase in the City's contribution to the City Manager's deferred compensation plan from 11% of base salary to 14.06% of base salary to align with contributions the City would be making if the City Manager was enrolled in the New Hampshire Retirement System;
- An increase in the maximum amount of permitted annual leave carry-over from fifty (50) days to sixty (days); and
- An increase in the length of severance in the event of a termination without cause from six (6) months to twelve (12) months.

I am pleased to recommend this proposed employment agreement to you.

Employment Agreement City Manager

On this ____ day of _____, 2022, now come the undersigned parties, the City of Portsmouth, New Hampshire, acting by and through its City Council (hereinafter “the City” or “the City Council”), and Karen Sawyer Conard (hereinafter ”the Employee”), and enter into this Employment Agreement.

WHEREAS the City Council desires to continue to employ the Employee as the City Manager of the City of Portsmouth, New Hampshire, as provided by the City’s Charter.

WHEREAS the City Council desires to continue to provide certain benefits, establish certain conditions of employment, and set working conditions for the Employee.

WHEREAS the City Council desires to: (1) secure the services of the Employee and provide inducement for her to remain in such employment; and (2) to make possible full work productivity by assuring the Employee's morale and peace of mind with respect to future security.

WHEREAS the Employee desires to maintain employment as the City Manager of the City of Portsmouth, New Hampshire.

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

Section 1. Term.

- A. The City Council agrees to continue to employ the Employee and the Employee agrees to accept continued employment in the position of City Manager for a five-year term commencing on January 4, 2023 and ending on January 1, 2028. The City Council and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Employee agrees to devote her professional efforts to the successful fulfillment of her responsibilities to the City Council and the City.
- B. The Employee will notify the City Council after March 15, 2027 that this Employment Agreement is scheduled to terminate on January 1, 2028. After receipt of such notice, if the City Council does not thereafter notify the Employee prior to June 30, 2027 of its intent to negotiate a new agreement, this Employment Agreement will automatically expire under its terms and conditions on January 1, 2028, and the Employee will not be entitled to the Severance Benefits provided for in Section 10 below. If the City notifies the Employee of its intent to negotiate a successor agreement, the negotiations shall commence within thirty (30) days of the date of that notification. The terms of this Employment Agreement will remain in effect while the parties are engaged in good faith negotiations for a successor agreement. In the event the parties begin good faith negotiations toward a successor agreement, but are unable to negotiate a successor agreement prior to January 1, 2028, this Employment Agreement will terminate on January 1, 2028, and the Employee will be entitled to the Severance Benefits provided for in Section 10 below.

Section 2. Duties and Authority.

The Employee will be expected to perform the functions and duties of City Manager as specified in the City Charter, City Ordinances and New Hampshire's General Statutes, and to perform such other legally permissible and proper duties and functions as may be reasonably requested by the City Council.

Section 3. Compensation.

- A. Base Salary: Effective January 3, 2023, the City agrees to pay the Employee an annual base salary of **one hundred seventy-five thousand and ninety-nine dollars (\$175,099.00)** subject to ordinary and regular withholdings required by law and/or agreed to by the Employee, payable in installments at the same time as other City Hall management-level employees.
- B. COLA: Effective July 1, 2023, July 1, 2024, July 1, 2025, July 1, 2026, and July 1, 2027, a COLA will be computed and added to the Employee's base salary, which COLA will not be less than 2% nor more than 5%. The COLA will be calculated by taking the 10-year rolling average of the CPI-U for the Boston-Cambridge-Newton, MA-NH, all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

Section 4. Health, Life, Dental, and Disability Insurance Benefits.

The Employee's health insurance, life insurance, dental insurance, and disability insurance benefits will be the same as those set forth in the collective bargaining agreement currently in place between the City and the City of Portsmouth Professional Management Association.

Section 5. Vacation, Sick Leave, Personal Days and Paid Holidays.

The Employee will continue to accrue vacation leave at a rate of twenty-five (25) days per year. The Employee's maximum accrued vacation will not exceed sixty (60) days, measured at the end of the calendar year. In the event the Employee has accumulated more than sixty (60) days of unused vacation at the end of any calendar year, the Employee will be paid at her per diem rate for no more than ten (10) accumulated days over sixty (60) days, such payment to be made in the first payroll in February in the following calendar year.

The Employee will continue to accrue sick leave in the same manner as other City Hall management-level employees.

The Employee will continue to receive the same paid holidays and personal days as other City Hall management-level employees.

Section 6. Vehicle.

During the term of this Agreement, the City agrees to continue to provide the Employee a vehicle stipend of four-hundred and fifty dollars (\$450) per month.

Section 7. Retirement.

The Employee has voluntarily made an irrevocable election not to participate in the New Hampshire Retirement System. As such, the City agrees to provide a retirement benefit, in the form of a deferred compensation plan, comparable to what the Employee would be entitled to if the Employee was a participant in the New Hampshire Retirement System. The Employee will contribute 7% of her gross salary into the deferred compensation plan; and the City will contribute an amount equal to 14.06% of the Employee's gross salary into the deferred compensation plan on the Employee's behalf, in equal proportionate amounts each pay period. If the New Hampshire Retirement System changes the levels of its annual withholdings and contributions, the parties agree to meet and confer with the intent of amending this Employment Agreement to continue to provide the Employee with a benefit comparable to what the Employee would be entitled to if the Employee was a participant in the New Hampshire Retirement System.

Section 8: General Business Expenses.

The City agrees to budget and pay the professional dues and subscriptions necessary for the Employee's continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for her continued professional participation, growth and advancement, and for the good of the City.

The City will pay for the Employee's ongoing enrollment in the International City/County Management Association ("ICMA"), with the expectation that the Employee will remain an active member of the ICMA throughout the term of this Agreement. The City also hereby agrees to pay, within budgetary constraints, the necessary expenses of the Employee to continue her professional development and to adequately pursue official functions of the City, including but not limited to the annual conference of ICMA, and other such national, regional, and state governmental groups and committees thereof on which Employee serves as a member.

The City recognizes that certain expenses of a non-personal but job-related nature are going to be incurred by the Employee and agrees to reimburse or to pay said general expenses, upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavits. Such expenses may include meals where City business is being discussed or conducted and participation in social events of various organizations when the Employee is representing the City. Such expenditures are subject to annual budgetary constraints as well as State and City ethics and purchasing policies. The City's Finance Director is authorized to disburse such moneys upon receipt of duly executed expense or petty cash vouchers, receipts, statements, or personal affidavits.

The City acknowledges the value of having the Employee participate and be directly involved in local civic clubs or organizations. Accordingly, The City shall pay for the reasonable membership fees and/or dues to enable the Employee to become an active member in local civic clubs or organizations.

Section 9: Termination.

- A. In the event the Employee is terminated prior to the expiration of this Employment Agreement by the City for reasons other than “cause” the City agrees to pay the Employee the Severance Benefits outlined in Section 10 below. For purposes of this Employment Agreement, the definition of cause shall be limited to the conviction of a felony or intentional gross misconduct on the part of the Employee in carrying out her duties to the City.
- B. In the event that the City, at any time during the term of this Employment Agreement, reduces the salary or other financial benefits of the Employee in a greater percentage than an applicable across the board reduction for all employees of the City, or in the event that the City refuses upon written notice to comply with any other provision benefiting the Employee under this Employment Agreement, or in the event that the Employee resigns following a demand by the City that she resign, then, in those events, the Employee may, at her option, within 30 calendar days of the event, be deemed to be terminated and she will be entitled to the Severance Benefits outlined in Section 10 below.
- C. In the event that the City and the Employee begin to negotiate a successor agreement, but fail to reach a successor agreement prior to January 1, 2028 as provided in Section 1B above, this Employment Agreement will terminate on January 1, 2028 and the Employee will be entitled to the Severance Benefits outlined in Section 10 below.

Section 10: Severance.

- A. If the Employee is terminated without cause, the City will provide the Employee with a payment equal to twelve (12) months’ base salary at the Employee’s then current rate of pay. This payment will be paid in a lump sum or as salary continuation, at the Employee’s option.
- B. If the Employee is terminated without cause, for a period of twelve (12) months following termination, the City will pay the cost to continue health insurance for the Employee and all her covered dependents, after which time, the Employee will be provided access to health insurance continuation pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act (“COBRA”).
- C. The acceptance by the Employee of the Severance Benefits provided for in her Employment Agreement will constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Employee may have against the City, including all of its employees, elected or appointed officials, officers, agents, representatives and attorneys.

Section 11: Resignation.

In the event the Employee voluntarily resigns her position with the City, then the Employee will give the City not less than sixty (60) days written notice in advance, such notice to be directed to the Mayor of the City, with a copy to the City Clerk. If the Employee voluntarily resigns, she will not be entitled to salary after resignation or to the Severance Benefits provided for in Section 10 above, except that the Employee will be paid for her accrued, but unused vacation.

Section 12: Performance Evaluation.

- A. A subcommittee of the City Council, consisting of those City Council members with more than one year of City Council service, will review and evaluate the performance of the Employee annually during the month of June, or such other month as may be mutually agreed upon, commencing in 2023. This review and evaluation will be in accordance with specific criteria developed jointly by the entire City Council and the Employee. These criteria may be added to or deleted from as the City Council may from time to time determine, in consultation with the Employee. At the completion of the review and evaluation, the subcommittee will consult with the entire City Council to provide the Employee with a summary written statement of the findings of the subcommittee and to provide adequate opportunity for the Employee to discuss the review and evaluation with the entire City Council.
- B. The City Council and the Employee will annually define performance objectives as they may determine necessary for the proper operation of the City and in attainment of the City Council's policy objectives and will further establish a relative priority among those various objectives, these objectives to be reduced to writing. The objectives will generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.
- C. In effecting the provisions of this section, the City Council and the Employee mutually agree to abide by the provisions of applicable law.

Section 13. Hours of Work.

It is recognized that the Employee must devote a great deal of time outside normal office hours on business for the City, and to that end, the Employee will be allowed to establish an appropriate work schedule. The schedule will be appropriate to the needs of the City and will allow Employee to faithfully perform her assigned duties and responsibilities.

Section 14. Ethical Commitments.

The Employee will uphold the tenets of the ICMA Code of Ethics, a copy of which is attached as **Exhibit 1**.

Section 15. Outside Work.

The Employee will not engage in any outside work without giving prior notice to and receiving prior approval from the City Council. Even with City Council approval, it is expected that the Employee will not spend more than five (5) hours a week engaged in teaching, consulting, or other non-City related business.

Section 16. Indemnification.

Beyond that required under Federal, State or Local law, the City will defend, save harmless and indemnify the Employee against any obligation to pay money or perform or not perform action,

including without limitation, any and all losses, damages, judgments, interests, settlements, penalties, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney’s fees, and any other liabilities arising from, related to, or connected with any tort, professional liability claim or demand or any other threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitrative or investigation, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee’s duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of these duties, unless the act or omission involved willful or wanton misconduct. The Employee may request and the City will not unreasonably refuse to provide independent legal representation at the City’s expense. Legal representation provided by the City to the Employee will extend until a final determination of the legal action including any appeals brought by either party.

Any settlement of any claim must be made with prior approval of the City for indemnification, as provided in this Section, to be available. The Employee recognizes that the City will have the right to compromise and unless the Employee is a party to the suit which Employee will have a veto authority over the settlement, settle any claim or suit; unless said compromise or settlement is of a personal nature to Employee. Further, the City agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which the Employee is a party, witness, or advisor to the City. Such expense payments shall continue beyond Employee’s service to the City for as long as litigation is pending. Further, the City agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor, or consultant to the City regarding pending litigation.

Section 17. Bonding.

The City will bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 18. Other Terms and Conditions of Employment.

The City Council may fix such other reasonable terms and conditions of employment as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Employment Agreement, the City Charter, or any other federal or state law.

Section 19. Notices.

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

City: Mayor, City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Employee: Karen Sawyer Conard

Alternatively, notices required pursuant to this Agreement may be hand-delivered to the recipient. Notice shall be deemed given as of the date of in-hand service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 20. General Provisions.

- A. The text herein shall constitute the entire Agreement between the parties and shall replace and supersede the prior Employment Agreement between the parties.
- B. If any provision of this Employment Agreement is found to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.
- C. This Employment Agreement will be interpreted and construed under the laws of the State of New Hampshire, and any action to enforce this Employment Agreement will be brought only in the courts of the State of New Hampshire.

IN WITNESS WHEREOF, the City of Portsmouth has caused this Agreement to be signed and executed on this behalf by its Mayor and duly attested by the City Clerk, and the Employee has signed and executed this Agreement on the date first above written.

Dated at Portsmouth, New Hampshire, this _____ day of _____,

WITNESS

Karen Sawyer Conard

WITNESS

Deaglan McEachern, Mayor
City of Portsmouth, NH

Pursuant to vote of the City Council on

CERTIFICATION

I hereby certify that the foregoing Agreement has been approved by the Portsmouth City Council in accordance with the Charter of the City of Portsmouth and the laws of the State of New Hampshire, and that as such the Agreement constitutes a binding legal obligation of the City of Portsmouth, according to its terms.

Susan G. Morrell, Esq.
Portsmouth City Attorney

Date

EXHIBIT #1



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2020. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2020.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to efficient and democratic local government by elected officials.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify

premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles – either within the local government organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

Tenet 4. Serve the best interests of the people.

GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, programs, and services.

Tenet 5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Tenet 6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements,

marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Zoning Board of Adjustment

Name: David Rheume Telephone: 603-498-6654

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

Street address: 81 Langdon St, Portsmouth NH

Mailing address (if different): Same

Email address (for clerk's office communication): dave.rheume@comcast.net

How long have you been a resident of Portsmouth? 27 Years

Occupational background:

See attached resume.

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

Zoning Board of Adjustment, Portsmouth, 2012 - 2021 (Board Chair, 2016 - 2021)



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

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

Reasons for wishing to serve: _____

I previously served on the Board for 9-1/2 years. I believe that I provided significant benefit to the Board and the City during that time. After a one-year "sabbatical", I feel I am refreshed and ready to resume a role to continue to positively serve the City and learn more about its history.

Please list any organizations, groups, or other committees you are involved in:
See attached resume.

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

- 1) David Davidson, 13 Moores Ln, Seabrook NH; 603-767-4164; ZBA Seabrook
Name, address, telephone number
- 2) Karina Quintans, 51 McDonough St., Portsmouth NH; 603-812-1629
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: David Rheaume Date: 11/8/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes _____ No

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

David M. Rheume, P. E.

