

**City of Portsmouth
Mayor's Blue Ribbon Committee
On Building Re-Use**

**OLD PUBLIC LIBRARY
Information Packet**

**Public Listening Session
Portsmouth Library
Levenson Community Meeting Room
January 9, 2007 at 7:00 p.m.**



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Mayor’s Blue Ribbon Committee on Building Re-Use
Background Information

The committee was appointed by the Mayor in September 2006 and is purely an advisory committee to City Council on policy issues relating to building re-use. The committee is scheduled to complete its work by May 2007.

Committee Members:

Senator Martha Fuller Clark	State Senator
M. Christine Dwyer	City Council Representative
Laura Pantelakos	City Council Representative
Ken Smith	City Council Representative
Heather Hurtt	Chair, Public Representative
Beth Shepard-Rabadam	Public Representative
Tom Heany	Public Representative
Richard Cyr	Public Representative
John P. Bohenko	City Manager, City Staff
Nancy Carmer	Economic Dev. Program Manager, City Staff

Committee Goals:

I.CRITERIA: Develop guidelines for city ownership or disposition of property.

II. PUBLIC BENEFIT

Develop public consensus around what public needs warrant use of city owned property at below market rates and gather public input on uses for the six building listed below..

III. RECOMENDATIONS

Apply the guidelines to the following buildings in the context of public input and recommend re-use or disposition to the City Council

- Portsmouth Public Library
- Lafayette School
- Rock Street Garage
- Creek Athletic Club
- South Meeting House
- Plains School

IV. TENANT APPLICATIONS: Develop an application/review process and guidelines for non-municipal public uses for city-owned buildings.

V. BUILDING STEWARDSHIP: Develop building stewardship policies for non-municipal tenants of city-owned buildings.

**Old Library Public Listening Session
Portsmouth Library Community Meeting Room
January 9, 2007 at 7:00 p.m.**

<u>I. COMMITTEE PRESENTATION</u>	<u>45 minutes</u>
Committee Presentation	7:00 – 7:30 p.m.
- Welcome & Logistics	Heather Hurtt
- Overview of Guidelines for Ownership vs. Disposition and Non-Municipal Public Purposes	Heather Hurtt
- Old Library Building Quick Facts	
o Description	Chris Dwyer
o Restrictions: disposition, structural	Suzanne Woodland
o Financial Information	Tom Heany

Questions & Answers 7:30 – 7:45 p.m.

Participants will have the opportunity to ask questions to the committee at this time. If there are more questions than time permits, participants will write down their questions and have a committee member answer them individually during their break-out session.

II. BREAK-OUT DISCUSSION **45 minutes**

Participants will break-out into groups no larger than 8 people each and share/discuss their ideas regarding the Old Public Library. Two committee members will facilitate each group for the primary purpose of listening and asking questions for clarification. Committee members will note ideas on a flip chart. Committee members should not provide their opinions about library use but rather use the opportunity to elicit others' ideas. The group will choose a representative (not a committee member) to share the ideas with the entire committee.

III. PUBLIC PRESENTATION **Approx. 30 min./10 min. per group**

A representative from each break-out group will share the group's comments with the larger committee and rest of the audience. There will be a 5 minute time limit for each presentation followed by 5 minutes of questions/clarifications posed to the group, as necessary.

IV. THANKS AND WRAP-UP **5 minutes**

Everyone present will be asked to complete a comment card (anonymous if desired) to provide any overall thoughts about the use of the old library.

GUIDELINES OR OWNERSHIP OR DISPOSITION OF PROPERTY

The City should consider retention of a municipal property or consider ownership of a new property by donation or acquisition when it:

- 1. Enables the City to provide essential public services¹ to the residents and businesses of the City and/or fulfill one or more of the goals of its current Master Plan.²**

Action/s:

- a) Analyze the pros/cons of public versus private ownership
- b) Analyze the property's long term value in providing essential City services or meeting future public needs
- c) Compare this opportunity with the planning goals identified in the current Master Plan

- 2. Enables the City to meet current and future needs of the residents and businesses of the City according to demographic and economic statistics and projections as well as current utilization of other properties in the City's inventory.³**

Action/s:

- a) Review published demographic and economic projections when planning for basic city services or future public needs
- b) Review current utilization of all City-owned properties by reviewing the six-year capital improvement planning (CIP) process
- c) Continue to evaluate real estate opportunities as they become available

- 3. Presents the City with long-term strategic and economic value for the benefit of its residents and businesses, now and in the future.**

Action/s:

- a) Analyze opportunity by comparing it to the existing uses of properties surrounding it
- b) Analyze and validate the current or potential future use of the property by reviewing of zoning, size, scale, architecture and interior design...etc.

