

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 7, 2024 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_8oq_IDgyTK2QvwNFHPde_A

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

1. COLLECTIVE BARGAINING AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

1. Children’s Environmental Health Day – October 10, 2024
2. Fire Prevention Week October 6-12, 2024
3. Domestic Violence Awareness Month

- VII. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*
- 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 Ordinance:

- A. First Reading of Ordinance amendment to Chapter 7, Vehicles, Traffic and Parking, Article X, Towing, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines by amending the ordinance to reflect current procedures, delete and revise outdated language, change notice provision and increase fine for violation for removing immobilization device ***(Sample motion – move to pass first reading and schedule a public hearing and second reading for the October 21, 2024 City Council meeting)***

Public Hearing/Second Reading of Ordinance:

- B. PUBLIC HEARING AND SECOND READING of Ordinance Amending Chapter 1, Article XVII, Sections 1.1700-1.1709 – Funding, Review, and Acquisition of Public Art as shown in Exhibit A
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to pass second reading and schedule a third and final reading for the October 21, 2024 City Council meeting)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Report Back from Fee Schedule Study Committee Regarding Right to Know Policy
2. Temporary Construction License Extension for 238 Deer Street, LLC
3. Drinking Water Groundwater Trust Fund – Grant Extension
4. Acceptance of Community Space Easement and Access Easement for Water Services for Property Located at 200 Chase Drive
5. Revocable License for 260 Marcy Street

XII. CONSENT AGENDA

- A. Request from Nissa Bagelman, Reedmor Books & Brews, to install a Projecting Sign at 67 State Street, Unit 2 *(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (**Sample motion – move to accept and place on file**)
- B. Letter from Jessie & Scott Rafferty requesting their residence be removed from the Historic District (**Sample motion – move to refer the amendment of the zoning map, removing 185 Orchard Street from the Historic District, to the Planning Board and the Historic District Commission for reports back to the City Council**)
- C. Letter from Meg Gilman regarding eliminating pesticide use in our communities and State
- D. Letter from Abigail Gindele regarding the increasing pesticide dependency tied to an imbalance in ecosystems
- E. Letter from Michael Capalare requesting the city place an historical marker at The Plains to signify George Washington's arrival in Portsmouth on October 31, 1789 (**Sample motion – move to refer to the Public Works Department for report back**)
- F. Letter from Bob Corash regarding the construction of the Community Policing Facility
- G. Letter from Francis Desper, Frank E. Booma Post 6 American Legion, requesting to host the Wall of Healing during the summer of 2025 (**Sample motion – move to refer to the School Board for its consideration**)
- H. Letter from Coureur Portsmouth requesting permission to hold the 3rd Annual Halloween Skate Jam on Saturday, October 26, 2024 from 1:00 p.m. to 4:00 p.m. (Rain Date October 27th) at the Portsmouth Skatepark (**Sample motion – move to refer to the City Manager with Authority to Act**)
- I. Letter from Christine Groleau, North Church of Portsmouth, extending heartfelt thanks to the City Council for granting a fee waiver related to their construction project that will benefit the broader Portsmouth community (**Sample motion – move to accept and place the letter on file**)

XIV. MAYOR McEACHERN

- 1. *Appointments to be Voted:
 - Appointment of Sean Clancy as a Regular member to the COAST Board of Directors
 - Appointment of Jillian Harris as an Alternate member to the COAST Board of Directors
 - Reappointment of Mark Syracuse to the Parking & Traffic Safety Committee
 - Reappointment of Mary Lou McElwain to the Parking & Traffic Safety Committee

- Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee
 - Reappointment of Robert Marchewka to the Economic Development Commission
 - Appointment of Brian Gibb to the Conservation Commission from an Alternate to a Regular member
2. *Request for first reading an ordinance amendment to exempt structures which do not require a building permit from zoning requirements (***Sample motion – move to refer to the Legal and Planning & Sustainability Departments to draft language for consideration at a future City Council meeting***)

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BLALOCK

1. Sister City Update – Proclamation will be read at two upcoming receptions:
- Sister City Santarcangelo, Italy on October 9th
 - Sister City Nichinan, Japan on October 16th

XVI. APPROVAL OF GRANTS/DONATIONS

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Update on Public Informational Meeting for Community Policing Facility
2. *Revaluation Update

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 purpose of Children’s Environmental Health Day is to raise awareness about the importance of clean air and water, safe food and other consumer products, and creating healthy, stable environments for children’s health and development; and

Whereas: Children’s Environmental Health Day was created by the Children’s Environmental Health Network and celebrated for the first time on October 13, 2016 and this day is observed annually on the second Thursday in October; and

Whereas: This Day celebrates the progress of the children’s environmental health movement in building a strong nationwide network of child health advocates as individuals, non-profit organizations, and government agencies; and

Whereas: Children’s Environmental Health Day is designed to rally individuals and organizations and raise awareness and understanding of children’s environmental health issues, seek improved protections for all children, and encourage sustainable practices in environmental health wellness; and

Whereas: Working together, we can safeguard the health, safety and well-being of our most precious resource for our collective future: children.

Now therefore I, Deaglan McEachern Mayor of the City of Portsmouth, on behalf of the City Council and the citizens of Portsmouth do hereby proclaim October 10, 2024 as

Children’s Environmental Health Day in Portsmouth

And urge all citizens to observe this day with awareness of the opportunities to support environmental health and stewardship activities to create a healthier environment for our children.



Given with my hand and the
Seal of the City of Portsmouth,
on this 7th day of October 2024.

Handwritten signature of Deaglan McEachern.

Deaglan McEachern, Mayor of Portsmouth

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

A Proclamation

- Whereas:** The City of Portsmouth which has experienced many devastating fires in its history and is vigilant in ensuring the safety and security of all our residents and visitors; and
- Whereas:** Fire remains a serious public safety concern both locally and nationally with home fires causing more than 2,700 US deaths in 2022, and fire departments responding to 360,000 home fires; and
- Whereas:** We know working smoke alarms cut the risk of dying in home fires almost in half, yet three out of five fire deaths happen in homes without working smoke alarms; and
- Whereas:** Best practice recommends that Portsmouth residents should install smoke alarms inside and outside every sleeping room and on every level of the home because they sense smoke well before you do and can provide essential minutes for your family to escape to safety; and
- Whereas:** Portsmouth residents should test their smoke alarms at least once a month and make sure they are placed to meet the needs of all family members, including those with sensory or physical disabilities; and
- Whereas:** Research shows that those who have planned and practiced a home fire escape plan are more likely to respond quickly, calmly and efficiently and therefore survive a fire; and
- Whereas:** The Portsmouth Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through fire prevention and protection education, so Portsmouth residents understand how to take personal steps to increase their safety from fire, especially in their homes; and
- Whereas:** The 2024 Fire Prevention Week theme, “Smoke alarms: Make them work for you.” reminds us all of the importance of having working smoke alarms in our homes.

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 October 6 through 12, 2024 as

Fire Prevention Week in Portsmouth

and urge the entire Portsmouth community to ensure they have working smoke alarms in their homes and businesses and to support the many public safety activities and efforts of the Portsmouth Fire Department.



Given with my hand and the
Seal of the City of Portsmouth,
on this 7th day of October 2024.

Deaglan McEachern, Mayor of Portsmouth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** October was declared National Domestic Violence Awareness Month in 1987 because domestic violence is prevalent in every community and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion or nationality; and
- Whereas:** We know that one in every three women and one in every four men are victims of domestic violence in their lifetimes; and millions of Americans live in daily, silent fear within their own homes; and
- Whereas:** All domestic violence incidents affect every person within a home with long-lasting negative effects, particularly on children's emotional well-being, and their social and academic functioning; and
- Whereas:** Here in Portsmouth, since 2015 when A Safe Place and Sexual Assault Support Services (SASS) officially merged into one nonprofit organization, HAVEN has provided support services and prevention education to those impacted by domestic and sexual violence; and
- Whereas:** The City of Portsmouth has employed a Victim Witness Advocate since 1999 with funding from the Violence Against Women Act to work with the Portsmouth Police Department to support domestic violence victims under RSA 173-B New Hampshire's Protection of Persons from Domestic Violence statute; and
- Whereas:** In 2023 the City moved the Victim Witness Advocate to the city's Legal Department to support domestic violence victims and to help identify and prosecute domestic violence offenders together with our police department, schools and health care providers; and
- Whereas:** The City reminds everyone that confidential, local help is available, 24 hours a day, at the HAVEN Violence Prevention and Support Hotline: 603-994-SAFE.
- Whereas:** The City of Portsmouth stands with all New Hampshire Prosecutors as sentries on the front lines, advocating on behalf of victims of domestic violence; and

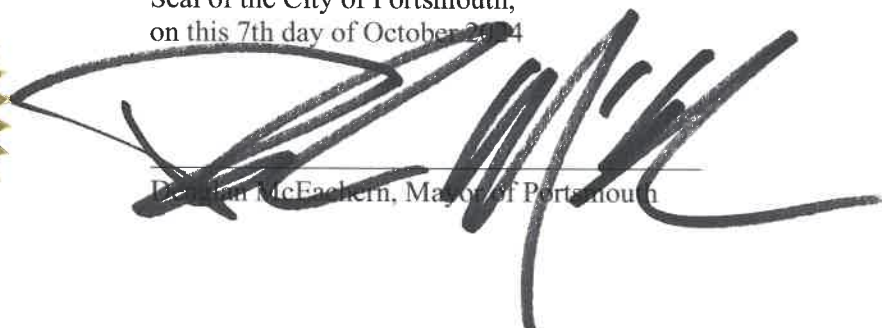
Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim October 2023 in Portsmouth as

Domestic Violence Awareness Month

And call on our citizens to come together to reaffirm our commitment to ending domestic violence and supporting survivors.



Given with my hand and the
Seal of the City of Portsmouth,
on this 7th day of October, 2024


Deaglan McEachern, Mayor of Portsmouth

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING, Article X TOWING, Section 7.1004, TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES, 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 7.1004: ~~TOWING OR~~ IMMOBILIZATION OR TOWING OF MOTOR-
VEHICLES FOR NON-PAYMENT OF PARKING **FINES PENALTIES****

A. PURPOSE

Notwithstanding any other provisions of these Ordinances, motor vehicles may be ~~towed and stored, or otherwise~~ immobilized by an **mechanical** Immobilization Device for non-payment of Parking **Violations fines,** in accordance with the following terms and conditions.

B. DEFINITIONS

1. **PARKING CLERKS:** The City Manager is **hereby** authorized to designate one or more Parking Clerks. ~~The Parking Clerk may be any individual employed by the City of Portsmouth whose position of employment is conducive to the performance of~~ to perform the duties contained in this section and other duties associated with the operation of the Parking Clerk's Office, including but not limited to maintaining parking records, reviewing and rendering decisions on parking appeals, and collecting payment of Parking Penalties.
2. **OWNERSHIP OR CONTROL:** The fact that a ~~motor~~ vehicle which is **illegally parked** subject to a Parking Violation is registered in the name of a person, business, or corporation ("Owner"), shall be considered prima facie proof that ~~the Owner~~ **such person, business, or corporation** was in control of the ~~motor~~ vehicle at the time of such Parking Violation or that ~~the Owner~~ **such person, business, or corporation** had authorized the use of ~~such the registered motor~~ vehicle.
3. **IMMOBILIZATION AND TOW RECORD:** The Parking Clerk's Office shall maintain records of all vehicles that individually or in combination with other vehicles owned by the same Owner, have accumulated unpaid Parking Penalties in excess of two hundred and fifty dollars (\$250). The Parking Clerk's Office will send a letter by first class mail to the registered Owner of vehicle(s) listed on the Immobilization and Tow Record if owner vehicle records are available. A vehicle included in the Immobilization and Tow Record is subject to being immobilized by an Immobilization Device or towed and held in storage pending final resolution of unpaid Parking Penalties.
4. **IMMOBILIZATION DEVICE:** A vehicle boot, wheel clamp, windshield blocking device, or any other apparatus which may be used for the purpose of immobilizing a vehicle listed in the Immobilization and Tow Record.

5. **ILLEGALLY PARKED:** The term "illegally parked" as used in this particular section and all other sections concerning PARKING in the Ordinances of the City of Portsmouth shall mean ~~any vehicle that that is subject to a Parking Violation, including but not limited those violations listed in Article IX, Section 7.901 of the Chapter: Any motor vehicle which is parked beyond the time limit for which money has been deposited in the metered space occupied by that particular motor vehicle, any vehicle parked beyond the time limit permitted in a restricted time free parking area, any vehicle parked beyond the time permitted at a restricted time metered parking space, any vehicle parked in a designated no-parking zone, and any vehicle although legally parked, which on that particular date and time, has accumulated five or more unpaid Parking Violations or which has accumulated unpaid parking violations in an amount in excess of two hundred fifty dollars on any or all vehicles at any time registered to the owner of said vehicle as shown on the records and is~~ and any vehicle included in the Immobilization and Tow Record maintained by the Parking Clerk.
6. **PARKING PENALTIES:** This Chapter sets forth parking and traffic rules and regulations. Violating these parking and traffic rules and regulations subjects the Owner of a vehicle to different forfeitures, penalties, fees and fines. For purposes of this Chapter, all such forfeitures, penalties, fees and fines are referred to collectively as Parking Penalties.
7. **PARKING VIOLATION:** A Parking Violation is any violation of the parking and traffic rules and regulations of the City of Portsmouth.

C. **NOTICE**

Any vehicle included in the Immobilization and Tow Record shall receive Notice of immobilization or towing for nonpayment of Parking Penalties. Notice shall be either posted on the vehicle or sent by first class mail at the address listed in state motor vehicle records. The Notice shall include the following:

~~At any time subsequent to the accumulation of unpaid parking fines in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.~~

1. A statement that describes that the Owner has accumulated unpaid Parking Penalties for Parking Violations on the vehicle or other vehicles registered in the Owner's name and failure to resolve all unpaid Parking Penalties within seven (7) calendar days from the date of the Notice will result in immobilization or towing and storage of the vehicle pending such resolution;
2. A reference to the website where the Owner may review records used to comprise the Immobilization and Tow Record;

3. A reference to the website where the Owner may make payment of unpaid Parking Penalties prior to immobilization or towing of the vehicle;
4. Contact information for the Parking Clerk's Office; and
5. A statement that the Owner may contact the Parking Clerk's Office to arrange a review or hearing to review the information used to comprise the Immobilization and Tow Record before the expiration of the Notice period.
 - a. ~~The date, time, and location of the violations leading to the issuance of the notice;~~
 - b. ~~A statement to the clear effect that failure to resolve the violations prior to a certain specified date not less than within five (5) days subsequent to the date of the notice, will lead to towing or immobilization of the vehicle pending such resolution;~~
 - c. ~~A statement that the recipient of the notice may contact the Parking Clerk to arrange a hearing on the subject of the violations.~~

D. REVIEW OR HEARING REQUEST

~~At the request of any recipient of a notice pursuant to this section, the Parking Clerk shall arrange a hearing at the Clerk's office. Such hearing shall be scheduled during normal business hours of City Hall. The Parking Clerk shall conduct and preside over all hearings scheduled under this section. The hearings shall be informal and the rules of evidence shall not apply. At such hearings the owner of the motor vehicle which is the subject of the hearing may present any defense of law or fact which is relevant to the issue of whether or not the subject vehicle should be placed on the list of vehicles subject to towing or immobilization.~~

Prior to immobilization or towing and storage of a vehicle listed on the Immobilization and Tow Record, the Owner may request a review or hearing regarding the information used to comprise the Immobilization and Tow Record by contacting the Parking Clerk's office. Owner may request an online or in person meeting with a Parking Clerk during posted office hours. If, after any review or hearing, the Parking Clerk confirms the information on the Immobilization and Tow Record, and if payment for the outstanding Parking Penalties is not received prior to the Notice period expiring, the vehicle will be immobilized or towed. The decision of the Parking Clerk shall be final, subject only to judicial review.

~~**TOW OR IMMOBILIZATION LIST :** The Parking Clerk shall maintain a list of vehicles which are subject to being towed and held in storage or immobilized by a mechanical device pending final resolution of unpaid parking violations. Contained on this list shall be all motor vehicles for which the notice specified in Article 4 above was provided. Motor Vehicles shall not be placed on the said list in the event that the Parking Clerk, after hearing, orders otherwise, or in the event that the fine is paid in full for all of the violations~~

~~contained in the notice mailed-~~

E. ~~TOWING/STORAGE OR~~ IMMOBILIZATION OR TOWING/STORAGE

Upon the determination- that any vehicle which is listed on the Immobilization and Tow Record is ~~Tow and Immobilization List pursuant to Article 6 above~~ parked on any public way or in any municipal lot, and payment of unpaid Parking Violations has not been received by the Parking Clerk prior to the expiration of the Notice period, ~~parked on any public way or in any municipal parking lot, the car~~ the vehicle may be immobilized or ~~may be~~ towed and stored.

F. ~~RELEASE OF TOWED OR~~ IMMOBILIZED OR TOWED VEHICLES; REMOVAL FROM ~~LIST~~ IMMOBILIZATION AND TOW RECORD: Motor

Vehicles may be removed from the ~~Tow or Immobilization List~~ Immobilization and Tow Record, released from storage after towing or may have Immobilization Devices removed in the following manner:

1. By order of the Parking Clerk after ~~review or~~ hearing;
2. By payment in full of all Parking Penalties attributed to or arising out of the Parking Violations referenced in the Immobilization and Tow Record; ~~contained in the Notice issued pursuant to Article 4 Section C above;~~
3. By posting a cash bond with the Parking Clerk's Office in any amount sufficient to make payment in full of all Parking ~~Penalties~~ fines Penalties arising out of the Parking Violations contained in the Immobilization and Tow Record ~~issued pursuant to Article 4 Section C above~~ to allow a judicial determination of the violations pursuant to State law;
4. By a judicial determination resolving the ~~said~~ Parking Violations in accordance with State law and the payment of any Parking Penalties arising out of such determination; or
5. Payment of all fees and charges incurred by the City for the immobilization, towing and storage of the vehicle.

G. UNAUTHORIZED REMOVAL OF IMMOBILIZATION DEVICE

Any person removing an immobilization device without authority shall be guilty of a violation punishable by a fine of not more than ~~\$500~~ \$1,000.

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

DRAFT

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 7, 2024 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 1.412 – Public Art Review Committee, existing text to be deleted in its entirety and replaced with a brief reference to a new section in Chapter 1, Article XVII relating to public art; and Chapter 1, Article XVII – Funding of Public Art, Sections 1.1700-1.1707 existing text to be deleted in its entirety and replaced with a new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709. The proposed Ordinance was substantially amended by the City Council at the September 23, 2024 meeting, and therefore a new Public Hearing will be held on the revised Ordinance. The complete revised 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, Section 1.412 – Public Art Review Committee of the Ordinances of the City of Portsmouth be deleted in its entirety and replaced with the following:

A Public Art Review Committee shall be established and shall have the duties and authority as described in Chapter 1, Article XVII, Funding, Review and Acquisition of Public Art.

That Chapter 1, Article XVII, FUNDING OF PUBLIC ART, Sections 1.1700-1.1707 inclusive of the Ordinances of the City of Portsmouth be deleted in its entirety and replaced with the following new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709 as shown in the attached **Exhibit A**.

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.

City Council Policy 2022-02, Public Art Referral and Acquisition Policy is repealed upon passage.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Explanatory Note: The proposed revised Chapter 1, Article XVII set forth in Exhibit A consists of: an integration of Chapter 1, Article IV, Section 1.412 into Chapter 1, Article XVII; updates and renumbering of sections of Article XVII; the incorporation of guidance found in City Council Policy 2022-02 titled Public Art Referral and Acquisition Policy; and the inclusion of language recommended by the Trustees of Trust Funds to better administer the Public Art Trust. For additional information on the changes see the documentation provided as part of the City's Council's vote of August 19, 2024, authorizing First Reading and the changes made by vote of the City Council on September 23, 2024.

EXHIBIT A

ARTICLE XVII: FUNDING, REVIEW, AND ACQUISITION 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. The City of Portsmouth is committed to acquiring public art by donation, acquisition and commission. 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, reliefs 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 temporary, portable, or permanent in nature.

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 capital construction appropriations for any public construction project, excluding roadways and utility infrastructure, but not excluding facilities such as pump stations and treatment facilities, in which the bid price or negotiated price shall be in excess of Five Million (\$5,000,000.00) Dollars up to thirty Million (\$30,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be

EXHIBIT A

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 financial contributions generated by application of this ordinance or made by private persons or entities. 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 from the Public Art Commitment described in Section 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; amended 12/05/2022)

Section 1.1705: PUBLIC ART REVIEW COMMITTEE

The City Council hereby establishes a Public Art Review Committee (PARC) for the implementation and review of this ordinance, and all matters related to public art within Portsmouth. Whenever from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to the standing 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 in a non-voting capacity to be designated by the City Manager, a City Councilor in a non-voting capacity, 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 the PARC openings to the

EXHIBIT A

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. 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, City Council, and Land Use Boards 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. The guidelines shall be based on the following criteria:¹
 - The quality of the artwork; and
 - Appropriateness of the size, scale and materials for the site(s); and
 - Availability of an appropriate site; and
 - Costs of installation and maintenance of artwork; and
 - Condition and durability of the artwork; and
 - Aesthetic merit; and
 - Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials).
 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

EXHIBIT A

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.
- C. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.
- D. 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:
- a. Assessing available and potential resources in the Public Art Trust.
 - b. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.
 - c. Assessing the impact of and opportunity for public art projects that advance economic development opportunities.
- E. 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.

Section 1.1706: 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. At least 75% of the principal amount of the public art contribution generated by any particular building project shall be expended for public art on the site of the project, unless subject to the exemption in section 1.1704, with remaining funds placed in the Public Art Trust for maintenance as described in 1.1708, or for other public art purposes. The remaining funds should be kept in the general Public Art Trust without designation for a particular project, to be disbursed at the direction of the City Council with advice from the PARC.

EXHIBIT A

- B. In determining the selection of any public art project, the City Council will consider the recommendations of the Public Art Review Committee (PARC), or 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.
- D. The Trustees of Trust Funds shall disburse funds from the Public Art Trust in amounts and at times as shall be specified in one or more written requests from the City Manager acting pursuant to authorization of the City Council. Each request shall identify the amount(s) requested, the purpose of the expenditure, and the public art project or public art concerning which the expenditure pertains and be accompanied by a copy of the Council authorization.

Section 1.1707: ACQUISITION OF PUBLIC ART THROUGH DONATION

In addition to acquisition of public art through expenditure of funds from the public art commitment and expenditure of other financial contributions from the public art trust, the PARC shall have the authority to recommend in favor or against acceptance of suitable donations of art to the City Council. These works of art will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time to time; and to not display a donated piece of art.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

Section 1.1708: 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. Maintenance needs for existing public art will be identified by the Public Works Department, with advice from the PARC, with cost estimates for same. As per instructions in section 1.1706D, the City Manager, with approval of the City Council, will authorize expenditure of funds from the Public Art Trust.

All donated, acquired or commissioned works of *outdoor* art shall include a cash stewardship donation of approximately 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The PARC will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

Works from the collection may be considered for removal if they are in poor condition,

EXHIBIT A

damaged or deteriorated beyond reasonable repair or conservation or for other good cause. Should the Public Art Review Committee determine that a work of art be de-accessioned due to maintenance or repair challenges, or for any other reason, the committee shall make that recommendation to the City Council for its consideration and action. The City Council retains the authority to remove a work of art after receiving a recommendation for de-accessioning from the PARC. If a piece is decommissioned, the date and reason for withdrawal will ~~also~~ be so recorded in the City Art and Artifact Index.

Section 1.1709: 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.

¹ The Trustees of the Portsmouth Public Library have their own policy for art acquisition. PARC will defer to the Trustees of the Library for art acquisition at the Library.



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: October 3, 2024

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager

Re: City Manager's Comments on City Council Agenda of October 7, 2024

X. Public Hearing and Vote on Ordinances and/or Resolutions:

A. **First Reading of Ordinance Amendment to Chapter 7, Vehicles, Traffic and Parking, Article X, Towing, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines by Amending the Ordinance to Reflect Current Procedures, Delete and Revise Outdated Language, Change Notice Provision and Increase Fine for Violation for Removing Immobilization Device:**

At its September 5, 2024 Parking and Traffic Safety Committee meeting, the Committee reviewed and recommended for Council approval an amendment to [Chapter 7, Article X, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines](#), informally known as the Boot and Tow ordinance. Periodically, the Committee will review amendments to certain sections of Chapter 7 to update outdated sections that do not reflect recommended best practices and amend out-of-date language.

