

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 21, 2011 TIME: 7:00PM

AGENDA

6:00 PM – WORK SESSION DISCUSSION RE: DOWNTOWN PARKING OMNIBUS

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Discover Portsmouth Center Re: Lease
2. Fire Commission Re: Staffing

V. ACCEPTANCE OF MINUTES – MARCH 7, 2011

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE III, SECTION 7.321, SUB-SECTION G – SNOW EMERGENCY PARKING BAN

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability (***Sample motion – move to accept the Parking Committee’s recommendation and pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 4, 2011 City Council meeting***)
- B. Second reading of Ordinance amending Chapter 7, Article III, Section 7.321, Sub-section G – Snow Emergency Parking Ban (***Sample motion – move to pass second reading and schedule a third and final reading of the proposed ordinance, as presented, for the April 4, 2011 City Council meeting***)
- C. Consideration of Proposed Resolutions Appropriating Funds For The Construction Of A Youth Recreation Facility
 - Resolution Appropriating The Sum Of Five Hundred Twelve Thousand, Seven Hundred Dollars And Fifty-Eight Cents (\$512,700.58) From The Premium The City Received From The Sale Of Its \$17,300,000.00 General Obligation Capital Improvement Bonds For Expenses Relating To The Construction Of A Youth Recreation Facility

- Resolution Authorizing A Supplemental Appropriation From Undesignated Fund Balance For Necessary Expenditures For The Construction Of A Youth Recreation Facility. The City Council Has Determined That The Sum Of One Million Eight Hundred Thousand (\$1,800,000.00) Dollars Be Appropriated To Pay A Portion Of The Costs Of The Construction Of The Youth Recreation Facility

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donations to the USS Virginia Fund
- Jean M. Bell and Margaret J. Dewever - \$25.00
 - Margaret J. Ibscher & Margaret J. Dewever - \$25.00
- (Anticipated action – move to approve and accept the donations for the USS Virginia, as presented)***
- B. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce requesting permission to hang Portsmouth Harbour Trail Flags at 24 key sites for the 2011 season ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Robert L. Sutherland Jr., St. John’s Lodge #1, requesting permission to hold the annual 5K “Out of Hibernation” Road Race to be held on Saturday, April 23, 2011 ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Rodney D. Rowland, Director of Facilities, Strawberry Banke, requesting permission to use Haven Park for a brief ceremony to mark the 125th anniversary of Fitz John Porter’s vindication from his court martial
- B. Letter from Robert L. Sutherland, St. John’s Lodge #1, requesting permission to hold a parade to celebrate St. John’s Sunday, on Sunday, June 26, 2011

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action Under Other Sections of the Agenda

1. Consideration of First Reading of Proposed Ordinance Amendments:
 - 1.1 First Reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability ***(Action on this matter should take place under Section VIII of the Agenda)***
2. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 2.1 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban ***(Action on this matter should take place under Section VIII of the Agenda)***

3. Consideration of Proposed Resolutions:
 - 3.1 Consideration of Proposed Resolutions Appropriating Funds for the Construction of a Youth Recreation Facility
 - A) Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58) Resolution (**Action on this matter should take place under Section VIII of the Agenda**)
 - B) One Million Eight Hundred Thousand (\$1,800,000.00) Dollars Resolution (**Action on this matter should take place under Section VIII of the Agenda**)

City Manager's Items Which Require Action

1. Adoption of CIP FY 2012 – FY 2017
2. PSNH Easement for Middle School Project
3. Report Back Re: Letter from Peter J. Loughlin, Esquire, regarding an offer by Service Credit Union to give Land to the City for a Connector Roadway between Lang Road and Longmeadow Road
4. Request for License Re: Tom Hammer Construction, LLC for 138 Congress Street
5. Report Back Re: Letter from The Retail Committee of the Greater Portsmouth Chamber of Commerce requesting that the City Council and Planning Board review the Projecting Sign Application Process for Streamlining
6. Request of Comcast for Two Easements Over Municipal Property on Hanover Street and Vaughan Mall
7. Request for a License from Assiah Russell, owner of Puttin' on the Glitz for property located at 40 Market Street to install a projecting sign
8. Request for a License from Donna Kelly, owner of Tera Afina for property located at 23 Ceres Street to install a projecting sign
9. Request for a License from Helen Brosseau, owner of Cheap Chique for property located at 195 State Street to install a projecting sign
10. Request for a License from Edward T. Connolly, Jr., owner of Portsmouth Baking Company for property located at 121 Congress Street to install a projecting sign

