

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 17, 2023 TIME: 5:45PM

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_bDc5jzS3Q9GXB_nwKYF1-Q

5:45PM - ANTICIPATED NON-PUBLIC SESSIONS ARE 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

***Portsmouth High School Sophomores
Student Government Day Participants***



***Kelly Moriarty, Mayor
Maggie Pataki, Assistant Mayor
Elise Sedam, Councilor
Logan Reis, Councilor
Sophie Williams, City Manager***

***Josh Ciotti, Councilor
Isha Shah, Councilor
Oliver Fitzpatrick, Councilor
Reilly Collins, Councilor
Amanda Yusuf, City Attorney
James Johnston, City Clerk***

***“The beginning of every government starts with the education of our youth.”
Greek Philosopher - Pythagoras***

PROCLAMATIONS

1. Portsmouth Rotary Centennial Day
2. National Child Abuse Prevention Month
3. Earth Day

VII. ACCEPTANCE OF MINUTES – MARCH 31, 2023 SPECIAL CITY COUNCIL MEETING

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. *Recognition of former City Manager Calvin A. Canney for his 20 years of service to the City of Portsmouth
2. *Recognition of Community Members of the University of New Hampshire Cheerleaders – The 2023 National Cheerleading Association All-Girl Grand National Champions

IX. PUBLIC COMMENT SESSION *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom) (An Additional 45 minutes for public comment regarding McIntyre occurs later in the agenda)*

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

Public Hearing/Second Reading of Ordinance:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IV, Section 1.411 – Cemetery Committee – Membership and Term ***(Sample motion – move to pass second reading and hold third and final reading at the May 1, 2023 City Council meeting)***
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

Public Hearing/Adoption of Resolution:

- B. Public Hearing/Adoption of Resolution on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to One Million Eighty-Three Thousand Five Hundred Dollars (\$1,083,500.00) for Additional Costs for Constructing the Greenland Road Recreation Facility (Skateboard Park) ***(Sample motion – move to adopt the Resolution as presented)***
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

Second Reading of Ordinance:

- C. Second Reading of Ordinance amending Chapter 10 – Accessory Dwelling Unit, Section 10.430 – Use Regulations, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 10.814 – Accessory Dwelling Units, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, Article 15 – Definitions – Section 10.1530 – Terms of General Applicability ***(Sample motion – move to amend the ordinance as presented by the Legal Department. Further, move to continue second reading and hold a public hearing at the May 1, 2023 City Council meeting)***

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Paperless Billing Initiative

XII. CONSENT AGENDA

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

- A. Letter from Brian Miller, New England Run For The Fallen, requesting permission to hold the 3rd Annual Run For the Fallen on Sunday, August 20, 2023 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Richard Mason, Veterans Count, requesting permission to hold the “On the Tarmac” event on Friday, September 8, 2023 from 5:00 p.m. to 9:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Sandi Clark Kaddy, Seacoast African American Cultural Center, requesting permission to hold the 2nd Juneteenth Walk on Sunday, June 19, 2023 at 9:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Request from Emily Rives, Aster House, to install a Projecting Sign at 142 Fleet 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. *Presentation Regarding the City's Community Engagement – Monte Bohanan, Director of Communications & Community Engagement
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. *McIntyre
 - Special Public Comment Session ***(This session shall not exceed 45 minutes)***
 - Deliberation regarding Disposition ***(Sample motion – move to schedule a public hearing to identify funds for acquisition of the property at fair market value, or in the alternative, move to advise the GSA that the City will not be proceeding with a negotiated sale)***

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

1. Portsmouth Sustainability Fair

B. COUNCILOR BAGLEY

1. *ADU Ordinance (***Sample motion #1 – move to remove all optional aesthetic requirements for attached ADUs as is allowed by the RSA except in HDC districts. Keep design standards for the HDC districts***)

(Sample motion #2 – move to remove any parking requirements for ADUs as this will trigger the 3 parking space required rule, decrease permeable land, and increase the city’s heat signature for a relatively small increase in housing as well as replace green space with parking in our residential neighborhoods)

(Sample motion #3 – move to increase ADU size to a maximum of 850 sq ft.)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Health Trust Wellness Reward - \$2,000.00 (***Sample motion – move to approve and accept the Wellness Reward as presented***)
- B. *Acceptance of FY24 Community Development Block Grant Funds – \$529,546.00 (***Sample motion – move to accept and expend a Community Development Block Grant in the amount of \$529,546.00 from the U.S. Department of Housing and Urban Development***)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

(There are no City Manager Informational Items this evening)

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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

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

A Proclamation

Whereas: The Portsmouth Rotary Club is a dynamic group of over 140 members committed to living the Rotary International motto of "Service Above Self" united with 1.4 million Rotarians around the world to make things better, one person at a time; and

Whereas: Portsmouth Rotary was chartered on March 28, 1923 – 100 years ago – and is celebrating its proud history of service at the same time as Portsmouth is celebrating its 400th anniversary; and

Whereas: Portsmouth Rotary is an organization made up entirely of volunteers who donate countless hours of community service and fundraising in the Seacoast area, year after year; and

Whereas: Portsmouth Rotary is committed to helping our community—and the world at large—to unite and succeed in humanity's common pursuit of health, happiness, personal and professional fulfillment, and peace; and

Whereas: The Club donates the money they raise to both local and international non-profits, sponsoring and leading a number of fund-raisers throughout the year – including holiday tree and ornament sales – that enable them to support worthwhile causes and charities that are making a difference in so many peoples' lives; and

Whereas: Portsmouth Rotary is taking the opportunity of its 100th and the City's 400th to make the significant donation of over \$100,000 to the communities it serves, including specific donations of \$30,000 to the City for the purpose of two projects that will benefit our community and future generations now and for decades to come. Half of the funds go to plant 100 trees as part of the Portsmouth anniversary "400 Trees for the 400th" initiative and half go to making the playground at South Mill Pond more accessible; and

Whereas: Like the landmarks memorialized in the Club's iconic brass ornaments, Portsmouth Rotary is an institution where fond memories are made and bonds created that last for lifetimes, and our community would be poorer in so many ways without you,

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim April 20, 2023 in Portsmouth, New Hampshire as

Portsmouth Rotary Centennial Day

and urge all citizens to celebrate the essential contributions of Portsmouth Rotarians to the past, present, and future of Portsmouth.



Given with my hand and the
Seal of the City of Portsmouth,
on this 17th day of April 2023



Deaglan McEachern, Mayor of Portsmouth

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

A Proclamation

Whereas: We believe that every child is entitled to love, care, security and protection from abuse, exploitation and neglect we know that in 2022, there were nearly 2,000 reports of child abuse in New Hampshire; and

Whereas: Child abuse can have long term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

Whereas: Effective child abuse prevention activities that promote the social, emotional, and developmental well-being of children succeed thanks to partnerships created between child welfare professionals, education, health, community and faith-based organizations, businesses, law enforcement agencies and families; and

Whereas: We acknowledge that we must work together as a community to increase awareness about child abuse and promote programs and activities that create strong and thriving children and families; and

Whereas: Prevention remains the best defense for our children and families.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim April 2023 in Portsmouth as

Child Abuse Prevention Month

and call upon the residents of Portsmouth to support programs and initiatives that create positive, healthy environments for children in this city and throughout the state.



Given with my hand and the
Seal of the City of Portsmouth,
on this 17th day of April 2023

A handwritten signature in black ink, appearing to read "Deaglan McEachern". The signature is written over a horizontal line.