The [attached amendments to Section 7.1004](#) were brought forward for these reasons by staff to the Parking and Traffic Safety Committee. The proposed amendments add and edit defined terms and amend language to reflect current practices by switching the order of the ordinance title, as the City primarily immobilizes vehicles rather than tows them for nonpayment of parking penalties. The current ordinance as written requires notice by certified mail prior to immobilization or towing. The Parking Department relayed that frequently certified mail is not picked up by the owner of the vehicle, and as a result, notice is not received. One amendment changes the notice requirement from certified mail to a letter by first class mail or by a sticker posted and attached to the vehicle, which advises the owner that failure to resolve unpaid parking penalties in 7 calendar days will result in immobilization or towing and storage of the vehicle. Another amendment also updates the fine for a violation consistent with State statute for removal of an immobilization device from \$500 to not more than \$1,000.

If the Council accepts the Parking and Traffic Committee’s recommendation to amend Chapter 7, Article X, Section 7.1004, the appropriate motion would be:

Move to pass first reading and schedule a public hearing and second reading at the October 21, 2024 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article XVII, Section 1.1700-1.1709 – Funding, Review, and Acquisition of Public Art as Shown in Exhibit A:

Attached please find a [proposed ordinance amendment regarding Public Art](#).

I recommend that the City Council move to pass second reading and schedule a third and final reading at the October 21, 2024 City Council meeting.

XI. City Manager’s Items Which Require Action:

1. Report Back from Fee Schedule Study Committee Regarding Right to Know Policy:

At the City Council Meeting of September 23, 2024, the Council referred to the Fee Committee [a proposed new City Council policy \(see attached\)](#) and associated new fee for unique electronic records produced in response to requests for public records ([see attached](#)). During the 2024 session, the New Hampshire legislature enacted HB 1002 which allows municipalities to charge fees for certain electronic record requests. In response to the new law, City staff has proposed a City Council policy and a fee in the amount of \$1.00 for unique electronic records when the number of unique records exceeds 250. At its meeting of October 2, 2024, the Fee Committee recommended adoption of the policy and the fee as presented.

I recommend that the City Council move to adopt the attached draft City Council Policy for Unique Electronic Records as presented and add the fee of \$1.00 for unique electronic records to the Fee Schedule as shown.

2. Temporary Construction License for 238 Deer Street, LLC:

SJM Construction Management, on behalf of Owner 238 Deer Street, LLC, is making improvements to property owned by 238 Deer Street, LLC located at 238 Deer Street as shown on the City of Portsmouth Assessor’s Map as Tax Map 125, Lot 3 (“Property”). The Owner is constructing a 3-4 story mixed use building with 21 residential units. In order to construct the project and provide a barrier for public safety, the Owner requested to encumber four license areas that abut its Property. The City Council granted this request on October 2, 2023 and the term of this license expires on October 31, 2024. The Owner is requesting a 5 month license extension (from November 1, 2024 through March 31, 2025 (151 days)) due to unexpected project delays and anticipates that the project will be completed by March 31, 2025.

In addition to the four encumbrance areas in the original license, the Owner is requesting a fifth License Area that includes the two parking spaces located across the street from the Property at 161 Deer Street. As you may recall, staff and owners of all construction projects near the Foundry Garage area have been meeting weekly. City staff and owners of the other construction projects in the area have reviewed and support [this request for a license extension](#).

Encumbrances for longer than 30 days are subject to the City Council’s policy for encumbering City property entitled “License Fee for Encumbrance of City Property”. Under this policy, a daily fee of \$0.05 per square foot is assessed to encumber city property and a flat fee of \$50 per parking space is assessed for spaces located in the High Occupancy Zone.

The Owner seeks to encumber five separate license areas more fully described in [Exhibit A](#) to the License in the Council packet. License Area 1 is 692 square feet of the sidewalk that abuts the Property along Deer Street. License Area 2 is the two parking spaces that abut the property on Deer Street. License Area 3 is 288 square feet of a Public Access Easement located on abutting property at 46 Maplewood Avenue, a parcel that abuts the Property over which the City has a Public Access Easement. The Owner has also obtained a Temporary Construction Easement over this same Public Access Easement from 46 Maplewood Avenue Condominium Owners. License Area 4 is 466 square feet of a portion of Deer Street that abuts the Property and is located next to the two parking spaces in License Area 2. License Area 5 is the two parking spaces across the street from the Property located at 163 Deer Street.

The total License Fee for all five License Areas is \$ 41,117.30 and is calculated as follows:

- License Area 1: 692 square feet of sidewalk ($\$0.05 \times 692 \text{ square feet} = \34.60 per day x 151 days = \$ 5,224.60);
- License Area 2: Two parking spaces at \$50.00 each ($2 \times \$50 = \100.00 per day x 151 days = \$ 15,100);
- License Area 3: 288 square feet of Public Access Easement located on abutting property at 46 Maplewood Avenue ($\$0.05 \times 288 \text{ square feet} = \14.40 per day x 151 days = \$ 2,174.40);
- License Area 4: 466 square feet of Deer Street ($\$0.05 \times 466 \text{ square feet} = \$ 23.30$ per day x 151 days = \$ 3,518.30; and
- License Area 5: Two parking spaces located across that street from the Property at 163 Deer Street at \$50.00 each ($2 \times \$50 = \100 per day x 151 days = \$ 15,100).

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

If the Council agrees to grant the temporary construction license extension to encumber the five license areas described above for property located at 238 Deer Street, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept the temporary construction license extension to encumber the five license areas for 238 Deer Street as presented.

3. **Drinking Water Groundwater Trust Fund – Grant Extension:**

On July 10, 2023, the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$739,000 grant from the NH Drinking Water Groundwater Trust Fund (Resolution 20-2023). This grant supplements the purchase of a 45-acre conservation easement on a parcel of land that abuts the Bellamy Reservoir (Fernald Parcel).

Due to unanticipated delays in the easement purchasing process, the project is taking longer than anticipated. Staff respectfully requests an extension to the grant completion date through Amendment No. I ([attached](#)). The request is for the completion date to be extended by one year to December 31, 2025.

I recommend that the City Council move to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$739,000 grant from the State of New Hampshire Drinking Water and Groundwater Trust Fund by one year, to a completion date of December 31, 2025.

4. **Acceptance of Community Space Easement and Access Easement for Water Services for Property Located at 200 Chase Drive:**

On February 20, 2020, the Planning Board granted site plan approval, lot line adjustment and a conditional use permit for parking to Bethel Assembly of God for the construction of a new 22-unit residential apartment building within the existing parking lot. As a part of that approval, the Planning Board recommended the City community space easement as depicted on [the attached drawing](#), and an access easement for water services. [Draft easements are included](#) in the agenda packet.

This approval was delayed by two cases which ended in the New Hampshire Supreme Court. In the first litigation, abutters to 200 Chase Drive unsuccessfully challenged the lawfulness and reasonableness of the above-mentioned Planning Board approvals. In the second litigation, the same group of neighbors unsuccessfully tried to invalidate the underlying zoning for 200 Chase Drive. The property owners now seek to perfect these land use approvals.

The Planning and Sustainability Department recommends accepting these easements. The Legal Department has reviewed and recommends the form of the attached easements.

I recommend that the City Council move to authorize the City Manager to accept and record a community space easement and an access easement for water services from Bethel Assembly of God in a substantially similar form to the easement deeds contained in the agenda packet.

5. Revocable License for 260 Marcy Street:

J & L Family Trust is the owner of property located at 260 Marcy Street, Tax Map 103, Lot 49 (“Owner”). The Owner’s existing concrete retaining wall and curbing is deteriorating, and the Owner proposes to replace the existing concrete curbing and retaining wall with a granite retaining wall and curbing along the border of its property which abuts Marcy Street and Meeting House Hill Road. The Planning and Sustainability, Public Works and Legal Departments reviewed the Owner’s request and approved the project through granting building permit BLDG 23- 694. The project was also approved by the Historic District Commission in LUHD-653. The project has been constructed and it appears that a portion of the original retaining wall and a portion of the new granite retaining wall and curbing lie outside the property’s boundaries and are within the City’s rights- of- way (abutting the property along Marcy Street and Meeting House Hill Road).

Many older homes have portions of retaining walls or steps that appear to be constructed within the City’s right-of-way. When they are replaced, the Council is asked to approve a revocable license that is recorded at the Rockingham County Registry of Deeds in order to memorialize these types of encroachments into the City’s right-of-way.

[Attached as Exhibit A](#) is a proposed Revocable License which permits the Owner to replace the curbing and retaining wall, a portion of which is in the City’s right-of-way, be responsible for any liability associated with the curbing and retaining wall and to remove them if required by the City. [See site depicted in attached Exhibit B.](#)

I recommend that the City Council move to authorize the City Manager to execute and deliver a Revocable License allowing Owner of 260 Marcy Street to replace their existing retaining wall with a new granite retaining wall and curbing on City property.

XII. Consent Agenda:

A. Projecting Sign Request – 67 State Street, Unit 2:

Permission is being sought to install a projecting sign at [67 State Street Unit 2](#) 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.*

XIII. Presentations and Written Communications:

B. Letter from Jessie and Scott Rafferty Requesting their Residence be Removed from the Historic District:

The question of whether to remove 185 Orchard Street from the Historic District has been reviewed by the Legal and Planning and Sustainability Departments, which have determined this would require an amendment to the City Zoning Map. Planning staff are ready to present this request expeditiously to the Planning Board and Historic District Commission in order to accommodate this request. Notices are being prepared to conduct a public hearing at the Planning Board meeting on October 19, 2024.

I recommend that the City Council move to refer the amendment of the Zoning Map, removing 185 Orchard Street from the Historic District to the Planning Board and the Historic District Commission for reports back to the City Council.

XVII. City Manager's Informational Items:

1. Update on Public Informational Meeting for Community Policing Facility:

As requested at the September 23, 2024 City Council meeting, City staff have arranged a Public Information Meeting regarding the proposed Community Policing Facility to be held on November 7th at 6 p.m.

2. Revaluation Update:

City Assessor Rosann Lentz will provide a verbal update on the revaluation process at this evening's meeting.



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. ____

UNIQUE ELECTRONIC COMMUNICATIONS

PUBLIC RECORDS POLICY

1. Objective and Purpose

Access to government records pursuant to New Hampshire's Right to Know Law (RSA 91-A) is an indispensable tool for the public to use to understand the way local government functions. This policy will allow the City to provide access to government records in a more targeted and efficient manner while saving City staff time and encouraging an efficient use of taxpayer resources.

2. Definitions

- a. "Individual electronic communication" includes the communication itself as well as the responses and attachments to each communication, under a single subject line. However, text or chat message threads regarding the same topic shall be considered an individual electronic communication unless a thread exceeds 50 individual messages, at which point a group of 50 messages shall be considered an individual electronic communication.
- b. "Media requestors" means organizations or individuals who publish information in accepted digital, print, or broadcast formats and to standards generally recognized by professional news organizations that do not serve primarily as a platform to promote the interest and/or opinions of a special interest group, government, individual or cause.

3. Policy

A per electronic communication charge of \$1 per individual electronic communication, regardless of whether the records are delivered in hard copy or electronically, shall be charged of any requestor subject to the following provisions:

1. No charge shall be issued for the first 250 individual electronic communications;
2. No charge shall be issued for the following individuals or entities:

- a. An individual who can demonstrate they are indigent as established by the federal poverty line, as issued each year by the Federal Department of Health and Human Services;
 - b. Media requestors;
 - c. Any individual requesting information where the disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor, except media requestors.
3. Multiple requests from any person or entity to the same public body within a 30-day time period shall be considered one request.

The requestor shall receive an itemized estimate of the cost of making the record available. This estimate shall accompany any written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay, if it is estimated that making the record available will take longer than 5 business days, or as soon as the fee can be ascertained. All responses shall be provided within the timeframes provided by applicable law.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: _____, 2024.

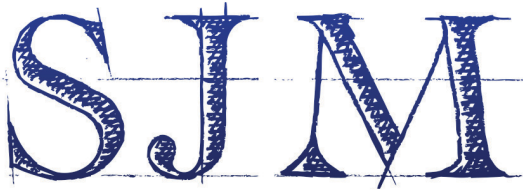
Kelli L. Barnaby, MMC/CNHMC

City Clerk

City of Portsmouth
 Fee Schedule
 Finance Department

* (Indicates change from current fee)

Description	Fiscal Year	FY 2023	FY 2024	Suggested FY 2025 Schedule
	Last Adjusted	Schedule	Schedule	
Non Sufficient Funds check processing fee	Pre FY 02	\$30.00	\$30.00 per check	\$30.00
(1) Any copy made for non-City use	Pre FY 02	\$2.00	\$2.00 1st copy	\$2.00
(1) all subsequent pages	Pre FY 02	\$0.50	\$0.50 all subsequent pages	\$0.50
Unique Electronic Communication Per City Council Policy				
Individual electronic communication over 250	FY 25	N/A	N/A per individual communication over 250	* \$1.00
(1) USB Drive for transfer of electronic files	FY 18	\$8.00	\$8.00	\$8.00
(1) Note: City records subject to Right to Know requests can be viewed at City Hall or downloaded free onto personal USB drives.				
All copies made on 11 x 17 pages.	Pre FY 02	\$0.50	\$0.50 per copy	\$0.50
Tax bills prepared for parties other than owners.	Pre FY 02	\$2.00	\$2.00 1st copy	\$2.00
Tax Card/Tax Map from laser printer (Free to property owner)	FY 04	\$1.00	\$1.00 Each Print	\$1.00
Standard Assessing mailing list file	Pre FY 02	\$75.00	\$75.00	\$75.00
Assessor created export file	FY 17	\$150.00	\$150.00	\$150.00
Tax Delinquency file	Pre FY 02	\$300.00	\$300.00	\$300.00
DVD copies of City related events	Pre FY 02	\$10.00	\$10.00	\$10.00



CONSTRUCTION MANAGEMENT

CM Action Item #2

238 Deer Street

CMMP 22-3

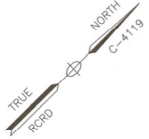
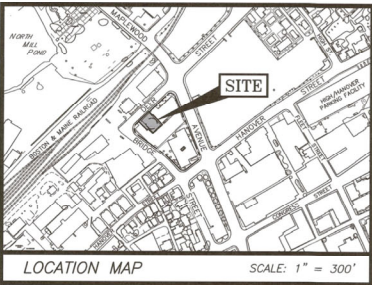
**Extension Request
September 30, 2024**

238 Deer Street LLC is requesting an extension of our license granted by the Council on October 2, 2023.

The reason for this request is due to unexpected project delays. The project schedule is expected to be completed by March 31, 2025 and we want to extend our CMMP and license to meet the expected completion schedule for the project.

We also want to add two parking spaces that are located in front of old Eastern Bank located at Map125 Lot 17-2. We are requesting to have these two spaces from the date of this request until march 31, 2025.

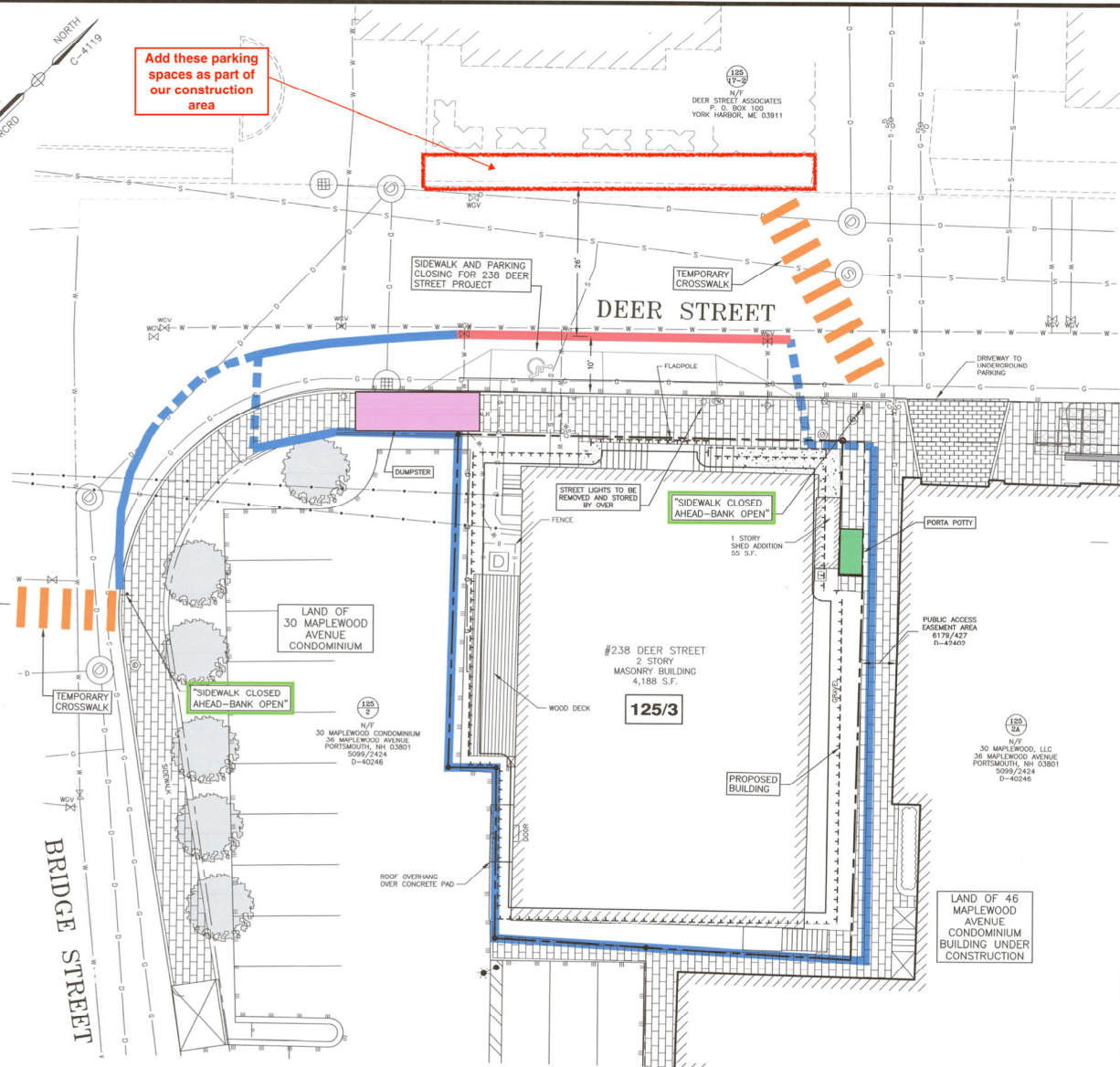
Stuart Mitchell
238 Deer Street LLC
Construction Manager



Add these parking spaces as part of our construction area

FENCE BARRIER LEGEND:

	SOLID CONCRETE JERSEY BARRIERS
	TEMPORARY CONSTRUCTION FENCING
	TEMPORARY CONSTRUCTION FENCE GATE



RG-11 SIDEWALK CLOSED AHEAD CROSS HERE

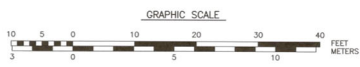
A	B	C	D	E	F	G	H	J	K	L	M	N
24	12	3/8	6/8	1 1/8	1 1/2	7/8	1 1/8	9/8	3/8	1/2	1/8	1 1/8
48	36	7/8	1 1/8	1 1/2	6	4 C	3	4 1/2	20	6/8	1	3 1/2

COLORS: LEGEND - BLACK BACKGROUND - WHITE (RETROREFLECTIVE)
 *Series 2000 Standard Alphabets
 **See page 6/2 for arrow design

1-125

SIDEWALK CLOSED SIGNAGE

NTS



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 125 AS LOT 3.
 - 2) OWNER OF RECORD: 238 DEER STREET, LLC, 238 DEER STREET, PORTSMOUTH, NH 03801, 5890/1712, RCRD #02164
 - 3) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4, HISTORIC DISTRICT, AND DOWNTOWN OVERLAY DISTRICT.
 - 4) DIMENSIONAL REQUIREMENTS: CHARACTER DISTRICT 4 (CD4):
 MIN. LOT AREA: NO REQUIREMENT
 FRONTAGE: NO REQUIREMENT
 SETBACKS:
 FRONT (MAX.): 10 FEET (PRIMARY)
 SIDE: NO REQUIREMENT
 REAR: 5 FEET
 MAXIMUM STRUCTURE HEIGHT: 40 FEET
 MAXIMUM STRUCTURE COVERAGE: 90%
 MAXIMUM BUILDING FOOTPRINT: 15,000 S.F.
 MINIMUM OPEN SPACE: 10%
 MINIMUM FRONT LOT LINE BUILDOUT: 50%
 5) LOT AREA: 6,181 S.F., 0.1419 ACRES.
 - 6) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F, JANUARY 29, 2021
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE CONSTRUCTION ELEMENTS AS A PART OF THE CMPP PERMIT.

**SITE DEVELOPMENT
 238 DEER STREET, LLC
 238 DEER STREET
 PORTSMOUTH, N.H.**

1	CITY COMMENTS	7/24/23
0	ISSUED FOR COMMENT	5/9/23
NO.	DESCRIPTION	DATE
REVISIONS		

SCALE: 1" = 10' MAY 2023

CMPP PLAN **CM**

LICENSE AGREEMENT EXTENSION
238 DEER STREET, 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 238 Deer Street LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 9 Merrimack Street, Seabrook, NH 03874, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the property located in the City of Portsmouth, Rockingham County, State of New Hampshire, at 238 Deer Street, shown on the City of Portsmouth Assessor's Map as Tax Map 125, Lot 3 ("Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5890, Page 1712.

License Area 1: The City authorizes Licensee to temporarily use 692 square feet of sidewalk that abuts the Property along Deer Street, more particularly described in the attached Exhibit A.

License Area 2: The City authorizes Licensee to temporarily use 2 parking spaces that abut the Property along Deer Street, more particularly described in the attached Exhibit A.

License Area 3: The City authorizes Licensee to temporarily use 288 square feet of Public Access Easement sidewalk located on abutting property at 46 Maplewood Avenue, more particularly described in the attached Exhibit A. Licensee has also obtained a Temporary Construction Easement from 46 Maplewood Avenue Condominium Association for use of this Public Access Easement at 46 Maplewood Avenue, more particularly described in the attached Exhibit A.

License Area 4: The City authorizes Licensee to temporarily use 466 square feet of roadway on Deer Street that abuts the Property, more particularly described in the attached Exhibit A.

License Area 5: The two parking spaces across the street from the Property located at 163 Deer Street at Map 125, Lot 17-2, more particularly described in Exhibit A.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a 3-4 story mixed-use building with 21 residential units.
3. **Term:** The term for **License Areas 1, 2, 3, 4 and 5** shall be for approximately 5 months, from November 1, 2024 through March 31, 2025, for a total of 151 days.

Licensee may terminate this License prior to the end of the term by returning the License Areas 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 Areas have been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Areas 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 Areas and again when it returns the License Areas to the City's control and use.
5. **License Fees:** The Owner shall pay to the City a 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 \$35 a day for the sidewalk encumbered by this license of \$0.05 per square foot per day for other city property.

License Area 1: The total license fee for License Area 1 for the use of 692 square feet of sidewalk is $\$0.05 \times 692 \text{ square feet} = \$34.60 \text{ per day} \times 151 \text{ days} = \mathbf{\$5,224.60}$.

License Area 2: The total license fee for License Area 2 for the parking spaces is $\$50 \times 2 \text{ spaces} = \$100.00 \text{ per day} \times 151 \text{ days} = \mathbf{\$15,100}$.

License Area 3: The total license fee for License Area 3 for use of City's Public Access Easement located on abutting property at 46 Maplewood Avenue is $\$0.05 \times 288 \text{ square feet} = \$14.40 \text{ per day} \times 151 \text{ days} = \mathbf{\$2,174.40}$.

License Area 4: The total license fee for License Area 4 for use of a portion of Deer Street is $\$0.05 \times 466$ square feet = \$ 23.30 per day x 151 days = **\$3,518.30.**

License Area 5: The total license fee for License Area 5 for the two parking spaces across the street from the Premise in front of 163 Deer Street is $\$50 \times 2$ spaces = \$100 per day x 151 days = **\$15,100.**

The total License Fee for Areas 1, 2, 3, 4 and 5 is **\$41,117.30.** The License Fees for License Areas 1, 2, 3, 4 and 5 shall be paid in full prior to the start of the term of the License.