Informational Items

1. Events Listing
2. Middle School Building Project Update

B. MAYOR FERRINI

1. *Reports

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the March 10, 2011 meeting
2. Parking Committee Action Sheet and Minutes of the March 10, 2011 meeting
3. Parking Impacts – Middle School
4. Bike Racks

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. 2010 Attendance Records for various Boards & Commissions
2. Notification that the Historic District Commission Minutes of February 2, 2011 meeting is available on the City's website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of March 1, 2011 meeting is available on the City's website for your review.
4. Notification that the Board of Adjustment Minutes of December 21, 2010 and January 25, 2011 meetings are available on the City's website for your review

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

Date: March 18, 2011
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on March 21, 2011 City Council Agenda

Work Session:

6:00 p.m.

1. **Discussion Re: Downtown Parking Omnibus.** On Monday evening at 6:00 p.m., I am requesting that the City Council conduct a work session prior to your regular meeting to discuss the [attached report back regarding the downtown parking omnibus.](#)

As you will recall, this report back is a result of the recommendation that came out of the Parking Focus Groups' report that was provided to the City Council at a work session on September 20, 2010, which was prepared by the Planning Board.

The areas of discussion are as follows:

ZONING

Off-Street Parking Provisions in the Downtown Overlay District

1. Number of Required Off-Street Parking Spaces
 - Residential uses: 1.5 spaces per dwelling unit
 - Nonresidential uses:
 - No requirement for first 20,000 sq. ft. of lot area
 - 1 space per 500 sq. ft. of lot area over 20,000 sq. ft.
2. Optional Payment in Lieu of Providing Required Off-Street Parking Spaces
 - Allow for nonresidential uses only

Residential Uses

3. Limit the residential percentage of floor area in the Central Business Districts
4. Increase allowed residential density in Mixed Residence Districts (MRO and MRB)
5. Rezone parcels on Islington Street from GRC to MRB (6 parcels between Rockingham and Cabot Streets)

NON-ZONING

6. Worth Lot Parking Garage
7. Parking Enterprise Fund
8. Increased On-Street Parking Rates
9. Variable On-Street Parking Rates
10. Expanded Hours for Metered Spaces
11. Meter Parrott Avenue Lot
12. Transportation Committee

As you can see from the report, there are various actions that are required to move these proposals forward. It is my intent to ask the City Council to provide guidance to the staff on how to proceed on each of these issues. City staff that will be participating in this work session include Rick Taintor, Planning Director; Jon Frederick, Director of Parking and Transportation; and Cindy Hayden, Deputy City Manager.

Presentations:

1. **Discover Portsmouth Center Re: Lease.** On Monday evening, Richard Candee of Portsmouth Historical Society (PHS) will make a presentation to the City Council relative to PHS' long-term plans for the former Public Library which is being operated as the Discover Portsmouth Center. As part of that presentation, he will request the City Council's consideration of a long-term lease. [Attached is a summary of the key terms](#) of the proposed lease as well as a [copy of the draft lease](#). Some provisions may change during final negotiations. Assistant City Attorney Suzanne Woodland will be available to provide an overview of the proposed lease terms.

As you know, the Portsmouth Historical Society is currently leasing the former Public Library at the corner of Islington and Middle Streets. The initial lease was for a three (3) year term which expired on December 31, 2010. On December 6, 2010, the City Council agreed to a one-year extension of the lease in order to give the parties time to explore the development of a long-term lease.

By way of background, pursuant to the existing lease PHS has an obligation to maintain the premises and to use the premises for certain public purposes. PHS has fulfilled those purposes and the Discover Portsmouth Center appears to be a viable enterprise, adding value to the community. No rent is paid under the existing lease, however, PHS has made investments and will detail those future investments anticipated. PHS is also prepared to review the successes and challenges of its fundraising and grant writing efforts to secure funds for further improvements to the historic buildings. There are currently two subtenants of PHS, those subtenants being the Seacoast African American Cultural Center and Star Island Corporation.