Deaglan McEachern, Mayor of Portsmouth

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

A Proclamation

Whereas: Earth Day is April 22, founded in 1970 when there was no EPA, no Clean Air Act, no Clean Water Act and there were no legal or regulatory mechanisms to protect the fragile and beautiful nature of this blue and green planet; and

Whereas: Earth Day is now the largest environmental movement in the world and with this year's theme, "Invest in the Planet" seeks to persuade businesses, governments and citizens to invest in our planet to improve our environment and give our descendants a better and safer future; and

Whereas: Portsmouth declared itself an Eco-Municipality in 2007, remains committed to the goals of greener energy and to "Think Blue," sustains an active Sustainable Practices Committee, and with the leadership of the Department of Planning and Sustainability is crafting a Climate Action Plan as a pillar of the 2025 Master Plan; and


Whereas: Portsmouth is grateful for the grassroots efforts of citizen Earth advocates rallying the community around those goals and to the dozens of organizations such as the Portsmouth High School Eco-Club, Seacoast Students for Sustainability and Portsmouth Climate Action, participating in the 2023 Day of Action,

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim April 22, 2023 as

Earth Day in Portsmouth

and call upon the residents of Portsmouth to combat climate change and environmental degradation, support green economy initiatives, and to encourage others to undertake similar actions.

Given with my hand and the
Seal of the City of Portsmouth,
on this 17th day of April 2023


Deaglan McEachern, Mayor of Portsmouth



SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: FRIDAY, MARCH 31, 2023

PORTSMOUTH, NH
TIME: 12:00PM

PRESENT: Mayor McEachern, Assistant Mayor Kelley (4:05 p.m.) (*via zoom*), Councilors Tabor, Denton, Moreau, Bagley, Lombardi (4:05 p.m.) (*via teleconference*), Blalock and Cook

IV. RETURN TO PUBLIC SESSION

Councilor Moreau moved to seal the minutes and adjourn the Non-Public Session. Seconded by Councilor Bagley. On a unanimous roll call 9-0, motion passed.

V. REPORT ON MEETING WITH GSA

City Attorney Morrell said that the city had a scheduled meeting via zoom with the GSA and our Development Partner Michael Kane and several of his employees and construction partners. She stated during that call we provided the status of our progress. She said over the last few weeks we have been working extremely diligently with our development partner on construction costs estimates to expect for costs and on the pro-forma, meaning what do we expect for rents, what to expect for costs, what is reasonable to expect for expenses in terms of tenants. She said all of these are part of a pro-forma that governs the costs of construction and contributions between the development partner and the city. City Attorney Morrell stated we have not reached an agreement on those terms despite our efforts. She said there was an adjustment to the cost of construction based on the community plan and we agree with those costs but not the pro-forma. She stated we asked our development partner if they would agree with profit sharing based upon the city contributing money towards the project. She said we had asked if we would be paid back as an equity partner with the same percentage of the profits and our development partner has refused that request adamantly. She said the development agreement we talked about at the last special meeting which were trying to get signed, it had termination rights. She stated at the last meeting, there was no agreement on that but at 5:00 p.m. last night, we received a letter from Michael Kane's attorney indicating that they would sign the development agreement containing all those termination rights. She indicated we have not made sufficient progress on the pro-forma or the ground lease, which would reflect revenue sharing and potential profit sharing. City Attorney Morrell said without the ground lease and the pro-forma agreement we cannot submit an application to the National Parks Service, which must be part of the application. She said we advised the GSA of that issue, and their comments were essentially that they were not optimistic that we would be able to move forward. She stated Mr. Kelly said he could not be supportive of the program as he does not see a clear path forward, but he did not make a definitive statement to the city, in terms of where we go from here. She said he indicated that the GSA would be back in touch with the city early next week. She stated it is not anticipated that there will be any change in circumstances between now and then, but we will wait and see and have that conversation with the GSA next week.

VI. PUBLIC COMMENT SESSION

Roy Helsel said it looks like the taxpayers will get hurt on this and the city knows what will happen.

Marylou McElwain said it is time to say enough is enough. She stated we are in the wrong direction and need to have a statement from the City Council stating, "no more."

Esther Kennedy thanked the City Council for having public comment today. She stated it is time to cut losses and say goodbye to our development partner, who has not been truthful with three City Council's. She said don't go for the waiver but move on and truly look at the public benefit for the property.

Petra Huda asked what are the City Council's next steps moving forward, where will this go and what will it cost. She said the city needs to walk away from this and let the development partner go.

Steve Barndollar said we need to stop this back and forth on this matter. He said he does not see a way out and the City Council and City staff needs to fight fire with fire.

Paige Trace said she is sad and applauded the City Council for being transparent today. She said there has not always been transparency on this matter. She stated the Council needs to stand up for the residents.

Peter Harris spoke to the residents having a right to know regarding the amount of the project. He said an agreement should not be made without terms in place.

Peter Whelan spoke to how the former City Council fired Michael Kane and this Council brought him back. He urged Mayor McEachern to take some bold action because the Council owns it and needs to get rid of Michael Kane. He said it is time to let the building go and move on.

Bill Downey asked the City Attorney if we could get specific on an "out" for the residents. He said he would like to know if the GSA says no, would we have right of first refusal. He spoke to the sense of the timing and the lack of transparency of the timing. He stated we need to move on and buy the building and make it Municipally zoned.

Patricia Bagley said she does not know how we got to this point with the developer, who is a bully. She said we have had three City Council's, two City Manager's and two City Attorney's, with many meetings on this matter. She stated we have received little information on this matter, and we need to end this.

Rick Becksted (via zoom) said moving forward the public should get the information that was promised and justify the \$2 million, which was paid to the developer. He said he would like to see the breakdown of those figures. He stated Michael Kane is an unreasonable man, and if no agreement is reached the building will be put on the market and Michael Kane will buy the building.

Councilor Denton thanked the public and GSA and spoke to the process and stated staff negotiated, and every City Council has worked in good faith working toward acquiring the building. He said despite our efforts we await to hear from the GSA on our next path.

Councilor Blalock said he appreciates the work of staff and residents on this matter.

Mayor McEachern said there has been a great deal of emotion put into this matter. He thanked everyone for their comments today and when they are less polite, you have a right to ask the City Council questions. He stated there has been an enormous effort put into this and he wished we could have submitted an application by today.

Mayor McEachern said we have a Council meeting on Monday, April 3rd and will keep the residents abreast of issues regarding the McIntyre. He stated it is his goal and effort to keep the best interests of the city in mind.

Councilor Tabor said Mayor McEachern has no obligation to have public comment today and he is being generous to a fault. We don't know our options because the GSA will be getting back to us next week. He said we have no final decision from the GSA. He thanked all the residents and said we honored the process on this project. He expressed his disappointment at not being able to submit an application.