- 4. Does not financially or legally burden the City with an asset that does not achieve Guidelines 1, 2, or 3.**

Action/s

- a) Conduct financial analyses to identify whether property justifies the long-term financial investment or if it can help achieve goals of the current Master Plan. Identify all costs and subsidies
- b) Identify encumbrances and environmental concerns.

¹ Public services include but are not limited to land use and zoning enforcement; community and economic development; public education; housing; transportation, public facilities and services including libraries, police and fire protection, and other infrastructure; transportation; conservation, open space, and recreation; environmental health and inspectional services; historic preservation and cultural resources; and social services.

² The relevant goals from the current master plan address the public services listed above as well as environmental sustainability, which is a municipal commitment on a policy-level and in practice across the City's public service areas (City of Portsmouth, New Hampshire Master Plan, March 2005, Taintor & Associates, Inc.).

³ Use the City's planning for 25-year horizon for safe and sustainable water and sewer infrastructure as one best-practices model (April 2006 Water and Sewer Study).

Guidelines for Non-Municipal Public Uses

These guidelines are relevant to situations where the city is considering leasing or selling a property at below market value or accepting a property by donation. These guidelines are based on the current Master Plan (2005) and should be updated accordingly.

- 1. Affordable Housing** – provides 20 or more units of affordable housing (120 percent or below of median income; restricted in such deed or other instrument as appropriate)
- 2. Green Space** – promotes or creates more green space in Portsmouth
- 3. Recreation** – provides recreational opportunities for Portsmouth residents that address unmet needs (e.g. additional playing fields, centralized recreation center, aquatic center, indoor year round playground, skating rink)
- 4. Arts, Culture & Education**
 - a) Provides small performance or exhibition space (up to 150 persons) for which there is unfulfilled local demand, e.g. dance, music, theater, film, art
 - b) Promotes strategic cultural activities that contribute to and enhance the quality of life for Portsmouth residents, e.g. children’s museum, independent film theater, aquarium, art museum
 - c) Provides space for educational opportunities for which there is an unfulfilled local demand, e.g. continuing education classes for adults, after-school programs, non-traditional educational programs
- 5. Economic Development**
 - a) Preserves and promotes the historic architecture central to the identity and economic vitality of Portsmouth as a tourist destination, e.g. maritime museum
 - b) Promotes the tourism industry in Portsmouth, e.g. visitor’s center, information kiosk
 - c) Provides incubator space to attract entrepreneurial professionals

Key Information – Old Public Library

Structures. The facility is made up of three separate brick buildings: the Academy Building (2 floors plus basement and attic) and Benedict House (three floors and basement) joined by the 1976 Addition (two levels with half level). The elevator, bathrooms, and kitchen are in the 1976 addition. Total square footage is approximately 16,000 square feet on about a half acre of land.

The Academy part was built by master builder James Nutter in 1809 and is considered an excellent example of an early academic building. The Benedict House (formerly known as Penhallow) was built in 1810.

Location. The facility is located at 8 Islington Street with a one-way access drive from Middle Street to Islington Street. The library itself is in a municipal zone; abutting zones are Central Business B and Mixed Residential Office. The location is in the Historic District and the Downtown Overlay District. On the site are approximately 12 parking spaces.

Use. In 1896 the Academy which had been functioning as a school was converted into the City's library. Recently, the Academy Building and the 1976 Addition have housed library functions, including book storage, technical services and production, and meeting space. The Benedict Building has housed administrative offices. The City has determined that it does not have a current municipal use for the building.

Summary of Restrictions on Future Use. Different types of restrictions apply to different parts of the facility. Any use of the Academy Building other than as library requires that the full value of proceeds (from sale or lease of the building) must be devoted to library functions; value must be calculated at market rate.

The City is currently in process of documenting the architectural features of the Academy and Benedict Buildings that are to be preserved via covenants. The Benedict Building, which is on the National Historic Register, also is governed by a covenant that it be open 12 days per year to the public.

Financial Information. The current assessed valuation is \$2,630,500. The facility requires major capital improvements as well as routine maintenance upgrades.

More complete information including tax cards, floor plans, deeds, historic restrictions, agreements, and operational costs are available for review at the new library and at the Planning Department in City Hall.