81 Langdon Street
Portsmouth NH 03801
dave.rheume@comcast.net

Professional Registration

Registered Professional Engineer, State of New Hampshire, 1993 to present
License No. 8632

Education

2010 | Master of Science in Organizational Leadership

Southern New Hampshire University, Manchester NH

- Cumulative GPA: 4.0 on 4.0 scale

1988 | Bachelor of Science in Mechanical Engineering

University of New Hampshire, Durham NH

Board Experience

April 2012 – November 2021 | Zoning Board of Adjustment

Portsmouth NH

- **Regular Member** April 2012 – November 2015
- **Vice Chair** December 2015 – May 2016
- **Chair** June 2016 – November 2021

Work Experience

January 1989 - Present | Portsmouth Naval Shipyard

Portsmouth NH 03804-5000

11/2019 – Present | Production Facilities and Equipment Manager

- Primary Shipyard point of contact with Headquarters Program Office (PMS 555) and local Program Management Office responsible for Shipyard Infrastructure Optimization Plan
- Provide oversight of over \$2 Billion in ongoing construction coordination efforts, ensuring all parties are working harmoniously and resolving barriers to successful and timely completion
- Lead team to develop strategic vision for future Shipyard infrastructure needed to support the increasing requirements of the Shipyard nuclear submarine maintenance mission

9/2017 – 11/2019 | Strategic Planning Manager

- Identify potential future workload for Shipyard in the 10 to 30 year horizon and provide input into long-range strategic planning efforts, particularly for facilities and equipment
- Identify and support development of new technologies that could have long-range application
- Monitor legislative actions and report to senior leadership on potential impacts to Shipyard

5/2015 to 9/2017 and 6/2008 - 9/2010 | Deputy Director for Lifting and Handling

- Second in command of department of 250 (later 300) personnel
- Primarily responsible for day-to-day operation of the department, ensuring that work is being safely completed with the requisite quality to prescribed schedules at or within budget

7/2014 - 5/2015 | Deputy IT and Cybersecurity Officer

- Second in command of a department of 85+ information technology professionals

3/2014 - 6/2014 | Project Manager, Portal Crane 31 Emergency Repair

- Project lead for critical emergency repair of crane that supports nuclear reactor servicing
- Crane returned to service faster than projected while minimizing cost

7/2013 - 3/2014 | Nuclear Facilities Projects Superintendent

- Project leader for three critical, time-sensitive projects on facilities supporting nuclear work
- Created and led a project team to oversee design and execution plan for one of the projects

9/2010 - Present | Production Engineering and Facilities Superintendent

- Lead a group of four branch managers and 30 engineers and technicians
- Responsible for facilities and capital equipment that supports submarine overhaul mission
- Manage over \$100 M in building and capital equipment procurement/modernization annually

1/2003 - 6/2008 | Chief Engineer for Lifting and Handling Technical Div.

- Led a group of two branch managers and 25 engineers and technicians
- Technically responsible for all aspects of lifting and handling using cranes and rigging, including lifts of radioactive materials

7/1998 - 1/2003 | Branch Manager for Lifting and Handling Technical Div.

1/1989 - 7/1998 | Engineer/Senior Engineer for Crane Maintenance

Professional Affiliations and Volunteer Work

- Volunteer, Portsmouth 400th Anniversary Task Force, Portsmouth NH
- Volunteer and supporter, Haven: Ending Violence, Changing Lives (originally Sexual Assault Support Services), Portsmouth NH
- Subscriber, Portsmouth Athenaeum, 2022
- Member since 2013 and 2014/15/16 Treasurer, 2017/18 Vice President, 2019/20/21 President, National Association of Superintendents of Naval Shore Establishments, Portsmouth Chapter
- Member, Seacoast Shipyard Association, since 2003

Portsmouth Resident since 1995

CALENDAR OF EVENTS

The Ogunquit Playhouse production of
Elf, The Musical

November 30 - December 18
The Music Hall Historic Theater

Labrie Family Skate at Puddle Dock Pond
Strawbery Banke Museum

December - March • 9am-9pm, daily except Christmas

Sales Tax-free Holiday Shopping
Every day in New Hampshire. Shop Local!

32nd Annual Gingerbread House Contest Exhibition

Vintage Christmas 2022 Kickoff

Friday, December 2 • 5:30-8pm
November 25 - December 22
Portsmouth Historical Society

43rd Annual Candlelight Stroll

December 3,4,10,11,17 & 18
Saturdays, 5-9pm & Sundays, 4-8pm
Strawbery Banke Museum

Portsmouth Holiday Tree Lighting
& Illuminated Holiday Parade and Food Drive

Saturday, December 3 (Rain date: December 4)
Tree Lighting at 5:30pm; Parade at 6pm
Market Square

Portsmouth Pro Musica Concerts

Fri., December 9 • 7:30pm • St. Mary's Church, Dover
Sat., December 10 • 7:30pm • Immaculate Conception
Church, Portsmouth

Juston McKinney: Year in Review

Dec. 26 & 27, 7 PM; Dec. 28 & 29, 8 PM
The Music Hall Historic Theater

Portsmouth Symphony Orchestra:

New Year's Eve Champagne Pops
Sat., December 31 • 8pm
The Music Hall Historic Theater

First Night® Portsmouth

Sat, December 31, 4-12pm

VINTAGE CHRISTMAS IS PRESENTED BY



IN PARTNERSHIP WITH:

The Chamber Collaborative of Greater Portsmouth;
City of Portsmouth; TransAction; Portsmouth Historical;
Portsmouth Pro Musica; Portsmouth Symphony Orchestra



VINTAGE CHRISTMAS SHUTTLE 15 MINUTE ROUTE

The City of Portsmouth free Vintage Christmas Trolley courtesy of TransAction runs from parking lots, hotels, and between The Music Hall and Strawberry Banke Museum on an approximately 15 minute loop.

PLEASE NOTE
Trolley
scheduled
break times:
3:15-3:45 &
6:45-7:15

SCHEDULE

- Sat., December 3 • 1:30-10:30pm
(Does not operate 4-8pm)
- Sun., December 4 • 1:30-10:30pm
- Sat., December 10 • 1:30-10:30pm
- Sun., December 11 • 1:30-10:30pm
- Sat., December 17 • 1:30-10:30pm
- Sat., December 18 • 1:30-10:30pm



	TROLLEY ROUTE
	FREE PUBLIC PARKING
	PUBLIC PARKING GARAGE (\$1.50/HR.)
*Public Restrooms Available	



Use the Congress St Vaughn Mall stop to get to the Discover Portsmouth Gingerbread Houses

Chamber Collaborative Visitor Center

FOUNDRY PLACE PARKING GARAGE

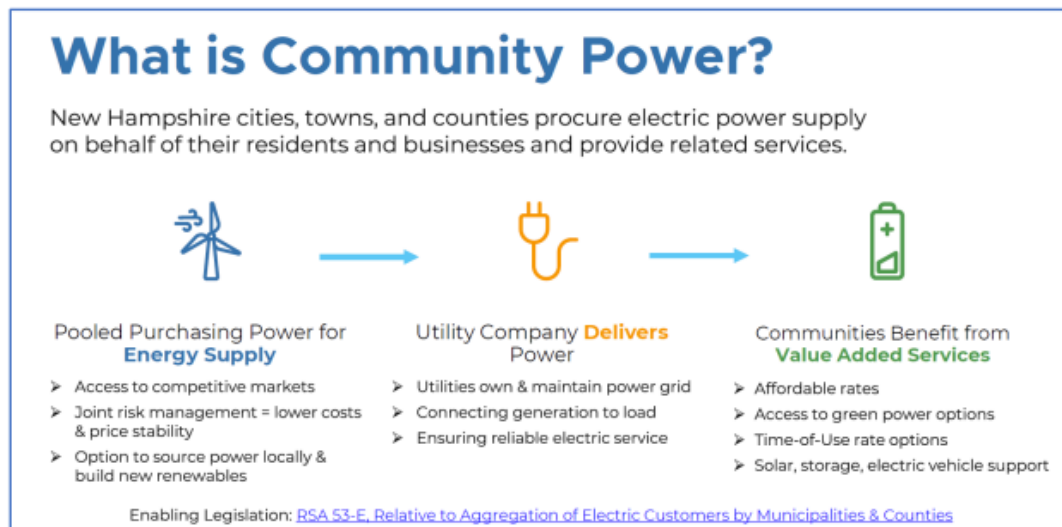
To Exit 7
1-95
State Port Authority



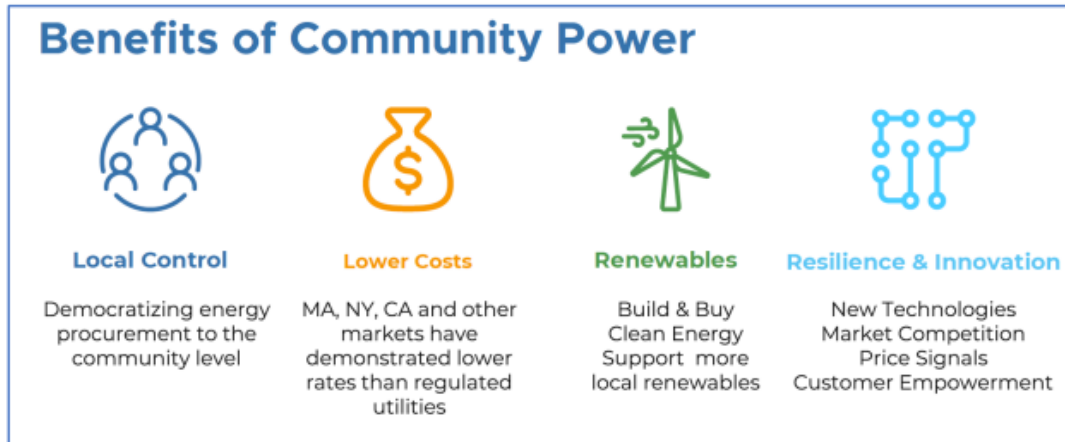
The City of Portsmouth is pursuing Community Power – increasing the electric energy options available for all residents.

Community Power Is Coming to You!

Community Power, authorized by NH RSA 53-E, allows local governments to procure electric power on behalf of their residents, businesses, and municipal accounts.



Community Power empowers towns, cities, and counties to choose their source of electric energy. This program allows residents to take advantage of this pooled supply or stay with Eversource or a third-party supplier.



Make Your Voice Heard!

We want your feedback from this survey and to hear your questions to inform Portsmouth's Community Aggregation Electric Plan. In the coming months, the Portsmouth Community Power (PCP) Committee will be working with the City, and a variety of community stakeholders, to further communicate, educate and continue the dialogue to formulate this Plan.

Your Electricity Supply

Your utility bills consist of a distribution charge (Eversource) and a supply charge. Eversource may also be the energy supplier, or you may be getting your energy from a third-party supplier.

Who is your electricity supplier? *

- Eversource
- Third-party supplier/Other
- I don't know.

If your answer to Question 1 was Eversource, why did you make that choice?

*

- I didn't know I had an option
- I have no reason to look for a different supplier

- I tried to switch but could not find a supplier with better rates
- Other*
- Not applicable

*If you answer "Other" above, please explain

If your answer to Question 1 was Third-party Supplier/Other, why did you make that choice?

*

- Better rate
- More 'green' -- renewable -- energy
- Better rate and more renewable energy -- equally important
- Other*
- Not applicable

*If you answered "Other" above, please explain

Did you have a Third-Party Supplier previously and chose to go back to Eversource as your supplier?"

*

- Yes
- No

If you had a Third-party Supplier before and left, why did you leave? *

- Rates
- Customer service
- Other
- Not applicable

Do you generate your own supply of power? *

- Yes, with solar panels
- Yes, with other source
- No

Community Power in Portsmouth

CPCNH will offer several contract options differing by price and the amount of renewable energy content. (The minimum proportion of renewables NH requires of all energy suppliers is 22.5%.) The Portsmouth Community Power (PCP) program will automatically enroll all residents, but they always have the option to opt-out of the program. Residents will also be able to switch options within the PCP program.

Which option would be most important to you in the Portsmouth Community Power program?

*

- Lowest cost energy option
- 50% renewable energy that may or may not cost more
- 100% renewable energy that may or may not cost more
- The same or lower cost with more renewable energy content than I have today
- Other*
- Don't know

*If you answered "Other" above, please explain.

What would you like to see as the default Portsmouth Community Power enrollment option?

*

- Lowest cost energy option
- 50% renewable energy
- 100% renewable energy
- The same or lower cost with more renewable energy than I have today
- Other*
- Don't know

*If you answered "Other" above, please explain.

Please rate the importance to you of the following priorities for the Portsmouth Community Power program.

Choice of options based on the amount of renewable energy sources

0 is Low Priority

10 is High Priority

0
1
2
3
4

5
6
7
8
9
10

Control of energy costs

0 is Low Priority

10 is High Priority

0
1
2
3
4
5
6
7
8
9
10

Competitive rates

0 is Low Priority

10 is High Priority

0
1
2
3
4
5

6
7
8
9
10

Increased renewable energy sources (including locally generated)

0 is Low Priority

10 is High Priority

0
1
2
3
4
5
6
7
8
9
10

More information about the electricity supply (how and where it comes from)

0 is Low Priority

10 is High Priority

0
1
2
3
4
5
6

7
8
9
10

The ability to increase energy efficiency and reduce costs

0 is Low Priority

10 is High Priority

0
1
2
3
4
5
6
7
8
9
10

The ability to increase availability of locally produced renewable energy

0 is Low Priority

10 is High Priority

0
1
2
3
4
5
6
7

8
9
10

Programs to buy power at low off-peak rates and use battery storage

0 is Low Priority

10 is High Priority

0
1
2
3
4
5
6
7
8
9
10

We want to make sure Portsmouth Community Power is hearing from as many in the community as possible. Your answers to the following questions will help us identify those we might be missing.

I am a *

- Portsmouth home owner
- Portsmouth tenant
- Portsmouth landlord
- Portsmouth business
- Other*

*If you answered "Other" above, please explain.

My age is *

- Under 18
- 18-34
- 35-64
- 65+
- Prefer not to answer

My household income is *

- Prefer not to answer
- Under \$50,000 per year
- \$51,000 - 99,000 per year
- Over \$100,000 per year

What is the best way to reach you with information about Portsmouth Community Power?

*

- Mail
- Email
- City of Portsmouth social media
- Portsmouth Herald/SeacoastOnline.com
- Other*

*If you answered "Other" above, please explain.

What is your email address? *

Thank you for taking the time to complete this survey. Your answers are extremely valuable as the Portsmouth Community Power committee continues to shape the program. For more information about this program, go to: <https://www.cityofportsmouth.com/sustainability/community-power>

Submit

Report abuse

Surveys by  **mailchimp**

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-TWO
PORTSMOUTH, NEW HAMPSHIRE**

ALL VETERANS' TAX CREDIT

RESOLUTION #

BE IT RESOLVED:

THAT Pursuant to 72:27-a, the City of Portsmouth hereby readopts the provisions of the All Veterans' Tax Credit pursuant to RSA 72:28,b, to be the same amount as the Optional Veterans' Tax Credit under RSA 72:28, on the taxes due on the residential real estate of any resident who is a veteran, as defined in RSA 21:50, and, served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

BE IT FURTHER RESOLVED that this Resolution shall take effect for the 2023 property tax year.

APPROVED:

DEAGLAN McEACHERN, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2022**

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

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-TWO
PORTSMOUTH, NEW HAMPSHIRE**

OPTIONAL VETERANS' TAX CREDIT

RESOLUTION #

BE IT RESOLVED:

THAT Pursuant to 72:27-a, the City of Portsmouth hereby readopts the provisions of the Optional Veterans' Tax Credit pursuant to RSA 72:28,II in the amount of \$750 on the taxes due on the residential real estate of any resident who is a veteran as defined in RSA 21:50 and, served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section, and, continues to serve or was honorably discharged or, an officer who continues to serve or was honorably separated from service or, the spouse or surviving spouse of such resident provided that training for active duty by a member of the national guard or reserve shall be included as service under this subparagraph, or who was terminated from the armed forces because of service-connected disability or, the surviving spouse of such resident, or the surviving spouse of any resident who suffered a service-connected death.

BE IT FURTHER RESOLVED that this Resolution shall take effect for the 2023 property tax year.