At 1:25 p.m., Councilor Moreau moved to adjourn. Seconded by Councilor Blalock and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 17, 2023 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, Section 1.411 – Cemetery Committee – Membership and Term. 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**

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Portsmouth Public Library,
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hours.
**KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV, Section 1.411 – **CEMETERY COMMITTEE** 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: COMMISSIONS/AUTHORITIES

Section 1.411: CEMETERY COMMITTEE

- A. Membership and Term: The Cemetery Committee shall consist of not less than ~~twelve (12)~~ **seven (7)** or more than ~~eighteen (18)~~ **eleven (11)** regular members. The members shall be appointed by the Mayor subject to the approval of the City Council ~~for a term of two (2) years, coterminous with the City Council term.~~ **The first four (4) members appointed after adoption of this ordinance shall be appointed to terms of three (3) years commencing as of the date of completed appointment. Thereafter, all appointments shall be for terms of two (2) years. All appointments to fill vacancies shall serve the remainder of the vacant term. A quorum shall be a majority of the existing appointed members at any given time.**
- B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting municipal cemeteries, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Cemetery Trust Fund. Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances.
- C. It shall be the responsibility of the Cemetery Committee to encourage the restoration, preservation, and safeguarding of Portsmouth's historic cemeteries and their history for future generations.

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.

Be it further ordained that on the adoption of this amendment, the terms of all existing members of the Cemetery Committee shall be terminated. The Mayor shall thereafter re-appoint the members to the Committee with City Council approval until all existing members have been offered the opportunity for reappointment.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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

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

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY THREE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # – 2023

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO ONE MILLION EIGHTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$1,083,500) FOR ADDITIONAL COSTS OF CONSTRUCTING THE GREENLAND ROAD RECREATION FACITLIY (SKATEBOARD PARK).

RESOLVED: **THAT** the sum of up to **One Million Eighty-Three Thousand Five Hundred Dollars (\$1,083,500)** is appropriated for additional costs associated with the construction of the Greenland Road Recreation Facility (Skateboard Park);

THIS authorization is an addition to the \$1,805,000 authorized 07/11/2022 as part of Resolution #19-2022 for the construction of the Greenland Road Recreation Facility (Skateboard Park);

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **One Million Eighty-Three Thousand Five Hundred Dollars (\$1,083,500)** through the issuance 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 or notes is hereby delegated to the City Treasurer, with the approval of the City Manager.

THAT the expected useful life of the project is determined to be at least 20 years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

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

Section 10.430 Use Regulations

- 10.431 All **building** or **structure** hereafter erected, reconstructed, altered, enlarged or moved, and all **uses** hereafter established, shall be in conformity with the provisions of this Zoning Ordinance.
- 10.432 No **building, structure**, or land shall be used for any purpose or in any manner other than that which is permitted in the district in which it is located.
- 10.433 **Buildings, structures** and land owned or leased by the City of Portsmouth shall be exempt from all provisions of this Ordinance except Article 10, Environmental Protection Standards. Nevertheless, the City is urged to comply with all relevant land **use** controls whenever possible and feasible.
- 10.434 The **use** regulations for all zoning districts are listed in Section 10.440 (Residential, Mixed Residential, Business and Industrial Districts), Section 10.450 (Pease/Airport Districts) and Section 10.460 (Municipal and Conservation Districts).
- 10.434.10 The following key applies to the Tables of Uses in Sections 10.440, 10.450 and 10.460:

Symbol	Meaning
AP	use is permitted by right through Administrative Approval
P	use is permitted in the district
S	use is allowed in the district upon the granting by the Board of Adjustment of a special exception
CU	use is allowed in the district upon the granting by the Planning Board of a conditional use permit
N	use is prohibited in the district

P = Permitted [AP = Administrative Approval](#) S = Special Exception CU = Conditional Use Permit N = Prohibited

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

P = Permitted [AP = Administrative Approval](#) S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA	GRA	GRC	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	NP	N	P	P	N	N	N	N	N	

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P = Permitted [AP = Administrative Approval](#) S = Special Exception CU = Conditional Use Permit N = Prohibited

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
1.20 Accessory dwelling unit																		10.814 (Accessory Dwelling Units)
1.21 Attached accessory dwelling unit (AADU)																		
1.211 Up to 750 sq. ft. GLA and entirely within an existing single-family dwelling	AP CU	AP CU	AP CU	AP CU	N	AP CU	AP CU	AP CU	CU	N	CU	CU	N	N	N	N	N	
1.212 Up to 750 sq. ft. GLA and in an expansion of an existing single-family dwelling	CU	CU	CU	CU N	N	CU N	CU N	CU N	N	N	CU N	CU N	N	N	N	N	N	

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1.22 Detached accessory dwelling unit (DADU)																		
1.221 Up to 600 sq. ft. GLA and entirely within an existing accessory building that conforms with the dimensional requirements of this Ordinance.	CU	CU	AP	AP	N	AP	AP	AP	N	N	N	N	N	N	N	N	N	N
1.222 Up to 750 sq. ft. GLA and entirely within an existing accessory building that conforms with the dimensional requirements of this Ordinance.	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	N
1.222 Up to 600 sq. ft. GLA in an existing accessory building that does not conform with the dimensional requirements of this Ordinance or includes the expansion of the existing accessory building	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	N
1.223 Up to 750 sq. ft. GLA on a lot and in a new building that complies with all lot and building dimensional standards of this Ordinance for a single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	N

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P = Permitted [AP = Administrative Approval](#) S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO	CD4-	MRB	CD5	GB	G1	G2	B	WB	OR	I	WI	Supplemental Regulations
						CD4- L1	CD4- L2		CD4				CD4- W					
1.25 Garden Cottage	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N	N	N	N	N	N	N	10.815 (Garden Cottages)
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)

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 with less need for more municipal infrastructure or further land development; contribute to 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 impact on the surrounding neighborhood.](#)

10.814.12 [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**.](#)

10.814.13 [20](#) 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**.~~ However, an **accessory dwelling unit** shall be allowed without additional requirements for **lot area, lot area per dwelling unit, or frontage** beyond those required for a **single family dwelling** without an **ADU** in the same zoning district.

10.814.22 [132](#) An **attached accessory dwelling unit** is permitted on existing **nonconforming lots** and within an existing **nonconforming buildings** ~~as long as there is provided no increased or new nonconformity is created, in **building height or building footprint** for any portion of the existing **building** and no increase to the nonconformity.~~

10.814.23 [133](#) ~~Newly constructed **detached accessory dwelling units** shall be governed by the provisions of this Ordinance and the **side and rear yard requirements** for the applicable zoning or Character District.~~

~~A **detached accessory dwelling unit** 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.~~

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 this Ordinance.

10.814.20 Standards for All Accessory Dwelling Units

~~10.814.30~~ All **accessory dwelling units** shall comply with the following standards:

10.814.~~32~~1 The **principal dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).

10.814.~~32~~2 Either the **principal dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner's ~~of the dwelling as his or her~~ principal place of residence. The owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City. ~~that one of the units is his or her principal place of residence.~~

10.814.~~32~~1 When the property is owned by an entity, one or more trusts, one of the **dwelling units** shall be the principal place of residence of one or more principals of that entity, such as the a member or beneficiary(ies) of the trust(s).

10.814.23 **Accessory dwelling units** shall not have more than two bedrooms.

10.814.~~24~~33 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~~34 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 1 off-street parking space shall be provided for an **ADU** in addition to the spaces that are required for the principal **single-family dwelling**.

10.814.30 Additional Standards for Attached Accessory Dwelling Units

The following standards are intended to ensure proportionality and aesthetic continuity between the AADU and the principal dwelling unit.

~~10.814.40~~ An **attached accessory dwelling unit (AADU)** shall comply with the following additional standards:

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10.814.431 An interior door shall be provided between the **principal dwelling unit** and the **AADU accessory dwelling unit**.