“Academy” Restrictions – Old Public Library

Preservation of Historic Architectural Features: In 1977, the City agreed, by deed, to preserve the historic characteristics of the Academy Building and the Benedict House. The City is in the process of inventorying the historic interior architectural features of the building in preparation for updating the 1977 deed and for helping to provide guidance for re-use. Based on a very preliminary site walk with the City’s historic preservation consultant, the open second floor construction of the Academy Building is likely of historical value. Further examination of the structure and documentary evidence related to the construction is required. The Benedict House contains significant and obvious features of historical architectural value including: fireplaces, a built-in bench, internal shutters, specialized moldings, a spiral stairway etc. No substantial interior demolition is likely to be permissible. The 1976 addition had no obvious historical architectural features.

Non-Library Re-Uses: When the City acquired the Portsmouth Academy building in 1906 the deed provided that if the Academy Building is not used for purposes of a public library (or a memorial hall for a then existing Civil War veterans group), the property reverts back to the Portsmouth Academy. The Portsmouth Academy is, however, no longer a functioning corporate entity. As a result of the restriction, any re-use for non-library or non-memorial hall purposes will need the approval of the Division of Charitable Trusts and the Probate Court. The re-use must be structured in such a way as to honor the intent of the grantor of the property. This means that any proceeds from a sale, or rental payments, must be put towards the benefit of the new public library. The sale or lease must be at market value in order to maximize the value of the charitable asset.

One option is to sell the property for market value and put the proceeds into a trust for the benefit of the new public library. Another option is to enter into a long-term lease at market rates. This option has the potential to maximize the value of the charitable asset if properly structured and if a sufficient income stream is developed. Rents from the lease would be held in trust for the benefit of the new library. Certain re-use options would be more difficult or costly to implement. For example, leasing at below market rents would not maximize the value of the charitable asset and therefore, in order for that option to be viable, the City would have to find monies to make up for the loss in value and deposit the funds into a trust for the new library.

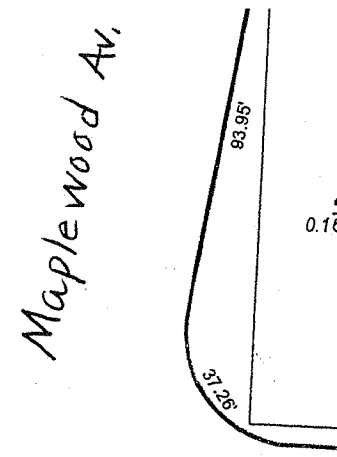
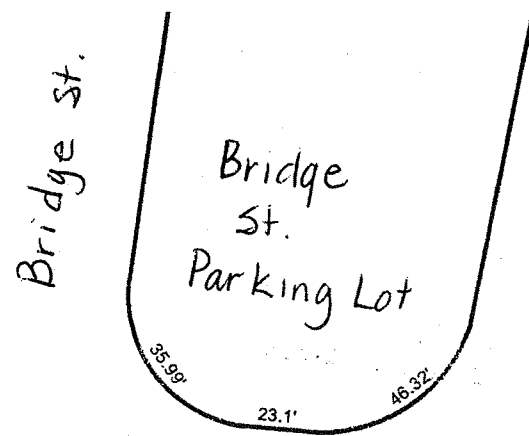
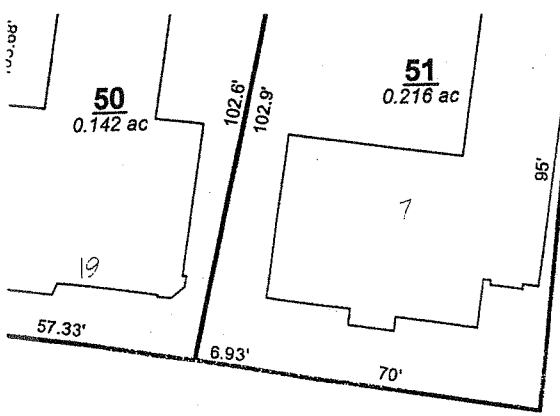
Whichever non-library use is pursued, the City will need to file a petition with the probate court to ask for relief from the restriction in the deed and will need to demonstrate that the charitable intent of the grantor is being met through maximization of the value of the asset. If the Division of Charitable Trusts concurs in the petition and the relief the City seeks, there is a substantially greater likelihood of the relief being granted.