If the City Council expresses its interest in proceeding with a long-term lease this matter can be brought forward to a vote at its next meeting on April 4, 2011.

I would recommend the City Council move to bring the proposed Lease between the City of Portsmouth and Portsmouth Historical Society back for action at its April 4th City Council meeting.

2. **Fire Commission Re: Staffing.** The Fire Commission and Christopher LeClaire, Fire Chief, will make a presentation to the City Council on Monday evening, regarding the Fire Department Fiscal Year 2011 Budget projected shortfall ([see attached memorandum](#)).

Items Which Require Action Under Other Sections of the Agenda:

1. **Consideration of First Reading of Proposed Ordinance Amendments:**
 - 1.1 **First Reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability.** At the City Council meeting of February 7, 2011, the Council accepted the action sheet of the Parking Committee. That action sheet included a recommendation, “to reduce the habitual offender to 10 tickets”. This recommendation is intended to reduce the number of parking violations that any person could receive in one year before enhanced penalties would be implemented.

By ordinance, after Council acceptance of Committee minutes, Parking Committee actions are valid for up to one year without further Council action. However, ordinance Section 7.103 which creates the Committee provides only limited authority to the Committee to act. This authority does not extend as far as increasing the penalties for violations. In general, the Parking Committee has the

authority to adjust the time and location of parking spaces, but not to adjust penalties. Thus, the acceptance of the Committee minutes by the Council in this situation does not accomplish the action desired by the Committee. An ordinance is necessary to do so.

Therefore, under Section VIII of the Agenda, I have [attached a proposed Ordinance amendment](#) to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability, which would be necessary to implement the Parking Committee recommendation regarding parking penalties. Jon Frederick, Director of Parking and Transportation, has advised me that the Parking Committee would like to see the enhanced penalties in place effective July 1, 2011.

I would recommend the City Council move to accept the Parking Committee's recommendation and pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 4th City Council meeting. Action on this item should take place under Section VIII of the Agenda.

2. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban.** As a result of the March 7th City Council meeting, under Section VII of the Agenda, I am bringing back the [attached proposed Ordinance](#) to amend Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban, as recommended by the Parking Committee at their February 10, 2011 meeting. The City Council approved the Parking Committee minutes at their February 22, 2011 City Council meeting. The following amendment allows for the expansion of the timeframe during a snow emergency:

Section 7.321: SNOW EMERGENCY PARKING BAN

- G. City residents may park in the High-Hanover Parking Facility during snow emergencies utilizing snow ban coupons from ~~two hours before a declared parking ban~~ **advanced notice until two hours after the ban has been terminated a time deemed appropriate by the Public Works Director or his/her designee following termination of the snow ban, but in no event less than two hours after the termination of the snow ban.** Snow ban coupons shall be available at the Parking Clerk's Office and entitle the bearer to a flat rate payable upon exit from the parking facility.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance, as presented, for the April 4th City Council meeting. Action on this item should take place under Section VIII of the Agenda.

3. **Consideration of Proposed Resolutions.**

3.1 **Consideration of Proposed Resolutions Appropriating Funds for the Construction of a Youth Recreation Facility (Tabled from the March 7th City Council meeting).** As you will recall, at the March 7th City Council meeting, the Council tabled the proposed Resolutions appropriating funds for the construction of a Youth Recreation Facility to this evening's meeting and also referred this matter to the Parking Committee. (See the report under Councilor Ken Smith's name.) Attached are two proposed Resolutions appropriating funds for the construction of a Youth Recreation Facility:

A) Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58) Resolution. This Resolution appropriates the sum of Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58) for expenses relating to the construction of a Youth Recreation Facility, which represents the premium the City received from the sale of its general obligation bonds in May of 2010. State law requires that the use of the bond premium be allocated for a capital project with a useful life of 20 years.

B) One Million Eight Hundred Thousand (\$1,800,000) Dollars Resolution. This Resolution authorizes a supplemental appropriation of One Million Eight Hundred Thousand (\$1,800,000) from undesignated fund balance for necessary expenditures for the construction of a Youth Recreation Facility.