10.814.432 The **AADU accessory dwelling unit** shall not ~~have more than two bedrooms and shall not~~ be larger than 750 sq. ft. in **gross living area (GLA)**. ~~gross floor area~~. For the purpose of this provision, the **gross floor living area of the AADU** shall not include ~~existing~~ storage space, shared entries, or other spaces not exclusive to the **AADU accessory dwelling unit**.

10.814.433 The **AADU** shall be subordinate to the **principal dwelling unit** in scale, height and appearance, as follows:

~~10.814.331 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**.~~

10.814.45332 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**.

~~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.~~

10.814.45333 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 either 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 existing **principal dwelling** through the use of similar materials, detailing, roof pitch, and other **building** design elements.

10.814.40 Additional Standards for Detached Accessory Dwelling Units

The following standards are intended to ensure proportionality and aesthetic continuity between the DADU and the principal dwelling unit.

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~~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**.

~~10.814.4152~~ The **DADU** shall not have more than two bedrooms and shall not be larger than 750 sq. ft. in gross **living floor area**, except that the maximum **gross floor area** shall be 1,000 sq. ft. if the **lot area** is 2 acres or more.

~~10.814.41153~~ A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard requirements** shall not exceed 750~~600~~ sq. ft. in **gross living area**.

The **DADU** shall be clearly subordinate to the principal **single-family dwelling** in scale, height and appearance.

~~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**.

10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard** requirements 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 living area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in this Ordinance.

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, balconies, or doors higher than eight feet above grade facing adjacent property.

10.814.43 The **DADU** shall be clearly subordinate to the principal **single-family dwelling** in scale, height and appearance as follows:

~~10.814.532~~ The **building height** of the **DADU** shall be less than the **building height** of the principal **single-family dwelling**.

~~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**.

~~10.814.54~~ The **DADU** shall be separated from the **single-family dwelling** by at least 20 feet.

10.814.431~~55~~ The front wall of the 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 **single-family dwelling unit**.

10.814.432 The **building height** of the **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 **building** containing the **DADU** shall be no greater than 750 sq. ft.

10.814.435 The **gross floor area** of the **building** containing the **DADU** shall be no greater than 1,600 sq. ft. **gross floor area** 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 all property lines and occupy no greater than 33% of any individual roof plane.

10.814.437 The **DADU** shall comply with the drainage requirements of this Ordinance.

10.814.438 The **DADU** shall comply with the lighting requirements of this Ordinance.

10.814.44 A newly constructed **DADU** shall be separated no less than 5 feet from the principal structure or as required by the Building Code, whichever is greater.

~~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 or similar in appearance to the **principal building** using the following design standards:

10.814.51 The new **building**, addition or expansion shall be architecturally consistent with or similar in appearance 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, and overall character;
- Roof forms, slopes, and projections;
- Siding material, texture, and profile;
- Window spacing, shapes, proportions, style and general detailing;
- Door style, material and general detailing;
- Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;
- Exposed foundation materials and profiles.

~~10.814.60~~ Before granting a conditional use permit for an **attached or detached ADU**, the Planning Board shall make the following findings:

~~10.814.52~~ If provided, the following elements shall be architecturally consistent with or similar in appearance to the corresponding elements on the **principal building** in terms of proportions, materials, style and details:

- ~~•~~ 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, all street-facing garage doors shall be limited to 9 feet in width.

~~10.814.61~~ Exterior design of the **ADU** is consistent with the existing **principal dwelling on the lot**.

~~10.814.62~~ The site plan provides adequate and appropriate **open space, landscaping and off-street parking** for both the **ADU** and the primary **dwelling**.

~~10.814.63~~ 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.

10.814.60 **Review and Approval Process**

~~10.814.61~~ When Section 10.440 indicates that an **attached or detached ADU** is permitted by administrative approval ("AP"), the following shall apply:

~~10.814.611~~ For a period of at least 30 days following the date of application to the City, the applicant shall post a notice, in the form of a sign provided by the city, that describes the proposed **ADU** application subject to the following:

- ~~(1)~~ Such sign(s) shall be located on the perimeter of the **lot** where it can easily be viewed and readable from all abutting public ways.
- ~~(2)~~ The applicant shall also provide the sign notice information to the City. The City shall send **notice** by certified mail to all owners of any property located within 100 feet of the **lot**.

10.814.612 Any person may submit written comments on the **ADU** application. In order to be considered by the Planning Director, such comments shall be submitted to the Planning Director within the 30-day notice period, which begins on the date the certified mailing is sent by the City.

10.814.613 The determination as to whether the **ADU** complies with all requirements shall be made as an ~~administrative review~~ Administrative Approval by the Planning Director. The Planning Director may approve, deny, or request additional information from the applicant. The Planning Director may refer the application to the Planning Board for a conditional use permit, if appropriate. ~~If the Planning Director determines that the application is not appropriate for an AP, the application may be denied or may require a conditional use permit.~~

10.814.64 The Planning Director shall not approve an application for an **ADU** until the conclusion of the 30-day notice period.

10.814.62 ~~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 or as may be modified by the conditional use permit.

10.814.622 The ~~E~~ exterior design of the **ADU** is architecturally consistent with or similar in appearance to 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 ~~primary dwelling principal dwelling unit~~, and complies with the **off-street parking** requirements of Section 10.814.26.

10.814.624 The **ADU** will maintain a compatible relationship ~~to-with~~ the character of **adjacent and neighborhood** properties in terms of location, design, and **off-street parking** layout, and will not significantly reduce the privacy of **adjacent** properties.

10.814.~~63~~⁷⁰ 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.~~2640~~ and ~~or~~ 10.814.~~3052~~ through 10.814.506 (except the size and height of any ADU), 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.~~620~~.

10.814.70 Post-Approval Requirements

10.814.~~7180~~⁷⁰ Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, ~~together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.~~

10.814.~~7290~~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 this ~~Ordinance 10.814.80.~~

10.814.73 ~~The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.~~

10.815 Garden Cottages

~~An accessory building existing on the effective date of this ordinance may be converted to a garden cottage through a conditional use permit granted by the Planning Board, subject to the following provisions and limitations.~~

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.

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

10.1113.20 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**.

10.1116.14 The following uses are exempt from providing bicycle parking spaces:

Use No. Use

1.10 Single-family dwelling

1.20, [1.21](#), [1.22](#) Accessory dwelling unit

~~1.25 Garden cottage~~

1.30 Two-family dwelling

2.10 Assisted living facility

2.20 Residential care facility

7.10 Day care

7.70 Undertaking establishment

11.10-11.60 Motor vehicle related uses

12.10-12.40 Marine craft related uses

13.10-13.40 Wholesale trade, warehousing and distribution

14.70 Recycling facility or recycling plant

14.80 High hazard use

17.10-17.20 Agricultural uses

19.10-19.40 Accessory uses

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)

An **attached or detached 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 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**.

Dwelling, principal

A single-family dwelling on a lot on which an accessory dwelling unit ~~or a garden cottage~~ is allowed.

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.

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 **use** 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.

Gross living area (GLA)

The total area of finished residential space in an accessory **dwelling unit**, including all conditioned living space, but excluding unconditioned space such as decks, porches, garages, or other such spaces that have not been converted into living space. **GLA** is calculated by measuring the interior perimeter of the **accessory dwelling unit**.



CITY OF PORTSMOUTH

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Karen S. Conard
City Manager

Date: April 13, 2023

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 April 17, 2023

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV, Section 1.411 – Cemetery Committee – Membership and Term:

Attached please find an amendment to Chapter 1, Article IV, Section 1.411 – Cemetery Committee – Membership and Term.