Old Public Library Official Feedback Form

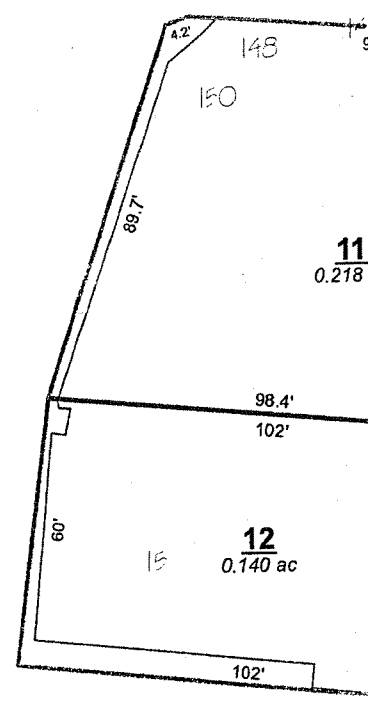
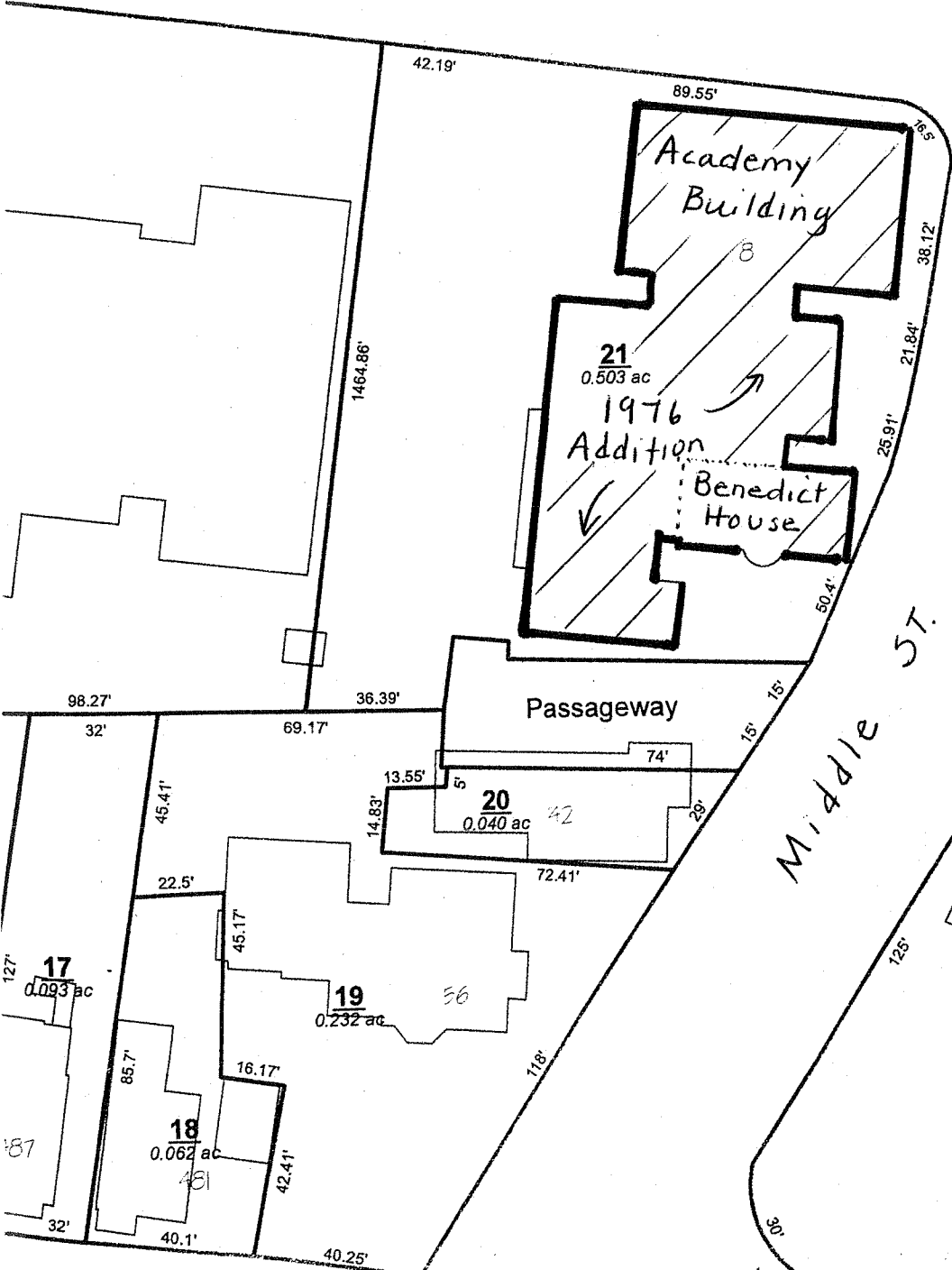
Thank you for sharing your ideas, thoughts, opinions and suggestions below. We appreciate your feedback!

- The Mayor's Blue Ribbon Committee on Building Re-Use

Name: (Optional): _____



ISLINGTON ST



Middle St.

CITY OF PORTSMOUTH

OLD PUBLIC LIBRARY

8 ISLINGTON ST.