APPROVED:

DEAGLAN McEACHERN, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2022**

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



MEMORANDUM

TO: CITY COUNCIL
FROM: COUNCILOR ELIZABETH MOREAU
SUBJECT: PHASE II REGULATORY AMENDMENTS – ACCESSORY DWELLING UNITS
DATE: NOVEMBER 8, 2022

Background

On February 7, 2022, the City Council established the Land Use Committee to look at diversifying land use regulations within the City. As part of the first package of amendments, the Land Use Committee has focused on advancing the citywide housing goals identified by City Council in their 2022-2023 Goals. These objectives were refined on February 27, 2022 and include:

1. Increase diversity of housing types and price points;
2. Remove regulatory barriers for housing diversification in neighborhoods (ADUs) with context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts;
3. Restructure incentives to deliver greater public benefit in workforce housing construction; and
4. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

Regulatory Amendment Work Plan and Phase 1 Amendments

On April 9, 2022, the Land Use Committee approved transmittal of the draft 2021 Regulatory Amendment Work Plan to City Council. The City Council approved the Regulatory Work Plan on April 18, 2022. The work plan consists of three phases:

1. Phase 1: Code Clean-Up – Building Height Standards. Adopted

Purpose: Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.

2. Phase 2: Accessory Dwelling Unit Amendments (ADUs) Under Consideration

Purpose: Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.

3. Phase 3: Incentive Amendments Anticipated Drafts in 2023

Purpose: Adjust incentives to place a higher emphasis on Workforce Housing.

Phase 2 Public Involvement Summary Report

On July 11, 2022, staff presented a Public Involvement Summary Report to City Council. The Summary Report provided an overview of outreach that had taken place in the spring of 2022 and was developed to inform regulatory amendments. The report identified the first two phases of outreach summarized below.

1. **Small Focus Group Meetings.** Four meetings took place over the course of two weeks from June 9th to June 15th when staff and a representative/moderator from the Land Use Committee met with representatives from four groups of stakeholders:
 - Previous applicants,
 - Architects,
 - Engineers, and
 - Neighborhood representatives.
2. **ADU Direct Abutter Survey.** A survey was distributed to over 200 direct abutters of approved ADUs built within the last five years.

Key Themes

The following key themes were identified in response to public outreach and were summarized in the Public Involvement Summary Report.

1. Process navigational support is needed.
2. Dimensional relief is both an obstacle and a protection.
3. There is considerable cost and risk in the process and this is a deterrent.
4. Regulations for ADUs need to be clear and implementable.
5. Foremost among abutters concerns are: parking, short term rentals, neighborhood character, and buffering and separation.
6. Abutters were generally positive about ADU's.

The third phase of public involvement will take place through public meetings and public hearings. This phase has includes public input provided in the Land Use Committee.

Phase 2 Amendments Timeline | Land Use Committee Review and Recommendation

The Land Use Committee reviewed public input provided in the Public Involvement Summary Report on July 1, 2022, the product of outreach to stakeholders, ADU abutters, and subject matter experts. On August 5, 2022, the Land Use Committee began their work to develop draft ADU amendments to address City Council adopted goals.

Over the last four months, the Land Use Committee has received significant public input and has continued to work with consultant Rick Taintor to respond to public input in the refinement of ADU regulations. On November 4, 2022, the Land Use Committee finalized recommended amendments and has forwarded those to City Council for referral to the Planning Board.

Staff Recommendation

Vote to refer the Phase 2 ADU amendments to the Planning Board for a recommendation and to bring recommended amendments back to the City Council for a first reading.

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

The proposed Zoning Ordinance amendments set forth in this document are intended to achieve three broad policy

objectives:

- (1) to remove barriers and provide more flexibility for the creation of accessory dwelling units (ADUs);
- (2) to strengthen provisions for ensuring that ADUs fit into established neighborhood patterns and minimize any adverse impacts on abutting properties; and
- (3) to simplify the ordinance and make it easier for users to understand and navigate

Before beginning the zoning revision project, the Planning Department reached out to stakeholders via a series of small group meetings and a survey of abutters to ADUs. This public involvement process revealed six broad **themes** that helped guide the zoning revision process:

- (1) Process navigational support is needed.
- (2) Dimensional relief is both an obstacle and a protection.
- (3) There is considerable cost and risk in the process and this is a deterrent.
- (4) Regulations for ADUs need to be clear and implementable.
- (5) Foremost among abutters’ concerns are: parking, short term rentals, neighborhood character, and buffering and separation.
- (6) Abutters were generally positive about ADUs.

The revisions to the Table of Uses below result in a table that is more detailed than the existing table, with two categories of attached ADUs and four categories of detached ADUs. This additional complexity reflects two proposed policy changes in support of the above objectives: (1) to allow ADUs with the least potential neighborhood impact as of right (“P”) instead of requiring a conditional use permit (“CU”) as currently; and (2) to fold the existing Garden Cottage use into the broader Detached Accessory Dwelling Unit (DADU) use.

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	...
1. Residential Uses															
1.10 Single family dwelling	P	P	P	P	N	P	P	P	P N	N	P	P	N	N	...
1.20 Accessory dwelling unit 1.21 Attached	CU	CU	CU	CU	N	CU	CU	CU	CU	N	CU	CU	N	N	...
1.21 Attached accessory dwelling unit (AADU) 1.211 Up to 750 sq. ft. GFA and entirely within an existing single-family dwelling	P	P	P	P	N	P	P	P	N	N	CU	CU	N	N	...
1.212 More than 750 sq. ft. GFA, or in an addition to or expansion of an existing single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	CU	CU	N	N	...
1.22 Detached	CU	CU	CU	N	N	N	N	N	N	N	N	N	N	N	...

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	...
<p>1.22 Detached accessory dwelling unit (DADU)</p>															
<p><u>1.221 Up to 600 sq. ft. GFA and entirely within an existing accessory building that complies with all dimensional standards for accessory buildings</u></p>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>...</u>
<p><u>1.222 Up to 600 sq. ft. GFA in an existing accessory building where any of the following apply: (a) the existing building does not comply with a dimensional standard for an accessory building, or (b) the DADU requires any modification of a standard in Section 10.814, or any variance; or (c) the DADU includes any expansion of the existing accessory building</u></p>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>...</u>

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	...
<u>1.223</u> Up to 750 sq. ft. GFA in a new building that complies with all lot and building dimensional standards for a single-family dwelling	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	N	<u>CU</u>	<u>CU</u>	<u>CU</u>	N	N	N	N	N	N	...
<u>1.224</u> Up to 1,000 sq. ft. GFA in a new building that does not comply with a dimensional standard for a single-family dwelling , or that requires any variance to construct the DADU	<u>CU</u>	<u>CU</u>	<u>CU</u>	N	N	N	N	N	N	N	N	N	N	N	...
1.25 Garden Cottage	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N	N	N	N	---
1.30 Two-family dwelling	N	N	P	P	P	P	P	P	P	N	P	P	N	N	...
...

NOTES:

(1) DADU uses no. 1.221 and 1.222 replace use no. 1.25 – Garden Cottages.

(2) In the “Supplemental Regulations” column, insert the following reference for uses 1.211 and 1.221: “10.814.61 (administrative approval)”.

Article 8 Supplemental Use Standards

10.814 Accessory Dwelling Units

10.814.10 Purpose and Eligibility

10.814.11 The purpose of this section is to provide for additional **dwelling units** within single-family neighborhoods in order to: increase the supply of smaller, more affordable housing units without the need for more infrastructure or further land development; meet local housing needs; and provide opportunities for adapted reuse of existing **accessory structures**. The standards in this section are intended to integrate more housing options into the community with minimal negative impact on the surrounding neighborhood.

~~10.814.10~~12 ~~One, and only one,~~ **Only one accessory dwelling unit (ADU)** shall be allowed on any **lot** containing a **single-family dwelling**. An **accessory dwelling unit** shall not be allowed under this Section 10.814 on a **lot** that contains more than one **dwelling unit**.

~~10.814.20~~13 Except as provided elsewhere in this Section 10.814, in order for a **lot** to be eligible for an **accessory dwelling unit**, the **lot** and all proposed **structures** and additions to existing **structures** shall conform to all zoning regulations as follows:

10.814.~~21~~131 Any municipal regulation applicable to **single-family dwellings** shall also apply to the combination of a principal **dwelling unit** and an **accessory dwelling unit** including, but not limited to, ~~lot area, yards, open space, off-street parking, building coverage, and building height,~~ the dimensional standards set forth in Sec. 10.521 and the off-street parking requirements set forth in Sec. 10.1110.

This revision reorganizes the provisions of Section 10.814 into a more logical sequence and adds subsection headings to make it easier for users to navigate the ordinance.

New purpose statement – balancing affordable housing with neighborhood quality of life.

These changes are meant to clarify that ADUs are subject to all applicable regulations, not just the ones that are itemized in the current ordinance.
(But see next sentence.)

Notwithstanding the above, the combination of a principal dwelling unit and an accessory dwelling unit does not need to comply with the minimum lot area per dwelling unit for the zoning district.

This change allows an ADU to be created on a lot meeting the area requirement for a single-family dwelling.

10.814.~~22~~132 An **attached accessory dwelling unit** is permitted on an existing nonconforming lots and within an existing nonconforming buildings as long as there is ~~no increase in building height or building footprint for any portion of the existing building and~~ no increase to or extension of the any existing nonconformity and no new nonconformity is created.

This simplifies the language of no increase in any nonconformity.

10.814.~~23~~133 A **detached accessory dwelling unit** that is not created within an existing accessory building is not an **accessory building or structure** for the purposes of this Ordinance, and therefore shall be governed by the applicable minimum yard dimensions in Section 10.521 for a **principal building or structure** and not by the **side yard and rear yard** standards applicable to an **accessory building**.

The inserted phrase reflects the merging of the Garden Cottage use into the broader Detached ADU use. An existing accessory building converted to a DADU continues to be governed by the yard standards for accessory buildings.

10.814.14 Notwithstanding all of the above provisions, an accessory building existing on the effective date of this ordinance may be converted to a detached accessory dwelling unit as provided in Section 10.440, uses 1.221 and 1.222, and as further provided in this Section 10.814.

This is the key provision that folds the Garden Cottages use into the Detached ADU section.

10.814.20 Standards for All Accessory Dwelling Units

~~10.814.30~~ All **accessory dwelling units** shall comply with the following standards:

10.814.~~31~~21 The principal **dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).

10.814.~~32~~22 Either the principal **dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner of the **dwelling** as his or her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence. Furthermore, an affidavit of this restriction shall be recorded at the Rockingham County Registry of Deeds.

10.814.~~321~~221 When the property is owned by one or more trusts, one of the **dwelling units** shall be the principal place of residence of the beneficiary(ies) of the trust(s).

10.814.23 The **accessory dwelling unit** shall not have more than two bedrooms.

10.814.~~33~~24 Neither the **principal dwelling unit** nor the **accessory dwelling unit** shall be used for any business, except that the property owner may have a **home occupation** use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

10.814.~~34~~25 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

10.814.26 At least 1 **off-street parking** space shall be provided for an **ADU** with up to 750 sq. ft. GFA, and at least 2 spaces shall be provided for an **ADU** with more than 750 sq. ft. GFA, in addition to the 2 spaces that are required for the principal **single-family dwelling**.

10.814.30 Additional Standards for Attached Accessory Dwelling Units

~~10.814.40~~ An **attached accessory dwelling unit (AADU)** shall comply with the following additional standards:

10.814.~~41~~31 An interior door shall be provided between the **principal dwelling unit** and the **accessory dwelling unit**.

10.814.4232 The ~~accessory dwelling unit~~**AADU** ~~shall not have more than two bedrooms and~~ shall not be larger than 750 sq. ft. **gross floor area** except as permitted through a conditional use permit as provided in Section 10.440. In no case shall the AADU be larger than 1,000 sq. ft. gross floor area. For the purpose of this provision, the gross floor area of the AADU shall not include existing storage space, shared entries, or other spaces not exclusive to the ~~accessory dwelling unit~~**AADU**.

10.814.33 The **AADU** shall be subordinate to the principal **dwelling unit** in scale, height and appearance, as follows:

~~10.814.4331~~ ~~Any exterior changes to the single family dwelling shall maintain the appearance of a single family dwelling.~~ If there are two or more doors in the front of the principal dwelling unit, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.

~~10.814.44~~ ~~No portion of the AADU shall be closer to the front lot line than the existing front wall of the principal dwelling unit.~~

~~10.814.45~~ ~~An AADU that is attached to the single family dwelling (i.e., created by an expansion of the existing structure) shall comply with the following:~~

~~10.814.451~~ ~~An exterior wall of the AADU that faces a street on which the lot has frontage shall comprise no more than 40 percent of the total visible façade area of the dwelling as seen from that street.~~

10.814.332 An addition to or expansion of an existing building for the purpose of creating an AADU shall be recessed or projected at least 18 inches from the existing front wall of the principal dwelling unit. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at

Section 10.81.32 coordinates with the proposed changes to the table of uses:

- An AADU up to 750 sq. ft. is a permitted use (use 1.211).
- An AADU up to 1,000 sq. ft. may be allowed by a conditional use permit from the Planning Board (use 1.212).
- An AADU more than 1,000 sq. ft. is not allowed anywhere (this provision).

The standards for subordination of the AADU to the principal dwelling unit (Section 10.814.33) are refined based on experience with ADUs that have been created since the adoption of the ordinance, and on comments from residents.

least 10 feet from the front wall of the principal **dwelling unit**.

~~10.814.452~~ ~~The addition to or expansion of the existing single family dwelling may include an increase in building height only as an upward expansion of the existing principal building with no increase in building footprint.~~

10.814.~~453~~333 The **building height** of any addition or expansion that includes an increase in **building footprint** shall be ~~less than the building height of the existing principal building~~ no greater than 75% of the height of the existing **building**. In the case of a single-story **building**, an addition or expansion may include an additional story to the existing **building** or a single-story addition at the same height as the existing **building**.

~~10.814.454~~ ~~The **AADU** shall be architecturally consistent with the principal **dwelling**~~

10.814.40 Additional Standards for Detached Accessory Dwelling Units

~~10.814.50~~ A **detached accessory dwelling unit (DADU)** shall comply with the following additional standards:

~~10.814.51~~ ~~In a General Residence district, the combination of the **principal dwelling** and the **DADU** shall comply with the minimum **lot area per dwelling unit** specified for the district. (For example, the required **lot area for a single-family dwelling** with a **DADU** in the GRA district is 7,500 sq. ft. per **dwelling unit** multiplied by 2 **dwelling units**, or 15,000 sq. ft.) In a Single Residence or Rural district, a lot with a **DADU** shall comply with the minimum **lot area** for the district, but need not comply with the minimum **lot area per dwelling unit**.~~

10.814.~~52~~41 The **DADU** ~~shall not have more than two bedrooms and~~ shall not be larger than 750 sq. ft. gross floor area; ~~except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.~~ except as permitted through a conditional use permit as provided in Section 10.440, use no. 1.224.

10.814.411 In no case shall a **DADU** be larger than 1,000 sq. ft. **gross floor area**.

10.814.412 In no case shall a **DADU** that is created from an existing **accessory building** that does not comply with the minimum **yard** requirements for a **principal structure** be larger than 600 sq. ft. **gross floor area**.

10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with the minimum **yard** requirements for a **principal structure** shall comply with the following additional requirements:

10.815.421 The existing **accessory building** shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.; except that the Planning Board may grant a conditional use permit to allow the **gross floor area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in Section 10.440.

10.815.422 A **DADU** that is within a required **side yard** or **rear yard** setback for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.