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 Areas are returned to the City prior to the end of the License Term, the City will refund the Licensee the portion of the License Fee paid but not used.

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 Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety, including posting appropriate signage for pedestrians. The Licensee shall secure the perimeter of the License Areas 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 Property and shall advise the City and abutters of all Flagging Permit applications in advance. Owner is also required to provide weekly updates to the City and abutters regarding construction activity for the following week until the project is complete.

9. **Damage:** Licensee agrees to remedy any damage to the License Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of Licensee's repairing the damage.
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 approved and amended site plans 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. Contractors shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses and comply with all conditions set forth in the Construction Mitigation Management Plan. Contractors may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2024.

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____.

Dated this _____ day of _____, 2024.

238 Deer Street, LLC

By: _____

Authorized Member

h/jferrini/licenseextension/238deer

DRAFT

From: Weit-Marcum, Laura <Laura.M.Weit-Marcum@des.nh.gov>
Sent: Tuesday, September 24, 2024 10:42 AM
To: Albert N. Pratt
Cc: Ronnieann L. Rakoski
Subject: RE: [LG36-Portsmouth Fernald] Grant Expires 12/31/24 - Paperwork Due 9/27/24
Attachments: LG036 Amendment - Time Extension.docx; swp-checklist.pdf; Example Certificate of Authority - Towns Village Districts.doc

Importance: High

Hi Al,

Thank you for following up. I appreciate that the City would like to move forward to request a time extension. (As it's always better to have a little leeway, just in case things do not wrap up in time.)

Attached is the time extension amendment for the Fernald project. The amendment will extend the completion date to June 30, 2025 as requested. All other conditions of the grant agreement will remain in full force.

To secure approval, please review the attached amendment and let me know if you have any questions or suggested changes. If you are comfortable with the amendment as written, please print it **single-sided**, on plain white paper. Then, have the Authorized Representative **initial the first page** and **sign and date the second page**. Please note that the amendment must also be notarized. Then, please submit the original, signed copy to NHDES.

As part of this process, a Certificate of Authority, which certifies the person signing the grant agreement has the authority to enter into a grant agreement with NHDES is also required. It is important to note that the Certificate of Authority must be **signed by someone other** than the person signing the grant agreement. If you would like an example of a Certificate of Authority, some are attached for your reference and use. This document must also be printed **single-sided**, on plain white paper. It is also important to note that the Certificate of Authority must also be notarized. Then, please submit the original, signed copy to NHDES.

Please also be sure to obtain a certificate of insurance with NHDES named as the certificate holder.

And verify the City's vendor code with the State of New Hampshire. The vendor code I have on file is VC#177463-B01.

A checklist, which describes each of the necessary items as outlined above is attached for your use and easy reference.

If I receive all paperwork back by the end of this week, **September 27, 2024**, I would expect it to make it onto the last G&C meeting scheduled for December 18, 2024.

Please let me know if you have any questions or concerns.

Many thanks,
Laura

From: Albert N. Pratt <anpratt@cityofportsmouth.com>
Sent: Monday, September 23, 2024 10:56 AM

To: Weit-Marcum, Laura <Laura.M.Weit-Marcum@des.nh.gov>
Cc: Ronnieann L. Rakoski <rlrakoski@cityofportsmouth.com>
Subject: RE: [LG36-Portsmouth Fernald] Grant Expires 12/31/24

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Laura,

We are still hopeful to finalize the Fernald Easement by the end of the year (grant LG036); however, since there is a chance that the final elements will not fall in place in time, we would like to request an extension to next June 30th. Please send us whatever form is necessary to start this process.

Also, I would like to talk to you about source protection around the Greenland Well whenever you have a chance. Thank you. Talk soon.

Al

Al Pratt, P.E.
Water Resource Manager
DPW – Water Division
City of Portsmouth NH
(603) 520-0622

From: Ronnieann L. Rakoski <rlrakoski@cityofportsmouth.com>
Sent: Wednesday, September 4, 2024 10:12 AM
To: Weit-Marcum, Laura <Laura.M.Weit-Marcum@des.nh.gov>
Cc: Albert N. Pratt <anpratt@cityofportsmouth.com>
Subject: RE: [LG36-Portsmouth Fernald] Grant Expires 12/31/24

Hi Laura,

I spoke with Al Pratt, he informed me that this project is on track to be completed by the end of the year. If there is a delay in the purchase of the property, we will notify you as soon as possible so we can submit the proper paperwork for an extension. I will put a reminder on my calendar for end of October to check in with you on the status. Does that work?

Thank you,
Ronnie

From: Weit-Marcum, Laura <Laura.M.Weit-Marcum@des.nh.gov>
Sent: Tuesday, September 3, 2024 6:48 AM
To: Ronnieann L. Rakoski <rlrakoski@cityofportsmouth.com>
Subject: RE: [LG36-Portsmouth Fernald] Grant Expires 12/31/24

Great, thank you!

From: Ronnieann L. Rakoski <rlrakoski@cityofportsmouth.com>
Sent: Tuesday, September 3, 2024 6:47 AM
To: Weit-Marcum, Laura <Laura.M.Weit-Marcum@des.nh.gov>; Albert N. Pratt <anpratt@cityofportsmouth.com>
Subject: RE: [LG36-Portsmouth Fernald] Grant Expires 12/31/24

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning,

Thank you for the email. I will follow up with Al on an update for this grant.

Have a great day!

Ronnie

From: Weit-Marcum, Laura <Laura.M.Weit-Marcum@des.nh.gov>
Sent: Tuesday, September 3, 2024 6:29 AM
To: Albert N. Pratt <anpratt@cityofportsmouth.com>
Cc: Ronnieann L. Rakoski <rrakoski@cityofportsmouth.com>
Subject: RE: [LG36-Portsmouth Fernald] Grant Expires 12/31/24
Importance: High

Please provide a status update ASAP. Is the project on track to be completed by the end of the year? If not, we will need to submit the necessary paperwork to the Governor and Executive Councilors to request a time extension and provide them with a reason why it cannot be completed within the original timeframe.

From: Weit-Marcum, Laura
Sent: Friday, August 2, 2024 12:26 PM
To: anpratt@cityofportsmouth.org
Cc: Bondi, Cheryl <Cheryl.A.Bondi@des.nh.gov>
Subject: [LG36-Portsmouth Fernald] Grant Expires 12/31/24
Importance: High

Good afternoon Al,

I was just going through our records and noticed that the grant agreement for LG036 – Portsmouth – Fernald project expires on **12/31/24**.

If this project is not expected to be completed by **12/31/24**, we will need to begin the paperwork to request an extension from the Governor and Executive Council (G&C) **this month**. As the multiple state-agency review process can take up to three months, from when NHDES receives all of the documents, before it makes it onto the G&C meeting agenda.

Please provide a status update as soon as possible.

Many thanks,
Laura

Laura M. Weit-Marcum
Source Water Protection Grant Program Coordinator
Drinking Water & Groundwater Trust Fund
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Laura.M.Weit-Marcum@des.nh.gov
(603) 271-2862

**Grant Agreement with the City of Portsmouth
Drinking Water and Groundwater Trust Fund
Source Water Protection Grant**

Amendment No. 1

This Agreement (hereinafter called the Amendment) dated this ____ day of _____, _____, is by and between the State of New Hampshire, acting by and through its Department of Environmental Services (hereinafter referred to as the State) and the City of Portsmouth acting by and through its City Manager, Karen Conard (hereinafter referred to as the Grantee).

WHEREAS, pursuant to an Agreement (hereinafter called the "Agreement") approved by the Governor and Council on September 20, 2023, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

WHEREAS, The Grantee and the State have agreed to amend the Agreement in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of Agreement: The Agreement is hereby amended as follows:
 - (A) The Completion Date as set forth in sub-paragraph 1.7 of the Agreement shall be changed from December 31, 2024 to December 31, 2025.

2. Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.

3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

CITY OF PORTSMOUTH

By _____
Karen Conard, City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this ____ day of _____, _____, before the undersigned officer, personally appeared Karen Conard who acknowledged herself to be the person who executed the foregoing instrument for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires

notary public signature

date

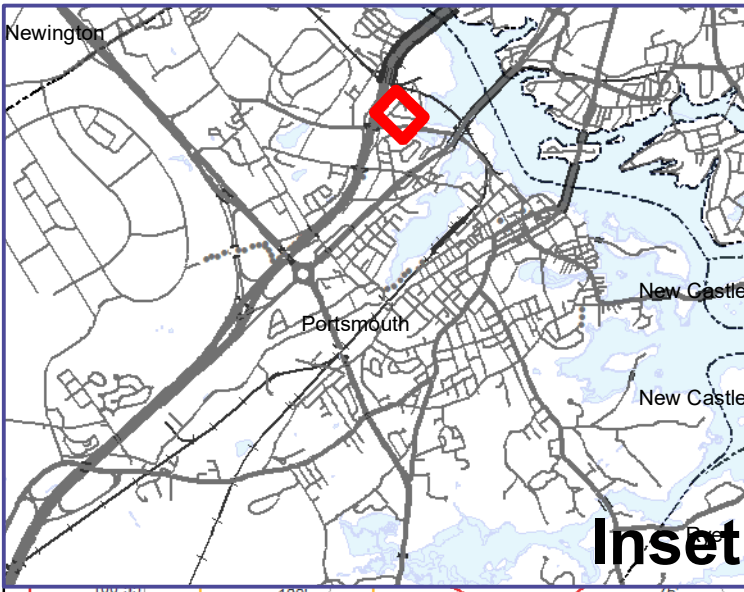
THE STATE OF NEW HAMPSHIRE
Department of Environmental Services

By: _____
Robert R. Scott, Commissioner

Approved by Attorney General this ____ day of _____, _____ as to form, substance and execution.

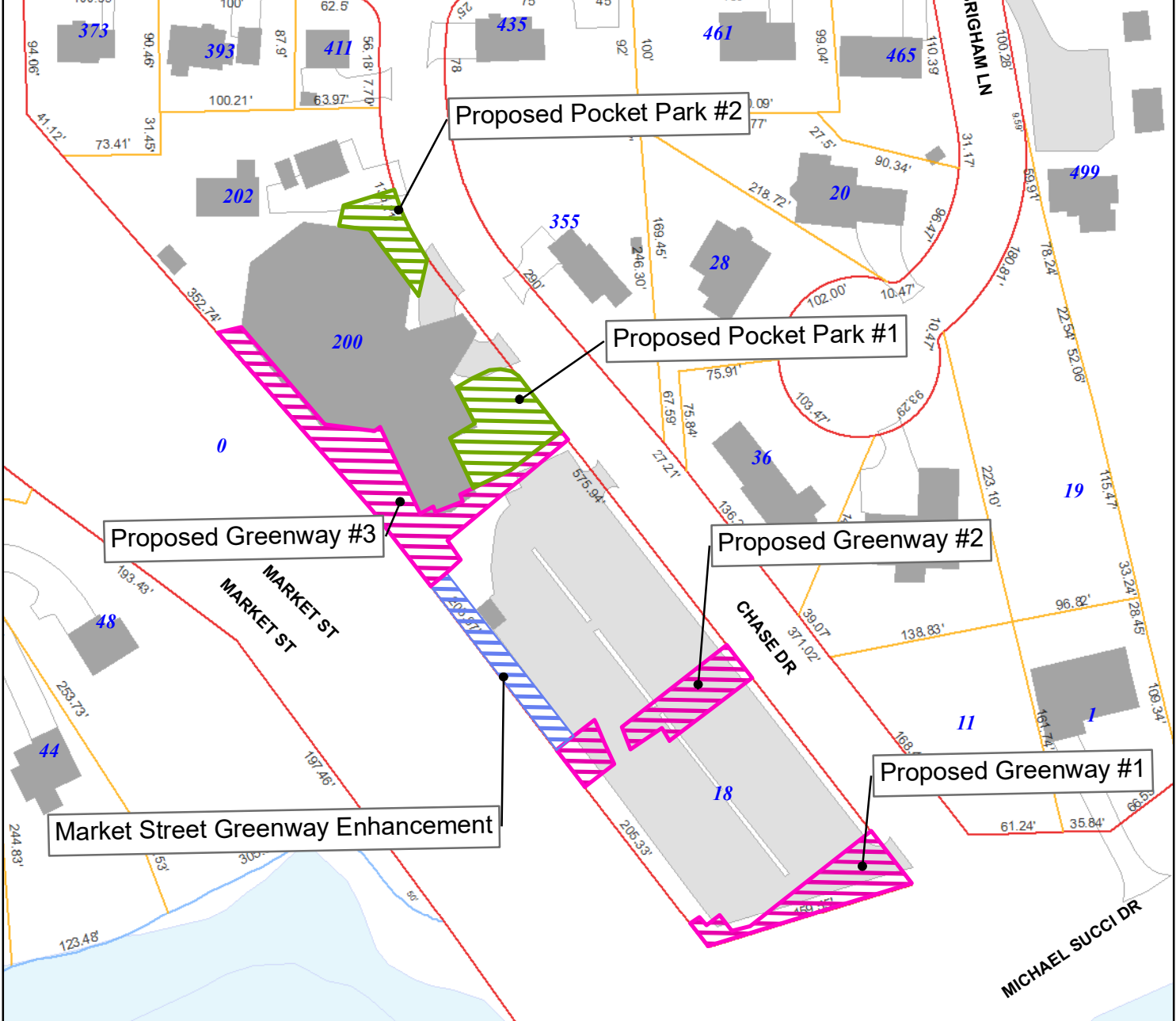
OFFICE OF ATTORNEY GENERAL

By: _____



Inset

CM Action Item #4



**200 Chase Drive
Proposed Easements**



After recording return to:
City of Portsmouth
Planning Department
1 Junkins Ave
Portsmouth, NH 03801

EASEMENT FOR PUBLIC ACCESS AND USE OF COMMUNITY SPACE

THIS EASEMENT HEREIN IS GRANTED this ____ day of _____, 2024 by BETHEL ASSEMBLY OF GOD, INC., a New Hampshire Nonprofit Corporation having a principal place of business at 200 Chase Drive, Portsmouth, NH 03801, (“Grantor”) and for consideration of One Dollar (\$1.00) paid by the City, and other good and valuable consideration, receipt of which is acknowledged by Grantor, grants unto the City of Portsmouth, a municipal corporation, 1 Junkins Avenue, Portsmouth, New Hampshire (“City”) with warranty covenants, an easement for public access to and use of certain community space as set forth herein as greenways, greenway enhancements and pocket parks.

WITNESSETH

WHEREAS, Grantor acquired a tract of land located at 200 Chase Drive, City of Portsmouth, County of Rockingham, State of New Hampshire (the “Property”), by Warranty Deed of Herbert Pope, dated June 30, 1969, and recorded at the Rockingham County Registry of Deeds at Book 1986, Page 395, and Deed of William C. O’Brien and Angela O’Brien dated December 1, 1975, and recorded in the Rockingham County Registry of Deeds at Book 2248, Page 889; and

WHEREAS, reference is made to a plan entitled “Easement Plan” dated January 29, 2020, and last revised on August 22, 2024, consisting of one sheet, identified as Sheet C.10, prepared by Altus Engineering, Inc., and recorded in the Rockingham County Registry of Deeds as Plan Number D-_____ (hereinafter “Easement Plan”); and

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), to be paid by the City, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor conveys the easements as follows, located in the City of Portsmouth, County of Rockingham, State of New Hampshire (hereinafter collectively referred to as the “Easements”):

:

- A. Greenway #1: A pedestrian easement area consisting of 3,785 square feet located on Lot 2 along its Eastern boundary, bounded by a dashed line as shown on the Easement Plan to be recorded herewith. Included in Greenway #1 is a walkway connecting the existing public sidewalk along Market Street to the public sidewalk to be constructed along Chase Drive, and three (3) benches.
- B. Greenway #2: A pedestrian easement area consisting of 4,010 square feet located on Lot 1 and Lot 2, along the common boundary of said Lots, bounded by a dotted line shown on the Easement Plan to be recorded herewith. Included in Greenway #2 is a walkway connecting the existing public sidewalk along Market Street to the public sidewalk to be constructed along Chase Drive, and two (2) benches.
- C. Greenway #3: A pedestrian easement area consisting of 8,310 square feet located on Lot 1 along a portion of its Southern boundary with Market Street and extending to the North across Lot 1 to its Northern boundary with Chase Drive, bounded by a dashed line shown on the Easement Plan to be recorded herewith. Included in Greenway #3 is a walkway connecting the existing public sidewalk along Market Street to the public sidewalk to be constructed along Chase Drive, and three (3) benches.
- D. Greenway Enhancements: A pedestrian easement area consisting of 2,300 square feet located on Lot 1 along a portion of its Southern boundary with Market Street, and parallel thereto, bounded by a dashed line shown on the Easement Plan to be recorded herewith. Included in Proposed Market Street Greenway Enhancement Area is a landscape area intended to enhance the existing public sidewalk along the Northern sideline of Market Street.
- E. Pocket Park # 1: A pedestrian easement area consisting of 4,345 square feet located on Lot 1 adjacent to and between the Northeast corner of the Existing Connect Community Church and the sidewalk to be constructed along Chase Drive, bounded by a dashed line shown on the Easement Plan to be recorded herewith. Included in Pocket Park #1 is a walkway, and four (4) benches.
- F. Pocket Park #2: A pedestrian easement area consisting of 2,340 square feet located on Lot 1 adjacent to and between the Northwest corner of the Existing Connect Community Church and the sidewalk to be constructed along Chase Drive, bounded by a dashed line shown on the Easement Plan to be recorded herewith. Included in Pocket Park #2 is a walkway, and two (2) benches.

The Easements granted herein shall be subject to the following terms and conditions:

1. **Terms of Public Use:** The Public Use permitted by the Easements shall be governed and determined at the sole discretion of the City, as expressed by the City Manager or the highest ranking administrative officer of the City, subject to the terms and conditions of these easement. The City shall provide reasonable notice to the Grantor of an extraordinary event to be scheduled for the easement areas but failure to do so shall not be a breach of these easements.
2. **Rights to Private Property:** This easement does not convey any right to the public to access or utilize the private property of the Grantor outside the easement areas. Grantor's use of the Easements shall be subject to and regulated through the City of Portsmouth's rules and

ordinances governing public sidewalks.

3. Maintenance: Maintenance of the easement areas shall be the sole responsibility of the Grantor, its successors or assigns. The City shall have the right, but not the obligation, to access the easement areas for the purpose of maintenance, repair or replacement, after providing reasonable notice to the Grantor of the scope and cost of such work, all as reasonably determined by the City. Such maintenance costs incurred by the City shall be at the sole expense of the Grantor, its successors or assigns.

4. Encroachments: The Easements are subject to all existing encroachments of utilities and improvements on, over and under the Easements.

5. Covenants Run with the Land: The Easements granted herein shall be perpetual in nature, shall run with the land and shall benefit and be binding upon the Grantor, its successors and assigns. The Easements shall be recorded in the Rockingham County Registry of Deeds.

6. City Ordinance Application: Any use, public or private, of the Easements shall be subject to and comply with the City Ordinances of the City of Portsmouth.

7. Notices: Any notice, demand, request, or other communication that either party desires or is required to give to the other under this Easement shall be in writing and either served personally or sent by United States mail, postage prepaid, certified, return receipt requested, and shall be mailed to the parties at the following addresses:

To Grantor:

President
Bethel Assembly of God, Inc.
200 Chase Drive
Portsmouth, NH 0380

(or as listed and at the address shown on the City's current Tax Records)

To City:

City Manager (or the highest ranking administrative officer)
City of Portsmouth, New Hampshire
1 Junkins Avenue
Portsmouth, NH 03801

8. Amendment: Grantor and Grantee may mutually agree to amend or modify this Easement, provided that any such amendment or modification is approved by the City Council at a noticed public hearing, in writing and signed by both parties, and is consistent with the purpose and intent of the Zoning Ordinance. No amendment or modification of this Easement shall take effect unless and until it is recorded in the Rockingham County Registry of Deeds.

9. **Costs and Liabilities:** Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property, and to defend, indemnify, hold harmless and release the City of Portsmouth, from and against any and all actions, claims, damages, liabilities, or expenses that may be asserted by any person or entity, including Grantor, relating thereto. Without limiting the foregoing, the City of Portsmouth shall not be liable to Grantor or any other person or entity in connection with any entry upon the Property pursuant to this Easement, or on account of any claim, liability, damage, or expense suffered or incurred by or threaten against Grantor or any other person or entity, except as such claim, liability, damage, or expense is the result of the City of Portsmouth's, its agents or employee's negligence or willful misconduct.

10. **Applicable Law:** These Easements shall be construed and interpreted according to the substantive law of the State of New Hampshire.

11. **Community Space Easement to Bind Successors:** The provisions of these Easements shall be binding upon and insure to the benefit of Grantor and its successors and assigns. The Easements shall be appurtenant to, and for the benefit of, Grantee and shall run with title to the Property and shall continue in perpetuity.

Meaning and intending to convey an easement over a portion of the Property conveyed to the Grantor by Warranty Deed of Herbert Pope, dated June 30, 1969, and recorded at the Rockingham County Registry of Deeds at Book 1986, Page 395, and Deed of William C. O'Brien and Angela O'Brien dated December 1, 1975, and recorded in the Rockingham County Registry of Deeds at Book 2248, Page 889.

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

IN WITNESS WHEREOF, Grantor and City have executed this Community Space Easement as set forth, below.

Grantor:

Bethel Assembly of God, Inc.

By: _____

Grantee:

City of Portsmouth, New Hampshire

By: _____
Karen Conard, City Manager

Per vote of the City Council on
September __, 2024.

ACKNOWLEDGEMENTS

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____ in his/her capacity as _____ of Bethel Assembly of God, Inc., a New Hampshire nonprofit corporation, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

On this ____ day of _____, 2024, before: me, the undersigned notary public, personally appeared Karen Conard, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as stated therein and voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that **BETHEL ASSEMBLY OF GOD, INC.**, a New Hampshire Nonprofit Corporation having a principal place of business at 200 Chase Drive, Portsmouth, NH 03801, (“Grantor”), for consideration received, grants to the **CITY OF PORTSMOUTH**, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with **QUITCLAIM COVENANTS** an easement over, below, along, and across the premises described herein, located at 200 Chase Drive, City of Portsmouth, County of Rockingham, State of New Hampshire, (Tax Assessor's Map No. 210, Lot 2), and being more particularly described as follows:

A certain tract or parcel of land with the buildings thereon shown as Lot 2 on a subdivision plan entitled “Subdivision Plan Tax Map 210-Lot 2 Owner: Bethel Assembly of God 200 Chase Drive City of Portsmouth County of Rockingham State of New Hampshire” dated as of August 2018, and last revised October 12, 2019, prepared by Ambit Engineering, Inc., and approved by the City of Portsmouth Planning Board on February 28, 2020, and recorded in the Rockingham County Registry of Deeds as Plan No. _____ .

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

Retained Rights: Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

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 the premises conveyed to the within grantor

by Deed of Herbert Pope dated June 30, 1969, and recorded in the Rockingham County Registry of Deeds at Book 1986, Page 395, and deed of William C. O'Brien and Angela O'Brien dated December 1, 1975, and recorded in the Rockingham County Registry of Deeds at Book 2248, Page 889.

This is an exempt transfer per R.S.A. 78-B:2(I).

IN WITNESS WHEREOF, the parties have executed this document on the ____ day of _____, 2024.

BETHEL ASSEMBLY OF GOD, INC.