For your information, I have [attached a copy of the presentations](#) that were made on Wednesday, February 9, 2011 at the City Council work session with the Middle School Joint Building Committee, Recreation Board, and City staff to discuss the proposed Youth Recreation Facility that would be built in conjunction with the Middle School project to replace the Connie Bean Center.

Because these are supplemental appropriations, it requires two thirds vote of the City Council to adopt the use of these funds for the purposes described.

I would recommend the City Council move the following two motions:

- a) Adopt the Resolution in the amount of Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58), in accordance with the attached Resolution, and,*
- b) Adopt the Resolution in the amount of One Million Eight Hundred Thousand (\$1,800,000) Dollars in accordance with the attached Resolution.*

Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Donations for USS Virginia.** The City of Portsmouth has received the following donations totaling \$50.00 for the USS Virginia party:

- Jean M. Bell & Margaret J. Dewever \$ 25.00
- Margaret J. Ibscher & Margaret J. Dewever \$ 25.00

I would recommend the City Council move to approve and accept the donations for the USS Virginia, as presented. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of CIP FY 2012 – FY 2017.** As you will recall, in February, the City Council conducted a work session regarding the proposed Capital Improvement Plan for FY2012-2017. In addition, in accordance with 7.7 of the City Charter, the City Council conducted a public hearing on this proposed Capital Plan on Monday, March 7, 2011. At both of these meetings, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2012-2017 is available on the City's website.

As I indicated at the public hearing, the City Council is required, in accordance with 7.8 of the City Charter, to adopt the Capital Plan before the City Manager submits the proposed FY12 budget to the City Council. I anticipate that I will be transmitting my proposed FY12 budget to you on or about April 8, 2011.

To insure a smooth and orderly process for the adoption of the CIP, I am suggesting we work off the [summary sheet enclosed in the inside cover of your packet](#). (Please bring your CIP with you.) Please note that if the CIP is not adopted Monday evening, then there may be a necessity to change the budget calendar given the charter requires the City Council adopt the CIP prior to the issuance of the proposed budget for FY12.

The following amendments are being proposed:

- 1) **Page 84 – Information Technology.** Recommend reducing the Police Department by \$99,000. The Police Department is in concurrence with this proposal.
- 2) **Page 92 – Parking Lot Paving.** Proposed amendment to eliminate Page 92 Parking Lot Paving proposed \$58,000 for Bridge Street Lot for FY12 (Proposed amendment submitted by Councilor Eric Spear).

I would recommend the City Council adopt the Capital Improvement Plan for FY 2012 – FY 2017 with any appropriate amendments.

2. **PSNH Easement for Middle School Project.** On November 15, 2010, the Planning Board approved the site plan for the renovation and expansion of the Portsmouth Middle School. Those improvements included the relocation of a PSNH utility line.

As shown on [the attached drawing](#), the new utility service will be placed in underground conduit. The City is required to grant an easement to PSNH for this new underground conduit in order to bring service to the building. The Legal Department will approve the form of the easement.

I would recommend the City Council move to authorize the City Manager to execute an easement to PSNH across property owned by the City of Portsmouth along Parrott Avenue for the purpose of providing utility service to the renovated and expanded Portsmouth Middle School.

3. **Report Back: Re: Letter from Peter J. Loughlin, Esquire, regarding an offer by Service Credit Union to give Land to the City for a Connector Roadway between Lang Road and Longmeadow Road.** As you will recall, at the March 7, 2011 City Council meeting, the Council referred the [attached letter from Peter J. Loughlin, Esquire, regarding an offer by Service Credit Union](#) to give land to the City for a connector roadway between Lang Road and Longmeadow Road, to the Planning Board for report back to the City Council.

Service Credit Union is planning the development of a corporate headquarters campus at 2995 Lafayette Road (the former site of Ralph's Truck Sales). The proposed development project includes the construction of a four-story office building with approximately 100,000 square feet of floor area and extensive landscaping. This will be the first project developed under the "Gateway Planned Development" (GPD) provisions of the new Zoning Ordinance, which allow the Planning Board to grant a conditional use permit for a development with more flexible standards than ordinarily apply in the Gateway District. Any such development must comply with additional standards for sustainability, site and building design, and pedestrian orientation.