10.814.~~53~~43 The **DADU** shall be ~~clearly~~ subordinate to the principal **single-family dwelling** in scale, height and appearance, as follows:

These two provisions limit a DADU to 1,000 sq. ft. if it complies with all zoning setbacks, and to 600 sq. ft. if it is created from an existing accessory building that does not comply with the yard requirements for a principal structure. (Note that these size limits are reinforced in Section 10.814.63 below.)

The provisions in Section 10.814.42 are carried over from the existing Garden Cottages section of the ordinance and apply to any detached ADU that is created by converting an existing garage or other accessory building that does not comply with the yard requirements for a principal structure.

- 10.814.~~55~~431 The front wall of ~~the~~ **DADU** ~~that is not created within an existing accessory building~~ shall be set back at least 10 feet further from the **front lot line** than the existing front wall of the ~~single-family-principal dwelling unit~~.
- ~~10.814.531 The façade area of the DADU that faces a street on which the lot has frontage shall be no more than 40 percent of the combined visible façade areas of the principal single family dwelling and the DADU facing the same street.~~
- 10.814.~~532~~432 The **building height** of the entire building containing the DADU shall be ~~less than the building height of the principal single family dwelling~~ no greater than 22 feet.
- 10.814.433 When the **building** containing the **DADU** is taller than the **principal building**, its required setback from all property lines shall be increased by the difference in **building height** between the **DADU** and the **principal building**.
- 10.814.434 The **building footprint** of the entire **building** containing the **DADU** shall be no greater than 750 sq. ft.
- 10.814.435 The **gross floor area** of the entire **building** containing the **DADU** shall be no greater than 1,600 sq. ft. GFA or 75 percent of the **gross floor area** of the **principal dwelling unit**, whichever is less.
- 10.814.436 The **DADU** may include roof dormers provided they are located outside the required setbacks from property lines and occupy no greater than 33% of any individual roof plane.
- 10.814.437 The **DADU** shall comply with the drainage requirements listed under Section 10.1320.
- 10.814.438 The **DADU** shall comply with the lighting requirements listed under Section 10.1140.

The addition of “that is not created within an existing accessory building” is due to merging the Garden Cottage use into the DADU use and reflects the possibility that an existing garage or other accessory building may not be 10 feet back from the front line of the house.

In response to concerns raised by residents about the scale of DADUs (including some units that have been created under the current ordinance), Sections 10.814.432 through 10.814.436 establish upper limits on the absolute and relative size and scale of the building containing a DADU (as opposed to the size of the DADU itself).

Regardless of the size of the DADU that it contains, the detached building cannot have a footprint of more than 750 sq. ft. nor a gross floor area of more than 1,600 sq. ft. This would permit a 1,000 sq. ft. DADU (the maximum allowed with a conditional use permit) over a two-car garage.

~~10.814.533 The **DADU** shall be architecturally consistent with the principal **dwelling** through the use of similar materials, detailing, and other **building** design elements.~~

This architectural consistency provision is replaced by more detailed requirements in Section 10.814.50 below.

10.814.~~54~~44 The **DADU** shall ~~be separated from the single family dwelling by at least 20 feet~~ comply with the minimum separation requirements established by the Building Code.

~~10.814.56 No portion of the DADU shall be located in any required front yard, regardless of the location of the single family dwelling.~~

10.814.50 Architectural Design Standards

Where the creation of an **accessory dwelling unit** involves the construction of a new **building** or an addition to or expansion of an existing **building**, the exterior design shall be architecturally consistent with the **principal building** using the following design standards:

This new section establishes detailed standards for architectural consistency of an ADU with the principal single-family dwelling.

Note that these standards are requirements (“shall”), not guidelines (“should”). Section 10.814.612 provides that if the Planning Director determines that an ADU that is otherwise permitted (“P”) does not comply with any of these standards (or any other standard in Section 10.814), then the proposed use will require a conditional use permit, including a public hearing by the Planning Board.

10.814.51 The new **building**, addition or expansion shall be the same as or similar to the existing **principal building** with respect to the following elements:

- Massing, including the shape and form of the **building footprint**, roof or any projecting elements;
- Architectural style, design, quality and character;
- Roof forms, slopes, and shingling materials;
- Siding material, texture, and profile;
- Window spacing, shapes, proportions, style and detailing;
- Door style, material and detailing;
- Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;
- Exposed foundation materials and profiles.

10.814.52 If provided, the following elements shall be the same as or similar to the corresponding elements on the **principal building** in terms of proportions, materials, style and trim:

- Projections such as dormers, porticos, bays, porches and door canopies;
- Chimneys, balconies, railings, gutters, shutters and other similar design elements.

10.814.53 If provided, garage doors shall be limited to 9 feet in width.

10.814.60 Review and Approval Process

10.814.61 When Section 10.440 indicates that an **attached or detached ADU** is permitted (“P”), the following shall apply:

10.814.611 For a period of at least 30 days from the date of application to the City, the property owner shall post a notice, provided by the city, that describes the proposed **ADU** application. Such notice shall be located on the perimeter of the site where it can easily be viewed and readable from all abutting public ways. Prior to approval of the application for a **building permit** the applicant shall be provide a written statement, including photographic evidence, confirming that the notice requirement has been met. Furthermore, the sign notice information will be mailed to the direct abutters of the **lot**.

10.814.612 The determination as to whether the **ADU** complies with all requirements shall be by administrative approval by the Planning Director. If the Planning Director determines that the application does not comply with any standard in this Section 10.814, the proposed **ADU** shall require a conditional use permit.

This requirement for posting and mailing a notice of the application is in response to resident concerns about lack of notification without a public hearing requirement.

10.814.~~60~~62 ~~Before granting~~ When Section 10.440 requires a conditional use permit for an **attached** or **detached ADU**, the Planning Board shall make the following findings before granting approval:

10.814.621 The **ADU** complies with all applicable standards of this Section 10.814.

10.814.~~61~~622 The ~~E~~ exterior design of the **ADU** is consistent with the existing principal **dwelling** on the **lot**.

10.814.~~62~~623 The site plan provides adequate and appropriate **open space, and landscaping** ~~and off-street parking~~ for both the **ADU** and the ~~primary dwelling~~ **principal dwelling unit**, and complies with the off-street parking requirements of Section 10.1110.

10.814.~~63~~624 The **ADU** will maintain a compatible relationship to **adjacent** properties in terms of location, design, and **off-street parking** layout, and will not significantly reduce the privacy of **adjacent** properties.

~~10.814.64~~ The **ADU** will not result in excessive noise, traffic or parking congestion.

10.814.~~70~~63 In granting a conditional use permit for an **accessory dwelling unit**, the Planning Board may modify a specific standard set forth in Sections 10.814.~~40-30~~ ~~or 10.814.52~~ through 10.814.~~56~~50 (excepting Section 10.814.41), including requiring additional or reconfigured **off-street parking** spaces, provided that the **Board** finds such modification will be consistent with the required findings in Section 10.814.~~60~~62.

10.814.70 **Post-Approval Requirements**

10.814.~~80~~71 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds.

This change replaces a general determination of “adequate and appropriate” parking with a specific finding that the plan complies with the off-street parking standards of the ordinance.

The phrase “excepting Section 10.814.41” means that (1) no detached accessory dwelling unit may exceed 1,000 sf in area, and (2) no DADU created in an existing accessory building may exceed 600 sf in area unless it complies with the required setbacks for a principal structure.

10.814.~~90~~72 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department and shall be renewed annually upon submission of such documentation as the Planning Department may require to verify compliance. A certificate of use shall not be issued prior to recording of documentation as required by ~~this section~~ 10.814.~~80~~71.

~~10.815 Garden Cottages~~

~~10.815.10 One garden cottage, and only one, shall be allowed on any lot containing a single family dwelling.~~

~~10.815.20 Relationship to other provisions of this Ordinance:~~

~~10.815.21 No garden cottage shall be allowed on the same lot as an accessory dwelling unit authorized under this Ordinance.~~

~~10.815.22 The establishment of a garden cottage results in two dwelling units on the property and thus makes the property ineligible to establish an accessory dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of receiving a conditional use permit for a garden cottage, the property owner shall waive all rights under RSA 674:72 and RSA 674:73.~~

~~10.815.23 A garden cottage that complies with the standards of this section is exempt from the residential density standards of the Zoning Ordinance. A second dwelling unit on a lot that does not comply with the standards of this section shall be considered to be either a second primary dwelling or an accessory dwelling unit and shall comply with the applicable standards and provisions of the Ordinance.~~

The entire Garden Cottages section is deleted because the GC use is being folded into the broader category of Detached Accessory Dwelling Unit (DADU).

~~10.815.30 Garden cottages shall comply with the following standards:~~

~~10.815.31 The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.~~

~~10.815.32 A garden cottage shall not be larger than 600 sq. ft. gross floor area.~~

~~10.815.33 A garden cottage that is within a required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.~~

~~10.815.34 The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.~~

~~10.815.341 When the property is owned by one or more trusts, one of the dwelling units shall be the principal place of residence of the beneficiary(ies) of the trust(s).~~

~~10.815.35 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.~~

~~10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall make the following findings:~~

- ~~10.815.41 Exterior design of the **garden cottage** is consistent with the existing **single family dwelling** on the **lot**.~~
- ~~10.815.42 The site plan provides adequate and appropriate **open space, landscaping, and off-street parking** for both the **garden cottage** and the primary **dwelling**.~~
- ~~10.815.43 The **garden cottage** will maintain a compatible relationship to **adjacent** properties in terms of location and design, and will not significantly reduce the privacy of **adjacent** properties.~~
- ~~10.815.44 The **garden cottage** will not result in excessive noise, traffic or parking congestion.~~
- ~~10.815.50 In granting a conditional use permit for a **garden cottage**, the Planning Board may modify a specific dimensional or parking standard set forth in Section 10.815.30, including requiring additional or reconfigured **off-street parking** spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.40.~~
- ~~10.815.60 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds.~~
- ~~10.815.70 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department and shall be renewed annually upon submission of such documentation as the Planning Department may require to verify compliance. A certificate of use shall not be issued prior to recording of documentation as required by 10.815.60.~~

Article 11 Site Development Standards

Section 10.1110 Off-Street Parking

10.1113 Location of Vehicular Use Facilities

10.1113.20 Location of Parking Facilities on a Lot

Required **off-street parking** spaces shall not be located in any required **front yard**, or between a **principal building** and a **street** (including on a **corner lot**). This restriction shall not apply to required **off-street parking** for a **single-family dwelling** (including the combination of a **single-family dwelling** and an **accessory dwelling unit**) or **two-family dwelling**.

Currently, one- and two-family dwellings are exempted from the prohibition on providing required parking spaces in the front yard. This change extends the exemption to lots containing a single-family dwelling and an ADU, since an ADU is typically smaller than a unit in a two-family dwelling.

Article 15 Definitions

Section 10.1530 Terms of General Applicability

A

Accessory building or structure

A subordinate **building** located on the same **lot** with the principal **building**, occupied by or devoted to an **accessory use**. Where an **accessory building** is attached to the main **building** in a substantial manner, as by a wall or roof, such **accessory building** shall be considered part of the main **building**. For the purpose of this Ordinance, a **detached accessory dwelling unit** that is not created within an existing accessory building is not an **accessory building or structure**.

The inserted phrase is needed because the Garden Cottage use (which by definition is in an accessory building) is being folded into the Detached ADU use.

Accessory dwelling unit (ADU)

A **dwelling unit** that is constructed on the same **lot** as a **single-family dwelling** and complies with the standards for **accessory dwelling units** set forth in this Ordinance.

Attached accessory dwelling unit (AADU)

An **accessory dwelling unit** that is constructed within or attached to a **single-family dwelling**. For the purpose of this definition, “attached” means:

- (a) located within the **dwelling** and separated from the **principal dwelling unit** either horizontally or vertically, or
- (b) sharing a common wall for at least 25 percent of the length of the side of the **single-family dwelling**.

“Attached” does not include connection to the **single-family dwelling** solely by an unenclosed **structure** (such as a breezeway) or by an enclosed but unconditioned space.

Detached accessory dwelling unit (DADU)

An **accessory dwelling unit** that is constructed within ~~an accessory a~~ detached building on a lot containing one **single-family dwelling**. A **detached accessory dwelling unit** may be connected to the **single-family dwelling** by an unenclosed **structure** (such as a breezeway) or by an unconditioned space.

Accessory use

A **use** that is incidental and subordinate to the **principal use** and located on the same **lot** with such **principal use** or **building**.

G

~~**Garden cottage**~~

~~A **dwelling unit** that is constructed through conversion of an **accessory building** on the same **lot** as a **single-family dwelling** and complies with the standards for **garden cottages** set forth in the Ordinance.~~

This definition is being deleted because the Garden Cottage use is being merged into the Detached ADU use.

Gross floor area (GFA)

The sum of the areas of the several floors of a **building** or **buildings** as measured by the exterior faces of the walls, but excluding the areas of fire escapes, unroofed porches or terraces, and areas such as basements and **attics** exclusively devoted to **uses** accessory to the operation of the **building**. If the exterior walls are greater than 6 inches thick, then the **gross floor area** shall be adjusted to a maximum of a 6-inch thick wall.

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

The proposed Zoning Ordinance amendments set forth in this document are intended to achieve three broad policy

objectives:

- (1) to remove barriers and provide more flexibility for the creation of accessory dwelling units (ADUs);
- (2) to strengthen provisions for ensuring that ADUs fit into established neighborhood patterns and minimize any adverse impacts on abutting properties; and
- (3) to simplify the ordinance and make it easier for users to understand and navigate

Before beginning the zoning revision project, the Planning Department reached out to stakeholders via a series of small group meetings and a survey of abutters to ADUs. This public involvement process revealed six broad **themes** that helped guide the zoning revision process:

- (1) Process navigational support is needed.
- (2) Dimensional relief is both an obstacle and a protection.
- (3) There is considerable cost and risk in the process and this is a deterrent.
- (4) Regulations for ADUs need to be clear and implementable.
- (5) Foremost among abutters' concerns are: parking, short term rentals, neighborhood character, and buffering and separation.
- (6) Abutters were generally positive about ADUs.

The revisions to the Table of Uses below result in a table that is more detailed than the existing table, with two categories of attached ADUs and four categories of detached ADUs. This additional complexity reflects two proposed policy changes in support of the above objectives: (1) to allow ADUs with the least potential neighborhood impact as of right ("P") instead of requiring a conditional use permit ("CU") as currently; and (2) to fold the existing Garden Cottage use into the broader Detached Accessory Dwelling Unit (DADU) use.

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	...
1. Residential Uses															
1.10 Single family dwelling	P	P	P	P	N	P	P	P	N	N	P	P	N	N	...
1.20 Accessory dwelling unit 1.21 Attached accessory dwelling unit (AADU) 1.211 Up to 750 sq. ft. GFA and entirely within an existing single-family dwelling 1.212 More than 750 sq. ft. GFA, or in an addition to or expansion of an existing single-family dwelling															...
															...

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	...
1.22 Detached accessory dwelling unit (DADU)															
1.221 Up to 600 sq. ft. GFA and entirely within an existing accessory building that complies with all dimensional standards for accessory buildings	P	P	P	P	N	P	P	P	N	N	N	N	N	N	...
1.222 Up to 600 sq. ft. GFA in an existing accessory building where any of the following apply: (a) the existing building does not comply with a dimensional standard for an accessory building , or (b) the DADU requires any modification of a standard in Section 10.814, or any variance; or (c) the DADU includes any expansion of the existing accessory building	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	...