Witness: _____

By: _____

Name: _____

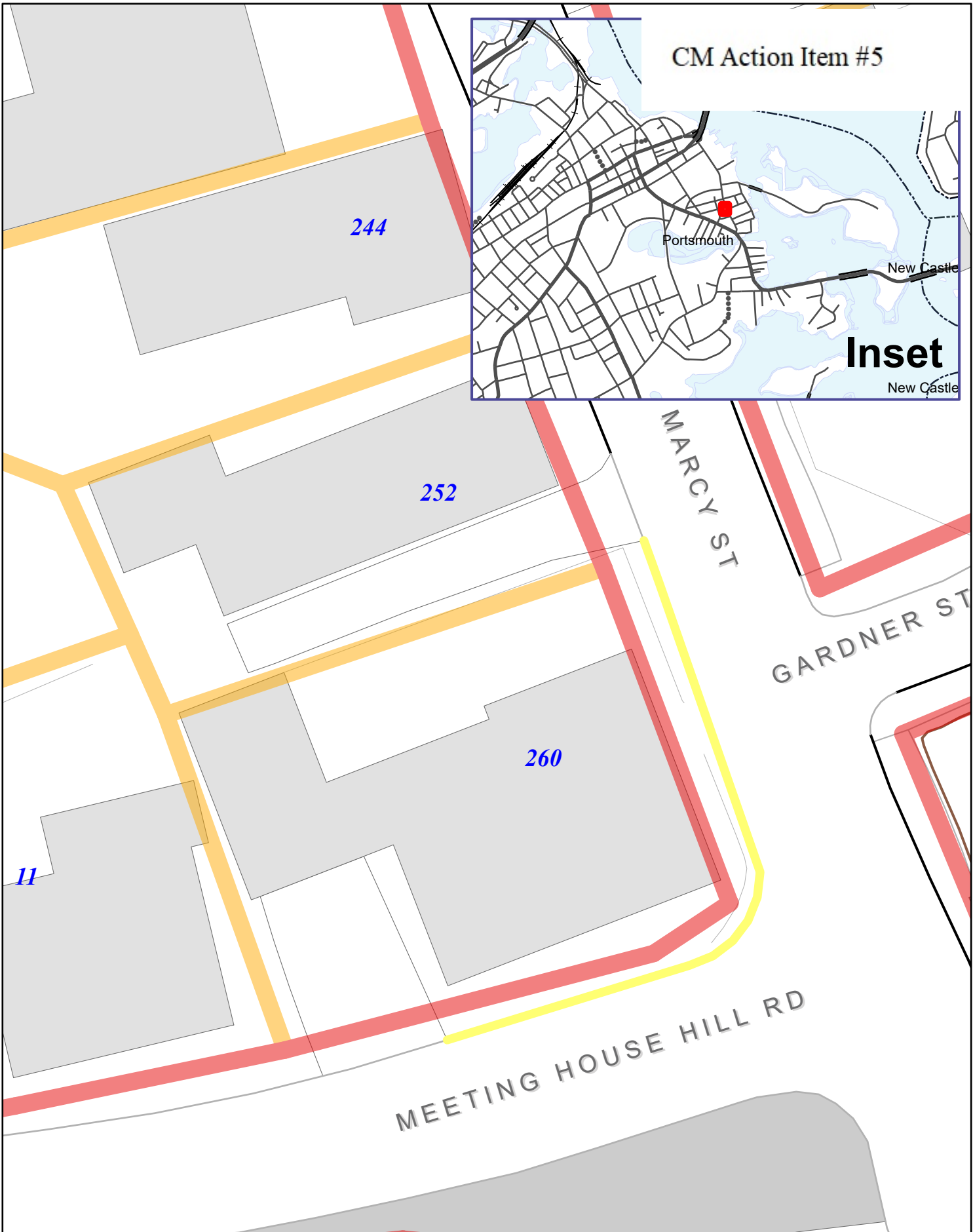
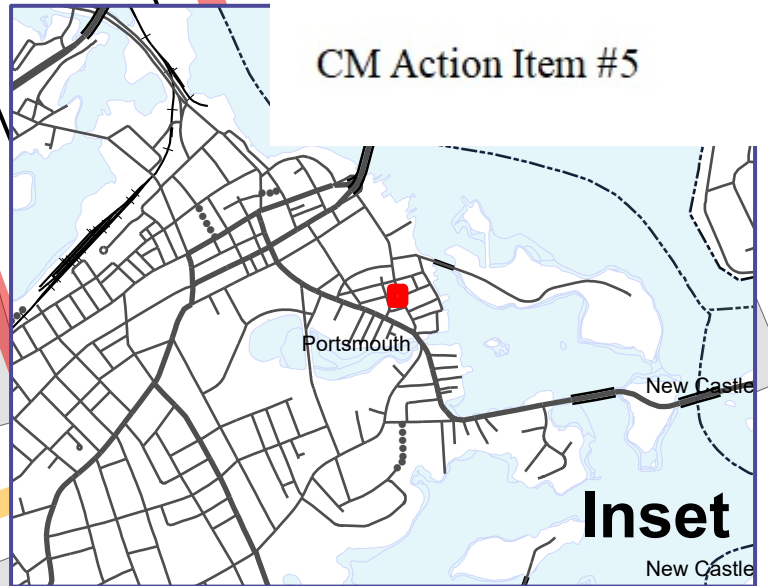
Title: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared the above-named _____, in *his/her* capacity as _____ of Bethel Assembly of God, Inc. and acknowledged the foregoing instrument to be *his/her* free act and deed executed for the purposes contained therein.

Notary Public/Justice of the Peace
My commission expires: _____

CM Action Item #5



260 Marcy Street

Proposed City License Agreement



Printed: 10/2/2024

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

REVOCABLE LICENSE

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereby grants this Revocable License to the J & L Family Trust, (hereinafter "Landowner") owner of property at 260 Marcy Street, Portsmouth, New Hampshire, identified on the City's Tax Map at Map 103, Lot 49 (hereinafter "Property") pursuant to the following terms and conditions:

WHEREAS, existing concrete curbing and retaining wall is being replaced with a granite retaining wall and curbing and a portion of the Landowner's curbing and retaining wall of the Property ("Improvements") appear to lie outside the Property's boundaries and are within the City's right-of-way along a portion of Marcy Street and Meeting House Hill Road; and

WHEREAS, the Landowner will construct these Improvements consistent with the Building Permit BLDG 23-694. These Improvements have been approved by the Historic District Commission (LUHD-652) and will be constructed to City standards and as depicted in Plans filed with the Building Permit.

NOW THEREFORE, the parties agree as follows:

1. The City hereby authorizes and licenses Landowner to construct and maintain the Improvements within the City's right-of-way.

2. These Improvements will be constructed to City standards after review and approval of Plans from the Department of Public Works.
3. Landowner shall be responsible for all costs related to the Improvements, including construction, maintenance and insurance.
4. Landowner, their successors and assigns, jointly and severally agree to indemnify and hold harmless the City of Portsmouth and its agents and employees from any and all liability for any and all property damage or loss, bodily injury or personal injury which arise as a result of the construction, maintenance, operation, ownership and use of the Improvements. This obligation survives termination or revocation of this agreement.
5. There is no fee or charge associated with this Revocable License.
6. This Revocable License shall continue until it is revoked by the City in its sole discretion through the City Manager, at any time, without cause.
7. This Revocable License is assignable to Landowner's successor and assigns upon written notice to the City. Notice shall be directed to the City Manager with a copy to the City Attorney.
8. Upon termination of this Revocable License, whether by revocation or otherwise, Landowner shall remove the Improvements at their sole cost if requested by the City on demand. In the event Landowner fails to remove the Improvements, the City shall have the right to enter Landowner's property and remove the Improvements.

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

IN WITNESS WHEREOF, City (Licensor) and Landowner (Licensee) have executed this Revocable License as set forth below.

City of Portsmouth

By: _____
Karen Conard, City Manager

Pursuant to vote of the City Council
dated _____

J & L Family Trust

By: Laureen M. Dorow, Trustee of the
J & L Family Trust

By: Jeffrey R. Dorow, Trustee of the J &
L Family Trust

ACKNOWLEDGEMENTS

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared **Karen S. Conard, Manager of the City of Portsmouth**, New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or document, and acknowledged to me that she signed it in her capacity as stated therein and voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ____ day of _____, 2024, before: me, the undersigned notary public, personally appeared Laureen M. Dorow, as **Trustee of the J & L Family Trust**, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:


STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ____ day of _____, 2024, before: me, the undersigned notary public, personally appeared Jeffrey R. Dorow, as **Trustee of the J & L Family Trust**, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: September 30, 2024

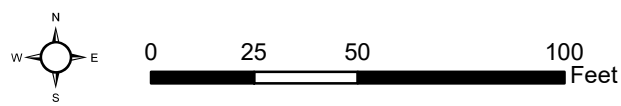
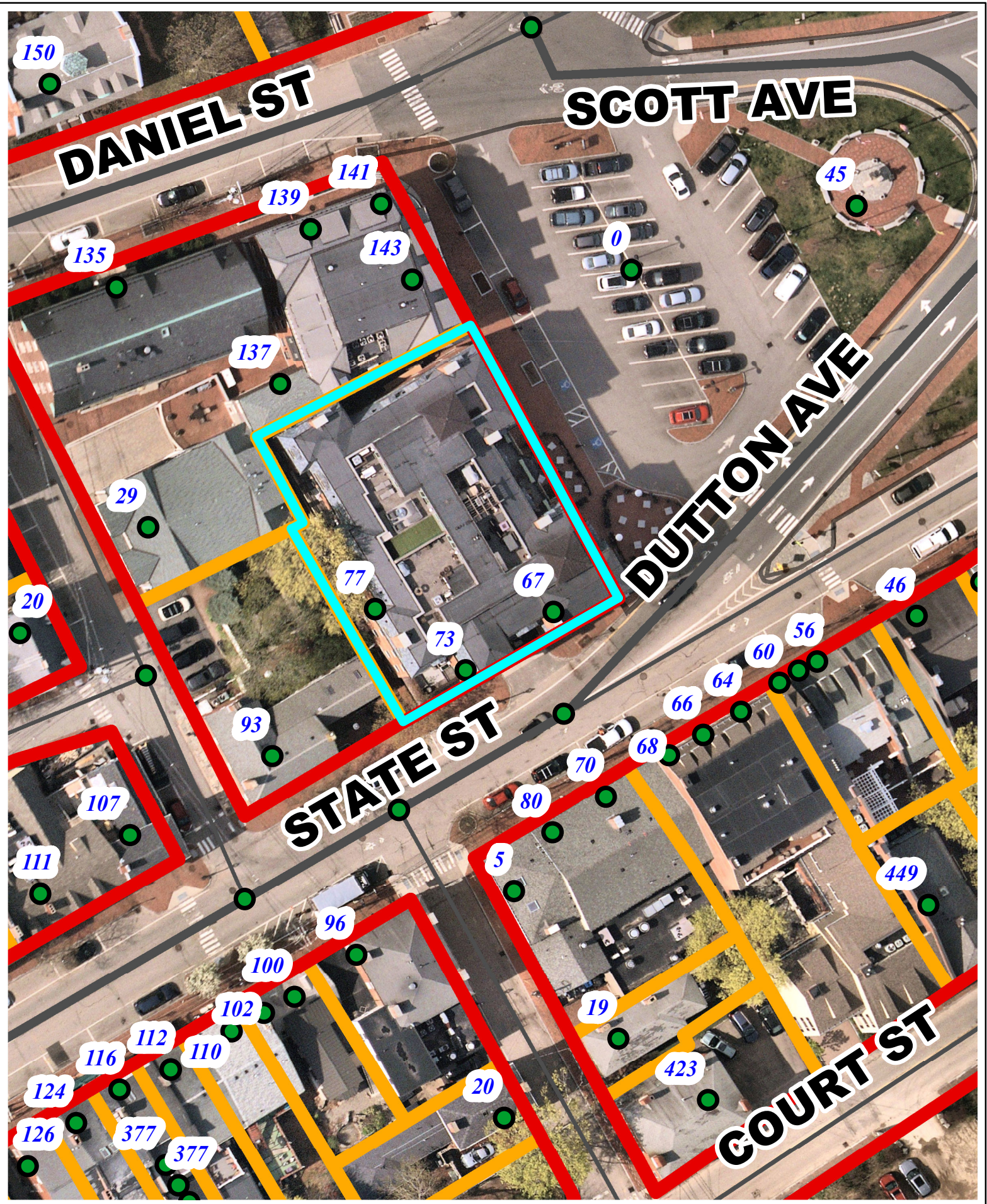
RE: City Council Referral – Projecting Sign
Address: 67 State Street Unit 2
Business Name: Reedmor Books & Brews
Business Owner: Nissa Bagelman

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.

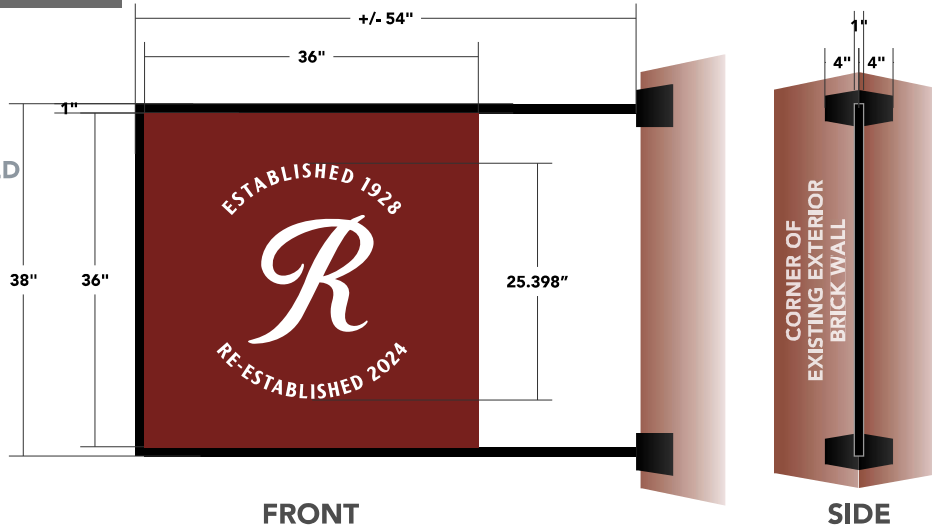


Request for license 67 State Street Unit 2

A

SCALE: 3/4"=1'

QTY 1
DOUBLE SIDED



PROJECTING SIGN AT CORNER:

SIGN TYPE: projecting sign with internal framing and mounting with L brackets to mount onto corner
 SIZE: 36" x 36"
 QUANTITY: 1
 VINYL TYPE: full color laminated print
 SUBSTRATE: 080 aluminum over 1" sq. tube
 DOUBLE SIDED
 CONTENT: Reedmor seal
 GRAPHIC/TEXT COLOR:
 PMS 1815 burgundy background, white text
 FABRICATION NEEDED: welding, painting, printing
 SIGN MOUNTING: 4" H L Brackets with predrilled holes
 Granite Facade Height: 21.5"

COLOR SCHEDULE (CLIENT TO VERIFY)

PMS 1815 C
BLACK
WHITE



INSTALLATION:

LOCATION DIRECTIONS: corner of State Street and parking lot just before crossing bridge to Kittery
 MOUNTING SURFACE: granite blocks
 INSTALL MAX. HEIGHT: 15' approx.
 REPLACING EXISTING OR NEW: New
 SITE SURVEY NEEDED: Yes
 PERMITS NEEDED: Yes - Portsmouth Sign to acquire
 INSPECTION NEEDED: No

CONTACT PRIOR TO ARRIVAL:
Nissa Bagelman
reedmorbooksnh@gmail.com

City Council E-mails from September 24, 2024 through October 2, 2024

@ 4:00 p.m.

First Name

Hannah

Last Name

Burke

Email

classicbd@comcast.net

Address

161 South Street
Portsmouth, New Hampshire. 03801

Message

Our property evaluations doubled after already going up an additional \$800.00. My family has had our two properties for over 50 years. We cannot afford more than we are already paying, which is a stretch. (\$16,000.00 per property). We are freaked out, as I am sure many others who are NOT here to AVOID income tax are! Is Portsmouth looking to push more people out of the city? Where is the say of the residents that make Portsmouth what it is? We saw this many years ago when the first evaluation happened and neighbors of my family in the South end who had been here for decades were pushed out. This is inhumane and wrong beyond words. What is the response of a City who still does not honor it's residents, restauranteurs and merchants??????

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

Yes

First Name

Elizabeth

Last Name

Dinan

Email

dinanroom@gmail.com

Address

639 maplewood ave
portsmouth, New Hampshire. 03801

Message

The hill which currently hosts City Hall, the police station, school dept. and Connors Cottage is Portsmouth's Mount A. Please save this PUBLIC view! They're not making any more of them. And you could be the ones to take it away.

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

Council meeting.

Yes

First Name

Judy

Last Name

Hiller

Email

hillerj@rcn.com

Address

18 Manning
Portsmouth, New Hampshire

Message

After watching a portion of the presentation to the City Council on the latest version of the new Police station and reading the followup article in this am's Herald, I am surprised no one asked this basic question. What is the justification to more than double the size of the building? What is the space going to be used for? It's not like officers all need offices?? I doubt if it's any space is going to include a gym and/or shooting range. Even if more staff is added, it is not like they are going to be spending the majority of their time in the building. I did like the suggestion of a possible 'satellite' building....possibly adjoining one of the Fire stations at Pease or on Layfayette. I do not think this plan as presented is going to be popular with the residents.....especially the price tag! Thank u.

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

Yes

First Name

David

Last Name

Hudlin

Email

dhudlin@hotmail.com

Address

260 miller avenue
portsmouth, New Hampshire. 03801

Message

Dear City Council,

I'm a 33 year resident of Portsmouth as well as a property owner. I've witnessed much change in my years here. Some good, some not so good. One thing that is a constant, especially the last 15 years, is that city tax

burden continues to shift to residential homeowners. If you were to take a pie chart over the past 15 years, and compare the change in the ratio of tax dollars generated between residential and commercial, you would clearly see the continuous increase in the residential contribution as a percent of the total. Each time we conduct a revaluation, the residential percentage increase in assessments far exceeds that of our commercial properties. The result is significant increase in the average residential tax bill, while commercial property owners see tax bill reductions. This is not a sustainable situation. I would challenge you to question and educate yourselves on the methodology used to determine commercial valuations. We don't need Vision Appraisal or the Assessor to determine residential values.....there is ample sales data to provide accurate comparables. Anybody who follows the market or tracks neighborhood sales knows within +-5% of what the market value of their home is. The most current revaluation shows that residential values have increased approx 60-70% vs the current tax assessed values. I'm sure the Commercial increase will be much lower. It's scary to think what the impact on our residential tax bills will be once the tax rate is set. Even though the rate will be adjusted down, the percentage reduction will not come close to offsetting the percent increase in the residential valuations. The average residential tax bill is \$8-10K/year. What are we looking at, 10, 15, 20% increases in our tax bills? Most residents would be experiencing \$1-2K in annual tax increases! How do families absorb this? We should also be asking ourselves why, when we have significantly increased the number of taxable units, both residential and commercial, over the past 5-10 years, do our residential tax bills continue to rise significantly? It's simple....1. Commercial assessments are too low and 2. The City operating budget increases year after year and the compounding effect of that is crushing. Please look out for the taxpayers in our City that have been beaten down by tax increases. Increasing home values, while improving our balance sheets, don't help us absorb the increasing tax burden. I am also a small landlord that owns a duplex. You have an initiative to create affordable or workforce housing. This has been an initiative for as long as I can remember. When the majority of apartments are owned by what I would describe as "small" homeowners such as myself, we are forced to increase rents just to try to offset increasing property taxes. I, like many small landlords, have to inform tenants that rents will be going up again, as property taxes once again will be increasing significantly. If you want to create affordable housing, start looking within at reducing operating budgets and getting commercial assessments to accurately reflect their values. Then maybe we can help stabilize rents. Rents are not just supply & demand driven, cost of ownership and passing on all or some of those costs also play a role. Thank you

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

Yes

First Name

Jason

Last Name

Stringer

Email

jstringer20@gmail.com

Address

145 CABOT ST # 1
PORTSMOUTH, New Hampshire. 03801-4316

Message

With Judge Edward Chen's ruling against the EPA, will you please now stop putting fluoride into our water? It is a known neurotoxin. Read Harvard toxicologist Phillipe Grandjean, twitter account Truth about Fluoride, and investigative journalist Christopher Bryson's book "The Fluoride Deception" for more info.

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

Yes

First Name

Sarah

Last Name

Lynch

Email

sarahlibbylynch@gmail.com

Address

19 Sunset Rd
Portsmouth, New Hampshire. 03801

Message

Dear Members of the City Council,

I am writing as a concerned citizen regarding the influx of unhoused people sleeping in sleeping bags on our park benches, loitering by PMS, the library, and Leary field, and sleeping in vans adjacent to Leary Field and the Turf Field. I walk every morning in Portsmouth and the increase in unhoused people sleeping on the sidewalk or in ATM machines is astonishing. It is especially concerning considering the proximity to our schools, library, playgrounds, and playing fields. I've heard that Treehouse Preschool has had to modify their pickup and drop off policy due to unstable people swearing and acting disorderly in front of their building. Just today, I witnessed a man urinating in front of Market Basket on Lafayette.

I'm aware that Portland, ME cracked down on their tent cities causing this influx of unhoused people to move here. Will Portsmouth enforce the same laws and policies as Portland? Is it legal to sleep overnight on the streets of Portsmouth? I lived in San Francisco before moving to Portsmouth and I've witnessed firsthand how a large, unhoused population can negatively impact a community. I realize this is a very complex and sensitive issue, and I fully support organizations like Crossroads helping people in need, I just don't believe people sleeping on the streets is safe for anyone.

I would love to hear your thoughts on this situation and if you have any ideas on how Portsmouth should react moving forward? Thank you for your time and consideration.

Sincerely,
Sarah Lynch

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

Yes

September 20, 2024



Dear City Council Members,

We are reaching out as we bought a recently subdivided lot off of the back of 15 Lafayette Road, now 185 Orchard Street, to build our primary residence, a single family home. We have spent the last several months putting together the engineering and architectural plans. I am attaching the survey showing the subdivision, our architectural drawings, and some photos of existing homes in our neighborhood for comparison to this letter.

We submitted our building permit with the plans just over 2 months ago, and it has been brought to our attention that the land is in the Historic District Overlay Zone. We were never informed we would need HDC approval to build on the land and that it would remain in the Historical District once the subdivision took place, but obviously we were informed incorrectly, which is why we are writing this letter. We are asking to remove our lot from the Historical District for several reasons which we have laid out below:

- The Historic District Overlay Zone was extended down Middle Street and Lafayette Road from South Street to State Street because it is considered a "gateway" into the city. All properties with direct frontage on the stretch of Lafayette Road (from South St) and Middle Street down to State Street are considered part of the Historic District Overlay Zone. The subject property has no frontage, in fact, it does not directly abut Lafayette Road or Middle Street.
- Some properties that are located on the corner lots of Lafayette Road from South Street down to State Street are considered part of the Historical District. The subject lot is not a corner lot abutting Lafayette Road or Middle Street.
- The subject property's frontage is on Orchard Street. No properties on Orchard Street are in the Historical District.
- The structure being built coincides with the zoning requirements for GRA (plans attached)
- The character of the Historic District Overlay Zone will not be affected, as the structure will not be able to have any direct visibility from Lafayette Road or Middle Street.
- Constructing the home in its current location will not contradict with the spirit of the city's zoning of the HDC overlay district as a "gateway" into the city.