The Service Credit Union parcel was created through the subdivision of the former Ralph's Trucks parcel into two lots, with the rear lot having frontage on Lang Road. In 2003 the Planning Board approved a site plan for a development on the rear parcel, as part of which the owner of the front parcel (which is now the Service Credit Union parcel) entered into a covenant with the City of Portsmouth to reserve a 50-foot strip of land "for future driveway purposes in connection with any further development of" the front lot. The purpose of this "driveway" between Lang and Longmeadow Roads was to address the failure of the intersection at Lafayette and Lang Roads due to left-turning traffic. Such a connection is part of the State's long-range planning for improvements to the Route 1 corridor, and is shown on the 2008 *US Route 1 Corridor Study*.

As a result of ongoing discussions between the applicant and the City, it is now proposed that the roadway connection, including an extension of Longmeadow Road, will be dedicated as a City street. The Planning and Legal Departments have been working with

the applicant to determine how the construction of these roadways will be financed and coordinated with the development project.

At its meeting on March 17, 2011, the Planning Board voted to grant the Conditional Use Permit and Site Plan Approval for the proposed development, and to recommend that the City Council accept the land as shown on the Site Plans, on such terms and conditions as the Council may deem appropriate.

I would recommend the City Council move to accept the Planning Board's recommendation to accept the land as shown on the Site Plans, on such terms and conditions as the Council may deem appropriate.

4. **Request for License Re: Tom Hammer Construction, LLC for 138 Congress Street.** Tom Hammer Construction LLC seeks a license to complete construction activities at 138 Congress Street. The company has been working on the structure since January of 2011 pursuant to an Encumbrance Permit issued by the Inspections Department. Scaffolding is presently erected.

The company now needs more time than initially anticipated, [see the company's letter](#), and the Encumbrance Permit is set to expire. City staff advised that a license would be required and the company requests a license to use the sidewalk in front of 138 Congress Street for scaffolding and other construction purposes until April 15, 2011. [See attached tax map showing area of the encumbrance.](#)

City staff has reviewed the request and has no concerns or objections. If approved, the license would contain provisions for safe passage similar to those already contained in the Encumbrance Permit as well as the usual provisions relative to insurance and the company's right to request of the City Manager an extension for good cause. There is no impact on any parking spaces under this proposed license agreement.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a License Agreement with Tom Hammer Construction, LLC to facilitate construction activities at 138 Congress Street.

5. **Report Back Re: Letter from The Retail Committee of the Greater Portsmouth Chamber of Commerce requesting that the City Council and Planning Board review the Projecting Sign Application Process for Streamlining.** As you will recall at the February 22, 2011 City Council meeting, the Council referred the [attached letter from The Retail Committee of the Greater Portsmouth Chamber of Commerce](#) requesting that the City Council and Planning Board review the Projecting Sign application process for streamlining, to the Planning Board for report back to the City Council. When a business requests approval for a sign that projects over a public sidewalk, the business owner must request the City Council to grant a license. The current City Council policy regarding such requests requires a review and recommendation by the Planning Board prior to action by the City Council. Depending on the relative timing of a sign application with respect to the Planning Board and City Council meeting schedules, the length of

time from application to approval can vary between 4 and 8 weeks (excluding the time period for obtaining a variance, if needed).

In practice, these requests are reviewed by staff of both the Inspections Department and the Planning Department before they are presented to the Planning Board for a recommendation to the City Council. In cases where a proposed sign does not comply with the standards of the Zoning Ordinance, the request must also be submitted to the Board of Adjustment for a variance before going to the Planning Board. Thus, there are several checks in place to ensure that a proposed sign complies with zoning and does not present any other concerns to the City.

In the interest of streamlining the approval process, the Retail Committee of the Chamber of Commerce has requested that the Council consider “having the City’s Planning Director review the applications and make recommendations directly to the City Council.” Changing the process as requested by the Chamber would not change the level of review, and would reduce the workload on the Planning Department by eliminating one set of reports per sign.