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	...
1.223 Up to 750 sq. ft. GFA in a new building that complies with all lot and building dimensional standards for a single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	...
1.224 Up to 1,000 sq. ft. GFA in a new building that does not comply with a dimensional standard for a single-family dwelling , or that requires any variance to construct the DADU	CU	CU	CU	N	N	N	N	N	N	N	N	N	N	N	...
1.30 Two-family dwelling	N	N	P	P	P	P	P	P	P	N	P	P	N	N	...
...

NOTES:

- (1) DADU uses no. 1.221 and 1.222 replace use no. 1.25 – Garden Cottages.
- (2) In the “Supplemental Regulations” column, insert the following reference for uses 1.211 and 1.221: “10.814.61 (administrative approval)”.

Article 8 Supplemental Use Standards

10.814 Accessory Dwelling Units

10.814.10 Purpose and Eligibility

10.814.11 The purpose of this section is to provide for additional **dwelling units** within single-family neighborhoods in order to: increase the supply of smaller, more affordable housing units without the need for more infrastructure or further land development; meet local housing needs; and provide opportunities for adapted reuse of existing **accessory structures**. The standards in this section are intended to integrate more housing options into the community with minimal negative impact on the surrounding neighborhood.

10.814.12 Only one **accessory dwelling unit (ADU)** shall be allowed on any **lot** containing a **single-family dwelling**. An **accessory dwelling unit** shall not be allowed under this Section 10.814 on a **lot** that contains more than one **dwelling unit**.

10.814.13 Except as provided elsewhere in this Section 10.814, in order for a **lot** to be eligible for an **accessory dwelling unit**, the **lot** and all proposed **structures** and additions to existing **structures** shall conform to all zoning regulations as follows:

10.814.131 Any municipal regulation applicable to **single-family dwellings** shall also apply to the combination of a principal **dwelling unit** and an **accessory dwelling unit** including, but not limited to, the dimensional standards set forth in Sec. 10.521 and the **off-street parking** requirements set forth in Sec. 10.1110. Notwithstanding the above, the combination of a principal **dwelling unit** and an **accessory dwelling unit** does not need to comply with the minimum **lot area per dwelling unit** for the zoning district.

10.814.132 An **attached accessory dwelling unit** is permitted on an existing **nonconforming lot** and within an existing **nonconforming building** as long as there is no increase to or extension of any existing nonconformity and no new nonconformity is created.

10.814.133 A **detached accessory dwelling unit** that is not created within an existing **accessory building** is not an **accessory building** for the purposes of this Ordinance, and therefore shall be governed by the applicable minimum **yard dimensions** in Section 10.521 for a **principal building** and

not by the **side yard** and **rear yard** standards applicable to an **accessory building**.

- 10.814.14 Notwithstanding all of the above provisions, an **accessory building** existing on the effective date of this ordinance may be converted to a **detached accessory dwelling unit** as provided in Section 10.440, uses 1.221 and 1.222, and as further provided in this Section 10.814.

10.814.20 Standards for All Accessory Dwelling Units

All **accessory dwelling units** shall comply with the following standards:

- 10.814.21 The principal **dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).
- 10.814.22 Either the principal **dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner of the **dwelling** as his or her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence. Furthermore, an affidavit of this restriction shall be recorded at the Rockingham County Registry of Deeds.
- 10.814.221 When the property is owned by one or more trusts, one of the **dwelling units** shall be the principal place of residence of the beneficiary(ies) of the trust(s).
- 10.814.23 The **accessory dwelling unit** shall not have more than two bedrooms.
- 10.814.24 Neither the **principal dwelling unit** nor the **accessory dwelling unit** shall be used for any business, except that the property owner may have a **home occupation** use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.
- 10.814.25 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- 10.814.26 At least 1 **off-street parking** space shall be provided for an **ADU** with up to 750 sq. ft. GFA, and at least 2 spaces shall be provided for an **ADU** with more than 750 sq. ft. GFA, in addition to the 2 spaces that are required for the principal **single-family dwelling**.

10.814.30 Additional Standards for Attached Accessory Dwelling Units

An **attached accessory dwelling unit (AADU)** shall comply with the following additional standards:

- 10.814.31 An interior door shall be provided between the **principal dwelling unit** and the **accessory dwelling unit**.

- 10.814.32 The **AADU** shall not be larger than 750 sq. ft. **gross floor area** except as permitted through a conditional use permit as provided in Section 10.440. In no case shall the **AADU** be larger than 1,000 sq. ft. **gross floor area**. For the purpose of this provision, the **gross floor area** of the **AADU** shall not include existing storage space, shared entries, or other spaces not exclusive to the **AADU**.
- 10.814.33 The **AADU** shall be subordinate to the principal **dwelling unit** in scale, height and appearance, as follows:
- 10.814.331 If there are two or more doors in the front of the principal **dwelling unit**, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.
- 10.814.332 An addition to or expansion of an existing **building** for the purpose of creating an **AADU** shall be recessed or projected at least 18 inches from the existing front wall of the principal **dwelling unit**. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at least 10 feet from the front wall of the principal **dwelling unit**.
- 10.814.333 The **building height** of any addition or expansion that includes an increase in **building footprint** shall be no greater than 75% of the height of the existing **building**. In the case of a single-story **building**, an addition or expansion may include an additional story to the existing **building** or a single-story addition at the same height as the existing **building**.

10.814.40 Additional Standards for Detached Accessory Dwelling Units

A **detached accessory dwelling unit (DADU)** shall comply with the following additional standards:

- 10.814.41 The **DADU** shall not be larger than 750 sq. ft. gross floor area except as permitted through a conditional use permit as provided in Section 10.440, use no. 1.224.
- 10.814.411 In no case shall a **DADU** be larger than 1,000 sq. ft. **gross floor area**.
- 10.814.412 In no case shall a **DADU** that is created from an existing **accessory building** that does not comply with the minimum **yard** requirements for a **principal structure** be larger than 600 sq. ft. **gross floor area**.

- 10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with the minimum **yard** requirements for a **principal structure** shall comply with the following additional requirements:
- 10.815.421 The existing **accessory building** shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.; except that the Planning Board may grant a conditional use permit to allow the **gross floor area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in Section 10.440.
 - 10.815.422 A **DADU** that is within a required **side yard** or **rear yard** setback for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.
- 10.814.43 The **DADU** shall be subordinate to the principal **single-family dwelling** in scale, height and appearance, as follows:
- 10.814.431 The front wall of a **DADU** that is not created within an existing **accessory building** shall be set back at least 10 feet further from the **front lot line** than the existing front wall of the principal **dwelling unit**.
 - 10.814.432 The **building height** of the entire **building** containing the **DADU** shall be no greater than 22 feet.
 - 10.814.433 When the **building** containing the **DADU** is taller than the **principal building**, its required setback from all property lines shall be increased by the difference in **building height** between the **DADU** and the **principal building**.
 - 10.814.434 The **building footprint** of the entire **building** containing the **DADU** shall be no greater than 750 sq. ft.
 - 10.814.435 The **gross floor area** of the entire **building** containing the **DADU** shall be no greater than 1,600 sq. ft. GFA or 75 percent of the **gross floor area** of the principal **dwelling unit**, whichever is less.
 - 10.814.436 The **DADU** may include roof dormers provided they are located outside the required setbacks from property lines and occupy no greater than 33% of any individual roof plane.
 - 10.814.437 The **DADU** shall comply with the drainage requirements listed under Section 10.1320.

10.814.438 The **DADU** shall comply with the lighting requirements listed under Section 10.1140.

10.814.44 The **DADU** shall comply with the minimum separation requirements established by the Building Code.

10.814.50 Architectural Design Standards

Where the creation of an **accessory dwelling unit** involves the construction of a new **building** or an addition to or expansion of an existing **building**, the exterior design shall be architecturally consistent with the **principal building** using the following design standards:

10.814.51 The new **building**, addition or expansion shall be the same as or similar to the existing **principal building** with respect to the following elements:

- Massing, including the shape and form of the **building footprint**, roof or any projecting elements;
- Architectural style, design, quality and character;
- Roof forms, slopes, and shingling materials;
- Siding material, texture, and profile;
- Window spacing, shapes, proportions, style and detailing;
- Door style, material and detailing;
- Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;
- Exposed foundation materials and profiles.

10.814.52 If provided, the following elements shall be the same as or similar to the corresponding elements on the **principal building** in terms of proportions, materials, style and trim:

- Projections such as dormers, porticos, bays, porches and door canopies;
- Chimneys, balconies, railings, gutters, shutters and other similar design elements.

10.814.53 If provided, garage doors shall be limited to 9 feet in width.

10.814.60 Review and Approval Process

10.814.61 When Section 10.440 indicates that an **attached** or **detached ADU** is permitted (“P”), the following shall apply:

10.814.611 For a period of at least 30 days from the date of application to the City, the property owner shall post a notice, provided by the city, that describes the proposed **ADU** application. Such notice shall be located on the perimeter of the site

where it can easily be viewed and readable from all abutting public ways. Prior to approval of the application for a **building permit** the applicant shall provide a written statement, including photographic evidence, confirming that the notice requirement has been met. Furthermore, the sign information will be mailed to the direct abutters of the **lot**.

- 10.814.612 The determination as to whether the **ADU** complies with all requirements shall be by administrative approval by the Planning Director. If the Planning Director determines that the application does not comply with any standard in this Section 10.814, the proposed **ADU** shall require a conditional use permit.
- 10.814.62 When Section 10.440 requires a conditional use permit for an **attached** or **detached ADU**, the Planning Board shall make the following findings before granting approval:
 - 10.814.621 The **ADU** complies with all applicable standards of this Section 10.814.
 - 10.814.622 The exterior design of the **ADU** is consistent with the existing principal **dwelling** on the **lot**.
 - 10.814.623 The site plan provides adequate and appropriate **open space** and **landscaping** for both the **ADU** and the principal **dwelling unit**, and complies with the **off-street parking** requirements of Section 10.1110.
 - 10.814.624 The **ADU** will maintain a compatible relationship to **adjacent** properties in terms of location, design, and **off-street parking** layout, and will not significantly reduce the privacy of **adjacent** properties.
- 10.814.63 In granting a conditional use permit for an **accessory dwelling unit**, the Planning Board may modify a specific standard set forth in Sections 10.814.30 through 10.814.50 (excepting Section 10.814.41), including requiring additional or reconfigured **off-street parking** spaces, provided that the **Board** finds such modification will be consistent with the required findings in Section 10.814.62.

10.814.70 Post-Approval Requirements

- 10.814.71 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds.
- 10.814.72 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-

occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department and shall be renewed annually upon submission of such documentation as the Planning Department may require to verify compliance. A certificate of use shall not be issued prior to recording of documentation as required by section 10.814.71.

Article 11 Site Development Standards

Section 10.1110 Off-Street Parking

10.1113 Location of Vehicular Use Facilities

10.1113.20 Location of Parking Facilities on a Lot

Required **off-street parking** spaces shall not be located in any required **front yard**, or between a **principal building** and a **street** (including on a **corner lot**). This restriction shall not apply to required **off-street parking** for a **single-family dwelling** (including the combination of a **single-family dwelling** and an **accessory dwelling unit**) or **two-family dwelling**.

Article 15 Definitions

Section 10.1530 Terms of General Applicability

A

Accessory building or structure

A subordinate **building** located on the same **lot** with the principal **building**, occupied by or devoted to an **accessory use**. Where an **accessory building** is attached to the main **building** in a substantial manner, as by a wall or roof, such **accessory building** shall be considered part of the main **building**. For the purpose of this Ordinance, a **detached accessory dwelling unit** that is not created within an existing **accessory building** is not an **accessory building or structure**.

Accessory dwelling unit (ADU)

A **dwelling unit** that is constructed on the same **lot** as a **single-family dwelling** and complies with the standards for **accessory dwelling units** set forth in this Ordinance.

Attached accessory dwelling unit (AADU)

An **accessory dwelling unit** that is constructed within or attached to a **single-family dwelling**. For the purpose of this definition, “attached” means:

- (a) located within the **dwelling** and separated from the **principal dwelling unit** either horizontally or vertically, or
- (b) sharing a common wall for at least 25 percent of the length of the side of the **single-family dwelling**.

“Attached” does not include connection to the **single-family dwelling** solely by an unenclosed **structure** (such as a breezeway) or by an enclosed but unconditioned space.

Detached accessory dwelling unit (DADU)

An **accessory dwelling unit** that is constructed within a detached **building** on a **lot** containing one **single-family dwelling**. A **detached accessory dwelling unit** may be connected to the **single-family dwelling** by an unenclosed **structure** (such as a breezeway) or by an unconditioned space.

Accessory use

A **use** that is incidental and subordinate to the **principal use** and located on the same **lot** with such **principal use or building**.

G

Gross floor area (GFA)

The sum of the areas of the several floors of a **building** or **buildings** as measured by the exterior faces of the walls, but excluding the areas of fire escapes, unroofed porches or terraces, and areas such as basements and **attics** exclusively devoted to **uses** accessory to the operation of the **building**. If the exterior walls are greater than 6 inches thick, then the **gross floor area** shall be adjusted to a maximum of a 6-inch thick wall.

**Assisted Living – Proposed Changes to Table of Uses
November 4, 2022**

The attached excerpt from the table of uses proposes several changes for assisted living facilities. The shading of cells in the use table pairs the two types of assisted living facilities with their multifamily dwelling counterparts in terms of scale:

- assisted living home (up to 5 residents) is paired with 3- and 4-unit multifamily dwelling; and
 - assisted living center (6 or more residents) is paired with 5-unit or larger multifamily dwelling.
- The following tables explain the proposed changes.

Assisted living home (up to 5 residents):

This use would likely be similar to a large single- or two-family dwelling or a small multifamily dwelling. (An example would be the Greengard Residence on Brewery Lane.) As such, it should not be restricted more than a 3- to 4-unit multifamily building. Siting issues, including landscaping, buffers, lighting and off-street parking, can be addressed through the site plan review process.

District	MF 3-4 units	ALH Current	ALH Proposed	Comments
GRA & GRB	S	S	S	No change.
GRC (A)	P	S	S	
GA/MH	P	S	S	
MRO & CD4-L1	P	S	P	Change from S to P to be consistent with small multifamily.
CD4-L2	P	S	P	
MRB	P	S	P	
CD5 & CD4	P	N	P	Change from N to P to be consistent with small multifamily.
GB	N	N	N	No change.
G1	P	S	P	Change from S to P to be consistent with small multifamily.
G2	P	S	P	
B & CD4-W	P	N	P	Change from N to P to be consistent with small multifamily.

Assisted living center (6 or more residents):

While this use is defined as an assisted living facility for 6 or more residents, in practice it is likely to be much larger than the minimum because of the need to support specialized staffing and services. According to a 2020 report to Congress, assisted living facilities in 2016 ranged in size from 4 to 518 licensed beds, and the average bed capacity was 35 licensed beds. Portsmouth’s Edgewood Centre has a capacity of 156 residents and Clipper Harbor on Jones Road serves 102 residents. Two newer facilities in Durham, which opened in 2012 and 2017, have 24 and 60 residents.

At the same time, the neighborhood impacts of an assisted living center may be less than a comparable-sized multifamily building because most residents will not drive and may not be engaged in active outdoor recreation. Thus, while the physical structure may be similar to a large apartment building, the effects may be more comparable to a smaller development.