I recommend that the City Council move to pass second reading, and hold a third and final reading at the May 1, 2023 City Council meeting.

B. Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of Up To One Million and Eighty-Three Thousand and Five Hundred Dollars (\$1,083,500) for Additional Costs for Constructing the Greenland Road Recreation Facility (Skateboard Park):

Attached please find a proposed Resolution for the costs of the Skateboard Park.

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

C. Second Reading of Ordinance Amending Chapter 10 – Accessory Dwelling Unit, Section 10.430 – Use Regulations, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 10.814 – Accessory Dwelling Units, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, Article 15 – Definitions – Section 10.1530 – Terms of General Applicability:

Attached please find an amendment to Chapter 10 – Accessory Dwelling Unit, Section 10.430 – Use Regulations, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 10.814 – Accessory Dwelling Units, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, Article 15 – Definitions – Section 10.1530 – Terms of General Applicability.

I recommend that the City Council move to amend the second reading of the ordinance as presented. Further, move to postpone the public hearing and second reading as amended until the May 1, 2023 City Council meeting.

XI. City Manager's Items Which Require Action:

1. Paperless Billing Initiative:

NH RSA 76:11 allows for electronic billing with the approval of the governing body. In response to the City's goal of sustainability, citizens' convenience, and reducing costs, the Finance Department is ready to move forward with its initiative of electronic delivery of bills, known as paperless billing, for property Tax and Water Sewer bills. Judie Belanger, the City's Director of Finance and Administration will provide a brief presentation regarding this option at this evening's meeting.

Enrollment in paperless billing is completely optional and is "opt-in."

I recommend that the City Council move to approve the optional paperless billing initiative according to NH RSA 76:11.

XII. Consent Agenda:

D. Projecting Sign License – 142 Fleet Street:

Permission is being sought to install a projecting sign at [142 Fleet Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36" x 36"

Sign area: 9 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:*

- a) The license shall be approved by the Legal Department as to content and form;*
- b) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- c) 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. Presentation Regarding the City’s Community Engagement:

Monte Bohanan, the City’s Director of Communications and Community Engagement will provide a brief presentation regarding the City’s recent and future efforts to engage with the community.

XVI. Approval of Grants/Donations:

A. Acceptance of Health Trust Wellness Reward - \$2,000:

The City of Portsmouth has received \$2,000 from HealthTrust to be used by the City’s Wellness Coordinators for initiatives.

The goal of the HealthTrust Wellness program, Slice of Life, is to reduce health risk factors and promote a healthier lifestyle of our employees. To realize this goal, the City, through its Wellness program, will provide health and safety initiatives, as well as education to its employees to improve the quality of their lives. This money will be utilized to promote wellness activities throughout the city.

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

B. Acceptance of FY24 Community Development Block Grant Funds – \$529,546:

The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$529,546, which is an increase of \$5,840 from the current fiscal year, will be made available to Portsmouth for FY 2024. The grant funds are awarded annually and are used to carry out a variety of social services, public facility/infrastructure improvements, accessibility projects, and other CDBG-eligible projects targeted to benefit low-income populations in the City.

I recommend that the City Council move to accept and expend a Community Development Block Grant in the amount of \$529,546 from the U.S. Department of Housing and Urban Development.



To the Mayor and City Council of Portsmouth NH,

I am Brian Miller Chapter Director for Honor and Remember and Run Director for New England Run For The Fallen. We are in the planning stages for our 3rd Annual Run which will come through your City on the morning of August 20, 2023. We will have Hero Markers placed roughly a mile apart in distance and our runners will stop at each marker for 90 seconds to honor the names on that Hero marker.

We will be working with the City Police department as we have in the past to safely get through your city. There is a map of the route we will be using along with a press release talking about our run.

I want to thank you in advance from the Gold Star Community, New England Run For The Fallen, and our runners and volunteers for helping us blaze a trail of remembrance 140 miles long honoring over 500 fallen soldiers since 9/11. Please feel free to contact me with any questions on our 3rd Annual Run. God Bless

Brian Miller
Honor and Remember
New England Run For The Fallen
Director
413-378-8541



MEDIA CONTACT:

Laura Sutton | 480-495-4668 Laura@runforthefallen.org
Release Date: May 1, 2023

THIRD ANNUAL NEW ENGLAND “RUN FOR THE FALLEN” TO HONOR AND REMEMBER NEW MILITARY SERVICE MEMBERS WHO DIED AS A RESULT OF SERVING DURING THE WAR ON TERROR.

Relay Team to Cover One Mile for Each Fallen Service Member in Tribute Run from Cushman Park, Bernardston Massachusetts – Fort McClary, Maine, 140 miles.

Chesapeake, VA – Beginning August 20, 2021, Honor and Remember Inc. established the New England Run for the Fallen to call attention to and honor the men and women who have recently died in military service to America. A team of more than 20 active duty military members and civilians from bases throughout New England and other locations across the U.S. will embark on a 140 plus-mile journey to honor every New England service member who died as a result of serving during the War on Terror and in support of Operation Iraqi Freedom, Enduring Freedom and New Dawn.

Each marker of the route will be dedicated to an individual hero and his or her family. The run team will stop at each “Hero Marker” HM (approx. one mile) to give individual tribute to waiting Gold Star family members, friends and comrades. The goal of the event is to create a 140 mile memorial trail through New England. Each hero marker tribute will include a short ceremony for the hero along with planting American and Honor and Remember Flags.

New England “Run for the Fallen” will kick off on Friday morning, August 18, 2023 at 7:00 a.m. at Cushman Park, with a “start” ceremony for the three-day, 140 plus mile run following Route 10 north through Northfield Mass to Rt142 following into Brattleboro VT., Intersection of Canal St,Rt 142& Rt119 Brattleboro VT. More details and route maps will be available here...

www.newengland@runforthefallen.org

For more information and to find out how to participate by joining the run or to donate or volunteer please visit the VA Run for the Fallen website at www.newengland@runforthefallen.org or www.HonorandRemember.org

- MORE -

Run for the Fallen – Jon Bellona, inspired after the death of his college roommate and friend 1LT Michael Cleary in Iraq, created a national run of remembrance. Beginning Flag Day, June 14, 2008, a dedicated team of runners ran across America from Fort Irwin, CA to Arlington National Cemetery, one mile for every member of the United States Army, Navy, Air Force, Coast Guard and Marines killed in Operation Iraqi Freedom. Each year since the run across America, runners from around the world have joined Run for the Fallen in remembering our fallen heroes. Over 180,000 miles have been collectively run in remembrance of those fallen in those recent operations. www.runforthefallen.org

Honor and Remember, Inc. - After the death of his eldest son, Tony, in Iraq, Gold Star father George Lutz recognized the need to educate the nation on the precious cost of freedom. His mission became raising awareness about the sacrifice made by military men and women who died for their country through the creation and establishment of a distinct and tangible symbol. The Honor and Remember Flag was unveiled nationally on Memorial Day 2008 to perpetually recognize the sacrifice of our fallen military heroes and their families. The flag is now being endorsed by veteran and service organizations and adopted by cities and states as an official symbol. And it is being flown by patriotic Americans across our nation, well on its way to becoming a nationally accepted symbol of remembrance. You can learn more and sign the petition to support this campaign by visiting www.honorandremember.org

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Richard A. Mason, Logistic Chair
2023 ON THE TARMAC
3 Suzanne Drive, Portsmouth, New Hampshire 03801
Rmason55@comcast.net cell: 603-396-8604

April 3, 2023

Ms. Karen Conard, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Ms. Conard:

Veterans Count is seeking the appropriate approvals for our "On the Tarmac" event to celebrate America, similar to the event we hosted at the same location in 2021. We are hosting this event in concert with the Air Show at the Pease Air National Guard Base on the following 2 days. Veterans Count is an affiliate of Easter Seals-NH. This will be our 12th Salute-Our-Soldiers event, the first 5 have been located at the Service Credit Union Headquarters. We offer the following information:

DATE/TIME: Friday, September 8, 2023 at 5:00 – 9:00 pm for the event. Clean-up before midnight.