The current process is defined by City Council Policy No. 2009-03 – Projecting Sign Policy, adopted in May 2009. In order to change the process, the City Council would have to amend the current policy by replacing the Planning *Board* with the Planning *Director* in the following two paragraphs:

1. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning ~~Board~~ **Director**.
2. The Planning ~~Board~~ **Director** shall then report ~~its~~ **his** recommendation with respect to the sign to the City Council for approval or denial.

At its meeting on March 17, 2011, the Planning Board voted to recommend that the City Council amend its existing Projecting Sign Policy to require review and recommendation by the Planning Director rather than the Planning Board.

Therefore, I would recommend the City Council move to accept the Planning Board’s recommendation to amend its existing Projecting Sign Policy to require review and recommendation by the Planning Director rather than the Planning Board.

6. **Request of Comcast for Two Easements Over Municipal Property on Hanover Street and Vaughan Mall.** Comcast is requesting two easements to place underground conduit from Hanover Street across City property to service buildings at 25 Maplewood Avenue (Coldwell Banker) and 172 Hanover Street (The Page Restaurant). [Attached is a memorandum from Suzanne Woodland, Assistant City Attorney](#), regarding this matter.

At its meeting on March 17, 2011, the Planning Board reviewed the request and voted to recommend that the City Council grant the two easements as requested.

I would recommend the City Council move to accept the Planning Board's recommendation to grant the two easements and authorize the City Manager to execute the necessary documents.

7. **Request for a License from Assiah Russell, owner of Puttin' on the Glitz for property located at 40 Market Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Assiah Russell owner of Puttin' on the Glitz for property located at 40 Market Street, to install a projecting sign on an existing bracket (re-facing the existing sign). Attached are the photographs.

This request was received by the Planning Department on January 18, 2011, and reviewed by the Planning Board on February 17, 2011. The Board voted to 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 projecting sign, for any reason, will 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 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.

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Assiah Russell, owner of Puttin' on the Glitz to install a projecting sign on an existing bracket (re-facing the existing sign) at 40 Market Street and further authorize the City Manager to execute a License Agreement for this request.

8. **Request for a License from Donna Kelly, owner of Tera Afina for property located at 23 Ceres Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Donna Kelly owner of Tera Afina for property located at 23 Ceres Street, to install a projecting sign on an existing bracket. Attached are the photographs.

This request was received by the Planning Department on January 27, 2011, and reviewed by the Planning Board on February 17, 2011. The Board voted to 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 projecting sign, for any reason, will 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 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.

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Donna Kelly, owner of Tera Afina to install a projecting sign on an existing bracket at 23 Ceres Street and further authorize the City Manager to execute a License Agreement for this request.

9. **Request for a License from Helen Brosseau, owner of Cheap Chique for property located at 195 State Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Helen Brosseau owner of Cheap Chique for property located at 195 State Street, to install a projecting sign. The proposed sign would hang from an existing sign on an existing bracket. Attached are the photographs.

This request was received by the Planning Department on January 31, 2011, and reviewed by the Planning Board on March 17, 2011. The Board voted to 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 projecting sign, for any reason, will 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 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.

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Helen Brosseau, owner of Cheap Chique to install a projecting sign from an existing sign on an existing bracket at 195 State Street and further authorize the City Manager to execute a License Agreement for this request.

10. **Request for a License from Edward T. Connolly, Jr., owner of Portsmouth Baking Company for property located at 121 Congress Street to install a projecting sign.** [Attached is a copy of a memorandum](#) from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Edward T. Connolly, Jr., owner of Portsmouth Baking Company for property located at 121 Congress Street, to install a projecting sign on a new bracket. [Attached are the photographs.](#)

This request was received by the Planning Department on February 22, 2011, and reviewed by the Planning Board on March 17, 2011. The Board voted to 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 projecting sign, for any reason, will 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 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.

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Edward T. Connolly, Jr., owner of Portsmouth Baking Company to install a projecting sign on a new bracket at 121 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 7, 2011. In addition, this now can be found on the City's website.
2. **Middle School Building Project Update.** [Attached for your information is an invitation](#) from The Portsmouth Middle School Joint Building Committee to the Middle School Building Project Update on Wednesday, March 23, 2011 at 7:00 p.m., in the Portsmouth Public Library - Levenson Community Meeting Room.