District	MF 5+ units	ALC Current	ALC Proposed	Comments
GRC (A)	S/N	N	S	Change from N to S to be consistent with 5- to 8-unit multifamily uses.
GA/MH	P	N	S	Change from N to S to be more consistent with multifamily.
MRO & CD4-L1	P/N	N	S	In these districts, multifamily is permitted up to 8 dwelling units but prohibited with more than 8 units (no middle ground). Assisted living centers are likely to be comparable to the larger multifamily buildings, so if they are allowed it makes sense to require a special exception.
CD4-L2	P/N	N	S	
MRB	P/N	N	S	
CD5 & CD4	P	P	P	No change.
GB	N	P	N	Change from P to N to be consistent with multifamily. (This district is limited to a few parcels around the Route 1 Circle and along the Spaulding Turnpike.)
G1	P	S	P	Change from S to P to be consistent with multifamily.
G2	P	S	P	
B & CD4-W	P	P	P	No change.

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

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
1. Residential Uses																		
1.10 Single family dwelling	P	P	P	P	N	P	P	P	P	N	P	P	N	N	N	N	N	
1.30 Two-family dwelling	N	N	P	P	P	P	P	P	P	N	P	P	N	N	N	N	N	10.640 (Downtown Overlay district)
1.40 Townhouse	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.50 Multifamily dwelling																		
1.51 3 or 4 dwelling units	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.5A32 (Character district permitted uses)
1.52 5 to 8 dwelling units	N	N	N	S	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.53 More than 8 dwelling units	N	N	N	N	P	N	N	N	P	N	P	P	P	N	N	N	N	10.813 (Multifamily Dwellings in the Business District)
2. Institutional Residence or Care Facilities																		
2.10 Assisted living facility																		
2.11 Assisted living center	N	N	N	N	N	N	N	N	P	N	S	S	P	N	N	N	N	
2.12 Assisted living home	S	S	S	S	S	S	S	S	N	N	S	S	N	N	N	N	N	
2.20 Residential care facility																		
2.21 5 or fewer residents	S	S	S	S	S	S	S	S	N	N	S	S	S	N	N	N	N	
2.22 More than 5 residents	N	N	N	N	N	S	S	S	P	S	S	S	S	N	S	N	N	

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

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – October 6th, 2022
Conference Room A

PRESENT: **Members:** City Manager Karen Conard, Deputy Police Chief Mike Maloney, Public Works Director Peter Rice, Fire Chief Bill McQuillen, Chairman Andrew Bagley, Erica Wygonik, Mary Lou McElwain, Steve Pesci, Mark Syracuse, Harold Whitehouse

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

ACTION ITEMS FOR CITY COUNCIL

- Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council: **Voted** to eliminate all taxi stands except in front of Tuscan Steakhouse.
- Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident: **Voted** to install No Parking Here to Corner signs 30 feet from Woodbury Avenue.
- Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee: **Voted** to recommend that City Council end the pilot program, and to present the framework laid out by the Parking Director if a permanent program is implemented by the City Council.

1. **Roll Call**
2. **Financial Report:** **Voted** to accept and place on file Financial Report dated August 31, 2022.
3. **Public Comment Session:** There were eight speakers: Scott Gerrato spoke regarding taxi parking downtown. Evan Mullen requested that the Committee study traffic safety on Summer Street. Ken Goldman, Michelle Worth, Sampo Kaasila, Barbara Sadick, Elizabeth Bratter, and Liza Hewitt spoke regarding the Neighborhood Parking Program.
4. **Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council:** **Voted** to eliminate all taxi stands except in front of Tuscan Steakhouse.
5. **Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident:** **Voted** to install No Parking Here to Corner signs 30 feet from Woodbury Avenue.
6. **Mariette Drive, request for speed study, by resident:** **Voted** to refer to staff for study and report back.

7. **Maple Haven, request for stop sign evaluation at several locations, by resident:** Voted to refer to staff for study and report back.
8. **Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee:** Voted to recommend to City Council to end the pilot program and to present the framework laid out by the Parking Director if a permanent program is implemented by the City Council.
9. **Monthly Accident Report:** *Informational; no action required.*
10. **Adjournment:** On unanimous roll call 9-0 voted to adjourn 9:59 AM.

Respectfully submitted by: Leila Birr

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

October 6th, 2022

MINUTES

I. CALL TO ORDER

Chairman Andrew Bagley called the meeting to order at 8:30 a.m.

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Steve Pesci
Erica Wygonik (Alternate)
Public Works Director Peter Rice
City Manager Karen Conard
Deputy Police Chief Mike Maloney
Harold Whitehouse
Mary Lou McElwain (Z)
Mark Syracuse
Fire Chief William McQuillen

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby
Associate Engineer Tyler Reese

III. FINANCIAL REPORT

[00:06:25] Peter Rice moved to accept the Financial Report dated August 31, 2022, and place it on file, seconded by Mark Syracuse. **On a unanimous 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.

[00:07:20] There were eight speakers: Scott Gerrato spoke regarding taxi parking downtown. Evan Mullen requested that the Committee study traffic safety on Summer

Street. Ken Goldman, Michelle Worth, Sampo Kaasila, Barbara Sadick, Elizabeth Bratter, and Liza Hewitt spoke regarding the Neighborhood Parking Program.

V. PRESENTATIONS

None

VI. NEW BUSINESS

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

- A. [00:37:40] Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council.

There is only one licensed taxi driver in the city. He requests keeping the taxi stand in front of Toscana.

Peter Rice made a motion to eliminate all taxi stands except for the existing one in front of Tuscan Steakhouse. Mark Syracuse seconded the motion. **On a unanimous vote, motion passed 9-0.**

- B. [00:42:33] Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident.

This signage would be in line with state laws and city ordinances, which prohibit parking within 30 feet of an intersection.

Harold Whitehouse made a motion to install No Parking Here to Corner signs 30 feet from Woodbury Avenue, seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

- C. [00:44:14] Mariette Drive, request for speed study, by resident. Mark Syracuse made a motion to refer to staff for study and report back. Motion was seconded by Harold Whitehouse. **Motion passed on a unanimous vote 9-0.**

- D. [00:45:20] Maple Haven, request for stop sign evaluation at several locations, by resident. Karen Conard moved to refer to staff for study and report back, seconded by Mark Syracuse. **Motion passed on a unanimous vote 9-0.**

VII. OLD BUSINESS

- A. [00:46:49] Islington Creek Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee. Benjamin Fletcher presented framework and recommendations for paid parking to the Committee should the City Council decide to implement a permanent Neighborhood Parking Program.

Steve Pesci made a motion to recommend that City Council end the pilot program, and to present the framework laid out by the Parking Director if a permanent program is implemented by the City Council. Motion was seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

VIII. INFORMATIONAL

A. [01:30:39] Monthly Accident Report from Police.

Deputy Police Chief Mike Maloney commented that there were 81 crashes in August. Of that, 48 of them were reportable. There was one accident involving a bike, as well as one involving a pedestrian.

IX. MISCELLANEOUS

A. [01:31:43] Email from a resident regarding whether fees are paid to the City for events held at the Bridge Street Lot.

B. [01:33:18] Request from a resident of Broad Street to look at the intersection of South Street and Broad Street. People are parking close to the intersection.

X. ADJOURNMENT

Harold Whitehouse moved to adjourn at 9:59 a.m., seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

Respectfully submitted,

Leila Birr,
Administrative Assistant, Department of Public Works

**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_xjurgSbqRA2S8Uw3KnbUkw

Islington Creek Neighborhood Parking Program (NPP)

Pricing Recommendation

At the City Council meeting on August 22, 2022, the Parking Division was tasked with developing a pricing strategy to assure a permanent Islington Creek Neighborhood Parking Program can be run at no net cost to the City.

The Islington Creek neighborhood has an inherent parking supply vs. demand issue. While certain sections of the neighborhood (those located nearest the Foundry Garage) are indeed over-utilized due to large rental property populations and a short supply of on-street and private parking inventory, the overall neighborhood, as bounded in the current pilot program (Pilot), is not experiencing occupancy figures to a degree that would normally dictate demand reduction resolutions. Parking Industry Best Practice suggests mitigation measures be explored when occupancy reaches 85% or above, while the Islington Creek neighborhood has for years not exceeded 75%.

The City has completed a year-over-year analysis of the 2021 and 2022 spring and summer seasons, using occupancy data from May through early August in each year. Data indicate that the neighborhood enjoyed less than a 2% reduction in demand that can be directly attributed to the Pilot. This equates to less than 5 additional open spaces neighborhood-wide. Considering the \$113,500 net cost to run the program, this equates to \$22,883 per 'gained space' that can be directly attributed to the program. For context, the highest-grossing parking space in downtown Portsmouth generates slightly less than \$8,000 in gross revenues annually.

While the gained spaces do indicate a positive result, the spaces 'gained' were not within the geographical area most affected by high demand and short supply, that being between Rock Street and Bridge Street. Rather, the open spaces were primarily realized in the less-populated, lower-demand areas west of Cornwall Street.

Rather than continuing the current program under the Pilot format, with its high costs and minimal benefits, the Division recommends implementing an on-street metered parking program.

Metering Method

Rather than purchasing and installing parking meters throughout the neighborhood, the Division recommends that metering this area be performed solely through the use of the ParkMobile smartphone application. This will allow for minimal additional signage and no crowding of sidewalks with parking meters or kiosks, while providing the additional features popular with users of the app in the City's downtown area, such as text notifications when sessions are expiring and the option to extend if desired.

The ParkMobile approach is the least intrusive process, leaving the neighborhood's character intact. Additionally, Portsmouth resident users of ParkMobile do not pay the \$.35 service fee and enjoy a price reduction of \$.50 per hour. Non-residents and users without passes will simply engage the meter system for the duration of their stay.

Pricing

Pricing and policy recommendations from the Parking Division are always geared toward behavior management. For example, pricing in the Downtown accelerates after the 3rd hour, providing an economic incentive for users to choose to vacate (turn over) spaces at the City's desired 3-hour time frame. This leaves the space open for the next user, enabling support of local businesses by providing a convenient parking option for those who would choose to patronize those businesses.

Unlike the City's high-demand parking areas, there is no call to encourage users to turn spaces over at the 3rd hour in a residential neighborhood. Because of this, the Parking Division does not recommend using the Stay & Pay pricing model that has seen success in the Downtown area. Rather, the flat hourly rate structure utilized in each of the City's parking garages more accurately reflects the pricing structure that should be implemented for this neighborhood.

In order to continue to encourage the use of the nearby Foundry Garage, a rate of \$1.50 per hour for on-street parking in this neighborhood is recommended. This aligns with the current B-Zone rate of \$1.50 for the first three hours, but would not escalate in the 4th hour and beyond. Pricing in this manner provides a natural incentive for users to choose the Foundry Garage with its \$1 per hour rate.

NPP Passes

The anticipated revenue from on-street visitor parking can be expected to offset a good portion of the costs associated with extending this program. This allows for a situation where a flat, nominal fee can be applied to NPP passes. For year one, the Division recommends a \$125 annual fee, per pass, for up to 3 passes per household, each of which must be associated with a single, particular vehicle as in the current program. These fees will offset the cost of labor and materials for processing applications. At the conclusion of year one, revenues can be assessed against ongoing costs and annual permit fees can be adjusted to accommodate. Due to high resident turnover in the target neighborhood, the Division recommends an annual renewal, with the process being staggered by block to avoid lengthy waits for renewals.

Advantages

With a simple application of the ParkMobile app for all non-passholders, the following unpopular features inherent in the current Pilot model are eliminated:

- Guest Passes are no longer necessary
- Event Passes are no longer necessary
- Contractor Passes are no longer necessary



MEMORANDUM

TO: KAREN S. CONARD, CITY MANAGER
FROM: BEVERLY MESA-ZENDT, PLANNING DIRECTOR
SUBJECT: INVESTNH MUNICIPAL PLANNING & ZONING | HOUSING OPPORTUNITY GRANT
DATE: NOVEMBER 7, 2022

Background

The InvestNH Municipal Planning & Zoning Grant Program provides competitive grants for cities and towns to create local regulations that will help increase housing supply. The InvestNH Housing Opportunity Planning (HOP) Grant Program is part of the Planning & Zoning Grant Program and is administered by New Hampshire Housing under contract with the NH Department of Business and Economic Affairs (BEA). These programs are all part of InvestNH, a \$100 million initiative funded through the American Rescue Plan Act's State Fiscal Recovery Fund.

On October 26, 2022, the Steering Committee for the Invest NH Municipal Planning & Zoning Grant Program notified the City of Portsmouth that their application for a Housing Opportunity Planning (HOP) Grant had been approved. The City requested \$82,000 for the purpose of hiring professional services consultants to work with the Housing Navigator (\$250,000 grant awarded on October 13, 2022) in the development of Phase 3 regulatory amendments related to the city's workforce housing incentive regulations.

Grant Application Project Goals

The following project goals were identified in the grant application.

1. **Involve the Community and Subject Matter Experts.** The goal is to include the voices of community members most impacted by regulatory changes in the development of regulatory amendments and cultivate greater public awareness and support of regulatory changes.
2. **Understand the Market.** The market feasibility study will explore feasibility from a number of perspectives and will focus on what impact zoning ordinance amendments might have on the financial feasibility of new housing development with the goal of maximizing affordable housing production through the use of incentives without discouraging development.

3. **Amend incentive regulations and ensure greater utilization of incentives for affordable housing and provide a mechanism for fee-in-lieu payments.** The goal for regulatory amendments will be to ensure that incentives become a well-used tool by development to gain development benefits that result in increased workforce housing production.

Grant Application Outcomes and Deliverables

The grant application identified the following deliverables and outcomes.

1. **Task 1 Deliverable: Public Involvement Plan (PIP) and Public Involvement Summary Report.** The consultant will work in coordination with the Housing Navigator (approved for funding 10-13-22), who will be tasked with developing a Public Involvement Plan (PIP). The PIP will identify outreach objectives, a timeline, project milestones, and methods for outreach (surveys, focus group meetings, etc.). The PIP will identify focus group members and stakeholders as well as subject matter experts.
2. **Task 2: The Market Feasibility Study.** The consultant will develop a market feasibility study which will involve developer interviews and a study of land and improvement costs to better understand development proformas, and to understand the financial impacts on workforce housing at varying percentages and how increased height, density, building footprint, and/or a reduction in parking requirements offset those impacts. The study will take into consideration existing zoning restrictions, development approval procedures and permitting costs, current land and construction costs, market rents, and other such data, in addition to the proposed incentives, to test the financial feasibility of a series of prototypical developments throughout the City. The study will culminate in a market feasibility study report that will inform regulatory updates, maximize utilization of regulatory incentives, and increase production of workforce housing.
3. **Task 3: Draft Regulations.** The consultant will work with the Land Use Committee (Steering Committee), the Housing Navigator, and City staff to develop draft regulations for review and refinement over a series of meetings with the Land Use Committee, the Planning Board, and City Council. This may include adding districts, adjusting dimensional relief incentives, adding fee-in-lieu options, and modifying workforce housing requirements.
4. **Final Regulations for Adoption and Public Input Response Matrix.** The consultant will prepare final documents for review and adoption. This will include the preparation of all redlined amendments and accompanying explanatory notes. A summary of how regulations were responsive to public input will accompany the final documents. The final outcome will be increased utilization of development incentives for the production of workforce housing including fee-in-lieu options that will provide another tool for future workforce housing.

Staff Recommendation

Vote to accept the InvestNH Housing Opportunity Grant funding and authorize staff to enter into a formal grant agreement.

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	11/8/22
Department/ Contact Person:	Public Works: Peter H. Rice, Director
Donation Amount:	\$5,000.00

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Annual Tree Planting

Is there a particular purpose intended with this donation:

Future planting to offset 5 trees removed on Heritage Ave.