SET-UP: Thursday, September 7, 2023, 7:00 am – 7:00 pm. Friday, September 8, 2023, 7:00 am – 5:00 pm.

LOCATION: At the hangar located at 120 Aviation Avenue at the Portsmouth International Airport at Pease; inside if inclement weather.

ATTENDEES: We are hoping to have more than 500 in attendance.

FOOD: All food will be catered, and the caterer will be responsible for all food and health permits required.

ALCOHOL: There will be Alcohol on the premises and the caterer will be responsible for following all the requisite rules and regulations for serving alcohol. Easter Seals will be securing the appropriate permits.

POLICE: We will contract as needed with Portsmouth Police for a dedicated detail during the event, just as we did for the 2021 similar event. Due to the nature of the event we are working with the authorities at the airport for their needs and will have the appropriate security for the airport secured area.

FIRE: We will schedule a fire inspection of the area in the very near future and will have the requirements we need to follow and will adhere to their requirements. In 2021 some minor changes were made to be fire-code compliant.

PARKING: We have two parking lots reserved for the event, both are located at the intersection of Aviation Avenue & Hampton Street. We are working with the Pease Development Authority for additional parking and dedicated parking for event workers and volunteers.

COI: We will have the certificates of insurance as needed, to include the City of Portsmouth and the PDA.

PDA: We are working with the Pease Development Authority as well and are sending them a similar communication as this for their needs and approvals.

FAA: Due to being on the edge of the restricted area we are working with the FAA as well to meet their needs and requirements for such an event.

Once again much of this information is a repeat of our events of this and previous years and we look forward to meeting with the City Officials and making this as seamless as possible.

I am available at the above contact information for further questions or if you wish me to attend a logistics meeting with the City Officials.

Thanks!



Richard Mason

CC: Denise Poulos (Veterans Count Board)
Andrew Guyton (Veterans Count Chairman)

Attached: PDA event letter



Seacoast African American Cultural Center

P. O. Box 4444
Portsmouth, NH 03802-4444
603-430-6027
email: saacc44@aol.com
web site: www.saacc-nh.org

RECEIVED

APR 10 2023

CITY MANAGER
PORTSMOUTH, NH

February 23, 2023

Officers

Sandra Clark Kaddy
President

William Manfull
Vice President

Robin Lurie-Meyerkopf
Acting Secretary

Board Members

Najee Brown
Kel Edwards
Jacqueline Gadsden
Casey Golomski
Renee' Goins
Joanna Kelley
Cheryle Lawrence
Jill Minot-Seabrook
Jack Panopoulos

Vernis M. Jackson
Founder

Bob M Cohen
Bookkeeper

Karen Conrad, City Manager
City of Portsmouth NH
1 Junkins Ave
Portsmouth, NH 03801

Dear Karen,

This letter constitutes a request by the Seacoast African American Cultural Center board of directors for permission to stage the 2nd Juneteenth Walk to be held on Sunday, June 19, 2023, at 9:3 am.

If approved our plans are to begin walk at the John Paul Jones Memorial Park in Kittery Me., cross the Memorial Bridge and end the route at the African Burying Ground Memorial Park.

We plan to assemble at the foot of the Maine side of the Memorial Bridge. 2022's walk was incident free and well supported by the city of Portsmouth plus the officer detail support we received. The officers could not have been more helpful. This walk once again will be supported by the Seacoast NAACP, Black Lives Matter Seacoast and Green Acre Baha'is of Eliot Me.

Proceeding our program, a schedule performance of African Drummers through the Black Heritage Trail will take place at the Burying Ground.


If you need further information please contact Sandi Kaddy, President Seacoast African American Cultural Center (SAACC) 603-326-8885.

Sincerely,

Sandi Clark Kaddy
President
Seacoast African American Cultural Center

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning Director 

DATE: April 6, 2023

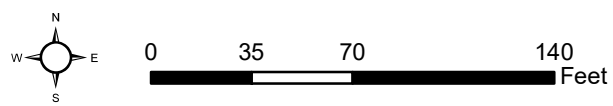
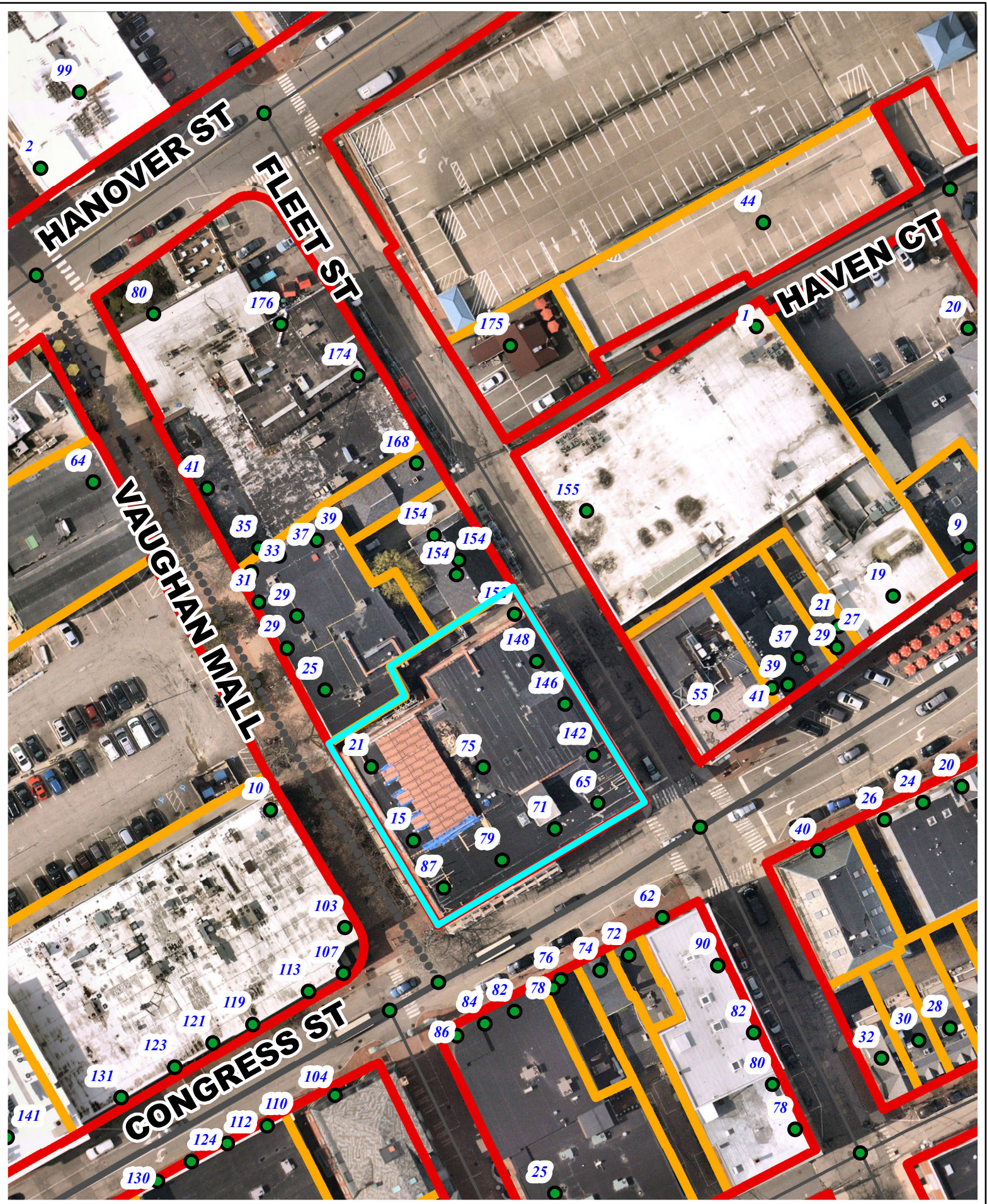
RE: City Council Referral – Projecting Sign
Address: 142 Fleet Street
Business Name: Aster House
Business Owners: Emily Rives