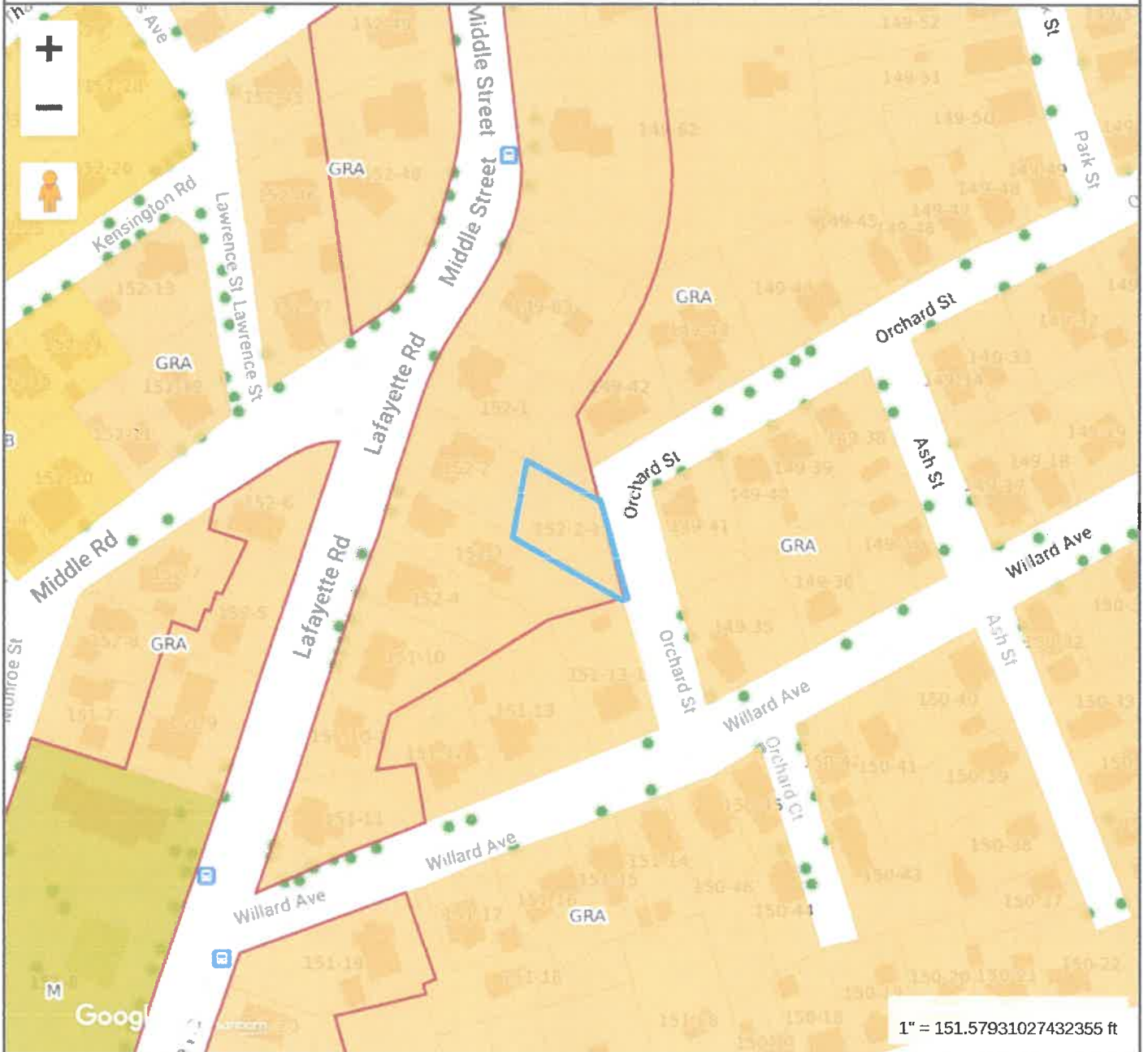
We understand that this is a rare ask, but after reviewing the HDC's guidelines and current zoning, we feel this should be granted as an exception, and we kindly ask for your help doing so. Our intentions are to in no way take away from the historical character of our City's "gateway" to downtown. Our house's characteristics fall in line with other houses on our street that are not part of the HDC jurisdiction, and we are asking to join them. Our lot was not created until after the Historic District Overlay Zone was determined, and the original lot was one undivided lot. We were trying to get the foundation in the ground prior to winter, as we have had our permit in for a couple months now, and we're trying to get our house built in a timely manner for our family to move in by this coming Spring.

Thank you for taking the time to read this and for taking our ask into consideration. If you have any questions please do not hesitate to reach out.


Jessie and Scott Rafferty

185 Orchard Street, Portsmouth, NH 03801

srafferty@ocrandco.com
603-767-8929



Property Information

Property ID 0152-0002-0000
 Location 15 LAFAYETTE RD
 Owner LOADER CHRISTOPHER J & AMY

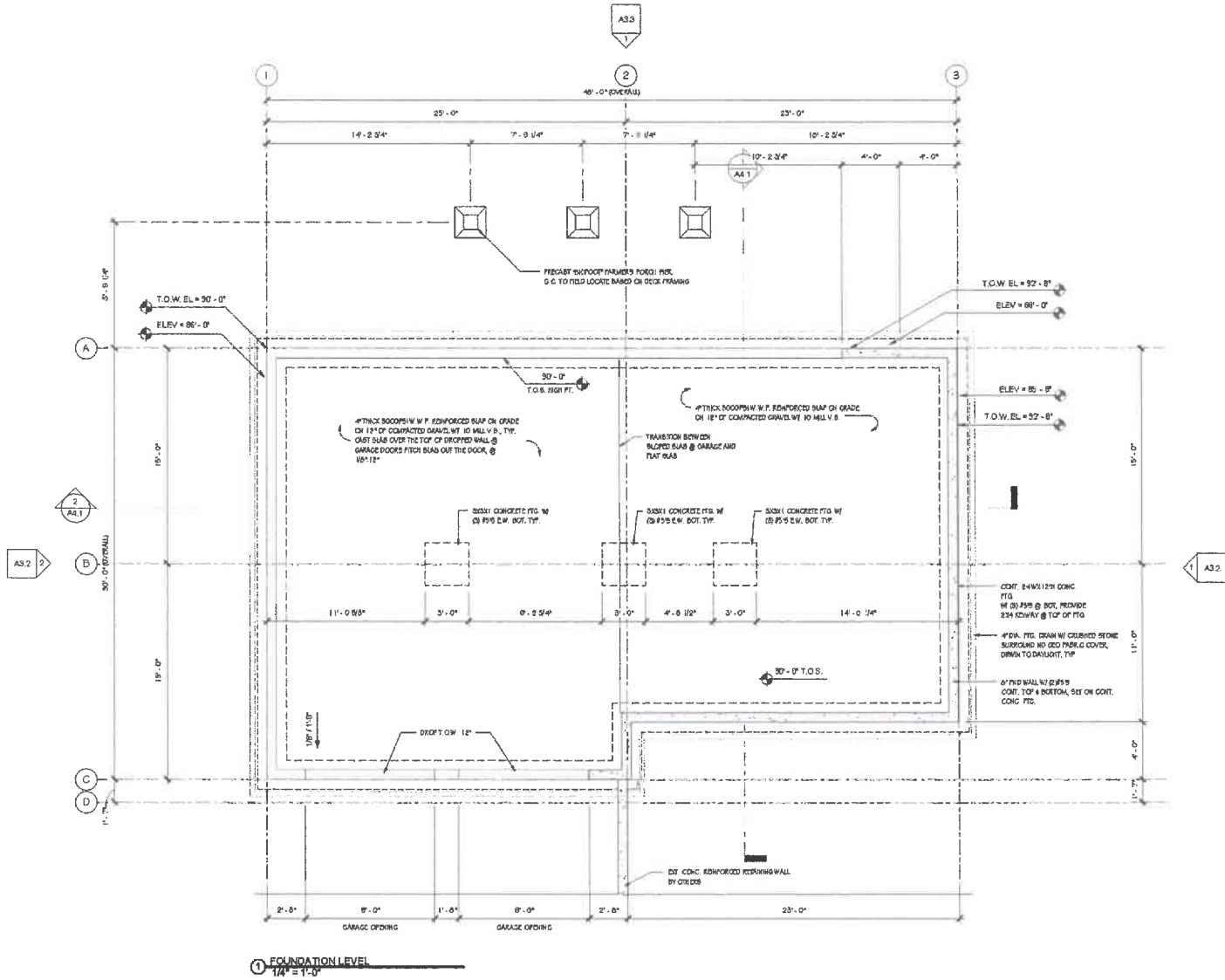


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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 09/18/2024
 Data updated 3/9/2022

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

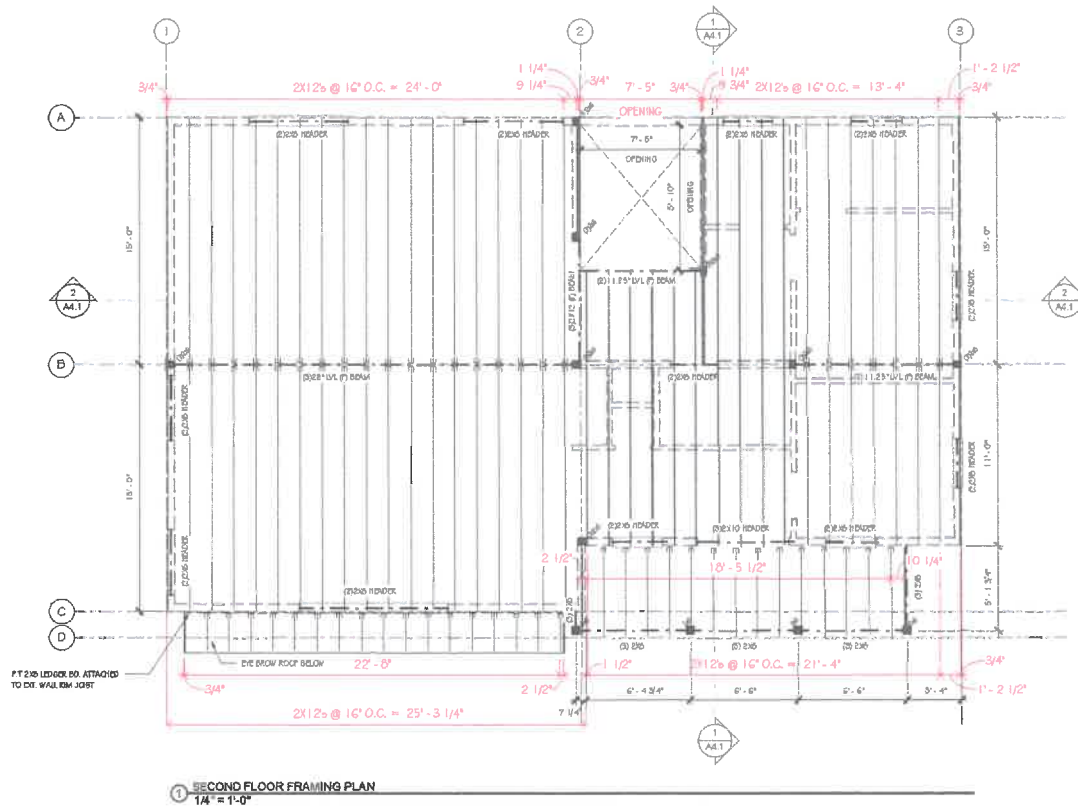


1 FOUNDATION LEVEL
1/4" = 1'-0"

STRUCTURAL NOTES:

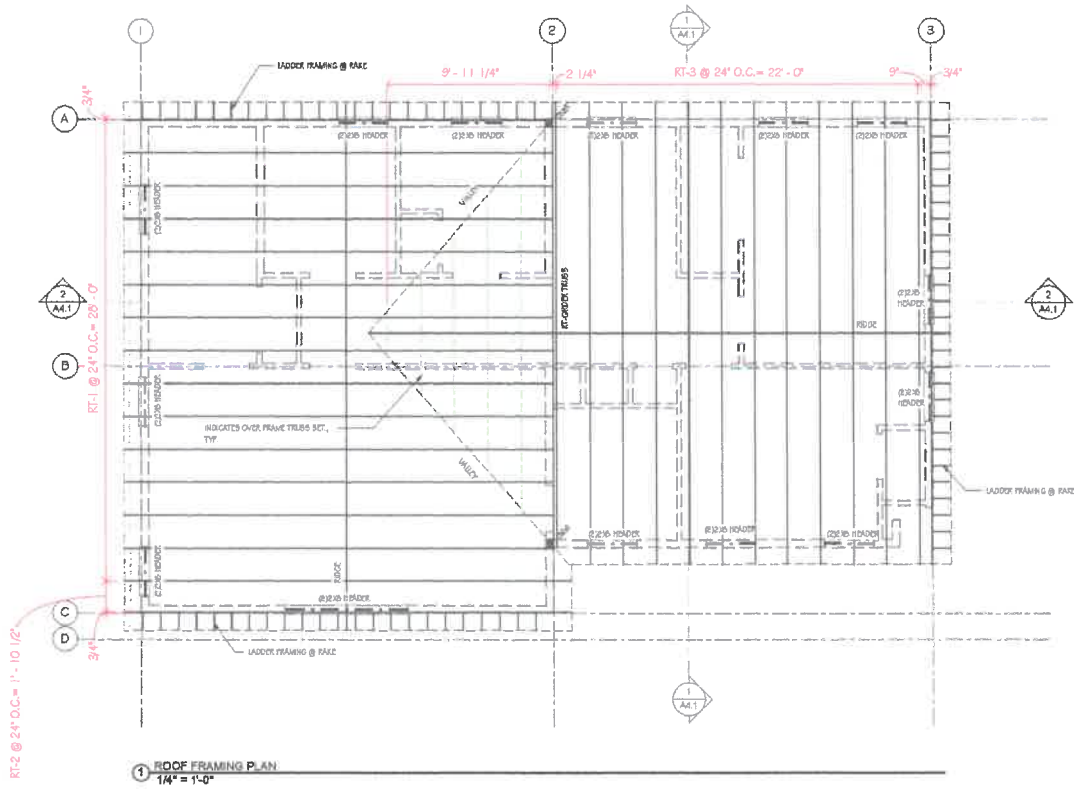
1. HOME TO HAVE 4" TALL BASEMENT WALL & GARAGE TO HAVE 4" TALL FROST WALLS
2. TYPICAL BRICK CORE C. FOOTINGS SHALL BE MINIMUM 550#1 W/ (8) #5'S EACH WAY @ BOTTOM
3. FOUNDATION FOOTINGS TO BE CONC. 1250#4 W/ (5) #5'S CONC. @ BOTTOM @ D.O.F. @ 6" BELOW GRADE
4. PROVIDE 234 KEYWAY @ FOOTING TO FOUNDATION WALL
5. FOUNDATION WALLS TO BE 6" THICK W/ (2) #5'S CONC. @ TOP, MID & BOTTOM
6. ALL FOOTINGS & FND FOUNDATIONS SHALL BE SET TO A MIN. OF 48" BELOW GRADE FOR FROST PROTECTION
7. G.C. TO COORDINATE IN FIELD T.O.F. & STEP FROM LOCATORS AS REQUIRED TO MAINTAIN FROST PROTECTION
8. ALL FOUNDATIONS SHALL RECEIVE TWO COATS OF EXTERIOR DAMP PROOFING FROM T.O.F. TO 6" BELOW FINISH GRADE
9. DAMPROOF SHALL HAVE FOOTING PROTECTIVE DRAIN RUN TO EXISTING
10. SILL PLATE BRACKETS SHALL BE 10" LONG 1/2" GALV. BRACKETS W/ 6" EMBROIDMENT, SPACED 48" O.C. MAX. W/ MAX. 18" FROM CORNER, MIN. (2) BOLTS PER PLATE
11. PROVIDE CONC. SILL BRK. W/ 1/2" UNDER F.T. WD. SILL PLATE
12. ALL FLOOR JOISTS SHALL BE 2" X 12 S.D. SP' @ 12" @ 12" @ 10' O.C.
13. ALL WINDBR. BOARDING WALLS TO BE 2" X 4 S.D. W/ STUDS @ 16" O.C. OR BETTER
14. ALL FLOOR JOISTS TO BE 2" X 12 W/ WOOD TRUSS GIRDERS & BRIDGES TO WD. JOISTS
15. INSTALL DOOR BOLD DOWN IN EXT. WALL CORNERS W/ LESS THAN 48" OF CONC. WALL OPENING
16. ALL WINDOW & DOOR HEADERS NOT DIMENSIONED ON PLANS SHALL BE (2) 2X6 S.P. No. 1 OR BETTER
17. PROVIDE DOUBLE JACK STUDS ON OPENINGS LARGER THAN 4'-0"

FOR CONSTRUCTION
7/26/21
11:42

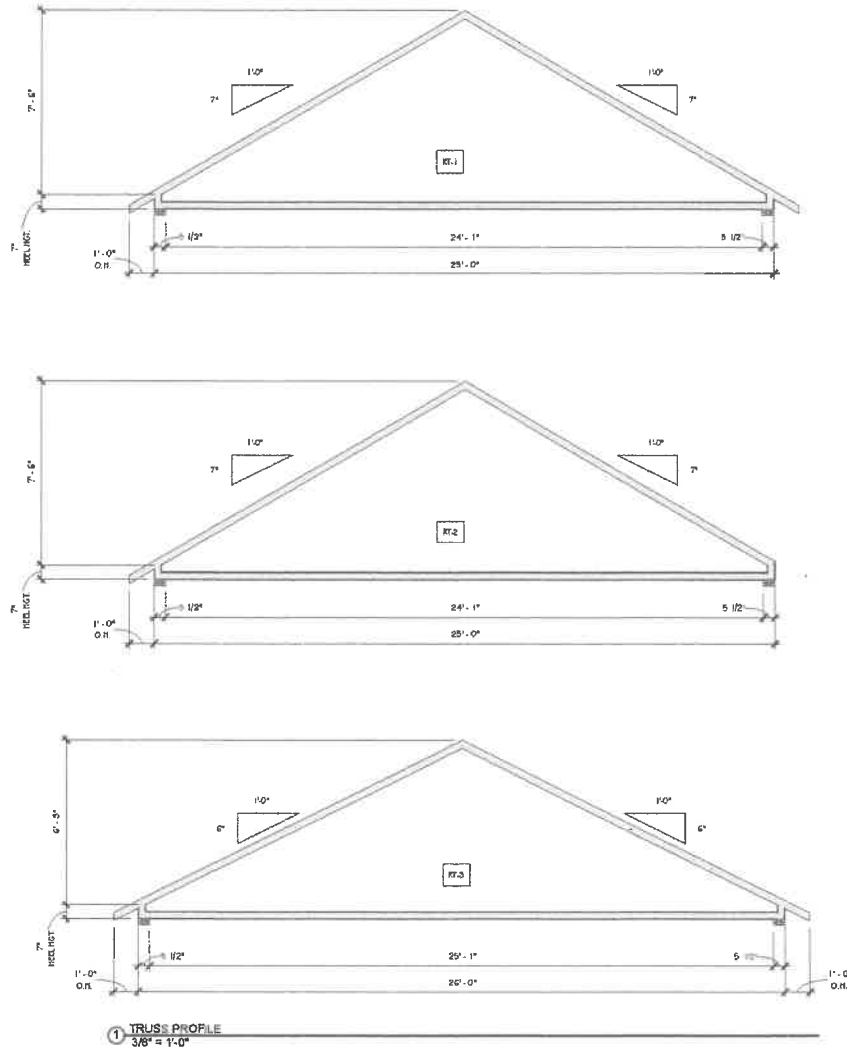


1 SECOND FLOOR FRAMING PLAN
1/4" = 1'-0"

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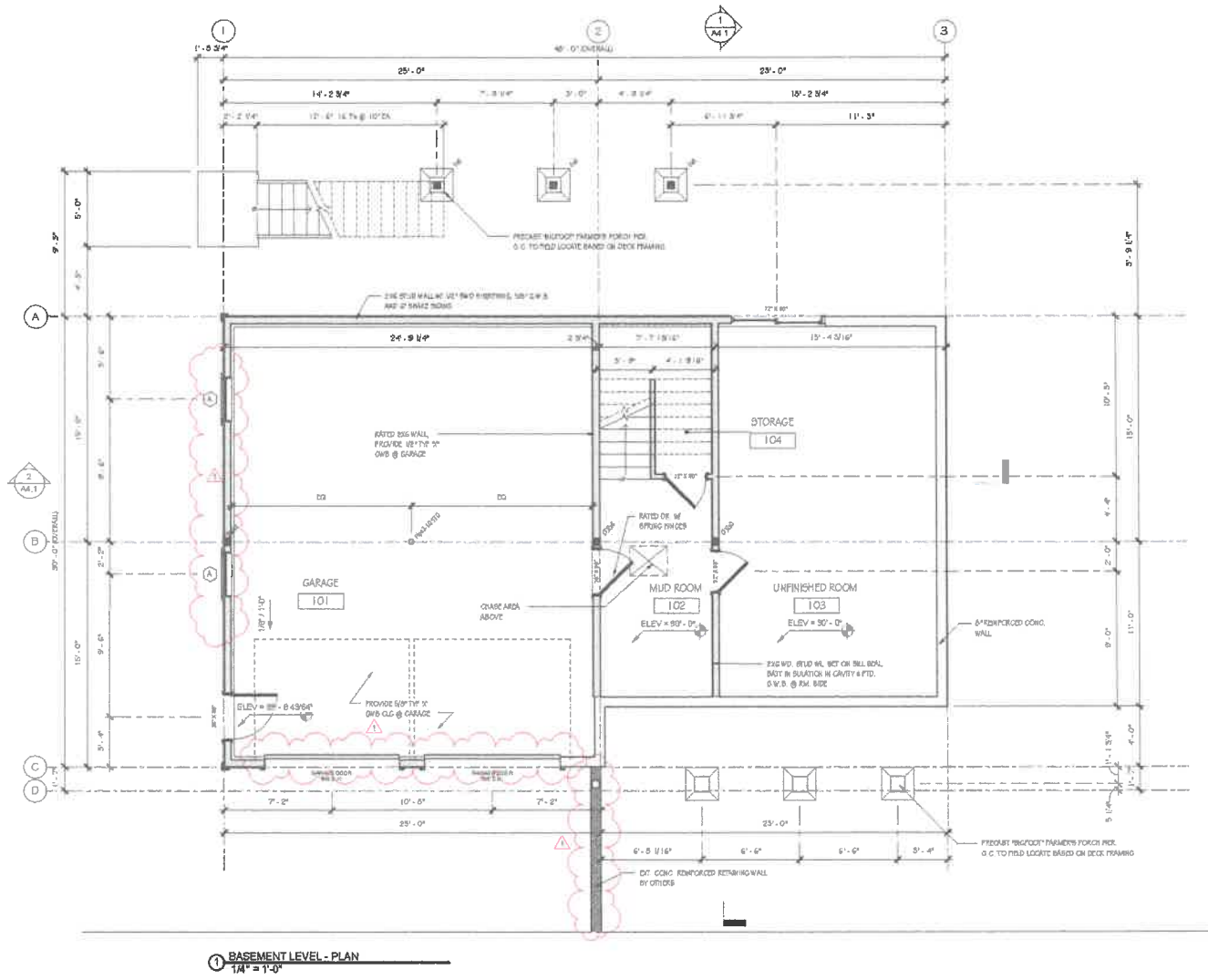
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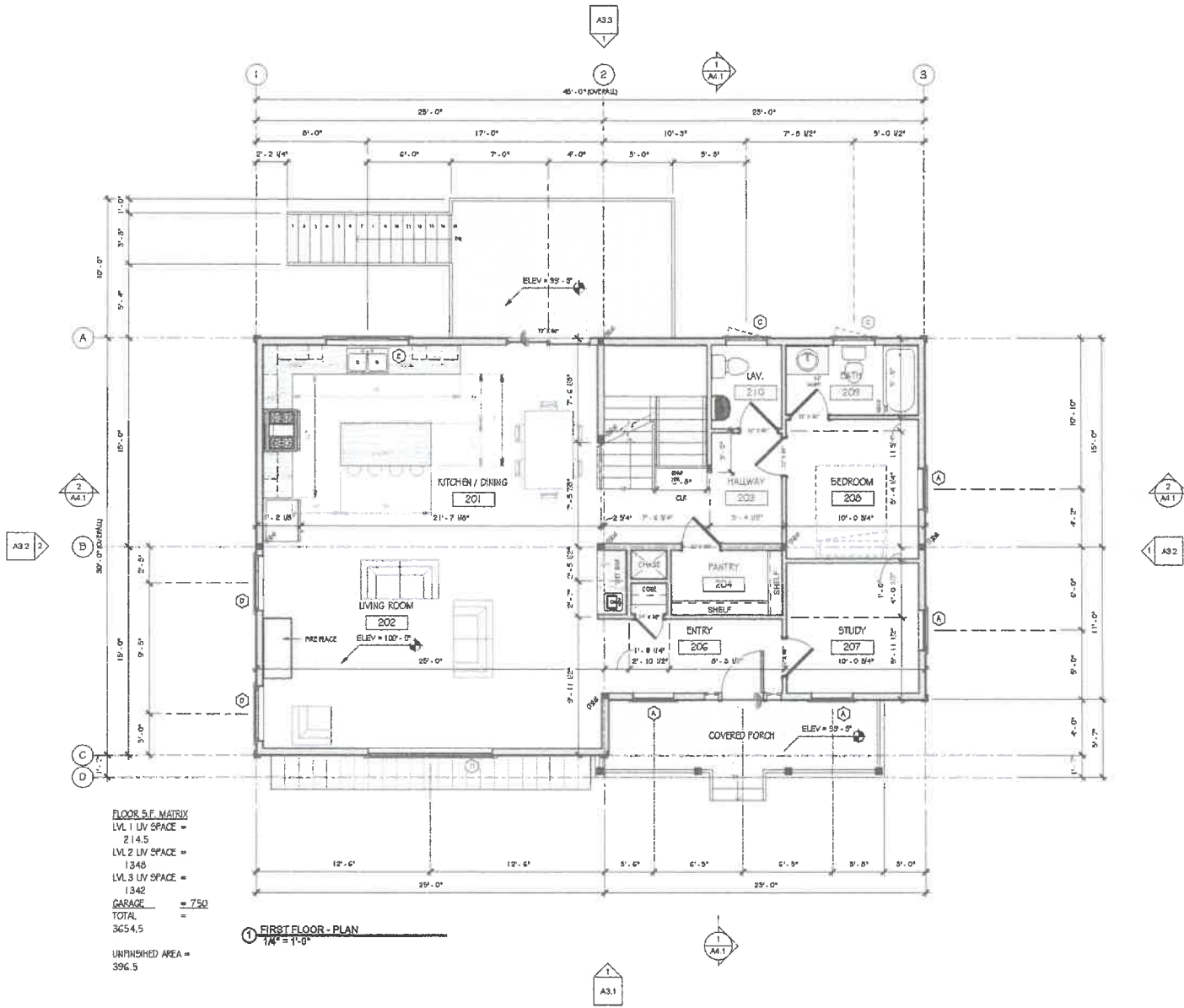
STRUCTURAL LOCAL NOTES, U.N.O.:

1. ALL WORK, MATERIALS AND INSTALLATION OF ALL ITEMS AND PRODUCTS SHALL CONFORM TO CURRENT CODE, STANDARD PRACTICE AND MANUFACTURE REQUIREMENTS.
2. ALL FOOTINGS & SLABS OR GRADES SHALL BE ON UNDISTURBED SOIL OR COMPACTED STRUCTURAL FILL WITH AN ALLOWABLE SOIL BEARING CAPACITY OF 1,500 PSF. THE OWNER IS ENCOURAGED TO OBTAIN GEOTECH TESTING AT THE OWNER'S CORNER.
3. ALL FOUNDATION, RETIC WALLS, FOOTING, ISOLATION FOOTING, AND INTERIOR SLABS SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 3,000 PSI.
4. ALL GARAGE SLABS AND ALL EXTERIOR SLABS SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI.
5. FOUNDATION FOOTINGS TO BE CON. 12"x12" W/ #3 @ 18" S/CENT. @ BOTTOM. 8"x8" @ 48" BELOW GRADE MIN. O.C. TO V.I.P., STOP ITD. AS REQD.
6. PROVIDE #4 @ 12" O.C. @ 48" O.C. W/ 1"4" ENCRUSTMENT INTO STEEL WALL. 1 STD. ROCK INTO ITD. BOT. PER IRC SECTION 600.
7. TYPICAL INTERIOR CON. FOOTINGS SHALL BE MINIMUM 300x11" W/ #3 @ 18" S/CENT. W/ 1"4" ENCRUSTMENT INTO STEEL WALL @ BOTTOM.
8. TYPICAL FOUNDATION FROSE WALLS TO BE 8" THICK W/ #1 REIN. S/CENT. @ TOP, MID & BOTTOM.
9. PROVIDE TWO COURTS OF DRAIN FOOTING ON THE EXT. FACE OF MID WALL FOOTING.
10. FOR ALL OCCUPIED ELEMENTS OR IF BITE WATER TRAPERS REQUIRED, PROVIDE 4" PVC ITG. DRAIN PIPE & GROUND PAGING PER DETAIL. RUN PIPE TO DAY LIGHT.
11. WALL PLATE ANCHORS SHALL BE 6"x6", 10" LONG @ 24" S/CENT. SET TO BE IN MID. 1/3 OF W/D PLATE.
12. ANCHOR BOLT SPACING SHALL BE 4" O.C. MAX. 4" (2" FROM CORNER MAX.) (2) BOLTS PER PLATE MIN. PROVIDE STANDARD WALKER & NUT FOR DR.
13. ANY LUMBER EXPOSED TO WEATHER, OR IN CONTACT W/ CONCRETE OR STEEL SHALL BE PRESSURE TREATED (P.T.) LUMBER. ANY LUMBER IN DIRECT CONTACT W/ THE GROUND SHALL BE TREATED FOR SUCH.
14. PROVIDE CONT. SILL WALLS UNDER P.T. W/D SILL PLATE.
15. ALL NOMINAL STRUCTURAL LUMBER SHALL BE K.D. SPP No. 1 / No. 2, U.S.P.C.
16. ALL CONCRETE LUMBER AND STRUCTURAL MEMBERS SHALL BE WEATHERED FOR PRODUCTS OR APPROVED EQUAL AND SHALL BE INSTALLED PER MANUFACTURER'S LATEST REQUIREMENTS.
17. ALL FIRE ENGINEERED WOOD TRUSSES SHALL BE DESIGNED BY AN ENGINEER LICENSED IN THE STATE BEING DESIGNED IN THIS SHALL BE THE RESPONSIBILITY OF THE TRUSS PROVIDER.
18. REFER TO TYPICAL ASSEMBLY NOTES ON DWG SHEET FOR THE DESIGN INTENT OF ALL WALL SILL, RAFTERS, AND JOISTS SIZES AND SPACING.
19. REFER TO FLOOR OR FRAMING PLANS FOR ALL HEADER, DIMS AND COL. SIZES.
20. ALL INTERIOR BEARING WALLS TO BE 2x6 14" O.C. OR BETTER.
21. ALL FLOOR BEARING SHALL BE 2x12 OR TAG GLEYS & WALLED TO WD. JOISTS. ADVANTAGE OR EQUAL, (WORD OR DWGS AS PLD.)
22. ALL EXTERIOR WALL OPENING SHALL BE 1/2" W/ 2x6.
23. INSTALL ROOF BOLD CORN IN EXT. WALL CORNERS W/ LESS THAN 48" OF CONT. WALL BEARING. O.C. TO V.I.P. AND COORDINATE THIS DETAIL AS REQUIRED.
24. PROVIDE DOUBLE PICE STUDS OR OPENING LARGER THAN 4'-0". 1 STRE. JACKS OR OPENING LARGER THAN 8'-0".
25. G.C. TO PROVIDE FASTENERS FOR THE IRC PRESCRIPTIVE METH CD, U.N.O.

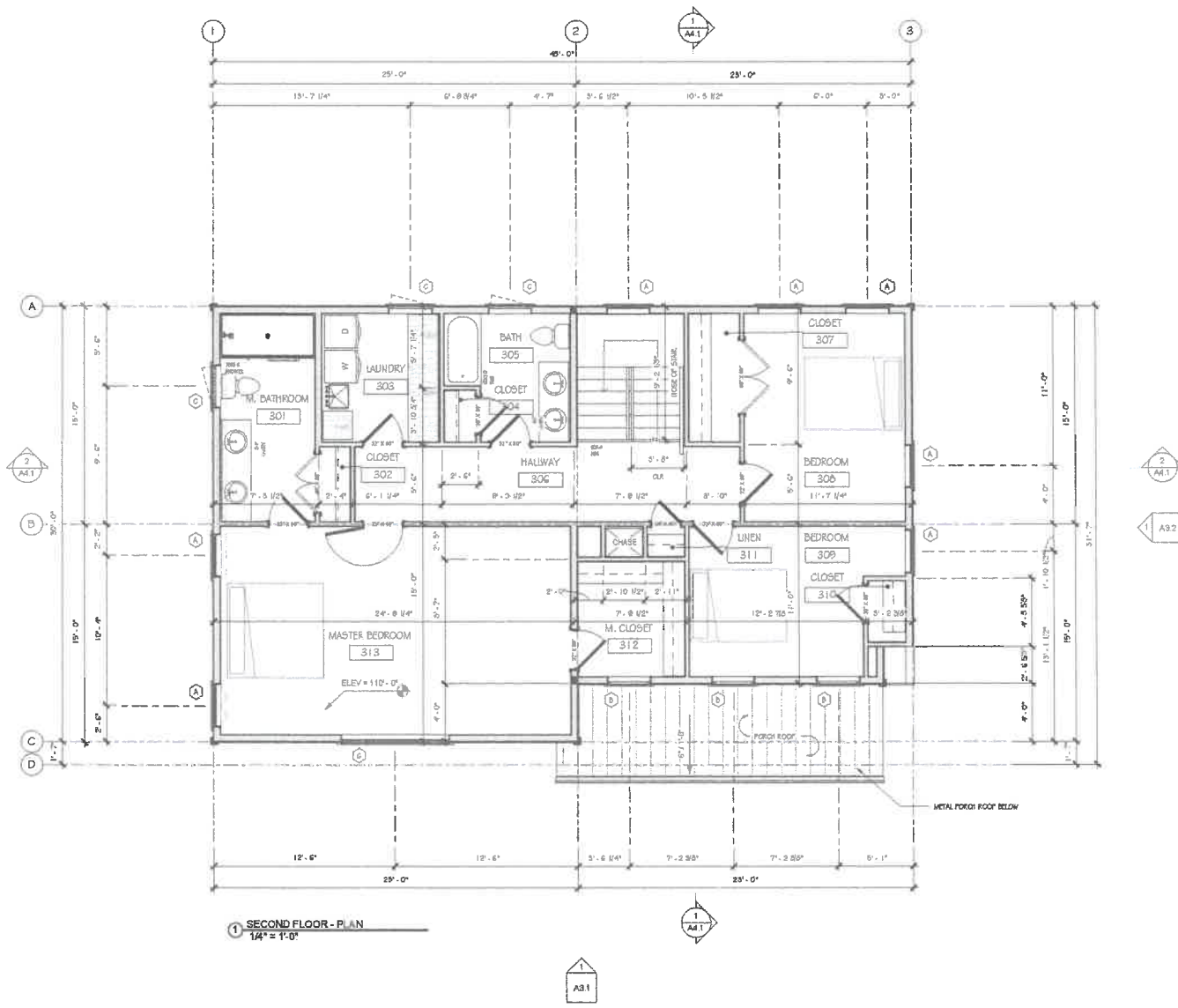
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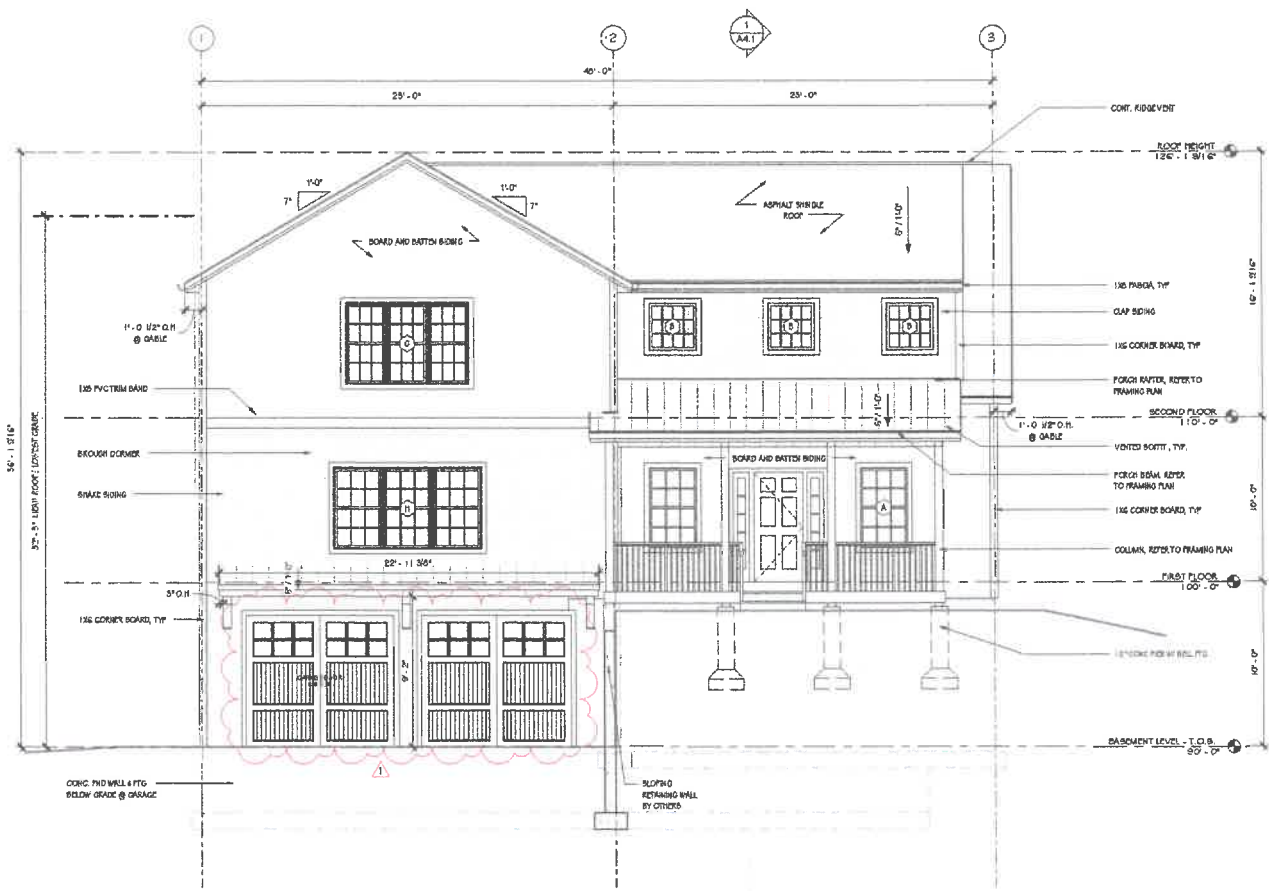


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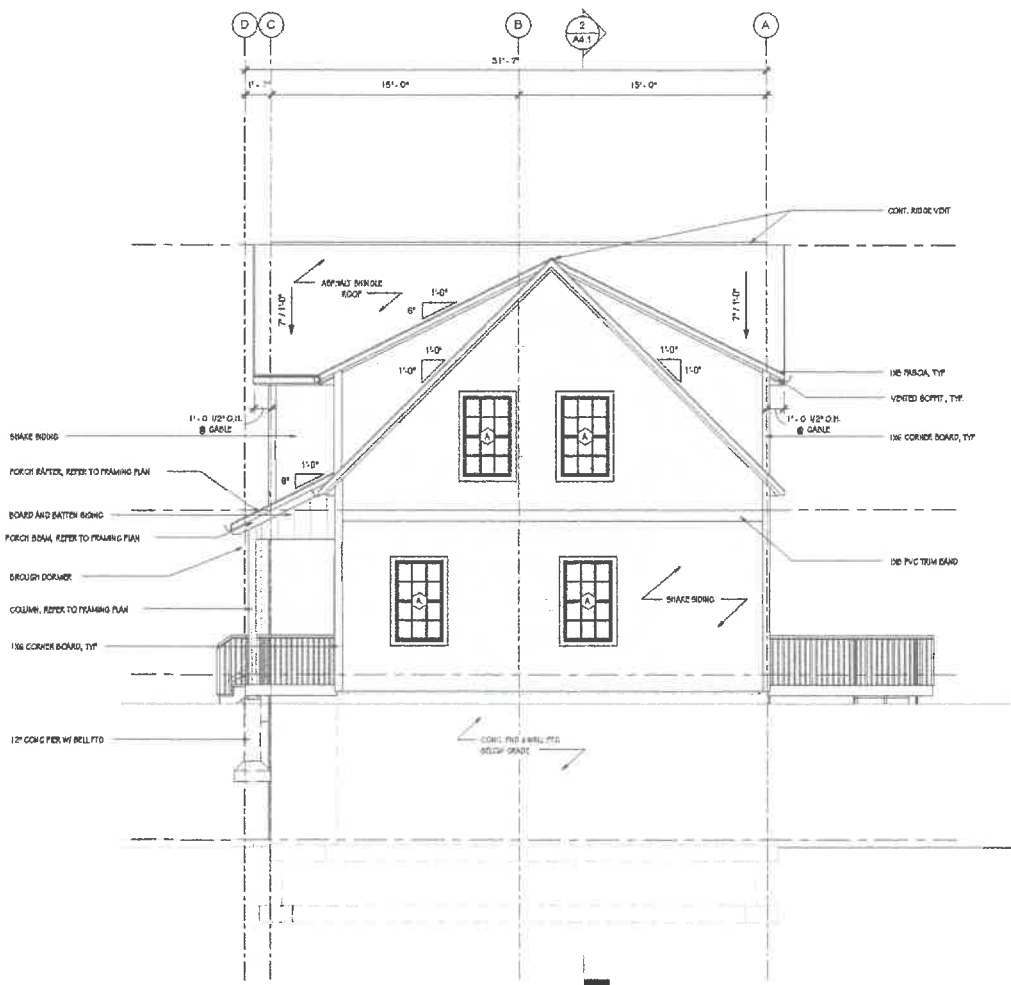
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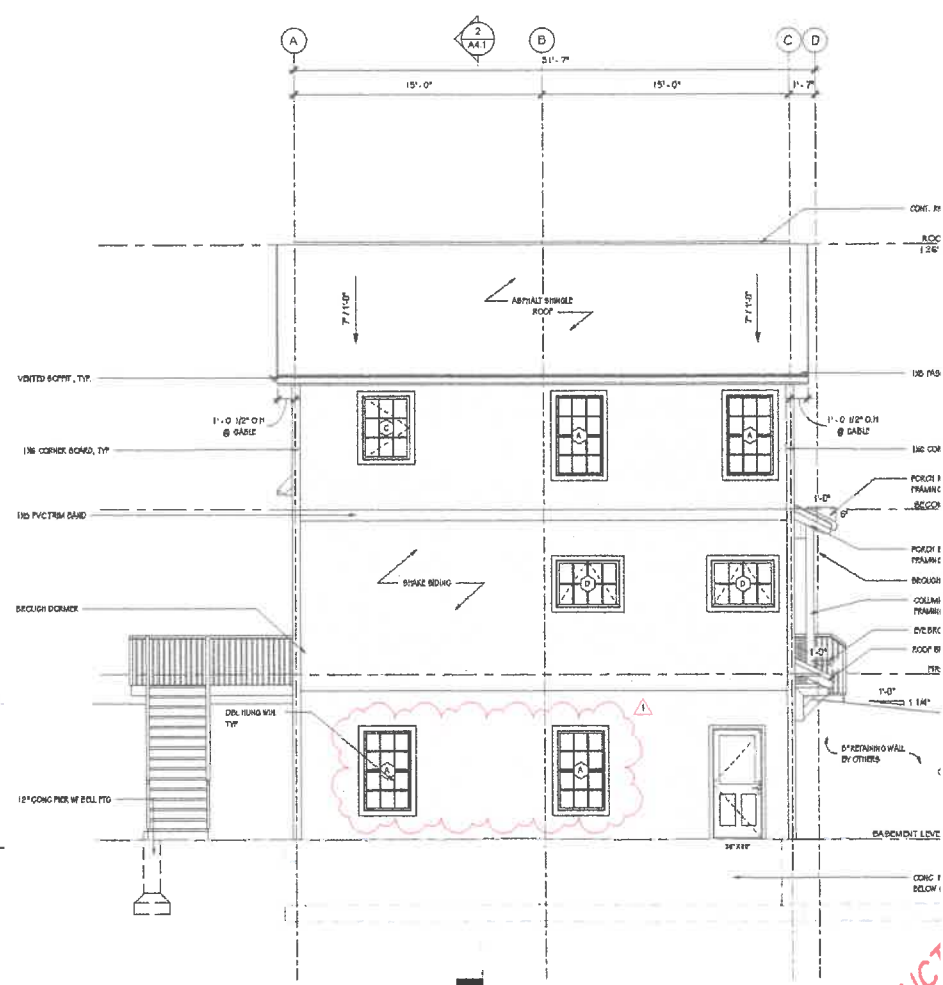


1 FRONT ELEVATION
1/4" = 1'-0"

FOR CONSTRUCTION
7/26/24
11:42

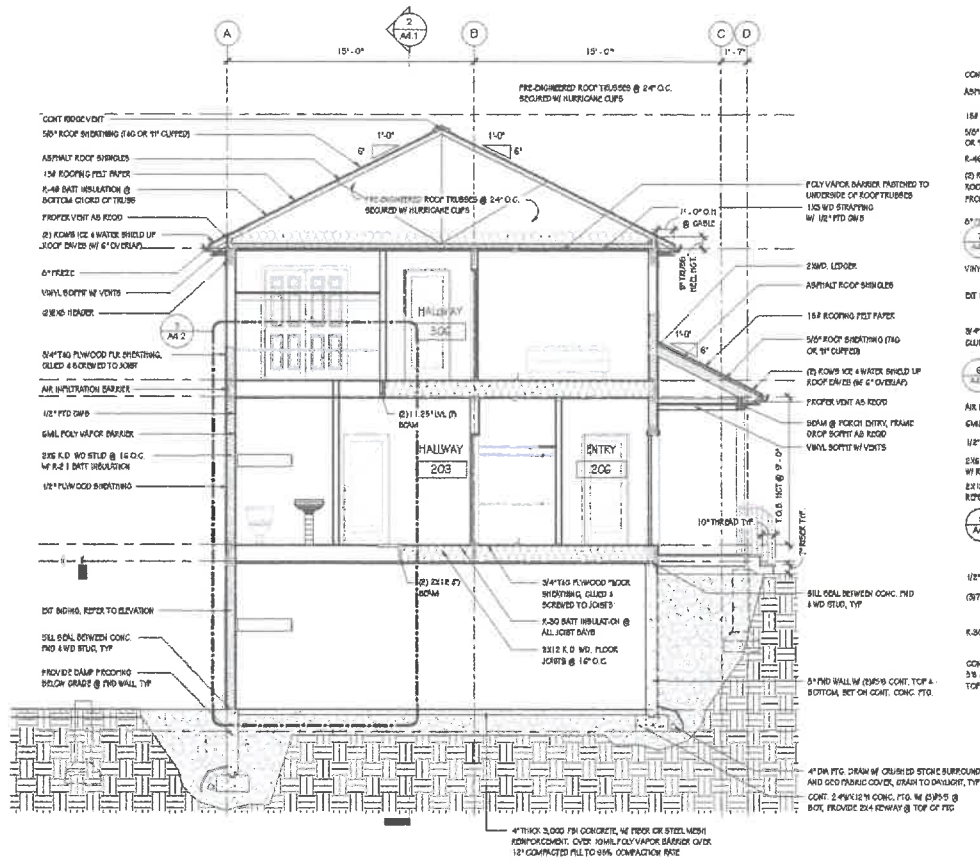


1 RIGHT ELEVATION
1/4" = 1'-0"

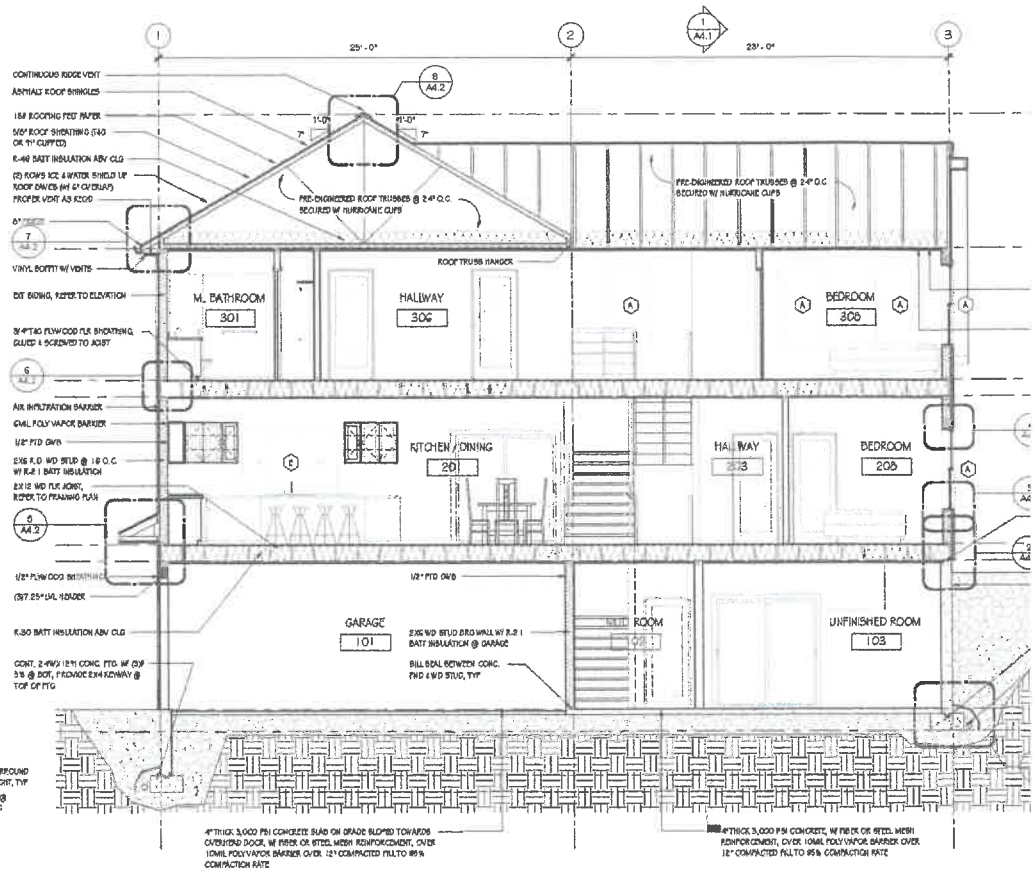


2 LEFT ELEVATION
1/4" = 1'-0"

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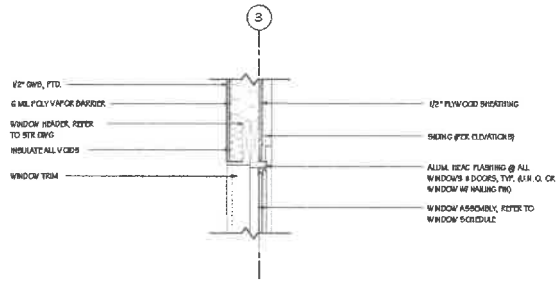