Other Information/Special Conditions:

Removal recommended by the Trees and Public Greenery Committee at their September 14th meeting.

Donor Information

First & Last Name:	Robert Grantham & Cynthia Nix
Business Name:	Ruby Realty
Address*:	304 Maplewood Ave.
Phone*:	603-294-0421
Email*:	cnix@mjdc304.com

Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk () indicates it will not be publicly distributed.*

Atkinson

ANIMAL POLICY – TOWN PROPERTY:

Inside Town Buildings:

No animals are allowed inside town buildings.

Outside of Town Buildings:

- Pets must be leashed and under control at all times and are not allowed to roam at large.
- Animals are not allowed on athletic field areas or in the Town Cemetery
- Leash, curb and clean up after your dog

Auburn

DOG REGULATION ON TOWN PROPERTIES ORDINANCE:

SECTION 3: DEFINITION: It shall be unlawful for any person, firm or corporation to have a dog or domestic animal, except for a service animal as provided in NH RSA 167-D, in the playgrounds, athletic fields or cemeteries in the Town of Auburn.

Barrington

Town of Barrington Ordinance Forbidding Domestic Animals Running at Large:

1. Permitting animals(s) to run at large:

(a) It shall be unlawful for the owner of any animal to knowingly, voluntarily, negligently or willfully permit any such animal to run at large in the Town of Barrington wither upon the premises of another or upon the public lands, highways, roads or streets (whether maintained by the State of New Hampshire or Town of Barrington).

Candia

Animal Control (posted on city website):

Candia has a leash law

Your dog should always be under your control. This is for the dog's safety as well as the safety of other animals and/or people.

Chester

Ordinance: Dogs at Wason Pond

SECTION III: LEASH REQUIREMENTS No person shall exercise or walk a dog at Wason Pond Conservation and Recreation Area unless the dog is leashed with a leash of no more than eight feet in length that is able to restrain the dog under the physical control of the person exercising or walking the dog.

Danville

Town Ordinances: TOWN ORDINANCE #9 Dog Control:

1. All dogs within the Town of Danville must be restrained or under the control of the owner at all times.

Deerfield

Town of Deerfield, NH ORDINANCES: ANIMAL CONTROL ORDINANCE 01-2008 DOG ADDENDUM:

Prohibition in Parks and Commons:

1. No person, firm or corporation shall allow any animal to be present in the Town of Deerfield’s designated park and recreational properties with the following exceptions:

- A. Dogs are permitted on a leash;
 - a. On town conservation properties and town designated trails unless posted otherwise,
 - b. At Gazebo Field when there are no scheduled events, gatherings or similar programming

Derry

Code of Ordinances: Chapter 20 Animals:

§ 20-3 Running at large prohibited; hunting dogs. It shall be unlawful to permit any dog to run at large. See definition. This section shall not prohibit the use of hunting dogs in the Town for hunting or training purposes, provided that the dog is accompanied by and under the control of a person actually engaged in the pursuit of game or training the dog or dogs concerned.

Derry does not have a leash law, but we do have a dog control ordinance, which requires that all dogs must be under the control of their owner. - posted on city website

Concord

Code of Ordinances: CHAPTER 6 - RECREATION:

6-1-5 - Treatment of Recreation Facility Property. It shall be a violation of this Article for any person in any recreational facility to:

(e) Bring a dog or other domesticated animal into recreation facilities, unless such animal is continuously restrained by a leash not exceeding six (6) feet in length, except that no dog or other such animal shall be permitted in the immediate vicinity of swimming pools, and children's play areas designated by signs as prohibited areas. This ordinance shall not be construed to prohibit such conduct when authorized by permit issued under the authority of the Parks and Recreation Director.

Dover

DOVER CODE DOGS CHAPTER 89:

89-8. Running at Large.

A person who owns or keeps a dog within the City shall not permit or allow such dog to be at large in the City, unless:

- A. The dog is restrained by being kept on a leash not exceeding 8 feet in length; or
- B. The dog is accompanied by the owner or custodian and under voice control.

Durham

Municipal Code: Chapter 049: Regulation of Dogs:

49-1. Leash Requirement.

Except as provided in section 49-2, all dogs in the Town of Durham shall be restrained by a leash not exceeding eight (8) feet in fixed length or a retractable leash with stop control.

49-2. Exceptions to Leash Requirement. Section 49-1 shall not apply in the following circumstances:

A. When the dog is physically present in a structure or vehicle of, or on land owned by

1. the dog's owner; or
2. another person who has consented to the presence of the dog;

B. When, after receipt of a written request of any person, the Durham Town Administrator gives written consent, under such conditions that he shall set forth by written directive, for a variance from the requirements of section 49-1 for a particular occasion or event that, in the judgment of the administrator, justifies such variance; or

C. Federal or state law requires otherwise.

East Kingston

Article 411: TOWN DOG ORDINANCE:

A. All dogs within the Town of Kingston must be leashed or restrained at all times.

Farmington

Leash Law (Posted on PD website):

Please remember to keep your dog on a leash or under your control. We seem to be having a lot of dogs running loose this past month. We don't want to see any of them get hit by a car, or bite someone. Remember to license your dog in April. Your help is greatly appreciated.

Fremont

TOWN of FREMONT SELECTMEN'S ORDINANCE REGULATING DOGS:

B. ACTS PROHIBITED

RUNNING AT LARGE: It shall be unlawful for the owner or keeper of a dog to permit a dog so owned or kept, to run at large without being controlled by a leash, except for the following,

1. When the dog is on the owner's property.
2. When the dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition.
3. When the dog is accompanied by owner or custodian and is in actual training for hunting, herding, supervised competition and exhibition.

Epping

N/A

Exeter

Town Ordinances: CHAPTER 9 ANIMAL CONTROL

902 At Large Prohibited It shall be unlawful for the owner or keeper of a dog to permit a dog so-owned or kept, to run at large without being controlled by a leash, except for the following:

- a. when dog is upon the owner's property;
- b. when dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition, or;
- c. when in actual training for hunting, herding or competition and exhibition.

Greenland

N/A

Hampstead

Town of Hampstead Cemetery Policies:

15. Any animal brought into a cemetery must be leashed or otherwise restrained.

Hampton

Code of the Town of Hampton: Chapter 18:

§ 18-6. Restraint.

A. It shall be unlawful for the owner or person having custody of a dog to permit a dog to run at large without a leash and under restraint from the owner or person in custody of the dog, except upon his own property or while hunting under the control of his owner or person having custody.

Hampton Falls

N/A

Kensington

Dog Ordinance:

1. It shall be unlawful for the owner or keeper of a dog to permit a dog so owned or kept to run at large without being controlled by a leash, except up his own property or while hunting under the control of his owner or keeper.

Kingston

Article 411: Town Dog Ordinance:

A. All dogs within the Town of Kingston must be leashed or restrained at all times.

Lee

Dogs a Menace NH RSA 466:31 As it pertains to dogs being off leash etc:

(a) If a dog is "at large," which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, supervised competition, exhibition, or training for such activities if accompanied by the owner or custodian, or a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being

conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

Londonderry

ORDINANCE 2022-06 An Amendment To Title IV, Public Health, Safety And Welfare, Chapter VIII, Animal Control:

Section II D. No dog shall be unleashed in a Mandatory Leash Area.

Madbury

Rules about Dogs (posted on city website):

NH RSA 466:30-a was adopted at Town Meeting on March 13, 2001. ...it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition, or for training for such. For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, where training is being conducted, where trials are being held, or where the dog is guarding, working, or herding livestock. Nothing herein provided shall mean that the dog must be within sight at all times.

Manchester

Manchester, NH Code of Ordinances: Chapter 90:

§ 90.12 RUNNING AT LARGE PROHIBITED.

(A) No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to run at large within the city at any time.

(B) Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, parkway, or other public place in the city, if the dog is securely confined in an automobile.

(C) Notwithstanding any definition to the contrary, a dog shall be deemed "at large" if that dog is on or being walked upon a public street, parking lot or facility, sidewalk, or right-of-way adjacent to a street and is not actually on a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog.

Middleton

N/A

Milton

N/A

Nashua

The City of Nashua's Code of Ordinances: Chapter 93 Animals:

§ 93-5 Dogs running at large.

[Amended 7-18-1977 by Ord. No. O-77-193; 8-11-1998 by Ord. No. 0-98-42; 7-10-2007 by Ord. No. O-07-114; 9-24-2019 by Ord. No. O-19-052]

It shall be unlawful for any dog to run at large. The term "at large" means off the premises of the owner or keeper, and not under leash or other physical restraint of the owner or a responsible person, or not within the confines of the fenced area of an off-leash dog park approved by the City of Nashua and Animal Control Officer (ACO).

New Castle

Dog Control Laws in New Castle (posted on city website):

Owners must restrain their dogs from running at large within the town.

New Durham

Municipal Code: Chapter 049: Regulation of Dogs

49-1. Leash Requirement. Except as provided in section 49-2, all dogs in the Town of Durham shall be restrained by a leash not exceeding eight (8) feet in fixed length or a retractable leash with stop control.

Newfields

Animal Control Ordinance:

902 AT LARGE PROHIBITED It shall be unlawful for the owner or keeper of a dog to permit a dog so-owned or kept, to run at large without being controlled by a leash, except for the following:

- (a) when dog is upon the owner's property;
- (b) when dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition, or;
- (c) when in actual training for hunting, herding or competition and exhibition.

Newton

N/A

Newington

NEW DOG ORDINANCE (posted on city website):

Due to health and safety concerns being brought to the Town's attention the Selectmen have voted to not allow dogs on the following town properties: Old Town Hall, Grove Picnic Area, ball fields and playgrounds. The Cemetery is expected to be posted soon as well. Further, dogs shall be leashed on all town public rights of way. Fines are \$100 per violation. Also, please be considerate to your neighbors and pick up after your dog.

Newmarket

Animal Control By-law:

Dogs Running at Large

3.13 No owner of a dog shall cause or permit the dog to run at large in the Town.

3.14 No owner shall permit a dog to be off-leash on any Town park or any other property owned by the Town except within a designated off leash park area as designated by the Town.

3.15 Law Enforcement Dogs or working dogs employed under contract to the Town of Newmarket are exempt from complying with the requirements of this section.

North Hampton*Ordinance 1-69 Dog Regulations:*

It shall be unlawful for the owner or keeper of a dog to permit a dog so owned or kept to run at large without being controlled by a leash, except upon his own property or while hunting under the control of his owner or keeper.

Northwood

N/A

Nottingham*Dog Ordinance:*

466:30-a Dog Control Law. – I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition, or for training for such.

Plaistow*Ordinances and RSAs:*

17-1 Dogs running at large. In accordance with RSA 466:30-a, it is unlawful for an owner of any dog licensed or unlicensed to permit said dog to run at large except when used for hunting, herding, supervised competition and exhibition or training for such.

Raymond*Code of Ordinances: Chapter 129 Dogs:*

§ 129-1 Adoption of regulations. The Town adopts the provisions of RSA 466:30-a, which makes it unlawful for an owner of any dog licensed or unlicensed to allow said dog to run at large, except when accompanied by the owner or custodian and when used for hunting or herding or supervised at competition and exhibition or training for such.

Rochester*General Ordinances of the City of Rochester: Chapter 28 Animals:*

§ 28-3 Dogs running at large.

A. No person shall permit any dog to run at large within the City of Rochester, except when such dog is engaged in hunting, herding, supervised competition and exhibition or training for such. This section shall apply to all public places and to all private property. Except as provided for herein, no person shall permit any dog to be out of doors off the owner's property unless said dog is on a leash held by a person able to control the dog.

B. For the purposes of this section, the term "running at large" shall mean running without the property owned or otherwise controlled by the owner, while not on a leash held by a person able to control the dog.

Rollinsford

N/A

Rye

Code of the Town of Rye: Chapter 15 Animals:

§ 15-3 Dogs running at large unlawful. It shall be unlawful for any dog to run at large in the Town forest, on Town beaches, on Town property or in other public places, if the dog is not under control as defined below. Any dog not under control needs to be immediately leashed.

§ 15-4 Definitions. As used in this article, the following terms shall have the meanings indicated:

RESPONSIBLE PARTY

Any person or persons accompanying a dog, whether or not said person(s) is the owner of the dog.

RUN AT LARGE

The dog is off the premises of the owner or responsible party and is not under the voice control and sight control of any persons responsible for the dog.

SIGHT CONTROL

The dog always being within the sight of the responsible party.

VOICE CONTROL

A dog returning within three calls to and remaining by the side of the responsible party, in response to the responsible party's command for the dog to return.

Salem

Code of Ordinances: Chapter 189 Animals:

Article I Dogs [At the 1980 Town Meeting it was voted to adopt the provisions of RSA 466:30-a, which makes it unlawful for an owner of any dog, licensed or unlicensed, to allow said dog to run at large, except when accompanied by the owner or custodian and when used for hunting, herding, supervised competition and exhibition or training for such.]

Sandown

N/A

Seabrook

Animal Control (posted on PD website)

- 1) Cemeteries: Dogs are allowed on the ground of Seabrook cemeteries but must be on a leash.
- 2) Public beaches: Dogs are allowed on the beach from September 15th to June 1st provided that they are controlled on a leash at all times.
- 3) Dogs at large: It is unlawful for any dog to be permitted to run at large at any time.

Somersworth

Attention: All Dog Owners! (posted on city website)

Please be aware that the City of Somersworth has a leash law that prohibits dogs from running at large.

City Ordinances: CHAPTER 30 CONDUCT IN PUBLIC PARKS:

12. City Trails. "City Trail" means any trail designated by the Parks and Recreation Department for use by pedestrians. Parks that have City trails include Willand Pond, Malley Farm, Riverwalk and the Mast Point Dam Recreation Area. (Amended 06/18/2018)
(a.) No person responsible for a dog shall permit the dog to be on any City trail unless the dog is held on a leash. The dog shall be reined in to within four (4) feet of the responsible person whenever it approaches or is approached by another trail user.

South Hampton

N/A

Stratham

Town Ordinances: Chapter 1-14: Regulation of Dogs:

1-14-03 Prohibitions: a) Person(s) who own, keep, or harbor a dog shall not allow such dog to be at-large in the Town. All dogs off the premises of the person owning, keeping, or harboring such dog shall be restrained by a leash not exceeding eight (8) feet in length or retractable leash with stop control.

Windham

REGULATIONS: DOGS ON TOWN PROPERTY:

SECTION IV : LEASH REQUIREMENTS:

A) No person shall exercise or walk a dog on property owned or leased by the Town of Windham without benefit of a substantial leash with proper handhold of no more than eight feet (8') in length. Said dog is to be in the charge of a person competent to keep such dog under control so as to prevent the dog from wrongfully harming or damaging, or threatening to harm or damage any person or public or private property.