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

Sign dimensions: 36" x 36"
Sign area: 9 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
142 Fleet Street**

PROOF for: Aster House Signage

Company Aster House
 Name Emily Rives e-mail: emily@shopasterhouse.com
 Phone 774-563-0033
 Date 2/15/23
 Est. Due Date _____
 Saved as: ben franklin block building / aster house.cdr



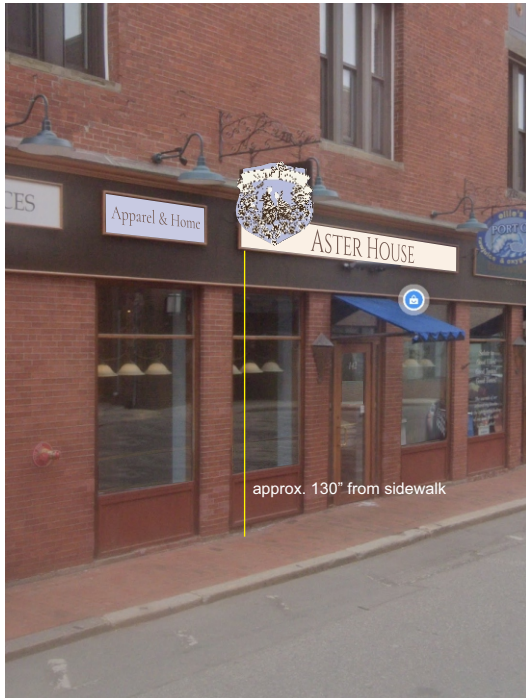
TIMBERLINE SIGNS
 139 Lafayette Road Rye, NH 03870
 p.603-964-1575 f.603-964-1576
 www.timberlinesigns.com timberlinesigns@yahoo.com

approx. 36" x 36"
 two sided 1.5" mahogany
 carved and painted
 hanging sign
 provided by wood carver



18" x 62.25"
 repaint existing sign
 brown and aster house blue

18" x 220"
 repaint existing sign
 brown and cream



Format _____
 Size _____
 Sides _____
 Quantity _____
 Color Scheme _____

Installation _____
 Hardware _____
 Misc. _____

I hereby authorize TIMBERLINE SIGNS to produce the above layout. 100% Payment will be expected upon completion of project unless other arrangements have been made prior. Customer has the option to purchase the artwork to be used as a logo or for other personal promotions for a determined fee. For pricing please inquire within. All designs and custom artwork remain the property of Timberline Signs until the order is complete and paid in full.

Please review, make necessary corrections, sign and fax or return to Timberline Signs, LLC. We will not begin production until this document is signed and returned. A 50% deposit is required to begin production on all jobs exceeding \$100.

Note: Designs are not actual size and Colors do not accurately represent finished product colors.

Signature: _____ **Date:** _____

Please Return signed Fax to **603.964.1576**

CITY COUNCIL E-MAILS

Received: April 3, 2023 (after 5:00 p.m.) –April 13, 2023 (before 9:00 a.m.)

April 17, 2023 Council Meeting

Submitted on Mon, 04/03/2023 - 18:21

Full Name

Pip Clews

Email

pipclews@mac.com

Subject

Please take time to hear from artist Julia Sinelnikova

Address

107 Walker Bungalow Rd.

Message

Hello esteemed Mayor and Members of the City Council,

I come to you tonight with a very last minute request.

(I had understood this agenda item to be occurring at a later meeting, but I am glad it has been put on tonight's.)

I'd like to urge you to take the time to consider the concerns of Ms. Julia Sinelnikova, an artist who was a finalist in the PNH400 Sculpture Park Selection. Since this new work of art will be installed at the gateway of our community, we owe it to the artists who put their time and energy into being considered (a six-month process) to be able to voice concerns about the process and the final selection.

Instead of merely registering this her concerns and "putting her letter on file," I respectfully ask that you allow the brand new Public Art Review Committee to exam how this process was conducted and ensure that the new piece will, in fact, be a completely original design.

After studying the bodies of work of these two artists, it is hard to believe that even with a maritime theme in mind these two designs could have ended up so similar—two sails, same scale, facing opposite directions (this isn't even a natural way for sails to operate), and both with perforations for light to pass through them.

The transparency of the process needs to be examined and the coopting of intellectual property and creative content (especially those registered with the Library of Congress by Ms. Sinelnikova) must be addressed. This "property" is indeed an artist's livelihood, which we must take seriously when we are commissioning works by artists to enrich and enhance our community. We owe it to them.

Please investigate these claims and do not merely dismiss them the way the Committee has so far (refusing a response) and with a dismissive letter from Legal. Artists deserve better. And Portsmouth can do better.

Thank you for your consideration of this important topic and for your support of the arts in a community that relies so heavily on them!

Sincerely,

Pip Clews

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

Submitted on Tue, 04/04/2023 - 18:35

Full Name

Doug Palardy

Email

doug@seacoastah.com

Subject

Thank You Councilor Bagley

Address

409 The Hill

Message

Thank You Councilor Bagley for being the sole voice of reason with regards to McIntyre. It was a pleasure reading your comments in the Herald today. I look forward to the City walking away from this parcel and letting the private sector buy it, level the entire lot and building something of value there and not some hodgepodge architecture to fit around that over-massed structure. With the lack of lawsuits or purchasing of it at market rate, the city can get back to spending our tax dollars on worthy projects, like, I don't know, maybe getting to re-paving Fleet street finally? That street has been an embarrassment for nearly a decade! Thanks again, Doug

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

Submitted on Wed, 04/05/2023 - 14:49

Full Name

Sean O'Brien

Email

discardedpostitpoetry@gmail.com

Subject

Public Arts Project

Message

Greetings, representatives. I'd like to draw your attention to the proposed art project in Bohenko Park. The current proposed design has an uncanny resemblance to another contestant, Julia Sinelnikova, and yet the contract has gone to another artist for them to do their own eerily similar twist. If inspiration was taken from Julia's design, I believe it would be appropriate to give her some kind of credit to promote the art of both artists. I'm sure this was a simple oversight. It happens often. However, it's important to lift as many voices as possible when the city is commissioning the work of independent artists. Thank you for reading.