1 Section 1
1/4" = 1'-0"

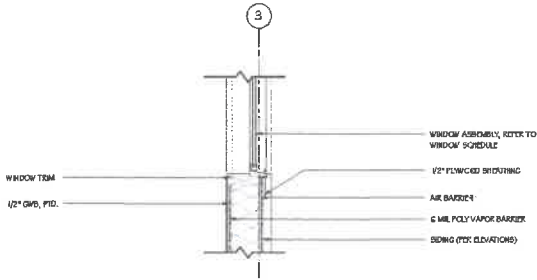


2 Section 2
1/4" = 1'-0"

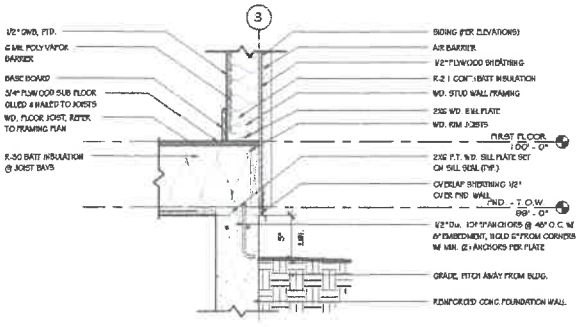
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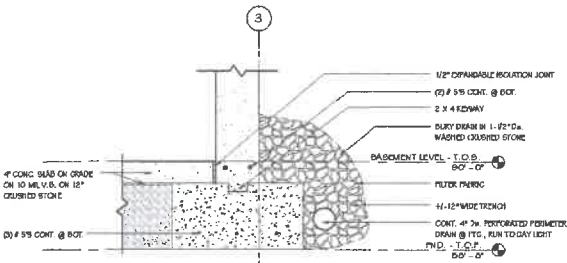
4 SEC. DTL. @ WINDOW HEADER
1" = 1'-0"



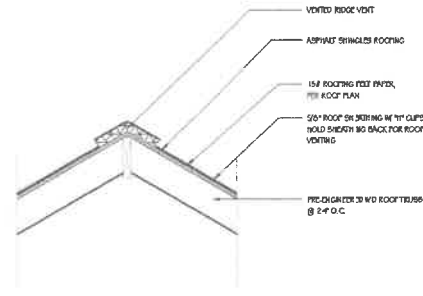
3 SEC. DTL. @ WINDOW SILL
1" = 1'-0"



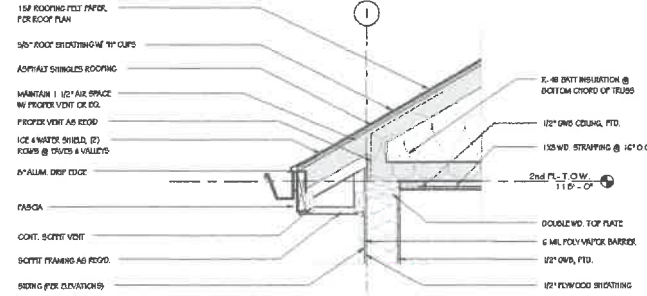
2 FIRST FLR. FLR ASSEMBLY
1" = 1'-0"



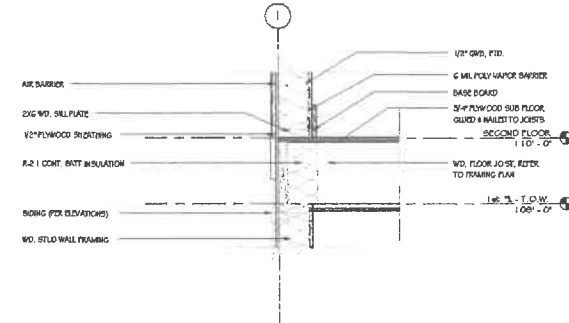
1 FND FTG. DTL.
1" = 1'-0"



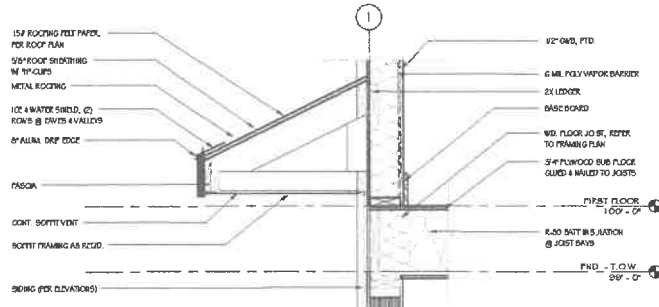
6 SEC. DTL. @ ROOF RIDGE
1" = 1'-0"



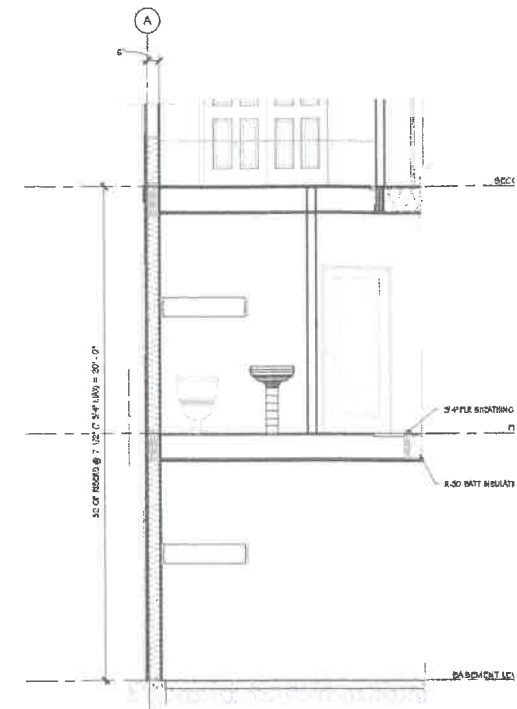
7 FIRST FLR. FLR ASSEMBLY 4
1" = 1'-0"



8 SEC. DTL. @ FLOOR DECK
1" = 1'-0"



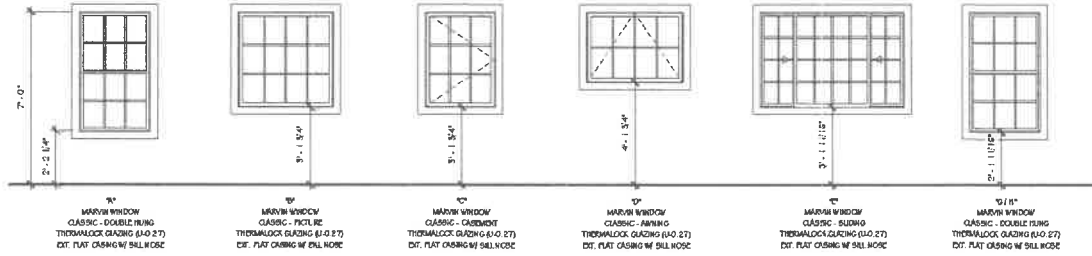
5 SEC. DTL. @ FLOOR SLAB
1" = 1'-0"



9 INTERIOR SECTION - STAIRS
3/8" = 1'-0"

FOR CONSTRUCTION
7/26/21
11:43

Window Schedule							
Type Mark	Manufacturer	Model	Description	Rough Width	Rough Height	Head Height	Comments
A	Mervin Windows and Doors	ESDH3050	3660 DBHG	3' - 0"	5' - 0"	4'-0" (series)	
B	Mervin Windows and Doors	ESCAP4040	4848 PICT	3' - 0"	3' - 0"	7' - 0"	
C	Mervin Windows and Doors	ESCA3040	3648 CSMT	3' - 0"	4' - 0"	7' - 0"	
D	Mervin Windows and Doors	ESAWN4030	4836 AWNG	4' - 0"	3' - 0"	7' - 0"	
E	Mervin Windows and Doors	ESGLTS6040	6040 GLDR	6' - 0"	4' - 0"	7' - 0"	
G	Mervin Windows and Doors	ESDH3050	3660 DBHG	7' - 6"	5' - 0"	7' - 0"	
H	Mervin Windows and Doors	ESDH3050	3660 DBHG	9' - 0"	5' - 0"	7' - 0"	

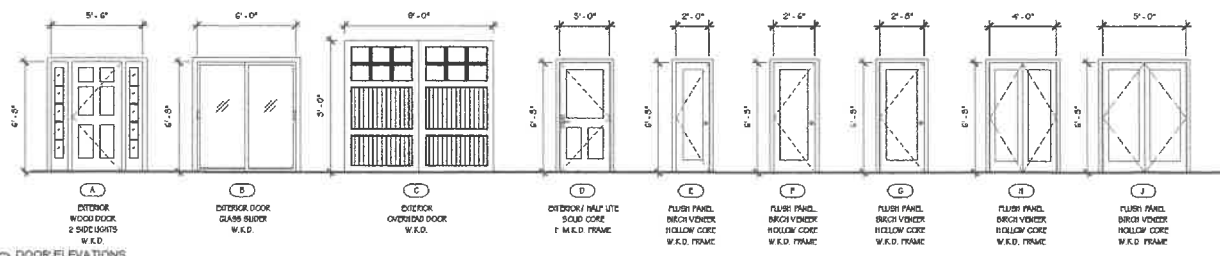


WINDOW ELEVATIONS
3/8" = 1'-0"

Room Schedule									
Room	Number	Floor Finish	Base Finish	Wall Finish	Ceiling Finish	Openings			
PARADE	101	UNFINISHED CONCRETE	NONE	FTD. G.W.B.	FTD. G.W.B. (BATH)				
MEB ROOM	102	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
BAR	103	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
UNFINISHED ROOM	103	UNFINISHED CONCRETE	NONE	UNFINISHED CONCRETE	CONCRETE				
STORAGE	104	UNFINISHED CONCRETE	NONE	UNFINISHED CONCRETE	CONCRETE				
STITCHING RM	201	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
LIVING ROOM	202	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
HALLWAY	203	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
KITCHEN	204	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
LOBBY	205	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
CLUB	206	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
STUDY	207	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
BEDROOM	208	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
BATH	209	LVT	5.25" SPEED BASE	FTD. M.E. G.W.B.	FTD. M.E. G.W.B.				
M. CLOSET	210	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
LAV	210	LVT	5.25" SPEED BASE	FTD. M.E. G.W.B.	FTD. M.E. G.W.B.				
M. BATHROOM	301	LVT	5.25" SPEED BASE	FTD. M.E. G.W.B.	FTD. M.E. G.W.B.				
CLOSET	302	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
LAUNDRY	303	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
CLOSET	304	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
BETH	305	LVT	5.25" SPEED BASE	FTD. M.E. G.W.B.	FTD. M.E. G.W.B.				
HALLWAY	306	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
CLOSET	307	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
BEDROOM	308	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
BEDROOM	309	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
CLOSET	310	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
LMB	311	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
M. CLOSET	312	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				
MASTER BEDROOM	513	LVT	5.25" SPEED BASE	FTD. G.W.B.	FTD. G.W.B.				

- FINISH SCHEDULE NOTES:**
- ALL INTERIOR NON LOAD BEARING WALL SHALL BE 2x4 FD. STUDS @ 16" O.C.
 - ALL OWS IN RATED ASSEMBLIES SHALL BE 2x8" MIN. (PARADE) HOUSE SEPARATION WALL
 - ALL OWS IN UNRATED ASSEMBLIES SHALL BE 1 1/2" MIN. O.
 - ALL OWS IN BATH ROOMS SHALL BE MURDERE TREATMENT.
 - ALL OWS SHALL BE MAINTAINED & PAINTED & PREPARED TO RECEIVE FRAMES & PAINT, EVEN IF NOT IN OCCUPIED SPACE.
 - ALL RATED WALLS SHALL EXTEND TO UNDER SIDE OF DECK ABOVE.
 - ALL INTERIOR WALL PAINT TO BE (1) COAT OF PRIMER & (2) COATS OF FINISH PAINT.

Door Schedule												
Mark	Type Mark	Operation	Rough Width	Rough Height	Thickness	Fire Rating	Door Material	Door Finish	Frame Type	Frame Finish	Lock Set	Comments
101	D		3'-0"	6'-0"	1-3/8"							
102	271		3'-0"	6'-0"	1-3/8"							
103	B		2'-0"	6'-0"	1-3/8"							
104	G		2'-0"	6'-0"	1-3/8"							
201	B		2'-0"	6'-0"	1-3/8"							
204	G		2'-0"	6'-0"	1-3/8"							
205	E		2'-0"	6'-0"	1-3/8"							
207	G		2'-0"	6'-0"	1-3/8"							
208	G		2'-0"	6'-0"	1-3/8"							
209	G		2'-0"	6'-0"	1-3/8"							
210	G		2'-0"	6'-0"	1-3/8"							
301	G		2'-0"	6'-0"	1-3/8"							
302	J		4'-0"	6'-0"	1-3/4"							
303	G		2'-0"	6'-0"	1-3/8"							
304	F		2'-0"	6'-0"	1-3/8"							
305	J		2'-0"	6'-0"	1-3/8"							
307	J		2'-0"	6'-0"	1-3/4"							
308	E		2'-0"	6'-0"	1-3/8"							
309	G		2'-0"	6'-0"	1-3/8"							
310	F		2'-0"	6'-0"	1-3/8"							
311	E		2'-0"	6'-0"	1-3/8"							
312	G		2'-0"	6'-0"	1-3/8"							
513	G		2'-0"	6'-0"	1-3/8"							
310	C		8'-0"	6'-0"	1-3/8"							Complies with SM Standard 12-7A.1
311	C		8'-0"	6'-0"	1-3/8"							Complies with SM Standard 12-7A.1
312	C		8'-0"	6'-0"	1-3/8"							



DOOR ELEVATIONS
1/4" = 1'-0"

FOR CONSTRUCTION
7/26/21
11:43:11

Existing homes in the neighborhood 1-3



2-3



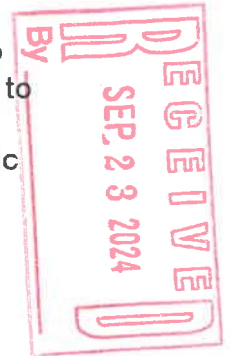
3-3



From: meg gilman <meggart@aol.com>
To: Mayor Deaglan McEachern
Sent: Saturday, September 7, 2024 11:01 AM EDT
Subject: This Labor Day, Protect Workers by Eliminating Pesticide Use in Our Communities and State

Dear Mayor Deaglan McEachern,

On Labor Day, I am writing to ask you to exercise your leadership in recognizing and acting on the importance of worker health as one foundational reason for stopping the use of toxic pesticides. This is a day of reflection and commitment to taking meaningful action for workers who serve our community and are expected to handle toxic pesticides in the process. We can be a part of changing that expectation by stopping the use of toxic pesticides through the adoption of organic land management. In the process, we protect landscapers who are daily applying toxic pesticides and, in the process, protect children, pets, and biodiversity. We also protect those who produce, handle, transport, and dispose of the toxic pesticides used in chemical-intensive land management.



We can do this now.

We would hope that federal and state policy would adopt the only ethical policy for the regulation of toxic pesticides, which is a precautionary policy that restricts or eliminates toxic chemical uses based on the preponderance of scientific information. However, in the absence of federal and state action in this regard, it falls to our local elected officials and local government to protect those employees in our community who are working with toxic chemicals.

I am urging you to stop our parks department from using toxic pesticides now. When we as a community stop toxic pesticide use and adopt organic land management practices, the first in line of exposure—those workers who handle the toxic materials—are protected. We urge you to encourage the same for all school grounds and the cosmetic use of toxic pesticides on private property in our community.

We also urge you to end town purchasing of food grown with toxic pesticides now. In purchasing organic food, we are protecting those who grow and harvest our food, farmworkers. We urge you to encourage school cafeterias, religious institutions, civic clubs, and others to do the same.

As we say on Labor Day, our communities must annually renew the commitment to eliminate the racial and economic inequities in our society that contribute to disproportionate risk to the health and well-being of workers, especially people of color who suffer elevated levels of harm. We can do this through the adoption of local policies and practices that eliminate toxic pesticide use, which disproportionately affects workers.

Toxic Body Burden. When it comes to the total amount of toxicants in our body

(toxic body burden) from pesticide exposure, workers' occupational exposure to pesticides is not a part of the aggregate risk calculation (or cumulative risk calculation) that the U.S. Environmental Protection Agency (EPA) uses to determine allowable exposure. So, when we, a school district, a parks department, or a business purchase conventional food grown with chemical-intensive practices, we are supporting management practices that permit elevated, inadequately restricted exposure to those who grow our food or manage our parks and playing fields. When EPA was mandated by Congress in the 1996 Food Quality Protection Act (FQPA)—which amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA)—to start calculating real hazards from dietary and nondietary exposure, as a part of the pesticide registration process, the law explicitly did NOT, and still does not, require consideration of occupational exposure.

Thank you for your consideration of my request. Happy Labor Day and thanks for your work.

Sincerely,
Ms. meg gilman
PO Box 584 Portsmouth, NH 03802-0584
meggart@aol.com

From: Abigail Gindele <agindele@gmail.com>
To: Mayor Deaglan McEachern
Sent: Saturday, September 14, 2024 7:05 PM EDT
Subject: Stop the cycle of increasing pesticide dependency tied to an imbalance in ecosystems—protect our health!

Dear Mayor Deaglan McEachern,

Shocking new research connects declines in bat populations to increased human infant mortality. The connection is increased pesticide use. The study by Eyal Frank, PhD, “The economic impacts of ecosystem disruptions: Costs from substituting biological pest control,” concludes, “[D]eclines in insect-eating bat population levels induce farmers to substitute with insecticides, consequently resulting in a negative health shock to infant mortality.”

Bats help protect crops from insects and control mosquitoes, but the invasive fungus *Pseudogymnoascus destructans*, White-Nose Syndrome (WNS), has reduced bat populations since 2006. According to bat experts, 52% of bat species in North America are also at risk of severe declines over the next 15 years. While there are numerous causes of fungal diseases, pesticide use can increase vulnerability by depressing the immune system. With the collapse of many bat populations from WNS, farmers turn to toxic chemicals to replace the ecosystem services bats usually provide—chemicals that ripple through the ecosystem and endanger human health.

To determine impacts on human health from bat population declines, Dr. Frank collected data from counties with WNS regarding insecticide use and infant mortality from 2006-2017. In comparing these numbers, “[A]fter the onset of bat die-offs, farmers in the county increase their insecticide use by 31.1%, on average,” he states. “Infant mortality rates due to internal causes of death (i.e., not due to accidents or homicides) increased by 7.9%, on average, in the affected counties. This result highlights that real-world use levels of insecticides have a detrimental impact on health, even when used within regulatory limits.” These rates correspond to an additional 1,334 infant deaths—for every 1% increase in pesticides, a 0.25% increase in the infant mortality rate results.

But not only does decreasing bat populations lead to more pesticide use, leading to more infant deaths, but pesticide use also leads to decreasing bat populations. William Quarles, PhD, summarizes research done on bats, pesticides, and WNS; he finds that the immune system of bats in the U.S. is unable to prevent infection with WNS. He reviews studies showing that pesticides including DDT, and more recently organophosphates, and carbamates, result in death or reproductive toxicity in bats. More recently, Pierre Mineau, PhD, and Carolyn Callaghan, PhD, find, “[T]here is evidence to support the claim that bats are being negatively affected by neonicotinoid insecticides in several different ways, indirectly through reduction in insect abundance and directly through impairment.” J.M. Oliviera et al. review research on pesticide impacts on bats, finding, “Pesticides' toxicity leads to immunosuppression and makes the individual more susceptible to infections by



pathogenic organisms.”

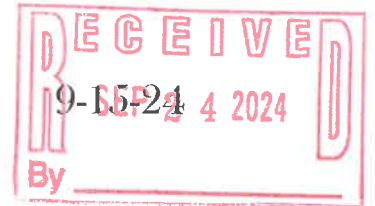
The cycle of pesticide use causing decreasing bat populations causing more pesticide use is an engine leading to ongoing and increasing infant deaths. We can break the cycle of increasing pesticide dependency with organic practices in sync with nature and intended to protect and enhance biodiversity.

Please eliminate the use of pesticides that imperil bats by adopting biodiversity conservation goals including: (1) ecological mosquito management with measures that recognize the benefit of preventive strategies, establish source reduction programs to manage breeding sites on public lands, educate on the management of private lands, employ programs for larval management with biological controls, and eliminate the use of toxic pesticides; (2) prohibition of systemic insecticides and treated seeds, including neonics; and (3) land management on public lands—including hospitals, universities, schools, and parks—using regenerative organic principles and organic certified practices and products, to transition to a viable system that prioritizes long-term health of the public, ecology, and economy.

Thank you.

Sincerely,
Ms. Abigail Gindele
229 Clinton St Portsmouth, NH 03801-3612
agindele@gmail.com

A letter of interest to the City Council of Portsmouth



This letter is a request to have a deserving historical marker placed at a significant location in Portsmouth.

In Philadelphia, in 1776, a document was signed to begin a new nation. In 2026, Portsmouth and all of America will celebrate its 250th birthday.

Another significant day in Portsmouth's history will come about on October 31st, 2024. This is the day President George Washington rode into our city to spend four days before returning to New York.

The President's party traveled from New York to New Hampshire via Connecticut, Rhode Island and Massachusetts and on into New Hampshire. On October 31st, his party traveled along what is now Rte. 33 into Portsmouth. They stopped at The Plains to meet Portsmouth dignitaries and well-wishers with loud cheers. Washington climbed out of his carriage and onto his white horse to complete the trip into Market Square. The stop at The Plains was certainly because of the crowd gathered there, and from there a decision on which route to take into the city was made.

The road (Rte. 33) proceeded straight ahead and, what was only a carriage path through Sherburne Farm, was to the left. (Islington Street had only been developed westerly up to Spinney Road at the time). Washington and his party continued to Middle Road, to the corner of South and Lafayette Rd., turning left onto Middle Street to the corners of Congress and Islington where they traveled east to Market Square.

In a book, *George Washington in New Hampshire*, written by Elwin Page in 1932, he documents the route taken into the city. Page writes a line in his book that reads like this: 'Between the two roads now stands a tableted boulder'. This entry in his book interests me. Page wrote this because he obviously had knowledge of the boulder and tablet. How? Did he actually see it there in 1932? Did he read of it in a newspaper or other

publication? Was it a metal tablet, wooden, what exactly was printed on it?

I've researched this at the Portsmouth Athenaeum, Portsmouth Library, and Portsmouth Public Works, and also spoken with Andy Sherburne who still resides on the Sherburne Farm. I've found nothing referring to the tablet on a boulder at The Plains, except for Page's mention of it in his book. There stands there now in that location two boulders. One placed there by public works when the WWI memorial was moved there. One other boulder stands there, as well. This one, I believe to be the boulder Page spoke of in his book. Although the layout of the land isn't exactly the same as in 1789, when Washington stopped there, but that boulder holds the story together.