Town	Status	Notes
Atkinson	Dog must be leashed at all times	
Auburn	No leash law	No leash law, dogs are not allowed in playgrounds, athletic fields, or cemeteries at all
Barrington	Dog must be leashed at all times	
Brentwood	No leash law	Unable to find any ordinances pertaining to dogs at large
Candia	Dog must be leashed at all times	Exception made for hunting, herding, and competitions
Chester	Dogs must be leashed in certain areas	Only applies to Wason Pond
Concord	Dogs must be leashed in certain areas	Dogs must be leashed in vicinity of swimming pools and children's play areas designated by signs as prohibited areas.
Danville	Dog must be leashed at all times	Not specific on definition of "under control"
Deerfield	Dogs must be leashed in certain areas	At parks only (dogs are banned from certain parks)
Derry	Dog may be at large	Dog must be "under control"
Dover	Dog may be at large	Dog must be under voice control
Durham	Dog must be leashed at all times	
East Kingston	Dog must be leashed at all times	
Epping	No leash law	Unable to find any ordinances pertaining to dogs at large
Exeter	Dog must be leashed at all times	Exception made for hunting, herding, and competitions
Farmington	Dog must be leashed at all times	
Fremont	Dog must be leashed at all times	
Greenland	No leash law	Unable to find any ordinances pertaining to dogs at large

Town	Status	Notes
Hampstead	Dogs must be leashed in certain areas	Dogs must only be leashed in cemeteries
Hampton	Dog must be leashed at all times	
Hampton Falls	No leash law	Unable to find any ordinances pertaining to dogs at large
Kensington	Dog must be leashed at all times	Exception made for hunting
Kingston	Dog must be leashed at all times	
Lee	Dog must be leashed at all times	Exception made for hunting, herding, and training
Londonderry	Dogs must be leashed in certain areas	Dogs must be leashed in “mandatory leash areas”
Madbury	Dog must be leashed at all times	No dogs allowed in parks
Manchester	Dog must be leashed at all times	
Middleton	No leash law	Unable to find any ordinances pertaining to dogs at large
Milton	No leash law	Unable to find any ordinances pertaining to dogs at large
Nashua	Dog must be leashed at all times	
New Castle	Dog must be leashed at all times	
New Durham	Dog must be leashed at all times	
Newfields	Dog must be leashed at all times	Exception made for hunting, herding, and competitions
Newington	Dog must be leashed at all times	Dogs banned from certain areas
Newmarket	Dog must be leashed at all times	
Newton	No leash law	Unable to find any ordinances pertaining to dogs at large
North Hampton	Dog must be leashed at all times	Exception made for hunting
Northwood	No leash law	Unable to find any ordinances pertaining to dogs at large

Town	Status	Notes
Nottingham	Dog must be leashed at all times	Exception made for hunting, herding, and competitions
Plaistow	Dog must be leashed at all times	
Raymond	Dog must be leashed at all times	Exception made for hunting, herding, and competitions
Rochester	Dog must be leashed at all times	
Rollinsford	No leash law	Unable to find any ordinances pertaining to dogs at large (Rollinsford website is down)
Rye	Dog may be at large	Dog must be within sight and under voice control
Salem	Dog must be leashed at all times	Exception made for hunting, herding, and competitions
Sandown	No leash law	Unable to find any ordinances pertaining to dogs at large
Seabrook	Dog must be leashed at all times	
Somersworth	Dog must be leashed at all times	According to website
South Hampton	No leash law	Unable to find any ordinances pertaining to dogs at large
Strafford	No leash law	Unable to find any ordinances pertaining to dogs at large
Stratham	Dog must be leashed at all times	
Windham	Dog must be leashed at all times	

All towns in Rockingham County and Strafford County + Concord, Nashua, and Manchester

November 2022

Historic Cemetery Committee Report

This summary report is submitted to the City Council in order to update the City Council on the work of the Cemetery Committee over this past year.

Last year the City Council supported the Cemetery Committee's recommendation to adjust the Capital Improvement Plan (CIP) and to budget \$40,000 for each of the next five years (total \$200,000) for cemetery restoration. In September 2022, the Cemetery Committee responded to the City's request for citizen CIP requests by submitting an application for additional CIP funds.

Items completed:

- Union Cemetery was placed on NH Historic Registry
- City awarded a \$20,000 Moose Plate Grant which will be used to repair seawall at North and Union cemeteries; the grant application was prepared by a member of the Committee
- Cleaned 703 headstones in eight, three hour sessions with 55 volunteers
- Committed to the 400th Committee to clean 400 headstones in May 2023
- Cotton Cemetery wing wall was rebuilt using original stones
- Designed a Rack Card to promote city cemeteries and generate donations to be distributed in the community
- Cemetery initiated a request to trim the trees at Pleasant Street Cemetery to provide a public view of the cemetery from the street. There was only a 10% view of the cemetery before trimming and much improved viewscape after public works trimmed the trees
- Chris Benecick, a committee member, submitted a cemetery article for the 101 Objects book that the 400th Committee produced for the celebration

Work that is underway and ongoing is summarized below.

Members of the committee are working with City Staff to create an interactive Google Earth Map displaying all verified cemeteries within

Portsmouth city limits. It will be displayed on the city web page and Portsmouth Library.

The Committee is working with City staff and others to construct an online database for cemetery records which will include incorporating headstone location information from the records/books of Arthur Locke, John Frost, and Louise Tallman. It will be supervised by the Portsmouth Library's Reference Department.

The HDC is reviewing their completed application for becoming a State of New Hampshire Certified Local Government. Then the application will be submitted to the City Council. Nick Cracknell, of Planning Department, has been our liaison on this project. This certification will benefit the Cemetery Committee in our quest for grants on both state and federal levels.

Point of Graves is located in the designated sea level impact area of the City and the Committee is working with Public Works to test water table levels at Point of Graves to determine how to best rebuild the historic stone wall.

The Cemetery Committee is reviewing Chapter 289, Cemeteries, of the NH State RSAs to assist the City in meeting its statutory requirements.

Working with City Staff and Police for best way to discourage vandalism in the cemeteries.

Working with City staff on what type of signage to be used in cemeteries to deter dog waste being left on grave sites.



City of Portsmouth, New Hampshire Mayoral Blue-Ribbon Committee
Wednesday, October 19 at 6:30 pm
City Hall Conference Room A and Zoom
Meeting Minutes

On this date, the Citywide Neighborhood Committee met at City Hall to discuss proposed changes to the NNO/neighborhood block party event and other committee business. The meeting began at 6:40 pm.

Attendees: Larry Cataldo - chair, Elaine Apatang - vice chair and Lori Soloway, all from the committee; Kathy Bergeron, former chair of the CNC and City Councilor John Tabor, the City Council's CNC representative. From the city, Chief Mark Newport and Sgt. Brian Houde of the Portsmouth Police Department were present.

Also attending were Scott Forte, president of Seacoast Crime Stoppers, Susan Sterry, Friends of the South End and Sheridan Lloyd, the neighborhood representative from Cliff Road/Walker Bungalow.

The meeting began with a presentation by Larry Cataldo on NNO statistics and an alleged decision by the city manager and the police chief. This followed with a lengthy discussion of the issues surrounding the National Night Out event.

Chief Newport, at first, clarified that the city had not made a firm decision on the number of locations and it desired more discussion with the committee.

The issue is that the NNO's event with neighborhood block parties has apparently become so popular that Police, Fire and Public Works departments are stretched thin to meet the expectation of 16 neighborhood locations. The Chief suggested that we choose five locations for the NNO event date and invite the neighborhoods to attend one of these. He further said that the number of locations is not fixed but it should be less than 16, the number of block parties held last August 2nd. Scott Forte felt that a single large event, such as the one in Greenland this year, can offer the best solution but two or three locations would also work.

From the previous discussion, most of us agreed that it was impossible for most first responders to reach each and every block party and, as a result, the Police Department would not be able to meet all of the neighborhoods' expectations. Chief Newport also said that with so many locations, he would not be able to meet his own expectations of being able to talk to residents and hear what they have to say. Hence, reducing the visits would make a big difference.

A number of the attendees cautioned that the NNO link with neighborhood block parties is a long-standing tradition, dating back to 1994. We must be careful not to unhinge what has become a special event in Portsmouth whereby neighborhood children and adults get together once a year, enjoy food, conversation and welcome city employees and equipment.

Larry Cataldo and Kathy Bergeron argued that the first responder visits are the fabric that makes this event the success it is. Therefore, any solution must be carefully considered. This was amplified by Susan Sterry and Sheridan Lloyd, the two neighborhood representatives attending.

After much discussion, Larry suggested that a small sub-committee should continue the discussion in the near future with the expectation that some solutions would be reached by the yearend or in early next year – well before the August NNO event. Besides Larry, Sgt. Brian Houde, Kathy Bergeron, Scott Forte, Elaine Apatang and Sheridan Lloyd volunteered to be on the committee.

Note: Following the meeting, Sgt. Houde secured a large city map to for the next meeting to help the committee decide on the best NNO locations. We will hopefully meet in the library sometime in early December. Other CNC members and neighborhood representatives would also be invited.

Because the NNO discussion lasted almost two hours, Larry decided to end the meeting without covering other agenda items. These would be discussed on December 14th, the committee's next meeting.

The meeting closed at 8:20 pm.

Respectfully submitted by

Larry Cataldo – Chair of the CNC

[NNO Overview Presentation Oct 19.pdf](#)



CITYWIDE NEIGHBORHOOD COMMITTEE
NEIGHBORHOOD OUTREACH FORUM – WARD 1
OCTOBER 26, 2022, 6:30 p.m. AT THE NEW FRANKLIN SCHOOL

Committee members welcomed Ward 1 residents.

Peter Somssich. The forum moderator, opened the meeting with a summary of the purpose of the CNC and the intent of these forums, which are open to the general public, not just specific ward residents. They do not require that attendees submit questions in advance. These are unique conversations between city authorities and the residents, unlike the City Council and other committees.

City officials in attendance were Mayor Deaglan McEachern, City Manager Karen Conard, Department of Public Works Director Peter Rice, Fire Chief Bill McQuillan, Deputy Police Chief Mike Maloney, School Board Chair Nancy Novelline Clayburgh, City Council member John Tabor, and NH State Representative Jackie Calli-Pitts. CNC committee members included Larry Cataldo - chair, Elaine Apatang – vice chair, Peter Somssich, and Kathleen Boduch.

Mayor McEachern opened the remarks by reminding the attendees that he had spent his youth at the New Franklin School, and he thanked everyone who attended and mentioned that a goal of the current council is to improve the communication between the City Council and residents. He encouraged those in attendance to continue to attend these and City Council meetings and to bring their friends. John Tabor echoed those thoughts.

Fire Chief McQuillan addressed the group, highlighting the work of the department: the number of calls, personnel on duty, the increase of work because of changes in the city.

Assistant Police Chief Maloney complemented the fire department as being great partners in keeping the residents safe. He credited them as being the best fire department he has ever worked with in his 24 years of service. They often work hand-in-hand, especially with EMT calls and emergencies. The police department now has 68 officers and hope to hire two more at the turn of the year. The population is at about 23,000 but local employment and tourism raise that number to between 50-60,000 on any given day. Safety on the streets is a major concern, with the department making about 1 traffic stop an hour every day. Many of the stops are for residents speeding in their own neighborhoods. Catalytic converter thefts are on the rise as are bike thefts. He warned residents to lock their cars. There has been a spike in DWI and DUI

stops. They are noticing a rise in methamphetamine and fentanyl use. The department has started a program to train businesses and others how to behave in an active shooter situation.

Nancy Clayburgh who has been active in city government for many years, is now active on the School Board. She spoke to the changes in the city and the effect of COVID on the students and their families. Scores are down, as they are everywhere, but much is being done to improve that situation. She said that the new superintendent feels the students here are almost back to normal. She complemented the staff and programs at the Robert Lister school and the CTE (technology) program at the high school for helping many students stay in school. Nancy said that the school board had done a study about the number of children who had moved into the new housing in Portsmouth. They discovered that many of the new occupants are mostly either over 55 or empty nesters, so that there will not be a need to redistrict.

Peter Rice spoke about his department and the ways residents can contact him/them. Click n Fix is available online for any issues that need quick attention. You can also call the dispatcher at 603-427-1530 to make a direct contact. That person will connect you with the department that you would need for your situation. He also addressed the Capital Improvement Plan (CIP) which is a 5-year on-going plan to address needs in the city. Anyone can initiate a repair or improvement. You can get the forms online on the city website. He warned that once something is submitted it doesn't mean that it will be done right away. It has to go through an approval process before being funded. It takes time, but things can and will get done. Peter also addressed issues that have been/are being/ or will be done in Ward 1: paving, bridge work, noise barriers (North side of 95 are funded and they are going after the south side); Russell Street and Market Street work is moving forward; Edmond Ave water/sewer line project; Hanover Street garage project; Fleet Street from State to Hanover new drain line under design; Market Square working to reinforce what is good and seeking to improve things that are not, including utilities that need to be upgraded.

The attendees then had various **questions and concerns for the panel:**

- Parking problems while Hanover Street Garage is being repaired. Note: Foundry Place Garage (\$1.00 per hour; Max Rate \$20; Lost Ticket: \$20; All day free parking on Sundays for Portsmouth residents; must show IDs
- Burkitt Street: embarrassing condition
- Spill on Route 1 Bypass is a danger/concern to the residents
- Speed and safety concerns on the bypass. An attendee suggested police presence at the underpass and a reduced speed.
- Drainage of waste water and toxins into North Mill Pond
- Lack of lighting at the underpass and the new intersection off Islington
- Speeding on Woodbury at the school entrance road in the early morning when children are being dropped off, also making exiting of the school property difficult for drivers. That intersection is dangerous with cars speeding onto and off of the exits from the bypass.

- Cutts Street intersection where a bump out has been removed is dangerous. Shrubbery needs to be trimmed at the intersection. Sight line is diminished.
- Lack of safety on the traffic circle. Note: both the bypass and the traffic circle are within the jurisdiction of the State and the State Police, not Portsmouth city. DOT has denied the installation of any lights or enhanced arrows on the pavement.
- Speeding concerns Note: the mayor suggested that those concerns should be brought to the Parking Traffic and Safety Committee so that speed zones, calming tables, speed bumps, etc. can be considered. That's a good place to start the conversation.
- Bartlett Street construction projects should be better advertised so that residents can make appropriate arrangements for travel.
- Bartlett Street speed calming. Peter Rice said that the community needs to get together and reach consensus about what they feel would be the best solution and then meet with Peter and Parking/ Traffic/Safety committee. Bollards or no bollards. Speed tables, whatever. What would they prefer for their situation.
- The area under the I-95 bridge: what's happening there? It is still under consideration. Drainage needs to be enhanced before they can move forward.
- Maplewood bridge needs lights.
- Truck traffic on Bartlett is still problematic. Residents would like to see Bartlett Street returned to a neighborhood street, not used as a pass through. The complaint was that it is not local traffic.
- Car-Meet-Ups, the events when many cars gather at one place and make noise and speed. The police are aware of the situation and can summons/arrest on in the event of excessive noise or lawlessness. These events are seemingly frightening, with the groups being so large, but they have not been lawless.
- Expressed concern over possible over-parking once the new development is finished in the Sheraton Hotel parking lot development.
- Several attendees expressed the thinking that Ward 1 is the "Other side of town," that pavement and sidewalks are not as well cared for as they are in other parts of the city. The bypass area doesn't look nice any more. It needs a "tidying up." The remnants of the concrete removed for the railroad crossing repair have not been removed. Peter Rice said he would look into that.
- Pot hole problem near/at Hanscom's on the bypass. Difficult problem because it is in the jurisdiction of the state, not the city.
- The WALK light needs to be adjusted on Maplewood. Peter Rice said that it has been tested and found to be working well.
- What ever happened to FREE PARKING on Sunday in the lot!
- Need for a sidewalk up by the church on Woodbury. Children are riding their bikes in the area and it is not safe. The hill at the top of that street is also a line-of-sight hazard for those turning into RiteAid.

The Committee gives special thanks to the panel of city officials for coming out and being so open. Thank you to Peter Rice for your management of the Hanover Garage project because it has been quiet and clean so far. Thanks to the police department for their survey.

Submitted by

Kathleen Boduch
CNC Secretary