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

Submitted on Wed, 04/05/2023 - 16:21

Full Name

Kendalle Getty

Email

kendallefiasco@yahoo.com

Subject

Public Artwork

Address

California

Message

To whom it may concern,

It has come to my attention that the City of Portsmouth intends to fund a project by Sijia Chen, which is nearly identical to the proposal drawing of fellow finalist artist Julia Sinelnikova. Ms. Sinelnikova has an extensive public arts record, and the artwork proposal by Ms. Chen is too similar to be considered valid for public funding. Artists cannot afford to defend themselves legally when designs are appropriated. Please do the right thing and apologize for this situation, while also steering the selected artist away from plagiarism of a fellow finalist artist's design. Each artists' original designs are owned by them alone, and Ms. Sinelnikova's body of work, including art nearly identical to the proposed "Endeavor" sculpture, has been on public display for over a decade.

Kind regards,

Kendalle Getty

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

Submitted on Fri, 04/07/2023 - 16:24

Full Name

Chrystal Coyle

Email

chrystalmc@icloud.com

Subject

Affordable housing

Address

160 court st

Message

I'm probably late to writing this but still wanted to say I'm grateful to Portsmouth Housing Authority and being at Ruth's Place. It has saved me from renting barely legal apartments and being at the mercy of landlords who have jacked prices all over the region. I've heard there is over 280 people on the waitlist for Ruth Lewin griffin place. I've never felt more safe where I live now. My quality of life has improved because of this place and seeing kids laughing and also living in a safe place makes me especially grateful to the mayor and city council who envision equal access and opportunities for workers in Portsmouth.

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

Submitted on Mon, 04/10/2023 - 16:07

Full Name

Joanne Ravgiala

Email

jorav@icloud.com

Subject

Purchasing the McIntyre. Building

Address

1275 Maplewood Ave. #23

Message

As I can not attend the public hear on April 17, I am urging the Portsmouth City Council NOT to purchasing this property. We have already lost 2 million dollars on this this project. I would much rather see my hard earn tax dollars spend on education , recreational facilities , affordable housing than "The McIntyre Project." While the plans for this project were well intended I am urging you not spend any more time, money or energy on it. I also strongly suggest the city in the future consider hiring lawyers who have expertise in specific types of law to deal with matters such as this one or the Toyota dealership case rather relying the city attorneys.

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

Submitted on Mon, 04/10/2023 - 16:02

Full Name

Patrice Baker

Email

pbaker@sau21.org

Subject

Portsmouth Skatepark

Address

New Hampshire

Message

I first learned about the Skatepark when I was facilitating the Greater Portsmouth Youth Wellness Coalition in my work with Pinetree Institute.. A parent on the coalition, Dave Cosgrove, shared information about the Skatepark. At that same meeting, we discussed the evidence base around the protective power of "positive childhood experiences (PCEs)" to promote healthy outcomes for youth, and I was so amazed at how this research is aligned with the Skatepark project. Dave and I then met with the team at the HOPE National Resource Center and worked on a blog that was featured on their website. HOPE stands for "Healthy Outcomes from Positive Experiences"-- and the Skatepark is an example of a community taking action, based on research, to surround its young people with more access to the kinds of positive experiences that we know can lead to resilience, positive mental health and thriving. The Skatepark is not simply a "nice" or "fun" thing to add to the greater Portsmouth community. The Skatepark adds a protective factor in the community -- it provides a safe place (an environment) to promote positive peer relationships, a sense of belonging, and many opportunities for social-emotional growth as the skateboarders learn, persist, fall down, get up , ask for help, offer help, celebrate success, deal with frustration and build a community. Dave explains it all really well in our blog: <https://positiveexperience.org/promoting-pces-through-a-community-skatepark/> and I hope that the Portsmouth community understands the value and continues to support this project.

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

Submitted on Tue, 04/11/2023 - 11:32

Full Name

Gerald Duffy

Email

gduffy44@gmail.com

Subject

McIntyre site — please stand aside and let the feds sell it

Address

428 Pleasant St, Unit 3

Message

Dear Mayor and Councilors:

I've closely followed the course of the McIntyre project since the Blalock council first selected a development partner. And I haven't envied

the job you've had to do to somehow resolve the messy situation your council inherited. In spite of the legal and logistical issues you've had to deal with, it seems clear to me that you have taken dependable legal counsel, from inside and out, very seriously, and have made the best decision for the city at the least likely additional cost. It has been horrifying to watch a former mayor and councilors and their supporters advocate a game of legal chicken in the courts, gambling with taxpayer money because they (still) think they know the law and understand legal risk better than the city's own best and very costly legal advisors. I compliment you for bringing due diligence and sanity to the equation.

This project has been very expensive for the residents of the city. If we include opportunity costs, I estimate the project has already cost Portsmouth taxpayers over \$4 million. Add to that the thousands of hours of high-level city staff time and you have an enormous investment with no return. Now that the acquisition route via the National Park Service Monument Program is no longer available to us, it seems wisest to cut our losses and not invest another cent in this project. Instead, we should look to benefit from the potentially high revenues the site can bring us after it is sold on the private market.

I hope you reject the idea of taking ownership of the site and will not pursue a negotiated sale with the General Services Administration. My primary reason for thinking that way is that the several councils involved have been to the public well of civic input on three separate times occasions and have nothing to show residents for it. The civic capital for this project has been essentially squandered and, worse, may encourage people to think twice before volunteering their time and energy in the future. There is no guarantee that whatever the city does it will not be asked by a vocal minority to revisit the plan/idea yet again. On a related note, the council will need to address the issue of how to help restore public confidence in the process of incorporating citizen advice into future projects. The further we can move away from squeaky-wheel politics, the better.

At this point, I believe we should stand aside and let the General Services Administration auction the federal site to the highest bidder, then do our best, through our permitting process and zoning ordinances and various land use boards, to encourage and incentivize a first-rate development, hopefully one with an area of meaningful public space and one that will help us pay for other projects and services the city needs.

Warm regards,
Gerald Duffy

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

Portsmouth SUSTAINABILITY FAIR

30+ Local Sustainability Groups

Learn about climate efforts, free activities & get involved!

Friday, April 21, 4-7 PM

Connie Bean Center | 155 Parrott Ave.

www.cityofportsmouth.com/library/events



Portsmouth Public Library
Portsmouth Sustainability & Planning Dept.
Portsmouth Blue Ribbon Committee of Sustainable Practices
Portsmouth Climate Action Plan Consultant
Portsmouth Department of Public Works
Portsmouth Conservation Commission
Portsmouth Senior Center
Portsmouth Recreation Dept.
Portsmouth High School ECO Club
Portsmouth Climate Action
Waste Reduction & Diversion (WRAD)
Planted for the Planet
SeacoastCAN (Seacoast Climate Action Now)
Beyond Plastics
Seacoast Eat Local
Portsmouth NH 400 (P400)

Seacoast Students for Sustainability (SS4S)
NH Network Plastic Working Group
Piscataqua Garden Club
League of Conservation Voters
Southeast Land Trust (SELT)
Conservation Law Foundation
Port City Makerspace
Gundalow Company
Plastic Recycled
Mr. Fox Composting
Blue Ocean Society
Surfrider Foundation
UNH Marine Docent Program
Seacoast Area Bicycle Riders (SABR)
UNH Sustainability Institute
And more!

Thanks to The Juicery for donating Healthy Bites