I am furthering my research and hopefully will find more information.

At this time, I am asking that the city council entertain my request for a historical marker to be placed at The Plains where the road splits.

Hampton Falls has a marker at Rte. 84 and Lafayette Road, I believe that is the location, and the marker reads, "George Washington stopped here on his way to Portsmouth. He greeted well-wishers and shook hands with Revolutionary War Veterans . . ." There are markers in Portsmouth acknowledging his visit to St. Johns Church, The North Church in Market Square, and the Tobias Lear House in the south end. These markers are all on private properties.

We need a marker generated by our city, at The Plains, commemorating where he arrived on October 31st, 1789. I hope the council entertains this request. I am willing to do what I can to see that this request is fulfilled.

Respectfully,

603.205.4153

Michael Capalare

CapalareMichael@gmail.com

Portsmouth, NH

A handwritten signature in cursive script that reads "Michael J. Capalare". The signature is written in dark ink and is positioned to the right of the typed name and address.

ROBERT A. CORASH
45 HAVEN ROAD
PORTSMOUTH, NH 03801
603-531-7772
rmcorash@gmail.com



To: Portsmouth City Councilors

September 26, 2024

Re: Proposed Police Station

Dear Councilors,

After attending the Meeting on Monday, September 23, 2024. I have the following observations and questions for your consideration.

1. At the earliest stages of building planning please address the elimination of “Lego” block architecture for any building front extension. The present “old hospital” buildings with pediments, corner stones, and window/door headers and sills, should be incorporated into any new design. Our City promotes its historical building facades and our governmental buildings should not abandon that value, particularly when that building is highly visible. Yes, cost may be a factor, but so is our public image. The draft depiction of the new structure was disappointing with its stacked block design.
2. The presentation was dismissive of any addition to the rear of the existing building. The public should know the basis of this conclusion. Would not virtually every expansion of the rear correspondingly reduce the impact of front expansion? There may be compelling factors that preclude a rear expansion, but those reasons should be available to the public, not to mention the Council if not already informed.
3. Within valid concerns of Police Department security and functioning, the public in reasonable numbers should be allowed a supervised tour of the existing building so we can better understand the existing conditions as well as the inadequacies. Am I correct that all Council members and the “working group” have had such tours?
4. I support and urge more Councilors join the working group, as well as all working group meetings being public as well as a reasonable limited time for public input at those working group meetings.

Not to distract from the focus on the Police Station, if I am correct, our City’s approach to long range planning is limited to the Capital Improvement Plan (CIP), which only projects need for the next six years, annually updated. If so, I urge this be reconsidered. Long term planning for major capital needs such as water treatment, sewer treatment, schools, administration space, fire department facilities, to name a few, should be projected and reviewed for much longer than a six years consideration. A longer outlook would facilitate planning, personnel needs, site selection, land acquisition, and tax/monetary impact. Based upon my limited experience, the longer view, periodically revised, is the responsible approach.

Thank you for your efforts and your dedication to our City.

Respectfully, Bob Corash



Frank E. Booma Post 6
American Legion
96 Islington Street
Portsmouth, NH 03801
(603) 436.7575

MEMORANDUM

September 23, 2025

To: Mayor, City of Portsmouth, Deaglan McEachern

From: Commander, Frank E. Booma American Legion Post 6, Francis Desper

Subj: CONSIDERATION BRINGING THE WALL OF HEALING TO PORTSMOUTH

1. We, the members of Post 6, respectfully request your permission to host the Wall of Healing in Portsmouth?
2. We are asking that the wall be set-up for display at the Portsmouth High School football field? Unless the council suggests another venue for use.
3. The timeframe of the wall visit will be on a Sunday to be set-up and open for visitors on Tuesday and run through the following Sunday, being open for viewing 24 hours a day. We organization will provide volunteer security watch standers during this tme.
4. Our reason for requesting the high school grounds is, the Wall Coordinator, requires an area of 375 feet for set-up and for it to be a soft surface to drive support stakes into the ground.
5. The other reason for the use of the High School, the Washington DC Wall Coordinator suggested there be ample parking for the handicap with walking disabilities.
6. We are researching a shuttle service to transport other visitors from downtown to the site to help reduce the wear and tear of the school driveway and parking lot.
7. In addition to the wall the DC coordinator will include an education center (trailer) that will travel with the wall that will be set-up for group tours. i.e. students, boy scouts, girl scouts and those alike.

8. The dates we requested from the wall coordinator will be during the summer months of 2025. Those dates are provided in a separate package. These dates were selected due to the school year being on break?
9. This project will require a minimum of 200 volunteers, which our organization will provide. With that I would like permission to have port-a-potties and a snack stand with water for the volunteers on site? The port-a-potties will be serviced frequently.
10. We also request the use of a small crew of the City's manpower to assist with the setting up and the dismantling phase of the wall along with our volunteers?
11. The original wall in Washington DC was erected strictly by donations. The wall coordinator suggested we maintain this project with donations. If any residents or businesses would like to participate or donate to our project, please contact our Post Adjutant or myself.
12. If there are any permits or fees associated with our request, please forward them so we can remit them for payment? Thank you for your time and consideration of our proposal.

Yours in comradeship,



Francis Desper Post 6 Commander

Copy to:

City Council members

Superintendent of Schools

File

M Gmail

Francis Desper <frank.desper@gmail.com>

Inquiry to host The Wall That Heals Portsmouth, NH

Cathy Miller <cmiller@vvmf.org>

To: Francis Desper <frank.desper@gmail.com>

Thu, Sep 5, 2024 at 2:05 PM

Hi Frank,

It was such a pleasure speaking with you.

Below is a summary of the information on the process to host The Wall in 2025. As we discussed, we are open to working through any questions or concerns that may arise with your committee as you consider bringing this to your community. The attached hosting overview document and video link will provide a more in-depth background on hosting requirements. <https://youtu.be/Qgz1q-D69WA>



Bringing The Wall That Heals to Communities Across the Country

Vietnam Veterans Memorial Fund

17.6K views · 6 years ago

Open

As the founders of The Wall, we believe we stage the best representation of “The Wall experience” across the United States. As part of the exhibit effort, we pledge to provide your community with two staff members on-site to assist with the display of The Wall, the mobile Education Center, and of course, the 375-foot scaled replica of The Wall. From the time you commit to hosting The Wall, our staff will work with you to plan and execute a successful host experience providing resources such as:

- Educational curriculum
- Materials to promote your event
- On-site Volunteer Training
- Supervised setup and tear down of The Wall
- A series of links on our website providing background guidance for planning your event
- VVMF promotion of your event on our website, in advance emails, and social media
- Two on-site staff members

The Wall is to be displayed free to the public and open for viewing 24 hours a day from Wednesday afternoon through Sunday afternoon. We require a soft surface display area that will enable the use of stakes to anchor The Wall. As a rule, the site must be no less than the size of a football field in length and width (100 yards by 50 yards) of grass or another soft surface that will accommodate significant foot traffic yet allow for staking of The Wall.

The Wall That Heals experience begins on Tuesday afternoon if you chose to plan a 45-minute to an hour escort event to the site. With the guidance of our team, your volunteers will set up the exhibit on Wednesday. Wednesday evening, we will lead your volunteers in an informational training on the history, legacy, and information necessary to enhance The Wall That Heals visitor experience. If the opportunity exists, our team will provide hour-long educational programs throughout the week that address the curriculum standards for students from middle and high school. The event usually culminates with a dismantling of the exhibit on Sunday afternoon by your volunteers.

Volunteer support for the event is a valued part of The Wall experience, a rewarding way for the community to be engaged, show their support, and honor those who served.

An example of volunteer needs:

- Escort motorcycles for arrival (this is optional)
- Setup volunteers to unload and help assemble The Wall and the mobile Education Center (30/40 volunteers for 6-8 hours). The process to erect and dismantle The Wall requires individuals able to carry and work with tools including wrenches and sledgehammers. While not all the team needs to be able to haul the heaviest items, the largest panels of The Wall weigh 80 pounds which are shared between two/three volunteers.
- Volunteers to greet visitors are essential to the successful operation of The Wall. The site will need a volunteer coordinator to recruit, monitor, check-in, and direct volunteers. (Generally, 5-8 volunteers per shift, starting Wednesday at approximately 2 pm through close on Sunday afternoon at 2:00 pm.)
- The takedown of The Wall. (30/40 able-bodied volunteers for 4-5 hours)

Each site will pay a site fee of \$11,000 to host *The Wall That Heals* for 2024. If there are any changes for 2025, applicants will be notified.

The application process opened on Memorial Day and remains open until our schedule is complete. Please visit the application process link below to apply for the 2025 tour of *The Wall That Heals* (<http://www.vvwmf.org/twth>).

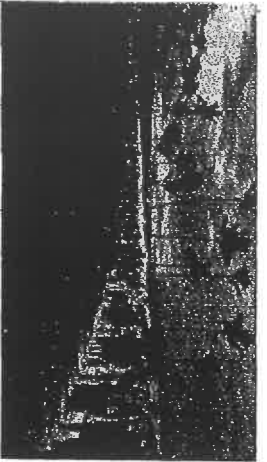
Applicants are to provide three potential dates (beginning on a Thursday) they wish to host The Wall and contact information for the organization applying.


We find your success as an applicant and ultimately host is dependent upon three factors:

- Your ability to show us the use of broad community support for a similar event. Have you put together a coalition large enough to perform the hosting tasks necessary?
- Have you hosted The Wall that Heals (or another traveling exhibit) before?
- Have you visited and met with our team at another *The Wall that Heals* event? We find this is essential in understanding display needs, layout, and other nuances required in hosting the exhibit.
- Are you open and flexible to potential dates? While your community may have it in mind for a particular weekend, we may not be in your vicinity for that weekend. Keep in mind, rarely does *The Wall That Heals* experience pair well with other events such as fairs, car shows, or anniversary celebrations.

I hope this summary provides the information needed to confirm interest and we encourage you to apply to host *The Wall That Heals*. I am available to answer any questions.

Thank you,



 **Committee Structure.pdf**
166K

 **3.1 Hosting Overview 2023.pdf**
774K

Key Role Description

CHAIR (CO-CHAIR):

- Represents committee as spokesperson to the community.
- Recruits, coordinates and oversees the host committee.
- Acts as primary contact for communication with TWTTH Program Manager.

VOLUNTEER COORDINATOR:

- Recruiting, communicating with and managing the hundreds of volunteers needed.

LOGISTICS / SITE COORDINATOR:

- Coordinates tasks related to the physical site and its operation.
- Direct communication with TWTTH team and Host Chairs pertaining to ground maintenance, physical placement of The Wall and Mobile Education Center, electrical needs, restrooms, parking and other needs

MEDIA and PUBLICITY:

- Development of communication plan. (Scheduled action plan to communicate arrival of The Wall That Heals.)
- Coordinates development and production of promotional material (printed, digital & social media).
- Oversees media outreach and scheduling of interviews (TV, Radio, Online News, Newspapers, etc.).

EDUCATION and TOURS COORDINATOR:

- Works with Media and Publicity chair to help communicate the opportunity for tours.
- Communicating, recruiting, scheduling and managing participation for schools.
- Outreach to various local organizations and groups for scheduling tours.

ESCORT RIDE CAPTAIN:

- Coordinates with local and regional law enforcement for all approvals (and permits if needed).
- Communicates with Host Chairs and law enforcement on potential escort route.
- Outreach to various bike groups for invitation to participate in the ride.

IN MEMORY & CEREMONY LEAD

- Provide In Memory program information and assist with applications
- Provide guidance for all applicants to WMF
- Organization and preparation of event ceremonies. (Speakers, Programs, Schedule, seating and other necessities

Additional Roles

BUDGET:

- Works with Host Chairs on budgetary needs.
- Assists in community fundraising and ensuring sponsorship recognition.

COMMITTEE

CO-CHAIR

CO-CHAIR

CO-CHAIR
(Optional)

LOGISTICS &
UTILITIES
COORDINATOR

VOLUNTEER
LEADER

PROMOTIONAL
OUTREACH

EDUCATION
COORDINATOR

RIDE CAPTAIN

IN MEMORY &
CEREMONY

MAIN
RESPONSIBILITIES:

- * Location Maintenance
- * Electrical
- * Restrooms
- * Water / Plumbing

MAIN
RESPONSIBILITIES:

- * Setup / Take down sign up
- * Day Volunteers sign up
- * Evening Volunteers sign up
- * Overnight Volunteers sign up

MAIN
RESPONSIBILITIES:

- Save the date marketing
 - Website / Social Media
 - Newspaper / radio / TV
 - Promotional graphics
- Banners
Fliers
Various signage

MAIN RESPONSIBILITIES:

- * Contact with:
Schools
Retirement communities
Rotary clubs
Kids clubs
etc.
- * Set up tour schedules
- * Communicate approx. number

RESPONSIBILITIES:

- * Organize Escort
- * Provide Escort Route
- * Change if needed by trucking co.
- * Provide Safety instructions to riders

RESPONSIBILITIES:

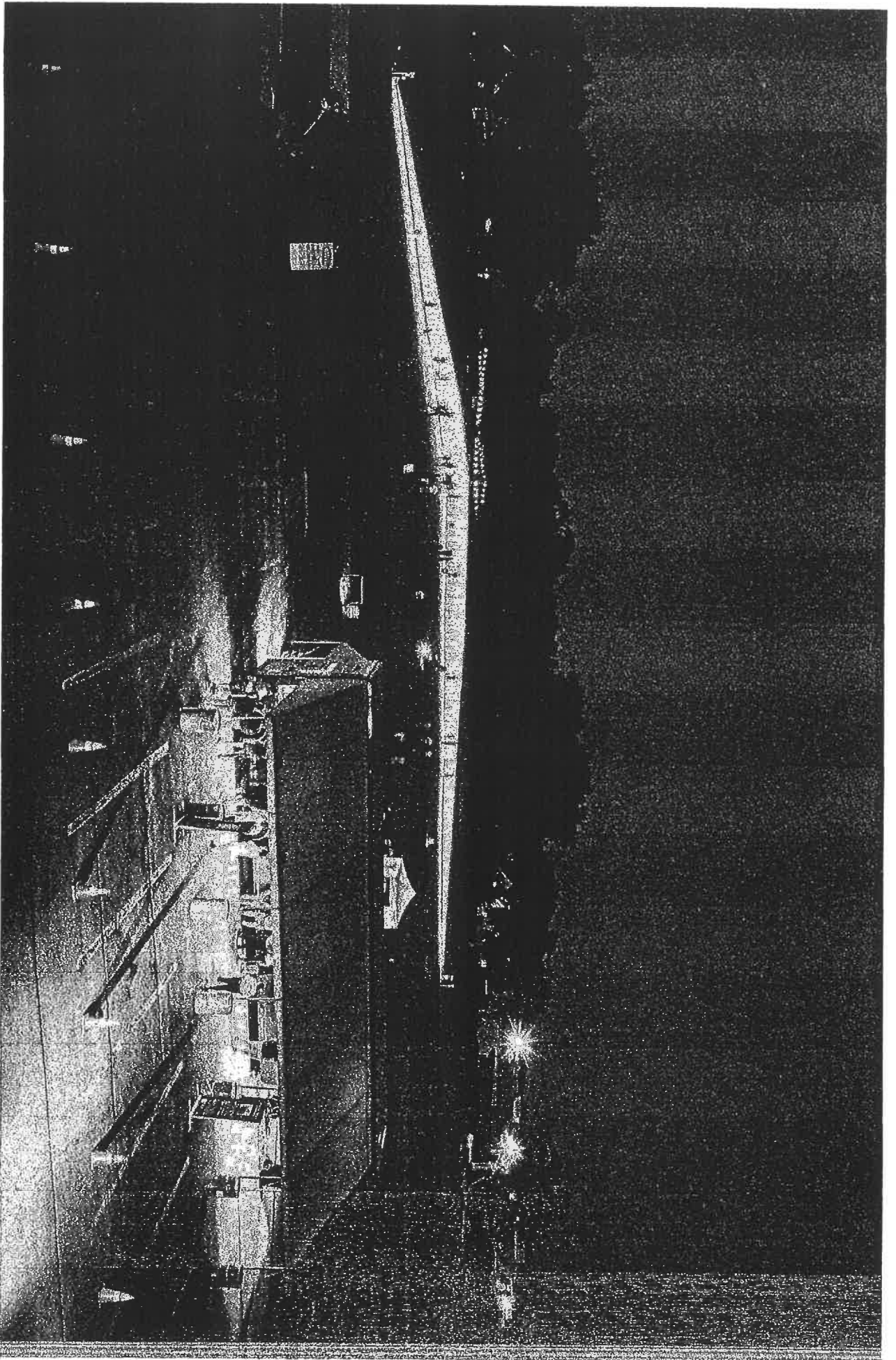
- Spreading awareness
- Guiding applicants to In Memory
- Organize onsite ceremonies/events
- Speakers
- Programs
- Timing

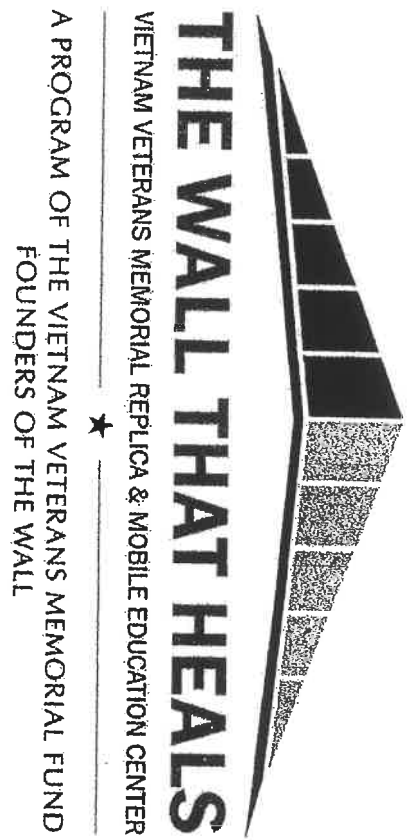
Graphics Person

Website / Social Media person

Community Outreach person

News / Broadcast person





Applications to host *The Wall That Heals* for the 2025 season will close on September 30, 2024.

City: *

Portsmouth

State: *

New Hampshire - NH ▾

Two contact names required.

Primary Contact Name: *

Frank Desper

Primary Contact Phone: *

6039535347

Primary Contact Email Address: *

frank.desper@gmail.com

Secondary Contact Name: *

frank Capalare

Secondary Contact Phone: *

603.969.0647

Secondary Contact Email Address: *

fpcapa71@gmail.com

Have you ever hosted The Wall That Heals before? *

- Yes
- No

Have visited The Wall That Heals before? *




- Yes
- No

Please tell us who your hosting committee is comprised of: *

I'll have this answer after consulting with the town council and get back to you?

Desired Display Dates

The Wall arrives on a Tuesday; official display dates are Thursday through Sunday. List your preference for desired display dates in 2025. Please select your desired start date (must be a Thursday).

1st Choice *	2nd Choice: *	3rd Choice: *
<input type="text" value="06/26/2025"/> 	<input type="text" value="07/24/2025"/> 	<input type="text" value="08/28/2025"/> 

Are your dates flexible? *

- Yes
- No

Indicate any blackout dates: *

The only blackout date(s) would be, our American Legion Post conducts our membership meetings on the third thursday of each month.

Community Questions

Please provide address for two potential locations for The Wall That Heals and mobile Education Center.

Location #1 *

Portsmouth High School

Location #2 *

Lafayette Elementary School

With more than 200 volunteers required for set-up / take-down and staffing from Tuesday to Sunday, how would you recruit volunteers? *

I'll go to other local American Legion Posts, ask the Legion riders from those Posts for assistance (whom will probably want to do the escort?) along with asking other local veteran and non-profit organizations for volunteers.

We receive over 100 applicants each year. Why should we select your community / committee? (Please limit your response to 200 words or less): *

Our town never sleeps, visitors come to Portsmouth all year round. Starting with the summer beach season, followed with the seasonal turning of the leaves during the fall, followed into and through the ski season, closing with their childrens collage graduation ceremony in the spring. All of which, include site seeing tours during any of their visit.

57/200 words

Submit

more information about the wall that heals
Vvmf.org / The-wall-that-heals/



30 Daniel St
Portsmouth, NH 03801
603-427-8659

Mayor McEachern, City Council, and all applicable parties, we present for your consideration:

The 3rd Annual Halloween Skate Jam

EVENT DESCRIPTION

Each year we have been in business we hold a Halloween skate jam. The day includes contests and prizes, costumes are encouraged, and it's really just a reason to all get together and skateboard/hang out with our community.

Details

October 26th from 1PM-4PM (Rain Date 27th) at the Portsmouth Skatepark

Attendance

We expect between 50-75 participants

Food

Pizza will be delivered on premises by a local pizza shop as well as bottled beverages

Parking

We will utilize the skatepark lot and provide signage directing overflow (if necessary) parking to the auxiliary Park n Ride lot over the bridge or the baseball fields (pending confirmation of availability). We will also make announcements throughout the day to keep off of Route 33.

Equipment

Coureur pop up tent, we will collect and remove trash, a small portable speaker for music.

Christine Groleau
North Church of Portsmouth
2 Congress Street
Portsmouth, NH 03801

October 1, 2024

Portsmouth City Council
c/o Kelli Barnaby, City Clerk
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Members of the Portsmouth City Council,

On behalf of North Church, I would like to extend our heartfelt thanks to the City Council for granting our request for a fee waiver related to our construction project. We are truly grateful for your support and consideration in reducing the financial burden on our organization.

This waiver will allow us to focus our resources on the important improvements we are making to increase accessibility, enhance safety, and create a more welcoming space for the community. Your decision is a meaningful contribution to our efforts, and we are excited to continue this work, knowing that we have the backing of the City of Portsmouth.

We value our relationship with the City and are committed to ensuring that these upgrades benefit not only North Church but also the broader Portsmouth community.

Thank you once again for your generosity and partnership.

Sincerely,
Christine Groleau
Construction liaison to the Cabinet
North Church of Portsmouth

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

A Proclamation

- Whereas:** The idea of an organization affirming people-to-people connections among Americans and citizens from other nations around the world was initiated by President Dwight D. Eisenhower and formalized at the White House Conference on Citizen Diplomacy just eleven years after the end of World War II; and
- Whereas:** That organization, Sister Cities International, is now composed of 400 member cities, counties and states and relationships with 1,800 communities in 138 countries on six continents; and
- Whereas:** In the wake of the pandemic, we revived the Mayor's Blue Ribbon Committee on Sister Cities to sustain our Sister and Friendship City relationships and the educational, economic, cultural, municipal and humanitarian assistance exchange programs that are mutually beneficial to us all; and
- Whereas:** Portsmouth counts nine municipalities as our Sister or Friendship Cities, starting in 1985 with Nichinan, Japan, birthplace of Baron Jutaro Komura who led the Japanese delegation to Portsmouth in 1905 to negotiate an end to the Russo-Japanese War, and the relationship now celebrates the role of local people who used citizen diplomacy to create an atmosphere for peace that resulted in the historic Portsmouth Peace Treaty; and
- Whereas:** Delegations from both Nichinan and our newest Friendship City, Santarcangelo di Romagna in Italy – the birthplace of members of dozens of Portsmouth families who emigrated from there to our North End – will be visiting Portsmouth over the next two weeks; and
- Whereas:** Sister Cities International Day is a fitting occasion to commemorate the impact that this organization and everyone supporting the program and our friendships in Japan, Italy, Estonia, Morocco, Ghana, Russia, Hungary, Northern Ireland and England have made in building bridges across nations, cities and communities around the globe in order to create and sustain world peace; and
- Whereas:** October 14 -- President Eisenhower's birthday -- is the day Sister Cities International has chosen to celebrate the birthday of the modern Sister Cities program.

Now therefore I, Deaglan McEachern Mayor of the City of Portsmouth, on behalf of the City Council and the citizens of Portsmouth do hereby proclaim October 14, 2024 as

Sister Cities International Day in the City of Portsmouth

And call upon the community to come together to celebrate our historic record of citizen diplomacy and our continued commitment to supporting a more peaceful and prosperous future through continued people-to-people exchanges.



Given with my hand and the
Seal of the City of Portsmouth
on this 7th day of October, 2024.

Deaglan McEachern, Mayor of Portsmouth